

Question#:	1
Topic:	Other Criminal Activity
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In the San Diego, CA area in the 1990s, 12 miles of border fence was erected. Over a 25 year period, illegal crossings declined by 88%. In 1993, border fence was installed in El Paso, Texas; there was a decline in illegal crossings by 95% over a 22 year period. In Tucson, AZ in 2000, illegal traffic dropped 90% over 15 years. And in Yuma, AZ, illegal traffic dropped 95% over 4 years. However, a border wall is not practical for the entirety of the southern border. A 2,000 mile continuous wall cannot be built along our southern border, so a multi-pronged approach is necessary. A combination of border wall segments, a sufficient number of officers and agents, and technology are needed to create an effective border security apparatus.

Since we know a physical barrier works to slow illegal traffic, have you seen a reduction in other criminal activity, as an apparent result of border wall installations?

Response: Yes, CBP has seen a reduction in criminal activity specifically related to illegal drug smuggling by way of vehicle incursions. The ability to effectively conduct vehicular drug trafficking incursions has been greatly decreased, due to the increased number of barriers in place, impeding a rapid transportation method previously exploited in these areas. Additionally, while not necessarily reducing overall foot transport traffic (drugs carried/ walked across), they do force the groups to cross in areas without barriers, thereby increasing their crossing time (which increases USBP's ability to respond to the incursion), and force them to attempt more expensive and time-consuming means of smuggling.

Question#:	2
Topic:	UAS Pilot Program
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Can you explain how CBP's pilot program using small unmanned aircraft systems is fairing? Has it been effective so far, and how will it help going forward?

Response: The U.S. Border Patrol (USBP) strives to provide agents in the field the best tools and technology to safely and effectively perform the border security mission. Small Unmanned Aircraft Systems (SUAS) are an essential piece of technology that USBP has been working to implement for many years to increase situational awareness and officer safety. With the assistance of CBP partners and several other federal agencies, USBP has officially created a SUAS program of record. This milestone ensures SUAS procurement, training, logistics, maintenance support and funding throughout the life of the program. USBP has an approved Certificate of Authorization with the Federal Aviation Administration (FAA) to formally authorize and set the parameters for the use of SUAS platforms in support of the border security mission.

Additionally, USBP has drafted an Internal Operating Procedure (IOP) that will serve as the national guidance and approval for USBP sectors to begin operating SUAS in their respective area of operations. This IOP outlines the legal parameters, policies, procedures; regulations, program management and training requirements, as well as other high-level guidance sectors need to begin SUAS implementation. Each sector will be responsible for creating their own standard operating procedure (SOP) that outlines the exact process for airspace deconfliction and mission execution in that particular area of responsibility. As a result of a multi component work group established by the Commissioner in FY18, USBP was designated the CBP Executive Agent for SUAS. In that role, USBP is working to develop a CBP SUAS policy to be used by all CBP components to stand up their respective SUAS programs.

In FY18 and FY19, SUAS testing and evaluation was conducted to evaluate the operational suitability and effectiveness in various border environments. The results of this testing and evaluation were favorable, allowing for the continued pursuit of SUAS systems and ultimately the establishment of operational requirements. These requirements were validated and supported through the Alternatives Analysis process by Johns Hopkins Applied Physics Laboratory. Extensive market research was conducted, including many technology demonstrations, to identify SUAS systems that most closely meet USBP's operational requirements. Because of these demonstrations, USBP has procured an additional 100 SUAS platforms set for deployment to the Southwest Border in the second quarter of FY19, with additional procurements planned in FY19 and FY20. To support future acquisitions, USBP has collaborated with the Department of Homeland Security's Science and Technology Directorate (S&T) for evaluation of SUAS platforms

Question#:	2
Topic:	UAS Pilot Program
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

through the Robotic Aircraft for Public Safety (RAPS) Program, as well as the Robotic Aircraft Sensor Program – Borders (RASP-B), both of which have produced useful capability and limitation data to support refining operational requirements. Additionally, USBP continues to support the CBP Silicon Valley Initiative, which also fosters the development of future technologies to support the border security mission.

USBP views SUAS technology as a force-multiplying enhancement to CBP’s border security operations, and recognizes the need for the internal and practical application of SUAS technology with Border Patrol agent end users. SUAS deployments will supplement current fixed technology and manned aircraft thereby reducing surveillance and situational awareness gaps. Further, ease of mobility and portability enable SUAS to be moved to high-risk areas, allowing agents to adapt to changing threats.

To date, USBP has successfully trained over 100 Border Patrol agents as SUAS Operators and has 109 SUAS platforms in inventory with an additional 100 platforms in the procurement process. USBP has effectively deployed SUAS on 334 sorties, for 304 flight hours that assisted in 211 apprehensions on the Southwest Border.

Question#:	3
Topic:	Staffing and Equipment
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What steps are you taking to sufficiently staff and equip Ports of Entry and Border Patrol stations to ensure our border is secure?

Response: CBP assesses threats through a risk-based strategy and multilayered security approach, and aligns resources (both human and technological) to meet its mission and ensure that threats are mitigated at the ports of entry (POE). CBP uses its staffing models, such as the Workload Staffing Model (WSM) and Agriculture Resource Allocation Model (AgRAM), to analyze and provide recommendations for increases and changes to CBP Officer and CBP Agriculture Specialist staffing requirements at the POEs. These are decision support tools that calculate recommended staffing levels for the POEs based on current and projected enforcement and facilitation workload, including recognizing emerging threats. In addition, the CBP Field Offices are canvassed on a regular basis for technology and equipment needs.

The U.S. Border Patrol is similarly working to develop a staffing model to determine Border Patrol Agent requirements between POEs. The Personnel Requirements Determination (PRD) initiative began as part of the congressional mandate. The intent and a primary deliverable of PRD is an interactive tool/model that provides decision support for USBP staffing requirements. To date, USBP has made considerable progress and the model/tool is on schedule for completion in September 2019.

CBP has taken the following additional steps to sufficiently staff and equip the U.S. Border Patrol and Office of Field Operations to ensure our border is secure:

- CBP requested funding for additional BPAs in 2018, 2019, and 2020 President's Budgets.
 - CBP requested funding to hire an additional 500 BPAs in FY2018, 750 BPAs in FY2019, and 750 BPAs in FY2020. The amounts requested included costs for both pay and non-pay expenses.
- CBP is working to hire additional CBPOs that Congress funded in FY 2019.
 - All CBPO academy training seats for FY19 were filled by June 30, 2019 and 15% of FY20 CBPO academy seats are currently filled.
 - This year, CBP is projecting to hire approximately 2,100 CBPOs. In comparison, last year CBP hired 1,274 CBPOs. That represents an estimated 65% increase in CBPO hiring. While that progress alone is

Question#:	3
Topic:	Staffing and Equipment
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

significant, it is on top of the improvements made last year in FY18, which saw a 39% increase in CBPO hiring over FY17.

- CBP has made significant hiring process improvements and efficiencies to shorten time-to-hire and bring on qualified candidates more quickly.
 - Over the last four years, CBP has reviewed organizational hiring processes and implemented process improvements. These process improvements resulted in a 60 percent increase in total frontline hires between FY 2017 and FY 2018, nearly doubling the total number of BPA hires from 522 to 1,000, which resulted in the first net gain of BPAs in six years.
 - Recent efforts include increasing federal and contract nursing staff in FY 2018 to reduce processing time and improve applicant satisfaction. Additionally, HRM modified the current medical services contract to handle applicant surge capacity, and increased medical processing decisions by 100% per month (800 per month in FY18 to 1,600 per month in FY19). This increase in production will lead to reduced medical processing time for frontline hiring supporting the agency in meeting hiring goals.
 - In FY18, CBP also increased staff to improve applicant care during e-QIP initiation. Prior to the FY19 furlough, e-QIPs were being processed in real time and CBP anticipates real time e-QIP processing will be reached once again by then end of FY19.
 - *Computer Adaptive Testing (CAT)*: CBP launched BPA Computer Adaptive Testing (CAT) on February 15, 2019. To date, CAT has proven to be successful in reducing test taking time and enhancing test security. A CBPO CAT is under development with an expected FY 2020 launch.
 - The efforts below have contributed directly to CBP's recent success enabling CBP to recruit candidates predisposed for success and maximize the number of qualified candidates who successfully complete the hiring process.
- *Fast Track Pilot*: Launched in spring 2019 to test the ability of qualified candidates to EOD in 120 days or less, this process was limited to a small number of applicants and driven by recruiter identification of applicants. The Fast Track process demonstrated the ability to hire in under 60 days. As a result of the Pilot, CBP:
 - Identified 1,366 leads (including BPAs and CBPOs);
 - Set 39 EODs total (including BPAs and CBPOs);
 - Set 31 Fast Track EODs in less than 90 days; and

Question#:	3
Topic:	Staffing and Equipment
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Found that recruiter leads passed medical and suitability at the same or lower rates than the average for all applicants.
- *Veteran Hiring/Partnership with the Department of Defense (DoD)*: CBP and DoD have a joint and vested interest in supporting employment efforts for transitioning military personnel and veterans. Building on the strong history of collaboration between DoD and CBP, this continued partnership will assist CBP in meeting critical frontline staffing objectives while offering veterans rewarding career opportunities. CBP is currently looking to expand engagement within the military community, specifically by strengthening relationships with the individual DoD components and veteran-oriented organizations. CBP is conducting a greater number of military hiring hubs and establishing additional permanent recruitment offices on military installations.
- *Digital Advertising and Social Media*: CBP continues to employ a robust digital media campaign that includes advertisements on popular sites such as Nascar.com, ESPN.com and Military.com, and an increased social media presence on Instagram, LinkedIn, YouTube, and Twitter. CBP is also launching the “Go Beyond” branding campaign, which is designed to distinguish the operational components and CBP as a premier law enforcement organization and an employer of choice. New brand creative assets were developed with the components to identify specific attributes to reinforce the core of their individual brands while building the larger brand narrative.
- *Recruiter Training*: CBP developed and implemented a five-day National Recruiter Course to establish training standards for recruiters and has trained over 1,400 recruiters from all three components. In addition, CBP is developing a recruiter accountability mechanism to track recruiter performance to promote quality customer service to applicants.
- *Applicant Care*: Research has demonstrated that there is a strong correlation between an applicant’s experience in the hiring process and their decision to accept a job or position. In benchmarking other organizations recruitment efforts designed to elevate the applicant experience, CBP has established an applicant care process focused on providing more touch points throughout the recruitment process. The applicant care model CBP uses employs dedicated recruiters, hiring specialists, and technology in order to allow candidates to have the necessary information readily available throughout the process. This effectively addresses the discouragement often experienced in long hiring processes, while also motivating candidates to continue in the great anticipation of joining such an elite organization as CBP.

Question#:	3
Topic:	Staffing and Equipment
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

- Currently, the CBP Hiring Center is standing up a formal Contact Center for all applicants. The Contact Center is leveraging current technology and incorporating new technology to provide metrics and measures on applicant interaction and workload.
- *Events and Outreach:* In FY 2018, CBP participated in more than 3,000 recruitment events for the third year in a row. CBP's use of advanced data analytics to direct its recruitment efforts, deemed a best practice by OPM, has enabled the Agency to identify areas with low brand awareness and refocus recruitment efforts toward these gaps.
- *OFO Recruitment Strategy:* OFO has implemented a new recruitment strategy that is scalable, versatile, and national in scope. The OFO recruitment strategy requires an all-encompassing synchronized approach to attracting, recruiting, and retaining applicants for frontline CBP Officer positions. This integrated approach requires investment at all levels focused on prioritized and targeted geographic locations to yield high quality applicants and establish pipelines to accomplish current and future hiring goals.
 - The OFO recruitment strategy removed current field office recruiting quotas and completion rates allocated to individual field offices and eliminated conflicting priorities and competition for OFO recruitment resources. This strategy allows recruiters to focus collective efforts at the national level, while enabling rapid access to recruitment, marketing, branding, and retention incentives. Collaboration and integration between field offices has resulted in the ability to saturate areas where the CBP Officer brand was not previously marketed.
 - Based on field engagement and supported by empirical data from pipeline applicants, OFO identified four ideal applicant profiles: college students, military and veterans, state/local law enforcement officers, and the public. Strategic engagement of these applicants focus on colleges/universities, DoD installations, and developing partnerships with community stakeholders, resulting in partnerships that will continue to yield pipelines of future CBP Officer applicants.

Question#:	4
Topic:	DNA Collection
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In 2005, Congress passed the DNA Fingerprint Act authorizing the Attorney General to collect DNA from persons arrested, charged, or convicted under the authority of the United States, including foreign nationals. In 2009, the Attorney General directed all federal agencies to begin collecting DNA samples. Since 2010, the FBI, DEA, ATF, and the U.S Marshals Service have been collecting the requisite DNA samples. DHS was exempted in 2010 from the requirement regarding non-U.S. persons detained for administrative proceedings, but the Attorney General ordered DHS to implement DNA collection as expeditiously as possible. According to a whistleblower, years after the expiration of the waiver, DHS still has yet to routinely collect any type of DNA.

On November 20, I sent a letter to the Department asking about its compliance with the DNA Fingerprint Act that authorized the Attorney General to collect DNA from persons arrested, charged, or convicted including foreign nationals.

When can I expect an answer to my letter that was due December 3, 2018?

Response: DHS is working to draft a response to your letter.

Question: After more than 8 years since the directive, does CBP have a policy for routinely collecting DNA samples as is required by law? What does the policy require?

If there is no policy, when do you expect full compliance to DNA collection, as required by law?

Response: Pursuant to 34 U.S.C. § 40702, DNA may be collected “from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States.” 34 U.S.C. § 40702(a)(1)(A). The collection of DNA samples from non-United States persons, “may be limited to individuals from whom the agency collects fingerprints and may be subject to other limitations or exceptions approved by the Attorney General.” 28 C.F.R. § 28.12(b).

Currently, DHS’s requirement to collect DNA under section 40702 is exempted by the Attorney General. Specifically, in March 2010, DHS requested exemptions from the requirements of 28 C.F.R. Part 28, by letter to the Attorney General, based on the severe organizational, resource, and financial challenges that would strain the resources of the agency to perform its broader mission should it be required to widely collect DNA.

Question#:	4
Topic:	DNA Collection
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

CBP utilizes tools in the apprehension and identification of Border Security threats, such as the submission of fingerprints to DHS's Automated Biometric Identification System (IDENT), and is at the forefront of DHS innovation such as the expansion into facial recognition technology.

Question#:	5
Topic:	Fraudulent Family Units
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The Department of Homeland Security argues that the Flores Agreement "has incited smugglers to place children into the hands of adult strangers so they can pose as families and be released from immigration custody after crossing the border, creating another safety issue for these children." Multiple reports to your staff corroborate this demonstrating that smugglers pair children with unrelated adults, posing as a "family member" for purposes of crossing the border. Earlier this year, a 13-year old girl and an unrelated male claiming to be her father who sought entry into the country, and were released as a family unit. Law enforcement later discovered the man had raped, assaulted, and abused her, despite being monitored with a GPS anklet. Smugglers and other bad actors understand doing so avoids detention and guarantees release into the interior.

What can you tell the Committee about the increase in smuggling activity, and the rise in the number of fraudulent family units crossing the border since the 2015 modification to Flores? By what percentage has that number increased?

Do you know how many family units apprehended by CBP did not consist of verified family members?

Response: Beginning April 19, 2018, the USBP system of record was updated to track the separation of family units and groups purporting to be family units. Therefore, official statistics of groups separated based on concerns about fraudulent claims to family unity are not available prior to that date. For the time period of 4/19/18 through 01/31/19, nearly 2,000 individuals undergoing processing as family units have been separated due to fraud (a lack of familial relationship or because the alleged child was 18 or older).

For CBP OFO, the table below indicates the number of separations due to fraudulent relationships since July 2018.

Fiscal Year and Month	Number of Separations due to Fraudulent Relationship
FY 18-10 (JUL)	0
FY 18-11 (AUG)	0
FY 18-12 (SEP)	2
FY 19-01 (OCT)	5
FY 19-02 (NOV)	3

Question#:	5
Topic:	Fraudulent Family Units
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

FY 19-03 (DEC)	1
FY 19-04 (JAN)	0

Question: How does CBP verify familial relationships? What restrictions do agents face when making determinations about family relationships?

Response: In assessing whether a familial relationship exists, CBP reviews the documentation presented, such as birth certificates and passports (if available), for the purported family unit to determine the relationship between various members.

- CBP may also contact the respective consulate to verify the documentation presented to ascertain if a family relationship exists.
- CBP will observe and document the interaction between the travelers to learn whether a family relationship exists.
- Per the CBP Transportation, Escort, Detention, and Search (TEDS) policy (implemented in 2015), CBP maintains family unity to the greatest extent operationally feasible, absent a legal requirement or an articulable safety or security concern.

Question#:	6
Topic:	Military Assistance
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: On April 4, 2018, President Trump issued a Presidential Memorandum directing the Secretary of Defense to support the Department of Homeland Security at the southern border with the use of the National Guard. On October 29, 2018, Secretary Mattis announced he would send 5,200 troops to the U.S.-Mexico border.

Prior administrations have also used military personnel to support border surges in the past. In 2006, President George W. Bush ordered 6,000 National Guard troops to the border as a part of Operation Jump Start. President Obama ordered 1,200 National Guard troops to the border as a part of Operation Phalanx. It is imperative that in these temporary surge periods CBP officers and agents have the temporary backup to effectively perform their law enforcement duties.

32 U.S.C. § 502 and 10 U.S.C. § 15 make clear that the military may be used to assist federal law enforcement agencies, as long as they don't engage in specific law enforcement activities such as arrests, detentions, and removals. That would require an act of Congress.

How is the military helping CBP, and why is that necessary during these surge periods?

Response: The Department of Defense (DoD) is providing support to CBP pursuant to the President's direction, including his April 4, 2018, Presidential Memorandum. This support has included: aviation for increased situational awareness and transport of CBP quick reaction forces; intelligence analysis; engineering (e.g., harden POEs, erect temporary barriers, and emplace concertina wire); communications support; vehicle maintenance; planning; medical (e.g., screening, triage, and treatment); facilities (e.g., temporary housing for CBP employees); protection of CBP personnel as they perform their Federal function at POEs; and loan of riot gear equipment (e.g., helmets with face shields, hand-held shields, and shin guards). Consistent with the Posse Comitatus Act, military personnel supporting law enforcement personnel are not directly participating in law enforcement activities.

The military's presence and support increase the effectiveness of CBP's border security operations, help free up Border Patrol agents to conduct law enforcement duties, and enhance situational awareness to stem the tide of illegal activity along the southern border of the United States

Question#:	6
Topic:	Military Assistance
Hearing:	Oversight of U.S. Customs and Border Protection
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

This support is necessary because, as stated in the President's April 4 memorandum, the security of the United States is imperiled by a drastic surge of illegal activity on the southern border.