

**BANG FOR THE BORDER SECURITY BUCK: WHAT  
DO WE GET FOR \$33 BILLION?**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
BORDER AND  
MARITIME SECURITY  
OF THE  
COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS  
SECOND SESSION  
MARCH 15, 2018  
**Serial No. 115-54**

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

30-790 PDF

WASHINGTON : 2018

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## **BANG FOR THE BORDER SECURITY BUCK: WHAT DO WE GET FOR \$33 BILLION?**

**Thursday, March 15, 2018**

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

The subcommittee met, pursuant to notice, at 2:20 p.m., in room HVC-210, Capitol Visitor Center, Hon. Martha McSally (Chairwoman of the subcommittee) presiding.

Present: Representatives McSally, Hurd, Rutherford, Bacon, Vela, Correa, Demings, and Barragán.

Also present: Representative Jackson Lee.

Ms. MCSALLY. The Committee on Homeland Security, Subcommittee on Border Maritime Security will come to order.

Subcommittee is meeting today to review the critical infrastructure, technology, and personnel funding needed by U.S. Customs and Border Protection to enhance our Nation's border security. I now recognize myself for an opening statement.

All three branches of the Government are now engaged in an attempt to resolve an issue created by the unconstitutional actions of the previous administration. The Deferred Action for Childhood Arrivals or DACA program provides legal status for those brought to the United States as minors by Executive action. Impending legal action by the States pushed President Trump to announce the termination of the program last year with a 6-month delay and absent recent court rulings it would have officially ended last week.

For months, many of us in Congress have been working diligently on a lawful solution for the DACA population. However, any solution reached must ensure that as a Nation of laws we will not repeat the mistakes of the past and end up in the same place discussing this very same issue about the next similar population in 10, 15, or 5 years down the road.

Border security is a critical pillar of that solution and it is a key part of the compromise proposal offered by President Trump. As the debate rages on in the media, here in Congress, and especially on this subcommittee, it is our responsibility to fully examine what it will take both in terms of policy changes and dollars and cents to secure our Nation's border.

To be clear, the Federal Government's responsibility is to secure our borders and that is independent from any way forward on DACA. In addition to being the Chair of this subcommittee, I am one of nine Members of Congress that actually represent a border district. My constituents have waited too long for Washington, DC

to provide all the resources, the strategy, and the manpower that will be required to secure the border and stop the cartel activity trafficking through our communities.

It is refreshing to have a President who has the will to do what it takes to provide real border security. Today, we are here to talk about what resources are needed and how they will be deployed to get the mission done.

Late last year, in the context of the DACA-related negotiations, we asked U.S. Customs and Border Protection leadership to provide Congress with a list of what they needed to adequately secure the border. They responded in early January by delivering a document entitled "Critical CBP Requirements to Improve Border Security." This document details major border security investments across four main categories: Physical barriers, technology, access, and additional staffing.

In total, this proposal calls for an expenditure of more than \$33 billion dollars over the next 10 fiscal years. This is not an insignificant sum of money for an organization whose annual budget is almost \$17 billion. This request proposes to construct hundreds of miles of new barriers, deploy billions of dollars of new technology and hire thousands of new agents and officers based on requirements generated from CBP field commanders.

For years, CBP has reiterated the need for the right combination of barriers, technology, and personnel. The reason is simple: The border is complex, and there isn't a one-size-fits-all solution. Along the 1,954 miles of border there are wide variations in terrain and threats from urban cores like San Diego and El Paso to remote rural areas like in my district in Arizona.

CBP has put forth a series of proposals to achieve situational awareness and operational control. Most Members of Congress say they are committed to securing the border, and if that is the case, we have an obligation to carefully and thoughtfully consider what CBP has requested to get the job done.

I would encourage Members of the subcommittee to listen to the justifications for these expenditures given by career professionals, like Deputy Commissioner Vitiello and Agent Brandon Judd on the next panel, who have worked the border and know first-hand the challenges that we are up against.

We know that the border is not secure. Gangs and trafficking organizations exploit it every day. It is not just border communities who are threatened by these bad actors, Americans across the country including those being impacted by the opioid epidemic are affected by the illicit activities traversing our borders.

We have got a unique opportunity here to change the status quo on the border. The proposals offered by CBP start as a solid framework. I want to be clear, real border security is more than just a border wall system, technology, and personnel. It also includes aspects of policy. Ensuring that illicit border crossers are promptly removed from the country discourages others from illegally crossing in the future and sends a message that our Nation's laws will be enforced.

Unfortunately, there are too many loopholes right now in our current system that are used on a daily basis by the cartels to thwart the hard work done by the men and women of CBP and Im-

migration and Customs Enforcement. These loopholes must also be closed.

Over the last 6 months, I have collaborated with Chairman McCaul, Chairman Goodlatte, and Representative Labrador to craft legislation that closes these loopholes and authorizes this critical funding for border security into a trust fund to ensure the mission is complete and future Congresses can't halt the progress.

Our bill called the Secure America's Future Act includes other important provisions to end chain migration, the visa lottery, crackdown on sanctuary cities, Kate's Law, and a bill I previously introduced to go after cartel scouts who sit on hilltops and direct cartel activity often with better equipment than our agents. It also provides a pathway forward for DACA recipients. We are working to bring our bill to the floor of the House for a vote.

I have called today's hearing because I want to dive in to the details of the CBP request on border security and help the American people understand what the border security return on investment could be, what would be realized if this strategy is fully funded.

Agents and officers of CBP work every single day to secure our Nation, often in rugged terrain, dangerous situations and in very remote areas far away from the amenities of modern life. We owe it to them to give them the tools and the resources that support their ability to gain and maintain situational awareness and operational control of our border.

I look forward to the testimony of our witnesses today.

[The statement of Chairwoman McSally follows:]

STATEMENT OF CHAIRWOMAN MARTHA MCSALLY

MARCH 15, 2018

All three branches of our Government are now engaged in an attempt to resolve an issue created by the unconstitutional actions of the previous administration.

The Deferred Action for Childhood Arrivals (DACA) program, provides legal status for those brought to the United States as minors by Executive action. President Trump announced its termination last year with a 6-month delay, and, absent recent court rulings, it would have officially ended last week.

For months, many of us in Congress have been working diligently on a lawful solution for the DACA population. However, any solution reached, must ensure that as a Nation of laws, we will not repeat the mistakes of the past and end up in the same place discussing this very same issue about another similar population 5, 10, or 15 years down the road.

Border security is a critical pillar of that solution, and is a key part of the compromise proposal offered by President Trump.

As the debate rages on in the media, here in Congress, and especially on this subcommittee, it is our responsibility to fully examine what it will take, both in terms of policy changes, and dollars and cents, to secure our Nation's borders.

To be clear, the Federal Government's responsibility to secure our borders is independent from a DACA way forward.

In addition to being the Chair of this subcommittee, I am one of nine Members of Congress to represent a border district. My constituents have waited too long for Washington, DC to provide the resources, strategy, manpower, and will required to secure the border and stop the cartel activity trafficking through our communities.

It is refreshing to have a President who has the will to do what it takes to provide real border security. Today we are here to talk about what resources are needed and how will they be deployed to get the mission done.

Late last year, in the context of DACA-related negotiations, we asked U.S. Customs and Border Protection leadership to provide Congress with a list of what they needed to adequately secure the border. They responded in early January by delivering a document entitled, "Critical CBP Requirements to Improve Border Security."

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CBP has put forth a serious proposal to achieve situational awareness and operational control. Most Members of Congress say that they are committed to securing the border, and if that is the case, we have an obligation to carefully and thoughtfully consider what CBP has requested to get the job done.

I would encourage the Members of the subcommittee to listen to the justifications for these expenditures given by career professionals, like Deputy Commissioner Vitiello and Agent Brandon Judd, who have worked the border and know first-hand the challenges we are up against.

We know that the border is not secure—gangs and trafficking organizations exploit it every day. It is not just border communities that are threatened by these bad actors, Americans across the country are affected by the illicit activity traversing our borders.

We have a unique opportunity to change the status quo on the border. The proposal offered by CBP is a solid framework.

I want to be clear, real border security is more than just a border wall system, technology, and personnel. It also includes aspects of our immigration policy.

Ensuring that illicit border-crossers are promptly removed from the country discourages others from illegally crossing in the future, and sends the message that our Nation’s laws will be enforced.

Unfortunately, there are too many loopholes in our current immigration system that are used on a daily basis to thwart the hard work done by the men and women of CBP and Immigration and Customs Enforcement.

Those loopholes must also be closed.

I worked over the last 6 months with Chairmen McCaul, Goodlatte, and Representative Labrador to craft legislation that closes these loopholes and authorizes this critical funding for border security in a trust fund, to ensure the mission is complete and future Congresses can’t halt the progress.

Our bill, called the Secure America’s Future Act, includes other important provisions of ending chain migration and the visa lottery, cracking down on sanctuary cities, Kate’s Law, and a bill I previously introduced to go after cartel scouts who sit on hilltops and direct cartel activity, often with better equipment than our agents.

It also provides a path forward for DACA recipients. We are working to bring our bill to the floor of the House for a vote.

I have called today’s hearing because I want to dive deep into the details of the CBP request on border security and help the American people understand what border security return on investment could be realized if this strategy is fully funded.

Agents and officers of U.S. Customs and Border Protection work every single day to secure our Nation, often in rugged terrain, dangerous situations, and in very remote areas far away from the amenities of modern life.

We owe it to them to give them the tools and resources that support their ability to gain and maintain situational awareness and operational control of the border.

Ms. MCSALLY. I now recognize the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Vela, for a statement.

Mr. VELA. Thank you, Chairwoman McSally.

Thank you to our witnesses who have joined us this afternoon.

Today, we examine the Department’s border security improvement plan and discuss other policy changes proposed by DHS to deter illegal migration. The intention for this plan was to provide Congress with a substantive analysis of alternatives and life-cycle costs for needed border security investments over the next decade. Unfortunately, this is not what we received in January.

The way I see it, this border security improvement plan illustrates how the Trump administration has politicized the way we identify border security gaps. Of the \$33 billion in investments identified in this plan, approximately 55 percent of these taxpayer dollars are meant to build a big, beautiful border wall. That seems unusually disproportionate given what we have heard in testimony from the Coast Guard and CBP's own front-line personnel over the course of this Congress.

For example, there is no mention of funding to fix CBP's Office of Field Operations staffing shortage, a longstanding and well-known problem that requires CBP to hire more than 3,500 additional officers.

Under this plan, it would seem that CBP Officers across this country including those from my district and the Chairwoman's will continue to 16-hour shifts, be temporarily reassigned to different field offices, or do both in order to make up for the lack of officers.

These CBP staffing issues are critical to border security, yet the administration continues to ignore these problems. The President was in San Diego this past Tuesday to view the border wall prototypes, but he chose not to visit San Isidro or Otay Mesa ports of entry to get a sense of the volume of cargo and people our officers have to vet and screen daily. Rather, the administration is seeking to nearly double the number of miles of barriers along the U.S.-Mexico border between ports of entry.

Under this plan, my district in the Rio Grande Valley in Texas would see a significant amount of construction including in environmentally sensitive locations like the Santa Ana National Wildlife Refuge.

My staff has made repeated request for the data showing the number of apprehensions and risk level in this location and we are still awaiting to be briefed by CBP on what has made the wildlife refuge its first priority for building a levee wall.

Despite the lessons from 10 years ago, this plan does not provide estimates of the full cost, time, and resources that will be required to take land from private landowners to build this border wall. The \$18 billion estimated by the Department will most likely skyrocket over time just as costs did during the previous border fence construction due to eminent domain.

Even more surprising is the lack of metrics. In a series of reports released last year, GAO found that while CBP collects a lot of data, they have no metrics in place to accurately assess the return on our previous investments in technology and border barriers. CBP may not have these metrics in place until September 2019, and yet here we are actively discussing the \$33 billion plan without a sense of which tools have been most useful in securing our borders.

However, a report issued by DHS in September 2017 found that our southern land border is more difficult to cross today than ever before. This report also found that we are seeing the lowest number of illegal entries in the last 40 years.

Given these findings, DHS's border security improvement plan seems like a retroactive justification for pursuing a campaign promise instead of a plan based on a strategy to address known

needs at our ports of entry or along our Northern Border or our coast lines.

Last, I wish to acknowledge Mr. Tony Reardon and Mr. Brandon Judd for joining us second time in a row to testify. Based on our hearing this past January, I introduced the Border and Port Security Act to start addressing the dire staffing shortages within CBP's Office of Field Operations.

Significant changes to CBP's hiring process and retention policies are needed, but in the mean time we can at least begin by authorizing CBP to meet the requirements identified in its workload staffing models.

Again, I thank all of our witnesses for joining us this afternoon and I am eager to hear your views on the administration's proposed approach to border security improvements. With that, I yield back the balance of my time.

[The statement of Ranking Member Vela follows:]

STATEMENT OF RANKING MEMBER FILEMON VELA

MARCH 15, 2018

Today, we examine the Department's Border Security Improvement Plan and discuss other policy changes proposed by DHS to deter illegal migration.

The intention for this plan was to provide Congress with a substantive analysis of alternatives and life-cycle costs for needed border security investments over the next decade.

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This report also found that we are seeing the lowest number of illegal entries in the past 40 years.

Given these findings, DHS's Border Security Improvement Plan seems like a retroactive justification for pursuing a Trump campaign promise instead of a plan based on a strategy to address known needs at our ports of entry or along our Northern Border or our coastlines.

Lastly, I wish to acknowledge Mr. Tony Reardon and Mr. Brandon Judd for joining us a second time in a row to testify.

Based on our hearing this past January, I introduced the Border and Port Security Act to start addressing the dire staffing shortages within CBP's Office of Field Operations.

Significant changes to CBP's hiring process and retention policies are needed, but in the mean time, we can at least begin by authorizing CBP to meet the requirements identified in its workload staffing models.

Again, I thank all of our witnesses for joining us this afternoon, and I am eager to hear your views on the Trump administration's proposed approach to border security improvements.

Ms. MCSALLY. Gentleman yields back.

Other Members of the committee are reminded, opening statements may be submitted for the record.

[The statements of Ranking Member Thompson and Honorable Barletta follow:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

APRIL 4, 2017

This afternoon's discussion is timely given President Trump's visit to San Diego earlier this week to view the border wall prototypes.

In January, the Department of Homeland Security shared with Congress its \$33 billion border security improvement plan, of which \$18 billion would be used to fulfill President Trump's campaign promise of building a "wall" along the Southern Border.

As I have stated before, spending billions on a boondoggle border wall to satisfy a slogan used throughout the 2016 Presidential campaign season is a terrible use of American taxpayer money and bad border policy.

However, through a series of tweets, televised meetings with his Cabinet and Members of Congress, and even a YouTube video, the President and members of the administration, including the Secretary of Homeland Security, have repeatedly made their case over the past several weeks for this one solution.

When the President widely shares via Twitter findings from the Center for Immigration Studies, an organization that is openly anti-immigrant, I am not confident that his preference for a border wall is based on data or strategic interest.

All of us here today know full well that cartels go around, over, under, or through these walls, or smuggle narcotics in cargo shipments moving through our ports of entry.

Further, at a time when the Department's own data show that illegal entries into the United States through the southwest land border are at the lowest levels they have been in the past 40 years, it makes little sense to rely so heavily on this plan to build walls for the next 10 years.

Border security challenges are more nuanced than simply building a wall, but more than half of the funding needed to carry out the DHS Border Security Improvement Plan would be dedicated to just that.

As Ranking Member Vela stated, the Government Accountability Office has concluded that U.S. Customs and Border Protection has absolutely no metrics to show how a wall or even land-based technology contribute to border security in general.

Without knowing the return on these investments, how can we know which tools are the most effective and cost-efficient? How does this plan we are discussing today ensure we are making the best, risk-based decisions?

Given the price tag of this plan, I find it concerning that there is no substantive analysis of life-cycle costs nor a discussion of resources and acquisitions management.

If DHS and CBP are not taking into account the lessons learned from previous mistakes, such as the more than \$1 billion SBInet endeavor, DHS, with the help of the Republican-led Congress, is bound to repeat them.

The administration's singular focus on building border walls is crowding out discussions on other, well-known issues that affect our border security.

For example, both the Border Patrol and the Office of Field Operations are losing trained, experienced agents and officers at a faster rate than CBP is able to replace them.

I share Ranking Member Vela's frustration that the Trump administration continues to overlook critical staffing problems within CBP, in particular the shortages at our ports of entry. Requiring CBP Officers to work back-to-back shifts and take temporary duty assignments to compensate for the lack of officers is a precarious model to operate on.

I thank Congressman Vela for introducing H.R. 4940, the Border and Port Security Act, last month to begin fixing this problem, and I am glad to be a co-sponsor.

Last, I am concerned by some of the policy proposals DHS is considering—and in some cases already using—to deter illegal migration.

Last month, all 12 Democrats on this committee and 63 other Democratic colleagues sent a letter to Secretary Nielsen asking her to halt the practice of separating migrant parents from their children when they are apprehended at the border or in immigration detention in cases that do not warrant it.

The practice is inhumane, excessively punitive, and can deliberately interfere with their legal right to request asylum.

I reiterate my opposition to this practice, and I caution the Department from pursuing other such policies that do not honor our values as a Nation of immigrants.

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#### STATEMENT OF HONORABLE LOU BARLETTA

Thank you all for being here today to discuss the importance of securing our borders, and for your service to this country.

I am always told we must have compassion for the person who breaks the law and comes to this country illegally, but rarely does someone speak up for the victims of this crime. I am pleased we finally have a partner in the White House whose main priority is the American people.

There are many victims of illegal immigration. American families suffer when resources are diverted to illegal immigrants. Americans who need help the most lose jobs and the prospects of a pay raise. Hospitals and schools are pushed to a breaking point, as over-crowding moves public resources from tax-paying Americans, to non-taxpaying illegal immigrants.

I have sat at the tables of Pennsylvanians who have lost loved ones to the violent acts of illegal aliens, and it is those people for whom I have compassion.

We as a Congress have failed the people by not enforcing the laws of our land and refusing to put the safety and well-being of the American people first.

I was the mayor of a city that had an illegal immigration problem. Our population grew by 50 percent but our tax revenue stayed the same. I do not need an expert to describe to me the issue, I've lived it.

My city of Hazleton was overrun by illegal immigrants, and with them came gangs, drugs, identity theft, fraud, and other crimes.

In Philadelphia, multiple child molesters have been released back onto our streets because of the city's sanctuary policy. According to Acting ICE Director Tom Homan, since 2014, nearly 10,000 criminal aliens that have been released by sanctuary policies have committed another crime.

Deadly narcotics like fentanyl continue to flood into the country. In Pennsylvania alone, drug overdose deaths rose by approximately 37 percent in 2016 according to the Drug Enforcement Administration.

It is time to secure our borders, enforce our Federal laws, and put America first.

Ms. MCSALLY. We are pleased to have two distinguished panels of witnesses before us today to discuss this important topic. We will first hear from Ms. Claire Grady, who is the under secretary for management at Department of Homeland Security. In this role, she is third in command of the Department and oversees a budget of \$60 billion and a work force of 240,000 dedicated Homeland Security professionals.

Mr. Ron Vitiello is acting deputy commissioner of U.S. Customs and Border Protection. Previously, he served as the chief of the U.S. Border Patrol. As its chief operating officer, he was responsible for the daily operations of the U.S. Border Patrol, assisting in planning and directing Nation-wide enforcement and administrative operations.

Ms. Rebecca Gambler is a director in 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.

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

**STATEMENT OF CLAIRE M. GRADY, UNDER SECRETARY FOR MANAGEMENT, DIRECTORATE FOR MANAGEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY**

Ms. GRADY. Thank you, Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee for inviting me to testify today. It is an honor to appear before you and to engage in this important discussion.

As DHS's under secretary for management, I am responsible for the lines of business that enable the Department's mission with a focus on integrating and unifying the third-largest Department in the Federal Government. I oversee all aspects of the Department's management programs in support of Homeland Security operations including financial management, human capital, information technology, acquisition, security, logistics, and asset management.

As the chief acquisition officer for DHS, I am ultimately responsible for the Department's acquisition and procurement programs. Through the Office of the Chief Procurement Officer, the Program Accountability and Risk Management Office and other DHS functional leads, I provide policy oversight and management of these programs.

Initially, the Department was comprised of disparate components with different approaches, methods, and policies regarding acquisition and management activities. The absence of a Departmental acquisition oversight structure, a strong requirements development process, and centralized resource allocation created challenges. We lack the unified Departmental approach for the administration of the Department's management and acquisition effort, efforts that are critical to the security of our Nation.

During the past several years, DHS has made significant progress to strengthen and improve its requirements, budgeting, and acquisition processes. DHS has focused on institutionalizing robust oversight and governance structures and maturing the acquisition process to build upon solid requirements analysis, ensuring operators are engaged in determining capability gaps and mission needs.

The planned investments for border security will benefit from this maturation of processes and development of expertise, ensuring we deliver the right capability on time and within budget.

The border wall and associated technology are being managed in accordance with Directives 107-1 Joint Requirements and 102-1 Acquisition Management, by delivering the wall system and priority—pardon me—prioritized segments, CBP has established a sound acquisition strategy that mitigates risk and delivers capability that is sequenced based on operators' needs.

In concert with CBP, we have instituted an Executive steering committee in which leadership and senior functional experts including the chief procurement officer and the chief financial officer participate with a focus on effectively and efficiently delivering this much-needed capability.

For all large-dollar investments, I personally review and approve required program documentation and share and make decisions on readiness to proceed at Acquisition Review Boards. We are leveraging the full capability of the Department to position this critical effort for success.

In addition to infrastructure and technology, front-line and support personnel are critical to border security. We must have sufficiently trained, experienced, and equipped Border Patrol Agents to perform the important and often dangerous work of securing our borders.

As the under secretary for management, I am committed to providing the necessary oversight and resources to ensure CBP can and will successfully perform its mission. As you may know, this Executive Order on Border Security and Immigration Enforcement mandated the hiring of 5,000 additional Border Patrol Agents. To implement this, we continue to explore all avenues to meet current and future human capital needs with high-quality ethical individuals who are committed to the rule of law and protecting our Nation.

We continually analyze and refine recruitment and hiring practices to secure adequate staffing for critical front-line and support personnel. Our focus is on attracting more applicants who are suited to the unique demands of CBP's mission, expediting the pre-employment time line and reducing the attrition rate of the existing work force.

While there is always much more work to do, the Department has made significant strides to improve management including acquisition planning and execution. With continued and frequent engagement between CBP leadership and the Department, DHS will deliver maximum value for taxpayer dollars invested in border security.

This open communication and the assistance from the Department coupled with a measured approval by segment strategy ensures delivery of operational capability that will improve the security of our homeland. We are committed to employing the combination of infrastructure, technology, and Border Patrol Agents that most effectively and economically secures the borders, increasing our National security and promoting American economic interests.

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

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

JOINT PREPARED STATEMENT OF CLAIRE M. GRADY AND RONALD D. VITIELLO

MARCH 15, 2018

## INTRODUCTION

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee, it is an honor to appear before you today on behalf of the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) to discuss how the right mix of technology, infrastructure, and personnel enable DHS to achieve strategic and operational border security objectives.

Within DHS, CBP is responsible for securing approximately 7,000 miles of land border, 95,000 miles of shoreline, 328 ports of entry (POE), and the associated air and maritime space from the illegal entry of people and contraband into the United States. The border environment in which CBP works is dynamic and requires continual adaptation to respond to emerging threats and changing conditions. We appreciate the partnership and support we have received from this subcommittee and your commitment to the security of the American people.

Through a series of Executive Actions, President Trump has taken steps to enhance border security, promote public safety, minimize the threat of terrorist attacks by foreign nationals, and protect American workers from unfair foreign competition. Last January, the President signed the Executive Order entitled *Border Security and Immigration Enforcement Improvements* (E.O. 13767). E.O. 13767 directs Executive departments and agencies to deploy all lawful means to secure the Nation's Southern Border, prevent further illegal immigration to the United States, and repatriate aliens with final orders of removal swiftly, consistently, and humanely. E.O. 13767 also establishes the foundation for securing our Southern Border by directing the provision of necessary tools, resources, and policy goals for DHS's dedicated men and women, who are responsible for preventing illegal immigration, drug smuggling, human trafficking, and acts of terrorism, to fulfill their critical mission.

Our testimony today discusses DHS's on-going efforts through the right mix of infrastructure, personnel, and advanced technology—to enhance our deterrence, detection, and interdiction of illegal cross-border activity, at and between the POEs. However, legislative changes are needed to address some of the most complex challenges facing our Nation. DHS looks forward to working with Congress to ensure safe and lawful admissions, defend the safety and security of our country, and protect American workers and taxpayers.

For example, the administration proposes amending current law to ensure the expeditious return of Unaccompanied Alien Children (UACs) and family units. The administration also proposes correcting the systemic deficiencies that created the asylum backlog, as well as proposes providing additional resources to reduce the immigration court backlog and ensure the swift return of illegal border crossers. Further, the administration proposes expanding the criteria that render aliens inadmissible and ensure that such aliens are maintained in continuous custody until removal. The administration also proposes increasing employment verification and other protections for U.S. workers.

Moreover, the administration seeks to expand the grounds of removability and the categories of aliens subject to expedited removal and by ensuring that only aliens with meritorious valid claims of persecution can circumvent expedited removal, and proposes increasing penalties for repeat illegal border crossers and those with prior deportations. The administration also proposes strengthening the removal processes for those who overstay or otherwise violate the terms of their visas, and implementing measures to prevent future visa overstays which may account for a growing percentage of illegal immigration. There are nearly 1 million aliens with final orders of removal across the country—meaning these removable aliens were afforded due process of law, had their day in court, and were ultimately ordered removed by a judge—yet they remain in our Nation and U.S. Immigration and Customs Enforcement (ICE) only has 6,000 Deportation Officers to arrest and remove them. The administration looks to strengthen law enforcement by hiring 10,000 more ICE officers and agents, and supports the request from the Department of Justice to hire 300 more Federal prosecutors.

We urge Congress to address the challenge of so-called “sanctuary” jurisdictions. Hundreds of State and local jurisdictions across the country do not honor ICE requests to hold criminal aliens who are already in State and local custody. Instead, they release them back into their communities, where they are allowed to commit more crimes. In addition to public safety concerns related to “sanctuary” policies, they pose a greater risk of harm to ICE officers, who must locate and arrest these

criminals in public places. This increases the likelihood that the criminal aliens can resist arrest or flee. Rather than enhancing public safety, sanctuary jurisdictions undermine it by creating a safe haven for criminal aliens. States and localities that refuse to cooperate with Federal authorities should be ineligible for funding from certain grants and cooperative agreements. Authorizing and incentivizing States and localities to enforce immigration laws would further help ICE with its mission and make all communities safer.

#### INVESTING IN BORDER SECURITY

CBP's proposed investments leverage the Capability Gap Analysis Process (CGAP), an annual, full-spectrum requirements analysis process. In use since 2014, CGAP creates a consistent and repeatable, field-driven approach to conducting mission analysis and planning aimed at identifying capabilities gaps across the complex environments that U.S. Border Patrol (USBP) agents work in every day. Capability gaps are captured directly from the field using this process, and are explored through qualitative and quantitative analysis and other evidence to provide information to decision makers about the border security mission space across the Northern, Southern, and Coastal borders of the United States. This methodology leads to informed investments that achieve the greatest possible operational impact. As the threats along the borders change, USBP will update this analysis as needed to maximize the impact of future investments.

The CGAP is used by USBP to identify needs related to 12 master capabilities: Communications; doctrine and policy; domain awareness; human capital management; impedance and denial (I&D); information management; intelligence and counter intelligence; mission readiness; planning and analysis; security and partnerships; access and mobility; and command and control. While CGAP identifies needs across all 12 master capabilities, four capabilities—I&D, domain awareness, access and mobility, and mission readiness—are consistently prioritized by field commanders as the most important. These identified needs are then subject to appropriate review and validation through the DHS requirements processes.

#### INFRASTRUCTURE

Tactical infrastructure, including physical barriers and complementary capabilities, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southern Border. Tactical infrastructure also supports EO 13767 *Border Security and Immigration Enforcement Improvements* and CBP's operational requirements, including the high-priority border wall system.

##### *Between the Ports of Entry*

The land along the border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Today we have several types of barriers, including steel bollard and levee wall along nearly one-third, or 654 miles, of the Southern Border.

I&D is among the four capabilities that field commanders consistently prioritize during the CGAP process. I&D is the ability to slow and/or stop the use of terrain for illicit cross-border activity. This is achieved primarily through the use of man-made infrastructure such as a physical wall, and the complementary deployment of personnel, roads, and technology. It is undeniable that border barriers have enhanced—and will continue to enhance—CBP's operational capabilities by creating an enduring capability that impedes illegal cross-border activity and facilitates the deterrence and prevention of illegal entries. I&D investments are critical in protecting border areas with short vanishing times, where illicit crossers can quickly evade law enforcement by “vanishing” into border communities. Investments in I&D, and particularly in a border wall system, will help CBP obtain operational control of the border and prevent illegal border crossings.

Following extensive risk-based analysis of operational needs along the Southwest Border using the CGAP process, CBP identified its top 17 priority investments that will assist the agency in stopping the illicit flow of people and goods into the country between POEs. The investments will result in the construction of 450 miles of new or replacement primary pedestrian barrier and 272 miles of new or replacement secondary barrier, for a total of 722 miles of planned construction. CBP estimates that it will cost approximately \$18 billion to build the top 17 priority groups.

CBP is seeking to build on the successes of, and lessons learned from, the construction and operation of existing barriers to deploy a system that addresses dynamic cross-border threats. CBP is working with industry and partnering with the U.S. Army Corps of Engineers to incorporate additional alternative barrier design features and other innovative solutions into our border barrier systems. Border bar-

rier systems are comprehensive solutions that include a concentrated combination of various types of infrastructure such as walls, all-weather roads, lighting, sensors, enforcement cameras, and other related technology. Deployments of additional infrastructure will be made using a multi-phased approach that meets USBP's operational requirements, and which safeguards National security and public safety. These deployments will be the results of thorough analysis of threat and mission effectiveness and follow disciplined acquisition processes overseen by DHS.

Throughout the planning, design, and construction process, CBP will complete project, budget, real estate, and environmental planning to ensure appropriate resource stewardship. CBP will leverage expertise in Federal acquisition to maximize transparency and accountability and to ensure the most effective and efficient solutions are deployed to meet requirements, in accordance with the established DHS acquisition lifecycle framework and acquisition review board oversight.

CBP is committed to ensuring that all stakeholder communities, including Federal partners, State, local, and Tribal officials, and impacted communities, are kept informed and engaged throughout this process.

#### *At the Ports of Entry*

CBP supports a vast and diverse real property portfolio, consisting of more than 4,300 owned and leased buildings, over 28 million square feet of facility space, and approximately 4,600 acres of land throughout the United States. CBP continues to construct and modernize Land Ports of Entry along the Northern and Southern Borders, and to complete additional enhancement and expansion projects within the Office of Field Operations portfolio. Constructing and improving CBP's physical infrastructure is essential to keeping facilities operationally viable for front-line and mission support functions.

#### TECHNOLOGY

Technology enhances CBP's operational capabilities by increasing the ability of the men and women of CBP to: Detect and identify individuals illegally crossing the border; detect dangerous goods and materials concealed in cargo and vehicles; and detect and interdict illegal activity in the air and maritime domains. For CBP, the use of technology in the border environment is an invaluable force multiplier that increases situational awareness. Technology enhances the ability of CBP to detect illegal activity quickly, with less risk to the safety of our front-line personnel.

#### *At the Ports of Entry*

Smugglers use a wide variety of tactics and techniques to traffic concealed drugs and other contraband through POEs. CBP incorporates advanced detection equipment and technology, including the use of Non-Intrusive Inspection (NII) equipment and radiation detection technologies, to maintain robust cargo, commercial conveyance, and vehicle inspection regimes at our POEs.

NII technology is a critical element in CBP's ability to detect contraband, and materials that could pose nuclear and radiological threats. CBP currently has 304 large-scale NII systems and over 4,500 small-scale systems deployed to, and between, POEs. These systems enable CBP officers to examine cargo conveyances such as sea containers, commercial trucks, and rail cars, as well as privately-owned vehicles, for the presence of contraband without physically opening or unloading them. This allows CBP to work smarter and faster in detecting contraband and other dangerous materials. CBP officers also utilize NII, as well as spectroscopic and chemical testing equipment and narcotics detection canines, to detect and presumptively identify illicit drugs, including illicit opioids, at international mail and express consignment carrier facilities. As of January 31, 2018, CBP has deployed NII systems to conduct more than 83 million examinations, resulting in more than 18,500 narcotics seizures, with a total weight of more than 4.23 million pounds, and more than \$79.292 million in currency seizures.

Scanning all arriving conveyances and containers with radiation detection equipment prior to release from the POE is an integral part of CBP's comprehensive strategy to combat nuclear and radiological terrorism. In partnership with the Countering Weapons of Mass Destruction Office, CBP has deployed nuclear and radiological detection equipment, including 1,280 Radiation Portal Monitors (RPM), 3,319 Radiation Isotope Identification Devices, and 35,294 Personal Radiation Detectors to all 328 POEs Nation-wide. Utilizing RPMs, CBP is able to scan 100 percent of all mail and express consignment mail and parcels; 100 percent of all truck cargo; 100 percent of personally-owned vehicles arriving from Canada and Mexico; and nearly 100 percent of all arriving sea-borne containerized cargo for the presence of radiological or nuclear materials. Between 2002 when the RPM program began, through January 31, 2018, CBP has scanned more than 1.41 billion conveyances for

radiological contraband, resulting in more than 6.1 million alarms in primary and secondary operations, all of which have been successfully adjudicated at the proper level.

In conjunction with CBP's many other initiatives, advancements in cargo and conveyance screening technology provide CBP with a significant capacity to detect dangerous materials and other contraband, and continue to be a cornerstone of CBP's multi-layered security strategy.

#### *Technology Investments Between the Ports of Entry*

Thanks to the support of Congress, CBP continues to deploy proven, effective technology to strengthen border security operations between the POEs, in the land, air, and maritime environments. These investments increase CBP's ability to detect illegal activity along the border, increase our operational capabilities, and improve the safety of front-line law enforcement personnel.

#### *Surveillance Capabilities*

Integrated Fixed Tower (IFT) systems are one of the technologies deployed along the Southwest Border in Arizona. IFTs provide long-range, persistent surveillance. An IFT system automatically detects items of interest with radar, identifies and classifies them with day and night cameras, and tracks them at the Command and Control Center through the integration of data, video, and geospatial location input.

Remote Video Surveillance Systems (RVSS) are another technology used by USBP in select areas along the Northern and Southern Borders. These systems provide short-, medium-, and long-range, persistent surveillance from towers or other elevated structures. Existing RVSS are being upgraded with newer cameras, communication backhaul, command-and-control programs, and additional towers.

In some areas along both the Northern and Southern Borders, USBP uses Unattended Ground Sensors (UGS), to provide focused, short-range, persistent surveillance. UGS are remotely monitored surveillance systems that detect, identify, and track activity and subjects in areas not easy to access or monitor with other technology. These sensors are hand-installed, fixed but relocatable, easy to conceal, and adaptable to numerous operational environments. Detection capabilities include seismic, magnetic, acoustic, infrared, radar, microwave, photoelectric, contact closure and various others. Imaging UGS (I-UGS) provide photograph or video verification of detections and allow advanced image analytics.

Fixed systems provide persistent surveillance coverage to efficiently detect unauthorized border crossings. Once detection is confirmed, USBP can quickly deploy the appropriate personnel and resources to interdict. Without fixed-system technology such as IFT, RVSS, and UGS, the USBP's ability to detect, identify, classify, and track illicit activity would be significantly limited.

#### *Mobile and Relocatable Surveillance Capabilities*

Working in conjunction with fixed surveillance assets, USBP also uses mobile and relocatable systems to address areas where rugged terrain and dense ground cover may limit the effectiveness and coverage of fixed systems. Mobile and relocatable technology assets provide USBP with the flexibility to adapt to changing border conditions and threats.

Mobile Surveillance Capability systems provide long-range, mobile surveillance. They include radar and camera sensors mounted on USBP vehicles. Mobile Vehicle Surveillance Systems are short- and medium-range, mobile surveillance equipment. They consist of camera sensors on telescoping masts mounted on USBP vehicles. USBP agents deploy with these systems, which detect, track, identify, and classify items of interest using the video feed.

Another system is the Agent Portable Surveillance System. Mounted on a tripod, it provides medium-range, mobile surveillance and can be transported by two or three USBP agents. Two agents remain on-site 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.

CBP's Tactical Aerostats and Re-locatable Towers program, originally part of the Department of Defense (DOD) re-use program, uses a mix of aerostats, towers, cameras, and radar to provide USBP with increased situational awareness over a wide area. This capability has proven to be a vital asset in increasing USBP's ability to detect, identify, classify, and track activity along the borders.

The Cross-Border Tunnel Threat program strengthens border security effectiveness between POEs by diminishing the ability of Transnational Criminal Organizations to gain access into the United States through cross-border tunnels and the illicit use of underground municipal infrastructure. This system helps CBP predict potential tunnel locations; detect the presence of suspected tunnels and tunneling activities as well as project the trajectory of a discovered tunnel; confirm a tunnel's

existence and location through mapping and measurements; and facilitate secure information sharing across all stakeholders.

*Technology in the Air and Maritime Domains*

Air and Marine Operations (AMO) increases CBP's situational awareness, enhances its detection and interdiction capabilities, and extends our border security zones, offering greater capacity to stop threats before they reach our shores. AMO's assets provide multi-domain awareness for our partners across DHS, as well as critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel. AMO performs its offshore functions in coordination with the U.S. Coast Guard and DHS's interagency partners.

AMO is investing in high-speed Coastal Interceptor Vessels specifically designed and engineered with the speed, maneuverability, seakeeping, and endurance necessary to intercept and engage a variety of suspected non-compliant vessels in offshore waters and on the Great Lakes. Additionally, AMO's Small Vessel Standoff Detection radiation detection capability increases the probability of detecting radiological and nuclear materials that might be used in an attack. This transportable equipment is effective against small private or commercial vessels, and can detect a potential threat in advance of a boarding.

Multi-role Enforcement Aircraft (MEA) are sensor-equipped aircraft for surveillance operations in regions where terrain, weather, and distance pose significant obstacles to border security operations. The MEA serves as a force multiplier for law enforcement personnel, facilitating the rapid-response deployment of equipment, canines, and people.

P-3 Long-Range Trackers and Airborne Early Warning Aircraft provide critical detection and interdiction capability in both the air and marine environments. CBP P-3s are an integral part of the successful counter-narcotic missions operated in coordination with the Joint Interagency Task Force—South. The P-3s patrol a 42 million-square-mile area that includes more than 41 nations, the Pacific Ocean, Gulf of Mexico, Caribbean Sea, and seaboard approaches to the United States. In fiscal year 2017, CBP's P-3 operational efforts assisted in the seizure or disruption of the delivery of more than 163,000 pounds of cocaine, with an estimated wholesale value of \$2.2 billion.

Multiple AMO aircraft are equipped with electro-optical/infrared (EO/IR) sensor systems that provide improved detection and identification capabilities, greater standoff ranges for more covert operation and safety, and have laser range finders, laser target illumination, and Shortwave Infrared functionality. These systems equip AMO aircraft with the capability to detect persons, vehicles, vessels, and aircraft during day, night, and in adverse visibility conditions, thus enabling classification of threats and enhancing mission value for ground agents.

Other critical components of AMO's aircraft fleet include the UH-60 Black Hawk helicopters which are able to carry 8 agents with full gear. The Light Enforcement Helicopter is a multi-mission helicopter used for aerial surveillance, tactical support, patrol of high-risk areas, and to transport agents responding to illegal border incursions, as well as serve search and arrest warrants. Another important asset is the DHC-8 Maritime Patrol Aircraft, which bridges the gap between strategic assets, such as the P-3 and Unmanned Aircraft System (UAS).

AMO's aircraft have received a number of technological upgrades to increase their utility. For example, avionics upgrades to the AS-350 helicopter allow operators to focus more of their attention on the mission, making them more effective. AMO has also added (EO/IR) detection technology to its fixed-wing, light observation aircraft, thereby greatly increasing its tactical capabilities.

UAS are an increasingly important part of CBP's layered and integrated approach to border security. CBP's UAS consist of an unmanned aircraft, sensors, communication packages, pilots, and ground control operators. UAS platforms are used for surveillance, detection, and other mission requirements along the Southwest Border, Northern Border, and in the drug source and transit zones. The UAS program has logged over 44,800 flight hours since it began in fiscal year 2006, and has been credited with assisting in interdiction or disruption of the movement of cocaine and marijuana with an estimated wholesale value of \$1.1 billion. CBP can equip four UAS aircraft with Vehicle and Dismount Exploitation Radar (VADER) sensor systems, which can detect human movement along the ground. Since 2012, VADER has detected over 51,600 people moving across the Southwest Border.

Important advancements have come in the area of data integration and exploitation. New downlink technology allows AMO to provide a video feed and situational awareness to law enforcement personnel in real time. In addition, the Minotaur mission management system will enable the integration and geo-synchronization of multiple aircraft sensors, mission databases, and intelligence-gathering devices and

allow multiple aircraft to share information from multiple sources, providing a never-before-seen level of air, land, and maritime domain awareness.

AMO's Tethered Aerostat Radar System (TARS) monitors the low-altitude approaches to the United States. With 8 aerostat sites, 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 capabilities. From fiscal year 2014 through fiscal year 2016, TARS was responsible for detecting 86 percent of all suspected air smuggling flights approaching the Southwest Border from Mexico.

A vital component of DHS's domain awareness capabilities, AMO's Air and Marine Operations Center (AMOC) integrates surveillance capabilities and coordinates National security threat response with other CBP operational components, including USBP. It also works with other Federal and international partners.<sup>1</sup> AMOC helps AMO and its partners predict, detect, identify, classify, respond to, and resolve suspect aviation and maritime activity in the approaches to U.S. borders, at the borders, and within the interior of the United States. AMOC utilizes extensive law enforcement and intelligence databases, communication networks, and the Air and Marine Operations Surveillance System (AMOSS). The AMOSS provides a single display capable of processing up to 700 individual sensor feeds and tracking over 50,000 individual targets simultaneously. The 8 TARS sites represent approximately 2 percent of the total integrated radars in AMOSS, yet accounted for 53 percent of all suspect target detections.

As we continue to deploy border surveillance technology, particularly along the Southwest Border, these investments in fixed and mobile technology, as well as enhancements of domain awareness capabilities provided by the AMOC, allow CBP the flexibility to shift more agents from detection duties to interdiction of illegal activities.

#### *Access & Mobility*

USBP has consistently identified Access and Mobility as a key capability for gaining and maintaining operational control of the Southern Border. Access and Mobility is the ability to access areas of responsibility and, under all conditions, effect mobility for responding to illicit cross-border activity. CBP's portfolio currently includes over 900 miles of access roads. Roads are necessary to increase access points and expand patrol roads in high-priority areas. Patrol roads decrease travel time, improve incident response time, and increase the effective patrol range of USBP Agents (BPAs). Roads are a force multiplier and key in establishing operational control of the border.

#### BORDER TECHNOLOGY REQUIREMENTS DEVELOPMENT

DHS is committed to effective and efficient resource allocation and ensures that all potential investments to fulfill capability gaps are subject to appropriate oversight from identification of potential need, validation of requirements, research and development, acquisition, testing, fielding, operation and sustainment, and ultimately disposal. CBP works closely with other elements of DHS Headquarters and other DHS components to ensure strategy-led, operationally informed requirements development. This process enables DHS to execute acquisition strategies and budgets effectively and efficiently that address the broad range of complex border threats and challenges, including illegal migration, smuggling of illegal drugs, human and arms trafficking, and the threat of terrorist exploitation of border vulnerabilities.

For example, CBP works closely with the DHS Science & Technology Directorate (S&T) to identify and develop technology to improve our surveillance and detection capabilities along our land and maritime borders. This includes investments in tunnel detection and tunnel activity monitoring technology; tactical communication upgrades, and small UAS; low-flying aircraft detection and tracking systems, land and maritime data integration/data fusion capabilities, and border surveillance tools tailored to the Northern and Southern Borders, including unattended ground sensors/tripwires, upgrades for mobile surveillance systems, slash camera poles, and wide-area surveillance.

In addition to collaboration with our DHS partners, as part of CBP's efforts to seek innovative ways to acquire and use technology, CBP formed a partnership with DOD to identify and reuse excess DOD technology. To date, CBP has acquired several types of technology from DOD, including thermal imaging equipment, night vision equipment, and tactical aerostat systems, which increase CBP's situational

<sup>1</sup> AMOC partners include the Federal Aviation Administration (FAA), the Department of Defense (including the North American Aerospace Defense Command (NORAD)), and the governments of Mexico, Canada, and the Bahamas.

awareness and operational flexibility in responding to border threats. We will continue to pursue additional opportunities to leverage DOD excess equipment. We will do this in a sustainable way by considering the full life-cycle costs of the DOD equipment we are considering before acquiring it.

#### HIRING AND PERSONNEL

Front-line and non-front-line personnel are one of the most critical resources for improving border security. Mission readiness—the ability to properly train and equip personnel—is critical to CBP’s ability to secure the border and protect the American people.

EO 13767 mandated the hiring of 5,000 additional BPAs. To implement this direction, and as operational demands continue to evolve, CBP continues to explore all avenues to meet current and future human capital needs. CBP subjects its recruitment and hiring practices to an on-going cycle of analysis and refinement, working constantly to strengthen its hiring capabilities and secure adequate staffing for critical front-line operations and the network of personnel who support these operations. CBP’s strategy includes initiatives designed to attract more applicants who are suited to the unique demands of CBP’s mission, expedite the pre-employment time line, refine the hiring process to address potential bottlenecks, and reduce the attrition rate of the existing workforce.

In pursuit of our hiring goals, CBP recruiters will continue to participate in thousands of recruiting events, seeking to reach a diverse spectrum of applicants. In fiscal year 2017, CBP participated in more than 3,000 recruitment and outreach events. In fiscal year 2018, CBP has thus far participated in nearly 700 recruitment and outreach events. CBP’s use of advanced data analytics to direct recruitment efforts, deemed a best practice by the Office of Personnel Management, has enabled CBP to identify demographics with low brand awareness of the CBP, and to refocus recruitment efforts toward these gaps. This has resulted in an overall increase in applicants and lowered the number of applicants it takes for one officer or agent to on-board. Recruitment at events for veterans and transitioning military personnel continues to be a top priority. CBP will continue to enhance our data analytics capabilities, refining CBP’s ability to identify groups of people who are most likely to pursue or be interested in a law enforcement career and providing us with targeted areas and specific audiences for recruitment. In addition, CBP will focus on digital advertising, and enhance branding through relationships with community partners.

CBP’s new front-line hiring process has led to significant reductions in the average time to hire. In the last 12 months, close to 70 percent of new BPAs and 60 percent of new CBP Officers on-boarded in 313 days or fewer, with 13 percent of each occupation on-boarding within 160 days, a significant improvement from the 469-day overall baseline established in January 2016. By streamlining CBP’s hiring process, CBP has increased the applicant-to-Enter onto Duty rate, preventing otherwise qualified candidates from dropping out due to process fatigue or to accepting more timely job offers elsewhere.

A significant challenge for CBP is that much of our work must be carried out in remote locations. It can be difficult to attract applicants who are willing to work in these locations, and it is a significant factor in our attrition. CBP is working to develop programs that address attrition through relocation and retention incentives that meet employee aspirations, and at the same time enable CBP to staff these locations. We believe that a stable relocation program will help meet operational requirements and alleviate the lack of mobility, which significantly contributes to increased attrition across the workforce. Recruitment incentives are also helpful in attracting new personnel to join CBP, especially for positions in geographic locations that are difficult to fill. CBP is thankful for the continued dedication of Members of Congress to work collaboratively with CBP to develop solutions to this complicated challenge.

#### CONCLUSION

The border environment is dynamic and requires constant adaptation to respond to emerging threats and changing conditions. DHS cannot achieve the high-priority operational control of the border that is vital to our Nation’s economic prosperity and security without the requested border wall system, and legislative fixes needed to address the challenges of today’s border environment. Facilities, systems, information technology, infrastructure, and assets that enable rapid deployment and mobility will enable CBP to respond effectively to changes in threats in the border environment. With the support of Congress, DHS will continue to secure our Nation’s borders through the risk-based deployment of infrastructure, personnel, and technology.

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

Ms. MCSALLY. Thank you, Under Secretary Grady.

The Chair now recognizes Deputy Commissioner Vitiello for 5 minutes.

**STATEMENT OF RONALD D. VITIELLO, ACTING DEPUTY COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. VITIELLO. Thank you. Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee, thank you for the opportunity to appear before you today to discuss how U.S. Customs and Border Protection uses the right mix of technology, infrastructure, and personnel to achieve our strategic and operational border security objectives.

Barriers, roads, gates, lights, sensors, enforcement cameras, other related systems all contribute to CBP's work to prevent terrorists and terrorist weapons, illegal aliens, smugglers, narcotics, and other contraband from crossing U.S. borders.

I started my career with the United States Border Patrol over 30 years ago and have seen first-hand how border barriers enhance operational capabilities. Border barriers create an enduring capability that impedes, deters, and prevents illegal entries. Technology and access roads, enhanced situational awareness enable agents and officers to respond to changing threats quickly and effectively.

CBP plans to deploy border wall system in a multi-faced approach that meets the U.S. Border Patrol's operational requirements, safeguards the National security and public safety and is the result of thorough analysis of threat and mission effectiveness. CBP is committed to ensuring that all stakeholder communities are informed throughout the process. CBP deploys proven effective technology at and between our ports of entry. Technology is an invaluable force multiplier that increases situational awareness, reduces safety risks for our front-line personnel.

Persistent surveillance technologies enable Border Patrol to remotely detect, identify, classify, and track items of interest. Mobile technologies give Border Patrol the flexibility to adapt to changing border conditions and threats.

CBP's air and marine operations increases CBP's situational awareness, enhances our detection and interdiction capabilities, and extends our border security zones. AMO's assets including aircraft, coastal interceptor vessels, and sophisticated downlink technology provide multi-domain awareness for our partners across DHS. AMO also provides critical aerial and maritime surveillance interdiction and operational assistance to ground personnel.

CBP continues to strengthen our hiring capabilities to reach our staffing goals. CBP's use of advanced data analytics have resulted in an overall increase in applicants, lowered the number of applicants it takes to on-board an officer or an agent, and reduced the time to hire.

In the last 12 months, close to 70 percent of new Border Patrol Agents and 60 percent of new CBP Officers on-boarded in 313 days or fewer with 13 percent of each occupation on-boarding within 160

days. This is a significant improvement from January 2016 when it took 469 days.

In addition, our large-scale but focused marketing efforts have increased not only the quality and quantity of front-line applicants, CBP saw a 42 percent increase in applicants between fiscal year 2016 and 2017, but also the quality of these applicants as we continue to identify individuals who are more likely to succeed through the process. In fiscal year 2016, CBP needed 179 applications to onboard one agent or officer. In fiscal year 2017, these numbers are down to 74 and 42 applicants respectively.

As we continue to build on our many advancements over the last 2 years, we are optimistic that positive trends will continue and that our efforts will not only enable us to reach our hiring targets, but ensure that CBP can always adapt effectively to a growing and increasingly complex mission.

With the support of Congress, CBP will continue to secure our Nation's border through the risk-based deployment of infrastructure, personnel, and technology. Each of these investments strengthens the capability CBP needs to achieve operational control of the border.

I would be remiss if I did not mention the officers and agents on the front line. Many of you have been to visit them and seen in the field and seen what good they do. The border environment is at times challenging. Despite that, the men and women of CBP are undaunted in their pursuit of securing borders. They protect our Nation as law enforcers in many situations and serve as selfless humanitarians.

I pray that my representation of them is as worthy as the service that they and their families give to this great Nation. Thank you for having me as a witness today. I look forward to your questions.

Ms. MCSALLY. Thank you. Thanks so much—sorry—Deputy Commissioner Vitiello.

The Chair now recognizes Ms. Gambler for 5 minutes.

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

Ms. GAMBLER. Good afternoon, Chairwoman McSally, Ranking Member Vela, and Members of the subcommittee. I appreciate the opportunity to testify at today's hearing to discuss GAO's work on the Department of Homeland Security's efforts to deploy surveillance technologies, physical barriers, and personnel along the Southwest Border.

Over the years, GAO has issued dozens of reports addressing these areas and today I am going to highlight our key findings and recommendations. First, as it relates to the deployment of surveillance technologies, DHS has made progress. As of November 2017, DHS had completed deployment of selected technologies to areas in Arizona, Texas, and California. These technologies include fixed and mobile assets with cameras and radars.

For example, DHS reported deploying all planned remote video surveillance systems and mobile surveillance capability systems to Arizona. DHS also deployed 15 of 53 integrated fixed tower systems

to Arizona as of November 2017. DHS deployed all planned mobile surveillance capability systems to Texas and California.

Regarding physical barriers, from fiscal years 2007 through 2015, DHS spent approximately \$2.4 billion on tactical infrastructure on the Southwest Border, which includes fencing, roads, lighting, and other assets. About 95 percent of that amount was spent on constructing pedestrian and vehicle fencing or barriers. There is about 654 miles of primary pedestrian and vehicle fencing along the Southwest Border, and some areas of the border also have second and third layers of fencing.

These deployments of surveillance technologies and physical barriers have benefited border security operations. Reported benefits from technology and barriers include better situational awareness, improved agent safety, and reduced vehicle incursions among others.

However, despite these benefits DHS has not established metrics for assessing its investments in surveillance technologies and physical barriers. DHS collects data that it could use to help make such assessments including data on illegal entries, apprehensions, seizures, and asset assist.

We have reported that with regard to fencing, for example, DHS could use these data to compare the occurrence and location of the illegal entries before and after construction. DHS could also use these data to help determine the extent to which barriers contribute to diverting illegal entrance into more rural and remote environments and their impact, if any, on apprehension rates over time.

We have made recommendations to DHS to establish metrics and use available data to assess the contributions of surveillance technologies and barriers to border security operations. These metrics and data can be helpful to DHS in informing future investment and resource decisions.

To its credit, DHS has agreed with these recommendations and is taking action toward addressing them. We are continuing to monitor DHS's progress in addressing these and other recommendations related to strengthening the Department's management, oversight, and planning for border security programs.

In that vein, we have on-going work reviewing DHS's planning efforts for a border wall system. DHS has procured and tested 8 barrier prototypes and we are currently evaluating how DHS conducted and is using those prototypes and tests. We plan to report on the results of our work later this year.

Turning to personnel resources, we also have on-going work for the subcommittee reviewing CBP's efforts to recruit, hire, and retain law enforcement personnel. We also expect to report on the results of this work later this year.

Our prior work on Border Patrol deployment strategy has identified staffing challenges for the agency. In particular, Border Patrol has faced challenges in staffing to its authorized levels. In recent years, Border Patrol has on average lost more agents than it has hired.

CBP has identified challenges faced in hiring efforts such as duty locations, compensation, and competition with other law enforcement agencies. These staffing challenges can affect the Border Pa-

trol's deployment strategy. Through our prior work we found that officials from all 9 Southwest Border Patrol sectors cited current staffing levels and the availability of agents as a challenge for optimal deployment.

In closing, our work has identified both progress and challenges in DHS's efforts to deploy and manage technologies, physical barriers, and personnel to secure the Southwest Border. We have also identified opportunities for DHS to strengthen its border security programs and efforts and better assess the contributions of its investments to overall border security. We will continue to monitor DHS's efforts in these areas.

This completes my prepared statement and I am happy to answer any questions Members may have.

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

MARCH 15, 2018

Chairwoman McSally, Ranking Member Vela, and Members of the subcommittee: I am pleased to be here today to discuss GAO's work reviewing the Department of Homeland Security's (DHS) efforts to deploy surveillance technology, tactical infrastructure, and personnel resources to the Southwest Border. This area continues to be vulnerable to illegal cross-border activity. The U.S. Border Patrol reported apprehending almost 304,000 illegal entrants and making over 11,600 drug seizures along the Southwest Border in fiscal year 2017. In January 2017, an Executive Order called for, among other things, the immediate construction of a Southwest Border wall and the hiring of 5,000 additional Border Patrol Agents, subject to available appropriations.<sup>1</sup>

The Border Patrol, within DHS's U.S. Customs and Border Protection (CBP), is the Federal agency responsible for securing the National borders between U.S. ports of entry.<sup>2</sup> The Border Patrol divides responsibility for Southwest Border security operations geographically among 9 sectors, and each sector is further divided into varying numbers of stations. To respond to cross-border threats, DHS has employed a combination of key resources, including surveillance technology, tactical infrastructure (which includes fencing, roads, and lighting), and Border Patrol Agents. For example, DHS has deployed a variety of land-based surveillance technologies, such as cameras and sensors, which the Border Patrol uses to assist its efforts to secure the border and to apprehend individuals attempting to cross the border illegally.<sup>3</sup> In addition, CBP spent approximately \$2.4 billion from fiscal years 2007 through 2015 to deploy tactical infrastructure, including about \$2.3 billion on fencing, at locations along the nearly 2,000-mile long Southwest Border. The Border Patrol deploys agents along the immediate border and in areas up to 100 miles from the border as part of a layered approach the agency refers to as the defense-in-depth

<sup>1</sup>Border Security and Immigration Enforcement Improvements, Exec. Order No. 13767, §§ 2, 8 (Jan. 25, 2017), 82 Fed. Reg. 8793, 8795 (Jan. 30, 2017). The Executive Order defines "wall" as a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

<sup>2</sup>See 6 U.S.C. § 211(a) (establishing CBP within DHS), (c) (enumerating CBP's duties), (e) (establishing and listing duties of the U.S. Border Patrol within CBP). 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 DHS officers inspect persons entering or applying for admission into, or departing the United States pursuant to U.S. immigration law and travel controls.

<sup>3</sup>In November 2005, DHS launched the Secure Border Initiative (SBI) to develop a comprehensive border protection system using technology, known as the Secure Border Initiative Network (SBInet). Under the SBInet program, CBP acquired 15 fixed-tower systems at a cost of nearly \$1 billion, which are deployed along 53 miles of Arizona's 387-mile border with Mexico. In January 2011, in response to internal and external assessments that identified concerns, the Secretary of Homeland Security announced the cancellation of further procurements of SBInet surveillance systems. That same month, CBP introduced the Arizona Border Surveillance Technology Plan. In June 2014, CBP developed the Southwest Border Technology Plan, which incorporates the Arizona Technology Plan, and plans to extend land-based surveillance technology deployments to the remainder of the Southwest Border.

strategy, and the Border Patrol reported it had 16,605 agents staffed at Southwest Border sectors at the end of fiscal year 2017.<sup>4</sup>

Since 2009 we have issued over 35 products on the progress DHS and its components have made and challenges it faces in using surveillance technology, tactical infrastructure, personnel, and other resources to secure the Southwest Border.<sup>5</sup> As a result of this work, we have made over 50 recommendations to help improve DHS oversight over efforts to secure the Southwest Border, and DHS has implemented more than half of them. My statement describes: (1) DHS efforts to deploy and measure the effectiveness of surveillance technologies, (2) DHS efforts to maintain and assess the effectiveness of existing tactical infrastructure and deploy new physical barriers, and (3) staffing challenges the Border Patrol has faced.

This statement is based on three reports we issued in 2017, and on selected updates we conducted in November and December 2017 on the Border Patrol's efforts to address some of our previous recommendations.<sup>6</sup> This statement also includes preliminary observations and analyses from on-going work related to the construction of new and replacement physical barriers along the Southwest Border and our fourth annual assessment of select DHS major acquisition programs.<sup>7</sup> Our reports and testimonies, along with selected updates, incorporated information we obtained and analyzed from officials at various DHS components, and during site visits along the Southwest Border. More detailed information about our scope and methodology can be found in our published reports and testimonies. For on-going work, we reviewed acquisition documents, such as CBP's Concept of Operations for Impedance and Denial, the Wall System Operational Requirements Document, and the Border Wall Prototype Test Plan. We also met with officials from DHS components, including CBP's Office of Facilities and Management and the Border Patrol, from September 2017 to January 2018. Further, in December 2017 we conducted a site visit to California to view existing tactical infrastructure and border wall prototypes that will inform the design of future physical barriers along the Southwest Border. All of our work was conducted 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 MADE PROGRESS DEPLOYING SURVEILLANCE TECHNOLOGY ALONG THE  
SOUTHWEST BORDER, BUT HAS NOT FULLY ASSESSED EFFECTIVENESS

On multiple occasions since 2011, we have reported on the progress the Border Patrol has made deploying technologies along the Southwest Border. Figure 1 shows the land-based surveillance technology systems used by the Border Patrol.

<sup>4</sup> As part of this strategy, the Border Patrol deploys some agents to activities along the immediate border while other agents may be assigned to activities further from the border, such as immigration checkpoint operations that are generally located on highways 25 to 100 miles from the border.

<sup>5</sup> See Related GAO Products page.

<sup>6</sup> GAO, *Southwest Border Security: Border Patrol Is Deploying Surveillance Technologies but Needs to Improve Data Quality and Assess Effectiveness*, GAO-18-119 (Washington, DC: Nov. 30, 2017); *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions and Provide Guidance for Identifying Capability Gaps*, GAO-17-331 (Washington, DC: Feb. 16, 2017); *Border Patrol: Issues Related to Agent Deployment Strategy and Immigration Checkpoints*, GAO-18-50 (Washington, DC: Nov. 8, 2017).

<sup>7</sup> We plan to complete the current annual assessment of DHS major acquisition programs in spring 2018. For the most recently published report, see: GAO, *Homeland Security Acquisitions: Earlier Requirements Definition and Clear Documentation of Key Decisions Could Facilitate Ongoing Progress*, GAO-17-346SP (Washington, DC: Apr. 6, 2017). We plan to complete the review related to the construction of new and replacement physical barriers along the Southwest Border later this year.

FIGURE 1: BORDER SURVEILLANCE TECHNOLOGY SYSTEMS USED BY THE BORDER PATROL



Source: GAO analysis of U.S. Customs and Border Protection (CBP) information; CBP (photos); GAO (photos) | GAO-18-397T

In November 2017, we reported on the progress the Border Patrol made deploying technology along the Southwest Border in accordance with its 2011 Arizona Technology Plan and 2014 Southwest Border Technology Plan.<sup>8</sup> For example, we reported that, according to officials, the Border Patrol had completed deployments of all planned Remote Video Surveillance Systems (RVSS), Mobile Surveillance Capability systems, and Unattended Ground Sensors, as well as 15 of 53 Integrated Fixed Tower systems to Arizona. The Border Patrol had also completed deployments of select technologies to Texas and California, including deploying 32 Mobile Surveillance Capability systems. In addition, the Border Patrol had efforts under way to deploy other technology programs, but at the time of our report, some of those programs had not yet begun deployment or were not yet under contract. For example, we reported that, according to the Border Patrol officials responsible for the RVSS program, the Border Patrol had begun planning the designs of the command-and-control centers and towers for the Rio Grande Valley sector in Texas. Further, we reported that the Border Patrol had not yet initiated deployments of RVSS to Texas because, according to Border Patrol officials, the program had only recently completed contract negotiations for procuring those systems. Additionally, the Border Patrol initially awarded the contract to procure and deploy Mobile Video Surveillance System units to Texas in 2014, but did not award the contract until 2015 because of bid and size protests, and the vendor that was awarded the contract did not begin work until March 2016.<sup>9</sup> Our November 2017 report includes more de-

<sup>8</sup> GAO-18-119.

<sup>9</sup> A bid protest, filed with GAO, is a dispute in which the protester alleges that a Federal agency has not complied with statutes and regulations controlling Government procurements. A size protest, filed with the Small Business Administration, is a challenge of the determination that an awardee of a small business set-aside contract meets the definition of "small business" in order to be eligible for the set-aside.

tailed information about the deployment status of surveillance technology along the Southwest Border as of October 2017.

We also reported in November 2017 that the Border Patrol had made progress identifying performance metrics for the technologies deployed along the Southwest Border, but additional actions are needed to fully implement our prior recommendations in this area. For example, in November 2011, we found that CBP did not have the information needed to fully support and implement the Arizona Technology Plan and recommended that CBP: (1) Determine the mission benefits to be derived from implementation of the Arizona Technology Plan, and (2) develop and apply key attributes for metrics to assess program implementation.<sup>10</sup> CBP concurred with our recommendations and has implemented one of them. Specifically, in March 2014, we reported that CBP had identified mission benefits of its surveillance technologies to be deployed along the Southwest Border, such as improved situational awareness and agent safety. However, the agency had not developed key attributes for performance metrics for all surveillance technologies to be deployed.<sup>11</sup>

Further, we reported in March 2014 that CBP did not capture complete data on the contributions of these technologies. When used in combination with other relevant performance metrics or indicators, these data could be used to better determine the impact of CBP's surveillance technologies on CBP's border security efforts and inform resource allocation decisions. Therefore, we recommended that CBP: (1) Require data on technology contributions to apprehensions or seizures to be tracked and recorded within its database and (2) subsequently 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. CBP concurred with our recommendations and has implemented one of them. Specifically, in June 2014, the Border Patrol issued guidance informing agents that the asset assist data field—which records assisting technology or other assets (canine teams)—in its database had become a mandatory data field.

While the Border Patrol has taken action to collect data on technology, it has not taken additional steps to determine the contribution of surveillance technologies to CBP's border security efforts. In April 2017, we reported that the Border Patrol had provided us a case study that assessed technology assist data, along with other measures, to determine the contributions of surveillance technologies to its mission.<sup>12</sup> We reported that this was a helpful step in developing and applying performance metrics; however, the case study was limited to one border location and the analysis was limited to select technologies. In November 2017, we reported that Border Patrol officials demonstrated the agency's new Tracking, Sign Cutting, and Modeling (TSM) system, which they said is intended to connect between agents' actions (such as identification of a subject through the use of a camera) and results (such as an apprehension) and allow for more comprehensive analysis of the contributions of surveillance technologies to the Border Patrol's mission. One official said that data from the TSM will have the potential to provide decision makers with performance indicators, such as changes in apprehensions or traffic before and after technology deployments. However, at the time of our review, TSM was still early in its use and officials confirmed that it was not yet used to support such analytic efforts. We continue to believe that it is important for the Border Patrol to assess technologies' contributions to border security and will continue to monitor the progress of the TSM and other Border Patrol efforts to meet our 2011 and 2014 recommendations.

CBP IS PLANNING TO CONSTRUCT NEW PHYSICAL BARRIERS, BUT HAS NOT YET ASSESSED THE IMPACT OF EXISTING FENCING

*Fencing Is Intended to Assist Agents in Performing Their Duties, but Its Contributions to Border Security Operations Have Not Been Assessed*

We have reported on the significant investments CBP has made in tactical infrastructure along the Southwest Border. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, provides that the Secretary of Homeland Security shall take actions, as necessary, to install physical barriers and roads in the vicinity of the border to deter illegal crossings in areas of high ille-

<sup>10</sup>GAO, *Arizona Border Surveillance Technology: More Information on Plans and Costs Is Needed before Proceeding*, GAO-12-22 (Washington, DC: Nov. 4, 2011).

<sup>11</sup>GAO, *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*, GAO-14-368 (Washington, DC: Mar. 3, 2014).

<sup>12</sup>GAO, *2017 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, GAO-17-491SP (Washington, DC: Apr. 26, 2017).

gal entry.<sup>13</sup> The Secure Fence Act of 2006, in amending IIRIRA, required DHS to construct at least two layers of reinforced fencing as well as physical barriers, roads, lighting, cameras, and sensors on certain segments of the Southwest Border.<sup>14</sup> From fiscal years 2005 through 2015, CBP increased the total miles of primary border fencing on the Southwest Border from 119 miles to 654 miles—including 354 miles of primary pedestrian fencing and 300 miles of primary vehicle fencing.<sup>15</sup> In addition, CBP has deployed additional layers of pedestrian fencing behind the primary border fencing, including 37 miles of secondary fencing.<sup>16</sup> From fiscal years 2007 through 2015, CBP spent approximately \$2.4 billion on tactical infrastructure on the Southwestern Border—and about 95 percent, or around \$2.3 billion, was spent on constructing pedestrian and vehicle fencing. CBP officials reported it will need to spend additional amounts to sustain these investments over their lifetimes. In 2009, CBP estimated that maintaining fencing would cost more than \$1 billion over 20 years.<sup>17</sup> CBP used various fencing designs to construct the 654 miles of primary pedestrian and vehicle border fencing. Figure 2 shows examples of existing pedestrian fencing deployed along the border.

<sup>13</sup> Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104–208, div. C, tit. I, subtit. A, § 102(a), 110 Stat. 3009, 3009–554 (classified, as amended, at 8 U.S.C. § 1103 note).

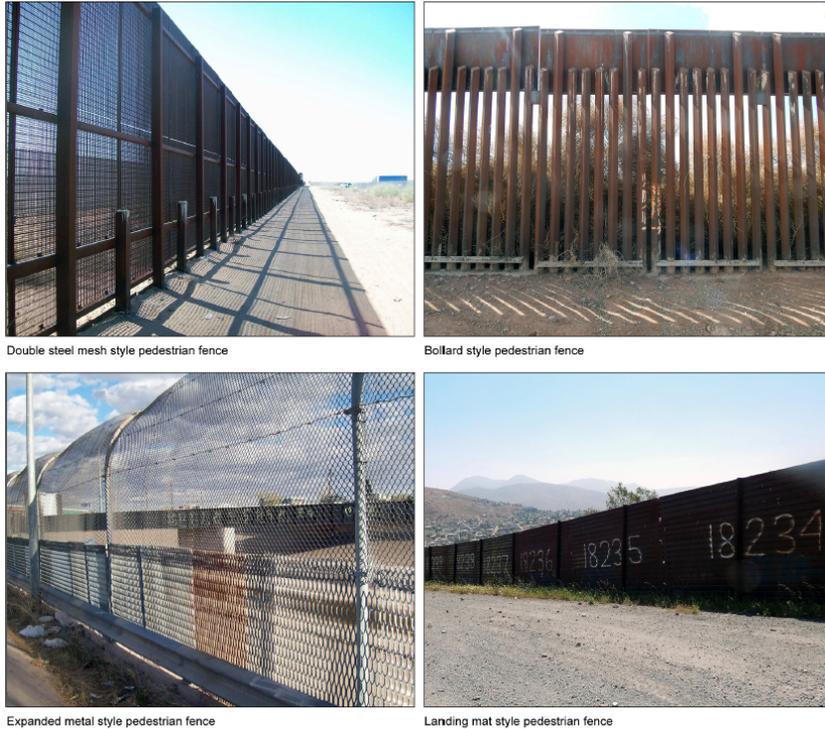
<sup>14</sup> See Pub. L. No. 109–367, § 3, 120 Stat. 2638, 2638–2639. Under the Secure Fence Act of 2006, the Secretary of Homeland Security is to achieve and maintain operational control over the borders of the United States through surveillance activities and physical infrastructure enhancements to prevent unlawful entry by aliens and facilitate CBP’s access to the borders. See id. § 2, 120 Stat. at 2638 (classified at 8 U.S.C. § 1701 note). Subsequently, the DHS Appropriations Act, 2008, rewrote the border fencing requirements section of IIRIRA to require that DHS construct not less than 700 miles of reinforced fencing along the Southwest Border where fencing would be most practical and effective, and to provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the Southwest Border. IIRIRA § 102(b), 110 Stat. at 3009–554 to –555, as amended by Pub. L. No. 110–161, div. E, tit. V, § 564(a)(2)(B)(ii), 121 Stat. 1844, 2090–91 (2007) (classified at 8 U.S.C. § 1103 note). IIRIRA § 102(b), as amended, also gives the Secretary of Homeland Security discretion to install tactical infrastructure in particular locations along the border, as deemed appropriate. *Id.*

<sup>15</sup> See 8 U.S.C. § 1103 note (notwithstanding fencing requirements, DHS is not required to install fencing or other resources in a particular location along the border if the Secretary of Homeland Security determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the border at that location).

<sup>16</sup> The first layer of fencing, the primary fence, may include both pedestrian and vehicle fencing and is the first fence encountered when moving north from the border; the secondary fence, located behind the primary fence, consists solely of pedestrian fencing; and the third layer, or tertiary fence, is primarily used to delineate property lines rather than deter illegal entries.

<sup>17</sup> CBP’s 2009 life-cycle cost estimate estimated operations and maintenance costs for fencing would be approximately \$1.4 billion from 2009 through 2029.

FIGURE 2: SELECTED DESIGNS OF EXISTING PEDESTRIAN FENCING ON THE SOUTHWEST BORDER



Source: GAO. | GAO-18-397T

Note: For the purposes of this statement, we refer to fencing constructed prior to January 2017 as "existing" fencing or barriers. A January 2017 executive order called for the immediate construction of a "contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier" and CBP is assessing prototypes to inform future designs of barriers. See Exec. Order No. 13767, § 2 (Jan. 25, 2017), 82 Fed. Reg. 6793 (Jan. 30, 2017).

In February 2017, we reported that border fencing had benefited border security operations in various ways, according to the Border Patrol.<sup>18</sup> For example, according to officials, border fencing improved agent safety, helped reduce vehicle incursions, and supported Border Patrol Agents' ability to respond to illicit cross-border activities by slowing the progress of illegal entrants. However, we also found that, despite its investments over the years, CBP could not measure the contribution of fencing to border security operations along the Southwest Border because it had not developed metrics for this assessment. We reported that CBP collected data that could help provide insight into how border fencing contributes to border security operations. For example, we found that CBP collected data on the location of illegal entries that could provide insight into where these illegal activities occurred in relation to the location of various designs of pedestrian and vehicle fencing. We reported that CBP could potentially use these data to compare the occurrence and location of illegal entries before and after fence construction, as well as to help determine the extent to which border fencing contributes to diverting illegal entrants into more rural and remote environments, and border fencing's impact, if any, on apprehension rates over time. Therefore, we recommended in February 2017 that the Border Patrol develop metrics to assess the contributions of pedestrian and vehicle fencing to border security along the Southwest Border using the data the Border Patrol already collects and apply this information, as appropriate, when making investment and resource allocation decisions. The agency concurred with our recommendation.

<sup>18</sup> GAO-17-331.

As of December 2017, officials reported that CBP plans to establish initial metrics by March 2018 and finalize them in January 2019.

*CBP Faces Challenges in Sustaining Tactical Infrastructure and Has Not Provided Guidance on Its Process for Identifying and Deploying Tactical Infrastructure*

In February 2017, we also reported that CBP was taking a number of steps to sustain tactical infrastructure along the Southwest Border; however, it continued to face certain challenges in maintaining this infrastructure.<sup>19</sup> For example, CBP had funding allocated for tactical infrastructure sustainment requirements, but had not prioritized its requirements to make the best use of available funding, since CBP also required contractors to address urgent repair requirements. According to Border Patrol officials, CBP classifies breaches to fencing, grates, or gates as urgent and requiring immediate repair because breaches increase illegal entrants' ability to enter the country unimpeded. At the time of our February 2017 review, the majority of urgent tactical infrastructure repairs on the Southwest Border were fence breaches, according to Border Patrol officials. From fiscal years 2010 through 2015, CBP recorded a total of 9,287 breaches in pedestrian fencing, and repair costs averaged \$784 per breach.

While contractors provide routine maintenance and address urgent repairs on tactical infrastructure, certain tactical infrastructure assets used by the Border Patrol—such as border fencing—become degraded beyond repair and must be replaced. For example, in February 2017 we reported that CBP had provided routine maintenance and repair services to the primary legacy pedestrian fencing in Sunland Park, New Mexico. However, significant weather events had eroded the foundation of the fencing, according to the Border Patrol officials in the El Paso sector, and in 2015 CBP began to replace 1.4 miles of primary pedestrian fence in this area. We also reported on several additional CBP projects to replace degraded, legacy pedestrian fencing with more modern, bollard-style fencing. For example, in fiscal year 2016, CBP began removing and replacing an estimated 7.5 miles of legacy primary pedestrian fencing with modern bollard-style fencing within the Tucson sector. In addition, from fiscal years 2011 through 2016, CBP completed four fence replacement projects that replaced 14.1 miles of primary pedestrian legacy fencing in the Tucson and Yuma sectors at a total cost of approximately \$68.26 million and an average cost of \$4.84 million per mile of replacement fencing. We plan to provide information on additional fence replacement projects in a forthcoming report.

In 2014, the Border Patrol began implementing the Requirements Management Process that is designed to facilitate planning for funding and deploying tactical infrastructure and other requirements, according to Border Patrol officials. At the time of our February 2017 review, Border Patrol headquarters and sector officials told us that the Border Patrol lacked adequate guidance for identifying, funding, and deploying tactical infrastructure needs as part of this process. In addition, officials reported experiencing some confusion about their roles and responsibilities in this process. We reported that developing guidance on this process would provide more reasonable assurance that the process is consistently followed across the Border Patrol. We therefore recommended that the Border Patrol develop and implement written guidance to include roles and responsibilities for the steps within its requirements process for identifying, funding, and deploying tactical infrastructure assets for border security operations. The agency concurred with this recommendation and stated that it planned to update the Requirements Management Process and, as part of that update, planned to add communication and training methods and tools to better implement the process. As of December 2017, DHS plans to complete these efforts by September 2019.

*CBP Has Tested Barrier Prototypes and Plans to Construct New Barriers in San Diego and Rio Grande Valley Sectors*

In response to the January 2017 Executive Order, CBP established the Border Wall System Program to replace and add to existing barriers along the Southwest Border. In April 2017, DHS leadership authorized CBP to procure barrier prototypes, which are intended to help refine requirements and inform new or updated design standards for the border wall system. CBP subsequently awarded 8 contracts with a total value of \$5 million for the construction, development, and testing of the prototypes. From October to December 2017, CBP tested 8 prototypes—4 constructed from concrete and 4 from other materials—and evaluated them in 5 areas: Breachability, scalability, constructability, design, and aesthetics. CBP officials said the prototype evaluation results are expected by March 2018.

<sup>19</sup>For the purpose of this statement, sustainment refers to the maintenance, repair, and replacement of tactical infrastructure.

CBP has selected the San Diego and Rio Grande Valley sectors for the first two segments of the border wall system. In the San Diego sector, CBP plans to replace 14 miles of existing primary and secondary barriers. The primary barriers will be rebuilt to existing design standards, but the secondary barriers will be rebuilt to new design standards once established. In the Rio Grande Valley sector, CBP plans to extend an existing barrier by 60 miles using existing design standards. CBP intends to prioritize construction of new or replacement physical barriers based on threat levels, land ownership, and geography, among other things. We have on-going work reviewing the Border Wall System Program, and we plan to report on the results of that work later this year.

#### THE BORDER PATROL HAS CONTINUED TO FACE STAFFING CHALLENGES

In November 2017 we reported that, in fiscal years 2011 through 2016, the Border Patrol had statutorily established minimum staffing levels of 21,370 full-time equivalent agent positions, but the Border Patrol has faced challenges in staffing to that level.<sup>20</sup> Border Patrol headquarters, with input from the sectors, determines how many authorized agent positions are allocated to each of the sectors. According to Border Patrol officials, these decisions take into account the relative needs of the sectors, based on threats, intelligence, and the flow of illegal activity. Each sector's leadership determines how many of the authorized agent positions will be allocated to each station within their sector.

At the end of fiscal year 2017, the Border Patrol reported it had over 19,400 agents on board Nation-wide, and that over 16,600 of the agents were staffed to sectors along the Southwest Border. As mentioned earlier, the January 2017 Executive Order called for the hiring of 5,000 additional Border Patrol Agents, subject to available appropriations, and as of November 2017 we reported that the Border Patrol planned to have 26,370 agents by the end of fiscal year 2021. The Acting Commissioner of CBP reported in a February 2017 memo to the Deputy Secretary for Homeland Security that from fiscal year 2013 to fiscal year 2016, the Border Patrol hired an average of 523 agents per year while experiencing a loss of an average of 904 agents per year.<sup>21</sup> The memo cited challenges such as competing with other Federal, State, and local law enforcement organizations for applicants. In particular, the memo noted that CBP faces hiring and retention challenges compared to DHS's U.S. Immigration and Customs Enforcement (which is also planning to hire additional law enforcement personnel) because CBP's hiring process requires applicants to take a polygraph examination, Border Patrol Agents are deployed to less desirable duty locations, and Border Patrol Agents generally receive lower compensation.

In November 2017, we reported that the availability of agents is one key factor that affects the Border Patrol's deployment strategy. In particular, officials from all 9 Southwest Border sectors cited current staffing levels and the availability of agents as a challenge for optimal deployment. We reported that, as of May 2017, the Border Patrol had 17,971 authorized agent positions in Southwest Border sectors, but only 16,522 of those positions were filled—a deficit of 1,449 agents—and 8 of the 9 Southwest Border sectors had fewer agents than the number of authorized positions. As a result of these staffing shortages, resources were constrained and station officials had to make decisions about how to prioritize activities for deployment given the number of agents available.

We also reported in November 2017 that within sectors, some stations may be comparatively more understaffed than others because of recruitment and retention challenges, according to officials. Generally, sector officials said that the recruitment

<sup>20</sup>GAO-18-50. Department of Defense and Full-Year Continuing Appropriations Act, 2011, Pub. L. No. 112-10, div. B, tit. VI, § 1608, 125 Stat. 38, 140; Consolidated Appropriations Act, 2012, Pub. L. No. 112-74, div. D, tit. II, 125 Stat. 786, 946 (2011); Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. No. 113-6, div. D, tit. II, 127 Stat. 198, 345; Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, div. F, tit. II, 128 Stat. 5, 249; Department of Homeland Security Appropriations Act, 2015, Pub. L. No. 114-4, tit. II, 129 Stat. 39, 41; Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, div. F, tit. II, 129 Stat. 2242, 2495 (2015). For fiscal year 2017, the Consolidated Appropriations Act, 2017, did not include the provision from prior years mandating a workforce floor for Border Patrol Agents, but the accompanying explanatory statement directed CBP to continue working to develop a fully justified workforce staffing model that would provide validated requirements for all U.S. borders and to brief the appropriations committees on its progress in this regard within 30 days of the enactment of the Consolidated Appropriations Act (enacted May 5, 2017). See Explanatory Statement, 163 Cong. Rec. H3327, H3809-10 (daily ed. May 3, 2017), accompanying Pub. L. No. 115-31, 131 Stat. 135 (2017).

<sup>21</sup>The Acting Commissioner's memo outlines plans and requests to assist the Border Patrol in hiring more agents, including the additional 5,000 agents called for in the Executive Order on Border Security and Immigration Enforcement Improvements.

and retention challenges associated with particular stations were related to quality of life factors in the area near the station—for example, agents may not want to live with their families in an area without a hospital, with low-performing schools, or with relatively long commutes from their homes to their duty station. This can affect retention of existing agents, but it may also affect whether a new agent accepts a position in that location. For example, officials in one sector said that new agent assignments are not based solely on agency need, but rather also take into consideration agent preferences. These officials added that there is the potential that new agents may decline offers for stations that are perceived as undesirable, or they may resign their position earlier than they otherwise would to pursue employment in a more desirable location. We have on-going work reviewing CBP's efforts to recruit, hire, and retain its law enforcement officers, including Border Patrol Agents.

Chairwoman McSally, Ranking Member Vela, and Members of the subcommittee, this concludes my prepared statement. I will be happy to answer any questions you may have.

Ms. MCSALLY. Thank you, Ms. Gambler. I appreciate it.

I now recognize myself for 5 minutes for questions first round.

Under Secretary Grady, so the request that we got that I referenced in our opening document was for \$33 billion in the context again of the DACA discussion. We appreciate the \$33 billion and the breakdown of that. But there is also some numbers that have been thrown out within the White House framework of \$25 billion requested for border security and some of it also calls for additional funding for ports of entry and entry and exit.

We, in our bill, have created a trust fund for \$38 billion trying to take into account all of these things to include additional agents at the ports of entry and technology at the ports of entry and everything that we really believe is needed. Can you just explain the difference of the numbers? I just want to make sure we are on the same page. Is it \$25 billion? Is it \$33 billion? Is it \$38 billion? Because we think it is \$38 billion, so we just want to be clear.

Ms. GRADY. Absolutely, Chairwoman. There is actually more consistency to the numbers than it may appear. The big differences between those numbers are time frames in terms of duration as well as whether you included operation and support costs and personnel costs. So that is probably the most fundamental difference in terms of whether the costs of hiring the additional necessary Border Patrol Agents are included or not included.

Throughout all those numbers, what is consistent is the border wall number looking at \$18 billion and then there is technology, infrastructure and do you or don't you include the numbers associated with the Border Patrol Agents. Throughout all of these, we consider it very necessary to increase the number of Border Patrol Agents. It is whether it is included in that number that may become part of a trust fund or not is in the difference. One of the things that we think it is very important to inform the discussion is what is more of a one-time cost with some sustainment versus a recurring which our Border Patrol Agents' salaries would be a recurring cost that we would have to make sure gets assumed in the base budget to continue that effort. So that is the fundamental difference between those three numbers that you just listed.

Ms. MCSALLY. OK. So just for our bill that I have talked about at the beginning this should be clear. It includes the resources for the Border Wall System. Plus the access roads, plus 5,000 Border Patrol Agents, plus 5,000 CBP Officers for the ports of entry, plus

the additional resources for a biometric entry-exit and the non-detected intrusion for the ports of entry.

So we include all that for \$38 billion?

Ms. GRADY. Correct.

Ms. MCSALLY. Is that going to be over the next 10 years enough for us to address this issue?

Ms. GRADY. Based on the estimates that we have developed consistent with the requirements that the Border Patrol has developed based on operational needs, that aligns with numbers that we are looking for, but I do want to make it clear that the Border Patrol Agents' salaries, as well as the statement of those capabilities would be recurring bills beyond that—

Ms. MCSALLY. Great, of course. Thank you.

Deputy Commissioner Vitiello, so the Border Wall System, this is, you know, one that, it gets a lot of attention especially across the media and somehow has become somewhat polarized which I don't quite understand. You know, having been in my district just recently down in Naco and looking at where there is replacement fencing, that was all approved under the previous administration, as you know, lots of miles of replacement fencing and some additional barriers, wall, barriers approved under previous administrations.

So this has been a consistent element of what the operators have asked for where appropriate in order to do impedance and denial. So in this request for the \$18 billion, it is about 722 miles, could you kind-of break that down for everybody and why the operators say that they need that as a part of a system that is going to actually secure the border?

Mr. VITIELLO. Thanks for that question.

As you recall that the—as you mentioned, it was previously authorized in the Secure Fence Act for a number of miles on the Southwest Border, and it raised the standard in the law for operational control. That is a very high bar as it relates to what Border Patrol Agents are required to do in between the ports of entry at the immediate border. So to meet that standard we went to the field, we put them through a framework, we asked what problems that they have. We looked at the activity levels that they currently face.

We looked at how active it is and what is within the threats of the arrests that they are making. We looked at suitability for impedance and denial. We looked at whether we can construct in certain locations because there are some terrain features that were just—it is not conducive to building or constructing. So those are all of the elements that we considered and asked the operators where they needed additional barriers. We are not just asking for impedance and denial.

That is important enough, the barrier makes a difference, but we are asking for that situational awareness piece that is part of this request. So that is the cameras, that is the sensors, that is the lights. That we are also asking for access and mobility. We are looking for a rapid way to get to the border and lateral access while they are there on an area to patrol safely and in a convenient way.

So access and mobility, impedance and denial, mission readiness, the additional hiring, having the agents on the ground, because it

is vital for us to be successful and for them to be able to make those arrests. So those are all of the things that we are asking for, we are not just asking for a barrier, we are asking for that combination of things that makes the border safer.

Ms. MCSALLY. Great, thanks.

One last quick question for this round. So there is concern, obviously it is a significant amount of resources that DHS is actually spending resources wisely and is making, you know, being good stewards of what we would provide to them, you know, should we be able to get this signed into law.

I am concerned about this contract with a company to go out and recruit. It is great to see that the number of days have gone down, but nobody can wait 10 months still to get a job. So that needs to go, you know, to be shorter while you are still vetting people. But our major issue right now, both with the Border Patrol and at the ports of entry is retention.

You have got these highly-trained and capable people, that they are working very hard under very difficult conditions, and they are leaving faster than we are gaining them. So isn't it better to invest those resources into retention programs right now to stop the bleeding as opposed to focusing on the recruiting?

Ms. GRADY. So, from our perspective we need to invest in both. We need to retain the high-quality individuals that are trained and at their full performance level, as well as continue to have and bring in and recruit new talent. So we have asked for a balance of the two, both in terms of recruiting efforts and retention and relocation incentives to use with our existing work force.

I don't know if the chief has anything that he wants to add to that?

Mr. VITIELLO. Yes. I would just that that those, all of those elements are required. We have done a number of things, both on the OFO side and CBP Officers, and with Border Patrol. I think the most important thing that has been developed and is in practice now is the relocation program, where we sat with the union officials and agreed on a way forward that allows journeymen agents to move as journeymen agents to other parts of the border.

We did the human capital study. You all have heard about the Federal Employee Viewpoint Survey. We looked deep into those numbers and found out that relocation is a driver for people who are leaving the organization. So we put a program together with you all's help, with the appropriate funding to be to move a certain percentage of the work force each and every year. So far that is paying off. We are seeing increased morale scores as it relates to those numbers and we are getting a lot of good comments on from the work force about their ability to go somewhere else and do their work in other locations.

Ms. MCSALLY. Great. I just want to note that our bill, the Securing America's Future Act actually provides also additional incentives and resources to retain professionals and also relocation bonuses for those who are serving in hard-to-serve areas. I think that is critically important. We do that in the military to try and help retain people with bonuses and things like that. We should be doing that all with you as well.

All right, I am going to now yield to Ranking Member Vela.

Mr. VELA. Would you say that the \$18 billion requested by the Trump administration to build border walls over the next 10 years is an accurate cost estimate?

Ms. GRADY. So at a high level that is an accurate estimate given everything that we know, and it is informed by our experience doing wall acquisition including real estate acquisition which you highlighted the challenges associated with that, so that, all of our experience informed that estimate.

As we go forward and move on with each individual segment, we are doing a far more detailed cost estimate to manage the project for the individual segments. But at the high-level estimate it is—there is—we have confidence in the estimating accuracy, of the estimate for the \$18 billion, for those miles.

Mr. VELA. Yes. I guess this next question is really one for both you and for Chief Vitiello. It seems like on the issue of filling our officer shortage, it seems like we are spinning wheels because we were here 3 months ago and before that several times.

You know, we passed that legislation with respect to the polygraph out of the House. It is stuck there for now. But I kind-of did my own investigation back home by talking to some of our local sheriff deputies and our sheriff's officers and chiefs of police. One of the issues that the common thread in all of those discussions was that potential applicants for the Border Patrol have a very difficult time leaving their home, right?

So, for example, you are familiar Chief Vitiello with South Texas. If you have got a vacancy at the Kingsville or the Sarita Checkpoint and the valley is an hour away, it is very difficult to get those officers to move. So I am just wondering, what exactly are we doing going forward to getting to the point where we can fulfill those shortages?

Mr. VITIELLO. That is why we, I highlighted in my remarks the relocation program, giving people an opportunity to go either from Kingsville or back to the line, or from the line to the Northern Border, the Southern Border to the Northern Border. So that is going to make a difference. So, we have already seen the buzz amongst the work force. Then we are looking as this program elaborates itself we are looking at incentives for places that are harder to fill. We are looking at remote duty pay, like the Chairwoman expressed that is in that legislation.

We are looking at ways for us to incent employees in locations that are more difficult to be at or that we need people to apply to.

Mr. VELA. Yes. There just seemed simple human factors that are—that are involved in this, that broader systems may not ever really get to recognize this, what it seems to me like.

Mr. VITIELLO. Yes. We try to do stuff on the retention side of those incentives of pay and the relocations and those kinds of things, and then being able to target for recruits is also very important. We are beginning to understand the analytics of those who are applying and those who are being successful, and integrating that information into the materials that we use to recruit people.

Mr. VELA. Now, Secretary Grady, late last year CBP awarded Accenture with a nearly \$300 million contract to assist in recruiting additional CBP law enforcement personnel. Can you describe

the role that your directorate played in the solicitation and source selection process?

Ms. GRADY. Absolutely. We did review the acquisition strategy and the solicitation and result in contract itself in terms of what they were—what CBP was looking to do, as well as having conversations. I had conversations directly with the acting commissioner about what they were pursuing.

One of the challenges you heard the chief described is the high number of applicants we get per successful entry on duty. It is really important because it is a thorough and costly process to vet, go through medical, polygraph, and all the 12 steps associated with the process to get to a successful on-board. If we can target individuals who are more likely to be successful it will streamline the process and increase the cost effectiveness of being able to bring people on board.

What Accenture brings to the process is the data analytics to help us target and also some proposed business process re-engineering that ideally will shorten the length of time to bring somebody on board, 303 days is a great progress but it is not a reasonable time line and that is something we are targeting very hard to try and bring that down. So if there is a possibility of re-sequenced steps, provide applicant care throughout the process, all different ideas that we are seeking to learn from the experience with Accenture.

The Accenture contract is in addition to on-going hiring efforts we have with our Federal employees and our normal H.R. offices. So we are hoping not just to be able to handle the surge hiring, but also to learn and better improve the process and apply those best practices across both Government and the use of Accenture.

Mr. VELA. I thank all three of you for joining us.

Did you want to answer?

Mr. VITIELLO. Yes. I would just like to add on that contract. You know, CBP, the Department writ large has enormous hiring challenges, specifically for the Border Patrol we have not yet gotten to a place where we can hire more than we are losing each and every year, and that has been that way for a couple of years. So we do have to try innovative things.

I would just mention on the contract, there is a small operating cost that has been out-laid by the Government so far, the \$400 million or the \$297 million is at a ceiling. So if this works Accenture has the opportunity, we have an opportunity to use the contract up to that ceiling. But if this doesn't work, if it doesn't give us the results that we are expecting to get, then we will reinvest that potential ceiling in a different location.

Ms. MCSALLY. The Chair now recognizes Mr. Rutherford from Florida for 5 minutes.

Mr. RUTHERFORD. Thank you, Madam Chair.

Commissioner Vitiello, the matrices that the GAO had asked about and I think you said that you are collecting some data—and you are seeing some improvement in the collection of data, I guess, of different areas where you can show improvement based on building a wall, bringing in technology, those kinds of things. Where are you in that process exactly?

Mr. VITIELLO. You are right that we do—and Rebecca's comments reflect that, that we do collect a lot of data. What we have not been able to show this body, ourselves, and the public essentially is when we have made these investments we have seen a noticeable improvement, right. The border community is safer, we have less activity on the border, we face less threats. But to tie those conditions, the outcomes directly to the investments that were made is not something that we have been very good at in the past.

A lot of help from oversight here, talking about situational awareness and what that means and how to measure it, and then the work that GAO does to help point out to us tying those investments directly too.

So instead of just recording the apprehension and talking about the individual's record and, you know, doing a consequence on that, we also want to be able to credit whether we use an aircraft, whether we used a drone, whether that piece of technology assisted in that apprehension. So when you get better at that, we owe you and the public a better description of how these things contribute to overall security.

So that is the work that is under way. We are trying to be methodical about it. We want to give you something that is credible, repeatable, and tells a story that is simple enough for us to explain without lots of charts and lots of graphs but a simple assessment of what the outcomes are brought using these investments.

Mr. RUTHERFORD. I just want to highlight the importance I think of that kind of data collection, because it not only shows the impact of what you are doing, but it can also be used to predict, and guide you in where you need to move forces.

I am particularly talking about intelligence-led policing and how that concept of using data for deployment and then measurement of where things are going up, where things are going down can be of great importance to you I think. Particularly, and as you just mentioned, you know, giving us the story of where things are good and what you need to make that story better. So I want to encourage you to continue to move on that.

Then looking at the technology side. You know, improvements at the points of entry, for example, through, you know, new iterations of ACAS or some of the new biometrics that are coming out for scanning that can improve—you know, when we went down and then the CODEL and when I saw a couple of these points of entry, I am like, oh my god, you know, what you guys are up against is incredible. Building more lanes is obviously not the answer.

Well, some of it may be. But you also have to find better ways to screen these things. Can you tell me about any hope that you have in better screening at those points of entry?

Mr. VITIELLO. So, thanks for appreciating the work that the men and women do out there. It is a task that they are well-suited for. So in the context of the ports what we have learned in CBP, one of the core competencies in CBP is targeting. So knowing what freight or what cargo, or who is coming to the port as they are arriving and having that advanced electronic information so that we can target a new selector data to say, OK, what is in this, is this a high-risk or a low-risk shipment, and then using that data and

analysis of that data to target the ones that are likely to be a problem or a threat to security, so it starts with having that advanced information.

Then you are right, in the request that is both in 2018 and 2019 and in the larger border security improvement plan we talk about non-intrusive inspections investments. CBP has come to rely on these X-ray machines to do that exact—when you do target a tractor trailer and other vehicles you can put them through that system and you have a much faster way of being able to assess those images and move the commerce but target the bad guys as well.

Mr. RUTHERFORD. Right. Thank you very much.

I have some other questions, but my time has expired, so I yield back.

Ms. MCSALLY. The gentleman yields back.

The Chair now recognizes Mrs. Demings from Florida.

Mrs. DEMINGS. Thank you so much, Chairwoman McSally and thank you to our witnesses for being with us today.

Commissioner Vitiello, is that correct? I served 27 years in law enforcement and had the honor of serving as a chief of police. I used to think a lot about the men and women who did the job. I realized that we could have all the goals in the world, all the technology and equipment, the fancy cars, the greatest weapons, but it was truly the men and women who made the difference on the ground.

Could you take just a moment to kind-of talk about the men and women who work in your agency, and talk about how concerned you are about their safety and how important it is?

Mr. VITIELLO. Well, thank you for your service. I appreciate that opportunity. So it is the critical asset that CBP has. It is the men and women who get up each and every day with a heart of service to go out there and protect the border. They face threats that come up at a moment's notice.

So you think about what happens in some of these cities along the border, people are fleeing violence and that kind of thing. You think about Border Patrol Agents out in the middle of nowhere cutting sign—responding to sensors, sometimes alone. So we are concerned about their safety. That is why when they deploy, this whole mission readiness idea that is part of what we are asking for is to give them the right equipment, the right tools and especially the right information, so that as they deploy they understand the threats that they are facing, and so that they are prepared both in their mindset and then at the equipment that they bring with them.

Mrs. DEMINGS. When we have heard from several of you—or all of you about the staffing, severe staffing shortages that you have. Ms. Gambler, I believe you said that you are losing more agents than you are able to hire, and Ms. Grady, I believe you mentioned that. All of you mentioned that.

As you think about the men and women who work for you and how important it is to keep them safe, could you talk a little bit about how the staffing, severe staffing shortages, not just at the border but I would imagine all over, puts them at greater risk in terms of the job that they have to do every day?

Mr. VITIELLO. So, we do employ tools and try to automate some of the processes. You have seen some of this, like the biometric XEDIS is an application of advanced technology that may or may not accept—give us a chance to do the job more efficiently both on inbound entries and to the United States and certainly is applicable for outbound.

The staffing on the—both sides on the Customs and Border Protection Officers we are actually ahead of attrition, so we are able to hire—they do have—we do have models in CBP that suggest that there are more investments required in that work force. So we use things like automation and overtime, and temporary duty staffing to address where the most critical needs for staffing are.

But, yes, we are very concerned about that and we try to use those tools to minimize the impact on the individuals.

Mrs. DEMINGS. You have talked about streamlining your harrowing process somewhat, but I believe you mentioned, Ms. Gambler, about making it more attractive, that you are competing with local and State, other law enforcement agencies.

So, as we look at doing more with less because we are all asked to do that and what our priorities are. As we talk about \$18 billion in a border wall, yet we have severe staffing shortages, obviously we have not taken the steps to make the job of the agents and officers more competitive, would it not be a better use of the resources to make the job more attractive, more competitive, so you can continue to hire the best and brightest men and women dedicated to do that job as opposed to putting it in and spending \$18 billion on a physical, another physical barrier. I don't know which one would be more appropriate to answer that question.

Mr. VITIELLO. I can start. I would suggest that we need to do all of it. I know, you know, it is kind-of typical for a bureaucracy who want to do everything but it needs to be balanced. We need improved conditions of security—

Mrs. DEMINGS. But wouldn't your men and women be your No. 1 priority?

Mr. VITIELLO. They are on the list of amongst the things that we want to do right, it is personnel, and technology, and infrastructure. We want to be able to give that complete mix where it is needed most. So it is all three. Obviously the people are the most important thing about it. You can—you can—they can do all three of those things, right. They can cover for the technology, they can cover for the barriers but only the agents can make arrests and address criminal activity.

Mrs. DEMINGS. Any other?

Ms. GAMBLER. I would—

Mrs. DEMINGS. Please go ahead.

Ms. GAMBLER. Really quickly, if I could just ask from a good kind-of capital investment acquisition management perspective, it is important for an agency as they are defining what those—what their requirements are, so in this case what their requirements are for border security.

It is important in a leading practice to think about what the different resources are that can meet that requirement and to think about what those alternatives are, that we are looking at the process that CBP has been going through as part of our current work

and should be able to provide some insights on that later this year. But it is an important aspect of any type of investment to think about what your requirements are, and what is the right mix of things to meet that requirement.

Mrs. DEMINGS. Thank you, Chairwoman. I yield back.

Ms. MCSALLY. The gentlelady yields back.

The Chair now recognizes Mr. Bacon for—where are you from, Nebraska, for 5 minutes?

Mr. BACON. Thank you.

Ms. MCSALLY. I knew that.

Mr. BACON. Thank you all for being here. I appreciate what you are doing and I appreciate the folks who are working every day to defend our border.

First question for Mr. Vitiello, what is the progress for our Linear Ground Detection System, are we getting good results with what we are testing or what we are using?

Mr. VITIELLO. So thanks for that question. All of the new investments in the replacement walls that are being constructed now, that we have a project on-going in Calexico, all of the new installation will have this fiber-optic cable that will be installed along with the fencing. What that does is a number of things.

It allows us to know when there is activity at the immediate border, it is a seismic sensor, that cable will alert the control center where the agents get dispatched from. It also is a way for us to recognize whether or not people could be digging near the infrastructure. So we are using it to good effect and we hope, based on the requests that we have made, as we install new wall that will be part of the initial lay-down. Not just that but other sensors as well. But it will part of all new installations.

Mr. BACON. I get asked this all the time back in the district, we have about a 2,000-mile border and we are buying a lot of these different technologies, we are trying to expand personnel, but out of that 2,000-mile border roughly, how much wall will you really need in the end? I need to be able to articulate this better back in the district.

Mr. VITIELLO. So there is about 654 miles of structure that are out there now. We are going to replace some of that because it is not—it is not useful anymore given its condition. So we are going to replace some of that and effectively another, almost double, more than double what is out there now in new installation will cover the areas of priority that have been identified by the border.

Mr. BACON. So we are looking at roughly 1,200 miles of wall or is that too much?

Mr. VITIELLO. It starts to get confusing because we are going to add to what we have now. We are going to use some secondary enforcement areas, and so, yes, I guess if you total it all up it would be in the 1,200 to 1,500 range.

Mr. BACON. OK. I think if we can narrow that down I think what it makes it easier is to talk to our public. There's a 2,000-mile border, we don't need it everywhere but we want to focus it. It is actually a little more than I thought. You are giving us a little more than I thought we would need. I have been used to smaller numbers—

Mr. VITIELLO. So I have staff here that they are really smart on this. So there will be 316 miles of new pedestrian—

Mr. BACON. Three hundred sixteen new, OK. That is to go with the 654?

Mr. VITIELLO. This is in addition to what is there now.

Mr. BACON. OK. So I think that that helps. I can go back—we are looking at building 316 more miles of wall out of that 2,000.

Mr. VITIELLO. Right. Then another—

Mr. BACON. As a replacement.

Mr. VITIELLO. Right. Another 272 miles of that secondary barrier—

Mr. BACON. Secondary, got it. That is helpful. So in the military we also use lots of metrics when we decide what we are buying for new technology. Do you have a pretty good system for measuring metrics when you are trying to choose between systems that you can also use for Congress to say this is what we are picking, this over that?

Mr. VITIELLO. Yes. So that is part of what is required in the acquisition products that are required for us to get approval to move forward in some of these projects. We use things that I am not well-versed in but things like an analysis of alternatives so that we are getting the best value for the investments that we make and make tradeoffs for what is effective and then what will give us the outcomes we are expecting.

Mr. BACON. OK, good. Because it helps you to sell at least show why and convince Congress, you know, to support those programs when you have those good metrics.

So you are asking for \$1.6 billion for integrated fixed towers and remote video surveillance, will this give you a full range of video or will you have blind spots with that?

Mr. VITIELLO. The towers and the remote video surveillances, they are in use now, so again, there will be some of that that will need to be refreshed and replaced, and then there will be new additions to that capability.

Mr. BACON. Are there blind spots that you want to fill or where the blind spots are at you are all right?

Mr. VITIELLO. Given the technology, there will always be areas that will have to be covered by different kinds of technology, but this deployment will help us bring that situational awareness element that is a critical capability.

Mr. BACON. One last question, I am told that in some of our communications areas along the border there are gaps of coverage where you can't get, you know, like coverage for your communications, do we have—are we putting things in place to help the personnel on the border to make sure they have good comms up and down the whole border?

Mr. VITIELLO. So the request asks for specific investments in that area as well. Yes, that is a challenge, given the lack of infrastructure as it relates to communications backbone, the kinds of things that move signals back and forth. That has been a struggle for us for several years.

Mr. BACON. OK. Thank you very much. I yield back.

Ms. MCSALLY. The gentleman yields back.

Just to note, votes will be called here in probably 10 minutes we think. So the Chair now recognizes Mr. Correa from California. We are going to then have to break for votes and come back for our second panel.

Mr. Correa, you are up.

Mr. CORREA. Thank you Madam Chair.

I very quickly have some—Ms. Gambler, if I may? As I am listening to the conversation here I am thinking to myself we have a matrix to evaluate the investments, what part of border security actually has a highest yield. We are all talking about border security.

I think there is a bigger picture here, at least from my humble perspective. I am out at California. I have been to the San Isidro crossing. The crossing it is by, in terms of volume people, trade, the biggest crossing in the world.

Essentially, you know, about California, Mexico—California's biggest trading partner is Mexico. Mexico is probably America's second- or third-largest trading partner in the world. So we have a lot of commerce. We do need more border crossings.

I was down in San Isidro a few months ago and I was talking to some of those border agents. When I asked them about, you know, their job and they started telling me about these huge drug seizures that they actually had, you know, successful in grabbing. As I asked those agents, how did you do this? They smiled from one end to the other saying, you know, I have been here for 20 years I can spot a person that is guilty just by looking at them. Then once I spot one of these individuals I bring in the dogs and you know what, we score big.

I am listening to this discussion here about the wall, investments, we have taxpayers in this country. We don't have a finite amount of resources, so do we have a matrix to measure where our investments are optimal?

Top of that also, some of the comments that were made a little while ago that, you know, when you have shipments coming in you have to get clued, so to speak, as to which shipments are legit and which shipments may not be legit, meaning do we have cooperation with folks at Mexico, do we have cooperation intel with people from Canada?

All of this put together, I am trying to figure out where do we get the most bang for the buck. Where do I go back to my taxpayers and say this is the most effective use of the taxpayer dollars to make sure we protect our kids from drugs.

As, you know, according to your DHS report September, 2017 the Southern Border is now at the hardest it has ever been in terms of crossing, the number of illegal entries is one of the lowest levels since the 1970's. So, you know, common sense here would tell you that people are going to start probing the Northern Border, the border in the north, as well as their ports of entry.

Where do we get our best bang for the buck which comes back to, do we have essentially a matrix in place to gauge where we get our best bang for the buck?

Ms. GAMBLER. Thank you for the question, Congressman. From the GAO perspective that is a very important line of inquiry.

Based on our work DHS does not have metrics in place for assessing the contributions that these different investments are mak-

ing to border security and we have open recommendations to the Department in that area as it relates to both, specifically to both technologies and infrastructure or barriers.

Mr. CORREA. So we don't know right now based on the data that we have where the best place is to invest our taxpayer dollars to protect our citizens?

Ms. GAMBLER. That's right. DHS does not—

Mr. CORREA. The same question to Ms. Grady and Mr. Vitiello.

Ms. GRADY. Yes, sir. I think one of the things to differentiate is our ability to isolate the outcomes and attribute it to specific technology. We see the effects, we see the positive effects—

Mr. CORREA. But you don't have a matrix to measure that yet?

Ms. GRADY. To individual technologies, no we cannot—

Mr. CORREA. Not individual—how about individual investments like border versus drones, versus—

Ms. GRADY. We are—we are working—

Mr. CORREA. Training personnel?

Ms. GRADY. We are working to improve our data collection and the attribution which is what the chief had talked about.

Mr. CORREA. When we will have enough data to make intelligent decisions in terms of which area is best to invest our taxpayer dollars?

Ms. GRADY. We are working on completing that—completing the—

Mr. CORREA. When will we have that completed? Mr. Vitiello?

Mr. VITIELLO. I don't have a hard date for you and I know that is—been trying to prepare for—

Mr. CORREA. One month, 2 months, 6 months, 6 years?

Mr. VITIELLO. It is probably about a year or so out—

Mr. CORREA. But we are making decisions to invest now.

Mr. VITIELLO. Well we do have a body of experience about what we have done already. If I could, if we could put up chart No. 4, is that possible?

We know over the history of CBP and the use of barriers along the border as it relates to wall and as it relates to the right mix of technology, infrastructure, and people, when we apply those investments in a strategic way along parts of the border we know that that is going to have a beneficial outcome. We are going to reduce activity. We are going to increase safety and then the public atmosphere in those locations along the border. So we do have experience with that.

We agree with GAO and as the Department is commending us to do we are looking to give you a better history of what is happening and what has happened, and which of the—which of the investments are most appropriate. But I can tell you that if you don't do all three of these things in simultaneous fashion, that you will not be as successful—

Mr. CORREA. Madam Chair, I am out of time but I will just—that is for the Southern Border, we don't know about the Northern Border, or the ports of entry.

Ms. MCSALLY. The gentleman yields back.

The Chair now recognizes Ms. Barragán from California for 5 minutes.

Mr. BARRAGÁN. Thank you, Madam Chairwoman.

I want to thank all the witnesses for being here today. This week the President visited California. It was his first trip to the State, my State.

The trip to California was designed to bring attention to the President's signature issue and campaign promise, the wall. During the overnight trip President Trump examined 8 recently constructed prototypes for a wall in San Diego near the U.S.-Mexico border. The prototypes alone cost taxpayers between \$2.4 million and \$4 million in addition to the \$18 billion that the administration is asking us to spend.

During the trip the President said that the wall would stop and I quote, "99 percent of illegal entries across the border from Mexico," and characterized those who would try to cross the border as, "professional mountain climbers," in his ability to scale barriers.

Mr. Vitiello, would a wall prevent 99 percent of illegal entries at the border?

Mr. VITIELLO. Where we have the investment in a complete fashion, technology, infrastructure, mobility to the border we will be much more effective—

Mr. BARRAGÁN. But there is no metrics to know it is 99 percent, is that correct?

Mr. VITIELLO. We have a metric that we call the Interdiction Effectiveness Rate and what that does is it gives us a box score if you will about how many people enter and how many are caught, and where you have this infrastructure in a complete fashion. When we have a barrier, when you access to that barrier, when you have sensors that cue the response rates, it is when you have—

Mr. BARRAGÁN. Are you—I am sorry, I have limited time—

Mr. VITIELLO. Response and resolution. You do have much higher effectiveness.

Mr. BARRAGÁN. So, no, nobody on this panel, is anybody also on this panel can attest to 99 percent will actually be—of the illegal entries are going to be prevented?

Mr. VITIELLO. I didn't hear the quote directly, but there was a briefing that he was given by the chief patrol agent in San Diego, Rodney Scott which talked about the 99 percent decrease in activity in San Diego based on this investment and personnel technology and infrastructure, that was part of the brief. I had not heard what—directly.

Mr. BARRAGÁN. OK. Thank you.

Ms. Grady, do you, can you, do you believe that is going to stop the 99 percent and do you know what the source of that information would be?

Ms. GRADY. No I do not know the source of the information. I believe it is probably as Chief Vitiello indicated that the impact that we saw when we made the investments in San Diego, associated with what they saw and the positive impact of the combination of investments of resources and technology, infrastructure, and people.

Mr. BARRAGÁN. OK. So we are still not getting to 99 percent.

Ms. Gambler, do you have any insight on this?

Ms. GAMBLER. From the GAO perspective we aren't familiar with the source of that data. I would just add as I had mentioned in my oral remarks, we do have on-going work looking at DHS's plans for

the wall system and we will be reporting the results of that work later this year.

Mr. BARRAGÁN. Thank you. You know, I have been a Member of this committee for some like 14 months and it is amazing at how we hear from different people talk about a wall and what it would be effective for and what not. We see photos of tunnels going under walls, we see certainly contraptions being used to send drugs over a wall.

You know, this is something where we are just dumping \$18 billion without metrics, it does not seem a good use of taxpayer dollars and making decisions without having the data. It has been a frightening pattern by this President who continuously makes false statements about border security and immigration to the American public to promote this central campaign promise on the wall. It is to the point where a senior ICE spokesman quit because of DHS's intent on spreading false information about undocumented immigrants escaping arrest in Oakland.

You know more frightening is DHS's willingness to adopt the President's misguided views on border security and institutionalize them at a Federal agency charged with defending and protecting our country when the facts show otherwise.

Mr. Vitiello, let me tell you I represent the Port of Los Angeles and I appreciate the work that your men and women do at the Port of Los Angeles. They tell me and we have been hearing from CBP that they need staffing. I am all for that, I am all for giving you the resources for the ports of entry, putting more money into where I believe there is a greater threat of National security and terrorism which are the airports and the seaports.

So, know that I will continue to advocate for more funding at our ports of entries, especially at our seaports, because I have seen first-hand the work that your men and women do. I appreciate that, I have a much bigger issue with the wall, as you probably can tell today.

So thank you all for being here. With that, my time has expired and we have to run to votes, I yield back.

Ms. MCSALLY. Thank you. The gentlewoman yields back.

We are now going to go into recess. Unfortunately this is a long vote series, so I apologize to our second panel. This may be close to an hour, but we will be back for the second panel. I thank our witnesses for their testimony today. Additional questions could be submitted for the record. We are recessed.

[Recess.]

Ms. MCSALLY. All right. The subcommittee will come to order. We are pleased to welcome our second panel of witnesses on this important topic. Mr. Brandon Judd is a Border Patrol Agent and president of the National Border Patrol Council representing more than 16,500 border line agents, brings with him nearly 20 years of experience as a Border Patrol Agent. Mr. Judd is currently a Border Patrol Agent assigned in Montana.

Mr. Anthony Reardon is the national president of the National Treasury Employees Union. He is the leader of the largest independent Federal sector union representing a 150,000 Federal workers including 25,000 CVP employees. Mr. Reardon has over 25

years of hands-on experience addressing the concerns of front-line employees.

Thank you both for being here today. I appreciate your patience and your time. The Chair now recognizes Mr. Judd for his testimony.

**STATEMENT OF BRANDON JUDD, NATIONAL PRESIDENT,  
NATIONAL BORDER PATROL COUNCIL**

Mr. JUDD. Chairwoman McSally, Congresswoman Jackson Lee, I appreciate the opportunity to testify before you today. I would like to begin by explaining how we got to where we are today and why legislation drafted by the subcommittee and priorities proposed by the Trump administration, including within the border security improvement plan are desperately needed by the men and women of the Border Patrol to make up for the mistakes of the past.

In the mid-1980's, the United States faced its first major illegal immigration crisis. The Border Patrol had 4,000 agents who were charged with patrolling roughly 2,000 miles of our international land border with Mexico.

Other than barbed wire fences owned by ranchers, there were no vehicle or pedestrian barriers to impede illegal border crossers. The Border Patrol was overwhelmed and Congress chose to deal with the influx of illegal aliens entering the United States by passing the Immigration Reform and Control Act of 1986.

The act promised to secure the border and ensure the United States was never put in the same situation again. While promises were made, promises were not kept and simply put—the act failed.

It failed in large part because the U.S. Government put the cart before the horse. Without first securing the border, the Federal Government legalized several million persons with—who willfully violated U.S. law. By so doing, we broadcasted a clear message to the world that our laws could be made void if enough people entered the country illegally. The message was heard world-wide and illegal immigration exploded.

After the IRCA of 1986, illegal border crossings in high numbers took place almost exclusively in San Diego, California and El Paso, Texas. The Border Patrol thought if it could control these two corridors, they would be able to control illegal immigration and narcotics smuggling. They threw the vast majority of their resources at these areas, but left other areas like the El Centro, California, the Yuma, Arizona, and the Tucson, Arizona Border Patrol Sectors wide open.

At the time, the prevailing thought was that the terrain and infrastructure and population density did not exist on either side of the border in these regions to allow smuggling organizations to move their operations to the inhospitable and barren desert areas of Arizona and California.

The prevailing thought was wrong. For more than 10 years, the Tucson Border Patrol Sector was overrun because we did not have the foresight to realize smuggling is big, big business and that the cartels are extremely flexible and adaptable.

In essence, we created the problem in Tucson by securing only select portions of the border while leaving others to the east and

west, wide open. To this day, the citizens and ranchers of Arizona are still paying for our mistakes.

Unlike today, in the 1980's and 1990's, ISIS didn't exist; criminal cartels didn't control every facet of illegal activity on the border, and transnational gangs weren't prevalent in the United States. Today, however, this is our reality, and if we refuse to learn from failed border security policies and operations of the past, we will never secure the border. We must take a proactive approach, and it must start with a proper mix of infrastructure, personnel, and technology, and it must be holistic.

As an agent who has extensive experience working with and without border barriers, and as the person elected to represent rank-and-file Border Patrol Agents Nation-wide, I can personally attest to how effective physical barriers are. A wall in strategic locations will ultimately lead to far greater effectiveness and allow us to direct our very limited manpower resources to areas without barriers and where illegal crossings are more likely to take place.

I implore the subcommittee, as well as CBP, to follow through with these proposed investments and actually build walls in strategic locations. Regardless of the amount of funding being appropriated to CBP for tactical infrastructure or emerging technologies being deployed to the border, the fact remains that the most crucial asset that the Border Patrol has is its agents.

The men and women of the Border Patrol are some of the finest law enforcement professionals in the world but unfortunately we are losing agents faster than we can hire. I want to thank the subcommittee for your on-going efforts to solve the personnel problems plaguing the Border Patrol, including the hiring of 5,000 additional agents.

While new recruitment efforts are certainly necessary and crucial going forward, I am deeply concerned that CBP leadership is continuing to ignore our persistent agent retention problems and the detrimental impacts to budgeting, morale, and border security that stem from these sustained attrition rates.

I am also concerned that the agency is once again putting the cart before the horse and spending hundreds of millions of dollars without addressing CBP's underlying personnel issues. We must fix our retention problems first. Then, we can address recruitment issues once the Border Patrol stops hemorrhaging agents.

I applaud both this subcommittee and the Trump administration for the comprehensive policies and initiatives that each have put forth. Going forward, it is crucial that we acknowledge that if we only build parts of the wall and try to simply shut down just the Rio Grande Valley, for example, without also addressing Laredo, Del Rio, and Big Bend, we will create the same types of holes in our defenses that we created in Arizona years ago. We cannot repeat the mistakes of the past.

Again, I thank you for this opportunity and I look forward to answering any of your questions.

[The prepared statement of Mr. Judd follows:]

## PREPARED STATEMENT OF BRANDON JUDD

MARCH 15, 2018

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee, I would like to thank you for inviting me to testify before you today in order to communicate how the administration's request to Congress for enhanced border security measures and increased resources will dramatically improve border security efforts and greatly help our Nation's Border Patrol Agents to do our jobs.

My name is Brandon Judd and I currently serve as the president of the National Border Patrol Council, where I represent approximately 16,000 Border Patrol field agents and support staff. I have 20 years of experience as a Border Patrol Agent and a thorough understanding of the policies affecting border security.

## LESSONS LEARNED FROM THE PAST

I'd like to begin by explaining how we got to where we are today and why legislation drafted by the subcommittee and priorities proposed by the Trump administration, including within the Border Security Improvement Plan (BSIP), are desperately needed by the men and women of the Border Patrol to make up for the mistakes of the past.

In the mid-1980's, the United States faced its first major illegal immigration crisis. The Border Patrol had 4,000 agents who were charged with patrolling the roughly 2,000 miles of our international land border with Mexico. Other than barbed wire fences owned by ranchers, there were no vehicle or pedestrian barriers to impede illegal border crossers. The Border Patrol was overwhelmed and Congress chose to deal with the influx of illegal aliens entering the United States by passing the Immigration Reform and Control Act (IRCA) of 1986. The Act promised to secure the border and ensure the United States was never put in the same situation again.

While promises were made, promises were not kept and simply put: The Act failed.

It failed in large part because the U.S. Government put the cart before the horse. Without first securing the border, the Federal Government legalized several million persons who willfully violated U.S. law. By so doing, we broadcasted a clear message to the world that our laws could be made void if enough people enter the country illegally. The message was heard world-wide and illegal immigration exploded.

After the IRCA of 1986, illegal border crossings in high numbers took place almost exclusively in San Diego, California and El Paso, Texas. The Border Patrol thought if it could control these two corridors, they would be able to control illegal immigration and narcotics smuggling. They threw the vast majority of their resources at these areas but left other areas like the El Centro, California; the Yuma, Arizona; and the Tucson, Arizona Border Patrol Sectors wide open. At the time, the prevailing thought was that the terrain, infrastructure, and population density did not exist on either side of the border in these regions to allow smuggling organizations to move their operations to the inhospitable and barren desert areas of Arizona and California.

The prevailing thought was wrong. For more than 10 years, the Tucson Border Patrol Sector was overrun because we did not have the foresight to realize smuggling is big business and that the cartels are extremely flexible and adaptable. In essence, we created the problem in Tucson by securing only select portions of the border while leaving others, to the east and west, wide open. To this day, the citizens and ranchers of Arizona are still paying for our mistakes.

Unlike today, in the 1980's and '90's, ISIS didn't exist, criminal cartels didn't control every facet of illegal activity on the border, and transnational gangs weren't prevalent in the United States. Today, however, this is our reality, and if we refuse to learn from failed border security policies and operations of the past, we will never secure the border. We must take a proactive approach and it must start with the proper mix of infrastructure, personnel, and technology and it must be holistic.

I applaud both this subcommittee and the Trump administration for the comprehensive policies and initiatives that each have put forth. Going forward, it is crucial we acknowledge that if we only build parts of the wall and try to simply shut-down down just the Rio Grande Valley (RGV), for example, without also addressing Laredo, Del Rio, and Big Bend, we will create the same types of holes in our defenses that we created in Arizona years ago. We cannot repeat the mistakes of the past.

PHYSICAL BARRIERS, INCLUDING WALLS IN STRATEGIC LOCATIONS, MUST BE BUILT  
ALONG THE BORDER

While there has been no shortage of debate and controversy over our physical defenses and the proposed border wall, in my opinion serving in the Border Patrol for the past 20 years, including in two of the busiest sectors in the history of the Border Patrol, a wall in strategic locations is pivotal to securing our border.

When I first arrived in the El Centro Sector in the late 1990's and later in the Tucson Sector in the early 2000's, we had next to nothing by way of infrastructure and I can confidently say that for every illegal border crosser that I apprehended, three got away. The building of physical barriers and large fences—an effort that received bipartisan support in years past—allowed agents to dictate where illegal crossings took place, and doubled how effective we were able to be in apprehending illegal border crossers.

As an agent who has extensive experience working with and without border barriers, and as the person elected to represent rank-and-file Border Patrol Agents Nation-wide, I can personally attest to how effective physical barriers are. A wall in strategic locations will ultimately lead to far greater effectiveness and allow us to direct our very limited manpower resources to areas without barriers and where illegal crossings are more likely to take place.

I applaud the subcommittee for proposing and pushing for historic investments in tactical infrastructure, including physical barriers. I implore the subcommittee, as well as CBP, to follow through with these proposed investments and actually build the wall in strategic locations. While repairing, replacing, and constructing new tactical infrastructure, including a wall along our Southwest Border is critical to achieving true border security, physical barriers make up only one part of the border security solution.

PERSONNEL SHORTAGES AND RETENTION PROBLEMS MUST BE SOLVED BEFORE  
RECRUITMENT PUSH

Regardless of the amount of funding being appropriated to CBP for tactical infrastructure or emerging technologies being deployed on the border, the fact remains that the most crucial asset that the Border Patrol has are its agents. The men and women of the Border Patrol are some of the finest law enforcement professionals in the world but unfortunately we're losing agents faster than we can hire them. Just this past November, the Government Accountability Office (GAO) reported that according to CBP, "from fiscal year 2013 to fiscal year 2016, Border Patrol hired an average of 523 agents per year while experiencing a loss of an average of 904 agents per year." With agent attrition rates far outpacing hiring year in and year out, the Border Patrol has found itself with a critical shortage of agents in the field.

Congress has previously mandated that the Border Patrol maintain a minimum staffing number of 21,370 agent positions. However, due to the steady pace of attrition, the Border Patrol currently has only approximately 19,300 agents. This is roughly 2,000 agents short of where Congress has said the agency's staffing level needs to be and is simply unacceptable. In large part, agents are leaving the Border Patrol for other Federal law enforcement jobs. Based on information provided by CBP leadership itself, GAO's November 2017 report summarizes the key reasons why agents are leaving the Border Patrol for other agencies and states that, "Border Patrol Agents are deployed to less desirable duty locations, and Border Patrol Agents generally receive lower compensation."

This pay disparity issue dates back to December 2014 when former President Obama signed into law the Border Patrol Agent Pay Reform Act (BPAPRA). This legislation overhauled the overtime system that agents had used for over 40 years. While initial drafts of the legislation were revenue neutral, during the legislative process, the Obama administration pushed Congress to cut roughly \$100 million per year over 10 years from agents' salaries. As a result, rank-and-file Border Patrol Agents took a significant pay cut of roughly \$5,500 per agent per year. It is of note that the same high-level managers who were tasked with working with Congress on the BPAPRA took no pay cut. While NBPC ultimately supported the final bill because the Obama administration had already begun limiting agent pay through other administrative means, we believe that this pay cut has seriously exacerbated attrition rates across the Border Patrol and hope that Congress can help remedy this problem.

I want to thank the subcommittee for your on-going efforts to solve the personnel problems plaguing the Border Patrol. Specifically, I commend the subcommittee for including key personnel related provisions such as retention incentive language, and the Anti-Border Corruption Reauthorization Act in H.R. 4760, Securing America's Future Act. I also want to commend the subcommittee for authorizing the hiring

of 5,000 additional agents in the Securing America's Future Act, putting the minimum agent position number at 26,370. This legislative language mirrors the administration's plan to hire 5,000 agents as outlined in both Executive Order 13767 and CBP's BSIP. The NBPC fully supports the plan to hire 5,000 additional agents and thanks the subcommittee and the administration for this much-needed hiring surge.

While new recruitment efforts are certainly necessary and crucial going forward, I am deeply concerned that CBP leadership is continuing to ignore our persistent agent retention problems and the detrimental impacts to budgeting, morale, and border security that stem from these sustained attrition rates. As the subcommittee is aware, in November of last year, CBP awarded Accenture Federal Services a contract to recruit and hire additional CBP personnel, including 5,000 Border Patrol Agents. CBP has obligated over \$42 million for the first year of the contract and the total value of the 5-year contract could reach as high as approximately \$297 million.

With news of this contract award, I am deeply concerned that the agency is once again putting the cart before the horse and spending hundreds of millions of dollars without addressing CBP's underlying personnel issues. We must fix our retention problems first. Then we can address recruitment issues once the agency stops hemorrhaging agents. If we don't address why agents are leaving the agency, then we will forever be stuck in a cycle in which the agency, and thereby taxpayers, loses tens of millions of dollars every year and never actually solves the root problem.

Based on only the limited information available regarding this contract, I am afraid that this contract award is at best a gross waste of taxpayer dollars and worse yet, likely mismanagement at the highest levels of CBP. I urge the subcommittee to continue its oversight of this contract award and related decision making by CBP to ensure that some light is shed on these matters.

#### CONCLUSION

As I stated above, I implore the subcommittee, as well as CBP, to follow through with the proposed investments contained within the Securing America's Future Act and the BSIP. This means building a wall in strategic locations and putting more boots on the ground. However, I urge the subcommittee to remain vigilant with its oversight of the agency as CBP prepares to spend upwards of \$30 billion in proposed funding. If the \$300 million Accenture recruitment contract is any indication of future CBP decision making, I remain seriously concerned about how CBP leadership will choose to spend approximately 100 times more in taxpayer funding.

Last, I implore both sides of the aisle to quit politicizing border security and illegal border entries, and work with the men and women of the Border Patrol to invest in and ensure we have the infrastructure, personnel resources, and technology we need. By so doing, I have no doubt in my mind that Border Patrol Agents will once and for all secure the border.

Ms. MCSALLY. Thank you, Mr. Judd.

The Chair now recognizes Mr. Reardon for 5 minutes.

#### **STATEMENT OF ANTHONY M. REARDON, NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION**

Mr. REARDON. Good afternoon. Chairwoman McSally, Congresswoman Jackson Lee, thank you for the opportunity to again testify on behalf of over 25,000 front-line Customs and Border Protection Officers, Agriculture Specialists, and Trade Enforcement Specialists at CBP who are stationed 328 U.S. air, sea, and land ports of entry and at preclearance operations overseas.

As I told the subcommittee in January, the border security issues of utmost concern to CBP OFO employees are the hiring and funding challenges that contribute to ports of entry being chronically understaffed.

In my testimony, I told you about excessive overtime requirements, temporary duty assignments to the Southwest border ports, challenges to hiring, and the impact of staffing shortages on officer safety and morale.

To address the concerns NTEU raised at the January hearing, Ranking Member Vela and others introduced a bill, H.R. 4940, the Border and Port Security Act, a bipartisan bill that would authorize the hiring of 500 additional CBP Officers and other Office of Field Operations staff annually until the staffing gaps in CBP's various workload staffing models are met.

NTEU strongly supports this stand-alone CBP Officer staffing bill and we urge every Member of Congress to support this bill, too.

I am here today to convey NTEU's concerns with CBP's \$33 billion proposal to fund critical CBP requirements to improve border security. There is no greater roadblock to border security, stopping illicit trafficking in people, drugs, illegal weapons, and money and to ensuring legitimate trade and travel efficiency than the lack of sufficient staff at our ports. The current CBP Officer shortage is staggering.

There is a vacancy rate of 1,145 funded CBP Officers at the ports. According to CBP an additional 2,516 CBP Officers need to be hired and funded in order to meet 2018 staffing needs. So as of today, there is a total CBP Officer staffing shortage of 3,651.

Unfortunately, I have learned that the \$33 billion funding proposal to improve border security includes no appropriated funding to address the No. 1 security issue at the 328 U.S. ports of entry. That is the current staffing shortage of approximately 3,600 positions.

When discussing what do we get for \$33 billion, the topic of this hearing, it is important to note the funding document sets forth \$1.6 billion to fund 2,516 CBP Officers. But the source of this funding appears to be an increase in the immigration and COBRA user fees and not a direct up-front appropriation from this \$33 billion pot of money.

These user fees cannot be increased without Congress enacting legislation. A proposal to increase user fees has been a part of the administration's budget submission since fiscal year 2014 to fund the hiring of new CBP Officers.

This user fee increase proposal is again in the fiscal year 2019 budget request, even though the committees with jurisdiction have never shown any interest or even held a hearing to discuss this legislative proposal.

I am reluctantly coming to the conclusion that there is no serious effort by Congress at this time to fund the hiring of critically needed CBP Officers in the fiscal year 2019 budget or the \$33 billion border security funding proposal.

The CBP Officers and other employees I represent are frustrated that Congress does not seemingly recognize that securing the ports of entry is just as vital to border security as is securing the borders between the ports of entry, and the ports are an economic driver to the U.S. economy.

It is imperative that Congress fund with appropriated dollars CBP Officer new hires to alleviate the on-going CBP staffing shortages at the ports of entry so that we realize real border security.

Thank you, and I am happy to answer any questions you may have.

[The prepared statement of Mr. Reardon follows:]

## PREPARED STATEMENT OF ANTHONY M. REARDON

MARCH 15, 2018

Chairwoman McSally, Ranking Member Vela, distinguished Members of the subcommittee, thank you for the opportunity to deliver this testimony. As president of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 25,000 Customs and Border Protection (CBP) Officers, Agriculture Specialists, and Trade Enforcement Personnel stationed at 328 land, sea, and air ports of entry across the United States and 16 Preclearance stations currently in Ireland, the Caribbean, Canada, and United Arab Emirates airports. CBP's Office of Field Operations (OFO) pursues a dual mission of safeguarding American ports, by protecting the public from dangerous people and materials, while enhancing the Nation's global and economic competitiveness by enabling legitimate trade and travel.

In addition to CBP's trade and travel security, processing and facilitation mission, CBP OFO employees at the ports of entry are the second-largest source of revenue collection for the U.S. Government. In 2016, CBP processed more than \$2.2 trillion in imports and collected more than \$44 billion in duties, taxes, and other fees. Thank you for this opportunity to discuss how CBP proposes to allocate \$33 billion to fund "Critical CBP Requirements to Improve Border Security."

As I told the subcommittee in January when I last testified, the border security issues of utmost concern to CBP OFO employees are the hiring and funding challenges that contribute to ports of entry being chronically understaffed. In that testimony, I shared with the committee concerns about excessive overtime requirements, temporary duty assignments to the Southwest border ports, challenges to hiring, the impact of staffing shortages on officer safety and morale, among other issues.

To address the concerns NTEU raised at the January hearing, Ranking Member Vela and other legislators introduced a bill, H.R. 4940, the Border and Port Security Act. This bipartisan legislation would authorize the hiring of 500 additional CBP Officers and other OFO staff annually until the staffing gaps in CBP's various Workload Staffing Models are met. NTEU strongly supports this standalone CBP Officer staffing bill and urges every Member of Congress to support this bill.

I am here today to convey NTEU's concerns with CBP's \$33 billion proposal to fund critical requirements to improve border security. It is my understanding that Congress is considering CBP's \$33 billion funding proposal to implement the Border Security Improvement Plan (BSIP) that was developed pursuant to language in the Fiscal Year 2017 DHS Appropriations Act (Pub. L. 115-31) to provide "a risk-based plan for improving security along the borders, including personnel, fencing, and other forms of tactical infrastructure, and technology."

Unfortunately, I have learned that neither the \$33 billion funding proposal nor the BSIP addresses the No. 1 security issue at the 328 U.S. ports of entry and that is a current staffing shortage of over 3,600 positions. Understaffed ports lead to long delays in travel and cargo lanes and also create significant hardship and safety issues for front-line employees. Involuntary overtime and involuntary work assignments far from home disrupt CBP Officers' family life and destroy morale.

There is an existing vacancy rate of nearly 1,145 funded CBP Officers at the ports and, according to CBP's analytic workload staffing model, an additional 2,516 CBP Officers and 731 Agriculture Specialists need to be funded and hired in order to meet 2018 staffing needs (see attachment.) With the existing vacancy of 1,145 funded CBP Officers, this adds up to a total CBP Officer staffing shortage of 3,645 today.

For example, the Tucson Field Office is currently experiencing critical shortages of front-line personnel. According to CBP, "these long-term staffing shortfalls continue to stretch the limits of operational, enforcement, and training capabilities at the ports of entry. In support of this, Headquarters is soliciting 175 CBP Non-Supervisory Officers to serve in a Temporary Duty (TDY) capacity to support the Tucson Field Office beginning January 7, 2018".

In my January testimony, I told you about how CBP Officers at the critically short-staffed Southwest Border ports are drafted for excessive overtime hours. All CBP Officers are aware that overtime assignments are an aspect of their jobs. I also shared the story of an Officer who performed 73 hours of overtime at his port during one 80-hour pay period. Long periods of overtime hours can severely disrupt an officer's family life, morale, and ultimately their job performance protecting our Nation.

Despite the demonstrated CBP Officer staffing needs, it is my understanding that the BSIP seeks the addition of only 63 CBP Officer new hires at the National Targeting Center, but no additional officers to address front-line staffing shortages at the ports of entry. Apparently, the BSIP proposes that Congress make other monetary investments in OFO facilities, equipment, and technology initiatives such as bi-

ometric entry-exit and Non-Intrusive Inspection acquisitions, but none of these new investments include funding for additional CBP personnel actually responsible for inspection, interdiction, and facilitation of trade and travel at the ports.

The more than 25,000 CBP employees represented by NTEU are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs, and our economy safe from illegal trade, while ensuring that legal trade and travelers move expeditiously through our air, sea, and land ports. However, front-line CBP Officers and Agriculture Specialists at our Nation's ports of entry need relief, and yet the \$33 billion funding proposal to improve border security provides none.

The economic cost of the CBP OFO staffing shortage is staggering. CBP employees at the ports of entry are not only the front line for illegal trade and travel enforcement, but their role of facilitating legal trade and travel is a significant economic driver for private-sector jobs and economic growth. According to CBP fiscal year 2013 data, for every 1,000 CBP Officers hired there is an increase in the Gross Domestic Product (GDP) of \$2 billion; \$642 million in opportunity costs are saved (the quantification of time that a traveler could be using for other purposes than waiting in line, such as working or enjoying leisure activities); and 33,148 jobs are added annually. For every 33 additional CBP Officers hired, the United States can potentially gain over 1,000 private-sector jobs. If Congress fully staffed the ports with the needed 3,700 additional CBP Officers, 112,000 private-sector jobs could be created.

It is my understanding that the scientifically-developed CBP Workload Staffing Model was not even referenced in the BSIP. In order to address port security Nation-wide, it is essential that Congress utilize the CBP Officer Workload Staffing Model that shows a staffing shortage of 2,516 CBP Officers and 721 Agriculture Specialists at the ports of entry (not including the 1,145 current CBP Officer vacancies), in making staffing and funding decisions.

It is well-known that as we increase staffing between the ports of entry more criminals, terrorists, drug and human smugglers are funneled into the ports of entry further exacerbating the current staffing crisis at the ports. The risk of successful incursions through the ports of entry by terrorists, smugglers, and other criminals increase when ports are under constant pressure to limit wait times while working short-staffed. If port traffic increases significantly due to squeezing illegal activity there, it will become impossible for CBP Officers and Agriculture Specialists to stop bad actors and bad things from coming through the ports without significantly increasing wait times, which will harm legal international trade and travel. Congress needs to fund CBP hiring up to the level specified in CBP's OFO workload staffing model in order to address existing trade and travel traffic.

According to the Joint Economic Committee (JEC), every day 1.1 million people and \$5.9 billion in goods legally enter and exit through the ports of entry. The volume of commerce crossing our borders has more than tripled in the past 25 years. Long wait times lead to delays and travel time uncertainty, which can increase supply chain and transportation costs. According to the Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers. JEC research finds border delays cost the U.S. economy between \$90 million and \$5.8 billion each year.

When discussing "what do we get for \$33 billion"—the topic of this hearing, it is important to note the funding document does set forth \$1.6 billion to fund 2,516 CBP Officers over 5 years, but the source of this funding appears to be an increase in the Immigration and Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) user fees and not a direct up-front appropriation from this \$33 billion pot.

These user fees cannot be increased without enacting legislation. This proposal to increase these user fees have been part of the administration's budget submission since fiscal year 2014 to fund the hiring of new CBP Officers to meet the workload staffing model's staffing gap. This user fee increase proposal is again in the fiscal year 2019 budget request, even though the committees with jurisdiction have never shown any interest or even held a hearing to discuss this legislative proposal. I am reluctantly coming to the conclusion that there is no serious effort by Congress at this time to fund the hiring of critically needed CBP Officers in either the fiscal year 2019 budget or the \$33 billion border security funding proposal, which will result in on-going border security gaps.

CBP employees also perform critically important agriculture inspections to prevent the entry of animal and plant pests or diseases at ports of entry. The U.S. agriculture sector is a crucial component to America's economy generating over \$1 trillion in annual economic activity. According to the U.S. Department of Agriculture, foreign pests and diseases cost the American economy tens of billions of dollars annually. For years, NTEU has championed the CBP Agriculture Specialists' Agriculture Quality Inspection (AQI) mission within the agency is critical to U.S. eco-

conomic security and NTEU has fought for increased staffing to fulfill that mission, yet CBP's agriculture security is apparently not discussed in either the BSIP or the \$33 billion funding proposal.

CBP's Agriculture Resource Allocation Model (AgRAM) shows a need for an additional 721 front-line CBP Agriculture Specialists and supervisors to address current workloads through fiscal year 2018; however, the fiscal year 2019 budget proposal and the BSIP provides no additional funding to raise the total number of Agriculture Specialist positions to 3,149 as called for by the AgRAM.

Because of CBP's key mission to protect the Nation's agriculture from pests and disease, NTEU urges the committee to include the hiring of these 731 CBP Agriculture Specialists to address this critical staffing shortage that threatens the U.S. agriculture sector in the \$33 billion funding proposal.

The CBP Canine Program is also critical to CBP's mission. The primary goal of the CBP Canine Program is terrorist detection and apprehension. The working CBP canine team is one of the best tools available to detect and apprehend persons attempting entry into the country to organize, incite, and carry out acts of terrorism. The Canine Program's secondary goal is detection and seizure of controlled substances and other contraband, often used to finance terrorist and/or criminal drug trafficking organizations.

Currently, there are 1,500 authorized canine teams but, as with all CBP resources, there is a shortage of canine teams at the ports of entry. At JFK international airport, NTEU has learned that there are only 4 OFO canine teams assigned there. Many dog teams at international airports have been sent to Southwest Border ports to alleviate shortages there. At one Southwest Border port, NTEU was told that the port only has 24 of the 38 authorized canine teams. By CBP's own allocation, this port is short 14 dogs and handlers. There is no funding in the \$33 billion funding proposal to add any new canine detection teams at the ports of entry. NTEU urges Congress to include the funding to add additional OFO dog teams to the \$33 billion package.

CBP plays a major role in addressing the Nation's opioid epidemic—a crisis that is getting worse. Since 2014, we have seen an escalation of deadly synthetic drug usage, specifically fentanyl, in the United States. The majority of fentanyl is manufactured in other countries such as China, and is smuggled primarily through the international mail and express consignment carrier facilities (e.g. FedEx and UPS) and through ports of entry along the Southwest Border.

Due to the on-going OFO staffing shortages, CBP Officer numbers at Express consignment hubs are extremely low. For example, at the FedEx hub in Memphis there are 38 million imports and 48 million exports equaling 86 million in total package volume for the past year. There are approximately 24 CBP Officers screening all 86 million of these shipments, and on average, about 15 CBP Officers on the main overnight FedEx "sort" shift.

Considering the volume at the FedEx hub, the port requires a minimum of 60 CBP Officers to increase the legitimate flow of freight and ensure successful interdiction of these Chinese chemicals. NTEU does commend CBP Memphis for outfitting a new 2-person chemical team with laser equipment that can detect dangerous synthetic drugs thereby reducing the number of dangerous chemical shipments that the CBP Officers must handle. However, these dangerous chemicals are still handled nightly by CBP Officers.

The scourge of synthetic opioid addiction is felt in every State and is a threat to the Nation's economic security and well-being, yet there is no funding in this \$33 billion package to increase CBP Officer staffing at the Express consignment hubs or the ports of entry where synthetic opioids are entering the country.

#### FISCAL YEAR 2019 BUDGET REQUEST

The administration recently released its fiscal year 2019 budget submission to Congress. The budget requests \$47.5 billion in DHS discretionary budget authority. The DHS budget request would raise spending levels enacted in the fiscal 2017 omnibus law by \$3.6 billion, an 8.5 percent increase.

The fiscal year 2019 DHS budget request provides \$14.2 billion in discretionary budget authority for CBP of which \$211 million is requested to hire and support an additional 750 Border Patrol Agents and support personnel.

There is no new appropriated funding request to hire additional CBP Officers at the ports of entry other than 63 new CBP Officer positions at the National Targeting Center. The administration is requesting that Congress pass legislation to raise the COBRA user fee by \$2.75 and the Immigration User fee by \$2 to support the hiring of new Customs and Border Protection Officers.

As noted earlier in this testimony, these user fee increases have been proposed in every budget request since fiscal year 2014 and Congress has not taken any action to increase the COBRA user fee to fund the hiring of new CBP Officers.

Additionally, the administration is calling for a Government-wide pay freeze for all Federal civilian employees for calendar year 2019. NTEU strongly opposes a pay freeze proposal for all Federal employees, including for DHS and CBP, which have already struggled to recruit and retain law enforcement officers in recent years, and which comes amidst the backup of planned private-sector average 3 percent pay increases in 2018.

As Congress finalizes fiscal year 2018 funding in the next few weeks, and begins consideration of fiscal year 2019 funding for CBP, committee Members should authorize \$1.6 billion in direct appropriations to meet the CBP Officer and CBP Agriculture Specialist staffing requirements through fiscal year 2018 and 2019, as stipulated in CBP's own Workload Staffing Model and to oppose a calendar year 2019 pay freeze.

A funding proposal of concern to NTEU is a \$297 million contract that CBP recently awarded to Accenture Federal Services "to manage the full life cycle of the hiring process from job posting to processing" of 7,500 CBP Border Patrol, Air and Marine, and OFO new hires. NTEU has seen reports that the 5-year contract cost is approximately \$39,600 per hire—nearly the same as the starting salary of a CBP Officer. NTEU strongly believes that these Federal funds would be better spent actually hiring new CBP employees using CBP's in-house human resources department rather than in contracting out to a private-sector consultant "to augment our internal hiring capabilities."

The best recruiters are likely current CBP Officers. Unfortunately, morale continues to suffer because of staffing shortages and a threatened pay freeze, and the administration's proposed cuts to retirement, health care, and workers' compensation programs. In addition to being overworked due to excessive overtime requirements, temporary duty assignments are a major drag on employees, especially those with families. Based on their experiences, many officers are reluctant to encourage their family members or friends to seek employment with CBP. I have suggested to CBP leadership that they look at why this is the case.

NTEU strongly believes that addressing OFO hiring shortages by funding needed new CBP Officer and Agriculture Specialist to fill the fiscal year 2018 staffing gap will do more to improve morale and encourage peer-to-peer recruitment than funding a private contractor to help recruit and hire new CBP employees.

#### RECOMMENDATIONS

To address the dire staffing situation at the Southwest land ports, as well as other OFO staffing shortages around the country, it is clearly in the Nation's economic and border security interest for at least \$1.6 billion of the \$33 billion funding proposal to be provided in up-front, no-year appropriations to fund an increase in the number of CBP Officers, CBP Agriculture Specialists, and other CBP employees as stipulated in CBP's various workload staffing models.

In order to achieve "Critical CBP Requirements to Improve Border Security" that must include the long-term goal of securing the proper staffing at CBP to address workloads, NTEU recommends that Congress take the following actions:

- Provide \$1.632 billion in direct appropriations to fund the hiring of 2,516 CBP Officer needed new hires;
- Fund 721 CBP Agriculture Specialists needed new hires and additional canine teams;
- Restore recruitment and retention awards, and other incentives; and
- Restore cuts in mission support personnel that will free CBP Officers from performing administrative duties such as payroll processing, data entry, and human resources to increase the numbers available for trade and travel security and facilitation.

Congress should also redirect the recently-enacted increase in customs user fees from offsetting transportation spending to its original purpose of providing funding for CBP Officer staffing and overtime, and oppose any legislation to divert additional fees collected to other uses or projects.

The CBP OFO employees I represent are frustrated and their morale is low. These employees work hard and care deeply about their jobs and their country. These men and women are deserving of at least \$1.6 billion of the proposed \$33 billion funding package to provide more staffing and resources to perform their border security jobs better and more efficiently. Further, these CBP employees, along with all other Federal workers, should not be forced to see their paychecks and promised benefits slashed.

Thank you for the opportunity to deliver this testimony to the committee on their behalf.

Ms. MCSALLY. Thank you, Mr. Reardon.

I ask unanimous consent that Ms. Jackson Lee have permission to sit and participate in this hearing. No objection.

I now recognize myself for 5 minutes for questions. First, Mr. Reardon and just more of a statement, I think you know that we are partners with you on these issues that you are talking about at the ports of entry and first bill signed into law actually was fast-tracking our veterans for jobs at the ports of entry and we are working through the polygraph bill as well.

But just to let you know, I know you probably didn't have access to the underlying documents for the \$33 billion, but I have got it right in front of me. It does include resources for 2,516 CBP Officers.

That was the request from the White House in the \$33 billion. Now, our bill Secure America's Future Act has 5,000 officers in there as well, so 5,000 Border Patrol and 5,000 CBP Officers at the ports of entry.

So, those statements about what Congress is or isn't doing, we have been partnering with you. We know this is a critical issue both between the ports of entry and at the ports of entry. Our legislation continues to support addressing these issues for the CBP Officers there, that are doing work day in and day out under pretty I know difficult conditions, especially I am concerned in Arizona right now with shortage.

Mr. Judd, thanks for your perspective in the testimony where you talked about how policies of the past that were sort of piecemeal did a bit of a, when you push on a balloon and it causes a reaction on the other end, right, where in San Diego and El Paso Sector they did certain things to address those issues there.

But it basically pushed the illegal activity into my State. Then when we did put up some barriers and other things in the urban areas then it pushed illegal activity out into the rural areas where the ranchers and border residents are dealing—have been dealing now for many, many years with the transnational criminal organizations trafficking through their property and through their communities, creating a very real threat and a lot of damage and that all goes with the illegal activity.

So this is as a result of the failed policies of the past as you brought up. But you were there in Arizona, can you elaborate a little bit more about how important it is that we don't just do this piecemeal thing or we push on one end or one sector. Because we are basically going to create a problem in another community.

That is also a humanitarian issue. People are now trafficking through the hot desert in the summer and dying because of the way this has been done piecemeal in the past. So can you elaborate a little bit from your personal experience on how important that is?

Mr. JUDD. Absolutely. If you look at Naco, specifically my old stomping grounds where we had the infrastructure we were able to control those specific small corridors, but what happened was we let go the outreaches and the crossings there just shot up astronomically.

I mean in Naco, Arizona, I want to say it was in 2003, we arrested 112,000 illegal aliens. The entire Border Patrol, that is one station out of more than 150 stations the entire Border Patrol. The entire Border Patrol last year had 400,000, Naco one station in 1 year had 112. So what happened was these ranches were just completely and totally overrun and these ranchers were overwhelmed.

They could not maintain their livestock. They could not maintain their grazing fields due to the problems that they experienced. So we just can't have them. The one thing that I am concerned about is our organization over the last 20 years has been the most politicized organization that I know of, every single year we are talking about border security. Every single year, we are debating border security. We can secure the border and we can make this problem go away once and for all.

Ms. MCSALLY. Thank you, Mr. Judd. I do want to follow up given the \$38 billion that we have in our legislation which should include again holistically the request of the administration plus port of entry issues.

Do you think that is going to be enough to give the tools and the resources that are needed to our agents to be able to secure the border?

Mr. JUDD. I have seen the projections and I have seen what it is that we are looking for. I believe that it does. It compensates. It in fact goes far enough to project into the future which is something that we very rarely do.

What was interesting is Congresswoman Barragán asked Acting Commissioner—Deputy Commissioner Vitello if he believes that the wall would be 99 percent effective. I can tell you that the U.S. Special Forces have tried out those barriers and they found that those barriers are impenetrable. I would say absolutely yes, those walls will be 99 percent effective.

But we only need them in strategic locations. We are not talking about 2,000 miles of a continuous wall. We are talking strategic locations.

Ms. MCSALLY. Great. Thank you.

I mean, we heard from, in our last hearing, testimony I think it was where you do have physical barriers or where you don't have physical barriers is maybe like one agent per mile. We are talking a lot of metrics in the last panel, right?

But where you do have physical barriers, again, combined with situation awareness and tolls and sensors and agents, you could have more agents or less agents per mile. I think it was one agent per 3 miles.

That is a pretty realistic or pretty significant increase in the ability for them to be able to patrol and cover an area, so can you just follow up on that, what that does for you if they are just a barrier that have to get over combined with, again, the situational awareness that you need and the tools and the other agents.

Mr. JUDD. Certainly, what it allows us to do is we have limited manpower. If we can stretch that manpower throughout the entire border we can become more effective. Right now in the McAllen Station—at the McAllen Station, we have approximately 1,000 individuals that are in a processing center as we speak, because we have so many individuals we have had to take agents off of the line

to put them in that processing center, which then leaves holes, huge gaps in the border. When we have walls, we are able to spread our manpower out a lot more, which allows us to be a lot more effective.

Ms. MCSALLY. Great. Thank you. I am over my time.

The Chair now recognizes Ms. Sheila Jackson Lee from Texas.

Ms. JACKSON LEE. Madam Chairwoman, thank you for your courtesies and to my colleague Mr. Vela, I thank him for his service. I thank the Chairman of the full committee, Mr. McCaul, and the Ranking Member.

Well, I have been in Homeland Security hearings all day. I am pleased to say so because the work that you do, Mr. Judd, and the work that all of your members do, Mr. Reardon, are to be truly complemented and appreciated.

I have been on this committee long enough to hopefully know my sincerity on the enthusiasm I have with all of you who have been on the front lines of protecting this Nation. So, thank you again.

Let me take a moment, although, they are not from Texas to acknowledge of bridge collapse in Florida—Florida International University and there have been major loss of lives. I am saying that because some of your members or colleagues who will be on the front line dealing with that. I think it is appropriate in this committee to take note of that.

Madam Chair, I also want to put on the record that I hope and I did not, forgive me, I get a chance to do so; I will speak to him directly. But I wanted to put on the record, I think it is important for this committee to have a full briefing on Russia.

I will just put that on a classified briefing on Russia and I hope that we can do that. I know next week is maybe difficult, but I hope that we will be able to do that for the work that we do in this committee.

Let me, again, Mr. Judd, very quickly in my time, I support—been on this Committee long enough. I joined Senator Kerry so many years ago. I think you might remember or you might have been a babe in arms when the Border Patrol Agents did not have laptops, night goggles, vehicles, et cetera.

I think we put \$400 million in a bill that ultimately passed to provide all of that equipment. So, know the work that you all do. I question a wall that we have no matrix, no established format to understand whether it will work or not.

So let me just quickly ask you, on the Santa Ana Wildlife Refuge, there is already a Border Patrol presence, other law enforcement officers, and Federal personnel and tourists. Given the people and resource is already there, should building a wall in the refuge be a priority?

Mr. JUDD. In certain locations, we don't need a wall. Again, we need it in strategic locations. I can't specifically speak to Santa Ana until I see exactly that, but I do know that there are certain locations that we don't need a wall.

Ms. JACKSON LEE. That might likely be an area where you would not need a wall.

Mr. JUDD. It very well could be.

Ms. JACKSON LEE. Again, thank you for your service. Let me go to Mr. Reardon because you mentioned the 3,651 and I shared a

note with the Chairwoman but I just think I want to clarify it. Your point that you are making is, there is no dedicated monies for these individuals, who I view—I happen to spend a lot of time at the border only because I am in Texas and I know Henry Cuellar and Mr. Vela, so we are there a lot.

But I have known every border starting from California and I think some of your friends, who are sitting behind you, know that I have been to every border, every detention center that I could possibly be in, so let me just focus and say, is that the point you are making? There is no dedicated dollars in this budget. What you are looking at is fees. May I, in my question, so that you can take the time to answer your question.

First of all, let me be very clear: \$18 billion for a fence that was told to us by the administration that it was going to be paid for by the Mexican people and the Mexican government. We are documented by a report that was issued in September 2017 by DHS that we have the lowest number of illegal crossings in 40 years.

But what you are speaking of that is very important is the need for Officers, CBP at these ports of entry where we have the shortest number which really impacts any thought of a legal crossing, you can't get in legitimately and it also stymies business. So would you comment on how you can do your business if you are dependent on fees? I also believe, if you would comment, \$18 billion for a wall, I would like to do increase in compensation and retention.

That means we keep individuals who are professionally—who desire to have this as their profession. Would you please comment on how fees without dedicated funds impacts negatively on your workers and how you don't have the workers that you really need, because it is fees and it is at this busy port? Let me also say that I am a co-sponsor of Mr. Vela's H.R. 4940. I want to make sure that you know that. Let me yield to you.

Mr. REARDON. Thank you very much, Congresswoman, and thank you for being a co-sponsor of that. Appreciate that very much. Chairwoman McSally. I also want to make sure that you recognize that we at NTEU absolutely support the CBPO provision of hiring CBPOs, so that I hope understand as well.

We are certainly also aware of the fact that the 2,600 CBPO number in the administration's proposal, we are aware of that, but my opening remarks—what I was referring and included is that there is no actual direct funding, no appropriations for those folks and this goes to the issue that Congresswoman Jackson Lee raised about the fees.

The fact is that Congress has to approve those fees, and as I had suggested in my comments, right now, you know, at least to this point, there has not even been hearings about that. So what I am concerned about is that, you know, regardless of what Congress decides to do with regard to technology and border walls and all those things, we are going—we already are under siege at the ports of entry.

The fact is that we don't have about 3,600 people that we need at the ports of entry and so as a result and you have heard me say this before, but I will add it again that, you know, we have people who routinely, day after day, are working 16-hour days. That is not

good for those individuals. It is not good for their families and it most certainly is not beneficial to our protecting the homeland.

So I think, you know, from my perspective, if we are going to make a decision that border security and port security is important, and both are important, we have got to make sure that we have the necessary people to do the work in the ports of entry. So we have got to fix the hiring problem, we have got to fix the polygraph problem. We have got to make sure that we are getting people in the door, and yes, I agree, we have got to make certain that we are also retain those folks. So I will leave it at that.

Ms. JACKSON LEE. Well, my time is up, but let me just finish on this quick question. I thank the Chairwoman for her indulgence, I know I am flying out.

Ms. MCSALLY. I know, you get around.

Ms. JACKSON LEE. Yes, yes. Let me just say that you are at the ports of entry, dominant population coming through comes through at least legally or with some form of paperwork and obviously some do not. But the point is, is you need fresh agents that can do their job to protect this Nation. Do you think there should be focus on making sure they are a stable force and make sure that that happens as opposed to dollars that may have to be spent on a wall?

Mr. REARDON. Well, I certainly think that regardless of where money is put and I will certainly leave that to Congress to figure out, but what I do know is that we are making, I believe, a grave mistake in this country if we do not think that an integral part, a very important part of protecting our Nation is ensuring that we have healthy and appropriate numbers of CBP Officers.

But let me also just add. I mean I keep talking about, you know, the security of the country. But let's also remember that also part of the mission for these CBPOs is ensuring that appropriate trade and travel happens. There is a huge economic driver aspect of bringing these folks into the ports of entry as well.

Now, I have not mentioned—I have been talking about CBPOs and 3,600 of them that we need, but we also have to remember that there are other aspects, other employees that are important to bring in, for example, agriculture specialists. CBP's work force staffing model calls for an additional 700-plus of those folks.

Now, these are the people that make sure that, you know, our crops don't get damaged when, you know, some bad kind of beetle comes in, for example, which has recently happened and has been caught by CBPOs, but also K-9 enforcement teams. There is a huge lack of K-9 enforcement teams in this country as well. So, I mean there are a lot of folks out there that I mean, we just don't have enough of them.

Ms. JACKSON LEE. Thank you.

Ms. MCSALLY. Great. Thanks. I do want to know before I go to Mr. Rutherford. The bill, the Secure America's Future Act has 300 new K-9 teams and 631 agricultural inspectors, so we are with you.

Mr. Rutherford from Florida. recognized for 5 minutes.

Mr. RUTHERFORD. Thank you, Madame Chair. Thank you both for being here this afternoon. It was mentioned earlier that at one time, CBP didn't have laptops, they had a lot of equipment needs.

So as you brought in laptops, as you brought in technology, the efficiency of your Officers has gone up. They are able to do more.

One of the things that I think we need to keep in mind when we talk about an \$18 billion wall along with the technology, along with the access which is, as you all know, is huge. As we do that, as we add the wall, as we add the technology as we add the access to those very remote areas, that will assist CBP in accomplishing the mission with fewer officers actually. Then they would be able to move those officers to other areas as well.

So there are some good savings that could actually be built into a wall and utilizing technology properly. I mean every law enforcement agency in the country has used technology to enhance their performance. So I think you all will, not only will do the same thing, you have done the same thing. I would like to—Mr. Reardon, for just a moment, and you touched on it briefly about the economic impact of it, but this, you know, and in your comments there is the 328 land, sea, and air ports across the country.

I am really worried about points of departure abroad. Those 16 locations, I know as the Chairwoman and some of the other Members, we sat in some of these security briefings, hearing about some of the things that are—that are out there, I worry about those points of departure where it is coming our way and you guys are integral to making sure that that process is safe as well. Can you talk a little bit about your needs over there?

Mr. REARDON. Well, certainly we have pre-clearance sites around the world and they are staffed by CBPOs and clearly the idea is to check folks there and to make certain that no bad actors are going to be coming into our country. To be able to stop them at locations—

Mr. RUTHERFORD. Right.

Mr. REARDON. Overseas or in Canada, for example. The reality is that regardless of whether or not you have additional PreClearance sites and they are certainly on the drawing board, additional PreClearance sites that they are looking at opening and beginning to staff, you still need more people, and as you are taking more of those folks overseas somewhere, you are drawing, you know, unless you are really increasing the work force here.

Mr. RUTHERFORD. From the limited number here.

Mr. REARDON. Exactly. You are drawing from the folks that we have here.

Mr. RUTHERFORD. Right.

Mr. REARDON. So it only really exacerbates the problem candidly. I certainly think it is important to make sure that we have these PreClearance sites and that we appropriately staff them, but we can't do it without also taking care of what we do at the ports here.

Mr. RUTHERFORD. I believe as we continue to tighten up our land border, that more and more, particular our southern land border, more and more we are going to see our ports where we are bringing in, you know, I represent the Port of Jacksonville as you know. We are bringing in tens of thousands of containers every day, and I want to make sure that you have the resources that you need at that location because I really these ports as kind of the Trojan Horse dealing with our security.

We are bringing that stuff in just like they brought in, you know, the people of Troy brought that horse right into their own city. We know the rest of the story. I want to make sure that that is not happening in the Port of Jacksonville and other ports around the country. So the numbers are incredibly important I think, but so is the technology and I want to make sure that we have—because some of the things that I am hearing is our technology is not keeping pace at some of these seaports of entry as well. Is that your concern as well?

Mr. REARDON. Well, I will tell you that I am certainly an advocate of our using technology, and in some of the locations where we receive a lot of mail, for example, they are using technology to a really excellent degree to check on some of the drugs that are being sent in and it is really helping our officers. Unfortunately, for example, in Memphis, Tennessee, we don't have enough of the officers to actually fully utilize all of the equipment that is there.

So that is important. But I also want to one other point. As we do all of these things, whether, like I said, whether it is a wall, whether it is certain other types of technology to strengthen the borders, guess what is going to happen? It is going force the bad actors to try to get through the ports.

Mr. RUTHERFORD. Elsewhere, right?

Mr. REARDON. Right. So I think I heard somebody earlier said, we have to have kind of a holistic approach. My fear is, my concern is that we are going to pay a lot of attention to the borders, and I am not suggesting that we shouldn't, what I am suggesting though is that we have to do much, much better than we are currently doing in our ports of entry.

Mr. RUTHERFORD. Thank you. That is my concern as well. I see my time is up. Thank you. I yield back.

Ms. MCSALLY. Thank you, Mr. Rutherford. I am going to do a second round here if you feel like sticking around but if not, just—a lot of things to talk about here and I appreciate the witnesses. A lot of the discussion today on both panels about manning issues and retention issues in particular. I think it is just so crucial. We invest now speedy 10 months into hiring somebody, used to be a lot longer than that.

We invest in the training. We provide and they gain tremendous experience at the ports, in between the ports, out there, you know, doing the hard work every single day. But because of many of the conditions that have been described and the lack of manning, lack of resources, and the lack of incentive pay and the remote locations, and all that. Because of all that, we are losing people. We are losing people faster than we are replacing them. This is a significant focus of mine that I am really concerned about.

How long does it take to replace a 10-year agent? Right? It takes 10 years and it takes a whole lot of money and resources. So as we obviously need a pipeline coming in, we have got to make sure that we stop the bleeding and we have heard some of your perspectives and ideas on that.

But our bill, again, includes the appropriate authorities and resources as a part of this trust fund so that we can provide some incentives to those that are in remote areas, difficult for them to move there but then maybe they get a good follow-on assignments,

those types of things like in the military. What else is it going to take, Mr. Judd, for us to retain these amazing men and women in the green suit? Then Mr. Reardon, those blue-suiters out there. What else can we do?

Mr. JUDD. Well, one of the things that I have noticed is it is always respectable when you are working with legislators that have actually been there and done it. You have gone to the border, you have actually patrolled the border without the pomp and ceremony. You didn't notify the agency. You have actually gone to the ports of entry without the pomp and ceremony. You have seen the things that we face. You have seen the gaps that there are in border security.

There are a lot of things that we have to look at that we can do, but one of the things that we have to consider is we have to consider the pay parities within the different agencies. Border Patrol Agents are just like anybody else, they want to earn more money for standard of living. If they can earn more money somewhere else, they are going to go to those locations. I sat down with Acting Commissioner McAleenan in January 2017. He asked me to come sit down with him to talk about some of the things that we could do to retain our employees.

January 2017, I presented a great many ideas, most of which he agreed with and liked, yet we are more than a year later and we haven't implemented even one of those ideas. So we have to look at that and we have to say, I can't put all the pressure on you. We know that legislation takes a long time. There are things that we can do administratively, and that is where we are looking to you for oversight. If we can get some oversight, we can get these programs implemented administratively so that we can our people.

Ms. MCSALLY. Great. Can you give us a list of those things that you asked them for and—

Mr. JUDD. I will be happy to do that.

Ms. MCSALLY. We can start to ask them how those things are moving through the administrative processes, we will refer to that.

Mr. JUDD. I will do that.

Ms. MCSALLY. Mr. Reardon.

Mr. REARDON. Thank you. First off, I would thank you for all the work that you have done on the retention issues such as incentives. I think something else that can be done is look at student loan repayments. That, I believe, would probably be pretty good. And the final thing that I would offer is when we are looking at trying to staff and also retain these organizations, and really this holds true across agencies, the notion that we would have a pay freeze when the private sector is looking at 3 percent increases, it is pretty hard I think to encourage somebody to not only come to work here but to stay when they have to always worry about whether or not they are going to get a pay increase even a cost of living increase. So that is the final thing I would offer.

Ms. MCSALLY. OK. Great. I do have some more questions but I am going to give it to the gentleman from Florida, if you would like another round and then I will circle back again one more time.

Mr. RUTHERFORD. Thank you, Madame Chair. Along those lines, Mr. Reardon, my agency, many years ago, we implemented a pay scale based on seniority and you automatically moved through that.

So it was kind-of a built-in way to keep salaries competitive. So, Mr. Judd, I would love to see copy of that list as well so that we can help move some of these things forward because I think it is not just pay, it is benefits and other issues that I think we all need to be looking at, because these men and women are asked to really do some tough things, and we need to recognize that. I yield back the time.

Ms. MCSALLY. Thank you. Gentleman yields back. OK, final round. We have a lot of time today talking about physical barriers and the border wall and the border wall system. Look, I come from serving in the military and I want to look what is effective and how we can actually get the mission done. I will tell you, I have been in this political sphere for a few years. Sometimes it blows my mind how things get taken out of proportion and turned into something political.

I mean you look at the Secure Fence Act, which was voted on by then-Senator Obama, then-Senator Clinton, then-Senator Schumer, all realizing the value of putting physical barriers at 700 miles on our Southern Border in order to stop and slow down the illegal activity and the cartel activity that is coming into our country. At the time, that seemed fine. Even President Obama. I mean I was down in Naco over the summer, seeing where some replacement barriers are being put in and because of the environment that we are in, people are like, "Oh no, that is President Trump's wall." My answer was, "No, that is Obama's wall."

Right? Because that was approved by President Obama and I have a little list here, in Nogales 2.8 miles, in Douglas 9.5 miles, in Naco 7 miles. This is all signed and approved funding by President Barack Obama. San Luis 1.8 miles, Anapra 1.3 miles. Physical barriers have not been contentious in the past. But now because we have a President who understands that we can't just piecemeal it, like you said, Mr. Judd. We can't just piecemeal it because they will go around it and then move to other communities, but we need a holistic approach that includes a border wall system that previously was not contentious, but because of the environment that we are in and there is this massive resistance to literally everything he does, everybody's against that, too.

They are against the things that they were previously for. I don't get. For communities like mine, some of what the Secure Fence Act included was Normandy barriers, which are very short, a couple feet high, intended for vehicles but you can walk right over them. The drug mules can walk right over them. As you know, they put ramps up and they will drive right over them, those need to be replaced by something that is a little bit more like what has been tested in some of these prototypes in San Diego.

This should be a no-brainer. So I just want to, again, hear from you Mr. Judd, like let's just get out of the politics and into the reality of what our agents need and what a, actually workable border wall system will do for them and why it is so important to stop playing politics with this issue so that we can actually keep our communities safe.

Mr. JUDD. We have already proven what they do. I put on a uniform almost every day, I go out to the actual border, I patrol the border almost every day. What I can tell you is that in the loca-

tions that you are talking about, in Douglas, in Naco, we saw what it was like when we did not have any physical barriers and we saw immediately the drop in the number of illegal crossings that happened.

Again, 2003, 112,000 apprehensions. Last year in Naco, I think that the apprehensions were somewhere around 20,000. So from 112- to 20,000 and that is largely due to the technology that invested which includes barriers. There is a lot of things that we can do that actually don't cost money. Congressman Rutherford, the things that I suggested to Acting Commissioner McAleenan don't cost a dime. There is a lot of things that we can do when—don't mean to take your time, but when—after my sophomore year of college I worked in Phoenix doing concrete, for Tempcon concrete. I can tell you that I was only getting paid \$7.50 an hour but when I left the work site, I was able to look back and see what I accomplished and it felt good. Our agents want to feel good about what they do. They want to feel good about their job, and when they feel like they are doing something that means something, they are going to stick with that job as well. So just one thing to think about.

Ms. MCSALLY. Thank you. Have they been asking line agents' input in the prototype process here for the system?

Mr. JUDD. We have been able to add some input, yes.

Ms. MCSALLY. Oh, that is great. So have you heard what the time line is for any of that feedback to be given back to all of you and all of us?

Mr. JUDD. No, but one of the things that President Trump said in California that I appreciated was that—he said that we need to be able to see through those fencing to see the threats that are coming up, otherwise you don't know what is taking place on the other side of the wall. That is something that we have been advocating for forever and President listened. He is actually listening to the experts that are on the border every day and he is implementing those, what we are recommending to him and it is allowing us to be a lot more effective on the border.

Ms. MCSALLY. Great. Thank you. Last question, Mr. Judd, in my opening statement, I talked about these loopholes, these policy loopholes and many people may not understand what I am talking about, but even if we were to perfectly secure our border with everything that you all need in order to make that happen, because of these policy loopholes, we have individuals that are seeking out the Border Patrol.

They are looking for them. They are not evading them. In order to find you and to turn themselves into you. The cartels have trained them to say exactly what they need to say in order to then be released into the interior of the United States with a hearing for a likely false asylum claim, for example, years in the future because of the backlog, never to be seen again.

So like as we speak this is happening every single day. So even if we were to do all this on border security, it is so important for us to appropriately close these loopholes while we still ensure that those with legitimate asylum claims get their day in court which are being lost in the shuffle of all these false ones plus the unaccompanied minor policy that is bogging down the system. So can

you just share and make sure that—I want to make sure that America can hear from you as to what these loopholes are doing and why they need to be closed.

Mr. JUDD. We call it the catch-and-release policy. What happens is individuals will cross the border knowing that all they have to do is come up to me and say, “Here I am, arrest me.” I take them back to the processing centers to process them and they say, “Well, I am scared to go back to my country.” We then transfer them to ICRO and ICRO releases them. What that does is that is a magnet that draws people to cross our borders illegally.

Now, what is interesting about that is they could actually do this legally. They could actually go to the ports of entry and claim asylum and that is legal, but they are crossing border illegally. Now, they are doing that because the smugglers know that if they overwhelm us with what we call these give-ups, if they overwhelm us with these give-ups, it takes our resources out of the field creating holes in the border, which then allows them to cross the more dangerous things that come across our border, and it completely and totally bogs down the system and floods the system.

So this catch-and-release program, this policy that allows us to release people into the United States which they then go and disappear into the shadows, it completely and totally destroys any semblance of border security and it has to stop.

Ms. MCSALLY. Mr. Reardon, the same thing is happening at the ports of entry. They are turning themselves in, right? So these agents who are supposed to be working on the flow of legitimate commerce and really looking for the bad stuff coming through are now being bogged down by basically people taking advantage of the system. Have you heard feedback from your members on this?

Mr. REARDON. I have heard some feedback on it. Not, I am sure, as much as Mr. Judd experiences it, but I have heard something to that effect.

Ms. MCSALLY. Great. I appreciate it. Well, I appreciate everybody’s time. Do you have any more questions? OK. Thanks for your patience. I am supposed to say something at the end here about the hearing. The thing for the 10 days, so hang on here. All right. Right there. No, there it is. All right. I want to thank the witnesses, of course, for your valuable testimony. Members of the committee may have some additional questions for you and will ask you to respond to these in writing. Pursuant to the committee rule VII(D) the hearing record will be held open for 10 days. Without objection, the committee stands adjourned.

[Whereupon, at 5:17 p.m., the subcommittee was adjourned.]



## APPENDIX

### QUESTIONS FROM HONORABLE LOU BARLETTA FOR RONALD D. VITIELLO

*Question 1a.* CBP is requesting \$33.25 billion in funding. Approximately \$18 billion of this funding will be allocated for 722 miles of border wall, 316 of which is new. How much of that money will be used to complete enforcement measures mandated by the Secure Fence Act of 2006?

Answer. Section 3 of the Secure Fence Act of 2006 set forth specific requirements and geographic locations for the construction of border barriers. However, in December 2007, Congress repealed Section 3 of the Secure Fence Act, and replaced it with the more flexible language that is found in Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended. As such, the Secure Fence Act no longer mandates particular locations for the construction of border barriers. With that said, U.S. Customs and Border Protection (CBP) has constructed 654 miles of primary border barriers to date and is executing the border wall construction requirements outlined in the fiscal year 2017 enacted budget and 2018 Omnibus Appropriations. Prioritization of border barrier construction is based on operational requirements, and is outlined in the January 2018 Border Security Improvement Plan report to Congress.

*Question 1b.* Can you detail the deficiencies of our current border infrastructure, and why replacing, expanding, and enhancing it is vital to our National security?

Answer. The land along the approximate 2,000 miles of border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Because of the diversity of the border environment, there can be no one-size-fits-all impedance and denial solution. Impedance and Denial (I&D) is created through the use of man-made barriers, such as fences and walls. When deployed in conjunction with other investments, U.S. Border Patrol has been successful in dissuading illicit border activity by conveying a higher probability of a successful law enforcement resolution.

Since the construction of barriers, USBP has made significant operational gains in border security. Illicit drug and human smuggling activity have decreased in those areas where barriers are deployed, however illicit cross-border traffic has also shifted to areas with limited or no border barrier. This reduction and shift in traffic demonstrates the effectiveness of deploying physical barriers along the border as well as the need for more impedance and denial infrastructure.

Although we have achieved significant operational gains, segments of our existing barrier were constructed with legacy materials such as repurposed landing mat or expanded metal that are continually breached and/or scaled and/or dug under, diminishing its effectiveness. These inferior materials no longer meet USBP's operational requirements and need to be replaced. This recapitalization on our border infrastructure investments will allow us to maintain the operational gains achieved. Additionally, in some areas where vehicle barrier was deployed, changing border conditions now require barrier that impedes and denies pedestrians. As a result, CBP's future focus is on both the need to replace some of its existing barrier and the need to construct new barriers.

We have different types of barriers in our toolkit, to include steel bollard and levee wall, along nearly one-third, or 654 miles, of the Southern Border. The physical barriers are the backbone of an integrated Border Wall System that will include all-weather roads and lighting, as well as enforcement cameras and sensors and detection technology as well as adequately staffed agents to support that infrastructure. Future Border Wall Systems, while rooted in impedance and denial, will integrate additional capabilities such as domain awareness and access and mobility to increase certainty of arrest, agent safety, and overall public safety.

While the focus is on border wall infrastructure, it is appropriate for us to point out that there remain significant challenges with the infrastructure at the Ports of Entry, most of which were designed and built prior to the creation of the Depart-

ment of Homeland Security and the merging of multiple border enforcement agencies within CBP. The General Services Administration in partnership with CBP would take this opportunity to remind members of the GSA Capital construction submissions within the fiscal year President's Budget Request that are directly related to border security and updating the land ports of entry.

*Question 2a.* Can you speak to if and how this money will lead to the completion of a Biometric Entry-Exit system at Ports of Entry and why it has taken so long to complete?

Answer. U.S. Customs and Border Protection (CBP) is working toward full implementation of a biometric exit system in the air environment within the next 4 years to account for over 97 percent of departing commercial air travelers from the United States. Stakeholder partnership is critical to accomplish this. Airports, airlines, and CBP must co-create a process that meets airlines' business needs and the biometric entry-exit mandate. Partnership will be critical to achieve affordability and ensure that biometric exit does not have a detrimental economic impact on the air travel industry. The alternative is a Government-only solution that will add cumbersome layers upon existing travel processes, which will undoubtedly have an adverse impact on the air travel industry as current processes and infrastructure will not be able to sustain air travel given the projected increases in passenger numbers. This may require travelers to spend additional time going through security or boarding processes as well as the purchase of additional infrastructure to manage the expected increase in air travel.

Since receiving the mission in 2013, CBP advanced an entry/exit strategy by conducting a series of pilot programs and technical demonstrations, which resulted in CBP developing a realistic and achievable biometric exit plan. CBP has:

- Deployed demonstrations to 8 airports across the Nation;
- Facilitated pilot programs with 3 airlines and 1 airport to integrate biometrics with the airline boarding process;
- Facilitated a pilot program with 1 cruise line for biometric disembarkation;
- Launched a pilot with the Transportation Security Administration at a security checkpoint;
- Enabled mobile devices to collect biometrics; and
- Solidified plans to deploy in the land border vehicle and pedestrian environments.

These tests have assisted in defining the technical architecture for the end-state solution.

Following the enactment of the Fiscal Year 2016 Consolidated Appropriations Act, which authorizes funding for a biometric exit program of up to \$1 billion to be collected through fee surcharges over a period of up to 10 years, CBP has invested heavily in the back-end infrastructure and services to support stakeholder implementation. CBP now has the back-end infrastructure and services in place to support biometric exit stakeholder implementation and integration of front-end biometric cameras at all air and sea ports of entry. Currently, CBP is working to fully deploy air biometric exit and will spend 2018 working with stakeholders to get commitment to deploy biometric exit technology.

CBP is leveraging advances in technology from the biometric exit solution to transform the entry process by using facial photographs to identify travelers. This new innovative approach identifies travelers by shifting the key to unlocking a traveler's record from biographic identifiers to biometric ones, primarily a traveler's face, to realize facilitative benefits, while still leveraging the law enforcement benefit of fingerprints without collecting new information. CBP's Traveler Verification System (TVS) uses biographic data from the passenger manifest and previously collected photos contained in Government databases to perform facial matching on-site to verify a traveler's identity. CBP is piloting this concept at three airports and demonstrating that using facial biometrics facilitates frictionless travel by reducing inspection time and creating an improved customer experience for the traveling public.

*Question 2b.* What other technology do CBP Officers need to protect our Ports of Entry?

Answer. CBP appreciates the funds appropriated and will continue to invest, as funds permit, in technologies and initiatives designed to provide improved processing and security on the border while ensuring the best value in return for the funds expended. Following are examples of activities/initiatives that have demonstrated proven benefits. CBP will continue to pursue these investments as appropriate.

- CBP has begun deploying towable trailers to Field Offices that can serve as Mobile Command Centers and Mobile Processing Centers. These trailers will provide capabilities for surge operations and support missions.

- The CBP Mobile Program provides real-time enterprise solutions designed to enhance the mission by enabling operational components to incorporate the advancements in mobile technologies (e.g., ruggedized tablets, smart phones, and fingerprint capture peripherals) to support front-line operations in the full range of processing environments (air, land, marine) including processing of travelers, conveyances, and cargo.
- CBP utilizes license plate readers that deployed beginning in fiscal year to process vehicle traffic. This technology is dated and needs to be refreshed with up-to-date equipment.
- CBP leverages technology and supporting infrastructure to protect our Ports of Entry in various ways. The following improvement projects (proposed and active) enhance operational efficiency while promoting officer safety at ports of entry: Biometric facial recognition in vehicles at speed, port surveillance and remote monitoring, deployment of small/mid-size port wireless capability, port hardening, primary booth redesign, and remote inspections.

CBP Officers and Agents utilize a variety of large-scale, small-scale, and handheld Non-Intrusive Inspection (NII) systems and Radiation Detection Equipment to scan conveyances for illicit contraband and materials (e.g., narcotics, contraband, currency, and radiological and nuclear materials out of regulatory control). Additional investments in NII, to include the \$224.64 million acquisition funding enacted in the fiscal year 2018 Omnibus and the \$44.24 million acquisition funding contained in the fiscal year 2019 President's budget request, will address a significant portion of the following areas:

- *Opioid Interdiction with Technology.*—Technologies to identify and detect opioids across express courier consignment facilities, international mail facilities, and other high-priority ports of entry (POE);
- *Examine a greater portion of conveyances.*—Expand drive through NII operations to examine more inbound and outbound conveyances, without impact to primary operations, where feasible;
- *Integrate technology and operations to remain agile when responding to trade based threats.*—Technologies that allow for the integration with other law enforcement systems to provide efficiencies across operations and allow officers to be re-directed to address other enforcement operations as feasible; and
- *Continue to recapitalize aging technologies.*—Allow CBP to accelerate its cargo and conveyance recapitalization needs; including cable seals, RFIDs, and NII.

CBP's end-state [for NII] is to ensure each POE and checkpoint is outfitted with the appropriate NII equipment to ensure maximum efficiency in detecting and interdicting illicit narcotics and other contraband, while eliminating cash collections and increasing U.S. Immigration and Customs Enforcement's and the Drug Enforcement Agency's controlled seizures.

CBP also needs to make improvements to our International Mail Facilities operations to keep up with the growth of e-Commerce. The volume of international mail has grown over 300 percent since fiscal year when CBP processed approximately 150 million shipments, to 501 million shipments processed in fiscal year 2017.

