Statement for the Record

U.S. Senate Homeland Security & Governmental Affairs Committee

"Securing the Border: Fencing, Infrastructure and Technology Force Multipliers"

May 13, 2015

Founded in 1982, the National Immigration Forum (Forum) works to uphold America's tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

Introduction

The National Immigration Forum (the Forum) thanks the Committee for the opportunity to provide its views on this hearing to discuss the matter of American border security. While it is important to consider what technology and infrastructure is needed at the border, we believe that passing broad immigration reform would have the most significant impact on border security. Heads of border agencies under both Republican and Democratic Administrations have stated that the best way to improve border security is to fix the immigration system by providing legal avenues for workers to enter the United States when needed and allow families to reunify. We urge the members of the Committee not to lose focus on the on-going need to fix our broken immigration system through broad reform that includes a path to eventual citizenship.

We maintain relationships with the faith, business and law enforcement communities all across the country as well as with local non-governmental organizations. Our relationship with individuals outside of the Beltway, especially those in border states helps inform our views on border security. Based on conversations with these individuals, it is clear that our country needs sound border security policies and effective enforcement that is humane and transparent and takes into account the impact on the 15 million people who live along our borders. Smart enforcement and border security, coupled with immigration reforms that promote legal immigration, can improve security at the border and make our ports of entry more efficient for commerce. Moreover, this will allow law enforcement and border officials to put fewer resources toward economic migrants and more resources toward the true criminal and terrorist threats.

Congress must avoid repeating the mistakes of the 1986 Immigration Reform and Control Act, which resolved the status of most undocumented immigrants but failed to provide for adequate future flow of legal immigrant labor. That oversight more than anything contributed to the

continued flow of undocumented immigrants into the country. Last summer's influx of unaccompanied children and families was not due to a lack of enforcement at our border, but rather, it is because the antiquated immigration system is not set up to deal with the humanitarian crisis in Central American and the unexpected influx of women and children seeking refuge.

On Capitol Hill, "border security first" is a common refrain in any conversation about immigration reform. Senate bill S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, mandated that an additional $38 billion be spent on border security and that the size of the border patrol be doubled. This approach failed to take into account the progress already made at the border and that U.S. border cities are statistically safer than other cities in their state. At the same time, S. 744 did set achievable conditions for legalization to move forward. The Forum has written extensively on the need for smart enforcement at our nation's borders. To see a more detailed analysis on smart enforcement at our borders please see the Forum's papers: "What Does Smart and Effective Enforcement Look Like?", "The 'Border Bubble': A Look at Spending On U.S. Borders" and "Cut Here: Reduce Wasteful Spending on Immigration Enforcement."

Current State of Technology, Infrastructure and Fencing at Border

The Office of Border Patrol (BP), a department within CBP, is the primary federal law enforcement organization responsible for detecting and preventing undocumented immigrants, terrorists, and contraband from entering the United States. In carrying out its mission, BP relies heavily on fencing, infrastructure and technology.

In recent years, there has been an incredible amount of progress increasing the level of enforcement at our borders. Currently, the entire Southwest border is either "controlled," "managed," or "monitored" to some degree. A record 21,370 Border Patrol agents continue to be stationed at the border, a number that does not include the thousands of agents from other federal agencies, including the Drug Enforcement Agency (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Federal Bureau of Investigations (FBI), and other agencies, supplemented by National Guard troops.

651 of the 652 miles that the Border Patrol feels is operationally necessary has been built. The fence now covers almost the entire length of the border from California to Texas. There is double fencing in many areas. CBP relies heavily on technology in order to secure the United States' borders and ports of entry.

CBP now has 273 Remote Video Surveillance Systems with day and night cameras deployed on the Southwest Border. In addition, the agency relies on nearly 12,000 underground sensors 40 Mobile Surveillance Systems and 178 mobile video surveillance systems which are truck-mounted infrared cameras and radar. CBP has also sent Mobile Surveillance Systems, Remote Video Surveillance Systems, thermal imaging systems, radiation portal monitors, and license plate readers to the Southwest Border. CBP also currently operates over 100 aircraft and 8 Predator B unmanned aerial providing surveillance coverage of the Southwest border across Arizona, New

Mexico, and Texas along with 84 marine vessels. All of additional fencing, infrastructure, technology and boots on the ground are record levels for CBP.

Virtual Fencing

For the past seventeen years, DHS (and previously the Immigration and Naturalization Service) has been attempting to implement new technologies to secure the border, including attempts to create a "virtual border fence."[1] While it has made use of technologies developed by the Department of Defense, DHS has also commissioned its own border-specific equipment, with limited success.[2]

Integrated Surveillance Intelligence System (ISI System)

In 1997, the Clinton Administration implemented the Integrated Surveillance Intelligence System (ISI System) which promised to extend the reach of border patrol agents with "digital eyes and ears", at the border.[3] However, the program fell short of its stated goals. An audit of the ISI System uncovered dubious contracting practices, inadequate equipment and misuse of operations support centers.[4] Auditors found "little or no work performed" at one equipment maintenance and operations support center, even though $6.7 million was annually allocated to support the services the center supposedly provided.[5] Further, the government awarded the $43 million contract to International Microwave Corporation (IMC) without the benefit of competitive bidding.[6] According to a 2005 OIG Review, even though the ISI System showed issues with delays and inadequate integration into larger BP strategy, it was nevertheless incorporated into the next DHS virtual fence project, the America's Shield Initiative (ASI).[7]

In 2004 DHS deployed ASI, which utilized components of the ISI System in a similar attempt to create a virtual fence using radar, sensors and cameras.[8] However, a Review Board found less than a year later that ASI failed to integrate into the larger border control strategy.[9] A 2006 GAO report found ASI lacked adequate definitions of professional positions; as of August 2005, only 3 of 47 program office positions had defined roles and responsibilities.[10] A separate OIG review also described how the Remote Video Surveillance (RVS) system, which was managed under the ISI System and ASI, exhibited numerous problems, included lack of integration between cameras and

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[1] G. W. Schulz. "CIR obtains report describing past border surveillance program" The Center for Investigative Reporting, May 24, 2010. Available at http://cironline.org/blog/post/cir-obtains-report-describing-past-border-surveillance-program-715.

[2] Department of Homeland Security. "Report on the Assessment of the Secure Border Initiative-Network (SBI*net*) Program" 2011. Available at http://www.globalexchange.org/sites/default/files/DHS_Report.pdf

[3] Id.

[4] G. W. Schulz. "CIR obtains report describing past border surveillance program" The Center for Investigative Reporting, May 24, 2010. See note 1 above.

[5] Id.

[6] Id.

[7] Department of Homeland Security, Office of Inspector General. "A Review of Remote Surveillance Technology Along U.S. Land Borders." December, 2005. p. 1. Available at http://www.oig.dhs.gov/assets/Mgmt/OIG_06-15_Dec05.pdf

[8] United States Government Accountability Office, Report to Congressional Committees. "Border Security: Key Unresolved Issues Justify Reevaluation of Border Surveillance Technology Program. February, 2006. p. 7-8. Available at http://www.gao.gov/assets/250/249053.pdf

[9] Id.

[10] Id.

sensors and cost overruns.[11] Ultimately ASI wound up costing taxpayers $163.6 million dollars before it was cancelled. As of 2005, the government had spent approximately $340 million on the ISI System and ASI.[12]

Secure Border Initiative (SBI)

The following year, in another attempt to implement a virtual border, DHS's Customs and Border Protection (CBP) initiated the Secure Border Initiative (SBI), a multiyear, multibillion-dollar program aimed at securing U.S. borders and reducing illegal immigration.[13] The project was set to be constructed along the entire 2,100-mile Southwest border, and in 2010, CBP deployed SBI*net* systems (1st block), at a cost of almost $1 billion along 53 miles of Arizona's 387-mile border with Mexico.[14] CBP intended for the SBI*net* program to include technologies such as fixed sensor towers, a common operating picture and tactical infrastructure to enhance CBP's capability to detect, identify, classify, track and respond to illegal breaches at and between land ports of entry.[15]

Like previous programs, the GAO 2011 assessment of SBI*net* and SBI concluded that CBP had not developed adequate performance metrics justifying additional funding or demonstrating the effectiveness of virtual fence technologies[16]. Further, the report questioned the cost-effectiveness of SBI*net*, as well as the ability of the program to perform within its allocated budget and planned timeline.[17] After five years and nearly one billion dollars, SBI*net* only covered 2.5% of the total border—a mere fifty-three miles.[18] Then Secretary of DHS Janet Napolitano, in January of 2011, issued a directive to CBP to scrap the program — cancel any further procurement of SBI*net* systems — and use existing technology to create a cost effective alternative.[19]

Integrated Fixed Towers

In 2011, while everyone thought that SBI and SBI*net* and its programs were dead, CBP developed the Arizona Border Surveillance Technology Plan (the Plan). The Plan, funded at $242 million for fiscal year 2012, and with a 10-year life-cycle cost estimate of $1.5 billion, would implement Integrated Fixed Towers (IFTs), Remote Video Surveillance Systems and Mobile Surveillance Capability along the remainder of the Arizona border. Unlike SBI, the Plan's use of IFTs would be tailored specifically to individual regions along the border, and not integrated in a "one size fits

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[11] Department of Homeland Security, Office of Inspector General. "A Review of Remote Surveillance Technology Along U.S. Land Borders." December, 2005. p. 1. See note 7 above.
[12] Id.
[13] United States Government Accountability Office, Report to Congressional Committees. "Arizona Border Surveillance Technology: More Information on Plans and Costs is Needed before Proceeding." November, 2011. p. 2. Available at http://www.gao.gov/assets/590/586102.pdf.
[14] Id.
[15] Id.
[16] United States Government Accountability Office, Report to Congressional Committees. "Arizona Border Surveillance Technology: More Information on Plans and Costs is Needed before Proceeding." November, 2011. p. 28. See note 1 above.
[17] Id.
[18] Id.
[19] Department of Homeland Security. "Report on the Assessment of the Secure Border Initiative-Network (SBI*net*) Program" 2011. p. 7-9. Available at http://www.globalexchange.org/sites/default/files/DHS_Report.pdf

all" solution to border surveillance.[20] Responding to other criticisms, a DHS report stresses the Plan would utilize competitive awarding of contracts and cost-effective procurement of equipment.[21]

However, similarly to their previous analyses of virtual fence programs, GAO concluded in a 2011 report that CBP's Plan does not have a robust cost estimate — one that includes a level of confidence and quantifies the impact of risk[22] — and recommends that CBP document the analysis justifying the technologies proposed in the Plan, determine its mission benefits, conduct a post-implementation review of SBI*net* and determine a more robust life-cycle cost estimate for the Plan.[23]

In 2012 CBP issued a solicitation for contractors to implement the Integrated Fixed Towers (IFTs) project. Now, DHS reports that it has developed plans for IFTs that will cost only $750 million for the rest of the Arizona border (323 miles), by capitalizing on existing technology and using competitive bidding.[24] To that end, in February of this year CBP award a $145 million contract for IFTs along the Southwest border.[25] CBP stresses the helpfulness of IFTs in aiding Border Patrol agents and enforcing border security more generally. However, the GAO report details several issues that sound extremely familiar to anyone following the "virtual fence" saga over the past decade. Lack of integration into larger border control strategy, failure to effectively evaluate maintenance and environmental costs and inadequate performance metrics continue to be problems that GAO finds in the DHS virtual fence program.[26]

The latest GAO report, issued in March 2014, is again critical of CBP for not developing an Integrated Master Schedule (IMS), which would allow evaluation of the utility and effectiveness of the many different aspects of the Plan.[27] GAO also urges CBP to revise its IFT test plan to better account for environmental factors and durability of equipment, as well as cost of maintenance.[28] While CBP plans on testing IFTs according to mission contributions, it currently doesn't consider environmental variability and equipment effectiveness. Both recommendations for an IMS and revised IFT test plan were rejected by DHS. DHS did concur with four other recommendations, including better management of scheduling and cost estimates.[29]

[20] United States Government Accountability Office, Report to Congressional Committees. "Arizona Border Surveillance Technology: More Information on Plans and Costs is Needed before Proceeding." November, 2011. p. 2. Available at http://www.gao.gov/assets/670/661570.pdf

[21] Department of Homeland Security. "Report on the Assessment of the Secure Border Initiative-Network (SBI*net*) Program" 2011. p. 7-9. See note 19 above.

[22] United States Government Accountability Office, Report to Congressional Committees. "Arizona Border Surveillance Technology: More Information on Plans and Costs is Needed before Proceeding." November, 2011. p. 20-23. See note 20 above.

[23] Id.

[24] Department of Homeland Security. "Report on the Assessment of the Secure Border Initiative-Network (SBI*net*) Program" 2011. p. 2. Available at http://www.globalexchange.org/sites/default/files/DHS_Report.pdf.

[25] Homeland Security News Wire, "CBP Awards $145 million Border Towers Contract to Elbit" March 6, 2014 available at http://www.homelandsecuritynewswire.com/dr20140306-cbp-awards-145-million-border-towers-contract-to-elbit

[26] United States Government Accountability Office, Report to Congressional Committees. "Arizona Border Surveillance Technology: More Information on Plans and Costs is Needed before Proceeding." November, 2011. p. 29. Available at http://www.gao.gov/assets/590/586102.pdf

[27] United States Government Accountability Office, Report to Congressional Requesters. "Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness." March, 2014. p. 20. Available at http://www.gao.gov/assets/670/661297.pdf

[28] Id.

[29] Id.

Recommendations

The National Immigration Forum recommends the following:

> **Fix our broken immigration system**: Passing broad immigration reform would have the most significant impact on border security. Heads of border agencies under both Republican and Democratic Administrations have stated that the best way to improve border security is to fix the immigration system by providing legal avenues for workers to enter the United States when needed and allow families to reunify.

- **Develop new border security metrics that are transparent and focus on outputs:** DHS needs to adopt transparent metrics to measure border security. When we talk about border security the current discussion centers on input measures such as how many miles of fencing have been built, how many drones are flying or how many boots on the ground we have, but this does not truly measure border security. DHS needs to move away from these measures and focus on output measures that actually assess achievements and progress. DHS actually has some of these metrics but the current lack of publicly available and consistent metrics has greatly contributed to the public's lack of clarity surrounding our nation's border security. It has also made it difficult for members of Congress to hold the agency accountable and to know what additional resources are needed or unnecessary in order to secure our border.

Conclusion

Our country needs effective enforcement that is humane and transparent and takes into account the impact on the 15 million people who live along our borders. Smart enforcement and border security, coupled with immigration reforms that promote legal immigration, can improve security at the border and make our ports of entry more efficient for commerce. Moreover, this will allow law enforcement and border officials to put fewer resources toward economic migrants and more resources toward the true criminal and terrorist threats. The American people want better immigration policy. We cannot simply spend or enforce our way to a solution on illegal immigration. Border security, while important, is only part of the picture. Immigration reforms that promote legal immigration and smartly enforce immigration laws can improve the security at the border, drying up the customers for criminal enterprises that prey on migrants, and letting our border agencies focus on more dangerous threats such as terrorists, drugs, weapons and money.

Our immigration problem is a national problem deserving of a national, comprehensive solution. The Forum looks forward to continuing this positive discussion on how best to move forward with passing broad immigration reform into law.