

BORDER SECURITY OVERSIGHT: IDENTIFYING AND RESPONDING TO CURRENT THREATS

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY
OF THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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BORDER SECURITY OVERSIGHT: IDENTIFYING AND RESPONDING TO CURRENT THREATS

Thursday, June 27, 2013

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND
DEFENSE, AND FOREIGN OPERATIONS
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:05 a.m. in room 2247, Rayburn House Office Building, the Honorable Jason Chaffetz [chairman of the subcommittee], presiding.

Present: Representatives Chaffetz, Mica, Duncan, Gosar, Gowdy, Lummis, Woodall, Bentivolio, Tierney, Maloney, Kelly and Grisham.

Staff Present: Ali Ahmad, Communications Advisor; Daniel Bucheli, Majority Assistant Clerk; Sharon Casey, Majority Senior Assistant Clerk; Mitchell S. Kominsky, Majority Counsel; Mark D. Marin, Majority Director of Oversight; Devon Hill, Minority Research Assistant; Peter Kenny, Minority Counsel; and Chris Knauer, Minority Investigator.

Mr. CHAFFETZ. The committee will come to order.

I would like to begin this hearing by stating the Oversight Committee Mission Statement.

We exist to secure two fundamental principles. First, Americans have the right to know that the money Washington takes from them is well spent. Second, Americans deserve an efficient and effective government that works for them.

Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers because taxpayers have a right to know what they are getting from the government.

We will work tirelessly in partnership with citizen watchdogs to deliver the facts to the American people and bring genuine reform to the Federal bureaucracy.

Good morning and I thank everyone for coming to attend this hearing which is entitled Border Security Oversight: Identifying and Responding to Current Threats.

I would also like to thank my colleagues who are here and the people in the audience for joining us today.

Much of the current immigration reform debate has centered on the importance of border security but the conversation has not focused enough on how to secure the border in the most effective manner.

As a result, today's hearing will examine a variety of threats to the U.S. border security from illegal entrance to drug trafficking organizations to potential national security breaches. This hearing will also examine how to measure each of these risks and the most effective responses to the threats we confront.

The Department of Homeland Security is responsible for controlling and guarding the borders of the United States. The Department's operational responsibilities include "preventing and investigating illegal movement across our borders, including the smuggling of people, drugs, cash and weapons."

The Secure Fence Act of 2006, which intended "to establish operational control over the international land and maritime borders of the United States," authorizes the Secretary of the Department of Homeland Security to take necessary and appropriate actions to secure the U.S. borders.

From 2006 to 2012 the security measures implemented to help achieve operational control of U.S. borders have cost U.S. taxpayers approximately \$75 billion. Despite spending tens of billions of taxpayer dollars to secure the borders, the Government Accountability Office reported in 2011 that there were only 129 miles of the 1,954 mile long southwest border, roughly six percent of the border, where border patrols can actually "deter or detect and apprehend illegal entry" at the border itself—six percent operational control.

The lack of operational control documented by GAO directly contradicts statements made by the Administration that the border is the most secure that it has ever been. After GAO reported low levels of operational control, DHS changed its policy to make the number of "apprehensions" the measure of effectiveness.

However, the number of apprehensions which DHS uses as its metric now does not indicate whether Federal Government efforts to secure the border are actually achieving operational control or not.

One of the fundamental questions I have is if the rise in apprehensions is increasing, does that mean the border is more secure or does that mean the border is less secure? If the number of apprehensions is declining, does that mean the border is less secure or does that mean the border is more secure?

I asked the Attorney General this question. Attorney General Holder said, you cannot draw a conclusion based solely on apprehensions. I asked the Secretary of Homeland Security, who didn't really give a thorough answer to that question. It is something we need to explore, not to play gotcha but to try to come up with a metric that we can all live with. When those metrics change, you cannot compare them to past performance. That is something we need to explore.

Since the creation of the Department of Homeland Security, the committee's oversight efforts have examined the effective use of taxpayer dollars at the border. While the Department is working hard to secure the border, there are examples of wasteful spending. For instance, SBInet, which was intended to improve video surveillance of the border, has cost taxpayers roughly \$1.2 billion, but SBInet has been deemed a failure.

From April 2 to 4 of this year, members and staff of the House Oversight and Government Reform Committee, including myself,

traveled to Yuma, Paco and Nogales, Arizona, to assess the Federal Government's most recent efforts to secure the border. I appreciate the men and women who we interacted with there. We had a very productive trip.

The committee also visited the Eloy Detention Facility in Arizona and was briefed by prison and ICE officials. The committee learned that individuals classified as OTMs and how the Department classifies people. OTM stands for Other Than Mexican and accounted for roughly 900 inmates from 60 different countries out of approximately 1,500 in the Eloy Detention Facility. In other words more than half of the people in the detention facility were not Mexicans, but were from 60 different countries.

For those that assume that the border problem is simply a problem with Mexico, that is just not true. There is nothing statistical that would support that and certainly, if you look at the detentions, it is a much bigger and broader problem than just people coming north from Mexico. It is a bigger and broader problem.

Based on our conversations with CBP officers in Yuma, and Nogales and other cities, there appears to be an increasing trend of OTMs moving across the southwest border. A significant portion of OTMs are coming from Latin America, including Guatemala and Honduras, in addition to India and China, other parts in Europe, Asia and other countries.

Border patrol officers on the ground also told the committee about potential problems to our immigration system. For instance, it appears the judicial process or asylum requests and the government's issuance and administration of B1 and B2 visas may contain some very serious flaws.

During our trip to the border, we also found that the government continues to identify new and emerging threats to secure the border, including the drug cartels' use of semi-submersible vessels, ultra light aircraft and the construction of underground tunnels. Even right in the heart of Nogales, they still recently found another tunnel going right into the heart of the city.

Today, we hope not only to discuss these threats but also responses to some of these risks, including the use of effective drones, strategic placement of troops and other technology which can be successfully implemented along the border. Whether through technology or border patrol agents, we must allocate the necessary resources to secure the border but in a way that is smart, strategic and ensures that we do not waste taxpayer dollars.

I want to emphasize and I commend the work and support of our law enforcement officers from the various different agencies who do amazing work in exceptionally difficult conditions. We cannot thank them enough for their good, hard and diligent work. It is tough, tough work.

Today's discussion should focus on understanding the threats to our borders and how we should respond to each of the challenges. I look forward to hearing from our witnesses for a productive conversation about securing the borders of the United States.

However, I am disappointed that Joseph Langlois, the Associate Director for Refugee, Asylum and International Operations with the U.S. Citizenship and Immigration Services, has refused to testify before this subcommittee today. The committee requested his

attendance and participation in the hearing 13 days ago on June 14, 2013.

Despite providing essentially a two-week notice to testify before the subcommittee, U.S. Citizenship and Immigration Services has declined to appear asserting "Due to the lack of sufficient notice to prepare and clear testimony as well as to prepare a suitable witness, USCIS will be unable to appear at the upcoming June 27th hearing on border security."

I want to thank the four other people from the other agencies who were able to prepare, who did come and were briefed, and who are joining us today. I find it totally unacceptable that with 13 days notice, that is not sufficient time to prepare to testify in Congress about what you do every day and the job and responsibility that you have for your own department and agency.

I thank those who are here. We duly note the person who is not here and find that unacceptable. The American taxpayers deserve answers to the important questions before the subcommittee today. We have left the seat open hoping that the witness would appear today but it appears as if he will not.

Again, thank you to the agencies that are here today. I also want to thank and commend my colleague, Trey Gowdy, for his work. He is the chairman of the subcommittee that is dealing with immigration.

As we move forward in dealing with the problem that is immigration, from a legislative standpoint, it is critical that we get the border security portion right. Every bit of legislation, whether in the Senate or the House, has always focused on how are we going to secure the border, how do we assure the American people that the border is secure?

There has been legislation that was passed in 2006 that supposedly dealt with securing the border and the fence, yet we have only 6 percent operational control. Earlier, we passed legislation that would ensure a viable entry/exit system. We have none. That is a problem and we need to discuss that today.

I look forward to Congress tackling immigration reform. It is much needed. We need to understand what is happening at the border and we appreciate those who are here today.

Mr. CHAFFETZ. Does anyone have an opening statement they would like to make? Members may have seven days to submit opening statements for the record.

We will now recognize our first panel: Mr. Michael Fisher, Chief, U.S. Border Patrol; Mr. David J. Murphy, Assisting Acting Commissioner, Customs and Border Protection, Office of Field Operations; Mr. Thomas Homan, Executive Associate Director, Enforcement and Removal Operations, ICE; and Ms. Rebecca Gambler, Director, Homeland Security and Justice, U.S. Government Accountability Office. Again, we thank you all for being here today.

Pursuant to committee rules, all witnesses will be sworn before they testify. Please rise and raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

[Witnesses respond in the affirmative.]

Mr. CHAFFETZ. Thank you. You may be seated.

In order to allow time for discussion, please limit your testimony, if you would, to five minutes. Your entire written statement will be a part of the record. We will give you some latitude, but again, I want to thank you for being here and will recognize Mr. Fisher.

WITNESS STATEMENTS

STATEMENT OF MICHAEL FISHER

Mr. FISHER. Chairman Chaffetz, Ranking Member Tierney and other distinguished members of the subcommittee, it is indeed an honor and a privilege to be before you today to discuss the identification and response to current threats.

As CBP prepares for our 2014 operations, the U.S. Border Patrol continues to be guided by the three pillars of our strategy: information, integration and rapid response. Current intelligence estimates suggest that transnational criminal organizations and the networks that support them continue to exploit the border in Arizona and south Texas.

For the first time in over a decade, illegal cross-border activity is more prevalent in south Texas than any other corridor along the southwest border. Today, activity in south Texas accounts for approximately 34 percent of all arrests along the southwest border.

It is also noteworthy to recognize, as the Chairman pointed out, that 60 percent of these arrests are of nationals from some other country than Mexico. In particular, the top three sending countries are Guatemala, Honduras and El Salvador. However, the current activity in south Texas needs to be put in proper context. Even with elevated activity in Rio Grande Valley, the daily apprehension rate is approximately 40 percent less than it was in 1997.

We continue to mature our integrated operations in each corridor with our federal, State, local and tribal partners. Protecting the citizens against those who would do us harm does not begin or end at the border. We cannot achieve border security alone.

As the incremental transition of activity shifted to south Texas, we took the following actions. We directed most Border Patrol Academy classes and those agents to south Texas, increasing the overall agent boots on the ground in high risk areas such as Rio Grande Valley. We redeployed approximately 100 pieces of technology to south Texas from other southwest border sectors. These were equipment such as unattended ground sensors, global surveillance systems and thermal imaging systems.

As you may recall, we entered into a Memorandum of Understanding with the Department of Defense to allow the transfer of detection and monitoring equipment from the military to CBP. With the draw-down of forces in theater, we sought to capitalize on the opportunity to reuse equipment the taxpayers already paid for to assist front line agents.

Accordingly, we recently delivered the first installment of this equipment to the field with 224 detection and monitoring systems that have been inventoried and sent to the southwest border, 75 percent of which went to south Texas.

In March 2013, we initiated vulnerability assessment flights along the southwest border utilizing CBP's Predator Beast equipped with synthetic aperture radar for broader situational

awareness. To date, we have developed more than 80 target folders covering approximately 320 non-contiguous miles. In support of this effort, we continue to leverage geospatial intelligence collection to augment our own organic capabilities.

In conclusion, my team has designed and implemented a formidable strategy and we continue to learn and adjust our tactics, techniques and procedures as conditions on the ground dictate. I stand by my convictions that given the operational flexibility to match capability to threat, we will reduce the likelihood of attack against the Nation and continue to provide the requisite safety and security to the citizens who deserve no less.

Mr. Chairman, again, thank you for the opportunity to testify today. I look forward to answering your questions.

[Prepared statement of Mr. Fisher follows:]

TESTIMONY OF

MICHAEL J. FISHER
Chief
U.S. Border Patrol

and

DAVID MURPHY
Acting Assistant Commissioner
Office of Field Operations

U.S. Customs and Border Protection
Department of Homeland Security

BEFORE

House Committee on Oversight and Government Reform, Subcommittee on National Security

ON

"Border Security Oversight: Identifying and Responding to Current Threats"

June 27, 2013
Washington, DC

Chairman Chaffetz, Ranking Member Tierney, and distinguished members of the Subcommittee, it is an honor to appear before you today to discuss the role of U.S. Customs and Border Protection (CBP) in securing America's borders, a role that we share with our federal, state, local, tribal, and international partners.

We are here today to discuss how border security has changed over the past ten years, not only in terms of resources, infrastructure, and operations, but also in how we assess and measure the state of an ever-changing border environment. Some have suggested that levels of security can be measured in terms of linear miles of "operational control," a tactical term once used by the Border Patrol to allocate resources among sectors and stations along the border. We do not use this term as a measure of border security because the complex nature of the multitude of different border conditions cannot be described by a single objective measure. Although an indicator of success, we cannot measure border security solely based on crime rates, because even the safest communities in America have some crime. It is not merely a measure of resources, because even the heaviest concentration of fencing, all weather roads, 24-hour lighting, surveillance systems, and Border Patrol agents cannot seal the border completely.

For border communities, important barometers for success are security and facilitation of travel and trade. A secure border means living free from fear in their towns and cities. It means an environment where businesses can conduct cross-border trade and flourish. For other American communities, it means enjoying the benefits of a well-managed border that facilitates the flow of legitimate trade and travel. Our efforts over the past ten years, combined with those of our international, federal, state, local, and tribal partners, have transformed the border and assist in continuing to keep our citizens safe, our country defendable from an attack, and promote economic prosperity.

For CBP, securing our borders means first having the visibility to see what is happening on our borders, and second, having the capacity to respond to what we see. We get visibility through the use of border surveillance technology, personnel, and air and marine assets. Our ability to respond is also supported by a mix of resources including personnel, tactical infrastructure, and air and marine assets.

Every day as part of DHS, CBP, along with the U.S. Coast Guard, Transportation Security Administration, U.S. Citizenship and Immigration Services, and U.S. Immigration and Customs Enforcement undertake countless activities to expedite, facilitate, and secure the flow of goods and people across U.S. borders. Working collaboratively with other federal, state, local, tribal, and international partners, we facilitate the flow of lawful travel and commerce and secure our Nation's borders.

The Past Ten Years - Unprecedented Resources at Our Borders

Since its inception, DHS has dedicated historic levels of personnel, technology, and infrastructure in support of our border security efforts. Resource levels, when considered with other factors, remain essential aspects in helping to assess the security of our borders.

Law Enforcement Personnel

Currently, the Border Patrol is staffed at the highest level in its 88-year history. The number of Border Patrol agents (BPAs) doubled, from approximately 10,000 in 2004 to more than 21,000 agents today. Along the Southwest border, DHS has increased the number of law enforcement on the ground from approximately 9,100 BPAs in 2001 to nearly 18,500 today. At our Northern border, the force of 500 agents that we sustained ten years ago has grown to more than 2,200 agents. Law enforcement capabilities at the ports of entry (POEs) were also reinforced. To support our evolving, more complex mission since September 11, 2001, the number of CBP officers (CBPOs) ensuring the secure flow of people and goods into the nation increased from 17,279 customs and immigration inspectors in 2003, to more than 21,000 CBPOs and 2,400 agriculture specialists today. These frontline employees facilitated \$2.3 trillion in trade in Fiscal Year (FY) 2012, and welcomed a record 98 million air travelers, a 12 percent increase since FY 2009, further illustrating the critical role we play not only with border security, but with economic security and continued growth.

Infrastructure and Technology

In addition to increasing our frontline personnel, DHS also made unprecedented investments in border security infrastructure and technology. Technology is the primary driver of all land, maritime and air domain awareness—and this will become only more apparent as CBP faces future threats. Technology assets such as integrated fixed towers, mobile surveillance units, and thermal imaging systems act as force multipliers increasing agent awareness, efficiency, and capability to respond to potential threats. As we continue to deploy border surveillance technology, particularly along the Southwest border, these investments allow CBP the flexibility to shift more BPAs from detection duties to interdiction and resolution of illegal activities on our borders.

At our POEs, CBP has aggressively deployed Non-Intrusive Inspection (NII) and Radiation Portal Monitor (RPM) technology to help identify contraband and weapons of mass effect. Prior to September 11, 2001, only 64 large-scale NII systems, and not a single RPM, were deployed to our country's borders. Today CBP has 310 NII systems and 1,460 RPMs deployed. The result of this investment in resources is the capacity for CBP to scan 99 percent of all containerized cargo at seaports and 100 percent of passenger and cargo vehicles at land borders for radiological and nuclear materials upon arrival in the United States.

The implementation of the Western Hemisphere Travel Initiative (WHTI) involved a substantial technology investment in the land border environment that continues to provide both facilitation and security benefits. Today, as a result of WHTI, more than 19 million individuals obtained Radio Frequency Identification (RFID) technology-enabled secure travel documents. These documents are more secure as they can be verified electronically in real-time back to the issuing authority, to establish identity and citizenship; they also reduce the average vehicle processing time by 20 percent.

A direct result of the increased use of RFID-enabled secure travel documents is CBP's capability to increase the national law enforcement query rate, including the terrorist watch list, to more

than 98 percent. By comparison, in 2005, CBP performed law enforcement queries in the land border environment for only 5 percent of travelers. In terms of facilitation, CBP has also capitalized upon these notable improvements by establishing active lane management at land border ports, a process analogous to the management of toll booths on a highway. Through active lane management, CBP can adjust lane designations as traffic conditions warrant to better accommodate trusted travelers and travelers with RFID-enabled documents.

CBP continues to optimize the initial investment in the land border by leveraging new technologies and process improvements across all environments. Since 2009, a variety of mobile, fixed, and tactical hybrid license plate reader solutions have been deployed to 40 major southern border outbound crossings and 19 Border Patrol checkpoints. These capabilities have greatly enhanced CBP's ability to gather intelligence and target suspected violators by linking drivers, passengers and vehicles across the core mission areas of inbound, checkpoint and outbound. In the pedestrian environment, automated gates coupled with self-directed traveler kiosks now provide document information, query results and biometric verification in advance of a pedestrian's arrival to CBPOs.

CBP not only supports security efforts along the nearly 7,000 miles of land borders, but also supplements efforts to secure the Nation's 95,000 miles of coastal shoreline. CBP's Office of Air and Marine (OAM) has 251 aircraft, including 10 Unmanned Aircraft Systems (UAS), and 289 patrol and interdiction vessels that provide critical aerial and maritime surveillance and operational assistance to personnel on the ground. Our UAS, six of which operate along the Southwest border, flew more than 5,700 hours in 2012, the most in the program's history. Since the formation of OAM within CBP eight years ago, CBP transformed a border air wing composed largely of light observational aircraft into a modern air and maritime fleet capable of a broad range of detection, surveillance and interdiction capabilities. This fleet is extending CBP's detection and interdiction capabilities, extending our border security zones, and offering greater opportunity to stop threats prior to reaching the nation's shores. Further synthesizing the technology, CBP's Air and Marine Operations Center (AMOC) integrates the surveillance capabilities of its federal and international partners to provide domain awareness for the approaches to American borders, at the borders, and within the interior of the United States.

CBP is also looking to the future by working closely with the DHS Science & Technology Directorate to identify and develop technology to improve our surveillance and detection capabilities in our ports and along our maritime and land borders. This includes investments in tunnel detection tactical communication upgrades, and tunnel activity monitoring technology, low-flying aircraft detection and tracking systems, maritime data integration/data fusion capabilities at AMOC, cargo supply chain security, and border surveillance tools tailored to Southern and Northern borders, including unattended ground sensors/tripwires, upgrades for mobile Surveillance Systems, camera poles, and wide-area surveillance.

Indicators of Success

DHS considers a number of indicators and outcomes to evaluate security efforts at our borders, including factors such as resource deployment, crime rates in border communities, and

apprehensions. While enforcement statistics and economic indicators point to increased security and an improved quality of life, no single metric can conclusively define the state of border security. Any individual metric can only capture one element of border security and none captures the true state of security along our borders. Rather than focus on any particular metric, our focus is on the enhancement of our capabilities, ensuring that we have tools that will lead to an increased probability of interdiction in high activity areas along our Southwest border.

This deployment of resources over the past ten years has, by every traditional measure, led to unprecedented success. In FY 2012, Border Patrol apprehension activity remained at historic lows with apprehensions in California, Arizona and New Mexico continuing a downward trend. In FY 2012, the Border Patrol recorded 364,768 apprehensions nationwide. In FY 2012 apprehensions were 78 percent below their peak in 2000, and down 50 percent from FY 2008. An increase in apprehensions was noted in south Texas, specifically of individuals from Central American countries, including El Salvador, Guatemala, and Honduras. However, significant border-wide investments in additional enforcement resources and enhanced operational tactics and strategy enabled CBP to address the increased activity. Today, there are more than 6,000 BPAs in South Texas, an increase of more than 80 percent since 2004.

At POEs in FY 2012, CBPOs arrested nearly 7,700 people wanted for serious crimes, including murder, rape, assault and robbery. CBPOs also stopped nearly 145,000 inadmissible aliens from entering the United States through POEs. Outcomes resulting from the efforts of the CBP National Targeting Center and Immigration Advisory Program, include the prevention of 4,199 high risk travelers, who would have been found inadmissible from boarding flights destined for the United States, an increase of 32 percent compared to FY 2011. These efforts not only allow CBP to mitigate risk before a potential threat arrives at a port of entry, but they also make the travel process more efficient and economical for the U.S. Government and the private sector by reducing or eliminating the cost of returning inadmissible travelers to their point of origin.

We see increasing success in our seizures as well. From FY 2009 to 2012, CBP seized 71 percent more currency, 39 percent more drugs, and 189 percent more weapons along the Southwest border compared to FY 2006 to 2008. Nationwide, CBP officers and agents seized more than 4.2 million pounds of narcotics and more than \$100 million in unreported currency through targeted enforcement operations. On the agricultural front, from FY 2003 to FY 2012, CBP interceptions of reportable plant pests in the cargo environment increased more than 48 percent to 48,559 interceptions in FY 2012. In addition to protecting our Nation's ecosystems and associated native plants and animals, these efforts are important to protecting our Nation's economy as scientists estimate that the economic impacts from invasive species exceed \$1 billion annually in the United States.

Another indicator of the success of our combined law enforcement efforts is reduced crime rates along the Southwest border. According to 2010 FBI crime reports, violent crimes in Southwest border states have dropped by an average of 40 percent in the last two decades. More specifically, all crime in the seven counties that comprise the South Texas area is down 10 percent from 2009 to 2011. Between 2000 and 2011, four cities along the Southwest border – San Diego, McAllen, El Paso, and Tucson – experienced population growth, while also seeing significant decreases in violent crime.

These border communities have also seen a dramatic boost to their economies in recent years. In FY 2012, more than \$176 billion in goods entered through the Laredo and El Paso, Texas POEs compared to \$160 billion in FY 2011. Additionally, the import value of goods entering the United States through Texas land ports has increased by 55 percent between FY 2009 and FY 2012. In Laredo alone, imported goods increased in value by 68 percent. Arizona is also a significant source for the flow of trade. In both FY 2011 and FY 2012, \$20 billion entered through Arizona POEs.

Communities along the Southwest border are among the most desirable places to live in the nation. Forbes ranked Tucson the number one city in its April 2012 “Best Cities to Buy a Home Right Now” and in February, 2012, the Tucson Association of Realtors reported that the total number of home sales was up 16 percent from the same month the previous year. Tucson also joins Las Cruces, New Mexico on Forbes’ list of “25 Best Places to Retire.” These Southwest border communities are also safe. *Business Insider* published a list of the top 25 most dangerous cities in America, and again, none of them is located along the Southwest border. In fact, *CQ Press* named El Paso the safest large city in America for the past three years.

The successes of a secure border are also reflected in key national economic measures. In 2011, secure international travel contributed to overseas travelers spending \$153 billion in the United States—an average of \$4,300 each—resulting in a \$43 billion travel and tourism trade surplus. In addition, secure global supply chains promoted a 5 percent growth in import values reaching \$2.3 trillion in FY 2012 and is expected to exceed previous records in the air, land, and sea environments this year. CBP collects tens of billions of dollars in duties, providing a significant source of revenue for our Nation’s treasury. These efforts complement the strategies implemented by the President’s National Export Initiative (NEI) which resulted in the resurgence of American manufacturers, who have added nearly 500,000 jobs since January 2010, the strongest period of job growth since 1989¹. Additionally, other efforts to boost trade and exports are producing results. In 2011, United States exports reached record levels, totaling more than \$2.1 trillion, 33.5 percent above the level of exports in 2009. United States exports supported nearly 9.7 million American jobs in 2011, a 1.2 million increase in the jobs supported by exports since 2009. Furthermore, over the first two years of the NEI, the Department of Commerce recruited more than 25,000 foreign buyers to United States trade shows, resulting in about \$1.7 billion in export sales. The Administration’s National Travel and Tourism Strategy calls for 100 million international visitors a year by the end of 2021, bringing more than \$250 billion in estimated spending.

Protecting America from Afar: Secure Borders Expanded

Although enforcement statistics and economic indicators point to increased security and an improved quality of life, many of these outcomes are a result of CBP’s intelligence-based framework to direct its considerable resources toward a dynamic and evolving threat. CBP

¹ The President’s Export Council Compilation of the Council’s Recommendations during the First Term of the Obama Administration, 2010-2012, which uses stats from the Bureau of Labor Statistics. Available at http://trade.gov/pec/docs/PEC_Term_Report_2010-2012_12062012.pdf

gathers and analyzes this intelligence and data to inform operational planning and effective execution.

CBP's programs and initiatives reflect DHS's ever increasing effort to extend its security efforts outward. This ensures that our POEs are not the last line of defense, but one of many.

Securing Travel

On a typical day, CBP welcomes nearly a million travelers at our air, land, and sea POEs. The volume of international air travelers increased by 12 percent from 2009 to 2012 and is projected to increase 4 to 5 percent each year for the next five years. CBP continues to address the security elements of its mission while meeting the challenge of increasing volumes of travel in air, land, and sea environments, by assessing the risk of passengers from the earliest, and furthest, possible point, and at each point in the travel continuum.

As a result of advance travel information, CBP has the opportunity to assess passenger risk long before a traveler arrives at a POE. Before an individual travels to the United States, CBP has the opportunity to assess their risk via the Electronic System for Travel Authorization for those traveling under the Visa Waiver Program, or as part of the inter-agency collaborative effort to adjudicate and continuously vet visas, which are issued by the Department of State. CBP has additional opportunities to assess a traveler's risk when they purchase their ticket and/or make a reservation, and when they check-in.

Before an international flight departs for the United States from the foreign point of origin, commercial airlines transmit passenger and crew manifest information to CBP. CBP's National Targeting Center then reviews traveler information to identify travelers who could be determined inadmissible upon arrival. As part of its Pre-Departure and Immigration Advisory/Joint Security Programs, CBP coordinates with the carriers to prevent such travelers from boarding flights bound for the United States. From FY 2010 through FY 2012, utilizing these programs, CBP prevented 8,984 high risk travelers from boarding flights, a security effort that also reduces or eliminates resources which are dedicated to returning inadmissible travelers to their points of origin, and instead enables those resources to be utilized on facilitating legitimate travel.

Additionally, CBP's work on business innovations and enhanced partnerships with private industry helped lead to the expansion of Trusted Traveler Programs like Global Entry. More than 1.7 million people, including more than 414,000 new members this fiscal year, have enrolled in Trusted Traveler Programs, which allow expedited clearance for pre-approved, low-risk air travelers upon arrival in the United States. When comparing 2011 and 2012, CBP processed 500,000 more passengers using Global Entry and there were 689,000 more kiosk uses in 2012. Collaboration efforts between CBP and TSA create increased security and additional efficiencies to better serve the traveling public. TSA's PreCheck program automatically extends eligibility to current U.S. citizen members of CBP's Trusted Traveler Programs. This partnership enables TSA to extend expedited screening benefits for these qualifying trusted travelers, and allows TSA to focus on security and unknown risks, and contributes to the overall homeland security mission of securing and facilitating legitimate travel.

Securing Trade and the Supply Chain

In FY 2012, CBP processed 25.3 million cargo containers through the Nation's POEs, an increase of four percent from 2011, with a trade value of \$2.3 trillion. The United States is the world's largest importer and exporter of goods and services. To address increasing travel volumes, CBP assesses the risk of cargo bound for the United States, whether by air, land, or sea, at the earliest point of transit.

Receiving advanced shipment information allows CBP to assess the risk of cargo before it reaches a POE. Since 2009, the Importer Security Filing (ISF) and the Additional Carrier Requirements regulation have required importers to supply CBP with an electronically-filed ISF consisting of advance data elements 24 hours prior to lading for cargo shipments that will be arriving into the United States by vessel. These regulations increase CBP's ability to assess the scope and accuracy of information gathered on goods, conveyances, and entities involved in the shipment of cargo to the United States via vessel.

Since 2010, CBP has implemented the Air Cargo Advance Screening (ACAS) pilot, which enables CBP and the Transportation Security Administration (TSA) to receive advance security filing cargo data and help identify cargo shipments inbound to the United States via the air environment that may be high risk and require additional physical screening. Identifying high-risk shipments as early as possible in the air cargo supply chain provides CBP and TSA an opportunity to conduct a comprehensive review of cargo data while facilitating the movement of legitimate trade into the United States. Benefits to ACAS pilot participants include: efficiencies by automating the identification of high risk cargo for enhanced screening before it is consolidated and loaded on aircraft and reduction in paper processes related to cargo screening requirements which may increase carrier efficiency.

CBP also has a presence at foreign ports to add another layer of security to cargo bound for the United States. The Container Security Initiative (CSI) places CBPOs at foreign ports to perform pre-screening of containers before those containers are placed on a United States-bound vessel. The CSI program has matured since its inception in 2002 through increased partnership with host country counterparts and advances in targeting and technology. This allowed CBP to decrease the number of CBPOs on the ground at CSI ports, while maintaining security outcomes. However, more than 80 percent of maritime cargo destined for the United States originates in, or transits through, CSI locations. In cooperation with host country counterparts, high-risk cargo is examined prior to lading on a vessel destined to the United States. Additionally, CBP screens 100 percent of all cargo manifests prior to arrival in the United States either through CSI locations or at the domestic port of entry for cargo that does not pass through a CSI port.

Securing the Source and Transit Zones

The effort to push out America's borders is also reflected by CBP's efforts to interdict narcotics and other contraband long before it reaches the United States. Since 1988, CBP's Office of Air and Marine (OAM) (and its legacy predecessor) has provided Detection and Monitoring capabilities for the Source and Transit Zone mission. The CBP OAM P-3 Orion Long Range Tracker (LRT) and the Airborne Early Warning (AEW) aircraft provide air and maritime

surveillance, detecting suspect smugglers who use a variety of conveyances. Transnational Criminal Organizations (TCOs) smuggle various contraband towards the United States Borders and Arrival Zones. The CBP P-3 aircraft have been instrumental in reducing the flow of contraband from reaching the Arrival Zones, by detecting the suspect aircraft and vessels while still thousands of miles away from America's border. In FY 2012, P-3 crews were involved in the interdiction of 117,103 pounds of cocaine and 12,745 pounds of marijuana. In the first quarter of 2013, P-3 crews have been involved in the interdiction of 38,378 pounds of cocaine. Providing direction to interdiction assets and personnel to intercept suspects long before reaching the United States, the CBP P-3 aircraft and crew provide an added layer of security, by stopping criminal activity before reaching our borders.

Conclusion

Over the past ten years, DHS has undertaken an unprecedented effort to secure our border and transform our Nation's immigration enforcement system into one that focuses on public safety, national security, and on the integrity of the immigration system. DHS deployed historic levels of personnel, technology and infrastructure to the Southwest border to reduce the flow of illicit persons, drugs, cash, and weapons and to expedite legal trade and travel through trusted traveler and trade initiatives.

With the support of Congress, CBP has made significant progress in securing the borders through a multi-layered approach using a variety of tools at our disposal. CBP will continue to work with DHS and our federal, state, local, tribal, and international partners, to strengthen border security. We must remain vigilant and focus on building our approach to position CBP's greatest capabilities to combat the greatest risks that exist today, to be prepared for emerging threats, and to continue to build a sophisticated approach tailored to meet the challenges of securing a 21st century border. At the same time, Secretary Napolitano has made it clear that Congress can help by passing a commonsense immigration reform bill that will allow CBP to focus its resources on the most serious criminal actors threatening our borders.

Chairman Chaffetz, Ranking Member Tierney, and distinguished Members of the Subcommittee, thank you for this opportunity to testify about the work of CBP and our efforts in securing our borders. We look forward to answering your questions.

Mr. CHAFFETZ. Thank you, Mr. Fisher.
I will now recognize Mr. Murphy for five minutes.

STATEMENT OF DAVID J. MURPHY

Mr. MURPHY. Good morning, Chairman Chaffetz, Vice Chairman Lummis and distinguished members of the subcommittee.

Thank you for the opportunity to appear before you today. I appreciate the committee's leadership and commitment to ensuring the security of the American people and look forward to discussing the progress we have made in securing the border. We define a secure border at our Nation's ports of entry as a well managed border when mission risks are effectively identified and addressed and legitimate trade and travel are expedited.

Every day we carry out our mission to protect the people and the economy of the United States by preventing dangerous people and goods from entering the Country while expediting legitimate trade and travel that is the life blood of our economy at 329 ports of entry.

Traffic at our ports of entry differs by environment type, which encompasses air, land and sea, traveler or cargo and mode of transportation, commercial or general aviation, personally-owned vehicles, pedestrians, trucks, containerized, packaged or bulk. Each of these environments and activity presents a different set of challenges with respect to threats, volume and timing of processing.

Last year, CBP welcomed more than 350 million passengers and processed \$2.3 trillion in total trade value. We are seeing volume increases in all environments and anticipate volume to continue as the economy recovers. One of the most substantial growths is in the air environment where we have seen a volume increase of 12 percent since 2009.

It is important to note that the vast majority of this traffic complies with all rules and regulations enforced by CBP. Our goal is to identify and interdict those few travelers and shipments that may present a risk while facilitating the vast majority of legitimate traffic. We are working to find and stop the proverbial needles in the haystack while the haystack is moving.

We continue to improve our ability to do this and to focus our finite resources on those people and goods that present the highest potential risk. In addition to refining our risk base and layered approach to security, we have worked to extend our borders outward and to interdict threats before they reach the United States.

DHS, in cooperation with our interagency and Port partners, now screens people and goods earlier in the process, before boarding passengers or loading cargo onto planes or vessels destined for the United States. Since 2009, CBP has expanded its pre-departure screening efforts and now checks all air travelers against government databases on all flights arriving to and departing from the United States prior to boarding.

CBP has also extended our Nation's borders outward in the cargo environment. All inbound cargo manifests are screened before they are laden on the vessels with almost 85 percent of high risk shipments examined or addressed before arrival at U.S. seaports.

In addition to improving our ability to identify and mitigate potentially high risk travel and trade, CBP remains focused on identi-

fying waste to facilitate the growing volume of people and goods entering the United States. We have seen marked facilitation improvements in the development of a series of transformation initiatives that increase the speed of our processing, including the expansion of the Trusted Traveler and Trusted Trader programs, the elimination of paper forms and the increased use of technology.

We will continue to aggressively pursue these strategies which both increase security and streamline the border process for people and goods.

These types of programs and enhanced management tools have not only increased our ability to facilitate lawful travelers, but have also provided significant security benefits. For example, we have limited the number of accepted travel documents and increased our ability to identify at our land ports resulting in a decreased use of fraudulent documents and attempts by inadmissible persons to enter through our ports.

As we refine our targeting and interdiction efforts along the southwest border, transnational criminal organizations have begun to use unique and non-traditional deep concealment smuggling methods using smaller loads to avoid detection. Ever improving interdiction efforts by CBP continue to force these organizations to attempt a myriad of more costly and often less successful smuggling techniques.

In 2009 and 2010, we focused our agricultural protection efforts on increasing interception of our highest agricultural risk pests, Asian Gypsy Moths and Caper Beetles. These pests, if left undetected, could result in millions of dollars in economic damage. In the year following this nationwide training, we saw record levels of interceptions and continue to maintain those levels of interceptions today.

The state of border security continues to improve at our ports of entry. We have made tremendous progress and are well postured against terrorist threats having pushed our security measures beyond our immediate borders. We are pushing a robust strategy to optimize our current business practices. In short, we have maintained and increased our mission effectiveness while facing increasing demands for growing passenger and trade volume and continue to seek ways to improve.

Chairman Chaffetz, Ranking Member Tierney, Vice Chairman Lummis and members of the subcommittee, thank you for the opportunity to testify. I look forward to your questions.

Mr. CHAFFETZ. Thank you, Mr. Murphy.

I will now recognize Mr. Homan for five minutes.

STATEMENT OF THOMAS HOMAN

Mr. HOMAN. Good morning, Chairman Chaffetz, Ranking Member Tierney and distinguished members of the subcommittee.

On behalf of Secretary Napolitano and Director Morton, thank you for the opportunity to appear today to discuss the significant progress ICE and DHS have made to secure our border.

As you may know, ICE is the principal investigative agency within DHS and the second largest in the Federal Government. The men and women of ICE play a critical role in securing the border

and carrying out smart and effective immigration enforcement policies.

ICE consists of three operational programs: Enforcement and Removal Operations, ERO; Homeland Security Investigations, HSI; and the Office of the Principal Legal Advisor, OPLA. HSI investigates a wide range of crimes that arise from illegal movement of people and goods into, within and out of the United States.

I am head of ERO. In this role, I lead a program that identifies, apprehends, detains and removes alien subjects for removal from the United States pursuant to ICE's prioritized enforcement principles. I have been a federal law enforcement officer for 29 years, 27 of which have been spent in immigration enforcement.

Over the years, I have seen and worked the entire life cycle of immigration enforcement. I have served on the front lines as a border patrol agent; I tackled smuggling organizations as a special agent with the former INS, and now focus on smart enforcement at the back end of the process that being removal of aliens from the United States.

Over the past four years, ICE has focused its resources on removal of individuals who fit within our enforcement priorities. Those priorities include people who are threats to national security and public safety such as convicted criminals, recent illegal border crossers and those who obstruct immigration controls.

This focus has led to unprecedented successes. Last year, ICE removed almost 410,000 aliens, some 55 percent of them had criminal convictions. This is almost double the number of criminal alien removals in 2008 and 96 percent of those aliens fit within the priority categories I mentioned above. Simply put, our reforms and priorities have made our communities safer.

ICE carefully manages its detention population in our field offices on the border and nationwide. Operational needs on the southwest border can change quickly. ICE has a policy and infrastructure in place to meet those needs.

The successes I mention today could not have been achieved without implementation of the smart, effective and efficient policies issued by Secretary Napolitano and Director Morton. Of course we must work closely with our DHS partners in order to meet our goals. For instance, 44 percent of ICE's detainees in ICE custody came from the CBP.

Our joint efforts are critical to the Nation's border enforcement efforts and I am proud of the working relationship I have with my colleagues with whom I am testifying today.

Another part of our commitment to smart and effective immigration enforcement are the major reforms we have made to the detention system. All of our reforms help ensure that individuals in ICE's detained population are held appropriately and are classified according to their risk. We have put in place strong safeguards against abuse to ensure our detainees have access to health care and legal resources.

The success I have outlined today is the result of reasonable immigration policies and priorities. Even in this time of budget uncertainty, we are using our resources in a smart, effective and responsible manner. We are making the public safer by targeting our resources where they are needed most.

Thank you again for inviting me to testify. I am pleased to answer any questions you may have.

[Prepared statement of Mr. Homan follows:]

INTRODUCTION

Chairman Chaffetz, Ranking Member Tierney, and distinguished members of the Subcommittee:

On behalf of Secretary Napolitano and Director Morton, thank you for the opportunity to appear today to discuss the significant progress U.S. Immigration and Customs Enforcement (ICE) and the U.S. Department of Homeland Security (DHS) have made to secure the border. ICE has successfully carried out clear, smart priorities, and implemented a number of key reforms and programs that have improved public safety.

ICE primarily consists of two operational programs: Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI). ERO enforces the nation's immigration laws in a fair, prioritized, and effective manner. ERO identifies and apprehends criminal and other removable aliens, detains these individuals, and, guided by ICE's prioritized enforcement principles, removes individuals who are illegally present (or otherwise subject to removal) from the United States. HSI is responsible for a wide range of domestic and international criminal investigations arising from the illegal movement of people and goods into, within, and out of the United States, often in coordination with other federal agencies.

I currently serve as ICE's Executive Associate Director for ERO, and I have served previously in other ERO leadership positions at ICE Headquarters since 2009. Previously, I served as ICE HSI Deputy Special Agent in Charge in Dallas, Texas, as a Special Agent and Assistant District Director for Investigations with the former Immigration and Naturalization Service, and as a U.S. Border Patrol Agent. Altogether, I have been a federal law enforcement officer for 29 years, 27 of which have been spent in immigration enforcement.

Over the past four years, ICE has focused its finite resources on the apprehension, detention, and removal of individuals who fall within our enforcement priorities. To this end, ICE has prioritized the removal of (1) aliens who pose a danger to national security or risk to public safety (including aliens engaged in or suspected of terrorism or espionage, criminal aliens, and aliens subject to outstanding criminal warrants); (2) recent illegal entrants; and (3) aliens who are fugitives or otherwise obstruct immigration controls. Through this focus, ICE has been able to help ensure public safety, and has seen unprecedented successes in enforcing the nation's immigration laws.

Overall, in fiscal year (FY) 2012, ICE's Office of Enforcement and Removal Operations (ERO) removed a record number of 409,849 individuals. Of these, approximately 55 percent, or 225,390, had a criminal conviction – almost double the total removals of criminals in FY 2008. This includes 1,215 aliens convicted of homicide; 5,557 aliens convicted of sexual offenses; and 40,448 aliens convicted for crimes involving drugs. Moreover, ICE also continues to make progress in the removal of other enforcement priorities. In FY 2012, 96 percent of all ICE's removals fell into a priority category – a record achievement.

Prioritizing Recent Border Crossers

ICE's recent immigration enforcement successes are the result of smart, effective enforcement priorities. In order to help maintain control at our nation's borders, while at the same time managing limited resources, ICE prioritizes the identification and removal of recent border crossers and conducts targeted enforcement operations with U.S. Customs and Border Protection (CBP). This relationship with CBP is critical to DHS's enforcement success. More than half of the individuals removed by ICE in FY 2012 (240,363) were border removals (cases

initiated by CBP, expedited removals, or removals of individuals within three years of entry into the United States). In addition, aliens referred to ICE by CBP currently represent 44 percent of all individuals in ICE detention on any given day.

Detention and Removal

ICE Detention

Upon being taken into ICE custody, individuals are booked, fingerprinted, and photographed. Within 12 hours of arrival at a detention facility, each detainee receives an initial health screening. This is followed by a comprehensive health assessment, including a physical examination and the completion of detailed medical history, within 14 days of their arrival.

ERO facilitates the processing of individuals in removal proceedings through the immigration court system and coordinates their departure from the country, including the preparation of necessary travel documents. Along the Southwest Border, Mexican nationals are largely removed via land transportation through U.S. Ports of Entry into Mexico. ICE removes Mexican nationals along the Southwest Border in accordance with agreements between the Government of Mexico, CBP and ICE.

Together with its DHS and Department of Justice partners, ICE carefully manages the detention population in its Southwest Border field offices to ensure that it can address the rapid and substantial changes in operational needs that can occur in the region. As this Subcommittee knows, border circumstances can quickly change. As a result, ICE has redoubled its efforts to be more nimble and smart as we respond to changing operational requirements, and we have the right policies and infrastructure in place to do just that.

Removal Operations

In addition to removals to Mexico by ground transportation, removals may occur by commercial or charter flights. ICE Air Operations routinely depart from Mesa, Arizona; San Antonio, Texas; Alexandria, Louisiana; and Miami, Florida.

ICE Air Operations has provided transportation support to the Alien Transfer and Exit Program (ATEP). ATEP is a joint effort between ICE and CBP that allows for the transportation of aliens from an apprehending Southwest Border Patrol Sector for subsequent removal to Mexico through another Southwest Sector. The program is designed to deny, disrupt and dismantle the ability of alien smuggling organizations operating in the participating sectors. ATEP targets frequent recidivist illegal entrants, and other illegal aliens apprehended by CBP within the Laredo, Rio Grande Valley, and Tucson sectors.

ICE Air Operations is now preparing to commence Interior Repatriation Initiative (IRI) operations. On April 18, 2013, DHS signed an agreement with the Government of Mexico that created the framework for IRI. This initiative is designed to reduce recidivism and border violence by returning Mexican nationals to their cities of origin. In those locations, there will be a higher likelihood that they will reintegrate themselves back into their communities, rather than fall victim to human trafficking or other crimes in Mexican border towns. We expect to begin in summer 2013.

Removal Proceedings and Criminal Prosecutions

ICE's Office of the Principal Legal Advisor (OPLA) has 26 Chief Counsel offices around the country who litigate in removal proceedings before the Executive Office for Immigration Review. A total of 382,675 proceedings were completed in FY 2012. In addition, OPLA

supports the U.S. Department of Justice's (DOJ) litigation of immigration appeals and federal litigation on behalf of ICE. OPLA's resources are focused on the agency's highest enforcement priorities, including criminal aliens and recent border entrants. In addition, OPLA has implemented a number of efficiencies in handling extensive caseloads in the immigration courts (such as developing pilot projects to establish formal expedited dockets in some localities, and working with DOJ to narrow contested issues in cases where courts are able to handle them on an expedited basis), while at the same time increasing the number of prosecutions for federal crimes.

OPLA also supports enforcement through targeted criminal prosecutions. In FY 2012, OPLA staffed 44 Special Assistant United States Attorney (SAUSA) positions nationwide. The SAUSAs assist U.S. Attorneys with increased caseloads that result from ICE's increased enforcement, and serve as critical force multipliers. ICE implemented the SAUSA initiative as a force multiplier in federal prosecutions focusing on immigration and customs-related criminal cases.

Detention Reforms

Also reflective of ICE's commitment to smart, effective immigration enforcement are the significant reforms we have made to the immigration detention system. Beginning in August 2009, these reforms address questions raised about ICE's immigration detention system, while allowing ICE to maintain adequate detention capacity to carry out our immigration enforcement responsibilities.

To help effectuate these reforms, in 2009 ICE established its Office of Detention Policy and Planning, which oversees day-to-day detention reforms while designing a new detention

system consistent with our nation's values. ICE has also deployed nationwide a new automated Risk Classification Assessment instrument to improve transparency and uniformity in detention custody and classification decisions. This assessment instrument incorporates factors that reflect the agency's enforcement priorities and guides decision making regarding whether an individual should be detained or released on conditions, and if detained, the individual's appropriate custody classification level. The Risk Classification Assessment also provides an opportunity to identify victims of crimes, including human trafficking, and individuals who might face particular risks in detention due to age, health, disability, or sexual orientation or gender identity.

In addition, ICE has promulgated the 2011 Performance-Based National Detention Standards (PBNDS 2011), a revised set of national detention standards that better address the needs of ICE's detainee population. Among other things, these standards improve medical and mental health services, maximize access to counsel and legal resources, reinforce protections against sexual abuse, augment religious opportunities, and enhance procedures for reviewing and responding to detainee grievances. Agreements to implement PBNDS 2011 are in place at ICE's largest detention facilities, accounting for approximately half of the agency's detainee population, and ICE is continuing to seek broader implementation of the standards through ongoing negotiations with detention facilities.

In addition, ICE has implemented strong safeguards against sexual assault in detention. These safeguards include a 2012 directive which establishes agency-wide policy and procedures with respect to prevention, response, and investigation of allegations of sexual abuse or assault for all detainees. The directive complements the mandates imposed on detention facilities by the new requirements of PBNDS 2011. This summer, DHS will also finalize new regulations,

pursuant to the Prison Rape Elimination Act, which will build upon the zero-tolerance policy previously adopted for sexual abuse and assault at such facilities.

ICE continues to ensure the health and safety of detainees in our custody by enhancing oversight of detention facilities and improving conditions within the system. In addition, ICE's new detention standards place stricter limitations on the use of administrative segregation to protect vulnerable detainees and to house individuals with serious mental illness.

Other Key Border Security Efforts

Border Enforcement Security Task Force

ICE has also improved border security by increasing our presence on the Southwest Border and strengthening our relationships with our law enforcement partners both domestically and internationally. ICE established the Border Enforcement Security Task Force (BEST) program, which leverages over 765 federal, state, local, and foreign law enforcement agents and officers representing over 100 agencies. Congress formally authorized the program by passing the Jaime Zapata Border Enforcement Security Task Force Act, which was signed into law by President Obama in 2012. Today, we have 35 BESTs: four along the Northern Border, 14 along the Southern Border, and 17 located at seaports across the country, including Puerto Rico.

BEST provides a co-located platform to conduct intelligence-driven investigations aimed at identifying, disrupting, and dismantling transnational criminal organizations that operate in air, land, and sea environments. In FY 2012, BESTs made 2,676 criminal arrests, 809 administrative arrests, and federal prosecutors obtained 1,419 indictments and 1,335 convictions in BEST-investigated cases.

Illicit Pathways Attack Strategy

Over the last few years, 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 that integrates federal resources to combat transnational organized crime and related threats to national security and public safety while urging foreign partners to do the same.

ERO contributes to IPAS by identifying known or suspected alien smugglers or persons being smuggled. These individuals, along with victims of human trafficking, are interviewed by ERO Intelligence Officers and information ascertained from these interviews is used in ERO lead intelligence reports. ERO lead reports are socialized with the intelligence community and the human smuggling and trafficking center for further analysis and utilization.

ICE's initial IPAS focused on high-risk human smuggling in the Western Hemisphere in order to identify and target human smuggling organizations and their pathways across the globe. ICE is currently expanding the IPAS model to include financial crime, in order to better combat transnational criminal organizations. ICE, together with its law enforcement partners, leads investigations into human smuggling networks – with a core mission that has a direct impact on national security, public safety, and human dignity.

CONCLUSION

Thank you again for the opportunity to appear before you to outline for the subcommittee examples of ICE's strategic approach to border security. I am confident that we will continue to build upon the momentum we have generated as a result of our considerable achievements to improve public safety and secure the border.

Mr. CHAFFETZ. Thank you, Mr. Homan.

We now look forward to hearing from Ms. Gambler for five minutes.

STATEMENT OF REBECCA GAMBLER

Ms. GAMBLER. Good morning, Chairman Chaffetz and members of the subcommittee.

I appreciate the opportunity to testify at today's hearing to discuss GAO's work on DHS programs and efforts to secure the border.

Since 2004, DHS has increased resources allocated to securing borders. For example, in fiscal year 2004, the Border Patrol had over 10,000 agents; in fiscal year 2011, there were over 21,000 agents. Similarly, the number of Customs and Border Protection Officers stationed at ports of entry has increased from over 17,000 in fiscal year 2004 to more than 20,000 in fiscal year 2011. DHS has deployed technology and infrastructure to border areas.

Today, I will focus my remarks on three key areas in which GAO has assessed DHS' efforts to secure our Nation's borders. First, I will highlight our work reviewing GAO's efforts to assess its border security activities. Second, I will discuss GAO's work reviewing interagency coordination efforts. Third, I will highlight GAO's work on DHS management of technology assets for securing the border.

With regard to my first point, Border Patrol data show that from fiscal year 2006 to 2011, apprehensions within each southwest border sector declined. Border Patrol attributed this decrease to various factors such as changes in the U.S. economy and increases in resources. Fiscal year 2012 data reported by the Border Patrol indicate that apprehensions across the southwest border increased from fiscal year 2011 but it is too early to assess whether this increase indicates a change in trend. Further, from fiscal year 2006 through 2011, estimated known illegal entries in each southwest border sector also declined.

In addition to data on apprehensions, other data collected by the Border Patrol are used by sector management to inform assessments of its efforts. These data include, among other things, the percentage of estimated known illegal entrants who were apprehended more than once, which is referred to as the recidivism rate, and contraband seizures.

With regard to the recidivism rate, our analysis of Border Patrol data showed that the rate decreased across southwest border sectors between fiscal years 2008 and 2011. With regard to drug and other contraband seizures, the number of seizures increased by 83 percent from fiscal year 2006 to 2011.

Since fiscal year 2011, DHS has used a number of apprehensions on the southwest border between ports of entry as an interim performance goal and measure for border security. This measure provides some useful information but does not position the department to be able to report on how effective its efforts are at securing the border resulting in reduced oversight and DHS accountability.

The Border Patrol is in the process of developing goals and measures. However, it has not set target time frames for completing its efforts. We recommended that the Border Patrol establish such time frames to help ensure that development of goals and measures

are completed in a timely manner. The Department agreed with our recommendations and stated that it plans to establish such time frames by November 2013.

With regard to my second point, DHS and other agencies have reported improvements in interagency coordination of border enforcement operations. For example, several partners responsible for securing federal lands along the borders have cited increased information sharing and communication.

However, our work has also identified opportunities for improvements in more consistent implementation of existing interagency agreements and stronger oversight of interagency forums for border security.

Finally, DHS has deployed technology infrastructure and other assets to U.S. borders. However, DHS has faced a number of challenges in effectively planning for and managing its technology programs and other assets. For example, our work has shown that DHS could better document the analysis it has used to determine the types, quantities and locations of technologies it plans to deploy to the southwest border under its new technology plan.

Further, CBP has not yet defined performance metrics for assessing implementation of its new technology plans, hindering CBP's efforts to assess the effectiveness of the plan going forward.

In closing, our work has identified opportunities for DHS to strengthen its border security programs and efforts. We have made a number of recommendations to the Department to address various challenges and to enhance management of border security related programs. DHS has generally concurred with our recommendations and is taking action to address them. We will continue to monitor DHS' efforts in these efforts.

This concludes my prepared statement and I would be pleased to answer any questions members may have.

[Prepared statement of Ms. Gambler follows:]

GAO Highlights

Highlights of GAO-13-653T, a testimony before the Subcommittee on National Security, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

At the end of fiscal year 2004, DHS had about 28,100 personnel assigned to patrol U.S. land borders and inspect travelers at air, land, and sea POEs, with a total security cost of about \$5.9 billion. At the end of fiscal year 2011, DHS had about 41,400 personnel assigned to air, land, and sea POEs and along the borders, with a total security cost of about \$11.8 billion. DHS has reported that these resources have contributed to stronger enforcement efforts on the border. However, challenges remain to secure the border. In recent years, GAO has reported on a variety of DHS border security programs and operations.

As requested, this statement addresses some of the key issues and recommendations GAO has made in the following areas: (1) DHS's efforts to secure the border at and between POEs; (2) DHS interagency coordination and oversight of border security information sharing and enforcement efforts; and (3) DHS management of infrastructure, technology, and other assets used to secure the border. This statement is based on prior products GAO issued from January 2008 through March 2013, along with selected updates conducted in April 2013. For selected updates, GAO reviewed DHS information on actions it has taken to address prior GAO recommendations.

What GAO Recommends

In prior reports, GAO made recommendations to DHS to strengthen its border security programs and efforts. DHS generally concurred and has taken actions, or has actions planned or underway to address them.

View GAO-13-653T. For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

June 27, 2013

BORDER SECURITY

Progress and Challenges in DHS Implementation and Assessment Efforts

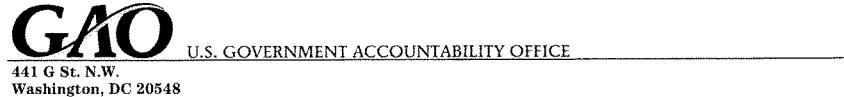
What GAO Found

U.S. Customs and Border Protection (CBP), part of the Department of Homeland Security (DHS), has reported progress in stemming illegal cross-border activity, but it could strengthen the assessment of its efforts. For example, since fiscal year 2011, DHS has used the number of apprehensions on the southwest border between ports of entry (POE) as an interim measure for border security. GAO reported in December 2012 that apprehensions decreased across the southwest border from fiscal years 2006 through 2011, generally mirroring a decrease in estimated known illegal entries in each southwest border sector. CBP attributed this decrease in part to changes in the U.S. economy and increased resources for border security. Data reported by CBP's Office of Border Patrol (Border Patrol) show that total apprehensions across the southwest border increased from over 327,000 fiscal year 2011 to about 357,000 in fiscal year 2012. It is too early to assess whether this increase indicates a change in the trend. GAO testified in February 2013 that the number of apprehensions provides information on activity levels but does not inform program results or resource allocation decisions. Border Patrol is in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between POEs, but it has not identified milestones and time frames for developing and implementing them, as GAO recommended. DHS concurred with GAO's recommendations and said that it plans to set a date for establishing such milestones and time frames by November 2013.

According to DHS law enforcement partners, interagency coordination and information sharing improved, but challenges remain. GAO reported in November 2010 that information sharing and communication among federal law enforcement officials responsible for federal borderlands had increased; however, gaps remained in ensuring law enforcement officials had access to daily threat information. GAO recommended that relevant federal agencies ensure interagency agreements for coordinating information and integrating border security operations are further implemented. These agencies agreed, and in January 2011, CBP issued a memorandum affirming the importance of federal partnerships to address border security threats on federal lands. While this is a positive step, to fully satisfy the intent of GAO's recommendation, DHS needs to take further action to monitor and uphold implementation of the existing interagency agreements.

Opportunities exist to improve DHS's management of border security assets. For example, DHS conceived the Secure Border Initiative Network as a surveillance technology and deployed such systems along 53 miles of Arizona's border. In January 2011, in response to performance, cost, and schedule concerns, DHS canceled future procurements, and developed the Arizona Border Surveillance Technology Plan (the Plan) for the remainder of the Arizona border. GAO reported in November 2011 that in developing the Plan, CBP conducted an analysis of alternatives, but it had not documented the analysis justifying the specific types, quantities, and deployment locations of technologies proposed in the Plan, which GAO recommended that it do. DHS concurred with this recommendation. GAO has ongoing work in this area, and among other things, is examining DHS's efforts to address prior recommendations, and expects to issue a report in fall 2013.

United States Government Accountability Office



441 G St. N.W.
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Chairman Chaffetz, Ranking Member Tierney, and Members of the Subcommittee:

I am pleased to be here today to address the Department of Homeland Security's (DHS) efforts 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 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),¹ and a total of about \$5.9 billion allocated to secure the entire U.S. border.² At the end of fiscal year 2011, both the number of personnel and amount of resources dedicated to border security had substantially increased, with approximately 21,400 agents assigned to patrol the U.S. land borders and more than 20,000 officers assigned to air, land, and sea POEs, amounting to about \$11.8 billion allocated to secure the entire U.S. border.³

DHS has reported that these increased resources have contributed to stronger enforcement efforts on the border. However, challenges remain in securing the border both at and between land POEs. For example, DHS data also show that several hundred thousand persons have entered the country illegally through and between the nation's POEs. Further, our analysis of DHS data indicated that across southwest border sectors, seizures of drugs and other contraband increased 83 percent from fiscal years 2006 through 2011—from 10,321 to 18,898.⁴ In fiscal

¹POEs 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.

²The number of border agents includes 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.

³In fiscal years 2011 and 2012, appropriations acts provided that DHS was to maintain an active duty presence of no fewer than 21,370 agents protecting the border of the United States. Department of Defense and Full-Year Continuing Appropriations Act, 2011, div. B, tit. VI, § 1608, Pub. L. No. 112-10, 125 Stat. 38, 140; Consolidated Appropriations Act, 2012, div. D, tit. II, Pub. L. No. 112-74, 125 Stat. 786, 945-46 (2011).

⁴Drugs accounted for the vast majority of all contraband seizures; contraband seizures other than drugs include firearms, ammunition, and money.

year 2012, DHS data indicated that seizures decreased to 17,891 across the southwest border.

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)⁵ and Office of Border Patrol,⁶ respectively. Other DHS components also play a role in border security. CBP's Office of Air and Marine operates a fleet of air and marine assets in support of federal border security efforts. DHS's 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. In addition, other federal, state, local, and tribal law enforcement agencies also expend resources for border security. For example, the Departments of the Interior (DOI) and Agriculture (USDA) have jurisdiction for law enforcement on federal borderlands administered by their component agencies, including DOI's National Park Service, Fish and Wildlife Service, and Bureau of Land Management, and USDA's Forest Service.

Over the years, we have reported on a variety of DHS border security programs and operations. As requested, my statement discusses progress and challenges in the following areas:

- (1) DHS's efforts to secure the border at and between POEs;
- (2) DHS interagency coordination and oversight of border security information sharing and enforcement efforts; and
- (3) DHS management of infrastructure, technology, and other assets used to secure the border.

⁵OFO 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.

⁶Border Patrol works to prevent the illegal entry of persons and contraband into the United States between POEs by using intelligence information to inform risk relative to threats of cross-border terrorism, drug smuggling, and illegal migration across locations; integrating border security operations with other law enforcement partners to address threats; and developing rapid response capabilities to deploy the resources appropriate to changes in threat.

This statement is based on related reports and testimonies we issued from January 2008 through March 2013 that examined DHS efforts to secure the U.S. border (see Related GAO Products at the end of this statement). It also includes selected updates we conducted in April 2013. Our reports and testimonies incorporated information we obtained and analyzed from officials from various DHS components, the Department of Justice (DOJ), DOI, USDA; and state and local law enforcement agencies. More detailed information about our scope and methodology can be found in our reports and testimonies. For the updates, we collected information from DHS on actions it has taken to address recommendations made in prior reports on which this statement is based. We conducted all of this work in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

DHS Has Reported
Progress in
Addressing Illegal
Cross-Border Activity,
but Could Improve
Assessment of Its
Efforts

Border Patrol Has
Reported Some Success in
Addressing Illegal
Migration, but Challenges
Remain in Assessing
Efforts and Identifying
Resource Needs

Since fiscal year 2011, DHS has used changes in the number of apprehensions on the southwest border between POEs as an interim measure for border security, as reported in its annual performance reports. As we reported in December 2012, our data analysis showed that apprehensions across the southwest border decreased 69 percent from fiscal years 2006 through 2011.⁷ These data generally mirrored a decrease in estimated known illegal entries in each southwest border sector. As we testified in February 2013, data reported by Border Patrol following the issuance of our December 2012 report showed that total apprehensions across the southwest border increased from over 327,000 in fiscal year 2011 to about 357,000 in fiscal year 2012.⁸ It is too early to assess whether this increase indicates a change in the trend for Border Patrol apprehensions across the southwest border. Through fiscal year 2011, Border Patrol attributed decreases in apprehensions across sectors in part to changes in the U.S. economy, achievement of strategic objectives, and increased resources for border security.

In addition to collecting data on apprehensions, Border Patrol collects other types of data that are used by sector management to help inform assessment of its efforts to secure the border against the threats of illegal migration and smuggling of drugs and other contraband. These data

⁷GAO, *Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*, GAO-13-25 (Washington, D.C.: Dec. 10, 2012).

⁸GAO, *Border Patrol: Goals and Measures Not Yet in Place to Inform Border Security Status and Resource Needs*, GAO-13-330T (Washington, D.C.: Feb. 26, 2013).

show changes, for example, in the (1) percentage of estimated known illegal entrants who are apprehended, (2) percentage of estimated known illegal entrants who are apprehended more than once (repeat offenders), (3) number of seizures of drugs and other contraband, and (4) number of apprehensions of persons from countries at an increased risk of sponsoring terrorism.⁹ Our analysis of these data show that the percentage of estimated known illegal entrants apprehended from fiscal years 2006 through 2011 varied across southwest border sectors. The percentage of individuals apprehended who repeatedly crossed the border illegally declined by 6 percent from fiscal years 2008 through 2011. Further, the number of seizures of drugs and other contraband across the border increased from 10,321 in fiscal year 2006 to 18,898 in fiscal year 2011. Our analysis of the data also show that apprehensions of persons from countries at an increased risk of sponsoring terrorism—referred to as Aliens from Special Interest Countries—increased each fiscal year from 239 in fiscal year 2006 to 399 in fiscal year 2010, but dropped to 253 in fiscal year 2011.¹⁰

As we reported in December 2012, Border Patrol sectors and stations track changes in their overall effectiveness as a tool to determine if the appropriate mix and placement of personnel and assets are being deployed and used effectively and efficiently, according to officials from

⁹Border Patrol's estimate of known illegal entries includes deportable entrants who were apprehended, in addition to the number of entrants who illegally crossed the border but were not apprehended because they crossed back into Mexico (referred to as turn backs) or continued traveling into the U.S. interior (referred to as got aways). We defined these illegal entries as estimated "known" illegal entries to clarify that the estimates do not include illegal entrants for which Border Patrol does not have reasonable indications of cross-border illegal activity. These data are collectively referred to as known illegal entries because Border Patrol officials have what they deem to be a reasonable indication that the cross-border activity occurred. Indications of illegal crossings are obtained through various sources such as direct agent observation, referrals from credible sources (such as residents), camera monitoring, and detection of physical evidence left on the environment from animal or human crossings.

¹⁰According to Border Patrol headquarters officials, the agency is transitioning to a new methodology to identify the potential terrorist risk in fiscal year 2013. This new methodology is to replace the use of a country-specific list with a range of other factors to identify persons posing an increased risk for terrorism when processing deportable aliens.

Border Patrol headquarters.¹¹ Border Patrol data showed that the effectiveness rate for eight of the nine sectors on the southwest border improved from fiscal year 2006 through 2011.¹² Border Patrol headquarters officials said that differences in how sectors define, collect, and report turn back data (entrants who illegally crossed the border but were not apprehended because they crossed back into Mexico) and got away data (entrants who illegally crossed the border and continued traveling into the U.S. interior) used to calculate the overall effectiveness rate preclude comparing performance results across sectors. Border Patrol headquarters officials stated that until recently, each Border Patrol sector decided how it would collect and report turn back and got away data, and as a result, practices for collecting and reporting the data varied across sectors and stations based on differences in agent experience and judgment, resources, and terrain. Border Patrol headquarters officials issued guidance in September 2012 to provide a more consistent, standardized approach for the collection and reporting of turn back and got away data by Border Patrol sectors. Each sector is to be individually responsible for monitoring adherence to the guidance. According to Border Patrol officials, it is expected that this guidance will help improve data reliability. Implementation of this new guidance may allow for comparison of sector performance and inform decisions regarding resource deployment for securing the southwest border.

Border Patrol is in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between POEs and for informing the identification and allocation of resources needed to secure the border, but has not yet identified milestones and time frames for developing and implementing them. Since fiscal year 2011, DHS has used the number of apprehensions on the southwest border between POEs as an interim performance goal and measure for border security as reported in its annual performance report.

¹¹Border Patrol calculates an overall effectiveness rate using a formula in which it adds the number of apprehensions and turn backs in a specific sector and divides this total by the total estimated known illegal entries—determined by adding the number of apprehensions, turn backs, and got aways for the sector. Border Patrol views its border security efforts as increasing in effectiveness if the number of turn backs as a percentage of estimated known illegal entries has increased and the number of got aways as a percentage of estimated known illegal entries has decreased.

¹²The exception was the Big Bend sector, which showed a decrease in the overall effectiveness rate from 86 percent in fiscal year 2006 to 68 percent in fiscal year 2011.

Prior to this, DHS used operational control as its goal and outcome measure for border security and to assess resource needs to accomplish this goal.¹³ Operational control—also referred to as effective control—was defined as the number of border miles where Border Patrol had the capability to detect, respond to, and interdict cross-border illegal activity. DHS last reported its progress and status in achieving operational control of the borders in fiscal year 2010. At that time, DHS reported achieving operational control for 1,107 (13 percent) of 8,607 miles across U.S. northern, southwest, and coastal borders.¹⁴ Along the southwest border, DHS reported achieving operational control for 873 (44 percent) of the about 2,000 border miles.¹⁵ At the beginning of fiscal year 2011, DHS transitioned from using operational control as its goal and outcome measure for border security. We testified in February 2013 that the interim goal and measure of number of apprehensions on the southwest border between POEs provides information on activity levels but does not inform program results or resource identification and allocation decisions, and therefore until new goals and measures are developed, DHS and Congress could experience reduced oversight and DHS accountability.¹⁶ Further, studies commissioned by CBP have found that the number of apprehensions bears little relationship to effectiveness because agency officials do not compare these numbers with the amount of cross-border illegal activity.¹⁷

Border Patrol officials stated that the agency is in the process of developing performance goals and measures, but has not identified milestones and time frames for developing and implementing them. According to Border Patrol officials, establishing milestones and time frames for the development of performance goals and measures is contingent on the development of key elements of its new strategic plan,

¹³Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource deployments, and discussions with senior Border Patrol agents.

¹⁴GAO, *Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts*, GAO-12-688T (Washington, D.C.: May 8, 2012).

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

¹⁶GAO-13-330T.

¹⁷For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Virginia: Oct. 18, 2005).

such as a risk assessment tool, and the agency's time frames for implementing these key elements—targeted for fiscal years 2013 and 2014—are subject to change. We recommended that CBP establish milestones and time frames for developing a performance goal, or goals, for border security between POEs that defines how border security is to be measured, and a performance measure, or measures, for assessing progress made in securing the border between POEs and informing resource identification and allocation efforts. DHS concurred with our recommendations and stated that it plans to set a date for when it will establish such milestones and time frames by November 2013.

**CBP Has Strengthened
POE Inspection Programs
and Officer Training, and
Has Additional Actions
Planned or Under Way**

As part of its homeland security and legacy customs missions, CBP inspects travelers arriving at POEs to counter threats posed by terrorists and others attempting to enter the country with fraudulent or altered travel documents and to prevent inadmissible aliens, criminals, and goods from entering the country. In fiscal year 2012, CBP inspected about 352 million travelers, and over 107 million cars, trucks, buses, trains, vessels, and aircraft at over 329 air, sea, and land POEs. We have previously identified vulnerabilities in the traveler inspection program and made recommendations to DHS for addressing these vulnerabilities, and DHS implemented these recommendations. For example, we reported in January 2008 on weaknesses in CBP's inbound traveler inspection program,¹⁸ including 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.¹⁹ Factors that contributed to these challenges included lack of focus, complacency, lack of supervisory presence, and lack of training. We recommended that CBP enhance internal controls in the inspection process, implement performance measures for apprehending inadmissible aliens and other violators, and establish measures for training provided to CBP officers and new officer proficiency. DHS concurred with these recommendations and has implemented them.

¹⁸GAO, *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).

¹⁹The 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).

Specifically, in January 2008, CBP reported, among other things, that all land port directors are required to monitor and assess compliance with eight different inspection activities using a self-inspection worksheet that is provided to senior CBP management. At that time, CBP also established performance measures related to the effectiveness of CBP interdiction efforts. Additionally, in June 2011, CBP began conducting additional classroom and on-the-job training, which incorporated ongoing testing and evaluation of officer proficiency.

In December 2011, we reported that CBP had revised its training program for newly hired CBP officers in accordance with its own training development standards.²⁰ Consistent with these standards, CBP convened a team of subject-matter experts to identify and rank the tasks that new CBP officers are expected to perform. As a result, the new curriculum was designed to produce professional law enforcement officers capable of protecting the homeland from terrorist, criminal, biological, and agricultural threats.

We also reported that CBP took some steps to identify and address the training needs of its incumbent CBP officers but could do more to ensure that these officers were fully trained. For example, we examined CBP's results of covert tests of document fraud detection at POEs conducted over more than 2 years and found weaknesses in the CBP inspection process at the POEs that were tested. In response to these tests, CBP developed a "Back to Basics" course in March 2010 for incumbent officers, but had no plans to evaluate the effectiveness of the training. We also reported that CBP had not conducted an analysis of all the possible causes or systemic issues that may have contributed to the covert test results. We recommended in December 2011 that CBP analyze covert tests and evaluate the "Back to Basics" training course, and DHS concurred with these recommendations. In April 2012, CBP officials reported that they had completed an evaluation of the "Back to Basics" training course and implemented an updated, subsequent training course. Further, in November 2012, CBP officials stated that they had analyzed the results of covert tests prior to and since the implementation of the subsequent course. According to these officials, they obtained the results of covert tests conducted before and after the course was implemented to

²⁰GAO, *Border Security: Additional Steps Needed to Ensure Officers Are Fully Trained*, GAO-12-269 (Washington, D.C.: Dec. 22, 2011).

determine to what extent significant performance gains were achieved and to identify any additional requirements for training. In April 2013, CBP provided a copy of its analysis of the covert test results. GAO is reviewing CBP's analysis of the covert test results and other documentation as part of a congressional mandate to review actions the agency has taken to address GAO recommendations regarding CBP officer training.²¹ We expect to report on the status of CBP's efforts in the late summer of 2013. Further, in July 2012, CBP completed a comprehensive analysis of the results of its document fraud covert tests from fiscal years 2009 through 2011. In addition, we reported that CBP had not conducted a needs assessment that would identify any gaps between identified critical skills and incumbent officers' current skills and competencies. We recommended in December 2011 that CBP conduct a training needs assessment.²² DHS concurred with this recommendation. In April 2013, CBP reported to us that it is working to complete a training needs assessment, but has faced challenges in completing such an assessment because of personnel and budget issues, including retirements, attrition, loss of contract support, sequestration, and continuing resolutions. CBP plans to develop a final report on a training needs assessment by August 2013 outlining findings, conclusions, and recommendations from its analysis.

²¹Explanatory Statement, Consolidated and Further Continuing Appropriations Act, 2013, 113rd Cong. Rec. S1287, S1550 (daily ed. Mar. 11, 2013).

²²GAO-12-269.

DHS Law
Enforcement Partners
Reported Improved
Results for
Interagency
Coordination, but
Challenges Remain

DOI and USDA Reported
Improved DHS
Coordination to Secure
Federal Borderlands, but
Gaps Remained in Sharing
Information 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, as well as 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.²³ For example, interagency forums were used to exchange information about border issues, and interagency liaisons facilitated exchange of operational statistics. Federal agencies also established interagency agreements to strengthen coordination of border security efforts. However, we reported in November 2010 that gaps remained in implementing interagency agreements to ensure law enforcement officials had access to daily threat information to better ensure officer safety and an efficient law enforcement response to illegal activity. For example, Border Patrol officials in the Tucson sector did not consult with federal land management agencies before discontinuing dissemination of daily situation reports that federal land law enforcement officials relied on for a common awareness of the types and locations of illegal activities observed on federal borderlands. Further, in Border Patrol's Spokane sector, on the northern border, coordination of intelligence information was particularly important because of sparse law enforcement presence and technical challenges that reduced Border Patrol's ability to fully assess cross-border threats, such as air smuggling of high-potency marijuana.

²³GAO, *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).

We recommended that DHS, DOI, and USDA provide oversight and accountability as needed to further implement interagency agreements for coordinating information and integrating operations. These agencies agreed with our recommendations, and 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. While this is positive step, to fully satisfy the intent of our recommendation, DHS would need to take further action to monitor and uphold implementation of the existing interagency agreements to enhance border security on federal lands.

<p>Northern Border Partners Reported Interagency Forums Improved Coordination, but DHS Did Not Provide Oversight to Resolve Interagency Conflict in Roles and Responsibilities</p>	<p>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.²⁴ In addition, DHS component officials reported that federal agency coordination to secure the northern border had 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 provide resources for the increasing number of forums, raising concerns that some 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 levels has not ensured consistent compliance with provisions of these agreements.</p> <p>We also reported in December 2010 that while Border Patrol's border security measures reflected that there was a high reliance on law enforcement support from outside the border zones, the extent of partner</p>
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²⁴GAO, *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).

law enforcement resources that could be leveraged to fill Border Patrol resource gaps, target coordination efforts, and make more efficient resource decisions was not reflected in Border Patrol's processes for assessing border security and resource requirements.²⁵ We recommended that DHS 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 agreed with our recommendations and has reported taking action to address one of them. For example, in June 2012, DHS released a northern border strategy, and in August 2012, DHS notified us of other cross-border law enforcement and security efforts taking place with Canada. However, to fully satisfy the intent of our recommendation, CBP would need to develop policy and guidance specifying how partner resources will be identified, assessed, and integrated in DHS plans for implementing the northern border strategy. To address the remaining recommendations, DHS would need to establish an oversight process for interagency forums to ensure that missions and locations of interagency forums are not duplicative and consider the downstream burden on northern border partners, as well as an oversight process that evaluates the challenges and corrective actions needed to ensure Border Patrol and ICE compliance with interagency memorandums.

²⁵GAO-11-97.

Opportunities Exist to
Improve DHS's
Management of
Border Security
Assets

DHS Has Deployed Assets
to Secure the Borders, but
Has Not Provided
Complete Information on
Plans, Metrics, and Costs

In November 2005, DHS launched the Secure Border Initiative (SBI), a multiyear, multibillion-dollar program aimed at securing U.S. borders and reducing illegal immigration. Through this initiative, DHS planned to develop a comprehensive border protection system using technology, known as the Secure Border Initiative Network (SBInet), and tactical infrastructure—fencing, roads, and lighting. Under this program, CBP increased the number of southwest border miles with pedestrian and vehicle fencing from 120 miles in fiscal year 2005 to about 650 miles as of March 2013.²⁶ We reported in May 2010 that CBP had not accounted for the impact of its investment in border fencing and infrastructure on border security.²⁷ Specifically, CBP had 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 September 2009, we recommended that CBP determine the contribution of border fencing and other infrastructure to border security.²⁸ DHS concurred with our recommendation and, in response, CBP contracted with the Homeland Security Studies and Analysis Institute to conduct an analysis of the impact of tactical infrastructure on border security. CBP reported in February 2012 that preliminary results from this analysis indicate that an additional 3 to 5 years are needed to ensure a credible assessment.

²⁶The 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 River and Rio Grande is 1,279 miles.

²⁷GAO, *Secure Border Initiative: DHS Has Faced Challenges Deploying Technology and Fencing Along the Southwest Border*, GAO-10-651T (Washington, D.C.: May 4, 2010).

²⁸GAO, *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).

Since the launch of SBI in 2005, we have identified a range of challenges related to schedule delays and performance problems with SBInet. SBInet was conceived as a surveillance technology to create a "virtual fence" along the border, and after spending nearly \$1 billion, DHS deployed SBInet systems along 53 miles of Arizona's border that represent the highest risk for illegal entry. In January 2011, in response to concerns regarding SBInet's performance, cost, and schedule, DHS canceled future procurements. CBP developed the Arizona Border Surveillance Technology Plan (the Plan) for the remainder of the Arizona border.

In November 2011, we reported that CBP does not have the information needed to fully support and implement its Plan in accordance with DHS and Office of Management and Budget (OMB) guidance.²⁹ In developing the Plan, CBP conducted an analysis of alternatives and outreach to potential vendors. However, CBP did not document the analysis justifying the specific types, quantities, and deployment locations of border surveillance technologies proposed in the Plan. Specifically, according to CBP officials, CBP used a two-step process to develop the Plan. First, CBP engaged the Homeland Security Studies and Analysis Institute to conduct an analysis of alternatives beginning with ones for Arizona. Second, following the completion of the analysis of alternatives, the Border Patrol conducted its operational assessment, which included a comparison of alternative border surveillance technologies and an analysis of operational judgments to consider both effectiveness and cost. While the first step in CBP's process to develop the Plan—the analysis of alternatives—was well documented, the second step—Border Patrol's operational assessment—was not transparent because of the lack of documentation. As we reported in November 2011, without documentation of the analysis justifying the specific types, quantities, and deployment locations of border surveillance technologies proposed in the Plan, an independent party cannot verify the process followed, identify how the analysis of alternatives was used, assess the validity of the decisions made, or justify the funding requested. We also reported that CBP officials have not yet defined the mission benefits expected from implementing the new Plan, which could help improve CBP's ability to assess the effectiveness of the Plan as it is implemented.

²⁹GAO, *Arizona Border Surveillance Technology: More Information on Plans and Costs Is Needed before Proceeding*, GAO-12-22 (Washington, D.C.: Nov. 4, 2011).

In addition, we reported that CBP's 10-year life cycle cost estimate for the Plan of \$1.5 billion was based on an approximate order-of-magnitude analysis, and agency officials were unable to determine a level of confidence in their estimate, as best practices suggest. Specifically, we found that the estimate reflected substantial features of best practices, being both comprehensive and accurate, but it did not sufficiently meet other characteristics of a high-quality cost estimate, such as credibility, because it did not identify a level of confidence or quantify the impact of risks. GAO and OMB guidance emphasize that reliable cost estimates are important for program approval and continued receipt of annual funding. In addition, because CBP was unable to determine a level of confidence in its estimate, we reported that it would be difficult for CBP to determine what levels of contingency funding may be needed to cover risks associated with implementing new technologies along the remaining Arizona border.

We recommended in November 2011 that, among other things, CBP document the analysis justifying the technologies proposed in the Plan, determine its mission benefits, and determine a more robust life cycle cost estimate for the Plan.³⁰ DHS concurred with these recommendations, and has reported taking action to address some of the recommendations. For example, in October 2012, CBP officials reported that, through the operation of two surveillance systems under SBInet's initial deployment in high-priority regions of the Arizona border, CBP has identified examples of mission benefits that could result from implementing technologies under the Plan. Additionally, CBP initiated action to update its cost estimate for the Plan by, among other things, providing revised cost estimates in February and March 2012 for the Integrated Fixed Towers and Remote Video Surveillance System, the Plan's two largest projects. We currently have ongoing work in this area for congressional requesters and, among other things, are examining DHS's efforts to address prior recommendations, and expect to issue a report with our final results in the fall of 2013.

In March 2012, we reported that the CBP Office of Air and Marine (OAM)—which provides aircraft, vessels, and crew at the request of its customers, primarily Border Patrol—had not documented significant events, such as its analyses to support its asset mix and placement

³⁰GAO-12-22.

across locations, and as a result, lacked a record to help demonstrate that its decisions to allocate resources were the most effective ones in fulfilling customer needs and addressing threats.³¹ OAM issued various plans that included strategic goals, mission responsibilities, and threat information. However, we could not identify the underlying analyses used to link these factors to the mix and placement of resources across locations. OAM did not have documentation that clearly linked the deployment decisions in the plan to mission needs or threats. For example, while the southwest border was Border Patrol's highest priority for resources in fiscal year 2010, it did not receive a higher rate of air support than the northern border. Similarly, OAM did not document analyses supporting the current mix and placement of marine assets across locations. OAM officials said at the time that while they generally documented final decisions affecting the mix and placement of resources, they did not have the resources to document assessments and analyses to support these decisions. However, we reported that such documentation of significant events could help the office improve the transparency of its resource allocation decisions to help demonstrate the effectiveness of these resource decisions in fulfilling its mission needs and addressing threats. We recommended in March 2012 that CBP document analyses, including mission requirements and threats, that support decisions on the mix and placement of OAM's air and marine resources. DHS concurred with our recommendation and stated that it plans to provide additional documentation of its analyses supporting decisions on the mix and placement of air and marine resources by 2014.

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

**GAO Contact and Staff
Acknowledgments**

For further information about this testimony, please contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov. In addition, contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this statement included Lacinda Ayers, Kathryn Bernet,

³¹GAO, *Border Security: Opportunities Exist to Ensure More Effective Use of DHS's Air and Marine Assets*, GAO-12-518 (Washington, D.C.: Mar. 30, 2012).

and Jeanette Espinola (Assistant Directors), as well as Jennifer Bryant, Frances Cook, Joseph Dewechter, Alana Finley, Barbara Guffy, and Ashley D. Vaughan.

Mr. CHAFFETZ. Thank you.

I will now recognize myself for five minutes.

Ms. Gambler, is it fair to say there are no metrics to determine how secure or insecure the border is currently?

Ms. GAMBLER. Currently, the Department is using the number of apprehensions on the southwest border between ports of entry as its goal and measure for border security.

Mr. CHAFFETZ. That is an incomplete metric, would you agree?

Ms. GAMBLER. That measure does not position the Border Patrol and DHS to be able to assess the effectiveness of its efforts because it doesn't compare apprehensions to estimated entrants.

Mr. CHAFFETZ. Thank you.

Mr. Murphy, my understanding is we have no entry/exit system, particularly at the land-based ports, to gauge who is coming and who is going out, correct?

Mr. MURPHY. No, sir, I wouldn't say that is completely correct. I think we have made some significant improvements in sophistication and entrants. Obviously that has been the focus. As far as the exits, we are working on that. That is a significant issue. We are well aware of it.

Mr. CHAFFETZ. Do you have any statistics to show how many people actually leave the Country?

Mr. MURPHY. No, sir.

Mr. CHAFFETZ. My understanding is the majority of visas this Country offers are called B1 and B2 entry/exits. I sat and watched this. Thousands of people in Nogales and Yuma streamed into the Country. In fiscal year 2011, my understanding is we approved, through the State Department, 4.3 million of these cards where people are supposed to be in the Country temporarily, right?

Mr. MURPHY. Yes, sir.

Mr. CHAFFETZ. How many people came into the Country using a B1, B2 entry/exit card?

Mr. MURPHY. I don't have that number but I can get that.

Mr. CHAFFETZ. Is this something the agency has?

Mr. MURPHY. Oh, yes, we track what comes in. It is what is going out that right now we need to get a better handle on.

Mr. CHAFFETZ. When you say better handle, do you track any of them going out?

Mr. MURPHY. Right now, our outbound operations are basically geared towards intelligence and pulse and surge operations.

Mr. CHAFFETZ. That is not what I asked you.

Mr. MURPHY. I know, sir. No, we don't.

Mr. CHAFFETZ. We are letting millions of people, almost a million a day, into the Country. We have no idea how many are going out, is that fair to say?

Mr. MURPHY. Yes, sir.

Mr. CHAFFETZ. This is current law, right, that we are supposed to have an entry/exit program. Why don't we have an exit program?

Mr. MURPHY. We are working on it, sir.

Mr. CHAFFETZ. You have been there for a while. How long have you worked in the agency?

Mr. MURPHY. Twenty-nine years, sir.

Mr. CHAFFETZ. Why don't we have an exit program? It is not good enough to just smile at me.

Mr. MURPHY. No, sir. I don't have a good answer for you. We know it is an issue.

Mr. CHAFFETZ. Is it a funding issue? Is it a lack of commitment? Is there not available software? If you are telling me we are gauging when they come into the Country, why aren't we gauging when they go out of the Country?

Mr. MURPHY. I think it is a huge issue and unfortunately, it is a costly issue too. We would have to replicate what we have coming into the Country at ports of entry almost at port of entry going out of the Country in order to probably get our arms around that exact issue.

Mr. CHAFFETZ. We are told that 40 percent of the people here illegally came here legally. When we don't have a viable exit system and there are no metrics, there is no information, there is not even an attempt to try to gather some names, I am really concerned about the entry/exit program. I am really concerned about the B1, B2 visas. I think it is the untold story of the immigration problem and mess that we have.

When the majority of the visas given out to this Country are given via the B1, B2 entry/exit, 4.3 million we gave out in fiscal year 2011, what is the rule? You are only supposed to go into the Country a certain 10 miles or something with an entry/exit card, correct?

Mr. MURPHY. I think it was 25. We just increased that recently.

Mr. CHAFFETZ. Why? Why did we increase it? Increased it to what?

Mr. MURPHY. I believe in New Mexico it is 55 miles.

Mr. CHAFFETZ. In certain parts of the Country, you are only supposed to go 10 miles, in some it is 25 and now you are saying in parts of New Mexico you can go 55 miles. Do we do any monitoring of that?

Mr. MURPHY. No, sir.

Mr. CHAFFETZ. There is no monitoring, we just do it on your word. We have millions of these out there. Do you know how many? We issued 4.3 million entry/exit cards in 2011. How many cards are out there? When you get a card, how long is that good for? Is it valid for just a year or is it valid forever? Do you know?

Mr. MURPHY. I don't know offhand. I do know they put a date on how long it is valid, yes, sir.

Mr. CHAFFETZ. So there are millions of these cards out there. It is just the honor system right now, right? You are just supposed to come back but you are not gauging even a single person as to whether or not they are returning?

Mr. MURPHY. We are not capturing that right now.

Mr. CHAFFETZ. My time has expired. I now recognize the gentlewoman from Wyoming, Ms. Lummis, for five minutes.

Mrs. LUMMIS. Thank you, Mr. Chairman.

I want to also thank the gentlemen and the lady for being here today.

My questions are going to concentrate on the fence as a mechanism to stop trans land crossings. Has the fence between California and Mexico improved the crossing of undocumented workers and illegals? Mr. Fisher, you are nodding your head?

Mr. FISHER. Yes, Congresswoman. The fence, and in particular, you mentioned San Diego, has had an impact in reducing the flow of people into the United States in those areas where we do have that.

Mrs. LUMMIS. How much of the fence is completed on the Arizona-Mexico border?

Mr. FISHER. In total, there is about 652 miles across the southwest border that has been completed. Some of that is pedestrian fence and some of that is vehicle barriers. I am not really sure specifically in Arizona how much. Arizona has about 260 miles of border. Within those urban areas in Douglas, Naco and Nogales out to both the east and west flanks of the ports of entry, that has been extended a significant number of miles.

Mrs. LUMMIS. Do you believe that completing a fence on the border between Mexico and Arizona would be beneficial to preventing the flow of people and narcotics across the border?

Mr. FISHER. I do, in some locations.

Mrs. LUMMIS. What locations would those be, specifically along the Arizona-Mexico borders?

Mr. FISHER. It would be in those areas where the networks and criminal organizations like to exploit the legitimate infrastructure that exists.

Mrs. LUMMIS. Such as? What is legitimate infrastructure?

Mr. FISHER. If you think of a smuggling organization much like a business, they are trying to move a commodity, whether that is people or narcotics, through the borders and out the border areas. The infrastructure that requires them to do that is road systems, airports, bus stations and all that legitimate infrastructure supports the communities within those border areas.

Mrs. LUMMIS. What about wilderness areas where we don't have fencing, where you have been restricted by other U.S. agencies from using motorized vehicles in wilderness areas and the offending parties are using vehicles making it difficult for you to apprehend them? Is that problematic?

Mr. FISHER. In some areas, I wouldn't qualify it as problematic. There are areas, as you mentioned, public lands in Arizona, which prohibit in most situations on a steady state deployment, motorized vehicles. We do have, and have entered an agreement with the Department of Interior and Fish and Wildlife to be able to go into those areas based on intelligence if we know there is activity. We are allowed onto those areas to basically track individuals that come across.

Mrs. LUMMIS. So you have to get agreements with another federal agency to gain access to federal land on our side of the border?

Mr. FISHER. The agreement has already been set. In other words, the Memorandum of Understanding allows us to go onto those lands. Remember, some of that public land is protected under the environmental laws. It doesn't preclude us from going on there, just we have the agreement that we are allowed to go in when we are actually working the border.

Mrs. LUMMIS. You can pursue someone?

Mr. FISHER. Yes, we can.

Mrs. LUMMIS. But can you protect the border? Can you patrol the border?

Mr. FISHER. In some areas, in most areas, we can.

Mrs. LUMMIS. With vehicles?

Mr. FISHER. Yes, we do it with vehicles, we do it with horseback and a lot of the detection is made from the air also.

Mrs. LUMMIS. The Tucson border has been an area where we have seen significant crossings?

Mr. FISHER. That is correct.

Mrs. LUMMIS. Is that now the second most prevalent area to cross?

Mr. FISHER. In terms of apprehensions right now, it is second only to Rio Grande Valley in the south Texas area.

Mrs. LUMMIS. It continues to be a major source of crossings?

Mr. FISHER. Yes.

Mrs. LUMMIS. What would be your recommended best deterrent to illegal crossings in that area, in Mexico and Arizona?

Mr. FISHER. There are a couple things. I wouldn't invest on one thing in particular. One investment would be additional technology, detecting and monitoring.

Mrs. LUMMIS. We have seen some technology reports that some of the technology has failed and was expensive and its failure has not necessarily been corrected. How is that going? The SBInet, what is the Department's plan to improve that technology, the border radar system?

Mr. FISHER. About three years ago when SBI was being assessed, Secretary Napolitano asked CBP, in particular the Border Patrol, to make an assessment on whether we should continue exploring that type of technology and integrated technology that SBI had planned.

Mrs. LUMMIS. \$1.2 billion, as I understand, has been spent on that?

Mr. FISHER. That sounds about right, yes.

Mrs. LUMMIS. You are assessing now whether that is going forward in a productive way?

Mr. FISHER. We made that assessment and our recommendation to the Secretary, which she agreed to, was to invest more in the mobile technology and not to invest in things like SBInet which were more static.

Mrs. LUMMIS. My time has expired. Thank you, Mr. Chairman.

Mr. CHAFFETZ. Mr. Fisher, will you please provide to the committee the Interagency Working Agreement on your ability to patrol and pursue potentially people who are here illegally on public lands that are designated wilderness or similar, the wilderness study areas, those types of things. Organ Pipe, for instance, would be an area. Is that something you can provide to the committee?

Mr. FISHER. Yes, Mr. Chairman.

Mr. CHAFFETZ. How long would it take to get that to us?

Mr. FISHER. I will take that back as an action item right after the hearing.

Mr. CHAFFETZ. When is a reasonable time that I should get upset that you haven't provided that to me?

Mr. FISHER. Far be it for me, sir.

Mr. CHAFFETZ. You are in charge here, so you make a decision. What is the date? All right, July 3 of this year, is that fair?

Mr. FISHER. You read my mind.

Mr. CHAFFETZ. Thank you.

We will now recognize the gentleman from Tennessee, Mr. Duncan, for five minutes.

Mr. DUNCAN. Thank you very much, Mr. Chairman.

Mr. Fisher, just out of curiosity, can you give me a rough number of how many Border Patrol agents there were when you started with the agency 26 years ago?

Mr. FISHER. Less than 3,000.

Mr. DUNCAN. Less than 3,000?

Mr. FISHER. Yes, sir.

Mr. DUNCAN. The reason I asked that, I remember we gave billion increases in funding for border control in the 1990s and how we have heard Ms. Gambler say that since 2004, we have gone from 10,000 to 21,000 agents. Now the Senate has passed an amendment saying we are supposed to double that again.

Frankly, I know you can never satisfy any government agency's appetite for money or land, but I am really skeptical as to whether we can efficiently and effectively spend all the money that we are throwing at this effort and increase the number of agents that much that quickly. What do you say about that Commissioner Murphy? How big was Customs when you started 29 years ago?

Mr. MURPHY. To be honest with you, I don't know what that number is. As you indicate, there is significant work to be done but as to the determination of the right number, I think that is obviously something that has to be decided.

Mr. DUNCAN. Isn't the number coming across in large part determined by the economy, the economy in Mexico and here, because I read during our down turn the numbers coming across greatly decreased and a lot of people who had come here illegally were going back to Mexico or other countries? Is that true?

Mr. MURPHY. As you may be aware, one thing that we have done to try to transform the way we look at the border and the numbers we need, we created the Workload Staffing Model. This takes 100 different data element and over a million calculations that takes into account the current volume of activity, apprehensions, seizures, hours of operation and how many folks are onboard now.

It is a very dynamic process. It will tell you based upon that workload and the time it takes to do those different functions in the workload, how many bodies that you need. The nice thing about this one is it is not a static process. It is a very dynamic process. In the case where you see an uptick in activity at a port of entry or an area for a year or two, that Workload Staffing Model will dictate what that number should be based on that volume, activity and workload.

Mr. DUNCAN. Let me stop you. A lot of what you said is very bureaucratic and I have just a little bit of time left.

Mr. Homan, what do you say about the statement by Ms. Gambler that because of the transition from using operational control and so forth, she says, therefore, until new goals and measures are developed, DHS and Congress could experience reduced oversight and DHS accountability? What do you say about that? That is a pretty serious charge.

Mr. HOMAN. Yes. I can say we are shoulder to shoulder with Border Patrol. Our level of collaboration has never been higher. My

staff meets with the Border Patrol staff at least once a week talking about enforcement strategies on the border. As a matter of business, we detain all recent border entrants, so I think we are doing the right thing.

I think with the resources we have, I think we are executing the mission at an all time high. My removals are at a record high, my arrests are at a record high, my detentions are at a record high. I think the mission, us and the Border Patrol working hand in hand, along with CBP, makes sense.

Mr. DUNCAN. The Chairman mentioned 4.3 million coming across just on one program. Can anybody on the panel tell me how many people are entering this Country legally each year? Ms. Gambler, do you know anything about that? Somebody should know that.

Ms. GAMBLER. We could provide that number for the record. I don't know it off the top of my head.

Mr. DUNCAN. What are the latest estimates as to how many are coming across illegally? Surely this panel should know something like that. Your latest guesses or estimates?

Mr. FISHER. Our estimates right now, we are averaging approximately, this fiscal year 2013, 1,100 apprehensions. If you take a look at what we are trying to design as it relates to the effectiveness rate, in getting what the Chairman mentioned as the denominator, trying to get that known flow, we don't have those estimates right now but we are working towards getting that as well.

Mr. DUNCAN. I think that is something you should provide to us as soon as you get it.

Thank you very much.

Mr. CHAFFETZ. Following up on that, Mr. Fisher, how many turn back south per day?

Mr. FISHER. I don't know specifically what that number is but we do track that and I can get that.

Mr. CHAFFETZ. How many got-aways?

Mr. FISHER. I can do that as well. I don't have that number off the top of my head. The effectiveness rate alone on the southwest border right now is approximately 75 percent.

Mr. CHAFFETZ. Again, I really challenge that number as I think the GAO does. Those are just the known got-aways, does not include turn back souths or TBSs?

Mr. FISHER. It includes all those variables, includes all the apprehensions, the got-aways and the turnbacks. That is the effectiveness formula. When you take a look at the apprehensions, you add those to your turnbacks and divide that by the total entries, that is the effectiveness rate.

Mr. CHAFFETZ. What about the ones we are not aware of?

Mr. FISHER. There are two different methodologies we use. I mentioned earlier in my testimony the geospatial intelligence piece and the use of the Predator Beast is to do just that, to shrink the border, increase our situational awareness so that we have a better sense of what that number is to cover a lot more of that border.

Mr. CHAFFETZ. I will now recognize the gentleman from South Carolina, the always dapper Mr. Gowdy.

Mr. GOWDY. Thank you, Chairman Chaffetz.

I want to welcome all of our witnesses.

Chairman Chaffetz shared a bit of philosophy with me a couple of nights ago at dinner and I wrote it down to make sure I got it right. He said if you don't know where you are going, you probably won't know when you get there.

Ms. Gambler, I am asked constantly about border security. Tell me what is an ambitious but reasonable goal with respect to border security to the extent that it is a condition precedent to any other part of immigration reform? What are we looking for?

Ms. GAMBLER. Congressman, setting a goal for border security would be the responsibility of DHS or would be a policy call on the part of Congress.

Mr. GOWDY. I know, but I am asking you if you were empress for the day, what would you do? What is a realistic but ambitious goal?

Ms. GAMBLER. Again, that is a responsibility for the Department to set that goal and that is a policy call for Congress. As would be the case for any bill, GAO's role would be to review the implementation of any provisions or programs that the Executive Branch might implement resulting from a bill if we were asked to do so.

Mr. GOWDY. How long have you worked for GAO?

Ms. GAMBLER. I have been with GAO since 2002.

Mr. GOWDY. That is 11 years?

Ms. GAMBLER. Yes.

Mr. GOWDY. Surely you have an opinion on what is likely to work because you probably are following the debate just like the rest of us are. Before you get to any other aspect of immigration reform, they want to make sure the border is secure. That is an easy phrase to use but it is a hard phrase to implement. What is a realistic definition of a secure border?

Ms. GAMBLER. What we recommended is that the Department of Homeland Security set a goal for its border security efforts and then set metrics for assessing progress made against that goal. DHS is in the process of developing those goals and measures. We have suggested that they set time frames for completing those goals and metrics so that there are mechanisms in place for assessing what the goal is for border security and how that can be measured.

Mr. GOWDY. Why is there not currently a goal or am I just naive?

Ms. GAMBLER. Up until fiscal year 2011, DHS was using operational control as its performance goal and measure for border security. They discontinued using that measure in fiscal year 2011.

Mr. GOWDY. Why?

Ms. GAMBLER. They told us they wanted to move toward more quantifiable metrics for border security and using the number of apprehensions on the southwest border was designed to be an interim measure. DHS has said they were going to put those metrics in place by fiscal year 2012 but have been using the number of apprehensions as the interim measure. We recommended again that they set time frames and milestones for completing development of those goals and measures.

Mr. GOWDY. Let me ask it another way. If you had to go back to your hometown and stand in front of people asking you whether or not the border was secure, what metrics would you use in answering their question?

Ms. GAMBLER. If I was asked that question, I would say the Department has not yet set goals and measures for assessing how secure the border is, so that makes it difficult to assess against criteria or a yardstick on the level of security.

Mr. GOWDY. Difficult may be an understatement. It makes it kind of hard for those of us interested in getting on to the next steps of immigration reform if you don't get over the condition precedent and prove to your constituents that you have a reasonable but ambitious border security goal. It makes the rest of it pretty tough.

Visa overstays, do you know how they are currently investigated?

Ms. GAMBLER. We issued a report on overstays in April 2011 and have ongoing work looking at overstay enforcement efforts as well. That ongoing work will issue in July, next month.

Mr. GOWDY. I promise I am going to read the report, but you already know something about the issue. Currently, if Mr. Chaffetz were here on a visa and he overstayed, how would we know, how would we investigate, how would we decide what we were going to do about it? What is currently being done?

Ms. GAMBLER. If a foreign national enters the U.S. and there is no corresponding departure record for that person, that record would be checked against numerous DHS databases and would be prioritized against ICE's law enforcement and public safety priorities. If the person met those priorities, their information, their record would be sent forward for investigation to ICE field offices.

Mr. GOWDY. You wouldn't have to wait for that person to commit some other offense or have some other interaction with government, would you?

Ms. GAMBLER. The overstays that ICE is prioritizing for investigation are those who meet their public safety and national security priorities. If the person would not meet those priorities and they were likely an overstayer, they would not be investigated by ICE.

Mr. GOWDY. Mr. Chairman, I was going to thank them for their service and I was going to ask them about what role, if any, State and local law enforcement should play in assisting them but I am out of time. I yield back.

Mr. CHAFFETZ. I thank the gentleman.

I think the gentleman from South Carolina would be most interested to know that based on the formula that Ms. Gambler just shared, the majority of visas that we give out in this Country are B1, B2 entry/exits. Mr. Murphy testified that they don't track any of the exits, none of them, so we have absolutely zero information about who may be overstaying, who may have gone beyond the bounds because they are variable. They are only supposed to go into certain parts of the Country.

It is probably the biggest, gaping hole we have on our border. There is no tracking, there is no information, there are no statistics and no field reports. There is nothing unless that person commits a crime.

I would hope that the agency would be able to provide, through maybe the Department of Justice and others, a report of how many people committed crimes that came here on a B1, B2 entry/exit visa. Somehow or some way we are going to unearth that number.

Now I will recognize the gentleman from Michigan, Mr. Bentivolio, for five minutes.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman.

Thank you very much for appearing here today. We really appreciate it. Maybe you can help me clear up some questions I have.

I keep hearing in the media we have 11 million people here who should not be here. How did we arrive at that number? If you have no way of knowing who you didn't catch, how do you come up with a figure of 11 million?

Mr. FISHER. Congressman, I don't know where that number comes from.

Mr. BENTIVOLIO. I keep hearing it in the media.

Mr. FISHER. I have heard it as well but I don't know where that came from.

Mr. BENTIVOLIO. So it is really not 11 million and could be more, right?

Mr. FISHER. I don't know that either.

Mr. BENTIVOLIO. We really do not know it, do we because it is the old saying, if the crime is committed and nobody was there, how do you know the crime was committed except by evidence, but we don't have any evidence.

What percentage of the border does technology cover?

Mr. FISHER. I don't know the percentage. That is a good question. I could find out and get back to you. Specifically, we have approximately 15,000 pieces of equipment covering about 17,000 miles. It doesn't cover all 17,000 and that is based on the military specs in terms of what the equipment can do. You then have to take into consideration the geography and the topography in which it is located. I don't know the percentage but we can factor that as well.

Mr. BENTIVOLIO. I also heard you have cameras that do thermal imaging and other cameras. When you detect somebody crossing illegally, what is the response time?

Mr. FISHER. It really depends on where the entry is detected, depending on where we have patrol agents, depending on whether we do it within the first 100 meters or whether we do it within the first mile. Terrain is going to dictate that. The tactics and techniques of the agents on the ground will determine where is the best way to make the approach in a safe and secure manner.

Mr. BENTIVOLIO. A Border Patrolman told me there was an alert, he had to go out there and there were 26 people and they just scattered. My question is, how do you send one or two Border Patrol agents to pick up 26 people, especially in the terrain that I was in when I toured the border? Is there another way? He said well, they caught three but 23 got away. Is that how we determine the number of 11 million?

Mr. FISHER. I don't believe so but to your earlier point, whether there is one Border Patrol agent that responds or whether there are two or three Border Patrol agents, really determines on how they are applying the strategy on the ground. In some cases, the Border Patrol agent may not know how many people, there may be just a sensor indication, so we may not have specific quantities of individuals that may have made the incursion.

Many times, Border Patrol agents are assisted with air to ground support. Our Office of Air/Marine Operations provides over watch

for us in that regard. Our strategy is built on being able to deploy and redeploy resources for those Border Patrol agents if in fact they come across a group of 23 and they run.

Generally, what would happen is we would continue tracking operations and more resources would be brought to bear to be able to continue to track to the extent possible and make sure that we apprehend everybody that comes across in between the ports of entry.

Mr. BENTIVOLIO. I also heard stories of hang gliders flying out of Mexico when I was there, personal gliders, dropping off drugs to the United States and then flying back. Are you doing anything to stop that?

Mr. FISHER. Yes, sir. As a matter of fact, I believe you are referring to the ultra lights over the last few years. One of the things I alluded to in my testimony was when you look at the transnational criminal organizations and those networks that own and operate within the border areas, they are always going to adapt their operations to be able to increase their profit margin. One of the things we have seen is the ultra lights.

We are working with the Marine Operations Center in Riverside, California which gets radar feeds from throughout the United States to be able to adjust those radar to be able to detect low flying aircraft like the ultra lights. It is not perfect yet. We also have Border Patrol agents that use mobile surveillance systems on the ground and be able to look up and be able to identify those ultra lights as well.

Mr. BENTIVOLIO. Maybe you could explain to me what the term catch and release means?

Mr. FISHER. Catch and release was a phrase a few years ago and I believe it was coined, maybe not the first time, but used quite a bit by Secretary Chertkof when he was Secretary of Homeland Security.

It was meant when we were seeing increases in activity in locations that part of the policy at the time was people we were going to apprehend in between the ports of entry, we were not going to just release on what we would call their own recognizance. Today certainly in high risk areas, we want to maintain the policy of catching individuals that have come illegally between the ports of entry and make sure they are detained.

Mr. BENTIVOLIO. So a person who came here illegally, you catch them and then you release them on their own recognizance?

Mr. FISHER. No, sir. The current policy really was to end catch and release. In some locations over the years, depending upon fluctuations and funding availability for the enforcement and removal operations, individuals that would request a hearing from an immigration judge, if they did not pose any risk to the public and there was no detention space allowed, there was a provision within the administrative piece to release them on their own recognizance pending their administrative hearing with the judge.

That policy was adjusted depending upon what resources are available and it fluctuates to be able to minimize risk.

Mr. BENTIVOLIO. Mr. Chairman, I have one more question.

Mr. CHAFFETZ. Go ahead.

Mr. BENTIVOLIO. Thank you.

They would go in front of a judge and the judge would release them, correct?

Mr. FISHER. Generally, because I am not the expert, the real Border Patrol agents do the work in the field, but generally, what would happen is once we made the determination, we issued a warrant of arrest and a notice to appear. That notice to appear was for an immigration hearing.

Mr. BENTIVOLIO. How many would come back and actually reappear before the judge? Do you have a percentage that come back, do they all come back or just 50 percent, 75 percent?

Mr. FISHER. I don't have that number right off the top of my head, but it would depend on which year you are talking about or recently.

Mr. BENTIVOLIO. It is probably closer to about 10 percent, would that be right?

Mr. FISHER. I would not want to guess at that.

Mr. BENTIVOLIO. Thank you.

Mr. Chairman, I yield back my time. Thank you.

Mr. CHAFFETZ. I now recognize the Ranking Member, the gentleman from Massachusetts, Mr. Tierney, for five minutes.

Mr. TIERNEY. Thank you, Mr. Chairman.

I thank the witnesses for their testimony here today. It sounds like you have a relatively easy job, gentlemen, challenging to say the least.

Over the last decade, the U.S. taxpayer has funded tens of billions of dollars in additional personnel, technology and infrastructure along that southwest border. I think we have installed radiation detection portals, non-intrusive imaging equipment, license plate readers, camera systems, fencing, and the list goes on.

Despite the staggering sums of that money, we know that cartels are still able to bring illicit drugs into the Country; persons looking for work still cross over; and organized crime networks still manage to smuggle various forms of contraband through these ports of entry.

Nobody disputes the fact that this guns, guards and gates spending has been effective to a degree, but not all spending is equal, I guess. As we move forward, we will take a look and see which areas of investment are more effective and produce better results.

Let me begin with you, Chief Fisher, on the gates. As I understand it, building the border fence or improving the existing fence makes sense in some locations but may not make sense in others. For instance, just west of San Ysidro, California, people say it helped control illegal crossing problems there. Others say that it provided significant benefits in other locations, particularly in urbanized crossing corridors. Does that sound accurate to you?

Mr. FISHER. It does.

Mr. TIERNEY. Ms. Gambler, I also understand that GAO has questioned the effectiveness of the fence and often looks at the high cost of building the fence. That question has been raised for a number of years. Is that also true?

Ms. GAMBLER. In our work, Congressman, we did find that DHS had not taken steps to assess or quantify the contributions that fencing is making to border security. We recommended that they conduct a cost effective analysis to do that.

Mr. TIERNEY. If Congress were to decide to double the size of the existing fence or at least add hundreds of additional miles to it, how would the department determine where to build that extra fence?

Ms. GAMBLER. I don't know how they would determine where to build the fence, but they do have analysis under way in response to our recommendation to determine what contribution fencing is making to border security efforts. That would be an important question going forward.

Mr. TIERNEY. I am guessing that it makes sense to add fencing in some areas and may be a total waste in others. Is that generally true?

Ms. GAMBLER. That would be for the Department of Homeland Security to determine.

Mr. TIERNEY. Mr. Fisher or Mr. Murphy, does that sound true to you, that in some areas it would be a good investment and in others, it may not be a good investment at all?

Mr. FISHER. That is accurate, sir, yes.

Mr. TIERNEY. Are you comfortable that the Department is putting criteria in place to help identify which areas are which?

Mr. FISHER. I am, sir, yes.

Mr. TIERNEY. Ms. Gambler, there are also proposals to add new sensors, technology, camera systems, all along the border to detect illegal crossings. I know that GAO previously reviewed some major technology problems with the SBInet and found hundreds of millions of dollars have been squandered in that effort and there were challenges that had to be overcome.

Before we invest billions of dollars in that type of technology, can you tell us what lessons were learned from that whole SBInet situation?

Ms. GAMBLER. Our body of work looking at DHS' management of border security, border surveillance technologies has identified challenges in the management of that technology, including the technology being delivered on schedule and within cost parameters that were set for the technology.

Back in 2012, we issued a report on DHS' new plan for deploying border surveillance technologies to Arizona. One of the key findings from that report was that DHS had not fully documented the underlying analysis and justification used to support the types, quantities and locations of technologies it plans to deploy under that new plan.

Mr. TIERNEY. You are comfortable that the department is responding to your report and your recommendations?

Ms. GAMBLER. The department did agree with those recommendations and is taking steps to address them. We do have ongoing work reviewing that new plan and are monitoring DHS' actions to respond to our recommendations.

Mr. TIERNEY. Now we are talking about possibly increasing the number of agents exponentially on that basis. What steps should the Border Patrol take to make sure the increase in personnel is effectively utilized, that they are placed in the right places in the right numbers?

Ms. GAMBLER. The Border Patrol issued its new strategic plan last year in May 2012. As part of implementation of that plan, we

understand the Border Patrol is developing a process for assessing what resources are needed and how to deploy them. We understand that process is moving forward and they are looking to implement it in fiscal years 2013 and 2014.

Mr. TIERNEY. Mr. Fisher, can you tell us a bit more about that?

Mr. FISHER. Certainly within the framework of the strategy, we really focused our efforts on being risk-based as opposed to just asking for more and more resources and deploying them in a lateral fashion across the southwest border. That was a significant strategic shift in our thinking and certainly within our deployments over the last couple of years.

As we moved forward, we also recognized that technology has come a long way. I can remember as a young agent getting the first pair of AMPBS-7 Bravos which were the old night vision goggles from the military after the first Gulf War. I thought at that point we were really going to make a difference in border security because now for the very first time as an agent, at night I was able to see five feet in front of me. I thought that was going to change the operation by which the Border Patrol started back in 1924.

We continue to learn and adjust with the technology. I will tell you as good as technology is getting, the more technology we get, it is still no replacement for a well trained Border Patrol agent because at the end of the day, it doesn't matter what you have flying in the air, it doesn't matter how many unattended ground sensors you have buried on the ground, the Border Patrol agent still while at times alone, as we have heard today, has to close that 50 meters by himself or herself.

The thinking and the training of those Border Patrol agents, who as we speak right now, are out there on patrol, there is no substitute for that. I am very proud of the work they do. It is a combination of taking a look at the best technology that is available, taking a look at the infrastructure and continuing to train and support the Border Patrol agents is the best way. That is the way we are approaching the implementation against this new strategy.

Mr. TIERNEY. Thank you. Thank you again for your work and for your testimony here today.

Mr. BENTIVOLIO. [Presiding] The Chair will now recognize the gentleman from Arizona, Mr. Gosar.

Mr. GOSAR. Thank you, Mr. Chairman.

Chief Fisher and Mr. Murphy, in your shared testimony, you said the following, "We do not use this term 'operation control' as a measure of border security because of the complex nature of the magnitude of different border conditions cannot be described by a single objective measure. Although an indicator of success, we cannot measure border security solely based on crime rates because even the safest communities in America have some crime."

If you are claiming that one objective measure is not enough to measure border security, then why is only one measure, apprehension rates, used or cited when top DHS officials try to pass off our southern border as secure?

Mr. FISHER. Apprehension still is the metric that we capture and report to the Department. However, we have learned quite a bit over the last couple of years and I think Ms. Gambler talked on some of that. The apprehension number really doesn't tell you

much because if you compare and contrast it from previous fiscal years, as the Chairman mentioned, if it goes up I can say that is success and if it goes down I can say that is success.

We recognized a few years ago that in and of itself was not a good metric, but you need the apprehension to then peel back the layers to understand how many people within that total population of arrests were there because recidivism doesn't matter. It is important to me and important to the organization to distinguish those individuals who are only apprehended two times from those individuals that were apprehended perhaps six or eight times.

Mr. GOSAR. Would you agree, Mr. Murphy?

Mr. MURPHY. From our standpoint as I indicated in my testimony earlier, we look at it as a well managed border. I don't think there is one single metric. There are a variety of things that we do look at, but I think what we have tried to do is to look at transforming the way we do business, our processes, bringing in new technology, trying to basically do a better job much more efficiently.

In that way we feel we will have much more success, not only from the standpoint of apprehensions or seizures, but also from the standpoint of facilitating the legitimate flow of traffic and trade.

Mr. GOSAR. Are you aware of an experiment in which a drone actually looked at a corridor over time and looked at apprehension rates and made a comparison of actually who crossed that border versus apprehension rates? Are you aware of that study?

Mr. MURPHY. No, sir.

Mr. GOSAR. Actually, it is very staggering because it showed there were 422 apprehensions, but in actuality, there were over 7,000 people that crossed the border. Are you aware of that, Ms. Gambler?

Ms. GAMBLER. We have not seen that study.

Mr. GOSAR. Really, and we are going to trust our border security with Homeland Security and we still don't understand that? How familiar are you with the numbers you are citing to the American public and Congress in regard to the number of illegal immigrants in this Country?

Ms. GAMBLER. In terms of the data we reported in our December 2011 report, we reported the data that Border Patrol had available.

Mr. GOSAR. Based on apprehensions. This is showing you in this technology aspect that we are showing less than six percent actually being apprehended versus what is actually a known factor, is that true?

Ms. GAMBLER. Again, we looked at the data that the Border Patrol was collecting at the time that we did the work. We looked at number of apprehensions, as well as estimated known illegal entries and presented that data. We did also identify some limitations with that data.

Mr. GOSAR. It is very antiquated. I am just pointing out that when you are citing these studies, they are antiquated measures. We need to have more opportunities, a diverse opportunity and not just from Federal Government, State and locals to look at the metrics in regard to border security, would you agree?

Ms. GAMBLER. We recommended and the Department is in the process of setting goals and metrics for border security. We rec-

ommended they come up with time frames for completing that effort so that the measures can be completed in a timely manner.

Mr. GOSAR. Does that include State and local officials so that we have a uniform policy enforcement all the way through this Country, not just on border?

Ms. GAMBLER. It would be for the department to set what those goals and metrics are.

Mr. GOSAR. I will be honest with you. I am not real comfortable. I am from Arizona and we have some problems there. Border security should be a uniform policy that is all the way through.

I can tell you coming from a number of people within my conference, it is not going to be left up to Homeland Security, it will be a joint venture in regards to having border security so that we see the metrics from Border Patrol all the way and encompassing all avenues of law enforcement.

I think that is what the American public wants. We have limited resources. Homeland Security has not really restored a lot of trust. Trust is a series of promises kept and we don't find much of that with Homeland Security.

Let me ask you an other question. How do you feel about border security around Yuma, Arizona?

Ms. GAMBLER. Around Yuma, Arizona, in our work when DHS was using operational control as its performance measure for border security, Yuma reported that its miles were under operational control. That was up to fiscal year 2010.

Mr. GOSAR. I have to take a little leniency here because it actually is one of the shining stars in regard to border security. That is the proper answer. In fact, in that segment, there has not been an illegal border crossing in that 40 or 50 miles in the Yuma sector for over six years, isn't that true?

Ms. GAMBLER. I am not aware of that specifically.

Mr. GOSAR. When you come here to represent what DHS has proposed, we need to have success models and Yuma is a success model. It has border fence, it has a unified application of the law from border security to law enforcement, and what is even more important is actually prosecution. Is that not true?

Is that not true that those folks from the Tucson sector do not want to be pushed to the Yuma sector because they are going to get prosecuted?

Ms. GAMBLER. We haven't specifically looked at that issue.

Mr. GOSAR. I am having problems once again. I am having somebody from Homeland Security I see on a Senate bill that we are going to entertain that you are going to have border security all the way through and you have no metrics, you don't know what works, you don't site that working and you are still coming up that we are going to entrust you with border security.

Once again, Ms. Gambler, I want to say trust is a series of promises kept. Tell me why I should have to trust in the DHS?

I will yield back for the second round of questions.

Mr. TIERNEY. Mr. Chairman, might I interject for a question here? Ms. Gambler, you are with the Government Accountability Office, not Homeland Security, right?

Ms. GAMBLER. I am with the Government Accountability Office.

Mr. TIERNEY. I hope that would absolve you from some of the information being sought from you or the position sought from you. I think you are doing an excellent job. I just wanted to clarify that she is not Homeland Security.

The other thing I was going to ask was if the gentleman would produce the study you mentioned at the beginning of your questions, who the author was, and make that available for the committee?

Mr. GOSAR. You bet.

Mr. TIERNEY. Thank you.

Mr. BENTIVOLIO. The Chair now recognizes the gentlewoman from New York, Mrs. Maloney.

Mrs. MALONEY. Thank you for your hard work and for testimony today before the committee.

I am concerned about commerce. Not only do we need to keep out bad products and homeland security and all that focus, but Mexico is a very important trading partner with America. It is our third largest trading partner. Our relationship has grown tremendously since NAFTA and significantly in the past years.

Mexico has grown to be roughly \$500 billion in bilateral trade. That is important to the economy of America and it is also sustained through the trade by some estimates of 6 million jobs in the United States. It has economic value that is important to our people. They say U.S. sales to Mexico are larger than all U.S. exports to the BRIC countries which are Brazil, Russia, India and China. In short, trade with Mexico is important for our jobs.

I guess I should ask, Mr. Murphy, isn't it true that part of your profession is not only to protect the border but also to help facilitate trade between our two countries and at our ports of entry both land and sea. Is that true is that part of your goal, not only security, which is the number one priority, but also to allow legitimate fair trade?

Mr. MURPHY. You are absolutely right. We believe that border security and economic prosperity go hand in hand. Recently there was study done by USC, the Create Study, that showed by adding additional CBP personnel to ports of entry to help facilitate not only the border security aspect, but the trade facilitation aspect, it adds to the GDP, it reduces lost opportunity costs.

We have partnered both with Canada and Mexico. We have our 21st Century border and beyond the border initiatives. In Mexico, we are working on Otay Mesa and Laredo on pre-inspection pilots, so we are partnering very closely with Mexico. We recognize the importance of trade. It is the life blood of our economy. I think that CBP and OFO have particularly matured in recent years in recognizing that dynamic and the importance of that trade.

Mrs. MALONEY. You mentioned the Laredo site and port and that is a very important site. I understand that 700 of the Fortune 1000 companies do international business through that port. Can you give an example on the ground of how you protect against terrorists, illegal guns and really bad things coming into our Country and also allowing the trade that is necessary? How do you make that happen in a way that allows the trade but also has the significant strength to stop terrorists, illegal guns or other activities?

Mr. MURPHY. There are a number of ways. We brought technology, number one. We have our RPMs there obviously for the detection of nuclear-radiological elements. We also have our license plate readers. On the southwest border right now we have our RFID technology. Right now, 60 percent of the documents being used on the border are RFID compliant. We are trying to again enable both trusted trader programs and our trusted traveler programs.

From the standpoint of the trade, we are trying to focus our resources there. We are working on the trusted trade program with our CTPAD. We have a number of programs and a number partners with the industry. Laredo is a huge industry of trade for the United States. We recognize that fact and have directed our resources.

I mentioned earlier the Workload Staffing Model which is a way that we can direct and allocate resources where they are truly needed, both from a trade standpoint and also from an enforcement standpoint.

Mrs. MALONEY. I read a synopsis of a report that I believe came from Princeton University, one of the think tanks. I am going to find that report and get it to the Chairman. It said that a side effect of the increased border security was that more immigrants were staying in the Country, that usually a lot of Mexican workers would come in, do seasonal work and then leave and go back to Mexico. However, now because the border is becoming much tougher to get in and out off, they are just staying in America.

I would ask if anyone would like to comment? Have you seen that? Is there any substance to the idea put forward by this report?

Mr. MURPHY. I have not seen that.

Mrs. MALONEY. You have not seen that. Anyone else want to comment?

Ms. GAMBLER. We have not seen that study. We have not reviewed that.

Mrs. MALONEY. Or the idea, have you seen that is happening?

Ms. GAMBLER. We have not evaluated that issue.

Mrs. MALONEY. Thank you. My time has expired.

Mr. BENTIVOLIO. I would now like to recognize myself for five minutes.

In February, I told my staff, after several long weeks of working hard, if I could find two days where I could go someplace warm with some sand and they sent me to Arizona to tour the border fence. It was a big eye opener.

Earlier, Mr. Fisher, we discussed the ultra lights. If I am not mistaken, Border Patrol received \$100 million for the ultra light problem. That is an awful lot of money and yet we really have not seen any significant change. Can you tell me what seems to be the problem? You could probably post quite a few Border Patrol agents just to sit there and look up in the sky with \$100 million. Nothing seems to be getting done because I keep hearing it is a problem from the boots on the ground.

Mr. FISHER. It has been defined as an emerging threat over the last couple of years and continues to be so today. One of the things to take into consideration is ultralights can really take off and land pretty much anywhere. The whole area of operation for the smug-

gling organizations opens up that aperture than other areas that we have seen across the southwest border.

We have and continue to experiment with ground-based radar, to be able to tweak the radar to make sure that we are able to identify low flying ultra lights and others that may be flying in that particular area. The truth of the matter is we still look to find out and adjust our policies.

First and foremost, as a law enforcement organization, we enforce laws in the United States and we do so with a matter of consistency and compassion within the Constitution. One of the challenges we face right now is even if we detect an ultralight, identify it and are able to track it with a U-860 or a Black Hawk helicopter, the end game, if you will, has not been established in terms of what we can do to that particular ultralight because in many cases the ultra light when it makes entry to the United States, does not land.

It will simply kick out its cargo, which to this point has been narcotics, predominantly marijuana, and there is a ground crew that later picks up the marijuana and moves on. It does not land in the United States but turns around and goes back into Mexico.

We are working with the Department and with science and technology, to increase the effectiveness by which we detect the entry in the first instance by the ultra lights and then continuing to work within the law enforcement framework on how we can mitigate this evolving threat.

Mr. BENTIVOLIO. According to Border Patrol agents, the \$100 million detection program has not worked and has been a waste of taxpayer money. Border Patrol says "Ultralight aircraft are impossible to stop. We don't have the technology." This was also reaffirmed on my official tour of Nogales with the Border Patrol. Another Border Patrol agent states, "difficult mission, define drop locations, intercept narcotics and arrest smugglers, success rates are low." Those are comments from the boots on the ground, those guys in the trenches.

We have this very expensive fence. It is 18 feet tall. I am asking questions and I just want answers. You cannot put razor wire on top because people are hopping over the fence, people are driving up and actually with a torch, cutting through the steel and sending people in that way. Then they are welding it back so the Border Patrol does not see it. There are also a number of tunnels and no real detection.

I asked about dogs. Is there some problem with employing more dogs with our Border Patrol agents?

Mr. FISHER. Not that I am aware of.

Mr. BENTIVOLIO. Instead of this \$100 million on a system that does not work, we know dogs can detect things from the sky as well as on the ground. It is very low tech, maybe not as sexy, but what is your comment on that? Should we employ more dogs versus \$100 million worth of high tech?

Mr. FISHER. I would not suggest substituting canine and their handlers for technology or infrastructure. We employ approximately 300 canines and handlers throughout the border. They, along with horses and other types of technology we have, is a complement.

The other thing to take into consideration, perhaps I would foot stomp this as well, is each section of the border is different. What may work in a place like Yuma, Arizona may not work in a place like Nogales. Some of the ultralight technology may not work in sections of El Paso, Texas but works really well in a place like El Centro, California.

It is identifying the geography, the tactics, techniques and procedures of the criminal organizations, understanding how they operate, understanding the extent to which they are vulnerable so that we can then exploit that. There is no cookie cutter approach to be able to do that in my opinion.

Mr. BENTIVOLIO. Thank you.

The Chair recognizes the gentlewoman from Illinois, Ms. Kelly. Ms. KELLY. Thank you.

I would like to talk about the data issue. One thing that seems clear from today's hearing and from the Government Accountability Office's comprehensive review of the department's border security statistics is that the number of immigrants apprehended by the department or apprehensions has declined markedly along the southwest border between 2006 and 2011.

This amounted to about a 68 percent drop in apprehensions which seems to suggest the border enforcement is currently working. Ms. Gambler, do you infer this from the data, that the number of illegal border crossings has fallen and if so, isn't this a good thing?

Ms. GAMBLER. The data we reported and that you cited was on apprehensions, so that is the number of illegal entrants the Border Patrol arrested. The data shows that apprehensions declined from fiscal year 2006 to 2011. The 2012 data reported by the Border Patrol indicate that apprehensions increased from fiscal year 2011 levels.

In that report, we also provide data on estimated known illegal entrants by sector. Those numbers, as estimated by Border Patrol, did decrease in the southwest border sectors over that time.

Ms. KELLY. The meaning of apprehensions data by itself seems to be the subject of some debate, it remains clear that the department continues to use this figure on an interim basis until it is able to develop an alternate approach and that poses some concerns. Ms. Gambler, how long has Border Patrol used the number of apprehensions as its interim performance goal?

Ms. GAMBLER. They have been using that since fiscal year 2011.

Ms. KELLY. Chief Fisher, when will Border Patrol begin using a more comprehensive data point for measuring flows across the border?

Mr. FISHER. We started developing those this year and will baseline this year and start with the new metrics in fiscal year 2014 which starts October 1.

Ms. KELLY. Can you explain how the Border Patrol currently uses apprehensions data such as where to allocate resources?

Mr. FISHER. The apprehension data, in and of itself, does not dictate where we deploy or redeploy resources. That decision is based on risk and it is done both in terms of my staff at headquarters looking at the strategic laydown of all forces within the northern, southern and coastal environments. It is really left in the hands of

the field commanders in the field to be able to deploy and redeploy those resources within the areas that they have operational control.

Ms. KELLY. If you were to get additional Border Patrol agents, where would you place them? Where do you see the biggest need?

Mr. FISHER. We would look into areas for instance where we are unable perhaps to put fence or unable to put certain pieces of technology because it is a combination. It is not just putting in more Border Patrol agents. We have to do that in consultation with the field commanders and the Border Patrol agents to tell us what works or does not work. We would make sure we put the resources in the areas of highest risk along our borders and work out way back from there.

Ms. KELLY. When you say they tell you what works and what does not work, how often do you check, every three months or every month? What is the evaluation process?

Mr. MURPHY. Quite frankly, with 21,370 Border Patrol agents, they are not shy to call me and let me know through email what works and what does not work. I appreciate their willingness to tell us in headquarters what is the best approach.

Ms. KELLY. Ms. Gambler, do you have any current concerns about the apprehension data and how it is used?

Ms. GAMBLER. In terms of the apprehensions data, that is data on the number of illegal entrants that the Border Patrol apprehends. In our December 2011 report, we did identify some limitations with the data that Border Patrol collects and estimates for what are called turnbacks and got-aways. The limitations with that data preclude Border Patrol from using that data to make comparisons in performance across sectors.

Border Patrol issued updated guidance to the field in September 2012 to provide for a more common approach to estimating turnbacks and got-aways across the southwest border sectors and we understand that the Border Patrol sectors are implementing that guidance.

Ms. KELLY. Chief, do you feel this will give a more complete data picture, including got-aways and turnbacks?

Mr. MURPHY. We are getting better at that but let me be clear, we have to be, I say we broadly, very careful of applying a very specific scientific method, in inaccuracy and certitude to a function and operation that does not allow that. We are going to do the best we can to determine how many people came in and of that number, how many people did we apprehend.

No technology or system that I am aware of is going to, with 100 percent accuracy, make that determination going forward. It doesn't exist in other law enforcement organizations that I am aware of.

Ms. KELLY. My time is up. Thank you.

Mr. BENTIVOLIO. The Chair now recognizes the gentleman from Arizona, Dr. Gosar.

Mr. GOSAR. Thank you again, Mr. Chairman.

Before I start my second line of questioning, I want to make a point that we make sure that Mr. Langlois has had an opportunity to come before this committee. Either he comes here or we go there because I think we need to have this discussion in front of the American people.

Ms. Gambler, one of the things that I am critical about, to be honest with you I am a big fan of GAO, but you cited a number of studies in regard to the gentlewoman from Illinois. I need to see that same type of application from where we are coming from in Arizona. I want to see some equal latitude.

Mr. Fisher, you just made a comment that works in Yuma does not work anywhere else but the principles are the same, are they not, deterrent, enforcement, apprehension and also going before justice. Isn't that true?

Mr. FISHER. The principles and the strategy apply but the application in different geographic areas do not.

Mr. GOSAR. I am happy with that.

Let me ask you, Mr. Fisher and Mr. Murphy, in your testimony you said "A secure border means living free from fear in their towns and cities." Do you feel the folks in southern Arizona can actually say that today?

Mr. FISHER. In some locations, that would be accurate and in others, probably not.

Mr. GOSAR. Some. How about you?

Mr. MURPHY. Yes, sir.

Mr. GOSAR. I would say if we really want to start making this deterrent or dictation, probably about the 50 miles coming from the California border is secure; beyond going into the Tucson sector from that 50 miles, not secure. We have some type of problem with the Tucson sector and going further east, we have bigger problems, do we not?

Mr. FISHER. In somewhat of a west to east quick look at the border. As you mentioned, that is always going to fluctuate with the criminal organizations adjusting their operations.

Mr. GOSAR. I know. From what I understand, we have a problem in the Tucson sector. It has shifted more to the Texas side. You are right but there are still some generalities that we can hold true, can we not?

Mr. FISHER. Certainly.

Mr. GOSAR. Can we put the slide on the screen? These signs were found posted not at the border, not within 20 miles of the border, but were posted 80 miles from the border. Local law enforcement officers in addition to Customs and Border Patrol officers told us that our policies are failing, that the enforcement measures are so shoddy that it is equivalent to ceding parts of our great Country to cartels.

I am saddened by the terrible amount of illegal activity on our southern border but I am down right angry that the Federal Government isn't doing its part to protect its own citizens. I do think that thousands of agents and officers that put their lives on the line day in and day out it seems there is such a disconnect between those on the front lines and the bureaucrats that have marched up here on the Hill to tell us what they think and what we want to hear.

Thankfully, from time to time, we bypass the so-called proper channels and go directly to the source, which is what I do, I am a science guy, to get the raw intelligence before it is scrubbed and framed here in Washington.

I have talked to numerous CBP agents during my time in Congress. The story they paint is far different than the one painted by DHS representatives here today and in the news media at large. One agent told me that the methods for counting border crossings are completely inadequate as the officers are told to count tracks going north.

The problem is that the drug runners cover their tracks very carefully going north because they don't want to be tracked. The number found going north is often actually less than those found going south because the cartel members don't care if they are being apprehended going south. They have already dropped off their drugs and since they are already going south, they might as well get a free ride home.

Another agent told me that when he first started, one of his supervisors started a meeting one day by saying "Apprehensions are down. We are not catching as many people." This particular officer lowered his head feeling that he and his colleagues were about to be scolded for not doing their job. He couldn't imagine when to his surprise he was congratulated and told "good job" by that same supervisor.

One agent, a man who puts his life on the line each day, referred to the apprehension metrics by measuring border control as asinine. Whereas Napolitano, our Secretary, claims the border is safe and secure, better than at any time before, the people who actually do this for a living estimate they might apprehend 20 percent of border crossings on a good day.

One of possibly the most discouraging and shameful things that I have been told by a CBP agent on the ground is they feel they signed up for one job when they actually have two jobs. They say their job is to fight the drug cartels and the so-called coyotes, but all they say their job is a constant fight with the Federal Government. In their words, they have to fight their own employer to do the job they were hired for. This is a situation that could only be created by this town.

Mr. Chairman, I would ask that you consider having another hearing at a later date in which we can invite CBP officers and other State and local officers from the front lines who are actually able to offer some real perspectives, highlight the real problems and help guide us toward a real solution.

When we start looking at the border, it is a fascinating issue. We have Forest Service, we have primitive areas and we have to have a common sense policy in which to have apprehensions to make this Country secure. I would like to hear from the Border Patrol agents directly.

Thank you.

Mr. BENTIVOLIO. Thank you.

The Chair now recognizes the gentleman from Florida, Mr. Mica.

Mr. MICA. First of all, I want to echo Dr. Gosar's comments. I have absolutely had it with the officials who refuse to appear before our committee. This is the chief investigative panel of the House of Representatives. What's this guys name Langlois? You are Acting Chair right now but I want a meeting staff with Mr. Chaffetz and Mr. Issa. I want these people held responsible.

We will subpoena Mr. Langlois' butt in here or they will appear before us one way or the other. This is the last time this is going to happen that I will be involved in any of the subcommittees or the full committee and have particularly a DHS staffer, this is an important position, not just any staffer, not appear before this committee. It is important that he appear with these other witnesses.

I am absolutely frosty and this is the last time I guarantee you. They will regret not appearing before our committee. I don't care who it is.

Again, I know you are Acting Chair right now. Staff, I want a meeting within the next 24 hours with Chairman Chaffetz and also Mr. Issa and if we have to bring the other side of the aisle in, whatever it is going to take. Again, I am not very pleased that we would have again the Associate Director for Refugee, Asylum and International Operations, thumb his nose at a legitimate request timely given to appear before this subcommittee of Congress.

I have some questions. Who oversees procurement of some of the equipment? Who would have the most knowledge? Do both of you have equal knowledge?

I was not here earlier but you are looking at mobile rather than the fixed surveillance system, is that correct?

Mr. FISHER. That is correct.

Mr. MICA. Mr. Murphy, correct?

Mr. MURPHY. Yes, sir.

Mr. MICA. I have information from a whistleblower that there are several types of surveillance equipment available. One is available at \$54 million and the second is available at over \$100 million. Are you aware of the two principal types of mobile surveillance equipment that you are using?

Mr. FISHER. I am not aware of that.

Mr. MURPHY. No, sir.

Mr. MICA. I want you to be aware of it. This is information I have that you are dividing the contract. I am not interested in the 50 percent premium that the taxpayers pay on this mobile equipment. I want a report back from one or both of you on what is going on, what kind of equipment is being purchased, why you are paying twice as much for some equipment that has the same capability, I am told, as the other equipment, okay? Do you get it?

Mr. FISHER. Yes, sir.

Mr. MURPHY. Yes, sir.

Mr. MICA. Back to the committee through myself or the Chair, I want a report on why you are paying twice as much for some equipment that has the same capability as others. We have very limited amount of money, isn't that correct, gentlemen?

Mr. FISHER. Yes.

Mr. MURPHY. Yes.

Mr. MICA. We are constrained. This is something that has been brought to my attention by a whistleblower. I want it verified and documented exactly what you are doing.

Now let us go to border crossings and protection. There are three different types of entry documents, four actually, the passport, global entry, you can get in with a global entry card, do you have to have a passport too? Murphy, Fisher?

Mr. MURPHY. Yes, sir. Based on the Western Hemisphere Travel Initiative, we took about 8,000 different documents out there and there's just a few but with the passport.

Mr. MICA. You get in with a global entry by itself, yes or no?

Mr. MURPHY. I will have to get back to you.

Mr. MICA. What is your position?

Mr. MURPHY. I am the Acting Assistant Commissioner for Field Operations.

Mr. MICA. You can't tell me whether I can get in or out with a global entry card?

Mr. MURPHY. In order to get the global entry card, you have to have that document and your face will appear on the screen when you are coming through.

Mr. MICA. Can someone entering the United States from Canada or Mexico or somewhere come in with just a global entry card?

Mr. MURPHY. I will have to get back to you, sir.

Mr. MICA. Dear God, please don't tell me—you are acting. That is pretty scary.

There are two other documents. One is what, NEXUS and FAST. NEXUS is Canadian for Canada. FAST is?

Mr. MURPHY. Cargo, through trucks.

Mr. MICA. What is the one for Mexico? Is there a card for Mexico?

Mr. MURPHY. There is Century, FAST, NEXUS and global entry.

Mr. MICA. We have all these cards. I had a hearing a couple weeks ago on ID cards which again that so and so from DHS isn't here so we cannot go after him because they are responsible for overseeing some of the standards. We have all these cards. None of them have a dual biometric capability, is that right?

Mr. MURPHY. Dual metric in terms of?

Mr. MICA. Fingerprints and iris would be biometric.

Mr. MURPHY. Yes, it is fingerprint.

Mr. MICA. But they do not have dual?

Mr. MURPHY. Right.

Mr. MICA. We had someone testify from the hearing last week, get the transcript, from the FBI that fingerprints can be altered; they are not secure. The only secure means of identification that is guaranteed would be dual biometric. That is iris and fingerprint. We do not have anything with iris, NEXUS, FAST, global entry, passport, Century, right?

Mr. MURPHY. I believe we are looking at the iris but I don't believe we have it.

Mr. MICA. For 11 or 12 years, I asked that be done in law after 2001. I think in 2002, repeated it in law several times. Here, again we do not have a DHS person to testify.

We have a document being used that can be undependable and you don't know if global entry can be used to get in. What about the others? Can they get in from Canada with the NEXUS card?

Mr. MURPHY. I apologize, sir. I know you have to have that card.

Mr. MICA. Dear God, where do they send these people from?

Mr. BENTIVOLIO. Mr. Mica, we are going to have to wrap it up.

Mr. MICA. Wait a second. Did you have two rounds?

Mr. BENTIVOLIO. Yes.

Mr. MICA. That is my first round, so I will go into my second round. Did you have a waiting Democrat who wants to go first?

Mr. BENTIVOLIO. Yes.

Mr. MICA. We will let her go and then I will come back. I will try to recover in the meantime.

Mr. BENTIVOLIO. The gentlelady from New Mexico, Ms. Lujan Grisham.

Ms. LUJAN GRISHAM. Thank you very much, Mr. Chairman, and thank you to the panel.

I am in an interesting position from New Mexico in that we have a small, unique border from New Mexico to Mexico but are affected primarily by the border at El Paso, but we don't get the same border health investments, don't get the same federal investments for border protection issues that are beyond the border itself but invest in the State.

We are affected by trade issues which I know have been a topic this morning in terms of some of the questions. We are affected by the efficacy of what you do on the border. We have public safety issues and we also have one of the highest drug trafficking and substance abuse problems per capita in the Country.

As a proponent of comprehensive immigration reform, which I think helps us with border activity because now we have a legal pathway for folks to go back and forth, I am absolutely concerned about security issues. I think, given the topics of the questions today, is really for Ms. Gambler.

Of all the investments, we have had significant investments and watching what is occurring in the Senate, there is momentum for even more investments at the border, tell me which of those investments, personnel, equipment, fencing, high tech investments, are the most effective? I need to know that both in terms of whether it is a cost effective aspect or whether it is giving you those protections that we are interested in having occur at the border?

Ms. GAMBLER. Your question gets at a key takeaway from a number of GAO reports we have issued looking at CBP's efforts to deploy technology, infrastructure and personnel along the border. That takeaway is that the department has been challenged to be able to identify the contributions that its investments have been making to border security.

For example, we recommended that the department conduct a cost effective assessment to be able to assess the contributions that tactical infrastructure and fencing have made to border security. With regard to technology and our review of DHS' new technology plan for placing surveillance technologies along the southwest border, we recommended that DHS identify the benefits and metrics for assessing implementation of the plan and the technologies going forward.

Your question gets at a key takeaway from a number of reports we have issued on border security efforts.

Ms. LUJAN GRISHAM. I am hearing from my colleagues on both sides that while we know we have to do that, we have to perform those evaluations. We don't have that concrete information. In your opinion, given unprecedented investments, I am concerned about whether they are making the difference we need, should our next set of funds, assuming they move forward, be contingent upon

those assessments and you can only draw down if you can demonstrate that in fact it is going to be a cost effective investment that also brings about real results at the border?

Ms. GAMBLER. That would certainly be a policy call for Congress but our recommendations have gone to the need for DHS to be able to assess the benefits from its investments and the contributions those investments are making to its border security efforts.

Ms. LUJAN GRISHAM. If we don't do that, the reality is, and I hope, you have immigration reform, continue to make sure we do have secure borders, invest in technology that we will be using in other places and efforts and if we don't do it in a contingent, effective manner, then we will not, regardless of the policy decisions we make here, have an effective environment for protecting and securing the border while making sure that the trade takes place and legal travel back and forth across the border is not minimized but is accepted in a productive and safe manner.

Based on the testimony today, I am very concerned that we don't have that information readily available to us. That minimizes any of the efforts that we make here in Congress. Is that a fair statement? Anybody can answer. 23 whole seconds. No takers? Come on. Mr. Murphy?

Mr. MURPHY. I think we are working very hard to identify our risks. And again, not to beat a dead horse I think our Work Group Staffing Model is helping us identify areas that need additional resources and basically trying to take more of a business transformational type of look at our processes and how we do business.

Ms. LUJAN GRISHAM. It sounds like we may not be as ready as we should be.

Thank you, Mr. Chairman.

Mr. BENTIVOLIO. The Chair now recognizes the gentlelady from Wyoming, Mrs. Lummis.

Mrs. LUMMIS. Thank you, Mr. Chairman.

To the previous comment by the gentlelady from New Mexico, therein lies the problem, trying to get us to do comprehensive immigration reform at a time when we cannot assure our constituents, the people we work for, that the border is secure, is a non-starter. When I go home, all I hear about is secure the border first, then we will talk about comprehensive immigration reform. I hear that from all aspects, from all of my constituents.

I cannot tell them that we have accomplished step one, secure the border, which is their green light to move forward on comprehensive immigration reform. This is not a new condition that the American people, especially those from non-border States, have put on us. They have been telling us for years secure the border first, then we will talk about comprehensive immigration reform.

There is a bill that probably passed the Senate today that will comprehensively reform immigration. It is not going to pass the House because we have not addressed the one condition the American people have put on us before they will allow us to have a robust conversation about comprehensive immigration reform. We haven't secured the border.

My constituents have asked me this repeatedly. Is a fence the least expensive, most effective way to secure the border in land to land border crossings? Mr. Fisher, is that true?

Mr. FISHER. In some locations, that would be true, yes.

Mrs. LUMMIS. Do we have a fence in every location where that is true?

Mr. FISHER. That I don't know but I should add it is not just the fence because anywhere you would have a fence, which predominantly you would put in places because you have identified it as high risk which is attributed by a lot of illegal crossings in between the ports of entry, just having the fence in and of itself does not necessarily guarantee border security.

Mrs. LUMMIS. The Corker Amendment that is being discussed in the Senate, I don't know whether it passed or failed, would add 700 miles of fence and 20,000 troops on our border to defend our border. If you were me and you go home every weekend and your constituents are telling you secure the border, secure the border, would you vote for the Corker Amendment?

Mr. FISHER. Representative, I am not in the position to put myself in your position although there are similar circumstances. When I do go home, my wife and son ask me the same question and we have a very interesting discussion about that, so I can understand the challenges that you and certainly other members of the committee are looking at right now as it relates to the current legislation.

Mrs. LUMMIS. What are you telling your wife and child?

Mr. FISHER. I try to change the subject.

Mrs. LUMMIS. I will bet you do. Mr. Murphy?

Mr. MURPHY. It is a very important issue.

Mrs. LUMMIS. Let me ask, the Corker Amendment, 20,000 troops, 700 miles of fence on our southern border, would you vote for that amendment?

Mr. MURPHY. I don't think I could put myself in your position to answer that.

Mrs. LUMMIS. Do you have the same conversation with your family that Mr. Fisher does?

Mr. MURPHY. Yes, I do.

Mrs. LUMMIS. What do you tell them?

Mr. MURPHY. I tell them that we have men and women out there doing the best we can with what we have.

Mrs. LUMMIS. Mr. Homan, would you vote for the Corker Amendment if you were me and your constituents, every weekend when you went home, said, secure the border first, then we will let you talk about comprehensive immigration reform? Would you vote for the Corker Amendment?

Mr. HOMAN. I don't think I am in a position to give my opinion on that.

Mrs. LUMMIS. Do you have a family that you discuss these things with?

Mr. HOMAN. No. My wife wants me to retire.

About border security, I think we are doing more with our partners in the Border Patrol than we have ever done before. There are a couple operations we are currently doing with the Border Patrol. For instance, we talk about the Alien Transfer Exit Program, ATEP, where if a Mexican national crosses the border illegally in Texas, rather than returning them back to Texas and they make

multiple reentries, we take custody of them, detain them, transport them to another State for removal.

That separates them from the alien smuggling operations so you hurt the criminal smuggling organization and cuts down the recidivism. Now that alien is out of his area, he doesn't know the area, so chances are he is not going to cross again.

Mrs. LUMMIS. I am glad to hear we are making progress but let me ask you, is our border secure? Is our southern border secure?

Mr. HOMAN. I do not have resources on the border, we do not control the border.

Mrs. LUMMIS. Mr. Murphy, is our southern border secure?

Mr. MURPHY. I think we are working toward that end.

Mrs. LUMMIS. Is it now? If I go home this weekend, can I tell my constituents, and they are going to ask, is our border secure? What should I say? What would you say if you were me?

Mr. MURPHY. We are doing our best.

Mrs. LUMMIS. Mr. Fisher, what would you say?

Mr. FISHER. I would say in certain sections along the border, that is, in fact true, the border is secure.

Mrs. LUMMIS. Can you give us the sections where it is not secure? Can you show us a map and show us where it is not secure?

Mr. FISHER. In some locations.

Mrs. LUMMIS. Can you advise us, in those locations, those some locations where you can tell us, can you tell us how to make it secure?

Mr. FISHER. We are in the process of building that right now.

Mrs. LUMMIS. When will that process be completed?

Mr. FISHER. Probably in the next few months.

Mrs. LUMMIS. When you get it, are you going to share it with us?

Mr. FISHER. It would be my intention to do so but that would not be my call.

Mrs. LUMMIS. Thank you, Mr. Chairman. I yield back.

Mr. BENTIVOLIO. The Chair now recognizes the gentlelady from Illinois, Ms. Kelly.

Ms. KELLY. I just have another question about the data. Clearly the Border Patrol also collects data other than apprehensions and the Government Accountability Office has also reviewed this data. For instance, GAO analyzed the percentage of repeat border crossers and found that figure had declined also between 2006 and 2011.

Ms. Gambler, do these indicators paint roughly the same picture as apprehensions that the number of illegal border crossings may have declined over the last six years and what else you think they tell us?

Ms. GAMBLER. The recidivism rate data we looked at covered the period from fiscal year 2008 to 2011. It found that the recidivism rate across the southwest border decreased by six percent during that time. The recidivism rate looks at estimated known illegal entrants who were apprehended more than once, so it is not exactly the same as looking at data on just apprehensions. It is looking at the number who have been apprehended more than once.

Ms. KELLY. I also wanted to make a comment that I totally understand on both sides of the aisle in this committee that when we call someone, we expect the person to be here and expect the person to answer our questions. It is also my understanding that the

gentleman has offered to sit down with staff. I just want to make sure we give him a little credit for that but I too agree that when we call people, they should come to session but from my understanding, he has offered to sit down with staff.

Thank you.

Mr. BENTIVOLIO. The Chair now recognizes the gentleman from Florida, Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Let us go back to the identifications used for entry at the border. Either Mr. Fisher or Mr. Murphy, are you familiar with any of the technical boards that approve the credentials used for crossing the border? Mr. Fisher?

Mr. FISHER. I am not, no.

Mr. MICA. Mr. Murphy?

Mr. MURPHY. No, sir.

Mr. MICA. This is why it is difficult to conduct this hearing without someone responsible from DHS who can answer these questions.

We have at least five documents I cited and none of them have dual biometric capability. Do you know, Mr. Fisher, if again those documents can be used by themselves, either global entry, NEXUS, FAST or Century?

Mr. FISHER. I don't know that, sir. That is not my area of expertise.

Mr. MICA. Again, I think as Chief of U.S. Border Customs and Protection, you should know which documents can be used. I am not able to question, again whether or not there is any coordination in the development of those documents and what they contain, the capability that they contain.

How many individuals were apprehended last year, Mr. Homan, maybe you have already told the subcommittee, crossing the borders illegally?

Mr. HOMAN. I don't have the number of illegal aliens crossing the border but I can tell you we arrested, processed and removed 410,000.

Mr. MICA. You removed 410,000 back to their original point of entry or whatever country they came from?

Mr. HOMAN. Yes, sir.

Mr. MICA. How many were incarcerated in the United States last year at any time? Would that be all of them? Is there a population of illegals in our prisons?

Mr. HOMAN. Yes, of the 410,000 removed last year, 225,000 of those were convicted criminals.

Mr. MICA. How many were convicted?

Mr. HOMAN. Two hundred twenty-five thousand, 55 percent of the 410,000 were convicted criminals.

Mr. MICA. Did you detain those convicted criminals?

Mr. HOMAN. Yes. Our strategic approach has four priorities: those that are a threat to national security and community safety which are convicted criminals; recent border entrants and those that are fugitives.

Mr. MICA. Taxpayers foot the cost while they are in prison. Do we also pay their legal costs? Are they read any rights?

Mr. HOMAN. No, we are an administrative process. If they get convicted of crimes, they do their time in whatever State or federal facility. We get them after the fact and we do try to process them for removal while they are still in custody of the law enforcement agencies so we don't incur unnecessary costs.

Mr. MICA. Are they entitled to any kind of legal counsel that we provide or they can get their own counsel?

Mr. HOMAN. They can get their own counsel. Under administrative remove procedures, they are not entitled to a paid attorney.

Mr. MICA. They are not. Any idea as to the cost of incarcerating these individuals?

Mr. HOMAN. In our custody or in the custody of law enforcement?

Mr. MICA. What is your cost and is there an estimate on the cost of incarceration?

Mr. HOMAN. ERO is funded at 34,000 beds a year and those beds turn over quickly. Our funding for detention operations is about \$1.7 billion.

Mr. MICA. I saw a number of Customs and Border Patrol people were killed historically, maybe in the last decade. Have most of the culprits been apprehended, Mr. Murphy or Mr. Fisher, do you know?

Mr. FISHER. Over the last few years, there have been arrests of individuals where there was enough evidence to warrant their arrest that were attributed to violence against Border Patrol agents and in some cases, killing of Border Patrol agents and CBP officers.

Mr. MICA. I remember working with the Reagan Administration when they killed Kiki Camarena. I think the way Reagan handled it was he closed the borders for a while but we still have people who haven't been apprehended who have killed our agents, isn't that correct?

Mr. FISHER. That is correct.

Mr. MICA. That is kind of a sad commentary. I think we need to do everything possible to target those individuals. It might be a good use of drones to take them out when you kill an enforcement officer or Border Patrol personnel of the United States.

I yield back the balance of my time.

Mr. BENTIVOLIO. Did you have more questions?

Mr. MICA. No. I would like the staff to send a letter and I have asked for a response on this paying twice as much. I guess they divided the contract between a couple vendors. One of the pieces of equipment I understand costs twice as much as the other. It is nice to divide the contract, but I don't really care about that. I am looking at the taxpayer cost. It has the same capabilities but I want to find out about that mobile surveillance equipment, the acquisition and cost of the equipment, difference in any capability and what would justify paying twice as much for the same thing.

We will have the meeting with the Chair of the subcommittee and the full committee Chair on calling in the DHS witness.

Other than that, I appreciate the courtesy.

Mr. BENTIVOLIO. Thank you.

I have a few more questions. Mr. Fisher, you testified earlier that part of the border is secure and other parts are not. What parts of the border are unsecured?

Mr. FISHER. These would be areas where generally we don't have access to the immediate border, we don't have full-time deployments of Border Patrol agents and we have very little or in many cases, nonexistent technology. It is only in those areas where intelligence leads us to believe that criminal organizations may be exploiting those areas.

We adjust our resources accordingly. That is what I meant by in some cases, the border is more secure than in others.

Mr. BENTIVOLIO. What percentage is unsecured?

Mr. FISHER. I don't have a percentage. It is very difficult to identify a percentage.

Mr. BENTIVOLIO. Miles?

Mr. FISHER. It is even harder to distinguish miles because it fluctuates.

Mr. BENTIVOLIO. What particular areas, Texas, New Mexico, Arizona?

Mr. FISHER. All across the southwest border are sections that are considered secure and other sections that are less secure. As a good example, there is a five mile stretch in San Diego. My recent post was as Chief in San Diego. That five miles is between San Ysidro port of entry and the Otay Mesa port of entry. You may have visited it on one of your recent border tours.

That section of the border has been pointed out to me over the last couple of years as exactly what we need the whole southwest border to look like because within that five mile stretch, CBP has over the years put in a single fence, had all weather roads, there is a secondary fence between 15 and 18 feet high and on top of that secondary fence we have razor wire triple stranded, by the way, across that. There are hundreds of unattended ground sensors in and around that secondary fence area. We have integrated fixed towers that provide 7-24 surveillance and Border Patrol agents routinely deploy that. Very few people cross that section of the border.

If you also look over the last ten years of the predominance in tunneling activity along the southwest border, that area is the most exploited.

Mr. BENTIVOLIO. Thank you but I am looking for what part of the border is unsecured? You mentioned that part of the border is secure and the other part is unsecured. Now you are back pedaling saying it is not as secure. It is either secure or not secure.

Mr. FISHER. That is a really interesting point because when you look at security, it is not an either/or proposition. It is the state of the border at any particular time. Any section of the border that we say is secure is potentially continuing to be exploited.

Mr. BENTIVOLIO. You said part of the border is less secure.

Mr. FISHER. That is correct.

Mr. BENTIVOLIO. You are saying at certain times, all of the border is unsecured and sometimes it is secured? I am confused. I would like to help you fix the border and make sure it is secure, 100 percent of the time, 24/7, but you are telling me part of the border is not secured. What geographical area is unsecured?

Mr. FISHER. There are certain segments. We talked about Arizona earlier in the west desert, in and around the Tohono O'odham Nation. That is one particular area where I would qualify right

now because we have less security in that particular area than we do in other parts of Arizona.

Mr. BENTIVOLIO. Do you have a map?

Mr. FISHER. I can get a map. I don't have one with me.

Mr. BENTIVOLIO. I would like to see a map. I am an old soldier and my perimeter is going to be secure. When I go to sleep at night, I want to know I have people out there to protect my perimeter.

Mr. FISHER. Understood, sir.

Mr. BENTIVOLIO. You know how it works, right?

Mr. FISHER. I do.

Mr. BENTIVOLIO. Americans want to go to sleep at night knowing their perimeter is secure. I want to know, like a soldier, what part is the weakest, what is the strongest and what can we do to fix it?

Mr. FISHER. Certainly. That is understandable.

Mr. BENTIVOLIO. I have just a few more questions. I was reading a blog from Debbie Sushgall, a blogger. What does she mean by the term reverse escort? Can any of you answer that question? Mr. Homan?

Mr. HOMAN. I can answer that question. The activity in Rio Grande Valley spiked a couple months ago and since has gone down but we have seen an increase in other new Mexican arrests, citizens from El Salvador, Guatemala and Honduras, the three major populations.

We have a congressionally mandated cap on overtime. My office is going to make so much in overtime and a lot of the arrests the Border Patrol is unaccompanied juveniles. These are nationals under the age of 18. We are only allowed to detain them up to 72 hours before we turn them over to Health and Human Services, Office of Refugee Resettlement.

With the surge in the unaccompanied alien juvenile arrests that we have in custody, we are by law and the statute supposed to turn them over to HHS. They have facilities all across the Country. We contact them, saying we have a juvenile in custody, where do we take them. We have to deliver that unaccompanied juvenile to them so they can place them in a facility comparable for a juvenile.

My officers were doing so many escorts of these juveniles, they were bumping against the overtime cap, so the cost is the same for an officer to go from San Antonio to Detroit to drop off a juvenile to Health and Human Services and fly back to San Antonio, it is a fixed cost. Since we were bouncing against the cap, what we are asking the officers to do rather than have this guy exceed the cap, we are having the Detroit officer fly to San Antonio, pick up the juvenile and take him back to Detroit, same cost across the board.

It is a way to deal with our budget, a way to deal with the mandate of the limit of overtime we can pay our officers.

Mr. BENTIVOLIO. According to the blog, they are saying immigration agents are dropping them off in sanctuaries, awaiting amnesty.

Mr. HOMAN. That is not accurate. My officers turn them over to Health and Human Services, Office of Refugee Resettlement. They have contracts with certain people that detain the juvenile, makes sure he gets his medical and food until he gets a hearing from the immigration judge and gets ordered removed.

You would have to talk to Health and Human Services about how they bill out that contract and who they contract with to house the juveniles but that is totally taken out of context.

Mr. BENTIVOLIO. The other question is why would you fly a juvenile or anybody from Texas, Arizona or New Mexico to Detroit to await trial or some kind of disposition?

Mr. HOMAN. Health and Human Services ran out of beds in Texas. They have contracts all over the Country. Juvenile aliens are arrested all over the 50 States. Because of the shortage in the Rio Grande Valley, Health and Human Services ran out of contract beds in Texas, so now HHS tells us here is where there is availability to take care of this child, here is where you bring them. Again, that is Health and Human Services' call on where there contracts are for bedding.

Mr. BENTIVOLIO. Thank you clarifying that.

This catch and release thing, I toured Eloy, a holding facility or prison? What do you call it?

Mr. HOMAN. It is a detention facility.

Mr. BENTIVOLIO. A detention facility, thank you. I understand you only have so much bed space.

Mr. HOMAN. We are funded for 34,000 beds.

Mr. BENTIVOLIO. At Eloy?

Mr. HOMAN. No.

Mr. BENTIVOLIO. One thousand five hundred sixty, about 1,500, right?

Mr. HOMAN. Approximately.

Mr. BENTIVOLIO. If all those beds are filled and you have 30 that you just caught, where do they go?

Mr. HOMAN. At the beginning of the year, we actually had over 37,000, actually overburdening the budget because our enforcement strategy that makes sense. If we are completely full and are beyond budget, as aliens come into custody, we need to make a determination. Is there somebody sitting in a bed that is a non-criminal, a non-mandatory case, maybe has U.S. citizen kids, maybe a child serving in the Armed Forces, can we put him in an alternative form of detention, maybe an ankle bracelet and monitor him, release him and make that bed available for the priority case.

We save our beds for priority cases which are criminal aliens, those who threaten national security and recent border crossers. Actually increased the beds in Texas to make sure we can detain recent border crossers because I think that is important border control strategy.

Mr. BENTIVOLIO. The Border Patrol agents tell me that they get a message saying beds are filled and they don't respond or they don't make a big effort capturing all the 26, maybe only capture three or four. Is that accurate?

Mr. HOMAN. No. What I can tell you is, as a matter of practice, we detain all recent border entrants. We have brought on a couple thousand more beds in Texas to deal with the influx. There are situations where somebody is released from our custody, we release people every day, like every jail does, maybe we can't get a travel document. Maybe he is from Somalia and maybe we cannot get a travel document to Somalia.

We have a Supreme Court decision in *Zabeda* that says we can only detain someone up to six months. If there is no significant likelihood of removal, we must release them as long as they are not a danger to the community.

As Border Patrol gives us the aliens, we make it a priority to detain those aliens. If they are unaccompanied juveniles, we will turn them over to HHS so they are released from our custody. If they claim fear and are interviewed by CIS and CIS finds a claim of fear positive, that alien becomes eligible for bond.

We release aliens all the time on bond, if they meet bonds set by the judge. If there is a humanitarian concern, maybe an alien comes to our attention, we find out is a sole caregiver for a child and that person is not a danger to the community, he might be better served in an alternative form of detention.

Mr. BENTIVOLIO. We have heard reports of significant increases in other than Mexicans, OTMs, crossing our southwest border. In fact, Chairman Chaffetz tweeted about nine Romanians apprehended crossing the southwest border during his recent trip and some Arizona news outlets are reporting an increase in Indian nationals, more than 1,000 since January this year crossing in that State. What other countries are they coming from?

Mr. HOMAN. The big majority right now in order is Guatemala, the biggest, Honduras and El Salvador. Let me explain what we did with that. We were bringing so many OTMs into custody, we have way over 37,000. I instructed my staff to meet with the governments of Guatemala, Honduras and El Salvador and start a pilot program.

Usually, these nationals are in detention for 10 to 20 days before a government official from Guatemala would interview them. They have to interview them and make sure they are nationals of their country and issue a travel document. It took 20 days so the beds were backing up.

I issued instructions to start a pilot program with agreement from the governments. We made equipment available for Guatemala and Honduras and they are doing the interviews now through a pilot program within 24 hours. They are issuing a travel document within 24 hours. I reassigned some flight hours to Central America, so we surged Central American flights. In the last two weeks we removed over 5,000 OTMs to their country through this pilot program, so that got my bed level down.

As far as the East Indians in Arizona, CBP can speak to that but it is my understanding because we are getting them in custody that they are actually surrendering themselves at a port of entry and claiming fear. At that point, the processes will contact CIS, CIS arranges an interview and tries to make the determination is that fear credible. If that determination is yes, he has a substantiated credible fear of returning to his homeland, then that alien becomes eligible for release either under bond or other supervisory release.

Mr. BENTIVOLIO. They are claiming fear, these nine Romanians. It was my understanding they went to trial or went before a judge, were released on bond of some sort and never showed back up.

Mr. HOMAN. I am unfamiliar with the Romanians. I know about the East Indian issue because it is well over 1,000 we have in retention that we are dealing with CIS. I am unfamiliar with the Ro-

manian case. Last year, we removed aliens from over 150 countries, so we see aliens from every country on the planet.

Mr. BENTIVOLIO. Walk me through this. Somebody comes to Eloy, they go before a judge.

Mr. HOMAN. On Mexican nationals, we can turn them around pretty quickly. On OTMs, before we can remove them to their homeland, they have to be interviewed by officials of their country to ascertain that they are in fact a citizen of Guatemala. After that interview, the Guatemalan government will issue a travel document. That identifies the person as a national of that country and that allows us to repatriate them to that country.

We arrest somebody and they are an OTM and we set them up for an immigration hearing. They will see an immigration judge if they request a hearing.

Mr. BENTIVOLIO. How many show up after you release them?

Mr. HOMAN. It depends. If they are released under some sort of ordered supervision, maybe an anklet bracelet, ADT shows about 80 percent show rate at the hearing. Those released on OR, the appearance rate is lower.

Those arrested crossing the border, the Border Patrol will process them as an expedited removal. An expedited removal is a removal order in itself, so they don't have to see a judge. When the Border Patrol processes them as expedited removal, they come to my custody. We get a quick interview from the host government, they issue a travel document and remove them.

The only time a hearing comes into effect is if they are claiming fear and they get to go through NCIS and later an immigration judge. If they are not an expedited removal case, if we arrest them in the interior, we cannot process them expedited removal, we have to give them a notice to appear in front of an immigration judge.

Mr. BENTIVOLIO. What percentage of OTMs, do you have an average number in detention facilities?

Mr. HOMAN. At the time we started the pilot, we had approximately 34,000 in custody and approximately 7,000 to 8,000 OTMs.

Mr. BENTIVOLIO. The rest are?

Mr. HOMAN. Citizens of Mexico.

Mr. BENTIVOLIO. Eighty percent show up.

Mr. HOMAN. The ADT metric, when we release someone on ADT or ankle bracelet, the appearance rate on that and other forms of reporting, telephonic reporting, could be an officer doing a bed check at their residence, we have an 80 percent appearance rate for those released to alternative detention.

Mr. BENTIVOLIO. So, at least 20 percent did not appear?

Mr. HOMAN. Yes, sir.

Mr. BENTIVOLIO. How many people is that approximately, 10,000? You are talking 400,000 people you processed.

Mr. HOMAN. Actually we had intake of 475,000 last year, we removed 410,000. Some are still fighting their cases. We have some cases that go to immigration court, they will get a final order of removal and they will appeal that to the Board of Immigration Appeals. They can go further and appeal once more to the circuit court. We have a lot of aliens with final orders sitting in our beds that we cannot remove because they have appeals pending.

Mr. BENTIVOLIO. You have 400,000 plus; 20 percent of that is 80,000 people that never show back up.

Mr. HOMAN. Our current fugitive operation backlog, people ordered removed and have fled, they have not been removed, is 462,000, latest count.

Mr. BENTIVOLIO. Four hundred sixty-two thousand, and the news reports or media reports 11 million illegal in this Country. Somebody told me it is closer to 20 million; somebody else told me 30 million.

Mr. HOMAN. I have heard the 11 million figure. That is why I think what ICE is doing is smart and effective enforcement. Knowing that we can remove 400,000 aliens, that is what we are staffed and budgeted for, I think a smart way to do that is it going to be the first 400,000 we encounter, the first 400,000 in the door?

I think our policy focusing on the criminal aliens, those that threaten national security, I like to think we can decide who those 400,000 are going to be. The more criminals there are, the safer our communities are. We make a bigger impact, so our policy is clear. Let us decide who that 400,000 is going to be if that is all we can do. Let us make as many of them community safety factors as possible. That makes our communities safer.

I mentioned earlier we removed 225,000 criminal aliens last year. That is a significant impact on community safety, not to mention the recidivism rate of around 50 percent. How many crimes did we prevent by removing that many criminal aliens?

Mr. BENTIVOLIO. Two hundred twenty-five thousand, is half of the 400,000.

Mr. HOMAN. That is 55 percent. If you look at the 410,000, 96 percent fell into our priorities, either 55 percent were criminal aliens and the rest, 96 percent, were either fugitives, those who were ordered removed and reentered which makes them reentry or the recent border entrants. The recent border entrants remain a priority for us because we need to secure the border.

Mr. BENTIVOLIO. A second illegal entry is a felony?

Mr. HOMAN. If they have been ordered removed formally by an immigration judge, they reenter and we catch them, they can be prosecuted for 8 U.S.C. 1326 which is a felony, reentry after deportation.

Mr. BENTIVOLIO. Do you agree with other law enforcement professionals who are concerned that the rise in OTMs correlates to the rise in smuggling operations coming out of Mexico?

Mr. HOMAN. I think the rise in OTM apprehensions, a vast majority are being smuggled by smuggling organizations operating out of Mexico.

Mr. BENTIVOLIO. I have one last question. When I was at Eloy, they gave me a daily report. It was a sheet of paper with all the countries in the world and there was a little space next to it. Every day, somebody would fill out that report and write the number being held at that facility in that little space on the sheet of paper. Is that like a daily report?

Mr. HOMAN. I am unfamiliar with that. That might be something that facility does but we track every alien in custody, where they are from, who they are, how long they have been in custody through electronic databases.

Mr. BENTIVOLIO. I saw all the countries that were represented in that facility. Knowing from what I have seen that we don't capture 100 percent, we don't, the one thing that bothered me the most was there was the number one next to the country of Afghanistan. I don't know why but that really played on me.

If we don't capture everybody, how many that we didn't capture from that particular country, because that is of concern to me and I am sure a lot of others, I guess that is why I stay awake at night sometimes when I think about this border and the problems we have there.

Operational control is often described as a strategy used by DHS and CBP to describe their operations in securing U.S. borders. What do you view as the biggest threat to the security of our borders, Mr. Fisher, and we will go right down the line?

Mr. FISHER. Certainly the biggest threat as I would describe it would be those individuals that seek and wake up each and every day thinking about nothing else but doing harm to this Country. That is our number one threat and that is what our strategy looks to target.

Mr. BENTIVOLIO. What does that mean?

Mr. FISHER. Your question had to do with how we evaluate threat along the border and what that threat is?

Mr. BENTIVOLIO. What do you think the biggest risk is and how are we responding to that risk? To give you an example, there was one person there from Afghanistan. Right now we are fighting a war in Afghanistan. Why is somebody from Afghanistan sneaking into our Country or trying to? They are being held in Eloy Prison at the time.

Then I hear we have 11 million illegals and we are not 100 percent secure. You said the border is not secure. Somebody who wants to do us harm is going to exploit our weaknesses and the weak points in our border. My job, as the Congressman, is to protect this Country, number one priority in the Constitution.

You are telling me our border is not secure and I would like to know what you think the biggest threat to the security of our borders is? Can you give me a percentage?

Mr. FISHER. I do share the same responsibility as you as the Chief of United States Border Patrol. I along with the other agents took the same oath to support and defend the Constitution against all enemies foreign and domestic. Within that framework, and the strategy which we have implemented over the last couple of years, specifically the threat that keeps me up as well is those individuals, potential terrorists, seeking entry to this Country and they do so between the ports of entry.

We build a strategy and try to identify what the requirements are to minimize the likelihood that those individuals if they are inclined to get into this Country in that manner, we are able to detect them and apprehend them when they do so.

If you are looking at threats or vulnerabilities as established geographically, I cannot give you certain segments of miles and I cannot give you percentages. I can give another example outside of the West Desert in Arizona, in a place like south Texas where the border is separated by the Rio Grande Valley and areas where we gen-

erally do not have a lot of detection capability, we do not have impediments like we have in other places like 12 to 15 foot fences.

The areas right now where we see the vast majority of individuals seeking entry are within those areas in the Rio Grande Valley. From a regional standpoint, vulnerability is in the Rio Grande Valley.

Mr. BENTIVOLIO. Mr. Murphy?

Mr. MURPHY. I believe it is terrorists and implements of terror. One of the things we have done is we have pushed our borders back from air traffic, the passengers. We know who is coming, we know well in advance of them boarding planes, and we know what is coming from a cargo and get that information in advance. At our land ports of entry and at our seaports, we have our RPMs or radiation detection devices. I believe that is where we have really done the most work as far as identifying that threat ahead of time.

We denied boarding to 4,200 people in 2012. These were potentially high risk individuals that could have come to this Country to do harm.

Mr. BENTIVOLIO. We want 100 percent border security and you do not have it and one from Afghanistan comes in. That is all it takes is one.

Mr. Homan?

Mr. HOMAN. I have carried a badge for 29 years. I care about the security of this Country and I think it is my job to protect the security of this Country and the security of our communities. I think the biggest threat is those who want to come to this Country and do harm in two different fashions.

The other side of the house, HSI Division, is a priority project they are working on, investigations of a national security nature. Also important is the safety of the communities for those who come here and want to commit crime who not only enter the Country illegally but then commit a crime against a citizen of this Country.

I have been doing this for a long time. There was a time when I was a street agent and we would just go out and arrest aliens because they are here in violation of the law. I am enforcing immigration law. At the end of the day, what impact did I make? At the same time I am arresting this person who is here illegally but maybe hasn't committed another crime, there is a child predator walking out of State prison because we didn't have a presence in all the jails across the Country.

This Administration, I truly believe this, has done a lot for community safety by deploying secure communities across the Country. We have a virtual presence in every jail. When an alien is arrested and finger printed, we are going to find out about that alien and we can take action and remove him from the Country.

The strategy ICE has built on prioritizing what we do on national security threats, aliens that are a threat to public safety, makes sense to me. It is the right thing to do. If we are built to remove 400,000 people, let us make that 400,000 count. I think what we are doing now makes sense. I have been doing this 29 years. I think we are in a better spot now than we have been in years.

Mr. BENTIVOLIO. Thank you very much.

Ms. Gambler?

Ms. GAMBLER. The Border Patrol has identified threats to border security from terrorism, from drug smuggling and from illegal migration. The Border Patrol is working on developing some risk assessment tools to help assess what those risks are and help inform its identification of resources. That is in process right now.

Mr. BENTIVOLIO. Thank you very much.

I would like to thank all our witnesses for taking time from their busy schedules to appear before us today. The committee stands adjourned.

[Whereupon, at 11:40 a.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

**Opening Statement of Chairman Jason Chaffetz
Subcommittee on National Security**
“Border Security Oversight: Identifying and Responding to Current Threats”
June 27, 2013

Good morning, and welcome to today’s hearing, titled: “Border Security Oversight: Identifying and Responding to Current Threats.”

I would also like to welcome Ranking Member Tierney of the Subcommittee, and members of the audience.

Much of the current immigration reform debate has centered on the *importance* of border security, but the conversation has not focused enough on *how* to secure the border in the most effective manner.

As a result, today’s hearing will examine the variety of threats to U.S. border security, from illegal entrants to drug trafficking organizations to potential national security breaches.

This hearing will also examine how to measure each of these risks, and the most effective responses to the threats we confront.

The Department of Homeland Security is responsible for controlling and guarding the borders of the United States. The Department’s operational responsibilities include “preventing and investigating illegal movements across our borders, including the smuggling of people, drugs, cash, and weapons.”

The Secure Fence Act of 2006, which intended “to establish operational control over the international land and maritime borders of the United States,” authorizes the Secretary of the Department of Homeland Security to take necessary and appropriate actions to secure U.S. borders.

From 2006 to 2012 the security measures implemented to help achieve “operational control” of U.S. borders have cost the U.S. taxpayer approximately \$75 billion.

Despite spending tens of billions of taxpayer dollars to secure the border, the Government Accountability Office reported in 2011 there were only 129 miles of the 1,954 mile-long southwest border – about 6 percent of the border – where Border Patrol can actually “deter or detect and apprehend illegal entries” at the border itself.

The lack of operational control documented by GAO directly contradicts statements by the Administration that the border is the most secure it has ever been.

After GAO reported low levels of operational control, DHS changed its policy to make the number of “apprehensions” the measure of effectiveness.

However, the number of apprehensions, which DHS uses as its metric now, does not indicate whether federal government efforts to secure the border are actually achieving operational control or not.

Since the creation of the Department of Homeland Security, the Committee's oversight efforts have examined the effective use of taxpayer dollars at the border. While the Department is working hard to secure the border, there are examples of wasteful spending there.

For instance, SBInet, which was intended to improve video surveillance of the border, has cost taxpayers \$1.2 billion dollars. But SBInet has been deemed a failure.

On April 2nd to 4th, 2013, Members and staff of the House Oversight and Government Reform Committee, including myself, traveled to Yuma, Naco, and Nogales, Arizona, to assess the federal government's most recent efforts to secure the border.

The Committee visited Eloy Detention Facility in Arizona and was briefed by prison and ICE officials. The Committee learned that individuals classified as OTMs, also known as Other Than Mexicans, accounted for 900-plus inmates, from 60 different countries, out of the approximately 1,500 in Eloy Detention Facility.

Based on our conversations with CBP officers in Yuma and Nogales, there appears to be an increasing trend of OTMs moving across the southwest border. A significant portion of the OTMs are coming from Latin America, including Guatemala and Honduras, in addition to India and China.

Border patrol officers on the ground also told the Committee about potential problems in our immigration system. For example, it appears the judicial process for asylum requests and the government's issuance and administration of B-1 and B-2 visas may contain some serious flaws.

During our trip to the border, we also found that the government continues to identify new and emerging threats to a secure border, including drug cartels' use of semi-submersible vessels and ultra-light aircraft, and their construction of underground tunnels.

Today, we hope to not only discuss these threats but also the responses to some of these risks, including the use and effectiveness of drones, strategic placement of troops, and technology which can successfully be implemented along the border.

Whether through technology or border patrol agents, we must allocate the necessary resources to secure the border, but in a way that is smart, strategic, and ensures that we do not waste taxpayer dollars.

I want to emphasize that I commend and support the work of our law enforcement officers from CBP and ICE.

And today's discussion should focus on understanding the threats to our border and how we should respond to each challenge.

I look forward to hearing from our witnesses for a productive conversation about securing the borders of the United States.

However, I am disappointed that Joseph Langlois, the Associate Director for Refugee, Asylum, and International Operations with U.S. Citizenship and Immigration Services has refused to testify before the Subcommittee this morning. The Committee requested Mr. Langlois' attendance and participation in the hearing 13 days ago, on June 14th, 2013.

Despite providing essentially two weeks notice to testify before this Subcommittee, the U.S. Citizenship and Immigration Services has declined to appear, asserting : "Due to a lack of sufficient notice to prepare and clear testimony as well as prepare a suitable witness, USCIS will be unable to appear at the upcoming June 27 hearing on border security."

This is unacceptable, as the American taxpayer deserves answers to these important questions before this Subcommittee today. We have left the seat open for USCIS at the witness table in the event that they'd like to answer questions from the Subcommittee today.

Thank you for the DHS agencies, CBP and ICE, and GAO for appearing and participating in today's hearing. The Subcommittee appreciates your willingness to discuss these important matters.

Enclosure

6/27 Hearing Question from Member Duncan

1. How many people are entering [the United States] legally each year?

According to the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP), about 351.5 million legal entries took place at U.S. air, land, and sea ports of entry in fiscal year 2012, down from approximately 419.8 million legal entries in fiscal year 2005. According to CBP, the fiscal year 2005 data may be slightly underreported since that year (and all years prior to fiscal year 2010) CBP may have included estimates when calculating the number of legal entries by vehicle at land ports of entry, based on an average number of passengers per vehicle and the time of year.

