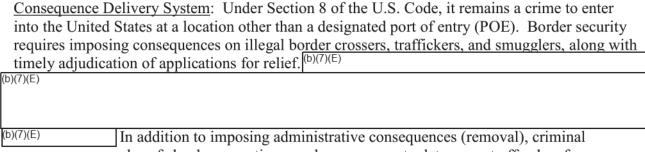challenging and requires cooperation from a wide range of federal agencies and international partners, as well as support from state and local law enforcement partners. Law enforcement activities within the Southern Border and approaches and the Northern Border are the foundation of border security and represent the largest investment of DHS resources. U.S. Customs and Border Protection (CBP), U.S. Coast Guard, and U.S. Immigration and Customs Enforcement (ICE) are the primary law enforcement agencies responsible for border enforcement.

Consequence Delivery System: Under Section 8 of the U.S. Code, it remains a crime to enter into the United States at a location other than a designated port of entry (POE). Border security requires imposing consequences on illegal border crossers, traffickers, and smugglers, along with timely adjudication of applications for relief. (b)(7)(E)

(b)(7)(E)

(b)(7)(E) In addition to imposing administrative consequences (removal), criminal consequences such as federal prosecution are also necessary to deter repeat offenders from continued illegal entry attempts. Apprehended illegal aliens may apply for lawful immigration benefits (asylum or other forms of relief, including protection from removal), but these applications must be adjudicated thoroughly to ensure that benefits are granted only to those who meet legal eligibility standards, while preventing the exploitation of immigration benefits by those who seek entry through fraud and deception.

Working with its partners, DHS imposes a range of consequences on aliens arrested for attempting illegal entry across our borders. The systematic delivery of consequences is most developed in the land domain between POEs through the U.S. Border Patrol (USBP) Consequence Delivery System. Although these consequences involve border apprehensions by DHS, the application of these consequences relies both on DHS and Federal Government partners at the U.S. Department of Justice, including the Executive Office for U.S. Attorneys, the U.S. Marshals Service, the Executive Office for Immigration Review, and the Federal Bureau of Prisons.

Interior Enforcement: Resilient border security also relies heavily on DHS's ability to enforce immigration laws within the interior of the United States. Effective interior enforcement must eliminate the expected benefit of illegally entering, or illegally remaining longer than permitted, in the United States, which, in turn, will deter other aliens from attempting to enter the United States illegally or from overstaying their authorized period of stay. The motivation of these illegal aliens varies and include higher wages, family reunification, quality of life, and criminal gain. Furthermore, some illegal aliens are able to illegally gain employment without verification of employment eligibility by employers, or by presenting fraudulent documents to employers who comply with the Immigration and Nationality Act requirements.

ICE is the primary law enforcement agency engaged in a wide range of interior enforcement activities to counter and deter illegal immigration to the United States. ICE identifies, arrests,

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identify high-risk passengers and cargo, observation by personnel in border regions, sensor technology, infrastructure, tactical/strategic communications, and intelligence.

Personnel are the primary resource needed to secure our borders, but the ability to respond effectively can be improved through other resources such as: timely, actionable, and relevant intelligence; targeting and analytical systems; biometric identification technology; wall and other physical barriers; border access roads; sensor technology; aircraft, boats, and various types of vehicles; and modern tactical communications infrastructure. Impedance and denial barriers, such as walls and other tactical infrastructure, are essential components of CBP's tactical response along the border; such barriers simultaneously block illegal entry into the United States while also channeling those who would attempt illegal entry into areas where agents can apprehend, detain, and remove them more easily.

Although walls and other tactical infrastructure are the cornerstone of an effective border security strategy, (b)(7)(E) provide agents with additional critical knowledge of the movement of illegal persons and goods. (b)(7)(E)

(b)(7)(E)

(b)(7)(E) A personnel-only approach to border security is generally cost-prohibitive when compared with more thorough, integrated designs that augment personnel with infrastructure, technology, and other resources. That said, the hiring of additional Border Patrol Agents (BPA) to support response and resolution remains a critical capability for CBP. Likewise, an approach that is overly reliant on technology dramatically reduces the ability of agents to impede and interdict the entrance of illegal border crossers into the United States effectively, (b)(7)(E)

(b)(7)(E) . In all, then, it is only through the effective utilization of a border security system comprising physical barriers, increased personnel, improved infrastructure, and cutting-edge technology that border security can be realized.

3. Border Security Challenges and Opportunities

The constantly evolving and shifting threats and challenges in the border environment require CBP to maintain a level of adaptability that allows the agency to employ the correct mix of tools, resources, and techniques to secure our borders effectively. CBP's experience has shown that actions taken along the border invariably will generate a reaction from those looking for gaps and seams in our security. (b)(7)(E)

(b)(7)(E)

This action-reaction effect will continue to occur, driving changes to the operating environment. Additionally, new threats and challenges will appear when technological advances, geopolitical changes, economic crises, and other factors affect the international community.

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Although walls and other tactical infrastructure are the cornerstone of an effective border security strategy, technology such as sensors provide agents with additional critical knowledge of the movement of illegal persons and goods. Once the illegal actions are detected, federal officials can mount appropriate responses through the use of a functional, effective tactical communications system that enables CBP to share sensor readings and other information about illicit activity quickly with those who will deploy the response personnel. A personnel-only approach to border security is generally cost-prohibitive when compared with more thorough, integrated designs that augment personnel with infrastructure, technology, and other resources. That said, the hiring of additional Border Patrol Agents (BPA) to support response and resolution remains a critical capability for CBP. Likewise, an approach that is overly reliant on technology dramatically reduces the ability of agents to impede and interdict the entrance of illegal border crossers into the United States effectively, particularly in areas that have limited vanishing times before an illegal border crosser can physically blend into border communities. In all, then, it is only through the effective utilization of a border security system comprising physical barriers, increased personnel, improved infrastructure, and cutting-edge technology that border security can be realized.

3. Border Security Challenges and Opportunities

The constantly evolving and shifting threats and challenges in the border environment require CBP to maintain a level of adaptability that allows the agency to employ the correct mix of tools, resources, and techniques to secure our borders effectively. CBP's experience has shown that actions taken along the border invariably will generate a reaction from those looking for gaps and seams in our security. When CBP installs new barriers or surveillance equipment, the threat actors react by shifting to more remote or disadvantageous locations, or by changing their tactics. This action-reaction effect will continue to occur, driving changes to the operating environment. Additionally, new threats and challenges will appear when technological advances, geopolitical changes, economic crises, and other factors affect the international community.

BSIP-013

A combination of infrastructure, legislative, and partnership solutions are required to address these dynamic challenges. First, continued investment in a border wall system is essential as it provides agents with the ability to impede and/or deny attempted illegal entries while creating additional time to carry out a law enforcement resolution. (b)(7)(E)

(b)(7)(E)

The construction of both new and replacement wall system that incorporates complementary technology and roads is a critical component of USBP's pursuit of operational control of the Southwest Border (SWB).

In addition, CBP remains committed to working with U.S. government partner agencies as well as with the governments of Mexico, Honduras, Guatemala, and El Salvador in identifying and addressing the "pull" factors that encourage people from these countries to enter the United States illegally. While the opportunity to improve their lives is certainly a draw, legal loopholes like those found in the *Flores Settlement Agreement* also encourage individuals to make the dangerous trek from Central America and Mexico into the United States. As such, CBP welcomes the opportunity to work with Congressional leadership to develop legislative fixes to enable the modernization of the Nation's immigration system.

Operational Control

On January 25, 2017, the President issued Executive Order 13767, *Border Security and Immigration Enforcement Improvements*, directing DHS to take steps to achieve complete operational control (OPCON) of the Southern Border. It requires CBP to have effective capabilities to predict, detect, identify, classify, track, respond, and resolve illegal border crossings. To meet these requirements, CBP deploys air, land, and marine assets to patrol and secure U.S. border areas. Executive Order 13767 also set as policy that a physical barrier shall be constructed on the Southern Border, infrastructure that has proven to have a profound positive impact on operational control of the border. Therefore, CBP is pursuing investments in border walls, barriers, and sophisticated detection and intervention systems that enable CBP to reduce the use of terrain for illegal cross-border activity. These assets and systems also allow CBP to develop and sustain situational awareness of threats and associated risks, which is enhanced further by information and intelligence-sharing partnerships. CBP's approach is designed to be nimble, threat-based, and intelligence-driven, allowing threats to be identified as early as possible, responses to be targeted, and resources to be deployed optimally in response to those threats and to counter illegal actions in the border environment.

DHS is developing an OPCON strategy, which will describe CBP's current OPCON of the border and how CBP will achieve full OPCON in support of Executive Order 13767.

Impact of Impedance and Denial

A combination of infrastructure, legislative, and partnership solutions are required to address these dynamic challenges. First, continued investment in a border wall system is essential as it provides agents with the ability to impede and/or deny attempted illegal entries while creating additional time to carry out a law enforcement resolution. Much of the existing wall is decades old, constructed of materials such as Vietnam War-era landing mat procured from the Department of Defense, that are operationally ineffective. Additionally, there are locations along the border with where illegal border crossers are able to vanish quickly into surrounding areas. The construction of both new and replacement wall system that incorporates complementary technology and roads is a critical component of USBP's pursuit of operational control of the Southwest Border (SWB).

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Impact of Impedance and Denial

BSIP-014

CBP explains some of these historical examples in Section IV: Evolving and Maturing Border Investment Strategy and Appendix B: Impedance & Denial Report in the 2017 Border Security Improvement Plan (BSIP). Section IV notes that "from about 2002 to 2008, the USBP doubled in size and investments were made in more than 600 miles of new physical barriers … as a result of investment in physical barriers, the highest risk areas were covered with barriers tailored to meet the needs of those areas as understood at the time."[1] This section notes that this initial investment in barriers and infrastructure was predominantly from El Paso to the West, which was the highest risk region at the time. It also notes that there was [(b)(7)(E)] [(b)(7)(E)] which is now "CBP's area of highest activity, and is therefore a priority focus area for current investment strategies."[2] Appendix B from the 2017 BSIP confirms that the deployment of Impedance & Denial capabilities along the Southern Border forced some threats to "shift from areas where border walls are deployed to target areas with limited or no border walls."[3]

(b)(7)(E)

Figure 1: Border barrier deployment 2002-2008

Although CBP's investment strategies are tailored to the current understanding of the threat, they "also recognize that our adversaries will seek to find ways to breach the border over, under, through, or around a wall."[4] Thus, CBP takes a proactive posture in its planning and future-year

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[1] 2017 BSIP, Section IV, p. 21
[2] BSIP, Section IV, p. 22
[3] BSIP, Appendix B: Impedance & Denial Report, p. 119
[4] BSIP, Section IV, p. 23

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resource decisions to anticipate changes in border threats based on any actions that CBP currently is taking along the border. For example, the type of barriers depicted in Figure 1 includes "legacy" fencing (shown as purple, light blue, or pink) or vehicle barrier (shown as orange). These types of barriers are not as capable or effective as modern pedestrian walls. Therefore, CBP's investment strategy contemplates replacements or upgrades in these areas, as dictated by the evolving threat.

CBP investments in technology, border wall, and law enforcement personnel have been successful in increasing border security and contributing to OPCON of the border. Arizona serves as a good example. Prior to the investments of the past decade, the (b)(7)(E)

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CBP's investment strategy anticipates that while a border wall impedes the progress of illegal entries, it also recognizes that our adversaries will try to find alternative, more challenging and less advantageous methods to breach the border, despite the increased presence of walls and other barriers. CBP will (b)(7)(E)

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(b)(7)(E)

Opioids, Narcotics, and Illegal Drugs

The growing epidemic of opioid misuse and abuse, combined with the prevalence of illicit opioids in the United States, is wreaking havoc in communities across the country. Drug overdoses are now the leading cause of accidental death in America. Almost one-third of these overdose deaths involved a synthetic opioid other than methadone, such as fentanyl and its analogues.[5]

(b)(7)(E)

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[5] Provisional Counts of Drug Overdose Deaths, The Centers for Disease Control and Prevention's National Center for Health Statistics, as of 8/6/2017. *Note: Provisional overdose death counts for 2016-2017 are based on data available for analysis as of the date specified. Provisional counts may be incomplete, and causes of death may be pending investigation.*

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CBP investments in technology, border wall, and law enforcement personnel have been successful in increasing border security and contributing to OPCON of the border. Arizona serves as a good example. Prior to the investments of the past decade, the USBP Tucson Sector had the highest amount of illegal activity between the POEs. Since investments in impedance and denial capabilities were made in this region increased, illegal activity has declined. While border security has improved in Arizona, CBP's actions corresponded with an increase in the flow of illegal alien traffic in the Rio Grande Valley of Texas.

CBP's investment strategy anticipates that while a border wall impedes the progress of illegal entries, it also recognizes that our adversaries will try to find alternative, more challenging and less advantageous methods to breach the border, despite the increased presence of walls and other barriers. CBP will rely on technological solutions to provide the persistent surveillance necessary to obtain situational awareness of the large areas where one might enter the United States illegally if successful in circumventing a barrier. Consistent, informed situational awareness coupled with appropriate addition or enhancement of border roads for access and mobility enable USBP to respond appropriately to any breach or other illegal cross-border activity, including the deployment of agents to areas not normally manned continuously. As CBP tightens the security posture between the POEs, it anticipates increased attempts to tunnel beneath the border, growing challenges at our POEs, more illicit traffic in the maritime and air environments, and shifts to other regions farther from the Southern Border and is in parallel pursuing investments in technology and agents to ensure a balanced effective response.

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Most of the illicit opioids in the United States are smuggled across the SWB or through international mail and express consignment hubs. Mexico has become the primary source of

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BSIP-016

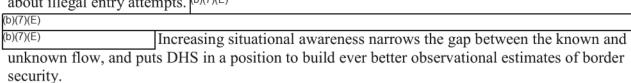# V. Ensuring Accountability in Border Security

A. Measuring OPCON and Security at the Immediate Border

In compliance with Executive Order 13767, CBP is reinstituting achieving OPCON between the POEs across the entirety of the Southern Border as its overarching goal to ensure that:

- Illegal entries across the U.S. border with Mexico are impeded and denied by sufficient walls, fencing, and other physical and natural barriers;
- USBP agents have a high level of situational awareness that includes near-term predictions of potential illegal entry attempts, as well as an ever-increasing capability to detect illegal entries as they occur; and
- USBP agents can respond efficiently to and interdict illegal entries of people or contraband by training, equipping, and enhancing availability of all agents.

CBP will measure OPCON directly via three elements: impedance and denial (including wall and other barriers, as well as measures of recidivism); situational awareness (including technologies that allow USBP to detect, identify, and track illegal entries, and intelligence capabilities); and law enforcement resolution (including the ability to respond to detections and make a final apprehension). Each of these elements will be evaluated and calculated via a host of subordinate measures currently in development. To aid in the transition to OPCON, DHS recently endorsed an Agency Priority Goal that will begin in FY 2018 and end in FY 2020, to allow for the establishment of a border security end state between POEs along the Southern Border by implementing the OPCON framework to articulate success and direct resources.

Concurrently, technological advances at the border over the past several years have increased situational awareness significantly. Among the three elements of OPCON, situational awareness is a major cornerstone. It combines domain awareness with intelligence data and other information to give USBP the best possible knowledge of how much illicit activity is occurring at the border and what that activity is. In turn, increased situational awareness has allowed USBP to begin pursuing modeling efforts based on the Department's more complete information about illegal entry attempts. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)   Increasing situational awareness narrows the gap between the known and unknown flow, and puts DHS in a position to build ever better observational estimates of border security.

In the interim, USBP will continue to explain its performance using its risk methodology via State of the Border reporting, in addition to reporting numerous measure results under the structure set out in the Government Performance and Results Act Modernization Act (GPRAMA) structure. USBP's most notable GPRAMA measures are the interdiction

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BSIP-038