



**U.S. House of Representatives**  
**Washington, DC 20515-0552**

October 22, 2009

The Honorable Bennie Thompson  
Chairman  
Committee on Homeland Security  
176 Ford House Office Building  
Washington, D.C. 20515

The Honorable Peter King  
Ranking Member  
Committee on Homeland Security  
117 Ford House Office Building  
Washington, D.C. 20515

Dear Chairman Thompson and Ranking Member King:

The security situation along the Southwest border continues to present significant challenges for our nation's Border Patrol and other law enforcement. While we have strengthened our security presence on the Southwest border in recent years, utilizing a combination of personnel, technology and tactical infrastructure, illegal foot and vehicle traffic still constitute a serious problem.

Drug, human and weapon smugglers are exploiting existing land corridors on the Southwest border every day, directly threatening the safety of our communities and the well-being of our citizens. Now that border control and national security are inextricably linked, we must also expect that potential terrorists will attempt to access these same land corridors to illegally enter the United States.

From our experience so far, we know that border security is an integrated effort that must reasonably balance available tactical resources, technology and personnel. Technology and manpower are the most responsive of these elements while fencing or related infrastructure provides a steady impediment to deter and delay cross-border traffic.

My concern is that, as we focus on strengthening manpower and much needed technology, we are failing to provide the same level of attention to expanding tactical infrastructure in areas of the border that are vulnerable to dangerous smuggling activity. In testimony before your Committee on September 17, 2009, David Aguilar, Chief of the United States Border Patrol, explicitly acknowledged the contribution of infrastructure on the Southwest border and the importance of expanding fencing and vehicle barriers wherever determined necessary.

Most interesting, Chief Aguilar stated that "there are locations where the Border Patrol has concluded that persistent impedance is absolutely necessary in order to gain control of the border," and that "there are other areas where persistent impedance would be a useful contribution." Understanding the vulnerability created by unprotected sections of land border, particularly on our shared land border with Mexico, it is important that Congress work to identify

these locations and respond by providing both the funding and legal authority to build additional infrastructure.

To provide this authority, I have introduced bipartisan legislation, H.R. 3289, the Unlawful Border Entry Prevention Act. This legislation provides the Secretary of Homeland Security full discretionary authority to build up to 350 miles of tactical infrastructure anywhere on the border, without specifying design, material or including a date for completion. This “back-pocket” authority, which differs from the previous federal mandate that required all fence locations be identified by December 2008, offers a valuable tool in the overall effort to gain effective and immediate border control.

In light of the present lack of reliable infrastructure authority, Chief Aguilar’s statement and current border conditions, I respectfully request that the Committee consider holding a hearing on H.R. 3289 or consider incorporating this bipartisan bill into broader legislation. Moving forward, I hope we can work together to secure passage of H.R. 3289 – ensuring adequate authority exists to provide the Border Patrol the tactical resources it needs.

Securing our borders is a national priority, and infrastructure, when supported by manpower and technology is an important part of our ongoing effort to achieve an enforceable border. As the Committee continues working on this important issue, I look forward to discussing my legislation with you in further detail and answering any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Duncan Hunter", written in a cursive style.

Duncan Hunter  
Member of Congress