

**BORDER INSECURITY, TAKE THREE:
OPEN AND UNMONITORED**

HEARING
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
ONE HUNDRED TENTH CONGRESS
FIRST SESSION

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SEPTEMBER 27, 2007
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BORDER INSECURITY, TAKE THREE: OPEN AND UNMONITORED

THURSDAY, SEPTEMBER 27, 2007

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:08 a.m., in room SD-215, Dirksen Senate Office Building, Hon. Max Baucus (chairman of the committee) presiding.

Present: Senators Schumer, Salazar, Grassley, Snowe, and Bunning.

OPENING STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR FROM MONTANA, CHAIRMAN, COMMITTEE ON FINANCE

The CHAIRMAN. The hearing will come to order.

In *Henry IV*, Shakespeare wrote, "In cases of defense, 'tis best to weigh the enemy more mighty than he seems." Today, in defending against terrorists, it is best to weigh tight security along our Nation's border as more important than it seems.

Six years have passed since 9/11, and thank God, there has not been another terrorist attack on American soil. Some things have gone right. The hard work of law enforcement personnel have made a difference. But that does not mean that we can relax. It means we need to redouble our efforts. We need to get border security right; lives depend on it.

Today we are going to hear from the Government Accountability Office on their third border security investigation for the Finance Committee. GAO's testimony today is, in a word, alarming. The GAO attempted to enter the United States in seven locations, and I regret to report that they were successful in entering the U.S. largely undetected.

Adding to the seriousness of the security breach, the GAO investigators simulated the placing of nuclear material in a bag that they carried across the border. They demonstrated that terrorists have ample opportunity to carry nuclear material across the border into the United States.

Our borders are vast. As a Senator from Montana, I know better than most just how vast. But the success rate of GAO investigators is a sobering sign. We have a long way to go in defending borders, especially in rural areas.

Previously, the committee has heard testimony on the attempt by GAO investigators to enter some of the 170 ports of entry on the northern and southern borders. The investigation that the committee will hear about today involves the same investigators. This

time, they attempted to cross unmanned and unmonitored areas of entry between the borders.

The GAO investigators assessed seven border areas that were unmanned, unmonitored, or both—four were on the U.S.-Canada border, three on the U.S.-Mexico border. In three of the four locations on the U.S.-Canada border, investigators carried a duffel bag across the border to simulate the cross-border movement of radioactive materials and other contraband.

On our northern border, the GAO found State roads close to the border did not appear to be manned or monitored, and they were able to cross unchallenged, successfully simulating the movement of radioactive materials into the U.S. from Canada.

Also on the northern border, the GAO located several ports of entry that had posted daytime hours and were unmanned overnight. They found barriers across the roads that they could just drive around. Are we really that unable to detect friends or foes coming across our national borders? We have a representative from the U.S. Customs and Border Protection here today to update us on their progress.

I also want the committee to hear about the threat that even small amounts of nuclear material could pose to our citizens. In 2006, 150 incidents of illicit trafficking and unauthorized activities involving nuclear and radioactive materials were reported to the IAEA. In 2002, a report by the Canadian Security Intelligence Service said there are “more international terrorist organizations active in Canada than anywhere else in the world.” That was 2002.

Of course, my special focus is to make sure that that back door to terrorism is not Montana’s northern border, and I have been working to bring more resources to secure that border. I am pleased to see the Department of Homeland Security Air and Marine Operations Air Base is successfully up and running in Great Falls. Our appropriations process here in the Congress provided \$18 million to get our air base operational a year earlier than the Department of Homeland Security had planned. That is a good start, but we need to do more.

As of May of 2007, Customs and Border Protection had fewer than 1,000 U.S. border patrol agents on the northern border, and Customs and Border Protection had nearly 12,000 agents on the southern border, 12 times. The GAO investigation raises serious questions about the balance of resources on both borders.

I want to thank GAO for their hard work in this investigation. I want to also thank Senator Grassley for starting this line of investigation using the GAO back when he was chairman. Their work has helped the Finance Committee to keep the focus on the critical issue of border security.

And so, let us “weigh the enemy more mighty” than we have. Let us weigh tight security along our Nation’s border as more important than we have. Let us do what we can to ensure that many, many more years pass before another terrorist gets access to American soil.

Senator Grassley?

**OPENING STATEMENT OF HON. CHUCK GRASSLEY,
A U.S. SENATOR FROM IOWA**

Senator GRASSLEY. Yes. Thank you, Chairman Baucus, for this important hearing on our national security. Our purpose here is to follow up and find out whether the situation has improved. At the first hearing that we had 3 or 4 years ago, GAO testified about how easy it was to use fake documents to enter the United States. We also heard about vast stretches of our border in rural areas and next to public lands that were under-patrolled and essentially unmonitored.

Last year, in the second hearing of this series, we saw that the GAO was able to sneak into the United States at border checkpoints using phony documents. Authorities failed to catch them 93 percent of the time. Sadly, nothing had improved much between the two hearings.

This year at this hearing, we are going to hear the GAO say how easily they were able to take simulated nuclear weapons and other contraband across those unmonitored stretches of U.S. borders between the checkpoints.

Six years after 9/11, and more than 4 years after our first hearing, things should have gotten better. Last year, we learned that our checkpoints are still vulnerable to fake documents. This year, we are going to hear that the areas between the checkpoints are as vulnerable as ever. They are simply wide open, waiting to be crossed by anyone carrying anything, even a dirty bomb or a suitcase-type nuclear device.

In this latest study, investigators crossed our border with Canada at four locations, crossed our border with Mexico at three locations, and while crossing, investigators even attempted to look very suspicious, even carrying duffel bags filled with simulated nuclear material and contraband.

After crossing, they even remained in the area for a while to see whether the Border Patrol would make an effort to catch them. How did the Border Patrol respond? Well, according to the testimony we are going to hear today, on one occasion an alert citizen reported suspicious activity, but Border Patrol was unable to locate investigators.

On another occasion when an investigator drove around an unmanned gate, Border Patrol responded 20 minutes later, but let the investigators go after they flashed a badge without identity being demanded, asking their names or searching the vehicle. However, on all other occasions the investigators were able to cross the border unchallenged without a response from Border Patrol, and to me—and quite frankly it is hard to believe—there has been so little progress in plugging these gaping security holes. This is about more than just immigration. The Government Accountability Office says that these vulnerabilities pose “a serious security risk” to our country. I think that that is an understatement.

Some people worry that increased border security means putting the brakes on trade and commerce, but only smugglers enter the country through the back door. Legitimate businesses do not need to use the back door or the dead of night.

So, if we let some terrorists waltz into our country with nuclear devices, the cost in human life and economic damage would be far greater than doing what it takes to secure the border now.

So where do we go? We need to keep the fence construction scheduled, we need to increase our hiring and training of Border Patrol, and we need to improve relationships with tribal groups and increase the law enforcement presence in those areas.

However, until we have a new immigration bill, the administration has to, and is constitutionally responsible for, enforcing the laws that we have now on the books. We need a mandatory and clear verification system for increased work site enforcement. The more we do in the interior of the country, the more we can concentrate on drug dealers, terrorists, and criminals at the border. They will be easier to catch if we get rid of the magnet that draws millions of job seekers across the border illegally.

So I thank all the witnesses today, and particularly the Government Accountability Office, for the excellent work they have done focusing on this over a period of 4 or 5 years now.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

We will now proceed to our witnesses. First is Greg Kutz, Managing Director for Special Investigations for GAO. With him today is his Assistant Director, John Cooney. Next, Ronald Colburn, Deputy Chief of the U.S. Border Patrol, here representing the Department of Homeland Security and Customs and Border Protection. The third witness is Ken Luongo, executive director of the Partnership for Global Security. Mr. Luongo previously served as Senior Advisor to the Secretary of Energy for Nonproliferation Policy, and the Director of Arms Control and Nonproliferation at the U.S. Department of Energy.

All of you will have your statements automatically included in the record, and I ask you to hold your remarks to 5 minutes.

Mr. Cooney, if you want to speak too, do not feel constrained. If you want to speak, that is fine, too.

We will start with you, Mr. Kutz.

STATEMENT OF GREG KUTZ, MANAGING DIRECTOR FOR FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, DC; ACCOMPANIED BY JOHN W. COONEY, ASSISTANT DIRECTOR, FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, DC

Mr. KUTZ. Mr. Chairman and members of the committee, thank you for the opportunity to discuss border security. Last year, I testified that we successfully entered the United States from Canada and Mexico using counterfeit documents. As a follow-up to that work, you asked that we assess vulnerabilities to terrorists or criminals entering the United States undetected. Today's testimony highlights our work at the Canadian and Mexican borders.

Our statement has two parts. First, I will discuss what we did and what we found, and then Mr. Cooney will narrate a short video of our work.

First, as you mentioned, we visited seven border locations, four at the U.S.-Canadian border and three at the U.S.-Mexican border.

We focused our work on unmanned, unmonitored areas, and unmanned areas with monitoring systems such as cameras. Individuals attempting to legally enter the United States by land must present themselves to CBP officers at one of 170 ports of entry. Any other method of land entry is illegal.

For the northern border, we actually crossed into Canada and attempted several times to enter the United States undetected. However, due to safety considerations, we approached the Mexican border from the United States in areas that we believed were vulnerable to undetected crossings.

In several northern States we found a number of State roads that ran very close to the Canadian border. Many of these roads appear to be unmanned and unmonitored. At several of these locations we simulated smuggling radioactive materials and other contraband into the United States.

For example, as shown on the first poster board which is on my left, at one location our investigator delivered a large red duffel bag about 75 feet from a rental car parked in Canada to a rental car parked in the United States. CBP received a citizen's complaint about our suspicious activity. However, by the time the Border Patrol arrived, our investigators and the duffel bag were gone.

The next poster board shows our investigator at another location, entering the United States from Canada with the red duffel bag. Notice the white obelisk marking the border and the sign noting "Illegal Border Crossing Warning." This location also appeared to be unmanned and unmonitored, and there was no response to our crossing.

The other vulnerability we identified on the northern border related to ports of entry with posted daytime hours that were unmanned overnight. It is no surprise to anybody that there are significant vulnerabilities to terrorists or criminals entering the United States from Canada. While the northern border is over 5,000 miles across, CBP records indicate only 972 agents as of May, 2007.

In contrast, the southern border is 1,900 miles across, but has nearly 12,000 agents. Given these facts, it is also not surprising that our observations on the southern border in some locations were very different.

For example, we visited one State road near the U.S.-Mexico border that had an impressive law enforcement presence. For example, our investigators identified and observed Border Patrol vehicles, Army National Guard units, unmanned aerial vehicles, and a helicopter flying parallel to the border.

However, we did identify two areas vulnerable on the Mexican border. As the next poster board shows, these locations also appeared to be unmanned and unmonitored. In one location, we drove the border, crossed the four-foot high fence you see in the picture into Mexico, and then returned back into the United States. Our agents waited there for 15 or so minutes and there was no response.

In the other two pictures where you see the Rio Grande River forming the border, we observed evidence of frequent border crossings. Our investigators remained in this area for about 1 hour and 30 minutes and observed no monitoring systems or law enforce-

ment presence. According to CBP, in certain of these areas, social and cultural issues lead the U.S. Border Patrol to defer to local police for border security.

In conclusion, our work clearly shows substantial vulnerabilities on the northern border to terrorists or criminals entering the United States undetected. Although the southern border appears to be substantially more secure, we did identify several vulnerabilities on federally managed lands where there was no CBP patrol.

We encourage the Congress to continue to support CBP with the human capital and technology necessary to achieve their challenging mission.

Mr. Cooney is going to now narrate a short video.

The CHAIRMAN. Thank you.

[Showing of video.]

Mr. COONEY. Mr. Chairman and members of the committee, as you will see in this video, it is quite easy to transport enough radioactive material to cause significant damage in a dirty bomb. You will notice, this is some of the contraband that we put in the same red bag that Mr. Kutz mentioned in his testimony. It included counterfeit credit cards, radioactive material, detonators, and other contraband such as narcotics.

We will show three locations on the Canadian border where we crossed. The first was mentioned in the testimony, where the agent came across approximately 75 feet to a waiting vehicle on the U.S. side, and we were able to transfer the contraband.

At this location, these two roads run parallel to each other on the U.S. and Canadian border. There were some surveillance cameras in use, but we were able to cross these two roads very easily without anyone coming to check out our being there. This road is protected by no fence, and there is only about 8 feet separating the two countries.

What you are now seeing was a nighttime crossing at another port of entry that is unmanned during the evening. We were easily able to go around the existing fence. We waited in the area for approximately 15 to 20 minutes and then proceeded down a road where we were eventually met by a Border Patrol agent.

This next site was another area that was in a residential zone. You can see the border marker clearly marked. The agent with the contraband was easily able to cross. Likewise, this was a farmer's field in the same vicinity, which was clearly marked. We were able to go right through his property undetected and deliver our contraband.

Here you see a fence that we crossed into Mexico and returned. It is capable of keeping out vehicles, I guess, and cattle, but it is easily crossed by anyone wishing to come into the United States with contraband or radioactive material.

At this last location, we were on the Rio Grande River. We noticed a heavily trafficked area where a lot of movement was able to be detected going through this area. We were unmonitored there for approximately an hour and a half.

This concludes my testimony, Mr. Chairman. We would be happy to answer any of your questions at this time.

The CHAIRMAN. Thank you, Mr. Cooney and Mr. Kutz.

[The prepared statement of Mr. Kutz appears in the appendix.]
The CHAIRMAN. Mr. Colburn?

**STATEMENT OF RONALD COLBURN, DEPUTY CHIEF, OFFICE
OF BORDER PATROL, DEPARTMENT OF HOMELAND SECURITY,
WASHINGTON, DC**

Mr. COLBURN. Chairman Baucus, Senator Grassley, and other distinguished Senators, it is, on behalf of the 14,000-plus men and women of the U.S. Border Patrol, my honor to appear before you today to discuss the findings of the GAO report. My name is Ron Colburn. I am the National Deputy Chief of the U.S. Border Patrol.

Our mission is an all-threats mission for border security, including illegal aliens, illegal narcotics, contraband, as well as the smugglers of that contraband, and the trafficking of humans.

To accomplish this mission, the Border Patrol must meet its clear strategic goal to establish and maintain effective control of the borders of the United States. Effective control of an area of the border, defined in the Border Patrol's national strategy, is the ability to detect an illegal entry, identify and classify that entry, respond to it, and bring it to a satisfactory law enforcement resolution.

Gaining, maintaining, and expanding control with a strong enforcement posture and with sufficient flexibility to address potential enforcement challenges is the critical mission that we now face.

As of September 23, 2007, total overall illegal activity throughout the United States along our borders is down 20 percent. Inclusive of that, other-than-Mexican arrests—and you have all heard us refer to it with the acronym OTMs—are down 37 percent. That is from special interest countries—Central American, South American, Caribbean, European, and Asian countries.

We attribute this to a number of initiatives and operations, such as Operation Streamline—which has gotten a lot of publicity in recent days—the Arizona Border Control Initiative, Expedited Removal, the Interior Repatriation Program, and other operations that were specific to the area that I worked in previously—coming here to the national headquarters just in the past couple of months—as the chief of Yuma Sector, such as Operation Jump Start, Operation Brigand Snare, Operation Citation, and Operation First Strike. We are now down nearly 70 percent in illegal activity in my former sector, the Yuma sector.

What was once in 2005 the heaviest traffic zone in the entire United States in Yuma, AZ, and the heaviest trafficked quarter in the State of Arizona, is now down 90 percent of detected illegal activity.

We have seized, this year, 1.8 million pounds of marijuana and 7 tons of cocaine being smuggled across our borders between the ports of entry in both urban and remote areas of Canada, Mexico, and the Caribbean.

Border Patrol continues to carry out our mission along the Nation's borders by applying the right mix of resources in a layered enforcement mode. You have heard the President speak of it, and also Secretary Chertoff, as the three-legged stool, that is, personnel, technology, and infrastructure.

The Border Patrol conducts continuous border threat assessments. These assessments, and our intelligence, drive our resource

deployment strategy. Our resource deployment strategy is designed to reduce the risks along the border in border security. Resources are first deployed to the most vulnerable, highest-risk areas.

We also employ a defense-in-depth method, so you will see Border Patrol agents actually at hubs and choke points, such as McCarran International Airport in Las Vegas, the Los Angeles International Airport, and the Phoenix Airport.

We also have checkpoints which are different than ports of entry at the border where people lawfully apply for admission. Checkpoints are along the egress routes within the border areas as another line of defense in capturing those who may have gotten through at the line.

Securing our Nation's diverse border terrain is an important and complex task that cannot be resolved with one single solution. To secure each unique mile of the border requires a balance of the personnel, the technology, and the infrastructure.

In urban environments, it takes only seconds to minutes for smugglers to move their contraband or people away from the border area into the cover that the urban infrastructure provides for them and to escape away from the border area. Urban environments require significant infrastructure.

I was just on the border yesterday and the day before, and in Yuma, my former sector, at the change-of-command ceremony on Tuesday, I took time to drive down to the border. As far as I could see, I saw primary fencing, tactical infrastructure, secondary fencing, new border roads, and lighting as far as I could see. That has just been accomplished in the past year. This is the same area where I said activity is now down by 90 percent, and overall in the 125 miles of that stretch, nearly 70 percent.

In rural areas—

The CHAIRMAN. I am going to have to ask you to summarize. But now that you are getting to rural, I do want you to spend a moment. [Laughter.]

Mr. COLBURN. Now we are talking Montana. In rural areas and remote areas, you are talking minutes to hours and hours to days in which we have the tactical advantage to make a response and capture and bring cases to resolution with a law enforcement resolution.

Being that I need to wrap it up, in addressing some of the GAO findings, I will say you do not always see us when we see you. Also, when you have millions of people living along the border infrastructure, literally millions, and tens of thousands that use the Colorado River and the Rio Grande for recreation on a daily basis, one must very wisely, respecting the U.S. Constitution, make a determination with law enforcement eyes and law enforcement experience what is truly a risk and a threat to the American populace and what is legitimate traffic in the area and not a threat.

The CHAIRMAN. Thank you, Mr. Colburn, very much.

Mr. COLBURN. Thank you very much for the opportunity to speak today.

[The prepared statement of Mr. Colburn appears in the appendix.]

The CHAIRMAN. Mr. Luongo?

**STATEMENT OF KEN LUONGO, EXECUTIVE DIRECTOR,
PARTNERSHIP FOR GLOBAL SECURITY, PHILADELPHIA, PA**

Mr. LUONGO. Thank you, Mr. Chairman and members of the committee, for the invitation to testify today. I think you are examining a very important issue for U.S. and global security.

While nuclear threats have been with us since the dawn of the nuclear age, since the fall of the Soviet Union 16 years ago the issue of unsecured nuclear weapons and nuclear material has become much more acute, and in fact has risen to the top of the list of dangers that we face in the United States, and globally. However, the problem has not become easier to solve over these 16 years. It has become more complex, and the dangers that we are facing have become greater and not smaller.

The threat is no longer confined to nuclear weapons or fissile material, the core of nuclear weapons. It now includes radiological materials, and there are many more radiological materials scattered around the globe today, including in virtually every country in the world and in our own borders.

The terrorist attacks of September 11th foreshadowed what might happen and the devastating dangers that could await the United States if unsecured nuclear material and technologies fell into the wrong hands. We have undertaken a number of very serious initiatives to try to protect the country from this danger. But the stockpiles of nuclear material and radiological materials around the globe are growing, not shrinking, and the gaps in the security around these materials could be exploited by terrorists who belong to no state and who recognize no limits on their actions.

Globalization, in particular, has helped to increase the pressure on the international system for controlling nuclear and radiological materials, as energy has become a more intensely sought commodity and as developing nations desire more industrial and medical radiological sources for their development. In my mind, the struggle to contain and secure the globally spreading technologies and materials is at the forefront of the 21st century's challenge for global security.

In the scope of nuclear security concerns, the Radiological Dispersal Device, the RDD, or the "dirty bomb"—it goes by a variety of different names—is considered to be a more likely weapon to be used by terrorists because it is easier to assemble and deliver than an intact nuclear weapon.

In particular, the multiple means of transporting the radioactive material that is the core of this dirty bomb are alarming. It can be imported into the United States through shipping container, vehicle, vessel, and even aircraft, and the delivery need not be clandestine. Legitimate commercial shipping activities are considered to be one path that can be exploited.

Radioactive materials needed for the construction of a dirty bomb also are more readily accessible compared to more sophisticated nuclear devices. For instance, the sources of RDD materials are found in medical devices, industrial applications, commercial products, and radioactive waste.

A simple explosive RDD, consisting of a lead-shielded container with a kilogram of explosive and a small amount of radioactive ma-

terial, could easily fit in a backpack. I think the GAO video obviously showed how small the materials are. Even a small amount of that radiological material, if exploded in a high-value area, could have a devastating effect, especially on economic activity because of the contamination that would result and the inability to utilize the area, especially if it were in a city or in an urban environment that has a lot of economic activity concentrated in it.

I think the committee should be commended for their attention to this, and the Congress as a whole should recognize that the danger of radiological and nuclear attack is a reality. It is a possibility. It has not occurred. We should be thankful that it has not occurred. But just like in 9/11, the theoretical possibility sometimes can be discounted, but when you have to deal with the aftermath it is quite, quite substantial, and we should take this issue very seriously.

Turning to how the materials could enter the United States, and looking at the northern border, there has been evidence to suggest that the northern border is a significant threat as a terrorist point of entry. Some have claimed that it is more dangerous than the southern border. The Canadian Security Intelligence Service reports that terrorists from 50 different organizations around the world have posed as refugees to try to get in to Canada.

The most well-known case of an attempted terrorist infiltration involves Ahmed Ressam, who was en route to Los Angeles International Airport with the intention of carrying out a terrorist attack in conjunction with the year 2000 millennium celebration. He was caught, thankfully, and he was convicted.

While many actions have been taken by DHS and other government agencies, the U.S. borders are far from impenetrable. But we should also recognize that we have problems at home, not just radiological sources that could be imported from other countries. Medical and industrial uses of radiological sources are quite substantially utilized in the United States, and they are spread around, especially in hospitals and in industrial uses.

These materials are not as well-protected as military nuclear materials, and they are routinely lost. In addition, the coordination among the key agencies with responsibility for domestic radiological protection seems to me to be inadequate. In particular, our concerns are two radiological materials, cesium 137 and cobalt 60, because they have very deep penetration capabilities.

In addition, there are still seven research reactors in the United States that use highly enriched uranium, which is a bomb-grade material. So, while our international and border security efforts are crucial, we have to remain mindful that terrorists might be able to obtain and exploit the radiological sources that exist within our own country against us, thereby effectively circumventing all of the efforts that we are employing at our borders.

The CHAIRMAN. I am going to have to ask you to summarize, Mr. Luongo.

Mr. LUONGO. I will.

The CHAIRMAN. We are getting a little over time here.

Mr. LUONGO. All right.

Mr. Chairman, let me just say, casting out over the horizon, I think that there are several things that we ought to be concerned

about. One is what is happening in terms of the spread of nuclear technology around the globe. There are three regions that we should be concerned about: Russia and the former Soviet States, which we have been working on for a long time; South Asia, where nuclear power and fissile material production for weapons are expanding; and the Middle East, where the Iranian nuclear program is potentially going to cause a nuclear domino effect.

I would say to the committee, there are a lot of recommendations out there and a lot of analyses. I think the one that makes the most sense is, we should protect all of this material at its source and eliminate or protect those vulnerable stockpiles. Thank you.

The CHAIRMAN. All right. Thank you, Mr. Luongo, very much.

[The prepared statement of Mr. Luongo appears in the appendix.]

The CHAIRMAN. Clearly, it is a complicated question. As you have said, Mr. Luongo, there are a lot of precursors in the United States. The dirty bombs could be manufactured, I guess, somewhere in the United States, too, with materials, if I understand you, already in the United States. That is a separate issue, and we are going to have to deal with that very aggressively.

But I want to focus right now on the ability to come into the United States and the degree to which our investigators were able to come into the United States with ease, which I find quite concerning. I would like to ask you, Mr. Kutz, if you could just turn to Mr. Colburn and tell him what needs to be done here.

Now, based upon your experience and your investigators' experience and the ease with which they crossed the border, and recognizing the obligations that Customs and Border Security has, what advice would you give them? What do they need to do? I am asking you because you are a little closer to it because your people crossed the border with ease, undetected, and took a duffel bag across. Nobody knew about it. In one case I guess you were detected, but the investigator got away, if I understand it correctly.

So what would you say to the person who is basically in charge of enforcing our borders? What does he need to do?

Mr. KUTZ. Well, it is obviously a challenging situation, and I think that it is a combination of—he mentioned it—the human capital, technology, infrastructure, and I would also add process to that. They may not think of it exactly that same way, but the way they react to the actual incidents, when they do or do not react, et cetera.

But it is a matter of resources. Do they have sufficient resources in the southern and northern border to achieve their mission or not? That may be a difficult question, or you may not want to answer that one, I do not know. But that really is the question. Can you do it with what you have? Again, I think between the times when we have done this, I believe there have been increases in human capital since 2002.

Our first work for you on this was in 2002, actually, so we have been crossing the border with either counterfeit documents or between the portals for 5 years for this committee. With respect to technology and human capital, we have seen an increase in those. But the question is, is it sufficient?

The CHAIRMAN. Right. Let me ask Mr. Colburn that question. A thousand people up north, 12,000 on the southern border. I doubt

that those thousand people are on duty all the time. So effectively, how many people at any given moment are manning the northern border?

Mr. COLBURN. First of all, I would like to state that we agree with the GAO findings. I think it is important for me to say that. We agree that the border is not as secure as it should be, and needs to be in the near future and the long term.

The CHAIRMAN. So you do agree that there are big holes?

Mr. COLBURN. We agree that the border is not as secure as it needs to be, as Mr. Kutz just said. We have come a long way in just a period of—

The CHAIRMAN. Sure. I understand that. I think you have come a long way. But we are trying to address what needs to be done from now on.

How many personnel are on the northern border at one moment? Let us say, at noon today, how many?

Mr. COLBURN. As Mr. Kutz said, right now there are nearly 1,000 Border Patrol agents, with 200 actually en route to the northern border.

The CHAIRMAN. Now, are those thousand on duty or is that just FTEs?

Mr. COLBURN. Those are the full-time employees assigned to the northern border.

The CHAIRMAN. Assigned. So how many at any given moment?

Mr. COLBURN. At any given time, using the hiring ratio of 1.6 per, as we do—and I think most agencies do, especially in law enforcement because of the rotational, 24 hours a day, 7 days a week, 365.

The CHAIRMAN. Right.

Mr. COLBURN. So you can roughly estimate—and this is a rough estimate—about 25 percent are on duty at any given time.

The CHAIRMAN. Twenty-five percent of the 1,000.

Mr. COLBURN. That is correct.

The CHAIRMAN. So about 250 are on duty at any one moment.

Mr. COLBURN. That formula would be anywhere in just about any police department.

The CHAIRMAN. Roughly. All right. That is not very many. How many miles of border?

Mr. COLBURN. There are 4,000 miles of border on the Canadian border and roughly 2,000 miles on the southwest border.

The CHAIRMAN. So how are 250 people going to man 4,000 or 5,000 miles?

Mr. COLBURN. It is very difficult. It is very remote and very challenging. It is a different challenge than we have on the southwest border, as you well know.

The CHAIRMAN. Oh, much different. Much different.

Mr. COLBURN. And short of discussing classified information, which we cannot do, we know the reasons and the differences there. Certainly much more than when I was stationed in the Canadian border as the agent in charge in the Thousand Islands area, with literally over a 1,000 islands on the St. Lawrence River between Lake Ontario—

The CHAIRMAN. It sounds like you need more people.

Mr. COLBURN. We do. And we are bringing more, as I said. As we speak, we have 200 more—

The CHAIRMAN. What is the reasonable optimal amount?

Mr. COLBURN. With the amount of infrastructure and reinforcements that we are receiving, such as in your State, sir, the air interdiction facility that we just finished constructing and put in place—we have five of those coming on board on the Canadian border—combined with the sensing technologies and the marine assets that we are bringing on board—

The CHAIRMAN. So how many people do you need?

Mr. COLBURN. We intend to bring more Border Patrol agents on board and we will continue to—

The CHAIRMAN. How many? I am trying to get a sense of—you are the top guy there. You know what is going on here. How many do you need?

Mr. COLBURN. That is the multi-billion-dollar question, sir. We intend to bring on hundreds more. But the actual number we are still working on as we speak. What we believe when we combine it with our partners, with our Canadian partners, with our 15 integrated Border Enforcement teams with Canada and our other shared mission agencies along the border, our air, marine, and our border patrol, what we actually will need—

The CHAIRMAN. My time is expiring. But it seems to me that this is a much deeper question here. It is not just personnel on the border, which is extremely important, but it is coordinating with countries, other countries including Canada, how they get a better handle on terrorism generally. I must say, I was very struck. Senator Salazar was with me. We were over in Iraq a couple of weeks ago with a general, General Kubic is his name. He is in charge of training up the Iraqi forces by the Americans.

Basically, he just turned to the four of us—Senator Snowe was on the trip, too, and Senator Nelson was the fourth, Ben Nelson of Nebraska—and he made the point very clearly. He said, in his view—and I think he is right—that we in the western world were pretty well organized back in the Cold War era in standing up to the former Soviet Union during the Cold War. We were organized in the western world, and so forth, and we basically prevailed.

His thought is, we have to do the same thing now with international terrorism. It is a whole new mind-set, a whole new paradigm. It has to be coordinated together with all countries. In the same way that we stood up to the former Soviet Union, we need to do that now, today. I think the question we are addressing today is extremely important, but it is part of a larger, deeper question. How do you organize and fight terrorism and smuggling stuff across borders, and so forth, particularly terrorist activity?

This hearing is somewhat focused on nuclear and dirty bomb material. I just hope that your agency and other countries will start to figure out and get a better handle on all this, because we want to catch these guys or gals before they come in, and get on down the road a little bit earlier. So we are not just playing a defensive game at the border, we are playing a more offensive game, just trying to stop all this stuff earlier on.

But my time has expired. I am quite alarmed, frankly, how easy it is to get across the border. I am very alarmed, to put it bluntly.

Senator Grassley?

Senator GRASSLEY. Mr. Chairman, I am going to start by mentioning an article I read dated September 25 in the *Arizona Republic* that discusses the cutting of National Guard troops in half now, and the other half by next summer.

In regards to my questions, I would start with Mr. Kutz.

If it was easy to cross the southern border, even with 6,000 National Guard troops helping the border patrol, how much easier will it be next summer without those resources?

Mr. KUTZ. Well, it would be more easy. I think the discussion we just had about the insufficient—and Mr. Colburn is in a difficult position. But I think our resources are insufficient to possibly meet the mission at this point. Cutting resources is not necessarily where this needs to go.

Senator GRASSLEY. And to Mr. Colburn, the statistic you cite in your testimony seems to indicate that the National Guard presence on the southern border has been somewhat effective. What plans do you have in place to take up the slack that the troops are covering at this point? Would the illegal crossing and smuggling activities just increase once you lose the support of the Guard?

Mr. COLBURN. The Commander's intent—the President of the United States—with Operation Jump Start, was, although in theory but not in application, a one-for-one trade for 6,000 new Border Patrol agents to be deployed along the borders of the United States while being reinforced by about 6,000 National Guardsmen in mission support positions only, with a plan to draw down after the first year to 3,000. During that time we have hired, trained, and deployed 2,500 Border Patrol agents, and so far the reduction has been about that many.

Just 2 days ago, I attended the change-of-command ceremony of Operation Jump Start, Task Force Yuma, in Yuma, AZ. We talked about the great successes. I would have to give a lot of credit to the entry identification teams—in the military, they tend to call those LPOPs—that reinforced us in the Yuma sector, which drew us down over the past several months to that 70-percent reduction in illegal activity. Kudos to our partners in the National Guard.

That could not, and would not, probably, have happened without that plus-up of mission support that freed Border Patrol agents that are already on duty to do border patrol work rather than mission support work that draws our attention away from our patrol duties. So it has been a very symbiotic and positive relationship. But the plan did call for a reduction. We have adjusted for that and we have seen no change in the Yuma sector area of responsibility with that.

Major Babeu just left as commander of Task Force Yuma and was replaced by Major Emmons. I was able to laud them for the great work that they do as war fighters overseas—almost all of these people have done at least one rotation overseas—as well as protecting us domestically on the border, and certainly reinforcing us. They have been the hoofbeats in the distance and the sound of the bugle in the air to reinforce our men and women on the border. It has worked very well.

But our intention is, with the 6,000 new Border Patrol agents and a 2-year cycle with Operation Jump Start, that Operation

Jump Start has a sunset, has an end. Now, if there is a need for additional U.S. military support, we would probably be the first ones to ask for it, and we always do through our support requests with, also, NorthCom Joint Task Force North at the El Paso Center, and they are a homeland defense, homeland security military mission support to us. We are probably their best customers.

Senator GRASSLEY. All right.

Mr. Kutz, as we learned at last year's hearing, your investigators have been getting through CBP checkpoints with fake IDs consistently since 9/11. This year they went between the checkpoints with no need for identification. Three questions. Which of the two methods of sneaking in was easier, and which ones would be the most attractive to terrorists or smugglers? In doing these investigations over the years, you must have seen some changes in the methods used to secure the border. Has it gotten easier or harder for investigators to get in? Has there been any significant progress?

Mr. KUTZ. With respect to bringing contraband or radioactive materials into the country, it is clear that you would go between portals. That would be the most efficient, effective way to do it. We have actually done testing in the past, bringing radioactive materials into the country through the portals, and they worked.

So if you have radioactive materials and you go through a portal monitor, it is going to go off and you are going to get a secondary inspection. So if you are going to bring radioactive materials or contraband, it would seem that you are going to go between.

With respect to changes, as I mentioned, I do believe that there has been progress on the side of human capital and with respect to technology. As I mentioned, on the southern border we saw unmanned aerial vehicles, we saw helicopters, we saw the Army National Guard presence. And so from a human capital standpoint and a technology standpoint, we have seen improvements.

But I think you are back to the original point with the Chairman's question: is there sufficient human capital and technology for them to achieve their mission at this point? I think that is a serious question for the Senate and the Congress to address.

Senator GRASSLEY. Just to sum up, you still found it just as easy to get into the country the way you determined to get into the country, right?

Mr. KUTZ. Yes. Although this was a little different. In the last two cases we did for this committee we went through the portals with counterfeit documents. This time we just went between the portals. But again, if you were coming in as an individual, those are both ways you could get in. Again, there are other issues with respect to using counterfeit documents that are beyond this hearing today.

The CHAIRMAN. Thank you. Thank you, Senator.

Senator Salazar?

Senator SALAZAR. Thank you very much, Chairman Baucus and Senator Grassley, for holding this hearing on this important issue.

Let me say at the outset, I want to thank the GAO for putting the spotlight on this huge issue of our very broken borders. I think that your investigation and your demonstration in the videos demonstrate how exactly our borders are so porous.

What I wanted to say, and I have some questions, but I think part of what we have done is to appropriately, as we deal with the whole issue of immigration, I think we have focused in on border security. We need to fix our porous borders.

But I also think that the failures we have done as we tried to fix our porous borders really are several-fold. The first is, I think that it is a broader ideological issue, as Senator Baucus described, that we have to deal with as we try to deal with the threats of terrorism and trying to get a global response where we have an ideological consistency, and unity of purpose with respect to stomping out terrorism, both to the north, to the south, and around our globe.

But, second, I also think that there has been a disparity of focus here in terms of the northern border and the southern border. I think that your report here today demonstrates that huge disparity. When I look at some of the information that I was reviewing in preparation for this hearing, and I see that we have 11,986 agents on the southern border, 972 on the Canadian border, the Canadian-U.S. border is, what, 5,000 miles, the Mexican-U.S. border is 1,900 miles, if I do the math, that is about a 24:1 ratio in terms of the deployment of resources that we have to secure the southern border versus the northern border.

And so it was, with that thought in mind, when we did the Department of Homeland Security appropriations bill and there was a \$3.2 billion item for securing the southern border, I had an amendment in there that said that those resources should be used by the Border Patrol and DHS in the way in which we were also focused in on the northern border.

My question to you, Mr. Colburn, is, you say that what you do in the Border Patrol, I think your testimony was that you send your resources of deployment to the most vulnerable areas on the border. But when I look at what has happened since we have been dealing with the issue of terrorism and 9/11 from 2001 forward, where you have a Canadian Security Intelligence Service report in 2002 that says, with the possible exception of the United States, there are more international terrorist organizations active in Canada than anywhere in the world—than anywhere else in the world.

And we know that the Algerian terrorist, Ahmed Ressam, who came in as the Millennium Bomber, was trying to come in through the Canadian border with 100 pounds of explosives in his trunk, and he was apprehended, fortunately. I think about this great vulnerability that we have to the north, and it seems to me that we have this huge chasm in terms of the kinds of resources that we are deploying to try to secure that northern border.

So what I want you to respond to me, is on this question. You say the policy of our Border Patrol is to secure the most vulnerable areas. Are we, in fact, doing that?

Mr. COLBURN. Thank you, Senator. Yes, we are. We are working toward—as I said, I agree that there are vulnerabilities on both borders and that we are working toward that, and we are much—

Senator SALAZAR. How can you tell me—and I do not mean to be argumentative here. I want to get to the facts here.

Mr. COLBURN. You mentioned the 12—

Senator SALAZAR. Hold on. Hold on. Let me ask the question. How can you tell me that we are securing our most vulnerable areas, when we have a 5,000-mile border where the GAO just demonstrated what it is you can do in terms of coming across with a dirty bomb or any other kind of terrorist weapon that would do harm to the people here in the United States? How can you tell me that you are currently deploying the resources assigned to the Border Patrol in a way that is focused in on the vulnerabilities facing this Nation?

Mr. COLBURN. As I mentioned earlier, it is a three-legged stool, Senator. Part of it is manpower. As you said, it is a 12:1 ratio. Less than 1 percent of all detected illegal activity occurs in those 4,000 miles, by the way, of the Canadian border versus 99 percent on the southwest border.

Senator SALAZAR. Does that detection have something to do with the fact that we have so few personnel assigned to the northern border? Is there any correlation there whatsoever?

Mr. COLBURN. It is directly correlated with the amount of traffic that we detect actually occurring along the border between the ports of entry and how we deploy our resources to address those. We also use technology. In fact, speaking of radiation, and having been the former Director of Law Enforcement at the White House for the Homeland Security Council, radiation was also a keen interest of mine with the Homeland Security Council during the stand-up at the Department of Homeland Security.

Senator SALAZAR. Let me just say, because my time is up. But just to make this comment, as well as to share it with my colleagues on the committee. I very much understand the very, very incredibly difficult task that we have of securing all of our borders. It has to include not only our northern border, it has to include our southern borders. It has to include our ports as well, and how we deal with this issue is very important. It is not something that we have yet figured out a way to do, and I hope that we are able to do it here in our Nation's Capitol, hopefully sooner than later.

And the second thing I just wanted to comment on, again, is I very much agree with Senator Baucus's comment that, at the end of the day, when we are talking about the security of the United States, it really is going to involve an ideological compact with our neighbors, both to the north and the south, so that we can stomp out those people who would want to come into our country to do us violence.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Bunning?

Senator BUNNING. I have an opening statement I would like to put into the record.

The CHAIRMAN. Without objection.

Senator BUNNING. Thank you.

[The prepared statement of Senator Bunning appears in the appendix.]

Senator BUNNING. It seems to me, Mr. Colburn, that you have allocated the amount of people to the Canadian and to the Mexican borders in direct relationship to the amount of people who are crossing. Is that an understatement or is that a correct statement?

Mr. COLBURN. That is a partial statement. It is the amount of illegal activity detected, so it includes contraband as well, sir, and the intelligence we get, as was all mentioned, the type of intelligence that we share with our Canadian partners, who are here with us today, as a matter of fact.

Senator BUNNING. Are we just talking about contraband or are we just talking about illegal entry?

Mr. COLBURN. It is both. It is an all-threats issue, sir.

Senator BUNNING. All threats.

In the video that we saw and in the GAO report that we have read—are you satisfied or dissatisfied with the results that you have seen, Mr. Colburn?

Mr. COLBURN. Are you speaking of the results of the GAO findings?

Senator BUNNING. Yes.

Mr. COLBURN. I am satisfied. As I said, I concur with them, actually.

Senator BUNNING. You are satisfied that your patrolling of the border was adequate?

Mr. COLBURN. No. I am satisfied that they were accurate in finding that there are still vulnerabilities along our border. I agree with that.

Senator BUNNING. All right.

Mr. COLBURN. And also with their suggestion that it is a resourcing issue of the three-legged stool.

Senator BUNNING. Senator Baucus asked a very pertinent question and did not get an answer. It was one about dollars and people. We have made a very strong effort in the Senate to increase the number of Border Patrol agents, increase the number of unmanned vehicles, increase the wall, increase all the things that we think are necessary to help you do your job. None of that has appeared on the Canadian border.

Mr. COLBURN. As I mentioned, sir, as we speak, 200 additional agents are en route to the northern border. We continue to increase. We are also increasing in technology and, where needed, along with our—

Senator BUNNING. That would amount to—you said 25 percent are active per day. That would amount to 50 more people on over 4,000-plus miles?

Mr. COLBURN. We are not finished yet, Senator, so we will continue to increase as strategically deemed necessary.

Senator BUNNING. Have you asked for additional dollars?

Mr. COLBURN. I believe that within the Secure Borders Initiative and our National strategic funding requirement is an increase in the next budget cycle.

Senator BUNNING. In the next fiscal cycle, 2008?

Mr. COLBURN. 2008, and again in 2009, as we are already planning for.

Senator BUNNING. And the fact that the National Guard has withdrawn some support from the southern border does not seem to be affecting your effectiveness?

Mr. COLBURN. So far, not, because of the planning. From the day that we were informed in May of 2006 that we would be gaining additional—because we already had U.S. military and Department

of Defense support on the southwest border and in certain places along the Canadian border—that in addition we would get, through Operation Jump Start, 6,000 mission support military personnel from the National Guard Bureau, we also were instructed at that time to begin planning for a 3,000—or half, roughly—draw-down or reduction in the second year, so we have planned for that. So far—and we watch this quite carefully and closely every single day and we talk to our National Guard Bureau partners on this—we are holding our own.

Senator BUNNING. Mr. Luongo, I would like to inquire, because you talked about Canada and the 50 different worldwide terrorist organizations attempting to enter from Canada. Do you know anything about Mexico?

Mr. LUONGO. No, sir. I do not know much about Mexico. I think the statistic was that there were representatives of 50 different terrorist organizations seeking to enter Canada for asylum.

Senator BUNNING. Correct.

Mr. LUONGO. Or for immigration.

Senator BUNNING. You do not have any information as far as Mexico—

Mr. LUONGO. No, Senator, I do not.

Senator BUNNING [continuing]. And the terrorist threats that might be coming across our southern borders?

Mr. LUONGO. No, no. For the preparation for this hearing, Senator—border security and border control is not my specialization, and so we tried to just focus on the northern border for this hearing.

Senator BUNNING. On the northern border only.

Mr. LUONGO. Yes.

Senator BUNNING. Would the GAO have any more information about terrorist organizations that might be active in Mexico and trying to enter from the southern border?

Mr. KUTZ. No, Senator, we do not.

Senator BUNNING. You do not.

How about the Border Patrol?

Mr. COLBURN. Speaking less than classified, we consider it a constant threat that those who would want to do harm to this country would, in fact, use the organized crime groups that traffic in people and contraband to this day on the southwest U.S. border.

Senator BUNNING. So that would be a much more concentrated group on the southern border than the northern border.

Mr. COLBURN. The issues are different. As we all know, 90 percent of all the population of Canada resides within 100 miles of the border with Canada and the U.S. Those sleeper cells, to call them that, or groups that might support terror or terrorism against the free world that reside in Canada are watched carefully by our partners, and we watch them as well.

On the Mexican border, it is those who would utilize that territory, that land to traverse in order to make entry between ports of entry on the southwest border between California and Texas, utilizing well-organized criminal groups that typically move whatever the market will bear—people and contraband.

Senator BUNNING. My time has expired.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. Senator Snowe?

Senator SNOWE. Thank you, Mr. Chairman. I, too, would like to include my statement in the record.

The CHAIRMAN. Without objection.

[The prepared statement of Senator Snowe appears in the appendix.]

Senator SNOWE. Thank you, Mr. Chairman. This is obviously, I think, deeply disturbing news, as underscored by the GAO investigation, in these multiple intrusions and the fact that the northern border is understaffed and undermanned. We are facing a confluence of issues merging over this next year, with 100-percent checking at the borders, at the manned borders.

So we have seen tremendous backlogs already in the days in which it has occurred, and I know that it is going to begin occurring, perhaps on a daily basis, starting in January. So on one hand, you have that problem. On the other hand, you have the unmanned areas as well.

I have not heard from you, Mr. Colburn, exactly what is your estimate for additional personnel that would be required to safely secure the northern border. In both instances, obviously, to ease the congestion that will occur over these 100-percent checkpoints, which is going to be a major problem for border communities, as understaffed as they are. Then on the other hand, the numerous areas which are unmanned, obviously what has been disclosed by these intrusions that were not detected by your agency.

Mr. COLBURN. Thank you, Senator. Just to make note, I hope to visit Maine in the very near future. It will be the last and only sector of the 20 sectors that the entire United States is geographically divided into that I will not yet have visited or worked in. I have been everywhere. My forefathers come from Maine.

I met 2 days ago with Chief Joe Melia, the chief who has the entire State of Maine sector, and approximately 100 Border Patrol agents who are assigned to him. We intend to add in the coming years veteran, qualified personnel who have been first exposed to the complexities and difficulties of Immigration and Customs laws and trafficking that occur at such a high rate on the southwest border, making them the most veteran, most experienced personnel, when it comes to police work, in the entire world. We will place those hand-picked persons on the northern border over the next few years until we feel that we have sufficient manpower, along with tactical infrastructure and technology, including UA systems—unmanned aerial systems for elevated aerial platforms—as well as the manned ones, to finally secure and get operational control of the northern border, along with our Canadian partners who work hand in hand with us, because they, too, do not want this on their watch.

That said, I do not know an exact number. That changes as the transit anomalies and the intelligence dictate. But we do intend to increase staffing in Holton, ME. I just spoke 2 days ago with Chief Melia on that, and met with him.

Senator SNOWE. Well, I appreciate that. I appreciate the fact that you will be visiting Maine. I think that obviously there are a number of problems, and I am sure it is replicated across the northern

border, as we have seen disclosed by the GAO investigation. It truly is troubling.

I read in your statement, you mentioned the fact—a couple of things. One is that the Customs and Border Patrol spokesman downplayed, at least according to this news report this morning, the findings that raise the possibility that the agency detected GAO's intrusion, but determined it was not a threat; even if the GAO did not see somebody there does not mean there is no observation.

Now, you mention in your own statement that you determine whether or not it is an actual threat. How do you determine that? For example, the person with the duffel bag who comes across the border who was not detected. How do you determine whether or not that individual is a threat?

Mr. COLBURN. We depend on the experience and training of our individual law enforcement deployed Border Patrol personnel to make that independent, oftentimes working alone, field judgment on what they perceive as a risk or threat, like any other police officer, or investigator, or special agent would do, especially when dealing with the masses of people that we deal with on a daily and annual basis.

As I said, there were nearly a million people who were not successful in crossing both borders this year. Speaking of weapons of mass effect, 2 million pounds of marijuana is a weapon of mass effect that we prevented from happening this year along the border. I also would like to say that there is no other law enforcement agency in the world, per capita, per day of deployments, that makes more arrests than the U.S. Border Patrol, none in the world.

That is why we are high draft choices for the DEA, ATF, ICE, FBI, because they want our experienced personnel who make lots of arrests and have that good cop gut feeling to determine what is a threat and what is not a threat. We have to depend on that. Working with our Department of Energy partners in trying to resolve the 6,000 miles of border detection challenge with radiation, for instance, they have not been able to come up with an idea that would detect a portal that is 6,000 miles wide.

So the portals are at the ports of entry. We have detection devices at checkpoints in the interior of the United States. Agents carry detection technology on their gun belts, actually. But we do not have a 6,000-mile portal solution yet. We are working closely with our Department of Energy partners and the other partners in trying to find a way to secure the border, even that way.

Senator SNOWE. But I am not clear on how you would know whether or not what was in that duffel bag posed a serious threat—that could contain radioactive material—if no one was around. That is what I do not understand. What is the criteria? If no one is around, there is no equipment, how do you determine whether or not what was in that duffel bag posed a serious threat to our Nation's security, such as radioactive material, for example?

Mr. COLBURN. When we detect activity along the border and illegal entry—

Senator SNOWE. Well, can we speak to this issue? Because that is what I would like to know. I would like to have the GAO response. I want to be clear on this, because I think this is obviously

a significant issue to this country. So I would like to have the GAO respond as well. But Mr. Colburn, go ahead.

Mr. KUTZ. Let me have Mr. Cooney add to that. But it depends on how you define "detected," too. Because in the one case, for example, we stood and waved to the cameras, basically, and waited about 15 minutes, and then several minutes later—Mr. Cooney, why don't you respond on that?

Mr. COONEY. Yes. They would never have detected us coming through unmanned or unmonitored checkpoints. It was very easy to do that. When we did come across the portal that was unmanned during the evening hours, we did hang around. We wanted to see how long it would take for them to respond. They did respond. They waited for us down the road, and the Border Patrol agent did a very good job of coming up and identifying himself, and he satisfied himself that we were no threat. So I concur with the Border Patrol on that issue, where they can make a determination based on who they are approaching.

But the other issue that you want to address about the red duffel bag, if you are going through an unmonitored area or an unmanned area, there is no way that they are going to be able to identify that. That border is so long, frankly, the security on that border has really not increased too much since the French and Indian War.

Mr. KUTZ. Yes. Senator, the only places where they can identify radioactive material crossing the border are the radiation portal monitors, and we tested those last year. We actually went through those with radioactive material and sounded the alarm, and that got us a secondary inspection. Now, in those particular cases we then beat the human capital side with counterfeit documents, which I believe they have addressed at this point. So, again, I think the only places that the radiation will be detected are those portal monitors that we are aware of.

Senator SNOWE. Thank you.

The CHAIRMAN. I would like to ask Mr. Luongo, how easy is it to make a dirty bomb? Second, what is the effect of the detonation of a dirty bomb? Say I am up in Canada and I want to make a dirty bomb. How easily can I do so?

Mr. LUONGO. It is really just a radioactive source, and there are hundreds of thousands of radioactive sources. Some, for example, that you have in medical machines are maybe an inch around and a foot long. If you wrap dynamite around that and you explode it, or if you take cesium, which is used in a powdered form when it is delivered to medical facilities, and you wrap an explosive around it and you explode it, you will disperse radioactivity.

The CHAIRMAN. And what is the effect of an explosion?

Mr. LUONGO. Right. It is not like a nuclear weapon. You are not going to flatten a neighborhood and you are not going to sear people's shadows into the sidewalk. What you are going to do is, you are going to contaminate them with radiation and contaminate all the buildings with radiation, and so, until you can decontaminate that area, it is going to be essentially unusable.

You have to make a certain distinction between which radiological element you are using. Some, like cesium or cobalt, have gamma properties, which means they go through the walls, go through lots of barriers. Others that are alpha, like polonium—this

was used against the Russian guy in London who was killed—cannot get through your skin, but, if they are ingested, they can destroy you from within. So, there are different ways.

The CHAIRMAN. But it is easy? It is not difficult?

Mr. LUONGO. I have not done it, Senator. I do not know how easy it is.

The CHAIRMAN. Could you, based upon what you know, think you could assemble one?

Mr. LUONGO. Probably, if I really put my mind to it. I think you could do it, yes.

The CHAIRMAN. All right.

I would like to ask a couple of questions along the lines Senator Snowe asked of you, Mr. Colburn. You say you deploy your resources depending upon the threat. But it sounds to me like that threat is essentially based upon crossings and materials and so forth that you know of historically.

But the problem here is, as the GAO folks point out, there may not be an awful lot of crossings across the northern border, but the vulnerability is obvious. So my question to you is, will you now reassess your threat, since it is so easy to come across the border, even though there have not been a lot of border crossings, manned or unmanned, that you are aware of?

Mr. COLBURN. We reassess the threat on a daily basis.

The CHAIRMAN. No, no. That is not my question. Are you going to reassess it and redeploy personnel based upon the vulnerability of the northern border?

Mr. COLBURN. We already knew this, Senator. This is not a surprise report to us. So we—

The CHAIRMAN. If it was not a surprise, why have you not done something about it?

Mr. COLBURN. We are doing it, Senator.

The CHAIRMAN. What are you doing? Concretely, Mr. Colburn. I know you work for the government and you have to protect yourself and all your answers have to be couched in all kinds of words and generalities, and so forth. I understand that. But it is also very frustrating. Here we are in the Congress, trying to get some specific answers, and you are protecting yourself. We are protecting our citizens, and we need some specific answers to do that.

You have not been very specific, to be honest. You have been avoiding a lot of questions that have been asked. You avoided Senator Salazar's questions, you have avoided Senator Snowe's questions, you avoided my questions. Frankly, your testimony has not been satisfactory, has not been candid.

I do not get the sense that you really care about this. I do not get the sense that you really deeply understand it. I do not get the sense, by gosh, you are going to really do something about this. I do not get that sense, to be honest about it. I just do not get it. So what are you going to do now, based upon this clear threat along the northern border?

Mr. COLBURN. First, I think it is important for the American people, anyone who may be viewing, and you Senators, to know that I take this very seriously. In fact, I am in my 30th year in the U.S. Border Patrol as a sworn law enforcement officer. My father did this before me, my grandfather.

The CHAIRMAN. I do not question your patriotism. I do not question your loyalty to America. I am asking the specific question: what are you going to do specifically?

Mr. COLBURN. We have a national strategy and we depend heavily on the chiefs of those sectors along the northern border, as well as the southwest border, coastal and marine, to give us their requirement to incrementally bring operational control to the entire U.S. border. We are not there. We are getting there. We are getting there faster now, I am pleased to say, than I have ever seen in my 29-plus years in the Border Patrol. It is thanks to you, the Finance Committee, as well as the House, continuing to resource us toward that end in a much more rapid fashion.

Senator Kyl, for instance, has been along the border with me on numerous occasions since the mid-1990s and really gets the border challenges and the border situation, and I thank him for his support. I thank the Senate Finance Committee as well for your continued support. We are getting there. We are bringing manpower, we are bringing UAS systems, unmanned aerial systems, unmanned aerial vehicles. We are bringing aircraft, we are bringing boats, and we are bringing more manpower and sensing systems.

We have a \$20 million sensing system going up in Detroit in the very near future as a start with our Secure Border Initiative, supported through the Secretary's office with the Department of Homeland Security.

I think I have been very candid with all of you, and it is my call to you as a taxpayer and as an appointed government official of nearly 30 years, and as a voter, that we continue together to work towards border security. As I said, and I will say it quite frankly: GAO, tell me something I do not know. We know this. We have been telling you this. As I said, the Senator from Arizona, Senator Kyl, has been with me on numerous occasions to the border. Our request to you is, please continue to support us in resources so that we can gain operational control of the border.

I think that I have answered every question very well, and I invite all of you down to join us as well along the border. We host people all the time, and we would be happy to show you the borders, see it for yourselves, see the challenges and talk to us about how we overcome those challenges.

We are not there yet. I have eight grandchildren and——

The CHAIRMAN. I do not have grandchildren yet, but I am looking forward to it.

Mr. COLBURN. They ask me if we are there yet all the time.

The CHAIRMAN. That is right. You have a very challenging job, Mr. Colburn. Very challenging. We will help provide the resources.

Mr. COLBURN. Thank you very much.

The CHAIRMAN. But I ask you to dedicate more of your time and resources and efforts to address this problem that has been so exposed today.

Senator SCHUMER. Mr. Chairman?

The CHAIRMAN. The Senator from New York.

Senator SCHUMER. Thank you. I apologize for not being here. It is an issue of great concern to me. Our border is not as long as Montana's is on the northern border, but it is still pretty long, with

waterways and lots of people crossing. I had the mark-up of a bill I have in Judiciary.

I just want to say this, Mr. Chairman. I want to thank you. I will be very quick. I want to thank you for, first, asking for this report. I just want to say to all of the witnesses here, it is extremely troubling. Extremely troubling. We have seen, crossing the Buffalo border on occasion, terrorists. We have seen—on an unguarded border, even by Indian reservations and other things, the St. Regis Mohawk—real problems. We have seen the inadequate patrols on Lake Ontario in terms of the Coast Guard and everything else.

So this report highlights a serious problem and I, for one, think that probably nothing we do would be more important than trying to correct it, and I want to pledge myself to you, Mr. Chairman, to work with you, and work with all of you to see that that be done. We cannot skimp on resources here. We can spend \$200 billion on the war in Iraq and we do not put the resources here. You cannot play offense and not play defense when there is a war on terror going on, and that is what we are doing, and that is what the report shows.

So I thank my colleagues. I am sorry I could not be here, but I am very interested in what has happened.

The CHAIRMAN. Thank you, Senator, very much.

I thank all of you who testified here today. I also want to particularly thank GAO. You do a great job. It is your third-party, independent organization that we rely on very heavily, and the American people do, too, and I just want to thank you very much for your work.

Mr. KUTZ. Thank you.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 11:28 a.m., the hearing was concluded.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD



Statement of Senator Jim Bunning
September 27, 2007

Thank you, Mr. Chairman.

I can think of no topic more important than the safety and security of our nation. The threat we currently face from radical Islamic terrorist organizations is real. As we speak, radical clerics are busy preaching hatred to loyal followers while inciting their support for global jihad. Their fight for world domination centers on the goal of destroying Western Civilization. I firmly believe that the United States has not faced such a severe threat to our national security since World War II.

Earlier this month we received a stark reminder of how severe this threat is as we remembered the innocent lives that were lost on the anniversary of the attacks on September 11th. Since then we have made many improvements to further safeguard our national security. These improvements, however, are not enough.

As a nation, how are we supposed to protect ourselves when we cannot even regulate our own borders? As shown in the findings of the General Accountability Office's report on border security, our Northern border remains a constant threat. The ease upon which terrorists can readily cross the border at public border crossings is highly disturbing. Our lack of security at both manned and unmanned marked crossings is simply unacceptable.

In each of the seven attempted border crossings, the GAO investigators were able to successfully cross the border while carrying a duffle bag filled with materials that simulate those needed to make a dirty bomb. Not once were they stopped or questioned while crossing.

To make matters worse the investigators found several ports of entry along the Northern border that posted the hours they were patrolled by Customs and Border Protection officers. These sites were then left unmanned at night. In my book this is essentially the same as giving terrorists a timetable for when our ports of entry will be monitored. I firmly believe this is an extremely dangerous practice that could have grave consequences if not amended.

We must never forget that there are those out there who wish to do us harm. All it takes is a small amount of nuclear material to be smuggled across our border to make a dirty bomb.

I for one believe that we need to do as much as possible to further safeguard our borders. The consequences of failing to do so are too grave to consider. I look forward to hearing from our witnesses today on how we can better achieve this and questioning them on their findings.

Thank you Mr. Chairman.

**STATEMENT OF RONALD COLBURN
DEPUTY CHIEF, U.S. BORDER PATROL**

CHAIRMAN BAUCUS, SENATOR GRASSLEY AND OTHER

DISTINGUISHED SENATORS, it is my honor to have the opportunity to appear before you today to discuss the findings of the Government Accountability Office (GAO) report, "Security Vulnerabilities and Unmanned and Unmonitored U.S. Border Locations." My name is Ronald Colburn, and I am the Deputy Chief of the U.S. Border Patrol. I would like to begin by giving you a brief overview of our agency and mission.

Our main function is to prevent the illegal entry of terrorists, criminals, illegal aliens, illegal narcotics, contraband as well as smugglers who operate between the ports of entry. To accomplish its mission, the Border Patrol must meet its clear strategic goal to establish and maintain effective control of the borders of the United States. Effective control of an area of the border is defined in the Border Patrol's strategy as the ability to:

- Detect an illegal entry;
- Identify and classify the entry and determine the level of threat involved;
- Respond to the entry; and
- Bring the event to a satisfactory law enforcement resolution.

Gaining, maintaining, and expanding a strong enforcement posture with sufficient flexibility to address potential exigent enforcement challenges is critical in bringing effective operational control to the borders. Guidance at the national level for planning and implementation ensures resources are initially targeted to gain and maintain effective control in the most vulnerable, highest-risk border areas, and then to expand this level of border control to all Border Patrol Sectors.

The Border Patrol has worked diligently over the years to achieve its primary mission. Additional resources and operational efforts are having the desired effect on the criminal organizations that have historically operated along our Nation's borders; organizations that are responsible for smuggling drugs, weapons, cash, and illegal aliens into the United States. The results of these efforts are significant. As of September 23, 2007, total overall illegal activity is down 20 percent from the same time period in fiscal year 2006, with total Other than Mexican (OTMs) arrests diminished by 37 percent. The decrease in arrests and increase in drug seizures are partly attributable to the end of "catch and release" and aggressive enforcement programs, such as Operation Streamline, the Arizona Border Control Initiative, Expedited Removal, the Interior Repatriation Program, Operation Jumpstart, Operation Brigand Snare, Operation Citation and Operation First Strike. At the same time our narcotics seizures have significantly increased. To date this year the Border Patrol has seized over 1.8 million pounds of marijuana and 14,240 pounds of cocaine. Additionally, the unparalleled increase in the size of the Border Patrol and miles of border fencing and vehicle barriers have added valuable resources to our border control efforts, while investigations taken by Immigration and Customs Enforcement (ICE) have helped to limit the impact of illegal employment.

The Border Patrol continues to carry out our mission along the Nation's borders by applying the right mix of resources in a layered enforcement mode. This mix of resources includes personnel, technology, and infrastructure, which are deployed and implemented in a manner that is tailored to maximize

enforcement efforts in a targeted area of operation. Decisions to deploy resources are based on threat and terrain considerations.

The Border Patrol conducts continuous border threat assessments. The threat assessments are based on operational performance data, intelligence reports, interviews of arrested law violators, and information and intelligence received by other federal, state and local agencies. The threat assessments identify current and emerging threats and vulnerabilities to border security. They drive our resource deployment strategy.

Our resource deployment strategy is designed to reduce the risk to border security. Therefore, our resources are first deployed to the most vulnerable, highest-risk border areas. We also employ a second layer of defense intended to deny major routes of egress from the borders to smugglers intent on delivering people, drugs, and other contraband into the interior of the United States. This is done through the use of tactical and permanent checkpoints on highways leading away from the border, the checking of transportation hubs that may be used to smuggle people or contraband, working with law enforcement task forces, partnering with other law enforcement agencies, and through our relationships with neighboring foreign governments.

Securing our Nation's diverse border terrain is an important and complex task that cannot be resolved by a single solution. To secure each unique mile of the border requires a balance of technology, infrastructure, and personnel that maximizes our Nation's return on investment and is tailored to each specific environment. The proper mix of resources will vary with differing border

environments and enforcement challenges. Generally, the Border Patrol operates in three basic geographical environments: urban, rural, and remote. Each element has its own unique challenges.

In an urban environment, enforcement personnel have only minutes, or sometimes seconds, to detect an illegal entry and to bring the situation to a successful law enforcement resolution. Urban environments have significant infrastructure that does not exist in rural or remote areas. Urban areas facilitate illegal crossings on the border and provide for assimilation into the population in such a way that the violator blends in with legitimate traffic in the community within moments. Typically, smugglers and potential illegal entrants prefer to operate in urban areas due to the available infrastructure as "cover" for their activity.

In urban areas, the deployment mix will lean heavily on tactical infrastructure, such as lights and fences, and technology supported by sufficient personnel to quickly respond to intrusions. The physical infrastructure serves as a tactical tool to impede, channel and slow the violator's forward progress. The deployment tends to be of high visibility in that a potential intruder actually sees the barriers, lights, detection capability, and patrols occurring on or near the immediate border. The goal of deployment in an urban area is to deter or divert potential illegal traffic into areas where the routes of egress are not immediately accessible and enforcement personnel have a greater tactical advantage.

In a rural environment, response time to an incursion can be greater, as the time from the point of entry to assimilation into the local infrastructure may be

minutes or hours, thus exposing the violator for a longer period of time and allowing for a more calculated enforcement response. Deployment in a rural area will be more dependent upon a solution that involves detection technology, which can track the cross-border violator as he progresses into the country; provides rapid access to the border; and establishes barriers designed to limit the speed and carrying capability of violators.

In remote areas, it may take a violator hours or even days to transit from the point of entry to a location where the entry may be considered successful. This allows for a significantly more deliberate response capability geared toward fully exploiting the terrain and environmental advantages. Deployments in remote areas will lean very heavily on detection technology and will include infrastructure geared toward gaining access to permit enforcement personnel to confront and resolve the event at a time and location that are most tactically and strategically advantageous to us. Forward operating bases such as Camp Grip, may be employed in remote areas to provide for better enforcement coverage in locations that are difficult to access on a shift-to-shift basis.

As the GAO's report indicates, there is no remote stretch of border in the United States that can yet be considered completely inaccessible or lacking in the potential to provide an entry point for organized crime, terrorist or terrorist weapon. On the Southwest border, we partner with other DHS components, Federal, State, local, and Tribal law enforcement agencies and the Government of Mexico, to bring together resources and fused intelligence into a geographical area that has been heavily impacted by illicit smuggling activity. Our efforts

include building on partnerships with the Government of Mexico to create a safer and more secure border through the Border Safety Initiative, Expedited Removal, and Interior Repatriation programs. In doing so, we continue to have a significant positive effect combating the threat of domestic terrorism, illegal cross-border migration, and all related crime in the border environment.

On the Northern border, the vastness and remoteness of the area along with the unique socio-economic ties between the United States and Canada are significant factors that must be considered when implementing the Border Patrol's national strategy. Severe weather conditions on the Northern border during winter intensify the need to expand technology to meet our enforcement needs. The number of actual illegal border penetrations along the U.S.-Canada border is less than 1 percent to that of the U.S.-Mexico border. The threat along the Northern border results from the fact that over ninety percent of Canada's population of 30 million lives within one hundred miles of the U.S.-Canada border. It is most likely that potential threats to U.S. security posed by individuals or organizations present in Canada that support terrorism would also be located near the border. While manpower on the U.S.-Canada border has significantly increased since 9/11, the Border Patrol's ability to detect, respond to, and interdict illegal cross-border penetrations there remains limited. Continued resourcing, as well as acquisition and deployment of sensing and monitoring platforms as well as unmanned aerial vehicles (UAVs) will be key to the Border Patrol's ability to effectively address the Northern border threat situation.

A key to our efforts on the Northern border is our partnership with Canadian law enforcement and with officials from other Federal, state, local, and tribal law enforcement agencies (LEA). For example, along the Northern Border, there are 15 Integrated Border Enforcement Team (IBET) Regions. Membership in IBET consists of five core agencies with law enforcement responsibilities at the border. The IBET core agencies include from the United States, CBP Border Patrol, U.S. Coast Guard, and Immigration and Customs Enforcement (all representing the Department of Homeland Security), and from Canada, the Canada Border Services Agency and the Royal Canadian Mounted Police.

The GAO made several conclusions in its report that I would now like to discuss with you. The first concerns GAO's observation that the Border Patrol did not respond to the GAO investigators' presence near the border. The second conclusion is that certain border locations appear to be unmanned and unmonitored. Finally, the GAO concluded that federally-managed lands in the border areas are not adequately protected.

The GAO stated that Border Patrol agents did not question its investigators when they loitered in proximity to the border. Before the Border Patrol responds to border activity, it first identifies and classifies the activity. Millions of people every day live and work in close proximity to the border. Tens of thousands more visit the border areas for recreational purposes. For the most part, these people are U.S. citizens and lawful residents who have the right and freedom to conduct business or recreational activities in the border environment. The Border Patrol does not (from a logistical standpoint) and should not (from a

constitutional standpoint) interfere with the freedom of movement of Americans without sufficient suspicion that they may have violated laws, be involved in illegal activity, or pose a threat to the security of the United States.

When the Border Patrol identifies an actual threat, we respond appropriately to bring the event to a satisfactory law enforcement resolution. For example, in the same area the day after the GAO conducted its assessment, Border Patrol agents observed four individuals transferring four large bundles from a boat on the Rio Grande River into a four-door sedan on the U.S. side of the border. The Border Patrol agents intercepted and followed the vehicle until it was abandoned by the four suspects, who fled the scene. The agents seized the vehicle and bundles which contained over 300 pounds of marijuana.

The GAO's apparent lack of visibility of Border Patrol resources does not mean that the border is "unmanned and unmonitored." The Border Patrol employs a myriad of tactics to enforce border security. The types of tactics employed are determined by the threat and the terrain. In areas where the Border Patrol has identified the threat as being high and where the terrain - usually urban terrain - dictates an immediate response by the Border Patrol to cross-border activity, Border Patrol resources are deployed closer to the border. In more remote areas, where the threat is less and/or where the Border Patrol response to cross-border activity need not be immediate, the Border Patrol does not necessarily deploy its resources in the same highly visible manner. Rural or remote terrain often permits the Border Patrol to stand off and interdict illegal border crossers hours or even days later. For these reasons, our resources are

not always stationed at static, less mobile positions on the border. In some areas, we use roving patrols. In others, sensors and cameras are employed to monitor border activity and identify and classify that activity to which the Border Patrol must respond. Finally, at some strategic locations, Border Patrol resources will be focused at “choke points” to interdict illegal entrants at locations beyond the immediate border. The use of these tactics and the deployment of our finite resources to support these tactics were not apparent to the GAO investigators during the brief time they spent at these border locations.

The GAO stated that “certain legal and cultural considerations limit options for enforcement” on National Park and Tribal Lands. While true in some respects, this conclusion gives the impression that enforcement operations in these areas are limited, which is not true. The Border Patrol has undertaken measures and collaborative efforts with National Park Service (NPS) and tribal authorities as all three organizations have a shared interest in promoting our Nation’s security. We work together on publicly stewarded lands along our Nation’s borders on a daily basis.

With the NPS and the Fish and Wildlife Service in Arizona, the Border Patrol has worked closely with the Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge and the Buenos Aires National Wildlife Refuge staff to further shared interest relationships and enhance border security. All Border Patrol sectors have agents who serve as Public Land Liaison Officers to communicate and coordinate border security issues with our DOI and USDA partners. Efforts have included the following:

- Entering into a nation-wide Memorandum of Understanding with the Department of Interior (DOI) (and the Department of Agriculture (USDA)) to define goals and responsibilities that enabled the Border Patrol to conduct enforcement operations on DOI (and USDA) lands that both promote border security and protect the environment.
- Conducting joint operations targeting smuggling on DOI lands.
- Constructing of border vehicle barriers along publicly stewarded lands.
- Establishing the Border Patrol's Forward Operating Base, Camp Grip on the Cabeza Prieta National Wildlife Refuge to forward deploy Border Patrol resources on Public (USFWS) lands with significant illegal activity.
- Operating Bates Well Camp on the Organ Pipe Cactus National Monument manned with Border Patrol Search Trauma and Rescue Agents (BORSTAR) to provide patrols and assist in rescue operations on NPS lands.
- Participating with the Buenos Aires National Wildlife Refuge staff to conduct Operation Cobija targeting narcotic smugglers traversing public (USFWS) lands.

On tribal lands along the Mexican and Canadian Borders, the Border Patrol has worked very closely with tribal authorities. These efforts include the following:

- Expanding the Border Patrol presence on tribal lands.
- Operating a joint Law Enforcement Center on tribal lands in conjunction with tribal police.

- Creating a Tribal Liaison Unit whose primary objective is being to sustain an open and cooperative working relationship with tribal leadership and law enforcement.
- Collaboratively constructing tactical infrastructure - roads and vehicle barriers - on tribal lands.
- Conducting joint operations with tribal law enforcement entities to address smuggling activity.

We agree with the GAO's findings: the border is not as secure as it needs to be, in my opinion. The Border Patrol understands –better than anyone- the current threats to border security and makes risk-based resource deployments to counter those threats. The Border Patrol's ability to secure the border and better address border threats will increase significantly in the coming months and years as more resources become available. To that end, we are hiring 6,000 additional Border Patrol agents over a two year period ending in December of calendar year 2008, and will work to ensure that 1,700 more agents are added in 2009. We are plan to construct a total of 370 miles of fencing by the end of CY2008 along with 300 miles of vehicle barriers.

Additional significant gains in our capability to secure the border will be achieved by *SBI_{net}*, of the Secure Border Initiative. *SBI_{net}* is charged with designing, developing, and implementing a solution that incorporates surveillance and detection, command and control, intelligence, tactical infrastructure, communications and information technology. *SBI_{net}* will use the latest innovative technology – cameras, biometrics, sensors, air assets, improved

communications systems – to provide Border Patrol agents what they need to execute the agency's mission in the safest and most effective manner. There have been some unfortunate delays with SBInet but we are working diligently to bring the American public the best product we can.

As you know, America's U.S. Border Patrol is tasked with a very complex, dangerous, and challenging job. We face those challenges every day with vigilance, dedication to service, integrity and the will to accomplish it as we work to strengthen national homeland security and protect this Great Nation and its citizens. I would like to thank both **CHAIRMAN BAUCUS**, and the members of the **Senate Finance Committee**, for the opportunity to present this testimony today and for your continued support of the U.S. Border Patrol. I am pleased to respond to any questions that you may have at this time.

**Responses to Questions for the Record From Ronald Colburn
Senate Committee on Finance Hearing
September 27, 2007**

Question 1: Which is a higher priority for the Border Patrol, the risk of illegal immigration or threats to national security?

Answer:

All Border Patrol efforts are focused on establishing and maintaining operational control of the border. By controlling the borders, the Border Patrol can simultaneously deter illegal immigration and reduce the threat to our national security. The National Border Patrol Strategy directly supports three of CBP's strategic goals: preventing terrorism; strengthening control of the United States borders; and protecting America and its citizens. The National Border Patrol Strategy consists of five main objectives: Establish substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the ports of entry; deter illegal entries through improved enforcement; detect, apprehend, and deter smugglers of humans, drugs, and other contraband; leverage "Smart Border" technology to multiply the effect of enforcement personnel; and reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas.

Question 2: How does the risk of illegal immigration differ on the southern and northern borders? Which is more severe and why?

Answer:

The difference between the enforcement environment on the Northern and Southern border has to do with the volume of illegal traffic. The number of illegal border entries along the Northern border is less than one percent of that of the Southern border. There were 6,380 apprehensions along the Northern border compared to 858,638 apprehensions along the Southern border in FY 2007. Fewer than 1,000 of those arrested along the Canadian border were actually caught in the act of crossing the border; most arrests were of persons who had illegally entered the United States across the border with Mexico and were later apprehended near the Canadian border, or those who were lawfully admitted at a U.S. Port of Entry, and subsequently violated the terms and conditions of their stay, and fell "out of lawful status." The total number of persons apprehended along the Northern border is a fraction of the number of illegal aliens encountered by most of the busier Border Patrol stations on the Southern border. For example, the Casa Grande Border Patrol Station in Tucson Sector apprehended 76,438 illegal aliens in FY 2007. In comparison more than 742,276 of those apprehensions along the Southern border were apprehended in the act of crossing.

Question 3: How does the national security risk differ on the southern and northern borders? Which is more severe and why?

Answer:

Over 90 percent of Canada's population of 30 million lives within 100 miles of the Northern border. Intelligence indicates that some individuals and organizations who reside near the Canadian border represent a potential threat to U.S. national security. People from special interest countries and sophisticated alien smuggling organizations gravitate to and congregate in Canadian metropolitan areas within close proximity to the Northern border and exploit established transportation infrastructure. Aliens from special interest countries on the Southern border may not blend into the population as easily.

We realize that there is a threat on the Canadian border and we work closely with the Canadians to address this threat, as do other federal agencies. The Border Patrol has strengthened its partnership with Canadian law enforcement and intelligence official through the Integrated Border Enforcement Team (IBET). There are 15 IBET regions with core members from the United States to include the Border Patrol, the United States Coast Guard, and the Immigration and Customs Enforcement and from Canada, the Canada Border Services Agency and the Royal Canadian Mounted Police.

While manpower at the Northern border has increased significantly since 9/11, the Border Patrol's ability to operationally control the Northern border remains limited due to the vastness and remoteness along the 3,987 miles of border guarded by 1 agent for every 3.63 miles. In FY 2007, the Northern border sectors apprehended 6,380 illegal aliens.

To augment the Northern border agents, the Border Patrol employs a host of technological devices in the form of unattended ground sensors and remote video surveillance equipment. In addition, *SBI_{net}* is tasked with providing the technological solution for securing our nation's border. Currently, *SBI_{net}* is in the requirements gathering stage of a \$20 million project in the Detroit Sector. This project is critical to establishing a foundation for future *SBI_{net}* operations on the Northern border and in a maritime environment.

The Border Patrol also created Border Security Evaluation Teams (BSET) to gather intelligence and establish points-of-contact with state and local law enforcement agencies, local civic leaders and the public to determine if suspected cross-border activities and intelligence indicate a need for deployment of Border Patrol resources in the those areas.

While intelligence does not note the presence of large numbers of persons posing a potential threat the United States residing in Mexico, in comparison with Canada, the sheer volume of crossings creates a distinct threat that can be exploited by terrorists and criminals. To counter this we have significantly more resources on the southern border. In FY 2007, there were 6.6 agents for every mile along the Southern border, however, when the 7/24 hour shift and days off ratio is taken into account this number is actually one to two agents per mile "on duty" at any given time. The southern border sectors

apprehended a total of 858,638 undocumented migrants. Mexican nationals accounted for 92 percent of those apprehended. The Border Patrol deployment strategy is designed to reduce the risk to border security. The majority of resources are therefore first deployed to the most vulnerable, highest-risk areas. The Border Patrol also employs a second layer of defense intended to deny major routes of egress from the borders to smugglers intent on delivering people, drugs, and other contrabands into the interior of the United States. This is done through the use of tactical and permanent checkpoints on highways leading away from the border.

The Border Patrol also partners with other DHS components, federal, state, local, and Tribal law enforcement agencies and the Government of Mexico to bring together resources and fused intelligence into a geographical area that has been heavily impacted by illicit smuggling activity.

Question 4: Why is there such a disparity between the resources devoted to the southern border versus the northern border? Apart from the immigration risk, what national security concerns justify such a disparity and why?

Answer:

The Border Patrol conducts continuous border threat assessments. The threat assessments are based on operational performance data, intelligence reports, interviews of arrested law violators, and information and intelligence received by other federal, state, and local agencies. The threat assessments identify current and emerging threats and vulnerabilities to border security. They drive our resource deployment strategy. Based on these assessments, resources are first deployed to the most vulnerable, highest-risk border areas. In FY 2007, 98 percent of the Border Patrol's apprehensions were on the Southern border; hence, a majority (89 percent) of its agents were deployed to the Southern border. The Border Patrol continues to assess the risk of both borders and subsequently deploys the right mix of resources to the Northern and Southern borders. The immigration risk and national security risk cannot be easily separated, if at all; Border Patrol considers the totality of risk in its assessments. Northern and Southern Border resource deployment is commensurate with the current risk environment.

On the Southern border, the Border Patrol partners with other DHS components, federal, state, and Tribal law enforcement agencies, and the Government of Mexico, to bring together resources and fused intelligence into a geographical area that has been heavily impacted by illicit smuggling activity. By partnering, we continue to have a significant positive effect combating the threat of domestic terrorism, illegal cross-border migration, and all related crime in the border environment.

On the Northern border, the vastness and remoteness of the area along with the unique socio-economic ties between the United States and Canada are significant factors that must be considered when implementing Border Patrol's national strategy. Severe weather conditions on the Northern border during winter intensify the need to expand technology to meet our enforcement needs. Continued acquisition and deployment of

sensing and monitoring platforms, including unmanned aerial vehicles; our collaborative involvement with Canadian law enforcement in the Integrated Border Enforcement Team (IBET); and our partnership with officials from other federal, state, local, and Tribal law enforcement agencies will be key to the Border Patrol's ability to effectively address the Northern border threat situation.

Question 5: What steps are you taking toward the extensive use of unmanned aerial vehicles for surveillance on the northern border?

Answer:

Surveillance of the U.S. Northern Border with a Customs and Border Protection (CBP), Air and Marine (A&M) Predator B will begin Spring 2008. The Predator B will augment the capabilities of existing ground and air assets located between Spokane, Washington and International Falls, Minnesota. Operations will focus on gaining intelligence on the threats to our northern border and providing direct support to Border Patrol ground interdiction actions.

CBP is partnering with the US Coast Guard to develop a maritime variant of the Predator B unmanned aircraft system. CBP plans to acquire and deploy a maritime variant of the Predator to the Great Lakes region to support CBP A&M, USCG, and Border Patrol operations in spring 2009. As a part of its secure border initiative, CBP is currently assessing the benefits to using UASs along the maritime approaches to Maine and Washington State.

CPB A&M is currently examining the possibility of expanding UAS coverage throughout other locations along the Northern Border. Additionally, CBP intends to partner with the Department of Defense for high altitude (more than 60K feet) surveillance of the Northern Border using the Global Hawk unmanned aircraft system.

Question 6: The Shadow Wolves are a specialized unit of Immigration and Customs Enforcement officers who patrol the area between Mexico and the tribal nation of the Tohono O'Odham. The Shadow Wolves are Native Americans who combine modern technology and ancient tracking techniques to identify and arrest smugglers. Their skills are so specialized that the Defense Department requested their expertise to track terrorists crossing the Afghanistan border from neighboring nations. I understand that Border Patrol agents did not work well with this group, so they were transferred to ICE, whose mission is interior enforcement rather than policing the borders. (a) In light of the vulnerabilities on tribal lands, why didn't the Border Patrol develop its relationship with the Shadow Wolves? (b) Given their unique abilities to combat smuggling activities, do you think that more groups, like the Shadow Wolves, should be created for border security purposes?

Answer:

Based on the Tohono O'odham Indian Nation on Arizona's border with Mexico, the Shadow Wolves were assigned to the Border Patrol in 2003 after the Department of Homeland Security was created. The Shadow Wolves were welcomed by their Border Patrol partners in the Tucson Sector, which has operational responsibility the Tohono O'odham Nation. Nevertheless, they expressed a desire to be moved to Immigration and Customs Enforcement. Representatives John Shadegg, R-Arizona and Mark Souder, R-Indiana, introduced a bill to move the Shadow Wolves to Immigration and Customs Enforcement. The measure became effective in the Fiscal Year 2007 DHS Appropriation Bill transferring \$3,100,000 for the costs of salaries, equipment, and operations for the Shadow Wolves to Immigration and Customs Enforcement.

The Border Patrol has thousands of expert field agents who use the art of tracking in their daily work. The Border Patrol uses their tracking expertise around the world to train police and military units, to include previously providing tracking skills training to the Shadow Wolves. Every day DHS is working to utilize the best technology available through *SBlnet*. The border enforcement effort has greatly improved in this country in the last few years. Creating additional groups for border enforcement purposes would not only duplicate skills and abilities that currently exist in the Border Patrol, it could also fragment border security efforts and create command and control issues and jurisdictional problems.

Question 7: We have all watched with interest the case involving Border Patrol agents Ramos and Compean. They were sentenced to jail and convicted of assault, discharge of a firearm in commission of a crime of violence, and tampering with an official proceeding. All of this in order to catch and detain a drug smuggler. We in Congress have increased funding to hire more border patrol. We are providing billions of dollars, yet our borders are not operationally secure. (a) What kind of progress is being made to put more men and women on the front line? (b) How is the morale of the Border Patrol in light of the Ramos and Compean cases? (c) Are agents being deployed fast enough to the borders?

Answer:

In his statement to the United States Senate Committee on the Judiciary regarding the prosecution of Ignacio Ramos and Jose Compean, David Aguilar, Chief, Office of Border Patrol, acknowledged the emotional nature of this case. However, following a full criminal trial, the defendants were found guilty by a jury and were sentenced by the court. The Chief emphasized how high the commitment of the men and women of the Border Patrol remains to continue expanding our efforts and making this country safer. The level of dedication was one that this country can be proud of. "The attitude, fortitude, diligence, and desire of the men and women of the Border Patrol . . . will provide for operational control of our Nation's borders."

The U.S. Border Patrol is responsible for patrolling 1,993 miles of international border with Mexico and 3,987 miles of international border with Canada. To meet our strategic and operational needs, in FY 2008 OBP plans to increase staffing on the Northern border by over 25 percent by adding an additional 312 agents for a total of 1470 agents. The expect goal in FY 2008 for the Southern border is between 15,700 and 15,950 agents. The staffing goals for the Border Patrol for FY 2008 will depend on hiring new agents as well as having adequate funding for transferring of agents from the south to the Northern border.

Question 8: At last year's hearing, commercially available technology was demonstrated that was capable of detecting false identification documents in a matter of seconds. Customs and Border Protection had not explored placing this technology at primary inspection points in land ports of entry. Please obtain and provide from Customs and Border Protection an update on whether and to what extent such technology has been implemented since last year's hearing. If no such technology has been implemented, please obtain and provide a detailed explanation of why or why not.

Answer:

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA, also known as the 9/11 Intelligence Bill), signed into law on December 17, 2004, mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require U.S. citizens and certain foreign nationals to present a passport, or other secure document when entering the United States from the Western Hemisphere. The Western Hemisphere Travel Initiative (WHTI) is that plan to require all travelers to and from the United States, Canada, Mexico, Bermuda and most of the Caribbean to present a passport or other accepted documents that establish the bearer's identity and nationality to enter the U.S.

WHTI's goal is to strengthen border security and expedite entry into the United States for U.S. citizens and legitimate foreign visitors by ensuring that travelers possess secure documents. Achieving this goal will enable CBP Officers to conduct more effective and efficient inspections at our borders.

DHS published a Notice of Proposed Rulemaking proposing new documentation requirements for U.S. citizens and certain nonimmigrant aliens entering the U.S. by land or sea from within the Western Hemisphere. Proposed WHTI compliant documents include: a U.S. passport, Passport Card (wallet sized, less costly alternative to the passport; production anticipated spring 2008), Trusted Traveler Card (NEXUS, SENTRI, FAST), a valid Merchant Mariner Document and a valid U.S. Military Identification Card when traveling on official orders.

DHS is pursuing development of alternative documents for WHTI implementation at land and sea ports of entry. DHS is working with the State of Washington to develop an enhanced driver's license (EDL) that satisfies WHTI requirements and will be equipped with facilitative technology. Washington State plans to issue the new EDL beginning in January 2008. These documents will be issued in a secure process and include facilitative technology. The State of

Vermont signed a MOA with DHS on September 26, 2007. Vermont is expected to produce its first enhanced driver's license by the late summer of 2008. The State of New York signed a MOA with DHS on October 27, 2007.

CBP is in the process of awarding a contract for the installation of infrastructure and technology required to read vicinity RFID enabled travel documents in vehicle primary lanes at land borders at the 39 highest-volume ports, which account for 95% of land border crossings. Based upon vendor proposals, evaluation and expected contract award, CBP anticipates that in spring 2008 the technology and infrastructure required to read vicinity Radio Frequency Identification (RFID) enabled documents will be installed at a minimum of two land ports of entry. This will be followed by an aggressive deployment to all remaining WHTI land ports focusing on the top ten high volume locations by the end of 2008 dependent upon funding and schedule limitations.

Using the RFID technology, traveler information will be collected prior to the traveler's arrival at the processing booth. This information will be pre-positioned for the CBP Officer to verify and authenticate document information upon arrival. This proven RFID technology provides significant advantages. Vicinity RFID provides a clear security benefit. The speed of vicinity RFID will allow CBP Officers to quickly access the advanced information on all travelers carrying RFID-enabled cards, allowing CBP to perform terrorist watch list checks. In addition, multiple cards can be read at a distance and simultaneously with vicinity RFID, allowing an entire car of people to be processed at once.

Additionally, all primary processing booths are equipped with readers for documents that contain a Machine Readable Zone (MRZ). The low volume, remote ports of entry will not have RFID readers and new License Plate Readers installed, but they will have MRZ read capability. All ports will have the newly developed Vehicle Primary software application, which replaces the current primary query screen and accepts MRZ reader and manual input. The training of CBP Officers in the requirements of WHTI and the use of the new primary application and document readers will be done at all ports, ensuring uniform security and processing at all ports.

Question 9: Please provide a detailed breakdown in regard to the number of illegal aliens arrested by the U.S. Border Patrol along the northern and southern borders for the period of September 11, 2001 to present, to include their origin and location of apprehension.

Answer:

Border Patrol Apprehensions

September 11, 2001 to September 30, 2007

Data Source: PAS (FY02-FY04); EID (unofficial FY01, FY05-FY07)

| BORDER | 9/11/01 - 9/30/01 | FY2002 | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 | Total |
|-------------------|-------------------------|----------------|----------------|------------------|------------------|------------------|----------------|------------------|
| Coastal | 527 | 15,014 | 16,335 | 11,154 | 10,336 | 10,521 | 11,686 | 75,573 |
| Northern | 467 | 10,487 | 10,157 | 9,959 | 7,343 | 6,599 | 6,380 | 51,392 |
| Southwest | 33,470 | 929,809 | 905,065 | 1,139,282 | 1,171,396 | 1,071,972 | 858,638 | 6,109,632 |
| Nationwide | 34,464 | 955,310 | 931,557 | 1,160,395 | 1,189,075 | 1,089,092 | 876,704 | 6,236,597 |

Question 10: The northern border has far fewer officers than the southern border, and you stated during the hearing on September 27, 2007, that the Department of Homeland Security sets Border Patrol staffing allocations depending on the amount of illicit crossing or activity detected at each border. However, Government Accountability Office (GAO) testimony for the same hearing (GAO-07-884T) showed that the Border Patrol was unable to detect behavior that mimicked illicit border crossings from the north. This result suggests that there may well be illicit crossing that is not detected at the northern border, meaning that Border Patrol under-staffing on the northern border may be a self-perpetuating and dangerous cycle. What assurance can you give this Committee that Border Patrol staffing allocations are based on accurate information about illicit activity along the northern border? Specifically, what assurance can you give this Committee that the Department of Homeland Security is not underestimating the amount of illicit activity on the northern border?

Answer:

To assess the amount of illicit activity, the Border Patrol conducts continuous border threat assessments. To identify specific Northern border threats, the Border Patrol has strengthened its partnerships with Canadian law enforcement and intelligence officials, and with officials from other federal, state, local, and tribal organizations by leveraging information and increasing communication and cooperation. The Integrated Border Enforcement Team (IBET) is an example of this effort. Along the Northern border, there are 15 IBET Regions. Membership in IBET consists of five core agencies with law enforcement responsibilities at the border. These core agencies attend regular planning meetings, share information and intelligence, work joint coordinated operations, share resources as appropriate, maximize border enforcement efforts and contribute to National Security by being more effective. The IBET core agencies include from the United States, CBP Border Patrol, USCG, and ICE (all representing the Department of Homeland Security), and from Canada, the Canada Border Services Agency (CBSA) and the Royal Canadian Mounted Police (RCMP). Each IBET region compiles a joint intelligence and threat assessment each year. The IBET Annual Threat Assessment is an

extensive, fully collaborative product. The purpose of the Annual Threat Assessment is “describe, assess, and inform IBET partner agencies of national security and organized crime threats and other forms of criminality along the Canada-U.S. border. Data is collected at the Ports of Entry and between the Ports of Entry in Canada and the United States covering the three priorities of the IBET program—national security, organized crime, and other criminality.” Based on these threat assessments, the Border Patrol identified four Northern border “focus sectors”—Detroit, Buffalo, Swanton and Blaine. These sectors are given priority when it comes to the deployment of additional manpower and equipment (e.g. \$20 million for the SBI project in Detroit). The Border Patrol also created the Border Security Evaluation Team (BSET) to gather intelligence and establish points-of-contact with state and local law enforcement agencies, local civic leaders and the public to determine if suspected cross-border activities and intelligence indicate a need for deployment of Border Patrol resources in the those areas. The Border Patrol remains ready to provide the Senator a briefing and tour of the border with Canada in the State of New York.

Question 11: In testimony for September 27, 2007, the Partnership for Global Security quoted from a study by the Canadian Security Intelligence Service finding that there are more international terrorist organizations active in Canada than in any other country worldwide, with the possible exception of the United States.

Answer:

See response to question 12.

Question 12: Does the Department of Homeland Security agree with this assessment?

Answer:

DHS/I&A cannot comment on the particular study attributed to CSIS without time to view and assess its contents in proper context. DHS/I&A does assess that many of the same major international terrorist organizations have members, fundraisers, recruiters, or sympathizers in both Canada and the United States. Of principal concern in Canada are al-Qaeda, North African terrorist groups to include al-Qaeda in the Islamic Maghreb (AQIM—formerly GSPC), Hezbollah, LTTE, and Sikh extremist groups. International terrorist groups also attempt to radicalize and recruit Canadian sympathizers—such as the “Toronto 18” homegrown terrorist cell—through extremist Internet forums, some of which are operated from within Canada.

Question 13: Has this assessment been taken into account when setting relative staffing allocations for the northern and southern borders, or when requesting funding for staff expenses from Congress?

Answer:

The Border Patrol conducts continuous border threat assessments. The threat assessments are based on operational performance data, intelligence reports, interviews of arrested law violators, and information and intelligence received by other federal, state, and local agencies. The threat assessments identify current and emerging threats and vulnerabilities to border security. They drive our resource deployment strategy which is designed to reduce the risk to border security. Based on our operational needs, the Border Patrol, for FY 2008, plans to increase staffing on the Northern border by approximately 33 percent and between 18 to 20 percent along the Southern border. The Border Patrol will also continue to fortify our partnership with Canadian law enforcement agencies through collaborative efforts such as IBET.

Question 14: During the hearing on September 27, 2007, different numbers were given by various speakers for Border Patrol agents deployed and miles of border guarded.

Answer:

See response to question 15.

Question 15: For each border, please give the precise number of Border Patrol agents currently assigned to guard land borders between ports of entry.

Answer:

As of October 1, 2007, there were 1,098 agents on the Northern border. When all agents selected for transfer enter on duty, the total number of agents on the Northern border will be 1,153. As of October 1, 2007, there were 13,297 agents assigned to the Southern border.

Question 16: For each border, please give the number of Border Patrol agents that are on duty at any given point in time to guard land borders between ports of entry.

Answer:

During Deputy Chief Ronald Colburn's testimony to the Senate Finance Committee, he stated that for law enforcement agencies, approximately 25 percent of agents are on duty at any given time. For the Northern border, approximately 288 agents will be on duty at any given time. Along the Southern border, approximately 3,324 agents will be on duty at any given time.

Question 17: For each border, please give the precise number of land miles under guard by the Border Patrol.

Answer:

The Border Patrol is responsible for patrolling 1,993 miles of international border with Mexico and 3,987 miles of international border with Canada.

Question 18: Under current law, what is the Border Patrol's staffing goal for the northern border? As a matter of Department of Homeland Security policy, if it differs from or exceeds the requirement set by current law, what is the Border Patrol's current staffing goal for the northern border?

Answer:

Current law does not set a specific staffing goal for the Northern border. The Office of Border Patrol established the goal to put 1,158 agents on the Northern border by the end of FY 2007. As stated in answer to question 15, as of October 1, 2007, there were 1,098 agents on the Northern border. By the end of FY 2008, there will be 1,470 agents on the Northern border.

Question 19: Under current law and Department of Homeland Security policy, what is the Border Patrol's current staffing goal for the southern border?

Answer:

Current law does not set a specific staffing goal for the Southern border. The Border Patrol goal for the Southern border was 13,190 agents by the end of FY2007. We surpassed that goal with 13,297 agents at the end of FY 2007. We expect the goal for the Southern border to be between 15,700 and 15,950 agents by the end of FY 2008.

Question 20: For each border, does the Border Patrol anticipate meeting its staffing goal in FY 2008? If not, please state (a) what staffing level the Border Patrol expects to attain in FY 2008 and (b) what factors prevent the Border Patrol from meeting its staffing goal.

Answer:

The Border Patrol anticipates meeting its staffing goals for both the Northern and Southern borders in FY 2008. The goals for the Northern and Southern borders depend on the Border Patrol meeting our increased hiring goals for new agents in FY 2008 as well as on the adequacy of funding for transfers of agents from the south to the north.

Question 21: You informed Senator Snowe that the Department of Homeland Security intends to add additional Border Patrol agents to guard Maine in the coming years. Do you also intend to add Border Patrol agents in New York? If not, why not? If so, approximately how many Border Patrol agents will be added?

Answer:

Swanton Sector and Buffalo Sector share the responsibility of patrolling the international border in upstate New York. In FY 2008, these sectors are scheduled to receive 54 additional agents each, many of which will be assigned to stations located in the state of New York. At this time, the exact number of additional agents to be assigned to New York in FY 2008 has not been determined.

Question 22: In the GAO study presented on September 27, 2007, Border Patrol officers failed to find GAO investigators in plain sight, even after being tipped off by a citizen. What training, operational or other changes, if any, has the Border Patrol instituted in response to this report?

Answer:

The Border Patrol continually reevaluates its operational effectiveness in order to address threats on the Northern border. Key to our success is the availability of experienced Border Patrol agents. In FY 2007, over 200 experienced agents have transferred from the Southern border to the Northern border with over 300 additional agents are scheduled to transfer in FY 2008.

Question 23: Customs and Border Protection (CBP) has said that the northern border presents a greater challenge than the southern border. To the extent possible without compromising security, please explain the nature of this challenge and inform the Committee of any actions that Congress can take to help CBP surmount this challenge.

Answer:

The eight northern Border sectors encompass a combined total of 3,987 border miles. The Sectors, Blaine, Spokane, Havre, Grand Forks, Detroit, Buffalo, Swanton and Houlton, consist of a large diverse geographic area consisting of large urban population centers, remote locations and mountainous terrain including the Great Lakes, Great Plains, St. Lawrence Seaway, East and West Coast, and Rocky and Cascade Mountains ranges. The Northern border sectors are also faced with operating in extreme winter weather conditions. Due to these limiting factors response time to incursions can be hindered.

Unique difficulties are represented in the climatic dynamics as they impact equipment, technology, infrastructure, communications, and agent-support equipment. For example, the climate precipitates the need for special vehicles, but limits their utility and determines that sensors and communications equipment and related infrastructure must be specialized for optimal performance.

Aliens, to include those from special interest countries and special interest aliens, travel in small numbers, are usually well-funded, and are more difficult to detect. In addition,

sophisticated alien smuggling organizations exploit established intercontinental travel routes and hubs throughout the northern tier.

Aliens wishing to assimilate and “hide in plain view” gravitate toward Metropolitan areas within the Northern border area of operation. Canadian metropolitan areas are concentrated in close proximity to the Northern border and can be heavily populated by persons that originate in Special Interest Countries. Interstate highways close to major population centers on both sides of the border including, Montreal, Toronto, New York, Boston, Buffalo, Detroit, and Washington, DC allow for direct routes of access and egress in the border area for criminal or terrorist elements to exploit.

Question 24: During the GAO investigation presented on September 27, 2007, the only northern border crossing that was detected by guards was thanks to an alert citizen. To the extent possible without compromising security, please state whether the Department of Homeland Security has technology deployed (or plans to deploy technology) across the northern border to detect illicit entries or smuggling. Please inform the Committee whether additional resources or technology are needed.

Answer:

Rapidly and effectively gaining control of the Nation’s Northern border is one of the administration’s highest priorities. CBP’s plan to achieve control of the border requires the deployment of an optimal mix of resources including; personnel, tactical infrastructure, and technology. The plan for comprehensive border security requires actionable intelligence and strong partnerships with federal, state, local, tribal, and foreign governments, as well as international partners.

CBP has identified five strategic approaches that are designed to facilitate border security coordination across CBP. They include:

1. Transform the way we view the border.
2. Continue the transformation of CBP into an integrated intelligence and information driven organization.
3. Enhance CBP’s detection, response, and deterrence capabilities.
4. Build upon internal and external partnerships.
5. Optimize the use of resources through effective integration.

Through the implementation of strategic approach #3, CBP will deter cross-border crime through effective detection and response techniques employing an array of cohesive programs and technology. Through successful implementation of programs such as *SBI_{net}*, CBP will deploy the right mix of personnel, technology, infrastructure, and response capabilities to transform the way CBP protects the Nation.

SBI_{net} is the component of the Secure Border Initiative (SBI) charged with developing and installing an integrated solution that includes technology and tactical infrastructure at and between our Nation’s ports of entry. CBP is the executive agency for DHS in the

development of *SBI*net. The initial focus of *SBI*net was on Southwest border investments, due to activity levels that can provide measurements of effectiveness. *SBI*net is currently in the process of addressing security requirements at the Northern border. Further, *SBI*net will develop a common operating picture (COP) of the border within command center environments across the borders, which will provide uniform data to all DHS agencies and be interoperable with stakeholders external to DHS.

To address specific Northern border vulnerabilities, Unmanned Aircraft Systems (UASs) will be deployed from Grand Forks, North Dakota in FY 2008 and from Detroit, Michigan in FY 2009. UASs enable CBP to gain situational awareness in remote areas and in situations where operational forces may not be able to reach. The Air and Marine Operations Center (AMOC) has extensive air domain awareness capabilities that will gain further intelligence from the UAS operations. As AMOC continues to enhance its technical capabilities and develops the National UAS Operations Center, it will become an important component for *SBI*net integration. With UAS and AMOC support, *SBI*net will fill air domain awareness gaps. This increased air domain awareness will support efficient cueing and launching of the increased air assets being based along the border region.

In early 2007, CBP began to redirect a portion of the *SBI*net focus toward the Northern border, specifically in the Detroit, Michigan area, after Congress requested CBP to redirect \$20 million from FY 2007 funds to begin addressing northern border vulnerabilities. This Northern border demonstration project is tasked to develop and deploy a *SBI*net solution to a section of the Northern border in the maritime environment in the CBP Detroit Sector. The scope of the project is to deploy a developmental model that will contain surveillance and detection capabilities and may be the basis for future *SBI*net Northern border and maritime technologies. This project will only address a small segment of the Great Lakes area of operations. As CBP moves forward with its Northern border expansion and the integration of *SBI*net along the entire Northern border, additional funds and resources will be required to meet this objective.

Technology is utilized to detect illicit activity along the northern border on a daily basis in the form of unattended ground sensors, portable night vision equipment and remote video surveillance equipment. In FY 2007, 187 new unattended ground sensors were deployed to the northern border in order to complement the over 1,200 sensors already in place. In FY 2008, additional thermal night vision devices are scheduled to be deployed along the border as well as advanced game camera with video/unattended ground sensor capabilities.

DHS Science and Technology is conducting proof of concept testing of technologies in various locations on the northern border. These technologies include:

- a. Acoustic sensors to detect low flying aircraft incursions in Spokane Sector
- b. Gel-celled unattended ground sensors in Grand Forks Sector
 - i. Standard batteries do not function in extreme cold weather conditions
- c. Advanced fiber optic sensor capabilities in Swanton Sector

- d. Maritime Domain Awareness system including Marine Radar and Electro-Optical/Infra-Red technologies were tested during the 2007 boating season in Western Lake Erie

Question 25: During the hearing on September 27, 2007, GAO investigators informed the Committee that there are no radiation detectors deployed in unmanned portions of the northern border. Please inform the Committee whether radiation detection technology that would be suitable for use along unmanned portions of the northern border exists and is available for deployment.

Answer:

Radiation detection technology is deployed on the northern border in the form of Personal Radiation Detectors (PRDs). These PRDs are carried by the individual agents. Currently, there are 136 PRDs deployed along the northern border with 200 additional units scheduled to be delivered in FY '08. DHS-CBP in partnership with the Domestic Nuclear Detection Office, continues to explore technological solutions for expanding our capability to detect and interdict potentially dangerous material, including radiological and nuclear materials.

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BORDER SECURITY

Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations

Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations

John W. Cooney, Assistant Director
Forensic Audits and Special Investigations



September 2007

BORDER SECURITY

Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations



Why GAO Did This Study

The possibility that terrorists and criminals might exploit border vulnerabilities and enter the United States poses a serious security risk, especially if they were to bring radioactive material or other contraband with them. Although Customs and Border Protection (CBP) has taken steps to secure the 170 ports of entry on the northern and southern U.S. borders, Congress is concerned that unmanned and unmonitored areas between these ports of entry may be vulnerable. In unmanned locations, CBP relies on surveillance cameras, unmanned aerial drones, and other technology to monitor for illegal border activity. In unmonitored locations, CBP does not have this equipment in place and must rely on alert citizens or other information sources to meet its obligation to protect the border.

Today's testimony will address what GAO investigators found during a limited security assessment of seven border areas that were unmanned, unmonitored, or both—four at the U.S.–Canada border and three at the U.S.–Mexico border. In three of the four locations on the U.S.–Canada border, investigators carried a duffel bag across the border to simulate the cross-border movement of radioactive materials or other contraband. Safety considerations prevented GAO investigators from attempting to cross north into the United States from a starting point in Mexico.

www.gao.gov/cgi-bin/getrpt?GAO-07-884T.
To view the full product, including the scope and methodology, click on the link above. For more information, contact Gregory D. Kutz (202) 512-9505 or kutzg@gao.gov.

What GAO Found

On the U.S.–Canada border, GAO found state roads close to the border that CBP did not appear to man or monitor. In some of these locations, the proximity of the road to the border allowed investigators to cross without being challenged by law enforcement, successfully simulating the cross-border movement of radioactive materials or other contraband into the United States from Canada. In one location on the northern border, the U.S. Border Patrol was alerted to GAO activities through the tip of an alert citizen. However, the responding U.S. Border Patrol agents were not able to locate GAO investigators. Also on the northern border, GAO investigators located several ports of entry that had posted daytime hours and were unmanned overnight.

On the southern border, investigators observed a large law enforcement and Army National Guard presence on a state road, including unmanned aerial vehicles. Also, GAO identified federally managed lands that were adjacent to the U.S.–Mexico border. These areas did not appear to be monitored or did not have an observable law enforcement presence, which contrasted sharply with GAO observations on the state road. Although CBP is ultimately responsible for protecting federal lands adjacent to the border, CBP officials told GAO that certain legal, environmental, and cultural considerations limit options for enforcement—for example, environmental restrictions and tribal sovereignty rights.

Summary of Selected GAO Border Security Activities

| Security vulnerability | Investigator activity | Law enforcement response and additional observations |
|--|--|--|
| State roads close to the border | An investigator simulated the cross-border movement of radioactive materials or other contraband into the United States from Canada | <ul style="list-style-type: none"> Suspicious activity was reported to the U.S. Border Patrol, but responding agents were unable to locate GAO investigators and their simulated contraband |
| Ports of entry with posted hours | Investigators attempted to trigger a law enforcement response by taking photographs of a port of entry that had closed for the night | <ul style="list-style-type: none"> A gate was placed across the road, but investigators observed it would be possible to drive around the gate U.S. Border Patrol responded 20 minutes after investigators were caught on camera at the port of entry Responding U.S. Border Patrol agent did not attempt to verify identity of investigators or search their vehicle |
| Federally managed lands adjacent to border | Investigators approached the U.S.–Mexico border | <ul style="list-style-type: none"> No visible law enforcement response No observable electronic monitoring equipment Investigators observed evidence of frequent border crossings into the United States at this location |
| | Investigator stepped over a 4-foot-high border fence, entered Mexico, and returned again to the United States | <ul style="list-style-type: none"> No visible law enforcement response No observable electronic monitoring equipment No observed law enforcement presence despite proximity to border |

Source: GAO.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss our investigation of potential security vulnerabilities on northern and southern U.S. borders. The United States shares over 5,000 miles of border with Canada to the north, and 1,900 miles of border with Mexico to the south. Individuals attempting to legally enter the United States by land present themselves to a Customs and Border Protection (CBP) officer at one of the 170 ports of entry located along these borders. Any other method of land entry is illegal.¹ Because CBP checks the identification of entrants into the United States and searches vehicles for contraband at ports of entry, individuals entering the United States illegally may attempt to avoid screening procedures by crossing the border in areas between ports of entry. The U.S. Border Patrol, which is part of CBP, is responsible for patrolling and monitoring these areas to stop cross-border violators. However, given limited resources and the wide expanse of the border, the U.S. Border Patrol is limited in its ability to monitor the border either through use of technology or with a consistent manned presence. Commensurate with the perceived threat, there is a sharp contrast between how CBP distributes human resources on the northern border as opposed to the southern border. According to CBP, as of May 2007, it had 972 U.S. Border Patrol agents on the northern border and 11,986 agents on the southern border.

Given the potential security vulnerabilities on our borders, you expressed concern that cross-border violators may attempt to enter the United States, possibly bringing with them radioactive materials or other contraband, such as explosives, drugs, counterfeit money, and bogus credit cards. We were therefore asked to perform a limited security assessment to identify vulnerable border areas where CBP does not maintain a manned presence 24 hours per day or where there is no apparent monitoring equipment in place. You also requested that, where possible, our investigators attempt to simulate the cross-border movement of radioactive materials or other contraband to demonstrate the existence of serious security vulnerabilities. To perform this work, our investigators visited seven border areas that were unmanned, unmonitored, or both—four at the U.S.–Canada border and three at the U.S.–Mexico border. We identified these areas by reviewing information that is publicly available

¹19 U.S.C. §§ 1433, 1459; 8 C.F.R. §235.1.

and by reviewing our previous work on border security.² These areas were located in four states on the northern border and two states on the southern border. We did not attempt to evaluate all potential U.S. border security vulnerabilities. Investigators used a global positioning system (GPS) in some cases and geographic landmarks in others to determine the location of the border. In three out of four locations on the U.S.–Canada border, investigators crossed into the United States from Canada carrying a duffel bag to simulate the cross-border movement of radioactive materials or other contraband. Safety considerations prevented our investigators from attempting to cross north into the United States from a starting point in Mexico.

We conducted our investigation from October 2006 through June 2007 in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency.

Summary of Investigation

In four states along the U.S.–Canada border we found state roads that were very close to the border that CBP did not appear to monitor. In three states, the proximity of the road to the border allowed investigators to cross undetected, successfully simulating the cross-border movement of radioactive materials or other contraband into the United States from Canada. In one apparently unmanned, unmonitored area on the northern border, the U.S. Border Patrol was alerted to our activities through the tip of an alert citizen. However, the responding U.S. Border Patrol agents were not able to locate our investigators and their simulated contraband. Also on the northern border, our investigators located several ports of entry that had posted daytime hours and were unmanned overnight. Investigators observed that surveillance equipment was in operation, but that the only preventive measure to stop an individual from crossing the border into the United States was a barrier across the road that could be driven around.

In contrast to the northern border locations we visited, on a state road near the southern border, investigators observed a large law enforcement and Army National Guard presence, including unmanned aerial vehicles. However, our limited security assessment identified potential security vulnerabilities on federally managed lands adjacent to the U.S.–Mexico

²See GAO, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*, GAO-04-590 (Washington, D.C.: June 16, 2004).

border; we did not observe monitoring or a law enforcement presence during the time our investigators visited these areas. The Department of the Interior (Interior) provided us with a memorandum of understanding between itself; the Department of Homeland Security (DHS), of which CBP is a component; and the Department of Agriculture (USDA) documenting the agreed approach to protecting federal lands along U.S. borders. Although CBP is ultimately responsible for protecting these areas, officials told us that certain legal, environmental, and cultural considerations limit options for enforcement.

Northern Border

According to CBP, the ease and speed with which a cross-border violator can travel to the border, cross the border, and leave the location of the crossing, are critical factors in determining whether an area of the border is vulnerable. We identified state roads close to the border that appeared to be unmanned and unmonitored, allowing us to simulate the cross-border movement of radioactive materials or other contraband from Canada into the United States. We also located several ports of entry that had posted daytime hours and which, although monitored, were unmanned overnight. Investigators observed that surveillance equipment was in operation but that the only observable preventive measure to stop a cross-border violator from entering the United States was a barrier across the road that could be driven around. CBP provided us with records that confirmed our observations, indicating that on one occasion a cross-border violator drove around this type of barrier to illegally enter the United States. The violator was later caught by state law enforcement officers and arrested by the U.S. Border Patrol.

State Roads Close to the Northern Border

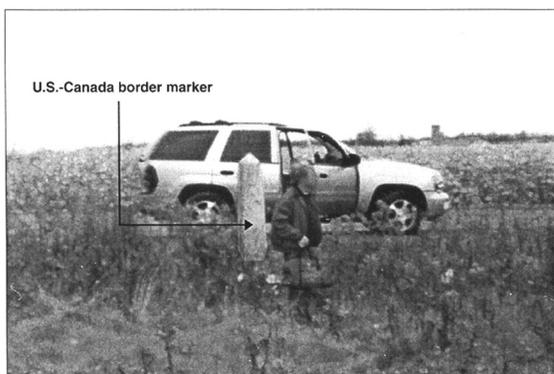
We found state roads close to the U.S.–Canada border in several states. Many of the roads we found appeared to be unmanned and unmonitored, allowing us to simulate the cross-border movement of radioactive materials or other contraband from Canada into the United States.

Northern Border Location One

On October 31, 2006, our investigators positioned themselves on opposite sides of the U.S.–Canada border in an unmanned location. Our investigators selected this location because roads on either side of the border would allow them to quickly and easily exchange simulated contraband. After receiving a signal via cell phone, the investigator in Canada left his vehicle and walked approximately 25 feet to the border carrying a red duffel bag. While investigators on the U.S. side took photographs and made a digital video recording, the individual with the duffel bag proceeded the remaining 50 feet, transferred the duffel bag to

the investigators on the U.S. side, and returned to his vehicle on the Canadian side (see fig. 1).

Figure 1: GAO Investigator Crossing from Canada to the United States in Northern Border Location One



Source: GAO.

Note: Investigator's face has been blurred to protect his identity.

The set up and exchange lasted approximately 10 minutes, during which time the investigators were in view of residents both on the Canadian and U.S. sides of the border.

According to CBP records of this incident, an alert citizen notified the U.S. Border Patrol about the suspicious activities of our investigators. The U.S. Border Patrol subsequently attempted to search for a vehicle matching the description of the rental vehicle our investigators used. However, the U.S. Border Patrol was not able to locate the investigators with the duffel bag, even though they had parked nearby to observe traffic passing through the port of entry.

Northern Border Location Two Investigators identified over a half dozen locations in this area where state roads ended at the U.S.-Canada border. Although investigators took

pictures of the border area, they did not attempt to cross the border because of private property concerns. There was no visible U.S. Border Patrol response to our activities and no visible electronic monitoring equipment. CBP told us that the activities of our investigators would not be grounds for a formal investigation. Still, according to CBP records, criminals are aware of vulnerabilities in this area and have taken advantage of the access provided by roads close to the border. For example, appendix I details an incident on January 25, 2007, in which an alert citizen notified CBP about suspicious activities on the citizen's property, leading to the arrest of several cross-border violators.

Northern Border Location Three

On November 15, 2006, our investigators visited an area in this state where state roads ended at the U.S.–Canada border. One of our investigators simulated the cross-border movement of radioactive materials or other contraband by crossing the border north into Canada and then returning to the United States (see fig. 2). There did not appear to be any monitoring or intrusion alarm system in place at this location, and there was no U.S. Border Patrol response to our border crossing.

Figure 2: GAO Investigator Crossing from Canada into the United States in Northern Border Location Three



Source: GAO.

Note: Investigator's face has been blurred to protect his identity.

Northern Border Location Four On December 5, 2006, our investigators traveled along a road parallel to the U.S.–Canada border. This road is so close to the border that jumping over a ditch on the southern side of the road allows an individual to stand in the United States. While driving the length of this road on the Canadian side, our investigators noticed cameras placed at strategic locations on the U.S. side of the border. They also observed U.S. Border Patrol vehicles parked at different locations along the border. At a location that appeared to be unmanned and unmonitored, one investigator left the vehicle carrying a red duffel bag. He crossed the ditch and walked into the United States for several hundred feet before returning to the vehicle. Our investigators stayed in this location for about 15 minutes, but there was no observed response from law enforcement. At two other locations, investigators crossed into the United States to find out whether their presence would be detected. In all cases, there was no observed response from law enforcement.

Ports of Entry with Posted Hours on the Northern Border We identified several ports of entry with posted daytime hours in a state on the northern border. During the daytime these ports of entry are staffed by CBP officers. During the night, CBP told us that it relies on surveillance systems to monitor, respond to, and attempt to interdict illegal border crossing activity. On November 14, 2006, at about 11:00 p.m., our investigators arrived on the U.S. side of one port of entry that had closed for the night. Investigators observed that surveillance equipment was in operation but that the only visible preventive measure to stop an individual from entering the United States was a barrier across the road that could be driven around. Investigators stayed at the port of entry for approximately 12 minutes to see whether the U.S. Border Patrol would respond. During this time, the investigators walked around the port of entry area and took photographs. When the U.S. Border Patrol did not arrive at the port of entry, our investigators returned south, only to have a U.S. Border Patrol agent pull them over 3 miles south of the port of entry. When questioned by the U.S. Border Patrol agent, our investigators indicated that they were federal investigators testing security procedures at the U.S. border. The agent did not ask for identification from our investigators and glanced only briefly at the badge and commission book the driver offered for inspection. In addition, he did not attempt to search the vehicle, ask what agency our investigators worked for, or record their names. According to DHS, the agent acted in a manner consistent with operational protocol because he was satisfied with the credentials presented to him and did not have probable cause to search the vehicle.

CBP provided us with records concerning this incident. According to the records, the agent was dispatched because of the suspicious activities of our investigators in front of the port of entry camera. The records indicated that after this incident, CBP staff researched the incident fully to determine whether our investigators posed a threat. By performing an Internet search on the name of the investigator who rented the vehicle, CBP linked the investigators to GAO. CBP also provided us with records that confirmed our observations about the barrier at this port of entry, indicating that on one occasion a cross-border violator drove around this type of barrier to illegally enter the United States. The violator was later caught by state law enforcement officers and arrested by the U.S. Border Patrol.

Southern Border

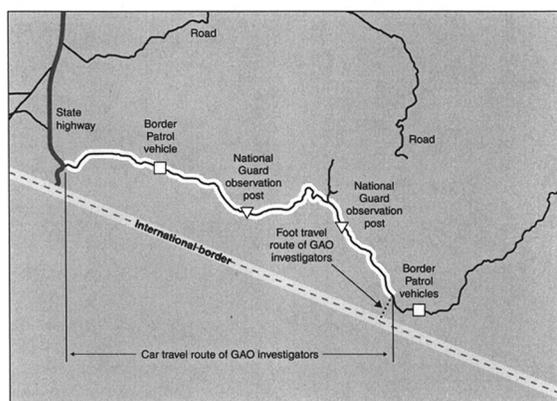
Safety considerations prevented our investigators from performing the same assessment work on the U.S.-Mexico border as performed on the northern border. In contrast to our observations on the northern border, our investigators observed a large law enforcement and Army National Guard presence near a state road on the southern border, including unmanned aerial vehicles. However, our limited security assessment also identified potential security vulnerabilities on federally managed lands adjacent to the U.S.-Mexico border. These areas did not appear to be monitored or have a noticeable law enforcement presence during the time our investigators visited the sites. Although CBP is ultimately responsible for protecting these areas, officials told us that certain legal, environmental, and cultural considerations limit options for enforcement.

State Road Close to the Southern Border

On October 17, 2006, two of our investigators left a main U.S. route about a quarter mile from a U.S.-Mexico port of entry. Traveling on a dirt road that parallels the border, our investigators used a GPS system to get as close to the border as possible. Our investigators passed U.S. Border Patrol agents and U.S. Army National Guard units. In addition, our investigators spotted unmanned aerial vehicles and a helicopter flying parallel to the border. At the point where the dirt road ran closest to the U.S.-Mexico border, our investigators spotted additional U.S. Border Patrol vehicles parked in a covered position. About three-fourths of a mile from these vehicles, our investigators pulled off the road. One investigator exited the vehicle and proceeded on foot through several gulches and gullies toward the Mexican border. His intent was to find out whether he would be questioned by law enforcement agents about his activities. He returned to the vehicle after 15 minutes, at which time our investigators returned to the main road. Our investigators did not observe any public traffic on this road for the 1 hour

that they were in the area, but none of the law enforcement units attempted to stop our investigators and find out what they were doing. According to CBP, because our investigators did not approach from the direction of Mexico, there would be no expectation for law enforcement units to question these activities. (See fig. 3.)

Figure 3: Route of GAO Investigators at U.S.–Mexico Border Location



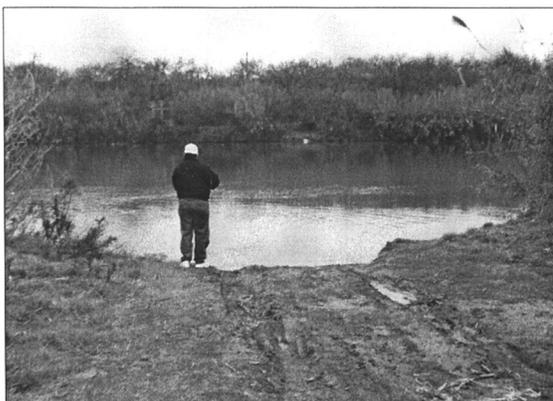
Source: GAO.

Federal Lands Adjacent to the Southern Border

Investigators identified potential security vulnerabilities on federally managed land adjacent to the U.S.–Mexico border. These areas did not appear to be monitored or have a manned CBP presence during the time our investigators visited the sites. Investigators learned that a memorandum of understanding exists between DHS (of which CBP is a component), Interior, and USDA regarding the protection of federal lands adjacent to U.S. borders. Although CBP is ultimately responsible for protecting these areas, officials told us that certain legal, environmental, and cultural considerations limit options for enforcement—for example, environmental restrictions and tribal sovereignty rights.

| | |
|------------------------------|---|
| Southern Border Location One | <p>On January 9, 2007, our investigators entered federally managed land adjacent to the U.S.-Mexico border. The investigators had identified a road running parallel to the border in this area. Our investigators were informed by an employee of a visitor center that because the U.S. government was building a fence, the road was closed to the public. However, our investigators proceeded to the road and found that it was not physically closed. While driving west along this road, our investigators did not observe any surveillance cameras or law enforcement vehicles. A 4-foot-high fence (appropriate to prevent the movement of a vehicle rather than a person) stood at the location of the border. Our investigators pulled over to the side of the road at one location. To determine whether he would activate any intrusion alarm systems, one investigator stepped over the fence, entered Mexico, and returned to the United States. The investigators remained in the location for approximately 15 minutes but there was no observed law enforcement response to their activities.</p> |
| Southern Border Location Two | <p>On January 23, 2007, our investigators arrived on federally managed lands adjacent to the U.S.-Mexico border. In this area, the Rio Grande River forms the southern border between the United States and Mexico. After driving off-road in a 4x4 vehicle to the banks of the Rio Grande, our investigators observed, in two locations, evidence that frequent border crossings took place. In one location, the investigators observed well-worn footpaths and tire tracks on the Mexican side of the river. At another location, a boat ramp on the U.S. side of the Rio Grande was mirrored by a boat ramp on the Mexican side. Access to the boat ramp on the Mexican side of the border had well-worn footpaths and vehicle tracks (see fig. 4).</p> |

Figure 4: GAO Investigator at a U.S.–Mexico Border Location



Source: GAO.

An individual who worked in this area told our investigators that at several times during the year, the water is so low that the river can easily be crossed on foot. Our investigators were in this area for 1 hour and 30 minutes and observed no surveillance equipment, intrusion alarm systems, or law enforcement presence. Our investigators were not challenged regarding their activities. According to CBP officials, in some locations on federally managed lands, social and cultural issues lead the U.S. Border Patrol to defer to local police in providing protection. This sensitivity to social and cultural issues appears to be confirmed by the provisions of the memorandum of understanding between DHS, Interior, and USDA.

Corrective Action Briefing

On February 23, 2007, we met with CBP officials to discuss the results of our investigation. CBP officials clarified their approach to law enforcement in unmanned and unmonitored areas at the northern and southern U.S. borders, including an explanation of jurisdictional issues on federally managed lands. CBP indicated that resource restrictions prevent U.S. Border Patrol agents from investigating all instances of suspicious

activity. They added that the northern border presents more of a challenge than the southern border and that many antiquated ports of entry exist.

Conclusions

Our visits to the northern border show that CBP faces significant challenges in effectively monitoring the border and preventing undetected entry into the United States. Our work shows that a determined cross-border violator would likely be able to bring radioactive materials or other contraband undetected into the United States by crossing the U.S.–Canada border at any of the locations we investigated. CBP records indicate that it does successfully stop many individuals from crossing the border illegally, but our own observations and experiences (along with CBP’s acknowledgment of existing challenges) lead us to conclude that more human capital and technological capabilities are needed to effectively protect the northern border. Our observations on the southern border showed a significant disparity between the large law enforcement presence on state lands in one state and what seemed to be a lack of law enforcement presence on federally managed lands.

Mr. Chairman and Members of the Committee, this concludes my statement. I would be pleased to answer any questions that you may have at this time.

Contacts and Acknowledgments

For further information about this testimony, please contact Gregory D. Kutz at (202) 512-7455 or kutzg@gao.gov. Contacts points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this testimony.

Appendix I: Case Studies of Successful Customs and Border Protection Responses to Suspicious Activities on Northern and Southern U.S. Borders

This appendix details four cases where Customs and Border Protection (CBP) apprehended individuals who were engaged in suspicious activities on the northern and southern borders. According to CBP, U.S. Border Patrol agents followed proper protocols in responding to these incidents. We are summarizing these case studies—which CBP provided to us—to further illustrate challenges the U.S. Border Patrol faces.

Northern Border Incident One

At about 3:20 a.m. on June 24, 2006, electronic surveillance equipment observed a vehicle arrive at the port of entry gate from the direction of Canada. The suspect got out of the vehicle and, after inspecting the area around the gate, returned to the vehicle and drove around the gate into the United States. U.S. Border Patrol agents were notified, along with state law enforcement. The state officer identified and stopped the vehicle while the U.S. Border Patrol agents were en route. U.S. Border Patrol agents arrived and arrested the suspect. The suspect was identified as a citizen of Albania and admitted to driving around the port of entry gate. The suspect had applied for asylum in the United States and been denied in 2001, at which point he had moved to Canada. Attempts to return the suspect to Canada failed, as he had no legal status in Canada. Suspect was held in jail pending removal proceedings.

Northern Border Incident Two

At about 6:00 p.m. on January 25, 2007, the U.S. Border Patrol was notified of suspicious activity on the U.S.–Canada border. U.S. residents on the border had observed a vehicle dropping off several individuals near their home. A U.S. Border Patrol agent proceeded to the area where residents had observed the suspicious activity. Once there, the agent followed footprints in the snow and discovered two suspects hiding among a stand of pine trees. The suspects were Columbian nationals, one male and one female. They indicated that a man was going to pick them up on the Canadian side of the border, and that a friend had driven them to the agreed-upon location on the U.S. side. Cell phone numbers retrieved from the suspect's phone linked him to phone numbers belonging to a known alien smuggler in the area. The suspects said they intended to seek political asylum in Canada. They were sent to a detention facility after their arrest.

Northern Border Incident Three

On February 10, 2007, at about 2:00 a.m., U.S. Border Patrol surveillance equipment detected six suspects entering the United States from Canada. The suspects were walking south along railroad tracks. After a short foot chase, U.S. Border Patrol agents apprehended all six suspects—two

individuals who were believed to be smugglers and a family of four. All the suspects were citizens of South Korea. According to interviews with the suspects, after the family arrived in Canada they were approached by an individual who said he could take them to the United States. He brought the family to a desolate area and introduced them to a male and a female, who they were to follow across the border. The individual then instructed the family to leave their luggage in the car and said that he would pick all six of them up in the United States. The wife and two children in the family were released for humanitarian reasons after apprehension, and the male was placed in detention.

**Southern Border Incident
One**

On May 3, 2007, at about 1:20 a.m., an alert citizen reported a possible illegal alien near the U.S.–Mexico border. The responding U.S. Border Patrol agent located the individual, who claimed to be a citizen of Uruguay. He said that he had used a variety of transportation means, including airplanes and buses, to travel from Uruguay to a Mexican city just south of the U.S. border. The individual claimed to have crossed the border by foot along with four other individuals. He then walked for 4 days through the desert. When he became dehydrated, he sought help at a nearby U.S. town. As a result, he was spotted by the alert citizen who notified the U.S. Border Patrol. The individual was scheduled to be removed from the country but requested a hearing before an immigration judge.



G A O

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United States Government Accountability Office
Washington, DC 20548

November 14, 2007

The Honorable Max Baucus
Chairman
The Honorable Charles Grassley
Ranking Member
Committee on Finance
United States Senate

Subject: Response to Post-hearing Questions Regarding GAO-07-884T: Border Security: Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations

On September 27, 2007, I testified before your committee on the results of our investigation of unmanned and unmonitored U.S. border areas. This letter provides a response to your two follow-up questions for the record. Your questions and our responses follow.

Question One

According to your testimony, there was a difference between the border patrol presence on tribal and national park lands versus other areas along the border. Can you please explain what kind of differences there were and why?

Response to Question One

In one southern state, we observed a large law enforcement presence—including helicopters, unmanned aerial vehicles, and Army National Guard units—patrolling the area of a state road near the U.S.–Mexico border. This contrasted sharply with our observations in a national park adjacent to the border in the same state, where we did not observe any law enforcement presence at all. Similarly, we did not observe any law enforcement presence on tribal land in another southern state. We did not attempt to determine why the disparity in law enforcement presence existed, whether this disparity is similar for additional border areas, or whether the federal government is managing its resources appropriately in this regard. Although Customs and Border Protection (CBP) officials told us that their agency deploys resources in a manner commensurate with the perceived threat, prior GAO work shows that agencies need to better coordinate their strategies and operations on federal lands.³ As discussed in our testimony, a memorandum of understanding exists

³See GAO, *Border Security: Agencies Need to Better Coordinate their Strategies and Operations on Federal Lands*, GAO-04-590 (Washington, D.C.: June 2004).

between the Department of the Interior; the Department of Homeland Security, of which CBP is a component; and the Department of Agriculture documenting the agreed approach to protecting federal lands along U.S. borders. The memorandum acknowledges that CBP has ultimate responsibility for apprehending cross-border violators on all federal lands; however, the memorandum also acknowledges the responsibilities of other federal agencies in pursuing their land-management objectives—including protecting the environment and respecting tribal sovereignty rights. Meeting these various responsibilities may lead to occasional conflicts of interests between government agencies and inhibit effective coordination between them; however, evaluating whether this was the case was beyond the scope of our work.

Question Two

Your testimony mentioned “social and cultural barriers” that prevent Customs and Border Protection from doing its job on tribal and national park lands. Can you describe what you mean by that in more detail?

Response to Question Two

Our discussions with CBP have led us to conclude that social and cultural barriers can be an issue on tribal lands. This is a sensitive issue for the U.S. Border Patrol given tribal sovereignty rights. In some situations, the U.S. Border Patrol appears to rely on tribal police units to protect the border and/or respond to potential security incidents. We did not attempt to evaluate the U.S. Border Patrol’s decision-making process in how it manages border protection on tribal lands.

Regarding national park lands, environmental restrictions rather than social and cultural barriers may inhibit U.S. Border Patrol enforcement efforts. For example, in some locations the U.S. Border Patrol must patrol fragile wildlife areas on horseback; this may lead to slower response times and put Border Patrol agents at a disadvantage.

If you have any further questions or if you would like to discuss our response further, please feel free to contact me at (202) 512-9505 or kutzg@gao.gov.



Gregory Kutz, Managing Director
Forensic Audits and Special Investigations



NUCLEAR MATERIALS PROLIFERATION AND U.S. BORDER SECURITY

KENNETH N. LUONGO
EXECUTIVE DIRECTOR
PARTNERSHIP FOR GLOBAL SECURITY

TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE

SEPTEMBER 27, 2007

Mr. Chairman and members of the committee, It has been 16 years since the issue of unsecured nuclear weapons and materials was identified as a significant threat to global security as a result of the dissolution of the Soviet Union. In the course of that time the problem has become more complex, not less and the challenges greater, not smaller.

The threat we face today is not limited only to nuclear weapons and fissile materials, but includes the dangers posed by millions of radiological and radioactive sources. The location of these at-risk radiological materials includes virtually every country on earth – including within our own borders.¹

The terrorist attacks of September 11, 2001 foreshadowed the devastating dangers that could await the United States if unsecured nuclear technology and materials fell into the wrong hands. We have undertaken serious efforts to protect our country from this threat. But our approaches have flaws and the challenges are growing as nuclear technology and materials have continued to accumulate and spread around the globe. Gaps in the security of these materials could be exploited by terrorists that belong to no state and recognize no limits on their actions.

Numerous technical and policy recommendations have been made for improving our responses to the nuclear threats that we face. However, there is one that should be acted upon urgently. It is ensuring that all nuclear and radiological materials in every nation are secured to the highest standards possible and that vulnerable sources are protected or eliminated on an accelerated basis. This is the first and strongest line of defense against nuclear terrorism. If it is breached it makes the job of preventing nuclear and radiological attack much more difficult. We have taken steps to achieve this goal but they have been inadequate up to now.

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Globalization and the Nuclear Threat

The international system for controlling fissile and radiological materials is insufficient to deal with the current scope of global nuclear programs. The impact of economic and technological globalization is increasing the pressure on this already weakened structure. Energy demands are likely to increase the use of nuclear fuel in key regions of concern including Russia and the former Soviet states, South Asia, and the Middle East. Also, the demand for advanced medical and industrial technology in developing nations will increase the number of radioactive sources around the globe. The struggle to contain and secure these technologies and materials is at the forefront of the 21st century's nuclear challenge.

Globalization also has eroded the importance of national boundaries and has expanded the scope of the terrorist threat. It is well known that the lethality of terrorists has been facilitated in part by the global communications revolution. But the expansion of global commerce has also opened new pathways for the smuggling of lethal nuclear materials. And, as al Qaeda has demonstrated, these materials are in demand.

In the scope of nuclear security concerns, the radiological dispersal device (RDD) – or dirty bomb – is considered to be a more likely weapon for use by terrorists because the technological barriers to its construction and delivery are lower. Unlike the development, assembly, and detonation of an intact nuclear weapon, highly specialized expertise or facilities are not necessarily required for the use of a dirty bomb. This type of weapon can be assembled by combining radioactive material with a conventional explosive, such as dynamite.

In particular, the multiple means of transporting radioactive material – the core of a potential dirty bomb – across borders is alarming. It can be imported into the U.S. by shipping container, vehicle, vessel, and even aircraft. And, the delivery need not be clandestine. Legitimate commercial shipping activities are considered to be one path that can be significantly exploited.²

The radioactive materials needed for the construction of a dirty bomb also are more readily accessible compared to other more sophisticated nuclear devices. For instance, sources of RDD materials are found in medical devices (nuclear therapy, teletherapy, brachytherapy), industrial applications (gamma radiography, well-logging, sterilization, food preservation, radiothermal generators), commercial products (smoke detectors, luminescent dials), and radioactive waste.³ Argonne National Laboratory designates nine key radionuclides as most suitable for RDDs: americium-241, californium-252, cesium-137, cobalt-60, iridium-192, plutonium-238, polonium-210, radium-226, and strontium-90.⁴ In the U.S. alone, there are 21,000 licenses to use radioactive materials.⁵ In addition, any nuclear reactor is capable of producing radioactive material. At present, there are 439 nuclear power reactors in operation around the world and 30 more under construction.⁶

There are various methods that can be used to disperse radiological material. A passive RDD involves the use of unshielded radiological material that is placed in a strategic location and designed to expose a large number of people to the intense radioactive source. An atmospheric RDD is a method whereby radiological material is converted into a form that is more easily transported by air currents.⁷ An explosive RDD uses the

explosive force of detonation to disperse radioactive material. A simple explosive RDD consisting of a lead-shielded container with a kilogram of explosive attached could easily fit into a backpack.⁸

Even a small amount of radiological material, when packaged with an explosive, could have devastating effects. On the lower end of the scale a small package of explosives (<100 kg) could be wrapped around a small radioactive source (1-10 curies) and detonated in a crowded area. On the higher end, several tens or hundreds of thousands of curies of material could be dispersed by a more sophisticated arrangement of conventional explosives.⁹ If exploded in a high value area even a small RDD could have devastating effects, especially on economic activity. This is why RDDs are commonly referred to as “weapons of mass disruption” because they would likely create major societal upheaval and panic affecting commercial activities, schools, and municipal services.

One major effect would be the radioactive contamination of the area in which the RDD was detonated. The detonation of a device in a city has the potential to contaminate thousands of people. One analysis speculates that an explosion dispersing powdered cesium-137 in lower Manhattan could result in the contamination of approximately one quarter of the island which could be uninhabitable for months to years if the area could not be adequately decontaminated.¹⁰ A truck bomb with 220 kg of explosive and 50 kg of one-year-old spent fuel rods could produce a lethal dosage zone with a radius of about one km.¹¹

This committee and the Congress as a whole should recognize that the danger of nuclear or radiological attack upon the U.S. or other nations is a real probability even though, thankfully, to date it has not occurred and with luck and perseverance may never occur. But, illicit nuclear trafficking and handling errors are an enduring reality.

According to a recent International Atomic Energy Agency (IAEA) report, based on the Agency’s Illicit Trafficking Database (ITDB), 1,080 confirmed incidents of illicit trafficking and unauthorized activities involving nuclear and radioactive materials were recorded during 1993-2006. Just in 2006, 150 incidents of illicit trafficking and unauthorized activities involving nuclear and radioactive materials were reported.¹² The statistics below capture the nature of these most recent incidents:¹³

- 14 incidents involving unauthorized possession and criminal activities. The majority involved sealed radioactive sources such as cesium, cobalt, americium, and strontium. The cases regarding nuclear materials included natural uranium, depleted uranium, and thorium.
- 85 incidents involving thefts, losses, or misrouting of nuclear or other radioactive materials. These incidents involved industrial radioactive sources, including cesium, americium, and iridium, as well as radionuclides with medical applications, such as molybdenum, iodine, technetium, and palladium. Further, in 73% of the cases, the lost or stolen materials have not been recovered.
- 51 incidents involving unauthorized activities such as the recovery of sources, discovery of orphan sources, and detection of materials disposed of in an unauthorized way.

Protecting the United States

In the global context U.S. security is challenged by many external nuclear dangers, including emerging and growing nuclear weapons programs, and the globally dispersed nuclear and radiological materials I have mentioned. But, the U.S. also has internal nuclear challenges particularly those from industrial and medical radiological sources and the non-military use of fissile materials, such as highly-enriched uranium fuel in domestic research reactors.

There are several major U.S. government agencies tasked with protecting the nation from nuclear attack. They include the Departments of Homeland Security (DHS), Defense (DOD), Energy (DOE), and State (DOS).

The Department of Homeland Security (DHS) has a number of programs and initiatives focused on guarding against nuclear terror that are organized around three major missions: border security, radiological detection, and protecting against dangerous cargo.

Border Security

DHS has responsibility for managing the U.S. borders. For the purposes of this hearing I will focus on its activities on the northern border.

The U.S. border with Canada, at more than 4,000 miles, is the longest shared and undefended border in the world.¹⁴ It stretches through 12 states with \$1.3 billion of trade crossing it daily.¹⁵ On September 11, 2001 there were less than 400 border agents patrolling the U.S. northern border; whereas, the southern border had 8,000 agents for 1,933 miles. That is 20 times the number of agents for less than half the distance. DHS has made an improvement to this ratio over the last 6 years with approximately 1,000 border patrol agents presently stationed in the north. Additionally, more than \$122 million in technology has been deployed in the north since 9/11, including \$8.7 million in tactical communications and \$60 million in Radiation Portal Monitors.¹⁶ Custom and Border Protection (CBP) inspectors have more than doubled and CBP air and marine branches have been opened (or are in the planning stages) in Washington, New York, Montana, Michigan, and North Dakota.¹⁷ Fourteen Integrated Border Enforcement Teams (IBETs), joint American-Canadian border patrols, have expanded to cover strategic locations along the border.

These improvements to northern border security are well advised yet insufficient to deal with the dangers that vast miles of unprotected border pose for the U.S. While immigration issues involving Mexico have raised the specter of a terrorist slipping in through the south, there is evidence to suggest that the northern border also is a significant threat as a terrorist point of entry.¹⁸ In June 2006, the Canadian Security Intelligence Service (CSIS) had its greatest anti-terrorism success since Canada's Anti-Terrorism Act was instated after 9/11. The Royal Canadian Mounted Police executed a sting operation arresting 12 adults and 5 suspects under the age of 18 for attempting to buy three tons of ammonium nitrate, a bomb making material. The group had planned to execute a string of "attacks inspired by al Qaeda."¹⁹ Events such as this highlight the ongoing security challenges to the north.

In addition, a 2002 report by the CSIS said that with the possible exception of the U.S. which is the principal terrorist target, "there are more international terrorist organizations active in Canada than anywhere else in the world."²⁰ The CSIS reports that terrorists from 50 different worldwide terrorist organizations have posed as refugees attempting to enter Canada.²¹ Some known terrorist affiliations in Canada include al Qaeda, Hezbollah, Hamas, Armed Islamic Group (GIA), and Egyptian Islamic Jihad.

The most well known case of attempted terrorist infiltration from Canada involves Ahmend Ressay, an Algerian who entered Canada under a fake French passport claiming refugee status in 1994, and who belonged to a Montreal-based terrorist cell with connections to GIA and al Qaeda. Between 1994 and 1999, Ressay entered and exited Canada several times, once even traveling to Afghanistan to learn to manufacture bombs. In December 1999, Ressay was caught crossing the U.S.-Canadian border at Port Angeles, Washington with approximately 100 lbs of explosives in his trunk. He was en route to Los Angeles International Airport with the intention of carrying out terrorist attacks in conjunction with Year 2000 Millennium celebrations. Ressay was convicted in Los Angeles in April 2001 for conspiracy to commit terrorism, document fraud, and possession of deadly explosives.

Radiation Detection and Cargo Protection

The DHS Domestic Nuclear Detection Office (DNDO) is tasked with increasing U.S. nuclear and radiological detection capabilities to prevent the import, possession, storage, or transport of unauthorized materials. DNDO's objectives are as follows: develop the global nuclear detection and reporting architecture; develop, acquire, and support the domestic nuclear detection and reporting system; fully characterize detector system performance before deployment; establish situational awareness through information sharing and analysis; establish operation protocols to ensure detection leads to effective response; conduct a transformational research and development program; establish the National Technical Nuclear Forensics Center to provide planning, integration, and improvements to U.S. government nuclear forensics capabilities.²²

DHS also has developed a number of programs aimed at preventing nuclear and radiological devices from being placed in cargo and transported to the U.S. Some of the key programs include:

- Custom-Trade Partnership Against Terrorism (C-TPAT) which includes over 7,000 businesses working with DHS to review security practices of both companies that ship goods to the U.S. and those companies that provide shipping services.
- Container Security Initiative (CSI) that is active in 52 seaports which account for 80% of all U.S. inbound cargo²³ and that has plans to include six additional ports by the end of 2007.
- Secure Freight Initiative under which radiation detection equipment, imaging machines, and optical character readers are being employed at an initial set of seven ports abroad. At three ports, Port Ortes (Honduras), Port Qasim (Pakistan), and Southampton (U.K.), 100% of incoming U.S. cargo will be scanned, as required by Section 231 of the SAFE Ports Act. At the four other ports, limited operational testing will occur.

In the U.S., over 1,000 Radiation Portal Monitors (RPMs) have been installed at critical seaports and land ports to detect radiation. DHS also has established a goal of tightening regulations for private aircraft and small vessels. There are over 17 million small boats entering U.S. ports each year and proposed regulations for private aircraft would bring their requirements more in line with that of commercial passenger airline screening and information requirements.

However, despite actions taken and programs implemented by DHS and other government agencies, as GAO will attest, U.S. borders are far from impenetrable. For example, radiation detection equipment is currently insufficient to detect the small amounts of radiation emitted by potential dirty bombs and shielding devices can be employed to mask radioactive elements.²⁴ In addition, some detection capabilities in use cannot differentiate between the presence of naturally occurring radiation and potentially dangerous materials such as highly enriched uranium.²⁵ Also, acute vulnerabilities lie within the known-and-trusted shipper and port framework created by the C-TPAT and CSI.²⁶

An Internal Threat: Vulnerable Domestic Sources

While it is important to secure nuclear and radiological materials abroad, we must also turn a critical eye to the security of those same materials domestically.

The medical and industrial uses of radiological sources are important but the security of these materials is disturbing and sources are routinely lost. In addition, the coordination among the key agencies with responsibility for domestic radiological protection seems inadequate. For example, the licensing process is not as tight as it should be. A particular concern is cesium-137 because it is widely used in hospitals for cancer therapy machines and blood sterilizers and can be found in an easily dispersible form. In 1998, 19 vials of cesium-137 disappeared from a Greensboro, N.C. hospital.²⁷ An Op-Ed in the *New York Times* in August 2007 highlighted the dangers posed by cesium-137 and offered some useful remedial actions.²⁸ Another major concern is cobalt-60 which is used in agricultural applications.

In addition to the radiological materials that pose a threat in the U.S., the continued use of highly-enriched uranium (HEU) in research reactors in the country is another serious vulnerability. There are seven research reactors in the U.S. that still use HEU fuel, in part because the replacement fuel is not yet ready. But while they await conversion, the security at these facilities has been judged to be substandard in past evaluations.

So, while our international and border security efforts are crucial, we have to remain mindful that it is possible terrorists might obtain and use our own radiological source material against us, effectively circumventing the detection equipment at our borders.

Evolving International Nuclear Threats

The numerous nuclear and radiological devices and stockpiles that exist around the globe clearly are a threat to U.S. security. Setting international standards for the protection of these materials would be an important step forward as would limiting their production

and use. But the reality is that nuclear material stockpiles are growing not shrinking and there are three regions that remain of significant concern to the U.S. given their potential to become sources of nuclear leakage. They are Russia and the former Soviet states, South Asia, and the Middle East.

Russia and the Former Soviet States

The U.S. has been working for almost 15 years to secure at-risk nuclear material in facilities in Russia and other former Soviet states, where the world's largest nuclear and radiological stockpiles exist. The Cooperative Threat Reduction (CTR) Program run by the Department of Defense along with several key programs managed by the departments of Energy and State are designed to assist with the elimination and control of nuclear dangers in that region. Totalling about \$1 billion per year, these programs have made significant progress on the nuclear security problem in this region. But we have not solved this problem and the window for further cooperation is closing.

DOE in particular has engaged in an expansive range of activities to protect nuclear materials and eliminate radiological dangers in Russia and the former Soviet states. DOE has:

- Removed more than 5,000 curies of radioactive cobalt-60 and cesium-137 from Chechnya, and created secure storage facilities in Uzbekistan, Moldova, Tajikistan, and Georgia.
- Completed MPC&A upgrades at 39 Russian Navy nuclear warhead sites.
- Secured 92 buildings in the Rosatom Weapons Complex.
- Secured 374 Russian nuclear powered RTGs.

In addition on a global basis DOE has:

- Installed radiation detection equipment at 104 sites, including six Megaport sites.
- Converted 46 reactors from HEU to low enriched uranium (LEU).
- Secured more than 500 vulnerable radiological sources worldwide.

Going forward, it will be essential that Russia and the former Soviet states continue to maintain and operate on a sustainable basis the security systems that have been provided as part of their nonproliferation cooperation with the U.S. In addition, it is incumbent upon Russia now that it has financially stabilized and is prospering from high energy prices to further increase its nuclear security vigilance. This includes providing sufficient funding for the continued spread of technology-based security systems, training its workers in a culture that recognizes the importance of nuclear security, and ensuring that sufficient attention is paid to the issue at high levels of the government.

South Asia's Nuclear Growth

The nuclear landscape in the subcontinent centers on the rivalry between India and Pakistan. Both countries have growing nuclear arsenals and the proposed U.S.-India nuclear cooperation agreement is likely to add fuel to the burgeoning fissile material production race in that region. Current estimates indicate that Pakistan has enough HEU for up to 40 nuclear warheads,²⁹ and could assemble weapons "fairly quickly."³⁰ Pakistan continues to produce HEU and is also pursuing plutonium production and separation. India, which uses plutonium for its nuclear weapons, is believed to have 45 to 95 nuclear warheads, and also has the capability to assemble weapons quickly.³¹ The

stockpiles of HEU and plutonium in these countries certainly will continue to grow in the coming decade, raising security concerns.

Nuclear power expansion also is an inevitability in both countries. Pakistan has a relatively small nuclear power program, with a 0.425 GW(e) capacity.³² It currently operates two reactors and has a third under construction. It also has plans to construct an additional 10 to 12 nuclear power plants to increase this capacity by 8.8 GW(e).³³ India has one of the fastest-growing civilian nuclear energy programs in the world. Currently it has 15 small and two mid-sized nuclear power reactors in operation and six under construction. India expects to increase its national nuclear power plant capacity, which currently stands at a 4 GW(e) capacity by 10-17 GW(e).³⁴ India has also expressed interest in fast breeder reactors (FBR) which produce more plutonium than they consume and has a prototype FBR under construction.

Other countries in the region also have stated their intentions to pursue nuclear power.

- In August 2007, it was reported that the Bangladesh Atomic Energy Commission (BAEC) was to present proposals to the government for the construction of two 500 MW(e) nuclear power reactors in Rooppur.³⁵
- In July 2007, Indonesia and South Korea signed a preliminary deal for South Korean assistance in building Indonesia's first nuclear power plant.
- In June 2007, Thailand stated plans to build a 4000 MW(e) nuclear power plant.³⁶
- Vietnam has announced plans for a 2000 MW(e) nuclear power plant by 2020, though in this case U.S. and Vietnamese scientists will collaborate on reactor operation, safety and related issues.³⁷
- The Philippines is reviewing its nuclear options.

The Potential for a Nuclear Middle East

States can get very close to producing a bomb via uranium enrichment and plutonium reprocessing programs if they declare their activities, pledge not to use them to build weapons, and allow periodic inspections. But, as North Korea demonstrated, once a state obtains these key nuclear technologies, there is nothing to keep it from withdrawing from the Nonproliferation Treaty (NPT) and exploiting that information for weapons purposes. The current situation in Iran underscores this danger in the Middle East.

Iran has constructed, with Russian assistance, a 1 GW(e) reactor at Bushehr that awaits a load of LEU to become operational. It also has five research reactors. It has a uranium enrichment facility at Natanz, a pilot uranium enrichment plant at Natanz, and a test uranium enrichment facility at Kalaye. It has a small plutonium reprocessing facility at the Tehran Nuclear Research Center (TNRC), heavy water production facilities near Arak, and uranium mining and processing facilities.³⁸ Iran's defiance of the U.N. Security Council's resolutions that it suspend and end its uranium enrichment activities are well known and the fear is that Iran is determined to become a nuclear weapons possessing state.

Compounding this concern is the possibility that the Iranian nuclear program may cause a nuclear domino scenario to emerge in the region. A number of countries in the Middle East have signaled an interest in nuclear energy in the past year.

In December 2006, the Gulf Cooperation Council (GCC) – comprised of Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Bahrain, and Oman – commissioned a study on establishing a shared civilian nuclear program. Saudi Arabia has taken the lead in this effort and the IAEA has agreed to provide technical expertise to them.³⁹ Egypt has announced its intention to construct three domestic nuclear power plants by 2020 with plans to generate a total of 1.8 GW(e).⁴⁰ In addition, Jordan has expressed interest in pursuing nuclear power and has plans to have a nuclear plant operating by 2015.⁴¹ Turkey has stated plans for three nuclear plants.⁴² Tunisia, Libya, Morocco, and Algeria have all announced intentions for developing nuclear power.

Conclusion

Mr. Chairman, the focus of today's hearing is on how to keep nuclear and radiological materials from being used to damage the United States and its interests. Many analyses have been done on this subject and numerous recommendations have been offered to policy makers. Certainly we need multiple layers of protection, cutting edge technology, and continued vigilance at our borders and ports.

But, I would like to leave the committee with one key message. The best way to defend the U.S. from nuclear terrorism is to ensure that all nuclear and radiological materials are afforded the highest level of protection where they are stored and that vulnerable sources and stockpiles are protected or eliminated as rapidly as possible. This first line of defense is one that needs to be strengthened globally and it will take leadership to convince other countries to accept the financial and technical challenges that this goal requires. While the U.S. has taken many commendable steps to improve global nuclear and radiological security, it has not provided sufficient top level leadership to make this an international priority. If we don't act urgently on this challenge it will make the task of defending our borders and shores against nuclear and radiological threats much more difficult in the years to come.

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**Statement by Senator Pat Roberts
Senate Finance Committee
"Border Insecurity, Take Three: Open and Unmonitored"
September 27, 2007**

Mr. Chairman, thank you for holding this hearing today on this very important matter. The security of our border is a matter of national security and something that we should not take lightly.

Not only do we have to worry about individuals illegally crossing the border. We also have to worry about the things that people carry across the border, whether it be drugs, weapons, explosives, or nuclear material.

The findings of this GAO investigation were disturbing. Along the northern border, investigators carried a duffel bag across in three of the four locations. Clearly, there are large porous areas along the northern border. In fact, in May of 2007, there were only 972 border patrol agents along the northern border. This is in comparison to the 11,986 border patrol agents along the southern border.

If anything, this investigation demonstrates that we need to increase security efforts along the border. Reports have indicated that there are international terrorist organizations in Canada. We must ensure that these organizations cannot enter or bring hazardous material into the United States.

I am hopeful that improvements can be made at both the northern and southern borders to prevent suspicious activity and the unauthorized entry of individuals.

Senator Olympia J. Snowe
Statement
Senate Finance Committee Hearing
Border Security
September 27, 2007

Mr. Chairman, thank you for calling this meeting. Securing our borders is of the utmost importance in our fight against terrorism. Preventing those who would do us harm from entering our country is more than good policy—it is the duty of our government.

The findings presented by the Government Accountability Office today confirm that our vast border with Canada is more porous than we have feared, vulnerable even to the smuggling of materials which could be used in a radiological attack within the United States. While it would be impossible to man every mile of this expanse, we can certainly all agree that, at a minimum, more agents and new technology must be deployed to police it more aggressively.

The relative ease with which a potential terrorist could cross an unmanned portion of our northern border raises questions about the efficacy of focusing mostly on security improvements at designated border crossings at ports of entry. The U.S.-Canada border is over 5,000 miles long, compared to 1,900 mile length of the U.S.-Mexico border. However, despite being over two and a half times as long as the southern border, the northern U.S. border has less than one twelfth the number of U.S. border patrol agents. If we fail to first secure this continent-long expanse of obvious terrorist crossing-points, what use will security-improvement schemes focusing on official ports of entry be in actually securing our country?

This question is especially prescient for Mainers seeking to comply with the requirements of the Western Hemisphere Travel Initiative. Maine shares much of its northern and eastern border with Canada. The border, although separated in places by such ports of entry, is mostly a common land joined by families, communities, and consumers. Many of my constituents are families comprised of U.S. citizens and legally entered and documented Canadian citizens. With thousands of families sharing this distinction, a visit to Canada is a weekly occurrence for many.

Under Rules released by the Department of Homeland Security this June, travelers would be required to have a drivers' license and birth certificate to cross the Canada-U.S. border beginning on January 31, 2008. Six months later, in the summer of 2008, the Western Hemisphere Travel Initiative will require U.S. citizens to show a passport or similar ID to enter or re-enter the United States from Canada. Some residents of Maine have already received an unwelcome and

unexpected preview of the effect this initiative will have on their lives, as Customs and Border Protection personnel began conducting ID checks on 100% of people crossing the border on certain days at high-traffic crossings in Maine.

These checks caused unacceptable delays of up to three hours for Maine residents making their usually uneventful trip across the border. Border community residents on a first name basis with the CBP agents were asked for their IDs. Canadian day-trippers simply turned around rather than deal with a lengthy queue, spending their time and dollars in Canada instead of the United States.

In addition to the delays likely to be caused by a hastily implemented Western Hemisphere Travel Initiative, I am deeply concerned about the prohibitive costs it will impose on families who will be forced to purchase passports or passport-like ID cards. Also troubling is the chilling effect the initiative would have on commerce between Maine and Canada, absent adequate coordination with Canadian government authorities as to U.S. recognition of Canadian ID documents.

It is for these reasons that I have cosponsored amendments to immigration and appropriations bills to extend the implementation deadline of the Western Hemisphere Travel Initiative's passport requirements to June 1, 2009. This extension would give the Secretary of Homeland Security time to ensure that the new identification documents are ready to be rolled out at a low cost.

Mr. Chairman, I believe we can develop a border policy that protects both the security of the United States *and* the cross-border relationships that are a significant part of the culture and livelihood of northern and eastern Maine. I look forward to working with my colleagues on this Committee toward such a balanced policy.

Thank you.

