

TESTIMONY OF

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DEPARTMENT OF HOMELAND SECURITY**

BEFORE

HOUSE APPROPRIATIONS COMMITTEE

SUBCOMMITTEE ON HOMELAND SECURITY

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Chairman Aderholt, Representative Price, esteemed members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss the work that U.S. Customs and Border Protection (CBP) does in securing America's borders against threats while facilitating legal travel, trade, and immigration. CBP, with over 58,000 employees, is the largest uniformed, federal law enforcement agency in the country. As the guardians of America's borders, CBP is responsible for protecting the United States and the American people from the entry of dangerous goods and people. This includes ensuring that all persons and cargo enter the U.S. legally and safely through official ports of entry (POEs), preventing the illegal entry into the U.S. of persons and contraband at and between POEs, ensuring the safe and efficient flow of commerce into the United States, and enforcing trade and tariff laws and regulations. CBP carries out these missions through the diligence of our personnel, as well as the use of intelligence, targeting, technology, infrastructure, and a broad range of other assets and capabilities.

I want to begin by acknowledging the support of the Subcommittee and by stating my sincere thanks for the clear commitment that the Subcommittee has shown to the mission and the people of CBP. We appreciate your efforts, and we appreciate the assistance you have continuously offered. Today I will outline the ways in which your investments—of both time and resources—have been utilized, and I will illustrate how the Administration's FY 2012 budget request supports CBP's efforts to perform our mission more effectively and efficiently.

A Solid Foundation of Border Security

CBP guards more than 3,900 miles of border with Canada, 1,993 miles of border with Mexico, and 2,627 miles of shoreline; processes approximately 352 million travelers a year at POEs; and processes more than 25 million trade entries annually. CBP's Border Patrol and Air and Marine agents patrol our Nation's land and maritime borders, and associated airspace, to prevent illegal entry of people and goods into the United States.

Securing the Southwest Border

I would like to begin by discussing our operations on the southwest border. We are two years into the Southwest Border Initiative, launched in March 2009 to bring unprecedented focus and intensity to southwest border security, coupled with a smart and effective approach to enforcing immigration laws in the interior of our country. Under this initiative we increased the size of the Border Patrol to more than 20,700 agents today, which is more than double the size it was in 2004; quintupled deployments of Border Liaison Officers to work with their Mexican counterparts; and began screening southbound rail and vehicle traffic to look for illegal weapons and cash that, when smuggled across the border, help to fuel the cartel violence in Mexico. In fiscal years 2009 and 2010, CBP seized more than \$104 million in southbound currency—an increase of more than \$28 million compared to 2007- 2008. In addition, in fiscal year 2010, CBP seized more than 1,900 weapons going southbound to Mexico—nearly double the approximately 1,000 seized in 2008. DHS has also deployed thousands of technology assets—including mobile surveillance units, thermal imaging systems, and non-intrusive inspection equipment—along the

southwest Border, and currently has 130 aircraft and three UAS that provide critical aerial surveillance assistance to personnel on the ground.

With the aid of the Fiscal Year (FY) 2010 Border Security Supplemental we are continuing to add technology, manpower, and infrastructure to the southwest border. These measures include adding 1,000 new Border Patrol agents; adding 250 new CBP officers at our POEs; improving our tactical communications systems; and adding two new forward operating bases to improve coordination of border security activities. The Supplemental also provided CBP two new Unmanned Aircraft Systems (UAS) and we have now expanded UAS operations to include a launch and recovery site in Corpus Christi, Texas. This new site allows the UAS program to fly along the southwest border from the El Centro Sector in California to the Gulf of Mexico in Texas

CBP's FY 2012 budget request continues to enhance these efforts. The request supports 21,370 Border Patrol agents and 21,186 CBP officers at our ports of entry who work 24/7 with state, local, and federal law enforcement in targeting illicit networks trafficking in people, drugs, illegal weapons, and money. The request annualizes the new positions provided in the Supplemental and includes funding for over 350 additional CBP officers to support Port of Entry and National Targeting Center operations. These additional CBP officers will enhance CBP's ability to process legitimate travelers and cargo, and ultimately reduce wait times at the expanded POEs. Working in tandem, the additional CBP officers and canines would increase our enforcement capabilities to prevent the unlawful entry of people and contraband. The FY2012 budget request would result in the largest deployment of law enforcement officers to the frontline in the agency's history.

While there is still work to be done, every key measure indicates the progress we are making along the southwest border. Border Patrol apprehensions—a key indicator of illegal immigration—have decreased 36 percent in the past two years, and are less than a third of what they were at their peak. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. In fiscal years 2009 and 2010, CBP and ICE seized more than \$282 million in illegal currency, more than 7 million pounds of drugs, and more than 6,800 weapons along the southwest border – increases of more than \$73 million, more than 1 million pounds of drugs and more than 1,500 weapons compared to 2007-2008. Violent crime in border communities has remained flat or fallen in the past decade, and some of the safest communities in America are at the border. In fact, violent crimes in southwest border counties overall have dropped by more than 30 percent and are currently among the lowest in the Nation per capita, even as drug-related violence has significantly increased in Mexico.

To continue to secure the southwest border, CBP must continue to increase the probability of apprehension of people attempting to enter the United States illegally or engaging in cross-border crime. Doing so will require more integrated planning and execution of operations across CBP, as well as seamless partnership with other government agencies and a sustained collaboration with Mexico. In recent months we have taken additional steps to bring greater unity to our enforcement efforts, expand collaboration with other agencies, and improve response times. In February, we announced the Arizona Joint Field Command (JFC)—an organizational realignment that brings together Border Patrol, Air and Marine, and Field Operations under a unified command structure to integrate CBP's border security, commercial

enforcement, and trade facilitation missions to more effectively meet the unique challenges faced in the Arizona area of operations.

Our partnership with Mexico has been critical to our efforts to secure the southwest border, and we will continue to expand this collaboration in the coming year. One way in which we are working together is through our outbound enforcement program. Under the Southwest Border Initiative, CBP implemented 100% screening of southbound rail shipments for illegal weapons and cash. CBP is continuing to assess and refine its outbound enforcement strategy to include coordinated efforts with U.S. law enforcement agencies and the Government of Mexico to maximize southbound enforcement. These activities serve to enforce U.S. export laws while depriving criminal organizations in Mexico of the illicit currency and firearms that fuel their illegal activities.

To continue our southwest border security efforts, \$242 million is requested to support the continued deployment of proven, effective surveillance technology as part of the Department's new border security technology plan. This plan—the result of the Department-wide independent, quantitative, science-based assessment—will utilize existing, proven technology tailored to the distinct terrain and population density of each border region. These funds will allow CBP to deploy integrated fixed towers with other surveillance equipment in three areas of operation in Arizona.

Our goal of true border security recognizes that the border is much more complex than a simple line on a map. It is an entire area, extending into both our country and our neighbor countries, and it is home to many vibrant communities. Security starts along the border by leveraging every law enforcement asset and coordinating them in a way that acknowledges that our approach in El Paso may differ from a tactic in San Diego. Finally, our border policy must foster legitimate trade, travel, and immigration, accommodating the movement of commerce, from which the U.S. and our Mexican allies derive trade and tourism revenue, and which drives hundreds of thousands of jobs.

We have been extremely successful in reaching many of our goals for the southwest border region, and the attention and funding that we have received from Congress for this border has been utilized to achieve measurable successes. I am confident of two things: the first is that we are doing an excellent job with the people, technology, and innovations we currently have; and the second is that we cannot falter in this now, particularly on the southwest border, where we are seeing dramatic and definitive success.

Securing the Northern Border, Coastal Borders, and Associated Airspace

The northern border region, the coastal borders, and national airspace are critical both to the discussion of national security and to the discussion of CBP's current goals, successes, and future vision. CBP works closely with our federal, state, local, tribal, and international partners to secure these regions, participating in collaborative efforts such as the Joint Interagency Task Force (JIATF) South, which coordinates information sharing from investigative agencies within DHS and the Department of Justice (DOJ) and directs law enforcement action to intercept potential smuggling attempts in the maritime approaches to the United States.

Over the past two years, we have made critical security improvements along the northern border – investing in additional law enforcement, technology, and infrastructure. Currently, we have more than 2,200 Border Patrol agents on the northern border - a 700 percent increase since 9/11- and nearly 3,800 CBP Officers managing the flow of people and goods across ports of entry and crossings. With Recovery Act funds, we are in the process of modernizing more than 35 land ports of entry along the northern border to meet our security and operational needs. We have also deployed new technology along the northern border, including thermal camera systems, Mobile Surveillance Systems, and Remote Video Surveillance System and recently completed the first long-range CBP Predator-B unmanned aircraft patrol that extends the range of our approved airspace along the northern border by nearly 900 miles.

We have also expanded our strong partnerships with federal, state, local, and tribal agencies, as well as the Canadian government, in protecting our communities, borders and critical infrastructure from terrorism and transnational crime. CBP is working closely with the Royal Canadian Mounted Police (RCMP) and the Canada Border Services Agency (CBSA) to enhance coordination on port operations, conduct joint operations between POEs, and jointly deploy new technology. In conjunction with CBSA and RCMP, CBP recently announced the release of a joint border threat assessment, which provides U.S. and Canadian policymakers, resource planners, and other law enforcement officials with a strategic overview of significant threats— to include drug trafficking, illegal immigration, illicit movement of prohibited or controlled goods, agricultural hazards, and the spread of infectious disease—along the U.S.-Canadian border. To enhance cross-border security and increase the legitimate flow of people, goods, and services between the United States and Canada, last month President Obama and Prime Minister Harper of Canada jointly announced a new bi-lateral initiative, “Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness.” By increasing collaboration with federal, state, local, and tribal law enforcement agencies, and by working in concert with the Government of Canada, we can streamline our operations and utilize our resources in the most effective and efficient manner possible.

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 forming a joint command with the U.S. Coast Guard in the Great Lakes Region. The Air and Marine Operations Center (AMOC), which includes representatives from the U.S. Coast Guard, 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 direct an operational response. Our FY 2012 budget request continues to strengthen the AMOC by fully incorporating the U.S. Coast Guard into AMOC management and decision-making, and expanding AMOC's intelligence capability.

Security and Trade Facilitation – We Must Do Both

Securing and facilitating the flow of goods and the movement of people

Our border policy must ensure the security of America's borders against threats while fostering and facilitating the movement of legitimate trade and travel across our borders. In fiscal year 2010, CBP officers at 331 POEs inspected 352 million travelers and more than 105.8 million cars, trucks, buses, trains, vessels and aircraft. In FY 2010, CBP processed nearly \$2 trillion in trade and collected over \$32 billion in total duties, taxes, and fees, as well as over \$314 million in antidumping and countervailing duties. The ability to secure the flows of goods, conveyances, and people to and through the United States is crucial to CBP's success in protecting our Nation. Before outlining this approach I would like to highlight the tremendous, positive impact CBP has on commercial trade.

We continued to work with the trade community to increase the flow of legal, trusted trade through partnerships such as the Importer Self-Assessment Program, which now accounts for more than 20 percent of all import value. At the same time, CBP conducted approximately 3,700 import safety seizures during fiscal year 2010, an increase of 34 percent over fiscal year 2009; and 19,961 seizures for intellectual property rights (IPR) violations. Through partnerships with the trade community to increase compliance, CBP is working to keep trade moving while simultaneously protecting intellectual property rights, consumer safety, and other vital national interests.

Focusing on the entire supply chain (for goods) and transit sequence (for people) allows CBP to intercept potential threats before they reach our borders, while also expediting legal travel and trade. CBP works at foreign and domestic locations to prevent cross-border smuggling of contraband such as controlled substances, weapons of mass destruction, and illegal or diseased plants and animals. CBP personnel also work to prevent and intercept the illegal export of U.S. currency or other monetary instruments, stolen goods, and strategically sensitive technologies. CBP officers deployed overseas at major international seaports as a part of the Container Security Initiative prescreen shipping containers to detect and interdict illicit material before arrival on U.S. shores. CBP has significantly developed its intelligence and targeting efforts to separate shipments and individuals according to the risks they pose, allowing CBP to increase security while simultaneously expediting legitimate travel and commerce.

More effective risk segmentation depends not only on enhanced targeting, but also on the expansion of trusted shipper and traveler programs. These programs expedite screening for certain shippers and travelers who undergo rigorous background checks—allowing CBP to focus law enforcement resources on the relatively small number of people and shipments that have the potential to cause harm. An example of this is the Global Entry program. Over 100,000 travelers have enrolled in this trusted traveler program that facilitates expedited clearance of pre-approved low-risk air travelers into the United States through biometric verification and recurrent vetting. Global Entry has reduced average wait times by more than 70 percent, with more than 75 percent of travelers using Global Entry processed in under five minutes, while enabling law enforcement to focus on the most serious security threats at points of entry to our country. CBP has made

tremendous progress over the last few years in developing its intelligence and targeting enterprises, and it remains critical that we stay on this trajectory.

The FY 2012 budget request includes an additional \$20 million for the National Targeting Center-Passenger (NTC-P) to enhance our ability to interdict mala fide travelers or terrorists before boarding flights destined for the United States. This funding will be used for additional staff and to implement additional improvements in our targeting priorities and methodologies. We have also requested \$7.5 million to expand the Immigration Advisory Program (IAP) to Paris, Abu Dhabi, Dubai, and Amman. IAP is a part of CBP's layered risk-based approach to detect and prevent the entry of hazardous materials, goods, and instruments of terror into the United States.

To improve the flow of goods, our request includes a \$20 million increase to support the design and development of Cargo Release functionality in Automated Commercial Environment (ACE). This funding, combined with carry over funds, will allow a useful segment to be completed providing ACE users with a new operational capability. Cargo Release functionality will incorporate the informational and operational requirements of more than 40 federal agencies into ACE via the International Trade Data System initiative. This will facilitate faster cargo processing by providing CBP officers with security screening results and streamlining the process of separating high-risk cargo from low-risk cargo. It will also provide new cargo status querying capabilities, giving trade partners visibility into cargo screening results and other government agency data requirements.

An additional \$7.5 million is requested to conduct cargo screening pilot(s) to assess alternatives to the 100% maritime cargo scanning requirement mandated by the Security and Accountability for Every (SAFE) Port Act. This will enable CBP to test alternatives to extend the zone of security beyond the physical borders, strengthen global supply chain security, and enhance CBP's multi-layered security strategy in support of the Administration's Global Supply Chain Security Initiative.

At the same time, we understand the difficult economic environment, and have identified areas of our budget where we can realize efficiencies in order to prioritize frontline operations. For example, as part of a Department-wide initiative, CBP will reduce professional service contract spending by \$30 million. Additionally, we have identified \$20 million in mission support expenditures that can be eliminated through efficiencies and are cutting non-mission-critical expenses such as travel, training, and acquisition of supplies.

The Administration's FY 2012 budget request provides CBP with the resources necessary to carry out our dual mission of protecting the United States against threats and securing our Nation's borders while facilitating lawful travel, trade, and immigration.

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

Alan Bersin **Commissioner, Customs and Border Protection (CBP)**

Alan Bersin was appointed by President Barack Obama on March 27, 2010 to serve as Commissioner of U.S. Customs and Border Protection. As Commissioner, Mr. Bersin oversees the operations of CBP's 58,000-employee work force and manages an operating budget of more than \$11 billion. Commissioner Bersin is responsible for fulfilling CBP's mission of protecting the nation's borders from all threats while facilitating legitimate travel and trade. Previously, Commissioner Bersin served as Assistant Secretary for International Affairs and Special Representative for Border Affairs in the Department of Homeland Security. In that capacity, he served as Homeland Security Secretary Janet Napolitano's lead representative on border affairs and strategy regarding security, immigration, narcotics, and trade matters as well as for coordinating the Secretary's security initiatives on the nation's borders.



Prior to this service, Bersin served as Chairman of the San Diego County Regional Airport Authority, appointed by San Diego Mayor Jerry Sanders in December 2006, and confirmed by the San Diego City Council. Previously, Mr. Bersin served as California's Secretary of Education between July 2005 and December 2006 in the Administration of Gov. Arnold Schwarzenegger. Gov. Schwarzenegger also appointed Mr. Bersin to the State Board of Education, where he served until 2009 as a member confirmed by the California State Senate. Between 1998 and 2005, he served as Superintendent of Public Education in San Diego where he launched a major reorganization of the district to focus its resources strategically on instruction and to modernize its business infrastructure in order to support teaching and learning in the classroom. In a related capacity statewide, Mr. Bersin served between 2000 and 2003 as a member and then Chairman of the California Commission on Teacher Credentialing. Prior to becoming the leader of the nation's eighth largest urban school district, he was appointed by President Bill Clinton as the United States Attorney for the Southern District of California and confirmed in that capacity by the U.S. Senate. Mr. Bersin served as U.S. Attorney for nearly five years and as the Attorney General's Southwest Border Representative responsible for coordinating federal law enforcement on the border from South Texas to Southern California.

Mr. Bersin previously was a senior partner in the Los Angeles law firm of Munger, Tolles & Olson, where he served on the firm's policy and compensation committees, chaired the committee overseeing the firm's extensive program of pro bono legal services, and was principally responsible for developing the firm's innovative paralegal program. At Munger, Tolles & Olson, Mr. Bersin specialized in complex RICO, securities, commercial and insurance litigation before state and federal trial and appellate courts. He is a member of the California and Alaska bars.

Other professional experience includes employment as Special Counsel to the Los Angeles Police Commission, as Visiting Professor of Law at the University of San Diego School of Law, as an adjunct professor of law at Boalt Hall, University of California, Berkeley, and at the

University of Southern California Law Center and as a Lecturer at the Stanford University Graduate School of Education. Mr. Bersin serves as a member of the Board of Overseers for Harvard University (2004-2010) and is a member of the Council on Foreign Relations and the Pacific Council on International Policy.

In 1968, Mr. Bersin received his A.B. in Government from Harvard University (magna cum laude). He was elected to the Phi Beta Kappa National Honor Society and awarded post-graduate scholarships by the National Collegiate Athletic Association and the National Football Hall of Fame. While at Harvard, Mr. Bersin was selected as a member of the All-Ivy, All-New England and All-East Football Teams and was inducted in 1995 into the Harvard Varsity Club Hall of Fame. From 1969 to 1971, Mr. Bersin attended Balliol College at Oxford University as a Rhodes Scholar. In 1974, he received his J.D. degree from the Yale Law School. Mr. Bersin was awarded the degree of Doctor of Laws (Honorary) by the University of San Diego in 1994, by California Western School of Law in 1996, and by the Thomas Jefferson School of Law in 2000. He is fluent in Spanish.