

## **CHAIRMAN BAUCUS, SENATOR GRASSLEY AND OTHER**

**DISTINGUISHED SENATORS**, it is my honor to have the opportunity to appear before you today to discuss the findings of the Government Accountability Office (GAO) report, "Security Vulnerabilities and Unmanned and Unmonitored U.S. Border Locations." My name is Ronald Colburn, and I am the Deputy Chief of the U.S. Border Patrol. I would like to begin by giving you a brief overview of our agency and mission.

Our main function is to prevent the illegal entry of terrorists, criminals, illegal aliens, illegal narcotics, contraband as well as smugglers who operate between the ports of entry. To accomplish its mission, the Border Patrol must meet its clear strategic goal to establish and maintain effective control of the borders of the United States. Effective control of an area of the border is defined in the Border Patrol's strategy as the ability to:

- Detect an illegal entry;
- Identify and 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 operational 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.

The Border Patrol has worked diligently over the years to achieve its primary mission. Additional resources and operational efforts are having the desired effect on the criminal organizations that have historically operated along our Nation's borders; organizations that are responsible for smuggling drugs, weapons, cash, and illegal aliens into the United States. The results of these efforts are significant. As of September 23, 2007, total overall illegal activity is down 20 percent from the same time period in fiscal year 2006, with total Other than Mexican (OTMs) arrests diminished by 37 percent. The decrease in arrests and increase in drug seizures are partly attributable to the end of "catch and release" and aggressive enforcement programs, such as Operation Streamline, the Arizona Border Control Initiative, Expedited Removal, the Interior Repatriation Program, Operation Jumpstart, Operation Brigand Snare, Operation Citation and Operation First Strike. At the same time our narcotics seizures have significantly increased. To date this year the Border Patrol has seized over 1.8 million pounds of marijuana and 14,240 pounds of cocaine. Additionally, the unparalleled increase in the size of the Border Patrol and miles of border fencing and vehicle barriers have added valuable resources to our border control efforts, while investigations taken by Immigration and Customs Enforcement (ICE) have helped to limit the impact of illegal employment.

The Border Patrol continues to carry out our mission along the Nation's borders by applying the right mix of resources in a layered enforcement mode. This mix of resources includes personnel, technology, and infrastructure, which are deployed and implemented in a manner that is tailored to maximize

enforcement efforts in a targeted area of operation. Decisions to deploy resources are based on threat and terrain considerations.

The Border Patrol conducts continuous border threat assessments. The threat assessments are based on operational performance data, intelligence reports, interviews of arrested law violators, and information and intelligence received by other federal, state and local agencies. The threat assessments identify current and emerging threats and vulnerabilities to border security. They drive our resource deployment strategy.

Our resource deployment strategy is designed to reduce the risk to border security. Therefore, our resources are first deployed to the most vulnerable, highest-risk border areas. We also employ a second layer of defense intended to 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. This is done through the use of tactical and permanent checkpoints on highways leading away from the border, the checking of transportation hubs that may be used to smuggle people or contraband, working with law enforcement task forces, partnering with other law enforcement agencies, and through our relationships with neighboring foreign governments.

Securing our Nation's diverse border terrain is an important and complex task that cannot be resolved by a single solution. To secure each unique mile of the border requires a balance of technology, infrastructure, and personnel that maximizes our Nation's return on investment and is tailored to each specific environment. The proper mix of resources will vary with differing border

environments and enforcement challenges. Generally, the Border Patrol operates in three basic geographical environments: urban, rural, and remote. Each element has its own unique challenges.

In an urban environment, enforcement personnel have only minutes, or sometimes seconds, to detect an illegal entry and to bring the situation to a successful law enforcement resolution. Urban environments have significant infrastructure that does not exist in rural or remote areas. Urban areas facilitate illegal crossings on the border and provide for assimilation into the population in such a way that the violator blends in with legitimate traffic in the community within moments. Typically, smugglers and potential illegal entrants prefer to operate in urban areas due to the available infrastructure as “cover” for their activity.

In urban areas, the deployment mix will lean heavily on tactical infrastructure, such as lights and fences, and technology supported by sufficient personnel to quickly respond to intrusions. The physical infrastructure serves as a tactical tool to impede, channel and slow the violator’s forward progress. 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 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, thus exposing the violator for a longer period of time and allowing for a more calculated enforcement response. Deployment in a rural area will be more dependent upon a solution that involves detection technology, which can track the cross-border violator as he progresses into the country; provides rapid access to the border; and establishes barriers designed to limit the speed and carrying capability of violators.

In remote areas, 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 to us. Forward operating bases such as Camp Grip, may be employed in remote areas to provide for better enforcement coverage in locations that are difficult to access on a shift-to-shift basis.

As the GAO's report indicates, there is no remote stretch of border in the United States that can yet be considered completely inaccessible or lacking in the potential to provide an entry point for organized crime, terrorist or terrorist weapon. On the Southwest border, we partner with other DHS components, Federal, State, local, and Tribal law enforcement agencies and the Government of Mexico, to bring 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 combating the threat of domestic terrorism, illegal cross-border migration, and all related crime in the border environment.

On the Northern border, the vastness and remoteness of the area along with the unique socio-economic ties between the United States and Canada are significant factors that must be considered when implementing the Border Patrol's national strategy. Severe weather conditions on the Northern border during winter intensify the need to expand technology to meet our enforcement needs. The number of actual illegal border penetrations along the U.S.-Canada border is less than 1 percent to that of 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 lives 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 that support terrorism 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 resourcing, as well as acquisition and deployment of sensing and monitoring platforms as well as unmanned aerial vehicles (UAVs) will be key to the Border Patrol's ability to effectively address the Northern border threat situation.

A key to our efforts on the Northern border is our partnership with Canadian law enforcement and with officials from other Federal, state, local, and tribal law enforcement agencies (LEA). For example, along the Northern Border, there are 15 Integrated Border Enforcement Team (IBET) Regions. Membership in IBET consists of five core agencies with law enforcement responsibilities at the border. The IBET core agencies include from the United States, CBP Border Patrol, U.S. Coast Guard, and Immigration and Customs Enforcement (all representing the Department of Homeland Security), and from Canada, the Canada Border Services Agency and the Royal Canadian Mounted Police.

The GAO made several conclusions in its report that I would now like to discuss with you. The first concerns GAO's observation that the Border Patrol did not respond to the GAO investigators' presence near the border. The second conclusion is that certain border locations appear to be unmanned and unmonitored. Finally, the GAO concluded that federally-managed lands in the border areas are not adequately protected.

The GAO stated that Border Patrol agents did not question its investigators when they loitered in proximity to the border. Before the Border Patrol responds to border activity, it first identifies and classifies the activity. Millions of people every day live and work in close proximity to the border. Tens of thousands more visit the border areas for recreational purposes. For the most part, these people are U.S. citizens and lawful residents who have the right and freedom to conduct business or recreational activities in the border environment. The Border Patrol does not (from a logistical standpoint) and should not (from a

constitutional standpoint) interfere with the freedom of movement of Americans without sufficient suspicion that they may have violated laws, be involved in illegal activity, or pose a threat to the security of the United States.

When the Border Patrol identifies an actual threat, we respond appropriately to bring the event to a satisfactory law enforcement resolution. For example, in the same area the day after the GAO conducted its assessment, Border Patrol agents observed four individuals transferring four large bundles from a boat on the Rio Grande River into a four-door sedan on the U.S. side of the border. The Border Patrol agents intercepted and followed the vehicle until it was abandoned by the four suspects, who fled the scene. The agents seized the vehicle and bundles which contained over 300 pounds of marijuana.

The GAO's apparent lack of visibility of Border Patrol resources does not mean that the border is "unmanned and unmonitored." The Border Patrol employs a myriad of tactics to enforce border security. The types of tactics employed are determined by the threat and the terrain. In areas where the Border Patrol has identified the threat as being high and where the terrain - usually urban terrain - dictates an immediate response by the Border Patrol to cross-border activity, Border Patrol resources are deployed closer to the border. In more remote areas, where the threat is less and/or where the Border Patrol response to cross-border activity need not be immediate, the Border Patrol does not necessarily deploy its resources in the same highly visible manner. Rural or remote terrain often permits the Border Patrol to stand off and interdict illegal border crossers hours or even days later. For these reasons, our resources are



not always stationed at static, less mobile positions on the border. In some areas, we use roving patrols. In others, sensors and cameras are employed to monitor border activity and identify and classify that activity to which the Border Patrol must respond. Finally, at some strategic locations, Border Patrol resources will be focused at “choke points” to interdict illegal entrants at locations beyond the immediate border. The use of these tactics and the deployment of our finite resources to support these tactics were not apparent to the GAO investigators during the brief time they spent at these border locations.

The GAO stated that “certain legal and cultural considerations limit options for enforcement” on National Park and Tribal Lands. While true in some respects, this conclusion gives the impression that enforcement operations in these areas are limited, which is not true. The Border Patrol has undertaken measures and collaborative efforts with National Park Service (NPS) and tribal authorities as all three organizations have a shared interest in promoting our Nation’s security. We work together on publicly stewarded lands along our Nation’s borders on a daily basis.

With the NPS and the Fish and Wildlife Service in Arizona, the Border Patrol has worked closely with the Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge and the Buenos Aires National Wildlife Refuge staff to further shared interest relationships and enhance border security. All Border Patrol sectors have agents who serve as Public Land Liaison Officers to communicate and coordinate border security issues with our DOI and USDA partners. Efforts have included the following:

- Entering into a nation-wide Memorandum of Understanding with the Department of Interior (DOI) (and the Department of Agriculture (USDA)) to define goals and responsibilities that enabled the Border Patrol to conduct enforcement operations on DOI (and USDA) lands that both promote border security and protect the environment.
- Conducting joint operations targeting smuggling on DOI lands.
- Constructing of border vehicle barriers along publicly stewarded lands.
- Establishing the Border Patrol's Forward Operating Base, Camp Grip on the Cabeza Prieta National Wildlife Refuge to forward deploy Border Patrol resources on Public (USFWS) lands with significant illegal activity.
- Operating Bates Well Camp on the Organ Pipe Cactus National Monument manned with Border Patrol Search Trauma and Rescue Agents (BORSTAR) to provide patrols and assist in rescue operations on NPS lands.
- Participating with the Buenos Aires National Wildlife Refuge staff to conduct Operation Cobija targeting narcotic smugglers traversing public (USFWS) lands.

On tribal lands along the Mexican and Canadian Borders, the Border Patrol has worked very closely with tribal authorities. These efforts include the following:

- Expanding the Border Patrol presence on tribal lands.
- Operating a joint Law Enforcement Center on tribal lands in conjunction with tribal police.

- Creating a Tribal Liaison Unit whose primary objective is being to sustain an open and cooperative working relationship with tribal leadership and law enforcement.
- Collaboratively constructing tactical infrastructure - roads and vehicle barriers - on tribal lands.
- Conducting joint operations with tribal law enforcement entities to address smuggling activity.

We agree with the GAO's findings: the border is not as secure as it needs to be, in my opinion. The Border Patrol understands –better than anyone- the current threats to border security and makes risk-based resource deployments to counter those threats. The Border Patrol's ability to secure the border and better address border threats will increase significantly in the coming months and years as more resources become available. To that end, we are hiring 6,000 additional Border Patrol agents over a two year period ending in December of calendar year 2008, and will work to ensure that 1,700 more agents are added in 2009. We are plan to construct a total of 370 miles of fencing by the end of CY2008 along with 300 miles of vehicle barriers.

Additional significant gains in our capability to secure the border will be achieved by *SBI<sub>net</sub>*, of the Secure Border Initiative. *SBI<sub>net</sub>* is charged with designing, developing, and implementing a solution that incorporates surveillance and detection, command and control, intelligence, tactical infrastructure, communications and information technology. *SBI<sub>net</sub>* will use the latest innovative technology – cameras, biometrics, sensors, air assets, improved

communications systems – to provide Border Patrol agents what they need to execute the agency’s mission in the safest and most effective manner. There have been some unfortunate delays with SBInet but we are working diligently to bring the American public the best product we can.

As you know, America’s U.S. Border Patrol is tasked with a very complex, dangerous, and challenging job. We face those challenges every day with vigilance, dedication to service, integrity and the will to accomplish it as we work to strengthen national homeland security and protect this Great Nation and its citizens. I would like to thank both **CHAIRMAN BAUCUS**, and the members of the **Senate Finance Committee**, for the opportunity to present this testimony today and for your continued support of the U.S. Border Patrol. I am pleased to respond to any questions that you may have at this time.