

TESTIMONY OF
DONNA BUCELLA
ASSISTANT COMMISSIONER
OFFICE OF INTELLIGENCE AND INVESTIGATIVE LIAISON

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

BEFORE

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Subcommittee on Border and Maritime Security

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Introduction

Chairman Miller, Ranking Member Cuellar, and distinguished Members of the Subcommittee, it is a pleasure to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts to secure our Nation's borders.

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 lawful flow of 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. 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.

I would like to begin by recognizing those at the Department of Homeland Security (DHS) who have given their lives in service to our Nation. The loss of these brave agents and officers is a stark reminder of the sacrifices made by the men and women of DHS every day. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to threats and secure our border.

Overview of Border Security Efforts

Over the past three years, the DHS has dedicated historic levels of personnel, technology, and resources in support of our border security efforts. Most recently, the President's Fiscal Year (FY) 2013 Budget Request continues these efforts by supporting the largest deployment of law enforcement officers to the frontline in our agency's history: more than 21,300 Border Patrol agents; 1,200 Air and Marine agents; and 21,100 CBP officers; working 24/7 with state, local, tribal, and Federal law enforcement to target illicit networks trafficking in people, drugs, weapons, and money. Over the last year, we have brought greater unity to our enforcement efforts, expanded collaboration with other agencies, and improved response times.

CBP has also deployed additional technology assets—including mobile surveillance units, thermal imaging systems, and large-and small-scale non-intrusive inspection equipment—along our Nation’s borders. CBP currently has over 270 aircraft, including nine Unmanned Aircraft Systems (UAS) and more than 300 patrol and interdiction boats that provide critical aerial and maritime surveillance and operational assistance to personnel on the ground. The UAS program is rapidly changing how ground assets are deployed, supplying Border Patrol Agents with unparalleled situational awareness through the UAS’s broad area electronic surveillance capabilities. Going forward, CBP will continue to integrate the use of these specialized capabilities into the daily operations of CBP’s frontline personnel to enhance our border security efforts.

The results of this prioritization to the border and our layered approach to security are clear. In FY 2011, Border Patrol apprehensions along the Southwest border—a key indicator of illegal immigration—decreased 53 percent since FY 2008, and are less than one fifth of what they were at their peak in 2000. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. During FYs 2009 through 2011, DHS seized 74 percent more currency, 41 percent more drugs, and 159 percent more weapons along the Southwest border as compared to FY 2006-2008. In FY 2011, CBP seized more than \$126 million in illegal currency and nearly five million pounds of narcotics nationwide. At the same time, according to 2010 Federal Bureau of Investigation (FBI) crime reports, violent crimes in Southwest border states have dropped by an average of 40 percent in the last two decades.

Every key measure shows we are making significant progress; however, we must remain vigilant and focus on building upon an approach that puts CBP’s greatest capabilities in place to combat the greatest risks.

We acknowledge that there is still work to do. We remain concerned about the drug cartel violence taking place in Mexico and continue to stand vigilant against the possibility of spillover effects in the United States. We will continue to assess the situation and support the investments in the manpower, technology, and resources that have proven so effective over the past two years in order to keep our borders secure and the communities along them safe.

We are also concerned about the increasing influence of Mexican Drug Trafficking Organizations (DTOs) over U.S.-based gangs as a way to expand their domestic distribution process. Gang members are heavily involved in the domestic distribution of narcotics and, to a much lesser extent, the actual movement of contraband across the Southwest border. The Mexican Mafia and Barrio Aztecas are two examples of U.S.-based gangs with significant ties to Mexican DTOs that operate on both sides of the border. In an effort to combat the threat of transnational criminal gangs, CBP developed the Anti-Gang Initiative (AGI). The AGI is a multi-year strategic plan to combat transnational criminal gangs. It focuses on the effective management and coordination of CBP personnel, systems, and resources to detect, disrupt, and interdict criminal gang members and their illicit cross-border activities.

The CBP Office of Intelligence and Investigative Liaison (OIIL) supports AGI efforts by facilitating the sharing of intelligence generated by multiple Federal, state, and local agencies. OIIL assets are embedded within both the Operations Section-Gangs located within the Special Operations Division at the Drug Enforcement Administration (DEA), and the FBI's Criminal Investigation Division. As a contributing member to both these operations, CBP has access to operational intelligence that is generated not only by the DEA, but also by our other law enforcement partners, including the FBI, U.S. Marshals Service, Bureau of Prisons, and U.S. Immigration and Customs Enforcement (ICE).

Overview of Smuggling Methods

CBP's mission is complex and challenging. Vast expanses of remote and rugged terrain between our ports of entry (POEs), coupled with the large volumes of trade and traffic at our POEs, are targeted for exploitation by smugglers and other cross-border criminal organizations. Smugglers use a wide range of ever evolving methods to attempt to move their illicit goods into the United States both at and between our POEs, including the subterranean movement of contraband by way of tunnels. Smugglers move people, weapons, cash, narcotics and other contraband, which are concealed on people, in vehicles, in cargo, and on aircraft and marine vessels. On a typical day, CBP seizes more than 6,200 kilograms (13,700 pounds) of drugs and nearly \$350,000 in undeclared or illicit currency. The Southwest border is the primary entry point for cocaine, heroin, marijuana, and methamphetamine entering the United States.

To meet the challenges of the complex environments in which we operate and address the evolving smuggling techniques we encounter, CBP monitors, collects, analyzes and produces intelligence reporting on drug smuggling tactics, techniques, and procedures. In addition, our analysts disseminate information and intelligence to and from our Federal, state, local, tribal and international partners to CBP operational components. This reporting provides our field leadership and frontline personnel with a better understanding of the illicit transportation methods and concealment techniques they are likely to encounter. It also ensures our law enforcement partners are aware of the trends and techniques encountered by CBP.

To detect this contraband in vehicles and other conveyances, CBP employs a wide range of interdiction methods to include behavioral observation, fiber-optic scopes, and non-intrusive inspection (NII) technologies, as well as the intuition of our well-trained officers and agents. NII technologies, to include large scale X-ray and Gamma-ray imaging systems, are an important part of our layered enforcement strategy. These technologies are deployed at our Nation's air, sea and land border POEs to screen and identify anomalies that may indicate the presence of contraband or other illegal materials. These NII technologies are force multipliers that enable us to scan or examine a larger portion of the people, conveyances and cargo entering and exiting the United States for the presence of contraband, while continuing to facilitate the flow of legitimate trade and travel. NII technologies also give CBP the capability to perform thorough examinations of conveyances and cargo without having to resort to the more costly, time-consuming, and intrusive process of manual searches.

NII technologies are also the only effective means of screening the large volume of rail traffic entering the United States from Mexico. CBP currently has eight rail imaging systems deployed to the Southwest border commercial rail crossings. These rail systems currently provide CBP with the capability to image and scan 100 percent of all commercial rail traffic arriving in the United States from Mexico. The rail NII imaging technology is bi-directional, which provides CBP with the added capability to image southbound trains. In March 2009, CBP began conducting 100 percent outbound screening of rail traffic departing the United States for Mexico for the presence of contraband, such as explosives, weapons, and currency.

Through funding received from the American Recovery and Reinvestment Act, CBP has procured one high-energy integrated rail replacement system for deployment to the Southwest border. The system, a dual function radiography/radiation detection unit, is currently undergoing testing and evaluation. CBP anticipates deploying this system in the next few months.

It is our assessment that CBP land and air interdiction efforts along the U.S.-Mexico border, drug and human smuggling and trafficking organizations are increasingly turning to maritime smuggling routes to transport contraband into the United States. Mexican smuggling organizations use a variety of methods to enter the United States via maritime routes, including the use of small open vessels known as “pangas.” These small, wood or fiberglass, homemade fishing vessels use their relatively high speed and small radar signature capabilities under the cover of darkness to attempt to evade detection by CBP and U.S. Coast Guard (USCG) surface patrol vessels and patrol aircraft.

A recent trend identified off the California coast is a shift from using smaller panga vessels that make quick cross-border dashes onto beach areas near San Diego to using larger pangas that transit further out to sea and land further up the California coast. These larger, higher powered pangas often range in size up to 50 feet in length and are capable of carrying multi-ton loads of contraband.

These pangas transit from locations south of the U.S.-Mexico border to smuggle humans and tons of contraband, primarily marijuana. One of the largest panga boats discovered to date, in April 2012, was discovered beached near Santa Barbara and found with trace amounts of cocaine. To date in FY 2012, over 60,000 pounds of marijuana has been seized in 37 maritime events. Of these 37 events, 27 involved panga vessels originating from Mexico.

CBP is taking the northern shift in California-based smuggling by panga vessels very seriously and is evaluating a number of options to aggressively address these tactics, including adding marine patrol aircraft and expanding our partnerships with state, local, and Federal law enforcement partners to base additional coastal marine patrol vessels in the area.

Mexican smuggling organizations also use pleasure boats in a number of areas in an attempt to blend in with legitimate boaters and transport contraband during broad daylight. Smuggling operations using this technique rely on the sheer number of similar pleasure boats on U.S. waters on any given day to blend-in.

Another method of smuggling contraband into the United States via the marine environment is through the use of small commercial fishing and shrimping vessels in areas where there are commercial fishing fleets. Similar to the pleasure boat smuggling outlined above, this smuggling method relies on blending-in with normal boating traffic in an effort to elude detection.

Mexican smuggling organizations also attempt to transport contraband across rivers via high-speed vessels. The limited crossing distance in many areas means that these high-speed vessels can cross in a matter of seconds. To counter this threat, CBP has an array of vessels assigned to its riverine patrol stations, and also uses a variety of shore-side sensors and agents in high-threat areas.

Given the wide variety of maritime smuggling threats posed by Mexican smuggling organizations, CBP uses a mix of coastal interceptor and riverine patrol vessels equipped with marine surface search radars and electro optic infrared sensors. These vessels and the CBP marine crews who operate them are in the water, identifying and intercepting pangas, go-fasts, and shark boats – pleasure and fishing boats used by Mexican smuggling organizations. Additionally, CBP Office of Air and Marine (OAM) uses an array of patrol aircraft equipped with marine search radars and electro optic infrared sensors to conduct periodic patrols of the maritime approaches to the United States.

In addition to using pangas, the DTOs continue to build and deploy Self-Propelled Semi-Submersible (SPSS) vessels in the Eastern Pacific and Western Caribbean. These vessels are designed to sit low in the water in an attempt to avoid detection by the air and marine assets of the United States and our partner nations. In three separate incidents in a one-week period, CBP OAM P-3 aircraft assisted in the interdiction of a SPSS carrying close to 14,000 pounds of

cocaine, and two vessels carrying more than 4,400 pounds of cocaine with a combined street value of more than \$1.3 billion.

The OAM P-3 fleet has been an integral part of successful counter-narcotics missions undertaken by the United States, operating in coordination with DEA and the Joint Interagency Task Force – South (JIATF-S). The P-3s patrol in a 42 million square mile area of the Western Caribbean and Eastern Pacific, known as the Source and Transit Zone, in search of drugs that are in transit toward United States' shores. The P-3s' distinctive detection capabilities allow highly-trained crews to identify emerging threats well beyond the land borders of the United States. By providing surveillance of known air, land, and maritime smuggling routes in an area that is twice the size of the continental U.S., the P-3s detect, monitor and work with USCG partners to disrupt smuggling activities before they reach the shore.

So far in FY 2012, the P-3 patrols have continued to demonstrate success in interdicting smuggling attempts. In two separate incidents during late March and early April, CBP P-3 aircraft detected northbound go-fast vessels carrying bales of suspected contraband. In both instances, these vessels were stopped and boarded by partner nation law enforcement agencies, resulting in the combined seizure of more than 4,400 pounds of cocaine.

To date in FY 2012, P-3s operating out of Florida and Texas have assisted in seizures and disruptions totaling \$4.6 billion. During fiscal year 2011, the P-3 fleet seized or disrupted more than 148,000 pounds of cocaine valued at more than \$11.1 billion.

In addition to using proven and new maritime smuggling methods, DTOs have also turned to new methods of smuggling by air. One method that has emerged in recent years has been the use of ultralight aircraft. Under the cover of darkness, ultralights fly across the Southwest border and airdrop marijuana cargo to waiting ground crews. The load size ranges from 200 to 220 pounds of marijuana. During FY 2011, there were 101 confirmed ultralight events, with 28 narcotics seizures, 16 arrests, and three ultralight aircraft seized. From October 1, 2011, through June 1, 2012, there were 55 confirmed ultralight events resulting in 17 narcotics seizures, 11 arrests, and two ultralight aircraft seized. Currently, the CBP Air and Marine Operations Center, located in

Riverside, California, uses its extensive airspace monitoring capabilities, as well as the radar capabilities of the Department of Defense and civilian radar capabilities, to identify and track suspect ultralight aircraft incursions. CBP is also working to procure a radar solution specifically designed to detect ultralight aircraft.

An additional smuggling method is the use of tunnels under the international border. The first tunnel was discovered by the U.S. Border Patrol in 1990, and CBP has seen an increase of tunneling activity in the past few years. As of March 31, 2012, there have been 155 illicit cross-border tunnels discovered - 154 along the Southwest border and one discovered along the Northern border near Lynden, Washington (July 2005). The tunnel threat consists of four categories of tunnels: conduit, rudimentary, interconnecting, and sophisticated. When tunnels are detected, each Southwest border sector follows established protocols for coordination, confirmation, assessment, investigation, exploitation, and remediation. On March 4, 2010, the Office of Border Patrol was designated the lead office of the CBP Tunnel Detection and Technology Program with program support from the CBP Office of Technology Innovation and Acquisition (OTIA). This program has worked to integrate the efforts of DHS, CBP, ICE-HSI, DHS Science and Technology Directorate (S&T), the Drug Enforcement Administration, and the Joint Task Force-North into a single entity that will address tunnel-related activities and technology.

In November 2011, the San Diego Tunnel Task Force discovered two tunnels and seized 52 tons of marijuana. The first tunnel, discovered on November 15, 2011, was a sophisticated 400-yard underground cross-border tunnel that was over 40 feet deep and was equipped with rail, lighting, and ventilation systems. The discovery of this tunnel resulted in the seizure of 18 tons of marijuana. The second tunnel, which was discovered on November 29, 2011, was also a sophisticated tunnel equipped with lighting and ventilation systems. This tunnel discovery resulted in the seizure of 34 tons of marijuana. The two discoveries are the result of collaboration between CBP, ICE, and DEA along with other agencies, and the use of state-of-the-art electronic surveillance technology to investigate cross-border smuggling by criminal organizations.

During FY 2012 (through March 31, 2012), 11 additional tunnels were detected – all along the Southwest border – with six discoveries in the San Diego Sector and five discoveries in the Tucson Sector.

Working Together to Thwart Smuggling

In addition to the tools that CBP uses to thwart smuggling attempts, CBP works with our Federal, state, local, tribal and international partners to address smuggling along the Southwest border and to combat transnational threats.

CBP hosts a weekly briefing/teleconference with state and local partners regarding the current state of the border, in order to monitor emerging trends and threats along the Southwest border and provide a cross-component, multi-agency venue for discussing trends and threats.

The weekly briefing focuses on CBP narcotics, weapons, and currency interdictions and alien apprehensions both at and between the POEs across the Southwest border. These briefings/teleconferences currently include participants from: U.S. Coast Guard; DEA; FBI; ICE; U.S. Northern Command; Joint Interagency Task Force-North; Joint Interagency Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Attorneys' Offices; Canada Border Services Agency; Naval Investigative Command; State Fusion Centers; and local law enforcement.

Based on the success of the State of the Southwest Border briefing/teleconference, CBP implemented a State of the U.S./Canada Border briefing and teleconference. This monthly teleconference is produced collaboratively with our Royal Canadian Mounted Police and Canadian Border Services Agency partners, and has been well received by law enforcement agencies on both sides of our border with Canada.

Moreover, CBP has increased partnerships with Federal, state, local, and tribal law enforcement agencies and our Mexican counterparts, as well as with the public and private sectors.

Coordination and cooperation among all entities that have a stake in our mission have been, and

continue to be, paramount to an effective Southwest border strategy. CBP is working closely with Federal, state, local, tribal and international partners to increase intelligence and information sharing. A Processing, Exploitation, and Dissemination cell has been established at the OAM facilities in Riverside, California, and 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.

An example of our collaborative efforts along the Southwest border is the Alliance to Combat Transnational Threats (ACTT) in Arizona. ACTT is a collaborative enforcement effort, established in September 2009, that leverages the capabilities and resources of more than 60 Federal, state, local, and tribal agencies in Arizona and of agencies of the Government of Mexico to combat individuals and criminal organizations posing a threat to communities on both sides of the border. Through ACTT, we work with our Federal, state, local, and tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing; and develop coordinated operational plans that strategically leverage the unique missions, capabilities and jurisdictions of each participating agency. Since its inception, the work of ACTT has led to the seizure of more than 1.2 million kilograms (2.7 million pounds) of marijuana, more than 3,800 kilograms (8,400 pounds) of cocaine, and nearly 1,400 kilograms (3,000 pounds) of methamphetamine; more than \$31 million in undeclared U.S. currency and 525 weapons; and approximately 427,000 apprehensions between POEs.

CBP is working closely with DHS S&T to evaluate technologies against a wide range of land and maritime border threats. Efforts include testbeds on the northern and southern borders to evaluate border tripwires, acoustic sensors to detect ultralights, and air-based wide area surveillance sensors. A port security testbed has been established to develop improved maritime situational awareness and information sharing capabilities for the USCG and CBP. As part of the Beyond the Border initiative with Canada, CBP and S&T are establishing a Canada and U.S. Sensor Sharing Pilot. The cross-border pilot will consist of sharing sensor information between

CBP agents and Royal Canadian Mounted Police on the northern border in the area of Swanton, Vermont.

Beyond these measures, we have taken additional steps to bring greater unity to our enforcement efforts, expand coordination with other agencies, and improve response times. Last February, we announced the Arizona Joint Field Command—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.

Focusing on leading threat indicators, CBP developed and implemented the South Texas Campaign (STC) to identify and address current and emerging threats along the South Texas border. Through intelligence-sharing, integration of law enforcement resources, and enhanced coordination and cooperation with the Government of Mexico, the STC conducts targeted operations to disrupt and degrade the ability of transnational criminal organizations to operate throughout the South Texas Corridor, while simultaneously facilitating legitimate trade and travel.

Additionally, CBP participates in ICE-led Border Enforcement Security Taskforces (BESTs), which are composed of Federal, state, local, and international law enforcement stakeholders. BESTs currently operate in 31 locations, including 11 along the Southwest border. BESTs bring Federal, state, local, territorial, tribal, and foreign law enforcement together to work to increase security along the border. In FY 2011, BESTs made 2,257 criminal arrests and 1,134 administrative arrests; and federal prosecutors obtained 1,372 indictments and 1,193 convictions in BEST-investigated cases.

Through collaboration and coordination with our many Federal, state, local, tribal and international government partners, we have made great strides with regard to the integrity and security of our borders. With your continued assistance, we will continue to refine and further enhance the effectiveness of our detection and interdiction capabilities.

Conclusion

Chairman Miller, Ranking Member Cuellar, and members of the Subcommittee, thank you for this opportunity to testify about the work of CBP. We are committed to providing our frontline agents and officers with the tools they need to effectively achieve their mission of securing America's borders and facilitating the movement of legitimate travel and trade. I look forward to answering any questions you may have at this time.