

**MEASURING BORDER SECURITY: U.S. BORDER
PATROL'S NEW STRATEGIC PLAN 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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MEASURING BORDER SECURITY: U.S. BORDER PATROL'S NEW STRATEGIC PLAN AND THE PATH FORWARD

Tuesday, May 8, 2012

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

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

Present: Representatives Miller, McCaul, Duncan, Cuellar, Thompson, and Jackson Lee.

Mrs. MILLER. The Committee on Homeland Security, the Subcommittee on Border and Maritime Security, will come to order. The subcommittee is meeting today to examine our Border Patrol's new strategic plan. We have a great lineup of witnesses today.

But before we begin talking about our border, I think it is appropriate for this subcommittee to acknowledge the extraordinary professionalism and work that happened with the FBI and the CIA in regard to foiling this recent bombing plot that was happening in Yemen.

I would say one thing that is very, very clear to all of us is that the war on terror is not over. We have so many enemies of freedom that are bent on attacking this Nation. I think, again, Americans can be comforted by the fact that we have such high vigilance and so many professional folks in all our agencies. We are going to hear from a number of them today. But they are working on the front lines each and every day to protect us, protect Americans against the enemies of freedom.

One of the things that is incumbent on us as a Congress is to make sure that we provide these individuals at the various agencies with the tools that they need, the resources that they need, the training that they need to be able to stop a plot such as we saw here, as is becoming clearer of some of the various things that happened. But being from the Detroit area where the underwear bomber, Christmas day bomber, almost blew up about 300 folks over my hometown several years ago, we always need to be ever-vigilant, of course.

But, again, on behalf of the committee, subcommittee, certainly the entire committee, I think we all are very, very thankful that this plot was stopped.

Today our subcommittee is going to be talking, as I said, about the Border Patrol's new strategic plan. Our witnesses today are Chief Fisher of the U.S. Border Patrol; Rebecca Gambler, who is the Director of Homeland Security and Justice section within the GAO; and Marc Rosenblum, who is a specialist in immigration policy from the Congressional Research Service. We welcome them all. I will make the formal introductions after the opening statements.

Clearly, along the enumerated powers of the Congress, providing for the common defense, which is actually in the Preamble of our Constitution, gives this committee the authority and responsibility to ensure that we do secure our Nation's borders. How we determine that or measure that and what a secure border actually looks like has been the subject of much of this subcommittee's work during this Congress.

The U.S. Border Patrol recently released an updated 5-year strategic plan. It is the first updated strategy since 2004. This new strategic plan is intended to mark a shift in focus from being resource-based to risk-based, focusing resources on the greatest border threats that we face. Principal themes for the new strategic plan are information, integration, and rapid response, all of which are very important aspects to consider as we work to secure our border.

The Border Patrol certainly has to make the best use of the resources that Congress provides to it and be poised to respond quickly if conditions change, which they always are evolving and changing. I certainly want to say that I am very encouraged that the Border Patrol decided to update this strategy to reflect the reality that we face on the border today.

But I am a bit concerned that the 2012 to 2016 Strategy lacks a tangible way to measure our efforts on the border, and we are going to be exploring that today. The new strategy I think is absent in an emphasis on proven techniques, such as defense-in-depth, which makes full use of interior checkpoints to deny successful migration, which was a key facet of the 2004 Strategy, yet it is not mentioned at all in this new strategic plan, so I am sure there will be a question on why that was not included.

Basing operations and patrolling using the best intelligence to inform how and where agents patrol is smart, and the new strategy rightly focuses on using information to better secure our borders. But intelligence is an imperfect tool, and some degree of randomness should be incorporated to keep drug cartels or what have you from finding holes in our defenses or watching and tracking our patterns.

The most important question I think in many minds is: How do we know if this new strategy is working, and so how can we measure it? The Border Patrol's previous National strategy, again released in 2004, was predicated on the concept of gaining and maintaining miles of operational control. That sort of became the de facto term of art, if you will, that indicated how much or how little of the border the Border Patrol could effectively control. However, it is clear that the Department of Homeland Security is backing away from the use of that term, "operational control," in its absence in this strategy.

In 2010, the Department really stopped reporting to Congress the number of miles of border under operational control, and, to date, we have not been supplied with an alternative measure to replace this operational control matrix. Performance measures, such as the number of apprehensions, as noted by the GAO in their testimony, are really not adequate to measure border security progress. I think as I have said and many Members of this subcommittee have said often in the past, we are open to a new, more robust standard if it supplements operational control and if it better describes the level of security at the border. But when we hear terms like “the border is more secure than ever,” well, that may be so, but how do you measure that, by what? That is what we are really looking for.

Conditions along the Nation’s border continue to evolve. It is clear we need to have an agreed-upon measure to understand progress, as I say, or lack thereof. The border is certainly a much different place now than it was in 2004, and Congress, of course, has invested in doubling the size of the Border Patrol, building hundreds of miles of fence, utilizing new technology such as the unmanned aerial vehicles, the UAVs, that this subcommittee and the full committee have had many hearings about. However, as the GAO has noted, all of these elements were also prevalent in the 2004 Strategy, so, again, we will be interested in learning what is different or new in the 2012 plan.

As mentioned in the new strategic plan, the Department is working on something called the Border Condition Index, the BCI, which is supposed to be an objective measure to inform and to matrix our border security efforts. We have heard some reports that the anticipated new standard is running into some delays, maybe it is unworkable. Again, I think we will be eager to hear how that is all happening.

Using apprehensions as a measure of progress tells us an incomplete story, really. There are a number of reasons why I think migration across our border is down. Certainly, our efforts are one of the components, but the economy has been weakened; drug cartels make trying to cross the border a dangerous endeavor for many that were trying; and, certainly, changing demographics. All of these things are critical elements that play a role in the reduced number of illegal aliens who are crossing the border or attempting to cross the border.

I say that by not taking away for a moment from the work that the Border Patrol has done. I think our enhanced enforcement efforts and the introduction of significant consequences, such as prosecution for multiple crossers and smugglers, have made a tremendous difference. At the same time, I think we obviously can’t be complacent, as the number of illegal aliens crossing in places such as the Rio Grande Valley sector in Texas have recently increased, actually, which is bucking the National trend.

So we have called on the Department of Homeland Security to produce a comprehensive strategy to secure the border that informs the Congress and the American people of the resources that are needed to make that a reality. I certainly hope that the forthcoming implementation plan will indicate what a secure border looks like and provides us a pathway to get there.

I also want to mention it is the 88th anniversary, actually, of the founding of the U.S. Border Patrol. That is going to be later this month. Over that time, the men and women in green have served our Nation in such an extraordinarily remarkable and professionally well-executed way. On behalf of this committee, I certainly want to commend all of the men and women of the Border Patrol for the work that they have done over the last decade, as well, the last 88 years, but certainly since 9/11 and since we have really started to focus on our border in a much more intense way. They have just done an extraordinarily professional job for all of us.

So I look forward to hearing from the witnesses today on how this change in strategy will move the ball forward to make for a more secure border.

[The statement of Mrs. Miller follows:]

PREPARED STATEMENT OF CHAIRWOMAN CANDICE S. MILLER

MAY 8, 2012

Among the enumerated powers of the Congress, providing for the common defense gives this committee the authority and responsibility to ensure that we secure the Nation's borders.

How we determine, or measure, what a secure border looks like has been the subject of much of this subcommittee's work this Congress. This hearing will continue the subcommittee's oversight in this area.

The U.S. Border Patrol recently released an updated 5-year strategic plan, the first updated strategy since 2004. According to Border Patrol leadership, the new Strategic Plan is intended to mark a shift in focus from being "resource"-based to "risk"-based, focusing resources on the greatest border threats.

The principal themes for the new strategic plan are information, integration, and rapid response—all important aspects to consider as we work to secure the border. The Border Patrol has to make the best use of the resources this Congress provides and be poised to respond quickly if conditions change.

I want to say at the outset that I am encouraged that the Border Patrol decided to update this strategy to reflect the reality we face on the border today, but I am concerned that the 2012–2016 Strategy lacks a tangible way to measure our efforts on the border.

I would like to highlight the absence of proven techniques such as defense-in-depth, which makes full use of interior checkpoints to deny successful migration, which was a key facet of the 2004 Strategy yet it is not mentioned at all in the 2012 Strategic plan. I will be interested to hear why that was not included.

Basing operations and patrolling using the best intelligence to inform how, and where, agents patrol, is smart, but intelligence is an imperfect tool and some degree of randomness should be incorporated to keep drug cartels from finding holes in our defenses, or watching and tracking our patterns.

Border Patrol's previous National strategy, released in 2004, was predicated on the concept of gaining and maintaining miles of operational control.

It became the de facto term of art that indicated how much or how little of the border the Border Patrol could effectively control.

However, it is clear that the Department of Homeland Security is backing away from the use of "operational control" given its absence in this strategy.

In 2010, the Department stopped reporting to Congress the number of miles of border under operational control, but to date has not supplied an alternative measure to replace operational control. Performance measures such as the number of apprehensions, as noted by GAO in their testimony, are not adequate to measure border security progress.

As I have said before, I am certainly open to a new, more robust standard if it supplements operational control and better describes the level of security at the border, but we cannot merely take the Secretary's word that the border is more secure than ever.

Conditions along the Nation's border continue to evolve and it is clear we need an agreed-upon measure to understand progress, or lack thereof. The border is a vastly different place than it was in 2004 because Congress invested in doubling the size of the Border Patrol, building hundreds of miles of fence, and utilizing new technology such as unmanned aerial vehicles.

However, as the GAO has noted, all of these elements were also prevalent in 2004 Strategy, so I will be interested in learning what is different or new in the 2012 plan.

As mentioned in the new strategic plan, the Department is working on something called the Border Condition Index which is supposed to be an objective measure to inform our border security efforts.

However, I have heard reports that the anticipated new standard is running into delays, and may even be an unworkable measure. So, I am eager to hear how this Congress and the American people can adequately judge progress on border security in the interim.

Our economy is fragile, drug cartels make trying to cross the border a dangerous endeavor, and changing demographics all play a role in the reduced number of illegal aliens who cross the border.

That is not to take away from the work the Border Patrol has done—I'm certain that our enhanced enforcement efforts and the introduction of significant consequences, such a prosecution for multiple crossers and smugglers have made a difference.

But I want to caution that we should not become complacent as the number of illegal aliens crossing in places such as the Rio Grande Valley Sector in Texas have recently increased, bucking the National trend.

I have called on the Department of Homeland Security to produce a comprehensive strategy to secure the border that informs the Congress of the resource needs to make that a reality. My hope is that the forthcoming implementation plan will indicate what a secure border looks like and provides a path to get us there.

The 88th anniversary of the founding of the U.S. Border Patrol will take place later this month and over that time, the men and women in green have served our Nation well.

On behalf of this committee, I want to commend the men and women of the Border Patrol for the work they have done over the last decade to make our border more secure, but we cannot cede an inch to drug cartels, human traffickers, smugglers, and potential terrorists.

I look forward to hearing from the witnesses today on how this change in strategy will move the ball forward toward a more secure border.

Mrs. MILLER. At this time, I would recognize our Ranking Member, the gentleman from Texas, Mr. Cuellar, for his opening statement.

Mr. CUELLAR. Thank you so much, Madam Chairwoman, for having this meeting. I am glad that we are here to examine the Border Patrol's recently released strategic plan.

I have long believed that border security is a core element of the Department of Homeland Security. After the terrorism attacks of September 11, 2001, Congress made providing the resources necessary to secure that. We learned a lot from what happened on September 11, 2001, and we certainly want to make sure that we secure our land, air, marine, maritime borders, make sure that is a top priority for all of us.

As a result, the number of Border Patrol agents patrolling America's border has more than doubled. As of last month, there were 21,328 Border Patrol agents.

Chief Fisher, I think you all just recently had your 1,000 graduating class, and congratulations on that.

Additional resources also allow for expanded border infrastructure such as fencing and technology such as mobile surveillance units. The U.S. Border Patrol refocused its priorities in response to 9/11 while remaining committed to its traditional duties of preventing illicit trafficking of people and contraband between our official ports of entry.

To that end, the Border Patrol released its first National strategic plan in March 2004. That plan provided the framework for the on-going acquisition and deployment of personnel, technology,

and infrastructure resources along our Nation's border. In the intervening years, the Border Patrol has continued to grow and has only recently begun to level off its expansion.

This is a very appropriate time for the agency to set forth a new strategic plan which seeks to assure the new Border Patrol is as effective and efficient as possible. Indeed, in order to best utilize Border Patrol's workforce and advanced technology, the agency has developed a risk-based strategy, which, again, is something that—just like the Chairwoman and I were interested in measures, because at the end of the day we want to see, if you put X amount of dollars into an agency, what are the results, how do you measure results? This is something that we certainly, working with all the folks here, we want to make sure. Trying to find the right results can be difficult, I understand that, but we appreciate all the work that you all have been doing to make sure that we focus on results.

The new strategic plan is focused on identifying high-risk areas and flows and targeting the response to meet those threats. Cooperation is also key to the 2012 Strategy as it would serve as a guide in the overall efforts of CBP, another agency within DHS, to ensure progress continues on our borders. The 2012 Strategy also builds on a strong relationship with Mexico and Canada as it relates to border management and security.

I am hopeful that today's discussion will help us gain a better perspective not only of where Border Patrol is today but also on the future direction of the agency. I am also particularly interested in finding out how Border Patrol will continue to build on the strong relationships with its State and local counterparts on the Southern Border.

Chief, you and I have talked about the importance of making sure that they are all working, because we can't do it by ourselves, we have to involve the States and, of course, the local governments. I appreciate all the work that you are doing in that effort.

Living on the Southern Border has given us a first-hand knowledge of the challenges facing the region and the importance of providing not just the tools necessary to enhance border security but also a sound plan to get us there. I am also interested from our witnesses about how they believe we can get to that point.

I want to thank Chairwoman Miller for having this meeting but also for the field hearing, for allowing us to be down there in my hometown of Laredo. Congressman Mike McCaul was there. We got to see the work that has been done, not only the ports of entry, but we also got on the boats and went up and down the Rio Grande.

We want to thank you, Chief, for the work that you all are doing in providing that type of work down there.

So I want to thank all the witnesses for joining us here today. With that, I yield back. Thank you, Madam Chairwoman.

Mrs. MILLER. I thank the gentleman for his comments. We heard excellent reports about your field hearing there, and Chairman McCaul and Mr. Cuellar as well. So I thought that was an excellent, excellent effort on all of your behalf, and I appreciate your service to do such a thing.

Mr. CUELLAR. Thank you.

Mrs. MILLER. The Chairwoman now recognizes the Ranking Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any statements that he may have.

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

I welcome our witnesses here. Some I have seen one or two times in the past. I am looking forward to your testimony.

I have long encouraged the Department of Homeland Security to develop a comprehensive strategy for securing America's borders. It is still my hope that the Department will do so. While not a Department-wide strategy, I am pleased that the U.S. Border Patrol has developed a new plan, the Border Patrol Strategic Plan 2012 to 2016, to guide the agency over the next 4 years.

With the support of Congress, the Border Patrol has experienced unprecedented growth over the last decade in terms of both personnel and resources. As the Ranking Member of the subcommittee has already indicated, the number of Border Patrol agents has more than doubled over the last decade, from over 10,000 in 2002 to over 21,000 today. DHS has also added hundreds of miles of pedestrian fencing and vehicle barriers in that time, with about 650 miles in place along the Southwest Border today. Furthermore, DHS has deployed additional technology and equipment to the borders, including mobile surveillance systems, cameras, and UAVs.

Given these sweeping changes, it seems necessary and appropriate for the Border Patrol to set forth a new strategy based on current realities. That said, the Border Patrol's strategic plan is a relatively brief document compared to the breadth and depth of the mission before the law enforcement agency. I look forward to hearing more details today from Chief Fisher about the strategic plan and how it will be implemented in the near term and in the coming years.

I do have some initial thoughts on the plan, however. One of the concerns I have expressed during prior oversight hearings on the rapid growth of the Border Patrol was the need to ensure proper training and supervision of less experienced agents. I was pleased to see that the strategic plan gives consideration to supporting the men and women of the Border Patrol and ensuring that the agency matures as an organization.

The strategic plan also discusses the Border Condition Index, BCI, which the Border Patrol is developing to replace operational control as a metric for measuring border security. We are told that the new BCI is intended to capture a more comprehensive picture of border conditions, including border security, public safety, and quality of life. It is my hope that the BCI will truly offer a better indicator of the situation along the border and is not just a case of finding a new ruler when you do not like the first measurement. I look forward to hearing more detail about the BCI at this hearing and once the new system is implemented.

I thank the witnesses for joining us today and yield back the balance of my time.

Mrs. MILLER. I thank the gentleman for his comments.

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

First of all, Michael Fisher. Chief Fisher was named the chief of the U.S. Border Patrol in May 2010. Chief Fisher started his duty

along the Southwest Border in 1987 in Arizona. He successfully completed the selection process for the Border Patrol Tactical Unit in 1990 and was later selected as the field operation supervisor for the tactical unit. Following this, he served as a deputy chief patrol agent in the Detroit sector and as an assistant chief patrol agent in Tucson, Arizona.

Rebecca Gambler is an acting director in the U.S. Government Accountability Office's Homeland Security and Justice team, where she leads the GAO's work on border security and immigration issues. She joined GAO in 2002 and has worked on a wide range of issues related to homeland security and justice, including border security, immigration, and DHS management and transformation.

Marc Rosenblum is a specialist in immigration policy at the Congressional Research Service and an associate professor of political science in the University of New Orleans. Dr. Rosenblum is the author of "The Transnational Politics of U.S. Immigration Policy" and the co-editor of "The Oxford Handbook of International Migration." He has also published over 40 academic journal articles, book chapters, and policy briefs on immigration policy and U.S.-Latin American relations.

So we welcome all of the witnesses.

The Chairwoman now recognizes Chief Fisher for his testimony.

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

Chief FISHER. Chairwoman Miller, Ranking Member Cuellar, and other distinguished Members of the subcommittee, it is indeed a privilege and an honor to appear before you today to discuss the work that U.S. Customs and Border Protection does in securing America's borders.

May 28, 2012, will mark the 88th birthday of the United States Border Patrol. As this day approaches, I am reminded of how Western author Louis L'Amour defined the term "riding for the brand" as a compliment or an expression of loyalty to a cowboy's outfit. For 88 years, the men and women of the United States Border Patrol have been riding for a unique and particular brand. Since the days of the mounted watchmen who rode the borderlands of the Southwest, the Border Patrol has done no less than protect and defend this country's borders. As L'Amour wrote, "If a man did not like a ranch or the way they conducted their affairs, he was free to quit. And many did. But if he stayed on, he gave loyalty and expected it." For 88 years, the men and women of the Border Patrol have stayed on, giving their loyalty to their mission and this Nation.

Since May 28, 1924, the U.S. Border Patrol has responded to an ever-changing and maturing Nation as it recognized the need to curb the influx of people and contraband entering its borders. As the Nation evolved, so did the job. During the Prohibition era, inspectors pursued liquor smugglers in the mountains of Arizona. As World War II raged in Europe and Asia, Border Patrol inspectors scanned the Atlantic horizon for enemy submarines off the coast of Florida. The Cold War found Border Patrol personnel on board domestic airline flights, serving as U.S. air marshals. During the civil rights movement, the U.S. Border Patrol joined U.S. Marshals to

enforce Federal law by protecting James Meredith as he registered as the University of Mississippi's first African American student. In the wake of Hurricane Katrina, Border Patrol agents responded to help victims and restore order. During the reconstruction of Iraq and Afghanistan, agents stepped up across the ocean to bring security and support.

Whether dealing with the problem of illegal immigration or facing the threat of international terrorism, Border Patrol agents have done their job with vigilance, integrity, and pride. The threats have changed over the years, but the basic mission remains unaltered. Defending and protecting our Nation's borders is the Border Patrol's brand—a brand that is as important today as it was in the past.

This month, as we take increased devotion from our past to carry out our great task of securing America's borders, it is altogether fitting and proper that I am here to discuss the Border Patrol's future through the 2012–2016 Border Patrol Strategic Plan.

The border is a very different environment today than when I began my career. I have personally witnessed the evolution of the border over the past 25 years, both in terms of additional resources applied against the threat as well as the change in the adversary's tactics. The Border Patrol Strategic Plan builds on the foundation of the 2004 National Strategy. The 2004 Strategy focused on getting the Border Patrol organized and resourced through the unprecedented deployment of personnel, technology, and infrastructure. Our 2012–2016 Strategic Plan involves a set of objectives, strategies, programs, and initiatives that apply information, integration, and rapid response to develop and deploy new and better tactics, techniques, and procedures to achieve our strategic objectives.

The principal theme of our strategy is to use information, integration, and rapid response to meet all threats. These pillars are essential as we continue to build upon an approach that puts the Border Patrol's greatest capabilities in place to combat the greatest risks.

First, information provides situational awareness and intelligence developed by blending things such as reconnaissance, community engagement, sign cutting, tracking, and technology to enable Border Patrol agents to get ahead of the threat.

Second, integration denotes our comprehensive planning and execution of border security operations that leverages partnerships to ensure we bring all available capabilities and tools to bear in addressing threats.

Last, through rapid response, we will deploy capabilities timely and effectively to meet and mitigate the risks we confront. Put simply, rapid response means the Border Patrol and its partners can quickly and appropriately respond to dynamic threats.

Our strategy has two interrelated and interdependent goals. Goal No. 1 is to secure America's borders. The Border Patrol will work to achieve this goal by preventing terrorists and terrorist weapons from entering the United States, managing risk, disrupting and degrading transnational criminal organizations, employing a whole-of-Government approach, and increasing community engagement.

First, the current risk environment is characterized by a variety of constantly evolving threats, and the Border Patrol must harness information and intelligence to ensure that operations are focused and targeted against potential terrorist threats and transnational criminal organizations. The Border Patrol's ability to prevent and disrupt such threats is enhanced through increased information sharing and operational integration, planning, and execution with our domestic and foreign law enforcement partners.

Likewise, developing and deploying the best possible information and intelligence is critical to assessing and managing risk. The Border Patrol's capabilities must continue to adapt to ensure that resources are being used effectively and efficiently.

For example, the Border Patrol employs a tactical strategy known as change detection capability, which uses various techniques to gather situational awareness in low-threat areas. Change detection capability allows the Border Patrol to continue focusing other capabilities on areas where the highest risk exists but ensures that any threat adaptation is identified quickly.

In addition to assessing the threat and risk, the Border Patrol must continue to develop its mobile response capability to quickly redeploy scaleable capabilities to the highest-risk areas. Through targeted enforcement against the highest-priority threats and the expansion of programs that aim to reduce smuggling and associated crimes, the Border Patrol will increase the ability to disrupt and degrade transnational criminal organizations along our borders. Our consequence delivery system is one example of our ability to apply targeted and effective strategies that guide management and agents through a standardized process designed to uniquely evaluate each subject and identify the ideal consequence that breaks the smuggling cycle.

In order to maximize enforcement benefits from combined resources, we must move beyond collaboration toward integration. Our border security mission involves a multitude of entities in the application of a whole-of-Government approach to ensure that we are working together in an integrated way.

Last, the Border Patrol will continue to engage and educate the public on border activities and issues to leverage the critical assistance of our border communities. Active engagement by the Border Patrol with local law enforcement and the public can assist in lowering crime and reducing violence in border communities.

Goal No. 2 is to mature, refine, and integrate the Border Patrol's institutional capabilities and techniques. The Border Patrol will achieve this goal by strengthening our investment in its people, supporting our employees, preserving our organizational integrity, improving our processes, systems, and doctrine, and enhancing our efficiencies.

First, we must strengthen our investment in our people and capabilities through improved education, training, and support of the Border Patrol personnel. Second, we must reinforce employee support initiatives in programs that continue to provide ways for Border Patrol employees to remain resilient in the performance of their day-to-day duties. Third, the Border Patrol must address threats to organizational integrity and remain vigilant in training and promoting initiatives to combat corruption to ensure morale

and mission are not compromised. Leaders must set the example and promote integrity through the Border Patrol to reduce the potential for corruption.

As the Border Patrol grows and matures, it is necessary to develop an institutionalized doctrine within the organization that will help execute the long-term strategic plan and enable the Border Patrol to seamlessly link the operational force to emerging tactics, techniques, and procedures of our adversaries.

Last, it is the Border Patrol's responsibility to ensure that its leaders, agents, and support personnel are good stewards of the American tax dollars. As the Border Patrol progresses toward organizational rigor and maturity, an essential element will be the development and continual refinement of comprehensive, demanding, and results-driven performance measures that hold us to account.

The Border Patrol strategic plan marks an important point in the growth and development of the U.S. Border Patrol and establishes an approach that is tailored to meet the challenges of securing a 21st Century border against a variety of dynamic threats and dangerous adversaries. Ultimately, leveraging all available actions, programs, and techniques encompassed within our strategic plan will strengthen the Border Patrol internally, increase capabilities and our operations, and enhance border security and ultimately National security through the use of information, integration, and rapid response.

Again, Chairwoman, thank you for the opportunity to testify today. I look forward to working with you and the committee as we design the strategic implementation plan. At this point, I welcome your questions.

[The statement of Chief Fisher follows:]

PREPARED STATEMENT OF MICHAEL J. FISHER

MAY 8, 2012

Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the subcommittee, it is an honor to appear before you today to discuss the 2012–2016 Border Patrol Strategic Plan and its role within the work that U.S. Customs and Border Protection (CBP) does in securing America's borders.

As America's front-line 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 of entry or program. 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.

BORDER SECURITY COMMITMENT

Over the past 3 years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources in support of our border security efforts and accomplishments. Most recently, the President's fiscal year 2013 budget request continues these efforts by supporting the largest deployment of law enforcement officers to the front line in our agency's history: 21,370 Border Patrol agents, over 1,200 air and marine agents, and 21,186 CBP officers, all who work 24/7 with State, local, Tribal, and Federal law enforcement in targeting illicit networks trafficking in people, drugs, weapons, and money. Over the last year, we have brought greater unity to our enforcement efforts, expanded collaboration with other agencies, and improved response times.

CBP has also deployed additional technology assets—including mobile surveillance units, thermal imaging systems, and large- and small-scale non-intrusive inspection equipment—along our Nation's borders, and currently has over 270 air-

crafts including nine Unmanned Aircraft Systems (UAS), and 301 patrol and interdiction vessels that provide critical aerial and maritime surveillance and operational assistance to personnel on the ground. The UAS program is rapidly changing how ground assets are deployed, supplying Border Patrol Agents with unparalleled situational awareness through its broad area electronic surveillance capabilities. Going forward, CBP will continue to integrate the use of these specialized capabilities into the daily operations of CBP's front-line personnel to enhance our border security efforts.

The results of these resources dedicated to the border and our layered approach to security are clear. Border Patrol apprehensions along the Southwest Border—a key indicator of illegal immigration—have decreased 53 percent since fiscal year 2008, and are less than one-fifth of what they were at their peak in 2000. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. During fiscal years 2009 through 2011, DHS seized 74 percent more currency, 41 percent more drugs, and 159 percent more weapons along the Southwest Border as compared to fiscal year 2006–2008. In fiscal year 2011, CBP seized more than \$126 million in illegal currency and nearly 5 million pounds of narcotics Nation-wide. At the same time, according to 2010 FBI crime reports, violent crimes in Southwest Border States have dropped by an average of 40 percent in the last two decades. Currently, some of the safest cities in America are border communities.

Every key measure shows we are making significant progress; however, we must remain vigilant and focus on building upon an approach that puts the Border Patrol's greatest capabilities in place to combat the greatest risks.

BUILDING ON THE PAST—FOCUSING ON THE FUTURE

Beginning with “Operation Hold the Line” in El Paso in 1993, “Operation Gatekeeper” in San Diego, CA in 1994, and “Operation Rio Grande” in Brownsville, TX in 1997, the Border Patrol strategically deploys resources to meet the highest-priority threats.

The evolution of the Border Patrol as a risk-based, intelligence-driven law enforcement organization is part of a much larger change in the U.S. Government's approach to border and homeland security, which began with the September 11, 2001 terrorist attacks. The 2012–2016 Border Patrol Strategic Plan (2012 Strategic Plan) builds on the foundation of the 2004 National Border Patrol Strategy. The Border Patrol's 2004 Strategy focused on getting the Border Patrol organized and resourced to meet its new, post-9/11 mission and succeed in its new parent organization. For instance, it facilitated the unprecedented deployment of personnel, technology, and infrastructure to secure the Nation's borders.

The 2012 Strategic Plan draws on earlier applications of a risk-based approach as part of the administration's comprehensive approach to border security.

2012–2016 BORDER PATROL STRATEGIC PLAN

The 2012 Strategic Plan, applying the principles of risk management, sets a strong foundation for the continued evolution of the Border Patrol as an integral part of CBP's overall border management and homeland security enterprise.

The 2012 Strategic Plan encompasses three key objectives and strategies concerning border security today. First, the Strategic Plan supports National-level strategies, such as the President's Strategy to Combat Transnational Organized Crime and the National Drug Control Strategy. Second, it supports Departmental strategies, in particular the DHS Quadrennial Homeland Security Review. Finally, it supports CBP-wide planning and integration efforts. It means being more effective and efficient in our operations to mitigate risks. It also means continued integration within CBP and working with Federal, State, local, Tribal, and international partners.

The 2012 Strategic Plan involves a set of objectives, strategies, programs, and initiatives which apply information, integration, and rapid response to develop and deploy new and better tactics, techniques, and procedures to achieve its strategic objectives.

INFORMATION, INTEGRATION, AND RAPID RESPONSE

The principal theme of the 2012 Strategic Plan is to use information, integration, and rapid response to meet all threats. These pillars are central as we continue to build upon an approach that puts the Border Patrol's greatest capabilities in place to combat the greatest risks.

Information gathered from reconnaissance, community engagement, sign-cutting, and technology together provide situational awareness and intelligence and helps us to best understand and assess the threats we face along our borders. Information

and intelligence will empower Border Patrol leadership and front-line agents to get ahead of the threat, be predictive and proactive.

Integration denotes CBP corporate planning and execution of border security operations, while leveraging partnerships with other Federal, State, local, Tribal, and international organizations.

Integration of effort with these organizations will ensure we bring all available capabilities and tools to bear in addressing threats.

Last, through rapid response, we will deploy capabilities efficiently and effectively to meet and mitigate the risks we confront. Put simply, rapid response means the Border Patrol and its partners can quickly and appropriately respond to changing threats.

GOAL 1: SECURE AMERICA'S BORDERS

The 2012 Strategic Plan has two interrelated and interdependent goals. In the first goal, the Border Patrol will work with its Federal, State, local, Tribal, and international partners to secure America's borders using information, integration, and rapid response in a risk-based manner. There are five objectives within this goal:

- I. Prevent Terrorists and Terrorist Weapons from Entering the United States
- II. Manage Risk
- III. Disrupt and Degrade Transnational Criminal Organizations (TCOs)
- IV. Whole-of-Government Approach
- V. Increase Community Engagement

I. Prevent Terrorists and Terrorist Weapons From Entering the United States

The current risk environment is characterized by constantly evolving threats that are both complex and varying, and the Border Patrol must strategically apply intelligence to ensure that operations are focused and targeted against the greatest threats. The Border Patrol's ability to prevent and disrupt such threats is enhanced through increased information sharing and operational integration, planning, and execution with our domestic and foreign law enforcement partners. Integration with our Federal, State, local, Tribal, and international partners' intelligence and enforcement capabilities into the planning and execution of CBP operations is critical to our ability to secure our Nation's borders.

II. Manage Risk

Developing and deploying the best possible information and intelligence is critical to assessing and managing risk. The Border Patrol has made significant progress in securing the Nation's borders through the deployment of personnel, technology, and infrastructure. These enhanced resources have made our borders more secure. Yet as threats along the border continue to evolve, CBP's capabilities to meet these threats must also continue to adapt. Accordingly, as we evolve from a resource-based approach towards a more risk-based approach, we must be able to focus the Border Patrol's capabilities in rapidly responding to threats along the border.

Given the dynamic nature of cross-border threats, the Border Patrol must become more mobile to respond appropriately to the changing threat. Mobile Response Capability provides the Border Patrol with the flexibility to deploy capabilities to the highest-risk areas of the border. The Border Patrol also deploys scalable capabilities to areas—before they become high-risk—to maintain the highest possible levels of security in each border area. This capability builds on situational awareness, because the Border Patrol must know when, where, and to what extent to deploy its capabilities.

III. Disrupt and Degrade TCOs

Transnational criminal organizations (TCOs) represent a significant cross-border threat to homeland security. These organizations control most cross-border trafficking in guns and illegal drugs, as well as an increasing percentage of human smuggling and trafficking. With efforts in place to understand the origin and magnitude of threats along the border, the Border Patrol can now focus on specific threats like TCOs, and work to disrupt and degrade their operations. The Border Patrol's response to this threat also will involve close collaboration within CBP and includes Federal, State, local, and Tribal partners to advance the common goal of disrupting and degrading TCO activity. For example, CBP has developed, with the support of its strategic partners, a new Consequence Delivery System (CDS) that guides agents through a process designed to evaluate each subject and identify the appropriate consequence to break the smuggling cycle. Consequences delivered under this system that execute targeted enforcement techniques range from administrative, criminal prosecution, and programmatic elements that are designed to im-

pact and change the way TCOs conduct business and stem the flow of illegal activity.

IV. Whole-of-Government Approach

The U.S. Border Patrol will continue to integrate targeting practices and joint operations with CBP's Office of Field Operations (OFO) and Office of Air and Marine (OAM) to better achieve its goals. The Border Patrol also will work with its Federal, State, local, and Tribal law enforcement partners to achieve a holistic approach to border security. This is accomplished by establishing a unity of purpose; advancing operational integration and jointly planned targeted operations; developing intelligence and accomplishing intelligence fusion; and creating integrated partnerships. This whole-of-Government approach, coupled with the application of the principles of targeted enforcement, consequence delivery, and operational discipline, provides the capability necessary to enhance the Border Patrol and its partners' abilities to address threats or emergencies within a region.

V. Increase Community Engagement

The Border Patrol will continue to use its collective capabilities to engage and educate the public on border activities and issues so we can leverage the critical assistance of our border communities. Active engagement by the Border Patrol with local law enforcement and the public can assist in lowering crime and reducing violence. Additionally, through briefings, tours, informal meetings, and stakeholder "academies," the Border Patrol is able to show the operational achievements and challenges, which are essential to fostering support from our partners and stakeholders.

GOAL 2: STRENGTHEN THE BORDER PATROL

The Border Patrol must also continue to mature, refine, and integrate its capabilities and techniques. To meet current and future operational and organizational requirements, it is essential to develop, deploy, and manage institutional capabilities within the Border Patrol. This includes areas such as human capital management, training, leadership development, employee support, organizational integrity, doctrine development, and technology research and development. The Border Patrol will strengthen its institutional capabilities through five objectives:

- I. Strengthen Investment in People
- II. Support Border Patrol Employees
- III. Preserve Organizational Integrity
- IV. Improve Organizational Processes, Systems, and Doctrine
- V. Enhance Overall Efficiency of the Border Patrol

I. Strengthen Investment in People

People are our most valuable asset. The Border Patrol must hire the most qualified applicants and train new employees to be successful in performing the mission. Leaders must ensure that employees have the opportunity to reach their highest potential by receiving the appropriate education, training, and work experiences to progress in the organization. Border Patrol will use a multi-tiered approach incorporating education, training, and work experience to maximize the effectiveness of Border Patrol personnel, such as succession management, targeted placement, advanced education and training, joint and inter-agency assignments, and mentoring.

II. Support Border Patrol Employees

We must reinforce employee-support initiatives and programs that continue the tradition of the Border Patrol. Given the challenges law enforcement face in their daily work, it is incumbent upon leadership to provide ways for Border Patrol employees to remain resilient in the performance of their day-to-day duties. The National Critical Incident Response Team, a component of the Border Patrol's Traumatic Incident Management Plan, supports CBP employees involved in small- and large-scale, critical-incident operations. The team consists of peer support members, chaplains, and mental-health professionals who have specialized training in critical-incident-response management.

III. Preserve Organizational Integrity

The U.S. Border Patrol is fortunate in that the documented cases of corrupt employees represent only a minute percentage of the workforce. However, any instance of corruption within our ranks always has been—and always will be—unacceptable. We are committed to organizational integrity and remain vigilant in training and promoting initiatives to combat corruption to ensure morale and mission are not compromised. Leaders must set the example and promote integrity throughout the Border Patrol to reduce the potential for corruption.

IV. Improve Organization Processes, Systems, and Doctrine

As the Border Patrol grows and matures, it is necessary to codify best practices and policies to ensure that the organization continues to provide professional border-enforcement capability for the United States. Doctrine will focus on overarching enduring principles, sector operations, and future border security initiatives that all agents can use to execute their mission in the field.

V. Enhance Overall Efficiency of the Border Patrol

It is the Border Patrol's responsibility to ensure that its leaders, agents, and support personnel are good stewards of American tax dollars. As the Border Patrol progresses toward organizational rigor and maturity, an essential element will be the development and continual refinement of comprehensive, demanding, and results-driven performance measures that hold us accountable. Even as the organization internalizes these standards, it also must effectively communicate overall performance to its most important stakeholders—the American public.

CONCLUSION

The 2012–2016 Border Patrol Strategic Plan marks an important point in the growth and development of the U.S. Border Patrol, and establishes an approach that is tailored to meet the challenges of securing a 21st Century border against a variety of different threats and adversaries. Ultimately, leveraging all available actions, programs, and techniques encompassed within the 2012 Strategic Plan will strengthen the Border Patrol internally, increase capabilities and operations, and enhance border security through information, integration, and rapid response.

Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the committee, thank you for this opportunity to testify about the work of CBP, our efforts in securing our borders, and the 2012–2016 Border Patrol Strategic Plan. I look forward to answering your questions at this time.

Mrs. MILLER. Thanks very much, Chief.

At this time, I would recognize Ms. Gambler for her testimony.

**STATEMENT OF REBECCA GAMBLER, ACTING DIRECTOR,
HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT
ACCOUNTABILITY OFFICE**

Ms. GAMBLER. Good morning, Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee. I appreciate the invitation to testify at today's hearing to discuss GAO's work on border security programs and performance measurement which could inform the Border Patrol's efforts as it transitions to its new strategic plan.

The Border Patrol is the Federal agency with primary responsibility for securing U.S. borders between ports of entry. From fiscal year 2004 through 2011, the number of Border Patrol agents nearly doubled, from about 10,800 to nearly 21,500. Also, the Department of Homeland Security has reported that since fiscal year 2006 about \$4.4 billion has been invested in border technology and infrastructure.

The Border Patrol is issuing a new strategic plan to guide its border security efforts. According to the Border Patrol, this plan will involve use of a risk-based approach based on the three key elements of information, integration, and rapid response.

Today I would like to focus my remarks on two key areas related to Border Patrol strategy. First, I would like to highlight GAO's prior work related to the Border Patrol's implementation of its 2004 National Strategy. Second, I would like to highlight GAO's prior work reviewing performance measures and indicators for border security.

With regard to my first point, our work has shown that the Border Patrol, and the Department of Homeland Security more broad-

ly, have made progress in developing and deploying capabilities related to the three key elements of the new strategic plan. Specifically, the Border Patrol and the Department have deployed capabilities to provide information and situational awareness, for securing the border to coordinate efforts with border partners, and to provide for mobile response.

For example, the Department has deployed various technology systems to increase situational awareness, primarily along the Southwest Border. Further, the Border Patrol and its international and domestic law enforcement partners have established task forces for coordinating security activities along the Northern Border.

While these are positive developments, our work has identified key challenges facing the Border Patrol and the Department of Homeland Security in implementing the border security strategy. Consideration of these challenges could inform Border Patrol effort as the agency begins to implement its new strategic plan.

For example, we have reported on the need for the Department to better assess the benefits and performance of technology and infrastructure deployed along the Southwest Border to help provide situational awareness. We have also reported on the need for the Department to enhance its oversight of task forces to help identify and reduce any potential duplication of effort.

Now turning to the issue of performance measurement, the Department of Homeland Security's goal and measure of operational control was used in conjunction with the Border Patrol's 2004 Strategy. Operational control was defined as the number of border miles where the Border Patrol had the ability to detect, respond, and interdict cross-border illegal activity. The Department last reported its progress and status in achieving operational control of the borders in fiscal year 2010. At that time, the Department reported achieving operational control for about 1,100 miles, or 13 percent, of more than 8,600 miles across U.S. Northern, Southwest, and Coastal Borders. On the Southwest Border specifically, the Border Patrol reported achieving operational control of 873 miles, or 44 percent, of the nearly 2,000 miles of the U.S. border with Mexico.

The Department of Homeland Security and Border Patrol have several efforts under way to develop new measures or indicators for assessing border security programs. Until these efforts are completed, the Department is using interim measures, such as the number of apprehensions on the Southwest Border. These measures provide some useful information but do not position the Department to be able to report on how effective its efforts are at securing the border.

In closing, as the Border Patrol transitions to a new strategic plan, it will be critical for the Border Patrol itself and the Department more broadly to provide effective direction and oversight of its implementation. It will also be important for the Border Patrol and the Department to continue to develop performance measures that are linked to missions and goals, include targets, and produce reliable results.

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

[The statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

MAY 8, 2012

GAO HIGHLIGHTS

Highlights of GAO-12-688T, a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

Border Patrol, within DHS's CBP, is the Federal agency with primary responsibility for securing the National borders between the U.S. ports of entry (POE). DHS has completed a new 2012-2016 Border Patrol Strategic Plan (2012-2016 Strategic Plan) that Border Patrol officials stated will emphasize risk management instead of increased resources to achieve border security and continue to build on the foundation of the 2004 National Border Patrol Strategy (2004 Strategy). This statement highlights key issues from prior GAO reports that discuss Border Patrol's progress and challenges in: (1) Implementing key elements of the 2004 Strategy, and (2) achieving the 2004 strategic goal to gain operational control of the border. This statement is based on GAO reports issued since 2007 on border security, with selected updates from April and May 2012 on Border Patrol resource needs, actions taken to address prior GAO recommendations, and efforts to develop performance measures. To conduct these updates, GAO reviewed agency documents such as operational assessments and interviewed DHS officials.

What GAO Recommends

In prior reports, GAO made recommendations to, among other things, strengthen border security technology, infrastructure, and partnerships. DHS concurred with the recommendations and has reported actions planned or underway to address them. CBP reviewed a draft of information contained in this statement and provided comments that GAO incorporated as appropriate.

BORDER PATROL STRATEGY.—PROGRESS AND CHALLENGES IN IMPLEMENTATION AND ASSESSMENT EFFORTS

What GAO Found

GAO's prior work has highlighted progress and challenges in various areas related to Border Patrol's implementation of its 2004 National Strategy, which could provide insights as Border Patrol transitions to its 2012 Strategic Plan. Border Patrol officials stated that the 2012 Strategic Plan will rely on Border Patrol and Federal, State, local, Tribal, and international partners working together to use a risk-based approach to secure the border, and include the key elements of "Information, Integration, and Rapid Response" to achieve objectives. These elements were similar to those in the 2004 Strategy and GAO's past work highlighted the progress and challenges the agency faced obtaining information necessary for border security; integrating security operations with partners; and mobilizing a rapid response to security threats. Border Patrol successfully used interagency forums and joint operations to counter threats, but challenges included assessing the benefits of border technology and infrastructure to, among other things, provide information on situational awareness. For example, in May 2010 GAO reported that the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) had not accounted for the effect of its investment in border fencing and infrastructure on security. GAO recommended that CBP conduct an analysis of the effect of tactical infrastructure on border security, with which CBP concurred. Further, GAO identified challenges in DHS efforts to coordinate with partners that help to secure the border. For example, in December 2010 GAO reported that various Northern Border security partners cited on-going challenges sharing information and resources for border security operations and investigations, and that DHS did not have mechanisms for providing oversight. GAO recommended that DHS provide oversight, to which DHS concurred and stated that in January 2012 the Department established an intercomponent Advisory Council to provide oversight of compliance with interagency agreements.

GAO's prior work showed that as of September 30, 2010, Border Patrol reported achieving its 2004 goal of operational control—where Border Patrol has the ability to detect and interdict illegal activity—for 1,107 (13 percent) of 8,607 miles across U.S. Northern, Southwest, and Coastal Borders. DHS transitioned at the end of fiscal year 2010 from using operational control as its goal and outcome measure for border security to using an interim measure of apprehensions on the Southwest Bor-

der. DHS reported that this interim measure would be used until such time as DHS developed a new goal and measure for border security that will reflect a more quantitative methodology across border locations and the agency's evolving view of border security. As GAO previously testified, this interim measure, while providing useful information on activity levels, is an output measure that does not inform on program results. Therefore, it limits oversight and accountability and has reduced information provided to Congress and the public on program results. DHS stated that it had several efforts underway to establish a new measure used to assess efforts to secure the border but as this measure is under development, it is too early to assess it.

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee: I am pleased to be here today to discuss our past work highlighting the U.S. Border Patrol's progress and challenges implementing its 2004 *National Border Patrol Strategy* (2004 Strategy) that could be relevant to the new *2012–2016 Border Patrol Strategic Plan* (2012–2016 Strategic Plan). Border Patrol, within the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP), is the Federal agency with primary responsibility for securing the National borders between the designated U.S. land border ports of entry (POE).¹ Border Patrol's 2004 Strategy to secure the borders focused on ensuring the agency had the right mix of personnel, technology, and infrastructure across locations, and Border Patrol experienced significant increases in these resources since 2004. For example, from fiscal year 2004 through 2011, the number of Border Patrol agents has nearly doubled from about 10,800 to nearly 21,500; and DHS reported that since fiscal year 2006, about \$4.4 billion has been invested in border technology and infrastructure. These resources were used to support the DHS goal to achieve operational control of the Nation's borders. The extent of operational control—also referred to as effective control—was defined as the number of border miles where Border Patrol had the ability to detect, respond to, and interdict cross-border illegal activity. DHS last reported its progress and status in achieving operational control of the borders in fiscal year 2010, and reported this information to Congress and the public in its *Fiscal Year 2008–2010 Annual Performance Report* in accordance with requirements in the Government Performance and Results Act of 1993 (GPRA).² DHS has completed but not yet publicly released a new 2012–2016 Strategic Plan that Border Patrol officials stated will emphasize risk management instead of increased resources to achieve border security and that will continue to build on the foundation of the 2004 Strategy.³ However, the performance goal and measures that will be used to provide oversight and accountability for the new strategic plan have not yet been established. In its *Fiscal Year 2010–2012 Annual Performance Report* and subsequent reports, DHS replaced the border security goal and measure of operational control with an interim measure of the number of apprehensions on the Southwest Border to report its status and progress in achieving border security to Congress and the public. As of April 2012, DHS had yet to develop a new goal for border security. DHS reported that the interim measure of apprehensions on the Southwest Border would be used until such time as DHS developed a new goal and measure for border security that will reflect a more quantitative methodology across border locations and the agency's evolving view of border security.

In the past, we have reviewed and reported on a variety of border security programs and related performance goals and measures supporting the 2004 Strategy that could inform discussions regarding the 2012–2016 Strategic Plan. Today I will

¹ POE are officially designated places that provide for the arrival to, or departure from, the United States.

² Pub. L. No. 103–62, 107 Stat. 285, amended by The GPRA Modernization Act (GPRAMA) of 2010, Pub. L. No. 111–352, 124 Stat. 3866. Under GPRA, agencies are required to hold programs accountable to Congress and the public by establishing program goals, identifying performance measures used to indicate progress toward meeting the goals, and using the results to improve performance, as necessary. The information is publicly reported each year in the Department's performance accountability report. Under the amendments made by GPRAMA, agencies are to describe how the performance goals contribute to the agency's strategic plan, establish clearly-defined milestones for achieving performance goals, and describe how they will ensure the accuracy and reliability of the data used to measure progress.

³ In the context of risk management, "risk-based" and "risk-informed" are often used interchangeably to describe the related decision-making processes. However, according to the DHS Risk Lexicon, risk-based decision making uses the assessment of risk as the primary decision driver, while risk-informed decision making will consider other relevant factors such as effectiveness and cost in addition to risk-assessment information. In our prior work we have reported on the importance of risk-informed decision making with respect to homeland security strategies given DHS's limited resources. See GAO, *Department of Homeland Security: Actions Needed to Reduce Overlap and Potential Unnecessary Duplication, Achieve Cost Savings, and Strengthen Mission Functions*, GAO–12–464T (Washington, DC: Mar. 8, 2012).

highlight key issues on the Border Patrol's progress and challenges relevant to: (1) Implementing key elements of the 2004 Strategy, and (2) achieving the 2004 strategic goal to gain operational control of the border.

In addition, appendices I and II provide information on characteristics of effective National security strategies and performance measures, respectively.

My statement is based on prior products issued from 2007 to the present that examined DHS's efforts to secure the U.S. borders (see related GAO products at the end of this statement), with selected updates related to the Border Patrol's new strategic plan conducted in April and May 2012. For those reports and testimonies, we obtained and analyzed documents and information from officials from various components of DHS; the Department of Justice (DOJ); the Department of Interior (DOI); the United States Department of Agriculture (USDA); and Canadian, Tribal, State, and local law enforcement agencies with a vested interest in border security along the Northern or Southwest Borders. More detailed information about our scope and methodology can be found in our reports and testimonies. For the selected updates we interviewed Border Patrol headquarters officials regarding the forthcoming *2012–2016 Border Patrol Strategic Plan* and the status of agency efforts to develop performance measures for assessing the security of the border between the POEs, as well as reviewed relevant information contained in Border Patrol 2012 Operational Requirements Based Budget Process (ORBBP)—operational assessments—and other documents.⁴ We also reviewed our prior work on key elements of effective National security strategies and previous work on key attributes of successful performance measures consistent with GPRA.⁵ Our work was conducted in accordance with generally accepted Government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions, based on our audit objectives.

BORDER PATROL PROGRESS AND CHALLENGES IMPLEMENTING KEY ELEMENTS OF ITS
2004 NATIONAL STRATEGY

The Border Patrol developed its 2004 Strategy following the terrorist attacks of September 11, 2001, as a framework for the agency's new priority mission of preventing terrorists and terrorist weapons from entering the United States and to support its traditional mission of preventing aliens, smugglers, narcotics, and other contraband from crossing U.S. borders illegally. The 2004 Strategy was designed to facilitate the build-up and deployment of agency and border resources and to consolidate the agency into a more centralized organization.

Border Patrol headquarters officials stated that the 2012–2016 Strategic Plan will rely on Border Patrol and Federal, State, local, Tribal, and international partners working together to use a risk-based approach to secure the border that uses the key elements of "Information, Integration, and Rapid Response" to achieve Border Patrol strategic objectives. Our past reviews of border security programs contained information on the progress and challenges related to implementing these key elements. Our observations are as follows.

Obtaining Information Necessary for Border Security.—Critical to implementation of the 2004 Strategy was the use of intelligence to assess risk, target enforcement efforts, and drive operations, according to the strategy. As part of their intelligence efforts, CBP and Border Patrol worked to develop and deploy the next generation of border surveillance and sensing platforms to maximize the Border Patrol's ability to detect, respond, and interdict cross-border illegal activity. Border Patrol headquarters officials reported that the new 2012–2016 Strategic Plan also has a focus on information that provides situational awareness and intelligence developed by blending technology, reconnaissance, and sign-cutting⁶ and tracking, to understand

⁴The 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.

⁵See GAO, *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, GAO-04-408T (Washington, DC: Feb. 3, 2004); *Rebuilding Iraq: More Comprehensive National Strategy Needed to Help Achieve U.S. Goals*, GAO-06-788 (Washington, DC: July 11, 2006); and *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, GAO-03-143 (Washington, DC: Nov. 22, 2002).

⁶"Sign" is the collective term for evidence that Border Patrol agents look for and find after they have dragged dirt roads using tires lying on their sides flat on the ground and pulled by

Continued

the threats faced along the Nation's borders. Our prior work reviewing CBP's efforts to deploy capabilities to, among other things, provide situational awareness along U.S. borders provides insights that could inform Border Patrol considerations in implementing its new strategic plan.

As of fiscal year end 2010, Border Patrol reported having substantial detection resources in place across 45 percent of the Nation's border miles. The remaining 55 percent of border miles—primarily on the Northern and Coastal Borders—were considered vulnerable due to limited resource availability or inaccessibility, with some knowledge available to develop a rudimentary border control strategy. Our review of Border Patrol 2012 operational assessments also showed concerns about resource availability to provide the information necessary to secure the border. Across Border Patrol's 20 sectors located on the Northern, Southwest, and Southeast Coastal Borders, all sectors reported a need for new or replacement technology used to detect and track illegal activity, and the majority (19) reported a need for additional agents to maintain or attain an acceptable level of border security.⁷ Additionally, 12 sectors reported a need for additional infrastructure.⁸

DHS, CBP, and Border Patrol are continuing to focus attention on development, acquisition, and deployment of technology and infrastructure needed to provide the information necessary to secure the borders, with priority for the Southwest Border. Our past work highlighted the continuing challenges the agency faced implementing technology and infrastructure at the U.S. land borders.

- *Technology.*—We previously reported that in January 2011, after 5 years and a cost of nearly \$1 billion, DHS ended the Secure Border Initiative Network (SBI-net), a multi-year, multi-billion-dollar technology effort aimed at securing U.S. borders because it did not meet cost-effectiveness and viability standards. DHS developed a successor plan to secure the border—the Alternative (Southwest) Border Technology plan—where CBP is to focus on developing terrain- and population-based solutions utilizing existing, proven technology, such as camera-based surveillance systems, for each border region beginning with high-risk areas in Arizona. In November 2011, we reported that CBP's planned technology deployment plan for the Arizona border, the Arizona Border Surveillance Technology Plan, was expected to cost approximately \$1.5 billion over 10 years.⁹ However, we also reported that CBP did not have the information needed to fully support and implement the technology deployment plan in accordance with DHS and Office of Management and Budget guidance, among other things.¹⁰ We recommended that DHS determine the mission benefits to be derived from implementation of the plan and develop and apply key attributes for metrics to assess program implementation. DHS concurred with our recommendation and reported that it planned to develop a set of measures to assess the effectiveness and benefits of future technology investments.
- *Infrastructure.*—In May 2010, we testified that CBP had not accounted for the effect of its investment in border fencing and infrastructure on border security.¹¹ Border fencing was designed to impede people on foot and vehicles from crossing the border and to enhance Border Patrol's ability to detect and interdict violators. CBP estimated that border fencing and other infrastructure had a life-cycle cost of about \$6.5 billion for deployment, operations, and maintenance. CBP reported a resulting increase in control of Southwest Border miles, but could not account separately for the effect of the border fencing and other infrastructure. In a September 2009 report, we recommended that CBP conduct

chains behind an SUV. "Sign" can be footprints, animal prints, and tire or bicycle tracks—any indication in the polished surface created by the drag. The term "cutting" refers to the practice of concentrating on the marks within discrete, manageable slices or segments of terrain. Border Patrol agents track illegal cross-border activity by cutting for sign to find persons who may have crossed the border illegally.

⁷For example, one station in a northern sector requested additional agents to enhance limited border detection and enforcement capability to an acceptable level, and one station in a southwest sector reported a need for fixed and mobile technology to secure the remote and rugged terrain, reporting that without this technology, rapid response was often impossible.

⁸For example, one station in a northern sector reported that insufficient infrastructure and personnel meant violators had a high probability of crossing a remote/rural border area undetected, and one station in a southwest sector reported that lack of infrastructure hindered its ability to address a more than 91 percent increase in aliens who are able to get away before apprehension.

⁹\$1.5 billion then-year dollars. Then-year dollars reflect the cost at the time of the procurement.

¹⁰GAO, *Arizona Border Surveillance Technology: More Information on Plans and Costs Is Needed before Proceeding*, GAO-12-22 (Washington, DC: Nov. 4, 2011).

¹¹GAO, *Secure Border Initiative: DHS Has Faced Challenges Deploying Technology and Fencing Along the Southwest Border*, GAO-10-651T (Washington, DC: May 4, 2010).

an analysis of the effect of tactical infrastructure on border security.¹² CBP concurred and reported that it had contracted with the Homeland Security Institute (HSI)—a Federally-funded research and development center—to analyze the effect of tactical infrastructure on the security of the border.¹³ As of May 2012, CBP had not provided an update on this effort.

Integrating Border Security Operations with Federal, State, Local, Tribal, and International Partners.—Leveraging the law enforcement resources of Federal, State, local, Tribal, and international partners was a key element of Border Patrol's 2004 Strategy and Border Patrol's implementation of the strategy, on the Northern and Coastal Borders where Border Patrol had fewer resources relative to the size of the geographic area, and on the Southwest Border where Border Patrol used the assistance of law enforcement partners to conduct surge operations in high-priority areas. Border Patrol headquarters officials stated that integration of border security operations will be a key element of the 2012–2016 Strategic Plan across all borders. Our prior work reviewing coordination among various stakeholders with responsibilities for helping to secure the border provides insights for consideration as Border Patrol transitions to its new strategic plan.

We previously reviewed Border Patrol efforts to coordinate law enforcement resources across partners on the Northern Border and on Federal border lands.¹⁴ On the Northern Border, we reported in December 2010 that Federal, State, local, Tribal, and Canadian partners operating in four Border Patrol sectors we visited stated that efforts to establish interagency forums were beneficial in establishing a common understanding of border security status and threats, and that joint operations helped to achieve an integrated and effective law enforcement response. However, numerous partners cited challenges related to the inability to resource the increasing number of interagency forums and raised concerns that some efforts may be overlapping. We found that DHS did not oversee the interagency forums established by its components. Further, we also reported that while Border Patrol and other Federal partners stated that Federal agency coordination to secure the Northern Border was improved, partners in all four sectors we visited cited long-standing and on-going challenges sharing information and resources for daily border security related to operations and investigations.¹⁵ Challenges were attributed to continued disagreement on roles and responsibilities and competition for performance statistics used to inform resource allocation decisions. DHS established and updated interagency agreements designed to clarify roles and responsibilities for agencies with overlapping missions or geographic areas of responsibility, but oversight by management at the component and local levels had not ensured consistent compliance with provisions of these agreements. We previously reported that Government-wide efforts to strengthen interagency collaboration have been hindered by the lack of agreement on roles and responsibilities and agency performance management systems that do not recognize or reward interagency collaboration.¹⁶ Thus, we recommended, among other things, that DHS provide guidance and oversight for interagency forums established or sponsored by its components and provide regular oversight of component compliance with the provisions of interagency Memorandum of Understandings. DHS concurred with our recommendation and stated that the structure of the Department precluded DHS-level oversight, but that it would review the inventory of interagency forums through its strategic and operational planning efforts to assess efficiency. DHS officials stated that in January 2012 the Department established an intercomponent Advisory Council to address our rec-

¹² GAO, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, GAO-09-896 (Washington, DC: Sept. 9, 2009).

¹³ The Secretary of Homeland Security established HSI pursuant to section 312 of the Homeland Security Act of 2002. See 6 U.S.C. § 192.

¹⁴ GAO, *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border*, GAO-11-97 (Washington, DC: Dec. 17, 2010), and *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).

¹⁵ These partners included DHS's Offices of Border Patrol and Immigration and Customs Enforcement, DOJ's Drug Enforcement Administration, and USDA's U.S. Forest Service.

¹⁶ GAO, *National Security: Key Challenges and Solutions to Strengthen Interagency Collaboration*, GAO-10-822T (Washington, DC: June 2010), and *Interagency Collaboration: Key Issues for Congressional Oversight of National Security Strategies, Organizations, Workforce, and Information Sharing*, GAO-09-904SP (Washington, DC: Sept. 25, 2009).

ommendation that DHS provide oversight of compliance with interagency agreements.¹⁷

We also reported in December 2010 that while there is a high reliance on law enforcement support from partners on the Northern Border, the extent of law enforcement resources available to address border security vulnerabilities was not reflected in Border Patrol's processes for assessing border security and resource requirements.¹⁸ We previously reported that Federal agencies should identify resources among collaborating agencies to deliver results more efficiently and that DHS had not fully responded to a legislative requirement to link initiatives—including partnerships—to existing border vulnerabilities to inform Federal resource allocation decisions.¹⁹ Development of policy and guidance to integrate available partner resources in Northern Border security assessments and resource planning documents could provide the agency and Congress with more complete information necessary to make resource allocation decisions in mitigating existing border vulnerabilities. Thus, we recommended that DHS direct CBP to develop policy and guidance necessary to identify, assess, and integrate the available partner resources in Northern Border sector security assessments and resource planning documents. DHS concurred with our recommendation and has taken action to formulate new policy and guidance in associated strategic planning efforts.

In our November 2010 report on interagency coordination on northern Federal borderlands in Border Patrol's Spokane sector and southwest Federal borderlands in Border Patrol's Tucson sector, we reported, among other things, that Border Patrol, DOI, and USDA had established forums and liaisons to exchange information.²⁰ However, while information sharing and communication among these agencies had increased in recent years, critical gaps remained in implementing interagency agreements to share intelligence information and compatible secure radio communications for daily border security operations. We reported that coordination in these areas could better ensure officer safety and an efficient law enforcement response to illegal activity. In addition, there was little interagency coordination to share intelligence assessments of border security threats to Federal lands and develop budget requests, strategies, and joint operations to address these threats. We reported that interagency efforts to implement provisions of existing agreements in these areas could better leverage law enforcement partner resources and knowledge for more effective border security operations on Federal lands. Thus, we recommended that DHS, DOI, and USDA take the necessary action to further implement interagency agreements. The departments concurred with our recommendation. In response, Border Patrol issued a memorandum to all Border Patrol sectors emphasizing the importance of USDA and DOI partnerships to address border security threats on Federal lands. While this action is a positive step toward implementing our recommendation, we continue to believe that DHS should take additional steps necessary to monitor and uphold implementation of the existing interagency agreements, including provisions to share intelligence and resource requirements for enhancing border security on Federal lands.

Mobilizing a Rapid Response to Border Security Threats.—One of the elements of Border Patrol's 2004 National Strategy was to improve the mobility and rapid deployment of personnel and resources to quickly counter and interdict threats based on shifts in smuggling routes and tactical intelligence. CBP reported expanding the training and response capabilities of the Border Patrol's specialized response teams to support domestic and international intelligence-driven and antiterrorism efforts as well as other special operations. Border Patrol headquarters officials stated that "Rapid Response," defined as the ability of Border Patrol and its partners to quickly and appropriately respond to changing threats, will also be a key element of the 2012–2016 Strategic Plan; and in fiscal year 2011, Border Patrol allocated agent positions to provide a National group of organized, trained, and equipped Border Patrol agents who are capable of rapid movement to regional and National incidents in support of priority CBP missions. Our prior work and review of Border Patrol's 2012 operational assessments provide observations that could inform Border Patrol's transition to and implementation of its new strategic plan.

¹⁷ According to DHS officials, this intercomponent Advisory Council meets quarterly to, among other things, identify cross-cutting issues, identify areas for closer collaboration, and share best practices.

¹⁸ GAO–11–97.

¹⁹ GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, GAO–06–15 (Washington, DC: Oct. 21, 2005), and *Northern Border Security: DHS's Report Could Better Inform Congress by Identifying Actions, Resources, and Time Frames Needed to Address Vulnerabilities*, GAO–09–93 (Washington, DC: Nov. 25, 2008).

²⁰ GAO–11–177.

Our review of Border Patrol 2012 operational assessments showed that Border Patrol sectors had used resources mobilized from other Border Patrol sectors or provided by law enforcement partners to maintain or increase border security. Border Patrol, for example, mobilized personnel and air assets from Yuma sector to neighboring Tucson sector, which cited that the coordination of operational activities was critical to the overall success of operations. Similarly, National Guard personnel and resources have been used to bridge or augment Border Patrol staffing until new agents are trained and deployed. The Department of Defense (DOD) estimated costs of about \$1.35 billion for National Guard support of DHS's border security mission in the four Southwest Border States (California, Arizona, New Mexico, and Texas) from June 2006 through September 30, 2011.

However, Border Patrol headquarters officials stated that they had not fully assessed to what extent the augmented mobile response resources would be sufficient to preclude the need to re-deploy personnel and resources needed to secure higher-priority border locations at the expense of lower-priority locations, or changes in the type or continued need of resources from its law enforcement partners. Within Border Patrol, for example, our review of the 2012 operational assessments showed that Border Patrol reported difficulty maintaining border control in areas from which resources have been redeployed. Border Patrol stations within six of the nine Southwest Border sectors have reported that agent deployments to other stations have affected their own deployment and enforcement activities.

Border Patrol law enforcement partners also cited challenges. For example, we testified in April 2012 that DOD officials expressed concerns about the challenges to identify and plan a DOD role in the absence of a comprehensive strategy for Southwest Border security.²¹ In addition, we reported in March 2012 that while Border Patrol expects an increase in air support for rapid deployment of its mobile forces, it had not fully coordinated requirements with CBP's Office of Air and Marine (OAM).²² OAM officials stated that while they deployed a majority of resources to high-priority sectors, budgetary constraints, other National priorities, and the need to maintain presence across border locations limited the amount of resources they could redeploy from lower-priority sectors. In addition, the agency does not have documentation of analyses assessing the effect of these constraints and whether actions could be taken to change the mix and placement of resources within them.²³ In response to our recommendation, in part, that CBP reassess the mix and placement of OAM air resources to include anticipated CBP strategic changes, DHS agreed and stated that it planned to complete such actions as part of the next iteration of the Aircraft Deployment Plan.²⁴

BORDER PATROL PROGRESS AND CHALLENGES IN ACHIEVING ITS STRATEGIC GOAL FOR BORDER SECURITY

The DHS goal and measure of operational control used in conjunction with the 2004 Strategy provided oversight of five levels of border control that were based on the increasing availability of information and resources, which Border Patrol used to detect, respond, and interdict illegal cross-border activity either at the border or after entry into the United States (see table 1). The top two levels—"controlled" and "managed"—reflect Border Patrol's reported achievement of "operational control," in that resources were in place and sufficient to detect, respond, and interdict illegal activity either at the immediate border (controlled level) or after the illegal entry occurs (managed level), sometimes up to 100 miles away. The remaining three levels reflected lower levels of border control, where Border Patrol has less ability to detect, respond to, or interdict illegal activity due to insufficient resources or inaccessibility.

²¹ GAO, *Observations on Costs, Benefits, and Challenges of a Department of Defense Role in Helping to Secure the Southwest Land Border*, GAO-12-657T (Washington, DC: Apr. 17, 2012).

²² GAO, *Border Security: Opportunities Exist to Ensure More Effective Use of DHS's Air and Marine Assets*, GAO-12-518 (Washington, DC: Mar. 30, 2012).

²³ GAO-12-518.

²⁴ Aircraft deployment plans are intended to match assets to operational requirements.

TABLE 1: DEFINITIONS OF BORDER PATROL LEVELS OF BORDER SECURITY UNDER 2004 STRATEGY

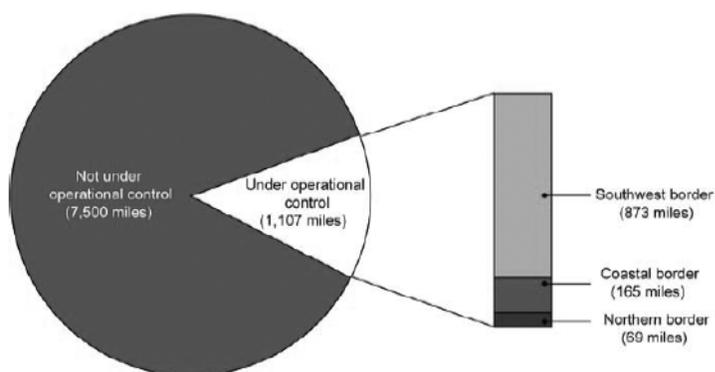
Level of Border Security	Definition
Controlled—operational control.	Continuous detection and interdiction resources at the immediate border with high probability of apprehension upon entry.
Managed—operational control.	Multi-tiered detection and interdiction resources are in place to fully implement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

DHS reported achieving operational control for 1,107 (13 percent) of 8,607 miles across U.S. Northern, Southwest, and Coastal Borders at the time it discontinued use of this performance goal at the end of fiscal year 2010 (see fig. 1). Nearly 80 percent of border miles Border Patrol reported to be under operational control were on the U.S. Southwest Border with Mexico. 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.²⁵ Our analysis of the 1,107 border miles Border Patrol reported to be under operational control showed that about 12 percent were classified as “controlled,” which was the highest sustainable level for both detection and interdiction at the immediate border. The remaining 88 percent of these 1,107 border miles were classified as “managed,” in that interdictions may be achieved after illegal entry by multi-tiered enforcement operations.

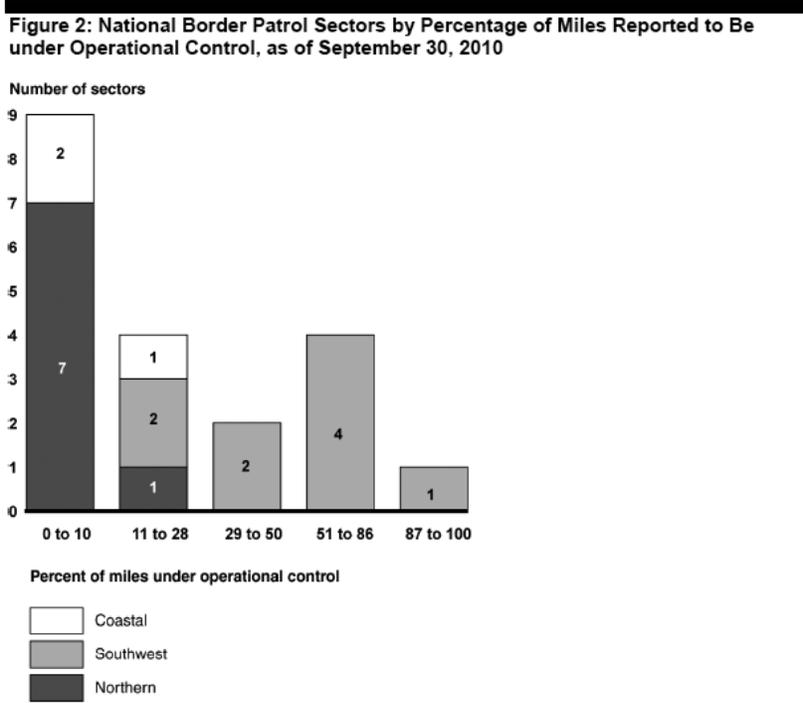
²⁵ Operational statistics generally include the number of apprehensions, known illegal border entries, and volume and shift of smuggling activity, among other performance indicators. Border Patrol officials at sectors and headquarters convene to discuss and determine the number of border miles under operational control for each sector based on relative risk.

Figure 1: U.S. Border Miles Reported by Border Patrol to be under Operational Control, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

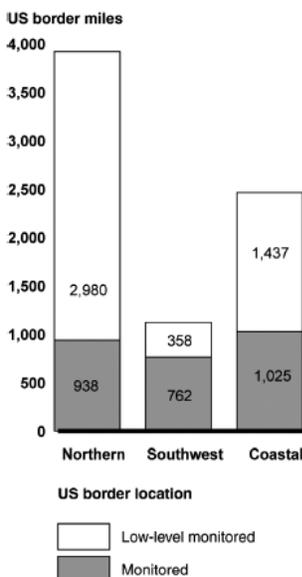
Across the 20 Border Patrol sectors on the National borders, Yuma sector on the Southwest Border reported achieving operational control for all of its border miles as of the end of fiscal year 2010. In contrast, the other 19 sectors reported achieving operational control ranging from 0 to 86 percent of their border miles (see fig. 2). Border Patrol officials attributed the uneven progress across sectors to multiple factors, including a need to prioritize resource deployment to sectors deemed to have greater risk of illegal activity as well as terrain and transportation infrastructure on both sides of the border.



Source: GAO analysis of Border Patrol data.

Our analysis of the remaining 7,500 National border miles that Border Patrol reported as not under operational control at the end of fiscal year 2010 showed that nearly two-thirds of these border miles were considered at the level of “low-level monitored,” meaning that some knowledge was available to develop a rudimentary border control strategy, but border security was vulnerable due to limited resources or inaccessibility (see fig. 3). The approximate one-third of these border miles remaining at the higher “monitored” level were judged to have substantial detection resources in place, but accessibility and resources continue to affect Border Patrol’s ability to respond. Border Patrol reported that these two levels of control were not acceptable for border security. No border miles were classified at the lowest-level of “remote/low activity” as a result of insufficient information to develop a meaningful border control strategy.

Figure 3: Status of U.S. Border Miles Reported as Not Under Operational Control by Border Location, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

DHS transitioned from using operational control as its goal and outcome measure for border security in its Fiscal Year 2010–2012 Annual Performance Report, which since September 30, 2010, has reduced information provided to Congress and the public on program results. Citing a need to establish a new border security goal and measure that reflect a more quantitative methodology as well as the Department’s evolving vision for border control, DHS established an interim performance measure until a new border control goal and measure could be developed. As we previously testified, this interim GPRA measure—the number of apprehensions on the Southwest Border between the ports of entry (POE)—is an output measure, which, while providing useful information on activity levels, does not inform on program results and therefore could reduce oversight and DHS accountability.²⁶ 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.²⁷ CBP officials told us they would continue to use interim measures for GPRA reporting purposes until new outcome measures are implemented; as of April 2012 CBP officials did not have an estimated implementation date for a new border security goal and measure.

DHS stated that it had three efforts underway to improve the measures used to assess its programs and activities to secure the border. However, as these measures have not yet been implemented, it is too early to assess them and determine how they will be used to provide oversight of border security efforts. One of two efforts, led by CBP with assistance from the Homeland Security Institute (HSI), is to develop a Border Condition Index (BCI) that is intended to be a new outcome-based measure that will be used to publicly report progress in meeting a new border security goal in support of GPRA. The BCI methodology would consider various factors, such as the percentage of illegal entries apprehended and community well-being. CBP is in the process of finalizing the BCI measure and did not provide us with a time frame for its implementation. The second CBP effort is to create a measure

²⁶ GAO, *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, GAO–11–374T (Washington, DC: Feb. 15, 2011).

²⁷ For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Va.: Oct. 18, 2005).

of the change in illegal flow of persons across the Southwest Border using a statistical model developed by HSI, which uses data on apprehensions and recidivism rates for persons illegally crossing the border. DHS officials said that they had not yet determined whether results from this model would be used for GPRA reporting in the Fiscal Year 2012 DHS Annual Performance Plan, or for internal management purposes and reported to Congress in support of the annual budget request. The third effort, led by Border Patrol, is to standardize and strengthen the metrics that had formerly supported the measure of “border miles under effective (operational) control” that DHS removed as a GPRA goal and measure beginning in fiscal year 2011. As of April 2012, Border Patrol headquarters officials were working to develop border security goals and measures, but did not yet have a target time frame for implementation.

While these new metrics are in development, Border Patrol operational assessments from fiscal years 2010 and 2012 show that field agents continued to use a different and evolving mix of performance indicators across Border Patrol sectors to inform the status of border security. These performance indicators generally included a mix of enforcement measures related to changes in the number of estimated known illegal entries and apprehensions, as well as changes in third-party indicators such as crime rates in border communities. Border Patrol officials said that the differences in the mix of performance indicators across sectors and time reflected differences in sector officials’ judgment of what indicators best reflect border security, given each sector’s unique circumstance. Border Patrol headquarters officials said that they were moving to standardize the indicators used by sectors on each border but did not yet have a time frame for completing this effort.

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

APPENDIX I: CHARACTERISTICS OF EFFECTIVE SECURITY STRATEGIES

We have previously reported on desirable characteristics of effective security strategies through our prior work on National security planning.¹ These six characteristics and their elements could assist Border Patrol in its efforts to ensure that the 2012–2016 Border Patrol Strategic Plan (2012–2016 Strategic Plan) is an effective mechanism for achieving results.

- *Purpose, scope, and methodology.*—This characteristic addresses why the strategy was produced, the scope of its coverage, and the process by which it was developed. Border Patrol could discuss the specific impetus that led to the new strategic plan, for example, a terrorist event or changes in the external environment such as decreases in illegal activity or changes in organizational makeup such as significant increases in resources and capabilities. In addition to describing what the strategy is meant to do and the major functions, mission areas, or activities it covers, a National strategy would address its methodology, such as which organizations drafted or provided input to the document. For example, Border Patrol could identify parties or stakeholders who were consulted in the development of the strategy, such as Federal law enforcement partners, relevant State and local agencies, and Tribal organizations.
- *Problem definition and risk assessment.*—This characteristic addresses the particular National problems and threats the strategy is directed towards. Border Patrol could develop a detailed discussion of primary threats—such as the illegal flow of migrants, smugglers, and other criminals or persons linked with terrorism across the border—as well as their causes and operating environment.² This characteristic also entails a risk assessment, including an analysis of the threat to, and vulnerabilities of, critical assets and operations.³ Border Patrol could ensure that the strategic plan is informed by a National risk assessment that includes a comprehensive examination of threats and vulnerabilities across all U.S. borders, to include key infrastructures and assets. A discussion of the quality of data available for this assessment, such as known constraints or defi-

¹ See GAO, *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, GAO-04-408T (Washington, DC: Feb. 3, 2004), and *Rebuilding Iraq: More Comprehensive National Strategy Needed to Help Achieve U.S. Goals*, GAO-06-788 (Washington, DC: July 11, 2006).

² If the details of the analyses are classified, an unclassified version could include a broad description of the analyses and stress the importance of risk assessments to implementing parties.

³ Risk assessment includes a threat assessment, a vulnerability assessment, and a consequences assessment (formerly referred to as a “criticality” assessment). For more in-depth discussion of these subjects, see GAO, *Homeland Security: Key Elements of a Risk Management Approach*, GAO-02-150T (Washington, DC: Oct. 12, 2002).

ciencies in key data on estimated volume of persons illegally crossing the border, could also be pertinent.

- *Goals, subordinate objectives, activities, and performance measures.*—This characteristic addresses what the strategy is trying to achieve, steps to achieve those results, and priorities, milestones, and performance measures to gauge results. For example, Border Patrol could identify what the strategic plan is attempting to achieve—a specific end-state such as securing the Nation’s borders—and identify and prioritize the specific steps and activities needed to achieve that end-state, such as prioritizing the resourcing of sectors and stations in high-risk border areas. Identifying milestones and performance measures for achieving results according to specific time frames could help to ensure effective oversight and accountability. Border Patrol could, for example, identify milestones for developing an implementation plan, with time frames, which would guide the execution of the strategy and ensure that key steps such as completing a comprehensive risk assessment or developing appropriate outcome measures are achieved. This characteristic also emphasizes the importance of establishing outcome-related performance measures that link back to goals and objectives. For example, Border Patrol could develop outcome measures that show to what extent it has met its goal for securing the Nation’s borders.
- *Resources, investments, and risk management.*—This characteristic addresses what the strategy will cost, the sources and types of resources and investments needed, and where resources and investments should be targeted based on balancing risk reductions with costs.⁴ A National strategy could include criteria and appropriate mechanisms to allocate resources based on identified needs. Border Patrol could develop information on the costs of fully implementing the strategic plan, as well as a comprehensive baseline of resources and investments needed by sectors and stations to achieve the mission of securing the Nation’s borders. According to our previous work, risk management focuses security efforts on those activities that bring about the greatest reduction in risk given the resources used. The strategic plan could elaborate on the risk assessment mentioned previously and provide guidance on how to manage resources and investments.
- *Organizational roles, responsibilities, and coordination.*—This characteristic addresses who will be implementing the strategy, what their roles will be compared to others, and mechanisms for them to coordinate their efforts. A strategy could clarify organizations’ relationships in terms of partnering and might also identify specific processes for coordination between entities. For example, Border Patrol could build upon relations with Federal, State, local, and Tribal law enforcement organizations by further clarifying how these relationships can be organized to further leverage resources.
- *Integration and implementation.*—This characteristic addresses how a National strategy relates to other strategies’ goals, objectives, and activities, and to subordinate levels of Government and their plans to implement the strategy. For example, a National strategy could discuss how its scope complements, expands upon, or overlaps with other National strategies. Border Patrol could ensure that its 2012–2016 Strategic Plan explains how it complements the strategies of other CBP agencies, such as the Office of Air and Marine and the Office of Field Operations, which oversees the Nation’s ports of entry, as well as U.S. Customs and Border Protection’s overall strategy.

APPENDIX II: CHARACTERISTICS OF EFFECTIVE PERFORMANCE MEASURES

Under the Government Performance and Results Act (GPRA), Border Patrol performance measures should be developed in the context of the Department of Homeland Security (DHS) mission and objectives for securing the U.S. border. In its Annual Performance Report for fiscal years 2010–2012, DHS discussed border security under Mission 2: Securing and Managing Our Borders. Under this mission, there were interim Border Patrol performance measures supporting Goal 2.1: Secure U.S. Air, Land, and Sea Borders, defined as preventing the illegal flow of people and goods across U.S. air, land, and sea borders. There were two objectives supporting this goal:

- Objective 2.1.1 Prevent illegal entry of people, weapons, dangerous goods and contraband, and protect against cross-border threats to health, the environment, and agriculture, while facilitating the safe flow of lawful travel and commerce.

⁴Risk management also involves assessing risk through an assessment of threat, vulnerability, and consequence.

- Objective 2.1.2 Prevent illegal export and exit of weapons, proceeds of crime, and other dangerous goods, and the exit of malicious actors.

We have previously reported on key attributes of successful performance measures consistent with GPRA.¹ Some of these attributes suggest that U.S. Customs and Border Protection (CBP) and Border Patrol consider the following in efforts to develop and standardize performance indicators and metrics:

- *Measures should cover the core program activities that Border Patrol is expected to perform.*—At the broadest level, the DHS goal suggests measuring Border Patrol outcomes for preventing the illegal flow of people across the border between the ports of entry, as well as the illegal flow of goods. Border Patrol metrics comparing estimated illegal entries to apprehensions could serve to show how its efforts contribute to stemming the illegal flow of people across the border. As of April 2012, Border Patrol did not have a metric for performance related to stemming the illegal flow of goods, such as drugs, between the ports of entry in support of the border security goal. Border Patrol headquarters officials stated that they were not likely to develop a measure, per se, on contraband seizures that would apply across all sectors. According to these officials, although the Border Patrol plays a vital role in seizing contraband at the borders, it views this role as part of the larger security function played by many different agencies at all Government levels.
- *Measures should be balanced to cover CBP and DHS priorities.*—Border Patrol could establish specific performance measures that support CBP and DHS priorities, such as those listed in the objectives supporting the overall DHS goal. For example, in measuring the ability to prevent the illegal flow of persons, Border Patrol, in consultation with CBP and DHS, could choose to separately measure the illegal flow of migrants, smugglers, and other criminals, or persons linked with terrorism, crossing the border between the ports of entry. Similarly, in measuring the ability to prevent the flow of dangerous goods, Border Patrol could choose to separately measure the flow of weapons, illegal drugs, or proceeds of crime, such as bulk cash. Border Patrol could also establish separate performance measures for its ability to prevent the entry and exit of persons and goods across the border.
- *Measures should link and align with measures of other components and at successive levels of the organization.*—DHS could ensure that performance measures established by Border Patrol align with measures at the CBP and Departmental level, as well as those established by other components that contribute toward the goal to secure our borders, such as Customs and Border Protection's Office of Field Operations (OFO), which has responsibility for securing the border at the ports of entry. For example, Border Patrol metrics estimating the flow of illegal entries between the ports of entry aligns with OFO metrics to measure for the illegal flow of persons through the ports of entry,² and metrics of both components could be aligned with an overall effort by CBP to measure the overall flow of persons illegally crossing the Southwest Border. DHS could also choose to establish a performance measure informing on the flow of persons into the United States who overstay their authorized period of admission or other means that could similarly link to the overall DHS estimate of persons illegally residing in the United States. Linking performance measures such as these across the organization informs on how well each program or activity is contributing toward the overall goal to prevent illegal entry of persons, reinforces accountability, and ensures that day-to-day activities contribute to the results the organization is trying to achieve.
- *Measures should reflect Government-wide priorities, such as quality, timeliness, and cost of service.*—Border Patrol could establish performance measures that are consistent with any measures developed by CBP and DHS to reflect the time frames and cost efficiencies in securing the border across locations. For example, CBP and DHS could establish measures that reflect the overall cost or time frame to secure the border as indicated by changes in the illegal flow of persons or goods relative to its investment across components and programs. At the Border Patrol level, such a measure could compare the relative cost effi-

¹ *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, GAO-03-143 (Washington, DC: Nov. 22, 2002).

² OFO uses a statistical program (model), COMPEX, which estimates the total amount of illegal activity passing undetected through U.S. ports of entry—including persons transporting illegal drugs, guns, or other banned substances—to calculate the apprehension rate and gauge the effectiveness of Customs and Border Protection officers to interdict them. As of March 2011, OFO officials said COMPEX was used at air and land ports of entry, but not sea ports of entry, and at land ports of entry it was used for passenger vehicles, but not cargo vehicles or pedestrians.

ciencies achieved across border locations that use a different mix of personnel, technology, or strategies to secure the border.

- *Measures should have a numerical goal, be reasonably free from significant bias or manipulation, and be reliable in producing the same result under similar conditions.*—As of April 2012, Border Patrol was working to improve the quality of its border security measures to reflect a more quantitative methodology to estimate the number of illegal entries across the border compared to apprehensions, and other metrics.³ However, Border Patrol officials said that comparable performance measures should not be applied to the Northern or Coastal Borders, providing an inconsistent picture of security for the majority of U.S. border miles.⁴ We reported that in circumstances where complete information is not available to measure performance outcomes, agencies could use intermediate goals and measures to show progress or contribution to intended results.⁵ For example, Border Patrol could lack the detection capability necessary as a first step to estimate illegal entries across most of the Northern Border and some other border locations. In these circumstances, Border Patrol could choose to establish performance measures tracking progress in establishing this detection capability. Once Border Patrol achieves the ability to detect illegal activity across its borders, it could then transition to measures for reducing the flow of illegal activity and for interdiction. On the Southwest Border, Border Patrol could also choose to establish intermediate measures in reaching Southwest Border security goals. Such intermediate performance measures could include those that use Global Positioning System data for each apprehension to show Border Patrol progress in apprehending persons at or close to the border compared to enforcement tiers located miles away.

Mrs. MILLER. Thank you very much for that testimony, Ms. Gambler.

The Chairwoman now recognizes Dr. Rosenblum for his testimony.

**STATEMENT OF MARC R. ROSENBLUM, SPECIALIST IN
IMMIGRATION POLICY, CONGRESSIONAL RESEARCH SERVICE**

Mr. ROSENBLUM. Thank you. Chairman Miller, Ranking Member Cuellar, Ranking Member Thompson, and Members of the subcommittee, I am honored to present testimony today on behalf of the Congressional Research Service.

My testimony makes three main observations. First, the U.S. border in 2012 is a very different place than it was in the mid-1990s when the core of the current Border Patrol strategy was developed. Second, the changes at the border have entailed costs, and I will discuss a few of them. These observations lead to the third, which is that the new Border Patrol strategy comes at an appropriate time and raises important questions. In some ways, we are at a critical juncture with respect to how we define border security and how we understand risks and threats to the United States.

Let me begin with the changes at U.S. borders. The core of the current strategy since the mid-1990s is prevention through deterrence—the idea that the concentration of personnel, infrastructure, and surveillance technology along heavily-trafficked regions of the border will discourage unauthorized aliens from attempting to enter the United States. A new strategy was published in 2004 that continued to emphasize investments along the border and in the post-9/11 environment also focused on intelligence to assess

³For example, Border Patrol officials said they were working to standardize the methodology used by sectors to estimate the number of illegal entries.

⁴Border Patrol headquarters officials stated that this was because the threat of illegal entries differs across borders.

⁵GAO, *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, GAO/GGD/AIMD-99-69 (Washington, DC: Feb. 26, 1999).

risk and to target enforcement to the greatest security threats, including potential terrorists. At the same time, DHS announced the Secure Border Initiative, a National program emphasizing personnel, surveillance technology, and fencing, as well as interior enforcement and new removal practices.

My written testimony includes several data points that show that these plans have largely been implemented, and we have heard some about it already. One example is the growth in Border Patrol personnel: Slow growth in the 1980s, faster growth in the 1990s, and even faster growth in the most recent decade, all of it concentrated primarily on the Southwest Border.

More importantly, there is an increasing body of evidence suggesting that these investments have begun to pay off. As we have already heard, apprehensions of unauthorized migrants, while an imperfect measure, are at their lowest level in about 40 years. My written testimony includes several additional indicators that suggest falling illegal migration.

Several factors have contributed to this trend, as the Chairwoman noted, including the U.S. economic downturn, crime and violence in northern Mexico, Mexico's strong economic recovery since 2010, demographic changes in Mexico. But the data suggests that U.S. enforcement efforts are likely an important contributing factor behind declining illegal migration.

This figure illustrates one of the causal dynamics. The figure shows two measures of the fees migrants pay to be smuggled from Mexico to the United States. Smuggling fees were essentially flat during the 1980s and then rose sharply beginning in the early 1990s through the first half of the last decade. So the figures suggest that it was relatively easy to cross the border during the 1980s but became much more difficult to do so during the 1990s as enforcement intensified.

These gains at the border have entailed costs. One way to think about cost is in terms of direct appropriations, and my written testimony describes the dramatic growth in border spending. My written testimony also identifies a number of unintended consequences of border enforcement on migration flows and a number of indirect costs of border enforcement on crime, migrant mortality, the environment, border communities, and U.S. foreign relations.

Border enforcement also entails opportunity costs. How does funding for enforcement between ports of entry compete with other DHS priorities and with priorities outside of DHS? For example, this figure compares resources that have gone to border security between ports of entry to resources for inspections and enforcement at ports of entry. Funding for enforcement between the ports has more than doubled since 2004, while funding at the ports has increased by less than a third. FTEs, full-time employment, lines for enforcement between the ports has increased 99 percent, while the FTEs at the ports have increased just 12 percent.

We often think of border security in terms of how many unauthorized migrants make it through the Arizona desert, but the 2012 Strategy highlights the Border Patrol and DHS's broader approach to risk management. Four types of transnational threats may be especially important to consider: Weapons of mass destruction, drugs and other contraband, potential terrorists and other bad

actors, and then regular unauthorized migrants. These threats have different risk profiles. Most experts agree that WMD are a high-consequence, low-probability threat. Regular illegal migration is a lower-consequence, higher-probability threat. The entry of illegal drugs falls somewhere in between on both of these dimensions.

The threats also differ across border zones. The Southwest Border between ports of entry is a point of vulnerability with respect to illegal migration and marijuana smuggling. But WMDs and other drugs and contraband, both are considered more likely to be smuggled into the United States through a port of entry rather than carried across the border. Given existing infrastructure, the Southwest Border also may not be the greatest point of vulnerability with respect to terrorists and other bad actors, who may be more likely to attempt illegal entry through a port or to enter the United States from Canada or at a Coastal Border.

Given the gains we have made at the border, the new Border Patrol strategy offers a moment to think about the broader context and bottom-line goals for U.S. border security. What are the most serious security threats confronted by the United States? Where are its greatest points of vulnerability? What additional investments in policies may most effectively reduce risks to the United States?

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

[The statement of Mr. Rosenblum follows:]

PREPARED STATEMENT OF MARC R. ROSENBLUM

MAY 8, 2012

Chairman Miller, Ranking Member Cuellar, and Members of the subcommittee, I am honored to present testimony today on behalf of the Congressional Research Service. My testimony today makes three main observations:

- The U.S. border in 2012 is a very different place than it was in the mid-1990s when the former U.S. Immigration and Naturalization Service (INS) developed the core of the current U.S. Border Patrol strategy. The U.S. Border Patrol (USBP) and other components within the Department of Homeland Security (DHS) have made major changes at the border and in the broader immigration control system; and these changes appear to have contributed to a sharp reduction in illegal migration, though increased enforcement is just one of many factors that explains the reduction.
- These gains entail costs, including direct appropriations for border security, indirect costs, and unintended consequences of the current approach, and opportunity costs that come from high investments between ports of entry on the Southwest Border, arguably at the expense of competing priorities.
- The first two observations suggest that the new USBP comes at an appropriate time and raises important questions. The USBP's mission is to prevent illegal entries between ports of entry, and most of its resources are on the Southwest Border. Yet many of the most serious transnational criminal and terrorist threats to the United States may be more likely to exploit points of vulnerability at ports of entry (POE) and at Northern and Coastal Borders, rather than to risk entry across the Southwest Border in light of existing enforcement measures there.

THE CURRENT BORDER STRATEGY: PREVENTION THROUGH DETERRENCE¹

Since the 1990s, migration control at the border has been guided by a strategy of "prevention through deterrence"—the idea that the concentration of personnel, in-

¹This section and much of this testimony draws heavily on CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum (hereinafter CRS,

infrastructure, and surveillance technology along heavily trafficked regions of the border will discourage unauthorized aliens from attempting to enter the United States. The strategy was developed in 1994 as part of the former INS' "National Strategic Plan" (NSP) in response to a widespread perception that the Southwest Border was being overrun by unauthorized immigration and that drug smuggling was a serious threat along the Southwest Border. The plan described a multi-phased approach. Implementation began with Operations "Hold the Line" and "Gatekeeper" in El Paso, TX, and San Diego, CA; and the plan called for expanding enforcement in three additional phases to cover the remaining areas of the Southwest Border followed by the Gulf Coast and Northern Borders. In descending order of importance, the plan emphasized personnel, equipment, technology, and tactical infrastructure.

Shortly after the creation of DHS, USBP began to formulate a new National strategy to better reflect the realities of the post-9/11 security landscape. Published in March 2004, the strategy places greater emphasis on interdicting terrorists and features five main objectives: (1) Establishing the substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the ports of entry; (2) deterring illegal entries through improved enforcement; (3) detecting, apprehending, and deterring smugglers of humans, drugs, and other contraband; (4) leveraging "Smart Border" technology to multiply the deterrent and enforcement effect of agents; and (5) reducing crime in border communities, thereby improving the quality of life and economic vitality of those areas.² Thus, the 2004 Strategy builds on "prevention through deterrence," but places added emphasis on the rapid deployment of USBP agents to respond to emerging threats. This approach depends on tactical, operational, and strategic intelligence to assess risk and target enforcement efforts, relying on surveillance systems and close coordination with U.S. Customs and Border Protection's (CBP) Office of Intelligence and other intelligence apparatuses. The plan formulates different strategies for each of the agency's three operational theaters: The Southwest Border, the Northern Border, and the coastal waters around Florida and Puerto Rico.

In November 2005, the Department of Homeland Security announced a comprehensive multi-year plan, the Secure Border Initiative (SBI), to secure U.S. borders and reduce illegal migration, reiterating many of the themes from the 1994 and 2004 Border Patrol Strategies. Under SBI, DHS announced plans to obtain operational control of the Northern and Southern Borders within 5 years by focusing attention in five main areas: Increased staffing, improved detention and removal capacity, surveillance technology, fencing and tactical infrastructure, and interior immigration enforcement.³ DHS noted that these programs initially would focus on the southwest land border between official ports of entry and that it would deploy a mix of personnel, technology, infrastructure, and response assets in order to "provide maximum tactical advantage in each unique border environment."⁴

CHANGES SINCE THE 1990S

With the implementation of prevention through deterrence beginning in the 1990s and elements of SBI since 2005, U.S. border security and immigration enforcement look quite different today. Changes include: (1) New enforcement resources at the border, (2) different enforcement practices at the border, and (3) additional modifications to the migration control system at ports of entry and within the United States. Most importantly, a growing body of evidence suggests that illegal migration to the United States has fallen to its lowest level in decades, although it is not possible to describe how much of the decrease is a function of border enforcement versus several other factors that also likely have contributed to reduced flows.

Additional Resources: Border Patrol Personnel

Congress has passed at least four laws since 1986 authorizing increases in Border Patrol personnel.⁵ Appropriators generally have supported such growth; and as Fig-

Immigration Enforcement Between Ports of Entry); please see that report for a fuller discussion of these issues and additional citations.

²Department of Homeland Security, Bureau of Customs and Border Protection, "National Border Patrol Strategy," 2004.

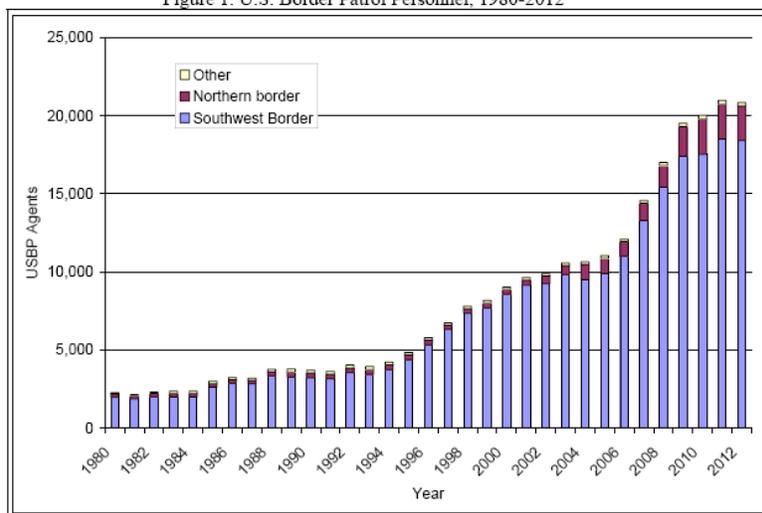
³DHS, "Fact Sheet: Secure Border Initiative," http://www.dhs.gov/xnews/releases/press_release_0794.shtm.

⁴Department of Homeland Security, *DHS FY2008 Congressional Budget Justification*, p. CBP-BSFIT 3.

⁵The Immigration Act of 1990 (Pub. L. 101-649), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, Pub. L. 104-208, Div. C), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT, Pub. L. 107-56), and the Intelligence Reform and Terrorism Prevention Act (Pub. L. 108-458).

ure 1 illustrates overall USBP staffing has grown about ten-fold from 2,268 in 1980 to 21,370 today. The Border Patrol numbered just 4,287 when the Prevention through Deterrence strategy was articulated in 1994; Border Patrol numbers roughly doubled during the remainder of the 1990s as the strategy was implemented; and numbers have more than doubled again in the post-9/11 period.⁶

Figure 1. U.S. Border Patrol Personnel, 1980-2012



Source: 1980-1991: CRS presentation of data from Syracuse University Transactional Records Access Clearinghouse. 1992-2011: CRS presentation of data provided by USBP Congressional Affairs.
 Note: Other border patrol agents include agents stationed in coastal sectors and at the border patrol headquarters.

These data on USBP personnel understate law enforcement staffing along U.S. borders, because numerous other Federal, State, local, and Tribal law enforcement officials also operate in the border region, including 5,551 CBP officers at Southwest Border POEs in 2011.⁷ About a quarter of U.S. Immigration and Customs Enforcement's (ICE) 20,000 personnel were deployed to the Southwest Border in fiscal year 2011,⁸ along with about 1,200 National Guard troops.⁹

Additional Resources: Border Fencing

The former INS installed the first border fencing beginning in 1990, eventually covering the 14 miles of the border east of the Pacific Ocean near San Diego. Congress expressly authorized the construction and improvement of fencing and other barriers under Section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; Pub. L. 104-208, Div. C), which also required the completion of a triple-layered fence along the 14 miles near San Diego. The Secure Fence Act of 2006 (Pub. L. 109-367) amended IIRIRA to require double-layered fencing along five segments of the Southwest Border, totaling about 850 miles.¹⁰ IIRIRA was amended again by the Consolidated Appropriations Act, Fiscal Year 2008 (Pub. L. 110-161), which requires the Secretary of Homeland Security to construct reinforced fencing "along not less than 700 miles of the Southwest Border

⁶ CRS analysis based on data from Syracuse University Transactional Records Access Clearinghouse and USBP Office of Legislative Affairs.

⁷ CBP Office of Legislative Affairs, Sept. 20, 2011.

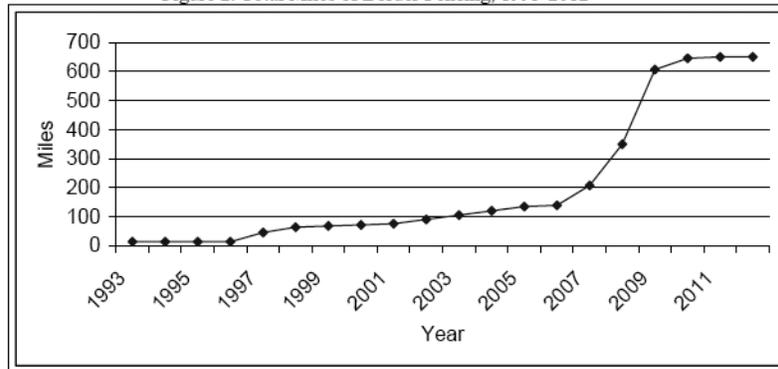
⁸ Department of Homeland Security, "Secure and Manage Our Borders," http://www.dhs.gov/about/gc_1240606351110.shtm.

⁹ Also see CRS Report R41286, *Securing America's Borders: The Role of the Military*, by R. Chuck Mason.

¹⁰ Pub. L. 109-367 identified five specific stretches of the border where fencing was to be installed; CBP Congressional Affairs provided CRS with this estimate of the total mileage covered by the law on September 25, 2006.

where fencing would be most practical and effective.”¹¹ The Act further specifies, however, that the Secretary of Homeland Security is not required to install “fencing . . . in a particular location . . . if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.”¹² As of April 11, 2012, DHS had installed 352 miles of pedestrian fencing and 299 miles of vehicle fencing (total of 651 miles) out of 652 miles DHS had identified as appropriate for fencing and barriers.¹³

Figure 2. Total Miles of Border Fencing, 1993-2012



Source: USBP Congressional Affairs.

Additional Resources: Surveillance Assets

The Border Patrol utilizes advanced technology to augment its agents' ability to patrol the border. Under a series of related programs since the 1990s,¹⁴ the border surveillance system has consisted of a network of Remote Video Surveillance (RVS) systems (including cameras and infrared systems) and sensors (including seismic, magnetic, and thermal detectors) linked into a computer network. USBP personnel in a central location screen the network, monitor locations where sensor alarms are tripped, and alert field agents to intrusions and coordinate responses. These systems have struggled to meet deployment time lines and to provide USBP with the promised level of “situational awareness” with respect to illegal entries,¹⁵ and have come under criticism for non-competitive contracting practices, inadequate oversight of contractors, and cost overruns.¹⁶ DHS ordered a Department-wide assessment of the most recent surveillance system, SBInet, in January, 2010 and terminated the program in January 2011.¹⁷

Under DHS' new Alternative Surveillance Technology Plan, DHS plans to deploy a mix of RVS systems consisting of fixed daylight and infrared cameras that transmit images to a central location, mobile surveillance systems mounted on trucks and

¹¹ Pub. L. 110–161, Div. E, § 564.

¹² *Ibid.*

¹³ CBP Office of Congressional Affairs communication with CRS, April 11, 2012.

¹⁴ The former INS' Integrated Surveillance Information System (ISIS) was initiated in 1998. ISIS was folded into a broader border surveillance system named the America's Shield Initiative (ASI) in 2005, and ASI was made part of DHS' Secure Border Initiative (SBI) the following year, with the surveillance program renamed SBInet.

¹⁵ See e.g., testimony of DHS Inspector General Richard L. Skinner before the House Homeland Security Committee, Subcommittee on Management, Integration, and Oversight, *New Secure Border Initiative*, 109th Cong., 1st sess., December 16, 2005; and U.S. Government Accountability Office (GAO), *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, GAO–09–896, 2009, <http://www.gao.gov/new.items/d09896.pdf>.

¹⁶ See DHS Inspector General (IG), *Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investment*, DHS OIG–09–80, Washington, DC, June 2009; and DHS IG, *Controls Over SBInet Program Cost and Schedule Could Be Improved*, DHS OIG–10–96, Washington, DC, June 2010.

¹⁷ See DHS, *Report on the Assessment of the Secure Border Initiative Network (SBInet) Program*, Washington, DC, 2010; DHS, *Annual Financial Report: Fiscal Year 2011*, Washington, DC, 2011, p. 14.

monitored in the truck's passenger compartment, hand-held equipment, and existing SBInet integrated towers.¹⁸ In addition to these ground-based surveillance assets, CBP's Office of Air and Marine (OAM) deploys 270 aircraft and 280 marine vessels to conduct surveillance operations and contribute to the interdiction of unauthorized aliens and other smuggling operations, and OAM operates nine unmanned aircraft systems along the borders.

New Border Enforcement Practices: Enforcement with Consequences

Since about 2005, CBP has been phasing in a new set of enforcement practices that it now describes as "enforcement with consequences." Historically, immigration agents returned most people apprehended at the border to Mexico with minimal processing or (in the case of non-Mexicans) often released them pending a formal deportation or removal hearing. The enforcement with consequences approach seeks to minimize such "low consequence" responses in order to raise the costs to migrants of being apprehended, to make it more difficult for illegal migrants to reconnect with smugglers following a failed entry attempt, and thereby to discourage people who have been apprehended from making subsequent efforts to enter the United States illegally.¹⁹ The approach includes the following elements:

- *Expedited removal (ER).*—ER is a provision of the INA that allows certain arriving aliens without documents to be formally removed from the United States without an inadmissibility hearing or an appearance before an immigration judge. Thus, ER orders can be implemented quickly and at minimal expense, but carry the same administrative penalties as standard removal orders. After being added to the INA in 1996, ER initially was reserved for aliens apprehended at ports of entry. With a series of notices in 2002–2006, ER was expanded to cover certain aliens who had entered the United States within the previous 2 weeks and were apprehended within 100 miles of any U.S. border.²⁰
- *Detention.*—Non-Mexicans apprehended at the border usually are placed in removal proceedings prior to being returned by air to their country of origin.²¹ Historically, backlogs in the immigration court system meant that most such aliens were released on bail or their own recognizance for some period of time between their apprehension and removal hearing; and many failed to show up for their hearings.²² Under a policy implemented in August 2006, DHS now detains 100% of removable non-Mexicans apprehended at the border until their removal orders are finalized and executed.²³
- *Immigration-related criminal charges.*—Unauthorized aliens apprehended at the border may face Federal immigration charges, but historically most have not been charged with a crime.²⁴ In cooperation with the Department of Justice, CBP has worked since 2005 to bring criminal charges against such aliens more often. The most systematic effort in this regard has been Operation Streamline, a program through which CBP works with U.S. Attorneys and District Court judges in border districts to expedite criminal justice processing. Operation

¹⁸ Statement of Randolph C. Hite, Director, Information Technology Architecture and System Issues, Testimony Before the Subcommittees on Management, Investigations, and Oversight; and Border, Maritime, and Global Counterterrorism; Committee on Homeland Security, House of Representatives, *Secure Border Initiative: DHS Needs to Follow Through on Plans to Reassess and Better Manage Key Technology Program*, 110th Cong., 2nd Sess., Thursday, June 17, 2010.

¹⁹ See U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border*, testimony of U.S. Border Patrol Chief Michael J. Fisher, 112th Cong., 1st sess., October 4, 2011.

²⁰ See CRS Report RL33109, *Immigration Policy on Expedited Removal of Aliens*, by Alison Siskin and Ruth Ellen Wasem. Under the 2006 policy, most Mexicans apprehended at the Southwest Border were not placed in expedited removal proceedings unless they had previous criminal convictions.

²¹ Most Mexicans were returned by bus with minimal processing—an option not available for aliens from most countries.

²² DHS estimated that there were 623,292 alien "absconders" in August 2006, many of whom had failed to appear for removal hearings after being apprehended at the border. See Doris Meissner and Donald Kerwin, *DHS and Immigration: Taking Stock and Correcting Course*, Migration Policy Institute, Washington, DC, February 2009, p. 44, http://www.migrationpolicy.org/pubs/DHS_Feb09.pdf.

²³ CBP, "DHS Secretary Announces End to 'Catch and Release' on Southern Border," http://www.cbp.gov/xp/cgov/admin/c1_archive/messages/end_catch_release.xml.

²⁴ Aliens apprehended at the border may face criminal charges for illegal entry (8 U.S.C. § 1325) or (on a subsequent apprehension) illegal re-entry (8 U.S.C. § 1326), and in some cases they may face charges related to human smuggling (8 U.S.C. § 1324) and visa and document fraud (8 U.S.C. § 1546). See CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John Garcia. In contrast, unlawful presence, absent additional factors, is a civil violation.

Streamline was established in the USBP's Del Rio Sector in December 2005, and expanded to four additional sectors by June 2008.²⁵

- *Remote repatriation.*—Under the Alien Transfer Exit Program (ATEP), certain Mexicans apprehended near the border are repatriated to border ports hundreds of miles away—typically moving people from Arizona to Texas or California.²⁶ Under the Mexican Interior Repatriation Program (MIRP), certain Mexican nationals are repatriated to their home towns within Mexico, rather than being returned just across the border.²⁷

To manage these diverse programs, CBP has developed a “Consequence Delivery System . . . to uniquely evaluate each subject and identify the ideal consequences to deliver to impede and deter further illegal activity.”²⁸ According to public comments by former CBP Commissioner Alan Bersin, the goal of the program, in certain sectors of the border, is to ensure that virtually everyone who is apprehended faces “some type of consequence,” and to eliminate voluntary return in most cases.²⁹

Figure 3 depicts two indicators of enforcement with consequences: Removal cases initiated by the Border Patrol and immigration-related criminal charges brought in the Federal court system, including illegal entry and illegal re-entry. As the figure indicates, the number of immigration-related criminal cases tripled between fiscal year 1999 and fiscal year 2010 (from 28,764 to 84,388 cases); and USBP removals increased fourteen-fold from 12,867 to 189,653. These increases occurred at a time of falling alien apprehensions, as described below, so that the ratio of such consequences relative to all USBP apprehensions increased from 1% in 1999 to 58% in 2010.³⁰

²⁵ According to CBP Office of Legislative Affairs, November 1, 2011, Operation Streamline was initiated in the Yuma Sector in December 2006, Laredo Sector in October 2007, Tucson Sector in January 2008, and Rio Grande Valley Sector in June 2008. A total of 164,639 people were processed through Operation Streamline through the end of fiscal year 2011.

²⁶ See U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border*, testimony of U.S. Border Patrol Chief Michael J. Fisher, 112th Cong., 1st sess., October 4, 2011.

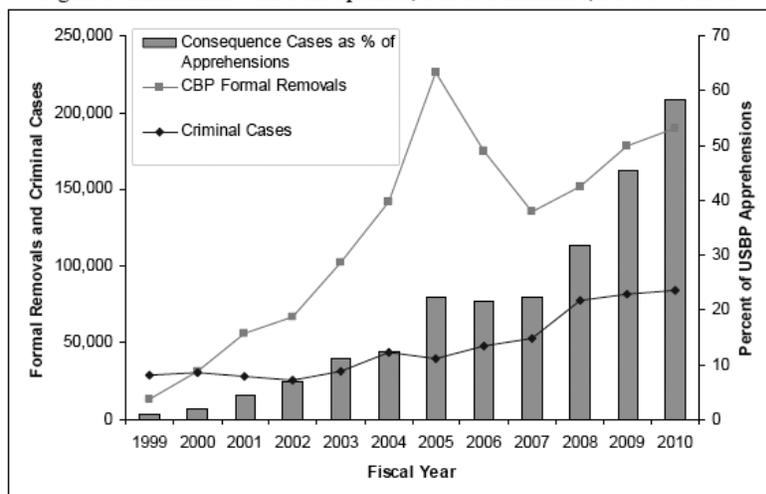
²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Alan Bersin, *The State of US/Mexico Border Security*, Center for American Progress, August 4, 2011, <http://www.americanprogress.org/events/2011/08/usmexicoborder.html>. Bersin indicated that certain aliens would not be subject to enforcement with consequences, such as aliens younger than 18 years old traveling without a parent or legal guardian.

³⁰ Not all people facing charges were apprehended by USBP, and not all aliens subject to removal were apprehended during the same fiscal year. Thus, the proportion of aliens facing enforcement with consequences as described in Figure 3 is not precisely defined as a percentage of USBP apprehensions, though USBP apprehensions represent the great majority of such cases.

Figure 3. Enforcement with Consequences, Selected Indicators, FY1999-FY2010



Source: Apprehensions data from DHS Yearbook of Immigration Statistics; Removal data from USBP Office of Legislative Affairs, Nov. 11, 2011; Criminal case data from U.S. Courts, Judicial Business of the U.S. Courts.

Notes: Consequence cases include formal removals and people facing immigration-related criminal charges. Apprehensions and removal data are for aliens apprehended by USBP. Removals include expedited removal, notice to appear, and reinstatement of order of removal initiated by USBP. Criminal charges include immigration-related cases identified among U.S. District Court immigration cases commenced and U.S. Magistrate Court petty offense cases disposed of. Immigration-related cases include alien smuggling, illegal entry, illegal re-entry, fraud and misuse of visa/permit, and other immigration offenses.

Additional Changes to the Migration Control System

Changes to the Border Patrol's enforcement resources and practices have not occurred in isolation. While the focus of this hearing is on the Border Patrol, the effects of Border Patrol policies also depend on CBP enforcement efforts at POEs and on immigration enforcement within the United States. Without addressing them in detail, four changes since the 1990s have further contributed to a changed immigration control environment: More robust screening at ports of entry;³¹ expanded removals from the interior, including through the Secure Communities program;³² the expansion of the E-Verify electronic employment eligibility verification system and other worksite enforcement efforts,³³ and the passage of dozens of State and local laws—some of which are subject to legal challenges—related to the use of E-Verify, the role of State and local law enforcement officials in immigration enforcement, and other measures to combat illegal migration.³⁴

³¹ See archived CRS Report RL31733, *Port and Maritime Security: Background and Issues for Congress*, by John Frittelli; and archived CRS Report RL32234, *U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) Program*, by Lisa M. Seghetti and Stephen R. Viña.

³² See CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William A. Kandel.

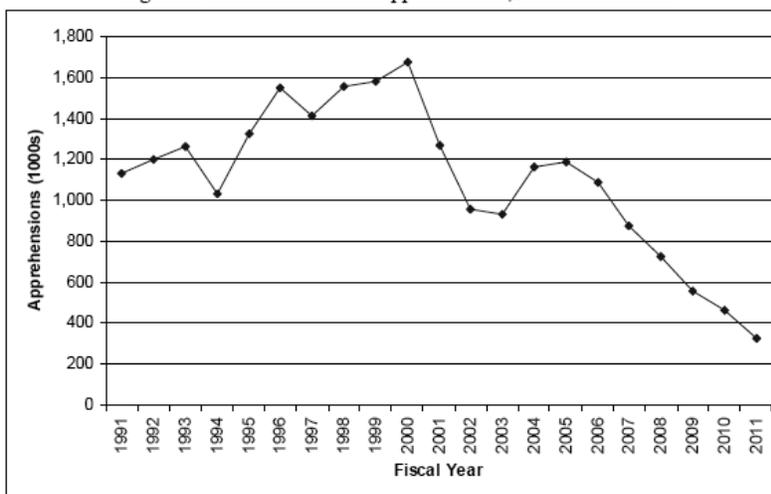
³³ See CRS Report R40446, *Electronic Employment Eligibility Verification*, by Andorra Bruno.

³⁴ See CRS Report R41423, *Authority of State and Local Police to Enforce Federal Immigration Law*, by Michael John Garcia and Kate M. Manuel.

Total Apprehensions

For many years, the INS and DHS have used USBP apprehensions as a proxy to measure illegal entries,³⁶ and changes in apprehensions as an indicator of border enforcement outcomes. As Figure 4 illustrates, total USBP apprehensions have fallen each year since 2005, and the 2011 total of 328,000 apprehensions was less than one-fifth the 1.68 million apprehensions recorded in 2000. Apprehensions in 2011 were at their lowest point since 1970.

Figure 4. U.S. Border Patrol Apprehensions, FY1991-FY2011



Source: DHS Office of Immigration Statistics, Statistical Yearbook; DHS Annual Financial Report FY2011.

While apprehensions data are useful indicators of illegal inflow trends, they are problematic indicators of unauthorized migration for at least three reasons. First, apprehensions data exclude successful unauthorized aliens, certain unsuccessful unauthorized aliens (including aliens who are denied entry by CBP officers at ports of entry, aliens who are apprehended by law enforcement officials other than USBP, and aliens who die while crossing the border); and would-be unauthorized aliens who are deterred at the border or who never attempt to migrate at all. These exclusions mean that apprehensions data are an incomplete picture both of unauthorized migration and of migration enforcement. Second, apprehensions data count events rather than people. Thus, an unauthorized migrant who is caught trying to enter the country three times in one year counts as three apprehensions in the data set. Apprehensions data therefore may over-estimate the actual number of people trying to cross the border. Third, apprehensions are a function of illegal flows and of the unknown effectiveness of border enforcement. Thus, fewer apprehensions may reflect fewer attempts at illegal entry, lower apprehension rates for the same number of entries, or some combination of the two.³⁷ The Border Patrol estimates the number of successful illegal entries (“get-aways”) and the number deterred at the border

³⁵ For a fuller discussion of enforcement outcomes, see CRS, *Immigration Enforcement Between Ports of Entry*.

³⁶ See e.g., CBP, *Securing America's Borders: CBP Fiscal Year 2010 in Review Fact Sheet*, Washington, DC, March 15, 2011, http://www.cbp.gov/xp/cgov/newsroom/fact_sheets/cbp_overview/fy2010_factsheet.xml.

³⁷ Also see U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *Department of Homeland Security Appropriations Bill, 2012*, Report to Accompany H.R. 2017, 112th Cong., 1st sess., May 6, 2011, H. Rept. 112-91 (Washington: GPO, 2011), p. 33.

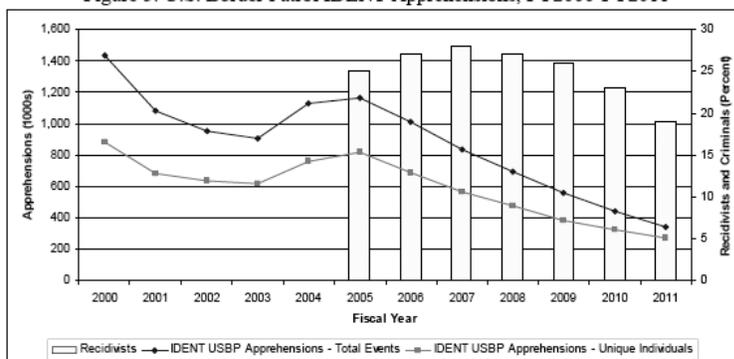
(“turn backs”), but these data are limited by the agency’s surveillance capacity, among other factors, and are not available to outside researchers.³⁸

Given these limits, it is useful to consider several additional data sources that offer insight into illegal migration and the effectiveness of border enforcement and migration control efforts.

Unique Apprehensions

The DHS Automated Biometric Identification System (IDENT) is a biometric database that includes about 138 million individual records.³⁹ Since late 1999, the system has been deployed to all USBP stations, allowing DHS to track individual case histories of most people apprehended by USBP, among others. The IDENT database provides additional insight into enforcement outcomes by describing the number of unique individuals apprehended by USBP per year, rather than the number of apprehension events. As Figure 5 indicates, the number of unique individuals apprehended by USBP fell from about 880,000 in 2000 to about 618,000 in 2003 before climbing back to about 818,000 in 2005 and then dropping sharply to about 269,000 individuals in 2011. Thus, perhaps more importantly, the ratio of total apprehensions to unique individuals apprehended also fell during this period: from an average of 1.63 apprehensions per individual in 2000 to an average of 1.27 apprehensions per individual in 2011. Figure 5 also presents IDENT data on the percentage of unique subjects apprehended by the Border Patrol more than once in a fiscal year (the recidivism rate). The recidivism rate peaked at 28% in 2007 and fell to 20% in fiscal year 2011, the lowest level since USBP began collecting these data.

Figure 5. U.S. Border Patrol IDENT Apprehensions, FY2000-FY2011



Source: CRS presentation of data provided by US-VISIT Office of Congressional Affairs, Dec. 16, 2011 and CBP Office of Congressional Affairs Dec. 22, 2011.

Notes: Apprehensions events refers to the total number of USBP apprehensions enrolled in the US-VISIT IDENT database; unique individuals refers to the number of different people apprehended based on IDENT’s Fingerprint Identification Number (FIN), the system’s unique biometric identifier. The recidivism rate is the percentage of unique individuals who are apprehended two or more times in a given fiscal year.

Smuggling Fees

The great majority of unauthorized migrants to the United States make use of human smugglers to help them enter the United States.⁴⁰ Migrants’ reliance on human smugglers, along with prices charged by smugglers, are an additional potential indicator of the effectiveness of U.S. border enforcement efforts, as more effective enforcement should increase the costs to smugglers of bringing migrants across the border, with smugglers passing such costs along to their clients in the form of higher fees.⁴¹ Figure 6 summarizes available time-series data describing average

³⁸ According to CBP’s Office of Legislative Affairs (December 22, 2011) and other sources, CBP reportedly plans to incorporate its estimate of successful illegal entries into a soon-to-be-released “border conditions index.”

³⁹ US-VISIT Office of Legislative Affairs, December 16, 2011.

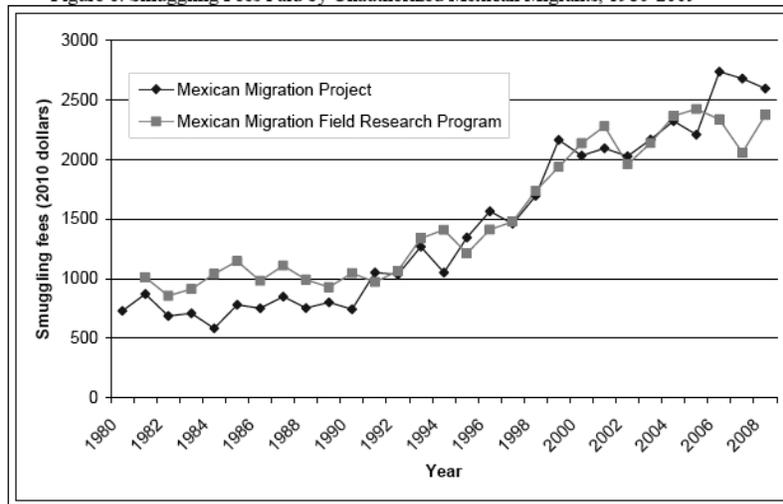
⁴⁰ See Princeton University Mexican Migration Project, “Access to Border-Crossing Guides and Family/Friends on First Undocumented Trip,” <http://mmp.opr.princeton.edu/results/002coyote-en.aspx>.

⁴¹ See Bryan Roberts, Gordon Hanson, and Derekh Cornwell, et al., *An Analysis of Migrant Smuggling Costs Along the Southwest Border*, DHS Office of Immigration Statistics, Washington,

Continued

smuggling fees paid by certain unauthorized migrants for transport from Mexico to the United States, based on surveys conducted with unauthorized migrants in the United States and in Mexico (i.e., after migrants had returned home). According to these data, smuggling fees were mostly flat throughout the 1980s, at about \$750–\$1,000 (in 2010 dollars), with an average annual growth rate of less than 1.5%. Smuggling fees began to rise during the early 1990s, climbed by over 7% per year throughout the 1990s and early 2000s to \$2,400–\$2,700 in 2005–2006, and have remained roughly flat since that time—possibly because the economic downturn since 2007 has placed a cap on what smugglers may charge.⁴² These data suggest that crossing the border illegally became more difficult (or at least most expensive) in the decade after the USBP began to implement its National strategy.

Figure 6. Smuggling Fees Paid by Unauthorized Mexican Migrants, 1980-2009



Source: Princeton University Mexican Migration Project (MMP) and University of California San Diego Mexican Migration Field Research Program (MMFRP).

Notes: Data based on surveys of unauthorized Mexican migrants about their most recent unauthorized trip to the United States, with reported amounts adjusted for inflation using Bureau of Labor Statistics Consumer Price Index Research Series Using Current Methods (CPI-R-US). MMFRP data are a weighted two-year moving average for 1981-2007 to account for a small sample size, and a weighted three-year average (including 3 observations from 2009) for 2008. MMP data are a weighted two-year average for 2007 to account for a small sample size, and a weighted four year average (including 4 observations from 2009 and 6 observations from 2010) for 2008.

Probability of Apprehension

Social science research also provides data (reported by migrants in the United States and Mexico) on the probability that migrants will be apprehended while attempting to enter the United States illegally. Existing data sources indicate that many migrants are apprehended one or more times prior to successfully entering the United States. According to one source, a growing proportion of Mexicans who attempt to migrate illegally are apprehended at the border at least once: 28% for one sample of migrants who attempted to enter prior to 1986 versus 41% for aliens attempting entry in 2002–2009.⁴³ Another major survey finds that the probability of being apprehended on any given crossing has hovered around 25% since 1965.⁴⁴

DC, November 2010, <http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-smuggling-wp.pdf>.

⁴² See attachment for sources.

⁴³ University of California—San Diego (UCSD) Mexico Migration Field Research Project, data provided to CRS Sept. 23, 2010.

⁴⁴ Princeton University Mexican Migration Project, “Probability of Apprehension on an Undocumented Border Crossing,” <http://mmp.opr.princeton.edu/results/008apprehension-en.aspx>. The probability of apprehension fell somewhat during the 1990s to less than 20% in 2001, possibly as a function of increased use of smugglers during this period. This trend was reversed between 2001 and 2006, as the probability of apprehension climbed to an all-time high of about 35%; but by 2011 the probability of apprehension had once again fallen below 20%.

Yet both surveys have found that the vast majority of migrants who attempt to cross the border eventually succeed.⁴⁵ Taken together, these data offer additional evidence that it became somewhat more difficult to cross the Southwest Border illegally in the decade after 1994, but that the border remains broadly vulnerable to illegal crossers.

Survey Data from Mexico

The Pew Hispanic Center has analyzed survey data collected in Mexico from illegal migrants who were transferred from U.S. custody to Mexican authorities. In research published in 2012, Pew reports the following findings:

- Mexicans repatriated in 2010 were more likely to have lived in the United States for a long period of time than Mexicans surveyed during earlier periods. In 2010, 27% of repatriated Mexicans had lived in the United States for at least a year, compared to 6% in 2005 and 5% in 2000. And 17% of repatriated Mexicans had lived in the United States for at least 5 years, compared to just 2% in 2005.⁴⁶
- Mexicans repatriated in 2010 were more likely to have been apprehended at work or at home than Mexicans surveyed during earlier periods: 17% in 2010 versus 3% in 2005. The proportion of Mexicans surveyed who had been apprehended at the border fell from 49% in 1995 to 33% in 2005 to 25% in 2010.⁴⁷
- Mexicans repatriated in 2010 were less likely than those repatriated in previous years to report that they intended to return to the United States. Among those who migrated illegally to look for work (83% of those in the survey), 60% reported that they intended to return to the United States immediately, and 80% reported that they intended to return eventually, down from 81% and 92%, respectively, in 2005. Among new unauthorized migrants (those who had spent less than a week in the United States before being repatriated to Mexico), 18% of those repatriated in 2010 reported that they would not return to the United States compared to 6% in 2005.⁴⁸

Conclusions: The Effectiveness of U.S. Border Control and Migration Enforcement

Taken together, the data described above suggest that illegal inflows have fallen substantially during the last 5 years, and that border control and migration enforcement policies likely have contributed to this downturn. Yet available data do not allow for a precise description of the importance of migration enforcement relative to other factors that also influence illegal migration, or for concrete conclusions about the effectiveness of border control and migration enforcement.

A fundamental obstacle to evaluating the effectiveness of migration enforcement measures is that individual and aggregate migration decisions are highly complex, reflecting not only the risk of apprehension and the costs of migration, but also—at least as importantly—a range of socio-economic “push” and “pull” factors at both ends of the migration chain, as well as social and family networks that facilitate migration.⁴⁹ Thus, even if we know with certainty that illegal inflows have fallen in a given period, as appears to be the case since 2007, it is not possible to describe how much of the downturn is a result of enhanced enforcement, and how much is a function of these other factors. It is especially difficult to measure “remote deterrence”: the decision by potential migrants, who may be thousands of miles from the border, to choose not to embark on a trip to the United States—though such deterrence may well reflect U.S. enforcement efforts.

Assigning causality is particularly difficult in the case of the post-2007 downturn because many of the most significant new enforcement efforts—including a sizeable share of new border enforcement personnel, most border fencing, new enforcement practices at the border, and many of the new migration enforcement measures within the United States—have occurred in the context of the most severe recession

⁴⁵ In the UCSD surveys, 98% of intending migrants from Jalisco, Mexico eventually managed to enter the United States before 1986, and 97% eventually succeeded in 2002–2009. Overall, the UCSD researchers recorded eventual success rates of 92% or higher in four different surveys conducted between 2005 and 2009. CRS’ analysis of data provided by the Princeton survey suggests that 99% of Mexicans surveyed reported being able to enter the United States illegally after one or more attempts.

⁴⁶ See Jeffrey Passel, D’Vera Cohn, and Ana Gonzalez-Barrera, *Net Migration from Mexico Falls to Zero—And Perhaps Less*, Pew Hispanic Center, Washington, DC, 2012, <http://www.pewhispanic.org/files/2012/04/PHC-04-23a-Mexican-Migration.pdf>, p. 23.

⁴⁷ *Ibid.*, p. 24.

⁴⁸ *Ibid.*, pp. 24–25.

⁴⁹ See for example, Douglas S. Massey, Joaquin Arango, and Graeme Hugo, et al., *Worlds In Motion: Understanding International Migration at the End of the Millennium*, 2nd ed. (New York: Oxford University Press, 2005).

since the 1930s. The economic downturn has been particularly intense in certain industries that have historically employed a large number of unauthorized migrants.

Additional factors may have further contributed to reduced illegal migration from Mexico, historically the source of about 60% of unauthorized migrants in the United States. Abuses of migrants by smugglers and transnational criminal organizations and high levels of border-area violence appear to have discouraged some potential Mexican migrants.⁵⁰ The Mexican economy has recovered from the 2007–08 downturn more quickly than the U.S. economy, and expanding job opportunities in Mexico may have discouraged some would-be migrants.⁵¹ Perhaps most importantly, long-term demographic trends mean that relatively few Mexican workers have entered the labor market in recent years, as Mexico's fertility rate has fallen from an average of 7.2 children per woman in 1960 to about 2.2 today.⁵²

THE COSTS OF BORDER ENFORCEMENT

As described above, the prevention through deterrence approach to border security has been resource-intensive, relying on the deployment of personnel, infrastructure, and technology to U.S. borders. To evaluate the strategy and weigh it against alternative approaches, it may be useful to consider the costs of border enforcement, including direct costs, indirect costs and benefits, and opportunity costs.

Direct Costs

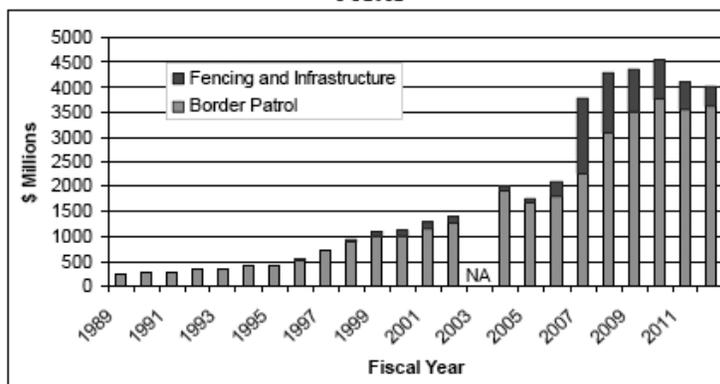
The two largest components of the Border Patrol's prevention through deterrence approach, when measured in terms of direct spending, have been outlays for personnel and for border fencing and surveillance technology, depicted in Figure 7. As the figure indicates, USBP funding grew from \$232 million in 1989, to \$1.3 billion in fiscal year 2002 (the last data available prior to the creation of DHS), to \$3.6 billion in fiscal year 2012—a nominal increase of 1,450% and an increase of 750% when accounting for inflation. Appropriations for fencing and technology increased from \$25 million in fiscal year 1996 to \$298 million in fiscal year 2006, an eleven-fold increase (eight-fold when adjusting for inflation), and then jumped to \$1.5 billion in fiscal year 2007 before falling to \$573 billion in fiscal year 2011 and \$400 billion in fiscal year 2012.

⁵⁰ See David Scott Fitzgerald, Rafael Alarcón, and Leah Muse-Orlinoff, *Recession Without Borders: Mexican Migrants Confront the Economic Downturn* (La Jolla, CA and Boulder, CO: Center for Comparative Immigration Studies (CCIS) and Lynne Reiner Publishers, 2011).

⁵¹ According to Mexican data, Mexico's GDP grew by 5.5% in 2010 and 3.9% in 2011; see Jeffrey Passel, D'Vera Cohn, and Ana Gonzalez-Barrera, *Net Migration from Mexico Falls to Zero—And Perhaps Less*, Pew Hispanic Center, Washington, DC, 2012, <http://www.pewhispanic.org/files/2012/04/PHC-04-23a-Mexican-Migration.pdf>, p. 31.

⁵² Pew Hispanic Center, *The Mexican-American Boom: Births Overtake Immigration*, July 14, 2011, <http://pewhispanic.org/files/reports/144.pdf>, p. 7.

Figure 7. Appropriations for Border Patrol and Fencing and Infrastructure, FY1989-FY2012



Sources: U.S. Border Patrol (USBP) Appropriations as enacted reported in INS Congressional Budget Justification FY1991-FY2002; H.Rept. 108-280, H.Rept. 108-774, H.Rept. 109-241, H.Rept. 109-699, Explanatory Statement to Accompany P.L. 110-161 Div. E, Explanatory Statement to Accompany P.L. 110-329, H.Rept. 111-298, S.Rept. 112-74, and H.Rept. 112-331. Tactical infrastructure funding for FY1996-FY2002 is from the FY2003 INS Congressional Budget Justification. Construction funding for these years is from P.L. 104-134, P.L. 104-208, P.L. 105-119, P.L. 105-277, and FY2001-FY2005 Congressional Budget Justifications. Construction and tactical infrastructure appropriations for FY2004-FY2006 are from FY2006-FY2007 Congressional Budget Justifications. FY2007-FY2012 Border Security Fencing, Infrastructure, and Technology (BSFIT) appropriations are from P.L. 109-234, P.L. 109-295, P.L. 110-161, P.L. 110-329, P.L. 111-5, P.L. 111-83, P.L. 111-230, P.L. 112-10, and P.L. 112-74.

Notes: In FY2003 immigration inspections from the former INS, customs inspections from the former U.S. Customs Service, and USBP were merged to form the Bureau of Customs and Border Protection within DHS. As a result, data for years prior to FY2003 may not be comparable with the data for FY2004 and after. USBP appropriations for 1989-2002 reflect the "Border Patrol" sub-account of the INS Salaries and Expenses account of the DOJ annual appropriation. Appropriations for 2004-2012 reflect the "Border Security and Control between Ports of Entry" sub-account of the CBP Salaries and Expenses account of the DHS annual appropriation. USBP data are not available for FY2003 because neither the INS nor congressional appropriators provided a breakout of the salaries and expenses sub-accounts within the Enforcement and Border Affairs account during that year's funding cycle. Data include supplemental appropriations in FY2005 and FY2010, but not FY2006 because supplemental appropriation did not specify how much of this funding was for USBP; DHS reported in its FY2008 DHS Budget Justification that the border patrol received a \$1,900 million appropriation in FY2006. Data for FY1996-FY2002 include USBP construction and tactical infrastructure accounts. Construction account funding has been used to fund a number of projects at the border, including fencing, vehicle barriers, roads, and USBP stations and checkpoints. Data for FY2003-FY2006 include DHS construction and tactical appropriations. Data for FY2007-FY2012 include DHS total appropriations to CBP's Border Security Fencing, Infrastructure, and Technology (BSFIT) account, created by appropriators in FY2007.

Indirect Costs and Benefits⁵³

Border enforcement also may entail a number of indirect, and sometimes unintended, costs and benefits that also may be useful to consider as part of a comprehensive analysis of the issue:

- **Crime and migrant mortality.**—The concentration of enforcement resources around the border may exacerbate crime and migrant mortality by making migrants more reliant on smugglers and more likely to cross in dangerous locations. On the other hand, if enforcement deters illegal crossers, such prevention should reduce crime and mortality; and the concentration of law enforcement personnel near the border may further enhance public safety and migrant protection. The empirical record suggests that crime rates have fallen in certain Southwest Border cities faster than in other cities of a similar size, but the impact of border enforcement on border area crime and migrant mortality is unknown because available data cannot separate the influence of border enforcement from other factors. Available data about known migrant deaths along the Southwest Border suggest that mortality rates have risen and that border crossings have become more hazardous since the "prevention through deterrence"

⁵³ For a fuller discussion of indirect costs and benefits, see CRS, *Immigration Enforcement Between Ports of Entry*.

policy went into effect in the 1990s, though once again the precise impact of enforcement on migrant deaths is unknown.

- *Migrant flows.*—Social science research suggests that border enforcement has had the unintended consequence of encouraging unauthorized migrants to settle permanently in the United States rather than working temporarily and then returning home, as was more common prior to the mid-1980s.⁵⁴ A second unintended consequence of enhanced border enforcement between ports of entry has been an apparent increase in illegal entries through ports of entry and other means.⁵⁵ There is also anecdotal evidence that unauthorized aliens have turned to maritime routes and border tunnels as alternative strategies to cross the U.S.-Mexican border.⁵⁶
- *Effects on border communities and environmental impact.*—As with border crime and violence, the effects of enforcement on border communities and the environment are complex because they reflect changes in migrant behavior and the secondary effects of enforcement per se. Border enforcement benefits local communities because unauthorized migration imposes costs on local services, strains public safety resources, and undermines the rule of law. Yet enforcement also may disrupt local economic activity by discouraging travel and commerce; and some residents of border communities see enhanced border enforcement as leading to racial profiling, wrongful detentions, and other adverse consequences.⁵⁷ Similarly, border enforcement may benefit the environment because some illegal border crossers transit through sensitive environmental areas, cutting vegetation for shelter and fire, causing wildfires, increasing erosion through repeated use of trails, and discarding trash.⁵⁸ At the same time, the construction of fencing, roads, and other tactical infrastructure may damage sensitive border-area ecosystems; and some environmental groups have opposed border infrastructure projects.⁵⁹
- *U.S. foreign relations.*—The United States has strong border partnerships with Mexico and Canada, but issues related to migration control and border enforcement have been occasional sources of tension, particular in the U.S.-Mexican case, and may lead to missed opportunities for deeper cooperation at the border and beyond.⁶⁰

Opportunity Costs

In a world of scarce resources, funding for USBP may be seen as competing with funding for other DHS components like CBP's Office of Field Operations (OFO), which is responsible for inspections and enforcement at POEs, and ICE, which is responsible for DHS investigations and most enforcement activities related to transnational crime within the United States, among other competing priorities.

For example, Figure 8 focuses on the allocation of resources to enforcement between POEs vs. inspections and enforcement at POEs since the creation of the Department of Homeland Security. The bars indicate the number of full-time equivalent (FTE) positions funded for these two activities, and the lines represent total Congressional appropriations to each (including funding to USBP and for fencing

⁵⁴For example, see Wayne Cornelius, "Evaluating Recent US Immigration Control Policy: What Mexican Migrants Can Tell Us," in *Crossing and Controlling Borders: Immigration Policies and Their Impact on Migrants' Journeys*, ed. Mechthild Baumann, Astrid Lorenz, and Kerstin Rosenhow (Farmington, MI: Budrich Ünipress Ltd, 2011).

⁵⁵See for example, Jonathan Hicken, Mollie Cohen, and Jorge Narvaez, "Double Jeopardy: How U.S. Enforcement Policies Shape Tunkaseno Migration," in *Mexican Migration and the U.S. Economic Crisis*, ed. Wayne A. Cornelius, Davide FitzGerald, Pedor Lewin Fischer, and Leah Muse-Orlinoff (La Jolla, CA: University of California, San Diego Center for Comparative Immigration Studies, 2010), p. 66.

⁵⁶See for example, Richard Marosi, "Border Battle Over Illegal Immigration Shifts to Beaches," *Los Angeles Times*, March 24, 2011; Associated Press, "Major Drug Tunnel Found in San Diego," *Washington Post*, November 30, 2011.

⁵⁷See for example, NY School of Law, NY Civil Liberties Union, and Families for Freedom, *Justice Derailed: What Raids On New York's Trains And Buses Reveal About Border Patrol's Interior Enforcement Practices*, New York: November, 2011, http://www.nyclu.org/files/publications/NYCLU_justicederailedweb.pdf; Lornet Turnbull and Roberto Daza, "Climate of Fear Grips Forks Illegal Immigrants," *Seattle Times*, June 26, 2011.

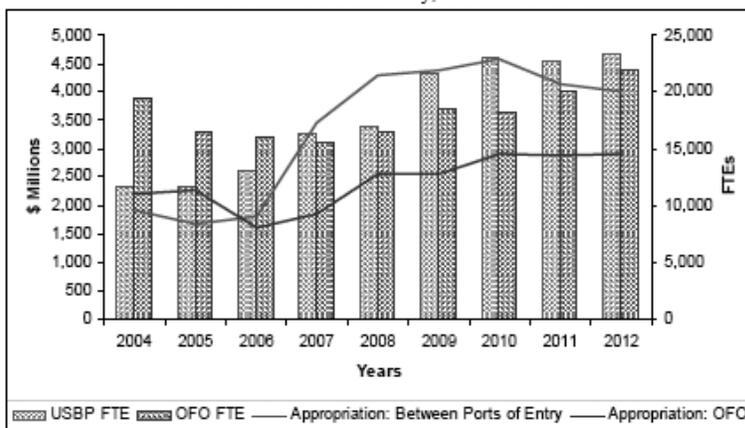
⁵⁸Department of Homeland Security, *Environmental Impact Statement for the Completion of the 14-mile Border Infrastructure System*, San Diego, California (July 2003), pp. 1–11.

⁵⁹See e.g., Defenders of Wildlife, "Wildlife and Border Policy," http://www.defenders.org/programs_and_policy/habitat_conservation/federal_lands/border_policy/. Also see CRS Report R42346, *Federal Land Ownership: Overview and Data*, by Ross W. Gorte et al.

⁶⁰On U.S.-Canadian border issues, see CRS Report 96–397, *Canada-U.S. Relations*, coordinated by Carl Ek and Ian F. Fergusson; on U.S.-Mexican border issues, see Marc R. Rosenblum, *Obstacles and Opportunities for Regional Cooperation: The US-Mexico Case*, Migration Policy Institute, April 2011, <http://www.migrationpolicy.org/pubs/USMexico-cooperation.pdf>.

and tactical infrastructure in the case of enforcement between the ports). As the figure illustrates, resources between the ports (the green bars and lines in the figure) have grown much faster than OFO resources (the blue lines and bars in the figure). Funding for enforcement between the ports more than doubled in the 2004–2012 period, from \$1.9 to \$4.0 billion (108% growth), while OFO funding has increased by less than one-third, from \$2.2 to \$2.9 billion (32%). Similarly, FTEs for enforcement between POEs increased from 11,745 to 23,306 (98% growth), while OFO FTEs increased from 17,467 to 21,893 FTEs (25% growth).

Figure 8: Border Enforcement Appropriations and Personnel: Comparison of Resources at and Between Ports of Entry, FY2004-FY2012



Source: USBP data are from sources identified in Figure 7; OFO data are from CBP Congressional Budget Justifications, FY2004 – FY2013.

Notes: Appropriation between ports of entry includes funding to USBP and funding for surveillance, fencing, and tactical infrastructure.

2012 NATIONAL BORDER PATROL STRATEGY

Based on preliminary information USBP has made available about the 2012 Border Patrol Strategic Plan,⁶¹ the plan will emphasize a risk-based approach to border security that emphasizes the use of information and intelligence to identify threats, and the integration and rapid deployment of USBP resources to target enforcement to the points of greatest vulnerability and where the risk of incursion is highest. Whereas the 1994 plan focused primarily on moving adequate resources into the border region, the 2004 plan began to focus attention on how such resources were allocated, and the 2012 plan reportedly will continue the shift in this direction to focus enforcement on high-priority targets. The plan reportedly will continue to strike a balance between USBP's traditional emphasis on preventing illegal migration and the agency's post-9/11 priority missions of preventing the entry of terrorists and terrorist weapons, along with the recent U.S. focus on combating transnational criminal organizations.

CONCLUDING COMMENTS: THREATS, VULNERABILITIES, AND POLICY RESPONSES

The 2012 USBP Strategic Plan reportedly describes the goal of border security in terms of risk management: A process that involves “identifying, analyzing, assessing, and communicating risk and accepting, avoiding, transferring or controlling it to an acceptable level considering associated costs and benefits of any actions

⁶¹Information about the 2012 National Strategy is based on USBP Office of Legislative Affairs staff briefing for the Senate Committee on Homeland Security and Government Affairs, February 13, 2012.

taken.”⁶² DHS defines risk as a function of specific threats, America’s vulnerability to such threats, and their potential consequences.⁶³

From a border security perspective, four types of transnational threats may be especially important to consider: Weapons of mass destruction (WMD), drugs and other contraband, potential terrorists and other “bad actors,” and “regular” unauthorized migrants (illegal migration). These threats have substantially different overall risk profiles. By most estimates, the entry of WMD and “bad actors” are high-consequence but low-probability risks. Conversely, compared to the threats from WMD and “bad actors,” illegal migration is a lower-consequence, higher-probability event—though some of the consequences of unauthorized migration do not lend themselves to precise measurement, and people may disagree about how to evaluate them. The entry of drugs and other contraband fall in between these two extremes.

Important differences also exist across different border zones in terms of America’s vulnerability to transnational threats. For example, while the Southwest Border between POEs historically has been a major point of vulnerability with respect to illegal migration and marijuana smuggling, most experts do not consider the Southwest Border between POEs to be the most important point of vulnerability to WMDs or other types of drugs and contraband, both of which are more likely to be smuggled into the United States through a port.⁶⁴ Similarly, given existing enforcement infrastructure, the Southwest Border may not be the greatest point of vulnerability with respect to individual “bad actors,” who may be more likely to attempt illegal entry through POEs or to enter the United States from Canada or at a Coastal Border.⁶⁵

A third set of considerations focuses on expected policy benefits: The potential for a given policy to reduce risk. Most border security policies per se are designed to reduce vulnerability to a threat or group of threats. Policies within the United States also may be designed to lower the consequences and/or likelihood that a potential event will occur, for example, by hardening infrastructure, reducing demand for illegal employment, or disrupting smugglers’ financial networks.

For these reasons, the USBP 2012 National Strategy appears to raise important and appropriate questions about future U.S. border security investments and policies. What are the most serious security threats confronted by the United States, and where are its greatest points of vulnerability? What additional investments and policy responses would produce the greatest reduction in risks to the United States? While some of the answers undoubtedly will direct attention to traditional investments in Southwest Border personnel, infrastructure, and technology, USBP’s focus on risk management also may direct additional attention to how we manage flows through ports of entry and to enforcement policies within the United States.

Mrs. MILLER. Thank you very much, Doctor.

I want to thank all of our witnesses for being here today, particularly you, Chief, who I am noticing is really the only person in uniform. We are all here telling you of our hopefully constructively critical way of looking at all of this in your new strategic plan. I appreciated you articulating again the long and distinguished history of the CBP, certainly.

I also was taking some notes as you were talking, and I have been looking at your new strategic plan here a bit, and as you mentioned information, integration, and rapid response and also about the amount, I think Ms. Gambler mentioned, over \$4 billion that the Congress and American taxpayers have invested in technology and these kinds of things. You know, with all the technology that we do need to utilize, obviously, for all of our borders, sometimes there is really no second for human intel, really. As I mentioned at the outset, with foiling this bomb plot, I am certain that much

⁶²DHS Risk Steering Committee, *DHS Risk Lexicon*, September 2010, <http://www.dhs.gov/library/assets/dhs-risk-lexicon-2010.pdf>, p. 30.

⁶³*Ibid.*, pp. 27–38.

⁶⁴See for example, U.S. Department of Justice, National Drug Intelligence Center, *National Drug Threat Assessment: 2011*, Washington, DC: August, 2011.

⁶⁵See for example, testimony of K. Jack Riley before the House Homeland Security Committee, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, *Border Security and the Terrorist Threat*, 109th Cong., 2nd sess., August 8, 2006.

of that was human intel and the work of our intelligence community, counterintelligence, counterterrorism, et cetera. The same thing applies, I think, for border security in many, many ways.

It seems to me that a good way to get that kind of intelligence—and it is utilized, or, certainly, as you mention it in the strategic plan—is when you talk about increasing community engagement and other kinds of things with all the various stakeholders at all of our borders. We have often said that they are really a force multiplier. I think you can probably get a lot more intel from the local law enforcement that is, sort of, out in the neighborhoods a bit and sharing that information with you, whether that is at the Southern Border, the Northern Border, our Coastal Borders, what have you. One thing about the street, the street talks.

Chief FISHER. Yes, ma'am.

Mrs. MILLER. The street talks. Your officers are trained to understand and start to develop a threat assessment based on some of that intel.

Also—and I am not sure if you have that in here, but I was recently—and, of course, I am from the Detroit sector, and was recently over on the Canadian side of the Blue Water Bridge looking at what our Canadian counterparts were doing, and I had one of your officers with us. What did they have there more than anything? Dogs. The dogs were sniffing—I mean, with all this technology, the dogs were sniffing everything that went through, whether it is people or drugs. Their ability for apprehensions was not something high-tech. So, particularly when you have all these military dogs coming back now that have had the ability to sniff with IEDs and everything else—and I know we have talked about how that can be a layer of your strategic approach to border security.

But I mention that because when we talk about defense-in-depth, really looking at ports of entry, making utilization of interior checkpoints, I know along the Northern Border and I think the Southern as well, a big part of what you were doing was, like, going into the bus terminals, talking to folks at transportation hubs, et cetera, sometimes just a random approach that you start picking up intel that is incredibly important.

I guess I would first ask: Are you still doing that? I am not sure if you still continue to do that. What is your thought about utilizing the community engagement, et cetera, for intelligence gathering, which I think is certainly as critical a component as even UAVs or anything else?

Chief FISHER. Yes, Chairwoman. Well, to your first point, we are still doing checkpoints, although we are moving away from the term “defense-in-depth” because defense-in-depth in the previous strategy really implied a first and fundamental strategic imperative which was terrain denial. So in that context, it made sense to have some defense-in-depth-like checkpoint operations, whether they were tactical or permanent. So we will continue, and that is what we have asked the field chiefs to take a look at.

Just because it is not necessarily written in those few pages of the strategy—remember, the strategy is a broad framework of how we want the organization to start thinking. So there are going to be things that even since 2004 that we will continue to do. If it

makes sense to continue on that path forward, we will do that. I think some of our terminology in what we are trying to accomplish is also going to change.

With respect to the community engagement, it is going to be critical for our leaders to understand the change from community relations toward community engagement. As you so artfully articulated, you know, we have 21,370 Border Patrol agents; we also have 21,370 intelligence collectors. We have to train the Border Patrol agents to recognize that every individual that they encounter is a potential source of information.

When you say “information,” also, it is because we also don’t want to discount open-source information. People that live in the border communities, quite frankly, have a lot of information that, unless we ask them, aren’t going to be able to share that with us. I think that was some of the lessons learned in 2006 and into 2007, that the Department of Defense in shifting their thinking in terms of their strategy and how they were going to actually confront, you know, the threats that they were seeing overseas.

It is the same broad approach that we are taking in recognizing that we have to make sure that we don’t just ask somebody, “Hey, give us a call if you see something suspicious.” Actually take the time and explain to them in their particular area what is suspicious and why it is important that they respond and, to the extent that they are able to, to provide that level of information for us.

So it is kind of a strategic shift, as well, in terms of what our expectations are of the communities in which we serve.

Mrs. MILLER. I appreciate you saying that. Because, again, I think, just an example in the northern sector—and I think this is a pilot program; I am not sure if you have plans to replicate it along a northern tier or the southern tier, as well—is the Operational Integration Center in Michigan, where you literally have all of the various shareholders.

You mentioned the DOD, but, I mean, it wasn’t—really, the 9/11 Commission recommendation that I always talk about because I think it was one of the most important ones, we need to go from the need to know to the need to share, the need to share information amongst the various agencies or all of the stakeholders. In the case of the OIC, where you have CBP, NBP, and the Coast Guard, the Royal Mounted, we have the State police, the counties, as I say, all their marine patrols, et cetera, the local cities and village police departments and first responders, all of this information being analyzed by state-of-the-art data, so you are using the computers, really, to analyze the human intel that can assess the threat and then have a product that can be given to the men and women that are out on the front lines, whether that is the northern tier, southern tier, or what have you. I think that is something that the Department needs to think about replicating. It has had great success in that particular area.

I know my time is running over here, but I do have just a—what is really new? What is really new in this strategic plan? I am looking at it, and everything in here—I mean, I agree with everything that is here, but there wasn’t really something that grabbed me as

being really new. Is there anything really new in here that you would highlight as a marquee component of this new plan?

Chief FISHER. I will give you one example—actually, I will give you two quick examples. One is the change detection capability. That was something that—

Mrs. MILLER. The what?

Chief FISHER. Change detection capability.

The other one talks about optimizing capability.

We weren't able to do that 8 years ago because, No. 1, we didn't have the level of resources and, No. 2, we didn't have the technology that allowed us to look into areas like the Northern Border or some of the very remote areas along the Southern Border because we weren't able to get into those locations. Road systems did not exist; the terrain did not lend itself for patrols in that area. With the UAS systems that CBP has had over the last few years, it gives us the ability now to use things like synthetic aperture radar, to go out and fly sorties along the border to confirm or deny any changes in that threat environment or any entries, which over the course of, say, for instance, 2 or 3 weeks we hadn't seen anything. So that allows us to use technology to be able to understand where those threats are going to be evolving.

So those phrases, although they are somewhat new, that takes a whole new meaning when you look at the implementation and what it means along our borders.

Mrs. MILLER. Just as a follow-on, do either of the two witnesses have any comment in regards to that? What is really new in this strategic plan, as you have reviewed it? Do you agree with what the chief is pointing out, or do you have something else that caught your eye?

Ms. GAMBLER. I think from our perspective some of the same elements are in the 2012 Strategy as were in the 2004 Strategy. I think there is a different level of emphasis on some of the capabilities and a different way of thinking through how those might be implemented going forward. So I think it is a difference in emphasis, to some extent.

Mrs. MILLER. Doctor.

Mr. ROSENBLUM. I would agree that there is a clear evolution. When you look at the prevention through deterrence as it was described in the 1990s through the 2004 plan, there is sort of a clear trend of the Border Patrol describing having adequate resources now put in place at the border and thinking more strategically about how to deploy them and how to use them flexibly.

Mrs. MILLER. Thank you.

The Chairwoman now recognizes the Ranking Member, Mr. Cuellar.

Mr. CUELLAR. Thank you so much, Madam Chairwoman.

First of all, Doctor, let me ask you—or let me just say, first of all, thank you for the report that you gave us.

Also, Members, if you haven't seen the Congressional Research report of the—I think it is dated January 6 of this year, called "Border Security: Immigration Enforcement Between Ports of Entry," I would ask you—I think one of the charts that you had up there on how much a coyote charges and how the price has gone up. I appreciate the good work that you have done.

Let me ask you, since I authored—passed the law on modernizing GPRA, let me ask you about some of the GPRA changes. Do you know if Border Patrol—maybe it is more under the umbrella—have they appointed a performance improvement officer already? That is supposed to be under the law. If you know.

Mr. ROSENBLUM. I am not certain. I don't know.

Mr. CUELLAR. Okay. Do you know if they started working on, according to their law, I think, a priority goal? Have they set up their priority goals, or is that more under the Homeland Security? There are certain things they are supposed to be doing under the law; I am just asking if they have done that already.

Mr. ROSENBLUM. I am not certain about that either. I know that they owe some reports to you guys, and I haven't seen all of those reports yet.

Mr. CUELLAR. Okay.

Chief Fisher, have you all done that? Do you know who your performance improvement officer is, or is that more under Homeland?

Chief FISHER. It is a little bit of both, Congressman. As a matter of fact, within our Strategic Policy and Plans division within the headquarters, we have Border Patrol agents that are assigned and work closely—

Mr. CUELLAR. No—and I am sorry, I don't mean to interrupt. I apologize, I really apologize. But under the law, you are supposed to have an executive, high-ranking officer not in the field. It is supposed to be under the law, Chief. I don't know if it should be more under the umbrella that it applies. But do you know who your chief improvement officer is?

Chief FISHER. I don't know whether it is within the Border Patrol. More likely, it may be within Customs and Border Protection or at the Department level.

Mr. CUELLAR. Okay.

Chief FISHER. But we do have Border Patrol agents that are assigned to run those reports and work on a continual basis to make sure that whatever we are reporting against the GPRA requirements each year, they are doing that both in concert with CBP and the Department.

Mr. CUELLAR. Okay. Are you familiar with the Interagency Performance Improvement Council?

Chief FISHER. I am not, sir.

Mr. CUELLAR. Okay. I would ask your gentlemen there sitting, and ladies, behind you if they would look at House Resolution 2142. It became law I guess over a year ago. Agencies are supposed to be following certain things. It has to do with the performance measures and what the priority goals are. I would ask you just respectfully if your folks behind you could just take notes and look at that law and report back to us on that.

The reason I say that is because I know there are some changes—and I appreciate all the work. But, for example, there have been changes. I think now we are moving away from operational control. As of September 30, if you look at that definition, 88 percent of our borders were classified as managed. There is a definition for managed control, as to operational controls. So, basically, we had 12 percent of all the borders—Northern, Southern

borders, Coastal areas—that were under operational control. The rest were under managed control.

Is that correct, Dr. Rosenblum?

Mr. ROSENBLUM. Yes, sir.

Mr. CUELLAR. Okay. Again, there are definitions, and you go through what managed and operational control mean. Operational control means a tighter reign than managed control.

I think out of Southwest Border, 2,000 miles, 873 were under operational control. On the Northern Border, I think, out of all of the miles that you have, 69 miles were under operational control. Then under the whole Coastal, east and west, only 165 miles were under operational control. Is that correct?

Mr. ROSENBLUM. Yes, sir.

Mr. CUELLAR. They are moving now, Border Patrol is now moving into another type of performance measures. According to your report, since headquarters has not come up with new performance measures or new goals on that, according to your report, different officers at different ports are using different intra-measures for GPRA reporting measures. Is that correct?

Mr. ROSENBLUM. That is what I understand, that there are a number of additional measures that Border Patrol does track, including, you know, there are estimates of—they track apprehensions, and we know something about that. The measures that you were citing, the operational control and effective control, refer to the time within which, after somebody crosses the border, Border Patrol is able to apprehend them, as we were discussing earlier.

But at the sector and station level, I understand—and Chief Fisher could tell you much more about this—that the stations also track their estimates of how many people get away and successfully enter the United States, how many people are turned back. Those are some of the kinds of things that could also be incorporated into our analysis of the apprehension rate and of illegal flows.

Mr. CUELLAR. As of April 2012, Border Patrol headquarters officials were working to develop border security goals and measures, but they have not given you a target time frame as to when they will be implementing that.

Because here we are talking about a strategy, correct? So the first part is the strategy, but then we got to go into the goals and then we got to go into the measure, you know: How do you measure results from failure?

So, Chief, do you have an idea of when we will get to—and, again, thank you. I appreciate that the strategic is the first step, but we got to go into the goals and then the measures. Any idea what sort of time frame we will have for that?

Chief FISHER. Yes, sir. We are looking at the beginning of the next calendar year.

Although I should also mention, it is not like we are just erasing everything that we have done and trying to come up with new things. What we are trying to do is dovetail onto some of those things that we have previously used and inform beyond some of the data sets.

I think the one that comes to mind is apprehensions. I mean, we have talked even within this committee about, you know, appre-

sions, in and of themselves, really don't tell us anything in terms of the extent to which we are being successful and/or levels of border security. What is interesting, what we are doing now is taking a look at those apprehensions only as a start point to really delve down, to really understand the rate of recidivism, the rate of re-apprehension in different locations, and doing the comparatives to make sure that we are having a better sense of what is actually happening, not just independently trying to evaluate on whether the apprehensions went up or whether they went down.

So it is a whole host of re-thinking. In some cases, we are looking at new measures, to include the effectiveness ratio.

Mr. CUELLAR. Yes. My time is over. If I can just finish with this thought. I would ask you again, Chief, to look at the new GPRA. I would ask you all to look at the requirements that are in law already.

I would ask you also to look at page 21, Appendix 2 of the report. When it talks about performance measures—and I will just highlight them. “Performance measures should cover core program activities that Border Patrol is expected to perform. Measures should be balanced to cover CBP and DHS priorities. Measures should link and align measures with other components at successful levels of the organizations. Measures should reflect Government-wide priorities such as quality, timeliness, and cost of service, also what it costs to provide that. Measures should have a numerical goal to be recently free from significant bias and manipulation and be reliable, producing the same results from the same conditions.”

I ask you to do that, because, again, I appreciate the strategic plan, but we still got a lot more work to go—the goals, the priority goals, and the performance measures so we know exactly what we are measuring. Is it results or failure from work there?

Again, I appreciate all of the good men and women that work for you. It is good work. I know it is very hard. GPRA is a very important part, so we can look at efficiency, effectiveness, accountability to the taxpayers, especially since we are putting so much money into Homeland Security.

So, again, we look forward to working with you, Chief. I would ask you to work with Dr. Rosenblum and some of the other folks here on some of the ideas here, and especially the requirements under GPRA.

Chief FISHER. Yes, Congressman. Thank you.

Mr. CUELLAR. Thank you so much. Appreciate it.

Mrs. MILLER. I thank the gentleman.

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

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

Chief Fisher, one of the constants that this committee runs into is departments or agencies will come up with a new plan, a new strategy, but when you talk about who was involved in crafting the new plan or strategy, it ends up being just a snapshot of the agency rather than the agency as a whole.

So can you tell us, in developing this new strategy, or the third strategy that I have been a part of, did we involve other counterparts of CBP in putting it together, like the Air and Marine and other operations? Tell us a little bit about that.

Chief FISHER. Yes, Congressman. That is actually a really good question.

It has been in process, the design and development of the strategic plan, for about 18 months. During that process, not only within CBP and those other operational offices that you mentioned, Office of Field Operations and Office of Air and Marine, had opportunities to comment on multiple drafts as we were developing the strategy throughout. We also had input certainly from the Department. Even before that, as we were working with our field commanders, and we had them reach out to the employees to understand and help us develop the framework as well. We wanted to make sure that we harnessed the ideas from the field leadership.

Then we took the opportunity and had about a dozen peer review, folks that were actually outside of the uniform, some retired Border Patrol agents, in some cases who were just outside of law enforcement, folks that we had, within the staff, had worked with throughout our last few years. Certainly respected their opinions, whether it was in the academic environment or whether it was in some outside consulting. We had them just take a look at it and give us their cold hits and reactions to it, as well.

Certainly it was not done in a vacuum, and we really needed broad perspective in order to put this together. I would also add that part of the implementation plan is taking on that same approach, sir.

Mr. THOMPSON. So, in this process, did you have any State or local involvement in the preparation of this plan, or was it strictly within CBP?

Chief FISHER. That I am not really sure, Congressman. If it was done at the local level, that is probably where they would have provided some of the drafts and feedback, whether it was to the sheriffs for their input or the police departments. It was not at my direction for them to do so because it was a working draft and it really was the broad strategy.

I will tell you when we actually design the implementation plan, clearly the State and locals are going to have to sit down and understand what it means to implement this strategy within their operational environment. So that certainly will be done with a broader law enforcement eye, as well.

Mr. THOMPSON. Ms. Gambler, maybe we are a little premature, but are we able to quantify the new strategy that is being put forth at this point, or would that come a little later? We talked about operational control, and there were some things we could measure. Have we arrived at that point yet, or are we still in the infancy of how we put that together?

Ms. GAMBLER. At this point, the Border Patrol has not released performance goals and measures for assessing how effective it will be at implementing its new strategic plan. That is something that the Border Patrol will be focusing on going forward and has efforts under way right now to develop some new or additional measures.

I think you are raising an important point, which is that, in the interim, the Border Patrol is using the number of apprehensions on the Southwest Border as its primary performance measure, which is being reported out in the Department's annual performance report. As we have discussed, that kind of measure has some useful

information, in that it provides insights into the activity levels of the Border Patrol, how many apprehensions they are making.

But what is really important and really key going forward is for the Border Patrol and the Department to move toward outcome-oriented measures that would allow the Department, the Congress, and the public to really get a sense of how effective the Border Patrol's efforts are.

Mr. THOMPSON. So, chief, is that where you are headed?

Chief FISHER. Yes, sir, it is.

Mr. THOMPSON. Okay. Good.

Dr. Rosenblum, you have had an opportunity to look at each one of the Department's efforts. Do you have some comments on where we are at this point with this one?

Mr. ROSENBLUM. Well, yes. Thank you, Congressman.

I think just to echo a couple of points that were just made and to respond to both of your questions, in terms of these sort of outcome measures, I would just add that even as we await the new Border Conditions Index, there are important data sources that exist that we should be looking at, for example, with the data that DHS already tracks through the IDENT database.

In addition at looking at apprehensions, one of the things that the report that Mr. Cuellar mentioned looks at is unique apprehensions, and that allows us to look at recidivism rate and reappréhension rate, which is something that Border Patrol is looking at. Those offer a lot of insight beyond simply apprehensions and allow us, you know, to say quite a bit more about what we know about effectiveness and about illegal flows.

The CBP Office of Field Operations also does some tracking. They do, sort of, a sample of people who are admitted and wouldn't normally receive secondary inspection, they subject a sample of them to secondary inspection. They can do an analysis that way of how many people appear to be getting through and to make an estimate of illegal migration through the ports.

So there are some important data sources out there that aren't, sort of, systematically part of our conversation that probably could be and should be.

So I think that, you know, certainly, when you compare over time throughout DHS, they are collecting a lot more data and putting us in a position to say a lot more than historically we have been able to say about what is happening in different sectors and at different border zones and through the ports. So, you know, I am optimistic that they will continue to do a better job of tracking that kind of information.

Mr. THOMPSON. Thank you.

I yield back, Madam Chairwoman.

Mrs. MILLER. I thank the gentleman.

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

Mr. DUNCAN. Thank you, Madam Chairwoman.

I want to piggyback on something you said earlier, the need to share. Dr. Rosenblum, you mentioned the IDENT and the biometric ID system. How integrated is that with other agencies?

Because we have heard some testimony about visa overstays, and I have raised some questions about whether these agencies are ac-

tually communicating about illegal entries or visa overstays or people that the CBP sees there is a trend. So I am concerned. The 9/11 Commission report identified that agencies weren't talking. This is very, very important to me.

How integrated do you think that is?

Mr. ROSENBLUM. I mean, the agency people could give you an answer to that question. My understanding is that, I mean, as you know, IDENT is currently part—it is not part of CBP or ICE; it is a separate office within DHS under the US-VISIT system. There is a proposal to move it now into CPB and ICE.

My understanding is that, you know, all of the different DHS agencies have access to, you know, the IDENT database through US-VISIT and that there is extensive at least information sharing between IDENT and agencies like DOD and State. State, you know, taps into that in the visa issuance process. But I am not sure I could give you an informed answer about exactly how smooth that integration is.

Mr. DUNCAN. Well, I don't want to dwell on it.

Chief Fisher, I will just ask that your office contact my office with just some information on how we are sharing some of that, because it is sort of off on a tangent from what we are talking about today.

The lady mentioned earlier, the GAO defines operational control—"The extent of operational control was defined as the number of border miles where Border Patrol had the ability to detect, respond to, and interdict cross-border illegal activity." That is a fairly-defined metric.

Then she goes on in her testimony to say, "However, the performance goals and measures that will be used to provide oversight and accountability for the new strategic plan have not yet been established." I think the gentleman from Laredo, Texas, was kind of going down that—how do we define the metrics?

So, in our meeting, Chief Fisher, where you said you wanted to reframe operational control in this new strategy, can you elaborate really how you will do that?

Chief FISHER. Yes, Congressman, I would be happy to.

I think your question was one of the things that we were looking at 2 years ago. You know, certainly within the 2006 Secure Fence Act operational control was defined. We had a tactical definition that the Border Patrol chiefs in the field were using to be able to report. GAO has their definition. Everybody had a different understanding of what operational control was.

I will tell you, within the organization at the tactical level, where these were Border Patrol chiefs that would report every year all of those miles that we were, you know, chalking up over the last few years, is that tactical definitions—let's just take for "controlled" and "managed." Each of the tactical definitions start with the phrase, "A border is considered or a border zone will be considered controlled when resources are at such a level that," and then it kind of qualified basically what that border zone or the activity levels or some of those other things that we would use.

Well, when you look at the definition, it was dependent, solely dependent, on resources. So if you didn't have the resources at either the controlled or managed level, because both of those defini-

tions started with that phrase, the Border Patrol in the field was not going to increase effective control, which, by definition, was either at the controlled or managed level.

So what we wanted to be able to do in reframing that was to have a better understanding about, it is not necessarily dependent on resources as much as it is about the intelligence, what are those threats in the border areas, and the vulnerabilities, which were not equal across the board.

So instead of having the conversation about whether the border is secure or not, to suggest somehow that that is an either/or proposition, what my response would then be is, well, what section of the border are you talking about? We can talk about Zone 21 in Nogales, Arizona, and we can show you all the information and intelligence that we have in that border zone. We will show you what deployments we have, and we will then be able to show you on a 24-hour cycle how many people came in and, of that number, how many people did we apprehend? At the broader end, we can talk at the campaign level, for instance, our initiative in south Texas, for instance, the campaign. You want to have an assessment about, well, what is the border security status in south Texas?

To me, it has been more about a methodology, not necessarily a metric. That is where, when I talk about reframing operational control, that to be consistent with the intent and the language within the 2006 Secure Fence Act, and then talk about what it means to prevent all entries, at what level and where do we start and where do we need to end for our end-state.

Mr. DUNCAN. Well, I think the American people do want to have a conversation about what level of the border is secure and what we are doing. There has to be some measurable parameter that I can talk to my constituents about the Southern Border. You can hold your people accountable to a standard or to an achievement.

I think there are three things that come to mind: You know, arrests made at the border for people trying to cross illegally; apprehensions in the homeland, interior, where we have identified illegals that have made it through your web and they are caught, apprehended by ICE maybe in another city. Then I think a standard that we don't talk about is what is the amount of drugs on the street. Because the illegal smuggling activity that comes into this country, you know, we don't hear that much. But we need to lessen the amount of drugs on the street, and I think that is a parameter that we can use to measure your performance by.

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

Mrs. MILLER. I thank the gentleman.

The Chairwoman now recognizes the gentleman from Texas, Mr. McCaul.

Mr. MCCAUL. Thank you, Madam Chairwoman. Let me thank you again for the field hearing in Laredo. It was very productive, with Mr. Cuellar.

Chief, thank you for being here. Thanks for your service.

I always learn something new every time I go down there. We note the task force, and they talked about in Nuevo Laredo the cartel activity going on there between the Sinaloa and the Zeta cartels—and this was last week—predicting that the violence was going to go up, that it was going to spike. Sure enough, last Friday,

23 individuals were killed in Nuevo Laredo, hung over bridges, decapitated—just a reminder that the border is not a safe place, that we do need to secure the border.

I think the thing that keeps me up the night the most would be the idea of weapons-grade uranium being smuggled from a place like Iran to Venezuela and then between a port of entry. A dirty bomb in a major city—that, to me, is terrifying. Yet, it is not far-fetched. I think that is something that is very foreseeable.

So operational control of the border is important. Last I looked, it was 44 percent under operational control. You know, we have this new strategy now that scraps operational control, and now the GAO has come in to testify that this new strategy does not have performance measures.

I guess I am a little confused. We are not talking about operational control anymore, we are taking that off the table, and now the new strategy has no performance measures at all. How can we possibly measure whether the border is secure or not?

Chief.

Chief FISHER. Yes, Congressman. We will have—we have measures right now. In other words, we are not, again, going to dismiss all of the measures or the metrics or the comparative statistics that we have done within the organization. Those continue. What we are trying to do is match those now with the strategic objectives that are outlined in this particular strategy.

The scenario that you outlined is one of the primary factors in our rethinking about how we apply resources to the border. In one instance in 2004, quite frankly, it was brute force. We realized that we were getting more resources, both in terms of Border Patrol agents, we were getting fence built, we were getting technology. So the strategy really was get everything forward. We wanted to stop the flows that were coming in.

The scenario that you depict is very akin to being able to identify a needle in the haystack, if you will. Now, in order to extract the needle—and I will use this in terms of a particular threat that you just mentioned—there are two different general approaches that you can do to get that needle. The first is having very specific intelligence, information regarding the intent and capability of the opposition, timing, to be able to surgically go into that haystack and remove it. Well, over the last 10 years or so, that really was not applicable in our border scenario. We were not getting that level of intelligence to be able to extract it that way. So the other approach that you can do to find the needle is to reduce the haystack. So if you look at some of the shifts in our approach between strategies, 2004 was built to be able to reduce the haystack.

As we have done that, in terms of people coming across the border, in terms of not just the apprehensions but the individuals, those unique individuals that make up, our border environment in which we operate has changed. So what we try to do is now leverage and try to figure out, what is it going to take? Of this new strategic approach, what, then, are those metrics that are going to continue to carry over that we have traditionally been reporting? In addition, what are new metrics that we haven't been reporting that really talk to more about the risk along our borders?

That is why when I said earlier it is more of a methodology than a particular metric, we want to be able to come back to the committee, either in an open or a closed hearing, to be able to tell you about the information and the intelligence that we are hearing either very tactically or in a broad sense, talk about the capabilities that CBP has, to be able to show you how we are assessing risk and how we are going to minimize that risk at any given—

Mr. MCCAUL. I would very much like to get that briefing.

The one thing we learned also is that human smuggling at the port of entry has gone way down. We saw 5,000 18-wheelers go through the port of entry, and they said that they rarely find humans now in the cargo. It is mostly drugs coming through. So that means they are coming through the ports of entry. While the apprehensions have gone way down, the disturbing statistic is that the OTM rate has gone way up, the “other than Mexicans.” So between the port of entry is where the scenario I outlined is probably most likely to happen.

I do think technology is going to be the solution to getting that, you know, secure. Can you tell me where you are with the latest advances in technology? What is your strategic plan to deliver technology to the border?

Chief FISHER. Well, the strategic plan really talks about optimizing capability. The first thing before we say, hey, we need 10 more of these and 15 more of these, is to take a look about what capability, what technology has been deployed over the last few years. No. 1, are we utilizing it in the right combination?

I will give you a quick example. If you take a look at Arizona, we have everything from unattended ground sensors that are implanted in the ground, we have mobile surveillance systems, we have integrated fixed towers, we have light- and medium-lift helicopters that are running forward-looking infrared, and we have UASes that are running payloads. That whole suite of capability is something that this organization over the last few years is just trying to figure out: How do you deploy that within the theater of operation? They are not deployed equally because they all have different capabilities.

So we have to understand organizationally and within the leadership how we maximize those capabilities, and then how we shift and redeploy resources from areas that were once in areas of high threat in terms of activity levels and redeploy those to new areas where we have seen the displacement or new emerging threats along our border.

Mr. MCCAUL. Well, thank you. You have an enormous challenge, and I thank you for your service.

Chief FISHER. Thank you.

Mr. MCCAUL. With that, I yield back.

Mrs. MILLER. I thank the gentlemen.

I certainly want to thank all of the witnesses for being here today and your testimony.

We are going to close the subcommittee here, but I also wanted to mention and follow up on something Mr. McCaul said about operational control. I think there is a lot of consternation on behalf of the subcommittee about moving away from the term “operational control.” Again, as I say, I think we are all totally open to using

a new term or a new metric if we can understand exactly what all of that is.

I had a bill that actually passed the subcommittee, the full committee, and I am very, very optimistic it is going to have floor action in front of the full House very shortly, actually. That is the Secure Border Act of 2011. Essentially what this requires is that the Secretary of Homeland Security submit a comprehensive strategy to Congress within 180 days to gain and maintain operational control of the border within 5 years.

We sort of anticipated, perhaps, the Department moving away from the strategy of utilizing the term “operational control,” so if you used any other standard—I see we have another Member, so we will indulge her in her questioning. But if we use any other term than “operational control,” the Secretary is required to vet that standard through a National laboratory that has prior expertise on border security, of which there are about a half a dozen in the Nation.

Also, the Secretary would have to submit a measurement system to the committee within 180 days that analyzes the effectiveness of security at all of the land, air, and sea ports of entry, as well—as Mr. McCaul was mentioning about the ports of entry. Again, you would have to vet that through a National laboratory with expertise in border security to evaluate the port-of-entry measurement.

So I am looking forward to floor action on that particular piece of legislation. I know many things pass the House and never see the light of day in the Senate; however, I think with this particular piece, we may have some success there as well.

Mr. CUELLAR. Before you go to—

Mrs. MILLER. Yes, the gentleman from Texas.

Mr. CUELLAR. I would ask, to follow up on what you said, because I think you are absolutely correct. Chief Fisher—and, Ms. Gambler, I am sorry. You are at GAO. I apologize for that. Thank you for the great work. I am a big supporter of GAO and all the work that you did on GPRA. Appreciate it.

One of the things we did in Texas when we went through performance measures and all that, we actually worked—the agency would work with the members of the State legislature to work out definitions, performance measures, and goals. I guess Washington does things a little different, where you all go off and do your own. It is not only you; it is the other agencies, the Executive branch. It doesn't matter if it is Democrats or Republicans.

But believe it or not, you have a lot of folks with experience here that could help you on some of those definitions, you know. We may not agree 100 percent, but any way we can bounce that off. Because, you know, the ideas that the Chairwoman had and some ideas that I have and some of the other Members here, we could work with you. I know Washington is done a little different, but on performance measures, on objectives, goals, all that, we could help you. So, any way we could help you, Chief Fisher, we would appreciate it, especially from the GAO, because I know when we worked on GPRA, you all were very, very, very helpful.

I apologize, I was giving credit to Dr. Rosenblum on that, for your report, this report. Thank you for the work that you have done.

Mrs. MILLER. The Chairwoman recognizes for 5 minutes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the committee for holding this hearing, and let me thank all the witnesses. We are marking up in another committee, and I am very pleased to have the opportunity to raise some issues with you.

First, Chief Fisher, I just want to ask just a straightforward question. Are you comfortable with the 2012 Strategy that you have put forward?

Chief FISHER. Yes, I am.

Ms. JACKSON LEE. What do you think is the most important element of that strategy?

Chief FISHER. It is the focus of—there is a common theme within that strategy that I certainly see, is identifying, developing, and training future leaders of this organization.

Ms. JACKSON LEE. Do you see in that 2012 Strategy an undermining of the National security of the United States of America?

Chief FISHER. I do not.

Ms. JACKSON LEE. Do you see in that 2012 Strategy an undermining of the securing of the Northern Border?

Chief FISHER. I do not.

Ms. JACKSON LEE. Of the Southern Border?

Chief FISHER. No, ma'am.

Ms. JACKSON LEE. Let me indicate that I have, I think, been somewhere affiliated with the Border Patrol, Customs and Border Protection for the entire time of my career in Congress, first on the Judiciary Committee and then subsequently as the Homeland Security Committee was designed and my original membership as this began to emerge. You came under that umbrella.

I remember, after 2000, we worked very hard to secure night goggles, lap computers, vehicles, and other necessities that we thought were imperative for that intense work on the border of capturing those entering illegally. Do you think you have enough of those resources now? Are you able to maximize those resources to deal with the present conditions of the Southern Border in particular?

Chief FISHER. To your first part, no, we probably don't have enough of those resources.

To the second part, I don't think that we are maximizing to the extent that we need to all of those capabilities, which is a common theme within our strategy now.

Ms. JACKSON LEE. So, the strategy is going to utilize or to improve on personnel. Is that correct?

Chief FISHER. It will, yes, ma'am.

Ms. JACKSON LEE. But, also, if we were to provide you with resources, you would add to the equipment. Is that what I am understanding?

Chief FISHER. That is correct, yes.

Ms. JACKSON LEE. But you believe you have the territorial range to be able to do your job?

Chief FISHER. At this point—and that is part of the implementation plan, where I am asking the field leaders to assess what they have based on these new objectives. I think it is important; I am glad you raised that point, Congresswoman. Because I don't want

to leave the impression nor in some of the reports that I have seen that suggest that this strategy does not require additional resources. It may. But what we are doing now is taking a look at the resources that we do have. No. 1, are we maximizing the capability of all of those resources? No. 2, do we have them in the right locations against the emerging threats?

That is a process that we are looking at within the implementation. It may be coming back to this committee say, here is the gap—it may be in technology, it may be in other resources—that we will continue to do as an evolution process like any other strategy.

Ms. JACKSON LEE. So we can expect a report forthcoming? As you analyze, you will be reporting back to Congress?

Chief FISHER. Right, we will be—and we are in the phase right now, have been for the last few months, we are transitioning from the strategic—

Ms. JACKSON LEE. That is fine.

Chief FISHER. Yes, ma'am.

Ms. JACKSON LEE. All right. The other thing that I will ask is that the regional territory that you are working with now on the border, that is the territory that you feel comfortable in working in?

Chief FISHER. Yes.

Ms. JACKSON LEE. All right.

Let me just indicate that the chief has already said that he has strengthened relationships with Federal, local, Tribal, and international partners, which I think is good. That is part of your strategy. I would hope, as we listen to the chief going forward, that we be particularly sensitive on any attempt to expand the area of control into Federal lands 100 miles in without listening to the work of the Border Patrol, Customs and Border Protection, and others that are dealing with this. I am quite concerned that we not listen to the report that may be forthcoming. I think the strategy is effective in its collaborative efforts. I think it is effective in its assessment efforts. I think it is important to do so.

I would ask the last question to Ms. Gambler. Are you comfortable with the 2012 Strategy from the perspective of assessment? Do you have any sense that there is a need to expand the range into Federal lands for the Customs and Border Protection and Border Patrol?

Ms. GAMBLER. I think your question is really getting at, in part, how well the Border Patrol coordinates with other agencies that have some border security responsibilities. We have reported in the past that CBPM, the Department, and Border Patrol have made progress in those coordinating mechanisms and in partnerships but that there was a need for some additional oversight, including additional oversight in how the Border Patrol coordinates with agencies that do have some responsibilities for border security on Federal lands.

Ms. JACKSON LEE. Let me just conclude, Madam Chairwoman—thank you for the time—and just indicate that, at this point, I would be quite concerned about any legislation suggestion that is countering the strategic plan and asking Congress to extend the jurisdiction of the Border Patrol hundreds of miles inland and, par-

ticularly, suggesting that they be in the Federal lands at this point without a complete strategic report and analysis by DHS and the Border Patrol, Customs and Border Protection of the United States.

Let me thank you very much, and I will yield back my time.

Mrs. MILLER. I thank the gentlelady.

I certainly want to thank the witnesses for all their testimony today. I think it has been a very informative hearing. As has been said here I think by all of the Members, we look forward to working with all of you, particularly you, Chief, with the unbelievable mission that we have tasked your agency with. We want to make sure that you do get the resources and the training and the availability.

Again, we are operating under a very tight, constrained budget environment here, but at the same time, border security is something that the American people have made very clear they have the political will to do so, and they are looking for the Congress to do that as well.

So we appreciate all of you being here, and I appreciate all of the Members' participation—

Ms. JACKSON LEE. Madam Chairwoman?

Mrs. MILLER [continuing]. Today.

The hearing record is going to be held open for 10 days if there are any other questions from any other Members.

The gentlelady from Texas.

Ms. JACKSON LEE. I would like to submit into the record an article from the *Houston Chronicle* by Tony Freemantle regarding border security.

Mrs. MILLER. Without objection, so ordered.

Ms. JACKSON LEE. Thank you.

[The information follows:]

SOME SEE BORDER SECURITY BILL AS THREAT TO ECOLOGY, PRESERVATION

By Tony Freemantle



Big Bend National Park is one of the U.S. parks that could be affected by a proposed law that would allow the Department of Homeland Security to assume control of all Federal land within 100 miles of Mexico and Canada. Photo: Tony Freemantle/HC.

HOUSTON AND TEXAS

Imagine sitting on a rock at Big Bend National Park gazing out over the Rio Grande at the Santa Elena Canyon on a clear day, Mexico so close you could reach out and touch it. Immemorial silence cloaks the soaring cliffs, broken only by the caw of a raven above and the rustle of the reeds in the river.

Then imagine the buzzy whine of a Customs and Border Protection four-wheeler patrolling the sandy banks, or the growl of a grader carving a road into the Chihuahuan Desert to a forward operating base, or a Government helicopter bristling with surveillance equipment hovering overhead.

Hard to imagine?

A bill making its way through Congress would, in the interests of National security, bequeath to the Department of Homeland Security complete control of all Federal lands in a coast-to-coast zone 100 miles south of the Canadian border and 100 miles north of the Mexican border from California to the Gulf of Mexico.

The bill, sponsored by U.S. Rep. Rob Bishop of Utah with strong Republican support, is being touted as a necessary step in securing the Nation's borders. But it is also being roundly condemned as a thinly veiled attempt to "gut a century's worth" of environmental laws aimed at preserving public lands, historic sites, and National monuments.

In essence, the National Security and Federal Lands Protection Act gives DHS, or more specifically U.S. Customs and Border Protection, authority to build fences, roads, and operating bases, to use aircraft and to install surveillance equipment and sensors in some of the most pristine, environmentally sensitive lands in the Nation—including Big Bend and Guadalupe National Parks and Padre Island National Seashore in Texas.

And to clear the way for its stewardship of public lands, the agency would be exempt from compliance with more than 30 environmental laws—among them the National Environmental Protection Act, the Endangered Species Act, the Clean Air Act, and the Safe Drinking Water Act.

The bill has cleared committees in the House and is on the calendar for a vote on the floor. There is not yet a companion bill in the Senate.

“REALLY UNNECESSARY”

Bishop and the other sponsors, including Texas Rep. Lamar Smith, argue that CBP’s mandate to secure the Nation’s borders is being “thwarted” by the need to consult with and obtain permission from Federal land managers—chiefly the Department of the Interior and the Department of Agriculture—before conducting operations.

“The nonpartisan Government Accountability Office has found that less than half of the U.S.-Mexico border is under the operational control of the Border Patrol,” Smith said in a statement. “At the same time, the Obama Administration prevents the Border Patrol from accessing Federal lands in the name of environmental preservation. Because the Border Patrol is prohibited from securing Federal lands, drug smugglers and human traffickers trample the earth and terrorize communities.”

Opponents, including the Department of the Interior, CBP, and National environmental organizations, charge that the proposed legislation is an “overreach,” since a 2006 memorandum of understanding between border security agencies and Federal land managers already establishes the framework for cooperation between them.

“This is a solution looking for a problem,” said Dan Millis, borderlands program coordinator for the Sierra Club. “There is already a framework in place for Border Patrol to work with public land management. If Border Patrol doesn’t even have to try to work with managers, we will see a huge proliferation of roads, forward operating bases and fences on public lands.”

The Coalition of National Parks Retirees is more blunt. The legislation would “gut a century’s worth of land protection” laws and open up “millions of pristine acres of National parks” to unregulated intrusion.

“It’s a really, really unnecessary bill,” said Joan Anzelmo, a former superintendent of the Colorado National Monuments and board member of the organization. “It’s an incredible assault on our National parks.”

OTHER PARKS

In addition to Big Bend and Guadalupe parks in Texas, some of the other Federal lands that fall within the 100-mile security zone, and hence under control of DHS, include Saguaro National Park in Arizona, Joshua Tree National Park in California, Olympic National Park in Washington, Glacier National Park in Montana, Boundary Waters Wilderness in Minnesota and Acadia National Park in Maine.

Bishop believes his bill will end a “turf war” between Border Patrol and Federal land managers who use environmental laws to block efforts to secure the Nation’s borders.

“What I want to do is get the Border Patrol what they need to secure the border,” Bishop said, “and they tell me that what they need more than money and people is access. There are enormous swaths of public land that have effectively been ceded over to the drug cartels.”

The DHS already has been granted waivers from a slew of environmental laws in order to build the controversial “fence” along certain sections of the U.S.-Mexico border, which environmentalists charge has already cause significant damage to Organ Pipe Cactus National Monument in Arizona and to the Lower Rio Grande Valley National Wildlife Refuge in South Texas.

Giving control of all lands within 100 miles of the borders to a single agency is unnecessary, they argue, and poses a significant danger.

“This is worse than misguided policy, although it is certainly misguided,” said Kevin Dahl, the Arizona project manager for the National Parks Conservation Association. “It’s a real danger to the parks because it means that the people who have made a career of public land management are not in control.”

Mrs. MILLER. With that, the subcommittee will stand adjourned. Thank you.

[Whereupon, at 11:31 a.m., the subcommittee was adjourned.]

