

## H.R. 1505 and H.R. 587

### *Witnesses*

#### **Jim Pena**

Associate Deputy Chief, National Forest Systems , U.S. Forest Service

#### **Kim Thorsen**

Deputy Assistant Secretary, Law Enforcement, Security, and Emergency Management, Department of the Interior

#### **Dale Penny**

CEO, Student Conservation Association

#### **Claude E. Guyant**

Founding Member, National Association of Former Border Patrol Officers

#### **Gary Thrasher**

Arizona Cattle Growers Association, Public Lands Council, National Cattlemen's Beef Association

#### **John D. Leshy**

Professor of Law, U.C. Hastings College of the Law

### *Subcommittee Members Present*

Rob Bishop (R-UT), Chairman

Raúl Grijalva (D-AZ), Ranking Member

Dale Kildee (D-MI)

Tom McClintock (R-CA)

Raul Labrador (R-ID)

John Garamendi (D-CA)

### *Full Committee Members Present*

Edward Markey (D-MA), Ranking Member

Paul Gosar (R-AZ)

Representative Rob Bishop (R-UT) introduced his bill, The National Security and Federal Lands Protection Act, (H.R. 1505) on April 13, 2011 to prohibit the Department of the Interior (DOI) and the U.S. Department of Agriculture (USDA) from using environmental regulations that would prevent the U.S. Border Patrol from securing the U.S. border on federal lands. On February 9, 2011, Ranking Member Raúl Grijalva (D-AZ) introduced the Public Lands Service Corps Act of 2011 (H.R. 587) to amend the Public Lands Corps Act of 1993 (16 USC 1721-1729) in authorizing the Department of Commerce, USDA, and DOI to promote the value of public service to America's youth while restoring the nation's resources. These two bills were reviewed by the subcommittee on July 8, 2011.

Bishop provided in his opening statement a review of the bills at hand and proceeded to elaborate on both bills. In regards to H.R. 587, he stated that the opportunity to provide jobs and employ people to work on public lands is a "concept that makes sense." He also commented on H.R. 1505 stating that border security is the first priority in protecting the nation's public lands and emphasized that the environment is not being harmed by the border patrol.

Grijalva provided an overview of H.R. 587 in his opening statement. He added that his bill is a job training bill which boosts environmental protection. Grijalva disapproved of H.R. 1505 saying that this bill is seeking to "tear [H.R. 587] down." He said that the Government Accountability Office, DOI, USDA, and Border Patrol all testified, in April 2011, that federal environmental laws and regulations are not inhibiting border security.

In Jim Pena's testimony, he reiterated his support of H.R. 587. He said this was a "welcome[d] amendment to the Public Lands Corps Act of 1993." He told the committee this bill would not only strengthen the Public Lands Corps (PLC) program but would also engage youth in educational and employment opportunities. Although praised, the USDA would like some amendments added to the bill regarding hiring preferences, cost sharing with non-profit organizations, living allowance differences, and agreements with

partners on training Corps Members. In regards to H.R. 1505, Pena stated the USDA's opposition to the legislation. Although it is recognized that there are security and law enforcement issues along the border, the USDA feels that "H.R. 1505 would waive the requirement for the Department of Homeland Security (DHS) to comply with the National Environment Policy Act of 1969, the Endangered Species Act of 1973, and some two dozen other environmental laws." The DHS would be able to build roads, fences, and other equipment without consulting other federal agencies within one hundred miles of the International border. Pena added that the legislation is not needed due to the Memorandums of Understanding (MOU) signed in 2006 and 2008.

In her testimony, Kim Thorsen expressed DOI's approval of H.R. 587. While Thorsen agreed with Bishop that the border needs to be secure while also protecting the natural resource, she opposed H.R. 1505. She told Bishop the bill has the ability to instill unintended damage to the natural and cultural resources because of the lack of consultation with local, state, and federal governments and local residents. Without public review or notices of intended border security activities on federal land, she said the safety of visitors and agency law enforcement may be compromised.

Dale Penny approved H.R. 587 in his testimony. He emphasized that this bill is "needed more now than ever." He said this bill would expand the opportunities for 16-24 year olds in maintaining public lands especially when unemployment for this age bracket is 19.1 percent.

In Gary Thrasher's testimony, he stated his approval of H.R. 1505. He emphasized the importance of this legislation saying this bill is needed to protect the "sovereignty and security" of the border and to protect national security. He commented that smugglers are becoming more violent in their determination to protect contraband and control their trails to and from Mexico. This is driving residents away from their homes and businesses. Claude Guyant approved of H.R. 1505 saying that this bill has provided leadership to change the conflict between environmental concerns and national security by putting national security first. John Leshy opposed H.R. 1505 saying that this bill goes "way beyond what is necessary and proper, in our constitutional system, to enforce immigration laws." This bill would immunize the DHS from liability in restoration of federal lands and DHS would be given the power to make decisions without review from other agencies and the public.

Grijalva started the questioning by asking Penny how the Student Conservation Association (SCA) will adjust to the gap between the baby boomers and the following generation and how the Corps can bridge that gap. Penny answered that as 50 percent of the workforce will be eligible for retirement in the next few years and the next generation of employees needs to be educated in natural and environmental resource issues. He believes the SCA and other similar programs will help solve this gap. John Garamendi (D-CA) praised H.R. 587, stating his daughters had a fabulous time serving with the Corps and further commended Grijalva for this great bill.

The focus was then shifted to H.R. 1505 when Garamendi asked if this bill affects all federal land within 100 miles of the border. Leshy answered that H.R. 1505 affects the 100 mile corridor, as well as all federal lands throughout the country. Garamendi answered, "That's incredible, and I think particularly stupid." He further concluded that giving one agency so much power as well as skirting the review process is unwise and said "we ought to kill this bill now."

Dale Kildee (D-MI) expressed concern over the broadness of H.R. 1505 as well as the negative environmental impacts the bill may cause. Pena commented that there would be a greater environmental impact if the border patrol is given authority to patrol all public lands instead of specifically focusing on public lands located near the border. He believes it would be more effective to locate the problem immigration areas along the border and concentrate on those areas. Kildee fears that drawing lines along the Canadian border will have negative impacts on the U.S.'s partnership with Canada.

Tom McClintock (R-CA) asked Thrasher to describe the general environment of the border corridor. Thrasher stated that the environment has been overprotected causing overgrowth of vegetation and the erosion of roadways. This protection has inhibited the Border Patrol from adequately securing the border which has caused damage to private lands and infrastructure.

Written testimonies from the witnesses, a documented webcast, and other information can be found on the committee web page.

---