

**TESTIMONY OF**

**MAJOR GENERAL MICHAEL KOSTELNIK (RET.)**

**ASSISTANT COMMISSIONER**

**OFFICE OF AIR AND MARINE**

**U.S. CUSTOMS AND BORDER PROTECTION**

**DEPARTMENT OF HOMELAND SECURITY**

**BEFORE**

**HOUSE HOMELAND SECURITY COMMITTEE**

**SUBCOMMITTEE ON BORDER AND MARITIME SECURITY**

**July 12, 2011**

**Washington, DC**

Chairman Miller, Ranking Member Cuellar, 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) coordination with our law enforcement partners in the maritime environment.

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 international 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.

Over the past two years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources to border security. We have more than doubled the size of the Border Patrol since 2004; quintupled the number of Border Liaison Officers working with their Mexican counterparts; doubled personnel assigned to U.S. Immigration and Customs Enforcement (ICE)-led Border Enforcement Security Task Forces; and begun screening southbound rail and vehicle traffic for the illegal weapons and cash that are helping fuel the cartel violence in Mexico. CBP also received approval from the U.S. Department of Transportation's Federal Aviation Administration to increase the miles of airspace available for Unmanned Aircraft System (UAS) operations, enabling CBP to deploy UASs along the Southwest border from the eastern tip of California extending east across the border into Texas. In addition, approximately 950 miles along the Northern border from Washington to Minnesota are currently covered by unmanned aircraft, in addition to approximately 200 miles along the northern border in New York and Lake Ontario. These UASs significantly enhance CBP's situational awareness in areas that are difficult to reach by other operational elements – a critical capability in the rugged terrain along the northern border.

While there is still work to be done, every key measure shows we are making significant progress along the Southwest border. Border Patrol apprehensions have decreased 36 percent in

the past two years, and are less than a third of what they were at their peak. In Fiscal Year 2010, CBP seized \$147 million in currency (inbound and outbound) at and between the ports of entry (POEs), a 34 percent increase from the previous fiscal year. CBP also seized 4.1 million pounds of narcotics, including 870,000 pounds seized at the POEs, 2.4 million pounds seized between the POEs, and 831,000 pounds assisted by Air and Marine interdiction agents. These numbers demonstrate the effectiveness of our layered approach to security.

Today I would like to discuss some of the important work carried out by the CBP Office of Air and Marine (OAM), which provides aviation and marine support to Border Patrol and other federal, state, local, and tribal partners. OAM currently has over 800 pilots, 350 Marine Interdiction Agents, and 40 Aviation Enforcement Officers, as well as 285 aircraft and 297 marine vessels deployed across 75 locations throughout the United States and Puerto Rico. In addition to providing interdiction, surveillance, and patrol support, OAM units serve as a deterrent of illegal activity on the border.

In recent years, CBP has significantly expanded OAM operations 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 UASs which began operating out of the Grand Forks Air Force Base in Grand Forks, North Dakota in January 2009. In addition, 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 and has added 100 new marine interdiction officers on the northern border.

CBP has operated the Predator B UAS for over six years and has pioneered the employment of this long duration, remotely-piloted aircraft in the National Airspace System (NAS) for border security and disaster assistance. Predator Bs, which can operate for more than 20 hours during a single border search mission, currently patrol along both the southern and northern U.S. land borders and have logged more than 10,000 flight hours in support of CBP's border security mission. The newest addition to CBP's UAS family, a maritime search variant of the Predator B called the Guardian, carries a broad-area sea-search radar with long range detection and tracking

capabilities. Together, the Guardian and Predator B have assisted in CBP's support and response to large-scale natural disasters such as hurricanes, flooding in North Dakota, the recent wildfires in Arizona, and the oil spill in the Gulf of Mexico; and have positioned CBP to confront evolving threats to the homeland.

In June 2009, CBP conducted Operation Empire Shield—a UAS and P-3 aircraft surge operation in the Great Lakes region. The operation combined the efforts of CBP, ICE, Drug Enforcement Administration (DEA), the U.S. Coast Guard (USCG), Royal Canadian Mounted Police (RCMP), Canadian Border Services Agency (CBSA), and the New York State Police to demonstrate integrated air and marine operations. Employing a combined operations center out of Wheeler-Sack Army Air Base, Fort Drum, NY, the three-week operation pursued 244 marine tracks that resulted in 85 vessel boardings. This Operation resulted in the seizure of \$300,000 in cash, cocaine, several vehicles, and the arrest of five individuals and paved the way for long-term CBP UAS support agreements with Wheeler-Sack.

CBP is working closely with our partners at the DHS Science and Technology Directorate (S&T) to develop and find new capabilities to counter the threat posed by low-flying aircraft along the northern border. We recently completed a joint testing program with S&T and the USAF Test Pilot School at Edwards Air Force Base, CA to assess our current air interdiction capability and find ways to improve our effectiveness in detecting and tracking these small aircraft.

CBP has established the Operational Integration Center (OIC) at Selfridge Air National Guard Base in Harrison Township, Michigan. The OIC is a demonstration project to enhance border security and situational awareness for CBP and its mission partners along a critical area of the northern border by integrating personnel and technology. The OIC allows for a collaborative work area and communications capabilities for all components of CBP, the U.S. Coast Guard, other DHS entities, 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, Remote Video Surveillance Systems, and Mobile Surveillance Systems feeds, and video from various POE, tunnel and local traffic cameras. This level of

personnel and technology integration and cooperation serves as a model for technology deployments on the northern border.

In addition, DHS components have formed an integrated operations group along the Northern border to enhance coordination of air and maritime operations in the Great Lakes Region. In the future, DHS plans to expand this operations group to include state, local, and tribal law enforcement, and state homeland security counterparts to enhance integrated operations, communications, and intelligence-sharing across the eight states that comprise the Great Lakes region.

Within CBP, we established the State, Local and Tribal liaison office to enhance collaboration with our state, local, and tribal partners. This office works to inform state, local, and tribal stakeholders of current and proposed CBP programs, assists these stakeholders in addressing questions or concerns about CBP programs, and assists in building and maintaining partnerships with CBP.

CBP officers and agents provide support to Integrated Border Enforcement Teams (IBET)—comprised of CBP, ICE, USCG, Canadian law enforcement and other federal partners—which work to identify, investigate, and interdict individuals and organizations that may pose a threat to national security or are engaged in organized criminal activity along the Northern border. Similarly, CBP is one of the largest contributors of personnel to ICE-led Border Enforcement Security Task Force (BEST) units, which bring together federal, state, local, territorial, tribal, and foreign law enforcement to collaborate to identify, disrupt and dismantle criminal organizations which pose significant threats to border security. There are currently 21 BESTs throughout the United States. By incorporating integrated mobile response capability (air, land, marine), IBET and BEST groups provide participating law enforcement agencies with a force multiplier that maximizes border enforcement efforts.

Throughout CBP's history, as well as that of our legacy agencies, our officers and agents have been called upon to assist in law enforcement missions beyond the border security realm. Our agents and officers have been cross-deputized as U.S. Marshals or deputized by local law

enforcement to assist in national emergency situations. Most recently, CBP officers and agents were deputized in North Dakota as Cass County deputies by Sheriff Laney to assist in providing relief efforts to the community following the flooding that began there this past April. OAM provided fixed wing, helicopter, and Unmanned Aircraft System surveillance support for the Federal Emergency Management Agency and state and local agencies.

Our employees are on the frontlines and work hand-in-hand with local and tribal law enforcement officers. Given that the Border Patrol and Air and Marine agents operate in rural and/or remote locations, we are often the first on the scene of an accident or we are called upon to assist during routine police work. For example, in the Blaine Sector in Northern Whatcom County, Washington, CBP communications specialists are responsible for 911 calls, dispatching for the Blaine, Sumas, and Lynden Police departments. In September 2010, Air Interdiction Agents supported the Whatcom County Sheriff's office in searching for and locating a suspect who was firing shots near a residence. A CBP helicopter provided aerial support while the arrest was made and the trailer in which the suspect was hiding was cleared.

In the coming year, CBP will continue to expand joint operations by exploring a joint command with the USCG at the Air and Marine Operations Center (AMOC) in the Great Lakes Region. The 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 monitors violations of U.S. airspace, tracks potentially dangerous aircraft, and coordinates and expedites the appropriate operational response.

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.

In 2005, CBP created a robust information sharing environment known as “BigPipe,” which links equipped CBP aviation assets and information sharing protocols to federal, state, local and tribal law enforcement agencies to provide near-real time video and sensor data—enhancing situational awareness for officers across the law enforcement community. BigPipe is also used by numerous federal, state, local and tribal agencies during warrant presentations, controlled deliveries, search and rescue and surveillance operations.

Shared situational awareness is instrumental to the effective interdiction and apprehension of persons engaged in illegal activity. CBP has formal information-sharing agreements with Coast Guard District Nine in the Great Lakes region and District Seven in South Florida to enhance shared situational awareness, operational coordination, and safety. When combined with other collaborative mechanisms such as IBETs and BESTs, these partnerships greatly enhance our operational capabilities. The goal is for all USCG and CBP platforms, personnel, and assets to have the capability and competency to communicate with each other in real time during enforcement actions.

A further example of national cooperation can be found within the Joint Harbor Operations Center (JHOC) in the port of San Diego, California. JHOC is a joint maritime command and control center with USCG, Border Patrol, OAM, U.S. Navy, San Diego Harbor Police, and California National Guard personnel co-located in one facility. Information is integrated into a common operational picture which is shared by the Coast Guard, the Port of San Diego, US Navy Third Fleet, Navy Region Southwest, Navy Fleet Area Control and Surveillance Facility San Diego, and the AMOC.

Chairman Miller, Ranking Member Cuellar, and members of the Subcommittee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection. CBP is committed to providing our frontline agents and officers with the tools they need to enhance the security of America’s borders. We look forward to continuing to work closely with our federal, state, local, tribal, and international partners in these efforts. I would be pleased to answer any questions you may have at this time.