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BEFORE

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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 at and between our ports of entry.

I want to begin by expressing my continuing gratitude to the Committee for its enduring support to 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 in the Economic Stimulus bill. The American Recovery and Reinvestment Act of 2009 provided $680 million to CBP for greatly needed investment in our aging infrastructure, as well as 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 also 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.

My testimony today focuses on the Secure Border Initiative (SBI), in particular the SBInet technology and tactical infrastructure programs, as well as CBP's counter-drug and counter-terrorism activities.

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 – air, land, and sea ports. By the end of FY 2009, we will have deployed over 20,000 Border Patrol agents between the ports of entry. These forces are supplemented with 980 Air and Marine agents, 2,260 agricultural specialists, and other professionals.

I am pleased to report that CBP continues to achieve success in performing 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, 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. 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 narcotics.

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.

Mr. Chairman, once the CBP Fiscal Year 2010 budget request is submitted to Congress, I would be more than happy to discuss our request with you and your staff. We appreciate your strong support in previous years and look forward to working with this committee over the next year.

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 Border Patrol Agent determines that agents deployed in any given area are consistently able to: detect an illegal entry into the United States between the ports of entry; identify and classify the threat level associated with that illegal entry; respond to the area of the illegal entry; and bring the situation to a 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. Effective control is established through the proper mix of technology, personnel, and infrastructure that will allow CBP personnel to confront the criminal element before they can get away. Secretary Napolitano often refers to this strategy as the "three-legged stool." One of these legs cannot, in and of itself, provide effective control. However, the mix of these three components will vary depending on the challenges of the focus area. Technology is the baseline requirement for any area of operations. It allows us to detect the entries and to identify 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.

Essentially, 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 situational awareness—that is, we must have knowledge about what is happening between the ports of entry. The knowledge must be precise and timely enough for us to react to the knowledge. Second, we must have the capability to react to the knowledge at a time, place, and manner of our choosing.

As of the end of fiscal year 2008, we determined 757 miles of border were under effective control. Of that total, 625 miles were on the southwest border between the United States and Mexico, which is where a majority of illicit, cross-border activity occurs. Where we do not yet have control on 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.   The ability to have situational awareness also enables our agents and officers to perform their jobs safer and more effectively. This is especially critical during times such as these where we are experiencing high levels of violence at our nation's borders.

Between the ports of entry, CBP personnel involved in border security include Border Patrol Agents, Air Interdiction Agents, and Marine Interdiction Agents. Personnel in adequate number 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, in and of itself, 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 could blend into the population before we could interdict them. It is also critical in areas where vehicles could 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 responders 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 response forces can be properly directed and coordinated.

Over the past year, we have made significant strides in strengthening all three legs of our three-legged stool. As of February 14, 2009, we had 18,566 Border Patrol Agents on-board. We have identified 661 miles of southwest border where persistent impedance

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was a requirement and 610 miles of fence is already constructed along the southwest border. Most of the remaining mileage is under construction and will be complete this Spring. With respect to technology, we have purchased 40 mobile surveillance systems (MSSs) and deployed them to the southwest border. These MSSs provide radar and camera coverage and serve as a gap-filler while we deploy more permanent technology solutions. Later on in the testimony, I will provide more detail about our vision for those more permanent solutions.

I would be remiss if I did not comment on our efforts with respect to the northern border. The northern border of the United States is also important to our national security. In fact, one of the first directives that Secretary Napolitano issued shortly after being named was to review our 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. CBP is responsible for preventing the entry of dangerous people and goods into the U.S. while facilitating the flow of legitimate trade and travel. Between the ports of entry, CBP leverages technology and partnerships to detect cross border incursions and, due to distances or challenging terrain, uses a wide array of technologies and response platforms to detect and interdict them.

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 is considered a "best practice" by both the Canadian and United States governments and is a model for bi-national collaborative efforts in securing our shared border. The IBET core agencies include, CBP, Coast Guard (USCG) and Immigration and Customs Enforcement (ICE), and from Canada, 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 and Analysis (I&A) 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, with participation from ICE, CBP, DHS I&A, USCG, FBI, ATF, DEA, IRS, U.S. Postal Investigative Service, National Oceanic and Atmospheric Administration, CBSA, RCMP, and other U.S. and Canadian state and local law enforcement agencies. 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 an additional 400

agents 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 which will advise our plans in the future. Our Secure Border Initiative (SBI) program will implement a measured deployment of sensors in our Buffalo, Detroit, and Swanton sectors starting this Spring.

In March 2007, Congress directed $20 million of the Border Security, Fencing, Infrastructure, and Technology (BSFIT) appropriation "to begin addressing needs and vulnerabilities along the Northern Border." With these and other funds, CBP is moving forward with components of a plan for the northern border consisting of two parts. The first is the deployment of additional surveillance technology capabilities such as remote video surveillance systems (RVSS) towers in the Detroit and Buffalo Sectors, and Mobile Surveillance Systems (MSS) in the Swanton Sector. The second is to test the integration of proven technologies into a common operating picture (COP) in the northern border operating environment. While these efforts will not provide complete situational awareness or enable operational control of the area of responsibility (AOR), they will provide enhanced capabilities to those areas and are critical to our long-term SBInet development strategy.

Travel Facilitation at the Ports of Entry

I would like to reinforce and reiterate our important efforts at and beyond the ports of entry. We will discuss this in more detail in future hearings, so I will provide only some concise highlights today.

CBP welcomes nearly 400 million travelers into the United States annually. While security will always be CBP's primary mission – and is key to maintaining travelers' confidence – we 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 is prepared and ready for the Western Hemisphere Travel Initiative (WHTI) secure document implementation at land and seaports on June 1, 2009. All the project pieces are in place and moving forward – 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. The WHTI deployment is on time and on budget. CBP will take a thoughtful and deliberate implementation approach for the traveling public as we implement the WHTI documentary requirements for land and sea on June 1, 2009.

Efficient and effective land border primary operations require a well-integrated strategy and timely deployed 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 travelers—in this case, United States citizens and Lawful Permanent Residents (LPRs). This program is a pilot that we are testing in select airports. It provides automated kiosks to validate identification by matching travel documents and biometrics.

The interim final rule on security filing went into effect 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 this rule will be 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 screen 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 our ports of entry are outdated and aging. As mentioned earlier, the commitment within the economic stimulus package 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 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 more effectively to interdict weapons of mass effect and other contraband while facilitating the flow of legitimate trade and travel.

Support of U.S./Mexican Counter-Drug and Counter-Terrorism Initiatives

A key and growing area of emphasis involves interdiction of weapons and currency. Escalating violence in the border regions and interior of Mexico poses a significant threat to both the United States and Mexico. Secretary Napolitano has tasked all DHS components, including CBP to examine how we can increase our enforcement activities in an effort to mitigate southbound weapon and currency smuggling to the extent that resources and infrastructure allow.

A majority of the illegal drugs consumed in the United States originate from or pass through Mexican territory and territorial seas. Huge, illicit trafficking profits flow back to Mexican drug trafficking organizations across our common border. The Mexican government's ability to confront its drug trafficking industry and its willingness to cooperate with U.S. efforts directly affect the impact of any southwest border initiative.

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 for intelligence driven operations and interdictions.

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.

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. Reciprocal benefits will be a greater capability to expeditiously move feedback from the end users back to the originator.

Operation Panama Express is 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, Coast Guard HC-130, Coast Guard vessels, and CBP P-3 Tracker aircraft 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.

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. Personnel at the AMOC detect aircraft "short landings" and border penetrations and coordinate CBP

Air and Marine and Mexican interdiction assets to intercept, track, and apprehend smugglers as they transverse the U.S./Mexico border.

The Government of Mexico sustains a strong commitment to interdiction. 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 continues its evolution to become a more integrated, intelligence-driven organization and we are in the process of establishing a robust field organization. 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 designing an integrated architecture for Law Enforcement Technical Collection (LETC) 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 (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. These intelligence and operational coordination initiatives complement SBI's technology programs.

Secure Border Initiative (SBI)

The Secure Border Initiative (SBI) is designed to enhance border security. As currently configured, SBI 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 some 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*net*.

We learned of the shortcomings of satellite communications. We learned that even commercial, off-the-shelf hardware represents a design challenge when it is assembled in new ways into a new system. We learned of the importance for complete and

comprehensive engineering and operational tests to confirm the technical design—before we put the system in the hands of the end user for actual operations. One of our major challenges going forward will be to make prudent, measured, but expeditious progress in deploying technology; while simultaneously building a much strong capability for technical program management.

We believe we are effectively addressing all of these critical lessons learned. We have adopted an evolutionary, spiral development strategy for the SBI*net* program. Essentially, this means we will develop and deploy SBI*net* technologies in reasonable, achievable blocks or spirals of capability. Spiral development acknowledges that, through deployment of systems, we may identify opportunities or desires to do other things or to increase effectiveness. Spiral development supports an interactive dialogue between the end user of a system (our agents and officers), and the people who develop the system.

Our recent activity has been focused on SBI*net* Block 1, which we plan to deploy at least through Arizona. We say "at least" because we have not yet determined where Block 1 will end and Block 2 will start—but we still do plan deployment of SBI*net* throughout the rest of the southwest border.

We have developed a very robust program for SBInet Block 1. It culminated with a System Qualification Test (SQT) last December in a specially designed and constructed facility at Playas, NM. The Playas facility is an engineering facility but it allows us to simulate the operation of the system—end-to-end—in a realistic field environment. At Playas, we have an actual, production sensor tower that includes day/night cameras, a radar, a receiver for unattended ground sensors (UGS) and a communications capability. To simulate operation of multiple towers, Playas also has sensors attached to existing buildings and structures at Playas. The system includes the Common Operating Picture (COP), which is our command and control system. The COP integrates the various sensors—for example, it supports automated cueing and pointing of the cameras so they can look at objects detected by the radar or the UGS. The COP also transmits the data to a central control center and displays the information for the operators.

Based on the SQT results, we have confidence in the overall system design. However, the system did not pass all of the test objectives. This is not unusual in system development and we do not perceive any show-stopper issues. Nonetheless, we must make adjustments and design changes, and then re-run elements of the test to confirm system performance. We currently expect to complete this effort in March.

The SQT is the precursor to full approval for system deployment. The SBI*net* plan is to do a small initial deployment this year. The initial deployment will be to two regions of Arizona called Tucson-1 and Ajo-1, totaling about 53 miles of border. DHS has approved the start of Tucson-1 for initial work including land clearance and basic construction. Under the current schedule, that work will begin in early April. Actual integrations of sensors and other systems will begin after SQT issues have been resolved. The Tucson-1 system should be available in the summer. We will do an engineering

assessment called a System Acceptance Test (SAT) to ensure we built the same system we tested in Playas. After that, we will turn the system over to the Border Patrol for a formal Operational Test.

We are scheduled to start deployment of Ajo-1 in early Summer, pending the successful resolution of any open SQT issues and remaining environmental and land use issues. Ajo-1 is located within a wilderness area, so we are working closely with the Department of the Interior to ensure proper consideration and mitigation of any environmental concerns.

Based on results of the engineering tests, results of the Border Patrol Operational Testing, and experience with the actual construction of the two initial deployment areas, we will request approval from DHS for full deployment of SBI*net* Block 1. Current plans call for that request very near the end of calendar year 2009. Our anticipated completion of Block 1 is between 2011 and 2012, depending on availability of funding.

In parallel with the Block 1 deployment, CBP is taking steps to strengthen program management and engineering capabilities. SBI has reorganized so it can focus on development of core competencies for government program management—including business management operations, systems engineering, and contracting. In addition, CBP is establishing a stronger function to integrate operational requirements. This will give stronger voice to the agents and officers who will ultimately use the system.

SBI*net* will also contribute to CBP's overall effort to enhance security on the northern border. Using $20 million provided by Congress in 2007 and augmented by other CBP funds, SBI will deploy existing systems (currently used on the southwest border) to select areas on the northern border. These include Remote Video Surveillance Systems (RVSS), which are day and night camera systems, in Detroit and Buffalo. It also includes three Mobile Surveillance Systems (MSSs), which consist of radar and day and night cameras. Two MSSs will be deployed to the Swanton Sector and one will be deployed to Detroit. The RVSSs and MSSs will begin deployment this Spring. These systems will serve two main purposes. First, although they were not specifically designed for the northern border, we expect they will provide some immediate capability. Secondly, they will provide us information about how these types of systems work in the northern border environment. We can then use that information to help us a design a longer-term SBI*net* solution for the northern border.

Within the SBI 2009 appropriation, $40 million will go toward further northern border technology investments and will compliment projects that are currently underway this year. CBP is reviewing a recently completed DHS study of technology opportunities on the northern border. Based on these inputs, along with input from CBP operational elements, we expect to develop an implementation plan by this Spring. We expect the plan will include, among other things, significant emphasis on demonstrations of sensor and operational integration.

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. These investments are paying off each day and the recent investments in CBP's aging infrastructure will soon be evident. The resources we put at our border, whether it's people, technology, or tactical infrastructure enhance our ability to address all hazards and all threats at our nation's borders.

We believe the next logical investment is in the workforce itself. A very important aspect to our staffing is being sure that our officers and agents have the right training, pay, and benefits commensurate with their complex and often dangerous work. Over the next year, we will be looking closely at ways to ensure we have the ability to recruit, retain, and compensate our workforce.

Thank you for the opportunity to describe our plans for border security and to highlight some of our progress to date. With your continued support of DHS, CBP and ICE, I am confident that we will continue to make tremendous strides in increasing control of our borders.

I look forward to your questions.