



**STATEMENT BY  
 DAVID AGUILAR  
 CHIEF  
 OFFICE OF BORDER PATROL  
 U.S. CUSTOMS AND BORDER PROTECTION  
 DEPARTMENT OF HOMELAND SECURITY  
 BEFORE THE  
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 INTERNATIONAL LAW  
 REGARDING  
 PAST, PRESENT, AND FUTURE: AN HISTORIC AND PERSONAL REFLECTION ON AMERICAN  
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**CHAIRWOMAN LOFGREN, RANKING MEMBER KING, AND DISTINGUISHED SUBCOMMITTEE MEMBERS,** it is my honor to appear before you at this historical American landmark today to discuss American Immigration its history and its promise. My name is David Aguilar, and I am the Chief of the U.S. Border Patrol a component of the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP). It is my privilege to testify about the United States Border Patrol, the job that our men and women perform day in and day out in protecting this great country and our people, the challenges that we face and the achievements that have been made along our country's borders. It is especially humbling to do so on this ground that has served this country and so many American families as a gateway to a new life and the dream of living as Americans. Immigration has been one of the wellsprings of our great democracy's vitality and together with our written Constitution and the institutions and documents that support it, constitute the framework of our nation's greatness.

The role of federal immigration at the Ellis Island Station started on January 1, 1892 during the administration of President Benjamin Harrison. Congress created this station in reaction to a great wave of new immigration, itself made possible by late 19th century changes in transportation technology. The mass of new immigration brought with it threats of epidemic disease, organized crime, and radical ideology. The Nation's response was to create a legal procedure through which lawful immigrants could be screened, and to introduce stations like this one as gateways for that lawful procession. From 1892 to 1924, Ellis Island was the Nation's first line of defense, and the two agencies charged with processing immigrants at Ellis Island were the United States Public Health Service and the Bureau of Immigration (later to become known as the Immigration and Naturalization Service – INS).

Since then we've seen great changes in the sources of immigration and means of transportation, but little change in the nature of the threats. Ellis Island worked to prevent the spread of Trachoma, while we work to prevent the spread of SARS or avian flu. And while Ellis Island deported individuals attempting to undermine our great democracy, we now seek to detect and prevent any terrorist threat to our national security. *Unlike* Ellis Island, however, which processed 70 percent of arriving immigrants—all of whom arrived on steamships--we cannot concentrate all our efforts in one place. Today there are hundreds of Ports of Entry -- air, sea and land.

To better equip the Nation to focus on its now more diverse immigration mission, on March 1, 2003, the Immigration and Naturalization Service was divided into 3 separate agencies within the Department of Homeland Security: Citizenship and Immigration Services, Customs and Border Protection, and Immigration and Customs Enforcement.

I would like to give you a brief review 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 between the Ports of Entry, 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 accomplishing our priority mission 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 our border, we must reform our immigration system to relieve this pressure. We need comprehensive immigration reform that supports border security, establishes a robust interior enforcement program, and develops a temporary worker program. The Administration is dedicated to comprehensive reform of America's immigration laws by supporting 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. As immigration reform legislation is considered, it is crucial to heed the lessons of past reform efforts and avoid repeating their mistakes. All policies for comprehensive reform must be workable. In 1986 an opportunity was missed by not crafting a law that was workable. We should not repeat that mistake.

The only way good legislation will be passed is by working together to craft a solution that all Americans can support and is worthy of our great tradition as a nation of laws and a nation of immigrants. At its base, comprehensive immigration reform should strive to end illegal immigration, control our borders, and have a system that is at once workable and enforceable while meeting the actual economic needs of our country through humane and just legal immigration.

The Border Patrol's national strategy is an "all threats" strategy with anti-terrorism as our main priority. Comprehensive immigration reform will serve to sharpen the focus of this priority. Our strategy is 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.

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 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 effectively accomplishing our mission is SBI<sup>net</sup>. Through SBI<sup>net</sup>, the technological component of the Secure Border Initiative (SBI), CBP 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. SBI<sup>net</sup>'s expansion of a 21st century system of cameras, biometrics, sensors, air assets, improved communications systems, and innovative technology will provide the force multiplier that the Border Patrol needs to perform its mission in the safest and most effective manner.

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<sup>net</sup>-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.

While it is key that the right combination of personnel, infrastructure, and technology be deployed, 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 CBP strategy. Operation Jump Start has provided a valuable beginning to more rapidly achieving the goal of border security. 6,000 National Guard members have been deployed to the Southwest border to support of the President's initiative to secure the border.

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 18,300 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.

In the task of achieving border security, 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 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 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 Lofgren, and the members of the Subcommittee, for the opportunity to present this testimony today at this historic location and for your support of CBP and DHS. I would be pleased to respond to any questions that you may have at this time.