

**PROMOTING SAFE AND EFFICIENT TRAVEL AND  
TRADE AT AMERICA'S LAND PORTS OF ENTRY**

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**FIELD HEARING**

BEFORE THE

**SUBCOMMITTEE ON  
OVERSIGHT, MANAGEMENT,  
AND ACCOUNTABILITY**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

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## **PROMOTING SAFE AND EFFICIENT TRAVEL AND TRADE AT AMERICA'S LAND PORTS OF ENTRY**

**Monday, December 2, 2019**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON OVERSIGHT, MANAGEMENT,  
AND ACCOUNTABILITY,  
*Santa Teresa, NM.*

The subcommittee met, pursuant to notice, at 12:30 p.m., in the New Mexico Border Authority, 221 Pete V Domenici Hwy, Santa Teresa, New Mexico, Hon. Xochitl Torres Small [Chairwoman of the subcommittee] presiding.

Present: Representatives Torres Small and Crenshaw.

Ms. TORRES SMALL. Thank you. Sorry about that.

I want to start by thanking New Mexico Border Authority for hosting us this afternoon. We truly appreciate the support your staff has provided.

I am grateful for the opportunity to hold this important hearing on land ports of entry at my hometown district. I wanted to extend my thanks to the witnesses who have joined us today to discuss the challenges we face with infrastructure, technology, and staffing at our ports of entry.

We know this is a community issue, that the work that gets done at our ports of entry also impacts economies across New Mexico and especially here in southern New Mexico.

So I also want to thank the elected officials who have arrived today. Thank you to Mayor Ken Miyagishima in Los Cruces, County Commissioner Raul Gonzalez in Doña Ana County, Mayor Javier Perea in Sunland Park, Senator Mary Kay Papen, and Representative Nathan Small.

I think it is especially fitting that we have Senator Papen here in the Frank Papen Building here at the New Mexico Border Authority.

Of the 110 land ports of entry on the U.S. border, 3—Santa Teresa, Columbus, and Antelope Wells—are all in the district that I represent.

Earlier this morning, Ranking Member Crenshaw and I had the opportunity to visit one of these ports, the Santa Teresa port of entry, just down the road from here.

The visit was valuable to understanding the critical role the ports of entry and the Customs and Border Protection officers who

staff those ports play in facilitating commerce and preventing contraband such as illegal drugs from entering the country.

Unfortunately, many land ports of entry have outdated infrastructure, lack technology to detect contraband, and suffer from staffing shortages. We saw that overwhelmingly today, the challenges that happen when you need a larger work force to get the job done.

For example, related to infrastructure, several ports of entry facilities are over 70 years old and even those that are 15 to 20 years old are outdated and not keeping pace with CBP's current operational needs.

In a July 2019 Government Accountability Office report, CBP officers identified poor conditions in existing facilities, insufficient inspection space, and design flaws that impede traffic flow.

According to the same report, CBP's goal is to assess conditions at each CBP-owned land port of entry every 3 years. But it has not met this goal in recent years due to limited resources. This is a recurring theme that we have seen.

Since well-functioning infrastructure is critical to effectively screen people in cargo and facilitate trade and travel, I would like to explore how we can assure these assessments are completed.

Congress must fully understand the investment required to modernize our ports of entry. In addition to well-functioning infrastructure, ports require technology to effectively screen cargo and facilitate trade.

A key technology for detecting contraband without slowing commerce is nonintrusive inspection—NII—systems.

These systems allow officers to “see” inside a vehicle without physically opening it or unloading it. In 2019, recognizing the value of NII systems, Congress provided CBP with \$570 million to install additional systems on the Southwestern Border.

I introduced a bill last week along here with—co-sponsored by Ranking Member Crenshaw, requiring CBP to provide and implement—provide an implementation plan to Congress on how it is deploying and utilizing NII systems and how it is going to achieve 100 percent screening of all vehicles using these systems.

By increasing NII scanning rates to 100 percent at all land ports of entry, we can guard against transnational criminal organizations, shifting their smuggling operations to other ports of entry along the border, particularly rural and remote ports.

Although technology can be a great asset, it is no substitute for hardworking men and women who wear the CBP uniform. According to CBP's workload staffing model, CBP lacks more than 3,500 officers.

I understand from the union representing CBP officers that the Santa Teresa port of entry is understaffed and CBP officers are having to work double shifts.

This situation is not unique to New Mexico. This subcommittee explored CBP's recruitment and retention challenges at a hearing in March of this year.

I know the agency has been trying to address the challenges through innovative means. But it is not a problem that will be quickly solved.

One way that CBP is addressing staffing shortages is through public-private partnerships. Through these, entities such as private companies can pay salary and overtime expenses for officers to extend port hours.

But we cannot use private investment as an excuse to delay critical job-growing investment that we need at the Federal Government.

I would like to hear more about how CBP is leveraging these partnerships and to what extent they are sustainable in the long run, given the overtime required of officers.

I look forward to discussing how we can enhance America's land ports of entry, including those here in New Mexico.

[The statement of Chairwoman Torres Small follows:]

STATEMENT OF CHAIRWOMAN XOCHITL TORRES SMALL

DECEMBER 2, 2019

I'm grateful for the opportunity to hold this important hearing on land ports of entry (POEs) at home in my own district. I also want to extend my thanks to the witnesses who have joined us today to discuss the challenges we face with infrastructure, technology, and staffing at POEs. Of the 110 land ports of entry on the U.S. border, 3—Teresa, Columbus, and Antelope Wells—are in the district I represent.

Earlier this morning, Ranking Member Crenshaw and I had the opportunity to visit one of those ports—the Santa Teresa Port of Entry—just down the road from here. The visit was valuable to understanding the critical role ports of entry, and the Customs and Border Protection (CBP) officers who staff those ports, play in facilitating commerce and preventing contraband, such as illegal drugs, from entering the country. Unfortunately, many land POEs have outdated infrastructure, not enough technology to detect contraband, and suffer from staffing shortages. For example, related to infrastructure, several POE facilities are over 70 years old and even those that are 15 to 20 years old are outdated and not keeping pace with CBP's current operational needs. In a July 2019 Government Accountability Office report, CBP officers identified poor conditions in existing facilities, insufficient inspection space, and design flaws that impede traffic flow. According to the same report, CBP's goal is to assess conditions at each CBP-owned land POE every 3 years, but it has not met this goal in recent years due to limited resources.

Since well-functioning infrastructure is critical to effectively screen people and cargo, and facilitate travel and trade, I'd like to explore how we can ensure these assessments are completed. Congress must fully understand the investment required to modernize our POEs. In addition to well-functioning infrastructure, ports require technology to effectively screen cargo and facilitate trade. A key technology for detecting contraband without slowing commerce is non-intrusive inspection (NII) systems. These systems allow officers to "see" inside a vehicle without physically opening or unloading it. In 2019, recognizing the value of NII systems, Congress provided CBP \$570 million to install additional systems on the Southwest Border. I introduced a bill last week, cosponsored by Ranking Member Crenshaw, requiring CBP to provide an implementation plan to Congress on how it is deploying and utilizing NII systems and is going to achieve 100 percent scanning of all vehicles using these systems. By increasing NII scanning rates to 100 percent at all land ports of entry, we can guard against transnational criminal organizations shifting their smuggling operations to other ports of entry along the border, particularly rural and remote ports. Although technology can be a great asset, it is no substitute for hard-working men and women who wear the CBP uniform.

According to CBP's Workload Staffing Model, CBP lacks more than 3,500 officers. I understand from the union representing CBP officers that the Santa Teresa POE is understaffed and CBP officers are having to work double shifts. This situation is not unique to New Mexico. This subcommittee explored CBP's recruitment and retention challenges at a hearing in March of this year. I know the agency has been trying to address the challenges through innovative means, but it is not a problem that will be quickly solved. One way that CBP is addressing staffing shortages is through public-private partnerships. Through these, entities such as private companies, can pay salary and overtime expenses for officers to extend a port's hours. But we cannot use private investment as an excuse to delay critical job-growing invest-

ment. I'd like to hear more about how CBP is leveraging these partnerships and to what extent they are sustainable in the long run given the overtime required of officers. I look forward to discussing how we can enhance America's land ports of entry, including those here in New Mexico.

Ms. TORRES SMALL. The Chair now recognizes the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Crenshaw, for an opening statement.

Mr. CRENSHAW. Thank you, Chairwoman Torres Small, for hosting this field hearing. It has been great—it is great to be in beautiful New Mexico.

Happy to be here and thank you for working with me to find a suitable time so I could actually take part in this. I really appreciate it. Very glad to be here with you all.

Thank you to our two panels of witnesses. I look forward to hearing your testimony or expert opinions and your recommendations.

Customs and Border Protection estimates that approximately 11 million containers arrive by truck and another 2.7 million arrive by rail into the United States annually.

On an average day, over 350,000 vehicles, 135,000 pedestrians, and 30,000 trucks pass through the border crossing into the United States through the 110 land ports of entry.

CBP is responsible for ensuring the cargo is not hazardous to the American people and that the appropriate duties on the products are collected.

As Members of the Committee of Homeland Security, we understand that border security is essential to our National security. We also understand the vital role that trade and tourism play in our economy.

CBP officers at our ports of entry have a critical role to play in keeping our homeland safe as the front line of defense against terrorists and traffickers.

They also have a critical role to play in ensuring that legitimate businesses can get the products that they need to operate. We must ensure that CBP has the necessary infrastructure, technology, and staffing to effectively manage our ports entry.

Infrastructure at the ports include processing lanes, buildings with agricultural labs, travel or processing areas, commercial facilities, and holding areas.

Technology and tools to assist CBP include radiation portal monitors, radiation isotope identification devices, personal radiation detectors, radio frequency identification, and nonintrusive inspection technology. There is going to be a quiz on that after.

[Laughter.]

Mr. CRENSHAW. All these tools, in conjunction with appropriate staffing levels, allow CBP to carry out their mission. CBP is currently conducting a pilot program to utilize drive-through technology and facial recognition tools to manage traffic flow and reduce wait lines at the land-based ports of entry.

CBP is working to incorporate the next generation of technology into its operations. Agents cannot always be in all places at all times and the right technology gives them the opportunity to target resources.

These tools can act as a force multiplier and improve our ability to stop nefarious actors before they enter the United States.

As we face an increase in border trade and traffic, not only must we continue to seek to develop and utilize new and effective technology but we must also have enough personnel to effectively manage the flow.

In recent years, CBP has had trouble meeting its targets for staffing for its law enforcement entities. These staffing shortages create risk to National security, delay commerce, and put additional strain on a stressed work force.

The lengthy hiring process may be part of the problem as it includes 11 steps and a background investigation, medical exam, and a polygraph examination. It was easier to become a SEAL. OK.

So the average—the average length of time to hire an applicant in 2018 was 300 days for a CBP officer. Even the most dedicated individuals could be discouraged by such a long delay.

One of the biggest barriers bringing on talents in recent years appears to be the polygraph process, which appears to have an unusually high failure rate.

To address this, I have introduced legislation to attract veteran, State, and local law enforcement and other Federal law enforcement officers to CBP by allowing the polygraph to be waived for these individuals if they possess the appropriate clearances.

I am hopeful this will speed up the hiring process and allow CBP to get officers in place at ports of entry more quickly.

CBP is responsible for protecting the safety and security of the country by preventing traffickers and terrorists from gaining entry through our borders. It is not an easy job.

I have the utmost respect for the men and women who do this difficult job and I want to make sure that they have the resources they need to purchase effective technology and update their infrastructure and attract and retain talent.

I look forward to hearing from today's witnesses on the best ways to achieve that goal.

I yield back.

[The statement of Ranking Member Crenshaw follows:]

STATEMENT OF RANKING MEMBER DAN CRENSHAW

DEC. 2, 2019

Thank you Chairwoman Torres Small for hosting this field hearing and for working with me to find a suitable time so I could take part in this important discussion on ports of entry. Thank you to our 2 panels of witnesses, I look forward to your hearing your testimony, your expert opinions, and your recommendations.

Customs and Border Protection estimates that approximately 11 million containers arrive by truck and another 2.7 million arrive by rail into the United States annually. On an average day, over 350,000 vehicles, 135,000 pedestrians and 30,000 trucks pass through the border crossings in the United States through the 110 land Ports of Entry. CBP is responsible for ensuring the cargo is not hazardous to the American people and that the appropriate duties on the products are collected.

As Members of the Committee on Homeland Security, we understand that border security is essential to our National security. We also understand the vital role that trade and tourism play in our economy. CBP officers at our ports of entry have a critical role to play in keeping our homeland safe as the front line of defense against terrorists and traffickers. They also have a critical role to play in ensuring that legitimate businesses can get the products that they need to operate.

We must ensure CBP has the necessary infrastructure, technology, and staffing to effectively manage our ports of entry. Infrastructure at the ports include processing lanes, buildings with agriculture labs, traveler processing areas, commercial facilities, and holding areas. Technology and tools to assist CBP include Radiation Portal Monitors, Radiation Isotope Identification Devices, Personal Radiation Detec-

tors, Radio Frequency Identification, and Non-Intrusive Inspection technology. All of these tools, in conjunction with appropriate staffing levels, allow CBP to carry out their mission.

CBP is currently conducting a pilot to utilize drive-through technology and facial recognition tools to manage traffic flow and reduce wait times at the land-based ports of entry. CBP is working to incorporate the next generation of technology into its operations. Agents cannot always be in all places at all times, and the right technology gives them the opportunity to target resources. These tools can act as a force multiplier and improve our ability to stop nefarious actors before they enter the United States.

As we face an increase in border trade and traffic, not only must we continue to seek to develop and utilize new and effective technology, but we must also have enough personnel to effectively manage the flow. In recent years, CBP has had trouble meeting its targets for staffing for its law enforcement entities. These staffing shortages create risks to National security, delay commerce, and put additional strain on a stressed workforce.

The lengthy hiring process may be part of the problem, as it includes 11 steps and a background investigation, medical examination, and a polygraph examination. The average length of time to hire an applicant in 2018 was 300 days for a CBP officer. Even the most dedicated individuals could be discouraged by such a long delay.

One of the biggest barriers to bringing on talent in recent years appears to be the polygraph process, which appears to have an unusually high failure rate. To address this, I have introduced legislation to attract veterans, State and local law enforcement, and other Federal law enforcement officers to CBP by allowing the polygraph to be waived for these individuals if they possess the appropriate clearances. I am hopeful this will speed up the hiring process and allow CBP to get officers in place at ports of entry more quickly.

CBP is responsible for protecting the safety and security of the country by preventing traffickers and terrorists from gaining entry through our borders. It is not an easy job. I have the utmost respect for the men and women who do this difficult job. I want to make sure that they have the resources they need to purchase effective technology and update their infrastructure and attract and retaining talent. I look forward to hearing from today's witnesses on the best ways to achieve that goal.

Ms. TORRES SMALL. Thank you, Ranking Member Crenshaw.

Before I introduce—other Members of the committee are reminded that under the committee rules opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

DECEMBER 2, 2019

Today, the committee has the opportunity to hear about Customs and Border Protection's (CBP) needs at land ports of entry (POE). One such crucial need is additional CBP officers. Earlier this year, this subcommittee heard testimony about CBP's workforce shortages, and the recruitment and retention challenges faced by the agency. In the intervening months, the administration has advocated for hiring Border Patrol agents without seeking the necessary boost in CBP officers for our POEs. The President's budget request for this fiscal year included \$192 million to hire 750 Border Patrol agents and a mere 171 CBP officers. Yet, it is the CBP officers who staff our POEs, where most of the dangerous drugs are smuggled into the United States.

These officers are also responsible for enabling legitimate trade and travel by processing people and cargo that is essential to border communities and our Nation's economy. I look forward to hearing from our witnesses today about the staffing needed to enhance security and increase trade at ports of entry including the ones in New Mexico. In addition to staffing, technology used at our POEs is key to detecting and interdicting contraband while still facilitating the flow of commerce. For example, Non-Intrusive Inspection (NII) systems take an image to "see" inside vehicles and containers to detect drugs, guns, stowaways, or currency without physically opening or unloading them.

I cannot emphasize enough how critical this technology is to combatting drug trafficking without impeding trade. The President only sought \$44 million for NII sys-

tems at ports of entry in his fiscal year 2019 budget request. Fortunately, Congress provided \$570 million. It is unclear to me how this money is being put to use, however. CBP informed the committee last month that it plans to use the funds to increase scanning rates at POEs along the Southwest Border, but it doesn't know how many systems will be deployed, at which ports, or by when.

I am hopeful the Chairwoman's bill requiring an NII implementation plan will get us the information we need to assess future deployments of these valuable systems. Finally, the upkeep and update of infrastructure at ports of entry is key to CBP effectively and efficiently processing and inspecting passengers and cargo. For example, at the Santa Teresa POE, an overweight lane allows for the movement of commercial vehicles, like those transporting wind blades to be used in wind turbines. I understand our witnesses will testify that the lane is not sufficient to efficiently accommodate the size of some of the cargo coming through the port. As such, TPI Composites, the company that produces those wind blades, is negotiating an agreement with CBP to invest its own money in the port to improve the overweight lane.

Unfortunately, the Federal Government is not keeping pace with the necessary investments that need to be made at POEs to expand commerce and promote job growth. I look forward to a productive hearing about how limitations in staffing, technology, and infrastructure at our land ports of entry impact trade and security and how we can address those challenges together.

Ms. TORRES SMALL. Before I introduce our witnesses, I also just wanted to thank Border Patrol for their presence here as well. As the Chair of Oversight, Management, and Accountability for the Subcommittee—the Subcommittee of Oversight, Management, and Accountability for Homeland Security, it is always encouraging to see collaboration between our men in blue and our men in green. So thank you both for sitting together.

I now welcome our first of 2 panel of witnesses. Our first witness is Mr. Hector A. Mancha, Jr., who serves as the El Paso Director of Field Operations for U.S. Customs and Border Protection—CBP.

In this role, Mr. Mancha oversees the operation of 11 international land ports of entry in Texas and New Mexico, 3 airport operations, and 2 railroad crossings.

He joined CBP in 1991 and has served in many roles since then including port director for the Port of Hidalgo and assistant director for the field operations for the Laredo Field Office.

Our second witness, Mr. Marco Grajeda, leads the New Mexico Border Authority for the State of New Mexico. As the director, Mr. Grajeda works to facilitate trade, job training, and economic development efforts along the New Mexico border.

As a former staffer for United States Senator Tom Udall, he worked to fund construction of the Columbus port of entry and to extend hours at the Santa Teresa port of entry.

Without objection, the witnesses' full statements will be inserted into the record.

I now ask each witness to summarize his statements for 5 minutes, beginning with Mr. Mancha.

**STATEMENT OF HECTOR A. MANCHA, JR., EL PASO DIRECTOR OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION**

Mr. MANCHA. Good afternoon, Chairwoman Torres Small, Ranking Member Crenshaw. I am honored to be here today to discuss U.S. Customs and Border Protection's mission to secure the Nation's borders while facilitating lawful trade and travel.

CBP operates 328 land, air, and sea ports of entry across the United States and have a intercontinental network of 16 preclearance stations located in 6 countries around the globe.

Based on fiscal year 2019 data, on a typical day CBP processes over 1.1 million passengers and pedestrians, more than 285,000 privately-owned vehicles, over 81,000 truck, rail, and sea containers, and approximately \$7.7 billion worth of imported goods.

The threat environment in which CBP operates is ever so dynamic and complex. Our adversaries continually adapt their methods to avoid detection and conduct illicit activities that undermine our economic and National security.

Advanced detection technology is a force multiplier in the agency's multi-layered enforcement strategy. Our nonintrusive inspection systems and radiation detection equipment help us inspect conveyances in vehicles for contraband in a quick and efficient manner.

CBP Nation-wide utilizes 320 large-scale NII systems at our ports of entry. In fiscal year 2019, approximately 6.6 NII scans resulted in the seizure of 316,203 pounds of narcotics, \$3 million of undeclared U.S. currency, 1,655 weapons, and 200 undeclared passengers hidden within commercial cargo.

We encounter operational challenges at all our ports of entry on a daily basis, none more so than the land port of entry at Santa Teresa, New Mexico.

As commercial and demographic trends combined with infrastructure constraints to expand traffic volumes moving away from the El Paso-Ciudad Juárez urban environments.

Santa Teresa, nevertheless, experienced continued growth in fiscal year 2019 in all categories to include a 10 percent increase in commercial traffic over fiscal year 2018.

In the past 2 years, the port recorded 40 separate seizures of narcotics with an estimated value of approximately \$3.5 million.

While we have experienced growth in our workload volumes and enforcement activity at Santa Teresa, our staffing levels at the port has remained static over the last several years with under a hundred personnel assigned to this location.

Additionally, the personnel challenges we face in fiscal 2019 related to mass migration surges required some staff from Santa Teresa to deploy to other locations.

As we return our deployed staff back to the port, I also continue to engage with our headquarters to ensure the agency's workload staffing model accurately captures port data and that is appropriately reflects the current and projected growth at Santa Teresa and drives increases in staffing accordingly.

As threats to American National security constantly evolve, CBP efforts to facilitate lawful trade and travel while safeguarding the Nation's borders must also continually evolve.

Investments in cutting-edge technology and infrastructure modernization and right-sizing our personnel are essential to CBP's mission success.

CBP is committed to continued engagement with this committee, interagency partners, industry stakeholders as we work through the efficiencies of our risk management efforts while maximizing security.

Thank you for the opportunity to testify here today. I look forward to your questions.

[The prepared statement of Mr. Mancha follows:]

PREPARED STATEMENT OF HECTOR MANCHA

DECEMBER 2, 2019

Chairwoman Torres Small, Ranking Member Crenshaw, and distinguished Members of the subcommittee, it is my honor to appear before you today to discuss the U.S. Customs and Border Protection's (CBP) mission to secure the Nation's borders while facilitating the lawful trade and travel that undergird the American way of life.

CBP's port operations span 328 land, air, and sea Ports of Entry across the United States and include an intercontinental network of 16 preclearance stations located in 6 countries around the globe. On any given day, CBP processes over 1.1 million passengers and pedestrians; in excess of 285,000 privately-owned vehicles; over 81,000 truck, rail, and sea containers; and approximately \$7.7 billion worth of imported goods. In the same day, CBP will arrest 75 wanted criminals; identify 1,607 individuals with suspected National security concerns; quarantine 4,552 materials posing potential threats to U.S. agriculture, wildlife, and natural resources; and seize \$3.7 million worth of products with Intellectual Property Rights violations. These statistics<sup>1</sup> demonstrate both the important work that CBP does to facilitate lawful trade and travel and evince CBP's commitment to faithfully execute its critical National security mission.

The threat environment in which CBP operates is dynamic and complex. Terrorist groups, transnational criminal organizations, and other adversarial actors are continually improving and adapting their methodologies in order to avoid detection and conduct illicit activities that undermine the economic and National security of the United States. Recognizing these realities, CBP has adopted a risk-management paradigm that employs resources to identify, target, and mitigate the high-risk threats of today while also prioritizing investment in the innovative technologies and port modernization efforts that will secure America's borders tomorrow and beyond.

ADVANCED DETECTION TECHNOLOGY

CBP considers the security benefits and operational efficiencies provided by advanced detection technology to be a force multiplier in the agency's multi-layered enforcement strategy. Through the utilization of Non-Intrusive Inspection (NII) systems and Radiation Detection Equipment (RDE), CBP is able to inspect conveyances and vehicles for contraband and illicit radiological materials with enhanced efficacy and efficiency.

Presently, CBP's Office of Field Operations utilizes 320 large-scale NII systems and 315 hand-held Gemini™ systems at air, land, and sea ports of entry. CBP's utilization of NII and RDE systems has been met with remarkable success. In fiscal year 2019, CBP ports conducted approximately 6.6 million NII scans which resulted in the seizure of 316,203 pounds of narcotics, \$3 million of undeclared U.S. currency, 1,655 weapons, and 200 undeclared passengers hidden within commercial cargo. In addition to this, the time saved by utilizing these advanced detection technologies has resulted in a \$1 billion annual cost avoidance in CBP operations, and a \$5.8 billion to \$17.5 billion cost avoidance to industry by minimizing shipment delays.

CBP's successful integration of advanced detection technology has prompted additional investment in NII and RDE. At the end of fiscal year 2019, CBP procured 75 additional handheld Gemini™ units with planned deployments scheduled throughout fiscal year 2020. CBP is also in the process of procuring new drive-through NII technology that will reduce the current time per scan from 8 minutes to 1 minute. Additional planned investments in NII technology will expand CBP's use of NII scans for Privately-Owned Vehicles (POVs) and Commercially-Owned Vehicles (COVs) crossing the Southwest Border. CBP currently utilizes NII technology to scan less than 2 percent of POVs and 15 percent of COVs crossing the Southwest Border. By fiscal year 2023, CBP expects to increase NII scans of POVs and COVs crossing the Southwest Border to 40 percent and 72 percent respectively.

<sup>1</sup>Based on data from fiscal year 2019.

## LAND PORTS OF ENTRY MODERNIZATION

CBP's network of 167 Land Ports of Entry (LPOEs) stand as both gateways to the United States and bulwarks against adversaries. Through this network, CBP facilitates the lawful trade and travel that promotes economic prosperity while simultaneously combatting the threats of terrorism and transnational crime.

Of the 167 LPOEs that CBP operates, two-thirds have not seen any capital improvements in the past decade. Collectively, these ports have an average age of 39 years—9 years beyond their useful design lives. In an annual report entitled "Land Port of Entry Modernization: Promoting Security, Travel, and Trade," CBP, in collaboration with the U.S. General Services Administration and Office of Management and Budget, identifies priority LPOE modernization projects that would significantly improve CBP's ability to efficiently execute its critical mission. With \$2.8 billion in requisite recapitalization funding, this investment would modernize 15 GSA-owned land ports, including provisions to acquire land and procure design work—the necessary prerequisites—for large-scale, phased capital projects at 2 of them, plus outfitting for 4 projects already under construction.

In fiscal year 2019, GSA received \$191 million in appropriations to facilitate the LPOE modernization efforts identified in the aforementioned report. In fiscal year 2020, CBP and GSA anticipate appropriations that will support continued LPOE modernization efforts at priority LPOEs on the Southwest Border.

## CONCLUSION

As the shifting risk landscape constantly introduces new threats to America's National security, CBP's efforts to facilitate lawful trade and travel while safeguarding the Nation's borders must continually evolve. CBP's multilayered risk-based security approach combined with the prioritization of investments in cutting-edge technology and infrastructure modernization efforts are essential to the agency's overarching strategy for combatting the terrorist groups, transnational criminal organizations, and adversarial actors seeking to undermine the economic and National security of the United States. CBP is committed to continued engagement with this committee, interagency partners, and industry stakeholders as we work to increase the efficiency of our risk-management efforts while maximizing security.

Thank you for the opportunity to submit this testimony. I look forward to your questions.

Ms. TORRES SMALL. Thank you, Mr. Mancha.

I now recognize Mr. Grajeda to summarize his statement for 5 minutes.

**STATEMENT OF MARCO GRAJEDA, DIRECTOR, NEW MEXICO  
BORDER AUTHORITY, STATE OF NEW MEXICO**

Mr. GRAJEDA. Thank you, Madam Chair, for the opportunity to address the subcommittee today and welcome you to Santa Teresa, New Mexico.

I am Marco Grajeda, the executive director of the New Mexico Border Authority, an executive branch agency that facilitates the development of infrastructure around the State's 3 land ports of entry.

As a fronterizo with direct ties to the United States and Mexico, I know first-hand the importance of our ports of entry. Like many people who call this region home, I have family and friends on both sides of the border and I have spent many hours at our ports of entry waiting to get from one side to the other.

My background is unique to this area, where every day people cross the border for work, school, to shop, and visit loved ones. This is life on the border and thus a key reason why our ports of entry are incredibly important to this binational region.

In terms of trade, our land ports of entry are proving to be one of America's greatest investments. This region, for example, now leads the State in exports because of the work done here and thanks to the critical role of the Santa Teresa port of entry.

Last year, exports totaled more than \$1.4 billion, nearly twice as much as the larger Albuquerque metro area which, until recently, held a comfortable lead in the States.

Also, our neighbor city, El Paso, Texas, has seen tremendous growth in the last decade and is now on the list of top 10 export markets.

It is important to note that the benefits of our land ports of entry extends far beyond the border region. According to the U.S. Department of Commerce, 32 States around the country have Mexico as their first-, second-, or third-largest export market. That includes States as far from the border like Ohio, Iowa, and Pennsylvania.

While this growth tied to our ports is significant, more can be achieved with strategic Federal investments. So what is needed?

A major selling point for the Santa Teresa port of entry has been shorter wait times compared to other ports in the region. This continues to be the case on the commercial side.

But because we don't have as many Customs officers as we need, wait times have increased on the privately-owned vehicles side.

This needs to be addressed and this is not something that the local leadership can fix because the region has simply not received any new Customs officers in the past 7 years, even though the port has seen the fastest growth rate in crossings, new programs and duties were added, and despite losing 5 to 6 Customs officers each year during that time.

At the nearby Columbus port of entry we recently celebrated the completion of an \$85 million port of entry. But they also don't have enough officers to fully take advantage of the updated facility.

Having more men and women in blue working in our ports will expedite screenings, reduce wait times, and encourage greater investment in the region.

When it comes to infrastructure improvements the port with the greatest need for Federal investment in New Mexico is Santa Teresa port of entry, which is long overdue for a major expansion and modernization.

As I mentioned earlier, this region is leading the State in exports, despite inefficiencies at the port. But an updated crossing would further promote increased economic activity in the State and provide a much-needed reliever route for Ciudad Juárez and El Paso.

As we work toward that goal, enhancements that facilitate the flow of oversized and overweight cargo northbound and southbound should be prioritized.

This is especially true for oversized vehicles heading south that now cross through our port through northbound passenger lanes, essentially blocking traffic for several hours.

Another priority project is working with Mexico to expand lanes on their side heading northbound to alleviate bottleneck issues.

I also want to share that the New Mexico Border Authority is working to protect the area surrounding the Columbus port of entry from recurring flooding, which impacts port operations each year. We would welcome any assistance from this committee as we seek Federal funding.

Last, I will mention at the New Mexico Border Authority we are working to take advantage of the Federal donations acceptance pro-

gram to pay for a containment site at the Santa Teresa port of entry.

This would open the port of entry to new cargo including medical equipment, airbags, and fuel. This project is a priority for the region and could significantly boost daily commercial crossings and make the region more attractive to businesses.

I want to close by saying thank you again for being here and for holding this important field hearing. Like you, we are committed to working on behalf of our great binational communities and the many States that benefit from trade with Mexico.

We are your partners on the ground and we welcome your continued support. Thank you.

[The prepared statement of Mr. Grajeda follows:]

PREPARED STATEMENT OF MARCO GRAJEDA

Thank you Madam Chair for the opportunity to address the subcommittee today and welcome to Santa Teresa, New Mexico. I'm Marco Grajeda, the executive director of the New Mexico Border Authority, an executive branch State agency that facilitates the development of infrastructure around our State's 3 land ports of entry.

As a fronterizo, with direct ties to the United States and Mexico, I know firsthand the importance of our ports of entry. Like many people, who call this region home, I have family and friends on both sides of the border, and I've spent many hours at our ports of entry waiting to get from one side to the other. My background is unique to this area, where every day, people cross the border for work, school, to shop and visit loved ones. This is life on the border, and a key reason why our ports of entry are incredibly important to this binational region.

In terms of trade, our land ports of entry are proving to be one of America's greatest investments. This region, for example, now leads the State in exports, because of the work done here, and thanks to the critical role of the Santa Teresa Port of Entry. Last year, exports totaled more than \$1.4 billion, nearly twice as much as the larger Albuquerque metro area, which until recently held a comfortable lead in the State. Also, our neighbor city, El Paso, Texas has seen tremendous growth in the last decade—and is now on the list of top 10 export markets. It's important to note, that the benefit of our land ports of entry extends far beyond the border region. According to the U.S. Department of Commerce, 32 States across the country, have Mexico as their first, second, or third largest export market. That includes States far from the border like Ohio, Iowa, and Pennsylvania.

While this growth tied to our ports is significant—more can be achieved with strategic Federal investments.

So what is needed? A major selling point for the Santa Teresa Port of Entry has been shorter wait times compared to other ports in the region. This continues to be the case on the commercial side, but because we don't have as many customs officers as we need, wait times have increased on the privately-owned vehicle side. This needs to be addressed. And this is not something the local leadership, because the region has not received any new customs officers in the past 7 years, even though the port has seen the fastest growth rate in crossings, new programs and duties were added, and despite losing 5 to 6 customs officers each year during that time. At the nearby Columbus Port of Entry, we recently celebrated the completion of an \$85 million port of entry, but they also don't have enough officers to fully take advantage of the updated facility. Having more men and women in blue working in our ports will expedite screenings, reduce wait times and encourage greater investment.

When it comes to infrastructure improvements, the port with the greatest need for Federal investment in New Mexico is Santa Teresa, which is long overdue for a major expansion and modernization. As I mentioned earlier, this region is leading the State in exports, despite inefficiencies at the port, but an updated crossing would further promote increased economic activity in the State and provide a much-needed reliever route for Ciudad Juárez and the city of El Paso. As we work toward that goal, enhancements that facilitate the flow of oversized and overweight cargo northbound and southbound should be prioritized. This is especially true for oversized vehicles heading south, that now cross the port through north-bound passenger lanes—essentially blocking trade and travel for several hours. Another priority project is working with Mexico to expand lanes heading north-bound to alleviate bottleneck issues.

I also want to share that the Border Authority is working to protect the area surrounding the Columbus Port of Entry from recurring flooding, which impacts port operations each year. We would welcome any assistance from this committee as we seek Federal funding.

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I want to close by saying thank you again for being here and for holding this important field hearing. Like you, we are committed to working on behalf of our great binational communities and the many States that benefit from trade with Mexico. We are your partners on the ground and we welcome your continued support.

Thank you.

Ms. TORRES SMALL. I thank all the witnesses for their testimony and I will remind each Member—Representative Crenshaw, in this case—that we have 5 minutes to question the panel. I will now recognize myself for those questions.

Director Mancha, Representative Crenshaw and I have recently introduced a bill to encourage CBP to increase NII scanning rates of commercial and passenger vehicles to 100 percent across land ports of entry to better stem the flow of contraband across the United States borders.

You mentioned in your opening statement the importance of this technology. I understand that CBP plans on installing additional NII systems across the Southwestern Border after receiving \$570 million from Congress in fiscal 2019.

Do you know what the current NII scanning rates are for commercial and passenger vehicles at ports of entry under your jurisdiction and at Columbus and Santa Teresa specifically?

Mr. MANCHA. I don't know if I know the exact rates for the—specifically for the port of Santa Teresa. But I know that for—in general, for POVs—those vehicles coming in at our bridges—the scan rate is approximately 2 to 3 percent of all vehicles coming in.

For commercial vehicles the scan rate raises to about 15 to 20 percent, on average. That is what we are basically seeing as the scan rates utilizing our technology.

Ms. TORRES SMALL. Thank you. That sounds like your POVs are actually above the National average, which is only 1 percent. So I appreciate you working to do that.

Have you received any information from National about how CBP is planning to use the \$570 million to increase NII scanning rates?

Mr. MANCHA. I know that there is currently a pilot on the upgrading of the NII systems occurring at another AOR in south Texas. They are trying different new technology for this—for this NII technology.

Based on those results and those—once those assessments are completed, then we will realize what type of system we will be acquiring. So we are expecting that that assessment should be completed pretty soon.

Ms. TORRES SMALL. So you haven't received an specific information about how that money might be invested in Santa Teresa or in your area of operation?

Mr. MANCHA. Not specifically. We have had a couple of visits from NII headquarters, the NII director, Mr. Watt, coming down.

He did visit my AOR and he visited the ports both at El Paso and here in Santa Teresa and looking at different assessment feasibilities and trying to figure out, you know, where would be best to situate this new equipment.

Ms. TORRES SMALL. Great.

What actions, if any, is CBP taking to ensure the safety of travel and trade at smaller ports of entry like Santa Teresa and Columbus as scanning rates are increased at larger ports of entry and criminal organizations might act to avoid those operations?

Mr. MANCHA. Well, CBP has a multilayered enforcement strategy. It means that we use all the tools in our toolbox. So we might be doing pre-primary roving to scan those vehicles. We have our K-9 handlers or officers roving with the upcoming traffic.

We also utilize all our databases. You know, when cars approach our primaries, they do—or do a run through our computer systems in trying to vet these people.

So that is part of the layer of enforcement. We did install a sea portal at the port of Santa Teresa in the latter part of 2018.

So that was a increase of our NII technology. Of course, that also requires more resources to utilize it so we are working on trying to get more resources and more certified officers to utilize that equipment and trying to run more of these vehicles through that equipment.

Ms. TORRES SMALL. Just to underline that, so more resources means more training, more officers, so that you can operate the technology?

Mr. MANCHA. That is correct.

Ms. TORRES SMALL. Thank you.

I want to shift more to additional infrastructure at the Santa Teresa port of entry. I appreciated in your comments that ports need to continue to evolve with changing demands and, Mr. Grajeda, you mentioned the interest in the hazmat opportunity.

Can you describe a little more the impact that would have for this region?

Mr. GRAJEDA. Sure. So the hazmat containment site that we are—right we are requesting State funds for would essentially open the port of entry to, you know, cargo such as fuel, medical supplies, other things that essentially right now are limited to one port of entry, the Ysleta-Zaragoza port of entry in El Paso, which is already at peak in its capacity.

So this project, essentially opening, you know, this traffic to—at the Santa Teresa port of entry would create a reliever route for this cargo that is essential to our industry and it would also open up additional investment.

Each year, we hear from industry that there is interest in a company moving to this area but they want to be located near a hazmat-ready port of entry.

Because we don't have a hazmat port, those companies aren't investing here and so we are losing money and we are losing jobs in this area.

Ms. TORRES SMALL. Thank you.

Mr. Mancha, does the Santa Teresa port of entry have plans to pursue this effort?

Mr. MANCHA. Absolutely. I do think that it is a great opportunity to expand the opportunities that the port can offer.

But we want to make sure we do it right in terms of making sure that we get with all the appropriate authorities so that when we do open up the port for hazmat, you know, that make sure that the—all the boxes have been checked off and ensure that we can do it in a safe manner.

Ms. TORRES SMALL. Thank you.

Just last question before I shift over to Congressman Crenshaw, has—for either of you, can you describe any additional challenges that infrastructure deficiencies at Santa Teresa has had when it comes to the flow of commerce?

Mr. MANCHA. Well, I want to start off by saying that the—with the recent migrant surge, you know, and having to deploy officers to address that, that definitely has an impact to the flow of commerce.

When I have got to deploy officers either to Border Patrol or we deployed some to the West Coast earlier last year and so that has a impact to our ability to open more lanes, the amount of how traffic flows is moving. So you actually, you know, start generating longer wait times because of those deployments.

So that has had an adverse impact on commerce.

Ms. TORRES SMALL. Thank you.

I am out of time so I now recognize the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Crenshaw, for questions.

Mr. CRENSHAW. Thank you, Madam Chairwoman.

Again, thank you all for being here. Director Mancha, I will begin with you. In your testimony you mentioned the CBP and GSA have obtained funding to begin land POE modernization.

I was just curious what specific improvement projects are planned for Santa Teresa and nearby El Paso, if any?

Mr. MANCHA. So you know that any capital—major capital improvements is a long drawn-out process and so there is plans for expanding our passenger secondary here at the port of Santa Teresa. That has been in the works.

My understanding is that CBP has approved. We are just waiting for the approval of the budget and trying to move forward with that particular project.

There is also plans of trying to modernize the Bridge of the Americas in El Paso. I know that that is already within the plans for CBP and GSA.

Mr. CRENSHAW. OK. Can you expand a little bit on what you have heard from that pilot program in—I believe it is in Brownsville—on the drive-through—the drive-through technology that is being piloted there and is it—does it seem promising? Have you—have you had the chance to see it for yourself?

Mr. MANCHA. I have only been briefed on it, and I think that there are several ports, not only the port of Brownsville, Hidalgo, again, the port of Progresso and even perhaps the port of Laredo.

They are trying different systems, in particular the drive-through system, in trying to see if it meets our needs. Obviously, if it does, we will see some definite efficiencies, reducing the scan rates from

8 minutes to a minute or so, and so I do think that there—it is promising there.

So that pilot has been going for a while so I would make the assumption that we should be getting—hear something back from that assessment.

Mr. CRENSHAW. OK.

So, I mean, part of this challenge is technology-driven. That is why we are doing these kind of pilot programs and the other part of that challenge is, you know, the vacancies that we have in CBP and then how to address those.

So I want to expand on that conversation a little bit. In my opening statement I talked about what—you know, are asking the question, really, what is—what is preventing us from hiring more CBP officers?

Polygraphs are one of them, and, well, maybe you could just answer that without me leading you to the answer. But, you know, what are your challenges in hiring more CBP officers?

Mr. MANCHA. I think that the—one of the challenges we had, and we made a change back in 2015, was that when we started doing the CBP vacancy announcements they were geographic-based broad-based versus more port-specific.

So now by changing the way we recruit, port-specific has actually brought us a better-qualified pool of applicants.

So we have been able to make some headway with our recruitment efforts. So I think that by the end of this year we were only short 107 CPOs in getting—reaching CBP field operations up to their authorized staffing levels.

Mr. CRENSHAW. In this regional or Nation-wide?

Mr. MANCHA. That figure is Nation-wide.

Mr. CRENSHAW. OK.

So then is it inaccurate to say that there is 1,600 vacancies for CBP officers? What is that 30 18 number?

Mr. MANCHA. I think that part of the—where the confusion lies is that you have the on-board and then you have got the authorized. Those are appropriated funded positions. Then you have the workload staffing model numbers.

Mr. CRENSHAW. OK.

Mr. MANCHA. So there is a gap between that. Now we are trying to reach the authorized staffing levels, and when I say that we were 107 short I was talking about the authorized appropriate positions.

So now the workload staffing model, which is an analytical tool that CBP uses to try to justify the number of vacancies, there is still a gap there.

So when we talk about that, there is a need for more CBP officers. That is the gap that we talk about. So that would require appropriated funding in order for us to move forward and get those additional positions.

Mr. CRENSHAW. OK. OK. That makes a little bit more sense. For the funding that you have now you are short about a hundred. But the reality is when it comes to the duties that you are expected to commit to, you are short 1,600. Is that—that is more accurate to say? That you need more—

Mr. MANCHA. That is more accurate. We need that—we have the—

Mr. CRENSHAW. You would need to somehow hire those people, get them on-boarded, and get funded?

Mr. MANCHA. Correct. The staffing levels do not accurately represent the changes in the workload we have encountered here the last couple of years.

Mr. CRENSHAW. OK. So, again, going back to the challenges, though, so whether it is a hundred or 1,600 we are still short. By the way, I don't see a timer so you are just going to have to cut me off when—throw something at me. Wave at me on my—on my blind side.

[Laughter.]

Mr. CRENSHAW. Where was I? Yes.

So the challenges, though, I mean, so the recruiting—it sounds like you are optimistic about recruiting. So you get people interested in becoming a CBP officer.

But then how is the process? This is what concerns me is this process of 300 days and, you know, again, I brought up the polygraph because, like, I don't need a polygraph to get a TS/SCI clearance in the SEAL teams.

Now, that is pretty amazing but you need one to be a CBP officer. You know, and I understand that there is some theories behind that.

But maybe you can speak to that a little bit, you know, the necessity of that, whether that makes sense or not and also tell me how often do you go through a polygraph once you are already on-boarded as a CBP officer?

Mr. MANCHA. So I do think that the polygraph requirement came out of the Anti-Border Corruption Act of 2010, and so I have noted that we do get better recruitment—a better applicant coming in, and I know it is one of the hurdles.

So we have also have worked on trying to streamline the entire hiring cycle. You mentioned 300-plus days. I think that has been reduced significantly. So we have made very significant improvements in that regard.

You know, you talk about the need for the polygraph and I would tend to agree that there are certain applicants that have already been in either—in a law enforcement position, coming from the military and so forth, that perhaps would give rise to perhaps giving him a waiver of that polygraph requirement.

But I do find it very beneficial that we do—got to ensure that we do have the right people coming into the agency.

Ms. TORRES SMALL. The gentleman's time has expired.

Mr. CRENSHAW. I am probably out of time.

Ms. TORRES SMALL. But we can do another round if that works.

We can do another round if that works. OK. Great.

I want to pick up where my colleague left off in terms of staffing because I appreciate you bringing it up. Staffing is already a challenge.

In fact, the numbers that we received from NTEU is actually higher—a 3,500 shortage CBP or Customs-wide. So there is certainly a need, whether it is a hundred, 1,500, 1,600, or 3,500.

Then that comes under even more pressure when we face a crisis like the crisis we faced earlier this year, and so I just want to check in about the impact that that had on operations here.

Did reassignments affect wait times for passenger and commercial vehicles this last year?

Mr. MANCHA. Absolutely. Any time you deploy CBP officers there is a significant operational impact to the service that we provide at the ports of entry and so especially at a port the size of Santa Teresa.

Any movement of personnel definitely would be—certainly will be impacted.

Ms. TORRES SMALL. Mr. Grajeda, you talked about the short wait times being a major selling point for Santa Teresa.

What impact does staffing shortages have on generating revenue and promoting job growth for the State of New Mexico?

Mr. GRAJEDA. Well, if we have shorter wait times, you know, industry needs to have short wait times in order to be able to respond, in order to have a, you know, provide the material that they need to ship in a timely manner.

If they are not able to do that, then they are not going to look at investing in this region.

Obviously, when we are looking at, you know, on the retail or tourism side, you know, if people are spending 2 or 3 hours at the port of entry that is going to discourage people from coming over.

I mean, in the border region, we depend a lot as well. We talked a lot about trade but we also depend a lot on consumers from Mexico coming over and buying, shopping at our local shops, going to local restaurants.

If you are spending 2 or 3 hours it is going to discourage people from coming over.

So our region depends on having efficient timely ports of entry. You know, this encourages economic development and, to the contrary, if we have long wait times it is going to discourage economic development in the region.

Ms. TORRES SMALL. Thank you, Mr. Grajeda.

Director Mancha, how many additional CBP officers would be needed to keep all 4 lanes open at peak—at peak times to reduce wait times?

Mr. MANCHA. The workload staffing model projects that the total number of CBP officers should be 99. We are currently in the mid-80's.

Ms. TORRES SMALL. OK. Great. Thank you.

I want to shift just briefly to the hours of operation. There has been another change in Santa Teresa's hours earlier this year and that included closure at its commercial lanes on Saturdays.

Now, I understand that this is a delicate balance and it requires full input from all stakeholders that you can identify what is best for the port, what is best for the surrounding community as well as all stakeholders involved.

So in some of the testimony that is going to be submitted today, Dell has expressed some concerns with some of those changes and I would love to hear a little bit about how those decisions were weighed by the port—Santa Teresa port of entry to find the solution that you came up with.

Mr. MANCHA. Well, like I mentioned, during the peak of the mass migration, which required us to deploy our CBP officers to help our brothers and sisters in Border Patrol here required us to move some of the staff from Santa Teresa in regards to CBPOs.

So, of course, I talk about—any time there is a movement of the CBPOs there is an adverse impact to the service, which would be even processing POVs or commercial traffic.

So realizing that there was an impact, we saw a significant increase in wait times. So we need to engage the stakeholders to try to come up with some solutions.

You know, get the stakeholders involved in trying to come up with some reasonable alternatives on trying to address the situation that we had at hand.

So it was decided that we would reduce the hours of commercial processing on Saturdays and opt for opening earlier Monday through Friday another 2 hours, so 6 a.m. to 8 a.m.

That was a window that was not being utilized, and as a consequence, there was a positive result that came out of it is that we have seen that during this time that we have opted for this change where we were processing around 300 trucks a day, that has almost doubled.

So we are almost seeing 600 trucks coming in Monday through Friday. You know, so the 2-hour expansion window Monday through Friday, you know, paid off, you know, huge dividends and when we compare it to having to shut down operations on Saturdays.

Ms. TORRES SMALL. In a world with sufficient staff, would it be beneficial for Santa Teresa to have extended business hours to return to those Saturday operations as well?

Mr. MANCHA. Absolutely. You know, everything is based on workload.

When we—we did make—finally make the decisions of where do you cut is we also look at, you know, where is the—your peak hours, where do you see the least number of tractors, in this case, looking at commercial.

So in trying to make these decisions, some of those factors are weighed in trying to come up with a viable solution.

Ms. TORRES SMALL. Thank you.

I yield the remainder of my time and recognize Ranking Member Crenshaw for questions.

Mr. CRENSHAW. Thank you, Madam Chairwoman.

I want to ask about the reimbursable services program and then donations acceptance program and how that might be utilized. It is a really interesting concept and maybe I will direct that to both of you, starting with you, Director Mancha.

Mr. MANCHA. The reimbursable service program is a program where a third party can reimburse CBP for enhanced service.

What I mean is that it is not to supplement. It is to enhance. I will give an example. If I normally open X number of lanes, I have got to go beyond that and only—we have realized that that has been a huge force multiplier for us in trying to expand the number of lanes.

I know that we do have that at the port of El Paso, with the city of El Paso, you know, participating. In regards to the donations ac-

ceptance program, you know, also we have the authority to request from third parties donations of real property donations and trying to make improvements to the ports of entry.

So I think that that gives CBP ability to be nimble in trying to effect some improvements in a rather short period amount of time.

Mr. CRENSHAW. Have you been able to take advantage of that yet?

Mr. MANCHA. Right now, we are actually working with a particular company here at the Port of Santa Teresa and trying to make some improvements within the commercial facility that would actually help facilitate moving the commodities at the port of entry.

Mr. CRENSHAW. Right. Yes, I think we are going to hear from them later.

Mr. Grajeda, does—you know, you talked about the hazmat issue before and all these businesses that wish they could deliver hazmat goods through the port of entry. I mean, what is to stop them from helping out and putting the infrastructure in place there themselves?

I mean, that seems like the flexibility that this kind of program provides. Is that—is anybody talking about that?

Mr. GRAJEDA. I don't know if the businesses have been approached directly. You know, I think that is an opportunity that we can look at.

You know, as far as a State, we want to be a partner in getting this up and running. You know, when you are talking about the donation acceptance program I think one of the benefits is that we can get these—you know, get these improvements in a much faster way than having to wait for the Federal Government.

You know, for us it is—

Mr. CRENSHAW. Are you saying we are not fast and efficient?

[Laughter.]

Mr. CRENSHAW. Is that what you are implying? Just kidding.

Mr. GRAJEDA. No.

[Laughter.]

Mr. GRAJEDA. We might be a little bit faster. That is all.

[Laughter.]

Mr. GRAJEDA. But, you know, for us we see it as a small investment. It is a relatively small investment for a high reward and it also adds to, you know, a layer of safety at the port of entry, which we see as beneficial.

Mr. CRENSHAW. This is for both of you, again. How is the private sector made aware of these programs?

Mr. MANCHA. We do actually at the monthly trade meetings, you know, introduce a program. We have actually had the program manager from headquarters come down and actually give presentations on these particular programs.

Mr. CRENSHAW. Yes. Is there—at the State level is there—is there a way to make, you know, chambers of commerce more aware of this?

Mr. GRAJEDA. I think the port meetings that we have had through the trade industry meetings have been—have been really helpful. You know, they bring staff from headquarters level to talk about the different programs.

You know, certainly, we can reach out more. We recently implement—we renewed our port advisory meetings here at the New Mexico Border Authority, which is another venue that we plan to take advantage of, talk about these different programs.

But the trade meetings at the Customs and Border Protection hosts have been really effective in getting the word out.

Mr. CRENSHAW. Great.

Director Mancha, I want to change the subject really quick to human trafficking and smuggling and how we can improve detection of that horrible crime, what you are seeing.

Are things improving on that front and does the new technology that we have been discussing potentially help with that?

Mr. MANCHA. I think that the technology will definitely help in terms of a deterrent—address that. But, really, don't see too much of the human smuggling occurring at the ports of entry. You do see people coming in fraudulently, you know, as imposters and so forth.

But in regards of human trafficking, human smuggling, we don't see too many of those cases. So I think that—

Mr. CRENSHAW. Are you saying that that would be between ports of entry, not at the points of entry?

Mr. MANCHA. I am not familiar if that is, indeed, what Border Patrol is seeing. You know, again, we do see a lot of imposters and people trying to come in fraudulently. But that wouldn't be in the category of human trafficking.

Mr. CRENSHAW. Right. Right. OK.

You mentioned some of the NIIs. You see—you see detected passengers with some of the technology and so but you are saying that is not necessarily human trafficking. That is probably just fraudulent—

Mr. MANCHA. Correct.

Mr. CRENSHAW. Right. OK.

Mr. MANCHA. We actually had one—this past week, we had somebody actually coming in on a vehicle in the trunk. But it is, you know, it is either a relative—somebody trying to bring somebody in. You know, that wouldn't be considered as human trafficking.

Mr. CRENSHAW. Right.

Mr. MANCHA. You know, they are trying to smuggle them in, you know, but and then, of course, you do see folks trying to get in with—posing as parents when the kids aren't theirs, and so forth.

Mr. CRENSHAW. Right, which would be considered somewhat human trafficking. When I talk to Border Patrol they see these kind of things all the time.

So, you know, does the—on the Customs side do you get the training that you think you need to be able to detect those signs of human trafficking? Because it is not as if these people are shackled in the back. That is not how it works. You know—

Ms. TORRES SMALL. This will be the last question. We are about a minute over.

Mr. CRENSHAW. OK. Yes, sometimes it is—you know, it is—there is mental manipulation that occurs or they are posing as parents or something else. So, you know, do you think you can get the training you need to detect those kind of things?

Mr. MANCHA. We can always use more training. I will never, you know, pass on additional training.

But I do think that a lot of the experience that CBP officers have in their line of questioning and their operational skills, you know, the review of the documents—all those skill sets come into play in trying to determine whether this is a legitimate family unit—are these people who they say they are.

So I think that our officers are—do get that experience, especially at a port with a lot of volume. But we would never bypass additional training.

Ms. TORRES SMALL. Thank you, Ranking Member Crenshaw.

Thank you both for being here today and providing your testimony. I deeply appreciate it.

I am now going to welcome our second panel of witnesses and thank them for joining us today.

[Pause.]

Ms. TORRES SMALL. Thank you both for being here today.

I will now introduce our next panel of witnesses.

Our first witness on this panel is Mr. Jerry Pacheco, who is the founder and president of the Border Industrial Association.

He has a long and respected career working with international trade in our State, establishing New Mexico's first foreign trade and tourism office in Mexico City and serving as the executive director of the International Business Accelerator, the only State-wide international trade counseling program.

Our final witness is Mr. Felipe Otero, the logistics manager for TPI Composites. Mr. Otero has a degree in mechanical industrial engineering and has worked in procurement and logistics for over a decade.

TPI Composites is the largest U.S.-based independent manufacturer of composite wind blades and frequently transports these blades through the Santa Teresa port of entry. We saw a few today.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Pacheco.

#### **STATEMENT OF JERRY PACHECO, PRESIDENT, BORDER INDUSTRIAL ASSOCIATION**

Mr. PACHECO. Madam Chairwoman, thank you for the invitation. As you mentioned, I am the executive director of the International Business Accelerator and I am also the president of the local industrial—the Border Industrial Association.

We have more than a hundred members. Most of the businesses you see around here are our members. Most are involved in manufacturing, warehousing, and distribution.

We represent about \$2 billion in investment—private investment here, about 5,000 jobs, and an export base to Mexico of about \$2 billion.

Our organization works to improve the business environment here and to recruit new industry to this area. So I have been involved with the Santa Teresa industrial base for almost 29 years before the Santa Teresa port of entry was opened in 1993.

I have seen this base grow from 4 buildings to 4 industrial parks that house more than 60 companies. Our little antiquated port of entry has grown from a remote obscure facility to the fifth most important export port of entry on the entire U.S.-Mexico border.

All of this development around us and immediately to the north would not be here if the Federal Government had chosen not to invest in the port.

During the past 10 years, New Mexico has, at times, led the Nation in export growth percentage. In 2014, New Mexico's export growth percentage to Mexico increased by 39 percent. That was the highest of any State in the Nation.

In that same year, the Los Cruces metropolitan statistical area, which we are a part of here in Santa Teresa, led all MSAs Nationwide in the export world percentage increase.

This increase in trade was due to the industrial base that we have established here in Santa Teresa to supply production inputs to Mexico's manufacturing sector.

This symbiotic relationship has allowed us to attract investment to our region and to create good-paying jobs. Down here, we don't view Mexico as a nemesis or a problem. It is a neighbor, a partner, and one of the strongest economic opportunities that our country has.

We don't look at the border as a barrier that separates us but, rather, a place that brings our 2 countries together, and ports of entry are the portals that make that happen.

Our trade relationship with Mexico helps our companies and, ultimately, our country to remain competitive in the global market.

Investing in ports of entry facilitates trade, which increases revenue via investment and employment, thus, ultimately adding to the coffers of the United States in general.

This is a much wiser investment than a full borderline-long wall. Walls are needed where they are needed, in urban areas and places where illegal crossers can quickly blend into the general population.

However, as we know, the immigrant crisis that we are currently experiencing doesn't have primarily to do with illegal crossers scaling walls or trying to cross in the desert where there is no barriers.

Rather, the crisis is occurring in our ports—at our ports of entry where migrants come to surrender themselves in hope of being granted asylum.

When large waves of immigrants approach a port of entry, the port director has the discretion to shut the facility down for security reasons.

All the ports of entry don't typically stay closed down for very long. Any closures will result in traffic piling up on both sides of the border.

This is highly disruptive to the flow of people and cargo, causing inefficiencies and a drop in productivity for companies on a tight supply chain.

Congress must address amnesty laws to prevent future migrant crises such as the one we are currently experiencing. Waves approaching ports of entry cause major problems.

Asylum seekers have to be taken into custody, documented, physically examined by medics, fed, and housed at the ports until a more appropriate space is found to keep them until their hearing.

This takes CBP officers out of their posts to perform these functions, resulting in commercial lanes being shut down, thus causing long lines, delays, and a discouragement of investment, which is really important to us here.

Even more important than infrastructure is the human element, as we were discussing here, namely, the CBP officers that protect the United States and who are also an integral element in the United States' trade with countries such as Mexico.

There is a gap between the number of CBP officers needed and how many are actually being recruited. We actually have a 559 program pending in place here to pay for overtime of officers.

But that is irrelevant to us because if they don't have sufficient officers, we can't pay them overtime. So to extend the port hours it is kind of a Catch-22.

So when a CBP prospect is recruited, he or she will have to go through extensive training period. After this is over, an agent will still need to shadow an experienced CBP officer for at least a year, after which the new CBP officer will finally be available to fully functional—be fully functional in his or her position.

Depending on the traffic, strategic importance, or the need, new CBP officers are then assigned to a particular port of entry. It takes time to get these people hired and to get them functional.

Congress must appropriate the necessary funding to recruit and hire more CBP officers. This human element must not be overlooked. We are talking infrastructure but this is probably the most important thing.

Our ability to keep our trade with the world growing rests on the backs of these individuals. It would be foolish to skimp in this area and create bottlenecks that are within our power to prevent.

Creating modern secure ports of entry also provide security in times of crises. Investing in existing ports of entry and personnel and that will allow trade between the United States and Mexico is a wise and lucrative investment for our country.

For every dollar the Federal Government invests in port infrastructure and CBP agents a multiplier effect is created, benefiting the entire U.S. economy.

Mexico is our third most important trading partner and working with our neighbor to modernize ports of entry with new infrastructure, including the latest equipment and technology, creates economic development opportunities not only for us but south of the border, which allows Mexican citizens the ability to provide for their families, thus curbing the illegal immigration.

Madam Chair, Ranking Member, in conclusion, I urge this committee to consider the opportunities that investing in port infrastructure and personnel will bring to our Nation and southern partner, and the negative ramifications on trade security by not doing so.

Thank you for allowing me to share my thoughts with you.

[The prepared statement of Mr. Pacheco follows:]

## PREPARED STATEMENT OF JERRY PACHECO

DECEMBER 2, 2019

Madam Chairwoman and Members of the committee: Thank you for inviting me here today to talk about border infrastructure and its effect on trade and security. I am the president of the Border Industrial Association, which represents the Santa Teresa industrial base within which we are meeting today. Our association has more than 100 members, most of whom are involved in manufacturing, warehousing, and distribution. We represent more than \$2 billion in investment, 5,000 jobs, and an export base to Mexico of nearly \$2 billion.

I have been involved with the Santa Teresa Industrial base for almost 29 years, before the Santa Teresa Port of Entry was opened in 1993. I have seen this base grow from 4 buildings to 4 industrial parks that house more than 60 companies. Our little, antiquated port of entry has grown from a remote, obscure facility to the fifth most important export port of entry on the entire U.S.-Mexico border. Last year, we surpassed Brownsville and Nogales for this place on the list.

The Santa Teresa Port of Entry is the mouse that roared. All of this development around us and immediately to the north would not be here if the Federal Government had chosen not to invest in the port. Yet since establishment, very few major improvements have been made to the port, while at the same time our trade and crossings have continued to grow. During the past 10 years, New Mexico has at times led the Nation in export growth percentage. In 2014, New Mexico's exports growth percentage to Mexico increased by 39 percent, the highest of any State in the Nation. In that same year, the Las Cruces Metropolitan Statistical Area, with the city of Las Cruces 50 miles north of here, led all MSAs Nation-wide in the export growth percentage increase. This increase in trade was not due to the city of Las Cruces, which has 100,000 people and is the largest city in Doña Ana County, but because of the industrial base that we have built here in Santa Teresa to supply production inputs to Mexico's manufacturing sector. This symbiotic relationship has allowed us to attract investment to our region and to create good-paying jobs.

Down here, we don't view Mexico as a nemesis or a problem. It is a neighbor, partner, and one of the strongest economic opportunities that our country has. We don't look at the border as a barrier that separates us, but rather a place that brings our 2 countries together—and ports of entry are the portals that make this happen. Our trade relationship with Mexico helps our companies, and ultimately our country, to remain competitive in the global market.

Investing in ports of entry facilitates trade, which increases revenues via investment and employment, thus ultimately adding to the coffers of the United States in general. This is a much wiser investment than a border-long wall. A wall is needed where a wall is needed, particularly urban areas and places where illegal crossers can quickly blend into the general population. However, the immigrant crisis that we are experiencing doesn't have to do with illegal crossers scaling walls or trying to cross in the desert where there are no barriers, rather the crisis is occurring at our ports of entry where migrants come to surrender themselves in hope of being granted amnesty.

When large waves of immigrants approach a port of entry, the port director has the discretion to shut the facility down for security reasons, and to protect his/her personnel. There have been incidents of immigrants aggressively storming ports of entry and several Customs and Border Patrol (CBP) officers have been injured. Although ports of entry don't typically stay closed down for very long, any closures will result in traffic piling up on both sides of the border. This is highly disruptive to the flow of people and cargo, causing inefficiencies and a drop in productivity for companies on a tight supply chain.

In this sense, Congress must focus on modifying amnesty laws to prevent future migrant crises such as the one we are currently experiencing. Currently, all migrants have to do is reach U.S. soil and ask for amnesty. Even though the waves of migrants have decreased, any subsequent wave approaching ports of entry can cause major problems. Asylum seekers have to be taken into custody, documented, physically examined by medics, fed, and housed at the ports until a more appropriate space is found to keep them until their hearing. This takes CBP officers out of their posts to perform these functions, resulting in commercial lanes being shut down, thus causing long lines, delays, and a discouragement of investment.

I have always touted the case for modernizing the infrastructure at the ports. However, even more important is the human element, namely CBP officers that protect the United States from drugs and contraband, and who are also an integral element in the United States' trade with countries such as Mexico. There is a gap between the number of CBP officers needed and how many are actually being re-

cruited. Many ports of entry are understaffed, and crossing lanes that could be used to process people and commerce are closed because there are simply not enough CBP officers to attend to them. We estimate in Santa Teresa alone, our port is understaffed by approximately 30 CBP officers.

And it is not as simple as saying that all the U.S. Government has to do is hire more people.

When a CBP prospect is recruited, he/she will have to go through an extensive training period. After this is over, an agent will still need to shadow an experienced CBP officer for at least 1 year, after which the new CBP officer will finally be available to be fully functional in his/her position. Depending on the traffic, strategic importance, and need, new CBP officers are then assigned to a particular port of entry. In other words, it takes quite a bit of time to recruit, train, and position CBP agents. It is not simply a case of hiring them and putting them directly on the line. Furthermore, many young people entering the workforce, who could be recruits, are not interested in a job that involves stress, sometimes dark human elements, and often long hours.

This particular holiday season, which we at the border call the "Paisano Season," will test the limits of the infrastructure at our ports of entry and the CBP officers who are trained to keep the United States safe from illegal elements, as millions of people travel back and forth across the border to be with their families. The Executive branch of Government and Congress must work together to appropriate the necessary funding to recruit and hire more CBP officers. This human element must not be overlooked. Our ability to keep our trade with the world growing rests on the backs of these individuals. It would be foolish to skimp in this area and create bottlenecks that are within our power to prevent.

Creating modern, secure ports of entry also provides security in times of crises. However, investing in port infrastructure has to be congruent on both sides of the border. Neither side can simply choose to invest in port infrastructure without coordinating with the other side. Approximately 50 miles east of here lies the Port of Tornillo, where the Federal Government rushed to invest \$133 million in a modern port of entry only to discover that Mexico was unwilling to also invest in road and infrastructure improvements on its side of the border. How we could have used that investment here where the Santa Teresa Port of Entry is busting at the seams—investing in existing ports of entry that allow trade between the United States and Mexico are a solid and lucrative investment for our country.

For every dollar the Federal Government invests in port infrastructure and CBP agents, a multiplier effect in which a huge "bang for the buck" is created, benefiting not only border communities, but the entire U.S. economy. Mexico is our third most important trading partner, and working with our southern neighbor to modernize ports of entry with new infrastructure, including the latest equipment and technology, creates economic development opportunities south of the border, which allows Mexican citizens the ability to provide for their families, thus curbing illegal immigration.

In conclusion, I urge this committee to consider the opportunities that investing in port infrastructure and personnel will bring to our Nation and southern partner, and the negative ramifications on trade security by not doing so. Madam Chairwoman, I thank you and the Members of the committee for the opportunity to provide you with my thoughts.

Ms. TORRES SMALL. Thank you, Mr. Pacheco, for your testimony.

I now recognize Mr. Otero to summarize his statement for 5 minutes.

#### **STATEMENT OF FELIPE OTERO, LOGISTICS MANAGER, TPI COMPOSITES**

Mr. OTERO. Chairwoman Torres Small and distinguished Members of the subcommittee, thank you for the opportunity to testify before you today to discuss promoting safe and efficient travel and trade at America's land ports of entry.

I currently serve as a logistics manager for TPI Composites and am responsible for the delivering of our products to our customers on a daily basis.

TPI is the largest U.S.-based independent manufacturer of composite wind blades in the industry and it was founded more than

50 years ago. We are currently leading the wind blade manufacturing industry in all of North America, Europe, and Asia.

Our advanced composites manufacturing technology allows us to build near-aerospace grade parts at industrial prices. TPI's presence in our southern border city, Juárez, Mexico, represent about 45 percent of our global presence with four facilities that export about 95 percent of our product to the United States.

With such a large portion of our business occurring in TPI Juárez, this project has become a key figure for TPI's future growth.

Our designated port of entry to the United States for our oversized loads is Santa Teresa, New Mexico, because it has unique characteristics that make it perfect for our very complicated-to-transport product.

Unfortunately, the port's current infrastructure can accommodate up to our 65-meter blade only. As our blades increase in size, so are logistics challenges.

Recently, we are building our 72-meter blade—262 feet—which the port cannot accommodate. We are expecting this blade to be shipped to the United States in March 2020.

In the last 2 years, we increased our yearly production rate 26 percent. In 2019, our weekly shipments through Santa Teresa averaged 40 blades per week.

In 2020, our volume will continue to increase and we will reach 50 blades on average per week. Twelve of those 50 weekly blades will be 72 meters long.

Back in September of this year, we were presented the donations acceptance program as an alternative to have the port of entry redesigned as our product required.

After a site visit, we assessed the different obstacles that were affecting the safe transit of our product and, since then, we have collaborated with CBP on developing the modifications as the donations acceptance program calls.

These modifications are, first, expansion of the port of entry fence line, increasing its opening from 28 to 35 feet long. By expanding the fence line, the tip swing of the blade will clear this obstacle without hitting it.

Second, we will smooth out the entrance curve by pouring 30,000 square feet of concrete to extend the curve.

The third and last obstacle is a light pole that we will relocate to the left side of the lane where, once again, the tip of the blade will hit.

The expansion of the port of Santa Teresa will impact directly the economic growth of the region as commerce is directly tied to the resources that both the port and the region receive.

This will allow the port to handle a much larger load, making Santa Teresa a much more attractive port of entry for oversized carriers, once again, bringing more commerce to the region.

As our product gets larger, so will the price tag on each blade, making each piece that crosses through that port much more important for the region.

The economic growth will be directly tied to the benefits to the community. As the region becomes more fruitful, so will the bene-

fits and resources that will be allocated in Santa Teresa and this entire region of New Mexico.

Thank you for holding this hearing today and I look forward to hearing any of your questions.

[The prepared statement of Mr. Otero follows:]

PREPARED STATEMENT OF FELIPE OTERO

DECEMBER 2, 2019

Chairwoman Torres Small and distinguished Members of the subcommittee, thank you for the opportunity to testify before you today to discuss Promoting Safe and Efficient Travel and Trade at America's Land Ports of Entry.

I currently serve as the logistics manager for TPI Composites and am responsible for delivering our products to our customers on daily basis.

TPI is the largest U.S.-based independent manufacturer of composite wind blades in the industry and it was founded more than 50 years ago. We are currently leading the Wind Blade Manufacturing industry in all North America, Europe, and Asia.

Our advanced composites manufacturing technology allows us to build near-aerospace grade parts at industrial prices. TPI's presence in our Southern Border city, Juárez, Mexico, represent about 45 percent of our global presence with 4 facilities that export about 95 percent of our product to the United States. With such a large portion of our business occurring in TPI Juárez, this project has become a key figure for TPI's future growth.

Our designated Port of Entry to the United States for our oversized loads is in Santa Teresa, NM because it has unique characteristics that make it perfect for our very complicated-to-transport product. Unfortunately, the Port's current infrastructure can accommodate up to our 65-meter blade only. As our blades increase in size, so our logistics challenges. Presently we are building our 72-meter blade (262 ft.), which the Port cannot accommodate. We are expecting this blade to shipped to the United States in March 2020.

In the last 2 years we increased our yearly production rate 26 percent. In 2019 our weekly shipments through Santa Teresa averaged 40 blades per week. In 2020 our volume will continue to increase and we will reach 50 blades on average per week. Twelve of those 50 weekly blades will be 72 meters long.

Back in September of this year we were presented the Donations Acceptance program as an alternative to have the POE redesigned as our product required. After a site visit, we assessed the different obstacles that were affecting the safe transit of our product and since then we have collaborated with CBP on developing the modifications as the Donations Acceptance Program calls.

These modifications are:

- a. First, Expansion of the POE fence line, increasing its opening from 28 to 35 ft long (Fig. 1). By expanding the fence line, the tip swing of the blade will clear this obstacle without hitting it.
- b. Second, we will smooth out the entrance curve by pouring 30,000 square feet of concrete to extend the curve.
- c. The third and last obstacle is a light pole that we will relocate to the left side of the lane where once again, the tip of the blade will hit.

The expansion of the Port of Santa Teresa will impact directly the economic growth for the region, as commerce is directly tied to the resources that both the port and the region receive, this will allow the port to handle a much larger load, making Santa Teresa a much more attractive POE for oversized carriers, once again bringing more commerce to the region.

As our product gets larger, so will the price tag on each blade, making each piece that crosses through that port much more important for the region. The economic growth will be directly tied to the benefits to the community, as the region becomes more fruitful so will the benefits and resources that will be allocated in Santa Teresa, and this entire region of New Mexico.

Thank you for holding this hearing today and I look forward to hearing any questions you may have.

## ATTACHMENT.—TPI COMPOSITES—PORT OF SANTA TERESA

*Presented to Homeland Security*

## 1. BRIEF DESCRIPTION OF TPI COMPOSITES

TPI was founded in the United States more than 50 years ago, today. We are currently leading the Wind Blade Manufacturing industry in all of North America, Europe, and Asia, in fact we are the largest U.S.-based independent manufacturer of composite wind blades in the industry.

Our advanced composites manufacturing technology allows us to build near-aero-space grade parts at industrial prices.

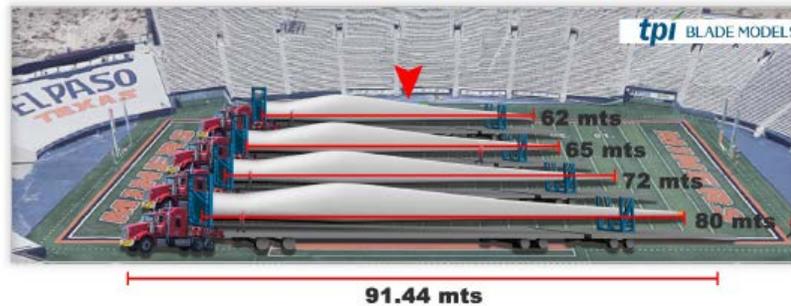
TPI's Juárez operations represent about 45 percent of our global presence with 4 facilities that export about 95 percent of our product to the United States. With such a large portion of our business occurring in TPI Juárez, this project has become a key figure for TPI's future growth.

## 2. SCOPE

Our designated Port of Entry to the United States for our oversized loads is in Santa Teresa, NM. Currently the infrastructure can accommodate up to our 65-meter blade. We are currently building our 72-meter blade (262 ft.), which the current Port cannot accommodate, we are expecting this blade to be shipped to the United States in March 2020.

To illustrate the magnitude of our product, we present the slide below.

To illustrate the magnitude of our product, we present the slide below.



Our 2020 volume increases from our current 43 in average per week to 46 blades on weekly basis.  
9 of those 46 weekly blades will be 72 meters long.

Our 2020 volume increases from our current 43 in average per week to 46 blades on weekly basis. Nine of those 46 weekly blades will be 72 meters long.

## 3. DAP

Back in September of this year we were presented the Donations Acceptance program as an alternative to have the POE redesigned as our product required. After a site visit, we assessed the different obstacles that were affecting the safe transit of our product and since then we have collaborated with CBP on developing the modifications as the DAP calls.

These modifications are:

- a. The first area that needs to be modified is the POE entrance gate, expanding it from 28' to 35' (Fig. 1). By expanding the fence line, the tip swing of the blade will clear this obstacle without hitting it. This modification will also allow a faster processing time.

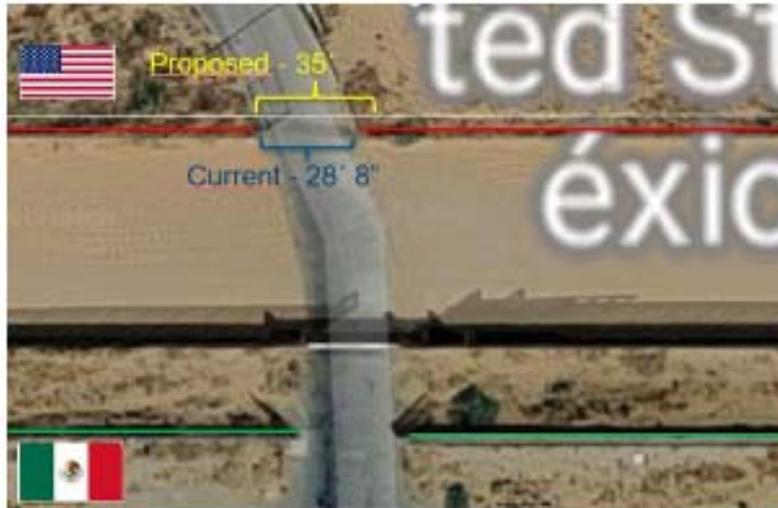


Figure 1. Santa Teresa Port of Entry

b. Immediately after entering the U.S. premises, which is currently the only pathway for oversized loads, the cargo lane curves to the left, forcing the Blade tip to swing out and hit the fence. (Fig. 2)



Figure 2. Curved lane. — Tip Swing. — Truck Front Axle. — Back Axle

c. The third and last obstacle is a light pole to the left side of the lane where once again, the tip of the blade will hit. (Fig. 3)



Figure 3. Light pole striking zones. --- Tip Swing, --- Truck Front Axle, --- Back Axle

#### 4. CONCLUSION

The expansion of the Port of Santa Teresa will impact directly the economic growth for the region, as commerce is directly tied to the resources that both the port and the region receive, this will allow the port to handle a much larger load, making Santa Teresa a much more attractive POE for oversized carriers, once again bringing more commerce to the region.

The economic growth will be directly tied to the benefits to the community, as the region becomes more fruitful so will the benefits and resources that will be allocated in Santa Teresa, and this entire region of New Mexico.

Ms. TORRES SMALL. Thank you for your testimony.

I will remind each Member that he or she will have 5 minutes to question the panel and I will now recognize myself for questions.

So we had a robust discussion about the RSP agreements, which are public-private partnerships that can be used as ports of entry to expand infrastructure and other investments.

Mr. Pacheco, do you see public-private partnerships as a sustainable solution to CBP's staffing and infrastructure shortages and, if so, what is the right balance between public-private investments and Federal funding?

Mr. PACHECO. Madam Chair, I do. I think it is one of the best things occurred where you can have a company like TPI or, in our case over here at the port of entry, Dell Computers, which is they are being manufactured at Foxconn just south of the border, participating in those type of programs.

However, there is a bit of push back by the private sector that say, well, we pay or taxes—why isn't the Federal Government, why isn't the State government the entities that are—that are pitching in to do this?

There is a balance there. I am not quite sure what it is. I think both sides, the public sector and the private sector, need to have

skin in the game and that is definitely the case here at Santa Teresa.

Again, we have been working on the extension of port hours for the better part of 15 years. Gone to Washington several times.

We have succeeded in extending the port hours, which closed at 6 o'clock at night for the commercial. We extended that to 8, which was a major thing we had to jump through hoops on.

So the 559 program, these type of programs, allow us to get there much more quickly. The problem is, again, it is a Catch-22 because how can you pay personnel that don't exist overtime, and that is where we are right now.

Ms. TORRES SMALL. I appreciate you bringing that up. I think it is a resounding theme that we have seen in terms of staff shortages.

Earlier this year, I held a hearing in the subcommittee on retention and recruitment for CBP officers as well as Border Patrol agents.

Going to that staff shortage, can you also just explain the impact that the decreasing in staffing at the port has affected our flow of commerce?

Mr. PACHECO. Madam Chair, it—we went through this past year and I have to commend the CBP personnel because they bent over backward to keep the trade—the flow of trade going.

But I guess the question I always ask is how much more could we have done, you know, because it does affect—when CBP has to close a lane in the cargo area and all of a sudden you are down to one lane or they have to shut the port down because, you know, there is an emergency or there is a wave of immigrants coming or what have you.

It really does disrupt our flow of traffic. I have even talked to some people across the border and some people here that say they are reluctant in terms of investing more money because unless we get these issues settled, you can imagine and appreciate.

Dell Computer is on a tight supply chain. You order a Dell computer, it has got to be at your house in a certain amount of time.

They plan by the minute, and so if we are having these disruptions at the port of entry because of lack of CBP personnel or what have you, it really begs the question what more could we have done—

Ms. TORRES SMALL. So we—

Mr. PACHECO [continuing]. And where could we have gone in terms of attracting more investment.

Ms. TORRES SMALL. Thank you, Mr. Pacheco.

We have received testimony for this hearing submitted noting that one company will be—plans to or may have to divert some of its shipments, a large portion of its imports, to another port. Have you heard of any other companies that may be having to make these changes based on the insufficient hours?

Mr. PACHECO. Madam Chair, I think we are probably referring to the same company. I have heard mostly concern. But that is—that is not good because we want to provide an environment within our control where commerce can be expanded.

We are all about expanding this industrial base. I mean, we can create new jobs. We can create new investment. It, ultimately, benefits the State, the region, and our country.

If we cannot solve these issues with understaffed ports of entry, with insufficient infrastructure—we opened this port of entry originally across the street in 1993 and then the new port of entry in about 1998 and we have had a couple of minor injections of infrastructure funding.

But this little tiny port of entry, I mean, if you compare it to Nogales, which, oh my God, that is the Taj Mahal of ports of entry at Mariposa, and we are doing more than Nogales.

We are going to hit a point here very quickly that there is no more that you can push through this port of entry because of the infrastructure and because of the CBP personnel.

Ms. TORRES SMALL. Thank you, Mr. Pacheco.

Mr. Otero, can you speak to the impacts that you all suffered due to the increased wait times earlier this year before they were brought down more recently?

Mr. OTERO. Sure. The impact that it had on TPI's sales was tremendous. Normally, we take advantage of our transportation equipment and we do 2 rounds a day for all of our blades since it is limited capacity—our trucking—and during those months we were only able to do 1 round per day.

So, of course, the impact of that in our Juárez operation there is not enough space for such a large product to be stored in our facilities.

There is very limited space in our yards and that was critical for not just TPI but also our customers so that we are genuinely concerned about that.

Ms. TORRES SMALL. Thank you, Mr. Otero.

My time has expired. I now recognize Ranking Member Crenshaw for 5 minutes of questions.

Mr. CRENSHAW. Thank you. Thank you all for being here again.

Mr. Pacheco, thanks for just continuing along that same line of questioning. Do you ever have a—do you have an estimate on a dollar amount of, say, lost investment or costs due to inefficient port of entry operations?

Mr. PACHECO. Madam Chair, Congressman Crenshaw, that is a very difficult thing to estimate. But I can tell you we have had companies spooked that we—you know, we did all the pipeline of prospects that we are trying to recruit, and if they don't come we always note why they didn't come and there are some that have cited to me the uncertainty of what is going on at the ports of entry, the migrant crisis, what have you.

I would estimate we probably would have gotten closer on 2 to 3 deals and most of our deals are within the \$15 million to \$30 million to \$50 million range. So if that gives you an idea.

Mr. CRENSHAW. Is that uncertainty—is that just due to border operations? Is that also—is that the USMCA and the uncertainty surrounding that?

Mr. PACHECO. Madam Chair, Congressman, all of that. I can tell you with certainty there were 3 deals that we were looking at in 2018 last year—2017, 2018—that got spooked.

We didn't—we lost 2 of the deals. One went to El Paso, Texas, which is good. It is for our region. I mean, at least it landed here.

But they would have built a building had the USMCA been a little more certain and what have you. That spooked them away. We lost that investment. We lost that physical investment in our industrial base because of that, and that was a pretty healthy deal. That was about a hundred jobs.

Mr. CRENSHAW. You mentioned the migrant crisis, too. I mean, you know, it is not as if that has gone away, of course. It is just we have fewer numbers than we did in the spring time. Those were absolute crisis numbers.

But the—you know, the problem still persists and you brought this up, the issue of amnesty and closing those loopholes and how that affects industry and commerce and certainty.

So would you care to expand on that a little bit and what does the business community feel is the right way to handle these massive amnesty claims?

Mr. PACHECO. Well, Madam Chair, Congressman Crenshaw, let me preface this by saying I honestly feel for these families coming up here. I mean, if you are down here you develop a lot of empathy for people that are desperate like that.

It does affect us, as I have testified. It does affect us, and the irony is, is that asylum seekers just have to set foot on U.S. soil to ask for asylum.

Well, you know, if you know anything about the border, the border wall is built on our side of the border. So, you know, I mean, it is a little incongruent in that sense.

But I think Congress needs to look at how we treat amnesty cases, how they are processed, because I think maybe we created this whole crisis ourselves.

Mr. CRENSHAW. Right. Would you agree that those cases need to be adjudicated quickly and decided quickly so as to not create this incentive of catch and release where all they have—like you said, all they have to do is show up and set foot on our border and then they are caught and released?

Mr. PACHECO. Yes. Madam Chair, Congressman Crenshaw, yes, I believe that because if you go to the other side of the border there is people waiting months there in shanty towns—shacks and tents.

You can go to Chamizal Park and see people out on the coldest day of the year there waiting to get their turn to come.

So yes, I mean, quickly and fairly.

Mr. CRENSHAW. So bring it back to the donation program and, you know, again, coming from the business community, is that program well-known?

Is there talk of creative ways to improve upon all of the issues and infrastructure that we see and using this donation program to do so?

Mr. PACHECO. Madam Chair, Congressman Crenshaw, I think it is pretty well-known. I mean, we are a very tight industrial base. We have a very active private sector.

Our Border Industrial Association serves as the Chamber of Commerce and sometimes it serves as, like, the local municipality because we are not in an incorporated municipality here.

We worked very hard several years ago to put the 559 agreement together with Customs. We were getting the State to participate. We got Dell Computers to throw in—because we needed \$450,000.

Dell was willing to throw in—I think it was \$200,000. We were going to get \$250,000 out of the State. It didn't work out in that particular legislative session.

Then the wheels started rolling where you had the reassignment of CBP personnel and at that point—I mean, it was irrelevant. You cannot pay people that are not there.

Mr. CRENSHAW. Yes. Yes. That is a problem that we are still trying to fix.

I am assuming I am out of time?

Ms. TORRES SMALL. Yes, though we have got time for another round if you are good for that.

Mr. CRENSHAW. OK. OK.

Ms. TORRES SMALL. All right.

So just, quickly, Mr. Pacheco, will you speak to what you see as the largest infrastructure needs for the Santa Teresa port of entry?

Mr. PACHECO. Madam Chair, we always have a motto and our motto is you have to keep infrastructure ahead of development. The day you can't flush your toilets the day you are not recruiting a new company. OK.

So sometimes I think we got caught up in, OK, we need more water, waste water. We need higher or expanded electricity, what have you.

But we have to take a step back and realize that none of us would be here today and we would probably still have 4 businesses as I saw 29 years ago if it weren't for this port of entry. This port of entry is the mouse that roared. It is the little engine that could.

I went to Nogales to benchmark what they are doing out there. I have got a buddy that runs their port authority, and he took me on a tour of the port of entry.

It is just—if you have never been to the Mariposa port of entry you got to go. He wanted to reciprocate and come back here and I didn't want him to come see our port of entry over here.

But we are doing more volume. So the port of entry itself, investing in the infrastructure, it has to be redesigned. Personnel has to be considered here.

But if you can see we have been successful in working with the State with Federal funding, doing all of our roads here in concrete. It is a beautiful, you know, situation we have.

But that port of entry is rapidly going to be our bottleneck, going forward. So that is the most important piece of the puzzle.

Ms. TORRES SMALL. Thank you.

Mr. Otero, you testified about the importance of the public-private partnership that you are entering into with CBP.

Can you speak specifically to how the timing of that project is essential for your planning needs as a business?

Mr. OTERO. Yes. It has to be done and we were presented by our local authorities, CBP here, back in September to that—the donations acceptance program, and they are very helpful.

It is actually a key element for our business to continue here in this region and it is moving, not at the speed we would like to, of course.

It is a genuine concern from our customer that is specifically requesting bigger blades ASAP and it is only alternative at this point.

Ms. TORRES SMALL. That is helpful, and in terms of the spring deadline what happens if that isn't done then?

Mr. OTERO. We will start accumulating product in our sister city in southern Juárez.

Ms. TORRES SMALL. OK. Thank you.

Mr. Pacheco, do you believe that this project will help traffic flow in a more efficient manner and will help attract other businesses?

Mr. PACHECO. Madam Chair, definitely. We have always had an arrow in our quiver of where we say that locate the Santa Teresa, you are going to locate right near us the district's fastest-crossing port of entry.

The minute that we can't say that, the minute we lose our advantage out here. If you look, we have built an industrial base out of sand in the desert here, essentially, right? I mean, technically, should this even be here?

We are not here—we are here because of the port of entry and these type of programs are necessary and I think we have support at the State level where we could bring the State support to bear to pull some of these projects off.

But the redesign of the port of entry and the investment of funds, again, I sound like a broken record but that is the message I want to get across today.

Investment in infrastructure, investment in personnel—you do that. We, in the private sector, will take it from there and we will create those jobs and that economic development.

Ms. TORRES SMALL. Thank you.

Mr. Pacheco, you spoke to how businesses can get spooked by uncertainty and so I do just want to briefly ask how you feel the passage of USMCA would help address that.

Mr. PACHECO. Madam Chair, it is—how do you say, essential, critical, paramount. You have to realize we have businesses.

We did a deal 4 years ago—it was a hundred million dollars—a Turkish company that is doing copper wire here. They do about 7 million pounds of copper wire a month, if you can imagine how much that is.

They invested a lot of money and I don't think we, as a Nation, can pull the rug out from companies that invested here predicated on some type of an agreement in North America, whether it be NAFTA or USMCA, right.

I would not be able to face them for having attracted them and recruited them here, to have their investment be, you know, in limbo.

So the passage of the USMCA is critical and I hope that it can come up very quickly and hope we can put that to bed—that issue to bed because the quicker we can, the quicker we can recruit companies and the quicker companies that are existing here will expand and start investing more money in their operations.

Ms. TORRES SMALL. Thank you, Mr. Pacheco.

My time has expired. I recognize my colleague, Ranking Member Dan Crenshaw, for questions.

Mr. CRENSHAW. Thank you, Madam Chair.

Mr. Otero, I will go to you, and I just want to get your general sense of the donation acceptance program—how you found out about it, how you chose to do it, and what improvements could be made to it.

Mr. OTERO. Definitely probably be getting people to know or private sectors to know about that. If it wasn't for or a very close relationship with the local authorities, probably TPI would not have found out about that specific program.

That is probably one of my recommendations that it should be well-known. It should be spread out, and like I mentioned, it is our only alternative right now to continue our business.

Unfortunately for us, our technology, it is demanding more—the bigger, the more—the more efficient. So that is what our customers need and that is where the environment needs.

So it won't stop here. Seventy-two meters long, it is not the biggest. It will continue to grow. But it is a genuine concern from our customers—can you guys do it through Santa Teresa, or do we have to find different routes?

Mr. CRENSHAW. Is the—does the delay and passage of the USMCA affect you all's business at all?

Mr. OTERO. At this point, it hasn't, because we are going to start shipping this product in March 2020. But it will definitely affect.

Mr. CRENSHAW. You said it will eventually?

Mr. OTERO. It will. It will, if we don't get this—clearances. It is a very formal process that the donation acceptance program calls that we have to follow those—

Mr. CRENSHAW. Is it too stringent? I mean, could it—could that process be made more flexible? Is that maybe why—as far as I understand it, you are the only company that is actually using it.

Maybe—or I guess we mentioned Dell earlier, but very few companies are using it. You know, I wonder what the reason is for that. Is it because it is not that flexible?

Mr. OTERO. I guess. There is very few personnel in headquarters that actually have to authorize what we have presented or there is very key players that have to approve that that I have not got a response.

Mr. CRENSHAW. OK. So saying the staffing maybe isn't adequate to actually process the applications?

Mr. OTERO. Probably, sir. Yes.

Mr. CRENSHAW. OK. Mr. Pacheco, I will go to you on some of those—some of those same question and how it can be improved and what you are seeing.

Mr. PACHECO. Sure. Madam Chair, Congressman Crenshaw, I would not say that when we put the 559 agreement in place with CBP that it was a bad experience.

They were very helpful. We found ourselves behind the 8-ball several times by being slow on our side to get, you know, everything—you know, signed and what have you.

So I don't think that is it.

Mr. CRENSHAW. OK.

Mr. PACHECO. Again, the biggest feedback I have gotten from companies that you would think would logically want to participate in those programs is why should I do that if the Federal Govern-

ment I pay taxes—you know, my company is, you know, whatever. That is the biggest push-back that I get.

Mr. CRENSHAW. OK. You just have them call my office. I will explain to them why.

[Laughter.]

Mr. CRENSHAW. The last question I want to ask both of you, so we have talked about infrastructure improvements but we have been a little bit general with our—with our language.

We have, obviously, identified the need for more personnel. That is a very obvious one and, unfortunately, it is not as easy as just saying, hey, we will authorize more money for it, because that is not the problem.

The problem is actually getting people through the process. You know, we have the authorization for the funding and it is—we are still short.

So what else? I mean, specifically, is it more lanes? Is it the technology? Do you find this—the drive-thru NII technology promising?

The stuff that we are piloting in Texas? Is that what is—is that what is required? You know, what is it going to be?

Mr. PACHECO. Madam Chair, Congressman Crenshaw, if you look at successful ports of entry, it is a combination of all that you mentioned. It is not just the lanes, OK. It is not just the personnel. It is the technology.

When this port of entry was opened back in 1993, we were the designated pilot port for new technology and, ironically, we were the designated port of entry for hazmat in this region and I think that is one of the ways that the port got opened way back when, when Senators Domenici and Bingaman were working on this project.

It is a combination of all of that. The hazmat is really important. I can—I can list deals over the years, the last 20 years, that we have lost because the firm could not move product in and out of the port of entry.

We worked with TRW back in the day, which was making airbags for cars, and they had argon in the airbags and that is not really a bad substance.

But because we didn't have the personnel, we didn't have the hazmat pit, what have you, we couldn't recruit them, and there are several companies like that that we have lost. But it is a combination of all of that. I mean, it is an investment across all those lines.

Mr. CRENSHAW. Thank you very much.

Thank you, Madam Chair.

Ms. TORRES SMALL. Thank you, Ranking Member.

Thank you so much for your testimony. I deeply appreciate the witnesses' time and expertise.

Before adjourning, I ask unanimous consent to submit 4 statements for the record.

The first is from Jon Barela, CEO of the Borderplex Alliance. The second is from Anthony Reardon, national president of the National Treasury Employees Union.

The third statement is from Dell Technologies and the final\* is a priority list of projects developed by industry and CBP for the Santa Teresa port of entry.

Without objection, so admitted.  
[The information referred to follows:]

STATEMENT OF JON BARELA, CEO, THE BORDERPLEX ALLIANCE

DEC. 2, 2019

The Borderplex Alliance is a nonprofit organization dedicated to economic development and policy advocacy in the El Paso, Texas; Las Cruces, New Mexico; and Cd. Juárez, Chihuahua region.

Located in a gateway for international trade, The Borderplex Alliance is the go-to resource for regional ideas, information, and influence. We are supported by a coalition of over 250 businesses, community and civic leaders, all with a shared vision—bringing new investment and jobs to the Borderplex region and creating a positive business climate.

The Borderplex Alliance provides regional, national, and international development, advocacy, representation, and support to businesses looking to expand their operations within the Borderplex region. The organization also serves as an advocate for the region in state and national capitals, promoting the economic prosperity of the region and the strength of the U.S.-Mexico relationship.

The U.S.-Mexico border is a dynamic and critical economic driver for the United States. Investing in infrastructure at our ports of entry and prioritizing the facilitation of legitimate trade and travel between the United States and Mexico will pay significant dividends for our economy.

We need a bipartisan, economically prudent approach to legislation impacting the U.S.-Mexico border. Doing so will improve North America's economic competitiveness, help secure the border, and address the migration crisis in a way that treats migrants with dignity and respect while following U.S. law and keeping within the best traditions of our Nation. When considering legislation related to the U.S.-Mexico border, please keep in mind these 3 compelling points.

First, Mexico is an economic and strategic ally of the United States, not a foe. Mexico is currently our third largest goods trading partner. In 2018 the total U.S. goods and services traded with Mexico reached \$671.0 billion. In 2017 Mexico invested \$18.0 billion in the United States. This trade and investment on both sides of the border result in a symbiotic relationship with sophisticated supply chains that route goods back and forth across borders and ultimately to consumers around the world. This trade and investment is not a zero-sum game. It creates jobs, hope, and opportunity on both sides of the border.

In the Midwest, more than 700,000 jobs directly rely on trade with Mexico. Nationally, that figure is between 5 and 6 million. That is why the ratification of the United States-Mexico-Canada Agreement is so critical to keeping this fruitful relationship between our great nations. The Borderplex region is the at the heart the relationship and is the gateway of trade for the Americas. El Paso ports saw \$81.9 billion worth of trade in 2018, up 5.1 percent from in 2017. Investing in and modernizing these ports should be a priority to help make wait times more predictable and shorter. It will also make the Nation more prosperous.

Second, urgently-needed infrastructure improvements not only facilitate legitimate commerce, but it also helps secure the southern frontier. Securing the border and facilitating trade are not mutually exclusive. Every minute \$1 million worth of goods and services are traded between the United States and Mexico. Delays and unpredictable wait times at are our ports of entry are devastating business along the border and across the Nation. I've heard from multiple companies who were operating at 20–50 percent capacity, waiting 12–24 hours to get their shipments through the ports of entry.

One employer furloughed hundreds of employees and reduced their hours. This employer is a canary in the coal mine for global supply chains. He is a scrap metal supplier. His goods make their way into auto parts. He told us that due to the delays in crossing the ports of entry, companies in Mexico are making fewer goods and thus less scrap metal. These conditions create a ripple effect through the national economy that could turn into a tsunami of potential job losses in the United States.

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\*The information was not available at the time of publication.

The unpredictable and unacceptably long wait times are causing another member company of the Borderplex Alliance to move jobs from a plant in New Jersey to a facility in Eastern Europe in order to ensure continuity of product availability in the U.S. market. His products are life-saving medical equipment, such as heart stents used in the United States.

The cadence and flow of tractor-trailers that travel back and forth between the United States and Mexico, first with raw materials and then with finished goods is part of the rhythm of investment and jobs. Disruptions in trade cause factories to slow or halt production, reduce hours or jobs, and create the conditions that result in emigration from the South to the North.

Long and unpredictable wait times at the ports of entry have been a problem on the border for decades. It is a bipartisan problem that should have been solved years ago. Only now, however, with the threat to shut the Southern Border, this problem has become a National economic security concern. I suggest Congress use the President's \$5.7 billion funding request for a border wall to:

- Hire more CBP officers;
- Invest in advanced technology at our ports; and
- Increase staffing at our ports during peak hours.

Third, we need a humane, rational, and long-term solution that works for immigrants and U.S. citizens alike. Immigration is a complex, multidimensional issue with economic push and pull factors at its heart. But when as a Nation we embrace trade, globalization, and a rules-based international order we can increase opportunity for everyone. I urge the Members of this committee to help us address this specific problem locally and more broadly work across the aisle to fix our broken immigration policies on the Federal level. Specifically, I believe Congress should:

- Streamline legal immigration;
- Clarify our asylum laws;
- Hire more immigration judges;
- Co-locate immigration processing centers with immigration courts;
- Create a special envoy to the North Triangle Countries to help rebuild civil society and institutions; and
- Work in a multilateral fashion with governments and international organization such as the Organization of American States, and others.

Thank you for the opportunity to share my thoughts on this critical subject.

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STATEMENT OF ANTHONY M. REARDON, NATIONAL PRESIDENT, NATIONAL TREASURY  
EMPLOYEES UNION

DECEMBER 2, 2019

Chairwoman Torres Small, Ranking Member Crenshaw, and distinguished Members of the subcommittee, thank you for the opportunity to submit this statement for the record. As president of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 27,000 Customs and Border Protection (CBP) officers, agriculture specialists, and trade enforcement personnel stationed at 328 land, sea, and air ports of entry across the United States (U.S.) and 16 Preclearance stations in Ireland, the Caribbean, Canada, and United Arab Emirates airports. CBP's Office of Field Operations (OFO) pursues a dual mission of safeguarding American ports, by protecting the public from dangerous people and materials, while enhancing the Nation's global and economic competitiveness by enabling legitimate trade and travel. CBP OFO employees are responsible for border security, including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection at U.S. ports of entry.

CBP OFO employees at the ports of entry are the second-largest source of revenue collection for the U.S. Government. In 2018, CBP processed more than \$2.8 trillion in imports and collected approximately \$44 billion in duties, taxes, and other fees. Their role of facilitating legal trade and travel is a significant economic driver for private-sector jobs and economic growth. According to CBP, for every 1,000 CBP officers hired there is an increase in the Gross Domestic Product (GDP) of \$2 billion; \$642 million in opportunity costs are saved (the amount of time that a traveler could be using for purposes other than waiting in line, such as working or enjoying leisure activities); and 33,148 annual jobs are added.

In addition, according to the Joint Economic Committee (JEC), the volume of commerce crossing our borders has more than tripled in the past 25 years. Long wait times lead to delays and travel time uncertainty, which can increase supply chain and transportation costs. According to the Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending

by companies, suppliers, and consumers. JEC research finds border delays cost the U.S. economy between \$90 million and \$5.8 billion each year.

Unfortunately, according to CBP on-board staffing data, there is a shortage of approximately 2,700 CBP officers at the ports of entry. NTEU was pleased that the final fiscal year 2019 Omnibus agreement provided \$58.7 million in funding to hire 600 new CBP officers. Yet, The President's fiscal year 2020 budget requests only \$28 million to fund the hiring of 171 new Customs and Border Protection officers, 91 Mission and Operational Support positions, and 5 agriculture specialists. The Senate Appropriations Committee bill is equally disappointing in that it provides only \$18.2 billion for 119 CBP officer new hires, but no funding to address the CBP agriculture specialists shortage at the ports of entry.

On the other hand, the House bill goes far to address the staffing shortages at CBP by providing \$151 million for 1,846 CBP new positions at the ports of entry, as follows:

- \$91 million for 1,200 CBP officers;
- \$30.7 million for 406 mission support personnel; and
- \$29.8 million for 240 agriculture specialists.

This significant difference in fiscal year 2020 CBP funding priorities between the House and Senate versions of the bill will need to be resolved before the expected expiration of the Continuing Resolution on December 20. NTEU strongly supports the funding level for CBP employees at the ports of entry in the House version of the DHS funding bill and urges Congress to maintain these numbers in the final fiscal year 2020 DHS funding agreement.

#### SANTA TERESA PORT OF ENTRY

The Santa Teresa port of entry has 3 maximum commercial vehicle lanes, 4 maximum passenger vehicle lanes, and 2 pedestrian lanes and is open every day from 6 o'clock am to 12 o'clock midnight. It is NTEU's understanding that the Port of Santa Teresa is experiencing a serious staffing shortage. Due to lack of CBP officer staffing, only 2 of the 4 passenger vehicle lanes are usually open on weekdays, but the port frequently opens 3 to 4 passenger vehicle lanes during peak times and on weekends regardless of staffing. As a result, officers are being ordered to work double shifts on a daily basis and they're even pulling officers from the K-9 units to compensate for the lack of staffing.

It is estimated that to be adequately staffed as an 18-hour port, Santa Teresa port of entry would need 10 to 15 more officers assigned. In order to expand the port's operating hours to 24 hours a day, the port would need to add 20 to 25 additional Officers.

#### CBP OFFICER OVERTIME

Due to the on-going current staffing shortage of 2,700 CBP officers, CBP officers Nation-wide are working excessive overtime to maintain basic port staffing. Currently, CBP officer overtime pay is entirely funded through user fees and is statutorily capped at \$45,000 per year. All CBP officers are aware that overtime assignments are an aspect of their jobs. However, long periods of overtime hours can severely disrupt an officer's family life, morale, and ultimately their job performance protecting our Nation.

Because CBP officers can be required to regularly work overtime, many individual officers hit the overtime cap very early in the fiscal year. This leaves no overtime funding available for peak season travel, resulting in critical staffing shortages in the third and fourth quarter of the fiscal year that usually coincides with holiday travel at the ports.

To address this issue, at many ports, CBP has granted overtime cap exemptions to over one-half of the workforce to allow managers to assign overtime to officers that have already reached the statutory overtime cap, but cap waivers only force CBP officers already working long daily shifts to continue working these shifts for more days. Officers are required to come in hours before their regular shifts, to stay an indeterminate number of hours after their shifts (on the same day) and are often compelled to come in for more overtime hours on their regular days off. Involuntary overtime resulting in 12- to 16-hour shifts, day after day, for months on end significantly disrupts CBP officers' family life and erodes morale. As NTEU has repeatedly stated, this is not a long-term solution for staffing shortages at the ports and has gone on for far too long.

#### TEMPORARY DUTY ASSIGNMENTS AT SOUTHWEST LAND PORTS OF ENTRY

Due to CBP's on-going staffing shortage, since 2015, CBP has been diverting hundreds of CBP officers from other air, sea, and land ports to severely short-staffed

Southwest land ports for Temporary Duty Assignments (TDYs). CBP recently ended CBP officer TDYs to Border Patrol sectors across the Southwest Border. From May through September 2019, CBP deployed a total of 731 CBP officers to designated Border Patrol Sectors. In this latest deployment, 245 officers were sent from the SW Border Field Offices with the remaining 486 officers coming from the other Field Offices.

According to a newly-released study, “The Economic Costs of the U.S.-Mexico Slowdown,” this most recent TDY has resulted in a significant slowdown at the U.S.-Mexico border leading to substantial economic harms. Millions of trucks carry goods across the border every year and delays at land ports cause cascading logistical problems. The current slowing on the U.S.-Mexico border is reducing efficiency and costing the U.S. economy billions in output and hundreds of thousands of jobs. If the diversion of CBP officers from the Southwest Border international land ports continues, the State of Texas alone could lose more than \$32 billion in gross domestic product in just over 3 months. If there is a one-third reduction in trade between the United States and Mexico over a 3-month period, the cost to the U.S. economy would be over “\$69 billion in gross product and 620,236 job-years (when multiplier effects are considered). Almost half of these losses occur in Texas.”

NTEU urges Congress to require CBP to allocate personnel and resources appropriately to ensure timely processing of people at ports of entry and better manage the changing demographic flows at our Southern Border. To end all these TDYs, CBP must fill existing CBP officer vacancies and Congress must fund the hiring of the additional CBP officers called for in CBP’s own Workload Staffing Model. Without addressing the 2,700 CBP officer shortfall, allocating adequate staffing at all ports will remain a challenge.

#### OPIOID INTERDICTION

CBP OFO is the premier component at the Department of Homeland Security (DHS) tasked with stemming the Nation’s opioid epidemic—a crisis that is getting worse. According to a May 2018 report released by the Senate Homeland Security and Governmental Affairs Committee Minority titled *Combating the Opioid Epidemic: Intercepting Illicit Opioids at Ports of Entry*, “between 2013 and 2017, approximately 25,405 pounds, or 88 percent of all opioids seized by CBP, were seized at ports of entry. The amount of fentanyl seized at the ports of entry increased by 159 percent from 459 pounds in 2016 to 1,189 pounds in 2017.”

On January 26, 2019, CBP OFO made their biggest fentanyl seizure ever, capturing nearly 254 pounds of the deadly synthetic opioid at the Nogales port of entry. According to the Drug Enforcement Administration, just 2 milligrams of fentanyl is considered a lethal dose. From the January 26 seizure alone, it is estimated that CBP officers seized enough fentanyl to kill 57 million people. That’s more than the combined population of the States of Illinois, New York, and Pennsylvania. The street value of the seized fentanyl was over \$102 million. CBP officers also seized an additional 2.2 pounds of fentanyl pills and a large cache of methamphetamine.

In most cases, fentanyl is manufactured in other countries such as China and then smuggled through the ports of entry along the Southwest Border and through international mail and Private Express Carrier Facilities, e.g. FedEx and UPS. Over the past 5 years, CBP has seen a nearly 50 percent increase in express consignment shipments and a 200 percent increase in international mail shipments. Yet, according to CBP, over the last 3 years, there were only 181 CBP employees assigned to the 5 Postal Service International Service Centers and 208 CBP employees assigned to the Private Express Carrier Facilities. NTEU is encouraged to see that CBP has started to increase staffing at these facilities over the past year and supports fiscal year 2020 funding levels that would further increase CBP staff at these facilities.

Noting the positive impact of hiring additional CBP officers, it is troubling that the President’s 2017 Border Security Executive Order and his subsequent budget requests fail to fund a major increase in critically-needed CBP officer new hires. In 2017, CBP officers at the ports of entry recorded over 216,370 apprehensions and seized over 444,000 pounds of illegal drugs, and over \$96 million in illicit currency, while processing over 390 million travelers and \$2.2 trillion in imports through the ports. This is why, in addition to supporting additional funding for staffing, NTEU strongly supports S. 1004, the Safeguarding American Ports Act, a bipartisan bill introduced by Senators Peters and Cornyn. S. 1004 authorizes the hiring of 600 CBP officers and requisite support staff to each year until the staffing gap in CBP’s Workload Staffing Model is met. NTEU urges the House to introduce and enact a companion CBP officer staffing authorization bill.

## AGRICULTURE SPECIALIST STAFFING AUTHORIZATION

The U.S. agriculture sector is a crucial component of the American economy, generating over \$1 trillion in annual economic activity. According to the U.S. Department of Agriculture, foreign pests and diseases cost the American economy tens of billions of dollars annually. CBP employees perform critically important agricultural inspections every day at our Nation's ports of entry. CBP agriculture specialists play a vital role in both trade and travel safety and prevent the introduction of harmful exotic plant pests and foreign animal diseases, and potential ag/bioterrorism into the United States. For years, NTEU has championed the CBP agriculture specialists' Agriculture Quality Inspection (AQI) mission within the agency and fought for increased staffing to fulfill that mission. Unfortunately, our ports of entry are currently understaffed by 721 agriculture specialist positions as determined by CBP's own Agriculture Specialist Resource Allocation Model.

To address the shortage of agriculture specialists who protect our food supply and agricultural industries at the border, legislation has been introduced in both the House and Senate. S. 2107 and H.R. 4482, the Protecting America's Food & Agriculture Act of 2019, would ensure the safe and secure trade of agricultural goods across our Nation's borders by authorizing the annual hiring of 240 agriculture specialists and 200 agriculture technicians a year until the workforce shortage is filled. These bills also authorize the training and assignment of 20 new canine teams a year, which have proven valuable in detecting illicit fruits, vegetables, and animal products that may have otherwise been missed in initial inspections. Finally, the bills authorize supplemental appropriations each year to pay for the activities of the agriculture specialists, agriculture technicians, and canine teams.

S. 2107 was recently approved by the full Senate and its companion bill, H.R. 4482, is awaiting House action. Because of CBP's mission to protect the Nation's agriculture from pests and disease, NTEU urges the committee to quickly consider and approve this important legislation.

## CBP FUNDING SOURCES

In addition to annual appropriations, CBP collects Customs User Fees (CUFs), including those under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), to recover certain costs incurred for processing air and sea passengers and various private and commercial land, sea, air, and rail carriers and shipments. The source of these user fees are commercial vessels, commercial vehicles, rail cars, private aircraft, private vessels, air passengers, sea passengers, cruise vessel passengers, dutiable mail, customs brokers, and barge/bulk carriers.

COBRA fees are deposited into the Customs User Fee Account and are designated by statute to pay for services provided to the user, such as 100 percent of inspectional overtime for passenger and commercial vehicle inspection during overtime shift hours. Of the 24,576 CBP officers currently funded, Customs User Fees (CUFs) fund 3,825 full-time equivalent (FTEs) CBP officers. Further, Immigration Inspection User Fees (IUF) fund 4,179 CBPO FTEs. In total, CUF and IUF user fees fund 8,004 CBPO FTEs or one-third of the entire CBP workforce at the ports of entry.

The President's fiscal year 2020 budget again proposes user fee increases, however, these user fees cannot be increased without Congress first enacting legislation. Legislative proposals to increase user fees have been part of the administration's annual budget submission since fiscal year 2014, but the committees with jurisdiction have not acted on these long-standing legislative proposals.

The fiscal year 2020 budget request also proposes to redirect approximately \$160 million in the Electronic System for Travel Authorization (ESTA) fees from Brand USA to CBP. This change would require Congress to amend the Travel Promotion Act of 2009 (Pub. L. 111-145). If Congress does not enact legislation to transfer Brand USA fee authority to CBP by fiscal year 2020, the administration's ESTA proposal would create a \$160 million shortfall in CBP's operating budget. NTEU supports legislation redirecting ESTA fees to CBP but urges Congress to ensure that this increase in fee revenue to hire new CBP officers does not offset appropriated funding levels, but instead augments this funding.

NTEU also strongly opposes the diversion of CUFs. Any increases to the CUF Account should be properly used for much-needed CBP staffing and not diverted to unrelated projects. Unfortunately, while section 52202 of the FAST Act (Pub. L. No. 114-94) indexed CUFs to inflation, it diverted this funding from CBP to pay for unrelated infrastructure projects. Indexing COBRA CUFs to inflation provides \$1.4 billion in additional funding over 10 years. However, diverting these funds has cost CBP \$140 million per year in funding that could have been used to hire over 900

new CBP officers per year since the FAST Act went into effect. These new hires would have significantly alleviated the current CBP officer staffing shortage.

Finally, in order to find alternative sources of funding to address serious staffing shortages, CBP received authorization for and has entered into Reimbursable Service Agreements (RSAs) with the private sector, as well as with State and local governmental entities. These stakeholders, who are already paying CUFs and IUFs for CBP OFO employee positions and overtime, reimburse CBP for additional inspection services, including overtime pay and the hiring of new CBP officer and agriculture specialist personnel that in the past have been paid for entirely by user fees or appropriated funding. According to CBP, since the program began in 2013, CBP has entered into agreements with over 149 stakeholders covering 111 U.S. ports of entry, providing more than 467,000 additional processing hours for incoming commercial and cargo traffic.

NTEU believes that the RSA program is a Band-Aid approach and cannot replace the need for Congress to either appropriate new funding or authorize an increase in customs and immigration user fees to adequately address CBP staffing needs at the ports. RSAs simply cannot replace the need for an increase in CBP-appropriated or user fee funding—and make CBP a “pay to play” agency. NTEU also remains concerned with CBP’s new Preclearance expansion program that also relies heavily on “pay to play.” Further, NTEU believes that the use of RSAs to fund CBP staffing shortages raises significant equity issues between larger and/or wealthier ports and smaller ports.

#### NTEU RECOMMENDATIONS

To address CBP’s workforce challenges at the Santa Teresa port of entry and ports of entry Nation-wide, it is clearly in the Nation’s economic and security interest for Congress to authorize and fund a significant increase in the number of CBP officers, CBP agriculture specialists, and other CBP employees.

In order to achieve the long-term goal of securing the proper staffing at CBP and end disruptive TDYs and excessive involuntary overtime shifts, NTEU recommends that Congress take the following actions:

- Support fiscal year 2020 funding for 1,200 CBP officer, 240 agriculture specialist, and additional mission support new hires;
- Approve H.R. 4482 to authorize the funding of CBP agriculture specialist new hires up to the number specified in CBP’s own Agriculture Specialist Resource Allocation Model; and
- Introduce and enact legislation to authorize the funding of CBP officer new hires up to the number specified in CBP’s own CBP Officer Workload Staffing Model.

Congress should also redirect the increase in customs user fees in the FAST Act from offsetting transportation spending to its original purpose of providing funding for CBP officer staffing and overtime and oppose any legislation to divert additional fees collected to other uses or projects.

NTEU is not alone in seeking increased funding to hire new CBP officers and agriculture specialists at the ports. A diverse group of business, industry, and union leaders have joined forces in support of legislation and funding to hire more Customs and Border Protection personnel and alleviate staffing shortages at the Nation’s ports of entry. The coalition—which includes leading voices from various shipping, tourism, travel, trade, law enforcement, and employee groups—sent the attached letter to House and Senate appropriators urging them to include funding for new 1,200 CBP officers in the final fiscal year 2020 Homeland Security Appropriations Act (see attached).

Thank you for the opportunity to submit NTEU’s statement for the record.

## ATTACHMENT

October 28, 2019.

The Honorable NITA LOWEY,  
*Chairwoman, Committee on Appropriations, U.S. House of Representatives, Wash-  
 ington, DC 20515.*

The Honorable KAY GRANGER,  
*Ranking Member, Committee on Appropriations, U.S. House of Representatives,  
 Washington, DC 20515.*

The Honorable RICHARD SHELBY,  
*Chairman, Committee on Appropriations, U.S. Senate, Washington, DC 20510.*

The Honorable PATRICK LEAHY,  
*Vice Chairman, Committee on Appropriations, U.S. Senate, Washington, DC 20510.*

DEAR CHAIRWOMAN LOWEY, CHAIRMAN SHELBY, RANKING MEMBER GRANGER, AND VICE CHAIRMAN LEAHY: As stakeholders interested in the facilitation activities of Customs and Border Protection (CBP), we are all affected by the shortfall of CBP officers at our land, sea, and air ports-of-entry around the globe. To help the agency meet its current and future staffing needs, we strongly urge that the final Fiscal Year 2020 Homeland Security Appropriations Act include a House provision to fund 1,200 new CBP officers over the current staffing level.

With CBP's onboard data and most recent workload staffing model showing a shortage of over 2,700 officers, current staffing levels fail to address the growing demands of travel and trade at our ports-of-entry. Providing additional CBP officers at this time of growing volumes of international passengers and cargo would both reduce lengthy wait times and facilitate new economic opportunities in communities throughout the United States.

Increasing CBP officer staffing is an economic driver for the U.S. economy. According to the Joint Economic Committee (JEC), "every day 1.1 million people and \$5.9 billion in goods legally enter and exit through the ports of entry." CBP estimates that the annual hiring of an additional 1,200 CBP officers at the ports-of-entry could increase yearly economic activity by over \$2 billion and result in the addition of over 34,000 new jobs.

While the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace with demand. Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers. The travel industry estimates long CBP wait times discourage international visitors, who spend an average of \$4,200 per visit, from traveling to the United States. JEC research also finds border delays cost the U.S. economy upwards of \$5 billion each year.

We share your commitment to ensuring that America's borders remain safe, secure, and efficient for all users, while enhancing our global competitiveness through the facilitation of legitimate travel and trade. We greatly appreciate your efforts to continue building on staffing advances made in recent years, and we strongly urge you to include funding for new 1,200 CBP officers in the final Fiscal Year 2020 Homeland Security Appropriations Act.

Sincerely,

AIRPORTS COUNCIL INTERNATIONAL—NORTH AMERICA  
 AMERICAN ASSOCIATION OF PORT AUTHORITIES  
 NATIONAL TREASURY EMPLOYEES UNION  
 AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES  
 AMERICAN SOCIETY OF TRAVEL ADVISORS  
 AMERICAN TRUCKING ASSOCIATIONS  
 BORDERPLEX ALLIANCE  
 BORDER TRADE ALLIANCE  
 CRUISE LINES INTERNATIONAL ASSOCIATION  
 FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION  
 FRESH PRODUCE ASSOCIATION OF THE AMERICAS  
 GLOBAL BUSINESS TRAVEL ASSOCIATION  
 NATIONAL ASSOCIATION OF WATERFRONT EMPLOYERS  
 NEW YORK SHIPPING ASSOCIATION  
 U.S. CHAMBER OF COMMERCE  
 UNITED STATES MARITIME ALLIANCE.

## STATEMENT OF DELL TECHNOLOGIES

DECEMBER 2, 2019

Thank you for the opportunity to provide comments on Dell Technologies' experience with the Santa Teresa port of entry. We appreciate the professional men and women who staff the Customs and Border Protection (CBP) ports of entry, as Dell moves about \$10 billion in goods from Mexico to the United States via the Santa Teresa port of entry each year, and ships raw materials to Mexico from the United States. As a consequence, Santa Teresa is a key component of our supply chain.

## DELL'S REIMBURSABLE SERVICES AGREEMENT

Under the provisions of Section 559 of Division F of the Consolidated Appropriations Act of 2014 (Pub. L. 113-76), U.S. Customs and Border Protection (CBP) is authorized to enter into agreements to provide CBP services on a reimbursable basis. Payments received by CBP under Reimbursable Services Agreements (RSAs) are used to reimburse CBP for costs incurred in providing services such as additional or expanded service hours at existing CBP facilities or services at new facilities. Once approved, RSA programs are on-going until either party decides it no longer can or wants to participate agreement.

In October 2015, Dell Inc. signed an RSA with for additional inspection services at the Santa Teresa, New Mexico port of entry. The Dell-CBP RSA initially extended inspection services for 4 hours after normal border operations closed. Normal operating hours for the port's commercial lanes were 8 o'clock am to 8 o'clock pm on weekdays; Dell's RSA ran from 8 o'clock pm to 12 o'clock am. Weekends are not part of the RSA agreement. The RSA can be used by any company using the Santa Teresa port of entry.

In 2019, CBP announced a 6-month Pilot program that reduced the covered period to 2 hours due to security issues and workforce transition at the New Mexico border and at CBP. The pilot program shifted the hours of operation of the Santa Teresa port of entry to 6 o'clock am to 8 o'clock pm on weekdays. Santa Teresa has been closed for commercial traffic on Saturdays the start of the pilot. The Joint Customs Onsite Pre-inspections with Mexico and CBP, which included a private lane for north-bound and south-bound shipments supporting raw materials and finished goods from 8 am to 4 pm weekdays, has also been affected and is currently closed due to staffing restrictions.

## ASSESSMENT OF CURRENT STAFFING AND HOURS

While there are enough officers to support daily weekday shifts under the reduced 2 hours of the Dell RSA and CBP's pilot program, it has affected Dell's shipments transiting the Santa Teresa port of entry. The workforce reduction has impacted over 36,000 customer units weekly, both finished goods (customer shipments) departing Mexico, and raw materials (assembly parts) exported to Mexico for planning and production. Due to the staffing changes, Dell's RSA was reduced to 2 hours, running from 8 o'clock pm to 10 o'clock pm, impacting 21,000 units weekly. The closure of Santa Teresa's weekend commercial lane closure affects 15,000 units weekly.

## CONCLUSION

The CBP pilot and related staffing changes have introduced additional unpredictability in the timing and location of where shipments will be processed. As a consequence, we recommend that the CBP pilot be brought to a conclusion so that the Santa Teresa port of entry can return to its previous operating hours of 8 o'clock am to 8 o'clock pm weekdays and 10 o'clock am to 2 o'clock pm on weekends. In that event, Dell would support returning to 4 hours of operations under the terms of its RSA. In addition, if CBP were to expand staffing more generally at the Santa Teresa port of entry, larger volumes of trade could be processed on a daily basis.

As stated previously, we appreciate the professionalism of the CBP officers at both the Santa Teresa and El Paso ports of entry and look forward to working with you and the CBP to further enhance cross-border trade.

Thank you for the opportunity to submit comments. For further information, please contact Erin Ennis, senior director for global public policy at erin.ennis@dell.com.

Ms. TORRES SMALL. The Members of the subcommittee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to those questions.

Without objection, the committee record shall be kept open for 10 days.

Hearing no further business, the subcommittee stands adjourned.  
[Whereupon, at 1:51 p.m., the subcommittee was adjourned.]

