



Testimony
Before the Committee on Finance,
U.S. Senate

For Release on Delivery
Expected at 10:00 a.m. EDT
Thursday, September 27, 2007

BORDER SECURITY

Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations

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This testimony was revised on October 2, 2007, to include a link to digital video simulating the transport of radioactive material and other contraband across northern and southern U.S. borders at unmanned or unmonitored locations. A link has been added in the Northern Border Location One section on page 4.





Highlights of [GAO-07-884T](#), a testimony before the Committee on Finance, U.S. Senate

Why GAO Did This Study

The possibility that terrorists and criminals might exploit border vulnerabilities and enter the United States poses a serious security risk, especially if they were to bring radioactive material or other contraband with them. Although Customs and Border Protection (CBP) has taken steps to secure the 170 ports of entry on the northern and southern U.S. borders, Congress is concerned that unmanned and unmonitored areas between these ports of entry may be vulnerable. In unmanned locations, CBP relies on surveillance cameras, unmanned aerial drones, and other technology to monitor for illegal border activity. In unmonitored locations, CBP does not have this equipment in place and must rely on alert citizens or other information sources to meet its obligation to protect the border.

Today’s testimony will address what GAO investigators found during a limited security assessment of seven border areas that were unmanned, unmonitored, or both—four at the U.S.–Canada border and three at the U.S.–Mexico border. In three of the four locations on the U.S.–Canada border, investigators carried a duffel bag across the border to simulate the cross-border movement of radioactive materials or other contraband. Safety considerations prevented GAO investigators from attempting to cross north into the United States from a starting point in Mexico.

www.gao.gov/cgi-bin/getrpt?GAO-07-884T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Gregory D. Kutz (202) 512-9505 or kutzgd@gao.gov.

BORDER SECURITY

Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations

What GAO Found

On the U.S.–Canada border, GAO found state roads close to the border that CBP did not appear to man or monitor. In some of these locations, the proximity of the road to the border allowed investigators to cross without being challenged by law enforcement, successfully simulating the cross-border movement of radioactive materials or other contraband into the United States from Canada. In one location on the northern border, the U.S. Border Patrol was alerted to GAO activities through the tip of an alert citizen. However, the responding U.S. Border Patrol agents were not able to locate GAO investigators. Also on the northern border, GAO investigators located several ports of entry that had posted daytime hours and were unmanned overnight.

On the southern border, investigators observed a large law enforcement and Army National Guard presence on a state road, including unmanned aerial vehicles. Also, GAO identified federally managed lands that were adjacent to the U.S.–Mexico border. These areas did not appear to be monitored or did not have an observable law enforcement presence, which contrasted sharply with GAO observations on the state road. Although CBP is ultimately responsible for protecting federal lands adjacent to the border, CBP officials told GAO that certain legal, environmental, and cultural considerations limit options for enforcement—for example, environmental restrictions and tribal sovereignty rights.

Summary of Selected GAO Border Security Activities

| Security vulnerability | Investigator activity | Law enforcement response and additional observations |
|--|--|--|
| State roads close to the border | An investigator simulated the cross-border movement of radioactive materials or other contraband into the United States from Canada | <ul style="list-style-type: none"> Suspicious activity was reported to the U.S. Border Patrol, but responding agents were unable to locate GAO investigators and their simulated contraband |
| Ports of entry with posted hours | Investigators attempted to trigger a law enforcement response by taking photographs of a port of entry that had closed for the night | <ul style="list-style-type: none"> A gate was placed across the road, but investigators observed it would be possible to drive around the gate U.S. Border Patrol responded 20 minutes after investigators were caught on camera at the port of entry Responding U.S. Border Patrol agent did not attempt to verify identity of investigators or search their vehicle |
| Federally managed lands adjacent to border | Investigators approached the U.S.–Mexico border | <ul style="list-style-type: none"> No visible law enforcement response No observable electronic monitoring equipment Investigators observed evidence of frequent border crossings into the United States at this location |
| | Investigator stepped over a 4-foot-high border fence, entered Mexico, and returned again to the United States | <ul style="list-style-type: none"> No visible law enforcement response No observable electronic monitoring equipment No observed law enforcement presence despite proximity to border |

Source: GAO.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss our investigation of potential security vulnerabilities on northern and southern U.S. borders. The United States shares over 5,000 miles of border with Canada to the north, and 1,900 miles of border with Mexico to the south. Individuals attempting to legally enter the United States by land present themselves to a Customs and Border Protection (CBP) officer at one of the 170 ports of entry located along these borders. Any other method of land entry is illegal.¹ Because CBP checks the identification of entrants into the United States and searches vehicles for contraband at ports of entry, individuals entering the United States illegally may attempt to avoid screening procedures by crossing the border in areas between ports of entry. The U.S. Border Patrol, which is part of CBP, is responsible for patrolling and monitoring these areas to stop cross-border violators. However, given limited resources and the wide expanse of the border, the U.S. Border Patrol is limited in its ability to monitor the border either through use of technology or with a consistent manned presence. Commensurate with the perceived threat, there is a sharp contrast between how CBP distributes human resources on the northern border as opposed to the southern border. According to CBP, as of May 2007, it had 972 U.S. Border Patrol agents on the northern border and 11,986 agents on the southern border.

Given the potential security vulnerabilities on our borders, you expressed concern that cross-border violators may attempt to enter the United States, possibly bringing with them radioactive materials or other contraband, such as explosives, drugs, counterfeit money, and bogus credit cards. We were therefore asked to perform a limited security assessment to identify vulnerable border areas where CBP does not maintain a manned presence 24 hours per day or where there is no apparent monitoring equipment in place. You also requested that, where possible, our investigators attempt to simulate the cross-border movement of radioactive materials or other contraband to demonstrate the existence of serious security vulnerabilities. To perform this work, our investigators visited seven border areas that were unmanned, unmonitored, or both—four at the U.S.–Canada border and three at the U.S.–Mexico border. We identified these areas by reviewing information that is publicly available

¹19 U.S.C. §§ 1433, 1459; 8 C.F.R. §235.1.

and by reviewing our previous work on border security.² These areas were located in four states on the northern border and two states on the southern border. We did not attempt to evaluate all potential U.S. border security vulnerabilities. Investigators used a global positioning system (GPS) in some cases and geographic landmarks in others to determine the location of the border. In three out of four locations on the U.S.–Canada border, investigators crossed into the United States from Canada carrying a duffel bag to simulate the cross-border movement of radioactive materials or other contraband. Safety considerations prevented our investigators from attempting to cross north into the United States from a starting point in Mexico.

We conducted our investigation from October 2006 through June 2007 in accordance with quality standards for investigations as set forth by the President’s Council on Integrity and Efficiency.

Summary of Investigation

In four states along the U.S.–Canada border we found state roads that were very close to the border that CBP did not appear to monitor. In three states, the proximity of the road to the border allowed investigators to cross undetected, successfully simulating the cross-border movement of radioactive materials or other contraband into the United States from Canada. In one apparently unmanned, unmonitored area on the northern border, the U.S. Border Patrol was alerted to our activities through the tip of an alert citizen. However, the responding U.S. Border Patrol agents were not able to locate our investigators and their simulated contraband. Also on the northern border, our investigators located several ports of entry that had posted daytime hours and were unmanned overnight. Investigators observed that surveillance equipment was in operation, but that the only preventive measure to stop an individual from crossing the border into the United States was a barrier across the road that could be driven around.

In contrast to the northern border locations we visited, on a state road near the southern border, investigators observed a large law enforcement and Army National Guard presence, including unmanned aerial vehicles. However, our limited security assessment identified potential security vulnerabilities on federally managed lands adjacent to the U.S.–Mexico

²See GAO, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*, [GAO-04-590](#) (Washington, D.C.: June 16, 2004).

border; we did not observe monitoring or a law enforcement presence during the time our investigators visited these areas. The Department of the Interior (Interior) provided us with a memorandum of understanding between itself; the Department of Homeland Security (DHS), of which CBP is a component; and the Department of Agriculture (USDA) documenting the agreed approach to protecting federal lands along U.S. borders. Although CBP is ultimately responsible for protecting these areas, officials told us that certain legal, environmental, and cultural considerations limit options for enforcement.

Northern Border

According to CBP, the ease and speed with which a cross-border violator can travel to the border, cross the border, and leave the location of the crossing, are critical factors in determining whether an area of the border is vulnerable. We identified state roads close to the border that appeared to be unmanned and unmonitored, allowing us to simulate the cross-border movement of radioactive materials or other contraband from Canada into the United States. We also located several ports of entry that had posted daytime hours and which, although monitored, were unmanned overnight. Investigators observed that surveillance equipment was in operation but that the only observable preventive measure to stop a cross-border violator from entering the United States was a barrier across the road that could be driven around. CBP provided us with records that confirmed our observations, indicating that on one occasion a cross-border violator drove around this type of barrier to illegally enter the United States. The violator was later caught by state law enforcement officers and arrested by the U.S. Border Patrol.

State Roads Close to the Northern Border

We found state roads close to the U.S.–Canada border in several states. Many of the roads we found appeared to be unmanned and unmonitored, allowing us to simulate the cross-border movement of radioactive materials or other contraband from Canada into the United States.

Northern Border Location One

On October 31, 2006, our investigators positioned themselves on opposite sides of the U.S.–Canada border in an unmanned location. Our investigators selected this location because roads on either side of the border would allow them to quickly and easily exchange simulated contraband. After receiving a signal via cell phone, the investigator in Canada left his vehicle and walked approximately 25 feet to the border

carrying a red duffel bag. While investigators on the U.S. side took photographs and made a digital video recording,³ the individual with the duffel bag proceeded the remaining 50 feet, transferred the duffel bag to the investigators on the U.S. side, and returned to his vehicle on the Canadian side (see fig. 1).

Figure 1: GAO Investigator Crossing from Canada to the United States in Northern Border Location One



Source: GAO.

Note: Investigator's face has been blurred to protect his identity.

The set up and exchange lasted approximately 10 minutes, during which time the investigators were in view of residents both on the Canadian and U.S. sides of the border.

³ This testimony was revised on October 2, 2007, to include a link to digital video simulating the transport of radioactive material and other contraband across northern and southern U.S. borders at unmanned or unmonitored locations. View the video at: <http://www.gao.gov/media/video/gao-07-884t/>.

According to CBP records of this incident, an alert citizen notified the U.S. Border Patrol about the suspicious activities of our investigators. The U.S. Border Patrol subsequently attempted to search for a vehicle matching the description of the rental vehicle our investigators used. However, the U.S. Border Patrol was not able to locate the investigators with the duffel bag, even though they had parked nearby to observe traffic passing through the port of entry.

Northern Border Location Two

Investigators identified over a half dozen locations in this area where state roads ended at the U.S.–Canada border. Although investigators took pictures of the border area, they did not attempt to cross the border because of private property concerns. There was no visible U.S. Border Patrol response to our activities and no visible electronic monitoring equipment. CBP told us that the activities of our investigators would not be grounds for a formal investigation. Still, according to CBP records, criminals are aware of vulnerabilities in this area and have taken advantage of the access provided by roads close to the border. For example, appendix I details an incident on January 25, 2007, in which an alert citizen notified CBP about suspicious activities on the citizen’s property, leading to the arrest of several cross-border violators.

Northern Border Location Three

On November 15, 2006, our investigators visited an area in this state where state roads ended at the U.S.–Canada border. One of our investigators simulated the cross-border movement of radioactive materials or other contraband by crossing the border north into Canada and then returning to the United States (see fig. 2). There did not appear to be any monitoring or intrusion alarm system in place at this location, and there was no U.S. Border Patrol response to our border crossing.

Figure 2: GAO Investigator Crossing from Canada into the United States in Northern Border Location Three



Source: GAO.

Note: Investigator's face has been blurred to protect his identity.

Northern Border Location Four

On December 5, 2006, our investigators traveled along a road parallel to the U.S.–Canada border. This road is so close to the border that jumping over a ditch on the southern side of the road allows an individual to stand in the United States. While driving the length of this road on the Canadian side, our investigators noticed cameras placed at strategic locations on the U.S. side of the border. They also observed U.S. Border Patrol vehicles parked at different locations along the border. At a location that appeared to be unmanned and unmonitored, one investigator left the vehicle carrying a red duffel bag. He crossed the ditch and walked into the United States for several hundred feet before returning to the vehicle. Our investigators stayed in this location for about 15 minutes, but there was no observed response from law enforcement. At two other locations, investigators crossed into the United States to find out whether their presence would be detected. In all cases, there was no observed response from law enforcement.

Ports of Entry with Posted Hours on the Northern Border

We identified several ports of entry with posted daytime hours in a state on the northern border. During the daytime these ports of entry are staffed by CBP officers. During the night, CBP told us that it relies on surveillance systems to monitor, respond to, and attempt to interdict illegal border crossing activity. On November 14, 2006, at about 11:00 p.m., our investigators arrived on the U.S. side of one port of entry that had closed for the night. Investigators observed that surveillance equipment was in operation but that the only visible preventive measure to stop an individual from entering the United States was a barrier across the road that could be driven around. Investigators stayed at the port of entry for approximately 12 minutes to see whether the U.S. Border Patrol would respond. During this time, the investigators walked around the port of entry area and took photographs. When the U.S. Border Patrol did not arrive at the port of entry, our investigators returned south, only to have a U.S. Border Patrol agent pull them over 3 miles south of the port of entry. When questioned by the U.S. Border Patrol agent, our investigators indicated that they were federal investigators testing security procedures at the U.S. border. The agent did not ask for identification from our investigators and glanced only briefly at the badge and commission book the driver offered for inspection. In addition, he did not attempt to search the vehicle, ask what agency our investigators worked for, or record their names. According to DHS, the agent acted in a manner consistent with operational protocol because he was satisfied with the credentials presented to him and did not have probable cause to search the vehicle.

CBP provided us with records concerning this incident. According to the records, the agent was dispatched because of the suspicious activities of our investigators in front of the port of entry camera. The records indicated that after this incident, CBP staff researched the incident fully to determine whether our investigators posed a threat. By performing an Internet search on the name of the investigator who rented the vehicle, CBP linked the investigators to GAO. CBP also provided us with records that confirmed our observations about the barrier at this port of entry, indicating that on one occasion a cross-border violator drove around this type of barrier to illegally enter the United States. The violator was later caught by state law enforcement officers and arrested by the U.S. Border Patrol.

Southern Border

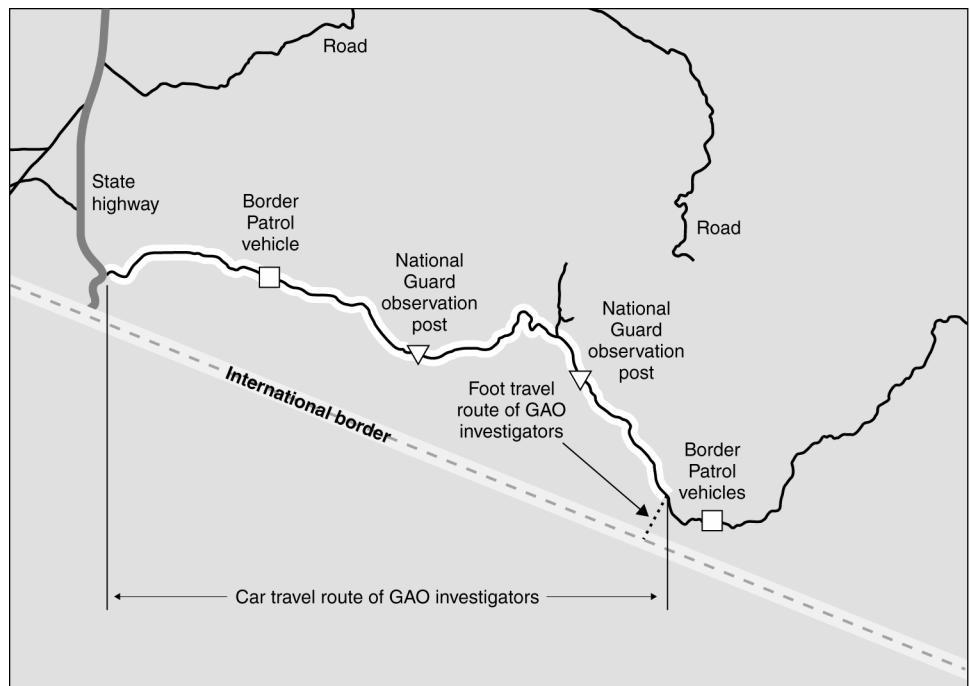
Safety considerations prevented our investigators from performing the same assessment work on the U.S.–Mexico border as performed on the northern border. In contrast to our observations on the northern border, our investigators observed a large law enforcement and Army National

Guard presence near a state road on the southern border, including unmanned aerial vehicles. However, our limited security assessment also identified potential security vulnerabilities on federally managed lands adjacent to the U.S.–Mexico border. These areas did not appear to be monitored or have a noticeable law enforcement presence during the time our investigators visited the sites. Although CBP is ultimately responsible for protecting these areas, officials told us that certain legal, environmental, and cultural considerations limit options for enforcement.

State Road Close to the Southern Border

On October 17, 2006, two of our investigators left a main U.S. route about a quarter mile from a U.S.–Mexico port of entry. Traveling on a dirt road that parallels the border, our investigators used a GPS system to get as close to the border as possible. Our investigators passed U.S. Border Patrol agents and U.S. Army National Guard units. In addition, our investigators spotted unmanned aerial vehicles and a helicopter flying parallel to the border. At the point where the dirt road ran closest to the U.S.–Mexico border, our investigators spotted additional U.S. Border Patrol vehicles parked in a covered position. About three-fourths of a mile from these vehicles, our investigators pulled off the road. One investigator exited the vehicle and proceeded on foot through several gulches and gullies toward the Mexican border. His intent was to find out whether he would be questioned by law enforcement agents about his activities. He returned to the vehicle after 15 minutes, at which time our investigators returned to the main road. Our investigators did not observe any public traffic on this road for the 1 hour that they were in the area, but none of the law enforcement units attempted to stop our investigators and find out what they were doing. According to CBP, because our investigators did not approach from the direction of Mexico, there would be no expectation for law enforcement units to question these activities. (See fig. 3.)

Figure 3: Route of GAO Investigators at U.S.–Mexico Border Location



Source: GAO.

Federal Lands Adjacent to the Southern Border

Investigators identified potential security vulnerabilities on federally managed land adjacent to the U.S.–Mexico border. These areas did not appear to be monitored or have a manned CBP presence during the time our investigators visited the sites. Investigators learned that a memorandum of understanding exists between DHS (of which CBP is a component), Interior, and USDA regarding the protection of federal lands adjacent to U.S. borders. Although CBP is ultimately responsible for protecting these areas, officials told us that certain legal, environmental, and cultural considerations limit options for enforcement—for example, environmental restrictions and tribal sovereignty rights.

Southern Border Location One

On January 9, 2007, our investigators entered federally managed land adjacent to the U.S.–Mexico border. The investigators had identified a road running parallel to the border in this area. Our investigators were informed by an employee of a visitor center that because the U.S. government was building a fence, the road was closed to the public.

However, our investigators proceeded to the road and found that it was not physically closed. While driving west along this road, our investigators did not observe any surveillance cameras or law enforcement vehicles. A 4-foot-high fence (appropriate to prevent the movement of a vehicle rather than a person) stood at the location of the border. Our investigators pulled over to the side of the road at one location. To determine whether he would activate any intrusion alarm systems, one investigator stepped over the fence, entered Mexico, and returned to the United States. The investigators remained in the location for approximately 15 minutes but there was no observed law enforcement response to their activities.

Southern Border Location Two

On January 23, 2007, our investigators arrived on federally managed lands adjacent to the U.S.–Mexico border. In this area, the Rio Grande River forms the southern border between the United States and Mexico. After driving off-road in a 4x4 vehicle to the banks of the Rio Grande, our investigators observed, in two locations, evidence that frequent border crossings took place. In one location, the investigators observed well-worn footpaths and tire tracks on the Mexican side of the river. At another location, a boat ramp on the U.S. side of the Rio Grande was mirrored by a boat ramp on the Mexican side. Access to the boat ramp on the Mexican side of the border had well-worn footpaths and vehicle tracks (see fig. 4).

Figure 4: GAO Investigator at a U.S.–Mexico Border Location



Source: GAO.

An individual who worked in this area told our investigators that at several times during the year, the water is so low that the river can easily be crossed on foot. Our investigators were in this area for 1 hour and 30 minutes and observed no surveillance equipment, intrusion alarm systems, or law enforcement presence. Our investigators were not challenged regarding their activities. According to CBP officials, in some locations on federally managed lands, social and cultural issues lead the U.S. Border Patrol to defer to local police in providing protection. This sensitivity to social and cultural issues appears to be confirmed by the provisions of the memorandum of understanding between DHS, Interior, and USDA.

Corrective Action Briefing

On February 23, 2007, we met with CBP officials to discuss the results of our investigation. CBP officials clarified their approach to law enforcement in unmanned and unmonitored areas at the northern and southern U.S. borders, including an explanation of jurisdictional issues on federally managed lands. CBP indicated that resource restrictions prevent U.S. Border Patrol agents from investigating all instances of suspicious

activity. They added that the northern border presents more of a challenge than the southern border and that many antiquated ports of entry exist.

Conclusions

Our visits to the northern border show that CBP faces significant challenges in effectively monitoring the border and preventing undetected entry into the United States. Our work shows that a determined cross-border violator would likely be able to bring radioactive materials or other contraband undetected into the United States by crossing the U.S.–Canada border at any of the locations we investigated. CBP records indicate that it does successfully stop many individuals from crossing the border illegally, but our own observations and experiences (along with CBP’s acknowledgment of existing challenges) lead us to conclude that more human capital and technological capabilities are needed to effectively protect the northern border. Our observations on the southern border showed a significant disparity between the large law enforcement presence on state lands in one state and what seemed to be a lack of law enforcement presence on federally managed lands.

Mr. Chairman and Members of the Committee, this concludes my statement. I would be pleased to answer any questions that you may have at this time.

Contacts and Acknowledgments

For further information about this testimony, please contact Gregory D. Kutz at (202) 512-7455 or kutzg@gao.gov. Contacts points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this testimony.

Appendix I: Case Studies of Successful Customs and Border Protection Responses to Suspicious Activities on Northern and Southern U.S. Borders

This appendix details four cases where Customs and Border Protection (CBP) apprehended individuals who were engaged in suspicious activities on the northern and southern borders. According to CBP, U.S. Border Patrol agents followed proper protocols in responding to these incidents. We are summarizing these case studies—which CBP provided to us—to further illustrate challenges the U.S. Border Patrol faces.

Northern Border Incident One

At about 3:20 a.m. on June 24, 2006, electronic surveillance equipment observed a vehicle arrive at the port of entry gate from the direction of Canada. The suspect got out of the vehicle and, after inspecting the area around the gate, returned to the vehicle and drove around the gate into the United States. U.S. Border Patrol agents were notified, along with state law enforcement. The state officer identified and stopped the vehicle while the U.S. Border Patrol agents were en route. U.S. Border Patrol agents arrived and arrested the suspect. The suspect was identified as a citizen of Albania and admitted to driving around the port of entry gate. The suspect had applied for asylum in the United States and been denied in 2001, at which point he had moved to Canada. Attempts to return the suspect to Canada failed, as he had no legal status in Canada. Suspect was held in jail pending removal proceedings.

Northern Border Incident Two

At about 6:00 p.m. on January 25, 2007, the U.S. Border Patrol was notified of suspicious activity on the U.S.–Canada border. U.S. residents on the border had observed a vehicle dropping off several individuals near their home. A U.S. Border Patrol agent proceeded to the area where residents had observed the suspicious activity. Once there, the agent followed footprints in the snow and discovered two suspects hiding among a stand of pine trees. The suspects were Columbian nationals, one male and one female. They indicated that a man was going to pick them up on the Canadian side of the border, and that a friend had driven them to the agreed-upon location on the U.S. side. Cell phone numbers retrieved from the suspect's phone linked him to phone numbers belonging to a known alien smuggler in the area. The suspects said they intended to seek political asylum in Canada. They were sent to a detention facility after their arrest.

Northern Border Incident Three

On February 10, 2007, at about 2:00 a.m., U.S. Border Patrol surveillance equipment detected six suspects entering the United States from Canada. The suspects were walking south along railroad tracks. After a short foot chase, U.S. Border Patrol agents apprehended all six suspects—two

individuals who were believed to be smugglers and a family of four. All the suspects were citizens of South Korea. According to interviews with the suspects, after the family arrived in Canada they were approached by an individual who said he could take them to the United States. He brought the family to a desolate area and introduced them to a male and a female, who they were to follow across the border. The individual then instructed the family to leave their luggage in the car and said that he would pick all six of them up in the United States. The wife and two children in the family were released for humanitarian reasons after apprehension, and the male was placed in detention.

Southern Border Incident One

On May 3, 2007, at about 1:20 a.m., an alert citizen reported a possible illegal alien near the U.S.–Mexico border. The responding U.S. Border Patrol agent located the individual, who claimed to be a citizen of Uruguay. He said that he had used a variety of transportation means, including airplanes and buses, to travel from Uruguay to a Mexican city just south of the U.S. border. The individual claimed to have crossed the border by foot along with four other individuals. He then walked for 4 days through the desert. When he became dehydrated, he sought help at a nearby U.S. town. As a result, he was spotted by the alert citizen who notified the U.S. Border Patrol. The individual was scheduled to be removed from the country but requested a hearing before an immigration judge.

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