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ON

"Securing America's Maritime Border: Challenges and Solutions for U.S. National Security"

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Introduction

Chairman Gimenez, Ranking Member Thanedar, and distinguished Members of the Subcommittee, it is an honor to appear before you today to discuss Air and Marine Operations' (AMO) strategic mission to safeguard our Nation's maritime borders. As an operational component of U.S. Customs and Border Protection (CBP), AMO protects United States' interests by anticipating and confronting security threats through our aviation and maritime law enforcement expertise, innovative capabilities, and partnerships at the border and beyond.

AMO is a critical component of CBP's border security mission and the Department of Homeland Security's (DHS) risk-based and multi-layered approach to homeland security. We apply advanced aeronautical and maritime capabilities and employ our unique skill sets to safeguard our Nation's borders and preserve America's security interests.

With approximately 1,800 federal agents and mission support personnel, 250 aircraft, and 290 marine vessels[1] operating throughout the United States, Puerto Rico, and the U.S. Virgin Islands, AMO thrives on being extremely efficient and adaptive. Our greatest resources are the sound judgment and experience of our agents, who average 17 years of law enforcement experience with AMO. More than 60 percent of these sworn agents are veterans of the Armed Services, and many have prior law enforcement experience.

AMO is uniquely positioned – organizationally, with unique authorities and jurisdiction, and unequaled specialized training, equipment, and domain awareness capability – to protect America's security and prosperity interests beyond the nation's border in source and transit zones, between ports of entry, in our coastal waters, and within the nation's interior.

AMO History and Authorities

Following the September 11, 2001, terrorist attacks against the United States, the newly formed DHS distributed legacy air and marine programs from the U.S. Customs Service and U.S. Border Patrol into two newly created agencies, U.S. Immigration and Customs Enforcement (ICE) and CBP, respectively. In 2005, DHS transferred all of ICE's legacy Customs air and marine programs to CBP. In 2006, CBP established AMO, a specialized law enforcement component merging all legacy air and marine programs into one organization.

Today, AMO operates out of approximately 74 locations through the United States, and is divided into three regions: Southwest, Northern, and Southeast Region. Each region is split into Air and Marine Branches, and then further divided into Air and/or Marine Units.

AMO also has six National Air Security Operations Centers that plan and conduct missions with P-3 Maritime Patrol Aircraft (MPA) and unmanned aircraft systems (UAS) programs, and the Air and Marine Operations Center (AMOC), which is responsible for managing the air and maritime domain awareness of the Department, as directed by the Secretary. The AMOC detects, identifies, and coordinates responses to national security threats in the air domain, in coordination with other appropriate agencies.

Together, AMO's professional and highly skilled workforce and operational assets create a sophisticated domain awareness network across the United States providing critical aerial and

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[1] AMO owns and maintains CBP's 290 vessels, including riverine vessels that are operated by the U.S. Border Patrol.

maritime surveillance, interdiction, and operational capabilities in support of AMO's maritime border security mission.

AMO Law Enforcement Authorities

An integral part of CBP's border security mission, AMO agents are credentialed law enforcement officers[2] with a broad range of authorities that enable them to transcend land, air, and sea domains and jurisdictions, providing a critical layer of continuity in enforcement efforts.

Within the "customs waters"[3] of the United States, or at any place within the United States, AMO agents may board a vessel for the purpose of enforcing customs law and to use all necessary force to compel compliance.[4] Additionally, in certain circumstances, AMO is authorized to operate on the high seas, for instance when enforcing laws on U.S. registered vessels,[5] hovering vessels,[6] and vessels subject to hot pursuit.[7] Additionally, beyond the customs waters, AMO may enforce the Maritime Drug Law Enforcement Act[8] where appropriate, which concerns the trafficking of controlled substances aboard vessels in extraterritorial waters. These authorities enable AMO to extend our zone of security surrounding our maritime border and littorals of the United States.

In their capacity as CBP law enforcement agents, AMO agents also enforce immigration laws in the territorial sea, on land, and in the air. AMO has the same broad immigration authority[9] as the U.S. Border Patrol; however, it is also in the unique position to enforce this authority in the maritime environment. Similar to other investigative agencies, AMO agents recruit confidential sources, develop criminal cases, support prosecutors, and testify in court in addition to their enforcement actions in the air, land, and maritime domains. This combination of authorities enables AMO to conduct successful investigations in the maritime domain.

Current State of the Maritime Border

AMO's maritime border security mission is complex and challenging. The maritime domain is generally less restricted than the air and land environments, and it is an expansive pathway, without barriers, that connects to more than 95,000 miles of U.S. shoreline.

Thousands of vessels enter or operate in U.S. territorial waters every day. While the vast majority operate for recreation or legitimate commerce, a small percentage engage in smuggling and other illegal activity. Detecting an illegal activity and apprehending any associated smuggling can be daunting, as many mimic legitimate traffic, while others elude detection altogether.

While the Maritime Transportation Security Act of 2002[10] and the International Convention for the Safety of Life at Sea (SOLAS) require many commercial, passenger, and fishing vessels to

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[2] 19 U.S.C. § 1589a
[3] 19 U.S.C. §§ 1401(j), 1709(c)
[4] 19 U.S.C. § 1581(a)
[5] 19 CFR § 162.3
[6] 19 U.S.C. § 1401(k)
[7] 19 U.S.C. § 1581
[8] 46 U.S.C. § 70501-70502
[9] 8 U.S.C. §§ 1-1778
[10] 46 U.S.C. § 2101

broadcast their position via transponder and operate with an Automatic Identification System (AIS)—a tracking system to, among other things, increase maritime awareness—the requirement does not cover many small vessels. Furthermore, unlike air traffic, small vessels[11] inbound to the United States are generally not required to announce their arrivals in advance, nor are they required to make their initial landing at a designated port of entry. Therefore, detecting and assessing the risk of small vessels is particularly challenging.

Interdicting Irregular Maritime Migration

Like the situation at our Southwest land border, the United States is experiencing periodic surges of irregular migration in the maritime environment. In Fiscal Year (FY) 2022, AMO enforcement efforts led to the interdictions of 9,392 migrants in the maritime environment, an increase of 242 percent from FY 2021 and 334 percent from FY 2020. In FY 2023 to date,[12] AMO enforcement actions have led to 6,130 migrant interdictions in the maritime environment, with 94 percent of those interdictions occurring in South Florida and the Caribbean Sea as AMO continues to support the DHS-wide effort to address irregular maritime migration from Haiti and Cuba.

Migrants attempting to make the journey to the United States by way of maritime pathways take an enormous risk, putting their lives in the hands of transnational criminal organizations (TCO) and human smuggling networks and often in improvised, rustic vessels. The weather at sea is unpredictable, and in these handmade crafts, the possibility of capsizing and even drowning is often imminent. The vessels that make it far enough for AMO to encounter are often dangerously overloaded with people – people who most often are not equipped with life preservers. The journey is perilous and AMO encounters with these vessels very often become rescue missions.

Rescue operations at sea are extremely dangerous for migrants as well as our marine agents. In July 2022, AMO Miami Air and Marine Branch Marine Interdiction Agents partnered with the United States Coast Guard (USCG) to rescue 23 people from the sea near Marathon, Florida, after their rustic vessel had begun to take on water and sink. The Marine Interdiction Agents responded quickly, providing life jackets to the migrants who were making frantic attempts to swim or cling to any debris within reach. Just a few days after this event, CBP, USCG, and other law enforcement partners[13] rescued 68 Haitian migrants after smugglers recklessly dropped them off in the water near the shores of Mona Island, Puerto Rico. Tragically, five Haitian migrants did not survive this smuggling event.

Interdicting Maritime Drug Smuggling

In addition to responding to increasing numbers of maritime migrant encounters AMO continues to effectively intercept tons of dangerous illicit drugs, keeping them from reaching our shores and communities. In FY 2022, AMO enforcement efforts led to the seizure of 382,916 pounds of drugs, including 250,616 pounds of cocaine, 104,262 pounds of marijuana, 25,625 pounds of

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[11] "Small vessels" are characterized as any watercraft, regardless of method of propulsion, less than 300 gross tons. Small vessels can include commercial fishing vessels, recreational boats and yachts, towing vessels, uninspected passenger vessels, or any other commercial vessels involved in foreign or U.S. voyages. DHS, Small Vessel Security Implementation Plan Report to the Public, January 2011. https://www.dhs.gov/small-vessel-security-strategy-implementation-plan.
[12] As of February 28, 2023.
[13] https://www.cbp.gov/newsroom/local-media-release/cbp-and-coast-guard-respond-haitian-smuggling-venture-resulted

methamphetamine, and 1,475 pounds of fentanyl.[14] Approximately 82 percent of these seizures occurred in the maritime environment, with AMO enforcement actions leading to the seizure of 234,349 pounds of cocaine, 75,918 pounds of marijuana, 1,432 pounds of methamphetamine, and 146 pounds of fentanyl.

AMO encounters a wide range of vessels and tactics used to smuggle illicit drugs in the maritime approaches to the United States. Across the coastal regions around Florida and the Caribbean, as well as within the Gulf Coast and Southern California Coast, AMO encounters both small and large vessels attempting to conceal their activities by hiding in plain sight among other recreational traffic and legitimate maritime commerce.

A considerable drug smuggling threat is smugglers' continued use of modified fishing boats, sometimes called "pangas." Generally made of wood or fiberglass, these homemade vessels have relatively high-speed capabilities and a small radar signature. Use of these vessels at night amplifies their ability to evade detection by surface patrol vessels and patrol aircraft. Smaller craft are used for quick cross-border trips, while larger vessels can transit in deeper waters, further offshore. While pangas have traditionally been used primarily to transport illicit drugs, smugglers are increasing the use of these dangerous vessels to transport undocumented migrants.

Overloaded migrant vessels, perilous rescues, and increased engagements with drug smuggling vessels have coincided with increased violence in the maritime environment. During an incident this past November near Cabo Rojo, Puerto Rico, an AMO marine interdiction agent was shot and killed and two others gravely injured during an interdiction of a suspicious vessel.[15] This is just one example of a pattern of growing violence in the region.

With a wide maritime area of responsibility, AMO adapts to changing conditions and emerging trends and remains vigilant of security threats through our maritime law enforcement expertise, advanced assets, innovative capabilities, and partnerships.

Strengthening Maritime Border Enforcement

AMO is committed to its maritime security mission and continues to make investments in vessels, aircraft, and other technological capabilities to advance the effectiveness of its operations. These investments support AMO's ongoing ability to effectively respond to migrant encounters and drug seizures in the maritime environment, as mentioned above, but also contribute to other AMO enforcement actions, including those that led to 166 arrests and the seizure of 41 weapons and $4.9 million in U.S. currency in FY 2022.

Often, there is little time to interdict inbound suspect vessels, and AMO has honed its maritime border security response capability around rapid and effective interception, pursuit, and interdiction of these crafts.

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[14] https://www.cbp.gov/border-security/air-sea
[15] https://www.cbp.gov/newsroom/speeches-and-statements/cbp-marine-interdiction-agent-dies-line-duty-near-puerto-rico

Maritime Interdiction Capabilities

AMO maritime law enforcement agents use high speed Coastal Interceptor Vessels (CIV) that are specifically designed and engineered with the speed, maneuverability, integrity, and endurance to intercept and engage a variety of suspect non-compliant vessels. Our vessels are operated by highly trained and experienced AMO crews authorized to deploy any required use of force, including warning shots and disabling fire to stop fleeing vessels.

Over the last two decades, AMO has evolved to counter the egregious threat of non-compliant vessels. AMO has developed capabilities to disable non-compliant vessels and to bring dangerous pursuits to a conclusion and prevent these vessels from reaching our shores. Since 2003, AMO has engaged in 248 cases involving marine warning and/or disabling rounds, and four cases involving air to vessel warning and disabling rounds.

With its maritime vessel expertise and investigative authority AMO often works in partnership with ICE, Homeland Security Investigations (HSI), Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI) conducting covert and plainclothes operations in the maritime border environment; utilizing unmarked and undercover vessels when situations dictate that the surveillance of drug loads or TCO activity can yield larger seizures as a part of ongoing investigations.

Maritime Aircraft Assets

Although AMO routinely makes seizures through maritime border patrols, most arrests and seizures are the result of actionable information or detection by aircraft. For example, just a couple of weeks ago, an AMO Jacksonville, Florida-based P-3 aircraft detected a suspect vessel moving toward the southern coast of Puerto Rico and guided AMO marine interdiction agents to intercept. AMO agents seized 2,351 pounds of cocaine and apprehended three smugglers.[16]

AMO's P-3 Long Range Tracker and Airborne Early Warning aircraft are multi-role, high-endurance aircraft capable of performing border security mission sets in the air and maritime environments. Equipped with a multitude of highly sophisticated communications equipment, radar, and imagery sensors, operated by highly trained professional sworn law enforcement agents and officers, the P-3 is accredited with the interdiction of 137,148 pounds of cocaine and 6,146 flight hours within the Western Hemisphere Transit Zones in FY 2022, which equated to over 22 pounds of narcotics interdicted per flight hour.

The integration of UAS provides critical enhancements to AMO's air, land, and maritime border domain awareness and capabilities. UAS provide high-endurance, long-range capabilities for intelligence, surveillance, and reconnaissance collections of land borders, inland waters, littoral waters, and high seas with multiple advanced sensor arrays. The use of UAS in the maritime environment has increased AMO's ability to effectively detect, monitor, and track both personnel and conveyances involved in illegal activity.

CBP's aerial surveillance capabilities in the maritime environment have also been enhanced through continued investment and deployment in DHC-8 MPA and Super King Air 350 Multi-Role Enforcement Aircraft (MEA). The DHC-8 is a medium-range airplane that bridges the gap

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[16] https://www.cbp.gov/newsroom/local-media-release/amo-seizes-2351-pounds-cocaine-southern-puerto-rico

between the strategic P-3 and UAS, and smaller aircraft operating in the littoral waters. With state-of-the art sensors and systems, the DHC-8 has provided game-changing detection capability in the Caribbean, Eastern Pacific, and Gulf of Mexico. The MEA enhances AMO's ability to maintain domain awareness of the U.S. littorals and coastline, while also providing AMO agents the ability to continue investigations seamlessly into the interior of the United States, landing at small remote airports to interdict suspected air smugglers.

AMO's Tethered Aerostat Radar System (TARS)[17] is an effective surveillance asset providing radar detection and monitoring of low-altitude aircraft and surface vessels along the U.S.-Mexico border, the Florida Straits, and a portion of the Caribbean. Between 2020 and 2021, CBP successfully reconfigured the TARS in southwest Puerto Rico into a maritime surveillance system with promising results. CBP has also invested in its Tactical Maritime Surveillance System (TMSS) that consists of flying tactical aerostats equipped with wide-area sea surveillance radar and sensors near the coast. The TARS and tactical aerostat elevated sensors mitigate the effect of the curvature of the earth and terrain-masking limitations, greatly increasing long-range radar detection capabilities to combat increasing levels of smuggling and illegal immigration via the coastal approaches to southern California, Texas, and the Florida Straits.

Mission Integration Technology

Some of the most significant advancements in AMO technological capabilities concern data integration and exploitation enhancements. Downlink technology, paired with the BigPipe system, allows AMO to provide video feed and situational awareness in real-time. In addition, the Minotaur mission integration system allows multiple aircraft and vessels to share networked information, providing AMO a substantial level of air, land, and sea domain awareness.

A vital component of DHS's domain awareness capabilities, the AMOC integrates multiple sensor technologies and sources of information to provide comprehensive domain awareness in support of CBP's border security mission. Utilizing extensive law enforcement and intelligence databases and communication networks, AMOC's operational system, the Air and Marine Operations Surveillance System (AMOSS), provides a single display that is capable of processing up to 750 individual sensor feeds and tracking over 50,000 individual air tracks and 150,000 maritime tracks simultaneously.

AMOC coordinates with the Department of Defense (DoD), Federal Aviation Administration (FAA), the North American Aerospace Defense Command (NORAD), and international law enforcement partners in the governments of Mexico, Canada, and the Bahamas, to detect, identify, track, and support interdiction of suspect aviation and maritime activity in the approaches to U.S. borders and interior as well as at the borders.

Strengthening our partnerships with our international allies is also vital to successfully execute our counternarcotic mission, combating drug trafficking organizations, and preventing narcotics from reaching the United States. AMO recently partnered with the Department of State Bureau of International Narcotics and Law Enforcement to transfer four 39-foot Midnight Express Interceptor vessels to Guatemala's Comando De Fuerza Especial Naval. The vessels, which

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[17] CBP assumed responsibility of TARS from the U.S. Air Force in 2013, but the aerostat surveillance system had been used by DoD since 1978.

were being phased out of AMO's maritime fleet, will help Guatemala's forces increase their response capabilities and enhance their ability to interdict drug smuggling vessels.

Joint Technology Development

Domain Awareness is a core competency and an essential element of a secure border. AMO is engaged with several technological partners to expand our domain awareness capabilities and share critical information in real time.

With multiple entities operating in the maritime domain, AMO works closely with the DHS Science & Technology Directorate (S&T), USCG, and DoD to identify and leverage technology to expand overall maritime domain awareness, integrate data from airborne and maritime assets, and improve our maritime surveillance and detection capabilities. For example, AMO is scheduled to bring two MQ-9 BigWing modified UAS online in FY 2023. With modifications funded by S&T, the BigWing UAS is expected to increase mission time, resulting in greater range, endurance, and domain awareness.

The volume of data analyzed by our enforcement personnel at the AMOC far exceed human capacity to evaluate. Our partnership with S&T is focused on the use of Artificial Intelligence and Machine Learning (AI/ML) technologies to alert our AMOC personnel when suspect activities are identified. Continued research and development of these capabilities by S&T will increase our capacity to address these growing volumes of data across both our air and maritime domains. AMO will continue to modernize its fleet and sensor systems to enhance our data analysis capabilities and operational performance in diverse marine environments and increase our ability to adapt to the challenges of securing the maritime border and approaches to the United States.

Operational Coordination

AMO leverages its capabilities by empowering its operational units to forge crucial partnerships. These relationships, coupled with our broad authorities, allow AMO to follow cases wherever they lead across air, land, and sea environments.

In the maritime environment, we operate effectively with a variety of federal, state, and local partners, including frequent joint operations with HSI, USCG, and the United States Navy. We also frequently cooperate directly with foreign governments. In this way, AMO lends critical capabilities and cohesion to an array of border security and maritime law enforcement efforts.

AMO is the largest aviation contributor to the Joint Interagency Task Force South (JIATF-S) and is an integral part to their aviation capability and success to counter illicit trafficking of narcotics within the maritime environment. P-3s patrol in a 42 million square mile area that includes more than 41 nations, the Pacific and Atlantic Oceans, Gulf of Mexico, Caribbean Sea, and maritime approaches to the United States.

AMO is also a key component of the DHS Joint Task Force East (JTF-E), where AMO holds the Deputy Director position. JTF-E integrates resources, intelligence, planning, and operations across DHS's component units. DHS uses JTF-E to combat TCOs, enforce immigration laws, and coordinate its border security efforts. AMO agents also participate in HSI-led Border Enforcement Security Task Forces (BEST) across the nation. AMO agents provide maritime law

enforcement expertise and ready access to AMO assets and capabilities. In turn, information shared through the BEST refines AMO operations and enables more targeted enforcement.

Focusing specifically on the maritime domain, AMO is working with its USCG and HSI partners to update the Maritime Operations Coordination Plan (MOC-P). The plan sets forth a layered, DHS-wide approach to homeland security issues within the maritime domain, ensuring integrated planning, information sharing, and increased response capability in each area of responsibility. In accordance with the MOC-P, AMO has been a key stakeholder in the implementation of the Regional Coordinating Mechanism. Through this mechanism, AMO coordinates maritime operational activities through integrated planning, information sharing and intelligence integration.

Looking Forward

AMO's efforts continue to be a key element of CBP's border security mission and have intercepted dangerous contraband and disrupted illicit activity before it reaches our shores.

Across all air, land, and maritime domains, in the past three years,[18] AMO conducted approximately 293,000 flight hours and 221,000 float hours, resulting in the arrest of 3,152 suspects, the apprehension of more than 304,000 migrants, the seizure of nearly 3,200 weapons and $146.6 million in currency, and the interdiction of nearly two million pounds of illegal drugs, including 769,000 pounds of cocaine.

AMO's expertise and asset capabilities have matured since legacy programs were consolidated in 2006, and today we are a coordinated and premier law enforcement entity providing advanced aeronautical and maritime operations. As a critical component of CBP's border security mission, AMO's highly trained agents, together with our unique authorities, specialized assets, and tactical expertise, comprise a well-rounded, professional, and established law enforcement organization that is fully engaged in safeguarding the United States' maritime borders and protecting its interests from threats at the border and beyond.

Chairman Gimenez, Ranking Member Thanedar, and Members of the Subcommittee, thank you for this opportunity to testify today.

I look forward to answering any questions you may have.

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[18] FY 2020 to FY 2022