

TESTIMONY OF

RANDOLPH D. ALLES
Assistant Commissioner
Office of Air and Marine

U.S. Customs and Border Protection
Department of Homeland Security

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Introduction

Chairwoman Miller, Ranking Member Vela, and distinguished Members of the Subcommittee, it is a pleasure to appear before you today to discuss U.S. Customs and Border Protection (CBP) Office of Air and Marine (OAM) efforts to secure our Nation's maritime borders. OAM is a federal law enforcement organization dedicated to serving and protecting the American people.

As America's frontline border agency, CBP is responsible for securing America's borders against threats while facilitating the lawful flow of people and goods entering the United States. OAM 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 protect our Nation's borders and preserve America's security interests.

OAM's mission falls into four broad categories that reflect our core competencies: Interdiction, Investigation, Domain Awareness, and Contingencies and National Taskings. These competencies are interdependent and complementary and leverage our expertise in the air and maritime environments. We prioritize the development of this organizational expertise throughout our recruitment and training, material acquisitions and program development, and we tailor our law enforcement capabilities and assets to our specialized mission.

A relatively small organization, OAM thrives by being extremely efficient and adaptive. Additionally OAM leverages its capabilities by empowering its operational units to forge crucial partnerships.

In the maritime environment, we operate effectively with a variety of federal, state and local partners, including frequent joint operations with the United States Coast Guard (USCG) and the United States Navy. Through our integration with CBP, as well as our legacy history with U.S. Customs, we enjoy a close working relationship with other investigative components within DHS, particularly U.S. Immigration and Customs Enforcement (ICE). These relationships, coupled with our broad authorities, allow OAM to follow cases wherever they lead – from the air, to the sea and on to land, or from an investigative lead to an interdiction at sea. We also frequently cooperate directly with foreign governments. In this way, OAM lends critical capabilities and cohesion to an array of border security and maritime law enforcement efforts.

One example of these efforts is a recent operation conducted by OAM Marine Interdiction Agents (MIAs) based in Fort Lauderdale, Florida. After boarding and searching a sailing vessel arriving from the Bahamas, the team discovered approximately 220 pounds of cocaine concealed in a bilge area. The agents elected to pursue the investigation further, and asked the suspect if he would facilitate a "controlled delivery," – a ruse whereby a smuggling suspect agrees to deliver the contraband as planned, but under observation by law enforcement. The suspect agreed, and the agents contacted their partners on the local Border Enforcement Security Task Force (BEST) to help coordinate the delivery. OAM and other BEST agents completed the delivery successfully, resulting in the arrests of two suspects and the seizure of the cocaine, one sailboat, one truck, and \$1650 in cash. The exploitation of the initial seizure was only possible due to the authorities and expertise of the OAM agents, and close working relationships with other investigators.

Our greatest resources are the sound judgment and experience of our agents, who average 17 years of law enforcement experience with OAM. Over 60 percent of these sworn agents are veterans of the Armed Services, and many have prior experience in law enforcement. All agents receive intensive training in applicable law, use of force, investigative techniques, Spanish language, and more upon entrance into service. Soon after, they undergo additional advanced training in tactics and the safe operation of vessels and aircraft. All agents are empowered to apply the full range of their legal authorities when conducting interdictions or investigations, in strict accordance with the law. This high level of training and experience allows us to empower our agents to make critical, real-time decisions on-scene, allowing for an informed, rapid response to exigent scenarios.

OAM is uniquely positioned – organizationally, via broad enforcement authorities and jurisdiction, and with unequaled specialized training, equipment, and domain awareness capability – to protect America’s security 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.

A Secure Maritime Border

Thousands of vessels enter or operate in U.S. territorial sea daily. Though the vast majority do so for purposes of recreation or legitimate commerce, a small percentage engage in smuggling and other illegal activity. Apprehending these smugglers can be daunting, as many mimic legitimate traffic while others elude detection altogether.

This challenge is similar to one faced by the United States in the 1970s and 1980s, as air smugglers exploited known gaps in offshore radar coverage to deliver narcotics, often by air-drop or by “popping up” inside U.S. airspace and emulating a domestic flight. The United States response in those situations included increasing air domain awareness by deploying and linking additional air surveillance radars, and increasing its coordinated response capability via air interceptors and other assets. With increased awareness and response, U.S. Customs was able to leverage a highly regulated air environment to identify evasive or non-compliant aircraft and target them for enforcement. The result was an unprecedented state of air security that persists today, with OAM maintaining air domain awareness via the functionality at the Air and Marine Operations Center (AMOC) and an air intercept capability in its present-day fleet.

A secure *maritime* border presents additional challenges. Unlike air traffic, small vessels¹ 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. Additionally, small vessels have no requirement to continually broadcast their position via transponder.² Therefore,

¹ “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, 2001, page 1. <http://www.dhs.gov/xlibrary/assets/dhs-uscg-small-vessel-security-strategy-report-to-public-012011.pdf>.

² While the Maritime Transportation Security Act of 2002 (MTSA) and the International Convention for the Safety of Life at Sea (SOLAS) require many commercial, passenger, and commercial fishing vessels to 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.

many of the tools used to sort legitimate air traffic from the illegitimate are not available in the maritime environment.

A secure maritime border is one where there is an effective understanding of the maritime domain, with awareness of traffic moving in or toward U.S. waters, and the ability to infer intent and interdict as necessary. Achieving this state requires:

- **Maritime Domain Awareness** – Detection capability in the form of fixed and mobile sensors, an effective distribution network, and current information that facilitates evaluation and decision-making, such as track history and projected movements.
- **Law Enforcement Information** – Knowledge of criminal intent or practices typically gained through law enforcement activity, such as case information, confidential human sources, undercover work, covert surveillance, classified intelligence, etc.
- **Response Capability and Capacity** – The ability to interdict quickly and effectively in the maritime domain. This is a function of personnel, equipment, training and expertise.
- **Unity of Effort** – The various attributes of maritime security and law enforcement agencies are complimentary by design. No single entity has the capability or capacity to address all aspects of maritime security. Unfettered information sharing is critical to understanding the nature of maritime threats. Effective coordination must occur across organizational and jurisdictional lines.
- **Small Vessel Accountability** – Increased accountability of small vessel arrivals from foreign countries and transmission of position via beacon or transponder while underway. This will dramatically improve maritime domain awareness and result in non-compliant vessels self-selecting for further investigation.

OAM believes that a secure maritime border is achievable. We are focusing our strategic planning efforts to this end, with emphasis on domain awareness, investigations, enhanced interdiction capabilities and a networked approach to coordination with our partners.

OAM Overview

Prior to the establishment of DHS, the assets and personnel that comprise OAM were distributed between multiple legacy agencies, including the U.S. Customs Service and the U.S. Border Patrol. Under DHS, these resources were consolidated and integrated into CBP to realize greater operational effectiveness and efficiencies in executing the new homeland security mission. Today, OAM operates in accordance with the Secretary's Unity of Effort memorandum, with goals aligned to those delineated in the DHS 2014-2018 Strategic Plan, the DHS Southern Border and Approaches Campaign and CBP's Vision and Strategy 2020.

One immediate benefit gained through the merger was consolidated aircraft maintenance. OAM integrated maintenance and logistics for its aircraft under a single contract to provide standard support across locations, improve accountability and aircraft safety, and ensure common configurations.

OAM operations are divided into three regions: the Southwest Region, the Northern Region, and the Southeast Region. Each region is split into Air and Marine Branches, and then further divided into Air and/or Marine Units. OAM also operates two unique operational entities: National Air Security Operations (NASO) and AMOC. NASO, operating out of six centers nationwide, coordinates operational activities, long-range planning and project oversight for the P-3 Long Range Tracker aircraft and unmanned aircraft system (UAS) programs. AMOC is a state-of-the-art law enforcement operations coordination and domain awareness center that conducts air and marine surveillance operations and fuses numerous sources of intelligence.

OAM's 1,272 law enforcement personnel operate 257 aircraft, 283 vessels,³ and a sophisticated domain awareness network across the United States. These assets provide critical aerial and maritime surveillance, interdiction, and operational capability in support of OAM's maritime border security mission. OAM continues to modernize its fleet and sensor systems to enhance our 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.

OAM Law Enforcement Authorities

An integral part of CBP's border security mission, OAM agents are credentialed law enforcement officers 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. First and foremost, OAM agents are sworn federal law enforcement agents. They are authorized to carry firearms, obtain and serve warrants, subpoenas and summons, make arrests for any offense committed in their presence and make felony arrests without warrant.⁴

Within the "customs waters"⁵ of the United States, or at any place within the United States, OAM agents may board a vessel for the purpose of enforcing customs law, and to use all necessary force to compel compliance.⁶ Additionally, OAM enforces laws on any American vessel on the high seas,⁷ and vessels subject to U.S. jurisdiction under the *Maritime Drug Law Enforcement Act*⁸ which concerns the trafficking of controlled substances aboard vessels in extraterritorial waters. These authorities enable OAM to extend our zone of security surrounding our maritime border and littorals of the United States.

³ OAM owns and maintains CBP's 283 vessels, including riverine vessels that are operated by the U.S. Border Patrol.

⁴ See 19 U.S. Code § 1589a

⁵ See 19 U.S. Code § 1401

⁶ See 19 U.S. Code § 1581

⁷ See 19 CFR 162.3

⁸ See Title 46, 46 U.S. Code § 70501-70502 "vessel subject to the jurisdiction of the United States" includes - a vessel without nationality; a vessel assimilated to a vessel without nationality under paragraph (2) of article 6 of the 1958 Convention on the High Seas; a vessel registered in a foreign nation if that nation has consented or waived objection to the enforcement of United States law by the United States; a vessel in the customs waters of the United States; a vessel in the territorial waters of a foreign nation if the nation consents to the enforcement of United States law by the United States; and a vessel in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999 that - is entering the United States; has departed the United States; or is a hovering vessel as defined in section 401 of the Tariff Act of 1930.

In their capacity as CBP law enforcement agents, OAM agents also enforce immigration laws in the territorial sea, on land, and in the air. Agents within OAM have the same broad immigration authority⁹ as the U.S. Border Patrol; however, OAM is in the unique position to enforce this authority in the maritime environment. Similar to other investigative agencies, our 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 OAM to conduct successful investigations in the maritime domain.

Maritime Assets and Capabilities

OAM's unique maritime law enforcement mission requires the use of marine assets and capabilities – including fixed- and rotary-wing aircraft, as well as patrol and interdiction vessels and a sophisticated domain awareness network across the United States. OAM's maritime assets are tailored to the conditions of the threat environment in which we operate, and equipped with the capabilities required to interdict illicit smuggling attempts of drugs and undocumented aliens.

Often, there is little time to interdict inbound suspect vessels, and OAM has honed its maritime border security response capability around rapid and effective interception, pursuit, and interdiction of these craft. OAM employs 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 in offshore waters, as well as the Great Lakes on the northern border.

Our vessels are manned by highly trained and experienced OAM crews authorized to deploy any required use of force, including warning shots and disabling fire to stop fleeing vessels. Over the last decade, OAM has evolved to counter the egregious threat of non-compliant vessels. OAM 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, OAM has engaged in 123 cases involving marine warning and/or disabling rounds, and three cases involving air to vessel warning and disabling rounds.

OAM often works in partnership with ICE-HSI, the Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI) conducting covert operations in the maritime border environment; utilizing unmarked and undercover vessels when situations dictate that the surveillance of drug loads or transnational criminal organization (TCO) activity can yield larger seizures as a part of ongoing investigations. Some of these covert missions involve OAM agents facilitating controlled deliveries with partner agencies through the utilization of undercover vessels and the incorporation of undercover or plainclothes agents. OAM has a number of unmarked vessels typical to local traffic, which are used for this purpose.

OAM specializes in the installation of covert trackers aboard suspect vessels and often conducts these covert missions under hours of darkness using plainclothes or undercover tactics.

⁹ See Title 8, Aliens and Nationality

Additionally, OAM periodically augments vessel crews from investigative partner agencies when a specific vessel certification coupled with investigative authority and experience is needed when operating these assets. OAM develops and retains confidential human sources in the maritime environment, which have been instrumental in effecting significant seizures.

Although OAM routinely makes seizures through maritime border patrols, the majority of arrests and seizures are the result of actionable information or detection by aircraft. CBP's P-3 Long Range Tracker and Airborne Early Warning aircraft are multirole 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 122,427 pounds of cocaine and 5,918 flight hours within the Western Hemisphere Transit Zones in Fiscal Year (FY) 2014, which equated to 20.7 pounds of narcotics interdicted per flight hour.

The integration of unmanned aircraft systems (UAS) have provided critical enhancements to OAM's air, land, and maritime border domain awareness and capabilities. UAS provide high-endurance intelligence, surveillance, and reconnaissance 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 OAM's ability to effectively detect, monitor, and track both personnel and conveyances involved in illegal activity.

Another important maritime security asset is the DHC-8 Maritime Patrol Aircraft (MPA). It is a medium-range airplane that bridges the gap between the strategic P-3 and UAS, and smaller aircraft operating in the littoral waters. It is outfitted specifically for maritime patrol with state-of-the-art sensors and systems. The DHC-8 has provided game-changing detection capability in the Caribbean, Florida and the Gulf of Mexico.

CBP's aerial surveillance capabilities in the maritime environment have been enhanced through recent investments and deployments of a Multi-Role Enforcement Aircraft (MEA). The MEA provides OAM a replacement for several of its older maritime patrol aircraft, enhancing OAM's ability to maintain domain awareness of the U.S. littorals and coastline. Additionally, the multi-role function of the aircraft provides OAM agents the ability to continue investigations seamlessly into the interior of the United States, landing at small remote airports to interdict suspected air smugglers. OAM's Tethered Aerostat Radar System (TARS)¹⁰ 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. With eight aerostat sites – six along the Southwest border, one in the Florida Keys, and one in Puerto Rico – the TARS elevated sensor mitigates the effect of the curvature of the earth and terrain-masking limitations associated with ground-based radars, greatly increasing long-range radar detection capabilities. The eight TARS sites represent approximately two percent of the total radars integrated by OAM, yet they account for over 50 percent of all suspect target detections.

Perhaps the most important advancements come in the area of data integration and exploitation. Downlink technology, paired with the BigPipe system, allows OAM to provide video feed and

¹⁰ CBP assumed responsibility of TARS from the U.S. Air Force in 2013, but the aerostat surveillance system had been used by the Department of Defense since 1978.

situational awareness in real-time. In addition, the Minotaur mission integration system will allow multiple aircraft and vessels to share networked information, providing a never before seen 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 700 individual sensor feeds and tracking over 50,000 individual targets 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 (GoM), Canada, and the Bahamas, to detect, identify, track and support interdiction of suspect aviation and maritime activity in the approaches to U.S. borders, at the borders, and within the interior of the United States. This relationship, enhanced through the deployment of shared surveillance technology has allowed GoM to focus aviation and maritime enforcement efforts to better combat transnational criminal organization (TCO) operations in Northern Mexico and the contiguous U.S./Mexico border. For example, this past January, officers working at the AMOC detected a suspicious aircraft travelling north towards the United States. AMOC subsequently alerted GoM, via the AMOSS, of the activity, and both the Mexican Federal Police (PF) and Air Force (SEDENA) responded to investigate. The abandoned aircraft was located by Mexican officials a short time later, where 27 bags containing approximately 389 kilos methamphetamine, 79 kilos of cocaine, 79 kilos of white heroin, and 1.5 kilos of black tar heroin were discovered and seized.

Operational Coordination

Secretary Johnson's Unity of Effort initiative has put in place new and strengthened management processes to enable more effective DHS component operations. In addition, DHS-wide border and maritime security activities are being strategically guided by the new Southern Border and Approaches Campaign. Aimed at leveraging the range of unique Department roles, responsibilities, and capabilities, the Campaign enhances our operational approach to working together in a more unified way to address comprehensive threat environments. OAM has been extensively involved in the planning and development of all Joint Task Forces, particularly Joint Task Force – East (JTF-E), where OAM holds the Deputy Director position. Working closely with the USCG, ICE and others, we have played a key role in developing the Concept of Operations, the DHS Force Management plan and led the critical Mission Analysis planning efforts, which are all vital to meet the objectives outlined in the SBACP. OAM will continue to invest in and fully support the Joint Task Forces and looks forward to playing a key role in the unity of effort outlined by the Secretary in the SBACP.

In 2011, the CBP Commissioner, the USCG Commandant and ICE Assistant Secretary signed the cross-component Maritime Operations Coordination (MOC) plan. The plan addresses the unique nature of the maritime environment and 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 plan, OAM has been a key stakeholder in the implementation of the Regional Coordinating Mechanism (RECOM). Through this mechanism, OAM coordinates maritime operational activities through integrated planning, information sharing and intelligence integration.

OAM agents participate in ICE HSI-led BEST task forces across the nation. This practice has multiple benefits. OAM agents provide maritime law enforcement expertise and ready access to OAM assets and capabilities. In turn, information shared through the BEST refines OAM operations and enables more targeted enforcement. OAM recently became a member of the BEST in San Juan, Puerto Rico. Working in conjunction with the San Juan BEST, OAM operations have yielded 24 arrests, 1,453 pounds of narcotics and \$948,953 in currency over the current fiscal year.

CBP OAM 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 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.

Joint Technology Development

OAM has identified Domain Awareness as a core competency and an essential element of a secure border. To that end, we will fully-network our fleet and centers to share critical information in real time. We are pursuing that vision through joint efforts with technological partners.

OAM is engaged with the USCG and DoD to identify and deploy technologies that expand overall maritime domain awareness and integrates information and sensor data throughout DoD and DHS. AMOC has begun to integrate data from airborne DOD assets and seeks to expand further into the maritime domain. With the support of DHS S&T and the USCG Research and Development Center, prototype technologies such as the Integrated Maritime Domain Enterprise have been deployed to the AMOC, USCG Sectors San Diego and Los Angeles/Long Beach, and are currently under evaluation. This network is being developed to manage and coherently integrate maritime sensors and data sources, such as Minotaur and the Coastal Surveillance System, into a user defined operating picture, which can be then shared between stakeholders.

OAM works closely with the Science & Technology Directorate (S&T) to identify and develop technology to improve our maritime surveillance and detection capabilities, including low-flying aircraft detection and tracking systems and data integration/data fusion capabilities. Currently under development is Coalition Tactical Awareness and Response (CTAR), a space-based system which can be used tactically against maritime threats. OAM is also working with the Domestic Nuclear Detection Office (DNDO) to develop and field radiological and nuclear (R/N) detection and nuclear forensics systems. For example, DNDO and OAM are collaborating in the development of technology to detect R/N threats aboard small vessels.

Indicators of Success

OAM efforts have resulted in the seizure of significant quantities of contraband, and disrupted considerable illicit activity before it reaches our shores.

In FY 2014, OAM conducted 90,739 flight hours and 42,859 underway hours, resulting in the arrest of 4,725 suspects, the apprehension of more than 79,672 illegal migrants, the seizure of 763 weapons, \$147,805,097 in currency, and the interdiction of more than 1,155,815 pounds of illegal drugs, including 155,143 pounds of cocaine.

OAM recognizes the need for relevant, verifiable performance measures that point towards outcomes as well as output, and has initiated an effort to develop them. This is a new process for us. We have engaged a federally-funded research and development center to assist in developing metrics particular to domain awareness. We plan to refine a methodology for developing such measures, and apply it to operations across our organization.

Conclusion

Chairwoman Miller, Ranking Member Vela, and members of the Subcommittee, thank you for this opportunity to testify today. OAM is a critical component of CBP's border security mission. Our highly trained agents, together with our authorities, specialized assets, and tactics comprise a well-rounded, experienced and established law enforcement organization, fully engaged in protecting the United States' maritime borders from threats to the homeland.

I look forward to answering any questions you may have at this time.