



TESTIMONY OF

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BEFORE

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Subcommittee on Homeland Security

ON

“Fiscal Year 2023 Budget Request for U.S. Customs and Border Protection”

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## **Introduction**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, Members of the Subcommittee, it is an honor to appear before you today to discuss U.S. Customs and Border Protection's (CBP) critical role in securing America's borders and our operational and budget priorities for Fiscal Year (FY) 2023.

CBP is America's frontline border security agency. With nearly 65,000 dedicated employees, CBP operates around the clock to prevent the entry of inadmissible persons and contraband into the United States at and between our nation's ports of entry (POEs), promote the safe and efficient flow of commerce into the United States, and enforce our trade and travel laws and regulations. We remain committed to performing our mission with integrity and professionalism and ensuring that every individual in our custody is treated with humanity and dignity.

Global and regional events of the past few years have produced intensely challenging conditions for CBP operations along the Southwest Border. Most notably, we continue to encounter significantly increased numbers of migrants while addressing a distinct shift in illegal drug production and trafficking and responding to the global coronavirus (COVID-19) pandemic.

Although many of the Agency's efforts and resources were directed toward the processing and temporary care of large and diverse populations of migrants, CBP never lost sight of its national security responsibilities. CBP has continued to combat the growing reach and influence of Transnational Criminal Organizations (TCOs) by disrupting these networks, imposing consequences on those engaged in these criminal activities, and enhancing technology and efforts to interdict illicit drugs and contraband. In FY 2021, CBP seized over 900,000 pounds of illicit drugs, including 11,201 pounds of fentanyl; more than double the weight seized in FY 2020 and equivalent to an estimated 2.6 billion doses that would have otherwise permeated communities across the United States. In addition, since March 2020, CBP has assisted in enforcing Centers for Disease Control and Prevention's (CDC) Title 42 public health order, which suspends the right to introduce into the United States certain noncitizens arriving at land borders to protect against the spread of COVID-19.

Despite immense challenges, CBP's dedicated agents, officers, and specialists continue to protect our borders; prevent criminal elements, drugs, and dangerous goods from harming our communities; maintain the flow of legitimate travel and commerce; and respond to increased volumes of migrants with dignity and humanity.

The people of CBP are an invaluable asset. For frontline officers, agents, and specialists, national security is a 24/7 operation that requires dedication, commitment, and sacrifice. We must provide them with maximum support, to not only be effective in their jobs, but also to be resilient as individuals. We must invest in the well-being of our workforce, including their personal and mental health and physical safety as well as necessary support for their families.

I would like to acknowledge and provide my sincere thanks to the members and staff of this Subcommittee for your consistent support of, and commitment to, CBP's mission, our operations, and our workforce, as well as for the resources you have provided to us in FY 2022

so that we can do our part to protect this country. Today I will discuss how CBP is making use of those critical resources and detail how the President's Budget Request for FY 2023 supports CBP's enduring mission priorities: countering terrorism, combatting transnational crime, securing the border, streamlining lawful trade, protecting revenue, and facilitating lawful travel.

## **FY 2021 and FY 2022 Investments and Accomplishments**

The enduring support of this Subcommittee has enabled CBP to build a strong operational foundation. Investments and support provided by Congress in FY 2021 and FY 2022 have allowed CBP to adjust to rapidly changing needs in a diverse set of environments, while continuing to make significant progress and advancements in CBP's various missions.

### **Facilitating and Securing Trade and Travel**

CBP's trade and travel missions are critical to our nation's economy. In FY 2021 CBP processed nearly 180 million passengers and pedestrians at POEs in the land, sea, and air environments. Working closely with the travel industry, CBP processed more than 48 million travelers with biometric facial comparison technology at 205 airports (including 14 Preclearance locations), as well as 13 seaport locations, and 136 pedestrian crossings. We accomplished this despite lower travel volumes due to restrictions put in place to protect American communities from the spread of COVID-19. The extended travel restrictions sharply decreased CBP's collection of User Fees, a key resource supporting the cost of CBP personnel at our nation's 328 POEs.

Thanks to the funds provided by Congress in FY 2021 and 2022, CBP has been able to sustain our security and facilitation postures at POEs across the nation and beyond at preclearance facilities, ensuring international travel processing at the highest levels of safety and security. The actions of this Committee to address this funding gap cannot be overstated. Your support ensured that the U.S. economy avoided significant damage.

As the United States' second-highest revenue-collecting agency, CBP's trade mission is essential to the recovery, security, and growth of our national economy. In FY 2021, continuing our efforts to facilitate lawful international trade, CBP processed more than 32.6 million cargo containers and 36.9 million international trade transactions worth \$2.8 trillion in trade, collecting \$94 billion in revenue. CBP agricultural specialists protected the agricultural sector against harmful pests and diseases, conducting more than 840,000 cargo inspections and intercepting more than 96,000 agricultural pests. The *Infrastructure Investment and Jobs Act* also provided additional funding for border infrastructure and facility projects from CBP's five-year plan. CBP continues to work closely with the General Services Administration to implement the combined \$3.8 billion to modernize our nation's land POEs.

Additionally, CBP cleared nearly one billion pieces of international mail, express and non-express low value de minimis shipments, keeping pace with American e-commerce even with the sharp increase in volume driven by the onset of the pandemic, and enabling swift delivery of products to consumers and businesses across the country. Similarly, CBP conducted more than 27,000 seizures of goods, valued at over \$3.3 billion, that violated intellectual property rights. CBP also seized multiple counterfeit, unapproved, or otherwise substandard COVID-19 related

products that threatened the health and safety of American consumers. These seizures included more than 38,000 Food and Drug Administration (FDA)-prohibited COVID-19 test kits, 35 million counterfeit face masks, and 1,800 FDA-prohibited chloroquine tablets.

CBP continues to work to ensure a level playing field for U.S. manufacturers and businesses in FY 2021, imposing duties, quotas, and other trade remedy measures on certain imported goods, as well as initiating 48 investigations under the Enforce and Protect Act (EAPA) valued at \$392 million to ensure the expedited protection of revenue owed to the U.S. government. In accordance with Section 307 of the Tariff Act of 1930<sup>1</sup>, CBP continued to identify and prohibit the importation of merchandise mined, produced, or manufactured using forced labor, issued seven Withhold Release Orders and detained goods totaling \$486 million.

CBP is committed to building on these accomplishments to facilitate the safe, secure, and lawful movement of people and goods across our borders. With your continued support, we are investing in the modernization of our infrastructure and facilities. We will also continue to work closely with our trade community partners to increase trade compliance, root out the inhumane practices of forced labor, protect supply chains and American innovation, and expedite the flow of legal international trade.

### **Ensuring the Safe and Humane Treatment of Migrants**

In FY 2021, CBP encountered migrants from over 130 countries along the Southwest Border. Operating under extremely challenging conditions, CBP worked closely with our partners to provide appropriate safety, security, and care for those in our temporary custody. CBP, together with other federal partners, expanded temporary holding capacity, increased transportation, expanded medical resources, and responded to the increased number of individuals in need of rescue and life-saving assistance.

Along the Southwest Border, CBP conducted nearly 1.7 million encounters of migrants in FY 2021, including more than 450,000 individuals in a family unit and 144,000 unaccompanied children. At POEs, CBP encountered more than 75,000 migrants, including 28,000 individuals in a family unit and 2,000 unaccompanied children. Thanks to the Subcommittee's support, CBP redirected resources to ensure migrant children and other vulnerable individuals were appropriately screened, processed, and provided with medical care as necessary.

Migrants attempting the dangerous journey toward our Southwest Border continue to encounter dangerous, life-threatening situations, necessitating rescues and assistance. CBP conducted 3,640 life-saving search and rescue efforts, rescuing more than 13,000 individuals. CBP is committed to these humanitarian efforts, dedicating appropriate resources to rescues and lifesaving missions near the border.

CBP's ability to identify and respond to individuals in need of assistance was expanded and improved by this Committee's support and development of the Missing Migrant Program (MMP). Through this program, CBP has deployed additional rescue beacons and 911 rescue placards in high-risk areas along the Southwest Border. The rescue beacons are highly visible

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<sup>1</sup> 19 U.S.C. § 1307

and easy to operate and initiate a CBP rescue response at the push of a button. CBP has also partnered with NGOs, medical examiners, the National Missing and Unidentified Persons System, law enforcement agencies, and academia to collaborate on initiatives to make the border region safer.

### **Continued Commitment to Transparency and Ensuring Fair and Consistent Accountability**

Thanks to this Committee's support with FY 2022 funding, CBP can advance its commitment to maximize transparency, ensure fair and consistent accountability, and protect frontline personnel. The FY 2022 Enacted Budget included \$74 million for 350 new Office of Professional Responsibility (OPR) Special Agents and will enable CBP to maintain integrity and transparency among CBP's programs and operations. This substantial investment in investigative capability through an increase in criminal investigators (special agents) provides CBP with needed resources to appropriately address allegations of misconduct and ensure timely feedback to complainants, the public, and Congress. The increase in investigative personnel will also allow CBP to enhance efforts to review use of force and other critical incidents that may occur during CBP's operations.

### **Securing our Borders at and between Ports of Entry**

Significant border-wide investments in enforcement resources and enhanced operational tactics and strategies enable CBP to address the changing composition of attempted border crossers and maintain border security.

At POEs in FY 2021, CBP officers arrested 14,933 individuals wanted for criminal activities. Nationwide, between the POEs, CBP encountered 10,763 criminals and 348 gang members and prevented their entry to the United States. CBP officers and agents seized more than 913,326 pounds of drugs, including 97,638 pounds of cocaine, 11,201 pounds of fentanyl, and 190,861 pounds of methamphetamines; \$70 million in unreported currency; 3,831 firearms; and 345,328 rounds of ammunition.

The majority of drugs entering the United States still enter through POEs along the Southwest Border. Ongoing investment in Non-Intrusive Inspection (NII) systems has increased CBP's ability to quickly detect suspected contraband, without hindering the flow of legitimate trade and travel. CBP utilizes more than 350 large-scale and 4,500 small-scale NII x-ray and gamma-ray imaging systems to detect the presence of illicit substances, including synthetic drugs, hidden within passenger belongings, cargo containers, commercial trucks, rail cars, privately owned vehicles, as well as Express Consignment Carriers and international mail parcels. In FY 2021, CBP performed approximately 17.5 million NII examinations, which resulted in the interdiction of nearly 220,000 pounds of narcotics. CBP continues to prioritize the expansion of NII capabilities to increase the probability of interdiction and improve the facilitation of legitimate trade and travel.

In FY 2021, in the air and marine environments, CBP continued to deploy proven, effective surveillance technology tailored to operational requirements along the highest trafficked areas of the Southwest Border. CBP's air assets and crews flew 99,201 flight hours and logged 36,818 maritime hours, resulting in the disruption of 1,125,641 pounds of narcotics, \$73.1 million in

illicit currency, the apprehension of 122,035 individuals, and the rescue of 518 persons. CBP also successfully resolved all 218 detected conventional aircraft incursions along U.S. borders.

## **FY 2023 Budget Request and Operational Priorities**

The President's FY 2023 Budget Request includes \$15.3 billion in net discretionary funding for CBP. The Budget Request builds on past and ongoing priorities and includes critical investments in effective and modern port and border security assets and infrastructure; trade enforcement; mission-critical and workforce resiliency support; and provisions to ensure the safe and humane treatment of migrants in CBP custody. In the conduct of all our operations, CBP remains committed to maintaining the highest level of transparency and trust by Congress and the American people.

### **Modernize and Optimize our Border Security Technology**

The FY 2023 Budget Request supports the continued deployment of proven, effective border security technology and supports initiatives to increase efficiency and effectiveness. Technology assets such as fixed and mobile surveillance technology, multi-use aircraft, and operational management systems act as force multipliers increasing agent awareness, efficiency, and capability to respond to potential threats. As we continue to deploy border surveillance technology, particularly along the Southwest Border, these investments allow CBP the flexibility to shift more agents from detection duties to interdiction and resolution of illegal activities on our borders.

One of CBP's primary technological initiatives is to leverage modern applications to replace older, legacy systems. The Budget Request includes \$63.2 million to support the advanced capabilities and compatibility of Border Enforcement Coordination Network (BECN) systems. CBP's BECN program supports the planning, detection, classification, and analysis of illegal border activity. This investment will modernize legacy U.S. Border Patrol information technology and provide greater efficiency, effectiveness, and consistency in the enforcement workflow for agents and support personnel.

Advancing real-time situational awareness for operational decision makers, commanders, and frontline responders is a key border security capability. U.S. Border Patrol's Common Operating Picture (COP) will provide sensor and interface management, map interactions, automated analytics, data storage and retrieval, and user interface for tower systems for improved operational response and information sharing. The Budget requests \$36.7 million for CBP's COP, specifically for the maturation, testing, training, and transitioning of the COP to Initial Operational Capability status for the installation at Douglas Station, Arizona. Additionally, this will enable CBP to complete the formal acquisition requirements and planning for another three U.S. Border Patrol locations. COP improves information management, situational awareness and understanding, and decision-making capabilities leading to more effective incident responses, with less risk to agent safety.

CBP relies on effective surveillance of potentially suspect activity along the land borders as a critical element of CBP's border security operations. In support of ongoing efforts to integrate and increase efficiency of technology assets, the Budget Request includes a \$13.5 million

increase to support tower sustainment needs in FY 2023 for the consolidated Integrated Surveillance Towers program. Technology investments include fixed and re-locatable tower systems, mobile surveillance systems, subterranean surveillance systems and command, control, and communications – or “C3” – systems that integrate sensor technology and data automation, all of which improve situational awareness, and increased agent safety and rapid response. This funding also supports the maintenance of 723 towers across the Northern and Southwest Borders of the United States.

Further increasing CBP’s ability to gain situational awareness along our borders, the Budget Request continues support for critical air assets, including Multi-Role Enforcement Aircraft (MEA), Unmanned Aircraft Systems, UH-60 Black Hawk helicopters, and Light Enforcement Platform aircraft. These assets are important elements of CBP Air and Marine Operation’s ability to continuously detect, monitor, and track potential threats operating within or approaching U.S. borders in diverse environments and conditions.

Supporting CBP’s air-to-ground surveillance capabilities, the President’s Budget requests \$60.2 million to procure additional MEA Land Interdiction Aircraft. The MEA is the optimal sensor-equipped aircraft for surveillance operations in regions such as the Northern and Southwest land borders as well as maritime environments where water, terrain, weather, and distance pose significant obstacles to border security operations between POEs and in the littorals. Additionally, the Budget Request includes \$13 million to upgrade or replace obsolete, out-of-production, difficult, and expensive-to-support aircraft sensor integrated mission systems on some of its aircraft that are slated for continued service. CBP will prioritize replacement or upgrade of sensors including HD Electro Optic/Infrared sensors, outdated mapping systems, HD video displays, and data links. Newer, more capable sensors provide better detection and identification capabilities that enhance coordination between airborne and ground agents.

Detection technology is an essential capability in many of CBP’s border security activities. The Budget Request includes \$10.8 million to support and sustain CBP’s NII systems, a proven and effective technology used at and in between POEs to detect contraband and illicit radiological materials. NII serves as a critical force multiplier, enabling CBP’s law enforcement workforce to conduct more efficient and effective inspections of cargo and conveyances.

### **Strengthen Trade Enforcement and Travel Facilitation**

The President’s FY 2023 Budget Request recognizes the need for CBP to maintain the highest levels of security and facilitation of trade and travel at our POEs. Further, the request enables CBP to continue investing in technology and pursuing partnerships and programs that increase the efficiency of processing trade and travelers at air, sea, and land POEs.

CBP is dedicated to the critical role we play in protecting human rights and barring goods produced with forced labor from entering the United States. To support the requirements of the Uyghur Forced Labor Protection Act (UFLPA) signed into law by President Biden on December 23, 2021, the Budget requests an investment of \$70 million in additional CBP personnel, technology, training, support strategy and outreach. UFLPA ensures that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China do not enter the United States market. This investment will strengthen overall CBP forced labor

enforcement activities and expand capacity, training, and scientific resources for origin tracing. This investment will also enable UFLPA-specific technology enhancements to and interfacing between the Advanced Trade Analytics Platform (ATAP), Forced Labor Case Management System, and Target Analysis Systems Program Directorate to advance analytic modeling capabilities.

ATAP will be CBP's primary and central processing system for trade analytics. The Budget Request also includes \$24.7 million to facilitate the development, testing, and deployment of ATAP application and case management modules, including the enhancement of Regulatory Audit Case Management capabilities and Collection Delinquency tracking.

CBP is committed to ensuring trade data and processing systems are efficient and reliable. The Automated Commercial Environment (ACE) is the commercial trade processing system that provides a single, centralized way to connect CBP, the international trade community, and 48 Partner Government Agencies with trade regulation responsibilities. ACE facilitates legitimate trade while strengthening border security by providing government officials with better automated tools and information to assess the safety, security, and compliance of imports and exports. The Budget Request provides \$41.5 million for post-core enhancements and ACE Collections functionality. This funding completes consolidation of the Collections Entry Lifecycle in one application and supports the transition of ACE from a legacy, outdated environment to a modern, cloud environment.

The volume of travel for personal and commercial operations at our POEs remains significant even if flows have not yet reached pre-pandemic levels. As international travel continues to increase, CBP is constantly evaluating operational needs to ensure that we mitigate security risks while processing all travelers in a timely and efficient manner. CBP will continue to work with travel industry stakeholders and U.S. Government partner agencies, to implement biometric facial comparison technology, while strengthening security and ensuring all appropriate privacy and civil rights and civil liberties protections.

### **Reinforce Mission Readiness Capabilities**

CBP continues to maintain frontline personnel readiness and deploy supporting resources, infrastructure, and capabilities to align with changing border conditions and threats. Our facilities and our personnel must be flexible, capable, and prepared to respond to whatever approaches our borders – whether people or cargo – and adapt to changes in travel, trade, and migration flows. The Budget Request recognizes the critical resources needed to ensure CBP personnel are prepared for changing border security, travel, and trade mission space conditions and are provided with the training, support, equipment, and facilities they need.

The Budget Request includes \$145.4 million to create new CBP facilities to support the border security and trade missions of CBP. Funding will provide for the design and construction of two U.S. Border Patrol stations, Air and Marine Operations facilities, a Trade and Cargo Academy, the build-out of a mission support facility in Indianapolis, and facilities to house special agents provided by Congress in FY 2022.



Supporting a critical objective of CBP's risk-based strategy to identify and interdict threats before they reach our borders, the Budget Request recognizes the need and value of specialized personnel to provide analysis of law enforcement data to identify trends and threats along our borders. The Budget Request provides \$4.2 million to hire 33 Border Patrol Intelligence Research Specialists in FY 2023 who will provide intelligence analysis capabilities to U.S. Border Patrol Headquarters, sectors, and stations, allowing Border Patrol agents to focus on their core law enforcement duties.

### **Provide for Workforce Resilience and Support**

CBP personnel often perform physically and emotionally demanding work. It is critical that the utmost consideration is given to the preparedness, safety, and well-being of the workforce in all planning and operational activities. During my tenure, I am committed to prioritizing listening to the workforce, addressing difficult issues, and getting the right resources to those who need them.

CBP's agency-wide initiative to strengthen internal procedural transparency and accountability is a key component of the broader workforce-support effort. CBP leaders and managers must be transparent and accountable to our personnel if we expect the same conduct from them. The importance of transparency and accountability also extends to CBP's external relationships with increased efforts to engage the public and stakeholders to promote transparency, communicate CBP policies and procedures clearly, and create mechanisms for sharing concerns and recommendations.

Ensuring adequate levels of personnel to handle growing volumes of work and rapidly shifting conditions is essential to operational success as well as personnel safety and their well-being. The FY 2023 Budget Request invests \$104.8 million in the hiring, training, and resiliency of our dedicated and highly skilled personnel. Included in this investment is funding to support the hiring and basic training of 300 Border Patrol agents to bolster situational awareness, respond to enhanced levels of migration along the Southwest Border, and improve agent safety. Funds will also be dedicated to support improvements and advances in CBP employees' overall well-being and will further promote a culture and climate of resiliency and safety.

### **Provide for Noncitizen Processing and Care**

Leveraging experience and expertise gained from past migration surges, CBP is building on existing capabilities and establishing new protocols to ensure we can continue to process people humanely and impose appropriate consequences on those who break the law. CBP is committed to ensuring that individuals in custody receive appropriate medical services and are held in safe and sanitary conditions.

Supporting the humane and respectful treatment of those in our custody, the Budget Request includes \$69.2 million to contract for medical support at approximately 75 border locations. Additionally, this funding would establish the CBP Office of the Chief Medical Officer (OCMO), providing expertise, oversight, and management of CBP medical services, contracts, and protocols. The OCMO will lead CBP's collaboration with federal and local medical support partners ensuring rapid response to communicable diseases and appropriate care for vulnerable populations. The OCMO will also manage the \$31.5 million in funding for off-site medical

claims for migrants, including \$8 million transitioned from U.S. Immigration and Customs Enforcement to CBP. Medical services contracts, which provide on-site medical personnel at U.S. Border Patrol stations and POEs, also enable officers and agents to focus on security and facilitation duties.

Further supporting CBP efforts to ensure frontline personnel can focus on mission-critical enforcement and processing activities, the Budget Request provides \$23 million to support the hiring of 300 additional Border Patrol Processing Coordinators. These Coordinators will receive and process noncitizens at U.S. Border Patrol facilities, conduct and document personal property inventories, perform welfare checks, transport noncitizens with a Border Patrol agent escort, coordinate logistical and additional travel requirements, and perform various administrative duties, such as processing notes and completing paper/electronic file transfers. The Budget Request also provides \$96.9 million to fund additional transportation of noncitizens at the Southwest Border, an investment that will significantly reduce the number of CBP agents and officers required for securing and transporting detained individuals.

The Budget provides \$26 million to update, increase access to, and promote utilization of the Unified Immigration Portal (UIP). UIP is a technical solution that connects relevant data from agencies across the immigration lifecycle to establish a more complete understanding of an individual's immigration journey. The platform delivers dashboards, services and data integration capabilities to users that enables the expedited processing of individuals and increased visibility for interagency operations during surges. Funds are also provided to sustain deployed UIP capabilities and ensure that data is accurate, secure, rapidly accessible, and communicated across agencies.

CBP agents and officers will always respond to those in need of assistance. CBP will continue to improve processes and maintain critical programs for appropriate care of those in our temporary custody. CBP will also continue to utilize and expand the MMP and its associated tools, such as rescue beacons and emergency placards. Ensuring the highest levels of service and transparency, CBP will also maintain and expand the Incident-Driven Video Recording System, a core element of our dedication to agent and officer safety, operational transparency, and public trust.

## **Conclusion**

CBP will remain vigilant and focused on conducting our priority missions by supporting frontline personnel and deploying the resources, technology, and assets they need to respond to rapidly changing conditions in various environments. With this Subcommittee's support, CBP will also continue to strengthen our partnerships, protect our borders, keep dangerous individuals and contraband out of our communities, and keep legitimate cross-border commerce flowing.

Throughout all of CBP's operations and activities, I am committed to providing the maximum amount of transparency and accountability to Congress, the American people, and all people whose lives we touch in some way – travelers, migrants, agricultural producers, businesses, inventors, consumers, and taxpayers.

I want to thank the Members of this Subcommittee for the opportunity to appear before you today, and your strong support of CBP. I look forward to your questions.