STATEMENT OF

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BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL COUNTERTERRORISM

REGARDING

BORDER SECURITY: INFRASTRUCTURE, TECHNOLOGY
AND THE HUMAN ELEMEMT
TUESDAY, FEBRUARY 13, 2007

ROOM 311, CANNON HOUSE OFFICE BUILDING

CHAIRWOMAN SANCHEZ, RANKING MEMBER SOUDER, AND

DISTINGUISHED SUBCOMMITTEE MEMBERS, it is my honor to have the opportunity to

appear before you today to discuss the successes and challenges of border security, as

demonstrated by the operations and law enforcement initiatives of the United States Border

Patrol, a component of the Department of Homeland Security's (DHS) U.S. Customs and Border

Protection (CBP). My name is David Aguilar, and I am the Chief of the U.S. Border Patrol. I

would like to begin by giving you a brief overview of our agency and mission.

CBP, as the guardian of the Nation's borders, safeguards the homeland—foremost, by

protecting the American public against terrorists and the instruments of terror, while at the same

time enforcing the laws of the United States and fostering the Nation's economic security

through lawful travel and trade. Since 1924, the Border Patrol has grown from a handful of

mounted agents patrolling desolate areas along U.S. borders to today's highly-trained, dynamic

work force of almost 13,000 men and women supported by sophisticated technology, vehicles,

aircraft, and other equipment. Contributing to all this is the Border Patrol's time-honored duty of

interdicting illegal aliens and narcotics and those who attempt to smuggle them across our

borders. We cannot protect against the entry of terrorists and the instruments of terror without

also reducing the clutter that is caused by illegal migration across our borders.

To most effectively secure the border, we must reform our immigration system to relieve

this pressure. We need comprehensive immigration reform that increases border security,

establishes a robust interior enforcement program, and creates a temporary worker program. The

Administration is dedicated to comprehensive reform of America's immigration laws by

increasing border security, while maintaining the Nation's tradition of welcoming immigrants who enter the country legally. For immigration reform to succeed, it must be based on five pillars: 1) strengthening security at the borders; 2) substantially increasing enforcement in the interior to remove those who are here illegally, and to prevent employers from deliberately or inadvertently hiring illegal immigrants; 3) implementing a Temporary Worker Program to provide a legal channel for employers to hire foreign workers to do jobs Americans are unwilling to do; 4) addressing the millions of illegal immigrants already in the country; and 5) helping new immigrants assimilate into American society. The Administration's plan will deter and apprehend migrants attempting to enter the country illegally and decrease crime rates along the border. The plan also will serve the needs of the economy by allowing employers to hire legal foreign workers on a temporary basis when no American is willing to take the job, bring illegal immigrants out of the shadows without providing amnesty, and restore public confidence in the Federal Government's ability to enforce immigration laws.

The Border Patrol's national strategy is an "all threats" strategy with anti-terrorism as our main priority. This strategy has made the centralized chain of command a priority and has increased the effectiveness of our agents by using a risk-management approach to deploy our resources. The strategy recognizes that border awareness and cooperation with our law enforcement partners are critical. Partnerships with the Department of the Interior; Immigration and Customs Enforcement; Drug Enforcement Administration; Federal Bureau of Investigation; State, local, and tribal law enforcement agencies; and State Homeland Security offices play a vital role in sharing and disseminating information and tactical intelligence that assists our ability to rapidly respond to an identified threat or intrusion, which is essential to mission success.

Recognizing that we cannot control our borders by merely enforcing the law at the "line," our strategy incorporates a "defense in depth" component, to include transportation checks away from the physical border. Traffic checkpoints are critical to our enforcement efforts, for they deny major routes of egress from the borders to smugglers intent on delivering people, drugs, and other contraband into the interior of the United States. Permanent traffic checkpoints allow the Border Patrol to establish an important second layer of defense and help deter illegal entries through improved enforcement.

To carry out its mission, the Border Patrol has a clear strategic goal: to establish and maintain effective control of the border of the United States. Effective control is defined in the Border Patrol's strategy as the ability to detect, respond, and interdict border penetrations in areas deemed a high priority for threat potential or other national security objectives. In order to establish effective control in a given geographical area, we must be able to consistently:

- Detect an illegal entry;

- Identify/Classify the entry and determine the level of threat involved;

- Respond to the entry; and

- Bring the event to a satisfactory law enforcement resolution.

Gaining, maintaining, and expanding a strong enforcement posture with sufficient flexibility to address potential exigent enforcement challenges is critical in bringing effective control to the borders. Guidance at the national level for planning and implementation ensures resources are initially targeted to gain and maintain effective control in the most vulnerable,

highest-risk border areas, and then to expand this level of border control to all Border Patrol Sectors.

Crucial to our mission is SBI*net*. Through SBI*net*, the technological component of the Secure Border Initiative (SBI), the Border Patrol will continue to assess, develop, and deploy the appropriate mix of technology, personnel, and infrastructure to gain, maintain, and expand coverage of the border in an effort to use our resources in the most efficient fashion. The expansion of a system of cameras, biometrics, sensors, air assets, improved communications systems, and new technology will provide the force multiplier that the Border Patrol needs to perform its mission in the safest and most effective manner.

While it is key that the right combination of personnel, infrastructure, and technology be achieved, it must be coupled with improved rapid response capability and organizational mobility. Each of these components is inter-dependent and is critical to the success of the Border Patrol's strategy. We are fully engaged with the DHS Science and Technology (S&T) Directorate in our efforts to identify, develop and acquire technology to help us gain enhanced awareness and control of our borders. Our participation in S&T's Integrated Process Team on Border Security, for example, will help us use S&T resources to develop technology that will better secure our borders. Systems with the technological ability to predict, detect, and identify illegal entries and other criminal activity, but lacking the capacity for a rapid response or reaction, cannot complete the enforcement mission. Conversely, enforcement personnel with inadequate intelligence or poor technological support to provide situational awareness, access,

and adequate transportation or equipment necessary to conduct enforcement activity are much less likely to be effective in today's dynamic border environment.

There is no stretch of border in the United States that can be considered completely inaccessible or lacking in the potential to provide an entry point for a terrorist or terrorist weapon. Therefore, securing every mile of diverse terrain is an important and complex task that cannot be resolved by a single solution, such as installing fence alone. To secure each unique mile of the border requires a balance of technology, infrastructure and personnel that maximizes the government's return on investment and is tailored to each specific environment. Some of the components included by the Border Patrol and SBI*net* in evaluating tactical infrastructure needs are border access (the existence of all-weather roads), border barriers (vehicle and pedestrian), and the lack of non-intrusive inspections equipment at checkpoint facilities.

The hiring and training of agents present both a challenge and an opportunity for the Border Patrol. CBP expects all training directed at achieving the President's target of 18,000 Border Patrol agents on board by December 31, 2008, to be conducted at the Border Patrol Academy in Artesia, New Mexico. CBP and the Federal Law Enforcement Training Center (FLETC) have agreed upon a plan to train a minimum of 3,600 new trainees in fiscal year 2007, 4,350 trainees in fiscal year 2008, and 850 trainees in the first quarter of fiscal year 2009. The Academy has increased the number of permanent instructors, detailed instructors, and rehired annuitants to meet the increased training load. Advanced Instructor Training to ensure that instructors have appropriate technical and teaching skills is being conducted at the FLETC facility in Charleston, South Carolina. CBP and FLETC have agreed to do everything possible

to ensure that the Artesia facility is fully prepared for the Border Patrol training requirements, and with the addition of infrastructure, it is anticipated that the facility will meet the need. However, both CBP and FLETC have committed to exploring other options should there be a need for a contingency.

The proper mix of personnel, technology, and infrastructure will vary with differing border environments and enforcement challenges. The Border Patrol operates in three basic geographical environments: urban, rural, and remote. Each of these environments requires a different mix of resources.

In an urban environment, enforcement personnel generally have only minutes, or sometimes seconds, to identify an illegal entry and to bring the situation to resolution. This dynamic is a result of the fact that significant infrastructure exists to facilitate an illegal entrant's approach to the border and entry and to permit the violator to escape within moments of effecting the entry by blending in with the legitimate traffic in the community. Typically, smugglers and potential illegal entrants prefer urban areas due to the available infrastructure.

In urban areas, the deployment mix will lean heavily on SBI*net*-provided tactical infrastructure, such as lights and fences, supported by sufficient personnel to quickly respond to intrusions. The deployment tends to be of high visibility in that a potential intruder actually sees the barriers, lights, detection capability, and patrols occurring on or near the immediate border. The goal of deployment in an urban area is to deter and/or divert potential illegal traffic into

areas where the routes of egress are not immediately accessible and enforcement personnel have a greater tactical advantage.

In a rural environment, response time to an incursion can be greater, as the time from the point of entry to assimilation into the local infrastructure may be minutes or hours, exposing the violator for a longer period of time and allowing for a more calculated enforcement response. Deployment in a rural area will be less dependent upon such things as pedestrian fences and stadium lighting and more dependent upon SBI*net* solution sets involving detection technology, rapid access, and barriers designed to limit the speed and carrying capability of the violators.

In remote terrain it may take a violator hours or even days to transit from the point of entry to a location where the entry may be considered successful. This allows for a significantly more deliberate response capability geared toward fully exploiting the terrain and environmental advantages. Deployments in remote areas will lean very heavily on detection technology and will include infrastructure geared toward gaining access to permit enforcement personnel to confront and resolve the event at a time and location that are most tactically and strategically advantageous. Other infrastructure/facilities that may be employed in a remote area include remote operating bases to provide for full enforcement coverage in areas that are difficult to access on a shift-to-shift basis.

Historically, major Border Patrol initiatives, such as Operation Hold the Line in the El Paso Sector, Operation Gatekeeper in the San Diego Sector, Operation Rio Grande in Rio Grande Valley Sector, and the Arizona Border Control Initiatives in Tucson and Yuma Sectors,

respectively, have had great border enforcement impact on illegal migration patterns along the Southwest border, proving that with the proper resources, a measure of control is possible. Collectively, they have laid the foundation for newer strategies and enforcement objectives and an ambitious goal to gain effective control of our Nation's borders, particularly our borders with Mexico.

These initiatives will significantly affect illegal migration as we seek to bring the proper balance of personnel, equipment, technology, and infrastructure into areas experiencing the greatest level of cross-border illegal activity along our Nation's borders. The most recent example of these initiatives is the Arizona Border Control Initiative, currently in its fourth phase. In this effort, we partner with other DHS components and other Federal, State, and local law enforcement agencies and the Government of Mexico, bringing together resources and fused intelligence into a geographical area that has been heavily impacted by illicit smuggling activity. Our efforts include building on partnerships with the Government of Mexico to create a safer and more secure border through the Border Safety Initiative, Expedited Removal, and Interior Repatriation programs. In doing so, we continue to have a significant positive effect on fighting terrorism, illegal migration, and crime in that border area.

On the Northern border, the vastness and remoteness of the area and the unique socio-economic ties between the U.S. and Canada are significant factors in implementing the Border Patrol's national strategy. Severe weather conditions on the Northern border during winter intensify the need to expand "force-multiplying" technology to meet our enforcement needs. The number of actual illegal border penetrations along the U.S.-Canada border is small in

comparison to the daily arrests along the U.S.-Mexico border. The threat along the Northern

border results from the fact that over ninety percent of Canada's population of 30 million live

within one hundred miles of the U.S.-Canada border. It is most likely that potential threats to

U.S. security posed by individuals or organizations present in Canada would also be located near

the border. While manpower on the U.S.-Canada border has significantly increased since 9/11,

the Border Patrol's ability to detect, respond to, and interdict illegal cross-border penetrations

there remains limited. Continued testing, acquisition, and deployment of sensing and monitoring

platforms will be key to the Border Patrol's ability to effectively address the Northern border

threat situation.

Nationally, the Border Patrol is tasked with a very complex, sensitive, and difficult job,

which historically has presented immense challenges. We face those challenges every day with

vigilance, dedication to service, and integrity as we work to strengthen national security and

protect America and its citizens. I would like to thank both Chairwoman Sanchez, and the

Subcommittee, for the opportunity to present this testimony today and for your support of CBP

and DHS. I would be pleased to respond to any questions that you might have at this time.