

TESTIMONY OF

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BEFORE

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ON

“Border Security Oversight: Identifying and Responding to Current Threats”

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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.

Office of Border Patrol

Chief of the Border Patrol, Michael J. Fisher

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Michael J. Fisher is the Chief of the U.S. Border Patrol and a member of the Senior Executive Service. He is responsible for planning, organizing, coordinating, and directing enforcement efforts designed to secure our Nation's borders. Chief Fisher entered on duty with the U.S. Border Patrol in June 1987 as a member of Class 208. His first duty assignment as a Border Patrol agent was at the Douglas Station in the Tucson Sector. He successfully completed the selection process for the Border Patrol Tactical Unit (BORTAC) in 1990 and was later selected as a Field Operations Supervisor for BORTAC in El Paso, Texas. Over a four-year period, he planned and executed operations throughout the United States and nine foreign countries. Chief Fisher later served as the Deputy Chief Patrol Agent of the Detroit Sector and as an Assistant Chief Patrol Agent in the Tucson Sector.

During the transition to the Department of Homeland Security in March 2003, Chief Fisher was appointed Deputy Director for the U.S. Customs and Border Protection (CBP) Office of Anti-Terrorism in Washington, DC, where he staffed and directed the office during periods of increased threats and served as the CBP liaison to the inter-agency intelligence community for anti-terrorist planning and operational coordination. Chief Fisher later served at Border Patrol Headquarters as an Associate Chief and in 2004 was promoted to Senior Associate Chief. He returned to the field in February 2006 as the Deputy Chief Patrol Agent of San Diego Sector. He was promoted to Chief Patrol Agent of San Diego Sector in June 2007. He was named Acting Chief of the Border Patrol on January 3, 2010, and assumed his current position on May 9, 2010.

Chief Fisher earned a bachelor's degree in criminal justice and a master's degree in business administration. He is a graduate of the Senior Executive Fellows Program at the John F. Kennedy School of Government at Harvard University. He also completed the CAPSTONE program at the National Defense University in 2009.

Office of Field Operations

Acting Assistant Commissioner, David J. Murphy

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Mr. Murphy has served in a number of critical leadership positions within CBP. He has more than 29 years of government service and has served in the Senior Executive Service since 2006 when he was selected as the Director, Field Operations, Chicago Field Office. In this capacity, he was responsible for all OFO activities in 12 states. He supervised a workforce of approximately 1,100 employees and his managerial oversight included all airport and seaport environments, as well as two of the three largest express consignment operations in the United States (DHL, UPS and FedEx).

Mr. Murphy has been called upon to serve in national security roles as both an Incident Commander and Lead Field Coordinator, including the Red River floods in 2009 and the Super Bowl and the NATO conference in Chicago in 2012. He served as the first interim Deputy Director of the SBI program office at CBP headquarters and as the Assistant Director, Border Security, San Diego Field Office from 2003 to 2006 where he was responsible for all OFO operational activities in the southern California area ports of entry. Prior to that, he served as the Assistant Port Director in San Ysidro, California from 2001 to 2003.

Mr. Murphy began his career with the U.S. Customs Service as an inspector in San Ysidro in 1983 and has held various positions within the San Diego Field Office, including canine officer, team leader, supervisor, acting chief, operations specialist, and border security coordinator. In these roles he oversaw enforcement activities including contraband enforcement teams, outbound operations, NII, and canine programs.

He is a graduate of the Harvard Kennedy School of Government "Senior Managers in Government" program and is a Harvard fellow.

A native of San Diego, Mr. Murphy received a Bachelor of Arts degree in History from the University of San Diego. He is married and has three sons.