

**TESTIMONY OF**

**TODD OWEN  
ACTING DEPUTY ASSISTANT COMMISSIONER  
OFFICE OF FIELD OPERATIONS**

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

**BEFORE**

**HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE**

**July 9, 2009  
Washington, DC**

Chairman Towns, Congressman Issa, esteemed Members of the Committee, 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 at and between our ports of entry.

I want to begin by expressing my continuing gratitude to Congress for its enduring support for the mission and people of CBP. It is clear that the Congress is committed to providing us the resources we need in order to increase and maintain the security of our borders. We appreciate your efforts and assistance.

I would also like to thank you for your support for provisions in the American Recovery and Reinvestment Act of 2009, which provided \$680 million to CBP for greatly needed improvements to our aging infrastructure, and for the addition of new technology at our nation's borders. These funds will support planning, management, design, alteration, and construction of CBP-owned land ports of entry; procurement and deployment of non-intrusive inspection system; expedited development and deployment of border security technology on the southwest border; and for the procurement and deployment of tactical communications equipment. In addition, the bill included \$300 million for the construction and repair of land ports of entry owned by the General Services Administration (GSA). Secretary Napolitano has made clear that we are to move swiftly and with great transparency as we put these investments to use.

CBP is the largest uniformed, Federal law enforcement agency in the country. We station over 20,000 CBP officers at access points around the Nation, including at air, land, and sea ports. As of mid-June, we have deployed over 19,300 Border Patrol agents between the ports of entry. These forces are supplemented with 1,058 Air and Marine agents, 2,318 agricultural specialists, and other professionals. These personnel are key players to the implementation of Secretary Napolitano's Southwest Border Security Initiative.

I am pleased to report that CBP continues to perform all of our missions successfully, 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, enforcing textile agreements, tracking import safety violations, regulating and facilitating international trade, collecting import duties, facilitating legitimate travel, and enforcing United States trade laws. CBP facilitates lawful immigration, welcoming visitors and new immigrants while making certain those entering this country are indeed admissible, and taking appropriate action when an individual fears being persecuted or tortured if returned to their home country. At the same time, our employees maintain a vigilant watch for terrorist threats. In FY 2008, CBP processed more than 396 million pedestrians and passengers, 122 million conveyances, 29 million trade entries, examined 5.6 million sea, rail, and truck containers, performed over 25 million agriculture inspections, apprehended over 720 thousand illegal aliens between our ports of entry, encountered over 220 thousand inadmissible aliens at the ports of entry, and seized more than 2.8 million pounds of illegal drugs.

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. These are our twin goals: border security and facilitation of legitimate trade and travel.

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

The primary goal of our strategy between the ports of entry is to gain effective control of our Nation's borders. Effective control is achieved when a Chief Patrol Agent determines that agents deployed in a given area consistently: detect illegal entries into the United States, assess and classify any threats associated with the illegal entries, respond to the area, and bring the situation to a successful law enforcement resolution.

During Secretary Napolitano's congressional hearing a few weeks ago, she explained the importance of having a border security strategy that incorporates the elements of effective control. CBP establishes effective control through a balanced combination of technology, personnel, and tactical infrastructure allowing Border Patrol agents to confront the criminal element. Secretary Napolitano often refers to this strategy as the "three-legged stool." One of these legs cannot provide effective control by itself. The mix of these three elements will vary depending on the challenges of the focus area. Technology allows us to detect the entries and to assess and classify the threat. Personnel provide the response to confront the criminal element. Tactical infrastructure supports the response by either providing access or extending the time needed for the response by deterring or slowing the criminal element's ability to easily cross the border and escape.

As of May 31, 2009, we have determined that 894 miles of border are under effective control. This includes 697 miles along the southwest border, 32 along the northern border and 165 in the coastal regions. Across the southwest border, we have made significant strides in increasing our situational awareness and tactical advantage over those seeking to violate our laws. With increased situational awareness, we can better understand where we have the highest threats and vulnerabilities, and assess where we need to apply our resources. Situational awareness also enables our agents to perform their jobs more safely and more effectively. This is especially critical during times such as these where we are experiencing higher levels of violence at our Nation's borders.

Between the ports of entry, the Border Patrol Sector Chiefs are the field commanders, and CBP personnel involved in border security include Border Patrol Agents and Air and Marine Interdiction Agents. Personnel in adequate numbers are highly effective resources. They can observe and therefore provide for the type of situational awareness that is necessary for effective control. Unique among the elements of the three-legged stool, personnel also have the capacity to respond. Personnel are highly effective and flexible, but the number of personnel required to perform the entire border security mission would be prohibitive if they were not properly augmented by tactical infrastructure and technology.

Tactical infrastructure includes – among other things – pedestrian fence, vehicle fence, roads, and lighting. Tactical infrastructure supports CBP's ability to respond in several ways. Fence, for example, is a fixed resource that provides a constant and continuous effect. I wish to be very clear—fence alone does not and cannot provide effective control of the border. It does, however, deter and delay illicit cross-border incursions. This continuous and constant ability to deter or delay is what we refer to as "persistent impedance." There are areas of the border where

we have concluded that we must have persistent impedance in order to achieve effective control, because we must at least delay attempted illicit incursions. These delays buy time for our agents to respond. This is critical in areas near cities, for example, where illicit border crossers can easily blend into the population before we interdict them. It is also critical in areas where vehicles reach nearby roads faster than we could respond without persistent impedance.

Technology is an important leg of the stool. Although some refer to technology as a “virtual fence,” technology does not have the persistent impedance capability of a real fence. It does, however, provide timely and accurate information that physical infrastructure could not. Between the ports of entry, technology includes sensors, command and control systems, and communications. Technology is a powerful force multiplier because it has tremendous capability to provide the situational awareness that is a precursor to effective control. Sensors can “watch” the border continuously, guided by appropriate command and control systems. These command and control systems can also help sort the data coming from the sensors so that our agents have very quick access to the most critical information. Technology also supports response capability. With accurate information to identify and classify illicit incursions, agents have many more options about how and when they will respond to the incursion. Improved communications capability also supports response by ensuring our agents will be properly directed and coordinated.

Over the past year, we have made significant strides in strengthening all three legs of our stool. As of mid-May, we had 19,065 Border Patrol Agents on-board. Of the 661 miles of southwest border identified by CBP as requiring persistent impedance, fencing has been constructed along 627 miles (as of May 22<sup>nd</sup>). Most of the remaining mileage is under construction and will be complete this summer. With respect to technology, we have purchased 40 mobile surveillance systems (MSSs) and deployed them to the northern and southwestern borders. These MSSs provide a flexible solution to give our operators radar and camera coverage in high priority areas, and serve as a gap-filler while we develop and deploy more permanent technology solutions. Later in the testimony, I will provide additional detail about our vision for those more permanent solutions.

The northern border of the United States continues to be important to our national security. In fact, one of the first directives that Secretary Napolitano issued shortly after being confirmed was to review our strategies, plans and operational capabilities along the northern border. As we have designed programs to afford greater protection against the entry of dangerous goods and people at all our borders, we have also focused increased attention on specific needs along the Canadian border.

For instance, the Integrated Border Enforcement Team (IBET) program, encompassing 15 regions along the northern border, is a multi-faceted law enforcement initiative comprised of both Canadian and American partners. The IBET core agencies include CBP, the U.S. Coast Guard (USCG), Immigration and Customs Enforcement (ICE), the Canada Border Services Agency (CBSA), and the Royal Canadian Mounted Police (RCMP). This longstanding, bi-national partnership has enabled the participating law enforcement partners to share information and work together daily with other local, State, and provincial enforcement agencies on issues

related to smuggling, organized crime, the vulnerabilities associated with unguarded roads, and other criminal activities along the U.S.-Canada border at and between the ports of entry.

In addition, DHS developed the Border Enforcement Security Task force (BEST) concept to coordinate the efforts of ICE, CBP, and DHS intelligence personnel working cooperatively with foreign, Federal, State, and local law enforcement agencies to take a comprehensive approach to disrupt and dismantle criminal organizations. In early 2008, the first northern border BESTs initiated operations in Blaine, Washington and Buffalo, New York. The BESTs complement and increase the effectiveness of the IBETs by augmenting their investigative capability.

We have also increased the number of Border Patrol agents deployed to the northern border. Our plans call for 1,845 agents by the end of this year, and 2,212 by the end of next year. Our Air and Marine organization has deployed significant resources to the northern border, including the recent deployment of an Unmanned Aerial System (UAS) based in Grand Forks. The DHS Science and Technology Directorate has a number of research projects designed to evaluate technology opportunities tailored to the northern border environment that will advise our plans in the future. Our Secure Border Initiative (SBI) program began implementing a measured deployment of fixed and mobile sensors in our Buffalo, Detroit, and Swanton sectors starting this spring.

### **Travel Facilitation at the Ports of Entry**

CBP welcomes nearly 400 million travelers into the United States annually. While security will always be a primary mission — we also continue to strive to make the process of entering the U.S. more streamlined, user-friendly and understandable.

In past hearings, we have highlighted our initiatives to streamline the processing of travelers through our land ports of entry and to extend security beyond our physical borders. Those efforts continue and will continue for the future. CBP implemented the Western Hemisphere Travel Initiative (WHTI) secure document requirements at land and seaports on June 1, 2009, on time and on budget. All the project pieces were carefully planned and executed in advance – Radio Frequency Identification (RFID) enabled documents, new software technology for the vehicle primary lanes, and the RFID physical infrastructure at our high volume land ports. CBP continues to remain practical and flexible in our implementation approach of the WHTI documentary requirements.

Efficient and effective land border primary operations require a well-integrated strategy and as well as synchronized and coordinated technologies, processes, and infrastructure. Building upon the initial success of the WHTI deployment, CBP has identified other critical process areas to integrate, facilitate, and enhance border security such as our commercial-passenger dual use lanes, pedestrian processing, and traffic management strategies.

We are continuing to enhance and expand our trusted traveler programs, which expedite the processing of known, low-risk travelers so that we can better focus our attention on higher-risk, unknown travelers. Global Entry is another program to expedite processing of low-risk

travelers—in this case, United States citizens and Lawful Permanent Residents. This program is a pilot that we are testing in select airports. It provides automated kiosks to validate identification by matching travel documents with biometrics.

The Importer Security Filing interim final rule, also known as “10+2”, went into effect earlier this year and has already yielded some promising results. This program will provide CBP timely information about cargo shipments that will enhance our ability to detect and interdict high risk shipments. Comments on aspects of this rule were accepted until June 1, 2009, and implementation using informed compliance will continue until January of next year. This initiative will augment CBP’s efforts to review 100 percent of all cargo before it arrives in the United States using advanced cargo data, automated targeting and risk assessment systems, intelligence, and cutting edge inspection technologies such as large scale X-ray, gamma ray machines, and radiation detection devices. Shipments determined by CBP to be high risk are examined either overseas as part of our Container Security Initiative or upon arrival at a U.S. port. Additionally, over 98% of all arriving maritime containerized cargo is presently scanned for radiation through radiation portal monitors.

The infrastructure and facilities supporting many of our ports of entry are outdated and aging. As mentioned earlier, the commitment within the American Recovery and Reinvestment Act by President Obama, Secretary Napolitano, and Congress to enhance and improve the ports of entry is an important step to overhauling CBP’s infrastructure. We believe these funds will allow us to accelerate our upgrades, which will in turn increase our quality of service, throughput, and overall performance at the ports.

Technology is also a key enabler for our operations at the ports of entry. A key focus is on the area of Non-Intrusive Inspection. The ability to non-intrusively screen and examine cargo and conveyances will allow us to interdict weapons of mass effect and other contraband more effectively while facilitating the flow of legitimate trade and travel.

### **Southwest Border Security Initiatives**

DHS continues to address drug trafficker violence through targeted initiatives and adept coordination with U.S. Federal, state, local, tribal, and Mexican authorities. In an effort to further facilitate these partnerships, Secretary Napolitano announced the appointment of Alan Bersin as DHS Assistant Secretary for International Affairs and Special Representative for Border Affairs. The recently announced Southwest Border Security Initiative, the Merida Initiative, and the 2009 National Southwest Border Counternarcotics Strategy, as well as interagency planning, all rely on this coordination. Through these initiatives, the Department will increase personnel at the border, position technology at strategic locations, and provide assistance for Mexican security needs through resources and partnerships. In the future, DHS will work closely to help Mexico build capacity for its long term border security needs. Taken as a whole, these initiatives aim to crack down on the illegal activities that fuel the drug war in Mexico.

In March, DHS announced new plans, which involves the deployment of hundreds of new personnel and enhanced intelligence technology to maximize capabilities and strengthen

coordination with other federal law enforcement entities such as DOJ, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the DEA, the US Marshals Service, and the FBI, as well as State, local, tribal, and Mexican law enforcement authorities. With regard to CBP, the President's initiative:

**Initiates 100 percent southbound rail scanning** – CBP previously did not screen any of the cargo traveling by rail from the United States into Mexico; it is now scanning all rail cargo for weapons, ammunition, and currency. Existing non-intrusive inspection equipment is being used to detect contraband in cargo on each of the eight rail crossings on the southwest border.

**Adds Border Patrol Agents at POEs** – CBP is placing up to 100 Border Patrol agents at southwestern ports of entry to assist the Office of Field Operations (OFO) and to bolster outbound inspections from the U.S. into Mexico in order to detect arms and bulk-cash smuggling.

**Adds Mobile Response Teams** – Three Mobile Response Teams of 25 CBP officers each are periodically deploying to the southwest border to participate in focused operations developed to combat arms and bulk cash smuggling.

**Augments Search Technologies** – An additional two low-energy mobile x-ray units have been moved to the southwest border, in addition to the seven already present, to help CBP identify anomalies in passenger vehicles.

**Engages Canine Teams** – A total of twelve teams of “cross-trained” canines – trained to identify both firearms and currency – have been deployed to the southwest border.

**Adds License Plate Readers** – Outbound lanes currently equipped with license plate readers will receive upgraded license plate reader technology to improve CBP's ability to identify the vehicles of known or suspected smugglers of cash, weapons, drugs, or persons. This information is shared with other law enforcement agencies through EPIC and the OCDETF Fusion Center.

**Enhances Operation Stonegarden Grant Funding on the Border** – Grant guidance for the remaining balances in Operation Stonegarden from FY 2006 to FY 2008 will be modified to enhance current State, local, and tribal law enforcement operations on the southwest border. The new guidelines will expand the scope of what the funds can be used for, freeing up to \$59 million for State, local, and tribal law enforcement on the border to pay for additional law enforcement personnel, operational overtime expenses, and travel or lodging for deployment to the southwest border.

**Actively Engages State, Local, and Tribal Law Enforcement** – DHS is aggressively reaching out to law enforcement in border communities, recently conducting a firsthand tour of State and local law enforcement operations along the southwest border and leading bi-monthly conference calls with chiefs of police and sheriffs in a classified setting.

We have already begun to feel the impact of this initiative. Between March 12 and June 1, CBP seized over \$13.2 million in outbound currency. On May 10, CBP seized \$200,000 in

U.S. currency during outbound inspections in Progreso, Texas, when officers detected anomalies while performing a routine X-ray scan on a pickup truck. Following a canine inspection, the officers discovered 18 heat-sealed packages of U.S. currency hidden in a roaster oven inside the vehicle. In addition, on May 2, CBP officers and ICE agents in Laredo, Texas, seized more than \$302,000 in American currency hidden in boxes of detergent during a joint outbound operation.

The funding for these efforts will be from budget realignments and reprogramming from lower priority activities. The President's FY 2010 budget continues to support these efforts by providing funding to combat southbound firearms and currency smuggling.

### **Support of U.S./Mexican Counter-Drug Initiatives**

A key and growing area of emphasis involves DHS's role in interdicting the illegal flow of weapons and currency into Mexico. The recent surge in violence in the interior and border cities of Mexico poses a significant threat in Mexico and is a serious concern of the United States. Secretary Napolitano has tasked all DHS components, including CBP, to examine how we can reasonably increase our enforcement activities in an effort to identify and interrupt efforts to smuggle weapons and bulk cash shipments into Mexico.

A large portion of illegal drugs consumed in the United States pass through Mexican territory and territorial seas. Illicit trafficking profits flow back to Mexican drug trafficking organizations across our common border. The Mexican Government's ability to confront drug trafficking and its willingness to cooperate with U.S. efforts directly affect the impact of any southwest border activities.

CBP works with its partners in the Drug Enforcement Administration 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 will utilize established locations to gather information regarding travel patterns and border nexus on drug traffickers to enable intelligence driven operations and interdictions. While the LPRs are currently deployed along the southwest border, the program will be expanded to encompass the northern border and other areas throughout the country in the near future. Its capabilities can be utilized to assist other law enforcement entities in their investigations of their high value targets, by combining existing DEA and other law enforcement database capabilities with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, and other illegal contraband.

In a spirit of cooperation, CBP has established positions at the El Paso Intelligence Center (EPIC), the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center, and the DEA Special Operations Division. These initiatives enhance interaction with the Intelligence Community (IC) and law enforcement agencies to more effectively facilitate the collection, analysis, and dissemination of actionable drug-related intelligence. CBP has also established two full-time positions at the National Gang Intelligence Center (NGIC) and has partnered with the National Gang Targeting, Enforcement and Coordination Center (GangTECC).



Additionally, CBP's Office Intelligence and Operations Coordination established a National Post Seizure Analysis Team (PSAT) at the National Targeting Center-Cargo, and is in the process of establishing Intelligence Operations Coordination Centers (IOCC) with the first one under construction in Tucson, Arizona. The IOCCs will make CBP a more fully integrated, intelligence driven organization by linking intelligence efforts and products to operations and interdictions.

CBP views the border as a continuum of activities with the physical border being the last line of defense, not the first. As such, effectively securing the border requires attention to processes that begin far outside U.S. borders, occur at the border, and continue to all interior regions of the United States. Consequently, CBP's strategies address the threats and challenges along the entire continuum. For this reason, CBP takes part in various initiatives, including Operation Panama Express, which relies on strategic partnerships.

Operation Panama Express is an OCDETF initiative, executed through OCDETF Co-located Strike Forces, in which CBP participates with the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement, Internal Revenue Service-Criminal Investigations Division, the U.S. Coast Guard, and multiple State and local law enforcement agencies in a multi-agency international drug flow investigation that combines detection and monitoring, investigative, and intelligence resources to provide actionable intelligence to Joint Interagency Task Force-South (JIATF-S) operations to interdict the flow of cocaine from northern South America to the United States. JIATF-S interdiction operations in the transit zone, supported by CBP P-3 Airborne Early Warning, CBP P-3 Tracker aircraft, and Coast Guard HC-130, along with U.S. Coast Guard surface vessels, interdict large, sometimes multi-ton, shipments before they can be split into smaller loads for movement across the southwest border over multiple routes and distributed to U.S. cities, towns, and small communities. Interdicting these large loads in the Transit Zone supports the Southwest Border and Merida Initiatives by preventing illicit drugs from entering the distribution networks through Central America and Mexico. This deprives the violent Drug Trafficking Organizations of the product and subsequent cash flow that supports their operations.

CBP is also responsible for detecting and preventing unauthorized incursions into the United States. Toward this end, CBP continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities. Detection of U.S./Mexican border air intrusions is essential to effective interdiction operations along our borders with Mexico. The primary means of detection is a large radar network, monitored at the 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 (FAA), and ground based radar systems. Both CBP and Mexican law enforcement personnel stationed at the AMOC detect aircraft "short landings" and border penetrations and coordinate CBP and Mexican interdiction assets to intercept, track, and apprehend smugglers as they transverse the U.S./Mexico border.

The Government of Mexico maintains a strong commitment to interdiction. CBP will continue to assist the Government of Mexico in its counter-drug effort, including Command, Control, Communications, and Information support.

## **Intelligence and Operational Coordination**

CBP continues to evolve into a more integrated, intelligence driven organization and partner in the DHS Intelligence Enterprise. We are in the process of establishing a more robust field organization by means of several programs. For example, the CBP Office Intelligence and Operations Coordination is in the process of developing capabilities which will integrate CBP intelligence and operational elements for more effective command and control, mission deployment, and allocation of resources.

Intelligence gathering and predictive analysis require new collection and processing capabilities. CBP is developing the Analytical Framework for Intelligence (AFI), a set of data processing tools that will improve the effectiveness of CBP and other DHS analysts in detecting, locating, and analyzing terrorist networks, drug trafficking networks, and similar threats. CBP has instituted training for Border Patrol Agents and CBP Officers to better recognize indications of human trafficking, hosted a Human Trafficking Symposium in 2008, and has developed a Human Trafficking Public Awareness Campaign which includes the use of informational posters located in public areas of U.S. ports-of-entry and Human Trafficking Information Cards that are designed to raise the awareness of the both the traveling public and potential victims to the crime of human trafficking. These intelligence and operational coordination initiatives complement the Secure Border Initiative's (SBI) technology programs and will be shared with other agencies, including – but not limited to – the Drug Enforcement Administration.

## **Secure Border Initiative (SBI)**

The Secure Border Initiative (SBI), as currently configured, contributes to two of the three legs of our border security stool.

As I previously mentioned, the Border Patrol identified 661 miles along the southwest border where persistent impedance was a necessary condition for effective control. In those areas, the only 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 might well 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.

Going forward, the BSFIT appropriation, which is managed by the SBI office, will continue to dedicate funding to additional tactical infrastructure programs. Much of the focus, however, 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<sub>net</sub>*.

Our recent activity has been focused on development of the SBI<sub>net</sub> Block 1 system, which we are deploying this year to two locations in Arizona known as Tucson-1 and Ajo 1, totaling about 53 miles of border. After completing System Qualification Test (SQT) last December, while CBP had confidence in the overall system design, there were some open issues

that needed to be resolved prior to giving the go ahead to move forward with these initial operational deployments. The SBI-net team worked with Boeing to resolve the issues from SQT and complete the appropriate analysis in order to provide adequate confidence in the system design. This analysis suggested that, to a reasonable level of engineering confidence, the system meets its design requirements. Further confirmation will require actual deployment and checkout of the system in the real operational environment – an opportunity that will be provided with the deployment of the system to Tucson-1, which began on May 4. The deployments of Tucson-1 and Ajo-1 will lead to a more formal operational test and assessment by the Border Patrol to determine how well the system meets the agents' needs. The results of the engineering tests and the Border Patrol's operational testing will then advise future changes and enhancements to the system, as well as a decision to deploy the system to additional locations.

### **Conclusion**

Mr. Chairman and members of the Subcommittee, your continued support of CBP has led to many positive outcomes in border security and improvements in travel and trade facilitation. The results of your recent investments to improve CBP's aging infrastructure will soon be evident. The resources we put at our border, whether it is people, technology, or tactical infrastructure, enhance our ability to address hazards and threats at our Nation's borders.

Thank you for the opportunity to describe our border security operations and to highlight some of our progress to date. I am confident that we will continue to make tremendous strides in increasing control of our borders.

I look forward to your questions.