

**PROTECTING OUR NORTHERN BORDER:
ENHANCING COLLABORATION AND BUILDING
LOCAL PARTNERSHIPS**

HEARING

BEFORE THE

SUBCOMMITTEE ON THE EFFICIENCY AND
EFFECTIVENESS OF FEDERAL PROGRAMS AND THE
FEDERAL WORKFORCE

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
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FRIDAY, JULY 12, 2013

U.S. SENATE,
SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF
FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. I would call to order this hearing of the U.S. Senate Committee on Homeland Security, Subcommittee on Efficiency and Effectiveness of the Federal Programs and the Federal WorkForce. This afternoon's hearing is entitled Protecting Our Northern border: Enhancing, Collaboration, and Building Local Partnerships.

And I want to thank my colleague Congressman Steve Daines, as well as his staff, for their contribution to this hearing. I want to thank our witnesses for joining us here today and for their ongoing work on behalf of our Nation and behalf of our communities here in Montana.

When the topic of border security arises in Washington, DC, it is the Southwest border that gets most of the attention. Well, like most folks in this room, I happen to live within 100 miles of the Northern border and have my entire life. And we will continue doing all that we can to ensure that the needs up here are addressed when we start talking about border security. After all our Northern border with Canada is the longest shared border in the world, some 5,500 miles, including 545 miles in this State alone.

And I do not need to tell you that, when patrolling in an area that expansive, manpower is an answer, but it is not the only answer. It is about deployment of effective technologies. It is about Federal, State, local and Canadian partners working closely and collaboratively. And today we would like to discuss some of the things that we are doing right, and we would like to identify some of our opportunities to improve the things that we can do better.

After all this is just not a security issue. It is an economic issue. It is a jobs issue. And I know how much cross-border commerce means to our State and especially to this community of Havre. There's certainly a way to promote smart and effective border security without compromising economic opportunity.

So with that I would like to turn it over to my colleague Congressman Steve Daines for his opening statement. Steve.

OPENING STATEMENT OF CONGRESSMAN DAINES

Congressman DAINES. Thanks, Jon. And I do want to thank Senator Tester and his staff and the Senate Homeland Security and Government Affairs Committee for holding this hearing in Havre and inviting me to participate. In fact, when Cindy and I were married 27 years ago, my best man was a Havre Blue Pony. So it is nice to have some connection here to the community of Havre.

Let me just say this, I very much enjoyed working with Jon Tester and Max Baucus back in Washington, as the three of us who represent this State, this great State back in D.C. And unfortunately Washington is described more by gridlock and partisanship. And it is nice to be back home today with Senator Tester, working together on issues that matter most to Montanans.

With more than 500 miles of border with Canada, I think it is 545 to be exact, I believe it is very important to assess the current effort to secure the Northern border here in Montana and across our country. I also serve on the Homeland Security Committee on the House side, and so certainly both Jon and I get to have a voice on these issues as we represent our State back in DC. As Jon mentioned, it is critical to our national security and our economy that we are effective in doing so.

And as we all hear the Southern border receives most of the attention. However, it is important to remember that the Northern border is as much of a threat to security as the Southern border. For example, I had a briefing yesterday in Washington. According to the Federal Bureau of Investigations (FBI) terrorist screening databases, the Northern border has received five times as many individuals with potential links with terrorism as compared to the Southern border. Several of these so-called hits in the FBI database involved Montana border crossings. In order to truly secure the borders, we need to make sure that the Northern border is as much of a priority as the Southern border.

At a House Homeland Security Committee meeting that I had back in Washington on Wednesday, we were discussing the Boston marathon bombings. In fact, we had the distinguished privilege of Mayor Rudy Giuliani coming and testifying. And certainly remember the events of September 11, 2001, and the role that Mayor Giuliani played. He made an interesting observation. He said this: The United States has 12,000 FBI agents, but there are over 800,000 State and local law enforcement personnel. Clearly we need to leverage that partnership between Federal resources and the State and local resources, so that we can more effectively secure our borders.

I look forward to hearing the perspective of all of our witnesses today. And looking forward to seeing what needs to be improved on our joint efforts to secure our borders. Thanks for participating in this hearing. And most importantly thank you for your important efforts here in Havre and our community. You are playing a pivotal role in protecting all Americans and importantly facilitating our economic prosperity.

Senator TESTER. Thank you, Steve. Now, I would like to welcome our witnesses and introduce our first panel, what I might add, probably need no introduction here in Havre, Montana.

For Sheriff Don Brostrom, Don began his career with Hill County in 1989, starting as a reserve deputy sheriff. He has served the county since then holding the positions of deputy sheriff and under-sheriff. In 2008 he was appointed the Hill County sheriff/coroner and was elected to that same position again in 2010. Welcome, Don.

Sheriff BROSTROM. Thank you.

Senator TESTER. Next we have Nathan Burr. Nathan Burr has recently taken on the position of Vice President of the Havre sector within the National Border Patrol Council. He also serves as a U.S. Border Patrol agent and has served in the United States Marine Corps (USMC). Nice haircut. Currently he lives in Montana with his family, and he is an avid hunter.

And finally on this panel, Debbie Vandenberg. Debbie is Executive Director of the Havre Area Chamber of Commerce. She chairs multiple committees within the chamber, including government affairs, Havre festival days, and leadership high school. Beyond that, she serves as the staff support in the Havre Pride Tourism Business Improvement District and member committees.

It is good to have you all here. And it is a custom in this committee that all of the witnesses who testify before this committee are sworn in. So if you do not mind, for duplication purposes, I think we will have the first and the second panel stand and please just say yes, if you agree.

Thereupon, the panel of witnesses, having been first duly sworn to tell the truth, the whole truth and nothing but the truth, testified upon their oath as follows:

Let the record reflect that the witnesses answered in the affirmative. Your entire testimony will be put in the record. If you could talk about your testimony, we will open with about 5 minutes for opening statements, and we will start with you, Don.

**TESTIMONY OF DON BROSTROM,¹ SHERIFF OF HILL COUNTY,
MONTANA**

Sheriff BROSTROM. Thank you. Senator Tester, Congressman Daines, good afternoon. I would like to thank you for allowing me the opportunity to speak at this hearing. It is indeed an honor to appear before you today.

Hill County is primarily a rural agricultural county located in north central Montana comprised of approximately 2,900 square miles with a population of just over 16,000. The terrain is extremely rugged, ranging from glaciated plains to steep sloping hills. Weather can range from highs of over 100 degrees during the summer to lows that are 30 degrees or more below zero. Weather in this area is extremely variable and can change drastically in a very short period of time. These types of conditions, coupled with a large response area, affects not only law enforcement's response to specific calls for service, but seriously impacts regular patrol capabilities, especially throughout the majority of winter and summer

¹The prepared statement of Sheriff Brostrom appears in the Appendix on page 29.

months. These factors clearly indicate the need for a cooperative and collaborative approach by law enforcement to keep the communities safe and the borders secure.

Many years ago when I began my career in law enforcement, I can recall needing backup on a serious call or perhaps cover unit on a traffic stop. I also recall many times when I requested such assistance, it was in the form of one of the local Border Patrol agents. Being from a small law enforcement agency, we did not always have the luxury of many officers on a shift. Many times you were the only deputy on duty or your backup was on the alternate end of the county, sometimes 50 miles or more away. I can tell you it was a huge relief to look over your shoulder and see one of the Border Patrol agents arrive to assist.

Our local Border Patrol agents provide higher degree of training and skill sets, which they are always open to sharing with local law enforcement. Many years ago, several agents provided training and sign cutting and man tracking. Months later this training allowed me to arrest a subject who had committed numerous residential burglaries and thefts in the Wildhorse Port of Entry area. Without this training and the individual assistance of local agents, this crime may have gone unsolved.

Now, nearly 25 years later, there have been numerous changes at both agencies: New leadership, new facilities, additional staff, and growing responsibilities. However, even with these changes, the situation is largely the same as it was 25 years ago. My deputies still work hand-in-hand with local Border Patrol agents. They provide backup on calls when needed and provide training when requested. Border patrol agents participate in countless local committees, including the Local Emergency Planning Committee and the local Drug Task Force. Border patrol agents participated and were instrumental during a May 2011 interoperable communications exercise held in Hill County. Air wing personnel have assisted my office in criminal incidents, as well as on search and rescue missions.

Over the past several years, the Hill County Sheriff's office has been fortunate to receive Operation Stonegarden funding, which allows local law enforcement to be used as a force multiplier for Federal authorities along the border. This collaborative effort has been successful, as it allows the Border Patrol to direct local law enforcement to a specific site or location that for them may be problematic. It is also a tremendous benefit to Hill County as the added patrols allow more interaction with rural residents and provides us the ability to be more productive in our law enforcement approach. This increase in proactive patrolling has led to a decrease in criminal activity, specifically residential burglaries and thefts.

Operation Stonegarden funding has also allowed Hill County Sheriff's office the ability to purchase speciality equipment tight local budgets would not have been permitted. This equipment is not only key to Stonegarden operations, but also provides a higher level of officer safety. As an example, we were recently awarded Stonegarden funding that will permit the purchase of global positioning systems software and devices for our current portable radios. This will allow us to provide precise GPS data to the Border Patrol during an incident or emergency landing zone coordinates

for medical emergency during a Stonegarden operation. None of the software equipment would be possible without this grant funding.

In closing, I feel that the most important aspect in protecting our Northern border is simple communication. From this hearing today, to formal quarterly meetings, to a simple cup of coffee, communication is key to our overall success. While funding and technology play major roles now, as well as in the future, I believe we need to keep our lines of communication open. Our Federal partners need to keep us informed of their plans and objectives. Local law enforcement needs to ensure that we reciprocate and keep our Federal partners informed of issues and concerns which affect local law enforcement. When this circle of communications is complete, the end result is more effective use of Federal and local resources. We always have and must continue to work side by side to ensure the safety of our Nation, our State, and our local communities. Thank you.

Senator TESTER. Thank you, Sheriff Brostrom. I appreciate your testimony. Nathan Burr, you may proceed.

TESTIMONY OF NATHAN BURR,¹ HAVRE SECTOR VICE PRESIDENT AND U.S. BORDER PATROL AGENT, NATIONAL BORDER PATROL COUNCIL

Agent BURR. Thank you, gentlemen, for allowing me to be here.

I have been asked to address the Border Patrol's role in securing the Northern border. The Border Patrol is responsible for providing security in between the ports of entry along the entire length of our Nation's borders. During hours that the ports are closed, we're responsible for their security as well. When it comes to the security of our Nation's borders, it begins and ends with us.

For the most part all of our resources and focus is on guarding this Nation's borders. The problem that we have is that our meager pool of resources is becoming increasingly shallow. The combination of the Border Patrol's last congressionally mandated mass hiring and then the current budgetary crises has left many areas drastically underfunded. Fuel and vehicle maintenance funding are two of the more apparent areas. In spite of our dedication and best efforts, it is difficult to adequately perform our duties without the proper resources.

In regards to interagency cooperation at the Federal level, it is completely functional, but strained. Complete interagency collaboration is subdued and in some cases thwarted by insecurity and fear. Many agencies are more concerned with protecting their territory than actual mission accomplishment. In my experience, this is doubly true of any agency dealing with either immigration or border security. The relationship in between the U.S. Immigration and Customs Enforcement (ICE) and the Customs Border Patrol (CBP) is a good example of this in regards to some of the issues of interior enforcement and work site enforcement. And it is not just—this happens with many agencies. HR-1505 was cited in my full written testimony, and the need for that is a good example of what I am talking about.

¹The prepared statement of Mr. Burr appears in the Appendix on page 31.

One of the greatest problems that the Border Patrol faces in regards to collaboration and partnership with other entities, in particular local law enforcement entities, is that of perception. Much to the chagrin of most agents, the Border Patrol itself is an intensely political animal. In my 9 years of service, I have seen partnerships in two States develop and collapse based on the strength and the direction of political winds.

In January 2010, the Havre station stood up a dedicated train check unit, of which I was a part. We checked the trains every day, and our apprehension numbers skyrocketed. We continued checking the train in this matter with or without a dedicated train check unit until the fall of 2011, when the Border Patrol and Havre sector caved in to mounting political pressure and ended our train check operations.

During that time that we were dedicated to checking the train, I watched a tremendous number of partnerships develop, in particular with the Amtrak police department, with ticket agents in other States. When we were forced to cease the train check operations, those relationships withered and died. The previous level of cooperation is gone now.

People generally do not understand the nature of the political waters that we tread. They do not understand why we are no longer there. They only know that we are not there for them now. They feel like they have been abandoned. No amount of rhetoric will heal that wound. We have to start over from ground zero and rebuilt those relationships. This takes time and it slows our progress toward a more secure border.

The effect of border security and the Border Patrol in our local communities can be enormous. I am a local kid, lived in this town at this point for 26 years of my life. I understand this. Many of us prefer to shop locally, even if it means paying a little extra, because we believe in supporting the communities that support us. We also require vehicles, ATVs, snowmobiles and other equipment to perform our duties. All those service vehicles require fuel and maintenance. If there's enough vehicles in the fleet, they may require enough maintenance for a local garage to need to employ another mechanic.

The majority of us have families. That leads to schools benefiting from increased enrollment. Havre Public Schools had to hire extra staff in order to accommodate the increased enrollment in kindergarten 2 years ago. Many of us had children in that class, including myself. Increased enrollment leads to increased funding. And that can lead to a potential increase in the quality of education that all of our children receive. In addition to the benefits to the schools, local youth sports, and youth organizations benefit as well. Many of these organizations also benefit from agents serving as coaches and leaders within those organizations. Many charities benefit from having a Border Patrol presence in their community.

Last year in Havre, a Border Patrol agent's wife organized a barbecue cook-off in conjunction with festival days. The event was designed to raise money for the local soup kitchen and for a church charity. Although there were only four teams competing, they raised over \$500 for those charities. Of those four teams, three were made up of local Border Patrol agents. It is one example, in

addition to all the other major charitable events that take place throughout the country that the Border Patrol participates in: The torch run for Special Olympics, the Polar Plunge.

In closing, I encourage you to read my full written testimony. Due to the time constraints for opening statements, I had to trim a lot of the detailed information out of my statement. More complete information and specific examples of everything that I said is included in that testimony.

Thank you, again, for the opportunity to address you today. And I look forward to your questions.

Senator TESTER. Thank you for your testimony. I will go to Debbie Vandenberg.

**TESTIMONY OF DEBBIE VANDEBERG,¹ EXECUTIVE DIRECTOR,
HAVRE CHAMBER OF COMMERCE**

Ms. VANDENBERG. Thank you, Senator Tester, Congressman Daines, for inviting me to participate on this panel. As a representative of the Havre business community, it is truly an honor.

The two topics that I will address today are commerce, trade, commerce also tourism. As we all know exports bring new money to Montana. And Canada and the United States enjoy one of the most prosperous relationships in the world with a high volume of bilateral trade each and every year with those numbers reaching obviously in the high billions with thousands of travelers crossing our borders between Canada and the United States.

Montana and Canada have a profitable trade relationship as well, with billions of dollars moving back and forth across our border. Canada is Montana's most important export destination, purchasing more from Montana than all other countries. Obviously some of those top exports being paperboard, automobiles, electric generation, crude oil, plywood, and plyboard for some examples.

Some of the challenges that we face in this trade and export arena is obviously the transportation. Over 60 percent of this trade or exporting that goes into Canada is done by trucks through our ports. As you well know, there is a large contingency within this area, as well as in the Alberta area working to expand our border hours to be more consistent, which also leads to challenges for our truckers who reach the border and find out the border is closed, because our hours are never the same. Obviously with trucks moving, that requires upgrades in road infrastructure, which a group is also working on that.

In visiting with some of my business folks today, permitting for agricultural equipment moving back and forth between Canada and the United States has become quite burdensome. A few years ago Mr. Harmon noted that he only needed four permits to cross the border with ag related equipment. Now it is over 14. So because we are not a commercial port, it is a permit commercial port. The permitting process sometimes can break down when, he noted this morning, that four copies need to go to four different people. And if he arrives at the port and somebody does not have that one piece of paper, he has to turn around and go back. So, anyway, the permitting process he hopes will be streamlined. Obviously we re-

¹The prepared statement of Ms. Vandenberg appears in the Appendix on page 34.

quire a 72-hour port notice and the broker process. Basically the feeling is, when the doors are not open, how can we do business. We are basically closed for business with inconsistent hours at the port.

Tourism is also a great economic driver. For Montana in 2012 nonresident visitors spent \$3.2 billion. Top categories being retail, hotel, restaurant, and gas, with groceries being a growing category. The Havre area had a survey done in 2002 by the Institute for Recreation and Research based out of the University of Montana. A sample survey showed a result that tourism was a \$12 million economy to Hill County then. A similar sample survey was done in 2010 resulting in information that tourism has grown to be a 20 million plus industry for Hill County. Quite a good industry for us. Again, the top categories mirrored that of Montana as being retail, hotel, gas, restaurants, and groceries. Again, this is all new money to our State, as well as to our community.

To drill down on this further, the Montana Office for Tourism and ITR reported that Canadians in 2011 spent an estimated \$210 million in Montana. 28 percent of that were nights spent right here in central Montana, with 65 percent of those visitors coming from Alberta.

Knowing this the Havre Area of Chamber of Commerce Tourism Committee and our Tourism Business Improvement District developed an aggressive marketing plan focused to Alberta for year-round and some marketing into Saskatchewan. The marketing plan partners with the Montana Office of Tourism, as well as Central Montana Tourism. The print media campaign is a year-round campaign. We are also social based on the web and on the Facebook. Special inserts have been done quarterly by our local newspaper, and we advertise our events.

As mentioned, retail being one of the largest categories for expenditures, our local businesses have benefited greatly from the favorable exchange rate for Canada. Some businesses reported in a Chamber survey that as much as 50 percent of their business during the holiday season could be Canadian sales. Our challenges, again, are the inconsistent hours at the border. Inconsistency, again, affects our business.

We facilitated some workshops in educating our businesses with the challenges that we have in the use of Canadian debit cards and the banks, in that they can't obviously deposit their money to our Federal reserve. It has to be brokered out. So businesses depositing cash at their banks creates a little bit of a challenge, and we've had workshops to try to educate and mitigate those problems. I understand next year we will have the euro chip in our credit and debit cards, which will make it easier for us to do international trade.

I thank you for this opportunity and look forward to your questions.

Senator TESTER. Well, thank you, Debbie. I appreciate all of your testimony.

I will just start, like I said, if you could just remind me, Cheryl, when we get to seven, then I will kick it over to the Congressman, and we will go back and forth.

I will start with you, Sheriff Brostrom, and I will ask the same question to you, Nathan. From your perspective, your law enforce-

ment perspective as Hill County Sheriff and you as an agent, what are the biggest challenges that you see on the border?

Sheriff BROSTROM. For local law enforcement, I guess, the size of the border, the size of Hill County, and limited number of deputies that I have to do for patrolling and take calls for service. And, of course, with the county budgets being tighter than ever, that also plays a role.

Senator TESTER. OK. Nathan.

Mr. BURR. For us it is definitely the size, but that goes hand-in-hand with the type of terrain that we have specifically in our area here. My previous station in Arizona, there were a lot of choke points based on all of the little mountain ranges that were scattered throughout. Here it is a big, wide open area that's incredibly difficult to try to cover with the limited amount of manpower, and, it is tough. There's no natural choke points where you can put sensors or anything like that. It makes it difficult.

Senator TESTER. OK. Population is I think, what, six people per square mile in this neck of the woods. Federal law enforcement, I think, has relied on the eyes and ears of the local folks, potentially alert them if there's suspicious activity going on. How are those partnerships working in your perspective, Nate?

Mr. BURR. Wonderful. I am biased because I am from here. But I think we have some of the best people in the world here. And those relationships are key to trying to provide adequate coverage up there. We get a lot of good feedback. And it is a very good relationship and a very valuable one.

Senator TESTER. Sheriff Brostrom, and I do not know, this question will probably be asked of the next panel too, may apply to them more than you, but do you have any interaction with Canadian law enforcement or your counterparts to the north?

Sheriff BROSTROM. Generally it is more toward communications, interoperable communications, more toward the law enforcement end of it. But I do belong to a couple of different cross-border committees that are studying how we are going to talk with, Montana is going to a VHS system, our truck radio system, and the Canadians go to either 7 or 800 megs. So it is more along those lines.

Senator TESTER. You talk about operation Stonegarden, and they have done, obviously done some good work granting some dollars in here. Are there any other pools of money that you look at, or is that just about the only game in town?

Sheriff BROSTROM. No. Hill County over the years has been very fortunate receiving both State grants and Federal grants to the tune of, just in the sheriff's office, close to \$3 million probably in the last 10 years. But unfortunately those grants are drying up quickly. Stonegarden, we have had Stonegarden since 2005. Over the course of 2005, 2008, 2009, 2011, 2012, and we just applied for 2013. So Stonegarden has been one that has always been there.

Senator TESTER. Yes.

Sheriff BROSTROM. And it works, I think, well for the Border Patrol. But it works extremely well for my office, because we get out and we get to patrol the areas that we do not normally patrol.

Senator TESTER. OK.

Sheriff BROSTROM. Simply because my guys go to where the trouble spots are. They do not normally run up and down the Hi-Line,

because we have had those folks up there in those communities for generations. And we do not have a lot of problems on the Hi-Line as much as we do in other areas of the county. So it gives us that extra opportunity to get out and talk with the residents, see what is going on. A lot of the information that we get that we can pass on to the Border Patrol comes from the folks that live up and down the Hi-Line.

Senator TESTER. OK. When I was in the State legislature, interoperability was a big issue, because it did not exist for the most part. Can you give me an idea today, I mean that's been almost 10 years ago now, but today how interoperable are we? Are there still some gaps in there that we need to be paying attention to?

Sheriff BROSTROM. We have made leaps and bounds in the last 10 years, but there's still a lot of work to do. I think we have been working hand in hand with local police department, Border Patrol, rural fire agencies, all of the responders locally in Hill County, as well as the cross-border in Blaine County, Liberty County, and Chouteau County, as well as our Federal partners. There's a lot of work to do, but I think we have made tremendous movement in the last 10 years.

Senator TESTER. How do you feel about that, Nathan? Same perspective?

Mr. BURR. Yes. The radios that are vehicle based work really well and the interoperabilities.

Senator TESTER. Well, I think we talked about communication. I think you talked about, Sheriff, about how quick the communication was, and this was a part of that. And if there are, if there are things out there that are impeding your ability to do your job, because we do not have the equipment, we would sure love to know about that. And, like I said, Chris, you will probably get the same line when you come up. I think it is really important. You can not access the resources that are out there, if you can not talk to them basically.

Debbie, I know you have worked hard, along with many of the other folks in this room and people in this community, on Wild Horse and commerce with the border. If you could, just kind of discuss, you did in your opening statement, I would just like to have you flush out a little more about the challenges of local business base when it comes to attracting folks to come down here.

Ms. VANDENBERG. Well, the first challenge, and you know this, Senator Tester, because we have been talking about this for how many years, is access to the State through the border and those inconsistent hours. And we have talked about the pilot program that we need. The business community is very much in support obviously those more open hours to the border, more open door. I mean and that's a huge challenge. If the door is closed, then we can not do business. And we were very excited when we were able to get the extra month into October 31 for those expanded summer hours. It is huge to our economy.

Visiting with one of my businesses this morning, I mean he literally delivers furniture over the border, unloads it, the customers meet him at the border, they load it into their vehicles and drive back. And several comments have been, if it was not for the great benefit to us and the Canadian exchange rate now, I think that our

economy in Havre would have some challenges. So we are grateful for that Canadian business.

The other challenge is on the point of sale part. And we have learned that obviously the Federal reserve does not take our Canadian money. It is international money. So it has to be brokered out. So our banks, we just had an incident in one of our banks the other day, where a Canadian came in to get some money, and he was charged a service charge. Well, they have to broker that money. So they have to pay to ship it and all that kind of stuff. So even though it says it is at par, there's some added fees to that.

One of the other challenges that we discovered the Christmas before last was a lot of our merchants' modems did not read the Canadian debit card. And they have a chip in there that is different than ours.

Senator TESTER. That's right, Debbie.

Ms. VANDENBERG. So we were not as business friendly as we wanted to be. I mean we were marketing and inviting people to come down and shop. We have people standing outside the doors of the mall in below zero weather on Boxing Day, the day after Christmas, to come down and shop in our community. And they have the Bay Company. But, anyway, so we have worked hard. We brought in some folks from Canada certified to educate our business community on different opportunities that they have to update that system to be more customer friendly, and it is working, but it is a process.

Senator TESTER. I am going to turn it over to Congressman Daines in just a second.

But I think there's some opportunity that we need to visit about, and maybe get Visa and MasterCard in here to see if it is possible to get help with this issue.

Ms. VANDENBERG. What I learned this morning, in talking to a couple of the banks, is that we are just technology-wise we are a little bit behind the eight ball in getting that euro chip into ours.

Senator TESTER. Congressman Daines.

Congressman DAINES. Thanks, Senator. Sheriff Brostrom, thank you for your service to the community, allowing parents to sleep better at night and the community. But I want to ask you what keeps you up at night, as you think about the challenges at the border?

Sheriff BROSTROM. That's a good question. I guess the things that I do not know, what may be happening that I am not aware of or do not know that may be coming across the border. I guess that's why I rely on the experts in the green uniforms to keep me informed when we have those quarterly meetings of the things that they know that they share with local law enforcement.

Congressman DAINES. When you think about the risks out there, what are some of the greatest risks that you see as you think about protecting your county and our State and so forth?

Sheriff BROSTROM. Of course, drugs is always a key issue, combating drugs, prescription drugs especially, not knowing where they are coming from. Some of it may be coming across the border. Obviously it is coming across from other States into Montana and into Hill County. I guess that's always the key on the forefront of everybody's mind is where are the drugs coming from, what are we

going to do about the epidemic in Montana, especially in Hill County.

Congressman DAINES. Nathan, what are your thoughts on that, what keeps you up at night?

Mr. BURR. The potential number of terrorists in Canada and how open the Northern border is. There's a chance that maybe they won't transit through this area. Maybe they do something here.

Congressman DAINES. And something that we were discussing just on Wednesday, when Mayor Giuliani came to our Homeland Security Committee hearing, and we were looking at how we could have prevented the Boston marathon attack, and I think there's consensus that we could have done better in that regard, and one of the challenges was a breakdown between intelligence of what the FBI knew versus what the local law enforcement knew.

Let me ask a question: In terms of your relationship with intelligence from the FBI and so forth, do you feel like, Sheriff Brostrom, are you getting information that you need to make sure that—because the boots in the ground here, the local intelligence is sometimes the best intelligence.

Sheriff BROSTROM. Well, I said earlier that I think it is all down to communication, and I still say that. Whether it is the FBI, the Border Patrol, any Federal partner, city police, sheriff's office, going into Blaine County, Liberty County, we all need to talk to one another. I think our local Federal partners do a great job of informing the local city police, local sheriff what is going on in our community. But obviously that can always get better.

Congressman DAINES. Nathan, your thoughts on that.

Mr. BURR. Just to clarify my role in everything, I am sitting here in a suit, but my actual role on the Border Patrol I am a dirt sniff and run. The lowest of the low, and a lot of the information does not get pushed down there. Our intelligence department is great. They do a lot of good work. Our management side of things, I think they get a little bit more than what we do, and it does not seem like, in regards to FBI, I get one FBI alert e-mail a week, I think. That's about it. Grand scheme of things, I do not think that the guys on the ground really know as much as what they could.

Congressman DAINES. I appreciate the perspective of Sheriff Brostrom, always can improve communication, cups of coffee, both informal and formal. Sounds like it is an area that we can improve an opportunity for us to continue to work on to leverage the limited resources that we have.

Nathan, you made a comment, too, intrigued by, you spent time on the Southern border.

Mr. BURR. Yes.

Congressman DAINES. And as a Montana kid, also understanding the Northern border now very well. Maybe share a little bit more, because we hear so much, again, about the Southern border. The focus in Washington is on the Southern border. You mentioned some choke points of topography that actually allows the Southern border, it is easier to secure even than the Northern border. If you can elaborate more on that for us on around the challenge of the Northern border versus the Southern border.

Mr. BURR. Well, it is not necessarily easier. In a lot of cases there's more to work with. And, I mean, my view point was the So-

nora Desert in Arizona. They have places where they have the river and different stuff that presents a challenge. The prairie or high desert areas, a lot of it is just open. Barring two track roads and that, they could be anywhere. Trying to find vehicular traffic would almost be like trying to find air traffic. There's not much to stop them.

The challenges up here, the biggest thing and the biggest shocker for me was just that. It is that wide open. There's no border road up here that actually runs directly along the international border. That can present a challenge too. That gave us an area to work down south and to transverse along the border to see what was going on, where we were completely beyond reproach. For the most part, nobody could complain about us being on that, because of some of the legal aspects. There's a strip of ground through there and that. So that's a challenge up here. To try to track things out, big difference trying to track in between good sand and grass and hard pack up here. Those are all the biggest things, the terrain.

Down there, they are dealing with so many numbers, and so many numbers, and so many numbers. And every group reduces your manpower by at least one, because you have one guy chasing them, and that makes it that much easier for the next group to go through.

Congressman DAINES. One more comment that you made about the train checks you said that were going along and then there's some challenges there. What needs to be done to get that back on the tracks, excuse the pun?

Mr. BURR. We are making some really good steps in the right direction. This actually, from my perspective, it comes at kind of an awkward time. We had a change of command. We have a new chief now. Our previous chief, she was not quite as big on enforcement as what I would have liked to have seen. Chief Richards, that's a focus. Came in immediately, and we are back on the trains working it in a little different manner, trying to have a lower impact on the public. And so we are taking steps that are in the right direction. But, for us, apprehensions are not where they were.

Congressman DAINES. Thanks. I want to make sure I save some time for Debbie.

Ms. VANDENBERG. That's OK.

Congressman DAINES. Seven minutes goes by way too fast.

Debbie, I'm struck with your comment about 4 permits to 14 permits to move ag equipment across lines. What are we going to do about that? That sounds ridiculous.

Ms. VANDENBERG. And the gentleman that I spoke to Jon knows very well, Ron Harmon, with Big Equipment Company. And he said probably 3 years ago or 4 years ago, it was four permits. And he said over time it is ratcheted up to the 14 permits. And he said every time we, the United States, adds a permitting process, the Canadian side ramps up their permitting side as well. So he said it is just as cumbersome going up as it is coming back.

Congressman DAINES. Right. I am sure that we would love to get more on that—

Senator TESTER. Absolutely.

Congressman DAINES [continuing.] To figure out how do we downsize the permitting process here to make more sense. And then one last question—

Ms. VANDENBERG. And he would be willing to visit with you about that too.

Congressman DAINES. I think that would be good for us to figure that out. The last question for you, you mentioned there's some real potential economy here with getting the hours straightened out, getting the border a little more accessible back and forth. Is there a way to help quantify that, thinking of the cost benefit, because it might require investing in more resources to do that, but what the benefits might be in terms of the economy here?

Ms. VANDENBERG. We have done some surveys within the business community, and we could probably do that again. I know a few years ago we did the study in partnership with Bear Paw Development, with Dr. Varkeo with the University of Montana showing the economic impact should the border go 24-hour commercial. And that report could probably be updated.

Congressman DAINES. It might be a to-do, because it is more tax revenues, so looking at how much is my cost versus—

Ms. VANDENBERG. The jobs, economy, and that.

Congressman DAINES. You bet. OK. Great. All right. Thank you, Senator.

Senator TESTER. Thank you, Steve. I just have one more question for you, Nathan. And it has to do with travel long distances from both places like Havre to the border Turner, for example. Long haul, often take at least an hour, maybe two to get there. Many of your agents, and you correct me if I am wrong, operate individually, so manpower could be stretched and utilized. Any gaps in the work shifts would create definite repercussions, as you said, if somebody is gone from the border, it is a problem.

Mr. BURR. Yes.

Senator TESTER. So the reality of this is overtime pay, ultimately.

Mr. BURR. Yes, sir.

Senator TESTER. So I just want to get your opinion on the currency of the pay system. Does it make the most sense for folks like you and the agency you serve, does it make most sense for border security, does it make sense for the taxpayer the way the system currently works with overtime pay.

Mr. BURR. Yes, it does. The current system has been under attack for several years now, and it is certainly coming to a head. But the biggest thing with administrative controlled overtime (ACO) it is called, we are not really getting overtime pay for those hours. So we are really quite a bargain for the government. We are making regular pay for those. For the most part, everybody else in America that works 40 hours a week gets time-and-a-half minimum. We do not. There's a portion in those hours where Fair Labor Standards Act pay kicks in. And that does bump us up to nearly time-and-a-half. Anything that we work beyond 100 hours in a 2-week pay period, we get paid half time beyond that. So financially we are a bargain for the government. The pay reform bill that you put forward, even more so. We will save the government millions off employment. They are already saving on us.

But those hours that we work, and that's the biggest factor, I mean forget the pay, it takes us roughly an hour-and-a-half to get up to Turner. It takes roughly an hour-and-a-half to get up to Chester or to the, north of Chester it is pretty much directly north of Chester, Larry Road. But if we do not have the ability to work those overtime hours, I am going to have to leave the field, leave the area of Turner, an hour-and-a-half before the end of my shift. It is going to take the next shift an hour-and-a-half to get out there, and that's going beyond time to do muster, get vehicles, anything else that anybody else needs, the little housekeeping issues that come up at the beginning of the shift. The same thing for the other shifts.

So those areas will see 3 hours completely open, if people lose this pay. I mean, traditionally everywhere in the Border Patrol the seams in between the area's responsibilities and stations is always exploited. And it does not take a tremendous amount of intelligence, work for smuggling organizations and that to figure out where those seams are. So that pay, but more importantly those hours, that's vital for security. Without that, there's a huge gap.

Senator TESTER. Thank you. Congressman Daines. Just real quick and we will get the next panel up here in a second.

Debbie, if we might, I would love to have you visit with some of the banking folks, and I am serious about getting Visa and MasterCard on the phone and talk about solutions and a timeframe for that, because we ought to get in the 21st Century. So thanks.

I just want to say thank you to the panel. I very much appreciate your guys' service, appreciate your testimony here today, your openness with your answers to Congressman Daines and my questions. So thank you very much. And carry on and keep doing good work.

While this panel gets settled back, we are going to bring up our second panel. While they are coming up, I am going to introduce who they are.

We have Kumar Kibble. Mr. Kibble serves as a Specialty Agent in Charge of Homeland Security Investigations (HSI), in the regional office in Denver, Colorado. Welcome to Montana. He is responsible for leading transnational criminal investigations conducted by Homeland Security investigations offices based throughout Colorado, Montana, Utah, and Wyoming. He began his government career as an infantry officer with the 82d Airborne Division. So we want to thank you, Mr. Kibble, for making the drive up here from Denver. You did not even fly. Thank you for being here.

Mr. KIBBLE. Thank you, sir.

Senator TESTER. Next we have Christopher Richards. Chief Richards is currently the Chief Patrol Agent for the Havre Sector. His career with the U.S. Border Patrol spans more than 27 years. Prior to his selection as chief of the Havre sector, he was assigned to the U.S. Border Patrol headquarters as an associate chief. Chris Richards and I have spent a fair amount of time on the airplane together.

Yes, we will. OK. Go ahead and switch it.

(Whereupon, Videotape 1 ended. Videotape 2 begins.)

Senator TESTER. The third member of this panel is Robert Desrosier. Robert serves as the Homeland Security Director of the

Blackfeet Nation. A post that he has held since 2006. He is also Chairman of the Montana Indian Nation Working Group. Robert has testified before our committee before, and I want to thank you for being here again today.

Each of you, as with the previous panel, will have 5 minutes for your opening statement. And know that your full written statement will be entered into the record. And with that we will start with you, Mr. Kibble.

TESTIMONY OF KUMAR C. KIBBLE,¹ SPECIAL AGENT IN CHARGE, HOMELAND SECURITY INVESTIGATIONS DENVER

Mr. KIBBLE. Chairman Tester and Congressman Daines, thank you for the opportunity to appear before you in Havre to discuss ICE's efforts to improve security along the Northern border of the United States.

ICE employs a multi-layered law enforcement approach to Northern border security based on an understanding that our geographic boundary with Canada is only one piece of the criminal continuum. It is neither the starting point nor the final destination of cross-border criminal activity. In fact, this illicit activity is often rooted in interior cities, as well as in smaller communities, throughout the United States. It is in these communities where the vast profits are generated that sustain the operations of transnational criminal organizations (TCOs), and where ICE succeeds on a daily basis, together with our interagency partners, in disrupting and dismantling the entire smuggling enterprise.

ICE is positioned to leverage its broad statutory authority to support border enforcement by working in close coordination with other DHS components and U.S. interagency partners, as well as our counterparts in Canadian law enforcement, to target the illicit pathways and organizations that produce, transport, and distribute contraband.

We continue to disrupt cross-border criminal activity systematically at all stages through effective cooperation and collaboration with our Federal, State, local, tribal, and importantly international law enforcement partners. We are making it increasingly difficult for TCOs and other criminals to operate.

In fact, speaking of international partnerships, ICE maintains the largest investigative footprint of any U.S. investigative law enforcement agency in Canadian, with an attaché and assistant attaché offices in Ottawa, Vancouver, Toronto, and Montreal, that enhance national security by conducting investigations involving transnational criminal organizations and also serving as the agency's liaison to our interagency partners and counterparts in local government and law enforcement. In Montreal, for example, HSI operates a Visa Security Unit (VSU) to complement the traditional screening provided by providing additional level of review of visa applications of special interest persons before they enter the United States.

A crucial aspect of our approach to Northern border security is our partnerships with our colleagues across DHS agencies, as well as with Federal, State, county, local, tribal, and foreign agencies.

¹The prepared statement of Mr. Kibble appears in the Appendix on page 37.

These partnerships are absolutely essential to the joint operations and information sharing along the Northern Border and beyond. And they are conducted in the spirit of the President and Prime Minister's Beyond the Border initiative, which seeks to promote integrated cross-border law enforcement. Collectively these agencies possess a unique understanding of the threats, risks, and vulnerabilities along the Northern border that enhance our ability to deter, disrupt, and investigate illegal cross-border activity.

We are also an active participant in the Canada U.S. Cross-Border Crime Form (CBCF). The CBCF meets annually. Smaller working-level meetings throughout the year, bringing together more than 100 senior law enforcement officials and prosecutors from Canadian and the United States to address cross-border issues, including counterterrorism cooperation, mass-marketing fraud, interoperability of our respective law enforcement agencies along the border, and combating organized crime. ICE and Border Patrol leadership, in particular, meet on a regular basis, along with leaders of other DHS components to discuss areas of mutual concern.

Our flagship task force program, the Border Enforcement Security Task Force (BEST), was created in 2005, is a mechanism to address the threat of cross-border crime. BEST task forces provide a proven and a flexible platform from which DHS investigates and targets transnational criminal organizations that attempt to exploit vulnerabilities at our Nation's borders.

We are working tirelessly in coordination with Federal, State, local, international, and tribal agencies to identify, disrupt, and dismantle these TCOs that subvert the rule of law, violate our immigration and customs laws, destabilize our communities, and threaten national security.

We commit substantial resources along the Northern border, and our considerable efforts are part of a comprehensive strategy that focuses on securing the border, dismantling the infrastructure that supports cross-border criminal activity, and identifying and seizing the illicit profits from these crimes. We are dedicated and committed to this mission, and look forward to continuing to work with Congress on these efforts.

And, again, thank you for inviting me to appear before you today. And I would be pleased to answer any questions.

Senator TESTER. Thank you, Mr. Kibble. Chief Richards.

**TESTIMONY OF CHRISTOPHER RICHARDS, HAVRE SECTOR
CHIEF PATROL AGENT, U.S. BORDER PATROL**

Mr. RICHARDS. Chairman Tester and Congressman Daines, it is a privilege and honor to appear before you today to discuss the efforts of the United States Border Patrol in securing the Northern border. Please allow me to begin by expressing my gratitude for your support of the mission and the people for the U.S. Border Patrol. We greatly appreciate your efforts and assistance, and I look forward to continuing to work with you and your staff in the future.

As part of America's frontline border agency, the U.S. Border Patrol operates between the ports of entry, with the primary goal of protecting the American people from persons, organizations who pose a threat to our Nation. Our work to reduce the likelihood of

terrorist attack, while providing safety and security for our citizens, is an ongoing mission. We will expand on the integrated approach to border security that is proven successful, including active engagement with law enforcement, community, and civil partners at the Federal, State, local, tribal, and international levels.

In addition to expanding collaboration and partnering, the implementation of the U.S. Border Patrol's risk-based strategy will greatly focus our efforts. Our new strategy takes a more holistic view, examining threats, vulnerabilities, and risk laterally across the border and in depth beyond our borders while moving our organization toward a mobile and flexible workforce that can rapidly respond to emerging threats and mitigate risks.

As you know, the Montana border is expansive, characterized by vast plains with deep coulees in central and eastern corridors and by rugged mountainous regions in the west. Our challenges in gaining situational awareness of these are many. Primary among them is our ongoing requirement for accurate information and timely intelligence. Both are essential in providing agents with critical insight about those who seek to cross our borders with criminal intent.

Operations within the Havre sector have evolved over the years. 72 percent of Havre sector's border is privately owned agricultural land. And our connection to our local stakeholders is a critical component of our mission. Additionally, we rely on various forms of detection compatibility. In some areas of our border, we require the ability to quickly identify and classify cross-border entries and rapidly respond to effect an arrest. In other areas, generally characterized as remote, situational awareness is aided by the deployment of unmanned aerial systems (UASs).

These UASs are equipped with intelligence, surveillance, and reconnaissance sensors that provide agents and decisionmakers with greater situational awareness of border areas through change in detection technology and trend analysis. These technologies, with other methods of information collection and full integration with our partners will establish the basis from which we will qualify our success.

I assumed command of the Havre sector in April of this year, and I quickly established two priorities: To enhance and improve communications both internally and externally, and to focus our resources on the collection of information. The latter is consistent with the 2012–2016 Border Patrol strategic plan that is built upon the three pillars of information, integration, and rapid response.

As we gather and analyze information, we will proactively integrate with our Federal, State, local, tribal and international partners through operational planning that seeks common objectives and outcomes. Drawing on all of our collective resources, we will rapidly respond to mitigate the risk. This whole government approach will depend upon cooperation amongst all agencies up to and including the Border Patrol sectors to my east and west, which takes me back to my first objective of communication. Everyone in this room understands that in order for partnerships to succeed, trust must be established through communication.

My staff and I are committed to building coalitions within our own ranks and among our external partners and community stake-

holders. In the end, we all want the same thing: To feel safe in our communities. And border security is essential to that pursuit.

I am proud to represent the agency at the frontline of that objective and to speak for the men and women who proudly serve in this uniform.

Thank you and I look forward to your questions.

Senator TESTER. Thank you, Chief Richards. Robert Desrosier.

**TESTIMONY OF ROBERT DESROSIER, HOMELAND SECURITY
DIRECTOR, BLACKFEET NATION**

Mr. DESROSIER. Congressman Daines, Senator Tester, thank you very much for this opportunity to address you today and your concerns on the Northern border. I feel very fortunate to have this job as the Director for Homeland Security for the Blackfoot Nation.

Our nation is roughly 3 hours west of here. And we are a border tribe. We have roughly one-tenth of the Montana border adjacent to tribal lands. The Blackfeet Nation is a million-and-a-half acres, and our population runs a little over 8,500 people pretty normally. However, in the summertime today, we are a little over 22,000–23,000 people, because of the park. And I just heard yesterday that Glacier National Park just hit a million visitors this year already. Most of that impacts the tribal lands and the Indian nations. So we have a very tough challenge confronting us, since my operation is a two-man border security force. I have myself and a deputy.

It is quite challenging at times. Some of our demographics I mentioned, but our elevation and our terrain is unique. We are roughly around 3,500 feet in elevation on the east end to about 9,000 on the west end toward the Continental Divide. And we have areas on the international border where it is inaccessible by motor vehicle. It is either by aircraft or by foot. We have pretty good luck in off-road and four-wheel-drive vehicles, but I would say that that is one of our challenges is good and complete coverage on our Northern border.

And as I testified here a few years ago, we, at that time, completed a very thorough inventory of our border lands. And we have identified, at that time, nine illegal crossings that were in use out of 14 potentially crossing points on the reservation. And this year we are at the same level. We have signed—we can pick up signs at any number of illegal crossing sites at any given day. And the problem that we face is just not having adequate manpower and accurate coverage to be out there at a greater timeframe throughout the day.

I want to mention a story right here, and I will try to go fast in the interest time. But a couple of weeks ago I was called out at 11 in the evening for three young ladies that were stranded on a mountaintop just on the western boundary of the reservation. And we responded with a search and rescue crew, and we determined that this was an impossible task for us to climb up there on the mountain and retrieve these young ladies in the middle of the night. So we call in our partners. And a nine-member Glacier National Park high-angle rope rescue people team arrived at daylight and rescued successfully these three young ladies off the mountain.

But that is a story that often goes unheard of the extraordinary gains that we have made in creating partnerships with Federal

agencies in our tribal law enforcement. We had Glacier County Sheriff, Blackfeet Law Enforcement, and Glacier National Park that saved these three girls from—they ended up spending the night on the mountains, but it certainly could have had a different outcome.

And I want to say that I am very happy of the fact of the things that we have been able to accomplish in our partnerships. The Border Patrol and their tribal liaison program has been very beneficial and very successful. As me being the Chairman of the Montana Indian Nations Working Group, I also have that person that takes part and does presentations and trainings in that larger tribal arena throughout the State of Montana. It is a very good thing.

But there are challenges ahead of us that remain. We have to continue to work in that area and become better. We have been able to develop safe schools task force that goes into our reservation schools, communities and work together multi-jurisdictional, along with the school administrators. And we have monthly meetings and address potential threats to our schools and talk about the challenges that we have and assess the vulnerability of our schools in our communities. I am available for any questions, and I thank you very much again.

Senator TESTER. Robert, thank you very much. And thank you all for your testimony. I very much appreciate it. Same format as before.

I will start with you, Mr. Kibble. From an ICE perspective, what are some of the challenges that you are seeing on, well, on both the Northern border and the Southwest border and kind of is a degree of difficulty, let me know?

Mr. KIBBLE. Well, certainly, Senator, sequestration brings a different set of challenges. Although, I mean we always knew the resources are available. We just need to prioritize the threats.

Senator TESTER. Right.

Mr. KIBBLE. Obviously there's a high volume of activity along the Southwest border. Here, to kind of anticipate your question, Congressman Daines, in terms of what keeps me awake is just are we working in terms of focusing on what we can control, are we doing everything that we can in terms of information sharing, operational partnership, to keep dangerous people and dangerous goods from crossing the border.

And I think that we can never stop working toward getting better and better, but I will tell you it is as good as I have ever seen it. I can tell you here in Montana, we do not generally comment on specific staffing, but we are dramatically smaller than our sister agency HSI, the Border Patrol. And without partnership, without close collaboration with them, we would be dead in the water, in terms of some of the investigations that jointly we have been able to pursue in terms of disbanding and dismantling organizations.

Senator TESTER. As far as drug traffic goes, what are you seeing on the Northern border?

Mr. KIBBLE. Well, it is a great story of collaboration, a Border Patrol agent a couple of years ago, 2011, on an initial encounter, and then us jointly working together, bringing the Royal Mounted Police in, bringing other State and local agencies, as well as DEA, we were able to dismantle an organization that moved more than

a ton of cocaine from the United States across the border in eastern Montana into Canada, as well as more than a million Ecstasy tablets, MDMA, from Canada into the United States. And we know that because, working with the RCMP, they were able to get the ledgers that showed those 22 separate shipments.

But, again, working together, and it gets back to this integrated cross-border enforcement, working with the Canadians to be able to attack the entire continuum is what allowed us to have that great success. In fact, it was featured as the model for Beyond the Border of X-generation and the Cross-Border Crime Forum a couple of years ago. It was excellent work.

Senator TESTER. I do not know if you have a good enough crystal ball or if you have done the matrix on this, but how much of the illegal drug activity on the Northern border do you think you catch?

Mr. KIBBLE. Sir, I do not know. That's the challenge there.

Senator TESTER. OK. During a recent trip that I took to the Northern border, I spoke with some CBP agents that were frustrated by jurisdictional issues. Not to get too specific, but CBP had actionable intelligence, and this has been a year or two ago, to make a number of arrests in a rate to move forward, but ultimately had to defer to ICE, because it was deemed as interior enforcement. At the end of the day, nothing was done, which is particularly concerning to me considering there is a fair amount of money that we put at this stuff. And if there's actionable enforcement, nothing is done, that's not acceptable. Like I said, that was a year or two ago. We can assume it is better now. But can you just tell me now how CBP and ICE currently handle overlapping jurisdictions?

And if you want to jump in on this one, when he's done, Chief Richards, you can.

Mr. KIBBLE. Certainly. We have a number of policies in place to where we complement one another. Border patrol is obviously the lead for interdiction between ports of entry. We complement that with an investigative function. Here I am speaking within Homeland Security Investigations. The other directorate within ICE is enforcement and removal operations, which does the civil immigration enforcement and the detention. We have regular meetings with sector chiefs and special agents in charge. We're piloting new partnerships, so that we can continue to work closer. I will tell you, years ago, I was very concerned about the relationship within DHS. But, again, it is as good as I have ever seen it. But we do have work to do. We need to keep working to improve it.

Senator TESTER. OK. Chief, would you talk about that?

Mr. RICHARDS. Yes, sir. Your question specifically was how things worked in Montana between us and ICE.

Senator TESTER. That's correct.

Mr. RICHARDS. OK, sir. So, yes, we have, I am pleased to say, a very good relationship with the seven ICE agents that work out of the Great Falls office. They complement what we do.

I've got stories, the one that Mr. Kibble shared with you about the crossing that led to the big investigation. Within the ICE MOU, there's a threshold.

If we encounter a situation at the border and there is an ongoing case or a potential for a case that would extend beyond, we call ICE. And, in fact, I have one of my supervisors embedded with the ICE office in Great Falls, who facilitates on this conversations. And I would suggest to you that we have seamless communication in that area. We have had a lot of success.

Senator TESTER. That's good. One more quick one, and then Congressman Daines can take it up. Your headquarters is here in Great Falls for the State.

Mr. KIBBLE. Yes.

Senator TESTER. If you have let's say with the Bakken play—this is not hypothetical. It's probably more real than hypothetical—and they find an undocumented person, and the sheriff locks them down, No. 1, how long are they there for, and do you have the manpower to be able to go pick that person up and deal with them, because ultimately it is going to be your responsibility? And correct me if I am wrong.

Mr. KIBBLE. Sir, it would be ICE's responsibility in terms of response to a custody kind of situation. That falls within our other directorate within ICE that I am not responsible for. So I am happy to get that information for you. I do not know what their response time is.

Senator TESTER. If you could get that back to me.

Mr. KIBBLE. Sure.

Senator TESTER. And basically what I want to know is, No. 1, do you have the manpower to be able to make a, what is it, a 10-hour drive from Glendive to Great Falls? It is eight at least. Do you have the manpower to be able to do that, No. 1? And, No. 2, how long would it take to respond to that?

Mr. KIBBLE. Sure, Senator.

Senator TESTER. OK. Congressman Daines.

Congressman DAINES. Thank you, Senator. In a recent Homeland Security hearing we had back in Washington, we had Secretary Napolitano come and testify and some of her deputies. One of the questions was, and I asked the question, as a Montana guy, because as the Senator mentioned, so much of the focus is on the Southwest border, and we are very concerned about the Northern border as Montanans, I asked the question what percent of our Northern border is secure. And the answer was about 5 percent.

Now, I am not quite sure how they determined that number. I did not really ask how I was defining secure. But I would like to throw the question around, how do you measure success, because we are sitting here talking about wanting to secure the border. My background is in business. We know that if you aim at nothing, you will hit it. How do we measure success? What is the definition of having a secure border? It is a very political issue back in Washington, we want a secure border. I would love to get your thoughts. And maybe we will start with Mr. Kibble, and then we will go to Chief Richards, and then I want to hear from Mr. Desrosier as well.

Mr. KIBBLE. Congressman, from our standpoint, because we have that investigative function, we do not have the patrol function along the border, in terms of how we measure success, we look at how we are prioritizing criminal organizations and impacting their

capacity to smuggle people or goods across the border. So we have a strategy called the Illicit Pathways Attack Strategy, where we rack and stack based on intelligence, based on investigations, based on information from partners, what the most serious threats are. And then our success at disrupting or dismantling, again, not just the activity at the border, but the entire continuum. So our success is measured in terms of how have we dismantled organizations that moved X number of kilos across the border or X number of people across the border.

Congressman DAINES. It is probably less germane to your neck of the woods, and probably to the chief. So I will put you in the hot seat here. How do we measure success?

Mr. RICHARDS. Sir, this is a great question. It is one we have been discussing for a long time. Chief Fisher has had numerous testimonies on the hill explaining a secure border is when the American people feel safe that their border is secure.

How to quantify that is another issue. Different methodologies. Of course, down south they are using the effectiveness ratio, and it is a complicated math formula that just in general it involves flow, apprehensions, got-aways, and then we do the numbers. For the Northern border it is going to be a little bit different. We are going to be very reliant on situational awareness, how well we know what is going on, and then how well our resources are at attacking what is going on.

The No. 1 priority that I have given to my staff and to my agents in the field is collection of intelligence, because, as Mr. Brostrom stated not knowing what we do not know is a problem. Once we have information on the goings-on, whether it is frequent or even infrequent crossings, then we can address those areas with technologies and resources, personnel and otherwise. One of the benefits to Montana, in particular, is we do not have a large geographic municipality right on the border, but there's a bigger one on the north side, for example, Detroit-Windsor, that actually works to our benefit.

Now, I realize there are still issues with the vastness and openness. But the routes and egress, we are able to, with information and collection. And then key to this also, I might add, is the integration with our partners, ICE and all of them, our locals, in particular. We will be able then to mitigate that risk.

And so in answer to your question, I foresee situational management with a layered piece of our capabilities, technology and otherwise, and we will establish a matrix based on that.

Congressman DAINES. One of the advantages of doing field hearings is we get to hear from your folks who are right here at the coal face, which I really appreciate, versus, maybe high level bureaucrats back in Washington. And do you think it is the right matrix? And if you had to think of a matrix or two, you know from your view, and I really want to hear from you, because you are out here every day getting the dust on your truck, what do you think is the right thing to measure there?

Mr. RICHARDS. You asked the questions of the others, stuff what keeps me up at night. And for me what dominates my thinking, as the chief of the sector, is how can we do this better. I will tell you that I do believe strongly that coalitions and partners, not just law

enforcement, with community, is critical to our success. Chairman Tester, you are a landowner, and you know what is going on your property. And if I have a connection established, then we have a better awareness of what is going on. And it is a needle in a haystack, with 460 miles within my OR, difficult, and Mr. Burr pointed out some real challenges. However, I think that the approach to that is it relies on information, the collection thereof, the synthesization of that information into intelligence, so we can respond to that with resources.

Congressman DAINES. Mr. Desrosier, speaking of the needle in the haystack, I was struck by your comment of two of you to patrol that 50, 60 miles from 3,500 to 9,000 feet. How do you think about what does securing the border mean to you and situational awareness?

Mr. DESROSIER. Certainly information, giving and receiving is of the utmost importance. It is the local landowners, it is the officer working the beat next to you.

Two things that happened with great significance to me in my operation most recently is the fact that we were able to have a Project North Star Meeting—is that what we called it—in Sunburst recently, where the patrol officers from both sides of the border sat down and had a common discussion on what these issues are on the Northern border. And the takeaways of that was two sheets of paper with everybody's contact information. So that we could sit right down on our cell phone in the field and call that person who is working north of us. And I have used that a couple of times already. And that to me was very valuable.

That was the first time that we have been able to do that, in my opinion.

The second thing is, we are struggling with this all the time, and that's improving our communications. We just do not have VHF radios capable of talking to the base station when we are working in the Chief Mountain Deep Creek area. We had satellite phones. The funding, we are not going to be able to turn those phones back on until October, because we do not have the funding for those satellite phones. They were very valuable. We do not have the dispatch capability, card base from that area, about that 7 to 10-mile stretch of border up there. And I think we have made some progress in that field by identifying a common mutual aid law enforcement channel that we could talk to Canada on right now. And I think this is the first in the Northern border where we have had that approval given by the FCC for Montana officers to do that.

The third thing I wanted to mention is that we have a long ways to go in the area of communications. We were involved in a hot pursuit of a border jumper that came down Highway 89. And we were the third one in a three-car chase. We were tribal officers in a third-car chase, with two Border Patrol agents ahead of us. There were still tourists on the road. We ended up in a traffic jam, and we became the second vehicle in the chase with no communications car to car, which is very detrimental in that life or death situation. We are on the dispatch. Dispatch was on the phone with their dispatch. And it was just a waste of time to have to go through two dispatchers and back through repeaters and back to the cars. And

the information is happening so fast, you have to be tuned in right now.

And as it turned out, we ended up getting in front of this stolen car and got rammed in the back, and we ended up apprehending the suspect and taking him into custody. But it was a very serious situation where tribal officers and border agents could not talk car to car. And we are working on that. We are making some progress. And hopefully I will not be telling you this story this time next year or a few years from now.

Congressman DAINES. Thanks, Mr. Desrosier. One more question for Mr. Kibble, if I could. And Senator Tester, it is a great question, I was thinking about the Bakken, what is going on. Wayne Gretzky once said what made him great, he skates to where the puck is going. And thinking about where we are going to be the next 5 to 10 years, and probably that long drive from Denver to Havre, I appreciate the distance. How do we make sure we are enforcing the immigration laws and so forth there in the Bakken?

Mr. KIBBLE. Well, Congressman, we will have to look at how that evolves. U.S. Attorney Cotter is taking a leadership role and really trying to immobilize Federal support of that. And I know that some of the other agencies have seen more of the work in terms of their violations. We have some other offices from the Dakotas that are probably responsible, that are closer.

Congressman DAINES. Yes.

Mr. KIBBLE. It is going to be like we handle any other threat. As we see it evolve, we are going to try to staff that or address it as we evaluate the resources that are available.

Congressman DAINES. Go ahead.

Mr. KIBBLE. I was going to say to date we have not seen significant cross-border activity today. But we have to constantly reassess.

Congressman DAINES. I was in Sidney last week, met with their mayor, their police chief, and their sheriff, and so forth, and certainly there's concerns out there. I think the Senator's point, one we want to keep an eye on, to have presence there, so we can get ahead of it, before it becomes a bigger problem.

Mr. KIBBLE. Yes, sir.

Congressman DAINES. Thanks for your service.

Senator TESTER. Thank you. I want to talk a little bit about military radar that I have been trying to get on the Northern border for some time now, because I think it would help identify low flying aircraft. Now, I understand that DHS entered into an agreement with the Canadian government in 2011 to begin receiving their radar data. Chief Richards, could you give me an idea on how his is working or if it is working?

Mr. RICHARDS. Sir, I believe it's better. The AMOC in Riverside, California, receives the feeds from the radars in Canada. So we have a better picture of this stuff. It's not the whole answer, sir, but it's much better.

Senator TESTER. OK. Kind of talk to me about agents. It would appear to me, from my perspective, that you get an agent like Nathan Burr, worked up here for a while, they know the Hi-Line pretty well, they know the border pretty well, and I guess probably the other agents are probably in that same boat, if they have been here

for any length of time. Correct me if I am wrong, do these folks get moved to the Southern border with regularity, or is that their call, or is that your call, and how does that impact your ability to go to sleep at night?

Mr. RICHARDS. Within our ranks, sir, it is voluntary on the agent's part. Very seldom is there a mandatory relocation of people from the Northern border to the Southern border. We have negotiated with the union at the national level the voluntary relocation program. And we have not seen that for a while, because funding is still an issue, sir. But that allows agents to bid for position, them to come north and for our folks to go south.

Senator TESTER. And that whole immigration debate that the senate had here a month ago or so, visa overstays were a big issue, has to do with about 40 percent of the undocumented folks who are in this country right now. At this point in time, I think our government does a lot of data. The Canadian government does a lot of data. It would appear to me that some swapping of that data may be useful to both countries.

Mr. RICHARDS. Sure.

Senator TESTER. Can you tell me if that's being done, or if there's an issue to get that done, or if there's something that we need to do to help that happen?

Mr. RICHARDS. Sir, at the national level, I honestly cannot answer that question. I will tell you at the local level, we work really well through the IMITZ with the RCP, our Canadian partners. But that's more geographically specific to us. So generally I do not think I can answer your question.

Senator TESTER. OK.

Mr. KIBBLE. Sir, I would say that the national targeting center run with border protection has generally been on the cutting edge of trying to get information sharing agreements going. And certainly for us, a lot of our visa overstay enforcement is coordinated from the information sharing that goes on at the national targeting center. As well as the university program, the information that we get from universities in terms of the student overstays.

Senator TESTER. OK. Good. All right. Robert, thank you for being here. I think that you are working in an area that is—it's not very commonplace on the borders. I mean you have a reservation, 50, 60 miles of border with Canada. Can you tell me what is your relationship with CBP as far as, if they think there's an issue up there, do they get ahold of you? Who do they get ahold of, or do they just go up? And then if there is an issue, do you oftentimes contact Chief Richards' office and say we have something going on up here, we need some help? How does the process work?

Mr. DESROSIER. In my experience, as of right now, it is the best relationship we have ever had with the Border Patrol. We can pass information back and forth regularly, and we often do. Most recently we did have a big case in Blackfeet to where we called for assistance, and that was handled just perfectly. It was without a doubt one of the best I have worked. Yes, we do have a relationship that I think was nonexistent a decade ago. We do call each other. We were called on that pursuit that I talked about. And we called back both directions. Working very well.

Senator TESTER. And I think that, as long as stuff works, it works. Do you see any need for written agreements, and are there any written agreements? Or is it more person to person, your relationship with the chief, chief's relationship with you? And how do you ensure that, after he leaves or after you leave, that relationship, be able to do business, to be able to keep our borders secure, continues.

Mr. DESROSIER. It is based on relationships, yes. And also very importantly to me too is sustainability. We have to keep the same faces in there to develop that level of trust. Unfortunately in the past we have not been able to do that. Like I say, I think that's very beneficial to the relationship that we have today.

Senator TESTER. Steve, do you have any other questions?

Congressman DAINES. No.

Senator TESTER. Well, I would just like to, once again, thank you all. If there are additional questions that either Congressman Daines or myself have, we will forward them on to you and hopefully we can get a response. And for the ones that did not get answered today, I would sure appreciate responses on those. With that, I will turn it back to Congressman Daines for his closing remarks.

Congressman DAINES. Sure. Well, I want to thank all of the panelists today, witnesses, for your thoughtful testimony, as well as replies to the questions. I want to thank Senator Tester as well. I really appreciate him setting this up and allowing us to be here together as Montanans to deal with very important issues: Securing our Northern border.

It is also refreshing to have a field hearing right here in Havre instead of the normal hearing setting back in Washington, DC, where, first of all, it is a lot more humid, Senator, I will tell you that. But just the clarity to see the issues here. We talk to people here who it is boots on the ground, and it is refreshing to get that perspective.

A couple of takeaways I see here, too, certainly there's opportunities in terms of how we measure what a secure border means. They say you get what you inspect versus what you expect, and figuring how we quantify that.

Debbie's comments on the opportunities in the commerce struck me as well. The upside, they are getting the hours sorted out, as well as working these regulations of 14 permits. We have to figure out what is going on there, instead of maybe four permits 4 years ago. But just thank you for these. It is going to help me do my job better back in Washington representing this State and the border north here in Montana. Thanks, Senator Tester.

Senator TESTER. Thank you, Congressman Daines. I very much appreciate your participation in this hearing too.

And before I get into my closing remarks, there's one thing I was going to say. Chief Richards, the issue of trains came up, Congressman Daines brought it up. But I very much appreciate your proactivity on this issue. I think that it is an area that needed to be addressed. And I appreciate you stepping up to the plate and readdressing that issue.

We have covered a fair amount of ground here today. There's some challenges on our Northern border. There's no ifs, ands, or

butts about that. I think if here's one major takeaway about it, the better that we can work together, the better we can communicate together, the better job we are going to be able to do in meeting the needs of the citizenry of this great country.

This is an issue, by the way, that there should be no politics. Oftentimes there is, but there should not be. We have heard politics talked today. But the bottom line is, if we can get a partnership of elected officials and a partnership of agency folks, along with a partnership of folks from local government, I think we can do the best job that we have possibly done. And I think you guys are well on the road.

I think back to the hearing that we had 5 years ago I believe here. And there was a different response at that hearing, entirely different response. So I applaud the folks who testified and the different agencies that are here today that did not get a chance to testify for their willingness to step up, put turf aside as much as possible, and work together for the betterment of security of that border. Continue to work with Congressman Daines on this issue, and Senator Baucus, and our Governor Bullock, and the witnesses who testified here today to make sure that these issues are addressed as we move forward.

The hearing record will remain open until July 29 for any additional comments that might be submitted for the record. And with that, we will adjourn this hearing.

A P P E N D I X

DON BROSTROM, SHERIFF
JAMIESON T. ROSS, UNDERSHERIFF

HILL COUNTY
SHERIFF'S OFFICE

P.O. Box 176
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Senator Tester, Congressman Daines, good afternoon. I would like to thank you for allowing me the opportunity to speak at this hearing; it is indeed an honor to appear before you today.

Hill County is primarily a rural agricultural county located in north central Montana comprised of approximately 2,900 square miles, with a population of just over 16,000. The terrain is extremely rugged, ranging from glaciated plains to steep sloping hills. Weather can range from highs of over 100 degrees during summer months, to lows that are 30 degrees or more below zero. Weather in this area is extremely variable and can change drastically in a very short period of time. These types of conditions, coupled with a large response area affects not only law enforcements response to specific calls for service but seriously impacts regular patrol capabilities, especially throughout the majority of winter and spring seasons. These factors clearly indicate the need for a cooperative and collaborative approach by law enforcement to keep the community safe and the border secure.

Many years ago when I began my career in law enforcement, I can recall needing backup on a serious call or perhaps a cover unit on a traffic stop. I also recall many times when I requested such assistance, it was in the form of one of the local Border Patrol agents. Being from a small law enforcement agency we didn't always have the luxury of multiple officers on shift; many times you were the only deputy on duty, or your backup was on the alternate end of the county, sometimes 50 miles or more away. I can tell you it was a huge relief to look over your shoulder and see one of the Border Patrol agents arrive to assist.

Our local Border Patrol agents provide a high degree of training and skill sets, which they are always open to sharing with local law enforcement. Many years ago several agents provided training in sign cutting and man tracking. Months later this training allowed me to arrest a subject who had committed numerous residential burglaries and thefts near the Wildhorse Port of Entry. Without this training and the individual assistance of local agents, this crime may have gone unsolved.

Now, nearly 25 years later there have been numerous changes at both agencies. New leadership, new facilities, additional staff and growing responsibilities. However, even with these changes the situation is largely the same as it was 25 years ago. My deputies still work hand in hand with local Border Patrol agents.

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They provide backup on calls when needed and provide training when requested. Border Patrol agents participate in countless local committees including the Local Emergency Planning Committee and the local Drug Task Force. Border Patrol agents participated in and were instrumental during a May 2011 interoperable communications exercise held in Hill County. Air wing personnel have assisted my office in criminal incidents as well as on search and rescue missions.

Over the past several years, the Hill County Sheriff's Office has been fortunate to receive "Operation Stonegarden" funding, which allows local law enforcement to be used as a force multiplier for federal authorities along the border. This collaborative effort has been successful as it allows the Border Patrol to direct local law enforcement to a specific site or location that for them may be problematic. It is also a tremendous benefit to Hill County as the added patrols allow more interaction with rural residents and provides us the ability to be more proactive in our law enforcement approach. This increase in proactive patrolling has led to a decrease in rural criminal activity, specifically residential burglaries and thefts.

Operation Stonegarden funding has also allowed the Hill County Sheriff's Office the ability to purchase specialty equipment that local budgets wouldn't have permitted. This equipment is not only key to Stonegarden operations but also provides a higher level of officer safety. As an example, we were recently awarded Stonegarden funding that will permit the purchase of global positioning systems software and devices for our current portable radios. This will allow us to provide precise GPS data to the Border Patrol during an incident, or emergency landing zone coordinates for a medical emergency during a Stonegarden operation. None of this software or equipment would be possible without this funding.

In closing I feel the most important aspect to protecting our northern border is simple communication. From this hearing today, to formal quarterly meetings, to a simple cup of coffee, communication is key to our overall success. While funding and technology play major roles now as well as in the future, I believe we need to keep our lines of communication open. Our federal partners need to keep us informed of their plans and objectives. Local law enforcement needs to ensure we reciprocate and keep our federal partners informed of issues and concerns, which impact local law enforcement. When this circle of communication is complete the end result is a more effective use of federal and local resources. We always have, and must continue to work side by side to ensure the safety of our nation, our state and our local communities.

Thank you.

Written Testimony of Nathan Burr, Havre Sector Vice President

National Border Patrol Council

**Submitted to the Subcommittee on the Efficiency and Effectiveness of Federal Programs and
the Federal Workforce**

July 12, 2013

On behalf of the National Border Patrol Council, the union representing U.S. Border Patrol Agents, we request that this statement be included in the hearing record for the field hearing titled "Protecting Our Northern Border: Enhancing Collaboration And Building Local Partnerships."

I've been asked to address the Border Patrol's role in securing the Northern Border. The Border Patrol is responsible for providing security in between the Ports of Entry along the entire length of our nation's borders. During hours that the ports are closed we are responsible for their security as well. In short, our role is the role. When it comes to the security of our nation's borders it all begins and ends with the U.S. Border Patrol. As it should. We are the subject matter experts. We are the ones that know every hill and coulee, every nook and cranny, and every two track and turkey trail in our area of responsibility. There has been some confusion on this subject since we were taken over by Customs and Border Protection. We are no longer responsible for "interior enforcement," as we were in the past. That responsibility falls on Immigration and Customs Enforcement now.

For the most part all of our resources and focus is on guarding this nation's borders. The problem that we have is that our meager pool of resources is becoming very shallow. The combination of the Border Patrol's last congressionally mandated mass hiring, and the current budgetary crises, has left many areas drastically underfunded. Fuel and vehicle maintenance funding are two of the more apparent areas. Within my local many stations saw increases in manpower of four hundred percent or more. I was told that these stations saw a corresponding increase in their fuel budget of roughly three percent. This has put many stations in a position where agents are allotted less than ten gallons of fuel for a shift. My station, the Havre Station, is responsible for over one hundred miles of border. The eastern and western edges of our area are over seventy five miles from the station. In spite of our dedication and best efforts it's very difficult to adequately perform our duties without the proper resources.

An additional resource based problem that we have is that of radio dispatchers. There is currently a hiring freeze on all of those positions. The Havre Sector radio room has been short staffed for years. There have been recent retirements and there are more on the horizon. Due to budgetary constraints there is no way to backfill these positions. This puts us in a position where Border Patrol Agents are having to man the radios instead of patrol the border.

While the Border Patrol is focusing all of its resources on securing the border, the impact of that is diluted by not having the necessary resources to send.

In regards to inter-agency cooperation at the federal level, in my experience our collaboration and relations with other federal agencies is functional, but strained. If it wasn't strained bills, like H.R. 1505 wouldn't be necessary. For those that don't remember, H.R. 1505 was a bill prohibiting the

Department of Interior and Department of Agriculture from impeding Border Patrol operations. That was a major issue in my former station of Ajo, Arizona, where we spent a good deal of time patrolling both the Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge.

Complete inter-agency collaboration is subdued, if not completely thwarted, by insecurity and fear. Most agencies are actually far more concerned with protecting their territory than they are with accomplishing their duty. They may be unable or unwilling to perform a specific duty, but they react very strongly if another agency takes care of it for them. In my experience this is doubly true of any agency dealing with either immigration or border security. The relationship between I.C.E. and the Border Patrol is a perfect example of this in regards to the issues of "interior enforcement," and "worksites enforcement." One of my first lessons upon transferring to the Havre Station was to never engage in worksite enforcement. In 2008 we received a citizen's report of possible illegal aliens working on a local resident's driveway. They were employees of an asphalt crew from Great Falls, Montana. An agent responded and arrested several individuals. I was told that Havre Sector received a call from the Great Falls I.C.E. office the next morning, and that they were quite irate about Havre Border Patrol Agents conducting "worksites enforcement." Being young and naïve I asked what the issue was. I was informed that the fact that we were responding to a citizen's complaint was the only thing that kept us out of trouble. I was also instructed that I should come up with ways to encounter suspected illegal aliens at locations other than their place of work. I feel very strongly that attitudes like this are counterproductive and have no place in law enforcement. They are not in keeping with the behavior of a professional law enforcement agency.

This entire situation could easily be fixed by giving the Border Patrol and I.C.E. overlapping jurisdictions in enforcing immigration laws in regards to this nation's interior and in the workplace. There would be no cost associated with this and it would require no training, as Border Patrol Agents are well trained in immigration law and are fully authorized to enforce all laws associated with violations of the Immigration and Nationality Act. Put immigration enforcement back in the hands of immigration officers that are willing and able to do the job.

One of the greatest problems that the Border Patrol faces in regards to collaboration and partnership with other entities, particularly local law enforcement entities, is that of perception. Much to the chagrin of most agents, the Border Patrol itself is an intensely political animal. In my nine years of service I have seen partnerships in two states develop and collapse based on the direction and strength of the political winds. The Havre Station's Amtrak check is a great example of this. When I arrived at the Havre Station in May of 2008 we hadn't been allowed to check the train for quite some time. This was a result of the Border Patrol previously being sued by the ACLU when Havre Agents had arrested an out of status alien from Iraq. The Border Patrol's response to this, was to immediately cease all train check operations in Havre. A few months after my arrival we started checking the train again, albeit sporadically. In January of 2010, The Havre Station stood up a dedicated train check unit, of which I was a part. We checked the trains every day, and our apprehension numbers skyrocketed. During this time we also interrupted multiple attempts at smuggling narcotics, and we thwarted the theft of nearly \$100,000 worth of camera equipment from a Seattle area store. We continued checking the train in this manner, with or without a dedicated train check unit, until the fall of 2011 when the Border Patrol and the Havre Sector caved in to mounting political pressure, and ended our train check operations.

During the time that we were dedicated to checking the train I watched a tremendous number of partnerships develop. A ticket agent in Portland would call me when someone he thought was

suspicious would board the train. The ticket agent was given our phone number and told to call us by an Amtrak Police Officer that we had built a relationship with. Car attendants and conductors would tip us off to suspicious behavior of passengers on the train. Several arrests were made due to these relationships. When we were forced to cease train check operations those relationships withered and died. The previous level of cooperation is now gone. People generally don't understand the nature of the political waters that we tread. They don't understand why we are no longer there, they only know that we aren't there for them now. They feel that they have been abandoned. No amount of rhetoric will heal that wound. We have to start over from ground zero and rebuild those relationships. This takes time and slows our progress towards a more secure border.

The effects of border security and the Border Patrol on our local communities can be enormous. The obvious first effect is the increased law enforcement presence in our communities. We back up local officers on stops. We help provide K9 support, and even air support when possible. From an enforcement stand point the Border Patrol brings some very valuable assets with it.

The economic impact of having Border Patrol Agents in small border communities is obvious. Many of us prefer to shop locally, even if it means paying a little extra, because we believe in supporting the communities that support us. We also require vehicles, ATVs, Snowmobiles, and other equipment to perform our duties. All of those service vehicles require fuel and maintenance. If there are enough vehicles in the fleet, they may require enough maintenance for the local garage to need to hire another mechanic.

The majority of us have families. That leads to schools benefiting from increased enrollment. Havre Public Schools had to hire extra staff in order to accommodate the increased enrollment in Kindergarten two years ago. Many of us had children in that class. Increased enrollment leads to increased funding, and that can lead to a potential increase in the quality of education that all of our children get. In addition to the benefit to the schools, local youth sports and youth organizations benefit as well. Many of these organizations will also benefit from agents being coaches and leaders for their organization.

Many charities also benefit from having a Border Patrol presence in their communities. Last year, in Havre, a Border Patrol Agent's wife organized a barbecue cook-off. The event was designed to raise money for the local soup kitchen and a church charity. Although there were only four teams competing they raised over \$500 for those charities. Of those four teams three were made up of local Border Patrol Agents. This is one example in addition to all of the other major charitable events that Border Patrol agents take part in throughout the country.

In closing I thank you for the opportunity to address you today, and look forward to answering any questions that you may have.

Debbie Vandenberg
Executive Director
Senate Homeland Security Subcommittee on the Efficiency and Effectiveness of Federal
Programs and the Federal Workforce
Hearing July 12, 2013

Thank you Senator Tester and Congressman Daines for inviting me to be a part of this hearing today representing business. I am honored. As the testimony we give today is related to protecting our northern border, a safe border is key to developing economy through trade, tourism and business.

I. Commerce (trade/exports) –

exports bring new money to Montana!

Canada & U.S. – enjoy one of the most prosperous relationships in the world with a huge volume of bilateral trade taking place each year.

- Billions of dollars are traded each year.
- Thousands of travelers cross the border a day.

Montana and Canada have a profitable trade relationship.

- Canada is Montana's most important export destination; purchasing more from Montana than all other countries.
- Top exports include: paper board, autos, electric, generators, crude petroleum, plywood.

Challenges: 60% of this trade moved by trucks.

- This leads to road infrastructure needs and improvements.
- Inconsistent hours at the Wild Horse Port leads to truckers not using Wild Horse.
- Permitting forms have gone from 4 to 14. 72 hours port notification must be gotten and when the broker process breaks down this means delays.
- Delays affect and limit commerce driving cost of goods higher.
- "When a door is not open it is hard to do business."

Alberta & Saskatchewan are growing economies and we are perfectly positioned to benefit. Any barriers on imports and exports between Canada and U.S. need to be removed. Efficiency at the ports will only help to increase trade.

II. Tourism

Montana – In 2012 non-residents – visitors – spent \$3.2 billion. Top categories: retail, hotel, restaurants, gas and groceries is a growing category.

Havre area 2001/2002 – (ITTR) Institute for Recreation Research

- A sample survey of non-residents(4,500). Results showed tourism was a \$12 million economy for Hill County.
- A similar sample survey was done in 2010 resulting in information that tourism had grown to a \$20 plus industry for Hill County. Top categories mirrored Montana's: retail, hotel, gas and restaurant – grocery sales is a growing area.

To drill down further - MTOT/ITTR reported that Canadians in 2011 spent an estimated \$210 million in Montana.

- 28% of the nights were spent in Central Montana.
- 65% of visitors came from Alberta.

Knowing this, the Havre Chamber's Tourism Committee and TBID developed an aggressive marketing plan focused to Alberta year round with some marketing into southern Saskatchewan.

The marketing plan included:

- Partnerships with MTOT – Central Montana Tourism
- Print media ad along with web based media – website and social media placements on Face Book.
- Special inserts to Medicine Hat newspaper done quarterly by Havre Daily News

As mentioned retail being one of the larger categories for expenditures – our local businesses have benefited greatly from the favorable exchange rate for Canadians!

Some businesses reported in two Chamber survey – their business is 25%, 30% to 50% Canadian sales.

Challenges/Opportunities

- Consistent hours at the border with them being extended year around. Inconsistency has the ability to affect business.
- Completing the transaction – cash, debit cards. Soon we will match with the Euro Chip making international shopping easier. The Chamber facilitated workshops to inform and educate businesses (Canada Certified). Canadians use debit cards.

Canadian visitors are important to the health and vibrancy of the area's retail economy whether they come from Medicine Hat, Lethbridge or town in Saskatchewan and whether they come to shop, stay or play in Havre. They bring a high household income of more than \$91,000 per year. And, a keen desire to spend.

All of this cross border commerce (trade/exports, tourism & retail) is simply too great to ignore.

III. Education

This area is also affected when consistent hours are not in place at the Wild Horse border crossing.

Northern has the potential to recruit students to MSU-Northern but when students can't return home after class.... the decision not attend Northern comes into play.



U.S. Immigration and Customs Enforcement

STATEMENT

OF

KUMAR C. KIBBLE
SPECIAL AGENT IN CHARGE
HOMELAND SECURITY INVESTIGATIONS DENVER

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

“PROTECTING OUR NORTHERN BORDER:
ENHANCING COLLABORATION AND BUILDING LOCAL PARTNERSHIPS”

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS
OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE

Friday, July 12, 2013 – 1:00 p.m.

Havre, Montana

Introduction

Chairman Tester and Congressman Daines:

On behalf of Secretary Napolitano and Director Morton, thank you for the opportunity to appear before you today to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to improve security along the Northern Border of the United States.

ICE employs a multi-layered law enforcement approach to Northern Border security based on an understanding that our geographic boundary with Canada is only one piece of the criminal continuum – it is neither the starting point nor the final destination of cross-border criminal activity. In fact, this illicit activity is often rooted in interior cities, as well as in smaller communities throughout the United States. It is in these communities where the vast profits are generated that sustain the operations of transnational criminal organizations (TCOs), and where ICE succeeds on a daily basis, together with our interagency partners, in disrupting and dismantling the entire smuggling enterprise.

As the principal investigative agency within the U.S. Department of Homeland Security (DHS), ICE is positioned to leverage its broad statutory authority to support border enforcement by working in close coordination with other DHS components and U.S. interagency partners, as well as our counterparts in Canadian law enforcement to target the illicit pathways and organizations that produce, transport, and distribute contraband. ICE applies a full range of innovative investigative and enforcement techniques, including leading and participating in joint U.S. - Canadian task forces, undercover operations, controlled deliveries, asset identification and removal, the use of well-placed confidential informants, and Title III electronic intercepts to identify TCOs and disrupt their ability to operate.

ICE continues to disrupt cross-border criminal activity systematically at all stages and, through effective cooperation and collaboration with our federal, state, local, tribal, and international law enforcement partners, we are making it increasingly difficult for TCOs and other criminals to operate.

ICE Assets along the Northern Border

Over the past several years, DHS has made critical security improvements along the Northern Border by investing in additional personnel, technology, and infrastructure. ICE currently has approximately 1,300 Homeland Security Investigations (HSI) Special Agents and 130 intelligence research specialists operating out of several ICE offices with responsibility for Northern Border states. Many of these agents and analysts are stationed at our various sub-offices located either on or in proximity to the Northern Border. HSI employs more than 6,000 Special Agents in communities throughout the country who work tirelessly to detect, disrupt, and dismantle TCOs engaged in the smuggling of people, narcotics, bulk cash, weapons, and weapons-related components across our borders.

In fiscal year (FY) 2012, HSI's seven Special Agent in Charge offices covering the Northern Border, often in joint or cooperative investigations with federal, state, local, tribal and Canadian law enforcement, seized a combined total of more than \$83 million in cash and monetary instruments, nearly 67,313 pounds of marijuana, 1,958 pounds of cocaine, 385 pounds of ecstasy, 544 pounds of heroin, 535 pounds of methamphetamine, 1,355 weapons and firearms, 84,438 rounds of ammunition, and 132,763 weapon components. HSI Special Agents made approximately 5,743 criminal arrests resulting in 4,172 indictments, and 3,734 convictions.

These statistics reflect the impact of our coordinated law enforcement investments and investigations along the Northern Border.

Additionally, HSI maintains the largest investigative footprint of any U.S. law enforcement agency in Canada with four Attaché and Assistant Attaché offices (Ottawa, Vancouver, Toronto, and Montreal) that enhance national security by conducting investigations involving TCOs and serving as the agency's liaison to our interagency partners and counterparts in local government and law enforcement. In Montreal, HSI operates a Visa Security Unit (VSU) to complement traditional screening by providing an additional level of review of visa applications of special interest persons before they enter the United States. VSUs work cooperatively with the U.S. Department of State and other partners to prevent terrorists, criminals, and other ineligible applicants from receiving visas issued by the United States.

Northern Border Partnerships

A crucial aspect of our approach to Northern Border security is our partnerships with our colleagues across DHS agencies, as well as with federal, state, county, local, tribal, and foreign agencies. These partnerships are essential to joint operations and information sharing along the Northern Border and beyond, and are conducted in the spirit of the President and the Prime Minister's "Beyond the Border" initiative which seeks to promote integrated cross-border law enforcement. Collectively, these agencies possess a unique understanding of the threats, risks, and vulnerabilities along the Northern Border that enhance our ability to deter, disrupt, and investigate illegal cross-border activity.

ICE is also an active participant in the Canada – United States Cross Border Crime Forum (CBCF). The CBCF meets annually, with smaller working-level meetings throughout the

year, bringing together more than 100 senior law enforcement officials and prosecutors from Canada and the United States to address cross-border issues, including counterterrorism cooperation, mass-marketing fraud, interoperability of our respective law enforcement agencies along the border, and combating organized crime. Currently, the CBCF takes the lead on integrated cross-border law enforcement and cross-border undercover operations, and will have a leading role in implementing the Beyond the Border Action Plan. In addition, we have taken a number of steps to better integrate domestic Northern Border enforcement efforts. For instance, ICE and U.S. Customs and Border Protection's (CBP) U.S. Border Patrol leadership meet on a regular basis along with leaders of other DHS components to discuss areas of mutual concern.

In addition, ICE plays a lead role in the implementation of the 2012 *National Northern Border Counternarcotics Strategy*. The *Strategy* emphasizes federal engagement with state, local, and tribal law enforcement in a genuine partnership to enable the nation to address the threat of counternarcotics trafficking across the Northern Border in a comprehensive manner.

Border Enforcement Security Task Force

HSI's flagship task force program, the Border Enforcement Security Task Force (BEST), was created in 2005 as a mechanism to address the threat of cross-border crime. BEST provides a proven and flexible platform from which DHS investigates and targets transnational criminal organizations that attempt to exploit perceived vulnerabilities at our nation's borders. BEST units differ from other task forces due to the BEST units' proximity to the borders, and in the program's focus on cross-border criminal activity. In 2007, ICE began to deploy BEST units along the Northern Border. Congress codified the establishment of the program by passing the Jaime Zapata Border Enforcement Security Task Force Act, which was signed into law by

President Obama in December 2012. Currently, there are four BEST units operating along the Northern Border: Blaine, Washington; Detroit, Michigan; Buffalo, New York; and Massena, New York.

One significant advantage of the BEST task force model is the participation and integration of foreign law enforcement personnel to address criminal activity on both sides of the border. On the Northern Border, Canadian law enforcement participation includes representatives from the Royal Canadian Mounted Police, the Canada Border Services Agency, the Ontario Provincial Police, the Niagara Regional Police Service, the Windsor Police Service, the Peel Regional Police Service, the Akwesasne Mohawk Tribal Police, the Toronto Police Service, and the Police Nationale du Québec Sûreté (Quebec Provincial Police).

In addition to our Canadian partners, we receive the support and participation of our partner U.S. law enforcement agencies including: CBP; the U.S. Coast Guard; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration; and other federal, state and local law enforcement agencies. These task forces enable United States and Canadian law enforcement agencies to identify threats, address vulnerabilities, and identify, investigate, disrupt, and dismantle TCOs in a cohesive and coordinated environment.

In addition, pursuant to Title 19 of the United States Code, ICE designates United States and Canadian law enforcement officers as customs officers (excepted) to enforce customs laws in the United States, thereby overcoming the jurisdictional restrictions of the physical border. These officers and agents participate on task forces and conduct joint investigations that enhance law enforcement's ability to disrupt and dismantle threats to our borders.

Illicit Pathways Attack Strategy

In 2011, ICE developed the Illicit Pathways Attack Strategy (IPAS). IPAS supports the Administration's Strategy to Combat Transnational Organized Crime, an initiative launched in July 2011, which seeks to integrate federal resources in order to combat transnational organized crime and related threats to national security and public safety while urging foreign partners to do the same.

As a key part of this effort, IPAS is working to identify and dismantle high-risk smuggling and trafficking routes, pathways, and integrated networks that support transnational organized crime. IPAS initially focused on combating human smuggling and has now expanded to illicit finance, and counter-proliferation threats. IPAS is a coordinated strategy to identify illicit pathways and attack criminal networks at multiple locations along the illicit travel continuum. The concept involves:

- Attacking criminal networks within and beyond our borders;
- Prioritizing networks and pathways that pose the greatest threats;
- Participating in and facilitating robust interagency engagement; and
- Pursuing a coordinated, regional approach that leverages foreign partners.

Our first IPAS focused on high-risk human smuggling in the Western Hemisphere to identify and target human smuggling organizations and their pathways across the globe. ICE plays a key role in investigating human smuggling and this core mission function has a direct impact on national security, public safety, and human dignity.

IPAS combines traditional law enforcement investigations and prosecutions with a holistic government effort to overtly disrupt and deter the underlying criminal activity. Our experience has shown that if we simply try to disrupt criminal activity by focusing law

enforcement action in one geographic area, criminal organizations will quickly adapt and shift to an area where detection or interdiction by law enforcement is less likely. ICE seeks not only to stop individual criminals, but to reduce overall criminal activity by disrupting and dismantling the entire criminal enterprise.

Conclusion

ICE investigative and intelligence personnel are working tirelessly in coordination with DHS and our interagency counterparts, as well as with our Canadian colleagues, to identify, disrupt and dismantle TCOs that subvert the rule of law, violate our immigration and customs laws, destabilize our communities, and threaten national security. ICE commits substantial resources to securing the Northern Border, and our considerable efforts are part of a comprehensive strategy that focuses on securing the border, dismantling the infrastructure that supports cross-border criminal activity, and identifying and seizing the illicit profits from these crimes. We are dedicated and committed to this mission, and we look forward to continuing to work with Congress on these efforts.

Thank you again for the opportunity to appear before you today. I would be pleased to answer any questions.

