



## **Remarks by Customs and Border Patrol Deputy Commissioner Jayson Ahern at a Beat Reporter Pen and Pad on the Virtual Fence**

Release Date: February 28, 2008

For Immediate Release  
Office of the Press Secretary  
Contact: 202-282-8010

*\*\* Due to technical difficulty some words might be missing. We anticipate posting an updated version as soon as possible.*

**Commissioner Ahern:** Good afternoon everyone. What I would like to do is just take a brief focus here to kind of put into context what is our strategy for the border, what is our proposal for the domination of the appropriate levels -- personnel, technology to show how we look at the P-28 piece is, I would say is -- technological package, a tree in a forest if you will.

And actually, what I would like to do is show you a clip that I actually had an opportunity to show Congress yesterday when I had a chance to testify what P28 actually is functioning at this point, and also to show -- because as you spend working at the technology, one of the things I find that has been mis-characterized is that borders in this country are not sure, because we have not settled and taken acceptance until just recently, of P-28 along the southwest border --

That is not true, that is the furthest thing from the truth. Over the last few years we have continued to go increase the size of the border patrol, and by the end of this year we will double the size of the border patrol when we approach 18,000 people. By the end of this year we will have 670 miles of tactical -- fence along the border to slow down the intrusions or deter the intrusions of people coming across the border.

Those two facts can not be dismissed. We can also bank our whole security of this country on a demonstration project, which Project 28 was in the Arizona desert, and disregard what is going on with the technological package that we brought to this organization over the last several months and continue to bring as we go forward.

One of the other clips you will see here is another clip that I showed yesterday for our UAS, or unnamed aerial surveillance systems, we now have four. And actually, they are very productive as far as getting us aerial pictures that identify individuals who are providing incursions along our borders.

So I think it is important as you all share your opinions and ask me your questions, of keeping them in context and to just fully focus on P-28. And I would be happy to talk about P-28, but I want to keep bringing it back to the overall context of the security of the country's borders and what we are doing with a combination of tactical instruction, the technology and the personnel.

And when we talk about technology, that is not solely P-28. So if we could just show the first clip, I would like to show this. This is actually the evening before the hearing.

**Question:** Can I ask before you do that if you will be handing out this tape or if we can get copies of all of this. And if not, why not? Why, if we can see it why can't the public see it?

**Commissioner Ahern:** Well the public had an opportunity to see it yesterday as far as with the -- to the congressional record, it is public record at this level. We don't have copies to provide you with, but I am seeing concerns about -- we will go ahead and get back to you on that particularly, but you are missing the opportunity to see what this is actually performing.

**Aide:** If you guys, if anyone is interested in copies, if you could get them --

**Commissioner Ahern:** This is going to be about a 20-second tape, it will be over by the time you finish. This

is February 14, you can see the date in the lower left-hand corner. These are individuals staging on the south side of the border of Mexico. So it is characterized that the cameras don't work, doesn't give you an operational picture, you draw your own conclusions.

Now one of the things to give you know -- GAO and members who have had a chance to see this over the last several months. You know certainly, as this has continued to evolve as a demonstration project does, as a pilot project does early in the stages this was -- but this is seven days before we did final acceptance.

**Question:** That is from one of the --

**Commissioner Ahern:** That is, yes. That is one of the nine we are going to be assessing -- so you can see it is functioning very well at that particular point in time. There is no debate, there is no dispute on the fact that -- this is not functioning to this level whatsoever. And that is why we did not settle, and that is why we did not accept and that is why we continue to take a look at being good stewards of the taxpayer's dollars.

**Question:** You all have had -- I mean I have seen cameras that showed pictures like that years, several years ago in Texas. I mean, you all have had equipment that can show that kind of video before. The problem with P-28 was not the actual taking of the video, but, and I don't know the type, but how those images were transferred to the vehicle who needed to use them and all that stuff.

**Commissioner Ahern:** Yes. We have had, yes, for both surveillance systems -- and those are all out there and we still have that as part of our arsenal as well. But what the capability here is this is a suite of hardware, this is not just a camera where an operator has to -- to see if they actually see any kind of activity out there, because of the radar interceptor capability it actually goes to the target for the operator and actually identifies it so we can then go ahead and classify to find out as we have seen, as we have seen with our UAV just a couple of minutes ago, it was a deer as well as three other clips that have animals -- so this gives the capability.

Anywhere you have an entire hardware package, we don't just have to have it based on somebody -- the camera at -- so this actually has a radar interception capability all integrated into that package. And that is one of the things that I think often has not been given enough study and enough opportunity to really --

This is a complicated process. I mean if people want to believe, whether it be Boeing or anybody else who actually could have won this initial solicitation and -- so this is a simple part of the process. This is a very complicated, integrated suite of hardware. And then we will take that and you put that through a -- operative picture and remote that back so that we can see that in remote fashion in -- that's not, that's real easy.

And also, when you pick the environment as they picked for the -- given the environmental challenge. That attitude --

**Question:** Commissioner, the promise of P28 was that they would be able to create a system where there were these sensors that would detect illegals coming across the border. That those sensors would eventually -- a place where cameras could -- and individuals -- and do this quickly enough so that -- would be caught.

And are you telling us, like -- said, we saw a video like that a couple of years ago. Are you telling us that this system is working as it was promised when you held your past conference last year.

**Commissioner Ahern:** What I am saying is that Boeing met the requirements of the solicitation they responded to. The particular question you are asking about, the border patrol agents in their vehicles being able to control cameras. As we continue to say that as operators, we found that may not be -- because you don't want to have agents competing with one another to control particular cameras.

**Questions:** But is it wisest, is it perhaps not the wisest, because when you operated it you found that it was not the -- it wasn't working sufficiently. The technology is just not able to --

**Commissioner Ahern:** Again, as we went through this global demonstration time, it was for Boeing to demonstrate the core capability they responded in the solicitation. And was every demonstration -- there weren't a lot. That was not ever meant to be a -- system.

So as we went through and found out that the suite of hardware that they choose, we realized that as we go forward in the -- it has to be a more robust, upgraded hardware package as well as a software package that is going to have more capabilities to go and add additional things such as the UAV feed and other things as we

go forward.

**Question:** Can border patrol officers control video cameras from the vehicles?

**Commissioner Ahern:** No. And I -- say as the operator here, we don't want them to do that right now, at all, because what again --

**Question:** And that was --

**Commissioner Ahern:** That was one of the concepts that was actually getting considered at that point by the operators on the ground. And as you look at -- as an organization, we found it was not necessarily the wisest move, because what again, if you have multiple agents out there in the field all want to go ahead and protect this country, they are going to try to control that camera and -- you need to have operational command and control, and that is what a centralized -- set-up provides you.

But we made the determination we wanted to pull that back into the sector level at this point.

**Question:** I just wanted to clarify, this is working or not working the way you expected? And also, do you think it is going to have to be redesigned, because I understand the software was not working properly?

**Commissioner Ahern:** It is working, and it met the requirements. As we go forward, we know that there is going to be more robust hardware, better cameras, better sensors, better radar. And we know that, I mean we knew beforehand that there was going to be a larger software package that was going to be necessary to accommodate everything we want to put into that --operative --

That is not a -- that was something that was known -- if we didn't characterize that well enough, shame on me, shame on all of us. But certainly, we knew that there needed to be enhancements to the software package.

**Question:** Was it the same --

**Commissioner Ahern:** I'm sorry?

**Question:** Was that designed before by the military, I mean would you just change the software?

**Commissioner Ahern:** You know as far as the particular design, I am not sure whether that was the military or just some of the applications --

**Question:** Commissioner?

**Commissioner Ahern:** Yes?

**Question:** Are there delays to other parts of the project?

**Commissioner Ahern:** Other parts of the?

**Question:** I mean, you had, you know you had the what, the Texas mobile, other parts of it I mean, outside of P28, the next couple of --

**Commissioner Ahern:** No. I would say you know one of the things that is important for us too. The delays that we realized at this point have been delays for us doing our due diligence and not settling or accepting this in June '07, you know recently accepting it in February 21 of this year.

We are still proceeding without the technology. For instance, what you might be referring to, the Texas mobile, part of Texas mobile is we refer to it as the mobile surveillance systems.

**Question:** Right.

**Commissioner Ahern:** These are -- we have forty of those that we have purchased. We have deployed those, we will have them all fully deployed by August of this year. So again, as we try to characterize that this is the only technological solution for the border, that's not accurate.

You have to -- one of the things that is interesting, and this is one of the things that I think is going to be important as we go forward again, having to write a plan. We do our planning based on what our -- advocate at that particular point in time.

We realize as we start to lay down tactical instruction, we start to begin to pull in more technology as well as personnel. Patterns of smuggling are going to change. Since we have put the 34 miles around -- we have actually seen apprehensions drop off substantially. This is one of the points I made to the secretary of state. We may not need to replicate technology in all parts of the border, tactical instruction personnel may be sufficient, and in places like San Diego where we have double fencing.

You don't need to have the same suite of hardware as a linebacker, or as a backup to that fencing. We need to make sure as far as we have probably unattended grounds, so you'll just be able to cue somebody at command center to say there is somebody trying to jump -- fence, and be able to respond in there quickly, and now that we have built tactical roads, more efficiently we can get our agents there in a much more -- and responsive fashion.

So as we go forward, please expect this strategy to continue to be adapted to the threat that we are seeing based on the layout of the tactical infrastructure, the deployment of personnel and the evolution of technology in the field.

**Question:** But just to clarify, so you are saying the only delay so far is what happened in June '07, with project 28, there aren't delays to other parts of things, there have been changes but they aren't delays?

**Commissioner Ahern:** That would be accurate.

**Question:** Why, where is GAO getting its information then, this three-year delay?

**Commissioner Ahern:** Well I mean one of the things you know we try to work very cooperatively with GAO in all stages, and I think Mr. -- answered that question for the record yesterday. Is he getting the information he needs from CBP, is he getting a good relationship, does he have a good relationship with them?

I think you can go back and look at the record for yourself, or if you were there yesterday you would have heard his testimony that yes, they had been very forthcoming and very -- what I believe happened is that an expenditure plan that is being developed internally that is not even handed to me for final review to lead the organization showed a 2011 time frame.

But let's be mindful here. I mean, for us to be projecting what is going to happen outside of our current budget cycles for the '08 and the '09 time frame, that is all very premature. So you know, they certainly did have access, and then certainly that's something that is unfortunate that was characterized outside the organization, particularly when it hasn't even cleared me, never mind the department or through the OMB process.

**Question:** But as the internal budget document indicated that, then there must be a reason for that.

**Commissioner Ahern:** Well you know I will tell you we go through all types of various iterations and reviews on products. And oftentimes by the time we have full visibility in what is happening corporately within our organization within CBP, I constantly get into deliberations and send things back for further review and further modifications as we go forward, based on a variety of different reasons. None of them of which are, you should be suspicious or curious in any way, that is just the process of government.

**Question:** Last week the secretary, Secretary Chertoff, he was the one who characterized he seemed to be, you know in his press conference with the attorney generals, more upbeat about all this. I mean, what would you say -- I mean, I am just trying to figure out what knowledge he had last week when he was discussing all this? I assume he was up to date and briefed.

**Commissioner Ahern:** Absolutely, and I will speak to something again that I put on congressional record yesterday, because I won't be as I stated yesterday, I would never be reckless or careless enough to speak on behalf of the secretary of homeland security.

But it is on the record as of yesterday how good the Secretary, two weeks ago in Tucson when we had a chance to see firsthand, how -- we sat with the Border Patrol agents at the command center. We sat with the group that actually has been working and developing and working this system over the last couple of months since we've -- asked them point blank: Is this working for you? Does this provide you a better operational capability than you had before? Can you see the potential for further application and development to give you a better opportunity to secure the borders? And if the answers to those questions are not yes, I am not wedded to going; I'm not wedded to the solution and we'll pull the plug and move on.

It was a unanimous yes by the people sitting in the field who have been dealing with this more than anybody in

this organization. And I believe that's why he was very upbeat about it and he -- for the performance and the potential as we're going forward.

**Question:** And you're saying that's what he heard as well?

**Commissioner Ahern:** He was right there by my side. We heard it together. We went through some rigorous cross-examination of our field people, and as a matter of record yesterday as well.

Again, I don't make a habit of speaking on behalf of the Secretary but that is what we certainly observed together firsthand and that's what I put on the record yesterday. And I should also say I think the characterizations that appeared today made it appear that all of a sudden through Congressional hearing yesterday that there were new deficiencies that were found. They were waiting to significant delay. That couldn't be further from the truth. Couldn't be further.

Unfortunately, a lot of people were pointing to what they thought was factual information at that point in time, whether it was a member of Congress who had seen it six months or seven or eight months ago; or even the GAO who might have seen it over different periods of time; or their staff who go out there at various periods of time.

I can tell you myself and the Secretary were out there two weeks ago. We saw it. We knew as far as what was being done to correct the deficiencies before we went through final acceptance on February 21.

**Question:** What is the long-term plan for this project when you look at extending it all the way to past -- border? What was the plan originally?

**Commissioner Ahern:** Well, the plan was never originally to go ahead and take the 1,900 miles of the Southwest border and take this, once we finished the 28 mile demonstration project and say, okay, let's replicate it; 28 divided into 1,900 and say however many systems it is. That was never the point. We, again, want to be the good stewards of the taxpayers' dollars.

We want to introduce this solution where it makes sense. There may be tactical infrastructure in locations that are sufficient. There may be national geography or patterns that are out there where there is no pattern out there because of the geography, because of the remoteness. We're smuggling -- it would make no sense for us to go ahead and make an investment out there. So it was never the plan to replicate this everywhere. We wanted to put it out there where it made sense and was part of an overall border solution.

**Question:** --

**Commissioner Ahern:** Well, I'll tell you, it's not a matter of concentration on one border or the other. Again, I testified, in fact yesterday, and one of the members was asking this. This is not just a southern border solution. What are you doing for the northern border? And certainly, you know, we have to look at the northern border as a complete package; a whole different level of threat; a whole different level of --; more than 2 1/2 times the number of miles as well.

And what I would say is, we've taken a look at the northern border in a variety of ways. We'll be opening our fifth air branch out there this year so that we'll have aviation surveillance assets to go ahead and surveil the remoteness of the environment throughout the northwest, great plains, all the way to the Pacific and the east to the state of Maine.

We've also gone ahead and hardened our ports of entry on the northern border. We've got 91 percent radiation coverage for trucks and vehicles coming into the country through the northern border. Border Patrol, even though 1,500 is not enough, will be at 1,500 Border Patrol agents. They did not have those numbers before.

So we're going to be building the infrastructure; and then finally we'll be doing a demonstration project up there this year to take the technological capabilities that we've learned and see the -- maritime -- because we have huge challenges up there, certainly in the Great Lakes area of potential insurgents coming across the Lakes. So we're not ignoring the northern border. We felt that it was important to -- solutions in the southwest border knowing that we had to take -- but we can't forget the coastal solutions that need to be developed as well.

**Question:** How much has been spent so far? How much is the Boeing? Was \$20 million the hard number and that's what's met?

**Commissioner Ahern:** The initial task was for 20.6 and I may be off a little bit on the amount but I believe that there was about \$2 million that was held in rebates, if you will. I'm sure there's an acquisition correct terminology for that, so they were paid less than the \$20 million for the contract.

I think Boeing -- basically stated -- ask them as far as how much they've invested on this and this was one of the points I made yesterday also that we were being good stewards of the taxpayers' dollars; we didn't settle for a -- project and with a fixed price contract that meant that Boeing had to continue to correct the deficiencies themselves as opposed to the government taking ownership and having to fix it on our time, the taxpayers' money, we didn't do that.

**Question:** Are the other, the future contracts, are those also a fixed price?

**Commissioner Ahern:** They are all going to be fixed priced as we go forward. We want to meet when we did conditional acceptance in December of this year, so that nobody walks away from it why didn't you talk about the \$64 million that was borrowed yesterday? The \$64 million was to go ahead and develop the next iteration for the -- operative picture.

And you can take a look before all this began, even before we got the demonstration propped up. And we always knew that there was going to be a larger expenditure for a larger software package that -- operates -- because we knew that we might need something in there down the road.

**Question:** So that is for, sorry just to be clear, that money is for then better software, better working equipment, not for another piece of border, not to put cameras --

**Commissioner Ahern:** That is right, that is correct.

**Question:** But I am interested in next day deployment -- it is to update the current P28, it is not for the next wave of deployment for their towers and --

**Commissioner Ahern:** Basically, that is correct, but we can get you particular details on that. And at this point in time, again, you all are well aware of the contracting in that position -- just because we have gone ahead and led a task order and award doesn't mean you now have a \$64 million check in your hand to cash and deposit. You basically have to show your performance, it has to be accepted and then you get paid.

So there has been very little spent against that \$64 million. Again, anything that is involved with the proprietary -- it has to be dealt in a -- operating picture now that we are going to --

**Question:** Is it just going to be used in those 28 miles?

**Commissioner Ahern:** No, no, no.

**Question:** Can you explain what that is?

**Commissioner Ahern:** With that capability, with that capability, that gives us that software capability. This is a lot of code writing, a lot of software engineering that is far beyond my level of expertise to articulate to you, but that is about what we are doing as far as to develop that capability for us, so that we can add in -- some of the other things beyond just what is currently fixed on the towers means we look to --

**Question:** So then you are going to have to move the communications from satellite, satellite communications to show, right to --

**Commissioner Ahern:** We have found, and again I am going to quickly get over my head with technical level of discussion, but we were looking to satellite capability. We found that did not get the response time efficiently enough. We were going to more a microwave-type capability that is called --

And again, that is about as deep as I can have on --

**Question:** Going back to the \$64 million that provides for the software -- include other additional hardware for other more -- systems?

**Commissioner Ahern:** Principally, that is to go ahead and do it. We can go ahead and provide the details of it. I don't think anyone is procuring -- on how fast -- common operating picture, which is going to broader, it is going to affect our entire capability of taking on what is going on at the border, and -- across the border, as

that kind of a backbone that all of our awareness picture is going to run.

**Question:** And then also, when Secretary Chertoff made his remarks last week, approving the program and going forward, that at the time had he or had you had any time to review the --

**Commissioner Ahern:** No. And you know again, no surprises there. Again, this is a culmination of review that comes to bear over a period of months and a long time of review. And we often have this -- just a natural course of reviews. They begin at a point in time, there is findings at the point in time. We'll go back and we have a close-out conference say can you go back and correct this, because that is not an accurate depiction of what happens right now and the response --that was our view at that point in time.

So again, I am not disputing the -- because that is what is, it was what the -- at a point in time. I can tell you when we get to the end state, we are very comfortable going to final acceptance at the end of February, and then going to --

**Question:** You mentioned the GAO being a particular view at a particular point in time. Is it accurate as of today?

**Commissioner Ahern:** No, not even close. And I think I will encourage you all at some point to get an opportunity to read from the whole transcript from yesterday. You know, if any of you were there, and was anybody there?

Mr. -- was pretty fair when actually asked, "is it working, does it show potential?" And the answer was yes. So I mean, that is pretty strong testimony. I mean, again, as he was characterizing what it was in early iterations, and -- as far as deficiency, things never --

You know, a couple of -- on some of the details, but nothing major of significance.

**Question:** One thing he says is that you know, he agrees that this is a pilot project and it's a test.

**Commissioner Ahern:** Right.

**Question:** He said part of the contract to is to have a, to leave behind a capability. And he said that wasn't fulfilled and I don't understand what that means.

**Commissioner Ahern:** Well I am not quite sure we understood what he meant by that also, but I will tell you what my understanding is and what is the reality. At the point in time, there was a -- behind them -- final acceptance. Those towers are not going to be torn down and say okay, demonstration pilot is over, let's move on. It has given operational capability, 2,111 apprehensions have been assisted through the -- technology side there.

**Question:** -- sector?

**Commissioner Ahern:** Within the 28 miles.

**Question:** I am sorry, how many was that again?

**Commissioner Ahern:** 2,111, since the condition -- it was at that point in time when it was -- so I mean, it is - - even though it was not out there to provide here is your operational -- until then, because it was developmental, just a demonstration, a pilot. But if it gives you operational capability, certainly you are going to leave it there, you are going to continue --

**Question:** Do you think Congress really understands what -- is there -- when they think they were -- with the money and what you guys want, especially since you did say some of it -- along the way?

**Commissioner Ahern:** I think that there is unfortunately a lot of lack of understanding. And certainly, we have learned a lot through this process as well. I wouldn't want to go ahead and pass any kind of -- on the members on the Congress not understanding.

I think clearly as far as that this has been a very complex, very difficult program to go ahead and put together. People are -- to oversimplify, thinking that the company that helps put sidewalks in space or sends people to the moon should be able to figure out a 28-mile segment of the border with cameras, -- and sensor technology --

It is a little more complicated than. I don't think this has been given a lot of appreciation of that, -- so I think we -- due diligence. I told that yesterday again, to the Congress -- and I think that the good stewards of the taxpayer's -- we did not sell, we held them accountable. Boeing was a good partner once they realized that the requirements were harder than they might have anticipated initially, and they corrected the deficiencies and we are confident it will work out --

**Liason:** We have time for three more questions.

**Question:** Commissioner, I wanted to ask you, I remember six years ago the -- border patrol used to have those infrared cameras and they were operating the cameras, and they were catching lots of immigrants.

**Commissioner Ahern:** Right.

**Question:** What is the difference between this sophisticated and advanced technology and the way they were working before?

**Commissioner Ahern:** Well again, somebody that is much more familiar with the application of technology would be better to give that to you. But I know as far as what has been explained to me and demonstrated to me, those cameras are still functional, they are still out there. So again, that is another piece in our toolkit that you know a lot of people want to just settle on the fact that we have just got this 28-mile -- not my words, my -- and you still have those out there and they will still be working until we find the need to go ahead and swap them out with a more upgraded capability.

As I spoke of earlier, the cameras needed to be operated by operators. This is the -- that the complete hardware package to actually have them identify the movement out there, put the camera on the target to be able to classify and identify, and wait until the apprehension of the -- so it is a much more sophisticated system, which gets to the complexity of the issue as well.

**Question:** But initially, they were there -- left them -- used to capture before, and you used -- numbers of this technology, many that are less than the -- before. I mean, we are talking about 2,000 illegal immigrants coming up from September to February.

**Commissioner Ahern:** Just in that -- construct. I mean, --

**Question:** How does that compare though, how does that compare to the previous --

**Commissioner Ahern:** I have no -- I mean, that is one of the things as far as what you're going through -- you know this is a question that was asked yesterday and I don't think we gave a good enough answer in the discussion. But while we -- to apprehension -- we have got to be able to identify the person so they are not -- going through the development of the system and learning how this hardware was going to function, there was times when the system was -- and the system was -- so -- able to say that we -- the universe during that period of time was x, and that we knew y was 2,111. So then you could do what your delta is, but I don't have that capability. And that is again, we didn't do a good job of explaining that yesterday.

**Question:** But surely you know how many then through the same period last year?

**Commissioner Ahern:** Absolutely, absolutely.

**Question:** Okay.

**Commissioner Ahern:** We have very good comparison of the numbers and we take a look overall. You know, we are seeing a substantial decrease in -- apprehensions at the border, which to me the strategy is working.

-- and even in the first quarter this year, the numbers are still continuing to drop. Unfortunately what is happening to me another indicator that strategy is working, violence is skyrocketing.

**Question:** With respect to the -- that they have now, you talked about the \$64 million developing the -- operating procedure. Can some of your existing equipment then work within that system, we tied in? And/or is some of the equipment left, I don't know what to call any of this stuff, but I have been out with the guys in the truck on the basin. They have got the thing up, they have got the screen and then the guys looking at the screen because the camera is on the top moving around.

**Commissioner Ahern:** That is now called mobile surveillance system.

**Question:** Right. But does that piece of equipment, with this, all this new fabulous stuff eventually in ten years is deployed, does that old truck, is that considered then a crappy, old piece of equipment that gets sent to the dump --

**Commissioner Ahern:** No.

**Question:** -- or can that somehow be retrofitted and fitted into this?

**Commissioner Ahern:** That is a great and I am glad you have given me the chance to explain it, because that old truck is what we are buying 40 more of, or 34 more because we have six out there and we will have 40 by the end of August.

Those are very resource intensive, because as you saw that -- that requires an operator sitting in that truck in the desert or in the top of the hill to get the best visibility.

**Question:** Right.

**Commissioner Ahern:** So in what we need to move away from is resource intensive -- and that's why the cameras we have to control and to be able to find as we develop the equipment and software package, the way to integrate that into the common operating picture.

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This page was last reviewed/modified on February 28, 2008.