

STATEMENT OF

**DAVID AGUILAR
CHIEF
OFFICE OF BORDER PATROL
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CITIZENSHIP
&
SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY**

REGARDING

**BORDER ENFORCEMENT AND TECHNOLOGY BETWEEN THE PORTS OF
ENTRY**

**THURSDAY, APRIL 28, 2005
3:00 PM
ROOM 138, DIRKSEN SENATE OFFICE BUILDING**

CHAIRMEN CORNYN AND KYL, RANKING MEMBERS KENNEDY AND FEINSTEIN, AND DISTINGUISHED COMMITTEE MEMBERS, it is my honor to have the opportunity to appear before you today to discuss the successes and challenges of border security and technology between the Ports of Entry, as demonstrated by the operations and law enforcement initiatives of the Office of Border Patrol, a component of U.S. Customs and Border Protection (CBP). My name is David Aguilar, and I am the Chief of Border Patrol. I would like to begin by giving you a brief overview of our agency and mission.

Two years ago, Immigration Inspectors, Agricultural Inspectors, Customs Inspectors, and the U.S. Border Patrol merged to form U.S. Customs and Border Protection (CBP) within the Border and Transportation Security (BTS) Directorate of the Department of Homeland Security (DHS). By unifying all frontline personnel and functions with law enforcement responsibilities at our Nation's borders, we have combined our skills and resources to be far more effective than we could be as separate agencies.

The primary mission of CBP Border Patrol, as CBP's mobile uniformed law enforcement arm, is to detect and prevent terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States between the ports of entry. In doing so, we also continue to perform our traditional duties of interdicting illegal immigrants, drugs, currency, and other contraband. We perform our homeland security mission by patrolling and securing 4,000 miles of international border with Canada, 2,000 miles of international border with Mexico, and roughly 2,000 miles of coastal waters surrounding the Florida Peninsula and Puerto Rico. This is done simultaneously and in conjunction with the Coast Guard and uniformed CBP Officers, who

carry out the same mission at our Nation's ports of entry while facilitating legitimate trade and legal immigration.

Recognizing that we cannot control our borders by merely enforcing at the "line," our strategy incorporates a "defense in depth" component, to include transportation checks away from the physical border. Checkpoints are critical to our patrol 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 checkpoints allow CBP Border Patrol to establish an important second layer of defense.

Historically, major CBP Border Patrol initiatives, such as *Operation Hold the Line*, *Operation Gatekeeper*, and *Operation Rio Grande* in our El Paso, San Diego, and McAllen 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. Together, they have laid the foundation for newer strategies and enforcement objectives and an ambitious goal to gain operational control of our Nation's borders, particularly our borders with Mexico and Canada.

These new 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. An example of one of these initiatives is the Arizona Border Control Initiative, currently in Phase Two. In this effort, we partner with other DHS agencies 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 and Repatriation programs. In doing so, we continue to make a significant positive effect towards fighting terrorism, illegal migration, and crime in that border area.

Because of the complexity and the enormity of our law enforcement challenge, efforts have been initiated and are constantly being improved upon to build a better relationship with law enforcement agencies across the southwest and northern borders of the United States. Building on our relationship with these agencies, CBP Border Patrol administered Operation Stonegarden from October 25, 2004, through January 21, 2005. Operation Stonegarden effectively used the resources of 214 state, local, and tribal law enforcement agencies to enhance border security through the disbursement of overtime funding. The end result of Operation Stonegarden was more security along our Nation's borders coupled with an overall refinement of working relationships between CBP and local law enforcement agencies.

Along the northern border, we participate in Integrated Border Enforcement Teams (IBET) with Canada, sharing intelligence and law enforcement capabilities in a combined and integrated atmosphere expanding our ability to identify, investigate, and interdict all threats at and beyond our shared borders. Aiding this integrated effort is the presence of a CBP Border Patrol attaché assigned to the Royal Canadian Mounted Police (RCMP) Headquarters in Ottawa, Canada, as well as CBP participation in northern border conferences, shared border accords, and

cross-border crime forums. Additionally, some of the IBET resources are collocated with the RCMP, U.S. Immigration and Customs Enforcement, and other law enforcement agencies. We now have agents assigned to certain Federal Bureau of Investigation Joint Terrorism Task Forces, which is vital to the sharing of terrorism information between the FBI and DHS.

At the southwest border with Mexico, the establishment of Border Patrol Mexican Liaison Units (MLUs) works to achieve the same goals. The program has already had much success in issues requiring the sharing of unclassified information, as well as cooperative enforcement efforts and border safety initiatives, to name a few. Even though we have improved upon these relationships, we continually seek to improve collaboration with the Government of Mexico to increase interdiction and deterrence of special interest aliens along the southwest border. The Government of Mexico has shared information regarding arrests of transnational threats, to include suspected members of Mara Salvatrucha, also known as MS-13, and special interest aliens traveling through Mexico with the intention of entering the United States illegally. Just recently, the capture and arrest in Arizona of 59 Mexican nationals in a local hotel led to the identification of two of six escaped convicts from a Nogales, Sonora, Mexico, jail after Mexican authorities placed a lookout on the subjects, who were considered armed and dangerous.

On our northern border, this concept has had the advantage of participating agencies and counterparts with similar, well-established missions and operations, as well as a history of funding and professional training. Although much has been accomplished with Mexican law enforcement agencies, there continues to be a need for improved training, funding, and resource allocation for our Mexican counterparts. A better working relationship has been established as

MLUs, consisting of CBP Border Patrol Agents and Mexican law enforcement personnel, regularly discuss and share information, training, and equipment for the benefit of the greater law enforcement community on both sides of the border. In the spirit of partnership, the United States Government has negotiated several agreements with Mexico. These include the US-Mexico Border Partnership 22-point Plan, signed March 2002 by former Secretary of State Powell and Mexican Secretary of Government Creel. Other examples include the 2004 Border Action Plan and the US-Mexico Repatriation MOU signed in February 2004. The Border Patrol has significant involvement in the interior repatriation commitments in these agreements. The Security and Prosperity Partnership announced by President Bush, President Fox, and Prime Minister Martin on March 23rd, will further advance and complement these security initiatives.

As the Chief of CBP Border Patrol and former Chief Patrol Agent of the Tucson Sector, I offer a firsthand perspective of our collaborative efforts with the Government of Mexico through our MLUs. The MLUs have established an unprecedented working relationship with the Government of Mexico's National Security and Investigation Center (Centro de Investigación Y Seguridad Nacional-CISEN) as well as other Federal, state, and local agencies within the Government of Mexico. The MLU in the McAllen Sector coordinated the attendance of Mexico's Attorney General attaché and members of Mexico's CISEN at a binational seminar focusing on terrorism along the border and the violence perpetrated by the MS-13 gang. The objective of the seminar was to identify members of MS-13 and to raise the awareness of the local authorities regarding this violent street gang.

Today, violent criminal enterprises and terrorist organizations continue to pose a transnational threat to the national security of both the United States and Mexico. These transnational threats exploit the lack of sustained binational law enforcement collaboration on both the U.S. border with Mexico as well as Mexico's border with Guatemala. These threats, if left unchecked, will likely overwhelm limited law enforcement resources available to address border security issues. This can be seen in today's headlines with regard to gang activity related to MS-13, as well as other cross-border-related crimes. Progress is continually being made on these issues through meetings between Commissioner Bonner, myself, and our Mexican counterparts to discuss methods essential in the mitigation of border security threats and expansion of border safety.

Recently, the Government of Honduras shared information regarding one of its most wanted and sought-after criminals, a leader of MS-13, who had escaped Honduran authorities after being arrested in connection with a brutal bus massacre. As a result, the suspect was apprehended and the U.S. Attorney's Office accepted the case for illegally reentering the United States, while law enforcement and the intelligence community confirmed his identity in Honduras. This example demonstrates that information sharing at this level is necessary and vital to ensure that transnational threats are identified and targeted.

CBP is currently developing "pushing the borders out" initiatives with Mexico. A concept of operations for a binational Interdiction Task Force committee, consisting of U.S. Government and Government of Mexico law enforcement and intelligence committee representatives, has been developed. This effort will provide expanded liaison and intelligence-

sharing opportunities to enhance interdiction and deterrence and to disrupt operations in both countries, targeting transnational threats that threaten the national security of both nations.

This binational committee will receive, analyze, and distribute information and other law enforcement intelligence to all border protection assets for the collaborative targeting of known smugglers and traffickers for the purpose of immediate arrest, prosecution, and seizure of assets. Additionally, it will provide binational prosecutorial and procedural guidelines. These efforts will expedite the transition from interdiction to investigations. Through this Interdiction Task Force committee, other law enforcement agencies will be able to participate and support the homeland security mission, targeting criminal enterprises involved in cross-border incursions.

The America's Shield Initiative, formerly known as the Integrated Surveillance Intelligence System (ISIS), is an effort to develop a comprehensive and unified system of electronic surveillance of our entire land borders. ASI is a critical part of CBP's strategy to build smarter borders. This is critical to the Border Patrol's ability to increase apprehension capabilities and thereby establish greater control of our borders. Nationwide integrated ASI capabilities will provide the Border Patrol with a tactical, command and control, situational awareness and intelligence collection and management system. In FY 2006, we intend to broaden our ASI coverage of the northern and southern borders by deploying the system where no coverage currently exists. In addition, with the advent of ASI, system capabilities will be improved to enhance the sensor and video surveillance capabilities of currently installed components, integrate new, state of the market surveillance technologies and increase interoperability with other law enforcement agencies.

ASI acts as an important force-multiplier that allows Border Patrol agents to remotely monitor the border and respond to specific illegal border crossings. By contrast, Border Patrol operations without ASI support are more resource-intensive and less safe for agents in the field. Expanding the portion of the border covered by electronic surveillance, integration of new components and technologies, and improved Agent support equipment via the ASI program will provide the Border Patrol with the increased ability to meet CBP's priority mission threats.

In order to make sure that information from DHS' Automated Biometric Identification System (IDENT) and the FBI's Integrated Automated Fingerprint Identification System (IAFIS) is available to Border Patrol agents in the field, DHS deployed fully integrated IDENT/IAFIS terminals to all Border Patrol sectors and offices. The integrated workstations capture biometric and biographical information through the use of a "10-print" finger scan machine. The officer needs to capture an individual's "10-prints" only once to reap the benefits of running checks in both IDENT and IAFIS. From the single capture of fingerprints, "2-prints" are used to check IDENT for immigration violators and other criminals; the full "10-prints" are sent to IAFIS to check approximately 48 million criminal history records. The goals of the system are to identify repeat offenders and identify criminal aliens so that they may be detained. From October 1, 2003 through December 19, 2004, IDENT/IAFIS technology assisted Border Patrol agents in the arrest of 236 homicide suspects, 110 kidnapping suspects, 404 sexual assault suspects, 669 robbery suspects, 3827 suspects for assault, and 7950 suspects involved with illegal drugs.

Aviation is one of the most effective force multipliers used in securing our nation's borders. Aircraft perform a multitude of missions in this environment, including border surveillance, operational patrol, personnel deployment to permit rapid response to intrusions, and medical evacuation. In FY 2004, CBP Border Patrol Aircraft flew almost 46,000 hours, apprehending 96,341 persons and assisted in seizing \$103.6 million in illegal narcotics. This equates to 2.1 arrests and \$2,259 in seized contraband for each flight hour.

Border Patrol began Unmanned Aerial Vehicle operations in June 2004. We have evaluated the lessons learned from the Hermes and Hunter UAV operations and are focusing on acquiring a UAV that meets specific CBP operational mission requirements. On March 25, 2005, CBP deployed a Cessna 206 and two Piper PA-42 Cheyenne airplanes to cover the gaps in UAV operations. These assets do not have the same endurance as a UAV but they are equipped with electro-optical and infrared sensors similar to those that the UAVs were using during the feasibility study. These air assets provide a like capability when deployed collectively and provide a force multiplier to our agents in Arizona that improves their effectiveness.

Nationally, CBP Border Patrol is tasked with a very complex, sensitive, and difficult job, which historically has presented immense challenges. Challenges we face 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 Chairmen, and both Subcommittees, 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.