
The U.S. Border Patrol:
*Failure of the Administration to Deliver a Comprehensive
Land Border Strategy Leaves Our
Nation's Borders Vulnerable*



**Prepared by the Minority Staff of the
Committee on Homeland Security
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Prepared For Rep. Bennie G. Thompson, Ranking Member

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Introduction

Almost four years after the 9/11 terrorist attacks, our land borders remain porous and vulnerable to entry by terrorists and criminals. This security gap remains because the Administration has failed to create a comprehensive strategy that prioritizes our border security needs and seamlessly protects our borders. The wrong priorities set by the U.S. government have created obstacles to securing our land borders and have failed to provide the men and women of the Border Patrol the basic equipment, resources, and support needed to do their jobs.

In the Federal government, the Border Patrol, a critical component of the U.S. Bureau of Customs and Border Protection (CBP), is responsible for patrolling the border areas of the U.S. between ports of entry. These patrols are critical to preventing terrorists, weapons, and undocumented immigrants and cargo from crossing the border. In the post 9/11 era, the challenge of protecting our borders has grown while the flow of people and goods continues across our borders.

While apprehensions declined from fiscal year 2000 to 2003, they increased in fiscal year 2004. For example, in fiscal year 2003, 931,557 apprehensions were made on the border.¹ For fiscal year 2004, front-line border patrol agents apprehended nearly 1.2 million people attempting to cross the border illegally and estimates are that there may be two to three times as many individuals they fail to catch.² Additionally, during the past year, the Border Patrol apprehended 643 aliens from special interest countries.³ Annual illegal drug seizures include more than 1 million pounds of marijuana and up to 20 tons of cocaine.⁴ The lack of a comprehensive border strategy has allowed illegal trade and traffic to continue to cross our borders.

First, this lack of border strategy has caused inadequate staffing numbers at our borders and made it difficult to determine the proper staffing requirements. CBP's Commissioner, Robert Bonner, recently acknowledged the staffing problems during a hearing before the House Government Reform Committee when he said, "We need more Border Patrol agents, there's no question about that."⁵

Second, the lack of a complete border strategy has resulted in a failure to fully deploy state-of-the-art border security technology to comprehensively monitor the border.

¹ Department of Homeland Security--Yearbook of Immigration Statistics, 2003.

² Bonner, T.J., National President of National Border Patrol Council of the AFL-CIO, before the Subcommittee on Immigration, Border Security and Claims, Committee of the Judiciary, U.S. House of Representatives, March 3, 2005.

³ Bonner, Robert C., Commissioner of U.S. Customs and Border Protection, before the Subcommittee on Homeland Security, House Appropriations Committee, March 15, 2005.

⁴ National Border Patrol Strategy - Office of Border Patrol, U.S. Customs and Border Patrol, September 2004.

⁵ Bonner, Robert C., Commissioner of U.S. Customs and Border Protection, before the House Government Reform Committee, May 12, 2005.

Finally, the failure to develop a comprehensive strategy has created an ad-hoc approach to border security, resulting in a dangerous growth in volunteer border observers and possibly vigilantes.

If our nation is to have secure borders, it must have a comprehensive border security strategy. While securing our borders is not an easy task, it can only be completed successfully if we take the mission seriously, and are committed to investing in the human and technological resources that will get the job done.

An Incomplete Border Security Strategy Leads to Inadequate Staffing Levels at our Nation's Borders

Reasons for an Insufficient Number of Border Patrol Agents

At a length of approximately 8,000 miles, America's borders are extensive. As of April 30, 2005, however, the total number of Border Patrol agents along the Northern and Southern Borders was 10,664, with approximately 1,031 at the Northern Border and 9,633 at the Southern Border.⁶

The inadequate number of agents is especially evident along the Northern Border. At present, the Border Patrol agents on the 5,525-mile long Northern Border must work in three shifts to provide coverage 24-hours a day. Given shifts and other considerations including vacation and sick leave, the 1,000 agents patrolling the Northern Border is actually closer to 250 agents during any given shift.⁷ This translates to one agent for every 22 miles of the Northern Border.

The number of Border Patrol agents is also affected by the frequent active duty service of these professionals, many of whom also serve their country in the National Guard and military reserves. Between fiscal year 2002 and fiscal year 2005, 282 Border Patrol agents were deployed. To date, 189 have returned from duty.⁸

Additionally, agent attrition rates are a concern. One Border Patrol agent stationed along the Northern Border expressed concern about the impact of staff attrition and promotion on the number of agents available for service on the front line.⁹ According to this agent, the Blaine Sector along the Northwest Border, which is already grossly short of staff, will face further shortages of patrolling agents because of a failure

⁶ Office of Border Patrol - Office of Congressional Affairs, Department of Homeland Security. Provided to Democratic Staff Upon Request. CBP reports that there are a total of 10,944 agents. 10,644 is the subtotal of agents assigned to the Northern and Southern Borders.

⁷ Bonner, T.J., National President of National Border Patrol Council of the AFL-CIO, before the Subcommittee on Immigration, Border Security and Claims, Committee of the Judiciary, U.S. House of Representatives, March 3, 2005.

⁸ Office of Border Patrol - Office of Congressional Affairs, Department of Homeland Security. Deployment information was provided to Democratic Staff by the Congressional Affairs Office of the Bureau of Customs and Border protection upon request.

⁹ Telephone interview with a Border Patrol agent stationed along the Northern Border with Congressional Staff, April 10, 2005.

to replace retirees and front-line staff who have been promoted. Indeed, although the number of agents on the Northern Border tripled as a result of an authorization made in the USA PATRIOT Act in 2001, there is concern that those numbers may drop if retiring and promoted agents are not quickly replaced.

Correct Number of Border Patrol Agents

The optimum number of Border Patrol agents is difficult to determine, but even before 9/11, experts and elected officials across the political spectrum felt substantially more agents were necessary. In 1999, one expert found that approximately 16,000 Border Patrol agents were necessary for securing the Southwestern Border alone.¹⁰ In February of 2000, more than a full year before the 9/11 attacks, Senator Kay Bailey Hutchison (R-TX) cited this same expert's analysis when arguing in support of funding that would increase the number of Border Patrol agents to 20,000.¹¹ It is difficult without a well thought out staffing assessment to determine how many agents are necessary to secure the border.

Administration's Failure to Fulfill Hiring Commitments

The Intelligence Reform and Terrorism Prevention Act of 2004 (the "9/11 Act"), written to implement many of the recommendations of the 9/11 Commission, authorized the hiring of 2,000 new Border Patrol agents each year for the next five fiscal years. In an interview with Committee staff, Richard Pierce, Border Patrol Executive Vice President of the National Border Patrol Council, stated that hiring 2,000 new Border Patrol agents is a "good start," but more agents would be necessary to properly protect the border.¹² Despite the authorization in the 9/11 Act, President Bush's fiscal year 2006 budget proposal recommended hiring only 210 new Border Patrol agents.

In recent testimony before the House Judiciary Committee, T.J. Bonner, the National President of National Border Patrol Council of the AFL-CIO, expressed support for full funding of the 2,000 Border Patrol agents in the 9/11 bill. He testified:

Back in 1996, Congress called for the doubling of the Border Patrol's workforce, at that time hiring 1,000 agents a year. The naysayers said it couldn't be done. We did it. We can do it again, because the percentage of people we would be adding this time would be actually even less than the percentage of people that we

¹⁰ Bean, Frank, Ashbel Smith Professor of Sociology and Public Affairs for the Population Research Center at the University of Texas at Austin, before the Subcommittee On Immigration And Claims, House Judiciary Committee, February 25, 1999.

One Hundred Sixth Congress

¹¹ Press release of Senator Kay Bailey Hutchison, *Senator Hutchison Questions Administration's Commitment to a Safe and Secure Border- Finds Willful Non-Compliance with Will of Congress*, February 29, 2000, can be viewed at: <http://hutchison.senate.gov/speech18.htm>.

¹² Interview of Richard Pierce, Border Patrol Executive Vice President National Border Patrol Council, with staff, April 8, 2005, who spoke to staff in his role as a representative of the National Border Patrol Council.

*added before. A law enforcement agency can comfortably absorb 20 to 25 percent additional people per year. We need the additional resources. We beg you, as Members of Congress, to give us those additional resources.*¹³

Our nation must support the agencies and personnel responsible for patrolling and securing our borders. According to Border Patrol agents interviewed for this report, there is still a need for additional personnel resources. There is little rationale behind this trend of under-funding the nation's border security activities, especially given the threats posed by illegal immigration in a new age of international terrorism. Additionally, the problem with determining appropriate staffing needs indicates the need for a staffing assessment on a sector-by-sector basis that takes into consideration threat and vulnerability assessments of our borders.

An Incomplete Border Security Strategy Leads to Insufficient Border Patrol Support Staffing

Reports of Insufficient Support Staff

As a result of a failure to develop a comprehensive border security strategy, the Administration has not recognized the need for more support staff to carry out crucial duties across the Border Patrol. Currently, administrative, collateral, and support functions take badly needed front-line agents away from patrolling the border. For example, transporting and processing undocumented immigrants takes agents away from the front line. In many cases, the arresting agent may be the only one familiar with the facts of the particular case and may spend an entire shift processing just one person arrested at the beginning of that shift.¹⁴ Another example: A Border Patrol agent in the San Diego sector reports that agents have to repair and/or build machines that support actual patrol work.¹⁵

Support staff are also stretched thin. On the Northern Border, dispatchers are required to monitor cameras, work with locals, and coordinate and dispatch agents – “they are overworked and cannot cover everything that they are required to,” according to Border Patrol agents interviewed.¹⁶ A support employee working on the highly active Southern Border reports that he is responsible for watching 26 cameras to spot undocumented immigrants crossing the border, monitoring buried sensor activations that

¹³ Bonner, T.J., National President of National Border Patrol Council of the AFL-CIO, before the Subcommittee on Immigration, Border Security and Claims, Committee of the Judiciary, U.S. House of Representatives, March 3, 2005.

¹⁴ Interview of Richard Pierce, Border Patrol Executive Vice President National Border Patrol Council, with staff, April 8, 2005, who spoke to staff in his role as a representative of the National Border Patrol Council.

¹⁵ Telephone interview with George E. McCubbin, Senior Patrol Agent, San Diego Sector. Agent McCubbin spoke to staff in his role as a representative of the National Border Patrol Council, April 14, 2005

¹⁶ Telephone interview of Border Patrol agent stationed along the Northern Border with Congressional Staff, April 10, 2005.

report up to 150 alerts an hour, acting as radio dispatcher, running computer checks on any detainees, and coordinating and relaying messages between agents.¹⁷ Despite this desperate need for more support staff, between fiscal year 1999 and August 5, 2004, Border Patrol support staff was only increased by four positions.¹⁸

A comprehensive plan to patrol the border must be developed that increases the number of support staff required to maintain equipment and vehicles; monitor cameras, computers and sensors; dispatch agents; and process administrative paperwork. It is unwise, impractical, and cost-inefficient to expect Border Patrol agents to effectively monitor the border while performing so many non-patrol functions.

An Incomplete Border Security Strategy Leads to a Failure to Properly Deploy State-of-the-Art Technology

Benefits of Technology on the Border

According to the Administration, “having the necessary technology to support the Border Patrol priority and traditional missions cannot be overstated.”¹⁹ Despite this statement by the Administration, there is no adequate plan to effectively integrate the human and technology components of our nation’s border protection efforts. Moreover, there is concern that the Administration is neither selecting the best technologies for purchase nor properly utilizing those technologies it has already acquired or contracted to purchase.

Border Patrol technology offers security in areas where it is impractical and unsafe to employ individual agents. With proper use, technology also allows agents to focus their responses on confirmed illegal crossings and threats instead of responding to false alarms.²⁰

Administration Failure to Use Sensors Properly

Even the Administration’s main border technology application, the Integrated Surveillance Intelligence System (ISIS), a high-tech network of cameras and sensors that helps identify and track intruders, fails to use its components effectively. The General Services Administration (GSA) Inspector General is currently investigating problems with ISIS, including those brought on by poor oversight of the \$239 million program.²¹

¹⁷ House Select Committee on Homeland Security, *Transforming the Southern Border-Providing Security & Prosperity in the Post 9/11 World*, September, 2004, p.41.

¹⁸ House Select Committee on Homeland Security, *Transforming the Southern Border-Providing Security & Prosperity in the Post 9/11 World*, September, 2004, p.41.

¹⁹ National Border Patrol Strategy- Office of Border Patrol, U.S. Customs and Border Patrol, September 2004 p.10

²⁰ *Ibid*, pp.15-17.

²¹ “Probe Faults System for Monitoring U.S. Borders,” by John Mintz, the Washington Post, April 11, 2005. can be seen at <http://www.washingtonpost.com/wp-dyn/articles/A42516-2005Apr10.html>

The GSA has also identified mechanical failures of the ISIS cameras and sensors.²² In ISIS and in other programs, the Border Patrol uses seismic, magnetic and thermal sensors extensively. These sensors relay information by radio signal to a central monitoring site, where a dispatcher sends agents to respond. However, this technology is not foolproof. Sensors tend to malfunction in the cold weather climate often experienced along the Northern Border.²³ Additionally, sensors can be activated by a variety of events, including contact with people, vehicles, or objects that may fall or are dropped onto them. These “hits” can cause the sensors to become labor intensive tools and reduce efficiency. The El Paso sector alone gets over 30,000 “hits” per month, all of which need to be investigated by agents.²⁴

Border Patrol agents, told Committee staff that, “the cameras don’t work in bad weather, some were placed behind trees, others don’t work at all and others were paid for and never installed -- they do need better and more cameras, that are well placed.”²⁵ A recent *Washington Post* article confirmed this assertion in the case of ISIS, stating that “the most troubled part of ISIS was in Washington State, where the more than 64 cameras fogged up in cold and rain and sometimes broke down completely, according to Border Patrol officials and the GSA report.”²⁶ Additionally, the ISIS network of cameras and sensors only covers a few hundred miles of the Canadian and Mexican borders, thereby limiting its usefulness in providing comprehensive border protection.²⁷

Despite these limitations, Border Patrol agents agree that on the whole sensors are useful tools and more are needed. As one agent told Committee staff, “[we] need more ground sensors, as there are huge areas not covered.”²⁸ Technology deployed by the Border Patrol must be better tested in order to ensure that the technology is appropriate for the environment in which it is placed.

Administration Failure to Properly Use Unmanned Aerial Vehicles

Unmanned Aerial Vehicles (UAVs) are one of the newest tools for assisting the Border Patrol. UAVs can provide real-time imagery of remote areas, function for prolonged periods without the need to refuel (in some cases 30 hours), are less expensive than manned aircraft, and have a range of sight that is better than a stationary camera, sensor, or agent traveling through rough terrain.²⁹

²² *Ibid.*

²³ Staff telephone interview with USBP Agent Jerry Pawluck, in his role as a Representative of the National Border Patrol Council, April, 8, 2005.

²⁴ House Select Committee on Homeland Security, *Transforming the Southern Border-Providing Security & Prosperity in the Post 9/11 World*, September, 2004, p.50

²⁵ Congressional Staff telephone interview of Border Patrol agent stationed along the Northern Border, April 10, 2005.

²⁶ “Probe Faults System for Monitoring U.S. Borders,” by John Mintz, *The Washington Post*, April 11, 2005.

²⁷ *Ibid.*

²⁸ Congressional Staff telephone interview of Border Patrol agent stationed along the Northern Border, April 10, 2005.

²⁹ See CRS Report RS21698, *Homeland Security: Unmanned Aerial Vehicles and Border Surveillance*, pp. 3-4.

Unfortunately, at the current state of their development, UAVs have numerous limitations. Rough terrain and dense foliage can degrade the images produced by a UAV's sensory equipment. Moreover, weather conditions can limit sensory capabilities, making the safe use of UAVs in civilian airspace problematic.³⁰ Indeed, UAVs have an accident rate that is 100 times that of a manned aircraft.³¹

Despite these limitations, UAVs can have a crucial role in a multifaceted approach to tackling border vulnerabilities. The Congressional Research Service (CRS) agrees that "the use of UAVs on the Northern and Southern Borders could potentially act as an important force multiplier by covering previously unpatrolled areas or more effectively surveying areas already patrolled."³²

Unfortunately, the Administration has failed to develop a comprehensive border security strategy that fully utilizes UAVs by integrating their use into ongoing Border Patrol operations. If developed, a comprehensive strategy must consider the need for adequate staffing to respond to the information gathered by the UAVs, as well as other force-multiplying technology. For example, CRS questions whether "there [are] enough Border Patrol resources to investigate identified targets" and asks whether the lack of human resources renders high technology like UAVs less effective?³³ Furthermore, UAVs must be used where most cost-effective. According to one retired Border Patrol agent, there were approximately 600 undocumented aliens apprehended as a result of UAV usage, but at a cost of millions of dollars.³⁴

Any comprehensive and practical border security strategy must consider the benefits and limitations of technological tools, including sensors and UAVs. Effective oversight of these programs must also be conducted. It is imperative that the Administration address these technology issues since the nearly 8,000 miles of U.S. land borders cannot be patrolled solely by Border Patrol agents. Failing to use the most sophisticated technology in a systematic and intelligent manner will result in porous border protection and less than optimal security.

An Incomplete Border Security Strategy Leads to Untrained Volunteers Patrolling the Borders

Citizen groups consisting of individuals who may have little or no standardized immigration enforcement training have organized to patrol parts of the U.S. border as a result of the lack of trained law enforcement staff and resources. The best known of

³⁰ *Ibid* at pp 4-5.

³¹ See CRS Report RS21698, *Homeland Security: Unmanned Aerial Vehicles and Border Surveillance*, p. CRS-4.

³² See CRS Report RS21698, *Homeland Security: Unmanned Aerial Vehicles and Border Surveillance*, p. CRS-6

³³ *Ibid*.

³⁴ Interview of Richard Pierce, Executive Vice President, National Border Patrol Council, with Committee on Homeland Security Democratic staff, who spoke in his role as representative of the National Border Patrol Council, April 8, 2005.

these volunteer groups, the “Minuteman Project,” attracted as many as 1,000 volunteers who patrolled the Arizona border in April 2005. The group is planning to expand its operations to other border states including California, New Mexico and Texas. While the “Minutemen” do not have an official relationship with the Border Patrol, they do claim to collaborate by monitoring, sighting and then reporting undocumented immigrants observed crossing the border.³⁵

Volunteers filling the role of trained law enforcement officers raise a number of safety concerns – both for the volunteers and for Border Patrol and other law enforcement agents charged with securing our borders.

The Minuteman Project permits its volunteers to carry weapons, creating a heightened risk of violence. While the Minuteman Project claims that their volunteers are on the border solely to observe and report illegal activity, overly aggressive volunteers could attack unarmed undocumented immigrants in an act of vigilantism. Armed volunteers could also encounter a dangerous person, such as a drug trafficker. The exponential growth in the number of violent incidents involving Border Patrol agents in the area known as the Tucson Sector underscores this point. This sector averages one assault incident every two days. At that pace there will be an increase of 80 percent in violent incidents this year alone.³⁶ While Border Patrol agents are trained to deal with such situations, the Minutemen and similar groups are not. Untrained volunteers could also place Border Patrol agents at-risk by creating dangerous crossfire situations or by causing Border Patrol agents to be distracted.

Despite the problems with volunteers, when discussing the need for additional Border Patrol agents, Commissioner Robert Bonner pointed out that the Department is evaluating the effectiveness of using citizen patrols in a more formal way, possibly by providing training to volunteers.³⁷

Given the cost related to training and equipping Border Patrol agents, it is unlikely that volunteers like the Minutemen would ever receive enough training, support, or equipment to prevent increased risk to themselves or Border Patrol agents. Patrolling the border is a responsibility of the Federal government and it should not be left to volunteers or subcontracted out to others. Indeed, the existence of the Minuteman Project underscores the need for more Border Patrol agents and support staff.

Recommendations

America’s borders are not secure and our land borders are perhaps our greatest security vulnerability. 9/11 drove home the importance of securing our nation’s borders.

³⁵ The Minuteman Project’s website may be viewed at <http://www.minutemanproject.com/>

³⁶ Assaults on border agents increase, By Jerry Seper, The Washington Times, January 28, 2005, can be viewed at <http://washtimes.com/national/20050127-115822-7314r.htm>

³⁷ Strohm Chris; “Border Patrol seeks more personnel, might enlist citizen patrols,” Government Executive Daily Briefing, May 13, 2005.

But almost four years after 9/11, the Administration has failed to make the critical investments and effectively manage Border Patrol human and technological resources to ensure that our land borders are monitored and secure. Perhaps even more disappointing is that the Administration has failed to even take the first step by devising a comprehensive strategy to secure our borders. Giving up on land border security because of the immense challenge it poses is not an option.

The men and women of the Border Patrol perform a critical mission in securing our land borders between the official ports of entry. Their mission is a key aspect of any comprehensive national border security strategy. After the attacks of September 11, with the threat posed to our country by international terrorists, it is imperative that we have a clear and rational national land border security strategy.

The Border Patrol element of the National Border Security Strategy should include:

1. Identification and assessment of all land border corridors that need to be protected against the movement of terrorists, terrorist cargo or other illegal movement of people or goods based on a risks, threats and vulnerabilities;
2. Evaluation of staffing needs to address the vulnerabilities at our borders, including support staff and the appropriation of funds to fully staff the Border Patrol to accomplish its border security mission;
3. A comprehensive technology strategy that will monitor every mile of the border 24 hours a day, seven days a week; and
4. Deployment of infrastructure components necessary to augment technology and manpower.

Lastly, it is important to have an independent party assess the National Border Security Strategy and its implementation. We suggest that the Government Accountability Office provide Congress with an annual report reviewing the implementation of the strategy and whether the plan is effective in preventing the illegal movement of people and goods across the border. A comprehensive strategy to secure U.S. borders is long overdue and is a crucial component of keeping America safer.