

**TRANSPARENCY, TRUST, AND VERIFICATION:  
MEASURING EFFECTIVENESS AND SITUATIONAL  
AWARENESS ALONG THE BORDER**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON  
BORDER AND  
MARITIME SECURITY**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FOURTEENTH CONGRESS

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**TRANSPARENCY, TRUST, AND VERIFICATION:  
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**Tuesday, March 1, 2016**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:01 a.m., in Room 311, Cannon House Office Building, Hon. Martha McSally [Chairman of the subcommittee] presiding.

Present: Representatives McSally, Hurd, Miller, Higgins, and Torres.

Ms. MCSALLY. The Committee on Homeland Security's Subcommittee on Border and Maritime Security will come to order. The subcommittee is meeting today to examine DHS's efforts to secure the border and effectively measure border security.

Before I begin, I just want to take the opportunity to thank Mrs. Miller, the former Chairman of the subcommittee, for her more than 5 years of superb leadership on this subcommittee and the opportunity that has been provided to me to lead this subcommittee. She has been an outspoken advocate and champion for the border, visa, and maritime security, and fought tirelessly for enhancements in the Visa Waiver Program that were enacted into law in December. Just a few days ago, the President signed the first-ever CBP Authorization Act, authored by Mrs. Miller, and signed that into law.

I can say our security is much stronger because of the work of Chairman Miller. I want to yield some time to Chairman Miller.

Mrs. MILLER. Well, thank you very much, Chairman. I am delighted to call you that. As I think most people know, I am going to be not seeking reelection at the end of this term. I am a Michigan girl. Time for me to go home to Michigan, to the world's 2 most beautiful grandchildren.

But at any rate, I had thought about this a bit, and talking to Chairman McCaul, who indicated that he had an interest in appointing you in the next Congress to the Chairmanship for this subcommittee. I told him: Look, there is nobody better.

It is incredible the passion that you have for the border, not only the Southern Border but the Northern Border. I appreciate, particularly with Mr. Higgins sitting next to you, reminding the subcommittee as we go forward and into the next future Congresses how important all of our borders are certainly.

But I have had an opportunity to travel with you, down to your beautiful district, and talk to a lot of your folks down there. About a year ago this time, we took a group of us down to the border.

When we think about border issues and what a critical component it is of our National security, our homeland security, I just thought that having you take the Chairmanship early on here would make for a much smoother transition. I am just absolutely delighted, when we think about the background that you have, Bronze Star recipient, I think 25, 26 years in the military, you and I have fought together for the A-10. I will tell you what, I would go into battle with you anywhere, all day long, all day long.

So this subcommittee has a fantastic reputation on the Hill for doing very vigorous oversight. I know that will continue under your Chairmanship and your leadership. I think, as you mentioned, the Visa Waiver Program, that piece of legislation signed into law already, and other kinds of things, the CBP authorization, all of these and more, huge challenges that our Nation faces.

I know I leave this Chairmanship in exceptionally good hands. I look forward to continuing to work with you for the remainder of this Congress. Anything I can do, just call Michigan after that.

Thanks very much, and good luck.

Ms. MCSALLY. Thanks, Chairman Miller. I just want to say I am thankful for your tremendous leadership and honored for your willingness to selflessly provide me this opportunity. I know I have huge shoes to fill, and I will do everything I can every day in order to make sure that we follow in your footsteps. But I really appreciate the opportunity that you are providing me. So thank you.

Okay. I now recognize myself for an opening statement.

Securing the border is ultimately one of the most important responsibilities of the Federal Government. The instability and chaos that drug cartels foster pose National security problems and public safety threats that endanger border communities. In fact, later this month marks the sixth anniversary of the death of Robert Krentz, a Cochise County resident, slain on his ranch roughly 30 miles north of the border.

In southern Arizona, we are impacted by border insecurity every day—property destroyed, militarized-like checkpoints on our roads, and the fear of violence from transnational criminal organizations, or TCOs, running drug loads through our communities. The reality and perception of insecurity near the border also has negative impacts for businesses and tourism in border regions, suppressing an already struggling economy.

The very same pathways and smuggling routes that facilitate the illicit flow of people and drugs could also, potentially, be used for terror, making it critical that we quickly gain control of the situation along the border.

While progress has been made on the border over the last 25 years, there is much more work to be done. There is a reason many Americans do not trust the Department when it comes to border security. They rightly worry that the Department will twist the numbers and give a false sense of security.

Border security measures recently put out by the Department will do little to overcome this deficit of trust. Customs and Border Protection reported that it was 81 percent effective on the South-

west Border last year. That sounds impressive, especially when compared to previous measures that indicate around 44 percent of the border was under operational control.

These new effectiveness numbers are hard to believe and I believe are inaccurate measures of the state of security on the border. The new interdiction effectiveness rates include unaccompanied children and families from countries other than Mexico who turn themselves in, inflating that number. It also fails to take into account the number that Border Patrol never sees, or the denominator, which also inflates this effectiveness number. The best analytical research, using all available data on interdiction effectiveness, puts the true probability of apprehension much closer to about 50 percent.

Finally, the numbers don't tell us where the illicit activity was intercepted, which can sometimes be 100 miles or deeper into the United States, putting border communities in danger as traffickers transit our communities before they are caught.

There are probably no better indicators of the effectiveness than the price and availability of illicit drugs. We have an alarming drug addiction epidemic in this country, and it is only getting worse, impacting communities and families across the Nation.

Families grappling with tragedy tell heartbreaking stories of how their loved ones fell into addiction and how cheap and easy it was for them to get these illicit drugs. The price and availability of these drugs across the country demonstrate they still move across the border with relative ease.

We must move beyond the political rhetoric that, on the one hand, says the border is out of control, while, on the other hand, says it is more secure than ever and everything is just fine. But the only way to do that is being transparent when it comes to security on the border. We all know the truth is somewhere in between, but the American people don't know where in between it is. So that just adds to the challenges and the frustrations.

The truth is we have been given an incomplete picture as it relates to the situation on the border, and we cannot verifiably say where between those two ends of the spectrum we actually are. That is the heart of the problem. For too long, the U.S. Government has pushed the narrative that because we catch a lot of people, or in some cases not many at all, or have doubled the number of agents, or built miles of fence, that the border must be secure.

That is just activity masquerading as effectiveness and lacks the important denominator. The Border Patrol cannot determine how many people we are not catching or detecting.

Assessing if the billions of taxpayer dollars spent every year are actually effective at securing the border is a more productive and transparent way to look at border security. Can we stop drug cartels from moving their poison freely across our border? Is CBP catching the overwhelming number of people who cross the border illegally, and not just the ones they see? What about the ones we don't see?

Of the illegal activity detected, how many were never caught? Of those apprehended, how many were within a half a mile of the border? How many were up to 25 miles? How many were up to 100 miles? This actually matters, because if you are living in that area,

where it gets caught actually impacts the public safety concerns for you and your family.

What about the flow of weapons and money that goes south across the border to fuel the TCOs' illicit activity? Do people along the border feel safe? How much of the illegal activity is detected and caught by State and local law enforcement versus CBP? Do border, State, and local first responders assess that the border is secure? What is the actual effectiveness of the checkpoints placed well inside our country?

What percent of the 1,954 miles of southern land border does CBP have 100 percent situational awareness of, where if something or someone approaches or moves across the border, they will see it? This is a question I have been trying to get the answer to for a very long time. What percentage of those miles do they have operational control of, where agents can successfully interdict the activity once it is detected?

Are the sensors, towers, and checkpoints, unmanned aerial vehicles, manned aircraft, are they assisting our agents to further these goals?

Those are the real measures of effectiveness the American people can understand and need to know. I believe today's hearing is the first step we must take to continue to develop a complete understanding of what is actually happening at the Southern Border, commonly known as situational awareness. We use this term a lot in the military, by the way, and its acronym is SA. How is your SA? Is your SA high? Is your SA low? What percentage of SA do you have?

Achieving situational awareness will require extensive use of technology. The border is too long and the terrain too rough and inaccessible in some places to be everywhere at once. But it will also take concentrating our agents closer to the border and rapid reaction forces to quickly move agents to intercept the activity once detected, before anyone becomes a public safety threat to our communities.

It boils down to this: Do we know where the drug cartels are beating us so we can adjust deployment of our technology and agents to meet that threat? If the answer is no, we don't have situational awareness along the border.

Once we fully understand the threat and the gaps in our awareness and our capabilities, we can move quickly, together, to address them. But without that, we are essentially flying blind. As a pilot, no one wants to do that. That cannot continue.

The time has come to adequately measure situational awareness and effectiveness so we know where we are and, more importantly, where we need to go. I am looking forward to hearing from our witnesses today on CBP's plans to achieve situational awareness on the border and provide Congress with suitable metrics.

[The statement of Chairman McSally follows:]

STATEMENT OF CHAIRMAN MARTHA MCSALLY

MARCH 1, 2016

Securing the border is ultimately one of the most important responsibilities of the Federal Government. The instability and chaos that the drug cartels foster pose Na-



tional security problems and public safety threats that endanger border communities.

In fact, later this month marks the sixth anniversary of the death of Robert Krentz, a Cochise County resident slain on his ranch roughly 30 miles north of the border.

In Southern Arizona, we are impacted by border insecurity every day—property destroyed, militarized-like checkpoints on our roads, and fear of violence from transnational criminal organizations (or TCOs) running drug loads through our communities. The reality and perception of the insecurity near the border also has negative impacts for businesses and tourism in border regions, suppressing an already struggling economy.

And the very same pathways and smuggling routes that facilitate the illicit flow of people and drugs could also potentially be used for terror, making it critical that we quickly gain control of the situation along the border.

While progress has been made on the border over the last 25 years, there is much more work to be done.

There is a reason that many Americans do not trust the Department when it comes to border security. They rightly worry that the Department will twist the numbers to give a false sense of security. Border security measures recently put out by the Department will do little to overcome this deficit of trust.

Customs and Border Protection (CBP) reported that it was 81% effective on the Southwest Border last year. This sounds impressive, especially when compared to the previous measure that indicated around 44% of the border was under operation control.

These new effectiveness numbers are hard to believe, and I believe are inaccurate measures of the state of security on the border.

The new interdiction effectiveness rate includes unaccompanied children and families from countries other than Mexico, who turn themselves in, inflating the number. It also fails to take into account the number the Border Patrol never sees, or the denominator, which also inflates the effectiveness. The best analytical research, using all available data, on interdiction effectiveness puts the true probability of apprehension much closer to 50 percent.

Finally, the numbers don't tell us where the illicit activity was intercepted, which can sometimes be 100 miles or deeper into the United States, putting border communities in danger as traffickers transit our communities before they are caught.

There are probably no better indicators of effectiveness than the price and availability of illicit drugs. We have an alarming drug addiction epidemic in the country that is only getting worse, impacting communities and families across the Nation.

Families grappling with tragedy tell heart-breaking stories of how their loved ones fell into addiction and how cheap and easy it was for them to get these illicit drugs. The price and availability of these drugs across the country demonstrate that they still move across the border with relative ease.

We must move beyond the political rhetoric that on one hand says that the border is out of control, while the other says it is more secure than ever and everything is fine. But the only way to do that is by being transparent when it comes to security on the border.

The truth is we have been given an incomplete picture as it relates to the situation on the border, and we cannot verifiably say where, between those two ends of the spectrum, we actually are—and that's the heart of the problem.

For too long, the U.S. Government has pushed the narrative that because we catch a lot of people, or in some cases not many at all, or have doubled the number of agents, or built miles of fence that the border must be secure.

That is just activity masquerading as effectiveness and lacks an important denominator. The Border Patrol cannot determine how many people we are not catching, or detecting.

Assessing if the billions of taxpayer dollars spent every year are actually effective at securing the border is a more productive and transparent way to look at border security.

Can we stop drug cartels from moving their poison freely across the border?

Is CBP catching the overwhelming number of people who cross the border illegally? And not just the ones they see.

Of the illegal activity detected by CBP, how many were never caught?

Of those apprehended how many were within .5 miles of the border and how many caught between half a mile and 5 miles, 5 to 25 miles, 25–100 miles, or over 100 miles inland?

What about the flow of weapons and money that goes south across the border to fuel TCO's illicit and dangerous activities?

Do the people who live along the border feel safe?

How much illegal activity is detected and caught by State and local law enforcement vs CBP? Do border State and local first responders assess the border as secure?

What is the actual effectiveness of the checkpoints placed well inside our country? What percent of the 1,954 miles of southern land border does CBP have 100% situational awareness of, where if something or someone approaches or moves across the border, they see it? And what percentage of those miles do they have operational control where agents can successfully interdict the activity once it is detected?

And are the sensors, towers, checkpoints, unmanned aerial vehicles, and manned aircraft adequately assisting our agents to further those goals?

Those are real measures of effectiveness the American people can understand, and need to know.

I believe today's hearing is a first step we must take to develop a complete understanding of what is actually happening at the border—commonly known as situational awareness.

Achieving situational awareness will require the extensive use of technology—the border is just too long, and the terrain too rough and inaccessible to be everywhere at once.

But it will also take concentrating agents closer to the border and a rapid reaction force to quickly move agents to intercept activity before anyone becomes a public safety threat to our communities.

It boils down to this: Do we know where the drug cartels are beating us, so we can adjust the deployment of our technology and agents to meet the threat? If the answer is no, then we don't have situational awareness along the border.

Once we fully understand the threat and gaps in our awareness and capabilities then we can move quickly to address them.

Without situational awareness we are essentially flying blind, and that cannot continue.

The time has come to measure situational awareness and effectiveness, so we know where we are, and more importantly where we need to go.

I am looking forward to hearing from our witnesses today on how CBP plans to achieve situational awareness on the border and provide Congress with suitable metrics.



Ms. MCSALLY. The Chair now recognizes the Acting Ranking Minority Member of the subcommittee, the gentleman from New York, Mr. Higgins, for any statement he may have. He just broke his microphone.

Mr. HIGGINS. Thank you very much.

Before I begin, I just wanted to also extend my appreciation and thanks to our colleague, Candice Miller, for her work on the committee and the subcommittee. While this is a continuum, we still have a lot of work to do. The Northern Border is much more secure

because of your leadership on this issue. I have enjoyed very much collaborating with you in the best interests of those Northern Border communities. So thank you very much, Candice.

I also want to congratulate my colleague from Arizona, Representative McSally, on her new position as Chair of the Subcommittee on Border and Maritime Security. In the absence of Ranking Member Filemon Vela, I am pleased to serve as the Ranking Member today, particularly given the topic at hand, border security.

Like my colleagues from Arizona, Texas, and Michigan, I also represent a border district, though mine is located on our Nation's border with Canada, much like Mrs. Miller. The 26th Congressional District of New York consists of portions of Erie and Niagara Counties, including the cities of Buffalo and Niagara Falls, and sits adjacent to America's maritime border with Canada, along the Niagara River and the eastern shores of Lake Erie.

Buffalo is home to the Peace Bridge, the busiest passenger crossing on the Northern Border, and a crucial link between the economies of western New York and southern Ontario and our 2 great Nations. Niagara Falls is home to 2 more international crossings, the Rainbow Bridge and the Whirlpool Bridge, which are also critical to travel and tourism in the region.

Cross-border travel and the efficient flow of goods and people across the border are vital to the communities I am privileged to represent. We are fortunate to have a strong partner in border security and facilitation matters on our Northern Border, that being Canada.

Like most Americans, I have a keen interest in ensuring that all of our Nation's borders are secure, including, of course, the Southern Border, but I will focus my comments today on our Northern Border, since our border with Canada is often somewhat foreign to these discussions.

The nature of the threat on the Northern Border, primarily terrorists and their instruments entering the United States across the vast open spaces of our 5,000-mile shared border with Canada, is certainly very different from the Southern Border where the volume of undocumented crossers from Mexico dwarfs the number that enter from Canada each year. Still, there are far fewer Federal resources dedicated to securing the Northern Border, which could be a cause for concern. Only a fraction of the total number of Border Patrol agents, air assets, cameras are deployed on the Northern Border, meaning situational awareness on the Northern Border is not what it should be.

Similarly, the United States Customs and Border Protection's Office of Field Operations continues to be understaffed at ports of entry based on the agency's own staffing model, which slows legitimate crossers, and makes it more difficult for officials to spot the handful who may pose concern. The fact that our shared border with Canada includes the Great Lakes and other waterways regularly enjoyed by thousands of legitimate boaters only adds to the challenge of achieving situational awareness in the region.

I hope to hear from our Customs and Border Protection witnesses today about how we can improve situational awareness

along our Northern Border, perhaps in conjunction with our Canadian partners.

With respect to measuring border security, many of the metrics used on the Southern Border, such as the number of individuals apprehended or pounds of drugs seized, are just as appropriate for the Northern Border. I hope to hear from our Government Accountability Office witness today about what their work indicates about the state of border security, and especially what metrics might be most appropriate for the Northern Border.

Finally, I look forward to hearing from the entire panel today about how the Department of Homeland Security, with support from Congress, can continue to better secure all of our Nation's borders.

I thank the witnesses for being here. I yield back the balance of my time.

[The statement of Mr. Higgins follows:]

STATEMENT OF HON. BRIAN HIGGINS

MARCH 1, 2016

Like my colleagues from Arizona and Texas, I also represent a border district, though mine is located on our Nation's border with Canada. New York's 26th Congressional District consists of portions of Erie and Niagara Counties, including the cities of Buffalo and Niagara Falls, and sits adjacent to America's maritime border with Canada along the Niagara River and the eastern shores of Lake Erie.

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Cross-border travel and the efficient flow of goods and people across the border are vital to the communities I am privileged to represent. We are fortunate to have a strong partner in border security and facilitation matters in our northern neighbor, Canada. Like most Americans, I have a keen interest in ensuring all of our Nation's borders are secure, including, of course, the Southern Border. But I will focus my comments today on our Northern Border, since our border with Canada is often somewhat forgotten in these discussions.

The nature of the threat on the Northern Border—primarily terrorists or their instruments entering the United States across the vast, open spaces of our 5,000-mile shared border with Canada—is certainly very different from the Southern Border, where the volume of undocumented crossers from Mexico dwarfs the number that enter from Canada each year.

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Similarly, U.S. Customs and Border Protection's Office of Field Operations continues to be understaffed at ports of entry based on the agency's own staffing model, which slows legitimate crossers and makes it more difficult for officials to spot the handful who may pose a concern.

The fact that our shared border with Canada includes the Great Lakes and other waterways regularly enjoyed by thousands of legitimate boaters only adds to the challenge of achieving situational awareness in the region. I hope to hear from our CBP witnesses today about how we can improve situational awareness along our Northern Border, perhaps in conjunction with our Canadian partners.

With respect to measuring border security, many of the metrics used on the Southern Border—such as the number of individuals apprehended or pounds of drugs seized—are just not as appropriate for the Northern Border.

I hope to hear from our Government Accountability Office witness today about what their work indicates about the state of border security, and especially what metrics might be most appropriate for the Northern Border. Finally, I look forward to hearing from the entire panel today about how the Department of Homeland Se-

curity, with support from Congress, can continue to better secure all of our Nation's borders.

Ms. MCSALLY. The gentleman yields. Other Members of the committee are reminded opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

MARCH 1, 2016

We are fortunate to have Members representing border districts—one on the Northern Border and one on the Southern Border—leading the discussion today. Of course, this is not a new discussion. This committee has held several hearings over the years examining DHS's efforts to improve situational awareness along our Nation's borders and develop metrics to assess the state of border security.

Achieving situational awareness of 8,000 miles of land border with Canada and Mexico, not to mention thousands more miles of maritime border, is no easy task. With the support of Congress, in recent years, DHS has deployed an unprecedented number of Border Patrol agents, new technology including cameras and radar systems, and assets such as UAVs in order to improve situational awareness. Due in large part to the vast, open spaces of America's borders, much more remains to be done.

I hope to hear from our witnesses today about where DHS has made progress on situational awareness, where the most significant gaps remain, and how we can best go about addressing them. This committee has also discussed border security metrics, and particularly how we can determine whether the Department of Homeland Security's border security efforts are working. We have seen Border Patrol shift from reporting miles of border under "operational control" to reporting apprehension data to trying to develop a Border Condition Index.

Today, the Department uses risk assessments to characterize the state of areas of the border. Measuring border security effectiveness is more complex than it may seem, in part due to differences of opinion on what constitutes "border security" in the first place. For some, border security means stopping people from crossing the Southern Border between the ports of entry.

It is that, but it is more. It also means securing our Northern Border, our maritime borders, and our air, sea, and land ports—not just from individuals entering unlawfully, but also narcotics and other contraband and, most importantly, terrorists.

We need a meaningful, workable set of metrics that offers an accurate assessment of security of all of our Nation's borders, both at and between the ports of entry. I hope to hear more from our witnesses about what the most relevant metrics might be. I am especially pleased that we are joined today by a witness from the Government Accountability Office, Ms. Rebecca Gambler. GAO has done some very important work on border security matters on behalf of this committee. I hope to hear from Ms. Gambler about what GAO's body of work indicates about the state of situational awareness and security along our borders. Indeed, I look forward to hearing from all of our witnesses about how we can continue to better secure our Nation's borders.

Ms. MCSALLY. We are pleased to be joined by three distinguished witness today to discuss this important issue.

Ronald Vitiello is the acting chief of the U.S. Border Patrol. As its chief operating officer, he is responsible for the daily operations of the U.S. Border Patrol and assists the commissioner of U.S. Customs and Border Protection in planning and directing Nation-wide enforcement. Chief Vitiello began his Border Patrol career in 1985 and has served in Swanton, Tucson, and Laredo sectors.

General Randolph Alles is the executive assistant commissioner for CBP's Office of Air and Marine, a position he has held since January 2013. In this role, Mr. Alles is charged with overseeing the AMO mission of using aviation and maritime assets to detect, interdict, and prevent acts of terrorism and unlawful movement of drugs and other contraband from entering the United States. Be-

fore joining AMO, he spent 35 years in the United States Marine Corps, retiring in 2011 as a major general.

Rebecca Gambler is director of the U.S. Government Accountability Office's Homeland Security and Justice Team, where she leads GAO's work on border security, immigration, and the Department of Homeland Security's management and transformation. Prior to joining GAO, Ms. Gambler worked at the National Endowment for Democracy's International Forum for Democratic Studies.

The witnesses' full written statements will appear in the record. The Chair now recognizes Chief Vitiello for 5 minutes to testify.

**STATEMENT OF RONALD D. VITIELLO, ACTING CHIEF, U.S. BORDER PATROL, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. VITIELLO. Thank you, Chairwoman McSally, Ranking Member Higgins, and the distinguished Members of the subcommittee, for the opportunity to testify today on behalf of the U.S. Border Patrol to discuss situational awareness and effectiveness.

Border Patrol operations along the U.S. border are constantly challenged by evolving tactics of transnational criminal organizations and individuals. To enhance our situational awareness and detect changes in threat levels and criminal flows across the border environment, the Border Patrol uses sophisticated technology and various tactics to gather information and intelligence. We collaborate with State, local, Tribal, as well as international law enforcement, intelligence, defense, and local community partners.

Thanks to the support of this subcommittee, CBP has deployed capable resources to increase our situational awareness along the Southern Border and our ability to rapidly respond as appropriate to areas of increasing risk. For example, integrated fixed towers deployed along the border in Arizona provide a long-range persistent surveillance. These tower systems automatically detect and track items of interest and provide centralized operations with video and geospatial location of suspected items of interest for identification and appropriate action.

Mobile technology, mounted on vehicles or carried by agents, is used in conjunction with fixed assets and provides the Border Patrol flexibility and agility to adapt to changing border conditions and threats. Tactical aerostats, acquired as part of the Department of Defense Reuse program, have also proven to be a vital asset in increasing CBP's situational awareness and our ability to detect, identify, and track illegal cross-border activity.

In addition to the use of surveillance technology, collaboration and information sharing with our law enforcement partners is a key component of building situational awareness and response capabilities along the Southwest Border. We work closely within CBP, especially with Air and Marine Operations, as well as multiple DHS, Federal, international, State, and local law enforcement agencies.

The Border Patrol is an active participant in the DHS Southern Border and Approaches Campaign and has a crucial role in the Joint Task Force–West, an integrated operational approach to addressing the threat of transnational criminal organizations along the Southwest Border. We also participate in regular briefings with

Federal, State, and local partners regarding the current state of the border in order to monitor emerging trends and threats.

To ensure that the Border Patrol is positioned to respond to emerging threats, the Border Patrol uses a risk-based strategy to deploy resources. Our risk assessments are formed by multiple indicators, including the interdiction effectiveness rate, which is the percent of detected illegal entrants who are apprehended or turned back after illegally entering the United States between the ports of entry.

Furthermore, in coordination with the new DHS joint requirements process, the Border Patrol uses a Capability Gap Analysis Process to conduct mission analysis and identify capability gaps in specific geographic locations.

Because of the complexity of our border security mission, there is no single metric that can measure the full scope of our security efforts. Instead, we rely on a number of significant indicators to evaluate trends and developments over time, assess our performance, and refine our operations.

Tracking total apprehensions provides us information about the volume of people attempting to cross the border illegally. However, further analysis on the individual level can and does expand our understanding of changes in illegal activity between the ports.

For example, we consider the rates of recidivism or the percentage of apprehended individuals who have crossed the board illegally multiple times. This distinction is important in understanding the threat environment. Moreover, as a measure, it informs our decisions to redeploy resources to high-risk areas and to apply appropriate consequences in order to reduce repeat activity. Other analysis considerations include how many arrested individuals have criminal records, outstanding warrants, or were arrested while smuggling people or drugs.

This analysis, in conjunction with the information obtained from fixed and mobile surveillance systems and our law enforcement partners enhances situational awareness and better enables the Border Patrol to detect, identify, classify, monitor, and appropriately respond to threats and other challenges along our U.S. borders.

Thanks again for the opportunity to appear today. I look forward to answering your questions.

[The joint prepared statement of Mr. Vitiello and Mr. Alles follows:]

JOINT PREPARED STATEMENT OF RONALD VITIELLO AND RANDOLPH D. ALLES

MARCH 1, 2016

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee. It is a pleasure to appear before you today on behalf of U.S. Customs and Border Protection (CBP) to discuss measuring effectiveness and situational awareness of the Southwest Border.

Along the more than 5,000 miles of land border with Canada and Mexico, and approximately 95,000 miles of shoreline, CBP works with our DHS, interagency, and State and local partners to secure our borders and the associated airspace and maritime approaches to prevent illegal entry of people and goods into the United States, while also facilitating lawful trade and travel.

The border environment in which CBP works is dynamic and requires adaptation to respond to emerging threats and changing conditions. We appreciate the partnership and support we have received from this subcommittee, whose commitment to

the security of the American people has enabled the continued deployment of resources and capabilities we need to secure the border.

The U.S. Border Patrol (USBP) and Air and Marine Operations (AMO), in conjunction with DHS Joint Task Force—West, have primary responsibility for the border security mission between the Nation's ports of entry (POEs) through the coordinated use of integrated assets to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and contraband toward or across the borders of the United States. CBP implements intelligence-driven counter network strategies focused on areas of greatest risk, and deploys its capabilities to adapt to emerging threats along the border.

Detecting and interdicting terrorists and their weapons will always be a focused priority. Furthermore, the illegal cross-border activities of transnational criminal organizations (TCOs) and other bad actors pose a growing threat to border security and public safety. TCOs control most cross-border trafficking of guns and illegal drugs, and there is evidence of their increased involvement with human smuggling. Using a risk-informed and intelligence-driven approach, CBP will continue to enhance our efforts to anticipate and respond to threats to our National security, ensure the safety of the U.S. public, and deter, prevent, and disrupt future illegal activities.

As the preeminent law enforcement agency responsible for safeguarding and managing America's borders, CBP develops and sustains situational awareness of current and potential threats and associated risks. Situational awareness forms the cornerstone of our approach to proactively identify and eliminate criminal and illegal activity across the Nation's air, land, and maritime borders. It is derived from CBP's comprehensive understanding of the threat environment and provides an in-depth picture of the current operating conditions within a specific region of the border environment.

Situational awareness, like the border environment, is dynamic and grows through a variety of types of information collection—obtained through intelligence and surveillance technology—and analysis in the context of other regional or National cross-border trends, especially those concerning illicit trafficking and unlawful border crossings. CBP leverages a wide range of tactics, techniques, and sophisticated technologies to enhance situational awareness and increase CBP's ability to prevent and disrupt threats in the border environment.

The border environment in which CBP operates is challenged by continuously-evolving tactics of TCOs, terrorists, and other criminals. Detecting changes in threat levels and criminal flows across the border environment requires the use of various tactics to gather information and intelligence in both low- and high-threat areas. To promote and advance situational awareness, CBP deploys sophisticated surveillance and detection technology and collaborates with domestic and international law enforcement, intelligence, defense, and local community partners.

#### ADVANCED TECHNOLOGY AND CAPABILITIES

Thanks to the support of this subcommittee, CBP has deployed capable resources to increase our situational awareness, identify changes in the border environment, and rapidly respond, as appropriate, to areas of increasing risk. The use of technology in the border environment is an invaluable force multiplier to increase situational awareness.

##### *Along U.S. Borders*

The information gleaned from fixed and mobile surveillance systems, ground sensors, imaging systems, and other advanced technologies enhances situational awareness and better enables CBP to detect, identify, classify, monitor, and appropriately respond to threats and other challenges along the U.S. borders.

The Integrated Fixed Tower (IFT) systems and Remote Video Surveillance Systems (RVSS) are fixed technology assets used in select areas along the Southwest Border. The IFT system is a series of fixed surveillance towers and equipment located in Arizona that provide long-range persistent surveillance. These tower systems automatically detect and track items of interest, and provide centralized operators with video and geospatial location of suspected items of interest for identification and appropriate action. RVSS provide short-, medium-, and long-range persistent surveillance mounted on stand-alone towers or other structures. The RVSS uses cameras, radio, and microwave transmitters to send video to a control room and enable a control room operator to remotely detect, identify, classify, and track targets using a video feed.

In some areas along the Southwest Border, CBP also uses Unattended Ground Sensors (UGS) and Imaging Sensors (IS), which contribute to improved situational awareness, agent safety, and rapid response. These sensors support our capability



to detect and identify subjects. When a ground sensor is activated, an alarm is communicated to a data decoder that translates the sensor's activation data to a centralized operations center computer system. IS are a specific type of unattended ground sensor with an integrated camera and the ability to transmit images or video back to the operations center.

Fixed-system technology increases CBP's situational awareness and the Border Patrol's ability to detect, identify, classify, and track illicit activity by providing line-of-sight surveillance to efficiently detect incursions in varying terrain. CBP integrates mobile and portable systems to address areas where rugged terrain and dense ground cover may allow adversaries to penetrate through blind spots or avoid the coverage areas of fixed systems.

Working in conjunction with fixed surveillance assets, CBP's mobile technology assets provide flexibility and agility to adapt to changing border conditions and threats along the Southwest Border. Mobile Surveillance Capability systems provide long-range mobile surveillance with a suite of radar and camera sensors mounted on USBP vehicles. Mobile Video Surveillance Systems provide short- and medium-range mobile surveillance equipment mounted on telescoping masts via camera sensors mounted on USBP vehicles. Another system, the Agent Portable Surveillance System (APSS), does not need to be mounted to a vehicle. These current generation assets provide medium-range mobile surveillance mounted on a tripod and transported by three or more agents. Two agents remain on-site, one to operate the system, which automatically detects and tracks items of interest and provides the agent/operator with data and video of selected items of interest. Next generation APSS options are being explored.

These technologies not only provide significant security benefits and multiply the capabilities of law enforcement personnel to detect, identify, and respond to suspicious activity, but they also enhance public safety along the border. Mobile surveillance technology systems enable agents to position the technology where it is needed at a specific moment, extend our observational capabilities—in this case, by helping see through the darkness and increasing the accuracy and speed of our response.

CBP's Tactical Aerostats and Re-locatable Towers program, originally part of the Department of Defense (DoD) Reuse program, uses a mix of aerostats, towers, cameras, and radars to provide USBP with increased situational awareness through an advanced surveillance capability over a wide area. This capability has proven to be a vital asset in increasing CBP's ability to detect, identify, classify, and track activity. As of December 2015, USBP agents seized 122 tons of narcotics and conducted over 50,000 apprehensions of illegal border crossers with the assistance of existing aerostats and towers.

Technology is critical to border security operations. Through the deployment of these complementary and effective fixed and mobile systems, CBP gains more coverage and situational awareness of surveillance gaps, and increases its ability to adapt to changing conditions to effectively detect, identify, classify, track, and interdict potential threats along the borders.

#### *From the Air and the Sea*

AMO increases CBP's situational awareness, enhances its detection and interdiction capabilities, and extends our border security zones, offering greater capacity to stop threats prior to reaching the Nation's shores. Through the use of coordinated and integrated air and marine capabilities—including fixed- and rotary-wing aircraft, unmanned aircraft systems (UAS), tethered aerostats and patrol and interdiction vessels—AMO detects, interdicts, and prevents acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across U.S. borders. AMO conducts critical aerial and maritime surveillance, interdiction, investigation, and multi-domain awareness law enforcement operations, in addition to providing assistance to ground personnel.

AMO's fleet of aerial assets provides critical surveillance and situational awareness across the Nation's land borders, in the littoral waters, in the maritime approaches to the United States, and in the international source and transit zones.

AMO P-3 Long-Range Trackers and Airborne Early Warning Aircraft provide detection and interdiction capability in both the air and marine environments. Sophisticated sensors and high-endurance capability greatly increase CBP's range to counter illicit trafficking. P-3s are an integral part of the successful counter-narcotic missions operating in coordination with Joint Interagency Task Force (JIATF)—South. P-3s patrol in a 42 million-square-mile area that includes more than 41 nations, the Pacific Ocean, Gulf of Mexico, Caribbean Sea, and maritime approaches to the United States.

Additionally, UAS are increasingly instrumental in CBP's layered and integrated approach to border security. AMO has deployed 6 UAS along the Southwest Border

to detect, identify, and classify moving tracks of interest over land and sea. Four of these aircraft have Vehicle and Dismount Exploitation Radar (VADER) capability, which is a side-looking airborne radar that detects illegal border crossers and relays their positions to field agents, while simultaneously capturing terrain change detection information across larger stretches of the border. UAS are also used to meet surveillance and other mission requirements along the Northern borders and in the drug source and transit zones. During fiscal year 2015, CBP's VADER-equipped UAS recorded 9,371 detections of illegal activity.

Multi-Role Enforcement Aircraft (MEA) have a multi-mode radar for use over water and land, an electro-optical/infrared camera system, and a satellite communications system. This highly adaptable and capable aircraft replaces several older, single-mission assets. An equally important and more capable asset is the DHC-8 Maritime Patrol Aircraft (MPA). It bridges the gap between the longer range P-3s and UAS and the smaller MEA. The DHC-8 is an invaluable situational awareness platform for AMO in the Gulf of Mexico and the Caribbean.

AMO uses the Tethered Aerostat Radar System (TARS) to provide land, maritime, and aerial domain awareness, including detection of low-altitude aircraft and other potential threats. CBP assumed responsibility of TARS from the U.S. Air Force in 2013, providing radar detection and monitoring of low-altitude aircraft and surface vessels along the U.S.-Mexico border, the Florida Straits, and a portion of the Caribbean. With 8 aerostat sites—6 along the Southwest Border, one in the Florida Keys, and one in Puerto Rico—the TARS elevated sensor mitigates the effect of the curvature of the earth and terrain-masking limitations associated with ground-based radars, enabling maximum long-range radar detection. In fiscal year 2014 and fiscal year 2015 combined, TARS recorded nearly 1,000 suspected cross-border attempts of non-commercial aircraft, about 50 percent of all border-related radar detections in the air domain.

Some of the most important advancements in increasing CBP's situational awareness are in the area of data integration and exploitation. Downlink technology, paired with the BigPipe system, allows AMO to provide a video feed and situational awareness to its law enforcement partners in real time. In addition, the Minotaur mission integration system allows multiple aircraft to share information from multiple sources, providing a never-before-seen level of air, land, and sea domain awareness. As the Minotaur system evolves across the fleet, it will provide increased awareness for a greater number of users as the information is integrated into the Air and Marine Operations Center (AMOC).

A vital component of DHS's domain awareness capabilities, CBP's AMOC integrates the surveillance and law enforcement data capabilities of DHS's Federal and international partners. CBP agents assigned to AMOC serve to correlate information from USBP technology with AMOC's systems to close the gaps in situational awareness. This combined effort has contributed to a reduction in the ultra-light aircraft activity on the Southwest Border. Fiscal year 2015 suspect activity has decreased to 59 events from a high of 332 in fiscal year 2010. Office of Field Operations (OFO) officers from the National Targeting Center imbedded at AMOC use their tools to close the seam between commercial and general aviation suspect activity. Overall, AMOC evaluated almost 500,000 internal air tracks in fiscal year 2015 with a 99.99 percent successful resolution rate. AMOC has integrated DoD and FAA sensors into the CBP network to expand our awareness well beyond the U.S. air and maritime borders. The stemming of the panga-type boat threats on the West Coast is attributed to the whole of DHS (CBP, U.S. Coast Guard, and U.S. Immigration and Customs Enforcement/Homeland Security Investigations) coordinated efforts with Mexican partners facilitated through this integration and collaboration.

Coordinating with extensive law enforcement and intelligence databases, including Classified systems and communication networks, AMOC enhances our situational awareness and uses its capability to coordinate a law enforcement response to suspect activity in the air, maritime, and land domains. AMOC systems are connected to nearly 150 locations in various agencies to enable collaboration. For example, in fiscal year 15 AMOC coordinated over 400 Mexican responses to illicit air traffic preventing it from crossing our borders.

CBP uses tactics such as periodic reconnaissance patrols, sign-cutting, tracking, and UAS flights to understand the threats faced along the Nation's borders and in the approaches. For example, CBP uses change-detection capabilities in various ways to gather information and intelligence in low-threat areas. Change-detection capabilities increase the level of situational awareness in all areas, including those areas currently assessed as lower risk. This allows CBP to continue focusing resources in areas where the highest risk exists, but to quickly identify any emerging threat adaptation through information and intelligence and take appropriate steps to rapidly minimize any new risk.

CBP's continued deployment of fixed and mobile border surveillance technology, integrated with AMOC's enhanced domain awareness capabilities, allows CBP the flexibility to shift more officers and agents from detection duties to the interdiction of illegal activities on our borders. Additionally, CBP is looking to the future by working closely with the DHS Science & Technology Directorate to identify and develop additional technologies to improve our situational awareness, surveillance, and detection capabilities along our land and maritime borders.

#### INTELLIGENCE AND INFORMATION SHARING

Criminal intelligence sharing is a key component in building situational awareness efforts along the Southwest Border. CBP and participating component agencies contribute to several initiatives to improve the combined intelligence capabilities of Federal, State, local, Tribal, and international partners along the Southwest Border.

CBP hosts a monthly briefing/teleconference with State and local partners in order to monitor emerging trends and threats along the Southwest Border and provide a cross-component, multi-agency venue for discussing trends and threats. The weekly briefing focuses on narcotics, weapons, currency interdictions and alien apprehensions both at and between the Southwest Border. These briefings/teleconferences currently include participants from: DHS Joint Task Force West, ICE; USCG; Drug Enforcement Administration; Federal Bureau of Investigation; U.S. Northern Command; Joint Interagency Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Attorneys' Offices; Naval Investigative Command; State Fusion Centers; and local law enforcement as appropriate.

#### OPERATIONAL COORDINATION

Secretary Johnson's Unity of Effort initiative has put in place new and strengthened management processes at DHS headquarters to enable more effective DHS component operations. In addition, DHS-wide border security activities are being strategically guided by the Southern Border and Approaches Campaign. Aimed at leveraging the range of unique Department roles, responsibilities, and capabilities, the Campaign enhances our operational approach to working together in a more unified way to address comprehensive threat environments. This cross-component strategy includes the development of 3 pilot DHS Joint Task Forces (JTF)—JTF-West, JTF-East, and JTF-Investigations.

The creation of the JTFs, unified joint task forces along the Southwest Border and in the approaches to the United States, increases information sharing with Federal, State, and local law enforcement agencies; improves situational awareness, border-wide criminal intelligence-led interdiction operations; and addresses transnational threats and associated violence.

Over the last 10 years, DHS has significantly increased its border security capabilities by adding thousands of front-line law enforcement personnel, and making substantial investments in infrastructure, situational awareness, and surveillance technology, strategically deployed to areas of increasing challenge. This shift in border security resources and overall border security management is responsible for the significant decrease in the illegal flow of people across the Southwest Border over the last 10 years.

USBP and AMO use a risk-based strategy to deploy resources and address emerging threats. In coordination with the new DHS joint requirements process, USBP uses the Capability Gap Analysis Process (CGAP) to conduct mission analysis and identify capability gaps. From this analysis, USBP performs follow-on planning to identify operational requirements over the short-, mid-, and long-term and to identify potential solutions, which may (or may not) include technology, tactical infrastructure, or other solutions depending on the nature, scope, severity, and geographic location of a given capability gap. Terrain, threat, and other considerations vary greatly across sectors and regions, making a "one size fits all" approach ineffective. The AMO CGAP process is in the developmental stage at this time. Once completed, it will interface with USBP processes to further identify aviation technology solutions targeting border security initiatives.

As conditions on the ground or in the approaches change, CBP will adjust its operational posture and will continue to invest and focus border security resources in the most effective and efficient way possible to meet the Nation's border security needs.

#### INDICATORS OF SUCCESS

Thanks to this subcommittee's support, the Nation's long-term investment in border security continues to produce significant and positive results. Border Patrol apprehensions—an indicator of illegal entries—totaled 337,117 Nation-wide in fiscal

year 2015, compared to 486,651 in fiscal year 2014. This represents a 30 percent decline in the last year and almost 80 percent below its most recent peak in fiscal year 2000. CBP Officers and Agents also played a critical counter-narcotics role, resulting in the seizure or disruption of more than 3.3 million pounds of narcotics in fiscal year 2015. In addition, the agency seized more than \$129 million in unreported currency through integrated counter network operations. In fiscal year 2015, AMO contributed to the arrest of 4,485 suspects, the apprehension of more than 51,130 individuals, and the interdiction of more than 213,000 pounds of cocaine.

USBP uses the Consequence Delivery System (CDS) on the Southwest Border as a means to standardize decision making in the application of consequences and examines the efficiency and effectiveness of individual consequences on various types of deportable aliens. Recidivism and the average number of apprehensions per recidivist are the strongest indicators of CDS effectiveness. Since CDS implementation in fiscal year 2011, the annually reported recidivism rate has decreased from an average of 27 percent to 14 percent in fiscal year 2015 and average apprehensions per recidivist decreased from 2.71 to 2.38 in fiscal year 2015. Contributing factors to the reduction included reducing the percent of apprehensions resulting in a Voluntary Return, the least effective and efficient consequence, from 59 percent in fiscal year 2010 to 4 percent in fiscal year 2015; and applying more effective and efficient consequences to illegal aliens with a higher probability of making subsequent illegal entries.

CBP reports on several performance measures, in accordance with the Government Performance and Results (GRPA) Act of 1993 and the 2010 GPRA Modernization Act, and we are committed to the on-going monitoring and reporting of program accomplishments and progress toward meeting mission goals. AMO reports annually on a GPRA metric that tracks the percent of detected conventional aircraft incursions resolved along all borders of the United States. In fiscal year 2015, AMO reported a 99.3 percent border security success rate for this metric.

CBP recognizes the need for relevant performance measures to verify the effectiveness of our operations and assets. However, due to the sheer size of the air, land, and sea borders, and the motivation of individuals to illegally enter the United States, challenges still exist to measure our success. Furthermore, as border security operations become increasingly integrated, the ability to quantify individual contributions to shared outcomes becomes increasingly complex. AMO and USBP will continue to collaborate with internal and external partners to enhance current metrics, and develop new metrics, that provide meaningful outcome-focused measurements of illegal activity, trends, and effectiveness. We look forward to sharing these efforts with this subcommittee in the future.

#### CONCLUSION

To fully implement the risk-informed, counter network/intelligence-driven operations that focus our capabilities against the highest threats, CBP continually evaluates its effectiveness and enhances situational awareness and adjusts its resources as required.

The continued deployment of sophisticated fixed and mobile surveillance systems, in conjunction with intelligence and operational integration, enhances situational awareness and better enables CBP to plan effectively, enhance its agility, and appropriately respond to threats in the Nation's border regions and approaches to secure the homeland.

Chairwoman McSally, Ranking Member Vela, thank you for the opportunity to testify today. We look forward to your questions.

Ms. MCSALLY. Thank you, Chief Vitiello.

The Chair now recognizes General Alles for 5 minutes.

#### **STATEMENT OF MAJ. GEN. RANDOLPH D. "TEX" ALLES, (RET.-USMC), EXECUTIVE ASSISTANT COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. ALLES. Good morning, Chairman McSally and Ranking Member Higgins and distinguished Members of the subcommittee. It is an honor to appear before you today to discuss the role of the U.S. Customs and Border Protection's Air and Marine Operations.

AMO is participating in the securing of our Nation's borders. We are a critical component of CBP's border security mission. We se-

cure our Nation from transnational threats, including terrorism, weapons and drug smuggling, and other illicit activities to our 4 core competencies—interdiction, investigation, domain awareness, and contingencies in National taskings. Based at our 74 locations Nation-wide, AMO detects and interdicts the unlawful movement of people, illegal drugs, and contraband toward and across the air border and the maritime approaches and within the Nation's interior.

Our greatest asset is our people, from front-line to support personnel. Of note is our cadre of experienced agents. Our air and marine agents average 17 years of experience; 63 percent are military veterans. I am sure the entire committee can understand the importance of experienced pilots. But the Chairman, I think, as an aviator, you, in particular, will appreciate that our air interdiction agents average over 5,000 hours of total flight time.

These agents are trained and empowered to conduct investigations, serve warrants, and make arrests under a broad range of authorities. They operate a fleet of specially-equipped aircraft, marine patrol and interdiction vessels, and an array of advanced surveillance technologies.

Much of our effort is aimed toward border security. We flew the majority of our flight hours in fiscal year 2015 in close partnership with the U.S. Border Patrol.

We are having an impact. For instance, as we increased our flight hours in Arizona over the last 3 years, we have seen a corresponding decrease in apprehensions. Across our entire program, AMO contributed to more than 4,000 arrests, 50,000 apprehensions, the interdiction of 230,000 pounds of cocaine, and the seizure of \$49 million in fiscal year 2015.

We also participate in joint operations with a variety of Federal partners. It includes the Coast Guard, the United State Navy. We conduct counternarcotic operations in the southeast coastal and source and transit zones of Central and South America.

We are the leading provider of airborne detection and monitoring to the Joint Interagency Task Force–South, based out of Key West. We also provide direct assistance to partner nations with shared interest in border security, most notably Mexico and Canada.

AMO has been extensively involved in planning and development of all three of the DHS Southern Border and Approaches Campaign JTF, Joint Task Force. In particular, AMO holds a deputy director's position with Joint Task Force–East in Portsmouth, Virginia, which is responsible for the southeast maritime approaches to the United States.

Air and Marine agents also bring their unique skill sets and knowledge of the air and maritime environment to various regional task forces, such as ICE-led Border Enforcement Security Task Force, more commonly called BEST. AMO operates the Air and Marine Operations Center in Riverside, California, a state-of-the-art law enforcement domain awareness center. AMOC uses advanced surveillance systems and intelligence databases to detect threats to the homeland and coordinate their interdiction. In fiscal year 2015, AMOC evaluated almost half a million air tracks with a 99.99 successful resolution rate.

Over the last 10 years, AMO has aligned and deployed our limited resources in response to regional illegal activity with the focus

on increasing effectiveness. Our approach is not only informed by analysis of trends in illegal activity, but also an assessment of our assets' effectiveness and rate of return. This method informs our effective use of personnel in our diverse mission sets. Implementing this concept is critical to the effective use of resources Congress and the American people have come to expect from Air and Marine Operations.

Moving forward, we will continue to work with our partners to enhance our detection, investigation, and interdiction capabilities to address emerging threats and to protect American security interests along the Nation's borders in source and transit zones, in our customs waters, and within the Nation's interior.

Chairman McSally, Ranking Member Higgins, and distinguished Members of the subcommittee, thank you for this opportunity to testify today. I look forward to answering your questions.

Ms. MCSALLY. Thank you, General Alles.

The Chair now recognizes Ms. Gambler for 5 minutes.

**STATEMENT OF REBECCA GAMBLER, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. GAMBLER. Good morning, Chairman McSally, Ranking Member Higgins, and Members of the subcommittee. I appreciate the opportunity to testify at today's hearing to discuss GAO's work on Department of Homeland Security actions to deploy resources and measure progress in its efforts to secure U.S. borders.

Today, I will focus my remarks on 2 key areas in which GAO has assessed DHS's efforts to secure our Nation's borders. First, I will highlight our work reviewing DHS efforts to deploy resources to the Southwest Border and to measure the effectiveness of those resources. Second, I will discuss GAO's work reviewing DHS performance measures for achieving situational awareness and border security.

With regard to my first point, DHS has deployed agents in a variety of technological, tactical, and other resources to the Southwest Border. For example, between fiscal years 2004 and 2015, Border Patrol increased the number of agents on the Southwest Border from about 9,000 to over 17,000. CBP has also made progress toward deploying programs under the Arizona Border Surveillance Technology Plan, including fixed and mobile surveillance systems, agent portable devices, and ground sensors, and these technologies have aided CBP's border security efforts.

While these resource deployments have been positive, CBP could do more to strengthen its management of Southwest Border security resources and better assess the contributions of these resources to border security efforts. For example, CBP has identified the mission benefits of surveillance technologies, such as improved situational awareness and agent safety. CBP has already begun requiring Border Patrol to record data within its database on whether or not an asset, such as a camera, assisted in an apprehension or seizure.

These are positive steps toward helping CBP assess the contributions of its surveillance technologies to border security. However, CBP needs to develop and implement performance measures and

analyze data it is now collecting to be able to fully assess the contributions of its technologies to border security.

Further, with regard to air and marine assets, in 2012 we reported that Air and Marine Operations could better ensure that its mix and placement of assets were effective and efficient by, for example, more clearly linking deployment decisions to mission needs and threats, documenting analyses used to support decisions on the mix and placement of assets, and considering how deployments of border technology affect requirements for air and marine assets at cross locations. We found that these steps were needed to help CBP better determine the extent to which its allocation decisions were effective in addressing customer needs and threats.

With regard to my second point, Border Patrol has not yet fully developed goals and measures for assessing efforts and identifying resource needs to secure the border. Through fiscal year 2010, DHS's goal and measure for border security was operational control, defined as the ability to detect, respond to, and address cross-border illegal activity across all U.S. border miles.

After this time, DHS transitioned to using the number of apprehensions on the Southwest Border between ports of entry as an interim performance goal and measure. We previously reported that this measure provided some useful information but did not position the Department to be able to report on how effective its efforts were at securing the border, resulting in reduced oversight and accountability.

DHS has discontinued use of these measures and has begun using other measures, such as the rate of recidivism and the rate of effectiveness in responding to illegal activity. The Border Patrol is also in the process of developing other goals and measures. However, it has not yet set target time frames for completing its efforts across all borders, as we have recommended.

While DHS is working to address our recommendations, until new goals and measures are in place, it is unknown the extent to which they will address our past findings and provide DHS and Congress with information to more fully assess CBP's efforts to secure the border between ports of entry.

In closing, our work has identified opportunities for DHS to strengthen its border security programs and efforts. We have made a number of recommendations to the Department to address various challenges and to enhance management and oversight of border security-related efforts. DHS has generally agreed with our recommendations and is taking action to address them, and we will continue to monitor DHS's efforts in these areas.

This concludes my oral statement, and I am pleased to answer any questions members have.

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

MARCH 1, 2016

GAO HIGHLIGHTS

Highlights of GAO-16-465T, a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives.

*Why GAO Did This Study*

The Southwest Border continues to be vulnerable to cross-border illegal activity, with DHS apprehending over 331,000 illegal entrants, and making over 14,000 seizures of drugs in fiscal year 2015. DHS has employed a variety of resources to help secure the border, including personnel, technology—such as cameras and sensors, tactical infrastructure—such as fencing and roads, and air and marine assets.

This statement discusses: (1) DHS efforts to deploy resources on the Southwest Border and measure the effectiveness of these resources in securing the border, and (2) DHS efforts to develop performance goals and measures for achieving situational awareness and border security. This statement is based on GAO reports and testimonies issued from September 2009 through May 2015, with selected updates through February 2016 on DHS enforcement efforts and actions to address prior GAO recommendations. To conduct the updates, GAO interviewed agency officials and reviewed related documentation.

*What GAO Recommends*

GAO previously made recommendations for DHS to, among other things, (1) strengthen its management of technology plans and programs and (2) establish milestones and time frames for the development of border security goals and measures. DHS generally agreed and has actions underway to address the recommendations.

SOUTHWEST BORDER SECURITY.—ADDITIONAL ACTIONS NEEDED TO ASSESS RESOURCE DEPLOYMENT AND PROGRESS

*What GAO Found*

U.S. Customs and Border Protection (CBP), within the Department of Homeland Security (DHS), has taken action to deploy various resources—including agents and technology—along the Southwest Border and assess those resources' contributions to border security. For example, in December 2012, GAO reported that CBP's Border Patrol scheduled agents for deployment differently across Southwest Border locations, and although in most locations less than half of Border Patrol apprehensions were made within 5 miles of the border in fiscal year 2011, Border Patrol had moved overall enforcement efforts closer to the border since the prior fiscal year. GAO also reported in December 2012, that Border Patrol tracked changes in the effectiveness rate for response to illegal activity across border locations to determine if the appropriate mix and placement of personnel and assets were deployed and used effectively, and took steps to improve the data quality issues that had precluded comparing performance results across locations at the time of GAO's review. For example, Border Patrol issued guidance in September 2012 for collecting and reporting data with a more standardized and consistent approach. DHS has reported the effectiveness rate as a performance measure in its fiscal year 2015–2017 Annual Performance Report.

Further, in March 2014, GAO reported that CBP had made progress in deploying programs under the Arizona Border Surveillance Technology Plan, but that CBP could strengthen its management and assessment of the plan's programs. GAO reported that while CBP had identified mission benefits of technologies to be deployed under the plan, the agency had not developed key attributes for performance metrics to identify the technologies' individual and collective contribution, as GAO had recommended in 2011. GAO also reported in 2014 that CBP officials stated that baselines for each performance measure would be developed and that by the end of fiscal year 2016, CBP would establish a tool to explain the impact of technology and infrastructure on situational awareness in the border environment. CBP should complete these actions in order to fully assess its progress in implementing the plan and determine when mission benefits have been fully realized.

In December 2012, GAO reported on Border Patrol's efforts to develop performance goals and measures for assessing the progress of efforts to secure the border between ports of entry and informing the identification and allocation of border security resources. GAO reported that DHS had transitioned from a goal and measure related to the capability to detect, respond to, and address cross-border illegal activity to an interim performance goal and measure of apprehensions between the land border ports of entry beginning fiscal year 2011. GAO reported that this interim goal and measure did not inform program results or resource identification and allocation decisions, limiting DHS and Congressional oversight and accountability. DHS concurred with GAO's recommendation that CBP develop milestones and time frames for the development of border security goals and measures and Border Patrol works to define a new overarching performance goal for achieving a low-risk border



and develop associated performance measures. CBP should complete these actions in order to fully assess its capabilities and progress to secure the border.

Chairman McCally, Ranking Member Vela, and Members of the subcommittee: I am pleased to be here today to discuss our past work reviewing actions taken by the Department of Homeland Security (DHS) to deploy resources at the Southwest Border, and the extent that DHS measures the effectiveness of these deployed resources to improve situational awareness and achieve a more secure border. The Southwest Border continues to be vulnerable to cross-border illegal activity, and DHS reported apprehending over 331,000 illegal entrants and making over 14,000 seizures of drugs in fiscal year 2015.

The U.S. Border Patrol (Border Patrol), within DHS's U.S. Customs and Border Protection (CBP), is the Federal agency with primary responsibility for securing the border between the U.S. ports of entry.<sup>1</sup> CBP has divided geographic responsibility for the Southwest Border among 9 Border Patrol sectors.<sup>2</sup> Border Patrol's 2004 National Border Patrol Strategy (2004 Strategy), developed following the terrorist attacks of September 11, 2001, was designed to facilitate the build-up and deployment of border resources to ensure the agency had the right mix of personnel, technology—such as cameras and sensors, and tactical infrastructure—such as fencing, roads, and lighting and to deploy those resources in a layered approach at the immediate border and in other areas distant from the border. Since fiscal year 2004, the first full fiscal year DHS was in operation, the number of agents assigned to patrol U.S. Southwest land borders increased from about 9,500 to about 17,500 agents near the end of fiscal year 2015.<sup>3</sup> In addition to personnel, DHS has employed a variety of technology, tactical infrastructure, and air and marine assets to assist with its efforts to secure the border. For example, in November 2005, DHS announced the launch of the Secure Border Initiative (SBI) program, which was responsible for developing a comprehensive border protection system using technology, known as the Secure Border Initiative Network (SBInet), and tactical infrastructure along the Southwest Border to deter smugglers and aliens attempting to illegally cross the border. In January 2011, in response to internal and external assessments that identified concerns regarding the performance, cost, and schedule for implementing the systems, the Secretary of Homeland Security announced the cancellation of further procurements of SBInet systems. After the cancellation of SBInet, under which CBP deployed surveillance systems along 53 of the 387 miles of the Arizona border with Mexico, CBP developed the Arizona Border Surveillance Technology Plan (the Plan) in January 2011, which includes a mix of radars, sensors, and cameras to help provide security for the remainder of the Arizona border. Moreover, we reported in 2011 that DHS continued to deploy other tactical infrastructure along the Southwest Border, and CBP's Air and Marine Operations (AMO)—formerly known as the Office of Air and Marine—operates a fleet of air and marine assets in support of Federal border security efforts.

Through fiscal year 2010, these resources were used to support DHS's goal to achieve "operational control" of the Nation's borders by reducing cross-border illegal activity. The extent of operational control—also referred to as effective control—was defined as the number of border miles where Border Patrol had the capability to detect, respond to, and interdict cross-border illegal activity. In May 2012, Border Patrol issued the 2012–2016 Border Patrol Strategic Plan (2012–2016 Strategic Plan), stating that the build-up of its resource base and the operations conducted over the past 2 decades would enable the Border Patrol to focus on mitigating risk rather than further increasing resources to secure the border. This new strategic plan, with a goal to achieve a low-risk border, emphasized using intelligence information to inform risk relative to threats of cross-border terrorism, drug smuggling, and illegal migration across locations; integrating border security operations with those of other law enforcement partners; and developing rapid response capabilities to deploy the resources appropriate to changes in threat.

Over the years, we have reported on the progress and challenges DHS faces in implementing its border security efforts. My statement discusses our key findings in the areas of: (1) DHS efforts to deploy agents, technology, tactical infrastructure,

<sup>1</sup>Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws, and where a person may apply for admission into the United States pursuant to U.S. immigration law.

<sup>2</sup>Each of the 9 Border Patrol sectors has a headquarters with management personnel and these sectors are further divided geographically into varying numbers of stations, with agents assigned to patrol-defined geographic areas.

<sup>3</sup>Border Patrol reported agent staffing statistics for on-board personnel as of September 19, 2015.

and air and marine assets on the Southwest Border and measure the effectiveness of these resources in securing the border, and (2) DHS performance measures for achieving situational awareness and border security.

My statement today is based on reports and testimonies we issued from September 2009 through May 2015 that examined DHS efforts to enhance border security and assess the effectiveness of its border security operations on the Southwest Border (see Related GAO Products at the end of this statement). It also includes selected updates we conducted through February 2016 on DHS enforcement efforts and actions to address our previous recommendations. Our reports and testimonies, as well as the selected updates, incorporated information we obtained by examining CBP's management of resources; analyzing Border Patrol planning and operational assessment documents; reviewing DHS's processes for measuring security at the Southwest Border; and interviewing relevant DHS officials. More detailed information about our scope and methodology can be found in our reports and testimonies. We conducted all of this work in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

CBP HAS DEPLOYED RESOURCES TO SECURE THE SOUTHWEST BORDER, BUT ADDITIONAL ACTIONS ARE NEEDED TO MEASURE THEIR EFFECTIVENESS

*Border Patrol Scheduled Agents Differently Across Sectors and Enforcement Activities, and Took Steps to Improve Data Measuring Overall Effectiveness*

In December 2012, we reported on Border Patrol's evolving approach for deploying agents along the Southwest Border.<sup>4</sup> In that report we found that Border Patrol's 2004 Strategy provided for increasing resources and deploying these resources using an approach that provided for several layers of Border Patrol agents at the immediate border and in other areas 100 miles or more away from the border (referred to as defense in depth). According to the CBP officials we interviewed for our report, as resources increased, Border Patrol sought to move enforcement closer to the border over time to better position the agency to ensure the arrest of those trying to enter the country illegally. Additionally, headquarters and field officials said station supervisors determined: (1) Whether to deploy agents in border zones or interior zones, and (2) the types of enforcement or nonenforcement activities agents were to perform.<sup>5</sup> Similarly, Border Patrol officials from the 5 sectors we visited stated that they used similar factors in making deployment decisions, such as intelligence showing the presence of threat across locations, the nature of the threat, and environmental factors including terrain and weather.

We reported in December 2012 on Border Patrol data from fiscal year 2011 that showed how agent workdays were scheduled and found differences across sectors in the percentage of agent workdays scheduled for border zones and interior zones and across enforcement and nonenforcement activities. Specifically, we found that while Tucson sector scheduled 43 percent of agent workdays to border zones in fiscal year 2011, agent workdays scheduled for border zones by other Southwest Border sectors ranged from 26 percent in the Yuma sector to 53 percent in the El Centro sector. Our analysis of agents deployed for enforcement compared to nonenforcement activities ranged from 66 percent for Yuma sector to 81 percent in Big Bend sector.

Border Patrol officials we interviewed attributed the variation in scheduling border zone deployment in fiscal year 2011 to differences in geographical factors among the Southwest Border sectors—such as varying topography, ingress and egress routes, and land access issues, and structural factors such as technology and infrastructure deployments—and stated that these factors affect how sectors operate and may preclude closer deployment to the border. Additionally, we found that many Southwest Border sectors have interior stations that are responsible for operations at some distance from the border, such as at interior checkpoints generally located 25 miles or more from the border, which could have affected their percentage of agent workdays scheduled for border zones. We have planned work to assess Border

<sup>4</sup> GAO, *Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*, GAO-13-25 (Washington, DC: Dec. 2012).

<sup>5</sup> Within the Border Patrol station areas, "border zones" are those with land directly on the U.S.-Mexico border, and "interior zones" are without international border miles. Enforcement activities include, for example, patrolling the border and traffic checks, while nonenforcement activities include, for example, remote-video surveillance, facility maintenance, and training.

Patrol deployment and management of agents across the Southwest Border beginning later this year.

We also reported in December 2012 that Border Patrol sector management used changes in various data over time to help inform assessment of its efforts to secure the border against the threats of illegal migration, smuggling of drugs and other contraband, and terrorism. These data showed changes in the: (1) Percentage of estimated known illegal entrants who are apprehended, (2) number of seizures of drugs and other contraband, and (3) number of apprehensions of persons from countries at an increased risk of sponsoring terrorism.<sup>6</sup> In addition, apprehension and seizure data could be analyzed in terms of where they occurred relative to distance from the border as an indicator of progress in Border Patrol enforcement efforts. Border Patrol officials at sectors we visited, and our review of fiscal years 2010 and 2012 sector operational assessments, indicated that sectors historically used these types of data to inform tactical deployment of personnel and technology to address cross-border threats. Our analysis showed that in most Southwest Border sectors less than half of Border Patrol's apprehensions and seizures were made within 5 miles of the border in fiscal year 2011. In Tucson sector, for example, 47 percent of Border Patrol's apprehensions of illegal entrants, 38 percent of the drugs and contraband seizures, and 8 percent of the apprehensions of aliens from special interest countries were within 5 miles of the border. However, our analysis also showed that Border Patrol had moved overall enforcement efforts closer to the border since the prior fiscal year.

Further, we reported that Border Patrol sectors and stations tracked changes in their overall effectiveness as a tool to determine if the appropriate mix and placement of personnel and assets were being deployed and used effectively and efficiently, according to officials from Border Patrol headquarters. Border Patrol calculated an overall effectiveness rate using a formula in which it added the number of apprehensions and "turn backs" in a specific sector and divided this total by the total estimated known illegal entries—determined by adding the number of apprehensions, turn backs, and "got aways" for the sector.<sup>7</sup> Border Patrol views its border security efforts as increasing in effectiveness if the number of turn backs as a percentage of estimated known illegal entries has increased and the number of got-aways as a percentage of estimated known illegal entries has decreased. In our December 2012 report, we analyzed apprehension, turn back, and got-away data from fiscal years 2006 through 2011 for the Tucson sector and found that while apprehensions remained fairly constant at about 60 percent of estimated known illegal entries, the percentage of reported turn backs increased from about 5 percent to about 23 percent, while the percentage of reported got-aways decreased from about 33 percent to about 13 percent. As a result of these changes in the mix of turn backs and got-aways, our analysis of Border Patrol data using Border Patrol methodology for our report showed that the enforcement effort, or the overall effectiveness rate for Tucson sector, improved 20 percentage points from fiscal year 2006 to fiscal year 2011, from 67 percent to 87 percent. Border Patrol data showed that the effectiveness rate for eight of the 9 sectors on the Southwest Border also improved from fiscal years 2006 through 2011, using Border Patrol methodology.

At the time of our review in 2012, Border Patrol headquarters officials said that differences in how sectors defined, collected, and reported turn back and got-away data used to calculate the overall effectiveness rate precluded comparing performance results across sectors. They stated that each Border Patrol sector decided how it would collect and report turn back and got-away data, and as a result, practices for collecting and reporting the data varied across sectors and stations based on differences in agent experience and judgment, resources, and terrain. The ability to obtain accurate or consistent data using these identification sources depends on various factors, such as terrain and weather, according to Border Patrol officials. As a result of these data limitations, Border Patrol headquarters officials said that while they considered turn back and got-away data sufficiently reliable to assess each sector's progress toward border security and to inform sector decisions regarding resource deployment, they did not consider the data sufficiently reliable to compare—or externally report—results across sectors at the time we issued our report in December 2012.

<sup>6</sup>These data also included the percentage of estimated known illegal entrants who are apprehended more than once (repeat offenders).

<sup>7</sup>Border Patrol defines estimated illegal entries as the total number of deportable aliens who were apprehended, in addition to the number of entrants who illegally crossed the border but were not apprehended either because they crossed back to Mexico—"turn backs"—or continued traveling to the U.S. interior and Border Patrol was no longer actively pursuing them—"got-aways."

Border Patrol headquarters officials issued guidance in September 2012 to provide a more consistent, standardized approach for the collection and reporting of turn back and got-away data by Border Patrol sectors. As we reported in 2012, Border Patrol officials expected that once the guidance was implemented, data reliability would improve. Since that time, DHS has reported the effectiveness rate in its fiscal year 2015–2017 Annual Performance Report as a performance measure and method to publicly report results of its border security efforts on the Southwest Border.

*CBP Has Not Yet Fully Applied Performance Metrics or Assessed the Contributions of its Deployed Surveillance Technologies and Fencing*

In March 2014 and April 2015, we reported that CBP had made progress in deploying programs under the Arizona Border Surveillance Technology Plan, but that CBP could take additional action to strengthen its management of the Plan and its various programs.<sup>8</sup> The Plan's acquisition programs include fixed and mobile surveillance systems, agent portable devices, and ground sensors. Specifically, we reported in March 2014 that CBP had identified the mission benefits of its surveillance technologies, as we recommended in November 2011.<sup>9</sup> CBP had identified mission benefits of surveillance technologies to be deployed under the Plan, such as improved situational awareness and agent safety. However, we also reported that the agency had not developed key attributes for performance metrics for all surveillance technology to be deployed as part of the Plan, as we recommended in November 2011. As of May 2015, CBP had identified a set of potential key attributes for performance metrics for all technologies to be deployed under the Plan; however, CBP officials stated that this set of measures was under review as the agency continued to refine the measures to better inform the nature of the contributions and impacts of surveillance technology on its border security mission.<sup>10</sup> While CBP had yet to apply these measures, CBP had established a time line for developing performance measures for each technology. In November 2014, CBP officials stated that baselines for each performance measure were to be developed, at which time the agency was to begin using the data to evaluate the individual and collective contributions of specific technology assets deployed under the Plan. Moreover, CBP plans to establish a tool by the end of fiscal year 2016 that explains the qualitative and quantitative impacts of technology and tactical infrastructure on situational awareness in specific areas of the border environment. While these are positive steps, until CBP completes its efforts to address our recommendation and fully develop and apply key attributes for performance metrics for all technologies to be deployed under the Plan, it will not be able to fully assess its progress in implementing the Plan and determine when mission benefits have been fully realized.

Further, in March 2014, we found that CBP did not capture complete data on the contributions of these technologies, which in combination with other relevant performance metrics or indicators could be used to better determine the contributions of CBP's surveillance technologies and inform resource allocation decisions. Although CBP had a field within its Enforcement Integrated Database for data on whether technological assets, such as SBInet surveillance towers, and nontechnological assets, such as canine teams, assisted or contributed to the apprehension of illegal entrants and seizure of drugs and other contraband, according to CBP officials, Border Patrol agents were not required to record these data.<sup>11</sup> This limited CBP's ability to collect, track, and analyze available data on asset assists to help monitor the contribution of surveillance technologies, including its SBInet system, to Border Patrol apprehensions and seizures and inform resource allocation decisions. We made two recommendations that: (1) CBP require data on asset assists to be recorded and tracked within its database; and that once these data were required to be recorded and tracked, (2) analyze available data on apprehensions and technological assists, in combination with other relevant performance metrics or indicators, as appropriate, to determine the contribution of surveillance technologies to CBP's border security efforts. CBP concurred with our recommendations and has implemented one of them. In June 2014, in response to our recommendation, CBP issued guidance informing Border Patrol agents that the asset assist data field with-

<sup>8</sup> GAO, *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*, GAO-14-368 (Washington, DC: Mar. 4, 2014), and *Homeland Security Acquisitions: Major Program Assessments Reveal Actions Needed to Improve Accountability*, GAO-15-171SP (Washington, DC: Apr. 22, 2015).

<sup>9</sup> GAO-14-368 and GAO, *Arizona Border Surveillance Technology: More Information on Plans and Costs Is Needed before Proceeding*, GAO-12-22 (Washington, DC: Nov. 4, 2011).

<sup>10</sup> GAO, *Border Security: Progress and Challenges in DHS's Efforts to Implement and Assess Infrastructure and Technology*, GAO-15-595T (Washington, DC: May 13, 2015).

<sup>11</sup> In addition to maintaining data on asset assists, the Border Patrol collects and maintains data on apprehensions and seizures in DHS's Enforcement Integrated Database.

in its database was now a mandatory data field. Agents are required to enter any assisting surveillance technology or other equipment before proceeding. As we testified in May 2015, to fully address our second recommendation, CBP needs to analyze data on apprehensions and seizures, in combination with other relevant performance metrics, to determine the contribution of surveillance technologies to its border security mission.

In addition, with regard to fencing and other tactical infrastructure, CBP reported that from fiscal year 2005 through May 2015, the total miles of vehicle and pedestrian fencing along the nearly 2,000-mile U.S.-Mexico border increased from approximately 120 miles to 652 miles.<sup>12</sup> With the completion of the new fencing and other tactical infrastructure, DHS is now responsible for maintaining this infrastructure including repairing breached sections of fencing.<sup>13</sup> We have previously reported on CBP's efforts to assess the impact of tactical infrastructure on border security. Specifically, in our May 2010 and September 2009 reports, we found that CBP had not accounted for the impact of its investment in border fencing and infrastructure on border security.<sup>14</sup> CBP had reported an increase in control of Southwest Border miles, but could not account separately for the impact of the border fencing and other infrastructure. In September 2009, we recommended that CBP determine the contribution of border fencing and other infrastructure to border security.<sup>15</sup> DHS concurred with our recommendation, and in response, CBP contracted with the Homeland Security Studies and Analysis Institute to conduct an analysis of the impact of tactical infrastructure on border security. We have on-going work for this subcommittee and others assessing CBP's deployment and management of tactical infrastructure, and we plan to report on the results of this work later this year.

*CBP Has Reassessed Its Mix and Placement of Air and Marine Assets to Better Address Mission Needs and Threats*

Our March 2012 report on AMO assets highlighted several areas the agency could address to better ensure the mix and placement of assets is effective and efficient.<sup>16</sup> These areas included: (1) Documentation clearly linking deployment decisions to mission needs and threats, (2) documentation on the assessments and analysis used to support decisions on the mix and placement of assets, and (3) consideration of how deployment of border technology will affect customer requirements for air and marine assets across locations.

Specifically, we found that AMO had not documented significant events, such as its analyses to support its asset mix and placement across locations, and as a result, lacked a record to help demonstrate that its decisions to allocate assets were the most effective ones in fulfilling customer needs and addressing threats, among other things. While AMO's Fiscal Year 2010 Aircraft Deployment Plan stated that AMO deployed aircraft and maritime vessels to ensure its forces were positioned to best meet the needs of CBP field commanders and respond to the latest intelligence on emerging threats, AMO did not have documentation that clearly linked the deployment decisions in the plan to mission needs or threats.

We also found that AMO did not provide higher rates of support to locations Border Patrol identified as high priority, a fact that indicated that a reassessment of AMO's resource mix and placement could help ensure that it meets mission needs, addresses threats, and mitigates risk. AMO officials stated that while they deployed a majority of assets to high-priority sectors, budgetary constraints, other National priorities, and the need to maintain presence across border locations limited overall increases in assets or the amount of assets they could redeploy from lower-priority sectors. While we recognized AMO's resource constraints, the agency did not have documentation of analyses assessing the impact of these constraints and whether actions could be taken to improve the mix and placement of assets within them. Thus, the extent to which the deployment of AMO assets and personnel, including those assigned to the Southwest Border, most effectively utilized AMO's constrained assets to meet mission needs and address threats was unclear.

<sup>12</sup>The length of the border with Mexico is defined by the U.S. International Boundary and Water Commission at 1,954 miles. The length of the land border is 675 miles, while the length of the border along the Colorado River and Rio Grande is 1,279 miles.

<sup>13</sup>CBP reported that maintaining the fence cost the Department at least \$7.2 million in 2010.

<sup>14</sup>GAO, *Secure Border Initiative: DHS Has Faced Challenges Deploying Technology and Fencing Along the Southwest Border*, GAO-10-651T (Washington, DC: May 4, 2010), and *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, GAO-09-896 (Washington, DC: Sept. 9, 2009).

<sup>15</sup>GAO-09-896.

<sup>16</sup>GAO, *Border Security: Opportunities Exist to Ensure More Effective Use of DHS's Air and Marine Assets*, GAO-12-518, (Washington, DC: Mar. 30, 2012).

We further found in March 2012 that AMO did not document assessments and analyses to support the agency's decisions on the mix and placement of assets. DHS's 2005 aviation management directive requires operating entities to use their aircraft in the most cost-effective way to meet requirements. Although AMO officials stated that it factored in cost-effectiveness considerations, AMO did not have documentation of analyses it performed to make these decisions. AMO headquarters officials stated that they made deployment decisions during formal discussions and on-going meetings in close collaboration with Border Patrol, and considered a range of factors such as operational capability, mission priorities, and threats. AMO officials said that while they generally documented final decisions affecting the mix and placement of assets, they did not document assessments and analyses to support these decisions.

Finally, we reported that CBP and DHS had on-going interagency efforts under way to increase air and marine domain awareness across U.S. borders through deployment of technology that may decrease Border Patrol's use of AMO assets for air and marine domain awareness. However, at the time of our review, AMO was not planning to assess how technology capabilities could affect the mix and placement of air and marine assets until the technology has been deployed. Specifically, we concluded that Border Patrol, CBP, and DHS had strategic and technological initiatives under way that would likely affect customer requirements for air and marine support and the mix and placement of assets across locations—CBP and DHS also had on-going interagency efforts under way to increase air and marine domain awareness across U.S. borders through deployment of technology that may decrease Border Patrol's use of AMO assets for air and marine domain awareness. AMO officials stated that they would consider how technology capabilities affect the mix and placement of air and marine assets once such technology has been deployed.

To address the findings of our March 2012 report, we recommended that CBP, to the extent that benefits outweigh the costs, reassess the mix and placement of AMO's air and marine assets to include mission requirements, performance results, and anticipated CBP strategic and technological changes. DHS concurred with this recommendation and responded that it planned to address some of these actions as part of the Fiscal Year 2012–2013 Aircraft Deployment Plan. In September 2014, CBP provided us this Plan, which was approved in May 2012, and updated information on its subsequent efforts to address this recommendation, including a description of actions taken to reassess the mix and placement of AMO's assets. According to AMO, after consulting with DHS and CBP officials and approval from the Secretary of Homeland Security in May 2013, the office began a realignment of personnel, aircraft, and vessels from the Northern Border to the Southern Border based on its evaluation of the utilization and efficiency of current assets and available funding to accomplish the transfers. In September 2015, AMO officials provided GAO with data and analysis documenting that personnel, aircraft, and vessels were in the process of being moved to support the realignment of assets, which addressed the intent of our recommendation.

BORDER PATROL HAS NOT YET DEVELOPED GOALS AND MEASURES FOR ASSESSING EFFORTS AND IDENTIFYING RESOURCE NEEDS UNDER THE FISCAL YEAR 2012–2016 STRATEGIC PLAN

In December 2012, we reported on Border Patrol's efforts to develop performance goals and measures for assessing the progress of its efforts to secure the border between ports of entry and for informing the identification and allocation of resources needed to secure the border.<sup>17</sup> We found that until fiscal year end 2010, DHS used Border Patrol's goal and performance measure of operational control as the publicly reported DHS goal and outcome measure for border security and to assess resource needs to accomplish this goal.<sup>18</sup> We had previously testified in February 2011 that at the time this goal and measure was discontinued at the end of fiscal year 2010, Border Patrol reported achieving varying levels of operational control of 873 (44 percent) of the nearly 2,000 Southwest Border miles.<sup>19</sup> Border Patrol officials attributed the uneven progress across sectors to multiple factors, including terrain, transportation infrastructure on both sides of the border, and a need to prioritize resource deployment to sectors deemed to have greater risk of illegal activity.

<sup>17</sup> See GAO–13–25.

<sup>18</sup> Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource deployments, and discussions with senior Border Patrol agents.

<sup>19</sup> GAO, *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, GAO–11–374T, Washington, DC: Feb. 15, 2011).

DHS transitioned from using operational control as its goal and outcome measure for border security in its Fiscal Year 2010–2012 Annual Performance Report. Specifically, citing a need to establish a new border security goal and measure that reflected a more quantitative methodology as well as the Department’s evolving vision for border control, DHS established the interim performance goal and measure of the number of apprehensions between the land border ports of entry until a new border control goal and measure could be developed. We testified in May 2012 that the interim goal and measure provided information on activity levels, but did not inform program results or resource identification and allocation decisions, and therefore, until new goals and measures could be developed, DHS and Congress could experience reduced oversight and DHS accountability.<sup>20</sup> Further, studies commissioned by CBP documented that the number of apprehensions bore little relationship to effectiveness because agency officials did not compare these numbers with the amount of cross-border illegal activity.<sup>21</sup>

In our December 2012 report, we found that Border Patrol was in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between ports of entry and for informing the identification and allocation of resources needed to secure the border, but had not identified milestones and time frames for developing and implementing them. According to Border Patrol officials, establishing milestones and time frames for the development of performance goals and measures was contingent on the development of key elements of the 2012–2016 Strategic Plan, such as a risk assessment tool, and the agency’s time frames for implementing these key elements—targeted for fiscal years 2013 and 2014—were subject to change. Specifically, under the 2012–2016 Strategic Plan, the Border Patrol planned to continuously evaluate border security—and resource needs—by comparing changes in risk levels against available resources across border locations. Border Patrol officials stated that the agency was in the process of identifying performance goals and measures that could be linked to the new risk assessment tools that would show progress and status in securing the border between ports of entry, and determine needed resources, but had not established milestones and time frames for developing and implementing goals and measures because the agency’s time frames for implementing key elements of the plan were subject to change.<sup>22</sup>

We recommended in our December 2012 report that Border Patrol establish milestones and time frames for developing a: (1) Performance goal, or goals, for border security between the ports of entry that defines how border security is to be measured, and (2) performance measure, or measures—linked to a performance goal or goals—for assessing progress made in securing the border between ports of entry and informing resource identification and allocation efforts.<sup>23</sup> DHS agreed with these recommendations and since our December 2012 report, has added performance measures for border security to its Annual Performance Report. In its Fiscal Year 2015–2017 Annual Performance Report, these measures included the percent of people apprehended multiple times on the Southwest Border and the rate of effectiveness in responding to illegal activity. Further, as part of its efforts to revise the Border Patrol strategic plan, Border Patrol has developed outcome measures for each of 14 objectives, and according to officials, Border Patrol continues to work toward the development of goals and measures to support its overarching performance goal of low-risk borders. Until these new goals and measures are in place, it is unknown the extent to which they will address our past findings and would provide DHS and Congress with information on the results of CBP efforts to secure the border between ports of entry and the extent to which existing resources and capabilities are appropriate and sufficient.

Chairman McSally, Ranking Member Vela, and Members of the subcommittee, this completes my prepared statement. I would be happy to respond to any questions you or Members of the committee may have.

Ms. MCSALLY. Thank you, Ms. Gambler.  
I now recognize myself for 5 minutes for questions.

<sup>20</sup> GAO, *Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts*, GAO-12-688T (Washington, DC: May 8, 2012).

<sup>21</sup> For example, see *Homeland Security Institute, Measuring the Effect of the Arizona Border Control Initiative* (Arlington, VA: Oct. 18, 2005).

<sup>22</sup> Border Patrol officials stated that DHS and Border Patrol had established a performance goal—linked to relevant measures—addressing border security that, as of October 2012, was being used as an internal management indicator. However, a DHS official said it had not been decided whether this goal and the associated measures would be publicly reported or used as an overall performance goal and as measures for border security.

<sup>23</sup> GAO-13-25.

I appreciate the testimony from all of our witnesses today. If we could just put up the display that I want to use just for reference.

As I mentioned, one of the challenges we have is, to summarize, we have gone from a measurement of operational control in 2010, I know that is small, but where we basically said—you said 44 percent of the border was under operational control—abandoned that, went to apprehension numbers, which Ms. Gambler pointed out is that is just a numerator, right? That just tells you how many people you have apprehended without an understanding of the denominator.

So now, as of a year ago, you are trying to do some level of denominator, which includes those that got away, right, those that you detected that got away. But if you look up here, again, at the display, I am just trying to simplify it, talking about situational awareness, if 100 people cross the border illegally, you are still measuring, as an example, if you detected 60 of them, you are measuring how many apprehended and how many got away or turned back of that 60. So that could come out to: Hey, we are at an 80 percent interdiction effectiveness.

But the concern of this committee and the concern of my constituents is, what about the other 40? They are not included in the denominator at all because we don't necessarily know that it is even 40 of them. We don't know what that number is, right? So until we have a sense of true understanding of a denominator, we are not going to be able to know our effectiveness.

Look, I am a fighter pilot. I am trying to simplify this as best I can, although I know it is kind-of complex. We have 1,954 miles of the Southern Border. It seems to me you all could come back to us with an answer of: Of that 1,954 miles  $\times$  amount of miles we have situational awareness of. I don't know what that number. Is it 200? Is it 1,500? We know if anything moves across the border, we are going to detect it. We know exactly what is happening and we are going to detect it.

Then the second piece is, can we actually intercept it? That is the effectiveness thing. The American people don't know what that number is. We don't know what that number is.

So, Chief Vitiello, do you understand the challenges that we have with not really understanding the denominator? No. 2, can you tell me today, of the 1,954 miles, what percent do you feel you have 100 percent situational awareness of? What is that number?

Mr. VITIELLO. Thanks for that question. I won't sit here today and tell you that we know exactly what the denominator is. That is something that we have been trying to accomplish with regard to effectiveness.

I am reminded of Eisenhower's words to the military that plans are useless but the effort of planning is essential because it puts your team in the place where they can rapidly adjust to changing circumstances.

So what we have done over the last several years is signed ourselves up through the GPRA measures, which pinned into the foundation of the Government Performance Results Act, right, a requirement that Congress set for us. We looked at what was there that we could use, and we tried to strengthen our ability to measure effectiveness at the border. So when an agent has an encoun-



ter, when an entry is noticed, how many people are apprehended in that encounter, and what are the results of people who either ran back across the border or eventually got away.

So I can't say that that is a perfect endeavor because it is done by human beings. What I can say is that we have a systematic protocol that allows agents to assess zone by zone, line by line at the border, talk about how many entries, record those entries, and then record the encounters as they see them in real time.

There are lots of places, as you know, they are very rural, very remote, it is difficult for us to access the border. But what we try to do is we have a systematic way of recording entries and then subtracting what happens after the encounters, either got away, turned back, or apprehended. Then we put that math together and we sign ourselves up for the effectiveness rate.

Ms. MCSALLY. I get that. That is all in the bottom part of that bracket there. That is you trying to adequately measure those that you have detected, have you intercepted them or did they get away, right?

Mr. VITIELLO. Right. But there is an assessment line for every part of the border. It is not just the entries that we see or know about. There are places where we can see entries in real time because of the deployment, because of the fixed towers, because of the mobile technology that agents have, their own observations, they are at the line and they see people come across. So all of that activity is recorded, the ones that are seen and the ones that are not seen but have left evidence of the entry.

Ms. MCSALLY. Right. But that is still all in the denominator there or in the bottom part of the bracket there. You said you were at 81 percent effectiveness rate last year, right, based on that analysis?

Mr. VITIELLO. What we do for the recording, yes, that gets us to 81 percent for the year.

Ms. MCSALLY. But do you have any sense of what the real denominator is?

Mr. VITIELLO. Not perfectly.

Ms. MCSALLY. Okay. Of the 1,954 of the Southern Border, can you give us a sense of what percentage or what number of miles you feel you have situational awareness to the point that if something comes across, you know it, you may not be able to intercept it, but you know it?

Mr. VITIELLO. So about 56 percent of the border is—we kind-of segment the border into 2 specific categories. Of all the things that we do, not just on the effectiveness rate but all the things we are trying to record, about 56 percent of the border is deployed in a way that agents and/or our technology can see activity in real time.

Ms. MCSALLY. Okay. Fifty-six percent. Thank you.

Ms. Gambler, was my line of questioning, do you have anything to add to that to provide our situational awareness?

Ms. GAMBLER. Sure. I think a couple of things. I think the situational awareness piece is very important in terms of being able to get a sense of the reliability of the information and the measures that CBP does report out, that Border Patrol does report out.

The other thing that I would add in terms of the measures is, in thinking about the interdiction effectiveness rate that Border

Patrol is using now, as we have reported, it is important not just to kind of look at what the percentage is, whether it is 81 percent or something else, but also to look at sort-of the makeup of that interdiction effectiveness rate, because Border Patrol is counting in the numerator apprehensions plus turn-backs.

So, as we have reported in the past, differences and changes in turn-backs and got-aways over time can have an impact on what that ultimate interdiction effectiveness rate is. So in some of our past work, we have reported on not just the effectiveness rate, but also the apprehension rate, which is looking at how many arrests Border Patrol actually makes relative to the overall estimated known illegal entries.

Ms. MCSALLY. Great. My time is up. But part of the numerator of their effectiveness rate includes those like unaccompanied children and people who have turned themselves in at the border. They haven't necessarily been apprehended, right, they have just turned themselves in. That is part of the numerator, Chief?

Mr. VITIELLO. We record all the encounters and all the—

Ms. MCSALLY. But is that part of your effectiveness numerator?

Mr. VITIELLO. It would be in part of that math, yes.

Ms. MCSALLY. Okay. Great. My time has well expired. So I want to now recognize the Ranking Member, Mr. Higgins.

Mr. HIGGINS. Thank you.

Chief Vitiello, the concerns of the Southern Border deal primarily with illegals coming in and drug smuggling. What do you see are the major challenges in terms of the Northern Border and potential threats, existing or emerging?

Mr. VITIELLO. So our concerns on the Northern Border are the same in the sense that you want situational awareness. You want to understand what is happening. You want to know what the trends are. The challenge is understanding what the criminal networks are doing and how they are trying to defeat border enforcement and border security.

I think the biggest challenge is there is lots of open space. Like what we talked about earlier, there is 56 percent on the Northern Border. The other 44 percent is covered by technology. So the Air and Marine Operations flies on our behalf the UAS that can give us an assessment of the border in those locations where the deployment isn't dense enough to see activity in real time. On the Northern Border, that is more common than it is on the Southern Border.

So the challenge is, is being in the right places. That has to be informed by intelligence. We do have ways to overcome that. We have good collaboration amongst the DHS entities on the Northern Border, amongst the State and local law enforcement on the Northern Border, as well as a robust relationship with Canada, both on the law enforcement and the intelligence side.

Mr. HIGGINS. Any new or emerging threats, any troubling trends that have been detected within the last 18 months or so?

Mr. VITIELLO. So we are constantly looking at things. There has been some activity of people going from the United States into Canada. So it is a good relationship with us and the RCMP on that particular facet. Then we are concerned about people who are in

Canada that may be ideologically aligned with the threats that the Nation faces writ large.

Mr. HIGGINS. Any change in cross-border relations with respect to the new government in Canada?

Mr. VITIELLO. No, we are still doing the same kind—we still have set up the same constructs, the same liaison, the same interaction.

Mr. HIGGINS. How would you characterize that relationship?

Mr. VITIELLO. It is very good.

Mr. HIGGINS. Okay.

In a previous hearing, it was disclosed that Hezbollah, that acts as a proxy for Iran, a Shia terrorist group, had a presence in North America in some 15 cities, including 2 major cities in Canada. Are you aware of that presence? We were told at the time that we shouldn't be all that concerned because Hezbollah's activity was limited to fundraising. Well, a terrorist organization that is doing fundraising within the United States and Canada is, to me, a very troubling sign. Do you have any thoughts on that, awareness of it?

Mr. VITIELLO. So that is something that we are aware of. Obviously, the terrorist threat is the one that is primary for the Department and CBP, as well as the Border Patrol. So that interaction with our counterparts in Canada, and then improving our awareness and our ability to detect trends and changes to include what cultural support exists for those kind of things in Canada.

Mr. HIGGINS. So the Southern Border, what is the linear miles of the Southern Border?

Mr. VITIELLO. It is nearly 2,000.

Mr. HIGGINS. Two thousand. And 5,000 miles of Northern Border with Canada?

Mr. VITIELLO. Correct.

Mr. HIGGINS. There are currently approximately 20,000 Border Patrol agents and about 1,000 Air and Marine interdiction agents on board?

Mr. VITIELLO. Yes.

Mr. HIGGINS. Okay. Of those totals, how many are deployed along the Northern Border in terms of either numbers or percentages?

Mr. VITIELLO. So we are in the range on the Northern Border for Border Patrol agents of about somewhere in the neighborhood of 2,000, 1,900 to 2,000.

Mr. HIGGINS. So that is about 10 percent.

Mr. VITIELLO. Ten percent.

Mr. HIGGINS. Ten percent. Is that adequate?

Mr. VITIELLO. So it is something that we constantly look at. Obviously, if you speak to the chief that is in Buffalo, Brian Hastings, he will ask for more resources. It is something that we look at carefully to make sure that they are equipped to do what we are asking them to do.

Mr. HIGGINS. Is it safe to say that any additional resources in terms of agents that you would be requesting in the future, 90 percent of those would go to the Southern Border and 10 percent would go to the Northern Border?

Mr. VITIELLO. So what we want to do is we want to resource to the threat and the risk. So, yes, that is primary for us, the Southwest Border, and then as needed on the Northern Border.

Mr. HIGGINS. All right. I see my time is expiring. I will yield back.

Ms. MCSALLY. Thanks. We should probably have another round if you want a little more. So thanks.

The Chair now recognizes my colleague and the Vice Chair of the subcommittee here, Mr. Hurd from Texas, for 5 minutes.

Mr. HURD. Thank you, Madam Chairman.

My first question, I am going to go specific and get more general. First off, thanks for being here. You all three have a very difficult job. I represent over 800 miles of the border, and I know the men and women in Border Patrol, what they are doing in order to keep us safe.

My first question is, with only 56 of the almost 2,000 miles of the Southern Border being under operational control, I want to join my Governor, Governor Abbott, and our colleague from Texas, Congressman Cuellar, in asking why was a 50 percent cut made for flight hours in support of Operation Phalanx despite full funding for the number of flight hours that were requested, and this while the number of migrant crossings have increased?

I think, General Alles, it would probably be best for you. Can you provide some clarity?

Mr. ALLES. Sure. I think, first off, what I would comment on is the Department of Defense has overall been shifting away from nontraditional missions. So while their budget has shrunk by \$110 billion here over the past 4 years, and we have seen them move away from transit zone missions, the Tethered Aerostat Radar System was passed to DHS, if we wanted to continue to operate it, we would have to take it on board. So they moved away from these nontraditional mission sets.

In the mean time, as they are doing that, we are upping our participation, our flight hours in the south Texas area. So it increased our personnel by 50 percent in the McAllen-Laredo area and it added 83 percent to our flight hours. So most of the delta that you would lose in Phalanx, we were making up in Air and Marine Operations. We will continue to up those rates inside Laredo and McAllen as the years go on. So we are actually adding hours to our program to make up for those.

Mr. HURD. So just so I am clear, DHS is increasing the number of organic operations to take over the change in the Operation Phalanx.

Mr. ALLES. That is correct, yes, sir.

Mr. HURD. So would some of that money need to be reprogrammed directly to DHS?

Mr. ALLES. I mean, clearly, I will be happy to take 3,800 more flight hours, if that is the question, sir.

Mr. HURD. The other question you hit on, and, Chief, probably this question is best directed at you, there is a gap in the number of bodies you can hire and what you have hired. Is that correct?

Mr. VITIELLO. Yes. It is somewhere in the range of 1,200 agents down from the authorized staffing level.

Mr. HURD. If you can give me a 30-second snapshot on what is being done to try to fill that void.

Mr. VITIELLO. So a robust recruitment effort, lots of re-engineering in the hiring process, and trying to let people know

that we are hiring and get folks out there. We are working with DOD on using some of their transition centers and do hub hiring with folks that are transitioning out of the military. So we are in those locations. Then we are hubbing some of the hiring processes in which we take the 5 or 6 steps that can all be done in a couple of days at locations, we are trying to do that as well.

Mr. HURD. If there is a need to help streamline that process and this body can be helpful, please let us know. Because this gets to another issue about, there have been a number of reports, both by Border Patrol, the OIG, independent groups, that highlight some rough conditions, some would say deplorable, at forward operating bases that are being used by agents, cases of E. coli in the drinking water, lack of maintenance and repairs.

Can you tell us what is being done to address these cases that were brought up in the OIG report from last month?

Mr. VITIELLO. So we are well aware and commented and accepted the recommendations from OIG to get those facilities in a condition that we expect them to be. If we are going to expect agents to deploy in those locations, we want them to be safe and healthy while they are doing it.

Mr. HURD. Can you talk to me about the rate of recidivism and how that is a more—why you decided to start using that as a metric of effectiveness along the border?

Mr. VITIELLO. So we think it matters when we classify the arrests individually, right, do people have a prior criminal record, do they have a prior immigration history, and how many times they have crossed the border previously. So we think that if we are concentrated on what we do post-arrest, we have a system called a Consequence Delivery System which looks at the classification, tells us who is in front of us, and then applies the post-arrest consequence that is most appropriate for that class of individual. That has proven to be effective in a way that drove the recidivism down across the Southwest Border.

Mr. HURD. But that is driving down recidivism, that is not necessarily driving down illegal traffic across the border, correct?

Mr. VITIELLO. It is not.

Mr. HURD. Interesting.

Madam Chairman, I have run out of time. I yield back the time I do not have.

Ms. MCSALLY. Thank you. The gentleman yields.

The Chair now recognizes our colleague, Mrs. Torres, from California.

Mrs. TORRES. Thank you.

Chief, over the past several years, CBP and the Coast Guard have seen an increase of smugglers using small boats, what is also known as pangas, along the California coast. Can you describe the challenges that you are having detecting and interdicting these pangas on the coastline? It is my understanding that too often you don't know they are there until they are on shore and the smugglers are long gone.

Mr. VITIELLO. So I think the biggest challenge is the vastness of the area that we are concerned with. So you can put a panga almost anywhere along the coast. So our job and what we have con-

centrated on is making the communities that are affected by this aware.

We have, obviously, worked well with Air and Marine for directed patrols and feeding the intelligence that we know about, particular activity levels. We have done the same kind of work with Mexico to understand where the departure locations are. Then we have redeployed agents and technology along the coast so that we can be better prepared when we do know of a landing or an impending landing.

Then, obviously, ICE on the follow-up for when these seizures are made, when we do interdict folks at sea or on the land in a panga, then they follow up and try to figure out what the network responsible, right, the criminal network that sent those people and that is part of their trafficking organization. So we have asked them to work back that information so that we can dismantle or disrupt that activity along the coast as well.

I think the general might have—

Mr. ALLES. I will just comment that we put more assets out there in terms of the multi-role enforcement and tried to patrol the offshore in California. So that aircraft as we are buying it, it is currently being procured, has helped us increase our density for maritime domain awareness.

It is still a problem out there. Though the pangas in many ways has dropped off, we still have a lot of concerns with what I will call legitimate conveyances. So if a lot of drugs are being moved or contraband are being moved in, basically, your mom and dad's cabin cruiser, obviously, it is an illegal activity, but you don't know it just by the vehicle itself. Where a panga, obviously, is just made for illegal activity. So that is more obvious.

So that goes back to what Chief Vitiello mentioned in terms of higher cooperation with these border task forces, with Border Patrol, with ICE, with the other partners that are working in both the State, local, Federal to develop the information sources so we know where to interdict those vessels.

Mrs. TORRES. Are you coordinating with local authorities that may have a unit patrolling within their Coast Guard or within their coast?

Mr. ALLES. Yes, ma'am. Absolutely.

Mrs. TORRES. LAPD, San Diego PD, they all have boats.

Mr. ALLES. Right. All that cooperation is critical to us. The State and local is very critical to us.

Mrs. TORRES. Are you providing training for them? Are your officers training with them to help them understand and identify potential risks? Or are they on their own doing this?

Mr. ALLES. You might want to comment.

Mr. VITIELLO. Yes, in the task force environment, this is their threat as well, and so there is lots of cooperation with regard to presence on the water for those elements, the State and locals that do have patrol capability. Then in the task force environment, they are part of the follow-up that goes into the investigation and tries to identify which networks are responsible and then do the prosecutions for us.

Then in the task force environment, under Operation Stone Garden in California, a lot of the resources that are applied through

that grant are used for this activity, the task force environment specifically related to the offshore threat, the panga.

Mrs. TORRES. It is my understanding that the Coast Guard equipment and vessels have been greatly ignored over the past several years and have not necessarily been kept up-to-date. So how does that equipment or lack of equipment impact your ability to be able to identify and capture this activity?

Mr. VITIELLO. I can't speak to their profile as it relates to the investments or where they are at financially, but they are part of this response. So at the DHS level, they are in the task force environment. Obviously, they bring capabilities to the problem.

Mr. ALLES. I would just mention they are critical really at the medium range. So we have near-shore vessels that work inside the 12-mile limit basically. Their cutters are really what work at extended range to do the interdiction. So without them, and we have very high cooperation with them in terms of patrols, that is a missing component if they are not doing well.

Mrs. TORRES. Going back to the question that was asked, the numbers that I have for, that you are 1,700 agents underdeployed. That is the number that I have. In your recruitment efforts and your training process, how long is your training process and how many drop out during that process?

Mr. VITIELLO. I would have to get specific with numbers, attrition that relates at the academy. But most of the attrition that we see is in the hiring process itself. In the academy, there is probably, I think it is in the range of 8 to 20 percent, somewhere in there. I could be more specific given some time to get back to you.

Mrs. TORRES. Okay. What I am really interested in is, after your initial investment in identifying potential candidates and putting them through a background and all of the expense that is associated with checking someone's background, I want to make sure that you are doing everything that you can to keep them in the academy and to graduate them.

Mr. VITIELLO. Yes. So there are a number of programs underway. The attrition at the academy isn't really the issue. Attrition overall is something that bears watching because we can maintain that investment if we do things to avoid attrition or to lower that number. But our main problem is touching enough people to apply and then people making it successfully through the hiring process.

Mrs. TORRES. Thank you.

Ms. MCSALLY. Thank you.

Let's go into another round of questions here. I want to go back again to the effectiveness rate. I don't know if you have this number, Chief, but if you take out the unaccompanied children, those who have actually voluntarily turned themselves in, which I really think you should take out of the number completely, do you have a number of effectiveness, based on how you are measuring it, of those who have evaded apprehension and those that you have caught?

Because, I think, as the number of people turning themselves in go up, your effectiveness rate goes up. So that is actually a really skewed way to measure it. I would encourage you to take it out. But if you take it out, what is your actual number?

Mr. VITIELLO. So we did look at that in specific detail. If you look at the south Texas activity profile, the family units and the UACs, the UACs are not trying to evade us. So this idea of turning themselves in is absolutely right on. So it would affect the effectiveness rate for that part of the border.

It doesn't seem to hold true as you move west. So off the top of my head, if McAllen is in the 80 percent range with family units and UACs as part of the denominator, then it would be something less than that for adult males. It would be something less from that if you looked at the entire corridor, the sector itself.

But, again, what I would like to point out is that we really do want our agents to record these encounters in specific detail. We want those numbers to be credible.

Then anecdotally are the other trend lines, right? Interdiction effectiveness in and of itself is a good number. It is sticky. We all want to know how we do at bat. We all want to know our batting average. But there are other things that we are looking at that relate to overall activity.

So I take your point that if those numbers are included and we were claiming success at 81 percent and we were all done, no more investment is required, then it would be a problem. But that is not where we are at. What we want to do is we want the system to credibly count what happens and then make adjustments from that, looking at the other 11 factors, the output measures that we are looking at.

Ms. MCSALLY. Yes, I agree. But I think we need to at least come to, like, an understanding and an agreement of what the formula should be, and then you can measure the effectiveness over time, right? If the formula does include those who are not evading apprehension, then that skews the formula.

So can you at least get back to us with what the number really is maybe for last year once you take out those that were not evading apprehension? Then I would just encourage you that if you are reporting to us and reporting to the American people about your effectiveness, it should take those out of there, because you should be measuring the number that were evading apprehension and the number that you actually were able to catch. Does that make sense?

Mr. VITIELLO. Yes. I am happy to get back to you specifically with that population separate from the overall numbers.

Ms. MCSALLY. So similarly, again, just to remind everybody, those that you detected, that you apprehended, and turn-backs are in the numerator, and the denominator are those who got away, right, the total number you detected. I am probably doing that, but you included turn-backs in your success rate.

Mr. VITIELLO. For the overall effectiveness, right. So if there is an encounter at the line and the person evades by going back into Mexico, for instance, well, then, yes, we would use that as an assessment of that encounter.

Ms. MCSALLY. So they have to be back into Mexico for it to be counted as a turn-back?

Mr. VITIELLO. That is what we call a turn-back.



Ms. MCSALLY. Okay. I mean, are you guys accounting for the fact that they may turn around and 2 hours later come back over again?

Mr. VITIELLO. Of course, because all of the entries are recorded, that is part of the numerator as well, right? So if we see it directly, then that is counted. When people are encountered, the record of their entry is put into the system as well. So all of the back-and-forth is accounted for.

Ms. MCSALLY. Okay.

How about if the Cochise County Sheriff's Department is the one who actually apprehends somebody or a drug load that has come over and then they turn them over to you, that, I am assuming, is included in your effectiveness rate as well, right?

Mr. VITIELLO. It depends on the timing but, generally, yes.

Ms. MCSALLY. So all State and local law enforcement apprehensions that are turned over to you are in the effectiveness rate?

Mr. VITIELLO. I believe if it is within 30 days of the recorded entry, yes.

Ms. MCSALLY. Okay. Do you break that out, as well? Like, can you give us the numbers of how many were actually interdicted by your guys versus State and local law enforcement?

Mr. VITIELLO. We can typically track what gets turned over to us, yes. I am happy to show you that.

Ms. MCSALLY. Okay. Great.

I want to turn to infrastructure effectiveness. So we have 1,954 miles of the Southern Border; 652 of those miles have some sort of barrier or fence, right, vehicle barrier, pedestrian fence; I think 299 miles of vehicle barriers. I am really testing my math here today, but—and then the rest would be pedestrian-focused.

So if I do my math right, 1,302 miles of the Southern Border do not have any sort of barrier—vehicle barrier, pedestrian barrier—at this current time, correct?

Mr. VITIELLO. Correct.

Ms. MCSALLY. I think, Ms. Gambler, in your testimony, you talked about one of the challenges—this is taxpayer money, right, going into these barriers. Especially in the discussion that is going on today about what it will take to secure the border, we certainly owe the taxpayers some sort of report on whether the investment they are making, at millions of dollars, is actually effective before we would even make additional investments, you know, to complete the barriers.

So I want would to ask, Ms. Gambler, for you to just elaborate on some of the concerns related to infrastructure assessment.

Ms. GAMBLER. Sure. So 2 thoughts there, Chairman.

One is that in GAO's prior work looking at tactical infrastructure, to include fencing, one of our key recommendations was for CBP to conduct an assessment to figure out the contributions of tactical infrastructure to their overall goals and measures for border security. So that is point No. 1.

The second point is that we have on-going work right now for this subcommittee looking at CBP's oversight management and deployment of tactical infrastructure. That includes a number of the things that you just mentioned—looking at requirements, costs. We are also looking at how well CBP is maintaining and sustaining

what they already have out there. It is not just necessarily about deploying new tactical infrastructure, but they need to maintain what they have.

Then, third, we are looking at what data indicate about the potential effectiveness of tactical infrastructure and the contributions that tactical infrastructure can make to border security. We will be reporting that out to this subcommittee and others later this year.

Ms. MCSALLY. Great. Thank you.

Chief Vitiello, if you were in a resource-unconstrained environment, of the 1,300 miles that are remaining, I mean, do you have a sense of how many miles or what percent you would want to put additional barriers and what types of barriers?

Mr. VITIELLO. Not specifically. I mean, I think what we do in this capability gap analysis is, when we task the field, we ask the agents on the ground, we ask the chiefs and the leadership in the field to say, hey, where are you being challenged by areas that lack control or have too high of activity where the risk is high, and then we would ask them.

Of that 1,300 miles, some of that would be, you know, the natural barrier in and of itself would negate having to put man-made structures there, but there are probably a couple of miles out there where agents would like to have a physical barrier to give them an advantage.

Ms. MCSALLY. Is it a couple of miles, or is it a couple hundred miles?

Mr. VITIELLO. I don't know. I could—

Ms. MCSALLY. Okay.

Mr. VITIELLO. I would like to be more specific.

Ms. MCSALLY. Yeah.

Mr. VITIELLO. The CGAP tells us exactly that, and I could give you a zone-by-zone picture of where that might be.

Ms. MCSALLY. Okay. Great. Thank you.

General Alles, could we talk a little bit about the use of VADER technology and how that is impacting the ability to increase situational awareness, No. 1?

Look, we have VADER deployed on Predators in Arizona, but I have also heard individuals suggesting that we should be putting it on manned aircraft in order to complement some of the strengths and weaknesses of using it on unmanned aircraft.

So if you could just comment on the use of VADER and increasing situational awareness and the potential to put it on manned aircraft.

Mr. ALLES. So I think, overall, and particularly in Arizona, we have seen quite a large gain in situational awareness by using the VADER system.

So the system, if the dismount—so VADER, for those who are not aware, is a dismounted radar, basically. It tracks people who are walking on the ground. It has about over a 95 percent effectiveness rate if they are in the field of view of the radar and they are moving on the ground. So that is quite high. The numbers we continually—you know, on an average year, we will get in about 8,500, 9,000 detections off the VADER system, which is quite good considering the areas we use it in and the amount of time we have available.

So it has been a good tool for us in terms of situational awareness, particularly in Arizona. It is now being moved into the south Texas area, so we are working with the Border Patrol in terms of implementation there. That is still a work in progress, working with the sector people to employ it most effectively.

Then I would comment, on the manned side, the Army has deployed the system on manned aircraft. I think they have 5 of them, is what they told me. So that is a possibility.

We looked at the endurance time, the dwell time of the system and the cost of putting it on a manned aircraft. It could be done. We, at this point, prefer to move towards effectiveness on the Predator system, overcoming more of the weather challenges, the basing challenges with the system to get more hours out of the airframe than actually moving down the road to a new airframe. It would go on our MEA aircraft, if we chose to do that—

Ms. MCSALLY. Yeah.

Mr. ALLES [continuing]. But right now we have moved down primarily the Predator route.

Ms. MCSALLY. So, I will just comment, I mean, you know, I have a lot of time airborne in the military, and, I mean, the unmanned and the manned bring strengths and weaknesses, right, and they are best when they complement each other. I mean, there is the dwell time that is the benefit of the unmanned, but there are limitations—FAA and weather—that the manned can actually then get into those gaps.

So it is really not either/or, from my perspective. It is you are able to bridge some of those gaps by using both of them.

I am way over my time, so I will hand it over to—if you want to just comment real quickly on that, and then—

Mr. ALLES. I would just say that one thing we looked at was kind of what I will call a “VADER light” to go on some of our smaller aircraft.

Ms. MCSALLY. Yeah.

Mr. ALLES. So the VADER on the larger Predator would be able to target smaller aircraft to a more localized vicinity based on movement they see. That is what we have been looking at lately.

Ms. MCSALLY. Okay. Great.

Mr. Higgins.

Mr. HIGGINS. Thank you.

You know, Customs and Border Protection, the work of, you know, professional agents, a lot of it is intuitive and enhanced by, you know, technology that is available and that is emerging. I think the difficult thing with Customs and Border Protection is you rarely get credit for what didn't happen, but everything you do is about making things not happen.

So, in this highly-charged political environment, there is a lot of talk about building walls and building them higher than they were proposed previously, including building a wall on the Northern Border.

I mean, I just have to ask the question, because I really don't—is that a good expense of resources, or are we much better off hiring, you know, more professional Customs and Border Protection?

I would ask the whole panel. I just—

Mr. VITIELLO. So we have seen great effect of the fencing, the wall that is there on the Southwest Border. I am not aware of a requirement on the Northern Border where a chief in the field or agents have said, hey, it would be great to have a physical barrier here. The challenge on the Northern Border is not volume, like the Southern Border and it matters if you have a physical barrier. I have not seen a place on the Northern Border where fencing would make the difference.

But in the CGAP and what we charge the sectors to do, if that requirement came forward, we would look at it, we would analyze it against some of the data that we have about where the fencing is—

Mr. HIGGINS. Who would that order come forward from?

Mr. VITIELLO. So if, in the CGAP, in the planning tool, if they said, hey, this challenge could be overcome with a physical barrier, then we would consider it that way.

Mr. HIGGINS. That has never happened?

Mr. VITIELLO. I am not aware of a requirement on the Northern Border for fencing.

Mr. HIGGINS. But on the Southern Border it has?

Mr. VITIELLO. Oh, yes.

Mr. HIGGINS. Oh, I see. Okay. So, in that regard, you know, the physical barrier has improved, you know, the work of Customs and Border Protection?

Mr. VITIELLO. Absolutely has.

Mr. HIGGINS. Okay.

Mr. ALLES. I would just comment that, particularly on the Northern Border, we have focused the cooperation between Customs and Border Protection, other Federal, State, and locals as a critical piece. It is a large border. You know, trying to find isolated activity is very difficult. You can't do that without information or intelligence.

So that has been our primary focus, is to focus in those areas. We have seen, actually, good results over the past 3 years as a result of taking that approach, in terms of focusing more with those agencies on investigations or source information or the kinds of things that indicate criminal activity and then interdicting that activity.

Ms. GAMBLER. Then, Congressman, I would add that I think your question gets at a key finding from GAO's body of work on border security programs, which is that DHS has not always done a good job of documenting and justifying the different investments it is making, whether that is in technology or other things.

So I think your question gets at a key point of GAO's work, which is for DHS and CBP to do a better job of justifying and providing the justification for the investments that they are making so that the Department, Congress, and the public can have better oversight of what the planned investment is and what we hope to get out of it.

Mr. HIGGINS. Well, to that issue, in your professional judgment, what would be the best utilization of resources—you know, human, technology, physical—given what you know today and what you anticipate tomorrow?

Mr. VITIELLO. My experience is you have to have a bit of all of that. You have to have sort of the—our first function in the Border Patrol is being present on the border, patrolling the border. But that is best done with having the right kind of technology that cues the work of agents, having these important relationships both in the United States with local, State, and Tribal law enforcement, as well as our counterparts in Canada.

You have to have all of those things working together and then some awareness of the world-wide intelligence, what is happening both on the Northern and the Southern Border, inside those criminal networks, and where could the threats converge in certain locations. So you have to have a combination of things, resources, and information.

Mr. ALLES. I would agree on the combination but also highlight that, I mean, who we are trying to apprehend or arrest is a thinking person, so the agents are a key part of this. How they are trained and how they respond, I think, is very critical.

Mr. HIGGINS. Are those answers acceptable to GAO?

Ms. GAMBLER. I think what I would say, Congressman, is that this is why it is important for DHS and CBP to have in place some of the metrics we have been discussing.

Because those metrics, not just over the overall metrics for border security but the things we have found in terms of having metrics for the contributions that fencing and tactical infrastructure have to border security, having metrics and data that assess the contributions that different technologies are having to border security, those types of measures and the associated data are really important to be able to position CBP and the different components to make those, you know, risk-informed, resource-based decisions that I think we have been discussing.

So I think the metrics are key for them to be able to do that.

Mr. HIGGINS. Madam Chair, I just want to thank the panel. I think, you know, their testimony and their responses have been very, very helpful to this committee and its work. So thank you very much.

Ms. MCSALLY. Thank you.

I have a few more questions if you have a little endurance here. We have a captive audience, so thanks.

One more deep dive into, kind-of, the assessment of effectiveness.

Chief, do you guys assess—I mentioned in my opening statement—where they are intercepted, how close to the border they are intercepted, as a measure of effectiveness?

Intercepting drug cartels on the south side of John Ladd's ranch in Arizona, for me, is far more effective, and to my constituents, than on the north side of his ranch. You know, even a mile is like an eternity if you are living right on the border, right, and then 5 miles or 20 miles or 100 miles.

I have seen the heat map, so, I mean, I see, kind of, where your interceptions are. But as part of your effectiveness, the nirvana for us is that the interceptions are happening at the border, at the line of scrimmage, so that they are not a public safety threat and impacting the perception of security in the community.

So, as part of your effectiveness, are you doing a deeper dive into where they are intercepted? Or is somebody who is intercepted 100

miles inland just as effective as somebody who is intercepted right at the border?

Mr. VITIELLO. So we agree that we would like to do this work as close to the line as possible. It feeds into all kinds of the logistics and how we are effective and how we are moving activity and changing and assessing risk at those locations.

We can and do landmark all of the apprehensions, so the heat map is based on, you know, physical encounters that are recorded in real time. Then we do have a measure that looks at the number of apprehensions at a checkpoint versus what happens on the line.

So, yes, in all of the places that I worked, when I worked in Nogales—and I know this is true in Douglas when it was a lot busier than it is now—part of our quest was to compress the zone of enforcement and do this work as close to the line as possible. It makes us more efficient over time.

So, when you look at the effectiveness and you look at all the trends, the recidivism, the kinds of apprehensions that are being made of people who have criminal records, when you are looking at drug seizures, you want to have that done as close to the border as possible. Because we can landmark those apprehensions, we can show you in detail where most of the arrests are being made.

Ms. MCSALLY. So that is another thing I would like you to get back to us on if you have numbers already—or, you know, start measuring that—is, of the number you are saying you are effective, how many are, like, within a couple hundred yards of the border and then how many are, like, deeper in, just to be able to get a sense of where the effectiveness is of getting them at the border before they are a public safety risk.

Mr. VITIELLO. I will be happy to show you that.

Ms. MCSALLY. Great. Thank you.

Okay. One last question. The use of unmanned aerial systems or drones is certainly increasing situational awareness for you, using systems like the Predator. Great. But there is also the opportunity for tactical-level drones for the agents to be able to use that are not necessarily controlled out of your office, General, but are actually run by the units and the sectors.

Equating, again, to my military experience, we have the Air Force and assets that are controlled by the Air Force, but the Army, you know, and the Marines, they also have their tactical-level airborne assets and drones that give them situational awareness that they can launch in order to build situational awareness and is controlled by them.

Is this something that you all are looking into to deploy for the agents so that they can have their own situational awareness without having to be controlled out of Air and Marine?

Mr. ALLES. So it definitely is something we are looking at. I mean, right now, the hold-up has been FAA rules. So we have no rules yet to operate those systems. When we do, we want to do a pilot with the Border Patrol. I think it would be advantageous in certain areas.

I would remark, since I used these things in the Marine Corps, they have attacks. I mean, someone has to fly the platform, and it is not as self-sufficient as probably—

Ms. MCSALLY. Yeah.

Mr. ALLES [continuing]. The contractor advertises. However, I do think it has advantages. We have talked with them extensively about special operations use or maybe even just general line use. So I think that is the way we will progress in the future.

Ms. MCSALLY. Chief, is that something you want to comment on?

Mr. VITIELLO. Yeah, that is correct. As I have talked about capability gap analysis, there are several sectors that have come forward and asked for those assets so that they can be better at solving the problems we are asking them to.

Ms. MCSALLY. I am even talking about some of the ones that are just handheld. An agent on the ground launches one and it just gives them a bigger picture of that, you know, 3D that they don't necessarily have.

I will comment that Cochise College in my district actually has a great unmanned aerial systems training program. They would love to, you know, be able to partner, if we are talking about using the tactical system like that, to be able to partner, because it is right there near the border, and, you know, providing some of that training.

But I just think this is something that is worth looking into, even though you don't want to have a huge tax, but it certainly—

Mr. ALLES. Right.

Ms. MCSALLY [continuing]. Would increase situational awareness.

Mr. ALLES. No, I think so.

I was going to comment, too, on the comments about apprehensions close to the border. Be aware that as we use the VADER system we are actually tracking in Mexico, and that information is being passed. So the intent is to interdict as close to the line as possible. So that is a regular occurrence daily out there in Arizona.

Ms. MCSALLY. Great. Thank you.

Well, let me just say that we have so many Border Patrol Agents and Air Interdiction Agents across the Southern Border that are working right now in order to, you know, keep our country and our community safe. I know we are all grateful. On the Northern Border, as well. I didn't mean to forget that. We appreciate all the hard work that you all are doing and that they are doing right now out there. Like many in law enforcement, you never know when you are going to work, you know, what you might come upon. So we appreciate them putting the uniform on every single day and appreciate all you are continuing to do in your service in order to address some of these issues to keep our country and communities safe.

I want to thank the witnesses for your valuable testimony today. I really appreciated, you know, the discussion and the questions. We have some other follow-up questions we would love to hear back from you on.

I appreciate the Members' questions. I thought it was, again, a good discussion.

Members of the committee may have some additional questions for the witnesses, and so we just ask that you respond to those in writing if they submit them. Pursuant to committee rule VII(e), the hearing record will be held open for 10 days.

Without objection, the subcommittee stands adjourned.  
[Whereupon, at 11:18 a.m., the subcommittee was adjourned.]

