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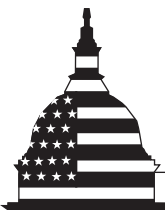
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## **BORDER SECURITY**

# **DHS Progress and Challenges in Securing the U.S. Southwest and Northern Borders**

Statement of Richard M. Stana, Director  
Homeland Security and Justice Issues



**G A O**

Accountability \* Integrity \* Reliability

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## Why GAO Did This Study

As part of its mission, the Department of Homeland Security (DHS), through its U.S. Customs and Border Protection (CBP) component, is to secure U.S. borders against threats of terrorism; the smuggling of drugs, humans, and other contraband; and illegal migration. At the end of fiscal year 2010, DHS investments in border security had grown to \$11.9 billion and included more than 40,000 personnel. To secure the border, DHS coordinates with federal, state, local, tribal, and Canadian partners. This testimony addresses DHS (1) capabilities to enforce security at or near the border, (2) interagency coordination and oversight of information sharing and enforcement efforts, and (3) management of technology programs. This testimony is based on related GAO work from 2007 to the present and selected updates made in February and March 2011. For the updates, GAO obtained information on CBP performance measures and interviewed relevant officials.

## What GAO Recommends

GAO is not making any new recommendations in this testimony. However, GAO has previously made recommendations to DHS to strengthen border security, including enhancing measures to protect against the entry of terrorists, inadmissible aliens, and contraband; improving interagency coordination; and strengthening technology acquisition and deployment plans. DHS generally concurred with these recommendations and has actions underway or planned in response.

View [GAO-11-508T](#) or key components. For more information, contact Richard M. Stana at (202) 512-8777 or [StanaR@gao.gov](mailto:StanaR@gao.gov).

## BORDER SECURITY

### DHS Progress and Challenges in Securing the U.S. Southwest and Northern Borders

## What GAO Found

CBP significantly increased personnel and resources for border security at and between the ports of entry (POE), and reported some success in interdicting illegal cross-border activity; however, weaknesses remain. At the POEs, for example, CBP reported that deployment of imaging technology to detect stowaways or cargo had increased seizures of drugs and other contraband, and between the POEs, increased staffing, border fencing, and technology have resulted in some success in reducing the volume of illegal migration and increasing drug seizures. However, as GAO reported from 2007 through 2011, weaknesses in POE traveler inspection procedures and infrastructure increased the potential that dangerous people and illegal goods could enter the country; and that currency and firearms could leave the country and finance drug trafficking organizations and sponsors of terrorism. CBP used a performance measure to reflect results of its overall border enforcement efforts, which showed few land border miles where they have the capability to deter or apprehend illegal activity at the immediate border in fiscal year 2010. DHS is developing a new methodology and performance measures for border security and plans to implement them in fiscal year 2012.

As GAO reported in 2010, federal, state, local, tribal, and Canadian law enforcement partners reported improved DHS coordination to secure the border, but critical gaps exist. For example, interagency forums helped in establishing a common understanding of border security threats, while joint operations helped to achieve an integrated and effective law enforcement response. However, significant gaps remained in sharing information and resources useful for operations, such as daily patrols in vulnerable areas, like National Parks and Forests. As GAO reported, and made related recommendations, improved coordination provides opportunity to enhance border security efforts on the southwest and northern borders, including those to deter alien smuggling.

CBP's Border Patrol component is moving ahead with a new technology deployment plan to secure the border, but cost and operational effectiveness and suitability are not yet clear. In January 2011, the Secretary of Homeland Security announced a new direction to deploying technology to assist in securing the border. The decision ended the Secure Border Initiative Network technology program—one part of a multiyear, multibillion dollar effort aimed at securing the border through technology such as radar, sensors, and cameras and infrastructure such as fencing. Under a new plan, called Alternative (Southwest) Border Technology, Border Patrol is to develop terrain- and population-based solutions using existing proven technology, such as camera-based surveillance systems. However, the analysis DHS performed to arrive at an appropriate mix of technology in its new plan raises questions. For example, the analysis cited a range of uncertainties in costs and effectiveness, with no clear-cut cost effective technology alternative among those considered, as GAO reported in preliminary observations in March 2011. GAO will continue to assess this issue and report its results later this year.

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Chairman Lieberman, Ranking Member Collins, and Members of the Committee:

I am pleased to be here today to address the Department of Homeland Security's (DHS) efforts to secure U.S. land borders with Mexico and Canada against threats of terrorism; the smuggling of drugs, humans, and other contraband; and illegal migration since the terrorist attacks of September 11, 2001 (9/11). At the end of fiscal year 2004, the first full year DHS existed as an agency, it had about 10,500 agents assigned to patrol the U.S. land borders and about 17,600 officers inspecting travelers at air, land, and sea ports of entry (POE),<sup>1</sup> amounting to a total of about \$5.9 billion (for personnel, infrastructure, and technology) that had been appropriated to secure the entire U.S. border.<sup>2</sup> At the end of fiscal year 2010, both the number of personnel and amount of resources dedicated to border security had significantly increased, with almost 20,000 agents assigned to patrol the U.S. land borders and 20,600 officers assigned to air, land, and sea ports of entry, amounting to about \$11.9 billion appropriated to secure the entire U.S. border (for personnel, infrastructure, and technology).<sup>3</sup> DHS has also reported that about \$4.4 billion has been invested since fiscal year 2006 in border technology and infrastructure under the Secure Border Initiative (SBI) program—a multiyear, multibillion dollar effort to help secure U.S. borders using a mix of radars, sensors, and cameras (called SBI Network, or SBI-net) along with border fencing, roads, and lighting.

DHS reported that the increased resources have resulted in fewer numbers of apprehensions, and that this stronger enforcement presence was one of several reasons fewer people were attempting to illegally cross the border. However, challenges remain at and between the POEs as DHS data show that several hundred thousand violators enter the country illegally and undetected through the nation's POEs and several hundred thousand

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<sup>1</sup>POEs are the facilities that provide for the controlled entry into or departure from the United States for persons and materials. Specifically, a POE is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws.

<sup>2</sup>The number of border agents includes only those assigned to northern and southwest border sectors. The number of officers assigned to POEs does not include those performing trade or agricultural inspections. The \$5.9 billion includes all funds appropriated to DHS for border security in fiscal year 2004.

<sup>3</sup>The \$11.9 billion is the amount of funds DHS reported as appropriated for border security for fiscal year 2010.

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persons illegally cross the border between the POEs. DHS also remains challenged to stem the increasing threat from smuggling of drugs, firearms, and currency which Mexican drug-trafficking organizations, terrorist organizations, and other groups use with malevolent intent. Overall, DHS reported achieving an acceptable level of border control across less than half of the southwest border and less than 2 percent of the northern border during fiscal year 2010.<sup>4</sup> DHS is in the process of developing a new methodology and performance measures for assessing border security and it expects to complete this effort by fiscal year 2012.

DHS's efforts to secure the border at and between the POEs are the primary responsibility of the U.S. Customs and Border Protection's (CBP) Office of Field Operations (OFO) and Office of Border Patrol (Border Patrol) components, respectively. OFO is responsible for processing the flow of people and goods that enter the country through air, land, and sea POEs where CBP officers inspect travelers and goods to determine whether they may be legally admitted into the country. Border Patrol works to prevent the illegal entry of persons and contraband into the United States between the ports of entry using a "defense-in-depth" approach to border security operations that provides for layers of agents who operate not only at the border, but also in key enforcement zones, such as at traffic checkpoints located 25 miles or more from the border on U.S. roads. Other DHS components also play a role. DHS' U.S. Immigration and Customs Enforcement (ICE) is responsible for investigating cross-border illegal activity and criminal organizations that transport persons and goods across the border. On the northern border, DHS' U.S. Coast Guard executes its maritime security mission on and over major waterways, including the Great Lakes, using marine and air assets. For all borders, CBP's Office of Air and Marine operates a fleet of air and marine assets in support of federal border security efforts. Other federal, state, local, and tribal law enforcement agencies also expend resources for border security. DHS has established various memoranda of understanding and agreement across these multiple levels of government to enhance information sharing and achieve an integrated response among law enforcement agencies operating in common geographic areas.

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<sup>4</sup>According to Border Patrol, an acceptable level of border control is established when it has the capability (i.e., resources) to deter or detect and apprehend incursions at the immediate border or after entry.

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Over the years, we have reviewed a variety of DHS border security programs and operations and issued a number of reports. Today I will discuss some of the key issues from these reports as well as recommendations we have made in the following areas:

- (1) DHS capabilities to enforce border security at or near the border,
- (2) DHS interagency coordination and oversight of border security information-sharing and enforcement efforts, and
- (3) DHS management of technology programs.

My statement today is based on our body of work from 2007 to the present that examined DHS efforts to secure the U.S. border (see Related GAO Products at the end of this statement), with selected updates in February and March 2011. Our reports and testimonies incorporated information we obtained and analyzed from officials from various components of DHS, the Department of Justice (DOJ), the Department of Interior (DOI), the Department of Agriculture (USDA), state and local law enforcement agencies, and Canadian law enforcement agencies responsible for border security at and between the ports of entry along the southwest and northern borders. For the updates, we obtained information on CBP's performance measures for POEs and interviewed CBP officials regarding changes in performance goals for detecting illegal entries at land border POEs. More detailed information about our scope and methodology, including data reliability, can be found in our reports and testimonies. Our work was conducted in accordance with generally accepted government auditing standards.

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## CBP Reported Some Success in Stemming Illegal Activity, but Improvements to Operations and Infrastructure Could Help Enforce Security Closer to the U.S. Border

CBP has increased personnel—by 17 percent over its 2004 levels—and resources for border security at the POEs and reported some success in interdicting illegal cross-border activity. At the POEs, for example, CBP reported that deployment of imaging technology had increased seizures of drugs and other contraband. Between the POEs, Border Patrol reported that increased staffing and resources have resulted in some success in reducing the volume of illegal migration and increasing drug seizures. However, weaknesses in POE traveler inspection procedures and infrastructure increased the potential that dangerous people and illegal goods could enter the country, and that currency and firearms could leave the country. Border Patrol continues to face challenges in efforts to address the increasing threat from cross-border drug smuggling activity, with many drug seizures and apprehensions occurring some distance from the border. CBP does not have externally reported performance measures that reflect the results of its overall enforcement efforts at the border. In fiscal year 2010, before it discontinued the public reporting of performance measures showing border security progress, Border Patrol reported few border miles where it had the capability to deter or apprehend illegal activity at the immediate border. DHS is developing a new methodology and performance measures for border security and plans to implement them in fiscal year 2012.

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## Improvements in POE Inspection Programs, Staffing, and Facilities Provide Opportunity to Reduce Risk That Terrorists and Inadmissible Aliens Could Enter the Country but Challenges Remain

CBP reported that \$2.7 billion was appropriated in fiscal year 2010 for border security at POEs, with a workforce of 20,600 CBP officers and 2,300 agriculture specialists. These CBP officers inspected 352 million travelers and nearly 106 million cars, trucks, buses, trains, vessels, and aircraft at over 330 air, sea, and land POEs. To facilitate inspections, the Western Hemisphere Travel Initiative (WHTI) generally requires all citizens of the United States and citizens of Canada, Mexico, and Bermuda traveling to the United States as nonimmigrant visitors to have a passport or other accepted document that establishes the bearer's identity and nationality to enter the country from within the Western Hemisphere. CBP also deployed technology to assist officers in detecting illegal activity, providing 1,428 radiation portal monitors to screen for radiological or nuclear materials and mobile surveillance units, thermal imaging systems, and large-and small-scale Non-intrusive Inspection technology imaging systems to detect stowaways and materials such as explosives, narcotics, and currency in passenger vehicles and cargo. CBP reported that these resources have resulted in greater enforcement at the border. For example, CBP reported that deployment of imaging technology at POEs to detect stowaways or materials in vehicles and cargo had resulted in over 1,300 seizures, which included 288,000 pounds of narcotics. In fiscal year

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2010, CBP reported turning away over 227,000 aliens<sup>5</sup> who attempted to enter the country illegally; apprehending more than 8,400 people wanted for a variety of charges, to include serious crimes such as murder, rape, and child molestation; and seizing over 870,000 pounds of illegal drugs, \$147 million in currency (inbound and outbound), more than 29,000 fraudulent documents, and more than 1.7 million prohibited plant materials, meat, and animal byproducts.

Despite technology and other improvements in the traveler inspection program, our work has shown that vulnerabilities still exist. We reported in January 2008 that weaknesses remained in CBP's inbound traveler inspection program and related infrastructure which increased the potential that dangerous people and illegal goods could enter the country.<sup>6</sup> For example, CBP analyses indicate that several thousand inadmissible aliens and other violators entered the United States in fiscal year 2006. The weaknesses included challenges in attaining budgeted staffing levels because of attrition and lack of officer compliance with screening procedures, such as those used to determine citizenship and admissibility of travelers entering the country as required by law and CBP policy.<sup>7</sup> Contributing factors included lack of focus and complacency, lack of supervisory presence, and lack of training. In this regard, the extent of continued noncompliance is unknown, and CBP management faces challenges in ensuring its directives are carried out. Another challenge was that CBP headquarters did not require field managers to share the results of their periodic audits and assessments to ensure compliance with the inspection procedures, hindering the ability of CBP management to efficiently use the information to overcome weaknesses in traveler inspections. To mitigate infrastructure weaknesses, such as the lack of vehicle barriers, CBP estimated in 2007 that it would need about \$4 billion to make capital improvements at all 163 of the nation's land crossings. CBP was also challenged by the fact that some POEs are owned by other governmental or private entities, adding to the time and complexity in

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<sup>5</sup>OFO reported that of the total inadmissible aliens, 78,936 were at the southwest land border and 36,710 were at the northern border. The remaining inadmissible aliens were at sea ports (68,112) and air ports (43,891).

<sup>6</sup>GAO, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, GAO-08-329T (Washington, D.C.: Jan. 3, 2008).

<sup>7</sup>The Immigration and Nationality Act, implementing regulations, and CBP policies and procedures for traveler inspection at all POEs require officers to establish, at a minimum, the nationality of individuals and whether they are eligible to enter the country. See 8 U.S.C. § 1225(a); 8 C.F.R. § 235.1(a), (b), (f)(1).

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addressing infrastructure problems. DHS concurred with our recommendations that CBP enhance internal controls in the inspection process, establish measures for training provided to CBP officers and new officer proficiency, and implement performance measures for apprehending inadmissible aliens and other violators; and indicated that CBP was taking steps to address the recommendations.

CBP's public outreach campaign has led to a high rate of compliance with WHTI's document requirements, averaging more than 95 percent nationally throughout fiscal year 2010. CBP conducts queries against law enforcement databases for more than 95 percent of the traveling public, up from 5 percent in 2005. We reported in June 2010, however, that CBP officers at POEs are unable to take full advantage of the security features in WHTI documents because of time constraints, limited use of technology in primary inspection, and the lack of sample documents for training.<sup>8</sup> For example, while CBP had deployed technology tools for primary inspectors to use when inspecting documents, it could make better usage of fingerprint data to mitigate the risk of imposter fraud with border crossing cards, the most common type of fraud. We are currently reviewing the training of CBP officers at POEs for the House Homeland Security Committee and the Senate Homeland Security and Governmental Affairs Committee and plan to report the results of this work later this year.

In June 2009 and March 2011, we reported results of our review of CBP's Outbound Enforcement Program intended to stem illegal cross-border smuggling of firearms and large volumes of cash used by Mexican drug-trafficking organizations, terrorist organizations, and other groups with malevolent intent.<sup>9</sup> Under the program, CBP inspects travelers leaving the country at all 25 land ports of entry along the southwest border. On the northern border, inspections are conducted at the discretion of the Port Director. Available evidence indicated that many of the firearms fueling Mexican drug violence originated in the United States, including a number of increasingly lethal weapons, and the U.S. government faced several

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<sup>8</sup>GAO, *Border Security: Improvements in the Department of State's Development Process Could Increase the Security of Passport Cards and Border Crossing Cards*, [GAO-10-589](#) (Washington, D.C.: June 1, 2010).

<sup>9</sup>GAO, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, [GAO-09-709](#) (Washington, D.C.: June 18, 2009), and *Moving Illegal Proceeds: Opportunities Exist for Strengthening the Federal Government's Efforts to Stem Cross-Border Currency Smuggling*, [GAO-11-407T](#), (Washington, D.C.: Mar. 9, 2011).



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challenges in combating illicit sales of firearms in the United States and stemming their flow to Mexico. DOJ's Bureau of Alcohol, Tobacco, Firearms and Explosives and DHS's ICE are the primary agencies implementing efforts to address this issue. However, we reported in June 2009 that these agencies did not effectively coordinate their efforts, in part because the agencies lack clear roles and responsibilities and had been operating under an outdated interagency agreement.<sup>10</sup> Additionally, these agencies generally had not systematically gathered, analyzed, and reported data that could be useful to help plan and assess results of their efforts to address arms trafficking to Mexico. Further, until June 2009, when the administration included a chapter on combating illicit arms trafficking to Mexico in its National Southwest Border Counternarcotics Strategy, various efforts undertaken by individual U.S. agencies were not part of a comprehensive U.S. governmentwide strategy for addressing the problem. DHS agreed with our recommendation that DHS and DOJ, among other agencies, improve interagency coordination, data gathering and analysis, and strategic planning and described steps it was undertaking to implement them. DOJ did not comment on the report.

We previously reported that stemming the flow of bulk cash has been a difficult and challenging task.<sup>11</sup> From March 2009 through February 22, 2011, as part of the Outbound Enforcement Program, CBP officers seized about \$67 million in illicit bulk cash leaving the country at land POEs, almost all of which was seized along the southwest border. However, the National Drug Intelligence Center estimates that criminals smuggle \$18 billion to \$39 billion a year across the southwest border, and that the flow of cash across the northern border with Canada is also significant. CBP challenges we reported included limited hours of operation, technology, infrastructure, and procedures to support outbound inspection operations. For example, as of March 2011, license plate readers were available at 48 of 118 outbound lanes on the southwest border but none of the 179 outbound lanes on the northern border. CBP is in the early phases of this program and has not yet taken some actions to gain a better understanding of how well the program is working, such as gathering data for measuring program costs and benefits.

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<sup>10</sup>GAO-09-709 and GAO-11-407T.

<sup>11</sup>GAO-11-407T and GAO, *Moving Illegal Proceeds: Challenges Exist in the Federal Government's Effort to Stem Cross-Border Currency Smuggling*, GAO-11-73 (Washington, D.C.: Oct. 25, 2010).

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Our March 2011 testimony also included information about regulatory gaps related to the stored value industry, including exemptions from anti-money laundering requirements for certain types of financial institutions and the lack of cross-border reporting requirements with regard to the use of stored value, such as prepaid cards.<sup>12</sup> For example, individuals must report transporting more than \$10,000 in currency or monetary instruments when crossing the U.S. border, but the Department of the Treasury's Financial Crimes Enforcement Network (FinCen) does not have a similar requirement in place for individuals transporting stored value across U.S. borders. The Credit Card Accountability Responsibility and Disclosure Act of 2009 (Credit CARD Act) required the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, to issue regulations in final form implementing the Bank Secrecy Act, regarding the sale, issuance, redemption, or international transport of stored value, including stored value cards. In doing so, the Credit CARD Act stated that Treasury may issue regulations regarding the international transport of stored value to include reporting requirements pursuant to the statute applicable to the transport of currency or monetary instruments. CBP and FinCEN concurred with our recommendations that they gather cost-benefit data and develop a plan to better manage rulemaking, respectively, and described actions they were taking to implement them.

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<sup>12</sup>[GAO-11-407T](#).

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## Border Patrol Reported Some Success in Reducing Illegal Migration, but Challenges Remained in Stemming Cross-Border Smuggling of Illegal Drugs between the POEs

CBP reported that \$3.6 billion was appropriated in fiscal year 2010 for border security efforts between the POEs, and that the Border Patrol is better staffed now than at any time in its 86-year history, having doubled the number of agents from 10,000 in fiscal year 2004 to more than 20,500 in fiscal year 2010.<sup>13</sup> CBP also constructed 649 miles of pedestrian and vehicle fencing on the southwest border covering 33 percent of the border,<sup>14</sup> and increased its investment in traffic checkpoints, the last layer of defense in Border Patrol's effort to apprehend illegal activity that has crossed the border undetected. Border Patrol reported that apprehensions had decreased nationwide by 36 percent from fiscal year 2008 (nearly 724,000) to fiscal year 2010 (approximately 463,000),<sup>15</sup> indicating in its view that fewer people were attempting to illegally cross the border. However, during the same time that apprehensions decreased, marijuana drug seizures increased almost 50 percent from over 1.6 million pounds in fiscal year 2008 to about 2.4 million pounds in fiscal year 2010, and CBP has been challenged to link its investments to changes in border control.<sup>16</sup>

We reported in May 2010 that CBP had not accounted for the impact of its investment in border fencing and infrastructure on border security.<sup>17</sup> Border fencing was designed to prevent people on foot and vehicles from crossing the border and to enhance Border Patrol agents' ability to respond to areas of illegal entry. CBP estimated that the border fencing had a life cycle of 20 years and over these years, a total estimated cost of about \$6.5 billion to deploy, operate, and maintain the fencing and other infrastructure. According to CBP, during fiscal year 2010, there were 4,037 documented and repaired breaches of the fencing and CBP spent at least

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<sup>13</sup>Of the 20,558 agents in place in fiscal year 2010, 17,535 agents were dedicated to the southwest border, 2,263 were dedicated to the northern border, 246 agents were dedicated to the southeast coastal border, and 514 agents were dedicated to other locations.

<sup>14</sup>The length of the border with Mexico is defined by the U.S. International Boundary and Water Commission at 1,954 miles. The length of the land border is 675 miles, while the length of the border along the Colorado and Rio Grande Rivers is 1,279 miles.

<sup>15</sup>Apprehensions decreased on the southwest border from 705,005 to 447,731; on the northern border from 7,925 to 7,431; and on the southeast coastal border from 10,895 to 8,220.

<sup>16</sup>Marijuana drug seizures on the southwest border increased from over 1.6 million pounds to over 2.4 million pounds, on the northern border from over 9,500 pounds to over 12,700 pounds, and on the southeast coastal border from over 730 pounds to nearly 1,300 pounds.

<sup>17</sup>GAO, *Secure Border Initiative: DHS Has Faced Challenges Deploying Technology and Fencing Along the Southwest Border*, [GAO-10-651T](#) (Washington, D.C.: May 4, 2010).

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\$7.2 million to repair the breaches, or an average of about \$1,800 per breach. CBP reported an increase in control of southwest border miles, but could not account separately for the impact of the border fencing and other infrastructure. In our May 4, 2010, testimony, we concluded that until CBP determines the contribution of border fencing and other infrastructure to border security, it is not positioned to address the impact of its investment; and reported that in response to a prior recommendation, CBP was in the process of conducting an analysis of the impact of tactical infrastructure on border security.<sup>18</sup>

Traffic checkpoints contributed to furthering the Border Patrol mission to protect the border. In 2008, they accounted for about 35 percent of Border Patrol drug seizures along the southwest border and 17,000 apprehensions of illegal aliens, including 3 individuals identified as persons linked to terrorism. However, we reported in August 2009 that Border Patrol did not have measures to determine if these checkpoints were operating effectively and efficiently,<sup>19</sup> and weaknesses in checkpoint design and operation increased the risk that illegal activity may travel to the U.S. interior undetected. Border Patrol officials said that several factors impeded higher levels of performance, including insufficient staff, canine teams, and inspection technology. Other challenges included insufficient guidance to ensure that new checkpoints were appropriately sized, lack of management oversight and guidance to ensure consistent data collection practices, and a lack of performance measures to determine if checkpoints were operating efficiently and effectively with minimal adverse impact on local communities. CBP agreed with our recommendations to take several actions to strengthen checkpoint design and staffing, and improve the measurement and reporting of checkpoint effectiveness, including community impact and identified actions planned or underway to implement the recommendations.

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<sup>18</sup>[GAO-11-651T](#).

<sup>19</sup>*GAO, Border Patrol: Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness*, [GAO-09-824](#) (Washington, D.C.: August 2009).

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## DHS Performance Measures Show Response to Illegal Border Activity Most Often Occurs after Entry into the United States

As of fiscal year 2011, CBP no longer has externally reported performance goals or measures that reflect its overall success in detecting illegal entries and contraband at and between the POEs, but the measures for fiscal year 2010 showed few land border miles are at a level of control where deterrence or apprehensions of illegal entries occurs at the immediate border. Border Patrol is in the process of developing a new methodology and performance measures, however, for assessing border security between the POEs. Further, OFO has multiple performance measures in place, but it does not have an external measure that captures the results of its overall enforcement efforts at POEs. In fiscal year 2009, however, OFO used a statistical model to report that over 99 percent of travelers in passenger vehicles passing through the southwest and northern land border POEs were compliant with U.S. laws, rules, and regulations. For the less than 1 percent of travelers who comprised the noncompliant population, OFO officials reported in the CBP Fiscal Year 2009 Performance and Accountability Report a goal to apprehend at least 28 percent of serious criminal activities—such as transporting illegal drugs, guns, or other banned substances in fiscal year 2009, the last year this information was publicly available. OFO officials said that they considered this an effective performance measure and that at the end of fiscal year 2009, the land border POEs had achieved that goal.<sup>20</sup>

As we reported in December 2010 and February 2011, and through selected updates, the Border Patrol is in the process of developing new performance measures for assessing border security between the POEs.<sup>21</sup> However, up until fiscal year 2011, Border Patrol used a security performance measure of border miles under control to assess security between the POEs, which reflected its ability to deter or detect and apprehend illegal entries at the border or after they occur. As we testified in February 2011 about our preliminary observations on this measure, Border Patrol indicated that in fiscal year 2010, 873 of the nearly 2,000 southwest border miles and 69 of the nearly 4,000 northern border miles between Washington and Maine were at an acceptable level of control.

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<sup>20</sup>OFO's Executive Director of Planning, Program Analysis, and Evaluation said that the results of this performance measure for fiscal year 2009 were designated for official use only, so we could not publicly report the proportion of illegal activity that is apprehended at the border.

<sup>21</sup>GAO, *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, [GAO-11-374T](#) (Washington, D.C.: Feb. 15, 2011), and *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination is Needed for the Northern Border*, [GAO-11-97](#) (Washington, D.C.: Dec. 17, 2010).

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Within this border security classification, Border Patrol further distinguished between the ability to deter or detect and apprehend illegal entries at the immediate border versus after entry—at distances of up to 100 miles or more away from the immediate border—into the United States.<sup>22</sup> Our preliminary analysis of these Border Patrol data showed that the agency reported a capability to deter or detect and apprehend illegal entries at the immediate border across 129 of the 873 southwest border miles and 2 of the 69 northern border miles. Our preliminary analysis also showed that Border Patrol reported the ability to deter or detect and apprehend illegal entries after they crossed the border for an additional 744 southwest border miles and 67 northern border miles.

As we previously observed in December 2010 and February 2011, and through selected updates, Border Patrol determined in fiscal year 2010 that border security was not at an acceptable level of control for 1,120 southwest border miles and 3,918 northern border miles, and that on the northern border there was a significant or high degree of reliance on enforcement support from outside the border zones for detection and apprehension of cross-border illegal activity.<sup>23</sup> For two-thirds of these southwest miles, Border Patrol reported that the probability of detecting illegal activity was high; however, the ability to respond was defined by accessibility to the area or availability of resources. One-fourth of these northern border miles were also reported at this level. The remaining southwest and northern border miles were reported at levels where lack of resources or infrastructure inhibited detection or interdiction of cross-border illegal activity.

In our February 2011 testimony regarding our observations on Border Patrol security measures, and through selected updates, we noted that in fiscal year 2011 DHS discontinued the public reporting of performance measures showing border security progress, while it develops and implements a new methodology and measures for border security.<sup>24</sup> In the meantime Border Patrol is reporting on the number of agents and joint operations on the southwest border and the number of apprehensions. CBP does not have an estimate of the time and effort needed to secure the

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<sup>22</sup>These differences stem from Border Patrol's "defense in depth" approach to border security operations that provides for layers of agents who operate not only at the border but also in other areas of a Border Patrol sector.

<sup>23</sup>[GAO-11-97](#) and [GAO-11-307T](#).

<sup>24</sup>[GAO-11-374T](#).

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southwest border; however, the agency expects new border security measures to be in place by fiscal year 2012 which will enable it to make such an estimate. DHS, CBP, and Border Patrol headquarters officials said that the new approach to border security between the POEs is expected to be more flexible and cost-effective, and that Border Patrol officials expect that they will be requesting fewer resources to secure the border.

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## DHS Law Enforcement Partners Reported Improved Results for Interagency Coordination and Oversight of Border Security Intelligence and Enforcement Operations but Gaps Remained

Federal, state, local, tribal, and Canadian law enforcement partners reported improved DHS coordination to secure the border. For example, interagency forums were beneficial in establishing a common understanding of border security threats, while joint operations helped to achieve an integrated and effective law enforcement response. However, critical gaps remained in sharing information and resources useful for operations, such as daily patrols in vulnerable areas, including National Parks and Forests. Our past work has shown that additional actions to improve coordination could enhance border security efforts on the southwest and northern borders, including those to deter alien smuggling.

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## DOI and USDA Reported Improved DHS Coordination to Secure Federal Borderlands, but Critical Gaps Remained in Sharing Intelligence and Communications for Daily Operations

Illegal cross-border activity remains a significant threat to federal lands protected by DOI and USDA law enforcement personnel on the southwest and northern borders and can cause damage to natural, historic, and cultural resources, and put agency personnel and the visiting public at risk. We reported in November 2010 that information sharing and communication among DHS, DOI, and USDA law enforcement officials had increased in recent years.<sup>25</sup> Interagency forums were used to exchange information about border issues and interagency liaisons facilitated exchange of operational statistics. However, critical gaps remained in implementing interagency agreements to ensure law enforcement officials had access to daily threat information and compatible secure radio

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<sup>25</sup>GAO, *Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands*, [GAO-11-177](#) (Washington, D.C.: Nov. 18, 2010).



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communications needed to better ensure officer safety and an efficient law enforcement response to illegal activity. This was important in Border Patrol's Tucson sector on the southwest border, where apprehensions on federal lands had not kept pace with the estimated number of illegal entries, indicating that threats caused by drug smugglers and illegal migration may be increasing.

Federal land managers in the Tucson sector said they would like additional guidance to determine when illegal cross-border activity poses a sufficient public safety risk to restrict or close access to federal lands. In Border Patrol's Spokane sector on the northern border, coordination of intelligence information was particularly important due to sparse law enforcement presence and technical challenges that precluded Border Patrol's ability to fully assess cross-border threats, such as air smuggling of high-potency marijuana. The agencies agreed with our recommendations that DOI and USDA determine if more guidance is needed for federal land closures and that DHS, DOI, and USDA provide oversight and accountability as needed to further implement interagency agreements for coordinating information and integrating operations. In January 2011, CBP issued a memorandum to all Border Patrol division chiefs and chief patrol agents emphasizing the importance of USDA and DOI partnerships to address border security threats on federal lands. This action is a positive step toward implementing our recommendations and we encourage DHS, DOI, and USDA to take the additional steps necessary to monitor and uphold implementation of the existing interagency agreements in order to enhance border security on federal lands.

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### Northern Border Partners Reported Interagency Forums Improved Coordination, but DHS Oversight Was Needed to Resolve Interagency Conflict in Roles and Responsibilities

DHS has stated that partnerships with other federal, state, local, tribal, and Canadian law enforcement agencies are critical to the success of northern border security efforts. We reported in December 2010 that DHS efforts to coordinate with these partners through interagency forums and joint operations were considered successful, according to a majority of these partners we interviewed.<sup>26</sup> In addition, DHS component officials reported that federal agency coordination to secure the northern border was improved. However, DHS did not provide oversight for the number and location of forums established by its components and numerous federal, state, local, and Canadian partners cited challenges related to the inability to resource the increasing number of forums, raising concerns that some

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<sup>26</sup> [GAO-11-97](#).



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efforts may be overlapping. In addition, federal law enforcement partners in all four locations we visited as part of our work cited ongoing challenges between Border Patrol and ICE, Border Patrol and Forest Service, and ICE and DOJ's Drug Enforcement Administration in sharing information and resources that compromised daily border security related to operations and investigations. DHS had established and updated interagency agreements to address ongoing coordination challenges; however, oversight by management at the component and local level has not ensured consistent compliance with provisions of these agreements.

We also reported that while Border Patrol's border security measures reflect that there is a high reliance on law enforcement support from outside the border zones, the extent of partner law enforcement resources that could be leveraged to fill Border Patrol resource gaps, target coordination efforts, and make more efficient resource decisions are not reflected in Border Patrol's processes for assessing border security and resource requirements. We previously reported in November 2008 that DHS was not fully responsive to a legislative reporting requirement to identify resources needed to secure the northern border.<sup>27</sup> Specifically, the Implementing Recommendations of the 9/11 Commission Act of 2007 required the Secretary of Homeland Security to submit a report to Congress that addresses the vulnerabilities along the northern border, and provides recommendations and required resources to address them.<sup>28</sup> DHS agreed with our recommendations to provide guidance and oversight for interagency forums and for component compliance with interagency agreements, and develop policy and guidance necessary to integrate partner resources in border security assessments and resource planning documents. DHS also reported that it was taking action to address these recommendations.

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<sup>27</sup>GAO, *Northern Border Security: DHS's Report Could Better Inform Congress by Identifying Actions, Resources, and Time Frames Needed to Address Vulnerabilities*, [GAO-09-93](#) (Washington, D.C.: Nov. 25, 2008).

<sup>28</sup>Pub. L. No. 110-53, § 731(a)-(b), 121 Stat. 266, 351.

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**Selected Local and Tribal Law Enforcement Agencies Reported Federal Information Sharing Occurred, but Consistent Coordination Could Help Identify Terrorist Threats and Other Criminal Activity at the Border**

Information is a crucial tool in securing the nation's borders against crimes and potential terrorist threats. In many border communities, the individuals who are best positioned to observe and report suspicious activities that may be related to these threats are local and tribal law enforcement officers. We reported in December 2009 that 15 of 20 local and tribal law enforcement agencies in southwest or northern communities we contacted during our work said they received information directly from Border Patrol, ICE, or from DOJ's Federal Bureau of Investigation that was useful for enhancing their situational awareness of crimes along the border and potential terrorist threats.<sup>29</sup> However, 5 of the 20 agencies reported that they did not receive information from the federal agencies, in part, because information-sharing partnerships and related mechanisms to share information did not exist. In addition, officials from 13 of the 20 agencies in border communities said that they did not clearly know what suspicious activities federal agencies wanted them to report, how to report them, or to whom because federal agencies had not provided necessary guidance. We recommended that DHS and DOJ more fully identify the information needs of and establish partnerships with local and tribal officials along the borders, identify promising practices in developing border intelligence products, and define the suspicious activities that local and tribal officials in border communities are to report and how to report them. DHS agreed with the recommendations and indicated that it was taking action to implement them. DOJ did not comment.

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**Leveraging a State Justice Agency's Investigative Strategy Could Provide DHS with Additional Opportunity to Deter Alien Smuggling**

Alien smuggling along the southwest border is a growing threat to the security of the United States and Mexico due, in part, to the expanding involvement of Mexican drug trafficking organizations and aliens who illegally enter the region from countries of special interest to the United States such as Afghanistan, Iran, Iraq, and Pakistan. Violence associated with alien smuggling has also increased in recent years, particularly in Arizona. In October 2007, the National Drug Intelligence Center reported that the success of expanding border security initiatives and additional Border Patrol resources are likely obstructing regularly used smuggling

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<sup>29</sup>GAO, *Information Sharing: Federal Agencies Are Sharing Border and Terrorism Information with Local and Tribal Law Enforcement Agencies, but Additional Efforts are Needed*, GAO-10-41 (Washington, D.C.: Dec. 18, 2009).

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routes and fueling an increase in violence, particularly against law enforcement officers in Arizona.<sup>30</sup>

We reported in May 2010 and testified in July 2010, that ICE may be missing an opportunity to leverage techniques used by the Arizona Attorney General to disrupt alien smuggling operations.<sup>31</sup> Specifically, an Arizona Attorney General task force seized millions of dollars and disrupted alien smuggling operations by following cash transactions flowing through money transmitters that serve as the primary method of payment to those individuals responsible for smuggling aliens. By analyzing money transmitter transaction data, task force investigators identified suspected alien smugglers and those money transmitter businesses that were complicit in laundering alien smuggling proceeds. An overall assessment of whether and how these techniques may be applied by ICE in the context of disrupting alien smuggling could help ensure that it is not missing opportunities to take additional actions and leverage resources to support the common goal of countering alien smuggling. We recommended that ICE assess the Arizona Attorney General's financial investigations strategy to identify any promising investigative techniques for federal use. ICE concurred with our recommendation and outlined specific steps it was taking to implement it.

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<sup>30</sup>U.S. Department of Justice, National Drug Intelligence Center, *National Drug Threat Assessment 2008* (Johnstown, Pa.: October 2007).

<sup>31</sup>GAO, *Alien Smuggling: DHS Needs to Better Leverage Investigative Resources and Measure Program Performance along the Southwest Border*, [GAO-10-328](#) (Washington, D.C.: May 24, 2010) and *Alien Smuggling: DHS Could Better Address Alien Smuggling along the Southwest Border by Leveraging Investigative Resources and Measuring Program Performance*, [GAO-10-919T](#) (Washington, D.C.: July 22, 2010).

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## Border Patrol Moving Ahead with New Technology Deployment Plan to Secure the Border, but Cost and Operational Effectiveness and Suitability Are Not Yet Clear

In January 2011, the Secretary of Homeland Security announced a new direction in deploying technology to assist in securing the border, ending the SBInet program as originally conceived because it did not meet cost-effectiveness and viability standards. Since fiscal year 2006, DHS had allocated about \$1.5 billion for SBInet that would provide a mix of sensors, radars, and cameras on fixed towers that could gather information along the border and transmit this information to terminals in command centers to provide agents with border situational awareness. Our previous reports on CBP's SBI program have outlined program challenges and delays.<sup>32</sup> Specifically, the initial segment of SBInet technology, Project 28, encountered performance shortfalls and delays, including the following: users were not involved in developing the requirements, contractor oversight was limited, and project scope and complexity were underestimated. Program uncertainties, such as a lack of fully defined program expectations, continued to delay planned SBInet deployments following Project 28. In addition, the deployment of related infrastructure, such as towers and roads, experienced challenges, such as increased costs, unknown life-cycle costs, and land acquisition issues.

As part of her decision to end SBInet, the Secretary of Homeland Security directed CBP to proceed with a new plan to deploy a mix of technology to protect the border called Alternative (Southwest) Border Technology. Under this plan, CBP is to focus on developing terrain- and population-based solutions utilizing existing, proven technology, such as camera-based surveillance systems, for each border region. Accordingly, the plan is to incorporate a mix of technology, including an Integrated Fixed Tower surveillance system similar to that used in the current SBInet system (i.e., a tower with cameras and radar that transmit images to a central location), beginning with high-risk areas in Arizona.

According to this new plan, DHS is to deploy other technologies, including Remote Video Surveillance Systems (RVSS), Mobile Surveillance Systems (MSS), and hand-held equipment for use by Border Patrol agents. For

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<sup>32</sup>GAO, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, [GAO-09-896](#) (Washington, D.C.: Sept. 9, 2009); *Secure Border Initiative: Observations on Selected Aspects of SBInet Program Implementation*, [GAO-08-131T](#) (Washington, D.C.: Oct. 24, 2007); *Secure Border Initiative: Observations on the Importance of Applying Lessons Learned to Future Projects*, [GAO-08-508T](#) (Washington, D.C.: Feb. 27, 2008); *Secure Border Initiative: Observations on Deployment Challenges*, [GAO-08-1141T](#) (Washington, D.C.: Sept. 10, 2008); and *Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investment*, [GAO-08-1086](#) (Washington, D.C.: Sept. 22, 2008).

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fiscal year 2011, DHS plans to use about \$159 million to begin buying RVSSs, MSSs, unattended ground sensors, and hand-held devices for Arizona. The President's fiscal year 2012 budget request calls for \$242 million to fund three of five planned deployments of the Integrated Fixed Tower systems in Arizona although, depending on funding, the earliest DHS expects the deployments to begin is March 2013 with completion anticipated by 2015 or later. The estimated cost for the overall plan's Arizona component, called the Arizona Technology Plan, is about \$734 million, of which \$575 million is for the Integrated Fixed Tower component.

To arrive at an appropriate mix of technology in its plan, DHS performed an Analysis of Alternatives (AOA).<sup>33</sup> In March 2011, we provided preliminary observations regarding this analysis.<sup>34</sup> Specifically, we noted that on the basis of our ongoing review of available information to date, there were several areas that raise questions about how the AOA results were used to inform Border Patrol judgments about moving forward with technology deployments, including the Integrated Fixed Tower system. For example, the AOA cited a range of uncertainties in costs related to the operational effectiveness of the four technology alternatives considered (mobile, fixed tower, agent equipment, and aerial alternatives) in each of the four geographic analysis areas, meaning there was no clear-cut cost-effective technology alternative for any of the analysis areas. Yet, the AOA observed that a fixed tower alternative may represent the most effective choice only in certain circumstances. Further, we have questions about how the AOA analyses were factored into planning and budget decisions regarding the optimal mix of technology deployments in Arizona. Specifically, we have not yet examined the Border Patrol's operational assessment to determine how the results of the AOA were considered in developing technology deployment planning in Arizona and, in turn, the fiscal year 2012 budget request. The cost and effectiveness uncertainties noted above raise questions about the decisions that informed the budget formulation process. We are continuing to assess this issue for the House Homeland Security Committee and will report the final results later this year.

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<sup>33</sup>Performing an AOA is a key first step in the acquisition process intended to assess the operational effectiveness, costs, and risks of alternative system solutions for addressing a validated mission need.

<sup>34</sup>GAO, *Border Security: Preliminary Observations on the Status of Key Southwest Border Technology Programs*, [GAO-11-448T](#) (Washington, D.C.: Mar. 15, 2011).

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## Deployment of DHS U.S.-VISIT Program Technology Provides Opportunity to Identify Illegal Migration Through Visa Overstays

DHS took action to better monitor and control the entry and exit of foreign visitors to the United States by establishing the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program, that tracks foreign visitors using biometric information (such as fingerprints) and biographic information. DHS has incrementally delivered US-VISIT capabilities to track foreign entries, and a biometrically enabled entry capability has been fully operational at about 300 air, sea, and land POEs since December 2006. In November 2009, we reported that, according to DHS, US-VISIT entry operations have produced results. For example, as of June 2009, the program reported that it had more than 150,000 biometric hits in entry resulting in more than 8,000 people having adverse actions, such as denial of entry, taken against them.<sup>35</sup>

Since 2004, however, we have identified a range of DHS management challenges to fully deploy a biometric exit capability intended, in part, to track foreigners who had overstayed their visas and remained illegally in the United States. For example, in November 2009 we reported that DHS had not adopted an integrated approach to scheduling, executing, and tracking the work that needs to be accomplished to deliver a comprehensive exit solution.<sup>36</sup> Most recently, in August 2010 we reported that the DHS pilot programs to track the exit of foreign visitors at air POEs had limitations curtailing the ability to inform a decision for a long-term exit solution at these POEs.<sup>37</sup> We made recommendations to ensure that US-VISIT exit was planned, designed, developed, and implemented in an effective and efficient manner. DHS generally agreed with our recommendations and outlined actions designed to implement them.

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Chairman Lieberman, Ranking Member Collins, and members of the committee, this concludes my prepared statement. I will be happy to answer any questions you may have.

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<sup>35</sup>GAO, *Homeland Security: Key US-VISIT Components at Varying Stages of Completion, but Integrated and Reliable Schedule Needed*, [GAO-10-13](#) (Washington, D.C.: Nov. 19, 2009).

<sup>36</sup>[GAO-10-13](#).

<sup>37</sup>GAO, *Homeland Security: US-VISIT Pilot Evaluations Offer Limited Understanding of Air Exit Options*, [GAO-10-860](#) (Washington, D.C.: Aug. 10, 2010).

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## Contacts and Acknowledgments

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*Border Security: Preliminary Observations on Border Control Measures for the Southwest Border.* [GAO-11-374T](#). Washington, D.C.: February 15, 2011.

*Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border.* [GAO-11-97](#). Washington, D.C.: December 17, 2010.

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*Moving Illegal Proceeds: Challenges Exist in the Federal Government's Effort to Stem Cross-Border Currency Smuggling.* [GAO-11-73](#). Washington, D.C.: October 25, 2010.

*Secure Border Initiative: DHS Needs to Strengthen Management and Oversight of Its Prime Contractor.* [GAO-11-6](#). Washington, D.C.: October 18, 2010.

*Homeland Security: US-VISIT Pilot Evaluations Offer Limited Understanding of Air Exit Options.* [GAO-10-860](#). Washington, D.C.: August 10, 2010.

*U.S. Customs and Border Protection: Border Security Fencing, Infrastructure and Technology Fiscal Year 2010 Expenditure Plan.* [GAO-10-877R](#). Washington, D.C.: July 30, 2010.

*Alien Smuggling: DHS Could Better Address Alien Smuggling along the Southwest Border by Leveraging Investigative Resources and Measuring Program Performance.* [GAO-10-919T](#). Washington, D.C.: July 22, 2010.

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*Alien Smuggling: DHS Needs to Better Leverage Investigative Resources and Measure Program Performance along the Southwest Border.* [GAO-10-328](#) (Washington, D.C.: May 24, 2010)

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

*Information Sharing: Federal Agencies Are Sharing Border and Terrorism Information with Local and Tribal Law Enforcement, but Additional Efforts are Needed.* [GAO-10-41](#). Washington, D.C.: December 18, 2009.

*Homeland Security: Key US-VISIT Components at Varying Stages of Completion, but Integrated and Reliable Schedule Needed.* [GAO-10-13](#). Washington, D.C.: November 19, 2009.

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*Border Patrol: Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness.* [GAO-09-824](#). Washington, D.C.: August 2009.

*Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges.* [GAO-09-709](#). Washington, D.C.: June 18, 2009.

*Northern Border Security: DHS's Report Could Better Inform Congress by Identifying Actions, Resources, and Time Frames Needed to Address Vulnerabilities.* [GAO-09-93](#). Washington, D.C.: November 25, 2008.

*Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investments.* [GAO-08-1086](#). Washington, D.C.: September 22, 2008.

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*Secure Border Initiative: Observations on the Importance of Applying Lessons Learned to Future Projects.* [GAO-08-508T](#). Washington, D.C.: February 27, 2008.

*Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Port of Entry.* [GAO-08-329T](#). Washington, D.C.: January 3, 2008.

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*Secure Border Initiative: Observations on Selected Aspects of SBInet Program Implementation.* [GAO-08-131T](#). Washington, D.C.: October 24, 2007.

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