

H.R. 1820, “THE FEDERAL LANDS AMPLIFIED SECURITY FOR THE HOMELAND ACT” OR “FLASH ACT”

LEGISLATIVE HEARING
BEFORE THE
SUBCOMMITTEE ON FEDERAL LANDS
OF THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED NINETEENTH CONGRESS

Tuesday, March 11, 2025

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To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands; Aniela Butler and Jason Blore—
Aniela@mail.house.gov, Jason.Blore@mail.house.gov; x6-7736
Date: March 10, 2025
Subject: Legislative Hearing on H.R. 1820 (Rep. Ciscomani), the “*Federal Lands Amplified Security for the Homeland Act*” or “*FLASH Act*”.

The Subcommittee on Federal Lands will hold a legislative hearing on H.R. 1820 (Rep. Ciscomani), the “*Federal Lands Amplified Security for the Homeland Act*” or “*FLASH Act*.” The hearing will take place on **Tuesday, March 11, 2025, at 10:15 a.m. in room 1324 Longworth House Office Building**.

Member offices are requested to notify Will Rodriguez (Will.Rodriguez@mail.house.gov) by 4:30 p.m. on Monday, March 10, 2025, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- During its four years in office, the Biden administration subjected our country to a series of disastrous immigration policies. These reckless measures flung open the southern border, prompting record numbers of illegal crossings and drug seizures.
- Much of the predictable harm that followed these actions occurred along the roughly 35 percent of the U.S.-Mexico border that is administered by federal land management agencies. Even during periods of strong enforcement, federal border lands are targeted by criminals, drug smugglers, and human traffickers because they are remote, largely uninhabited, and less frequently patrolled.
- Throughout the Biden border crisis, however, our nation’s national parks and public lands were left especially vulnerable. As surges in illegal immigration were accompanied by enormous trash piles, unauthorized trails, countless wildfires, and illegal marijuana cultivation in public areas, federal land managers did little to stop the damage. Instead, the Biden administration was busy turning national parks into migrant shelters.
- With the return of President Trump and Republican majorities in Congress, however, relief is finally at hand. The “*FLASH Act*” offers comprehensive solutions that will complement the Trump administration’s executive actions to ensure that our federal lands can now be protected from environmental harm, opened to the public for safe enjoyment, and made accessible to law enforcement officials to provide improved border security.
- These provisions will also serve as vital safeguards against any future presidential administration that may again seek to disregard the public interest and plunge the nation into the chaos that results from an open-border ideology.

II. WITNESSES

Panel I (Members of Congress):

- **The Honorable Juan Ciscomani**, Member of Congress, Arizona's 6th Congressional District

Panel II (Outside Experts):

- **The Honorable Thaddeus C. Cleveland**, Sheriff, Terrell County, Sanderson, Texas
- **Mr. Paul A. Perez**, President, National Border Patrol Council, Edinburg, Texas
- **Mr. Larry Lopez**, Lieutenant, San Bernardino County Sheriff's Department, San Bernardino, California
- **Mr. Bob Krumenaker**, Former Superintendent of Big Bend National Park (Retired), Coalition to Protect America's National Parks and the Association of National Park Rangers, Carlsbad, New Mexico [*Minority witness*]

III. BACKGROUND

H.R. 1820 (Rep. Ciscomani), the “*Federal Lands Amplified Security for the Homeland Act*” or “*FLASH Act*”

Overview of the Biden Administration’s Border Crisis

The *FLASH Act* is the next step in the Committee on Natural Resources’ legislative work addressing the Biden administration’s border crisis. This legislation will restore the health of our national parks and public lands and shield them from abuse under a future open-borders administration.



Migrants attempting to cross the border near Eagle Pass, Texas.

Source: Getty Images, December 2023.

For information on the Committee’s previous legislative and oversight hearings related to former President Biden’s crisis at the border, please see:

- The Subcommittee on Federal Lands’ legislative hearings on federal border lands security bills on March 23, 2023 and October 19, 2023.
- The Subcommittee on Federal Lands’ oversight field hearing in Sierra Vista, Arizona, entitled “*Biden’s Border Crisis: The Consequences of Failing to Secure Federal Border Lands*.”
- The Natural Resources Committee’s hearing entitled “*Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps*.”

- The Subcommittee on Oversight & Investigation's hearing entitled "Securing Our Border, Saving Our National Parks."

The Biden administration's complete failure to secure the southern border created a confluence of security, environmental, and humanitarian crises. Our country is still reeling from those upheavals, with various metrics registering the troubling extent of the damage. Under President Biden, U.S. Customs and Border Protection (CBP) reported approximately 10.8 million illegal-entry encounters across the U.S.¹ For comparison, that was more than triple the number of encounters reported during the period roughly covering President Trump's first term.² Under President Biden, 8.7 million of the encounters occurred along the southern border, illustrating the extreme stress placed upon that region.³ Concerningly, 392 illegal aliens on the terrorist watchlist were apprehended between ports of entry along the southern border during this time.⁴ Given that an estimated two million "got-aways" evaded capture under Biden's watch, it is very likely that far greater numbers of potentially dangerous persons illegally entered the country.⁵ Drug trafficking also surged alongside rising border crossings. In July 2024, for instance, CBP reported the largest fentanyl seizure in the agency's history, confiscating over four million blue fentanyl pills.⁶ Unfortunately, this event was not atypical; CBP seized approximately 21,100 pounds of fentanyl along the southern border in fiscal year (FY) 2024.⁷ This is enough fentanyl to kill approximately 4.1 billion people, or enough fatal doses to kill the entire U.S. population 14 times over.⁸ Against this backdrop of widespread harm, it is unsurprising that President Trump declared a national emergency at the southern border immediately upon returning to office.⁹

Some of the most dangerous areas along the southern border are the estimated 693 miles of federal land, representing approximately 35 percent of the total 1,965 miles of the southern border.¹⁰ Federal land management agencies including the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), Bureau of Reclamation (BOR), and the U.S. Forest Service (USFS) all manage lands along the southern border.¹¹ Many of these lands have restrictive land designations, including national parks, national monuments, wilderness areas, and national wildlife refuges. Federal lands along the border are often targeted by criminals, drug smugglers, and human traffickers because they are remote, largely uninhabited, and less frequently patrolled.¹² Even in periods of strong enforcement, CBP agents face difficulties patrolling federal border lands due to the patchwork of "environmental laws, regulations and memos" drafted by far-away supervisors and managers.¹³ According to Brandon Judd, a former president of the National Border Patrol Council, these regulations undermine CBP's "ability to effectively and efficiently secure our borders and put the lives of [CBP's] agents and the public at greater risk."¹⁴

Table 1. Federal and Indian Lands on the U.S. Border with Mexico
(by agency and state, in linear miles)

Agency	AZ	TX	NM	CA	Total
NPS	37.8	157.3	0	0	195.1 (28.1%)
BLM	30.7	0	81.7	60.4	172.8 (24.9%)
FWS	63.0	94.2	0	0.6	157.8 (22.8%)
BIA	71.2	0.7	0	0	71.9 (10.4%)
FS	48.5	0	0	0	48.5 (7.0%)
DOD	37.2	0	0	0	37.2 (5.4%)
BOR	10.1	0	0	0	10.1 (1.5%)
Total	298.5 (43.0%)	252.2 (36.4%)	81.7 (11.8%)	61.0 (8.8%)	693.4 (100.0%)

Source: Congressional Research Service (using data compiled from the Protected Areas Database of the United States and the U.S. Census Bureau), 2018.

To help our federal border lands recover from this crisis and gain the protections afforded by adequate enforcement, Representative Ciscomani (R-AZ) introduced the "Federal Lands Amplified Security for the Homeland Act", or "FLASH Act", on March 4, 2025.

H.R. 1820, the *FLASH* Act**Title I—Securing Federal Border Lands***The Pressing Need for Navigable Roads*

One of the primary issues CBP officers face when operating on federal lands is the lack of accessible, navigable roads. Accessible roads, paired with physical barriers such as fences or walls in strategic locations, are pivotal to securing our southern border. Fully accessible and well-maintained roads help CBP agents “interdict and apprehend illegal entrants” and support the construction and maintenance of other tactical infrastructure.¹⁵ They also enable CBP personnel to “efficiently traverse their areas of responsibility,” thus improving the agency’s overall operational effectiveness and mobility.¹⁶ Poorly maintained roads, by contrast, have been reported to have “negatively affected agents’ ability to respond and resolve illicit activity.”¹⁷



CBP patrolling the border near Yuma, Arizona. **Source:** Getty Images, 2023.

Despite its central importance, much of the road network in the southern border region falls far below what is necessary for effective border security. In fact, as of 2019, only 29 percent of the approximately 4,900 miles of roads CBP uses for operational patrols were owned by CBP or subject to CBP’s rights to conduct maintenance and repair.¹⁸ Worse still, only 146 miles of those roads were in all-weather condition.¹⁹ CBP’s lack of access to navigable roads is especially pronounced on federal lands, which often comprise rugged and sparsely populated terrain.²⁰ In Arizona’s Coronado National Forest, for example, “the inability to build proper access roads along and near the [border] line, including secondary roads, diminished agent mobility while patrolling and ultimately prevented agents from being as effective as they could otherwise be.”²¹

There is therefore an immediate need to build accessible patrol roads along our southern border. While President Trump requested significant funding for road maintenance during his first term, President Biden largely neglected this situation.²² This lack of action persisted despite a 2023 acknowledgment by the Department of Homeland Security of “an acute and immediate need to construct physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States . . . ”²³ Back in office, President Trump has directed the Secretary of Homeland Security “to supplement available personnel to secure the southern border.”²⁴ The construction of additional roads could greatly enhance the operational effectiveness of this planned influx of enforcement personnel to the region.

Title I of the *FLASH* Act seeks to offset the road shortages that prevailed under the Biden administration. Effective border security requires that roads and physical barriers be constructed along the full length of federal border lands so that *all* illegal access points can be monitored. Otherwise, illegal migrants will shift their entry patterns to less-defended portions of the southern border, as has occurred in the past.²⁵ Adopting a comprehensive approach, Title I would direct the Secretaries of

Agriculture and the Interior to install navigable roads on all federal lands along the southern border. Title I requires at least 584 miles of road, the most conservative estimate of federal land along the border.²⁶ This includes roughly 61 miles in California, 190 miles in Arizona, 81 miles in New Mexico, and 251 miles in Texas.²⁷ Additionally, these roads must be completed within five years. The roads will be accessible to the Department of Defense (DOD), CBP, local law enforcement, emergency response personnel, and others the Secretaries of Agriculture and the Interior deem necessary. Title I also requires those Secretaries to work with the Secretary of Homeland Security to deploy fencing, surveillance, and related technology along these roads. Taken together, these provisions are crucial to secure our border, stop the smuggling of narcotics and weapons into our country, and halt environmental damage associated with illegal border crossers.

This section of Title 1 reflects an updated version of draft legislation from the 118th Congress sponsored by Chairman Bruce Westerman (R-AR), entitled “Ensuring Border Access and Protection on Federal Land Act.” Hearing information on the legislation, including testimony, can be found here:

<https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414965>

and the hearing memo can be found here:

https://naturalresources.house.gov/uploadedfiles/hearing_memo__sub_on_f1_leg_hrg_on_4_border_bills_10.19.23.pdf

Increasing CBP’s Operational Capabilities on Public Lands

CBP’s enforcement efforts along the southern border are also hampered by restrictive land use designations and limitations that federal land managers impose on CBP’s access. Among land use designations, wilderness areas pose especially serious challenges. For example, since mechanized and motorized vehicles are prohibited within wilderness areas, CBP agents must rely on horses to engage in or continue their pursuits.²⁸ This switch from vehicle to horseback squanders valuable time and jeopardizes officer safety.²⁹ With approximately 1.1 million acres of land along the southern border designated as wilderness, such challenges cannot be avoided without altering the status quo.³⁰ Even the Obama administration acknowledged that wilderness areas and their associated restrictions “can be detrimental to the most effective accomplishment of [CBP’s] missions” and can even serve as “a hindrance to the maintenance of officer safety.”³¹ This lack of accessibility also hampers CBP rescue operations, which were conducted 5,420 times along the southern border in FY 2024.³² Without the ability to use mechanized equipment, these rescue operations become more dangerous, costly, and time-consuming.



A CBP agent patrols California’s Otay Mesa Mountain Range by foot. **Source:** Associated Press, 2005.

Title I incorporates provisions from the “Securing Our Borders and Wilderness Act,” a bill sponsored by Speaker Mike Johnson (R-LA) in the 118th Congress, to address the unique challenges posed by wilderness areas.³³ Title I amends the Wilderness Act of 1964 to ensure CBP can conduct specified activities within wilderness

areas to secure the southern border.³⁴ These permitted activities include building access structures, installations, and roads; executing search and rescue operations; using motor vehicles, motorboats, or motorized equipment; conducting foot and horseback patrols; using aircraft (consistent with other applicable laws); deploying tactical infrastructure and technology; and constructing and maintaining physical roads and barriers. When performing these activities, CBP is required to protect, to the extent possible, the wilderness character of the area.

In addition to statutory land use designations, federal land managers impose various restrictions on CBP activity. For example, when CBP requested permission to move surveillance equipment, federal land managers took “more than 4 months to conduct the required historic property assessment and grant permission, but by then illegal traffic had shifted to other areas.”³⁵ To counter this problem, Title I prohibits the Department of the Interior (DOI) and the Department of Agriculture (USDA) from restricting CBP actions within 100 miles of the southern border that involve search and rescue operations, apprehensions, and preventing unlawful entries into the United States.

Previously, the U.S. Department of Homeland Security (DHS) and federal land management agencies had signaled their mutual intent to work together to ensure border security. Specifically, DHS, DOI, and USDA entered into a March 2006 agreement entitled, “Memorandum of Understanding Among U.S. Department of Homeland Security and U.S. Department of the Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States’ Borders,” (2006 MOU).³⁶ The 2006 MOU provides specific guidance on cooperation related to border security, committing the signatories “to preventing illegal entry into the United States, protecting Federal lands and natural and cultural resources, and—where possible—preventing adverse impacts associated with illegal entry.”³⁷ As noted by the U.S. Government Accountability Office (GAO), however, “such cooperation has not always occurred,” as CBP officials report excessive delays in trying to coordinate with federal land managers.³⁸ Accordingly, Title I directs DOI, USDA, and DHS to fulfill the commitments made in the 2006 MOU, or any succeeding memorandum of understanding. With greater cooperation among federal agencies, better enforcement outcomes are more likely to occur.

Empowering Border States to Protect Their Communities

The Biden administration also worsened the border crisis by repeatedly obstructing state-led enforcement measures. Having borne the brunt of mass-scale illegal migration, several states attempted to erect their own barriers along the southern border. In 2022, for example, Arizona, under then Governor Doug Ducey, “set up hundreds of double-stacked shipping containers” along the state’s border with Mexico to stem the surge of illegal immigrants arriving amidst the Biden administration’s border crisis.³⁹ Similarly, in 2022 and 2023, Texas Governor Greg Abbott placed shipping containers along Texas’s portion of the southern border and “installed wrecking-ball-sized buoys and razor wire along the Rio Grande” to achieve the same purpose.⁴⁰ However, after legal challenges from the Biden administration, the Supreme Court eventually ruled to allow CBP to remove some of these barriers.⁴¹

Through Congressional action, states may be authorized to act without upsetting the federal supremacy issues the Supreme Court was determined to uphold. Title I, therefore, empowers states to secure the southern border so they are never again rendered powerless in the face of an open-border presidency. Reflecting solutions put forward in H.R. 534, sponsored by Representative David Rouzer (R-NC), Title I grants border states the explicit authority to place temporary barriers on federal land to prevent illegal immigration and protect their communities.⁴² Title I accomplishes this by prohibiting DOI and USDA from requiring southern border states to obtain a special use authorization for placing movable, temporary structures on federal land if the state notifies the federal land management agency not later than 45 days before placement. These structures may be put in place for one year or less, but the states can apply for 90-day extensions from USDA or DOI, subject to CBP overview.

Title II—Ending Environmental Destruction on Public Lands

Subtitle A—Trash Reduction And Suppressing Harm from Environmental Degradation at the Border (TRASHED Border) Act

There are devastating environmental consequences of illegal immigration. Illegal immigrants leave behind trash, including human waste, medical products, abandoned vehicles, and plastic. Illegal trash dumping along the border threatens wildlife, destroys habitat, and attracts disease-carrying insects such as mosquitoes

and flies. Human waste is a growing problem that contaminates the drinking water of nearby residents. This trash puts an incredible strain on federal, state, Tribal, local, and private land managers and owners. In FY 2021, BLM district offices cleaned up 235 sites, collecting over 193 tons of garbage.⁴³ The Arizona Department of Environmental Quality estimates that more than 2,000 tons of trash are discarded annually along Arizona's border.⁴⁴



Illegal immigrant campsites at the southern border on the Coronado National Forest. **Source:** Chairman Tom Tiffany, February 2024.

Subtitle A of Title II reflects legislation sponsored by Federal Lands Subcommittee Chairman Tom Tiffany (R-WI) in the 118th Congress.⁴⁵ The “*Trash Reduction And Suppressing Harm from Environmental Degradation at the Border (TRASHED Border) Act*” addresses environmental damage on federal border lands caused by illegal immigration. This includes areas where aliens are being housed or camping on federal land and areas where there is damage to sensitive natural and archaeological resources and destruction of wildlife habitat. This subtitle would require federal land management agencies to develop policies and protocols to prevent and mitigate environmental damage from illegal immigrants. In addition, to bring greater transparency, federal land management agencies must report the amount of waste collected on southern border lands, sites housing migrants, and sites used to cultivate illegal marijuana. Having greater transparency will show the true extent of the environmental impacts illegal immigration has on federal lands. To deter future harmful activities, this subtitle increases the fines and penalties imposed on those aliens without legal status who are engaged in illegal trash—or fire-related activities on federal land.

Hearing information on Chairman Tiffany’s legislation, including testimony, can be found here:

<https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414965>

and the hearing memo can be found here:

https://naturalresources.house.gov/uploadedfiles/hearing_memo__sub_on_fl_leg_hrg_on_4_border_bills_10.19.23.pdf

Subtitle B—Targeting and Offsetting Existing Illegal Contaminants (TOXIC) Act

Trash accumulation from illegal immigration is not limited solely to federal border lands. Illegal cannabis cultivation, which produces enormous quantities of waste, occurs on federal land throughout the country. These illicit cultivation activities are often performed by illegal immigrants or those connected to a drug cartel. USFS law enforcement officials estimated the arrests they make for illegal cannabis cultivation are “almost all drug cartel-related.”⁴⁶ USFS also reported that 5,801 illegal cannabis cultivation sites were detected on National Forest System lands over the 2011–2022 period.⁴⁷ While data is limited, USFS estimated that they removed 381,510 pounds of trash, 479 miles of plastic irrigation lines, and 228 containers of banned and illegal pesticides from illegal cultivation sites over a roughly 20-year period.⁴⁸ USFS estimated illegal marijuana cultivation on National Forest System

lands earns cartels an estimated \$56 to \$91 million annually.⁴⁹ The cost of cleaning up these sites has been roughly \$40,000 per site.⁵⁰ At one illegal site, an environmental assessment “concluded that more than 14.25 million gallons of water were illegally diverted.”⁵¹



Illegal cannabis site on National Forest System land.

Source: NBC News, 2021.

Subtitle B of Title II reflects an updated version of legislation from the 118th Congress, the *“Targeting and Offsetting Existing Illegal Contaminants (TOXIC) Act.”*⁵² The *TOXIC Act* would seek to address the environmental damage caused by toxic chemicals associated with illegal marijuana cultivation and subject those illegally cultivating and harvesting marijuana on federal lands to stricter criminal penalties. Specifically, this bill creates a Trespass Cannabis Cultivation Site Response Initiative for the land management agencies. The *TOXIC Act* also raises the criminal penalties for using banned pesticides in illegal cannabis cultivation to a maximum of 20 years in prison and a \$250,000 fine, which would create parity with the existing penalties for smuggling banned chemicals into the country. During the legislative hearing on H.R. 1473, DOI advised that similar authority for federal land under the management of DOI would be beneficial.⁵³ The updated language incorporated in the *FLASH Act* includes DOI-managed land and reflects technical assistance from USFS, DOI, and the Environmental Protection Agency.⁵⁴

Hearing information on the *TOXIC Act* from the last Congress, including testimony, can be found here:

<https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=412935>

and the hearing memo can be found here:

https://naturalresources.house.gov/uploadedfiles/hearing_memo__sub_on_fl_leg_hrg_on_4_forestry_bills_03.23.23_final.pdf

Subtitle C—Ending Major Border Land Environmental Ruin From Wildfires

Additionally, wildfires sparked by cross-border violators’ (CBVs) campfires contribute to the destruction of natural resources and wildlife habitat throughout federal border lands.⁵⁵ In 2011, GAO produced a report to analyze the wildfires along the southern border in Arizona.⁵⁶ At least 2,467 wildfires occurred in the Arizona border region during a four-year span, resulting in over \$35 million in fire suppression costs.⁵⁷ Fighting fire along the border is more difficult due to safety concerns. Nighttime operations and aerial firefighting methods are limited due to the presence of CBVs.⁵⁸ USFS can directly link illegal cultivation of marijuana on federal lands as the primary culprit behind wildfires that ultimately burned 265,000 acres.⁵⁹ Illegal cannabis sites in national forests exacerbate the dual threats of catastrophic wildfire and severe drought. Recently, in 2020, an illegal cannabis grower started the 125,000-acre Dolan Fire in the Los Padres National Forest, which killed 11 endangered condors.⁶⁰

Subtitle C of Title II codifies the Southern Border Fuels Management Initiative, which requires the Secretary of the Interior to prioritize fuels management on fed-

eral land along the southern border. This Initiative was started under President Trump's first term to "increase safety and visibility for our border patrol agents, improve national security, and increase landscape resilience through vegetation management" along the U.S.-Mexico border.⁶¹ This important Initiative allowed DOI to install 30 miles of fuel breaks in FY 2019 and treat nearly 80,000 acres of land to reduce hazardous fuels.⁶² Among its litany of border-related failures, however, the Biden administration allowed this crucial program to go dormant. By codifying this Initiative in federal statute, this subtitle of the *FLASH Act* will prevent such a lapse from recurring, improve operational efficiencies along the border, and reduce the risk of future catastrophic wildfires. Further, this subtitle would direct GAO to update, within two years of enactment, its November 2011 report entitled "Federal Agencies Could Better Utilize Law Enforcement Resources in Support of Wildland Fire Management Activities."⁶³ Representative Ken Calvert (R-CA) introduced this subtitle as standalone legislation, the "*Ending Major Borderland Environmental Ruin from Wildfires (EMBER) Act*," during the 118th Congress.⁶⁴

Title III—Protecting Our Communities from Failure to Secure the Border

The widespread effects of President Biden's border crisis turned every American community into a border community. His administration's unprecedented decision to lease National Park System land to New York City (NYC) to relieve pressure on their migrant housing crisis was a dangerous and failed experiment. After signing a lease with NYC in the summer of 2023, the Biden administration established a migrant encampment at Floyd Bennett Field (FBF), part of the Gateway National Recreation Area in NYC. House Committee on Natural Resources Republicans repeatedly conducted oversight on this abuse of power, including the misuse and denial of access to America's federal lands. Virtually every major concern the Committee raised ultimately came to fruition. The migrant crisis in NYC and the existence of the encampment at FBF led to increased crime targeting local NYC community residents.⁶⁵ Numerous reports of criminality in and around the FBF migrant camp included allegations of domestic violence, assault, shoplifting, prostitution, and panhandling scams.⁶⁶ Before the FBF Lease expired on September 14, 2024, NPS renewed the lease for another year.⁶⁷ Shortly thereafter, the City of New York announced it would be terminating its lease with the site and ending the migrant encampment on March 10, 2025.⁶⁸

Biden administration officials responsible for deliberately transforming FBF into a migrant camp sought to evade congressional oversight and accountability. The Committee launched a thorough investigation into the FBF lease, which involved requests for document productions, briefings, and interviews with several federal agencies, including NPS, DHS, Council on Environmental Quality, and White House officials. On August 9, 2024, Chairman Westerman issued a subpoena to DHS for documents related to the lease agreement.⁶⁹ The Committee plans to continue working with the Trump administration to finally get answers to outstanding questions from the previous administration and bring accountability to this ill-conceived lease.

In addition to restricting public access to national park lands, the FBF lease sets a terrible precedent by transforming America's best idea—our national parks—into inaccessible migrant encampments. To ensure this blatant misuse of public lands never recurs, Title III of the *FLASH Act* reflects legislation sponsored by Representative Nicole Malliotakis (R-NY) in the 118th Congress, which passed the House of Representatives with a bipartisan vote of 224–203 on November 30, 2024.⁷⁰ Title III would prohibit federal funding from being used to house illegal immigrants on federal land for reasons unrelated to DHS and DOD border enforcement operations. It would also cancel the renewed FBF lease to ensure this harmful precedent cannot be used as a justification by future administrations to turn national parks into migrant shelters.

Hearing information on Representative Nicole Malliotakis's legislation from the last Congress, including testimony, can be found here:

<https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414965>

and the hearing memo can be found here:

https://naturalresources.house.gov/uploadedfiles/hearing_memo__sub_on_fl_leg_hrg_on_4_border_bills_10.19.23.pdf

V. MAJOR PROVISIONS & SECTION-BY-SECTION

FLASH Act Section-by-Section

V. COST

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available. CBO previously scored Title III of the legislation and determined the “net effect on direct spending would be negligible.”⁷¹

VI. ADMINISTRATION POSITION

The administration’s position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

H.R. 1820

¹ U.S. Customs and Border Protection, CBP Enforcement Statistics, accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>. Figures correspond to FY2021-FY2024.

² *Id.* Figures correspond to FY2017-FY2020.

³ U.S. Customs and Border Protection, Southwest Land Border Encounters, accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁴ U.S. Customs and Border Protection, CBP Enforcement Statistics, accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>. Only 11 were encountered from FY2017-FY2020. *Id.*

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LEGISLATIVE HEARING ON H.R. 1820, TO ADDRESS THE PUBLIC SAFETY ISSUES AND ENVIRONMENTAL DESTRUCTION CURRENTLY IMPACTING FEDERAL LANDS ALONG THE SOUTHERN BORDER, ENHANCE BORDER SECURITY THROUGH THE CONSTRUCTION OF NAVIGABLE ROADS ON FEDERAL LANDS ALONG THE SOUTHERN BORDER, PROVIDE U.S. CUSTOMS AND BORDER PROTECTION ACCESS TO FEDERAL LANDS TO IMPROVE THE SAFETY AND EFFECTIVENESS OF ENFORCEMENT ACTIVITIES, ALLOW STATES TO PLACE TEMPORARY BARRIERS ON FEDERAL LAND TO SECURE THE SOUTHERN BORDER, REDUCE THE MASSIVE TRASH ACCUMULATIONS AND ENVIRONMENTAL DEGRADATION ALONG THE SOUTHERN BORDER, REDUCE THE CULTIVATION OF ILLEGAL CANNABIS ON FEDERAL LANDS, MITIGATE WILDLAND FIRES CAUSED BY ILLEGAL IMMIGRATION, AND PROHIBIT MIGRANT HOUSING ON FEDERAL LANDS, “THE FEDERAL LANDS AMPLIFIED SECURITY FOR THE HOMELAND ACT” OR “FLASH ACT”

**Tuesday, March 11, 2025
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 10:17 a.m., in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, McClintonck, Fulcher, Stauber, Bentz, Maloy, Kennedy; Neguse, Leger Fernández, and Dexter.

Also present: Representatives Westerman, Hageman, Ciscomani, and Huffman.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order. Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to consider H.R. 1820 sponsored by Representative Ciscomani, the Federal Lands Amplified Security for the Homeland Act, or the FLASH Act. This bill represents comprehensive solutions to secure our Federal border lands and protect them from environmental damage.

I ask unanimous consent that the following members be allowed to participate in today's hearing from the dais: the gentlelady from Wyoming, Ms. Hageman, and the gentleman from Arizona, Mr. Ciscomani.

Without objection, so ordered.

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. First of all, I want to begin by commending Representative Ciscomani for both the timeliness and the importance of the legislation he has brought before us today. As has been widely reported, the Biden-Harris Administration has compiled the most incompetent and disgraceful record imaginable when it comes to the protection of our southern border. Although President Biden is no longer in office, the country is still reeling from his damaging and disgraceful open border policies.

Under the former President's watch, immigration authorities recorded more than 8.7 million encounters with illegal immigrants crossing into the United States from Mexico. This unprecedented surge overwhelmed America's response capabilities and created a confluence of security, environmental, and humanitarian crises.

Thankfully, President Trump is taking strong and decisive action to end this crisis. But Congress must also do its part. We must create robust safeguards to ensure that this kind of reckless damage can never again be inflicted by an irresponsible president.

Recognizing this duty, my colleague from Arizona, Representative Ciscomani, has presented the thoughtful legislative package before us today. His bill empowers Border Patrol and local law enforcement to protect those areas that were left especially exposed and vulnerable by the Biden administration, our southern Federal border lands.

Approximately 35 percent of the southern border is federally owned, so the conditions that prevail in those areas have a significant influence on overall border security. And the large-scale illegal migration that has occurred in those regions has also destroyed fragile ecosystems.

The facts are unambiguous. State governments, and we must rely on state estimates since Federal agencies refused to gather meaningful data, have calculated that each illegal migrant leaves

behind an estimated six to eight pounds of trash during their journey across the border. With more than 2.1 million encounters with illegal entrants last year, it is likely that illegal immigrants left a minimum of 12 million pounds of trash in 2024 alone. Worse still, this environmental degradation is happening in our most sensitive landscapes, national parks, national monuments, and wilderness areas.

Last February, I witnessed some of this ecological devastation firsthand, when this Subcommittee held a field oversight hearing on the border in Sierra Vista, Arizona. I visited the Buenos Aires National Wildlife Refuge in the Coronado National Forest. While there, I was dismayed to see trash-strewn landscapes, illegal campfires, and decaying food piles.

If we truly care about conserving our Federal lands and leaving them in better state for future generations, we cannot ignore this crisis. And by the way, you can see a picture of that right behind me here.

It is with this realization that prompted me to sponsor the TRASHED Border Act last Congress. That bill requires Federal land managers to develop policies and protocols for addressing the massive trash accumulations that have piled up along the southern border. It also requires those agencies to provide current data on the amount of waste collected on Federal lands along the southern border. Finally, that legislation would increase penalties and fines for illegal immigrants who desecrate our public lands. Key provisions of that bill are incorporated in today's legislative package.

The border crisis's impact on public lands was not limited solely to environmental damage. Under the Biden administration, Federal border lands became increasingly dangerous. Even in strong enforcement years, Federal border lands are often targeted by criminals, drug smugglers, and human traffickers because they are remote, largely uninhabited, and less frequently patrolled. Under President Biden's shameful neglect, certain sectors resembled all-out war zones.

Federal border lands have also become a haven for organized crime. Drug smugglers and human traffickers have directed illegal border crossers toward sparsely populated portions of the border to enter the U.S. with a lower chance of detection. Border Patrol agents have reported being fired upon in rugged terrain when attempting to arrest suspected illegal migrants.

Given the unprecedented numbers of known gang members and suspected terrorists who have crossed the border, this mismanagement has made America's public lands alarmingly unsafe. The issue is even more pronounced in wilderness areas, which comprise over a million acres along the southern border. In these areas, Federal land managers impose severe limitations on Border Patrol's accessibility. For example, since mechanized and motorized vehicles are prohibited within wilderness areas, Border Patrol agents must rely on horses to pursue fleeing suspects in cars or off-highway vehicles. These nonsensical restrictions hamper operational effectiveness and needlessly jeopardize officer safety.

Despite their dismal track record, I still hope that my Democrat colleagues will join us in protecting our Federal border lands and

the safety of all who find themselves there. Everything in today's featured legislation deserves strong bipartisan support.

I want to thank all the witnesses for being here today, and I look forward to the insights that each of you will bring to this important discussion.

With that, I will now recognize the Ranking Member, Mr. Neguse.

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

Mr. NEGUSE. Thank you, Mr. Chairman.

I want to read just two brief excerpts from two different articles in the last 2 weeks. One is from the Star Tribune: Superior National Forest Staff Deficit Worsens. An agency employee in Minnesota, who requested anonymity out of fear of retribution, said the cuts and fallout have SNF, Superior National Forest, staff in crisis mode. Other forest colleagues are worried that they will lose their jobs, and some career employees feel pressured to resign or risk losing benefits, the worker added. We were already hanging on by a thread, the person added. Now, Musk, Trump, and DOGE are thinning us even further. This is huge for the Boundary Waters recreation and timber and fire management.

Another article headline: 'There is Literally No One': The fallout coming to Lake Tahoe after Forest Service gutted. This is from the San Francisco Gate newspaper.

Mr. Chairman, across the country, Forest Service employees, Department of the Interior employees, civil servants at the Bureau of Land Management are losing their jobs, they are being purged from the Federal Government, in many of your districts, as is the case in mine. Timber management, wildfire management, wildfire mitigation, watershed protection, all of it put at risk. And while I have a great respect for my colleague from Arizona and we work closely together on a number of different matters, I have to be candid that I am disappointed that this Subcommittee has not even entertained the idea of convening on any of the matters that I just described.

I understand this is a priority for my Republican colleagues. I understand this bill that you have proposed that directs, I guess, my sense is it essentially tells the Forest Service and the Department of the Interior that they cannot impede any efforts of DHS. Of course, it seems like that could be achieved by a phone call. Right? I mean, you could call Secretary Burgum at the Department of the Interior and say to him, hey, it would be helpful if you did not impede any of the efforts of Secretary Noem at the Department of Homeland Security. I am not really understanding why it requires a Federal law and the expenditure of our time here today when in every single one of your districts, Forest Service employees are being fired as we speak. Does not make sense to me.

The priorities of this Committee, as is the case with the priorities of the Majority, are out of step with the facts on the ground. And, you know, Chairman, you know me to not be, I think at least, a particularly partisan person. We have worked together for years on this particular Subcommittee considering bipartisan legislation. It is the most productive subcommittee, at least it was, in the U.S.

Congress. Hundreds of bills by members on both sides of the aisle that are largely supported on a unanimous basis.

So it pains me to lay bare my fears in this regard. But I have to do that, because when I go back home to my district at the end of the week, I can promise you they are not going to ask me about this bill. What they are going to ask me about are the wildfire mitigation projects in the national forests that I have the privilege of representing that are now in jeopardy because the Trump administration has decided to gut the Federal workforce. And they will ask why, as the Ranking Member of the Federal Lands Subcommittee, we have not taken that up. And I will tell them, well, it is because this week Republicans decided that rather than telling Secretary Burgum to work with the Department of Homeland Security, they passed a Federal law to force him to do it. That is your prerogative, you choose the agenda here. But make no mistake, I do not think the American people are going to be supportive.

And with that, I yield back.

Mr. TIFFANY. Thank you to the Ranking Member. And I do truly enjoy working with you here and look forward to continuing to do that.

And I will recognize the Chairman of the Full Committee, Mr. Westerman, for an opening statement.

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 today. I also want to thank Representative Ciscomani for compiling this crucial legislation.

The Committee traveled to Representative Ciscomani's district last year to see firsthand the environmental destruction happening on southern Federal border lands. We went to the border with Cochise County Sheriff Mark Dannels. Sheriff Dannels told us something I would like everyone to remember as we listen to today's hearing. "We do not have a border security problem in this country; we have an organized crime problem," is what the sheriff told us at that field hearing.

Nowhere is this issue more pronounced than on Federal lands. People often do not realize just how much of our southern border is comprised of Federal land. In Arizona, for example, 80 percent of the border is federally owned.

On this Committee, we have often highlighted the serious problems that result from excessive Federal landownership. But these issues take on an even greater significance along the southern border, where America's safety and sovereignty are on the line.

Whenever I meet with CBP officials, they reiterate how difficult it is to patrol the Federal portions of the border. These agents, who are just trying to do their jobs, frequently lack accessible roads to conduct effective controls and must contend with the head-scratching absence of physical barriers that are proven to reduce illegal immigration. In some areas, restrictive land use designations, such as wilderness areas, mean agents must stop active pursuit of dangerous criminals because they cannot use mechanized or motorized equipment. Instead, they have to wait for horses to arrive while

dangerous illegal immigrants get further and further away. This just is not common sense.

These restrictions come with considerable cost. When we fail to secure our Federal lands, we fail to secure our border. This lesson was revealed in painful clarity during the recent chaos of the Biden administration when more than eight million illegal entry attempts occurred along the southern border. This surge in illegal crossings pushed law enforcement to the brink and imperiled the well-being of large swaths of our public lands.

Drug and human traffickers seek out remote areas to access the country and evade detection. Illegal immigrants cut trails through sensitive wildlife habitat, start wildfires, and leave behind an estimated six to eight pounds of trash per person.

Illegal immigration also deters members of the public from visiting these areas, effectively nullifying their right to safe access. The effects of illegal immigration extend far beyond the southern border. In California, dangerous cartels grow illegal marijuana on Federal forest lands and use the proceeds to fund gang wars, human trafficking, and other illicit activities. In New York, an overwhelming crush of migrants prompted the Biden administration to turn National Park Service land into an illegal immigrant tent city against the sustained outrage of local residents.

Action is long overdue, and the FLASH Act will tackle some of the most urgent issues facing Federal border lands. It will demand better coordination between Federal land managers and Border Patrol agents to improve enforcement in remote areas. The legislation requires Federal agencies to meaningfully address trash accumulations, marijuana cultivation, and other environmental hazards on our public landscapes. The bill also guarantees appalling abuses of national park lands, like what happened at Floyd Bennett Field, will never happen again.

Finally, the FLASH Act includes my legislation that would build new roads along the southern border to increase the operational effectiveness of Border Patrol operations. I first learned about the lack of accessible roads from Border Patrol agents on a tour in the Coronado National Forest, and it overwhelmingly remains the No. 1 security concern I hear about on our Federal lands.

Taken together, these statutory authorities will complement the work President Trump is doing to secure our border and keep our nation safer and more prosperous for generations to come. Again, I am grateful for Representative Ciscomani's leadership on the issue, and I especially appreciate all the witnesses who have traveled to be here.

With that, I yield back the balance of my time.

Mr. TIFFANY. Thank you Chairman Westerman.

I now turn to the Ranking Member of the Full Committee, Mr. Huffman.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman.

There is a real crisis unfolding on our public lands that we really should be talking about today, but we are not. In just 2 months, President Trump and an unelected billionaire crony of his, Elon

Musk, have upended every Federal agency, recklessly laying off thousands of public servants, blocking critical funding for grants and critical projects, closing and attempting to sell key office buildings throughout the country. And the result is chaos and dysfunction across the government.

The damage to our public lands is significant. Stop work orders are stalling or canceling wildfire mitigation projects. We may lose an entire season of wildfire preparation. Partner organizations are halting maintenance work that ensures safe public access to our public lands. Scientific research that informs how we manage habitat, how we adapt to climate change, which is a real thing, is being shelved. And now, we are just 3 days away from a Federal Government shutdown.

And despite all of this, Republicans on this Committee have shown no interest in actual real oversight. They even refuse to question the so-called Department of Government Efficiency or any of its reckless, half-baked schemes that are coming out of this administration. And in fact, to make it worse, they are getting ready to vote on what they call a C.R., which is actually a partisan, full-year funding bill, that surrenders all Article 1 authority to Donald Trump and Elon Musk, provides a rubber stamp for them to do even more of these reckless, destructive actions without any concern from our friends across the aisle.

Meanwhile, the data continues to disappear from Mr. Musk's error-filled, quote, "wall of receipts," which is really a wall of errors. Each new revelation exposes this initiative as arbitrary, haphazard, destructive. And from the other side, we hear deafening silence.

The Federal Government is not a startup business. This is not a place to go fast and break things. And if you think that is a good idea, you are going to own the stuff that they break. When it fails, real people get hurt. And yet there is this strange infatuation with this Silicon Valley style experiment. They are breaking things. And anyone who is complicit in that owns the consequences.

To be clear, Democrats do support rooting out waste, fraud, and abuse. We would love to work with you on bipartisan approaches to this. We welcome serious discussions on that front. That is not what is happening today. The Trump administration's goal is not efficiency, it is destruction. And the American people did not vote to destroy government or to crash the economy.

As bad as it already is, it is about to get worse. They have signaled an intention just last week to add an additional 7,000 layoffs from the Forest Service. We can debate policy differences all day, but the reality is that these agencies cannot function without staff. The writing is on the wall. Trump and Musk are not trying to streamline government, they are trying to dismantle it, and they are hurting all of our constituents.

Instead of convening a hearing on that, which is the real crisis facing public lands, we have a flashy messaging bill before us. This is obviously a misdirection. No one seriously believes the FLASH Act will somehow safeguard our public lands. And to the extent they need safeguarding, the Ranking Member is exactly right, they can make one phone call to the Department of the Interior and get everything that they would hope to achieve through this bill. This

bill does nothing to address the real threats facing our land management agencies. It does nothing about chronic underfunding, about staffing shortages or forced attrition that are hollowing these agencies out. That is the real crisis. Our public lands are being turned into a sacrifice zone for Elon Musk and Donald Trump to cook up some cuts to provide billionaire tax cuts.

So I could say a lot about the legislation before us. But the bottom line is this Committee is not Judiciary; this Committee is not Homeland Security. We are torturing the jurisdictional limits of this Committee so that we can have a conversation about Republicans' favorite subject. And because our jurisdiction is public lands, right now the greatest threats to our land is not at the border. It is what we should be talking about, but we are not, Elon Musk and the White House doing all the damage they are with a chain saw.

I hope we can get back to some serious oversight. I hope we can stop torturing the jurisdiction of this Subcommittee. And I yield back.

Mr. TIFFANY. The gentleman yields.

We will now move on to our first panel, which consists of the Member who is sponsoring today's legislation.

I now recognize Representative Ciscomani for 5 minutes on H.R. 1820. The floor is yours, sir.

STATEMENT OF THE HON. JUAN CISCOMANI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. CISCOMANI. Thank you. Thank you, Chairman Tiffany, and thank you, Ranking Member Neguse, and the Subcommittee members for coming together today for this important hearing on my legislation, H.R. 1820, the Federal Lands Amplified Security for Homeland Act, or FLASH Act for short.

I first introduced this legislation following the field hearing this Committee did in my district in Sierra Vista, Arizona, last year. So thank you to the Chairman for coming down for that, and my Republican colleagues that made the trip with enough interest to see what was going on on the ground. During this hearing, we heard from local stakeholders and ranchers about the border crisis that has impacted border communities and beyond during the Biden-Harris Administration. I was proud to reintroduce it again this Congress, as the problem still persists.

So to my good friend of a Ranking Member, when the question is asked why do this bill and not just a phone call, because passing legislation and bills is our job, my friend. This is what we do. And we have to prevent any future administration like the Biden-Harris Administration to be able to shelter in this disastrous situation once again.

Now, maybe not every constituent out there is hearing or talking about this issue. But my constituents are telling me this every single day. And if you wonder why, you just have to look at that picture. If that was in anyone's backyard 24/7, you would be hearing from your constituents as well. So, yes, I hear from my constituents this almost on daily basis, and I see it as well, as the vast majority of my district is a rural part of the district, much of it border. And that is what is seen there every single day. So this

is important for this part of the country, for sure, and for the entire nation, I would argue.

So my bill would strengthen border security by providing for the construction of navigable roads along the border on Federal lands, allow states to place temporary barriers on Federal lands, and directs Federal managers to develop a strategy to address hazardous trash piles which harm the environment. This is about the environment.

Federal lands comprise an estimated 693 miles, or 35 percent of the southern border, many of which are in Arizona. This bill proposes comprehensive solutions for public safety issues and environmental destruction impacting Federal lands along the border. In Tucson Sector, much of which I represent, we saw over the past 4 years trash piles and camps popping up where smugglers had no regard, just like that one right there on the image, for the land or the environment. And this bill would solve that problem by requiring land managers to reduce the trash.

Moreover, in areas where it is very hard for agents to navigate, this would allow our agents to have roads even on Federal lands. This is a game changer for many areas. Even when our CBP agents and officers are fully empowered to do their enforcement duties, as they are now, we must change our laws to ensure that burdensome regulations do not stand in the way of agents and public safety. Federal lands need to be protected from environmental degradation and our borders need to be secured. Those go hand in hand.

The fact is, we can do both. And I believe this bill is a huge step in that direction. I hope that we can have a conversation about how do we continue to protect our border and protect our environment all at once.

Thank you for your consideration of this critical legislation. Mr. Chairman, I yield back my time.

Mr. TIFFANY. The gentleman yields. I want to thank you for your testimony.

We are going to go on to our second panel now. Thank you for your patience and thank you for making the trip here to our nation's capital.

I want to 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.

First, I would like to introduce the Honorable Thaddeus Cleveland, Sheriff of Terrell County, Texas. Sheriff Cleveland, you are recognized for 5 minutes.

**STATEMENT OF THADDEUS C. CLEVELAND, SHERIFF,
TERRELL COUNTY, TEXAS**

Sheriff CLEVELAND. Good morning, and thank you, Chairman Tiffany, for having me today, and other distinguished members of the Committee. I appreciate the opportunity to be able to come here and show support of our border and how Federal lands and the U.S. border and border security intersect.

Other than my time here in Washington, D.C., serving at U.S. Border Patrol Headquarters, and my time in the United States Air Force, I have lived a lifetime on the U.S.-Mexico border, both as a resident, as well as a U.S. Border Patrol agent. I spent the last 11 years of my Border Patrol career in Terrell County, Sanderson, Texas, my home town, where I grew up and graduated high school. And where I would still be a Border Patrol agent. But unfortunately, God had different plans. Our sheriff passed away and I had the opportunity to take care of the community that took care of me and become the sheriff.

When we talk about Terrell County, we are the tenth largest county in the state of Texas. We have 54 miles of river with Mexico. And it is about 2,300 square miles in total. Next to us is Brewster County, where we have the nation's fourteenth largest national park, Big Bend National Park. And through our portion of Texas, we have what is called the Wild and Scenic Rio Grande River, that also is part of the National Park Service.

The activity we have in Terrell County is very similar to what you have seen over the last 4 years under the President Biden administration, the increases that we have seen. We have nowhere near the amount of activity that you see on television with Eagle Pass, El Paso, Lukeville, Arizona, or San Diego, California. And we have a different type of activity. We do not have people coming to our portion of the border to surrender and seek some sort of political relief or political asylum. What we have are people that still want to cross the border illegally, they want to cross the border undetected. When we encounter them in the brush, they still run. When we encounter them on the highway, they lead us in the high-speed pursuits that you see often televised.

You may ask why am I telling you a little bit about the activity we have in Terrell County. And it is because of the portion that I mentioned, the Wild and Scenic Rio Grande River. We have several locations where people utilize to cross. One specifically that I like to talk about is called Paso Colorado, and it is an area that only people crossing the border illegally get into this portion of the river. American citizens do not go into this portion of the river. It is very hard to get to. It is on private property. But this portion of the river is about 170 miles northwest of Eagle Pass, Texas. And we all recall Eagle Pass, Texas, talking about Governor Abbott's buoys that he deployed in the river that the Administration said were harming the environment. Well, I can tell you, those buoys, I have been to them, I have touched them, and they are not harming the environment there in the Rio Grande River.

Go back to the area that I spoke of, Paso Colorado, where illegal aliens cross in my county. I can show you what are called Salina mussels as well as the Mexican Fawnsfoot mussel and show you the remains of those that have died. And the only thing again that crosses that portion of the river enters the river at that portion are people that are crossing our border illegally. Whether it is human waste, trash left behind, or even what they carry in what we call their mochilas, their backpacks, the chemicals, whether it is pain pills or it is salves for their feet, whatever they carry that is leaked into the river, that is what is having an impact on our environment in that area.

I must also comment I spent 10 years of my Border Patrol career out in Congressman Ciscomani's district in Sierra Vista, and I spent some time over in Nogales, Arizona, which was my first duty station. And I can tell you firsthand, I have seen the amounts of trash not only in my county but that part of Arizona, the parts that the pictures there depict, and I can tell you that there could be much more collaboration being done along the border between departments within the Federal Government.

And when we talk about wildfires, when we talk about the necessity of roadways for Border Patrol to use, there is not a better way to create a firebreak than if we do it in a proactive, mitigating manner, rather than waiting for a wildfire to break out, which I experienced in Nogales, Arizona, back in one of our deep canyons that is on part of the Coronado National Forest, where the fire broke out and Forest Service had to go in and just create these firebreaks.

If we would go in and plan, between Border Patrol, the Department of the Interior, and have a way to mitigate crossings but also work together on the deployment of technologies, I can tell you we would all benefit from it.

In closing, I would just like to say that, of course, what we saw in the last 4 years is unlike what we have ever seen before. And our country will continue to pay for that for decades to come. And we will also pay for decades to come the abuses that happened on our Federal lands, as well as our private landowners. They are just as important, equally as important.

So I would like to just again, if we do not solve this now, we are going to pay for it for years to come.

And I support the FLASH Act. Thank you.

[The prepared statement of Sheriff Cleveland follows:]

PREPARED STATEMENT OF THADDEUS C. CLEVELAND, SHERIFF,
TERRELL COUNTY, TEXAS

Chairman Tiffany, Ranking Member Neguse, Distinguished Members of the Committee, thank you for the opportunity to participate in the discussion on the protection of federal lands along the United States and Mexico border. I am honored to represent the citizens of Terrell County and describe to you my experiences as a Texas Border Sheriff and United States Border Patrol Agent.

Other than my time in the United States Air Force and in Washington, D.C., while assigned to U.S. Border Patrol Headquarters, I've spent my entire life as both a resident and a U.S. Border Patrol Agent along the U.S./Mexico border. The last 11 years of my 26-year Border Patrol career were spent as the Patrol Agent in Charge of the Sanderson Border Patrol Station, which is also my hometown and where I am Sheriff.

Terrell County is located in the rugged, unforgiving, vast Big Bend Region of Texas and shares 54 miles of international border with Mexico. Terrell County is the 10th largest county in the State of Texas and encompasses almost 2,400 square miles. The Border Patrol Station there is responsible for 91 miles of border, this being the third largest portion of border by a Border Patrol Station along the entire U.S./Mexico border.

The Wild and Scenic Rio Grande River is 196 miles in length and runs the entire distance of Terrell County's southern boundary with Mexico. Big Bend National Park is located in Brewster County, which neighbors Terrell County to the west and is the 14th largest National Park in the United States.

Terrell County, does not have a crime problem, what we have is a Border Security problem. During the Presidency of Joe Biden, Terrell County like much of the Southwest Border, experienced a significant increase in illegal alien apprehensions; however, what occurred in Eagle Pass, Del Rio, El Paso, Lukeville and San Diego with masses of people crossing the border, did not happen in Terrell County. We

experience illegal aliens who do not want to be apprehended nor give-up. When we encounter illegal aliens in the desert, they run. When we encounter illegal aliens smuggling loads on the highways, they lead us in high-speed pursuits before bailing out and absconding. High-speed pursuits occur with almost every illegal alien smuggling load we encounter and it places both my team and American citizens, which I'm responsible for, in harm's way.

The next set of statistics I am going to share with you are the Sanderson Border Patrol Station fiscal year apprehension and gotaway percentages compared to fiscal year 2020. In fiscal year 2021 there was a 289% increase in illegal alien arrests and a 323% increase in gotaways. In fiscal year 2022, there was a 417% increase in illegal alien arrests and a 467% increase in gotaways. Fiscal year 2023, there was a decrease in apprehensions and gotaways, but it was still higher than the historical numbers with 189% increase in illegal alien arrests and 203% gotaways. Last fiscal year, we experienced activity in line with historical trends.

Citizens of Terrell County paid the price daily for the out-of-control Southwest Border. We do not have the financial, medical or emergency resources as many of the other larger communities affected by the activity along the border. Yet, the negative and detrimental results are the same. Valuable and costly emergency and medical resources are too often diverted to border security. In my county, land-owners have to repair waterlines, fences and structures destroyed by illegal aliens crossing their properties, as well as the significant trash, human biohazard waste and erosion. Emergency medical services and law enforcement services have at times been unavailable due to responding to illegal aliens that are crossing the border.

There has been a total of 43 known deaths of illegal aliens attempting to cross my portion of the border over the last the four (4) years. Prior to the last four years, there was approximately one death a year of someone attempting to cross illegally. All but four of those deaths were from exposure due to the hot summer months as well as the cold winter fronts that come through Terrell County. Two others died in a vehicle pursuit, which resulted from a head-on collision.

Due to the amount of illegal alien smuggling activity coupled with the amount of vehicle pursuits we experienced since I took over as Sheriff, I wrote a letter to Governor Abbott of the State of Texas and requested additional resources to assist my office. Governor Abbott and I discussed the situation, and within a week, the additional resources I requested were deployed to Terrell County. With assistance from the Operation Lone Star personnel and the U.S. Border Patrol, together we seized over 100 vehicles from illegal alien smugglers during the months of November and December 2022. Since then, we have observed a shift in tactics by smugglers and are not having the same level of activity in Terrell County.

You may be asking yourself, why is this information important to your committee? It's important because the first steps illegal aliens take entering the United States into my county is through the Wild and Scenic Rio Grande River. My county is approximately 175 miles upriver from Eagle Pass, Texas, a location where a string of buoys deployed by Governor Abbott was described as destroying the habitat for two rare species of freshwater mussels. I've been to those buoys, I've put my hands on them, and I can tell you they are not destroying the habitat. I can take you to an area in my county, one of the most remote locations on the U.S./Mexico border and show you remains of the Salina Mucket and Fawnsfoot freshwater mussels, the Biden Administration said were being destroyed. These mussels can be found along the edge of the Wild and Scenic Rio Grande River in a location where only illegal aliens wade or float across the border. The illegal aliens have a greater impact on the ecosystem than the buoys utilized by the State of Texas.

During my time as a U.S. Border Patrol Agent, I worked approximately 10 years in both Cochise and Santa Cruz Counties in Southern Arizona. These areas are rich in natural resources on federal lands within and around the Coronado National Forest. I have walked many trails tracking illegal aliens and drug smugglers in the Pajarita Wilderness, Miller Peak Wilderness, San Pedro Riparian National Conservation Area and Chiricahua Wilderness. In Texas, where I raised and finished my Border Patrol career, I have conducted river patrols by canoe along 83 miles of the Wild and Scenic Rio Grande River. Thoughts of these areas still bring back great memories and interest. I am personally attached to these areas, but if we don't secure our borders, we stand the chance to not just lose these areas, but we stand a chance to continue to lose innocent American lives.

I know from experience and it is well documented that illegal alien crossings and smuggling bring trash, human waste, trails, illegal roads and wildfires to private lands as well as federal lands. Many federal lands are remote and difficult to get to and provide the perfect haven for illicit activity. Utilizing technology and partnerships can be increased to mitigate and minimize impacts to federal lands.

What is needed to secure our border is the right combination of manpower, technology, and infrastructure. If you take my county for instance and almost 517 miles of border between Terrell to Hudspeth Counties, there isn't a need for a border wall. In much of this area, we have a God made barrier, but what we do need is manpower, technology and infrastructure projects such as roads. There isn't a one size fits all solution when it comes to the various regions along the U.S./Mexico border.

Collaboration on infrastructure and technology deployments on federal lands will strengthen the preservation of our natural resources. An example of infrastructure needed may be negotiating a new road with a landowner that would allot Border Patrol access to the Wild and Scenic Rio Grande River or it may be working with the U.S. Forest Service to create a preplaced firebreak or brush removal of invasive and non-native in a remote border region within the Coronado National Forest. Coordinated efforts for technology deployments would also lessen the impact on federal lands. Increased access to federal lands increases border security and the mission of the U.S. Border Patrol as well as the mission of the Department of the Interior, allowing them to protect America, and increase the protection of federal lands along the border.

The U.S. Border Patrol's mission was once illegal immigration, but after September 11, 2001, that mission was no longer our mission. Our mission became protecting the homeland by keeping bad people and bad things from crossing America's borders.

In closing, the chaos we experienced along the Southwest Border over the last four years was preventable. The border was open, overrun, and the criminal organizations took full advantage of our political gridlock. Americans were impacted, those crossing our border illegally were impacted, communities were impacted, and lastly, federal lands were impacted.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. THADDEUS CLEVELAND

Questions Submitted by Representative Hagedorn

Sheriff Cleveland, the Tohono O'odham Nation reservation covers a large stretch of land along the U.S.-Mexico border in southern Arizona, and it's been well-documented that the cartel regularly uses this land as a corridor for smuggling people, drugs, and weapons into the country. In fact, the Nation's tribal elder acknowledged in 2019 that "it's no secret that a lot of our tribal members are involved in the smuggling of migrants and drugs" through the reservation, which spans 62 miles of the international border (ABC News).

Question 1. Based on your experience in southern Arizona and West Texas, how significant a role does the lack of federal enforcement or tribal cooperation in areas like the Tohono O'odham reservation play in enabling cartel activity?

Answer. I left southern Arizona approximately 25 years ago; however, I believe coordinated and collaborative efforts between the Tohono O'odham Nation and U.S. Border Patrol have increased significantly since then. Working together on tribal lands is a key part of Border Security in southern Arizona.

Question 2. What lessons should Congress take from these gaps in enforcement when considering federal land policy reforms under the FLASH Act?

Answer. I'd recommend bringing all stakeholders to include the Tohono O'odham Nation into legislative efforts such as the FLASH Act and any other legislation impacting tribal lands. I'd also recommend engaging the U.S. Border Patrol to inquire about their perspective on the relationship between the Tohono O'odham Nation and current border security enforcement efforts on tribal lands.

Question 3. Should the FLASH Act or related legislation address tribal coordination and accountability, particularly when tribal lands are being exploited for transnational criminal operations?

Answer. Yes, I believe this would be prudent.

Mr. TIFFANY. Thank you, Sheriff Cleveland.

I now would like to introduce Mr. Paul Perez, President of the National Border Patrol Council. Mr. Perez, you have 5 minutes.

STATEMENT OF PAUL PEREZ, PRESIDENT OF THE NATIONAL BORDER PATROL COUNCIL

Mr. PEREZ. Thank you, sir. Chairman Tiffany, Ranking Member Neguse, members of the Subcommittee, I want to thank you for adding me to testify this morning in support of Congressman Ciscomani's FLASH Act.

My name is Paul Perez. I am the President of the National Border Patrol Council. The council is the union that represents over 16,000 frontline Border Patrol agents protecting our country.

After serving in the U.S. military, I joined the Border Patrol in 1997 and, for the last 28 years, have been an active duty Border Patrol agent assigned to the Kingsville Station in the Rio Grande Valley Sector, which is in south Texas.

Border Patrol agents need three things to patrol our border, manpower, access, and situational awareness. Although the first on this list, manpower, is outside of your jurisdiction, I would like to spend a moment educating you on the challenges we are facing.

We currently have 19,500 Border Patrol agents on duty to protect our border. Of this number, more than 2,500 are eligible to retire today. These agents could literally put in their retirement papers and be gone tomorrow. Another 4,000 agents will be eligible to retire in the next 4 years. In total, we are looking at nearly one third of our manpower potentially leaving in the next 4 years.

Why this matters is because, under the last Administration, we had approximately two million illegal aliens observed on Border Patrol surveillance platforms walk right into this country without being arrested. We saw them but we literally did not have enough agents to arrest them. That is what happens when you do not have enough manpower to meet the mission.

President Trump recognizes this challenge. He has proposed increasing Border Patrol agent pay and offering retention bonuses to keep the agents we already have. In addition, he has proposed recruitment bonuses to add an additional 10,000 agents above our current staffing level. I hope that you all will support these initiatives as they are brought forward in reconciliation and through the Fiscal Year 2026 appropriations process.

The second thing that you need to secure the border is access. And that is why the FLASH Act is so important. Let me give you examples. When we detect drug cartel members or a group of illegal aliens crossing our border, we will dispatch agents to intercept them. Ideally, we will have agents close by and in sufficient numbers to apprehend the group without incident. However, if it takes a long time to physically get agents on the scene, we have a problem.

In some cases, we have agents in a foot chase, often at night, across difficult terrain, with a motivated adversary that has a 30 to 45-minute head start. To be candid, that is not the situation we want to be in. The longer it takes to get on scene, the higher the likelihood the cartel smugglers and illegal immigrants will evade capture.

Where I am stationed in south Texas, much of the land north of the border is privately held. We have partnerships with local farmers and ranchers to access their land and, in some cases, install temporary surveillance assets that increase our situational aware-

ness. I cannot tell you how important these partnerships are to securing our border. These farmers and ranchers do not just allow us to access their land, but they are another set of eyes and ears and will call us if they see anything suspicious.

Approximately one third of our border with Mexico abuts U.S. Federal lands, nearly 600 miles. It is ironic that Border Patrol has, in some instances, better access to private land than we do with Federal land held by the Departments of Interior and Agriculture. Our ability to access Federal land now is largely at the discretion of individual Federal land managers. To be clear, many of the Federal land managers are terrific partners and support our mission. However, there are others who are more reticent to cooperate with Border Patrol.

The FLASH Act addresses this very issue and provides for the construction and maintenance of nearly 600 miles of roads across these Federal lands. These roads will be all constructed within 10 miles of the border and will allow us the access we need to apprehend cartel smugglers and illegal immigrants.

Finally, the third thing you need to patrol the border is situational awareness, and the FLASH Act has the potential to increase that in two important ways. First, there are over one million acres of designated wilderness along our area. The FLASH Act guarantees Border Patrol access to these areas and specifically allows us to install tactical infrastructure such as radio repeater towers and surveillance equipment.

Second, it allows our border states to install temporary infrastructure on Federal lands to support border security. In Texas where I am stationed, Operation Lone Star has been wildly effective and dramatically drove down the rate of illegal immigration.

I want to thank your Committee again for their consideration of the FLASH Act and I looked forward to answering any questions that you may have.

[The prepared statement of Mr. Perez follows:]

PREPARED STATEMENT OF PAUL PEREZ, PRESIDENT OF THE NATIONAL BORDER PATROL COUNCIL

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, I want to thank you for asking me to testify this morning in support of Congressman Ciscomani's FLASH Act.

My name is Paul Perez, and I am the President of the National Border Patrol Council. The Council is the union that represents over 16,000 frontline Border Patrol agents protecting our country. After serving in the U.S. military, I joined the Border Patrol in 1997 and I am an active-duty Border Patrol Agent assigned to the Kingsville Station in the Rio Grande Valley Sector, located in South Texas.

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enough agents to arrest them. That is what happens when you do not have enough manpower to meet the mission.

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However, if it takes a long time to physically get agents on the scene, we have a problem. In some cases, we have agents in a foot chase, often at night, across difficult terrain with a motivated adversary that has a 30–45-minute head start. To be candid, that is not the situation we want to be in. The longer it takes us to get on scene, the higher the likelihood the cartel smugglers and illegal immigrants will evade capture.

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Second, it allows for border states to install temporary infrastructure on federal lands to support border security. In Texas, where I am stationed, Operation Lone Star has been wildly effective and dramatically drove down the rate of illegal immigration.

I want to thank your committee again for their consideration of the FLASH Act and I look forward to answering any questions that you may have.

Mr. TIFFANY. Thank you, Mr. Perez.

I would now like to introduce Mr. Bob Krumenaker, a retired superintendent of Big Bend National Park. Mr. Krumenaker, you have 5 minutes.

Did I say your name correctly?

Mr. KRUMENAKER. You were very close. Krumenaker.

Mr. TIFFANY. Krumenaker.

You have 5 minutes, sir.

STATEMENT OF BOB KRUMENAKER, RETIRED NATIONAL PARK SERVICE SUPERINTENDENT, BIG BEND NATIONAL PARK AND RIO GRANDE WILD AND SCENIC RIVER

Mr. KRUMENAKER. Thank you. Good morning, Chairman Tiffany and distinguished members of this panel. I appreciate the opportunity to be here. And Chairman Tiffany, it is good to see you again. You may recall when I testified before the Wisconsin legislature in favor of a bill you sponsored to amend the hunting regulations in the Apostle Isles National Lakeshore when I was the superintendent there.

My name is Bob Krumenaker. I worked for the National Park Service for over 41 years as a biologist and a park superintendent in national parks all over the country. I retired in 2023 after almost 5 years as the superintendent of Big Bend National Park and the Rio Grande Wild and Scenic River. I am here representing myself, as well as the Coalition to Protect America's National Parks and the Association of National Park Rangers. These non-partisan organizations have over 4,000 members. Coalition members collectively bring over 50,000 years of National Park Service management experience. And the association is committed to the protection of the national parks system and to the persons who shoulder that responsibility.

Big Bend National Park includes almost 800,000 acres of federally owned public land. The 118 miles of the Rio Grande that bound the park on the south comprise the longest contiguous stretch of land under one management authority along that border. While the United States owns no land or water in the Rio Grande Wild and Scenic River downstream of the national park, the Park Service has some management authority on the Wild and Scenic River for an additional 127 miles. I therefore had considerable stewardship responsibility for about 12.5 percent of the border, a total of 245 miles.

During my tenure as the superintendent, I supervised law enforcement operations conducted by commissioned National Park Rangers. And while their authority did not include enforcement of immigration laws, we worked very closely with the U.S. Border Patrol, which had a base of operations in the park. NPS and Border Patrol staff at every level cooperated to protect multiple national interests at Big Bend, conservation, including the protection of wilderness character, public enjoyment, visitor and employee safety, and security of the nation's borders. These missions are not incompatible when there is a mutual respect for the other agency's important role.

Aside from their small substation, the Border Patrol has no other tactical infrastructure in Big Bend National Park. The deep canyons and flash floods of the Rio Grande and its tributaries make a physical border barrier infeasible. And most people in the area share that view regardless of where they stand on other issues.

In my experience, the 2006 memorandum of understanding between Homeland Security, Agriculture, and Interior regarding cooperative national security on Federal lands works and works well. The MOU specifies that it is not intended to prevent the Border Patrol from exercising emergency authorities to access lands, including motorized offroad pursuit of suspected cross-border

violators. That said, the MOU clearly requires that the Border Patrol respect wilderness constraints, except in cases of emergency. And even then, they need to report back to the Land Management Agency what happened and why.

The MOU also requires that the Land Management Agency respond expeditiously to the Border Patrol request for infrastructure or operations that would normally be prohibited and not use wilderness as an excuse to automatically say no.

Most importantly, MOU directs the Border Patrol and the Land Management Agency to work together at the lowest possible level to resolve differences. It further directs the agencies respect and, to the degree possible, honor each other's mission.

This worked at Big Bend. Park rangers and Border Patrol agents coordinated operations on an almost daily basis. We conducted shared trainings so we understood the other's mission, operations, and needs. We collaboratively resolved the issues that inevitably arose. And when we had conflicts, we did joint after action reviews to learn from the experience and make sure we did better the next time.

In my professional judgment, Title I of the FLASH Act, while attempting to resolve legitimate border security challenges on Federal lands takes a blunt approach that is neither needed nor cost effective. It has the potential to irreparably harm some of this nation's most spectacular and most loved landscapes. It would gut the protections of the Wilderness Act in Federal border lands, legislating a solution that simply is not needed.

Coupled with the drastic reductions being made to Federal budgets and the staffing of the land management agencies, the bill's unspecified but undoubtedly high cost for construction and maintenance of high-standard border roads is both infeasible and inefficient.

Thank you again for the invitation. I look forward to answering any questions members may have.

[The prepared statement of Mr. Krumenaker follows:]

PREPARED STATEMENT OF BOB KRUMENAKER, RETIRED NATIONAL PARK SERVICE SUPERINTENDENT, BIG BEND NATIONAL PARK AND RIO GRANDE WILD & SCENIC RIVER

INTRODUCTION

Good morning Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. Thank you for the opportunity to testify before you today. Chairman Tiffany, it's good to see you again; you may recall when I testified before the Wisconsin legislature in favor of a bill you sponsored to amend the hunting regulations for the Apostle Islands National Lakeshore, when I was the superintendent there.

My name is Bob Krumenaker. I worked for the National Park Service (NPS) for over 41 years as a biologist and a park superintendent in national park units all over the country, retiring in 2023 after almost 5 years as the Superintendent of Big Bend National Park and Rio Grande Wild & Scenic River. I am proud of my public service. Upon accepting every assignment, I signed an oath¹ to support the U.S. Constitution and faithfully discharge the duties of the offices I held, which I never violated.

I am here representing myself, as well as the Coalition to Protect America's National Parks and the Association of National Park Rangers. These non-partisan organizations have over 4000 members, including current NPS employees, NPS

¹ <https://www.opm.gov/forms/pdfimage/sf61.pdf>

retirees, and volunteers. Coalition members collectively bring over 50,000 years of national park experience. The Association is committed to the protection of the natural, cultural, and recreational resources of the National Park System, and to the persons who shoulder that responsibility.

It is my professional judgment that Title I of the FLASH Act, while attempting to resolve legitimate border security challenges on covered Federal lands, takes a blunt approach that is neither needed nor cost-effective. It has the potential to irreparably harm some of this nation's most spectacular and loved landscapes.

BACKGROUND

Big Bend National Park is larger than the state of Rhode Island, and includes almost 800,000 acres of federally-owned public land. This is the second largest contiguous block of publicly-accessible federal land along the U.S.-Mexican border.² The 118 miles of the Rio Grande that bound the park on the south comprise the longest contiguous stretch of federally-owned land under one management authority along that border.

While the United States owns no land or water in the Rio Grande Wild & Scenic River downstream of Big Bend National Park, there are an additional 127 miles of river and shoreline where the National Park Service manages recreation and to some degree, natural and cultural resources. Between the national park and the wild & scenic river, I therefore had some stewardship responsibility for about 12.5% of the border, a total of 245 miles.

583,000 acres of Big Bend National Park were recommended by both Republican and Democratic administrations in the 1970s for wilderness designation. Congress has never acted on that recommendation, but these lands still retain their wilderness character almost 50 years later. The mountains, desert, and riparian corridor of Big Bend make up the largest block of undeveloped open space in Texas, and provide habitat for mountain lions, black bears, and many endemic species. Interest in seeing the park's wilderness-eligible lands formally designated as wilderness is strong, and supported by a wide and growing coalition.³

Big Bend welcomes over 500,000 visitors a year, people seeking respite and recreation in one of the most rugged, wildest, and biodiverse regions of the American southwest. The park's limited development footprint and the undeveloped wilderness that surround it provide opportunity for both windshield touring on paved roads and wild river excursions, as well as solitary backcountry experiences. It is truly one of America's "Crown Jewels."

The combined impact of NPS and visitor spending contributes over \$56 million annually to the regional economy and support over 650 jobs for hardworking Americans.⁴ As the state of Texas purchased the land and donated it to the federal government to establish the national park, Big Bend is often referred to as "Texas' Gift to the Nation."

In a 2021 survey conducted by the Big Bend Conservancy, the park's non-profit philanthropic partner, 85% of respondents did not want to see any more roads or other development inside park boundaries.

During my tenure as the national park superintendent, I supervised law enforcement operations conducted by commissioned National Park Rangers. While their authority did not include enforcement of immigration or customs laws, we had close working relationships with both the U.S. Border Patrol (USBP), which staffed a field station inside the national park; and U.S. Customs, with which we had shared responsibility for the only port of entry in any U.S. national park area. Both, as you know, are units of Customs & Border Protection, their parent agency.

NPS and USBP staff at every level cooperated on a daily basis to protect multiple national interests at Big Bend—which include conservation (including protection of wilderness character), public enjoyment, visitor and employee safety, and security of the nation's borders. The missions are not incompatible when there is mutual respect for the other agency's important role to the American people.

The USBP agents stationed in Big Bend patrol the 122 miles of paved roads and 217 miles of unpaved roads in the park. Park Rangers do as well but the vast area precludes intensive monitoring by law enforcement staff of either agency. Most illegal border activity is detected, however, as both agencies conduct aerial patrols, and there is substantial electronic surveillance of the border in the park. When migrants

²The largest is Cabeza Prieta National Wildlife Refuge in Arizona.

³See www.keeppbigbendwild.org.

⁴Flyr, M., and L. Koontz. 2024. 2023 national park visitor spending effects: Economic contributions to local communities, states, and the nation. Science Report NPS/SR—2024/174. National Park Service, Fort Collins, Colorado. <https://irma.nps.gov/DataStore/DownloadFile/707832>

are encountered, both agencies work as a team to facilitate the Border Patrol processing them and removing them from the park.

If a migrant does make it through the park without being apprehended, they're almost always detected and taken into custody along one of the major highways north of the national park.

Aside from the small Border Patrol substation, they have no other tactical infrastructure in the national park. The deep canyons that line most of the border in this area, and the flash floods on tributaries of the Rio Grande, make any physical border barrier infeasible. Most people in the area share that view, regardless of where they stand on other issues.

In my experience, the 2006 Memorandum of Understanding⁵ between Homeland Security, Agriculture and Interior *Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders* works well. The MOU specifies that it is not "intended to prevent" USBP from exercising emergency authorities to access lands including motorized off-road pursuit of suspected cross-border violators at any time, including in wilderness and wilderness study areas, based on the professional judgment of USBP personnel.

The MOU requires that the Border Patrol respect wilderness constraints, except in cases of emergency, and even then they need to report back to the land management agency what happened and why. The MOU also requires that the land management agency respond expeditiously to USBP requests for infrastructure or operations that would normally be prohibited, and not use wilderness as an excuse to automatically say no.

Most importantly, the MOU directs that the Border Patrol and the land management agency work together at the lowest level possible to resolve differences. It further directs that the agencies respect, and to the maximum degree possible, honor each other's mission.

This worked at Big Bend. Interagency communication and coordination was ongoing and constant. Park Rangers and USBP Agents coordinated operations on an almost-daily basis. We conducted shared training so we understood the other's mission, operations, and needs, and fleshed out where there may be conflicts to try to prevent them before they occurred. When we were asked to consider rescue beacons or radio installations in remote areas, we listened and asked questions to make sure we all had the same understanding of the real purpose behind the request as well as what other alternatives were being considered. We worked together and we collaboratively resolved the issues that arose. And when we had conflicts, we did joint after-action reviews to ensure everybody learned from experience so that we didn't repeat any mistakes that were made.

ANALYSIS

Title I of the FLASH Act provides an overly simplistic, one-size-fits-all approach that is neither needed nor cost-effective at Big Bend and would potentially do lasting damage to one of this nation's most spectacular and loved landscapes. I cannot speak with authority about other sectors of the border, but I would urge the committee to consider a different approach. I am particularly concerned with sections 101, 102, and 104.

Section 101 requires at least 584 miles of roads capable of being traveled by "standard vehicles" already exist, or be newly "installed" on Federal lands along the border. The Border Patrol, in my experience, utilizes 4 wheel drive trucks and high clearance SUVs in remote areas and the rough, unpaved, backcountry roads of Big Bend National Park meet their needs, to the best of my knowledge. NPS and the USBP even have an agreement whereby USBP annually transfers money to the park to assist the NPS in maintaining those roads, but not to the unnecessary standard that appears to be mandated in the bill. Where there are no roads within 10 miles of the border, I never once heard any Border Patrol agent or supervisor express that need.

The 1916 National Park Service Organic Act⁶ mandates that the National Park Service manage national parks and their resources "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." It's hard to imagine that constructing new roads in some of the wildest areas of Big Bend would not violate this bedrock law.

The *Congressional Research Service* estimates that there are 584 miles of what this bill calls "covered federal lands" along the southern border. Section 101(c)(3) of the FLASH Act mandates "at least" 584 miles of road. Without explicitly saying so,

⁵ <https://winapps.umt.edu/winapps/media2/wilderness/NWPS/documents/Border%20Patrol%20MOU.pdf>, hereafter "the MOU"

⁶ 54 US Code 100101(a)

the bill appears to require a road suitable for “standard vehicles” within 10 miles of every mile of borderland owned by covered federal agencies.

Perhaps Big Bend National Park is not intended to be included? If that’s the case, I urge language in the bill stating as much. But I will submit that new roads are not necessarily the answer in all other federal borderlands; there needs to be site-specific analyses in these complex landscapes. Customs & Border Protection already has the authority to request this type of development where needed to fulfill their mission, and the MOU requires that the land management promptly review it, and approve it if the analysis supports it.⁷

Electronic surveillance and other proven technological solutions (such as the tethered blimp deployed on US 90 near Marfa, TX) should be considered prior to construction of new roads through wild country where those roads, notwithstanding their impact on the landscape, will be difficult and expensive to maintain.

Section 101(b) requires the land management agency to build the roads; and (d)(2) requires the land management agency to maintain them. I can say with conviction that there has never been enough money allocated to the agency budgets to maintain the current inventory of roads in national parks (and presumably other federal lands); and with the administration’s intent to significantly reduce federal budgets, this looks like it would be a significant unfunded mandate. To put this in real terms, Big Bend National Park alone had a Deferred Maintenance and Repair backlog of \$192 million⁸ in FY23, the largest component of which was road maintenance.

Section 101(d)(1)(B) requires the land management agency to allow unfettered access for local law enforcement officials carrying their official duties; and Section 103 authorizes the temporary placement of infrastructure on all covered Federal lands by the states without the opportunity for review by the land management agency⁹ or the need for a federal permit. Some border areas, including most of Big Bend National Park, have exclusive federal jurisdiction. Neither the local law enforcement nor the state have either legal jurisdiction or authority to enforce laws on these federal lands. I am concerned that this section creates ambiguities regarding both jurisdiction and authority for the federal land manager, and the presumption of approval by the land management agency, regardless of the potential impact or compatibility with other agency responsibilities, is troubling.

Section 101(f) requires compliance with NEPA and all other applicable laws and regulations, but it appears to be a foregone conclusion that many miles of new, high-standard roads are mandated by this bill. I have written environmental documents and recommended or approved many others in my career. While NEPA does not mandate the most environmentally sensitive outcome, it does require a fair, objective analysis and full disclosure of impacts. Federal land managers would find it virtually impossible to fully comply with the intent of NEPA, and their analysis, most likely, would have to be perfunctory at best.

Section 102 would amend the Wilderness Act, frankly, by eviscerating it. Subsection (A) would allow the Border Patrol to construct and maintain a variety of permanent installations, land aircraft, and use motor vehicles and other motorized equipment without so much as an analysis of their necessity or consultation with the land management agency. While these activities are normally prohibited by the terms of section 4(c) of the Wilderness Act, that same section allows for exceptions provided they can be shown to be “necessary to meet minimum requirements for the administration of the area for the purpose of [the] Act.”

The Minimum Requirement Analysis, very importantly, fosters collaboration between the proposing entity (in this case the Border Patrol) and the land manager. My experience, again, suggests this works. USBP proposed the deployment of several tactical radio installations in Big Bend’s recommended wilderness. NPS recognized that improving radio communications—provided the proposed technology would do what they hoped it would—would reduce migrant impacts on the national park, and would improve officer safety. I felt comfortable characterizing this as a “minimum requirement” for administration of the area. But my staff and I also viewed it as entirely appropriate to seek review of the proposed locations and technology by our agency’s electronic communications experts, who raised important questions about the efficacy of the proposed equipment to accomplish the USBP’s stated goals for the system. Questions the Border Patrol could not answer.

⁷ MOU, section III.B.6.

⁸ <https://www.nps.gov/subjects/infrastructure/deferred-maintenance.htm>—search for Big Bend

⁹ Section 103 does require that the state submit notice of its intent to the Secretary of the land management agency 45 days in advance, but gives the Secretary no authority to disapprove or request modification of the proposal if it is deemed necessary by the Commissioner of U.S. Customs and Border Protection.

Would it have been better to override the input of the NPS and allow the Border Patrol to install radio systems on remote mountaintops that analysis suggests would not work as intended? Would it have been better for the Border Patrol to install towers much taller than their own experts deemed essential, marring the distant Big Bend views so valued by the American people, rather than work with them to redesign their equipment configurations so they had minimum footprint and visual impact without compromising effectiveness?

I submit the system works as intended; perhaps both agencies simply need a prod to take it seriously and, of course, to work cooperatively and expeditiously to resolve legitimate questions. This is exactly what the 2006 MOU requires. The system would work even better if the land management agencies were fully staffed.

Subsection (B) directs that the Commissioner of the U.S. Border Patrol assure that any installation newly authorized under subsection (A) be carried out "in a manner that, to the extent possible, protects the wilderness character of the area." With no required oversight or coordination with the land management agency that actually has expertise in wilderness character, I cannot see how this would be effective.

Section 104 prohibits the Secretary of the land management agency from impeding activities of the Border Patrol within 100 miles of the Border to execute Search and Rescue (SAR) operations. In my experience, there is no problem that requires a legislative solution. We welcomed the Border Patrol doing SAR in the national park, and they were a force multiplier for my own staff. Any legislative language mandating access should restrict such SAR activities to those associated with Border Security or the safety of their own personnel, require timely consultation and coordination with the land management agency, and that the methods employed be guided by the 2006 MOU.

CONCLUSION

Title I of the proposed FLASH Act, in my professional opinion and that of the Coalition to Protect America's National Parks and the Association of National Park Rangers, takes a blunt, one-size-fits-all approach to border security that has the potential to irreparably degrade some of the most iconic, wild, and adored landscapes of the American Southwest borderlands. It would unnecessarily gut the protections of the Wilderness Act in federal borderlands. There's no evidence that this approach would provide additional border security. Coupled with the drastic reductions being made to federal budgets and the staffing of the land management agencies, the bill's unspecified but undoubtedly high cost for construction and maintenance of high-standard border roads is both infeasible and inefficient.

Thank you for your time and consideration of my remarks.

Mr. TIFFANY. Thank you, Mr. Krumenaker.

I would now like to introduce Mr. Larry Lopez, a lieutenant at the San Bernardino County Sheriff's Department. Lieutenant Lopez, you have 5 minutes.

STATEMENT OF LIEUTENANT LARRY LOPEZ, SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

Mr. LOPEZ. Thank you. Good morning, Chair Tiffany and members of the Committee. I am Lieutenant Larry Lopez, and I am honored to testify today on behalf of San Bernardino County Sheriff Shannon Dicus and our department.

We urgently need Federal support to combat the illegal activities plaguing our Federal lands, activities that endanger public safety, devastate our environment, and violate human rights. I strongly support H.R. 1820, the Federal Lands Amplified Security for Homeland Act, FLASH Act, which directly addresses the public safety crisis and environmental destruction caused by illegal operations on Federal lands, particularly in San Bernardino County, home to some of the largest and most vulnerable Federal lands in the country.

This legislation provides critical enforcement tools, stronger penalties, and enhanced collaboration between Federal and local agencies to dismantle organized criminal operations, prevent environmental destruction, and protect our communities.

Sheriff Dicus is a member of the Major County Sheriffs of America, which represent sheriffs of the most populous counties in the United States from both political parties. The threat from illicit cannabis operations on public lands is one of the major drug-related threats that law enforcement, public health, and families are facing every day.

To address these threats, MCSA has encouraged Congress to pass HALT Fentanyl Act to ensure law enforcement has investigative tools to deter fentanyl trafficking as much as possible. MCSA has also worked closely with Members of Congress on both sides of the aisle to push for the reauthorization of the High-Intensity Drug Trafficking Areas Program at the ONDCP. HIDTA provides resources that enable close collaboration among local, state, and Federal law enforcement to combat the most significant drug trafficking organizations, including the cartels that are linked to cannabis operations in our public lands.

I have been honored to serve in the San Bernardino County Sheriff's Department for 25 years, with assignments including corrections and patrol in rural communities within the Morongo Basin and Joshua Tree area. In addition to patrol, I have served multiple ranks in specialized capacities, including our specialized enforcement division, or SWAT, and our gangs and narcotics division. I am proud to be the recipient of the San Bernardino County's Frank Bland Medal of Valor, the California Peace Officers' Association Medal of Valor, the Governor's Public Safety Officer Medal of Valor, and the Congressional Badge of Bravery for my involvement in the Christopher Dorner Manhunt in 2013.

In 2022, I was promoted to the rank of lieutenant, and I am currently assigned to the Gangs Narcotics Division. In this position, I oversee the daily operations of Inland Regional Narcotics Task Force, the Overdose Response Team, the Electronic Surveillance Unit, the Marijuana Enforcement Team, and the High-Tech Detail.

Given my role in law enforcement and my knowledge with San Bernardino County's Federal lands, I can speak to the unique challenge we face in enforcing the laws across such a vast and remote region.

For context, the San Bernardino County is the largest county in the continental United States, with a land mass of over 20,000 square miles, larger than New Jersey, Connecticut, Delaware, and Rhode Island put together. San Bernardino County is a diverse geographical region with large valleys, mountainous terrain, and expansive desert regions. We are also home to two of the most populated national forests, the Angeles National Forest and the San Bernardino County National Forest, approximately 80 percent of the land mass of San Bernardino County is made up of Federal lands, the 2.2 million citizens we serve and 66 communities in collaboration with our municipal police departments. Our residents are primarily isolated and surrounded by Federal lands in mountain regions and desert areas. This means that San Bernardino County is often impacted by law enforcement activities and

federally mandated search and rescue activities that the Sheriff's Department responds to with assistance from our fire district.

As it relates to the FLASH Act, I want to bring up a significant issue associated with San Bernardino County's rural desert regions, which encompasses Federal lands like the Mojave National Preserve, Joshua Tree National Park, and areas near the Marine Corps Air Ground Combat Center in Twentynine Palms. This base is currently home to one of the largest military training areas in the nation. The Mojave Viper program has become the pre-Operation Iraqi Freedom deployment training model at the base. The majority of the units in the Marine Corps deploying to Iraq were trained at Mojave Viper or mixed venue using the Mountain Warfare Training Center for Afghanistan.

In recent years, we have seen an increase of illegal cannabis cultivation in these regions. The FLASH Act includes provisions in Section 211 establishing robust response initiatives with local jurisdictions, law enforcement, and fire agencies to increase fines and penalties.

Section 211 would also establish the Trespass Cannabis Cultivation Site Response Initiative, under which the Secretary concerned must conduct an environmental response on land under jurisdiction in response to illegal cultivation of cannabis.

Mr. TIFFANY. Sir, could you wrap up your testimony, please?

Mr. LOPEZ. Yes, sir.

In conclusion, our challenges in San Bernardino County, particularly on our Federal lands, are urgent and complex. Illegal cannabis cultivation driven by organized crime is wreaking havoc on our environment and our communities. These operations threaten public safety, fuel human trafficking, and introduce toxic chemicals into our ecosystem, putting both local wildlife and consumers across the nation at risk.

While committed to addressing these issues, local law enforcement is stretched too thin and lacks the legal authority to combat this problem entirely.

The FLASH Act offers a vital solution by providing more substantial penalties, Federal resources, and better coordination between Federal and local agencies. This legislation will empower us to dismantle these criminal enterprises and protect our national lands.

I urge this Committee to support the FLASH Act and give law enforcement the tools we need to secure our borders, safeguard our environment, and restore our safety to our communities. Thank you for having me.

[The prepared statement of Mr. Lopez follows:]

PREPARED STATEMENT OF LIEUTENANT LARRY LOPEZ, SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

Good morning, Chair Tiffany (R-Wis.), Ranking Member Neguse (D-CO), and members of the committee:

My name is Lieutenant Larry Lopez, and I am honored to testify today on behalf of San Bernardino County Sheriff Shannon Dicus and our department. We urgently need federal support to combat the illegal activities plaguing our federal lands—activities that endanger public safety, devastate our environment, and violate human rights.

I strongly support H.R. 1820, the Federal Lands Amplified Security for the Homeland Act (FLASH Act), which directly addresses the public safety crisis and environmental destruction caused by illegal operations on federal lands—particularly in San Bernardino County, home to some of the largest and most vulnerable federal lands in the country.

This legislation provides critical enforcement tools, stronger penalties, and enhanced collaboration between federal and local agencies to dismantle organized criminal operations, prevent environmental destruction, and protect our communities.

Sheriff Dicus is a member of the Major County Sheriffs of America (MCSA), which represents sheriffs of the most populous counties in the United States from both political parties. The threat from illicit cannabis operations on public lands is one of many drug-related threats that law enforcement, public health, and families are facing every day. To address these threats, MCSA has encouraged Congress to pass the HALT Fentanyl Act to ensure law enforcement has investigative tools to deter fentanyl trafficking as much as possible. MCSA has also worked closely with many Members of Congress on both sides of the aisle to push for the reauthorization of the High-Intensity Drug Trafficking Areas (HIDTA) Program at the Office of National Drug Control Policy (ONDCP). HIDTA provides resources that enable close collaboration among local, state, and federal law enforcement to combat the most significant drug trafficking organizations, including the cartels that are linked to cannabis operations on our public lands.

LT. LOPEZ BACKGROUND

I have been honored to serve in the San Bernardino County Sheriff's Department for 25 years with assignments including corrections and patrol in rural communities within the Morongo Basin and Joshua Tree area. In addition to patrol, I have served multiple ranks in specialized capacities, including our Specialized Enforcement Division or SWAT team and our narcotics division. I'm proud to be the recipient of the San Bernardino County Sheriff's Department Frank Bland Medal of Valor, the California Peace Officers' Association Medal of Valor, the Governor's Public Safety Officer Medal of Valor, and the Congressional Badge of Bravery for my involvement with the "Christopher Dorner Manhunt in 2013.

In 2022, I was promoted to Lieutenant and am currently assigned to the Gangs and Narcotics Division. In this position, I oversee the daily operations of the Inland Regional Narcotics Task Force, the Overdose Response Team, the Electronic Surveillance Unit, the Marijuana Enforcement Team, and the High-Tech Detail.

Given my role in law enforcement and my deep familiarity with San Bernardino County's federal lands, I can speak to the unique challenges we face in enforcing the law across such a vast and remote region.

SAN BERNARDINO COUNTY BACKGROUND

For context, San Bernardino County is the largest County in the continental United States, with a land mass of over 20,000 square miles—larger than New Jersey, Connecticut, Delaware, and Rhode Island put together.

San Bernardino County is a diverse geographical region with large valleys, mountainous terrain, and expansive desert regions. We are also home to two of the most populated national forests—the Angeles National Forest and the San Bernardino County Forest. Approximately 80 percent of the land mass of San Bernardino County is made up of federal lands—the 2.2 million citizens we serve in sixty-six communities in collaboration with our municipal police departments. Our residents are primarily isolated and surrounded by federal lands in mountain regions and desert areas. This means that San Bernardino County is often impacted by law enforcement activities and federally mandated search and rescue activities that the Sheriff's Department responds to with assistance from our fire district.

ILLEGAL CANNABIS CULTIVATION IN DESERT REGIONS

As it relates to the FLASH Act, I want to bring up a significant issue associated with San Bernardino County's rural desert regions, which encompass federal lands like the Mojave National Preserve, Joshua Tree National Park, and areas near the Marine Corps Air Ground Combat Center and Marine Air Ground Task Force Training Command located in Twentynine Palms. This base is currently home to one of the largest military training areas in the nation. The Mojave Viper program has become the pre-Operation Iraqi Freedom deployment training model at the base. The majority of units in the Marine Corps deploying to Iraq were trained at Mojave Viper or a mixed venue using the Mountain Warfare Training Center for Afghanistan.

In recent years, we have seen a proliferation of illegal cannabis cultivation in this region. The FLASH Act includes provisions in Section 211 establishing robust

response initiatives with local jurisdictions, law enforcement, and fire agencies to increase fines and penalties.

Section 211 would also establish the Trespass Cannabis Cultivation Site Response Initiative, under which the Secretary concerned must conduct an environmental response on lands under their jurisdiction in response to the illegal cultivation of cannabis.

With a region as vast as San Bernardino County, we have found that National Forest land cannabis grows are extremely labor-intensive for our Deputy Sheriffs.

This is critically important because the laws in California as they relate to cannabis are governed by the 2016 ballot measure called Proposition 64. Proposition 64 downgraded the illegal cultivation of cannabis from a felony to a misdemeanor, reducing deterrence and stripping local law enforcement of the ability to impose severe penalties. Without federal statutes like those proposed in the FLASH Act, we lack the authority to prosecute cartel-linked operations effectively. This Act would give us the tools to impose real consequences on those destroying our lands and exploiting vulnerable individuals.

These illicit grows are nothing like what you might be expecting—an episode of Breaking Bad—they are full-grade industrial operations with links to cartel organizations and human trafficking operations. As publicized in the news in recent months, cartel operations millions of dollars on illicit cannabis as well as utilizing slave labor for subjects from Mexico coming to the United States and seeking assistance to cross the border from cartel organizations—if these subjects cannot pay the cartels to go to the U.S., we believe they are being subjected to slave labor at illegal cannabis operations in regions like ours to pay off a debt to the cartel. This is a travesty to human rights and basic dignity.

ILLEGAL CANNABIS IMPACT ON THE ENVIRONMENT

These illegal cannabis operations are not interested in protecting our unique desert environment; they are only motivated by profit from slave labor but also utilizing chemicals that are not legal—including compounds of carbofuran that have a level of toxicity that has the potential to harm consumers of cannabis. Carbofuran is considered one of the most toxic pesticides. It is classified as a highly hazardous substance in the United States as defined in Section 302 of the United States Emergency Planning and Community Right-To-Know Act. This has effectively banned the use of the toxic substance in the U.S., which indicates that cartels are smuggling this pesticide across the U.S.-Mexico Border.

Research conducted by the Integral Ecology Research Center¹ has found traces of carbofuran in streams, rivers, and animals, including at-risk species such as Pacific fish. 1/4 of a teaspoon of carbofuran can be fatal to humans.

Illegal cannabis operations on federal lands don't just harm our local environment; the contaminated cannabis they produce often ends up in states where marijuana is still illegal, endangering consumers nationwide. The toxic chemicals in these operations flow through our rivers and streams, impacting species far beyond our county. The FLASH Act addresses these issues nationally, making it a critical legislation for every American.

One of the most important portions of the FLASH Act is the provisions located in Section 212—which creates additional federal criminal penalties that we don't have under California statute for the use of banned pesticides and rodenticides during the commission of a federal offense, with a maximum sentence of 10 years in addition to the punishment for the original offense.

CARBOFURAN AND PUBLIC HEALTH FOR CANNABIS CONSUMERS

According to research from the LA Times², illegally smuggled carbofuran from Mexico to the U.S. is used on 90% of marijuana grown on public land in California. Illicit cannabis contaminated with carbofuran from California is a significant source of marijuana in states where it remains illegal.

As this problem proliferated throughout our region in San Bernardino County, some of our northern counties in California, like Siskiyou and Humboldt County, also saw the same thing because there were virtually no consequences in California law under Proposition 64.

Recently, the Los Angeles Times³ tested twenty-five cannabis products that were purchased from California-legal retail stores and had tested at private labs, which

¹ <https://www.latimes.com/environment/story/2019-08-28/cannabis-california-national-forests-environment>

² <https://www.latimes.com/environment/story/2019-08-28/cannabis-california-national-forests-environment>

³ <https://www.latimes.com/california/story/2024-06-14/the-dirty-secret-of-californias-legal-weed>

showed concentrations of pesticides above levels that the state allows or at levels that exceed federal standards for tobacco. The contaminants (Chlorfenapyr, Pymetrozine, Trifloxystrobin, Bifenazate, and Chlorpyrifos) include chemicals tied to cancer, liver failure, thyroid disease, and genetic and neurological harm to users and unborn children. These harmful pesticides, many of which originate from China, are being smuggled into the United States and used in illegal cannabis cultivation on public lands.

Seized cannabis from illegal grows in San Bernardino and Siskiyou counties has been traced to licensed facilities in Oregon and California, revealing a dangerous contamination risk. Many of these samples are coming back with these harmful pesticides that are originating on our public lands and inundated the legal market, creating a public health situation where users of cannabis believe that their cannabis is "legal" and safe, but it is not safe. These pesticides are avoided detection by labs because states like California do not require labs to test foreign-labeled pesticides. After all, we shouldn't be using them. This poses a severe public health threat and contributes to environmental degradation.

OPERATION HAMMER STRIKE

As this problem became more prevalent in our County, with over 1,400 reports from residents of cannabis cultivations, Sheriff Dicus established Operation Hammer Strike with support from the San Bernardino County Board of Supervisors in August of 2021.

Operation Hammer Strike is a years-long operation targeting illegal marijuana cultivation and yielded the following results:

- 1,496,906 marijuana plants eradicated
- 194,821 pounds of processed marijuana seized
- \$3,631,667.00 U.S. Currency seized
- 33 tetrahydrocannabinol (THC) labs mitigated
- 363 firearms seized
- 1,379 arrests made
- 1,087 search warrants served
- 8,771 greenhouses cleared

As of September 2024, we have two Marijuana Enforcement Teams, and we estimate we still have approximately 100 illegal cannabis cultivation sites in San Bernardino County.

CONCLUSION

In conclusion, our challenges in San Bernardino County—particularly on our federal lands—are urgent and complex. Illegal cannabis cultivation, driven by organized crime, is wreaking havoc on our environment and our communities. These operations threaten public safety, fuel human trafficking, and introduce toxic chemicals into our ecosystems, putting both local wildlife and consumers across the nation at risk. While committed to addressing these issues, local law enforcement is stretched too thin and lacks the legal authority to combat this problem entirely.

The Federal Lands Amplified Security for the Homeland (FLASH) Act offers a vital solution. By providing more substantial penalties, federal resources, and better coordination between federal and local agencies, this legislation will empower us to dismantle these criminal enterprises and protect our national lands. I urge this Committee to support the FLASH Act and give law enforcement the tools we need to secure our borders, safeguard our environment, and restore safety to our communities. Thank you for your time and consideration.

Mr. TIFFANY. Thank you, Lieutenant Lopez.

Now we will take Members' questions. I am going to start out with my 5 minutes of questioning here.

First of all, though, I want to recount the visit a year ago that I made down to the Tucson region and south of Tucson, where we had the hearing in Sierra Vista. And as you can see in the picture to my right here, we found all kinds of trash, human waste. It is the reason, the genesis, of the TRASHED Act that you see in this legislation that we are considering today.

I find it amazing that we have allowed millions of pounds of trash to be spread across these areas like the Coronado National Forest. I believe, Sheriff Cleveland, you commented about you perhaps worked in that sector. And I find it amazing that this was simply allowed to happen under the Biden administration.

My colleagues on the other side of the aisle talk consistently about protecting the environment. And if there is as much as a capful of oil that is spilled on a drilling site, there is an immediate reaction. Yet we see this degradation that is going on on some of our public lands and not a peep was said. Because it stood in the way of the narrative of the Holy Grail, which was to import as many people illegally into this country as possible, even at the cost to our environment. I find it amazing.

But I would point out one other thing on that trip. We happened to stop at a hotel that had been turned into a halfway house in Tucson by one of the NGOs that were profiting from illegal immigration. One of the NGOs that was one of the vital links in the chain, as well as the cartels, the International Organization for Migration, other entities that made illegal immigration a big business on both sides of the border.

We found in that Tucson hotel exactly what was happening in Arizona. And we exposed it to the world. And it was amazing how the footage that we shot at that hotel in Tucson went viral showing how many people were profiting off of illegal immigration, including some who claimed to be doing it for charitable purposes. Hopefully, that day is gone now forever.

To that point, are things changing? Sheriff Cleveland, we have seen a new administration since January 20. Tell us, are things changing on the southern border?

Sheriff CLEVELAND. One hundred percent. It is night and day. It has been a complete 180.

I have anticipated activity in our county to start picking up. I am not sure that I mentioned but again the activity we have in our area pales in comparison to many parts of the U.S.-Mexico border. But between Del Rio, Texas, to El Paso, Texas, we are the busiest county and the busiest Border Patrol station. And I anticipated with the plus up of Department of Defense personnel on our side as well as the Mexican National Guard on the south side, it would push activity to our area, because we are a more rural area. But we have seen very few groups.

We have seen the numbers, less than 300 apprehensions made across the Southwest border. What it shows, I know I have said before in interviews, a lot of times we say, what a difference a year can make. But I will tell you what a difference one person has made with President Trump's voice that has completely changed the dynamics on the Southwest border.

Mr. TIFFANY. So, yes or no, things have completely changed on the southern border since 2024?

Sheriff CLEVELAND. Yes, completely changed.

Mr. TIFFANY. Mr. Perez, has Border Patrol seen a change since January 20?

Mr. PEREZ. One hundred percent, sir. Our posture has completely changed from a processing and facilitating workforce to a detecting and deterring workforce, where we are out there doing the job that

we wanted to do by protecting the border, having all of our agents out on the lane, forward deployed. Yes, sir.

Mr. TIFFANY. Border Patrol currently has to respect legal restrictions associated like with wilderness areas; is that correct?

Mr. PEREZ. Yes, sir.

Mr. TIFFANY. Do illegal immigrants also respect those rules and regulations that are supposed to be down on the southern border?

Mr. PEREZ. Not at all. They actually take advantage of it.

Mr. TIFFANY. My final question I am going to save for Lieutenant Lopez. So has legalization of marijuana made it less likely for the cartels to be growing marijuana in your state of California?

Mr. LOPEZ. It is not less likely; it is more likely.

Mr. TIFFANY. And do you find a significant number of chemicals with marijuana grows? I think about it. It was happening in my state, in Wisconsin, northern Wisconsin a number of years ago, and they found these very dangerous chemicals that were out in the environment. Do you find the same thing in California?

Mr. LOPEZ. Yes, sir, we do.

Mr. TIFFANY. With that, my 5 minutes are up. And I want to thank all of you for joining us.

Next, I turn to Dr. Dexter for her questioning for 5 minutes.

Dr. DEXTER. Thank you, Mr. Chair, and thank you all for coming today.

As a physician and mother, I think every day about the world we are leaving behind for our children, and I sit here on this Committee because I care deeply about public lands. We should be working together, as many of us have talked about today, to protect our public lands. I would argue it is not the place to pushing a cruel and unnecessary immigration agenda that is minimally relevant to the work of this Committee.

Instead of addressing environmental challenges or actually staffing our parks and forests to keep them safe and clean, this Administration is using funds and resources to fuel anti-immigration policies. Just look at Guantanamo Bay, where over a thousand security forces and civilians are assigned to ongoing operations. This is a clear pattern.

My Republican colleagues are diverting resources away from urgent priorities like delivering the services and benefits our veterans bled for, while putting them toward an agenda that puts our most vulnerable at risk and ignores civil rights and gives billionaires tax cuts.

That is why I am looking for answers. I am demanding to know why Donald Trump is detaining immigrants with no criminal record in a maximum-security prison. I am demanding to know why Trump is refusing to give those detained due process. And I am demanding to know why, in a committee that is tasked with protecting our public lands, this is the focus of today's hearing.

To add insult to injury, we are holding this hearing while the Trump-Musk administration continues to fire thousands of workers at the Department of the Interior, Forest Service, and national parks. And will we hear from those agencies about what that is doing to their ability to carry out their missions? No. Because my Republican colleagues have declined to invite them.

It is my understanding that last Congress, the U.S. Forest Service testified before this Committee that implementing the legislation before us today would require an up-front investment of \$40 million to \$60 million, plus annual maintenance costs of up to \$280,000.

Mr. Krumenaker, with 1,000 job cuts at the National Park Service and 3,400 at the U.S. Forest Service, do these agencies have the capacity to implement a project of this scale?

Mr. KRUMENAKER. We do not have capacity. We are down staff even before the Trump administration began.

Dr. DEXTER. OK. And this bill before us today would also allow border states to place temporary, movable structures such as shipping containers along the southern border, without requiring a special use permit. We have already seen the devastating consequences of this approach. Between 2017 and 2021, Arizona stacked 922 shipping containers along three and a half miles of the U.S.-Mexico border in the Coronado National Forest, deep in the Huachuca Mountains. A GAO report later found that this project caused irreparable harm, damaged cultural sites, contaminated water sources, and endangered wildlife.

Mr. Krumenaker, if this bill were to become law, how would the fragile habitats and ecosystems protected by our public lands be impacted?

Mr. KRUMENAKER. I will speak primarily to what I know of Big Bend National Park. The bigger concern that I have, frankly, in addition to the environmental issues that you just mentioned, is the fact that Big Bend National Park and many other old line national parks have exclusive Federal jurisdiction. So right now, neither the state of Texas nor local law enforcement, both of whom we cooperate with very well, have the authority to actually enforce laws within the national park. And so I think this law would create huge ambiguity in terms of who has the authority and responsibility for that.

In addition, placing barriers without any input from the National Park Service, there is no expertise in environmental issues, in wildlife, in watersheds, or in public use. And so Big Bend National Park, the border is part of the visitor experience. It is also a major factor for wildlife crossings. And so indiscriminate placement of infrastructure that may or may not be helpful to the border issue and, like Sheriff Cleveland said, we do not have that many immigrants that go across through there because of the terrain in Mexico, which is frankly unyielding, I think it would be mostly a show, as opposed to something that would be effective. And it would do all sorts of harm to the national park and to the American people's experience in that national park.

Dr. DEXTER. Excellent. And I appreciate my colleague, Mr. Westerman's, points and concerns about the protection of sensitive lands. Is it your opinion that cutting staff will help improve fragile land protection and cleaning up of garbage and other things along our borders?

Mr. KRUMENAKER. Trash is not merely an immigrant problem. It is a problem whenever there are people on the border. So Big Bend National Park and other public lands have trash challenges. And we do not have enough people.

And so I know at least within the area that I was responsible for, we did not see large piles of immigrant trash. We had trouble collecting the trash that the visiting public generated. And Big Bend National Park had a landfill inside the national park, one of only two that does.

So lowering the amount of trash is an excellent idea. I do not see how creating more penalties on those who already are violating the law by dropping trash in national parks, whether they are American citizens, visitors, or the immigrants, I do not see how that will make a difference. Having enough people to actually collect the trash and to enforce the existing laws, that would make a huge difference.

Dr. DEXTER. Thank you. I yield back, Mr. Chair.

Mr. MCCLINTOCK [presiding]. Thank you.

I will now recognize myself for 5 minutes.

I am shocked by the testimony we just heard. I have personally seen this enormous garbage patch that stretches across the southern border. The problem is illegal aliens do not only disobey our immigration laws, they also disobey our environmental laws with impunity. The piles of garbage that have been left behind are a major blight and a monument to the hypocrisy of the left. And to posture as a guardian of our Federal lands and not recognize that is appalling to me. It leads me to believe the Democratic witness has either not been there or just does not care.

But that is the least of the damage of deliberately trafficking eight million unvetted and impoverished illegal aliens into this country. The mass migration has overwhelmed our public schools, our public hospitals, our food pantries, our homeless shelters. They forced down wages for working American families. Supporting this impoverished population costs American taxpayers about \$160 billion a year. Think of that as about \$1,300 of your taxes, as an average household, every year. Worst of all, it has introduced into our cities the most violent criminal gangs and cartels on the planet, often shielded from deportation by the Democrat sanctuary laws. And yet it appears from what we just heard the Democrats are still supporting these policies.

One of the most appalling obstacles to enforcing our immigration laws has been the restrictions and the obstacles placed in the way of the Border Patrol by environmental regulations that hamper their operations along the border.

Mr. Perez, has the environment on our Federal border lands improved over the last 4 years, now that eight million illegal aliens were allowed to cross into our country and leave their garbage behind them?

Mr. PEREZ. Not at all, sir.

Mr. MCCLINTOCK. What have you observed?

Mr. PEREZ. Well, in a lot of these areas, these restrictions, they do not allow us free reign to patrol those areas, so the cartels take advantage of our inability to go in and patrol. We can only enter a lot of these under emergency situations. And because of that, we are not able to go out there and detect or deter.

Mr. MCCLINTOCK. I made probably 10 trips to the border over the last 4 years. And the amount of garbage that has piled up is just appalling. Have you seen the same thing?

Mr. PEREZ. Yes, sir, everywhere I have worked I have seen the same thing.

Mr. MCCLINTOCK. And that is not American tourists; those are illegal migrants who are not only thumbing their noses at our immigration laws but also our environmental laws.

So the Democratic policies have not only harmed the environment. Let's talk about our immigration laws. Without enforcing those laws, we have no immigration laws. Without immigration laws, we have no border. And without a border, we have no country.

So, Mr. Perez, could you elaborate on the impediments that these environmental regulations have imposed on your agency's ability to enforce our immigration laws?

Mr. PEREZ. Yes, sir. Like I said, we are not able to get in and access all of this land. We are not able to put the tactical infrastructure such as portable radio repeaters, cameras, anything that would allow us to better secure the border and detect anybody coming across. So the cartels, they take advantage of that. They are able to cross people, they are able to cross drugs, and they are also able to cross southbound money and weapons as well. So they do not follow the laws, they do not follow the regulations that our agents have to follow. So it is an impediment.

Mr. MCCLINTOCK. Sheriff Cleveland, the sheriff of Tulare County testified before the Immigration Subcommittee recently and estimated that about half of the crime that he is now dealing with in Tulare County, California, is generated by migrants, including the notorious Sinaloa Cartel, which actually has assassination teams that go after the enemies of their gang.

This comports with NYPD that was estimating that about two thirds of the crime that they are dealing with in Manhattan is migrant related. I think half or so in Queens.

What are you seeing in your county?

Sheriff CLEVELAND. As I mentioned, I retired as a Border Patrol agent in my county. I spent the last 11 years there. And I can tell you I have arrested more illegal aliens, not only as a border patrol agent, but as a sheriff, that have criminal records. Do they all have criminal records? No. But many of them do.

Mr. MCCLINTOCK. Well, the Democrats, as the President pointed out, told us there is nothing they can do about that, as they deliberately trafficked eight million illegal aliens into our country. I think the President was right, we did not need new laws, we needed a new President. We got one, and we have seen a decrease of 95 to 97 percent of illegal border crossings, thank God.

I am out of time. Who do we have next?

Ms. Leger Fernández.

Ms. LEGER FERNÁNDEZ. Thank you so much, Mr. Chairman. And thank you, witnesses, for coming today. And I must say that I agree that we have a crisis on our public lands, but it is a crisis that President Trump and Elon Musk are causing, through their actions to dismantle our Federal land management agencies like the Forest Service, the National Park Service.

You know, the Forest Service was already understaffed and underfunded before Trump and Musk, that unelected billionaire, fired 3,400 of their workers across the country. You know USDA

has not released the exact numbers, and I would note that there is no Trump administration official here, right? No, none at all. So we cannot ask them exact questions. Right? The same way Republicans are refusing to do town halls because their voters will start asking them questions, we cannot ask the Trump administration these questions. But we think it is about 30 percent of the workers in the Santa Fe National Forest, who I represent, have been terminated.

Representative Ciscomani, who introduced the FLASH Act, is not a stranger to these firings. His district is home to nearly 15,000 Federal workers. And the Trump cuts are hurting the Coronado National Forest. In fact, Trump fired the only hydrologist in the whole forest. The only hydrologist in the whole forest. And for those of us who live in the Southwest and enjoy our mountains and our forests and know the problem with drought and the importance of water, to fire the only hydrologist is irresponsible.

Mr. Chairman, I would like to ask unanimous consent to enter into the record an article titled Fired U.S. Forest Service Worker at Coronado National Forest Speaks Out.

Mr. MCCLINTOCK. Without objection.

[The article follows:]

Fired U.S. Forest Service worker at Coronado National Forest speaks out

Danelle Scott is one of 2,000 probationary employees fired to eliminate wasteful spending, according to the U.S. Department of Agriculture.

By: Maria Staub

Posted 10:55 PM, Feb 28, 2025 and last updated 6:26 PM, Mar 04, 2025

** Editor's note: This article has been updated since the video originally aired. New information from the USDA on prescribed burns is not reflected in the video above.*

TUCSON, Ariz. (KGUN)—Thousands of probationary U.S. Forest Service workers across the country are navigating life after being fired as the Trump administration continues cutting federal jobs.

One of those employees is Danelle Scott, who said she was the only hydrologist working for the entire Coronado National Forest. Now, she has concerns about forest maintenance and wildfire control.

“My first thought was how does a mom support two kids without an income?” Scott said.

After years of wildland firefighting, Scott moved from Michigan to Tucson in January 2024 to begin working full-time as a hydrologist for the Coronado National Forest, which spans 1.78 million acres.

“I fell in love with the area, fell in love with the job,” Scott said.

She secured water rights for the forest for wildlife and recreation purposes.

“Here we don’t have a lot of water, so it’s really important that we manage the waters that we have,” Scott said.

Last summer, she served as the Burned Area Emergency Response Specialist, collecting data on three active fires and running models to identify areas at risk for potentially deadly flooding.

But after more than a year in her role, a phone call on a Sunday ended her career.

“They said you’re fired. And my 11-year-old ran off crying,” Scott recalled. “Then they called 30 minutes later and said, ‘Wait, no, never mind. We refreshed the list, and now you’re not on it.’ Then they called Monday morning and said, ‘Wait, no, never mind. You are fired. Come in on Tuesday and turn in all your stuff.’”

When she arrived at work, she saw an email firing her for her performance. But, less than a month before, she said she had received a fully successful performance appraisal.

Scott is one of 2,000 probationary employees fired to eliminate wasteful spending, according to the U.S. Department of Agriculture. She said she knows of three others also fired from Coronado National Forest.

A USDA spokesperson said in a statement:

"Secretary Rollins fully supports the President's directive to improve government, eliminate inefficiencies, and strengthen USDA's many services to the American people. We have a solemn responsibility to be good stewards of the American people's hard-earned taxpayer dollars and to ensure that every dollar spent goes to serve the people, not the bureaucracy."

As part of this effort, USDA has made the difficult decision to release about 2,000 probationary, non-firefighting employees from the Forest Service. To be clear, none of these individuals were operational firefighters. Released employees were probationary in status, many of whom were compensated by temporary IRA funding. It's unfortunate that the Biden administration hired thousands of people with no plan in place to pay them long term. Secretary Rollins is committed to preserving essential safety positions and will ensure that critical services remain uninterrupted."

But Scott is concerned the job cuts could increase the chances of wildfires.

"We had funding that was appropriated by Congress to do prescribed burning to reduce fuels ahead of the fire season, and those monies were seized and we were given directives not to do any prescribed burning," Scott said.

A USDA spokesperson said there has been no order to stop prescribed fires on the Coronado National Forest.

"In the last two weeks, the Coronado National Forest has completed more than 1,000 acres of prescribed fire with more active management activities planned as conditions allow," the spokesperson said. "Active management continues across all national forests and grasslands, including hazardous fuels reduction projects and prescribed fires. Protecting the people and communities we serve, as well as the infrastructure, businesses, and resources they depend on to grow and thrive, remains a top priority for the USDA and the Forest Service."

In the meantime, Scott is searching for her next job.

"It's been really stressful, very anxious. Just appealing and applying," Scott said. "A lot of people have really rallied, but it would be better if I just didn't lose my job."

Ms. LEGER FERNÁNDEZ. How can we expect agencies to manage our Federal lands in the wake of these cuts alone, and then add more unfunded work to their plate as this bill would do? The bill we are considering today would add nearly 600 more miles of new roads for Federal land management agencies to maintain. And guess how much money it provides for the maintenance of those new roads? Nada, zero. So you are adding roads. Who is going to build those roads? How are you going to maintain those roads? Because there is no more new money.

In fiscal year 2023, the National Park Service reported over \$8 billion in deferred maintenance on its roads alone.

Mr. Krumenaker, as a longtime leader in the National Park Service, how do you see the unfunded projects in this bill impacting the Agency's ability to maintain its current services?

Mr. KRUMENAKER. The Park Service cannot maintain its current services now with the existing staff. And in fact, it is not just the recent cuts, which are estimated at about 9 percent of the staff. Since 2010, the Park Service is down about 16 percent in staff, and visitation has skyrocketed. So the ratios are going in exactly the wrong direction.

So Big Bend National Park lost about nine people, which is about 10 percent of its workforce, since January 20, and right now has no maintenance supervisors at all. So still has to deal with spring break and visitors, half a million visitors a year. And then you are looking at a deferred maintenance workload in Big Bend alone of \$192 million. And so the park is falling behind now.

And then to add additional roads, construction and maintenance in a desert environment where it is subject to flash floods and unstable soils, it just does not seem possible to me.

Ms. LEGER FERNANDEZ. Right. And I think that we all agree that we need to address the fentanyl issues, right? But we also know that fentanyl is coming in in the ports of entry. Smuggled in by American citizens for the most part. So we need to invest in the technology in the places where we will be able to capture that fentanyl and not put this undue burden in order to just make a big to-do, when we are not actually funding the work that will solve the problem. And that is what I have with this bill, is it is not the solution that we need. And there is no money that goes along with it.

And they are going to vote on a funding bill, the Republicans are, that gives Musk and Trump the ability to cut whatever they want. And I think that is a problem.

Mr. MCCLINTOCK. The gentlelady's time has expired.

Ms. LEGER FERNÁNDEZ. Thank you very much, Mr. Chairman.

Mr. MCCLINTOCK. Mr. Fulcher.

Mr. FULCHER. Thank you, Mr. Chairman.

You know, I just cannot help but comment to my friends on the other side of the aisle, the Trump administration has been in place about 6 weeks. We have had an open border for 4 years. And so to try to hang this on the Trump administration or Elon Musk, that is beyond a stretch, Mr. Chairman. And I would think that would be obvious to most people, but apparently not. So I just needed to add that to the record.

I have a question for Mr. Perez. But I just wanted to point out there is a personal connection all over the country for this. And with the FLASH Act, we are attempting to ensure Border Patrol has full access to Federal lands. And even in my home state of Idaho, which is not a southern border, we are actually a northern border state, but we have had the impacts of this substantially. We have, in 2023 alone, 264 deaths related to fentanyl. And we have had 568 emergency department visits due to opioid overdose. And there were some deaths that occurred as a result of that, too. So this is impacting all of us in a very significant way.

And in your written testimony, Mr. Perez, you mentioned that you have greater access to privately held border lands through partnerships, which is understandably frustrating. Could you just expand on that? And then what do you mean by that? And forgive some of us, by the way, because we have dueling committees. So if this is a repeat, forgive me for that. But please talk about that, through these partnerships.

And then also, have there been cases where these restrictions to Federal land have led to known escapes or the inability to apprehend?

Mr. PEREZ. Yes, sir. And thank you for the question.

So the partnerships that we have developed with ranchers that have privately owned land, they will allow us to patrol their ranches. You know, they benefit from it as well. They allow us to patrol the ranches, place infrastructure such as sensors, cameras. They allow us to go in and actually interdict groups of aliens that are coming across with smugglers and also interrupt cartel activity.

What we encounter on Federal lands is we have to get permission to actually patrol. They will allow us in an emergency situation to get onto the land and go across country if we have to, either with ATVs or vehicles, but that is only in an emergency situation. So what happens is the cartels take advantage of that fact and they are able to operate in those areas without us being able to interdict them, because we do not have the ability to go on there without an emergency being present.

Mr. FULCHER. So if I understand correctly, there is at least a time delay? There might be an emergency access provision, but there is a time delay that could be harmful?

Mr. PEREZ. Absolutely. It does not allow us to effectively patrol those areas.

Mr. FULCHER. Mr. Perez, my friends on the other side of the aisle are arguing as well that the increasing Border Patrol access to Federal lands could harm the environment. Now I picked up on some of the conversations about the environment and the environmental concerns. But what is your perspective on how we should prioritize this argument of environmental concerns over security?

Mr. PEREZ. Well, the priority should always be security. The amount of people that have been let into this country unvetted is a very scary notion for anybody in the country to understand, that we had no way to vet the millions of people that we let in. And so as you well know, there are criminals out there, there are gang members. The Administration right now is doing everything they can to apprehend and remove them. But because we were not allowed to do the job for the last 4 years, it has become a critical situation.

Mr. FULCHER. Thank you for that.

A quick question for the sheriff. Sheriff, you mentioned in your testimony that the smugglers frequently change their tactics. What we are trying to do with this FLASH Act is to increase access so that we can get access to Federal lands. Do you anticipate as a function of this cartels shifting their routes deeper into private lands or possibly into more urban areas?

Sheriff CLEVELAND. No, sir, I perceive them going to the remote areas. As a matter of fact, down in Big Bend National Park, where we spoke of, just a few days ago there was another group apprehended out in that way. We do not see a lot of activity in that specific area. But we do anticipate more activity in more of those rural areas versus those more urban-to-urban environments on both sides of the border.

Mr. FULCHER. Thank you for that. Thank you for your service collectively.

Mr. MCCLINTOCK. Will the gentleman yield?

Mr. FULCHER. The gentleman will yield.

Mr. MCCLINTOCK. I just wanted to point out regarding the staffing levels that in 2023, 34 percent of the National Park Service employees were still working from home.

Mr. FULCHER. I guess that substantiates my point, Mr. Chairman. Thank you, and I yield back.

Mr. MCCLINTOCK. Mr. Bentz.

Mr. BENTZ. Thank you, Mr. Chair. And thank you all for being here.

Sheriff Cleveland, I would like to talk about your space. I think you note that the size of your county is large. I am familiar with large spaces. My district, I think, is the second largest congressional district in the United States that is not a full state. So I understand broad, huge, open space. I think mine is 72,000 square miles.

I notice that you have about 54 miles of international border with Mexico. And then it takes care of about 91 miles. The bill suggests that we need a road or a barrier even in these remote areas. And when I was going through the materials, I noticed that your testimony mentions that 43 people have passed away trying to cross those huge, wide open, empty, usually with no water, spaces. Am I getting the numbers correct? This is over the past 4 years; is that right?

Sheriff CLEVELAND. Yes, sir. Prior to the Biden administration, we would have approximately one death in our county, not very many. But over the past 4 years, during the Biden administration, we actually had 43 people die trying to cross our portion of the U.S.-Mexico border.

Mr. BENTZ. The idea of having a road and a barrier would at least, we hope, start preventing some of those deaths. Is that your thought?

Sheriff CLEVELAND. It definitely could. In Border Patrol, we have a sensor package, where if someone is in need, they can push a button, a rescue beacon is what they are actually referred to, to receive help. Just due to the limited access in a lot of our area, we do not have very many of those deployed. I think we may have three or four.

Mr. BENTZ. Part of the problem appears to be access. I think you mentioned that. So with a road, you could at least be down there and try to provide that kind of help. And the border is a lot longer than the miles that you patrol, and there is an awful lot of open, difficult terrain. What about the local private landowners? Are they supportive of a road or some sort of a barrier? What do the local ranchers think?

Sheriff CLEVELAND. Most definitely. So our portion, talking about barriers, we do not need a barrier. In much of the Big Bend region, the Big Bend Border Patrol Sector makes up 517 miles of the entire U.S.-Mexico border, that is one quarter of it. What we have out there is what I call a God-made barrier. We have anywhere from 500 to 1,500 to 2,000-foot cliffs. The right deployment of technology and personnel is something that would benefit us. And then, of course, some of those access roads.

And I was talking with Mr. Krumenaker earlier about our access roads. And, to be honest with you, a lot is to give our landowners something back, if you will. Because we trespass on their land. Like Mr. Perez said, our relationships are superb with our landowners. They support us, they support the U.S. Border Patrol. And we are often trespassing on their lands. And there is a lack of access into some of those border areas.

Mr. BENTZ. This is not a problem, I do not think, in Texas. But in California, the penalty for growing marijuana was dramatically reduced, down to a misdemeanor. And thus, there is not much enthusiasm for apprehending folks that are growing marijuana

because who cares, right? They are going to be probably turned loose.

But this bill contains increased penalties, consequences actually, for cartel members that are growing marijuana. And thus, at least in states like California, there would be a penalty. You are a sheriff. You have to understand the value of having consequences when you go to the D.A. and say, hey, we apprehended, what do you think of that part of the bill?

Sheriff CLEVELAND. And I am smiling because it really coincides with the border security portion of it. If we do not have a consequence, which we did not have over the past 4 years, people are going to continue to come. Same thing with the growing of marijuana. And I made the same analogy earlier. We used to catch tons of marijuana on the U.S.-Mexico border when I first came to the Border Patrol in 1996. That was the primary narcotic that we caught. We do not catch as much anymore because so much of it is being grown here in the United States, because it has been legalized. So if you do not have a consequence, yes. Yes.

Mr. BENTZ. We could talk for quite a while, sadly, about the negative impacts of legalization of hard drugs up in Oregon, and the incredibly horrid consequences when it comes to fentanyl death and poisoning. And again, it is because the consequences of such practices were reduced down to basically nothing. I really appreciate your testimony.

And with that, I yield back. Thank you.

Mr. TIFFANY [presiding]. The gentleman yields.

I now recognize Dr. Kennedy for 5 minutes.

Dr. KENNEDY. Thank you, Mr. Chair. I appreciate the opportunity to have this hearing. I was just in Nogales, Arizona, to witness the border for myself. And I will say, there has been, as I am a freshman, and as an outsider, there was a lot of talk about how we need to pass legislation to control the border. And in fact, there is order at the border now because we have the right President.

We need legislation as well, and I do thank, and I will compliment Congressman Ciscomani for this legislation. I think it is a step in the right direction for us. And I am a big fan of passing legislation. But it takes a president with the will to control our border. And we actually do have a president with that will.

When I went to the border this weekend and witnessed what was there, there was essentially nothing there. Nothing was happening. Now, there is always something happening, and I was there for 48 hours. But it is impressive to see the order that has been brought. And I appreciate all of you for being here and being our witnesses to help us.

I will start with Sheriff Cleveland. Thanks for your testimony. And actually I will also point out to Mr. Lopez that if you have any follow-up from your presentation, I understand you were cut short. So with my residual time that I hope to have, I would like to turn that over to you, so if you prepare any comments you might have.

But I am a family practice doctor professionally, and I am sensitive to the challenges that people can face when seeking medical care. And Mr. Cleveland, Sheriff Cleveland, in your testimony you

said Terrell County saw strains on the medical emergency resources as a result of the surge in border crossings.

Has there been a rise in emergency room visits? And has it been to the detriment of your population? Can you tell me more about that?

Sheriff CLEVELAND. Since the new administration came in, we have had very little activity, and we have had only one deceased illegal alien we assisted with the neighboring county with. But we have had no emergency medical calls that I can recall since this new administration.

Dr. KENNEDY. Congratulations. Previous to this new administration, what was that like for you?

Sheriff CLEVELAND. So again, we are a very large county. We are a very poor county and there is not a lot of revenue coming in. So our sheriff's office, it is myself and two deputies. Fortunately, through Operation Lone Star, we have been able to hire an additional two, and Operation Lone Star is Governor Abbott's response to the border.

Like the sheriff's office, our emergency medical services only has one crew on at a time, which is made up of two people. So at times, if they are responding to border situations, it takes them out of service to respond to possibly situations that may be needed there in our county.

Dr. KENNEDY. You told us there were how many deaths in the past?

Sheriff CLEVELAND. The last 4 years, we had a total of 43 deaths of people trying to cross our portion of the border illegally.

Dr. KENNEDY. Forty-three deaths. Tragic. Every one is tragic. But 43 of those is extremely tragic.

But, Mr. Lopez, did you have any further comments that you would like to make that you did not get to make earlier?

Mr. LOPEZ. I do thank you for yielding your time to me. I would like to point out that part of my testimony would include Carbofuran, which is a highly toxic chemical.

Dr. KENNEDY. Used in marijuana cultivation, right?

Mr. LOPEZ. Correct. And I would just like to point out how that affects my county going forward. So according to research from the LA Times, illegally smuggled Carbofuran from Mexico to the U.S. is used on 90 percent of marijuana grows on public land in California. Illicit cannabis contaminated with Carbofuran from California is a significant source of marijuana in states where it remains illegal.

As this problem proliferated throughout our region in San Bernardino County, some of our northern counties in California like Siskiyou and Humboldt County also saw the same thing because there were virtually no consequences in California under Proposition 64. Recently, Los Angeles Times tested 25 cannabis products that were purchased from California legal retail stores and had them tested at private labs, which showed concentrations of pesticides above levels that the state allows or at levels that exceed Federal standards for tobacco.

The contaminants include chemicals tied to cancer, liver failure, thyroid disease, and genetic and neurological harm to users and unborn children. These harmful pesticides, many of which origi-

nated from China, are being smuggled into the United States and used in illegal cannabis cultivation on public lands.

Seized cannabis from illegal grows in San Bernardino County and Siskiyou Counties have been traced to licensed facilities in Oregon and California, revealing a dangerous contamination risk. Many of these samples are coming back with these harmful pesticides that are originating on our public lands and inundating the legal market, creating a public health situation where users of cannabis believe that their cannabis is legal and safe, but it is not safe. These pesticides have avoided detection by labs because states like California do not require labs to test foreign-labeled pesticides. After all, we should not be using them. This poses a severe public health threat and contributes to environmental degradation.

Thank you. I yield back the time.

Dr. KENNEDY. Thank you very much. And I will just conclude. Thank you, Mr. Chair, for this opportunity. But we are allowing this Carbofuran to toxify our citizens while we claim that floating barriers are creating a muscle concern at the border. And I will just point out that we want to keep poisons out of our citizens' lives. And thank you for bringing up that testimony.

I yield the remainder of my time, Mr. Chair. Thank you.

Mr. TIFFANY. The gentleman yields.

Mr. Stauber, do you mind if I go to Representative Hageman next? Is that OK?

I recognize Representative Hageman for 5 minutes.

Ms. HAGEMAN. Thank you. And thank you for being here today.

The Biden administration's open border policies have fueled a historic crisis of illegal immigration, drug trafficking, and environmental degradation along the U.S.-Mexico border, especially on Federal lands. Roughly 35 percent of the southern border is comprised of Federal land, which has been exploited by human traffickers, drug cartels, and illegal immigrants, due to its remote and uncontrolled nature. Federal land management agencies have failed to provide Border Patrol with timely access and adequate infrastructure, allowing criminal activity to flourish and damaging public lands. H.R. 1820, the FLASH Act, restores control by authorizing road construction, reducing environmental restrictions on border enforcement, increasing law enforcement access, and holding Federal agencies accountable for securing our public lands.

Our witnesses' testimony highlights the FLASH Act's necessity to defend national security, preserve environmental resources, and empower local and Federal law enforcement to combat illegal activity on our public lands.

Sheriff Cleveland, Wyoming may be more than 1,000 miles from the southern border, but the consequences of failed border security have reached every single community. Fentanyl and other narcotics are flowing into Wyoming through illegal border crossings, and the cost to public safety and human life has been enormous.

You have described the severe environmental damage in Terrell County caused by illegal crossings, including trash, human waste, erosion, and destroyed property. Have you seen evidence of long-term degradation of Federal lands like national parks and wilderness areas in your region?

Sheriff CLEVELAND. I would say yes, ma'am. And again, based on trash that is left behind. Again, being a native of that area, having worked out in Arizona in the Coronado National Forest, you know, a career in the U.S. Border Patrol, and seeing the amounts of trash that is left behind. I also spoke to the buoys down in Eagle Pass, and how the administration targeted our governor about the deployment of those. And yet I can take you to a portion of my border in my county and show you where those mussels, although they are not a human life, but where they are still, we are making a point that those buoys are poisoning them or killing them, then I can show you where humans crossing the border are definitely having an impact on those.

Ms. HAGEMAN. OK. Wyoming is home to millions of acres of Federal land, and we know firsthand how restrictive management practices can hinder law enforcement. How have road access limitations and Federal permitting delays impacted Border Patrol's ability to secure terrain like in the Big Bend region?

Sheriff CLEVELAND. So in my county, there is no Federal land other than on the Wild and Scenic Rio Grande River that we spoke of that is part of the National Park System and the Big Bend National Park. All of our roads are personally owned, privately owned by landowners.

In the Big Bend, I am not aware of any problems. Again, great working relationship between the National Park Service, U.S. Border Patrol, and then our local law enforcement, speaking about Sheriff Dodson there, who we are both very familiar with.

We do a great job, meaning all of us working together to protect our portion of the border out in that area.

Ms. HAGEMAN. Well, Mr. Perez, I am going to turn to you then. Border Patrol's ability to access and patrol Federal lands is not just a border issue, and it is in fact a national one. In Wyoming, 48 percent of our surface estate is owned by the Federal Government, and we know the challenges of dealing with land management agencies that prioritize paperwork over safety.

You testified that Border Patrol has better access to private lands than to Federal lands in some instances. Can you provide specific examples of how these access limitations have delayed apprehensions or prevented effective surveillance?

Mr. PEREZ. Yes, ma'am, thank you. So I can point to deaths that occur because we are not able to patrol those lands unless there is an emergency. And we do not have the tactical infrastructure set up so we cannot monitor that area. So we have essentially blind spots along the border. And the cartels take advantage of that, because they do not adhere to the regulations we have to adhere to. And so it is very detrimental for us.

Ms. HAGEMAN. So under the FLASH Act, the Department of the Interior and Agriculture would be required to install at least 584 miles of navigable roads within 10 miles of the border. From a national perspective, including in states like Wyoming, how would improving access infrastructure on public lands affect our ability to intercept drugs and human trafficking operations before they reach interior states?

Mr. PEREZ. This would essentially end what we call the no-go zones. We would be able to actually go and patrol and have eyes

along the border and take back the areas that we have ceded to the cartels because of the previous administration's policies.

Ms. HAGEMAN. Well, I think that is all a very good thing for us to do. I appreciate your testimony.

And with that, I yield back.

Mr. TIFFANY. The gentlelady yields. I now recognize Representative Stauber to bat cleanup here.

Mr. STAUBER. Thank you, Mr. Chair.

Mr. Krumenaker, thanks for your service to the National Parks. I want to just ask you this question. When in your mind did you feel the Park Service was fully staffed?

Mr. KRUMENAKER. I do not think it has ever been fully staffed, sir, in my experience.

Mr. STAUBER. OK, so it was not staffed under Bush properly, was not staffed under Obama; is that correct? It was not staffed under Trump 45 in your opinion. And it was not staffed properly under Biden.

So as we move forward, I think we have to look at making sure that, No. 1, the staffing is there. And No. 2, the parks remain open and accessible to all people, including those with disabilities. My wife and I are blessed with a child who is disabled. And so what we are seeing as we are working that angle, I think it is important that we keep that perspective.

Mr. Perez, I have to tell you that I really appreciate what you do. I was in Yuma, Arizona, and then we went down to the Eagle Pass, Texas. I was speaking to some Border Patrol agents. And to my left was a young border patrol agent. I was talking about what they see as agents: dead bodies, murders, victims of rape, babies floating in the Rio Grande. And I saw this young agent just well up with tears, well up with tears.

When I was done, I went over, and I shook her hand and I thanked her for her service. And she says, thank you for mentioning that. What we have gone through these last 4 years, what you in law enforcement have seen, what the two other law enforcement professionals here today have seen, I am sorry that you had to go through that. It is going to be different now. The border is going to be secure. You do not have to see babies floating in the Rio Grande. You do not have to see murder victims or rape victims, or people who died along the way.

I just want to say thank you for your service.

I went down there more than the border czar did. It was devastating.

Mr. PEREZ. Thank you for that, sir.

Mr. STAUBER. I just cannot say it enough. And I will never forget that young agent crying because of what she saw, and she knew that I knew.

As a law enforcement officer myself, there are only a few of us in Congress that have ever worn the local uniform, and I am one of them. I knew exactly what she was feeling.

So with that being said, it is going to be different now. I do want to say that we have a northern border, too. Right? We have a northern border. When that influx was coming through the Southwest border, you were bringing agents from the north to help, to give you some relief and help with the number of illegals that were

crossing, which left our northern border wide open; 5,000 percent increase in crossings. The higher propensity of terrorists coming through our northern border. It is unconscionable.

I am part of the Grand Forks Sector, northern Minnesota. That is 600 miles. At times, there were two agents, only two, on that whole 600-mile stretch. Because of the Biden administration's policies, they were bringing everybody down or making them work during the day to in-process them via computer.

People say, Pete, what keeps you up at night? Terrorism to our people and our food supply. We know because of the Biden policies this country now has to be on red alert because of what may happen. You all know. As law enforcement officers, you know, you have seen it. I have been down there. You as leading law enforcement professionals, your councilmen, your township supervisors, your county boards were begging us to shut down the border. They could not handle it. The schools, the hospitals, the social services could not handle it. The farmers could not handle it.

The farmers, one of the farmers lost hundreds of thousands of dollars of crops because when there is fecal matter or urine around a certain part, you have to remove the crop within a distance of that. Hundreds of thousands of dollars because of the policies of the Biden administration.

It stops under this Administration. In just 6 weeks, a 97 percent reduction in illegal crossings.

Mr. Perez and the others, thank you for your professional service. You have no idea how much we, as an American people, support you, and we will always defend you. God bless you all.

Mr. TIFFANY. The gentleman yields and sums up the hearing quite well.

I would like to thank all the witnesses for their valuable testimony, and Members for your questions. Members of the Subcommittee may have some additional questions for our witnesses, and we will ask that they respond to those in writing.

Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee clerk by 5 p.m. on Friday, March 14, 2025. The hearing record will be held open for 10 business days for those responses.

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

[Whereupon, at 11:54 a.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. JUAN CISCOMANI, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Thank you, Chairman Tiffany, Ranking Member Neguse, and subcommittee members for coming together today for this important hearing on my legislation, H.R. 1820, the Federal Lands Amplified Security for the Homeland Act, or the FLASH Act for short.

I first introduced this legislation following the field hearing this committee did in my district in Sierra Vista, Arizona last year. During this hearing we heard from local stakeholders and ranchers about the border crisis that has impacted border communities and beyond during the Biden-Harris Administration. I was proud to reintroduce it again this Congress, as the problems it addresses still exist.

My bill would strengthen border security by providing for the construction of navigable roads along the border on federal lands, allow states to place temporary barriers on federal lands, and directs federal managers to develop a strategy to address hazardous trash piles which harm the environment?

Federal lands compromise an estimate 693 miles, or ~35% of the southern border. Many of which are in AZ. This bill proposes comprehensive solutions for public safety issues and environmental destruction impacting federal lands along the border.

In Tucson Sector much of which I represent, we saw over the past four years trash piles and 'camps' popping up where smugglers had no regard for the land or the environment, and this bill would solve that problem by requiring land managers to reduce the trash.

Moreover, in areas where it is VERY hard for agents to navigate, this would allow our agents to have roads, even on federal lands. This is a game changer for many areas. Even when our CBP agents and officers are fully empowered to do their enforcement duties, as they are now, we must change our laws to ensure that burdensome regulations do not stand in the way of agents and the public safety.

Federal lands need to be protected from environmental degradation and our borders need to be secured. The fact is, we can do both. And I believe this bill is a huge step in that direction.

Thank you for your consideration of this crucial legislation, I yield my time.

Statement for the Record

U.S. Department of the Interior

**H.R. 1820, the Federal Lands Amplified Security for the
Homeland (FLASH) Act**

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, this statement provides the Department of the Interior's (Department) views on H.R. 1820, the Federal Lands Amplified Security for the Homeland (FLASH) Act, a multi-title bill that addresses the public safety issues and environmental destruction currently impacting Federal lands along the southern border.

On January 20, 2025, President Trump declared a national emergency at the southern border of the United States. The situation at the southern border is a long-standing humanitarian crisis that threatens American sovereignty, core security interests of the United States, and public health and safety. Unlawful border crossings have caused a widespread proliferation of drug trafficking, human trafficking and other criminal activity harming and imposing costs on American citizens in states and local communities along the border and across the country. Such large-scale illegal activity is also an environmental crisis ravaging our treasured landscapes and resources. Along the southern border, cultural resources, Tribal lands, wilderness areas, national parks, wildlife refuges and the species they protect are adversely impacted by land degradation and destruction from trail cutting, trash accumulation, invasive species introductions, fires, property destruction and other illicit activities.

The President has made clear, a nation without borders is not a nation, and the Federal government must act with urgency and strength to end the threats posed by an unsecured border. In carrying out our mission as steward of the Nation's public lands and resources on behalf of the American people, the Department is fully committed to delivering on the President's vision.

The Department manages lands that cover 40 percent of the southern border, including national parks, wildlife refuges, historic sites, public lands, and wilderness areas as well as infrastructure including water delivery structures. The impacts of this crisis on the health, security and productivity of America's lands are evident.

The FLASH Act directs the Secretaries of the Interior and Agriculture (Secretaries), in consultation with the Department of Homeland Security (DHS), to install navigable roads of at least 584 miles in length along portions of the southern border that abut covered Federal lands to gain operational control of the southern border and deter border crossings. It further directs the Secretaries to enter into cooperative agreements to allow DHS to deploy fencing, surveillance, and related technology along the roads installed under the bill, allows states to place temporary barriers on Federal border lands and authorizes the U.S. Customs and Border Protection (CBP) to conduct various activities to ensure border security in wilderness areas.

The bill also includes provisions directing the Secretaries to promulgate rules and implement policies to address environmental destruction on public lands including initiatives to reduce trash accumulation, wildfire risk, and cultivation of cannabis on Federal lands. Among these provisions, the bill directs the Secretary of the Interior to establish a "Southern Border Fuels Management Initiative" to carry out vegetation management activities along the southern border within one year of enactment. The Department notes this provision codifies the Department's Southern Border Fuels Initiative. This program, launched in 2018, has not only helped to reduce the risk of wildfire, but has also helped protect natural and cultural resources on Federal and Tribal lands, while supporting national security operations carried out by DHS by clearing areas for enhanced border patrol visibility and protecting DHS infrastructure.

Finally, the FLASH Act prohibits the use of Federal funds to provide housing, including temporary housing, to specified aliens on any land under the administrative jurisdiction of the National Park Service (NPS), Bureau of Land Management, U.S. Fish and Wildlife Service or U.S. Forest Service and revokes and prohibits any lease between the NPS and the City of New York for portions of Floyd Bennet Field in Gateway National Recreation Area.

While the President has taken bold, immediate executive action that has already significantly addressed the crisis at our border, the FLASH Act would complement the President's actions to secure the border and keep Americans safe, while allowing the Department to effectively maintain the character of the lands and resources Congress entrusted it to protect. The Department strongly supports these efforts. The Department has a longstanding, cooperative working relationship with CBP, and will continue to work collaboratively to carry out the Administration's priorities. We defer to the Department of Agriculture and DHS for their views on the elements of this draft related to their areas of responsibility.

The Department looks forward to working with the subcommittee on this important legislation to advance the critical goal of securing the southern border.

