

**SECURING OUR BORDERS—OPERATIONAL
CONTROL AND THE PATH FORWARD**

HEARING

BEFORE THE

**SUBCOMMITTEE ON BORDER AND
MARITIME SECURITY**

OF THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

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SECURING OUR BORDERS—OPERATIONAL CONTROL AND THE PATH FORWARD

Tuesday, February 15, 2011

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

The subcommittee met, pursuant to call, at 10:00 a.m., in Room 311, Cannon House Office Building, Hon. Candice S. Miller [Chairwoman of the subcommittee] presiding.

Present: Representatives Miller, Rogers, Quayle, Duncan, Thompson, Cuellar, Sanchez, Christensen, Higgins, and Clarke of Michigan.

Also present: Representative Jackson Lee.

Mrs. MILLER [presiding]. The Committee on Homeland Security, the Subcommittee on Border and Maritime Security will come to order. The subcommittee is meeting today to hear testimony from the chief of the Border Patrol, Michael Fisher, Richard Stana—is from the Government Accountability Office, and from Laredo, Texas, Mr. Mayor Raul Salinas, to examine the metrics that the Border Patrol uses to determine operational control of the border. I will now recognize myself for an opening statement.

First of all, I certainly want to welcome all of our witnesses, every one of you. I had a chance to meet you all before the hearing. I have had a chance to talk to the chief several times. I appreciate, certainly, all of your service and particularly the chief with the Customs and Border Protection, U.S. Border Patrol.

Your men and women on the front line working 24/7 tirelessly. We—on behalf of the entire Congress, I am sure share my true—truly, on the front line working so much to secure our Nation's borders. So we appreciate this.

This hearing provides the opportunity to examine the concept of operational control of the border. Operational control has sort of become a buzz word of choice when describing how much or how little of the border the Border Patrol can effectively control. The American people rightly expect and demand that we achieve operational control of the border, that the preamble of the United States, of course, says that the first and foremost responsibility of the Federal Government is to provide for the common defense.

I don't think we can provide for the common defense if we cannot protect the sovereignty of our Nation by securing our borders. According to the Border Patrol, 1,107 miles are currently under effective operational control.

Today I want to explore the metrics that the Border Patrol utilizes when they announce that these miles are under operational control because, interestingly, in the budget justification documents, apparently there is not a plan to gain any additional miles for the rest of fiscal year 2011 or fiscal year 2012. I am sure there will be some questions raised about those documents.

The U.S. Border Patrol's most recent *National Strategy*, which was released in 2004, is predicated on this concept of operational control. In fact, their strategy declares that all of our efforts must be and are focused on this goal.

Last week in this hearing room, Homeland Security Secretary Janet Napolitano said, "It is important to recognize that operational control is a very narrow term of art in border patrol lingo. It does not take into account infrastructure. It does not take into account technology, which is a force multiplier."

As well, she said that, "Operational control should not be construed as a kind of overall assessment of what is happening on the border." If that is true, I would ask: Should we even be using this to look at the effectiveness of our efforts to control the border? How can we reassure the American people that their Federal Government is, in fact, accomplishing one of our principle missions?

We must secure our borders. We must gain and maintain control of the border. We cannot continue to cede U.S. sovereign territory to drug cartels, to human traffickers, to smugglers and potential terrorists. Nor can we allow hundreds of thousands of people to break our laws and cross the border each and every year with impunity for any reason. We are either a Nation of laws, or we are not.

We all understand the challenges that our Nation faces along our Southern border, but sometimes I feel that what is happening on the Northern border does not get the attention that it deserves. I am looking very much forward to working with my Ranking Member, Mr. Cuellar, who is an expert on the Southern border. I, of course, coming from Michigan, have the Northern border of interest and my principle advocacy.

It was interesting last—I guess, a couple of weeks ago now, actually, the GAO released their report, which said that we only had 69 miles of the Northern border, which is less than 2 percent out of the 4,000 total miles, under operational control. Of course, we have spent about \$3 billion on security along the Northern border. So I will be asking our witnesses today what they think about all of that.

The situation on the Southern border is not significantly better, according to the operational control miles. Currently, 873 miles under operational control out of almost 2,000 miles. Of course, we hear stories almost every day about the rancher who was gunned down, the husband being killed on the lake that straddled the border, a seasoned Border Patrol agent being ambushed, missionaries being targeted merely because they drove a newer type of truck, model of truck.

So, Secretary Napolitano might say that the border is not out of control. I think some might beg to differ. This committee will be looking into all of those kinds of things.

Actually, up until last year, the Department of Interior had some signage up in Arizona. We had had some photos of it before. I don't think we have them here now today. But the signs read, "Danger, Public Warning. Travel not recommended. Active drug and human smuggling area. Visitors may encounter armed criminals and smuggling vehicles traveling at high rates of speed. If you see suspicious activity, do not confront. Move away, and call 9-1-1."

This is in America. This is happening in America. It does not seem that that would be operational control of a border. It seems like we are ceding our sovereign territory to criminals.

So as well, I would argue that the American people do not believe that allowing hundreds of thousands each year to enter our Nation illegally is consistent with having operational control. As the Border Patrol rightly points out, it will take a combination of things: Technology, personnel, infrastructure to secure the border. There is no one-size-fits-all. We will be exploring all of those and what our proper priorities should be, on the committee as well.

So again, I look very much forward to hearing the witnesses' testimony. At this time, the Chairwoman now recognizes the Ranking Minority Member of the subcommittee, the gentleman from Texas, Mr. Cuellar, for his opening statement.

Mr. CUELLAR. Thank you very much, Madam Chairwoman. First of all, I want to begin by congratulating you on the Chairmanship of the Subcommittee on Border and Maritime Security. I enjoyed serving with you on this subcommittee in the 111th Congress. I look forward to working with you in this Congress. So again, congratulations.

I know we have several areas of common interest, given that we represent border districts, one in the Northern side that you represent and one on the Southern part that I represent. I think together we can work together to address the security of the United States.

I look forward to working with you to ensure that the Department of Homeland Security has the tools needed to secure our borders while it also ensures the free flow of legitimate trade and travel, which is the lifebloods of so many border communities like yours and mine.

I would also like to welcome all the new Members to our subcommittee, both Democrats and Republicans. On the Democrat side, we are fortunate to have two Northern border members, Representative Higgins and Representative Clarke also and also representing the coastal area, Representative Christensen also. So that way we can cover the North, the Southern, of course, the coastal area also.

Given the knowledge of many of the issues before the subcommittee, I know that they will contribute a great deal to our work in the weeks and months. I certainly want to welcome our new Members to this committee.

Today we are here to receive testimony of the DHS use of personnel, technology, infrastructure to gain operational control of the Nation's border. One of the things that, certainly, we want to look at is that the United States has long attempted to obtain control of its border with varying degrees of success. One of the challenges surrounding the issue of operational control of the borders is defin-

ing the term itself, like you and I were referring to a few minutes ago.

I am also hopeful that today's discussion will lead to a definite understanding of the term and our path forward regarding effective border policies and practices. DHS has increased its efforts in recent years to enhance border security. We both, as Democrats and Republicans in Congress, have provided the resources necessary to help to do that, for example, the \$600 million, which is the largest infusion that we have ever put at border security that we did this last year.

In my home town of Laredo, we have first-hand knowledge of the challenges along the Southern border and, of course, the responsibility to provide tools to enhance the border security. I certainly want to hear from our mayor on that particular point.

One thing I would also mention, Madam Chairwoman and to the Members of the committee, is to make sure that we understand the work that we have done and understand some of the facts. I am from the home town. My family lives there. I go home every weekend. Certainly, I want to make sure people don't think it is a lawless society down there, which it is not.

In fact, if you look at since 1990, crime in the Nation's 24 border communities has dropped a dramatic 30 percent. You look—and I am sure Chief Fisher will talk about even the number of people coming across has gone down also for different reasons. So I want to make sure that when we talk about some of the issues—the missionary, the person that got killed on Falcon Lake, that we are talking about things—that doesn't it make right—but things that happened on the other side of the river.

Certainly, I have always been one of those strong supporters of—program to make sure that whether it is ICE agents or other Federal law enforcement, that we go into Mexico to deflect the drug cartels there instead of just playing defense on our side, which we need to secure our border. But we have to understand the big picture. It is a multi-dimensional, which is, again, the bad guys are on the other side. So we certainly have to disrupt also.

So I look forward to making sure that we look at border security, but at the same time, making sure that we keep in mind on the Southern border that when you look at the number of goods and personnel that come into the United States, where a lot of times we put the focus on the airports and seaports. But about 88 percent of all the goods and merchandise that come into the United States come through land ports.

So whether it is the Northern ports or the Southern ports, we have got to make sure we find that balance between security and the legitimate trade and tourism, which is so important to the United States. So achieving this operational control of these areas, especially between the ports of entry, will be meaningless unless we provide adequate resources to the ports to enhance security and facilitate trade.

So, Madam Chairwoman, I look forward to working with you with our Ranking Member that led us and, of course, with a new Chairman, Chairman King. I want to thank you and the committee.

I certainly want to thank our witnesses, the mayor from my home town, Laredo, who is a former FBI agent and also a former Capitol police also here and has that type of experience.

So with that, I yield back. Thank you, Madam Chairwoman.

Mrs. MILLER. Thank you very much. I appreciate you mentioning the new Members that you have. Mr. Clarke, of course, I have known for years from the Detroit area.

Let me also introduce—and I should have done that at the beginning. Our two Members here that are freshman Members of the House and have come to our subcommittee. We certainly appreciate their passion for the border issues and we're looking forward to working with: Ben Quayle from Arizona and Jeff Duncan from South Carolina. So I appreciate that as well.

At this time, the Chairwoman now recognizes the Ranking Member of the full committee, and that is the gentleman from Mississippi, Mr. Thompson, for any statement that he may have.

Mr. THOMPSON. Thank you very much, Madam Chairwoman. I, too, welcome you on your maiden voyage as Chairwoman of this subcommittee.

Today's hearing comes at an important juncture in the Department of Homeland Security's efforts to secure America's borders. Just last month, Secretary Janet Napolitano announced the cancellation of the SBInet program. After over 4 years and nearly a billion dollars spent, there is little to show for this program. Like its two predecessor programs, SBInet failed to live up to its promise.

In this case, the third time was clearly not the charm. While I am pleased that Secretary Napolitano took this long-overdue step, I want to know more about the Department's plan to deploy alternative border security technology along the border. I hope Chief Fisher can share some of the information with the subcommittee on that today.

I would also like to hear from the other witnesses before us about what technologies they believe would help better secure our borders. Mr. Stana has a long history of evaluating the Department's efforts in this regard. Mr. Salinas offers a unique perspective with his law enforcement background, as already indicated, and as mayor of a key city along the U.S./Mexican border.

Proven, cost-effective technology is an essential complement to Border Patrol agents and infrastructure and is particularly valuable in areas where agents and infrastructures are sparse. DHS, border communities and American taxpayers cannot afford another failure.

Beyond the issue of technology, I have long supported a comprehensive border security strategy as a means for achieving border security. Today the various agencies that play a role in border security each have their individual strategy and planning document. The Border Patrol has its own strategy, for example, but there is no single Government-wide or even DHS-wide strategy setting forth how the agencies are going to work together to secure the borders.

Given the number of agencies spread over different departments that play a role in this effort, such a strategy is essential to success. DHS should consider developing such a strategy in coordina-

tion with its Federal partners and in consultation with border community governments, law enforcement, and stakeholders.

It is also important to note that being successful at achieving operational control of America's borders means more than just securing the areas between the ports of entry. America's ports of entry are vital to legitimate trade and travel, but are also used by individuals seeking to enter this country unlawfully or smuggle narcotics and contraband.

Similarly, we must remember that our security challenges are not limited to the Southwest border. Our Northern and maritime borders are sometimes forgotten, perhaps because politics often trumps policy in these discussions.

These borders may not have the same number of apprehensions or drug interdictions as the Southwest border, however, they are vast, often remote, comparatively unguarded areas that provide opportunities for illicit activities and potentially even terrorists to enter our country. We cannot have operational control of our borders without figuring out a way to secure these challenging areas.

Likewise, as the 9/11 attacks and the attempted attack on Flight 253 on Christmas day, 2009 showed us, securing the process by which visitors travel to the United States is also essential to obtaining control of our borders. Meaningful border security will only be achieved when we know who and what is coming into this country, whether by land, sea, or air.

I would like to also thank our witnesses for joining us today. I look forward to their testimony.

I yield back, Madam Chairwoman.

Mrs. MILLER. Thank you.

Other Members of the committee are reminded that opening statements may be submitted for the record. As we have said, we are very pleased to have a distinguished panel of witnesses that are in attendance this morning on this very important topic. I will introduce all three, and then we will start with the chief.

Chief Michael Fisher was named chief of the U.S. Border Patrol last year in May. Chief Fisher started his duty along the Southwest border in 1987 in Douglas, Arizona.

He successfully completed the selection process for the Border Patrol tactical unit in 1990 and was later selected as a field operations supervisor for the tactical unit assigned to El Paso, Texas for 4 years. Following this, he served as a deputy chief patrol agent in the Detroit sector and as an assistant chief patrol agent in Tucson, Arizona.

Richard Stana is the director of Homeland Security and Justice Issues at the Government Accountability Office. During his 27-year career with GAO, he has directed reviews on a wide variety of complex domestic and military issues while serving in the headquarters, in the field, and overseas offices as well. Most recently, he has directed GAO's work relating to immigration, customs, law enforcement, drug control, corrections, court administration and elections systems.

Mayor Raul Salinas is the mayor of Laredo, Texas. Mayor Salinas was elected mayor in 2006. He is a retired FBI agent, having served the bureau for 27 years and most recently, serving as an assistant legal attaché at the U.S. embassy in Mexico City. Mayor Sa-

linas started his career in Washington, DC serving as a United States Capitol Police officer.

So, again, we appreciate all of them coming. I will open the floor to Chief Fisher for his remarks.

Chief.

STATEMENT OF MICHAEL J. FISHER, CHIEF OF THE BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Chief FISHER. Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of committee, it is a privilege and an honor to appear before you today to discuss U.S. Customs and Border Protection efforts to secure our borders, operational control, and our path forward. Over the past few years, the goal of our National strategy has been to gain, maintain, and expand operational control utilizing the right combination of personnel, technology, and infrastructure.

Our tactical definition of operational control as a narrow term of art is the extent to which we are able to detect, identify, classify, respond to, and ultimately resolve all threats within the theater of operation. Operational control and the specific levels is the means by which we assess the requirements to achieve the goal.

Operational control is not, in and of itself, an assessment of border security. Allow me to explain.

The current levels of operational control, controlled, managed, monitored, and low-level monitored all start with the phrase, "A zone may be considered controlled, for instance, when resources are at such a level that." Then the corresponding definition describes some key aspects that allow our field commanders to determine which level of control is appropriate for a specific zone.

Now, because we have been in the gain mode over these last few years, we used these levels to assess how many agents, number, and type of technology and infrastructure was needed in each area of the border to achieve an acceptable level of operational control. Acceptable level of operational control is either at the controlled or managed definition.

Twice a year we ask the chiefs in the field to report how they assess each zone within their areas of responsibility relative to the levels of activity and corresponding resources that were received. In essence, we ask the field leadership how they are deploying their resources and what they have accomplished as a result.

As we have realized increases in agent staffing, protection technology, pedestrian fence, vehicle barricades, and border access through roads, we have seen decreases in illegal cross-border activity along the Southwest border, in particular, and have incrementally reported higher levels of operational control. Operational control is not the absence of illegal activity. It simply indicates the condition along the border that informs our field leadership how and to what extent the resources that have been applied either reduce the threat of dangerous people and dangerous things entering our country and the extent to which these resources mitigate any potential vulnerability within their areas of responsibility.

Our way forward and the new strategy that will be applied will be risk-based. We will depend on information and intelligence to

tell us the intent and capability of the opposition while continuously assessing our border vulnerabilities. We will be more mobile, agile, and flexible than our adversaries. We will rely heavily on our Federal, State, local, Tribal, and international partners to ensure operational integration.

Finally, we will define the doctrine through non-traditional and unconventional approaches heretofore not explored. Now, I have witnessed the evolution of the border over the past 24 years, both in terms of increased resources applied against the threats as well as the change in the adversaries' tactics, techniques, and procedures. Our strategy will take this into consideration and provide a level of border security that the American people require and ultimately deserve.

However, as the Secretary stated last year, "We live in a world where we don't provide guarantees. We provide the ability to identify and minimize risk and to respond quickly should a risk materialize. But if something happens in the United States, we also have to have confidence as a people that we will be able to respond."

However, I will guarantee that I will spend every waking hour assessing our border security risks. I will continue to provide the requisite support to the brave men and women of CBP who selflessly stand on our borders to protect this Nation. I am honored to wear the uniform with them and will serve them and you with distinction and pride.

I want to, again, thank you for the opportunity to testify today. I remain confident in our collective ability to secure our borders. I thank all of you for your support.

The border is a dynamic environment, and we will continue to strive to meet the demands of today as well as the challenges of tomorrow. I look forward to answering your questions. Thank you.

[The statement of Chief Fisher follows:]

PREPARED STATEMENT OF MICHAEL J. FISHER

FEBRUARY 15, 2011

INTRODUCTION

Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the committee, it is a privilege and an honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts to secure our Nation's borders. I am Michael J. Fisher, Chief of the United States Border Patrol.

As America's frontline border agency, CBP's priority mission is to protect the American public, while facilitating lawful travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of our borders while facilitating the flow of lawful people and goods entering the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

OVERVIEW OF BORDER SECURITY EFFORTS

Over the past 2 years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources to the Southwest border. We have more than doubled the size of the Border Patrol since 2004; quintupled the number of Border Liaison Officers working with their Mexican counterparts; doubled personnel assigned to Border Enforcement Security Task Forces; and began screening southbound rail and vehicle traffic for the illegal weapons and cash that are helping fuel the cartel violence in Mexico. CBP also received approval from the

U.S. Department of Transportation's Federal Aviation Administration to increase the miles of airspace available for Unmanned Aircraft System (UAS) operations, enabling CBP to deploy UASs from the eastern tip of California extending east across the border into Texas—covering the entire Southwest border for the first time. Further, in January of this year, CBP's operational airspace along the Northern border expanded by nearly 900 miles, allowing CBP UAS operations from the Lake-of-the-Woods region in Minnesota, to the vicinity of Spokane, Washington.

In addition, we have now constructed 649 miles of fencing out of nearly 652 miles where Border Patrol field commanders determined it was operationally required, including 299 miles of vehicle barriers and 350 miles of pedestrian fence. We have also improved our technological capabilities, including by installing remote video surveillance cameras in the Detroit and Buffalo Sectors, among other technologies.

Further, the Southwest border security supplemental legislation that based on the administration's recommendations and was signed into law in August 2010 provided DHS additional capabilities to secure the Southwest border at and between our ports of entry and reduce the illicit trafficking of people, drugs, currency, and weapons. Specifically, this bill provided funding for improved tactical communications systems along the Southwest border; two additional CBP unmanned aircraft systems; 1,000 new Border Patrol agents; 250 new CBP officers at ports of entry; and two new forward operating bases to improve coordination of border security activities.

In addition, President Obama agreed to the temporary deployment of up to 1,200 National Guard troops to the Southwest border to contribute additional capabilities and capacity to assist law enforcement agencies as a bridge to longer-term enhancements in the efforts to target illicit networks' trafficking in people, drugs, illegal weapons, money, and the violence associated with these illegal activities. These National Guard troops are providing Entry Identification Teams and criminal investigation analysts in support of these efforts.

Beyond these measures, in recent months we have taken additional steps to bring greater unity to our enforcement efforts, expand coordination with other agencies, and improve response times. In Arizona, CBP created a joint command to bring together Border Patrol, Air and Marine, and Field Operations under a unified command structure. We are improving coordination with supporting military forces on the Southwest border. In partnership with the Drug Enforcement Administration, and with support from the Department of Defense, we are standing up the new Border Intelligence Fusion Section in the El Paso Intelligence Center, which will develop and disseminate a comprehensive Southwest Border Common Intelligence picture, as well as real-time operational intelligence, to our law enforcement partners in the region—further streamlining and enhancing coordinated Federal, State, local, and Tribal operations along the border. Additionally, we are continuing to work with Mexico to develop an interoperable, cross-border communications network that will improve our ability to coordinate law enforcement and public safety issues.

In addition, the Border Patrol has increased partnerships with Federal, State, local, and Tribal law enforcement agencies, as well as with the public and private sectors. Coordination and cooperation among all entities that have a stake in our mission has been, and continues to be paramount. CBP is working closely with Federal, State, local, Tribal, and international partners to increase intelligence and information sharing. This information sharing increases understanding of evolving threats and provides the foundation for law enforcement entities to exercise targeted enforcement in the areas of greatest risk. As actionable intelligence indicates that there may be a shift in threat and smuggling activity from one geographic area to another, CBP will adapt and shift resources to mitigate the threat. This intelligence-driven approach prioritizes emerging threats, vulnerabilities, and risks—greatly enhancing our border security efforts.

Along the Northern border, the Border Patrol has partnered with the Canadian law enforcement community as well as other Federal and State partners through Integrated Border Enforcement Teams (IBET). The mission of the IBETs is to enhance border security by identifying, investigating, and interdicting individuals and organizations that pose a threat to National security or are engaged in other organized criminal activity. In the maritime sphere, CBP, U.S. Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard coordinate integrated operations to combat illegal maritime smuggling through the Caribbean Border Interagency Group (CBIG).

An example of our collaborative efforts along the Southwest border is the Alliance to Combat Transnational Threats (ACTT) in Arizona. ACTT utilizes a collaborative enforcement approach that leverages the capabilities and resources of the Department of Homeland Security in partnership with more than 70 law enforcement agencies in Arizona and the Government of Mexico to deter, disrupt, and interdict

individuals and criminal organizations that pose a threat to the United States. Through ACTT, we work with our Federal, State, local, and Tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing; and develop coordinated operational plans that strategically leverage the unique missions, capabilities, and jurisdictions of each participating agency.

RESULTS

Since 2004, CBP has used “operational control” to describe the security of our borders. However, this measure did not accurately represent the Border Patrol’s significant investments in personnel, technology, and resources or the efforts of other DHS Components who are engaged in border security such as ICE and the U.S. Coast Guard. Operational Control as applied by the U.S. Border Patrol is the ability to detect, identify, classify, and then respond to and resolve illegal entries along our U.S. Borders. The term is tactical in nature and by current use can only be achieved by incrementally applying resources to a point where field commanders can consistently respond to and resolve illegal entries. Operational as a measure however does not accurately incorporate the efforts of CBP partners and the significance of information and intelligence in an increasingly joint and integrated operating environment. The Border Patrol is currently taking steps to replace this outdated measure with performance metrics that more accurately depict the state of border security.

In fact, the application of these resources has allowed CBP to make significant strides in effectively managing our Nation’s borders, and the numbers are indicative of the success of our efforts. The border is different today than it was 10 years ago. Border Patrol apprehensions of illegal aliens decreased from more than 1.6 million in fiscal year 2000 to approximately 463,000 in fiscal year 2010—a more than 70 percent reduction—indicating that fewer people are attempting to illegally cross the border. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons over the past 2 years—seizing 35 percent more illegal currency, 16 percent more illegal drugs, and 28 percent more weapons compared to the previous 2 years. There have been isolated incidents of violence near our Southwest border, however, violent crime as a whole, in border communities has remained flat or fallen in the past decade, and some of the safest communities in America are at the border. In fact, violent crimes in Southwest border counties have dropped by more than 30 percent and are currently among the lowest in the Nation per capita, even as drug-related violence has significantly increased in Mexico.

Nonetheless, we still face significant challenges. We remain concerned about the drug-cartel violence taking place in Mexico and continue to guard against spillover effects into the United States. Working with Congress and our partners across Federal, State, and local law enforcement, we will continue to assess the investments in the manpower, technology, and resources that have proven so effective over the past 2 years in order to keep our borders secure and the communities along it safe.

TARGETED ENFORCEMENT

We know from experience that targeted enforcement works. Over the past few years, we have developed effective strategies to disrupt and dismantle smuggling organizations and distribution networks, leading to a safer border. Operations and initiatives such as Operation Streamline; the Alien Transfer Exit Program (ATEP); the Mexico Interior Repatriation Program (MIRP); and Operation Against Smugglers Initiative on Safety and Security (OASISS) are focused on delivering targeted consequences to offenders and breaking the smuggling cycle. Collectively, they represent the Consequence Delivery System that aids the overarching effort to improve the safety and security of the border.

Streamline is a consequence-based prosecution program designed to help CBP in its efforts by conducting focused criminal prosecutions of selected aliens within a defined geographic enforcement areas. ATEP is an on-going program which moves Mexican nationals apprehended in one Border Patrol Sector to another Sector before removing them to Mexico. ATEP breaks the smuggling cycle by physically separating aliens from the smuggling organizations that will repeatedly attempt to bring guide them into this country. ATEP was initiated in the San Diego, Yuma, and El Centro Sectors in February 2008 and has since expanded to the Tucson and El Paso Sectors. In fiscal year 2011, as of February 2, 18,257 apprehensions have been transferred as part of ATEP, and only 3,558 subjects have been encountered after illegally re-entering the United States—less than 24 percent. MIRP is a joint CBP and ICE initiative established in coordination with the Government of Mexico under which aliens apprehended in high-risk areas of the Sonora Desert are voluntarily repatriated to the interior of Mexico. OASISS is a bi-national effort designed to coordinate prosecution of alien smugglers in the Mexican judicial system.

Collective understanding of where the greatest risks lie along our borders is critical to our flexibility in addressing these risks. As CBP applies targeted enforcement to areas of evolving threat, mobile response capability is critical to timely and effective resolution. This mobile response capability must actively engage all CBP components and our partners in order to ensure proper synchronization and effectiveness.

CONCLUSION

Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the committee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection, and our efforts in securing our borders.

The Obama administration has asserted that border security alone will not address the country's broken immigration system and is committed to reforming our immigration laws. In addition, we currently have immigration laws, and these laws can't be ignored. The law is the law—and our law enforcement officers and agents are bound by duty to enforce them. We must employ a common-sense approach to immigration enforcement. We should place our resources and allocate our time in those areas that give us the biggest return for our investment—money-wise and resource-wise. Effective border management is critical to our Nation's security, and I appreciate the continued support of this committee and Congress.

I look forward to answering your questions at this time.

Mrs. MILLER. Thank you very much, Chief. I appreciate that—your opening statement there.

I turn now to Mr. Stana. We would recognize you to testify, sir.

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

Mr. STANA. Thank you, Chairwoman Miller and Ranking Member Cuellar, for the opportunity to testify at today's hearing. As you know, both the Southwest border and the Northern border continue to be vulnerable to cross-border activity, including the smuggling of humans and illegal contraband. The Border Patrol is the Federal agency with primary responsibility for securing our borders between our ports of entry.

Last year, CBP spent about, well, I think, it is over \$3 billion to support the Border Patrol efforts on the Southwest border. I believe, about another \$3 billion was spent on the Northern border to secure that border. For that year, the Border Patrol reported apprehending on the Southwest border over 445,000 illegal entries and seizing over 2.4 million pounds of marijuana.

As Chief Fisher described his terminology for what operational control means and how he defines it, I don't think I need to repeat that. But there are other definitions for operational control in legislation and in other planning documents that call for the prevention of all illegal entries of people and contraband.

My prepared statement is based on our preliminary observations from work we are doing for this committee regarding the process for measuring operational control of the border. I would just like to highlight three points from our prepared statement.

First, for fiscal year 2010, last year, the Border Patrol reported achieving varying levels of operational control of 873 miles of the border. That is 44 percent of the Southwest border, our border with Mexico. As shown in Figure 3 of my prepared statement, the nine Southwest border sectors reported achieving different levels of operational control ranging from 11 percent of the miles in Marpa to 100 percent of the miles in Yuma. The uneven progress across the Southwest border is due to many factors, including differences

in terrain, transportation infrastructure on both sides of the border, and resource and technology deployments in the different sectors.

My second point is that the measure of miles under operational control does not mean that illegal entries are detected and interdicted at the immediate border. Of the 873 miles reported under operational control, about 129 of them, or about 15 percent, were classified as controlled, which means the Border Patrol resources were available to either detect, deter, and apprehend illegal entries at the immediate border. The remaining 85 percent of the miles were considered as managed in that apprehension could take place some times a hundred miles or more away from the border or not at all.

That is because the Border Patrol's definition of operational control does not require agents to apprehend each and every illegal entry. For example, although Yuma is classified as having 100 percent operational control, about 10 percent of the entries are classified as got aways. These are people that were never apprehended. For the 1,120 miles not reported to be under operational control, the Border Patrol said it was likely to detect about—but not apprehend in about two-thirds of the miles and in one-third of those miles does not have the capability consistently to detect at all.

My final point is that the new border security measures will not be in place for another year, the performance measures. In the mean time, they are using interim measures of performance that are reported on just this week. These interim measures, such as the number of apprehensions in the Southwest border between ports of entry, provide some useful information, but do not do as good a job as the previous measures in answering the fundamental accountability question, which is: How well did you do with the funds you were given?

In closing, as CBP and the Border Patrol continue to refine new performance measures, it is important to be mindful of the key attributes of successful performance measurement. These attributes include linking measures to goals, missions, and core activities; assuring clarity and consistency in definition and measurement; employing numerical targets; being reasonably free of significant bias and manipulation; recognizing each component's contribution to the overall progress and producing reliable results.

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

[The statement of Mr. Stana follows:]

PREPARED STATEMENT OF RICHARD M. STANA

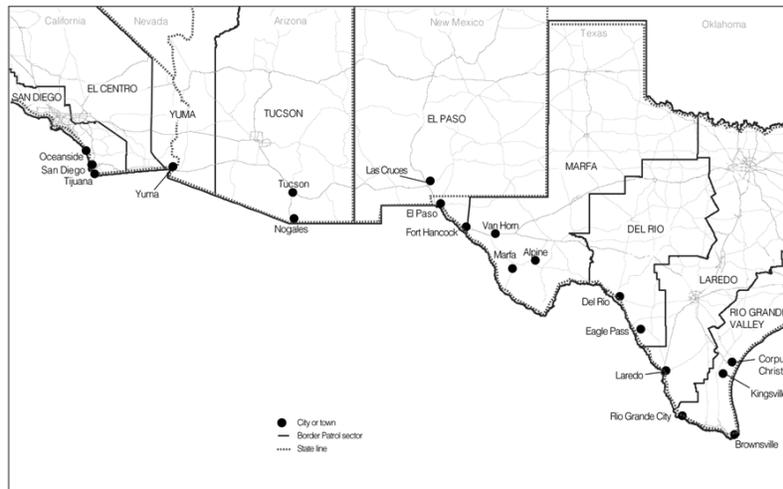
FEBRUARY 15, 2011

GAO-11-374T

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee: I am pleased to be here today to discuss issues regarding the Department of Homeland Security's (DHS) process for measuring security for the nearly 2,000-mile U.S. border with Mexico. DHS reports that the southwest border continues to be vulnerable to cross-border illegal activity, including the smuggling of humans and illegal narcotics. The Office of Border Patrol (Border Patrol), within DHS's U.S. Customs and Border Protection (CBP), is the Federal agency with primary responsi-

bility for securing the border between the U.S. ports of entry.¹ CBP has divided geographic responsibility for southwest border miles among nine Border Patrol sectors, as shown in figure 1. CBP reported spending about \$3 billion to support Border Patrol's efforts on the southwest border in fiscal year 2010, and Border Patrol reported apprehending over 445,000 illegal entries and seizing over 2.4 million pounds of marijuana.²

Figure 1: Border Patrol Sectors along the Southwest Border



Sources: GAO (analysis), MapInfo (map), Border Patrol (data).

DHS is planning to change how it reports its status and progress in achieving border security between ports of entry to Congress and the public in its *Fiscal Year 2010–2012 Annual Performance Report*. In past years, DHS reported the number of border miles under effective control—also referred to as operational control—defined by DHS as the number of border miles where Border Patrol had the ability to detect, respond, and interdict cross-border illegal activity. DHS plans to improve the quality of border security measures by developing new measures that reflect a more quantitative methodology. DHS is also planning to change how it requests resources for border control in support of its effort to develop a new methodology and measures for border security.

My statement is based on preliminary observations from our on-going work for the House Committee on Homeland Security. We plan to issue a final report on this work—which involves reviewing Border Patrol's process for measuring border control—later this year. As requested, my testimony will cover the following issues:

- (1) The extent to which DHS reported progress in achieving operational control—Border Patrol was able to detect, respond, and interdict cross-border illegal activity—of the southwest border,
- (2) The extent to which operational control reflects Border Patrol's ability to respond to illegal activity at the border or after entry into the United States, and
- (3) How DHS reports that the transition to new border security measures will change oversight and resource requirements for securing the southwest border.

To conduct our work, we interviewed officials at DHS headquarters in January and February 2011 and conducted preliminary analysis of DHS documentation relevant to border security assessments and resource requirements across the southwest border for fiscal years 2009 and 2010. We conducted preliminary analysis of data supporting the border security measures reported by DHS in its annual performance reports for fiscal years 2005 through 2009. For fiscal years 2009 and 2010

¹Ports of entry are officially designated facilities that provide for the controlled entry into or departure from the United States.

²The \$3 billion reflects fiscal year 2010 Border Patrol expenditures on southwest border security and CBP expenditures for high-priority investments in technology and tactical infrastructure along the southwest border.

data, we interviewed Border Patrol headquarters officials regarding the processes used to develop each sector's Operational Requirements-Based Budget Process (ORBBP) documents that include these data.³ We also interviewed DHS, CBP, and Border Patrol officials responsible for overseeing quality control procedures for these data. We determined that these data were sufficiently reliable for the purpose of preliminary observations.

Past work that informed our current work included a review of guidance headquarters provided to sectors for development of the ORBBP documents, and interview with Border Patrol officials in the field who were responsible for preparing select ORBBP documents and headquarters officials responsible for reviewing these documents.⁴ Additional work included site visits in January 2010 to Border Patrol's Tucson sector in Arizona, where we discussed ORBBP data entry procedures and oversight of performance indicators at the station and sector levels.⁵ While we cannot generalize the results of these site visits to all locations along the southwest border, the site visits provided insights to the issues faced by Border Patrol in assessing and reporting the status of border control across Federal, Tribal, and private lands in urban and rural environments.

Additional past work informing our on-going work included an analysis of Border Patrol's 2007 through 2010 ORBBP documents, which included assessments of the border security threat, operational assessment of border security, and resource requirements needed to further secure border miles within sectors. We reviewed these documents to determine the number of border miles that Border Patrol reported were under effective control and the number of miles reported as needing outside law enforcement support. We also interviewed Border Patrol officials in the field who were responsible for preparing the ORBBP documents.

We are conducting our on-going work in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

BORDER PATROL REPORTED ACHIEVING VARYING LEVELS OF OPERATIONAL CONTROL
FOR NEARLY HALF OF SOUTHWEST BORDER MILES

Border Patrol reported achieving varying levels of operational control of 873 (44 percent) of the nearly 2,000 southwest border miles at the end of fiscal year 2010. The number of reported miles under operational control increased an average of 126 miles per year from fiscal years 2005 through 2010 (see fig. 2). Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource deployments, and discussions with senior Border Patrol agents.⁶ Border Patrol officials attributed the increase in operational control to deployment of additional infrastructure, technology, and personnel along the border.⁷ For example, from fiscal years 2005 through 2010, the number of border miles that had fences increased from about 120 to 649 and the number of Border Patrol agents increased from nearly 10,000 to more than 17,500 along the southwest border.

³Border Patrol officials provided us with fiscal year 2010 data, but said they could not provide us with the sector ORBBP documents that include these data as they had not yet been finalized. The ORBBP is Border Patrol's standardized National planning process that links sector- and station-level planning, operations, and budgets. This process documents how sectors identify and justify their requests to achieve effective control of the border in their area of responsibility, and enables Border Patrol to determine how the deployment of resources, such as technology, infrastructure, and personnel, can be used to secure the border.

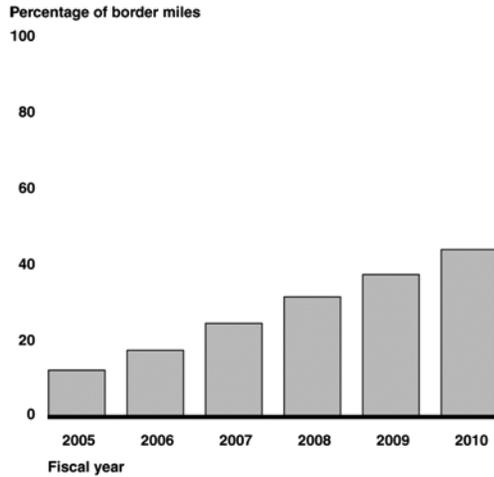
⁴GAO, *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border*, GAO-11-97 (Washington, DC: Dec. 17, 2010).

⁵GAO, *Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands*, GAO-11-177 (Washington, DC: Nov. 18, 2010). The Tucson sector has experienced the highest volume of illegal cross-border activity, as indicated by marijuana seizures and illegal alien apprehensions, among southwest border sectors.

⁶Operational statistics generally include the number of apprehensions and known illegal border entries and volume and shift of smuggling activity, among other performance indicators. Border Patrol officials at sectors and headquarters convene to discuss and determine the number of border miles under operational control for each sector based on relative risk.

⁷Infrastructure includes fencing and roads, among other things.

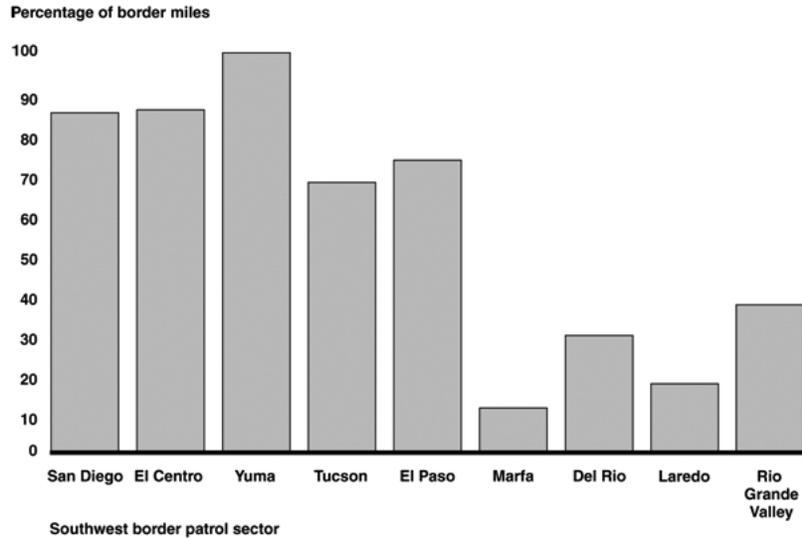
Figure 2: Southwest Border Miles under Border Patrol Operational Control from September 30, 2005, through September 30, 2010



Source: GAO analysis of Border Patrol data.

Across the southwest border, Yuma sector reported achieving operational control for all of its border miles. In contrast, the other southwest border sectors reported achieving operational control ranging from 11 to 86 percent of their border miles (see fig. 3). Border Patrol officials attributed the uneven progress across sectors to multiple factors, including terrain, transportation infrastructure on both sides of the border, and a need to prioritize resource deployment to sectors deemed to have greater risk of illegal activity.

Figure 3: Southwest Border Miles under Operational Control by Border Patrol Sector, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

Border Patrol reported that the sectors had made progress toward gaining control of some of the 1,120 southwest border miles that were not yet under operational control. Border Patrol reported an increased ability to detect, respond, or interdict illegal activity for more than 10 percent of these southwest border miles from fiscal year 2009 to September 30, 2010.

OPERATIONAL CONTROL MOST OFTEN REFLECTS BORDER PATROL’S ABILITY TO RESPOND TO ILLEGAL ACTIVITY AFTER ENTRY INTO THE UNITED STATES

Border Patrol reported that operational control for most border miles reflected its ability to respond to illegal activity after entry into the United States and not at the immediate border. Border Patrol classified border miles under operational control as those in which it has the ability to detect, respond, and interdict illegal activity at the border or after entry into the United States. Operational control encompassed two of the five levels used by Border Patrol agents to classify the security level of each border mile (see table 1). The two levels of operational control differed in the extent that Border Patrol resources were available to either deter or detect and apprehend illegal entries at the immediate border (controlled) versus a multi-tiered deployment of Border Patrol resources to deter, detect, and apprehend illegal entries after entry into the United States; sometimes 100 miles or more away (managed). These differences stem from Border Patrol’s “defense in depth” approach to border security operations that provides for layers of agents who operate not only at the border, but also in other areas of the sector.

TABLE 1: BORDER PATROL LEVELS OF BORDER SECURITY

Levels of Border Security	Definition
Controlled	Continuous detection and interdiction resources at the immediate border with high probability of apprehension upon entry.
Managed	Multi-tiered detection and interdiction resources are in place to fully implement the border control strategy with high probability of apprehension after entry.

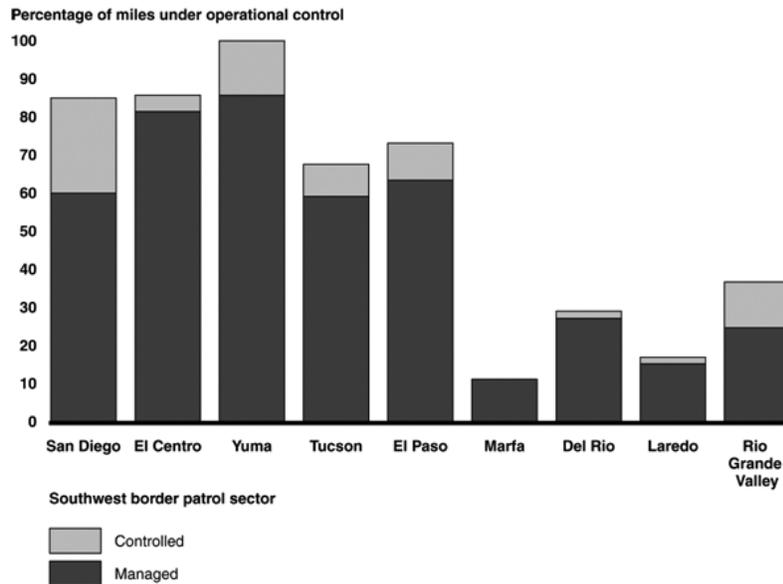
TABLE 1: BORDER PATROL LEVELS OF BORDER SECURITY—Continued

Levels of Border Security	Definition
Monitored	Substantial detection resources in place, but accessibility and resources continue to affect ability to respond.
Low-level monitored	Some knowledge is available to develop a rudimentary border control strategy, but the area remains vulnerable because of inaccessibility or limited resource availability.
Remote/low activity	Information is lacking to develop a meaningful border control strategy because of inaccessibility or lack of resources.

Source: GAO analysis of U.S. Border Patrol ORBBP documents.

Our analysis of the 873 border miles under operational control reported by Border Patrol in fiscal year 2010 showed that about 129 miles, or 15 percent, were classified as “controlled,” which is the highest sustainable level for both detection and interdiction at the immediate border (see fig. 4). The remaining 85 percent of miles were classified as “managed,” in that interdictions may be achieved after illegal entry by multitiered enforcement operations.

Figure 4: Southwest Border Miles under Operational Control of the Border Patrol by Level of Security, as of September 30, 2010



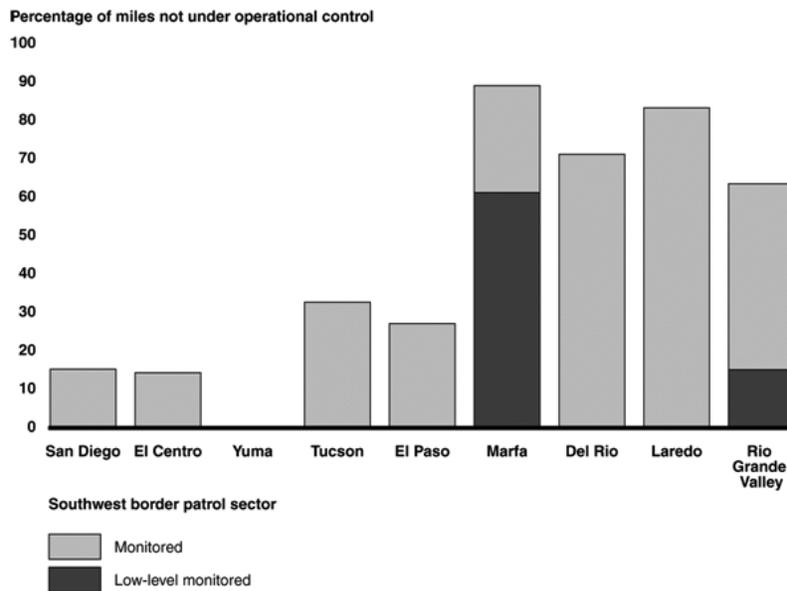
Source: GAO analysis of Border Patrol data.

Border Patrol’s definition of operational control considers the extent to which its agents can detect and apprehend illegal entries, but does not require agents to have the ability to detect and apprehend all illegal entries, according to officials in Border Patrol’s Strategic Planning and Policy Analysis Division. Yuma sector, for example, reported operational control for all of its border miles although Border Patrol did not have the ability to detect and apprehend illegal entries who use ultra-light air-

craft and tunnels.⁸ In fiscal year 2009 Yuma sector reported that of the known illegal entries, about half were apprehended somewhere in the sector, about 40 percent were turned back across the border sometime after entry, and about 10 percent were “got aways.”⁹

Nearly two-thirds of the 1,120 southwest border miles that had not yet achieved operational control were reported at the “monitored” level, meaning that across these miles, the probability of detecting illegal cross-border activity was high; however, the ability to respond was defined by accessibility to the area or availability of resources (see fig. 5). The remaining miles were reported at “low-level monitored,” meaning that resources or infrastructure inhibited detection or interdiction of cross-border illegal activity. Border Patrol reported that these two levels of control were not acceptable for border security.¹⁰

Figure 5: Southwest Border Miles That Were Not under Operational Control of the Border Patrol by Level of Security, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

DHS’S TRANSITION TO NEW BORDER SECURITY MEASURES MAY REDUCE OVERSIGHT AND RESOURCES REQUESTED FOR THE SOUTHWEST BORDER

DHS is replacing its border security measures, which could temporarily reduce information provided to Congress and the public on program results. Border Patrol had established border miles under effective control as an outcome measure of border security operations between the ports of entry under the Government Performance and Results Act of 1993 (GPRA).¹¹ DHS plans to improve the quality of border

⁸An ultra-light aircraft is defined in Federal aviation regulations, 14 CFR § 103.1 (and subsequent advisory circulars) as a single-seat powered flying machine that weighs less than 254 pounds, has a top speed of 55 knots (63 miles per hour), stalls at 24 knots (28 mph) or less and carries no more than 5 gallons of fuel.

⁹“Got aways” are defined as persons who, after making an illegal entry, are not turned back or apprehended.

¹⁰None of the southwest border miles was classified at the lowest level of control—remote/low activity—which occurs when information is lacking to develop a meaningful border control strategy because of inaccessibility or lack of resources.

¹¹Under GPRA, agencies are required to hold programs accountable to Congress and the public by establishing program goals, identifying performance measures used to indicate progress

security measures by developing new measures that reflect a more quantitative methodology to estimate outcomes. CBP is developing a new methodology and measures for border security, which CBP expects to be in place by fiscal year 2012.

The absence of measures for border security outcomes in DHS's *Fiscal Year 2010–2012 Annual Performance Report* may reduce oversight and DHS accountability. DHS reported that until new measures of border security outcomes are in place the Department will report interim measures of performance that are to provide oversight and accountability of results on the border. However, these measures of performance output, such as the number of apprehensions on the southwest border between the ports of entry, do not inform on program results and therefore may reduce oversight and DHS accountability.¹² Studies commissioned by CBP have documented that the number of apprehensions bears little relationship to effectiveness because agency officials do not compare these numbers to the amount of illegal activity that crosses the border undetected.¹³

As of February 2011 CBP did not have an estimate of the time and efforts that are needed to secure the southwest border as it transitions to a new methodology for measuring border security. In prior years, Border Patrol sectors annually adjusted the estimated resource requirements that they deemed necessary to achieve operational control. Under the new methodology, Border Patrol headquarters officials said that sectors are to be expected to use the existing personnel and infrastructure as a baseline for the agency's defense-in-depth approach and focus requests for additional resources on what is necessary to respond to the sectors' priority threats for the coming year. DHS, CBP, and Border Patrol headquarters officials said that this approach to securing the border is expected to result in a more flexible and cost-effective approach to border security and resource allocation based on changing risk across locations. As a result, Border Patrol headquarters officials expect that they will request fewer resources to secure the border. We will continue to assess DHS's efforts for measuring border security and plan to report our final results later this year. DHS generally agreed with the information in this statement and provided language clarifying the agency's rationale for replacing border security outcome measures and technical comments, which we incorporated as appropriate.

Chairwoman Miller, this completes my prepared statement. I would be happy to respond to any questions you or Members of the subcommittee may have.

Mrs. MILLER. Thank you very much, Mr. Stana.

I turn now to Mayor Salinas for your testimony.

Mr. SALINAS. Thank you.

Mrs. MILLER. Mayor.

**STATEMENT OF RAUL G. SALINAS, MAYOR, CITY OF LAREDO,
TEXAS**

Mr. SALINAS. Chairwoman Miller, Ranking Member Cuellar and Members of the subcommittee. My name is Raul Salinas. I have the honor of serving as mayor of the city of Laredo, Texas. Before I offer my testimony, I hope you will permit me every mayor's prerogative of bragging about one of my constituents, Laredo's Congressman Henry Cuellar. I have had the pleasure of working with Congressman Cuellar on numerous border security efforts on which Laredo and the Nation are beneficiaries.

I seek to offer a number of simple messages in my testimony today. What is homeland security to the Nation is home-town security to those of us on the border. Securing our border must be done in a manner that does not close them to trade and community. We

toward meeting the goals, and using the results to improve performance, as necessary. This information is publicly reported each year in the Department's performance accountability report. Outcome measures offer information on the results of the direct products and services a program has delivered.

¹²Other performance measures the Border Patrol plans to report on include deployment of Border Patrol agents and joint operations on the southwest border. These measures, which focus on the quantity of direct products and services a program delivers rather than program results, are classified as output measures.

¹³For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, VA: Oct. 18, 2005).

recommend building bridges of commerce and friendship and by employing technology and creativity to achieve enhanced security.

We would respectfully remind the Congress that a border is not a turnstile. Obligations run in both directions.

The United States has an obligation to our neighbors to the South to slow, if not stop, the flow of illegal guns, drug money and stolen cars. Federal funding for homeland security should be based on threat, not the type of a port or the size of a community and should compensate local communities that are providing protection and service to the Nation and not be biased.

It is refreshing that this subcommittee, six border voices, to offer suggestions on how to best balance the twin goals of achieving security while promoting commerce and community. But I am not surprised.

Reading the background of Chairwoman Miller, it becomes clear. You are a former local elected official from a community that appears to be Laredo's northern cousin.

Port Huron Blue Water Bridge sounds a great deal like our bridges in Laredo. The Blue Water Bridge can handle up to 6,000 trucks on its busiest days. While in Laredo, we handle just over 11,000 trucks a day.

That number is down from 13,000 trucks a day just 2 short years ago. While many in the Nation eagerly await the Dow Jones industrial average return to 13,000, I would think that the better barometer for economic recovery is when Laredo hits 13,000 trucks.

Like Port Huron, Laredo is also a busy rail head. Recent Federal Rail Administration statistics list Port Huron as the leading northern rail port, while Laredo is the leading southern rail port. I would say that with Laredo's Congressman Henry Cuellar as the Ranking Member, the Nation has two great leaders heading this committee. This committee—or subcommittee can appreciate our message.

While others talk about homeland security, we seek home-town security. A traditional greeting in Laredo is, "Mi casa es su casa," or, "My house is your house." Laredo and, I suspect, Port Huron would respectfully remind all that your borders are our homes.

Despite being the largest southern port and the sixth largest Custom district in the United States, Laredo is not entitled to any direct Federal funding under any homeland security program. We move more products by truck and rail than any land port and more products than any land, sea port, with the exceptions of New York, Los Angeles, Houston, New Orleans, and Detroit.

But because the Federal Government has chosen to distribute its homeland security funds based on population or if the community is a water port, Laredo receives none. Laredo stands guard on the border. We have reinforced Federal law enforcement, partnering, and responding to chemical and biological threats and support the Nation's commerce. Federal funding for homeland security should compensate local communities that are providing protection to the Nation.

The easiest way to accomplish this goal is to create a border category in all funding formulas. While I assume the intent of this hearing is to address traditional threats at the border, I would like to raise the additional threat of an unintentional or intentional

medical or biological threat. In Laredo, we say, “When Mexico coughs, Laredo gets the cold.”

Disease does not respect the border, a wall or even the most professional of Custom and Border Patrol agents. Laredo’s health department, many times, is the Nation’s first line of defense.

In conclusion, we must make our borders safe, not close them to trade and community. The Nation must be dedicated to enhancing the security of our borders. But that commitment must be made with a concurrent commitment to ensuring that our borders continue to operate efficiently in moving people and goods.

Finally, Laredo, and I suspect, Port Huron, hope that all in Congress, like the two leaders here today, appreciate that local voices must be part of the solution. For while it is the Nation’s border you seek to secure, they are our homes.

Thank you very much. I would be glad to answer any questions. [The statement of Mr. Salinas follows:]

PREPARED STATEMENT OF RAUL G. SALINAS

FEBRUARY 15, 2011

KEEPING THE BORDER BOTH SECURE AND SUSTAINABLE THE NEED TO BUILD BRIDGES
NOT WALLS

1. INTRODUCTION—LAREDO AND PORT HURON—MIRRORS OF EACH OTHER

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee, my name is Raul Salinas. I have the honor of serving as the mayor of Laredo, Texas. I am grateful to you for inviting me to share with you the following messages from Laredo:

- What is homeland security to the Nation is hometown security to those of us on the border.
- Securing our borders must be done in a manner that does not close them to trade and community. We recommend building bridges of commerce and friendship, and by employing technology and creativity to achieve enhanced security.
- We would respectfully remind the Congress that a border is not a turnstile. Obligations run in both directions and the United States has an obligation to our neighbors to the south to slow, if not stop, the flow of illegal guns, drug money, and stolen cars.
- Federal funding for homeland security:
 - Should be based on threat; not the type of a port or the size of a community; and
 - Should compensate local communities that are providing protection and service to the Nation and not be based.

2. PORT LAREDO AND PORT HURON—MIRRORS OF EACH OTHER

It is refreshing that this subcommittee seeks border voices to offer suggestions on how best to balance the twin goals of achieving security while promoting commerce and community. But I am not surprised. Reading the background of Chairwoman Miller, it becomes clear. You are a former local elected official from a community that appears to be Laredo’s northern cousin.

Port Huron’s Blue Water Bridge sounds a great deal like our bridges in Laredo. The Blue Water Bridge can handle up to 6,000 trucks on its busiest days, while in Laredo we average just over 11,000 trucks a day. (That number is down from 13,000 trucks a day just 2 short years ago. While many in the Nation eagerly await the Dow Jones Industrial Average’s return to 13,000—I think the better barometer for economic recovery is when Laredo hits 13,000 trucks.)

Like Port Huron, Laredo is also a busy railhead. Recent Federal Rail Administration statistics list Port Huron as the leading northern rail port, while Laredo is the leading southern rail port.

I would say that with Laredo’s Congressman Henry Cuellar as the Ranking Member, the Nation has the two great leaders heading this committee. This sub-

committee can appreciate our message. While others talk about homeland security—we seek home-town security.

A traditional greeting in Laredo is “Mi Casa—Su Casa.” Or “My house is your house.” Laredo, and I suspect Port Huron, would respectfully remind all, that your borders are our homes.

3. THE TWO LAREDOS AND THE ROLE WE PLAY ON THE BORDER

Laredo is at the center of the primary trade route connecting Canada, the United States, and Mexico. We are the gateway to Mexico’s burgeoning industrial complex. Laredo and Nuevo Laredo, our sister city, offer markets, business opportunities, and profit potential which business and industry simply cannot find anywhere else. We are the fastest growing city east of the Rocky Mountains.

Los Dos Laredos are actually one community divided by a river. Originally settled by the Spaniards in 1755, Laredo/Nuevo Laredo became the first “official” port of entry on the U.S./Mexico border in 1851. Now, the Laredo Customs District handles more trade than all the ports of Southern California, Arizona, New Mexico, and West Texas combined, and our role will only grow as we are strategically positioned at the convergence of Mexico’s primary highway and railroad leading from Central America through Mexico City, Saltillo, and Monterrey, the industrial heart of Mexico. At Laredo these thoroughfares of commerce meet with two major U.S. rail lines and Interstate 35.

Also, because so much of the Nation’s automotive and electronics inventory flows through Port Laredo, it is estimated that a closing of Port Laredo for just a day would result in economic disruption in those two vital industries.

4. LAREDO’S RIVER VEGA—CREATIVE SOLUTION

Laredo believes that we should be building bridges of commerce and friendship, not walls to community and trade. One should not confuse this message, however, to say that security is not necessary.

Before the people of Laredo honored me with their votes as mayor, I spent a career in law enforcement. During that time the idea of community policing took hold. The idea was that security is a concern for all, and enforcement need not be a punitive act, but an act of community enhancement.

Today Laredo offers that same philosophy in response to any proposal for a border wall/fence with a program we call the River Vega proposal. We understand that there is a need for border security, but we refuse to believe that such security can only be achieved by means of a wall that divides our community not unlike that wall that once divided Berlin. Like Port Huron, Laredo is blessed with a river that provides a natural boundary between our selves and our colleagues across the river. Laredo suggests that rather than a wall, we embrace the natural boundary of the river and create a river walk or what we call our River Vega. A River Vega will stand as a shield against those that would harm the citizens on either shore. Because the wall-like foundation of the River Vega serves as a river beautification project to support lighted parks and walkways, it will say to our partners to the South, that our river and community are shared gifts that should be celebrated. It will also say to those that would harm us that God has provided a wonderful border that can be harnessed to preserve security.

5. FUNDING SHOULD BE ADDRESSED TO NEEDS

Despite being the largest southern port; and the 6th largest Customs District in the United States¹—Laredo is not entitled to any direct Federal funding under any of Homeland Security program. We move more products by truck and rail than any land port and more products than any land/seaport with the exceptions of New York, Los Angeles, Houston, New Orleans, and Detroit. But, because the Federal Government has chosen to distribute its homeland security funds based on population, or if the community is a water port, Laredo receives none.

We are honored to be in the company of Los Angeles, New York, Houston, Detroit, and New Orleans. But Laredo cannot meet the definition of a sea port for DHS funds and Laredo is but 1/25 the size of the smallest of these MSAs. We therefore miss out on both pots of homeland security funding: UASI funds and port funds. Despite the heroic efforts of Rep. Cuellar, it seems that Washington has failed to get the message that homeland security starts at the border, and that trade volume,

¹Laredo trails only Los Angeles, New York, Houston, Detroit, and New Orleans in total value of trade conducted and is the only pure land port in the top 10.

which can represent threat level, ought to be the funding factor—not whether a port is on the water or in a big city.

Despite the lack of funding from the Federal Government, Laredo stands guard on the border. We reinforce Federal law enforcement, partner in responding to chemical and biological threats and support the Nation's commerce. Federal funding for homeland security should compensate local communities that are providing protection to the Nation. The easiest way to accomplish this goal is to create a border category in all funding formulas.

6. HEALTH CHALLENGES

While I assume the intent of this hearing is to address traditional threats we face at the border, I would like to raise the additional threat of an intentional or unintentional medical or biological attack. In Laredo we say: "When Nuevo Laredo, Mexico coughs, Laredo gets the cold." Disease does not respect a border, a wall, or even the most professional of custom and border patrol agents.

When you think of the potential public health threats that can cause epidemics, contaminate our water or food supply, there is no area more vulnerable than the U.S.-Mexico Border. In Laredo, we are proud to provide a first line of defense for our community and the Nation. For example, during the world-wide Severe Acute Respiratory Syndrome (SARS) threat, there were five (5) mainland Chinese nationals that entered the United States illegally through the Freer, Texas border post. The Customs and Border Patrol called us in Laredo to inform us that two of Chinese nationals had a fever. (Please note, it was not a Laredo Border crossing but individuals in Freer, Texas, an hour's drive away.) We responded and conducted a rapid and immediate thorough investigation, instituting quarantine and isolation procedures for the prevention and protection of all. This effort included a response to protect over 30 Federal agents, 25 Mexican and Central Americans (caught with the Chinese) as well the well-being of all Laredoans. We also had to deal with Federal and State health and immigration authorities from both countries. The City of Laredo Health Department (CLHD) made it our immediate responsibility to assure the protection of all and the disease containment to prevent a potential spread of a highly communicable disease that could have impacted the Nation.

While I think we can all agree this was the responsibility of Federal authorities, Laredo alone was able to respond.

7. CONCLUSION

I seek to deliver a simple, but important, message. We must make our borders safe, but not close them to trade and community. The Nation must be dedicated to enhancing the security of our borders, but that commitment must be made with a concurrent commitment to ensuring that our borders continue to operate efficiently in moving people and goods. In Laredo we think that can be summoned up in another simple statement: We need to build bridges of commerce, not walls. Finally, Laredo, and I suspect Port Huron, hope that all in Congress, like the two leaders here today, appreciate that local voices must be part of the solution. For while it is the Nation's border you seek to secure, they are our homes.

Thank you for your time and I look forward to answering your questions.

Mrs. MILLER. Thank you very much to all of our witnesses.

Mayor, I appreciate you calling me your cousin.

[Laughter.]

Mrs. MILLER. You know what that really means? Is first and foremost, we are all Americans.

Mr. SALINAS. Yes.

Mrs. MILLER. Before anything, before any party affiliation, before anything, we are all Americans. We all seek the same thing and serve the same constituency and want to secure our borders, whether that be the North or the South.

I appreciated some of your comments as well about how the homeland security funds are allocated. It will be something that this committee, as we move to an authorizing piece of legislation this year, will be looking at as how we prioritize. Populations should not be the only criteria, but it is an important one; cer-

tainly, risk assessment, all of these things, I think, as we move forward, our path forward.

But that really is why I wanted to have this initial hearing about operational control. As I mentioned, it has sort of become a buzz word. Everybody is saying we only have so much operational control. I am a bit concerned that we are getting so focused on this term that we don't really understand exactly what it means and what it means in the overall global perspective of how much a border we actually have under control.

Chief, you mentioned that it is—I wrote that down. You said it is not an assessment actually of border security. You talked about some of the potential vulnerabilities, et cetera. I was looking through my notes here about some of the various characterizations that you use for operation control, whether it is controlled, managed, monitored, low-level monitored, remote low activity, et cetera.

So there are a number of things that we are trying to understand here, I think, today and the American public understanding what we consider to be operational controlled and how secure our borders actually are. I know there is going to be a lot of questions today about the Southern border, and I have a limited amount of time. I am going to start my questioning about the Northern border, if I will.

I say this because, first of all, believe me, not for a second would I underestimate the challenges that our Nation faces on the Southern border with the spillover of the drug cartels, some of the various things that are happening there. The mayor pointed out very well that we have to make sure that commerce is able to transit very expeditiously. We have those same concerns on the Northern border.

You mentioned the Blue Water Bridge, which is in my district. The Ambassador Bridge in Mr. Clarke's district is actually the first-busiest border crossing on the Northern tier of the Nation in Detroit, then the Blue Water, which is 30 miles, 30 minutes to the North, the second-busiest—the third-busiest, the Peace Bridge in Mr. Higgins' district in Buffalo.

I have the C.N. rail tunnel, which is the busiest rail tunnel entry into the Northern—into our Nation, actually, not just on the Northern border. So we sort of think we have some unique dynamics there. We are very concerned about the border security.

At the same time, I will say this: We never can forget as a country that Canada is our best ally, is our biggest trading partner anywhere in the world. Certainly, they are in my State of Michigan, but Nationally as well. They are our friends. They are our neighbors.

We—as we have consternation about some of the things that are happening with the thickening of the border, we always need to keep that in mind—just as the mayor says about making sure commerce, and passengers, et cetera, can cross our border as expeditiously as possible.

So I would like to ask about the GAO report that came out about 2 weeks ago, I think, about the Northern border, which has got everybody in my area talking. There were some things that were pointed out in the GAO report saying that there was a lack of cooperation between Federal, State, and local law enforcement as

well as the lack of cooperation in information sharing from the DHS component agencies such as ICE and Border Patrol.

One thing, I think, that we learned from the 9/11 Commission recommendation is that—I will tell you. My office, everybody has a copy of that recommendation. I keep telling my staff that is not shelf-ware.

We need to keep looking at it and remembering some of the key elements of it, one of which was we had to move from the need to know to the need to share. So I was particularly concerned about the GAO findings with that on the Northern border.

I think we have done a lot on the Northern border. Certainly, in the Southern border—you mentioned \$3 billion respectfully on each border spent in the last fiscal year. But the largest room is always the room for improvement. We need to continue down that path.

So I throw that out, perhaps, to Mr. Stana from the GAO. If you could comment on that report.

Mr. STANA. Well, thank you. You know, the “gee whiz” statistic that got the most attention in that report was the miles under operational control. So we can have a discussion about that as the hearing proceeds.

But you are exactly right, that what we were aiming to do is to figure out exactly how well are the agencies up there, Federal, State, local, Tribal, and the RCMP on the Canadian side—how well are we coordinating. It is a different solution that is required on the Northern border than the Southern border. You don't have hundreds of thousands of economic migrants coming south for the opportunity for employment.

So you need to be able to get information and intelligence to the people who can use it the best and people can coordinate what the more limited amount of resources to come to an acceptable outcome. That is the key on the Northern border. It is not so much the—you know, having a whole string of agents linking arms and—because that would be a waste of time and money.

It is making sure that everybody knows what their roles and responsibilities are. They stay in their lane, they coordinate, they cooperate, and they share.

Mrs. MILLER. I appreciate that.

Chief, perhaps you could comment on that as well. As you and I had a chance to talk, the percentage of CBP officers and other kinds of things that have been utilized on the Northern border has ratcheted up significantly since you had—I think you were there in 1998 to 2000. But what is your thought on the GAO report?

Chief FISHER. Yes, well, it—we as a law enforcement community continue to realize that until and unless we agree to share information and not look at our law enforcement jurisdictional authority from the areas in which we patrol and investigate, if we don't do that collectively against a common threat, we are never going to defeat those that are going to try to do harm to this country.

What I mean by that is a couple of things that we have done, certainly, within the Border Patrol and within CBP. We recognize clearly that CBP or even the Border Patrol—we are never going to have enough resources to do this alone. We recognize this is a shared responsibility. I would suggest even the Secretary in her re-

cent comments over the year and looking at this as a DHS enterprise in terms of our border security responsibilities.

What is also challenging—and this—I have experienced this since I have been in uniform—is you have a lot of different—when you start working with State and local governments, law enforcement agencies, the other Federal agencies, you have generally—you have investigators that have a whole host of cases that they are working. You have, for instance, CBP, which are predominantly interdictors.

A lot of times, it is just a cultural difference in the way that we look at information. For instance, an investigator, for instance, would take some information. It may be human intelligence or some pocket trash and would look at that as a case or information to go towards prosecution. So, what they would do is they would take that information, put it in a folder, close it up, not share it with anybody because it may be discoverable and it may limit prosecution down the line.

Investigators or interdictors would look at that as key information, tactical intelligence to be able to prevent something from happening in the first instance. Now, I am just suggesting that is just a cultural difference as an example that we are working very closely.

I think some of the IBET teams, for instance, the Integrated Border Enforcement Teams, the joint terrorism task force—I think over the years as we do more and more sharing of the information, we have a better understanding of those types of differences between the cultures, but recognizing that our common objectives are fundamentally the same as it relates to protecting this country.

Mrs. MILLER. Thank you, Chief.

At this time, I would recognize the Ranking Member, Mr. Cuellar, for his questions.

Mr. CUELLAR. Thank you, Madam Chairwoman. Before I get started with my 5 minutes, I would ask unanimous consent that the gentlewoman from Texas, Ms. Jackson Lee, be authorized to sit for the purposes of questioning witnesses during this hearing.

Mrs. MILLER. Without objection.

Mr. CUELLAR. Thank you very much.

Let me ask—it has to do with performance and results.

Mr. Stana, in your written testimony on page 12, you explained that Border Patrol has measured performance based on the Government Performance and Results Act of 1993, the GPRA, and that DHS is in the process of developing measures that reflect a more quantitative methodology to measure performance.

But keep in mind—I assume when you wrote this, this was before we passed the new law, the law that I passed dealing with the—actually, the modernization and performance results that we passed back in December of this last year, which means that the measures are going to be more focused on results at, you know, the end.

Could you both—this is both to—both Mr. Fisher and Mr. Stana. Are we measuring more activity than results? In other words, like you said, if we give you X amount of dollars, what are we getting for those dollars? How much do we spend for the border? What was it, about \$3 billion?

Mr. STANA. Yes, over three.

Mr. CUELLAR. Over \$3 billion. What is the apprehension for that period?

Mr. STANA. Well, and that is the rub. If you look at the latest performance statistics that were just issued this week—and I know the Border Patrol is working on revising this. We have spoken to their people, and they understand the shortcomings of just having these kinds of things.

But what you have is a numerator here. You have a number of apprehensions, for example. But you don't know how many people might have been there to apprehend, how many crossers were there. When you watch a baseball game, they put a batting average up. You kind of judge whether—how many hits you get for how many at-bats. Here what you are getting is just the number of hits.

You also have things like number of joint operations conducted. That is a good measure. But that is an activity measure. It doesn't tell you the results of those joint operations.

Percent of detected conventional aircraft: That is not a bad measure, but that is not the only measure. For example, Mr. Thompson mentioned the SBInet deployments. We were just down there last week, and we witnessed three ultra-lights coming across the border. One buzzed the Tucson Airport, we understand.

They never found anything more than that because they left camera range, and the UAF was otherwise occupied. They couldn't get a bead on it. So here is another get-away.

So you have to have the numerator and the denominator to judge performance, not just the activity indicated by the numerator.

Mr. CUELLAR. Right.

Mr. Fisher, I would ask you—and I assume you all talk. I mean, I hope this is not the only time that you all talk here. But, you know, one of my things on performance—and I did my dissertation on this. I am a big believer in this—is that a lot of times Government agencies measure activity. That is different from measuring the actual results that you want to get at the end.

What is your take on this? Are you measuring—I am sure you are going to say no. But what do you think you are measuring right now? Give us some examples of measuring, that is the control, you know, the prevention of undocumented persons coming in and, of course, the illegal contraband. What are your measures of results?

Chief FISHER. Yes, Congressman, I would also agree with you that we do not use activity and accomplishments anonymously because, I think, when you look and try to differentiate, as we have over the years, outputs versus outcomes, we recognize that we are not just going to count things for the sake of counting them.

I will give you some examples. Apprehensions, for instance—you know, the numbers of apprehensions—again, depending upon what the outcome is, in a particular area where we are trying to gain operational control, going back to the terminology.

Where we are experiencing high levels of illegal activity between the ports of entry, we want to measure both in terms of the detected entries and the apprehensions so that one is—we have a better understanding of what those detected entries are, and we would use technology and Border Patrol agents deployed across the border starting in the urban areas and moving our way out to the rural

remote and so that we have a better confidence level that, based on those deployments, we do have a better sense of what the denominator is.

Mr. CUELLAR. Mr. Fisher, I know—my time is over, and I have got to ask a quick question of the mayor. But for the sake of time, could you work with the Chairwoman of the committee and the staff on—we want to look at the measures of—I think we ought to look at the measures to see how much is activity and how much is really results-oriented?

Chief FISHER. Absolutely.

Mr. CUELLAR. If you all can do that as soon as possible.

If you would just bear with me, just a quick question.

Mrs. MILLER. Certainly.

Mr. CUELLAR. Mayor, look. One of the problems we have with the—you know, I know we have got issues that the border is not perfect, like any other place. But one of the things is when the media keeps talking about this and this.

If you talk to hospitals, it is hard to get doctors down there because they were saying we don't want to take our families down there because of what is happening. You know, they don't make that—you know, they don't distinguish between the border on the U.S. side and the Mexican side.

I talked to university professors or the, you know, chancellors and the presidents. It is hard to get them. What are the crime rate—can you talk about, for example, the crime rate in Laredo that you—

I gave you some numbers that, in the last 30 years, border county crime rate has gone down. You know, there are spikes, like anything else. But give us a little bit of your sense of securing the border.

Mr. SALINAS. Absolutely, Congressman. I think one of the key things in Laredo that where we have installed is a spirit of cooperation between local, county, State, and Federal agencies, everyone working together that sends a strong message to the other side.

Now, we had eight homicides in Laredo. Most all of them have been solved. We have a decrease of at least 20 percent in stolen cars going South.

We also had somewhat of a 30 percent increase in violent crime. But I think the key has to be in ensuring that we do our part. You know that the police department and the sheriff's department—we are all working together to try to confiscate those weapons that are going South, those stolen cars that are going South and, of course, the money.

Those stolen cars and those weapons are contributing to the delinquency and to the cartels. So we have to ensure that we get the resources to be able to stop it—you know, stop those weapons from going South.

Mr. CUELLAR. Okay. Thank you, Mayor.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thank you.

Our final protocol, I now recognize the Ranking Minority Member of the full committee, Mr. Thompson.

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

Chief, it is good to see you again—all three of the witnesses. You distinguish yourselves respectively.

Chief, recently the patrol stopped giving miles under control report. I am not sure what it is called. Generally, the public was becoming familiar with how many miles are under control, this kind of thing.

You have discontinued it, but you haven't put anything in its place. Why is that?

Chief FISHER. One of the things, Congressman, that we are looking at—one is I firmly believe that the Border Patrol doesn't have the corner market on establishing what is under—what is—what border security is at any given point along our borders. We do that in concert with a lot of our partners.

For instance, when we were measuring miles of border control, initially years ago when we were looking and looking for fence, the question was always, well, how many—how much fence do you need, how many Border Patrol agents do you need. So what we do is we applied those resources on what we thought we need at the time in a linear fashion.

We just wanted to keep track of that as well because we did see in the areas where we were increasing pedestrian fence and vehicle barricades. We started adding the technology and the Border Patrol agents, we were seeing results because of those deployments. So, what it did for us as an organization—it put our field leadership in the position to make those informed judgments and ultimate decisions about what the resource requirement was against what was happening and what we had a better sense of managing the border or having a better sense of what those threats were coming in.

So, we did that. We have done it over a series of miles, again, not contiguous. Then we used those definitions to differentiate what we received as a result of operational experience.

Mr. THOMPSON. Well, the—on the other side of the fence, how do you—how do you now convince the public that we are any better off, since now we don't have access to any of the information?

Chief FISHER. Certainly. Well, we still use additional metrics, whether we are going to do it by miles or not. For instance, we will still and do report out levels of activity. We also, working with our partners, take a look at within the communities the crime rates, for instance.

We take a look at quality of life issues such as areas that previously were "out of control." I will take you back to San Diego in the mid-1990s when, you know, 200 to 300 yards north of that border real estate—you could have bought an acre of real estate there for \$50.

After the resources were acquired over a period of time, the vitality within that border environment increased. So, that same real estate then went to \$500,000 an acre. You started seeing malls and Neiman Marcus and all those stores within a stone's throw from the border. Those are things that we had to make that assessment.

Mr. THOMPSON. But I am trying to get at—but that is kind of interim.

But what do we mean—and, Mr. Stana, did you all look at this? Can you help me out with that?

Mr. STANA. Yes, we did. You know, first off, I think we ought to—you know, to his credit, the chief is trying to institute measures and manage by the numbers, which is always a good thing. Management 101 would tell you you get what you count.

I didn't think miles under operational control is a bad measure. It wasn't perfect. But if you looked at how they developed it and, you know, some of the controls for reliability and data that they put into it, again, not perfect, but it was something that was easy to understand. You had a numerator, and you had a denominator.

I think what—you know, going forward, there are other measures that ought to be considered. For example, if you are talking about the effectiveness of cooperation on the Northern border, maybe survey the participants in those task teams to see how happy everybody is. You know, the Border Patrol and the Forest Service have a history of not working well together.

But if that is what you mean, Mr. Thompson, about what other measures might be available, there are other measures: You know, happiness with—of the staff in their roles and responsibilities, other measures on border control. For example, in the current border control measures that I have seen the interim for say nothing about drugs or contraband.

I mean, there is a line on seized weapons and currency, but it is an activity measure. You know, \$40 million seized in cash out of an estimated \$19 to \$39 billion, you know, doesn't give you comfort as a stretch goal.

Mr. THOMPSON. Yes. Thank you.

Mayor, you have had some experience on both sides, law enforcement now as an elected official. Are you satisfied with the level of cooperation between Federal, State, and local? Or are there some things you have looked at that, if it was up to you, you would improve? Can you give us some comments on that?

Mr. SALINAS. Absolutely. I think that the spirit of cooperation is definitely there because it sends a strong message to the bad guys.

However, I think that what we need is funding so we can have more personnel 24/7 on the bridges so we can confiscate those illegal, illicit monies that are going South and those stolen cars and the weapons, because that is the crux of the problem. So in answering your question, I think that we would appreciate being considered for additional funding so we can have manpower at the bridges to be able to get the job done and keep Americans safe and keep the violence from spreading into our side of the border.

Mr. THOMPSON. Thank you.

Yield back.

Mrs. MILLER. Thank you.

The Chairwoman now recognizes Mr. Quayle, from Arizona.

Mr. QUAYLE. Thank you, Madam Chairwoman.

Thank you to the witnesses for being here today.

Mr. Stana, I want to go back to those performance measures because there has been a lot of publicity and talk about the statistics that were touted the last couple of weeks by Secretary Napolitano and her belief that we have the Southern border under a good amount of control, which came as a surprise to a lot of people in rural Arizona. But then she came back to this committee last week

and understood and admitted that they don't know the number of illegal immigrants that get across the border.

So it goes back to your numerator, denominator problem. Because if we just use it based on apprehensions, if we are just apprehending any illegal immigrant, wouldn't we actually get complete and total control of our border?

Mr. STANA. Well, you are raising a good point. You have to know what it is you are trying to measure. It has to key to the strategic plan. If the strategic plan is to control the border, then you have to know what you are dealing with. You have to know the denominator. That puts the numerator in some kind of context.

Apprehensions only would tell you one thing. That is sort of dependent on lots of variables: How healthy our economy is. In a bad economy, apprehensions are likely to go low because the denominator is going to be reduced. So you are raising a good point.

Mr. QUAYLE. Since—what do you think would be the best way to actually get reliable statistics so that we can actually—as you see, notice where our dollars are going and how we can get results-oriented, rather than just focusing on the inputs, we have got to see what is going on with the outputs as well?

Mr. STANA. Well, I think it starts with clearly articulating what it is you are trying to do. I think if you look at the planning documents, some of that said it could be clearer. But some of that is in there. But if your goal is to stop illegal incursions at the border, for example, which is the position that many in Arizona take, you could create a measure.

Because the Border Patrol tracks its apprehensions by GPS data or by certain quadrants, you could create a measure that says what percent of border incursions are you apprehending within, say, 5 miles of the border. What percent? The goal might be 80 percent or 90 percent. You could track that. Again, you get what you measure.

Mr. QUAYLE. Okay.

Now, Chief Fisher, the various—and especially in the rural areas on the Southern border, there are a lot of wilderness areas that are designated. Now, I know that there are certain restrictions that sometimes hamper the Border Patrol agents' ability to actually apprehend and pursue people who are crossing illegally in those wilderness-designated areas. Could you describe some of the restrictions in those areas?

Chief FISHER. Well, I think over the years and certainly, with our memorandum of understanding with the Department of the Interior and the USDA and some of those others, we have found that we do have access into those areas in areas of hot pursuit, for instance. If we need to access those lands, even the wilderness, it does allow us to have access to those areas.

Mr. QUAYLE. So there are no vehicular restrictions? You are saying that there is absolutely no restrictions on what you can do in those wilderness areas?

Chief FISHER. There are some restrictions in terms of our good stewardship towards the environment versus our border security mission. In most cases, along the border, the land managers, along with our field leadership, and working within the existing memorandum of understanding, that we are able to work those out.

Mr. QUAYLE. Okay. In your written testimony, you speak about—you wrote about Operation Streamline and its effectiveness in the human sector and also in San Diego as well and other sectors across the Southern border. Have you been in touch and been working with the DOJ to try to see how much it would cost to have Operation Streamline across the total—the totality of the Southern border?

Chief FISHER. Yes, but we are actually talking with them and others. We are not just looking at the consequence programs individually as programs, for instance. I mean, Streamline is one. Oasis is another, ACHEP.

There is about 12 different consequences that we apply subsequent to an arrest. What we have found out in starting looking at each program we are talking a look and develop what is called a consequence delivery system because what we want to be able to do is not just put people into a particular consequence. You mentioned Streamline.

You know, interestingly enough, you know, some of the discussion has been, well, we need to do more Streamline cases. But if you take a look at the different jurisdictional districts in which Streamline is applied—and really, Streamline is just an 8USD1326—in most cases, a prosecution, Federal prosecution.

But the sentencing after that case could range from 3 to 5 days to, you know, 6 to 8 months. So the consequences really—the sentencing, as a result of the conviction, not the program itself. So what we are trying to do is figure out in places like Tucson. We are trying to make that effect—is that we are no longer just going to return those people back to the Nogales port of entry or the Douglas port of entry into Wawapreita. They are going to have a consequence other than voluntary return.

In some cases, it will be Streamline. But it depends on what we are trying to affect, either the individual that we are apprehending, or the criminal organization. That is really helpful for us to then just abrogate just the apprehension data and really start looking at recidivism, start looking at what is the reappréhension rate, take a look at the difference between displacement and deflection for the first time so that we are not just looking at raw numbers or just doing programs for the sake of doing the programs.

Mr. QUAYLE. Okay. Thank you.

I yield back.

Mrs. MILLER. The Chairwoman recognizes Mr. Clarke, of Michigan.

Mr. CLARKE of Michigan. Thank you, Chairwoman Miller. You know, as a freshman Member of Congress and as a new Member on this subcommittee, I would just like to make a couple preliminary remarks before I pose my two questions.

First of all, Chairwoman Miller, your depth of understanding of maritime issues and your understanding of the importance of securing our Northern border really provides me with a great opportunity to help represent the economic and security interests of my district, which, as you stated earlier, includes the busiest international border crossing in North America.

I would like to also thank the Ranking Subcommittee Member, Representative Cuellar, for recommending this subcommittee as-

signment to me and also, probably most importantly, to Ranking Committee Member Thompson for extending the unprecedented courtesy of appointing me to this subcommittee. I thank you again for this opportunity.

The—

Ms. SANCHEZ. [Unintelligible.]

[Laughter.]

Mrs. MILLER. Thank you, Representative Sanchez.

Mr. CLARKE of Michigan. This is the protocol you have to go through as a freshman Member.

[Applause.]

Mr. CLARKE of Michigan. The border in—the Detroit border sector of the 863 miles—apparently, CBP says that only 4 of those miles are under operational control.

Chief Fisher, could you—as much as you can in this open session, what is your plan on securing this border, especially the border of the Detroit sector?

Chief FISHER. Congressman, I will tell you—and Chairwoman mentioned it earlier. When I first got to Detroit in 1998, I was faced with a different border than I had been brought into this organization back in 1987. What I experienced up there was 841 miles of water border on the most heavily populated boating population in the area, 1.5, at least at the time, million boats registered. There were 24 Border Patrol agents to secure that border.

So, we have evolved since that time. What we have realized—that, on the Northern border in particular, in places like Detroit, it is very critical for us to have, one, the right information about who and what is trying to come across that border. Information for us is going to be the key.

It is going to be the catalyst for us to then be able to make informed judgments about what is the requirements in terms of the resources and what is the—is going to be required in terms of an operational response. If we have information that somebody tonight is going to be coming across the Detroit River, what are we going to do?

By the way, that is not just the Border Patrol having that discussion, you know, in a muster. We are doing this loud along with our partners who also have equities and jurisdictional authorities in those areas.

That is why for us it is really important that we continue with the joint terrorism task force, with the other task forces so that we, along with the local law enforcement community, can continue to leverage all of those jurisdictional authorities against a common threat. So information is going to be a key.

Then once we move down from the information and intelligence phase—I talk a little bit about the operational integration. You know? It is different than having the chief of police and the chief of the Border Patrol and the sheriff and the county sit down once a month for coffee.

We really have to understand, No. 1, start applying some focus and targeted enforcement, really look at the operational discipline that is going to be required for that. Third is taking a look at unified commands and joint commands, where applicable. Because until and unless we can describe what is it that we are trying to

accomplish in very specific strategic objective frameworks, then it is very difficult for us to actually go out and deploy in a focused area.

Mr. CLARKE of Michigan. Thank you, Chief. One more question. Thank you.

According to the GAO report—and I would like to quote. I believe this is on page 27. “Border Patrol officials in the Detroit sector said that because they do not believe ICE shares information with them, coordination with ICE is hindered.”

Now, also, later in that report, the DHS responds to the GAO’s recommendation that there needs to be better compliance with the 2007 memorandum of understanding between the Border Patrol and ICE, that the Department’s response is to resume coordination council. But the GAO indicate that there are some problems in the past with the structuring of that body and that it needs to be restructured. Mr. Stana says that that recommendation of how it should be restructured is outside of the scope of his report.

But, Chief, if you could, if the restructuring of the coordination council would be involved in your response on how ICE and the Border Patrol could be better coordinated, how would you recommend that restructuring take place?

Chief FISHER. Well, Congressman, I will tell you first we do have Border Patrol agents that are assigned to the ICE border enforcement task force. They are called the BEST. We do work with ICE on a variety—not just in Detroit, Northern—and in the Southern border. We are heavily dependent on other agencies, to include ICE.

I will also tell you that there are between 21,370 Border Patrol agents that we will have by the end of this year. If you asked any one of those Border Patrol agents at any given time at a various location, there is probably some organization or agency that, in their understanding or their perception, that we are not working well with. That is not to discount what the GAO report indicated.

I take those very seriously as a kind of an independent pulse on our organization. But I will tell you at the leadership, from here in Washington down to the field leadership, the organization within DHS and in particular, CBP and ICE is working well, both in terms of our interdiction capabilities augmenting their investigative capabilities.

Mrs. MILLER. Thank you.

The Chairwoman now recognizes the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Madam Chairwoman.

Thank you, gentlemen, for being here today. I understand the enormous task that you have of securing our—the sovereignty of this country and also understand that the American people expect us to do just that, protect the sovereignty of the Nation and the sovereignty of the individual States.

You know, I think about President Reagan talking about America being a shining city on a hill. He said that if that city has to have walls, then those walls need to have gates. Those gates would allow normal commerce. It would also control normal and legal immigration for folks that want to come to this beacon of freedom.

So, I am struggling this morning with your definition of operational control. The Secure Fence Act of 2006, Congress defined operational control as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

The CBP is publishing data stating that only 44 percent of the Southwest border is under operational control. A border State is suing the Federal Government for these same issues.

You mentioned an acceptable level of operational control. I think the acceptable level of the American citizen is total control of our Southern border, our Northern border, our natural ports of entry where we determine who comes into this country, how many folks come here through legal means annually, what they come for, whether they are seeking citizenship. These are things, the questions that the American people are asking.

So, given the fact—and I could go on about the GAO and 69 miles of 39 or 87 miles on our Northern border being controlled, \$3 billion spent on the Northern border. Rhetorically—and I don't expect you to answer this question. But rhetorically, I think of how much concrete stone and barbed wire could have been purchased and erected on our Southern border for \$3 billion or a portion of that \$3 billion.

I understand you don't have total control on how your budget is expended. So that is why that is rhetorical. But what I would like to try to get to is a further understanding from you of what operational control really means.

Chief FISHER. Congressman, I will say that part of our overall mission is to substantially increase the probability of apprehension of those people that seek to do harm to this country. In particular, in the Border Patrol's case, that would be between the legal ports of entry.

I would agree with prevention is part of our strategy and what we are trying to do. But putting a 2-mile fence, for instance, on the border doesn't necessarily give you prevention because there is still going to be those individuals that are going to try to come over it, go underneath it, or go around it.

So, as we incrementally build that and we just add the pedestrian fence, for instance, in some cases, in Yuma in 2005 when we had over 2,300 vehicles just driving across the border, certainly, that was unsustainable from a border security standpoint. So, 1 year later, after we applied those resources, they have dwindled down to—right now—on average, the Yuma sector, which is part of that western part of Arizona, is seeing minimal activity levels as a result.

So the prevention is part of what we try to achieve as well. But fence and Border Patrol agents and technology, in and of itself, isn't the only thing that we require to achieve, as you describe what the American people require.

Because it is going to be a whole-of-Government approach and a whole-community approach to border security, you know, working with the State and local law enforcement agencies, for instance, working with the communities and in particular, those communities that are affected in the rural and remote areas where we don't have that level of presence, for instance, in terms of fencing

or in terms of detection capability. But we will work those, along with our law enforcement partners predicated on intelligence that we use the resources that we have in a very focused and forward effort along with those community members.

Mr. DUNCAN. Chief Fisher, I appreciate that. You are going to find a friend in me to help you achieve your mission. But I appreciate you saying that you are trying to stop folks that are wanting to do harm to this country.

We have got a tremendous issue with folks that are just coming into this country illegally pursuing jobs and quality of life that we enjoy. I understand why they come. But you also said in your written statement that you currently have immigration laws, and these laws can't be ignored.

The law is the law, and that our law enforcement officers and agents are bound to duty to enforce these laws. But the last time I checked, entering in this country without coming through a natural port of entry, through illegal means, is against the law.

So, in addition to those that are wanting to harm this country through terrorism and other things, we also have a duty to protect the law, or enforce the law, of those that are coming here and breaking our laws, crossing our borders. That is in addition to what you are saying.

Chief FISHER. Yes, Congressman. But, if I may add, when I had mentioned those people that would do harm to this country, I didn't do that at the exclusion of all other activity. Clearly, as law enforcement officers, we are bound by oath and by the Constitution and certainly, by the American people to enforce those laws. We will do them both within the Constitution, with a degree of compassion and consistency within this organization.

Mr. DUNCAN. Thank you.

Thank you, Madam Chairwoman.

Mrs. MILLER. The Chairwoman recognizes the gentlelady from the U.S. Virgin Islands, Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Madam Chairwoman. It is a pleasure to be here on the subcommittee with both you and the Ranking Member.

Welcome to our panel this morning. I want to, I think, follow up on Mr. Duncan. It was differences in the definition of operational control that CBP has been using versus Congress centered around the prevention.

I am just wondering whether CBP as currently figured, staff, resource, and maybe—you know, and even legislation—legislative mandates—are you able to move to the Congressional definition that includes prevention as you are currently staffed, configured, and resourced? Or does it require some changes?

Chief FISHER. Congresswoman, in some areas, yes, where we are able to prevent the entry in the first instance. But I would not characterize all the borders that we have been able to prevent the entries.

Mrs. CHRISTENSEN. Okay. Well, I guess that leaves—well, is it that you need more staff? Do you need a different type of resource? Is there some legislative change that needs to be made?

Chief FISHER. Well, what I can tell you right now—and what we are actually doing this year and into next year, is really increasing

the detection capability that the Border Patrol agents have in between the ports of entry. Matter of fact, if you recall recently part of the assessment that the Secretary looked at for SBInet is going to give us the ability now to take all detection capability into consideration, and in particular, those global capabilities, whether the mobile surveillance systems, remote video surveillance systems, recon three's, which are the hand-held thermal imaging devices that Border Patrol agents need out in some of those canyons.

So, once we start applying those levels of technology, you know, we have always stated over the years that in those areas where we do have the infrastructure in terms of pedestrian fence or vehicle barricades, where we do have a level of detection capability, in those areas, we are not necessarily gaining what we have defined as operational control, but sustaining it at that point, which generally requires less Border Patrol agents to do that. So right now, because we have seen incrementally over the last few years an infusion of Border Patrol agents and we have seen additional technology and we have seen the completion of the vast majority of that infrastructure, we are starting to think about the ways we apply our doctrine.

That is why I mentioned that before. So right now, I am not suggesting that we need X amount more Border Patrol agents or technology. Those are the discussions that we as a leadership are having right now. What is it that we—how are we applying all those things now and years where we didn't?

We have seen the border change in a variety of ways, not the least of which is those techniques, tactics, and procedures that the smuggling organizations, the trans-national criminal organizations are using. Right now, we are building that workforce to be able to figure out what is the best approach to do that.

Mrs. CHRISTENSEN. Mr. Stana, did you want to add something?

Mr. STANA. No, I think we all realize that the word prevention is a very high bar.

Mrs. CHRISTENSEN. Yes.

Mr. STANA. You know, what resources that would be needed to absolutely prevent every single incursion would be something probably out of reasonable consideration. But there are things that the Border Patrol and CBP and others could do to make sure that we are doing the best with what we have and what we can afford. We talked about many of those here. We have talked about technology. We have talked about coordination, information sharing, and making sure that we have the measures in place that we know we are putting our people where they are doing some good.

Mrs. CHRISTENSEN. Thank you. I think that I can squeeze in one more question. Again, it is about operational control.

If you can't answer this question for me today, maybe you could at a later time, Chief. Could you give me an assessment of the level of operational control in the border area that I represent, so Puerto Rico, the Virgin Islands? Include Florida. How would you characterize the level of operational control? Is it undetermined, low-level monitored, monitored, managed, or controlled?

Chief FISHER. Well, I think you raise a good point, Congresswoman. Certainly, in your 26 seconds that are left, I would just as

soon give you a comprehensive review of that, and in particular, the methodology by which we make that assessment, if that is fair.

Mrs. CHRISTENSEN. Thank you. Yes, that will be quite fair.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thank you.

The Chairwoman now recognizes the gentleman from Alabama, Mr. Rogers.

Mr. ROGERS. Thank you, Madam Chairwoman.

Thank all of you all for being here. I really appreciate it.

Chief Fisher, I—when I first came on this committee before it was a standing committee, as a select committee, I didn't have a full appreciation of the professionalism and bravery of the CBP officers. But after multiple trips to the border, you all are a fine bunch of law enforcement officers and very brave.

I know of the 24 years you have been, you have seen a lot of changes. But I have got to tell you. I don't understand where you come up with the belief that you have a different operational control standard than that set out by the law. Can you tell me how the CBP came up with a different definition than the one that was set out by the 2006 statute Mr. Duncan read to you?

Chief FISHER. Well, sir, I don't—and if I mischaracterize it, let me be clear. We are not differentiating from what the law states.

I was just explaining early when we developed a strategy and came up with the manner by which we were going to assess operational control, it wasn't in conflict with the legislation. I am just explaining the tactical use by which our field command—and as we report those lines of operational control, No. 1 is how we differentiate between the definitions; No. 2, that all the definitions as—even when they were written, are predicated on resources.

Mr. ROGERS. Yes, but you read a definition to this committee of operational control. It was not the statutory definition.

Chief FISHER. Yes. Well, I am just—I am giving you our operational definition that we train our leadership to make those assessments—

Mr. ROGERS. That is my problem.

Chief FISHER [continuing]. To.

Mr. ROGERS. You are a law enforcement officer. The law says you will prevent all illegals from coming in, just as Mr. Duncan read. My question is: Why would the CBP develop a functioning definition that is different from that that is set up in the law?

Chief FISHER. Well, I don't know that I am understanding your qualification on that, sir. So when I say that we define it as the extent to which we are able to detect—

Mr. ROGERS. That is not what the law says. The law says, "The prevention of all unlawful entries into the United States," et cetera, et cetera.

Chief FISHER. Right.

Mr. ROGERS. My question is: Should that be the standard against which you are measuring? Now, Mr. Stana has talked about measurements. Mr. Cuellar has talked about measurements. If we want a valid reading of how we are working toward achieving the legal standard, then you have got to measure all illegals.

You know, I—frankly, as you will talk with David Aguilar, I am his best friend on this committee. I have great admiration for you

all. But I have got to tell you. The last time you were here, I asked you: Do you need any more manpower? You know, when I came on this committee, we had 12,000 CBP agents. Now it is double that.

When I asked you last time you were here, you said, no, I don't need any more. Well, we have got 1,100 National Guardsmen down there helping you. Obviously, you need more.

So I go back to questions you have had asked by Mrs. Christensen. What do you need to secure the border? You know, and it may be as Mr. Stana just said, a figure that is astronomical and what you believe is unattainable. That is not your call.

Your call is to tell you and tell us in your unvarnished opinion what you need to achieve the legal standard set out in 2006. Then let us make the decision if we want to achieve 50 percent of that or 60 percent or 75 percent.

So I guess I am looking for that feedback and that number. What do you need to attain that rock-solid prevention of illegals coming across our border? Right now, let us just focus on the Southern border, even though the Northern border is just as important. Yet, that is the one you have the most familiarity with, as I understand.

Chief FISHER. Yes, Congressman. You know, as I am—as you are asking the question, I am thinking about, you know, the last discussion that we had with our leadership in terms of—again, our prevention is for anything that is coming across the border at that level that you qualified.

The steps that I had determined or discussed in terms of the definition are the incremental steps to achieve that. So they are not disconnected, at least in my understanding of what those are.

Mr. ROGERS. You are correct. You are correct. It is not just the illegal aliens. It is other things as well.

Chief FISHER. Right. But the other thing that we are seeing right now is—I cannot today, and certainly, not over the next couple of weeks, say this is the amount of Border Patrol agents that we are going to need at that absolute, to be able to prevent 100 percent people coming in because, again, even with the personnel, Border Patrol agents, in this case, the technology or the infrastructure—part of that, you know, qualification is going to be the manner in which we apply those and how we work with other agencies.

I have got a real quick example. Maybe it will make the case a little bit. In areas of the 5 miles between San Ysidro and the old-time Mesa port of entry, a post where I came from previously, is we have a primary fence. We have the secondary fence, which is about 12 to 15 feet high. We have got all-weather roads, which is basically a containment zone which gives us full patrol capabilities.

We have stadium-style lights. We have full-time coverage, overlapping fields of fire with daytime and nighttime cameras. That is, by even our standard, one of the best places where we would achieve that. Yet, it is the same area where we have seen the most tunneling within our border.

So, if you look at what is—we don't need more Border Patrol agents in that particular case. It may be some very specific, you know, detection capability. It may be information and intelligence networks. So it is not just—as we have stated over the years, personnel, technology, and infrastructure served us well to be able to get those resources down there.

What we are trying to do is assess right now what is that combination. If we need some more, I will be the first to come back and ask for your support, sir.

Mr. ROGERS. Well, I want you to understand. The reason that you have got all that hardware on your collar is you are a professional. We count on your professional opinion.

David Aguilar, who is the deputy commissioner, as well as Commissioner Bersin—I can assure you—I know the Chairwoman really well and the Ranking Member. They are my good friends. We are going to keep coming back until you all tell us what you need.

So I hope that you will communicate with both the commissioner and deputy commissioner that you all have got to come up with a set of criteria and numbers that would give us functional control, operational control of the Southern border and the Northern border. Don't even—listen, I am not even talking about the coastal border right now, which you know is our biggest.

Then let us make some policy decisions about what is practical for us to do as a Nation. I would appreciate that. I just want you to know I am not your enemy. I am a big supporter of CBP.

But this is our job. This is what our constituents are asking. I understand the challenge that you talk about and Mr. Stana is talking about and the mayor talked about. But we need this information.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thank the gentleman.

The Chairwoman recognizes Mr. Higgins, from New York.

Mr. HIGGINS. Thank you, Madam Chairwoman. The issue of operational control is obviously very important. A lot of time was spent here talking about resources, human resources, the importance of Federal agencies, State agencies, and local agencies sharing information. I don't think enough has been said about infrastructure.

Chief Fisher, you had mentioned it a couple of times, in your opening statement, once, and then in response to one of the questions here. I represent Buffalo and Western New York. The Peace Bridge connects Buffalo and western New York with southern Ontario. The Peace Bridge was constructed 83 years ago. The population of southern Ontario in that time had grown by over 300 percent.

The Peace Bridge, when it was constructed, consisted of three lanes. It still has three lanes. They use an alternating lane system so 50 percent of the time, you are down to one lane. It is the busiest passenger crossing at the Northern border.

The importance, I think, is to balance security and safety with the free flow of commerce. As the Chairwoman has said, Canada is our largest trading partner. We are friends.

The President, in his budget, included \$2.2 billion, in his proposed budget, for land ports of entry. The Peace Bridge is a priority, as far as we understand it. Could you just talk about the importance generally of infrastructure toward the goal of securing the borders and finding that balance between securing the border and not constricting the flow of goods and commerce from either the Northern and/or the Southern border?

Chief FISHER. Congressman, thank you. I am going to attempt to go a little bit outside of my lane of expertise within the U.S. Customs and Border Protection and answer your question. I don't necessarily think—and I have heard the commissioner say this before, so I think I am on solid ground—that as we look at the ports of entry, in particular, that we don't look at security and the legal flow of goods and commerce into this country as necessarily a balance.

I don't necessarily think it is a zero sum game. In other words, in order to increase the free flow of commerce, we have to somehow give up security and vice versa.

What we try to do at the ports of entry, probably even more so than in between the ports of entry, is we try to find out as much as we can in advance of a crossing at the port of entry to spend less time about that and to spend more time about those things, people, and goods that we don't know about. So—and I think that, you know, recently with the signing of the commitments between both governments in Canada and the United States, you know, CBP is going to be actively engaged, as we currently are, with our law enforcement partners and government partners to figure out how we do that to make sure that those ports of entry are having the most economically viable passage of people and goods through there, but at the same time, not giving up on security.

I think we do that a lot. Infrastructure, certainly, in some instances will play a part of that. But I think it is some of the policies and the manner in which we approach this that also can contribute to that as well.

Mr. STANA. Yes, I think the bridge itself is only part of the issue up there, the Peace Bridge. As you know, you are kind of constricted in the area of inspection by—I think there is a park up there, and there is a neighborhood. Then you have got the river, and there is a freeway next to it. You are really kind of boxed in there. I know that issue very well because we did some work for then Senator Clinton on trying to get a pre-inspection on the Fort Erie side. There were Canadian constitutional issues there that it couldn't really happen.

Mr. HIGGINS. Yes, the pre-clearance, or shared border management concept has been rejected—

Mr. STANA. Right.

Mr. HIGGINS [continuing]. By homeland security as not workable.

Mr. STANA. Yes.

Mr. HIGGINS [continuing]. Given the two separate constitutions and other logistical issues.

Mr. STANA. Exactly.

Mr. HIGGINS. But you know, the bridge remains very, very constricted.

Mr. STANA. Now, the bridge is a problem. It is the same issue with the Ambassador Bridge.

Mr. HIGGINS. Yes.

Mr. STANA. You know, where Chairwoman Miller is. That is, that the trick is, is getting the legitimate cargoes and people across quickly.

Mr. HIGGINS. Right.

Mr. STANA. There are different, you know, trusted traveler programs like FAST that get the cargoes across quickly. You know, you have people who pre-register, and we know them. We know their supply chain. They are not the problem. You have got to get to the vital few, the needle in the haystack. That is the trick there.

Mr. HIGGINS. Just a final thought on this, Madam Chairwoman.

I appreciate your emphasis on security exclusively. I don't believe it is a zero sum game. I believe it is a variable sum game that can be multiple winners. From my perspective, we have to balance the needs of security, but also the economic viability of the area and the enhancement of that economic viability by having a secured, but efficient bridge and port of entry plaza, inspection plaza to ensure that both passenger vehicles and trucks carrying goods is moving back and forth from Canada.

Because, as the Chairwoman had said at the very outset, our economies are highly dependent on one another. Particularly in the Northeast, places like Buffalo, that is not growing, we seek to regionalize our economy, both east to—in New York, but also north into southern Ontario.

The province of Ontario—94 percent of the population lives in southern Ontario. It is a population that is projected to grow by another million over the next decade. So it is very important that we stretch the infrastructure capacity both at the plaza and the bridge to promote the Nation's security, obviously, but also to promote economic development. Thank you.

Mrs. MILLER. I thank the gentleman. We are going to have a little bit of time for the second round. We are well-aware and cognizant of Chief Fisher's time constraints.

But if I could, I am going to follow up on Mr. Higgins' comments about the plazas there in Buffalo and something that we call—what I would call reverse inspection, really. So, how we protect our infrastructure is of critical importance as we think about how we continue to expedite commerce to our great friends and neighbors and trading partners, the Canadians.

It was interesting that President Obama and Prime Minister Harper just recently have come out with a new U.S./Canada agreement, which is focusing a lot on border security, some of the issues that we have with the thickening of the border and how we can accommodate all of these things. One of the things that was actually mentioned in there was the Detroit River crossing.

We are going to be actually building another crossing there, something we call the DRIC. Well, it is still up in the air a bit, but there will be an additional Detroit River crossing, whether it is one that they call the DRIC or another one that would be the twinning of the Ambassador Bridge.

However that works out, we do need an additional crossing in the Detroit sector there. The Canadians are so interested in it that they are actually going to loan the State of Michigan \$550 million, which is our portion of the match. That is how serious they are about having an additional trade route there.

The reverse inspection is something that, in my mind, that would be where they actually are secured before they cross the bridge, before they would cross the infrastructure. So, I know there has been problems because of the two nations and our two constitutions. But

hopefully, this new U.S./Canadian agreement will look at some of those things and see if we can't work some of those out.

I would also want to mention—and I always talk about the Northern border because, as I say, believe me, I am not deemphasizing what is happening on the Southern border. That is something that the American citizens are absolutely focused on Congress focusing our attention on, of securing our borders. But without quantifying the number, I think it is safe to say that the TIDEs list, which is a term that the American public became very familiar with after the Christmas day bomber when they said that that individual was not caught by the TIDEs list.

The TIDEs list—we have significantly higher hits on the TIDE list on the Northern border than we do on the Southern border. So I just say that as a way to talk about the unique challenges that are happening on the Northern border, a different type of situation, perhaps.

But I also wanted to mention something—I have listened to all my colleagues ask questions and was pointed out whether that was the GAO report about the Northern border or some of the problems along the Southern border, the 9/11 Commission recommendation about the need to know to the need to share information. We do have a pilot program, actually, in my district, which is a National pilot program that can be utilized by all of the stakeholders, both whether it is the north, the south, the coastal borders, everything.

It is called an operational integration center where we—they weren't really sure. I guess you weren't really sure what to call it. I like the term. I don't know where it came from. But it is a very cool term.

But it is descriptive because you are actually having all of the various stakeholders, whether that is Customs and Border Patrol, whether that is the Coast Guard, whether it is our Canadian counterparts, whether it is our local officials, local first responders, the Michigan State Police, et cetera, our National Guard, everybody. All stakeholders feed their data into this operational integration center.

The data is massaged by the expert and is able to come out in a product that can be put in the hands of a Border Patrol agent out in the field on the front lines to utilize real-time information effectively as they need to. So we are very excited with that. We are going to have a grand opening next month, I think. We are hoping the Secretary will come there.

One of the other things—and Mr. Cuellar and I are going to be talking about where we see this subcommittee going in the future and some of the various issues we want to talk about. But, you know, perhaps we are not measuring every bit of the matrix and giving as much weight to every measurement in the matrix as much as we should.

For instance, we were just commenting here or listening to some of the comments that perhaps we are not measuring the technology part of it as heavily, giving it as heavy weight as we should. I am a big proponent of UAVs. I know Mr. Cuellar has that in his district. Or at least in Texas and through the Southern border.

I mean, this is off-the-shelf hardware that has already been paid for by the U.S. taxpayers that has been utilized very effectively in-

theater that can be utilized in the south, the north, the coastal borders. It has to.

So, at some of our follow-up hearings we are going to want to be talking to folks about the follow-on technology, the SBInet, what comes next, really, and how we measure that, whether it is UAV. Another good type of technology that we are all starting to look into and may have a hearing on as part of the technology hearing is some of the land systems. Again, these are things that are being utilized very effectively in terrain that is certainly every bit as rugged, if not more, than what we find in our borders, in-theater, in Afghanistan, through Iraq.

These are technologies that always don't require an actual person, just like a UAV. If you lose a UAV in-theater, you know, it is too bad you lost a couple million dollars. But you didn't lose a person. Same thing with these land systems.

I mean, the technology is out there. As one of my colleagues mentioned, it is our job. You need to tell us what you need.

You give us your best advice, and we will—it is for us to make the difficult decisions in face of the financial crisis that is facing our Nation to be able to understand how we are going to prioritize dollars, to be able to give you all, particular, Chief, the resources that your very brave men and women need to do their jobs as effectively as they know how to do them if they had the resources to do them and meeting the mandate that the American people have set for us, certainly. That is border security and securing our border.

Mr. Cuellar, would you have any follow-on questions—some time?

Mr. CUELLAR. Well, thank you, Madam Chairwoman. The only thing I would add is something that we have talked about, as you mentioned a few minutes ago, reducing taxpayers' dollars for equipment that has been already purchased, or at least the research has been done. That is the defense intelligence agency that has technology that can be used for the border.

We have gone down to the border with the defense intelligence agency. They have been doing some pilot programs. The only thing I saw, Madam Chairwoman, is that there was a little resistance from homeland, I guess, trying to use their own research.

But taxpayers have always been used on that. I think it is something that you all should really look into. It has been tested by the military in the battlefields and certainly, can work on the border also.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thank you.

I guess my final question, then, before we close would be to ask when you think the Border Patrol may be offering their new metrics for how you are going to be measuring operational control.

Chief FISHER. As soon as we feel comfortable that they would represent what we believe that—you know, one of the things that we don't want to do, Madam Chairwoman—and this is certainly something I have looked at—is, you know, how we do this and just beyond just the definition and beyond the words.

We recognize that the words that we use mean something. So, we want to make sure that we have a full understanding of, not

just what we think they mean, but as it gets rolled out, both in terms of the committees and the American people, that we have a better sense.

It is not necessarily coming up with new metrics as much as it is understanding how those metrics apply in today's border environment. I will give you a quick example.

One is—I touched about it briefly—apprehensions. We have been talking about apprehensions ever since I have been in the Border Patrol. But what is more important, at least to me, is not the number of apprehensions, but the number of people. Of those people—we talked about recidivism.

How many of those individuals were apprehended just one additional time? How many of those individual were apprehended between five and 10 times? That, to me, starts really understanding what is it that we are trying to affect as opposed to just looking at a metric outside of the broader context.

So it is not new, necessarily, metrics. Although we explore those as well. It is how we even further define—I mean, understand what these metrics mean to us now in this different border environment. But as soon as we are able to, we will—certainly, I will be talking with you and your staff to be able to get a sense of: Does this make sense?

Mrs. MILLER. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chairwoman.

I would ask Chief Fisher and Mr. Stana also to look at the new GPRA 2.0, if I can say that. Because there is a section there—it talks about the measurements. But there is a section there also working with Senator Coburn that basically puts some teeth on programs and agencies that says that if you don't meet the efficiency, you could end up with—and I am not saying you, but just in general speaking, a program can be either reduced or eliminated for their inefficiencies.

There is some strong, strong, strong language that we worked with Senator Coburn on this. So I would ask you all to look at this new law because in the past, there hasn't been teeth added.

But there is now teeth added to it now where, as we look at the measures and agencies don't meet the measures and provide that information over to the Members of Congress, there is some teeth now that could call for Members of Congress to go after your budget or total elimination of a program or agency if we don't meet those efficiencies. So I would highly, highly, highly suggest that you look at GPRA 2.0.

Mr. STANA. Actually, you are raising a very good point. In fact, when GPRA equivalents are used in foreign countries, that is the outcome in the zero sum budget environment. The ones that don't meet performance measures have a lot of explaining to do.

Mrs. MILLER. Okay. I just, again, want to thank all the witnesses. We certainly have appreciated your participation in today's hearing, all your information.

Particularly to the mayor, who had to travel from Laredo. So we appreciate you coming, my new cousin. I appreciate that.

The Members of the committee who have some additional questions for the witnesses, we will ask you to respond to these in writ-

ing. The hearing record will be open for 10 days. Without objection,
the subcommittee stands adjourned.
[Whereupon, at 11:41 a.m., the subcommittee was adjourned.]

