

TESTIMONY OF

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DEPARTMENT OF HOMELAND SECURITY**

BEFORE

**HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON HOMELAND SECURITY**

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Chairman Price, Ranking Member Rogers, Members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss the work of U.S. Customs and Border Protection (CBP), particularly the tremendous dedication of our men and women in the field, both within and between our ports of entry.

I want to begin by expressing my gratitude to the Committee for its enduring support to the mission and people of CBP. I would also like to thank you for your support of the passage of the Fiscal Year (FY) 2010 DHS Appropriations Bill, which provides \$10.1 billion in direct appropriations for CBP. We are also grateful for the investments provided in the FY 2009 Stimulus and Supplemental Appropriations Act.

CBP is the largest uniformed, federal law enforcement agency in the country, with over 20,000 Border Patrol Agents between the ports of entry and more than 20,000 CBP officers stationed at air, land, and sea ports nationwide. These forces are supplemented with 1,165 Air and Marine agents, and 2,388 agricultural specialists and other professionals. Fiscal Year 2009 was a record year for CBP, with data showing a significant increase in drug seizures, coupled with a decline in border apprehensions. CBP seized more than 4.47 million pounds of narcotics, encountered more than 224,000 inadmissible aliens at our ports of entry, and apprehended more than 556,000 between our ports of entry. Outbound currency seizures nationwide also increased 74 percent, surpassing \$57.9 million. CBP's Office of Field Operations (OFO) completed its most successful drug enforcement year in the past five fiscal years, seizing nearly 1.5 million pounds of drugs at ports of entry – an increase of 53 percent for cocaine, 19 percent for marijuana and 11 percent for ephedrine. Additionally, the number of border apprehensions between official ports of entry declined by 23 percent, or more than 167,000 apprehensions.

These FY 2009 statistics demonstrate the effectiveness of a layered approach to security, comprising a balance of tactical infrastructure, technology, and personnel at our borders.

CBP continues to achieve success in performing all of our missions, which include: detecting and preventing the illegal entry of aliens and smuggling of contraband into the United States; protecting our agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of their intellectual property; enforcing violations of textile agreements; tracking import safety violations; protecting the economy from monopolistic practices; regulating and facilitating international trade; collecting import duties; and enforcing United States trade laws. To this end, in FY 2009, CBP processed more than 361 million pedestrians and passengers, and 110 million conveyances.

As you know, as part of our mission, our employees continue to maintain a vigilant watch for terrorist threats. We must perform our important security and trade enforcement work without stifling the flow of legitimate trade and travel that is so important to our nation's economy. Our twin goals remain border security and the facilitation of legitimate trade and travel.

My testimony today focuses on CBP's outbound operational efforts, and the technology and partnerships that we leverage to combat violence on the southwest border.

Southwest Border Initiatives

In March 2009, in support of the President's Southwest Border Initiative, U.S. Department of Homeland Security (DHS) Secretary Napolitano unveiled Southwest Border Initiatives designed to support three goals: guard against the spillover of violent crime into the United States, support Mexico's campaign to crack down on drug cartels in Mexico, and reduce movement of contraband across the border. Since the Secretary's announcement, DHS has continued working with federal, state, local, and tribal authorities and the Government of Mexico to secure the southwest border.

To fund this initiative, the President's Budget provided \$26.1 million for 65 additional CBP Officers, 44 additional Border Patrol Agents, and support for the expansion of CBP's License Plate Reader program, which assists in combating southbound firearms and currency smuggling. Additionally, Congress provided \$20 million for Non-Intrusive Inspection equipment, \$19.5 million for 100 additional Border Patrol agents, and \$7 million for 50 additional CBP Officers focused on outbound operations. This financial support has enabled CBP to significantly increase southbound seizures and mitigate any spillover effects of cartel violence in Mexico.

Our increased efforts along the southwest border since Secretary Napolitano's announcement have resulted in a dramatic increase in currency and drug seizures. From late March to November 2009, CBP seized \$22.1 million in southbound currency at land border ports of entry—an increase of 299 percent from the \$5.5 million seized during the same period last year. In addition, CBP and the U.S. Immigration and Customs Enforcement (ICE) combined seized 911,800 kilos of narcotics along the southwest border—an increase of 36 percent from the 670,800 kilos seized during the same period last year.

Border Security Between the Ports of Entry: Personnel, Infrastructure, and Technology

Two basic conditions must exist to ensure that our agents can safely and effectively secure our borders between the ports of entry. First, we must have precise and timely situational awareness—that is, we must have knowledge about what is happening between the ports of entry. Situational awareness allows us to understand and assess where the greatest threats and vulnerabilities lie, and deploy resources accordingly. Second, we must have the capability to react in a lawful manner best suited for a specific situation.

In deploying resources between the ports of entry, CBP seeks to incorporate the appropriate mix of personnel, infrastructure, and technology that will allow us to confront the criminal element. This three-pronged strategic balance of resources reflects the reality that one of these elements cannot, in and of itself, provide effective control of 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.

CBP personnel involved in border security between the ports of entry include Border Patrol Agents and Air and Marine Interdiction Agents. These personnel are highly effective in

observing and providing the situational awareness necessary for effective control. However, without tactical infrastructure and technology, the volume of personnel required to perform the entire border security mission would be prohibitive.

Tactical infrastructure includes, among other things, pedestrian fence, vehicle fence, roads and lighting, all of which support CBP's ability to respond. For example, fence is a fixed resource that provides a constant and continuous barrier, but again, alone cannot provide effective border control. However, fence successfully provides what we call "persistent impedance," which deters and/or delays illicit cross-border incursions, buying time for our agents to respond. This is critical in areas near cities, for example, where illicit border crossers could easily blend into the population before we would be able to interdict them. It is also critical in areas where, without persistent impedance, vehicles could reach nearby roads faster than we could otherwise respond.

Technology between the ports of entry includes sensors, command and control systems, and communications. Although some refer to technology as a "virtual fence," technology does not have the persistent impedance capability of a real fence. Technology, however, is a powerful force multiplier because it has the capability to provide situational awareness that is critical to effective control – they can "watch" the border continuously. Guided by command and control systems that help sort the incoming data, these sensors provide our agents with timely access to critical information. Technology also supports response capability by providing our agents with accurate information to identify and classify illicit incursions and therefore determine the best options for response. Improved communications capability also ensures our response forces can be properly directed and coordinated.

Over the past year, we have significantly strengthened each of the three major elements of our border security approach. At the end of FY 2009, we had 20,119 Border Patrol Agents on board nationwide. As of Oct. 23, 2009, we had approximately 640 miles of fence constructed along the southwest border. Our target, based on Border Patrol's operational assessments of fencing needs, is approximately 655 miles. Most of the remaining mileage is under construction, and is projected to be completed this spring. With respect to technology, we have purchased and deployed 41 mobile surveillance systems (MSSs) to provide radar and camera coverage along the southwest border. CBP currently operates five Predator B Unmanned Aerial Systems, three of which are assigned to the southwest border (the other two are assigned to the northern border).

Increased Outbound Operations

In FY 2009, CBP realigned \$28.8 million to address the growing concerns of violence along the southwest border. Included in that amount was \$18.9 million to purchase License Plate Readers and to pay for deployment and overtime of special response and mobile response teams to support outbound enforcement operations. CBP also internally realigned \$9.9 million for backscatter X-ray vans and the deployment of an additional 100 agents and CBP officers at outbound ports of entry.

CBP also received \$40 million in the FY 2009 Supplemental Appropriations Act to support outbound operations. The Supplemental included \$30 million to hire 125 CBP Officers

to be deployed to ports of entry on the southwest border, as well as to fund outbound infrastructure, overtime, and temporary deployment costs associated with the increased level of border inspection. In addition, \$10 million was provided for the procurement of additional Non-Intrusive Inspection (NII) equipment for deployment to southwest border facilities and U.S. Border Patrol checkpoints.

These investments facilitated the expansion of outbound enforcement efforts, including:

1. Deployment of 4 NII imaging systems to increase scanning of personally owned vehicles.
2. Assignment of 13 additional currency/firearms canine teams to southwest border land ports.
3. Execution of six Mobile Response Team special operations and deployment of other assets to support increased pulse and surge operations that permit CBP to maintain a level of unpredictability, counter the use of “spotters” by drug trafficking organizations, and manage the flow of outbound traffic.
4. Coordination of bi-national operations with the Government of Mexico’s General Administration of Customs (MXC, under which CBP conducts enhanced outbound inspection operations and MXC conducts enhanced in-bound operations at an adjacent, nearby port crossing. Seven coordinated, bi-national intensified border operations were conducted in FY 2009, and more are planned for FY 2010.
5. Execution of checks, via CBP’s National Targeting Center – Cargo, on all firearms being exported from the United States to Mexican military and police departments in order to confirm shipments with Mexican authorities, ensure the legitimacy of shipments, and reduce the possibility of diversion.
6. Execution of 100 percent NII scanning of outbound rail cars at all eight railroad crossings on the U.S.-Mexico border to more effectively interdict weapons and other contraband.
7. Assignment of 100 Office of Border Patrol agents to work with CBP officers in conducting outbound operations.

Increased Partnerships in Support of Southwest Border Initiatives

Our partnerships with the Mexican Government and federal, state, and local law enforcement are critical to the success of the Southwest Border Initiative.

DHS Assistant Secretary Alan Bersin has been working closely with Mexico’s Secretariat for Gobernacion to oversee a deepening cooperation between DHS and Mexican law enforcement agencies, particularly in the realm of helping Mexico improve their customs service.

This November, U.S. Border Patrol Chief David Aguilar, along with colleagues from ICE and DHS, met with the Mexican Ministry of Finance and Public Credit to outline joint initiatives to combat transnational crime, increase law enforcement collaboration and increase the secure flow of travel and trade along the U.S.-Mexico border. This meeting was an important step in formalizing the process of communications along the southwest border. As a result of the

meeting, the Bi-national Port Security Committees were formed to increase coordinated investigative efforts and promote smart and effective security on both sides of our shared border.

CBP remains committed to the Merida Initiative, a multi-year assistance plan to help Mexico, Central America, the Dominican Republic and Haiti combat the threats of drug trafficking, transnational crime, and money laundering. In FY 2009, CBP established an inter-office Merida Committee to coordinate with the Department of State (the U.S. Government lead for Merida), DHS, DOJ and other law enforcement components on implementation actions.

CBP, along with other DHS and DOJ component offices, has a Mexico Attaché office located at the U.S. Embassy in Mexico City. This office oversees CBP operations in Mexico, including bilateral coordination and training. Interagency cooperation at the Embassy level is essential to ensure that the right structures are in place to oversee the implementation of Merida programs.

CBP also works with its partners in the Drug Enforcement Administration (DEA) and the High Intensity Drug Trafficking Area centers to expand the National License Plate Reader (LPR) initiative to exploit intelligence on drug traffickers and drug trafficking organizations. The LPR initiative utilizes established locations to gather information regarding travel patterns and border nexus on drug traffickers for intelligence-driven operations and interdictions.

CBP has established positions at the El Paso Intelligence Center, the Organized Crime Drug Enforcement Task Force Fusion Center, and the DEA Special Operations Division. These initiatives enhance interaction with the Intelligence Community and law enforcement agencies to more effectively facilitate the collection, analysis, and dissemination of actionable drug-related intelligence in support of drug trafficking and money laundering investigations throughout the SW Border, Mexico and the US.

CBP works closely with ICE through ICE-led Border Enforcement Security Teams to protect the United States against the illegal flow of drugs, weapons, and currency across the Southwest border. CBP and ICE also collaborate to stop illegal firearms trafficking and interdict outbound shipments of bulk currency.

CBP's Office of Intelligence and Operations Coordination established a National Post Seizure Analysis Team at the National Targeting Center-Cargo and is in the process of establishing Intelligence Operations Coordination Centers (IOCC), the first of which is currently under construction in Tucson, Ariz. The IOCCs will link intelligence efforts and products to operations and interdictions, making CBP a more fully integrated, intelligence-driven organization and increasing our capability to expeditiously move feedback from end users back to the originator.

CBP also participates in Operation Panama Express, a multi-agency international drug flow investigation that combines detection and monitoring, investigative work and intelligence resources to provide actionable intelligence to Joint Interagency Task Force-South (JIATF-South) operations to interdict the flow of cocaine from northern South America to the United States. JIATF-South interdiction operations in the transit zone are supported by CBP P-3

Airborne Early Warning, CBP P-3 Tracker aircraft, Coast Guard HC-130 aircraft, and Coast Guard vessels, which interdict large, sometimes multi-ton, shipments before they can be split into smaller loads for movement across the southwest border and distribution in the United States.

Lastly and importantly, CBP continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities, including the detection of U.S./Mexican border air intrusions. The primary means of detecting air intrusions is a large radar network, monitored at the CBP Air and Marine Operations Center (AMOC) in Riverside, California. Information is fed to the AMOC through a network of airborne early warning, aerostat, Federal Aviation Administration and ground based radar systems. Personnel at the AMOC detect northbound aircraft that land just south of the U.S./Mexico border, and coordinate CBP Air and Marine and Mexican interdiction assets to intercept, track, and apprehend smugglers as they attempt to traverse the U.S./Mexico border.

CBP will continue to assist the Government of Mexico in maintaining a counter-drug effort, including command, control, communications and information support.

Intelligence and Operational Coordination

CBP, in cooperation with the DHS Office of Intelligence and Analysis, continues its work to become a more integrated, intelligence-driven organization. Intelligence gathering and predictive analysis require new collection and processing capabilities. CBP is designing an integrated architecture for Law Enforcement Technical Collection as well as for systems to process and analyze imagery collected from aircraft and other platforms. CBP is also developing the Analytical Framework for Intelligence, a set of data processing tools to improve the effectiveness of CBP and other DHS analysts in detecting, locating, and analyzing terrorist networks, drug trafficking networks, and similar threats. These intelligence and operational coordination initiatives complement the Secure Border Initiative's technology programs.

Secure Border Initiative (SBI)

As noted earlier, there are three components necessary for successful control of the border: tactical infrastructure, technology, and personnel. The Border Patrol identified 655 miles of southwest border where persistent impedance is a necessary condition for effective control. In those areas, the cost-effective options to provide persistent impedance are physical infrastructure or personnel. Within the miles identified by the Border Patrol, our analysis shows that technology is not an adequate substitute. Technology may allow us to watch illicit border crossers blend into the population or travel to a route of egress—but it does not delay or impede the crossers long enough to enable an effective response.

The Border Security Fencing, Infrastructure and Technology (BSFIT) appropriation, which is managed by the SBI office, will continue to dedicate funding to additional tactical infrastructure programs. Much of the focus will be on high priority infrastructure projects other than fence—for example, roads and lighting. With the fence projects largely complete, we will be increasing our emphasis on technology within the SBI program - *SBI^{net}*.

Our recent activity has been focused on *SBI*net Block 1, which we plan to deploy along a segment of the border in Arizona. We have developed a very robust program for *SBI*net Block 1, and have completed most of the engineering design and engineering testing. Although the engineering tests increased our overall confidence in the system, they also identified some areas for improvement. We have taken steps to address these areas, including opting to delay some program activities while we await the results of further testing and analysis.

We are in the process of conducting our first deployment into an operational area of responsibility known as Tucson-1 (TUS-1). TUS-1 will replace Project 28 (the prototype system) with the new Block 1 (first generation production system) to cover 23 miles of border near Sasabe, Ariz. TUS-1 includes nine sensor towers and eight communications relay towers, all of which are now constructed. We are now starting basic system and component review of the TUS-1 systems and awaiting results of some remaining corrective actions before authorizing Boeing to begin more comprehensive system testing.

Provided the system meets its engineering requirements, the Border Patrol will likely receive the system early next year to conduct a formal process known as Operational Test and Evaluation (OT&E) through March 2010. In OT&E, the Border Patrol will conduct disciplined assessments in a real world environment to determine whether the *SBI*net Block 1 system is effective and suitable for use.

While testing is underway, we expect to begin the deployment of our second operational area of responsibility, known as "Ajo-1." Ajo-1 will cover about 30 miles of border near Ajo, Ariz. Ajo-1 will build on the experiences learned with TUS-1 and ensure we can move from one deployment activity to another in a smooth and effective manner. Ajo-1 is projected to be completed and tested during summer of next year.

While we are deploying the *SBI*net Block 1 system and continuing to evaluate and strengthen the requirements, we are also taking steps to improve our competence in the management of complex acquisition programs. We have redesigned our SBI organization to develop and retain skilled government personnel in the disciplines that are key to successful program management. We are also strengthening our oversight and management of contractor activities and ensuring that requirements are clearly and concisely communicated.

Conclusion

Mr. Chairman and members of the Subcommittee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection, and particularly about our efforts to increase security along the southwest border. Your continued support of CBP has led to significant improvements in the security of our borders, and our nation. I will be glad to answer any questions you may have.

Office of the Commissioner Organizational Information

Acting Commissioner's Biography

Jayson P. Ahern Acting Commissioner



On March 1, 2009, Jayson P. Ahern was named Acting Commissioner of U.S. Customs and Border Protection, following the retirement of Commissioner W. Ralph Basham, and is responsible for securing, managing and controlling our Nation's borders. Mr. Ahern will remain Acting Commissioner until a successor is named by President Obama and confirmed by the Senate.

Since August 2007, Mr. Ahern has served as CBP's Deputy Commissioner, the highest career position in the agency. During his interim appointment as Acting Commissioner, Mr. Ahern will continue to serve as Chief Operating Officer, overseeing the daily operations of CBP's 56,000-employee workforce and managing an operating budget of more than \$11 billion. Mr. Ahern's primary focus will be keeping terrorists and terrorist weapons out of the country, while also carrying out CBP's other border-related responsibilities, including stemming the tide of illegal drugs and illegal aliens, securing and facilitating legitimate global trade and travel, and protecting our food supply and agriculture industry from pests and disease.

For five years, from June 2002 until August 2007, Mr. Ahern served as the Assistant Commissioner for CBP's Office of Field Operations, a position he had held with the former U.S. Customs Service. As Assistant Commissioner, Mr. Ahern managed all Field Operations in domestic and foreign locations, as well as critical national security and operational programs. In 2003, when the Department of Homeland Security was created, Mr. Ahern presided over the historic merger of personnel from three of CBP's legacy agencies and ensured mission continuity during the largest government reorganization in the last 50 years.

Acting Commissioner Ahern, currently in his 33rd year of public service, began his career with the former U.S. Customs Service in San Ysidro, California. Throughout his career, he progressed through the ranks in the field and held numerous senior leadership positions, including Director of Field Operations in San Diego, where he was in charge of all Customs activities at the Southern California ports of entry. He also served as the Area Port Director in Los Angeles and Miami, two of the nation's largest and busiest operations, and served in senior counterdrug positions during two previous headquarters assignments.

In 2005, President Bush conferred the rank of Distinguished Executive on Mr. Ahern in recognition of his extraordinary leadership and management contributions to the United States government. In 2007, he received the Distinguished Lifetime Achievement Award for outstanding service and contributions toward global maritime security.

Most recently, in November 2008, Mr. Ahern was awarded the Secretary of Homeland Security's Gold Medal in recognition of exceptionally outstanding leadership and service that is distinguished by achievements of national or international significance, reflecting great credit on the Department of Homeland Security and the Federal Government by markedly improving the security of our homeland.

Acting Commissioner Ahern is a career member of the Senior Executive Service, a graduate of Northeastern University and a Senior Executive Fellow at Harvard University's John F. Kennedy School of Government.

He is married and has two sons.