

<b>Question#:</b>	1
<b>Topic:</b>	Border Apprehensions
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** President Obama's lenient policies acted as a pull factor for illegal migration to the United States. People knew that they would unlikely be removed if they crossed the border. Thus, people were more willing to take the risk and come to the United States illegally under the Obama Administration.

Policies have changed under President Trump. The word is getting out that the United States is no longer going to tolerate illegal entry. If you enter the country illegally, you will be detained and you will be removed. This has forced Coyotes to raise their prices, according to one source, from \$3,500 to \$8,000. Additionally, would be illegal immigrants are deciding that their chances of success are not worth the risk.

The result has been a significant decrease in illegal migration in President Trump's first four months. In February, border apprehensions dropped by 35 percent from February 2016, March apprehensions dropped by 67 percent from March 2016, and April apprehensions have dropped 29 percent from April 2016.

Do you agree that President Trump's return to normal enforcement policies is a major reason for the decrease in border apprehensions and illegal entry to the United States?

**Response:** Intelligence based on subject interviews indicates current administration policies are affecting the migration of aliens north to the United States. Since the inauguration and issuance of Presidential Executive Orders regarding immigration policies, the U.S. Border Patrol has encountered a significant decrease in the flow of illegal aliens migrating to the US.

Interviews have indicated migrants are hesitant to come to the U.S. due to increased removals, perceived enhancements to border security (e.g. border wall, increased manpower, etc.), and changes to immigration policies that do not permit them remain in the U.S. if apprehended. News of the Presidential Executive Orders and improvements to border security and immigration enforcement are being spread via social media, news outlets in Central American countries, and through word-of-mouth by relatives residing in the U.S. Migrants may not want to borrow the large sums of money required for smuggling arrangements if they have little chance of success.

USBP Apprehensions, OTMs, and Unaccompanied Alien Children (UAC)

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**FY2016 to Date**

APPs	Southwest	Northern	Coastal	FY2016TD
Daily	1,382	10	6	1,398
Month	10,226	102	135	10,463
Year	342,540	1,895	3,950	348,385

FY2016 to FY2017 Change
-45.1%
-42.0%
-22.3%

**FY2017 to Date**

APPs	Southwest	Northern	Coastal	FY2017TD
Daily	751	12	4	767
Month	5,861	126	81	6,068
Year	264,963	2,554	3,236	270,753

OTMs	Southwest	Northern	Coastal	FY2016TD
Daily	846	1	5	852
Month	6,201	35	98	6,334
Year	178,332	906	3,046	182,284

FY2016 to FY2017 Change
-56.9%
-48.3%
-12.8%

OTMs	Southwest	Northern	Coastal	FY2017TD
Daily	359	6	2	367
Month	3,154	70	51	3,275
Year	155,462	1,272	2,304	159,038

UAC	Southwest	Northern	Coastal	FY2016TD
Daily	200	0	0	200
Month	1,632	1	2	1,635
Year	49,826	11	42	49,879

FY2016 to FY2017 Change
-55.5%
-49.6%
-27.1%

UAC	Southwest	Northern	Coastal	FY2017TD
Daily	89	0	0	89
Month	823	0	1	824
Year	36,285	30	52	36,367

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<sup>1</sup> Source: USBP Daily Report as of 08/09/2017.

<b>Question#:</b>	2
<b>Topic:</b>	Drug Trafficking
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Last May, Brandon Judd, President of the National Border Patrol Council, testified that the Mexican drug cartels controlled illegal activity along the Southern border, including the trafficking and smuggling of people and drugs. He said that 174,000 individuals who were apprehended in the Rio Grande Valley had all paid the Gulf Cartel around \$5,000 to be smuggled into the U.S.

Mr. Judd also testified that Drug cartels were not making money off of only smuggling people, but creating holes in the border for easier drug trafficking. Instead of having illegal immigrants turn themselves in, they would cross illegally and continue going, to force Border Patrol to chase after them. This created holes in the border that the drug traffickers used to bring drugs through.

Are you seeing a decrease in drug trafficking at the Southern Border with the decrease in illegal migration?

**Response:** Along the Southwest Border, the U.S. Border Patrol has seen a 35% decrease in marijuana seizures along with a 14% decrease in overall alien apprehensions; however, when compared to the same time period last fiscal year (October 1-August 9), there has been an increase in hard narcotics seizures: 54 percent increase cocaine seizures, 60 percent increase in heroin seizures, and a 26 percent increase in methamphetamine seizures. There had been reporting that certain transnational criminal organizations are ordering routes traditionally utilized for alien smuggling to be used for narcotic smuggling operations due to a lack of revenue being produced by alien smuggling operations. Additionally, there is information that some drug trafficking organizations have allowed competing organizations to utilize territories under their control for their illicit narcotics operations to further increase revenue contributes to the above stated increase in the hard narcotics seizures of cocaine, heroin, and methamphetamines.

#### FY2016 YTD Drugs – 10/1/2015 to 8/9/2016

Southwest Border										
SECTOR	MAR LBS	MAR SEIZ	COC LBS	COC SEIZ	HER OZS	HER SEIZ	MET LBS	MET SEIZ	XTC LBS	XTC SEIZ
SDC	8,461.32	334	1,107.25	53	3,570.15	42	2,159.36	207	6.91	8
ELC	2,864.72	127	55.78	10	245.51	8	1,285.07	86	0.00	1
YUM	32,425.03	384	216.13	23	544.17	10	840.46	50	0.75	4
TCA	663,268.29	3,951	174.17	50	1,089.91	35	242.91	104	0.00	1
EPT	60,407.51	589	99.60	20	114.41	13	116.30	55	0.02	3
BBT	33,248.99	2,763	15.66	42	315.82	16	160.46	77	0.06	12
DRT	6,707.81	221	0.02	11	0.04	2	90.04	21	0.01	5
LRT	68,943.75	365	613.11	37	1,090.48	8	1,102.63	29	0.02	2
RGV	300,609.66	1,542	1,253.09	119	1,272.37	10	693.32	52	0.52	8
<b>YTD TOTAL</b>	<b>1,176,937.07</b>	<b>10,276</b>	<b>3,534.81</b>	<b>365</b>	<b>8,242.86</b>	<b>144</b>	<b>6,690.56</b>	<b>681</b>	<b>8.30</b>	<b>44</b>

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FY2017 YTD Drugs – 10/1/2016 to 8/9/2017

Southwest Border										
SECTOR	MAR LBS	MAR SEIZ	COC LBS	COC SEIZ	HER OZS	HER SEIZ	MET LBS	MET SEIZ	XTC LBS	XTC SEIZ
SDC	9,384.61	208	2,412.81	75	4,546.72	52	3,506.05	182	0.00	0
ELC	5,553.60	80	477.45	22	2,426.20	20	1,149.95	90	0.00	1
YUM	29,709.46	869	258.53	23	1,042.73	16	815.33	79	0.02	7
TCA	372,013.45	2,667	312.15	42	2,396.88	48	375.70	106	0.01	3
EPT	31,505.55	615	140.00	33	761.63	18	187.40	64	0.02	6
BBT	38,818.71	1,894	39.95	43	299.22	17	118.13	69	0.30	14
DRT	9,221.22	201	61.51	18	500.30	3	119.15	30	0.04	2
LRT	61,559.33	437	625.56	42	788.66	14	629.97	28	0.00	3
RGV	226,221.77	1,367	1,108.13	97	422.68	3	1,540.35	56	0.38	8
<b>YTD TOTAL</b>	<b>783,987.69</b>	<b>8,338</b>	<b>5,436.10</b>	<b>395</b>	<b>13,185.01</b>	<b>191</b>	<b>8,442.04</b>	<b>704</b>	<b>0.77</b>	<b>44</b>

<b>Question#:</b>	3
<b>Topic:</b>	Border Security Measures
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Our current law provides a lot of authorities that, if used, would secure our borders. In fact, the current administration's focus on the border security and immigration enforcement has already reduced illegal immigration significantly. In February, border apprehensions dropped by 35 percent from February 2016. March apprehensions dropped by 67 percent from March 2016.

Could you please explain what authorities you have under current law to secure the border and enforce our immigration laws?

**Response:** CBP has broad authority to secure the border and enforce the nation's immigration laws, as well as many other laws on behalf of numerous federal agencies at the border. These authorities are primarily codified in Title 8 and Title 19 of the U.S. Code. Generally speaking, these authorities permit CBP Officers and Agents to inspect or search all persons, baggage, merchandise, and vessels arriving to or departing from the United States. CBP Officers and Agents have the authority to question individuals about their right to be or remain in the United States and the authority to arrest aliens attempting to enter the country unlawfully. Moreover, CBP Officers and Agents have the authority to make arrests for federal felonies and misdemeanors under certain circumstances.

**Question:** Is any new legislation necessary to help your agency better enforce the law, or is this really just a matter of resources?

**Response:** CBP is open to working with you and the committee in the future on legislative proposals to benefit CBP's border security mission. While not specifically tied to CBP's law enforcement activities, the President recently commended the House for passing two bills that would increase national security and public safety: *Kate's Law* (H.R. 3004) and *No Sanctuary for Criminals Act* (H.R. 3003). *Kate's Law* increases criminal penalties for illegal immigrants who repeated re-enter the country illegally. The *No Sanctuary for Criminals Act* restricts taxpayer grant money to cities that prevent their police from turning over dangerous criminal aliens, including gang members, to federal authorities.

Furthermore, CBP supports the "*Anti-Border Corruption Reauthorization Act of 2017*," which was ordered reported as S. 595 by the Senate Homeland Security and Governmental Affairs Committee on May 17, 2017, and reported as H.R. 2213 by the House Homeland Security Committee on May 16, 2017. CBP believes the flexibility to waive the polygraph for certain individuals in limited populations would potentially

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expedite onboarding and allow CBP to efficiently and effectively deploy skilled law enforcement personnel to secure the border.

<b>Question#:</b>	4
<b>Topic:</b>	Hiring Practices
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** President Trump required DHS Secretary Kelly to hire 5,000 additional Border Patrol Agents in his executive order on Border Security and Immigration Enforcement Improvements. But in 2016 CBP's Assistant Commissioner of Human Resources testified that the agency was just "treading water" in terms of hiring. Years of under-funding has created a chronic cycle: the very lengthy hiring process, averaging 460 days, makes it impossible to overcome attrition, which is high because of low morale, and low morale is exacerbated by understaffing. It is not clear how CBP will be able to overcome these serious obstacles to increase staffing as President Trump demands.

One specific hiring problem has been with polygraphs. Records indicate that somewhere around sixty-five to seventy-five percent of CBP's applicants fail the polygraph test. I understand that some candidates show up with criminal records, and you aren't going to hire those individuals, but even some good candidates, who have prior law enforcement service, are not able to pass.

How many additional officers would you need to reach full operational control of the Southern border?

**Response:** Due to multiple variables including, varying environmental conditions and threat characteristics, the range of personnel needed in a given area along the border will fluctuate and requires continual reassessment of personnel requirements.

The U.S. Border Patrol (USBP) is developing a staffing methodology that determines human capital requirements based on essential mission functions performed and capabilities required to accomplish our mission. The methodology is referred to as Personnel Requirements Determination (PRD). USBP is focused on establishing the staffing to workload relationships for the "Patrol Border" functions through the analysis of data collected from USBP leaders in the field and through the analysis of data in existing BP systems. The process is a multifaceted approach that includes extensive work functions, workload and condition analyses. Currently, PRD is accelerating to provide a staffing model/decision support tool for the Patrol Border functions ahead of schedule.

The staffing model will aid in staffing Sectors by providing estimates of the number of Agents needed to achieve minimal, optimal and operational control of the border by Sector and Station incorporating deployment requirements. The staffing model will provide objective data on how many Agents should be assigned by Station and Sector to

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achieve the desired border security target in relation to workload and condition drivers. This information will better serve more quantifiably based staffing decisions.

Finally, as additional frontline personnel is considered, it is important to remember that mission support as well as improvements and expansion to our existing facilities need commensurate growth as it is critical to our ability to hire, train, and equip our frontline personnel.

**Question:** What can you do to expedite the hiring of new officers?

**Response:** U.S. Customs and Border Protection (CBP) continues to examine every aspect of its pre-employment process to identify areas in which improvements can be made. Process improvements over the last two years have led to a significant reduction in the time-to-hire and an increased applicant-to-entrance-on-duty (EOD) rate. In 2015, we developed and piloted a hiring hub program that reduced the time-to-hire for qualified applicants and allowed CBP to identify and remove unqualified applicants more quickly, preventing bottlenecks in later phases of the process. CBP has since incorporated lessons learned from the hiring hub program into a new expedited hiring process that, as of April 2017, is being used for all frontline applicants. We continue to explore additional process improvements, including modifications to the administration of the polygraph exam, entrance exam, and physical fitness tests. While modifications to our pre-employment process are being considered and piloted, we will not implement any change without carefully weighing all risks and mitigation measures. Our hiring process is meant to ensure only individuals with the highest integrity serve as agents and officers safeguarding our borders and ports of entry—and we remain committed to upholding these standards amid the increasing urgency to hire more personnel.

**Question:** Why is CBP's polygraph so much harder to pass than other law enforcement polygraphs?

**Response:** Federal law requires polygraph screening for all applicants to law enforcement positions at CBP. The U.S. Office of Personnel Management provides annual authorization to CBP's Office of Professional Responsibility (OPR) to conduct applicant screening polygraph examinations for CBP law enforcement officer positions. The examination administered to CBP applicants is approved by the National Center for Credibility Assessment (NCCA). CBP administers polygraph examinations in full compliance with all applicable federal polygraph policies and procedures.

The NCCA has inspected CBP every two years for a total of five inspections since its inception. The inspections determine if agencies follow the standards, policies and



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guidelines set forth by NCCA, Office of Director of National Intelligence (ODNI), and the Federal Polygraph manual. CBP has passed all the inspections and has received positive commentary in the NCCA inspection reports. The NCCA reports have not provided any indication that CBP's polygraph examination is harder to pass than other law enforcement polygraphs.

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**Question:** On February 20th, Secretary Kelly issued a memo that calls for enhanced enforcement of our immigration laws. It requires that immigrants be mandatorily detained, as required by the INA, it requires that parole be used only sparingly and only for significant humanitarian purposes and significant public benefit, as required by the INA, and it requires illegal entrants be returned to contiguous countries, as required by the INA. As I have mentioned already, these measures have already produced a reduction in illegal border crossings. The results of these actions shows that our current laws are sufficient to secure the border, what we need is funding. The Kelly memo asks for the hiring of 5,000 more border patrol agents and the building of a fence along the Southern Border, as required by the INA. These will require Congress to appropriate those funds.

How has CBP's workload increased in the last decade, and has CBP's funding been adequately increased in line with its workload?

**Response:** CBP's Office of Trade has since an increase in responsibilities and workload following the passage of The Trade Facilitation and Trade Enforcement Act (TFTEA) enacted on February 24, 2016. TFTEA specifies new trade facilitation and enforcement operational requirements, organizational changes, and new authorities and services. TFTEA includes substantial changes to trade enforcement, particularly in the area of Anti-Dumping and Countervailing Duties (AD/CVD), establishing processes for investigating claims of evasion of anti-dumping orders, using donations of technology from the private sector for enforcing IPR, and simplifying drawback processing to spur domestic manufacturing and exports.

To fully address these and other TFTEA mandates in both a timely manner and without impacting the core mission and operations of CBP's trade mission, the President's budgets outlines an increase of \$29.8 million to support 140 new positions in the Office of Trade. These positions include international trade specialists, customs auditors, customs attorneys, national import specialists, and operational and policy support staff.

CBP's Office of Field Operations (OFO) has indeed seen an increase in workload. For example, referring to the background of your question, OFO has seen a 39 percent increase in inadmissible persons from FY 2006 through FY 2016. Along with this, traveler volume continues to increase with over 119 million travelers in FY 2016, an increase of 6 percent more travelers in FY 2016 than FY 2015, and 30 percent more in the last 9 years (since 2007). Sea container volumes have increased 14 percent from FY 2011 through FY 2016. OFO's identified staffing needs have increased from 22,898

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CBPOs needed in FY 2008 (the earliest year for which required staffing needs were modeled) to 27,082 CBPOs needed in FY 2016; an increase of 18 percent.

		FY 2007	FY 2011	FY 2016	9 Year Change	5 Year Change
Land	Travelers	298,899,796	227,964,510	251,396,353	-16%	10%
Land	Privately Owned Vehicles	112,395,915	92,673,383	103,057,770	-8%	11%
Land	Truck Containers	11,250,482	10,117,354	11,758,918	5%	16%
Land	Rail Containers	2,737,149	2,634,086	3,199,170	17%	21%
Sea	Passengers/Crew	17,127,525	17,795,914	19,631,808	15%	10%
Sea	Foreign Vessels and Ships	155,835	141,242	132,253	-15%	-6%
Sea	Sea Containers	11,201,762	10,721,337	12,204,256	9%	14%
Air	Passengers/Crew	91,603,239	94,605,085	119,253,822	30%	26%
Air	Commercial Aircraft	687,007	662,492	969,573	41%	46%
Air	Private Aircraft	139,400	121,220	116,828	-16%	-4%

Recognizing CBP's staffing needs, Congress provided funding to hire, train, and equip 2,000 additional CBPOs in the FY 2014 DHS Appropriations Act (P.L. 113-76). CBP is actively working to recruit and hire the additional CBPOs to fulfill this need. CBP is aggressively pursuing quality candidates, as well as taking steps to reduce attrition rates in an effort to meet this goal. The 2,000 CBPOs will go a long way toward addressing the current challenges and supporting additional requests for services. As growth in international trade and travel, expanding mission requirements, and demands to resource new facility, CBP will continue to assess resource needs using the WSM. CBP is committed to ensuring the security of our Nation's borders, while continuing to facilitate legitimate travel and trade.

In FY 2006, the OFO budget was just under \$2.5 billion including user fees. In FY 2016, the OFO budget was just over \$5.1 billion including user fees. This represents an increase of 104 percent. This increase is influenced by many factors to include workforce maturation for CBPOs as well as enhanced law enforcement retirement in this time period. The staffing numbers for CBPOs in FY 2006 was 18,031 and increased to

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22,910 in FY 2016. Salaries and benefits made up 85 percent of the OFO FY 2016 budget.

Over the past eight years the USBP has seen increased statutory and legal requirements governing the processing and handling of detainees in USBP custody, specifically in the requirements for the detention of Unaccompanied Alien Children (UAC) and Family Unit Aliens (FMUA). During this time frame the USBP has seen record apprehension numbers of UAC, FMUA, and “other than Mexican” (OTM). On average, UAC represent 14% of USBP apprehensions and FMUA represent 27% of apprehensions. The care and custody of these vulnerable populations, coupled with the increased statutory and legal requirements, has increased the number of USBP agent hours required to perform non-law enforcement custody duties and diverted agents from their primary duty of securing the Nation’s border.

These demands are exacerbated when apprehension levels increase. Care, custody and transport demands continue to be a stressor to USBP front-line operations. In FY15 and FY16, USBP agents averaged 4.2 million hours performing non-law enforcement duties; 2.7 million of those hours were devoted to the care and custody of UAC and FMUA.

With an increase in OFO and USBP requirements comes an increase in the need for land, air, and maritime surveillance and interdiction by AMO. An increase in interior enforcement operations and source/transit zone interdiction efforts adds to the requirement. AMO, working with USBP, indicated the need to fly over 300K hours in order to satisfy 100% of the requirement in FY 2018; AMO currently only has the capacity to provide approximately 95K hours.

AMO’s capacity peaked in 2010 with a peak in manning, but has decreased since due to aircraft and personnel attrition, and will continue to decrease without significant investment. In the absence of sufficient resources, AMO is aggressively targeting options with recruitment, relocation and retention pay as the most promising means of addressing personnel deficiencies which severely challenge the execution of flight hours. AMO has found some success by offering pay incentives; the Caribbean Air and Marine Branch is now fully staffed since the stand up of DHS. Responding to our South Texas partners, AMO has instituted a targeted hiring plan which has resulted in the McAllen and Laredo branches being close to fully staffed.

<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017 (Target)</b>
97,515	97,183	94,879

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**Question:** How much funding do you estimate CBP needs in order to hire adequate personnel and purchase necessary equipment and technology?

**Response:** CBP and DHS are in the process of developing cost estimates for full implementation the President's Executive Orders on border security. Additional funding will be necessary not only to cover the costs of recruiting and hiring the additional 5,000 Border Patrol Agents (BPAs) but also the costs associated with training, equipping, supporting, and retaining the expanded workforce. In addition, CBP will require funding to procure border technology solutions and to support the operations and sustainment of today's fielded technology systems as well as those to be deployed in the future.

To help address the increasing demands of the USBP workforce, the President's FY 2018 Budget requests funding to support an additional 500 BPAs towards the goal in Executive Order 13767, Section 8 to hire 5,000 additional Border Patrol Agents. In response to this directive, CBP developed a multi-year hiring plan to meet the new staffing requirement for Border Patrol. Funding for the 500 additional BPAs includes the full cost of training this new cohort of agents.

These 500 BPAs will improve our enforcement posture on the border, increasing operational efficiency in arrests, seizures, and day-to-day operational tasks. The ability to staff Border Patrol Sectors at the required levels to address operational requirements is fluid, as threats change and transnational criminal organizations adopt new tactics, techniques, and procedures. These changes, coupled with increased enforcement efforts, require additional agents to interdict illegal activity in all-threats border environment.

The FY 2018 President's Budget also contains significant program increases to address equipment and technology needs. Some highlights include:

- **Interoperability Equipment Refresh** – Increase of \$29.3 million to purchase mobile radio equipment for USBP and AMO Tactical Air, Land, and Marine Enterprise Communications (TALMEC).
- **Cross Border Tunnel Threat** – Increase of \$8.9 million for the Cross Border Tunnel Threat (CBTT) program, which will strengthen border security effectiveness between ports of entry by diminishing the ability of Transnational Organized Crime Networks (TOC Networks) to access the United States through cross-border tunnels and the illicit use of Underground Municipal Infrastructure (UMI).

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- **Integrated Fixed Towers (IFT)** – \$17.4 million in new funding for Integrated Fixed Towers in order to provide automated, persistent wide-area surveillance for the detection, tracking, identification, and classification of illegal entries.
- **Remote Video Surveillance Systems (RVSS)** – \$46.2 million to procure and deploy new RVSS technology in the Rio Grande Valley Sector.
- **Facilities Sustainment** – \$61.2 million increase to address the top-priority needs within the backlog of maintenance and repair requirements at USBP facilities.
- **Facilities Capital Investment** – \$45.0 million for construction of the Brown Field Border Patrol Station, which will resolve location, space, and security issues at CBP’s most important operational facility priority since 2014.
- **Mobile Assets Replacement** – Total funding of \$60.3 million for the acquisition of USBP replacement vehicles.

**Question:** How much of the southern border remains unpatrolled because you lack adequate funding?

**Response:** The USBP uses a combination of agent patrols and technology to maintain situational awareness of our borders. The USBP conducts threat assessments along the U.S. borders and prioritizes operations in a given area based on our ability to have situational awareness, impede and deny, and bring a law enforcement resolution to any border incursions of contraband and/or people. The USBP maintains the ability to shift resources (agents and technology) to prioritized threats and utilizes relationships with strategic partners to help mitigate the risk in lower threat areas.

**Question:** What key investments in personnel, infrastructure, and technology has CBP been unable to make over the last eight years due to a lack of adequate funding?

**Response:** The FY 2018 President’s Budget provides increased resources for a broad range of activities across the CBP mission. These funding increases will allow CBP to close critical personnel, infrastructure, and technology gaps.

To help address the increasing demands of the USBP workforce, the FY 2018 President’s Budget requests funding to support an additional 500 BPAs Towards the goal in Executive Order 13767, Section 8 to hire 5,000 additional Border Patrol Agents. In response to this directive, CBP developed a multi-year hiring plan to meet the new staffing requirement for Border Patrol. Funding for the 500 additional BPAs includes the full cost of training this new cohort of agents. This initial hiring surge will lay the foundation in increasing operational control in certain key areas along the border.

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These 500 BPAs will improve our enforcement posture on the border increasing operational efficiency in arrests, seizures, and day to day operational tasks. The ability to staff Border Patrol Sectors at the required levels to address operational requirements is fluid as threats change and transnational criminal organizations adopt new tactics, techniques, and procedures. These changes coupled with increased enforcement efforts require additional agents to interdict illegal activity in all-threats border environment.

CBP has also faced challenges investing in three key areas of facilities infrastructure and asset management: sustainment of CBP facilities, capital investment into CBP facilities, and replacement of mobile assets for CBP personnel. Accordingly, the FY 2018 President's Budget makes substantial investments in each of these areas:

- **Facilities Sustainment** – The FY 2018 President's Budget requests a \$61.2 million increase to address the top priority needs within the backlog of maintenance and repair requirements within the USBP facilities portfolio. The backlog of over 6,600 deferred maintenance and repair items include electrical and lighting systems, HVACs, plumbing, physical security systems, and roofs and other structural areas
- **Facilities Capital Investment** – CBP requested \$45.0 million in the FY 2018 President's Budget for construction of the Brown Field Border Patrol Station, which will resolve location, space, and security issues at CBP's top operational facility priority since 2014.
- **Mobile Assets Replacement** – Approximately 10,000 vehicles, over 7,000 of which support USBP, are eligible for replacement by the end of FY 2018 in the current inventory of 22,000. Insufficient levels of funding to invest in the replacement of vehicles at the end of their intended useful life result in increased vehicle downtime meaning lost time on the frontline and rising costs for the maintenance, repair and fuel costs for the vehicles. Hence, the FY 2018 President's Budget provides a total of \$60.3 million for the acquisition of USBP replacement vehicles.

CBP has been reasonably successful in the investments of border technology over the past eight years to address border security. CBP's technology investments have nevertheless faced implementation challenges in the areas of broad band communications, tunnel detection, and the deployment of existing technologies to additional locations along U.S. borders. The FY 2018 President's Budget specifically addresses these challenges with increased funding devoted to the following programs:

<b>Question#:</b>	5
<b>Topic:</b>	Need for Funding
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

- **Interoperability Equipment Refresh** – The FY 2018 President’s Budget proposed an increase of \$29.3 million to purchase mobile radio equipment for USBP and AMO Tactical Air, Land, and Marine Enterprise Communications (TALMEC). This funding would procure additional radios and infrastructure necessary to address radio obsolescence, improve interoperability with local authorities and the Government of Mexico, and address some current coverage gaps. Replacing a significant number of aging or obsolete radios will directly contribute to the efficiency and effectiveness of border security operations, and contribute to the goals outlined in the Executive Orders on border security and immigration enforcement.
- **Cross Border Tunnel Threat** – CBP requested \$8.9 million in the FY 2018 President’s Budget for the Cross Border Tunnel Threat (CBTT) program, which will strengthen border security effectiveness between ports of entry by diminishing the ability of Transnational Organized Crime Networks (TOC Networks) to gain unobtrusive access into the United States through cross-border tunnels and the illicit use of Underground Municipal Infrastructure (UMI). The CBTT program will fill the following gaps: 1) Predicting potential tunnel locations; 2) Detecting the presence of suspected tunnels and tunneling activities as well as project the trajectory of a discovered tunnel; 3) Confirming a tunnel’s existence and location through mapping and measurements; and 4) Coordination that facilitate secure information sharing across all stakeholders.
- **Integrated Fixed Towers (IFT)** – In the FY 2018 President’s Budget CBP requests \$17.4 million in new procurement funding for Integrated Fixed Towers in order to provide automated, persistent wide area surveillance for the detection, tracking, identification, and classification of illegal entries.
- **Remote Video Surveillance Systems (RVSS)** – The FY 2018 President’s Budget provides \$46.2 million to procure and deploy new RVSS technology in the Rio Grande Valley Sector.

Lastly, technology refresh is critical to CBP’s ability to provide a resilient and current infrastructure capable of supporting the technology solutions that CBP end users depend on to fulfill the daily mission of securing our nation’s borders. CBP has had to make tradeoffs in funding mission capabilities over technology refresh and, as a result, key pieces of the IT infrastructure are aging faster than they are being replaced.

- **Front End Infrastructure**, such as laptops and desktops, provides the end-point for users to access essential applications. CBP’s front end infrastructure is 71% past end of life\* (~44,000 devices).



<b>Question#:</b>	5
<b>Topic:</b>	Need for Funding
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- **Network Infrastructure**, such as switches, enables connectivity and the transfer of data across applications. CBP's network infrastructure is 34% past end of life (~1,600 items).
- **Back End Infrastructure**, such as servers, provides computing power and supports essential applications. CBP's back end infrastructure is 12% past end of life (~70 items).  
*\*A device is considered past end of life if it is over 5 years old*

This aging infrastructure leads to multiple risks, including:

- The inability to support new technology capabilities that would improve CBP's operational effectiveness and efficiency.
- Increased susceptibility to security threats because of vulnerabilities in older technology as well as difficulty supporting and running the latest security tools.
- Faster device failure rates and higher maintenance costs, combined with a loss of vendor maintenance support for technology that is past its end of life.

These risks have the potential impact to both external and internal stakeholders:

- **External** stakeholders, such as cargo carriers and the general public, face potential difficulties with trade and travel.
- **Internal** mission operators face potential issues executing their day-to-day responsibilities.

The recent Executive Orders (EO) around border security and cybersecurity require CBP to focus on initiatives highlighted in these orders. Aging IT equipment plays a large role in CBP's inability to fully support these initiatives and needs to be addressed to ensure success.

- To address the cybersecurity EO, CBP needs to replace older technologies because they are more vulnerable to cyberattack and exploitation, and cannot support the installation of sensors and tools that monitor cyber flaws and detect cyber related issues.
- The border security EO requires the hiring of 5,000 additional Border Patrol agents, who will need to be equipped with devices to access the CBP mission critical applications used to process people. The rapid increase in CBP employees also necessitates a more robust back-end infrastructure to support day-to-day operations. Accordingly, the FY 2018 President's Budget requests \$10.0 million for information technology equipment to support the Southwest Border Wall System and an additional \$24.2 million for IT equipment and field technology for Southwest border operations.

<b>Question#:</b>	5
<b>Topic:</b>	Need for Funding
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
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- The implementation of biometric entry/exit is also key to enhancing CBP's ability to secure the border, as well as generally improve the traveler experience. Biometric initiatives require upgraded infrastructure at airports to meet the requirements for fast responses on facial recognition technology and streamlined integration with the airlines' infrastructure.

**Question:** With adequate funding from Congress, could your agency obtain operational border control with the authorities you have under current law?

**Response:** The USBP is developing a plan for obtaining and maintaining operational control (OPCON) between the Ports of Entry. Within existing authorities USBP operationalizes OPCON between the Ports of Entry as: the ability to impede or deny illegal border crossings, maintaining situational awareness, and applying the appropriate, time-bound law enforcement response. Resources required to achieve OPCON include additional personnel, technology, and infrastructure, including wall and other physical barriers. Border security and lawful immigration rely not only on USBP's authority to accomplish OPCON, but are also dependent upon the roles of our partners within the Federal and State and Local agencies to execute their authorities as well.

<b>Question#:</b>	6
<b>Topic:</b>	Automated Entry and Exit Control System
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In 1996, Congress required the implementation of an automated entry and exit control system at all points of entry that would monitor people entering and exiting the U.S. Such a system would provide better monitoring of people in the U.S. on a nonimmigrant visa. Since 1996, Congress has repassed and reaffirmed the need for an automated exit and control system eight separate times.

Just this week, the Department of Homeland Security announced its calculation that 1.25 percent of people whose visa expired in 2016, are still in the country. Among those are 128,806, 0.6 percent, of people who participated in the Visa Waiver Program, but have not left the country. Another 79,818, or 5.48 percent of students and exchange visitors on an F,M, or J visa, have overstayed, of which 2.81 percent, or 40,949, are believed to still be in-country.

Is funding of an automated exit and entry control system a necessary tool to secure the border from visa overstays?

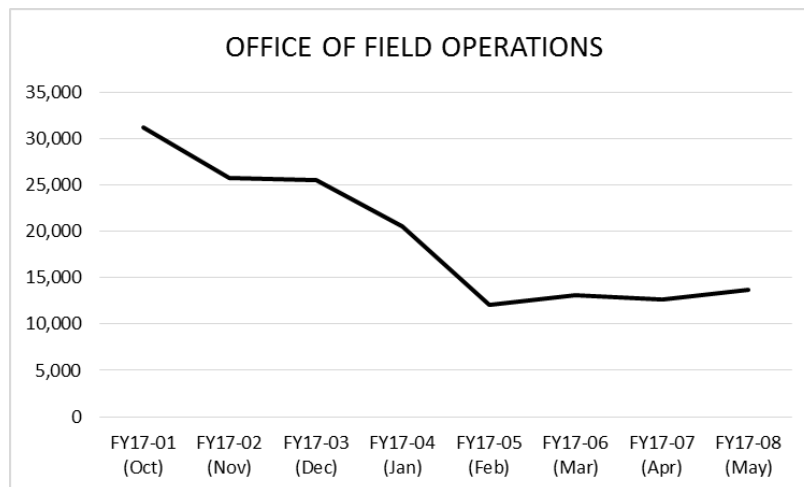
**Response:** CBP currently has a fully implemented biographic entry and exit system, and is making progress to complement the existing entry/exit system with biometric data. An automated entry/exit system, especially a biometric one, will strengthen DHS' ability to identify visa overstays and deter potential ones. To accurately determine identity, both biographically and biometrically, when a traveler arrives and departs the United States, is the cornerstone to ensure immigration integrity for border security. Building upon the current biographic exit system, implementation of a biometric exit process will ensure integrity of the immigration system by improving the ability to positively identify those individuals who may have overstayed their lawful period of admission to the United States. The largest challenge with development of a biometric entry/exit system is that the United States did not build its transportation infrastructure, to include international airports and land and sea ports of entry, with the same designs at exit as at entry. Accordingly, CBP has sought innovative ways of collecting biometric departure information that avoid severe disruptions or significant economic costs. CBP has developed a biometric exit implementation strategy and schedule that meets the newly executed Executive Order for implementation. Currently, CBP has funding dedicated to building a biometric entry/exit system pursuant to fee funds established in the FY16 Omnibus (P.L. 114-113), as well as additional \$5 million funding for biometric land border pedestrian pilots using facial recognition in the FY17 appropriations bill.

<b>Question#:</b>	7
<b>Topic:</b>	Uptick in Illegal Entry
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The number of border apprehensions has dropped significantly since January.

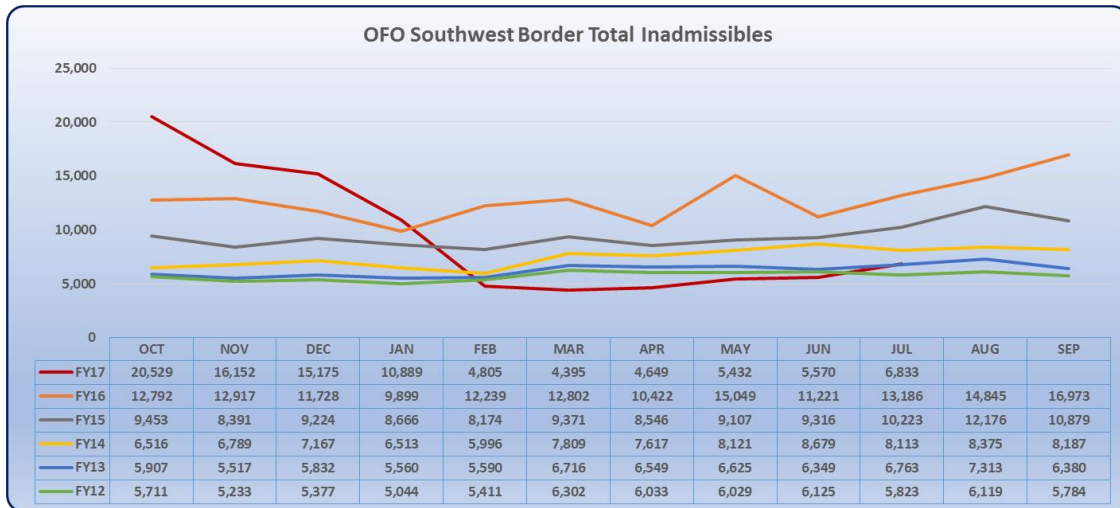
Are there any ports of entry or checkpoints where you have seen an uptick in illegal entry in light of stepped enforcement in other locations?

**Response:** Since January 2017, USBP immigration checkpoints have seen an overall 3.4% decrease in nationwide apprehensions. Although apprehensions at line stations have dropped significantly, illegal immigration apprehension levels at USBP checkpoints have remained relatively stable. However, the Rio Grande Valley (RGV) and El Centro (ELC) sectors show the increases in 2017 compared to 2016: RGV is up 60% in checkpoint apprehensions, while ELC is up 57.6%



At POEs, saw a marked decline in inadmissible aliens during the first and second quarters of FY 2017. And although FY17 year-to-date inadmissible counts remain 20% lower overall, from 2016 year-to-date numbers, OFO is experiencing increasing numbers in the 4<sup>th</sup> quarter of FY17.

<b>Question#:</b>	7
<b>Topic:</b>	Uptick in Illegal Entry
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On July 24, 2015 the United States District Court, Central District of California (9<sup>th</sup> circuit) ruled the Department of Homeland Security to be in violation of the Flores Agreement. The ruling applied the same detention standards for unaccompanied minors under the Flores Settlement to minors who are accompanied by a parent (Family Unit), and to expectant mothers.

<b>Question#:</b>	8
<b>Topic:</b>	Rio Grande Sector
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The Rio Grande Sector still seems to be the sector with the highest number of illegal border crossings into the United States.

What specific steps is CBP taking in the Rio Grande Valley to reduce those numbers?

**Response:** In FY17 U.S. Border Patrol Sector in Rio Grande Valley (RGV) has conducted approximately 64 named operations, which involve a coordinated response to a developing situation that has a clearly defined purpose, method and end state and has been approved for action by Border Patrol Chain of Command (CoC). These operations have allowed RGV to reduce apprehensions from approximately 15,679 in January 2017 to approximately 5,108 in May 2017. The South Texas Campaign (STC) and RGV continue to cause a persistent change in the tactics, techniques, and procedures of transnational criminal organizations (TCOs). RGV and STC are continuing to work with their law enforcement partners within the United States and have maximized existing resources and relationships to mitigate vulnerabilities through bi-national engagements with Government of Mexico to diminish TCO presence in targeted areas.

**Question:** Have you been able to put any new infrastructure or technology in place to address illegal crossings in the RGV?

**Response:** Yes, CBP has been able to deploy and upgrade technology and infrastructure in RGV and has proposed additional investments in the FY 2018 President's Budget.

With the funding received up to and including FY17, the Tactical Aerostats and Relocatable Towers (TAS) Program has deployed a total of 6 aerostat systems and 17 RAID Relocatable Tower systems from 2014 to 2016 in the Rio Grande Valley (RGV) and Laredo Sectors. The FY17 funding for the TAS program is to support continued operations of current assets in place since September 2016 when the program met full operational capability of 6 aerostats and 17 relocatable towers.

In addition, the following technologies will be fielded to address illegal crossings in RGV Sector in the near future with the funding received up to and including FY17:

- Remote Video Surveillance System (RVSS) Pilot – 5 Relocatable sensor towers in McAllen Station
- RVSS Relocatable towers – 28 to 35 relocatable sensor towers in Rio Grande Valley Sector

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<b>Topic:</b>	Rio Grande Sector
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
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- Mobile Video Surveillance Systems (MVSS) – 28 units

The funding requested in the FY 2018 President’s budget will support the continued operations of the fielded technologies and the deployment of RVSS upgrades to address illegal crossings in RGV Sector. The Budget supports Command and Control (C2) and sensor tower infrastructure design and construction for RVSS Upgrade deployments in the remaining six Station AORs in Rio Grande Valley Sector (Weslaco, Ft. Brown, Brownsville, Harlingen, Falfurrias, and Kingsville) that will support the deployment of 53 fixed sensor towers.

Regarding infrastructure in RGV, in addition to recent improvements, the FY17 Omnibus provides \$49.2 million for 35 gates and the FY18 request will provide significant enhancements to infrastructure in RGV with an additional 28 miles of levee wall and 32 miles of border wall. During FY15, CBP teamed with JTF-N to restore a critical lateral access road in the Rio Grande City Station AoR. The station now has 24/7 access on 4 miles of all-weather road in a high traffic area. Also in FY15, CBP used the Tactical Infrastructure maintenance program to upgrade boat ramps in the Weslaco AoR (2 ramps) and Rio Grande City AoR (1 ramp). This restored river access allows agents to launch riverine vessels to respond to activity on the Rio Grande River.

<b>Question#:</b>	9
<b>Topic:</b>	Northern Border
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The Northern Border has also seen increases in traffic in terms of aliens transiting to Canada to seek asylum. The Royal Canadian Mounted Police (RCMP) has had some challenges with the new influx, especially by aliens crossing into Canada at remote locations.

How has CBP been working with Canada to help them deal with the influx of illegal border crossers?

**Response:** During 2016 and 2017 there was a substantial increase in asylum seekers crossing the International Boundary into Canada from the United States between Canadian Ports of Entry. Preliminary analysis from the Canada Border Services Agency (CBSA) indicates migrants are making their way to Canada through two primary pathways: 1) The South and Central American corridor, with migrants illegally entering and transiting the U.S.; and 2) the U.S. nonimmigrant visa.

Through the Bilateral Cross-Border Law Enforcement Advisory Committee, RCMP and CBSA representatives worked with the United States Border Patrol (USBP) and Department of State to jointly analyze the increase with the aim of identifying improved ways to identify and disrupt emerging trends, including migration being facilitated through the misuse of U.S. nonimmigrant visas. While migration patterns vary by region, the U.S. Embassies in Riyadh, Saudi Arabia and the Republic of Djibouti, were identified as the top visa issuing posts for migrant encounters in the Montreal/Quebec region.

Coordinated analysis of visa issuances and travel patterns by Diplomatic Security, Consular Affairs, CBP, and CBSA under the guise of Operation Northern Watch was passed back to these posts, better informing visa adjudications, which resulted in higher refusal rates and increased anti-fraud measures. The bilateral analysis also resulted in a reduction of Canadian refugee claimants originating from these posts and demonstrated how greater information sharing and data analysis is *the* most effective way of mitigating migration through the misuse of U.S. visas.

**Question:** Has DHS increased resources along the U.S. side of the Northern border in the more remote locations to help Canada stem the flow?

**Response:** Northern Border Sectors continue to share intelligence on northbound traffic with our counterparts in Canada. Blaine Sector and Spokane Sector work closely with their Federal, State, and local partners. Both Sectors endure limited detection and response capability in the maritime environment, a lack of detection technology and



<b>Question#:</b>	9
<b>Topic:</b>	Northern Border
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

border infrastructure compounded by a topography that limits radio/telephonic communications, and minimal access to remote areas through harsh winter conditions.

Swanton Sector responds to suspicious activity, and shifts limited resources accordingly.

<b>Question#:</b>	10
<b>Topic:</b>	Cross-border Law Enforcement Cooperation
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** CBP has had a number of high profile seizures of drugs in the last few months (for example a recent seizure of liquid meth at the Hidalgo port of entry that had a street value of approximately \$3.7 million).

CBP also has noted concerns with trafficking networks and Mexican transnational criminal organizations that control the majority of drug trafficking corridors, either directly or indirectly, mainly through the Tapachula Region of Mexico.

Has Mexican law enforcement been helpful in terms of interdicting drugs coming into the United or notifying U.S. officials of potential transit of illegal drugs?

**Response:** Mexican law enforcement entities have been excellent partners in terms of interdicting drugs coming into the United States as well as informing U.S. officials of transit shipments of illegal drugs. International Narcotics Control and Law Enforcement (INCLE) foreign assistance administered by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) for the Merida Initiative has facilitated close U.S.–Mexico interagency collaboration that enables a high level of engagement between U.S. and Mexican agencies through training and mentoring programs. These strong relationships result in successful cross-border coordination against Mexican transnational criminal organizations.

CBP has invested in developing Foreign Operations Branches (FOB) in its southwest USBP sectors. The FOB agents are dedicated to fostering and expanding relationships with key Mexican partners in order to enhance border security in local area. The FOBs are essential in coordinating with our Mexican partners for conducting joint operations, conducting mirrored patrols, exchanging vital information on drug and weapons seizures, and coordinating prosecutions and removals of criminals that attempt to avoid justice and commit crimes on both sides of the international boundary.

**Question:** If not, what is DHS doing to improve cross-border cooperation with Mexico to enhance our efforts to combat drug trafficking?

**Response:** U.S. Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) have been engaged with the Government of Mexico (GOM) on a number of cross-border cooperation efforts to enhance efforts to combat drug trafficking. CBP's largest Mexican law enforcement partner, the Federal Police, has made great efforts to assist CBP with interdicting drugs destined for the U.S. However, Mexican federal police manpower and resources remain limited, and they are responsible for

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<b>Topic:</b>	Cross-border Law Enforcement Cooperation
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
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overall law enforcement activities throughout the entire country. CBP continues to work with Mexican law enforcement partners to identify new ways to increase our overall effort and capacity to detect, intercept and share information binationally, to ultimately secure the U.S. borders. Examples of this engagement are below:

*Opioid Related Engagement*

Ninety percent of heroin seized and tested in the United States is from Mexico. We lack enough information to determine whether most Fentanyl that reaches the United States comes from China via Mexico, directly from China, or is synthesized in Mexico. The CBP Attaché Office serves in an integral role within the U.S. Embassy's Heroin/Fentanyl Workgroup established in 2014 to assist Mexico in disrupting the production and trafficking of heroin to the United States. In early 2016, this forum became part of Heroin Availability Reduction Plan (HARP) implementation and co-chaired by Mission Mexico and the National Heroin Coordination Group (NHCG). The workgroup is made up of the National Security Council, DEA, Department of State (DoS), Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and CBP, and meets on a monthly basis to discuss the following mission goals:

- Support Mexico's efforts to improve the efficiency and effectiveness of poppy eradication efforts;
- Establish information sharing protocols between GOM and U.S. government (USG) on seizures and eradication efforts; and
- Capacity building for inspection equipment to curtail the illicit flow of drugs, people, cash, arms, and other illegal goods.

This forum was instrumental in initiating a trilateral conference on fentanyl held in Mexico City in May 2016 with representatives from Canada, Mexico, and the U.S.

*Air and Marine Operations Joint Activities to Address Short-landers:*

With GOM support, DHS requested to establish a joint interdiction program/operation and develop a DHS-GOM task force to address drug trafficking, particularly targeting short-landers in the San Diego/Tijuana Corridor. These joint operations, such as Operation ALBATROS, have led to the interdiction of 22,100 lbs. of narcotics since Fiscal Year 2015. The interdiction of short-landing aircraft, between Fiscal Year 2015 and March 2017, has resulted in seizures of 167.98 kg of heroin, 256.09kg of cocaine, 2575.7 kg of methamphetamines, and 6956 kg of marijuana.

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<b>Topic:</b>	Cross-border Law Enforcement Cooperation
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GOM stations Federal Police (FP), SEMAR, Secretariat of National Defense (SEDENA), and Attorney General Office liaisons to CBP's Air and Marine Operations Center. These liaisons provide a critical line of communication back to their respective command centers in Mexico. CBP facilitation of an air and marine surveillance system with FP, SEMAR, and SEDENA provides a radar common operating picture between the various law enforcement and military agencies. This cooperation facilitates the interception and interdiction of short-landing flights, which are aircraft used to transport narcotics through Mexico landing just south of the border. Here, contraband is transferred to other conveyances for follow-on movement into the United States.

*Enhanced Cross-Border Law Enforcement Coordination:*

- Innovative bi-national operations, such as Operation Citadel, Operation Albatros, and mirrored patrols as part of the Cross Border Coordination Initiative (CBCI), are key to border security and safety for both countries. DHS remains committed to these operations – particularly Operation Citadel.
- Operation Citadel focuses its efforts to identify, disrupt, and dismantle TCOs, drug trafficking organizations, and terrorist support networks by targeting the mechanisms used to move migrants, illicit funds, and contraband throughout the Western and Eastern Hemispheres.
- CBCI operations have allowed for an increase in migrant rescues along the border, the recovery of U.S. stolen vehicles, the dismantling of illicit radio towers, increased information exchange, and a dramatic reduction in border-related assaults, rock throwing incidents, excavations and use of underground drainage systems by criminal organizations.
- Mexican FP recently deployed 76 CBP-trained Gendarmerie officers to Reynosa, Tamaulipas. Due to the Gendarmerie deployment of these officers, coordinated patrols in the Weslaco and Rio Grande City areas were resumed, and resulted in a significant decrease in assaults against agents.

*Joint Security Program:*

CBP launched the Joint Security Program (JSP) at Mexico City International Airport (MEX) in September 2009, partnering with multiple Mexican law enforcement partners to engage high-risk air travelers arriving and/or departing from Mexico City. JSP officers also coordinate with the Mexican Immigration to resolve advance targets and referrals for passengers arriving or departing from other airports within Mexico. Since initiating operations in 2009, JSP-MEX has issued 1,656 no-board recommendations for U.S.-

<b>Question#:</b>	10
<b>Topic:</b>	Cross-border Law Enforcement Cooperation
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bound passengers, intercepted 42 fraudulent documents on U.S.-bound flights, intercepted 514 fraudulent documents on non-U.S.-bound flights, intercepted 460 Visa Revocations, intercepted 345 Fugitives, 20 Narcotics Intercepts, and 9 Illicit Currency Intercepts

*Outbound Enforcement:*

- In collaboration with the GOM, DHS will continue to strengthen its southbound enforcement efforts, particularly concerning weapons and bulk cash. CBP's collaborative efforts through September FY2016 have led in part to the seizure of over \$7 million in bulk currency (in 210 incidents), 94 firearms, and over 86,300 rounds of ammunition during attempted smuggling out of the U.S. to Mexico.

**Question:** Do you think we need policy changes in our national intelligence priorities so that more national intelligence assets can be used to support the fight against these transnational criminal organizations?

**Response:** CBP's Office of Intelligence (OI) has been and will remain fully engaged with the Intelligence Community in the process to review national intelligence priorities. DHS Office of Intelligence and Analysis and CBP OI have successfully advocated for increased emphasis in this area over the past several years and are now taking additional steps that support Executive Order 13773 to combat transnational criminal organizations. Interagency policymaker support has been and will continue to be crucial to maintain and expand this emphasis, and the Threat Mitigation Working Group (TMWG), is working to realize that. Specific actions to address national intelligence priorities are classified.

<b>Question#:</b>	11
<b>Topic:</b>	Department of Defense Aerostats
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** We recently gave DHS funding to expand the use of government aerostats for surveillance on the Southern border. My understanding is that there are more than two dozen aerostats just sitting in Department of Defense (DoD) storage facilities that could be used for border security.

Is there an impediment to DHS securing these assets from DoD?

**Response:** The FY 2017 appropriation fully funded the Tactical Aerostats and Relocatable Towers (TAS) program to the baseline capability of six aerostat systems and 17 RAID Relocatable Tower systems; this was the first year the program was fully funded at \$33.48 million. The impediment of securing these assets is that they are not available from the DoD as excess equipment nor have the U.S. Border Patrol finalized their Capability Gap Analysis Process to determine the need for additional aerostat assets. Any additional assets will require additional funding.

**Question:** If not, when will DHS be able to acquire these assets and deploy them for use on the Southern Border?

**Response:** In order for CBP to acquire any U.S. Army surplus inventory, DoD must declare the systems excess. DHS can work with DoD to process the transfer of equipment. After DHS acquires the systems through the DoD Re-Use program, additional Operations and Sustainment (O&S) funding to deploy and operate these systems will be required.

<b>Question#:</b>	12
<b>Topic:</b>	Restructuring
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** There has been a lot of discussion about moving CBP's Air and Marine Operations under the Border Patrol to better support U.S. Border patrol in the field?

What are your thoughts about such a restructuring?

Do you think this would increase CBP efficiencies along the Southern border and better support the border security mission?

**Response:** CBP Air and Marine Operations (AMO) assets and capabilities are vital elements of CBP's multilayered border security operations at and beyond the Southern border. CBP recognizes there are significant challenges to overcome regarding the capacity to satisfy often-competing air and marine requirements in support of our border security mission. For example, the U.S. Border Patrol (USBP) continues to forward more requirements for air and maritime support than AMO can satisfy due to limited assets, personnel, and a mission set that supports multiple government entities and multiple operational domains.

As such, CBP Acting Commissioner Kevin McAleenan recently convened a meeting with USBP and AMO leadership representatives and directed the formation of an Executive Working Group to assess the efficiency of current operational structures and to identify deficiencies and opportunities for improvement to better support our border security mission.

Working Group representatives have been collecting data within their respective organizations and recently convened a joint USBP/ AMO Working Group meeting. CBP appreciates the Senator's interest in addressing these important issues and looks forward to providing an update on the Working Group's recommendations to Commissioner McAleenan in the coming months.

<b>Question#:</b>	13
<b>Topic:</b>	Status of Current Hiring Efforts
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In his January 25 Executive Order, the President directed CBP to increase its workforce by 5,000 border patrol agents.

What is the status of CBP's current hiring efforts?

**Response:** To meet the Executive Order hiring mandate, CBP has intensified all aspects of our existing hiring strategy, which includes initiatives designed to attract more qualified applicants, expedite the pre-employment timeline, and refine the hiring process to address all potential bottlenecks. In addition to modifications being made specifically to the administration of the polygraph exam, entrance exam, and physical fitness test, we have intensified our recruitment and marketing activities and large-scale rebranding effort, which incorporates data-driven marketing campaigns across multiple platforms and recruitment events in many strategic regions of the country.

CBP has also worked with the Office of Personnel Management (OPM) to obtain direct-hire authority to help fill the additional BPA positions, as well as other positions involved in protecting our borders. OPM also approved a revision for qualifying BPAs to enable us to change our methods for filling BPA positions and thus improving our ability to meet certain mission critical hiring needs.

These and other efforts will not only help to ensure CBP compliance with the Executive Order but also further establish our long-term ability to staff the frontline in accordance with the expanding complexity and demands of our mission.

**Question:** Has CBP been able to reallocate existing resources to the Southern border while it works towards increasing its current workforce?

**Response:** Yes, the USBP conducts the Capability Gap Analysis Process (CGAP) annually. This effort allows the organization to plan and adjust as the border environment changes. CGAP allows the agents on the ground to work through their current capabilities, solve problems and mitigate gaps.

Until CBP fills its identified gaps in staffing, OFO flexes to respond to surges in volume. For example, during the migration surge early in FY 2017, OFO increased overtime as well as detailed CBP Officers to Southwest Border locations in Southern California and Arizona to meet the increased workload.



<b>Question#:</b>	13
<b>Topic:</b>	Status of Current Hiring Efforts
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** When does CBP anticipate that all 5,000 new border patrol agents will be on board?

**Response:** CBP will comply with the President's Executive Order on Border Security and Immigration Enforcement Improvements. Projecting a timeframe for hiring 5,000 additional BPAs is a work in progress as we map out screening, vetting, hiring, and training executables that ensure there is no degradation in the quality of our BPAs while reaching the President's goals. We will work diligently with the Department of Homeland Security, the Congress, and other Federal Government and private partners to meet the Executive Order mandate. Staffing the frontline with well-qualified individuals of the highest integrity and capability remains a top mission support priority for CBP. CBP will maintain the hiring surge that has been in effect since FY 2014.

<b>Question#:</b>	14
<b>Topic:</b>	Polygraph Requirement
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** With the surge in hiring, some are concerned that CBP will "water down" or waive the mandatory polygraph requirement altogether. The New York Times published an article over the weekend highlighting "rogue" agents and criticism of the Administration for considering lowering hiring requirements.

Can you set the record straight and explain exactly what CBP's process limitations are as it relates to polygraphs?

**Response:** CBP maintains its standards to hire and retain personnel of their highest integrity. CBP follows best practices in our administration of the statutorily mandated polygraph, which have been identified by the National Center for Credibility Assessment (NCCA) to all frontline applicants. All CBP polygraph examiners undergo the same NCCA training required of all federal polygraph examiners, and our polygraph program has successfully passed five NCCA inspections.

CBP also recognizes that the polygraph program has endured much scrutiny over the years. In an effort to refine and expedite this phase of our hiring process, CBP began a pilot of a new polygraph format which is more streamlined but continues to address the critical topics needed to address CBP suitability standards and continues to achieve the same goal of identifying untrustworthy and unsuitable applicants. Congress has introduced legislation, H.R. 2213 and S. 585, both entitled, "*Anti-Border Corruption Reauthorization Act of 2017*" to extend the polygraph waiver eligibility to groups of low-risk applicants who meet certain criteria, namely current federal law enforcement; current state or local law enforcement; and veterans, transitioning service members, and members of the Reserves and National Guard. CBP supports these proposals as the potential changes to the polygraph program will maintain CBP's high integrity standards.

Regarding our hiring processes, all CBP frontline applicants undergo a rigorous multistep hiring process that includes an entrance exam, qualifications review, interview, medical exam, drug screening, physical fitness test, polygraph examination, and background investigation. In the last two years, CBP has made significant improvements, including the implementation of an expedited hiring process, to reduce the average time-to-hire from 469 days in January 2016 to fewer than 300 days. The expedited process is now being applied to all applicants, as of April 2017. We anticipate the time-to-hire will continue to decrease, as the new process has shown the ability to hire applicants in an average time of as low as 160 days.

<b>Question#:</b>	14
<b>Topic:</b>	Polygraph Requirement
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** There are a number of bills being considered that would allow CBP to hire veterans and other law enforcement personnel who have already had polygraphs administered by the military or their agencies. Do you think this change in hiring criteria will help CBP?

**Response:** DHS supports the goal of increasing border security through balanced investments in infrastructure, technology, and personnel. In June 2017, DHS provided a statement of support for the *“Anti-Border Corruption Reauthorization Act of 2017,”* which was ordered reported as S. 595 by the Senate Homeland Security and Governmental Affairs Committee on May 17, 2017, and reported as H.R. 2213 by the House Homeland Security Committee on May 16, 2017. CBP values the demonstrated commitment and trustworthiness these veterans and other law enforcement applicants bring to CBP’s mission. Furthermore, as many of these individuals have experience in situations relevant to the CBP mission set, CBP desires their knowledge, skills, and abilities to complement our workforce. CBP believes the flexibility to waive the polygraph for individuals in these limited populations would potentially expedite their onboarding and allow CBP to direct more resources toward the processing of other groups of applicants, preventing potential bottlenecks in the hiring pipeline.

Waiver determinations will not be granted lightly; as each criterion will be carefully vetted and reviewed to ensure verification by trained personnel security staff. Additionally, all CBP law enforcement applicants will undergo a Tier 5 background investigation, regardless if a waiver has been granted. Should derogatory information be discovered during an applicant’s background investigation, CBP may then choose to administer a polygraph examination.

Due to technological advances, CBP’s pre-employment vetting of applicants and background investigation program has made quantum leaps forward in capabilities over the past 3-5 yrs.

CBP has a robust automated vetting process system, implemented in early 2017, which has the ability to identify all federal law enforcement and anti-terrorism databases through CBP’s targeting systems. This system allows CBP to check criminal history, arrest records, suspicious financial activity and consolidated terrorism watchlists.

<b>Question#:</b>	15
<b>Topic:</b>	Infrastructure Improvements
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** It's no secret that the infrastructure at our ports of entry is aging and that CBP needs more funding to build new facilities and maintain existing ones. That is why I was glad to see additional appropriations provided to DHS to address facilities maintenance.

Which ports of entry along the Southern border has CBP prioritized for infrastructure improvements in FY 2017?

**Response:** CBP is grateful to receive additional appropriations in FY 2017 to address the backlog of much needed facilities maintenance needs. To date, CBP has made facilities investments in FY 2017 at the following ports of entry (POEs) on the Southern Border: San Ysidro (CA), Calexico West (CA), Calexico East (CA), Tecate (CA), Otay Mesa (CA), Naco (AZ), Raul Castro (AZ), San Luis (AZ), El Paso Bridge of the Americas (TX), Santa Teresa (NM), and Presidio (TX). CBP has been able to address many facility maintenance needs in FY 2017; however, there still remains a large backlog of maintenance needs across the CBP facilities portfolio.

**Question:** Which infrastructure projects does CBP consider critical and is there any additional legislative action that we can take to help address these priority projects?

**Response:** CBP has three critical priority areas for infrastructure projects: 1) addressing life safety issues at existing facilities; 2) sustaining CBP's existing real property portfolio to ensure facilities and tactical infrastructure are functional and broken components are fixed; and 3) investing in capital work to meet new, evolving and modernizing requirements. To that end the FY 2018 President's Budget Request includes funding to address the highest priority needs in each area. Additional funding has been allocated to address emergent repairs and the deferred maintenance and repair backlog with the USBP facilities portfolio, which comprises the majority of CBP's owned assets. Additional funding is for the enhanced maintenance and repair of CBP's tactical infrastructure including the upkeep of the real property aspects of the Remote Video Surveillance System. Within the request, CBP also allocated funding to the baseline maintenance and operations needs of CBP's owned and leased facilities including the reallocation of financial resources to address growing rent obligations within the AMO, OFO and Mission Support facilities portfolio. Finally, CBP also allocated funding for its capital investments needs which included the construction of a new Brown Field, CA Border Patrol Station, CBP's top facilities capital investment need for multiple years, and for the tail-end Furniture, Fixture and Equipment for Land Port of Entry modernization projects that are currently underway where the design and construction is funded via GSA's Federal Buildings Fund.

<b>Question#:</b>	16
<b>Topic:</b>	Facial Recognition Technology
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** I also understand that CBP is working with new facial recognition technology at ports of entry to help improve inspections.

What are the benefits of using such technology?

**Response:** Facial recognition is the clear choice for a multi-modal biometric. Facial biometrics improve and provide a more seamless traveler experience, enhance security by confirming traveler identity both biographically and biometrically for both inbound and outbound operations, improve business processes and integrates within existing airline and government operating models and enables a strong relationship between the government and the travel ecosystem. CBP is planning several technical demonstrations of facial recognition at international airports during the summer of 2017.

CBP conducted the Southwest Border Pedestrian Exit Field Test to determine if collecting biometrics in conjunction with biographic data upon exit from the Otay Mesa, CA land port of entry would assist CBP in matching subsequent border crossing information records with previously collected records. The pilot, along with other experiments, revealed that face recognition was the best biometric modality to pursue for a comprehensive biometric exit solution, both in terms of ease of traveler adoption and the amount of available photos in U.S. government holdings. Based on these findings CBP built the Traveler Verification Service (TVS). TVS allows a transaction with CBP that no longer requires a paper travel document (i.e. a passport or an airline boarding pass) to facilitate a biometric match. Instead, the travelers face is used to match against DHS and U.S. government holdings to successfully identify travelers and biometrically confirm their departure from the United States across air, land, and sea environments. With the biometric as the key, travelers may someday no longer be required to utilize their travel document as a token to verify identity. This is a solution that can be deployed in any CBP environment, and can apply to travelers departing by air, land, or sea.

**Question:** When do you anticipate CBP will be able to expand its use to all Southern and Northern ports of entry?

**Response:** CBP is currently planning to expand the use of facial recognition technology to the land border pedestrian environment. However, planning is ongoing and specific dates for expansion to all Southern and Northern ports of entry have not yet been determined. Leveraging the capabilities piloted at Atlanta's Hartsfield-Jackson International airport, CBP is planning to deploy facial recognition at two southwest border land ports of entry for pedestrian processing later this year. CBP will use the best

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<b>Committee:</b>	JUDICIARY (SENATE)

practices developed on the land border so this system expandable to other pedestrian locations. We anticipate a biometric exit system to be complete at the Nation's high volume airports by the end of 2020.

<b>Question#:</b>	17
<b>Topic:</b>	Assaults on CBP Officers
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Earlier this month, the DHS Office of Inspector General was asked to review the number of assaults on CBP officers in the past 2 fiscal years.

What steps has CBP taken to better protect officers on the front line, especially on the Southern border?

**Response:** CBP Officers at our POEs receive training to protect themselves and the general public from assaults during their quarterly firearms qualifications/training and less-lethal force training sessions (to include those ports with firearms training simulators). Additionally, CBP Officers receive safety musters on officer assaults and safety guidance on a periodic basis.

<b>Question#:</b>	18
<b>Topic:</b>	Agriculture
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** When you mention border security, most people think only of pedestrian, passenger vehicle, or commercial truck traffic crossing into our POEs. But another component of CBP's job is to protect homeland from dangerous pests, animals, and other prohibited agricultural products that could do huge damage to our farmland. I see CBP has had successes with intercepts of this kind.

How is CBP currently resourced at the ports of entry to inspect incoming produce, livestock, and other plant life?

**Response:** As of July 8, 2017, there were 2,414 Customs and Border Protection Agriculture Specialists (CBPAS) onboard at 182 ports of entry. We have 4 vacancies. The Agriculture Resource Allocation Model projected a needed increase of 631 CBPAS, which was reported to Congress in last year's Resource Optimization Strategy at Ports of Entry Report to Congress dated June 7, 2016. The FY18 President's Budget Request funds 3,061 full time equivalent CBPAS; financed via the Agriculture Quarantine Inspection (AQI) user fees at \$534.5M. As of FY 17, CBP has recovered approximately 93.6 percent of our eligible agriculture program costs from the AQI user fees. The table below illustrates interdictions by CBPAS:

<b>Agriculture Quarantine Interceptions Data - National</b>	<b>FY16</b>
<b>Total Quarantine Material Interceptions (QMI)</b> - includes canine interceptions, all of which consist of prohibited fruits, vegetables, plants, plant by-products, meats, and meat by-products.	<b>1,772,372</b>
<b>Emergency Action Notification (EAN)</b> - includes remedial actions for noncompliance, quarantine pests, federal noxious weed seeds, or other contaminants were intercepted in cargo.	<b>46,481</b>
<b>Violations/Penalties</b> – include trade and travel environments.	<b>78,787</b>
<b>Pest Interceptions</b> - Quarantine insects and plant pests.	<b>66,826</b>



<b>Question#:</b>	18
<b>Topic:</b>	Agriculture
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

Quarantine Material Interceptions (QMI) are prohibited material (plant or animal) that is intercepted at all air, land, and sea ports. The Emergency Action Notification (EAN) serves as a notification to the trade industry of plant pests or a quarantine action that must be taken on a shipment. The EAN allows Customs and Border Protection and/or Plant Protection and Quarantine (PPQ) to communicate the status of a shipment to the trade industry. The EAN also specifies to the carrier, broker, shipper, owner or stakeholder the quarantine action of treatment, re-exportation, or destruction to adjudicate the pest risk of the shipment. Violations and penalties are issued by CBPAS to industry or passengers due to noncompliance with agriculture quarantine inspection regulations. Pest interceptions are plant pests and diseases submitted to the PPQ for identification.

CBP Office of Field Operations (OFO) is continuing to make efficiencies and business process improvements in CBP AQI operations at ports of entry to ensure that the CBP agriculture mission of helping to prevent the spread of foreign plant pests and animal diseases in America's agriculture and natural resources. Through modernization efforts that support port operations, automation of technology, and building effective inspection and compliance programs, CBP's agriculture mission is maintained. CBP is building trade industry partnerships, providing stakeholder outreach, and liaising with other government agencies to secure stronger agriculture quarantine inspection and agro/bio terrorism programs. CBP is advocating informed compliance with the travel and trade communities to provide education regarding the threats associated with the movement of prohibited and restricted agriculture products through people and conveyances.

<b>Question#:</b>	19
<b>Topic:</b>	Analogue Drugs
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Amy Klobuchar
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In your hearing, we discussed how dangerous drugs like fentanyl are coming across our borders from foreign countries and what U.S. Customs and Border Protection is doing to counter this threat. I also noted that I am leading bipartisan legislation, the SALTS Act, with Senator Graham to make it easier to prosecute the sale and distribution of analogue drugs.

Can you elaborate on the various types of analogue drugs that U.S. Customs and Border Protection has encountered, including analogues of fentanyl?

**Response:** The three major categories of drugs in which we see the most analogues are steroids, synthetic cannabinoids (a.k.a. spice, K2), and synthetic cathinones (a.k.a. bath salts). Based on observed molecular modifications, the number of possible analogues exceeds 10,000 for the first two categories and is estimated to be 1,000 to 10,000 for the remaining category. Since the spotlight is now on synthetic opioids, namely fentanyl, CBP Laboratories & Scientific Services (LSS) has analyzed 16 unique fentanyl analogues and is aware of several others through its own research. At this time, the fentanyl subset of drugs has fewer predicted analogues than the other aforementioned designer drug categories and has just under 2,000 possible analogues based on the molecular modifications presently observed. Using data from LSS's triage program, we are able to get a more generalized picture of the designer drug problem. Utilizing the triage program statistics from April 2016 to April 2017, the materials presumptively identified at the express consignment and international mail facilities portrays a snapshot of the current designer drug market. It should be noted that presently >95% of all of the analogues encountered are in the express consignment and international mail environments, and no analogues of fentanyl have been seen crossing the Southwest border.

<b>Drug class (chemically or biologically based)</b>	<b>Number of unique analogues observed</b>	<b>Total number of observations</b>
amphetamine / methamphetamine class	9	218
benzodiazepine (BZD) class	8	111
cathinone class (a.k.a. bath salts)	38	656
erectile dysfunction class	8	352
ephedrine class	3	31
fentanyl class	9	93

<b>Question#:</b>	19
<b>Topic:</b>	Analogue Drugs
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<b>Primary:</b>	The Honorable Amy Klobuchar
<b>Committee:</b>	JUDICIARY (SENATE)

gamma-hydroxybutyric acid & its prodrugs - (1,4-BD, GBL, GHB)	3	1079
arylcyclohexylamine (PCP) class	1	9
ketamine class	3	108
cannabinoid mimetics class (a.k.a. spice, K2)	29	586
phenethylamine class	12	39
opiate class	1	5
arylpiperazine (BZP) class	3	8
quinazolinone (Quaalude) class	3	3
tropane (cocaine) class	3	36
steroid class	63	1947
tryptamine class	6	20
opioid class (non-fentanyl, non-opiates)	1	89
<b>Totals</b>	<b>203</b>	<b>5390</b>

<b>Question#:</b>	20
<b>Topic:</b>	Travel Waivers
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Amy Klobuchar
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The President's revised executive order targeting the refugee admissions program and banning travel from certain Muslim-majority countries authorizes U.S. Customs and Border Protection to make waivers in certain cases, including when denying entry would cause "undue hardship" and when the person's entry would be "in the national interest."

Although federal courts have blocked the implementation of this order, I would like to hear from you on how U.S. Customs and Border Protection would define the terms "undue hardship" and "in the national interest" with respect to processing these waivers?

**Response:** CBP defers this question to the Department of Justice as it concerns pending litigation.

**Question:** How would U.S. Customs and Border Protection evaluate and issue these waivers on a case-by-case basis if the order were to take effect?

**Response:** Once an individual receives an Executive Order-related waiver, CBP would conduct a routine inspection upon his or her arrival at a port of entry.

<b>Question#:</b>	21
<b>Topic:</b>	Road Maintenance
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Jeff Flake
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** I generally hear positive reports from Arizonans about the good work of the Border Patrol. However, one complaint that I am sure you are aware of is road maintenance; we often hear from ranchers and others that the Border Patrol utilizes local roads for surveillance, but is unable to maintain the same roads. I have since requested a GAO study on border road deterioration and maintenance and look forward to its results. The FY17 Appropriations provided funding for both border road maintenance (\$22,400,000) and border road construction (\$77,400,000).

I understand there are limitations for CBP with regard to border road maintenance, but how will you prioritize utilizing these funds to maintain border roads used heavily by the Border Patrol?

**Response:** Well-maintained roads in the border region are beneficial to both local communities and CBP. However, CBP does not have the legal authority to use its appropriated funds to maintain state and local roads. CBP will work with the USBP and its sectors to provide maintenance and repair for roads along the southwest border. As for new construction, those funds will construct roads in priority locations, determined by each sector.

**Question:** Another issue I often hear about is border access for your agents. Arizona's rough terrain and intermittent roads hinder the ability of agents to apprehend criminal border crossers or drug runners in a timely fashion. How will new funding for border roads improve this situation?

**Response:** CBP has a comprehensive approach to secure the border, and roads are one element. Fencing and technology are complementary tools that require access for patrol, maintenance, and repair purposes through new road construction. CBP will continue to work to deploy the right mix of technology, tactical infrastructure, and personnel to secure the border as effectively and efficiently as possible, to include continued new road construction requirements. Through coordination with sectors, USBP is strategically matching the maintenance and construction of these roads with other efforts funded by Congress (technology, fence, etc). This should improve the agent's ability to track, respond and resolve criminal incursions.

**Question:** What else can Congress do to assist in these efforts?

**Response:** CBP will continue to provide Congress with the operational access requirements (e.g., new roads, road repair, boat ramps, etc.) needed to deliver the level of

<b>Question#:</b>	21
<b>Topic:</b>	Road Maintenance
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Jeff Flake
<b>Committee:</b>	JUDICIARY (SENATE)

operational mobility necessary to secure the border. The President's FY 2018 Budget includes \$49.7 million for 15 miles of new roads along the Southwest border and \$61.7 million for planning, construction, and replacement of various tactical infrastructure components, including roads.

<b>Question#:</b>	22
<b>Topic:</b>	Consulting with Local Land Owners
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Jeff Flake
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Local stakeholders in Arizona whom call the U.S.-Mexico border their home need to be consulted during the debate on securing the border. In fact, border ranchers and landowners have greatly helped my staff and me to better understand the situation on the border.

What efforts have been made to consult with local landowners during the discussions on the wall and border security generally?

**Response:** U.S. Customs and Border Protection (CBP) recognizes the importance of consulting local landowners potentially affected by the deployment of border security infrastructure, and regularly engages with landowners and community leaders in the border region. U.S. Border Patrol's (USBP) Border Community Liaisons (BCLs) are designated Agents in each Border Patrol Sector charged with maintaining relationships, fielding input, and addressing concerns from these stakeholders in their areas of responsibility. In Arizona, the USBP's Tucson Sector leadership and BCL staff frequently meet with landowners and other constituents affected by USBP operations and infrastructure along Arizona's border. In addition, CBP field and headquarters leadership regularly engages with community stakeholders, including local government officials, who often provide input on behalf of their local constituents and landowners. With regard to the construction of border wall and related infrastructure, CBP is prioritizing outreach in areas that have received appropriations for specific construction projects, and will identify and liaise with relevant landowners potentially affected by these projects.

**Question:** How can Congress ensure that our constituents are heard by the Border Patrol and that their ideas and suggestions are taken under consideration?

**Response:** CBP's Office of Congressional Affairs (OCA), along with the Intergovernmental Public Liaison (IPL) office, regularly work with members of Congress and the general public to receive input and concerns about CBP operations and infrastructure. OCA and IPL share this information with the relevant components within the agency, including the U.S. Border Patrol, and can help address inquiries or concerns with those components, as necessary. OCA handles inquiries on behalf of members of Congress, while IPL is available to work directly with members of state, local, and tribal governments, along with associations or members of the general public. IPL can be reached at (202) 325-0775.

<b>Question#:</b>	23
<b>Topic:</b>	Border Wall Land
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Following the passage of the Secure Fence Act in 2006, the U.S. built nearly 700 miles of fencing along federal land in California and Arizona. In Texas, however, most of the land along the U.S.-Mexico border is privately owned. When the government attempted to take parts of that land, many owners sued. The government has spent years litigating the issues, and nearly 100 cases are still open. According to the Government Accountability Office, only about one-third of the land on which the President's proposed border wall would sit is owned by the federal government or Native American tribes.

Does DHS plan to use eminent domain to procure the land it needs to build the border wall?

**Response:** It is always DHS' preference to acquire private property through voluntary sale. However, there are situations where that may not be possible. For instance, past practice has shown that in some locations, it is impossible to determine the rightful owner/owners of the property based upon the available property records. In such cases, the Government must file a condemnation action to acquire the property, Court proceedings will determine who owns the property, and thus, who has the right to just compensation for that property. In addition, there may be times when the Government and the landowner cannot agree on a price, or a landowner is unwilling to sell for any amount of money. In such situations, condemnation is the only method for acquiring the needed property.

**Question:** How much is the government prepared to spend fighting landowners in court?

**Response:** At this early stage, DHS cannot reasonably forecast total or final land acquisition costs associated with the border wall. However, for border barrier projects outlined in the FY17 enacted budget and the FY18 President's budget, CBP included a rough order of magnitude for real estate costs based on lessons learned from the border fence project. CBP cannot estimate or identify any specific or definitive real estate costs or requirements until CBP begins conducting the necessary planning and research.

**Question:** Is there guidance in place to determine the appropriate amount of "just compensation" to which landowners subject to eminent domain are constitutionally entitled?

**Response:** Legally, just compensation is defined as the fair market value of the property on the date the Government filed the complaint in federal district court—in other words, the date of the taking. *Horne v. Dep't of Agric.*, 135 S.Ct. 2419, 2432 (2015) ("The



<b>Question#:</b>	23
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Court has repeatedly held that just compensation normally is to be measured by ‘the market value of the property at the time of the taking.’”) quoting *United States v. 50 Acres of Land (Duncanville)*, 469 U.S. 24, 29 (1984).

The concept of compensation to a landowner may include not only compensation for the property that is acquired, but also compensation to a landowner for damages to the remainder of the landowner’s property. “Severance damages” refers to damages awarded to a property owner for the reduction in fair market value of the land as a result of severing the condemned land from a larger parcel of land. See *United States v. Miller*, 317 U.S. 369, 376 (1943).

<b>Question#:</b>	24
<b>Topic:</b>	Mexican Reimbursement
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Is it the Administration's position that Mexico will reimburse the U.S. for the costs of litigation and compensation to landowners?

**Response:** The Department of Homeland Security defers this question to the Department of Justice.

<b>Question#:</b>	25
<b>Topic:</b>	Environmental Impact
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** According to the Fish and Wildlife Service, at least 89 endangered or threatened species, 108 species of migratory bird, and four national wildlife refuges could potentially be affected by activities along the border region.

Has CBP reviewed the environmental harms to wildlife, wildlands, and waterways that would be done by construction and maintenance of a border wall?

**Response:** CBP has conducted significant environmental planning for past fence construction and other border security related actions conducted on the southwest border. Prior environmental planning has resulted in the completion of hundreds of biological studies and numerous environmental assessments. CBP retains data and analysis on habitat and species gathered during the course of planning for infrastructure projects and regularly consults with the U.S. Fish and Wildlife Service on the potential for impacts to habitat and species as a result of implementation of its border infrastructure projects. In addition, CBP funded development of the U.S. Fish and Wildlife Service system known as IPaC during previous border fence construction, which aids in the identification of critical habitat, species, and other natural resources within a project area.

CBP's commitment to responsible environmental stewardship remains, and the environmental planning process for new border wall would continue to include conducting biological surveys of the areas to be disturbed as a result of border wall and consultation with all appropriate stakeholders including federal land managers and the U.S. Fish and Wildlife Service to minimize any impacts to habitat and species.

**Question:** Does CBP have a plan in place to mitigate the damage done to the environment?

**Response:** As part of its standard environmental planning process, CBP will complete biological surveys in advance of any construction to identify the potential for impacts to biological resources and protected species and habitat. CBP, in consultation with the appropriate stakeholders, including the U.S. Fish and Wildlife Service and affected federal land managers, will identify appropriate measures to address impacts, as well as identify best management practices to be implemented during construction. Following construction, CBP will execute appropriate plans such as habitat restoration, or other strategies as identified through the pre-construction consultation with stakeholders to the extent that funding allows.

<b>Question#:</b>	26
<b>Topic:</b>	Hiring Time Reductions
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Recently, the Trump administration ordered the hiring of 5,000 additional border agents to be "assigned to duty stations as soon as practicable." However, given current hiring and retirement rates at CBP, it has been reported that it could take more than ten years to meet that goal. CBP has reduced the amount of time it takes to recruit and hire agents from an average of 469 days in January 2016 to 165 days in March 2017.

What changes has CBP made to reduce hiring times so dramatically since last year?

**Response:** Beginning in 2015, CBP reengineered its entire pre-employment process by implementing over 40 process improvements. This effort collectively transformed our frontline staffing capability. A pivotal part of that transformation was the development of a hiring hub process that significantly reduced the time-to-hire for qualified applicants and allowed CBP to identify and remove unqualified applicants more quickly. This has been highly effective in preventing bottlenecks in later phases of the process. Spanning just a few days, the hiring hub process for applicants includes four of CBP's twelve hiring process steps (the structured interview, the polygraph examination, suitability adjudication for provisional clearances, and the entry-on-duty offer) which would otherwise require multiple appointments extending across several months. CBP continues to incorporate lessons learned from the hiring hub program and has formalized an expedited hiring process. Effective April 2017, all new frontline applicants are being processed through this expedited process. The average time for CBP to hire successful applicants in the expedited process is anticipated to be an average of 160 days.

**Question:** Are agents today less thoroughly vetted than they were a year ago?

**Response:** All applicants to CBP undergo a stringent series of vetting checks along with a Tier 5 Background Investigation, the most stringent available in the Federal Government. Initial vetting checks include criminal records history, immigration checks, border crossing, credit bureau reporting. The National Agency Check, required of all applicants, employees and contractors, includes the FBI Name Check and fingerprint check. In addition to the initial background investigation, each CBP employee undergoes a Periodic Reinvestigation every five years and will be subject to Continuous Evaluation practices that monitor criminal and suspicious activities. CBP developed a new automated vetting system, using internal capabilities, which replaced an older system. The new system allows CBP to access more information about each applicant, thereby allowing better decisions regarding suitability and eligibility of applicants.

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**Question:** If so, then how can we assure that these changes will not compromise standards or otherwise impact the quality of hires at CBP? If not, then why did CBP not make these changes sooner?

**Response:** All applicants to CBP undergo a thorough background investigation and employees undergo a periodic reinvestigation every five years. Technological progress and information sharing, coupled with the development of continuous evaluation and the addition of Criminal Investigators at CBP, have added to the capabilities CBP has to ensure the trustworthiness and integrity of its workforce, allowing us to consider changes that a year or more ago might not have been possible. CBP developed a new automated vetting system, using internal capabilities, which replaced an older system. The new system allows CBP to access more information about each applicant, thereby allowing better decisions regarding suitability and eligibility of applicants.

<b>Question#:</b>	27
<b>Topic:</b>	Vetting Process Compromised
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Can you assure the Committee with complete certainty that CBP's recent efforts to reduce hiring times will not compromise our vetting process for CBP hires?

**Response:** CBP is committed to upholding its high standards of integrity within its workforce. The vetting process for applicants remains the same, except for the consideration of a waiver for the polygraph for specific identified populations that have undergone previous vetting consistent with that done by CBP. All applicants, regardless of whether they receive a polygraph waiver, will undergo the stringent vetting and Tier 5 background investigation required for those holding National Security-designated positions. While there is no such thing as zero risk, we believe we have in place practices, such as the Tier 5 background investigation, 5-year periodic reinvestigations and continuous evaluation, that will help mitigate that risk which might otherwise exist.

<b>Question#:</b>	28
<b>Topic:</b>	Agents Still Needed
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** With border apprehensions at a 40 year low, and lower this year than they have been at comparable points in each of the last five years, does it make sense for us to pour resources into border personnel, infrastructure, and surveillance? Is there a coherent strategy for the use of these funds?

**Response:** Agents are still needed to defend, guard and protect from illegal entry, illegal smuggling, and terrorist activity by performing patrol, surveillance/intelligence and processing/prosecutions under varying conditions. This is evidenced through the Requirements Management Process, there is continued demonstration of the need for resources. USBP personnel make assessment of what it needs (capability requirements) versus what it has (capability baseline) to identify gaps in capability. In 2016, 1,135 Capabilities, Objective Measures, Resources, Evaluative Methods (CORE) Cards were documented at the station level and acknowledged by the applicable Sector leadership, citing local capability gaps. Declining or denying resources to USBP, exercising under the current mission, could diminish current and future capabilities. Additionally, in 2016, the onboard USBP Agent Staff at Sector level worked to meet the operational demands of 23,673 full time equivalents.

The Capability Gap Analysis Process (CGAP) is a mission analysis tool and process utilized by the United States Border Patrol to identify capability gaps and feed the CBP Planning, Programming, Budgeting and Accountability (PPBA) process the information required to support decision makers through acquisition and problem solving. CGAP considers the total mission and can reveal rapidly executable solutions to identified problems. CGAP was developed by the Border Patrol and Johns Hopkins University Applied Physics Laboratory to ensure that the USBP delivered the right capabilities to the right place. Not every capability is suitable for or needed in every area. CGAP aides in developing tailored solutions to unique problems. The CGAP process is designed to be bottom up in alignment with high level guidance. CGAP utilizes collaborative analysis exercises to engage subject matter experts in the field to ensure that we capture capability gaps. Capability gaps are translated into the USBP's operational requirements. Requirements become prioritized investments in what is needed to accomplish the mission essential tasks of the United States Border Patrol.

<b>Question#:</b>	29
<b>Topic:</b>	Turning Away Asylum Seekers
<b>Hearing:</b>	Building America's Trust Through Border Security: Progress on the Southern Border
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The nonpartisan international human rights organization Human Rights First recently reported that CBP agents have been unlawfully turning away asylum seekers at the Mexican border, citing the Administration's executive order on border security from earlier this year as a justification for doing so.

Are you aware of these reports of instances where CBP agents have wrongfully turned away asylum seekers at the Mexican border?

**Response:** The number of asylum claims processed by CBP at the southwest border has consistently – and significantly – increased over the past several years. Throughout FY 2016, and continuing into the second quarter of FY 2017, CBP experienced a record number of illegal migrants applying to enter the United States at its southwest border ports of entry (POEs), and processed a record number of asylum claims at a time of unprecedented mass migration to the United States. To mitigate the threat of dangerous overcrowding at southwest border POEs and to ensure the safety of all persons at the POEs, CBP took multiple steps:

- Modified POE space (including administrative space) to serve the swelling detainee population;
- Leveraged U.S. Border Patrol facilities, where available;
- Surged officers and agents to SWB locations;
- Collaborated with ICE ERO on the transfer of detainees from CBP facilities;
- Developed new temporary holding facilities in Texas; and,
- Leveraged professional relationships with colleagues in the Government of Mexico to manage long queues of people waiting to enter POEs already at or over capacity.<sup>2</sup>

Through queue management, which was just one component of CBP's planning to address the waves of incoming mass migration, CBP was able to support an orderly process flow and prevent the facilities at the POEs from becoming dangerous – either to CBP officers or to those individuals being processed or detained by CBP. Queue management was a temporary measure that facilitated a safe process for people to apply

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<sup>2</sup> During periods when queue management protocols were used, Mexican nationals expressing a fear of return to Mexico were processed by CBP without delay, as that situation is distinct from those of third-country nationals, who were in Mexico awaiting processing by CBP for entry into the United States, and whose claim (if presented) related to the fear of returning to their country of origin, not the fear of remaining in Mexico.



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to the United States and was conducted in partnership with entities of the Government of Mexico responsible for immigration and humanitarian issues. CBP officials engaged with various Non-governmental Organizations (NGOs) on the queue management while in process, including in-person meetings to receive feedback.

**Question:** What is CBP doing, if anything, to investigate whether these reports are accurate and remedy these cases if they are?

**Response:** It is CBP's policy to treat all individuals in a professional manner and with dignity and respect, consistent with applicable U.S. laws. CBP takes allegations of employee misconduct very seriously and has long instituted policies pertaining to abuses of authority. Complaints are recorded, investigated, and appropriate action is taken against CBP employees who are found to have violated policy.

CBP is actively reviewing allegations that asylum claims were not fully processed while the agency encountered record numbers of applicants for admission during the southwest border migration surge. In addition to presenting allegations directly to CBP, NGOs or individuals also are able to submit allegations to the DHS Office of Inspector General or the Office of Civil Rights and Civil Liberties for possible investigation.