

**THE SECURE BORDER INITIATIVE:  
SBINET THREE YEARS LATER**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON BORDER,  
MARITIME, AND GLOBAL  
COUNTERTERRORISM**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED ELEVENTH CONGRESS**

**FIRST SESSION**

**SEPTEMBER 17, 2009**

**Serial No. 111-35**

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.gpoaccess.gov/congress/index.html>

U.S. GOVERNMENT PRINTING OFFICE

57-597 PDF

WASHINGTON : 2010

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# CONTENTS

	Page
STATEMENTS	
The Honorable Loretta Sanchez, a Representative in Congress from the State of California, and Chairwoman, Subcommittee on Border, Maritime, and Global Counterterrorism .....	1
The Honorable Mark E. Souder, a Representative in Congress from the State of Indiana, and Ranking Member, Subcommittee on Border, Maritime, and Global Counterterrorism .....	2
The Honorable Bennie G. Thompson, a Representative in Congress from the State of Mississippi, and Chairman, Committee on Homeland Security ..	4
WITNESSES	
Chief David Aguilar, U.S. Border Patrol, U.S. Customs and Border Protection:	
Oral Statement .....	6
Joint Prepared Statement .....	8
Mr. Mark Borkowski, Executive Director, Secure Border Initiative, U.S. Customs and Border Protection:	
Joint Prepared Statement .....	8
Mr. Timothy E. Peters, Vice President and General Manager, Global Security Systems, The Boeing Company:	
Oral Statement .....	12
Prepared Statement .....	13
Mr. Richard M. Stana, Director, Homeland Security and Justice Issues, Government Accountability Office:	
Oral Statement .....	15
Prepared Statement .....	17
APPENDIX	
Questions From Chairwoman Loretta Sanchez .....	53



## **THE SECURE BORDER INITIATIVE: SBINET THREE YEARS LATER**

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**Thursday, September 17, 2009**

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON BORDER, MARITIME,  
AND GLOBAL COUNTERTERRORISM,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 10:10 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

Present: Representatives Sanchez, Thompson, Jackson Lee, Cuellar, Kirkpatrick, Pascrell, Green, Souder, McCaul, Bilirakis, Rogers, and Miller.

Also present: Representative Carney.

Ms. SANCHEZ. [Presiding.] Good morning. The subcommittee will come to order. The subcommittee is meeting today to receive testimony on the Secure Border Initiative, SBInet, 3 years later. I would like to at this point ask unanimous consent that Mr. Carney, a member of the full committee be permitted to sit and question the witnesses at today's hearing. Hearing no objection.

Good morning. Today's—hello, Chief—today's hearing will further examine the Department of Homeland Security's Secure Border Initiative, physical infrastructure fencing as well as the virtual fence known as SBInet.

Thank you to our witnesses for being here today, many of you have been before us before and, in particular, Mr. Stana, thank you for your continued frank and honest assessment of what is happening out there on this initiative.

The witnesses' testimony and responses to our questions are critical parts of the oversight this subcommittee continues to conduct on the Secure Border Initiative and SBInet. In fact, many of the members of this committee have had an opportunity once or twice now to go over and take a look not only at the physical fence in different portions, but also at the virtual fence and what is going on with SBInet.

Given that the Boeing SBInet contract is expiring soon, I think that this is a good opportunity for us to catch our breath and see what is going on and see whether we have any movement on this program or if there is a lack of progress in the program.

And I am particular concerned by SBInet program's ongoing struggle with transparency and what I see as a pattern of delayed planned development. For instance, in May of 2008, I had the opportunity, along with many members of the subcommittee, to travel

to the Tucson sector and to review SBI's Project 28 and to hear about the beginning stages of AJO-1 and TUCSON-1. I think the chief accompanied us on that.

I was assured that these new projects could be fully operational and able to be accepted by the Department of Homeland Security by the end of 2008, and I am extremely disappointed that the new deadlines estimate that TUCSON-1 will be December 2009 and that AJO-1 will be ready in June of 2010.

Based on my past experience with the missing of deadlines on this project, I have a real hesitancy to believe that these deadlines are even going to be met, these new ones.

In the last series of hearings on this topic the subcommittee was given hard dates and assurances that deadlines for specific SBI projects would be met by Boeing, and yet weeks later, they were pushed back. SBI's full deployment along the southwest border, now estimated by Boeing and CBP to occur in 2016, will be 7 years after the original contract end date of 2009.

This situation is incredibly troubling since in the meantime, our Border Patrol agents continue to use older and less capable technology. We have maintenance issues, and more importantly, there is more danger to our Border Patrol as time moves on.

Further, as a member of the Congress who is very concerned about fiscal responsibility, it is hard for me to believe that DHS would award a contract of \$1.1 billion over 3 years, and continue to award task orders without viable results.

Moving to the other half of the Secure Border Initiative, the physical border fence, it has also risen in cost. What used to cost us \$3.5 million a mile is now at \$6.5 million a mile, and vehicle fencing has gone from \$1 million to \$1.8 million per mile.

And that is sort of unbelievable, considering that construction costs because, you know, we haven't been building—construction has been in the dumps—how we could really justify that the cost of fencing, the vehicle and the pedestrian fencing, is going up so much.

According to program dates there have been about 3,300 breaches in the fence and it costs us about \$1,300 every time that we have to repair them. And that being said we have yet to see whether or not this fencing has increased border security and has justified its cost. I mean, I am still waiting to really see that, and I know that about a year or two ago, Chief, you and I had a discussion about what is it really going to take to do this.

And we were trying to figure out what the metrics would be, so I am interested to see what you think the metrics are and how you can justify whether these systems are working for us. So I look forward to your testimony and to the responses to the many questions that I have. And I know that you can see from the interest here that we all have so many questions.

I will now let my ranking member, Mr. Souder from Indiana, for his opening statement, who is also, I know, very concerned about this issue.

Mr. SOUDER. Thank you, Madam Chair. Securing our borders, closing vulnerabilities and gaining operational control: this is what was promised to Congress and to the American people when SBI was announced 4 years and 9-1/2 months ago.

It is hard to be optimistic when we sit here today and have partial technology deployed along just 23 miles of the southwest border and a few northern border pilot sites set to begin in the next month or two.

Over \$1 billion has been allocated for SBInet, but it seems that very little progress has been made. It has been very slow. I think it is important to note for the past 3 years we have been asking for a timeline for SBInet deployment and lifecycle costs, but they have yet to be provided.

Similarly, there is no picture of the performance metrics and parameters used to judge the success of this program. It is hard to have Congress accurately review and conduct oversight over this initiative without these key pieces of data.

Do not take this criticism as a lack of my support for the project and the larger goal of securing our borders. I think it needs to be a top priority for DHS and the administration. Now is not the time to waver in this commitment. To that end, I need to raise a concern that I have with the number of miles considered to be under operational or effective control.

According to the CBP documentation, as of October 2008 there are 625 miles of the southwest border considered to be under effective control. According to the fiscal year 2010 budget justification, by the end of 2009 there should be 815 miles under effective control.

If these estimates are correct we will have gained 190 miles in a little over a year. This is good news, and I think it can be attributed to the additional staffing and the construction of 630 miles of tactical infrastructure, fencing and vehicle barriers.

The budget justification goes on to say that zero additional miles outside of the 815 are expected to be under effective control in 2010. How is it possible that the Border Patrol could come to this conclusion? What is expected to happen with SBInet in the next year? Are more personnel or fencing or the National Guard necessary? CBP needs to address these concerns at today's hearing.

On Monday, U.S. law enforcement conducted an anti-terror operation in New York City. According to intelligence officials, all indications pointed to the need to intervene and prevent further plotting and coordination.

While few details are known at this time as the investigation is ongoing, I think it is a poignant reminder that 8 years after September 11 terrorist attack, we are still a country at risk. We must remain vigilant and aggressive in securing our country from attacks.

Securing our borders, closing vulnerabilities and gaining operational control are essential for bolstering the security of our nation. The SBInet program should be a cornerstone building block of this effort.

I would like to add on a personal note that I was down on the southwest border for about a week, just short of a week, traveling from San Ysidro over to Nogales. I visited the TUCSON-1 area again, saw the towers working and on every side of me different people were being intercepted. I also saw the physical fencing; we went to about probably six different stops along the border.

We have breaches in the old fencing. We do not have breaches in the new fencing. Also the soil in different areas have changed cost estimates and difficulty. They are continuing to adjust even in the areas where we have had the breaches.

For example, one of the debates is can you put barbed wire on? The one kind of fencing in California that they are cutting through, where it is very expensive, which is what has been in the news media, can be addressed by trying to block them from getting to the fence, which is what they are now experimenting with.

The physical fence does not secure the border. The physical fence stops vehicles. It stops larger groups. It slows people down so that as we move the technology behind it we can move people in behind if it is in a mountainous area, they can catch them as they move to the road.

If it is in a flat area the rate of speed that they are coming across is slowed significantly down, and it is the combination, then, with enough agents, and we have been plussing up the Border Patrol with which to go get the different groups then to get them to different places.

And we have to see how we are going to increase this because, quite frankly, I doubt if an immigration bill is going to be able to move through this Congress until we have increased the number of miles that are currently projected, secured under effective control, because any kind of major immigration reform will lead to additional pressures on the border unless we have a higher percent under effective control. I yield back.

Ms. SANCHEZ. I thank the ranking member, and the Chair now recognizes the chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

Mr. THOMPSON. Thank you, Madam Chairman, and I welcome our witnesses to this hearing today. Today's hearing on the Secure Border Initiative comes at a very important time as next week marks an anniversary of sorts for the Department of Homeland Security.

On September 21st, 2006, DHS awarded a contract to Boeing to help secure our nation's borders. At that time we were told that Boeing would be integrating existing off-the-shelf technology to create a virtual fence along the borders known as SBInet. It was supposed to be a relatively easy project.

Instead, the Government Accountability Office has repeatedly raised concern about SBInet, including poor planning, insufficient testing, inadequate government oversight and a failure to set and achieve project goals. Today, after spending nearly a billion dollars on the program we are still waiting for an effective technological tool to secure America's borders.

DHS and Boeing have had 3 years to show they can secure the borders with technology. It is my understanding that they have at least one more year to do so if the department renews Boeing's SBInet contract for an additional year as expected, which I understand has already been executed.

It is time to deliver some tangible results to the American people and to Congress. I would like to know how DHS is going to ensure that when Boeing delivers the next phase of SBInet to the government early next year, taxpayers get their money's worth.



Clearly, this administration has inherited a serious challenge and has some difficult choices ahead. DHS either needs to get SBInet right or find an alternative technology solution that will do the job. Along with technology, DHS has committed significant resources in recent years to constructing physical fencing along the southwest border.

While there are currently over 600 miles of fence and barriers, according to GAO the department has not systematically evaluated the effectiveness of these barriers. At a price tag of roughly \$2.4 billion and a potential lifecycle cost of \$6.5 billion, GAO's finding is extremely troubling.

Looking ahead, both DHS and Boeing have considerable ground to cover when it comes to deploying effective, efficient border security technology and infrastructure, I am hopeful this administration can address many of the problems that have plagued this program and previous border security technology efforts.

The witnesses can be assured that this committee will continue to monitor the Secure Border Initiative closely. I would like to thank Chairwoman Sanchez for all her work continuing her oversight on this important topic. I would also like to thank the witnesses for being here today, and I also look forward to their testimony. I yield back.

Ms. SANCHEZ. I thank the Chairman of the full committee. Other members of the subcommittee are reminded that under committee rules, opening statements may be submitted for the record.

And so now I would like to welcome our panel of witnesses. I will give the backgrounds of our witnesses and then we will start down the row and ask for your 5-minute or less summary of your written testimony.

Our first witness will be Chief David Aguilar. He was named Chief of the United States Border Patrol in May 2004. As the nation's highest ranking Border Patrol agent, Chief Aguilar directs the enforcement efforts of more than 16,500 Border Patrol agents nationwide, and I commend you for that because I know we have grown our Border Patrol quite quickly, and you have been at the helm of that.

So you have the expertise gained from 30 years of service. We look forward to your testimony, Chief, and welcome.

Our second witness, Mr. Mark Borkowski, was named Executive Director of the Secure Border Initiative Program Executive Office in October of 2008. He oversees the SBI implementation at Customs and Border Protection, and he will oversee SBI's continued efforts to provide front line personnel with the enhanced situational awareness along the U.S. borders.

Before joining CBP he was a program executive for the Robotic Lunar Exploration program in the Exploration Systems Mission Directorate at NASA headquarters. Welcome.

Our third witness, Mr. Timothy Peters, is a Vice President of Global Security Systems, a business of Boeing Integrated Defense Systems. He is responsible for the execution of SBInet and other GSS programs. Since joining Boeing in 1985, Mr. Peters has held a number of key engineering and leadership positions on surveillance and command and control programs. We welcome you this morning.

And our final witness, Mr. Richard Stana, is the Director of Homeland Security and Justice Issues at the Government Accountability Office. During his 33-year career with the GAO, Mr. Stana has directed reviews on a wide variety of complex military and domestic issues and most recently he has directed GAO's work in immigration and border security issues. He has been frequently before us. We welcome you back.

So without objection, the witnesses' full statements will be inserted into the record, and I will ask the witnesses to summarize their statements in 5 minutes or less. And we will begin with Chief Aguilar, who will give a statement on behalf of both himself and Mr. Borkowski for CBP.

**STATEMENT OF CHIEF DAVID AGUILAR, U.S. BORDER PATROL,  
U.S. CUSTOMS AND BORDER PROTECTION**

Chief Aguilar. Good morning. Chairwoman Sanchez, Chairman Thompson and Ranking Member Souder, I want to begin by expressing my appreciation for this subcommittee's and the full committee's interest in not only our mission, but especially the interest and the well-being, safety, of our men and women.

It is good to be here this morning, and it is absolutely a privilege and an honor to appear before you to testify and discuss the Secure Border Initiative. As you stated, I am accompanied by Mr. Mark Borkowski, who is our executive director for the Secure Border Initiative.

The primary goal of our strategy between the ports of entry is to gain effective control of our nation's border. Effective control is achieved when a chief patrol agent in the field determines that in a given area of operation the Border Patrol has the ability to consistently detect, identify, classify, respond to any illegal incursion that occurs between the ports of entry, and very importantly, has the ability to bring that illegal incursion to an appropriate law enforcement resolution.

In our view, control of our borders between the ports of entry comes from an appropriate combination of personnel, technology and tactical infrastructure, which includes border fencing. We often refer to this requirement as a three-legged stool. These components are interdependent and provide for maximum effectiveness when appropriately applied.

The mix of these three elements will vary depending on the challenges posed by the area on which we are focusing. Within that construct, the Secure Border Initiative plays an important role. It is but one part of our integrated approach, but it is a very critical and significant piece.

The current focus of the Secure Border Initiative is to support border control efforts by providing tactical infrastructure and technology. Before discussing the details of SBInet, it might be useful to provide a short update on our progress with respect to construction of tactical infrastructure along the southwest border.

As of the end of August we have approximately 632 miles of fence constructed. Of that, approximately 334 miles are pedestrian fence and the remaining 298 miles are vehicle fence. Our target, based on our chiefs' assessments, has been approximately 670 miles throughout the southwest border.

The exact total mileage is imprecise at this point because it will depend on the actual measurement of completed fence as opposed to pre-construction estimates. We are actually in the process of modifying this figure as we speak.

Fence provides what we refer to as “persistent impedance” which contributes to our ability to control the border by providing additional time for agents to respond to incursions, illegal incursions.

As we have testified before, fence alone will not secure the border. However, we believe some areas of the border must have persistent impedance in order to establish control. It is in those areas where we have emphasized the construction of fence.

Let me now turn to some specifics about SBInet, the technology part of SBI and the focus of this hearing. The SBInet program is focused on developing and deploying a system that can provide surveillance and situational awareness over stretches of the border. Project 28 was our initial effort to prototype this type of system.

While Project 28 suffered from many deficiencies, it has actually evolved to the point where it is now operational and provides effective support of our operations. For example, it has been instrumental in enabling the apprehension of over 5,000 illegal entrants and over 14,000 pounds of narcotics.

More importantly, we were able to use the lessons learned from Project 28 to design the first generation of the operational SBInet system. We call this first generation SBInet Block 1. We have completed most of the engineering design of SBInet Block 1 and have performed extensive engineering testing now.

We are in the process of installing our first deployment into an operational area known as TUCSON-1. TUCSON-1 will actually replace Project 28 prototype system with a new Block 1 first generation production system to cover 23 miles of border around Sasabe, Arizona.

The Border Patrol will receive the system, probably in early January, to conduct a formal process known as Operational Test and Evaluation, OT&E. In OT&E the Border Patrol will conduct disciplined assessments in the real world environment to determine whether the SBInet Block 1 system is effective and suitable for use.

Based on these assessments, the Border Patrol will effectively deliver literally a report card to SBI indicating whether it has met our operational requirements. In parallel with these test activities, we expect to begin the deployment of our second area of operation known as AJO-1.

It will cover approximately 30 miles of border near Ajo, Arizona. Together TUCSON-1 and AJO-1 represent the initial deployment of Block 1. Through its structured review process, the Department of Homeland Security has authorized initial deployment but not full deployment.

After the initial deployment and results of the Border Patrol’s test of Block 1, CBP will be in a better position to decide on the pace and magnitude of future deployments. The last 3 years of SBInet had been frustrating and at times very discouraging.

We believe we are on a reasonable improvement path. We understand that the Congress and this committee are less interested in hearing about our improvement plans and, as we, more interested in results.

We share that interest and commit our best efforts to produce those results in a prudent and effective manner. We appreciate this committee's continued support of CBP's efforts to better secure our borders, and we look forward to any questions that you might have of us. Thank you.

[The joint statement of Chief Aguilar and Mr. Borkowski follows:]

JOINT PREPARED STATEMENT OF DAVID AGUILAR AND MARK BORKOWSKI

Chairwoman Sanchez, Ranking Member Souder, and distinguished Members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss "The Secure Border Initiative: Three Years Later." At U.S. Customs and Border Protection (CBP), we are confident that we are making significant strides in our integrated efforts to increase the security of our borders.

I would like to start by emphasizing an important point: our border security efforts are integrated efforts, and while the Secure Border Initiative (SBI) is an important element of our overall strategy, it does not represent a panacea or a stand-alone capability for border security. It is one part of a much larger effort, which includes many stakeholders and partners across the federal government, as well as state, local, tribal, and international partners. The *National Southwest Border Counternarcotics Strategy*, released jointly this past June by Office of National Drug Control Policy Director Kerlikowske, Attorney General Holder, and Secretary Napolitano is one example of this broad, integrated effort.

The primary goal of our strategy between the ports of entry is to secure our Nation's borders. This means consistently detecting illegal entries into the United States, assessing and classifying any threats associated with the illegal entries, responding to the area, and bringing the situation to a successful law enforcement resolution. Put a bit more simply, the ability to secure the border requires two basic conditions. First, we must have an accurate awareness of what is going on in the area around the border. Secondly, we must have the ability to respond to that awareness how, where, and when we deem it appropriate to respond. The ability to secure of the border, therefore, comes from a combination of both the knowledge and the ability to act on that knowledge.

In our view, control of our borders—particularly between the legal ports of entry—comes from an appropriate combination of personnel, technology, and tactical infrastructure. We often refer to this strategy as a "three-legged stool." One of these legs alone cannot provide control of the border. The mix of these three elements will vary depending on the challenges of the focus area. Technology alone cannot control the borders, but it can provide a significant capability that augments and improves the effectiveness of an integrated approach. Similarly, tactical infrastructure, such as fencing, does not control the border independently of other elements.

How can we measure the effectiveness of each contribution (personnel, technology, and tactical infrastructure) to the overall control of the border? That is a difficult question to answer. No one of the elements that contribute to border control can do the job without contributions from the other elements. For example, we cannot say that fencing prevented a discrete number of people from crossing the border illegally, and that technology prevented some others, and personnel prevented still others. In fact, even to ask the question perpetuates the misperception that any single one of these elements can control the border.

We do believe, however, that we can evaluate and characterize the effectiveness of our integrated efforts to secure the border. And we can characterize the contribution of each of the three legs of the stool even if we cannot precisely quantify the individual contribution of each component. Technology allows us to detect the entries and to assess and classify the threat. Personnel provide the response to confront the criminal element. Tactical infrastructure supports the response by either providing access or extending the time needed for the response by deterring or slowing the criminal element's ability to easily cross the border and escape.

Personnel are the most flexible and robust of the elements, since they can provide both knowledge (through observation) and response. However, use of personnel alone is not the most efficient way to achieve border control. Deploying enough personnel to provide coverage of large areas of the border would be cost prohibitive as well as a nonsensical use of funds. Technology can be used to "watch" large areas of the border, thus helping with the "knowledge" part of the equation. By using technology in this role, we can relieve personnel of the requirement to stand and observe, and redeploy them to serve where current technology cannot—in the area

of response. Finally, we can use tactical infrastructure, such as fencing, as a fixed resource to deter and delay illicit border incursions. It is important to recognize that tactical infrastructure and technology are not interchangeable. Infrastructure (including fencing) provides a constant and continuous effect, and more options for response. I wish to be very clear—fence alone does not and cannot provide effective control of the border. It does, however, provide a continuous and constant ability to deter or delay, which we refer to as “persistent impedance.” That delay provides more time for personnel to respond to the incursion, but it cannot altogether stop an incursion.

The current focus of SBI is to support border control efforts by providing tactical infrastructure and technology. SBInet, which is the primary focus of this hearing, represents the technology contribution of SBI. Before discussing the details of SBInet, it might be useful to provide a short update on our progress with respect to construction of the fence along the southwest border. As of the end of August, we have approximately 632 miles of fence constructed. Of that, approximately 334 miles are pedestrian fence and the remaining 298 miles are vehicle fence. Our target, based on Border Patrol’s operational assessments of fencing needs, has been approximately 670 miles. The exact total mileage is imprecise at this point because it will depend on the actual measurement of completed fence as opposed to pre-construction estimates. The fence that is not yet complete is still planned but has been delayed primarily due to legal proceedings related to the condemnation and transfer of real estate required for the fence.

As already noted, fence provides persistent impedance, which contributes to our ability to secure the border by providing additional time for agents to respond to incursions. There are locations where the Border Patrol has concluded that persistent impedance is absolutely necessary in order to gain control of the border. There are other areas where persistent impedance would be a useful contribution but it is not an absolute necessity. It is important to emphasize the fact that we have constructed and planned fencing in areas where the Border Patrol has concluded that persistent impedance is a *necessity*; we have *not* built fence in areas where we think we might be able to achieve control through other means—that is, through different combinations of personnel, technology, and tactical infrastructure—or where we have encountered engineering or other challenges in moving with construction. Before any consideration is given to building fencing in other locations, we want to ensure that CBP has determined the operational requirements for effective control in those areas, and has the opportunity to compare any other options we can identify. An accurate assessment requires more experience and observation, both in areas where we have fencing and in areas where we do not, so that we have a good basis for the comparison.

Furthermore, we have built fence where we have concluded it is the most cost-effective way to provide persistent impedance. As a practical matter, the only other, albeit unrealistic, way to provide persistent impedance is to deploy personnel fairly densely along the border, in fixed locations, twenty-four hours a day and seven days a week. We reviewed these options in a set of detailed “Analyses of Alternatives,” we have provided to the Congress as part of our annual expenditure plan.

Let me now turn to some specifics about SBInet, the technology part of SBI, which is the focus of this hearing. The SBInet program is focused on developing and deploying a system of networked sensor towers that can provide surveillance and situational awareness over stretches of the border. The SBInet system will be deployed in discrete Areas of Responsibility (AoRs) each of which covers a length of border ranging between approximately 20 and 40 miles. The basic concept involves constructing towers in locations that are selected based on knowledge of terrain, vegetation, and typical routes used by illegal entrants, as well as by sensitivity to and impact on the environment. Each of the sensor towers in an AoR includes a ground surveillance radar, a day camera, and a night camera. Each also includes a receiver for signals from unattended ground sensors (UGSs), which are hidden within the AoR and can detect nearby movement. There are also communications relay towers, which receive the signals from the sensor towers and transmit them back to a Border Patrol station. One key element of SBInet that distinguishes it from other technology at the border is the networking of the towers and sensors. Information from the various cameras, radars, and sensors is combined within a computer system called the Common Operating Picture (COP). The COP provides a display on computer monitors that includes an integrated picture of the radar and sensor detections from all of the towers within an AoR. It also provides the feeds from the day and night cameras, and software that can point the cameras in order to look at what the radars and sensors have detected.

Project 28 was our initial effort to prototype this type of SBInet system. As a prototype, we did not intend Project 28 to be the actual system we would put in produc-

tion. We did, however, anticipate that, even as a prototype, Project 28 would provide us with improved capability, and we advertised that it would be a relatively simple and low risk effort. Unfortunately, it did not work as well as we anticipated and took longer than it should have to complete. But we learned from the experience and we are in the process of making significant improvements.

Since the initial experience, we have improved Project 28 to the point that it is currently operational and effective in supporting the Border Patrol in the area around Sasabe, Arizona. Border Patrol agents credit Project 28 with providing them with enhanced situation awareness that has assisted in the detection and subsequent apprehension of over 5,000 illegal entrants and the interdiction of over 14,000 pounds of marijuana. Without Project 28—and absent some other increase in capability, such as more agents—the success rate of these apprehensions and interdictions may have been lower.

Our SBI net contractor, Boeing, has taken a great deal of criticism for its past performance on SBInet. In truth, SBI has not been fully satisfied with performance to date. It is worth noting, however, that Boeing delivered Project 28 on a firm fixed price task order basis and absorbed tens of millions of dollars in losses in order to correct the initial deficiencies, demonstrating a significant commitment to deliver a useful capability.

We were able to use the lessons we learned from Project 28 to design the first generation of the operational SBInet system. We call this first generation SBInet Block 1. We have completed most of the engineering design of SBInet Block 1 and have performed extensive engineering testing. Although the engineering tests increased our overall confidence in the system, they did identify some areas for improvement. We do not believe those areas represent “show stoppers,” but we have taken steps to enforce a deliberative and disciplined process to address them, including opting to delay some program activities while we await the results of further testing and analysis.

At this point, we are in the process of doing our first deployment into an operational known as Tucson-1, will replace Project 28 (the prototype system) with the new Block 1 (first generation production system) to cover 23 miles of border around Sasabe, Arizona. Tus-1 includes nine sensor towers and eight communications relay towers, all of which are now constructed. We are now starting basic system and component checkout of the Tus-1 systems and awaiting results of some remaining corrective actions before authorizing Boeing to begin more comprehensive system testing. SBI anticipates being prepared to provide that authorization within the next few weeks, at which point we will conduct extensive engineering tests on the system. Those tests are designed to demonstrate that the system meets its engineering requirements. If it passes, SBI will accept the system from Boeing.

Provided SBI accepts it, the Border Patrol will receive the system, probably in early January, to conduct a formal process known as Operational Test and Evaluation (OT&E). In OT&E, the Border Patrol will conduct disciplined assessments in a real world environment to determine whether the SBInet Block 1 system is effective and suitable for use. Based on these assessments, the Border Patrol will effectively deliver a report card to SBI, indicating whether or not it has met their operational requirements. The Border Patrol is still designing the test regimen, but we anticipate OT&E will continue at least into March of next year.

While testing is underway, we expect to begin the deployment of our second AoR, known as “Ajo-1.” Ajo-1 will cover about 30 miles of border near Ajo, Arizona. Our experience with Ajo-1 will build on Tus-1 and Ajo-1 and ensure we can move from one deployment activity to another in a smooth and effective manner. Ajo-1 should be completed and tested by late spring or early summer of next year.

Taken together, Tus-1 and Ajo-1 represent the initial deployment of Block 1. Through its structured review process, the Department of Homeland Security (DHS) has authorized initial deployment—but not full deployment. This is a normal sequence of events. Before authorizing full deployment, we need to have the results of the Border Patrol’s OT&E and demonstrate that we can effectively and efficiently complete the deployment process. As currently planned, full deployment of Block 1 means deployment along the Arizona border. The exact schedule for that deployment will depend on the successful completion of initial deployment activities, as well as other decisions that will be advised by the initial deployments. For example, based on results from the initial deployments, CBP will gain experience and knowledge about how well SBInet contributes to the technology element of border control. With that knowledge, we can make better decisions about where it is most cost-effective to use SBInet Block 1. CBP will also have better information about the desired pace of deployments going forward and can reflect those decisions in future budget submissions.

In short, we believe we are making appropriate progress towards the deployment of SBInet Block 1. Based on the testing that has been performed to date, we have a sound level of engineering confidence that the system will meet its requirements. In order to increase our confidence, we are proceeding with the initial deployments and the formal OT&E process.

We have set requirements for our program that are modest but effective. Remembering that technology does not, in and of itself, control the border, we require SBInet Block 1 to detect at least 70 percent of incursions within each AoR and provide accurate identification at least 70 percent of the time. The Subcommittee may recall that early goals for SBInet were at 95 percent, rather than the 70 percent we have currently established. This threshold does not indicate that we will allow failure to detect or identify incursions 30 percent of the time. Rather, we recognize that the SBInet system is one contribution among several resources we have available, such as air assets, tactical infrastructure, additional technology, and personnel. Based on experience, cost, and a better understanding that the role of technology is to contribute, SBInet's contribution may well be adequate to provide an overall, integrated capability of 95 percent or more, when all of the other elements of border control are taken into account.

In designing the Block 1, we have selected modest components which we believe are cost-effective and anticipate will do the job. While there are other cameras and radars that are higher performing, by starting with the currently-designed Block 1, we: avoid the risk of over-designing; we reduce the risk of excessive cost, schedule, and technical problems; we provide an operational capability sooner; and we provide the quickest possible opportunity to evaluate the effectiveness of the system in an operational environment. With some real-world experience, we can make future decisions about how and if we should enhance the system. Our block approach to SBInet, which represents an acquisition strategy known as spiral development, provides us an opportunity to deliver cost-effective enhancements in the future, as needed or desired.

While we are deploying the SBInet Block system and tightening up our requirements discipline, we are also taking steps to improve our competence in the management of complex acquisition programs. We have redesigned our SBI organization to develop and retain skilled government personnel in the disciplines that are key to successful program management. We are also strengthening our oversight and management of our contractors' activities to ensure we are able to communicate our requirements clearly and consistently.

We are strengthening the role and influence of the end users of our systems—in this case, the Border Patrol—in the development and acquisition process. The structured we described, which is a normal process in the Department of Defense but relatively new to us, is one example. Beyond that, operational end users participate in overseeing program activities, setting priorities, and deciding on acquisition courses of action. End users also now have a more structured process and conduit to request consideration of program changes, and to participate in trade-offs between capabilities and costs.

We are eager to establish better ways to predict and evaluate the effectiveness of our systems. We are confident that increased enforcement efforts have had a positive effect on our ability to control our borders. Since 2006, we have increased the size of the Border Patrol from approximately 12,350 agents to nearly 20,000 today. We now have almost 650 miles of fence deployed to areas along the border where we need it most. And we have begun to deploy effective technology to critical areas. There is no question, based on the measures we have available, that these enforcement activities have reduced illegal activity between the ports of entry.

Going forward, we acknowledge we need to find a better way to characterize and measure the effects of increased enforcement. The third party indicators we currently use, like trends in apprehensions or drug seizures, taken with our subject matter expert assessment about relative levels of border control, are useful and valid. But we still need to develop tools that will allow us to assess different mixes of personnel, tactical infrastructure, and technology; to compare their effectiveness; and to compare their costs. In this way, we can make better decisions about the most cost-effective investments. In order to develop the appropriate tools, we need to gain experience and measure results of our ongoing efforts. We believe we are headed in that direction with our current activities.

In closing, although we know that the last three years of SBInet have been frustrating and at times discouraging for all involved, we believe we are on a path towards improvement. We thank Congress and this Subcommittee for your interest in this issue and share your desire for the achievement of results. We appreciate the Subcommittee's continued support of CBP's efforts to better secure our borders and look forward to responding to your questions.

Ms. SANCHEZ. Thank you, Chief.

And I will now recognize Mr. Peters to summarize his statement for 5 minutes or less.

**STATEMENT OF TIMOTHY E. PETERS, VICE PRESIDENT AND  
GENERAL MANAGER, GLOBAL SECURITY SYSTEMS, THE  
BOEING COMPANY**

Mr. PETERS. Good morning, Chairwoman Sanchez, Chairman Thompson, Ranking Member Souder and committee members. I appreciate the opportunity to discuss SBInet progress with you today.

I will update you today on development and deployment status of the SBInet Block 1 system. This capability is a substantially improved version of the prototype we delivered to Customs and Border Protection in early 2008. I will also say a few words about our deployments on the northern border.

P28, which has been operational for 18 months now, has proven to be a valuable enforcement tool for the Border Patrol. P28 also serves as a valuable engineering tool for the development of Block 1 in future SBInet systems.

Over the past 2 years many important lessons have been learned from the P28 prototype and incorporated into the SBInet Block 1 system. The first deployment known as TUCSON-1 or TUCS-1 has been constructed in the area of P28 and covers 23 miles of the border at the Sasabe port of entry.

A second deployment called AJO-1 has been initiated to the west of TUCS-1 and will cover 30 miles of border at the Loopville port of entry. The TUCS-1 deployment consists of nine sensor towers, eight communication towers and a command and control facility.

The Block 1 system includes a fixed tower design an upgraded sensor package and improved communication system and a new common operational picture or COP. BOEING engineers work side-by-side with Border Patrol agents in the design of the look, feel and function of the Block 1 common operational picture.

During this development, we have encountered technological challenges common to the integration of commercial off-the-shelf components. Two recent issues have proven to be especially problematic. The first, control of the radar during azimuth scanning and the second, human machine interface freezes.

After a detailed root cause corrective action effort, I am pleased to report that we have implemented solutions that address each of these problems and subsequently have undergone several weeks of successful testing without recurrence.

The Block 1 system is scheduled to complete system qualification tests in the next month at facilities in Playas, New Mexico. Then in the deployed TUCS-1 system will undergo system acceptance testing during the fourth quarter of this year.

When completed we will deliver the system to the government for operational test and evaluation, which will be overseen by the Border Patrol. Results of these tests will assist the customer in determining future deployments and system enhancements.

The Ajo deployment is also progressing. The system design is complete and construction of the Border Patrol command and control facility has been initiated. However, site specific work and in-



stallation of the system are awaiting environmental approval from the Department of the Interior.

In summary, the SBInet Block 1 system, pending successful completion of the testing that I outlined, will be ready for deployment across the southwest border.

Boeing has also been working on the northern border deployments in the Detroit and Buffalo sectors. In these deployments Boeing is installing remote video surveillance systems to enhance agent surveillance capabilities in a temperate river environment. The RVSS' are comprised of two sets of day and night cameras mounted atop monopoles and/or existing structures.

These systems feed video images back to Border Patrol sector headquarters. Installation began in the Buffalo sector in early May of this year and in the Detroit sector in early September. Both deployments are planned to be delivered to the government by early 2010.

In conclusion, I would like to say that SBInet has been both an important and challenging program to the Boeing Company. The P28 prototype and Block 1 system represent approximately half of the government-funded effort that Boeing has received to date.

Additionally, Boeing has made a number of significant capital and research and development investments to ensure the success of the SBInet program. The Block 1 system remains the core of our effort.

As I mentioned earlier, I believe we have a system that is robust and soon will be ready for a widespread deployment. Our goal remains to provide the technology and tools to support enhanced border security and increased agent safety as the best value of the taxpayers.

With the Tucson sector deployment underway, SBInet now has a solid foundation for future deployments. Thank you for the opportunity to provide testimony this morning, and I look forward to your questions.

[The statement of Mr. Peters follows:]

PREPARED STATEMENT OF TIMOTHY E. PETERS

I'm Tim Peters, Vice President of Boeing's Global Security Systems, which includes the SBInet program. I appreciate the opportunity to discuss progress on SBInet before the Subcommittee on Border, Maritime, and Global Counterterrorism.

Today, I'll address our progress in designing and developing the overall SBInet solution. I'll also update you on the deployment status of Block 1, which is based on the same concept of integrated, commercial technology, but includes improvements from P-28. I'll also say a few words about activities on the Northern Border.

***P-28 Lessons Learned***

P-28 has proven to be a valuable operational tool for the Border Patrol, as well as a framework for development of Block 1 and future SBInet systems. Operational for eighteen months, P-28 has been instrumental in apprehension of thousands of illegal border crossers and interception of thousands of pounds of narcotics, according to recent Customs and Border Protection reports. Many important lessons learned from the prototype P-28 system have been incorporated into the development of Block 1, including:

- Active involvement of the entire user community in the system design and function;
- Laboratory testing of components, systems and subsystems, and the creation of an operationally representative test-bed for field testing; and
- A substantially improved Common Operating Picture.

***Block 1***

The Block 1 system has been in development for the past two years. The first deployment is known as Tucson 1—or TUS-1—is now well along in the P-28 area of operations and will cover 23 miles of the border around the Sasabe Port of Entry. A second deployment, called AJO-1, has been initiated west of the TUS-1 area of operations and will cover 30 miles of border at the Lukeville Port of Entry. AJO-1 construction will follow TUS-1 by several months while we await the Department of the Interior’s environmental approval.

TUS-1 consists of nine sensor towers and eight communications towers. Of the 17 total towers, Boeing built 13 new towers and modified four existing government towers. As of today, all tower construction is complete, and all sensors have been installed. For those of you familiar with the system, it has a distinctly different look to complement its improved capabilities. We are using a fixed tower, an upgraded sensor package, a different support equipment package, and most importantly, greatly improved communication technology. Specifically, TUS-1 and all future deployments will send data back to sector headquarters via a line-of-sight microwave link or fiber-optic link where it is available or not cost-prohibitive to do so. Gone are the satellite dishes used in the P-28 system, as well as the system lags they produced. The TUS-1 system is much more responsive, providing information to agents more quickly. The new Common Operating Picture (or COP) software is also responsible for significant improvements in responsiveness and usability. Boeing engineers sat side-by-side with Border Patrol agents who served as the primary designers of the look, feel and function of the Block 1 COP.

While we’ve encountered some technological challenges—not uncommon when integrating off-the-shelf components &ndash; we’re working diligently within our team and the customer to resolve issues quickly and thoroughly, so the operational system will be robust and reliable. There have been two recent issues that have been particularly problematic &ndash; radar control, and human-machine interface malfunctions. I’m happy to report that we have implemented solutions to address each of those problems. We’ve been testing these solutions for several weeks, and the problems have not recurred.

Once these solutions are fully implemented over the coming weeks, the Block 1 system will complete System Qualification Test (SQT) at test facilities in Playas, New Mexico, then the deployed TUS-1 system will undergo Systems Acceptance Testing (SAT) during the fourth quarter this year. When completed, we’ll hand the system over to the government for Operational Testing and Evaluation (OT&E), which will be overseen by the Border Patrol. Results of these tests will assist the customer in determining future deployments, system enhancements and designs for other border geographies.

Our goal has been to provide a complete system, technology and tools to bolster security for the nation, increase agent safety and add value for taxpayers. With the Tucson deployment underway, SBInet now has a baseline to be replicated in future deployments, such as AJO-1. We have a frame of reference from an operational deployment, not just the prototype of Project 28. The Block 1 system remains the core of our effort, and I believe our work over the last few years has lowered risk and increased system integrity. I also believe our work has produced a capability that will give the Border Patrol agents a highly effective tool to enhance border security and improve agent safety. We have now had the opportunity to work in the field with the Border Patrol Agents and have a more thorough understanding of the challenges they are facing. We believe that the Block 1 system architecture we are providing, once deployed, is readily scalable and upgradeable to incorporate new and improved sensors to meet changes in the Border Patrol Agent’s mission.

#### ***AJO-1***

The AJO-1 deployment is also progressing well. System design is complete, and the command-and-control facility is already under construction. The majority of the hardware has been purchased, and site work and installation are awaiting environmental approval from the Department of the Interior, expected in mid-October. The AJO deployment consists of six sensor towers and five communications towers, spanning about 30 miles of border.

#### ***Northern Border***

The Boeing team has also been active on the Northern Border with projects in the Detroit and Buffalo Sectors. Boeing is installing Remote Video Surveillance Systems, or RVSS, to enhance surveillance capabilities in a cold-weather, river environment. The RVSS are comprised of two sets of day and night cameras atop monopoles or existing structures. These systems feed video images back to sector headquarters using the same microwave communications design as being deployed in TUS-1 on the southwest border. However, in this deployment we aren’t including radar for additional detection or a Common Operational Picture for multi-sensor correlation and

tracking. Eleven RVSS are slated to be installed in the Detroit Sector to monitor activities along the St. Clair River and five in the Buffalo Sector to monitor activities along the Upper Niagara River. Installation began in the Buffalo Sector in May, and efforts recently started in the Detroit Sector. We expect both projects to be fully operational by early 2010.

**Conclusion**

In conclusion, let me say that SBInet has been both a challenging and also an important program to The Boeing Company. The Project 28 prototype and Block 1 system, which have received a majority of the attention, represent approximately half of the government-funded effort to date. Boeing has invested its own funds in SBInet: we built a systems integration lab in Huntsville, Alabama; we established the Rapid Application Development / Joint Application Development lab in Arlington, Virginia; and we created modeling and simulation tools to support development. These have been significant factors in the program's success to date. Boeing has also leveraged existing capabilities to support SBInet. For example, the entire TUS-1 network was replicated in our existing Network Systems Integration Laboratory (NSIL) in El Segundo, California, to ensure it was operationally robust prior to deployment.

Boeing's support to Customs and Border Protection has extended beyond SBInet. Last year, we supported tactical infrastructure efforts through the Supply and Supply Chain Management task order. Using our supply chain expertise, we procured more than \$440 million or 140,000 tons of steel for use in 290 miles of fence construction. That's the equivalent of three modern-day aircraft carriers. According to September 2008 testimony by then-U.S. Customs and Border Protection Commissioner W. Ralph Basham, between \$63 million and \$100 million was saved.

Our goal has been to provide a complete system, technology and tools to bolster security for the nation, increase agent safety and add value for taxpayers. With the Tucson deployment underway, SBInet now has a baseline to be replicated in future deployments, such as AJO-1. We have a frame of reference from an operational deployment, not just the prototype of Project 28. The Block 1 system remains the core of our effort, and I believe our work over the last few years has lowered risk and increased system integrity. I also believe our work has produced a capability that will give the Border Patrol agents a highly effective tool to enhance border security and improve agent safety. We have now had the opportunity to work in the field with the Border Patrol Agents and have a more thorough understanding of the challenges they are facing. We believe that the Block 1 system architecture we are providing, once deployed, is readily scalable and upgradeable to incorporate new and improved sensors to meet changes in the Border Patrol Agent's mission.

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

Ms. SANCHEZ. Thank you, Mr. Peters, and thank you for coming under time.

Mr. Stana, for 5 minutes or less on your testimony?

**STATEMENT OF RICHARD M. STANA, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, GOVERNMENT ACCOUNTING OFFICE**

Mr. STANA. Thank you, Chairwoman Sanchez, Chairman Thompson, Mr. Souder, members of the subcommittee. Shortly after the launch of the secure border initiative, this committee asked us to review the SBI program and to provide periodic updates on the status of our efforts and interim findings.

My testimony and our report provide our fourth formal update. As you know, SBI is a multi-year multi-billion dollar program aimed at stemming illegal entry into the country. Since fiscal year 2005, SBI has received funding amounting to over \$3.7 billion and DHS has requested over \$779 million for next fiscal year.

I would now like to highlight our observations on program status and challenges. With respect to technology deployment, the SBInet program continues to experience delays. When the SBI contract was let in September 2006, the initial SBInet technology deployment for the entire southwest border was planned to be completed

by early fiscal year 2009, but by February 2009 the completion date had slipped to 2016.

Similarly, in February 2008 the SBI program office reported that TUCSON-1 and AJO-1 in Block 1 would be complete by the end of calendar year 2008. TUCSON-1 is now scheduled for final acceptance by January 2010 and AJO-1 in June 2010.

The cost of the SBInet projects from fiscal years 2007 through 2014 was estimated at \$6.7 billion, but the cost could change due to program adjustments. A lifecycle cost has not been estimated.

Along with environmental issues and funding reallocations, the results of testing activities contributed to these delays. SBI program office officials emphasized, and we agree, that testing is a necessary step of deployment in that it ensures that technology capabilities perform as required.

By February 2009 testing results revealed problems including the instability of camera under adverse weather conditions, mechanical problems with the radar at the tower, and issues with the sensitivity of the radar. The SBI program office is still working with Boeing to address some of these issues.

In a 1-week user evaluation last spring that was not part of formal testing, Border Patrol agents had an opportunity to address the suitability and effectiveness of Block 1 technology compared to Project 28 and mobile surveillance system technology.

The Border Patrol found that on windy days the Block 1 radar had issues that resulted in an excessive number of false detection, and that the capability was not adequate for optimal operational effectiveness.

They also found that the features of the Block 1 camera were insufficient in comparison to features of the Project 28 and MSS cameras. Once all SBInet capabilities are deployed in TUCSON-1, the Border Patrol is to perform a complete operational testing. Provided there are no additional schedule changes, this testing of TUCSON-1 is scheduled to begin in January.

Until SBInet is deployed, CBP cannot determine what operational changes it will need to take full advantage of the new technology. In the meantime, the Border Patrol relies on existing equipment such as cameras mounted on towers that have intermittent problems including signal loss.

During our site visit to Tucson last March, Border Patrol agents told us, as they had during our previous visits, that Project 28 system had improved their operational capabilities but they must continue to work around ongoing problems, such as finding good signal strength for the wireless network, remotely controlling cameras and modifying radar sensitivity.

To fill gaps or augment legacy equipment, SBI program office procured and delivered 40 MSS units, but these units sometimes are not operational because of the need for repairs.

Turning to tactical infrastructure, the deployment of 661 miles of fencing and vehicle barriers along the southwest border is nearing completion. But delays persist due mainly to property acquisition issues.

About 633 miles had been completed and CBP was scheduled to complete the remaining 28 miles by November. Yesterday CBP provided an update of miles completed and remaining and these totals

decreased slightly. About \$2.4 billion has been allocated from fiscal years 2006 through 2009 to complete fencing projects.

CBP estimates the lifecycle cost for the fencing and related roads, lighting and so on, assuming a 20-year lifespan, to be about \$6.5 billion. According to CBP data, as of May 2009, there had been 3,363 breaches in the fence with each breach costing an average of about \$1,300 to repair.

Despite the \$2.4 billion investment in tactical infrastructure, CBP has not systematically evaluated the impact of tactical infrastructure on gains or losses in the level of effective border control.

Such an evaluation is important to help demonstrate its contribution to effective control of the border and to help CBP to determine whether more tactical infrastructure would be appropriate given other alternatives and constraints.

In our report, we recommended that DHS evaluate the impact of tactical infrastructure on effective control and DHS concurred with our recommendation and describes actions recently completed, underway or planned to address it.

In closing, the SBInet program continues to face uncertainties and expectation gaps. Three years ago at the time the Boeing contract was signed, DHS was to have SBInet capabilities across the northern and southern borders as of today.

While this was likely an overambitious goal and lessons have since been learned, schedules have continued to slip. In the meantime, the border control continues to rely mostly on Legacy technology and we remain uncertain about whether the new system will meet the Border Patrol's needs and expectations.

These uncertainties underscore Congress' need to stay closely attuned to DHS' progress to ensure that SBInet deployments work as planned, the schedule stabilizes and that the investments made in the program yield an efficient and effective system that addresses our nation's border security needs.

I would be happy to answer any questions that members may have.

[The statement of Mr. Stana follows.]

PREPARED STATEMENT OF RICHARD M. STANA

Chairwoman Sanchez, Ranking Member Souder, and Members of the Subcommittee: I am pleased to be here today to discuss the implementation of the Department of Homeland Security's (DHS) Secure Border Initiative (SBI) program—a multiyear, multibillion dollar program aimed at securing U.S. borders and reducing illegal immigration. Securing the nation's borders from illegal entry of aliens and contraband, including terrorists and weapons of mass destruction, continues to be a major challenge. In November 2005, DHS announced the launch of SBI to help address this challenge. The U.S. Customs and Border Protection (CBP) supports this initiative by providing agents and officers to patrol the borders, secure the ports of entry, and enforce immigration laws.<sup>1</sup> In addition, CBP's SBI program is responsible for developing a comprehensive border protection system using technology, known as SBInet, and tactical infrastructure—fencing, roads, and lighting—along the southwest border to deter smugglers and aliens attempting illegal entry.<sup>2</sup> Since fis-

<sup>1</sup>At a port of entry location, CBP officers secure the flow of people and cargo into and out of the country, while facilitating legitimate travel and trade.

<sup>2</sup>The SBI Program Executive Office, referred to in this testimony as the SBI program office, has overall responsibility for overseeing all SBI activities for acquisition and implementation, including establishing and meeting program goals, objectives, and schedules for overseeing contractor performance, and for coordinating among DHS agencies. However, as of March 2009, the

cal year 2005, SBI has received funding amounting to over \$3.7 billion. Approximately \$1.1 billion has been allocated to SBInet and \$2.4 billion to tactical infrastructure.<sup>3</sup>

SBInet surveillance technologies are to include sensors, cameras, and radars. The command, control, communications, and intelligence (C3I) technologies are to include software and hardware to produce a Common Operating Picture (COP)—a uniform presentation of activities within specific areas along the border. SBInet technology is to be initially deployed in two geographic areas—designated as Tucson-1 and Ajo-1—within the Tucson sector.<sup>4</sup> In September 2006, CBP awarded a prime contract for SBInet development to the Boeing Company for 3 years, with three additional 1-year options. As of July 8, 2009, CBP had awarded 13 task orders to Boeing for a total amount of approximately \$1.1 billion.<sup>5</sup>

In addition to deploying technology across the southwest border, DHS planned to deploy 370 miles of single-layer pedestrian fencing and 300 miles of vehicle fencing by December 31, 2008. Pedestrian fencing is designed to prevent people on foot from crossing the border and vehicle fencing consists of physical barriers meant to stop the entry of vehicles. In September 2008, DHS revised its goal, committing instead to having 661 miles either built, under construction, or under contract by December 31, 2008, but did not set a goal for the number of miles it planned to build by December 31, 2008. Although some tactical infrastructure exists in all the southwest border sectors, most of what has been built through the SBI program is located in the San Diego, Yuma, Tucson, El Paso, and Rio Grande Valley sectors.

My testimony is based on a report we are publicly releasing today<sup>6</sup> that is the fourth in a series of interim reports on SBI implementation.<sup>7</sup> My testimony will discuss the following key issues in our report: (1) the extent to which CBP has implemented the SBInet technology program and the impact of any delays that have occurred, and (2) the extent to which CBP has deployed the SBI tactical infrastructure program and assessed its results. Our full report also provides a status of SBI program office staffing and the progress the office reports in achieving its human capital goals. I will conclude with some observations regarding our recommendation and DHS's response.

For our report, we reviewed program schedules, status reports, and previous GAO work and interviewed DHS and CBP officials, including representatives of the SBI program office and the tactical infrastructure program office; the Border Patrol (a component of CBP); and the Department of Interior (DOI). We visited three SBI sites where SBInet technology (Project 28) and/or fencing had been deployed at the time of our review.<sup>8</sup> We determined that funding, staffing, and fencing mileage data provided by CBP were sufficiently reliable for the purposes of our report. More detailed information on our scope and methodology appears in our September 2009 report. Our work was performed in accordance with generally accepted government auditing standards.

SBINET CONTINUES TO EXPERIENCE DELAYS, AND BORDER PATROL CONTINUES TO RELY ON EXISTING TECHNOLOGY THAT HAS LIMITATIONS THAT NEWER TECHNOLOGY IS PLANNED TO OVERCOME

SBInet technology capabilities have not yet been deployed and delays require the Border Patrol to rely on existing technology for securing the border, rather than using newer technology planned to overcome the existing technology's limitations. As of September 2006, SBInet technology deployment for the southwest border was planned to be complete in fiscal year 2009. When last reported in February 2009,

tactical infrastructure program office was realigned and is now managed on a day-to-day basis by CBP's Office of Finance Facilities Management and Engineering division.

<sup>3</sup>Remaining funds were allocated to program management and environmental requirements.

<sup>4</sup>The U.S. Border Patrol has 20 sectors in which it is responsible for detecting, interdicting, and apprehending those who engage in illegal activity across U.S. borders between official ports of entry.

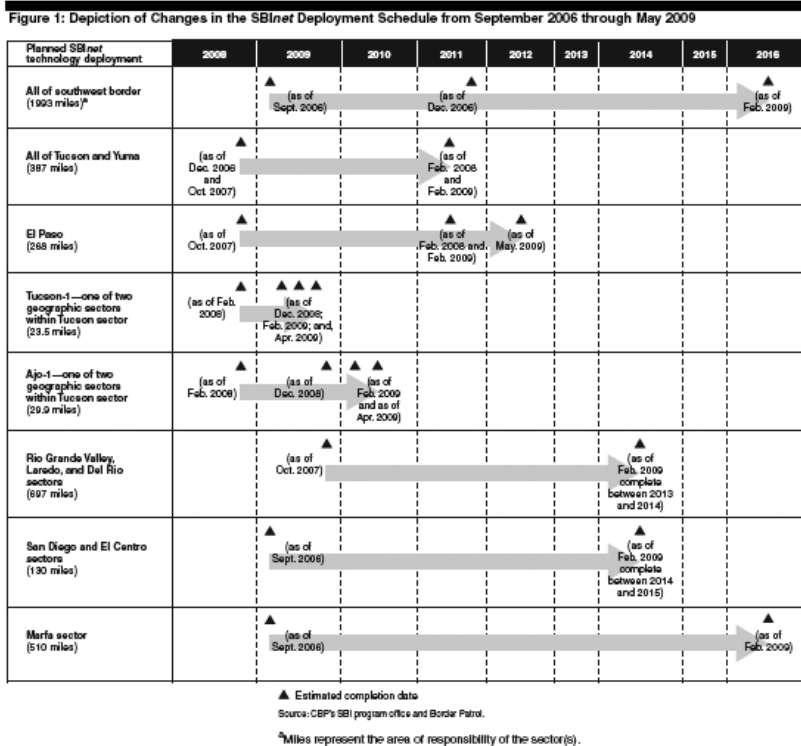
<sup>5</sup>See appendix II of our September 2009 report—GAO, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, GAO-09-896 (Washington, D.C.: Sept. 9, 2009)—for a summary of the task orders awarded to Boeing for SBI projects.

<sup>6</sup>GAO-09-896.

<sup>7</sup>GAO, *Secure Border Initiative: Observations on Selected Aspects of SBInet Program Implementation*, GAO-08-131T (Washington, D.C.: Oct. 24, 2007); *Secure Border Initiative: Observations on the Importance of Applying Lessons Learned to Future Projects*, GAO-08-508T (Washington, D.C.: Feb. 27, 2008); and *Secure Border Initiative: Observations on Deployment Challenges*, GAO-08-1141T (Washington, D.C.: Sept. 10, 2008); GAO-09-896.

<sup>8</sup>Project 28 was an effort to provide a technology system with the capabilities to control 28 miles of the border in Arizona.

the completion date had slipped to 2016. In addition, by February 2009, the schedule for Tucson-1 and Ajo-1 had slipped from the end of calendar year 2008, and final acceptance of Tucson-1 was expected in November 2009 and Ajo-1 in March 2010. As of April 2009, Tucson-1 was scheduled for final acceptance by December 2009 and Ajo-1 had slipped to June 2010.<sup>9</sup> (See fig. 1 for schedule changes over time).



Flaws found in testing and concerns about the impact of placing towers and access roads in environmentally sensitive locations caused delays. By February 2009, preliminary results of testing revealed problems that may limit the usefulness of the system for Border Patrol agents, including the instability of the camera under adverse weather conditions, mechanical problems with the radar at the tower, and issues with the sensitivity of the radar. As of May 2009, the SBI program office reported that they were still working with Boeing to address some issues such as difficulties aligning the radar.

As a result of the delays, Border Patrol agents continue to use existing technology that has limitations, such as performance shortfalls and maintenance issues. For example, on the southwest border, the Border Patrol relies on existing equipment such as cameras mounted on towers that have intermittent problems, including signal loss. The Border Patrol has procured and delivered some new technology to fill gaps or augment existing equipment. However, incorporating SBI<sup>net</sup> technology as soon as it is operationally available should better position CBP to identify and implement operational changes needed for securing the border.

**Tactical Infrastructure Deployments Are Almost Complete, but Their Impact on Border Security Has Not Been Measured**

Tactical infrastructure deployments are almost complete, but their impact on border security has not been measured. As of June 2009, CBP had completed 633 of

<sup>9</sup>The SBI program office defines final acceptance as the SBI program office taking ownership of the SBI<sup>net</sup> technology system from the contractor and comes before handing the technology over to Border Patrol.

the 661 miles of fencing it committed to deploy along the southwest border (see table 1). However, delays continue mainly because of challenges in acquiring the necessary property rights from landowners. While fencing costs increased over the course of construction, because all construction contracts have been awarded, costs are less likely to change. CBP plans to use \$110 million in fiscal year 2009 funds to build 10 more miles of fencing, and fiscal year 2010 and 2011 funds for supporting infrastructure. The life-cycle cost study prepared by a contractor for CBP shows that total 20-year life-cycle costs are estimated at about \$6.5 billion for all tactical infrastructure—including pre-SBI infrastructure as well as that planned for fiscal years 2009, 2010, and 2011—and consisting of deployment and operations and future maintenance costs for the fence, roads, and lighting, among other things.

Table 1: Tactical Infrastructure Deployment Progress as of June 26, 2009

Infrastructure type	Miles in place before SBI*	Miles deployed through SBI as of 6/26/09	Total miles in place as of 6/26/09	Target	Miles remaining to meet target
Pedestrian fencing	67	264	331	358	27
Vehicle fencing	76	226	302	303	1
<b>Total fencing</b>	<b>143</b>	<b>490</b>	<b>633</b>	<b>661</b>	<b>28</b>

Source: GAO analysis of SBI data.

\*Seventy-eight miles of pedestrian fencing and 57 miles of vehicle fencing were in place before the SBI program began. However, since SBI began construction, some miles of fencing have been removed, replaced or retrofitted resulting in mileage totals that are different from those we have reported in earlier reports.

CBP reported that tactical infrastructure, coupled with additional trained agents, had increased the miles of the southwest border under control, but despite a \$2.4 billion investment, it cannot account separately for the impact of tactical infrastructure. CBP measures miles of tactical infrastructure constructed and has completed analyses intended to show where fencing is more appropriate than other alternatives, such as more personnel, but these analyses were based primarily on the judgment of senior Border Patrol agents. Leading practices suggest that a program evaluation would complement those efforts.<sup>10</sup> Until CBP determines the contribution of tactical infrastructure to border security, it is not positioned to address the impact of this investment. In our report, we recommended that to improve the quality of information available to allocate resources and determine tactical infrastructure's contribution to effective control of the border, the Commissioner of CBP conduct a cost-effective evaluation of the impact of tactical infrastructure on effective control of the border.

DHS concurred with our recommendation and described actions recently completed, under way, and planned that the agency said will address our recommendation. For example, DHS commented that it is considering using independent researchers to conduct evaluations and considering using modeling and simulation technology to gauge the effects of resource deployments. We believe that such efforts would be consistent with our recommendation, further complement performance management initiatives, and be useful to inform resource decision making.

This concludes my prepared testimony. I would be pleased to respond to any questions that members of the subcommittee may have.

Ms. SANCHEZ. Thank you, Mr. Stana, and I thank the witnesses for all of their testimony. I will remind each of the members that he or she will have 5 minutes to question the witnesses, and I will now recognize myself for some questions.

Mr. Peters, in your testimony I think it was you who said that Project 28 has become a valuable enforcement tool for the last 18 months. That was part of your testimony, correct?

<sup>10</sup>In program evaluation, scientific research methods are used to establish a causal connection between program activities and outcomes and to isolate the program's contributions to them. GAO, *Program Evaluation: Studies Helped Agencies Measure or Explain Program Performance*, GAO/GGD-00-204 (Washington, D.C.: Sept. 2000).



Mr. PETERS. Yes, ma'am.

Ms. SANCHEZ. Because I am having a little problem really trying to understand what is going on out there, and I haven't been out there for a while, as you know, Chief. Originally, we all thought, a majority of us that Project 28 was actually going to be an operational system that was going to be able to be used by the CBP.

And later we learned that no, now you all thought it was going to be a prototype where you would test different things, and that is about the point, at least the last time that I was out on the Tucson sector looking at it, Chief.

And TUCSON-1 and AJO-1 actually overlapped Project 28. Am I correct? I mean, we spent the money to do Project 28. We thought it was going to be operational. It was just a prototype to test out different things.

Now, you are telling me that it is operational and that it has been useful, but at the same time we are turning that same equipment out, and we are putting in new equipment across AJO-1 and TUCSON-1, which have a big overlap with the original Project 28.

So I guess my question is, if that is the case, why is Mr. Stana telling me that we have less capability or worse equipment on there? Was it cameras or radar that you were talking about, Mr. Stana?

Why is it that it seems to me, not only were you falling behind in time, but were falling behind, and we are spending much more money, but now we have actually got technology that is worse?

Somebody?

Mr. BORKOWSKI. How about I take that? I think what Mr. Stana was referring to in the old technology is the pre-SBInet technology. There is on the border things called remove video surveillance system cameras, those kinds of things. Those are technologies that have been placed, in fact, since before 2000.

So the way I understood the report, and I think Mr. Stana actually did highlight the difference between that technology and Project 28, those are the technologies that the Border Patrol is essentially laboring with awaiting SBI, and I think that was the point of his testimony.

Now against that backdrop, SBInet Project 28 is an improvement compared to those old systems but it is not the production system. So I think that is the context in which we are talking about the old technology.

Ms. SANCHEZ. Mr. Stana, can you clarify that for me?

Mr. STANA. Yes, a couple of different points here just for clarification. Project 28 was supposed to have a leave behind capability for 28 miles of the border. So your observation about why are we overlaying Block 1 stuff on Project 28 is a valid question.

And the answer to that is, is Project 28, while useful to the Border Patrol in its current iteration, is not really what the Border Patrol needs most. I mean, they appreciate the help, and they appreciate the 5,000 apprehensions and the drug seizures and all, but it is really not the end game here.

With respect to—in the meantime, until a better capability comes on board, the Border Patrol will need to use Project 28 assets. We will have to use the RVSS' on the poles, as Mark mentioned, and other technologies, sensors that may not be tied to any kind of a

COP. But until Block 1 comes on and its predecessors and the final design of SBInet is settled on, they are pretty much stuck with what they have got.

Ms. SANCHEZ. Mr. Stana, let me ask you. Your report says that “as of September 2006 SBInet technology development of the southwest border was planned to be complete in fiscal year 2009. When last reported in February 2009,” just this past February, “the completion date has slipped to 2016.” What were the reasons given for this?

Mr. STANA. Well, I think that the contract that was signed by Boeing and DHS way back in September 2006, almost 3 years to the day, was very ambitious and probably overly ambitious.

It called for a completion of the project on off-the-shelf technology largely, to integrate it and have Project 28 be the first iteration, and go forward and actually duplicate it with some modification up and down the border. It would be finished in 3 years.

When they got into it they realized for a number of reasons that was overly ambitious and they didn’t consult with the Border Patrol on design. There were some features there; didn’t realize how tough it was; many lessons to be learned from Project 28.

As the project has matured, they have realized other issues have cropped up. You know camera distance is a persistent problem. Radar clutter on windy or rainy days a persistent problem. And these are issues that they are still trying to get on top of.

Ms. SANCHEZ. So from a technology standpoint, how close are we on TUCSON-1 and AJO-1 to actually be able to use something that is operational, that is at the capability we had imagined in the beginning after getting through Project 28?

We would have for the Border Patrol to actually be able to see people moving, decide where to go and apprehend them, et cetera, because you tell me you have looked at it on a day or two when they didn’t know you were coming in and on a windy day it all fell apart.

Mr. STANA. Well, I am not really sure where we are right now. I think it is good that testing is being done. There is retest plans, re-planning, lots of testing and that is good. The thing that, I guess, is of concern is that the testing is finding two things. One is that the testing is finding the same general kinds of problems with the hardware and the interface and the software.

Ms. SANCHEZ. The same ones as Project 28 had?

Mr. STANA. Well, I mean, if you look at camera distance, which was a problem with 28, radar clutter was a problem with 28. Some of these issues are being addressed.

But I am not so sure, and we won’t know until it is ultimately deployed in January and the Border Patrol takes over for operational testing exactly whether this is going to yield the product that the Border Patrol finds operationally effective. We just won’t know until that kind of testing is done.

The other concern we have is with the way testing was designed and executed, and we have another team in GAO, our information technology team that is looking at those issues. They have surfaced some concerns. Their work will be completed in the next few months.

Ms. SANCHEZ. Thank you, Mr. Stana. I mean, this is important. I also want to come back at some point to talk about the measure and whether we are really going to measure what resources ultimately we are going to have to put towards this if we ever get SBI-net to work enough for you to be able to use it confidently, if you will, Chief Aguilar.

But in the interest of time, I know there is so many members who have questions, I will now recognize for 5 minutes my ranking member, Mr. Souder of Indiana.

Mr. SOUDER. Thank you, Madam Chair. First for the record, Congressman Miller and I on June 8, 2009 asked for a copy of the northern border action strategy, and we would appreciate an answer.

Also, on July 31, 2009, a month-and-a-half ago, three ranking members from Government Reform and Oversight, Natural Resources and this committee plus two subcommittee ranking members, myself and Congressman Bishop asked for the Fish and Wildlife and the Department of Interior overlap with DHS and would appreciate answers to those letters.

Let me plunge directly in where Chairman Sanchez was headed. I think that Mr. Stana's point about "overambitious" is an incredible understatement that some of us raised concerns in the beginning, not about the partners, but about the concept.

You have hilly areas of the border, particularly in that area from Nogales over to where it flattens out by Organ Pipe in the Ajo area. In my district when I am going back and forth between Warsaw and Fort Wayne any little bump, yet alone the hills like in California, will cause me to lose my cell phone service.

It wasn't too hard to figure out that when you have relay towers, particularly when this subcommittee group visited it as a group and we saw the tall towers to try to address that, that the wind was going to blow that.

We already knew that from the military. This would have been transferable information, and I don't believe there was adequate advanced planning before plunging into this contract about the realism of it.

Now what—in TUCSON—1 they have addressed challenges with some smaller towers some taller towers. They are trying to overcome some of the conceptual flaws of how you do this transmission of technology in a mountainous area, how that is different in the flat areas.

There aren't continual flat areas anywhere along that border. Chief Aguilar did some of this over by Douglas in the early primitive forms that kind of identified how do you tell?

In fact, the first time I was at the—I just blanked on the airbase in Saudi Arabia after Khobar Towers before 9/11, they couldn't tell even with far more expensive military technology the difference between a tumbleweed and terrorists coming up on Prince Sultan Air Force Base.

One of my questions has been repeatedly how do we get military technology, which we have already paid for in the government, transferred into border technology?

I have IGT Aerospace, Raytheon, General Dynamics, USSI, DAE all in my district, all who do electronics warfare and so on. I have

been talking to them. SBInet is incredibly cheap compared to anything we do in the military.

And we are trying to do what they are doing in tracking terrorists and what they are doing in military on the cheap, and it has been a struggle. As we get into some of the particulars, let me ask Mr. Peters a question, in your contract, because early on we saw that there wasn't pre-testing prior to coming to the border, you built a testing center, is that correct?

Mr. PETERS. Yes, sir, that is correct.

Mr. SOUDER. Did the government fund that, or how much of that was funded by government versus private?

Mr. PETERS. Government-funded, and Boeing has also made some contributions to that capital.

Mr. SOUDER. Significant?

Mr. PETERS. I don't know the number off the top of my head, and I will get that for you.

Mr. SOUDER. And was your contract on Project 28 a fixed cost, and then you absorbed anything that ran over that cost. Is that true?

Mr. PETERS. Yes, sir. The deployment of the P28 prototype was a fixed cost, and then the Boeing Company brought its resources to complete the project.

Mr. SOUDER. Would you say that you have contributed double what the government did?

Mr. PETERS. Yes, sir, approximately two-times.

Mr. SOUDER. And in TUCSON-1 how is that working?

Mr. PETERS. TUCSON-1 is a different contract, and so we are, you know, we are working to deploy that. We are currently part-way through our SQT, our system qualification test, and we will move into our system acceptance test later this fall.

Mr. SOUDER. The government challenge now is, is that when we invest in something that we basically had too optimistic and ambitious goals and now have this kind of investment. If we switch the partnership group that we have, we lose the testing center and we lose a lot of what you have invested in your private funds, or do we have to pay you for that?

Mr. PETERS. You will certainly lose the non-recurring engineering that, you know, has spent over the past 2 years on TUCSON-1. And then we would have to look at specifically what portions of the Playas site were, you know, Boeing-funded and which were government-funded.

Mr. SOUDER. And we need to understand it because we run into this in military contracting, that this type of contact that we have here where they had to do the cost overruns puts us in a different situation as we develop future alternatives.

Mr. Borkowski, one of the overly ambitious, to use Mr. Stana's words, was that this was going to be able to be communicated to the vehicles. Does that appear realistic, and is that in the future proposals because that would be a great advance? But I know what these systems cost when we transfer them to Humvees, and it is nothing like the cost of what you are proposing to do.

Mr. BORKOWSKI. Correct, sir. The SBInet Block 1 does not include the mobile data terminals, and for several reasons. One is the cost of creating the capability. The other is the operational experi-

ence and the ConOps that we gained. It is a question of do we really get benefit from that. So SBInet Block 1 does not include mobile data terminals to deal with those kinds of questions.

Mr. SOUDER. And Tucson won't either, TUCSON-1?

Mr. BORKOWSKI. Correct. TUCSON-1 is the first deployment of the so-called SBInet Block 1. So the plan for the system will not include it.

Mr. SOUDER. I see. Then so the goal is to go to a center, and then the center communicates it to the vehicle.

Mr. BORKOWSKI. Correct.

Mr. SOUDER. Which is a difference from our original conception of the program?

Mr. BORKOWSKI. Correct.

Mr. SOUDER. But there was no way to cost effectively do the other?

Mr. BORKOWSKI. Correct. Now we are still looking at options if they are required downstream, but they are not in the baseline at this point.

Mr. SOUDER. Because to some degree in the mountainous areas it is easier to get in behind and send the people there than to try to figure out how to transmit this data into a vehicle when the terrain is going up and down. Is that not correct?

Mr. BORKOWSKI. Correct. That is absolutely correct.

Mr. SOUDER. Thank you. Yield back.

Ms. SANCHEZ. I thank the ranking member.

I will now recognize the chairman of the full Committee of Homeland Security in the House, Mr. Thompson, for 5 minutes.

Mr. THOMPSON. Thank you very much. Continuing somewhat along the line of your questioning and the ranking member's, earlier this year the Border Patrol agents had an opportunity to operate the newest SBInet technology at the Boeing test facility.

We have already heard that according to GAO the agents indicated that on windy days the radar had an excessive number of false detections, which is one of the same problems that plagued Project 28.

But the agents also compared the new camera technology to the existing Project 28 and mobile unit cameras and said that the new cameras did not even measure up to the existing ones. Now, is this true?

Mr. BORKOWSKI. It is true that that was the conclusion of the agents, yes. Those are true statements.

Mr. THOMPSON. So the agents don't know what they were talking about?

Mr. BORKOWSKI. No, that is what the agents experienced. But one of the reasons for doing the operational assessment, which was informal, was to test some other things like how well did we explain the operation of the system.

How well did we train the operators to use the system? They are familiar with, for example, Project 28, and a lot of these operators are familiar with the mobile surveillance system.

So one of the reasons for doing that operational assessment was to collect that information, figure out what the problem was, what was the cause of that, and then if in the actual deployment that

really is an issue. So that was the purpose of that was to collect that information.

Now, in many cases we don't think that that problem persists into SBInet Block 1 as deployed in TUCSON-1, but again, that is with the formal operational test and evaluation.

Mr. THOMPSON. So if your testimony to the committee is that it happened, but there were some reasons for it happening, and it has been corrected.

Mr. BORKOWSKI. We believe so. And again, we will see for sure in the operational test and evaluation but we believe so.

Mr. THOMPSON. Mr. Stana, would you want to comment?

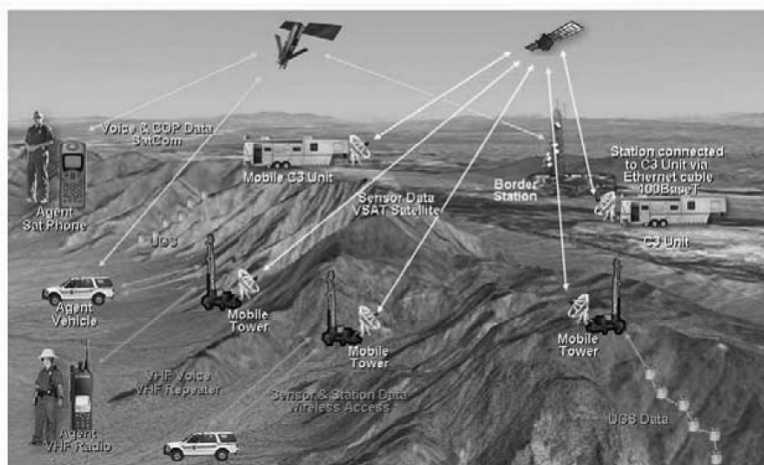
Mr. STANA. Well, first that is why you have testing is to get the bugs out of a system. In this case the Border Patrol agents who tested the system found the bugs that you described, among others, and there was a cause for concern.

The concerns they raised were some on the COP, all the components were integrated, but some was with the hardware itself. If the camera range issue and the radar flutter issues are corrected, I guess I would have to see that in testing before I would buy that, you know, just right away. But that is why we have testing and that is why the operational testing by the Border Patrol in January is going to be very telling.

Mr. THOMPSON. Madam Chairwoman, I have a diagram I want to put on the screen. Well, so much for technology. We have had the information distributed to our witnesses, and what you have before you is the original concept behind SBInet. And what I really want to do is to have you to explain to the committee what specific steps Boeing has taken toward making this technology depicted in this diagram a reality.

[The information follows:]

### Mobile Systems Communications



Mr. BORKOWSKI. Are you asking that question—

Mr. THOMPSON. Well, I guess both Mr. Peters and yourself.

Mr. BORKOWSKI. Okay. The Project 28 which was a prototype, although to be fair not properly advertised as such, attempted to test this concept of operations and to learn from it. So it did have things like satellite communications. It did have things like the mobile data terminals. It did have the kinds of things that are depicted here.

Based on that experience, SBInet Block 1 is a different concept. It is a concept that uses microwave communications and relay towers to send the information from the sensors back to the station and then at the station for agents to dispatch others to respond.

So this concept is not the concept of SBInet Block 1 based on the lessons learned from Project 28 and the current estimate of the operational needs of the Border Patrol.

Mr. THOMPSON. So it was changed?

Mr. BORKOWSKI. Yes, it was.

Mr. THOMPSON. Did that reflect the change in pricing or just the change in technology?

Mr. BORKOWSKI. The Project 28, which as we discussed was a firm fixed price, did overrun, but Boeing had to absorb those costs.

As we have designed the new system, that new system is put on by new task orders which are like new contracts. I mean they are all on this basic contract. And they are priced based on what we know or anticipate we want to do next.

And the go-forward is priced—and by the way, that is a cost reimbursable contract, that means the government will pay what it costs—so those are estimated based on the current concept.

Mr. THOMPSON. Mr. Stana, based on what you just heard, is that a generally accepted procurement procedure?

Mr. STANA. Well, I think it is a generally accepted approach to begin with a project and build on what you can actually make work. That is fine. What is missing here and I don't know if it is fair to ask the Congress to consider a \$6.7 billion investment, if we really don't know what the end-game is going to look like.

And I know there is some development that goes on here, but what this seems to articulate to me is this is someone's vision of the end-game where you will have maybe satellites, UAVs, sensors, mobile units and so on, and I don't know how much of that is still on the table in the out years. So there is just a lot of uncertainties.

Mr. THOMPSON. Well, I think the whole issue of the procurement is what kind of has us in the weeds most of the time, when we are trying to figure out exactly where we are, and perhaps we can get some further direction. Chief, you might be able to help us at some point in trying to clear this up.

I yield back, Madam Chair.

Ms. SANCHEZ. I thank the Chairman.

And I will now recognize Mr. McCaul, of Texas for 5 minutes.

Mr. MCCAUL. Thank you, Madam Chair. Thank the witnesses for being here. Recently I went down to the El Paso Intelligence Center, EPIC, and at that point in time, Juarez was and still is in a state of crisis. It is probably the most violent city in the American continent.

President Calderon has said he is in a war with drug cartels and I mention this only to frame the issue. That is really why we are

here today. That is the threat. That is why getting operational control of the border is so important.

They showed me the fence that had been—the physical fence that had been built in El Paso which has allowed Border Patrol to gain more operational control. But while the physical fence is nearly completed, progress along the lines of a virtual fence using technology, in my view, has barely begun.

And I wanted to reference to a—it is an unclassified notation in a DHS intelligence report saying that “drug trafficking organizations operating in Chihuahua, Mexico use some 300 identified makeshift crossings at low points along the Rio Grande between El Paso and Presidio.” This is according to a Mexican government study cited in a Juarez daily newspaper.

And this unclassified map from the DHS intelligence report shows Chihuahua and the main drug trafficking locations. Despite the evidence that this Mexican state is a source of significant drug trafficking and violence, it is alarming to me that the SBInet project does not anticipate deploying surveillance technology to this section of the Texas—Mexico border, including the Marfa and Del Rio Border Patrol sectors, until after the year 2014 at the earliest—2014.

We have completed the physical fence. Virtually, to the point, why in the world does this take so long to do?

Mr. BORKOWSKI. What we have tried to do is come up with what we think is a reasonable and prudent and acceptable budget, an ambitious but acceptable budget. So essentially the plan that you are describing is a plan that we put forward as how much could we do with the most budget that we could reasonably expect to ask for?

Now, that is not necessarily, by the way, the budget we will get but that was the plan we laid out. The idea I think is to get through this SBInet Block 1 to a point where we can then start stamping these out, essentially, as production.

And then the pace of that depends on funding, one, and then two, any desire to build off of SBInet Block 1, is there anything I want to change in it, as I go into other areas? But that is fundamental where that pace came from. It was the most that we thought we could reasonably ask for in funding, which is not necessarily what we will get, okay, so that all has to be focused in on this, too.

Mr. MCCAUL. Well again this is—we are spending a great deal of money up here in Washington, and yet we still can't get this border situation under control. And it seems to me we ought to be investing more in this technology to get this thing done more rapidly than the year 2014.

You know, my constituents and the American people want this done, and they don't want to wait 5 years to see this thing completed. My governor, Texas Governor Rick Perry, in the mean time because of the crisis down there, has requested 1,000 National Guard troops be deployed and has asked for that from the federal government.

He has not received any response as I am aware to date. Can you tell—can anyone on this panel speak to that request?

Chief Aguilar. The request that Governor Perry has made is still be worked out, being looked at between DHS and DOD. At this



point I cannot give you an update. I will get you what we have as soon as we can, sir.

Mr. MCCAUL. Well, I would hope the secretary would respond to the letter. I think it is important, particularly if we can't get this technology done by the year 2014. It seems to me it is a good idea to get more human manpower and resources down there on the border. Chief Aguilar, would you agree with that comment?

Chief Aguilar. Absolutely. Any kind of capability that we can get down to the border as fast as possible is going to help us secure our border. Just in fairness to Mr. Borkowski out here as to the question that was asked, the lay-down plan, given the capability requirements that we have identified from a technology systems base is what gets us to Texas in 2014.

That is not necessarily saying that is when we want to get there. We would like to get there yesterday, but of course what we are—what we have identified is the capability requirements package that they are working to create, and given the budget that we think we are going to get, that is that lay-down plan timeline for Texas.

Mr. MCCAUL. Thank you, Chief.

And Madam Chair, I hope we can, on this committee and Mr. Chairman, the full committee, work to speed up this process, make it more efficient, more functional so we can finally get operational control of this border. And with that, I yield back.

Ms. SANCHEZ. I think there is nobody in disagreement with you on this committee. As you know, Mr. McCaul, we have been working on this for a while.

I would like now to recognize one of our members who actually represents a border area with some of the most crossings. I believe that would be Mr. Cuellar at this point. Are you ready to go, Mr. Cuellar?

Mr. CUELLAR. Yes, Madam Chair.

Ms. SANCHEZ. Okay.

Mr. CUELLAR. Thank you very much for your leadership in having this meeting. First of all, I want to thank the witnesses for being here, and one of the questions I have, GAO and the other committee I sit in, in Government Oversight Reform, just came out with a report just a couple of days ago criticizing Homeland and the billions of dollars that they have invested in technology.

And saying that it is—I guess you are one of the at risk agencies that we have subject to fraud, abuse, et cetera on that, so start off with that background. And again I appreciate everything that you all do, but I guess it gets us a little frustrated. Being on the border, I have lived near the border and, Chief, you are from the area and you know what it is.

I mean billions of dollars have been invested but, you know, if we don't do our work correctly you are going to have governors saying we have got take things in our hands. For example, Governor Perry came up with saying that he was going to send this, "elite Texas Rangers," which I know because I used to do the budgets for the Texas Rangers.

Do you know—did they coordinate with you in any way or form?

Chief Aguilar. Yes, sir. In fact the Texas Rangers were actually trained by our national tactical team, BORTAC.

Mr. CUELLAR. Okay. Knowing their budget, do you know how many are coming down to the border?

Chief Aguilar. I don't know how many are coming down. I can tell you that I believe there was about 15, give or take a few, that were actually trained by our tactical unit.

Mr. CUELLAR. Okay, so what Governor Perry is talking about, just 15 Texas Rangers that will come in and supplement the work that you are doing?

Chief Aguilar. Yes, sir. I will additionally state that the Rangers, DPS and the county sheriffs have always worked very closely with us in the past.

Mr. CUELLAR. Well, I am talking about this new elite Texas Rangers.

Chief Aguilar. Yes, sir.

Mr. CUELLAR. So 15 for the record, 1,200 miles for the Texas border?

Chief Aguilar. Yes, sir, 1,200 miles, 15 that we trained. Yes.

Mr. CUELLAR. All right. The other thing is is the—and I appreciate the work that Boeing has done. I know there have been questions about the work, but the Defense Department has been working on pilot programs. And I don't know if they have done a pilot program close to Wilmot, Texas in my district there. I think they just finished one in the northwest.

And in sitting down with them, and—is they are saying that, you know, instead of millions of dollars for a, let us say, five-mile radius, they are saying that they can do this in the tens of thousands. And Mr. Borkowski, I think you and I, Borkowski, we spoke a little bit before, you said it is not really what they are, you know, they are—it is not up to par.

But you know, I still go back and I have seen some of the work, but if it is military—and I think, Mr. Souder, I think you might have mentioned this before I got in—but if it is military tested and they have done this in the heat—that was one of the reasons why we had trouble on the SBI at the very beginning.

They have done this before. It is proven, and it is in the tens of thousands of dollars, why the heck are we paying millions of dollars when we can do this in the tens of thousands for the same length that we have?

Mr. BORKOWSKI. Certainly, if we can do what we need to do for tens of thousands, we would like to see that and look at it. We would be happy to look at that.

We are actually and have talked to parts of the DOD. It turns out the applications they are talking about compared to our needs don't always match quite the way they might think. However, I do spend 3 to 6 hours on an average week, talking with Department of Defense people on their proposals, talking with various vendors and contractors because we actually are trying to collect a reservoir of other technologies.

So that we can start, as we gain experience with the SBInet and we are able to measure its effectiveness and we gain experience with some of these other systems, we can start picking and choosing what we put where. So we would be very interested in looking at those.

Mr. CUELLAR. Okay. Mr. Chairman, I have sat down with these folks several times, and I will ask both, Madam Chair, I would love for you all if we could sit down and do a briefing, Mr. Souder, because with all due respect, if we could have maybe Boeing and the departments sit down with the Defense.

I have seen this presentation and unless if I am missing something I would like for somebody to tell me that I am missing something on this, but if we can do the same range for tens of millions, military tested equipment, it has been proven. It is cheaper to the taxpayers' dollars. It is quicker to implement. Why can we not do that? Mr. Chairman or Madam Chair, if you want to set that up?

Ms. SANCHEZ. Mr. Cuellar, actually, as you know, I sit on the Armed Services Committee so we have been talking to the Department of Defense and we have set up a briefing next week to take a look at some of the applications that they have.

I think DHS is correct in saying that they don't exactly match up, but we will have the briefing and an informational meeting so that we can take a look at it and then we can decide, since we set the policy, the Congress does, as to whether what the Department of Defense has done in other areas like Iraq and all and looking at the borders.

For example, whether that technology, because it tends to be less expensive than what we are experiencing here, whether that is applicable and that whether that really, you know, blankets or allows us to feel the confidence level we need at our border.

Mr. CUELLAR. Well and again I—yes. I would like to talk to, you know, sit down because again I have seen this and being on the border, having this type of technology is better than waiting for years and years and years for something. And if we can do this at tens of thousands of dollars, I would like to see this sit down so, I want—

Ms. SANCHEZ. Unless it gets the job done, I think all of us would like to see it. Thank you, Mr. Cuellar, for your questions.

Mr. CUELLAR. Thank you, Madam Chair.

Ms. SANCHEZ. I will now recognize my good friend from Florida, Mr. Bilirakis, for 5 minutes.

Mr. BILIRAKIS. Thank you, Madam Chair. I appreciate it very much. Mr. Peters, share with us your perspective on lessons learned from previous SBInet deployments and areas that the department and Boeing can improve upon to ensure future deployments are completed in as timely and cost effectively as possible.

Mr. PETERS. Yes, sir, be happy to do that. Probably the biggest lesson learned we took away or one of the major ones was the establishment of a test facility in an environment similar to what you are going to be deploying in, and that would be Playas, New Mexico test bed that we established.

Another one was the early user involvement. We talked about P28 being a prototype system developed predominately by engineers. We got very valuable, useful feedback from the users, when they looked at that P28 prototype system, in terms of the human-machine interface. We were able to incorporate that back into the actual Block 1 system design.

We also learned lessons, going back to Mr. Thompson's diagram, learned lessons about latencies that were in the system, the P28

prototype used a Ku band satellite communication system and it introduced latencies into the system. So we knew we had to take those out and we went to a microwave line-of-sight-type communication system in the Block 1 design.

We learned, as we talked earlier, about the wind moving the radar around and introducing clutter into the system, so we had to introduce clutter rejection algorithms into the design. So those things—P28 was a very valuable, and that is why I had it in my opening statement, P28 was a very valuable engineering tool.

In addition to being an enforcement tool for the Chief and the Border Patrol, it was a very valuable engineering tool for us to take those lessons learned and introduce them into the Block 1 design, which is what we will take out to the field, at both Tucson and Ajo.

Mr. BILIRAKIS. Sorry about that. Is the department satisfied with the contracting vehicle for SBInet? Does it provide sufficient protections for taxpayers, if the system doesn't work? Does it prevent large cost overruns, and for example, are there disincentives or penalties for contractor or missed deadlines or program errors that cause delays?

Mr. BORKOWSKI. In general, I would say that the contract we have is awkward. It is not the contract, in hindsight, that probably we should have. It does have the capability to do incentives and disincentives.

Ultimately, the responsibility though for holding the costs and—it is basically the government program management. The contract is a standard contract. It is a standard type of acquisition. It gives us the tools that we do need.

It includes elements like award fee and incentive fee, which adjusts profit based on performance of the contractor. And as we put additional tasks on, we are in the position where we put disincentives.

For example, on the northern border, there are schedule incentives, and if schedules are missed there are penalties for missing them. There are also other kinds of tools that we have outside of the contract.

But I would say that the contract as it is structured is awkward, and as we get to the point where we have this kind of production system that we can start stamping out, we are going to need to look at how do we get out from under the structure of this contract.

Mr. BILIRAKIS. Thank you.

Mr. Stana, in your testimony you noted the concerns about the impact of placing towers and access roads in environmentally sensitive locations have caused SBInet deployment delays. Has GAO quantified the impact these environmental concerns have had on technology deployments relative to the other factors that may be slowing this project up?

Mr. STANA. Well, there were three factors that really tugged at the pace at which the SBI Block 1 was being fielded. The environmental concern was one. There was some confusion whether the provisions of the Secure Fence Act applied to the SBI program. Turns out it didn't, so they had to go through some environmental procedures to place the towers and roads.

The other two were the fencing, you know, getting money reallocated to complete the fencing as much as they could by the end of

2008. And the third is is the SBI program just wasn't ready for full fielding. They had to re-plan and retest.

So even if the environmental concerns weren't there, it is not to say that, you know, they would have met the 2008 date that they originally put out there because there were retest and re-plan issues out there.

We couldn't tell exactly how much each one of those factors tugged, but the fact is that the delays persist and it is not only due to environmental issues. There were other testing issues and the appropriateness and the readiness of technology to be fielded issues that were still there.

Mr. BILIRAKIS. All right, thank you very much.

Thanks, Madam Chair.

Ms. SANCHEZ. The Chair recognizes Mr. Thompson for a comment.

Mr. THOMPSON. Thank you.

Mr. Borkowski, you said the contract was awkward. For the committee's information, who developed the contract?

Mr. BORKOWSKI. Ultimately we are responsible for that contract so we developed it, and we are responsible for its nature.

Mr. THOMPSON. So I would assume that because we now know it was an awkward contract, we won't enter into any more awkward contracts?

Mr. BORKOWSKI. I can't promise that. I hope that we learn our lessons from these kinds of experiences. I have the contract I have, and I have to make the most of it until I am in a position, a reasonable time position to fix it, but—

Mr. THOMPSON. Maybe I need to ask the Chief.

Ms. SANCHEZ. The Chief, I don't think, had anything to do with the contract because he wasn't—weren't you not allowed to even suggest deployment or—

Chief Aguilar. At the beginning we were not involved in the contract, and it would actually be a CBP responsibility over all as to how the contract is actually designed, sir. And I would agree with Mr. Borkowski that at the most opportune time we will look for a realignment, if you will, where it can be done because I agree with Mr. Borkowski. It is an awkward way of doing business.

Ms. SANCHEZ. So let me ask you something because I am told that it is a possibility you may be doing add-on or you may be extending in the very near future. Does that mean the extension or the add-ons are going to be all awkward also?

Mr. BORKOWSKI. The extension of the contract is done and the contract itself has what are called task orders, which are essentially subcontracts. And that is what makes it awkward because the elements of each of these task orders are really connected, but they look like they are independent contracts and that is the awkward part.

Now, the way that we are managing that now is we have imposed requirements on the contractor to connect those so we can work around it. And certainly, though, in the future to the degree that I am in control of the design of the contract, we would not do this in the future, but it is what we have.

Ms. SANCHEZ. I believe, Mr. Souder, I will recognize you. You had a comment also.

Mr. SOUDER. Yes, and I think it is important that Mr. Peters also acknowledge that it was a tad awkward on your side, and that generally speaking Boeing does not have the principle of entering into contracts that cost you more than two times what you get?

Mr. PETERS. Yes, sir, it is an awkward arrangement particularly in a development contract where, as Mr. Borkowski said, you have multiple task orders and they are linked together but contractually they are treated as separate.

That is what makes it awkward. That is what makes it slow and inefficient for the contractor and customer relationship.

Mr. SOUDER. And it is fairly safe to say that, if this project ended now, it would have been an experience you would have rather not been in. The assumption here is that if Boeing can continue it maybe you can recoup back to even.

But one thing that needs to be pointed out here is there was not an enrichment of the private sector in this contract. This was just basically way over-promised and everybody has lost their shirt, so to speak on it, so far.

Mr. THOMPSON. Well, but I think the record needs to reflect that this was a competitive process. It was not a sole source. So Boeing knew they had risk going in and that risk is——

Ms. SANCHEZ. Supposed to be borne by the private sector.

Mr. THOMPSON. Absolutely. Thank you.

Ms. SANCHEZ. Okay. Ms. Kirkpatrick, you have been very vigilant over there waiting for your turn, so I will recognize you, also from a border state, from Arizona, Ms. Kirkpatrick for 5 minutes.

Ms. KIRKPATRICK. Thank you, Madam Chairman, it is an honor to yield to the esteemed colleague from Texas, Mr. Cuellar, so I don't mind waiting. Thank you, panel, for being here.

The security of our nation depends on maintaining operational control of our borders, there is no question about it. And if the SBInet is able to meet our ambitions, it will be a valuable tool in achieving this control.

However, time-after-time, officials from DHS and Boeing have come in and told Congress that the program is back on track, that past problems have been resolved and everyone is ready to move forward. And time-after-time we later find out the old problems have not been fixed and there continue to be delays.

Today we are hearing again the same story. After months of being told SBInet is back on track and ready for deployment, the GAO is reporting that the technology has many of the same flaws it has had for years. This program is too important to keep messing up and needs to get back on track.

Mr. Stana, how much closer are we now than we were 2 years ago to having an operational system that works the way we have envisioned without the operational shortfalls that have been evident in the past?

Mr. STANA. That is a good question, and I don't have a complete answer for you. What I do know is that the testing regimes that have been designed for Block 1 are more rigorous than they were for Project 28 and there were some lessons learned from Project 28 that have been incorporated in the design of the Block 1.

On the other hand, we are seeing the same kinds of issues that we have seen in camera projects dating back into the 1990s, you

know, about camera range and reliability and flutter and these kinds of things. So I guess we will find out when it goes to operational testing.

I share your concern about the optimism. I think Mr. Peters is the third Boeing Vice President that I recall here at the witness table, and each time there has been an optimistic assessment, and I can understand coming from the contractor why that would be.

But I think we have to wait and see exactly what is delivered and is it operationally efficient and effective for the use of the Border Patrol.

Ms. KIRKPATRICK. The second part of my question is why are we not testing until January of next year? Why don't we start testing now, the operational test?

Maybe, Mr. Peters, you can answer that.

Mr. PETERS. We actually are testing but there are phases of tests. There is the test that, you know, the contractor has to sell this off to me as the engineering geek, okay. And so we are going to do that and that is going to start here shortly. In fact, some of it has already started in Tucson.

At that point, I am going to make a conclusion about whether Boeing gave me what I thought they were supposed to give me. When that happens—now, my customer is the Chief of the Border Patrol.

Now, I am going to turn that over to the Chief of the Border Patrol and he is going to make whatever conclusions he chooses to make. That is the testing we are talking about starting in January, so there are steps to get to that.

Ms. KIRKPATRICK. Can that be accelerated?

Mr. PETERS. We hope it can but again the schedule that we have given you is the schedule that we think is reasonable. Again, you know, there are risks, as Mr. Stana says, and I don't want to over-promise. I want to tell you think we have done the best we can at this point to give us the most confidence in that.

We will try to accelerate if we can. We are already working with Boeing on that, but we are not confident that we will succeed.

Ms. KIRKPATRICK. All right. I appreciate your desire not to over-promise. We do not need that now, but we do need a system that is operational. Thank you. I yield back.

Ms. SANCHEZ. Thank you, Ms. Kirkpatrick.

I will now recognize Mr. Rogers for 5 minutes.

Mr. ROGERS. Thank you, Madam Chairman. Thank the witnesses for being here. You know, a little over 4 years ago when I was chairing the MIO subcommittee we did an investigation into ISIS and just thought surely that could never happen again. And it seems like this is eerily similar to the outcome that we saw from that debacle but with a lot bigger numbers.

I would ask Mr. Borkowski and Mr. Stana, could you tell me why you think we have let it happen again?

Mr. BORKOWSKI. I can't tell you why we think we have—

Mr. ROGERS. But with much bigger numbers.

Mr. BORKOWSKI. Right. The only thing I can tell you, sir, is that I think that we have had to build our own competence in managing a program like this and then learning what you have to put in place.

And some of the things that we put in place at the start of this program, in hindsight, were not effective. And so now we are in a position where we can either stop and start over or we can fix as much as we think we need to fix to make the risk going forward prudent, and that is exactly what we are doing, and there are risks in that approach.

So we are trying to fix what should have probably been fixed before this program, but we are doing it in the process of delivering it, and I can't explain how we got here.

Mr. ROGERS. And I just don't understand, just from a technical standpoint, why it is so difficult. I mean, they are basically cameras on a pole, and we have got folks monitoring multiple cameras in a dispatcher format.

I have been out there and I have seen them, and I just don't understand why we are having problems. This is not the most sophisticated technology that our country has. As you just heard the Chairwoman, what we are doing in Iraq is much more sophisticated.

Mr. BORKOWSKI. In some ways it is and in some ways it isn't. And one of the keys things here—well, first of all, there are two things going on here and I will use a little bit of an analogy because what we bet on—and it was probably not a good bet—but what we bet on was that this was like buying a new printer for your computer, and you are supposed to be able to plug it in, when you go home and, you know, the printer is supposed to work.

When I do that half the time the printer doesn't work. It is supposed to, but it doesn't, and I have to go get the CD-ROM and cram it into place and I will eventually get it to work. That is one factor.

The other is I think we miss the point sometimes that this is a network system, okay. That is very important. This is a network system. All of these towers are connected and what that means is that you have got, in the case of TUCSON-1, nine radars, nine infrared cameras, nine electrical optical cameras, all coming together into one pipeline, one communication pipeline.

So there is the process you have to go to manipulate the data from those things to get them all to fit in that pipeline.

Mr. ROGERS. And I understand that, but my point is that is basic technology. We do it here. We have all sorts of information systems here that if we move around just in this one building, just in this one hearing in the televising of it. This is not rocket science. And I don't understand why we can't do that networking along that border in a more effective way.

Mr. BORKOWSKI. We can, and if we had started with the assumption of let us look at the requirement, let us look at what bandwidth we have and so forth and designed systems, we probably would have been okay, but we didn't.

We started with the assumption that we can plug these things together and it will fit. And once we did that we were in trouble because when it didn't fit, we hadn't started from that normal, natural beginning and now we had to make it fit. And so we started the wrong way in my opinion.

Mr. ROGERS. That is true.



Mr. Stana, you used a figure of \$6.7 billion a little while ago. What was that figure about?

Mr. STANA. That is the total estimated cost of SBInet from fiscal years 2007 through 2014. And it is not a lifecycle.

Mr. ROGERS. So that is what I was going to get at. Nobody knows how much this is going to cost.

Mr. STANA. Well, nobody knows what it is going to look like, so how would they know what it costs?

Mr. ROGERS. Right. And I am just amazed that we have spent over \$3 billion already and we don't have a system that works. It is just phenomenal to me. But last, I want to go to Chief and ask about something that I am interested in, blimps.

You know, we use blimps for weather purposes. We use them in the military for aerial surveillance because they loiter. They can stay up for a very extended period of time. Do you currently use blimps along the border for aerial surveillance? And if so, how many and what kind of platforms do you use them for?

Chief Aguilar. We do not currently use blimps. We have tested them in the past out in the field in Arizona specifically. We don't have any now. We do fly some radar aerostats along the southwest border, but they are not surveillance blimps.

One of the things that we are asking Mr. Borkowski, SBInet is specifically to capability. If he believes that a blimp is a proper platform, he will take a look at that. But our—and this is the good thing about the way that the relationship works between the border patrol, the SBInet program and whoever the contractor is going to be.

We articulate requirements. This is what the Border Patrol needs from an operational perspective. They start doing the research and assessing what it is that can bring us that capability in the most efficient, effective and, of course, reasonable manner from a funding perspective.

Mr. ROGERS. Well, I know that you all like the drone, but it is so expensive and the blimps are being used by the military now, by weather services. I would like to see you all look at that. One of my concerns all along about the video cameras on poles is they can be shot out, and it is just a fact, by the bad guys, and you don't get the real high surveillance that allows you to look over into Mexico.

So, but I will try to get a meeting with you, Mr. Borkowski, and talk about more about that later.

Thank you, Madam Chairman.

Ms. SANCHEZ. You are quite welcome, Mr. Rogers.

I will now recognize Ms. Jackson Lee for 5 minutes.

Ms. JACKSON LEE. Let me thank the chairwoman and ranking member for the hearing. The background of a number of my questions will be simply the conditions at the border that I think are well-known and have accelerated over the last year.

The gun running, the explosive violence on the Mexican side of the border spilling over to the U.S. border and the interest of the American people about whether or not this violence can be contained and what elements we are using.

Certainly, SBInet deals specifically with the issues of securing the border in ways that might capture the less endowed criminal

because there are other ways to promulgate the violence that is going on. Mr. Stana, if you would give me what you think is the major Achilles heel of this program, the major indictment of this program, if you would do that?

And Chief Aguilar, would you give me a status of the lawsuits and the negotiations dealing with the fence? This is part fence, part virtual that is at the Texas border? And I would also like to understand why there was an extension of the Boeing contract and what is expected to be accomplished out of that extension.

Mr. Stana, first of all?

Mr. STANA. Okay, thank you. With a broad stroke, I would say getting something that works to spec has been the most difficult part of this program and Project 28 was accepted. It didn't meet all the specifications, but it is within the right of the secretary to accept it and he did back in March 2008. It has been helpful but it has not worked to spec, and now we are seeing the same thing.

I also would note that the spec for acceptance of Block 1 is now a 70 percent identification rate, so that means when you are talking about drug runners or bad criminals, it can be accepted if they can find seven out of 10 of them. And I hope that would come—

Ms. JACKSON LEE. Three can really be explosive.

Mr. STANA. I hope that that metric would come up because, you know figuring that three out of 10 are going to get by and you can still accept the program, as I understand that metric, seems to me a lower bar than maybe we want.

Ms. JACKSON LEE. What about the training of the Border Patrol agents, their understanding, comprehension, comfort level with it?

Mr. STANA. You know, they have been trained to use Project 28. They were trained on the mobile units and then there was delay getting the mobile units fielded and deployed. You know, I think the Border Patrol is doing what it can to train, but until this thing gets deployed, you really won't have the—

Ms. JACKSON LEE. But as Mr. Thompson asked the question about the agents who said they were uncomfortable or couldn't get their hands around it.

Mr. STANA. As we understand the Border Patrol agents were thoroughly familiar with MMS' and Project 28 and the folks that our people talk with sort of dismissed that counterargument.

Ms. JACKSON LEE. Mr. Aguilar, Chief Aguilar, if you want to comment and then add on the lawsuits, please?

Chief Aguilar. Yes, ma'am.

Ms. JACKSON LEE. And then you might be able to—someone jump in on the contract being extended.

Chief Aguilar. Right. I will ask Mr. Borkowski to speak to the contract extension, ma'am, and I will also ask him to fill in some of the gaps with—relative to the land condemnation, the lawsuits that are ongoing currently.

As we speak, we have built about 92 miles of fence just in Texas, and I mention Texas because that is where most of the lawsuits are happening at. We intend to build 115 miles in total. So we have about 23 miles that are caught up in some kind of litigation or concerns having to do with IBWC and things of this nature.

We are working through those lawsuits, through those condemnations, and we fully expect to either build a fence by the end

of this year or articulate a means by which to get the persistent impedance that we are looking to get in those areas where we cannot build a fence because of the ongoing lawsuit.

Ms. JACKSON LEE. I would like to pursue that with you, but if I could get the answer on the Boeing question and what results are we looking for at the end of this year?

Mr. BORKOWSKI. Well, the Boeing contractor—obviously Boeing is in the process of building these things and testing them, so we needed to extend the contract to allow them to do that. And in fact, part of what is awkward about this contract is it has these independent task orders, and those task orders have periods that are not the same as the master contract.

So we extended the contract to allow Boeing to continue the work that was contracted on the task orders because it is a task order contract extension, just provides us the flexibility to continue having Boeing continue the work that was already contracted and, if appropriate, do follow-on work. So that is the reason we have extended the contract.

Ms. JACKSON LEE. On my last seconds, I just think that we need to have a steadfast monitoring of the progress here. This is an ongoing saga of 10 years plus and our borders are screaming for the right kind of security, and America is screaming for the right kind of security.

I look forward to some in-office briefings, and I thank you all very much and I yield back.

Ms. SANCHEZ. Thank you, Ms. Jackson Lee.

And now I will recognize Ms. Miller, from Michigan for 5 minutes.

Ms. MILLER. Thank you very much, Madam Chairman. I certainly want to thank you for calling this hearing, and I want to thank the witnesses as well for their testimony and to the Chief and the Director. Certainly appreciate your service to our country, all of you, and what you are doing, which is not an easy job.

And I am very interested in SBInet, and I actually want to talk a little about what my experience in my region in our sector has been on the northern border. And as always seems to happen, we always talk about the southern border, and believe me, I am not minimizing. I am very cognizant of all the problems we have on the southern border.

But the northern border of our nation is twice as large, as long, and has some similar challenges as well as some unique dynamics as well. And a principal advocacy of mine of course is the northern border.

And it was mentioned a little bit about some of what is happening in the Detroit Sector and the Buffalo Sector with SBInet. But let me just say that our experience is happening very quickly and generally quite positively in regards to SBInet.

And I want to personally thank, if it is not inappropriate, Chief Gallegos, who is the Detroit Sector chief, and I know you guys move around in your business, but I hope you don't—we don't want to lose him. We really like him and he is doing a great job.

And I will tell you, as we have rolled out SBInet in the northern sector—actually, principally in my district, of course we always have—in Michigan you have the map of your state on the end of

your hand here and we are having 11 surveillance cameras put up on the monopoles along this sector, as well as we have a mobile unit at Selfridge Air National Guard Base which is in the immediate geographic area, and it houses all different facets of the military, but the CBP has a large presence there.

And the SBInet is complementing, under the CBP umbrella the Great Lakes Northern Border Wing for CBP which has air assets and water assets, additional personnel is there for a number of reasons, some of the unique dynamics.

Not only do we have sort of an asymmetrical theater going on there with the Great Lakes, the long liquid border that we share with Canada, we have the two busiest border crossings on the northern tier are there.

The busiest rail entry in the northern, the entire country actually, is there. And all of this is happening, and so we have a lot of the same kinds of things that are happening on the southern border.

We are anticipating that we have the ground mission for UAV next year, 2010, there as well, again under the DHS CBP. And the interesting thing for me that has, and I just want to speak to this as a positive experience, is the rollout of all of these surveillance cameras.

You can imagine how we were all very concerned about how the public would say, my gosh, big brother. All of a sudden you are putting these huge surveillance cameras in one of the busiest boating sectors, for example, in the entire world really.

People are out there saying, what do you—you know I am out there having a beer. Are you going to be looking—or women be—whatever. There was a lot of public consternation about the rollout of this.

And I will tell you, our Detroit Sector chief and CBP, how they rolled it out, they brought in all the affected stakeholders, our local law enforcement officers, the county, the sheriff, obviously the Coast Guard which is one of your critical partners, our Canadian counterpart, everybody, and most importantly, the public.

And how the public has accepted this now as not an intrusion into their privacy but something that they are looking forward to, and I think the first thing with SBInet, the very first big bust that we have as a result of these cameras, will dissipate any public hesitation about it and how—what an important critical tool it is, an element for border security going forward.

And I know I should ask a question, but I just want to make the committee aware of what is happening here and speak to this. And I was noticing that the chairman put up here—actually as we look at this, one of the other things that is happening, Mr. Chairman and members of the committee, as well, in our area is something called an Operation Integration Center along the northern border.

Because we have, although in our case we have all the water and everything shown on here, all of these various cameras and various types of things, all of this data, you know you have to collect the data, right? Collect all the data, analyze the data, and then get it back out into the hands of the Border Patrol agents, the brave men and women who are tasked with protecting our border.

And CBP is putting an Operation Integration Center as well at the Great Lakes Northern Border Wing which will be a pilot program for the northern border of analyzing all of this data and utilizing it in an efficient manner.

And I think that is one of the things that we learned from 9/11. That was one of their big recommendations. The ability—you have to move from the need to know to the need to share information amongst all of the agencies.

And I know my time is running out here, but I just wanted to mention that—

Ms. SANCHEZ. Your time has actually run out.

Ms. MILLER. My time has run out. I would invite the committee to come and take a look firsthand of what is happening on the northern border. And again, our experience is very positive. We are much looking forward to this in our area. Thank you.

Ms. SANCHEZ. Ms. Miller, I would just like to acknowledge your continued efforts to talk about the northern border. I know from a political standpoint and what America worries about, they are always talking about the southern border, but the reality is we have three real borders.

We have the southern border. We have the northern border, which is quite open as we still all know, and the resources and all don't seem to get there, and we also have the maritime border. And in particular we were very worried about the Caribbean situation, drugs coming in and people smuggling, et cetera, which also doesn't get as big a play.

And we are hoping on this committee at some point this year or early next year to address both the Caribbean region and as well as the northern border, and I was just talking to our ranking member and we will try at some point, I hope, to make a trip up to the northern border.

We did a few years ago when we went to Niagara, the Niagara—Buffalo area, but it definitely is overdue and as we know, the stronger we become on one side and some of the links we make them stronger then people go to the place where we are not paying as much attention or it is weak or—so we definitely have it on our list, and I thank you for that.

Ms. MILLER. Thank you very much, Ms. Chairwoman.

Ms. SANCHEZ. Our next person will be Mr. Pascrell, of New Jersey for 5 minutes.

Mr. PASCRELL. Thank you, Madam Chair. Madam Chair, the fact is that our inability to find a border security solution that actually works makes it impossible for the Congress to enact real comprehensive immigration reform. That is the bottom line.

And with all due respect, and I thank them for their service, Chief Aguilar, Mr. Borkowski and Mr. Stana and to many respects our friend from Boeing here, not the technology that is the problem. See, I don't think the technology is the problem. It is our inability to articulate a coherent policy for practicing and protecting our borders. That is the problem.

I don't think they are the problem. We are the problem, and the administration is the problem before and now. So you can put more personnel—I mean we just discovered we had a northern border in the last 2 years. I thought that had disappeared, dematerialized.

But you can have more personnel, more walls and fences and more electronics and we are good at that stuff, you know, like to work with that.

But we are not good at accomplishing what we set out to do and that is to have an overall plan and have a clear budget. This budget is certainly not clear to me. Maybe it is clear to all of you.

So Chief Aguilar and Mr. Borkowski, I have a simple question on the actual results we have seen from the Secure Border Initiative. Since fiscal year 2005, SBI's funding has amounted to over \$3.7 billion. This year the Department of Homeland Security has requested \$779 million in SBI funding for the fiscal year 2010.

My question is what are the actual results on the border before and after we had put all this funding into technology on the border? And my second question, and I will have a third one, but my second question, just to be clear, how many more illegal crossings have we stopped in the years since we started SBI as compared to the years before? How many more drug seizures have we made?

How many weapons have we stopped from going across the border because remember, Madam Chair, we weren't even concerned about all the weapons that were going from the United States down into Mexico which are now killing our guys and gals—our guys and gals. We certainly don't want to stop industry do we? So we want those weapons to continue to go over from all kinds of sources. Let us start with those two questions.

Chief Aguilar. Let me begin with the statistics that you asked for, Congressman. The peak year for activity levels was fiscal year 2000, the year of 9/11, 1.6 million apprehensions of illegal entries between the ports of entry. In addition to that, close to a million pounds of narcotics. As we speak we are going to end up this year with about 5-1/2 or 550,000 apprehensions, a decline of over 62 percent.

One of the reasons we have been able to do that—oh, and by the way, the narcotics apprehensions is about 2.5 million pounds, a tremendous increase. One of the reasons for that ability to increase the narcotics apprehensions, we could because our ability to focus on other threats such as narcotics.

When we mitigate the illegal alien incursions we are able to focus our efforts on other threats. One of the reasons we have been able to do that is because of some of these expenditures of funds, some of these expenditures of funds.

Within these \$3.7 billion that you spoke about, we got capabilities to us such as the MSS that was spoken to earlier, mobile surveillance system, which gives us a standalone capability. It is a system standalone capability. It is not networked, but it gives us a tremendous amount of enhancement to our agents.

Mr. PASCRELL. What about the interdictions of weapons going from the United States to Mexico?

Chief Aguilar. We have actually increased our efforts as a department, CBP. Border Patrol is assisting—

Mr. PASCRELL. How many weapons have you confiscated?

Chief Aguilar. I don't have that number for you right now, sir, but I can get it for you.

Mr. PASCRELL. Do you have any idea?

Chief Aguilar. I wouldn't guess at this point, sir. I would rather not. I will get you the number.

Mr. PASCRELL. Is that a priority?

Chief Aguilar. It is a DHS and a CBP priority in which Border Patrol specifically assists, and this Congress has actually given the Border Patrol 44 specific positions for next year in order for us to continue assisting. But the main focus on southbound weapons is by our OFO counterparts at the ports of entry checking traffic southbound. But I—

Mr. PASCRELL. Could you get back to me and let the committee know how many weapons have been confiscated—

Chief Aguilar. Absolutely.

Mr. PASCRELL. —that are going from the United States into Mexico?

Chief Aguilar. Yes, sir. I would also take the opportunity, Congressman, to address something that I think is important because of the level of support that Congress has given to CBP, Border Patrol and DHS, but specifically CBP. Madam Chair, unfortunately I think we may have provided you with some wrong stats.

The number of Border Patrol agents, and I am very pleased to put this forth, as of the 29th of August, was actually 20,000 agents, 20,000 Border Patrol agents. We have grown tremendously.

That along with the capability being given to us right now by Project 28, its evolution, its morphing, its development, its continued enhancements, is helping us tremendously. We still have a lot further to go and we are working very hard because of the recognition that we do need to secure this border as America has demanded.

Mr. PASCRELL. Having a second round?

Ms. SANCHEZ. We will see. Thank you to the gentleman from New Jersey.

When I began this hearing I spoke about metrics and trying to understand whether putting up a physical fence or putting up a virtual fence is really going to allow us to, if you will, take scarce resources and deploy them and use them better so that, in fact, we can bring down the apprehension, bring down the number of people coming across illegally, get the number of drugs that we need to.

And Mr. Pascrell, I completely share your view that until we fix the immigration issue we will continue to have excess people, people trying to get into this country. That really clutters up what we are really trying to do which is to get really bad guys, get the drug dealers, get people who would harm this country.

So unfortunately this is just one piece of that. This is the, you know, the piece of security, and I think it is fair to say that the people in the United States don't believe that we have been doing a good job of securing our borders. And that is why this SBInet, that is why the resources that we are giving to Chief Aguilar and others, that is why the physical fence in places where it does work is so important for this cause.

We need to have a level of confidence in the American public that in fact we can keep people out and we can also catch the bad guys. So I appreciate you bringing up the issue of how important the reform of immigration is.

I would like to at this point recognize a member who we gave unanimous consent to sit on this committee today, who sits on the full committee, actually is the chair of our oversight committee, and he and I have chaired many hearings together, in particular looking at the issues of border security, and that would be Mr. Carney for 5 minutes.

Thanks for waiting around to get a chance to ask your questions.

Mr. CARNEY. Well, thank you for the gracious invitation to attend, Madam Chair, and I have several questions, probably more than 5 minutes worth, but we will not do—this is not the last time we will gather, I am sure, on the subject.

Chief Aguilar, you mentioned earlier in your comments that you have sort of a three-legged stool, that—and it is all interdependent. You know, I think one of the legs, the technology leg, is a fairly wobbly leg. How are you compensating for that?

Chief Aguilar. We are compensating for that wobbly leg by continuing to develop our capabilities within the technology realm. Going from standalone technology, for example, to an integrated system or a network of systems for technology is where we need to get to.

In addition to that—

Mr. CARNEY. But I know what we need to get to but what are you doing now?

Chief Aguilar. Well, as I said, that is part of the actual development that we are going through that Mr. Borkowski is doing on our behalf. Our responsibility as agents is to identify and articulate the requirements that we have.

His responsibility is then to search out a means by which to fill that gap, that void that we have articulated as a need. We have technology. We have standalone technology. We are putting pieces together in a rudimentary fashion, but what we are working towards is that integrated network system that we are—that is what we are requiring. So it is a work in progress basically.

Mr. CARNEY. Putting pieces together in a rudimentary fashion. Okay. Okay.

Mr. Borkowski, I have got to compliment you on a comment you made sort of offhand, but it wasn't lost on me, that P28 was not sold as advertised. I don't know anybody on this committee who thought it was a prototype when they agreed to it, but now it is being sold as a prototype, as to somehow, you know, it is just somehow a bit of a slight of hand. And it just rankles me to hear that as a prototype.

In any event, you said something that was interesting, that you purchased several printers over the course of your time and sometimes, you know, they work half of the time they work as advertised, half the time they don't. You continued to buy those printer products that don't work as advertised?

Mr. BORKOWSKI. You know it is interesting because we had this discussion at the department, and when I had this with senior leaders at the department they said, "Well, you know, that is why you buy a Mac."

But the issue that you have and the question that we always have is if you go to, you know, as an individual when I go to buy, a Mac costs about three times a P.C., and so I am going to make



a conscious decision about do I want to buy—pay the one-third and pay the pain of always cramming in the printer, or am I going to pay three times and have the high confidence in the thing, and that is exactly the situation we are in.

And typically in the government we go with the one-third cost. And I am not saying that was necessarily a bad decision. You know, I am not—you could make that argument either way, but that is essentially what happened to us.

Mr. CARNEY. Mr. Peters, I think you are probably in maybe a better position than your two predecessors, but we asked the question a year-and-a-half ago, maybe 2 years ago now, of one of your predecessors of what happened?

And they said, “Well, we didn’t have the A team in the contract.” I mean, that was their answer. “We didn’t have the A team on there.” I am not sure how far down the alphabet they were, but I want to believe that you are the A team and that you are going to do this well.

We want to be able to believe you, but you have to understand, in the context of what has happened in the past, it is tough for this committee and certainly my subcommittee to believe your words until we see results. And results are going to be absolutely essential and, you know, the trials coming up here in the next couple of months we are going to be paying very close attention.

In fact, it wouldn’t surprise me if we get a request from this committee and my subcommittee to observe them, to be on the ground, you know, when they are going on because we are paying that close attention.

Mr. Stana, the last question is for you and it is a yes or no answer actually. I know it is hard in government, but has the American taxpayer so far gotten what they paid for?

Mr. STANA. No.

Mr. CARNEY. Thank you. No further questions.

Ms. SANCHEZ. And I thank the gentleman from Pennsylvania. Pennsylvania? Pennsylvania. Okay, I want to go back to the original, one of the original things I said, metrics. So one of the discussions, Chief Aguilar, you and I have had over time is we have now given you 20,000 positions.

You have done a great job in finding people, trying to train them, bringing them along and building a culture that is really about getting the bad guys but, you know, most of the people who cross the border really have a reason to be crossing and making sure that people feel confident about that.

My question to you is because we had this discussion, if we get SBInet working and if we put up the physical fence in places as we have, is that going to create more work in a sense for your workforce where you will need more people?

Or is that going to make it a necessity not to have the 20,000 agents that you currently have because the last time we discussed this I believe you said something to the effect, “I don’t really know if my workforce will decline or whether we will just be catching so many more people that I am actually going to need more people to get them, more people to detain them, more people to put them through the process.”

So what is the magic—do you think now and what is the metric? How are we going to judge whether we are just making so much busywork in a sense for us and really not using the scarce resources of the American people to still go after the bad guys?

The terrorists, the person who means to, you know, bring in chemical weapons, which is really, I think, when we look at homeland security, our biggest desire is to really get the bad guys before something happens on our soil.

Chief Aguilar. Yes, ma'am, and we have spoken about this before and thank you for asking the question because I think it is important that at every opportunity we speak to this. First of all, I think it is important that we recognize that the efforts that are ongoing are to secure our borders. Each one of our borders—you articulated three of them and I agree there are three versions of our borders—requires a different enforcement model.

The purpose of the application of the enforcement model is to basically, on the southern border for example, is to mitigate the high level of cross border illegal traffic that is occurring because of the potential for exploitation of that high traffic by not only narcotics traffickers, illegal aliens, but especially the terrorists that are still looking to come into this country.

So applying the right enforcement model comprised of the right type of technology, the right level of technology, the right numbers of personnel, and the tactical infrastructure is critical. The metrics that correlate to that is how do we measure that mitigation of cross border activity?

There are several ways that we use. Third party indicators, what happens to activity that is associated with a high level of cross border activity? We see in San Diego, for example, we use to see a lot of stolen vehicles, people getting run over on the major highways.

We used to see a lot of rapes, murders on the immediate border. We used to see stash houses. We used to see staging on the Mexican side, social costs because of hospitals and things of this nature having to basically cater to this illegal traffic that was occurring.

We measure all of those to gauge what is happening overall from a global perspective as it relates to a specific area of the border. So we take all of those things into account. Some of the things we take into account—assaults against our officers.

We know for a fact that when we are going into an area of operation to gain control, assaults against our officers are going to escalate. They are going to go up. We fully expect that. We train, organize and equip our officers in order to be responsive to that.

So we take a look at all these metrics looking for the outcome of securing our border. On our northern border, I won't go into a lot of detail, but on the northern border we have an absolute need to increase our situational awareness of just what is happening, as Ms. Miller said.

That we at this point, frankly, there are some points on the northern border where we just don't know what we don't know because we are not out there to the degree that we need to be.

So what are the metrics? It is intelligence. It is working with CBSA. It is working with RCMP, working with our IBIS units, our ICE partners, FBI, DEA, interlocking all the intelligence that we

have, getting greater fidelity on that northern border. So those are the metrics that we are looking at.

Now, as we move forward one of the complexities that we are faced with is that we are dealing with the obvious—human criminal aspect. For everything, for every action that we take they are going to react.

Whether it is because they are wanting to come into this country to make a better life or to destroy our way of life, or whether they are looking to come into this country to bring in their narcotics loads. There are certain draws into this country. So that human aspect we have to take into account. We actually play for that displacement.

It is going to move until we are at a point where we have secured our entire southwest border. As we speak, in California on the Pacific side yet—2 days ago we had two loads of aliens that went out 20 miles into the Pacific and then went north 39 miles and then landed. The reason for that is they can't get past us along the land borders in San Diego. That is actually a measure of success.

Coast Guard is involved with us right now so that we take that avenue away from them also. So those are the things that we are tracking. Those are the metrics and that is the way that we pre-plan where it is that we are going.

Ms. SANCHEZ. Thank you, Chief.

Mr. Souder, do you have a couple more questions for, sir?

Mr. SOUDER. Yes. I wanted to make a couple of comments and a fundamental question. Mr. Pascrell and others have talked some about the north border. As somebody who worked narcotics issues for many issues, as well as that evolved into terrorism and did a border report after a series of hearings prior to 9/11, and have worked with Chief Aguilar for many years, let me say that I have visited every state on the north border, have held joint hearings with the Canadians on the north border when I was chair over in the Government Reform and Oversight and before the creation of this committee.

And the problems that we have are common. It is people and contraband. The contraband can be narcotics. The contraband can be chemical weapons. It can be nuclear and it is a constant challenge. The people can be coming for work. They can be coming for terrorism. They can be coming for a variety of reasons, and the problem is that if any can get through, which is almost impossible to stop, then any could be the one carrying the nuclear weapon.

And the challenge is how you get zero tolerance when you have these huge borders and that obviously requires intel, which is critical, and then it requires every strategy. Part of the job of Mr. Stana and your whole agency is to be a pain in the neck and to try to hold the agencies accountable. That you obviously don't have all the information, but it provides an independent check and we need to hear that constantly.

I don't know whether or not this program ultimately will be justified in cost. Quite frankly I was one of the early skeptics because I felt this was an excuse to avoid building a real fence and dealing with it and it was too massive of approach rather than a building block approach, and if you did 28 miles, when you have as long a

border as we are and put this much money in 28 miles it wasn't going to be workable.

I don't agree with the statement that some of us didn't raise that question in the very beginning. We had questions as to what the deal was with this. The prototype was an ideal structure that in the military world would have been incredibly expensive. In this world we didn't have the dollars to do it.

You can see certain advantages with the UAVs going up. You can see where the gun is. Our agents that have been killed in California, had they had technology to tell them that there were three guys there with a gun he wouldn't have been assassinated.

If you can see at Organ Pipe where a park ranger was killed, if we would have had information that would have been able to get down to them there they would have been able to see where his gun was. They would have been able to see where the drugs were.

That is incredibly expensive, and the question is what can we do that is reasonable, that is workable on both borders to add technology to the people and to the other methods that we use?

And because they are always going to change. Chief Aguilar definitely made a terrific point in that is what we deal in narcotics all the time. The degree you push them out more you increase their expense. You have reduced the numbers. You have more chances that they will trip up, more chances that you will see them, and the whole reality here is, is that we are never going to reach 100 percent.

But the degree we make it harder, the more likely are that you are going to catch them and we are much more aware than we were on 9/11.

Now, my fundamental question is that there were some signs that you are going to look at SBInet in January and see whether it would proceed. And at some point if we are going to do the whole border, particularly if we are doing the north, too. Congress still hasn't seen a—what the range of the cost of this project is.

The only way we can do that is to take, okay, here is what we did for 28 miles. Now we are doing that with TUCSON-1. Are we going to extrapolate that? What percent of that do you extrapolate?

Then you wind up with these huge figures that scare Congress off. Ultimately we need some sort of "effective control" of the border. Do you see yourself evolving towards another strategy? A faster strategy, a more of a building block strategy, what do you see Mr. Borkowski?

Mr. BORKOWSKI. We see ourselves as going to a building block strategy. So what we have at this point is we have a plan that if it is appropriate that talks about covering the whole border. And we need to be prepared to execute that plan. But like you, we don't have all the data we need to convince ourselves that that is the right plan.

It may make more sense to be a little more selective about where we put this. So for example, one of these areas of responsibilities covers about 20 to 40 miles of border. That is roughly the range. And it costs us, loosely speaking, about \$50 million to cover that, you know, to put it in. Now, there is the operation cost.

So you can start to see that as we figure out what the effectiveness of this is, compared to other lower costs or other types of tech-

nology, which is the reason I am having these 3 to 6 hours of meetings every week, to collect those other technologies. We will gain some experience here and then the department is going to be in a position to say, okay, we are prepared.

We are prepared to cover the whole border, but before we do that let us take some of this experience and say is that really the most cost effective way to mix infrastructure, technology and personnel in all parts of the border?

So our strategy has been be prepared to do it. Get to the point where you are prepared to do it as quickly as told, but also make sure as you do it you have incremental steps where you can check. And we can have this discussion about how much is the right amount in each part of the borders so then we are——

Mr. SOUDER. And then it is important for anybody who is watching this hearing or reviews the record of this hearing, to understand that while we are focused on this sector of Arizona which continues to have, plus Douglas, the most intense pressure, although we don't know what we don't know.

The fact is that your agency isn't just focusing on this area because we talked just beforehand about what is being done at Big Bend and Amistad in Texas. Congresswoman Candice Miller just talked about selfridge. You are working the whole border. It is just this is the most intense area because it is the most tense area of conflict and numbers. I yield back.

Ms. SANCHEZ. And I might remind my ranking member that the border is much more than just the land border also. There is a reason why we are called the Border, Maritime and Global Counterterrorism Subcommittee. Engages quite a bit.

Mr. Pascrell, do you have a question or two?

Mr. PASCRELL. Thank you.

I want to ask Mr. Stana about standards. I know that Homeland Security keeps on changing the goal. It makes it more difficult for them to do, and the other folks, to do what they have to do.

It is my understanding that at various times when it has become apparent that the SBInet would not be able to meet established performance criteria, that the department has simply lowered its standards rather than fixing the problems with the system.

At one point there were nine such criteria, and we talked about this a few years ago. Now there are three. At one point the system was supposed to identify and classify 85 percent of the entries. Now it is only 70 percent. So Mr. Stana, what can you tell us about the performance criteria for both Project 28 and TUCSON-1? How do they compare and are we grading on a curve?

Mr. STANA. With respect to Project 28 the criteria there was 95 percent plus or minus 5 percent, so that was much higher. For Block 1 I believe the objective is 85 percent, but the threshold for acceptability is 70 percent. I would hope that over time that bar would go up a little bit. That seems a little bit low.

I think, you know, 2010 is going to be a crucial year with these operational tests, and if the technology turns out to work and, you know, with a few tweaks or right out of the gate that is great. We all hope it works.

If it doesn't then perhaps the department needs to think about a plan B because this is the second prototype in essence after

Project 28 and if it this doesn't work with appropriate metrics, then what?

Mr. PASCARELL. Well, let me ask you this question. I mean you anticipate it. You have looked at this and you have overseen the situation for quite some time now. You have witnessed the changes I have talked about, the goals changing. What is the main problem here? Since we are not satisfied here—it is quite obvious—both sides of the aisle as to what is happening down there?

And then it is not any way a reflection on the hard work that the chief does and the other folks have done. But we are not getting it done. And while that is not getting done we are not responding to the major problem of immigration.

In fact, the economy of America has more to do with the immigration than any of our brilliant ideas here about how we are going to make sure we know who comes into this country from wherever they are coming, north, south or, you know, from planets. It doesn't matter. What is your analysis?

Mr. STANA. Well, I would put it this way. This is a very difficult thing to do. We can talk about hooking up printers and I think that—and I understand that he is trying to use a metaphor here, but it almost simplifies the task at hand, and maybe we are still having an expectation gap here. Is the technology really ready to do what we have contracted for it to do? That is one thing.

The second this is is that I think in setting contracts that talk about the whole northern and southern border in 3 years and, you know, now we are—it seems like every time we have one of these hearings everything is going to be fixed and we are disappointed.

Maybe it is just—is time to really think about whether this is the way to go? Are cameras really of sufficient rigor and technology to get the 10-mile range that maybe the Border Patrol might like? Are the radars really able to deal with the winds that you have to expect down in Arizona? Or is there another plan?

I know the Border Patrol likes MSS' as sort of a stopgap for small areas and they have their problems, too. But in thinking about this, and it is a good question, maybe the grand plan is something that isn't achievable right now given the current state of technology, and maybe, depending on what happens in 2010, it might be time to think about other options.

Mr. PASCARELL. I want to thank you for your honesty, and I ask this question to you because I respect your acumen in this area. Perhaps maybe we ought to get the immigration policy first before we deal with the border situation because wouldn't—if we had a robust immigration policy that we can come together, both sides, that would certainly affect the traffic on any of our borders.

And it might simply save us a lot of money, and doing what we are doing is not succeeding, not to the extent that we want it to. I am very concerned of putting our men and women in jeopardy if we are not clear about the policy in the first place, and I would suggest that we are not. I will stand corrected if I am wrong.

And I have seen too many valleys in this thing and not enough peaks, and I am concerned. We have been here together, whether we were before when we were a select-committee before we were even a committee, you know, I have been here trying to do it to the best of my ability, to be in—to be something hopefully positive.

Ms. SANCHEZ. Thank you, Mr. Pascrell.

Mr. PASCRELL. I think we are headed in the wrong direction. That is my opinion. I don't know. I am not going to ask you whether you agree or disagree, but—

Mr. STANA. Well, I am not a policymaker, Mr. Pascrell. I just try to provide information and analysis.

Mr. PASCRELL. Thank you.

Ms. SANCHEZ. The gentleman's time has expired anyway so we will lose that.

Mr. SOUDER. I want to say—

Ms. SANCHEZ. Go ahead, Mr. Souder, just a comment.

Mr. SOUDER. I would like to say something that the other members can't really say. The republican administration overpromised the ability of technology to do this, and we would appreciate that the new administration doesn't overstate it. Come in with realistic goals, realistic budgets and that we will try and address it from there.

Ms. SANCHEZ. And I think overall what you are hearing from this committee is that we are very concerned about securing the border, and I think we have worked in a very bipartisan manner to attempt to do that and keep the politics out of this, although as Mr. Souder and I were just discussing, there are always politics involved whether it is immigration policy or the border, et cetera.

I have one more question for you because as the chairwoman of this subcommittee in particular, again, one that is titled Border, Maritime and Global Counterterrorism, as you probably hear—and I hear this over and over and we talk to our membership.

Some of us have made some trips to some of the areas. There are more areas to be secured. We were talking about the Colombia drug issue.

Chief Aguilar, you spoke about how people are avoiding the land now and they are going around and coming through the ocean. We have a real open area as far as the Caribbean arena, and so there has been a lot of bantering around, especially at some of my members about the fact that they go and they travel and they take a look at these things.

I want to ask both Mr. Stana and Chief Aguilar, do you think it has been worthwhile for the members to come out and actually take a look at, for example, SBInet, to go over and talk to the Mexican officials about border violence that is happening?

Do you think we should be going to the northern border? Do you—just what is happening and talking to the Coast Guard and what is going on, for example, in the Pacific or the Caribbean?

Do you think that is worthwhile or do you think we should just take Mr. Stana's and your word for what is happening out there?

Chief Aguilar. You should not take our word for it. I would absolutely recommend that you continue going out to the field. And it is a very complex matter that we are handling. It is in requirement of a comprehensive approach and the enforcement model that I spoke to earlier is very specific to each one of those borders and even within those borders within specific areas it needs to be literally designed for the area we are focusing on.

I would absolutely love to have you and the rest of the committee members out there. I think it is critical that you get a look at it firsthand. Absolutely yes.

Ms. SANCHEZ. Mr. Stana, how do you feel about that?

Mr. STANA. Yes. Well, I would like you to take my word for things, but I think it is absolutely essential. I get down there three or four times a year and the Border Patrol and Air and Marine are good enough to take us around and, you know, up in the helicopter. There is no substitute for seeing it firsthand, seeing what works, what doesn't work, what the challenges are.

It sounds awfully simplistic sometimes to say well, you put this camera and this radar together and a COP and everything is going to get—it is difficult. The terrain is difficult. The challenges are there, and I think getting down there is one way to gather a first-hand appreciation for the difficulty of this task.

Ms. SANCHEZ. I appreciate your comments, and I just want to remind all of you and in particular Mr. Peters, you didn't have too many questions—representing Boeing there. I just wanted to let you know this is not about a witch hunt.

This is about trying to figure out how we make a system work because the American people have not only tasked with spending the money to do so, but we have such broad issues out there that affect so many people on a day-to-day basis.

That if we can't get this under control, if we can't work together and we can't figure it out, you know, it is very difficult to work on some of these and have the confidence to work on some of these other issues that are out there.

So I want to thank all of you for being before us today, for your valuable testimony. I want to thank the members for having attended so well, and members of the subcommittee may have some additional questions for you. We will put them in writing. We hope you will get them back to us as quickly as possible.

And hearing no further business, this subcommittee stands adjourned.

[Whereupon, at 12:23 p.m., the subcommittee was adjourned.]



## APPENDIX

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### QUESTIONS FROM CHAIRWOMAN LORETTA SANCHEZ FOR DAVID AGUILAR AND MARK BORKOWSKI

*Question 1a.* The Committee understands that recently constructed border fencing is already in need of repair in many places along the border. The Government and Accountability Office (GAO) noted that each breach in the fence costs on average \$1,300 to repair. Moreover, GAO reports that the overall 20-year life-cycle cost for the fence is estimated to be \$6.5 billion.

What is the total cost of repairs for border fencing already constructed?

Answer. Since March of 2008, CBP has expensed \$7,509,688 for contracts on fence maintenance for the El Centro, Yuma, Tucson, Laredo and El Paso Sectors.

*Question 1b.* What is the current status of procuring maintenance services for the border fence?

Answer. Short term maintenance contracts are currently in place for the Yuma, Tucson, Laredo, and El Paso Sectors. Additional short term maintenance contracts for the San Diego, El Centro, Marfa, Del Rio and Rio Grande Valley Sectors are scheduled to be awarded during first quarter of fiscal year 2010. These contracts will be in place until the long term "Comprehensive TI Maintenance and Repair" (CTIMR) contracts are awarded.

*Question 1c.* Please describe CBP's long-term strategy for fence maintenance.

Answer. The long term strategy for fence maintenance is to be provided through the "Comprehensive TI Maintenance and Repair" (CTIMR) contracts covering all nine Sectors. The strategy is for CBP to set aside two of the four contracts to small businesses and the remaining two to full and open competition. The first CTIMR Request for Proposal is currently under development, with contract awards scheduled for fiscal year 2010.

*Question 2.* Last year, CBP reprogrammed approximately \$400 million from unobligated SBInet funds, along with funding from other Department accounts, in an effort to complete construction of border fencing by the end of 2008. How did the reprogramming of funds affect the schedule and deployment of SBInet?

Answer. The funding that was redirected from SBInet to the Tactical Infrastructure program last year effectively eliminated the potential to complete SBInet deployments in Arizona by the end of 2011. However, even with the full funding, meeting this SBInet deployment schedule would have been high risk due to technical and management challenges. When CBP re-planned the SBInet deployments within available funding, we were able to step back, make trade-offs between risk and schedule, and provide enhanced testing and engineering rigor before we resumed deployment.

*Question 3.* According to a recent GAO Report (GAO-09-896), CBP has not systematically evaluated the impact of tactical infrastructure on the border. This finding is very troubling considering the \$2.4 billion investment that American taxpayers have made in this infrastructure.

Considering all the funding that Congress has provided for fencing and the \$400 million in reprogramming that CBP directed last year for fencing, why hasn't CBP completed this type of study?

While apprehensions have generally decreased along the southwest border, how do you account for the rise in apprehensions in the San Diego sector, where fencing has been present for some time?

Answer. The Government Accountability Office (GAO) report entitled Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed (GAO-09-896) recommended that Customs and Border Protection (CBP) conduct a cost-effective evaluation of the impact of the tactical infrastructure's contribution to border security. CBP concurred that this study would be beneficial and has since committed to completing this study by the end of calendar year 2011.

The Office of Border Patrol (OBP) recently met with a representative from the DHS Center of Excellence for Border Security and Immigration (co-located at the University of Arizona at Tucson and the University of Texas at El Paso) and discussed CBP's need to analyze the impacts of tactical infrastructure on border security. The Center of Excellence, established through the DHS Science & Technology Directorate, has an open task order with the Department of Homeland Security. OBP is currently developing its Fiscal-Year (FY) 2010 spend plan for allocation of the necessary funding to facilitate the study and ensure its completion by the end of calendar year 2011.

Border security cannot be achieved through fencing alone; rather, it requires the appropriate combination of tactical infrastructure, personnel, and technology. Nevertheless, immediate and continuous access to the border is a critical component to achieving control of the border. Tactical infrastructure provides access to the border, as well as additional time to respond to an illegal entry by deterring or slowing the criminal element's ability to easily cross the border and escape.

The Secure Border Initiative has deployed an additional 24.6 miles of fencing in the San Diego Sector (SDC) since fiscal year 2007. Most of these projects were completed at the end of calendar year 2008.

Apprehension Data:

- fiscal year 2006 Apprehensions 142,108
- fiscal year 2007 Apprehensions 152,460
- fiscal year 2008 Apprehensions 162,347
- fiscal year 2009 Apprehensions 118,705
- Apprehensions for SDC were down 27 percent when compared to fiscal year 2009—fiscal year 2008 respectively

Border Security:

- Effective Operational Control
  - SDC currently has 50 percent of the Area of Responsibility under Operational Control (30 Miles), 10 of which have been achieved in the past three years
- Secure and Safe Border
  - Reduced volume of activity
  - Reduction in drive throughs
  - Displacement of activity to the coastline
- Quality of life has increased as evident by the vitality of the San Ysidro and Otay Mesa communities / businesses

QUESTIONS FROM CHAIRWOMAN LORETTA SANCHEZ FOR TIMOTHY E. PETERS

*Question 1.* In your testimony you referred to Project 28 as a "prototype." This Committee went to great lengths trying to determine exactly what the Border Patrol was receiving with Project 28: a "prototype," a "test bed," or an "operational tool." Every term means something different and raises certain expectations. Can you state for the record what the Border Patrol will be receiving in Tucson 1?

Answer. Project 28 (P28) was a prototype, requested by the department in the Request for Proposal to create a segment of the offeror's concept of operations to "demonstrate the feasibility of the proposed overall solution" (Section M, Factor 7, p. 100 of the SBInet RFP).

Tucson 1 (TUS1) is the first deployment of an operational segment using the Block 1 SBInet configuration. It will cover approximately 23 miles of border and consist of nine sensor towers, eight communications towers (four new and four upgraded existing towers), a new common operating picture (COP) software package, a command and control facility, and associated warranties.

*Question 2.* According to the Government Accountability Office, Project 28 technology currently in place is of limited use to Border Patrol agents because they are forced to work around shortcomings with the wireless network, camera controls, and radar. What would you tell agents in the field who are waiting for Tucson-1 to be deployed with the expectation that it will offer them more operational utility than its predecessor?

Answer. As Chief of the Border Patrol David Aguilar testified to Congress on September 17, 2009, P28 is operational and provides effective support to our operations.

As part of the Project 28 prototype, Boeing provided 50 Mobile Display Terminals (MDTs) in vehicles to demonstrate the feasibility of providing Common Operational Picture (COP) like capability to vehicles in the field. This capability, which utilizes wireless network technology, requires the vehicle to be within range of a P28 tower with unrestricted line of sight. The rough terrain in the P28 area created problems for this type of communication design and it did not provide reliable connectivity for the agents. As a result, the MDT was not included in the Block 1 design. In

order to understand the feasibility of the use of MDTs, a CBP chaired communications working group was created to study the future communications architecture options. Boeing has subsequently developed MDT software which leverages commercial infrastructure and is ready to proceed once the communications working group determines which wireless network architecture it wants to adopt. This capability will be available for use in deployments beyond Block 1.

One of the early trades done on the Project 28 prototype was to determine the type of communication system used to transmit data between the towers and headquarters. The trade study recommended the use of satellite communications which avoided the lengthy process of getting frequency allocations needed for the microwave line of sight concept as well as cost and schedule for erecting repeater towers. The use of satellite communications included an inherent latency in the response time between command input from the user and response of the sensor in the field. This was particularly noticeable in the camera control. The system being deployed utilizes microwave line of sight and, where possible, fiber optic communication links. The use of microwave line of sight technology significantly reduces the response time of the sensor to the Border Patrol agent's input, and therefore, significantly improves the camera control performance.

The radar integration on Project 28 the default command set provided by the radar manufacturer for integration into the COP. During integration testing it became apparent that additional command settings for "tuning" the radar would be needed to address different weather conditions. Block 1 has integrated the full radar command set to the COP, and currently, has provided four "user selectable" weather settings for the operator.

The Boeing Team has been in active communication and collaboration with the Border Patrol since 2007 to provide a system that meets their needs. The Block 1 configuration is the result of this input from the user in both formal and informal communications as well as a detailed, formal requirements definition process. The system, which will go through Systems Acceptance Test, will meet or exceed the requirements established for it in the contract and will have the look and feel determined by the Border Agents involved in its development.

*Question 3.* One factor that likely contributed to the flaws with Project 28 was insufficient component testing prior to deploying the system into the field. The Committee understands that the Boeing testing facility in New Mexico was built to resolve many of these testing issues. In addition to the testing facility, what is Boeing doing differently this time to ensure that problems with Tucson-1 are identified and rectified in a timely manner?

*Answer.* The processes used for P28 and for the SBInet Block 1 system are significantly different. The P28 concept was developed by the Boeing Team during the proposal preparation period and involved only limited interaction with the customer as set out in the RFP. The RFP required bidders to propose a task order to build "one or more modules" (Section L-12, Subpart A.5, p. 88 of the SBInet RFP) of their proposed concept of operations that could be constructed in eight months time for a fixed price of \$20 million. To meet this objective the Boeing Team used a "Prototype" approach to develop, integrate, and test the P28 system. The competition also provided that the government could award this task order to the winning bidder, "without negotiations or discussions," which they exercised. Subsequent to the award, discussions with the Border Patrol were restricted by policy that was in place at the time.

Development of the Block 1 system including the TUS1 deployment is being run as a standard development contract under the FAR. This includes a formal requirements definition process, trade studies, extensive testing of hardware and software at all levels, milestones reviews, etc. The Boeing Team has established a number of facilities to test system components, subsystems, and systems in a laboratory environment and in an environment representative of its deployment. Boeing built a Mission Analysis and Assessment Lab and a Rapid Application Development1 Joint Application Development (RAD/JAD) Lab, both in Arlington, Virginia. These labs enabled us to incorporate Border Patrol Agent inputs in both the geographic laydown of the system and as features in the design of the Common Operational Picture (COP). In addition we set up a System Integration Lab in Huntsville, Alabama, and a full system test facility in Playas, New Mexico to ensure component and systems tests were conducted in a controlled and geographically representative environment. While the situation and schedule of P28 did not accommodate component testing, the program now has the time and the facilities to thoroughly test the system at all levels. Likewise, the interaction with the users, which was severely limited in P28, is robust and healthy in the Block 1 development. All of this ensures that problems are identified early and addressed in a timely manner.

QUESTIONS FROM CHAIRWOMAN LORETTA SANCHEZ FOR RICHARD STANA

*Question 1a.* In the past, GAO has discussed a number of reasons SBInet was at risk of failing to meet user needs and operational requirements or performing as intended. These reasons included ambiguous schedules, lack of clear definitions and baselines, ineffective testing, and poor management. Many of these same problems also affected earlier technology programs such as the Integrated Surveillance Intelligence System and the American Shield Initiative.

What parallels, if any, do you see between SBInet and the Department's previous failed border security technology programs?

Answer. There are some parallels between SBInet and previous border security technology programs. In February 2006, we reported that the Integrated Surveillance Intelligence System (ISIS)—a system composed of sensors, databases, and cameras—was subsumed into the American Shield Initiative (ASI).<sup>1</sup> The goals of ASI were to address ISIS capability limitations and support the Department of Homeland Security's antiterrorism mission. We reviewed the ASI program and found, among other things, that the program had not established the people and process capabilities required for effective program management. While the program had defined and begun implementing a plan to manage program risks, it had not yet defined key acquisition management processes, such as effective project planning, and contract tracking and oversight. As a result, the program risked repeating the inadequate contract management oversight that led to a number of problems in deploying, and operating and maintaining the ISIS technology. At that time, DHS had decided to reevaluate ASI within DHS's broader border interior enforcement strategy, the Secure Border Initiative (SBI). In September 2008, we reported that DHS needed to address significant risks in delivering SBInet, including program planning issues.<sup>2</sup> For example, we reported that ineffectively defined and managed SBInet requirements and ineffective management of testing activities increased the risk of SBInet not meeting mission needs and performing as intended, as well as the chances of expensive and time-consuming system rework. Furthermore, in June 2009, the DHS Inspector General reported that the U.S. Customs and Border Protection (CBP) had not established adequate controls and effective oversight of contract workers responsible for providing SBI program support services.<sup>3</sup> Furthermore, the DHS IG reported that CBP had not provided an adequate number of contracting officer's technical representatives to oversee support services contractor's performance. As a result, contractors were performing functions that should be performed by government workers.

*Question 1b.* Given all your findings, do you believe that the DHS-Boeing partnership will produce an effective technological solution to secure the border within the next year?

Answer. At this point, it is hard to tell whether DHS and Boeing will produce an operational SBInet technological solution, with an initial deployment, to secure the border within the next year. In February 2009, preliminary results of testing revealed problems that would limit the usefulness of the system for Border Patrol agents, including the instability of the camera under adverse weather conditions, mechanical problems with the radar at the tower and issues with the sensitivity of the radar. The SBI program office oversaw Boeing's efforts to rework and retest these issues, but as of May 2009, the SBI program office reported that they were still working to address some issues, such as difficulties aligning the radar. Initial user assessments conducted by Border Patrol officers comparing the performance capabilities of existing technology and new technology testing also showed potential issues with cameras and radar as compared with existing technology. Testing of the system has continued as DHS and Boeing move toward final acceptance, at which point the government takes ownership of the system. Following final acceptance, scheduled for January 2010 for Tucson-91 and June 2010 for Ajo-1, the Border Patrol will conduct operational testing to determine how the system works while in use. Until this operational testing gets underway and its results become known, it will be difficult to know whether or not the SBInet solution will meet Border Patrol's needs.

*Question 2a.* We understand that Boeing and the SBInet program office have begun to incorporate the independent validations of the Army Test and Evaluation Team into their testing and product assessments.

<sup>1</sup>GAO, *Border Security: Key Unresolved Issues Justify Reevaluation of Border Surveillance Technology Program*, GAO-06-295 (Washington, D.C.: Fed. 22, 2006).

<sup>2</sup>GAO, *Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investment*, GAO-08-1086 (Washington, D.C.: Sept. 22, 2008).

<sup>3</sup>DHS-OIG, *Better Oversight Needed of Support Services Contractors in Secure Border Initiative Programs*, OIG-09-80 (Washington, D.C.: Jun. 17, 2009).

How valuable are these independent validations for the SBInet program?

*Question 2b.* Given the concerns you have raised about SBInet over the years, do you believe there should be a larger role for these independent assessments?

Answer. While GAO has not conducted a review of the value of the Army Test and Evaluation Team's independent validations for the SBInet program, independent validations are generally very useful, as recognized by DHS itself in its acquisition guidebook. Such validations should provide objective and unbiased conclusions regarding the system's operational effectiveness and suitability from a source other than the program office, user representative, or vendor who might have an interest in presenting a more positive picture of the system's capabilities.

*Question 3.* In your recent report on SBI (GAO-09-896), you point out that CBP has procured 40 Mobile Surveillance System (MSS) units to fill the gaps or augment existing border security technology, until a more comprehensive system can be deployed under SBInet. It is the Committee's understanding that while these MSS units aren't without their own limitations, they have radar and camera capabilities that meet or exceed those offered by Project 28 or Tucson-I. Given the amount of time and money that has been spent trying to deploy an operational SBInet system, does it make sense to look at MSS units or other technologies that might be of use to the Border Patrol?

Answer. Until SBInet capabilities are deployed across the southwest border, Border Patrol agents are using existing capabilities, supplemented by more recently procured MSS units, but these do have limitations and are not a substitute for newer technology. As we reported in September 2009, Border Patrol officials said that the MSS units represent increased operational capabilities for the Border Patrol. In addition, in a user assessment, Border Patrol agents noted that the features of the camera to be deployed in Tucson-1 were insufficient in comparison to features of the Project 28 and MSS camera. However, MSS units are not connected to a Common Operating Picture and, thus, require an officer to operate each one. In addition, SBI program officials and Border Patrol noted that the units were not designed to be used 24/7 and that at any given time, a unit may not be operational because of the need for repairs. For example, as of April 2009, 15 of the 23 units at Border Patrol's Tucson sector were operational. These MSS limitations underscore the importance of DHS's SBInet testing and evaluation activities in 2010. If SBInet is deemed not ready for deployment or if the technology does not meet Border Patrol needs, other options may need to be considered to assist in controlling the nation's borders.

