

**TESTIMONY OF**

**DAVID AGUILAR  
THOMAS WINKOWSKI  
MICHAEL KOSTELNIK**

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

**BEFORE**

**HOUSE COMMITTEE ON HOMELAND SECURITY**

**SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL  
COUNTERTERRORISM**

**MAY 22, 2008**

**Washington, DC**

Chairwoman Sanchez, Ranking Member Souder, 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), specifically the tremendous dedication of our men and women in the field both at and between our ports of entry.

We want to begin by expressing our gratitude to the Subcommittee for the strong support you have shown CBP. Your support has enabled CBP to make significant progress in securing our borders and protecting our nation against terrorist threats.

Our testimony today focuses on border enforcement, and how the men and women on the front lines accomplish the goal of achieving control of our borders between the official ports of entry. We will also discuss our efforts to facilitate legitimate travel at our ports of entry. By way of background, CBP employs highly trained and professional personnel, resources, and law enforcement authorities to discharge our mission of enforcing the laws of the United States at our borders. This important work is primarily done at official ports of entry where legal goods and people are admitted into the U.S. and at the land borders between those ports of entry. CBP is the largest uniformed law enforcement agency in the country. We station over 19,000 officers at access points around the nation – air, land, and sea ports – and around the world. We deploy over 16,000 Border Patrol agents between ports of entry to prevent illegal entry. These forces are supplemented with Air and Marine officers, agricultural specialists and other professionals.

As we work toward gaining control of our borders, we must also continue to perform our traditional missions, which include stemming the flow of illegal drugs and contraband, protecting our agricultural and economic interests from harmful pests and diseases, protecting American businesses from theft of their intellectual property, violations of textile agreements, import safety violations, the economy from monopolistic practices, regulating and facilitating international trade, assessing and collecting import duties, and enforcing United States trade laws. In Fiscal Year (FY) 2007, CBP processed more than 417 million pedestrians and passengers, 124 million conveyances, and 30 million trade entries, examined 5.7 million sea, rail, and truck containers, intercepted 877,000 illegal aliens between our ports of entry, seized more than 3 million pounds of narcotics and collected over \$33 billion in revenue.

## ***Border Security Between the Ports of Entry***

On Wednesday, May 28, 2008, the U.S. Border Patrol will celebrate its eighty-fourth anniversary. Initially the Border Patrol was within the Bureau of Immigration of the Department of Labor, then with the Immigration and Naturalization Service within the Department of Justice. With the creation of the Department of Homeland Security in 2003 the Border Patrol moved under U.S. Customs and Border Protection. Throughout our history, the Border Patrol Inspectors of the past and the Border Patrol Agents of today have served this nation with honor and integrity. From an initial force of only a few Patrol Inspectors in El Paso, Texas, the Border Patrol has grown to over 16,000 Border Patrol Agents, stationed throughout this Nation's southern, northern, and coastal borders. Our agents today perform this mission as they did in the past; on foot, in automobiles, by horse, and in watercraft. Over the decades we have incorporated new methods, learned different techniques, and created an evolution with the overarching mission focus on border security.

A national strategy to establish and maintain effective control of our Nation's borders has been brought to fruition. This strategy consists of five objectives: 1) Establish a substantial probability of apprehending terrorists attempting to illegally enter between ports of entry; 2) Deter illegal entries through improved enforcement; 3) Detect, apprehend, and deter smugglers of humans, drugs and other contraband; 4) Leverage "Smart Border" technology to multiply the effect of enforcement personnel; and 5) Reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas. The national strategy requires increasing our national security by augmenting enforcement resources along the northern and southern border. The proper balance in the deployment of personnel, equipment, intelligence, support, technology, and infrastructure is critical. Reducing our vulnerability to the entry of terrorists, illegal aliens and drugs by increasing personnel and resources, is the key to the successful implementation of this strategy.

The Border Patrol is charged with the protection of the border between established Ports of Entry and is guided by our National Strategy, which seeks nothing less than operational control of the border. With the proper mix of personnel, equipment, intelligence, support, technology, and infrastructure, the Border Patrol is dedicated to achieving this goal. In the past, agents had to rely on skills, such as sign cutting, to track people who had surreptitiously and illegally entered the United States. Over time the Border Patrol agents honed their skills and while the Patrol added new methodologies to aid them in their charge. Support from Air and Marine assets and personnel have been and continue to be essential to our mission. The Border Patrol then developed and adopted new technologies such as infrared cameras, remote video surveillance, and unattended ground sensors which further aided us in our mission. In today's 21<sup>st</sup> century world, the Border Patrol has sought to further utilize technology to assist in border security.

The SBI Tactical Infrastructure program is constructing a total of 370 miles of pedestrian fencing and 300 miles of vehicle fencing along the southwest border sectors

by the end of calendar year 2008. This provides physical infrastructure to areas along the border where such infrastructure can be most effective. As of May 16, 2008, 181 miles of pedestrian fencing have been built and 145 miles of vehicle fencing are now in place.

We know these efforts to secure our borders are showing effectiveness. Apprehensions on the southwest border are down approximately 20 percent from the previous year. One important, if troubling, measure is the current trend in border violence. As we make progress in stemming the flow of illegal aliens, drugs and contraband, those who traffic in this illegal activity are becoming more aggressive in their efforts. Border Patrol has experienced a consistent increase in violence against agents. Fiscal Year 2007 saw the number of incidents of violence increase to the highest levels recorded since 2001. In the first quarter of Fiscal Year 2008, 300 assaults were perpetrated against Border Patrol agents, accounting for a 44 percent increase in violence over the same period in Fiscal Year 2007. We are extremely concerned about this persistently high level of attacks.

While much of our initial focus is on the southwest border, DHS and CBP have taken many steps to improve security on the northern border. Additional Border Patrol agents have been deployed from the southwest border to the northern border,, with 1,500 expected by September 2009 and more than 2,000 agents by 2010. Prior to September 11, 2001, the northern border was staffed with only 340 Border Patrol agents. We conduct joint operations with the Joint Task Force – North (JTF-N), continue pilot maritime technology projects incorporating ground based radar and proof of concept multi-sensor systems, and seek increased liaisons with our Canadian partners through Project North Star and the Integrated Border Enforcement Teams (IBET). In addition, CBP is expanding Air and Marine operations on the northern border, including the deployment of Unmanned Aircraft Systems (UAS) such as the Predator.

To address known as well as potential threats at the northern border, we are creating a stronger, more proactive presence at and between ports of entry. Eight Border Patrol sectors encompassing 12 states stretch more than 4,000 miles from the Pacific, across the Rocky Mountains, Great Plains, and the Great Lakes, to the Atlantic. To best support our efforts, CBP Air and Marine has developed a plan to increase security along the northern border through the accelerated start up of operations at five locations. By late summer of 2008, Air and Marine will have established the following five air wings on the northern border: Bellingham, Washington;;; Plattsburgh, New York;;; Great Falls, Montana;;; Grand Forks, North Dakota; and Detroit, Michigan. Northern border locations were selected to provide an interdiction/law enforcement response within one hour flight time. In addition, the North Dakota Air Branch in Grand Forks was chosen to provide a strategic, centrally located air branch at the northern border that will have an expanded role, and is currently under review to certify its operational readiness for Unmanned Aircraft Systems (UAS) operations.

With the advent of *SBI<sub>net</sub>* and the P-28 proof of concept, the Border Patrol took a significant leap forward in accomplishing its mission by integrating proven methods with technology and infrastructure. The same tracking methods from the past, the

technological deployments over the years, and new technologies, such as ground surveillance radar, unmanned aerial vehicles, and improved sensor capabilities, are the future of border security. The paradigm shift today is a compilation of data from various sources and the future resides with the Common Operation Picture (COP). The COP will now integrate the disparate elements from our mission and provide a high-fidelity virtual picture of the border world.

We have learned from the past and continue to improve upon our successes. A key element to this was allowing our ground agents to have full input into the next generation of border technology. Our agents “feedback,” which is their real-world and real-time input helps determine what is actually required, what will work, and most importantly what does not work. This ground-truth is being put to use today, building on P-28 with the next phases along Ajo-1 and Tucson-1. This new technology will be deployed in the near future and we will evaluate each area to deploy the proper mix of technology and infrastructure to fill the capability gap.

CBP has made significant progress in securing our borders between the ports of entry. Today, we are detaining 100 percent of Other Than Mexican (OTM) aliens apprehended along the southwest and northern borders that are subject to detention pending removal and are otherwise ineligible for release from custody under U.S. immigration law. This is a stark contrast to 2005, when only 34 percent were detained. The success of this effort has been primarily based on DHS enhancements in additional bed space and the streamlined process for removal of aliens, or “Expedited Removal.”

Our agents continue to attend a rigorous training academy, currently located in Artesia, New Mexico, where they learn immigration, nationality and criminal law, and receive defensive techniques training, firearms training, and Spanish language training. The academy training was modified to better suit today’s operating environment. Intern Agents now attend a rigorous 55 day academy where they learn the basics of the law enforcement profession. Upon successful completion, the agents are again tested in the Spanish language. Those agents who satisfactorily pass return to their duty station to begin their field training and work as Border Patrol Agents. Agents requiring further training in Spanish then attend a 40--day, intensive, task-based learning course in Spanish. Upon successful completion of this, these agents then return to their duty station to begin their field training.

We continue to improve on the quality and caliber of our agents. All of our agents are border patrol agents first and are capable of performing the multiple tasks required of an agent. Upon successful completion of a few years in service our agents may elect to try out for a number of specialty positions. Our canine teams are trained to detect both humans and narcotics and are an effective tool at immigration checkpoints, as well as in daily operations. The Special Response Teams and Tactical Units are specially trained for domestic and international emergencies. Our Search, Trauma, and Rescue teams provide humanitarian and rescue capabilities, performing countless rescues every year. But the one underlying element is that they are agents first and any function performed beyond that of an agent requires specialized training. This interchangeability

of workforce is essential for maintaining a united federal law enforcement entity and is key to our defense in depth philosophy.

The uniform nature of our training and work ethic are essential and as principles for our operations. Every agent from the upper management to the new agent on the line has had or will have similar experiences, leading to an understanding not well understood beyond our ranks. This is essential for the integrity of our organization. By having a workforce equally trained and broadly experienced, the Border Patrol will retain the necessary elements for National emergency call-outs and deployments. This was invaluable during the unified efforts with the deployment of agents to the relief efforts following the tornados of last year, Hurricane Katrina in 2005, the national emergency in 2001, the Olympic bombings in 1996, the Krome riots in the 1980's, and the civil unrest of the 1960's.

This interchangeable capability is all the more important with the increase in violence we have seen over the past years. We have taken steps to mitigate this increase in violence and are better equipped to prepare our agents for it. We have deployed the FN-303, a less than lethal pepper-ball launcher system; expanded our international outreach with the Integrated Border Enforcement Teams on the northern border, whose mission is to enhance border integrity and security by identifying, investigating and interdicting persons or organizations that pose a threat to national security or are engaged in other organized criminal activity; expanded the International Liaison Units on the southern border, both to improve our diplomatic and international relations with Canada and Mexico; and improved our intelligence capabilities by detailing agents to the Air and Marine Operations Center and to NORAD.

There is not an easy solution when it comes to border security and our agents are dedicated to performing our mission with honor and integrity. We will continue to explore new technologies and reassess our operational needs to appropriately address the vulnerability gaps. The border is a dynamic environment and we strive to meet the challenges of today, and tomorrow.

### ***Securing our Borders while Facilitating Legitimate Travel and Trade***

CBP welcomes more than 400 million travelers into the United States annually. While security will always be CBP's primary mission – and key to maintaining travelers' confidence – we strive to make the process of entering the U.S. more streamlined, user-friendly and understandable.

CBP has worked very hard to improve our process for clearing and welcoming travelers into our country. In April of 2007 we launched the nation's first "Model Ports" at George Bush Houston Intercontinental and Washington Dulles International airports. Improved signage, multi-lingual explanatory videos and modernized procedures ease the process of arriving in the U.S. Both Houston and Dulles were chosen as initial model ports because they represent key gateway locations in the U.S. as major international hubs, and present unique infrastructure challenges and opportunities. In the coming

years, the Model Ports Program will expand to a total of 20 airports and add 200 CBP officers. We believe this program helps to send the message that America remains a warm, welcoming nation.

While CBP seeks programs and improves processes to make international travel more welcoming, security will always be CBP's primary mission. An important aspect of CBP's security mission involves extending security beyond our physical borders. The Immigration Advisory Program (IAP) is an important element in this strategy, enhancing security by preventing terrorists and other high-risk passengers from boarding aircraft destined for the United States. The goal of the IAP is to protect air travel and improve national security by reducing suspected overseas threats prior to a flight's departure, thereby avoiding delaying, cancelling, or diverting flights. Small CBP officer teams are deployed to work with foreign law enforcement and air carriers at key airports in host countries. The IAP program maintains deployment at nine foreign locations, adding a layer of enforcement and strengthening foreign partnerships while also providing financial savings for the U.S. Government and air carriers.

One important aspect of facilitating legitimate travel involves monitoring wait times for travelers at our airports and land border ports of entry. CBP's land border ports of entry processed just under 300 million people in 2007, spending an average of only 45-60 seconds with each person at the primary inspection booth. This process yielded approximately 20,000 arrests in fiscal year 2007. CBP created a Wait Time Advisory Committee that developed recommendations to address issues such as wait time measurement standards, processing times, facilities, staffing and community outreach. CBP facilities that were designed decades ago must house operations today and capacity is often exceeded. We continue to work with the General Services Administration (GSA) and local, state, and regional stakeholders to expand and upgrade port of entry sites and infrastructure to streamline processing times and better facilitate throughput. Our Trusted Traveler programs, including SENTRI, NEXUS and FAST, are being streamlined to increase enrollment among frequent travelers. However, CBP is limited by current facility restrictions that can inhibit the processing of legitimate trade and travel; thereby contributing to wait times. Although CBP has undertaken a number of initiatives to address wait times at our land border ports of entry, challenges still exist.

The Western Hemisphere Travel Initiative (WHTI) requires that travelers possess standardized, secure documents to allow CBP to quickly and accurately identify a traveler and their citizenship while shortening the inspection process. With funds requested in Fiscal Year 2009, CBP will complete the deployment of the radio-frequency identification (RFID) sensor and license plate reader technologies started in 2008 and add 89 new CBP Officers at our land border ports of entry.

CBP's Office of Field Operations (OFO) uses the Workload Staffing Model (WSM) to assist in requesting resources and aligning staffing levels at our ports of entry. The WSM was developed for CBP Officers focusing on all aspects of CBP processing for passengers and cargo in the air, land and sea environments. The model assesses staffing needs based on workload, processing times, complexity and threat levels, and provides an

optimal level of staffing for each port of entry. The model is a decision support tool and is used as a guide in the allocation of available resources. It does not replace the judgment of experienced managers when making decisions on allocation of limited staff.

Technologies deployed to our nation's sea, air, and land border ports of entry include non-intrusive imaging equipment, such as large-scale X-ray and gamma-imaging systems, as well as a variety of portable and hand-held technologies to include radiation detection technology. NII technologies play a key role in CBP's layered strategy and are viewed as force multipliers that enable us to screen or examine a larger portion of the stream of commercial traffic quickly, while facilitating the flow of legitimate trade, cargo, and passengers. An integral part of CBP's comprehensive strategy to combat nuclear and radiological terrorism is to scan all arriving sea containers with radiation detection equipment prior to release at domestic ports. Currently, CBP has 398 Radiation Portal Monitors (RPM) deployed at priority seaports in the United States, through which approximately 98% of all arriving sea-borne containerized cargo passes. CBP is forecasting the deployment of 93 additional seaport RPMs by the end of FY 2009.

Additionally, we currently have 246 RPMs on the northern border, which provides CBP with the capability to scan 91% of truck cargo and 81% of personal owned vehicles (POVs) for illicit radiological/nuclear materials. The current forecast calls for the deployment of an additional 337 northern border RPMs. This will give CBP the capability to scan approximately 100% of truck cargo and 100% of personal vehicles for illicit radiological/nuclear materials with RPMs. CBP will also increase the southern border RPM deployments (currently scanning 100% of all truck cargo and 95% of POVs). By the end of FY2009, CBP plans to deploy 51 additional southern border RPMs - providing CBP with the capability to scan approximately 100% of POVs.

To further our priority mission of preventing terrorists and terrorist weapons from entering the United States, CBP has partnered with other countries through our Container Security Initiative (CSI). Almost 32,000 seagoing containers arrive and are off loaded at United States seaports each day and under CSI, which is the first program of its kind, CBP partners with foreign governments to screen containers at foreign ports and then identify and inspect high-risk cargo containers at those foreign ports, before they are shipped to our seaports and pose a threat to the United States and to global trade.

### *Canines*

CBP's canine program is the largest and one of the most decorated and recognized canine programs throughout the law enforcement community.

The CBP canine program is also one of the most diverse programs throughout law enforcement. CBP canine disciplines include human detection, narcotic detection, explosive detection and search and rescue. Some of these disciplines are crossed-trained to provide cadaver detection and track and trail abilities. Explosive detection canines cannot be trained in other disciplines due to the required operational response to a positive detection. In order to properly provide this essential diversity of the program,



CBP maintains two separate training facilities, one in Front Royal, VA and one in El Paso, TX. The one thing all CBP Canines have in common is the 100% detection rate as the standard by which they are tested.

Border Patrol canines work in a variety of environments which include desert and mountainous areas, most of their duties require working outdoors. OFO canines work in more controlled areas of the designated POEs, be it at an airport, seaport, or land border crossing. OFO and OBP are trained for their specific mission as it relates to the laws in which they are governed. Both OFO and OBP operate are subject to the Fourth Amendment. When using canines OFO usually operates under the "Border Search" exception to the Fourth Amendment's warrant and probable cause requirements, while OBP generally operates away from the border and thus under general Fourth Amendment rules.

The CBP Canine Program was the first law enforcement agency in the United States to train and deploy explosive detector canine teams with the capability to detect trace amounts of explosive on humans as well as searching conveyances, cargo, luggage, and mail. CBP remains on the cutting edge in development and implementation of this aspect of explosive detection capability

Due to the legal requirements for canine law, CBP maintains the highest standards for their canines, handlers and the training curriculum. CBP Officers and Border Patrol Agents, who are to be Canine Team members, must successfully complete all training and certification with their canine partner, creating a bond and a trust that allows them to excel at their duties.

Over its history, the CBP Canine Program has continually demonstrated its ability to train and deploy professional detector canine teams to meet the diverse and demanding requirements of our deployed locations and work environments. The CBP canine program will continue to consistently adapt to meet the DHS/CBP mission while providing a more mobile and rapid response in order to lead the way into the future.

### ***Conclusion***

Madam Chairwoman, Members of the Subcommittee, we have outlined several initiatives today that, with your assistance, will help CBP continue to protect America from the terrorist threat while fulfilling our other important traditional missions. While these initiatives are by no means the sum total of CBP's work between the ports of entry on either border, we believe they highlight the significant accomplishments and ongoing work of our men and women on the front lines and provide a strong foundation for ensuring the proper balance in reducing our vulnerability to the entry of terrorists, illegal aliens and drugs.

Thank you again for this opportunity to testify. We will be happy to answer any of your questions.