



TESTIMONY OF

Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection

BEFORE

U.S. Senate
Committee on the Judiciary

ON

“Oversight of U.S. Customs and Border Protection”

December 11, 2018
Washington, DC

Chairman Grassley, Ranking Member Feinstein, and Members of the Committee:

Thank you for the opportunity to testify before you today. U.S. Customs and Border Protection (CBP) has a vast and complex mission with a wide variety of responsibilities. I appreciate the chance to discuss the whole of CBP's operations, and how our work is vital for national security and national prosperity.

Overview of the CBP Mission

The complexity and volume of work the men and women of CBP do every day is staggering. We operate in 50 countries; serve at 328 ports of entry (POEs); safeguard roughly 7,000 miles of land border, 95,000 miles of shoreline; and patrol the associated air and maritime spaces. In a single day, on average, we welcome more than a million travelers to the United States; we stop more than 300 pests at POEs from damaging our environment and our food supply; we seize nearly 6,000 pounds of narcotics and more than \$3 million worth of products with Intellectual Property Rights violations; and we arrest more than 20 wanted criminals and identify more than 1,600 individuals with suspected national security concerns. In addition, CBP collects more than \$120 million in duties, taxes, and other fees, generating revenue for the United States.

This is not an exhaustive recounting of our mission—it is a snapshot of a fraction of our work carried out by CBP officers, Border Patrol agents, air interdiction agents, marine interdiction agents, aviation enforcement agents, agriculture specialists, trade personnel, and the supporting offices. Our well-trained, dedicated workforce protects the American public from dangerous people and materials, facilitates legitimate trade and travel, and enhances our nation's economic competitiveness. It is my honor to represent them before you today.

Though our mission is multifaceted, dynamic, and substantial, our work falls into four primary categories: counterterrorism, border security, trade, and travel. Today, I would like to discuss these broad portfolios, and how our work in these areas protects our nation and its people from terrorists, drugs, criminals, and other threats, while facilitating lawful trade and travel.

Border Security

As previously mentioned, border security is often the primary topic of discussion regarding CBP—and with good reason. CBP guards the frontline of the United States, and our border security mission—at POEs, along our borders, and from the air and sea—is a matter of national security. But we are not an isolated nation, and we process millions of travelers and thousands of pounds of goods through our POEs every day. Facilitating the flow of people and goods supports our economy and upholds cherished freedoms.

However, we are also a nation of laws that govern civil and criminal justice proceedings, immigration, and trade. Our officers and agents are sworn to uphold the laws of the United States, and when individuals break these laws, they face consequences. To be clear, we welcome all travelers at our POEs, including aliens seeking admission to the United States, but we will not tolerate illegal border crossings.

In Fiscal Year (FY) 2018, 396,579 aliens were apprehended between POEs on the southwest border. Thus far this fiscal year, more than 100,000 aliens have been apprehended between POEs along the southwest border. In addition, we have seen a stark increase in the number of family units apprehended between our POEs on the southwest border. Combined with the recent arrival of the Central American caravans—which have combined into one of unprecedented size—the flows of illegal entries between ports of entry demonstrate significant challenges in securing our border.

Our border security efforts have three primary components: personnel, technology, and infrastructure.

Personnel: CBP

Frontline and non-frontline personnel are some of our most critical resources for improving border security. In order to meet established hiring goals, which include hiring an additional 5,000 Border Patrol agents, CBP continues to strengthen all aspects of its recruitment and hiring strategies. This includes initiatives designed to attract more applicants who are suited to the unique demands of CBP’s mission, expedite the pre-employment timeline, refine the hiring process to address all potential bottlenecks, and reduce the attrition rate of the existing workforce.

In the last two years, CBP has undertaken a comprehensive effort to look across all of our recruitment and hiring process areas. We implemented process changes that have resulted in significant recruitment and hiring gains. We embraced the use of social media and are working to more effectively identify the best return on investment in digital media. We have also introduced a mobile app for applicants in our hiring pipeline to keep them engaged during the process. We are planning to introduce an “applicant care” component whereby we assign a dedicated employee to an applicant to help them navigate the process.

We are seeing progress. CBP hired above the attrition rate in FY 2018, with staffing levels of 23,447 CBP officers (an increase of 368) and 19,555 Border Patrol agents (an increase of 118) at the end of the fiscal year. CBP also increased Air Interdiction agent hiring by 119 percent and Marine Interdiction agent hiring by 11 percent in FY 2018.

In addition to hiring new personnel, CBP remains committed to the continued education and training of its workforce. In particular, we have focused on the transparency of the use of force by CBP officers and Border Patrol agents. The end result has been significant policy, procedural, and programmatic initiatives that ensure the safety of CBP personnel while striving to earn and maintain the public trust. To that end, CBP established the U.S. Customs and Border Protection’s National Use of Force Review Board (NUFRB) in December 2014 as part of the many initiatives adopted by CBP to increase accountability and transparency. The NUFRB meets regularly to review significant use of force incident investigations and—through that review process—notes recommendations for improvements and updates in policy, training, tactics, and

equipment. Some of the implemented recommendations include new training aides for cross-fire scenarios, development of reality-based shoot and no-shoot training scenarios involving rock throwing, distribution of pocket cards to agents pertaining to the legality of checkpoint operations and Fourth Amendment rights, and field testing additional vehicle arresting device options. CBP has issued—and will continue to issue—periodic NUFRB progress reports and will continue to improve the safety and effectiveness of its officers, agents, and the public CBP serves.

Personnel: Partnerships for Border Security

To fulfill our complex missions, CBP works with Department of Homeland Security (DHS) components; the Department of Justice; the Department of Health and Human Services; the Department of State; Department of Defense (DOD) personnel; federal, state, local, tribal, and territorial partners; and international counterparts. In addition, I have also personally been in contact with numerous Non-Governmental Organizations (NGOs) over the course of my tenure as CBP Commissioner.

Processing Asylum Claims

All aliens who arrive in the United States may apply for asylum, either affirmatively through U.S. Citizenship and Immigration Services (USCIS), or before an immigration judge in removal proceedings, or through the expedited removal/credible fear process. Aliens who arrive at a POE and are found inadmissible for lack of proper travel documents or on grounds of fraud or misrepresentation, and certain aliens who entered without inspection, may be subject to expedited removal. If individuals placed into expedited removal proceedings inform CBP officers or Border Patrol agents that they are afraid to go back to their home countries, and wish to apply for asylum, or if they indicate they fear persecution or torture if returned, they are detained and referred to a USCIS asylum officer for a credible fear interview. In general, these individuals are detained by U.S. Immigration and Customs Enforcement (ICE) pending this credible fear interview, and the interviews are often conducted at detention facilities. Individuals who are found to have a credible fear are referred to immigration court with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review, where they may apply for relief from removal, including asylum. Individuals who are found to not have a credible fear are given an opportunity to ask an Immigration Judge for a review of the negative determination before ICE removes them from the United States. It is important to note that CBP is not the arbiter of the validity of claims of asylum, as we refer individuals making those claims as described above.

DHS, in partnership with the Department of Justice (DOJ), is taking a number of steps to facilitate faster processing of all asylum claims, including sending to the border, as necessary, additional USCIS asylum and refugee officers, ICE attorneys, and DOJ Immigration Judges.

Collaboration with the Department of Defense

CBP has a long-standing working relationship with the Department of Defense. U.S. Northern Command, U.S. Southern Command, and U.S. Indo-Pacific Command support our border security missions. National Guard personnel have provided support—such as counternarcotic

operations and training mission sets—in areas including Tucson, Yuma, and West Texas for decades. Previous Administrations directed DOD to authorize the use of National Guard personnel to temporarily support CBP, providing aviation, operational, logistical, and administration support in *Operation Jump Start* from 2006 to 2008, and in *Operation Phalanx* from 2010 to 2016.

In 2018's *Operation Guardian Support*, National Guard personnel provide temporary air support in the form of light and medium lift helicopters; infrastructure support, such as road maintenance and vegetation clearing; operational support, such as fleet maintenance and repair and law enforcement communications assistance; and surveillance support as surveillance camera operators. To be clear, in these operations, National Guard personnel do not conduct law enforcement activities and do not have direct contact with migrants. However, the National Guard support accelerates improvements to border security while CBP hires, trains, and equips additional personnel. By taking on these important supporting tasks, such as infrastructure repair or surveillance assistance, National Guard personnel free Border Patrol agents, CBP officers, and Air and Marine Operations (AMO) personnel, who might otherwise be called on to perform those supporting tasks, to focus on law enforcement activities at the border.

Recently, as part of CBP's *Operation Secure Line*, a response to a Central American caravan of unprecedented size, CBP again requested assistance from the DOD for additional border support. DOD personnel are providing planning assistance; engineering support, such as temporary barriers, barricades, and fencing; fixed wing and rotary wing aviation support to move CBP personnel; medical teams to triage, treat, and prepare for commercial transport of patients; command and control facilities; temporary housing for CBP personnel; and personal protective equipment for CBP personnel.

The additional capabilities provided by the DOD help CBP ensure the security and safety of the traveling public, the trade community, and our law enforcement personnel on the border. However, the need for this assistance highlights the fact that the numbers of Central American families and children coming across our border represents a humanitarian and national security crisis. The resources we are devoting to the care and processing of these individuals significantly impacts our ability to carry out our law enforcement mission.

International Partnerships

Throughout the world, CBP leverages its attaché and advisor network to engage local immigration, border management, and police authorities, as well as our federal partners such as the Department of State, the United States Agency for International Development, and ICE to enhance security, improve governance, facilitate lawful travel and trade, and promote prosperity.

For example, CBP efforts in Central America include: training, mentoring, and sharing best practices with local law enforcement; providing assistance in making customs processes more efficient and transparent to enhance trade facilitation; and building the capacity of law

enforcement in each country to counter drug smuggling activities, monitor, track, and deter the illicit migration of third country nationals, and facilitate cross-border coordination.

With regard to the recent Central American caravan, we have worked closely with the Government of Mexico and our Central American partners to address the challenges of these large groups. CBP very much appreciates the efforts of the Government of Mexico to address this challenging situation in accordance with the highest principles of protection of human rights and respect for migrants, while upholding the integrity of the Mexican border and Mexican immigration law.

Through the Caribbean Basin Security Initiative and U.S.-Caribbean 2020 strategy, CBP is working closely with the Department of State and other U.S. agencies to combat illicit trafficking and other transnational crime that threaten U.S. security along our third border.

Federal, State, Local, and Tribal Partnerships

CBP hosts monthly briefings/teleconferences with federal, state, and local partners regarding the current state of the border – both Northern and Southern– to monitor emerging trends and threats and provide a cross-component, multi-agency venue for discussion. The monthly briefings focus on drugs, weapons, currency interdictions, and alien apprehensions both at and between the POEs. These briefings/teleconferences currently include participants from the Government of Canada; the Government of Mexico; the Government of Australia; ICE; the U.S. Coast Guard (USCG); the Drug Enforcement Administration (DEA); the Federal Bureau of Investigation (FBI); U.S. Northern Command, U.S. Central Command, U.S. European Command, and U.S. Southern Command; Joint Interagency Task Force-South (JIATF-S); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); U.S. Attorneys' Offices; Naval Investigative Command; State and Major Urban Area Fusion Centers; and other international, federal, state, and local law enforcement as appropriate.

CBP's Office of Intelligence (OI) hosts a bi-weekly fusion forum to facilitate an open discussion with CBP's federal, state, local, and international partners on emerging trends and patterns, specific problem sets confronted by each organization, and each organization's attempts to address them. Additionally, OI personnel take part in a variety of weekly or monthly conference calls related to a variety of issues affecting CBP's mission including narcotics, terrorism, trade, and migration.

CBP is enhancing our collaboration with other DHS components to leverage the unique resources, authorities, and capabilities of each agency to more effectively and efficiently execute our border security missions against drug trafficking organizations, Transnational Criminal Organizations (TCOs), terrorists, and other threats and challenges. Under the Department's Unity of Effort initiative, the Joint Task Forces' operations also increase information sharing with federal, state, and local law enforcement agencies, improve border-wide criminal intelligence-led interdiction operations, and address transnational threats.

In addition, the entire CBP team, myself included, has recurring interaction with NGOs including Catholic Charities, Jewish Family Services, the American Red Cross, and even some NGOs outside the United States.

Technology

In addition to personnel, technology enhances CBP's operational capabilities by increasing the ability of the men and women of CBP to detect and identify individuals illegally crossing the border; detect dangerous goods and materials concealed in cargo and vehicles; and detect and interdict illegal activity in the air and maritime domains. For CBP, the use of technology in the border environment is an invaluable force multiplier that increases situational awareness. Technology enhances the ability of CBP to detect illegal activity quickly, with less risk to the safety of our front-line personnel. CBP benefits from a strong and productive partnership with DHS's Science & Technology Directorate for the purpose of identifying, developing, and integrating technology across our diverse mission areas.

At the Ports of Entry

As the physical structures at the POEs continue to age, CBP remains committed to ensuring the use of cutting-edge technology to ensure the smooth flow of legitimate trade and travel. Smugglers use a wide variety of tactics and techniques to traffic concealed drugs and other contraband through POEs. CBP incorporates advanced detection equipment and technology, including the use of Non-Intrusive Inspection (NII) equipment and radiation detection technologies, to maintain robust cargo, commercial conveyance, and vehicle inspection regimes at our POEs.

NII technology is a critical element in CBP's ability to detect contraband and materials that could pose nuclear and radiological threats. CBP currently has 325 large-scale NII systems and over 3,500 small-scale systems deployed to, and between, POEs. These systems enable CBP officers to examine cargo conveyances such as sea containers, commercial trucks, and rail cars, as well as privately owned vehicles, for the presence of contraband without physically opening or unloading them. This allows CBP to work smarter and faster in detecting contraband and other dangerous materials. CBP officers also utilize NII, as well as spectroscopic and chemical testing equipment and narcotics detection canines, to detect and presumptively identify illicit drugs, including illicit opioids, at international mail and express consignment carrier facilities.

Scanning all arriving conveyances and containers with radiation detection equipment prior to release from the POE is an integral part of CBP's comprehensive strategy to combat nuclear and radiological terrorism. In partnership with DHS' Countering Weapons of Mass Destruction Office, CBP has deployed nuclear and radiological detection equipment, including more than 1,306 Radiation Portal Monitors (RPM), 3,469 Radiation Isotope Identification Devices, and 36,905 Personal Radiation Detectors to all 328 POEs nationwide. Utilizing RPMs, CBP is able to scan 100 percent of all mail and express consignment mail and parcels; 100 percent of all truck cargo; 100 percent of personally-owned vehicles arriving from Canada and Mexico; and nearly 100 percent of all arriving sea-borne containerized cargo for the presence of radiological

or nuclear materials. Since the RPM program began in 2002, CBP has scanned more than 1.42 billion conveyances for radiological contraband.

In conjunction with CBP's many other initiatives, advancements in cargo and conveyance screening technology provide CBP with a significant capacity to detect dangerous materials and other contraband, and continue to be a cornerstone of CBP's multilayered security strategy.

National Targeting Center (NTC)

At CBP's NTC, selected detailees from the U.S. interagency and law enforcement communities, as well as counterparts from partner countries, advance data and access to law enforcement and intelligence records converge to facilitate the targeting of travelers and cargo that pose the highest risk to our security in all modes of inbound transportation. The NTC takes in large amounts of data and uses sophisticated targeting tools and subject matter expertise to analyze, assess, and segment risk at every stage in the cargo/shipment and travel life cycles. As the focal point of that strategy, the NTC leverages classified, law enforcement, commercial, and open-source information in unique, proactive ways to identify high-risk travelers and shipments at the earliest possible point prior to arrival in the United States.

To bolster its targeting mission, the dedicated men and women of the NTC collaborate with their own agencies as well as critical partners on a daily basis, including ICE-HSI, the Drug Enforcement Administration, the FBI, members of the Intelligence Community, and the U.S. Postal Inspection Service (USPIS). ICE-HSI and USPIS investigative case data is fused with CBP targeting information to bolster investigations targeting illicit narcotics smuggling and trafficking organizations. Moreover, NTC works in close coordination with several pertinent task forces, including the Organized Crime Drug Enforcement Task Forces, the High Intensity Drug Trafficking Areas, the Joint Interagency Task Force-West, the DHS Joint Task Force-West, and DHS Joint Task Force-Investigations.

Technology Investments between the Ports

Together with additional impedance and denial capabilities, improved infrastructure, and the hiring of additional agents and officers, technology remains a critical capability for the men and women of CBP. Thanks to the support of Congress, CBP continues to deploy proven, effective technology to strengthen border security operations between the POEs, in the land, air, and maritime environments. These investments increase CBP's ability to detect illegal activity along the border, increase our operational capabilities, and improve the safety of frontline law enforcement personnel.

This technology includes Integrated Fixed Tower (IFT) systems that provide long-range, persistent surveillance; Remote Video Surveillance Systems (RVSS) that provide short-, medium-, and long-range, persistent surveillance from towers or other elevated structures; and Unattended Ground Sensors (UGS) to provide focused, short-range, persistent surveillance. Without fixed-system technology such as IFT, RVSS, and UGS, the United States Border

Patrol's (USBP) ability to detect, identify, classify, and track illicit activity would be significantly limited.

Working in conjunction with fixed surveillance assets, USBP also uses mobile and relocatable systems to address areas where rugged terrain and dense ground cover may limit the effectiveness and coverage of fixed systems. Mobile and relocatable technology assets provide USBP with the flexibility to adapt to changing border conditions and threats.

Technology in the Air and Maritime Domains

CBP's comprehensive border security approach includes coordinated and integrated air and marine capabilities — including fixed and rotary-wing aircraft, and coastal enforcement vessels to detect, interdict, and prevent acts of terrorism and unlawful movements of people, illicit drugs, and other contraband across the U.S. borders. AMO's assets provide multi-domain awareness for our partners across DHS, as well as critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel.

AMO operates a variety of aircraft including the P-3 Orion, Multi-Role Enforcement Aircraft (MEA) Super King Air 350ER, and the MQ-9 Predator B unmanned aircraft system to provide critical detection and interdiction capabilities in both the air and marine environments. Each aircraft is outfitted with sensor, radar, and camera packages to act as a force multiplier in border security operations and increase CBP's range to counter illicit trafficking of people, dangerous weapons and drugs.

Some of the most critical technological advancements have come in the area of data integration and exploitation. Through the use of CBP's common communications web portal, *BigPipe*, AMO provides real-time situational awareness to ground personnel. Additionally, AMO agents use *Minotaur*, a mission management system currently integrated on the MEA, which links sensors, cameras, radar, and communications equipment into a single system. *Minotaur* enables multiple aircraft to share information from multiple sources, increasing domain awareness in the air, land, and maritime domains. All data is then integrated and analyzed at the Air and Marine Operations Center (AMOC) in California. Through the use of sophisticated technology, the AMOC detects, identifies, tracks, and directs the interdiction of suspect aviation and maritime targets in the Western Hemisphere. AMOC's command and control operational system, the *Air and Marine Operations Surveillance System*, provides a single display that is capable of processing up to 700 sensors and displaying up to 100,000 aircraft and vessel tracks simultaneously. It is the primary tool used to provide domain awareness to law enforcement partners internal and external to DHS.

Infrastructure

Tactical infrastructure, including physical barriers and complementary capabilities, has long been a critical component of CBP's multi-layered and risk-based approach to securing our southern border.

At the Ports of Entry

CBP supports a vast and diverse real estate property portfolio, consisting of more than 4,300 owned and leased buildings, over 28 million square feet of facility space, and approximately 4,600 acres of land throughout the United States. Effective and efficient POE infrastructure is critical to CBP's mission to secure and facilitate lawful trade and travel.

Of the nation's 328 official POEs, 110 are land POEs responsible for operating 167 separate crossings along our borders with Mexico and Canada. Most of the land POE inspection facilities were not designed to meet the post-9/11 security and operational missions of CBP. Rather, they were built to support the distinct operations of legacy DHS Components, such as the U.S. Customs Service, the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, and the U.S. Immigration and Naturalization Service.

Today, CBP's operations entail sophisticated targeting and communication systems, state-of-the-art detection technology, and a cadre of professional law enforcement personnel to identify, screen, and inspect high-risk persons and cargo and maintain an efficient stream of cross-border travel and trade. However, the success of our operational strategy depends heavily on the condition and operational utility of the inspection facilities. As highlighted in the *Land Port of Entry Modernization* report, several land POEs require investments to meet present day operational and security standards, and to address growing demands for additional processing capacity, new security requirements and enforcement technologies, and the need to maximize the efficiency of existing personnel and resources. To construct and sustain these land POE inspection facilities, CBP works in close partnership with the General Services Administration (GSA), which manages the majority of the land POE facilities. GSA, in coordination with CBP, continues to construct and modernize land POEs along the Northern and Southern borders, and to complete additional enhancement and expansion projects.

Between Ports of Entry

The land along the border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Today, we have several types of barriers, including steel bollard and levee wall, along nearly one-third, or 654 miles, of the Southern border. The recently passed Consolidated Appropriations Act of 2018 supports CBP's mission through investments in border infrastructure and related technology, to include \$1.4 billion for the largest investment in border wall in more than a decade. We are eagerly putting this funding to work to improve our nation's security, and encourage Congress to continue to support investments in the high-priority border wall system.

Trade

CBP knows that an efficient, secure supply chain is imperative for a healthy economy. In FY 2018, CBP processed more than \$2.6 trillion in imports, and collected approximately \$47 billion in duties, taxes, and fees. Both imports and duties increased this year, largely in part to the increased duties on steel, aluminum, and products from China.

CBP's cargo security and trade facilitation missions are mutually supportive: by utilizing a risk-based strategy and multilayered security approach, CBP can focus time and resources on those suspect shipments that are high-risk. With Congress' continued support of CBP's dedicated men and women, we will continue to keep Americans and our economy safe, while facilitating the ever-increasing volume of international trade and travel.

E-Commerce Strategy

Over the past five years, CBP has seen a nearly 50 percent increase in express consignment shipments. In FY 2013, CBP processed more than 76 million express bills; in FY 2017, that number totaled 110 million. International mail shipments have increased by more than 200 percent over the past five years, from approximately 150 million international mail shipments to more than 500 million international mail shipments.

CBP has taken an active approach to addressing these trends. In March, we issued the CBP E-Commerce Strategy. The strategy is based on four key goals: 1) enhancing our statutory and regulatory authorities; 2) further developing private sector partnerships; 3) facilitating the creation of international trade standards; and 4) adapting our operations to the shifting supply chain.

We are now applying these strategic goals to operational effect, but we continue to look towards greater intergovernmental and private sector outreach, technological advancements, the development of advanced analytics, and potential regulatory or statutory changes to augment our ability to meet our mission.

Intellectual Property Rights

CBP has identified Intellectual Property Rights (IPR) as a Priority Trade Issue (PTI). To address this PTI, CBP interdicts products that infringe on U.S. trademarks, copyrights, or exclusion orders issued by the U.S. International Trade Commission. The enforcement of IPR supports public health and safety, promotes economic prosperity, and preserves domestic and international security.

CBP has developed a strategic approach that focuses on collaborative efforts to educate and engage stakeholders to deter the importation of illicit goods and employs innovative approaches to enforce IPR law at all POEs. CBP distinguishes legitimate goods from an increasingly sophisticated assortment of illicit merchandise through several resources, including the e-Recordation Program that allows rights holders to report trademarks and copyrights that are registered with the U.S. Trademark Office or the U.S. Copyright Office; product identification guides that help CBP make infringement determinations at POEs; and product training sessions that allow stakeholders to interact with the officers and import specialists who inspect shipments and identify IPR infringements.

CBP also works closely with foreign governments, federal agencies, state, and local authorities, and private industry to protect America's innovation and competitiveness. CBP coordinates with

the National Intellectual Property Rights Coordination Center to exchange enforcement, targeting, and intellectual data with other IPR Center partners. We also work closely with ICE-HSI to combat criminal organizations that exploit American trade, and pursue agreements with foreign counterparts to conduct joint customs IPR enforcement actions, share effective enforcement practices, and exchange information on violations to identify illicit trade trafficking.

Protecting our Nation and our Economy

CBP uses a multi-layered, risk-based approach to target those shipments deemed to be of highest risk. Once a high-risk shipment is identified, CBP utilizes technologies including large-scale x-ray and gamma-ray imaging systems, as well as a variety of portable and handheld technologies, canines, and radiation detection technologies at our land, air, and sea POEs. As with border security, technology is a force-multiplier for CBP's commerce and trade operations that helps us work more efficiently, with less risk to our front-line personnel.

Automated Commercial Environment (ACE)

We are committed to making sure that international commerce is secure and streamlined by continuing to invest in the Automated Commercial Environment (ACE). ACE is the "Single Window" through which all import and export data are reported by industry to more than 47 partner government agencies, automating 269 different forms and streamlining trade processes. ACE's automation and process simplification efforts have resulted in an estimated economic benefit of approximately \$388 million for the trade community and \$35 million for CBP in FY 2018. In February 2018, CBP deployed the last of the scheduled seven major core ACE deployments, and all phases of cargo processing are now in ACE. This major achievement was only possible because of extensive collaboration and strong support by ACE stakeholders, especially in Congress. Looking ahead, CBP is focused on sustaining all deployed ACE capabilities and ensuring ACE operates as a highly available and reliable system.

In addition to funds for sustaining core ACE, CBP received \$30 million in the FY 2018 Omnibus for enabling ACE enhancements, which have been identified and prioritized in collaboration with CBP, trade, and partner government agency stakeholders. These enhancements enable further streamlining of aspects for the trade process for both industry and government and also strengthen trade security. For example, system enhancements to enable *de minimis* functionality will provide CBP access to previously unavailable admissibility data for low value shipments, resulting in improved cargo processing and use of enforcement resources.

Implementing the Trade Facilitation and Trade Enforcement Act of 2015

CBP recognizes how critical our trade enforcement and facilitation role is in protecting our nation's economic security. We know that for every dollar invested in CBP trade personnel, we return \$87 to the U.S. economy, either through lowering the costs of trade, ensuring a level playing field for domestic industry, or by protecting innovative intellectual property. We are working to ensure a fair and competitive trade environment where the benefits of trade compliance exceed the costly consequences of violating U.S. trade law. The President's FY 2019 Budget request includes \$2.1 million to fund 26 positions to support CBP's implementation

of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), one of the most impactful pieces of trade legislation for CBP in more than a generation. TFTEA specifies new trade facilitation and enforcement operational requirements, organizational changes, and new authorities and services. TFTEA includes substantial changes to trade enforcement, particularly in the area of Anti-Dumping and Countervailing Duties; establishes processes for investigating claims of evasion of anti-dumping and countervailing duty orders; enables the use of donations of technology from the private sector for enforcing intellectual property rights; and simplifies drawback processing to spur domestic manufacturing and exports.

Travel

In addition to securing the trade environment, CBP works to keep global tourism safe and strong. We secure and facilitate legitimate travel through multilayered processes and innovative programs that protect the traveling public.

Biometric Exit

Since FY 2013, CBP has led the entry/exit mission, including research and development of biometric exit programs. A comprehensive entry/exit system that leverages both biographic and biometric data is key to supporting DHS's mission. Adding biometrics, specifically facial recognition, to exit processing provides greater assurance of the information already collected by CBP and will allow for future facilitated processing upon both entry and exit. CBP will use a traveler's face as the primary way of identifying the traveler to facilitate entry and exit from the United States, while simultaneously leveraging fingerprint records from most foreign visitors, such as those collected during entry processing, to check derogatory holdings and perform other law enforcement checks. This innovative structure will make it possible to identify travelers throughout the travel process, enabling CBP to confirm the departure of in-scope, non-U.S. citizens, while simultaneously establishing a comprehensive biometric air exit system as required by statute.

CBP is also collaborating with airports, such as Orlando International Airport and Washington Dulles International Airport, and air carriers, including British Airways and Delta, among others, to implement the congressionally mandated biometric entry/exit system through facial recognition-based boarding process for international flights. Partnership is critical to achieve affordability and ensure that biometric exit does not have a detrimental economic impact on the air travel industry. CBP is continuing to discuss with additional airlines how they can be incorporated into the program, and we are ready to partner with any airline or airport that wishes to use biometrics to expedite the travel process for its customers. One of our biometric exit partners has told us that the new process allows it to board an A380, the largest passenger plane in wide operation in the world, in less than 20 minutes.

Simplified Arrival

Our new simplified arrival process quickly and reliably uses the traveler's face to biometrically verify identity and retrieve traveler records from our systems. This eliminates time-consuming steps for most travelers, such as document scans and fingerprint captures, which speeds up the

inspection process. Simplified Arrival is the first step in re-envisioning the entirety of how travelers arrive in the United States. With a faster clearance process, airlines, airports, and travelers benefit from shorter connection times and standardized arrival procedures. CBP has deployed Simplified Arrival to 15 airports, including four preclearance locations.

Success of Biometrics

Biometrics have proven an effective tool to combat the use of stolen and fraudulent travel and identity documents. Since the implementation of the new facial recognition system, CBP officers at Washington Dulles International Airport have successfully intercepted three impostors who were denied admission to the United States. Posing as someone else when attempting to enter the United States is a serious violation of U.S. immigration law, and a reason for inadmissibility.

Since October 31, 2018, CBP has biometrically processed more than 5.8 million travelers using facial recognition across entry, exit, and preclearance locations. CBP is committed to working with our travel industry partners to transform the international travel process and enhance the passenger experience. CBP's goal is to integrate best practices into existing processes and infrastructure to ensure a seamless, secure travel experience for everyone.

Partnership with the Transportation Security Administration (TSA)

In March 2017, CBP and TSA began evaluating the use of facial recognition at the TSA checkpoint for identity verification. The overall goal of the partnership is to enhance security and utilization of resources while moving towards an end-to-end seamless travel experience. CBP and TSA have established a phased approach pilot, beginning with a successful pilot completed at John F. Kennedy International Airport in October 2017 to perform data collection, followed by a second pilot at Los Angeles International Airport in August 2018, which enhanced the verification of passenger identity by the TSA officer. In the future, CBP and TSA plan to explore data-sharing and integration between biometric and passenger vetting systems to create a consolidated traveler identity verification that meets both agencies operational needs. These pilots will inform the future plans for use of facial recognition at TSA checkpoints.

Sea-Based Travel

Leveraging the investment in the biometric matching service for the air environment, CBP is partnering with the cruise line industry to modernize traveler and crew inspections to implement facial matching technology in the sea environment. CBP will apply the use of facial recognition technology in the debarkation (arrival) and embarkation (departure) points at sea ports. Facial biometric processing will enable increased security and enforcement, as well as facilitate passenger and crew inspections. Today, four major cruise lines are engaged with CBP to develop facial biometric processing supported by the biometric matching service for closed loop cruises. Going forward, CBP will focus on expanding integration with cruise partners, focused initially on closed loop cruises for debarkation.

Land-Based Travel

The Land Biometric Exit strategy focuses on implementing an interim exit capability while simultaneously investigating innovative technologies required to leverage the biometric exit system and reach the long-term goal of a comprehensive biometric exit solution. CBP is actively piloting capabilities at the land border in both the pedestrian and vehicle environments to determine the best long-term approach for a comprehensive biometric entry/exit capability. Since this past summer, CBP has identified 23 imposters on arrival using the biometric matching service capability in a land pedestrian environment.

Web-Based Service

We are also committed to making sure that travel is secure and straightforward. For example, in January 2018, CBP launched two new traveler compliance initiatives to make it easier for Visa Waiver Program (VWP) travelers to check the status of their stay in the United States and remain in compliance with the terms of their admission. A new feature added to the I-94 website under the “View Compliance” tab allows VWP travelers to check the status of their admission to the United States. This tab will inform travelers of the number of days remaining on their lawful admission or the number of days they have remained past their admitted until date. In addition, CBP will now send an email notification to VWP travelers who are still in the United States ten days before the expiration of their lawful admission period. CBP has taken these proactive steps to help inform and remind travelers of the terms of their admission and to prevent travelers from overstaying.

Countering Illicit Drugs

As this testimony illustrates, CBP has a tremendous responsibility to secure the United States’ border, protect our national economy and global competitiveness, and facilitate legitimate trade and travel. Nowhere is the intersection of our missions more apparent than our work countering illegal drugs.

According to the Centers for Disease Control and Prevention, more than 70,000 Americans died from drug overdoses in 2017, including illicit drugs and prescription opioids. This represents nearly a two-fold increase in the past decade.

Drugs are smuggled into our country through cargo shipments, mail and express consignment; by individual travelers; and by sophisticated criminal organizations. In FY 2018, CBP agents and officers seized or disrupted 1.1 million pounds of marijuana, 248,132 pounds of methamphetamine, 282,570 pounds of cocaine, and 6,552 pounds of heroin. CBP seizures of fentanyl, the most frequently-seized synthetic opioid, remain relatively small compared to heroin, but have increased significantly over the past five years.

Our efforts to combat the national opioid crisis include working with international partners to stop the flow of illicit opioids and opioid analogues at the source; interdicting narcotics at or before our borders; and supporting investigative and intelligence-related efforts to drive a

counter-network approach to disrupt and dismantle the transnational criminal organizations involved in the opioid epidemic.

CBP, with the support of Congress, has made significant investments in and improvements to our drug detection and interdiction technology and targeting capabilities at and in between our POEs, including in the international mail and express consignment carrier environments. The United States Postal Service (USPS) receives international mail from more than 180 countries, the vast majority of which arrives via commercial air or surface transportation. An increasing number of foreign postal operators provide advance electronic data (AED) to USPS, which is then passed on to CBP.

CBP and the USPS are currently conducting an AED pilot on express mail and e-packets from select countries at five of our main International Mail Facilities (IMFs) to target high-risk shipments, with plans for further expansion. USPS is responsible for locating the shipments and delivering them to CBP for examination. We support efforts to expand the ability of USPS to collect fees to help offset the additional cost associated with building the capacity of foreign postal operators to implement AED collection, to develop new scanning technology, and to greatly increase the availability of AED for international mail.

Recent agreements between USPS and foreign postal operators regarding AED have increased CBP's ability to target high-risk shipments. Currently in the international mail environment, CBP receives AED on more than 40 percent of all international mail shipments with goods. The volume of mail and the potentially hazardous nature of various types of illicit drugs presents challenges to CBP's interdiction efforts in the international mail environment. CBP will continue to work with USPS and the U.S. Department of State to address the issue of AED and is working to expand the use of AED globally in ways consistent with the United States' international obligations as a member of the UPU.

Stopping drugs at and between our POEs is only one of the ways CBP personnel protect our nation every day.

Conclusion

While CBP's border security mission is frequently in the spotlight, CBP has several other responsibilities of national importance. Despite the size and complexity of our mission, CBP strives to agilely respond to all threats, every day. Ultimately, our purpose is to advance national security and prosperity, and we appreciate the Committee's support in all of our missions.

Chairman Grassley, Ranking Member Feinstein, and distinguished Members of the Committee, thank you again for the opportunity to testify today. I look forward to your questions.