

**TESTIMONY OF**  
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**U.S. CUSTOMS AND BORDER PROTECTION**  
**DEPARTMENT OF HOMELAND SECURITY**

**BEFORE**

**HOUSE COMMITTEE ON NATURAL RESOURCES, SUBCOMMITTEE**  
**ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS**  
**AND**  
**HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,**  
**SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE,**  
**AND FOREIGN OPERATIONS**

**April 15, 2011**  
**Washington, DC**

Chairmen Bishop and Chaffetz, Ranking Members Grijalva and Tierney, and distinguished Members of the Subcommittees, it is a privilege and an honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts concerning illegal activity on federal lands. I am Ronald Vitiello, Deputy Chief of the United States Border Patrol.

As America's frontline border agency, CBP's priority mission is to protect the American public while facilitating lawful travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of the people and goods entering and leaving the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

CBP is fully committed to continuing our cooperative relationships with the Department of the Interior (DOI) and the Department of Agriculture (USDA). We respect the missions of these agencies and we recognize the importance of the preservation of the American landscape. CBP enjoys a close working relationship with DOI and USDA that allows CBP to fulfill its border enforcement responsibilities while respecting and enhancing the environment. Our agencies have formed a number of agreements, which I will explain below, that allow us to carry out both of these missions.

Illegal human and vehicle traffic, waste, and trash discarded by illegal aliens and other cross-border violators visibly and significantly negatively impacts the environment. We believe that our efforts to reduce the number of illegal aliens crossing the border have lessened this environmental degradation and have assisted with recovery of damaged resources by providing the opportunity for re-vegetation of areas formerly used by illegal traffic.

#### Overview of Border Security Efforts

CBP's border security efforts rely on the appropriate combination of personnel, infrastructure, and technology. This three-pronged strategic balance of resources reflects the reality that one of these elements cannot, in and of itself, secure our nation's borders. Personnel provide the

flexibility to engage the criminal element; tactical infrastructure supports response by either providing access or extending the time needed for the response; and technology allows us to detect entries and to identify and classify threats enabling us to interdict illegal activity in the most effective manner possible. In addition, we rely on strong partnerships with federal, state, local, and tribal law enforcement agencies, as well as with the public and private sectors. Coordination and cooperation among all entities that have a stake in our mission is paramount.

Over the past two years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources to the Southwest border. We increased the size of the Border Patrol to more than 20,700 agents today, more than double the size it was in 2004. As of March 31, 2011, we have constructed 649 miles of fencing out of nearly 652 miles where Border Patrol field commanders determined it was operationally required, including 299 miles of vehicle barriers and 350 miles of pedestrian fence, with the remaining three miles scheduled to be complete by the end of the calendar year.

While there is still work to be done, every key measure shows we are making significant progress along the Southwest border. Border Patrol apprehensions have decreased 36 percent in the past two years, and are less than a third of what they were at their peak. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. These numbers demonstrate the effectiveness of our layered approach to security. Violent crime in border communities has remained flat or fallen in the past decade, and some of the safest communities in America are at the border.

Nonetheless, CBP still faces significant challenges. We remain concerned about the violence taking place in Mexico and continue to guard against spillover effects into the United States. We will continue to assess and support the investments in the manpower, technology and resources that have proven so effective over the past two years in order to keep our borders secure and the communities along it safe.

We continue to strengthen our partnerships with federal, state, local and tribal entities in order to benefit both border security and the protection of environmental and cultural resources on federal

lands. The missions of DHS, USDA, and DOI are inextricably linked in protecting and strengthening American communities.

Perhaps the most significant example of our commitment to interagency collaboration on federal lands is the March 2006 Memorandum of Understanding (MOU) that describes cooperative national security and counterterrorism efforts on federal lands along U.S. borders. This MOU was signed by the Secretaries of DHS, DOI and USDA. It provides specific guidance on cooperation related to border security as well as compliance with related environmental laws, regulations, and policies. It also calls for environmental and cultural awareness training, for which the Border Patrol has taken the lead by creating a tri-agency working group called the Environmental and Cultural Stewardship Taskforce. The Taskforce is in the process of jointly developing a broad national training module for Border Patrol agents due for completion this summer. This training will supplement existing training already being developed in our field offices in conjunction with our land management agency partners.

While the 2006 MOU is a landmark, it bears noting that informal collaboration on federal lands has been taking place across our agencies for many years. This collaboration is based on mutual respect for each other's missions, and it continues in many forms. Specific initiatives have been developed to address collaboration on enforcement, as well as on environmental and cultural stewardship.

#### Border Security Initiatives on Public Lands

CBP continues to engage in collaborative efforts with DOI and USDA to fulfill its enforcement responsibilities at our nation's borders and to counter illegal cross-border activity on federal lands. As part of these efforts, we have developed several initiatives to promote the sharing of intelligence and threat information. In June 2009, DOI and USDA law enforcement partners were invited by the Border Patrol in the Tucson Sector to participate in the Alliance to Combat Transnational Threats (ACTT). ACTT utilizes a collaborative enforcement approach that leverages the capabilities and resources of DHS in partnership with more than 60 law enforcement agencies in Arizona and the Government of Mexico to deter, disrupt, and interdict

individuals and criminal organizations that pose a threat to the United States and Mexico. Through ACTT, we work with our federal, state, local, and tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing; and develop coordinated operational plans that strategically leverage the unique missions, capabilities and jurisdictions of each participating agency.

Within this broader initiative, federal law enforcement officers from CBP, DOI, and USDA are teaming up to counter illegal cross-border activity on federal public lands in Arizona through Operation Trident—a collaborative enforcement approach that leverages the capabilities and resources of these three federal agencies to counter the threats posed by transnational criminal organizations, protect public lands from environmental damage, and deter violations of cultural and environmental laws. Under Operation Trident, members of the U.S. Border Patrol, Bureau of Land Management, National Park Service, Fish and Wildlife Service, and the United States Forest Service carry out joint patrols along the Arizona border.

Along the northern border, the Border Patrol has included DOI and USDA in the Integrated Border Enforcement Teams, comprised of both U.S. and Canadian federal, state/provincial, local and tribal law enforcement personnel that share information and work together on cross-border issues related to smuggling, organized crime and other criminal activities.

In 2008, DHS, DOI and USDA signed an MOU to bridge communication gaps and provide radio interoperability between Border Patrol agents and their law enforcement partners in DOI and USDA. Since the signing of the 2008 MOU, a primary repeater channel has been designated, and a common encryption key has been created and distributed to all Border Patrol agents and DOI and USDA law enforcement personnel. This interoperability is imperative to the success of our cooperative efforts along the border.

In April 2010, the Border Patrol determined that DOI needed more extensive access to Border Patrol communications in the Tucson Sector than was specifically provisioned in the 2008 MOU. In response, the Border Patrol has provided DOI partners with access to all radio frequencies in the Tucson Sector, above and beyond only providing access to joint operations channels.

The Border Patrol also considers the federal land management agencies in our budgetary process. Our budgetary process begins in the field and ultimately flows to headquarters, where each sector's requests are prioritized based upon the National Border Patrol Strategy, which is informed by threat and traffic flow. Budgetary resources are then allocated to support each sector's and station's requests based upon the priority and the amount of funding allocated. The insight and information that DOI and USDA provide related to their needs has allowed the Border Patrol to improve both our operational requirements and the budgetary process.

### Environmental and Cultural Stewardship

Even as we continue to carry out our core mission, we remain strongly committed to demonstrating sound environmental and cultural stewardship practices. Border security and environmental stewardship are not mutually exclusive. Through common sense and collaborative efforts, we can achieve these dual missions. Although the Border Patrol's enforcement efforts on federal lands can pose unique challenges, the relationships and partnerships that we have fostered with DOI, as well as other federal, state, local and tribal agencies have enabled us to better execute our border security mission in these areas while minimizing the impact to the environment.

We recognize that despite our efforts to institute a wide variety of best practices, our border security mission can have an impact to the environment. We also know, however, that we can patrol the border in an educated and environmentally conscious manner, and we remain committed to doing so. We continue to work with our federal land management partners to ensure that we effectively comply with environmental laws while we carry out our responsibilities to protect the nation.

It is the Border Patrol's desire to leave a minimal footprint while conducting detection and interdiction activities. When federal lands overlap with our enforcement zones, compliance with associated laws and regulations that apply to those lands may affect the tools available to agents for daily operations within those areas, and may impact the deployment of technology and

tactical infrastructure. In these situations, we work closely with DOI and USDA to find mutually agreeable approaches and solutions.

Recognizing the need for coordination on federal lands, we have created several innovative solutions to strengthen interagency communication. In 2005, the Border Patrol established the Public Lands Liaison Agent (PLLA) Program. Under this program, each sector designates an agent dedicated to interacting with organizations and agencies involved in land management issues. The PLLA's job is to build and maintain solid working relationships with our land management agency counterparts so that we can capitalize on opportunities to collaborate and work through any issues that may arise.

Another significant communication vehicle is an interagency group called Borderland Management Taskforces (BMTF). Although BMTFs originated along the Southwest border, over the past several years BMTFs have also been established along the northern and coastal borders. These taskforces provide a unique opportunity to leverage resources and quickly identify and solve any potential problems.

The Border Patrol continues to take seriously its commitment to environmental and cultural stewardship. DOI and CBP completed the first Interagency Agreement under a 2009 Memorandum of Agreement to fund up to \$50 million in environmental mitigation projects that will benefit several species of fish and wildlife affected by border security projects along the Southwest border. The first agreement funded \$6.8 million in projects in a series of efforts designed to mitigate impacts from the construction of fencing along the U.S. border with Mexico. CBP and DOI are currently working together to define the next installment of mitigation funding under the 2009 MOA focused on acquisition of land to offset lost habitat for endangered species in California and southern Texas.

The Border Patrol has also provided work space to allow the co-location of DOI and USDA liaison personnel at headquarters in Washington, D.C., as well as within the Tucson and Spokane sectors. Their face-to-face presence enables daily interactions on numerous topics ranging from

Border Patrol strategies, objectives, and operations to how to avoid or minimize potential environmental impacts.

### Conclusion

Chairmen Bishop and Chaffetz, Ranking Members Grijalva and Tierney, and distinguished Members of the Subcommittees, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection, and our coordination with DOI and USDA to respond to illegal activity on federal lands. I look forward to answering your questions at this time.