

Observations and Perspectives on
Selected Border Security Issues

Testimony of
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Chairman Miller, Ranking Member Jackson-Lee, and Members of the subcommittee,

I am pleased to be back before the subcommittee today to discuss my observations and perspectives on selected border security issues. In my previous appearances before the subcommittee I discussed GAO products under my supervision as Director for Homeland Security and Justice issues. I retired from GAO about 18 months ago and although some of the information I cite is drawn from GAO products, I am not speaking on behalf of GAO and the observations and perspectives I present are my own.

The immigration system is highly complex, with lots of moving parts that are necessarily connected and interrelated. Today I will focus my remarks on only one facet of this complex system -- that of immigration enforcement – and within that facet, only on border security measures.

Since the mid-1990s, the U.S. government has poured billions of dollars into various border security measures in an attempt to stem the flow of illegal immigration and contraband into our country. These efforts started with initiatives in the El Paso and San Diego sectors where about 60 percent of apprehensions were made, then spread to other sectors to address the shifts in illegal flows. The good news is that as a result of these measures, millions of illegal travelers have been turned away; millions of other travelers were apprehended on a variety of charges, some serious; millions of pounds of illegal drugs were apprehended; and millions of dollars in currency was seized. The bad news is that even though apprehensions today are about one-third of the 950,000 apprehensions made in 2002, illegal entries of immigrants are still substantial and in some instances pose a risk to national security; travelers have shifted to dangerous terrains to attempt a crossing, resulting in injury or death to untold numbers of people; and cross-border trafficking of illegal contraband continues to be problematic.

Various proposals that are now being considered by Congress contain provisions that are aimed at better securing our nation's borders. The proposals differ in scope, emphasis, and levels of prescriptive actions, which include the creation of goals and performance measures as well as enhancements in enforcement staffing levels, technology, and infrastructure which are expected to be part of the solution. Whether Congress decides to specify certain measures or actions or decides to leave such decisions to DHS, lessons learned from previous experience can help inform legislative and agency actions regarding these issues. I'd like to share some observations and perspectives about these issues.

Let me start with goals and performance measurement. Defining goals for border control and establishing performance measures for assessing related efforts are among the key steps in ensuring that border security efforts are effectively managed. The Secure Fence Act of 2006 defined border security as the “prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.” Every Secretary of Homeland Security has expressed the view that this was an unreachable goal. Before 2011, the Border Patrol used a security performance measure of border miles under operational control to assess

security between the ports of entry. This measure was intended to reflect the Border Patrol's ability to deter or detect and apprehend illegal entries at the border or after they occur. Since 2011, the Border Patrol has used changes in the number of apprehensions between the ports of entry on the southwest border as an interim measure for border security. It also uses other data to inform this measure, including the percentage of estimated known illegal entrants who are apprehended, the percentage of estimated known illegal entrants who are apprehended more than once (repeat offenders), and the number of seizures of drugs and other contraband. DHS is still considering how best to define and measure border security. Some legislative proposals define border security as a 90 percent "effectiveness rate" defined as the sum of alien apprehensions and turn backs divided by total illegal entries. This measure recognizes that a zero tolerance rate is unrealistic, but the challenge is how to reliably estimate the total illegal entries when current government data and methods of measurement for the "unknowns" lack the necessary precision and integrity. Devising a way to validly assess progress toward meeting program goals is necessary if DHS is to make appropriate operational and investment decisions. Such performance measurement would also help the Congress decide whether the outcomes are acceptable and the next steps in the immigration reform arena can be taken. Hopefully, data and estimation techniques will improve over time and the total illegal entries figure will become more reliable.

Now I'd like to discuss three types of resources necessary to enhancing border security – staffing, technology, and infrastructure. Let me start with staffing. Recent immigration reform proposals call for hefty increases in Border Patrol staffing, which continues a trend started about 20 years ago. In fact, the Border Patrol's 21,000-agent force is double the number on board in 2006, and the roughly 3,000 agents now assigned to the Tucson sector alone is about equal to the number that guarded our southwestern and northern borders combined in 1994. Several lessons can be learned from past ramp ups in staffing that could be considered in the current debate. First, it is important to have a sound and supportable basis for the number of new agents to be hired and deployed to the border because expanding the force is costly and time consuming. CBP estimated in 2010 that the cost of recruiting, hiring, training, equipping, and deploying one Border Patrol agent was about \$170,000. The time between the first interview and agent deployment can be 6 months or more, and it takes several recruits to eventually fill one agent opening because many candidates are found to be not suitable for the job or drop out before being fully trained and deployed. Ramping up the staff would also require additional facilities at the Academy to train the agents and at the Border Patrol sectors to accommodate their work activities. Further, determining the extent to which deploying additional staff will mitigate threats and vulnerabilities along the border, and the expected benefits to be derived from the added costs of another ramp up, are important. Second, an adequate number of experienced agents is needed to train large numbers of recruits at the Academy and to continue with on-the-job training and supervision once new agents are assigned to the sectors. In some past ramp ups, an insufficient agent-to-supervisor ratio increased the risk of on-the-job training shortfalls and the risk that the Border Patrol supervisors would not be in a position to detect potential corruption and the mishandling of illegal aliens by new agents. Similar issues would confront the hiring and training of additional CBP officers at the ports of entry. CBP was recently several thousand officers short of the

staffing levels prescribed by its staffing models due to recruitment and retention issues, and CBP was not able to ensure that its officers received required on-the-job training. It is important to maintain an appropriate balance between resources at and between the ports so any shifts in illegal activity could be addressed.

Turning to technology, in the last 20 years CBP introduced technology acquisitions valued in the billions of dollars as part of a stepped up enforcement strategy. At the ports of entry, x-rays, portal monitors, and backscatter machines, as well as US-VISIT and pass card readers, have enhanced the ability of CBP officers to detect the illegal entry of individuals and contraband and have helped to balance law enforcement and travel facilitation demands. Between the ports, cameras, radar systems, sensors, x-rays, and drones have enhanced the Border Patrol's ability to detect and deter illegal crossings and contraband trafficking. But in both environments, the results achieved by technology deployments have been mixed due to issues with the capabilities of the technology, how it was selected and deployed, its reliability, and how it was used by officers and agents. In the past, DHS's technology acquisition policies have not always been adhered to, the basis for technology selection and deployment has not always been adequately supported, and the limitations of some technology identified in real-world testing called to question its suitability and cost-effectiveness. Consideration should be given to how the requirements for technology are generated, the extent to which new technology will mitigate threats and vulnerabilities, what metrics would indicate their expected contribution toward stemming illegal crossings and trafficking, where technology and staffing inputs intersect and the extent to which technology can be a "force multiplier," and what flexibility in deployment might be provided should illegal migration patterns change.

Next, let's discuss infrastructure. Nearly \$3 billion was spent to construct about 700 miles of fencing along the southwest border, most of which was single-layered fencing built between Imperial Beach, CA, and El Paso, TX. In addition to construction costs, the Border Patrol incurs maintenance costs to repair fencing breaches. In 2011 alone there were over 4,000 breaches of the fence that cost about \$7.2 million to fix, or about \$1,800 per breach. CBP built varying types of fencing at various locations to stop pedestrians, vehicles, or both from crossing the border. The extent to which fencing stopped or deterred border crossers is not entirely clear, but it appears to have been useful. Fencing may have slowed down crossers so that Border Patrol had more time for enforcement actions, and it may have helped shift illegal traffic to non-fenced locations, potentially allowing the Border Patrol to target its enforcement actions. However, DHS has yet to evaluate the contribution of border fencing and other infrastructure toward stemming the flow of pedestrians and contraband, as GAO recommended several years ago. Without such an evaluation, DHS is not in a position to address the impact of this investment and whether the cost of additional fencing would yield a suitable return vis-à-vis other possible investments across the border or at a particular location. Legislative proposals are now under consideration to build more fencing, either in new locations or by adding layers to existing fencing. Among the factors that need to be considered with these proposals are the extent to which additional fencing will mitigate threats and vulnerabilities, the costs and effectiveness of fencing designs in stemming pedestrian and

vehicular traffic, the suitability of the terrain for fence construction, environmental concerns, and the extent to which any required land acquisition costs would change a cost/benefit analysis.

In closing, while the subject of today's hearing is on border security, it is important to look at this facet of immigration enforcement in conjunction with the many other moving parts of the total immigration system. Border security issues need to be assessed in the context of a holistic framework if our efforts to push the immigration reform "reset button" are to yield an efficient, effective, economical, and sustainable result. For example, estimates show that roughly 40-50 percent of the illegal immigrant population is made up of people who entered the U.S. legally and overstayed their visa. Addressing visa overstays is considered an interior immigration enforcement matter and mostly a responsibility of ICE, not CBP. Yet, owing to higher priorities, ICE devotes relatively few resources to address this issue. To what extent might the broader illegal immigrant problem be addressed by devoting more resources to interior enforcement rather than substantially increasing the size of the Border Patrol? As a second example, illegal immigrants who pass through border defenses are drawn to the U.S. to find employment. Many eventually find jobs with employers who have come to rely on this labor pool with little likelihood of incurring fines and sanctions provided by law, again owing to ICE resource constraints and priorities. To what extent could additional resources applied to worksite enforcement address illegal immigration as opposed to additional resources applied to the Border Patrol? Achieving an appropriate balance between border and interior enforcement resources could help create a credible framework for deterring those considering illegal entry and overstay.

Chairman Miller, Ranking Member Jackson-Lee, and members of the subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have.