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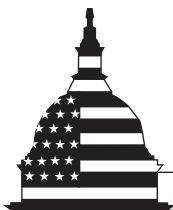
Before the Subcommittee on Border and
Maritime Security, Committee on Homeland
Security, House of Representatives

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BORDER SECURITY

Preliminary Observations on Border Control Measures for the Southwest Border

Statement of Richard M. Stana, Director
Homeland Security and Justice Issues



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Highlights of [GAO-11-374T](#), a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

The Department of Homeland Security (DHS) reports that the nearly 2,000-mile U.S. border with Mexico is vulnerable to cross-border illegal activity. The Office of Border Patrol (Border Patrol), within DHS's U.S. Customs and Border Protection (CBP), is responsible for securing the border between U.S. ports of entry and has divided responsibility for southwest border miles among nine Border Patrol sectors. CBP reported spending about \$3 billion on Border Patrol's southwest border efforts in fiscal year 2010, apprehending over 445,000 illegal entries. This testimony provides preliminary observations on (1) the extent to which DHS reported progress in achieving operational control—Border Patrol was able to detect, respond, and interdict cross-border illegal activity—of the southwest border; (2) the extent to which operational control reflects Border Patrol's ability to respond to illegal activity at the border or after entry into the United States; and (3) how DHS reports the transition to new border security measures will change oversight and resource requirements for securing the southwest border. This testimony is based on GAO's ongoing work for the House Committee on Homeland Security. GAO analyzed DHS border security documents and data supporting border security measures reported by DHS for fiscal years 2005 through 2010, and interviewed DHS officials. DHS generally agreed with the information in this statement and provided clarifying language, which we incorporated.

View [GAO-11-374T](#) or key components. For more information, contact Richard M. Stana at (202) 512-8777 or stanar@gao.gov.

February 15, 2011

BORDER SECURITY

Preliminary Observations on Border Control Measures for the Southwest Border

What GAO Found

Border Patrol reported achieving varying levels of operational control for 873 of the nearly 2,000 southwest border miles at the end of fiscal year 2010, increasing an average of 126 miles each year from fiscal years 2005 through 2010. Border Patrol sector officials assessed the miles under operational control using factors such as the numbers of illegal entries and apprehensions and relative risk. CBP attributed the increase to additional infrastructure, technology, and personnel. Yuma sector officials reported achieving operational control for all of its 126 border miles; however, the other eight southwest border sectors reported achieving operational control of 11 to 86 percent of their border miles. Border Patrol attributed the uneven progress across sectors to multiple factors, including prioritizing resource deployment to sectors deemed to have greater risk from illegal activity.

Border Patrol reported that its levels of operational control for most border miles reflected its ability to respond to illegal activity after entry into the United States and not at the immediate border. Operational control encompassed two of the five levels used to classify the security level of each border mile. The two levels of control differed in the extent that Border Patrol resources were available to either deter or detect and apprehend illegal entries at the immediate border (controlled) versus a multi-tiered deployment of Border Patrol resources to deter, detect, and apprehend illegal entries after entry into the United States; sometimes 100 miles or more away (managed). GAO's preliminary analysis of the 873 border miles under operational control in 2010 showed that about 129 miles (15 percent) were classified as "controlled" and the remaining 85 percent were classified as "managed." Border Patrol stated that operational control does not require its agents to be able to detect and apprehend all illegal entries. Yuma sector reported operational control for all its miles although Border Patrol did not have the ability to detect and apprehend illegal entries that use ultra-light aircraft and tunnels.

DHS is replacing its border security measures, which could temporarily reduce oversight, and reports it may reduce resources requested for securing the southwest border. Border Patrol had established border miles under effective control as a measure of border security. DHS plans to improve the quality of boarder security measures by developing new measures with a more quantitative methodology. CBP is developing a new methodology and measures for border security, which CBP expects to be in place by fiscal year 2012. In the meantime, the absence of border security outcome measures in DHS's *Fiscal Year 2010-2012 Annual Performance Report* could reduce oversight. CBP does not have an estimate of the time and efforts needed to secure the border; however, DHS, CBP, and Border Patrol headquarters officials said that this new approach to border security is expected to be more flexible and cost-effective. As a result, Border Patrol headquarters officials expect that they will request fewer resources to secure the border. GAO will continue to assess this issue and report the final results later this year.

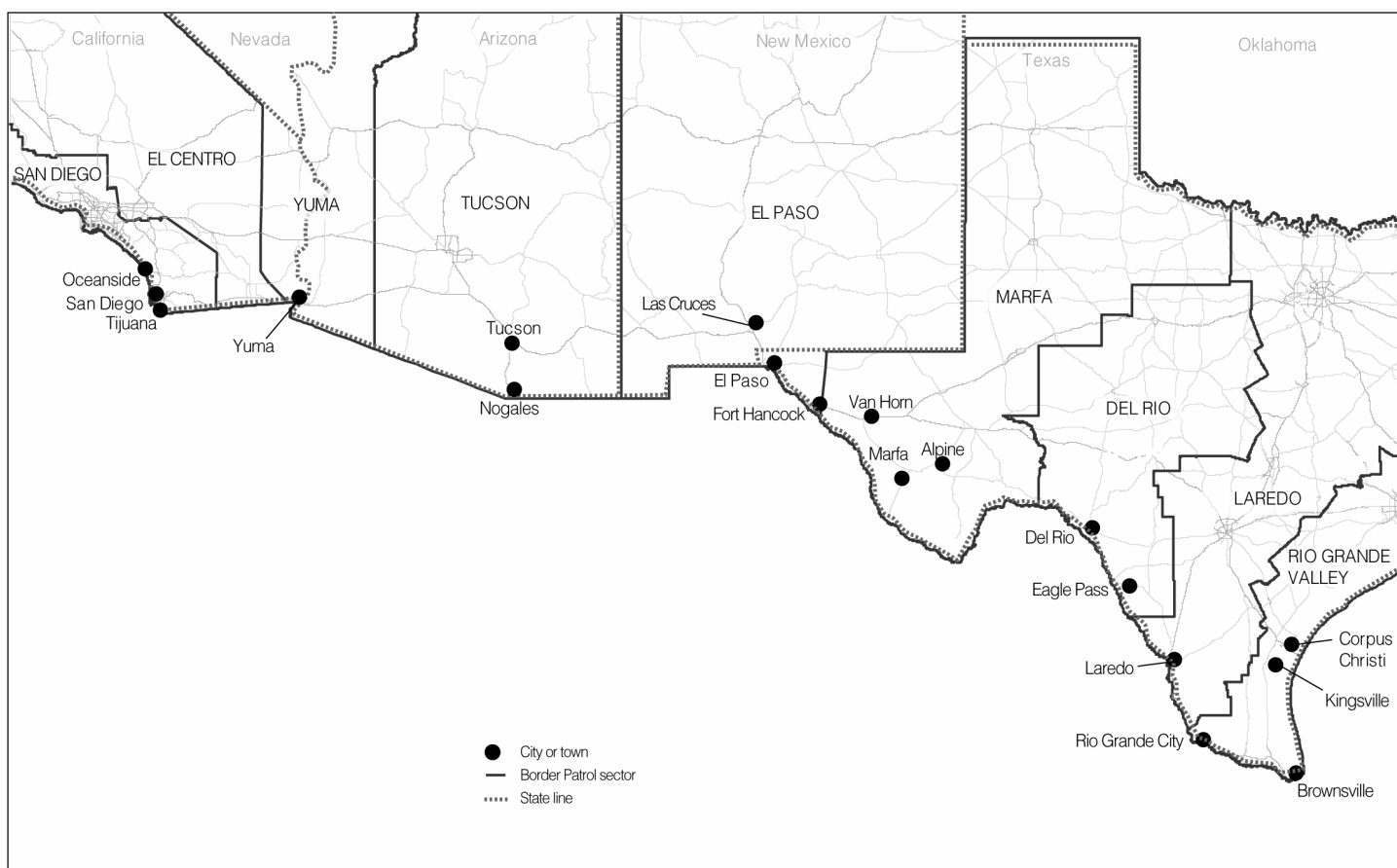
Chairwoman Miller, Ranking Member Cuellar, and Members of the Subcommittee:

I am pleased to be here today to discuss issues regarding the Department of Homeland Security's (DHS) process for measuring security for the nearly 2,000-mile U.S. border with Mexico. DHS reports that the southwest border continues to be vulnerable to cross-border illegal activity, including the smuggling of humans and illegal narcotics. The Office of Border Patrol (Border Patrol), within DHS's U.S. Customs and Border Protection (CBP), is the federal agency with primary responsibility for securing the border between the U.S. ports of entry.¹ CBP has divided geographic responsibility for southwest border miles among nine Border Patrol sectors, as shown in figure 1. CBP reported spending about \$3 billion to support Border Patrol's efforts on the southwest border in fiscal year 2010, and Border Patrol reported apprehending over 445,000 illegal entries and seizing over 2.4 million pounds of marijuana.²

¹ Ports of entry are officially designated facilities that provide for the controlled entry into or departure from the United States.

² The \$3 billion reflects Fiscal Year 2010 Border Patrol expenditures on southwest border security and CBP expenditures for high-priority investments in technology and tactical infrastructure along the southwest border.

Figure 1: Border Patrol Sectors along the Southwest Border



Sources: GAO (analysis), Mapinfo (map), Border Patrol (data).

DHS is planning to change how it reports its status and progress in achieving border security between ports of entry to Congress and the public in its *Fiscal Year 2010-2012 Annual Performance Report*. In past years, DHS reported the number of border miles under effective control—also referred to as operational control—defined by DHS as the number of border miles where Border Patrol had the ability to detect, respond, and interdict cross-border illegal activity. DHS plans to improve the quality of border security measures by developing new measures that reflect a more quantitative methodology. DHS is also planning to change how it requests resources for border control in support of its effort to develop a new methodology and measures for border security.

My statement is based on preliminary observations from our ongoing work for the House Committee on Homeland Security. We plan to issue a final report on this work—which involves reviewing Border Patrol’s process for measuring border control—later this year. As requested, my testimony will cover the following issues:

- (1) the extent to which DHS reported progress in achieving operational control—Border Patrol was able to detect, respond, and interdict cross-border illegal activity—of the southwest border,
- (2) the extent to which operational control reflects Border Patrol’s ability to respond to illegal activity at the border or after entry into the United States, and
- (3) how DHS reports that the transition to new border security measures will change oversight and resource requirements for securing the southwest border.

To conduct our work, we interviewed officials at DHS headquarters in January and February 2011 and conducted preliminary analysis of DHS documentation relevant to border security assessments and resource requirements across the southwest border for fiscal years 2009 and 2010. We conducted preliminary analysis of data supporting the border security measures reported by DHS in its annual performance reports for fiscal years 2005 through 2009. For fiscal years 2009 and 2010 data, we interviewed Border Patrol headquarters officials regarding the processes used to develop each sector’s Operational Requirements Based Budget Process (ORBBP) documents that include these data.³ We also interviewed DHS, CBP, and Border Patrol officials responsible for overseeing quality control procedures for these data. We determined that these data were sufficiently reliable for the purpose of preliminary observations.

³ Border Patrol officials provided us with fiscal year 2010 data, but said they could not provide us with the sector ORBBP documents that include these data as they had not yet been finalized. The ORBBP is Border Patrol’s standardized national planning process that links sector- and station-level planning, operations, and budgets. This process documents how sectors identify and justify their requests to achieve effective control of the border in their area of responsibility, and enables Border Patrol to determine how the deployment of resources, such as technology, infrastructure, and personnel, can be used to secure the border.

Past work that informed our current work included a review of guidance headquarters provided to sectors for development of the ORBBP documents, and interview with Border Patrol officials in the field who were responsible for preparing select ORBBP documents and headquarters officials responsible for reviewing these documents.⁴ Additional work included site visits in January 2010 to Border Patrol's Tucson sector in Arizona, where we discussed ORBBP data entry procedures and oversight of performance indicators at the station and sector levels.⁵ While we cannot generalize the results of these site visits to all locations along the southwest border, the site visits provided insights to the issues faced by Border Patrol in assessing and reporting the status of border control across federal, tribal, and private lands in urban and rural environments.

Additional past work informing our ongoing work included an analysis of Border Patrol's 2007 through 2010 ORBBP documents, which included assessments of the border security threat, operational assessment of border security, and resource requirements needed to further secure border miles within sectors. We reviewed these documents to determine the number of border miles that Border Patrol reported were under effective control and the number of miles reported as needing outside law enforcement support. We also interviewed Border Patrol officials in the field who were responsible for preparing the ORBBP documents.

We are conducting our ongoing work in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁴ GAO, *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border*, [GAO-11-97](#) (Washington, D.C.: Dec. 17, 2010).

⁵ GAO, *Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands*, [GAO-11-177](#) (Washington, D.C.: Nov. 18, 2010). The Tucson sector has experienced the highest volume of illegal cross-border activity, as indicated by marijuana seizures and illegal alien apprehensions, among southwest border sectors.

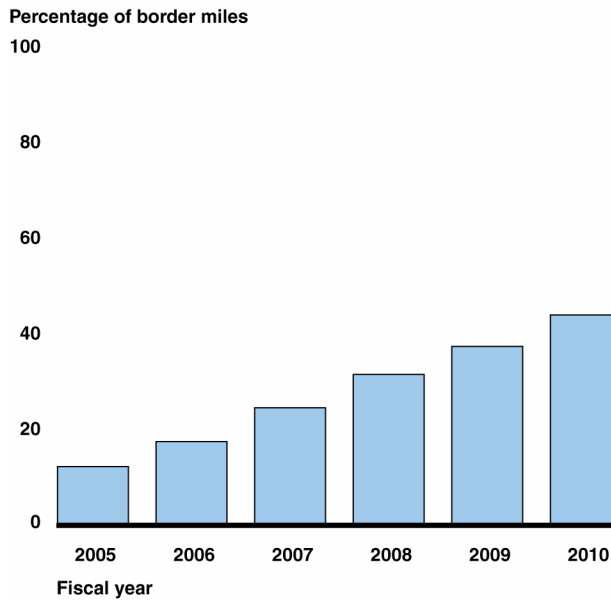
Border Patrol Reported Achieving Varying Levels of Operational Control for Nearly Half of Southwest Border Miles

Border Patrol reported achieving varying levels of operational control of 873 (44 percent) of the nearly 2,000 southwest border miles at the end of fiscal year 2010. The number of reported miles under operational control increased an average of 126 miles per year from fiscal years 2005 through 2010 (see fig. 2). Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource deployments, and discussions with senior Border Patrol agents.⁶ Border Patrol officials attributed the increase in operational control to deployment of additional infrastructure, technology, and personnel along the border.⁷ For example, from fiscal years 2005 through 2010, the number of border miles that had fences increased from about 120 to 649 and the number of Border Patrol agents increased from nearly 10,000 to more than 17,500 along the southwest border.

⁶ Operational statistics generally include the number of apprehensions and known illegal border entries and volume and shift of smuggling activity, among other performance indicators. Border Patrol officials at sectors and headquarters convene to discuss and determine the number of border miles under operational control for each sector based on relative risk.

⁷ Infrastructure includes fencing and roads, among other things.

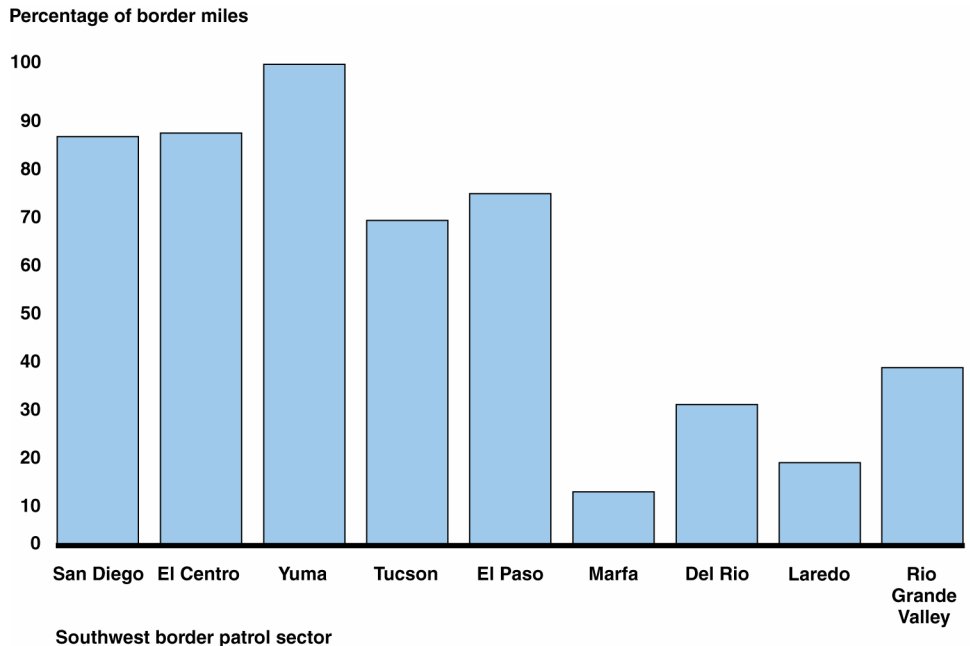
Figure 2: Southwest Border Miles under Border Patrol Operational Control from September 30, 2005, through September 30, 2010



Source: GAO analysis of Border Patrol data.

Across the southwest border, Yuma sector reported achieving operational control for all of its border miles. In contrast, the other southwest border sectors reported achieving operational control ranging from 11 to 86 percent of their border miles (see fig. 3). Border Patrol officials attributed the uneven progress across sectors to multiple factors, including terrain, transportation infrastructure on both sides of the border, and a need to prioritize resource deployment to sectors deemed to have greater risk of illegal activity.

Figure 3: Southwest Border Miles under Operational Control by Border Patrol Sector, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

Border Patrol reported that the sectors had made progress toward gaining control of some of the 1,120 southwest border miles that were not yet under operational control. Border Patrol reported an increased ability to detect, respond, or interdict illegal activity for more than 10 percent of these southwest border miles from fiscal year 2009 to September 30, 2010.

Operational Control Most Often Reflects Border Patrol's Ability to Respond to Illegal Activity after Entry into the United States

Border Patrol reported that operational control for most border miles reflected its ability to respond to illegal activity after entry into the United States and not at the immediate border. Border Patrol classified border miles under operational control as those in which it has the ability to detect, respond, and interdict illegal activity at the border or after entry into the United States. Operational control encompassed two of the five levels used by Border Patrol agents to classify the security level of each border mile (see table 1). The two levels of operational control differed in the extent that Border Patrol resources were available to either deter or detect and apprehend illegal entries at the immediate border (controlled) versus a multi-tiered deployment of Border Patrol resources to deter, detect, and apprehend illegal entries after entry into the United States;

sometimes 100 miles or more away (managed). These differences stem from Border Patrol’s “defense in depth” approach to border security operations that provides for layers of agents who operate not only at the border, but also in other areas of the sector.

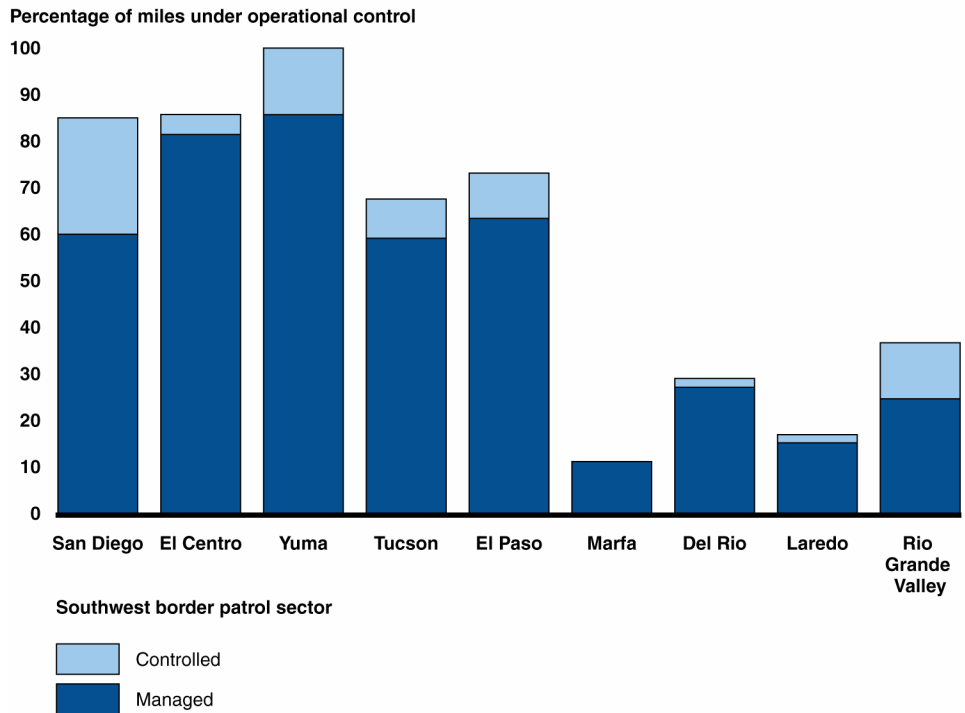
Table 1: Border Patrol Levels of Border Security

Levels of border security	Definition
Controlled	Continuous detection and interdiction resources at the immediate border with high probability of apprehension upon entry.
Managed	Multi-tiered detection and interdiction resources are in place to fully implement the border control strategy with high probability of apprehension after entry.
Monitored	Substantial detection resources in place, but accessibility and resources continue to affect ability to respond.
Low-level monitored	Some knowledge is available to develop a rudimentary border control strategy, but the area remains vulnerable because of inaccessibility or limited resource availability.
Remote/low activity	Information is lacking to develop a meaningful border control strategy because of inaccessibility or lack of resources.

Source: GAO analysis of U.S. Border Patrol ORBBP documents.

Our analysis of the 873 border miles under operational control reported by Border Patrol in fiscal year 2010 showed that about 129 miles, or 15 percent, were classified as “controlled,” which is the highest sustainable level for both detection and interdiction at the immediate border (see fig. 4). The remaining 85 percent of miles were classified as “managed,” in that interdictions may be achieved after illegal entry by multitiered enforcement operations.

Figure 4: Southwest Border Miles under Operational Control of the Border Patrol by Level of Security, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

Border Patrol's definition of operational control considers the extent to which its agents can detect and apprehend illegal entries, but does not require agents to have the ability to detect and apprehend all illegal entries, according to officials in Border Patrol's Strategic Planning and Policy Analysis Division. Yuma sector, for example, reported operational control for all of its border miles although Border Patrol did not have the ability to detect and apprehend illegal entries who use ultra-light aircraft and tunnels.⁸ In fiscal year 2009 Yuma sector reported that of the known illegal entries, about half were apprehended somewhere in the sector,

⁸ An ultra-light aircraft is defined in federal aviation regulations, 14 C.F.R. § 103.1 (and subsequent advisory circulars) as a single-seat powered flying machine that weighs less than 254 pounds, has a top speed of 55 knots (63 miles per hour), stalls at 24 knots (28 mph) or less and carries no more than 5 gallons of fuel.

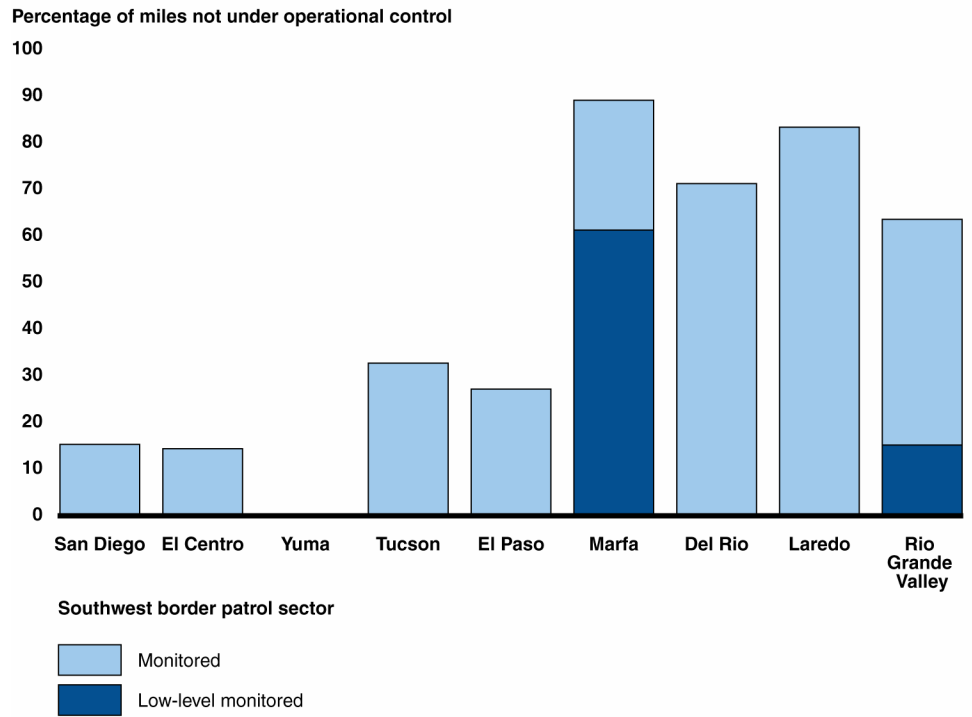
about 40 percent were turned back across the border sometime after entry, and about 10 percent were “got aways.”⁹

Nearly two-thirds of the 1,120 southwest border miles that had not yet achieved operational control were reported at the “monitored” level, meaning that across these miles, the probability of detecting illegal cross-border activity was high; however, the ability to respond was defined by accessibility to the area or availability of resources (see fig. 5). The remaining miles were reported at “low-level monitored,” meaning that resources or infrastructure inhibited detection or interdiction of cross-border illegal activity. Border Patrol reported that these two levels of control were not acceptable for border security.¹⁰

⁹ “Got aways” are defined as persons who, after making an illegal entry, are not turned back or apprehended.

¹⁰ None of the southwest border miles was classified at the lowest level of control—remote/low activity—which occurs when information is lacking to develop a meaningful border control strategy because of inaccessibility or lack of resources.

Figure 5: Southwest Border Miles That Were Not under Operational Control of the Border Patrol by Level of Security, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

DHS's Transition to New Border Security Measures May Reduce Oversight and Resources Requested for the Southwest Border

DHS is replacing its border security measures, which could temporarily reduce information provided to Congress and the public on program results. Border Patrol had established border miles under effective control as an outcome measure of border security operations between the ports of entry under the Government Performance and Results Act of 1993 (GPRA).¹¹ DHS plans to improve the quality of border security measures by developing new measures that reflect a more quantitative methodology to estimate outcomes. CBP is developing a new methodology and measures for border security, which CBP expects to be in place by fiscal year 2012.

The absence of measures for border security outcomes in DHS's *Fiscal Year 2010-2012 Annual Performance Report* may reduce oversight and DHS accountability. DHS reported that until new measures of border security outcomes are in place the department will report interim measures of performance that are to provide oversight and accountability of results on the border. However, these measures of performance output, such as the number of apprehensions on the southwest border between the ports of entry, do not inform on program results and therefore may reduce oversight and DHS accountability.¹² Studies commissioned by CBP have documented that the number of apprehensions bears little relationship to effectiveness because agency officials do not compare these numbers to the amount of illegal activity that crosses the border undetected.¹³

As of February 2011 CBP did not have an estimate of the time and efforts that are needed to secure the southwest border as it transitions to a new methodology for measuring border security. In prior years, Border Patrol sectors annually adjusted the estimated resource requirements that they

¹¹ Under GPRA, agencies are required to hold programs accountable to Congress and the public by establishing program goals, identifying performance measures used to indicate progress toward meeting the goals, and using the results to improve performance, as necessary. This information is publicly reported each year in the department's performance accountability report. Outcome measures offer information on the results of the direct products and services a program has delivered.

¹² Other performance measures the Border Patrol plans to report on include deployment of Border Patrol agents and joint operations on the southwest border. These measures, which focus on the quantity of direct products and services a program delivers rather than program results, are classified as output measures.

¹³ For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Va.: Oct. 18, 2005).

deemed necessary to achieve operational control. Under the new methodology, Border Patrol headquarters officials said that sectors are to be expected to use the existing personnel and infrastructure as a baseline for the agency's defense in depth approach and focus requests for additional resources on what is necessary to respond to the sectors' priority threats for the coming year. DHS, CBP, and Border Patrol headquarters officials said that this approach to securing the border is expected to result in a more flexible and cost-effective approach to border security and resource allocation based on changing risk across locations. As a result, Border Patrol headquarters officials expect that they will request fewer resources to secure the border. We will continue to assess DHS's efforts for measuring border security and plan to report our final results later this year. DHS generally agreed with the information in this statement and provided language clarifying the agency's rationale for replacing border security outcome measures and technical comments, which we incorporated as appropriate.

Chairwoman Miller, this completes my prepared statement. I would be happy to respond to any questions you or members of the subcommittee may have.

GAO Contacts and Staff Acknowledgments

For questions about this statement, please contact Richard M. Stana at (202) 512-8777 or stanar@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this statement included Cindy Ayers, Barbara A. Guffy, Brian J. Lipman, and Lara R. Miklozek.

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