











**FEDERAL GOVERNMENT PERSPECTIVE:  
IMPROVING SECURITY, TRADE, AND TRAVEL  
FLOWS AT THE SOUTHWEST BORDER PORTS  
OF ENTRY**

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**WEDNESDAY, NOVEMBER 17, 2021**

U.S. SENATE,  
SUBCOMMITTEE ON GOVERNMENT OPERATIONS  
AND BORDER MANAGEMENT,  
OF THE COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 2:35 p.m. via Webex and in room 342, Dirksen Senate Office Building, Hon. Krysten Sinema, Chairman of the Subcommittee, presiding.

Present: Senators Sinema, Carper, Padilla, Ossoff, Lankford, Portman, Johnson, and Hawley.

**OPENING STATEMENT OF SENATOR SINEMA<sup>1</sup>**

Senator SINEMA. I call today's hearing to order.

I welcome Ranking Member Lankford, Members of the Subcommittee, and our witnesses to today's discussion on southwest border land ports of entry (LPOE).

Having grown up in southern Arizona I know the importance of cross-border security, trade, and travel for my State and the entire nation. Our ports along the Southwest Border play a critical role in facilitating trade and ensuring the safety, prosperity, and economic security of the American people.

The United States shares strong economic and cultural ties with Mexico, and any disruption to this relationship has adverse effects on investment, employment, productivity, and competitiveness. The Coronavirus Disease 2019 (COVID-19) pandemic has certainly created new challenges, and the 20-month closure of the border to non-essential travel seriously hurt local border communities.

Our ports are also the key link to securing our border. Most seizures of illicit drugs at our border happen at ports of entry (POE). It is critical that we ensure we are making the right security investment at our ports of entry, both now and in the future. Our nation must slow the flow of illegal goods and drugs through our ports of entry while also maintaining the efficient flow of legitimate trade and travel.

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<sup>1</sup>The prepared statement of Senator Sinema appears in the Appendix on page 35.

I was proud to lead bipartisan efforts in the Senate that produced the bipartisan infrastructure package that was signed into law on Monday by the President. This historic legislation included \$3.85 billion to modernize land ports of entry throughout the Nation, including two ports in Arizona. This investment takes an important step in ensuring that our ports have the right infrastructure footprint to meet our nation's needs.

But there are other initiatives beyond infrastructure we need to consider at our ports of entry. New technology, including Non-Intrusive Inspection (NII), plays a critical role in any effort to improve security at our ports of entry. It is critical to understand what technology is needed right now, both to detect and deter shipments of illegal drugs but also to facilitate the flow of legitimate trade and travel.

As always, the key part of improved border security is a strong border workforce. Our port officers have worked the past year in challenging circumstances in the midst of a global pandemic, and I honor their efforts.

I hope today's hearing can help us focus our border security discussions back toward ports of entry. I want to continue gathering an understanding of the current challenges at our Southwest Border ports and discuss the appropriate technology, infrastructure, and personnel investments needed to ensure our ports can be secure and fully operational today, tomorrow, and years into the future.

I am pleased to have a strong panel of government leaders on our witness panel today who will bring important expertise on workforce, trade, and security issues. With that I would like to recognize our Subcommittee Ranking Member, Senator James Lankford, for his opening statement.

#### **OPENING STATEMENT OF SENATOR LANKFORD<sup>1</sup>**

Senator LANKFORD. Senator Sinema, thank you very much for this and for holding this hearing. At our last hearing on this issue on the ports of entry along the Southwest Border that we held in June we had encountered about a 20-year high in the number of migrants that had attempted to cross the Southwest Border. We were, at that time, also seeing a significant surge in the amount of fentanyl that U.S. Customs and Border Protection (CBP) was interdicting along the Southwest Border. Unfortunately, since June, these problems have only continued to compound.

We recently concluded fiscal year (FY) 2021, where we saw the U.S. Customs and Border Protection encountered over 1.7 million migrants. That is the highest number of encounters in American history. During that same window of time, CBP interdicted over 10,000 pounds of fentanyl, the highest amount in our recorded history, a tenfold growth from when the government first encountered fentanyl in 2016.

These two data points only capture what we interdict, not the totality of the picture, though. Outside experts and officials in the government are all aware that we have more got-away immigrants who had crossed the border this year illegally and significantly

<sup>1</sup> The prepared statement of Senator Lankford appears in the Appendix on page 39.

more drugs than were interdicted that flow through our port of entry.

This crisis is significantly straining the Federal Government's resources. It has invited active harm into our communities. Stories about fentanyl overdoses, heroin overdoses, violence endemic to the narcotic trade are all too common now.

In 2020, Oklahoma reported 629 methamphetamine-related deaths. Unfortunately, in this past year, we have just crossed the highest number of overdose deaths due to opioids, fentanyl in all that we have had ever. One hundred thousand people died between April 2020 and April 2021. It is the first time that drug-related deaths have reached six figures in any 12-month period.

Over the last 5 years, the Oklahoma Bureau of Narcotics has seen the vast majority of meth and fentanyl in Oklahoma are items that had been smuggled through Mexico over the Southwest Border. We are becoming more and more aware of the humanitarian and national security implications ongoing surge at the Southwest Border. We hear stories about unaccompanied minors being victimized for labor trafficking.

Around the same time, the Department of Homeland Security (DHS) began reopening to fully vaccinated, nonessential travelers.

CBP announced that it has formally ended the policy of metering, which allowed CBP to control the flow of migrants during large surges by metering or creating a waiting list for the migrants to enter the United States and claim asylum. The Obama Administration instituted metering in 2016, to ensure that CBP could fully meet its obligations to facilitate a secure and lawful trade and traffic at our ports while dealing with the surge of migrants.

Career staff who served in the Obama and Trump administrations have stated the metering policy was useful as CBP navigated increasing flows of migrants. Rescinding the metering tool, I fear, will open up our ports to increased risk by allowing cartels to be able to surge migrants at the ports and overwhelm them to distract CBP while they move fentanyl and hard narcotics across the border.

As our country reopens to travel, we have not seen how DHS will manage the increased demand for lawful trade and travel across our Southwest Border, which is essential to our economy. However, the rescission of the metering policy will force CBP to make tough decisions about how to balance responding to a surge of migrants while fulfilling its mission of facilitating lawful trade and travel.

Our port facilities in the Southwest Border further compound these problems. They are not designed to hold individuals in detention, which is why CBP has historically relied on metering. These facilities are also becoming increasingly strained and facing difficulties meeting our trade obligations or handling an increase in travelers.

The General Services Administration (GSA), told Congress in a report that steady global and regional growth has funneled more people and goods through our nation's aging land port of entry infrastructure than it is able to handle. Two-thirds of our land ports of entry have not had capital improvements in over a decade.

Throughout the coronavirus pandemic, we have heard about disrupted supply chains and long wait times for ship goods. We face

significant difficulties obtaining the analogs and components our country needs for basic manufacturing. As our seaports continue to face crisis levels of congestion, it is likely that our aging land ports will face increased strains as they struggle to keep up with the demand for goods.

Unfortunately, many of our ports along the Southwest Border were built before the North American Free Trade Agreement (NAFTA) and the United States-Mexico-Canada Agreement (USMCA) and they have not been touched since these two agreements went into effect. Even worse, our ports have not been able to keep up with the evolving threat landscape over the last few decades.

China has recently begun exploiting our aging ports at the Southwest Border by shipping fentanyl and synthetic opioid analogs to Mexico and then working with the cartels to be able to smuggle them across our ports. According to the U.S. Drug Enforcement Administration (DEA), cartels transport bulk quantity polydrug loads via commercial and passenger vehicles, and they do so by exploiting major highway routes for transportation. The DEA notes the most common method of drug smuggling in the United States involves smuggling illicit drugs through the U.S. ports of entry in passenger vehicles with concealed compartments or comingled with legitimate goods on tractor trailers.

Over the coming weeks and months we will see the strain on our aging ports as we work to reopen our country even more. Unless the Administration takes action to get the border crisis under control, we will also likely see the ongoing migrant surge continue to take away from CBP's efforts to stop illicit narcotics, counterfeit goods, and other threats that undermine our public safety and national security.

I am grateful for our witnesses that they are here today, that we can get a chance to be able to talk through some of these issues while all of us are in the same room to be able to discuss this. I am very aware some folks are joining us online in that dialogue and some folks will be coming in and out of the room, but we are very grateful for your testimony and for us putting this on the record today.

Senator SINEMA. Thank you, Ranking Member Lankford.

Now it is the practice of this Committee to swear in witnesses, so if you will please stand and raise your right hand.

Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. SABATINO. I do.

Mr. JEROMINO. I do.

Mr. BURNS. I do.

Senator SINEMA. Thank you. You may be seated.

Now I will introduce our witnesses so they may present their opening statements. I ask each of our witnesses to keep their opening statements to 5 minutes, and your full written statements will be submitted for the record.

Our first witness is Diane Sabatino, who has been serving as the Deputy Assistant Commissioner of U.S. Customs and Border Protection's Office of Field Operations (OFO) since July 2020. In this

position, Ms. Sabatino oversees operations at over 330 ports of entry to support the national security, immigration, customs, and commercial trade-related missions of CBP.

Mrs. Sabatino, we are honored to have you join us today, and you are now recognized for your opening statement.

**TESTIMONY OF DIANE SABATINO,<sup>1</sup> DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION**

Ms. SABATINO. Chairwoman Sinema, Ranking Member Lankford, and Members of the Subcommittee, it is my honor to appear before you today on behalf of the men and women of CBP's Office of Field Operations to discuss ports of entry along the Southwest Border.

The nation's ports of entry are vital gateways for cross-border commerce and travel, critical sectors that drive economic growth and opportunities for American businesses and consumers. We manage complex processes to facilitate safe and lawful travel, inspect goods for possible hazards and unfair trade practices, and stop threats at the border.

The recent years and months reaffirm that our land ports of entry must be prepared to respond and adapt to fluctuations in travel, trade, migration flows, as well as unprecedented events such as the COVID-19 pandemic. CBP was ready to accommodate the increased traffic following the eased restrictions on non-essential travel at our land ports of entry for travelers fully vaccinated against COVID-19, and we anticipate increased private and commercial traffic as we approach the holidays.

Some challenges facing our ports are persistent, such threats as terrorist groups, drug traffickers, smugglers, and other adversaries, but those threats are never static nor are they wholly predictable. These adversaries constantly change their methodologies to avoid detection.

Many of our inspection facilities were not built to support present-day security and operational missions. However, CBP continues to work with our partners to modernize these ports of entry while also actively implementing innovative technology and business solutions to effectively interdict contraband and other threats without impeding legitimate traffic.

We pursue advanced technology to identify high-risk shipments and individuals before they reach our borders, including digital solutions that, combined with enhanced infrastructure and other integrated technology, streamlines our processes. At the ports, license plate readers and dedicated lanes for travelers using Radio Frequency Identification (RFID)-enabled documents provide officers a valuable extra time to identify a threat and to speed the process to determine the admissibility of vehicle occupants.

We have deployed Simplified Arrival to all of our pedestrian crossings at the Southwest Border and most of the crossings on the Northern Border, and we are currently testing Simplified Arrival at the Port of Anzalduas, Texas, in select vehicle lanes. Simplified Arrival incorporates facial biometric comparison technology to al-

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<sup>1</sup> The prepared statement of Ms. Sabatino appears in the Appendix on page 44.

leviate the administrative burden from our frontline officers and afford them more time to engage with travelers to determine intent.

Since the initial deployments of our Simplified Arrival program across all of our port environments we have identified over 950 imposters attempting to use identities on genuine travel documents, and over 600 of those imposters were identified along the Southwest Border this year alone.

We operate more than 350 large-scale, non-intrusive inspection, systems at land ports and seaports of entry to scan conveyances for anomalies. In fiscal year 2020, these inspections resulted in the interdiction of more than 470,000 pounds of narcotics and \$11.5 million of unreported currency.

Approximately 90 percent of the NII-attributable seizures resulted from scanning less than 2 percent of primary passenger vehicles and 15 percent of commercial vehicles crossing the Southwest Border. By fiscal year 2023, we expect to increase NII scans of those vehicles to 40 percent and at least 72 percent, respectively.

But we leverage our partnerships with the private sector, local governments in border communities. For example, and thanks to the great support of Congress, the Donations Acceptance Program (DAP) also continues to be a key mechanism to address port-specific infrastructure and resource challenges. We invest in our personnel, our most critical asset, and use sophisticated workload staffing models to identify staffing needs and analyze trends to anticipate future requirements.

We coordinate with our Federal partners, including GSA and U.S. Immigration and Customs Enforcement (ICE) as well as others from infrastructure modernization projects to information sharing and intelligence analysis at the National Targeting Center (NTC). Our Federal partnerships are all essential to our port of entry operations.

We actively pursue new capabilities and initiatives, such as the future of travel and inspection and Port of the Future concepts, to draw together experts, frontline personnel, and stakeholders from all levels to improve our processing workflows.

Despite the challenges we face, we continue to make progress toward upgrading facilities, incorporating effective technology, and implementing innovative solutions for the ever-evolving challenges and threats, both at and beyond our borders.

Again, thank you so much for the opportunity to appear before you today, and I look forward to your questions.

Senator SINEMA. Thank you. Our second witness is Joe Jeronimo, the Deputy Assistant Director for ICE's Homeland Security Investigations (HSI) Transnational Organized Crime Division. HSI is the principal investigative component of the Department of Homeland Security, responsible for investigating transnational crime and threats that exploit the infrastructure through which international trade, travel, and finance move.

Mr. Jeronimo, thank you for your work and for joining us today, and you are recognized for your opening statement.

**TESTIMONY OF JOE JERONIMO,<sup>1</sup> DEPUTY ASSISTANT DIRECTOR, TRANSNATIONAL ORGANIZED CRIME DIVISION, HOMELAND SECURITY INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

Mr. JERONIMO. Chairwoman Sinema, Ranking Member Lankford, and distinguished Members of the Subcommittee on Government Operations and Border Management, thank you for the opportunity to appear before you today to discuss the efforts of homeland security investigations to secure the United States from transnational crimes and threats.

As the principal investigative component DHS, HSI is the premier global law enforcement organization responsible for conducting Federal criminal investigations at every critical location in the cycle—internationally, in cooperation with foreign counterparts, where transnational criminal and terrorist organizations operate, at our nation’s physical border and ports of entry, in coordination with CBP, where illicit smuggling cells attempt to exploit America’s legitimate trade, travel, and transportation systems, and in cities throughout the United States where criminal organizations earn substantial profits off their illicit activities.

The missions of HSI and CBP are connected and complementary. Neither agency can fully succeed in its efforts to secure the homeland without an unwavering commitment and support from the other, nor can HSI and CBP maximize their collective contributions to homeland security without coordinating and deconflicting law enforcement responses and actions.

In collaboration with its strategic partners in the United States and abroad, HSI special agents gather evidence used to identify and build criminal cases against transnational criminal organizations (TCOs), terrorist networks and facilitators, and other criminal elements that threaten the homeland. HSI works with prosecutors to indict and arrest violators, execute criminal search warrants, seize criminal-derived money and assets, and take other actions designed to disrupt and dismantle criminal organizations operating around the world. These efforts protect the national security and public safety of the United States.

Conducting criminal investigations and prosecution resulting from arrests associated with CBP seizures is necessary for ensuring rule of law. However, HSI’s mandate is to use multi-defendant, multi-jurisdictional, complex investigations to disrupt and dismantle TCOs. The impressive narcotics seizures at our border ports of entry clearly demonstrate CBP’s diligence in protecting America’s border, but also the ability of TCOs to absorb substantial losses while continuing to function.

Land border contraband seizures are necessary but cannot degrade TCO capabilities or imprison TCO leadership without HSI’s investigations. HSI aims to push out the U.S. borders and stem illegal activity targeting the homeland while still abroad, as HSI authorities do not start or stop at ports of entry or along the borders but rather are extended to international domains and into the interior of the United States.

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<sup>1</sup> The prepared statement of Mr. Jeronimo appears in the Appendix on page 55.

With the largest international investigative presence in DHS, comprised of 80 offices in over 50 countries, HSI focuses on expanding the borders out, remaining forward-leaning in our approach to identify and mitigate threats before they reach our borders. This multi-tiered, multi-pronged strategy is one which spans international boundaries and crosses all investigative program areas and authorities that HSI enforces.

To complement its international focus, HSI's efforts continue at the border and within our field offices throughout the United States where HSI special agents respond to and investigate schemes that are encountered or identified at the U.S. border. At ports of entry along the southwest land border, smugglers use a wide variety of tactics and techniques for concealing illicit contraband. Our special agents work every day with CBP officers to identify, seize, and investigate TCOs that attempt to exploit ports of entry to introduce illicit contraband into the United States.

As such, HSI focuses on disrupting and dismantling TCOs by working with CBP on collecting, examining, and exploiting information gathered from interdictions by CBP and other law enforcement partners in furthering new or ongoing investigations as well as execute enforcement actions that will disrupt and dismantle the criminal activity of TCOs and their operations.

The multi-faceted, complex transnational nature of crimes surrounding illicit activity requires an equally robust and layered investigative response, which HSI implements on multiple fronts. This starts abroad and continues domestically where HSI special agents and criminal analysts assigned to over 220 offices across the United States respond to and pursue investigations into illicit smuggling and trafficking.

HSI's comprehensive strategy to conduct complex, large-scale investigations represents one of DHS's best weapons for dismantling TCOs in a manner not possible solely through border interdiction efforts.

United in our partnership with CBP at the border and ports of entry as well as our efforts within the interior of the United States, HSI uses the full breadth of its authorities and expertise to pursue investigations and attack all aspects of TCOs.

Thank you again for the opportunity to appear before you today and for your continued support of HSI and the critical investigative role it plays in investigating TCOs. HSI remains committed to its mission to secure the homeland from transnational crime and threats and to uphold the national security and public safety of the United States. I look forward to your questions.

Senator SINEMA. Thank you. Our final witness is Stuart Burns, the Assistant Commissioner for the Office of Portfolio Management and Customer Engagement for the General Services Administration's Public Buildings Service (PBS). PBS, amongst other things, acquires space through new construction and leasing and maintains Federal properties nationwide. This includes over 100 land ports of entry.

Mr. Burns, thank you for joining us today, and you are recognized for your opening statement.



**TESTIMONY OF STUART BURNS,<sup>1</sup> ASSISTANT COMMISSIONER,  
PUBLIC BUILDINGS SERVICE, PORTFOLIO MANAGEMENT  
AND CUSTOMER ENGAGEMENT, GENERAL SERVICES ADMINISTRATION**

Mr. BURNS. Good afternoon Chairwoman Sinema, Ranking Member Lankford, and Members of the Subcommittee. I would like to thank you for inviting me to testify at the hearing on improving security, trade, and travel flows at the southwest border ports of entry.

GSA's mission is to deliver the best value in real estate, acquisition, and technology services to the government and the American people. To meet the Federal Government's real estate and technology needs along the borders, GSA maintains a close partnership with Department of Homeland Security's Customs and Border Protection, the other Federal inspection agencies like U.S. Department of Agriculture (USDA), Department of Health and Human Services (HHS), Food and Drug Administration (FDA), and the Department of Transportation's (DOT) Federal Motor Carrier Safety Administration.

As you know, CBP is our primary partner among the many Federal inspection agencies stationed along the American land borders, and it is essential that they have modern facilities to perform their critical mission of safeguarding our borders and enhancing the Nation's economic prosperity. Investment in new and existing land ports of entry strengthens trade, tourism, and commerce, creates jobs, and bolsters our Nation's security.

I would like to thank Chairwoman Sinema and other Members of the Subcommittee for their work to include these land ports in the Infrastructure Investment and Jobs Act which you mentioned was signed into law on Monday. Now that the legislation is enacted, GSA will work with CBP and our other partners to construct new and modernize existing land ports of entry at dozens of border stations across the Northern and Southern Border.

Additionally, GSA will undertake paving projects to improve road infrastructure leading to and from and also within the ports. These critical investments will provide modern and energy-efficient facilities for Federal inspection agencies, and benefit our State, local and private partners. The \$3.4 billion provided to GSA and \$400 million provided to CBP will address critical infrastructure priorities for our country, and eliminate a substantial backlog of outstanding projects.

GSA is well positioned to undertake and deliver on this LPOE program. We have a consistent track record of delivering capital projects on time and on budget. Our successes are the result of leveraging project resources and subject matter experts across GSA. This approach results in the application of industry best practices in site acquisition, environmental analysis, design, construction, and delivery of these facilities. This collaborative team approach has contributed to the success of many projects.

As you mentioned, there are 167 land ports of entry across nearly 7,500 miles of the United States borders, and GSA manages 123. GSA's land ports of entry serve diverse mission needs at a diverse

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<sup>1</sup> The prepared statement of Mr. Burns appear in the Appendix on page 66.

set of locations that include urban communities like San Diego, California; El Paso, Texas; and Detroit, Michigan; as well as remote localities like Douglas, Arizona; Van Buren, Maine; and Alcan, Alaska.

Safe, secure, and modern land ports along our borders are critical to ensuring an efficient flow of commerce and people that supports jobs and economic growth. However, the average LPOE in GSA's portfolio was designed and constructed more than 40 years ago. As a result, many of these facilities are functionally obsolete for the 21st Century. This, in turn, has a negative effect on American trade, tourism, commerce, jobs, and national security.

To inform and facilitate investment in the land ports of entry, GSA coordinates and assists CBP in evaluating and prioritizing the facilities for investment. Over the past 5 years, this process has resulted in significant investments in the land ports at Calexico and San Ysidro in California; Columbus, New Mexico; Tornillo and Laredo in Texas; and Alexandria Bay, New York.

GSA works closely with CBP to ensure that their priority projects are integrated into GSA's larger, multi-year priority plan. As part of that plan, GSA consults with CBP and other stakeholder agencies, such as the Federal Motor Carrier Safety Administration, at the onset of project planning, and we continue that relationship throughout the lifecycle of project delivery.

An example of this partnership in practice was the expansion and modernization of the San Ysidro land port of entry in California. GSA incorporated each of those agencies' programs of requirements into one modernized facility.

Thank you for the opportunity to speak to you today about GSA's ongoing partnership with CBP and others to deliver on the land ports' modernization program at the Northern and Southern Border, and the historic opportunity that the Infrastructure Investment and Jobs Act presents to bring these critical facilities into the 21st Century. I welcome the opportunity to discuss GSA's commitment to strategic investment in our Nation's land ports of entry, and am happy to answer any questions that you have.

Senator SINEMA. Thank you, Mr. Burns.

Now we will begin the question portion of the hearing. Each Senator will receive 7 minutes for questions. I will recognize myself first for 7 minutes.

My first question is for Ms. Sabatino and Mr. Burns. With the recent passage of the Infrastructure Investment and Jobs Act Congress provided a significant investment in improving our ports of entry. This investment will help provide more security and more efficient trade and travel, but security is a constantly evolving challenge and Congress and the Administration should always be planning for the future.

Looking at ports of entry, what steps should Congress take now so that our nation has the infrastructure it needs 10 years from now? Ms. Sabatino, I will ask you to address this first, as I am curious to learn more about how this will fit with CBP's Port of the Future concept of operation that seeks to transform port workflow and technology processes.

Ms. SABATINO. Thank you for the question, Chairwoman. CBP made significant investments in research and development (R&D)

for new technology to enhance our current infrastructure on the port, and it is complemented by our investments in prioritizing land ports of entry for infrastructure investments when the opportunity presents itself. I certainly thank you for your support in the infrastructure bill. We look forward to being able to complete 16 of the priority projects on the 5-year capital investment plan, but in addition to that, another 10 potentially covered for modernization efforts.

With the Port of the Future concept focusing on the cargo operations and streamlining workflows, we have been making investments in building out technology that is going to integrate information for our CBP officers and agriculture specialists into an integrated, newer platform. That is taking all of the information as the NII technology is deployed, the information from the RFID, the information, once we have the simplified arrival program rolled out into a common viewer so that we can give our officers the best tools and information to make decisions quickly and essentially automate every part of the process that we can, again, giving them the time to invest in the interviews with individuals or the time to look further at the actual commodities and do what they do best.

With the future travel initiatives we have been looking at, comprehensively, across all of our travel environments where we can leverage new technology, and again, automate processes to remove the administrative burden from our frontline personnel. That includes the facial biometric comparison technology but also affording travelers the opportunity to apply for I-94s in advance, that they could do previously already through our website and now through a mobile application in the CBP One portal.

But all of these individual investments that we look at to refine legitimate travel and trade helping us provide the officers the tools and the time to address the significant challenge and identify those threats that cross the border on a daily basis.

Senator SINEMA. Mr. Burns.

Mr. BURNS. Thank you, Chairman. We rely extensively on CBP and the other inspection agencies at those land ports to define what the requirements are and what the projected flows are through those land ports of entry. That is why we have a heavy coordination effort in our capital planning and our request to Congress for funding for the land ports of entry, moving forward.

Senator SINEMA. Thank you. My question is for Ms. Sabatino. I want to discuss the role of ports of entry in the flow of migrants across the border. The Administration recently announced an end to the practice of metering of asylum seekers at ports of the entry, and the comment period of the new asylum rule recently closed. Now I have visited ports of entry in Arizona and I have seen firsthand the limited facilities to fairly and humanely process migrants and asylum seekers at ports of entry.

So what steps is OFO taking to ensure that ports of entry are prepared to deal with the potential for increased numbers of migrants seeking asylum and other forms of relief? I would especially like to know how OFO is ensuring this need is taken into consideration when modernizing our ports of entry.

Ms. SABATINO. Thank you for the question. Regarding the steps with respect to the ability to manage the flow, it is an absolutely

critical strategy that we have to employ to ensure that as migrants present themselves at ports of entry to request asylum—some are not even requesting asylum. Some are processed through other cases. However, these individuals, as they present themselves, as mentioned earlier, the ports are not designed to detain people for extended periods of time.

One of the steps that we have been pursuing is working with non-governmental organizations (NGOs), in particular international organizations south of the border, to help provide us advanced information through the CBP One app so that we can make decisions, not necessarily decisions on the determination of the inspection in advance but that we can assess and determine who is coming toward us, do all of the administrative work in advance of individuals arriving at the ports of entry, and then, certainly put them through a streamlined process as they arrive, and make a final determination on the inspection.

Senator SINEMA. Thank you. My next question is also for you, and I wanted to focus on technology. At times I worry the border security technology discussion focuses too much on the regions between ports of entry and not enough on the ports themselves. Yet we know that criminal networks are constantly targeting our ports. So what gets in the way of CBP being able to deploy the right technology at our ports of entry to allow our officers to keep pace with criminals who are continually adapting their tactics in response to U.S. capabilities?

Ms. SABATINO. Thank you, Chairwoman. Certainly it is a challenge that persists, that as soon as new technology is deployed our adversaries are well underway at how to overcome the strategies and the technologies that we employ. But certainly we look as comprehensively as possible at all of the opportunities and the investments, certainly, in the non-intrusive technology deployments that are going to occur over the next 18 to 24 months since the execution of the contracts. It is going to be critical to ensuring that our officers have the best information available to make the decisions quickly—drive-through scanning systems, again, tying that information, I think where we have a vulnerability and need to work toward is advanced information for travelers over the land border.

That is really the next step for us in, closing the gaps and vulnerabilities so that we can, again, continue to streamline travel. The vast majority of people that cross our ports of entry are legitimate travelers and it is legitimate commerce. But that streamlined information will help us illuminate those bad actors, and again, give our resources, our frontline personnel, the time to invest in making the decision to spend more time to determine intent and actually surge the commodities.

Senator SINEMA. Thank you. I would like to recognize Senator Lankford for his 7 minutes of questions.

Senator LANKFORD. Thank you, Ms. Sabatino, I want to continue this conversation that you had raised in your opening statement as well about individuals who had false documents when they crossed the border at the land ports of entry. So there are really two things that are connected here. One is the ability to be able to identify false documents. I would assume that is dealing with the document plus facial recognition, when we will be at a point where all of our

land ports of entry can actually do facial recognition to be able to line up and to compare that with the document that is being handled.

The second thing is you mentioned that 950 of these fraudulent documents came across last year in all ports, and 600 of those of the Southwest Border. I want to make sure I heard that number correct, that last year we had 600 false documents, or documents that came across but it was not actually the person that was holding the card. Is that correct?

Ms. SABATINO. Yes. Since the deployment of the facial biometric technology, in all of our port environments—air, maritime, and land—the deployments were Simplified Arrival in our pedestrian lanes, really started in Tucson about a year and a half ago, but more significantly since January of this year. Over 600—I have the exact number and I can certainly follow up—but of the 950 it was over 600 that have been identified at our Southwest Border ports of entry.

Senator LANKFORD. Were these legitimate cards, just not the person that was actually holding it?

Ms. SABATINO. Imposters to genuine documents.

Senator LANKFORD. OK. So then the question is, what happened to those legitimate documents then? It is a border crossing card or a passport, I assume, one of those. Are those being held? Is there a need for those to be able to go back to individuals? If you are going to get another border crossing card for that individual, some kind of process where they can re-request it so we know what happened and how this ended up in their hands?

Ms. SABATINO. Certainly through the interview process in trying to obtain the information from the individuals that we encounter, with individuals who present themselves as imposters we can make referrals for Federal prosecution for false claims, certainly in the scenario if they are presenting themselves as an impostor to U.S. citizenship.

But with respect to the documents themselves they are not returned to individuals. They are retained, and we dispose of them, consistent with the policy with respect to the individual documents, which agency they could be returned to.

Senator LANKFORD. So you can actually prosecute those individuals that are imposters, that are showing legitimate documents, just not the right person. How often do we?

Ms. SABATINO. In the last fiscal year we presented, and there were just under 500 cases of fraudulent documents accepted for prosecution. That is a national number. It is not specific to the Southwest Border.

Senator LANKFORD. OK. We will follow up on that, to get a specific number to know how we are prosecuting those.

The non-intrusive inspection, Senator Sinema and I both have talked about that already, both in opening statements and in questions. From a staff briefing that we had in September, we have learned that some of the money that had been allocated for non-intrusive inspections in other areas, in other ports, have actually been shifted to the Southwest Border for other purposes other than non-intrusive inspections. Are you aware of that, and how much

was dedicated non-intrusive inspections has actually been moved to other purposes?

Ms. SABATINO. With respect to reprogramming funding in response to user fee shortfalls and covering salaries, the specifics about where the funding and to what it was allocated I can certainly follow up.

Senator LANKFORD. OK. Let's do. Obviously, that has been a high priority on both sides of the aisle on non-intrusive inspections, both for drug interdictions and other contraband, and obviously facial recognition, to be able to line up documents to see if they are actually accurate. We want to be able to see that continue and not be reprogrammed into other areas.

Can I ask a question? As we are trying to track this we are getting very close to some deadlines here for CBP. Do you know what percentage of the CBP employees have been vaccinated or are facing possible issues for the vaccine mandate that has been laid down right now?

Ms. SABATINO. The numbers continue to grow. I do not have exact data. We do have until the November 22nd deadline—

Senator LANKFORD. That is a week, yes.

Ms. SABATINO [continuing]. Yes, and we are very optimistic about the numbers coming in.

Senator LANKFORD. Do you have a guess on that percentage? Obviously we are a week away. I would assume you would have some idea of how many people have not turned in their status on vaccination, when we are just a week away.

Ms. SABATINO. I do not have a good number for you today, sir. We will follow up.

Senator LANKFORD. Mr. Jeronimo, do you have a good number for that, at HSI, at ICE?

Mr. JERONIMO. I do not, sir.

Senator LANKFORD. Mr. Burns, are you aware of that for GSA?

Mr. BURNS. I am not aware of the number. That is not in my area.

Senator LANKFORD. OK. We will follow up in the next week, obviously. That should be known. I would tell you it is interesting to me the number of agencies that I have talked to that do not know that answer. We have reached out to multiple agencies. We deal with the Federal workforce issues as well as national security issues, and if we have a large number of individuals that are not vaccinated that will go through the process of removal over the holiday period, that they are going to suddenly be removed from their jobs, it is a very expensive process to be able to hire, train, and equip and be able to reach out to bring on additional folks.

I assume, Ms. Sabatino, you do not have too many employees at this point right now. The last I saw that you all had a backlog of staff that you needed to hire. Is that still true?

Ms. SABATINO. We have a robust pipeline of individuals for the CBP officer position, and with respect to the vaccine mandate, there is also a population of individuals that can and have requested reasonable accommodations. So the process is expected to be over several months. We have been very engaged with our stakeholders as well, ensuring that they understand what the

timeline is for any impact, and we will forecast for them as soon as we see any even remote potential for that.

Senator LANKFORD. So your timeline for the accommodation and the answers to get back to the individuals that are asking for accommodation is when? Whether that be medical, personal, or religious accommodations.

Ms. SABATINO. For religious and medical, and it is an established process to go through to request reasonable accommodations. It is not new for the vaccination mandate. It is going to be contingent on the volume that we do have.

Senator LANKFORD. But you expect that to take how long?

Ms. SABATINO. That could take several months.

Senator LANKFORD. All right. Mr. Jeronimo, we continue to deal with obviously a large flow of methamphetamines coming into the country from Mexico. This has been an ongoing issue for quite a while. What are you seeing as far as trend lines and what you are seeing for transnational criminal organizations moving, and have some of the techniques changed, and what do we need to accommodate for, for technology or other staffing?

Mr. JERONIMO. Sir, thank you for your question. I will start with the technology piece. Because cartels and TCOs are ever-changing and ever-evolving, we need to do the same. A couple of items that I would bring to your attention, from a technology perspective, is implementing mobile drug labs along the Southwest Border, due to the fact that we are not necessarily dealing with just marijuana and cocaine anymore. We are dealing with synthetic narcotics, and again, it is difficult sometimes to determine what those substances are. So having a mobile drug lab platform along the Southwest Border would be welcomed.

Pollen testing. If you are not familiar with it, pollen testing gives you the ability to provide, with some certainty, the geographical origin of where fentanyl and meth are being made. For example, it can tell you that this fentanyl is being produced in Guadalajara or Michoacán area, or it has been made in some province in China.

I would also talk about using drones for offensive and defensive purposes, using drones for countering surveillance and for operational needs as well as the ability to counter the use of drones by TCOs who are using them for bringing narcotics. Obviously you saw recently in Iran the fact that these can be used for other means.

As far as inflow, from a perspective that if I was a cartel I would not waste my time with marijuana and I would get out of the cocaine business, because at the end of the day, with synthetic opiates and drugs of that nature you are purchasing dual-use chemicals that are legal in most cases. You need a warehouse and a chemist. At the end of the day this is not going to go away. This continues to be an issue.

From an HSI perspective, we have been on the front lines since day one of the opiate crisis. We have taken our border enforcement and security task force, our best pre-stat, from a traditional border perspective, and moved that and increased our presence at international mail facilities (IMF), consignment hubs, seaports, and nontraditional locations like Ohio and Michigan, for example, to put Border Security Task Force (BEST) in.

We have operations like Die Another Day, which is a partnership with CBP, U.S. Postal Service (USPS), DEA, focusing on pill presses that are being imported into the United States to be used to make illicit substances.

When it comes to precursors, HSI and CBP are leading the way, by far leading the way in that. In the last 18 months, we have seized over 500 kilograms of precursors destined to TCOs. That is 1 million pounds of precursors to be used for meth and fentanyl.

The other thing is partnerships. We are in tune with our Federal and State and local partners—CBP, DEA, U.S. Postal, the Federal Bureau of Investigation (FBI). There is not a place where we are not working collectively together as a whole-of-government approach. I understand your frustration in this, but it is not from a lack of effort on behalf of the men and women within HSI and CBP working the front lines, sir.

Senator LANKFORD. Thank you.

Senator SINEMA. Thank you, Senator Lankford. Next I will recognize Senator Carper for 7 minutes.

#### **OPENING STATEMENT OF SENATOR CARPER**

Senator CARPER. Thank you, Madam Chair, and to you and the Ranking Member thanks for holding this important hearing, and to our witnesses, thank you very much for joining us.

I think I might have time for two questions. The first would deal with supply chain issues and the second would focus on Customs-Trade Partnership Against Terrorism (C-TPAT) related issues. I will start off with the first one with respect to supply chain. I am going to direct this question to Deputy Assistant Commissioner (DAC) Diane Sabatino.

I said in my notes here it says, “DAC Sabatino.” Is that a first name? What is D-A-C? Is that your name?

Ms. SABATINO. No. It is Deputy Executive Assistant Commissioner (DEAC).

Senator CARPER. OK. All right. Fair enough. I serve as Chair on the Subcommittee on International Trade, on Customs and Global Competitiveness on the Finance Committee. As I am sure you know well, the COVID-19 pandemic has led to a host of supply chain issues over the availability of goods, ranging from consumer products to vehicles to canned goods.

My question is this. Given CBP’s mission to dislocate lawful international trade and travel, could you just talk with us for a bit about any lessons learned from the pandemic and how CBP adapted to address a change in any trade patterns?

Ms. SABATINO. Thank you for the question, Senator. I think from a perspective not unique to CBP, certainly leveraging virtual technology across the field operations enterprise in a number of different areas, leveraging the expertise of our personnel across all of our ports of entry on a daily and recurring basis, now that we have the ability to engage with them as frequently through Microsoft Teams and other endeavors.

So certainly moving to a virtual environment, virtual engagements with all of our stakeholders, allowing us to reach more individuals with a timely message, simultaneously, instead of multiple



gaps, between stakeholders, and ensuring that we have a consistent message, again not unique certainly to CBP.

But leveraging the virtual environment as well for things like renewals of Global Entry applicant programs, freeing up 2,300 interviews per week to ensure that we tackle the volume that built up while the Global Entry enrollment centers were closed during the pandemic.

From a trade perspective, as I mentioned, tapping into the expertise of our individuals across the country and really leveraging them in national dialogue with large stakeholder forums. I think from the C-TPAT perspective, also working with our international partners and companies overseas. Again, virtual engagements and validations, things that we had traditionally relied on, costly travel, costly paperwork. I think really taking advantage of the technology is a lesson learned for CBP, and not losing sight of our opportunities to continue to leverage that while we are moving out of the significant travel restrictions and challenges. But really moving in the trade environment to as paperless a process as possible.

Innovating in our seized property process, in our vaults, leveraging biometric technology, again, creating friction-less and touch-less environments, not just in the traveler space but also in our own workspaces. Frankly looking at our footprints across all of our offices, to ensure that we are truly leveraging the space that we need and, reallocating resources, from costly investments that clearly have demonstrated we can use toward other programs and tackling other threats.

Senator CARPER. All right. Thanks. I think I have time for another question. Let me just get this one in, if I can, also Ms. Sabatino.

Senator Cornyn and I, we are the co-leads on a trade subcommittee in Finance Committee. We have introduced legislation. It is called the Customs-Trade Partnership Against Terrorism Pilot Program Act of 2021 or C-TPAT Pilot Program Act of 2021. I do not know if you are familiar with it. But a pilot program act which recently passed out of our Committee on Finance by voice vote, our bill would expand this successful program within CBP that allows trusted merchants to voluntarily submit themselves to enhanced screening and information sharing, in exchange for a fast-track customs clearance process for imported goods. Ultimately, we believe it will strengthen our national security while creating jobs and expedite the movement of goods.

Since you mentioned the benefit of the current C-TPAT program in use at CBP in your testimony, I hope to continue work on this issue with you and your colleagues at the agency. My question would be, Commissioner Sabatino, what other steps should Congress consider to modernize and improve the security of the imported goods at our ports of entry?

Ms. SABATINO. We certainly look forward to working with you on the legislation. The C-TPAT program is a very important program to us because we rely very heavily on the companies that are invested in the program to also help illuminate those bad actors that we can identify in the supply chain. We rely on them, certainly to trust in us to do our mission and receive the benefits of the program.

With respect to the future of the C-TPAT program, the work that we are doing in engaging with other similar programs, international programs, where we can—I think Business Alliance for Secure Commerce (BASC) is a good example of that, and having recently signed an agreement with the BASC organization to help collaborate on some of these investments in identifying the good actors in the trade space but also help us illuminate the vulnerabilities and the bad actors as well as the networks tied to those bad actors.

Senator CARPER. All right. Great. Thank you so much for those responses. Good to see you. Thanks for joining us today. Thanks for your service.

Ms. SABATINO. Thank you, Senator.

Senator SINEMA. I believe we are waiting for Senator Padilla to join, and while we are waiting I will continue to ask some questions until he arrives.

My next question is for Mr. Jeronimo. I know that HSI is focused on transnational criminal organizations, but what does Congress and the public need to be aware of about TCOs in their exploiting of security gaps at our ports of entry? Are there technology investments needed at our ports that could assist in HSI investigations to allow us to more effectively disrupt and counter these criminal groups?

Mr. JERONIMO. Thank you for your question, ma'am. First of all, I applaud the Committee and Legislative Affairs for their efforts in passing the recent bill which gives CBP the ability to upgrade the ports of entry. The reason I say that is every time CBP makes an interdiction it gives HSI an opportunity to take that interdiction and turn it into a criminal investigation, and then turn in that criminal investigation and furthering that hopefully to identify and build out networks and identify the TCOs and for disruption, dismantlement, and potential prosecution. Some of the areas with that, as interdictions increase because of this NII process, that would result in HSI being resourced in order to respond to those.

Currently, 20 percent of our work hours, total work hours, are specific to CBP's port of entry seizures. That is 20 percent. That is fairly significant. Every time there is an interdiction by CBP, HSI spends, at a minimum, 95 hours to handle that interdiction, from cradle to grave, 95 hours. That is 12 business days. So again, that is significant in nature and that is a huge commitment.

I am a knuckle-dragger by nature, so I try to dumb things down for myself. But the point here is if you have a port of entry where there are 1,000 cars that go through it, and CBP inspects 10 percent of that, they are inspecting 100 cars. If their hit rate is 10 percent, there are 10 cars with illegal substances in them. HSI is mandated and is nondiscretionary and has to respond to them.

So as NII continues to improve and CBP now inspects 500 cars, and their hit rate is still 10 percent, that is 50 cars with narcotics that we are going to have to. So that is us responding to those and trying to build out those seizures and interdictions into long-term investigations and building out those networks.

I will say, resource-wise, continue to deal with encrypted communication. That has been a sore subject for us as far as continuing to keep up with cartels and TCOs in regard to encrypted commu-

nication, and dealing with that. Approving the Shadow Wolves Enhancement Act would be a plus. That would help close the gap, especially in the Tribal lands as far TCOs taking advantage of that.

A more collaborative approach. I look at things in four buckets, ma'am. I look at things from an interdiction perspective—excuse me, intelligence perspective, interdiction, investigation, and prosecution. The goal is to move from one bucket to another bucket as seamlessly as possible. Sometimes, unfortunately, somebody thinks their bucket is more important. I think when we are able to work collectively together, it all means something, because intelligence is good but if you cannot operationalize it, it does not mean anything. You can interdict things all day long, but that is not going to change anything. You can work the best case ever, but if you cannot get a prosecution or arrest somebody and put them in jail, it really does not mean much. So working collectively together across those avenues is vital.

In totality, again, I appreciate everybody's support in regard to HSI's efforts for combating TCOs.

Senator SINEMA. Thank you, Mr. Jeronimo, and thank you for mentioning the Shadow Wolves bill. That is a bill I have offered, and we passed this Committee and we are working to pass it through this entire Congress, so I appreciate that.

Senator Padilla, you are recognized for 7 minutes of questions.

#### **OPENING STATEMENT OF SENATOR PADILLA**

Senator PADILLA. Thank you, Madam Chair. Colleagues, California's land ports of entry are the busiest border crossings in the western hemisphere, which creates considerable opportunities for bilateral trade and economic cooperation. Unfortunately, a recent study found that delays at land ports of entry, in 2016, caused nearly \$1.6 billion in lost economic output and more than 12,000 unrealized jobs in California alone. Without capacity enhancements, the adverse impacts of delays for both personal trips as well as freight movements at these ports of entry will continue to grow and intensify.

The San Diego Association of Governments and the California Department of Transportation, in coordination with State and Federal partners in the United States and Mexico are carrying out the State Route 11/Otay Mesa East Port of Entry project in order to create a new, multimodal land port of entry. Now this project seeks to leverage technology, including interchangeable passenger and commercial vehicle primary inspection lanes to better manage traffic demand and decrease wait times across all ports of entry in the region.

Questions for Ms. Sabatino. I appreciate that CBP is constructively engaging with the project sponsors to identify the staffing requirements for the Otay Mesa East facility. What steps or assurances can the Administration provide to State and local governments with respect to staffing for this project so that we are prepared when it is time to open?

Ms. SABATINO. Senator, thank you for the question, and we are always excited about the prospect of newly designed infrastructure for our ports of entry and the ability to incorporate the technology

that we are working to identify and implement today at the onset and development.

Regarding the Otay Mesa East port of entry, with any new project we leverage our workload staffing model and we incorporate those new projects, and with this particular project I think the next steps are engaging with the respective program offices in the National Capital Region (NCR) here, and they have been very engaged both with the San Diego field office and the local leadership, which we greatly appreciate.

But we do have additional steps to work on, validating the information and modeling the project, to really identify what those staffing needs could be. But then we also use our workload staffing model as a decision tool for the allocation of the resources that we have authorized on board.

Senator PADILLA. All right. In anticipation of the staffing needs come 2023, a two-part question. Will resources for sufficient staffing be part of the budget for 2023, and part two of the question is, given how long it takes to fill staffing pipelines, what steps are we taking now to ensure that there will be adequate staffing when it opens, potentially as early as 2024?

Ms. SABATINO. Thank you, Senator. I am very pleased to be able to say that we do have a robust pipeline. It is an investment going back over 10 years, and ensuring that we have a cadre of people ready to onboard and our staffing numbers have reflected that. We have really been limited, frankly, by training seats available at times versus not having the individuals to place into the positions.

We will certainly continue to work with you and your staff on the needs for the particular ports in Southern California, and again, leveraging and briefing with the information available through the workload staffing model which, again, is our best resource, and we continue to refine that resource.

The workload staffing model, certainly impacted by the travel downturn, still reflected a need for officers as well as our agriculture model, because when the travel decreased we reallocated resources to other areas and certainly demonstrated a need and a workload in things like our outbound environment, mail and express consignment facilities. So as travel comes back and that gets layered in we do expect to see changes in increases in what the staffing models reflect as well, to include new locations.

Senator PADILLA. Thank you. Next question, on the same project, for Mr. Burns. I understand that one option under consideration is for GSA to take possession of the Otay Mesa East facility once it is built and then to enter an agreement with CBP to equip it and to staff it. So, one, is that accurate, and two, if that is a scenario that does play out what other responsibilities accompany taking possession of a facility like that?

Mr. BURNS. Thank you for the question. I am familiar with the project. Since the funding would be coming from the project sponsor, I have not seen the final funding proposal for it becoming fully functional. But certainly we would be prepared to take that into our inventory and begin to service it and maintain that facility.

Senator PADILLA. OK. We will look forward to a continuing conversation about this in the year or two ahead.

A question more broadly about land ports of entry. I know in California delays and the resulting vehicle idling has had a considerable impact on air quality in the surrounding regions, including significant increase in emissions. These delays resulted in an average release of 457 metric tons of carbon dioxide emissions alone per day in 2016. A recent study also highlighted how reducing delays would lower the emissions of pollutants like carbon monoxide and particulate matters.

Back to you, Ms. Sabatino. How can reducing delays at land ports of entry reduce not just environmental impacts but health impacts, and what plans are in place to attempt to achieve these reductions?

Ms. SABATINO. Thank you for the question, and I do apologize, and I think also, in part, answers the question that Senator Lankford mentioned earlier with respect to the timeline for simplified arrival in vehicle lanes. That is our facial biometric comparison technology. We are currently testing that in the port of Anzalduas in select lanes and really working with both the industry as well as our Office of Information Technology.

We rolled out Simplified Arrival in the air environment, in the maritime environment. It did move very quickly in the pedestrian environment. The vehicle environment, because of the environmental challenges that we have, it really is going to be a larger hurdle than the other deployments, but we look forward to keeping you apprised of the deployment schedule as we see it rolling out.

I believe we are going to expand to an additional pilot location in another location in Texas, but San Ysidro, in particular, is one location that we are targeting, once we have the right technology identified to leverage, because of the volume that comes through that particular port. We have been engaged with the local leadership on the ground from CBP to talk about identifying amenable populations for even lanes where we could potentially pilot that in the next phase.

Senator PADILLA. OK. Thank you for your work. I look forward to the ongoing collaboration. Thank you, Madam Chair.

Senator SINEMA. Thank you, Senator Padilla. We have time to start a second round of questions, so I will start with another round of questions, first to Ms. Sabatino.

As part of the fiscal year 2021 appropriations package, Congress improved important bipartisan language regarding the creation of a pilot program that would expand the border crossing card program in Arizona and allow vetted Mexican travelers with an I-94 to travel throughout Arizona. This is an important initiative for my State that has the potential to make border crossing more efficient for travel and trade.

Can you provide the Subcommittee an update on CBP's progress in implementing this expansion, what hurdles you might have experienced, and the plans you have to overcome those challenges?

Ms. SABATINO. Thank you, Chairwoman, and I do not, unfortunately, have a good answer for you on the particular pilot program. Because of the challenges with the travel restrictions, that project did not develop as it could have, had we not encountered the COVID pandemic. However, we are looking at the opportunities to implement that pilot program and actually see it as a short-term

solution and gap-filler for things that I had mentioned earlier. When we were talking about advanced information and more comprehensively looking at the traffic coming across the border, individuals applying for and receiving the provisional I-94s in advance and being able to issue those right at primary.

A number of efforts underway, that a short term, and we will follow up with you on the developments and what a timeline could be for that project.

Senator SINEMA. I appreciate that. Another question for you. In Arizona and other border States we have had a recurring problem of understaffing at our ports of entry, as I am sure you are aware. Office of Field Operations workforce staffing models for ports in areas such as Nogales indicate that the hiring has improved somewhat. But I do always worry about retaining experienced officers who understand the challenges unique to the U.S.-Mexico border.

What are the key concerns that OFO leadership hears from port officers that get in the way of them successfully doing their job, and what steps are you all taking to improve these workforce morale and retention challenges?

Ms. SABATINO. And very important to CBP, in particular, the Office of Field Operations for our frontline personnel and all of our personnel who have been so significantly impacted, along with the rest of the country, by the pandemic.

We do have a number of investments that cover a spectrum of target areas. I think first and foremost the investments at the Office of Field Operations has made in peer support teams and investments in the chaplain program, where we have resources right on the ground for employees, certainly to engage with employees should they identify any challenges, but a resource if they do not want to pick up a phone and reach out through the Employee Assistance Program (EAP), that they have someone that they can talk to, that they know, and that they are comfortable with. We message that aggressively with our personnel.

There is also the Employee Assistance Program where there is a variety of services available to our workforce should they need anything with respect to challenges—assistance managing finances, mental health resources for them. These are all different opportunities, given the comfort level of the individual, to who they would like to speak to.

I think the agency has also made a significant investment in bringing on clinicians to help us guide these programs and enhance them. We also have the Workforce and Resiliency Division in the National Capital Region that looks at opportunities to engage employees in morale-building and team-building programs that we deploy out to the field.

Senator SINEMA. Thank you. Mr. Jeronimo, the same basic question for you. Can you speak to the challenges impacting HSI personnel and agency efforts to improve morale and retention?

Mr. JERONIMO. Thank you for your question, Chairwoman. I will say that HSI always recruits very well. We have announcements for 1811 special agent positions. We have a robust applicant pool. We also even do female-only announcements. So we have never had an issue in the recruiting process, and I believe the reason for that is we are not a single-scope mission agency. We are able to attack

criminal organizations or TCOs from multiple fronts, and I think that is important when we are looking for new recruits.

I will also point out that HSI might be relatively new in name but HSI and CBP have a legacy that goes back to 1789, with the creation of U.S. Customs. We have a very long tradition, and who would not want to be a part of that, is what I would put out there.

I will also say if there is one thing that does bring morale down for HSI is our inability to work with some jurisdictions, because we are under the umbrella of ICE. It is well documented that certain jurisdictions will not work with HSI because of that fact alone, and it is a bit frustrating for HSI and its employees, because the only thing we are looking to do is work with these jurisdictions to enforce narcotics investigations, child exploitation, cyber, gang enforcement, money laundering, human smuggling, human trafficking. At the end of the day we are only focusing on the safety and well-being of those particular citizens in those jurisdictions and the Nation as a whole. So that is a frustrating point for us in that regard, ma'am.

Senator SINEMA. Thank you. Senator Portman, I see you have joined the Committee. I would like to recognize you for 7 minutes of questions.

#### **OPENING STATEMENT OF SENATOR PORTMAN**

Senator PORTMAN. Great. Thank you very much, Senator Sinema, one for having this hearing. You and Senator Lankford are to be commended for that. There is so much going on at the border and so much need for oversight. Obviously, we have had some terrible statistics recently. We look at the month of October and we had, we are told, the highest number of encounters with illegal immigrants in any October in the history of our country. So we are breaking records, it seems, every month. There is clearly a crisis at the border.

I would ask quickly, if I could, and perhaps Ms. Sabatino, you are the right one to answer this, how many people got away? In other words, the so-called getaway number. If you have, say, 164,000 people who have been apprehended or encounters, how many people do you think you are not finding who are coming across the border illegally?

Ms. SABATINO. I do not have that number, sir. That is something I will have to follow up and certainly get from our colleagues in the Border Patrol. We do work closely with our colleagues in the Border Patrol to assist them with resources as they are available and as needed.

Senator PORTMAN. The estimate that they have given me is that they think somewhere between 15 and 20 percent on top of that, but I would be interested in any data you could provide us on that.

Along with that, of course we had terrible numbers this week with regard to this issue of overdoses of people in the United States who are taking opioids, and when we look more closely at it, it turns out almost all of these opioids are connected to fentanyl in some way or another. Sometimes it might be another drug, even heroin or a non-opioid like cocaine, but fentanyl mixed in with it, or mixed in with a pill. This fentanyl is killing more and more of our American citizens. One hundred thousand people died of

overdoses between April 2020 and April 2021, we were just told in the last couple of days.

That number, 100,000, has never been reached before. It is a terrible record, and it indicates that so many Americans are succumbing to this fentanyl that is so deadly, that comes in primarily across the Mexican border. For a while it was coming mostly from China, and now we know it is coming mostly from Mexico.

I looked at those numbers and it turns out in October we had a 42 percent increase in fentanyl seizures coming in over the border. I know that you are perhaps more focused on that, in some respects, because much of this comes through the ports of entry, actually, but a 42 percent increase in the deadliest drugs coming in over the Southern Border. It seems to me we have a national emergency here.

Can you give us a sense of what you think the amount of drugs are that are coming in that are not being seized? If it is 42 percent increase in seizures, what is it overall?

Ms. SABATINO. I would have to do math on the fly, sir, and I apologize. I am not equipped to do that. We can certainly follow up with estimates. We did seize, in the last fiscal year, over 10,000 pounds of fentanyl coming across to our ports of entry. Over 9,000 pounds was, in particular, at the Southwest Border.

I think with the investments that we are making in technology, in particular the NII deployments that we are going to be doing over the next 18 to 24 months—and frankly not quick enough—it is going to help us certainly in that endeavor to tackle that challenge. But we also work very closely with our partners in HSI and other Federal Government partners, because the best, we can do certainly is identify these networks that are bringing this to our ports of entry, in deep concealments, in either commodities or in private vehicles coming across the border.

But the continued investment in resources like canine assets, but also our intelligence units that we are building out, in conjunction with our Office of Intelligence in the National Capital Region to make sure that we are providing our frontline staff with the best available information about these networks, how to identify these threats, and, recent concealment methods.

But I would also defer to my colleague with HSI as well, with respect to the investigative effort related to fentanyl.

Senator PORTMAN. Thank you, and look, I appreciate what you are doing. We have to provide more resources for technology and for people, and we should, and it sounds like in the next couple of years we will have better technology. We saw some of this on the border earlier this year when some of us toured.

The technology is good but the one thing I would emphasize is that by allowing more of these drugs to come in across our Southern Border, the more drugs that are getting on the streets, in our communities, at a lower price. In other words, the increased supply is decreasing the price and making it easier for people to be able to afford these deadly drugs.

So I am, for one, someone who believes strongly in dealing with the demand side of this, that our prevention efforts, more treatment. We were making progress in that, a longer-term recovery. We were making progress there. But unfortunately in the last year



and a half we have seen this huge increase, and I think some of it is attributable to the fact that the volume is so high now, and the price is so relatively depressed because of that, that it is creating more of a problem.

Mr. Jeronimo, do you have an answer to this question about if we have a 42 percent increase, if we are finding 9,000 pounds of this stuff—which, by the way, is enough to kill every man, woman, and child in my home State of Ohio. It is an enormous amount of fentanyl, 9,000 pounds. But do you, Mr. Jeronimo, have a sense as to what we are missing? In other words, how much of these deadly substances are coming in across our border and not being detected?

Mr. JERONIMO. Sir, I do not have the answer to that particular question, but I will tell you HSI's efforts, along with our partners. Last year alone, HSI seized over 40,000 pounds of fentanyl opiates to address this issue. It starts internationally, and we do have a vast presence overseas, 86 offices in 55 countries. But more importantly, we have our partnerships with our foreign counterparts through our Transnational Criminal Investigative Units (TCIUs). They are vetted units. That allows us to operationalize information as they come in.

I mentioned earlier, to Senator Lankford, that in the last 18 months, HSI, in partnership with CBP and DEA, we seized over 500 kilograms of precursor chemicals coming into Mexico to be used by TCOs. That is 1 million pounds of precursor chemicals.

Senator PORTMAN. Mr. Jeronimo, were those precursors coming from China?

Mr. JERONIMO. In most cases, yes, sir.

Senator PORTMAN. Do you have an office in China?

Mr. JERONIMO. We do have an attaché there, sir.

Senator PORTMAN. Do you have an office there?

Mr. JERONIMO. Yes, sir. We do have an attaché there.

So again, 1 million pounds of precursors. The other efforts that we made domestically, and I mentioned this earlier, was in expanding our BESTs into the mail facilities, international mail facilities, as well as the airports and into what I would consider interior States, like the State of Ohio. Our BESTs, our Border Security Task Force, have been traditionally along the Southwest Border, but we have expanded that at the inception of the opiate crisis, as well as focusing on the mechanisms for producing these pill presses.

We have an operation called Die Another Day, which, again, is in partnership with CBP, DEA, and U.S. Postal Service, where we are focusing on the importation of pill presses that are being used for illicit substances and production.

Senator PORTMAN. Look, my time is expiring here, and again, I thank you for what your officers are doing on the ground and in foreign countries. I would just make the obvious point, you said that there are all sorts of precursors coming from China into Mexico, so China is still very involved in this, even though there is less coming directly from China, thanks, I think in large measure, to the Synthetics Trafficking and Overdose Prevention (STOP) Act, which this Committee passed.

But I think we need to make a point that this poison is coming in in record numbers, despite all of your good efforts. So what do

we need to do differently to be able to address this issue, both on the supply side and the demand side? Again, I thank you for what you are doing. You, by finding 9,000 pounds, are saving lives. There is no question about it. But we need to do better.

Thank you, Madam Chair.

Senator SINEMA. Thank you, Senator Portman. I would like to return back to Senator Lankford for his second round of questions.

Senator LANKFORD. Thank you. It is rare for us to have CBP and GSA sitting at the same table together so I want to have some dialogue between the three of us, if I can do that.

There are 101 land ports of entry that GSA has custody of and 40 that CBP has custody of. They are in all different conditions, all different ages. The challenge becomes how do we maintain this, and why do we have ownership sometimes in GSA and sometimes in CBP? The last report that we got back in is if there are going to be major changes in a facility or a new facility it is about a 7-year process to be able to get in line to go through the process to be able to do that. If it is a project over \$100,000 in one of those facilities, CBP cannot do that. GSA has to be able to do that. We have some unique dynamics here on how that works as a person, entity that is leasing or that is owning, and sometimes owning and trying to be able to manage that.

My question on this is, why does the jurisdictional split, why is that happening, has happened? Has that just kind of organically grown up over the years? Is there a better way to be able to handle this.

Let me just start with you, Mr. Burns. Let's start from the GSA perspective.

Mr. BURNS. Thank you for that question. My understanding is the roughly 40 buildings, facilities that are in CBP's control and custody are legacy. They were initially part of the group that CBP is, and they remained in their inventory when GSA was created. They are generally much smaller facilities and generally singular in focus, and by that I mean it is not a multi-tenanted facility. It does not have multiple inspection agencies.

I think where GSA creates the value in the ownership is when we are balancing the needs of the Federal Motor Carrier Safety Administration, with FDA, and with CBP, to balance all those needs and create a facility that suits all of their purposes.

Senator LANKFORD. So your assumption is, at this point, if we have multiple agencies that come through, and obviously our land ports of entries do, CBP not being the owner, GSA being a third-party owner is a better model for that.

Mr. BURNS. I believe that is the case, yes.

Senator LANKFORD. OK. Ms. Sabatino, talk to me a little bit about the maintenance and the upkeep and expansion, adding additional facilities, or just operation. How do we make this better?

Ms. SABATINO. Certainly working very closely with our Office of Facilities and Asset Management and GSA, we can shorten that timeline. We are working with them to process-map the individual projects, to find efficiencies and set better deadlines. I think, some of the challenges that we face together is all of the other stakeholders that we have to engage with throughout the process, from the local, State, and Federal entities that are involved in some

way, shape, or form of the upkeep or management, potentially, of a facility.

I think from a CBP perspective, in the facilities that we manage and the last investments that we had back in 2009, we were able to do some significant modernization efforts because of the support of Congress for those particular locations.

Again, continued to work, sometimes on a very case-by-case basis, as challenges come up, I think certainly having the resources to make the investments, either from GSA or from CBP remains a challenge. But that is why through the 5-year LPOE plan, where we prioritize those needs, there has been some delegations of authority for limited amounts that CBP can address challenges ourselves.

Senator LANKFORD. That is the \$100,000 amount?

Ms. SABATINO. I believe that is the number, sir. It might be lower than that. I would have to get back to you on the actual amount. But those have been added value.

I think with also the opportunities through the Donation Acceptance Program and our Reimbursable Services Program, the public-private partnership and the Donation Acceptance Program, in coordination with GSA, has really been a phenomenal resource for us as, travel and commerce growth exceeds both potentially GSA and CBP's resource availability to make the investments and grow with the pace of the private sector.

We do have, and we appreciate your support, the Donation Acceptance Program. There is a sunset as of December 16th for the real property donations, that we are looking and hopefully will have addressed before that date. That is going to be very important to us to maintain the ability to do that as well. But it is an ongoing dialogue and not just at the national level, at the regional level and the local level on all of our projects.

We do have a full assessment ongoing of all of the 167 ports of entry that will continue through fiscal year 2023, and we expect to be able to provide you a completely prioritized portfolio of all of those ports of entry, that we are going to continue to work with GSA on, as well as our individually owned ports of entry.

Senator LANKFORD. When will get that inventory?

Ms. SABATINO. The full prioritization? We are going to be doing the assessments through fiscal year 2023, but certainly the LPOE, 5-year plan that we submit every year, captures our highest priorities.

Senator LANKFORD. So let me tell you what I hear, because I have visited, over the last 7 years, a lot of different land ports of entry. I have had the opportunity to be able to visit with a lot of different folks from CBP. But what I hear consistently is, "I want to do a project. There is something that"—whether it is plumbing, air conditioning, repainting, whatever it may be, they want to do it, and they turn it in to GSA, and GSA gets it into the list, and it takes forever to be able to get done, because they have a ton of other things to be able to get done, and it ends up being something they work around.

The CBP folks will tell me, "We would go get that done. We could hire a local contractor to do it if we owned the facilities, but we can't actually do that." With the \$100,000 limit they are able to do

some things now to be able to get it done, but it ends up costing more, taking longer than what they want it to be able to take if CBP were able to make the decision to be able to manage the funds on that.

Now that may be fair or unfair for GSA, and I want to hear your response on that. But I have heard that over and over and over again, and trying to be able to balance that out.

Now I understand CBP is not the only entity that is in that facility, but it is a challenge, both with dollars that GSA has got to be able to manage, and very remote facilities that are very unique facilities. They are not office space. They are very unique facilities for this.

How do we start to solve that length of time, flexibility? I had mentioned I think it is \$100,000. You said it may be even less than that. I may have that number wrong, but I thought it was right at \$100,000 of repairs that could be done. What would be a recommendation from GSA to either raise that threshold, give more flexibility? The donation program is very important to be able to pick up additional land and real property that are around it, but sometimes a redesign is going to be required long term, and it is a much bigger project. From GSA's perspective, how do we solve both the time and the flexibility issue for properties that are very unique in the GSA portfolio?

Mr. BURNS. I appreciate the question and the comment there. I do agree with you that I believe it is \$100,000. I believe that is established in statute, that our delegation authority goes up to \$100,000.

When you get to projects larger than that, the ones you mentioned—plumbing, et cetera—generally do not have a larger impact on the portfolio of building that is in that facility. I am happy to take that back and discuss with my team how we might be able to expedite some of those smaller projects.

When you get into the larger projects and larger dollar thresholds, sometimes those affect systems that CBP may not even be aware of that are part of the overall facility. That is why we would like to have a voice into that process.

Also we have expertise in the other issues that need to be taken care of in some of those larger projects. I would point to environmental reviews, coordinating with historic preservation requirements. We have the skill and the expertise to handle those. I certainly appreciate your point that some of these smaller projects that you are hearing about—and I have been to the ports as well and talked with port directors so I am aware of that pain point and I am happy to look into that.

Senator LANKFORD. I would love to be able to maintain this conversation, to be able to keep this going, because this is one that needs to be resolved. Because we cannot have a situation where it takes 7 years to be able to move things through the study phase when we have tremendous needs, and many of these facilities are decades and decades old and very out of date.

Ms. Sabatino, for detention space at your CBP facilities, what is the largest area you have for detention space, for instance, in those locations? The maximum number of what, and what location might that be?

Ms. SABATINO. Off the top of my head, sir, I do not have a specific, but we can provide you kind of a breakdown, I think, where we are challenged with capacity to hold individuals, because we do not have true detention.

Senator LANKFORD. Yes. It is not set up for that.

Ms. SABATINO. But to hold individuals is really driven by the demographic of what is in the port during the day. One or two family members at certain ports could fill the capacity that we have available. If we had all single adult males, certainly we could have more in a port of entry. So it is a number for us that fluctuates.

Senator LANKFORD. But it is well below capacity from what real-life situation is now versus what it was 50 years ago when it was constructed.

Ms. SABATINO. The current ports of entry, right. They are not designed for the operational needs that we have today, no.

Senator LANKFORD. Even in a lot of facilities where we have the traffic lanes, and you have individuals that are waiting in line, get tired of waiting in line and they run right through the traffic lanes, we are not set up to be able to secure those traffic lanes to be able to shut down foot traffic even running into the middle of the cars, which is a safety issue as well as a security issue. Correct or not correct?

Ms. SABATINO. That is a challenge that we have experienced, in particular, in the Port of San Ysidro on a recurring basis. But we do have measures that we take, including putting our officers in the primary vehicle lanes to prevent things like that from happening. But it also occurs in our outbound lanes.

Senator LANKFORD. There are serious issues that we have to be able to resolve there, and I would like to have an ongoing dialogue, maybe off camera, at some point, to be able to help determine how we actually get this resolved, what the recommendations would be from CBP and from GSA, to try to get this resolved. I know the \$100,000 threshold is way too low to be able to do a lot of different projects, to be able to accelerate things that are not going to be significant but do need to be addressed and do not need to get into a long queueing process to actually get done.

But also we are going to have to deal with long-term how do we actually deal with the ownership issues in other places. CBP also has some older facilities, and they were described as legacy facilities, that are not just legacy facilities, they are falling apart. They are in very remote areas and they have to have some attention to them as well. And trying to figure out for the individuals that are working in very remote areas, it is very difficult for them and their families to also have facilities that are also well-maintained there.

I know that is an allocation of priorities, and it is always going to be great if Congress will give us a little more money, then we can fix all of these. I understand that. But it is trying to be able to set those priorities. This 2023 list that we have coming will be very important to us in the days ahead as well.

Let me ask a question about the Otay Mesa II project that is coming through. Do we know that Mexico is fulfilling its part of its responsibility at this point? There is a lot that is happening in the northern part of the border, but are they fulfilling what they have

on the southern part of the border to also fulfill the access points coming into that new planned port of entry?

Ms. SABATINO. We work very closely with our Mexican counterparts, and there are a number of groups that we leverage to ensure that the pace is kept both on the southern side of the border with the northern side of the border. It does not always come to fruition. I think with respect to the Otay East project, I am certainly happy to provide follow-up, regarding what the status and developments are on the southern side of the border.

Senator LANKFORD. Mr. Burns, do you have any other comments on that?

Mr. BURNS. I think that is covered. Thank you.

Senator LANKFORD. OK. That would be helpful to get an update. The last that I saw for that particular land port of entry, Mexico was way behind schedule on getting this going. If we have everything on our side of the border ready to go and Mexico does not have their portion ready to go, that is not going to matter, and on the approach it is not going to actually help us in that process to be able to have everything ready to go north and nothing is ready to go south.

Are there other ports of entry that you are concerned about as far as the relationship between Mexico and the United States? I understand in most of our ports of entry that has been a very good working relationship.

Ms. SABATINO. Certainly at the local level with our counterparts on the southern side of the border we do enjoy solid working relationships. An example, the Unified Cargo Processing (UCP), where we actually have employees from Mexico's Tax Administration Service (SAT) sitting in primary booths with our CBP officers, doing joint cargo processing. It is a phenomenal example of the coordination that we have with Mexico and looking for opportunities to expand because, it has a positive impact on the throughput that we have on both sides of the border.

With respect to the different forums, we engage in a number of different forums, many led by the Department of State, with a host of other government agencies as well as all of our Mexican counterparts, including the Binational Bridge and Border Crossings committee, the Joint Working Committee on Transportation Planning, all different engagements that we have with our international partners to prioritize. Also the border management strategy, we are working on, I think, an updated plan on what the priorities are on both sides of the border, where we want the investments to be made.

Those are also things that we consider in our decisionmaking about investments in infrastructure as well, but that is all the stakeholders on both sides of the border meeting on a regular and recurring basis.

Senator LANKFORD. That is great. Madam Chair, I have one more question. Are you OK?

Senator SINEMA. Yes.

Senator LANKFORD. Mr. Jeronimo, we deal a lot with transnational criminal organizations moving drugs. We have talked about that quite a bit. But there is also quite a bit of money that is being made moving people by transnational criminal organiza-

tions. Can you bring some clarity—I want to ask you a couple of questions on this—on how the coyotes, as they are moving individuals through Central America, up through Mexico, relate to transnational criminal organizations? Are these the same groups that are also smuggling drugs or is it different groups?

Mr. JERONIMO. Sir, thank you, and it is a very good question. Different groups. We have some things in place downrange in order to address this. I think our first effort is from what I would call a legal entry, and that is our Visa Security Program (VSP), and that is in 28 countries and 41 issuing posts. In the last 3 years we have vetted 4.6 million individuals through the Visa Security Program, and nearly 9,500 of those individuals were denied access or entry into the United States due to terrorism nexus. So that, to me, is the front line pushing the border out.

Our second effort is our biometric collection system, Biometric Identification Transnational Migration Alert Program (BITMAP). It is a partnership with the Department of Defense (DOD), CBP, as well as FBI. We have BITMAP locations in 18 countries, and what that does is it gives us an opportunity to enroll individuals as they come into the western hemisphere and make their way up through South America, into Latin America, and into Mexico, from Sao Paulo to Macau, and that is 5,000 miles. Once somebody enters into the western hemisphere I can pretty much tell you, with certainty, when that individual arrives and where they are going to travel through before they reach the Southwest Border.

What that does is it gives us an opportunity to know in advance who we are dealing with, especially individuals that we consider known suspected terrorists (KSTs) or individuals of interest to the United States before they reach the Southwest Border. The BITMAP program, last year, enrolled 35,000 individuals, and about 80 percent of those do make it to the Southwest Border.

I had mentioned earlier our TCIUs are vetted units. That gives us an opportunity to operationalize or put into play things as far as information sharing. The vetted units have oversight of those BITMAP locations, so those have been very effective in giving some insight on who is coming up.

Our Extraterritorial Criminal Travel Strike Force (ECT) program is a partnership with the Department of Justice (DOJ), the intel community, as well as CBP. The ECT program focuses on human smuggling organizations that cater specifically to KSTs or what we call special interest citizens (SICs). Those organizations, again, are what we consider high level, and we have been very successful with that program. We have been able to move beyond the U.S. border and operationalize takedowns internationally. We have been able to effect arrests in different countries with the help of DOJ. So the ECT program has been very successful.

In the last 2 years we have initiated over 5,000 cases and nearly 8,000 arrests specifically to human smuggling organizations.

Senator LANKFORD. Eight thousand arrests in the United States or outside the United States?

Mr. JERONIMO. Combined.

Senator LANKFORD. OK.

Mr. JERONIMO. So 8,000 arrests.

Senator LANKFORD. Were the majority of those inside or outside the United States?

Mr. JERONIMO. Inside. Outside, as well.

The last effort is recent, and that is Joint Task Force Alpha, and that is with DOJ. DOJ initiated an initiative focusing on the Northern Triangle—El Salvador, Honduras, and Guatemala—specific to that. That, again, is a partnership with CBP and DOJ focusing again on organizations that are catering to that particular problem set. DOJ has identified about 25 HSI cases that they have considered top priority for that.

So again, we are fighting the good fight in regard to human smuggling and trafficking, sir.

Senator LANKFORD. What is the current going rate for coyotes in moving a person or a family?

Mr. JERONIMO. It depends on location. If you are coming from Asia it could be anywhere from \$50,000 to \$75,000. If you are coming from Brazil it could be \$10,000 to \$15,000. If you are coming from Latin America, Mexico, anywhere from \$5,000 to \$10,000.

Senator LANKFORD. Are you picking up any other trends on the trafficking of individuals coming in and from the coyotes as they are moving? Anything that is changing? I know it is always changing, but any new trends?

Mr. JERONIMO. Nothing, sir, to report.

Senator LANKFORD. We have seen before, with areas like when Deferred Action for Childhood Arrivals (DACA) was announced, the coyotes used that moment to be able to work families in Central America and say, "If you get your kids to America they are going to become citizens right now." That was not what was announced by the Obama Administration but that is what the coyotes told people. And so we had that enormous surge that came during that time period.

We had another enormous surge, which has not really slowed, during the Biden administration, with individuals that have been told who knows what from Central America and other countries as they are being told by coyotes. When there is an announcement that individuals may be paid up to \$450,000 if they were separated from the border, do you have reports yet of coyotes using that kind of information, from where there is leaked information now that there could be payments from the Federal Government to individuals that were illegally crossing in the last 4 years of \$450,000, though I understand the Biden administration has argued with that number. They have not argued with that policy or denied that that policy is actually. They just said that number is not there. I am not going to ask you to verify that number. You would not know.

But are you getting reports of people actually using that, saying if you come now and you are separated you may get a payment?

Mr. JERONIMO. No, sir. We have not received any type of intelligence specific to that.

Senator LANKFORD. Terrific. I hope we never do. But we will see a lot of other incentives and a lot of things that have been twisted around in the past on this.



Madam Chair, thank you for the additional time to be able to pummel them with some additional questions on this. I appreciate that very much.

Senator SINEMA. They appear to have done just fine.

Thank you, Senator Lankford, and thank you to our witnesses. With that we have reached the end of today's hearing, and I appreciate all of you for your time and your testimony. I want to thank all of my colleagues for their participation. This is an important subject, and I look forward to working with my colleagues to improve security, travel, and trade at our ports of entry.

Today's hearing record will remain open for 2 weeks, until December 2, 2021, and that is when questions for the record are also due.

Thanks again. We are adjourned.

[Whereupon, at 4:11 p.m., the Subcommittee was adjourned.]



## A P P E N D I X

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Chair HSGAC

Gov Ops Sub – Federal Government Perspective: Improving Security,  
Trade, and Travel Flows at Southwest Border Land Ports of Entry  
Wednesday, November 17, 2021

### **OPENING STATEMENT FOR SENATOR SINEMA:**

I call today's hearing to order.

I welcome Ranking Member Lankford, members of the Subcommittee, and our witnesses to today's discussion on Southwest Border land ports of entry.

Having grown up in southern Arizona, I know the importance of cross-border security, trade and travel for my state, and the entire nation. Our ports along the Southwest Border play a critical role in facilitating trade and ensuring the safety, prosperity, and economic security of the American people.

The United States shares strong economic and cultural ties with Mexico, and any disruption to this relationship has adverse effects on investment, employment, productivity, and competitiveness. The COVID-19

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pandemic has certainly created new challenges and the 20-month closure of the border to non-essential travel seriously hurt local border communities.

Our ports are also the key link to securing our border. Most seizures of illicit drugs at our border happen at ports of entry. It is critical that we ensure we are making the right security investments at our ports of entry – both now and in the future. Our nation must slow the flow of illegal goods and drugs through our ports of entry, while also maintaining the efficient flow of legitimate trade and travel.

I was proud to lead bipartisan negotiations in the Senate that produced the bipartisan infrastructure package that was signed into law on Monday by the President. This historic legislation included \$3.85 billion to modernize land ports of entry throughout the nation, including two ports in Arizona. This investment takes an important step in ensuring our ports have the right infrastructure footprint to meet our nation's needs.

But there are other initiatives beyond infrastructure we need to consider at our ports of entry.

New technology, including Non-Intrusive Inspection (N-I-I), plays a critical role in any effort to improve security at our ports of entry. It is critical to understand what technology is needed right now – both to detect and deter shipments of illegal drugs but also to facilitate the flow of legitimate trade and travel.

And, as always, the key part of improved border security is a strong border workforce. Our port officers have worked the past year in challenging circumstance in the midst of a global pandemic. I honor their efforts.

I hope today's hearing can help us focus our border security discussions back toward ports of entry. I want to continue gathering an understanding of the current challenges at our Southwest border ports and discuss the

appropriate technology, infrastructure, and personnel investments needed to ensure our ports can be secure and fully operational today, tomorrow and 10 years in the future.

I am pleased to have a strong panel of government leaders on our witness panel today who bring important expertise on workforce, trade and security issues.

**Opening Statement**  
**Hearing before the Government Operations**  
**and Border Management Subcommittee**  
**Wednesday, November 17<sup>th</sup>, at 2:30 pm**

**“Federal Government Perspective:  
Improving Security, Trade, and Travel Flows  
at the Southwest Border Ports of Entry.”**

- Thank you, Senator Sinema.
- We first took a look in June at the issues facing our ports of entry along the Southwest border. At that time, CBP had encountered a 20-year high in the number of migrants who had attempted to cross the Southwest border. We were also seeing a significant surge in the amount of fentanyl that CBP was interdicting along the Southwest border. Unfortunately, since June, these problems have only compounded.
- We recently concluded Fiscal Year 2021, where we saw that U.S. Customs and Border Protection encountered over 1.7 million migrants – the highest number of encounters in recorded history.
- During that same window, CBP interdicted over 10,000 pounds of fentanyl – the highest amount in recorded history and a 10-fold growth from when our government first encountered fentanyl in 2016.

- These two data points only capture what we interdict, not the totality of the picture.
- Outside experts and officials in the government all are aware that we have many more “got-away” migrants who crossed the border this year and significantly more drugs that were not interdicted as they flowed through our ports of entry.
- This crisis has significantly strained the Federal government’s resources, and it has invited active harm into our communities.
- Stories about fentanyl overdoses, heroin overdoses, and violence endemic to the narcotic trade are all-too common.
- In 2020, Oklahoma reported 629 methamphetamine-related deaths and 137 fentanyl-related deaths. Overdose deaths related to meth and opioids have more than doubled over the past 5 years, and the Oklahoma Bureau of Narcotics reports that the vast majority of meth and fentanyl seized in Oklahoma are smuggled out of Mexico and across the Southwest border.
- We’re becoming even more aware of the humanitarian and national security implications of the ongoing migrant surge at the Southwest border, as we hear stories about unaccompanied minors being victimized by labor trafficking at poultry farms.
- Around the same time that DHS began re-opening travel to “fully vaccinated non-essential travelers,” Customs and Border Protection announced that has formally ended the policy of metering, which



allows for CBP to control the flow of migrants during large surges by “metering” or creating a waiting list for the migrants to enter the United States and claim asylum.

- The Obama Administration instituted metering in 2016 to ensure that CBP could fully meet its obligations to facilitate secure and lawful trade and travel at our ports while dealing with a surge of migrants.
- Career staff who served during the Obama and Trump Administrations have stated that the metering policy was a useful tool as CBP navigated increased flows of migrants.
- Rescinding this vital tool will open up our ports to increased risk by allowing cartels to surge migrants at the ports and overwhelm and distract CBP while they move more fentanyl and hard narcotics across the border.
- As our country re-opens to travel, we have not yet seen how DHS will manage the increased demand for lawful trade and travel across our Southwest border.
- However, the rescission of the metering policy will only force CBP to make even harder decisions about how to balance responding to a surge of migrants while fulfilling its mission of facilitating lawful trade and travel and protecting our country from illicit narcotics and transnational criminal organizations.

- Our port facilities at the Southwest border further compound these problems. They are not designed to hold individuals in detention, which is why CBP has historically relied on metering.
- These facilities are also becoming increasingly strained and facing difficulties meeting our trade obligations or handling an increase in travelers.
- The General Services Administration told Congress in a report that “Steady global and regional growth has funneled more people and goods through the Nation’s aging land port of entry infrastructure than it is able to handle. Two-thirds of our land ports of entry have not had capital improvements over the past decade.”
- Throughout the coronavirus pandemic, we’ve heard about disrupted supply chains and long wait times for shipped goods. We’ve faced significant difficulties obtaining the analogs and components our country needs for manufacturing.
- As our sea ports continue to face crisis levels of congestion, it is likely that our aging land ports will face increased strains as they struggle to keep up with the demand for goods.
- Unfortunately, many of our ports along the Southwest border were built before NAFTA and the USMCA, and they haven’t been touched since these two agreements went into effect.
- Even worse, our ports have not been able to keep up with the evolving threat landscape over the past few decades.

- China has recently begun exploiting our aging ports at the Southwest border by shipping fentanyl and synthetic opioid analogs to Mexico and then working with the cartels to smuggle these analogs through our ports and into our country for compounding and distribution.
- According to the DEA, “Cartels transport bulk quantity, polydrug loads via commercial and passenger vehicles,” and they do so by exploiting “major highway routes for transportation.” The DEA notes that the most common method of drug smuggling into the United States involves “smuggling illicit drugs through U.S. Ports of Entry in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers.”
- Over the coming weeks and months, we’ll see the strains on our aging ports as we work to re-open our country.
- And, unless the Biden Administration takes action to get the border crisis under control, we’ll also likely see the ongoing migrant surge continue to take away from CBP’s efforts to stop the illicit narcotics, counterfeit goods, and other threats that undermine our public safety and national security.
- I’m very excited today to hear from our witnesses about where our weaknesses at our ports are and how we can work toward securely improving lawful trade and travel along the Southwest border.
- Thank you for appearing before our committee today, I look forward to the discussion.



TESTIMONY OF

Diane J. Sabatino  
Deputy Executive Assistant Commissioner  
Office of Field Operations  
U.S. Customs and Border Protection

BEFORE

U.S. Senate  
Committee on Homeland Security & Governmental Affairs  
Subcommittee on Government Operations and Border Management

ON

“Federal Government Perspective: Improving Security, Trade, and Travel Flows at Southwest  
Border Ports of Entry”

November 17, 2021  
**Washington D.C.**

Chairwoman Sinema, Ranking Member Lankford, and Members of the Subcommittee, it is my honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) ongoing efforts to modernize land port of entry (LPOE) infrastructure, technology, and processes. I would first like to thank you all for your support which enables us to address ongoing and emerging challenges at our LPOEs and identify and implement solutions in anticipation of future needs.

CBP secures our nation's borders and protects our economic security while facilitating lawful international travel and trade. The Office of Field Operations (OFO) is the law enforcement entity responsible for carrying out CBP's complex and demanding mission at all U.S. ports of entry. OFO uses a comprehensive border management approach that involves national security, customs, immigration, and agricultural protection.

The nation's POEs are vital gateways for cross-border commerce and travel -- critical sectors that drive economic growth and opportunities for American businesses and consumers. Land POEs, in particular, face unique challenges. LPOE facilities are often older, sometimes remote structures that were not necessarily built for today's cross-border traffic volume or the nature of CBP's current threat and operational environment. Furthermore, unlike travel in the air and sea modes, in the land environment CBP often receives no advance traveler information, limiting traveler vetting processes that can be conducted before an individual arrives at an LPOE.

Commercial vehicle traffic at both the Northern and Southwest Border LPOEs has fully rebounded to levels experienced before the COVID-19 pandemic; in fact, commercial vehicle volume in October 2021 was approximately 10 percent higher than October 2019 volume. Primary passenger vehicle travel volume is also recovering. Since April 2020, when primary passenger vehicle traffic on the Southwest Border was down 55 percent compared to one year earlier, traffic has rebounded 37 percent and last month was just 18 percent below pre-COVID 19 volume.<sup>1</sup> In contrast, on the Northern Border where primary passenger vehicle volume in April 2020 was down 94 percent compared to one year earlier, traffic has only rebounded 14 percent.<sup>2</sup> Pedestrian travel has been one of the most impacted modalities. In October 2021, pedestrian traffic -- 95 percent of which is on the Southwest Border -- has rebounded 32 percent since April 2020, when volume was down 78 percent compared to the prior year.

Traffic has expectedly increased since the restrictions on non-essential travel at our land ports of entry were eased on November 8 for travelers fully vaccinated against COVID-19, and we expect volume to continue to rise as we approach the holidays. CBP is ready to accommodate increased private and commercial traffic and will continue to ensure the movement of people and goods is secure, safe, and efficient.

The recent years and months reaffirm that challenges facing LPOE infrastructure and operations can shift and emerge in an instant. Our LPOEs must be flexible, capable, and prepared to respond to whatever approaches our borders -- whether it be people or cargo -- and adapt to changes in travel, trade, and migration flows caused by unforeseen forces, such as the recent global COVID-19 pandemic. Some continuing threats, such as those from terrorist groups, drug

<sup>1</sup> October 2021 volume compared to October 2019 volume.

<sup>2</sup> October 2021 volume compared to October 2019 volume.

traffickers, and other adversaries remain, but the threat is never static. These adversaries constantly change their methodologies to avoid detection. LPOE infrastructure, including not only the physical facilities, but also the integrated technology, business processes, and partnerships, is critical to ensure CBP can interdict contraband and other threats without impeding the flow of legitimate trade and travel.

Over the last decade, CBP has made tremendous progress in increasing frontline staff, upgrading LPOE facilities, and implementing increasingly effective technology as we continue to implement innovative solutions for the ever-evolving threat environment at and beyond our borders. We are identifying and prioritizing facility and technology requirements; maximizing limited resources by optimizing business processes; expanding and enhancing information sharing agreements; and leveraging funding and partnership authorities to address port-specific requirements.

### **Staffing LPOEs**

CBP's LPOE operations require a dedicated and highly skilled workforce capable of successfully meeting the agency's complex mission requirements. Different LPOEs face different challenges but CBP's assessments of risks and resource needs must consider our enduring mission priorities: countering terrorism, combatting transnational crime, securing the border, facilitating lawful travel and trade, and protecting revenue. CBP develops additional mitigation plans, assessments, and strategies as needed to address emergent threats such as COVID-19 and fentanyl smuggling and recurring challenges such as surges in irregular migration.

OFO's staffing models compile operational assessment data to assist leadership in prioritizing resource allocation throughout POEs. The model employs a rigorous, data-driven methodology to identify staffing requirements by considering all the activities performed by CBP officers at each POE, the volume of those activities, and the levels of effort required to carry them out. The staffing model also incorporates processing efficiencies gained through business transformation initiatives such as trusted trader and traveler programs and integrated processing and inspection technologies.

CBP appreciates Congressional support for maintaining staffing levels despite decreasing revenue so that CBP can be positioned for traffic returning to pre-pandemic levels – indeed, as noted above, commercial traffic at LPOEs has already fully rebounded. Despite the challenges presented by a global pandemic, CBP remains committed to properly staffing POEs to meet demand. In fact, CBP has continued to hire new officers and agriculture specialists during the pandemic and deploy them where needed. While OFO has recently surged some of its employees to high-risk border areas to meet a temporary need, there are currently no large-scale deployments of additional personnel to the Southwest Border.

### **Modernizing LPOE Inspection Facilities**

The U.S. General Services Administration (GSA) owns and operates 101 of the 167 LPOEs across our Northern and Southwest Borders. CBP owns and operates 40 LPOEs, primarily in

smaller, rural areas. The Government leases the remainder of the facilities, such as toll bridges, which are owned by local governments or private entities.<sup>3</sup>

CBP's Office of Facilities and Asset Management (OFAM) and OFO work closely with GSA subject matter experts to coordinate CBP's space requirements and both CBP and GSA's rolling five-year plan within the GSA budget request for LPOE improvements.

To determine its highest priority projects, CBP utilizes a capital prioritization process and methodology that considers operational (e.g., traffic volumes and wait times) and facility (e.g., renovation and modernization history) data to support a data-driven and replicable prioritization of LPOE needs.

More than two-thirds of our LPOEs have not seen any capital improvements over the past decade. These prioritization metrics support targeted decisions for the investment of limited resources across the 167 LPOE portfolio.

This multi-step capital planning process includes gathering data, evaluating identified needs at each LPOE location, conducting a sensitivity analysis on the initial ranking of needs, and assessing project feasibility and risk. CBP is currently updating this process to integrate a new Strategic Multi-Attribute Rating Tool (SMART). The addition of this tool is expected to enhance the overarching planning methodology for LPOEs by improving and streamlining the intricate process of data-driven scoring for LPOE mission requirements.

CBP and GSA work in close partnership with key federal, state, and local stakeholders to construct and sustain CBP's LPOE inspection facilities. As a matter of coordination, CBP consults affected stakeholder agencies at the onset of project planning and continues this relationship throughout project development and execution.

The FY 2022 President's Budget includes \$655 million for CBP and \$104 million for GSA for LPOE modernization. The Infrastructure Investment and Jobs Act provides additional funding for border patrol stations and LPOE projects from CBP's five-year plan. CBP will work closely with GSA to implement the LPOE portion of the combined \$3.8 billion to modernize our nation's land ports of entry.

#### **Partnerships and Collaboration on Investments**

Government and private-sector partnerships have been a key mechanism to address port-specific investment and resource challenges. The Donations Acceptance Program (DAP)<sup>4</sup> enables GSA and CBP to accept donations for LPOE construction, alterations, maintenance, and operations, including new lanes/booths, facilities, system upgrades, tools for intellectual property rights enforcement, laptops, and other equipment and technologies. Since its inception, the DAP has resulted in 42 partnerships, totaling approximately \$219 million in planned and realized

<sup>3</sup> U.S. General Services Administration, "Land Ports of Entry Overview," <https://www.gsa.gov/real-estate/gsa-properties/land-ports-of-entry-overview> (June 15, 2021) 40 CBP owned; 1 CBP leased; 101 GSA fully owned; 3 GSA partially owned; 19 GSA Leased; 2 National Park Service; 1 USDA owned

<sup>4</sup> Under Section 482 of the Cross-Border Trade Enhancement Act of 2016, CBP and GSA can accept donations of real property, personal property, money, and non-personal services from private sector and Government entities. 6 U.S.C. § 301a (Section 301a), amended the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (codified at 6 U.S.C. §§ 101 et seq.)

investments in U.S. POEs and important CBP initiatives. Twenty-two of the projects have been fully executed while the remaining 20 projects are in the planning, design, or execution stage. Most approved proposals entail small-to large-scale infrastructure and related technology investments in LPOEs along the Southwest border.

A sunset provision within the Section 482 authority of the DAP terminates CBP's ability to accept real property donations. If the program lapses on December 16, 2021, CBP will still be able to accept personal property donations — including money, system upgrades, tools for intellectual property rights enforcement, equipment and technologies, and non-personal services — from public and private sector entities, but not real property donations.

DAP is a valuable and effective mechanism that enables stakeholders to identify infrastructure repairs or upgrades needed to facilitate growing volumes of trade and travel at specific ports of entry.

### **Processing Migrants and Facilitating Secure Travel**

CBP continues to encounter large numbers of undocumented migrants seeking admission to the United States at the LPOEs. CBP also continues to assist the Centers for Disease Control and Prevention (CDC) with the enforcement of the COVID-19 Title 42 public health order that suspends the right to introduce into the United States certain noncitizens traveling from Canada or Mexico (regardless of country of origin) and who would be otherwise introduced into congregate settings for immigration processing. CBP may, on a case-by-case basis, based on the totality of the circumstances, except certain noncitizens from the order and process them under Title 8.

The Department of Homeland Security (DHS) issued a June 2021 memorandum that terminated the Migrant Protection Protocols (MPP); however, a Texas district court vacated that prior termination determination and issued an injunction that requires the Department to work in good faith to re-start MPP. The Department has appealed that injunction. On October 29, 2021, Secretary of Homeland Security Alejandro N. Mayorkas issued a new memorandum announcing and explaining his decision to terminate MPP.<sup>5</sup> The termination of MPP will not take effect until the current injunction is lifted. To comply with the court order, DHS has continued to make substantial progress over the past month as it works in good faith to reimplement MPP.

In October 2020, CBP implemented CBP One, a mobile application with a single portal for multiple user roles. The application's capabilities were initially limited to scheduling perishable cargo inspections and applying for and viewing I-94s. However, CBP has since added capabilities that assist the Department of Homeland Security (DHS) with the safe, secure, and streamlined processing of undocumented noncitizens.

This past summer, CBP enabled noncitizens and certain nongovernmental organizations (NGOs) to use CBP One to voluntarily submit biometric and biographic information for noncitizens who may potentially be eligible for exception from the CDC Order, "Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease

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<sup>5</sup> See <https://www.dhs.gov/publication/migrant-protection-protocols-termination-memo>.



Exists.” This mechanism involves close coordination between CBP and NGOs, the transmission of advance information, CBP-conducted vetting, and independent COVID-19 testing before those individuals who may potentially be eligible for exception from the CDC Order may present themselves at an LPOE for CBP processing.

Information from CBP One can be directly imported into other systems, including Simplified Arrival (primary processing) and Unified Secondary (secondary processing), so cases are processed quicker and with fewer data entry errors.

The use of digital technologies will assist CBP in addressing the anticipated increase in general traveler traffic at the LPOEs in the future. Participation in CBP Trusted Traveler Programs, such as SENTRI and NEXUS, is encouraged to increase traveler security and facilitation. Trusted Traveler Programs ensure that enrolled travelers receive continuous security vetting as well as streamlined processing and less waiting.

#### **Traveler Processing Technology**

Although LPOEs do not often receive Advance Passenger Information (API) data,<sup>6</sup> CBP has other traveler processing technology that improves the efficiency and effectiveness of CBP operations at LPOEs. Radio Frequency Identification (RFID) Ready Lanes and license plate readers (LPRs) at LPOEs provide CBP with traveler information while travelers are waiting for processing and provide travelers with user-friendly technology that streamlines their inspection experience.

##### *Ready Lanes and License Plate Readers*

In FY 2021, more than 53 million arriving travelers – approximately 58 percent – used either Ready Lanes or Dedicated Commuter Lanes to expedite their entry into the United States. Ready Lanes are primary vehicle lanes dedicated to travelers who present RFID-enabled travel documents. The information collected is used to assist the CBP officer in determining the admissibility of the occupants of the vehicle. The CBP officer conducts a law enforcement database query for prior CBP violations that might indicate a need for further review as well as queries against lookouts, such as “wants and warrants,” and terrorist watchlist matches.

CBP officers at primary inspection also conduct law enforcement database searches based on license plate information, while ensuring that data collection and use is consistent with privacy protections.<sup>7</sup> As vehicles wait in lanes for the inspection process, CBP uses LPRs to initiate license plate queries before the vehicle approaches the CBP officer. Because LPRs are stationed a short distance ahead of the primary inspection area, license plate checks may be run sooner, providing valuable extra time if the check finds a threat. These readers are currently deployed for inbound and outbound traffic at ports of entry.

<sup>6</sup> CBP receives some advance information through the voluntary bus/rail Advance Passenger Information System (APIS) program. <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp001i-february2021.pdf>.

<sup>7</sup> DHS/CBP/PIA-049 CBP License Plate Reader Technology, <https://www.dhs.gov/publication/dhscbp pia-049-cbp-license-plate-reader-technology>.

In FY 2021, CBP began a phased initiative to replace aging license plate readers with newer, more effective equipment. To date, approximately 130 inbound lanes have been upgraded, with another 119 lanes planned for FY22.

#### *Biometrics Facial Comparison Technology*

With an increasingly complex threat posture in the land border environment, CBP continues to expand efforts to streamline traveler processing. Capturing biometrics, specifically using facial comparison technology, provides CBP an efficient and secure way to verify identity of persons entering and exiting the United States.

CBP is using biometric facial comparison technology to automate the manual document checks that are already required for admission into the United States at nearly all airports, including preclearance locations. This process provides travelers with a secure, touchless travel experience while fulfilling a longstanding Congressional mandate to biometrically record the entry and exit of noncitizens. Deployment of this capability to LPOEs has been comparatively slower considering the additional geographical and operational challenges. However, CBP is working to implement biometric capabilities at all LPOEs in the pedestrian, personal vehicle, and commercial vehicle environments.

Currently, CBP's biometric facial comparison technology is deployed to all pedestrian POEs along the Southwest Border, 21 POEs along the Northern Border, and 10 locations for closed-loop cruises.<sup>8</sup>

Biometric processing has proven an effective tool to combat the use of stolen and fraudulent travel and identity documents. Since the program's inception in 2018, CBP officers at LPOEs have identified over 950 imposters attempting to enter the United States.

CBP began conducting a technical demonstration in September 2021 to test using facial biometric capture camera technology on vehicle travelers in vehicle primary lanes at Anzalduas, Texas.<sup>9</sup> In April 2021, the biometric functionality for processing commercial truck drivers and passengers at primary inspection was integrated into the new Truck Manifest Modernization cargo processing system.

Each of the LPOEs in the United States has unique infrastructure, risks, stakeholders, partnerships, and constraints. To identify and implement solutions tailored to the conditions of each port, CBP has established the Future of Traveler Inspection (FTI) initiative. This initiative combines CBP subject matter experts and operators to identify the conditions of each LPOE and assess innovative field-driven solutions to facilitate traveler processing within each LPOE's infrastructure and constraints. The FTI initiative seeks to:

<sup>8</sup> Facial comparison technology is currently deployed at the following Ports of Entry: San Ysidro, CA; Otay Mesa, CA; Calexico, CA; Tecate, CA; Andrade, CA; San Luis, AZ; Nogales, AZ; Douglas, AZ; Lukeville, AZ; Naco, AZ; Sasabe, AZ; Columbus, NM; Santa Teresa, NM; El Paso, TX; Ysleta, TX; Presidio, TX; Tornillo, TX; Laredo, TX; Brownsville, TX; Progreso, TX; Hidalgo, TX; Rio Grande City, TX; Roma, TX; Eagle Pass, TX; Del Rio, TX; Blaine, WA; Point Roberts, WA; Oroville, WA; Lynden, WA; Sumas, WA; Eastport, ID; Sweetgrass, MT; Portal, ND; Pembina, ND; International Falls, MN; Portage, MN; Sault Sainte Marie, MI; Port Huron, MI; Detroit, MI; Champlain, NY; Buffalo, NY; Massena, NY; Trout River, NY; Alexandria Bay, NY; Cape Vincent, NY; Ogdensburg, NY.

<sup>9</sup> DHS/CBP (November 2018), [DHS/CBP/PIA-056 Traveler Verification Service](#) (945.31 KB).

- Create unified standards for traveler processing that are efficient and streamlined, enabling officers to focus on enforcement;
- Be responsive to new threats by providing timely and relevant intelligence to primary officers; and
- Be secure and touchless in a post-COVID-19 environment.

### **Facilitating and Securing Cross-border Trade**

The security and facilitation of CBP trade processes at LPOEs is vital to the secure and timely entry of goods and cargo. At our land borders, approximately 11 million containers arrive by truck and 2.7 million by rail every year.

CBP uses a risk-based strategy and multilayered security approach that enables us to focus time and resources on suspect, high-risk shipments. This approach incorporates advance information and targeting capabilities, advanced detection equipment and technology, and government and private-sector collaboration. These interrelated elements are part of a comprehensive cargo security strategy that enables CBP to detect, identify, and prevent potential threats - including the use of containerized cargo to transport counterfeit or illicit products, weapons, and other dangerous materials - before they arrive at or cross our nation's land borders.

#### **Advance Information and Targeting Capabilities**

CBP's cargo security strategy incorporates advance information and intelligence to effectively identify and address high-risk shipments. For land shipments, carriers are required to submit advance cargo information prior to arrival at the border.<sup>10</sup> The development of rigorous targeting capabilities at the National Targeting Center (NTC) enable CBP to detect potential threats before a truck or rail container arrives.

The NTC uses its Automated Targeting System (ATS) to analyze advance cargo information, incorporating the latest cargo threat intelligence and national targeting rule sets, to generate a uniform review of cargo and identify high-risk shipments. ATS is a critical decision support tool for CBP officers working at the NTC, the Advanced Targeting Units at our POEs, and foreign ports abroad.

#### **Advanced Detection Technology**

CBP's nonintrusive inspection systems (NII) and radiation detection equipment (RDE) enable our personnel to inspect conveyances for contraband and illicit radiological materials with enhanced efficacy and efficiency.

In FY 2020, CBP operated more than 350 LS NII systems at land ports and seaports of entry to perform approximately 6.4 million examinations, which resulted in the interdiction of more than 470,000 pounds of narcotics and \$11.54 million of unreported U.S. currency. Approximately 90 percent of the NII attributable seizures resulted from scanning less than 2 percent of primary passenger vehicles and 15 percent of fixed occupant commercial vehicles crossing the Southwest

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<sup>10</sup> 19 CFR § 122.48b, Air Cargo Advance Screening rule, and the Synthetics Trafficking and Overdose Prevention Act of 2018 (Public Law No. 115-271).

Border. By FY 2023, CBP expects to increase NII scans of these vehicles to 40 percent and 72 percent respectively.

#### *Port of the Future*

Starting with the LPOEs on the Southwest Border, CBP is implementing a new Port of the Future concept of operation (CONOP) to transform port workflow and technology processes. This Port of the Future CONOP is based on three concepts: (1) using drive-through systems on primary and pre-primary inspection traffic to decrease processing times and increase throughput; (2) fully linking scanning and detection equipment with other CBP systems, including license plate readers, RFID scanners, and facial recognitions to create an integrated viewing platform with the latest anomaly-detection technology capabilities; and (3) using command centers to control the flow of traffic through the port and allow for more efficient use of CBP officers to enhance enforcement. CBP currently has two working models of the Port of the Future concept on the Southwest Border in Texas at the Brownsville and Anzalduas ports of entry.

To support this concept, in FY 2021 CBP awarded two contracts to procure drive-through NII systems with planned deployments scheduled throughout FY 2024. These systems will reduce the current time per scan from eight minutes to less than four minutes and enable CBP to significantly increase primary passenger vehicle and commercial vehicle scanning rates at Southwest Border LPOEs. Post full deployment, CBP expects to increase NII scans of primary passenger and commercial vehicles crossing the Southwest Border to 40 percent and over 90 percent, respectively.

#### *Port Hardening*

In FY 2019, CBP conducted a security assessment of LPOEs on the Southwest Border. This assessment made it clear that the security infrastructure at LPOEs was not designed to prevent large groups of people or vehicles from forcing their way through the ports. CBP implemented temporary solutions for identified issues on the Southwest Border as well as the Northern Border where similar identified vulnerabilities existed. These temporary solutions, including Jersey barriers and concertina wire, have limitations and disadvantages but remain in place pending installation of permanent solutions.

There are currently 12 funded “port hardening” projects to implement permanent security improvements at LPOEs on the Southwest Border — installation of border gates, pedestrian turnstiles, bullet-resistant glass, improved access control, pop-up barriers, and security gates. There are 19 projects at LPOEs on the Northern Border — installation of primary-lane gates, closure gates, access control systems, intrusion-detection systems, cameras, and exit control booths.

#### **Government and Private-Sector Collaboration**

CBP’s advanced cargo targeting capabilities are further strengthened by our extensive partnerships with other government entities and private-sector partners both domestically and abroad. These partnerships facilitate the timely exchange of information and risk assessment of data to increase border security while facilitating the legal flow of international trade and travel.

The United States has a long history of working with our Canadian and Mexican partners to promote economic competitiveness and enhance security along our shared borders. We not only share thousands of miles of land border, but also a commercial relationship that generates billions of dollars in cross-border trade and supports millions of jobs. Initiatives such as the U.S.-Mexico Joint Declaration on 21<sup>st</sup> Century Border Management and the U.S.-Canada Beyond the Border Action Plan enhance the management and security of our shared borders and promote the efficient and lawful movement of people and cargo.

These initiatives have paved the way for collaborative border management programs and operations, including Unified Cargo Processing (UCP). Under UCP, CBP and Mexico Tax Administration Service (SAT) officers share the same primary inspection booth to review documentation and advance information while CBP can inspect and process shipments destined for the United States. Participation in UCP is available to Free and Secure Trade (FAST) members, a CBP Trusted Trader Program, and UCP traffic is routed through dedicated FAST lanes at LPOEs facilitating the expedited entry of this cargo.

Intergovernmental and international collaboration also extends to intelligence and information environments. The CBP NTC has historically worked with numerous foreign and domestic law enforcement, border security, and intelligence partners, including U.S. Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), Food and Drug Administration, Federal Bureau of Investigation, National Counterterrorism Center and the Joint Interagency Task Force as well as Canada Border Services Agency/National Targeting Centre and Mexico's SAT. Special targeting units within NTC conduct analysis on high-risk Southwest Border commercial cargo, including rail shipments.

Collaborative industry partnerships are critical to CBP's trade security and facilitation mission. CBP works with the trade community through the Customs Trade Partnership Against Terrorism (CTPAT) program, a public-private partnership program wherein members of the trade community volunteer to adopt tighter security measures throughout their international supply chains in exchange for enhanced trade facilitation, such as expedited processing. CTPAT membership has rigorous security criteria and requires extensive vetting and on-site visits of domestic and foreign facilities. This program has enabled CBP to leverage private sector resources to enhance supply chain security and integrity.

CBP's targeting activities, in conjunction with programs like CTPAT, increase CBP's awareness of what is inside containers destined for our land borders and enhance our capability to assess whether it poses a risk to the American people.

CTPAT membership has grown from just seven companies in 2001 to more than 11,400 companies today, accounting for more than 54 percent (by value) of goods imported into the United States. The CTPAT program continues to expand and evolve as CBP works with foreign partners to establish bilateral mutual recognition of respective CTPAT-like programs. Mutual recognition as a concept is reflected in the World Customs Organization's Framework of Standards to Secure and Facilitate Global Trade, a strategy designed with the support of the United States, which enables customs administrations to work together to improve their capabilities to detect high-risk consignments and expedite the movement of legitimate cargo.

These arrangements create a unified and sustainable security posture that can assist in securing and facilitating global cargo trade while promoting end-to-end supply chain security. CBP currently has signed Mutual Recognition Arrangements with the European Union and approximately a dozen other countries including New Zealand, South Korea, Japan, Jordan, Canada, Taiwan, Israel, Mexico, and Singapore. CBP is continuing to work towards similar recognition with China, Brazil, the Dominican Republic, India, and other countries. We have also signed and entered into force Customs Mutual Assistance Agreements with 69 countries.

CBP is committed to forming and sustaining strong relationships with our partners throughout the trade community. These cooperative arrangements reflect our shared commitment to, and acknowledgment of the mutual benefits received from, the efficient and secure flow of goods across our land borders.

### **Challenges Ahead**

CBP has made progress in addressing the risks and constraints facing the LPOEs. However, there is significant work to be done and CBP is committed to addressing each complex challenge. The FTI and Port of the Future initiatives have brought the risk of LPOE challenges into sharp focus. These initiatives have also highlighted the need for tailored solutions above one-size-fits-all LPOE responses. CBP will continue to work with Congress, our federal partners, and border community stakeholders to prioritize LPOE infrastructure modernization, leverage public-private partnerships, and deploy permanent hardening solutions, technologies, and equipment to address identified vulnerabilities and unique challenges at specific LPOEs.

CBP recognizes that technology solutions for processing travelers and inspecting cargo must be tailored for specific LPOE constraints and conditions. Technology solutions should not only respond to current challenges but be scalable and adaptable for future applications. New technology deployments must also incorporate adequate field training to ensure appropriate and full use by CBP personnel, consistent with all applicable civil rights and civil liberties. CBP will continue to invest in RFID and LPR technology, but also pursue other means for receiving advance information from travelers seeking admission at LPOEs. Advance information is a critical element in both the security and facilitation of traveler inspections, especially during travel volume spikes.

We will continue our valuable partnerships with Mexico, Canada, and our federal partners to share information, enhance targeting, and expand collaboration with private sector partners. Our investments in modernizing and upgrading LPOE infrastructure, technology, and other resources must continue to be priorities to support the safe and secure movement of cross-border commerce and travel.

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





# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

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HOMELAND SECURITY INVESTIGATIONS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

*"FEDERAL GOVERNMENT PERSPECTIVE: IMPROVING SECURITY, TRADE, AND  
TRAVEL FLOWS AT SOUTHWEST BORDER PORTS OF ENTRY"*

BEFORE THE

UNITED STATES SENATE  
COMMITTEE ON HOUSE COMMITTEE AND GOVERNMENTAL AFFAIRS  
SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT

Wednesday, November 17, 2021  
2:30 P.M.

SENSITIVE BUT UNCLASSIFIED

Chairwoman Sinema, Ranking Member Lankford, and distinguished members of the Subcommittee on Government Operations and Border Management:

### **Introduction**

Thank you for the opportunity to appear before you today to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) to secure the homeland from transnational crime and threats. My statement will focus on the important role HSI plays internationally and domestically in identifying, disrupting, and dismantling transnational criminal organizations (TCOs) that seek to exploit the global infrastructure through which international trade, travel, and finance move. TCOs represent a significant national security threat, their illicit proceeds are used to exert political influence and destabilize fledgling democracies and their corruptive influence create opportunities for malign influence in our hemisphere.

As the principal investigative arm of the Department of Homeland Security (DHS), HSI is a premier global law enforcement organization responsible for conducting federal criminal investigations at every critical location in the cycle: in cooperation with foreign counterparts, internationally where transnational criminal and terrorist organizations operate; in coordination with U.S. Customs and Border Protection (CBP), at our Nation's physical border and ports of entry (POEs) where illicit smuggling cells attempt to exploit America's legitimate trade, travel, and transportation systems; and in cities throughout the United States, where criminal organizations earn substantial profits off their illicit activities.

The missions of HSI and CBP are intricately connected and complimentary. Neither agency can fully succeed in its efforts to secure the homeland without resolute commitment and support from the other nor can HSI and CBP maximize their collective contributions to homeland security without coordinating and deconflicting law enforcement responses and actions.

In collaboration with its strategic partners in the United States and abroad, HSI special agents gather evidence used to identify and build criminal cases against TCOs, terrorist networks and facilitators, and other criminal elements that threaten the homeland. HSI works with prosecutors to indict and arrest violators, execute criminal search warrants, seize criminally derived money and assets, and take other actions designed to disrupt and dismantle criminal organizations operating around the world. These efforts protect national security and public safety in the United States.

Conducting criminal investigations and prosecution resulting from arrests associated with CBP seizures is necessary for ensuring rule of law; however, HSI's mandate is to use multi-defendant, multijurisdictional, complex investigations to disrupt and dismantle TCOs. CBP plays a key role to disrupt the efforts of dangerous Transnational Criminal Organizations (TCOs) that traffic illicit substances through our borders, at and between ports of entry. These efforts are realized in the impressive seizures of narcotics, weapons, currency, and contraband. HSI investigations of land border contraband seizures are necessary to degrade TCO capabilities and/or imprison TCO leadership. HSI aims to push beyond U.S. borders and stem illegal activity that targets the homeland from abroad. HSI authorities do not start or stop at POEs or along the borders, but rather extend into international domains and into the interior of the United States.



### **HSI International Efforts**

HSI's international presence is a key facet of its approach to countering transnational organized crime. HSI special agents abroad develop and foster relationships with host government law enforcement partners to exchange information; coordinate and support investigations; and facilitate enforcement actions and prosecutions to deter the ability of TCOs to smuggle drugs, people, and other contraband into and out of the United States. HSI and its foreign counterparts identify and target sources of supply and identify and disrupt transportation and smuggling routes. These efforts enable HSI and its partners to prevent dangerous narcotics and other illicit goods from reaching our borders, or to stop illicit southbound flows of illegally derived currency or weapons.

HSI is the largest international investigative presence in DHS and comprises 80 offices in over 50 countries with 41 visa security screening posts. HSI focuses on expanding the borders out, leaning forward in our approach to identify and mitigate threats before they reach our borders. This multi-tiered, multi-pronged strategy is one which spans international boundaries and crosses all investigative program areas.

In 2011, HSI established the **Transnational Criminal Investigative Unit (TCIU)** Program to act as a force multiplier in the fight against TCOs. HSI TCIUs comprise foreign law enforcement officials, customs officers, immigration officers, and prosecutors who undergo a strict vetting process. Upon completion of vetting, candidates must complete a three-week International Task-force Agent Training course. HSI TCIUs facilitate information exchange and rapid bilateral investigations involving violations within HSI's investigative authority, including weapons trafficking and counter-proliferation; money laundering and bulk cash smuggling; human smuggling and trafficking; narcotics smuggling; transnational gang activity; child exploitation; and cybercrime. TCIUs enhance the host country's ability to investigate and prosecute individuals involved in transnational criminal activity that threatens the stability and security of the region and, ultimately, our homeland security. More than 430 vetted and trained foreign law enforcement officers comprise the 11 TCIUs and two International Task Force units. HSI special agents are uniquely positioned to partner with TCIU personnel to provide critical intelligence and resources to allow our partners to take appropriate enforcement action under the authority of the host country.

Recognizing the regional nature of TCOs within South and Central America, HSI launched **Operation Citadel** in 2013 to identify, disrupt, and dismantle TCOs and terrorist support networks by targeting the mechanisms used to move migrants, illicit funds, and contraband throughout the region. Operation Citadel provides resources to enhance foreign partners' investigative, intelligence, and information sharing capabilities to counter transnational threats and organized crime. This collaboration provides HSI the ability to expand domestic and international investigations beyond U.S. borders and to more effectively target the illicit pathways exploited by TCOs. Operation Citadel facilitates training and capacity-building through cross-border operations with partner nation TCIUs, including undercover operations, judicially approved wire intercepts, and document and media exploitation at POEs and along smuggling routes.

Pushing our borders out to effectively identify and mitigate threats before they reach the United States remains a priority for DHS, HSI, and our counterparts. Through the **Biometric Identification Transnational Migration Alert Program (BITMAP)**, HSI trains and equips TCIUs and other cooperating foreign law enforcement officers to collect and share biometric and biographic data on persons-of-interest, such as third-country nationals who are encountered by foreign law enforcement agencies. Foreign law enforcement partners share their collected BITMAP information with HSI, and this biometric data is used to populate United States databases and subsequently identify transnational criminals; known or suspected terrorists; gang members; and other persons-of-interest. BITMAP information is also used to provide host nation law enforcement partners with actionable intelligence related to terrorist, criminal, and national security threats.

Since 2013, HSI, through its **Visa Security Program (VSP)**, assigns special agents to diplomatic posts to conduct law enforcement visa security activities and provide additional training in coordination with consular section Fraud Prevention Units and ARSO-Is to Department of State offices regarding threats, trends, and other topics affecting visa adjudication. VSP screening and vetting of visa applicants uses Pre-Adjudicated Threat Recognition and Intelligence Operations Teams (PATRIOT), an interagency endeavor with CBP, to identify national security and other visa eligibility concerns at the earliest point of an individual's visa application life cycle. VSP annually screens over two million applicants at 41 posts in 28 countries, creating a technologically advanced investigative window of opportunity.

In January 2016, HSI initiated **Operation Northern Triangle**, in which HSI Special Agents assigned to domestic gang units are deployed to HSI attaché offices within the Northern Triangle to assist with targeting MS-13 gang members and other Northern Triangle-based TCOs operating in or connected to the United States. The initiative focuses on developing and furthering Organized Crime Drug Enforcement Task Force investigations across the United States and in the Northern Triangle countries. The agents coordinate with HSI attaché office personnel, TCIU members, local law enforcement, and other federal agencies to augment, assist, and provide expertise to advance investigations into TCOs.

HSI's **National Targeting Center (NTC) - Investigations Unit** was established in December 2013, in collaboration with CBP, to enhance our shared border security mission. HSI's increased manpower and concerted efforts at the NTC support the entire border security continuum, from CBP interdictions and HSI investigations, to the joint exploitation of intelligence. Working in a collaborative environment at the NTC, CBP and HSI provide support to HSI Domestic and International offices by targeting illicit precursor movements within commercial modalities of transportation, including air and maritime. HSI uses a multi-layered intelligence targeting methodology to process and analyze large volumes of data. HSI employs multiple data streams and the subject matter expertise of CBP Officers to illuminate anomalous shipments indicative of illicit contraband, including precursor movements. The focus of this multi-agency taskforce is to degrade the TCO supply chain by targeting global maritime container shipments through emerging technologies and industry intelligence data. As a result, HSI has been successful in the detection and seizure of containerized shipments of contraband and investigative efforts have identified a U.S nexus for precursor chemicals being sent directly from China to Mexico. Thus far, this methodology has resulted in seizures of approximately 400,000 kilograms of fentanyl and methamphetamine precursor chemicals. HSI anticipates that these precursor chemicals will

be utilized in the manufacturing of narcotics ultimately destined for the United States. Since Fiscal Year (FY) 2019, HSI maritime efforts have resulted the seizure of approximately 218,000 kilograms of narcotics and \$17.4 million in illicit proceeds.

Established in 2006, HSI's **Extraterritorial Criminal Travel (ECT)** program is a partnership between HSI and the U.S. Department of Justice's (DOJ) Criminal Division, Human Rights, and Special Prosecutions Section. The program uses dedicated investigative, prosecutorial, and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign-based transnational human smuggling networks. ECT supports the highest-priority human smuggling investigations posing the greatest national security and public safety threats. These include investigations concerning special interest noncitizens and investigations that pose a significant humanitarian concern, including maritime smuggling, extortion, kidnapping, and corruption.

#### **HSI Domestic Efforts (Border)**

HSI's efforts continue at the border and within our field offices throughout the United States, where HSI special agents respond to and investigate schemes that are encountered or identified at the U.S. Border. These leads come to us in a variety of ways, including border interdictions; referrals from federal, state, and local law enforcement partners; confidential informants and sources of information; tip line or social media reporting; community relations and public affairs outreach; criminal analysis/targeting; and information gleaned from existing operations.

At POEs along the Southwest land border, smugglers use a wide variety of tactics and techniques for concealing illicit contraband. Our special agents work every day with CBP officers from the Office of Field Operations to identify, seize, and investigate drug smuggling organizations that attempt to exploit POEs to introduce illicit contraband into the United States. As such, HSI focuses on disrupting and dismantling priority TCOs by working with CBP on collecting, analyzing, and exploiting information gathered from interdictions by CBP and other law enforcement partners to further ongoing investigations; develop and pursue additional investigative leads; and execute enforcement actions to disrupt criminal activity, all with the ultimate goal of building criminal cases against active TCOs that will result in dismantling their operations.

In response to threats along the Southwest Border, HSI has assigned more than 1,655 special agents and 200 criminal analysts at our Southwest Border offices. In FY 2021, HSI's investigative efforts along the Southwest Border (within 5 Special Agent in Charge offices) resulted in 10,214 arrests, 5,933 indictments and 4,684 convictions.

The following HSI initiatives are used to combat TCOs:

In December 2012, the ***Jaime Zapata Border Enforcement Security Taskforce (BEST) Act*** was signed into law. It was named in memory of Jaime Zapata, an HSI special agent assigned to a BEST unit, who was killed in the line of duty in Mexico. This law amended the Homeland Security Act of 2002 to formally establish the BEST program, with the primary mission of combating emerging and existing transnational organized crime by employing a threat-based/risk mitigation investigative task force model that recognizes the unique resources and capabilities of all participating law enforcement partners.

BESTs eliminate the barriers between federal and local investigations, close the gap with international partners in multinational criminal investigations, and create an environment that minimizes the vulnerabilities in our operations that TCOs have traditionally capitalized on to exploit our nation's land and sea borders. BEST units are designed to incorporate other DHS-partner agencies, including CBP, U.S. Coast Guard, and the Transportation Security Administration, and are vehicles for establishing unity of effort, the cornerstone of a successful DHS mission. BEST units further solidify HSI's role as the primary investigative entity for DHS.

There are currently 80 BESTs located across the United States, Puerto Rico, and the U.S. Virgin Islands, comprising more than 2,000 law enforcement officers and personnel representing more than 200 federal, state, local, tribal, and international law enforcement agencies, and National Guard units. These personnel include HSI special agents, task force officers, intelligence analysts, and investigative support personnel. Since inception through the end of FY 2020, BESTs have collectively initiated more than 36,000 investigations resulting in more than 48,000 criminal arrests and seizures of more than 2.7 million pounds of narcotics, 25,000 weapons, and more than \$512 million in cash/monetary instruments.

In response to the rising threat of cartel violence using American-sourced firearms, HSI and CBP conceptualized **Operation Without a Trace (WaT)**, a unified effort that focuses on the illicit purchase, transport, and distribution of firearms, firearms components, and ammunition from the U.S. to Mexico. As a federal partnership between HSI, CBP, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the Government of Mexico, WaT is also one of only three whole-of-government efforts recognized by the National Security Council to combat this threat. WaT's three-pronged approach leverages intelligence, interdiction, and investigative assets to identify, disrupt, and dismantle transnational criminal organizations trafficking firearms. In July 2021, WaT spearheaded a campaign via an established ICE Tip Line campaign aimed at eliciting information from the public regarding firearms trafficking. Since its inception in 2019, Operation WaT has initiated 531 criminal investigations which resulted in 358 arrests, the seizure of 1,428 firearms and 4,713 magazines, as well as more than 691,000 rounds of ammunition, all destined for TCOs in Mexico.

**Operation Silent Night** is a national collaborative effort between HSI, CBP, ATF, USPIS and local law enforcement targeting firearm suppressors that are smuggled into the United States. The global strategy for this initiative seeks to address the manufacturing, marketing and sale of these components in China illuminate the pathways by which funds are being transmitted to the People's Republic of China to procure this contraband. HSI has identified gaps in targeting threats developing from home-grown extremist groups and is collaborating with Department of Defense (DoD) military branch associations for additional vetting and targeting strategies of these extremist groups. Since inception in 2019, Operation Silent Night produced 1,971 referrals and 944 new criminal investigations, 201 arrests, seizure of 4,822 firearms, 4,876 suppressors and more than 120,000 rounds of ammunition as well as approximately \$1.6 million in illicit proceeds.

DHS and the Department of Justice (DOJ) continue to identify strategies to counter the TCOs facilitating and profiting from the increased influx of irregular migrants originating from Central

America and Mexico and transiting to the United States. **Joint Task Force Alpha (JTF-A)** is one facet of the U.S. government's response to this problem. Initiated by DOJ and launched in partnership with DHS, JTF-A is a multiagency operation designed to identify, target, investigate, and prosecute known TCOs engaged in human smuggling from Mexico and/or through the Northern Triangle countries to the Southwest border.

Enhancing effective prosecution of HSI human smuggling investigations is a key component of JTFA's mission. From FY 2019 through FY 2021, HSI has initiated more than 7,400 new human smuggling investigations, arrested 13,684 and convicted 5,000 subjects involved at all levels of human smuggling organizations. DOJ has evaluated and identified a subset of these cases for inclusion in the initial JTFA efforts and will be the foundation of DOJ's prosecutorial focus.

#### **HSI Domestic Efforts (Interior)**

The multi-faceted, complex, transnational nature of the crimes surrounding illicit activity requires an equally robust and layered investigative response. This starts abroad, where HSI has the largest international investigative presence in DHS. This approach continues domestically, where HSI Special Agents and criminal analysts assigned to over 220 offices across the United States respond to and pursue investigations into illicit smuggling and trafficking.

As previously highlighted, BEST units have been and continue to be the primary vehicle used to carry out part of HSI's comprehensive, multi-layered strategy to address the national opioid epidemic. HSI has increased the number of BEST units at international mail facilities (IMF), express consignment hubs and international airports acting as IMFs, as part of HSI's targeted response to the opioid crisis. This strategy facilitates the immediate application of investigative techniques on seized parcels, which aid in establishing the probable cause needed to effect enforcement actions on individuals associated with fentanyl-laden parcels.

Between FYs 2018-2021, BEST units at international airports, IMFs, and express consignment hubs initiated more than 3,790 investigations resulting in more than 2,750 criminal arrests and seizures of more than 68,400 pounds of illicit drugs and/or drug precursors. These seizures included nearly 590 pounds of fentanyl, and over \$52 million in cash/monetary instruments. These law enforcement operations have disrupted the movement of illicit opioids and opioid precursors transiting through the mail and express consignment shipments and have aided in the dismantling of distribution networks.

Through **Operation Die Another Day**, which began in 2019, HSI and CBP partnered to address the opioid epidemic in the United States. This collaborative effort, which also includes the Drug Enforcement Administration (DEA) and United States Postal Service, established a methodology for intelligence gathering, lead generation, and strategies to detect, prevent, and prosecute those engaged in unlawful activity. Operation Die Another Day focuses on the importation of pill presses, die molds, capsule fillers, and binding agents used by fentanyl, opioid, and designer drug traffickers. In FY 2021, Operation Die Another Day referred 341 leads to HSI field offices resulting in 1,068 pounds of narcotics being seized and 48 criminal arrests.

The **Chemical Company Outreach** campaign educates public and private sector, specifically domestic chemical manufacturers who export precursor chemicals to Central and South America.

on “know your customer” practices. In doing so, HSI, CBP, DEA and Federal Bureau of Investigation (FBI) have partnered and hope to reduce the flow of opioids into the United States by gaining insight into supply chain and transportation methods and identifying bad actors who exploit these industries for illicit purposes.

HSI’s **National Bulk Cash Smuggling Center (BCSC)** is a critical component of the agency’s efforts related to criminal financing. The center operates strategic programs that leverage advanced data analytics, interagency partnerships, and law enforcement technology systems to identify complex money laundering networks and provide support for HSI financial investigations.

The criminal intelligence functions of the BCSC provide operational analysis in support of HSI-led interdiction efforts including port profiles highlighting cash flow activity at targeted POEs and corridor analyses to assist in planning the timing, location, and strategy for interdiction operations. The BCSC has also published Currency and Monetary Instrument Report Filing Summaries and Discrepancy Reports, which identify potential targets for investigation through cross-referencing U.S. and foreign currency declarations. The Center also administers a targeted, investigation-focused license plate reader program to identify larger criminal networks and a warrant-based GPS tracking program that provides valuable intelligence into the behaviors of criminal groups engaged in bulk cash smuggling.

In March 2020, the BCSC partnered with the U.S. Postal Inspection Service (USPIS) and established **Operation Aquila** to detect the movement of illicit value in the mail stream. Through joint-agency analysis of law enforcement seizure data, USPIS and HSI identify money laundering networks that transfer bulk currency in both domestic parcels and international shipments. In the 18 months since its inception, Operation Aquila has identified \$13.5 million in suspected illicit proceeds, generated investigative target packages for HSI special agents and USPIS inspectors, and responded to more than 350 requests for support of money laundering investigations.

Since transnational criminal organizations have diversified to use virtual currencies to launder illicit proceeds, the BCSC established the **Cryptocurrency Intelligence Program (CIP)** to target the intersection of fiat currency and cryptocurrency. The CIP program encompasses blockchain forensic services, development of criminal targeting methodologies, technical support, and the provision of subject matter expertise to any HSI case investigating the illicit use of virtual currencies.

Since its inception in August 2009, the BCSC has initiated or substantially contributed to over 2,710 investigative leads, which have yielded 2,199 criminal arrests, 1,169 indictments, 597 state or federal convictions, and seizures of bulk cash totaling over \$1.62 billion.

HSI is also a member of the **High Intensity Drug Trafficking Area (HIDTA) Program**, which was initiated in 1990 by the Office of National Drug Control Policy (ONDCP) in order to designate certain geographical areas as having especially high concentrations of drug trafficking activities such as distribution, transportation, and smuggling.

The **Organized Crime Drug Enforcement Task Forces (OCDETF) Program** allows our special agents to partner and collaborate in investigations using our unique and far-reaching

authorities to enforce and regulate the movement of carriers, persons, and commodities between the United States and other nations. We have dedicated personnel on all eleven OCDETF co-located Strike Forces. These Strike Forces logically extend the OCDETF program beyond the creation of prosecutor-led task forces that join together on case-specific efforts and then disband at the end of the investigation. Now, permanent task force teams work together to conduct intelligence-driven, multi-jurisdictional operations against the continuum of priority targets. We also participate in the OCDETF Fusion Center, which support investigations of TCOs through interagency coordination.

**Operation Gatehouse**, an HSI initiative, was established in 2018 and offers training and targeting assistance to TCIU officers from Northern Triangle countries. TCIUs are deployed to the United States and embedded within HSI field offices to gain cultural and historical knowledge of the MS-13 transnational gang profiles, trends, and patterns of behavior, using information and events occurring in the Northern Triangle. They serve as subject matter experts and provide a direct link to Northern Triangle criminal information networks assist with the development and furtherance of HSI gang investigations.

In 2019, DOJ created **Joint Task Force (JTF)-Vulcan** with a whole-of-government approach to dismantle MS-13. JTF-Vulcan is comprised of personnel from HSI, DOJ, FBI, DEA, ATF, United States Marshals Service, and Federal Bureau of Prisons. As a result of HSI's significant contributions to JTF-Vulcan along with its partners, the highest levels of MS-13 have been indicted on numerous charges, including federal terrorism-related charges.

HSI launched **Operation Community Shield (OCS)** in 2005 as a response to transnational gangs conducting criminal activity within the United States. OCS targets violent transnational street gangs through strategic deployment of HSI's broad law enforcement authorities. HSI partners with law enforcement agencies, both in the U.S. and abroad, to develop a comprehensive and integrated approach to fighting gangs which includes conducting complex criminal conspiracy investigations in coordination with the U.S. Attorney's offices to thwart transnational gang organizations. In FY 2021, OCS implemented four violent gang task forces within HSI Las Vegas, Nashville, Newark, and Oklahoma City. The violent gang task forces focus on investigating, disrupting, and dismantling transnational gangs and reducing violent crime in their respective areas of responsibility through cooperation with our state and local partners.

Based on HSI's participation in initiatives such as Operation Gatehouse, JTF-Vulcan and other gang enforcement operations, HSI efforts in FYs 2019-2021 have resulted in 11,921 criminal arrests, 6,975 indictments and 4,146 convictions. This includes the arrest of more than 1,000 MS-13 gang members.

Within the national security mission space, HSI special agents lead DHS's investigative counterterrorism efforts on the FBI's **Joint Terrorism Task Forces (JTTF)** by using a broad range of criminal and administrative authorities to detect, investigate, interdict, prosecute, and remove terrorists and dismantle terrorist organizations. HSI has the ability to investigate both criminal and administrative immigration violations of law. These capabilities are what sets HSI apart from all other agencies on the JTTF as we use our exclusive authorities to quickly disrupt

and detain terrorism suspects for a wide range of violations, effectively mitigating terrorist threats and possible harm that could be caused to the American public.

Year-over-year, HSI special agents have been engaged in approximately 75 percent of terrorism-related disruptions on the JTTFs nationwide, and HSI has, on average, led approximately 40 percent of all JTTF disruptions through our exclusive authorities. In fiscal year 2020 alone, HSI special agents were engaged in more than 87 percent of terrorism-related disruptions on the JTTFs nationwide, and HSI led 45 percent of JTTF disruptions through our exclusive authorities.

In November 2010, the President of the United States issued Executive Order 13558, Creation of **Export Enforcement Coordination Center (E2C2)**. The E2C2 is a multi-agency center managed by HSI and serving as the primary forum for enforcement and intelligence agencies to coordinate, deconflict, and enhance export enforcement actions to effectively detect, prevent, disrupt, investigate, and prosecute violations of the U.S. export control laws. Executive Order 13558 specifically requires coordination of matters relating to export enforcement among the following U.S. Government entities: Department of State, Department of the Treasury, DoD, DOJ, Department of Commerce, Department of Energy, DHS, and the Office of the Director of National Intelligence.

The **Intellectual Property Rights Coordination Center (IPR Center)** was created by HSI in 2010 and codified into law in the Trade Facilitation and Trade Enforcement Act of 2015. The IPR Center brings together 27 domestic and international partners in a task force setting that enables the IPR Center to leverage the resources, skills, and authorities of each partner. The IPR Center stands at the forefront of the United States Government's response to combatting global intellectual property (IP) theft and enforcing international trade laws. The IPR Center is working with its many federal and industry partners to identify, interdict, and investigate individuals, companies, and criminal organizations engaging in the illegal importation of products that threaten the health and safety of the American public. The IPR Center attacks vulnerabilities in the global supply chain to further secure the border, facilitate legitimate trade, and dismantle criminal organizations engaged in illicit trade crimes.

During the pandemic, we've learned that criminals around the world who actively seek to exploit and profit from a wide range of illegal activity quickly adapt when opportunities present themselves and so we had to adapt quickly as well. In early April 2020, HSI launched **Operation Stolen Promise** to combat these increasing and evolving threats. The operation combines HSI's expertise in global trade investigations, financial fraud, and cyber investigations, along with our private and public partnerships, with the goal of disrupting and dismantling this criminal activity and strengthen global supply-chain security.

The HSI-led **Center for Countering Human Trafficking (CCHT)**, officially stood up in September 2020, is a DHS-wide effort comprised of 16 supporting offices and components. The CCHT is the first unified, intercomponent coordination center for countering human trafficking and the importation of goods produced with forced labor. The CCHT supports these investigations through programmatic and operational support; interagency and intra-agency coordination; domestic and foreign law enforcement training; and through the Blue Campaign to raise public awareness of human trafficking and to generate leads. Through the CCHT, as part of the One DHS approach, CBP and HSI coordinate and share critical Withhold Release Order



information, on the importation of goods mined, produced, or manufactured in any foreign country by convict labor and/or forced or indentured labor, that could lead to criminal investigations. HSI is committed to identifying individuals, corporations, and criminal organizations that attempt to import merchandise illegally into the United States.

While HSI's investigative portfolio is extensive and diverse, financial investigations are at the core of every investigative program area. TCOs, terrorist organizations and the myriad of criminal networks have grown increasingly more technical in their approach to concealing their criminal acts, while also morphing operations to the perceived anonymity of the darknet. Traditional money laundering methods remain, yet cryptocurrency can now be used with relative ease to facilitate any type of illicit activity. As such, since FY 2018, HSI efforts in financial investigations have resulted in nearly 8,000 criminal arrests, 5,338 indictments and 3,574 convictions.

#### **Summary**

HSI's authorities and responsibilities to protect the homeland do not begin at the border or at the POEs. HSI's comprehensive strategy to conduct complex large-scale investigations represents one of DHS's best weapons for dismantling TCOs in a manner not possible solely through border interdiction efforts. HSI's international presence enhances the capacity of the host government to combat transnational organized crime and strengthens partnerships to advance HSI criminal investigations overseas. These efforts aim to protect the U.S. borders and stem illegal activity targeting the United States while still abroad. The homeland is better protected by preventing contraband and foreign adversaries from reaching our borders than attempting to detect it once it arrives.

United in our partnership with CBP at the border and POEs, as well as our efforts within the interior of the United States, HSI uses the full breadth of its authorities and expertise to pursue the investigation and attack all aspects of the organizations responsible. HSI special agents work diligently to expand their cases to complex, multi-jurisdictional investigations targeting key individuals, communications, logistics networks, and vulnerabilities within a TCO's command structure. To do this, HSI special agents use sophisticated investigative tools and techniques to collect evidence and conduct operations designed to disrupt and dismantle TCO operations and mitigate the threat they pose to the homeland. These actions occur at home and abroad, involve key U.S. and foreign law enforcement partnerships, and require significant, long-term manpower and resource commitments.

#### **Conclusion**

Thank you again for the opportunity to appear before you today and for your continued support of HSI and the critical investigative role it plays in investigating TCOs. HSI remains committed to its mission to secure the homeland from transnational crime and threats and to safeguard national security and public safety. I look forward to your questions.

**FEDERAL GOVERNMENT PERSPECTIVE: IMPROVING SECURITY, TRADE,  
TRAVEL FLOWS AT THE SOUTHWEST BORDER PORTS OF ENTRY**

**STATEMENT OF**

**MR. STUART BURNS**

**ASSISTANT COMMISSIONER, PUBLIC BUILDINGS SERVICE**

**U.S. GENERAL SERVICES ADMINISTRATION**

**BEFORE THE SENATE COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENT AFFAIRS SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND  
BORDER MANAGEMENT**

**NOVEMBER 17, 2021**

**Introduction**

Good afternoon Chairwoman Sinema, Ranking Member Lankford, and members of the Subcommittee. My name is Stuart Burns, and I am Assistant Commissioner for Portfolio Management and Customer Engagement at the U.S. General Services Administration's (GSA) Public Buildings Service. Thank you for inviting me to this hearing titled "Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry."

GSA's mission is to deliver the best value in real estate, acquisition, and technology services to the government and the American people. As part of this mission, GSA has a close partnership with the Department of Homeland Security – Customs and Border Protection (CBP) and other Federal inspection agencies like the Department of Agriculture, the Department of Health and Humans Services – Food Drug Administration, and the Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) to meet the Federal Government's real estate and technology

needs along our Nation's borders. As you know, CBP is our primary partner among the many Federal inspection agencies stationed along America's land borders and it is critical that they have modern facilities to perform their critical mission of safeguarding our borders, and enhancing the Nation's economic prosperity.

Investment in new and existing land ports of entry strengthens trade, tourism and commerce; creates jobs; and bolsters our Nation's security. As a result, GSA works closely with our Federal partners and others to deliver these land ports to accomplish these objectives.

#### **The Infrastructure Investment and Jobs Act**

I would like to thank Chairwoman Sinema and other members of the Subcommittee for their work to include funding for LPOEs in the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Deal), which the President signed into law on Monday of this week. Now that the legislation is enacted, GSA will work with CBP and our other partners, to construct new and modernize existing LPOEs at dozens of locations on the northern and southern border. Additionally, GSA will undertake paving projects to improve road infrastructure within and leading to and from LPOEs, as well as seek to acquire some privately-owned LPOEs that the government currently leases and bring them into the Federally-owned inventory. These critical investments will provide modern and energy efficient facilities for Federal inspection agencies, and benefit our state, local and private sector partners. The \$3.4 billion provided to GSA and \$400 million provided to CBP will address critical infrastructure priorities for our country, and eliminate a substantial backlog of outstanding projects.

#### **Cost-Effective Project Delivery**

GSA is well positioned to undertake and deliver an LPOE program. We have a consistent track record of delivering capital projects on time and on budget. Our successes are the result of leveraging project resources and subject matter experts across GSA, and ensuring the best team is assigned to each project. This approach

results in the application of industry best practices in site selection, environmental analysis, design, construction and delivery of these facilities. This collaborative team approach has contributed to the success of many projects.

#### **GSA's Partnership with CBP**

GSA works closely with CBP to design, construct, maintain, and operate land ports of entry along more than 1,900 miles of border between the United States and Mexico, and more than 5,500 miles of border between the United States and Canada.

Safe, secure, and modern land ports along our borders are critical to ensuring an efficient flow of commerce and people that support jobs and economic growth.

Of the 167 land ports of entry along the U.S. borders, GSA manages 123, of which the Government owns 101, leases 19, and partially owns three. GSA's land ports of entry serve diverse mission needs at a diverse set of locations that include urban communities like San Diego, California; El Paso, Texas; and Detroit, Michigan; as well as remote localities like Douglas, Arizona, Van Buren, Maine and Alcan, Alaska.

However, the average LPOE in GSA's portfolio was designed and constructed more than 40 years ago. As a result, many of these facilities are functionally obsolete for the 21st century. This in turn has a negative effect on American trade, tourism, commerce, jobs and national security.

To inform and facilitate investment in LPOEs, GSA coordinates and assists CBP in evaluating and prioritizing facilities for investment priorities.

This process has resulted in significant investments in LPOEs at Calexico and San Ysidro (the Nation's busiest land port), California; Columbus, New Mexico; Tornillo and Laredo, Texas; and Alexandria Bay, New York over the last five years.

GSA works closely with CBP to ensure CBP's priority projects are integrated into GSA's larger multiyear priority plan. GSA works with CBP during the annual budget formulation process to request funding to invest in LPOEs.

As part of the multi-year plan, GSA consults with CBP and other stakeholder agencies, such as FMCSA, at the onset of project planning and continue this relationship throughout project development and execution. An example of this partnership in practice was the expansion and modernization of the San Ysidro LPOE in California where GSA incorporated each agencies' program of requirements into the modernized facility. Additionally, CBP and GSA are partners in the border master planning process on the U.S. - Mexico border. In addition to coordination with state and local agencies, the border master planning process also includes Mexican Federal, state, and local government entities, as well as other Federal agencies including the Department of State, Department of Transportation, and, when appropriate, private partners (railroads, for example). The resulting Border Master Plan is a listing of project priorities that state and local governments rank regionally and provide guidance to help the Federal Government rank projects nationally.

With respect to land ports at the northern border, GSA again works closely with the Department of State to coordinate with the Canadian government.

Furthermore, GSA and CBP partner with State and local governments and private sector entities under the Donation Acceptance Program to improve and expand port of entry infrastructure and technology.

### **Conclusion**

Thank you for the opportunity to speak with you today about GSA's ongoing partnership with CBP and others to deliver modern land ports of entry facilities on the northern and southern border, and the historic opportunity that the Bipartisan Infrastructure Deal presents to bring these critical facilities into the 21st century. I welcome the opportunity

to discuss GSA's commitment to strategic investment in our Nation's land ports of entry, and am happy to answer any questions you may have.

HSGAC Government Operations and Border Management Subcommittee

*Federal Government Perspective: Improving Security, Trade, and Travel  
Flows at Southwest Border Land Ports of Entry*

Wednesday, November 17, 2021

Senator Sinema's Questions for the Record for Diane Sabatino, Deputy  
Executive Assistant Commissioner, Office of Field Operations (OFO), U.S.  
Customs and Border Protection (CBP)

**Question:** With the recent passage of the Infrastructure Investment and Jobs Act, Congress provided a significant investment in improving our ports of entry. This investment will help provide more security and more efficient trade and travel. But security is a constantly evolving challenge, and Congress and the Administration should always be planning for the future.

With the passage of the IIJA, what does CBP need Congress to focus on now that will ensure that infrastructure at our ports of entry will continue to serve the nation well in 10 to 20 years?

**Response:** The land port of entry (LPOE) portfolio, managed by both General Services Administration (GSA) and U.S. Customs and Border Protection (CBP), requires significant investment to modernize facilities and infrastructure to align with current CBP design standards and operational requirements. The funding appropriated through the IIJA will considerably reduce the overall need; however, a significant portion of the portfolio will still require modernization in the future to ensure safe working conditions for the CBP Officers in the field and to facilitate efficient and effective trade and travel at our Nation's borders. GSA and CBP will begin undertaking studies to determine future investments.

By continuing to dedicate funds to LPOE modernization in future Fiscal Years (FY), Congress would be supporting GSA and CBP to more efficiently plan, design, and execute additional projects to modernize the full portfolio.

**Question:** Does Congress need to change the way port modernization is funded?

**Response:** Congress has not always provided full project funding in single past annual appropriations, leading to project phasing, which drives up project costs, scope changes, and extends project schedules over time. By providing full funding for projects in a single appropriation, GSA and CBP can efficiently plan requirements and execute projects within scope, schedule, and cost.

Additionally, in the IIJA, the timeframe associated with GSA and CBP funding differed (no year funding for GSA construction vs. five-year funding for CBP furniture, fixtures, and equipment), limiting CBP's ability to support GSA construction projects appropriately. For future annual appropriations, it would be helpful for the timeframes of GSA and CBP funding to align.

**Question:** As discussed during the hearing, the process for improving port of entry infrastructure is confusing and seems inefficient with General Services Administration (GSA), Department of Homeland Security (DHS), and other stakeholders playing a role in the planning, construction and appropriations process.

Do you have any recommendations for how Congress can improve and bring transparency to the process for designing and constructing modern port infrastructure?

**Response:** GSA and CBP have a long-standing, collaborative partnership in the LPOE modernization planning and construction process and ensure that the requirements of other Federal agencies are incorporated into the project plans. GSA and CBP would be happy to provide a briefing on this process if useful. Congress can improve the process by appropriating Operations and Support (O&S) funding for CBP furniture, fixtures, and equipment in the timeframe request in the President's Budget. This will ensure that GSA and CBP portions of LPOE projects are properly synchronized.

**Question:** Are any changes in authorities or division of effort needed that can help with this?

**Response:** The current authorities are known and manageable, and CBP remains dedicated to the strong partnership with GSA in LPOE modernization.



**Question:** What needs to happen to ensure we have efficient and secure operations at ports of entry now and in the future, especially when a POE requires small-scale maintenance and expansion projects that may not be prioritized on the 5-year LPOE plan?

**Response:** CBP and GSA are committed to working with Congress to address Port of Entry (POE) small-scale maintenance needs now and in the future. CBP is also committed to ensuring the efficient and secure operations at ports of entry and will continue to advocate for the needed resources to maintain and expand projects to safely accomplish the mission.

**Question:** What are the key concerns that OFO leadership hears from port officers that get in the way of them successfully doing their job?

**Response:** The CBP workforce is committed to accomplishing its mission priorities, to include advancing national security, facilitating lawful trade and travel, and countering terrorism and transnational crime to secure the border. CBP leadership will advocate for its workforce to have the resources to safely accomplish its mission and is committed to equipping the workforce with the information, training, technology, and infrastructure they need to be successful.

The CBP Office of Field Operations (OFO), is experiencing increases in unavailable staffing from the effects of COVID-19, with more than 1,300 staff out due to exposure as of November 17, 2021. This is creating additional stress on the available workforce at a time when traffic volumes at Airports and Land Border crossings, especially along the Southwest Border (SWB), are beginning to rebound or exceed pre-pandemic levels. Furthermore, many POEs were designed and built with the assumption that long term migration trends would remain fairly stable. With the complexities of the world today, such as social and economic uncertainties in many regions around the globe, we have seen an exponential increase in undocumented noncitizen encounters along the SWB of the United States. All of these factors play significant roles in the ability of our officers to maximize their efficiency while accomplishing the competing mission priorities of protecting the homeland and facilitating lawful trade and travel.

CBP officers and support personnel work to facilitate lawful trade and travel while simultaneously preventing the entry of illicit goods and narcotics and inadmissible persons. It is imperative that sufficient personnel be present at all POEs to adequately staff inspection lanes for passenger processing and operate all technologies that inspect for and interdict illegal drugs, including opioids and fentanyl.

CBP would benefit from continuing the investment in technology at our POEs. Investments in technology and staff will allow CBP to process the increasing volumes of passenger and cargo seen at POEs.

**Question:** As requested by Senator Lankford, I too would like more information on the numbers of fraudulent border crossing documents and passports uncovered at Ports of Entry along the Southwest border, as well as what happens with these documents and the people using the fake documents. What efforts is CBP taking to combat use of fake credentials (particularly with the paper border crossing cards)?

**Response:** During FY 2021, CBP seized a total of 442 fraudulent border crossing cards and passports. For FY 2022 to date, CBP has seized 165 fraudulent border crossing cards and passports.

After an individual is encountered with a fraudulent document, the disposition of the document varies based on the disposition of the individual. Examples include: the document is retained as evidence as part of a criminal prosecution, it is retained in the A-file if the individual claims credible fear, or turned over to the CBP Fraudulent Document Analysis Unit (FDAU) if the individual is processed for removal from the U.S. If the document is received by FDAU, the counterfeiting techniques will be examined, and the document may be used for future training purposes and to identify emerging trends.

Efforts to combat fraudulent documents include the following:

- Officers receive fraudulent document training as part of their basic training academy curriculum.
- Annually, all frontline CBP officers, Agriculture Specialists, and first line supervisors are required to complete an online fraudulent document training course paired with an instructor led course which highlights current fraudulent document trends.
- FDAU instructs a train the trainer course, which certifies fraudulent document experts, in every field office and USBP sector.
- FDAU drafts and publishes a monthly fraud bulletin which highlights significant fraudulent document activity.
- FDAU drafts and publishes emerging fraud trends and genuine document guides on an ad hoc basis to inform and empower frontline CBP officers.
- FDAU leverages Fraud Prevention Program participants to serve as a conduit of communication between FDAU and the field.
- FDAU maintains a library of approximately 25,000 fraudulent documents which are used for reference material and training.

Metrics: In FY 2021, 1,481 fraudulent documents of all types were encountered at ports of entry along the SWB. This includes documents other than passports and border crossing cards, for example, birth certificates.

**Question:** Are there areas where Congress can help?

**Response:** CBP appreciates the support of Congress in efforts to identify fraudulent documents and does not have any suggestions of additional areas where Congress can help at this time.

**Question:** Also raised in Senator Lankford's questioning, I would like additional information on the possible reprogramming of funds that had been intended for non-intrusive inspection technology. If this is the case, how much funding has been moved to other purposes and what was it allocated to cover?

**Response:** In FY 2020 the U.S. Department of Homeland Security (DHS) proposed the reprogramming of \$47.6M in FY 2019 and FY 2020 appropriations for non-intrusive inspection technology (NII) to address budgetary shortfalls. These resulted from (1) an unprecedented decline in user fee revenue collected from international air travel, much of which was suspended during the pandemic, and (2) increased expenses relating to migrant surges at the SWB. However, Congress declined to approve the proposed reprogramming and instead CBP obligated the funds as appropriated. No funds have therefore been reprogrammed from NII.

**Senator James Lankford Post-Hearing Questions for the Record**

**Submitted to DEAC Diane Sabatino**

**Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry**

**Wednesday, November 17, 2021**

**Question:** Now that the deadline has passed, how many CBP Officers and what percentage of the workforce are not in compliance with the vaccine mandate?

**Response:** In compliance with a court-issued preliminary injunction, which may change depending on the course of ongoing litigation, CBP will take no action to implement or enforce Executive Order 14043 requiring federal employees to fully vaccinate against COVID-19. The injunction also prevents CBP from processing exemption requests at this time.

**Question:** How many of those individuals have requested a waiver, broken down by type of waiver (e.g. medical, religious, etc.)?

**Response:** As of December 28, 2021, CBP received the following: Medical Exemption Requests: 1,126, Religious Exemption Requests: 6,210, Total Exemption Requests: 7,336.

**Question:** How many waivers have been approved, broken down by type of waiver (e.g. medical, religious, etc.)?

**Response:** CBP began adjudicating requests on January 10, 2022. However, before CBP finalized any decision, on January 21, 2022, the U.S. District Court for the Southern District of Texas has issued a nationwide preliminary injunction preventing the Federal Government from implementing or enforcing Executive Order 14043 relating to the federal employee vaccine mandate.

**Question:** How many waivers have been denied, broken down by type of waiver (e.g. medical, religious, etc.)?

**Response:** Zero. CBP began adjudicating waiver requests the week of January 10, 2022. However, on January 21, 2022 the U.S. District Court for the Southern District of Texas has issued a nationwide preliminary injunction preventing the Federal Government from implementing or enforcing Executive Order 14043.

**Question:** How many CBP Officers have been disciplined for not taking the vaccine?

**Response:** CBP had initially issued 264 letters of reprimand as of December 17, 2021. However, in compliance with a court-issued preliminary injunction, which may change depending on the course of ongoing litigation, CBP will take no further action to implement

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or enforce Executive Order 14043. The injunction also prevents CBP from processing exemption requests at this time.

**Question:** How many CBP Officers have been terminated for not taking the vaccine?

**Response:** In January of 2022, CBP removed one probationary employee for not being compliant with the vaccine mandate prior to the issuance of the injunction.

**Question:** How many CBP Officers are fully vaccinated, and how many have received one shot an mRNA vaccine as of November 22?

**Response:** As of December 26, 2021, 55,850 CBP employees were fully vaccinated and 371 are partially vaccinated.

**Question:** There are multiple economic models that assess the benefits of hiring one CBP Officer. One of those models found that each additional CBP Officer creates 3.58 jobs and contributes \$350,000 per year to the American economy due to its effects on trade and travel. Has CBP performed any assessment of the economic costs or trade impacts that would result from the implementation of the vaccine mandate? If so, please share with the Subcommittee.

**Response:** CBP has not performed an assessment of the economic costs or trade impacts that would result from the implementation of the vaccine mandate.

**Question:** Has CBP performed any analysis of the security impact from OFO employees not taking the vaccine? If so, please share with the Subcommittee.

**Response:** CBP has not conducted an analysis of the security impact from OFO employees not taking the vaccine.

**Question:** Has CBP analyzed the effects of the vaccine mandate on its retention and recruiting efforts? If so, please share with the Subcommittee.

**Response:** CBP has not determined the effects of the vaccine mandate on retention and recruiting efforts. However, on January 21, 2022 the U.S. District Court for the Southern District of Texas has issued a nationwide preliminary injunction preventing the Federal Government from implementing or enforcing Executive Order 14043.



**Question:** How large is CBP's current hiring backlog, and what effects has the vaccine mandate had on CBP's hiring and retention efforts?

**Response:** CBP is at or near hiring targets for all frontline occupations (Border Patrol Agents, Customs and Border Protection Officers, Air and Marine Agents). A robust pipeline of candidates is always required for these occupations due to the number of hiring steps and the small percentage of applicants who successfully complete all hiring steps. CBP did experience some backlogs because of the pandemic as some in-person hiring steps were delayed, but those backlogs have been cleared. For hiring, it is difficult to ascertain why otherwise eligible individuals do not apply for CBP jobs; accordingly, we do not know the impact of the vaccine mandate on hiring. The impact of the vaccine mandate on retention is not yet completely known. The process of adjudicating reasonable accommodation requests is not complete for those CBP personnel who indicated that they are unvaccinated and requested a reasonable accommodation to the vaccine requirement. Of note, on January 21, 2022 the U.S. District Court for the Southern District of Texas has issued a nationwide preliminary injunction preventing the Federal Government from implementing or enforcing Executive Order 14043.

**Question:** Right now, including polygraph requirements, how long does it take CBP OFO to hire one CBP Officer or agricultural specialist?

**Response:** On average, it takes approximately 350 days to process a CBP OFO Officer application and 330 days to process an Agriculture Specialist application for their entry on duty. These processing times do not include Academy training, which begins after the employee enters on duty.

**Question:** My staff learned in a briefing with DHS that the facilities that the prior Administration had constructed near the ports for the Migrant Protection Protocols had been demobilized in January 2021. Rather than being repurposed for additional immigration processing and to build capacity for immigration processing at or near the ports, it is our understanding that these facilities are no longer in use and many have been torn down or are no longer in the Federal government's custody. Please share with the Subcommittee the timeline for the demobilization of each MPP facility and, if applicable, a timeline for the re-mobilization of each MPP facility.

**Response:** CBP OFO began utilizing the temporary Immigration Hearing Facilities (IHF) at the Laredo I and Brownsville-Gateway LPOE as an extension of port secondary processing in response to increased immigration processing operations at the end of February 2021. In April 2021, as CBP was only partially utilizing the IHF footprint for secondary inspections, the hearing facilities were moved from each footprint. OFO utilized the processing facilities until November 2021 when the facilities were redeployed as IHFs. As of January 17, 2022, both IHFs are fully operational, and immigration hearings are slated to begin in the Brownsville IHF on February 15, 2022.

**Question:** Why were these facilities were demobilized and not repurposed?

**Response:** The IHFs are at full operational capability again.

**Question:** Please share any analyses with the Subcommittee that supported the demobilization of these facilities.

**Response:** The facilities were never fully demobilized. They are now fully operational to support the court-ordered reimplementation of MPP.

**Question:** What costs has CBP incurred as a result of the decision to demobilize these facilities, broken down by facility?

**Response:** CBP's initial contract for the IHFs included demobilization costs; therefore, the partial demobilization did not incur extra costs to the Government.

**Question:** What is CBP's timeline for reconstructing these facilities, broken down by facility, to reimplement MPP pursuant to the Federal court order?

**Response:** As of January 17, 2022, the IHFs are fully operational and hearings began in mid-February 2022 at the Brownsville IHF.

**Question:** What is CBP's capacity for processing and detaining migrants at LPOEs along the Southern border, broken down by port of entry and scenario (i.e. family detention, single adult, etc.)?

**Response:** At this time, CBP continues to implement the Centers for Disease Control and Prevention's (CDC) August 2, 2021 Public Health Order. Even before the COVID-19 pandemic, CBP's processing capacity at LPOEs along the Southern Border was limited due to increasingly large volumes of lawful trade and travel. During the five years preceding the pandemic, CBP processed, on average, 326 inadmissible individuals each day at POEs across the Southwest land border.

The ability to process undocumented noncitizens in a timely manner is impacted by a wide range of factors, including staffing constraints, outdated infrastructure, and significantly at this time, the COVID-19 pandemic. The COVID-19 protocols necessary to protect the workforce, persons in CBP custody, and the American public have limited processing and holding capacity. The capacity to process undocumented noncitizens is also impacted by CBP's other vital priorities, including our mission to protect public safety and national security, interdict the flow of narcotics and contraband and facilitate lawful trade and travel.

CBP's capacity to hold individuals in its short-term facilities depends on many factors, including demographics of the individuals in custody; medical or other needs of individuals in custody; the ability of the U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

CBP OFO's capacity remains dynamic and limited under COVID-19 protocols.

**Question:** Has CBP's detention capacity at LPOEs along the Southern border increased along with the demand for such capacity?

**Response:** CBP has seen an increase in the number of individuals in custody when compared to the onset of COVID-19; however, the holding capacity at POEs has not increased in recent years. However, CBP will flex resources, as it always does, to facilitate the expeditious, safe and orderly processing and holding of those in our custody, while working to limit the impacts to our other priority mission sets.

CBP plans for all possible scenarios based on intelligence received regarding smuggling operations or large groups of migrants. Our posture and response are based on comprehensive analysis, and not on any single report. Addressing the flow of migrants crossing our SWB is an important priority of this Administration and DHS. It requires a whole of government and binational coordinated and sustained response.

**Question:** Where is the need for increased detention capacity the greatest?

**Response:** CBP has seen an increase in the number of individuals in custody when compared to the onset of COVID-19; however, the holding capacity at POEs has not increased. However, CBP will flex resources, as it always does, to facilitate the expeditious, safe and orderly processing and holding of those in our custody, while working to limit the impact to our other priority mission sets.

**Question:** What steps has CBP taken to increase that capacity?

**Response:** CBP has a finite amount of detention capacity at any given facility. This capacity is limited by not only design and safety considerations but population demographics and vulnerabilities. Given this, CBP has focused on increasing our processing capacity and expeditiously transferring persons to ICE ERO for longer term detention when applicable.

CBP detention capacity can be increased if persons already processed are transferred out of custody quickly. This allows CBP the ability to efficiently and effectively utilize our detention capacities to their fullest potential.

**Question:** On November 1, 2021, Acting Commissioner Troy Miller rescinded the policy of metering, which allowed for migrants to queue up outside of a port for processing when CBP faced significant migrant surges. Can you walk us through how CBP will process large migrant surges without pulling officers away from their primary duty to facilitate lawful trade and travel?

**Response:** At the POEs, CBP is charged with facilitating lawful flows of travel and commerce that support our nation's economy, while enforcing and administering hundreds of laws at the border on behalf of numerous federal agencies to protect the nation's interests. Many of these laws are designed, for example, to prevent the entry or exit of individuals or commodities that may injure community health, public safety, American workers, children, or domestic plant and animal life.

As noted above, the ability to process undocumented noncitizens in a timely manner is impacted by a wide range of factors, including staffing constraints, outdated infrastructure, and significantly at this time, the COVID-19 pandemic. CBP will also take appropriate measures, as operationally feasible, to increase capacity to process undocumented noncitizens at SWB POEs, including leveraging technology and efficiencies at the POEs to expedite processing and leveraging overtime, appropriate.

However, CBP must work within existing resource constraints and with consideration for ongoing legal actions and other requirements. Absent consistent and widespread adoption of the use of technology to collect advance information submitted by undocumented noncitizens at identified POEs, it will be challenging to achieve an increase in throughput without adverse impacts on overall port operations.

**Question:** Following the recent surge of migrants to Del Rio, Texas, in September 2021, staff from the Administration and from DHS informed Congressional staff that much of the surge was driven by cartels, smuggling organizations, and transnational criminal organizations, who successfully overwhelmed U.S. Border Patrol, forced Border Patrol to surge its resources to Del Rio, and smuggled illicit narcotics and other contraband into the interior while Border Patrol was distracted by the surge. In rescinding the metering policy, what tools are in CBP's toolbox to address a surge like this at LPOEs along the SWB?

**Response:** CBP has worked diligently to ensure our personnel are trained, equipped, and prepared to handle contingencies as they arise. CBP has developed best practices based on prior events and will leverage its expertise in rapid or emergent incident response, as required, to protect our nation as America's frontline. CBP's posture and response to border events are informed by comprehensive analyses of information and intelligence on operations of smugglers, movement of migrants, and more. We will maximize local workforce resources, leveraging available support staff, and as operationally necessary will deploy additional personnel and resources to enhance capabilities and maintain continuity of operations.

Secondly, as part the United States' COVID-19 mitigation efforts, CBP continues to assist in enforcing the CDC's updated Title 42 Order. Title 42 is a public health authority and governed

by the CDC's analysis of public health factors. Under Title 42, OFO continues to prevent entry and expel the majority of single adults, and, to the extent possible, families encountered at the SWB covered by the CDC Order.

Furthermore, CBP will employ innovative methods to increase throughput at POEs and work to continuously improve the efficiency of the inspectional process. However, if those measures prove insufficient during a mass migration event, port hardening measures are in place to include, border gates, pedestrian turnstiles, bullet-resistant glass, improved access control, pop-up barriers, and security gates as well as a trained Mobile Field Force, which will allow CBP to maintain port security.

**Question:** In light of staff shortages, out-of-date infrastructure, limited detention capacity, and the rescission of the metering policy, what is CBP's plan for addressing a future migrant surge orchestrated by cartels, smuggling organizations, or TCOs without shutting down LPOEs to lawful travelers and trade?

**Response:** CBP is committed to continued facilitation of lawful cross-border trade and travel, and will continue to work with our stakeholders to ensure that the disruptions caused by the pandemic and the changes to travel restrictions have as little negative impact as possible. CBP has planned and prepared a comprehensive response to the potential for the above-mentioned challenges. As part of that planning effort, CBP identified several key factors that may increase efficiencies in processing and avoid, to the extent possible, a reduction in the flow of legitimate trade and travel.

The processing of undocumented noncitizens is labor intensive and can easily strain a POE's organic resources during a large influx. Due to this operational reality, CBP pursues innovative methods to streamline processing of undocumented noncitizens who present themselves at POEs. This past summer, CBP enabled noncitizens and certain nongovernmental organizations to use the CBP One mobile application to submit certain advance biometric and biographic information for noncitizens who were potentially exempt from the Title 42 Order. This mechanism involved the transmission of certain advance information by Non-Governmental Organizations, CBP-conducted vetting, and COVID-19 testing prior to arrival at a LPOE for CBP processing. This provides a great example of how CBP continues to look for innovative ways to meet challenges while minimizing impacts to legitimate trade and travel.



**Question:** During the hearing, we discussed whether CBP has reprogrammed funds or transferred funds away from Non-Intrusive Inspection (NII) technologies or other screening and inspection technologies to address the migrant surge at the Southwest border. Please share with the Subcommittee a breakdown of all reprogrammed funds and/or transferred funds away from NII and technology acquisition to address the Southwest border, broken down by account, technology type, LPOE (if applicable), and use in border crisis (e.g. overtime pay for Border Patrol, soft-sided facility construction, etc.).

**Response:** DHS proposed reprogramming of funds away from NII to address/assist with resource needs at the SWB and decline in user fee revenues. Congress expressed concern with this approach and after reconsideration, DHS did not redirect NII funding.

**Question:** It is my understanding that GSA delegated authority to CBP to conduct certain maintenance projects at the ports if those projects cost less than \$100,000. Thus far, has this program been effective for CBP's port maintenance needs?

**Response:** The Delegation of Authority (DOA) program for Office of Field Operations facilities has been successful in meeting port maintenance needs for projects with costs less than \$100,000. Through productive collaboration with our partners at GSA, CBP has completed 39 DOA projects since the program's inception in July 2019, with improved timelines for procurement activities and overall project completion. Given these benefits, CBP recommends its continuation. The \$100,000 threshold DOA positions CBP to more proactively address maintenance needs at LPOEs under the jurisdiction of GSA.

**Question:** Do you believe the \$100,000 dollar amount for this delegation should be increased? If so, at what number would be most effective?

**Response:** GSA and DHS are currently working on a new delegation of authority agreement that would enable CBP to provide cyclical maintenance and minor repairs up to \$250,000 in Office of Field Operations and Border Patrol occupied space at federally owned land ports of entry. Both parties are in agreement with the terms of the draft agreement and intend to execute this new agreement effective August 1, 2022 - upon expiration of the current Office of Field Operations agreement.

**Question:** How has this delegated authority impacted CBP's budget?

**Response:** The delegated authority has allowed CBP to utilize limited budgetary resources more effectively by allowing CBP to contract directly thereby avoiding the payment of fees to GSA. This allows CBP to accomplish more of these small projects with its appropriated funding.

**Question:** What technology and measures is CBP using to increase outbound inspections at LPOEs along the Southern border?

**Response:** Ports of entry (POE) along the Southern Border have started adding scanning technology to more quickly detect concealed drugs, weapons, cash, explosives and people. CBP has assigned over 50 mobile x-ray assets to the Southern Border that are capable of scanning outbound traffic at the discretion of the local ports and field offices.

**Question:** What percentage of outbound traffic is currently screened?

**Response:** CBP resources are committed to outbound operations and enforcement at each POE, based on operational intelligence and strategic threats, with focus on the targeting and interdiction of currency, narcotics, weapons, and other contraband. Outbound screening percentages vary by POE. Various factors play into the screening process, such as non-intrusive inspections, enduring mission operations, assigned canine teams, and personnel on duty. Current infrastructure and resource allocations are challenging factors to establishing metrics.

**Question:** Does CBP need additional or updated tools or technologies to increase the effectiveness of its outbound inspections capabilities?

**Response:** CBP currently has 50 mobile assets assigned to the SWB that could be used to conduct outbound inspections at the discretion of the port directors and field offices. Fixed outbound vehicle scanners are currently being installed at 52 sites on the SWB to conduct inbound scanning. This will allow for data and image sharing with our Mexican counterparts.

**Question:** How is CBP working to address opt-out lanes for vehicle scanners at the Southern border?

**Response:** In order to facilitate and expedite vehicle crossings at the land border, CBP is testing several biometric technologies, including “at speed” technology. As travelers approach the vehicle lanes with the facial biometric system, the camera will attempt to take a photo of each occupant in the vehicle and the Traveler Verification System (TVS) will compare it to a gallery of government holdings (images such as passport, visa, or prior encounters) for frequent crossers for the specific POE. Travelers who wish to opt out of the biometric testing can simply use the “opt out” lanes, which will be clearly marked for those who prefer to have the standard document check. For the vehicle at speed process, CBP provides both electronic and physical signs in visible locations prior to the POE’s vehicle infrastructure, as well as signs in each vehicle lane. CBP also provides tear sheets with additional details and FAQs, upon request, and may direct travelers to the CBP Info Center, should they have questions.

CBP is ensuring that all 52 sites that will have pre-primary scanning equipment installed, will have a viable opt out lane for travelers.

**Question:** Given the hardened infrastructure around many of these ports, how does CBP intend to address the possible privacy impacts related to opt-out lanes while not harming the traffic flows at the ports?

**Response:** CBP remains committed to protecting the privacy of all travelers. As noted above, CBP provides both electronic and physical signs in visible locations prior to the POE’s vehicle infrastructure, as well as signs in each vehicle lane. Travelers who use the opt out lanes will not be subjected to any additional procedures that would compromise their privacy. Procedures in opt out lanes will be no different than current operations in obtaining personal information or conducting inspections

**Question:** It is my understanding that cartels are increasingly turning fentanyl into a pill form that has a 1 to 2 percent purity and smuggling these counterfeit pills through the ports and Southwest border. This trend makes it increasingly difficult for canines in particular to catch the fentanyl as it is being smuggled across the border. What are the biggest barriers CBP and ICE HSI face as they try to stop this smuggling?

**Response:** Transnational Criminal Organizations (TCOs) and their smuggling operations present a clear and present threat to the homeland. These organizations profit from illicit activities that include drug trafficking, extortion, sex trafficking, child exploitation, and human smuggling. Some of the biggest barriers to stop fentanyl smuggling are time and resources (money, equipment, officers), and limited intelligence. Cartels are agile and adept at adjusting their operations countering CBP enforcement efforts. However, DHS continues making risk-based investments in our border security mission to combat TCOs and related threats.

In 2018, all OFO operational Concealed Human, Narcotic Detector Dogs (CHNDD) were certified to detect fentanyl by April 2018. CBP's Office of Training and Development canine centers began to add fentanyl as a trained odor to the OFO CHNDD during the second quarter of 2018. The OFO National Canine Enforcement Program (NCEP) is the only Law Enforcement Canine Program in the United States that is trained and certified to detect the odors of fentanyl and its analogs. In FY 2021, the NCEP was responsible for seizing 3,885 kilograms of fentanyl.

It is important to note that identifying fentanyl being smuggled through the ports and the SWB with the use of canines is only a portion of the larger DHS strategy. More significant successes in fentanyl interdictions have occurred by identifying abnormalities in travel or shipping practices prior to the traveler or cargo reaching U.S. borders. This often occurs with prior intelligence provided by HSI's criminal investigations and utilizing information provided by confidential informants.

One of the larger barriers that CBP and ICE Homeland Security Investigations (HSI) face as they try to curtail the smuggling of fentanyl involves the manufacturing and eventual shipment of precursor chemicals used in the production of fentanyl from source countries, predominantly from China to Mexico. Many precursor chemicals have legitimate uses in manufacturing processes and are typically classified as dual use materials. Precursor chemicals used in the manufacturing of illicit drugs, including fentanyl, are often mislabeled for legitimate use by TCOs and diverted to produce illegal drugs. Smuggling through mislabeling cargo to bypass U.S. customs laws and avoid detection creates additional challenges to U.S. fentanyl interdictions. Curtailing the smuggling of fentanyl will take a more coordinated effort by the U.S., China, and Mexico.

Current high-throughput, non-intrusive scanning equipment (e.g., high-energy X-ray), whether for containers, cargo, vehicles, etc., lacks the resolution to easily discern concealed fentanyl, especially within high clutter/background environments. Alternative methods that can "see through" barriers (for example, neutron-based scanning techniques) but also increase sensitivity

should be considered, but may require more manpower, result in lower scan speeds, or increase operation and maintenance costs.

Another challenge of “see through” technologies is the ability to penetrate barriers of a certain depth/thickness or material (e.g., metal), which may limit their effectiveness or be more easily defeated.

Detection technologies need to be easily upgradeable in order to remain effective in the interdiction of potent emerging synthetic opioids (or other narcotics).

Cartels can quickly change techniques, tactics, and procedures. Technology developers need to better understand how their tech can be defeated and target development towards closing those gaps. Additional data capture for intelligence on trends could aid in improving targeting efforts.

**Question:** How do we stay ahead of the cartels when it comes to fentanyl smuggling?

**Response:** The following are some ways CBP combats smuggling:

- By continuing to refine intelligence-driven enforcement operations to seize drugs, weapons, currency, and ammo.
- By continuing to employ a counter-network approach to identify and dismantle TCOs involved in cross border crimes.
- By deploying technologies that detect and identify smuggling events.
- By targeting collaboration with the U.S. Postal Service (USPS), and domestic and foreign law enforcement primarily by sharing information. Express consignment operators are providing CBP with electronic advance data (EAD) to better identify illicit drugs. In addition, pursuant to the STOP Act of 2018, CBP, the U.S. Department of State (DOS), and USPS have collaborated to ensure that foreign postal operators meet the STOP Act’s requirements for CBP to receive EAD on certain international mail shipments while facilitating the continued flow of international mail.

The Border Patrol will continue to leverage Operation Stonegarden partners as well as our foreign law enforcement partners for intelligence and information sharing and as force multipliers. In addition, these partners can help identify, target, and dismantle the logistical nodes for TCOs.

The United States Border Patrol and CBP at large can leverage Operation Sentinel, which is a multifaceted counter-network targeting operation focused on TCOs involved in the facilitation of mass migration movement to the SWB region of the United States, and the smuggling of humans into the interior of the United States. TCOs, through their vast networks, conduct all manner of illicit activity to further their criminal organizations. These networks are involved in trafficking and smuggling of humans and contraband like fentanyl. Operation Sentinel targets these networks and their associates for specific adverse actions, including revocation of travel documents, freezing or disrupting financial accounts, and suspension and debarment of trade entities. Operation Sentinel is a collaborative effort with CBP, HSI, DOS, U.S. Citizenship and

Immigration Services, the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and the U.S. Department of Justice.

HSI understands that staying ahead of TCO efforts requires a multi-layered approach.

HSI's Border Enforcement Security Task Force (BEST) targets transnational fentanyl trafficking at land borders, seaports, and international mail facilities. There are currently BEST units in 81 locations comprised of 116 task force groups throughout the U.S. that consist of federal, state, local, tribal, and international partnerships.

HSI works jointly with CBP at the National Targeting Center (NTC) to identify and target individuals and organizations that utilize mail parcel and cargo systems to smuggle fentanyl and synthetic opioids into the United States. HSI, CBP and the DEA collaborate at the NTC to target fentanyl precursor chemicals that are being shipped from foreign and domestic sources to Mexico for use by the Mexico based TCOs. NTC-Investigations employs multiple data streams and the subject matter expertise of CBP officers to illuminate anomalous shipments indicative of possible illicit chemical precursor movements.

HSI leverages its expertise and authority to enforce U.S. customs laws in developing new strategies to target and disrupt the supply chain involved in the manufacturing of fentanyl and other dangerous drugs, which requires specific chemicals, machinery, and techniques. For example, HSI has developed an investigative methodology that blends interagency collaboration, industry partnerships and computer-based analytical tools and techniques to process and derive meaning from large volumes of data to identify suspicious shipments and transactions between China, the United States, and narcotics source countries such as Mexico.

DHS Science & Technology Directorate (S&T), in collaboration with HSI, is funding the development of advanced analytics software applications to aid HSI agents in the analysis of large, complex datasets associated with opioid trafficking investigations. These applications will automate portions of the analysis process and provide decision support to HSI agents for subjects under investigation, allowing HSI to better identify where to allocate resources in order to build stronger cases. Additionally, these analytics will provide HSI agents the ability to identify potential connections and relationships of investigative subjects across different evidentiary datasets and estimate the impact prosecution of a given subject will have on the dismantling of a TCO.

**Question:** What technology is available that could better catch these trends, and what are the barriers in deploying that tech?

**Response:** CBP employs a layered system approach for the detection of smuggled drugs, which consists of canines and Non-Intrusive Inspection equipment, such as x-ray, backscatter technologies, supplementing CBP officer training and experience.

- CBP continues to deploy technology for the presumptive identification of suspected fentanyl or fentanyl analogues once contraband has been discovered through detection. This technology includes:

- Rapid Response Test Strips which are specifically designed to detect fentanyl and fentanyl analogues at low concentrations (below 1 percent).
- Handheld equipment which is used to presumptively identify bulk chemical substances. The FTIR and Raman capability can identify concentrations of materials that are about 10 percent or greater.
- The MX-908 Devices, another handheld device, is a mass spectrometer that is designed to identify chemicals at lower concentrations, including fentanyl and fentanyl analogues.
- Laboratories and Scientific Services (LSS) Narcotics reachback provides 24/7/365 support for handheld detector test results that are inconclusive or unknown.

CBP has 328 POEs and over 160 U.S. Border Patrol locations, including checkpoints. CBP has been able to procure 614 of handheld presumptive testing instruments since FY 2016. Ever evolving changes in synthetic opioids and other drugs presents a challenge to keep the equipment's database up to date. To address this challenge, Laboratories and Scientific Services builds user-defined databases to supplement manufacture's updates. The user-define databases are created from identified new and emerging threats.

Fentanyl can be extremely hazardous and even deadly if not handled and processed correctly. HSI special agents and task force officers must have a reliable way to determine what substances they are encountering, for instance fentanyl, fentanyl analogues, or other drugs.

HSI special agents and task force officers use handheld systems for rapid identification of suspected narcotics without direct contact for most samples. These devices, such as the TruNarc, the MX908 and others are capable of providing a single test for multiple controlled substances and provides HSI with clear, definitive results for presumptive identification. These devices deliver fast and accurate narcotics analysis anywhere it is needed and are able to analyze key drugs of abuse and common cutting agents, precursors and other threats such as cathinones (bath salts) and cannabinoids—ensuring that HSI personnel are always ahead of the curve.

HSI has also experimented with lightweight portable x-ray systems. Often BEST units and narcotics enforcement teams encounter vehicles that have already entered the United States through a port of entry, but through investigative efforts, have been identified as possibly containing concealed narcotics. Many times, these drugs are secreted within deep concealments or after-market manufactured compartments. When interdicting these vehicles on highways or roadways, these task force groups must often locate the concealed narcotics within a reasonable amount of time or risk releasing the vehicle. Portable x-ray devices, such as the Hueresis HB120, have shown success in examining vehicles and even structures such as homes, sheds and warehouses when searching for concealed drugs.

DHS Science & Technology Directorate (S&T) is currently investing in developing several non-intrusive technologies, including 3-D X-ray/Computed Tomography (CT), backscatter X-ray, nuclear quadrupole resonance, neutron scatter, and millimeter wave to support screening of multiple threat vectors (e.g., international mail, air cargo, vehicles, pedestrians). Each of these approaches may support the various missions. Technologies are aimed to improve current and next-generation non-intrusive scanning, Artificial Intelligence/Machine Learning (AI/ML) could



automate and aid officers in identifying anomalies in the data/image – to generate an alarm for further manual inspection, either by hand or with a complementary technology.

S&T, through the International Cooperative Programs Office (ICPO), maintains active discussions with our international partners in computed tomography (CT) to support screening of multiple threat vectors (e.g., international mail, air cargo, vehicles, pedestrians). Dialog in Artificial Intelligence/Machine Learning (AI/ML) to further enhance screening capacity and capability is also ongoing.

S&T is actively working with industry developers to apply AI/ML approaches for flexible and dynamic risk-based threat detection capabilities that can adapt screening to the constantly evolving threat space. To overcome limitations posed by proprietary systems, lack of standardized data or images, etc., S&T is also engaging industry to develop open architectures and third-party software.

S&T leads the Machine Learning for Security Screening Working Group, aimed to establish a strategic roadmap for AI/ML development, testing, and implementation efforts and plan for the future of AI/ML algorithms used by DHS for security applications.

To maximize the efficacy and utility of this approach, large amounts of data are needed to train and evaluate the algorithms, which requires close collaboration between technology developers and operational components. Through Cooperative Research and Development Agreements (CRADAs) with industry partners, S&T's Transportation Security Laboratory (TSL) provides iterative developmental test and evaluation support for the Transportation Security Administration and CBP screening applications. TSL generates and provides training data that simulates operational data, which allows developers to use the data to develop algorithms and refine detection parameters, and then assess the performance of the systems. Once systems have met acceptable performance criteria, they can be moved into operational settings for continued development.

Cameras, such as scope camera or under vehicle camera, could be employed but may require the item being inspected to be stopped/opened, and may not see items that are well concealed.

S&T, in partnership with CBP and the Federal Protective Service, is developing the Vehicle Inspection Early Warning system, a low-cost, rapid, and automated under-vehicle inspection system that is easily deployed at vulnerable locations to provide early warning of contraband smuggling (e.g., drugs, weapons, explosives, money, human trafficking).

Several technologies that can detect very low quantity or purity fentanyl, such as mass spectrometry or ion mobility spectroscopy, are available. Such technologies enable detection of trace amounts on a surface or by “sniffing” the air. However, for high-speed/high-throughput scanning required at ports and borders, operational deployment is challenged by the need to get the sample to the instrument, for example by swipe or air collection.

Current technology commonly used to identify fentanyl and other drugs at the ports/borders (e.g., Raman spectroscopy) rely on a library containing spectral data of the chemicals it can detect (like chemical fingerprints), limiting what can be detected. ML/AI could also be used to enable “untargeted” detection of fentanyl and other synthetic drugs, so that new formulations or new/unknown drugs could potentially be detected without being in the library.

S&T has funded development of a unique, singular opioid “master spectrum,” essentially a barcode that allows classification of a drug as opioid or non-opioid, even if the target does not exist in the library.

S&T also funded the development of an untargeted ML detection approach using mass spectrometry data.

S&T, in collaboration with the S&T Office of Standards, is funding the Pacific Northwest National Laboratory (PNNL) to build government-owned spectral reference libraries of approximately 50 DEA restricted substances including fentanyl, fentanyl analogues, and other emerging illicit drugs. Through CRADAs with industry partners, PNNL will collect reference spectra on 20 different field portable detectors currently deployed for operational use. These instruments include six different detection technologies: gas chromatography/mass spectrometry, high pressure mass spectrometry, ion mobility spectrometry, Raman spectroscopy, Fourier-transform infrared spectroscopy, and fluorescence quenching techniques.

S&T recently completed assessment of the feasibility of using trace surface residues and vapors associated with concealed drugs for high-throughput identification of items containing narcotic contraband, but did not converge on a single solution due to outstanding questions with the most effective way to implement in operational settings. S&T, as well as the DHS Countering Weapons of Mass Destruction Office, are continuing further development of these technologies and approaches.

S&T is developing and evaluating an integrated computed tomography (CT)/X-ray diffraction system, which combines high-throughput screening capability with an in-line identification system, to enhance the probability of detection, to reduce false alarms, and to reduce the need for manual inspection. If successful, this system could support both DHS counternarcotic and aviation security missions.

**Question:** At what ports do CBP currently have access to a lab to test fentanyl on the spot, and at what ports do CBP need to ship suspected fentanyl and other hard narcotics to the FBI, DEA, or other Federal agency labs?

**Response:** When CBP encounters a suspected controlled substance or unknown substance, the safe handling, testing, retention, seizure and destruction of substances encountered by CBP personnel are conducted in accordance with all relevant CBP policies and procedures, including, but not limited to the most current versions of Handbook 4400-01B "Seized Asset Management and Enforcement Procedures Handbook." If CBP Agents or Officers require further substance analysis beyond a presumptive test, the materials are sent to CBP's Laboratories and Scientific Services (LSS). CBP does not ship suspected fentanyl or other hard narcotics to the FBI, DEA, or other federal agencies for testing.

CBP's LSS has Forward Operating Laboratories (FOL) located at 14 ports of entry (POE). The FOLs provide rapid, on-site presumptive analysis on suspected controlled substances, including fentanyl, fentanyl analogues, and other synthetic drugs.

LSS's eight field laboratories provide confirmatory analysis for suspected controlled substances, including fentanyl, fentanyl analogues, and other synthetic drugs. The field laboratories are located across the nation and Puerto Rico, some located close to POEs. For example, Savannah Laboratory is close to the Ports of Savannah, Brunswick, and Charleston. For prosecution purposes, samples would need to be submitted to a field laboratory for confirmatory analysis.

LSS also has 11 mobile laboratories that can be deployed to ports of entry within the field laboratory's service area to perform controlled substance analysis.

Ports of Entry (FOL Locations)	Field Laboratories
Blaine, WA	San Francisco, CA
LA PriceMet (Los Angeles, CA)	Long Beach, CA
San Ysidro, CA	Chicago, IL
Nogales, AZ	Houston, TX
El Paso, TX	Newark, NJ
Laredo, TX	Ashburn, VA
Donna, TX	Savannah, GA
Memphis FedEx (Memphis, Tennessee)	Guaynabo, PR
Chicago International Mail Facility (IMF) (Chicago, IL)	
John F. Kennedy IMF (Queens, NY)	
Miami IMF (Miami, FL)	
Aquadilla, PR	
Mayaguez, PR (coming soon)	
Ponce, PR	

Seizures accepted for prosecution are turned over to HSI for investigation. In instances where prosecution of violators is declined, the material is seized destroyed. Once CBP transfers custody of a seizure to HSI, HSI would decide where to submit the seizure for confirmatory testing of the suspected controlled substances.

**Question:** I have heard that CBP has begun deploying resources that allows the National Targeting Center to scan vehicles immediately after they cross the National Limit Line and before they arrive at the primary inspection booth. How successful has this initiative been?

**Response:** In line with CBP's plans to streamline port operations, CBP is significantly increasing vehicle scanning rates with enhanced drive-through NII technology and revised scanning operations. Utilizing FY 2019 investments in NII, CBP projects to increase passenger occupied vehicles and cargo truck scanning on the SWB from one percent to greater than 40 percent, and from 15 percent to greater than 90 percent respectively. Drive-through scanning allows CBP to enhance security, while improving the flow of traffic given the decreased processing times.

**Question:** What are the barriers to deploying this capability across the entire border?

**Response:** Critical to the implementation of drive-through NII scanning is the need to continue modernizing our facilities and infrastructure at POEs. Modernized POEs and upgraded infrastructure delivery are core enablers of the required NII capabilities, such as integrated and secure data exchanges across the IT network, and appropriate facilities for CBP officers to conduct scanning and imagery analysis remotely.

**Senator James Lankford Post-Hearing Questions for the Record**

**Submitted to Mr. Joe Jeronimo**

**Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry**

**Wednesday, November 17, 2021**

**Question:** Now that the deadline has passed, how many ICE HSI personnel and what percentage of the workforce are not in compliance with the vaccine mandate?

**Response:** As of December 16, 2021, out of the approximately 8,915 Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) personnel, 90 percent are fully vaccinated, 0.65 percent are partially vaccinated, 8.44 percent are not vaccinated, and 0.91 percent have an unknown status.

**Question:** How many of those individuals have requested a waiver, broken down by type of waiver (e.g. medical, religious, etc.)?

**Response:** As of December 13, 2021, approximately 760 HSI personnel have requested an exemption. Of those, 135 are medical requests, 618 are religious requests, and 7 are unknown requests (i.e., unknown requests are incomplete exemption forms that require dialogue with the requestor).

**Question:** How many waivers have been approved, broken down by type of waiver (e.g. medical, religious, etc.)?

**Response:** Exemption requests will begin the adjudication process in the next few weeks.

**Question:** How many waivers have been denied, broken down by type of waiver (e.g. medical, religious, etc.)?

**Response:** The adjudication process for exemption requests will begin in the next few weeks.

**Question:** How many HSI personnel have been disciplined for not taking the vaccine?

**Response:** As of December 16, 2021, no HSI employees have been disciplined for not taking the vaccine. 96 HSI employees have received non-disciplinary counseling letters in an effort to educate them about the vaccination mandate and establish deadlines by which they must show proof of their efforts to come into compliance with the mandate either by starting the vaccination process or submitting a request for a medical or religious exemption. Failure to demonstrate efforts to come into compliance may result in disciplinary action.

**Question:** How many HSI personnel have been terminated for not taking the vaccine?

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**Response:** As of December 16, 2021, no HSI personnel have been terminated for not taking the vaccine.

**Question:** How many HSI personnel are fully vaccinated, and how many have received one shot an mRNA vaccine as of November 22?

**Response:** Although not exclusive to the mRNA vaccine, overall 90 percent (8,068) of HSI personnel are fully vaccinated against COVID-19 as of December 16, 2021. 0.65 percent are partially vaccinated, which is 58 employees.

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**Question:** Has HSI performed any analysis of the security impact from HSI personnel not taking the vaccine? If so, please share with the Subcommittee.

**Response:** No analysis has been completed yet. ICE will soon be adjudicating exemption requests submitted by employees. These exemption requests will be analyzed under the applicable legal standards. Once the exemption requests have been adjudicated and we have a final view of the status of these employees, we will analyze the impact.

**Question:** Has HSI analyzed the effects of the vaccine mandate on its retention and recruiting efforts? If so, please share with the Subcommittee.

**Response:** ICE has not conducted a formal analysis of the effects of the vaccine mandate on retention and recruitment. In November 2021, ICE added a question to its Exit Survey regarding the vaccination mandate. Of the 94 people who voluntarily completed the survey since then, 4 percent indicated that the COVID-19 vaccination mandate influenced their decisions, 29 percent said it did not, and 65 percent declined to answer the question (participants are not required to respond to this question). Five respondents who left comments stated their reason for leaving was the vaccination mandate. The survey is ICE-wide and not specific to HSI.



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**Question:** Do ICE HSI and the DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives have any current information sharing agreements regarding weapons that are interdicted at ports of entry along the Southwest border? If so, please share with the Subcommittee.

**Response:** HSI and the U.S. Department of Justice's (DOJ) Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have a memorandum of understanding (MOU) that is intended to formalize a partnership to promote effective, coordinated, and collective law enforcement efforts both nationally and internationally between ATF and HSI by the collaborative use of both agencies' investigative authorities. To better utilize federal investigative resources, ATF and HSI are committed to enforcing the statutes and regulations within each agency's jurisdiction while working in partnership and in support of each other.

**Question:** If there are any such information sharing agreements, does HSI believe that these agreements have been effective thus far?

**Response:** The MOU has allowed ATF and HSI to share intelligence and investigative data to ensure a higher probability of success in investigative and enforcement efforts. HSI and ATF field offices have received intelligence analysis and case coordination support from the National Targeting Center-Investigations (NTC-I), Special Operations Unit, and other respective HSI headquarters components through national programs such as Operation Without a Trace, Project THOR, and the Southwest Border Initiative, which have led to successful prosecutions and dismantlement of weapons trafficking organizations.

Despite some of the successes, HSI has encountered some difficulties in obtaining e-Trace data from the ATF that fall outside of the scope of the MOU. To stem the illicit flow of firearms from the U.S. to Mexico, HSI through U.S. Customs and Border Protection's (CBP) National Targeting Center (NTC) proposed analyzing data from firearms recovered in Mexico to develop investigative leads. ATF has been reluctant to share e-Trace information and has cited that agency policy prohibits the disclosure.

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**Question:** What additional authorities or efforts would help HSI better understand the sources of U.S.-made firearms that are interdicted in Mexico and the smuggling routes for those firearms?

**Response:** To better combat firearms trafficking into Mexico, HSI recommends edits to Congress's introduced bill H.R. 1120, Illicit Arms Trafficking Security Enforcement Act, as written. HSI recommends adding / editing the following language within the Act:

- Language to enhance existing 26 Border Enforcement Security Task Forces (BESTs) along the U.S.-Mexican border by requiring additional ATF and CBP resources be assigned to supplement existing efforts.
- Language to establish the CBP NTC and HSI NTC-I as the central point of coordination between the U.S. Department of Homeland Security (DHS) and ATF on all intelligence collection strategies, cross border operations, and criminal investigations involving firearms trafficking and smuggling to Mexico.
- Language to ensure the sharing of information between ATF and HSI, authorizing HSI to receive comprehensive data on seized firearms in Mexico from ATF through the current electronic tracing system or successor system.
- Language to fully describe the composition of Federal, State, local, tribal, and foreign agencies to enhance the support to the existing 26 BEST units along the U.S.-Mexican border.
- Amendment of 18 USC § 924 to allow DHS agencies to pursue civil forfeiture actions for seized firearms and ammunition.

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**Question:** Has HSI ever studied the amount of drugs that are smuggled across the border using "narco-drones"?

**Response:** HSI does not have capabilities that can detect the amounts of drugs smuggled across the border using small Unmanned Aircraft Systems (sUAS), also known as drones or "narco-drones." There are several reports produced by CBP tracking the methods of use of sUAS; however, the amounts of drugs smuggled across the border using sUAS is difficult to quantify due to the lack of technology in the field able to detect sUAS. HSI is conducting research to acquire technology to collect data on this issue.

HSI Intelligence is preparing to conduct a threat assessment across all HSI Areas of Responsibility. HSI intends to create an investigative program code for inclusion in cases and enforcement actions to better track narcotics smuggled by sUAS.

**Question:** How prevalent is the use of narco-drones by transnational criminal organizations, and what drugs have been smuggled through narco-drones?

**Response:** HSI understands that sUAS use by transnational criminal organizations (TCOs) along our borders is increasing. Since the extent of sUAS use has not been reliably determined, their prevalence of use in comparison to other smuggling methods is unknown at this time.

Currently, TCOs are using narco-drone technology to transport narcotics from Mexico to the U.S. border regions and for counter-surveillance operations against U.S. law enforcement. Reports from the field indicate that current sUAS payloads are limited to approximately 12 kilograms, due primarily to the fact that TCOs prefer the medium-size units for concealability. sUAS seizures of narcotics include marijuana, heroin, methamphetamine, cocaine, and fentanyl.

Initially, TCOs maneuvered the drones via remote control, but advances in GPS technology have made it easier to fly them without manual controls and instead with "way points" and GPS coordinates. The sUAS can be launched from Mexico and travel across the U.S. border using internal GPS software. Once at a predetermined location in the U.S., the sUAS either land or drop the narcotics at the location. HSI special agents in the field have noted that with current technology, drones with this GPS technology can travel along the U.S. coastline, over water and under the cover of darkness, to avoid detection.

In addition to using sUAS to smuggle narcotics, HSI special agents have confirmed that TCOs have been using the drones to conduct surveillance of law enforcement operations along the U.S. border. As state-of-the-art cameras are common on drones, members of the TCO who have

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access to the live feed can provide updates on the locations of CBP officers and Border Patrol agents to increase their chances of a successful smuggling operation. This particular use of drones for surveillance is more prevalent by human smuggling organizations and has been used frequently along the Arizona border region.

**Question:** What resources and authorities would equip HSI to understand catch and deter narco-drones?

**Response:** To combat this threat, HSI offices have initiated enforcement operations and created task force groups comprised of CBP, the U.S. Drug Enforcement Agency (DEA), and state and local agencies that patrol the border regions and have encountered similar issues with the use of drones. CBP, HSI, and DEA in the field have detection systems that can track drones, but the systems must be live, as operators must be logged in to track any drones in the area. Additional funding to establish an automated tracking system would be beneficial as it would alert law enforcement via text or email.

**Senator James Lankford Post-Hearing Questions for the Record****Submitted to Mr. Joe Jeronimo****Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry****Wednesday, November 17, 2021**

**Question:** I have heard that CBP has begun deploying resources that allows the National Targeting Center to scan vehicles immediately after they cross the National Limit Line and before they arrive at the primary inspection booth. How successful has this initiative been for HSI's investigations efforts? What are the barriers to deploying this capability across the entire border?

**Response:** Drive-through nonintrusive inspection (NII) technology enables CBP to enhance security, decrease processing time, and improve the flow of traffic across the border. As part of CBP's plan to streamline port operations, CBP is significantly increasing vehicle scanning rates with enhanced drive-through NII technology and revised scanning operations. By Fiscal Year 2023, CBP plans to increase NII scans of primary passenger vehicles crossing the Southwest Border from less than 2 percent to 40 percent and fixed occupant commercial vehicles scans from 15 percent to 72 percent. Approximately 98 percent of CBP's border drug seizures involve NII scans and the increased use of NII between FY19 and FY21 has correlated with a significant increase in hard narcotics seizures at the southern border.

Various infrastructure constraints across land ports of entry (POE) pose key barriers to significantly increasing NII scanning. A few of these constraints include the footprint of the POE as compared to the footprint of the technology, ensuring there is no cross-interference with other inspection technologies, such as radiation portal monitors, and ensuring each POE has the necessary information technology infrastructure to transmit data in real time. Prior to deploying NII systems, CBP conducts site surveys to identify and mitigate barriers to the greatest extent possible. Additionally, findings from the site surveys are utilized to inform land POE design guide requirements.

Currently, HSI does not track the source of investigative referrals from CBP but, as the primary investigative arm for DHS, HSI conducts criminal investigations and prosecution support resulting from arrests and seizures associated with CBP inspections. As CBP expands NII screening operations across POEs along the U.S. northern and southern borders, HSI anticipates a significant increase in narcotics and munitions seizures and recently updated a white paper requesting additional staffing to address the expansion of NII inspections. The request for additional staffing is based on current information associated with the number of case hours, cases initiated, and responses to the POEs from CBP referrals.

**SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT**  
**“FEDERAL GOVERNMENT PERSPECTIVE: IMPROVING SECURITY, TRADE, AND**  
**TRAVEL FLOWS AT SOUTHWEST BORDER LAND PORTS OF ENTRY”**  
**Stuart Burns, Assistant Commissioner, Public Buildings Service, Portfolio**  
**Management and Customer Engagement, General Services Administration**  
**NOVEMBER 17, 2021**

**Questions for the Record Submitted by Senator Krysten Sinema**

**Q1a:** As discussed during the hearing, the process for improving port of entry infrastructure is confusing and seems inefficient with GSA, Department of Homeland Security (DHS), and other stakeholders playing a role in the planning, construction and appropriations process.

Do you have any recommendations for how Congress can improve and bring transparency to the process for designing and constructing modern port infrastructure?

**RESPONSE:** The process for designing and constructing land ports of entry (LPOE) necessarily includes a significant amount of planning between the U.S. General Services Administration (GSA), U.S. Customs and Border Protection (CBP), and other inspection agencies. Transparency in the process is provided in many forms including the CBP and GSA 5-Year LPOE plan, GSA's 5-Year Capital Plan, GSA's budget requests, GSA's prospectus documents, and GSA's partnership with state and local communities in border master planning efforts led by transportation departments. The most significant barrier to advancing important LPOE projects historically has been lack of available appropriations; thanks to the Infrastructure Investment and Jobs Act (IIJA), 26 important construction and modernization projects are now able to move forward.

**Q1b:** Are any changes in authorities or division of effort needed that can help with this?

**RESPONSE:** GSA has sufficient authorities to design, construct and maintain LPOEs. The current process that GSA and DHS use to plan LPOE projects is transparent; however, GSA's annual access to funds deposited in the Federal Buildings Fund (FBF) has been limited for the last decade, which subsequently hinders GSA's ability to complete LPOE projects in a timely fashion. Consistent and stable funding could improve the process to plan and execute projects to maintain LPOEs in a good state of repair; the IIJA is a significant and positive step to help address these needs.

**Q1c:** What needs to happen to ensure we have efficient and secure operations at ports of entry now and in the future, especially when a POE requires small-scale maintenance and expansion projects that may not be prioritized on the 5-year LPOE plan?

**RESPONSE:** GSA-controlled properties, including LPOEs, require consistent investments in the regular maintenance, repairs, and eventually major renovations and modernizations to maintain facilities in a good state of repair. GSA requires full access to all annual revenues and collections deposited into the FBF to make timely repairs and alterations in LPOEs, so that CBP employees have quality workspace conditions. This is true for other federal facilities as well.

**Questions for the Record Submitted by Senator James Lankford**

**Vaccine Mandate and Workforce**

**Q1:** Now that the deadline has passed, how many GSA personnel and what percentage of the workforce are not in compliance with the vaccine mandate?

**RESPONSE:**

As of January 2022, more than 99% of GSA employees were either fully vaccinated or partially vaccinated and taking steps to become fully vaccinated. Additionally, there are small percentage of employees whom have either been granted a reasonable accommodation or in the process of requesting one.

To ensure compliance with an applicable preliminary nationwide injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, GSA will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to Executive Order 14043 on *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*.

**Q1a:** How many of those individuals have requested a waiver, broken down by type of waiver (e.g. medical, religious, etc.)?

**RESPONSE:** Approximately 670 employees had requested a vaccine exception. Approximately 560 of these requests were based on a religious belief, practice, or observance, and approximately 110 of these requests were based on a disability or medical condition.

**Q1b:** How many waivers have been approved, broken down by type of waiver (e.g. medical, religious, etc.)?

**RESPONSE:** Approximately 600 exception requests were approved. Approximately 530 of these requests were based on a religious belief, practice, or observance, and approximately 70 of these requests were based on a disability or medical condition.

**Q1c:** How many waivers have been denied, broken down by type of waiver (e.g. medical, religious, etc.)?

**RESPONSE:** Prior to the federal injunction issued against enforcement of EO 14043, 30 exception requests (14 religious and 16 medical) had been denied.

**Q1d:** How many GSA personnel have been disciplined for not taking the vaccine?

**RESPONSE:** No GSA personnel have been disciplined for not being vaccinated. To ensure compliance with an applicable preliminary nationwide injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, GSA will take no action to

implement or enforce the COVID-19 vaccination requirement pursuant to Executive Order 14043 on *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*.

**Q1e:** How many GSA personnel have been terminated for not taking the vaccine?

**RESPONSE:** No GSA personnel have been terminated for not being vaccinated. To ensure compliance with an applicable preliminary nationwide injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, GSA will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to Executive Order 14043 on *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*.

**Q1f:** How many GSA personnel are fully vaccinated, and how many have received one shot an mRNA vaccine as of November 22?

**RESPONSE:** As of January 4, 2022, approximately 10,630 GSA employees had been fully vaccinated and approximately 15 employees were partially vaccinated.

**Q2:** Has GSA analyzed the effects of the vaccine mandate on its retention and recruiting efforts? If so, please share with the Subcommittee.

**RESPONSE:** We did not identify a significant impact to recruitment and retention.

*Donation Assistance Program*

**Q3:** We have heard that GSA often subjects services and infrastructure donated to CBP for the ports to a number of reviews that delay CBP's ability to use the donation in an effective manner. Has GSA ever studied how to streamline its review? What statutory requirements create a barrier for GSA to more quickly approve a donation for CBP's use?

**RESPONSE:** GSA is constantly evaluating its programs for continuous process improvement, and has streamlined the review process in a way that has substantially reduced the processing times for real property donations under CBP's Donations Acceptance Program and under GSA's own donations authority (40 U.S.C. § 3175). Some examples of the improvements are establishing a position for a dedicated Border Program Manager; delegating donations approval authority to the Regional Public Buildings Service (PBS) Commissioners for donations valued under \$5 million; and participation in Binational Border Master Planning with CBP, U.S. Department of Transportation, local communities, and State transportation agencies. Keeping all participants aware of the opportunities, costs, schedules, and accomplishments of the various donations programs has led to better understanding of the risks and opportunities presented by donations programs, has more closely aligned GSA and CBP in managing the donations programs, and has streamlined the review process from a matter of months in 2014 to a matter of weeks, or less, in 2021.



GSA Regions and Port Management

**Q4:** It is my understanding that GSA has 11 autonomous regions that include the ports in their portfolios. These portfolios have different Federal buildings – like Federal courthouses and office buildings – in addition to the ports. The technical requirements and management needs for a Federal courthouse or USCIS Field Office is drastically different from the technical requirements and management needs for a port. Ports uniquely impact our country's national security and economy. Has GSA ever piloted creating a special region solely for port management?

**RESPONSE:** While GSA's buildings service operations is divided among 11 regions, only 5 of those regions include LPOEs. Those five regions each have specialists who focus on managing the LPOE portfolio and working with GSA's agency customers, plus GSA has established an interdisciplinary team specifically for LPOEs that manage and oversee these facilities.

**Q5:** What ideas has GSA explored to ensure that our ports receive the upgrades and management they need?

**RESPONSE:** GSA and CBP share information on a regular basis regarding the needs at LPOEs. Using that information, GSA evaluates each asset's needs and continuously works to align the most urgent needs at LPOEs and other facilities to the available funding.

**Q6:** Are there any resources or authorities we should consider to ensure that our ports receive the modernization and management they need to protect national security and meet our trade obligations?

**RESPONSE:** The process for designing and constructing LPOEs includes a significant amount of planning between GSA, CBP, and other inspection agencies. Supporting GSA's Capital Investment Program and providing the resources necessary to deliver CBP's and GSA's 5-Year Plan will allow GSA, CBP, and the other inspection agencies to plan more effectively for the modernization of the LPOE portfolio. Also, the most impactful authorization that would ensure consistent resources to manage the LPOE portfolio would be to appropriate fully each year the revenue GSA collects from all agencies including CBP and deposits into the Federal Buildings Fund (FBF) for the purposes of operating, repairing and maintaining LPOEs. The IJA is a significant and positive step to help address these needs.

Delegated Authority for Minor Repairs

**Q7:** It is my understanding that GSA delegated authority to CBP to conduct certain maintenance projects at the ports if those projects cost less than \$100,000. Thus far, has this program been effective for GSA's management needs?

**RESPONSE:** The delegation of authority for cyclical maintenance has been beneficial to both GSA and CBP. This delegation allows CBP to perform certain low-risk, low-cost projects at specific locations where it is either too remote or inefficient for GSA to perform the work. When the work is performed by CBP, GSA is able to focus its resources on other higher-risk projects, and CBP is not charged a reimbursable work agreement fee for PBS to manage the project.

**Q8:** Do you believe the dollar amount for this delegation should be increased? If so, at what number would be most effective?

**RESPONSE:** GSA and the U.S. Department of Homeland Security (DHS) are currently working on a new delegation of authority agreement that would enable CBP to provide cyclical maintenance and minor repairs up to \$250,000 in Office of Field Operations and Border Patrol occupied space at federally owned land ports of entry. Both parties are in agreement with the terms of the draft agreement and intend to execute this new agreement effective August 1, 2022 - upon expiration of the current agreement.

**Q9:** How has this delegated authority impacted the Federal Building Fund?

**RESPONSE:** Because the delegation is limited to low-cost, low-risk projects, which are typically completed via reimbursable work agreements with other agencies, the impact on the Federal Buildings Fund (FBF) is minimal.

**Timeline for Port Modernization**

**Q10:** A memo from the Congressional Research Service noted that it takes 7 years on average to complete the construction of a new land port of entry – one year to develop the design prospectus, two years to obtain congressional approval, two years to design the port, and two years to build it. What is the longest timeline that it has taken to build a new port, and what is the shortest?

**RESPONSE:** Seven years is the average timeline from project conception to delivery, under traditional congressional funding requests and appropriations, noting that LPOEs are required to maintain operations during construction, which impacts most LPOE construction schedules.

One of the shortest durations for a land port completion was six years for the LPOE in Van Buren, Maine. Two factors expedited this delivery: the emergency situation due to flooding at the port forced CBP into temporary trailers, reducing the impact of working around CBP operations, and funding was provided through the American Recovery and Reinvestment Act of 2009, negating the need for the traditional funding approval process.

One of the longer duration projects was San Ysidro, the largest LPOE in North America. From conception to delivery, the project took approximately 10 years to complete due to many complexities, including building an expansion while keeping the busiest land port operational.

The San Ysidro LPOE is the busiest land border crossing in the Western Hemisphere. The three-phased, approximately \$740M modernization project included improvements in: a pedestrian bridge, Northbound vehicular Inspection, Southbound pedestrian crossing, Virginia Ave. transit Center, Administration and pedestrian building and I-5 North and Southbound inspection facilities.

**Q11:** What factors allow a port to be constructed more quickly? What authorities would allow GSA to expedite this process?

**RESPONSE:** All federally owned ports rely on appropriations by Congress. GSA receives appropriations through the Federal Buildings Fund (FBF) and lack of consistent and predictable availability of annual funding has been the main constraint to completion of ports. Since 2011, GSA has not received full access to collections within the FBF, thereby limiting GSA's ability to fund LPOE projects fully in a timely manner. With the passage of the Infrastructure Investment and Jobs Act and the enabling of GSA to access FBF annual revenues and collections, GSA will be able to deliver projects that have significant investment needs. Other factors that can improve project delivery include less complicated or no required site acquisition and a construction plan that allows for temporary closure (totally or partially) of the port during the construction phase.

