

Chairman Candice S. Miller  
Opening Statement  
*Securing Our Borders: Operational Control and the Path Forward*  
February, 15, 2010

First, I would like to welcome our witnesses. I especially want to thank Chief Fisher and all of the men and women of the U.S. Border Patrol, who are truly on the front line working tirelessly every day to secure our nation's border.

This hearing provides the opportunity to examine the concept of operational control of the border. Operational Control has become the buzz-word of choice when describing how much or how little the border patrol can effectively control.

And I must state that the American people rightly expect and demand that we do achieve operational control of the border. The Pre-amble of the United States Constitution provides that the first and foremost responsibility of the federal government is to provide for our common defense. And we cannot provide for the common defense if we cannot protect the sovereignty of our nation by securing our borders.

According to the Border Patrol, 1,107 miles are under effective operational control. Today, I want to explore the metrics the Border Patrol uses when they announce these miles as under operational control. Interestingly, in CBP's budget justification documents, the Border Patrol does not plan to gain additional miles the rest of Fiscal Year 2011, or in Fiscal Year 2012.

The U.S Border Patrol's most recent national strategy, released in 2004, is predicated on this concept of operational control. In fact, their strategy declares that, "All of our efforts must be – and are– focused on this goal."

Homeland Security Secretary Janet Napolitano recently said, "...it's important to recognize that 'operational control' is a very narrow term of art in Border Patrol lingo." . . . It does not take into account infrastructure. It does not take into account technology, which is a force multiplier." Moreover, she said that operational control "should not be construed as kind of an overall assessment of what's happening at the border."

If that is true then I ask: what should we be using to gauge the effectiveness of our efforts to control the border? How can we reassure the American people that their federal government is in fact accomplishing one its primary missions.

I believe that we can, and must gain and maintain control of the border. We cannot continue to cede U.S sovereign territory to drug cartels, human traffickers, smugglers, and potential terrorists. Nor can we allow hundreds of thousands of people to break our laws and cross the border each and every year with impunity for any reason. We are either a nation of laws or we are not.

We all understand the myriad of challenges that our nation faces along our southern border, but often those we face on northern border go unnoticed. In fact, the GAO recently released a

report which warned about the potential for that to happen since we only have 69 miles of border, or 1.7 percent, out of 4,000 total miles under operational control. And the sobering reality, despite spending more than \$3 Billion dollars on security along the Northern border, is that we have made little progress.

The situation on the southern border is not significantly better. Only 873 Miles are under operational control out of almost 2,000 miles. Daily, we hear anecdotal stories of a rancher being gunned down, a husband being killed on a lake that straddles the border, a seasoned border patrol agent being ambushed and missionaries being targeted merely because they drove a newer truck. Secretary Napolitano may argue that that the border is not out of control, but my colleagues who represent southwest border districts and those who they represent may beg to differ.

Up until last year, the Department of the Interior had signage up in Arizona which read, "DANGER – PUBLIC WARNING, TRAVEL NOT RECOMMENDED. Active drug and human smuggling area; Visitors may encounter armed criminals and smuggling vehicles traveling at high rates of speed; if you see suspicious activity, Do Not Confront! Move away and call 911." This can be described as nothing less than ceding sovereign territory to criminals. That is not what I call operational control of the border.

I would argue that the American people do not believe that allowing hundreds of thousands each year to enter our nation illegally is consistent with having operational control of the border. In school if you get 33 percent on your math test, that is a failing grade. Even a 50 percent score is a failing grade. So we cannot say we are doing just fine when we apprehend only 33% or even 50% of those attempting to enter our nation illegally.

As the Border Patrol rightly points out, it will take a combination of technology, personnel and infrastructure to secure the border – there is no one size fits all solution for a border as vast and geographically diverse as ours. However, the most important missing component has been the political will to transform words into action and action into real control of our borders. Our border security policy cannot rely on our best guess; rather it must be based upon sound numbers and a common understanding of what is not only achievable, but also what our national security requires and the American people demand.