

**U.S. CUSTOMS AND BORDER PROTECTION**

**STATEMENT FOR THE RECORD**

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

**BEFORE**

**HOUSE COMMITTEE ON NATURAL RESOURCES, SUBCOMMITTEE  
ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS**

**July 8, 2011  
Washington, DC**

U.S. Customs and Border Protection (CBP) submits this statement for the record regarding illegal activity on federal lands and H.R. 1505. As noted at the hearing on July 8, 2011, the Administration opposes H.R. 1505.

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 enjoys a close working relationship with the Department of Interior (DOI) and Department of Agriculture (USDA) that allows us to fulfill our border enforcement responsibilities while respecting and enhancing the environment. We respect the missions of these agencies, and we recognize the importance of preserving the American landscape. Our agencies have formed a number of agreements that allow us to carry out both of these missions. CBP believes that efforts to reduce the number of illegal aliens crossing the border have lessened environmental degradation and have assisted with recovery of damaged resources, and we are fully committed to continuing our cooperative relationships with DOI and USDA to further this good work.

#### Overview of Border Security Efforts

CBP's border security efforts rely on the appropriate combination of personnel, infrastructure, and technology. This 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.

While there is still work to be done, every key measure shows we are making significant progress along the Southwest border. Apprehensions by CBP's Border Patrol have decreased 36 percent in the past two years and are less than a third of what they were at their peak. Over the past two and a half years, DHS has seized 75 percent more currency, 31 percent more drugs, and 64 percent more weapons along the Southwest border as compared to the last two and a half years during the previous Administration. These numbers demonstrate the effectiveness of the 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 and remains concerned about the violence taking place in Mexico and will continue to guard against spillover effects into the United States. CBP 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, DOI, and USDA 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; CBP has taken a lead role in this effort by creating a tri-agency working group called the Environmental and Cultural Stewardship Taskforce. This summer, the Taskforce will unveil a broad national training module for Border Patrol agents. This training will supplement existing

training already being developed in our field offices in conjunction with our land management agency partners.

### Border Security Initiatives on Public Lands

Additionally, CBP engages in collaborative efforts with DOI and USDA to fulfill our enforcement responsibilities at our nation's borders and to counter illegal cross-border activity on federal lands. As part of these efforts, CBP has 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 uses a collaborative enforcement approach that leverages the capabilities and resources of DHS in partnership with more than 60 law enforcement agencies in Arizona and 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. In April 2010, the Border Patrol extended this access to all radio frequencies in the Tucson Sector. This interoperability is imperative to the success of our cooperative efforts along the border.

### Environmental and Cultural Stewardship

As CBP continues to carry out our core mission, we remain strongly committed to demonstrating sound environmental and cultural stewardship practices. CBP will 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.

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 have an impact on the deployment of technology and tactical infrastructure. In these situations, CBP works closely with DOI and USDA to find mutually agreeable approaches and solutions. Per the 2006 MOU, Border Patrol agents have the authority at any time to conduct motorized off-road pursuit in the event of exigency / emergency involving human life, health, safety of persons within the area, or posing a threat to national security.

Close coordination on federal lands requires innovative solutions and robust interagency communication. In 2005, the Border Patrol established the Public Lands Liaison Agent (PLLA) Program. Each sector in the PLLA designates an agent to build and maintain solid working relationships with our land management agency counterparts and local organizations to identify opportunities to collaborate and to 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.

Recently, DOI and CBP completed the first Interagency Agreement to fund up to \$50 million in environmental mitigation projects along the Southwest border. As part of this agreement, in October 2010, CBP awarded \$6.8 million for environmental mitigation from the construction of fencing along the U.S. border with Mexico.

CBP takes seriously its commitment to environmental and cultural stewardship and looks forward to continued partnership and collaboration with other agencies to ensure CBP continues to protect the American people as well as respect and preserve the environment.