

TESTIMONY OF

**ALAN BERSIN
COMMISSIONER**

**U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

BEFORE

**SENATE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION, REFUGEES AND
BORDER SECURITY**

REGARDING

NORTHERN BORDER SECURITY

**May 17, 2011
Washington, DC**

Chairman Schumer, Ranking Member Cornyn, and distinguished Members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts along the northern border. I am Alan Bersin, Commissioner of CBP.

As America's frontline border agency, CBP is responsible for securing America's borders against threats, while facilitating legal travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of our borders while facilitating the flow of lawful people and goods entering the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised and includes close coordination with DHS partner agencies, with other U.S. interagency partners, and with our Canadian counterparts. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

Northern Border Environment and Challenges

Along the U.S. northern border, CBP processes more than 70 million international travelers and 35 million vehicles each year. Since the implementation of the Western Hemisphere Travel Initiative (WHTI) in June 2009, WHTI compliance along the northern border is at approximately 99 percent, allowing CBP to facilitate travel and focus on individuals who may pose a threat to national security. In addition, CBP annually makes approximately 6,000 arrests and interdicts approximately 40,000 pounds of illegal drugs at and between the Ports of Entry (POE) along the northern border. Although CBP typically defines the northern border region as the area between the United States and Canada, running from Washington through Maine and including the Great Lakes region, CBP also facilitates and ensures the security of trade across the Alaska-Canadian border. On the northern border, CBP has 122 land border crossings and 13 ferry land crossings, eight Border Patrol Sectors, eight Air and Marine Branches, nine Coastal Marine Units and 23 Riverine Marine Units to protect against the illegal flow of people and contraband at and between the official POEs.

There are a number of ways in which the northern border is operationally distinct from other environments. The international boundary with Canada extends over 5,500 miles across both

land and water (including the border of Alaska), and it is often described as the longest common non-militarized border between any two countries. It delineates two friendly nations with a long history of social, cultural, and economic ties that have contributed to a high volume of cross-border trade and travel, amounting to more than a billion dollars a day. The border is a diverse region consisting of major metropolitan centers, integrated bi-national communities, numerous transit hubs, and vast regions with little or no population. Thickly forested, mountainous areas with recreational trail networks provide avenues and cover for those seeking to cross the border illegally. The extensive commercial and transportation infrastructure along the border also provides avenues vulnerable to exploitation by traffickers and smugglers, including vehicular transportation, commercial trucking, and commercial and non-commercial air, rail, and maritime modes of transportation.

The Great Lakes region consists of several large bodies of open water, including the Great Lakes themselves, and rivers along the border. Because the lakes are heavily used by boaters in the summer and ice fisherman and snowmobiles in the winter, they present unique border enforcement challenges as small vessels can potentially be exploited for illicit purposes.

Seasonal changes affect the ease with which the northern border can be crossed; in general, winter allows the Border Patrol to focus its attention on fewer points of egress as compared to the summer, when much more of the border is passable. In the winter, sub-zero temperatures and significant snowfall provide a natural barrier along some portions of the border. While pedestrian and vehicle traffic are reduced during the winter, illegal entries utilizing snowmobiles are not unusual. When frozen, some rivers, lakes, and streams become easier for smugglers and others to utilize for crossing the border on foot, via snowmobiles or other modes of transport, while other areas become treacherous with ice floes and are less traversable. The spring thaw can cause impassibly deep mud on some logging roads, thereby closing them to commercial truck traffic. During this period, there is an increase in smuggling via all-terrain vehicles (ATV).

CBP Resources on the Northern Border

Over the past two years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, infrastructure, and technology to the northern border as it has to the southwest border. Since 9/11, Border Patrol agent staffing on the northern border has increased by over 650 percent – from approximately 340 agents in 2001, to more than 2,200 agents today. CBP has employed two unique programs to achieve these increases in northern border staffing: the Northern Border Intern Program and the Resident Agent Pilot Program. Since its inception in 2008, the Northern Border Intern (NBI) Program has allowed CBP to deploy 531 fully trained Border Patrol agents to the northern border. These NBIs complete 14 to 15 months of extensive training at the Border Patrol Academy as well as in the field along the southwest border. During their tenure on the southwest border, they learn invaluable lessons in order to obtain the necessary officer safety skills, job knowledge, and experience required for northern border operations. Traditionally, the Border Patrol has viewed the activity levels along the southern border as beneficial to forming a well-rounded agent and conducive to overall training. Currently there are an additional 180 NBIs going through their field training on the southern border.

The Resident Agent Pilot Program in Grand Forks Sector has deployed 35 agents in 12 different remote locations throughout the sector in order to enhance its geographic presence. Agents involved in this program compose self-reliant units who perform all the standard duties without a traditional base of operations. Resident Agents are ideally suited for providing the field commanders with an unprecedented level of situational awareness within remote areas of the border. They are able to provide improved situational awareness by focusing their daily activities on the creation of partnerships, expansion of community outreach, and the development and dissemination of intelligence. This situational awareness is leveraged to benefit DHS, CBP Border Patrol Sectors, Field Offices, and Air and Marine Branches.

At the POEs along the northern border, CBP's Office of Field Operations (OFO) has deployed more than 3,800 CBP Officers and Agriculture Specialists. We have developed and implemented a comprehensive training curriculum for these Officers and Agriculture Specialists,

which includes basic academy training, as well as comprehensive, advanced, on-the-job and cross-training courses. CBP continually strives to provide our frontline officers with recurrent training to help them better perform their jobs.

The American Recovery and Reinvestment Act (ARRA) provided CBP with \$420 million to modernize CBP-owned land POEs (LPOEs) and provided the General Services Administration (GSA) with \$300 million to modernize GSA-owned LPOEs. CBP and GSA are utilizing ARRA funds to modernize and renovate 39 northern border LPOEs to bring these facilities into compliance with post-9/11 requirements and standards to address growing demand for additional capacity, new requirements for enforcement technologies, and to maximize the efficiency of existing personnel and resources.

Also within CBP, the Office of Air and Marine (OAM) has 158 Air and 121 Marine Interdiction agents deployed along the northern border. Since 2004, CBP has opened five strategically located Air Branches along the northern border in Washington, Michigan, Montana, New York and North Dakota. CBP has stationed 52 fixed-wing and rotary aircraft on the northern border, including two Unmanned Aircraft Systems (UAS) operating out of Grand Forks Air Branch in North Dakota. CBP, with the cooperation of the Federal Aviation Administration, recently expanded its operational airspace along the northern border, allowing CBP UAS operations from the Lake-of-the-Woods region in Minnesota to the vicinity of Spokane, Washington. An area of northern New York adjacent to Lake Ontario and a portion of the Saint Lawrence Seaway were also recently opened for CBP UAS operations. These UAS contribute significantly to situational awareness in areas that are difficult to reach by other operational elements – a critical capability in difficult terrain along the northern border. In the maritime environment, since 2009, OAM has opened six new marine units on the northern border in New York, Ohio, Michigan, Pennsylvania, and Washington. Currently, CBP operates 29 coastal and 52 riverine vessels on the northern border.

As a part of a multi-layered approach to secure America's borders, CBP has also greatly improved our technological capabilities on the northern border. CBP has deployed two mobile surveillance systems (MSS) to provide added radar and camera coverage in the Spokane and

Detroit Sectors, and installed additional remote video surveillance systems (RVSS) in the Detroit and Buffalo Sectors, among other technologies.

CBP has also established the Operational Integration Center (OIC) located at Selfridge Air National Guard Base in Harrison Township, Michigan. The OIC is a demonstration project, involving the application of personnel and technology to enhance border security and situational awareness for CBP and its mission partners in the Detroit region, a critical area of the northern border. In terms of personnel, the OIC allows for a collaborative work area and communications capabilities for all components of CBP, the United States Coast Guard (USCG), other DHS organizations, federal law enforcement agencies, state and local law enforcement, and appropriate Canadian agencies. The OIC brings together information feeds, including radar and camera feeds, blue force tracking, database query from databases not previously available to CBP, remote sensor inputs, RVSS and MSS feeds, and video from various POEs and tunnels. Additional information feeds such as local traffic cameras and MSS will be added in the near future. This level of personnel and technology integration may serve a model for collaboration and technology deployments in other areas of the northern border.

To continue to bolster our northern border security efforts, our FY 2012 budget request includes \$55 million to support investments in technology systems that address security needs for the northern border maritime and cold weather environment, as well as innovative technology pilots. It will also deploy proven, stand-alone technology that provides immediate operational benefits. These demonstrations and deployments explore how best to integrate various border security organizations and mission operations in order to enhance border security in this challenging environment.

In the coming year, CBP plans to continue to expand joint operations by exploring a joint command with the U.S. Coast Guard (USCG) in the Great Lakes Region. The Air and Marine Operations Center (AMOC), which includes representatives from the USCG, as well as other agencies, provides a comprehensive picture of the air environment in the United States. The AMOC can monitor violations of U.S. airspace, track potentially dangerous aircraft, and coordinate and expedite an operational response. Our FY 2012 budget request continues to

strengthen the AMOC by exploring opportunities to incorporate the USCG into management and decision-making, and expand AMOC's intelligence capability.

Northern Border Strategy: Intelligence and Partnerships

As we have increased our operational presence on the northern border, we have also continued to build on our partnerships and intelligence capabilities, in order to provide comprehensive awareness of the environment to our strategically placed personnel and resources. Although the northern border is nearly three times the length of the southwest border, the volume of illicit cross-border activity is significantly lower. Nonetheless, Canada remains a major source for MDMA/Ecstasy and high potency marijuana consumed in the U.S., while cocaine, weapons, illicit drug proceeds, and other contraband regularly crosses from the U.S. into Canada. In this environment, in which a reduced volume of traffic is spread across vast expanses of border, we must rely on intelligence, information-sharing, and strong partnerships with federal, state, local, tribal, and bi-national law enforcement agencies, as well as with the public and private sectors, to maximize resources and ensure the success of our mission. Coordination and cooperation among all entities that have a stake in our mission has been, and continues to be, paramount.

President Obama and Prime Minister Harper of Canada recently issued *Beyond the Border: A Shared Vision for Perimeter Security and Competitiveness*. The declaration states that both the U.S. and Canada share responsibility for the safety, security, and resilience of both countries. It further states the importance of addressing threats before they reach our shores. Key to achieving this vision is greater information sharing, a risk-management approach, and engaging both with all levels of government and with communities. Both countries committed to developing an integrated strategy that would enable each to meet the threats and hazards faced by both nations, including natural disasters and terrorism. We will look for opportunities to integrate efforts, including joint facilities, programs, and operations.

CBP is working closely with all of our partners to increase information-sharing and intelligence capabilities on the northern border. This information-sharing enhances our understanding of evolving threats and establishes a foundation for law enforcement entities to exercise targeted

enforcement in the areas of greatest risk. All-source intelligence analysis provides domain awareness and informs, enables, and supports action by policymakers and operators in securing the northern border. This intelligence-driven approach prioritizes enforcement activities based on emerging threats, vulnerabilities, and risks, and greatly enhances our border security efforts.

It is important to emphasize that our objective is not just to strengthen border security, but also promote economic prosperity between the United States and Canada. Our strategy on the northern border is built on the premise that security and lawful trade and travel are not mutually exclusive, but rather mutually reinforcing. We must safeguard the transnational flows of goods and people, while also encouraging the lawful and efficient trade and travel essential to the economic vitality of both the United States and Canada, and the economic competitiveness of North America. By utilizing advance information to separate higher-risk from lower-risk traffic, officials on both sides of the border are better able to expedite the processing of lawful travel and trade, and focus more time and resources on the higher-risk traffic.

Border Security Coordination and Cooperation

Recognizing the importance of partnerships, intelligence, and information sharing to the success of our mission, CBP is engaged in several national initiatives to increase security on the northern border. Our officers and agents provide support to the Integrated Border Enforcement Teams (IBET), comprised of U.S. and Canadian federal, state/provincial and local law enforcement personnel, and encompassing 15 regions along the northern border. The IBET concept was formalized in December 2001 with five core agencies: CBP, USCG, U.S. Immigration and Customs Enforcement (ICE), Royal Canadian Mounted Police (RCMP), and the Canadian Border Services Agency (CBSA). IBETs operate as intelligence-driven enforcement teams designed to increase information- and intelligence-sharing capabilities between U.S. and Canadian authorities. By incorporating integrated mobile response capability (air, land, marine), the IBETs provide participating law enforcement agencies with a force multiplier, maximizing border enforcement efforts.

On the northern border, ICE and our other law enforcement partners work to dismantle criminal organizations. The aggressive use of investigative and prosecutorial resources is critical on the northern border, where a whole of government approach is needed to attack criminal organizations before they have the opportunity to take root and expand. Our personnel provide manpower to ICE's Border Enforcement Security Task Force (BEST) units along the northern border, which focus on every element of the enforcement process, from interdiction to prosecution and removal. BEST units utilize a comprehensive approach towards dismantling the cross-border criminal organizations that exploit our border and utilize that information to eliminate the top leadership and the supporting infrastructure that sustains these criminal organizations.

Border Patrol has also established Border Security Evaluation Teams (BSET), which serve as a mechanism for northern border sectors to expeditiously evaluate the security of outlying border zones of a sector. BSETs gather intelligence and establish points of contact with state and local law enforcement agencies, local civic leaders and the public to determine if suspected cross-border activities and intelligence indicate a need for deployment of additional Border Patrol resources in certain areas. BSET findings are used by Sector Chiefs to establish baseline border security levels and assist with the sector's planning process.

CBP continues to engage in collaborative efforts with the Department of the Interior (DOI) and U.S. Department of Agriculture (USDA) to fulfill its enforcement responsibilities on federal lands. In March 2006, the Secretaries of DHS, DOI, and USDA signed a Memorandum of Understanding (MOU), which describes cooperative national security and counterterrorism efforts on federal lands along U.S. borders. This MOU provides specific guidance on cooperation related to border security as well as compliance with related environmental laws, regulations, and policies.

In addition to the MOU, we have created several innovative solutions to strengthen interagency communication on federal lands. In 2005, the Border Patrol established the Public Lands Liaison Agent (PLLA) Program. Under this program, each sector designates an agent dedicated to interacting with organizations and agencies involved in land management issues. The PLLA's

job is to build and maintain solid working relationships with our land management agency counterparts so that we can capitalize on opportunities to collaborate and work through any issues that may arise. Borderland Management Task Forces increase communication and provide a unique opportunity to leverage resources and quickly identify and resolve any potential problems.

In an effort to increase intelligence and information-sharing among our partners, Processing, Exploitation, and Dissemination (PED) cells have been established at the AMOC in Riverside, California, and at the National Air Security Operations Center in Grand Forks, North Dakota, to provide essential information to law enforcement across the nation – increasing understanding of evolving threats and providing the foundation for law enforcement entities to exercise targeted enforcement in the areas of greatest risk. This intelligence-driven approach prioritizes emerging threats, vulnerabilities and risks, which greatly enhances our border security efforts.

Additionally, CBP, in conjunction with CBSA and RCMP, recently completed a Joint Border Threat and Risk Assessment, which provides U.S. and Canadian policymakers, resource planners, and other law-enforcement officials with a strategic overview of significant threats along the border between the United States and Canada. The threat assessment encompasses a range of national security issues, including cross-border criminal organizations, drug trafficking and illegal immigration, the illicit movement of prohibited or controlled goods, agricultural hazards, and the spread of infectious disease. The assessment also further highlights the commitment of the two countries to identify and mitigate potential threats along our shared border, where there is a potential of terrorism and transnational organized crime.

Coordination on the northern border is further enhanced through the participation in joint operations and task forces, including Operations Channel Watch, Outlook, and Frozen Timber. These operations are conducted under the auspices of the multi-agency enforcement teams, composed of representatives from Canadian and U.S. federal law enforcement agencies who work together with local, state, and provincial enforcement agencies to target transnational criminal activity, including investigations involving national security and organized crime.

In addition, we are working with the Office of National Drug Control Policy and other interagency partners to develop the inaugural Northern Border Counternarcotics Strategy. On January 4, 2011, the President signed H.R. 4748 requiring ONDCP to consult with the head of relevant National Drug Control Program agencies and relevant officials of international, state, local, and tribal governments to develop a Northern Border Counternarcotics Strategy by this summer. The Department of Homeland Security joins ONDCP, the Department of Justice, and the Department of State as executive agents in developing this strategy.

Enhancing Economic Prosperity

CBP is committed to a coordinated approach to border management that strengthens border security and promotes economic prosperity. Ensuring the secure flow of trade and reducing transaction costs are critical to promoting economic growth on the northern border.

In support of these efforts, CBP established a Canada Integrated Planning and Coordination Cell (CIPCC), designed to crosscut the organizational structure of CBP and align CBP's initiatives regarding Canada and the U.S.-Canada border under a single, dedicated team. The CIPCC, in concert with CBSA, has developed a bilateral and integrated border management framework, which supports improved continental security, enhanced mobility of people and goods, and increased economic prosperity of both Canada and the United States.

Through a collaborative process, the CIPCC and CBSA are working to implement initiatives focused on increasing information sharing, harmonizing policies and programs, and ensuring the coordination and cooperation of infrastructure planning and improvements. As part of this effort, on January 19, 2011, we established the Small Ports Working Group to develop a long-term strategy to more effectively and efficiently manage small POEs along the northern border. Based on mutual assessments of each POE, applying agreed-upon criteria, CBP and CBSA will coordinate port operations and identify joint solutions, where possible.

We continue to develop and implement several additional initiatives consistent with the *Beyond the Border* declaration that recognize that more than 90 percent of all non-trusted cargo and more

than 98 percent of trusted cargo is cleared at the point of primary inspection. CBP will continue to keep this Subcommittee closely apprised as we continue to explore creative approaches to expedite legitimate trade and travel with our U.S. interagency partners and our counterparts in Canada. .

Measuring Success on the Northern Border

As Secretary Napolitano recently stated, while we have made significant progress over the past two years, we continue to focus on new ways to more comprehensively measure results along our nation's borders. This applies not only to the southwest border, but the northern border as well. CBP, in consultation with independent, third-party experts and stakeholders, has begun the process of developing an index that will more holistically represent what is happening at the border and allow us to measure progress.

Although the northern border environment differs greatly from the southwest border, the measures we develop must provide an accurate assessment of how the investments we have made are improving the lives and livelihoods of the people who live in each border region. While the specific metrics and value associated with each metric may differ than those used to measure success on the southwest border, the overall index must be applicable in all environments in which we operate. The success of our efforts along the northern border, as along the southwest border, must be measured in terms of the overall security and quality of life of the border region; the promotion and facilitation of trade and travel; and the success of our partnerships in enhancing security and efficiency.

Conclusion

Chairman Schumer, Ranking Member Cornyn, and distinguished Members of the Subcommittee, thank you for this opportunity to testify about U.S. Customs and Border Protection's efforts in regards to northern border security. I look forward to answering your questions at this time.