

TESTIMONY OF

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**U.S. CUSTOMS AND BORDER PROTECTION
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.

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.

I would like to first begin by expressing my ongoing gratitude to the Subcommittee for its continued support of the mission and people of CBP. It is clear that the Subcommittee is committed to providing CBP with the resources we need in order to increase and maintain the security of our borders. We greatly appreciate your efforts and assistance, and I look forward to working with you on these issues in the future.

With over 58,000 employees, CBP is the largest uniformed federal law enforcement agency in the country. 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 drugs, 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 apprehensions between the ports of entry has declined by more than 23 percent, or more than 167,000 apprehensions.

During the first six months of FY 2010, we seized nearly half a million pounds of drugs and encountered more than 113,000 inadmissible aliens at our ports of entry. We also seized over 1.3 million pounds of drugs, apprehended more than 245,000 and seized more than \$8 million in currency between our ports of entry. These numbers demonstrate the effectiveness of

our layered approach to security, comprised of a balance of tactical infrastructure, technology, and personnel at our borders.

Southwest Border Updates

Southwest Border Initiatives

In March 2009, in support of the President's Southwest Border Initiative, Secretary Napolitano unveiled efforts 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. This initiative called for additional personnel, increased intelligence capability, and better coordination with state, local and Mexican law enforcement authorities. 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 support this initiative, the FY 2010 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 U.S. effects of cartel violence in Mexico. CBP remains committed to continuing southbound border enforcement efforts to combat the smuggling of firearms and currency to Mexico.

In March 2009, CBP also created the Outbound Programs Division within its Office of Field Operations. This division creates plans to stem the outbound flow of firearms, currency, stolen vehicles, and fugitives out of the country. CBP also increased its use of "pulse and surge" strategies for outbound operations on the southwest border. In FY 2011, we will continue to strengthen the use of these operations along the southwest border and to build on the current cooperative efforts with federal, state, local, and tribal law enforcement agencies.

As a result of increased southwest border outbound security operations implemented as part of this initiative, as of December 2009, CBP had seized more than \$38.3 million in southbound currency—an increase of more than \$29.3 million over the same time period in 2008. Moreover, CBP officers at the southwest border ports of entry seized approximately \$8.7 million in currency and 71 firearms in the first six months of FY 2010. Current statistics show a relative increase in the effectiveness of interdicting outbound currency since the start of these increased operations: \$11.1 million in currency was seized in FY 2007, \$10.1 million in FY 2008, and \$37.1 million in FY 2009.

Thanks to the continued support of this committee, CBP now has 261 large-scale Non-Intrusive Inspection (NII) systems deployed to our ports of entry. Of the 261 NII systems deployed, 51 are deployed on the northern border, 117 are deployed on the southern border, and 93 are deployed to seaports. To date, CBP has used the deployed systems to conduct over 32 million examinations resulting in over 7,600 narcotic seizures with a total weight of 2.4 million pounds of narcotics, and the seizure of over \$19.2 million in undeclared currency. Used in combination with our layered enforcement strategy, these tools provide CBP with a significant capability to detect contraband, including illicit nuclear or radiological materials. The deployment of NII technologies has enabled our staff to efficiently process a significant volume of passengers and trade.

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, 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.

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 March 19, 2010, we had approximately 646 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 in December 2010. With respect to technology, we have purchased and deployed 41 mobile surveillance systems (MSSs) to provide radar and camera coverage along the borders. Currently there are 38 MSS units deployed along the southwest border and 3 MSS units deployed along the northern border.

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. 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 security. 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 – technology can continuously “watch” the border. Guided by command and control systems that help sort the incoming data, 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 are properly directed and coordinated.

In FY 2011, CBP will continue to procure surveillance technology such as fixed and mobile cameras and radar systems that provide immediate capabilities to the field, and will continue to pilot new technologies for enhanced situational awareness. Currently, CBP is deploying proven surveillance systems to the Detroit and Buffalo Sectors, as well as the southwest border, and additional funds will be used to demonstrate and deploy additional capabilities against priority threats.

In addition to technology investments, the FY 2011 Budget requests approximately \$100 million for tactical infrastructure construction and improvements – most of which will be used for maintenance and repair of existing tactical infrastructure, although some will be used to construct additional tactical infrastructure according to OBP’s priority requirements.

The work done by our Office of Air and Marine augments these systems. Since 2006, CBP has introduced six Predator B long duration remotely piloted aircraft, one of which was converted to a maritime variant, named the Guardian, through a joint CBP/USCG program office. The Predator B has seen service along the southwest border in support of the Border Patrol since 2005, and in February 2009, a second Predator was delivered to North Dakota. CBP’s Office of Air and Marine is aggressively executing its homeland security missions with 284 aircraft and 253 marine vessels located at 79 operating branches, units, and support sites across the nation. Operations along and beyond our borders are achieving impressive results,

and as new aircraft, vessels, improved sensors and additional personnel increase our strength and flexibility, the office will continue to push hard not just to accomplish our current mission set, but to be prepared for future missions as the threats change.

CBP is leading the initiative within the department to provide video and mission-related critical data to major operational centers and senior government leadership. The Office of Air and Marine along with the Office of Information Technology has developed a robust capability to provide real-time and near real-time video and other mission-related data to senior leadership during natural disasters and law enforcement operations, and is playing a vital role in closing gaps in coverage along the Northern Border. This information is critical to the leadership decision-making process.

Increased Partnerships in Support of Southwest Border Initiatives

Working with our partners, our strategy is to secure the nation's border by employing and enhancing our layers of defense throughout the continuum that impacts our borders – starting from the point of origin, through transit to the United States, arrival and entry at our borders, routes of egress, and ultimately to final destination in the United States. This strategy relies upon increased intelligence and risk-management strategies regarding both the movement and flow of travelers and trade. We can accomplish our mission of expediting trade and travel by separating the knowns from the unknowns. Employing risk segmentation allows us to enhance security by focusing more attention on stopping illegitimate trade, while at the same time facilitating legitimate travel and commerce.

We are continuing to enhance and build upon our robust partnerships with our Western Hemisphere Neighbors – Mexico and Canada. Opportunities to secure our borders are aggressively being identified on an ongoing basis through our partnerships and collaboration efforts. Building upon these relationships will be at the forefront of our priorities and strategies.

CBP remains committed to the Mérida 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.

Additionally, CBP has a Mexico Attaché office located at the U.S. Embassy in Mexico City. This office oversees CBP operations in Mexico, including, border operational support at and between the Ports of Entry, bilateral coordination to secure the shared border, as well as training for Mexican government agencies. Additionally, the Attaché's office is the Commissioner's representative in Mexico and provides CBP subject matter expertise to the Ambassador and U.S. interagency groups within the U.S. Embassy in Mexico City in support of the U.S. government's trade, traveler and security agendas. Interagency cooperation at the Embassy level is essential to ensure that the right structures and mechanisms are in place to oversee the implementation of Merida programs.

CBP continues to work 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. We have also established positions at the El Paso Intelligence Center (EPIC), the Organized Crime Drug Enforcement Task Force Fusion Center, and the DEA Special Operations Division.

These partnerships 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 U.S. CBP remains a partner with ICE in the Border Enforcement Security Teams (BEST) to prevent the illegal flow of drugs, weapons, and currency across the southwest border, including the interdiction of outbound shipments of firearms and bulk currency.

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 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. The FY 2011 budget also calls for the hiring of 103 new Intelligence Analysts. This increase will provide enhanced targeting capabilities, liaison, and analytical collaboration with our key external partners. Through enhanced targeting and coordination, we will be able to bring more and better actionable intelligence to the field.

CBP's Office of Intelligence and Operations Coordination has 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 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. In March 2010, the first Intelligence and Operations Coordination Center (IOCC) was opened in Tucson, Arizona. This facility will serve as the "one-stop-shop" for operations coordination and information sharing across the operational entities within the agency, including Border Patrol, Field Operations, and Air and Marine.

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 Long Range

Surveillance (LRS) 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.

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 border.

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

Secure Border Initiative (SBI)

Our most recent activity has been focused on *SBI*net Block 1, which we continue to deploy along a segment of the border in Arizona. We have developed a robust program for *SBI*net Block 1, and have completed most of the engineering design and testing, which 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.

While we are deploying *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.

I also want to briefly discuss the Department-wide reassessment that was ordered by the Secretary back in January. As the Governor of Arizona, Secretary Napolitano became uniquely aware of the promises that were made about *SBI_{net}* and the shortfalls it has faced. When she came into the Department, she took a hard look at our progress with *SBI_{net}*. She gave CBP a fair chance to prove that we were on the right track. She asked hard questions about the future of the program and the feasibility of where we were headed and directed then-Acting Commissioner Jayson Ahern to provide his assessment of the path forward for *SBI_{net}*. Based upon the results of that review, she ordered a Department-wide reassessment of the program to determine if there are alternatives that may more efficiently, effectively and economically meet our nation's border security needs.

The assessment has an immediate and a long-term phase. In March 2010, the Department announced revisions to \$50 million within the Secure Border Initiative (SBI) activities from the original ARRA expenditure plan that was submitted to Congress on April 3, 2009. The original plan was to accelerate the deployment of the *SBI_{net}* Block 1 technology along the southwest border. To ensure the timely execution of funding, the revised plan will purchase stand-alone technology, including a wide array of priority, near-term operational needs: \$4.5 million for technologies addressing priority Air & Marine needs, to include thermal imaging devices and aerial observation cameras; \$1.5 million for pursuit camera systems supporting the operational needs of the Office of Field Operations; \$12.3 million for technologies supporting Border Patrol operations, to include backscatter technology and thermal imaging devices.

In the long-term phase, we will conduct a comprehensive, science-based assessment of alternatives to *SBI_{net}* to ensure that we are utilizing the most efficient and effective technological and operational solutions in all of our border security efforts. If this analysis suggests that the *SBI_{net}* capabilities are worth the cost, this administration will extend deployment of these capabilities. If this analysis suggests that alternative technology options represent the best balance of capability and cost-effectiveness, this administration will immediately begin redirecting resources currently allocated for border security efforts to these stronger options.

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. CBP is committed to aggressively and proactively securing our nation's borders and safeguarding our way of life. Your continued support of CBP has led to significant improvements in the security of our borders, and made our nation safer. I will be glad to answer any questions you may have.

Alan Bersin **Commissioner, Customs and Border Protection (CBP)**

Alan Bersin was appointed by President Barack Obama on March 27, 2010 to serve as Commissioner of U.S. Customs and Border Protection. As Commissioner, Mr. Bersin oversees the operations of CBP's 57,000-employee work force and manages an operating budget of more than \$11 billion. Commissioner Bersin is responsible for fulfilling CBP's mission of protecting the nation's borders from all threats while facilitating legitimate travel and trade. Previously, Commissioner Bersin served as Assistant Secretary for International Affairs and Special Representative for Border Affairs in the Department of Homeland Security. In that capacity, he served as Homeland Security Secretary Janet Napolitano's lead representative on border affairs and strategy regarding security, immigration, narcotics, and trade matters as well as for coordinating the Secretary's security initiatives on the nation's borders.



Prior to this service, Bersin served as Chairman of the San Diego County Regional Airport Authority, appointed by San Diego Mayor Jerry Sanders in December 2006, and confirmed by the San Diego City Council. Previously, Mr. Bersin served as California's Secretary of Education between July 2005 and December 2006 in the Administration of Gov. Arnold Schwarzenegger. Gov. Schwarzenegger also appointed Mr. Bersin to the State Board of Education, where he served until 2009 as a member confirmed by the California State Senate. Between 1998 and 2005, he served as Superintendent of Public Education in San Diego where he launched a major reorganization of the district to focus its resources strategically on instruction and to modernize its business infrastructure in order to support teaching and learning in the classroom. In a related capacity statewide, Mr. Bersin served between 2000 and 2003 as a member and then Chairman of the California Commission on Teacher Credentialing. Prior to becoming the leader of the nation's eighth largest urban school district, he was appointed by President Bill Clinton as the United States Attorney for the Southern District of California and confirmed in that capacity by the U.S. Senate. Mr. Bersin served as U.S. Attorney for nearly five years and as the Attorney General's Southwest Border Representative responsible for coordinating federal law enforcement on the border from South Texas to Southern California.

Mr. Bersin previously was a senior partner in the Los Angeles law firm of Munger, Tolles & Olson, where he served on the firm's policy and compensation committees, chaired the committee overseeing the firm's extensive program of pro bono legal services, and was principally responsible for developing the firm's innovative paralegal program. At Munger, Tolles & Olson, Mr. Bersin specialized in complex RICO, securities, commercial and insurance litigation before state and federal trial and appellate courts. He is a member of the California and Alaska bars.

Other professional experience includes employment as Special Counsel to the Los Angeles Police Commission, as Visiting Professor of Law at the University of San Diego School of Law, as an adjunct professor of law at Boalt Hall, University of California, Berkeley, and at the University of Southern California Law Center and as a Lecturer at the Stanford University Graduate School of Education. Mr. Bersin serves as a member of the Board of Overseers for Harvard University (2004-2010) and is a member of the Council on Foreign Relations and the Pacific Council on International Policy.

In 1968, Mr. Bersin received his A.B. in Government from Harvard University (magna cum laude). He was elected to the Phi Beta Kappa National Honor Society and awarded post-graduate scholarships by the National Collegiate Athletic Association and the National Football Hall of Fame. While at Harvard, Mr. Bersin was selected as a member of the All-Ivy, All-New England and All-East Football Teams and was inducted in 1995 into the Harvard Varsity Club Hall of Fame. From 1969 to 1971, Mr. Bersin attended Balliol College at Oxford University as a Rhodes Scholar. In 1974, he received his J.D. degree from the

Yale Law School. Mr. Bersin was awarded the degree of Doctor of Laws (Honorary) by the University of San Diego in 1994, by California Western School of Law in 1996, and by the Thomas Jefferson School of Law in 2000. He is fluent in Spanish.