welcome in the United States can be processed more quickly and more efficiently without jeopardizing an individual's privacy. The increased efficiencies brought to the process mean that national security can be enhanced without sacrificing legitimate travel and trade. US-VISIT is a critical component of the Department's strategy for achieving its goals of preventing terrorist attacks on the United States and facilitating the movement of legitimate people and cargo. By accomplishing these goals while protecting privacy rights, and achieving efficiencies in governmental operations, US-VISIT continues to contribute to the overarching goal of achieving organizational excellence.

Question: How does US-VISIT represent an effective deployment of limited taxpayer resources in the war on terror if no terrorists have been apprehended through the program?

Answer: Interdiction of terrorist travel is a key recommendation of the 9/11 Commission. The successful nationwide deployment of US-VISIT biometric entry capabilities in such a short time earned a grade of "B" from the Commission.

Through biometrics, US-VISIT has already identified a number of known threats to the United States and continues to provide a strong deterrent for the known and unknown threat, which is difficult to quantify. Additionally, biometrics increases the ability of DHS to identify legitimate travelers and immigration benefit applicants, which make up the vast majority of individuals' DHS encounters. Differentiating between those who are legitimate and those who are not or unknown allows the Department to focus on individuals who may pose a threat.

Biometrics are unique physical characteristics. Unlike names and dates of birth, they cannot be changed. Therefore, they help deprive known and unknown terrorists, as well as criminals and immigration law violators, of two of their most valuable tools for international travel: fraudulent documents and identity theft.

The fear of detection from biometric matching not only deters a criminal or terrorist from entering the United States through our ports of entry, but also from procuring a visa to travel to our country in the first place. In this way, US-VISIT meets the 9-11 Commission's recommendation of making travel for terrorists more difficult.


SECURE BORDER INITIATIVE

WITNESSES

W. RALPH BASHAM, COMMISSIONER, CUSTOMS AND BORDER PATROL
GREGORY GIDDENS, SBINET PROGRAM MANAGER
DAVID AGUILAR, CHIEF OF THE U.S. BORDER PATROL
JAYSON AHERN, ASSISTANT COMMISSIONER FOR FIELD OPERATIONS
RICHARD STANA, GAO
RANDOLPH HITE, GAO

OPENING STATEMENT OF SUBCOMMITTEE CHAIRMAN DAVID PRICE

Mr. PRICE. The hearing will come to order. Good afternoon, everyone. We will start this hearing focusing on U.S. Customs and Border Protection. We will be discussing the fiscal year 2008 budget for CBP with particular emphasis on its efforts under the Secure Border Initiative.

We welcome Commissioner Ralph Basham in his first appearance before this subcommittee since assuming his position last year. With the Commissioner is Mr. Gregory Giddens, the Executive Director of the Secure Border Initiative, Border Patrol, Chief David Aguilar and Assistant Commissioner for Field Operations, Jayson Ahern. Testifying for the Government Accountability Office, which has been looking at SBI plans closely for us, is Richard Stana, Director for Homeland Security and Justice Issues, Randolf Hite, GAO Director for Information Technology Architecture and Systems Issues, joins him at the witness table. We welcome all of you for a vigorous examination of what we are doing and what we have yet to do to improve border security.

This is a particularly timely hearing, as members of this subcommittee recently viewed border patrol efforts from Arizona to California. And I want to thank the Commissioner and Mr. Giddens for joining us for parts of our visit which help to provide us with common ground for today's hearing. We observed border control efforts where significant funding is being directed to increase staffing, fencing and other security infrastructure and where the terrain and the vulnerability and the community interests vary a great deal. We were impressed by the dedication and the efforts of the CBP personnel we met and we were also impressed by the technology that is helping make them more effective. But I have to say we also gained an appreciation of the true scope of the challenges they still face.

In his poem, "Mending Wall," Robert Frost remarked, "Before I built a wall I'd ask to know what I was walling in or walling out, and say - what is it you are against?" Many have shared this statement about walls that divide people from ancient China to World War II Berlin. Sometimes though we hear the contrary
sentiment when it comes to securing our borders. The same poem, remember, says "Good fences make good neighbors."

Customs and Border Protection have grown dramatically since its first appropriation in fiscal 2004 from $4.9 billion in discretionary funding to $8.3 billion in fiscal 2008 request. That is an 80 percent increase. Within this agency, much of the increased funding has been directed to the Border Patrol, which has grown from 10,500 officers at the beginning of fiscal 2004 to more than 12,300 at the end of fiscal 2006. By January of 2009 the total number of agents is expected to rise to 18,319, a 75 percent increase overall. We will discuss other growing programs, especially those dealing with trade, during our Container Security hearing next week.

Many people would argue that these new investments in border security are long overdue. Others would question the current investment strategy, arguing that border security cannot be viewed in isolation from the economic pressures that continue to encourage illegal immigration. At the end of the day, however, our goal must be to control who enters the country, and our means of achieving this goal must be to do what works.

The Department and some of us in Congress have stressed the need for a comprehensive solution that includes a foreign worker program, that includes other ways of reducing the disparity between our labor market needs and official immigration policy, as well as the improvement of interior enforcement and enhanced enforcement capability at the border. The focus of today’s hearing is on the latter, particularly in the form of the Secure Border Initiative.

The border security fencing and infrastructure technology account has received $1.55 billion to date with the request for $3 billion more, representing 11 percent of the agency’s fiscal 2008 budget. There are a number of questions associated with SBI that have yet to be answered before we invest additional resources in it, and in addition $400 million in fiscal 2007 funding remains unavailable for obligation pending approval of the SBI expenditure plan. We will discuss the management and use of SBI funds in today’s hearing.

Our subcommittee is responsible for ensuring the large contracts that you award are overseen closely and that we know up front what we are buying. We are keenly aware of the mixed results sometimes produced by other contracts, including some that are not yet ready for evaluation. Furthermore, we are concerned that the SBI plans many of the benefits of which exceed the cost.

Commissioner, while the country wants and needs secure borders, I know you understand we can’t just throw money at the problem. We have to get it right the first time and plan for the long term. You have been told in the past that quick fixes to problems that have decades in the making.

In our travels last week, we encountered many of the thousands of the dedicated CBP personnel who put their lives on the line every day as they strive to protect the integrity of our borders and keep us safe. It is precisely that dedication, that willingness to keep them safe that we must proceed carefully and deliberately.
Now I realize the enormity of that challenge, but to Commissioner Basham and those of you from CBP, I say the time is now. There has got to be a man-made solution. You have the backing of the American people and the Congress to do what it takes to overcome border security that our great Nation both needs and deserves.

On a final note, I want to stress that we are reviewing a system. This is a man-made problem, so there is more to it than meets the eye. You have the backing of the American people and the Congress to do what it takes to overcome this situation.

Thank you, Mr. Chairman.

Mr. Fucillo, thank you very much. I will now proceed with your statements. Commissioner, Mr. Basham, and Mr. Smith, if you could summarize your statements in 5 or 6 minutes, I will end the discussion and then roll the floor. Thank you for your input. Mr. Chairman, welcome.

STATEMENT OF COMMISSIONER W. RAFAEL BASHAM

Mr. Chairman, thank you. As you pointed out, the Committee has before it the 2007 appropriations bill for the Department of Homeland Security. I want to begin by thanking the Subcommittee for the opportunity to discuss CBP's enforcement mission and resources. I am pleased to have the opportunity to discuss CBP's program management and measures to ensure the integrity of our borders.

First of all, let me begin by thanking the subcommittee for the strong support you have provided for CBP's important enforcement mission. The 2007 appropriations bill has enabled CBP to make significant progress in securing our borders and protecting our homeland. This progress is evident in the decrease in illegal crossings and the increase in seizures of illegal drugs and illegal merchandise. CBP's efforts to prevent illegal entry and travel by balancing security and fluidity have been effective.

Every day, the CBP officers, border patrol agents, agricultural specialists, air and marine officers, and support staff work together to perform one of the most critical missions of any Federal agency. CBP officers and agents are responsible for preventing the illegal entry of aliens, illegal drugs, and illegal merchandise into the United States. They must do so without interfering with the flow of legitimate trade and travel.

Mr. Chairman, thank you.
When asked what we are gaining and stand to gain with SBI and SBInet, I would like to cite an example you are familiar with, Mr. Chairman, because you witnessed this firsthand during your trip to the border last week. At an extremely remote area in the Arizona desert, we deployed a mobile ground-based radar system developed by the military. With that technology, the border patrol agent operator can detect and classify movement over a huge expanse of this remote area. Along the border and in a nearby area we have also deployed some vehicle barriers. Before this technology and infrastructure was deployed our border patrol agents were observing over 800 illegal aliens a week crossing our border. Vehicle drive-throughs in nearby accessible areas were common and the agents' technology consisted of field binoculars and radios. Since we have deployed this particular mix of technology and infrastructure in that area, illegal entries have dramatically dropped. And as you will recall, Mr. Chairman, when we visited that area, there had not been an attempted entry in that area for over 36 hours.

In conclusion, the vision of SBInet is to use the right mix of 21st century technology, personnel and tactical infrastructure to gain control of our borders. I am convinced that with the continued support of SBInet and Congress, a sustained commitment of the administration to a comprehensive approach and the hard work of the men and women of Customs and Border Protection, we can and will secure our Nation's borders. Thank you for this opportunity to appear here today.

We will be happy to answer any questions you may have. Thank you.

[The statement of Mr. Basham follows:]
going to be a need for new processing, it will go before the General Service Administration, as well as Border Protection, to make a recommendation.

But one of the other points, I would suggest, is that currently some of the ports in the areas you are talking about are not operating at full capacity to begin with. We always stand ready to expand our current hours of service, if they are not 24 hours at the ports if the need is there. And we do our assessments by the workload.

Mr. RODRIGUEZ. But the Class B crossings?
Mr. AHERN. Class B crossings?
Mr. RODRIGUEZ. The small—I have three, and my understanding is that that is how you define them.
Mr. AHERN. I am not familiar with Class B.
Mr. RODRIGUEZ. Can you please look into that, because we have already devastated some of those towns, you know? And we lost—whatever positive relationships we had with them is almost gone. And we have created now a situation, you have a ghost town down there where drugs could—you know, they have been coming, and they could stay there; and we don’t know that there are anymore, because they don’t communicate with them anymore and we don’t communicate with them anymore.

Mr. AHERN. So these would be legitimate ports of entry?
Mr. RODRIGUEZ. They were crossings until 9/11, and they used to come across; and they have family on this side, just like the Canadian side does. It is very discriminatory in terms of what we have done in those areas. So please look into it.

THE NEED FOR FENCING ALONG THE BORDER

Let me ask you about the fence. On the fencing, and I see where there is a need for—as I went through Arizona and some of those areas for barriers against cars, and I can understand where there is a real need in some areas.

But, you know, Mexico is our number one trading partner. And some areas there, I know that and I know the rationale for it, it gives you a little more time to catch them and all of that kind of thing. But in some cases, I don’t see the need in some of those areas that you have indicated. I have only seen the map in terms of where you are proposing some of that. And next to some of our communities—in Del Rio, you know.

Mr. AGUILAR. There are two maps. One is a secure fence map which delineates mile by mile, point to point, what the Congress has asked us to take a look at. Then there is a map that delineates that we have used for operational purposes and where the fence makes operational sense. Those are areas where there is a buildup of criminal infrastructure on the south side, and they use it as a jumping-off point to the United States where a fence is absolutely critical in order to defend that area, along with other infrastructure and other technology and personnel.

Now, does the fence make sense in every part, every model of the 2,000 miles of the southwest border or the northern border? No, absolutely not. What we are working towards and what we are evolving towards, is what we call the virtual fence which is a combination of the technology that will give us the capability to literally take, track, and make—the enforcement information to classify, resolve and make the appropriate actions.

Do we need a fence along the entire southwest border? No. There will be certain pieces of the border that need the fence.

We have, Congressman, sat with everyone of the board of mayors, myself, the secretary. We have discussed this with them, and we have explained that we have no intent of fencing off their cities. We have an intent of placing fence where it makes operational sense to protect their cities, protect the States and protect the country.

Mr. PRICE. Thank you. Let us continue along this vein to make sure we are clear about your plans and what components of this effective control you are anticipating is in—in your planning is dependent on fencing.

The report that you have recently made says that 345 miles of the Southwest Border, 12 miles of the Northern Border, are under effective control. Now, Commissioner, I understood you to say that you anticipate that 345 will be 970 miles under effective control after the 2008 expenditures. Is that the southwest border alone? Right?

Mr. BASHAM. Yes.
Mr. PRICE. What would the figure be for the northern border?
What would the 12 become?
Mr. BASHAM. Let me ask—do we have any current plans on—
Mr. GIDDENS. We don’t. The appropriations from 2007 to 2008 has applicability to the Northern Border in terms of deploying tech—
Mr. PRICE. I didn’t understand your answer. I am asking what the 12 miles of effective control would be 2 years hence, given your 2007 and 2008 expenditure plans.

Mr. GIDDENS. The expenditure plans for the SBI net did not include efforts on the northern border, so it would not have an impact on that.

Mr. AHERN. I would like to clarify, sir, that, specific to SBI-net, funding is not going to the north yet, but what is going to the north are the additional 150 Border Patrol agents out of 2008—the 150 from 2007 up to 500 for 2008.

In addition to that, we will be moving upwards of 1,000 sensors from the southern border onto the northern border. Because of the deployment of the SBI-net, we will no longer have that kind of utility, so we will have added personnel and added technology, albeit older technology, that we will be moving up there.

Mr. PRICE. So you are not prepared to say that X-number of miles will not be under control, given that activity?

Mr. AGUILAR. I will go as far as to say we will have that control. But how soon we can bring that technology up there, I cannot give you a figure, no, sir.

Mr. PRICE. Let us concentrate on the Southwest. We are talking about 970 miles of effective control. Now, that would include presumably a total of 370 miles of pedestrian fence, 75 that exists now plus 295 miles additional. It would include the 200 miles of vehicle fence, and then some 400 miles secured by virtual fence or other
I want to—I want to get you to comment on the degree to which your plans rely on fencing, as opposed to these other ways of surveilling and apprehending, and also the cost of it. And I eventually want to get to Mr. Stana and the question of life-cycle costs.

But I do want to include in the record at this point, if you can furnish it for us, where you anticipate the pedestrian fence will be and the vehicular fence will be at the end of the 2008 cycle.

[The information follows:]
OPTIMAL USE OF RESOURCES IN FENCING THE BORDER

Mr. Price. I would like for you now, if you will, to express, is this the best possible use of these funds—that is the bottom line—compared to other ways we might secure the border even? And you are obviously going way beyond the urban strategy, which we are often told is the place where the fence is. The optimal way of the border, you are going way, way beyond that. Why is that? Why is that?

This 295 miles of pedestrian fence worked out to something like $3 million a mile, but they vary a whole lot. The cost varies a whole lot depending on location. We saw areas near San Diego, such as this Smugglers Gulch where it is tens of millions, of course.

So what is the rationale, and is that amount of pedestrian fence the best conceivable use of these funds, you know, assuming limited resources and competing priorities?

Mr. Aguilar. Let me begin with, this year we are going to build 70 miles of fence in addition to what is already on the ground, which was about 72 when we started the year.

[Clerk's Note.—The agency clarified that this number should be 75.]

We are committed to building 225 in the calendar year 2008. That will give us up to 370.

The vast majority of that fence will be in our urban, or immediate areas to urban, areas of operation. There will be some that will be out, for example, in the Barry M. Goldwater area of operation. The Barry M. Goldwater area of operation is very critical because, as this committee has heard in the past, any entry into that area will actually impact upon the last remaining, as we understand it, active military firing range that our troops have in order to practice before the deployment forum. So it is going to be in critical areas of operation.

Those 370 miles will then be supported by the technology and the virtual technology fence that SBInet will bring to the table as we continue expanding. We will actually have fence on the ground before we get the virtual fence built throughout. So it is an immediate fix for an immediate problem that would then evolve to the virtual fence, for the SBInet, for the remainder of the southwest border.

Mr. Price. What are you saying, though? That some portions of this fence are a short time expedient? Certainly sinking a lot of investment into these structures.

Mr. Aguilar. In some cases yes, sir. It is short-term. It is immediate. It is being built today, as we speak, in areas that will absolutely require that kind of infrastructure to support the agents that are on the ground.

Mr. Price. Well, what is the time frame for what you are implying is a more satisfactory long-term solution? After all, you are anticipating that at the end of fiscal year 2008 we will have something like 400 miles of the border under effective control by other means, without fencing.

Mr. Aguilar. It will be a combination. There will be some—

Mr. Price. I don't want to leave this committee with the idea that SBInet will not include pedestrian fence or vehicle barrier.
Mr. PRICE. We understand that. The question is, how much and how soon. And also what kind of time frame we are looking at for the virtual fence technologies that you are talking about.

Mr. GIDDENS. Sir, if I might, as you indicated, by the end of calendar year 2008 we will have a cumulative total of 370 miles along the fence.

Mr. PRICE. Pedestrian fence?

Mr. GIDDENS. Yes, sir. We will also have 200 miles of vehicle barrier. By the end of calendar year 2008, we will have 642 miles of the technology solution along the southern border.

Mr. PRICE. I understand that. But what I am trying to get is the leverage points in order to gain control of the border.

Mr. GIDDENS. Well, there has been a lot of political emphasis on the fence as we are well aware; and what I am trying to get is the fence so that we are talking about. The Chief seems to suggest that it is not in some areas, but yet it is being put down because the technology is some years away. The technology seems to be quite well developed in many instances; it is a matter of delayed deployment.

I still don’t understand the number of miles of pedestrian fence we are talking about here where so much of this territory—I have a map here, and as I say, we are going to put this in the record. So much of this territory doesn’t seem to fit this specification for a fence.

Mr. AGUILAR. Yes, sir. Let me see if I can clarify.

The 370 miles of fence that are going to be built by the end of calendar year 2008 are not linear in the sense that—linear, continuous miles. They are going to be built specific to areas of operation along the entire southwest border. There will be some areas, urban areas, of absolute necessity, where we need pedestrian fence. There will be some areas where we will build in the immediate for expediency, for protecting the border because we have agents on the ground before we have the virtual fence deployed to those areas.

Now, as the virtual fence is applied, the technology is applied, we will then maximize the utility of our officers that are on the ground. The fence become obsolete? No. Will it become a part of the border, yes, that will support agents. What we are looking for Boeing to do is to develop the solution to see through that carrizo cane or get that carrizo cane out of the way if we can do that.

That is the kind of approach we are taking instead of leaving it without a solution in the immediate.

Mr. BASHAM. I would like to follow up, Mr. Chairman.

The fence is not the single strategy. It is going to be a layered strategy. Even if we build the fence, it will be backed up by the infrastructure, the roads. It will be backed up by agents and other types of technology.

The committee, when you provided us with the funding, the $1.4 billion gave us flexibility in where we apply the virtual fence versus the—obviously, the physical structure of a fence. But where we are putting fence does not mean that we are going to plant the flag in the ground and say, we built the fence and now we have the solution for the effective control of that particular area. So I am not under the impression that we are putting fence anywhere just for the sole purpose of having the fence there without having anything to back that up, either from technology or from the infrastructure—human resource piece of it.

Mr. PRICE. All right. We need to turn to other members, but I would appreciate your furnishing for the record a more—not only a map, but a more detailed accounting of the choices you have made in terms of the pedestrian fence over these next—and through fiscal year 2008, a justification of why these areas and why this technology and not others.

But the main thing I am looking for is, why these 295 additional miles in these locations? And I will leave for the record if—I think I will leave for the record the question about life-cycle costs. But I would also appreciate your estimates of the life-cycle costs of the fencing that you are proposing for 2007 and 2008.

And, Mr. Stana, if you could, for the record, elaborate the kind of life-cycle cost methodology you expect to see CBP using to make such an analysis.

[The information follows:]

Question by Mr. Price. “And, Mr. Stana, if you could, for the record, elaborate on the kind of life-cycle cost methodology you expect to see CBP using to make such an analysis.”

Response: Though we are not in a position to recommend any particular life-cycle cost methodology, we have studied the use of life-cycle costing, also known as total ownership costs, at the Department of Defense (DOD) and at leading commercial companies. In a report we issued in 2002, we compared the approach used by DOD with the best practices in life-cycle costing used by companies that also develop and deploy complex systems. We identified a number of key best practices used by those companies in our report, which is summarized below. These practices are: (1) Best Practices: Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs, GAO-02-355T, Feb. 2002.

As an example, Congressman Rodriguez, we have heavy carrizo cane in Texas and Boeing is still looking for a solution to look through that carrizo cane. There are going to be some areas through that carrizo cane. There are going to be some areas that would need us to raise a fence or vehicle barrier in order to protect that part of the border, yes, that will support agents. What we are looking for Boeing to do is to develop the solution to see through that carrizo cane or get that carrizo cane out of the way if we can do that. That is the kind of approach we are taking instead of leaving it without a solution in the immediate.
about operating and support cost drivers in the previous product. Commercial product developers maintain high standards for reliability, using proven technologies to achieve critical performance requirements. They find an evolutionary development process is critical to reducing operating and support costs and achieving high readiness. Emphasis is placed on reducing the number of parts in a design so there is less to maintain, using standardized parts that are readily available in the industrial base and using open systems to maintain competition. Once the product is delivered to the customer, maintainers keep detailed records on its reliability and the cost of its maintenance and support. Importantly, information on the products' performance is communicated back to the developer to be used to improve the product.

Mr. PRICE. Mr. Rogers. Mr. ROGERS. Well, Mr. Chairman, the expenditure plan that has been submitted, I don't know whether it has been made a part of the record or not. Maybe it should be. In fact, I would move that we incorporate it.

Mr. PRICE. Without objection, we will.

[The information follows:]