

Hearing Transcript

House Homeland Security Subcommittee on Border and Maritime Security Hearing on Situational Awareness Along the Border

March 1, 2016

MCSALLY:

The Committee on Homeland Security Subcommittee on Border and Maritime Security will come to order.

The subcommittee is meeting today to examine DHS's efforts to secure the border and effectively measure border security. Before I begin, I just want to take the opportunity to thank Mrs. Miller, the former chairman of the subcommittee, for her more than five years of superb leadership on this subcommittee and the opportunity that has been provided to me to lead this subcommittee.

She's been an outspoken advocate and champion for the border visa and maritime security and fought tirelessly for enhancements in the Visa Waiver Program that were enacted into law in December. And just a few days ago, the president signed the first ever CBP Authorization Act, authored by Mrs. Miller, and signed that into law. I can say our security is much stronger because of the work of Chairman Miller, and I want to yield some time to Chairman Miller.

MILLER:

Well, thank you very much, Chairman. And I'm delighted to call you that. As I think most people know, I'm going to be not seeking re-election at the end of this term. I'm a Michigan girl. Time for me to go home to Michigan to the world's two most beautiful grandchildren.

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

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

But I've had an opportunity to travel with you down to your beautiful district and talk to a lot of your folks down there. About a year ago this time, we took a group of us down to the border. And when we think about border issues and what a critical component it is of our national security, our homeland security, I just thought that having you take the chairmanship early on here would make for a much smoother transition, and I'm just absolutely delighted.

When we think about the background that you have, Bronze Star recipient, I think 25, 26 years in the military, you and I have fought together for the A-10s, and I'll tell you what, I'd go into battle with you anywhere, all day long. All day long.

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

And I look forward to continuing to work with you for the remainder of this Congress and anything I can do, just call Michigan after that. Thanks very much. And good luck.

MCSALLY:

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

OK. I now recognize myself for an opening statement.

Securing the border is ultimately one of the most important responsibilities of the federal government. The instability and chaos that drug cartels foster pose national security problems and public safety threats that endanger border communities.

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

In southern Arizona, we are impacted by border insecurity every day -- property destroyed, militarized-like checkpoints on our roads, and the fear of violence from transnational criminal organizations, or TCOs, running drug loads through our communities.

The reality and perception of insecurity near the border also has negative impacts for businesses and tourism in border regions, suppressing an already struggling economy. And the very same pathways and smuggling routes that facilitate the illicit flow of people and drugs could also potentially be used for terror, making it critical that we quickly gain control of the situation along the border.

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

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

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

These new effectiveness numbers are hard to believe and I believe are inaccurate measures of the state of security on the border. The new interdiction effectiveness rates includes unaccompanied children and families from countries other than Mexico who turn themselves in, inflating that number. It also fails to take into account the number that Border Patrol never sees, or the denominator, which also inflates this effectiveness number.

The best analytical research, using all available data, on interdiction effectiveness puts the true probability of apprehension much closer to about 50 percent.

Finally, the numbers don't tell us where the illicit activity was intercepted, which can sometimes be 100 miles or deeper into the U.S., putting border communities in dangers as traffickers transit our communities before they're caught. There are probably no better indicators of the effectiveness than the price and availability of illicit drugs.

We have an alarming drug addiction epidemic in this country, and it's only getting worse, impacting communities and families across the nation. Families grappling with tragedy tell heartbreaking stories of how their loved ones fell into addiction and how cheap and easy it was for them to get these illicit drugs. The price and availability of these drugs across the country demonstrate they still move across the border with relative ease.

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

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

For too long, the U.S. government has pushed the narrative that because we catch a lot of people, or in some cases not many at all, or have doubled the number of agents, or built miles of fence, that the border must be secure. That is just activity masquerading as effectiveness and lacks the important denominator.

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

Of the illegal activity detected, how many were never caught? Of those apprehended, how many were within a half a mile of the border? How many were up to 25 miles? How many were up to

100 miles? This actually matters, because if you're living in that area, where it gets caught actually impacts the public safety concerns for you and your family.

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

What percent of the 1,954 miles of southern land border does CBP have 100 percent situational awareness of, where if something or someone approaches or moves across the border, they'll see it? This is a question I've been trying to get the answer to for a very long time. And what percentage of those miles do they have operational control of, where agents can successfully interdict the activity once it's detected? Are the sensors, towers, checkpoints, unmanned aerial vehicles, manned aircraft, are they assisting our agents to further these goals?

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

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

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

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

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

The chair now recognizes the acting ranking minority member of the subcommittee, the gentleman from New York, Mr. Higgins, for any statement he may have. And he just broke his microphone. Might need some technical assistance there. There we go.

HIGGINS:

There we go. Thank you very much. And before I begin, I just wanted to also extend my appreciation and thanks to our colleague, Candice Miller, for her work on the committee and the subcommittee. And while this is a continuum, we still have a lot of work to do. The northern border is much more secure because of your leadership on this issue, and I've enjoyed very much collaborating with you in the best interests of those northern border communities, so thank you very much, Candice.

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

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

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

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

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

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

I hope to hear from our Customs and Border Protection witnesses today about how we can improve situational awareness along our northern border, perhaps in conjunction with our Canadian partners.

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

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

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

MCSALLY:

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

We're pleased to be joined by three distinguished witnesses today to discuss this important issue. Ronald Vitiello is the acting chief of the U.S. Border Patrol. As its chief operating officer, he is responsible for the daily operations of U.S. Border Patrol and assists the commissioner of U.S. Customs and Border Protection in planning and directing nationwide enforcement. Chief Vitiello began his Border Patrol career in 1985 and has served in Swanton, Tucson, and Laredo sectors.

General Randolph Alles -- did I say that correctly -- is the executive assistant commissioner for CBP's Office of Air and Marine, a position he has held since January of 2013. In this role, Mr. Alles is charged with overseeing the AMO mission of using aviation and maritime assets to detect, interdict and prevent acts of terrorism and unlawful movement of drugs and other contraband from entering the United States. Before joining AMO, he spent 35 years in the United States Marine Corps, retiring in 2011 as a major general.

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

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

VITIELLO:

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

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

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

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

In addition to the use of surveillance technology, collaboration and information-sharing with our law enforcement partners is a key component of building situational awareness and response capabilities along the southern border. We work closely within CBP, especially with air and marine operations, as well as multiple DHS, federal, international, state and local law enforcement agencies.

The Border Patrol is an active participant in the DHS Southern Border and Approaches Campaign and has a crucial role the Joint Task Force West and integrated operational approach to addressing the threat of transactional criminal organizations along the southwest border. We also participate in regular briefings with federal, state and local partners regarding the current state of the border in order to monitor emerging trends and threats.

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

Furthermore, in coordination with new DHS joint requirements process, the Border Patrol uses a capability gap analysis process to conduct mission analysis and identify capability gaps in specific geographic locations. Because of the complexity of our border security mission, there is no single metric that can measure the full scope of our security efforts. Instead, we rely on a number of

significant indicators to evaluate trends and developments over time, assess our performance, and refine our operations.

Tracking total apprehensions provides us information about the volume of people attempting to cross the border illegally. However, further analysis on the individual level can and does expand our understanding of changes of illegal activity between the ports. For example, we consider the rates of recidivism or the percentage of apprehended individuals who have crossed the border illegally multiple times. This distinction is important in understanding the threat environment.

Moreover, as a measure, it informs our decisions to redeploy resources to high-risk areas and to apply appropriate consequences in order to reduce repeat activity. Other analysis considerations include how many arrested individuals have criminal records, outstanding warrants, or were arrested while smuggling people or drugs.

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

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

MCSALLY:

Thank you, Chief Vitiello. The chair now recognizes General Alles for five minutes.

ALLES:

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

AMO is participating in the securing of our nation's borders. We are a critical component of CBP's border security mission. We secure our nation from transnational threats, including terrorism, weapons and drug smuggling, and other illicit activities through our four core competencies, interdiction, investigation, domain awareness, and contingencies in national taskings.

Based out of 74 locations nationwide, AMO detects and interdicts the unlawful movement of people, illegal drugs and contraband toward and across the air border in the maritime approaches and within the nation's interior.

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

These agents are trained and empowered to conduct investigations, serve warrants, and make arrests under a broad range of authorities. They operate a fleet of specially equipped aircraft, marine patrol and interdiction vessels, and an array of advanced surveillance technologies. Much of our effort is aimed toward border security. We flew the majority of our flight hours in fiscal year 2015 in close partnership with the U.S. Border Patrol.

We're having an impact. For instance, as we increased our flight hours in Arizona over the last three years, we've seen a corresponding decrease in apprehensions. Across our entire program, AMO contributed more than 4,000 arrests, 50,000 apprehensions, the interdiction of 230,000 pounds of cocaine, and the seizure of \$49 million in fiscal year '15. We also participate in a joint operation with a variety of federal partners. It includes the Coast Guard, the United States Navy. We conduct counternarcotics operations in the southeast coastal and source and transit zones of Central and South America.

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

AMO has been extensively involved in planning and developing of all three of the DHS Southern Border and Approaches Campaign, JTFs, joint task forces, and in particular, AMO holds a deputy directors position with Joint Task Force East in Portsmouth, Virginia, which is responsible for the Southeast maritime approaches to the United States.

Air and Marine agents also bring the unique skill sets and knowledge of the air and marine environments to various regional task forces, such as ICE-led border enforcement security task force, more commonly called BESTs. AMO operates the Air and Marine Operations Center in Riverside, California, a state-of-the-art law enforcement domain awareness center. AMOC uses advanced surveillance systems and intelligence databases to detect threats to the homeland and coordinate their interdiction.

In fiscal year 2015, AMOC evaluated almost 500,000 air tracks with a 99.9 successful resolution rate. Over the last 10 years, AMO has aligned and deployed our limited resources in response to regional illegal activity with a focus on increasing effectiveness.

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

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

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

MCSALLY:

Thank you, General Alles. The chair now recognizes Ms. Gambler for five minutes.

GAMBLER:

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

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

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

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

However, CBP needs to develop and implement performance measures and analyze data it is now collecting to be able to fully assess the contributions of its technologies to border security.

Further, with regard to air and marine assets, in 2012, we reported that Air and Marine Operations could better ensure that its mix and placement of assets were effective and efficient by, for example, more clearly linking deployment decisions to mission needs and threats, documenting analyses used to support decisions on the mix and placement of assets, and considering how deployments of border technology affect requirements for air and marine assets across locations.

We found that these steps were needed to help CBP better determine the extent to which its allocation decisions were effective in addressing customer needs and threats.

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

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

DHS has discontinued use of these measures and has begun using other measures, such as the rate of recidivism and the rate of effectiveness in responding to illegal activity. The Border Patrol is also in the process of developing other goals and measures.

However, it has not yet set target time frames for completing its efforts across all borders as we have recommended. While DHS is working to address our recommendations, until new goals and measures are in place, it is unknown the extent to which they will address our past findings and provide DHS and Congress with information to more fully assess CBP's efforts to secure the border between ports of entry.

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

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

MCSALLY:

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

I appreciate the testimony from all of our witnesses today. And if we could just put up the display that I want to use just for reference, as I mentioned, one of the challenges we have is -- to summarize, we've gone from a measurement of operational control in 2010 -- I know that's small -- but where we basically said -- you said 44 percent of the border was under operational control, abandoned that, went to apprehension numbers, which Ms. Gambler pointed out is -- that's just a numerator, right? That just tells you how many people you've apprehended, without an understanding of the denominator.

So now as of a year ago, you're trying to do some level of denominator, which includes those that got away, right, those that you detected that got away. But if you look up here, again, at the display,

if -- I'm trying to simplify it and talking about situational awareness -- if 100 people cross the border illegally, you are still measuring if you -- as an example, if you detected 60 of them, you're measuring how many apprehended and how many got away or turned back of that 60. So that could come out to, hey, we are at an 80 percent interdiction effectiveness.

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

So look, I'm a fighter pilot. I'm trying to simplify this as best I can, although I know it's kind of complex. We have 1,954 miles of the southern border. It seems to me you all could come back to us with an answer of, of that 1,954 miles, X amount of miles we have situational awareness of. I don't know what that number is. Is it 200? Is it 1,500? We know if anything moves across the border, we are going to detect it. We know exactly what's happening and we're going to detect it.

And then the second piece is, can we actually intercept it? And that's the effectiveness thing. So we just -- the American people don't know what that number is. We don't know what the number is. So Chief Vitiello, do you understand the challenges that we have with not really understanding the denominator? And, number two, can you tell me today of the 1,954 miles what percent do you feel you have 100 percent situational awareness of? Like, what is that number?

VITIELLO:

(OFF-MIKE)

MCSALLY:

Are you...

VITIELLO:

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

And I'm reminded of Eisenhower's words to the military that plans are useless, but the effort of planning is essential, because it puts your team in a place where they can rapidly adjust to changing circumstances. And so what we've done over the last several years is signed ourselves up, through the GPRA measures -- it's pinned into the foundation of the Government Performance Results Act, right, a requirement that Congress set for us, we looked at what was there that we could use, and we tried to strengthen our ability to measure effectiveness at the border.

So when an agent has an encounter, when an entry is noticed, how many people are apprehended in that encounter, and what are the results of people who either ran back across the border or were eventually got away? So I can't say that that is a perfect endeavor, because it's done by human beings. But what I can say is that we have a systematic protocol that allows agents to assess zone

by zone, line by line at the border, talk about how many entries, record those entries, and then record the encounters as they see them in real time.

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

MCSALLY:

Chief, I get that. That's all in the bottom part of that bracket there. That's you trying to adequately measure those that you've detected. Have you intercepted them or did they get away, right? So just I understand?

VITIELLO:

Right, but there's an assessment for every part of the border. It's not just the entries that we see or know about. There are places where we can see entries in real time, because of the deployment, because of the fixed towers, because of the mobile technology that agricultures have. Their own observations, they're at the line and they see people come across.

So all of that activity is recorded, the ones that are seen and the ones that are not seen but have left evidence of the entry.

MCSALLY:

Right, but that's still all in the denominator there, so I mean -- or in the bottom part of the bracket there. So of the -- you said you were at 80 percent effectiveness rate last year, right, is that -- based on that analysis?

VITIELLO:

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

MCSALLY:

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

VITIELLO:

Not perfectly.

MCSALLY:

OK. And of the 1,954 miles of the southern border, can you give us a sense of what percentage or what number of miles you feel you have situational awareness to the point that if something comes across, you know it? You may not be able to intercept it, but you know it?

VITIELLO:

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

MCSALLY:

OK, 56 percent. Thank you. Ms. Gambler, does that -- my line of questioning, do you have anything to add to that to provide our situational awareness?

GAMBLER:

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

The other thing that I would add in terms of the measures is in thinking about the interdiction effectiveness rate that Border Patrol is using now, as we've reported, it's important not just to kind of look at what the percentage is, whether it's 81 percent or something else, but also to look at sort of the make-up of that interdiction effectiveness rate, because Border Patrol is counting on the numerator apprehensions plus turnbacks.

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

MCSALLY:

Great. And my time's up. But part of the numerator of their effectiveness rate includes those, like, unaccompanied children and people have turned themselves in at the border. They haven't necessarily been apprehended, right? They've just turned themselves in? That's part of the numerator, Chief?

VITIELLO:

We record all the encounters and all the outcomes...

MCSALLY:

But is that part of your effectiveness numerator?

VITIELLO:

It would be in part of that math, yes.

MCSALLY:

Great. My time is well expired. So I want to now recognize the ranking member, Mr. Higgins.

HIGGINS:

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

VITIELLO:

So our concerns on the northern border are the same in the sense that you want situational awareness, you want to understand what's happening, you want to know what the trends are. The challenge is understanding what the criminal networks are doing and how they're trying to defeat border enforcement and border security.

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

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

HIGGINS:

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

VITIELLO:

So we have -- we're constantly looking at things. There's been some activity of people going from the United States into Canada, so it's a good relationship with us and the RCMP on that particular facet. And then we're concerned about, you know, people who are in Canada that may be ideologically aligned with the threats that the nation faces writ large.

HIGGINS:

Any change in cross-border relations with regard to the new government in Canada?

VITIELLO:

No, we're still doing the same kind -- we still have the same constructs, the same liaison, the same interaction.

HIGGINS:

And how would you characterize that relationship?

VITIELLO:

It's very good.

HIGGINS:

OK. In a previous hearing, it was disclosed that Hezbollah, that acts as a proxy for Iran, a Shiite terrorist group, had a presence in North America in some 15 cities, including two major cities in Canada. Are you aware of that presence? We were told at the time that we shouldn't be all that concerned because Hezbollah's activity was limited to fund-raising.

Well, a terrorist organization that's doing fund-raising within the United States and in Canada is to me a very troubling sign. Do you have any thoughts on that awareness of it or...

VITIELLO:

So that's something that we're aware of. And obviously, the terrorist threat is the one that's primary for the department and CBP, as well as the Border Patrol. So that interaction with our counterparts in Canada and then improving our awareness and our ability to detect trends and changes to include what cultural support exists for those kinds of things in Canada.

HIGGINS:

So the southern border -- you know, what is the linear miles of the southern border?

VITIELLO:

It's nearly 2,000.

HIGGINS:

Two thousand. And 5,000 miles of northern border with Canada.

VITIELLO:

Correct.

HIGGINS:

There are currently approximately 20,000 Border Patrol agents and about 1,000 air and marine interdiction agents onboard?

VITIELLO:

Yes.

HIGGINS:

OK. Of those totals, how many are deployed along the northern border, in terms of either numbers or percentages?

VITIELLO:

So we're in the range on the northern border for Border Patrol agents of about -- somewhere in the neighborhood of 2,000, 1,900 to 2,000.

HIGGINS:

OK, 1,900. So that's about 10 percent?

VITIELLO:

10 percent.

HIGGINS:

Is that adequate?

VITIELLO:

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

HIGGINS:

Is it safe to say that any additional resources in terms of agents that you would be requesting in the future, 90 percent of those would go to the southern border and 10 percent would go to the northern border?

VITIELLO:

So what we want to do is we want to resource to the threat and the risks. So, yeah, that's primary for us, the southern border, and then as needed on the northern border.

HIGGINS:

OK. All right, I see my time's expiring. I'll yield back.

MCSALLY:

Thanks. We should probably have another round, if you want to hold some more. So thanks for that.

Chair now recognizes my colleague and the vice chair of the subcommittee here, Mr. Hurd from Texas, for five minutes.

HURD:

Thank you, Madam Chairman.

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

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

And I think, General Alles, probably best for you. Can you provide some clarity on what why that was made?

ALLES:

Sure. I think, first off, what I would comment on is that the Department of Defense has overall been shifting away from non-traditional missions. So their budget has shrunk by \$110 billion here over the past four years. And we've seen the move away from transit zone missions, the tethered aerostat radar system was passed to DHS. If we wanted to continue to operate it, we would have to take it onboard, so they had moved away from these non-traditional mission sets.

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

HURD:

So just so I'm clear, DHS is increasing the number of organic operations to take over the change in the Operation Phalanx?

ALLES:

That is correct, yes, sir.

HURD:

So would some of that money need to be reprogrammed in order to -- directly to DHS?

ALLES:

Well, I mean, clearly, if we -- I'll be happy to take 3,800 more flight hours. I mean, if that's the question, sir.

HURD:

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

VITIELLO:

Yes. It's somewhere in the range of 1,200 agents down from the authorized staffing level.

HURD:

And if you can give me a 30-second snapshot on what's being done to try to fill that void?

VITIELLO:

So robust recruitment effort, lots of re-engineering in the hiring process, and trying to let people know that we are hiring and get folks out there. We're working with DOD on some -- using some of their transition centers and do hub hiring with folks that are transitioning out of the military, so we're in those locations, and then we're hubbing some of the hiring processes in which we take the

five or six steps that can all be done in a couple of days at locations. We're trying to do that, as well.

HURD:

If there is a need to help streamline that process -- and this body can be helpful -- please let us know, because this gets to another issue about -- there's been a number of reports, both by Border Patrol, the OIG, independent groups, that highlight some rough conditions, some would say deplorable, at forward operating bases that are being used by agents. Cases of E. coli in the drinking water, lack of maintenance and repairs. Can you tell us what's being done to address these cases or brought up in the OIG report from last month?

VITIELLO:

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

HURD:

So back -- can you talk to me about the rate of recidivism and how that is a more -- you know, why you all decided to start using that as a metric of effectiveness along the border?

VITIELLO:

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

HURD:

That's driving down recidivism. That's not necessarily driving down illegal traffic across the border, correct?

VITIELLO:

It's not.

HURD:

Interesting. Madam Chairman, I've ran out of time. I yield back the time I do not have.

MCSALLY:

Thank you. Gentleman yields. Chair now recognizes our colleague, Ms. Torres, from California.

TORRES:

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

VITIELLO:

So I think the biggest challenge is the vastness of the area that we're concerned with, so you can put a panga almost anywhere along the coast. And so our job and what we've concentrated on is making the communities that are affected by this aware.

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

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

I think the general might have...

ALLES:

Yeah, I'd just comment that we've put more assets out there in terms of the multi role enforcement, in fact, to patrol the offshore in California so that aircrafts we're buying, securing -- currently being procured has helped us increase our density from maritime domain awareness.

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

So that goes back to what Chief Vitiello mentioned in terms of higher cooperation with these border task forces, with Border Patrol, with ICE, with the other partners that are working both the

state and local, federal to develop the information sources, so we know where to interdict those vessels.

TORRES:

Are you coordinating with local authorities that may have a unit patrolling, you know, within their Coast Guard or within their coast?

ALLES:

Yes, ma'am, absolutely.

TORRES:

LAPD, San Diego PD, they all have boat -- you know...

ALLES:

Right, all that coordination is critical to us. The state and local is very critical to us.

TORRES:

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

ALLES:

You might want to comment.

VITIELLO:

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

And then in the task force environment, under Operation Stone Garden, California -- a lot of the resources that are applied through that grant are used for this activity, the task force environment specifically related to the offshore threat, the panga.

TORRES:

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

VITIELLO:

Yeah, I can't speak to their profile as it relates to the investments or where they're financially, but they are part of this response, so that DHS level -- they're in the task force environment, and obviously they bring capabilities to the problem.

ALLES:

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

TORRES:

Going back to the question that was asked, the numbers that I have for -- that you are 1,700 agents under deployed. That's the number that I have. In your recruitment efforts, in your training process, how long is your training process? And how many drop out during that process?

VITIELLO:

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

TORRES:

OK, so after your initial -- what I'm really interested in, in is -- after your initial investment in identifying potential candidates and putting them through a background, and all of the expense that is associated with checking someone's background, I want to make sure that you're doing everything that you can to keep them in the academy and to graduate them.

VITIELLO:

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

TORRES:

Right. Thank you.

MCSALLY:

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

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

VITIELLO:

So we did look at that in specific detail. And if you look at the south Texas activity profile, the family units and the UACs -- and the UACs are not trying to evade us, so it's this idea of turning themselves in is absolutely right on. And so it would affect the effectiveness rate for that part of the border. It doesn't seem to hold true as you move west, and so if -- off the top of my head, if my count is in the 80 percent range, with family units and UACs as part of the denominator, then it would be something less than that for adult males. It would be something less from that if you looked at the entire corridor, the sector itself.

But, again, what I'd like to point out is, is that we really do want our agents to record these encounters in specific detail. We want those numbers to be credible. And then anecdotally, or the other trend lines, right, interdiction effectiveness in and of itself is a good number. It's sticky. We all want to know how we do at that. We all want to know our batting average. But there are other things that we're looking at that relate to overall activity.

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

MCSALLY:

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

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

VITIELLO:

Yes. And I'm happy to get back to you specifically with that population separate from the overall numbers.

MCSALLY:

OK, so similarly, again, just to remind everybody, those that you detected that you apprehended and turnbacks are in the numerator, and the denominator are those who got away, right, or, you know, the total number you detected -- I'm probably doing that -- but you include turnbacks in your success rate, is what...

VITIELLO:

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

MCSALLY:

OK. But so they have to be back into Mexico for it to be counted as a turnback?

VITIELLO:

That's what we call as turnback, right.

MCSALLY:

OK. I mean, are you guys accounting the fact that they might turn around and two hours later come back over again?

VITIELLO:

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

MCSALLY:

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

VITIELLO:

It depends on the timing, but generally yes.

MCSALLY:

So all state and local law enforcement apprehensions that are turned over to you are in the effectiveness rate?

VITIELLO:

I believe if it's within 30 days of the recorded entry, yes.

MCSALLY:

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

VITIELLO:

We can typically track what is turned over to us, yes. I'm happy to show you that.

MCSALLY:

OK, great. I want to turn to infrastructure effectiveness. So we've got 1,954 miles of the southern border, 652 of those miles have some sort of barrier or fence, right, vehicle barrier, pedestrian fence. I think 299 miles are vehicle barriers. I'm really testing my math here today. But -- and then the rest would be pedestrian-focused.

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

VITIELLO:

Correct.

MCSALLY:

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

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

GAMBLER:

Sure. So, two thoughts there, Chairman. One is that in GAO's prior work looking at tactical infrastructure to include fencing, one of our key recommendations was for CBP to conduct an assessment to figure out the contributions of tactical infrastructure to their overall goals and measures for border security. So that's point one.

The second point is that we have ongoing work right now for the subcommittee looking at CBP's oversight management and deployment of tactical infrastructure, and that includes a number of the things that you just mentioned, looking at requirements, costs. We're also looking at how well CBP is maintaining and sustaining what they already have out there. It's not just necessarily about deploying new tactical infrastructure, but they need to maintain what they have.

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

MCSALLY:

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

VITIELLO:

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

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

MCSALLY:

Is it a couple of miles? Or is it a couple hundred miles?

VITIELLO:

I don't know. I would like to be more specific. The CGAP tells us exactly that, and I could give you a zone by zone picture of where that might be.

MCSALLY:

OK, great, thank you.

General Alles, can we talk a little bit about the use of VADER technology and how that is impacting the ability to increase situational awareness, number one? And look, we've got VADER deployed on Predators in Arizona. But I've also heard individuals suggesting that we should be putting it on manned aircraft in order to complement some of the strengths and weaknesses of using it on unmanned aircraft.

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

ALLES:

So I think overall -- and particularly in Arizona -- we've seen quite a large gain in situational awareness by using the VADER system. So the system -- if the dismount -- so VADER -- so for those who are not aware, is a dismounted radar, basically, it tracks people who are walking on the ground. And it has about over a 95 percent effectiveness rate if they're in the field of view of the radar and they're moving on the ground, so that's quite high.

And the numbers we continue -- you know, on an average year, we're getting about 8,500, 9,000 detections off the VADER system, which is quite good, considering the areas we use it in and the amount of time we have available.

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

And then I would comment on the manned side. The Army has deployed the system on manned aircraft. I think they have five of them, is what they told me. So that is a possibility. We looked at the endurance time, the dwell time of the system, and the cost of putting on a manned aircraft. It could be done. We at this point prefer to move towards effectiveness on the Predator system, overcoming more of the weather challenges, the basing challenges with the system to get more hours out of the airframe than actually moving down the road to a new airframe. It would go on - - excuse me -- on our MEA aircraft, if we chose to do that. But right now, we have moved down primarily the Predator route. Sorry.

MCSALLY:

So I'll just comment -- I mean, you know, I got a lot of time airborne in the military, and, I mean, the unmanned and the manned bring strengths and weaknesses, right? And they're best when they complement each other. I mean, there's the dwell time that is the benefit of the unmanned, but there's limitations, FAA and weather, that the manned can actually then get into those gaps, and so it's really not either/or from my perspective. It's you're able to bridge some of those gaps by using both of them.

And I'm way over my time. So I'll hand over to -- if you want to just comment real quickly on that.

ALLES:

I would just say that one thing we looked at was kind of what I'll call a VADER lite to go on some of our smaller aircraft, so the VADER on the larger Predator would be able to target smaller aircraft to a more localized vicinity based on movements they see. That's what we've been looking at lately.

MCSALLY:

OK, great. Mr. Higgins?

HIGGINS:

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

So in this highly charged political environment, there's a lot of talk about building walls and building them higher than they were proposed previously, including building a wall on the northern border. I mean, I just have to ask the question, because I really don't -- is that a good expense of resources? Or are we much better off hiring more professional Customs and Border Protection? I would ask the whole panel. I just...

VITIELLO:

So we've seen great effect of the fencing, the wall that's there on the southern border. I'm not aware of a requirement on the northern border where a chief in the field or agents have said, hey, it would be great to have a physical barrier here.

The challenge on the northern border is not volume like the southern border and it matters if you have a physical barrier. I've not seen a place on the northern border where fencing would make the difference. But in the CGAP and what we charge the sectors to do, if that requirement came forward, we would look at it, we would analyze it against some of the data that we have about where the fences now...

HIGGINS:

Who would that order come forward from?

VITIELLO:

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

HIGGINS:

And that's never happened?

VITIELLO:

I'm not aware of a requirement on the northern border for fencing.

HIGGINS:

But on the southern border, it has?

VITIELLO:

Oh, yes.

HIGGINS:

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

VITIELLO:

Absolutely has.

HIGGINS:

OK.

ALLES:

I would just comment that particularly on the northern border, we have focused -- the cooperation between Customs and Border Protection, other federal, state and locals in the critical piece. It's a large border. There's -- you know, trying to find isolated activity is very difficult. You can't do that without information or intelligence. So that's been our primary focus, is to focus in those areas, and we've seen actually good results over the past three years as a result of taking that approach in terms of focusing more with those agencies on investigations or buying source information or the kinds of things that indicate criminal activity and then interdicting that activity.

GAMBLER:

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

And so I think those -- I think your question gets at a key point of GAO's work, which is for DHS and CBP to do a better job of justifying and providing the justification for the investments that

they're making so that the department, Congress and the public can have better oversight of what the planned investment is and what we hope to get out of it.

HIGGINS:

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

VITIELLO:

My experience is you have to have a bit of all of that. You have to have sort of the -- our first function in the Border Patrol is being present on the border, patrolling the border. But that is best done with having the right kind of technology that cues the work of agents, having these important relationships both in the U.S. with local, state and tribal law enforcement, as well as our counterparts in Canada. You have to have all of those things working together, and then some awareness of the worldwide intelligence, what is happening both on the northern and the southern border inside those criminal networks, and where could the threats converge in certain locations. So you have to have a combination of things, resources and information.

ALLES:

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

HIGGINS:

Are those answers acceptable to GAO?

GAMBLER:

I think what I would say, Congressman, is that this is why it's important for DHS and CBP to have in place some of the metrics we've been discussing, because those metrics -- not just the overall metrics for border security, but the things we've found in terms of having metrics for the contributions that fencing and tactical infrastructure have to border security, having metrics and data that assess the contributions that different technologies are having to border security, those types of measures and the associated data are really important to be able to position CBP and the different components to make those, you know, risk-informed, resource-based decisions that I think we've been discussing.

HIGGINS:

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

MCSALLY:

Thank you. I have a few more questions, if you have a little endurance here, so we've got a captive audience. So, thanks.

One more deep dive into kind of the assessment of effectiveness. Chief, do you guys assess -- I mentioned in my opening statement -- where they're intercepted, how close to the border they're intercepted as a measure of effectiveness? Intercepting drug cartels on the south side of John Ladd's ranch in Arizona for me is far more effective and to my constituents than on the north side of his ranch, you know, than even -- a mile like an eternity if you're living right on the border, right? And then five miles or 20 miles or 100 miles. I've seen the heat map, so, I mean, I see kind of where your interceptions are.

But as part of your effectiveness, the nirvana for us is that the interceptions are happening at the border, at the line of scrimmage, so that they are not a public safety threat in impacting the perception of security in the community. So as part of your effectiveness, are you doing a deeper dive into where they're intercepted? Or is somebody intercepted 100 miles inland just as effective as somebody who's intercepted right at the border?

VITIELLO:

So we agree that we'd like to do this work as closely to the line as possible. It feeds into all kinds of the logistics and how we're effective and how we're moving activity and changing and assessing risk at those locations.

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

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

And so when you look at the effectiveness and you look at all the trends, the recidivism, the kinds of apprehensions that are being made from people who have criminal records, when you're looking at drug seizures, you want to have that done as close to the border as possible.

And because we can landmark those apprehensions, we can show you in detail where most of the arrests are being made.

MCSALLY:

So that's another thing I'd like you to get back to us on. If you have the numbers already or, you know, start measuring that is, of the number you're saying are effective, how many are, like, within a couple hundred yards of the border? And then how many are, like, deeper in, just to be able to

get a sense of where the effectiveness is of getting them at the border before they're a public safety risk?

VITIELLO:

Be happy to show you that.

MCSALLY:

OK, great, thank you. OK, one last question. The use of unmanned aircraft systems or drones is certainly increasing situational awareness for you. Using systems like the Predator, great. But there is also the opportunity for tactical level drones, for the agents to be able to use, that are not necessarily controlled out of your office, General, but are actually run by the units and the sectors. This is -- I'm equating again to my military experience -- we've got the Air Force and assets that are controlled by the Air Force, but the Army -- you know, the Marines, they also have their tactical level airborne assets and drones that give them situational awareness that they can launch in order to build situational awareness, and it's controlled by them.

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

ALLES:

So it definitely is something that we're looking at. I mean, right now, the holdup has been FAA rules, so we have no rules that operate those systems. When we do, we want to do a pilot with the Border Patrol. I think it would be advantageous in certain areas. I would remark, since I use these things in the Marine Corps, they have attacks. I mean, someone's got to fly the platform. And it's not as self-sufficient as probably the contractor advertisers.

However, I do think it has advantages, and we have talked with them extensively about special operations use or maybe even just general line use. So I think that is the way we will progress in the future.

MCSALLY:

Chief, is that something you want to comment on?

VITIELLO:

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

MCSALLY:

And I'm even talking about some of the ones that are just handheld, agents on the ground launches one and just gives them a bigger picture of that, you know, 3-D that they don't necessarily have. I will comment that Cochise College in my district actually has a great unmanned aircraft systems training program, and they would love to be able to partner if we're talking about using the tactical systems like that, to be able to partner, because it's right there near the border and, you know, providing some of that training.

But I just think this is something that's worth looking into, even though you don't want to have a huge tax, but it certainly would increase situational awareness.

ALLES:

No, I think so. I was going to comment, too, on the comments about apprehensions close to the border. Be aware that as we use the VADER system, we are actually tracking in Mexico, and that's information that's been passed. So the intent is to interdict as close to the line as possible, so that's a regular occurrence daily out there in Arizona.

MCSALLY:

Great. Thank you. Well, let me just say that we have so many Border Patrol agents and air interdiction agents across the southern border that are working right now in order to keep our country and our communities safe. I know we're all grateful. And on the northern border, as well. Didn't mean to forget that. We appreciate all the hard work that you all are doing and that they are doing right now out there. Like many in law enforcement, you never know when you're going to work, you know, what you might come upon, and so we appreciate them putting the uniform on every single day. And appreciate all your continuing to do in your service in order to address some of these issues to keep our countries and communities safe.

I want to thank the witnesses for your valuable testimony today. I really appreciated the discussion and the questions. We've got some other follow-up questions we'd love to hear back from you on. Appreciate the members' questions. I thought it was -- again, it was a good discussion.

Members of the committee may have some additional questions for the witnesses. And so we just ask that you respond to those in writing if they submit them. Pursuant to committee rule 7(e), the hearing record will be held open for 10 days.

And without objection, the committee stands adjourned.