

TESTIMONY OF

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BEFORE

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Introduction

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

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

Overview of Border Security Efforts

Over the past two years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources to the Southwest border. We have more than doubled the size of the Border Patrol since 2004; quintupled the number of Border Liaison Officers working with their Mexican counterparts; doubled personnel assigned to Border Enforcement Security Task Forces; and began screening southbound rail and vehicle traffic for the illegal weapons and cash that are helping fuel the cartel violence in Mexico. CBP also received approval from the U.S. Department of Transportation's Federal Aviation Administration to increase the miles of airspace available for Unmanned Aircraft System (UAS) operations, enabling CBP to deploy UASs from the eastern tip of California extending east across the border into Texas – covering the entire Southwest border for the first time. Further, in January of this year, CBP's operational airspace along the Northern border expanded by nearly 900 miles, allowing CBP UAS operations from the Lake-of-the-Woods region in Minnesota, to the vicinity of Spokane, Washington.

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

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

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

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

Additionally, we are continuing to work with Mexico to develop an interoperable, cross-border communications network that will improve our ability to coordinate law enforcement and public safety issues.

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

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

An example of our collaborative efforts along the Southwest border is the Alliance to Combat Transnational Threats (ACTT) in Arizona. ACTT utilizes a collaborative enforcement approach that leverages the capabilities and resources of the Department of Homeland Security in partnership with more than 70 law enforcement agencies in Arizona and the Government of Mexico to deter, disrupt, and interdict individuals and criminal organizations that pose a threat to the United States. Through ACTT, we work with our federal, state, local, and tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing;

and develop coordinated operational plans that strategically leverage the unique missions, capabilities and jurisdictions of each participating agency.

Results

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

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

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

Targeted Enforcement

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

Streamline is a consequence-based prosecution program designed to help CBP in its efforts by conducting focused criminal prosecutions of selected aliens within a defined geographic enforcement areas. ATEP is an ongoing program which moves Mexican nationals apprehended in one Border Patrol Sector to another Sector before removing them to Mexico. ATEP breaks the smuggling cycle by physically separating aliens from the smuggling organizations that will repeatedly attempt to bring guide them into this country. ATEP was initiated in the San Diego, Yuma and El Centro Sectors in February 2008 and has since expanded to the Tucson and El Paso Sectors. In FY11, as of February 2, 18,257 apprehensions have been transferred as part of ATEP, and only 3,558 subjects have been encountered after illegally re-entering the United States – less than 24 percent. MIRP is a joint CBP and ICE initiative established in coordination with the Government of Mexico under which aliens apprehended in high risk areas of the Sonora

Desert are voluntarily repatriated to the interior of Mexico. OASISS is a bi-national effort designed to coordinate prosecution of alien smugglers in the Mexican judicial system.

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

Conclusion

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

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

I look forward to answering your questions at this time.