

House Homeland Security Subcommittee on Border and Maritime Security Hearing on Border Security Issues

Hearing Held on February 15, 2011

MILLER:

The Committee on Homeland Security, the Subcommittee on Border and Maritime Security will come to order.

The subcommittee is meeting today to hear testimony from the chief of the Border Patrol, Michael Fisher, Richard Stana -- he's from the Government Accountability Office -- and from Laredo, Texas, Mr. Mayor Raul Salinas, to examine the metrics that the Border Patrol uses to determine operational control of the border. And I'll now recognize myself for an opening statement.

First of all, I certainly want to welcome all of our witnesses, every -- every one of you. I had a chance to meet you all before the hearing. And I've had a chance to talk to the chief several times. And I appreciate, certainly, all of your service and particularly the chief with the Customs and Border Patrol, U.S. Border Patrol.

Your men and women on the front line working 24/7 tireless. And we -- on behalf of the entire Congress, I'm sure shares my -- my true -- truly, on the front line working so much to secure our nation's borders. So we appreciate this.

This hearing provides the opportunity to examine the concept of operational control of the border. And operational control has sort of become a buzz word of choice when describing how much or how little of the border the Border Patrol can effectively control. The American people rightly expect and demand that we achieve operational control of the border, that the preamble of the United States, of course, says that the first and foremost responsibility of the federal government is to provide for the common defense.

And I don't think we can provide for the common defense if we cannot protect the sovereignty of our nation by securing our borders. According to the Border Patrol, 1,107 miles are currently under effective operational control.

And today I want to explore the metrics that the Border Patrol utilizes when they announce that these miles are under operational control because, interestingly, in the budget justification documents, apparently there is not a plan to gain any additional miles for the rest of fiscal year 2011 or fiscal year 2012. And I'm sure there will be some questions raised about those documents.

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

Last week in this hearing room, Homeland Security Secretary Janet Napolitano said, "It's important to recognize that operational control is a very narrow term of art in border patrol lingo. It does not take into account infrastructure. It does not take into account technology, which is a force multiplier."

As well, she said that, "Operational control should not be construed as a kind of overall assessment of what's happening on the border." And if that is true, I would ask, should we even be using this to look at our effectiveness of our efforts to control the border. And how can we reassure the American people that their federal government is, in fact, accomplishing one of our principle missions?

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

We all understand the challenges that our nation faces along our southern border, but sometimes I feel that what's happening on the northern border does not get the attention that it deserves. And I'm looking very much forward to working with my ranking member, Mr. Cuellar, who he's an expert on the southern border. And I, of course, coming from Michigan, have the northern border of interest as well and a principle advocacy.

It was interesting last -- I guess, a couple of weeks ago now, actually, the GAO released their report, which said that we only had 69 miles of the northern border, which is less than 2 percent out of the 4,000 total miles, under operational control. And, of course, we've spent about \$3 billion on security along the northern border. So I'll be asking our witnesses today what they think about all of that.

And the situation on the southern border is not significantly better, according to the operational control miles. Currently, 873 miles under operational control out of almost 2,000 miles. And, of course, we hear stories almost every day about the rancher who was gunned down, the husband being killed on the lake that straddled the border, seasoned Border Patrol agent being ambushed, missionaries being targeted merely because they drove a newer type of truck, model of truck.

And so, Secretary Napolitano might say that the border is not out of control. I think some might beg to differ. And this committee will be looking into all of those kinds of things.

Actually, up until last year, the Department of Interior had some signage up in Arizona. We had had some photos of it before. I don't think we have them here now today. But the signs read, "Danger, Public Warning. Travel not recommended. Active drug and human smuggling area. Visitors may encounter armed criminals and smuggling vehicles traveling at high rates of speed. If you see suspicious activity, do not confront. Move away, and call 911."

This is in America. This is happening in America. It does not seem that that would be operational control of a border. It seems like we are ceding our sovereign territory to criminals.

So as well, I would argue that the American people do not believe that allowing hundreds of thousands each year to enter our nation illegally is consistent with having operational control. As the Border Patrol rightly points out, it will take a combination of things: technology, personnel, infrastructure to secure the border. There's no one-size-fits-all. And we'll be exploring all of those and what our proper priorities should be, on the committee as well.

So again, I look very much forward to hearing the witnesses' testimony. And at this time, the chair now recognizes the ranking minority member of the subcommittee, the gentleman from Texas, Mr. Cuellar, for his opening statement.

CUELLAR:

Thank you very much, Madam Chairman. First of all, I want to begin by congratulating you on the chairmanship of the Subcommittee on Border and Maritime Security. I enjoyed serving with you on this subcommittee in the 111th Congress. And I look forward to working with you in this Congress. So again, congratulations.

I know we have several areas of common interest, given that we represent border districts, one in the northern side that you represent and one on the southern part that I represent. And I think together we can work together to address the security of the United States.

I look forward to working with you to ensure that the Department of Homeland Security has the tools needed to secure our borders while it also ensures the free flow of legitimate trade and travel, which is the life bloods of so many border communities like yours and mine.

I would also like to welcome all the new members to our subcommittee, both Democrats and -- and Republicans. On the Democrat side, we're fortunate to have two northern border members, Representative Higgins and Representative Clarke also and also representing the coastal area, Representative Christensen also. So that way we can cover the north, the southern, of course, the coastal area also.

Given the knowledge of many of the issues before the subcommittee, I know that they will contribute a great deal to our work in the weeks and months. I certainly want to welcome our new members to this committee.

Today we are here to receive testimony of the DHS use of personnel, technology, infrastructure to gain operational control of the nation's border. One of the things that, certainly, we want to look at is that the United States has long attempted to obtain control of its border with varying degrees of success. One of the challenges surrounding the issue of operational control of the borders is defining the term itself, like you and I were referring to a few minutes ago.

I'm also hopeful that today's discussion will lead to a definite understanding of the term and our path forward regarding effective border policies and practices. DHS has increased its efforts in recent years to enhance border security. And we both, as Democrats and Republicans in Congress, have provided the resources necessary to help to do that, for example, the \$600 million, which is the largest infusion that we've ever put at border security that we did this last year.

In my home town of Laredo, we have firsthand knowledge of the challenges along the southern border and, of course, the responsibility to provide tools to enhance the border security. And I certainly want to hear from our -- our mayor on that particular point.

One thing I would also mention, Madam Chair and to the members of the committee, is to make sure that we understand the -- the work that we've done and understand some of the facts. I am from the home town. My family lives there. I go home every weekend. And certainly, I don't want to -- I want to make sure people don't think it's a lawless society down there, which it's not.

In fact, if you look at since 1990, crime in the nation's 24 border communities has dropped a dramatic 30 percent. You look -- and I'm sure Chief Fisher will talk about even the number of people coming across has gone down also for -- for different reasons. So I want to make sure that when we talk about some of the issues -- the missionary, the person that got killed on Falcon Lake, that we're talking about things -- that doesn't it make right -- but things that happened on the other side of the river.

And certainly, I've always been one of those strong supporters of (inaudible) program to make sure that whether it's ICE agents or other federal law enforcement, that we go into Mexico to deflect the drug cartels there instead of just playing defense on our side, which we need to secure our border. But we have to understand the big picture. It's a multi-dimensional, which is, again, the bad guys are on the other side. So we certainly have to disrupt also.

So I look forward to making sure that we look at border security, but at the same time, making sure that we keep in mind on the southern border that when you look at the number of goods and personnel that come into the United States, where a lot of times we put the focus on the airports and seaports. But about 88 percent of all the goods and merchandise that come into the United States come through land ports.

So whether it's the northern ports or the southern ports, we've got to make sure we find that -- that balance between security and the legitimate trade and tourism, which is so important to the United States. So achieving this operational control of these areas, especially between the ports of entry, will be meaningless unless we provide adequate resources to the ports to enhance security and facilitate trade.

So, Madam Chairwoman, I look forward to working with you with our ranking member that led us and, of course, with a new chairman, Chairman King. And I want to thank you and the committee.

And I certainly want to thank our witnesses, the mayor from my home town, Laredo, who's a former FBI agent and also a former Capital police also here and has that type of experience.

So with that, I yield back. Thank you, Madam Chair.

MILLER:

Thank you very much. And I appreciate you mentioning the new members that you have. Mr. Clarke, of course, I've known for years from -- from the Detroit area.

And let me also introduce -- and I had a -- should have done that at the beginning. Our two members here that are freshman members of the House and come to our subcommittee. And we certainly appreciate their passion for the border issues and looking forward to working with: Ben Quayle from Arizona and Jeff Duncan from South Carolina. So appreciate that as well.

And at this time, the chair now recognizes the ranking member of the full committee, and that's the gentleman from Mississippi, Mr. Thompson, for any statement that he may have.

THOMPSON:

Thank you very much, Madam Chair. And I, too, welcome you on your maiden voyage as chair of this subcommittee.

Today's hearing comes at an important juncture in the Department of Homeland Security's efforts to secure America's borders. Just last month, Secretary Janet Napolitano announced the cancellation of the SBInet program. After over four years and nearly a billion dollars spent, there is little to show for this program. Like its two predecessor programs, SBInet failed to live up to its promise.

In this case, the third time was clearly not the charm. While I'm pleased that Secretary Napolitano took this long-overdue step, I want to know more about the department's plan to deploy alternative border security technology along the border. I hope Chief Fisher can share some of the information with the subcommittee on that today.

I'd also like to hear from the other witnesses before us about what technologies they believe would help better secure our borders. Mr. Stana has a long history of evaluating the department's efforts in this regard. And Mr. Salinas offers a unique perspective with his law enforcement background, as already indicated, and as mayor of a key city along the U.S./Mexican border.

Proven, cost-effective technology is an essential complement to Border Patrol agents and infrastructure and is particularly valuable in areas where agents and infrastructures are sparse. DHS, border communities and American taxpayers cannot afford another failure.

Beyond the issue of technology, I've long supported a comprehensive border security strategy as a means for achieving border security. Today the various agencies that play a role in border security each have their individual strategy and planning document. The Border Patrol has its own strategy, for example, but there is no single government-wide or even DHS-wide strategy setting forth how the agencies are going to work together to secure the borders.

Given the number of agencies spread over different departments that play a role in this effort, such a strategy is essential to success. DHS should consider developing such a strategy in coordination with its federal partners and in consultation with border community governments, law enforcement and stakeholders.

It is also important to note that being successful at achieving operational control of America's borders mean more than just securing the areas between the ports of entry. America's ports of entry are vital to legitimate trade and travel, but are also used by individuals seeking to enter this country unlawfully or smuggle narcotics and contraband.

Similarly, we must remember that our security challenges are not limited to the southwest border. Our northern and maritime borders are sometimes forgotten, perhaps because politics often trumps policy in these discussions.

These borders may not have the same number of apprehensions or drug interdictions as the southwest border, however, they are vast, often remote, comparatively unguarded areas that provide opportunities for illicit activities and potentially even terrorists to enter our country. We cannot have operational control of our borders without figuring out a way to secure these challenging areas.

Likewise, as the 9/11 attacks and the attempted attack on Flight 253 on Christmas Day, 2009 showed us, securing the process by which visitors travel to the U.S. is also essential to obtaining control of our borders. Meaningful border security will only be achieved when we know who and what is coming into this country, whether by land, sea or air.

I would like to also thank our witnesses for joining us today. And I look forward to their testimony.

And I yield back, Madam Chair.

MILLER:

Thank you.

Other members of the committee are reminded that opening statements may be submitted for the record. And as we have said, we're very pleased to have a distinguished panel of witnesses that have -- that are in attendance this morning on this very important topic. And I will introduce all three, and then we'll -- we'll start with the chief.

But Chief Michael Fisher was named chief of the U.S. Border Patrol last year in May. Chief Fisher started his duty along the southwest border in 1987 in Douglas, Arizona.

He successfully completed the selection process for the Border Patrol tactical unit in 1990 and was later selected as a field operations supervisor for the tactical unit assigned to El Paso, Texas for four years. Following this, he served as a deputy chief patrol agent in the Detroit sector and as an assistant chief patrol agent in Tucson, Arizona.

Richard Stana is the director of Homeland Security and justice issues at the General Accounting Office. During his 27-year career with GAO, he has directed reviews on a wide variety of complex domestic and military issues while serving in the headquarters, in the field and overseas offices as well. Most recently, he has directed GAO's work relating to immigration, customs, law enforcement, drug control, corrections, court administration and elections systems.

And Mayor Raul Salinas is the mayor of Laredo, Texas. Mayor Salinas was elected mayor in 2006. He's a retired FBI agent, having served the bureau for 27 years and most recently, serving as an assistant legal attache at the U.S. embassy in Mexico City. Mayor Salinas started his career in Washington, D.C. serving as the United States Capital Police officer.

So, again, we -- we appreciate all of them coming. And I will open the floor to Chief Fisher for his remarks.

Chief?

FISHER:

Chairwoman Miller, Ranking Member Cuellar and distinguished members of committee, it is a privilege and an honor to appear before you today to discuss U.S. Customs and border protections efforts to secure our borders, operational control and our path forward. Over the past few years, the goal of our national strategy has been to gain, maintain and expand operational control utilizing the right combination of personnel, technology and infrastructure.

Our tactical definition of operational control as a narrow term of art is the extent to which we are able to detect, identify, classify, respond to and ultimately resolve all threats within the theater of operation. Operational control and the specific levels is the means by which we assess the requirements to achieve the goal.

Operational control is not in, and of itself, an assessment of border security. Allow me to explain.

The current levels of operational control, controlled, managed, monitored and low-level monitored all start with the phrase, quote, "A zone may be considered controlled, for instance, when resources are at such a level that," end quote. And then the corresponding definition describes some key aspects that allow our field commanders to determine which level of control is -- is appropriate for a specific zone.

Now, because we have been in the gain mode over these last few years, we used these levels to assess how many agents, number and type of technology and infrastructure was needed in each area of the border to achieve an acceptable level of operational control. Acceptable level of operational control is either at the controlled or managed definition.

And twice a year we ask the chiefs in the field to report how they assess each zone within their areas of responsibility relative to the levels of activity and corresponding resources that were received. In essence, we ask the field leadership how they are deploying their resources and what they have accomplished as a result.

As we have realized increases in agent staffing, protection technology, pedestrian fence, vehicle barricades and border access through roads, we have seen decreases in illegal cross-border activity along the southwest border, in particular, and have incrementally reported higher levels of operational control. Operational control is not the absence of illegal activity. It simply indicates the condition along the border that informs our field leadership how and to what extent the resources that have been applied either reduce the threat of dangerous people and dangerous things entering our country and the extent to which these resources mitigate any potential vulnerability within their areas of responsibility.

Our way forward and the new strategy that will be applied will be risk-based. We will depend on information and intelligence to tell us the intent and capability of the opposition while continuously assessing our border vulnerabilities. We will be more mobile, agile and flexible than our adversaries. We will rely heavily on our federal, state, local, tribal and international partners to ensure operational integration.

Finally, we will define the doctrine through non-traditional and unconventional approaches heretofore not explored. Now, I have witnessed the evolution of the border over the past 24 years, both in terms of increased resources applied against the threats as well as the change in the adversaries' tactics, techniques and procedures. Our strategy will take this into consideration and provide a level of border security that the American people require and ultimately deserve.

However, as the secretary stated last year, and I quote, "We live in a world where we don't provide guarantees. We provide the ability to identify and minimize risk and to respond quickly should a risk materialize. But if something happens in the United States, we also have to have confidence as a people that we will be able to respond," end quote.

However, I will guarantee that I will spend every waking hour assessing our border security risks. And I will continue to provide the requisite support to the brave men and women of CBP who selflessly stand on our borders to protect this nation. I am honored to wear the uniform with them and will serve them and you with distinction and pride.

I want to, again, thank you for the opportunity to testify today. I remain confident in our collective ability to secure our borders. And I thank all of you for your support.

The border is a dynamic environment, and we will continue to strive to meet the demands of today as well as the challenges of tomorrow. I look forward to answering your questions. Thank you.

MILLER:

Thank you very much, Chief. I appreciate that -- your opening statement there.

And I turn now to Mr. Stana. We would recognize you to testify, sir.

STANA:

Thank you, Chairwoman Miller and Ranking Member Cuellar, for the opportunity to testify at today's hearing. As you know, both the southwest border and the northern border continue to be vulnerable to cross-border activity, including the smuggling of humans and illegal contraband. The Border Patrol is the federal agency with primary responsibility for securing our borders between our ports of entry.

Last year, CBP spent about, well, I think, it's over \$3 billion to support the Border Patrol efforts on the southwest border. And, I believe, about another \$3 billion was spent on the northern border to secure that border. For that year, the Border Patrol reported apprehending on the southwest border over 445,000 illegal entries and seizing over 2.4 million pounds of marijuana.

As Chief Fisher described his terminology for what operational control means and how he defines it, I don't think I need to repeat that. But there are other definitions for operational control in legislation and in other planning documents that call for the prevention of all illegal entries of people and contraband.

My prepared statement is based on our preliminary observations from work we're doing for this committee regarding the process for measuring operational control of the border. And I'd just like to highlight three points from our prepared statement.

First, for fiscal year 2010, last year, the Border Patrol reported achieving varying levels of operational control of 873 miles of the border. That's 44 percent of the southwest border, our border with Mexico. As shown in Figure 3 of my prepared statement, the nine southwest border sectors reported achieving different levels of operational control ranging from 11 percent of the miles in Marpa (ph) to 100 percent of the miles in Yuma. The uneven progress across the southwest border is due to many factors, including differences in terrain, transportation infrastructure on both sides of the border and resource and technology deployments in the different sectors.

My second point is that the measure of miles under operational control does not mean that illegal entries are detected and interdicted at the immediate border. Of the 873 miles reported under operational control, about 129 of them, or about 15 percent, were classified as controlled, which means the Border Patrol resources were available to either detect, deter and apprehend illegal entries at the immediate border. The remaining 85 percent of the miles were considered as managed in that apprehension could take place some times a hundred miles or more away from the border or not at all.

That's because the Border Patrol's definition of operational control does not require agents to apprehend each and every illegal entry. For example, although Yuma is classified as having 100 percent operational control, about 10 percent of the entries are classified as got aways. These are people that were never apprehended. For the 1,120 miles not reported to be under operational control, the Border Patrol said it was likely to detect about -- but not apprehend in about two-thirds of the miles and in one-third of those miles does not have the capability consistently to detect at all.

My final point is that the new border security measures will not be in place for another year, the performance measures. In the meantime, they're using interim measures of performance that are reported on just this week. These interim measures, such as the number of apprehensions in the southwest border between ports of entry, provide some useful information, but do not do as good a job as the previous measures in answering the fundamental accountability question, which is how well did you do with the funds you were given.

In closing, as CBP and the Border Patrol continue to refine new performance measures, it is important to be mindful of the key attributes of successful performance measurement. These attributes include linking measures to goals, missions and core activities; assuring clarity and consistency in definition and measurement; employing numerical targets; being reasonably free of significant bias and manipulation; recognizing each component's contribution to the overall progress and producing reliable results.

This concludes my oral statement. I'd be pleased to answer any questions that subcommittee members may have.

MILLER:

thank you very much, Mr. Stana.

I turn now to Mayor Salinas for your testimony.

SALINAS:

Thank you...

MILLER:

Mayor?

SALINAS:

... Chairwoman Miller, Ranking Member Cuellar and members of the subcommittee. My name is Raul Salinas. I have the honor of serving as mayor of the city of Laredo, Texas. Before I offer my testimony, I hope you will permit me every mayor's prerogative of bragging about one of my constituent's, Laredo's Congressman Henry Cuellar. I have had the pleasure of working with Congressman Cuellar on numerous border security efforts on which Laredo and the nation are beneficiaries.

I seek to offer a number of simple messages in my testimony today. What is homeland security to the nation is home town security to those of us on the border. Securing our border must be done in a manner that does not close them to trade and community. We recommend building bridges of commerce and friendship and by employing technology and creativity to achieve enhanced security.

We would respectfully remind the Congress that a border is not a turnstile. Obligations run in both directions.

And the U.S. has an obligation to our neighbors to the south to slow, if not stop, the flow of illegal guns, drug money and stolen cars. Federal funding for homeland security should be based on threat, not the type of a port or the size of a community and should compensate local communities that are providing protection and service to the nation and not be biased.

It is refreshing that this subcommittee, six border voices, to offer suggestions on how to best balance the twin goals of achieving security while promoting commerce and community. But I am not surprised.

Reading the background of Chairwoman Miller, it becomes clear. You are a former local elected official from a community that appears to be Laredo's northern cousin.

Port Huron Blue Water Bridge sounds a great deal like our bridges in Laredo. The Blue Water Bridge can handle up to 6,000 trucks on its busiest days. While in Laredo, we handle just over 11,000 trucks a day.

That number is down from 13,000 trucks a day just two short years ago. While many in the nation eagerly await the Dow Jones industrial average return to 13,000, I would think that the better barometer for economic recovery is when Laredo hits 13,000 trucks.

Like Port Huron, Laredo is also a busy rail head. Recent federal Rail Administration statistics list Port Huron as the leading northern rail port, while Laredo is the leading southern rail port. I would say that with Laredo's Congressman Henry Cuellar as the ranking member, the nation has two great leaders heading this committee. This committee -- or subcommittee can appreciate our message.

While others talk about homeland security, we seek home town security. A traditional greeting in Laredo is, "Mi casa es su casa," or, "My house is your house." Laredo and, I suspect, Port Huron would respectfully remind all that your borders are our homes.

Despite being the largest southern port and the sixth largest Custom district in the United States, Laredo is not entitled to any direct federal funding under any homeland security program. We move more products by truck and rail than any land port and more products than any land, sea port, with the exceptions of New York, Los Angeles, Houston, New Orleans and Detroit.

But because the federal government has chosen to distribute its homeland security funds based on population or if the community is a water port, Laredo receives none. Laredo stands guard on the border. We've reinforced federal law enforcement, partnering and responding to chemical and biological threats and support the nation's commerce. Federal funding for homeland security should compensate local communities that are providing protection to the nation.

The easiest way to accomplish this goal is to create a border category in all funding formulas. While I assume the intent of this hearing is to address traditional threats at the border, I would like to raise the additional threat of an unintentional or intentional medical or biological threat. In Laredo, we say, "When Mexico coughs, Laredo gets the cold."

Disease does not respect the border, a wall or even the most professional of Custom and Border Patrol agents. Laredo's health department, many times, is the nation's first line of defense.

In conclusion, we must make our borders safe, not close them to trade and community. The nation must be dedicated to enhancing the security of our borders. But that commitment must be made with a concurrent commitment to ensuring that our borders continue to operate efficiently in moving people and goods.

Finally, Laredo, and I suspect, Port Huron, hope that all in Congress, like the two leaders here today, appreciate that local voices must be part of the solution. For while it's the nation's border you seek to secure, they're our homes.

Thank you very much. I would be glad to answer any questions.

MILLER:

Thank you very much to all of our witnesses.

Mayor, I appreciate you calling me your cousin.

(LAUGHTER)

And you know what that really means? Is first and foremost, we're all Americans.

SALINAS:

Yes.

MILLER:

Before anything, before any party affiliation, before anything, we are all Americans. And we all seek the same thing and serve the same constituency and -- and want to secure our borders, whether that be the north or the south.

And I appreciated some of your comments as well about how the homeland security funds are -- are allocated. And it will be something that this committee, as we move to an authorizing piece of legislation this year, will be looking at as how we prioritize populations should not be the only criteria. But it is an important one; certainly, risk assessment, all of these things, I think, as we move forward, our path forward.

But that really is why I wanted to have this initial hearing about operational control. As I mentioned, it's sort of become a buzz word. Everybody's saying we only have so much operational control. I'm -- I'm -- I'm a bit concerned that we are getting so focused on this term that we don't really understand exactly what it means and what it means in the overall global perspective of how much a border we actually have under -- under control.

Chief, you mentioned that it's -- I wrote that down. You said it's not an assessment actually of border security. You talked about some of the potential vulnerabilities, et cetera. And I was looking through my notes here about some of the various characterizations that you use for operation control, whether it's controlled, managed, monitored, low-level monitored, remote low activity, et cetera.

So there are a number of things that we're trying to understand here, I think, today and the American public understanding what the -- what we consider to be operational controlled and how secure our borders actually are. And I know there's going to be a lot of questions today about the southern border, so I have a limited amount of time. I'm going to start my questioning about the northern border, if I will.

And -- and I say this because, first of all, believe me, not for a second would I underestimate the challenges that our nation faces on the southern border with the spillover of the drug cartels, some of the various things that are happening there. The mayor pointed out very well that we have to make sure that commerce is able to transit very expediently. We have those same concerns on the northern border.

You mentioned the Blue Water Bridge, which is in my district. The Ambassador Bridge in Mr. Clarke's district is actually the -- the first busiest border crossing on the northern tier of the nation in Detroit, then the Blue Water,

which is 30 miles, 30 minutes to the north, the second busiest -- the third busiest, the Peace Bridge in Mr. Higgins' district in Buffalo.

I have the C.N. Rail tunnel, which is the busiest rail tunnel entry into the northern -- into our nation, actually, not just on the northern border. But we -- so we sort of think we have some unique dynamics there. And we're very concerned about the border security.

At the same time, I will say this: We never can forget as a country that Canada is our best ally, is our biggest trading partner anywhere in the -- in the world. Certainly, they are in my state of Michigan, but nationally as well. And they are our friends. They are our neighbors.

And we -- as we have consternation about some of the things that are happening with the thickening of the border, we always need to keep -- keep that in -- in -- just as the mayor says about making sure commerce can be, and passengers, et cetera, can -- can cross our border as expeditiously as possible.

So I'd like to ask about the GAO report that came out about two weeks ago, I think, about the northern border, which has got everybody in my area talking. There were some things that were pointed out in the GAO report saying that there was a lack of cooperation between federal, state and local law enforcement as well as the lack of cooperation in information sharing from the DHS component agencies such as ICE and Border Patrol.

And one thing, I think, that we learned from the 9/11 commission recommendation is that -- I'll tell you. My office -- I have -- everybody has a copy of that recommendation. And I keep telling my staff that's not shelf-ware.

We need to keep looking at it and remembering some of the key elements of it, one which was we had to move from the need to know to the need to share. So I was particularly concerned about the GAO findings with that on the northern border.

And I -- I -- I think we've done a lot on the northern border. Certainly, in the southern border -- you mentioned \$3 billion respectfully on each border spent in the last -- in the last fiscal year. But the largest room is always the room for improvement. We need to continue down that path.

So I throw that out, perhaps, to Mr. Stana from the GAO. If you could comment on that report.

STANA:

Well, thank you. And, you know, the gee whiz statistic that got the most attention in that report was the miles under operational control. So we can have a discussion about that as the hearing proceeds.

But you're exactly right, that what we were aiming to do is to figure out exactly how well are the agencies up there, federal, state, local, tribal and the RCMP on the Canadian side -- how well are we coordinating. It's a different solution that's required on the northern border than the southern border. You don't have hundreds of thousands of economic migrants coming south for the opportunity for employment.

So you need to be able to get information and intelligence to the people who can use it the best and people can coordinate what the more limited amount of resources to come to an acceptable outcome. And that's the key on the northern border. It's not so much the -- you know, having a whole string of agents linking arms and -- because that would be a waste of time and money.

It's making sure that everybody knows what their roles and responsibilities are. They stay in their lane, they coordinate, they cooperate, and they share.

MILLER:

I appreciate that.

And, Chief, perhaps you could comment on that as well. As you and I had a chance to talk, the -- the -- the percentage of CBP officers and other kinds of things that have been utilized on the northern border has ratcheted up significantly since you had -- I think you were there in '98 to 2000. But what is your thought on the GAO report?

FISHER:

Yes, well, it -- we as a law enforcement community continue to realize that until and unless we agree to share information and not look at our law enforcement jurisdictional authority from the areas in which we patrol and investigate, if we don't do that collectively against a common threat, we're never going to defeat those that are going to try to do harm to this country.

And what I mean by that is a couple of things that we have done, certainly, within the Border Patrol and within CBP. We recognize clearly that CBP or even the Border Patrol -- we are never going to have enough resources to do this alone. We recognize this is a shared responsibility. And I would suggest even the secretary in her recent comments over the year and looking at this as a -- as a DHS enterprise in terms of our border security responsibilities.

What is also challenging -- and this -- I've experienced this since I've been in uniform -- is you have a lot of different -- when you start working with state and local governments, law enforcement agencies, the other federal agencies, you have generally -- you have investigators that -- that have a whole host of cases that they're working. And you have, for instance, CBP, which are predominantly interdictors.

And a lot of times, it's just a cultural difference in the way that we look at information. For instance, an investigator, for instance, would take some information. It may be human intelligence or -- or some pocket trash and would look at that as a case or information to go towards prosecution. And so, what they would do is they would take that information, put it in a folder, close it up, not share it with anybody because it may be discoverable and it may limit prosecution down the line.

Investigators or interdictors would look at that as key information, tactical intelligence to be able to prevent something from happening in the first instance. Now, I'm just suggesting that's just a cultural difference as an example that we are working very closely.

And I think some of the -- the IBET teams, for instance, the Integrated Border Enforcement Teams, the joint terrorism task force -- I think over the years as we do more and more sharing of the information, we have a better understanding of -- of those types of differences between the cultures, but recognizing that our common objectives are fundamentally the same as it relates to protecting this country.

MILLER:

Thank you, Chief.

At this time, I would recognize the ranking member, Mr. Cuellar, for his questions.

CUELLAR:

Thank you, Madam Chair. Before I get started with my five minutes, I would ask unanimous consent that the gentlewoman from Texas, Ms. Jackson Lee, be authorized to sit for the purposes of questioning witnesses during this hearing.

MILLER:

Without objection.

CUELLAR:

Thank you very much.

Let me ask -- it has to do with performance and results.

Mr. Stana, in your written testimony on page 12, you explained that Border Patrol has measured performance based on the Government Performance and Results Act of 1993, the GPRA, and that DHS is in the process of developing measures that reflect a more quantitative methodology to measure performance.

But keep in mind -- I assume when you wrote this, this was before we passed the new law, the law that I passed dealing with the -- actually, the modernization and performance results that we passed back in December of this last year, which means that the measures are going to be more focused on results at, you know, the end.

Could you both -- this is both to -- both Mr. Fisher and Mr. Stana. Are we measuring more activity than results? In other words, like you said, if we give you X amount of dollars, what are we getting for those dollars? How much do we spend for the border? What was it, about \$3 billion?

STANA:

Yes, over three.

CUELLAR:

Over \$3 billion. What's the apprehension for that period?

STANA:

Well, and that's -- that's the rub. If you look at the latest performance statistics that were just issued this week -- and I know the Border Patrol's working on revising this. And we've spoken to their people, and they understand the shortcomings of just having these kinds of things.

But what you have is a numerator here. You have a number of apprehensions, for example. But you don't know how many people might have been there to apprehend, how many crossers were there. When you watch a baseball game, they put a batting average up. And you kind of judge whether -- how many hits you get for how many at-bats. Here what you're getting is just the number of hits.

You also have things like number of joint operations conducted. And that's -- that's a good measure. But that's an activity measure. It doesn't tell you the results of -- of those joint operations.

Percent of detected conventional aircraft: that's not a bad measure, but that's not the only measure. For example, Mr. Thompson mentioned the SBInet deployments. We were just down there last week, and we witnessed three ultra-lights coming across the border. And one buzzed the Tucson Airport, we understand.

And they never found anything more than that because they left camera range, and the UAF was otherwise occupied. And they couldn't -- couldn't get a bead on it. So here's another get-away.

So you have to have the numerator and the denominator to judge performance, not just the activity indicated by the numerator.

CUELLAR:

Right.

And, Mr. Fisher, I would ask you -- and I assume you all talk. I mean, I hope this is not the only time that you all talk here. But, you know, one of my things on performance -- and I did my dissertation on -- on this. I'm a big believer in this -- is that a lot of times government agencies measure activity. And that's different from measuring the actual results that you want to get at the end.

What's your take on this? Are you measuring -- I'm sure you're going to say no. But what do you think you're measuring right now? And give us some examples of measuring, that is the control, you know, the prevention of undocumented persons coming in and, of course, the illegal contraband. What are your measures of results?

FISHER:

Yes, Congressman, I would also agree with you that -- that we -- we do not use activity and accomplishments anonymously because, I think, when you look and try to differentiate, as we have over the years, outputs versus outcomes, we recognize that we're not just going to count things for the sake of counting them.

I'll give you some examples. Apprehensions, for instance -- you know, the numbers of apprehensions -- again, depending upon what the outcome is, in a particular area where we're trying to gain operational control, going back to the terminology.

Where we are experiencing high levels of illegal activity between the ports of entry, we want to measure both in terms of the detected entries and the apprehensions so that one is -- we have a better understanding of what those detected entries are, and we would use technology and Border Patrol agents deployed across the border starting in the urban areas and -- and moving our way out to the rural remote and so that we have a better confidence level that, based on those deployments, we do have a better sense of what the denominator is.

CUELLAR:

Mr. Fisher, I know -- my time is over, and I've got to ask a quick question of the mayor. But for the sake of time, could you work with the chairwoman of the committee and the staff on -- we want to look at the measures of -- I think we ought to look at the measures to see how much is activity and how much is really results-oriented?

FISHER:

Absolutely.

CUELLAR:

And if you all can do that as soon as possible.

If you would just bear with me, just a quick question.

MILLER:

Certainly.

CUELLAR:

Mayor, look. One of the problems we have with the -- you know, I know we've got issues that the border's not perfect, like any other place. But one of the things is when the media keeps talking about this and this.

If you talk to hospitals, it's hard to get doctors down there because they were saying we don't want to take our families down there because of what's happening. You know, they don't make that -- you know, they don't distinguish between the border on the U.S. side and the Mexican side.

I talked to university professors or the, you know, chancellors and the presidents. It's hard to get them. What are the crime rate -- can you talk about, for example, the crime rate in Laredo that you (inaudible)? I gave you some numbers that, in the last 30 years, border county crime rate has gone down. You know, there's spikes, like anything else. But give us a little bit of your sense of securing the border.

SALINAS:

Absolutely, Congressman. I think one of the key things in Laredo that where we have installed is a spirit of cooperation between local, county, state and federal agencies, everyone working together that sends a strong message to the other side.

Now, we had eight homicides in Laredo. Most all of them have been solved. We have a decrease of at least 20 percent in stolen cars going south.

We also had somewhat of a 30 percent increase in violent crime. But I think the key has to be in ensuring that we do our part. And you know that the police department and the sheriff's department -- we're all working together to try to confiscate those weapons that are going south, those stolen cars that are going south and, of course, the money.

Those stolen cars and those weapons are contributing to the delinquency and to the cartels. So we have to ensure that we get the resources to be able to stop it -- you know, stop those weapons from going south.

CUELLAR:

OK. Thank you, Mayor.

Thank you, Madam Chair.

MILLER:

Thank you.

Our final protocol, I now recognize the ranking minority member of the full committee, Mr. Thompson.

THOMPSON:

Thank you very much, Madam Chair.

Chief, it's good to see you again. (inaudible) all three of the witnesses. You distinguish yourselves respectively.

Chief, recently the -- the patrol stopped giving miles under control report. I'm not sure what it's called. Generally, the public was becoming familiar with how many miles are under control, this kind of thing.

You've discontinued it, but you haven't put anything in its place. Why is that?

FISHER:

One of the things, Congressman, that we are looking at -- one is I firmly believe that the Border Patrol doesn't have the corner market on -- on establishing what is under -- what is -- what border security is at any given point along our borders. We do that in concert with a lot of our partners.

For instance, when we were measuring miles of border control, initially years ago when we were looking and looking for fence, the question was always, well, how many -- how much fence do you need, how many Border Patrol agents do you need. So what we do is we applied those resources on what we thought we need at the time in a linear fashion.

And we just wanted to keep track of that as well because we did see in the areas where we were increasing pedestrian fence and vehicle barricades. And we started adding the technology and the Border Patrol agents, we were seeing results because of those deployments. And so, what it did for us as an organization -- it put our field leadership in the position to make those informed judgments and ultimate decisions about what the resource requirement was against what was happening and what we had a better sense of -- of managing the border or having a better sense of what those threats were coming in.

And so, we did that. We've done it over a series of miles, again, not contiguous. And then we used those definitions to differentiate what we received as a result of operational experience.

THOMPSON:

Well, the -- on the other side of the fence, how do you -- how do you now convince the public that we're any better off, since now we don't have access to any of the information?

FISHER:

Certainly. Well, we still use additional metrics, whether we're going to do it by miles or not. For instance, we will still and do report out levels of activity. We also, working with our partners, take a look at within the communities the crime rates, for instance.

We take a look at quality of life issues such as areas that previously were, quote, unquote, "out of control." And I'll take you back to San Diego in the mid-'90s when, you know, 200 to 300 yards north of that border real estate -- you could have bought an acre of real estate there for \$50.

And after the resources were acquired over a period of time, the vitality within that border environment increased. And so, that same real estate then went to \$500,000 an acre. And you started seeing malls and Neiman Marcus and all those stores within a stone's throw from the border. Those are things that -- that we had to make that assessment.

THOMPSON:

But I'm trying to get at -- but that's kind of interim.

But what do we mean -- and, Mr. Stana, did you all look at this? Can you -- can you help -- help me out with that?

STANA:

Yes, we did. You know, first off, I think we ought to -- you know, to his credit, the chief is trying to institute measures and manage by the numbers, which is always a good thing. And management 101 would tell you you get what you count.

I didn't think miles under operational control is a bad measure. It wasn't perfect. But if you looked at how they developed it and, you know, some of the controls for reliability and data that they put into it, again, not perfect, but it was something that was easy to understand. You had a numerator, and you had a denominator.

I think what -- you know, going forward, there are other measures that -- that ought to be considered. For example, if you're -- you're talking about the effectiveness of cooperation on the northern border, maybe survey the participants in those task teams to see how happy everybody is. You know, the Border Patrol and the Forest Service have a history of not working well together.

But if that's what you mean, Mr. Thompson, about what other measures might be available, there are other measures: you know, happiness with -- of the staff in their roles and responsibilities, other measures in border control. For example, in the current border control measures that I've seen the interim for say nothing about drugs or contraband.

I mean, there -- there is a line on seized weapons and currency, but it's an activity measure. You know, \$40 million seized in cash out of an estimated \$19 to \$39 billion, you know, doesn't give you comfort as a -- as a stretch goal.

THOMPSON:

Yes. Thank you.

Mayor, you've had some experience on both sides, law enforcement now as an elected official. Are you satisfied with the level of cooperation between federal, state and local? Or are there some things you've looked at that, if it was up to you, you'd improve? Can you give us some comments on that?

SALINAS:

Absolutely. I think that the spirit of cooperation is definitely there because it sends a strong message to the bad guys.

However, I think that what we need is funding so we can have more personnel 24/7 on the bridges so we can confiscate those illegal, illicit monies that are going south and those stolen cars and the weapons, because that's the crux of the problem. So in answering your question, I think that we would appreciate being considered for additional funding so we can have manpower at the bridges to be able to get the job done and keep Americans safe and keep the violence from spreading into our side of the border.

THOMPSON:

Thank you.

Yield back.

MILLER:

Thank you.

The chair now recognizes Mr. Quayle from Arizona.

QUAYLE:

Thank you, Madam Chairwoman.

And thank you to the witnesses for being here today.

Mr. Stana, I want to go back to those performance measures because there's been a lot of publicity and talk about the statistics that were touted the last couple of weeks by Secretary Napolitano and her belief that we are -- have the southern border under a good amount of control, which came as a surprise to a lot of people in rural Arizona. But if -- and then she came back to this committee last week and understood and admitted that they don't -- they don't know the number of illegal immigrants that get across the border.

So it goes back to your numerator, denominator problem. Because if we just use it based on apprehensions, if we just apprehending any illegal immigrant, wouldn't we actually get complete and total control of our border?

STANA:

Well, you're raising a good point. You have to know what it is you're trying to measure. And it has to key to the strategic plan. If the strategic plan is to control the border, then you have to know what you're dealing with. You have to know the denominator. And that puts the numerator in some kind of context.

Apprehensions only would tell you one thing. And that's sort of dependent on lots of variables: how healthy our economy is. In a bad economy, apprehensions are likely to go low because the denominator is going to be reduced. So you're raising a good point.

QUAYLE:

And since -- what do you think would be the best way to actually get reliable statistics so that we can actually -- as you see, notice where our dollars are going and how we can get results- oriented, rather than just focusing on the inputs, we've got to see what's going on with the outputs as well?

STANA:

Well, I think it starts with clearly articulating what it is you're trying to do. And I think if you look at the planning documents, some of that said it could be clearer. But some of that's in there. But if your goal is to stop illegal incursions at the border, for example, which is the position that many in Arizona take, you could -- you could create a measure.

Because the Border Patrol tracks its apprehensions by GPS data or by certain quadrants, you could create a measure that says what percent of border incursions are you apprehending within, say, five miles of the border. What percent? The goal might be 80 percent or 90 percent. And you could track that. Again, you get what you measure.

QUAYLE:

OK.

Now, Chief Fisher, the various -- and especially in the rural areas on the southern border, there are a lot of wilderness areas that are designated. Now, I know that there are certain restrictions that sometimes hamper the Border Patrol agents' ability to actually apprehend and pursue people who are crossing illegally in those wilderness-designated areas. Could you describe some of the restrictions in those areas?

FISHER:

Well, I think over the years and certainly, with our memorandum of understanding with the Department of the Interior and the USDA and some of those others, we have found that we do have access into those areas in areas of hot pursuit, for instance. If we need to access those lands, even the wilderness, it does allow us to have access to those areas.

QUAYLE:

So there are no vehicular restrictions? You're saying that there's absolutely no restrictions on what you can do in those wilderness areas?

FISHER:

There are some restrictions in terms of our -- our good stewardship towards the environment versus our border security mission. And in most cases, along the border, the land managers, along with our field leadership, and working within the -- the existing memorandum of understanding, that we are able to work those out.

QUAYLE:

OK. And in your written testimony, you speak about -- you wrote about Operation Streamline and its effectiveness in the human sector and also in San Diego as well and other sectors across the southern border. Have you been in touch and been working with the DOJ to try to see how much it would cost to have Operation Streamline across the total -- the totality of the southern border?

FISHER:

Yes, but we're actually talking with them and others. We're not just looking at the -- the consequence programs individually as programs, for instance. I mean, Streamline is one. Oasis is another, ACHEP (ph).

There's about 12 different consequences that we apply subsequent to an arrest. And what we've found out in starting looking at each program we're talking a look and develop what's called a consequence delivery system because what we want to be able to do is not just put people into a particular consequence. And you mentioned Streamline.

You know, interestingly enough, you know, some of the -- the discussion has been, well, we need to do more Streamline cases. But if you take a look at the different jurisdictional districts in which Streamline is applied -- and really, Streamline is just an 8USD1326 -- in most cases, a prosecution, federal prosecution.

But the sentencing after that case could range from three to five days to, you know, six to eight months. So the consequences really -- the sentencing, as -- as a result of the conviction, not the program itself. So what we're trying to do is -- is figure out in places like Tucson. We're trying to make that effect -- is that we are no longer just going to return those people back to the Nogales port of entry or -- or the Douglas port of entry into Wawapreita (ph). They're going to have a consequence other than voluntary return.

In some cases, it will be Streamline. But it depends on what we're trying to affect, either the individual that we're apprehending, or the criminal organization. And that's really helpful for us to then just abrogate just the apprehension data and really start looking at recidivism, start looking at what is the reapprehension rate, take a look at the difference between displacement and deflection for the first time so that we're not just looking at raw numbers or just doing programs for the sake of doing the programs.

QUAYLE:

OK. Thank you.

I yield back.

MILLER:

The chairman recognizes Mr. Clarke of Michigan.

CLARKE:

Thank you, Chairwoman Miller. And, you know, as a freshman member of Congress and as a new member on this subcommittee, I'd just like to make a couple preliminary remarks before I pose my two questions.

First of all, Chairwoman Miller, your depth of understanding of maritime issues and your understanding of the importance of -- of securing our northern border really provides me with a great opportunity to help represent the economic and security interests of my district, which, as you stated earlier, includes the busiest international border crossing in North America.

And I'd like to also thank the ranking subcommittee member, Representative Cuellar, for recommending this subcommittee assignment to me and also, probably most importantly, to Ranking Committee Member Thompson for extending the unprecedented courtesy of appointing me to this subcommittee. I thank you again for this opportunity.

The...

SANCHEZ:

(OFF-MIKE)

(LAUGHTER)

MILLER:

Thank you, Representative Sanchez.

CLARKE:

This is the protocol you have to go through as a freshman member.

(APPLAUSE)

CLARKE:

The -- the border in -- the Detroit border sector of the 863 miles -- apparently, CBP says that only four of those miles are under operational control.

Chief Fisher, could you -- as much as you can in this open session, what's your plan on securing this border, especially the border of the Detroit sector?

FISHER:

Congressman, I will tell you -- and Chairwoman mentioned it earlier. When I first got to Detroit in 1998, I was faced with a -- with a different border than I had been brought into this organization back in '87. And what I experienced up there was 841 miles of water border on the most heavily populated boating population in the area, 1.5, at least at the time, million boat registered. And there was 24 Border Patrol agents to secure that border.

And so, we've evolved since that time. And what we've realized -- that, on the northern border in particular, in places like Detroit, it is very critical for us to have, one, the right information about who and what is trying to come across that border. Information for us is going to be the key.

It is going to be the catalyst for us to then be able to make informed judgments about what is the requirements in terms of the resources and what is the -- is going to be required in terms of an operational response. If we have information that somebody tonight is going to be coming across the Detroit River, what are we going to do?

And by the way, that's not just the Border Patrol having that discussion, you know, in a muster. We are doing this loud along with our partners who also have equities and jurisdictional authorities in those areas.

That's why for us it's really important that we continue with the joint terrorism task force, with the other task forces so that we, along with the local law enforcement community, can continue to leverage all of those jurisdictional authorities against a common threat. So information is going to be a key.

And then once we move down from the information and intelligence phase -- I talk a little bit about the -- the operational integration. You know? It's different than having the chief of police and the chief of the Border Patrol and the sheriff and the county sit down once a month for coffee.

We really have to understand, one, start applying some focus and targeted enforcement, really look at the operational discipline that's going to be required for that. And third is taking a look at unified commands and joint commands, where applicable. Because until and unless we can describe what is it that we're trying to accomplish in very specific strategic objective frameworks, then it's very difficult for us to actually go out and deploy in a -- in a focused area.

CLARKE:

Thank you, Chief. One more question. Thank you.

According to the GAO report -- and I'd like to quote. And I believe this is on page 27. "Border Patrol officials in the Detroit sector said that because they do not believe ICE shares information with them, coordination with ICE is hindered."

Now, also, later in that report, the DHS responds to the GAO's recommendation that there needs to be better compliance with the 2007 memorandum of understanding between the Border Patrol and ICE, that the department's response is to resume coordination council. But the GAO indicate that there are some problems in the past with the structuring of that body and that it needs to be restructured. Mr. Stana says that that recommendation of how it should be restructured is outside of the scope of his report.

But, Chief, if you could, if the restructuring of the coordination council would be involved in your response on how ICE and the Border Patrol could be better coordinated, how would you recommend that restructuring take place?

FISHER:

Well, Congressman, I will tell you first we do have Border Patrol agents that are assigned to the ICE -- ICE border enforcement task force. They're called the BEST. We do work with ICE on a variety -- not just in Detroit, northern - and in the southern border. We are heavily dependent on other agencies, to include ICE.

I will also tell you that there's between 21,370 Border Patrol agents that we will have by the end of this year. If you asked any one of those Border Patrol agents at any given time at a various location, there's probably some organization or agency that, in their -- their -- their understanding or their perception, that we're not working well with. That is not to discount what the GAO report indicated.

I take those very seriously as a kind of an independent pulse on our organization. But I will tell you at the leadership, from here in Washington down to the field leadership, the -- the organization within DHS and in particular, CBP and ICE is working well, both in terms of our interdiction capabilities augmenting their investigative capabilities.

MILLER:

Thank you.

The chair now recognizes the gentleman from South Carolina, Mr. Duncan.

DUNCAN:

Thank you, Madam Chairman.

Thank you, gentlemen, for being here today. I understand the enormous task that you have of securing our -- the sovereignty of this country and also understand that the American people expect us to -- to do just that, protect the sovereignty of the nation and the sovereignty of the individual states.

And, you know, I think about President Reagan talking about America being a shining city on a hill. And he said that if that city has to have walls, then those walls need to have gates. And those gates would allow normal commerce. And it would also control normal and legal immigration for folks that want to come to this beacon of freedom.

And so, I'm struggling this morning with your definition of operational control. The Secure Fence Act of 2006, Congress defined operational control as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics and other contraband.

The CBP is publishing data stating that only 44 percent of the southwest border is under operational control. And a border state is suing the federal government for these same issues.

You mentioned an acceptable level of operational control. I think the acceptable level of the American citizen is total control of our southern border, our northern border, our natural ports of entry where we determine who comes into this country, how many folks come here through legal means annually, what they come for, whether they're seeking citizenship. These are things, the questions that the American people are asking.

And so, given the fact -- and I could go on about the GAO and 69 miles of 39 or 87 miles on our northern border being controlled, \$3 billion spent on the northern border. Rhetorically -- and I don't expect you to answer this question. But rhetorically, I think of how much concrete stone and barbed wire could have been purchased and erected on our southern border for \$3 billion or a portion of that \$3 billion.

And I understand you don't have total control on how your budget is expended. So that's why that is rhetorical. But what I'd like to -- to try to get to is a further understanding from you of what operational control really means.

FISHER:

Congressman, I will say that part of our overall mission is to substantially increase the probability of apprehension of those people that seek to do harm to this country. And in particular, in the Border Patrol's case, that would be between the legal ports of entry.

And I would agree with prevention is -- is part of our strategy and what we're trying to do. But putting a two-mile fence, for instance, on the border doesn't necessarily give you prevention because there's still going to be those individuals that are going to try to come over it, go underneath it or go around it.

And so, as we incrementally build that and we just add the pedestrian fence, for instance, in some cases, in Yuma in 2005 when we had over 2,300 vehicles just driving across the border, certainly, that was unsustainable from a border security standpoint. And so, one year later, after we applied those resources, they've dwindled down to -- right now - - on average, the Yuma sector, which is part of that western part of Arizona, is seeing minimal activity levels as a result.

So the -- the prevention is -- is part of what we try to achieve as well. But fence and Border Patrol agents and technology, in and of itself, isn't the only thing that we require to achieve, as you describe what the American people require.

Because it's going to be a whole of government approach and a whole community approach to border security, you know, working with the state and local law enforcement agencies, for instance, working with the communities and in particular, those communities that are affected in the rural and remote areas where we don't have that level of -- of presence, for instance, in terms of fencing or in terms of detection capability. But we will work those, along with our -- our law enforcement partners predicated on intelligence that we use the resources that we have in a very focused and -- and forward effort along with those community members.

DUNCAN:

Chief Fisher, I appreciate that. You're going to find a friend in me to help you achieve your mission. But I appreciate you saying that you're trying to stop folks that are wanting to do harm to this country.

We've got a tremendous issue with folks that are just coming into this country illegally pursuing jobs and quality of life that we enjoy. I understand why they come. But you also said in your written statement that you currently have immigration laws, and these laws can't be ignored.

The law is the law, and that our law enforcement officers and agents are bound to duty -- bound to duty to enforce these laws. But the last time I checked, entering in this country without coming through a natural port of entry, through illegal means, is against the law.

And so, in addition to those that are wanting to harm this country through terrorism and other things, we also have a duty to protect the law, or enforce the law, of those that are coming here and breaking our laws, crossing our borders. And that's in addition to what you're saying.

FISHER:

Yes, Congressman. But, if I may add, when I had mentioned those people that would do harm to this country, I didn't do that at the exclusion of all other activity. Clearly, as law enforcement officers, we are bound by oath and by the Constitution and certainly, by the American people to enforce those laws. And we will do them both within the Constitution, with a degree of compassion and consistency within this organization.

DUNCAN:

Thank you.

Thank you, Madam Chairman.

MILLER:

The chairman recognizes the gentlelady from the U.S. Virgin Islands, Ms. Christensen.

CHRISTENSEN:

Thank you, Madam Chair. And it's a pleasure to -- to be here on the subcommittee with both you and the ranking member.

And welcome to our panel this morning. I want to, I think, follow-up on Mr. Duncan. It was differences in the definition of operational control that CBP has been using versus Congress centered around the prevention.

And I'm just wondering whether CBP as currently figured, staff, resource, and maybe -- you know, and even legislation -- legislative mandates -- are you able to move to the -- to the congressional definition that includes prevention as you're currently staffed, configured and resourced? Or does it require some changes?

FISHER:

Congresswoman, in some areas, yes, where we are able to prevent the entry in the first instance. But I would not characterize all the borders that we've been able to prevent the entries.

CHRISTENSEN:

OK. Well, I guess that leaves -- well, is it that you need more staff? Do you need a different type of resource? Is there some legislative change that needs to be made?

FISHER:

Well, what I can tell you right now -- and what we're actually doing this year and into next year, is really increasing the detection capability that the Border Patrol agents have in between the ports of entry. Matter of fact, if you recall recently part of the assessment that the secretary looked at for SBInet is going to give us the ability now to -- to take all detection capability into consideration, and in particular, those global capabilities, whether the mobile surveillance systems, remote video surveillance systems, recon three's, which are the hand-held thermal imaging devices that Border Patrol agents need out in some of those canyons.

And so, once we start applying those levels of technology, you know, we've always stated over the years that in those areas where we do have the infrastructure in terms of pedestrian fence or vehicle barricades, where we do have a level of detection capability, in those areas, we're not necessarily gaining what we've defined as operational control, but sustaining it at that point, which generally requires less Border Patrol agents to do that. So right now, because we have seen incrementally over the last few years an infusion of Border Patrol agents and we've seen additional technology and we've seen the completion of -- of the vast majority of that infrastructure, we're starting to think about the ways we apply our doctrine.

That's why I mentioned that before. So right now, I'm -- I'm not suggesting that we need X amount more Border Patrol agents or technology. Those are the discussions that we as a leadership are having right now. What is it that we -- how are we applying all those things now and years where we didn't?

We have seen the border change in -- in a variety of ways, not the least of which is those techniques, tactics and procedures that the smuggling organizations, the trans-national criminal organizations are -- are using. And right now, we're building that workforce to be able to figure out what's the best approach to do that.

CHRISTENSEN:

Mr. Stana, did you want to add something?

STANA:

No, I think we all realize that the word prevention is a very high bar.

CHRISTENSEN:

Yes.

STANA:

And, you know, what resources that would be needed to absolutely prevent every single incursion would be something probably out of reasonable consideration. But there are things that the Border Patrol and CBP and others could do to make sure that we're doing the best with what we have and what we can afford. And we talked about many of those here. We've talked about technology. We've talked about coordination, information sharing and making sure that we have the measures in place that we know we're putting our people where they're doing some good.

CHRISTENSEN:

Thank you. I think that I can squeeze in one more question. Again, it's about operational control.

And if you can't answer this question for me today, maybe you could at a later time, Chief. Could you give me an assessment of the level of operational control in the border area that I represent, so Puerto Rico, the Virgin Islands? Include Florida. How would you -- how would you characterize the level of operational control? Is it undetermined, low-level monitored, monitored, managed or controlled?

FISHER:

Well, I think you raise a good point, Congresswoman. And certainly, in your 26 seconds that are left, I'd just as soon give you a comprehensive review of that, and in particular, the methodology by which we make that assessment, if that's fair.

CHRISTENSEN:

Thank you. Yes, that'll be quite fair.

Thank you, Madam Chair.

MILLER:

Thank you.

The chair now recognizes the gentleman from Alabama, Mr. Rogers.

ROGERS:

Thank you, Madam Chairman.

Thank all of you all for being here. I really appreciate it.

And, Chief Fisher, I -- when I first came on this committee before it was a standing committee, as a select committee, I didn't have a full appreciation of the professionalism and bravery of the CBP officers. But after multiple trips to the border, you all are a fine bunch of law enforcement officers and very brave.

And I know of the 24 years you've been, you've seen a lot of changes. But I've got to tell you. I don't understand where you come up with the belief that you have a different operational control standard than that set out by the law. Can you tell me how the CBP came up with a different definition than the one that was set out by the 2006 statute Mr. Duncan read to you?

FISHER:

Well, sir, I don't -- and if I mischaracterize it, let me be clear. We're not differentiating from what the law states.

I was just explaining early when we developed a strategy and came up with the manner by which we were going to assess operational control, it wasn't in conflict with the legislation. I'm just explaining the tactical use by which our field command -- and as we report those lines of operational control, one is how we differentiate between the definitions, two, that all the definitions as -- even when they were written, are predicated on resources.

ROGERS:

Yes, but you read a definition to this committee of operational control. And it was not the statutory definition.

FISHER:

Yes. Well, I'm just -- I'm giving you our operational definition that we train our leadership to make those assessments.

ROGERS:

And that's my problem.

FISHER:

... to.

ROGERS:

You're a law enforcement officer. The law says you will prevent all illegals from coming in, just as Mr. Duncan read. And my question is why would the CBP develop a functioning definition that's different from that that's set up in the law.

FISHER:

Well, I don't -- I don't know that I'm understanding your -- your qualification on that, sir. So when I say that we define it as the extent to which we're able to detect...

ROGERS:

And that's not what the law says. The law says, quote, "The prevention of all unlawful entries into the United States," et cetera, et cetera.

FISHER:

Right.

ROGERS:

And my question is that should be the standard against which you're measuring. Now, Mr. Stana's talked about measurements. Mr. Cuellar's talked about measurements. If we want a valid reading of how we are working toward achieving the legal standard, then you've got to measure all illegals.

And, you know, I -- I -- frankly, as you'll talk with David Aguilar, I'm his best friend on this committee. And I have great admiration for you all. But I've got to tell you. The last time you were here, I asked you do you need any more manpower. You know, when I came on this committee, we had 12,000 CBP agents. Now it's double that.

When I asked you last time you were here, you said, no, I don't need any more. Well, we've got 1,100 National Guardsmen down there helping you. Obviously, you need more.

So I go back to questions you've had asked by Ms. Christensen. What do you need to secure the border? You know, and it may be as Mr. Stana just said, a figure that is astronomical and what you believe is unattainable. That's not your call.

Your call is to tell you and tell us in your unvarnished opinion what you need to achieve the legal standard set out in 2006. And then let us make the decision if we want to achieve 50 percent of that or 60 percent or 75 percent.

So I guess I'm looking for that feedback and that number. What do you need to attain that rock solid prevention of illegals coming across our border? And right now, let's just focus on the southern border, even though the northern border is just as important. Yet, that's the one you have the most familiarity with, as I understand.

FISHER:

Yes, Congressman. And, you know, as I'm -- as you're -- as you're asking the question, I'm thinking about, you know, the last discussion that we had with -- with our leadership in terms of -- again, our prevention is for anything that's coming across the border at that level that you qualified.

And the steps that I had determined or -- or discussed in -- in terms of the definition are the incremental steps to achieve that. So they're not -- they're not disconnected, at least -- at least in my understanding of what those are.

ROGERS:

You're correct. You're correct. It's not just the illegal aliens. It's other things as well.

FISHER:

Right. And -- but the other thing that we're seeing right now is -- I cannot today, and certainly, not over the next couple of weeks, say this is the amount of Border Patrol agents that we're going to need at that absolute, to be able to prevent 100 percent people coming in because, again, even with the personnel, Border Patrol agents, in this case, the technology or the infrastructure -- part of that, you know, qualification is going to be the manner in which we apply those and how we work with other agencies.

And I've got a real quick example. Maybe it'll make the case a little bit. In areas of the five miles between San Ysidro and the old time Mesa port of entry, a post where I came from previously, is we have a primary fence. We have the secondary fence, which is about 12 to 15 feet high. We've got all weather roads, which is basically a containment zone which gives us full patrol capabilities.

We have stadium-style lights. We have full-time coverage, overlapping fields of fire with daytime and nighttime cameras. And that is, by even our standard, one of the best places where we would achieve that. And yet, it's the same area where we've seen the -- the most tunneling within our border.

And so, if you look at what is -- we don't need more Border Patrol agents in that particular case. It may be some very specific, you know, detection capability. And it may be information and intelligence networks. So it's not just -- as we've stated over the years, personnel, technology and infrastructure served us well to be able to get those resources down there.

And what we're trying to do is assess right now what is that combination. And if we need some more, I'll be the first to come back and ask for your support, sir.

ROGERS:

Well, I want you to understand. The reason that you've got all that hardware on your collar is you're a professional. We count on your professional opinion.

David Aguilar, who is the deputy commissioner, as well as Commissioner Bersin -- I can assure you -- I know the chairlady real well and the ranking member. They're my good friends. We are going to keep coming back until you all tell us what you need.

So I hope that you'll communicate with both the commissioner and deputy commissioner that you all have got to come up with a -- a set of criteria and numbers that would give us functional control, operational control of the southern border and the northern border. And don't even -- listen, I'm not even talking about the coastal border right now, which you know is our biggest.

And then let us make some policy decisions about what's practical for us to do as a nation. And I'd appreciate that. And I just want you to know I'm not your enemy. I'm a big supporter of CBP.

But this is our job. And this is what our constituents are asking. And I understand the challenge that you talk about and Mr. Stana's talking about and the mayor talked about. But we need this information.

Thank you, Madam Chairman.

MILLER:

Thank the gentleman.

The chairman recognizes Mr. Higgins from New York.

HIGGINS:

Thank you, Madam Chair. The issue of operational control is obviously very important. A lot of time was spent here talking about resources, human resources, the importance of federal agencies, state agencies and local agencies sharing information. I don't think enough has been said about infrastructure.

And, Chief Fisher, you had mentioned it a couple of times, in your opening statement, once, and then in response to one of the questions here. I represent Buffalo and Western New York. The Peace Bridge connects Buffalo and western New York with southern Ontario. The Peace Bridge was constructed 83 years ago. The population of southern Ontario in that time had grown by over 300 percent.

The Peace Bridge, when it was constructed, consisted of three lanes. It still has three lanes. They use an alternating lane system so 50 percent of the time, you're down to one lane. It's the busiest passenger crossing at the northern border.

The importance, I think, is to balance security and safety with the free flow of commerce. As the chair has said, Canada is our largest trading partner. We're friends.

The president, in his budget, included \$2.2 billion, in his proposed budget, for land ports of entry. The Peace Bridge is a priority, as far as we understand it. Could you just talk about the importance generally of infrastructure toward the goal of securing the borders and finding that balance between securing the border and not constricting the flow of goods and commerce from either the northern and/or the southern border?

FISHER:

Congressman, thank you. I'm going to attempt to go a little bit outside of my lane of expertise within the U.S. Customs and Border Protection and answer your question. I don't necessarily think -- and I've heard the commissioner say this before, so I think I'm on solid ground -- that as we look at the -- the ports of entry, in particular, that we don't look at security and the legal flow of goods and commerce into this country as necessarily a balance.

I don't necessarily think it's a zero sum game. In other words, in order to increase the free flow of commerce, we have to somehow give up security and vice versa.

What we try to do at the ports of entry, probably even more so than in between the ports of entry, is we try to find out as much as we can in advance of a crossing at the port of entry to spend less time about that and to spend more time about those things, people and goods that we don't know about. So -- and I think that, you know, recently with the -- the signing of the commitments between both governments in Canada and the United States, you know, CBP is going to be actively engaged, as we currently are, with our law enforcement partners and government partners to

figure out how we -- how we do that to make sure that -- that those ports of entry are having the -- the most economically viable passage of people and goods through there, but at the same time, not giving up on security.

And I think we do that a lot. Infrastructure, certainly, in some instances will play a part of that. But I think it's some of the policies and the manner in which we approach this that also can contribute to that as well.

STANA:

Yes, I think the bridge itself is only part of the issue up there, the Peace Bridge. As you know, you're kind of constricted in the area of inspection by -- I think there's a park up there, and there's a neighborhood. And then you've got the river, and there's a freeway next to it. You're really kind of boxed in there. I know that issue very well because we did some work for then Senator Clinton on trying to get a pre-inspection on the Fort Eerie side. And there were Canadian constitutional issues there that it couldn't really happen.

HIGGINS:

Yes, the pre-clearance, or shared border management concept has been rejected...

STANA:

Right.

HIGGINS:

... by homeland security as not workable.

STANA:

Yes.

HIGGINS:

... given the two separate constitutions and other logistical issues.

STANA:

Exactly.

HIGGINS:

But you know, the bridge remains very, very constricted.

STANA:

Now, the bridge is a problem. And it's the same issue with the Ambassador Bridge.

HIGGINS:

Yes.

STANA:

You know, where Chairwoman Miller is. And that is that the trick is getting the -- the legitimate cargoes and people across quickly.

HIGGINS:

Right.

STANA:

And there are different, you know, trusted traveler programs like FAST that get the cargoes across quickly. You know, you have people who pre-register, and we know them. We know their supply chain. They're not the problem. You've got to get to the vital few, the needle in the haystack. That's the trick there.

HIGGINS:

Just a final thought on this, Madam Chair.

I appreciate your emphasis on security exclusively. I don't believe it's a zero sum game. I believe it's a variable sum game that can be multiple winners. And from my perspective, we have to balance the needs of security, but also the economic viability of the area and the enhancement of that economic viability by having a -- a secured, but efficient bridge and -- and -- and port of entry plaza, inspection plaza to ensure that -- that both passenger vehicles and trucks carrying goods is -- is moving back and forth from Canada.

Because, as the chair had said at the very outset, our economies are highly dependent on one another. And particularly in the Northeast, places like Buffalo, that is not growing, we seek to regionalize our economy, both east to -- to -- in New York, but also north into southern Ontario.

The province of Ontario -- 94 percent of the population lives in southern Ontario. And it's a population that's projected to grow by another million over the next decade. So it's very important that we stretch the infrastructure capacity both at the plaza and the bridge to -- to promote the nation's security, obviously, but also to promote economic development. Thank you.

MILLER:

I thank the gentleman. And we're going to have a little bit of time for the second round. We're well-aware and cognizant of the -- Chief Fisher's time constraints.

But if I could, I'm going to follow-up on Mr. Higgins' comments about the plazas there in Buffalo and something that we call -- what I'd call reverse inspection, really. And so, how we protect our infrastructure is -- is of critical importance as we think about how we continue to expedite commerce to our great friends and neighbors and trading partners, the Canadians.

It was interesting that President Obama and Prime Minister Harper just recently have come out with a new U.S./Canada agreement, which is focusing a lot on border security, some of the issues that we have with the thickening of the border and -- and how we can accommodate all of these things. And one of the things that was actually mentioned in there was the Detroit River crossing.

And we are going to be actually building another crossing there, something we call the DRIC. Well, it's still up in the air a bit, but there will be an additional Detroit River crossing, whether it's one that they call the DRIC or another one that would be the twinning of the Ambassador Bridge.

However, that works out, we do need an additional crossing in the Detroit sector there. And the Canadians are so interested in it that they are actually going to loan the state of Michigan \$550 million, which is our portion of the match. And that's how serious they are about having an additional trade route there.

And the reverse inspection is something that, in my mind, that would be where they actually are secured before they cross the bridge, before they would cross the infrastructure. And so, I know there's been problems with -- because of the two nations and our two constitutions. But hopefully, this new U.S./Canadian agreement will look at some of those things and see if we can't work some of those out.

I'd also want to mention -- and I always talk about the northern border because, as I say, believe me, I'm not deemphasizing what's happening on the southern border. And that is something that the American citizens are absolutely focused on Congress focusing our attention on, of securing our borders. But without quantifying the number, I think it's safe to say that the TIDEs list, which is a term that the American public became very familiar with after the Christmas Day bomber when they said that that individual was not caught by the TIDEs list.

The TIDEs list -- we have significantly higher hits on the TIDE list on the northern border than we do on the southern border. So I -- I just say that as a way to talk about the unique challenges that are happening on the northern border, a different type of situation, perhaps.

But I also wanted to mention something -- I've listened to all my colleagues ask questions and was pointed out whether that was the GAO report about the northern border or some of the problems along the southern border, the 9/11 commission recommendation about the need to know to the need to share information. We do have a pilot program, actually, in my district, which is a national pilot program that can be utilized by all of the stakeholders, both whether it's the north, the south, the coastal borders, everything.

It's called an operational integration center where we -- they weren't really sure. I guess you weren't really sure what to call it. I like the term. I don't know where it came from. But it's a very cool term.

But it is descriptive because you are actually having all of the various stakeholders, whether that's Customs and Border Patrol, whether that's the Coast Guard, whether it's our Canadian counterparts, whether it's our local officials, local first responders, the Michigan State Police, et cetera, our National Guard, everybody. All stakeholders feed their data into this operational integration center.

The data is massaged by the expert and is able to come out in a product that can be put in the hands of a Border Patrol agent out on the -- out in the field on the front lines to utilize real-time information effectively as they -- as they need to. So we're very excited with that. We're going to have a grand opening next month, I think. We're hoping the secretary will come there.

And one of the other things -- and Mr. Cuellar and I are going to be talking about where we see this subcommittee going in the future and some of the various issues we want to talk about. But, you know, perhaps we are not measuring every bit of the matrix and giving as much weight to every measurement in the matrix as much as we should.

For instance, we were just commenting here or listening to some of the comments that perhaps we're not measuring the technology part of it as heavily, giving it as heavy weight as we should. And I'm a big proponent of UAVs. I know Mr. Cuellar has that in his -- in that district. And -- or at least in Texas and through the southern border.

I mean, this is off-the-shelf hardware that has already been paid for by the U.S. taxpayers that has been utilized very effectively in- theater that can be utilized the south, the north, the coastal borders. And it has to.

And so, at some of our follow-up hearings we're going to want to be talking to folks about the follow-on technology, the SBInet, what comes next, really, and how we measure that, whether it's UAV. Another good type of technology that we're all starting to look into and may have a hearing on as part of the technology hearing is some of the land systems. Again, these are things that are being utilized very effectively in terrain that's certainly every bit as rugged, if not more, than what we find in our borders, in-theater, in Afghanistan, through Iraq.

These are technologies that always don't require an actual person, just like a UAV. If you lose a UAV in-theater, you know, it's too bad you lost a couple million dollars. But you didn't lose a person. Same thing with these land systems.

I mean, the technology is out there. And as one of my colleagues mentioned, it's our job. You need to tell us what you need.

You give us your best advice, and we'll -- it's for us to make the difficult decisions in face of the financial crisis that's facing our nation to be able to understand how we're going to prioritize dollars to be able to give you all, particular, Chief, the resources that your very brave men and women need to do their jobs as effectively as -- as they know how to do them if they had the resources to do them and meeting the mandate that the American people have set for us, certainly. And that is border security and securing our border.

And, Mr. Cuellar, would you have any follow-on questions (inaudible) some time?

CUELLAR:

Well, thank you, Madam Chair. The only thing I would add is something that we've talked about, as you mentioned a few minutes ago, reducing taxpayers' dollars for equipment that's been already purchased, or at least the research has been done. And that's the defense intelligence agency that has technology that can be used for the border.

And we've gone down to the border with the defense intelligence agency. They've been doing some pilot programs. The only thing I saw, Madam Chair, is that there was a little resistance from homeland, I guess, trying to use their own research.

But taxpayers have always been used on that. I think it's something that you all should really look into. It's been tested by the military in the battlefields and certainly, can work on the border also.

Thank you, Madam Chair.

MILLER:

Thank you.

I guess my final question, then, before we close would be to ask when you think the Border Patrol may be offering their new metrics for -- for how you're going to be measuring operational control.

FISHER:

As soon as we feel comfortable that -- that they'd represent what we believe that -- you know, one of the things that we don't want to do, Madam Chair -- and this is certainly something I've looked at -- is, you know, how we do this and just beyond just the definition and beyond the words.

We recognize that the words that we use mean something. And so, we want to make sure that we have a full understanding of, not just what we think they mean, but -- but as it gets rolled out, both in terms of the committees and the American people, that we have a better sense.

And it's not necessarily coming up with new metrics as much as it is understanding how those metrics apply in today's border environment. And I'll give you a quick example.

One is -- I touched about it briefly -- apprehensions. We've been talking about apprehensions ever since I've been in the Border Patrol. But what's more important, at least to me, is not the number of apprehensions, but the number of people. And of those people -- we talked about recidivism.

How many of those individuals were apprehended just one additional time? And how many of those individual were apprehended between five and 10 times? That, to me, starts really understanding what is it that we're trying to affect as opposed to just looking at a metric outside of the broader context.

So it's not new, necessarily, metrics. Although we explore those as well. It's how we even further define -- I mean, understand what these metrics mean to us now in this different border environment. But as soon as we're able to, we'll -- certainly, I'll be talking with you and your staff to be able to get a sense of does this make sense.

MILLER:

Mr. Cuellar?

CUELLAR:

Thank you, Madam Chair.

I would ask Chief Fisher and Mr. Stana also to look at the new GPRA 2.0, if I can say that. Because there's a section there -- it talks about the measurements. But there's a section there also working with Senator Coburn that basically puts some teeth on programs and agencies that says that if you don't meet the efficiency, you could end up with -- and I'm not saying you, but just in general speaking, a program can be either reduced or eliminated for their inefficiencies.

There's some strong, strong, strong language that we worked with Senator Coburn on this. So I would ask you all to look at this new law because in the past, there hasn't been teeth added.

But there is now teeth added to it now where, as we look at the measures and agencies don't meet the measures and provide that information over to -- to the members of Congress, there is some teeth now that could call for members of Congress to go after your budget or total elimination of a program or agency if we don't meet those efficiencies. So I would highly, highly, highly suggest that you look at GPRA 2.0.

STANA:

Actually, you're raising a very good point. In fact, when GPRA equivalents are used in foreign countries, that's the outcome in the zero sum budget environment. The ones that don't meet performance measures have a lot of explaining to do.

MILLER:

OK. I just, again, want to thank all the witnesses. We certainly have appreciated your participation in today's hearing, all your information.

And particularly to the mayor, who had to travel from Laredo. So we appreciate you coming, my new cousin. I appreciate that.

But the members of the committee who have some additional questions for the witnesses. And we'll ask you to respond to these in writing. The hearing record will be open for 10 days.

And without objection, the subcommittee stands adjourned.