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Border Security: The Role of the U.S. Border Patrol

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Summary

The United States Border Patrol (USBP) has a long and storied history as our nation's first line of defense against unauthorized migration. Today, the USBP's primary mission is to detect and prevent the entry of terrorists, weapons of mass destruction, and illegal aliens into the country, and to interdict drug smugglers and other criminals along the border. The Homeland Security Act of 2002 dissolved the Immigration and Naturalization Service and placed the USBP within the Department of Homeland Security (DHS). Within DHS, the USBP forms a part of the Bureau of Customs and Border Protection under the Directorate of Border and Transportation Security.

During the last decade, the USBP has seen its budget and manpower more than triple. This expansion was the direct result of Congressional concerns about illegal immigration and the agency's adoption of "Prevention Through Deterrence" as its chief operational strategy in 1994. The strategy called for placing USBP resources and manpower directly at the areas of greatest illegal immigration in order to detect, deter, and apprehend aliens attempting to cross the border between official points of entry. Post 9/11, the USBP refocused its strategy on preventing the entry of terrorists and weapons of mass destruction, as laid out in its recently released National Strategy. In addition to a workforce of over 10,000 agents, the USBP deploys vehicles, aircraft, watercraft, and many different technologies to defend the border.

In the course of discharging its duties, the USBP patrols 8,000 miles of American international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico. However, there are significant geographic, political, and immigration-related differences between the Northern border with Canada and the Southwest border with Mexico. Accordingly, the USBP deploys a different mix of personnel and resources along the two borders. Due to the fact that over 97% of unauthorized migrant apprehensions occur along the Southwest border, the USBP deploys over 90% of its agents there to deter illegal immigration. The Border Safety initiative and the Arizona Border Control initiative are both focused on the Southwest border. The Northern border is more than two times longer than the Southwest border, features far lower numbers of aliens attempting to enter illegally, but may be more vulnerable to terrorist infiltration. As a consequence of this, the USBP has focused its Northern border efforts on deploying technology and cooperating closely with Canadian authorities through the creation of International Border Enforcement Teams.

Some issues for Congress to consider could include the slow rate of integration between the USBP's biometric database of illegal aliens and the Federal Bureau of Investigation's (FBI) biometric database of criminals and terrorists; the number of unauthorized aliens who die attempting to enter the country each year; the organized human smuggling rings that have proliferated as entering the country has become more difficult; and the threat posed by terrorists along the sparsely defended Northern border as well as the more porous Southwest border.

This report will be updated as circumstances warrant.

Contents

List of Figures

Border Security: The Role of the U.S. Border Patrol

Background

Founded in 1924 by an appropriations act of Congress (Act of May 28, 1924; 43 Stat. 240), the United States Border Patrol (USBP) has a long and storied history as our nation's front line in the struggle to secure our borders. The USBP's mission has historically been to prevent unauthorized aliens from entering into the country. As such, until recently the USBP formed part of the Immigration and Naturalization Service (INS). The Homeland Security Act of 2002 (P.L. 107-296) merged most interior and border enforcement functions of the Department of Agriculture, the INS, and the U.S. Customs Service to form the Directorate of Border and Transportation Security (BTS) within the Department of Homeland Security (DHS). Using the authority given by Congress in the Homeland Security Act, the Administration sub-divided BTS and placed the border enforcement functions, including the USBP, within the Bureau of Customs and Border Protection (CBP). This consolidated all the agencies charged with border enforcement duties with the overarching goal of enhancing security by allowing for the freer sharing of information and resources between all the organizations with a presence on the border.[1]

While CBP is charged with overall border enforcement, within the bureau a distinction is made concerning border enforcement *at* and *between* points of entry. As currently comprised, the USBP's primary mission is to detect and prevent the entry of terrorists, weapons of mass destruction, and unauthorized aliens into the country, and to interdict drug smugglers and other criminals *between* official points of entry. USBP agents have no official role *at* points of entry; instead, CBP inspectors stationed there are responsible for conducting immigrations, customs, and agricultural inspections on entering aliens.

The USBP's statutory authority for border enforcement powers derives from section 287 of the Immigration and Nationality Act (INA).[2] The INA gives immigration officers (as designated by federal regulations) the statutory authority to search, interrogate, and arrest unauthorized aliens and all others who are violating immigration laws. The INA also bequeaths immigration officers a broader statutory authority to make arrests for any felony cognizable under the laws of the United States. Federal regulations then designate USBP agents as immigration officers

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[1] For a more detailed account of the formation of DHS, refer to CRS Report RL31549, *Department of Homeland Security: Consolidation of Border and Transportation Security Agencies*, by Jennifer Lake, and CRS Report RL31560, *Homeland Security Proposals: Issues Regarding Transfer of Immigration Agencies and Functions*, by Lisa Seghetti.

[2] 8 U.S.C. §1357 (a).

capable of wielding the above mentioned powers.[3] This means that the USBP is not a statutorily defined agency, instead its role is delineated through federal regulations.

In the course of discharging its duties the USBP patrols 8,000 miles of our international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico. The United States' Northern and Southwestern borders differ radically in geography, climate, and length. The Northern Border with Canada touches 12 states and is over 4,000 miles long.[4] Among its many challenging natural features are vast mountain ranges such as the Rockies, the Great Lakes, many different river systems, and in the winter heavy snow and bitter cold temperatures. Conversely, the Southwestern border with Mexico touches only four states and is less than half as long, featuring large tracts of desert land where temperatures average well over 100 degrees for much of the year, mountain ranges, and the Rio Grande along the Texas border. Patterns of illegal immigration differ widely between the Northern and Southwest borders. The Southwestern border accounts for over 97% of all illegal alien apprehensions and thereby commands the lion's share of USBP resources and manpower. Not surprisingly, the USBP's main emphasis along the Southwestern border is containing unauthorized immigration. The Northern border, conversely, poses a severe logistical challenge given its length, geographic complexity, and comparative lack of manpower. Along the Northern border, the main concerns appear to be the border's vulnerability to terrorist infiltration and the proliferation of cross-border smuggling.

Organization and Composition

As an executive branch agency, most USBP initiatives are initially administrative measures. However, the U.S. Congress has strongly supported many of them through the appropriations process.

Evolution of the National Strategic Plan

In 1993, a study commissioned by the Office of National Drug Control Policy concluded that the Southwest Border was "being overrun," noting as an example that 6,000 illegal immigrants attempted to enter the United States every night along a 7.5 mile stretch of the San Diego border. The study also concluded that drug smuggling was a serious threat all along the Southwest border, and recommended that the then INS change its focus from arresting illegal immigrants to preventing their entry.[5] Partly in response to public and congressional concerns about the number of illegal immigrants and drugs entering the country, in 1994 the USBP began implementing its first National Strategic Plan (NSP).

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[3] 8 C.F.R. §287.5.

[4] The USBP does not patrol the border between Alaska and Canada; for the purposes of this report the Northern border is the border between the contiguous United States and Canada.

[5] U.S. General Accounting Office, *Border Control: Revised Strategy Is Showing Some Positive Results*, GAO/GGD-95-30, Dec. 1994, pp. 5-8.

Developed as an effort to gain and maintain control of the borders, the original NSP was a multi-phased approach to deploying and focusing USBP resources on the areas of greatest illegal entry of people and goods. The NSP called for a calibrated balance of personnel, aircraft, equipment, technology, and tactical infrastructure. The focus of the NSP was an operational strategy known as "Prevention Through Deterrence." The strategy's goal was to place USBP agents and resources directly on the border in order to deter the entry of illegal aliens, rather than attempting to arrest aliens after they have already entered the country. According to CBP, achieving optimum deterrence would mean that increasing the number of agents and resources in a sector would not result in an increase in the number of unauthorized migrants apprehended in that sector.[6] The "Prevention Through Deterrence" policy was embraced by Congress, with both the House and Senate Appropriations Committees in 1996 directing the INS to hire new agents, reallocate USBP agents stationed in the interior to front line duty, and staff the interior offices with investigative staff instead.[7]

Phase I of the NSP involved the "Hold the Line" program in El Paso, Texas and Operation Gatekeeper in San Diego, California.[8] In addition to placing more agents on the line, these operations utilized landing mat fencing,[9] stadium lighting, and cameras and sensors to deter and detect unauthorized aliens. Phase II of the program included the expansion of Operation Safeguard (1999) in Tucson, Arizona, operation Rio Grande (1997) in the McAllen and Laredo sectors of Texas, and an increased emphasis on securing the Northern border. Phase III was set to involve the remaining areas of the Southwest border as well as the coastal waters around Florida and Puerto Rico.

While CBP maintained that the "Prevention Through Deterrence" strategy applied to both the Southwestern and Northern borders, the mix of USBP resources used to enforce it differed markedly between the borders. Along the Southwest border, the NSP emphasized the following mix of resources in descending order of importance: personnel, equipment, technology, and tactical infrastructure.[10] The emphasis on personnel, equipment, and technology along the Southwest border

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[6] U.S. Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*, p. 41.

[7] U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Bill, 1996*, report to accompany H.R. 2076, 104th Cong., 1st sess., S.Rept.104-139 and U.S. Congress, House Committee on Appropriations, *Making Appropriations for the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies For the Fiscal Year Ending September 30, 1996, and for Other Purposes*, report to accompany H.R. 2076, 104th Cong., 1st sess., H.Rept. 104-378.

[8] For a more detailed discussion of the "Hold the Line" program and Operation Gatekeeper, please refer to CRS Report 97-989, *U.S. Border Patrol Operations*, by Bill Krouse.

[9] Landing mat fencing is constructed from surplus Vietnam War era landing mats used to set up temporary landing strips for airplanes.

[10] U.S. Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*.

reflected the USBP's emphasis on stemming the flow of unauthorized immigrants attempting to enter the United States from Mexico.

Conversely, the Northern border emphasized a different mix of resources and activities: intelligence, liaison, technology, equipment, and personnel last.[11] The emphasis on intelligence gathering and coordination with Canadian immigration and security agencies along the Northern border was due in part to the comparatively smaller amount of people attempting to cross over illegally from Canada as well as the geographic enormity of the border. Additionally, it also reflected the growing concern with terrorist infiltration.

In the wake of 9/11, the USBP refocused its priorities to place greater emphasis on protecting against terrorist penetration. As security efforts at official points of entry become more sophisticated and stringent, terrorists and other criminals may attempt to illegally enter the country between points of entry. In order to prevent and deter terrorist entry, the USBP, in conjunction with Immigration and Customs Enforcement's (ICE's) Anti-Smuggling Units and CBP's Office of Intelligence, focuses its intelligence and surveillance operations on known smuggling operations that have previously trafficked aliens from significant interest countries. Additionally, the agencies develop joint operations to target and disrupt these especially high-interest smuggling activities.[12] The USBP also coordinates and shares intelligence with Canadian and Mexican authorities along the Northern and Southwestern borders. It is important to note, however, that the increased emphasis on preventing terrorist entry into the United States did not change the scope of the USBP's mission — preventing unauthorized aliens from entering the country.

New National Border Patrol Strategy

Shortly after the creation of DHS, the USBP was directed to formulate a new National Border Patrol Strategy (NS) that would better reflect the realities of the post 9/11 security landscape. In March of 2005, the USBP unveiled the new strategy, which places greater emphasis on interdicting terrorists and features five main objectives:

- Establishing the substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the ports of entry;
- Deterring illegal entries through improved enforcement;
- Detecting, apprehending, and deterring smugglers of humans, drugs, and other contraband;
- Leveraging "Smart Border" technology to multiply the deterrent and enforcement effect of Agents;

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[11] U.S. Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*.

[12] Department of Homeland Security, Bureau of Customs and Border Protection, "Fact Sheet: U.S. Customs and Border Protection — Protecting Our Southern Border Against the Terrorist Threat," Fact Sheet, Aug. 20, 2004.

- Reducing crime in border communities, thereby improving the quality of life and economic vitality of those areas.[13]

The USBP's new NS focuses on laying the foundation for achieving operational control over the border. The USBP defines operational control as "the ability to detect, respond, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives."[14] The strategy places greater emphasis on a hierarchical and vertical command structure, featuring a direct chain of command from HQ to the field. The NS builds on the "Prevention Through Deterrence" strategy outlined in the prior NSP with an added emphasis on enhancing its ability to rapidly deploy its agents to respond to emerging threats. Tactical, operational, and strategic intelligence is critical to this new emphasis on rapid deployment, as it will allow the USBP to assess risk and target its enforcement efforts. Much of this intelligence will be generated through the use of next generation surveillance systems, including cameras, sensors, and other technologies. Additionally, the USBP will coordinate closely with CBP's Office of Intelligence and other DHS and Federal agencies' intelligence apparatuses. Lastly, the new USBP National Strategy formulates different strategies for each of the agency's three operational theaters: the Southwest border, the Northern border, and the coastal waters around Florida and Puerto Rico.

Budget and Resources

The USBP is headquartered in Washington, DC, and has 20 district or sector offices throughout the country. Over the past two decades border enforcement has increasingly become a priority, with the Border Enforcement budget increasing sevenfold from 1980 to 1995 and then more than tripling from 1995 to 2003.[15] **Figure 1** shows the USBP obligated budget over the past five fiscal years (FY).[16] The budget increased from $1.06 billion in FY2000 to $1.42 billion in FY2002 in the wake of the terrorist attacks of September 11, 2001. The USBP budget then declined over the past two fiscal years to $1.21 billion in FY2004, though overall funding remains slightly higher than pre 9/11. Accompanying the budget increase, USBP manpower has more than doubled over the past decade. As of July 10, 2004, the USBP had 10,752 agents and pilots in its workforce and deployed 8,856 vehicles,

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[13] Department of Homeland Security, Bureau of Customs and Border Protection, "National Border Patrol Strategy," Mar. 1, 2005.

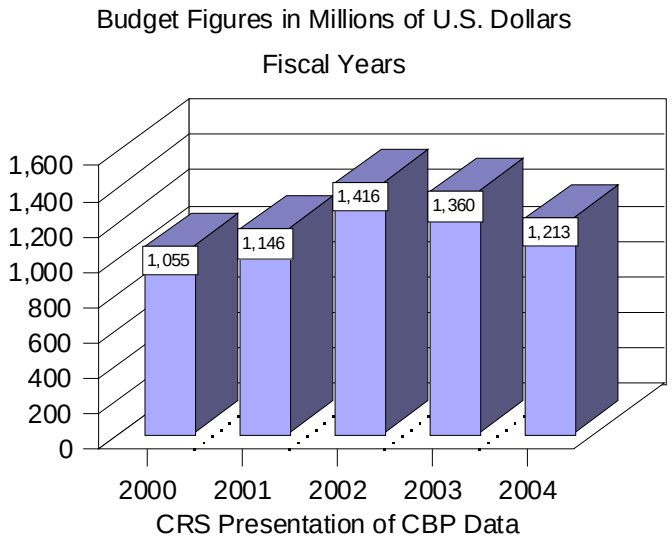
[14] Department of Homeland Security, Bureau of Customs and Border Protection, "National Border Patrol Strategy," Mar. 1, 2005, p. 3.

[15] Reyes, Johnson, and Van Swearingen: "Holding the Line? The Effect of the Recent Border Build-up on Unauthorized Immigration," Public Policy Institute of California, 2002, pp. v-vii.

[16] Due to the manner in which the USBP collects and organizes its data, all statistics presented in this report are based on the Federal Fiscal Year, which begins Oct. 1 and ends on Sept. 30.

including all terrain vehicles, trucks, and automobiles, 115 aircraft, including helicopters and fixed wing airplanes, and 108 watercraft.[17]

Figure 1. USBP Budget Obligations



The USBP also utilizes advanced technology to augment its agents' ability to patrol the border. The technologies used include, but are not limited to, sensors, light towers, mobile night vision scopes, remote video surveillance (RVS) systems, directional listening devices, unmanned aerial vehicles (UAVs), and various database systems. These so-called force multipliers allow the USBP to deploy fewer agents in a specific area while maintaining the ability to detect and counter intrusions and are increasingly becoming a part of the USBP's day to day operations. In the 108th Congress, P.L.108-458 included provisions calling for a pilot program to study the use of these technologies, including UAV's, along the northern border. The law also required DHS to present a plan within six months of enactment to comprehensively monitor the southwest border with UAV's, and to implement the plan as a pilot program as soon as funds are appropriated for that purpose.[18]

America's Shield Initiative

Perhaps the most important technology used by the USBP is the America's Shield Initiative (ASI), formerly known as the Integrated Surveillance Information System. ASI integrates RVS camera systems, sensors, and the Integrated Computer Assisted Detection (ICAD) database into a multi-faceted network capable of detecting illegal entries in a wide range of climate conditions. In order to ensure seamless coverage, the RVS system combines multiple color, thermal, and infrared cameras mounted on different structures into one remote controlled system, while the sensors integrated into ASI include seismic, magnetic, and thermal detectors. When a sensor is tripped, an alarm is sent to a central control room at USBP headquarters.

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[17] Data provided by CBP Congressional Affairs, Aug. 6, 2004.

[18] P.L. 108-458, sec. 5101-5104 and sec. 5201.

USBP personnel monitoring the control room screens use the ICAD system to re-position RVS cameras towards the location where the sensor alarm was tripped. Control room personnel then alert field agents to the intrusion and coordinate the response. At the end of FY2003, 286 RVS systems were operational nationwide.[19] CBP anticipates that by the end of FY2004, the ASI program will be expanded from the 409 sites currently installed to over 600 sites along both the Northern and Southwestern borders.[20] Both the House and the Senate Appropriations Committees voiced their support for the expansion of ASI in their DHS FY2005 appropriations bill reports.[21]

Automated Biometrics Identification System (IDENT)

In 1989, Congress authorized the INS to develop an automated fingerprint based system to identify and track aliens.[22] The system was conceived to identify those aliens who are serial border crossers and to identify criminal aliens. In 1994, Congress appropriated large sums for the INS to develop and deploy a biometric database, which grew into the IDENT system. IDENT was first deployed in the San Diego sector of the USBP; by the end of 1995 it was installed at 52 Southwest border sites; by the end of 1999 it was deployed at 408 INS sites including all USBP stations.[23]

Today, the USBP continues to use IDENT to identify and track illegal aliens. IDENT combines a photograph, two flat fingerprints, and biographical data into two databases which can be used to track repeat entrants and better identify criminal aliens. The INS settled on a two-fingerprint based system because it was deemed adequate for identification purposes and also due to concerns about the time it would take to process the thousands of aliens apprehended each day with a ten rolled fingerprint system. This has made the IDENT system difficult to integrate with criminal databases such as the FBI's Integrated Automated Fingerprint Identification System (IAFIS), which are based on a ten rolled fingerprint database (IDENT/IAFIS integration will be discussed in more detail later in this report). According to CBP,

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[19] Testimony given by Department of Homeland Security Undersecretary for Border and Transportation Security Asa Hutchinson, in U.S. Senate, Senate Commerce, Science, and Transportation Committee, *Border Security Measures*, 108th Cong., 2nd sess., June 17, 2004.

[20] U.S. Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*.

[21] U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2005*, report to accompany H.R. 4567, 108th Cong., 2nd sess., H.Rept. 108-541, pp.27-28; and U.S. Congress, Senate Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2005*, report to accompany S.Res. 2537, 108th Cong., 2nd sess., S.Rept. 108-280, p. 18.

[22] Immigration Act of 1990 (P.L. 101-649), Sec. 503 (b).

[23] U.S. Department of Justice, Office of the Inspector General, *The Rafael Resendez-Ramirez Case: A Review of the INS's Actions and the Operation of Its IDENT Automated Fingerprint Identification System*, USDOJ/OIG Special Report, Mar. 2000, Appendix B.

however, interoperable IDENT/IAFIS workstations which allow agents to search biometric criminal records have been deployed to all USBP stations.[24]

The IDENT system is administered in the field by USBP agents using a dedicated workstation that features a digital camera and an electronic fingerprint scanner. After an alien's two fingerprints, photograph, and biographical information are entered into the IDENT workstation, the system electronically sends the information to the main IDENT database at the Justice Data Center. The fingerprints are then checked against the two separate databases that form the integral part of the IDENT system: the lookout and recidivist databases. The biometric information entered into the system is first checked against the lookout database of criminal aliens. Aliens are entered into the lookout database if they are convicted of an aggravated felony, multiple crimes, or crimes of moral turpitude; are known or suspected to be narcotics, weapons, or human smugglers; or are inadmissible due to security concerns (including terrorists) or other related grounds. If the alien registers as a hit on the lookout database, USBP agents are authorized to arrest and remand them to the proper authorities.

The fingerprints are also checked against a recidivist database of aliens that have been apprehended trying to enter the country multiple times. Each time an alien is apprehended, his picture, fingerprints, and biographical information are added to the recidivist database. IDENT takes about two minutes to search both databases for an apprehended alien's fingerprints. When a potential match is determined, the IDENT terminal will display the fingerprints, photographs, and biographical information of the apprehended alien and the possible matches. The USBP agent is then responsible for determining, based on his examination of the fingerprints and photographs, whether the match is in fact correct.[25] Most aliens are apprehended up to five or seven times before they are charged with misdemeanor illegal entry. Once an alien has been charged with a misdemeanor entry, the next apprehension brings a felony entry charge.[26]

Apprehensions Statistics

Apprehensions have long been used as a performance measure by the USBP. However, the number of apprehensions may be a misleading statistic for the reasons discussed below:

Multiple Apprehensions. USBP data is limited by its focus on events (i.e., apprehensions) rather than people; thus if one unauthorized migrant is caught trying to enter the country three times in one year he would count as three apprehensions

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[24] U.S. Department of Justice, Office of the Inspector General, *The Rafael Resendez-Ramirez Case: A Review of the INS's Actions and the Operation of Its IDENT Automated Fingerprint Identification System,* USDOJ/OIG Special Report, Mar. 2000, chapter 9.

[25] U.S. Department of Justice, Office of the Inspector General, *Status of IDENT/IAFIS Integration,* USDOJ/OIG I-2003-05, p. 3.

[26] CRS Report RL32366, *Terrorist Identification, Screening, and Tracking Under Homeland Security Presidential Directive 6,* by William J. Krouse.

in the data set. The USBP has not released any data concerning how many unauthorized aliens are apprehended multiple times each year. This could mean that apprehensions statistics overstate the actual number of people trying to cross the border.

Successful Illegal Entries. There are no reliable estimates for how many aliens successfully evade capture and enter the country. Most estimates cited calculate the growth in the unauthorized migrant population in the United States; as such they cannot take into account the number of unauthorized migrants who enter the country, stay temporarily, and then leave. For example, the Bureau of Citizenship and Immigration Services (CIS) estimates that, during the 1990s, the number of unauthorized immigrants living in the United States grew by 350,000 people a year, from 3.5 million in 1990 to 7 million in 2000.[27] However, this data is limited because it is based partly based on estimates of populations which are traditionally very difficult to measure and does not take into account the movement of unauthorized immigrants between states. Since unauthorized immigrants often enter and leave the country many times, this figure, and others like it, probably understate the number of people successfully entering the country each year.

Multiple Correlations. It is impossible to gauge, solely from apprehensions data, whether increases or decreases in apprehensions are due to unauthorized migration patterns or border enforcement policies. An increase in apprehensions could be due to an increase in the number of unauthorized migrants attempting to enter the country. The same increase could also be due to increased patrolling of the border, as the additional agents make more arrests. Or it could be due to both an increase in the number of people attempting to illegally enter the country and increased patrolling. Lastly, it could be due to neither, and merely be a statistical anomaly.

Apprehensions data are thus a fairly unreliable gauge of how many people are attempting to enter the country illegally. Apprehensions data are valuable, however, in that they provide a glimpse at the trends on the ground along the border. While caution should be taken when attempting to draw conclusions about the efficacy of policy measures based solely on apprehension statistics, apprehensions nevertheless represent the best information available concerning the number of people attempting to enter the country illegally.

Southwest Border

Prevention Through Deterrence In Action

The USBP divides the Southwest border into nine operational sectors: two in California, two in Arizona, and five in Texas. Spanning from the Pacific Ocean to the Gulf of Mexico, the 1,952 mile Southwest border has long been the flash point

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[27] U.S. Department of Homeland Security, Bureau of Citizenship and Immigration Services, "Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000," Jan. 2003.

for illegal immigration into the United States: over the last seven years 97% of all illegal alien apprehensions were made along the Southwest border. DHS, in the new NS, notes that while many classify these aliens as "economic migrants," an "ever present threat exists from the potential for terrorists to employ the same smuggling and transportation networks, infrastructure, drop houses, and other support then use these masses of illegal aliens as 'cover' for a successful cross-border penetration."[28]

As previously mentioned, the perceived success of operations Gatekeeper and Hold the Line led to "Prevention Through Deterrence" being adopted as the USBP's operational strategy in the 1990s. The new Border Patrol National Strategy for the Southwest border continues to expand the Prevention Through Deterrence strategy while incorporating rapid response capabilities. Today, about 90% of USBP agents are deployed along the Southwest border with Mexico, with the majority of these agents concentrated in nine border corridors that encompass the major travel arteries in the region and account for over 80% of the illegal migrant traffic (in terms of apprehensions).[29] This deployment reflects the USBP's goal of rerouting the illegal border traffic from traditional urban routes to less populated and geographically harsher areas, providing USBP agents with a tactical advantage over illegal border crossers and smugglers.[30]

There is some evidence that border related crimes have diminished as the USBP has increased its enforcement along the Southwest border. For example, the crime rate along the Southwest border was 30% higher than the national average in 1990 but only 12% higher in 2000, with property crimes dropping 40% over the decade. The bulk of this improvement occurred in San Diego and El Paso, the most populous of the border communities. However, most border counties' crime rates did not decline as much as the national average between 1990 and 2000 and were thus actually more crime ridden relative to the rest of the country in 2000.[31] Thus, the overall reduction in crimes along the border was driven by the declining crimes in population centers. Some argue that the overall decrease in crime rates along the border is tangible proof that the "Prevention Through Deterrence" policy is achieving its goal of reducing illegal immigration.[32] Others note that the policy has merely

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[28] Department of Homeland Security, Bureau of Customs and Border Protection, "National Border Patrol Strategy," March 1, 2005, p.5.

[29] U.S. Department of Justice, Immigration and Naturalization Service, *Immigration Enforcement Estimates for Fiscal Year 2003*, pp. 78, 108.

[30] U.S. General Accounting Office, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*, GAO-04-590, June 2004, pp.10-11 and testimony of George Regan, Acting Associate Commissioner, Enforcement, Immigration and Naturalization Service, in U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration and Claims, *Combating Illegal Immigration: Progress Report*, 105th Cong., 1st sess., Apr. 23, 1997.

[31] Federal Reserve Bank of Dallas, "Falling Crime and Rising Border Enforcement: Is There a Connection?" *Southwest Economy*, May/June 2003.

[32] Jerry Seper, "14,000 Agents Needed to Patrol Mexico Border," *The Washington Times*, September 23, 2002.

shifted illegal immigration away from population centers,[33] pointing out that crime rates have increased compared to the rest of the nation in less populated areas of the border.

SW Border Apprehensions

The impact of the "Prevention Through Deterrence" strategy has been difficult to gauge. There is considerable evidence that it has made border crossing more challenging, expensive, and dangerous for illegal aliens. However, the total number of aliens apprehended increased steadily from 1994 to 2000 even as the number of personnel and resources deployed along the border more than doubled. It is possible that the increased presence of agents and resources stationed on the border led the INS to catch more unauthorized aliens, accounting for the increase in apprehensions. It is also possible that the increase in apprehensions during that period instead reflects an increase in the number of people trying to enter the country in order to benefit from the quickly growing economy of the mid to late 1990s. **Figure 2** shows the recent trends in USBP apprehensions along the Southwest border. USBP apprehensions increased steadily through the late 1990s, reaching a peak of 1.65 million in 2000. From 2000 to 2003 apprehensions have declined steadily, reaching a low of 905,065 in 2003. This reduction could be attributed to the "Prevention through Deterrence" strategy finally reaching a critical mass of enough agents and resources placed directly on the border to severely inhibit illegal migrants from entering the country. Conversely, the reduction may be the result of fewer unauthorized aliens trying to enter the country due to the economic recession and rising unemployment during this period that made finding low paying jobs increasingly difficult for illegal aliens. In FY2004, apprehensions increased by 26% to 1.15 million.

Analysis of apprehensions by Southwest border sectors reveals that the "Prevention Through Deterrence" strategy has apparently accomplished its goal of altering the points of entry used by unauthorized aliens along the Southwest border and making the journey more difficult for aliens. In **Figure 3**, USBP data show that throughout the late 1990s apprehensions decreased significantly along the California and Texas sectors, instead pushing out into the harsh conditions of the Arizona desert along the Tucson sector. Apprehensions in the Tucson sector rose dramatically in last years of the 1990s even as they declined in the traditional hot-spots of San Diego, El Paso, and McAllen. Following their peak in 2000, apprehensions in the Tucson sector declined markedly from 2001 through 2003. However, in FY2004 apprehensions in the Tucson sector exceeded the FY2002 and 2003 totals. FY2004 apprehensions in the neighboring Yuma sector of Arizona also surpassed the totals from the each of the previous two years. Some argue that the increase in apprehensions in FY2004 was due to the President's proposed amnesty plan for illegal immigrant workers, which may have given would-be immigrants an incentive to enter the country.[34] DHS maintains that the increase was due to the increase in

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[33] American Immigration Law Foundation, "Fencing in Failure," available at [http://www.ailf.org/ipc/policy_reports_2005_fencinginfailure.asp]

[34] Dinan, Stephen; "Bush 'amnesty' blamed for rise in illegals," *The Washington Times*, Apr.

(continued...)

agents assigned to line-watch duty along the Arizona border as a result of the Arizona Border Control initiative.[35] Overall, Arizona accounted for 51% of all apprehensions along the Southwest border in FY2004, and for 76% of the overall national increase in apprehensions in between FY2003 and FY2004.

Figure 2. SW Border Apprehensions by Sector

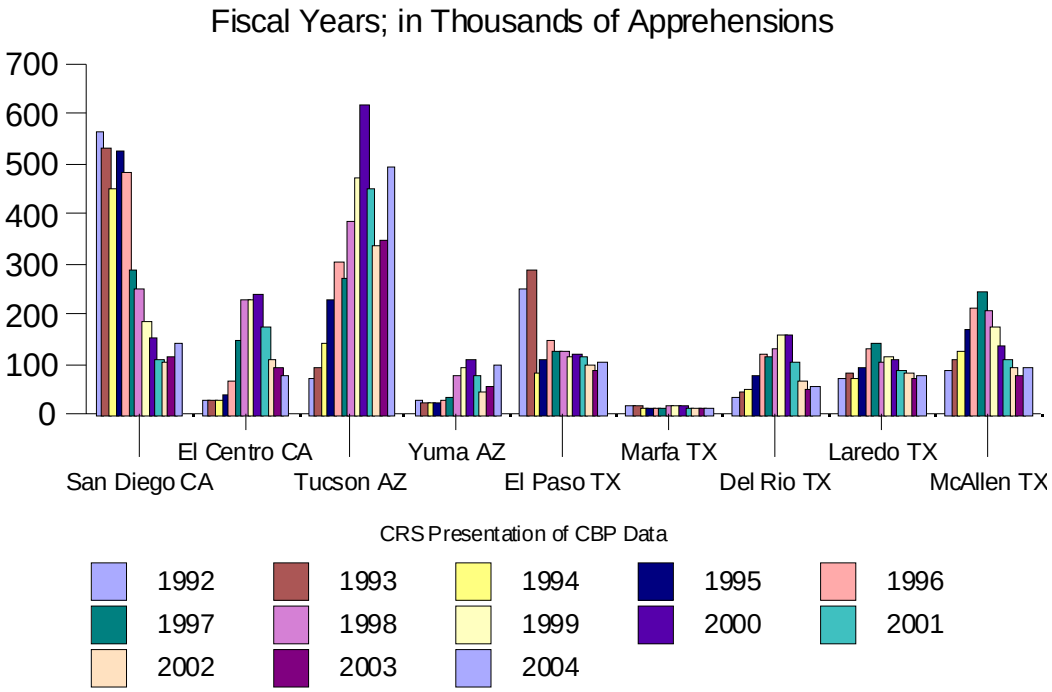

Figure 4 shows that border enforcement hours, or the number of hours that USBP agents spend directly on the border, also increased rapidly in the Tucson sector as USBP agents were reassigned to that sector in an attempt to stem the tide of illegal aliens entering through the desert corridor. Some might argue that the decline in apprehensions in the Tucson sector from FY2000 to FY2003 was due to the increase in border enforcement hours that has deterred would-be unauthorized migrants from attempting to cross the border. Others could point out that from 1997 to 2000 border enforcement hours in the Tucson sector rose dramatically but apprehensions did as well, and that the subsequent decline in apprehensions could be due to fewer unauthorized migrants attempting to cross the border because of the slowing economy within the United States. In FY2004, apprehensions increased in both the Tucson and Yuma sectors, while border enforcement hours increased in Tucson but remained stable in Yuma.

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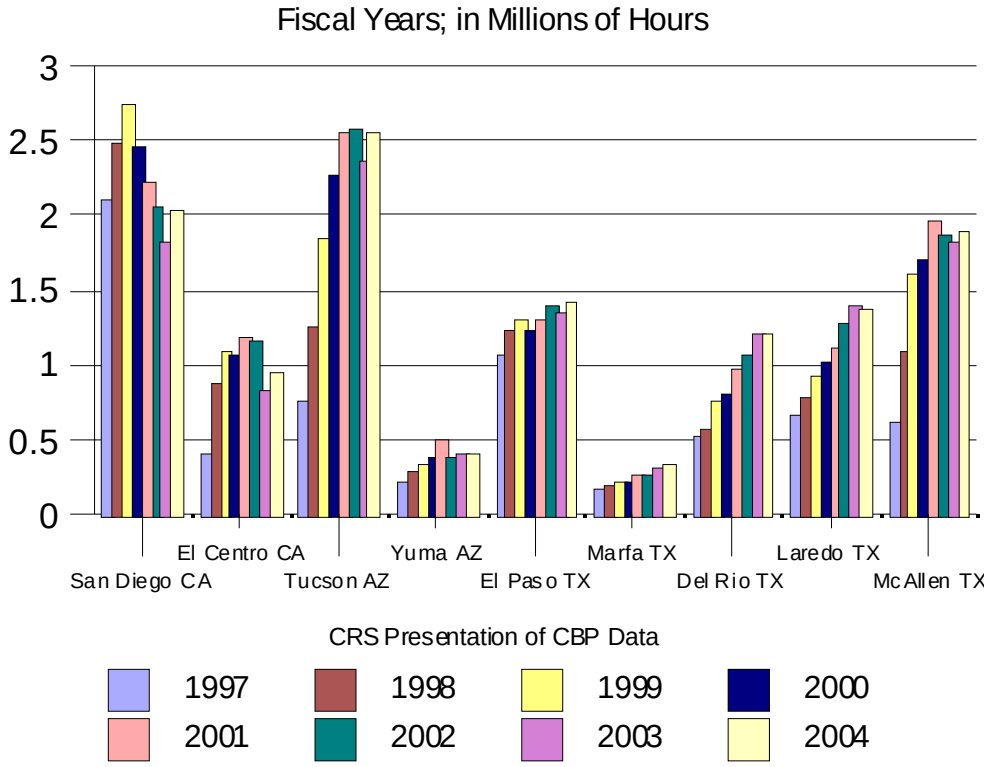
[34] (...continued)
16, 2004.

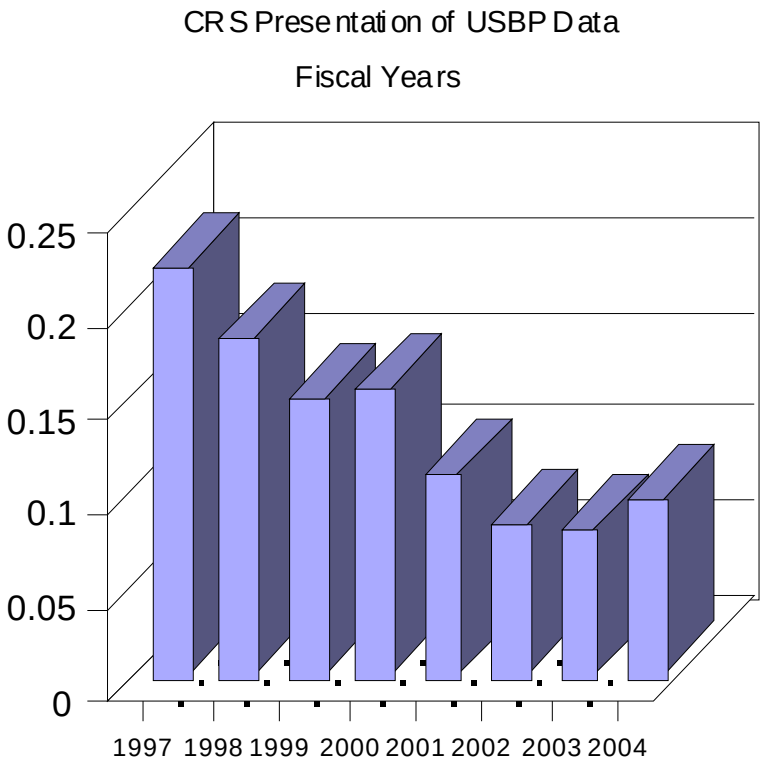
[35] Department of Homeland Security, "Fact Sheet: Arizona Border Control Initiative," available at [http://www.dhs.gov/dhspublic/display?content=4029]

Figure 3. SW Border Enforcement Hours, by Sector



To understand the relationship between the number of agents deployed along the border and the number of illegal aliens trying to enter, it may be valuable to examine the ratio of apprehensions to border enforcement hours. This ratio demonstrates the relationship between the number of unauthorized immigrants apprehended by USBP agents for every hour they spend actively patrolling the border. **Figure 5** shows that the ratio declined markedly from 1997 until 2003, suggesting that the USBP is making fewer arrests per hour of enforcement. In FY2004, the ratio increased for the first time since 2000-2001. Despite the recent increase, however, over the past four years the ratio has remained relatively constant. This may imply that the relationship between the number of agents deployed along the border and the number of people attempting to enter illegally has reached an equilibrium of some kind. However, this is by no means a statistically verifiable effect.

Figure 4. Ratio: SW Border Enforcement Hours to Apprehension



Arizona Border Control (ABC) Initiative

Operation Safeguard was launched in 1994 as part of the "Prevention Through Deterrence" strategy. Safeguard's goal was to reduce unauthorized migration in the heavily populated areas of Arizona near the Nogales point of entry in the Tucson sector. As part of the operation, from 1994 to 1999 the number of USBP agents deployed to the Tucson sector more than tripled from 300 to over 1,000. However, apprehensions increased significantly in the Tucson sector during the late 1990s (see **Figure 3**) as unauthorized migrant traffic patterns shifted away from the San Diego and El Paso sectors and into the Arizona desert. In response to the rapidly increasing apprehensions, Operation Safeguard was significantly expanded as part of Phase II of the NSP in 1999, with the Tucson sector receiving 350 additional agents, miles of fencing, and improvements to its border access roads.[36] Even with the additional resources provided by the expansion of Operation Safeguard, the Tucson sector has experienced the highest levels of illegal migrant traffic in the nation over the past five years. Additionally, the Yuma sector has experienced a surge in unauthorized migration during that time period.

In response to the continuing high levels of apprehensions in the Tucson sector, the Arizona Border Control (ABC) initiative was launched on March 16, 2004. ABC

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[36] American Immigration Law Center, INS Fact Sheet Template, "INS Southwest Border Strategy," May 1, 1999, at [http://www.ailc.com/publicaffairs/factsheets/BPOps.htm].

is a multi-disciplinary initiative that seeks to coordinate federal, state, and local authorities to control the Arizona border. ABC is specifically aimed at stopping cross-border smuggling operations by detecting, arresting, and deterring all groups seeking to bring people, drugs, weapons, and other merchandise into the country illegally. In order to execute this mission, 200 additional permanent border patrol agents and 60 special operations agents trained for search and rescue operations will be assigned to the Tucson sector over the summer of 2004, bringing the total number of agents there to approximately 2,000. Additionally, two Unmanned Aerial Vehicles[37] (UAV) and four additional helicopters have been deployed to the Arizona border.[38] While ABC was an administrative initiative, Congress has expressed strong support for the initiative through the appropriations process.[39]

According to congressional testimony given by DHS Undersecretary Asa Hutchinson, in the five months the ABC initiative has been operational it has resulted in the apprehension of 203,460 unauthorized aliens, has uncovered 225 drop houses[40] both on the border and in the cities of Phoenix and Tucson, and has led to the prosecution of 2,067 felony and misdemeanor cases. As part of the ABC initiative, USBP agents have confiscated more than 180,000 pounds of marijuana, 1,447 pounds of cocaine, and 1,037 ounces of heroin. USBP agents have also participated in more than 70 rescue operations and assisted 287 individuals.[41]

Border Safety Initiative

As noted earlier, the "Prevention Through Deterrence" strategy has pushed unauthorized migration away from population centers and funneled it into more remote and hazardous border regions. This policy has had the unintended consequence of increasing the number of fatalities along the border, as unauthorized migrants attempt to cross over the inhospitable Arizona desert without adequate supplies of water. In June 1998 the USBP launched the Border Safety Initiative (BSI) in part to address concerns about the increasing number of migrant deaths along the border.

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[37] For an expanded discussion of UAVs and border security, please refer to CRS Report RS21698, *Homeland Security: Unmanned Aerial Vehicles and Border Surveillance*, by Christopher Bolkcom.

[38] U.S. Immigrations and Customs Enforcement, *Fact Sheet: Arizona Border Control Initiative*, [http://www.ice.gov/graphics/news/factsheets/bordercontrolfs_031604.htm].

[39] U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2005*, report to accompany H.R. 4567, 108th Cong., 2nd sess., H.Rept. 108-541, p. 19.

[40] Drop houses are apartments or houses on the American side of the border used by alien smugglers to temporarily hold unauthorized aliens while they await transportation from the border region into the interior of the United States.

[41] Testimony of Department of Homeland Security Undersecretary for Border and Transportation Security Asa Hutchinson, in U.S. Congress, Senate Commerce, Science, and Transportation Committee, *Border Security Measures*, 108th Cong., 2nd sess., June 17, 2004.

BSI is a binational campaign focused on decreasing the dangers involved in crossing the hazardous Southwest border. As part of BSI, the USBP releases television and radio advertisements and distributes posters educating would-be unauthorized aliens about the dangers involved with crossing the border. The USBP also maintains water stations in the desert and deploys specialized rescue teams to save distressed aliens. Additionally, the USBP has trained over 1,320 Mexican firefighters and law enforcement personnel in sophisticated search and rescue techniques and cooperates with the Mexican government to disrupt smuggling routes.[42]

BSI is comprised of four main elements: prevention, search and rescue, identification, and tracking and recording. The prevention piece stresses cooperation with Mexican authorities in order to identify the most dangerous crossing areas along the border and discourage illegal crossings there; it also includes setting up water stations and rescue beacons in the desert and posting warning signs at border crossings. The search and rescue aspect focuses on deploying rescue teams to those areas along the border where the terrain and dangers involved with the crossing may lead illegal migrants to become lost or incapacitated. The identification piece involves establishing procedures and resources to help officials on both sides of the border identify those migrants who died attempting to cross the border; in 1999 36% of the 369 migrants who died attempting to cross into the United States were unidentified. And lastly, the USBP maintains an Incident Tracking System to collect and maintain BSI-related data.[43]

Border Patrol Search, Trauma, and Rescue (BORSTAR) teams form an important part of BSI. The teams are composed of agents who volunteer to undergo a highly specialized and rigorous training regimen that includes physical fitness, emergency medical skills, technical rescue, navigation, communication, swift-water rescue, and air operation rescues. BORSTAR's primary mission is to respond to all incidents involving distressed people along the border. While the individuals rescued are typically illegal aliens, BORSTAR teams have also rescued American citizens who reside along the border as well as USBP agents. The types of rescues attempted by BORSTAR teams vary depending on the geography, climate, and the time of year; they can be as simple as locating victims and providing them with water, and as complex as rappelling into remote canyons to assist victims and extract them by helicopter. In the almost three years the initiative has been operational, USBP agents have rescued 3,977 people along the Southwest border. There are currently nine BORSTAR teams comprised of 141 specially trained USBP agents.[44]

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[42] U.S. Department of Homeland Security, Bureau of Customs and Border Protection, "US Customs and Border Protection Announces Border Safety Initiative Aimed at Preventing Migrant Deaths," press release, May 6, 2004.

[43] The American Immigration Law Center, "Border Safety Initiative," Feb. 25, 2003, at [http://www.ailc.com/shared/lawenfor/bpatrol/bsi.htm].

[44] From USBP data provided by CBP Congressional Affairs.

Interior Repatriation Program

In 1996, Congress authorized the then INS to create an Interior Repatriation program to return apprehended unauthorized Mexican aliens to the interior of the country as part of the Antiterrorism and Effective Death Penalty Act (P.L. 104-132; sec. 437). Eight years later, on June 9, 2004, the White House announced it had reached agreement with the Mexican government to begin implementing the Interior Repatriation Program. The Interior Repatriation pilot program is a departure from the current practice of returning aliens to the Mexican side of the border, and aims to reduce the number of aliens who immediately try to cross back into the United States. Due to constitutional constraints in Mexico, the apprehended aliens' return to the interior must be strictly voluntary and the willingness of their participation will be certified by Mexican consular officers.[45] The program ran through September 2004 and was estimated to cost $13 million, which covered airfare to Mexico City or Guadalajara and bus transport from there to the aliens' hometowns. [46] The first repatriation flight landed on July 12, 2004, in Guadalajara and had 138 migrants on board.[47] According to published reports, there have been two flights daily since that have returned 2,566 Mexicans back to their hometowns.[48] It remains to be seen whether this program will reduce the recidivism rate of the illegal aliens returned to Mexico. DHS has requested $39 million to fund this program in FY2006 within the ICE appropriation.[49]

Northern Border

U.S.-Canadian Cooperation

Before September 11, the United States prided itself on having the longest open border in the world: the Northern border with Canada, spanning 12 states and over 4,000 miles.[50] Today, Americans as well as Canadians have come to understand that open borders are rare precisely because they are a luxury. Given the ever present

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[45] U.S. Department of Homeland Security, Bureau of Customs and Border Protection, Office of the Press Secretary, "Department of Homeland Security to Begin Pilot Program for Voluntary Interior Repatriation of Mexican Nationals," press release, June 29, 2004.

[46] Ricardo Alonso-Zaldivar, "U.S., Mexico OK Deportation by Air; Illegal migrants caught in Arizona could agree to return to their hometowns in the interior instead of just recrossing the border," *The Los Angeles Times*, June 9, 2004, p. A11.

[47] Chris Kraul, "Unauthorized aliens Receive a One-Way Ticket to Mexico," *The Los Angeles Times*, July 13, 2004, p. A1.

[48] Arthur H. Rotstein, "Feds Fly 2,500 Back to Mexico," *The Associated Press*, July 26, 2004.

[49] For more information on DHS appropriations, please refer to CRS Report RL32863, *Homeland Security Department: FY2006 Appropriations*, coordinated by Jennifer Lake and Blas Nuñez-Neto.

[50] This does not include the 1,500 mile border with Alaska. The USBP does not patrol the Canada-Alaska border.

threat of terrorism, officials in both countries have noted that cooperation between American and Canadian authorities at the border has become more important than ever.[51] As a result of this, in December 2001 Director of Homeland Security Tom Ridge and Canadian Minister of Foreign Affairs John Manley signed "The Smart Border Declaration," a 30 point action plan designed among other things to coordinate law enforcement operations, enhance intelligence sharing, improve the border infrastructure, coordinate visa policy, and create compatible immigration databases. One year after the declaration, Ridge and Manley highlighted the progress made by emphasizing the opening of Free and Secure Trade (FAST) lanes to speed legitimate commerce across the border and the creation of two new binational Integrated Border Enforcement Teams (IBET). Significant progress has also been made vis-a-vis increasing the compatibility of immigration databases and biometric standards, as well as the sharing of data and intelligence.[52]

The USBP's new Northern border strategy focuses on safeguarding national security by preventing the entry of terrorists and reducing cross-border crime and smuggling. In order to accomplish this, the USBP places emphasis on cooperation with other government and Canadian authorities and the use of enhanced intelligence gathering through the deployment of technology and equipment such as cameras and remote sensors. The goal of these activities is to identify threat areas and the resources required to mitigate the threats. Improving the mobility of agents in order to respond rapidly to identified threats is key to the new Northern border strategy.[53]

This difference in strategy, compared to the Southwest border, is due to the enormity of the Northern border, its varied and challenging geography, and the general lack of large American population centers along the border.[54] Additionally, the emphasis on intelligence and cooperation with Canada reflects the concern that terrorists may attempt to infiltrate the United States along the sparsely defended Northern border. In their report, the 9/11 Commission notes that prior to the terrorist attacks the Northern border received very little attention from Congress or the White House "[d]espite examples of terrorists entering from Canada, awareness of terrorist activity in Canada and its more lenient immigration laws."[55]

In the last three years, the USBP has ramped up its enforcement along the Northern border. By July 10, 2004, there were 983 agents on duty along the border

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[51] For an expanded discussion of northern border security issues, please refer to CRS Report RS21258, *Border Security: U.S.-Canada Immigration Border Issues*, by Lisa Seghetti.

[52] Deborah Waller Meyers; *Does 'Smarter' Lead to Safer? An Assessment of the Border Accords with Canada and Mexico*, Migration Policy Institute, June 2003, pp. 3-6.

[53] Department of Homeland Security, Bureau of Customs and Border Protection, "National Border Patrol Strategy," Mar. 1, 2005, p.17.

[54] U.S. Department of Justice, Office of the Inspector General, *Follow up Report on Border Patrol's Efforts to Improve Northern Border Security*, OIG Report No. I-2002-004, Feb. 2002.

[55] The 9/11 Commission Report, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, U.S. Government Printing Office, July 2004, p. 81.

with Canada,[56] fulfilling the pledge that CBP Commissioner Robert Bonner issued on July 2, 2003, to bring the total number of agents to approximately 1,000 by the end of the calendar year.[57] This has almost tripled the 340 agents on duty at the Northern border before September 11. However, the Northern border still accounts for less than 10% of the overall USBP agent manpower.

Integrated Border Enforcement Teams (IBET)

The IBET program focuses on sharing intelligence and enforcement resources between American and Canadian agencies along the Northern border in order to address terrorism and identify, interdict, and apprehend persons who pose a threat to national security or who engage in other cross-border criminal activity. In order to accomplish this goal, the USBP collaborates with the Royal Canadian Mounted Police (RCMP), Citizenship and Immigration Canada, and Canada Customs and Revenue Agency as well as other American agencies involved such as the Bureau of Immigration and Customs Enforcement (ICE) and the Coast Guard. IBET's mission is focused on three mutually agreed upon priorities: (1) national security, (2) organized crime, and (3) other cross-border illegal activity.[58]

IBET divides the U.S.-Canada border into 14 geographic regions, establishing international Joint Management Teams (JMT) in each region. These JMTs are comprised of senior agents from each participating Canadian and American agency and focus on sharing intelligence and information. The JMT's are responsible for determining regional operational priorities; developing local operational plans and practices; establishing local joint intelligence committees to expedite the sharing of information; reviewing and assessing operational effectiveness; and reporting to the national IBET Coordination Team. Additionally, a permanent Border Patrol Agent position has been assigned to RCMP headquarters in Ottawa, Canada to serve as a liaison between the agencies.[59]

Northern Border Apprehensions

The Congressional Research Service analysis of USBP data reveals that apprehensions along the Northern border have remained relatively stable throughout the past five years. While the data in **Figure 6** shows a slight dip in 2002, it is not as dramatic as the decline along the Southwest border. Border enforcement hours along the Northern border (**Figure 7**), by contrast, increased slightly from 1997 to 2001 and then more than doubled over the next three years. This reflects the increased emphasis on securing the Northern border that grew out of the terrorist

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[56] USBP data provided by CBP Congressional Affairs

[57] U.S. Department of State, "Agents Added to U.S. Canada Border to Enhance Homeland Security," press release, July 3, 2003.

[58] U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *America's Response to Terrorism: Use of Immigration-Related Tools to Fight Terrorism*, Prepared Statement of Jayson P. Ahern, Assistant Commissioner of Field Operations, Bureau of Customs and Border Protection, May 8, 2003.

[59] Information provided by CBP Congressional Affairs.

attacks of September 11. Interestingly, apprehensions along the Northern border over the last three years have remained relatively stable even as border enforcement hours doubled over that time period. The tripling of the amount of agents assigned to patrol the Northern border since 9/11 has had no discernible impact on the number of apprehensions along the border with Canada. This is perhaps indicative of the fact that unauthorized migration is not as pressing a concern along the Northern border as it is along the Southwest border. Instead, the main concern along the Northern border continues to be its vulnerability to terrorist infiltration due to its length and, compared to the Southwest border, lack of enforcement resources.

Figure 5, Northern Border Apprehensions

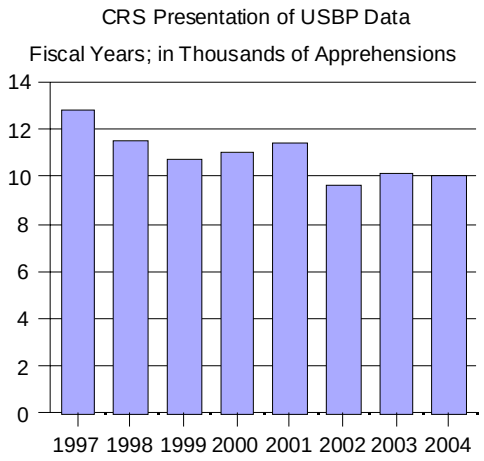
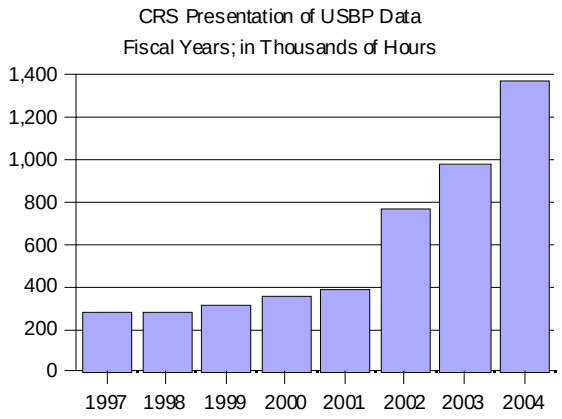


Figure 6. Northern Border Enforcement Hours



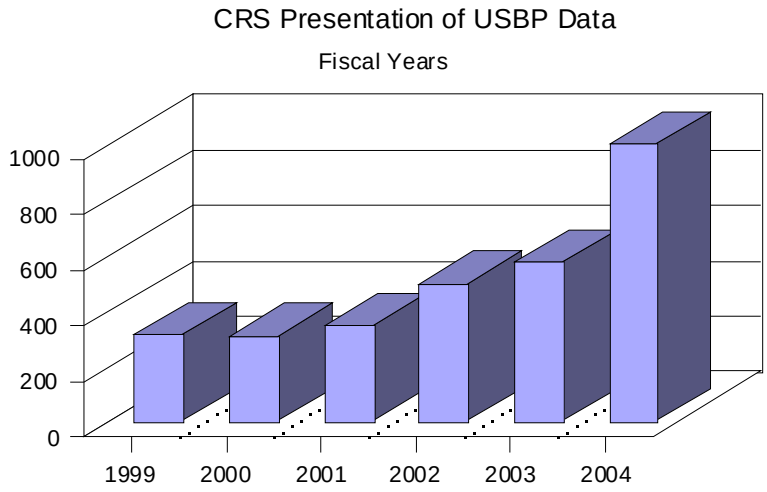
Northern Border Manpower

The Department of Justice's Office of the Inspector General (OIG) criticized the USBP's Northern border practices in a 2000 report. OIG concluded that the allocation of manpower and technological resources to the Northern border was insufficient, that the USBP had no reliable means of gauging the level of illegal activity along the border, and that the USBP was unable to adequately respond to the illegal activity it was able to identify [60]. In February of 2002, the OIG released a follow-up report concluding that post 9/11, the USBP had taken strides towards addressing the deficiencies along Northern border but was still drastically understaffed and unable to adequately perform its duties. Specifically, the OIG opined that the enhanced cooperation between the United States and Canada reflected by the IBET program and the increases in technology such as sensor systems, night vision devices, computer systems, and vehicles, were significant improvements over the previous report. However, the OIG also pointed out that many USBP stations were still unable to operate 24 hours a day and that the communications system was still inadequate. The USA PATRIOT Act of 2001 (P.L. 107-56) authorized appropriations to triple the number of USBP agents and increase and improve the monitoring technology along the Northern border. **Figure 8** demonstrates that the

[60] U.S. Department of Justice, Office of the Inspector General, *Follow up Report on Border Patrol's Efforts to Improve Northern Border Security*, OIG Report No. I-2002-004, Feb. 2002.

USBP has significantly increased the number of agents deployed to the Northern border in response to the OIG criticism and congressional concerns, from 340 agents deployed in FY2001 to 983 as of July 10, 2004. This would seem to address the OIG reports largest and most pressing criticism as well as Congress' main concerns. The new National Strategy formulates a distinct plan for patrolling the Northern border that focuses on intelligence, the use of technology, and the ability to deploy agents rapidly to meet emerging threats.

Figure 7. Northern Border Agents and Pilots



USBP Issues for Congress

9/11 Report and the Northern Border

The *9/11 Commission Report* focuses its criticism of the USBP on its lack of a coherent policy regarding the Northern border. The report notes that Congress, with President Clinton's support, doubled the number of USBP agents along the Southwest border by 1999 while rejecting efforts to increase the number of agents and resources along the Northern border. The commission demonstrates these differences in priorities by stating that in 1999, there was one USBP agent for every quarter mile of the Southwest border compared to one agent for every 13.25 miles of the Northern border. The 9/11 report points out that this lack of balance in manpower between the patrolling of the borders was due to Congress and the INS' focus on unauthorized immigration as opposed to potential terrorist threats. According to the commission, securing the Northern border was not a priority despite evidence that terrorists had entered the United States from Canada, awareness that terrorist activity existed in Canada perhaps due to its more lenient immigration laws, and the previously mentioned OIG report, which criticized the USBP for not having a coherent Northern border strategy. The new National Border Patrol Strategy includes a strategic focus particular to the Northern border, seemingly addressing some of the OIG report's concerns.

According to the 9/11 report, the only positive step taken during the late 1990s and 2000 was that the number of USBP agents along the Northern border was not cut any further.[61] As noted above, however since 9/11, the number of agents deployed along the Northern border has increased from 340 in FY2001 to 983 as of July 10, 2004. This has closed the manpower gap between the two borders somewhat, resulting in one agent for every 4.23 miles of the Northern border, compared to one agent for every .20 miles of the Southwestern border. A possible issue for Congress is whether the increased numbers of USBP agents and resources deployed along the Northern border adequately address the 9/11 Commission's criticisms and are enough to effectively detect, apprehend, and deter potential terrorists from entering the United States across this border.

Terrorist Screening and USBP Access to Watch Lists[62]

Federal agencies have maintained watch lists in order to prevent "undesirable" aliens, including known and suspected terrorists, from entering the country. 9/11 brought about widespread changes in the way the federal government processes terrorist threat information, including the establishment of the Terrorist Screening Center (TSC). The TSC is staffed by officials from the FBI and DHS, and in effect acts as a clearinghouse of information on known and suspected terrorists. The TSC's chief mission is the consolidation of terrorist watch lists into a standalone terrorist screening database. Federal agencies have access to the TSC database through a variety of different systems. CBP inspectors have access to the consolidated terrorist watch list through the Interagency Border Inspection System (IBIS), which was developed to process travelers entering the country through points of entry. However, it appears that in most cases USBP agents do not have access to IBIS. IDENT, the main database used by the USBP, is not linked to the TSC or to IBIS. This means that, in some cases, apprehended aliens could be released on their own recognizance into the United States without being checked against the TSC's consolidated terrorist watch list. This lack of immediate access may be of concern due to recent Congressional testimony by DHS acting Secretary Admiral James Loy that Al-Qaeda is considering infiltrating the Southwest border due to a belief that "illegal entry is more advantageous than legal entry for operational security reasons."[63] A possible issue for Congress is whether the USBP's apparent lack of real-time access to the TSC's terrorist watch list presents a weakness in U.S. border security that must be addressed. If so, Congress might consider what steps need to be taken to ensure that all apprehended aliens are checked against the TSC watch list.

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[61] The 9/11 Commission Report, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, U.S. Government Printing Office, July 2004, pp. 80-81.

[62] For an expanded discussion of terrorist screening, please refer to CRS Report RL32366, *Terrorist Identification, Screening, and Tracking Under Homeland Security Presidential Directive 6*, by William J. Krouse.

[63] U.S. Congress, Senate Select Committee on Intelligence, *National Security Threats to the United States*, 109th Cong. 1st Sess., Feb. 16, 2005.

Migrant Deaths

Migrant deaths along the border is an issue that gained national prominence when 19 migrant workers were found dead in an airless truck trailer in Texas in May, 2003[64] and 11 migrant workers were discovered dead in a railway car in Iowa in October 2002.[65] Unfortunately, the accurate collection of data concerning unauthorized migrant deaths at the border has remained challenging due to the large number of different federal, state, and local jurisdictions involved. Additionally, most data available do not include information from the Mexican side of the border and therefore most likely undercounts the number of fatalities. The USBP did not begin formally collecting information on migrant deaths until 1998. Prior to 1998, the best data available originated from the University of Houston's Center for Immigration Research (CIR). CIR compiled data on unauthorized migrant deaths along the Southwest border from local medical investigators' and examiners' offices in California, Arizona, New Mexico, and Texas between 1985 and 1998. CIR data (**Figure 9**) show that deaths decreased steadily from a high of 344 in 1988 to a low of 171 in 1994. With the advent of the "Prevention Through Deterrence" strategy in 1995, migrant deaths appear to have increased rapidly, with USBP data (**Figure 10**) showing a peak of 383 in 2000. While migrant deaths decreased to 340 from 2000 to 2003, the 11% reduction in deaths is actually markedly less than the 44% decline in apprehensions over the same period. Thus, the overall mortality rate (or, the number of deaths per attempted border crossing) seems to have increased despite the overall reduction in deaths. This evidence suggests that border crossings have become more hazardous since the "Prevention through Deterrence" policy went into effect in 1995, resulting in an increase in illegal migrant deaths along the Southwest border. The USBP has drawn criticism from human rights activists who claim that the agency's migrant death count understates the number of fatalities. Some contend that the USBP undercounts fatalities by excluding skeletal remains, victims in car accidents, and corpses discovered by other agencies or local law enforcement officers.[66] Others point to inconsistencies in how the agency counts migrant deaths, with some sectors counting smugglers and guides who perish, but others excluding them, even though official USBP policy is to include all deaths in the 43 counties within a 100 miles of the U.S.-Mexico border.[67] USBP officials counter that local law enforcement agencies often do not inform the USBP when they encounter dead migrants, and that deaths that occur outside the 100 mile belt or on the Mexican side of the border are outside their operational purview.[68]

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[64] Juan A. Lozano, "Migrant Toll Hits 19 in Texas Case; 2nd Truck Found," *The Associated Press*, May 17, 2003.

[65] Amy Lorentzen, "Eleven Found in Rail Car Among Thousands of Trespassers Causing Security Concerns," *The Associated Press*, Oct. 16, 2002.

[66] For example, see [http://www.stopgatekeeper.org/English/bonner-040604.htm].

[67] For example, see [http://www.uh.edu/cir/Deaths_during_migration.pdf].

[68] Andrea Almond, "How Best to Count Border Deaths?" *The Associated Press*, Nov. 7, 2004.

Figure 8. Migrant Deaths Along the Border, Center for Immigration Research Data

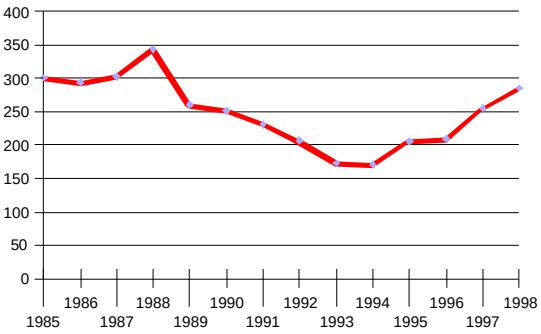


Figure 9. Migrant Deaths Along the Border, USBP Data

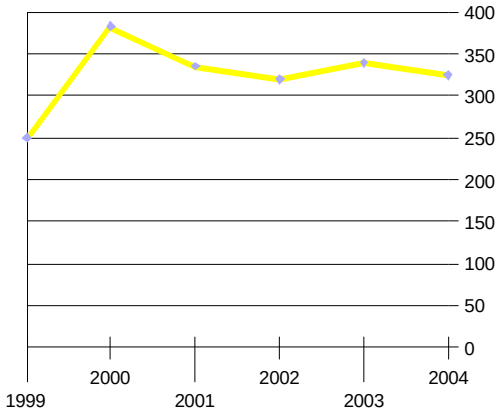
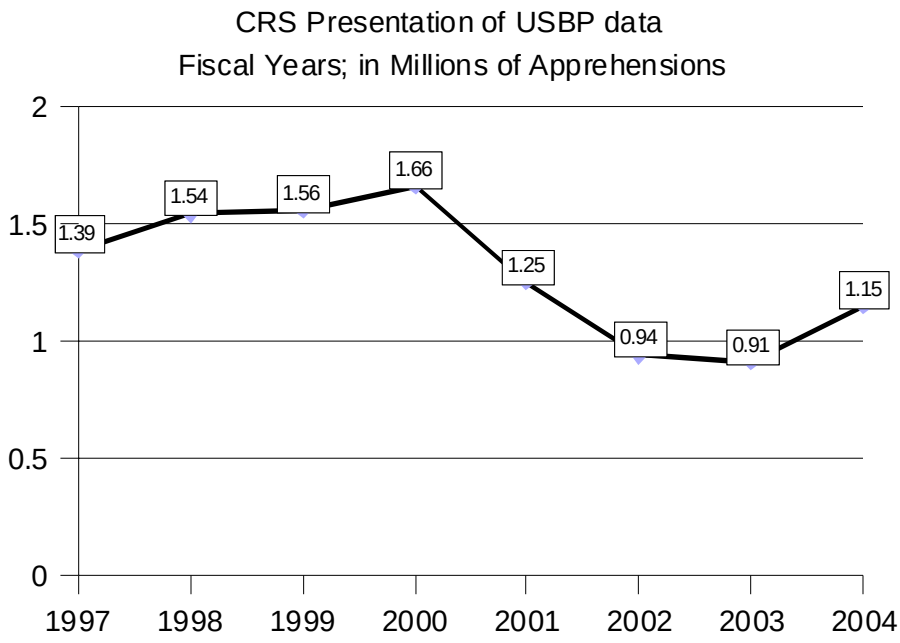


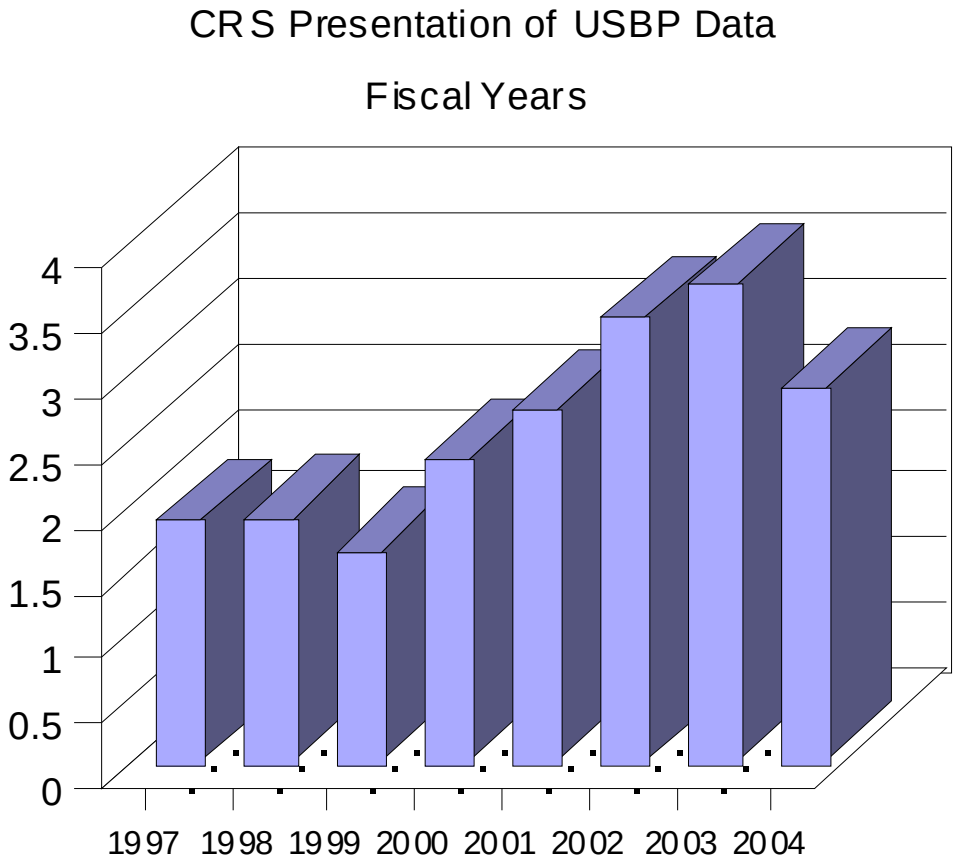
Figure 10. SW Border Apprehensions



The ratio between migrant deaths and apprehensions shows how many unauthorized immigrant fatalities there are for every apprehension made by a USBP agent along the Southwest border. **Figure 11** shows that the mortality rate per apprehension more than doubled in five years, from 1.6 deaths per 10,000 apprehensions in 1999 to 3.7 deaths per 10,000 apprehensions in 2003. The mortality rate declined to 2.8 deaths per 10,000 apprehensions in 2004, however. The USBP has taken several steps to address this problem in recent years, including the previously discussed Border Safety Initiative and the specialized BORSTAR search and rescue teams. In order to continue addressing this issue, the USBP announced in May 2003 that it would add 150 agents to line-duty in the Tucson sector, place 20 rescue beacons in the desert, and enhance cooperation with Mexican border

authorities.[69] Additionally, as previously mentioned, part of the Arizona Border Control initiative involves the deployment of 60 additional BORSTAR agents to the region. At possible issue for Congress is whether the steps taken by the USBP are an adequate response to the problem of migrant deaths and injuries along the border.

Figure 11. Ratio: Migrant Deaths per 10,000 Apprehensions



Human Smuggling

A related policy issue concerns the existence and growth of human smuggling rings. While DHS' Bureau of Immigrations and Customs Enforcement (ICE) is the lead federal agency in human smuggling investigations, the USBP, due to its law enforcement presence directly on the border, plays an important role in interdicting smugglers as they attempt to transport migrants into the United States. As previously mentioned, the USBP policy of Prevention Through Deterrence has shifted unauthorized migration patterns away from large population centers and into the inhospitable Arizona desert. There is some evidence that this phenomenon has led to the creation and expansion of organized smuggling rings that smuggle unauthorized aliens across the border and well into the interior of the country. An example of this is the fact that fees charged by "coyotes,"the smugglers that guide

[69] U.S. Department of State, "U.S. Campaign on Mexican border Aims to Prevent Migrant Deaths," press release, June 4, 2003.

unauthorized aliens across the border and transport them to safe houses, have doubled or tripled since 1995 as the border crossings have become more challenging and dangerous.[70]

Many policy makers are troubled by the apparent increase in the number of organized cartels ferrying people into the country illegally. Some argue, however, that there has been an unprecedented level of cooperation between the U.S. and Mexican border authorities around these smuggling rings. For example, 27 alleged smugglers were arrested in Mexico in a Mexican government-orchestrated sting operation in May of 2003.[71] Others note these arrests represent a small portion of the overall number of smugglers and that these cartels present a serious and ongoing security risk. The 9/11 Commission voiced strong concerns that terrorists use these human smuggling networks to cross borders in order to evade detection at official points of entry.[72] Possible issues for Congress include whether the USBP policy of "Prevention Through Deterrence" has in fact contributed to the growth of human smuggling organizations by making entry into the country more challenging; whether enough USBP resources are being devoted to the interdiction of human smugglers at the border; or whether more CBP resources should be concentrated on intelligence and interior enforcement to better target human smuggling organizations.

Drug Smuggling

According to congressional testimony by CBP Commissioner Robert Bonner, USBP agents seized a record amount of narcotics between points of entry in 2003. That record breaking haul amounted to over 1.3 million pounds of narcotics; preliminary totals from 2004 show that the USBP is on pace to match or exceed that total this year.[73] Marijuana accounts for the majority of the total amount seized by USBP agents, with cocaine and heroin coming in second and third.[74] Marijuana smuggling occurs along both the Northern and the Southwest border, although Canadian marijuana appears to be a more potent strain which is higher in tetrahydrocannabinol (THC) content. THC is the ingredient in marijuana that affects its potency. Today's Canadian marijuana can achieve potencies of nearly 30% THC,

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[70] Wayne Cornelius, *Death at the Border: The Efficacy and "Unintended" Consequences of U.S. Immigration Control Policy, 1993-2000*, University of California-San Diego, Nov. 2000, p. 10.

[71] Hugh Dellios, "Fatal Trips Bring Heat to 'Coyotes'; Migrants' Deaths Trigger Roundup of Smuggling Suspects in Mexico," *The Chicago Tribune*, June 5 2003.

[72] The 9/11 Commission Report, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, U.S. Government Printing Office, July 2004, p. 384.

[73] Testimony of CBP Commissioner Robert Bonner, in U.S. Congress, House Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security, *Joint Hearing on Homeland Security Counternarcotics Mission*, hearings, 108th Cong. 2nd sess., July 22, 2004.

[74] U.S. Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*, p. 44.

compared to 7% to 14% as little as 10 years ago.[75] However, the Southwest border continues to account for the majority of illegal narcotics entering the country, with the Office of National Drug Control Policy estimating that 65% of the illegal drugs sold in the United States entered the country from Mexico.[76] While the smuggling of illegal narcotics continues to be a serious problem at the borders, as prescription drug prices have increased in the United States there has been a growing trend to smuggle prescription pharmaceuticals into the country from both Canada and Mexico. Possible issues for Congress include whether enough USBP resources are being devoted to controlling the smuggling of drugs into the United States between points of entry.

Interior Enforcement[77]

The USBP's authority to conduct sweeps for unauthorized aliens in the interior of the country has recently come under scrutiny.[78] In June of 2004, USBP agents from the Temecula unit arrested over 300 immigrants in the Ontario, Corona, and Escondido areas of California. DHS Undersecretary for BTS Asa Hutchinson noted that these particular sweeps violated DHS policy because they were not authorized in Washington, DC, but that the sweeps in general were legal and may be repeated in the future.[79] The *U.S. Code* states that immigration officers, as designated by federal regulations, are entitled to board and search all vessels "within a reasonable distance" of the border, and to have access to private land, but not buildings, within 25 miles of the border.[80] Federal regulations confer these powers on USBP agents and define reasonable distance from the border as 100 air miles, but also allow USBP district directors the ability to petition the Commissioner in special circumstances to extend reasonable distance.[81] Additionally, federal regulations state that USBP agents have the right to interrogate suspected illegal aliens anywhere inside or outside the United States.[82]

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[75] U.S. Department of Justice's U.S. Customs Today, "Quebec Gold: the other Canadian marijuana," May 2003.

[76] U.S. Office of Drug Control Policy, Southwest Border High Intensity Drug Trafficking Area, at [http://www.whitehousedrugpolicy.gov/hidta/frames_sw.html].

[77] For a more detailed discussion of the legal framework for USBP inland enforcement, please refer to CRS Report RL32399, *Border Security: Inspections, Practices, Policies, and Issues*, by Ruth Ellen Wasem, pp. 3-4.

[78] The USBP's statutory authority for border enforcement powers are stipulated in Title 8 of the U.S. Code [8 U.S.C. §1357 (a)] and section 287 of the Immigration and Nationalization Act (P.L.82-414) . Additionally, their enforcement authority is federal regulations (8 C.F.R. §287.5).

[79] Claire Vitucci, "Immigrant Sweep Was Not Ok'd // But a Top Official Says the Practice Is Legal, Could Be Used Inland Again," *The Press-Enterprise*, June 26, 2004.

[80] 8 USCS §1357 (a)(3).

[81] 8 CFR 287.1 (a)(1-3).

[82] 8 CFR 287.5 (a)(1-2).

On November 16, 2004, ICE and CBP signed a memorandum of understanding which delineates the interior enforcement duties of the USBP and ICE and aims to strengthen the communication between the two agencies. The new USBP National Strategy notes that USBP agents will be deployed to interior locations "where there is a direct nexus to border control operations, such as transportation hubs, airports, and bus stations to confront routes of egress for terrorists, smugglers, and illegal aliens."[83] A possible issue for Congress is whether the USBP should have a role in interior enforcement, and if so, how far that role should extend. Some might argue that USBP resources would be more effectively deployed solely along the border, and that USBP interior enforcement efforts duplicate the efforts of other agencies such as ICE. Others might note that the USBP is uniquely situated to provide an interior enforcement function because it has intimate knowledge of illegal immigration activity and trends, and that it can deploy uniformed law enforcement officers much more rapidly than other agencies.

Integration of IDENT/IAFIS Law Enforcement Databases

The CBP, and the INS and Department of Justice before it, has been repeatedly criticized by the Office of the Inspector General (OIG) for problems with its implementation of the IDENT system and for its lack of compatibility with the FBI's IAFIS system. IAFIS is an automated 10 rolled fingerprint matching system linked to a database that holds over 40 million records, including wanted persons, stolen vehicles, deported felons, gang members, and terrorists.[84] Integration of the two systems is widely regarded as a vital component of tightening border security, as it would allow CBP inspectors and USBP agents to access the FBI's criminal database in order to establish whether apprehended aliens have outstanding warrants or criminal histories. However, integration has proved difficult for various technical and organizational reasons.

The most pressing technical issue, according to an OIG report,[85] is related to the lower quality of fingerprint images in the IDENT system, with 20% to 30% of IDENT fingerprints being unacceptable in late 2003. Other technical issues identified by the OIG report relate to the US-VISIT program,[86] whose development has siphoned off some of the DHS staff working on the IDENT/IAFIS integration

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[83] U.S. Department of Homeland Security, Bureau of Customs and Border Protection, "National Border Patrol Strategy," March 2005, p.13.

[84] U.S. Department of Justice, Office of the Inspector General, *The Rafael Resendez-Ramirez Case: A Review of the INS's Actions and the Operation of Its IDENT Automated Fingerprint Identification System*, USDOJ/OIG Special Report, Mar. 2000, Appendix B.

[85] For an expanded discussion of the history of IDENT, IAFIS, and the problems with their integration, please refer to U.S. Department of Justice, Office of the Inspector General Special Report, *IDENT/IAFIS: The Batres Case and the Status of the Integration Project*, Mar. 2004.

[86] For a more detailed discussion of the US-VISIT program, please refer to CRS Report RL32234, *U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT)*, by Lisa Seghetti.

project. Additionally, the implementation of the US-VISIT program required some changes to the IDENT system which further delayed the integration project.

Organizationally, the two main issues with the integration project identified by the OIG report were undefined project leadership and funding concerns. On the project leadership side, while both DOJ and DHS have assigned lead responsibility for the project to specific offices, there remain concerns about how the two departments coordinate their efforts. As of January 2004, no memorandum of understanding had been released to clarify departmental roles. On the funding side, the OIG report notes that the DOJ's appropriations for the integration project were $5.1 million in FY2004, $4 million less than had been requested, and that DHS received no direct funding for the integration project in FY2004. In FY2005, the President's budget request includes $21.5 million for the integration project. The FY2005 DHS House and Senate Appropriations Committee reports both support the IDENT/IAFIS integration project, with the Senate report noting that the committee expects the resources for IDENT/IAFIS integration to be funded from the $340 million provided for the US-VISIT program.[87]

OIG did note that some progress has been made in the integration of the IDENT and IAFIS systems, with integrated workstations being deployed to about 12% of all ports of entry and 20% of USBP stations. However, the 2005 House Appropriations report expressed extreme concern at the slow pace of integration, noting that DHS officials had testified that interoperability would be achieved by the end of calendar year 2004 but that this no longer seemed to be the case.[88] CBP recently announced that it has deployed integrated IDENT/IAFIS workstations to every USBP station, seemingly addressing Congressional concerns about the slow pace of the integration project. However, while the integrated IDENT/IAFIS workstations allow USBP agents to check the FBI's biometric criminal database, they do not allow agents to access the name based consolidated terrorist watchlist maintained by the TSC. As previously mentioned, a possible issues for Congress to consider may be whether the USBP's lack of access to name-based terrorist watchlists at their stations presents a weakness in our nation's border security.

Lastly, both the House and Senate versions of the 9/11 Intelligence Reform bill include provisions that would call for the accelerated deployment of a comprehensive biometric entry and exit data system. The Senate version included language that calling for the integration of all databases maintained by federal agencies that include or process information on aliens; the House bill required integration of all databases

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[87] U.S. Congress, Senate Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2005*, report to accompany S. 2537, 108th Cong., 2nd sess., S.Rept. 108-280 (Washington, GPO, 2004), p. 15; and U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2005*, report to accompany H.R. 4567, 108th Cong., 2nd sess., H.Rept. 108-541 (Washington, GPO, 2004), pp. 18-19.

[88] U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2005*, report to accompany H.R. 4567, 108th Cong., 2nd sess., H.Rept. 108-541 (Washington, GPO, 2004), pp. 18-19.

maintained by CIS.[89] The ensuing P.L. 108-458 called for the integration of all databases that process or contain data on aliens maintained by DHS, DOJ's Executive Office for Immigration Review, and the State Department's Bureau of Consular Affairs.[90]

Coordination With Other Federal Agencies

A GAO report criticized the USBP for failing to coordinate its activities with the Federal land management agencies operating along the border. The Federal land management agencies with some role at or near the border listed in the GAO report are the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, and the Forest Service. While the GAO found that some coordination existed at the field-level, as of May 2004 neither the USBP nor DHS had issued any national level plans detailing how interagency coordination would occur. The report points out that while the agencies have "separate and distinct" missions along the border, when confronted with illegal activities both the land management agency law enforcement officers and USBP agents must enforce federal laws and regulations and have the legal authority to bear arms, interdict criminals, and make arrests.

The GAO report found that the level of border related criminal activity reported by the land management agencies, including drug smuggling and unauthorized alien crossings, had increased significantly since the late 1990s. The report notes that the Department of the Interior saw unauthorized alien apprehensions on its lands within 100 miles of the Arizona-Mexico border increase dramatically, from 512 in 1997 to 113,480 in 2000, and that officials reported that the number of unauthorized aliens crossing through its lands continues to rise. The GAO notes that this increase in illegal activity adversely affects not just the agencies' law enforcement officers, but also the civilians who visit the various parks along the borders, endangered species, and the land itself.[91] A possible issue for Congress is whether the lack of national level interagency coordination along the border poses a potential threat to border security. If so, Congress might consider whether increased interagency coordination would increase bureaucracy and reduce the efficiency of the USBP's activities along the border, or whether increased coordination would increase efficiency by better allocating and deploying resources.

Civilian Patrol Groups

An issue that has gained national prominence in the past two years has been the proliferation of civilian organizations operating along the border. Some of these civilian border groups attempt to assist the USBP in apprehending unauthorized aliens along the border. One such group, American Border Patrol, recently gained

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[89] 108th Congress, House Passed H.R. 10, sec. 3090; and Senate Passed S.2845, Amendment 3807.

[90] P.L. 108-458, sec.7208(e).

[91] U.S. General Accounting Office, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*, GAO-04-590, June 2004.

notoriety by launching an unmanned plane that uses cameras and GPS technology to identify unauthorized aliens attempting to cross the border.[92] These groups have increasingly become targeted by human rights organizations for the tactics they allegedly use to detain aliens, including threatening border crossers with firearms and wearing uniforms similar to those worn by the USBP. In the summer of 2003 two such groups, Ranch Rescue and Citizen Border Patrol, significantly curtailed their activities on the Arizona border due to mounting concerns about their practices.[93]

More recently, the Minuteman Project in Arizona drew national media attention to the problem of unauthorized migration. The Minuteman Project drew hundreds of volunteers from across the United States to watch a stretch of the eastern Arizona border with Mexico near Douglas, in the Tucson Sector. According to the Minuteman organizers, the project succeeded in dramatically reducing the flow of illegal immigration in Arizona. The USBP contests this claim, noting that while apprehensions in eastern Arizona declined from 24,842 in April 2004 to 11,128 in April 2005, apprehensions in western Arizona increased from 18,052 in 2004 to 25,475 in 2005.[94] USBP officials also stated that the volunteers were disrupting their operations by unwittingly tripping sensors deployed along the border, forcing agents to respond to false alarms. Others believe that the decrease in eastern Arizona is attributable to increased patrolling on the Mexican side of the border by Mexican police and military authorities.[95]

Some argue that these civilian patrol groups are vigilante organizations that are taking the law into their own hands, and that their operations can conflict with those of USBP agents, wasting valuable taxpayer dollars and distracting agents from the job at hand.[96] Others counter that these groups are harmless and provide valuable assistance to the USBP by identifying and sometimes capturing unauthorized migrants, as well as by drawing attention to the problem of unauthorized migration.[97] A possible issue for Congress may be whether the presence of civilian patrol groups along the border interferes with USBP operations or poses a danger to unauthorized migrants.

Civilian Humanitarian Groups

Other border organizations, such as Humane Borders, Samaritan Patrol, and the Border Action Network, provide humanitarian relief such as drinking water and

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[92] Kevin Johnson, "Private Spy Plane Patrols Border," *USA Today*, May 22, 2003, p. 3A.

[93] "Outlawed Arizona Border Patrol to Cease Operations," EFE News Service, June 16, 2003.

[94] Gail Gibson, "For Minutemen, chance to patrol a porous border," *Baltimore Sun*, May 1, 2005, p.1A.

[95] Arthur Rotstein, "Border Patrol complains that volunteers are tripping sensors used to detect illegal crossers," *The Associated Press*, Apr. 5, 2005.

[96] Yolanda Chavez Leyva, "Vigilantes Misplace Anger on Immigrants," *Augusta Chronicle*, Apr. 11, 2005, p. A5.

[97] Jerry Seper, "Border vigil ends on wary note," *Washington Times*, May 1, 2005, p. A1.

medical supplies to unauthorized aliens. This summer, a network of faith based organizations (including Samaritan Patrol) has begun a campaign called "No More Deaths," which seeks to reduce the number of migrant deaths along the border by running two 24-hour camps in southern Arizona where migrants can receive food, water, and access to medical attention.[98] These kinds of activities concern those who believe that the humanitarian aid, no matter how well intentioned, assists unauthorized immigrants in their efforts to subvert immigration laws and enter the country. Others believe that the number of migrant deaths along the border is unacceptably high, and that these organizations are saving lives through their humanitarian aid.

A possible issue for Congress concerns whether some of the activities of these humanitarian groups present an obstacle to the USBP as it carries out its enforcement of immigrations laws along the border. If so, Congress may decide what, if anything, can be done to curtail those specific activities by civilian border groups that negatively impact the USBP.

Staffing and Training Issues

USBP agent manpower has been increasing steadily since the adoption of the "Prevention Through Deterrence" strategy, which focused on placing increased amounts of agents and resources directly on the Southwest Border. **Figure 12** demonstrates the increasing manpower available to the USBP, with agent staffing levels almost tripling between 1990 and 2002. This rapid increase in agents allowed the USBP to place more agents directly on the border, but also resulted in a dilution of the level of experience of the agents in the field. A GAO report in 1999 noted that the average experience level of USBP agents had declined agency-wide, and that the percentage of agents with less than two years of experience had almost tripled, from 14% to 39%, between 1994 and 1998.[99] Given the rapid expansion of USBP manpower, this analysis may remain cogent today. The GAO report goes on to observe that attrition rates were rising and that this was making it difficult for the USBP to meet its hiring objectives. A possible issue for Congress is whether the rapid expansion of manpower has overly diluted the overall experience of the USBP workforce, and if so whether the growth in manpower has been matched with enhanced training and other procedures to integrate new staff more efficiently and effectively into the workforce. The House Intelligence Reform bill, H.R. 10, as passed, included a provision that would increase the number of USBP agents by 2,000 annually from FY2006 to FY2010.[100] This provision was included in P.L.108-458.[101] The President's FY2006 Budget request, however, seeks funding for

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[98] Luke Turf, "No More Deaths Vows to Keep Helping Crossers," *Tucson Citizen*, July 27, 2004, p. 5A.

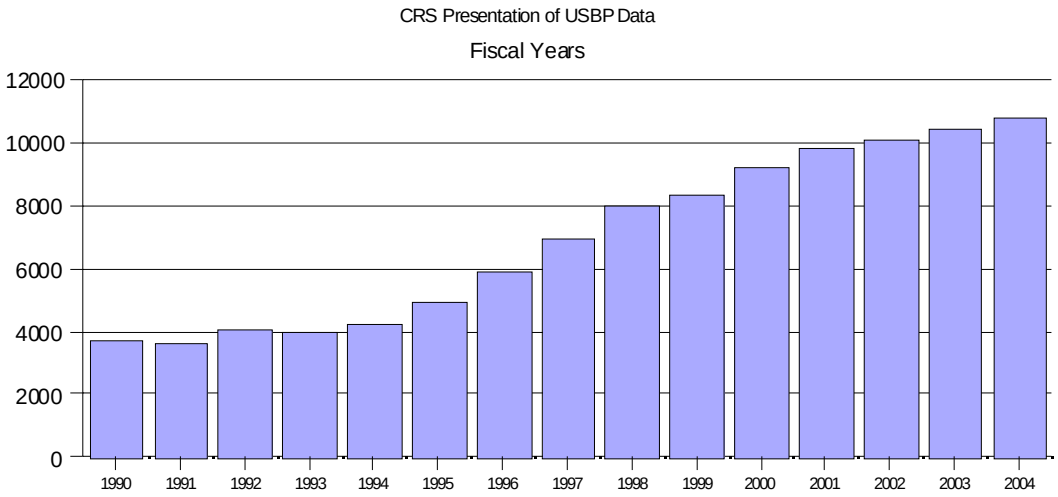
[99] U.S. General Accounting Office, *Border Patrol Hiring: Despite Recent Initiatives, Fiscal Year 1999 Hiring Goal Was Not Met*, GAO/GGD-00-39, Dec. 1999, p. 2.

[100] 108th Congress, H.R.10, "9/11 Recommendations Implementation Act," sec. 3003.

[101] P.L.108-458, sec. 5202.

only 210 additional USBP agents.[102] In the 109th Congress, the Senate passed FY2006 Budget Resolution included amendment 220, which directed DHS to spend $140 million to hire and train 1,000 additional USBP agents.[103] H.R. 1268, The FY2005 emergency supplemental bill was reported out of conference with an additional $124.4 million in FY2006 funding for CBP to hire, train, support, and equip 500 USBP agents, and has subsequently been passed by both the Senate and the House.[104] According to testimony during the House Appropriation Committee markup of the FY2006 DHS Appropriation bill, CBP will receive funding for 1,500 additional agents — a number that includes the 500 funded in the supplemental.

Figure 12. USBP Agent and Pilot Manpower



Agent Attrition

It is not clear whether USBP agent attrition continues to be a problem in the USBP today. During senate testimony in July 2003, CBP Director Robert Bonner acknowledged that the USBP was facing a serious problem with agents leaving the force to pursue other opportunities. He noted that "attrition rates for these positions are reaching crisis proportions."[105] As **Figure 13** shows, 1995 also marks the beginning of an upward trend in the rate of agent attrition within the USBP, with the average attrition rate doubling from around 5% in the period between 1990 and 1994, to slightly above 10% from 1995 to 2001. In 2002, USBP attrition spiked to 18%.

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[102] Department of Homeland Security, *Congressional Budget Justifications, Fiscal Year 2006*, p. CBP-34.

[103] U.S. Congress, Senate Concurrent Resolution 18, 109th Cong., 1st sess.

[104] U.S. Congress, Conference Committees, H.R. 1268, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005 and for Other Purposes*, conference report to accompany H.R. 1268, 109th Cong., 1st sess., H.Rept.109-72, p. 137.

[105] U.S. Congress, Senate Committee on Appropriations, Subcommittee on Homeland Appropriations, prepared statement by Bureau of Customs and Border Protection Director Robert Bonner, 108th Cong., 1st sess., May 13, 2003.

This made it difficult for the USBP to add agents to its overall workforce in recent years because most of their new hires ended up replacing agents who had left the workforce. In 2003 the rate of attrition declined somewhat to 10%, and through June 30, 2004 the attrition rate has fallen to 5%. The spike to an 18% attrition rate in 2002 has generally been attributed to agents leaving the USBP to join the newly formed Transportation Security Agency,[106] and the decline to 5% thus far in 2004 would seem to bear this out.

Some published reports suggest that the decline in USBP attrition in the last two years could be due to agents who had left the agency to enter the Air Marshall program at the TSA returning to the USBP.[107] Nevertheless, the high rates of attrition from 2000 to 2003 made it difficult for the USBP to meet its staffing goals during that period. According to Bonner's testimony in 2003, "there are four major reasons that employees are abandoning careers in federal law enforcement: lack of job satisfaction, low pay compared to that other law enforcement officers performing similar tasks, lack of upward and lateral mobility, and poor working conditions."[108] At issue for Congress is whether the apparent decline in USBP attrition rate, from the 18% peak level of 2002 and the 10% average attrition rate from 1995 to 2001 to the 6% attrition rate in 2004, signifies that attrition is no longer a concern, or whether the decline in attrition rates is a one-time event. Given the recent debate concerning USBP manpower, however, the issue of attrition at the USBP may become an important one in the 109th Congress.

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[106] U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, prepared statement by Bureau of Customs and Border Protection Director Robert Bonner, 108th Cong., 1st sess., May 7, 2003.

[107] Briggite Blair, "Air Marshals Apply To Return to Border Patrol," *Federal Times*, Mar. 10, 2003, p. 7.

[108] U.S. Congress, House Government Reform Committee, Subcommittee on Civil Service and Agency Organization, *Hearing on Federal Law Enforcement Personnel in Post-September 11 Era*, 108th Cong., 1st sess., July 23, 2003.

Figure 13. USBP Agent Attrition Rate