

WHAT DOES A SECURE BORDER LOOK LIKE?

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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WHAT DOES A SECURE BORDER LOOK LIKE?

Tuesday, February 26, 2013

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:02 a.m., in Room 311, Cannon House Office Building, Hon. Candice S. Miller [Chairwoman of the subcommittee] presiding.

Present: Representatives Miller, Duncan, Palazzo, Barletta, Stewart, Jackson Lee, Thompson, O'Rourke, and Gabbard.

Also present: Representative Cuellar.

Mrs. MILLER. Good morning, everyone. The Committee on Homeland Security, our Subcommittee on Border and Maritime Security will come to order.

The subcommittee is meeting today to examine our Nation's border security. We have an all-star panel of witnesses here this morning: Michael Fisher, who is the chief of the United States Border Patrol; Kevin McAleenan, who is the acting assistant commissioner in the Office of Field Operations at Customs and Border Protection; Admiral William Lee, who is the deputy for operations policy and capabilities at the United States Coast Guard; Rebecca Gambler, the director of the homeland security and justice section for the Government Accountability Office; and Marc Rosenblum, who is a specialist in immigration policy at the Congressional Research Service. I will be introducing them in a moment.

But first, let me just recognize myself for an opening statement, and I would first like to congratulate the gentlelady from Texas, Ms. Jackson Lee, for her appointment as the Ranking Member of this subcommittee. We have had the opportunity to already work together previously and we have had some meetings before we started scheduling some of the hearings, so we are certainly looking forward to working together to strengthen our Nation's border.

I would also like to just recognize the Republican Members of the committee who are with us. First of all, Jeff Duncan, from South Carolina. It is his second term—he is a veteran of this subcommittee, and a second term in Congress as well, and we are looking forward to his service on the subcommittee and in the Congress, and I certainly want to congratulate him, as well, as being selected as the Chairman on Oversight and Management Efficiency Subcommittee here in Homeland Security. So excited to welcome him back.

Steve Palazzo, from Mississippi, is with us. He is a CPA. He is a United States Marine, a veteran of the Persian Gulf War, and

still is in the Army National Guard in Mississippi. So we appreciate his service to the country and in the Congress and looking forward—and I know he has a lot of interest in maritime issues, in particular.

Congressman Barletta—Lou Barletta—who is here from Pennsylvania. He is a former business owner, entrepreneur, a former mayor of Hazleton, and really is—has been an extremely strong voice on immigration issues and brings a, sort of a unique perspective to the entire thing. So we welcome him.

Then certainly Congressman Stewart, Chris Stewart, from Utah, as well, who is a world-record-setting Air Force pilot, *New York Times* best-seller author, and he really has a very impressive resumé and I think will bring, again, a unique perspective to this committee and to the committee in general.

Appreciate your service, as well, to the service—to our Nation.

Securing the Nation and our border—all of our borders and our Nation is certainly one of the principal responsibilities of the United States Congress and one that we have under the Constitution, actually. Since September 11 we have spent literally billions of dollars in our Nation to shore up the gaps in the Nation's border security.

Unfortunately, some of the spending that was done we think may have been done in an ad hoc way. We spent an incredible amount of resources throwing them at problems without really, I think in some instances, trying to connect it to what we hoped to achieve with all of this spending.

So it is no surprise that Congress thinks of solutions to border security chiefly in terms of resources—how many Customs and Border Protection officers; how many Border Patrol agents that we have; the hundreds of miles of fence that we have constructed, which is about 700 currently; the number of Coast Guard cutters or unmanned aerial vehicles, the UAVs; other kinds of technologies that we have sent to the border in recent years. All of those are incredibly, incredibly important, of course.

But we also need to continue our conversation about—the conversation that we need to be having about border security and really what does a secure border look like, how do we use the resources that we have at our disposal to get there, and then finally, what is the best way for us to actually measure the progress that we have had in securing our border?

Because it is a dynamic place; it is not static. Once we have secured one section, you know, it is not secured forever, so how we address that border should reflect that reality.

Today I sort of want to pivot to a discussion away from the resources and into one that touches on outcomes. So again, instead of discussing entirely how we have just grown the Border Patrol, the CBP, the Coast Guard, or the different types of technologies that we have put on the border, I want to examine really what the American people have gotten for the investment that we have made in that and how effective are we at stopping the flow of illegal aliens who are crossing the border, stopping the drugs that chiefly are coming into our country through the official ports of entries? In the maritime domain, can we interdict the growing threat of

semisubmersibles, these panga boats, that have all of these drugs that are now coming up the coastline of California?

Using apprehensions as the only metrics for success, as the GAO and others have already noted, is an incomplete way to look at border security. Operational control—sort of the buzz term here on the Hill—maybe that is not best the way—the best way to measure border security and isolation. But the Congress and the American people have sort of been in the dark since Secretary Napolitano has abandoned that term.

When the Department of Homeland Security stopped using the term “operational control,” at that time only 873 miles of the Southwest Border was considered controlled and only a few, really, on the Northern Border. They have said that we had about—I think it was 44 percent of the Southern Border under operational control; certainly in the low single digits on the Northern Border.

Where we are today I think is an open question. You have Department of Homeland Security officials who have been telling us that a new, holistic measure called the border condition index is on its way. That was something that was told to our subcommittee and to the full committee about 3 years ago and we are still waiting to understand what that term means and how it would work.

So I think when we hear individuals saying that the border is more secure than ever, that is not a substitute for very hard, verifiable facts, which is, again, why I want to examine today at this hearing the effectiveness and to push for a risk-based, outcome-oriented approach to border security.

GAO’s most recent border security report is really the first time that we have seen an examination of the Border Patrol’s efforts couched in terms of effectiveness, which in my view is a very positive development, certainly a good place to—for us to be talking about today. I believe that the CBP and the United States Coast Guard as well should also have outcome-based metrics that explain the state of security at the ports of entry and along our maritime borders.

I have been advocating the need for a comprehensive strategy to secure the borders for the last several years because I am absolutely convinced that the Department of Homeland Security needs to just stop the ad hoc application of resources without really thinking about the big picture. I know that they are in many cases, but again, this hearing will really try to get to the nuts and bolts of how we can use a metrics to measure our success.

We have to be held accountable for outcomes. We can’t just say that the border is more secure than ever because we now have lots of agents, we have lots of technology, we have infrastructure on the border without, again, being able to verify from an accountability standpoint how effective they have actually been—we have been.

Because the bottom line for the American people will be these simple questions: What does a secure border look like? How do we get there? Then, how do we measure it?

So I look very much forward to hearing from the distinguished panel of witnesses today. I think this is going to be a very interesting hearing and one that can be a critical component for the entire Congress as we are totally engaged, as the Nation is, in this

debate now about immigration reform and what a—again, what a critical component border security is to that debate.

At this time the Chairwoman now recognizes the Ranking Minority Member from the subcommittee, Ms. Jackson Lee.

Ms. JACKSON LEE. I thank the Chairwoman very much, and I am also looking forward to working with you and appreciate very much some of the earlier meetings that we had but also the opportunity that we have had to work together. I certainly adhere to the issue of outcomes.

I, too, am very pleased to acknowledge new Members of our committee and welcome them, as well. But let me acknowledge all of our Members of our committee: Representative Loretta Sanchez hails from a State with both border and maritime interests and she has even served as subcommittee Chairwoman; I want to welcome Representative Beto O'Rourke, who represents a district along the U.S.-Mexico border and knows first-hand the importance of border security but also knows first-hand the enhanced safety and security that they are facing and experiencing through hard work in El Paso.

I welcome you.

Like to also welcome Representative Tulsi Gabbard—thank you so very much—who comes from a district with unique homeland security interests—I would say very unique. You add a very special commitment to this committee because we need to understand the—both the successes and challenges of Hawaii that is facing a different order of intrusion, being in its location.

I am also delighted to welcome our Ranking Member, Mr. Thompson, who has had an on-going commitment to securing the border, and we have worked over the years together, and has generated under his leadership a number of successes.

I would, before I go into my full remarks, also welcome Mr. Cuellar, who was a Ranking Member on this committee and worked on the GAO request that many of us are reviewing and that I have joined.

So, Madam Chairwoman, I ask unanimous consent that the gentleman from Texas, Mr. Cuellar, be allowed to sit and question the witnesses at today's hearing.

Mrs. MILLER. Without objection, and we certainly welcome him being back with us.

Ms. JACKSON LEE. Thank you so very much.

I want to, as well, comment on outcomes and comment on the idea of data sharing and being more cooperative with our local officials. I think, Madam Chairwoman, we can find common ground. I have understood in briefings—and I indicated I would use this terminology—that securing the border is not simplistic. I think it is a moving process.

We, in fact, see different topography; we see moments when one area is secure and others are not as secure. We note that there are cities, such as San Diego and El Paso along the border, that count themselves having great improvement and one might use the terminology “operational control,” primarily because there are border stations there.

We know that there are 1,993 miles of border, 651 miles of fencing. One might make the argument that the un-fenced area is less secure. I would argue against that.

One of the things that we need to ensure that we allow the Border Patrol to do is to advise us of how they believe using the right resources they can effectuate a secure border. But it is always moving.

One of the issues that I think should be prominent in this is what we have done, such as in 2004, as a Member of this committee working with Senator Kerry, we provided the answer to the original request by Border Patrol, and that is equipment. That was the year that we presented all the helicopters, all of the Jeeps, all of the laptops, all of the night goggles, all the enhanced equipment. But we know that those kinds of resources are not the only answer to border security.

What I would like to see is to match your outcomes with the use of new technology, but at the same time, as we move forward on technology and having the Border Patrol respond in a very short order of strategies that would give them what they feel is on-going operational control should be the moving forward on comprehensive immigration reform. I say that because when you speak to professionals about border security they speak less of the intrusion of masses of people as much as they talk about gun trafficking, drug trafficking. Those are the criminal elements—the cartels—that make the border unstable.

So I would almost suggest that if you have regular order with immigration reform—comprehensive immigration reform—you then give a process of people being able to enter the country so that it gives more of a latitude for the resources that the border security—Border Patrol individuals would have to be able to work on something we could rename—may not call it “operational control,” but enhanced border security and on-going border security.

I would also suggest, as I was able to glean from some very good conversations, that I would like to see enhanced intelligence. I would like to give the Border Patrol the resources to identify the threats and then I think that they would be able to come forward and provide us with the necessary strategy going forward.

Again, I would offer this morning that as we proceed with this hearing I would like to also bring into play coordination between local and State authorities. My State legislature just voted yesterday, Madam Chairwoman, to ask the Federal Government for reimbursement. Some of those who voted for it recognize the challenges but they have been investing a lot in border security.

So my point would be, as I conclude, is, one, I would like to see a coordination between DEA—and I say that enhanced coordination, want to thank them for the work already done—ATF, FBI, Border Patrol, certainly local and State, and around that, the Border Patrol takes the lead on, one, defining what an on-going operational control—if we don’t want to use that terminology, a high level of border security throughout our expanded area, including the north—Northern Border, including the Southern Border, and again, to recognize that comprehensive immigration reform—and let me also note the very fine work of the Coast Guard in a very

unique border effort that goes deep out beyond our borders in the waterways really being the first line of defense for security.

But finally, allowing the comprehensive immigration reform to parallel this effort of this committee, and the reason being is that will give a metric, a marker on how you are to be able to allow people in and to document those who are already within our borders.

So I look forward to the testimony of all of our witnesses and again, I thank them for their service.

Madam Chairwoman, I thank you for your courtesies. I yield back.

Mrs. MILLER. Thank the gentlelady.

The Chairwoman now recognizes the Ranking Member of the full committee, the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Madam Chairwoman, and I, like my colleague, Ms. Jackson Lee, look forward to this hearing.

Welcome, to our witnesses. Some I have seen for a quite a while now. Good seeing you.

Today's subcommittee is examining the Department of Homeland Security's efforts to achieve border security. With the support of Congress, DHS has made unprecedented efforts to better secure our borders in recent years, as already outlined by Ranking Member Jackson Lee's opening statement.

Reasonable people may disagree about the best way to proceed from here about what having a secure border means. Some may believe we need expensive new technology along the borders; others, including me, see the need for additional effective, targeted resources accompanied by a comprehensive border security strategy that ensures we are using taxpayers' border security dollars wisely and avoiding past acquisition failures. Some may believe we need to return to using operational control as our metric for measuring border security; others, including me, believe we need a workable metric and a set of metrics that offer an accurate assessment of security of all our Nation's borders, both at and between the ports of entry.

Earlier this month, former Coast Guard Commandant Thad Allen testified at the request of Chairman McCaul and urged the committee to decide what is an acceptable level of risk at our borders while accepting that risk will never be zero. I agree with former Commandant Allen and would like to insert his statement from the full committee hearing on February 13.

Mrs. MILLER. Without objection.

[The information follows:]

PREPARED STATEMENT OF THAD W. ALLEN

13 FEBRUARY 2013

Mr. Chairman, Ranking Member Thompson, and Members of the committee, I am pleased to have been invited to testify on this important topic and I thank you for the opportunity.

A Retrospective

Mr. Chairman, the 1st of March will mark the Tenth Anniversary of stand-up of the Department of Homeland Security. The Department was officially created on the 24th of January 2003, but the operating components from other departments were not moved to DHS until 1 March 2003 when the Department became operational. From the signing of the Homeland Security Act on 25 November 2012 to the actual operation of the Department on 1 March barely 3 months passed. I am not here to

dwell on the past but it is important to understand the circumstances under which the Department was created.

While this could be considered Government at light speed, little time was available for deliberate planning and thoughtful consideration of available alternatives. The situation was complicated by the fact that the law was passed between legislative sessions and in the middle of a fiscal year. Other than Secretary Ridge, early leadership positions were filled by senior officials serving in Government. Confirmation was not required to be "acting." Funding was provided through the reprogramming of current funds from across Government for Departmental elements that did not have existing appropriations from their legacy departments.

Operating funds for components that were transferred were identified quickly and shifted to new accounts in the Department to meet the deadline. Because of the wide range of transparency and accuracy of the appropriation structure and funds management systems of the legacy departments some of the new operational components faced a number of immediate challenges. Estimating the cost of salaries for Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE) required the combination of different work forces, with different grade structures, different career ladders, and different work rules.

Basic mission support functions of the Department such as financial accounting, human resource management, real property management, information resource management, procurement, and logistics were retained largely at the component level in legacy systems that varied widely. Funding for those functions was retained at the component level as well. In those cases where new entities were created (i.e. Departmental-level management and operations, the Under Secretary for Science and Technology, the Under Secretary for Intelligence and Analysis, the Domestic Nuclear Detection Office) support systems had to be created rapidly to meet immediate demands of mission execution. Finally, components and Departmental offices that did not preexist the legislation were located in available space around the Washington, DC area and the Secretary and number of new functions were located at the Nebraska Avenue Complex in Northwest Washington.

At the time of this transition I was serving as the Coast Guard Chief of Staff and was assigned as the Coast Guard executive to oversee the Service's relocation from the Department of Transportation to the new Department. We began planning for eventual relocation as soon as the administration submitted legislation to the Congress. I also assigned personnel to the Transition Planning Office (TPO) that was created in the Office of Management and Budget by Executive Order to prepare for the transition. A considerable challenge during this period was the fact that the TPO was part of the Executive Office of the President and there were legal limitations on how much of their work could be shared externally. As a result much of that effort was redone or duplicated when the Department was created.

As I noted earlier, my intent is not to dwell on the past but to frame the degree of difficulty facing the leaders attempting to stand up the Department from the outset. Many of these issues persist today, 10 years later. Despite several attempts to centralize and consolidate functions such as financial accounting and human resource management, most support functions remain located in Departmental components and the funding to support those functions remains in their appropriations. Because of dissimilarities between appropriations structures of components transferred from legacy departments there is a lack of uniformity, comparability, and transparency in budget presentations across the Department. As a result it is difficult to clearly differentiate, for example, between personnel costs, operations and maintenance costs, information technology costs, and capital investment. Finally, the 5-year Future Years Homeland Security Plan (FYHSP) required by the Homeland Security Act has never been effectively implemented as a long-rang planning, programming, and budgeting framework inhibiting effective planning and execution of multi-year acquisitions and investments.

In the Washington Area the Department remains a disjointed collection of facilities and the future of the relocation to the St. Elizabeth's campus remains in serious doubt. As the Chief of Staff of the Coast Guard and Commandant I committed the Coast Guard to the move to St. Elizabeth and only asked that we be collocated with our Secretary and not be there alone. The Coast Guard will move to St. Elizabeth's this year . . . alone. One of the great opportunity costs that will occur if colocation does not happen will be the failure to create a fully functioning National Operations Center for the Department that could serve at the integrating node for Departmental-wide operations and establish the competency and credibility of the Department to coordinate homeland security-related events and responses across Government as envisioned by the Homeland Security Act. As with the mission support functions discussed earlier, the Department has struggled to evolve an operational planning and mission execution coordination capability. As a result, the most robust

command-and-control functions and capabilities in the Department reside at the component level with the current NOC serving as a collator of information and reporting conduit for the Secretary.

The combination of these factors, in my view, has severely constrained the ability of the Department to mature as an enterprise. And while there is significant potential for increased efficiencies and effectiveness, the real cause for action remains the creation of unity of effort that enables better mission performance. In this regard there is no higher priority than removing barriers to information sharing within the Department and improved operational planning and execution. Effective internal management and effective mission execution require the same commitment to shared services, information systems consolidation, the reduction in proprietary technologies and software, and the employment of emerging cloud technologies.

Mr. Chairman, this summary represents my personal views of the more important factors that influenced the creation and the first 10 years of the Department's operations. It is not all-inclusive but is intended to be thematic and provide a basis for discussion regarding the future. Looking to the future the discussion should begin with the Department's mission and the need to create unity of effort internally and across the homeland security enterprise. I made similar comments before the Senate Committee on Homeland Security and Government Affairs last year.

The Future

The Quadrennial Homeland Security Review was envisioned as a vehicle to consider the Department's future. The first review completed in 2010 described the following DHS missions:

- Preventing Terrorism and Enhancing Security;
- Securing and Managing Our Borders;
- Enforcing and Administering our Immigration Laws;
- Safeguarding and Securing Cyberspace;
- Insuring Resiliency to Disasters.

An additional area of specific focus was the maturation of the homeland security "enterprise" which extends beyond the Department itself to all elements of society that participate in and contribute to the security of the homeland.

The QHSR outcomes were consistent with the fiscal year 2010 budget that was submitted in early 2009 following the change of administrations. That request laid out the following mission priorities for the Department:

- Guarding Against Terrorism;
- Securing Our Borders;
- Smart and Tough Enforcement of Immigration Laws and Improving Immigration Services;
- Preparing For, Responding To, and Recovering From Natural Disasters;
- Unifying and Maturing DHS.

The fiscal year 2010 budget priorities and the follow-on QHSR mission priorities have served as the basis for annual appropriations requests for 4 consecutive fiscal years.

I participated in the first review prior to my retirement and we are approaching the second review mandated by the Homeland Security Act. This review presents an opportunity to assess the past 10 years and rethink assumptions related to how the broad spectrum of DHS authorities, jurisdictions, capabilities, and competencies should be applied most effectively and efficiently against the risks we are likely to encounter . . . and how to adapt to those that cannot be predicted. This will require a rethinking of what have become traditional concepts associated with homeland security over the last 10 years.

Confronting Complexity and Leading Unity of Effort

Last year in an issue of Public Administration Review (PAR), the journal of the American Society for Public Administration (ASPA), I wrote an editorial piece entitled "Confronting Complexity and Leading Unity of Effort." I proposed that the major emerging challenge of public administration and governing is the increased level of complexity we confront in mission operations, execution of Government programs, and managing non-routine and crisis events. Driving this complexity are rapid changes in technology, the emergence of a global community, and the ever-expanding human-built environment that intersects with the natural environment in new, more extreme ways.

The results are more vexing issues or wicked problems we must contend with and a greater frequency of high-consequence events. On the other hand advances in computation make it possible to know more and understand more. At the same time structural changes in our economy associated with the transition from a rural agrarian society to a post-industrial service/information economy has changed how public

programs and services are delivered. No single Department, agency, or bureau has the authorizing legislation, appropriation, capability, competency, or capacity to address this complexity alone. The result is that most Government programs or services are “co-produced” by multiple agencies. Many involve the private/non-governmental sector, and, in some cases, international partners. Collaboration, cooperation, the ability to build networks, and partner are emerging as critical organizational and leadership skills. Homeland security is a complex “system of systems” that interrelates and interacts with virtually every department of Government at all levels and the private sector as well. It is integral to the larger National security system. We need the capabilities, capacities, and competency to create unity of effort within the Department and across the homeland security enterprise.

MISSION EXECUTION AND MISSION SUPPORT

As we look forward to the next decade I would propose we consider two basic simple concepts: Mission execution and mission support. Mission execution is deciding what to do and how to do it. Mission support enables mission execution.

Mission Execution . . . Doing the Right Things Right

As a precursor to the next QHSR there should be a baseline assessment of the current legal authorities, regulatory responsibilities, treaty obligations, and current policy direction (i.e. HSPD/NSPD). I do not believe there has been sufficient visibility provided on the broad spectrum of authorities and responsibilities that moved to the Department with the components in 2003, many of which are non-discretionary. Given the rush to enact the legislation in 2002 it makes sense to conduct a comprehensive review to validate the current mission sets as established in law.

The next step, in my view, would be to examine the aggregated mission set in the context of the threat environment without regard to current stove-piped component activities . . . to see the Department’s mission space as a system of systems. In the case of border security/management, for example, a system-of-systems approach would allow a more expansive description of the activities required to meet our sovereign responsibilities.

Instead of narrowly focusing on specific activities such as “operational control of the border” we need to shift our thinking to the broader concept of the management of border functions in a global commons. The border has a physical and geographical dimension related to the air, land, and sea domains. It also has a virtual, information-based dimension related to the processing of advance notice of arrivals, analysis data related to cargoes, passengers, and conveyances, and the facilitation of trade. These latter functions do not occur at a physical border but are a requirement of managing the border in the current global economic system.

The air and maritime domains are different as well. We prescreen passengers at foreign airports and the maritime domain is a collection of jurisdictional bands that extend from the territorial sea to the limits of the exclusive economic zone and beyond.

The key concept here is to envision the border as an aggregation of functions across physical and virtual domains instead of the isolated and separate authorities, jurisdictions, capabilities, and competencies of individual components. Further, there are other Governmental stakeholders whose interests are represented at the border by DHS components (i.e. Department of Agriculture, DOT/Federal Motor Carriers regarding trucking regulations, NOAA/National Marine Fisheries Service regarding the regulation of commercial fishing).

A natural outcome of this process is a cause for action to remove organizational barriers to unity of effort, the consolidation of information systems to improve situational awareness and queuing of resources, and integrated/unified operational planning and coordination among components. The additional benefits accrued in increased efficiency and effectiveness become essential in the constrained budget environment. The overarching goal should always be to act with strategic intent through unity of effort.

A similar approach could be taken in considering the other missions described in the QHSR. Instead of focusing on “insuring resiliency to disasters” we should focus on the creation and sustainment of National resiliency that is informed by the collective threat/risks presented by both the natural and human-built environments. The latter is a more expansive concept than “infrastructure” and the overall concept subsumes the term “disaster” into larger problem set that we will face. This strategic approach would allow integration of activities and synergies between activities that are currently stovepiped within FEMA, NPPD, and other components. It also allows cybersecurity to be seen as an activity that touches virtually every player in the homeland security enterprise.

In regard to terrorism and law enforcement operations we should understand that terrorism is, in effect, political criminality and as a continuing criminal enterprise it requires financial resources generated largely through illicit means. All terrorists have to communicate, travel, and spend money, as do all individuals and groups engaged in criminal activities. To be effective in a rapidly-changing threat environment where our adversaries can quickly adapt, we must look at cross-cutting capabilities that allow enterprise-wide success against transnational organized criminal organizations, illicit trafficking, and the movement of funds gained through these activities. As with the “border” we must challenge our existing paradigm regarding “case-based” investigative activities. In my view, the concept of a law enforcement case has been overtaken by the need to understand criminal and terrorist networks as the target. It takes a network to defeat a network. That in turn demands even greater information sharing and exploitation of advances in computation and cloud-based analytics. The traditional concerns of the law enforcement community regarding confidentiality of sources, attribution, and prosecution can and must be addressed, but these are not technology issues . . . they are cultural, leadership, and policy issues.

Mr. Chairman, this is not an exhaustive list of proposed missions or changes to missions for the Department. It is an illustrative way to rethink the missions of the Department given the experience gained in the last 10 years. It presumes the first principals of: (1) A clear, collective strategic intent communicated through the QHSR, budget, policy decisions, and daily activities, and (2) an unyielding commitment to unity of effort that is supported by an integrated planning and execution process based on transparency and exploitation of information to execute the mission.

Mission Support . . . Enabling Mission Execution

Mr. Chairman, in my first 2 years as Commandant I conducted an exhaustive series of visits to my field commands to explain my cause for action to transform our Service. In those field visits I explained that when you go to work in the Coast Guard every day you do one of two things: You either execute the mission or you support the mission. I then said if you cannot explain which one of these jobs you are doing, then we have done one of two things wrong . . . we haven’t explained your job properly or we don’t need your job. This obviously got a lot of attention.

In the rush to establish the Department and in the inelegant way the legacy funding and support structures were thrown together in 2003, it was difficult to link mission execution and mission support across the Department. To this day, most resources and program management of support functions rest in the components. As a result normal mission support functions such as shared services, working capital funds, core financial accounting, human resources, property management, and integrated life cycle-based capital investment have been vexing challenges.

There has been hesitancy by components to relinquish control and resources to a Department that appears to be still a work in progress. The structure of Department and component appropriations does not provide any easy mechanism for Departmental integration of support functions. As a result information sharing is not optimized and potential efficiencies and effectiveness in service delivery are not being realized. As I noted earlier, a huge barrier to breaking this deadlock is the lack of uniformity in appropriations structures and budget presentation. This problem has been compounded by the failure to implement a 5-year Future Years Homeland Security Plan and associated Capital Investment Plan to allow predictability and consistency across fiscal years.

Mr. Chairman, having laid out this problem, I see three possible ways forward. The desirable course of action would be to build the trust and transparency necessary for the Department and components to collectively agree to rationalize the mission support structure and come to agreements on shared services. The existing barriers are considerable but the first principals of mission execution apply here as well . . . unambiguous, clearly communicated strategic intent and unity of effort supported by transparency and knowledge-based decisions. A less palatable course of action is top-down directed action that is enforced through the budget process. The least desirable course of action is externally-mandated change. Unfortunately, the current fiscal impasse and the need to potentially meet sequester targets while facing the very real prospect of operating under a continuing resolution for the entire fiscal year 2013 represents the confluence of all of these factors and a fiscal perfect storm. There is a case to act now. We should understand that a required first step that lies within the capability of the Department would be to require standardized budget presentations that can serve as the basis for proposed appropriations restructuring to clearly identify the sources and uses of funds and to separate at

a minimum personnel costs, operating and maintenance costs, information technology costs, capital investment cost, and facility costs.

Creating and Acting with Strategic Intent

Mr. Chairman, I have attempted to keep this testimony at a strategic level and focus on thinking about the challenges in terms that transcend individual components, programs, or even the Department itself. I have spoken in the last year to the Department of Homeland Security Fellows and the first DHS Capstone course for new executives. I have shared many of the thoughts provided today over the last 10 years to many similar groups. Recently, I have changed my message. After going over the conditions under which the Department was formed and the many challenges that still remain after 10 years, I was very frank with both groups. Regardless of the conditions under which the Department was created and notwithstanding the barriers that have existed for 10 years, at some point the public has a right to expect that the Department will act on its own to address these issues. Something has to give. In my view, it is the responsibility of the career employees and leaders in the Department to collectively recognize and act to meet the promise of the Homeland Security Act. That is done through a shared vision translated into strategic intent that is implemented in daily activities from the NAC to the border through the trust and shared values that undergird unity of effort. It is that simple; it is that complex.

I understand the committee is considering whether the Department should develop a comprehensive border strategy that would encompass all components and entities with border equities, including State and local law enforcement. I also understand there is concern about performance metrics associated with carrying out such a strategy. There are also potential opportunities related to the equipment being returned from military operations in Iraq and Afghanistan. Finally, we are witnessing a transition of leadership in Mexico as we continue to jointly address the threat of drug and other illicit trafficking as a major hemispheric threat.

In considering the strategic course of action going forward regarding the management of the border in a global commons or any of the diverse missions of the Department of Homeland Security, we should remember then General Eisenhower's admonition that "Plans are nothing; planning is everything." I have been involved in strategic planning for decades I can attest to their value. Done correctly that value is derived from a planning process that forces critical thinking, challenges existing assumptions, creates shared knowledge and understanding, and promotes a shared vision. Accordingly, I would be more concerned about the process of developing a strategy than the strategy itself. It is far more important to agree on the basic terms of reference that describe the current and likely future operating environment and to understand the collective capabilities, competencies, authorities, and jurisdictions that reside in the Department as they relate to that environment and the threats presented.

I believe the Homeland Security Act envisioned that process to be the Quadrennial Homeland Security Review. Accordingly, the committee may want to consider how that process that is already mandated in law might become the vehicle to create strategic intent. Intent that unifies Departmental action, drives resource allocation, integrates mission support activities, removes barriers to information sharing and creates knowledge.

Strategic Intent and the Border

I am often asked, in the wake of the Deepwater Horizon oil spill, "Is it safe to drill offshore?" My answer to that question is relevant to any consideration of how we carry out the sovereign responsibilities of a Nation in managing our border. My answer is that there is no risk-free way to extract hydrocarbons from the earth. The real question is: "What is the acceptable level of risk associated with those activities in light of the fact that it will take a generation to develop alternate fuels?" Likewise, there is no risk-free way to manage a border short of shutting it down. Discussions about operational control of the border and border security too often focus on specific geographical and physical challenges related to managing the land border. While those challenges exist, they cannot become the sole focus of a strategy that does not account of all domains (air, land, sea, space, and cyber) and the risks and opportunities that the border represents. As I mentioned earlier we need to think of the border as a set of functions. We need to think about what is the acceptable level of risk associated with those functions. We cannot neglect trade and become fixated on driving risk to zero; it cannot be done.

Whether it is TSA considering options for passenger and cargo screening, the Coast Guard considering the trade-offs between fisheries and drug enforcement, ICE considering resource allocation to protect intellectual property or remove dangerous

aliens, NPPD considering how to deal with cyber threats to infrastructure, or USCIS deciding how immigration reform would drive demand for their services, the real issue is the identification and management of risk. Those decisions are made daily now from the Port of Entry at Nogales to the Bering Sea, from TSA and CBP pre-clearance operations in Dublin to Secret Service protection of the President, and from a disaster declaration following a tornado in Mississippi to the detection of malware in our networks. The question is: How are they linked? Are those actions based on a shared vision that make it clear to every individual in the Department what their role is in executing or supporting the mission?

A strategy for the border or any DHS mission ideally would merely be the codification of strategic intent for record purposes to support enterprise decisions. The creation of self-directed employees that understand their role in Departmental outcomes on a daily basis in a way that drives their behavior should be the goal. If a border strategy is desired, I believe it must be preceded by a far deeper introspective process that addresses how the Department understands itself and its missions as a unified, single enterprise.

Mr. THOMPSON. Regardless of these differences, Madam Chairwoman, I would hope that we can all agree that pulling the equivalent of 5,000 Border Patrol agents and 2,750 CBP Officers from our borders, as called for by the sequester, is no way to achieve anyone's definition of a secure border. Forcing the Coast Guard to curtail air and surface operations by more than 25 percent, reducing essential missions including migrant and drug interdiction and port security operations is no way to achieve border security. Additionally, reducing the number of available immigration detention beds from 34,000 that we have today is no way to secure our borders.

I hope we can have a frank discussion today about the challenges DHS will face in securing our borders if and when sequestration takes effect.

I am also pleased that we are joined today by a witness from the Government Accountability Office. GAO has done some very important work on border security matters on behalf of this committee.

This work includes a report being released today that examines crime rates on the U.S. side of the Southwest Border. The report shows that in general crime rates have fallen in border communities in recent years and, in fact, are mostly lower than crime rates in non-border communities within the same States. This data would appear to suggest that while border-related crime is a concern, border communities are largely safe places to live, work, and do business.

I hope to hear from Ms. Gambler in more detail about the report and what GAO's body of work indicates about the state of security along the borders.

Finally, as groundwork is being done to develop comprehensive immigration reform legislation, I want to remind all our Members that border security is linked to immigration matters and will be an integral part of any reform proposal. As a leading committee on border security in the House, the Committee on Homeland Security has a long and successful history of conducting oversight of the Department of Homeland Security's efforts to secure our Nation's borders. It is imperative that this committee's expertise on border security inform any legislative proposal produced by Congress to reform our immigration system.

With that, Madam Chairwoman, I look forward to today's hearing and I look forward to the witnesses' testimony. I yield back the balance of my time.

Mrs. MILLER. Thank the gentleman.

Other Members of the committee are reminded that opening statements may be submitted for the record.

Again, we are just so pleased to have the distinguished panel that we have before us this morning, and I think what I will do is just go through and introduce you, or read your bio and intro you all en masse and then we will start with Chief Fisher.

Michael Fisher was named chief of the U.S. Border Patrol in May 2010. The chief started his duty along the Southwest Border in 1987 in Douglas, Arizona. He also served as a deputy chief patrol agent in the Detroit sector and as an assistant chief patrol agent in Tucson, Arizona.

Mr. Kevin McAleenan is the acting assistant commissioner at the U.S. Customs and Border Protection where he is responsible for overseeing CBP's antiterrorism, immigration, anti-smuggling, trade compliance, and agriculture protection operations at the Nation's 331 ports of entry.

Rear Admiral William D. Lee is the deputy for operations policy and capabilities for the United States Coast Guard, and in this role Rear Admiral Lee oversees integration of all operations, capabilities, strategy, and resource policy. He spent 13 years in six different command assignments and spent a career, as well, specializing in boat operations and search and rescue.

Rebecca Gambler is an acting director of the U.S. Government Accountability Office of homeland security and justice team where she leads GAO's work on border security and immigration issues.

Marc Rosenblum is a specialist in immigration policy at the Congressional Research Service and is an associate professor of political science at the University of New Orleans.

The witnesses' full written statements will appear in the record, and the Chairwoman now recognizes Chief Fisher for his testimony.

**STATEMENT OF MICHAEL J. FISHER, CHIEF, BORDER PATROL,
DEPARTMENT OF HOMELAND SECURITY**

Mr. FISHER. Thank you.

Chairwoman Miller, Ranking Member Jackson Lee, Ranking Member Thompson, and other distinguished Members of the subcommittee, it is indeed a privilege and an honor to appear before you today to discuss the work U.S. Border Patrol agents and mission support employees do every day to secure America's borders.

Today my intent is to offer my thoughts regarding the question and purpose of this hearing: What does a secure border look like? In short, a secure border is characterized by low risk, one in which we reduce the likelihood of attack to the Nation and one that provides safety and security to the citizens against dangerous people seeking entry into the United States to do us harm.

As we enter our first year of implementation I would like to highlight how the operational implementation plan is developing. First and foremost, we have a definitive requirement for information and intelligence to provide greater situational awareness in each of our operational corridors. Advanced information will provide us the ability to deploy and redeploy resources to areas of greatest threat. We have prioritized and submitted our intelligence requirements and we expect collection against these requirements soon.

Second, we have assessed areas of high risk in certain corridors and determined appropriate staffing levels to reduce risk. We are currently increasing staffing levels in some corridors from others to ensure we are placing increased capability against the greatest threat.

Third, we continue to refine the South Texas campaign, which was the first implementation of that strategy. The lessons learned from the past year confirm the importance of joint planning and execution with strategic objectives against common threats.

Central to this campaign is the importance of including all communities of interest in the process and the establishment of joint targeting teams. We have found that focused, targeted enforcement, operational discipline, and unified commands do, in fact, have value.

Fourth, we have commenced our first area reduction flights. The purpose of these flights is to identify remote areas along the border—areas where we have limited presence and technology—and determine whether or not vulnerability exists.

This will allow us to periodically check sections along the border using technology and analytics, providing broader situational awareness to inform field commanders of any change in the terrain and the probability of entries, and to adjust resources in advance of increased activity. Moreover, this methodology will also allow us to verify the absence of threats in particular areas, in essence shrinking the border.

In the end, the metrics and performance measures will provide us and this committee the answer to the questions: Are we winning, and how do we know? No longer will apprehensions alone be the anchor metric. Instead, we will concentrate on the likelihood of apprehension once an entry is detected in areas of significant illegal activity, and where this makes sense, 90 percent effectiveness is our goal.

We continue to learn the value of analyzing recidivism rates and what this means relative to reducing risk.

Since my last testimony in front of this committee I have strengthened my conviction that assessing security along the border 1 linear mile at a time is the wrong approach. First, the environment in which we operate, characterized by dynamic threats operating within a corridor, does not lend itself neatly to steady, incremental metrics.

Second, to ask the question, “Is the border secure?” in a vacuum presupposes a definitive end-state that is static, which it is not. The tremendous complexity of the border demonstrates why no single metric can be used to assess border security.

Instead, a valid determination of border security can only be made by analyzing all available data and placing it in the context of current intelligence and operational assessments. Accomplishing this requires a structured process and methodology to shift the discussion from the possibility of threats to one involving a probability of threats and subsequent risk mitigation strategies.

Although border security resources such as agent staffing, and detection, tracking, and monitoring technology are critical in providing enhanced capability against threats, simply measuring the amount of enforcement resources in a particular area does not by

itself provide an accurate security assessment. Likewise, vulnerability does not simply exist in the absence of resources. Vulnerability exists when resources and corresponding capability are insufficient to meet defined and existing threats.

So what do I propose? I would envision a process by which we would periodically brief this committee on current threats as assessed by the intelligence community. We would then show you how we are responding to those threats and brief the relevant metrics to assess our progress toward mitigating risk.

In the end, we would be able to assess the state of the border from our perspective, work with other stakeholders who have equity and corresponding responsibility toward those objectives, and ultimately offer our professional judgment on the extent to which our border is secure.

I want to applaud your efforts, Chairwoman Miller and the Members of the committee, for asking the critical question, "What does a secure border look like?" Thank you, and I look forward to your questions.

[The joint prepared statement of Mr. Fisher and Mr. McAleenan follows:]

JOINT PREPARED STATEMENT OF MICHAEL J. FISHER AND KEVIN MCALEENAN

FEBRUARY 26, 2013

Chairwoman Miller, Ranking Member Jackson Lee, and distinguished Members of the subcommittee, it is an honor to appear before you today to discuss the role of U.S. Customs and Border Protection (CBP) in securing America's borders, a role that we share with our Federal, State, local, Tribal, and international partners.

We are here today to discuss what a secure border looks like. Some have suggested that it can be described in terms of linear miles of "operational control," a tactical term once used by the Border Patrol to allocate resources among sectors and stations along the border. We do not use this term as a measure of border security because the reality is that the condition of the border cannot be described by a single objective measure. It is not a measure of crime, because even the safest communities in America have some crime. It is not merely a measure of resources, because even the heaviest concentration of fencing, all weather roads, 24-hour lighting, surveillance systems, and Border Patrol Agents cannot seal the border completely.

For border communities, a secure border means living free from fear in their towns and cities. It means an environment where businesses can conduct cross-border trade and flourish. For other American communities, it means enjoying the benefits of a well-managed border that facilitates the flow of legitimate trade and travel. Our efforts, combined with those of our international, Federal, State, local, and Tribal partners, have transformed the border and assist in continuing to keep our citizens safe, our country defensible from an attack, and promote economic prosperity.

For CBP, securing our borders means first having the visibility to see what is happening on our borders, and second, having the capacity to respond to what we see. We get visibility through the use of border surveillance technology, personnel, and air and marine assets. Our ability to respond is also supported by a mix of resources including personnel, tactical infrastructure, and air and marine assets.

UNPRECEDENTED RESOURCES AT OUR BORDERS

Thanks to your support, the border is more secure than ever before. Since its inception, DHS has dedicated historic levels of personnel, technology, and infrastructure in support of our border security efforts. Today CBP is the largest law enforcement agency in the United States.

Law Enforcement Personnel

Currently, the Border Patrol is staffed at a higher level than at any time in its 88-year history. The number of Border Patrol agents has doubled, from approximately 10,000 in 2004 to over 21,000 agents today. Along the Southwest Border, DHS has increased the number of law enforcement on the ground from approxi-

mately 9,100 Border Patrol agents in 2001 to nearly 18,500 today. At our Northern Border, the force of 500 agents that we sustained 10 years ago has grown to over 2,200. Law enforcement capabilities at the ports of entry have also been reinforced. To support our evolving, more complex mission since September 11, 2001, the number of CBP officers ensuring the secure flow of people and goods into the Nation has increased from 17,279 customs and immigration inspectors in 2003, to over 21,000 CBP officers and 2,400 agriculture specialists today. These front-line employees facilitated \$2.3 trillion in trade in fiscal year 2012, and welcomed a record 98 million travelers—a 12 percent increase over fiscal year 2009, further illustrating the critical role we play not only with border security, but with economic security and continued growth.

Infrastructure and Technology

In addition to increasing our workforce, DHS has also made unprecedented investments in border security infrastructure and technology. Technology is the primary driver of all land, maritime, and air domain awareness—and this will become only more apparent as CBP faces future threats. Technology assets such as integrated fixed towers, mobile surveillance units, and thermal imaging systems act as force multipliers increasing agent awareness, efficiency, and capability to respond to potential threats. As we continue to deploy border surveillance technology, particularly along the Southwest Border, these investments allow CBP the flexibility to shift more Border Patrol agents from detection duties to interdiction and resolution of illegal activities on our borders.

At our ports of entry, CBP has aggressively deployed Non-Intrusive Inspection (NII) and Radiation Portal Monitor (RPM) technology to identify contraband and weapons of mass effect. Prior to September 11, 2001, only 64 large-scale NII systems, and not a single RPM, were deployed to our country's borders. Today CBP has 310 NII systems and 1,460 RPMs deployed. Upon arrival into the United States, CBP scans 99 percent of all containerized cargo at seaports and 100 percent of passenger and cargo vehicles at land borders for radiological and nuclear materials.

The implementation of the Western Hemisphere Travel Initiative (WHTI) involved a substantial technology investment in the land border environment; this investment continues to provide both facilitation and security benefits. For example, today, more than 19 million individuals have obtained Radio Frequency Identification (RFID) technology-enabled secure travel documents. These documents are more secure as they can be verified electronically in real-time back to the issuing authority, to establish identity and citizenship; they also reduce the average vehicle processing time by 20 percent.

The implementation of WHTI in the land border environment, and the increased use of RFID-enabled secure travel documents, has allowed CBP to increase the National law enforcement query rate, including the terrorist watch list, to over 98 percent. By comparison, in 2005, CBP performed law enforcement queries in the land border environment for only 5 percent of travelers. In terms of facilitation, CBP has also capitalized upon these notable improvements to establish active lane management at land border ports; this process is analogous to the management of toll booths on a highway. Through active lane management, CBP can adjust lane designations as traffic conditions warrant to better accommodate trusted travelers and travelers with RFID-enabled documents.

CBP continues to optimize the initial investment in the land border by leveraging new technologies and process improvements across all environments. Since 2009, a variety of mobile, fixed, and tactical hybrid license plate readers (LPR) solutions have been deployed to 40 major Southern Border out-bound crossings and 19 Border Patrol checkpoints. These capabilities have greatly enhanced CBP's corporate ability to gather intelligence and target suspected violators by linking drivers, passengers, and vehicles across the core mission areas of in-bound, check-point, and out-bound. In the pedestrian environment, automated gates coupled with self-directed traveler kiosks now provide document information, query results, and biometric verification in advance of a pedestrian's arrival to CBP officers.

CBP not only supports security efforts along the nearly 7,000 miles of land borders, but also supplements efforts to secure the Nation's 95,000 miles of coastal shoreline. CBP has over 268 aircraft, including 10 Unmanned Aircraft Systems (UAS), and 293 patrol and interdiction vessels that provide critical aerial and maritime surveillance and operational assistance to personnel on the ground. Our UAS capabilities now cover the Southwest Border all the way from California to Texas—providing critical aerial surveillance assistance to personnel on the ground. Our UAS flew more than 5,700 hours in 2012, the most in the program's history. Over the last 8 years, CBP transformed a border air wing composed largely of light observational aircraft into a modern air and maritime fleet capable of a broad range of

detection, surveillance, and interdiction capabilities. This fleet is extending CBP's detection and interdiction capabilities; broadening the "border" and offering greater opportunity to stop threats prior to reaching the Nation's shores. Further synthesizing the technology, CBP's Air and Marine Operations Center (AMOC) integrates the surveillance capabilities of its Federal and international partners to provide domain awareness for the approaches to the U.S. borders, at the borders, and within the interior of the United States.

CBP is also looking to the future by working closely with the DHS Science & Technology Directorate to identify and develop technology to improve our surveillance and detection capabilities in our ports and along our maritime and land borders. This includes investments in tunnel detection and tunnel activity monitoring technology, low-flying aircraft detection and tracking systems, maritime data integration/data fusion capabilities at AMOC, cargo supply chain security, and border surveillance tools tailored to Southern and Northern Borders (e.g., unattended ground sensors/tripwires, upgrade for mobile Surveillance System, camera poles, and wide-area surveillance).

Indicators of Success

This deployment of resources has, by every traditional measure, led to unprecedented success. In fiscal year 2012, Border Patrol apprehension activity remained at historic lows with apprehensions in California, Arizona, and New Mexico continuing a downward trend. In fiscal year 2012, the Border Patrol recorded 364,768 apprehensions Nation-wide. In fiscal year 2012 apprehensions were 78 percent below their peak in 2000, and down 50 percent from fiscal year 2008. An increase in apprehensions was noted in south Texas, specifically of individuals from Central American countries, including El Salvador, Guatemala, and Honduras. However, significant border-wide investments in additional enforcement resources and enhanced operational tactics and strategy have enabled CBP to address the increased activity. Today, there are more than 6,000 agents in south Texas, an increase of more than 80 percent since 2004.

At ports of entry in fiscal year 2012, CBP officers arrested nearly 7,900 people wanted for serious crimes, including murder, rape, assault, and robbery. Officers also stopped nearly 145,000 inadmissible aliens from entering the United States through ports of entry. As a result of the efforts of the CBP National Targeting Center and Immigration Advisory Program, 4,199 high-risk travelers, who would have been found inadmissible, were prevented from boarding flights destined for the United States, an increase of 32 percent compared to fiscal year 2011.

We see increasing success in our seizures as well. From fiscal year 2009 to 2012, CBP seized 71 percent more currency, 39 percent more drugs, and 189 percent more weapons along the Southwest Border as compared to fiscal year 2006 to 2008. Nation-wide, CBP officers and agents seized more than 4.2 million pounds of narcotics and more than \$100 million in unreported currency through targeted enforcement operations. On the agricultural front, from fiscal year 2003 to fiscal year 2012, CBP interceptions of reportable actionable plant pests in the cargo environment increased over 48 percent to 48,559 in fiscal year 2012. In addition to protecting our Nation's ecosystems and associated native plants and animals, these efforts are important to protecting our Nation's economy as scientists estimate that the economic impacts from invasive species exceed \$1 billion annually in the United States.

Reduced crime rates along the Southwest Border also indicate success of our combined law enforcement efforts. According to 2010 FBI crime reports, violent crimes in Southwest Border States have dropped by an average of 40 percent in the last 2 decades. More specifically, all crime in the seven counties that comprise the South Texas area is down 10 percent from 2009 to 2011. Between 2000 and 2011, four cities along the Southwest Border—San Diego, McAllen, El Paso, and Tucson—experienced population growth, while also seeing significant decreases in violent crime.

These border communities have also seen a dramatic boost to their economies in recent years. In fiscal year 2012, over \$176 billion in goods entered through the Laredo and El Paso, Texas ports of entry as compared to \$160 billion in fiscal year 2011. Additionally, the import value of goods entering the United States through Texas land ports has increased by 55 percent between fiscal year 2009 and fiscal year 2012. In Laredo alone, imported goods increased in value by 68 percent. Arizona is also a significant source for the flow of trade. In both fiscal year 2011 and fiscal year 2012, \$20 billion entered through Arizona ports of entry.

Communities along the Southwest Border are among the most desirable places to live in the Nation. Forbes ranked Tucson the No. 1 city in its April 2012 "Best Cities to Buy a Home Right Now" and in February, 2012, the Tucson Association of Realtors reported that the total number of home sales was up 16% from the same month the previous year. Tucson also joins Las Cruces, New Mexico on Forbes' list of "25

Best Places to Retire.” These Southwest Border communities are also safe. In fact, *Business Insider* published a list of the top 25 most dangerous cities in America, and again, none of them is located along the Southwest Border. In fact, El Paso was named the second safest city in America in 2009 and the safest in 2010 and 2011. This is in dramatic contrast to Ciudad Juárez, just across the border, which is often considered one of the most dangerous cities in the Western Hemisphere.

The successes of a secure border are also reflected in key National economic indicators. In 2011, secure international travel resulted in overseas travelers spending \$153 billion in the United States—an average of \$4,300 each—resulting in a \$43 billion travel and tourism trade surplus. In addition, a more secure global supply chain resulted in import values growing by 5 percent and reaching \$2.3 trillion in fiscal year 2012 and is expected to exceed previous records in the air, land, and sea environments this year. CBP collects tens of billions of dollars in duties, providing a significant source of revenue for our Nation’s treasury. These efforts compliment the strategies implemented by the President’s National Export Initiative (NEI) which resulted in the resurgence of American manufacturers, who have added nearly 500,000 jobs since January 2010, the strongest period of job growth since 1989. Additionally, other efforts to boost trade and exports are producing results. In 2011, U.S. exports have reached record levels, totaling over \$2.1 trillion, 33.5 percent above the level of exports in 2009. U.S. exports supported nearly 9.7 million U.S. jobs in 2011, a 1.2 million increase in the jobs supported by exports since 2009. Further, over the first 2 years of the NEI, the Department of Commerce had recruited over 25,000 foreign buyers to U.S. trade shows, resulting in about 1.7 billion in export sales. The administration’s National Travel and Tourism Strategy calls for 100 million international visitors a year by the end of 2021, bringing over \$250 billion in estimated spending.

PROTECTING AMERICA FROM AFAR: SECURE BORDERS EXPANDED

While enforcement statistics and economic indicators point to increased security and an improved quality of life, CBP uses an intelligence-based framework to direct its considerable resources toward a dynamic and evolving threat. CBP gathers and analyzes this intelligence and data to inform operational planning and effective execution.

CBP’s programs and initiatives reflect DHS’s ever-increasing effort to extend its security efforts outward. This ensures that our ports of entry are not the last line of defense, but one of many.

Securing Travel

On a typical day, CBP welcomes nearly a million travelers at our air, land, and sea ports of entry. The volume of international air travelers increased by 12 percent from 2009 to 2012 and is projected to increase 4 to 5 percent each year for the next 5 years. CBP continues to address the security elements of its mission while meeting the challenge of increasing volumes of travel in air, land, and sea environments, by assessing the risk of passengers from the earliest, and furthest, possible point, and at each point in the travel continuum.

As a result of advance travel information, CBP has the opportunity to assess passenger risk long before a traveler arrives at a port of entry. Before an individual travels to the United States, CBP has the opportunity to assess their risk via the Electronic System for Travel Authorization for those traveling under the Visa Waiver Program, or as part of the inter-agency collaborative effort to adjudicate and continuously vet visas, which are issued by the Department of State. CBP has additional opportunities to assess a traveler’s risk when they purchase their ticket and/or make a reservation, and when they check-in.

Before an international flight departs for the United States from the foreign point of origin, commercial airlines transmit passenger and crew manifest information to CBP. CBP’s National Targeting Center then reviews traveler information to identify travelers who would be determined inadmissible upon arrival. As part of its Pre-Departure and Immigration Advisory/Joint Security Programs, CBP coordinates with the carriers to prevent such travelers from boarding flights bound for the United States. From fiscal year 2010 through fiscal year 2012 CBP prevented 8,984 high-risk travelers from boarding as a result of these programs.

CBP also continues to expand Trusted Traveler Programs such as Global Entry. More than 1.7 million people, including over 223,000 new members this fiscal year, have access to Trusted Traveler Programs, which allow expedited clearance for pre-approved, low-risk air travelers upon arrival in the United States. CBP processed 500,000 more Global Entry passengers, with over 689,000 more kiosk uses in 2012, compared to the same time in 2011.

These efforts not only allow CBP to mitigate risk before a potential threat arrives at a port of entry, but they also make the travel process more efficient and economical by creating savings for the U.S. Government and the private sector by preventing inadmissible travelers from traveling to the United States.

Securing Trade and the Supply Chain

In fiscal year 2012, CBP processed 25.3 million cargo containers through the Nation's ports of entry, an increase of 4 percent from 2011, with a trade value of \$2.3 trillion. The United States is the world's largest importer and exporter of goods and services. To address increasing travel volumes, CBP assesses the risk of cargo bound for the United States, whether by air, land, or sea, at the earliest point of transit.

Receiving advanced shipment information allows CBP to assess the risk of cargo before it reaches a port of entry. Since 2009, the Importer Security Filing (ISF) and the Additional Carrier Requirements regulation have required importers to supply CBP with an electronically-filed ISF consisting of advance data elements 24 hours prior to lading for cargo shipments that will be arriving into the United States by vessel. These regulations increase CBP's ability to assess the scope and accuracy of information gathered on goods, conveyances, and entities involved in the shipment of cargo to the United States via vessel.

Since 2010, CBP has implemented the Air Cargo Advance Screening (ACAS) pilot, which enables CBP and the Transportation Security Administration (TSA) to receive advance security filing cargo data and help identify cargo shipments in-bound to the United States via the air environment that may be high-risk and require additional physical screening. Identifying high-risk shipments as early as possible in the air cargo supply chain provides CBP and TSA an opportunity to conduct a comprehensive review of cargo data while facilitating the movement of legitimate trade into the United States. Benefits to ACAS pilot participants include: Efficiencies by automating the identification of high-risk cargo for enhanced screening before it is consolidated and loaded on aircraft and reduction in paper processes related to cargo screening requirements which may increase carrier efficiency.

CBP also has a presence at foreign ports to add another layer of security to cargo bound for the United States. The Container Security Initiative (CSI) launched in 2002 by the former U.S. Customs, places CBP officers on the ground at foreign ports to perform pre-screening of containers before they placed on a U.S.-bound vessel. The CSI program has matured since its inception in 2002, through increased partnership with host country counterparts and advances in targeting and technology, allowing CBP to decrease the number of CBP officers on the ground at CSI ports, while still screening more than 80 percent of cargo destined for the United States prior to lading on a U.S.-bound vessel.

Securing the Source and Transit Zones

The effort to push out America's borders is also reflected by CBP's efforts to interdict narcotics and other contraband long before it reaches the United States. Since 1988, CBP OAM and the former U.S. Customs Service, has provided Detection and Monitoring capabilities for the Source and Transit Zone mission. The CBP OAM P-3 Orion Long Range Tracker (LRT) and the Airborne Early Warning (AEW) aircraft have provided air and maritime surveillance, detecting suspect smugglers that use a variety of conveyances. Transnational Criminal Organizations (TCOs) smuggle various contraband towards the U.S. Borders and Arrival Zones. The CBP P-3 aircraft have been instrumental in reducing the flow of contraband from reaching the Arrival Zones, by detecting the suspect aircraft and vessels while still thousands of miles away from the U.S. border. In fiscal year 2012, P-3 crews were involved in the seizure of 117,103 pounds of cocaine and 12,824 pounds of marijuana. In the first quarter of 2013, P-3 crews have been involved in the seizure of 33,690 pounds of cocaine and 88 pounds of marijuana. Providing direction to interdiction assets and personnel to intercept suspects long before reaching the United States, the CBP P-3 aircraft and crew provide an added layer of security, by stopping criminal activity before reaching our shores.

CONCLUSION

CBP has made significant progress in securing the border with the support of the U.S. Congress through a multi-layered approach using a variety of tools at our disposal. CBP will continue to work with DHS and our Federal, State, local, Tribal, and international partners, to strengthen border security and infrastructure. We must remain vigilant and focus on building our approach to position CBP's greatest capabilities in place to combat the greatest risks that exist today, to be prepared for emerging threats, and to continue to build a sophisticated approach tailored to meet the challenges of securing a 21st Century border. At the same time, the Sec-

retary has made it clear that Congress can help by passing a common-sense immigration reform bill that will allow CBP to focus its resources on the most serious criminal actors threatening our borders.

Chairwoman Miller, Ranking Member Jackson Lee, and distinguished Members of the subcommittee, thank you for this opportunity to testify about the work of CBP and our efforts in securing our borders. We look forward to answering your questions.

Mrs. MILLER. Thanks very much, Chief.

The Chairwoman now recognizes Mr. McAleenan for his testimony.

STATEMENT OF KEVIN MC ALEENAN, ACTING ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. MCALEENAN. Good morning, Chairwoman Miller, Ranking Member Jackson Lee, Ranking Member Thompson, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you today. I appreciate the committee's leadership and commitment to ensuring the security of the American people and to having a productive discussion this morning on this important topic.

CBP's Office of Field Operations carries out its border security activities in all 50 States, at 330 ports of entry, and globally at 70 locations in over 40 countries. Our priority mission is preventing terrorists and terrorist weapons from entering the United States while also interdicting inadmissible persons, illicit drugs, agricultural pests and diseases, and unsafe imports or goods that violate trade laws.

But at ports of entry we define a secure border not only by our ability to prevent dangerous people and goods from entering the country, but also in terms of our ability to support the expeditious movement of travelers and cargo. In other words, a secure border at our Nation's ports of entry is a well-managed border, where mission risks are effectively identified and addressed and legitimate trade and travel are expedited.

With this committee's support, CBP and the Department of Homeland Security are more capable than ever before in our efforts to secure our borders, but we remain committed to continuous improvement in our efforts and we strive to develop programs, tools, and operations to make those efforts increasingly effective. The process of measuring our progress is a constant focus and can be almost as complex as the mission itself.

The Office of Field Operations uses a number of different types of metrics—several hundred of them—to assess our performance in managing our security risks and facilitation responsibilities. These metrics are both qualitative and quantitative; they include both effectiveness and efficiency measures; and they are assessed at the National, programmatic, regional, and port levels. We use these key indicators to assess our performance and evaluate trends and developments over time.

It is important to emphasize that there is no single number or target level that can capture the full scope of our security or facilitation efforts. Instead, there are a series of important indicators that we use to assess and refine our operations.

We begin our assessment by prioritizing the risk we face across the volume of people and goods we process and analyzing our capacity to mitigate vulnerabilities. Qualitatively, we look at measures we have in place to address specific risks—whether they are comprehensive and whether they can be improved. Quantitatively, we use random, baseline examinations of both people and goods to help us assess how effective our efforts to identify and interdict threats are and we use efficiency measures to determine whether our security operations are properly targeted.

Last, we use facilitation measures, such as traveler and vehicle wait times, to assess whether we are pursuing our security requirements and deploying our resources in a manner that expeditiously moves legitimate cross-border traffic.

While I won't be able to cover many of our results in the time allotted, please allow me to walk through some of the measures we are capturing in key mission areas. Our foundational measures are the volume of people and goods we process. Last year CBP welcomed more than 350 million travelers at our air, land, and sea ports of entry and processed 25.3 million cargo containers and over 100 million air cargo shipments with a trade value of \$2.3 trillion. Securing these growing traffic levels without impeding them is our core challenge and we are tackling it head-on.

In our primary antiterrorism mission we measure our success by how effectively we identify potential risks and how early we can take action to address them. In the last fiscal year, through our National Targeting Center, our overseas programs, and our coordination with interagency, international, and private-sector partners, CBP prevented 4,200 inadmissible and high-risk travelers from boarding flights to the United States, almost a 10-fold increase in this pre-departure activity from 2009, and identified and mitigated risks in over 100,000 ocean cargo containers and over 2,000 air cargo shipments before they could be laden on a vessel or loaded in an aircraft destined for the United States.

Our ability to identify and deny admission to inadmissible persons seeking entry to the United States is a core mission where we have seen marked improvement with the implementation of technology like US-VISIT and the Western Hemisphere Travel Initiatives. These technologies have served as a significant deterrent to attempted illegal entries and the use of fraudulent documents, and overall, our arrests at ports of entry have increased while attempts by inadmissibles to enter through our ports have diminished.

We have enhanced our efforts in both agriculture and trade protection to focus on those threats that present the highest risk to the U.S. economy and public. We are using three key types of metrics in this area: Our total examinations, the interceptions and seizures they produce, and our effectiveness rate in undertaking those exams. All of these show positive trends.

These are just a few examples, and I look forward to further discussing areas of interest to the subcommittee. As you are well aware, we live in a world of ever-changing threats and challenges and we must continue to adapt to effectively identify and address them, anticipate vulnerabilities, and increase our facilitation.

Chairwoman Miller, Ranking Member Jackson Lee, and Members of the subcommittee, thank you for this opportunity to testify. I look forward to taking your questions.

Mrs. MILLER. Thank you very much.

The Chairwoman now recognizes Admiral Lee for 5 minutes of testimony.

**STATEMENT OF WILLIAM D. LEE, DEPUTY FOR OPERATIONS
POLICY AND CAPABILITIES, U.S. COAST GUARD, DEPARTMENT OF HOMELAND SECURITY**

Admiral LEE. Good morning, Madam Chairwoman, Ranking Member Jackson Lee, Ranking Member Thompson, and other distinguished Members of the subcommittee. I am honored to be here today to discuss the Coast Guard's role as a lead agency in combating our border security threats within our country's maritime domain.

The Coast Guard uses a layered strategy to counter the threats we face in the maritime approaches to our Nation's borders. This strategy starts overseas with our partner nations. Our international port security program assesses foreign ports on their security and antiterrorism measures and continues into our own ports where, along with our intergovernmental and industry partners, we escort vessels, monitor critical infrastructure, and inspect facilities.

Offshore, our major cutter fleet, along with Coast Guard law enforcement detachments on-board United States Navy and allied warships, are always on patrol, ready to respond to threats on the high seas. Coast Guard aviation assets support the fleet, providing surveillance and response, which helps optimize our overall effectiveness. Last year we removed over 163 metric tons of illegal drugs before they reached our streets.

Last summer I testified before you on the role that the interagency and international partners play in protecting our maritime borders closer to home. These partnerships enhance our capability and effectiveness along our coast and our waterways. An outstanding example of these partnerships is the regional coordinating mechanism, or RECOM. In fiscal years 2012 and to date in 2013 the San Diego and Los Angeles-Long Beach RECOMs interdicted 803 illegal migrants and more than 164,000 pounds of illegal drugs along the south—Southern California coastline.

We enjoy very strong partnerships with Canada and Mexico. Through integrated border enforcement team operations, Coast Guard and Royal Canadian Mounted Police officers jointly conduct interdiction operations along our Northern Border.

This success spurred the formation of integrated cross-border maritime law enforcement operations, commonly referred to as Shiprider, which allows the U.S. and Canadian officers to conduct integrated maritime law enforcement activities. We have trained and exercised together and we are ready to begin joint operations this spring.

Through our North American Maritime Security Initiative partnerships, which coordinate training and operations with Canada and Mexico, we have conducted 27 joint cases and removed more than 85,000 pounds of illegal narcotics. For example, earlier this month a Coast Guard Airborne Use of Force helicopter disabled a

fleeing panga 26 miles west of Mexico. A Coast Guard boarding team detained two suspected Mexican smugglers and seized 1,800 pounds of marijuana. Using standard operational procedures developed through the North American Maritime Security Initiative we were able to quickly coordinate jurisdiction with the Mexican Navy, allowing for prosecution in the United States.

These operations are not without risk, however. Our operating environment is challenging and traffickers can and do pose a serious threat of violence. As you may know, we recently lost a fellow Coast Guardsman when a suspect panga rammed a Coast Guard small boat, fatally injuring Senior Chief Terrell Horne. We are making every effort to prevent another tragic event such as this from happening.

To maximize our effort, we are a member of the National intelligence community. We screen ships, crews, and passengers bound for the United States by requiring vessels to submit an advance notice of arrival some 96 hours prior to entering any U.S. port.

Using our two maritime intelligence fusion centers and our intelligence coordination center's CoastWatch program, we work with CBP's National Targeting Center to analyze arriving vessels and ascertain potential risk. Last year we collectively screened more than 118,000 vessels and 29 million people.

Our goal is to detect, deter, and interdict threats well before they pose a threat to our Nation.

Again, I thank you for the opportunity to appear before you today and I look forward to your questions.

[The prepared statement of Admiral Lee follows:]

PREPARED STATEMENT OF WILLIAM D. LEE

FEBRUARY 26, 2013

INTRODUCTION

Good morning Madam Chairwoman Miller, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. I am honored to be here today to discuss the Coast Guard's role in maritime border security.

Threats to security along our Nation's maritime border may arrive by sea, air, and land. The potential threats include terrorist activity against our ports, smuggling, and other forms of criminal activity, and disruption of maritime commerce. The Coast Guard is one of the Federal agencies at the forefront of combating these threats, and I would like to share with you some of the ways we are doing that.

A LAYERED APPROACH TO COUNTER MARITIME RISK

With more than 350 ports and 95,000 miles of coastline, the U.S. maritime domain is vast and challenging in its scope and diversity. Under Federal statute, the U.S. Coast Guard has the statutory authority and responsibility to enforce all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States.

The Coast Guard leverages its unique authorities, capabilities, capacities, and domestic and international partnerships to maintain maritime border security through a layered and integrated approach—one that actually begins in foreign ports. Through the International Port Security Program, we conduct foreign port assessments to determine the port security effectiveness and antiterrorism measures of foreign trading partners.

Offshore, our major cutter and patrol boat fleet supported by maritime patrol aircraft guards against and responds to threats, while maintaining a vigilant presence over the seas. Closer to shore, Coast Guard helicopters, smaller cutters, and boats monitor, track, interdict, and deliver boarding teams to vessels of interest. In our ports, the Coast Guard, along with Federal, State, local, Tribal, and port partners, works to monitor critical infrastructure, conduct vessel escorts and patrols, and in-

spect vessels and facilities. The Coast Guard's mix of cutters, aircraft, boats, command and control, vessel monitoring, and intelligence-gathering programs and systems—all operated by highly proficient personnel—allows us to exercise layered and effective security through the entire maritime domain.

When the Coast Guard is alerted to a threat to the United States that requires a coordinated U.S. Government response, the Maritime Operational Threat Response (MOTR) Plan is activated. The MOTR Plan uses established protocols and an integrated network of National-level maritime command and operations centers to facilitate real-time Federal interagency communication, coordination, and decision making to ensure timely and decisive responses to maritime threats.

This layered approach, facilitated by our participation within the National intelligence community, allows the Coast Guard to position its limited resources more effectively against the Nation's most emergent threats.

INTERNATIONAL EFFORTS

To combat threats as early as possible, the Coast Guard fosters strategic relationships with partner nations. The International Ship and Port Facility Security (ISPS) Code provides an international regime to ensure ship and port facilities take appropriate preventative measures in alignment with our domestic regime under the Maritime Transportation Security Act. Through the International Port Security Program, Coast Guard personnel visit more than 150 countries and 900 ports on a biennial cycle to assess the effectiveness of foreign port antiterrorism measures and verify compliance with the ISPS Code and our maritime security regulations, as appropriate. Vessels arriving from non-ISPS compliant countries are required to take additional security precautions, may be boarded by the Coast Guard before being granted permission to enter our ports, and in specific cases, may be refused entry.

Additionally, the Coast Guard maintains 45 maritime bilateral law enforcement agreements with partner nations, which facilitate coordination of operations, and the forward deployment of boats, cutters, aircraft, and personnel to deter and counter threats as close to their origin as possible. These agreements also enable us to assist partner nations in asserting control within their waters, and maintaining regional maritime domain awareness.

To further address maritime threats and leverage opportunities to improve border security closer to the United States, the Coast Guard, U.S. Northern Command (NORTHCOM), the Mexican Navy (SEMAR), and the Mexican Secretariat for Communications and Transportation (SCT) have strengthened relations through the Security and Prosperity Partnership (SPP). Through the SPP, SEMAR and SCT are increasing their engagement with the Coast Guard through training, exercises, coordinated operations, and intelligence and information sharing.

Furthermore, the North American Maritime Security Initiative (NAMSI) provides an operational relationship between SEMAR, NORTHCOM, Canadian Forces, and the Coast Guard built upon standard procedures for communications, training, and operations. Since the inception of NAMSI in December 2008, there have been 27 joint narcotics interdiction cases resulting in the seizure of 85,500 pounds of illegal narcotics.

As outlined by President Obama and Canadian Prime Minister Harper in the Beyond the Border declaration, border security includes the safety, security, and resiliency of our Nation; the protection of our environmental resources; and the facilitation of the safe and secure movement of commerce in the global supply chain.

Along our Northern Border with Canada, the Coast Guard is an integral part of the Integrated Border Enforcement Team (IBET) operations where U.S. and Canadian agencies share information and expertise to support interdiction operations along our common border. From this partnership, an operational relationship known as Integrated Cross-border Maritime Law Enforcement Operations, commonly referred to as Shiprider, has emerged. Operations coordinated under the Shiprider Framework Agreement, ratified by the Canadian Parliament during the summer of 2012 and formally authorized in the Coast Guard and Maritime Transportation Act of 2012, are expected to commence this spring. This agreement provides unprecedented law enforcement flexibility in the shared waters of the U.S. and Canadian maritime border.

Under the Shiprider Framework Agreement, specially trained U.S. and Canadian officers from Federal, State, local, and Tribal agencies are granted cross-designated law enforcement authorities. U.S. law enforcement officers are designated Peace Officers in Canada, and Canadian officers are designated Customs Officers in the United States for the purposes of executing law enforcement operations approved under the agreement. This arrangement facilitates improved integrated operations and provides U.S. and Canadian law enforcement officers the authority to carry

weapons and conduct law enforcement operations on both sides of the border. The Coast Guard and the Royal Canadian Mounted Police (RCMP) are the lead agencies for Shiprider for the United States and Canada respectively. Together, the Coast Guard and RCMP have developed a curriculum taught at the Coast Guard's Maritime Law Enforcement Academy in Charleston, South Carolina. To date, law enforcement officers from the Coast Guard, RCMP, U.S. Customs and Border Protection (CBP), the Ontario Provincial Police, and the St. Regis Mohawk (United States) and Akwesasne (Canada) tribes have been trained and cross-designated as Shipriders.

DOMESTIC PARTNERSHIPS

The Department of Homeland Security (DHS) continues to apply a broad-based approach to border security on the Southwest Border with a focus on keeping our communities safe from threats of border-related violence and crime, and to weaken the transnational criminal organizations that threaten the safety of communities in the United States and Mexico.

The Coast Guard coordinates and conducts joint operations with other DHS components and interagency partners as part of a whole-of-Government response to border threats. Our efforts are guided by the DHS Small Vessel Security Strategy and its Implementation Plan, and Maritime Operations Coordination Plan (MOCP). The MOCP is the Department's cross-component plan for maritime operational coordination, planning, information sharing, intelligence integration, and response activities.

In our ports, Coast Guard Captains of the Port (COTP) are designated as Federal Maritime Security Coordinators (FMSC). In this role, they lead the Area Maritime Security Committees (AMSC) and oversee development and regular review of AMSC Plans. The purpose of the AMSC is to assist and advise the FMSC in the development, review, and update of a framework to communicate and identify risks, and coordinate resources to mitigate threats and vulnerabilities for the COTP zones. AMSC's have developed strong working relationships with other Federal, State, and local law enforcement agencies in an environment that fosters maritime stakeholder participation.

On a National scale, the establishment of Interagency Operations Centers (IOCs) for port security is well underway. In ports such as Charleston, Puget Sound, San Diego, Boston, and Jacksonville, the Coast Guard, CBP, and other agencies are sharing workspace and coordinating operational efforts for improved efficiency and effectiveness of maritime security operations.

The Regional Coordinating Mechanism (ReCoM) is another example of the evolution of joint operations among interagency partners. Located at San Diego, Los Angeles, and San Francisco the ReCoMs are manned with Coast Guard, CBP, and State and local law enforcement agencies. The San Diego and Los Angeles/Long Beach ReCoMs coordinated operations contributing directly to the interdiction of 803 illegal migrants and 164,000 pounds of illegal drugs in fiscal year 2012 and fiscal year 2013 (through February 7).

In December, to counter the drug and migrant smuggling threat in waters off Southern California, the Coast Guard, in partnership with other Federal, State, and local agencies increased our levels of effort for the standing Coast Guard Operation Baja Tempestad, which is also supported by CBP's Operation Blue Tempest. This combined surge brings additional resources to the fight against transnational criminal organizations along our maritime border, including flight deck-equipped cutters with airborne and surface use-of-force capability; increased Coast Guard and Customs and Border Protection maritime patrol aircraft flights; additional non-compliant vessel use-of-force end-game capabilities from our shore-based boats; and enhanced intelligence collection, analysis, and dissemination. Thus far in fiscal year 2013, this interagency effort has led to the removal of more than 44,000 pounds of marijuana and the apprehension of 164 illegal migrants.

On the high seas and throughout the 6 million-square-mile drug transit zone, joint interdiction operations with Federal partners are coordinated through the Joint Interagency Task Force South (JIATF-S) and Joint Interagency Task Force West (JIATF-W). Additionally, Coast Guard Law Enforcement Detachments are deployed aboard U.S. Navy and Allied (British, Dutch, and Canadian) assets to support detection, monitoring, interdiction, and apprehension operations.

In support of another DHS initiative, the Coast Guard and CBP are participating in the Aviation and Marine Commonalities Pilot Project (AMCPP) in Puerto Rico; a 6-month operational pilot intended to test, measure, and evaluate the operational efficiency and effectiveness of existing DHS aviation and marine assets under actual operating conditions. Analysis of this information can improve coordination, decision making, force utilization, and highlight other operational dividends. Project efforts

will also provide insight on the value of a Unified Command organization, potential efficiencies of coordinating action plans among components, the significance of continuing quantitative measures of data, the need for a common operational lexicon, and the potential for application elsewhere.

In Puerto Rico, the Coast Guard is part of a broad Federal effort to strengthen current joint operations. To this end, we are conducting targeted surge operations and collaborating with international stakeholders. As a result of these joint efforts, 7,165 kilograms of cocaine and 200 pounds of marijuana were removed in fiscal year 2012. So far in fiscal year 2013, approximately 7,194 kilograms of cocaine and 1,750 pounds of marijuana have been removed.

To leverage existing programs, the Coast Guard established formal partnerships to collaborate with CBP on their maritime Predator Unmanned Aerial System (UAS) program (land-based), and with the Navy UAS programs. Incorporating the UAS capability with manned patrolling will improve detection and surveillance activities significantly at a reduced cost when compared to manned aviation.

MARITIME INTELLIGENCE AND TARGETING

Coast Guard vessel screening is the process of applying criteria to transiting vessels to develop a manageable set of targets for potential Coast Guard boarding and/or inspection. The Coast Guard screens ships, crews, and passengers for all vessels required to submit a 96-hour Advance Notice of Arrival (ANOVA) prior to entering a U.S. port. Complementary screening efforts occur at the National and tactical levels. At the National level, the Intelligence Coordination Center's Coastwatch Branch—which is co-located with CBP partners at the National Targeting Center—screens crew and passenger information. Through our partnership with CBP, we have expanded access to counterterrorism, law enforcement, and immigration databases and this integration has led to increased information sharing and more effective security operations. In 2012, Coastwatch screened approximately 118,000 ANOVAs and 29.5 million crew/passenger records.

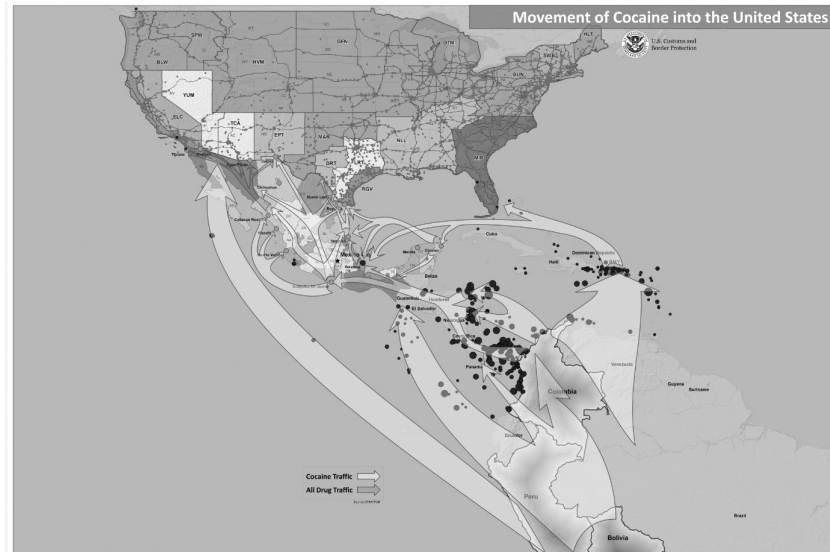
At the tactical level, each of the Coast Guard's Area Commanders receives support from a Maritime Intelligence Fusion Center (MIFC), which screens the commercial vessels operating within their areas of responsibility (over 350,000 in 2012) for unique indicators, as well as providing additional screening for vessels that submit an ANOVA. The MIFCs focus on screening characteristics associated with the vessels itself, such as ownership, ownership associations, cargo, and previous activity. Coast Guard vessel screening results are disseminated to the appropriate DHS Maritime Interagency Operations Center, Sector Command Center, local intelligence staffs, and CBP and other interagency partners to evaluate and take action on any potential risks. If the Coast Guard determines a vessel poses a special security risk, the Maritime Operational Threat Response Plan is activated.

The Coast Guard also supports the CBP Container Security Initiative, to ensure that all United States-bound maritime shipping containers posing a potential risk are identified and inspected prior to being placed on vessels. This initiative encourages interagency cooperation through collecting and sharing information and trade data gathered from ports, strengthening cooperation, and facilitating risk-informed decision making.

CONCLUSION

The Coast Guard has forged effective international and domestic partnerships to optimize maritime border security while minimizing delays to the flow of commerce. We foster training, share information, and coordinate operations to deter and interdict current and emerging threats to our border.

Thank you for the opportunity to testify today, and thank you for your continued support of the U.S. Coast Guard. I would be pleased to answer your questions.



Mrs. MILLER. Thank you, Admiral.

The Chairwoman now recognizes Ms. Gambler for her testimony.

**STATEMENT OF REBECCA GAMBLER, ACTING DIRECTOR,
HOMELAND SECURITY AND JUSTICE, GOVERNMENT AC-
COUNTABILITY OFFICE**

Ms. GAMBLER. Good morning, Chairwoman Miller, Ranking Member Jackson Lee, Ranking Member Thompson, and Members of the subcommittee. I appreciate the opportunity to testify at today's hearing to discuss GAO's work on border security efforts and performance measurement issues.

In fiscal year 2011 Customs and Border Protection reported spending over \$4 billion to secure the U.S. Southwest Border. In that year, Border Patrol within CBP reported apprehending over 327,000 illegal entrants and making over 17,000 seizures of drugs.

In May 2012 the Border Patrol issued a new strategic plan focused on mitigating risk rather than increasing resources to secure the border, and the Border Patrol is in the process of implementing that strategic plan.

Today I would like to focus my remarks on two key areas. First, I will highlight GAO's work reviewing what data show about Border Patrol efforts and deployments of resources along the Southwest Border. Second, I will highlight GAO's work reviewing performance measures and indicators for border security.

With regard to my first point, Border Patrol data show that from fiscal year 2006 to 2011 apprehensions within each Southwest Border sector declined. Over that same time period, estimated known illegal entries also declined.

To provide an example of this, our analysis of Border Patrol data for the Tucson sector in Arizona showed that from fiscal year 2006 to 2011 apprehensions declined by 68 percent and estimated known illegal entries declined by 69 percent. Border Patrol attributed

these decreases to various factors, such as changes in the U.S. economy and increases in resources.

Fiscal year 2012 data reported by the Border Patrol indicate that apprehensions across the Southwest Border have increased from 2011 but it is too early to assess whether this indicates a change in trend.

In addition to data on apprehension, other data collected by the Border Patrol are used by sector management to inform assessments of border security efforts. These data include, among things, the percentage of estimated known illegal entrants who are apprehended more than once, which is referred to as the recidivism rate, and seizures of drugs and other contraband.

With regard to the recidivism rate, our analysis of Border Patrol data showed that the rate decreased across Southwest Border sectors from fiscal year 2008 to 2011. With regard to drug and other contraband seizures, our analysis of Border Patrol data showed that they increased by 83 percent from fiscal year 2006 to 2011.

In addition to these data, Border Patrol sectors and stations track changes in their overall effectiveness as a tool to determine if the appropriate mix and placement of personnel and assets are being deployed and used efficiently and effectively. Border Patrol data showed that the effectiveness rate for eight of the nine sectors on the Southwest Border increased from fiscal years 2006 to 2011.

Now, turning to the issue of performance measurement: Although Border Patrol has issued a new strategic plan to guide its border security efforts, the agency has not yet developed performance goals and measures for assessing the progress of its efforts and for informing the identification and allocation of resources needed to secure the border.

Since fiscal year 2011, DHS has used the number of apprehensions on the Southwest Border between ports of entry as an interim performance goal and measure for border security. This measure provides some useful information but does not position the Department to be able to report on how effective its efforts are at securing the border.

The Border Patrol is in the process of developing goals and measures. However, it has not yet set target time frames and milestones for completing its efforts.

We recommended that the Border Patrol establish such time frames and milestones to help ensure that the development of goals and measures are completed in a timely manner. The Department agreed with our recommendations and stated that it plans to develop such time frames and milestones by November of this year.

In closing, DHS's data indicate progress made toward its fiscal year 2011 goal to secure the border between ports of entry with a decrease in apprehensions along the Southwest Border. However, as an interim goal and measure, the number of apprehensions does not inform program results and therefore limits DHS and Congressional oversight and accountability.

Going forward, it will be important for the Border Patrol and the Department to continue development of goals and measures that are linked to missions and goals, include targets, and produce reliable results.

This concludes my oral statement. I would be pleased to answer any questions Members may have.

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

FEBRUARY 26, 2013

BORDER PATROL.—GOALS AND MEASURES NOT YET IN PLACE TO INFORM BORDER SECURITY STATUS AND RESOURCE NEEDS

GAO-13-330T

Chairwoman Miller, Ranking Member Jackson Lee, and Members of the subcommittee: I am pleased to be here today to discuss our past work regarding the Department of Homeland Security's (DHS) efforts to deploy and manage resources along the Southwest Border and to assess the results of those efforts. In fiscal year 2011, DHS's U.S. Customs and Border Protection (CBP) reported spending over \$4 billion to secure the U.S. border with Mexico.¹ The Office of Field Operations, within CBP, is responsible for securing the National borders at designated U.S. land border ports of entry.² Border Patrol, also within CBP, is the Federal agency with primary responsibility for securing the borders between the ports of entry. CBP has divided geographic responsibility for Southwest Border miles between ports of entry among nine Border Patrol sectors. In fiscal year 2011, Border Patrol reported apprehending over 327,000 illegal entrants and making over 17,150 seizures of drugs along the Southwest Border. Across the Southwest Border, the Tucson sector reported making the most apprehensions—over 38 percent—and the most drug seizures—more than 28 percent—in fiscal year 2011.

Border Patrol is moving to implement a new strategy for securing the border between ports of entry. Border Patrol's 2004 National Border Patrol Strategy (2004 Strategy), developed following the terrorist attacks of September 11, 2001, was designed to facilitate the build-up and deployment of border resources to ensure the agency had the right mix of personnel, technology, and infrastructure and to deploy those resources in a layered approach at the immediate border and in other areas distant from the border. For example, from fiscal years 2004 through 2011, the number of Border Patrol agents on the Southwest Border nearly doubled, from about 9,500 to about 18,500; and DHS reported that since fiscal year 2006, about \$4.4 billion has been invested in Southwest Border technology and infrastructure. Through fiscal year 2010, these resources were used to support DHS's goal to achieve "operational control" of the Nation's borders by reducing cross-border illegal activity. The extent of operational control—also referred to as effective control—was defined as the number of border miles where Border Patrol had the capability to detect, respond to, and interdict cross-border illegal activity. In May 2012, Border Patrol issued the 2012–2016 Border Patrol Strategic Plan (2012–2016 Strategic Plan), stating that the build-up of its resource base and the operations conducted over the past 2 decades would enable the Border Patrol to focus on mitigating risk rather than increasing resources to secure the border. This new strategic plan emphasizes using intelligence information to inform risk relative to threats of cross-border terrorism, drug smuggling, and illegal migration across locations; integrating border security operations with those of other law enforcement partners; and developing rapid response capabilities to deploy the resources appropriate to changes in threat.

My testimony today summarizes the findings of our December 2012 report on CBP's management of resources at the Southwest Border, and our past work highlighting DHS's processes for measuring security at the Southwest Border.³ As requested, my statement discusses: (1) What apprehension and other data show about Border Patrol efforts and deployments across the Southwest Border and to what extent the data show these deployments to have been effective in securing the border,

¹ This figure represents the estimated percentage of net costs applied to the Southwest Border for CBP's Border Security and Control Between the Ports of Entry and Border Security Fencing, Infrastructure, and Technology programs.

² Ports of entry are officially designated facilities that provide for the arrival at, or departure from, the United States.

³ See GAO, *Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*, GAO-13-25 (Washington, DC: Dec. 10, 2012); *Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts*, GAO-12-688T (Washington, DC: May 8, 2012); and *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, GAO-11-374T (Washington, DC: Feb. 15, 2011).

and (2) the extent to which Border Patrol has developed goals and measures to identify resource needs under its new strategic plan and assess results.

My statement is based on prior products that examined CBP's management of resources and DHS's processes for measuring security at the Southwest Border, with selected updates related to Border Patrol fiscal year 2012 operations data conducted in February 2013. For the past products, among other methodologies, we analyzed Border Patrol planning and operational assessment documents, interviewed relevant DHS officials, and analyzed data related to Border Patrol performance and cross-border threats for fiscal years 2006 through 2011; we determined that these data were sufficiently reliable for the purposes of our report.⁴ We also analyzed data supporting the border security measures reported by DHS in its annual performance reports for fiscal years 2005 through 2012.⁵ More detailed information on our scope and methodology can be found in our report and testimonies. For the selected updates, we interviewed Border Patrol officials and analyzed Border Patrol fiscal year 2012 apprehension and seizure data; we determined that these data were sufficiently reliable for the purposes of this testimony. We conducted this work in accordance with generally accepted Government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions, based on our audit objectives.

APPREHENSIONS DECREASED ACROSS THE SOUTHWEST BORDER FROM FISCAL YEARS 2006 TO 2011, BUT DATA LIMITATIONS PRECLUDE COMPARING OVERALL EFFECTIVENESS OF RESOURCES DEPLOYED ACROSS SOUTHWEST BORDER SECTORS

Apprehensions Decreased at About the Same Rate as Estimated Known Illegal Entries Across the Southwest Border From Fiscal Years 2006 to 2011; Other Data Provide a Broader Perspective on Changes in Border Security

Since fiscal year 2011, DHS has used changes in the number of apprehensions on the Southwest Border between ports of entry as an interim measure for border security as reported in its annual performance reports. In fiscal year 2011, DHS reported data meeting its goal to secure the land border with a decrease in apprehensions. In addition to collecting data on apprehensions, Border Patrol collects and analyzes various data on the number and types of entrants who illegally cross the Southwest Border between the ports of entry, including collecting estimates on the total number of identified—or “known”—illegal entries. Border Patrol's estimate of known illegal entries includes illegal, deportable entrants who were apprehended, in addition to the number of entrants who illegally crossed the border but were not apprehended because they crossed back into Mexico (referred to as turn-backs) or continued traveling into the U.S. interior (referred to as got-aways).⁶ Border Patrol collects these data as an indicator of the potential border threat across locations. Border Patrol data show that apprehensions within each Southwest Border Patrol sector decreased from fiscal years 2006 to 2011, generally mirroring the decrease in estimated known illegal entries within each sector.⁷ In the Tucson sector, for example, our analysis of Border Patrol data showed that apprehensions decreased by 68 percent from fiscal years 2006 to 2011, compared with a 69 percent decrease in estimated known illegal entries, as shown in figure 1.

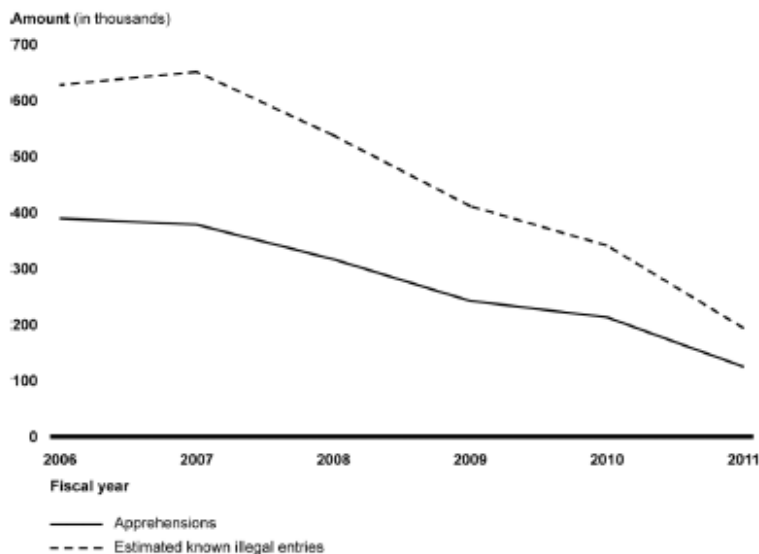
⁴ GAO-13-25.

⁵ GAO-12-688T and GAO-11-374T.

⁶ We defined these illegal entries as estimated “known” illegal entries to clarify that the estimates do not include illegal entrants for which Border Patrol does not have reasonable indications of cross-border illegal activity. These data are collectively referred to as known illegal entries because Border Patrol officials have what they deem to be a reasonable indication that the cross-border activity occurred. Indications of illegal crossings are obtained through various sources such as direct agent observation, referrals from credible sources (such as residents), camera monitoring, and detection of physical evidence left on the environment from animal or human crossings.

⁷ Border Patrol arrests both deportable aliens and nondeportable individuals, but for the purposes of this testimony we define “apprehensions” to include only deportable aliens, in keeping with Border Patrol's definition. According to the Immigration and Nationality Act, deportable aliens include those who are inadmissible to the United States or present in violation of U.S. law, who have failed to maintain their status or violated the terms of their admission, or who have committed certain criminal offenses or engaged in terrorist activities, among others. (See 8 U.S.C. § 1227 for a complete list of the classes of deportable aliens.) Aliens with lawful immigration status and U.S. citizens would be considered nondeportable.

Figure 1: Border Patrol Apprehensions and Estimated Known Illegal Entries in Tucson Sector, Fiscal Years 2006 through 2011



Source: GAO analysis of CBP data.

Border Patrol officials attributed the decrease in apprehensions and estimated known illegal entries from fiscal years 2006 through 2011 within Southwest Border sectors to multiple factors, including changes in the U.S. economy and successful achievement of its strategic objectives.⁸ Border Patrol's ability to address objectives laid out in the 2004 Strategy was strengthened by increases in personnel and technology, and infrastructure enhancements, according to Border Patrol officials. For example, Tucson sector Border Patrol officials said that the sector increased manpower over the past 5 years through an increase in Border Patrol agents that was augmented by National Guard personnel, and that CBP's Secure Border Initiative (SBI) provided border fencing and other infrastructure, as well as technology enhancements.⁹ Border Patrol officials also attributed decreases in estimated known illegal entries and apprehensions to the deterrence effect of CBP consequence programs—programs intended to deter repeated illegal border crossings by ensuring the most efficient consequence or penalty for individuals who illegally enter the United States. Data reported by Border Patrol following the issuance of our December 2012 report show that total apprehensions across the Southwest Border increased from over 327,000 in fiscal year 2011 to about 357,000 in fiscal year 2012.¹⁰

⁸Specifically, these objectives were to: (1) Deter illegal entries through improved enforcement—defined as increasing the certainty of apprehensions through the proper mix of assets and implementing prosecution strategies that establish a deterrent effect in targeted locations—and (2) leverage “smart border” technology to multiply the effect of enforcement personnel. Border Patrol defines “smart border” technology to include camera systems for day/night/infrared operations, sensors, aerial platforms, and other systems.

⁹The number of Border Patrol agents in the Tucson sector increased from nearly 2,600 in fiscal year 2006 to about 4,200 in fiscal year 2011, augmented by 9,000 National Guard personnel deployed periodically from June 2006 through July 2008 under Operation Jump Start. Under SBI, CBP expended approximately \$850 million on technology in Arizona such as wide-area and mobile surveillance systems, to augment Tucson sector operations. Other infrastructure as of March 2012 included installation of 352 miles of pedestrian fencing and 299 miles of vehicle fencing along the Southwest Border, for a combined total of 651 miles of fencing.

¹⁰See GAO-13-25. Our analysis of Border Patrol data—queried as of March 2012—also shows over 327,000 apprehensions across the Southwest Border in fiscal year 2011. According to Border Patrol officials, any differences in our apprehension and seizure numbers and those of Border Patrol are due to variances in when the data were “queried,” or reported—that is, Border

Continued

It is too early to assess whether this increase indicates a change in the trend for Border Patrol apprehensions across the Southwest Border.

Border Patrol collects other types of data that are used by sector management to help inform assessment of its efforts to secure the border against the threats of illegal migration, smuggling of drugs and other contraband, and terrorism. These data show changes, for example, in the: (1) Percentage of estimated known illegal entrants who are apprehended, (2) percentage of estimated known illegal entrants who are apprehended more than once (repeat offenders), and (3) number of seizures of drugs and other contraband. Border Patrol officials at sectors we visited, and our review of fiscal years 2010 and 2012 sector operational assessments, indicated that sectors have historically used these types of data to inform tactical deployment of personnel and technology to address cross-border threats; however, the agency has not analyzed these data at the National level to inform strategic decision making, according to Border Patrol headquarters officials. These officials stated that greater use of these data in assessing border security at the National level may occur as the agency transitions to the new strategic plan.

Apprehensions compared with estimated known illegal entries.—Our analysis of Border Patrol data showed that the percentage of estimated known illegal entrants who were apprehended by the Border Patrol over the past 5 fiscal years varied across Southwest Border sectors. The Tucson sector, for example, showed little change in the percentage of estimated known illegal entrants who were apprehended by Border Patrol over the past 5 fiscal years. Specifically, our analysis showed that of the total number of estimated known aliens who illegally crossed the Tucson sector border from Mexico each year, Border Patrol apprehended 62 percent in fiscal year 2006 compared with 64 percent in fiscal year 2011, an increase of about 2 percentage points. Border Patrol headquarters officials said that the percentage of estimated known illegal entrants who are apprehended is primarily used to determine the effectiveness of border security operations at the tactical—or zone—level but can also affect strategic decision making. The data are also used to inform overall situational awareness at the border, which directly supports field planning and redeployment of resources.

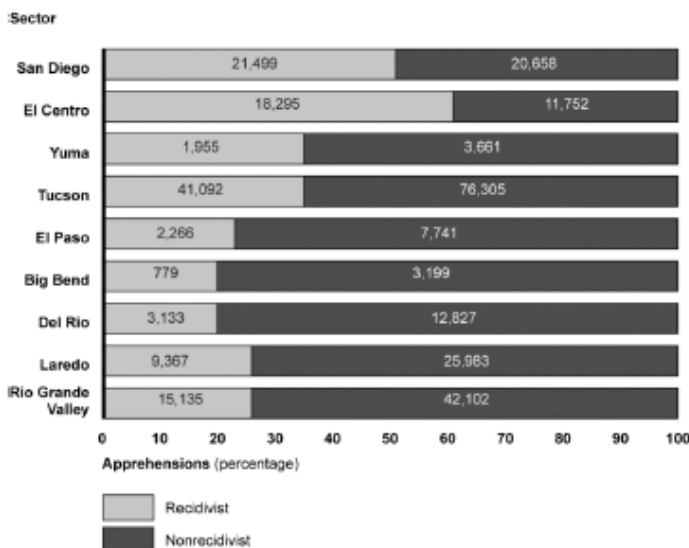
Repeat offenders.—Changes in the percentage of persons apprehended who have repeatedly crossed the border illegally (referred to as the recidivism rate) is a factor that Border Patrol considers in assessing its ability to deter individuals from attempting to illegally cross the border. Our analysis of Border Patrol apprehension data showed that the recidivism rate has declined across the Southwest Border by about 6 percentage points from fiscal years 2008 to 2011 in regard to the number of apprehended aliens who had repeatedly crossed the border in the prior 3 years.¹¹ Specifically, our analysis showed that the recidivism rate across the overall Southwest Border was about 42 percent in fiscal year 2008 compared with about 36 percent in fiscal year 2011. The Tucson sector had the third-highest recidivism rate across the Southwest Border in fiscal year 2011, while the highest rate of recidivism occurred in El Centro sector, as shown in figure 2. According to Border Patrol headquarters officials, the agency has implemented various initiatives designed to address recidivism through increased prosecution of individuals apprehended for crossing the border illegally.¹²

Patrol reports apprehension and other data on an “end-of-year” basis, and therefore agency data do not reflect adjustments or corrections made after that reporting date.

¹¹ We used a rolling 3-fiscal-year time period to determine the percentage of apprehensions of deportable aliens in a given year who had previously been apprehended for illegally crossing the border in any of the previous 3 years, at any Southwest Border location. We used four rolling 3-fiscal-year time periods because our analysis covered a 5-year period and required comparable time periods to assess recidivism in each fiscal year. Using a single time period would result in a bias, given that some apprehensions in earlier years would be incorrectly classified as nonrecidivist.

¹² Border Patrol’s 2012–2016 Strategic Plan emphasizes the importance of the application of appropriate consequences to illegal entrants. Border Patrol has developed a new Consequence Delivery System that guides management and agents in evaluating each individual apprehended and identifying the ideal consequence to break the smuggling cycle. Consequences delivered under the system include administrative, criminal prosecution, and programmatic elements that are designed to stem the flow of illegal activity.

Figure 2: Recidivism and NonRecidivism Numbers and Percentages for Border Patrol Apprehensions across Southwest Border Patrol Sectors, Fiscal Year 2011



Source: GAO analysis of CBP data.

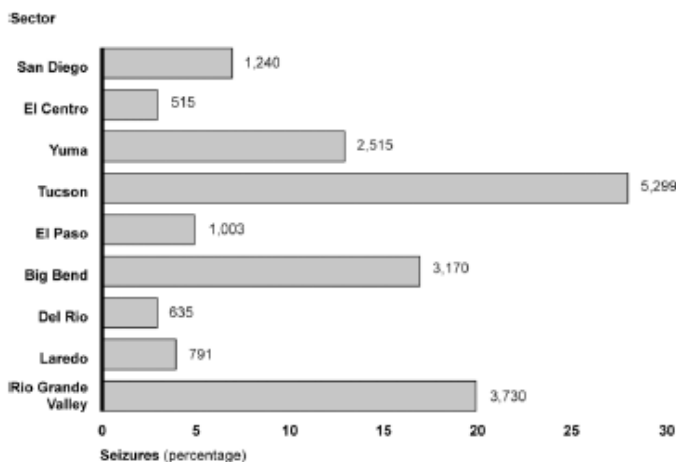
Seizures of drugs and other contraband.—Border Patrol headquarters officials said that data regarding seizures of drugs and other contraband are good indicators of the effectiveness of targeted enforcement operations, and are used to identify trends in the smuggling threat and as indicators of overall cross-border illegal activity, in addition to potential gaps in border coverage, risk, and enforcement operations. However, these officials stated that these data are not used as a performance measure for overall border security because while the agency has a mission to secure the border against the smuggling threat, most smuggling is related to illegal drugs, and that drug smuggling is the primary responsibility of other Federal agencies, such as the Drug Enforcement Administration and U.S. Immigration and Customs Enforcement, Homeland Security Investigations.

Our analysis of Border Patrol data indicated that across Southwest Border sectors, seizures of drugs and other contraband increased 83 percent from fiscal years 2006 to 2011, with drug seizures accounting for the vast majority of all contraband seizures. Specifically, the number of drug and contraband seizures increased from 10,321 in fiscal year 2006 to 18,898 in fiscal year 2011. Most seizures of drugs and other contraband occurred in the Tucson sector, with about 28 percent, or 5,299, of the 18,898 Southwest Border seizures occurring in the sector in fiscal year 2011 as shown in figure 3.¹³ Data reported by Border Patrol following the issuance of our December 2012 report show that seizures of drugs and other contraband across the Southwest Border decreased from 18,898 in fiscal year 2011 to 17,891 in fiscal year 2012.¹⁴ It is too early to assess whether this decrease indicates a change in the trend for Border Patrol seizures across the Southwest Border.

¹³Drugs accounted for the vast majority of all contraband seizures; contraband seizures other than drugs include firearms, ammunition, and money. Although drug seizures increased 81 percent from fiscal years 2006 through 2011, the percentage of all contraband seizures that were drug seizures compared with the percentage of all contraband seizures remained nearly constant, averaging about 93 percent over this time period.

¹⁴GAO-13-25.

Figure 3: Number and Percentage of Seizures of Drugs and Other Contraband across Southwest Border Patrol Sectors, Fiscal Year 2011



Source: GAO analysis of CBP data.

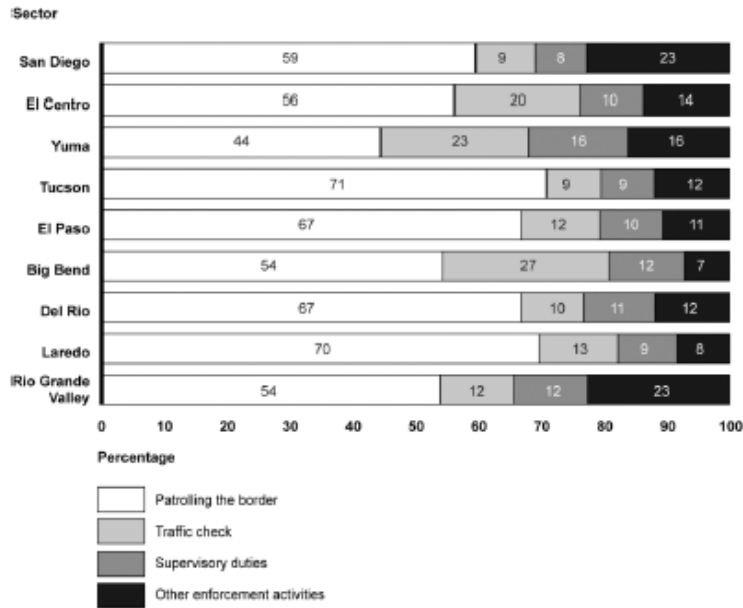
Sectors Schedule Agents to Patrol the Border More Than Other Enforcement Activities; Data Limitations Preclude Comparison of Overall Effectiveness across Sectors

Southwest Border sectors scheduled most agent workdays for enforcement activities during fiscal years 2006 to 2011, and the activity related to patrolling the border accounted for a greater proportion of enforcement activity workdays than any of the other activities. Sectors schedule agent workdays across various activities categorized as enforcement or nonenforcement.¹⁵ Across enforcement activities, our analysis of Border Patrol data showed that all sectors scheduled more agent workdays for “patrolling the border”—activities defined to occur within 25 miles of the border—than any other enforcement activity, as shown in figure 4. Border Patrol duties under this activity include patrolling by vehicle, horse, and bike; patrolling with canines; performing sign-cutting; and performing special activities such as mobile search and rescue.¹⁶ Other enforcement activities to which Border Patrol scheduled agent workdays included conducting checkpoint duties, developing intelligence, and performing aircraft operations.

¹⁵The percentage of total agent workdays scheduled for deployment across enforcement activities compared with nonenforcement activities in fiscal year 2011 ranged from a low of 66 percent in the Yuma sector to a high of 81 percent in the Big Bend sector. The Tucson sector scheduled 73 percent of agent workdays across enforcement activities in fiscal year 2011. Examples of non-enforcement activities include administrative duties, training, and intelligence support.

¹⁶“Sign” is the collective term for evidence that Border Patrol agents look for and find after they have dragged dirt roads using tires lying on their sides flat on the ground and pulled by chains behind a sport utility vehicle. “Sign” can be footprints, animal prints, and tire or bicycle tracks—any indication in the smooth surface created by the drag. The term “cutting” refers to the practice of concentrating on the marks within discrete, manageable slices or segments of terrain. Border Patrol agents track illegal cross-border activity by cutting for sign to find persons who may have crossed the border illegally.

Figure 4: Border Patrol Agent Workdays Scheduled across Enforcement Activities across Southwest Border Sectors, Fiscal Year 2011



Source: GAO analysis of CBP data.

Note: Percentage may not add to 100 percent because of rounding.

Border Patrol sectors and stations track changes in their overall effectiveness as a tool to determine if the appropriate mix and placement of personnel and assets are being deployed and used effectively and efficiently, according to officials from Border Patrol headquarters. Border Patrol calculates an overall effectiveness rate using a formula in which it adds the number of apprehensions and turn-backs in a specific sector and divides this total by the total estimated known illegal entries—determined by adding the number of apprehensions, turn-backs, and got-aways for the sector.¹⁷ Border Patrol sectors and stations report this overall effectiveness rate to headquarters. Border Patrol views its border security efforts as increasing in effectiveness if the number of turn-backs as a percentage of estimated known illegal entries has increased and the number of got-aways as a percentage of estimated known illegal entries has decreased.

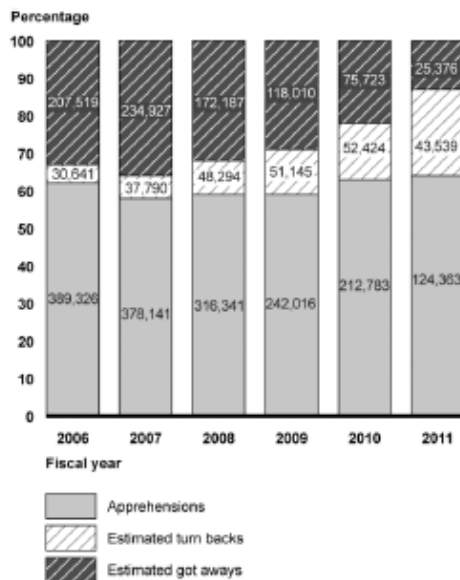
Border Patrol data showed that the effectiveness rate for eight of the nine sectors on the Southwest Border increased from fiscal years 2006 through 2011.¹⁸ For example, our analysis of Tucson sector apprehension, turn-back, and got-away data from fiscal years 2006 through 2011 showed that while Tucson sector apprehensions remained fairly constant at about 60 percent of estimated known illegal entries, the percentage of reported turn-backs increased from about 5 percent to about 23 percent, while the percentage of reported got-aways decreased from about 33 percent to about 13 percent, as shown in figure 5. As a result of these changes in the mix

¹⁷ Border Patrol officials stated that only entrants who can be traced back to a cross-border entry point in a border zone are to be reported as got-aways. These officials also noted that while the agency strives to minimize variance in the collection of these data by using standard terminology and consistent collection and reporting methods, in many cases the determination of a turn-back or got-away depends on agent judgment. Patrol agents-in-charge are responsible for ensuring that Border Patrol agents are aware of the integrity of data collection at their respective stations and field commanders must ensure the accurate counting of got-away data for reconciling possible inconsistencies in data between operational boundaries.

¹⁸ The exception was the Big Bend sector, which showed a decrease in the overall effectiveness rate from 86 percent in fiscal year 2006 to 68 percent in fiscal year 2011.

of turn-backs and got-aways, Border Patrol data showed that enforcement effort, or the overall effectiveness rate for Tucson sector, improved 20 percentage points from fiscal year 2006 to fiscal year 2011, from 67 percent to 87 percent.

Figure 5: Number of Tucson Sector Border Patrol Apprehensions, Turn Backs, and Got Aways as a Percentage of Estimated Known Illegal Entries, Fiscal Years 2006 through 2011



Source: GAO analysis of CBP data.

Border Patrol headquarters officials said that differences in how sectors define, collect, and report turn-back and got-away data used to calculate the overall effectiveness rate preclude comparing performance results across sectors. Border Patrol headquarters officials stated that until recently, each Border Patrol sector decided how it would collect and report turn-back and got-away data, and as a result, practices for collecting and reporting the data varied across sectors and stations based on differences in agent experience and judgment, resources, and terrain. In terms of defining and reporting turn-back data, for example, Border Patrol headquarters officials said that a turn-back was to be recorded only if it is perceived to be an “intended entry”—that is, the reporting agent believed the entrant intended to stay in the United States, but Border Patrol activities caused the individual to return to Mexico.¹⁹ According to Border Patrol officials, it can be difficult to tell if an illegal crossing should be recorded as a turn-back, and sectors have different procedures for reporting and classifying incidents. In terms of collecting data, Border Patrol officials reported that sectors rely on a different mix of cameras, sign cutting, credible sources, and visual observation to identify and report the number of turn-backs and got-aways.²⁰

According to Border Patrol officials, the ability to obtain accurate or consistent data using these identification sources depends on various factors, such as terrain and weather. For example, data on turn-backs and got-aways may be understated

¹⁹Officials said that sometimes illegal entrants can be “drop-offs” or “decoys” to lure agents away from a specific area so others can cross, such as smugglers returning to Mexico to pick up another load, or an individual crossing the border to steal an item and take it back to Mexico.

²⁰“Camera” indicates that one of the remote cameras caught sight of an individual; “sign cut” indicates that an agent encountered footprints that led him/her to believe that an unauthorized crossing took place; “credible source” indicates a report by a non-Border Patrol witness, who could be a local law enforcement agent, a citizen, or a ground sensor; “visual” indicates an agent actually witnessed an unauthorized crossing.

in areas with rugged mountains and steep canyons that can hinder detection of illegal entries. In other cases, data may be overstated—for example, in cases where the same turn-back identified by a camera is also identified by sign-cutting. Double-counting may also occur when agents in one zone record as a got away an individual who is apprehended and then reported as an apprehension in another zone. As a result of these data limitations, Border Patrol headquarters officials said that while they consider turn-back and got-away data sufficiently reliable to assess each sector's progress toward border security and to inform sector decisions regarding resource deployment, they do not consider the data sufficiently reliable to compare—or externally report—results across sectors.

Border Patrol headquarters officials issued guidance in September 2012 to provide a more consistent, standardized approach for the collection and reporting of turn-back and got-away data by Border Patrol sectors. Each sector is to be individually responsible for monitoring adherence to the guidance. According to Border Patrol officials, it is expected that once the guidance is implemented, data reliability will improve. This new guidance may allow for comparison of sector performance and inform decisions regarding resource deployment for securing the Southwest Border.

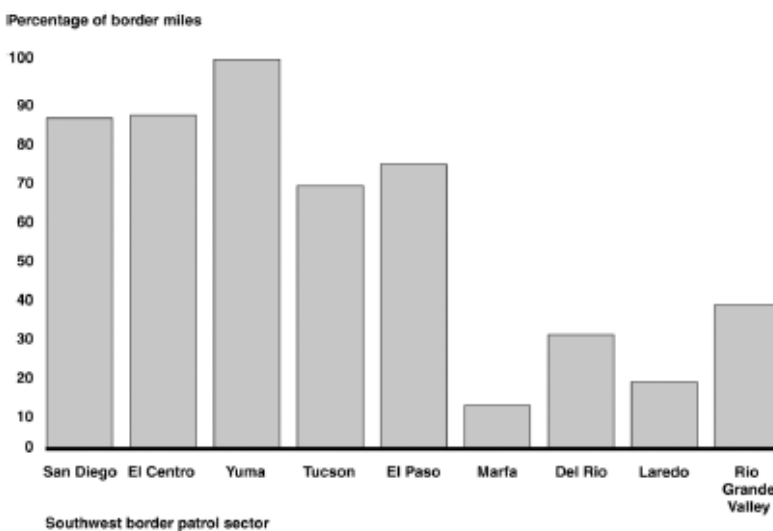
BORDER PATROL HAS NOT YET DEVELOPED GOALS AND MEASURES FOR ASSESSING
EFFORTS AND IDENTIFYING RESOURCE NEEDS UNDER THE NEW STRATEGIC PLAN

Border Patrol officials stated that the agency is in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between ports of entry and for informing the identification and allocation of resources needed to secure the border, but has not identified milestones and time frames for developing and implementing them. Since fiscal year 2011, DHS has used the number of apprehensions on the Southwest Border between ports of entry as an interim performance goal and measure for border security as reported in its annual performance report. Prior to this, DHS used operational control as its goal and outcome measure for border security and to assess resource needs to accomplish this goal.²¹ As we previously testified, at the end of fiscal year 2010, Border Patrol reported achieving varying levels of operational control of 873 (44 percent) of the nearly 2,000 Southwest Border miles.²² For example, Yuma sector reported achieving operational control for all of its border miles. In contrast, the other Southwest Border sectors reported achieving operational control ranging from 11 to 86 percent of their border miles, as shown in figure 6. Border Patrol officials attributed the uneven progress across sectors to multiple factors, including terrain, transportation infrastructure on both sides of the border, and a need to prioritize resource deployment to sectors deemed to have greater risk of illegal activity.

²¹ Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource deployments, and discussions with senior Border Patrol agents.

²² GAO-11-374T.

Figure 6: Southwest Border Miles under Operational Control by Border Patrol Sector, as of September 30, 2010



DHS transitioned from using operational control as its goal and outcome measure for border security in its Fiscal Year 2010–2012 Annual Performance Report. Citing a need to establish a new border security goal and measure that reflect a more quantitative methodology as well as the Department’s evolving vision for border control, DHS established the interim performance goal and measure of the number of apprehensions between the land border ports of entry until a new border control goal and measure could be developed. We previously testified that the interim goal and measure of number of apprehensions on the Southwest Border between ports of entry provides information on activity levels, but it does not inform program results or resource identification and allocation decisions, and therefore until new goals and measures are developed, DHS and Congress could experience reduced oversight and DHS accountability.²³ Further, studies commissioned by CBP have documented that the number of apprehensions bears little relationship to effectiveness because agency officials do not compare these numbers with the amount of cross-border illegal activity.²⁴

Border Patrol officials stated that the agency is in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between ports of entry and for informing the identification and allocation of resources needed to secure the border, but has not identified milestones and time frames for developing and implementing them. According to Border Patrol officials, establishing milestones and time frames for the development of performance goals and measures is contingent on the development of key elements of the 2012–2016 Strategic Plan, such as a risk assessment tool, and the agency’s time frames for implementing these key elements—targeted for fiscal years 2013 and 2014—are subject to change. Specifically, under the 2012–2016 Strategic Plan, the Border Patrol plans to continuously evaluate border security—and resource needs—by comparing changes in risk levels against available resources across border locations. Border Patrol officials stated the agency is in the process of identifying performance goals and measures that can be linked to these new risk assessment tools that will show progress and status in securing the border between ports of entry, and determine needed resources, but has not established milestones and time frames for developing

²³ GAO–12–688T.

²⁴ For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Va.: Oct. 18, 2005).

and implementing goals and measures because the agency's time frames for implementing key elements of the plan are subject to change.²⁵

Standard practices in program management call for documenting the scope of a project as well as milestones and time frames for timely completion and implementation to ensure results are achieved.²⁶ These standard practices also call for project planning—such as identifying time frames—to be performed in the early phases of a program and recognize that plans may need to be adjusted along the way in response to unexpected circumstances. Time frames for implementing key elements of the 2012–2016 Strategic Plan can change; however, milestones and time frames for the development of performance goals and measures could help ensure that goals and measures are completed in a timely manner.

To support the implementation of Border Patrol's 2012–2016 Strategic Plan and identify the resources needed to achieve the Nation's strategic goal for securing the border, we recommended in our December 2012 report that Border Patrol establish milestones and time frames for developing a: (1) Performance goal, or goals, for border security between the ports of entry that defines how border security is to be measured and (2) performance measure, or measures—linked to a performance goal or goals—for assessing progress made in securing the border between ports of entry and informing resource identification and allocation efforts.²⁷ DHS agreed with these recommendations and stated that it plans to establish milestones and time frames for developing goals and measures by November 30, 2013. Milestones and time frames could better position CBP to monitor progress in developing and implementing goals and measures, which would provide DHS and Congress with information on the results of CBP efforts to secure the border between ports of entry and the extent to which existing resources and capabilities are appropriate and sufficient.

Chairwoman Miller, Ranking Member Jackson Lee, and Members of the subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.

Mrs. MILLER. Thank you very much.

The Chairwoman now recognizes Mr. Rosenblum for his testimony.

STATEMENT OF MARC R. ROSENBLUM, PH.D., SPECIALIST IN IMMIGRATION POLICY, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS

Mr. ROSENBLUM. Thank you.

Chairwoman Miller, Ranking Member Jackson Lee, Ranking Member Thompson, thank you for the opportunity to testify today on behalf of the Congressional Research Service.

Chairwoman Miller's opening statement and several of the witnesses have talked about the diversity of threats that we face at U.S. borders and how we assess those risks. My testimony really focuses exclusively on illegal migration but I want to mention that CRS released a new report last week that is all about understanding the diversity of threats and risk assessment, and I have a—I have that report here with me today as well.

But focusing on illegal migration, there is broad consensus among all sides on the immigration debate that we should secure the Southwest Border but no consensus about exactly what that means or how to recognize a secure border when we see it. The challenge is that we know a lot about the resources we devote to border security, and CBP and the rest of DHS know a lot about the

²⁵ Border Patrol officials stated that DHS and Border Patrol have established a performance goal—linked to relevant measures—addressing border security that, as of October 2012, was being used as an internal management indicator. However, a DHS official said it has not been decided whether this goal and the associated measures will be publicly reported or used as an overall performance goal and as measures for border security.

²⁶ The Project Management Institute, *The Standard for Program Management*© (Newtown Square, Penn., 2006).

²⁷ GAO–13–25.

law enforcement outcomes that result from those efforts—things like apprehensions of unauthorized migrants—but these data don't measure the questions that we are really interested in, which is, how many unauthorized migrants enter the United States, and of those attempting entry, how many does CBP apprehend?

These questions sound simple, but they are difficult to answer for the obvious reason that unauthorized aliens seek to avoid detection. The illicit nature of unauthorized migration, along with the complexity of DHS's border security mission and the size and diversity of U.S. borders, means that no single quantitative indicator accurately and reliably provides a metric or score on border enforcement.

Instead, we assess border security by estimating unauthorized flows and apprehension rates. There will likely always be some disagreement about these estimates.

Many people expect DHS to come up with a number, but DHS is primarily interested in law enforcement. For that reason, most of the data that DHS collects and the databases it uses to manage that data are designed for law enforcement purposes and not for the kind of analysis that we need to assess illegal flows.

My written testimony describes the different types of data that go into estimating illegal flows and the different analytic tools we can use to assess border security. The best methodologies rely on multiple data sources.

My testimony also identifies steps DHS could take to develop better border metrics. First, DHS could include a statistical sampling framework, like the COMPEX system that OFO uses, within other enforcement programs. That would allow the agency to draw clearer and more statistically valid and accurate conclusions about underlying flows.

Second, DHS could structure its databases to facilitate data analysis. CBP already appears to have taken some steps in this direction.

Third, DHS could share certain administrative enforcement data with outside researchers, a move that would expand the pool of people working on and evaluating border security metrics.

My written testimony also reviews recent investments in border security and immigration enforcement. I examined a range of indicators, including Congressional appropriations, DHS databases, CBP personnel, border infrastructure, surveillance technology, detention facilities, and enforcement programs at the border and within the United States. Across all of these areas a consistent story emerges that we have made substantial investments in immigration enforcement over the last couple of decades, and particularly in the last 5 to 10 years.

Placed in historical perspective, CBP's shift from low- to high-consequence enforcement practices at the border and the development of the Secure Communities program to conduct immigration screening of persons arrested throughout the United States seem like particularly significant developments.

I also identify areas where investments arguably have been less robust, including investments at ports of entry, the development of a complete biographic or biometric entry-exit system, increased worksite enforcement to deter employers from hiring unauthorized

workers, and the development and wide-spread use of a reliable system to verify workers' employment eligibility.

To return to the big picture, how has the growing enforcement enterprise affected unauthorized migration? There is little doubt that inflows have fallen sharply in recent years and that the unauthorized population residing in the United States has diminished.

But explaining what caused this drop-off is difficult because many new enforcement measures have coincided with the U.S. economic downturn and with especially—with relatively robust growth in favorable demographic conditions in Mexico and other countries of origin. The effects of Secure Communities and of new consequence delivery programs may not have even registered yet in some of our date. Nonetheless, research that disentangles these factors suggests that enforcement efforts have likely helped—likely help explain reduced inflows.

More effective border security metrics could contribute to the immigration debate by offering clearer insight into the state of border security and the effectiveness of different enforcement strategies. These are critical issues, given the trade-offs Congress and DHS face between investing additional resources at the border versus within the interior of the United States, and investing at ports of entry versus between the ports, among other choices.

Clear border metrics may also offer insight into returns on future enforcement investments, and importantly, about what level of border security realistically can be obtained in the absence of additional immigration reforms.

Thank you again for the opportunity and I look forward to your questions.

[The prepared statement of Mr. Rosenblum follows:]

PREPARED STATEMENT OF MARC R. ROSENBLUM

FEBRUARY 26, 2013

This hearing raises an important question for Members of Congress concerned about border security: What would a secure border look like? The United States spends billions of dollars and expends extraordinary effort to secure the border; and the Department of Homeland Security collects tables full of enforcement data. Yet after years of grappling with this question, no consensus exists about how to measure border security or how to evaluate existing enforcement efforts. Thus, while the White House asserts that our borders today “are more secure than at any time in the past several decades,”¹ Chairwoman Miller and others have warned against “accepting empty promises on border security,” and asked “how the American people can be assured that the border is truly secure?”²

My testimony begins by describing how to measure border security and identifies several concrete steps that could be taken to develop better border metrics. The second part of my testimony reviews recent border security and immigration enforcement efforts and identifies possible gaps in these efforts. I conclude by offering a tentative assessment of the current state of border security.

¹The White House, “Fixing the Immigration System for America’s 21st Century Economy,” accessed Feb. 24, 2013, <http://www.whitehouse.gov/issues/fixing-immigration-system-america-s-21st-century-economy>.

²Candice Miller, “Real Immigration Reform Begins with Strong Border Security,” Press Release, Feb. 12, 2013.

BORDER SECURITY METRICS

The relationship between border security and unauthorized migration is a key issue for many people interested in immigration reform.³ Two questions loom large in this discussion: How many unauthorized migrants enter the United States?⁴ Of those attempting entry, how many does U.S. Customs and Border Protection (CBP) apprehend?

These questions sound simple, but they are difficult to answer for the obvious reason that unauthorized aliens seek to avoid detection. This missing information means analysts do not know the precise scope of the illegal migration problem, nor can they calculate CBP's enforcement success rate.

These challenges are well known. Several Members of this committee have called on the Department of Homeland Security (DHS) to develop clear, measurable, outcomes-based metrics to evaluate progress with respect to immigration control. Unfortunately, the illicit nature of unauthorized migration along with the complexity of DHS's border security mission and the size and diversity of U.S. borders mean that no single, quantitative, off-the-shelf indicator accurately and reliably provides a metric or "score" for border enforcement. Instead, we assess border security by estimating unauthorized flows and apprehension rates, and there likely will always be some disagreement about these estimates.⁵

Nonetheless, researchers have done substantial work on how to make such estimates. Three different types of data may be involved: Administrative enforcement data, survey data, and proxy data (see Types of Data, below). By drawing on multiple data sources, analysts may develop models of border flows that are likely to provide more accurate assessments of border security than any single type of data in isolation (see Analysis of Raw Data, below). Model-based estimates can improve on single-measure estimates, and they could be further strengthened by modifying how DHS collects and manages data, and by making certain DHS data more widely available to analysts and researchers (see Developing Better Border Security Metrics, below).

Types of Data

(1) Administrative Enforcement Data

Administrative enforcement data are records of DHS's enforcement actions and other interactions with unauthorized migrants. The best example of this type of data is alien apprehensions. For almost 100 years, the U.S. Border Patrol (USBP) has apprehended removable and deportable aliens and made a record of these enforcement actions. An advantage of using enforcement data to estimate border security is that these data usually can be measured with a good deal of certainty: Border Patrol knows how many people its agents apprehended last year and records such numbers at the sector and station level, along with information about where and how people were apprehended.⁶

Yet apprehensions are not a perfect indicator of illegal flows because they exclude two of the groups of greatest interest: Aliens who successfully enter and remain in the United States (i.e., enforcement failures) and aliens who are deterred from entering the United States—including perhaps because they never even initiate a trip (i.e., certain enforcement successes). A further limitation to apprehensions data is that they count events, not unique individuals, so the same person may appear multiple times in the dataset after multiple entry attempts.

Fundamentally, apprehensions data do not measure illegal flows. They describe certain enforcement outcomes. Thus, we do not know if a decline in apprehensions is a good thing, because fewer people are attempting to enter, or a bad thing, be-

³Immigration control is just one aspect of DHS's border security mission, which also encompasses combatting crime and illegal drugs, detecting and interdicting terrorists, and facilitating legal travel and trade, among other goals. See CRS Report R42969, *Border Security: Understanding Threats at U.S. Borders*, by Marc R. Rosenblum, Jerome P. Bjelopera, and Kristin M. Finklea.

⁴An unknown proportion of unauthorized migrants enter surreptitiously through ports of entry, and an estimated one-third to one-half of unauthorized migrants enter legally and overstay a visa. See CRS Report RS22446, *Nonimmigrant Overstays: Brief Syntheses of the Issue*, by Ruth Ellen Wasem.

⁵Moreover, while the number of illegal entries may be objectively (though not precisely) estimated, how people evaluate the diverse economic, social, cultural, and other effects of unauthorized migration is inherently subjective. See CRS Report R42969, *Border Security: Understanding Threats at U.S. Borders*, by Marc R. Rosenblum, Jerome P. Bjelopera, and Kristin M. Finklea.

⁶For a full list of administrative data collected by the Border Patrol, see Panel on Survey Options for Estimating the Flow of Unauthorized Crossings at the U.S.-Mexico Border, *Options for Estimating Illegal Entries at the U.S.-Mexico Border*, Washington, DC: National Research Council, 2012 (hereafter: NRC, *Options for Estimating Illegal Entries*).

cause more of them are succeeding.⁷ To varying degrees, the same problem is true of other types of administrative enforcement data.

In addition to apprehensions data, CBP (including USBP) and U.S. Immigration and Customs Enforcement (ICE) collect several additional types of enforcement data. Although they display some of the same limitations as apprehensions, each may contribute to an estimate of illegal border flows:

- *USBP estimates of “got-aways” and “turn-backs”.*—Border Patrol stations and sectors estimate the number of illegal entrants who successfully travel to the U.S. interior and who USBP ceased pursuing. Stations and sectors also estimate the number of people who illegally cross the border but then cross back to Mexico. USBP uses these additional data, along with apprehensions, to estimate the total number of known illegal entries. Yet got-away and turn-back data, like apprehensions data, are a function of enforcement resources, and (unlike apprehensions) these data may be highly dependent on the subjective judgments of agents doing the counting. CBP recently made its estimates of got-aways and turn-backs for fiscal year 2006–fiscal year 2011 available to the public for the first time.⁸
- *USBP estimates of unique apprehensions and recidivists.*—Since late 1999, the Border Patrol has used biometric technology to record the identity and track individual case histories of most people apprehended by USBP.⁹ Border Patrol uses these data to track the total number of unique individuals apprehended per year and to estimate the number of recidivists, defined by USBP as unique aliens who are apprehended more than one time in a single fiscal year. Data on unique apprehensions avoid the “overcount” problem in the counting of apprehension events. The ratio of unique apprehensions to total apprehensions and the number of recidivists apprehended both may offer insight into whether aliens who have been previously apprehended are deterred from making additional illegal entries—a key question for border metrics. CBP released recidivist and unique apprehensions data to CRS in 2011 (the first time such data were made publicly available), but has not released updated data for fiscal year 2012.
- *Total apprehensions.*—Data on total apprehensions (i.e., including apprehensions away from the border) offer additional insight into the number of aliens arriving in the United States, though they are subject to the same limitations as data on border apprehensions. About 90% of alien apprehensions between fiscal year 1990 and fiscal year 2006 occurred at the Southwest Border; but with the recent expansion of ICE’s interior enforcement programs (see below, Interior Enforcement Programs) and decline in inflows, interior apprehensions accounted for over a third of all apprehensions in 2009 and 2010, and for half of all apprehensions in 2011.¹⁰

(2) Survey data

Several large-scale surveys offer insight into illegal migration flows and the effects of enforcement by interviewing migrants and potential migrants about their histories and intentions. An advantage to surveys is that they may collect much more information about their subjects than is found in administrative enforcement data. In addition, because surveys are conducted within the U.S. interior as well as in migrant countries of origin, surveys may be better able than CBP data to capture information about successful illegal inflows and about the deterrent effects of enforcement. Partly for these reasons, DHS recently commissioned a comprehensive study by the National Research Council (NRC) on the use of surveys and related methodologies to estimate the number of illegal U.S.-Mexico border crossings.¹¹

As the NRC study describes, data collected within the United States, including the U.S. Census’s American Community Survey (ACS) and its Current Population Survey (CPS) are used to estimate the size of the unauthorized population in the United States by comparing the number of foreign-born identified in these surveys

⁷See Edward Alden and Bryan Roberts, “Are U.S. Borders Secure? Why We Don’t Know and How to Find Out,” *Foreign Affairs* 90, 4 (2011): pp. 19–26.

⁸For a fuller discussion, see U.S. Government Accountability Office (GAO), *Border Patrol: Key Elements of Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*, GAO–13–25, December 2012.

⁹These records are stored in the DHS Automated Biometric Identification System (IDENT) database, discussed in greater detail below (see Growth and Integration of DHS Databases). With over 150 million unique records as of January 2013, IDENT is the largest biometric database in the world, according to US–VISIT Office of Congressional Affairs, January 24, 2013.

¹⁰CRS calculations based on data from Department of Homeland Security (DHS) Office of Immigration Statistics (OIS), *Yearbook of Immigration Statistics* fiscal year 2011, Washington, DC, 2011.

¹¹NRC, *Options for Estimating Illegal Entries*.

to known legal migration flows.¹² Three different Mexican national surveys also may be used to estimate the number of emigrants from that country, which may be compared to known legal outflows to generate an analogous estimate.¹³ And a pair of binational (U.S.-Mexican) and one Mexican survey focus specifically on migrants and potential migrants, drawing samples from the border region and from migrant-sending and -receiving communities.¹⁴ These targeted surveys ask a number of questions about U.S. immigration enforcement and how it affects respondents' migration histories and future plans.

While analysts must account for the likelihood that unauthorized migrants may be less than forthcoming with interviewers and also may be under-represented in certain survey samples, a large body of social science research has made use of these data and developed widely accepted methodologies to account for these and other challenges. One limitation of survey data is that typically it is not collected and analyzed quickly enough to generate timely estimates. And some surveys do not have large enough samples to generate reliable estimates of certain variables. Nonetheless, the NRC concluded that DHS should use survey data and modeling approaches in combination with enforcement data to develop better estimates of unauthorized border flows.¹⁵

(3) Proxy data

The great majority of persons who illegally cross the border to enter the United States make use of human smugglers.¹⁶ The prices charged by smugglers therefore may be used as a proxy (i.e., indirect) indicator of the effectiveness of border enforcement efforts (along with the demand for illegal flows) because more effective enforcement should increase the costs and risks to smugglers, with smugglers passing such costs along to their clients in the form of higher fees.¹⁷ Border Patrol apprehension records and several surveys identified above contain information about smuggling fees.

Analysis of Raw Data to Estimate Illegal Flows

None of the raw data sources described above, by themselves, reliably describe illegal border crossers or enforcement rates. But these data sources may be analyzed to produce such estimates. This section describes three methods for conducting this type of analysis.

(1) Ratio of apprehensions and turn-backs to estimated known illegal flows

The Border Patrol's estimates of turn-backs, got-aways, and apprehensions—while problematic for the reasons discussed above—offer a rough tool for estimating its enforcement success rate: i.e., apprehensions (or apprehensions plus turn-backs) divided by total estimated known illegal flows. Between 2005 and 2010, the Border Patrol used essentially this methodology to describe the portions of the border under “operational control.” In particular, the agency rated its “ability to detect, respond, and interdict illegal activity at the border or after entry into the United States” on a five-point scale.¹⁸ Portions of the border that were rated in one of the top two categories on this scale were described as being under “effective” or “operational” con-

¹²Ibid. Also see CRS Report RL33874, *Unauthorized Aliens Residing in the United States: Estimates Since 1986*, by Ruth Ellen Wasem.

¹³The NRC focused on Mexican surveys because Mexican nationals are estimated to account for about 90% of attempted unauthorized border crossings on the U.S.-Mexico border, though that proportion appears to have fallen in recent years. The Mexican surveys are the “long questionnaire” of the Mexican Census of Housing and Population, the National Survey of Occupation and Employment (ENOE), the National Survey of Population Dynamics of Population Dynamics (ENADID), and the longitudinal Mexican Family Life Survey (MxFLS). Also see Andrew R. Morral, Henry H. Willis, and Peter Brownell, *Measuring Illegal Border Crossing Between Ports of Entry*, RAND Homeland Security and Defense Center, Santa Monica, CA, 2011.

¹⁴The binational surveys are the Mexican Migration Field Research Program (MMFRP) based at the University of California—San Diego and the Mexican Migration Project (MMP) based at Princeton University; the Mexican survey is the Survey of Migration and the Northern Border (EMIF-N).

¹⁵NRC, *Options for Estimating Illegal Entries*, p. S-5.

¹⁶See Princeton University Mexican Migration Project, “Access to Border-Crossing Guides and Family/Friends on First Undocumented Trip,” <http://mmp.opr.princeton.edu/results/002coyote-en.aspx>.

¹⁷See Bryan Roberts, Gordon Hanson, and Derek Cornwell, et al., *An Analysis of Migrant Smuggling Costs Along the Southwest Border*, DHS Office of Immigration Statistics, Washington, DC, November 2010, <http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-smuggling-up.pdf>. Also see Morral et al., *Measuring Illegal Border Crossing*.

¹⁸U.S. Government Accountability Office, *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, GAO-11-374T, February 15, 2011, p. 7.

trol: About 1,107 miles (57% of the Southwest Border) in fiscal year 2010.¹⁹ Beginning in fiscal year 2011, the Border Patrol determined that this metric was ineffective, and the agency no longer reports on miles of the border under operational control.

(2) *Capture-recapture models*

Capture-recapture models initially were developed by ecologists to estimate the size of wildlife populations. Social scientists working in the 1990s showed that a similar methodology can be used to estimate the total flow of unauthorized migrants based on the ratio of persons re-apprehended after an initial enforcement action to the total number of persons apprehended.²⁰

An advantage to the simple capture-recapture method is that it relies on observable administrative enforcement data—apprehensions and repeat apprehensions—to calculate border metrics of interest: Illegal flows and apprehension rates. Yet the models are highly sensitive to a pair of assumptions about migrant behavior: That virtually all intending unauthorized migrants eventually succeed, and that the odds of being apprehended are the same across multiple attempts to cross the border.²¹ Both of these assumptions, while supported by certain research, may not hold in some cases; and underestimating the number of migrants deterred causes the model to over-estimate illegal flows. Thus, in order to produce accurate estimates of illegal flows based on the capture-re-capture method, analysts must supplement administrative data on apprehensions and repeat apprehensions with solid data on the odds of being apprehended and the number of migrants deterred, adjusting the model accordingly.²²

(3) *Regression models*

Social scientists also used survey data about aliens' migration histories and intentions to analyze factors that are associated with a person's propensity to migrate illegally. For example, how are demographic and economic characteristics such as gender, age, and employment opportunities correlated with an individual's reported illegal migration history or a person's intentions to migrate illegally in the future? How are migration plans associated with people's perceptions of border enforcement, or with the actual allocation of enforcement resources?²³

An advantage to regression analysis is that well-designed studies may offer insight into questions with great policy relevance, as these examples illustrate. Yet many regression techniques require large samples to be effective, and they may be sensitive to specific time periods or migrant cohorts. And while research based on survey data offers important insight into migration dynamics, researchers generally have not had access to real-time and large-scale data sets—including administrative enforcement data in particular—that might provide additional information to policymakers seeking to evaluate border security.

Developing Better Border Security Metrics

Each of these analytic approaches offers insight beyond basic enforcement, survey, or proxy data, but none appears to have met Congress's request for a clear and credible metric of border security. What can be done to develop such a measure? Capture-recapture models would be improved by better data on deterrence at the border, and our overall understanding of border security would benefit from better information about illegal flows through ports of entry. Three concrete steps that would improve border metrics would be for DHS to structure certain enforcement programs to support better data collection, for DHS to structure its enforcement data-

¹⁹ U.S. Congress, House Committee on Homeland Security, Feb. 15, 2010.

²⁰ Thomas J. Espenshade, "Using INS Border Apprehension Data to Measure the Flow of Undocumented Migrants Crossing the U.S.-Mexico Frontier," *International Migration Review*, vol. 29, no. 2 (Summer 1995), pp. 545–565.

²¹ *Ibid.*

²² See NRC, *Options for Estimating Illegal Entries*. According to data provided by CBP Office of Legislative Affairs December 20, 2011, CBP reportedly plans to use a modified capture-recapture model along these lines as one element of the "border conditions index" (BCI), which is currently being developed. The BCI is designed to provide a more comprehensive picture of border security, encompassing a capture-recapture estimate of illegal migration inflows between ports of entry, a measure of wait times and volatility at ports of entry as well as illegal flows through ports of entry, and a measure of quality of life in border communities, based in part on border area crime rates.

²³ See for example, Wayne A. Cornelius and Idean Salehyan, "Does border enforcement deter unauthorized immigration? The case of Mexican migration to the United States of America," *Regulation & Governance* 1.2 (2007): pp. 139–153; Manuela Angelucci, "U.S. Border Enforcement and the Net Flow of Mexican Illegal Migration," *Economic Development and Cultural Change*, 60, 2 (2012): 311–357. Also see Morral, et al., *Measuring Illegal Border Crossing Between Ports of Entry*.

bases to support better data analysis, and for DHS to make these and existing data available to the broader research community.

(1) Structure Certain Enforcement Programs to Support Data Collection

Without compromising its law enforcement and security practices, DHS could design certain enforcement actions to allow the agency (and others) to draw inferences about the underlying population of migrants. In other words, certain enforcement and surveillance actions could be allocated based on a statistical sampling framework. Just as pollsters draw inferences about public opinion based on a sample of interviews, DHS could draw inferences about the immigration status of a population or the security of the border based on a sample of enforcement and surveillance actions. CBP Office of Field Operations's (OFO's) Compliance Examination (COMPEX) program illustrates how enforcement may be designed with data collection in mind. At certain ports of entry, in addition to targeting high-risk vehicles and passengers, OFO selects a random sample that has been cleared for admission and subjects travelers to a post-entry inspection. Because the sample is selected at random, OFO can infer that the proportion of otherwise-cleared entrants found to be carrying illegal goods or hidden passengers is equivalent to the proportion in the overall population of cleared vehicles (though some independent analysts have argued that COMPEX's sample is too small to accurately measure such violations).²⁴

Many other DHS programs include a combination of risk-based and random targeting because randomness makes enforcement unpredictable. For this reason, as a recent RAND study observed, other border enforcement programs could be designed to include statistical sampling frames without compromising security.²⁵ For example, in addition to allocating agents based on a geographic needs assessment, Border Patrol could assign additional agents to certain segments at random. To the extent that the initial allocation was well-designed, increased apprehensions in the enhanced segments would be an indicator of illegal flows in the unenhanced segments. Similar resource surges could be tested in CBP's Outbound Inspections Program and its deployment of surveillance equipment and unmanned aerial vehicles (UAVs), among other programs.

A second way enforcement data can be used to draw conclusions about the underlying population is through universal deployment. For example, Secure Communities and the Criminal Alien Program²⁶ together are now deployed in virtually every law enforcement jurisdiction in the country, and screen persons arrested and booked into jails in the United States. For this reason, apart from ICE's use of these programs for enforcement purposes, they offer unique insight into the unauthorized population by providing a real-time census of the immigration status of almost everyone arrested in the United States.²⁷ A third possible tool for collecting additional data about illegal border flows is to field "red team" penetration testers: Agents posing as unauthorized migrants who attempt to enter without the knowledge of CBP personnel in the region. Over repeated trials, the ability of such teams to enter successfully could be an indicator of aliens' success rate.²⁸

(2) Structure DHS Databases to Support Data Analysis

In general, ICE and CBP databases are structured for law enforcement purposes, and not for analytic purposes. As a previous NRC analysis of how DHS enforcement actions affect Department of Justice budgeting explained, a core problem is that DHS databases are organized to track events (as in apprehensions), rather than case histories, and therefore cannot examine person-specific flows through the system.²⁹ As a result, according to CRS conversations with ICE officials, the agency cannot readily answer critical analytic questions, such as how enforcement outcomes

²⁴ For a fuller discussion, see GAO, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, GAO-08-219, November 2007. COMPEX reportedly samples about 250,000 travelers per year out of over 200 million travelers at land ports of entry, or less than 0.1%.

²⁵ See Morral, et al., *Measuring Illegal Border Crossing Between Ports of Entry*.

²⁶ For a description of these programs, see in *Interior Enforcement Programs* (in this testimony, below) and CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William Kandel.

²⁷ Note, however, that Secure Communities does not accurately identify the subset of unauthorized aliens who enter without inspection and have never had any contact with DHS. In addition, Secure Communities only provides an accurate estimate of the unauthorized population to the extent that unauthorized migrants are equally likely as lawful aliens and U.S. citizens to be arrested and to have their status checked.

²⁸ See Morral, et al., *Measuring Illegal Border Crossing Between Ports of Entry*.

²⁹ Committee on Estimating Costs of Immigration Enforcement in the Department of Justice 2011, *Budgeting for Immigration Enforcement: A Path to Better Performance*, Washington, DC: National Research Council, pp. 112–113.

(time in detention, final case disposition, probability of re-apprehension) differ across jurisdictions and/or enforcement programs.³⁰

CBP appears to have begun addressing this problem in its analysis of its “consequence delivery system.”³¹ According to CBP officials, CBP tracks recidivism rates broken down by sector and by initial enforcement disposition. Thus, for example, CBP should be able to calculate whether an alien subject to voluntary departure was more likely to be re-apprehended than an alien subject to formal removal or an alien facing immigration-related criminal charges. This analysis may inform Congress’s understanding of border security and of the cost effectiveness of different enforcement strategies, but CRS has not been able to review or analyze these data, so CRS cannot comment on their usefulness.

Following the creation of DHS, data management problems have been exacerbated by certain limits on integration.³² One noteworthy illustration of this problem is that DHS’s Office of Immigration Statistics (OIS) and ICE report two different numbers each year for “total removals,” with ICE defining this number to include ICE voluntary departures, but not CBP-expedited removals; and OIS reporting the sum of ICE and CBP removals, but not ICE voluntary departures. DHS’s Office of Immigration Statistics may seem like a logical agency to manage such Department-wide data management and analysis; but different DHS agencies manage their own data, and OIS does not reliably play this role.

(3) *Make DHS Administrative Data Available to Outside Researchers*

Most DHS administrative data are not available to outside researchers at a level of aggregation that can be used for research and program evaluation purposes. In many cases, even data at the National or sector level are not released in a timely or predictable manner. This lack of data may impede researchers’ and Congress’s ability to evaluate border security and may contribute to doubts and confusion about the border. Increased public access to reliable information about immigration enforcement, as well as DHS’ strategic planning, also would provide additional structure to the immigration policy debate.³³

At least in part, data are not released because they are considered law enforcement sensitive and/or to protect the privacy of enforcement subjects. Yet as the NRC has recently observed, numerous mechanisms exist to release “clean” versions of these data, including by purging the small number of serious criminals from the dataset or masking certain fields, among other options.³⁴ Congress could support data sharing by authorizing funds for this type of data cleaning. While DHS analysts reportedly are engaged in their own model-building exercises which may meet Congress’s need for better metrics, releasing more administrative data to independent researchers would substantially expand the number of scholars able to work on this question, and would ensure that research and analysis on border metrics are subject to rigorous external peer review.

RECENT INVESTMENTS IN BORDER SECURITY AND IMMIGRATION ENFORCEMENT³⁵

Congress and DHS have made substantial investments in border security and immigration enforcement over the last 25 years, and particularly since the last time Congress debated comprehensive immigration reform in 2005–2007.

Enforcement Appropriations

Investments in Congressional appropriations to DHS immigration enforcement programs are one indicator of this trend, and are summarized in Appendix Table 1. As Table 1 indicates, DHS’s four immigration enforcement accounts (i.e., CBP, ICE, the U.S. Visitor and Immigrant Status Indicator Technology (US–VISIT) pro-

³⁰The House Appropriations Committee report on the Fiscal Year 2013 DHS Appropriations Bill requested that DHS report on enforcement outcomes by program and in this manner. See U.S. Congress, House Committee on Appropriations, Department of Homeland Security Appropriations, 2013, report to accompany H.R. 5855, 112th Cong., 2nd sess., May 23, 2012, H. Rept. 112–492 (Washington: GPO, 2012), p. 56.

³¹For more information about the CBP’s consequence delivery system see “Enforcement with Consequences” in this testimony, below; also see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum.

³²For a fuller discussion see NRC, *Options for Estimating Illegal Entries*, pp. 5-12–5-14.

³³See John Whitley, Bryan Roberts, and Robert Shea, “Immigration and Border Control: How Data-Driven Management Could Enhance Success,” Accessed February 24, 2013, <http://srn.com/abstract=2018580>.

³⁴NRC, *Options for Estimating Illegal Entries*.

³⁵For a fuller discussion of recent investments in border security and immigration enforcement, see CRS Congressional Distribution Memorandum, “Immigration Enforcement Since 2006,” by Marc R. Rosenblum, available to Congressional staff from the author upon request.

gram, and the E-Verify account within U.S. Citizenship and Immigration Services) were appropriated a total of about \$114 billion for fiscal year 2006–fiscal year 2012. This total encompasses appropriations to CBP for fiscal year 2006–fiscal year 2012 of \$75 billion, including about \$17 billion for enforcement at ports of entry (including travel and trade facilitation as well as customs and immigration enforcement); \$21 billion for enforcement salaries and expenses between ports of entry (i.e., Border Patrol); \$5 billion for border security fencing, infrastructure, and technology; and \$5 billion for CBP air and marine acquisitions and operations. Appropriations to ICE totaled \$37 billion for this period, including \$16 billion for alien enforcement and removal operations (ERO).³⁶

Growth and Integration of DHS Databases

Among the many databases managed by DHS, two are noteworthy with respect to immigration enforcement because they are used extensively during the immigration process and are shared across several law enforcement agencies. The Automated Biometric Identification system (IDENT) is the central DHS-wide system for the storage and processing of biometric (i.e., fingerprints and digital photographs) and associated biographic (i.e., name, birthdate, nationality, and other descriptive information) data for National security, law enforcement, immigration enforcement, intelligence, and related uses. Whereas IDENT included only about 7 million records in 2004, increased deployment of biometric technology allowed the database to grow to 64 million entries at the end of 2006 and to over 150 million unique records as of January 2013, including over 6.4 million people on the US–VISIT watch list.³⁷

The Arrival and Departure Information System (ADIS) is the DHS-wide biographic database that includes records of encounters with DHS for aliens who have applied for entry, entered, or departed from the United States. Both databases are managed by the US–VISIT office, which also manages the US–VISIT entry-exit system. The ADIS database included about 169 million identities at the end of 2006, and included over 270 million unique identities as of January 2013.³⁸

DHS databases are increasingly integrated for enforcement purposes. All US–VISIT workstations are now fully interoperable with the Federal Bureau of Investigation's (FBI's) Integrated Automated Fingerprint Identification System (IAFIS) database, used for criminal background checks. (IDENT data previously could be compared against the IAFIS database via a manual search.) Since 2009, ICE routinely has used the IDENT database to initiate immigration status checks when persons are booked into Federal, State, and local jails through the Secure Communities program (see Interior Enforcement Programs, below). Since 2011, US–VISIT also conducts automatic searches against biometric records in the Department of Defense Automated Biometric Identification System (ABIS), a biometric database with National security and intelligence records.

Border Security Personnel

A total of fewer than 19,000 CBP personnel (Border Patrol agents and port of entry officers) were posted to U.S. borders in 2004, the first year for which complete CBP data are available (see Appendix Table 2). As of fiscal year 2013, CBP personnel had grown to about 31,000 officers and agents, including a doubling to more than 21,000 Border Patrol agents (18,000 at the Southwest Border). The personnel data in Table 2 do not represent an exhaustive account of DHS and other law enforcement personnel at the border. In addition to Border Patrol agents and CBP officers, about 5,000 ICE agents are deployed to U.S. borders, along with numerous other Federal law enforcement agents (including U.S. Marshals, Drug Enforcement Administration officials, among others) and various State and local law enforcement agents.

Fencing, Infrastructure, and Technology

CBP deploys fencing and tactical infrastructure at the Southwest Border to impede illegal cross-border activity, disrupt smuggling operations, and establish a substantial probability of apprehending illegal entrants. The Border Patrol also utilizes

³⁶ Also see Doris Meissner, Donald M. Kerwin, Muzaffar Chisthi, and Clare Bergeron, *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*, Washington, DC: Migration Policy Institute, 2013.

³⁷ US–VISIT Office of Congressional Affairs, January 24, 2013. Individuals on the US–VISIT watch list are the subjects of derogatory information in a DHS database. Such information includes arrest warrants, known or suspected terrorists, certain visa refusals, Department of Defense biometric watchlist records, smuggling information, overstay records, visa fraud, and other DHS enforcement data. CBP officers check certain travelers' biometric records against the US–VISIT watch list during primary processing at ports of entry.

³⁸ *Ibid.*

surveillance technology to augment its ability to patrol the border. As noted in Table 1, Congress has expanded spending on border fencing, infrastructure, and technology programs from \$115 million in fiscal year 2006, to a high point of \$1.2 billion in fiscal year 2008, and \$400 million in fiscal year 2012. Appropriations to CBP's Office of Air and Marine increased more slowly, from \$653 million in fiscal year 2006 to a high of \$862 million in fiscal year 2010, to \$792 million in fiscal year 2012.

As Appendix Figure 1 illustrates, a portion of this spending has gone to fund construction of new fencing at the Southwest Border, with total miles of fencing increasing from 76 miles in fiscal year 2001 to 139.4 in fiscal year 2006 to 652 miles in fiscal year 2012. As of December 2012, Border Patrol maintains 35 permanent interior checkpoints and 173 tactical checkpoints. The Border Patrol also maintains 12 forward operating bases in remote areas to house personnel in close proximity to illegal crossing routes.³⁹ As of November 2012, Border Patrol reported 337 Remote Video Surveillance Systems (up from 269 in 2006), 198 short- and medium-range Mobile Vehicle Surveillance Systems and 41 long-range mobile surveillance systems (up from zero in 2005), 15 agent portable medium range surveillance systems (up from zero in 2005), 15 Integrated Fixed Towers that were developed as part of the SBInet system (up from zero in 2005), and 13,406 unattended ground sensors (up from about 11,200 in 2005).⁴⁰ In addition, as of November 2012, CBP operated a total of 10 unmanned aerial vehicle systems (UAVs), up from zero in 2006.

*Alien Detention*⁴¹

DHS's detention system has been strengthened in two main ways since 2006. First, funded detention bed space has grown by 63%, from 20,800 beds in fiscal year 2006 to 34,000 beds in fiscal year 2012.⁴² The average daily detention population has also grown by a similar proportion during these years, from 19,409 to 32,953. Second, under a policy announced in 2005 and implemented in August 2006, DHS now detains 100% of removable non-Mexicans apprehended at the border until their final removal orders.⁴³

*Enforcement with Consequences*⁴⁴

Historically, most Mexican aliens apprehended at the Southwest Border were permitted to voluntarily return to Mexico. Since 2005, under a set of policies known as "enforcement with consequences," CBP systematically has limited the number of aliens released on bond or allowed to voluntarily return to Mexico. Instead, to the extent that resources permit, the agency subjects an increasing proportion of aliens apprehended at the border to one or more of the following "high-consequence" forms of enforcement: Formal removal (including but not limited to standard removal proceedings, expedited removal, and reinstatement of removal),⁴⁵ criminal charges (including under expedited judicial processing through the Operation Streamline program),⁴⁶ and remote and lateral repatriation through the Alien Transfer Exit Program (ATEP) and the Mexican Interior Repatriation Program (MIRP). As Appendix Figure 2 illustrates, the proportion of aliens apprehended on the Southwest Border granted voluntary return fell from 82% (956,470 out of 1,171,428) in 2005 to 41%

³⁹ U.S. Border Patrol Office of Congressional Affairs, December 20, 2012.

⁴⁰ 2012 data from U.S. Border Patrol Office of Legislative Affairs, November 8, 2012; fiscal year 2006 data from DHS Congressional Budget Justification 2006; 2005 data from GAO, "Border Security: Key Unresolved Issues Justify Reevaluation of Border Surveillance Technology Program," GAO-06-295, February 2006.

⁴¹ For a fuller discussion, see CRS Report RL32369, *Immigration-Related Detention: Current Legislative Issues*, by Alison Siskin.

⁴² *Ibid.*

⁴³ CBP, "DHS Secretary Announces End to 'Catch and Release' on Southern Border," http://www.cbp.gov/xp/cgov/admin/c1_archive/messages/end_catch_release.xml.

⁴⁴ For a fuller discussion, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum.

⁴⁵ Aliens formally removed from the United States are ineligible for a visa for at least 5 years (or 20 years for a second or subsequent removal), and may be subject to criminal charges and expedited enforcement practices upon reentry.

⁴⁶ Unauthorized aliens apprehended at the border may face Federal immigration charges, but historically, most have not been charged with a crime. A total of 75,118 faced immigration-related charges in Southwest Border districts in fiscal year 2011 (out of 340,000 apprehensions), up from 35,266 in fiscal year 2005 (out of 1.2 million apprehensions). See Administrative Office of the U.S. Courts, "Judicial Business of the U.S. Courts," <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>; Southwest Border apprehensions from U.S. Border Patrol, "Fiscal Year Apprehensions Statistics." For a fuller discussion of immigration-related criminal charges, see CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John Garcia.

(134,108 out of 327,577) in fiscal year 2011.⁴⁷ As the figure illustrates, one reason that the proportion of apprehensions subject to high-consequence enforcement has risen is that the total number of Southwest Border apprehensions has fallen sharply. Nonetheless, as the figure also illustrates, CBP's effort to expand high-consequence enforcement has resulted in an absolute rise in removals, prosecutions, and lateral/interior repatriations since 2007, even during a period of falling border apprehensions.

*Interior Enforcement Programs*⁴⁸

ICE operates four main programs to identify and remove aliens from within the United States:

- *Criminal Alien Program (CAP)*.—CAP officers interview aliens within prisons and screen them against DHS databases; initiate removal proceedings against certain aliens prior to the termination of their criminal sentences, and ensure that aliens are transferred to ICE and removed from the United States upon the completion of their sentence.
- *National Fugitive Operations Program (NFOP)*.—NFOP pursues at-large criminal aliens and fugitive aliens,⁴⁹ aliens who pose a threat to National security and community safety, members of transnational gangs, child sex offenders, and aliens with prior convictions for violent crimes.
- *287(g) Program*.—Under this program, ICE delegates certain immigration enforcement functions to State and local law enforcement agencies pursuant to memorandums of agreement between such agencies and ICE. ICE trains and supervises the local officers, who may perform specific functions relating to the investigation, apprehension, or detention of aliens, during a pre-determined time frame.
- *Secure Communities*.—Secure Communities is an information-sharing program between the Departments of Justice and Homeland Security that uses biometric data to check people's immigration records following an arrest. When initial checks indicate that an arrestee may be a removable alien, the ICE field office in the arresting jurisdiction is notified about the match and may contact the jurisdiction to initiate removal proceedings.

As Appendix Figure 3 illustrates, ICE's interior enforcement programs have expanded exponentially in recent years. Whereas CAP and NFOP identified and administratively arrested (i.e., for removal) a total of fewer than 11,000 aliens in fiscal year 2004 (with the 287(g) program making no arrests and Secure Communities not yet created), Secure Communities alone was responsible for identifying 436,377 aliens who were potentially subject to removal in fiscal year 2012; and the other three programs were responsible for 269,765 administrative arrests.⁵⁰

*Worksite Enforcement*⁵¹

Section 274A of the Immigration and Nationality Act (INA) establishes civil penalties for failing to comply with the INA's document verification requirements and for knowingly employing an unauthorized alien; and it provides criminal penalties for employers engaging in a pattern or practice of knowingly employing unauthorized aliens. As Appendix Figure 4 illustrates, 385 employers were subject to civil penalties in 2011, mainly for verification violations, up from zero in 2006. A total of \$10.5 million in administrative fines was imposed in fiscal year 2011—a figure which exceeds the level of fines imposed in fiscal year 2000–fiscal year 2009 combined.

As Appendix Figure 5 illustrates, administrative and criminal arrests in worksite enforcement operations increased between 2006 and 2008, but have declined since then. Worksite administrative arrests, which are mainly of unauthorized aliens for purposes of immigration enforcement, declined from 3,667 people arrested in fiscal year 2006 to 1,471 people arrested in fiscal year 2011. Worksite criminal arrests,

⁴⁷These figures should be interpreted as ratios, not as strict percentages, because aliens may face removal and/or criminal charges in a year other than the year in which they are apprehended. In addition, some aliens may face both formal removal and criminal charges, and some aliens may appear in the data set more than once.

⁴⁸For a fuller discussion of interior immigration enforcement programs, see CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William Kandel.

⁴⁹Fugitive aliens are aliens who have failed to leave the United States following a final order or removal, or who have failed to report to ICE after receiving a notice to do so.

⁵⁰CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William Kandel.

⁵¹This section is based on CRS Report R40446, *Electronic Employment Eligibility Verification*, by Andorra Bruno, and CRS Report R40002, *Immigration-Related Worksite Enforcement: Performance Measures*, by Andorra Bruno.

which may be of unauthorized aliens charged with criminal violations or of citizens or lawful aliens charged with a pattern or practice of illegal hiring or with related criminal activities, were essentially flat, falling from 716 people in fiscal year 2006 to 713 people in fiscal year 2011. Within these numbers, there is some evidence that ICE in recent years has placed greater emphasis on arresting owners, managers, and corporate officials, rather than non-managerial employees.⁵²

Other changes since 2006 related to worksite enforcement concern the E-Verify electronic verification system. Improvements to E-Verify, along with Federal and State-level requirements that certain employers use the program,⁵³ have led to higher participation rates in the E-Verify program (see Appendix Figure 6). As figure 6 illustrates, participation in E-Verify grew from 5,272 employers representing 22,710 hiring sites on January 31, 2006 to 402,295 employers representing more than 1.2 million hiring sites on September 30, 2012. Between fiscal year 2007 and fiscal year 2012, the number of E-Verify queries increased more than six-fold, from 3.3 million to 21 million. For comparison purposes, there were about 50 million non-farm hires in the United States in 2011, according to the Bureau of Labor Statistics.⁵⁴

GAPS IN BORDER SECURITY AND IMMIGRATION ENFORCEMENT

Based on this review, where are the remaining gaps in border security and immigration enforcement? While a comprehensive answer to this question is beyond the scope of this testimony, comparing across the different border zones and looking at resources deployed at borders vs. elsewhere throughout the enforcement system leads to the following observations:

- Since 2002, far more resources have been devoted to enforcement between ports of entry than to enforcement and trade and travel facilitation at ports of entry or worksite enforcement. This comparison appears to hold across several different categories of comparison: Personnel, appropriations, technology acquisitions, etc. Little is known about illegal flows through ports of entry, or how such flows are affected by tougher enforcement between the ports.
- While significant progress has been made to implement parts of the US-VISIT biometric entry-exit system by deploying biometric technology to virtually all ports of entry, most Canadian and Mexican nationals and most U.S. lawful permanent residents are not required to participate in US-VISIT at land ports of entry. In addition, CBP does not routinely collect biometric exit data from any departing travelers, and does not collect any data from travelers departing at land port of entry. While biographic data arguably allows DHS to track visa overstayers traveling by air and sea, no such system exists for land travelers.
- With an estimated 8 million unauthorized aliens in the workforce in 2010⁵⁵ and just a few hundred employers arrested or fined annually for immigration violations, the threat of worksite enforcement so far has not appeared to be an effective deterrent to illegal hiring.⁵⁶
- Although a growing proportion of newly-hired workers are screened through the E-Verify system, the great majority of employers still do not use the system. Moreover, according to the most recent research on E-Verify accuracy rates, E-Verify appears to erroneously confirm about half of the unauthorized workers who are processed through the system, mainly because the system is vulnerable to identity fraud.⁵⁷

ASSESSMENT OF THE STATE OF BORDER SECURITY AND CONCLUDING COMMENTS

How have these investments at the border and elsewhere affected illegal immigration inflows? Placed in a historical perspective, CBP's shift from low- to high-consequence enforcement mechanisms represents a dramatic departure from previous border practices. Arguably, the most significant change in the U.S. immigration enforcement system in recent years is the implementation of Secure Communities,

⁵²For a fuller discussion, see CRS Report R40002, *Immigration-Related Worksite Enforcement: Performance Measures*, by Andorra Bruno.

⁵³On State-level E-Verify requirements, see CRS Report R41991, *State and Local Restrictions on Employing Unauthorized Aliens*, by Kate M. Manuel.

⁵⁴U.S. Department of Labor, Bureau of Labor Statistics, "Job Openings and Labor Turnover—January 2012," news release, March 13, 2012, http://www.bls.gov/news.release/archives/jolts_03132012.pdf.

⁵⁵See CRS Report R41207, *Unauthorized Aliens in the United States*, by Andorra Bruno.

⁵⁶The legacy Immigration and Naturalization Service (INS) reported on the number of agent work-years devoted to worksite enforcement, but ICE does not report this information.

⁵⁷For a fuller discussion, see CRS Report R40446, *Electronic Employment Eligibility Verification*, by Andorra Bruno.

which has exponentially increased DHS' ability to identify removable aliens within the United States.

DHS enforcement data indicate that total apprehensions of unauthorized aliens in fiscal year 2011 (641,633) was about one-third the level of apprehensions in 2000 (1,814,729) and about half the level it was in 2006 (1,206,457). Apprehensions at the Southwest Border (364,768 in fiscal year 2012) were up slightly from 2011, but also remained at historically low levels. DHS estimates that the unauthorized population residing in the United States has fallen from about 12.4 million in 2007 to about 11.5 million in 2011.⁵⁸ And the Pew Hispanic Center estimates that net unauthorized migration from Mexico has fallen to about zero, or that outflows may now exceed inflows.⁵⁹

To what extent is the apparent drop in illegal inflows a function of the enhanced enforcement efforts and spending described above? Answering this question is difficult because many new enforcement measures have coincided with the U.S. economic downturn and with relatively robust growth and favorable demographic conditions in Mexico and other countries of origin. And the effects of Secure Communities and certain consequence delivery programs may be too recent to have been registered in some enforcement data. Nonetheless, some recent research suggests that enforcement efforts likely help explain this downturn, particularly in recent years.⁶⁰

One recent study sought to disentangle these factors by combining administrative enforcement data with community-level economic indicators in migrant-sending and -receiving communities. The authors of the study reported preliminary findings that 40% of the reduction in illegal inflows between fiscal year 2004 and fiscal year 2010 was due to a stronger Mexican economy, 30% was due to the weaker U.S. economy, and 30% was due to increased U.S. border enforcement.⁶¹ Detailed results are not available, however, because DHS has not cleared for publication the administrative data used in the paper.

Better border metrics may contribute in important ways to the immigration debate by providing additional information about the state of border security and about the effectiveness of different enforcement strategies. These are critical questions given the trade-offs Congress and DHS face between investing additional resources at the border versus within the interior of the United States, and at ports of entry versus between the ports, among other choices. Clear border metrics may also offer insight into returns on future enforcement investments, and what level of security realistically can be obtained at the border in the absence of broader immigration reforms.

⁵⁸ CRS Report RL33874, *Unauthorized Aliens Residing in the United States: Estimates Since 1986*, by Ruth Ellen Wasem.

⁵⁹ Jeffrey Passel, D'Vera Cohn and Ana Gonzalez-Barrera, "Net Migration from Mexico Falls to Zero—and Perhaps Less," Washington, DC: Pew Hispanic Center, May 3, 2012.

⁶⁰ *Ibid.* For a fuller discussion, see U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Measuring Border Security: U.S. Border Patrol's New Strategic Plan and the Path Forward*, testimony of Marc R. Rosenblum, 112th Congress, 2nd session, May 8, 2012. Also see Manuela Angelucci, "U.S. Border Enforcement and the Net Flow of Mexican Illegal Migration," *Economic Development and Cultural Change*, 60, 2 (2012):311–357.

⁶¹ See Scott Borger, Gordon Hanson, and Bryan Roberts "The Decision to Emigrate From Mexico," presentation at the Society of Government Economists annual conference, November 6, 2012.

APPENDIX: TABLES AND FIGURES
 TABLE 1.—DHS IMMIGRATION ENFORCEMENT APPROPRIATIONS, FISCAL YEAR 2006–FISCAL YEAR 2012
 (Dollars in millions)

Fiscal Year	CBP			ICE		US-VISIT	E-Verify (USCIS)
	Gross Total	At POE	Between POE	Air and Marine	Gross Total		
2006	\$7,891	\$1,605	\$1,778	\$115	\$653	\$337	N/A
2007	9,302	1,860	2,278	1,188	778	362	\$114
2008	10,808	2,279	3,075	1,225	797	475	60
2009	11,948	2,561	3,501	875	800	300	100
2010	11,765	2,750	3,587	714	862	374	137
2011	11,174	2,913	3,583	574	801	335	103
2012	11,651	2,904	3,620	400	792	307	102
Total	74,539	16,872	21,422	5,091	5,483	2,490	616

Sources.—CBS Reports R42644, R41982, R40642, RL34482, RL34004, and RL33428.
 Notes.—Fiscal year 2006–fiscal year 2012 data include supplemental appropriations and rescissions. Gross totals for CBP and ICE include fees, trust funds, and mandatory appropriations. POE means ports of entry. BSFIT refers to the Border Security Fencing, Infrastructure, and Technology account. The BSFIT account was established in fiscal year 2007; fiscal year 2006 data are for appropriations to the SBlnet program for tactical infrastructure and border technology. ERO refers to ICE's Enforcement and Removal Operations Program, which was known as the Detention and Removal Program prior to 2011. US-VISIT refers to the U.S. Visitor and Immigrant Status Indicator Technology program. E-Verify (formerly known as Basic Pilot and as the Employment Eligibility Verification program) was funded for the first time in fiscal year 2007. Data for enforcement at POEs, enforcement between POEs, and ERO are for relevant salaries and expenses (S&E) accounts within CBP and ICE. Data for BSFIT, US-VISIT, and E-Verify are for total appropriations to those programs within CBP, the National Protection Programs Directorate, and USCIS, respectively. Data for Air and Marine include the Air and Marine acquisitions account as well as Air and Marine S&E appropriations.

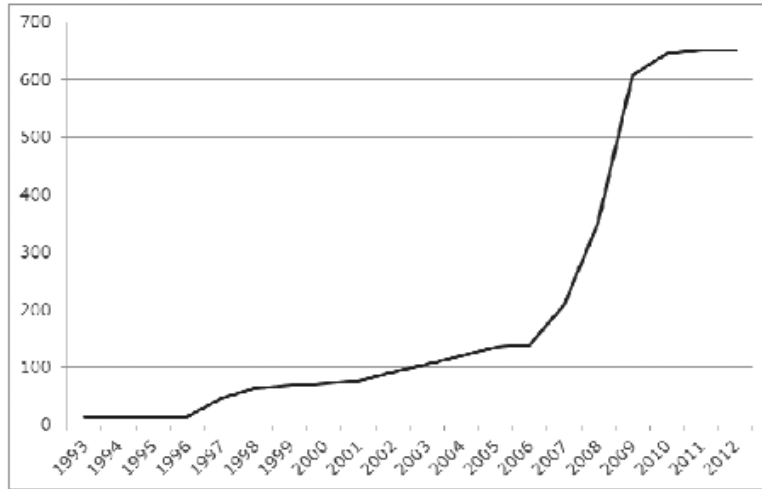
TABLE 2.—CBP PERSONNEL BY LOCATION

Fiscal Year	Border Patrol Agents			CBP Officers			Total CBP Border Personnel
	Total	Northern Border	SW Border	Total	Northern Border	SW Border	
2004	10,819	979	9,506	18,110	3,423	4,771	18,679
2005	11,264	988	9,891	18,134	3,351	4,733	19,003
2006	12,349	919	11,032	18,031	3,293	4,760	20,004
2007	14,925	1,098	13,297	18,452	3,258	4,979	22,632
2008	17,499	1,363	15,442	19,776	3,619	5,144	22,568
2009	20,119	1,887	17,408	21,339	4,028	5,660	28,983
2010	20,558	2,263	17,535	20,687	3,796	5,477	29,071
2011	21,444	2,237	18,506	20,582	3,710	5,551	30,004
2012	21,394	2,206	18,516	21,790	3,668	6,453	30,843
2013 (request)	21,370	2,212	18,462	21,775	3,662	6,444	30,780

Source.—CBP Office of Congressional Affairs, January 9, 2013.

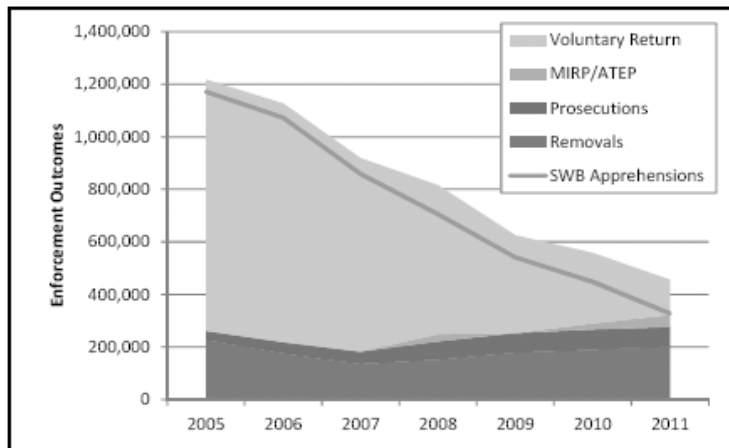
Notes.—Border Patrol agent and DBP officer total personnel numbers are based on all employees, including those posted at locations other than the Northern and Southwest Borders. Total CBP border personnel is defined as the sum of Border Patrol agents and CBP officers posted to Southwest and Northern Borders. Fiscal year 2013 data are based on statutory floors and end-of-year requirements, and reflect minimum expected staffing levels for fiscal year 2013.

Figure 1: Miles of Border Fencing on the Southwest Border, FY1993-FY2012



Source: CRS Report R42138; USBP Office of Legislative Affairs.

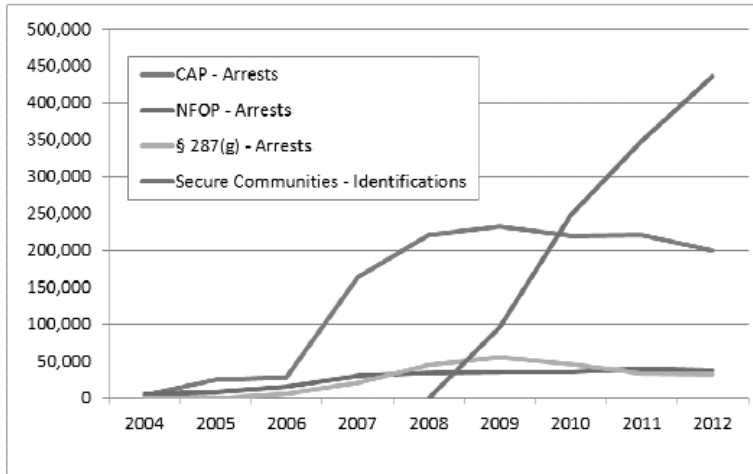
Figure 2. Southwest Border Immigration Enforcement Outcomes, FY2005-FY2011



Source: CBP Office of Legislative Affairs August 14, 2012; ICE Office of Legislative Affairs September 14, 2012; Administrative Office of the U.S. Courts.

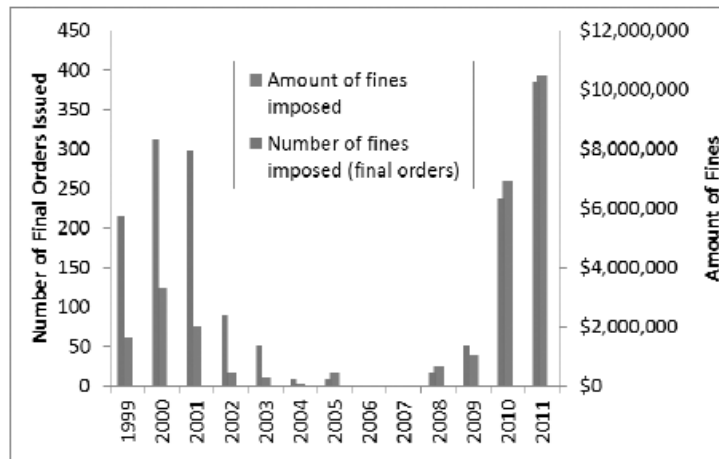
Notes: MIRP and ATEP data are incomplete for FY2005 – FY2007 and FY2009-FY2010. Immigration-related criminal cases may include some U.S. citizens and lawful aliens.

Figure 3: Interior Immigration Enforcement Programs, FY2004-FY2012



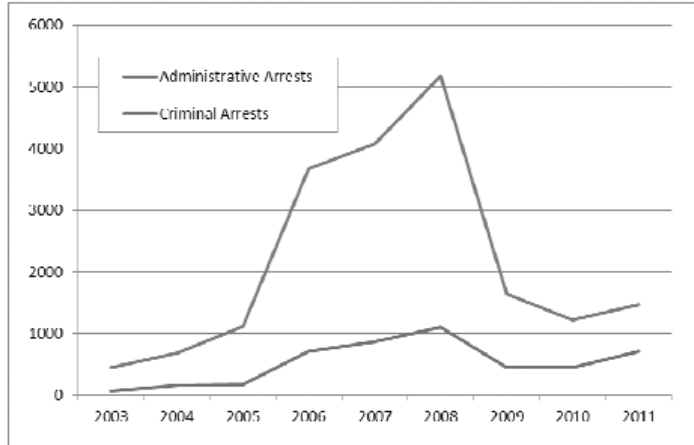
Source: CRS Report R42057.

Figure 4: Administrative Fines Imposed Against Employers, FY1999-FY2012



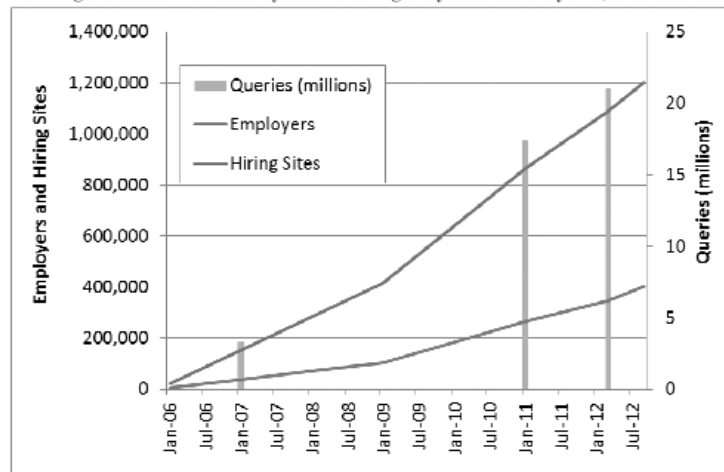
Source: CRS Report R40002.

Figure 5: Administrative and Criminal Arrests in Worksite Enforcement Operations, FY2003-FY2011



Source: CRS Report R40002.

Figure 6: Use of the E-Verify Electronic Eligibility Verification System, 2006-2012



Source: CRS Report R40446.

Mrs. MILLER. Thank you very much.

And I thank all of you—all the witnesses for their testimony. I was sort of struck as I was listening to you all that on this side of the table we have the front-liners that are out there each and every day doing everything that you possibly can with the resources that we give you to accomplish your mission and the task that you have been given, and how professionally and extraordinarily well you all do that.

Then sort of here on this side, including all of us, I guess, is sort of the—I don't want to say we are all bureaucrats, but we are all looking for measurement systems, and matrices, and statistics, and various kinds of things, and we are not on the front line every day and we don't see everything that you see. Sometimes we forget about—the admiral was just mentioning about the loss of life with the panga boat situation, et cetera. I shouldn't say we forget; we don't think about it all the time as we are trying to measure border security or various other kinds of things.

But suffice it to say that we are all on the same team, of course, and I look at a hearing like this and as a—personally, as a Member of Congress, just trying to understand how we can do what the American people want us to do, what our Constitutional obligations are to secure a border, and part of that, as a Member of Congress, is making sure we resource you to the capabilities that we have, understanding that the constraints—terrible fiscal constraints that we currently have. But what we can do better.

So with that, I guess I would start with a question to Ms. Gambler. I was listening to your testimony about the apprehension rate as a component of measurement and statistics, et cetera, and you mentioned that the—you were talking about all of the various numbers which indicated that the flow has significantly declined. Yet, your other report I was trying to look at last night there said that the apprehension rate was basically static, that it had gone from just 62 to 64 percent.

Keeping in mind the incredible amounts of resources that we have put down there—and again, I understand that the apprehension rate, as the chief said, is just—it is just one part of it—just one part of how you measure what a secure border is, what it looks like, et cetera. I think we had 367,000 apprehensions last year. We thought about 100,000 got through, if those were the correct numbers—something like that.

So I would just say, how do you explain that even though we have put all of these resources, if you try to look at it from a percentage of how we are doing, only having a 2 percent differential? But, could you help me with that?

Ms. GAMBLER. Sure. The data that you are mentioning Chairwoman Miller, are for the Tucson sector in particular. So in looking at fiscal year 2006 to 2011, the apprehension rate for that sector remained relatively the same, 62 percent to 64 percent. The apprehension rate in the other Southwest Border sectors varied over time. We provided the Tucson sector rate as an example in the report because it is a high-traffic sector.

In terms of what that means, the apprehension rate is really looking at the percentage of known illegal entries—entrants who are apprehended, who are arrested by the Border Patrol. Their ability to make those arrests can be impacted by various factors, including where the agents are deployed, what the terrain is like in the varying sectors. So some of those factors sort of explain what the rates are and explain differences in the rates across the sectors.

Mrs. MILLER. Okay. I appreciate that.

Chief, talking about the apprehension rate, I guess I would pick up on that, and you mentioned maybe it is not the best way but it is certainly one way that we measure border security. Perhaps

we should use something other than apprehensions as a better way of measuring border security.

I would also like you, if you could, to expand on your goal—I was making some notes here—you talked about 90 percent. What does a secure border look like?—and you mentioned about a 90 percent effectiveness rate would be optimal for us, which I think is a very admirable goal. I mean, hardly anyone ever gets to 100 percent of anything. If we could get to 90 percent we would feel pretty darn good, I think, here.

But, you know, you mentioned, for instance, some of the various significant areas of illegal activity try to get to 90 percent. Would you look at a 90 percent goal across all of our borders or are you thinking about particular sectors?—Tucson, or the Rio Grande, or—maybe you could flesh that out a bit for me as well, if you could, Chief.

Mr. FISHER. Yes, ma'am. I would be happy to.

First of all, 90 percent really wouldn't make sense everywhere. Let me give you a particular area of the border and you can pick a particular spot where—let's say, for instance, we know—because we have technology that is out there; we can see it—that on average, on every day, for instance, there would only be four people coming across. If over a period of time we were catching three out of four, if we just said, well 90 percent is the standard, it wouldn't really necessarily make sense to start putting more and more resources over there just to arbitrarily get to a 90 percent.

The reason why I qualified it into areas of significant illegal activity as a goal is because when we start differentiating sections of the border and start differentiating areas where we have less activity versus more activity, we want to make sure that we are applying those resources into those areas of high activity, which, in part of the calculation, gives us a higher-risk area.

So theoretically, what we want to be able to do is move those resources over there, optimize the capability in terms of people—the Border Patrol agents that are out there to close the last 50 feet—make sure the detection capability is out there in the right locations, and be able, as a goal, to achieve 90 percent.

You are absolutely right, Madam Chairwoman. When you look at the smuggling organizations as a business, when—they are in the smuggling business to make money. When we start applying our resources and we are starting to impact their ability to do that, their profit margin—so we may start off by perhaps apprehending 40 percent of their commodity, whether it is people or whether that is narcotics, and as we start applying resources over time we start incrementally increasing the effectiveness.

In other words, we are apprehending a higher proportion of those things that they are smuggling. As we move to 50 and 60 and 70 percent there is a business decision that generally is made at that point. The smuggling organization is no longer able to make money and they will then displace to other areas along the border or change some of their tactics, techniques, and procedures.

We put 90 percent as a goal because there are sections along the border where we have not only achieved, we have been able to sustain 90 percent effectiveness. So it is a realistic goal but I wouldn't necessarily and just arbitrarily say 90 percent is across-the-board

because there are other locations where there is a lot less activity and there won't be a lot of activity simply because of terrain features, for instance.

So where it makes sense we want to go ahead and start parsing that out within those corridors and within those specific sectors.

Mrs. MILLER. Thanks very much, Chief.

I am going to recognize my Ranking Member, since we want to try to all keep to our 5 minutes here, because we have a pretty hard stop time at noon this afternoon. So with that, I would recognize our Ranking Member.

Ms. JACKSON LEE. I thank the Chairwoman. I also, Madam Chairwoman, would like to ask unanimous consent that my entire opening statement be put in the record.

Mrs. MILLER. Without objection.

[The statement of Ranking Member Jackson Lee follows:]

STATEMENT OF RANKING MEMBER SHEILA JACKSON LEE

FEBRUARY 26, 2013

Today, I am pleased the subcommittee is meeting to examine the way forward on border security.

While I welcome the discussion, I want to caution against the notion that our Nation's borders can ever be fully and finally secured.

The border is always changing and evolving.

New threats emerge and we, in turn, have to find new ways to respond.

In other words, our efforts to secure our borders will always be a work in progress.

For that reason, we must not tie comprehensive immigration reform to achieving some arbitrary standard of border security.

Instead, we must move forward on parallel tracks, reforming our broken immigration system while continuing to work together to achieve more secure borders.

Over the last several years, Congress has made unprecedented investments in border security personnel, technology, and resources, to help DHS do just that.

These investments include:

A roughly 50% increase in total appropriations for DHS's immigration enforcement and border security-related activities, from \$7.89 billion in fiscal year 2006 to \$11.65 billion in fiscal year 2012.

Nearly doubling the total number of U.S. Border Patrol agents—from 10,819 agents in fiscal year 2004 to 21,394 in fiscal year 2012.

A 20% increase in the total number of CBP officers—from 18,110 in fiscal year 2004 to 21,790 in fiscal year 2012.

More than quadrupling the number of miles of fencing on the Southern Border, from 139 miles in fiscal year 2006 to 651 miles as of this year.

Deploying hundreds of new fixed and mobile video surveillance systems at our Nation's borders.

An increase in the number of ground sensors to detect cross-border movements to 13,406 in 2012, up from about 11,200 in 2005.

The establishment of an unmanned aerial system (UAS) border surveillance program. Today, there are 10 UASs patrolling our land and maritime borders. In 2006, there were none.

Unfortunately, I have serious concerns that, unless Congress acts, cuts mandated by the sequester would undermine the progress we have made with these investments.

Under sequestration, Customs and Border Protection (CBP) would have to absorb more than half a billion dollars in cuts, rendering the agency unable to maintain current staffing levels of Border Patrol agents and CBP Officers as mandated by Congress.

Specifically, CBP would have to reduce its work hours by the equivalent of over 5,000 Border Patrol agents and over 2,750 CBP Officers.

Staffing reductions would affect the Border Patrol's ability to secure our borders between the land ports of entry and increase wait times for passengers and cargo at land, air, and sea ports across the country.

Similarly, the U.S. Coast Guard would have to curtail air and surface operations by more than 25 percent, reducing essential missions including migrant and drug interdiction and port security operations.

This is absolutely unacceptable.

I hope to hear from our CBP and Coast Guard witnesses today about the effects of the sequester on their ability to carry out their missions their plans for dealing with these draconian cuts.

Finally, as we discuss “what a secure border looks like” today, I urge my colleagues to be mindful that border security means more than just securing the Southern Border between the ports of entry.

It also means knowing who or what may be attempting to come across the vast open places along our comparatively less-monitored Northern Border.

It means stopping a terrorist intending to cross through a port of entry on our Northern Border to blow up LAX.

It means interdicting Omar Farouk Abdulmutallab before he boards a plane headed to Detroit.

It means preventing migrants or narcotics from turning up in vessels along the coast of California.

And it means knowing who and what is entering our ports and waterways, whether the coast of South Florida, the Great Lakes, the Rio Grande, or the Port of Houston.

But I am encouraged by the progress we have made and believe we can do still more.

Ms. JACKSON LEE. I would like to ask unanimous consent that the document that I have here—statement written by the ACLU on, “What does border—secure border look like?” be submitted into the record.

Mrs. MILLER. Without objection.

[The information follows:]

STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION

FEBRUARY 26, 2013

I. INTRODUCTION

The American Civil Liberties Union (ACLU) is a Nation-wide, non-partisan organization of more than a half-million members, countless additional activists and supporters, and 53 affiliates Nation-wide dedicated to preserving and defending the fundamental rights of individuals under the Constitution and laws of the United States. The ACLU’s Washington Legislative Office (WLO) conducts legislative and administrative advocacy to advance the organization’s goal to protect immigrants’ rights, including supporting a roadmap to citizenship for aspiring Americans. The Immigrants’ Rights Project (IRP) of the ACLU engages in a Nation-wide program of litigation, advocacy, and public education to enforce and protect the Constitutional and civil rights of immigrants. The ACLU of New Mexico’s Regional Center for Border Rights (RCBR) addresses civil and human rights violations arising from border-related immigration policies. RCBR works in conjunction with ACLU affiliates in California, Arizona, and Texas, as well as immigrants’ rights advocates throughout the border region.

The ACLU submits this statement to the Subcommittee on Border and Maritime Security of the U.S. House of Representatives’ Committee on Homeland Security on the occasion of its hearing addressing “What Does a Secure Border Look Like?” Our statement aims to provide the subcommittee with an appraisal of the civil liberties implications of border security. The ACLU is particularly concerned with attempts to define border security that fail to take into account the fact that border security benchmarks in previous immigration reform proposals have been satisfactorily met. Any proposal for immigration reform should not be made contingent upon border security escalation, because:

- Deployment of additional border security along the U.S.-Mexico border would be wasteful and unnecessary, with apprehensions by Customs and Border Protection (CBP) personnel at their lowest level in 40 years and net migration from Mexico at zero; and
- Spending on the Southwest Border has increased dramatically over the last decade with virtually no accountability measures, resulting in civilian deaths at

the hands of CBP personnel and many other civil liberties abuses, including rampant racial profiling.

At a time of sequestration, when the Federal Government is poised to cut spending by 8.2 percent, our country can no longer afford to throw money down the border drain. Congress must not adopt the conventional wisdom of inadequate border security, nor heed siren calls for more border enforcement resources. Instead, border security resources should be guided by principles of fiscal responsibility, accountability and oversight, and attention to the true needs of border communities suffering from a wasteful, militarized enforcement regime. Experts, including from the Department of Homeland Security, agree that the border is more secure than ever.¹ Congress should proceed unimpeded by border security obstacles to the vital task of providing a roadmap to citizenship for aspiring Americans in a way that advances our Constitution's principles and American values of family unity and due process.

II. THE PATHWAY TO CITIZENSHIP MUST NOT BE CONTINGENT ON THE FALSE METRIC OF A "COMPLETELY SECURE BORDER." INSTEAD, IMMIGRATION REFORM SHOULD END THE ABUSIVE MILITARIZATION OF BORDER COMMUNITIES.

a. The "Mini-Industrial Complex" of Border Spending

Congress should not seek to define a "secure border" as an airtight 2,000-mile border, because this would ignore the fact that border security benchmarks of prior proposed or enacted legislation (in 2006, 2007, and 2010) have already been met or exceeded.² In the last decade, the United States has relied heavily on enforcement-only approaches to address migration, using deterrence-based border security strategies:

- The U.S. Government has expanded the powers of Federal authorities by creating "Constitution-Light" or "Constitution-Free" zones within 100 miles of land and sea borders, areas in which CBP personnel claim they have authority that would be unconstitutional in other parts of the country, despite the fact that two-thirds of the American population resides within 100 miles of these borders.
- Because of "zero-tolerance" initiatives like Operation Streamline,³ the Department of Homeland Security (DHS) now refers more cases for Federal prosecution than the Department of Justice's (DOJ) law enforcement agencies. Federal prisons are already 39 percent over capacity, due in large part to indiscriminate prosecution of individuals for crossing the border without authorization, often to rejoin their families. The majority of those sentenced to Federal prison last year were Hispanics and Latinos, who constitute only 16 percent of the population, but are now held in large numbers in private prisons.⁴
- Since 2003, the U.S. Border Patrol has doubled in size and now employs more than 21,400 agents, with about 85 percent of its force deployed at the U.S.-Mexico border.⁵ So many Border Patrol agents now patrol the Southern Border that if they lined up equally from Brownsville to San Diego, they would stand in plain sight of one another (about 10 per mile). This number does not include the thousands of other DHS officials, including CBP Office of Field Operations officers and one-fourth of all Immigration and Customs Enforcement (ICE) personnel deployed at the same border. It also does not include 651 miles of fencing, 333 video surveillance systems, and 9 drones for air surveillance.

From a fiscal perspective, from fiscal year 2004 to fiscal year 2012, the budget for CBP increased by 94 percent to \$11.65 billion, a leap of \$5.65 billion; this following a 20 percent post-9/11 increase of \$1 billion.⁶ By way of comparison, this jump in funding is more than quadruple the growth rate of NASA's budget and is almost ten times that of the National Institutes of Health. U.S. taxpayers now

¹ Testimony of DHS Secretary Napolitano to the Senate Judiciary Committee (Feb. 13, 2013), available at <http://www.judiciary.senate.gov/pdf/2-13-13NapolitanoTestimony.pdf>.

² Chen, Greg and Kim, Su. "Border Security: Moving Beyond Past Benchmarks," American Immigration Lawyers Association, (Jan. 30, 2013). Available at: <http://www.aila.org/content/default.aspx?bc=25667/43061>.

³ See generally ACLU, "Operation Streamline Issue Brief." (Feb. 25, 2013), available at <http://www.aclu.org/immigrants-rights/operation-streamline-issue-brief>.

⁴ U.S. Sentencing Commission, 2011 ANNUAL REPORT, Chapter 5, available at http://www.ussc.gov/Data_and_Statistics/Annual_Reports_and_Sourcebooks/2011/2011_Annual_Report_Chap5.pdf.

⁵ Meissner, Doris, Kerwin, Donald M., Chishti, Muzaffar, and Bergeron, Claire. Immigration Enforcement in the United States: The Rise of a Formidable Machinery, Migration Policy Institute, January 2013. Available at: <http://www.migrationpolicy.org/pubs/enforcementpillars.pdf>.

⁶ Michele Mittelstadt et al., "Through the Prism of National Security: Major Immigration Policy and Program Changes in the Decade since 9/11." (Migration Policy Institute, Aug. 2011), 3, available at http://www.migrationpolicy.org/pubs/FS23_Post-9-11-policy.pdf.

spend more on immigration enforcement agencies (\$18 billion) than on the FBI, DEA, ATF, U.S. Marshals, and Secret Service—combined.⁷

CBP's spending runs directly counter to data on recent and current migration trends and severely detracts from the true needs of border security. Over the last decade, apprehensions by the Border Patrol have declined more than 72 percent (2000–10). At a time when migrant apprehensions are lower than at any time since the 1970s, wasteful spending by CBP must be reined in.⁸ In fiscal year 2012, Border Patrol apprehended on average 18 people per agent.⁹ A weakening U.S. economy, strengthened enforcement, and a growing Mexican economy have led to a dramatic decrease in unauthorized migration from Mexico. In fact, net migration from Mexico is now zero or slightly negative (i.e., more people leaving than coming).¹⁰

The costs per apprehension vary per sector, but are at an all-time high. The Yuma, Arizona sector, for example, has seen a 95 percent decline in apprehensions since 2005 while the number of agents has tripled.¹¹ Each agent was responsible for interdicting just 8 immigrants in 2010, contributing to ballooning per capita costs: Each migrant apprehension at the border now costs five times more, rising from \$1,400 in 2005 to over \$7,500 in 2011.¹² Indeed, despite Border Patrol's doubling in size since 2004, overtime costs have amounted to \$1.6 billion over the last 6 years.¹³ Congress should heed House Appropriations Committee Chairman Hal Rogers' warning about the irrationality of border spending: "It is a sort of a mini industrial complex syndrome that has set in there. And we're going to have to guard against it every step of the way."¹⁴

b. Lack of CBP Oversight: Racial Profiling and Excessive Use of Force

Unprecedented investment in border enforcement without corresponding oversight mechanisms¹⁵ has led to an increase in human and civil rights violations, traumatic family separations in border communities, and racial profiling and harassment of Native Americans, Latinos, and other people of color—many of them U.S. citizens and some who have lived in the region for generations. The bipartisan framework that was proposed by the "Gang of Eight" Senators in late January rightly recognizes a need for strengthened prohibitions against racial profiling and inappropriate use of force. In addition, more must be done to transform border enforcement by prioritizing investment in robust and independent external oversight that includes input from border communities.

Stressed border communities are a vital component of the half-trillion dollars in trade between the United States and Mexico, and the devastating effects of militarization on them must be addressed in immigration reform. The U.S.-Canada border has experienced an increase in border enforcement resources as well, with Northern Border residents often complaining about Border Patrol agents conducting roving patrols near schools and churches and asking passengers for their documents on trains and buses that are traveling far from border crossings. The ACLU of Washington State has brought a class action lawsuit to end the Border Patrol's practice of stopping vehicles and interrogating occupants without legal justification. One of the plaintiffs in the case is an African-American corrections officer and part-time police officer who was pulled over for no expressed reason and interrogated

⁷ Migration Policy Institute, *Immigration Enforcement*, supra.

⁸ Testimony of DHS Secretary Napolitano to the House Judiciary Committee (July 19, 2012); DHS Fact Sheet, "Apprehensions by the U.S. Border Patrol: 2005–2010." (July 2011), available at <http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-apprehensions-fs-2005-2010.pdf>; see also Jeffrey Passel and D'Vera Cohn, "U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade." (Pew Hispanic Center, Sept. 1, 2010), available at <http://pewhispanic.org/reports/report.php?ReportID=126>.

⁹ Chen and Kim, "Border Security," supra.

¹⁰ Philip E. Wolgin and Ann Garcia, "What Changes in Mexico Mean for U.S. Immigration Policy." (Center for American Progress, Aug. 8, 2011), available at <http://www.americanprogress.org/issues/2011/08/mexico-immigration.html>.

¹¹ Richard Marosi, "Plunge in border crossings leaves agents fighting boredom." *Los Angeles Times* (Apr. 21, 2011).

¹² Immigration Policy Center, *Second Annual DHS Progress Report*. (Apr. 2011), 26, available at http://www.immigrationpolicy.org/sites/default/files/docs/2011_DHS_Report_041211.pdf.

¹³ "Border Patrol overtime, staffing up; arrests down." Associated Press (Feb. 5, 2012).

¹⁴ Ted Robbins, "U.S. Grows an Industrial Complex Along the Border." NPR (Sept. 12, 2012), available at <http://www.npr.org/2012/09/12/160758471/u-s-grows-an-industrial-complex-along-the-border>.

¹⁵ Tim Steller, "Border Patrol faces little accountability," *Arizona Daily Star* (Dec. 9, 2012), available at: http://azstarnet.com/news/local/border/border-patrol-faces-little-accountability/article_7899cf6d-3f17-53bd-80a8-ad2146384221.html.

about his immigration status while wearing his corrections uniform.¹⁶ A local business owner said he's "never seen anything like this. Why don't they do it to the white people, to see if they're from Canada or something?"¹⁷

CBP also aids and abets State and local police racial profiling practices, ensnaring U.S. citizens. In February 2011, Tiburcio Briceno, a naturalized U.S. citizen, was stopped by a Michigan State Police officer for a traffic violation while driving in a registered company van. Rather than issue him a ticket, the officer interrogated Briceno about his immigration status, apparently based on Briceno's Mexican national origin and limited English. Dissatisfied with Briceno's valid Michigan chauffeur's license, the officer summoned CBP, impounded Briceno's car, and told him he would be deported. Briceno says he reiterated again and again that he was a U.S. citizen, and offered to show his social security card but the officer refused to look.

Briceno was released after CBP officers arrived and confirmed that he was telling the truth. "Becoming a U.S. citizen was a proud moment for me," Briceno has since reflected. "When I took the oath to this country, I felt that I was part of something bigger than myself; I felt that I was a part of a community and that I was finally equal to every other American. Although I still believe in the promise of equality, I know that I have to speak out to make sure it's a reality for me, my family and my community. No American should be made to feel like a criminal simply because of the color of their skin or language abilities."¹⁸

In addition to racial profiling at and beyond the border, incidents of excessive use of force are on the rise, with at least 19 people killed by CBP officials since January 2010,¹⁹ including five U.S. citizens and six individuals who were standing in Mexico when fatally shot. On April 20, 2012, PBS's *Need to Know*²⁰ program explored the trend of CBP's excessive use of force, with a focus on Anastasio Hernandez Rojas. New footage depicting a dozen CBP personnel surrounding and repeatedly applying a Taser and other force to Mr. Hernandez—who was shown to be handcuffed and prostrate on the ground contrary to the agency's incident reporting—shocked viewers. The San Diego coroner classified Mr. Hernandez's death as a homicide, noting in addition to a heart attack: "several loose teeth; bruising to his chest, stomach, hips, knees, back, lips, head and eyelids; five broken ribs; and a damaged spine." CBP's version of events described a "combative" person: Force was needed to "subdue the individual and maintain officer safety." Spotlighting another CBP fatality, 3 weeks ago the *Arizona Republic* reported that "An autopsy report raises new questions about the death of a Mexican youth shot by at least one U.S. Border Patrol officer four months ago in Nogales. The Border Patrol has maintained that José Antonio Elena Rodríguez, 16, was throwing rocks over the border fence at agents on the U.S. side when an agent fired across the international border the night of Oct. 10. But entry and exit wounds suggest that all but one of as many as 11 bullets

¹⁶Complaint available at http://www.aclu-wa.org/sites/default/files/attachments/2012-04-26-Complaint_0.pdf.

¹⁷William Yardley, "In Far Northwest, a New Border Focus on Latinos." *New York Times* (May 29, 2012) (emphasis added), available at <http://www.nytimes.com/2012/05/29/us/hard-by-canada-border-fears-of-crackdown-on-latino-immigration.html?pagewanted=all>.

¹⁸ACLU of Michigan, "ACLU Urges State Police to Investigate Racial Profiling Incident." (Mar. 21, 2012) (emphasis added), available at <http://www.aclumich.org/issues/racial-justice/2012-03/1685>.

¹⁹Jorge A. Solis, 28, shot and killed, Douglas, AZ (Jan. 4, 2010); Victor Santillan de la Cruz, 36, shot and killed, Laredo, TX (March 31, 2010); Anastasio Hernandez Rojas, 32, tortured to death, San Diego, CA (May 28, 2010); Sergio Adrian H. Huereca, 15, shot and killed, El Paso, TX (June 7, 2010); Juan Mendez, 18, shot and killed, Eagle Pass, TX; Ramses Barron Torres, 17, shot and killed, Nogales, Mexico (Jan. 5, 2011); Roberto Pérez Pérez, beaten while in detention and died due to lack of proper medical care, San Diego, CA (Jan. 13, 2011); Alex Martinez, 30, shot and killed, Whatcom County, WA (Feb. 27, 2011); Carlos Lamadrid, 19, shot and killed, Douglas, AZ (March 21, 2011); Jose Alfredo Yañez Reyes, 40, shot and killed, Tijuana, Mexico (June 21, 2011); Gerardo Rico Lozana, 20, shot and killed near Corpus Christi, TX (Nov. 3, 2011); Byron Sosa Orellana, 28, shot and killed near Sells, AZ (Dec. 6, 2011); Alexander Martin, 24, died in car explosion that may have been caused by Border Patrol tasers (March 15, 2012); Charles Robinson, 75, shot and killed, Jackman, ME (June 23, 2012); Juan Pablo Perez Santillán, 30, shot and killed on the banks of the Rio Grande, near Matamoros, Mexico (July 7, 2012); Guillermo Arévalo Pedroza, 36, shot and killed, Nuevo Laredo, Mexico (Sept. 3, 2012); Valerie Tachiquin-Alvarado, 32, shot and killed, Chula Vista, CA (Sept. 28, 2012); José Antonio Elena Rodríguez, 16, shot and killed, Nogales, Sonora (Oct. 11, 2012); and Margarito Lopez Morelos, 19, shot and killed, Baboquivari Mountains, AZ (Dec. 2, 2012). This count does not include Border Patrol agent Nicholas J. Ivie, 30, who was fatally shot by friendly fire near Bisbee, AZ (Oct. 2, 2012).

²⁰PBS *Need to Know* special, aired April 20, 2012 and entitled "Crossing the line at the border," available at <http://www.pbs.org/wnet/need-to-know/security/video-first-look-crossing-the-line/13597/>.

that struck the boy entered from behind, according to the report by two medical examiners working for the Sonora Attorney General's Office."²¹

After a Congressional letter signed by 16 Members was sent to DHS Secretary Janet Napolitano, DHS Acting Inspector General Charles Edwards, and Attorney General Eric Holder,²² on July 12, 2012, the Associated Press reported that a Federal grand jury was investigating the death of Anastasio Hernandez.²³ Border Patrol's use-of-force incidents have attracted international scrutiny with the government of Mexico,²⁴ the Inter-American Commission on Human Rights,²⁵ and the Office of the United Nations High Commissioner for Human Rights²⁶ weighing in.

While the Federal Government has the authority to control our Nation's borders and to regulate immigration, CBP officials must do so in compliance with National and international legal norms and standards. As employees of the Nation's largest law enforcement agency, CBP personnel should be trained and held to the highest professional law enforcement standards. Systemic, robust, and permanent oversight and accountability mechanisms for CBP should be integral to border security measures. Congress must seize this moment for immigration reform to transform border enforcement in a manner that is fiscally responsible, enlists border communities in defining their true needs and upholds Constitutional rights and American values.

III. CONCLUSION

The ACLU urges Congress to prioritize the reduction of abuses in the currently-oppressive immigration and border enforcement system which has cost \$219 billion in today's dollars since 1986.²⁷ By jettisoning proposals for escalated border security that clash with civil liberties and thereby creating space for genuine immigration reform, Congress can ensure that the roadmap to citizenship for aspiring Americans is a generous one, free of unjust obstacles. Members would thereby maximize the historic expansion of Constitutional freedoms for spouses, friends, parishioners, and neighbors in our communities, who contribute every day to their successes and deserve full and prompt citizenship.

Ms. JACKSON LEE. And a statement of the American Immigration Lawyers Association, "Border Security: Moving Beyond Past Benchmarks," be put into the record?

Mrs. MILLER. Without objection.
[The information follows:]

REPORT BY THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

BORDER SECURITY: MOVING BEYOND PAST BENCHMARKS

SUMMARY

For years, but especially after 9/11, the calls for border security have been increasing with many lawmakers demanding that the border must be secured. The idea has gained traction, and recent comprehensive immigration bills have been loaded with border security measures that include more border agents, fencing, and high-tech surveillance, and the expanded use of detention. Proposals, such as the

²¹ Bob Ortega, "New theory on Border Patrol killing of boy." *Arizona Republic* (Feb. 7, 2013), available at <http://www.azcentral.com/news/articles/20130206border-patrol-killing-boy-new-theory.html>.

²² Congressional sign-on letter sent May 10, 2012 to Secretary Janet Napolitano available at: <http://serrano.house.gov/sites/serrano.house.gov/files/DHSletter.pdf>; letter sent to DHS Inspector General Charles Edwards available at: <http://serrano.house.gov/sites/serrano.house.gov/files/DHSIGletter.pdf>; letter sent to DOJ Attorney General Eric Holder available at: <http://serrano.house.gov/sites/serrano.house.gov/files/DoJLetter.pdf>.

²³ Grand Jury Probes Anastasio Hernandez Border Death, available <http://www.kpbs.org/news/2012/jul/12/grand-jury-probes-border-death/>.

²⁴ See, e.g., Bret Stephens, "The Paradoxes of Felipe Calderón." *Wall Street Journal* (Sept. 28, 2012), available at http://online.wsj.com/article/SB1000087239639044391610457802244-0624610104.html?mod=hp_opinion.

²⁵ See "IACHR condemns the recent death of Mexican national by U.S. Border Patrol Agents." (July 24, 2012), available at http://www.oas.org/en/iachr/media_center/PReleases/2012/093.asp.

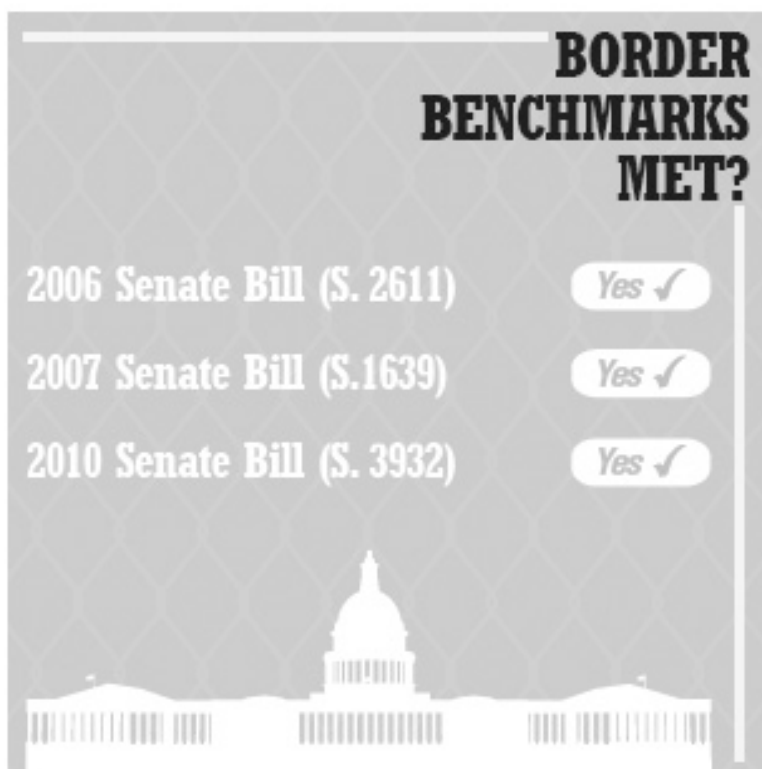
²⁶ See U.N. Radio, "United States urged to probe deaths of Mexican migrants at border." (May 29, 2012), available at <http://www.unmultimedia.org/radio/english/2012/05/united-states-urged-to-probe-deaths-of-mexican-migrants-at-border/>.

²⁷ Robbins, "U.S. Grows," supra.

2007 Senate reform bill (S. 1639), went further by requiring that specific benchmarks, “triggers,” be met before legalization could take place.¹

Though none of these proposals became law, a resource-heavy approach has been implemented and has resulted in a dramatic build-up of border security and a massive expenditure of resources focused on the following: (1) Achieving “operational control” of the border; (2) Increasing border personnel; (3) Increasing border infrastructure and surveillance; and (4) Increasing penalties for border crossers, including prosecution and incarceration. In fiscal year 2012, Customs and Border Protection (CBP) alone was funded at \$11.7 billion, an increase of 64% since fiscal year 2006.² In 2010, Congress passed a special border security bill providing an additional \$600 million on top of the amount already appropriated.³

This report examines past immigration reform proposals, specifically the 2006, 2007, and 2010 Senate bills (S. 2611, S. 1639, and S. 3932), and evaluates the proposals in these four areas: Operational control, border personnel, border infrastructure and technology, and detention.



Missing from these proposals is a proven way to measure when the border is reasonably secure. For example, lawmakers call for dramatic increases in spending on border agents without stating how many more personnel are actually needed to ensure border security. The 2007 bill proposed raising the total number of border

¹Text of S. 1639—Kennedy (D-MA) & Specter (R-PA) <http://www.aila.org/content/default.aspx?docid=22682>.

²DHS, Budget-in-Brief, FY 2007 http://www.dhs.gov/xlibrary/assets/Budget_BIB-FY2007.pdf; DHS, Budget-in-Brief, FY 2012.

³Text of Public Law 111-230. <http://www.gpo.gov/fdsys/pkg/PLAW-111publ230/pdf/PLAW-111publ230.pdf> (\$305.9 of the \$600 million went to CBP to fund the hiring of new personnel, including 1,000 new Border Patrol agents and 250 CBP officers, greater use of UAVs, and new communications equipment. http://www.cbsnews.com/2100-250_162-6768934.html).

agents to 20,000, but never explained why that number of agents is necessary. In fact, the number of agents on the border has increased steadily for the past several years. In 2011, there were 21,444 border agents, nearly double the number in 2006. Despite these increases, which exceed the number proposed in the 2007 bill, calls for more border agents persist.

Often-cited indicators of progress by CBP are the number of apprehensions of unauthorized entrants, the level of violence at border towns, and the seizures of contraband. In recent testimonies before Congress, CBP reported significant achievements in each of these areas. Apprehensions at the border are down more than 80 percent from peak numbers in 2000. FBI crime reports from 2010 show that violent crimes in Southwest Border States have dropped an average of 40 percent in the last 20 years.⁴

Yet, the calls for increased border security continue, even at a time when border apprehensions are at the lowest rate in more than 40 years. Border agents are completing only a few apprehensions per agent per week. Also, some border agents have been aiding other law enforcement agencies with tasks unrelated to their mission.⁵ Immigration reform proposals need to identify clearer goals for border security and ways to measure success rather than simply increasing resources.

OPERATIONAL CONTROL—AN “OUTDATED MEASURE”⁶

The 2007 Senate bill (S. 1639) required DHS to demonstrate operational control of the border between the United States and Mexico. Recent bills and Congressional reports have continued to call for operational control.⁷

“Operational control,” as defined by the Secure Fence Act of 2006, sets an unrealistic expectation that the border can be 100 percent sealed.⁸ The GAO, in its testimony before Congress, noted that “[r]esources that would be needed to absolutely prevent every single incursion would be something probably out of reasonable consideration.” As of February 2011, the GAO reported that the Southwest Border is at 44 percent operational control, with nearly two-thirds of the remaining 56 percent at the “monitored” level, and the rest at “low-level monitored.”⁹

⁴Josiah McC. Heyman, “Guns, Drugs, and Money,” Immigration Policy Center. (September 2011) <http://immigrationpolicy.org/perspectives/guns-drugs-and-money-tackling-real-threats-border-security>.

⁵Lisa Graybill, “Border Patrol Agents as Interpreters Along the Northern Border: Unwise Policy, Illegal Practice,” Immigration Policy Center. (September 2012) <http://www.immigrationpolicy.org/sites/default/files/docs/borderpatrolagentsasinterpreters.pdf>; (The report documents CBP participation in providing translation and responding to 911 emergency assistance calls); November 21, 2012—CBP released guidance on providing language-assistance, which directs CBP to redirect requests for assistance based solely on a need for language translation. <http://foiarr.cbp.gov/streamingWord.asp?i=1233>; Richard Marosi, “Plunge in Border Crossings Leaves Agents Fighting Boredom,” *Los Angeles Times*, Apr. 21, 2011.

⁶Testimony of Michael Fisher, House Homeland Security Committee, Subcommittee on Border and Maritime Security, “Securing our Borders—Operational Control and the Path Forward.” (February 15, 2011) http://www.cbp.gov/xp/cgov/newsroom/con_res/ref_rec/congressional_test/fisher_testifies/chief_fisher.xml (“Since 2004, CBP has used ‘operational control’ to describe the security of our borders. However, this measure did not accurately represent the Border Patrol’s significant investments in personnel, technology, and resources or the efforts of other DHS Components who are engaged in border security such as ICE and the U.S. Coast Guard. Operational Control as applied by the U.S. Border Patrol is the ability to detect, identify, classify, and then respond to and resolve illegal entries along our U.S. Borders . . . The Border Patrol is currently taking steps to replace this outdated measure with performance metrics that more accurately depict the state of border security.”)

⁷Congress, in the fiscal year 2012 House Homeland Security Appropriations Conference Report: (“[committee] has consistently directed that CBP employ a comprehensive strategy for achieving operational control of the border, including identifying and utilizing the right mix of people, infrastructure and technology.”); H.R. 1091 Unlawful Border Entry Prevention Act—Hunger (R—CA) (112th) <http://www.govtrack.us/congress/bills/112/hr1091/text>—(calls for a plan to achieve operational control of border experiencing at least 40 percent increase in apprehensions and directs DOD to deploy additional National Guard until DHS certifies operational control of the border).

⁸Secure Fence Act of 2006: (“‘operational control’ means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”) <http://www.govtrack.us/congress/bills/109/hr6061/text>.

⁹GAO Report, “Border Security: Preliminary Observations on Border Control Measures for the Southwest Border” (February 2011) <http://www.gao.gov/new.items/d11374t.pdf>. See also Edward Alden, “Immigration and Border Control,” *Cato Journal* Vol. 32, No. 1 (Winter 2012) <http://www.cato.org/pubs/journal/cj32n1/cj32n1-8.pdf> (“Evading border enforcement has become more difficult, more expensive, and more uncertain than before. But border control will

Continued

Achieving absolute border control, whereby no single individual crosses into a State without that State's authorization, is impossible. Commentators have noted, "the only nations that have come close to such control were totalitarian, with leaders who had no qualms about imposing border control with shoot-to-kill orders."¹⁰

DHS itself has moved away from using "operational control" as an outcome measure for border security, and cites the need to establish a border security measure that reflects "a more quantitative methodology as well as the department's evolving vision for border control."¹¹ In 2011, Border Patrol Chief Michael Fisher, in his testimony before Congress, called operational control an "outdated measure." The 2012–16 Border Patrol Strategic Plan does not mention "operational control," and instead, focuses on goals that would "[mitigate] risk rather than [increase] resources to secure the border."¹²

BORDER PERSONNEL

The 2006 (S. 2611), 2007 (S. 1639), and 2010 (S. 3932) bills prescribe large increases in Border Patrol agents, through incremental annual increases or set numbers.¹³ Comparatively small increases for CBP officers at ports of entry (POE) are also included. For example, the 2006 bill proposed an annual increase of 2,400 Border Patrol agents for the next 5 years, compared to an annual increase of 500 for POE inspectors. As cited previously, since 2006, Congress has funded a near-doubling of Border Patrol agents, from 12,185 to 21,444, and current numbers exceed the numbers set forth in the 2006, 2007, and 2010 bills.

always remain imperfect; it is not possible for the United States to create a perfectly secure border, and that should not be the goal.")

¹⁰Rey Koslowski, "The Evolution of Border Controls as a Mechanism to Prevent Illegal Immigration" Migration Policy Institute. (February 2011) <http://www.migrationpolicy.org/pubs/bordercontrols-koslowski.pdf>.

¹¹GAO Testimony, "Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts," House Homeland Security Committee, Subcommittee on Border and Maritime Security (May 8, 2012) <http://www.gao.gov/assets/600/590686.pdf>.

¹²2012–2016 Border Patrol Strategic Plan <http://www.aila.org/content/default.aspx?docid=41854>; GAO, "Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs," (December 2012), <http://www.gao.gov/products/GAO-13-25>; Congressional Research Service, "Border Security: Immigration Enforcement Between Ports of Entry," (January 2012) <http://fpc.state.gov/documents/organization/180681.pdf> ("[A]ccording to CBP officials, effective control will be replaced by a 'border condition index,' which will combine multiple dimensions of border security, public safety, and quality of life into a holistic 'score' that can be calculated for different regions of the border.")

¹³Text of S. 2611 Specter (R-PA) <http://www.aila.org/content/default.aspx?docid=19568>; Text of S. 3932—Leahy (D-VT) & Menendez (D-NJ) <http://www.govtrack.us/congress/bills/111/s3932/text>.



The fallacy that more agents equals greater overall security has resulted in continued proposals for more personnel without a clear evaluation of security goals. Despite historical increases, recent immigration proposals continue to call for more personnel.¹⁴ These calls for more border personnel are unjustifiable when apprehensions by Border Patrol Nation-wide are at the lowest level since 1972.¹⁵

This focus on personnel between ports of entry has coincided with an increase in traffic through ports of entry. At the same time that apprehensions between the ports of entry decreased Nation-wide, illegal entries through ports of entry have increased. Ports of entry have also seen an increase in seizures of drugs, weapons, and currency.¹⁶ Moving forward, there needs to be an evaluation and establishment

¹⁴Key Provisions of McCain-Kyl Border Security Enforcement Act of 2011 (proposing an increase of 6,000 National Guard troops to be deployed to the border and additional 5,000 Border Patrol agents, because “the border is still not secure.”; Other bills introduced in the 112th Congress calling for more personnel: H.R. 152 (Poe)—directing deployment of at least 10,000 National Guard troops, H.R. 1196 (Miller)—proposing increase of 8,000 Border Patrol agents by 2015.

¹⁵USBP Apprehensions FY 1925–2011 http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/25_10_app_stats.ctt/25_11_app_stats-.pdf; National Immigration Forum, “Immigration Enforcement Fiscal Overview: Where are We, and Where are We Going?” Feb. 2011; Richard Marosi, “Plunge in Border Crossings Leaves Agents Fighting Boredom,” *Los Angeles Times*, Apr. 21, 2011.

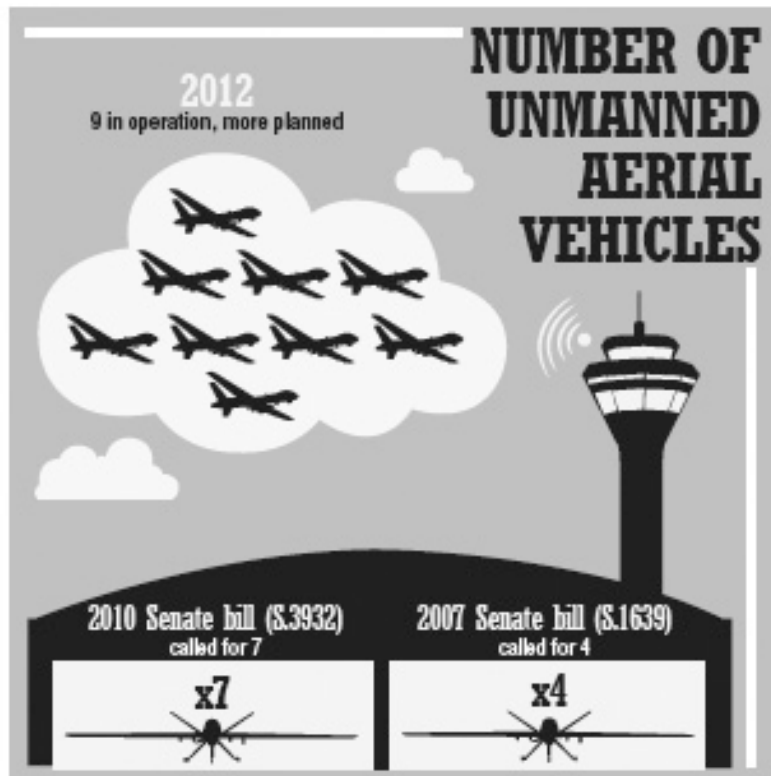
¹⁶Testimony of Michael Fisher, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, “Measuring Border Security: U.S. Border Patrol’s New Strategic Plan and the Path Forward.” (May 8, 2012) <http://www.dhs.gov/news/2012/05/08/written-testimony-us-customs-and-border-protection-house-homeland-security> (CBP seized 159 percent more weapons along the Southwest Border in fiscal year 2009–2011 compared to the preceding 3 years. For those same periods, CBP also seized 74 percent more currency and 41 percent more drugs.); Susan Ginsburg, “Countering Terrorist Mobility: Shaping an Operational Strategy” Migration Policy Institute. (2006) <http://www.migrationpolicy.org/pubs/>

Continued

of clear and reasoned goals and strategies for resource allocation at the border to address needs on the ground.

BORDER INFRASTRUCTURE/SURVEILLANCE

In conjunction with personnel, the border has seen increases in infrastructure and surveillance technologies. The 2007 and 2010 bills call for the construction of fencing and increase of Unmanned Aerial Vehicles (UAVs). Congress has answered by pouring billions into border infrastructure to build double-layer fencing and remote surveillance systems and deploying increasing numbers of UAVs. Current numbers exceed the markers set in the 2007 and 2010 bills. In particular, the 2007 bill required the construction of 370 miles of fencing and 300 miles of vehicle barriers, 105 ground surveillance towers, and four UAVs. As of 2012, CBP had 651 miles of fencing, 300 video surveillance systems installed, and nine UAVs in operation.¹⁷



MPI TaskForce Ginsburg.pdf (There is a question of priority when current policies and rhetoric emphasize “non-port security along the U.S.-Mexico border, despite the terrorist threats being either via airport entry points or internal to the United States, and guns, drugs, and money mainly flowing through land ports.”)

¹⁷ CBP factsheet http://www.cbp.gov/xp/cgov/border_security/ti/ti_news/sbi_fence/; Testimony of Michael Fisher, House Homeland Security Committee, Subcommittee on Border and Maritime Security, “Securing our Borders—Operational Control and the Path Forward.” (February 15, 2011) http://www.cbp.gov/xp/cgov/newsroom/con_res/ref_rec/congressional_test/fisher_testifies/chief_fisher.xml (“Out of 652 miles where Border Patrol field commanders determined was operationally required”); CBP, “Environmental Assessment for Remote Video Surveillance Systems,” (September 2012) http://www.cbp.gov/linkhandler/cgov/border_security/otia/sbi_news/sbi_enviro_docs/nepa/otia_arizona/rvss_sept2012.ctt/rvss_sept2012.pdf; CBP Factsheet, “Unmanned Aircraft System MQ-9 Predator B,” 08/12 http://www.cbp.gov/linkhandler/cgov/border_security/am/operations/oam_vessels/aircraft/uas/predator_b.xml/predator_b.pdf.

Since 2006, DHS has poured approximately \$4.4 billion into border technology and infrastructure. In 2010, DHS terminated SBInet, the “virtual fence,” after incurring costs of nearly a billion dollars and only 2.5 percent of the project completed. In 2011, the GAO reported concern for CBP’s implementation of a new technology plan when “cost and operational effectiveness and suitability are not yet clear.”¹⁸

DETENTION

Border security has also resulted in dramatic increases in resources for detention and prosecution of immigration-related offenses. The 2006 and 2007 bills called for an increase in the number of detention beds, 20,000 and 31,500 respectively, benchmarks that have been met and exceeded. The current Congressional appropriation for detention beds sets a level of 34,000 beds.

Legislatively mandating the number of detention beds raises similar issues as with “operational control,” by setting inflexible goals and taking away the ability of agencies to adapt to shifting risks and enforcement needs. In 2012, DHS Secretary Janet Napolitano testified before the House Homeland Security Appropriations Subcommittee and requested fewer funds for detention beds for fiscal year 2013 compared to the previous fiscal year. She stated that “[DHS had] enough beds to handle the detained population.”¹⁹ Nonetheless, Congress raised the appropriation for fiscal year 2013.

RELATED RESOURCES

Center for American Progress, “The ‘Border Security First’ Argument: A Red Herring Undermining Real Security” (March 29, 2011).

National Immigration Forum, “Immigration Enforcement Today Measured Against Benchmarks Set in 2007,” (December 2011).

¹⁸GAO, “Border Security: DHS Progress and Challenges in Securing the Southwest and Northern Borders” (March 30, 2011), <http://www.gao.gov/new.items/d11508t.pdf>; DHS, “Report on the Assessment of the Secure Border Initiative Network (SBInet) Program,” (2010) http://www.globalexchange.org/sites/default/files/DHS_Report.pdf.

¹⁹Secretary Janet Napolitano. Hearing before House Appropriations Subcommittee on Homeland Security on Fiscal Year 2013 DHS Appropriations. (February 15, 2012) http://www.micevhill.com/attachments/immigration_documents/hosted_documents/112th_congress/TranscriptOfHouseAppropriationsSubcommitteeOnHomelandSecurityHearingOnFY-13-BudgetForDHSNapolitano.pdf.

APPENDIX.—CURRENT STATUS OF BENCHMARKS

Border Personnel

	BORDER SECURITY BENCHMARKS	BENCHMARK MET?	CURRENT STATUS
2006 CIR (S. 2611)	CBP Officers • Each fiscal year from 2007-2011, increase by not less than 500 the number of POE inspectors	Yes until FY 2010	CBP Officers • FY 2008: 19,726 • FY 2009: 21,058 • FY 2010: 20,687 • FY 2011: 21,063
	Border Patrol • Increase of Border Patrol agents: 2,000 in FY 2006, 2,400 each year from 2007-2011. (Border Patrol FY 2006- 12,185)	Yes until FY 2010	
2007 (S. 1639)	Border Patrol • Increase of Border Patrol agents to 20,000 (Border Patrol FY 2007-14,923)	Yes	Border Patrol Agents • FY 2006: 12,185 • FY 2007: 14,923 • FY 2008: 17,499 • FY 2009: 20,119 • FY 2010: 20,558 • FY 2011: 21,444
2010 (S. 3932)	Border Patrol • Increase of Border Patrol agents to 21,000	Yes	Apprehensions in the southwest have fallen to numbers lower than any seen since 1972. ²⁰
	CBP Officers • Increase of CBP officers to 21,500	No	

Border Infrastructure & Technology

	BORDER SECURITY BENCHMARKS	BENCHMARK MET?	CURRENT STATUS
2007 (S. 1639)	Fencing/Barriers <ul style="list-style-type: none"> • 300 miles of vehicle barriers • 370 miles of fencing 	Yes	Fencing/Barriers: As of February, 2012: <ul style="list-style-type: none"> • ~651 miles of pedestrian and vehicle fencing have been completed along the Southern border, including 352 miles of pedestrian fencing and 299 miles of vehicle barriers.²¹ • As of 2012, the border fence has cost over \$3 billion²², and over time may cost \$6.5 billion more in construction and maintenance, while only lasting for 20 years.²³
	Surveillance <ul style="list-style-type: none"> • 105 ground-based radar and camera towers 	Yes	
	Unmanned Aerial Vehicles <ul style="list-style-type: none"> • 4 unmanned aerial vehicles deployed for use 	Yes	
2010 (S. 3932)	Surveillance <ul style="list-style-type: none"> • 300 remote video surveillance sites • 56 mobile surveillance systems 	Yes (for RVSS, need more current #'s for MVSS)	Surveillance: <ul style="list-style-type: none"> • As of September 2012, 300 Remote Video Surveillance Systems (tower with pair of day and night cameras monitored by personnel)²⁴ • As of June 2011, 33 Mobile Surveillance Systems (truck-mounted cameras and radars)²⁵ Unmanned Aerial Vehicles: <ul style="list-style-type: none"> • 9 UAVs in operation as of August 2012²⁶ • \$240.6 million since FY 2004 to establish a UAV program within CBP²⁷ • OIG audit (May 2012) • "CBP procured unmanned aircraft before implementing adequate plans to do the following: Achieve the desired level of operation; Acquire sufficient funding to provide necessary operations, maintenance, and equipment; and coordinate and support stakeholder needs." • Recommends holding off on any further purchases until reforms are made
	Unmanned Aerial Vehicles <ul style="list-style-type: none"> • 7 unmanned aircraft systems 	Yes	

Detention Beds

	BORDER SECURITY BENCHMARKS	BENCHMARK MET?	CURRENT STATUS
2006 CIR (S. 2611)	Detention Beds <ul style="list-style-type: none"> • Construction/acquisition of additional detention facilities that have the capacity to detain at least 20,000 individuals at any time 	Yes	Detention Beds: <ul style="list-style-type: none"> • ICE is now funded to detain up to 34,000 individuals in detention at any given time based on the FY 2012 appropriation levels.
2007 (S. 1639)	Mandatory Detention <ul style="list-style-type: none"> • Detention of all removable aliens apprehended 	No	
	Detention Beds <ul style="list-style-type: none"> • ICE has resources to detain up to 31,500 individuals per day on an annual basis 	Yes	

Ms. JACKSON LEE. Thank you.

Ms. Gambler, the GAO was given a very important assignment by members of this panel, and if you had to grade the level of security that we have right now based upon the review that GAO made what grade would you give it?

Ms. GAMBLER. Ranking Member Jackson Lee, I think it is very difficult to assign a grade because DHS and the Border Patrol in particular have not established goals and measures for defining border security between ports of entry and how they would assess progress made toward that goal.

Ms. JACKSON LEE. What grade would you give them?

Ms. GAMBLER. Again, I think it is really important for the Department to set a goal for how secure the border is.

Ms. JACKSON LEE. I would rather you guess at what grade you would give them.

Ms. GAMBLER. I think it—again, it is really contingent on the Department to sort of set their goal and measure for how secure the border is and how they would measure progress—

Ms. JACKSON LEE. In the review of GAO, what grade would you give them?

Ms. GAMBLER. I think it is hard to sort of quantify a specific grade, but I think it is important to—for them to sort of look at what—

Ms. JACKSON LEE. Would you give them an A, a B, a C?

Ms. GAMBLER. I think you would need to—

Ms. JACKSON LEE. I am going to keep asking the same question until you give a grade.

Ms. GAMBLER. I think they are making progress toward securing the border—

Ms. JACKSON LEE. So is that a B?

Ms. GAMBLER [continuing]. And their effectiveness rate has, as they look at it on a sector-by-sector basis, you know, improved—

Ms. JACKSON LEE. Is that a B?

Ms. GAMBLER [continuing]. Over time for sectors. So they are making progress.

Ms. JACKSON LEE. So will that be a B, or B-plus?

Ms. GAMBLER. Again, I think it is hard—I think it would be, you know, sort of how you would think about grading them. They certainly have made progress towards securing the border.

Ms. JACKSON LEE. I think GAO can do a better job with providing a more certain answer. I appreciate that you are not giving me an answer. I will come back to you, give you enough time to think and see what kind of grade you will give to them.

Chief Fisher, you mentioned a, I think, very important point about intelligence gathering, because that helps with the threats and determining the threats. Can you expand on that a little bit in terms of the focus on intelligence gathering, and do you need more resources for that, more collaboration, or more tools?

Mr. FISHER. Thank you. Absolutely, both in terms of intelligence and, just broadly, information, which is the reason why it is the first pillar in our strategy.

Unlike the ports of entry, for instance, when Border Patrol agents are out working out in the canyons we don't have a lot of advanced information on how many people are coming and what type of individuals they are, if they are carrying narcotics or if they have weapons or not, so our ability to understand the environment in which we operate—intelligence provides us that. Information from the community provides us that, as well, and the more information that we know about the environment in which we operate, the more information we know about the intent and capability of those organizations—who are they, what do they intend to do—gives us a better tactical advantage to be able to ensure that we are protecting this country against a future attack, and certainly to provide the level of safety and security that the citizens within those communities deserve.

Ms. JACKSON LEE. I am going to ask both you and Admiral, we are looking down the road to a possible sequester on this coming Friday, and wondering what would be the impact if this occurred this coming Friday with respect to services by the Border Patrol in terms of numbers, and then services by the Customs and Border Protection, so that is Mr. McAleenan and then Admiral.

Chief, would you care to note what might happen?

Mr. FISHER. Certainly. Without question, if, in fact, on March 1 sequestration does happen the Border Patrol will have reduced capability. However, we will prioritize and accomplish the mission as we normally would do. There are prioritizations that we would take a look at in terms of deployments of resources to include Border Patrol agents, but it will have an impact in terms of reduced capability.

Ms. JACKSON LEE. Mr. McAleenan, if you—and Admiral?

Mr. McAleenan.

Mr. MCALEENAN. Yes. As the Secretary has testified, it would be about a 2,750-officer cut. That is about 12.5 percent of our staff. We would take mitigation actions, as Chief Fisher alluded to, as well, but at the ports of entry it would have significant impact on wait times and our ability to move people and things through the border.

Ms. JACKSON LEE. Admiral.

Admiral LEE. Yes, ma'am. The Coast Guard also will have a reduction in operations but we are going to preserve our capability to respond to search and rescue and urgent ports and waterways security missions.

Ms. JACKSON LEE. Thank you.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thanks.

We will have the ability for a second round of questions, perhaps. We will see how we do with time.

At this time I would recognize the Ranking Minority Member of the full committee, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Madam Chairwoman.

A number of us for quite a while have been trying to get a comprehensive border strategy, and we have tried to encourage the Department to come up with it.

Chief, can you tell us where we are along this development of a strategy for the border, to secure it?

Mr. FISHER. Yes, sir. First and foremost when a couple of years ago we started looking at our strategy we started first and foremost with the Department's Quadrennial Homeland Security Review. That basically set the template.

Then last year Homeland Security—Department of Homeland Security submitted their strategy for 2012 and 2016 and we did ours in conjunction with that, as well. So if you look at the chain, if you will, from the Department down through, at least from CBP's standpoint, a lot of our objectives, the things that we are attempting to do within our strategy is in line with the Secretary's priorities and mission sets, as identified in the QHSR.

Mr. THOMPSON. So, very succinctly, have we put that strategy in writing so that Members of Congress and others might know what it is?

Mr. FISHER. Yes, sir. Our strategy was published last spring and it is in writing and certainly available for your review, sir.

Mr. THOMPSON. All right.

Tied to the strategy is the border control index. Where are we with that?

Mr. FISHER. It is my understanding, sir, that that is still under development. It has been getting some peer review and it is not ready for full deployment at this time.

Mr. THOMPSON. Is it your opinion that that border control index would be something positive for the security of the border?

Mr. FISHER. I think any additional layer, when we look at answering this question, you know, the extent to which this border is secure, additional layer—different analytics, the way that we pool information together—acts as a check-and-balance system. So anything the Department would put forward would just be another layer to check some of the things that, at least from the Border Patrol's perspective, we think are important to evaluate.

Mr. THOMPSON. Ms. Gambler, did you all look at any of this in your review?

Ms. GAMBLER. During the course of our review we did not specifically look at the border condition index. We do understand that that is under development within the Department.

We did look at some of the other metrics that Chief Fisher mentioned in his opening statement and has been discussing, in terms of the effectiveness rate and also the recidivism rate, as well, which he mentioned looking at the percentage of estimated known illegal entrants who are apprehended more than once. So we have looked at some of the data that has been mentioned but not specifically the border condition index.

Mr. THOMPSON. Well, again, let me thank all of you who are on the law enforcement front lines side. You do a wonderful job.

The statistics bear out the fact that if you have the resources you can do a better job. No question about that.

One of the things I think you all are faced with now is with the expectation of a reduction, that puts each one of you in a position of having to prioritize where you are going to attack.

Admiral, you talked a little bit about search and rescue as being a priority versus some of the other things.

But if you are trying to define this secure border, if you are having to prioritize in the light of budget cuts, some things will not get the attention that it would get if you had resources. Am I correct?

Admiral LEE. Yes, sir, if you are addressing that to the Coast Guard. Bottom line is, when we have to take our corresponding cut in operations we are taking people and assets off-line, and so it gives you gaps in that line in defense.

Mr. THOMPSON. I would like to also get on the record to say that a lot of what we do focuses on the Southwest Border, but we do have maritime borders, we have a Northern Border, and so all of this is the framework of border security, and I would hope that as we continue to review this policy that we make sure it is inclusive of all the borders that we operate to try to secure and not just focus on the Southwest Border.

I yield back, Madam Chairwoman.

Mrs. MILLER. I thank the gentleman and I appreciate his comment about all of the borders. As a Member from a Northern Border State, and Admiral talked about Shiprider and some of the other things that have been a great success between us and the Canadians, and so we have all of these borders.

At this time the Chairwoman recognizes the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Madam Chairwoman.

Let me just start off by saying I think Americans are receiving mixed signals when it comes to border security and immigration, and I would just point to an A.P. story on February 4 that reports Secretary Napolitano saying, "I believe the border is secure. I believe the border is a safe border. That is not to say everything is 100 percent."

Then I go back to the whole idea that in 2010 Secretary Napolitano stopped reporting the number of miles that the border was under operational control—in fact, not even using that term anymore, calling the term archaic and not representative of security progress along the border. DHS is developing a new measure, called border condition index, which I would like to hear a little bit more about, but this has not been released, and as a result, I think that Congress and the public are sort of in the dark when it comes to the true numbers and true effectiveness, and that necessitates the hearing that we have got today, so I appreciate that.

I went down to the border back in the fall and I had a conversation with Congressman Barber from Arizona earlier this month, and we were talking about border security and he said that, you know, until ranchers in Arizona who live along the border—their ranch is straddling the border there—until they feel safe enough—that the border is safe enough for them to leave their home and leave their children at whatever ages there at the ranch to go into town to buy a gallon of milk, or whatever they need, and come back, the border isn't secure. I thought that was an interesting analogy that he made that the ranchers don't feel safe enough to run to 7-Eleven and grab a gallon of milk for their kids without gathering everybody up and taking them with them because their home, and their farm, and their property is not secure from illegals coming across for whatever reason. So I think that is just an interesting thing to talk about.

Chief Fisher, just real quickly, I was in Texas recently and the gentleman I was talking with was telling me that he helps CBP, and he was talking about other than Mexicans that they catch in groups that are coming across. Do we have any sort of percentages of what other groups, such as—he was saying Chinese and even South Americans—South Africans, rather, even Middle Eastern folks coming across in groups. Do you have any sort of percentage of other-than-Mexicans that come across?

Mr. FISHER. I do. So in 2012, for instance, and we had mentioned a little over 350,000 apprehensions along the Southern Border—that represented individuals that were arrested from 142 different countries. What we do know in terms of the Southwest Border in terms of other-than-Mexico, the three sending countries in this order—Guatemala, Honduras, and El Salvador—are still the top three percentages.

In terms of those that are from the country of Guatemala, about 3 years ago one out of every three individuals apprehended in South Texas came from Guatemala. Today it is almost 60 percent.

So we are seeing the shift in terms of those individuals seeking entry into the United States between the ports of entries in places like South Texas, where the majority of those individuals now are not from Mexico, they are from countries other than Mexico.

Mr. DUNCAN. Okay, so, Guatemala shares a border with Mexico so I can understand the ease of the Guatemalans coming.

But I want to shift gears a little bit because there is a concern about drone use over the homeland, and I know that the Coast Guard and CBP are both using drones. So, Chief Fisher, and then I will come to the admiral, how effective has the drone use been surveying the border?

Mr. FISHER. The unmanned aerial systems for the Border Patrol in particular has been invaluable in providing that level of information along the border on—to provide a longer and steady, persistent surveillance, if you will, from the sky to be able to cue Border Patrol agents on people that are seeking entry into the United States. So it has been very valuable as an enforcement tool.

Mr. DUNCAN. Yes.

Admiral, how do you see the drone use helping you and your job with the panga?

Admiral LEE. Well, I echo Chief Fisher's comments. It is an invaluable and indispensable tool for maritime domain awareness so that we can know where to put our resources and target them for the end-game interdiction.

Mr. DUNCAN. You have got a lot of square miles to cover, I would assume.

Admiral LEE. Millions.

Mr. DUNCAN. Yes.

Chief Fisher, as far as the responsiveness, let's say you need to re-task that drone and focus on a certain sector where you see some increased activity during the night. How easy—because I know those drones aren't necessarily flown locally—how easy is it to coordinate that movement?

Mr. FISHER. CBP is getting better with that coordination. That is a great question, sir. I can tell you that the certificates of authorization we have across the border, so we have the authorization now to be able to get that airspace to move those from one area to the other.

CBP is getting better and better at the federated flights—in other words, doing the launch and recovery from one location and then doing a hand-off for the flights during the sortie to another location. We are improving each and every week.

Mr. DUNCAN. Thank you, gentleman, and everyone, for your service to our country.

I will yield back.

Mrs. MILLER. Thank the gentleman.

The Chairwoman now recognizes Mr. O'Rourke, from Texas.

Mr. O'ROURKE. Thank you. Madam Chairwoman, I would ask that—I would ask for unanimous consent to submit the statement from the National Treasury Employees Union and a statement by the Border Trade Alliance into the record.

Mrs. MILLER. Without objection.
[The information follows:]

STATEMENT OF COLLEEN M. KELLEY, NATIONAL PRESIDENT, NATIONAL TREASURY
EMPLOYEES UNION

FEBRUARY 26, 2013

Chairwoman Miller, Ranking Member Jackson Lee, distinguished Members of the committee, thank you for the opportunity to provide this testimony. As president of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 24,000 Customs and Border Protection (CBP) Officers and trade enforcement specialists who are stationed at 329 land, sea, and air ports of entry (POEs) across the United States. CBP employees' mission is to protect the Nation's borders at the ports of entry from all threats while facilitating legitimate travel and trade. CBP trade compliance personnel enforce over 400 U.S. trade and tariff laws and regulations in order to ensure a fair and competitive trade environment pursuant to existing international agreements and treaties, as well as stemming the flow of illegal contraband such as child pornography, illegal arms, weapons of mass destruction, and laundered money.

In fiscal year 2012, CBP seized more than 4.2 million pounds of narcotics across the country. In addition, the agency seized more than \$100 million in unreported currency through targeted enforcement operations. At ports of entry in fiscal year 2012, CBP officers arrested nearly 7,700 people wanted for serious crimes, including murder, rape, assault, and robbery. Officers also stopped nearly 145,000 inadmissible aliens from entering the United States through ports of entry. Inadmissibility grounds included immigration violations, health, criminal, and National security-related grounds. Additionally, CBP agriculture specialists conducted more than 1.6 million interceptions of prohibited plant materials, meat, and animal byproducts at ports of entry while also stopping nearly 174,000 potentially dangerous pests.

CBP uniformed and non-uniformed personnel at the air, sea, and land ports of entry not only ensure a secure border, but also collect significant revenue through trade compliance and enforcement. CBP is a revenue collection agency, processing more than \$2.3 trillion in trade annually. In fiscal year 2012, CBP processed nearly 25 million cargo containers through the Nation's ports of entry, up about 4 percent from the previous year. In addition, CBP conducted nearly 23,000 seizures of goods that violate intellectual property rights, with a total retail value of \$1.2 billion, representing a 14 percent increase in value over fiscal year 2011.

CBP personnel at the ports of entry are key to achieving and maintaining a "secure border" and the greatest current threat to a "secure border" is sequestration under the Budget Control Act that is mandated to be ordered on March 1 unless Congress acts.

If Congress allows sequestration to go into effect on March 1, CBP's discretionary budget will be reduced by 6.4%—a cut of \$652.56 million in appropriated funds out of a \$9.5 billion budget—\$558.26 of which must come from the CBP Salaries and Expenses (S&E) account.

Also, under the sequester, CBP's mandatory spending, including user fee accounts, will be cut by \$100 million. User fees will continue to be collected from industry to provide travel and trade security, immigration and agriculture inspection services, but CBP will be prohibited from using \$100 million dollars of these user fees between March 1 and the end of the fiscal year. It is not clear whether these user fees collected will go to the general treasury, but user fees are not a tax, by law they pay for specific services provided by the Government. Sequestration nullifies the use of \$100 million of these collected fees to pay for CBP inspectional services.

The current CBP sequester plan, in order to cut the S&E account by \$558.26 million and the mandatory spending account by \$100 million, requires all CBP employees to be furloughed up to 14 days during the remainder of fiscal year 2013 or 1 day per pay period beginning early to mid-April through September 30, resulting in a 10% pay cut for all CBP employees. These furloughs will exacerbate an already unsustainable shortage of CBP inspection and enforcement personnel at international air, sea, and land ports of entry.

As Department of Homeland Security (DHS) Secretary Janet Napolitano stated last week before the Senate Appropriations Committee, "sequestration would have significant impacts in our economy, including travel, tourism, and trade. Reductions mandated under sequestration would require furloughs and reduced staffing at our Nation's POEs and airport security checkpoints, increasing wait times for travelers and slowing commerce across the country. Reduced CBP staffing would make 4- to

5-hour wait times commonplace and cause the busiest ports to face gridlock situations at peak periods.”

There is no greater roadblock to legitimate trade and travel efficiency than the lack of sufficient staff at the ports of entry. Understaffed ports lead to long delays in our commercial lanes as cargo waits to enter U.S. commerce.

Those delays result in real losses to the U.S. economy. According to a draft report prepared by the Department of Commerce, border delays in 2008 cost the U.S. economy nearly 26,000 jobs and \$6 billion in output, \$1.4 billion in wages, and \$600 million in tax revenues annually. According to the same report, by 2017, average wait times could increase to nearly 100 minutes, costing the United States more than 54,000 jobs and \$12 billion in output, \$3 billion in wages and \$1.2 billion in tax revenues. The cumulative loss in output due to border delays over the next 10 years is estimated to be \$86 billion.

More than 50 million Americans work for companies that engage in international trade, according to the U.S. Department of the Treasury. If Congress is serious about job creation, then Congress should support enhancing U.S. trade and travel by mitigating wait times at the ports and enhancing trade enforcement by increasing CBP security and commercial operations staffing at the air, sea, and land ports of entry.

In addition, under sequestration, CBP will reduce by \$37.5 million inspectional overtime. Overtime is essential when staffing levels are insufficient to ensure that inspectional duties can be fulfilled, that CBP Officers have sufficient back-up and that wait times are mitigated. In CBP’s own words, “Overtime allows CBP Office of Field Operations to schedule its personnel to cover key shifts with a smaller total personnel number.” The Congressionally-mandated sequester will significantly cut overtime hours and result in longer wait times at the ports of entry.

SEQUESTER EFFECTS EXAMPLES IN FLORIDA, TEXAS, AND CALIFORNIA

Just last Wednesday, February 20, DHS Secretary Napolitano, at the request of Florida’s Governor Rick Scott, toured the Miami International Airport (MIA) with a delegation from Congress and airline and cruise representatives and other industry stakeholders. Governor Scott noted that insufficient staffing at the new state-of-the-art CBP facility at MIA caused a “bottleneck” for passengers trying to exit customs. “As a result, customers—often numbering well over 1,000 a day—and their baggage are misconnected and must be rebooked on later flights, many leaving the next day.”

In a letter to the Secretary, Governor Scott stated, “If this staffing problem is not corrected immediately, it has the potential to damage Florida’s international competitiveness. More than 1 million jobs in Florida depend on international trade and investment. The engineering models and recommendations reflected that for optimal operations a minimum of 62 of the 72 lanes must be staffed at peak arrival periods.”

Congressman Mario Diaz-Balart said after the tour, “Tourism is the backbone of Florida’s economy, and DHS must do more to adequately staff our ports. Our CBP agents are working diligently to protect us from any security threats, illegal substances, and invasive pests and diseases entering the United States, but the lack of staffing is creating long and disorganized lines for travelers, and discouraging travelers from visiting and using South Florida’s ports.”

Another State with on-going significant CBP personnel staffing shortages is Texas where more than 420,000 jobs depend on trade with Mexico. Texas leads the Nation with 29 international ports of entry. The Houston field office manages 19 of these, including the Port of Houston, George Bush Intercontinental Airport (IAH) and airports at Dallas-Fort Worth, Austin, San Antonio, Midland, Lubbock, Amarillo, and also Oklahoma City and Tulsa. Currently IAH wait times are considerably longer than Houston’s airport competitors—Dallas and Atlanta. And the City of Houston is considering a proposal to allow international commercial flights at Hobby Airport.

In El Paso, city officials have used the word “crisis” to describe the sometimes hours-long wait times at the local ports of entry and are considering legal action over the environmental effect of international bridge wait times and “CBP’s failure to keep those booths open.”

Wait times of up to 3 hours at Los Angeles International Airport (LAX), the Nation’s third-busiest airport moved 10 Members of Congress to demand that CBP transfer CBP Officers from other ports of entry to LAX. Despite continuing staffing shortages at LAX, the Bradley terminal is undergoing a \$1.5 billion overhaul that calls for expanding the number of CBP inspection booths to 81.

Also in California, Congress has funded the first phase of a \$583 million upgrade of the Port of San Ysidro. When the first phase is completed in September 2014,

there will be 46 inspection booths—up from the current 33. An additional 17 booths would be built in the third phase bringing the total number of booths needing CBP Officer staffing from 33 to 63.

As noted in these examples, Congress, local jurisdictions, and industry stakeholders continue to act as if CBP can staff whatever is built.

CBP cannot adequately staff existing port facilities under current funding levels provided by Congress. Proposed port expansions, allowing international flights at airports that are currently not served by international flights, and other new construction to address the growth in international trade and travel, is not possible under the Congressionally-mandated sequester. And, if the sequester, which is intended to be permanent, continues into fiscal year 2014, the current levels of CBP staffing, as set by Congress in statute, will be unsustainable.

CBP'S ON-GOING STAFFING SHORTAGES AT THE POES

The Congressionally-mandated sequester only exacerbates CBP's on-going staffing shortage problem. In 2008, the Government Accountability Office (GAO) reported, "At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support, and safety issues when officers inspect travelers—increasing the potential that terrorists, inadmissible travelers and illicit goods could enter the country." (See GAO-08-219, page 7.)

"Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue . . . officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports." (See GAO-08-219, page 33.)

Without adequate personnel at secondary, wait times back up and searches are not done to specifications. This is a significant cargo security issue. A full search of one vehicle for counterfeit currency will take two officers on average a minimum of 45 minutes. Frequently, only one CBP Officer is available for this type of search and the search will then take well over an hour.

Finally, NTEU has been told that when wait times in primary inspection become excessive in the opinion of the agency, CBP Officers are instructed to query only one occupant of a vehicle and to suspend COMPEX (Compliance Enforcement Exams) and other automated referral to secondary programs during these periods. This is a significant security issue. Also, when primary processing lanes become backed up, passenger vehicles are diverted to commercial lanes for processing, backing up truck lanes and increasing wait times for cargo inspection.

In October 2009, the Southwest Border Task Force, created by DHS Secretary Janet Napolitano, presented the results of its staffing and resources review in a draft report. This draft report recommends the "Federal Government should hire more Customs [and Border Protection] officers."

The report echoes the finding of the Border-Facilitation Working Group. (The U.S.-Mexico Border Facilitation Working Group was created during the bilateral meeting between President George W. Bush and President Felipe Calderón held in Mérida in March 2007.) "In order to more optimally operate the various ports of entry, CBP needs to increase the number of CBP Officers." According to its own estimate, the lack of staffing for the San Ysidro POE alone is in the "hundreds" and the CBP Officer need at all ports of entry located along the border with Mexico is in the "thousands." ("CBP: Challenges and Opportunities" a memo prepared by Armand Peschard-Sverdrup for Mexico's Ministry of the Economy: U.S.-Mexico Border Facilitation Working Group, January 2008, pages 1 and 2.

Also, when CBP was created, it was given a dual mission of safeguarding our Nation's borders and ports as well as regulating and facilitating international trade. It also collects import duties and enforces U.S. trade laws. In 2005, CBP processed 29 million trade entries and collected \$31.4 billion in revenue. In 2009, CBP collected \$29 billion—a drop of over \$2 billion in revenue collected. Since CBP was established in March 2003, there has been no increase in CBP trade enforcement and compliance personnel and again, the fiscal year 2013 budget proposed no increase in FTEs for CBP trade operations personnel. In effect, there has been a CBP trade operations staffing freeze at March 2003 levels and, as a result, CBP's revenue function has suffered and duty and fee revenue collected has remained flat.

CONCLUSION

As noted by Members of Congress, industry stakeholders, the traveling public, and DHS's own Advisory Council, for too long, CBP at the POEs has been underfunded and understaffed.

By allowing the sequester to go into effect on March 1, Congress will continue and exacerbate staffing shortages at the U.S. ports of entry, the U.S. economy dependent on international trade and travel, will suffer and U.S. private sector jobs will be lost.

The title of this hearing is "What does a secure border look like?" NTEU's answer is "not one ravaged by the effects of a sequester."

The more than 24,000 CBP employees represented by the NTEU are capable and committed to the varied missions of DHS from border control to the facilitation of legitimate trade and travel. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. These men and women are deserving of more resources and technology to perform their jobs better and more efficiently.

Thank you for the opportunity to submit this testimony to the committee on their behalf.

STATEMENT OF JESSE J. HEREFORD, CHAIRMAN, AND NELSON H. BALIDO, PRESIDENT,
THE BORDER TRADE ALLIANCE

FEBRUARY 26, 2013

The Border Trade Alliance appreciates this opportunity to submit for the record this testimony on sequestration's potential effects on cross-border trade and travel. Our organization believes that, with these dramatic Government-wide budget reductions just days away from implementation, exploring this topic is both timely and necessary.

ABOUT THE BORDER TRADE ALLIANCE

Founded in 1986, the Border Trade Alliance is a non-profit organization that serves as a forum for participants to address key issues affecting trade and economic development in North America. Working with entities in Canada, Mexico, and the United States, the BTA advocates in favor of policies and initiatives designed to improve border affairs and trade relations among the three nations.

BTA's membership consists of border municipalities, chambers of commerce and industry, academic institutions, economic development corporations, industrial parks, transport companies, custom brokers, defense companies, manufacturers and State and local government agencies.

SEQUESTRATION LOOMS: WHAT'S AT STAKE?

The subcommittee should be commended for examining how sequestration will affect our cross-border trade relationship with our neighbors and NAFTA partners Canada and Mexico.

Looking at recently released 2012 trade data¹ by the Census Bureau, Canada is the United States' No. 1 trading partner in total trade, accounting for \$616 billion or 16 percent of total U.S. trade. Canada is our No. 1 export market and our No. 2 import market.

Mexico is our No. 3 trading partner by total trade, accounting for \$494 billion or 13 percent of total U.S. trade and is our No. 2 export market and our No. 3 import market.

These aren't just economic data compiled by Government statisticians. These numbers mean jobs. One in four U.S. jobs depends on international trade. Consider the border States like California where 617,000 jobs depend on international trade, or Texas, where it's 539,000 or Michigan where it's 210,000.

CBP: AT THE CENTER OF TRADE

The agency with the most influence over the conduct of this cross-border trade is Customs and Border Protection. To say that sequestration would be disruptive to CBP's dual mission of trade facilitation and border enforcement would be a vast understatement.

¹<http://www.census.gov/foreign-trade/statistics/highlights/top/top1212yr.html>.

As Homeland Security Secretary Janet Napolitano made plain in a recent Senate Appropriations Committee hearing, in fiscal year 2012 alone, CBP processed more than 350 million travelers at our ports of entry, as well as \$2.3 trillion worth of trade.²

In her testimony, Secretary Napolitano touched a nerve with our organization and the rest of the trade community when she said, “Sequestration would roll back border security [and] increase wait times at our Nation’s land ports of entry and airports.”

Perhaps no other issue occupies our work more than the issue of border delays, which increase the cost of doing business and create a drag on the American economy.

For the past several months, the BTA has been working with the Government Accountability Office as it carries out a request by former Texas Sen. Kay Bailey Hutchison to assess how CBP measures wait times at ports along the U.S.-Mexico border and determine what the agency is doing to mitigate those delays.

In roundtable discussions with GAO analysts and members of the trade community in the border communities of Laredo, Texas; El Paso, Texas; Nogales, Arizona; and San Diego, California, one theme has emerged again and again: CBP does not have the human resources in place to keep up with today’s trade demands.

Sequestration only exacerbates these staffing challenges, forcing CBP to immediately begin furloughs of its employees, reduce overtime for front-line operations, and decrease its hiring to backfill positions. Specifically, beginning April 1, CBP would have to reduce its work hours by the equivalent of between 2,750 and 3,400 CBP Officers.

Quite simply, we cannot reconcile CBP’s tremendously important dual mission with deep cuts in its operating budget.

As concerned as we are over these nearing reductions, we are heartened that CBP is putting in place procedures to mitigate as best as possible sequestration’s effects. Specifically, CBP has informed the trade community that directors of field operations (DFOs) will be tasked with providing 30-day notices of pending operational changes at ports of entry to employees and trade stakeholders so that industry can plan changes to manufacturing and shipping schedules.

TRAVEL

The BTA also has deep concerns over sequestration’s effect on cross-border travel, which is so important to border community businesses that depend on the ability of customers located on the other side of the international border to reach stores, restaurants, and other attractions in the United States.

Using only Texas as an example, Mexican shoppers’ impact on that State’s border communities is profound, representing over 40 percent of retail sales in Laredo, 40 percent in McAllen, 30 percent in Brownsville and over 10 percent in El Paso according to research conducted in 2011.³

According to data compiled by the International Trade Administration’s Office of Travel & Tourism Industries, U.S.-bound travel from Mexico spiked over 30 percent from March 2011 to April 2011.⁴ The most likely reason was Semana Santa, or Holy Week, when ports of entry along the U.S.-Mexico border are clogged with travelers headed north and south for family visits culminating in Easter.

We cite this particular time on the calendar because it is fast approaching and our ports of entry must be ready. Sequestration leaves our organization very concerned over the negative effects that could be borne by our border communities and land border ports in just a few short weeks.

A WAY FORWARD IN A TIME OF AUSTERITY

While the picture for our border agencies under sequestration initially seems bleak, there are policy options available to Congress and the administration.

Sen. John Cornyn has introduced legislation, S. 178, the Cross-Border Trade Enhancement Act of 2013, which would create a needed and innovative mechanism for private-sector or existing local public-sector funds to be leveraged for border port infrastructure projects and/or to supplement Congressionally-appropriated staffing dollars.

² <http://www.dhs.gov/news/2013/02/14/written-testimony-secretary-napolitano-senate-committee-appropriations-hearing>.

³ “Cross-border retail activity along the Texas-Mexico border,” Coronado, Phillips and Saucedo, Nov. 2011.

⁴ <http://tinet.ita.doc.gov/view/m-2011-I-001/table1.html>.

A new way of bringing border infrastructure and increased staffing levels on-line is needed, and sequestration makes that all the more apparent. The Federal Government simply does not have the resources necessary to keep up with all of the growing demands placed on our borders resulting from rising trade flows and ongoing security concerns. But local communities and the private sector are ready to act where the Federal Government is unable. We are hopeful that companion legislation to Sen. Cornyn's bill will soon be introduced in the House.

CONCLUSION

Nothing in our testimony should be construed as somehow endorsing a Federal budget that needs serious reform. We know that cuts are needed in many areas. We simply urge Congress and the administration to make those reductions thoughtfully and in a manner that will inflict as little harm as possible on the overall economy.

We thank the subcommittee for the opportunity to submit these comments. Please do not hesitate to contact us should our organization's nearly 30 years of cross-border experience prove valuable to your work going forward.

Mr. O'ROURKE. I would also like to thank you, Madam Chairwoman and Ranking Member Jackson Lee, for assembling this panel and holding this hearing on what a secure border looks like, and it is perhaps one of the most important questions for us in Congress and for our country to answer.

The fate of 12 million people in the United States right now and the future of comprehensive immigration reform depend on the answer to this question. The fate of the community that I represent, El Paso, Texas, the safest city in the United States, but one which is heavily dependent on cross-border trade and the legitimate, secure flow of people and goods across our ports of entry, my city—the people who work in it, the people I represent—depends on our answer to this question.

I would argue, the fate of our country. We have more than 6 million people whose jobs are directly dependent on the secure flow of trade that crosses our ports of entry. We trade more than \$450 billion a year with the country of Mexico, and if we want to see economic growth in this country, the fate of our country depends on how we answer this question. Not to mention the billions of dollars that we spend right now to secure the border, as our Chairwoman has pointed out, with not a lot of measurements attached to it to define whether or not we are doing a good job.

So since we are unable to succinctly define what a secure border looks like today—although we are working on it and I hope we have additional hearings—I was hoping that Chief Fisher and Commissioner McAleenan could answer this question: Considering El Paso is the safest city in the United States, San Diego, also on the U.S.-Mexico border, is the second safest, if you look at the border on whole from Brownsville, including Laredo, all the way to San Diego and you compare it to the rest of the United States, we are safer than the country on whole, and I would argue that the rancher going to get his milk in Arizona is far safer than the single mom leaving her apartment in Washington, DC, or Detroit, or New Orleans, or many of the cities in the country's interior today.

So with that, the record deportations, the record low apprehensions, the record money spent, the doubling of the Border Patrol force, are we as safe and secure as we have ever been?

Mr. FISHER. Sir, I believe in many sections along the border I can compare to when I came in the Border Patrol in 1987, certainly because of this committee's support and others we have received un-

precedented resources, both in terms of Border Patrol agents and technology, and there are more sections along this border that are secure because of that.

Mr. MCALEENAN. I would agree with—our technology deployments, our operational improvements, how we are using our targeting systems, the ability with the Western Hemisphere Travel Initiative to query almost every person crossing the land border, we are significantly more secure with inadmissibles, with our counter-narcotics mission, agricultural pests and diseases, and of course, our efforts against terrorism.

Mr. O'ROURKE. Commissioner, could I ask you to reach the conclusion that I think you started, which is we are more secure in all those areas than we have ever been?

Mr. MCALEENAN. That is correct.

Mr. O'ROURKE. Okay. I think that is important for us to know because I share this committee's frustration with the fact that we don't have a defined goal and measurements on which to chart our progress against that goal. We are no longer using operational control. We haven't released the new comprehensive index from DHS.

So in the absence of that, with so much riding on our ability to speak intelligently about border security, I think it is really important for this panel and the country to know the border is as secure as it has ever been.

Commissioner, an additional question for you: While El Paso is the safest city in the country—and I would argue, if you want to know what a secure border looks like look at El Paso, Texas, the world's largest bi-national community, safest city in the United States next to what until recently was the deadliest city in the world, Ciudad Juárez, with 10,000 murders over the last 6 years, one of the things that is a threat to El Paso and our economy and, by extension, the National economy is the slow pace of cross-border traffic.

We hear of shippers—and I am sure Congressman Cuellar can attest to this—who wait up to 9 hours to cross north into the United States. We hear from constituents who wait 3, 4, and even 5 hours in pedestrian or auto lines to cross these bridges. There are just some basic issues of being humane to the people who are crossing, and then we also are dependent on them for our economy.

When I crossed this week when I was back in El Paso, CBP agents knew I was coming back over, there was no wait time. When I talked to other members in my staff who regularly cross, they wait 3, 4, and 5 hours. If we can get me across in 10 minutes why can't we get everyone across in 10 minutes?

Mr. MCALEENAN. As I mentioned in my oral statement, our wait times and our service levels to the traveling public and commercial trade are a huge focus for us. We made significant efforts in El Paso over the last year, increasing our booth time by 14 percent with staffing remaining flat. That has resulted in reduced wait times, actually, in fiscal year 2012 over 2011.

The traffic is up in every category—pedestrian, personal vehicles, commercial vehicles—12 percent over the last 3 years. We are using our new technology, our active lane management procedures to try to get people into the trusted lanes, try to get people into the RFID-enabled lanes to move them quicker.

You have seen the technology in the pedestrian area at PDN. That has increased our capacity 25 percent. The wait times are down significantly. We are staffing the booths the peak times more efficiently, and that is making a difference but it is a continued focus for us. We are going to need to move that increasing trade and travel even more efficiently this year.

Mrs. MILLER. Chairwoman now recognizes the gentleman from Pennsylvania, Mr. Barletta.

Mr. BARLETTA. Thank you. I would like to thank the Chairwoman, also, for this very, very important hearing today.

I come from a much different perspective, being a mayor—a former mayor—of a city that is 2,000 miles away from the nearest Southern Border. We had an illegal immigration problem—some of you may have known I was the first mayor in the country to pass a law dealing with illegal immigration.

Over 10 percent, it was estimated at the time, in my city was in the country illegally, and they didn't cross—the majority did not cross a Southern Border. Our population grew by 50 percent but our tax revenues stayed the same so I see this from a different prism as many others because there is an economic side to this problem of illegal immigration as well as a National security side.

I disagree—I am listening here today and I guess my first disagreement is how we even define our borders. I believe there is an important piece to this issue that is missing here.

Any State that has an international airport is a border State. Any State with an international airport is a border State. Forty percent of the people that are in the country illegally didn't cross a border; they came here on a visa, the visa expired, and they disappeared into the system and we can't find them.

We have our immigration laws for two reasons. No. 1 is to protect American jobs, and No. 2, to protect the American people.

My question, Chief Fisher, is: Do you believe adding more people on the border would have stopped the attack on 9/11?

Mr. FISHER. No, sir.

Mr. BARLETTA. Mr. McAleenan, if I were a could-be terrorist and I flew into Harrisburg International Airport or Des Moines, Iowa Airport and didn't leave after my visa expired how would you find me?

Mr. MCALEENAN. Sir, we are assuming this individual is not known to the intelligence community or law enforcement as a potential terrorist?

Mr. BARLETTA. That is correct.

Mr. MCALEENAN. Okay, that is a multi-agency effort. First of all, we would use the biographic information transmitted to CBP called the Advanced Passenger Information System, which would tell us who they are, when they have arrived, a record of their crossing date. We would work with US-VISIT and Immigration and Customs Enforcement to determine whether they left on time. That is the biographic exit effort—

Mr. BARLETTA. If I could just interrupt you 1 second, please.

Mr. MCALEENAN. Please.

Mr. BARLETTA. Then how would we have 40 percent of the people in the country illegally who have—whose visas have expired, why haven't we been able to do that?

Mr. MCALEENAN. I think this is an acknowledged area, Representative, where we need to improve and we have been improving over the last several years.

Mr. BARLETTA. That is exactly my point, because you see, some of the—and you know this—some of the 9/11 terrorists overstayed their visas. In fact, one of the 1993 World Trade Center bombers was granted amnesty in 1986; he said he was an agricultural worker and was granted amnesty and later was one of the masterminds to that.

Now there is a new proposal here to grant the pathway to citizenship to millions who have crossed the border illegally or who have overstayed a visa. I believe that this will only encourage millions more, now, to come here through our open borders. You know, basically what this proposal is telling anyone that is here on a visa right now is that you can throw your visa away because this proposal will now allow you to stay.

We need to make sure that we are doing first things first—that we are securing our borders. That is not only airports—seaports, Northern Border, Southern Border, East Coast, West Coast. We can't exclude those that come here through a legal pathway and then stay here and become here illegally. That is what is missing here today, and we certainly shouldn't use our immigration laws to make new friends or to use it to battle for new voters.

You know, today is an important day. Today is the 20th anniversary of the 1993 attack on the World Trade Center where six people died and over 1,000 people were injured. Our immigration laws are here to protect American jobs and protect the American people. We are a long way from secure borders and that should be a reminder to everyone here in Congress that we don't replace the carpet in our homes while we still have a hole in our roof.

Thank you.

Mrs. MILLER. Chairwoman now recognizes the gentlelady from Hawaii, Ms. Gabbard. Am I pronouncing your name correctly?

Ms. GABBARD. Gabbard.

Mrs. MILLER. Gabbard.

Ms. GABBARD. Thank you very much.

As the Ranking Member, Ms. Jackson Lee, mentioned, I am going to take the conversation a different direction because, as all of you know, we face very unique challenges in Hawaii that are very different than many of the issues that have been brought up here this morning, but they are not issues that only affect Hawaii. As you well know, with what is happening in Asia and across the Pacific, Hawaii's strategic location there really is a gateway to what is happening in our country.

My first question is for Admiral Lee. You talk in your testimony about the domestic partnerships that the Coast Guard has formed and that you share in areas of the U.S. waters but don't really get into much of the details about what is happening in the Pacific and the kinds of partnerships that you have there, especially considering within the 14th District, folks who I visited with, Admiral Ray and his teams out on the ground really do cover not only the islands of Hawaii, but Guam, America Samoa, Saipan, even Singapore and Japan, and would like you to talk a little bit more about the partnerships you have there, especially as we are looking at the

cuts that the Department has spoken about affecting nearly 25 percent of air and surface operations and how we can make sure we are maintaining coverage in that vast region.

Admiral LEE. Well yes, ma'am. Thank you for the question.

We have an outstanding working relationship with our partners at Pacific Command. We have cross talks at the Admiral Ray level routinely.

We are watching, as is the Nation, with what is developing and unfolding in the Pacific arena. We are watching what is going on between the Japanese and the Chinese off the Senkakus. We are watching what is going on with fisheries.

Frankly, our force is standing ready to respond as the Nation needs it to. That is a large body of water that, as you are well aware, requires resources to patrol and maintain. We have an aging and decrepit fleet that is being reduced in size, so therefore our capacity to patrol those areas and meet surge demands is being diminished.

Ms. GABBARD. Can you talk a little bit more about what kinds of impacts you foresee should the sequester occur on March 1 within the Pacific region?

Admiral LEE. We haven't singled out the Pacific for any more or any less cuts than anywhere else. The operational commanders have been given guidance whereby the guiding principle was, preserve our capability to respond to search and rescue and the preservation of life and property and to meet security demands, and it was—there was no more specificity than that.

Secretary Napolitano stated the other day that she would anticipate that the operational lay-down could be curtailed as much as 25 percent. We are leaving it to the operational commanders to decide where that 25 percent cut will occur, again, preserving our ability to respond and to surge if the situation dictates.

Ms. GABBARD. Thank you very much. It is obviously an issue of concern for us as we look forward to kind of keeping a close eye on this as it develops. I also just want to commend your folks on the ground who, as I have seen within the communities and at all different levels—county, State, as well as the Federal partners are creating these great partnerships that allow for sharing of resources in ways that may not normally occur. So great job with the folks on the ground.

For Mr. McAleenan, again, as Hawaii is a through point for so much traffic, especially from Asia, and with your office being responsible for customs and agricultural inspections specifically, I have met with some of the folks on the ground there who, as all of us are concerned about continued shortages in manpower and labor and what that does to affect us as an island State and our economy in particular with the agricultural and other pests that we are often threatened by. Invasive species have and could continue to destroy not just our environment, but really from a basic economic level, we had the coffee berry borer completely destroyed crops, costing millions and millions of dollars to our local farmers and really caused issues for our economy.

I am wondering how you foresee, as you are prioritizing your risks, big picture, affecting economies like Hawaii's that are these major through-points with the agricultural inspections.

Mr. MCALEENAN. Thank you. Yes, being originally from Hawaii, I am keenly aware of the importance of tourism and the fragile agricultural ecosystem on the islands. With the sequestration cuts we are still going to be doing all mandatory agricultural exams. These are required under statute and regulation that are run by the U.S. Department of Agriculture, and it is the highest priority on the agricultural mission side to continue those during sequestration.

On the tourism side, we are going to have fewer people to staff the primary booths, so we will see increased wait times at the airport. That could be up to 50 percent, with peak times increasing significantly. So that is a concern. Lot of people want to stay in Hawaii when they get there so it has some of the—fewer challenges with missed connections than other airports, but it is an issue that we are going to be facing if we do go into the sequester.

Ms. GABBARD. Thank you. I didn't know you were a local boy.

What kinds of technology are you or your team looking at really to—

Mrs. MILLER. This will be the last question for the lady.

Your time is over.

Ms. GABBARD. Oh, I am sorry. I will stop there then. I can follow up. Thank you.

Mrs. MILLER. At this time the Chairwoman would recognize Mr. Cuellar for 5 minutes. We welcome you back to the committee.

Mr. CUELLAR. Thank you so much. Thanks for allowing me to be here. To you, Madam Chairwoman, and the Ranking Member, and Mr. Thompson, also, thank you very much.

We as a country, we still need—one of the most important things we need to do is secure the border. For us here in Texas, for the ones that don't just come visit and get an impression but for the ones that live in Texas, we understand that in areas like Texas securing the border has always been challenging. It has been a concern.

In fact, I have a letter here from—somebody in charge of the border sent this letter to the highest-ranking official in Texas and he is talking about nine families—nine individuals that came in with their families. They came in, they disregarded the law, they stayed in Texas in disregard of what the law was.

Most people would agree that that is an issue. The only thing is that this was written under God and liberty by Coronet Jose de las Piedrasto Stephen F. Austin on November 12, 1830. He was talking about Americans coming into Texas. That was part of Mexico at that time. Of course, you know, a little bit after that they declare independence, then the United States got into the real estate business and took over 55 percent of the Mexican territory at that time that included Texas, California, Utah—parts of Utah—and a whole bunch of other States.

So the border has been a concern for us in Texas for many years. The issue is: How do we secure the border? Because I think the gentleman, Mr. Barletta, was right: For anybody that comes in with the simplistic view that if you put a fence that will secure the border, you know, we have got to look beyond that. By the way, we are just talking about his—the fence that we built that we spent billions of dollars on the fence. There were two young ladies that climbed the fence in 18 seconds, and this is the fence that we spend

billions of dollars, so we have got to be smart on how we secure the border.

One mile of fence will cost—at least the numbers we were given in this committee years ago—\$7.5 billion per mile. One mile of technology will cost about \$1 million per mile, so we have got to be smart on how we secure the border.

The other thing is, you are absolutely right, 40 percent of those individuals didn't cross the river but came in through legal permits and visas, so you can put the biggest fence and still not secure the issue. So we have got to be smart on how we do it.

When we spend billions of dollars we have got to understand we are getting the best bang for the dollars. You know, for years we have been struggling on how we measure the results for those billions of dollars, how do we measure what we are doing?

A lot of times it has been, if I can say, us versus you—and I appreciate all of the work that you all are doing, the men and women—but as Mr. Thompson said, is a lot of times we as the oversight individuals, we are not given the information until later. For example, the border condition index—I haven't seen it. I have no idea who is putting that together, and when David Aguilar was in Laredo this last weekend we talked about it and he gave me the same answer, that you all are working on it.

We don't know what—who is putting the information to this border condition, and I think folks like Beto or myself that live on the border, folks that live there, we have got our families there, we had our businesses there, we had everything there, we want to know what performance measures are being used to measure the border. I will tell you, I had Michael McCaul at my house, stay with me, stay there with my wife, my two kids, and think he was secure as a happy lark, and you know, he was happy there, and you know, we didn't walk around with secure guards or anything like that.

So, I mean, there is—everybody has a perception of what border security is, but what we need is we need your help so we can all agree finally what a secure border is. I am one of those, I also feel that the border is secured.

Do we need to do more? Yes, I think we need to do more, and this is why we asked GAO to do this comprehensive because in the past, if you recall in this committee, we had two individuals that were paid a little bit of money to come up with this report that called the border a war zone. As Beto said, you know, Laredo is more secure than Washington, DC. The murder rate here is higher than other areas. But we have got to come to an agreement as to what measures, otherwise Democrats are going to say it is secure, Republicans say it is not going to be and we are never going to get—hopefully we can get your help in giving us that information so we can all come down to the same measurements.

Before my time is over I have got to ask you: Who is involved with preparing this border condition index? What consultants are involved in this?

Fisher. Mr. Fisher.

Mr. FISHER. I am not aware of which consultants. I do know that within U.S. Customs and Border Protection Mr. Mark Morkowski, I think, had the lead for the office to help staff that, but I am not aware of any consultants.

Mr. CUELLAR. All right.
Thank you, Madam Chairwoman.
Mrs. MILLER. Thanks.

In the interest of time—again, we have a hard deadline of noon or before, but I know that it sounds like some of the Members may like to have a follow-up, so if there are Members—excuse me—we will go to 2 minutes for questions.

Start with the Ranking Member.

Ms. JACKSON LEE. Madam Chairwoman, thank you very much, and thank the Members very much.

Let me just say that I will quickly make these points. I think the violence focuses more on drug cartels and gun trafficking and various guns than two or three people walking over the border, though it is of great concern.

I am going to ask some rapid-fire questions.

Chief Fisher, I would like to know your explanation as to why “operational control” may not be the best terminology.

I would like to ask my good friend, Dr. Rosenblum, to try to match the value of comprehensive immigration reform with border security, how the two may be parallel.

I would like my friend from the GAO to assess how she believes the CBP is responding to the recommendations that you have made.

Finally, let me say that I empathize with my friend from Pennsylvania, having been here during 9/11. But I will say that overstays can be handled through a comprehensive immigration reform.

Coming from Texas, I want to help ranchers and farmers, and I hope that the chief will listen, and that is why I asked the question about operational control. Move Border Patrol agents to these areas, and can you do so when there is a need to protect our ranchers and farmers?

I thank the Chairwoman—in my raspy voice.

Mr. FISHER. First question, in terms of operational control, I want to be clear, because I know 3 years ago I vehemently came out and said, “No. No operational control.” It is not because I am against that term, by the way; it is because of the way that it was being used synonymously with security at the time.

As we look at its origination and being a tactical term for us to be able to deploy, redeploy resources and measure that in a linear fashion as we deployed it, I didn’t think it was synonymous with security, given the context in which it was being used outside of the organization. So I just wanted to be clear on that and I think the direction that this committee is having, in particular with the leadership of the Chairwoman, I think it gets us back on track in terms of, regardless of what we call it, what is it that we are looking to measure—that being outcomes, not necessarily outputs.

UNKNOWN. [Off mike.]

Mr. FISHER. Certainly. One of the challenges that we have in moving—and the third pillar of our strategy, obviously, is rapid response. How do we, when we have the intelligence, when in an integrated fashion have to move Border Patrol agents, some of the challenges include three things in particular: No. 1, when it comes to the negotiated agreement with the union there are some things

within the collective bargaining agreement that prevents us from doing some of the flexibility, the mobility that we need to. We would just normally work with the union to be able to minimize and negotiate any impact and implementations.

No. 2, the Office of Personnel Management, with the rules and regulations, somehow—sometimes in the manner in which we want to move Border Patrol agents within those rules and regulations doesn't allow me the flexibility to do that at times. No. 3, as we had discussed, is the uncertainty in terms of budget.

Mr. ROSENBLUM. Ms. Jackson Lee, thank you for the question. I think that one of the points that has come up today from several of the questioners and several of the comments on the panel is how important it is to think about border security in a systemic context, you know, that we are concerned about flows across the border, we are concerned about illegal flows through the ports, we are concerned about overstays, and the tools that we put in place right on the border are, you know, one of several tools that also occur in a context of what we are doing at worksites, what we are doing within the country, what our admissions policies look like. So to focus just on the border by itself and to aim for a number versus thinking about that whole systemic approach, I think that it has come up over and over again that that systemic approach has to be sort of how we come up with that assessment.

Mrs. MILLER. Thank you.

The Chairwoman now recognizes the gentleman from South Carolina.

Mr. DUNCAN. Thank you, Madam Chairwoman.

Just in the times of budget constraints and whatnot, I would like Chief Fisher to talk with me a little bit about how you work with local law enforcement, local ranchers on ranch security as a force multiplier on securing the border.

Mr. FISHER. Thank you, sir. That is a really important point, by the way. Matter of fact, in the strategy we call that community engagement.

We recognize even with finite resources and Border Patrol agents on the border, the border is very broad. The space in which we operate is vast, as you well know.

Our ability to work with not just the State, local, and Tribal law enforcement organizations that have the duty and responsibility to enforce those laws and to assist us in the same common goals in protecting this country, but it is the community, right? It is the business owners that operate in and around the border as well. They have a whole different perspective in terms of things that they are seeing. They know what is odd in a particular area and they know what belongs in a particular area.

Our responsibility is to bring them in as communities of interest and explain to them not just what we are doing and hope they like us more, but understand specifically what the threats are as defined by the intelligence community, defined by our perspective and the area in which we operate, and make them aware of that, and so that over time they are—and this has worked over this past year in South Texas in particular, you know, with some of the increase in business in terms of the oil industry down there. We have had great cooperation with the industry because we are explaining that

some of the tactics, techniques, and procedures that the criminal organizations are using in that area and they have oftentimes given us information that we wouldn't have otherwise gotten about illegal activity there because we have explained to them what our strategy is, the objectives in which we are trying to achieve, and they have a better sense on how they can cooperate in that regard.

Mr. DUNCAN. Were you shifting resources when you received that information about where there might be a threat?

Mr. FISHER. Yes, sir.

Mr. DUNCAN. Okay. That is good.

Just one real quick question for Ms. Gambler: TSA—and you have got a Global Entry program and you also have a TSA PreCheck program. Is there any talk about combining those for—just for efficiency measures?

Ms. GAMBLER. I am not aware of anything specifically like that, but let me say that we do have some on-going work that we are initiating to look at CBP's Trusted Traveler programs, including the Global Entry program, and so we will be looking at that going forward, in part for this subcommittee.

Mr. DUNCAN. I guess TSA PreCheck is more internal U.S. domestic flights and so we need to make it easier for domestic frequent travelers to fly within the United States.

Thank you.

Mrs. MILLER. Thank you.

I certainly want to, again, thank all of the witnesses. I think your testimony has been very, very helpful to the subcommittee, and as we sort of take a step back here and ask that question again, what does a secure border actually look like and how do we get there, how do we measure it, et cetera? So I appreciate all of your testimony.

I know the Ranking Member had two questions, and we would ask for GAO in particular to—

Ms. JACKSON LEE. And the chief, as well—

Mrs. MILLER [continuing]. And the chief to respond in writing to the Ranking Member's questions.

I would also remind every Member of the committee, as well, that the hearing record will be open for 10 days, so if they have any further questions or comments we can pursue that avenue as well.

Without objection, this committee stands adjourned.

[Whereupon, at 11:46 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM HONORABLE STEVEN M. PALAZZO FOR WILLIAM D. LEE

Question 1a. The maritime domain is a vast far-reaching area with over 12,300 miles of general U.S. coastline. It is unreasonable to expect the Coast Guard will prevent all conceivable smuggling activities. Our ability to maintain situational awareness is even more critical because the maritime domain is so large. How does the Coast Guard establish situational awareness in the maritime environment as to have a best understanding of the trafficking of contraband?

In your view, what is the greatest threat to the homeland in the maritime domain?

Answer. Response was not received at the time of publication.

Question 1b. Are there any pressing gaps that the Coast Guard needs to address?

Answer. Response was not received at the time of publication.

Question 2a. Maritime smuggling is constantly evolving with recent trends including the use of panga boats and semisubmersible submarines. Drug cartels are bypassing land borders and Ports of Entry by employing panga boats on smuggling routes further west and north along the California coast. Is there any pattern emerging that these panga boats are using routes along the Gulf Coast?

What level of risk would you give the Gulf Coast to panga boats and other similar smuggling methods?

Answer. Response was not received at the time of publication.

Question 2b. If so, has Border Patrol taken any steps to counteract this trend?

Answer. Response was not received at the time of publication.

Question 2c. Does Border Patrol/Coast Guard have the necessary resources to combat maritime smuggling both along the Gulf Coast and the West Coast effectively?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE STEVEN M. PALAZZO FOR MICHAEL J. FISHER

Question 1a. Maritime smuggling is constantly evolving with recent trends including the use of panga boats and semisubmersible submarines. Drug cartels are bypassing land borders and Ports of Entry by employing panga boats on smuggling routes further west and north along the California coast.

Is there any pattern emerging that these panga boats are using routes along the Gulf Coast?

Answer. Response was not received at the time of publication.

Question 1b. What level of risk would you give the Gulf Coast to panga boats and other similar smuggling methods?

Answer. Response was not received at the time of publication.

Question 1c. If so, has Border Patrol taken any steps to counteract this trend?

Answer. Response was not received at the time of publication.

Question 1d. Does Border Patrol/Coast Guard have the necessary resources to combat maritime smuggling both along the Gulf Coast and the West Coast effectively?

Answer. Response was not received at the time of publication.

Question 2a. In your testimony, you indicated that travelers should expect delays because of the effects of sequestration.

What alternatives is CBP considering for avoiding delays for travelers at its land border crossings, while maintaining effective levels of security?

Answer. Response was not received at the time of publication.

Question 2b. How often does Border Patrol utilize the National Guard in securing the border?

Answer. Response was not received at the time of publication.

Question 2c. How effective have these missions been?

Answer. Response was not received at the time of publication.

Question 2d. Could Border Patrol benefit from an increase of the National Guard's presence along the border, particularly as we draw down from the war in Afghanistan?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE BETO O'ROURKE FOR KEVIN MCALEENAN

Question 1a. In your testimony, you noted that wait times and service levels at our land ports of entry are a major focus for the U.S. Customs and Border Protection. Specifically, you highlighted efforts such as reduced vehicular wait times at our ports of entry in fiscal year 2012 despite a 12% increase in traffic volume over the past 3 years and a 25% increased capacity to facilitate pedestrian traffic flows at certain locations, such as the Paso del Norte Port of Entry in my Congressional district.

Please provide data to the committee on the average vehicular and pedestrian wait times at land ports of entry across the nine sectors of the Southwest Border over the past 5 years.

Answer. Response was not received at the time of publication.

Question 1b. Based on current data, has CBP been able to project future vehicular and pedestrian volume and wait times at the land ports of entry across the nine sectors of the Southwest Border? If so, please provide this data.

Answer. Response was not received at the time of publication.

Question 1c. Specifically as it relates to the each land port of entry in El Paso (i.e. Paso del Norte Bridge, Ysleta International Bridge, Stanton Street Bridge, and Bridge of Americas) please provide the following data for the past 5 years:

- The average vehicular and pedestrian wait times broken down by time of day;
- The average number of vehicular lanes open and closed;
- The average number of hours all lanes have been opened.

Answer. Response was not received at the time of publication.

Question 1d. What current technological capabilities has CBP implemented at its land ports of entry to provide real-time information to travelers wishing to enter the United States? How accurate does CBP believe this information to be? How does CBP plan to continue improving upon its current technology?

Answer. Response was not received at the time of publication.

Question 1e. How does CBP expect sequestration to impact wait times at our land ports of entry? Additionally, does CBP have specific projections as to how long vehicular and pedestrian wait times may increase?

Answer. Response was not received at the time of publication.

