

**Testimony
Before the Senate Committee on
Homeland Security and Governmental Affairs**

Presented by:

**The Honorable Octavio Garcia - Von Borstel
Mayor
City of Nogales, Arizona**

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Chairman Lieberman, members of the committee, good morning.

My name is Octavio Garcia Von Borstel and I am the proud mayor of the City of Nogales, Arizona.. Before I start with the key issues we are here to raise with you, I want to thank you for the opportunity to participate in this hearing. It is a great honor to be before you today and for a community like Nogales, with population of approximately 25,000, it is indeed a rare occurrence when we are given an opportunity such as this.

That being said, allow me to get to heart of the matter. Gentleman, Nogales needs your help. Nogales is a community that is extremely dependent on the border and our neighbors to the south. The ability to cross the border effectively, efficiently and in a secure and safe environment is vital.

Since September 11, 2001 we have all recognized that our world is different. We now must look at security at the same time that we look at commerce, trade, and tourism. But that is also the key point that I would like

to make today, that we must not lose sight that we are working to secure the Homeland so that we can conduct our normal lives.

We have all seen or have experienced an increase on violence on border communities. I was deeply saddened recently when I heard the news of the deaths of our very own people, Americans from the US Embassy in Cd. Juarez who became victims of the Drug Cartel Violence. In fact, I was just at the Embassy last week, met with the Sub Ambassador and discussed the horror of the situation affecting American Citizens. Perhaps part of the solution we identified is to involve all governments – local, state and federal. Although I respect and understand it is a federal issue. The local governments have to be able to form part of the strategy because after all we are the ones who directly get impacted the most. I for one would like better communication in order to better support and address the violence and border initiatives.

To give you an idea, our community has 3 land ports of entry, Morley Gate which is a pedestrian only crossing, DeConcini which is a pedestrian, private vehicles, train and bus crossing and Mariposa, which is our commercial crossing, but we also cross pedestrians and private vehicles. Our three border stations currently process in excess of 15 million people, over 300,000 trucks and well over 3 million cars, each year – in a northbound direction. **Two way traffic is approximately 30 million people, 600,000 trucks and over 6 million cars.**

I want to thank our Congressional Delegation, in particular Senator John McCain that is with us today, and Senator Jon Kyl as well, for their active and continued support for the issues that we face in Nogales.

And yes we are making great headway on some very important border issues. For instance, the Mariposa port of entry is currently undergoing a major reconfiguration, a project funded to the tune of \$200 million dls. under the American Recover Act. This project will double, if not triple our throughput for inspection of both commercial and non-commercial traffic at Mariposa. This project, which started in September of last year, should be completed by the Fall of 2013. We are currently working with the Arizona Department of Transportation and the Federal Highway Administration to improve the connectivity from the port of entry to the federal highway system. Additionally, we are working with our Mexican counterparts to ensure that necessary improvements are made to the Mexican side of Mariposa.

In recent years we have seen a clear focus at securing the border between the ports of entry. But there has been little attention to the ports of entry themselves. I truly believe that in order to have a safe and efficient border you must have an effective border. Customs and Border Protection has identified some \$5 to \$6 billion dls. worth of projects on the US-Mexico border, yet the budget proposed for Fiscal Year 2011 shows only \$93 million for one project. Our ports of entry are a national asset. - The budget does not reflect that.

The Violence between Drug Cartels have certainly created a paranoia across both Countries and has had a direct impact on border communities. Tourists going both South to North and North to South have lost confidence and are now afraid for their safety when traveling through Nogales. We continue to see human and drug trafficking I believe as a result of lack of resources to our border communities.

Our current wait times in Nogales are well in excess of an hour, easily two hours or more during peak hours every day and, should be a long weekend, it can be up to 4 to 6 hours – and that is people waiting to cross the border legally.

Due to long wait times, we have seen a dramatic transition from people crossing the border in their cars to crossing on foot. But we were not ready for this transition and the increase of pedestrian traffic means that there are now wait times to cross on foot in excess of an hour. I have brought a copy of a recent article that was published in our local paper, which shows the long pedestrian line at the border. In fact, Senators McCain and Kyl sent a letter to Secretary Janet Napolitano of the Homeland Security Department, asking that the Department look into the excessive wait times for pedestrians.

At the same time, Secretary Napolitano recently issued a press release commemorating the first anniversary of the Southwest Border Initiative and touted the great results from an enforcement perspective. Yes, the program has seized many weapons and stopped many millions of dollars that were being laundered and shipped back to Mexico but at what cost to Nogales and all the other border communities. The DHS Initiative is centered on conducting inspections of trains, trucks and vehicles leaving the US. The unintended consequence, and one of the key points that I want to make before you today, was not a consideration when this Initiative was planned and deployed.

None of the ports at Nogales are equipped to handle southbound inspections. CBP lays down a few cones on the road, perhaps some jersey barriers and simply stop every vehicle departing the US into Mexico. And

although everyone talks about the random efforts, at Nogales, Customs and Border Protection has notified us that they are inspecting EVERY truck leaving the US through that port of entry. The traffic backups on a southbound basis reach well over an hour or more during the peak hours.

The end result, and thus the unanticipated consequence, is that people are now crossing less frequently as they have to wait 1 or 2 hours coming in and an hour or more going out. Our ports of entry at Nogales are already severely understaffed. Although I cannot get an exact figure from CBP, I am assured that it is in excess of 50 full time positions that are desperately needed today for NORTHBOUND operations. I am also informed that southbound inspections are conducted primarily by officers and staff on temporary assignment.

All this is now compounded by the deployment by Mexican Customs of the SIAVE program, a program that uses technology and systems to inspect each and every car entering Mexico. The Mexican government assured us that the SIAVE system would take approximately 8 seconds per vehicle. But this system is also creating long wait times and therefore backups entering Mexico. Without getting into the merits of the system, there is a clear lack of coordination between Mexico and the US on inspections.

Say you are driving into Mexico, DHS will inspect you and the car before you leave and perhaps 200 feet later the Mexican government is doing the same thing. What is the purpose of inspecting the same car twice within a few hundred feet of each other?

Another major issue in our community is the fence. While I will refrain from addressing the merits of the fence, the fence in our downtown area is in need

of major repairs and upgrading. As for the details on that front I will defer to the Border Patrol as to the specific details.

Mr. Chairman, Senators, unfortunately, I could easily continue describing the current situation but allow me to conclude by laying out some basic principles and recommendations for your consideration.

First, staff our ports of entry to the capacity that is required. Not only are we dealing with outdated and overburdened infrastructure but our ports simply don't have sufficient staff to deal with the security and facilitation demands of our community and our border.

Second, provide additional funding in an expedited and confirmed manner to our ports of entry. It should not be a battle between one community and another for funding. Ports of entry are a national asset that is currently treated as problem by the rest of the nation. Without efficient ports of entry, the safety at our border will remain a huge concern and that of our commerce, the goods and products shipped in and out of our nation would not get to their destination on time.

Third, DHS needs to come up with a plan to address the congestion, safety and other unintended consequences of the southbound inspection program. It is not acceptable for my City to have a line of cars 2 miles long for people leaving the country. The Nogales Police Department has to deploy patrols during several hours each day to help handle traffic due to the back up. These are police resources that are not policing during those hours so our police department is incurring additional overtime expenses. I would strongly urge that additional funds be sent to border communities to help defray this cost.

Fourth, find ways to deploy trusted traveler programs for southbound traffic. For instance, the SENTRI program that is working so well for northbound travelers should be considered for southbound traffic.

Fifth, expand SENTRI to pedestrian crossers. Today, SENTRI is available exclusively for vehicular traffic. Our downtown merchants rely heavily on pedestrian traffic. Unless we can find a way to help separate the low-risk crosser from the high-risk crosser, our stores and therefore our sales tax revenues, will continue to decrease dramatically. I believe that a pedestrian SENTRI program could be part of the solution on this front.

Finally, there needs to be better coordination and sharing of information and intelligence with Mexico to help reduce the duplication of efforts and to ensure that we maximize the return of investment of our limited Homeland Security resources. Include ALL governments – local, state and federal in these efforts to increase the success of tackling the drug wars at the border.

We must be strong on securing the Homeland **but we must not forget the unintended consequences.**

Mr. Chairman, Senators, again let me thank you for the opportunity to be here to communicate our issues and needs. Please be assured that for me and Nogales, Security and facilitation are our top priorities - as that is essentially our livelihood. I thank you for your attention and I look forward to your questions and comments.