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TESTIMONY OF

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BEFORE

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Committee on Homeland Security and Governmental Affairs

ON

“Initial Observations of New Leadership at the U.S. Border Patrol”

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## **Introduction**

Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee, it is a pleasure to appear before you today to discuss our initial observations of current U.S. Border Patrol (USBP) operations and challenges, and our vision for securing the U.S. border between our Nation's ports of entry (POEs).

We are deeply honored to lead the dedicated men and women of USBP who work tirelessly to protect our Nation's borders. As America's unified border agency, U.S. Customs and Border Protection (CBP) protects the United States against terrorist threats and prevents the illegal entry of people and dangerous materials into the United States, while facilitating lawful travel and trade. USBP works with our CBP, interagency, state, local, tribal, territorial, and international partners to secure the more than 6,000 miles of land border between the POEs that we share with Mexico and Canada and 2,000 miles of coastal waters surrounding the Florida Peninsula and the island of Puerto Rico.

Since the 9/11 terrorist attacks, the U.S. Government has facilitated an unprecedented deployment of personnel, technology, and infrastructure to secure our Nation's borders. The resource base built over the past two decades has enabled USBP to develop and implement an enforcement strategy and posture tailored to meet the challenges of securing a 21<sup>st</sup> century border against a variety of different threats and adversaries.

Today, USBP's enforcement strategy is threat-based and intelligence driven: identifying high-risk areas and flows, targeting our response, and deploying resources and capabilities in the most effective and efficient manner to achieve multiple security objectives, including:

- Prevent terrorists and terrorist weapons from entering the United States between the POEs through improved and focused intelligence-driven operations and enhanced operational integration, planning, and execution with law enforcement partners;
- Disrupt and degrade Transnational Criminal Organizations through targeted enforcement efforts against the highest priority threats and expanding programs that reduce smuggling and crimes associated with smuggling; and
- Manage risk through the introduction and expansion of advanced detection technology, and sophisticated tactics, techniques, and procedures.

Our adversaries deploy sophisticated strategies and often essentially run highly developed business enterprises. We must respond accordingly by continuously improving and advancing USBP's layered enforcement strategy. Among the factors we must carefully consider are: the best deployment of frontline law enforcement personnel; investments in advanced detection and surveillance technology and tactical infrastructure; the enhancement of information sharing and intelligence capabilities; the expansion of operational partnerships with federal, state, local, tribal, and international partners; investments in the sustainment of our current workforce; and developing a pipeline of highly motivated and highly qualified applicants for our frontline positions.

This approach will leverage our authorities to secure the homeland using a multi-layered and intelligence driven application of USBP resources that contributes to an improved understanding of the threat environments, enhances our ability to rapidly respond to threats, and ensures that the physical border is not our only line of defense, but rather one of many.

Our testimony today will focus on our initial observations of the U.S. Border Patrol, specifically the following efforts:

- Sustaining and building our frontline law enforcement workforce;
- Reinforcing tactical infrastructure and technology;
- Responding to Unaccompanied Alien Children;
- Expanding intelligence and international capabilities to support integrated operations; and
- Enhancing effectiveness, performance, and metrics.

Within these efforts, we discuss aspects that are working, where challenges exist, and the path forward to enhance our ability to detect and prevent threats from entering the United States.

### **Sustaining and Building Our Frontline Law Enforcement Workforce**

The dedicated men and women of USBP are truly our greatest resource. This is not a statement made lightly. USBP agents regularly work in locations that are desolate, at times dangerous, and subject to extremes in temperature and terrain. They represent commitment and integrity for which our Nation should be both proud and grateful. Ensuring that we develop and retain a skilled and trained frontline workforce is critical to our border security mission. It requires continued and sustained investment, and thoughtful stewardship. Management of our workforce is also occurring against a backdrop of tremendous change and intense challenges. The USBP leadership is working closely with the CBP Office of Human Resources Management (HRM) to implement innovative hiring strategies, reduce attrition rates, and bolster the resilience of our workforce.

CBP's hiring process for frontline personnel is intentionally rigorous because the missions we carry out ensure the safety and security of the American people. We require applicants who demonstrate the highest degree of integrity, are physically fit, and are deeply committed to our mission. Applicants must successfully complete an entrance exam, qualifications review, interview, medical exam, drug screening, physical fitness test, polygraph examination,<sup>1</sup> and a background investigation. The hiring process is challenging for most applicants and a large number simply do not meet CBP's rigorous employment requirements. Moreover, competition from the military and other federal, state, and local entities that have similar recruitment needs are making it more difficult to attract sufficient numbers of suitable applicants to the law enforcement profession, including USBP's frontline positions. External factors may also affect CBP's ability to reach staffing goals. For example, cyber intrusions and vulnerabilities in Fiscal Years (FY) 2014 and FY 2015 created disruptions that halted the hiring process for as long as

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<sup>1</sup> The *Anti-Border Corruption Act of 2010*, Pub. L. No. 111-376,

five weeks at times. CBP is aggressively addressing the spectrum of hiring challenges, but it is important to recognize that they exist and will continue to make hiring difficult.

In addition to the challenges we experience in bringing on new hires to increase our frontline workforce, CBP must also backfill positions lost through attrition. The attrition rate for Border Patrol Agents (BPA) in FY 2015 and FY 2016 was 5.5 percent and 4.3 percent, respectively. This means that CBP was required to hire approximately 1,000 new BPAs just to maintain current staffing levels. Given the current rate of BPA attrition, losses are currently outpacing gains, creating a downward staffing trend. A range of factors, including often less-than-desirable duty locations, have driven BPA attrition to the point where losses are significantly outpacing gains.

We must increase our frontline hiring capabilities and capacity if we are to sustain and improve our border enforcement posture. CBP has taken numerous steps to address frontline staffing challenges, upon which we must expand and build. For example, CBP established a Frontline Hiring Program Management Office to implement specific actions that address frontline hiring challenges. This includes a National Frontline Recruitment Command, comprised of uniformed agents and officers as well as other CBP personnel to provide support and expertise to USBP and other CBP field recruitment offices. CBP has also developed and implemented an expedited hiring process by compressing multiple processes and several months of the hiring process into a one-week timeframe and takes place in a centralized location. This expedited “hiring hubs” process resulted in a time to hire reduction of more than 60 percent, without compromising the integrity of the hiring process in any way. CBP has also enhanced its engagement with the Department of Defense (DoD) to increase our efforts to facilitate and expedite the hiring of transitioning service members and veterans. We now conduct hiring operations on military bases and installations and we offer reciprocity for multiple steps during the hiring of veterans.

Recruitment and hiring process improvements, such as opening multiple job opportunity announcements for vacancies, have proven to be effective in increasing the number of applications received for CBP frontline positions and reducing the time-to-hire. CBP was able to increase the number of Border Patrol Agent and CBP Officer applicants from approximately 40,000 in FY 2014 to over 115,000 in both FY 2015 and FY 2016. CBP is also focused on reducing attrition by exploring opportunities to utilize pay and compensation flexibilities such as special salary rates, relocation and retention incentives, tuition assistance, and student loan repayments to incentivize mission critical personnel to remain with CBP. Because mobility and assignment diversity are important to CBP’s law enforcement personnel, CBP is also exploring new ways to utilize rotational assignments and reassignment opportunities.

Our frontline agents are our most valuable resource, and we must continue to optimize our recruiting and hiring processes, and further develop initiatives to maintain the critical frontline law enforcement agents needed to accomplish CBP’s border security mission effectively and efficiently. CBP recognizes that this is not just a human resources issue; rather it is an Agency-wide challenge that requires an Agency-wide solution. Recruiting, hiring, and retention remain CBP’s top mission support priorities, and we continue to explore new and innovative ways to be an employer of choice for both existing and prospective employees.

## **Reinforcing Tactical Infrastructure and Technology**

Thanks to Congress's support of CBP's tactical infrastructure and technology investments between the POEs, USBP can detect and interdict illegal activity, monitor evolving threat patterns, and strategically deploy assets. Furthermore, the continued deployment of tailored border surveillance technology, tactical infrastructure, and other operational assets allows CBP more flexibility to shift more officers and agents from detection duties to interdiction of illegal activities on our borders.

Tactical infrastructure is a critical element in USBP's threat-based approach to border security. Tactical infrastructure, including physical barriers, access roads, lighting, and other investments, can persistently impede illegal entry and can influence flow patterns, allowing USBP to use resources for enforcement purposes more effectively. In accordance with the *Secure Fence Act of 2006* (P.L. 109-367), CBP has deployed several different types and layers of pedestrian and vehicle fencing in locations along the Southwest border based on a risk and vulnerabilities assessment to deter and prevent unlawful border entry. Tactical fencing provides a persistent method to impede illegal cross-border activity, which offers Border Patrol agents additional time to respond to and resolve threats. The physical stature of the fence can afford agents additional cover, while preserving their ability to see potential adversaries, making physical assaults against them more difficult to carry out.

Other security infrastructure investments, such as all-weather roads ("Border Roads") and lighting, also play an important role in USBP security operations. Border Roads are generally oriented parallel to the border and provide USBP and other law enforcement partners with direct access to the border for enforcement and public safety efforts. Border lighting enhances USBP's ability to sustain situational awareness during hours of darkness, maintain a visible presence, and remove the tactical advantage of the criminal element while enhancing officer safety. Lighting is also vital to protecting the tremendous investment in existing fencing, as it creates a well-lit zone for agents to monitor, and deters those attempting to breach the fence and make an illegal incursion into the United States.

The activities of transnational criminal organizations and the difficult terrain and environment in which we work, pose a constant threat to agent safety. Technology, specifically surveillance technology and tactical infrastructure, helps to ensure our agents can perform their mission safely and effectively. When deployed in conjunction with tactical infrastructure and law enforcement personnel, USBP's fixed and mobile surveillance and detection technology assets are invaluable force multipliers, increasing situational awareness, creating a more secure border, and providing a greater margin of agent safety.

From an effectiveness standpoint, fixed surveillance technology increases USBP's situational awareness and our ability to detect, identify, classify, and track illicit activity, by providing line-of-sight persistent surveillance to detect incursions in varying terrain. For example, the Integrated Fixed Tower (IFT) systems are a series of fixed surveillance towers, employing a suite of camera and radar sensors that automatically detect and track subjects of interest and provide centralized operators with video and geospatial location of suspected items of interest for identification and appropriate action. Remote Video Surveillance Systems (RVSS), also fixed technology assets employing only camera sensor suites, provide short-, medium-, and long-range

persistent surveillance that transmit video to a control room and enable an operator to remotely detect, identify, classify, and track targets.

USBP also utilizes Unattended Ground Sensors (UGS) and Imaging Unattended Ground Sensors (I-UGS), which contribute to improved situational awareness, agent safety, and rapid response. These sensors support our capability to detect and identify subjects. When a ground sensor alerts to an intrusion or detection, an alarm, or trigger event, communicates to a surveillance processor, a centralized operations center computer system, or any authorized CBP network computer. I-UGS are a specific type of UGS with an integrated camera and the ability to transmit images or video back to the operations center.

USBP integrates an array of mobile and portable systems to address areas where rugged terrain and dense ground cover may allow adversaries to penetrate through blind spots or avoid the coverage areas of fixed systems. Working in conjunction with fixed surveillance assets, roads, and fencing, USBP's mobile technology assets provide flexibility and agility to adapt to changing border conditions and threats along the Southwest and Northern border.

For example, Mobile Surveillance Capability (MSC) systems provide long-range mobile surveillance with a suite of radar and camera sensors mounted on USBP vehicles. Also, CBP's Tactical Aerostats (lighter than air dirigibles) and Re-locatable Towers programs -- originally acquired by DoD -- use a mix of aerostats, towers, and electro-optical/infra-red cameras, to provide USBP with increased situational awareness through an advanced surveillance capability over a wide area. As of September 30, 2016, USBP agents have seized 65,499 tons of narcotics and apprehended over 53,000 illegal border crossers with the assistance of these aerostats and towers.

CBP's comprehensive border security operations include the coordinated and integrated capabilities of Air and Marine Operations (AMO) to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States. AMO engages assets and capabilities including fixed wing, rotary, and unmanned aircraft systems in the air domain, and patrol and interdiction vessels in the maritime environment; and provides critical aerial and maritime border surveillance, interdiction, and enhanced operational effectiveness to USBP ground personnel. Expansion of AMO's critical operations is needed to support the wide range of border security activities. At present, AMO capacity to meet all the air support requirements for the USBP is limited due to flight hours, aircraft maintenance, and support for other priority DHS missions.

Technology is an essential component of contemporary border security operations. Through the deployment of these complementary and effective fixed and mobile systems, CBP gains more coverage and situational awareness of surveillance gaps, and increases its ability to adapt to changing conditions to effectively detect, identify, classify, track, and interdict potential threats along the borders.

With the deployment of more agents, better infrastructure, and more powerful technology after the 9/11 attacks, the downward trend in apprehensions has been dramatic. Since FY 2000, apprehensions have dropped by more than two thirds on the California, Arizona, New Mexico

and Texas borders. In the Tucson Sector, apprehensions are down from more than 616,000 in FY 2000 to just 63,397 in FY 2015. That's a drop of nearly 90 percent.<sup>2</sup>

It is imperative that USBP continues to promote operational agility by leveraging technological advances and innovative practices. In coordination with the new Department of Homeland Security (DHS) Joint Requirements Integration and Management System, USBP uses the Requirements Management Process to conduct mission analysis, identify capability gaps, courses of action, and initial capability requirements. From this analysis, USBP performs follow-on planning to identify operational requirements over the short, mid, and long-term and to identify potential solutions, depending on the nature, scope, severity, and geographic location of a given capability gap.

USBP is also an active participant in the DHS Secure Borders Integrated Product Team (IPT), managed by the Science and Technology Directorate (S&T), which identifies technology gaps and prioritizes the Department's research and development (R&D) efforts. This cross-component IPT provides continuous R&D project assessment, validation, and redirection to meet operational needs. A substantial portion of the DHS border security R&D portfolio consists of projects to enhance existing surveillance capabilities as well as to integrate data/information sources from new surveillance capabilities. Currently USBP is collaborating with S&T on tunnel detection and tunnel activity monitoring technology, low-flying aircraft detection and tracking systems, data collection/integration/data sharing capabilities, and fixed and mobile border surveillance tools.

With all future technology and tactical infrastructure investments, we will continue to ensure that USBP acquisition personnel work closely with agents on the ground to develop operational requirements, conduct testing and evaluation, and obtain user feedback to ensure that the right technological solution addresses its corresponding capability gap. Terrain, threat, socio-economic, and political considerations vary greatly across sectors and regions, making a "one size fits all" approach ineffective.

Continuously evolving tactics of smuggling and trafficking networks and other criminals challenge the border environment where agents patrol. We will continue to deploy sophisticated surveillance and detection technology, as well as tactical infrastructure, to detect, intercept, and prevent illegal activity crossing or approaching our border. Utilizing these technology assets, we will also enhance our situational awareness of threat levels and criminal flows in the border environment by expanding our intelligence capabilities, information sharing, and operational integration with domestic and international law enforcement partners.

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<sup>2</sup> See: <https://www.cbp.gov/sites/default/files/documents/USBP%20Stats%20FY2015%20sector%20profile.pdf> and "Further Reflection," Frontline Magazine, Volume 7, Issue 2, December 1, 2015, <https://www.cbp.gov/sites/default/files/assets/documents/2016-Jul/frontline-vol7-issue2.pdf>

## **Responding to Unaccompanied Alien Children**

USBP is first and foremost a law enforcement organization. USBP's enforcement mission is crucial to our Nation's security, and focuses on detecting, deterring, and apprehending individuals crossing the border illegally between designated POEs.

Responding to the continued flow of unaccompanied alien children (UAC) crossing the Southwest border is also a priority. During FY 2014, the U.S. Government experienced an unprecedented increase – more than 70 percent – in the number of UAC crossing the Southwest border, compared to previous years. The resulting situation challenged the existing facilities, resources, and capabilities of CBP and other federal agencies with responsibilities to process, transport, and care for UAC.

In FY 2015, CBP apprehended 39,970 UACs crossing the border — a decrease of 42 percent from 68,541 encountered during 2014. However, in FY 2016, CBP apprehended 59,692 UACs, a 49 percent increase from FY 2015. Furthermore, in FY 2017, as of November 16, 2016, CBP has apprehended more than 10,549 UACs, compared to approximately 7,653 apprehended during the same period in FY 2016, demonstrating a 38 percent increase. Although overall UAC apprehensions since FY 2014 have declined, there has been a noticeable upward trend over the past year.

We have been closely monitoring this trend and continue to work with our partners to ensure that resources and capabilities are in place to efficiently and safely accommodate the increased number of UAC— in accordance with the *William Wilberforce Trafficking Victims Protection Reauthorization Act* (Pub. L. No. 110-457) and other legal obligations — without disrupting CBP's vital border security mission.

Since the sharp increase in 2014, we have made several changes, including training staff and expanding facility capacity, to improve our ability to process UAC efficiently, while enabling agents to perform critical border security duties. Furthermore, in response to the most recent increase, USBP has temporarily assigned 150 agents to the Rio Grande Valley Sector to assist with processing and detention of UACs and family units. CBP also opened a temporary facility in Tornillo, Texas, near El Paso, and is establishing a temporary facility adjacent to the Donna-Rio Bravo International Bridge to increase our holding capacity.<sup>3</sup>

## **Expanding Intelligence and Integrated Operations**

In addition to sophisticated detection technology and rigorous enforcement operations, we must expand our international partnerships, intelligence, information sharing, and operational collaboration, which are key components in increasing security along the Northern and Southwest borders. Neither a single DHS Component nor even a single governmental entity can effectively police the land, maritime, and air borders of the United States. A whole-of-

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<sup>3</sup> “CBP Opens West Texas Facility to Process Surge of Illegal Border Crossers,” November 19, 2016. <https://www.cbp.gov/newsroom/local-media-release/cbp-opens-west-texas-facility-process-surge-illegal-border-crossers>.

government approach that leverages interagency and international partnerships as a force multiplier has been and will continue to be the most effective way to keep our border secure.

CBP is the Executive Agent for DHS Joint Task Force-West (JTF-W), and a participating Component in Joint Task Force-East and Joint Task Force-Investigations. As the Executive Agent, CBP supports JTF-W by, among other things, providing Border Patrol personnel, who comprise the majority of the CBP personnel assigned to JTF-W. These Joint Task Forces are executing the DHS Southern Border and Approaches Campaign Plan (SBAC), which put the assets and personnel of the Department to use in a combined and strategic way to collaboratively plan and coordinate multi-component DHS operations to protect the border more efficiently. Aimed at leveraging the range of unique Department roles, responsibilities, and capabilities, the Campaign enhances our operational capability to address comprehensive threat environments in a unified way to address the range of threats and challenges, including illegal migration, smuggling of illegal drugs, human and arms trafficking, the illicit financing of such operations, and threat of terrorist exploitation of border vulnerabilities.

USBP, along with other DHS Components, also contributes to several initiatives to increase situational awareness and improve the combined intelligence capabilities of federal, state, local, tribal, and international partners. CBP hosts a monthly briefing/teleconference with state and local partners to monitor emerging trends and threats along the Northern and Southwest border and provide a cross component, multi-agency venue for discussing trends and threats. The briefing focuses on narcotics, weapons, currency interdictions, and alien apprehensions both at and between the POEs. These briefings/teleconferences currently include participants from: DHS JTF-W, ICE; USCG; Drug Enforcement Administration; Federal Bureau of Investigation; U.S. Northern Command; Joint Interagency Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Attorneys' Offices; Naval Investigative Command; State Fusion Centers; and local law enforcement, as appropriate.

Providing critical capabilities toward the whole-of-government approach, USBP works with our federal, state, local, tribal and international partners – particularly Canada and Mexico – to address transnational threats. Through the 21st Century Border Management Initiative, led by a binational Executive Steering Committee, the United States and Mexico further strengthen our collaborative relationship, building on the principles of co-management and co-responsibility for our shared border. The committee discusses topics relating to expanding and modernizing our border infrastructure, securing and facilitating the cross-border flows of people and cargo, strengthening public security, and jointly engaging the border communities. The United States also cooperates extensively with Canada, through the Beyond the Border Action Plan and Binational Executive Steering Committee, to assess and address shared threats jointly, within, at, and away from our borders. This international collaboration has become even more critical in light of the evolving security threats.

USBP is also cognizant of the potential threat of foreign fighters, or other bad actors who may try to infiltrate known migrant patterns. While there is no credible evidence of infiltration, our agents remain vigilant and continue to work closely with our Federal partners, including ICE Homeland Security Investigations (HSI) and the Federal Bureau of Investigation, to address any suspected or potential terrorist threats.

## **Enhancing Effectiveness, Performance and Metrics**

While there is still work requiring action, the Nation's long-term investment in border security between the POEs has produced significant and positive results. In FY 2016, total USBP apprehensions – an indicator of illegal migration – on the Southwest border numbered 408,870. This represents an increase over FY 2015, but was still lower than FY 2014 and FY 2013, and a fraction of apprehensions routinely observed from the 1980s through 2008. CBP also has a critical counter-narcotics role. In FY 2015, CBP seized or disrupted the movement of more than 3.3 million pounds of narcotics and more than \$129 million in unreported currency at and in between the POEs. These positive trends lend themselves to our Nation's whole-of-government approach to border security efforts, which emphasize the importance of joint planning and intelligence sharing.

The U.S. Border Patrol uses a risk-based strategy to deploy resources and address emerging threats. Risk is assessed qualitatively and quantitatively and is informed by multiple indicators, including the Consequence Delivery System (CDS).<sup>4</sup>

USBP uses the CDS on the Southwest border as a means to standardize decision making in the application of consequences and examines the efficiency and effectiveness of individual consequences on various types of individuals without claims for legal immigration. Recidivism<sup>5</sup> and the average number of apprehensions per recidivist are the strongest indicators of CDS effectiveness. Since CDS implementation in FY 2011, the annual reported recidivism rate has decreased from an average of 27 percent to 12 percent in FY 2016, and average apprehensions per recidivist decreased from 2.71 to 2.37 during the same period. Contributing factors to the reduction included reducing the percent of apprehensions resulting in a Voluntary Return, the least effective and efficient consequence, from 59 percent in FY 2010 to 4 percent in FY 2016; and applying more effective and efficient consequences to illegal entrants with a higher probability of making subsequent illegal entries.

## **Conclusion**

The border environment is dynamic and requires adaptation to respond to emerging threats and changing conditions. We appreciate the partnership and support USBP has received from this Committee, whose commitment to the security of the American people has enabled the continued deployment of resources and capabilities USBP needs to secure the border.

USBP's commitment to risk-based, intelligence-driven operations enables us to focus resources on a wide array of diverse threats ranging from networks of terrorism and transnational crime to individuals attempting illegal entry; from the illicit movement of weapons and drugs to human smuggling. Furthermore, USBP's application of risk management principles has enabled sound, timely operational planning and focused tactical execution against these diverse threats. Going

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<sup>4</sup> See Department of Homeland Security, FY 2014 -2016 Annual Performance Report, [https://www.performance.gov/sites/default/files/objectivepdfs/DHS-FY-2014-FY-2016-APR%20\(Goal%202.1\)\\_0.pdf](https://www.performance.gov/sites/default/files/objectivepdfs/DHS-FY-2014-FY-2016-APR%20(Goal%202.1)_0.pdf).

<sup>5</sup> Repeated illegal entry by the same individual.

forward, we will continue to evolve our integrated risk management approach to remain agile and adaptable in supporting operational priorities.

We will continue to focus on frontline hiring, intelligence, and operational integration, in conjunction with technology and other strategic and layered enforcement operations, all of which enhance USBP's ability to detect and respond to threats in our Nation's border regions.

Chairman Johnson and Ranking Member Carper, thank you for the opportunity to testify today. We look forward to your questions.