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SECURING THE NORTHERN BORDER: VIEWS FROM THE FRONT LINES

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

JULY 2, 2008

FIELD HEARING IN HAVRE, MONTANA

Available via http://www.gpoaccess.gov/congress/index.html

Printed for the use of the
Committee on Homeland Security and Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

44–121 PDF WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
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CONTENTS

Opening statement: Page
Senator Tester 1

WITNESSES

WEDNESDAY, JULY 2, 2008

Dan W. McGowan, Administrator, Disaster and Emergency Services, Montana Department of Military Affairs 3
Robert DesRosier, Director, Disaster and Emergency Services, Blackfeet Nation 7
Donna Matoon, Sheriff, Toole County, Montana 9
Michele James, Director, Seattle Field Operations, and Brenna Neinast, Chief, Border Patrol Sector Havre, U.S. Customs and Border Protection, U.S. Department of Homeland Security 11
Loren L. Timmerman, President, Chapter 231, National Treasury Employees Union, Great Falls, Montana 25
J. Alexander Philp, Ph.D., President and Chief Executive Officer, GCS Holdings, Inc. 26
Kristian D. Merkel, Ph.D., President and Chief Executive Officer, S2 Corporation, Bozeman, Montana 30

ALPHABETICAL LIST OF WITNESSES

DesRosier, Robert:
Testimony 7
Prepared statement with an attachment 48
James, Michele:
Testimony 11
Joint prepared statement 54
Matoon, Donna:
Testimony 9
Prepared statement 52
McGowan, Dan W.:
Testimony 3
Prepared statement with attachments 35
Merkel, Kristian D., Ph.D.:
Testimony 30
Prepared statement with an attachment 86
Neinast, Brenna:
Testimony 11
Joint prepared statement 54
Philp, J. Alexander, Ph.D.:
Testimony 26
Prepared statement 79
Timmerman, Loren L.:
Testimony 25
Prepared statement 68

APPENDIX

Annmarie Robinson, Regional Water Coordinator, North Central Montana Regional Water Authority, prepared statement 94
Post-hearing questions and responses for the Record from:
Ms. James and Ms. Neinast 96

SECURING THE NORTHERN BORDER: VIEWS FROM THE FRONT LINES

WEDNESDAY, JULY 2, 2008

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Havre, Montana

The Committee met, pursuant to notice, at 10 a.m., in Havre, Montana, Hon. Jon Tester, presiding.

Present: Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. I will call this meeting of the Homeland Security and Governmental Affairs Committee to order. Thank you, everyone, for being here, especially approaching the 4th of July. I know we have a few of the panelists that took vacation time to be here, and I appreciate that a lot.

I want to welcome the witnesses. We have folks from every level of government—Federal, State, and local—and these are the folks we want to hear from, what they are doing to help secure the border every day.

We are going to have two panels this morning. To each of the witnesses, your complete testimony will be inserted in the record, but I would ask you to summarize your testimony in about 5 minutes if you can. We will not hold you strictly to it, but if you can kind of bounce around that area, we would appreciate it.

Following those two panels, we will have a brief discussion with some questions from me after you have all given your testimony, and then following the two panels, we are going to open the floor up. This hearing is scheduled to go from 10 through 11:30 a.m. If we finish quicker, then that is fine. Until the time of noon, we will give the people in the audience an opportunity to talk about anything you want, quite honestly. This is dedicated to border security and specifically to border security, but you can talk about anything you want. The only thing that I would ask the people who talk after the formal hearing is over is that you limit the time of your comments to about 1 or 2 minutes. If you can do that, we can get through a lot of folks. We can get through 30 people in a half-hour if you limit it to a minute. So there will be a quick break.

I would encourage the witnesses and the panelists to stay here, because I am sure there will be some issues brought up on security.

This hearing is titled "Securing the Northern Border: Views from the Front Lines." Our goal today is to hear from the many folks

who stand watch on that border, at the Federal, State, and local level.

Over the past couple days, I and members of my staff have been traveling a good portion of the Hi-Line, visiting with folks about what is on their minds when it comes to the border.

I was pleased to be joined in Scobey, Montana, on Monday by the No. 2 man at the Department of Homeland Security, a fellow by the name of Paul Schneider, and we visited about the border. It was interesting. He landed in Helena and then came up to Scobey. His words exactly to me when I met him were, "I am glad I did this. I would not have believed it if I had not seen it," talking about the rural nature, the number of people, and the vast distances. We all know. We live here. We understand it.

As we all know, the U.S.-Canada border is a source of pride. Some 4,000 miles long, it is the longest demilitarized border in the world. It is a very special place. We have friends to the north, and, of course, our friends to the north have friends here in the United States.

But that does not mean that we can be complacent. Drug trafficking across our border is a problem—whether you are talking about BC Bud, or something worse.

There are known terrorist groups that are organized in Canada. And when a potential terrorist travels, say, from England to Canada, it will attract somewhat less attention than if they try to fly directly into the United States.

I want to emphasize that our friends on the Canadian side of the border are steadfast allies. That is one of the major differences between the northern border challenges and the southern border challenges. And I truly appreciate the friendship with them. We all know we have oftentimes more in common with our folks to the north than we do with our folks to the east.

So the stakes are high with making sure that our border is secure. But we also need to make sure that we continue to encourage the vital economic link between the United States and Canada. The border is a major commercial artery for Montana and our entire Nation.

And it is not an easy balance, for sure. I think the folks on the ground will tell you that.

I want to introduce the panel of witnesses. These folks are from around Montana who work hard every day to keep the border safe.

Representing the State of Montana, we have the Director of Disaster and Emergency Services, Dan McGowan. He is the guy who is responsible for making sure that Montana is ready and able to respond in any situation ranging from a natural disaster to a potential case of foot-and-mouth disease to an attack on a dam or a refinery or whatever.

Also, we have a gentleman by the name of Robert DesRosier. Mr. DesRosier is the head of Disaster and Emergency Services on the Blackfeet Reservation. As such, Mr. DesRosier is responsible for securing the 60 miles of border between Canada and the reservation. To do so, he must work with the U.S. Customs and Border Protection (CBP), the Bureau of Indian Affairs (BIA), the Park Service—a lot of agencies.

Then we have from Toole County, Donna Matoon. Ms. Matoon is the sheriff in Toole County, and she will visit with us about local law enforcement, what its role is in border security and potentially what we can to help improve that. I also want to point out that Ms. Matoon took time out of her vacation to be here today, and I really appreciate you being here. I think it indicates to me how important you feel this issue is.

At the end of the table we have Brenna Neinast, who runs the Havre Sector—many of you folks know her—of the Border Patrol. She has under her direction more than 100 Border Patrol officers responsible for securing the border from Glacier Park to the Montana-North Dakota border.

And, finally, we have Michele James. She is the Director of Field Operations for Customs. She covers the territory between North Dakota and Seattle. No small feat.

And so when we get done with this, we will go to the next panel, and I will introduce them. But since we are limited on time, we will get started.

Mr. McGowan, you can fire away.

TESTIMONY OF DAN W. MCGOWAN,[1] ADMINISTRATOR, DISASTER AND EMERGENCY SERVICES, MONTANA DEPARTMENT OF MILITARY AFFAIRS

Mr. MCGOWAN. Thank you, Senator Tester and Members of the Committee, ladies and gentlemen, on behalf of Governor Brian Schweitzer, thank you for the opportunity to testify at this hearing and join this panel with our partners.

Securing the northern border between Montana and Canada is a complex, multi-jurisdictional initiative whose success is founded in unity of vision, partnerships, and collaborative engagement grounded through a true grass-roots mechanism. The collaborative efforts require leveraging limited resources to successfully achieve an overwhelming task. The State of Montana appreciates the financial resources rendered through the Department of Homeland Security to advance border protection efforts. These funds have been leveraged with State financial, personnel, and resource contributions to maximize its northern border efforts.

The State has engaged with many partners—Federal, local, tribal, county, and our partners to the north from Canada: British Columbia, Alberta, and Saskatchewan—to do several very important initiatives, and I will talk just about a few of those from a tactical perspective and also from a strategic perspective.

Tactically, we have achieved many positive advances through these collaborative efforts. One that is engaged right now in our second attempt is an all-hazard, multi-jurisdictional, functional exercise with an international flavor working with Canada at the Port of Sweetgrass that will take place in September 2008. It is our second engagement with our Canadian partners to make sure that all of the connections, resources, and things that we need to work on are well oiled before anything could occur at the border.

[1] The prepared statement of Mr. McGowan with attachments appears in the Appendix on page 35.

The Montana National Guard is extensively engaged in efforts to improve coordination and build partnerships for positive enhancements. They, too, with almost 10 of their component elements, will be involved in the Port of Sweetgrass exercise.

The Montana National Guard's 83rd Civil Support Team is supporting preparedness, coordinating with all of our partners since its inception, and is extremely active. They have worked with the Blackfeet Nation on the suspected white powder incident. They are working with our critical infrastructure partners to improve integration efforts, and they also have provided geospatial imagery products to the U.S. Border Patrol in the Havre Sector.

Other efforts that the Montana National Guard is involved in for border security include the Montana All-Threats Intelligence Center (MATIC); counter-drug missions; they assist Customs and Border Patrol with qualified intelligence officers; provide threat assessment information; training for the Joint Task Force North for U.S. Customs and Border Patrol personnel; and also provide analyst notebook training as well.

Third, the Montana All-Threats Intelligence Center (MATIC) was formed focusing on mitigation efforts to provide protection. The MATIC is a joint effort of the Montana law enforcement community and the border agencies. It manages the State's intelligence system. And with international information-sharing sessions, they have engaged in discussing trends and threats as they relate to Montana.

The integration of local and tribal law enforcement with border security initiatives is a critical component to protecting the northern sector because there is an understanding of the local issues by our local partners. They also predominantly are the first ones to respond if there is a violation at the border as it comes into their community. We have engaged through Operation Stonegarden not only in Federal fiscal year 2003 with 11 counties participating in that to assist our Federal partners in protecting the border but also have just engaged in Federal fiscal year 2008 with another 12 counties, for a total of about $2 million in requests for local jurisdictions to assist our Federal partners in protecting the border.

The expansiveness—and it is over 562 miles—of the border and the porous nature—there are 42 ports of entry with varied levels of operation—coupled with the limited resources and the responsibility for protecting those huge geographic areas with limited staffing is a recipe for the need to develop creative solutions in border security. The true reality is that border security will never be void of gaps in service or protective elements just because of the size and the geography. Realistically, though, border security is an initiative whose complexities prevent solely tactical elements from providing the ultimate solution.

Montana has engaged in some strategic elements as well to achieve and help in protecting the border.

The first is Interoperability Montana. It is an exciting grassroots strategic initiative to develop the most practical and effective redundant statewide communication system. Its demand is anytime from anywhere for any of our responders to talk to each other. The ultimate goal is one seamless communication system that serves

local, tribal, State, Federal, and international needs while being most cost-effective for all those involved.

We also have several mutual aid efforts. The State of Montana is a signatory partner to the Emergency Management Assistance Compact. We have Intrastate Mutual Aid, and we are dealing with two initiatives with our Canadian partners: The Prairie Regional Emergency Management Assistance Compact and also the Governor's Intergovernmental Accord for Canadian Mutual Aid.

We also work extensively with our tribal partners and Native Nations. We have coordinated the Indian Nations Working Group with our tribal partners to enhance homeland security and emergency management. And our tribal partners are one of the first, if not the only, to promulgate a mutual aid agreement between the nations and Montana.

The State of Montana is truly appreciative of the Department of Homeland Security funds it receives and willing to participate with the northern border security initiative. But from firsthand experience, that participation is not without its challenges. Because of that, those challenges and the opportunities that we have experienced and what we have seen as boots on the ground, we offer the following, Senator, for your consideration because it is the effectiveness enhancements that the Federal level will provide to us that will allow these to continue.

After September 11, 2001, we know the landscape for protecting our border and our country changed, and the Federal Government supplied a lot of funds to enhance our ability. The sustainability of our efforts, though, will not be achievable without continued Federal funding at the appropriate level because Montana receives reduced funding each year, but we still have the same priorities as all the larger States, like New York.

No. 2, we implore you to fund a solution for mutual aid along the border. Right now, there are disjointed, distracted regional efforts between the States and the provincial parts of Canada. It is one border. We have currently a Western Regional Compact that has been promulgated and has been approved by the Senate. New York just did one. And the other compacts work in between and have to be approved by the U.S. Senate and House of Representatives. So we say why not just have one compact between the State and Canada that allows States and provinces to effectively share accurate and coordinated assistance for mutual aid.

Operation Stonegarden needs a little bit of improvement. It is a local grant. But understand that local sheriffs and jurisdictions are tapped. The basic statistics right now: Of the 32 departments in Montana, 67 percent of the offices have nine or fewer officers, let alone the expertise to prepare long, lengthy grants. That is why the State of Montana had to actually procure a contractor to do this Federal fiscal year 2008 grant, and there was minimal technical assistance. The real downfall of this grant is the fact that the State administrative agency has to administer it with no call for maintenance and administration fees, but we are required to do all of the coordination, all of the reporting, gather all the documents. It is almost like one of those unfunded mandates, and I hate to say that word, but there is no maintenance and administration for it.

The Homeland Security grant submission requirements are extremely cumbersome, complex, and time-consuming. The grants need to be simplified. They are counterproductive in requiring reports that are unfunded in the grant parameters, reports that cause State government with our partners to virtually shut down our stakeholders in order to achieve a deliverable that is not part of our plan for which we submit money to enhance Montana's priorities for homeland security.

The grant implementation parameters are also troubling. There are two initiatives right now: The National Incident Management System (NIMS) implementation issue and also the State Preparedness Report. For example, on the State Preparedness Report, the guidance came out. Not 10 months later, though, did we receive the guidance for what the report was supposed to entail. We had to engage Congress—and Senator Tester was very helpful—in getting an extension for that. So basically Montana ended up with 4 months to do an 11-month project——

Senator TESTER. Mr. McGowan, I am going to ask you to wrap it up.

Mr. MCGOWAN. Sure. I will wrap it up. That was continued by NIMS. Again, we were faced with short timelines. The guidance came out, and not only in April did we get the final guidance, but we finally got the tool just last week, and we still have a September 2008 deadline, and that affects all our jurisdictions.

So the NIMS requirement and those parameters need to be looked at in the grants because they give such short timelines.

The other issue is with our Native nation partners. The State will continue its efforts to advance tribal government-to-government relations, and with regard to implementation requirements, we find ourselves being the ombudsman for the Federal Government, and the nations are asking for the true nation-to-nation agreement that they expect with the Federal Government. Anecdotal evidence shows that the nations are frustrated with not having one voice from the Federal Government for all the similar issues they deal with that come from different agencies.

We understand the complexity of this task. In Interoperability Montana, we asked for more participation there from our Federal land partners. To date, the Bureau of Land Management (BLM) is the only partner that is engaged with us. And the MATIC requests that DHS play an active role in the fusion center to improve collaborative intelligence.

To wrap up, in summary, the cornerstone for success of northern border security efforts relies on true collaboration between and among agencies. Parochial interests must not be detractors to such significant coordination initiatives. Collaborative efforts and partnership development must not be restricted by inflexible grant parameters or directives that are not reflective of the needs.

The State's challenge is to actively engage leveraging every available resource and inform our national leaders of those inherent roadblocks, and to that effect, we hope that we have done that effectively to give you an idea of what it is like from the State's perspective State, local, tribal, and private partnerships.

Once again, thank you for the opportunity to be included in this testimonial regarding northern border security. The State of Mon-

tana welcomes the opportunity to coordinate with our Federal partners to improve program effectiveness, formalize sustainability, and enhance partnership through true grass-roots collaborative efforts. Thank you.

Senator TESTER. Thanks, Mr. McGowan. Your entire statement will be put in the record.

Mr. DesRosier, you are up. Hit the highlights. Thank you.

TESTIMONY OF ROBERT DESROSIER,[1] DIRECTOR, DISASTER AND EMERGENCY SERVICES, BLACKFEET NATION

Mr. DESROSIER. Thank you. Good morning. My name is Robert DesRosier. I am employed by the Blackfeet Nation. I currently serve as Director for Blackfeet Homeland Security and Disaster and Emergency Services. I am very pleased to be here.

The 1.5-million-acre Blackfeet Reservation is located in northwestern Montana, about 150 miles west of Havre. The international boundary cuts through our reservation for a distance of approximately 65 miles, which is about one-tenth of the State of Montana's border. Many times throughout and along our norther border, there have been crossings of a person or persons illegally entering into the United States through Blackfeet Nation lands. Most recently, vehicle tracks were spotted in an area just west of Del Bonita port of entry, where three vehicles approached the border from the north and pulled the fence post out of the fence, laid the wire down, and continued south onto the reservation. Further investigation revealed that the three vehicles were SUVs or full-size pick-up trucks traveling together.

In the Chief Mountain area, foot and vehicle traffic has increased this past year, as revealed by the evidence left behind in the form of tracks. Off-road vehicles have crossed the border repeatedly in the Lee Creek drainage north of Chief Mountain. There are many places along the northern border on the Blackfeet Reservation where illegal border crossings have taken place. In fact, if you go to your local map store and purchase a topographic map of the Blackfeet Reservation, you will find there are nine crossings identified as border crossings; five of those illegal crossings have shown recent signs of activity. It is foolish for us to think that our northern border is secure today. We have much to do.

The affected local Indian Nations have the most interest and knowledge to control the areas of concern as relating to crime and border-related issues. Ideas from Washington, DC, usually do not fit the local objectives. Our input, the Native community, is of the utmost importance when dealing with topics that have an impact on tribal lands and the entire United States. We must work to fund and train local tribal law enforcement for methods of deterrent and investigative procedures to deter crime—most importantly, border crime. The local Native American law enforcement officer has the integrity, courage, and scout and warrior skills necessary for the protection of his and her homeland and people.

The ancestral values, field crafts, tracking, sign cutting, survival skills, and mental conditioning provide good qualities for good field

[1] The prepared statement of Mr. DesRosier with an attachment appears in the Appendix on page 48.

detectives. The Native American can travel across wild country using many methods and possesses the natural skills to survive and handle whatever comes their way.

Indian Nations, most importantly, must stand up and participate in this fight in our Nation's war against terrorism. The Blackfeet are known as true Americans eager to stand against our enemies. Local tribal members have an outstanding record of producing qualified professionals who, without a doubt, would lay down their lives for the defense of this great Nation. Currently, there are over 120 men and women from our local Indian community actively participating with the armed forces in the war against terrorism.

The Blackfeet Tribal Homeland Security Program consists of two officers: Keith Lame Bear and myself. We work in the area of law enforcement with our primary focus on homeland security and border issues. However, our program is unfunded. Salaries come from other unrelated sources within tribal government. Our participation along the border is in the form of a Memorandum of Agreement with the Army Air National Guard for aircraft support and surveillance and reconnaissance missions. Flights are usually three times a month lasting about 2 hours. Our ground patrols have been scaled back to four times a month. Contact with the border on the average is six to eight times per month.

Observation points have been identified at various locations for ground surveillance in some areas, and local intelligence reveals that there is a local tribal member offering guide services for illegal crossers for an individual fee of $1,500.

Our program also includes patrols of the area's local infrastructure, such as the three large dams on the headwaters on the Blackfeet Reservation. Patrol vehicles and necessary equipment are in the form of donations and transferred surplus from the BIA or the General Services Administration (GSA). Adequate two-way radio and cell phone equipment is nonexistent.

Never before in the history of this great Nation has the topic of homeland security become most important for us and for our future generation's survival as a free and democratic society for all to enjoy. Threats to the United States come from all directions, as well as from within. Terrorists, both foreign and domestic, continually desire to destroy the fabric that this country was founded on and the freedoms that we as Americans stand for and symbolize.

The Blackfeet Nation remains firm as a sovereign Nation and as front-line security forces committed to the participation in the defense of the United States here in our homeland. We must continue to wage the international war on terrorism and work hard to deter all homeland threats. Complacency must not be allowed to become our enemy.

We are in need of adequate funding for our proposed nine-person security forces. The Blackfeet Homeland Security Forces will become a recognizable, professional, and competent police force that will address the many complex, potential attacks to our citizens.

Thank you. It has been my pleasure for this opportunity to offer this testimony here before you on this great day in the history of the United States and the Blackfeet Nation.

Senator TESTER. Thanks, Mr. DesRosier. Ms. Matoon.

TESTIMONY OF DONNA MATOON,[1] SHERIFF, TOOLE COUNTY, MONTANA

Ms. MATOON. Good morning. I would like to thank the Committee on Homeland Security and Governmental Affairs for the opportunity to speak at this hearing.

Toole County is located in central Montana with approximately 50 miles of Canadian border front. This encompasses the Port of Sweetgrass, which is located on Interstate 15, a major transportation departure and entrance route between the U.S. and Canada. Due to our unique geographic location, Toole County has a tremendous transit population.

Because of this, our agency has had a longstanding relationship with the U.S. Border Patrol, Customs, and Immigration Service, who have been recently combined into the Department of Homeland Security.

When I began in law enforcement over 25 years ago, the U.S. Border Patrol had only seven agents stationed in our county. Many of these old-time Border Patrol agents came to be close friends, many of which I still have contact with today. We would stop into each other's office on a daily basis. We communicated while on patrol. We watched each other's backs like we were a part of the same agency. Oftentimes, the only assistance in the area that could arrive to help you in a timely manner were these Federal officers.

The Port of Sweetgrass was a small operation with fewer than 20 employees. Many of these people were lifetime Toole County residents, and local law enforcement had close personal relationships with many of them.

Since September 11, 2001, and the Federal Government's mandate to secure the homeland, we have seen unprecedented growth in the Department of Homeland Security in Toole County. Dozens of new Border Patrol agents have moved into the area, and the new U.S./Canadian combined port facility has been constructed at the Port of Sweetgrass. The number of Federal employees protecting our border in Toole County has increased ten-fold. Tremendous amounts of new technology and capabilities such as gamma ray x-ray machines, ground sensors, and air patrols have come to our area.

Recently, members of the Border Patrol assisted members of our local emergency services and deputies in rescuing a hiker who was having a medical emergency in a remote and rugged area along the border. In large part, due to the actions of these Federal employees, this hiker was saved and was transported by helicopter to a medical facility. On any given week, deputies from our agency assist Federal authorities in apprehending port runners, border jumpers, and locating undocumented foreign nationals. We have participated in the Border Patrol's "Operation Stonegarden" where local law enforcement is used as a force multiplier for Federal authorities along the border.

With all this said, the changes that have occurred are not without some negative consequences. The introduction of so many new Federal employees in our area has forever changed the small-town closeness and camaraderie between the Federal agencies and local

[1] The prepared statement of Ms. Matoon appears in the Appendix on page 52.

law enforcement. The daily meetings and informal information sharing that comes with close personal relationships have been replaced by quarterly intelligence meetings and Senate committees. As new Federal employees are constantly rotating in and out of our area, it is sometimes difficult to even put a face to the name you are dealing with.

Communications have become a problematic issue where Federal authorities now operate on secure digital radio frequencies and car-to-car or officer-to-officer communications are not possible. Any communication between agents in the field and local law enforcement requires a telephone call relay to sector headquarters in Havre from our dispatch center in Shelby. This is slow, inaccurate, and unwieldy.

In years past, when a sheriff's deputy overheard a Border Patrol officer check out with a suspicious person in the area, the deputy would make a point to head in that direction to provide back-up and assistance as needed. Border Patrol officers did the same for our deputies. Due to the communication issues, that level of assistance is no longer possible.

Because of difficulties in filling Federal positions in this rural and isolated area, our agency finds itself in direct competition with the Federal Government when the time comes to recruit qualified staff from the local job pool. Recently, at a combined charity fund raiser with Federal officers, I found myself in the unique position of handing out T-shirts with large advertisements on the back that were recruiting for Border Patrol officers in our area—this while my own agency was operating at 75 percent of my patrol capacity.

Please make no mistake, I am not begrudging anyone obtaining Federal employment with wage and benefit packages that local governments have no hope of matching, but I do want this Committee to be aware of the impact on our agency. Staffing shortfalls in our agency have a direct effect on our community at large. While the Federal officers are protecting the border, our deputies are protecting their children and families throughout the county.

As time goes on, it is my hope that new personal relationships can be forged, communications will improve, and recruitment will not be as competitive in our area. For the last 25 years, I have worked with the exceptional men and women of the various Federal law enforcement agencies in our area. We are glad to have these good people and their families move into our area, enriching our communities and protecting this Nation. I look forward to many years of cooperation and interaction with our Federal partners. Thank you.

Senator TESTER. Thank you, Ms. Matoon.

Now, Ms. Neinast and Ms. James, you two have a joint statement. Whichever one wants to go first, go ahead. Go ahead, Ms. James.

TESTIMONY OF MICHELE JAMES,[1] DIRECTOR, SEATTLE FIELD OPERATIONS, AND BRENNA NEINAST, CHIEF, BORDER PATROL SECTOR HAVRE, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. JAMES. Thank you. Good morning, Senator Tester. My name is Michele James. I am the Director of Field Operations in Seattle, Washington. I have oversight over the activities in the ports of entry in the States of Washington, Idaho, Montana, North Dakota, and Minnesota. It is an honor to have this opportunity to testify before you today, and I am going to focus on CBP's role on securing our borders while efficiently continuing to facilitate the flow of trade and travel.

The Great Falls service area covers 600 miles of border. Within that area, there are 17 land border ports of entry in Idaho and Montana. There are currently 230 CBP officers and 13 agriculture specialists assigned within this area.

In fiscal year 2007, CBP's front line inspected over 719,000 private vehicles and 1.6 million vehicle passengers. More than 274,000 commercial trucks and over 1,700 private aircraft made entry into the United States during that time frame. There were three large-scale narcotics seizures that occurred within the cargo environment using sophisticated smuggling methods and compartments. In fiscal year 2007 alone, we seized 1,187 pounds of marijuana within this area.

Another example of the enforcement efforts that our officers provide on our borders on a daily basis is depicted by an arrest of Rajit Singh. Singh applied for entry at the Port of Sweetgrass, Montana, and was found to have templates that had been used to make hundreds of fraudulent British resident alien and student registration cards. He was arrested and ultimately found guilty of visa fraud, aggravated identity theft, and identification fraud/document production. He was sentenced to 38 months' imprisonment and 3 years' supervised release. Full implementation of the Western Hemisphere Travel Initiative (WHTI) would greatly reduce the opportunities, as Mr. Singh attempted to afford, for fraud and misrepresentation of one's true identity.

CBP has long recognized the need to improve our facilities and our infrastructure to more efficiently and effectively meet our mission's requirements. The Port of Sweetgrass was rebuilt in 2003 as a joint U.S.-Canadian port to include a full-size garage for non-intrusive scanning of commercial trucks. Since 2004, new port construction has been completed in Willow Creek, Opheim, and Raymond. Secondary inspection garages have been funded for Morgan, Wild Horse, Del Bonita, and Willow Creek. All locations have personal radiation detectors, and radiation isotope identification devices have been deployed to the majority of our ports. Radiation portal monitor surveys have been completed also for the majority of our ports, and our locations are monitored 24/7 for our Customs Area Security Center, which is located in Sweetgrass, Montana.

[1] The joint prepared statement of Ms. James and Ms. Neinast appears in the Appendix on page 54.

Finally, I would like to touch on our collaborative efforts between Border Patrol and other law enforcement entities within the State of Montana and also our counterparts across the border.

CBP works directly with Immigration and Customs Enforcement (ICE), and the U.S. Attorney's Office to train new CBP enforcement officers in all aspects of case development and prosecution protocols. Since April 2007, we have successfully prosecuted 16 criminal cases in Federal court, and this has been a huge success in the State of Montana.

This fiscal year, Field Operations has dramatically increases our involvement in the Integrated Border Enforcement Team (IBET). Field Operations chairs the Rocky Mount IBET Joint Management Team, and we have placed a CBP officer full-time on permanent staff in Sweetgrass to work the numerous cross-border narcotics smuggling and high-risk admissibility cases.

Another great success is having the FBI collocated within Sweetgrass, Montana, as a northern border liaison.

Most recently, CBP Field Operations, Border Patrol, and the Park Rangers conducted an operation at Goat Haunt. The operation focused on reporting compliance and any illicit activities within that area.

These are just a few examples of the collaborative efforts with our partners out there.

So, in closing, I want to emphasize that CBP will continue to protect America from allowing those who attempt to come in and do us harm. In doing so, we fully recognize that we need to continue to integrate the correct mix of staffing, greater investment in detection and technology infrastructure, and enhanced coordination amongst our partners here.

I thank you for this opportunity to present today.

Senator TESTER. Thank you, Ms. James. Ms. Neinast.

Ms. NEINAST. Well, very quickly, everybody, I think, knows who I am, so we will cut through that.

I am happy to be here today and have this opportunity and to carry on with what Ms. James had to say.

I assumed command of the Havre Sector in November 2005. The Havre Sector is one of eight northern border sectors and is responsible for the majority of the State of Montana. There are 456 miles from the North Dakota line to the Continental Divide. I look forward to speaking today about our operational efforts along the northern border, our partnerships with State and local governments and our methods of securing the Nation's borders.

The U.S. Border Patrol is the sole entity responsible for securing our borders between the official ports of entry, and we base our operations on the Border Patrol National Strategy. This strategy calls for the proper mix of personnel, infrastructure, and technology, and we use a combination of efforts in achieving our goals.

We depend on a "defense in depth" posture utilizing agents in the field, transportation checks, and coordinated enforcement operations as well as partnerships with other Federal and State law enforcement agencies. An example of this is our sector's joint operations with the Office of Field Operations and the National Park Service in which we focus on utilizing the strengths of each agency

to further our capabilities in securing the rugged and difficult areas of the border.

We have long maintained partnerships with a variety of other agencies with the goal of increasing effectiveness for all. For example, we frequently assist State and local agencies by responding to emergencies on their behalf in remote areas where we have a presence and can respond more quickly, as Ms. Matoon spoke to.

We work closely with our Canadian counterparts through the Integrated Border Enforcement Teams to benefit both countries. We utilize our relationship to improve intelligence gathering, preparedness, and response capabilities along the border.

The Border Patrol's objective is nothing less than gaining and maintaining operational control of the border. We recognize the challenges of doing so as we have dealt with them for over 80 years. There has been an added focus on our operations in the past few years, and we certainly appreciate the support that this Committee has shown to Border Patrol.

Securing our Nation's diverse border terrain is an important and complex task that cannot be resolved by a single solution alone. To secure each unique mile of the border requires a balance of personnel technology and tactical infrastructure that is tailored to each specific environment. What works in northern Montana is not necessarily the same solution that will work in southern Arizona. We recognize that as an organization and work towards that.

The northern border has unique challenges, one being manpower. We have increased our agent staffing along the northern border to nearly 1,200 agents—a vast improvement from 2001 when we had only 340 agents along the entire northern border. My sector alone has seen an influx of agents, greatly adding to my ability to address our security concerns.

Challenges continue to lie ahead, and the need for comprehensive enforcement approaches remain. We face these challenges every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens. Our national strategy gives us the means by which to achieve our ambitious goal, and with this Committee's continued support, I am confident that we shall succeed.

I would like to thank you for the opportunity to present this testimony today and for your support of the U.S. Border Patrol. I would be pleased to respond to any questions that you may have at this time.

Senator TESTER. Well, thank you. Thank you to all of the panelists for your testimony. Thank you for being brief. I think I will just start with Mr. McGowan, and we will go down the line.

I want to talk a little bit about the Operation Stonegarden. You talked about local grants in your testimony. I think it was about $2 million that were in local grants. Is that in conjunction with the Operation Stonegarden?

Mr. MCGOWAN. That is the current Federal fiscal year 2008 submission for all of the northern border jurisdictions that partnered together and put in an application.

Senator TESTER. And then you are basically responsible for the State in regards to natural disasters or manmade, either way. What is your interaction with folks like Ms. Matoon and Mr.

DesRosier? What is the communication like with those folks? Is there information sharing and to what extent?

Mr. MCGOWAN. Basically, the communication with Ms. Matoon and Mr. DesRosier—we work with their respective emergency managers; we work with all 56 counties and seven nations. With some of the Federal partners on the border issues, we would work through the county coordinators because that is the local effort that involves that partnership there. We also work through the MATIC and other State efforts, though, with our Federal partners.

Senator TESTER. I do not see it here in my notes, but it seems to me you talked about interoperability with being able to talk to folks.

Mr. MCGOWAN. Right.

Senator TESTER. And it was talked about down the line. Ms. Matoon talked about it a little bit, too. How are we in that regard? Is it difficult if there is a problem to talk via radio to other entities? Because you are dealing with them all.

Mr. MCGOWAN. I would answer that question by saying that the State of Montana has, if not the only, one of the most proactive interoperability projects in the country. We use push-to-talk from anywhere in the State anytime to anyone, and it is an evolving process. They have a whole northern tier sector, and they work with all of those partners across the border and the Federal agencies to try and engage in that, and that is an emerging process. I think the estimate was around $125 to $150 million to complete that whole project. It is 146 radio towers because it is all line of sight, and so it keeps emerging and evolving, and they hope to light it up soon on the northern tier.

Senator TESTER. We are going to go back to those grants you talked about were a bit cumbersome and daunting to fill that out. Did you help the counties fill those grants out? I know the Border Patrol did some work on that. Did you?

Mr. MCGOWAN. What we did was the State hired a contractor to work with those local communities to pull those grants together, yes.

Senator TESTER. Can you give me an idea what that cost?

Mr. MCGOWAN. I do not know what the actual cost of the contract was because it was done through the Department of Administration. We, as a State administrative agency, took all that information to do the submission and everything through the portal that needs to be done, and then we will make sure that all the reports are done as well.

Senator TESTER. Right. But this was an additional person that would not have been hired otherwise.

Mr. MCGOWAN. Right.

Senator TESTER. How long did they work for?

Mr. MCGOWAN. That was approximately—that took about 2½ months, I believe, to pull all that together, because it was a pretty short turn-around time.

Senator TESTER. Thanks, Mr. McGowan. Mr. DesRosier, you talked about five recent signs of border-crossing activity in your neck of the woods and three SUV-like vehicles or RVs that had crossed the border, which is more often than we would like for sure. Can you tell me what happened to those folks? Did you just

find the signs and that was it? Or was Border Patrol and local government brought in? How is that handled when you see signs like that?

Mr. DESROSIER. The particular case of the three vehicles, the pick-ups or SUVs, whatever they were, we were unable to locate them. They disappeared on a county road just west of the port of Del Bonita, and we were unable to track them to see what direction they went.

Border Patrol has been very good with us, especially Mr. Jeffries. He has been appointed our Indian liaison person, and I communicate with him on a regular basis. We definitely share our intel and report the evidence and the tracks that we see.

For example, in the Lee Creek drainage, last July and August we had really high activity of crossers on a particular ridge line. We work together and share that information and let each other know. And I believe Border Patrol has put patrols in that area.

Senator TESTER. And then does your group share in training exercises with the Border Patrol?

Mr. DESROSIER. We have one time in the past. We had an operation where we shared a training exercise, a night operation, and we were successful. We had an incident during that operation where we had weapons fired, and it turned out to be non-border-related, but the pursuit was in the direction of the border, and we were able to make an arrest in that situation with the Army helicopter using infrared night vision.

Senator TESTER. Can you tell me when that joint training took place? I do not need to know the exact date, but was it in the spring of 2005 or——

Mr. DESROSIER. That was in October 2004, I believe.

Senator TESTER. October 2004. You talked about information with the liaison. You have the Border Patrol information shared. Is that information also shared with any other entity like tribal police? Or is it not necessary? Just to get your perspective.

Mr. DESROSIER. It depends on the situation. We do have a Federal police force on Blackfeet, the Bureau of Indian Affairs, and the chief of police is very proactive and encouraging with the activities that we share along the border. He will participate in our operations, yes.

Senator TESTER. There is a program in Arizona directed really at drug smuggling whereby one of the tribes down there—it is called the Shadow Wolves Program. You may be familiar with it. Have you looked at anything like that on your border from a drug smuggling standpoint specifically?

Mr. DESROSIER. Absolutely, yes.

Senator TESTER. And have you progressed with that at all? Whose ear have you been bending?

Mr. DESROSIER. I have been in contact with the resident agent in charge (RAC) out of Phoenix, I believe, and we hosted a 2-week session with those officers that came up to Blackfeet country last summer. We are in the process of communicating right now to try to have another session on the Blackfeet border. We would like to do a broad overview to get a real good inventory on what the issues are.

Senator TESTER. OK.

Mr. DESROSIER. And so hopefully they will be back.

Senator TESTER. If you were to pick out one thing that could be done to improve border security, what would it be? I am just talking basically about the Blackfeet because you are in a unique situation. There is not a lot of Native American reservations that border the Canadian border along the northern tier, at least. There may be some in the south I am not aware of. But along the north, you are kind of a unique animal. Is there one or two things that you think could be done that would help that security?

Mr. DESROSIER. We would like to begin a sister agency of the Shadow Wolves and bring a unit to Blackfeet country.

Senator TESTER. Thank you very much, Mr. DesRosier. I appreciate you being here also.

Ms. Matoon, we will start out with staffing because I know that is a big issue. Getting good help is hard to find, it seems like these days. Could you tell me what the impacts have been—you said your staffing is 75 percent. Have you ever been at 100 percent? You know what I mean, because a lot of times these county governments have a hard time finding folks.

Ms. MATOON. Right, and just like every place else, we have always experienced that problem. Right now, though, it seems to be more of an issue—I do have employees that are coming to me saying, "Border Patrol is opening now," or "Customs and Border Protection, they have got several openings, and I am seriously considering this," because with our health care costs, our insurance through our county is taking half of their paychecks.

Senator TESTER. Yes.

Ms. MATOON. And they just cannot—they are not living, and they are having an issue with being able to survive. They like what they are doing, and I believe that they do like what they are doing. But they are just not making it.

Senator TESTER. I hear you, and we have to figure out some way to address that problem because, quite honestly, I have been pushing the Federal entities to hire more folks from Montana because I think their job—people on the job would stay here a lot longer if they know. But by the same token, I do not want to rob Peter to pay Paul. Do you know what I mean?

Ms. MATOON. Yes.

Senator TESTER. The issue of the way things used to be with more camaraderie, I guess you visit with folks more regularly on an informal basis and build the kind of trust that was there. Do you anticipate this is something that is probably going to be in for the long term? Is it because of the new people, or is it because policies have been enacted that you see from your perspective that say we need to keep everything as separate as possible? I am just trying to get your perspective on that.

Ms. MATOON. I kind of think that what has happened is in the last few years this has happened quickly, and there has been an influx of people that they have brought up from the southern border, and we are from different areas. We have all been raised—the people from Toole County that have been there their whole life have no idea what it is like to live in California, and their attitudes about people and things around them are different. But I know that a lot of the people who were moved up here have now returned

to the southern border because of their families—they just could not take it.

Senator TESTER. Right.

Ms. MATOON. I am hoping that we can get some people up to our area that are willing to stay, become part of our community—and that we can work together.

Senator TESTER. Can you give me any kind of idea how many instances you respond to in a month dealing with border issues? Is that a fair question?

Ms. MATOON. It varies. It seasonally varies. It depends on what Border Patrol's staffing is at the time, if they have somebody who runs the port, if they have somebody who is available. We assist both from the port of entry, and we also assist Border Patrol.

Senator TESTER. So if there is a situation, are you asked to assist?

Ms. MATOON. I do not believe that we are as much as we used to be.

Senator TESTER. OK.

Ms. MATOON. I do not think that the communication is open as it used to be because of those issues. It is not like them calling me up at home as it used to be. And I understand things change, and it is an adjustment.

Senator TESTER. How about potential threats—I mean Sweetgrass is probably the busiest port in Montana, would be my guess. Are you made aware of potential threats not coming to fruition, but the threat is there, so that you guys can act accordingly?

Ms. MATOON. No, I guess I do not know that.

Senator TESTER. OK.

Ms. MATOON. I cannot answer that question whether they are telling it to me or not. I guess I would not know that. If it is an issue of something that is classified—now, this is my interpretation—probably I will not be made aware of it. If it is unclassified but law enforcement sensitive, then they will make contact with us.

Senator TESTER. That is good question for these next two, classified versus unclassified, what constitutes that? I will ask you that in a minute. I want to stay with Ms. Matoon for a second.

Not to pit you against Mr. McGowan or anybody else on the panel, but you are aware of the Stonegarden grants. I assume that your county was part of that—because all of the counties along the border were. How much time did it take you guys to apply for those grants? Was it pretty time-consuming? And do you think that process could be streamlined?

Ms. MATOON. Comparably, I think it was a very easy grant. We have a grant writer in our county to assist us, and I also have two employees in my office that are very good at writing grants. So I do not know if that is fair to say, but we were able to write our own. We did submit ours to the State for review, and so they were all submitted as one package. We all submitted together.

Senator TESTER. OK.

Ms. MATOON. But, comparably, I do think that this particular one was fairly simple.

Senator TESTER. Since September 11, 2001, have you seen more pressure being put on your police—not from staffing, necessarily, because I get that. But have you seen more pressure from a police

protection standpoint being put on your local county folks than there was before September 11, 2001, or less, or is it about the same?

Ms. MATOON. I think it is about the same.

Senator TESTER. All right. Well, once again, I want to thank you for being here.

Ms. James or Ms. Neinast, either one, what makes information classified versus unclassified? Can you give me any sort of idea on that? And is there a delineation mark as far as what information you can transfer to tribal governments, county governments, Highway Patrol, or whatever?

Ms. JAMES. Well, certainly as far as what is classified or not, there is certain information that will come to the field office and to the port that will be classified secret or top secret. Most of what we would get would just be classified secret. We do not classify that ourselves. It comes down to us in that manner.

We could share with the State and locals and, of course, with Border Patrol if they have the clearance to receive that information at the secret level or above. There are methodologies of sharing that information, if it is classified, at a lower level so that we can get the basic information, the basic threat to the State and locals.

Senator TESTER. Do you work proactively on making that happen when you can?

Ms. JAMES. Absolutely.

Senator TESTER. Do you see any advantage for making sure that we have at least one person in every county to be at a classified secret level? Do you think that would be a good idea? Or would it be not necessary?

Ms. JAMES. I think that it is always a benefit so that if information does come through, we have a person to readily give it to. The frequency of getting that type of information is not at as great of a level in every location. But it would always be a benefit.

Senator TESTER. Ms. James, I have learned a lot over the last 3 days, starting in Plentywood and heading this direction, as I told you out in the anteroom. It has been quite enlightening for me.

How often do you get to Montana?

Ms. JAMES. I became the Director of Field Operations in November 2007, so I am relatively new to this position. I came from the Atlanta area. Within the first few months of me being onboard, I tried to get out to my area of responsibility, which, as you saw, from Washington all the way over to Minnesota is a pretty large area. So I hit the Montana area in the winter time frame and started in—actually flew into Spokane, did Idaho, and then locations all the way over to Sweetgrass. I found it very beneficial myself to actually see it, especially during those winter months, to see the conditions that our officers live in and the environment that they have to work in.

Senator TESTER. And when you get to the State, I assume you hit as many border crossings as you can and visit with the folks that you have directly within your agency. Now, I know CBP combined some years ago. But do you make it a point to talk with the Border Patrol? Do you visit with the Border Patrol folks, too? Is it a part of your——

Ms. JAMES. Daily routine?

Senator TESTER. Yes.

Ms. JAMES. It may not be my daily routine, but it certainly is very important for me to do. Ms. Neinast and I, when I did visit Montana, met with the chief and exchanged some of the issues that we do have, even attended some national training together. I actually have four sector chiefs that I deal with within my area of responsibility. So it is important for me to know who they are and be able to exchange concerns and issues.

Senator TESTER. This may be unfair because I did not warn you ahead of time, but that is OK. Let's just take from Glacier Park to the North Dakota line. Can you give me an idea what kind of staffing needs that you see—I am just talking about your ports—what kind of staffing needs you think we need to have as far as numbers and what kind of infrastructure needs are out there?

Ms. JAMES. Well, let's start with staffing. We have enough staff certainly to open the doors and do what we need to do. We could always use additional officers out there. I would never turn down another officer position. And I will readily admit, with our limited resources, we try to leverage our personnel the best we can. The exact numbers that I would like to see out there, I would really have to sit down and put pen to paper, and I would never say I do not need personnel out there.

Senator TESTER. I would like it if at some point in time you could get that information to me; that would be great.

Ms. JAMES. OK.

Senator TESTER. How about from an infrastructure standpoint?

Ms. JAMES. From an infrastructure standpoint, we certainly have a lot of those locations that are out there that could use some upgrades. You went to Scobey. It could necessarily use a full new facility there. We also have a lot of issues with our housing. Because some of our locations are so remote, we do have government housing for the employees. It is particularly of interest to me because some of those locations have issues with the roofs leaking, flooding, mold, and these are remote locations. And I do appreciate the hard work that the officers do. Some of them will commute a long ways. Some just cannot, so we have that government housing in place, and it is important for us to keep on that.

Senator TESTER. From a technological standpoint, you talked about portal monitors and radiation checkers. Are things in the pipeline to get everything taken care of from a technological standpoint from your perspective? Or does there need to be more work done there?

Ms. JAMES. There is a good amount in the pipeline. As I said, we are about finished with the radiation portal monitor surveys, so there are plans in the works to put those at the ports of entry. We could utilize some more radiation isotope identification devices. That is some of the smaller stuff. And we have some surveys that are slated specifically for Sweetgrass, Montana, for radio-frequency identification (RFID) when we become fully compliant with the WHTI program.

Senator TESTER. As we started out in the northeast corner and we wandered here to Havre, of course, we ran across ports like Morgan, Turner, and Wild Horse is north of here. There are 75 to 100 people here, I would guess—some Canadians, some folks from

the United States, welcome, you folks from Canada. I would guess that there is probably a high percentage of folks here that want to know about Wild Horse.

There has been a push—Representative Musgrove put a resolution through the Montana legislature a year or so ago on that port. And like I said, when I went through Turner, they pushed me. When I went through Malta, they were pushing me for those ports, too.

Can you tell me what—and I know you could probably talk all day on this, but what are some of the obstacles of opening a port like Wild Horse for 24 hours? And how can we overcome those obstacles?

Ms. JAMES. I fully recognize this is a very——

Senator TESTER. Everybody had to check their weapons at the door, by the way, so you——

Ms. JAMES. Thanks. I do appreciate that. [Laughter.]

I recognize this is a very passionate issue with everyone, so I do not take this lightly. And let me preface this by saying that CBP is not averse to increasing hours of operation or making it a port of entry. We have these requests, probably on a daily basis, but we have to look at our limited resources that we do have. We look at the workload. We look at the projected workload and what the interest for that increase is within that community, within the trade.

I recently came from a field office where we had a request to make a user fee airport into a port of entry. It does not happen every day, but we supported it because the data was there. We had interest from not only the trade and the community, but we had the commitment from the trade saying, yes, we will be utilizing this port.

So I recognize that there is the interest from the community, but at this point, in looking through the numbers that we have, the data that is on paper as to the number of vehicles that go through that port, the number of truck traffic that we have go through that port, and recognizing it is a permit port only at this time, the data does not support making it a 24-hour commercial port.

Some of the obstacles: To make it a 24-hour commercial port, we would have to revamp the entire facility. It does not have the proper exam functions within that facility. The road infrastructure—and, of course, that is beyond our control—would have to be improved, and staffing would have to increase also.

Senator TESTER. Yes. You talked about a 24-hour commercial port. What if we cut it down a little bit? What if it was a port that was open 16 or 18 hours a day that was still a permit for trucks, what about that? What would that take?

Ms. JAMES. Again, we go back and we look at the data. What is the crossing data and what are the other locations that are nearby? Are those other locations overtaxed with traffic going through those ports, like Sweetgrass? I know this argument has been out there also. And are there huge back-ups in Sweetgrass from the commercial standpoint? Would there truly be a big increase if we would open it a full 16 hours?

Senator TESTER. Right. There are a lot of things that will impact that, though. And I know I am supposed to ask the questions, but the truth is that any of these ports you are talking about, if there

is a commitment to redo the roads, if the U.S. dollar happens to drop in strength and the Canadian dollar happens to go up, or vice versa, that can have some major impacts on that.

So I guess just to cut to the chase, if Senator Max Baucus and I were able to get some push for it back in Washington, DC, you would be not antagonistic toward it, is what I am saying. You would be, we are going to do this, we are going to make this work. That is what I am looking for.

Ms. JAMES. The other thing that I would be looking for is commitment from the trade.

Senator TESTER. OK.

Ms. JAMES. You have a study that is out there, but I think that it could be—you could bolster your study with a firm commitment from the trade saying, yes, this is the port we are going to utilize. That part is a little bit lacking.

Senator TESTER. Thank you. And we are running out of time. I could actually spent another hour talking with you and Ms. Neinast.

Ms. JAMES. I am sure you could.

Senator TESTER. In a good way. And, by the way, I should preface this. Each one of you folks have different responsibilities in your duty, and I will tell you that I appreciate each and every one of you, what you do and the challenges you face on a daily basis.

Ms. Neinast, I have a few questions for you. You said that you were not at 340 agents. The entire northern border was at 340 agents——

Ms. NEINAST. The entire northern border was at 340 agents.

Senator TESTER [continuing]. In 2001, and now it is about 1,200 agents. You are at about 125 agents here in your region from basically the Rocky Mountain front to the North Dakota border? What do you anticipate those numbers being, say, 5 years from now?

Ms. NEINAST. Everything that we do is based on operational requirements, what the threats are, what the vulnerabilities are, what the traffic is. We do that nationwide.

We have a budget plan that we have in place that is multi-year that addresses all of those issues. In that, we are looking at 5 years out, around 300 for the Havre Sector portion of Montana.

Senator TESTER. Are those numbers based on—well, maybe I should just back up a little bit. Ms. James talked about the criminal cases that they are dealing with on their ports, mainly. What kind of impacts has Border Patrol seen? In other words, how many cases have you guys brought up, say, in the last year?

Ms. NEINAST. I could probably look through and find that number for you. Our staffing is not based on cases or numbers or statistics, so you need to understand that. Our mission is operational control of the border. Do we know if something is crossing and can we respond? We are more of a preparatory than—we do not staff based on whether we had 5 crossings here or 20 crossings here or 200 crossings here. Granted, that is part of it when you looked at vulnerabilities and threats, but we look at can we effectively respond to the areas of the border that we need to respond to.

Senator TESTER. It does not need to be today, but if you could get me those crossing threats, that would be great.

From a technological standpoint, what do you see as the needs on the border? Do you see technology playing a big role? We talked about the southern border being different from the northern border, and absolutely it is. But what role do you see technology playing on the northern border?

Ms. NEINAST. Because of the remoteness of the northern border and the challenges that we are always going to have because of the infrastructure, the roads to get to the border, and those types of things, there are definite technological needs on the northern border. Detection capabilities—they do not manage the border, but they monitor the border for us. And if I have technology to monitor activity levels or monitor an area where there is a crossing, it makes it easier for me to respond.

Senator TESTER. What do you see that technology taking the form of?

Ms. NEINAST. One of the things that we use are the unattended ground sensors. We use those very heavily. We have done that for a number of years. And we are getting more of those into the State all the time.

Senator TESTER. How much of the border is covered by ground sensors in your sector? Is it 30 miles? A hundred miles?

Ms. NEINAST. Well, when we are talking about ground sensors, I can tell you every known crossing point is covered by that type of technology. With that comes the requirement for sensor towers and things like that.

Senator TESTER. When did those go into place?

Ms. NEINAST. We have had them for a number of years.

Senator TESTER. Before September 11, 2001?

Ms. NEINAST. Yes, and we have increased since then.

Senator TESTER. What about radar? What is your perspective on that?

Ms. NEINAST. Are we talking ground surveillance radar or are we talking aviation radar?

Senator TESTER. We are talking avaiation radar below a mile, 5,000 feet and below.

Ms. NEINAST. Anybody who has got any kind of a pilot's background will know for the majority of the State of Montana, there is no radar coverage below 5,000 feet. And because of that—and I have tactical responsibility for the CBP air portion—that is another threat and vulnerability that we have to deal with and address.

Senator TESTER. When do you see that being addressed?

Ms. NEINAST. Currently, there is a working group in Washington, DC, that is addressing these types of issues, and they are working with the Canadian authorities for a wide border technology because if the Canadians have cameras or radar in an area, we are looking at trying to tie into their radar instead of us necessarily having to use our own and force multiply across through agreements, national agreements.

Senator TESTER. And this may be unfair because we are talking about the Canadian Government now. Do you know of any Canadian radar that exists at this point in time within your sector on the border?

Ms. NEINAST. I know there is Canadian radar along the border. I do not know the exact locations of that.

Senator TESTER. And that is probably best that you do not say it if you do know. [Laughter.]

The issue of partnerships and working together, I broached this question with Ms. James, and I am going to ask you the same thing. Ms. James talked about her meeting with you, of course. What about the other folks in Customs like—well, we have them here today—Mr. Brown and Mr. Overcast—those folks. How often do you meet with those guys?

Ms. NEINAST. I meet with them fairly often, but I have staff that meets with them regularly. So you understand, my focus—yes, I am responsible for the sector, but I have a dual focus. I also am responsible to Washington, DC, in resourcing and getting the agents in the field what they need. So I spend a lot of time out of the State, much like you do. So it is the nature of my responsibility. My staff meets with them regularly.

Senator TESTER. I only spend half my time out of the State. [Laughter.]

Let me make that clear.

Ms. NEINAST. Me, too.

Senator TESTER. This is going to be my last question because we have another panel here. We could go on for hours. There was a GAO report that came out in 2006 that talked about inadequacies and making the face at the border one. We are still a ways away from addressing all those things in the GAO report. Are you somewhat interchangeable when it comes to helping folks get across the border for whatever reasons?

Ms. NEINAST. One of the things that has happened since September 11, 2001, and the creation of CBP—in many years past, all the Border Patrol agents knew immigration law.

Senator TESTER. Yes.

Ms. NEINAST. And they could fill in at a port of entry on overtime to handle immigration inspections.

Senator TESTER. Right.

Ms. NEINAST. That has changed because the nature of the CBP officer position and what they do is so complex and so different than what we do that we no longer have that interchangeability at the ports of entry.

Senator TESTER. Is that interchangeability—I mean, could it be re-established like it was way back when?

Ms. NEINAST. I would not know that we would want to, to be honest with you, simply because of the complexity and the nature of the job.

Senator TESTER. All right. Sounds good. Thank you.

Thank you very much. We have got to get rolling with the next panel. I would just say one other thing, and this just comes—and I want to get it on the record—from my talking across the board. I think that there could be a lot more work done that would cost us virtually no money by working more with the people who live on the border that know that border. I am talking about the farmers and ranchers up there. I think it is critically important—and I mean this, and I am going to be pressing these guys back in Washington, DC, on this, too. I think it is critically important that we build relationships with the people on the border, whether it is local government, whether it is the BIA folks, whether it is the Dis-

aster and Emergency Services (DES) folks, but especially those farmers and ranchers that know that border like the back of their hand. It is very important, because as I think Mr. McGowan, Mr. DesRosier, or Ms. Matoon pointed out, it is never going to be 100 percent. I am not sure that it even needs to be 100 percent because of obvious reasons—cost being the main one.

Thank you all very much. I appreciate your being here, and I hope you stick around for the rest of the hearing and hear the public input afterwards. I want to get the next panel up here. Thank you very much.

The next panel includes Loren Timmerman, Alex Philp, and Kris Merkel. It is great to have them here.

I will tell you that Mr. Timmerman is representing the union that staffs Customs. Like we said, there are about 100 customs inspectors throughout Montana, and he also represents folks in Idaho, Colorado, and Utah. Customs inspectors stand guard at airports and at all the ports along the border, whether we are talking about Sweetgrass or Turner or wherever. Mr. Timmerman has been a customs officer for well over a decade. He has seen much.

We also have two gentlemen who are small business owners here in Montana dealing with technology. The first is Dr. Alex Philp, who runs GCS Research in Missoula, a technology company that deals with technology that can be used on the border. Dr. Philp started his career as a park ranger in Glacier National Park when he was 20 years old. Now, 20 years later—I guess we are kind of dating you, Dr. Philp—his work with geographic information system (GIS) technology has helped not only our State but several Federal agencies. We will be looking forward to his information on remote sensing and delivery and the kind of challenges that a small business in Montana is facing trying to get into the government contracting.

Second is Kris Merkel. He is the President of S2 Corporation in Bozeman. S2 is heavily involved in radar imaging. Their technology could be useful in everything from scanning packages at ports to providing radar across large stretches of our border. Some of their efforts, like the small ultra-wideband antennas to pick up illegal communications are specifically designed for remote areas.

Both of these good Montana companies have a long relationship with the Department of Defense. Today, they are here to talk about their efforts to bring Montana technology to the Department of Homeland Security. We know that technology is going to be a major part of the effort to secure the border, That is part of the questions that I asked both Ms. James and Ms. Neinast. And they both have an interest in telling their stories about what brought them to that front.

I want to thank everybody for being here on the second panel. We have 15 minutes. We are going to take a little more than 15 minutes, unfortunately. I am going to limit you to 5 minutes pretty strictly, so hit the high points, and then we will get to questions, and you can elaborate a little more then, if you think it is important.

Mr. Timmerman, go ahead.

TESTIMONY OF LOREN L. TIMMERMAN,[1] PRESIDENT, CHAPTER 231, NATIONAL TREASURY EMPLOYEES UNION, GREAT FALLS, MONTANA

Mr. TIMMERMAN. Mr. Chairman, Members of the Senate Committee on Homeland Security and Governmental Affairs, thank you for the opportunity to testify before you today. My name is Loren Timmerman. I am the President of Chapter 231 of the National Treasury Employees Union (NTEU). I am here to testify in my capacity as President of NTEU Chapter 231, and not any official capacity or representative of either the Department of Homeland Security or Customs and Border Protection.

I have been employed at the land port of Sweetgrass by the former U.S. Customs Service as a customs inspector since 2002 and as a DHS Customs and Border Protection officer since its creation in 2003. All CBP employees recognize that change is difficult, but the changes at the northern border have proved to be particularly challenging.

CBP employees are dedicated to protecting this Nation. We serve with pride and singleness of purpose. Stopping terrorism, smugglers, drugs, counterfeit goods, currency, and human traffickers is our foremost goal, while at the same time moving the vibrant flow of legal trade and travelers across our border.

But we here at the northern border and CBP employees around the country have become discouraged. Basic staffing needs at our ports of entry continue to go unmet. For years, NTEU has been saying that CBP needs several thousand additional officers and agriculture specialists at its ports of entry, that insufficient staffing and scheduling abuses are contributing to morale problems, fatigue, safety issues for both CBP officers and agriculture specialists, and that CBP is losing these employees faster than it can hire replacements.

A large number of CBP officer vacancies remain unfilled. In addition, the ratio of supervisors to staff has increased dramatically at the northern border, aggravating the vacancy situation. Prior to September 11, 2001, the goal was one supervisor to every 15 inspectors. Today at Sweetgrass, there is one supervisor for every eight CBP officers. This ratio puts increasing scheduling pressure on the rank-and-file front-line officers, further demoralizing the workforce.

Another source of concern for the CBP officers and CBP agriculture specialists nationwide is the institution of the One Face at the Border Initiative that was designed to eliminate the pre-September 11, 2001, separation of immigration, customs, and agriculture functions at U.S. land, sea, and air ports of entry. In practice, the One Face Initiative has resulted in diluting customs, immigration, and agriculture inspection specialization and the quality of passenger and cargo inspections.

Under One Face, former immigration officers who were experts in identifying counterfeit foreign visas are now at seaports reviewing bills of lading from foreign container ships while expert land port customs inspectors are now reviewing passports at airports.

[1] The prepared statement of Mr. Timmerman appears in the Appendix on page 68.

The processes, procedures, and skills are very different at land, sea, and air ports, and the training and skill sets needed for passenger processing and cargo inspection differ as well.

As a consequence of the One Face at the Border policy and CBP staffing shortages, an egregious and dangerous situation occurs regularly at land ports I represent. Unarmed agriculture specialists are regularly assigned to partner with armed CBP officers operating the vehicle and cargo system lanes. In the past, Vehicle and Cargo Inspection System (VACIS) lanes were staffed by two armed CBP officers. It is not the mission of CBP agriculture specialists to staff VACIS lanes, and because they are unarmed, both CBP officers and agriculture specialists are unnecessarily put in dangerous situations.

Both on the northern border and nationally, staffing shortages are exacerbated by challenges in retaining staff, again, contributing to an increasing number of CBP officer vacancies. Congress recently approved legislation that should improve CBP officer recruitment and retention significantly. This legislation will provide CBP officers with law enforcement retirement benefits beginning July 6, 2008. I want to thank Members of this Committee for your leadership on this effort.

Scheduling abuses along with short staffing have produced overworked officers, safety and overtime violations, and concerns about favoritism in the assignment of work and overtime. Not surprisingly, CBP officers are leaving in droves.

Mr. Chairman, the problems at the northern border are not unique. To address the challenges of the Montana land ports and all of our ports of entry, NTEU recommends the following:

Fill vacancies and increase CBP officer and agriculture specialist staffing to those levels in CBP's own staffing model;

Re-establish specialization of prior inspectional functions;

Increase CBP officers' and agriculture specialists' journeyman pay to GS–12;

Repeal the compromised DHS personnel system;

Allow input in the shift assignment system;

And also allow employee input in determining staffing levels for each shift.

Thank you, and I am happy to answer any questions.

Senator TESTER. Thank you, Mr. Timmerman. Mr. Philp.

TESTIMONY OF J. ALEXANDER PHILP, PH.D.,[1] PRESIDENT AND CHIEF EXECUTIVE OFFICER, GCS HOLDINGS, INC

Mr. PHILP. Thank you, Senator. Thank you for this opportunity to testify before the Committee at this field hearing today, "Securing the Northern Border: Views from the Front Lines." On behalf of the citizens in Montana and the United States, I consider it an honor and privilege to come here today before you and the Committee and share my experiences regarding the challenges in developing a relationship with the Department of Homeland Security and drawing attention to technologies that have Homeland Security applications. That was specifically what I was asked to comment on and testify on today before the Committee.

[1] The prepared statement of Mr. Philp appears in the Appendix on page 79.

Senator TESTER. Correct.

Mr. PHILP. I hope my testimony assists the Committee in improving processes. I offer my testimony in good faith and acknowledge both the very real threats facing our Nation's security and the complex organizational, technological, and political challenges facing the Department of Homeland Security. I do not claim to be an expert on DHS-related policy or programs, but I have been actively involved as a Montana-based small business owner in trying to bring practical technology solutions to the front lines of the northern border security since and before September 11, 2001.

What I am going to do, Senator, is summarize my full testimony that I submitted to you and the Committee.

Senator TESTER. Thank you.

Mr. PHILP. And I will make a few brief comments and points.

First of all, my company specializes in geographic information system technology. There are lots of buzz words around that. One good one is "GEOINT," geospatial intelligence. We have made a living from myself, after I spun out of the University of Montana, to about 20 guys and gals in Montana, so we are truly a small business, and my comments today are from that perspective.

There are a lot of things I do not know about what is going on at CBP and Border Patrol because of the nature of the work, but we have certainly dabbled in advanced sensor system technology, integration, and open-source intelligence in a non-classified capacity.

Four main points about the nature of the northern border as a geographer, and I think this has already been commented on extensively. The northern border is not the southern border. It will not be the southern border, and it is unique in that sense. You can break the northern border down into a series of discrete geographies and regions. Montana happens to have many, even within our section, our 560 miles. So we have geographical challenges; we have cultural differences; and we certainly have an entirely different international perspective and, I would argue, active threat type. From what I have heard so far, there are a lot of things that were not discussed today by the officials that I think need to be brought to the table. I comment a lot about that in my written testimony.

My perspective is from the outside looking in as a small business owner. Again, I am private sector. But I do read and pay attention to the GAO reports that come out. I certainly tracked the America's Shield Initiative before that died and SBInet started. And I have done my best to keep looking at this relationship between State and Federal cooperation, local cooperation, and certainly cooperation with the tribes. Three of the tribes in Montana happen to be my customers, so we are privy to their role to some degree and how they are using some of these technologies to help participate in northern border security.

My written testimony focused on three areas that have been very frustrating for me as a private sector person volunteering ad nauseam on all these committees.

Certainly, at the State level, the Science and Technology Committee and the GIS Subcommittee at the State level—the Science and Technology Committee never even had a second meeting, as

far as I know. The GIS Subcommittee did a large amount of hard work, but I was frustrated in the ability of that subcommittee to really interface with Federal officials at the level we needed to be with people that did not have clearances.

Then I spent years trying to do a program with the Integrated Border Enforcement Team at the request of members of IBET, with friends of mine that I used to work with, and U.S. Forest Service and National Park Service, to have that basically go away after a year and a half of activity.

And, finally, based on work I do with the U.S. Departments of Defense, Navy, Army, and the U.S. intelligence community, we spent 2 years almost putting a program together regarding advanced sensor technology for covert, clandestine operations on the northern border at the request of CBP officials, only to have that program killed, and I am still trying to figure out how and why. That is Blue Rose.

Again, I do not want to sound like I am whining up here as a small business owner. We are not asking for any special privileges. We are not asking for big, huge contracts, but there is something very wrong with the process that I have observed, and I have shared that in my testimony.

Finally, some observations. I was to specifically comment on improving the process. I think we should be looking at even better and more innovative ideas regarding regionalism and regional approaches to the challenges of the northern border. Having worked for multiple Federal agencies myself, I am aware of jurisdictions, I am aware of uniforms and trying to get along. But we just drove from Chief Mountain all the way over to Sweetgrass yesterday, trying to tour it ourselves, get a sense of it, and almost got stuck in the mud. The bottom line, we need to be looking at this a little bit differently. One size does not fit all and will never fit all, certainly technologically. I think people agree to that.

I think the role of the private sector should be reassessed here in terms of cost-effectiveness. I think GAO just announced yesterday that CBP has spent now over $1 billion on SBInet, and the numbers are even lower than they thought. There is not a day or a week that goes by that GAO does not have a new report basically saying, hey, look at this, look at that. So the role of the private sector as a small business owner has been difficult because the way DHS at the Washington-level contracts, they basically say to the big primes, defense primes, or others that bid, "Go put your teams together," and that may be a hundred companies, it may be three companies. And directly contracting small business has been hard, and I basically stopped trying. I went to other Federal agencies, and most of my work is with the Department of Energy (DOE) and the Department of Defense (DOD) in national intelligence. If it is good enough for them, it is good enough for others.

Wrapping up here, sir, I have been able to build relationships at the local level with the Federal agencies, but when it gets to mid-level or Washington, DC, it gets very difficult. We do not have the bandwidth or the resources to play at the Washington-level. It is very top-down. Bottom-up is not working, in my opinion. Contracting is difficult even if you can get interest on the part of the

Federal agencies that you might have something of interest or meets requirements since they are very requirement driven.

DHS relies on large contractors to figure it out, and they do not have enough contracting officers to fully vet those, anyway. And we have some technologies that work now, but, again, unless you are huge and big, the reality of those technologies may or may not see the light of day.

Finally, some recommendations, sir. It shocks me that the DHS Under Secretary can get off a helicopter and say, "I should have come out here a long time ago," and lay eyes on the problem. That blows me away.

Senator TESTER. He just got confirmed.

Mr. PHILP. But that is good. I am glad he got in a helicopter and flew around out here. We need a liaison office. I think DHS, like the U.S. Geologicval Survey (USGS), like other Federal agencies, needs someone out here that can act as the hub. I do not want to sound too cynical, but we need someone here above Border Patrol and CBP putting it together, certainly putting energy into it every day, not just once a year or twice a year. And I understand the difficulties and the amount of challenges people are facing.

We need integration offices. We need regional integration offices that are looking at the technology against the problem, against the threat. Multi-billion-dollar, top-down magic boxes slapped together are not going to work, and they are not going to work on the northern border. And we are never going to have a 20-foot fence lining this thing either.

I think we need business officers that understand the role of small business and the difficulty of small business and the Federal Acquisition Regulations that small businesses do not necessarily have to comply with because we do not have staffs of people to do grants.

Senator TESTER. Better wrap it up.

Mr. PHILP. We need more small business innovative research grants. We need some small business vendor days. And I would certainly love to leverage the activity of Federal, State, local, and tribal governments to try to do jobs. We are here as a private sector firm doing work on the national security every day because we choose to. We would like to expand and extend that, but one of our greatest frustrations is how can we help play a role as a small business in solving the challenges facing northern border security.

I do not have the answers, but I have given you some recommendations at your request. Thank you very much.

Senator TESTER. Thank you very much. Dr. Merkel.

TESTIMONY OF KRISTIAN D. MERKEL, PH.D.,[1] PRESIDENT AND CHIEF EXECUTIVE OFFICER, S2 CORPORATION, BOZEMAN, MONTANA

Mr. MERKEL. Senator Tester, Members of the Committee, I want to thank you for holding this hearing to discuss the issues in regard to Homeland Security. My name is Kris Merkel, and I am the President and CEO of S2 Corporation, a small business in Boze-

[1] The prepared statement of Mr. Merkel with an attachment appears in the Appendix on page 86.

man, Montana, that employs approximately 15 people—Ph.D, master's, and bachelor's degree levels—primarily from Montana State University. S2 Corporation was created with the sole aim to develop and commercialize an exciting new technology that we abbreviate as S2, which is shorthand for spatial spectral holography, something I am sure no one here has heard about, but that was developed primarily at Montana State University over the past two decades. The applications for S2 are mainly in ultra-wideband radio frequency signal processing and surveillance, for the goals of radar imaging, signal intelligence, and communications. The S2 technology is what I would call a disruptive technology, representing a new way of achieving a better result which is of high importance to national homeland security and defense. To date, the technology development efforts have been funded primarily from the Department of Defense Science and Technology accounts. This has included participation by the U.S. Army, Navy, Air Force, and the Missile Defense Agency.

Over the past 2 years, due to our engineering efforts at S2 Corporation, the S2 technology has transitioned from being a laboratory curiosity to a rugged, general-purpose prototype device, which in January of this year, 2008, was shipped overseas and tested on operational radars at the direction of the U.S. Army and is listed as a critical technology within that branch of the military. In short, the tests were a success and the technology worked.

The implications of using this technology are immediate access and full domination of the radio frequency (RF) spectrum out to microwave frequencies. This capability includes being able to simultaneously achieve total spectral awareness and to be able to rapidly reconfigure our use of the RF spectrum for adaptive radar and communications. One of the greatest challenges facing our military and defense of our border around the world is the explosion in signals in the radio frequency spectrum that now occupy the entire radio frequency spectrum. Our technology would allow our defense and national security agencies a whole new mode of operation to continuously identify all of the operating signals and then find a bandwidth where they could operate securely. Other technology applications include the ability to visualize such things as improvised explosive devices underground and interpret the data in real time. This is a truly disruptive technology, and at the heart of it is a crystal, cryogenically cooled, which absorbs light to achieve signal processing. Interestingly enough, this is a homegrown technology in that the crystals themselves have been grown in Bozeman, and the technology has been conceived, designed, built, and tested in Bozeman by the scientists and engineers out of Montana State.

The technology is poised to achieve unique performance improvements and cost savings for a host of critically needed security applications. Like I have described, the technology offers many benefits, but two of these I think would be of immediate interest to the Department of Homeland Security. These are the need to monitor the vast borders and secure the safe transmission of information around the border, as well as monitor the radio communications around the borders. The second, and just as important, application is quickly being able to investigate cargo containers as they pass

through our ports. I will, of course, explain further if the Committee or yourself have any questions about the technology, but I will leave it now at it is a disruptive technology with significant potential benefit to our national security.

I will say attempting to do business with the Department of Homeland Security, as a small business with a new and innovative technological approach, has been, frankly, frustrating. I have seen little incentive for the agencies to move toward small technology programs like ours rather than to give large contracts to the typical large defense contractors.

The cargo container seems to come up in Congress only to be opposed as too costly with little or no technology discussion. I for one would appreciate technology discussions that would help maintain the appropriate contacts within Washington, DC, and the large contractors. I have personally found, without going into details, that positive leads have been pursued only to be followed by silence. When we have approached new leads, the discussions have gone around and around, from government to contractor, to another contractor, and back to government. Indeed, they go nowhere.

We want to be part of the solution. We have a technology that has proven successful at each step along its development path. I want to thank the Committee for holding this hearing and, Senator Tester, you in particular for providing S2 with the opportunity to present our case.

Senator TESTER. Thank you very much, and I want to thank all the participants in the second panel. I will tell you that with your permission I want to take your entire testimony, plus all the testimony for the record for this Committee hearing, and send it to the Chairman of the Small Business Committee because I think he needs to hear that also.

Mr. MERKEL. I would greatly appreciate that, Senator.

Mr. PHILP. That is fine, Senator.

Senator TESTER. Thank you.

Mr. Timmerman, could you give me an idea of what is the turnover on the staff? You touched on it. Is it 10 percent? Are you getting 10-percent turnover every year? Twenty percent? Thirty percent? Can you give me an idea of what it is? And if you do not know, you can get back to me with it.

Mr. TIMMERMAN. In my opinion, I think it would be around the 15-percent range.

Senator TESTER. Fifteen percent turnover? And you talked about understaffing. What are you understaffed by, the same amount, 10 or 15 percent, or is it more than that?

Mr. TIMMERMAN. It fluctuates throughout the year. It just depends how many might leave in a certain given period. So it is kind of hard to put a number on that.

Senator TESTER. Would you say that the reason most people leave—are they staying in Customs, or are they leaving the business altogether and going somewhere else.

Mr. TIMMERMAN. They usually leave for other agencies. We have had a few go to local—not local police departments, but the Bozeman Police Department. We had one leave and go there.

Senator TESTER. What influence do you think geography has on folks leaving?

Mr. TIMMERMAN. Well, certainly, with the price of gas going through the roof, driving 50 or 60 miles one way to work has a lot to do with it now. And the remote location does have quite a bit to do with it. With our officers that live over towards Chief Mountain, they have to travel 90 miles one way to go shopping in Great Falls.

Senator TESTER. Is there a morale problem amongst your employees? I gathered from your statement there is.

Mr. TIMMERMAN. Yes, there is.

Senator TESTER. And do you think that is caused by understaffing?

Mr. TIMMERMAN. I think understaffing is the biggest part of the problem, not having enough people to deal with the travelers coming through the ports of entry.

Senator TESTER. Could you give me an idea on how your staff is? We got testimony here that it went from 348 to 1,200 at this point in time for the Border Patrol. That is almost four times. What has your increase been since September 11, 2001?

Mr. TIMMERMAN. I would say about three- to four-fold.

Senator TESTER. Thank you very much, Mr. Timmerman.

I also want to thank the two small business folks who are here. Have you both dealt with other agencies other than DHS? I know you have, Dr. Philp. You have dealt with the Department of Defense, is what your testimony said. How about you, Dr. Merkel? Have you dealt with other agencies?

Mr. MERKEL. All Defense—Army, Navy——

Senator TESTER. So you are both in the same boat.

Mr. MERKEL. Yes, sir.

Senator TESTER. How does DHS compare with Defense? What could DHS do that the Defense Department does that would make the process better, if the Defense Department is simpler and more user-friendly for small businesses? Or maybe they are just as——

[Laughter.]

Mr. PHILP. We do deal with the Defense Department and a lot with U.S. intelligence agencies, and it is growing exponentially every day, which is a good thing. Defense and U.S. intelligence agencies, they both work differently. We represent, as the word was used, a good word, "disruptive technology," advanced technology. We are usually in emerging late-stage R&D, solving requirements for DOD.

Intelligence community problems are there, and we have made a 6-year business out of that.

At DOD, the budgets are big. It is not that we do not deal with large contractors there because they have the contract vehicles. They own the contract vehicles. It is very hard to have a contract vehicle. But if the Army, in particular, my biggest customer, wants to move, they move; they move quick. And if you do your job, you are rewarded. If you do not do your job, you are done. That is kind of the way it is. At least, that is my experience.

I made some recommendations. I think DHS has to understand that small business exists. I think they do. I think they try with Small Business Innovative Research (SBIR), and Broad Agency Announcement (BAA) solicitations. But there has to be an apprecia-

tion of how to better integrate the capabilities and offerings of small business more quickly and more rapidly.

My experience with SBInet was every major defense contractor did come to Missoula. They did find out about us, and it was usually four or five of those guys—one of their lawyers, a couple of their chief technology officers (CTOs), and their group vice president. And it would be me. And they would vet us hard. And if they could not take what we had and basically go on and do something with it, then they were interested in price point. They wanted to slap something together quick, put us on their team, call it good.

We did get put on one of the major teams—Ericsson's team for SBInet. Unfortunately, Ericsson lost the bid to Boeing. So it was DOA at that point.

I think DHS could look at how small business has certain technologies, organize those around their requirements, and more readily cycle those capabilities into test beds and/or test centers. That does not mean you are going to have to spend $40 billion on something, but let's at least try it before we reject it.

Senator TESTER. Dr. Merkel, what has your experience been?

Mr. MERKEL. I would echo some of those same sentiments from a slightly different perspective. I have done contracting with the Defense Department. I would quantify that as frustrating, but when our results are a contract in place, things can happen very fast. And, by comparison, I have felt the Department of Homeland Security is somewhat impenetrable from the standpoint that large contracts are awarded to large primes. And if there was a recommendation, it would be to encourage or put requirements in place to include new technology, emerging technology, as a part of the overall contracting process to those large primes so that they can be included from the beginning.

I would echo what Mr. Philp said earlier, that if there is something that is not ready to go today, as far as the Department of Homeland Security is concerned, it does not really fit the bill.

Senator TESTER. Typically, when you do not get a contract—you talked about Blue Rose, Mr. Philp. Mr. Merkel, you have been dealing with it. You do not get a contract. Do they give you a reason? Or do they just say, "You did not get the contract?"

Mr. PHILP. In our experience—and I have to be very careful here for sensitivities to friends—we never did get an answer because we were not the ones submitting the request. It was the government requesting to do the project within government.

Senator TESTER. OK.

Mr. PHILP. And I had to spend 2 years gathering my own information on what happened and why and was told to back off and walk away.

Senator TESTER. What about you, Mr. Merkel?

Mr. MERKEL. We have just done targeted technical marketing to the primes or large companies that already have the contract—Boeing or L–3 Communications, for example—and so there is no debriefing process. It is really just a lot of effort going in front of them, gaining attention, and then it does not, from my experience to date, go anywhere.

Senator TESTER. Well, I want to thank you all. Like I said, I have a ton of more questions, and we will probably connect up with you

down the line and visit with all three of you. In fact, I know that for a fact as things unfold.

The record will be open for 15 days after this hearing. If there are folks in the audience that want to submit testimony, you are certainly welcome to do so. The more viewpoints we have, the better off we are, and the better we can make policy that works for the northern border. Like what was said here many times today, the South is a whole lot different than the North, and no shoe fits everything.

I want to thank you again. This hearing is adjourned.

[Whereupon, at 11:43 a.m., the Committee was adjourned.]

APPENDIX

Prepared Statement of Dan W. McGowan
Administrator
Montana Disaster and Emergency Services
July 2, 2008

Senator Tester and members of the Hearing Committee, on behalf of Governor Brian Schweitzer, thank you for the opportunity to testify at this hearing and join this panel with our partners from the Blackfeet Nation and Toole County. It is truly a privilege to share the State of Montana's perspective regarding northern border security and local/state partnerships.

Securing the northern border between Montana and Canada is a complex multi-jurisdictional initiative whose success is founded in unity of vision, partnerships and collaborative engagement grounded through a true grass roots mechanism. The collaborative efforts require leveraging limited resources to successfully achieve an overwhelming task. The State of Montana appreciates the financial resources rendered through the Department of Homeland Security grants enhancing our ability to partner with other agencies and providers to advance border protection efforts. These funds have been leveraged with state financial, personnel and resource contributions to maximize its northern border efforts.

The State's efforts can be categorized as either tactical or strategical. The State has engaged with the following partners to advance its efforts: Alberta; British Columbia; Saskatchewan; Lethbridge College; Royal Canadian Mounted Police; Public Safety Canada; Alberta Solicitor General; Alberta Security and Strategic Intelligence Support Team; Canadian, federal, regional, state, local and tribal agencies including emergency management, first responders and public health components; Montana Governor's Office and State agencies; Montana National Guard, Montana Regional Hazmat Teams; Department of Defense; Federal Bureau of Investigation (FBI); US Customs and Border Protection; Burlington Northern Santa Fe Railroad; Toole County Board of Health; Rocky Mountain Integrated Border Enforcement Team; US Attorney's Office; Montana Highway Patrol; Critical Infrastructure partners; Port of Sweet Grass; US Border Patrol; NORTHCOM; Joint Task Force North; Joint Terrorism Task Force (JTTF); Rocky Mountain Information Network and the Federal Emergency Management Agency (FEMA) Region VIII.

Tactically, the State of Montana has achieved many positive advances through collaborative efforts existing and new partners. The following is a summary of a few of the most notable efforts.

1. A compendium of partners coordinated through Montana Disaster and Emergency Services, a division of the Department of Military Affairs, have engaged collaboratively over the past year in the development of an international border exercise at the Port of Sweet Grass. The full-scale exercise will be conducted in September of 2008. This event is multi-jurisdictional in scope and will involve multi-hazards to include a terrorism component. The exercise is the catalyst for a new collaborative approach toward designing and leveraging limited resources to enhance preparedness efforts, border security elements and globally improve participant effectiveness.

2. The Montana National Guard is extensively engaged in efforts to improve coordination and build partnerships that will be positive enhancements to border security initiatives and the integration of available guard resources.

   - The Montana National Guard is leveraging their involvement in the Port of Sweet Grass exercise to improve integration and preparedness efforts enhancing effective response mechanisms. Involved Guard elements include: 83rd Civil Support Team; 120th Emergency Readiness Flight; Quick Reaction Force (Army & Air Force); Communication Suite; OH-58 with video downlink; Chaplain; Joint Operations Center; Intel Support; Emergency Preparedness Liaison Officers; JAG and Guard Armories.

   - The Montana National Guard's 83rd Civil Support Team (CST) is supporting preparedness along the northern border and has been coordinating with federal, state, tribal and local agencies since its inception in February of 2005.
     - The team provided on-scene laboratory capabilities in a suspected "white powder" incident on the Blackfeet Nation. The unit supported the FBI, US Attorney's Office and the US Air Force Bio-Medical Response Team.
     - Site visits have been conducted with the federally designated critical infrastructure sites in Montana to improve the team's integration efforts in potential response scenarios.
     - Geospatial Imagery products have been shared with the US Border Patrol to assist on-going operations in the Havre sector.

   - The Montana National Guard enhances border security and preparedness efforts through its involvement and coordination of other critical efforts:
     - Involvement in the Montana All-Threats Intelligence Center.
     - Providing support for counter-drug missions along the border.
     - Assisting Customs and Border Patrol with qualified intelligence officers during periods of minimal manning.
     - Providing cumulative MT Statewide Threat Assessment information.
     - Assisting JTF North with Intelligence and Operating Environment Training for 15 to 20 US Customs and Border Patrol personnel.
     - Providing Analyst Notebook training as needed and sharing appropriate documentation received over the SIPRNet.

3. The Montana All-Threats Intelligence Center (MATIC) was formed focusing on mitigation opportunities to provide protection efforts for Montana citizens and border security initiatives through improved information sharing. The MATIC is a joint effort between the Montana law enforcement community (local, state, tribal, regional and federal) and border agencies. The center manages the state's intelligence system, publishes informational briefs, conducts training, participates in local, state, regional, federal and international information sharing sessions to discuss trends and threats as they relate to Montana. The MATIC partnerships provide a much broader pool of information that has been proven beneficial time and time again during investigations. The center continues to integrate new technology to improve communication efforts and

counter the challenges presented by the state's geographic size; this web portal has approximately 460 users.

4. The integration of local and tribal law enforcement with border security initiatives is a critical component to protecting the northern sector. These partners not only have a keen understanding of the local issues, but they are predominantly the first to respond to border violations. The State of Montana has been actively involved with local law enforcement to engage their participation through Operation Stonegarden to supplement border security initiatives. The DHS Federal Fiscal Year (FFY) 03 War Supplemental provided the opportunity for 12 counties to engage with their federal partners. The current FFY 08 effort finds 11 counties (Blaine, Daniels, Flathead, Glacier, Hill, Liberty, Lincoln, Phillips, Sheridan, Toole and Valley) requesting $2,039,927 to support their participation.

The expansiveness (over 562 miles) and porous nature (14 ports of entry with varied levels of operation) of the northern border coupled with limited local resources and their responsibility for protecting huge geographic areas with limited staffing provides a recipe for the need to develop creative solutions to overcome the challenges of the border security initiative. Attached to this testimony you will find a map of the state depicting the dynamics of the northern border. The true reality is that northern border security will never be void of gaps in service or protective elements. Realistically, border security is an initiative whose complexities prevent solely tactical elements from providing the ultimate solution.

Strategically, the State of Montana has engaged in several initiatives that will positively influence the border security effort. The most notable strategic developments are outlined below.

1. The capability to communicate among the first responder community and its affiliated partners on demand anytime from anywhere is critical to the success of effective response efforts. The state has engaged in an exciting grass roots strategic initiative called Interoperability Montana (IM) to develop the most practical and effective redundant statewide communication system. Interoperable Communications is priority number two in the Montana Homeland Security Strategic plan denoting IM as the cornerstone to this priority. The ultimate goal is one seamless communication system that serves local, tribal, state, federal and international needs while being more cost effective for all involved. Attached to this testimony, you will find more specific IM details to include a map of the project and State Interoperability Executive Committee information.

2. The State of Montana is a partner to several mutual aid efforts improving our ability to engage effectively in supporting border security initiatives: Emergency Management Assistance Compact, Intrastate Mutual Aid and two Canadian mutual aid efforts.

3. Montana is proudly home to 8 Tribal Nations (7 federally recognized). The Governor is a strong proponent of government to government relations regarding our tribal partners and engaging at the appropriate level. Montana Disaster and Emergency Services coordinates

the Indian Nations Working Group effort with our tribal partners to enhance homeland security and emergency management development. The Montana based tribes have established one of the first, if not the only, mutual aid agreement between Native Nations.

The State of Montana is truly appreciative of the available Homeland Security funds it receives and extremely willing to participate with the northern border security initiative. Our involvement, however, is not without its challenges. First hand experiences have given us the ability to identify several opportunities to improve our participation and effectiveness. Our effectiveness relies on enhancements that can only be promulgated at the federal level and we offer the following for your consideration.

1. After 9/11, the landscape for protecting our country changed and the federal government provided funding for states to enhance their ability to engage in national preparedness and prevention efforts. The sustainability of our efforts will not be achievable without continued federal funding at the appropriate level. Montana continually experiences federal funding decreases with the responsibility to fulfill the same requirements as the larger states. We respectfully request that funding to rural states, such as Montana, be increased to meet our needs for implementing federally influenced initiatives.

2. Current border mutual aid development efforts are disjointed and held to the responsibility of regional state and provincial efforts. The State respectfully requests the federal government to consider the approval of one consistent mutual aid agreement with Canada allowing the states to influence timely, accurate and coordinated assistance with the Canadian Provinces.

3. Operation Stonegarden is a direct local grant. Realize that local government entities have limited resources and expertise to prepare such grants in relatively short timelines. The Montana Board of Crime Control police and sheriff's office staffing statistics are very telling. Of the 32 departments in Montana, 29% have 1 to 3 sworn officers; 38% have 4 to 9 sworn officers. All together, 67% or the offices have 9 or less sworn officers. Grant opportunities are welcome, but local departments do not have the staffing or expertise to prepare such grants. This dilemma is the reason the state searched for additional funding to procure contracted services to prepare the current Operation Stonegarden application. Federal technical assistance was minimal and more proactive involvement is needed to maximize the State's opportunity to engage in such efforts. The real downfall of this grant is the requirement for the State Administrative Agency to administer this grant with no allowance for "maintenance and administration" funds.

4. Homeland Security grant submission and administration requirements are extremely cumbersome, complex and time consuming with no real identified justification. The grants need to be simplified. The State does not dispute the requirement to justify the use of federal funding. The counterproductive element, however, is the additional federal requirement for unfunded reporting requirements such as the State Preparedness Report with limited staffing. These reports require a considerable effort among all the

involved stakeholders that detract from the primary mission of achieving the investment justifications.

5. Grant implementation parameters are especially troubling. Prime examples include the State Preparedness Report and National Incident Management System (NIMS) requirements. The guidance for the State Preparedness Report effort was not received until approximately 10 months after the grant in question was released. FEMA was not willing to budge with regard to extending the deadline requirement until the states involved congressional assistance. The states finally received an extension allowing 4 months to complete a deliverable that should have included, at least, 11 months to develop.

   NIMS requirements are enforced annually and developed by contractors not in touch with state, local or tribal issues. Achieving NIMS compliance is a pre-requisite to apply for any of the 17 DHS Preparedness grants. The grant requirements for FFY 08 were not released until 6 months after the respective grant guidance distribution. The implementation tool, NIMSCAST, has just been released, yet the grant deadline for compliance still remains to be September of 2008. Once again, the state will be behind the power curve to deliver an 11 month project requirement in less than 1 or 2 months and be subject to jeopardizing their ability to apply for other grants. The NIMS development needs to be flexible and based on a state strategy in accord with its ability to show progress toward the intended outcome. The initiative should not be based on yearly "cookie cutter" requirements that do not improve operational effectiveness and account for the available resources to advance the initiative.

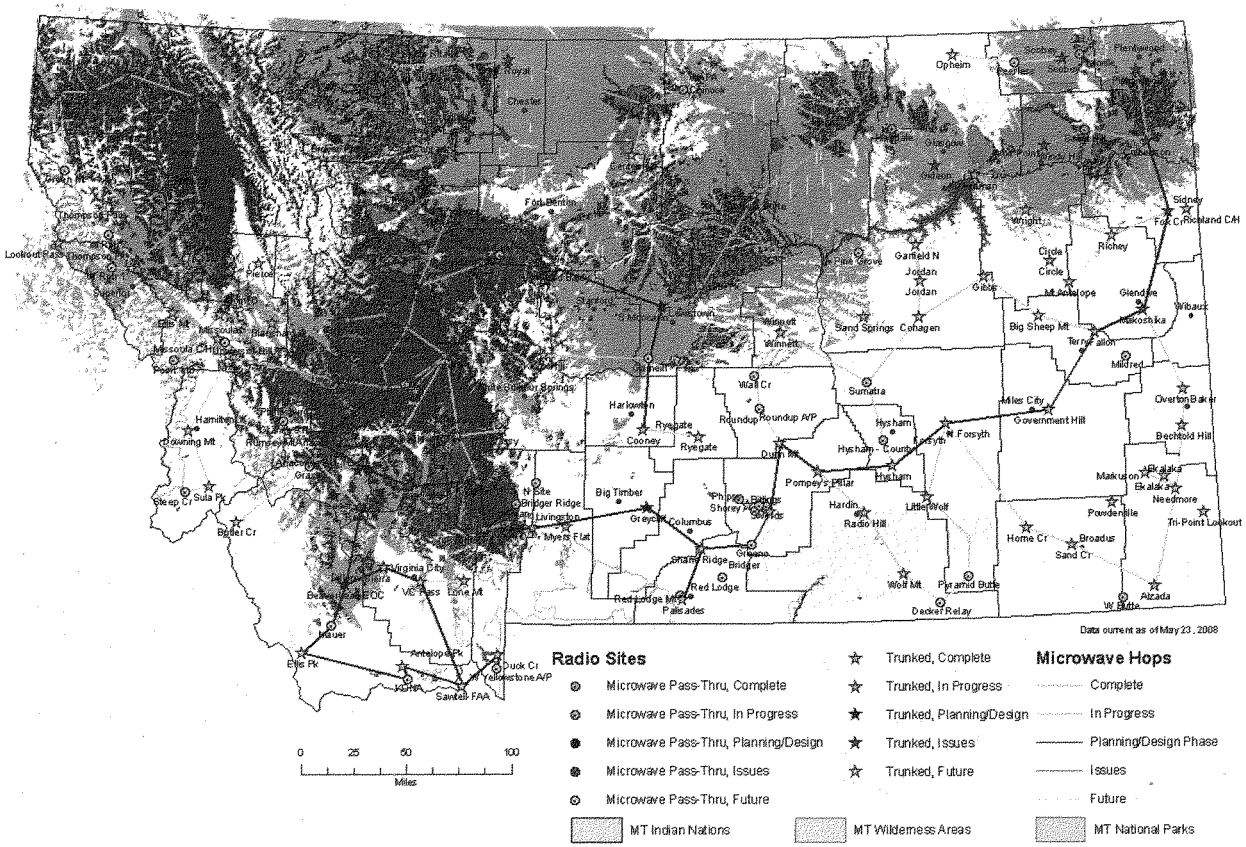
6. Tribal matters are predicated on a nation to nation agreement with the federal government. The State will continue its efforts to advance tribal government to government relations. The federal government, however, needs to embrace more proactive involvement with the tribal nations and sort out implementation requirements providing the nation to nation interface expected by the tribes. The federal government should take responsibility for implementing tribal initiatives instead of relying on the state to act as their ombudsman and deal with all the federal implementation issues. Research indicates the tribal nations do not favor a federal government that does not speak with one voice. Anecdotal evidence indicates that the tribal nations receive inconsistent direction from various federal agencies regarding the same initiative. This inconsistency makes state partnership development efforts counterproductive and contentious at times.

7. The state understands the monumental task faced by DHS to coordinate federal involvement. Federal agency coordination efforts on collaborative initiatives require improvement. The IM project is a prime example of a statewide initiative requiring collective federal involvement. The current federal involvement is not coordinated impeding the effectiveness of the project outcome. The only federal land partner showing any significant involvement with the IM project is the Bureau of Land Management (BLM). The one person who spearheaded the BLM involvement should be commended for proactive engagement partnering with the State. The MATIC requests

that DHS play an active role in the fusion center to improve collaborative intelligence efforts.

The cornerstone for success of northern border security efforts relies on true collaboration between and among agencies. Parochial interests must not be detractors to such significant coordination initiatives. The partnerships we develop today will be the foundation for our future successes. Collaborative efforts and partnership development must not be restricted by inflexible grant parameters or directives that are not reflective of the needs required by true grass roots efforts. The State's challenge is to actively engage leveraging every available resource and inform our national leaders of inherent roadblocks to success. Our national leadership is challenged with balancing competing issues, striving to allow funding recipients the greatest flexibility to implement and sustain accountability for judicious use of federal funds in positively advancing northern border security efforts.

Once again, thank you for the opportunity to be included in this testimonial regarding northern border security. The State of Montana welcomes the opportunity to coordinate with our federal partners to improve program effectiveness, formalize sustainability and enhance partnership development through grass roots collaborative efforts. The State looks forward to engaging with the federal government toward creating positive changes to current systems and mechanisms improving our collective effectiveness.


Data current as of May 23, 2008
Radio Sites
Microwave Pass-Thru, Complete
Microwave Pass-Thru, In Progress
Microwave Pass-Thru, Planning/Design
Microwave Pass-Thru, Issues
Microwave Pass-Thru, Future
Trunked, Complete
Trunked, In Progress
Trunked, Planning/Design
Trunked, Issues
Trunked, Future
Microwave Hops
Complete
In Progress
Planning/Design Phase
Issues
Future
MT Indian Nations
MT Wilderness Areas
MT National Parks
0 25 50 100
Miles

Congressional Briefing
Interoperability Montana and the Cooperation Between the State of Montana and Federal Agencies
July 2, 2008
Havre, Montana

The Interoperability Montana Project, commonly referred to as 'IM', is perhaps the most unique and comprehensive state-wide communication projects in the nation. Interoperable Communications is priority number two in the Montana Homeland Security plan, and Interoperability Montana is the cornerstone to this priority.

The key to the success of this project is leadership and participation. The project is lead by a board of directors comprising of nine local and three state representatives, which gives it a truly 'grass root' development not found in other statewide project. Leaders are elected from the eight regional and mobile data consortia that are outlined on the distributed consortia map. Leadership is also demonstrated through the support and cooperation of Governor Schweitzer's office and the state agencies committed to seeing this initiative succeed. Agencies such as the Montana Highway Patrol, Department of Transportation, Public Safety Services Bureau and State Administrative Agency represented by Disaster and Emergency Services are committed to the successful integration of this project for the benefit of local, state, tribal and federal responders protecting the citizens of Montana and the nation. Federal representatives are included in key committees and as non-voting representatives.

A solid foundation is important to any process. The State Interoperable Executive Committee, known as the SIEC, and Interoperability Montana Project Directors (IMPD) developed and endorsed the 'Definition of Interoperability' and 'Technical Standards' that are included in your handout. These defining elements ensure that the project has clear direction and a base for growth and deployment, improving the level of operability and interoperability and ensuring grant funding is well spent.

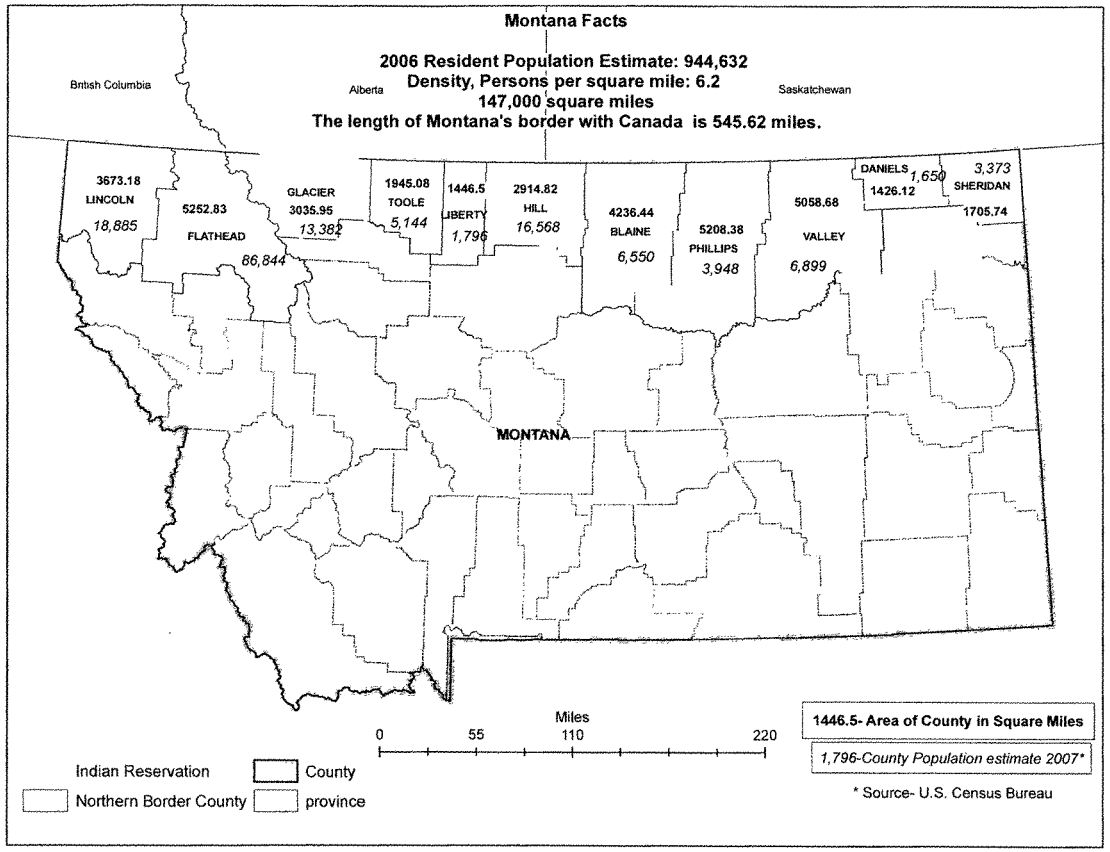
As defined by the State of Montana CIO, Montana has interest from an interoperable communication and information management standpoint locally, statewide, with our neighboring states and internationally with the three Provinces of Canada in which we share a 550 mile border. Montana continues to cooperate and plan with North Dakota, South Dakota, Wyoming and Idaho on emergency communication issues. In addition, along with the United States Attorney's office, Montana created the Western Border Interoperable Working Group, an organization of local, State of Montana, Alberta, Saskatchewan, and British Columbia, and the State continues to be a leader in border communication issues.

Montana's coordination and cooperation with Federal agencies continues to be a priority. The ultimate goal is one seamless communication system that serves local, tribal, state and federal needs while being more cost effective for all involved. Montana is the first state to sign a cooperative Memorandum of Understanding with the Department of

Interior, which includes communication site and resource sharing. Under the leadership DOI representative Christopher Lewis, the department is making plans to use the Interoperability Montana system full time as it is built out. This will create the optimum degree of interface between DOI and local, tribal and state responders. It is the goal of Montana and the IM project to develop similar relationships with other Federal agencies. The FBI is cooperating with the IM project for joint system use and development to assist them in completing their mission.

Much work needs to be done in this area, but conversations continue with Customs and Border Protection and other federal agencies on better ways to cooperate and work together. In 2007, Montana's eleven border counties cooperated and submitted Operation Stonegarden grant requests through Customs and Border Protection. This included operational and communication elements. Customs and Border Protection was extremely helpful throughout the process and Montana will work to facilitate additional cooperation in the future.

Interoperability Montana, supported in part by Homeland Security funding, is crucial to improving public safety communications for border security and disaster response. As demonstrated in the maps you have in front of you, the system has come a long way and has great potential to impact local, tribal, state and federal emergency communications in the future.


Montana Facts
2006 Resident Population Estimate: 944,632
Density, Persons per square mile: 6.2
147,000 square miles
The length of Montana's border with Canada is 545.62 miles.
British Columbia
Alberta
Saskatchewan
3673.18
LINCOLN
18,885
5252.83
FLATHEAD
86,844
GLACIER
3035.95
13,382
1945.08
TOOLE
5,144
1446.5
LIBERTY
1,796
2914.82
HILL
16,568
4236.44
BLAINE
6,550
5208.38
PHILLIPS
3,948
5058.68
VALLEY
6,899
DANIELS
1,650
1426.12
3,373
SHERIDAN
1705.74
MONTANA
Miles
0
55
110
220
1446.5- Area of County in Square Miles
1,796-County Population estimate 2007*
* Source- U.S. Census Bureau
Indian Reservation
County
Northern Border County
province

STATE OF MONTANA
Department of Administration
INFORMATION TECHNOLOGY SERVICES DIVISION

Brian Schweitzer
Governor

SIEC

Land Mobile Radio Deployment for Public Safety

Definition Statement:

Interoperability refers to the ability of public safety emergency responders to work seamlessly with other systems or products without any special effort. Wireless communications interoperability specifically refers to the ability of public safety officials to share information via voice and data signals on demand, in real time and when needed.

Technical Requirement

The technology needed to meet the Interoperability Definition is that public safety radio communications in Montana will be a standards-based shared system of systems. The radio system will be a wide area system for use by public safety responders.

Through the deployment of a migration plan that identifies the steps and process for each participating agency, the system will combine P25 trunked and P25 digital / analog conventional technologies to provide interoperable communications among P25 narrowband digital trunked and existing conventional users. All equipment must be compatible and seamlessly integrate with infrastructure equipment deployed in CDP 1 - Southwest Interoperability Project and CDP2 - Northern Tier Interoperability Project. It will operate narrowband in the VHF frequency range and will use a protected high-capacity digital microwave backbone for voice and data interconnect traffic.

The system will provide advanced channel management for the shared use of frequencies, seamless roaming throughout the respective trunked areas (footprint) and enhanced responder safety through embedded signaling, while at the same time enhancing interoperable communication with existing legacy VHF radios. At a lower level of interoperability, the current mutual aid channels will be maintained and available for use.

While all agencies recognize the optimum goal of a trunked system, they will need to migrate to trunking in a step/phased approach. With this ultimate goal, however, all agencies will purchase equipment that is trunking capable or upgradeable to trunking. Progression through these steps will vary in a given time based on operational needs, and ultimately funding available.

This approach will allow public safety responders in Montana to exchange voice and data communications on demand, in real time during emergencies and disasters.

Room 229, Mitchell Building 125 North Roberts PO Box 200113
Helena, Montana 59620-0113
406 444 2700 Fax 406 444 2701

Terms

STANDARDS-BASED
Different community systems operating on the same technology, shared infrastructure with users working on both their own system and shared network; useful in all scales; wide area, seamless coverage is economical due to shared costs.

SHARED SYSTEM OF SYSTEMS
A large widespread collection or network of systems using the same technology functioning together to achieve a common purpose.

WIDE AREA SYSTEM
System that spans a relatively large geographical area, and are often connected through microwave technology. They can also be connected through land lines or satellites.

P25
Project 25 (P25) is a set of standards produced through the joint efforts of the Association of Public Safety Communications Officials International (APCO), the National Association of State Telecommunications Directors (NASTD), selected federal agencies and the National Communications System (NCS), and standardized under the Telecommunications Industry Association (TIA). P25 is an open architecture, user driven suite of system standards that define digital radio communications system architectures capable of serving the needs of Public Safety and Government organizations. The P25 suite of standards involves digital Land Mobile Radio (LMR) services for local, state/provincial and national (federal) public safety organizations and agencies. P25 open system standards define the interfaces, operation and capabilities of any P25 compliant radio system. In other words, a P25 radio is any radio that conforms to the P25 standard in the way it functions or operates. P25 compliant radios can communicate in analog mode with legacy radios and in either digital or analog mode with other P25 radios. The P25 standard exists in the public domain, allowing any manufacturer to produce a P25 compatible radio product.

TRUNKED
A computer controlled communications system, which allocates communication channels for a call (either voice or data) from a "common pool" of available channels, and at the end of that call, returns them to the same "pool" to be reallocated for another call. The controller in the infrastructure, which assigns calls to specific channels, characterizes a trunked system.

ANALOG
Analog radios process sounds into patterns of electrical signals that resemble sound waves.

CONVENTIONAL
A conventional system is characterized by relatively simple geographically fixed infrastructure (such as a repeater network) that serves to repeat radio calls from one frequency to another.

INTEROPERABLE COMMUNICATIONS
Interoperability refers to the ability of public safety emergency responders to work seamlessly with other systems or products without any special effort. Wireless communications interoperability specifically refers to the ability of public safety officials to share information via voice and data signals on demand, in real time and when needed. For example, when communications systems are interoperable, police and firefighters responding to a routine incident can talk to each other to coordinate efforts. Communications interoperability also makes it possible for public safety agencies responding to catastrophic accidents or disasters to work effectively together. Finally, it allows public safety personnel to maximize resources in planning for major predictable events such as the Super Bowl or an inauguration, or for disaster relief and recovery efforts.

NARROWBAND
Narrowband (*narrow bandwidth*) refers to a signal that occupies only a small amount of space on the radio spectrum -- the opposite of broadband or wideband. Narrowband - half (12.5 kHz) or quarter (6.25 kHz) channel bandwidth as it relates to the new FCC refarming frequency channel plan.

Note: The FCC created a new narrowband channel plan in private land mobile radio (PLMR) bands below 512 MHz and adopted a transition schedule based on the product type acceptance process. Through various means and proposed rule

making, the FCC is encouraging users to migrate to narrower channels. 25 kHz of spectrum will be reclaimed for two new 12.5 kHz users or four 6.25 kHz users. The FCC is performing audits of license holders. A lack of response or action by a 25 kHz license-holder may result in a frequency being reclaimed. The FCC's goal is to make additional frequencies available by requiring users to operate more efficiently in reduced bandwidth.

DIGITAL
Any type of information that can be output, transmitted and interpreted as individual bits of binary information, using electrical or electromagnetic signals that can be modulated to convey their specific content.

VHF FREQUENCY RANGE
The part of the radio spectrum from 30 to 300 megahertz, which includes TV channels 2-13, the FM broadcast band, and some marine, aviation and land mobile services.

DIGITAL MICROWAVE
A microwave transmission system that transfers digital information through the modulation of a microwave carrier signal. The type of modulation used may be amplitude, frequency or phase shift, but the digital signal is used as the source of modulation information.

CHANNEL MANAGEMENT
Formal process utilized to manage the creation, staffing, and tasking of channels.

ROAMING
Roaming is the capability to move from one repeater area to another repeater area and obtain service.

EMBEDDED SIGNALING
A method of sending text or commands over the digital radio system using the existing digital stream without interfering with the voice traffic. Usually done by utilizing the "control channel" of a trunked radio system. Examples include: Emergency button, unit identification, vehicle location, test messaging, unit inhibit and call alert.

LEGACY
Legacy System -A communication system or network that satisfies specific business needs using technology or equipment that has become obsolete or is incompatible with new industry standards. To extend the life of existing investments in legacy systems, new technologies or systems are often designed to communicate with legacy systems.

MUTUAL AID CHANNELS
Frequencies established to provide a common radio frequency to be used statewide by state and local public safety agencies during periods of man-made or natural disasters and other emergencies where interagency coordination is required.

Field Hearing July 2, 2008
Northern Border
Sen. Testers Office,
Havre, Montana
Testimony for Blackfeet Homeland Security
By: Robert DesRosier, Director

Good Morning:

My name is Robert DesRosier, I am employed by the Blackfeet Nation in Browning Montana; I currently serve as Director for the Blackfeet Homeland Security Program and the Disaster and Emergency Services Program. I also manage the Tribal Utilities program with five small community drinking water and wastewater systems throughout the Reservation.

The 1.5 million acre Blackfeet Nation is located in Northwestern Montana, The Reservation's northern border is very remote and wild. It is situated along the International Border with Canada for a geographical distance of approximately 65 miles, which is one-tenth of Montana's Northern border. Many times throughout and along our Northern Border there have been crossings of a person or persons illegally entering into the United States through Blackfeet Nation lands. Most recently, vehicle tracks were spotted in an area just west of the Del Bonita Port of Entry. Three vehicles approached the border from the North, pulled up the fence post in the fence, laying down the wire, and the vehicles drove over the border and continued south into the United States. The tracks revealed that the vehicles were traveling together, and were compatible with a full size vehicle; either three SUV's or full sized pickups. In the Chief Mountain area foot and vehicle traffic has increased this past year as revealed by evidence left behind in the form of tracks. Off-road vehicles have crossed the border repeatedly in the Lee Creek Drainage North of Chief Mountain. There are many places along the Northern Border in the Blackfeet Reservation where illegal Border crossings have taken place. In If you go down to your local map store and purchase a topographical map of the Blackfeet Reservation you will find that there are approximately nine roads that access the northern border, five of those show sign of recent crossings. It is foolish if we think our northern border is secure today. We have much to do.

The local communities have the most interest and knowledge to control the areas of concern as relating to crime and Border related issues. Ideas from Washington DC do not usually fit the objectives of the local area. Our input, the native community, is of the utmost importance when dealing with topics that have an impact on tribal lands and the entire United States. We must work to fund and train local tribal law enforcement for methods of deterrent and investigative procedures to deter crime, most importantly, border crime. The local Native American law enforcement officer has the integrity, courage, scout and warrior skills necessary for the protection of his homeland and his people. The ancestral values, field crafts, tracking, sign cutting, survival skills, and mental conditioning provide qualities for good field detectives. The Native American can travel across wild country using many methods and possess the natural skills to survive and handle whatever comes their way.

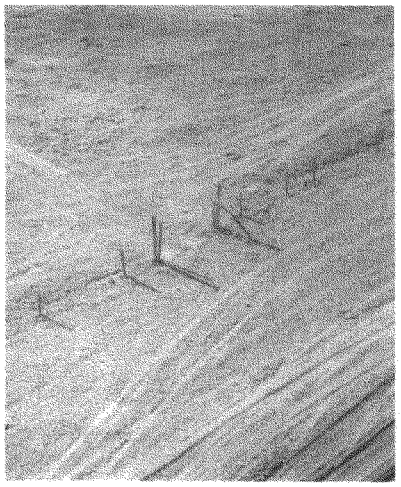
Indian Nations, most importantly, must stand up and participate in the fight in our nation's war against terror; The Blackfeet are known as true Americans eager to stand against our enemies. Local Tribal members have an outstanding record of producing qualified professionals who, with out a doubt, would lay down their lives for defense of this great nation. Currently there are over 120 men and women from our local Indian community actively participating with our armed forces in the war on terror.

The Blackfeet Tribal Program consists of two officers, Keith Lame Bear and I. We work in the area of Law Enforcement with our primary focus on Homeland Security/Border issues. Our program is unfunded, Salaries comes from other unrelated sources within Tribal Government. Our participation along the Border is in the form of a Memorandum of Agreement with the Army Air National Guard for aircraft support for surveillance and reconnaissance missions. Flights usually are three times a month, lasting for about two hours. Our ground patrols have been scaled back to about four times a month. Contact with the border on the average is about six to eight times a month. Observation points have been identified at various locations for ground surveillance in some areas. Local intelligence reveals that there is a local tribal member offering guide services for undetected border crossings for an individual fee of $1500. Our program also includes patrols in areas of critical infrastructure, such as the three large dams on the reservations headwaters. Patrol vehicles and necessary equipment is in the form of donations or transferred surplus from the BIA and GSA. Adequate two-way radio and cell phone equipment is non-existent.

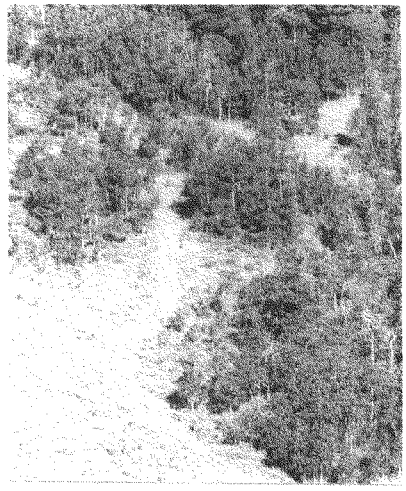
Never before in the history of this great nation has the topic of Homeland Security become most important for us and our future generation's survival as a free and democratic society for all to enjoy. Threats to the United States come from all directions as well as from within. Terrorists, both foreign and domestic, continually desire to destroy the fabric that this country was founded on and the freedoms that we as Americans stand for and symbolize.

The Blackfeet Nation remains firm as a sovern nation and as front line security forces committed to participation in the defense of the United States here in our homeland. We must continue to wage the International war on terrorism and work hard to deter all homeland threats. Complacency must not be allowed to become our enemy, our continued vigilance will ensure lasting success in our Nations war. We are in need of adequate funding for our proposed nine personnel security forces. The Blackfeet Homeland Security Forces will become a recognizable, professional, and competent police force that will address the many complex potential attacks against our citizens.

Thank you, it has been my pleasure for the opportunity to offer this testimony here on this great day in the history of this Nation.

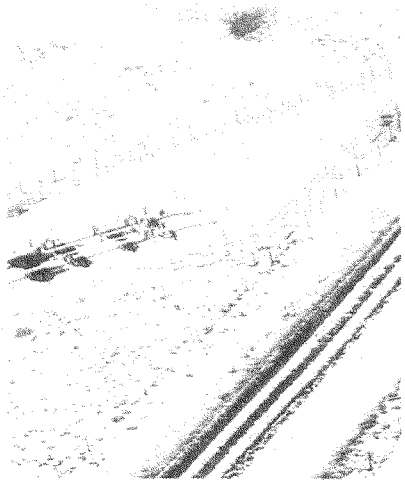


Border crosssing on Blackfeet Reservation



Chief Mountain area illegal crossing

International Border/Blackfeet Reservation



Alberta / Montana Gas Main crossing Border

Toole County

Donna Matoon
** Sheriff **

Mike Lamey
** Undersheriff **

Office of the Sheriff

235 Deer Lodge / P.O. Box 550
Shelby, Montana 59474
(406) 434-5585
Fax: (406) 434-7265

Kevin Gates
Chief Deputy

Deb Skartved
** Civil Dept. **

Statement of Sheriff Donna Matoon
Toole County Sheriff's Office, Shelby Montana
Field Hearing, Havre Montana
"Securing the Northern Border: Views from the Front Lines"

I would like to thank the Committee on Homeland Security and Governmental Affairs for the opportunity to speak at this hearing.

Toole County is located in Central Montana with approximately fifty miles of Canadian border front. This encompasses the Port of Sweetgrass, which is located on I-15, a major transportation departure and entrance route between the U.S. and Canada. Due to our unique geographic location, Toole County has a tremendous transit population.

Because of this, our agency has had a long standing relationship with the U.S. Border Patrol, Customs, and Immigration Service who have been more recently combined into the Department of Homeland Security.

When I began in Law Enforcement over twenty five years ago, the U.S. Border Patrol had only seven agents stationed in our county. Many of these old time Border Patrol came to be my close friends and mentors. Many of which I still have contact with today. We would stop into each others office on a daily basis. We communicated while on patrol and watched each others backs like we were a part of the same agency. Often times, the only assistance in the area that could arrive to help you in a timely manner were these federal officers.

The Port of Sweetgrass was a small operation with fewer than twenty employees. Many of these people were lifetime Toole County residents and local law enforcement had close personal relationships with many of them.

Since 9/11 and the federal governments mandate to secure the homeland, we have seen unprecedented growth in the Department of Homeland Security in Toole County. Dozens of new Border Patrol agents have moved into the area and the new U.S./Canadian combined port facility has been constructed at Sweetgrass. The number of federal employees protecting our border in Toole County has increased ten fold. Tremendous amounts of new technology and capabilities such as gamma ray x-ray machines, ground sensors and air patrol have come to our area.

Recently members of the Border Patrol assisted members of our local emergency services and deputies in rescuing a hiker who was having a medical emergency in a remote and rugged area along the border. In large part, due to the actions of these federal employees, this hiker was saved and was transported by helicopter to a medical facility. On any given week, deputies from our agency assist federal authorities in apprehending port runners, border jumpers and locating undocumented foreign nationals. We have participated in the Border Patrols "Operation Stonegarden" where local law enforcement is used as a force multiplier for federal authorities along the border.

With all this said, the changes that have occurred are not without some negative consequences. The introduction of so many new federal employees into our area has forever changed the small town closeness and camaraderie between the federal agencies and local law enforcement. The daily meetings and informal information sharing that comes with close personal relationships have been replaced by quarterly intelligence meetings and senate committees. As new federal employees are constantly rotating in and out of our area, it is sometimes difficult to even put a face to the name you are dealing with. Communications have become a problematic issue where federal authorities now operate on secure digital radio frequencies and car to car or officer to officer communications are not possible. Any communication between agents in the field and local law enforcement requires a telephone call relay to sector headquarters in Havre from our dispatch center in Shelby. This is slow, inaccurate and unwieldy.

In years past, when a sheriff's deputy overheard a border patrol officer check out with a suspicious person in the area, the deputy would make a point to head in that direction to provide back-up and assistance as needed. Border Patrol officers did the same for our deputies. Due to the communications issues, that level of assistance is no longer possible.

Because of difficulties in filling federal positions in this rural and isolated area, our agency finds itself in direct competition with the federal government when the time comes to recruit qualified staff from the local job pool. Recently at a combined charity fund raiser with federal officers, I found myself in the unique position of handing out t-shirts with a large advertisement attempting to recruit Border Patrol officers on the back. This while my own agency was operating at 75% of my patrol capacity.

Please make no mistake, I am not begrudging anyone obtaining federal employment with wage and benefit packages that local governments have no hope of matching, but I do want this committee to be aware of the impact on our agency. Staffing shortfalls in our agency have a direct affect on our community at large. While the federal officers are protecting the border our deputies are protecting their children and family's throughout the county.

As time goes on it is my hope that new personal relationships can be forged, communications will improve and recruitment will not be as competitive in our area. For the last twenty five years I have worked with the exceptional men and women of the various federal law enforcement agencies that operate in our area. We are glad to have these good people and their families move into our area, enriching our communities and protecting this nation. I look forward to many years of cooperation and interaction with our federal partners.

Joint Statement
of
Brenna Neinast
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Havre Sector
U.S. Border Patrol
U.S. Customs and Border Protection
Department of Homeland Security

and

Michele James
Director of Field Operations
Seattle Field Office
Office of Field Operations
U.S. Customs and Border Protection

Before
The Senate Homeland Security and Governmental Affairs Committee
Regarding
"Northern Border Security"

July 2, 2008

Good morning Senator Tester, we are pleased to be here today to discuss how the Department of Homeland Security (DHS), particularly U.S. Customs and Border Protection (CBP), is building a more secure and efficient border, while continuing to facilitate the flow of legitimate trade and travel.

We would like to begin by expressing our thanks to the men and women of CBP who work on the front lines every day, protecting this Nation. Since its creation in 2003, CBP has made significant progress in effectively securing our borders and protecting our country against terrorist threats. Sometimes, we forget to recognize the efforts of these officers and agents on the frontlines and everything they have accomplished.

The creation of CBP, which established a single, unified border agency for the United States, is a profound achievement, and our responsibilities are immense and challenging. CBP is

responsible for protecting more than 5,000 miles of border with Canada and 1,900 miles of border with Mexico, and operating 326 ports of entry. Each day, CBP inspects more than 1.1 million travelers, including 304,000 cars and over 82,000 shipments of goods approved for entry; processes more than 70,000 truck, rail and sea containers; collects more than $88 million in fees, duties, and tariffs; seizes more than 7,300 pounds in illegal narcotics at and between the ports of entry; and seizes nearly 4,300 prohibited meat and plant items at ports of entry. CBP also intercepts over 80 fraudulent documents a day and refuses entry to almost 850 inadmissible aliens at the ports of entry and apprehends 395 criminal aliens between the ports of entry. Each day we deploy 1,173 canine enforcement teams, 10,029 vehicles, 270 aircraft, 180 watercraft, and 188 equestrian patrols.

CBP is keenly aware of its responsibility to remain ever vigilant in protecting the homeland. We understand that the threat is ever present and the risks ever changing. For this reason, we continually seek better and smarter means to ensure the security of our border, by enhancing all areas of our operations including technology, document security, infrastructure, inspectional processes, workforce, and training of our officers and agents.

From a strategic and operational standpoint, CBP has significantly increased our ability to execute our anti-terrorism and traditional missions at our Nation's borders more effectively than ever before, thereby enhancing the security of the United States, its citizens, and the economy. For example, the Secure Border Initiative (SBI) is a broad, multi-year program which integrates the correct mix of increased staffing, greater investment in detection technology and infrastructure, and enhanced coordination. We continue to perform our traditional missions, including apprehending individuals attempting to enter the United States illegally; stemming the flow of illegal drugs and other contraband; protecting our agricultural and economic interests

from harmful pests and diseases; protecting American businesses from theft of their intellectual property; regulating and facilitating international trade; collecting import duties; and enforcing United States trade laws, all while executing our crucial mission of preventing terrorists and terrorist weapons from entering the United States.

We are here before you today to discuss how CBP is creating a more secure border—executing our priority mission of preventing the entry of terrorists and terrorist weapons—while efficiently balancing facilitation of legitimate trade and travel. We will outline for you today CBP's advancements over the past four years, and the challenges we face everyday.

U.S. Border Patrol

The U.S. Border Patrol is charged with the protection of the border between established ports of entry and is guided by its National Strategy, which seeks nothing less than effective control of the Border. With the proper mix of manpower, infrastructure, and technology, the Border Patrol is dedicated to achieving this goal.

The National Strategy consists of five objectives: establish substantial probability of apprehending terrorists attempting to illegally enter between ports of entry; deter illegal entries through improved enforcement; detect, apprehend, and deter smugglers of humans, drugs and other contraband; leverage "Smart Border" technology to multiply the effect of enforcement personnel; and reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas.

In the past, agents had to rely on skills such as tracking and sign cutting, the ancient art of following footprints to locate people who had surreptitiously and illegally entered the United States. Over time the Border Patrol continued to hone these skills and incorporated new methodologies to aid them in their charge. Support from CBP Air and Marine assets and

personnel has been and continues to be essential to its mission. The Border Patrol depends on a 'defense in depth' posture. Agents are forward-deployed to the border, actively patrolling and deterring cross-border activity. They also engage in targeted, intelligence-driven enforcement operations at primary and secondary transit nodes, such as bus stations, ferry terminals, and train stations, performing immigration checks. Additionally, immigration checkpoints are operated along egress routes from the border area denying further entry into the country for those illegally in the United States.

From an initial force of only a few Patrol Inspectors in El Paso, Texas, the Border Patrol has grown to over 16,000 Border Patrol Agents, stationed along this Nation's southern, northern, and coastal borders. There are 20 Border Patrol Sectors nationwide and, along the northern border, there are eight Border Patrol sectors encompassing 12 states that stretch from the Pacific Ocean, across the Rocky Mountains, Great Plains, the Great Lakes, and to the Atlantic Ocean. Currently, there are nearly 1,200 agents on the northern border, a tremendous increase from 2001, where the northern border was staffed with only 340 Border Patrol agents. The current northern border staffing plan calls for 2,212 Border Patrol agents by the end of 2010.

The proper balance in the deployment of personnel, equipment, intelligence, support, technology, and infrastructure is critical. This increase in staffing will result in 24/7 operational capabilities at all northern border stations; 24/7 intelligence capabilities at all northern border sectors; expanded liaison and partnership capabilities with stakeholder law enforcement agents; and enhanced situation awareness on the northern border.

The Border Patrol continues to improve on the quality and caliber of our agents. The codified nature of our training and work ethic is essential and is a principle for our operations. Every agent - from upper management to the new agent on the line - has had or will have similar

experiences, leading to a unified workforce, nationwide. On face value, this may seem trivial; in reality, it is essential for the integrity of our organization. By having a workforce equally trained and similarly experienced, the Border Patrol will retain the necessary elements for National emergency call-outs and deployments. This was seen in the unified efforts with the deployment of Border Patrol agents to the relief efforts following the tornados in 2007, Hurricane Katrina in 2005, the terrorist attacks in 2001, the Olympic bombings in 1996, the Krome riots in the 1980s, and the civil unrest of the 1960s.

As part of our National Strategy, the Border Patrol embraces strategic partnerships and participation in collaborative enforcement initiatives that are intelligence-driven. A key component of our efforts on the northern border is partnership efforts among law enforcement entities. The Border Patrol conducts operations with support from military units provided by Joint Task Force – North (JTF-N); continues to pilot maritime technology projects incorporating ground-based radar and proof of concept multi-sensor systems; and continues to strengthen its liaison relationship with our Canadian partners through Project North Star and the Integrated Border Enforcement Teams (IBET). The Border Patrol has also evaluated the level of border security through the Border Security Evaluation Team, (BSET), to gather intelligence with state and local law enforcement agencies. The findings are used by the sectors to establish baseline security levels and assist in identifying resource requirements.

The Border Patrol has continued to strengthen its partnerships with Canadian law enforcement and intelligence officials, and with officials from other Federal, State, local, and tribal organizations by leveraging information and increasing communication and cooperation. The Border Patrol continues to advance its priority mission to the maximum extent possible by

responding to requests for assistance from other Federal, State, local and tribal law enforcement agencies away from the border.

The Border Patrol also recognizes that coordinated border enforcement management is not a unilateral approach and seizes the opportunity to advance its mission through strategic partnerships and coordinated enforcement operations. These partnerships form relationships that serve as valuable force multipliers, promote public safety and provide crucial sharing of information for the mutual benefit of future operations. The Border Patrol routinely responds to other agency calls for assistance and appreciates other law enforcement agency referrals when, during the course of their duties, suspected illegal aliens are encountered.

The Border Patrol has also taken measures to improve communication and data infrastructure to support sensor detection, identification, and response to cross-border incursions. Sensors and cameras are being tested that are appropriate to the terrain and inclement weather conditions faced on the northern border. Additional unattended ground sensors (UGS) will be deployed and existing UGS will be upgraded and strategically deployed along the northern border in fiscal year 2008. Three ground surveillance radars (GSR) will be deployed along the northern border, and improved mobile infra-red detection capability is being deployed to every northern border sector.

The Border Patrol uses a combination of efforts in performing its border security mission. The Border Patrol depends on a 'defense in depth' posture, utilizing agents in the field, interior immigration checkpoints, and coordinated enforcement operations, as well as partnerships with other federal and state law enforcement agencies. To date this strategy is working; the northern border has acquired and deployed a working mix of personnel, equipment, and technology, and

as a result has seen a reduction of apprehensions from 12,108 in fiscal year 2000 to 6,380 in 2007, a 47 percent decrease.

Office of Field Operations

CBP welcomes more than 400 million travelers into the United States annually. While security will always be CBP's primary mission – and key to maintaining travelers' confidence – we strive to make the process of entering the U.S. more streamlined, user-friendly and understandable.

Border security is the cornerstone of national security, and if we are to protect our homeland from those who mean us harm, we must use all the tools at our disposal. These tools include the use of smart technology and improved document security, which will make our ports more secure and our inspectional processes more robust and efficient.

DHS, in partnership with the Department of State (DOS), is working to secure our homeland by strengthening our ability to identify accurately all travelers – U.S. citizens and potential visitors alike – before they enter the United States. We are accomplishing this through instituting secure documentation requirements for entry into the United States. Our approach to implementing the Western Hemisphere Travel Initiative (WHTI), which implements both a statutory mandate and 9/11 Commission recommendation, will increase security while also facilitating trade and the flow of legitimate travelers.

Exploiting vulnerabilities to gain entry to our nation is critical for any terrorist to plan and carry out attacks on our homeland. As the 9/11 Commission's Final Report states, "For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents

great danger, because they must surface to pass through regulated channels to present themselves to border security officials, or attempt to circumvent inspection points."

Our layered security strategy involves identifying and interdicting terrorists as early as possible – if not before they enter our country, then at the port of entry. As populations increasingly mix and extremists recruit native-born youth and converts, travel documents become even more critical in identifying terrorists. Travel documents and travel patterns can provide our CBP officers at the border with terrorists indictors – sometimes the only advance indicator the government will receive.

DHS must be able to capitalize on our border inspection process. We must be able to verify the identity and citizenship of those who seek to enter the United States. Through its requirement that individuals carry secure documents, WHTI will greatly reduce the opportunities for fraud or misrepresentation of one's true identity. Advanced technology embedded in new travel documents, with the appropriate privacy protections and infrastructure, will allow DHS the ability, for the first time, to verify an individual's identity even before our officers begin to question them and to perform real-time queries against lookout databases. Full implementation of WHTI will allow CBP officers to focus even greater time and attention on each individual traveler.

Also, under the auspices of WHTI, new facilitative technology will be implemented to assist in the efficient flow of legitimate travel. CBP is in the process of installing infrastructure and technology required to read travel documents in vehicle primary lanes at land borders at the 39 highest-volume ports, which combined process 95 percent of travelers entering the United States through our land borders. This technology provides significant advantages for our officers, while providing a clear benefit for the traveler: Certain documents can be read as the

vehicle queues for inspection at the primary booth. In seconds, the system displays the traveler's biographic information, photo, and the results of checks against the terrorist watch list, National Crime Information Center (NCIC) database, and various law enforcement databases to the CBP Officers. This enables CBP to enforce more than 400 laws from 40 different federal agencies, without impeding traffic flow. The CBP Officer can look at the results quickly and focus on the individuals in the vehicle – better for officer safety and faster, more effective processing.

CBP has used facilitative technology successfully in operations along our land border with Canada and Mexico since 1995. Through our Trusted Traveler Programs, such as NEXUS, Secure Electronic Network for Traveler Rapid Inspection (SENTRI) and Free And Secure Trade (FAST), CBP Officers are able to expedite legitimate cross-border travel and trade. Membership in these programs currently exceeds 464,000, with 94,000 FAST participants, 168,000 SENTRI participants, and 202,000 NEXUS participants. The total land border Trusted Traveler crossings now exceed 9 percent, facilitating the inspection of a substantial number of travelers each day and allowing CBP officers to better focus on higher risk travelers. We expect to more than double the number of participants by the end of fiscal year 2009. CBP expects to open five additional NEXUS enrollment centers in Sweetgrass, Montana; International Falls, Minnesota; Niagara Falls and Alexandria Bay, New York; and Calais, Maine by the end of calendar year 2008. To increase traveler awareness of NEXUS, we are investing in mobile enrollment centers that will give us the flexibility to enroll travelers in remote parts of Alaska, Washington, Montana, and Minnesota.

For frequent crossers, the ability to use dedicated NEXUS or SENTRI lanes at the border for expedited processing is a very clear benefit sought by the traveling public—the processing time for border crossers presenting trusted traveler cards is often less than half that for other

travelers. This year, trusted traveler cards are being upgraded to make them WHTI-compliant and will include additional security features to make them more tamper-resistant. We are phasing in replacement of the cards; all SENTRI cards will be replaced by the fall, at which time replacement of NEXUS cards will begin. These documents will include upgraded vicinity Radio Frequency Identification (RFID) technology that will allow them to be verified electronically against secure DHS databases.

DHS has entered into memoranda of agreement with the states of Washington, Vermont, Arizona, and New York to develop and produce WHTI-compliant enhanced drivers license (EDL), which will be acceptable travel documents at all land and sea ports of entry. Traveler demand for the EDLs has exceeded expectations in Washington State. As of June 23, 2008, Washington State has issued more than 18,561 EDLs. The Canadian province of British Columbia began issuing EDLs to Canadian citizens in April of 2008, and we expect Ontario and Quebec to follow by the end of the year. We continue to work with the other states. CBP has had extensive talks with Montana regarding EDLs and will continue to work with the state to come up with a solution for all parties involved. We believe with the success of EDLs other states may also wish to produce the documents for the convenience and benefits they offer to their residents.

CBP has long recognized the need to improve our facilities and infrastructure to more effectively meet mission requirements. Modern facilities must address our dramatically changing border functions, increasing traffic volumes and staffing levels, and new and updated technologies and equipment. To that end, CBP has implemented a facility investment planning process, and capital improvement plan for land border ports of entry. This process ensures that facility and real property funding is allocated in a systematic and objective manner, and is prioritized by mission critical needs.

While CBP operates 163 land border facilities along the northern and southwest borders, CBP owns only 27 percent of these facilities. The U.S. General Services Administration (GSA) owns 58 percent, and leases the remaining 15 percent from private, state, or municipal entities. The average age of our facilities is 42-years-old and are in need of modernization or expansion, as they were not designed for our current operations. CBP has the vital mission of preventing terrorists and terrorist weapons from entering the United States, while continuing to facilitate the flow of legitimate trade and travel. These heightened responsibilities are stretching our physical resources beyond what they were designed to handle. The vast majority of these facilities were not built to incorporate all of the enhanced security features that are now present at our ports of entry, including Non-Intrusive Inspection technology (Radiation Portal Monitors, Vehicle and Cargo Inspection System, X-rays) and License Plate Readers.

Over $100 million has been appropriated for Fiscal Year 2008 for construction on the northern border, with specific portions allocated for ports of entry in Warroad, Minnesota; Derby Line, Vermont; Madawaska, Maine; and Alexandria Bay, New York.

Technologies deployed to our nation's sea, air, and land border ports of entry include non-intrusive imaging equipment, such as large-scale X-ray and gamma-imaging systems, as well as a variety of portable and hand-held technologies to include radiation detection technology. NII technologies play a key role in CBP's layered strategy and are viewed as force multipliers that enable us to screen or examine a larger portion of the stream of commercial traffic quickly, while facilitating the flow of legitimate trade, cargo, and passengers. An integral part of CBP's comprehensive strategy to combat nuclear and radiological terrorism is to scan all arriving sea containers with radiation detection equipment prior to release at domestic ports. Currently, CBP has 398 Radiation Portal Monitors (RPM) deployed at priority seaports in the

United States, through which approximately 98% of all arriving sea-borne containerized cargo passes. CBP is forecasting the deployment of 93 additional seaport RPMs by the end of FY 2009.

Additionally, we currently have 246 RPMs on the northern border, which provide CBP with the capability to scan 91 percent of truck cargo and 81 percent of personal owned vehicles (POVs) for illicit radiological/nuclear materials. CBP is also planning for the deployment of an additional 337 northern border RPMs. This will give CBP the capability to scan approximately 100 percent of truck cargo and 100 percent of personal vehicles for illicit radiological/nuclear materials with RPMs. CBP will also increase the southwest border RPM deployments (currently scanning 100 percent of all truck cargo and 95 percent of POVs). By the end of FY 2009, CBP plans to deploy 51 additional southwest border RPMs - providing CBP with the capability to scan approximately 100 percent of POVs.

Office of Air and Marine

CBP Air and Marine has developed a plan to increase security along the northern border through the accelerated start-up of operations at five air locations and eight marine locations. Since 2004, CBP Air and Marine has redeployed or purchased 28 aircraft and 16 interceptor class marine vessels for permanent assignment to the northern border. By late summer of 2008, Air and Marine will have established the following five air wings on the northern border: Bellingham, Washington; Plattsburgh, New York; Great Falls, Montana; Grand Forks, North Dakota and Detroit, Michigan. In addition, the North Dakota Air Branch in Grand Forks was chosen to provide a strategic, centrally-located air branch at the northern border that will have an expanded role with Unmanned Aircraft Systems (UAS) operations beginning this summer.

CBP Air and Marine has also expanded its presence in the lakes and waterways along the northern border. In 2004, the Bellingham Marine Unit was established and was later joined by the opening of the Buffalo and Detroit Marine Units in 2007. In 2008 & 2009, an additional six Marine Units will open in the Rochester, Erie, Sandusky, Port Huron, Ste Sault Marie, and Port Angeles areas. Each of these are to be staffed by Marine Interdiction Agents, deploying in fast, intercept vessels, capable of forcibly stopping non-compliant vessels attempting illegal entry into the United States.

The Air and Marine Operations Center (AMOC) in Riverside, CA monitors 450 DoD and FAA radar feeds from throughout the United States, including the northern border. The AMOC communicates directly with the Canadian National Operations Center and is working to increase our radar coverage along the northern border

CBP's expansion of air operations along the northern border will enhance cooperation between Canadian and American law enforcement organizations in their joint efforts to combat all illegal cross border activity. Additionally, CBP Air and Marine maintains a close working relationship with the Royal Canadian Mounted Police and has participated in a variety of joint operations.

Closing

CBP's frontline officers and agents will continue to protect America from the terrorist threat, while also accomplishing our traditional missions in immigration, customs, and agriculture, all while balancing our enforcement missions with the need to effectively facilitate the flow of legitimate trade and travel. There is not an easy solution when it comes to border security and each day, the men and women of CBP enforce our laws and protect the Nation with the utmost vigilance, honor and integrity. CBP will continue to explore new technologies and

reassess its operational needs to appropriately address the vulnerability gaps. The northern border is a dynamic and unique environment and CBP strives to meet the challenges of securing it today, as well as tomorrow.

We appreciate this opportunity to testify before you and would be happy to answer any questions that you may have.

TESTIMONY OF LOREN L. TIMMERMAN
PRESIDENT, NTEU CHAPTER 231
GREAT FALLS, MONTANA

ON

SECURING THE NORTHERN BORDER: VIEWS FROM THE FRONT LINES

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
U. S. SENATE
FIELD HEARING
HAVRE, MONTANA

JULY 2, 2008

1750 H Street, N.W. • Washington, D.C. 20006 • (202) 572-5500

Mr. Chairman and members of the Senate Homeland Security and Governmental Affairs Committee, I would like to thank you for the opportunity to testify before you today on border security issues at the northern border ports of entry that I represent. I am President of National Treasury Employees Union (NTEU) Chapter 231 headquartered in Great Falls, Montana. I have the honor of representing U.S. Customs and Border Protection (CBP) personnel including CBP Officers, CBP Agriculture Specialists, and CBP trade compliance specialists at 13 land ports of entry in Montana and Idaho and 4 air ports of entry in Kalispell and Butte, Montana, Salt Lake City, Utah, and Denver, Colorado; and the pre-clearance facilities at the airports in Calgary and Edmonton, Alberta, Canada. NTEU is the elected representative of 22,000 Customs and Border Protection (CBP) employees at the Department of Homeland Security.

I have been employed by the former U.S. Customs Service as a Customs inspector beginning in March 2002. I have served at the land port of Sweet Grass, Montana since 2002. In 2002, Congress passed the Homeland Security Act that created the Department of Homeland Security (DHS). DHS merged former immigration and customs inspectors, canine enforcement officers and agriculture specialists into the Bureau of Customs and Border Protection (CBP) on March 1, 2003. CBP was given the dual mission of not only safeguarding our nation's borders and ports from terrorist attacks, but also the mission of regulating and facilitating international trade and travel.

Each year, 45 million vehicles cross into the United States from Canada. At the Port of Sweet Grass, there are 550,000 passenger vehicles and 225,000 pedestrian crossings each year from Canada. And every day, more than 300 commercial vehicles cross the border at Sweet Grass. There are also two freight railroad crossings at Sweet Grass and Eastport.

All these facilities are staffed by CBP Officers and CBP Agriculture Specialists represented by NTEU. I do not have to tell this audience that there are severe staffing shortages on our northern border. For years, NTEU has been saying that CBP needs several thousand additional officers at its ports of entry; that insufficient staffing and scheduling abuses are contributing to morale problems, fatigue, and safety issues for CBP Officers and CBP Agriculture Specialists.

CHALLENGES AT THE NORTHERN BORDER PORTS OF ENTRY

The first challenge is the lack of resources and training to do our jobs effectively. In the past, there were three inspectors in secondary processing for every one inspector in primary processing. Now there is a one to one ratio. This has resulted in a dramatic reduction in the number of illegal cargo seizures. For example, at the Port of Sweet Grass, from 2000 through 2007, there has been a 59% reduction in the number of seizures of illegal drugs, hazardous imports and other contraband.

Before the merger, an inspector would check documents, query the traveler and send to secondary any vehicles or persons that needed additional vetting by an inspector. At secondary, a thorough document check or vehicle search would take place.

It is important to note that Ahmed Ressam, the millennium bomber, had a valid passport when he attempted to enter the U.S. from Canada by ferry at Port Angeles, Washington. It was years of experience that now-retired U.S. Customs agent Diana Dean, after brief questioning at primary, sent Ressam to secondary where the true purpose of his visit to the U.S. was discovered. Without adequate personnel at secondary, wait times back up and searches are not done to specifications. For example, a full search of one vehicle for counterfeit currency will take two officers on average a minimum of 45 minutes. Frequently, only one CBPO is available for this type of search and this type of search will then take well over an hour.

Technological advances are important, but without the training and experience, technology alone would have failed to stop the millennium bomber at Port Angeles. Today, primary processing is increasingly dependent on technology. CBPOs are instructed to clear vehicles within thirty seconds. That is just enough time to run the license through the plate reader and check identifications on a data base. If the documents are in order the vehicle is waived through. The majority of a CBPO's time is spent processing I-94s, documents non-resident aliens need to enter the U.S. At each shift change, it takes 5 minutes to sign on to these computers. During that sign-on time, so that lanes are not backed up at the booths, CBPOs are under extreme pressure to process visitors without technological support – in other words fly blind.

ONE FACE AT THE BORDER INITIATIVE

The Department of Homeland Security (DHS) brought together employees from three separate departments of government--Treasury, Justice and Agriculture--when it created US. Customs and Border Protection in March 2003. And on September 2, 2003, CBP announced the "One Face at the Border" initiative. This initiative was designed to eliminate the pre-9/11 separation of immigration, customs, and agriculture functions at US land, sea and air ports of entry. Inside CBP, two different inspector occupations--Customs Inspector and Immigration Inspector were combined into a single inspectional position--the CBP Officer.

The priority mission of the CBP Officer is to prevent terrorists and terrorist weapons from entering the U.S., while simultaneously facilitating legitimate trade and travel, as well as upholding the laws and performing the traditional missions of the three legacy agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS) and the Animal, Plant and Health Inspection Service. Even though Agriculture Specialists were not melded into CBP Officer position description, their agriculture quality inspection duties were significantly affected by the merger.

In practice, the major reorganization of the roles and responsibilities of the inspectional workforce as a result of the One Face at the Border initiative has resulted in the dilution of the customs, immigration and agriculture inspection specializations and in weakening the quality of passenger and cargo inspections.

According to CBP, "there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train frontline officers will allow CBP to more easily handle projected workload

increases and stay within present budgeted levels." (See CBP's "One Face at the Border" Questions and Answers dated 9/15/03.)

This has not been the case. The knowledge and skills required to perform the expanded inspectional tasks under the One Face at the Border initiative, along with staffing shortages at the ports, have increased the workload of the CBP Officer and the CBP Agriculture Specialist.

As a consequence of the One Face at the Border policy and CBP staffing shortages, an egregious and dangerous situation occurs regularly at the ports that I represent. Unarmed CBP Agriculture Specialists are regularly assigned to partner with an armed CBP Officer operating the VACIS lanes. In the past, VACIS lanes were staffed by two armed CBP Officers. It is not the mission of CBP Agriculture Specialists to staff VACIS lanes and because they are unarmed, both CBP Officers and CBP Agriculture Specialists are unnecessarily put in a dangerous situation.

GAO REPORT

In 2006, Congress requested that the Government Accountability Office (GAO) evaluate the One Face at the Border initiative and its impact on legacy customs, immigration and agricultural inspection and workload. GAO conducted its audit from August 2006 through September 2007 and issued its public report, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry (GAO-08-219), on November 5, 2007. The conclusions of this report echo what NTEU has been saying for years:

- CBP needs several thousand additional CBP Officers and Agriculture Specialists at its ports of entry.
- Not having sufficient staff contributes to morale problems, fatigue, and safety issues for CBP Officers.
- Staffing challenges force ports to choose between port operations and providing training.
- CBP's onboard staffing level is below budgeted levels, partly due to high attrition, with ports of entry losing officers faster than they can hire replacements.
- One reason for high attrition is that CBP Officers leave to take positions in other federal agencies with law enforcement officer retirement not provided to them at CBP. (Congress enacted legislation to grant CBP Officers this benefit beginning July 2008.)

There are also a large number of CBP Officer vacancies in Chapter 231 and throughout the U.S. and the ratio of CBP supervisors to staff has increased dramatically. In the 1990s, the goal was one supervisor to every 15 inspectors. Today at Sweet Grass, there is one supervisor for every 6 CBP Officers. This ratio puts increased scheduling pressure on rank and file frontline officers.

Land Ports of Entry:

Most travelers enter the U.S. through the nation's 166 land border ports of entry (13 in Montana and Idaho). About two-thirds of travelers are foreign nationals and about one-third are returning U.S. citizens. The vast majority arrive by vehicle. The purpose of the primary inspection process is to determine if the person is a U.S. citizen or alien, and if alien, whether the alien is entitled to enter the U.S. In general, CBP Officers are to question travelers about their nationality and purpose of their visit, whether they have anything to declare, and review any travel documents the traveler may be required to present.

At the land ports, primary inspections are expected to be conducted in less than one minute. Travelers routinely spend about 45 seconds at Montana crossings during which CBP Officers have to assess documents and oral claims of citizenship.

Currently, there are thousands of documents that travelers present to CBP Officers when attempting to enter the United States, creating a tremendous potential for fraud. In addition, it takes several minutes for CBP Officers to perform shift changes at the land ports of entry. The delay is primarily due to restarting the inspection booth computer with a new operator. This situation is exacerbated by random computer generated operations and enforcement referrals to secondary inspection areas. Rebooting the computer by the new CBP Officer takes on average three to five minutes. Lines back up during shift changes and CBP Officers are under pressure by managers to clear these lanes quickly.

Air Ports of Entry:

At the airports, CBP Officers are expected to clear international passengers within 45 minutes. Prior to 9/11, there was a law on the books requiring INS to process incoming international passengers within 45 minutes. The Enhanced Border Security and Visa Protection Act of 2002 repealed the 45 minute standard, however, it added a provision specifying that staffing levels estimated by CBP in workforce models be based upon the goal of providing immigration services within 45 minutes. According to GAO, "the number of CBP staff available to perform primary inspections is also a primary factor that affects wait times at airports." (See GAO-05-663, page 12.) Recently, the U.S. Travel and Tourism industry has called for a further reduction in passenger clearance time to 30 minutes.

Staffing shortages have also diminished the quality of secondary inspections. In the past, there were two or more inspectors in secondary processing for every one inspector in primary processing. Now there is a one to one ratio. Before the merger, an inspector would check documents, query the traveler and send to secondary any vehicles or persons that needed additional vetting by an inspector. At secondary, a thorough document check or vehicle search would take place. Without adequate personnel at secondary, wait times increase and searches are not done to specifications and officer safety is jeopardized. At the Salt Lake City Airport, for example, only one CBP Officer is assigned to secondary inspection and is totally alone without even a second officer within viewing site of the secondary inspection room.

IMPACT OF STAFFING SHORTAGES

According to GAO, "At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support and safety issues when officers inspect travelers--increasing the potential that terrorists, inadmissible travelers and illicit goods could enter the country." (See GAO-08-2 19, page 7.)

"Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue...officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports." (See GAO-08-219, page 33.)

There are also continuing efforts to limit overtime at the ports of entry represented by Chapter 231. At times, there are only three CBP Officers working passenger operations. Our lobby at Sweet Grass and other ports will have 20 to 30 people waiting on one or two officers to process a simple document that should only take minutes.

Also, overtime has been eliminated for canine duties. Dogs work regular time only. Canine handlers do fill in for overtime duty but without their dogs. There are some shifts and sometimes whole days where there are no drug or bomb dog teams working. At the land ports of Montana and Idaho, there is the barest minimum of canine coverage and these ports are only serviced by a drug dog. There are no bomb dogs or agriculture dogs servicing these land ports.

ADDRESSING STAFFING SHORTAGES

In order to assess CBP Officer staffing needs, Congress, in its FY 07 DHS appropriations conference report, directed CBP to submit by January 23, 2007 a resource allocation model for current and future year staffing requirements.

In July 2007, CBP provided GAO with the results of the staffing model. "The model's results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry." (See GAO-08-219, page 31.)

I am not privy to the actual number of CBP Officers on staff today or the optimal staffing number as stated in CBP's own Staffing Allocation Model for the ports of entry represented by Chapter 231 because CBP has deemed this information to be "law enforcement sensitive."

According to GAO, with the merger of the three agencies' inspection forces, there are now approximately 18,000 CBP Officers currently employed by CBP. NTEU believes that at least 22,000 CBP Officers would be needed to have a robust and fully staffed force at our ports of entry. I urge the Committee to review CBP's Staffing Allocation Model for the optimal staffing numbers for all 327 ports of entry and to authorize the hiring necessary for CBP to achieve this level of staffing.

The President's FY 2009 budget proposal funds an additional 2200 Border Patrol agent new hires. But, for salaries and expenses for Border Security, Inspection and Trade Facilitation at the 327 ports of entry, the President's funding request is woefully inadequate, adding only 539 CBP Officer new hires. NTEU is grateful that the House Appropriations Committee included funding for a net increase of 850 CBP Officers at the land ports, 173 CBP Officers at the air ports of entry and 100 additional CBP Agriculture Specialists in its FY 2009 DHS Appropriations bill. The Senate Appropriations Committee included 143 additional CBP Officer, but no CBP Agriculture Specialists new hires in the Senate FY 2009 Appropriations bill.

NTEU believes that if the Chapter 231 ports of entry were staffed at the number stated in CBP's own Staffing Allocation Model, all lanes at all port crossings could be opened to capacity, while managing for contingencies, as well as allowing CBP Officers' time for mandated training.

CBP Agriculture Specialists:

NTEU was certified as the labor union representative of CBP Agriculture Specialists in May 2007 as the result of an election to represent all CBP employees, other than Border Patrol agents, that had been consolidated into one bargaining unit by merging the port of entry inspection functions of Customs, INS and the Animal, Plant and Health Inspection Service as part of DHS' One Face at the Border initiative.

According to GAO (GAO-08-219, page 31), CBP's staffing model "showed that CBP would need up to several thousand additional CBP Officers and agriculture specialists at its ports of entry." And GAO testimony issued on October 3, 2007 stated that, "as of mid-August 2007, CBP had 2,116 agriculture specialists on staff, compared with 3,154 specialists needed, according to staffing model." (See GAO-08-96T page 1.) NTEU recommends that CBP hire additional CBP Agriculture Specialists to comply with its own staffing model.

In addition, NTEU recommends that CBP Agriculture Specialists have access to voluntary overtime opportunities to the same extent as CBP Officers. Agriculture Specialists did not have an overtime cap before joining CBP. Many now say they are not given adequate voluntary overtime opportunities.

At the Montana and Idaho ports, CBP Agriculture Specialists report that the amount of agriculture quality inspections have been reduced as well as interceptions, while their non-agriculture duties have been greatly expanded NTEU also recommends that Congress, through oversight and statutory language, make clear that the agricultural inspection mission is a priority and require DHS to report to them on how it is following U.S. Department of Agriculture

procedures on agriculture inspections. The report should include wait times for clearing agricultural products and what measures could be implemented to shorten those wait times.

TRAINING AND INFRASTRUCTURE ISSUES

The Homeland Security Appropriations Committee added report language to the FY 2007 DHS Appropriations bill that, with regard to CBP's One Face at the Border initiative, directs "CBP to ensure that all personnel assigned to primary and secondary inspection duties at ports of entry have received adequate training in all relevant inspection functions." It is my understanding that CBP has not reported to DHS Appropriators pursuant to this language, but NTEU's CBP members have told us that CBP Officer cross-training and on-the-job training is woefully inadequate. In addition, staffing shortages force managers to choose between performing port operations and providing training. In these instances, it is training that is sacrificed.

GAO reports extensively in GAO-08-219, pages 35-41, on the shortcomings with CBP's on-the-job and cross training programs and I urge you to review this information. I also urge you to review NTEU testimony on CBP training issues delivered before the House Homeland Security Subcommittee on Management, Integration and Oversight on June 19, 2007. In Montana, according to NTEU members, there are no meaningful training programs--CBP Officers are regularly told to complete two-hour training courses in 30 minutes.

There are also several infrastructure problems faced by CBP employees operating at the land ports of Montana and Idaho. There is a significant lack of housing for CBP Officers and CBP Agriculture Specialists assigned to the Port of Sweet Grass. In addition, Chapter 231 CBP personnel travel many miles on hazardous roads to get to their duty ports and now must pay much more in commuting expenses because of the rise in gasoline prices.

A health concern has recently come to my attention due to inadequate infrastructure. At the Port of Peigan facility, there has been excessive mold growth due to basement flooding.

RECRUITMENT AND RETENTION ISSUES

Job Satisfaction, Leadership and Workplace Performance Survey:

In February of 2007, DHS received the lowest scores of any federal agency on a survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management. Widespread dissatisfaction with DHS management and leadership creates a morale problem that affects recruitment and retention and the ability of the agency to accomplish its mission. These results were repeated in a DHS employee survey that the agency released in April of this year.

Work Shift Schedule Abuse:

Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. "CBP's onboard staffing level is below

its budgeted level....the gap between the budgeted staffing levels and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP data shows that, on average, 52 CBP Officers left the agency each 2-week pay period in fiscal 2007, up from 34 officers in fiscal year 2005." (See GAO-08-2 19, page 34.)

Another major factor that has hindered the recruitment and retention of CBP Officers and CBP Agriculture Specialists is work shift determinations. In the past, the agency had the ability to determine what the shift hours will be at a particular port of entry, the number of people on the shift, and the job qualifications of the personnel on that shift. The union representing the employees had the ability to negotiate with the agency, once the shift specifications were determined, as to which eligible employees would work which shift. This was determined by such criteria as seniority, expertise, volunteers, or a number of other factors.

CBP Officers around the country have overwhelmingly supported this method for determining their work schedules for a number of reasons. One, it provides employees with a transparent and credible system for determining how they will be chosen for a shift. They may not like management's decision that they have to work the midnight shift but the process is credible and both sides can agree to its implementation. Two, it takes into consideration lifestyle issues of individual officers, such as single parents with day care needs, employees taking care of sick family members or officers who prefer to work night shifts. CBP's unilateral elimination of employee input into this type of routine workplace decision-making has had probably the most negative impact on employee morale.

On November 13, 2007, NTEU won an arbitration decision that found that CBP had not been abiding by existing federal laws that require employees to receive one week notice of their work shifts; be scheduled so they receive two consecutive days off; and have schedules that provide for uniform daily work hours for each day of the week.

To cut down on overtime, Sweet Grass port managers frequently schedule CBP Officers to staggered work shifts that preclude car pooling and overtime opportunities, creating an undue financial burden on the employee. For example, one CBP Officer will be scheduled to a 10 am to 6 pm work shift for a pay period, while another CBP Officer at the same port will not start until noon for their 8 hour shift. Sometimes, schedules are altered with no notice, making it impossible for CBP Officers to have any certainty in planning personal and family activities during off-duty hours.

These abuses have resulted in CBP Officers leaving the service. NTEU hopes that this arbitration win and returning some normalcy back to CBP Officer work schedules will reduce this trend. Unfortunately, it is likely that CBP will appeal the arbitrator's ruling, further delaying resolution of this ongoing problem at all 327 ports of entry.

Law Enforcement Officer Status:

CBP Officers clearly deserve Law Enforcement Officer (LEO) status and Congress in the recently passed FY 2008 omnibus spending bill recognized this by providing a prospective LEO

retirement benefit to CBP Officers beginning in July 6, 2008. All too often, talented young officers treated the CBP Officer position as a stepping-stone to other law enforcement agencies with more generous retirement benefits. With the enactment of Section 535 of the FY 2008 omnibus spending bill, this will no longer be the case. NTEU is grateful to the Homeland Security and Governmental Affairs Committee for its leadership in achieving the enactment of this provision for CBP Officers.

CBP Officer and CBP Agriculture Specialists Journeyman Pay:

Another recruitment and retention incentive that Congress should immediately address is increasing the basic rate of pay to GS-12 of the General Schedule for CBP Officers and CBP Agriculture Specialists. For years, the journey level pay for CBP positions has remained at GS-11, even though their duties have significantly expanded.

DHS Human Resources System:

In July 2005, the U.S. District Court for the District of Columbia ruled that portions of the proposed DHS personnel regulations, formerly known as MaxHR, but now called the Human Capital Operations Plan (HCOP), infringed on employees' collective bargaining rights, failed to provide an independent third-party review of labor-management disputes and lacked a fair process to resolve appeals of adverse management actions. The Appellate Court rejected DHS' appeal of this District Court decision and DHS declined to appeal the ruling to the Supreme Court.

When Congress passed the Homeland Security Act in 2002, it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively. The regulations DHS came up with were subsequently found by the Courts to not even comply with these two very minimal and basic requirements.

It has become clear to the Congress that DHS has learned little from these Court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. In May 2007, the full House approved H.R. 1648, the FY 2008 DHS Authorization bill that includes a provision that repeals Title 5, Chapter 97, the DHS Human Resources Management System. NTEU requests that the Committee adopt the same language and repeal Title 5, Chapter 97.

Additional Morale Issues

DHS employees deserve more resources, training and technology to perform their jobs better and more efficiently. DHS employees also deserve personnel policies that are fair.

Awards: Up until 2005, CBP management and NTEU members jointly nominated employees to receive yearly cash awards. Not only the names of the employees that received awards were made public, but also the reason for the employee's award and the amount of the award was public. In 2005, CBP scrapped this award policy and unilaterally implemented its own awards

system. Under the new CBP awards program, there is no transparency whatsoever. Some employees were even told to keep their awards secret. Now CBP employees that receive a cash award are told not to reveal that they a) won an award; b) the reason why they won the award; or c) the amount of the award. As you can imagine, an open and transparent awards process has become a spoils system for management.

Grooming Standards: CBP unilaterally imposed new personal grooming standards that severely limit the amount of facial hair, the length and style of hair for both men and women, nail grooming, and the amount and type of jewelry. Despite two arbitration rulings that the new CBP grooming standards were an illegal employment practice in violation of law (one sustained by the Federal Labor Relations Administration (FLRA) the second still on appeal before the FLRA), CBP has stated that it will not comply with these decisions and the grooming standards remain in limbo.

Unequal Temporary Duty Opportunities: Temporary duty (TDY) opportunities are not available to the CBP employees that I represent. Because of staffing shortages, most of the ports in my area can't afford to send anyone on a TDY that may enhance an employee's career.

Paid Moves for GS-12 and Above Only: In the past, the moving costs for frontline employees who put in for transfers were paid for by the agency. Now the agency has eliminated this practice for the rank and file. Currently, if a CBP Officer for any reason seeks to transfer, it is at his own expense, whereas supervisors and management get their moves paid for.

These are just a few examples of how CBP continues to undermine the morale of men and women who everyday take up arms to protect our nation's ports of entry.

NTEU RECOMMENDATIONS

CBP employees represented by NTEU are capable and committed to the varied missions of DHS--from port security to the facilitation of trade and travel into and out of the United States. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. The American public expects its borders and ports to be properly defended. Congress must show the public that it is serious about protecting the homeland by:

- Filling vacancies and increasing CBP Officer and CBP Agriculture Specialist staffing to those levels in CBP's own staffing model;
- reestablishing specialization of prior inspectional functions;
- increasing CBP Officer and CBP Agriculture Specialist journeyman pay to GS-12;
- repealing the compromised DHS personnel system;
- allowing employee input in the shift assignment system; and
- allowing employee input on staffing levels for each shift.

Again, I would like to thank the committee for the opportunity to be here today on behalf of NTEU Chapter 231, CBP Great Falls, Montana.

Prepared Statement of J. Alexander Philp, Ph.D.
President and Chief Executive Officer
GCS Holdings, Inc.
July 2, 2008

Thank you for this opportunity to testify before the Committee at this field hearing titled "Securing the Northern Border: Views from the Front Lines". On behalf of the citizens of Montana and the United States, I consider it any honor and privilege to come before you today and share my experiences regarding the challenges in developing a relationship with the Department of Homeland Security and drawing attention to technologies that have homeland security applications. I hope my testimony assists the committee in improving processes. I offer my testimony in good faith and acknowledge both the very real threats facing our nation's national security and the complex organizational, technological, and political challenges facing the Department of Homeland Security. I don't claim to be an expert on DHS-related policy or programs, but I have been actively involved as a Montana-based small business owner in trying to bring practical technological solutions to the front lines of Northern Border security.

Prior to the terrorist attacks on September 11, 2001, and the subsequent formation of the Department of Homeland Security, I worked and lived in proximity to the US – Canadian Border in Montana while serving as a National Park Service Ranger in Glacier National Park and later with the United States Forest Service, Lewis and Clark National Forest, living and working on the Rocky Mountain Front.

As I worked in these capacities, many of us were aware of common threats impacting the national security interests of the United States. Narcotics were flowing through Glacier National Park given its extremely remote and open border, small aircraft were landing at remote, unattended airstrips on national forest lands, enabling international drug trafficking, and clandestine trail and road networks across the border represented significant conduits for associated illegal activity.

My federal land management agency law enforcement colleagues did their best to bring attention to these issues and combat the problem. Nonetheless, very little was or could be done given the limited resources, antiquated technologies, jurisdictional conflicts, inadequate data sharing among local, state, and federal law enforcement agencies, and a host of other barriers to effective border security, especially in the more remote and rugged areas of the Northern Border shared between Montana and Canada. Moreover, especially in Glacier National Park, border and port security was an issue largely deferred to US Customs and/or US Border Patrol.

9/11 changed everything, and yet many and more of the security threats mentioned above remain effectively unresolved to this day.

In early 2002, I left the University of Montana – Missoula to form a company specializing in Geographic Information Systems, remote sensing, and development of applications to allows users to gain access to detailed geographical information. The company was based upon years of university research and development into next-generation technologies that enhanced the ability to interact with detailed geographical information about virtually any part of the world. The convergence of an

accessible internet, standardization in software, increasingly affordable and accurate data from satellite and ground-based sensor systems became the overarching thrust of our business plan.

Within months after the terrorist attacks on the United States, I was asked to serve on the Montana Governor's Homeland Security Task Force GIS Subcommittee and the Science and Technology Subcommittee. It is at this point that I began to experience what would become a long and inexplicable series of challenges in securing our nation's Northern Border. I have chosen to highlight a few of these experiences as a small business owner located in Montana, and provide my perspective on the disconnects. I will summarize my critiques.

As I mentioned, my service on the Homeland Security Task Force Geographic Information Systems (GIS) subcommittee revealed a number of interesting realities. For many members of the committee, primarily local, state, and federal government, subsequent DHS-related funding activities post-9-11 resulted in a wind-fall for spending ranging from everything from HAZMAT suits, to software and hardware purchases, to data purchases, to various failed programs and projects. We failed to work the problem from a vulnerability perspective, assuming equality to terrorist threat vs. looking at what elements of Montana were the most vulnerable from a counterterrorism and counterintelligence perspective, and how Montana could be utilized by our enemies as an easy-entry point, "soft-underbelly" to our nation's borders. We failed to look at the problem holistically.

While the work of the committee was attempting to address homeland security related issues, we were, in essence, disconnected from DHS core missions, regressing into existing state-centric GIS activities. While I was unable to attend every meeting, virtually no attention was placed on the security issues associated with the Northern Border while a great deal of time, energy and money addressed data standards, critical infrastructure identification and localized threat and risk assessment, and some effort on how to share and comingle rich localized spatial data resources with top-down, federal programs emerging out of DHS with the support of the National Geospatial Intelligence Agency (DHS).

In hindsight, given the significant security issues facing the Northern Border and transnational energy security, i.e., pipelines, power lines, and future energy security issues, the GIS Subcommittee should have focused more attention and resources on addressing these issues. Eventually, the funding bonanza came to a close. Issues of local, state, and federal data sharing, prioritized risk against threat, examining Montana's geopolitical posture within the content of the global war on terror (GWOT) and a more effective working relationship with DHS federal agencies responsible for homeland security remain outstanding issues.

As a final observation, it was also clear that there was a great deal of resistance by some members of the committee to issues associated with security clearances and national security policy in general. Connecting local Montanans with a sense of urgency regarding national security *vis a vis* Montana-Canadian border was virtually impossible based upon my observations. We were too disconnected in many respects for the real challenges and hard work of local, state, and federal civilian law enforcement and DHS in general.

Regarding the Science and Technology Subcommittee, I attended one meeting and suggested that attention be placed on cyber, chemical, biological, radiological threats, in particular potential attacks on food and water resources, and SCADA control system attacks on the power grid, and these

comments fell on deaf ears. The committee may have met once or twice again, but due to lack of effective leadership, I believe it was defunct a short time after its creation.

As a second example, based upon previous work at the University of Montana, and interaction with the US Intelligence Community and Department of Defense organizations, my company was contacted by the US Navy, Naval Undersea Warfare Center (2003), regarding an opportunity to license and transfer sensor technology recently declassified by the Navy.

The technology was specifically developed to address issues associated with covert and clandestine monitoring of perimeters, borders, and critical infrastructure. The sensor system technology relied about buried a fiber optic cable that could detect, track, and classify targets as they passed over or in proximity to the buried fiber optic cable. Armed with a declassified technology brief supplied by the Navy, I requested from the US Attorney Office in Montana a closed-door brief on the technology and capability at the Transborder Terrorism Conference held in Whitefish, Montana (2004). Approximately, 40 individuals attended the brief.

I presented the declassified information on the sensor system (code-named BLUE ROSE), as a potential candidate for intelligence and surveillance activities along the Montana-Canadian border. I spoke with individuals from the International Boundary Commission, Royal Canadian Mounted Policy (RCMP), and many others. Following the presentation, I was approached by a Customs and Border Protection (CBP) official who expressed interest in learning more.

Following the conference, I supplied detailed information, pricing estimates, and integration techniques with commercial GIS, remote sensing, and associated value-add to the BLUE ROSE sensor system. I worked to coordinate information exchange between the US Navy, my company and DHS CBP. I was asked to present to local and sector CBP, Border Patrol (BP), and Immigration and Customs Enforcement (ICE) agents and develop a CONOPS – Concept of Operations for a BLUE ROSE 3CIS implementation along the US-Canadian border, which I did.

Eventually, the information, costing, CONOPS, and scope was internalized by CBP and BP into an internal governmental request for a pilot project to test, evaluate, and demonstrate the capability of a multi-million dollar advanced prototype system developed and licensed from the US Navy for a specific area of interest (AOI) along the Northern Border. As the pilot program concept and technology was internalized by DHS field staff and submitted up the chain of command, it became difficult to track the progress of the proposal and opportunity. However, this was to be expected since I clearly did not have access to these internal DHS conversations nor were we ever invited to discuss the merits of the program following our detailed disclosures and costing estimates provided to those CBP and BP agents who wanted a pilot program. We also were aware that as a small business we were facing some herculean obstacles in ever having a real-program funded.

However, we felt that half the battle was achieved in that we did the work of bringing the technology to the attention of the responsible parties, briefed them on capability, notified all parties of progress, and had worked to substantially reduce the costs of a well-conceived, prudent, and timely pilot project, upwelling front from the front lines of the border security reality. Months passed as we waited to hear on the outcome of a year of effort to bring this capability to the attention of DHS HQ.

Ultimately, it was rejected, and to this day, I am personally unclear of the reasons for the rejection, although I can share what I heard through my contacts. At the time, America's Shield Initiative (ASI) was the Holy Grail, one-size fits all solution for securing our nation's massive borders, and the government request was viewed as duplicative – "everything will be handled by ASI". Secondly, bottom-up proposals from folks on the ground, fighting the fight, don't get very far up the chain of command. If the idea does not originate in Washington, D.C., the likelihood of implementation is low to none, unless you have enough political power to dialogue directly with the DHS-based decision-makers.

Existing bureaucratic battles between "the guys in green" and "the guys in blue" under the umbrella of the newly formed DHS impacted the likelihood of proposal success, especially given that port security and the land in between the ports are managed by two different groups - green and blue.

Subsequently, my company watched in disbelief as subsequent SBIR topics, Broad Agency Announcements, and other DHS solicitations appeared calling for the very capability represented in the BLUE ROSE technology. This occurred on a regular basis well into 2005-2006, until such a time as ASI was over and a new program was conceived: Strategic Border Initiative (SBI) and (SBI-NET).

As is typically the case, and certainly the *modis operandi* with DHS, SBI was going to be a big, multi-billion dollar program. Vendor days were held in D.C., making it extremely difficult from my business to attend. Large defense contractors were encouraged to build mega-proposals and solicit small-business innovation as part of their major teams. Eventually, as a result of our license of the BLUE ROSE technology, most of the major US Defense Primes did make their way to Missoula and inquired about our capability. This usually meant a team of four or five gentleman who cannot understand what they are doing in Montana outside of a ski vacation or buying a vacation home while they conducted due diligence on a world-class, next-generation technology as part of the overall proposal to DHS for SBI.NET. Eventually, my company was included on the team represented by one of the four major companies that offered up proposals to DHS. BLUE ROSE and other capabilities of our firm were included, but unfortunately, our team prime was not chosen, and BLUE ROSE was buried again.

In order to survive during this long-term commercialization effort, our company eventually partnered with the Department of Energy, Idaho National Laboratory and focused our attention on multi-dimensional protection of critical infrastructure as opposed to trying to get the attention of DHS and/or successfully partnering with a major defense prime regarding the effective deployment of this capability in select areas of interest.

In addition to what I stated above, I learned a great deal about the difficulties in successfully developing a relationship with DHS at the levels necessary to effect change. First and foremost, small business is inherently at a disadvantage every step of the way. Most major projects are controlled and run by nation's largest defense contractors. Unless you have a long-standing relationship with them, they aren't interested. Secondly, as a small business, it is absolutely critical that you have a presence in the Washington, D.C. beltway. You can build relationships all day long in the field, on the front lines, but unless you are on the radar in D.C., things aren't going to happen.

All the major decisions, personalities, and decision-makers are there. We used to think that if you had great, innovative technologies that could be included and integrated into an overarching solution that met the needs of the agents on the ground at an affordable price, then somehow these

capabilities and opportunities would surface. I no longer think this way. I take responsibility for my naiveté and idealism.

Despite our best attempts given our limited resources as a small business, the barriers are just too numerous to success. Providing American's and Montana's with cost-effective, elegant technologies to address the multi-faceted threats facing our nations became a mirage.

The barriers fall into four major categories: the contracting process as a legacy of contracting officer understaffing at DHS, DHS top-down, big-business contracting tendencies, bureaucratic turf battles among the previously independent agencies, and a politically-motivated chain of command.

My final example falls into a related category. Having worked as a Park Ranger in Glacier National Park and GIS technician for the US Forest Service, I was sensitive to the challenges associated with law enforcement of the vast western public domain.

Beginning in 2006, I was contacted by a colleague who serves as a Law Enforcement Officer (LEO) for the United States Forest Service. He stated that other colleagues of his were desperately attempting to find reliable, accurate, and up-to-date data sources for portion of the US-Canadian border that showed clandestine trail networks, i.e., ATV tracks, hiking trails, transborder logging roads, etc. Prior to 9-11, the USFS was often leading the way in sensitive law enforcement activity associated with this type of border insecurity and the associated illegal activity.

Upon this request, I met with key personnel with the USFS LEO community and discussed their needs as well as the dynamics of their participation in one of the regional Integrated Border Enforcement Teams (IBETs), comprising, multiple DHS agencies, USFS, RCMP, and other federal jurisdictions concerned with securing the Northern Border.

At the request of the USFS, as well as the Rocky Mountain Information Network (RMIN), a US Department of Justice funded Law Enforcement data resources network heavily used by members of the law enforcement community, I examined the existing GIS data condition and resources.

At the time, key LEOs were utilizing a paper map hanging on a wall with poorly documented data, misalignment, improper projections and scale, and no reliable US-Canadian data resource for vector feature (line features) alignment. I was further surprised to learn that the key paper map had taken an incredibly long time to produce and cost the taxpayers an unbelievable sum, approximately 10x what a decent GIS company would charge. Most importantly, the resource was paper, not digital, and did not support the field operatives in terms of mobility, usability, GPS-interoperability, or reliability. We had a 19th century solution to a 21st century problem.

Many were already relying upon the early version of Google Earth for their core geospatial intelligence (GEOINT), but did not realize that the data in Google at the time was outdated and relied upon the wrong data sources to adequately provide them the road and trail networks they needed. Moreover, given the sensitivity of their positions, and the incredibly dangerous and isolated nature of their work, many of the USFS LEOs were hesitant to rely upon other USFS GIS technicians for assistance given the lack of operational security. Trust plays a key role in law enforcement activity given the fact one's life depends upon it.

My company eventually provided a cost and technical proposal to the USFS representative to the IBET. Unfortunately, my primary point of contact who had requested the proposal was transferred to a new area and the champion of the innovation was no longer available. Despite this, I was requested to provide a non-classified briefing to the IBET near Spokane, Washington to discuss the proposal, examine the problem, detail the nature of the geographical information available to them, and the merits of yet another pilot program. Moreover, RMIN was so supportive and the cost proposal so affordable that they were willing to cover the costs of the pilot as long as a member of the IBET requested the implementation of the "BorderView Program," as our proposal was entitled. Again, so close, yet so far.

During my briefing, I found an audience that was generally woefully unprepared to learn about the realities of these technologies contained in my proposal and sincerely believed that a "magic bullet" was coming from DHS HQ soon that would address all the problems outlined in the needs-assessment meeting with the USFS LEO. Certain members, having recently seen a press release put out by a large GIS vendor and DHS, actually believed that when the software arrived it was be the same as the solution I had proposed. They told me that the satellite imagery I was to provide was available on Google, etc. Other members of the IBET saw merit, but in typical group think felt that if there was opposition from some elements based upon "lack of need" then it was better not to rock the boat. Folks in federal agencies normally do not normally like to stick the necks out, and for good reason. Of course, I was asked to leave following my presentation, so classified discussion could occur. Following the conclusion of the meeting, I was told they liked it very much, learned a great deal, and they would get back to me.

Eventually, I learned that the USFS Region 1 LEO authority did not want to take the political risk of requesting the funding from RMIN for the project to proceed, and the yearlong effort came to a close. To this day, many of the needs expressed by the original USFS LEO are not met. However, hundreds of millions of dollars have been spent attempting to deliver an overly complicated system that fails to meet the day-to-day, in the field realities of the men and woman on the fronts of lines of securing our nation's borders. There is something very wrong with this pattern.

Furthermore, no "magic bullet" ever arrived in a box from DC to meet the original goals and objectives of the program. In the absence of an organized, integrated solution, I continue to support my friends who need assistance if and when needed and I do this work gratis since it is impossible for my firm to contract successfully with the USFS and other federal civilian land management agencies given the dominance of large firms that own the multi-year contracts or firms that serve as embedded contractors with the agencies. In my opinion, this example underscores a number of radical disconnects, extreme waste of taxpayers' resources and, most importantly, the chronic and persistent inability to meet the information and technology challenges in a timely, cost-effective manner.

Unfortunately, I could continue, but I chose to highlight a few examples of the multifaceted difficulties my company has experienced in attempting to develop a relationship with DHS and bring technical solutions to bare on particular elements of homeland security challenges. The unique challenges along the Northern Border are defined geographically, topographically, economically, meteorologically and culturally. The national security challenges endemic to the massive Northern Border, including Montana's 545 miles of shared border with Canada, require a significant shift toward a bottom-up – top-down balance.

The national security challenges require the rapid harvesting of innovative ideas and solutions that present significantly more cost-effective, localized application. They require the ability to never lose site of the field officer and the prime directive that the technologies be successfully integrated to the point that the field agent can successfully utilize the tools in his or her day to day operations. The technologies need to be integrated into a unified, standards-based, highly-interoperable, flexible architectural framework that can change cost-effectively to meet the local and regional security challenges facing the field agents, in particular those who are on the ground in some of the most extreme and remote environments imaginable – outside of Alaska.

The technologies must never been seen as anything more than tools in an evolving toolkit designed expressly to the greatest common needs identified in the field. My continued hope is that we can work together to solve the complex and unique security challenges facing the Northern Border, utilizing in a cost-effective manner the right technologies at the right times in the right places and provide practical, incremental improvements in how field agents conduct operations on a day-to-day basis.

I would be happy to answer any additional questions the Committee may have and discuss ideas I have regarding improving the overall process. Thank you for attention to this matter and for the opportunity to appear before you today.

FINAL - Homeland security testimony
Kris Merkel
S2 Corporation, Bozeman, MT
June 30, 2008 updated July 3, 2008

Members of the Committee, I want to thank you for holding this hearing to discuss issues in regard to Homeland Security. My name is Kris Merkel, and I am the President and CEO of S2 Corporation (S2). S2 is a small company with approximately 15 employees in Bozeman, Montana. S2 was created with the sole aim to develop and commercialize an exciting new technology that we also abbreviate as S2 -- shorthand for spatial spectral holography -- that was developed primarily at Montana State University over the past two decades. The applications for S2 are mainly in ultra-wideband radio frequency (RF) signal processing and surveillance, for goals of radar imaging, signal intelligence and communications. The S2 technology is disruptive technology, representing a new way of achieving a better result which is of high importance to national homeland security and defense. To date, the technology development efforts have been primarily funded by the Department of Defense Science and Technology accounts. This has included participation by the United States Army, Navy, Air Force and the Missile Defense Agency.

Over the past two years due to our engineering efforts at S2 Corporation, the S2 technology has transitioned from being a laboratory curiosity to a rugged general purpose prototype device, which in January of this year, 2008, was shipped overseas and tested on operational radars at the direction of the U. S. Army, and is listed a critical technology within that branch of the military.

The implications of using the technology are immediate access and domination of the full RF and microwave spectrum. This capability includes being able to simultaneously achieve total spectral awareness, and to be able to rapidly configure our use of the RF spectrum for adaptive radar and communications. One of the greatest challenges facing our military operating around the World is the explosion in radio signals operating throughout the entire radio spectrum. This technology would allow our defense agencies to enter a new area and continuously identify all of the operating signals and then find a band width where they could securely operate. Other technology applications include the capability to view the entire radar signal in real-time, or to visualize things such as improvised explosive devices (IEDs) underground and be able to interpret the data in real-time. This is a truly disruptive technology. At the heart of so called S2 technology is a crystal, cooled to cryogenic temperatures, which absorbs light to achieve signal processing. This is a home-grown technology in that the crystals themselves have been grown and characterized in Bozeman, and the system has been conceived, designed, developed and built in Bozeman by the scientists and engineers at S2.

The S2 technology is poised to achieve unique performance improvements and cost savings for a host of critically needed security applications. While the technology offers opportunities to advance both security and defense, there are two unique capabilities of immediate applicability to the Department of Homeland Security (DHS). DHS has a

need to monitor vast borders and to assure the safety of vast amounts of trade related goods passing into the country entering the United States everyday. In addition to securing the safety of our citizens, this task needs to be accomplished in as unobtrusively a manner as possible to respect our constitutional rights. Our ultra-wideband, bi-static radar processing offers a direct achievable way to remotely patrol our borders both visually and through monitoring radio communications. The second and just as important application is being able to quickly and discretely investigate cargo containers as they pass through our ports. I will explain further if there are any questions regarding the specifics of the technology but for now I will leave it as simply being clearly a disruptive breakthrough with significant potential benefit to our national security.

Attempting to do business with the Department of Homeland Security -- as a small business with a new innovative approach – frankly has been frustrating. I have seen little incentive for a new technology to move to deployment within DHS. It seems that between the reaction to disasters and some poorly executed programs, DHS is somewhat unable to plan for the future. Simple quick fixes such as building a fence along the entire Mexican border is likely to fail and entail such huge costs as to be unimaginable from the perspective of a small business such as S2. The container cargo issue seems to come up in Congress only to be opposed as too costly while there is little or no technology discussion. For S2, who has a technology to address both problems, we find it hard to find or maintain the appropriate contacts. Positive leads are pursued only to be followed by silence. When we have approached new leads, the same kind of problems arise, so discussions have gone around – from government to contractor to contractor and back, and have gone no where.

We want to be part of the solution. We have a technology that has proven success at each step along its development path. I want to thank the committee for holding this hearing and Senator Tester in particular for providing me with the opportunity to present our case. I will stop here with my oral testimony. I would be happy to respond to any questions. I would like to request that the remainder of my testimony be entered into the record.

Remainder of Testimony

Over the past two years due to our engineering efforts at S2 Corporation, the S2 technology has transitioned from being a laboratory curiosity to a rugged general purpose prototype device, which in January of this year, 2008, was shipped overseas and tested on operational radars. Specifically, working under contract for the U. S. Army Space and Missile Defense Command, we tested the S2 radar signal processor at the Ronald Reagan Ballistic Missile Radar Test Site located on the island of Roi Namur, Kwajalein, Republic of the Marshall Islands, on two operational radars, so called ALCOR and MMW. We used the S2RSP technology to process radar returns from both test targets and targets of opportunity. I would like to enter into the record a memo from one individual who worked with us at the test site as an endorsement of our efforts. The tests were highly successful. In summary, our technology worked. We are experienced, and ready for the next step towards technology transition and commercialization. Within two years, with

adequate support, we could be testing this technology under real-time security conditions. As one homeland security example, we could be looking at every cargo container as it enters our ports with little or no disruption in commerce trade.

This technology could provide a new level of protection from long-range missiles. It could also see all of the activity along vast stretches of our borders unobtrusively keeping watch with little or no disruption of people going about their legal near-border activities. One of the greatest challenges facing our military operating around the World is the explosion in radio signals operating throughout the entire radio spectrum. This technology would allow our defense agencies to enter a new area and continuously identify all of the operating signals and then find a band width where they could securely operate. This same technology could be used to monitor our borders for illegal activity. I briefly mentioned the ability of the technology through its use of the full radar bandwidth to see into the ground to identify an IED or look into a closed cargo container to view its contents. The security applications are both critically needed and addressable by this technology.

Despite our technical success in demonstrating the systems capability, our company is facing a critical juncture. We face a very real lapse in near-term funding just as we approach the so-called "valley of death". This is the period when so many small technology start-up companies fail. It is the point where the technology could significantly assist in meeting our defense and security needs. Typically new technology gets to the point where it is proven and for a whole host of reasons, funding either lags or it is simply not available from the next level of agency contract managers and we see our highly trained staff simply drain away. Simply stated, we lack the capital necessary to ride the chasm out. This is a major problem for security high technology start ups when facing technology transition.

A small business, particularly one operating in the security marketplace needs support throughout the entire path through development to commercialization. It is extremely difficult for a small business with scarce resources to target commercial development. The chasm is as big as problem for obtaining outside investment as it is directly for us. A lack of focused mission or direction among our defense and security agencies and inconsistent administration support continues to leave research and development seriously underfunded.

I want to point out, not just as the president of S2 but as a private citizen, we face a huge challenge as a nation to develop new the innovations necessary to maintaining our competitive edge and technological superiority. This need is a basic security and defense need. I am a strong supporter of the value of the small business innovative research (SBIR) program, but it isn't enough. The SBIR program needs to be expanded. Additionally, the execution of SBIR programs needs to be expedited, especially in the critical stage between Phase I and Phase II. There is a critical need for support that can nurture and directly support new technologies through the "valley of death". New technologies come primarily from small businesses. However, the infrastructure to assist a successful technology development from demonstration to commercialization,

especially for security applications simply is not in place. We can not do it by ourselves. We lack the capital to educate, develop an advocate, demonstrate and bring the technology to commercialization.

The S2 technology is poised to achieve unique performance improvements and cost savings for a host of critically needed security and defense applications, including

1. Dynamic spectral access for ad-hoc communications networks and radars, especially in situations encountered by our Army troops on the ground and Navy ships in foreign ports, where the spectrum is contended
2. Full RF bandwidth spread spectrum RF communication
3. Signal processing for improved radars, including ultra-wideband, bi-static, ground penetrating and high carrier frequency,
    - Such as for the detection of improvised explosive devices (IEDs) in the ground and attached to a human body
    - The use of radar imaging to remotely examine objects such as cargo containers
4. Remote border patrol capability, in being able to deploy small ultra-wideband antennas with fiber optic connectors to monitor the entire radio spectrum for illegal communications around border areas,

These last two capabilities are of unique interest to the Department of Homeland Security, however, the department could benefit from all of the applications for our technology if they were developed and available for widespread application. It is this support that our security agencies fail to provide.

I want to take a moment to elaborate on the problems we face in working with the Department of Homeland Security. As a small business with a new innovative approach to solving a real security problem, frankly, it is frustrating. I have seen little incentive for a new technology to move to deployment in DHS. It seems that between reaction to disasters (a critically important function) and poorly executed programs, DHS is adrift reacting to perceived issues rather than planning for the future. It is hard to find contacts to approach and virtually no program to guide us regarding a path forward. If DHS doesn't want to use the technology or has a better way to address a problem that is one issue, but with articulated needs, such as cargo containers or border surveillance, there should be some way for S2 to get a complete review of the technology. We would then know where our technology really stands. Since our inception, we have used scarce resources in technical marketing at DHS to little avail. Positive leads have been pursued only to see opportunities evaporate. When following positive initial interest, we too often encounter little or no feedback and follow-up.

The problems a small business doing defense R&D are government wide. Frankly, the on-going conflict in the Middle East is putting a strain on all federal research and development, but the impact on a company focused on defense and security can be devastating. Unfortunately much of the federal government small business research funding has been in the defense and security areas throughout the Bush presidency, therefore forcing us to focus even more so on security and defense research. Any small

business faces an uphill battle in getting a new technology to market and to the end users. The situation has been, in the past, alleviated by an emphasis within the services and agencies on R&D, technology development. Now as we approach the technology transfer stage, support seems to be lessening. When the first application for the technology is for defense or national security, the challenge is compounded. Homeland security and defense applications for a whole host of reasons should be the natural commercialization path for a disruptive technology such as the S2 chip. Our nation is at a time when we critically need stable, reliable security protection. I am confident that if given the needed support, S2's technology is capable of providing this protection. Today, it is at a stage where it can be easily implemented into an existing system with long term lower costs and new enhanced capabilities.

To summarize, I strongly support government funding of R&D. Our nation has a long history of being a shining example of fostering technology based innovation. S2 represents a local success story in bringing a new capability a long ways. However, having achieved so much, there is still the final push to commercialization. The U. S. security and defense industry has the most to gain by bringing this technology forward. They need to provide the critical support necessary to achieve this technology transition. The S2 technology can have a significant impact in assisting to meet the mission of the Department of Homeland Security. Currently, we have been unsuccessful in gaining the critical foothold within the agency or with its primary contractors. We appreciate the opportunity to participate in this hearing so we can make our case for technology transfer. In closing, I would like to encourage the members of the committee to propose and implement a new means for the Department of Homeland Security to take the lead in using dedicated assistance to S&T (science and technology) programs so they can be transitioned to address critical security needs. Protecting our borders is too important to demand innovation. I want to thank Senator Tester and the committee for focusing attention on our critical national security needs and doing it here in Montana. I appreciate the opportunity to testify. I would like to request that my full testimony be included in the hearing record. I would be happy to work with the committee to find a pathway that allows us to move this technology forward.

Date April 17th, 2008

By Geoffrey Tyre, RF Systems and Control Systems Engineer

Subject S2RSP ALCOR and MMW Testing Overview from an RTS Perspective.

I worked at the Reagan Test Site (RTS) for the contractor who ran the test site -- first Raytheon and then Kwajalein Range Service, (KRS) -- for over 13 years. I have worked on both the ALCOR and MMW radars for over 7 years until my resignation from KRS in February 2008. I oversaw a team of engineers and technicians as well as being an individual contributor. It was my responsibility to keep the receiver/exciter operating at peak performance as well as helping out in many other areas, such as updating and creating documentation, maintenance and replacement of parts (many of the parts replaced had to be custom designed for the application) on the RF front end, maintaining the servo system that controls the movement of the antenna, and work on the MIT designed digital pulse compression system and signal processor.

During my tenure, one of my favorite tasks was to perform experiments using primarily the ALCOR (ARPA Lincoln C-band Observables Radar) or the MMW (Millimeter Wave) Radar. These typically involved personnel from MIT Lincoln Laboratory or outside contractors as appropriate. Some of the experiments performed on ALCOR and MMW in the past that I have worked on have included the following:

- Hercules (a side car based radar signal processor), Summer 2002
- ESSA (Extended Space Surveillance Architecture), Winter 2007
- FBR (Forward Based Radar), Winter 2005
- RWTB (Radar Waveform Test Bed), 2004- 2007
- AOP (Advanced Optical Processor) Winter 2006
- S2RSP (Spatial Spectral Radar Signal Processor), Winter 2008

I played a lead role in the both the AOP and S2RSP testing, and the prior AOP testing helped immensely with the S2RSP testing. The tasking for both efforts was highly technical, but also required coordination of staff, radar schedules, security and logistics.

I was introduced to the S2RSP project when Kristian Merkel and Brant Kaylor of S2 Corporation, and Roy Adams and Bryan Wheelock of the Army Space and Missile Defense Command visited Roi-Namur in August 2007 to plan for the testing of the S2RSP. The site visit by the S2RSP team was a very productive visit involving KRS and MIT staff. The S2RSP team developed a plan which evolved until late December 2007. In fact, I was in rather regular communication with the S2 team, working technical, logistical, electrical, and transportation issues, among others and trying to get up to speed on the S2 technology. I have been involved with many experiments using the radars at RTS, and in my judgment I can say that no prior experiment in the past have has had such comprehensive planning. In general the S2RSP team was committed to getting the most data in the shortest time frame that they could. But more importantly it was obvious to me that they were dedicated to their technology, and had a product that was compatible with all RF systems and radars.

I planned to leave my job on Roi Namur in late 2007, and upon learning that the upcoming S2RSP testing that would occur in January 2008, I changed my plans so that I could play a role in the effort. I have been an advocate for technology and improvements at RTS, and definitely wanted to play a role in an experiment that could make an impact in future ballistic missile defense (BMD) systems and radars in general. Additionally, I will speak for others I know at RTS that the S2 effort created a sense of excitement on the island; it is not every day that something new comes to the radars with the potential of placing the radars in the leading edge of technology. I was impressed by the schedule as developed, and the goal to test on two radars (ALCOR and MMW) in a 14 day time frame. Additionally, I knew some of the pitfalls that the previous experiments program had fallen into, and I am proud to say that my role indeed made a big impact on the test plan, in aspects of general technical advice on the radar, power, shipping, RF pickoffs, security, island logistics, coordination of staff, coordination of tracks of objects of opportunity (satellites), etc. I was pleased to be a part, and hope that my role helped enable a demonstration of a new technology with impact for the national defense.

When the S2RSP test team arrived at RTS they had the entire system including its photonic and cryogenic assemblies running in four hours. I was truly impressed. By comparison other previous testing groups have at times taken many days to get systems running. In less than a day, the system was attached to ALCOR and was taking data. Since I have been a part of several MIT/LL testing efforts on ALCOR, I was well acquainted with the problems that bus speeds, connectors, security and many other factors can have on this type of testing. I have never seen another test go as well or be able to collect as much useful data in such a short time as the S2RSP testing was able to collect. This not only applied to all aspects of the ALCOR tests, but also applied when the team moved the S2 hardware to the MMW antenna. This was a huge feat, and I am still truly amazed at how well the effort went, it was especially impressive that the same hardware could be attached to ALCOR or MMW. The testing of course was not without its problems and each problem that reared its head caused the team to stop and think of a solution and then execute the solution. In two days, the S2RSP was collecting exceptional data using MMW.

In summary I want to thank S2, KRS and MIT staff for my role in the effort, and its effect on expanding my horizons in radars and testing. The S2RSP test was an impressive demonstration of a very useful technology and it should be given its chance to help expand our current radar baseline. The S2 staff did an amazing job getting ready for and completing a very difficult technology demonstration at RTS.

Also, in context of the demonstrations, I will state that this was the most motivated, efficient and innovative testing effort that I have been a part of. I hope that decision makers will recognize this fact, and also that this was the first test of its kind. Also, if the normal limitations of a single test are not recognized then it will be very hard to ever come up with a huge leap in radar technology. All testing has its limitations and those limitations should be recognized in the context of the heroic efforts made by the S2 test team.

I feel this technology -- while still needing some refinements -- is ready for the next step, to transition to bigger tests, limited operational capability and serve as a signal processor for the MMW receiver and for BMD radars in general. The S2RSP will provide enhanced performance in a small package with an extended range window while still providing full signature capability. The S2RSP also provides additional benefits such as using arbitrary waveforms and resistance to jamming.

Please feel free to contact me with any questions regarding this memo.

Regards

Geoffrey Tyree

Northern Border Security Field Hearing
Held by Senator Jon Tester
July 2, 2008
Havre MT

Written Testimony on Northern Border Security Field Hearing.
Submitted by Annmarie Robinson, Regional Water Coordinator for the North Central MT Regional Water Authority.

Thank you for the opportunity to provide written testimony on the Field Hearing for Northern Border Security. Besides providing the needed national security protection, we believe that Congress should also consider the protection of the Border Patrol and Homeland Security Agents working at the Port of Sweet Grass, along with the ancillary services. The Village of Coutts, Alberta, operates a water supply and treatment system to provide water service to the Port of Sweet Grass and the Sweet Grass Community County Water and Sewer District (District). The Coutts water system does not provide adequate fire protection to the Port of Sweet Grass and the District. Furthermore, the Coutts water system appears to present a relatively significant risk from a water system vulnerability assessment with respect to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

The amount of traffic experienced by the Port of Sweet Grass is significant from a Homeland Security perspective. The Port of Sweet Grass serves as the largest border crossing between the United States and Canada from Pembina, North Dakota, to Blaine, Washington. Recent records indicate that as many 1.5 million people utilize the Port of Sweet Grass annually, which is equivalent to about 4100 people per day. Due to the relatively high rate of border crossing usage, traffic is forced to idle for extended periods of time while awaiting clearance to cross the border, which represents a fire hazard. During the winter months, the Village of Coutts drains its elevated storage tank, thereby providing fire protection for the Port of Sweet Grass and District from Coutts' clearwell and high service pump system, which is limited by the hydraulic performance of the distribution system.

Although currently acceptable in Canada, the water treatment process utilized by the Village of Coutts would not meet the requirements established by the United States Environmental Protection Agency under the Safe Drinking Water Act (SDWA) to treat surface water from the Milk River. The water treatment process consists of a series of ponds that are not housed in a facility to provide protection from the environment and general public; therefore, the water supply is extremely susceptible to contamination and/or acts of terrorism. Over the past five years, the Montana Department of Environmental Quality has issued the District three Boil Water Orders due to noncompliance with the SDWA.

The District is a member of the North Central Montana Regional Water Authority (NCMRWA). NCMRWA is the non-tribal component of the Rocky Boy's/North Central Montana Regional Water System Project (PL 107-331). The Project, once constructed, will provide treated water from Lake Elwell to the Rocky Boy's Indian Reservation, along with twenty-two non-tribal entities.

The Project has been receiving relatively low levels of federal appropriations on an annual basis, which has limited implementation of the Project. At the same time, NCMRWA has witnessed an increase in SDWA violations among its member entities and issues associated with a lack of adequate water quantity. With the reduced levels of funding available, NCMRWA has been forced to consider interim solutions to address the immediate water quality and quantity needs of its member entities. Two alternatives have been considered by NCMRWA to provide regional service on an interim basis to the District:

- Interim water service from the Town of Sunburst
- Interim water service from the City of Shelby, which would also benefit other NCMRWA member entities such as Sunburst, Oilmont County Water District, and the Town of Kevin.

NCMRWA respectfully requests consideration by Congress to provide funding via Homeland Security Appropriations for the infrastructure improvements required to provide adequate water service to the Port of Sweet Grass and the District. The opinions of total probable project costs for the alternatives range from $1.93 million to $22.93 million. Any Homeland Security Funding received would be leveraged with funding from the Bureau of Reclamation, State of Montana and local entities. The infrastructure to provide interim water service would be owned, operated and maintained by NCMRWA. Water would be purchased from the water provider and subsequently sold to the District and/or member entities under separate water purchase agreements negotiated with NCMRWA. As implementation of the Rocky Boy's/North Central Montana Regional Water System Project reaches key milestones, permanent (long-term) water service will be provided by NCMRWA.

Post-Hearing Questions for the Record
Submitted to Michele James and Brenna Neinast
From Senator George V. Voinovich

"Securing the Northern Border: Views from the Front Lines"
July 2, 2008

Question#:	1
Topic:	technology
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: I appreciate Customs and Border Protection's (CBP) efforts to improve security on the northern border, including by significantly increasing the number of border patrol agents on the northern border over the past few years. However, more boots on the ground will not solve all our problems. CBP has stated that a program to transform border control technologies is a "critical component of the strategy to control U.S. borders." Are you aware of what types of technologies CBP is considering testing on the northern border, where specifically such tests might take place, and when a specific plan will be developed for testing such technologies?

What technologies, such as cameras and sensors, do you believe would be helpful for your field operations?

Answer:

Technology is a critical component in the effort to improve the security along the vast Northern border of the United States. Current plans call for a variety of technologies to be tested and evaluated in the Northern border environment:

- Remote Video Surveillance System (RVSS) cameras to be deployed in both Detroit and Buffalo Sectors' area of responsibility (AOR).
- Mobile Surveillance Systems (MSS) are scheduled to be purchased and tested in the Detroit and Swanton Sectors in FY' 09.
- Two Border Patrol SafeBoats equipped with the U.S. Coast Guard's (USCG) Encrypted Automatic Identification System (eAIS) have been deployed to Detroit Sector and will enhance situational awareness and provide improved coordination of multi-agency maritime operations.
- Deployment of 1,250 Under Ground Sensors (UGS).
- DHS' Science and Technology Directorate is developing a Northeast Test Bed in Swanton Sector for assessing sensor, sensor and data fusion, operator tools, and communications connectivity technologies in an operational environment for securing the northern border. The test bed will provide an in-the-field opportunity to test and evaluate technologies and assess their operational utility for transition to CBP.
- An FCC compliant communication system (Project-25) is being developed for deployment in the Houlton Sector.

Question#:	2
Topic:	IP
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: In 2007 and 2008, the Government Accountability Office reported on challenges that CBP faces in carrying out its intellectual property (IP) enforcement role. What resources does your field office allocate to carrying out its IP enforcement role, including seizing IP-infringing goods at the U.S. border, assessing penalties and excluding or denying entry to certain types of IP-infringing goods?

What steps has CBP taken since 2007 to improve its IP enforcement efforts, such as increased collection of penalties assessed, increased enforcement of exclusion orders, and identification of which IP enforcement actions relate to public health and safety?

Does CBP have performance measures or targets in place relating to IP enforcement achievements?

Has CBP issued any type of IP enforcement guidelines to your field office?

Answer:

Intellectual property rights are a Priority Trade Issue for CBP, and CBP provides considerable resources and diverse personnel to IP enforcement. To interdict IPR infringing goods in ports of entry, personnel from throughout CBP work together in an integrated IPR enforcement process that includes targeting and examining high-risk shipments, determining whether suspect products are infringing, seizing infringing products, issuing fines, and making referrals for criminal investigations. This IPR enforcement work is integrated into the work of staff in numerous disciplines and offices at CBP, including international trade specialists, attorneys and scientists in CBP's laboratories, as well as front line employees at the ports of entry. Accurately quantifying the resources devoted exclusively to IP enforcement is not possible. While CBP has several offices dedicated exclusively to IP enforcement, IP enforcement responsibilities for most CBP employees are part of their overall enforcement responsibilities.

CBP's IPR enforcement efforts continue to show increasing results. In Fiscal Year (FY) 2007, CBP and U.S. Immigration and Custom Enforcement (ICE) made IPR seizures with a domestic value of over $196 million, an increase of 27 percent over the previous year. At mid-year FY 2008, CBP's and ICE's IPR seizures increased by 2.7 percent to $113.2 million in domestic value from the mid-year point of FY 2007.

Question#:	2
Topic:	IP
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

A priority for CBP is seizing imported products that can harm the health and safety of consumers, our critical infrastructure or our national security. Many such products violate intellectual property rights. CBP separately identifies seizures of IPR infringing products that could have posed safety or security risks in its IPR seizure statistics, which are provided to Congress and published on CBP's website. In FY 2007, CBP and ICE seized over $27 million in IPR infringing products that could have posed safety or security risks, and at the mid-point of FY 2008, CBP and ICE have already seized such goods with almost the same value as the entire previous year.

CBP has taken many steps since 2007 to improve its IPR enforcement efforts. CBP is actively working to improve its enforcement capabilities on exclusion orders. Specifically, CBP is:

- investigating the possibility of using audits to assess an importer's compliance with exclusion orders;
- posting information to our intranet and internet sites to alert CBP personnel to, and remind them of, unexpired exclusion orders;
- working with exclusion order complainants to obtain assistance in monitoring orders; and
- developing new procedures that will allow more efficient tracking and reporting of the number of denials of entry related to exclusion orders.

CBP is also actively looking into ways to increase the collection of penalties issued for the importation of fake goods. For example, CBP recently issued new field guidance to improve the administration of IP penalties, and will be focusing on IPR penalties as part of its FY 2009 IPR trade strategy. CBP faces many challenges in the assessment and collection of IP penalties, including a lack of jurisdiction over foreign exporters; the deceptive nature of the counterfeiting environment, wherein criminals frequently change identities and locations, which increases the difficulty in tracking violators in order to issue and collect penalties; and a statutory basis for the dollar amount at which penalties are issued that often results in penalties being issued in amounts that raise concerns that the amount is excessive and thus unsuitable for pursuit of collection.

CBP has established performance measures and targets related to IPR enforcement, including performance measures in CBP's IPR trade strategy. CBP issues IPR enforcement guidelines to its field offices, and posts them on its internal intranet, which is accessible by all CBP employees.

Question#:	3
Topic:	wait times
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: How are infrastructure and staffing needs at northern border ports of entry affecting wait times and security at ports in your region?

Answer:

CBP has initiated an aggressive schedule to install radio frequency identification technology (RFID) technology infrastructure at eight Northern Border locations with a scheduled August 2008 completion date. The RFID technology provides Customs and Border Protection officers (CBPOs) at the Northern Land Border Ports of Entry (LPOEs) with passenger and law enforcement information in advance of the traveler's arrival at the vehicle inspection booth. This results in reduced processing time and a more secure inspectional process.

To further improve operations and wait times at Northern LPOEs, CBP is in the planning stages of upgrading and modernizing the physical infrastructure at various Northern LPOEs over the next 10 years. Some facilities were constructed more than 70 years ago; the average facility is 42 years old. Based on Strategic Resource Assessments performed at LPOEs, CBP identified and prioritized approximately $5.0 billion in repairs, enhancements, and replacement projects needed to modernize the Northern and Southern Border inventory and to sustain its evolving operational requirements. Making improvements to Northern Border LPOEs remains a key component of CBP's LPOE modernization strategy. Of the required $5.0 billion, approximately $2.6 billion is needed to fulfill Northern Border modernization requirements.

Additionally, in order to manage staffing levels and mitigate wait times at the Northern LPOEs, CBP employs a variety of operational initiatives. To support the staffing needs at the Northern Border POEs, CBP has initiated an aggressive hiring plan that includes a nationwide CBPO announcement, targeted recruitment events at Northern Border locations, and focused marketing and advertisements to coincide with the application period under the nationwide announcement. The CBPO staffing level at the Northern LPOEs at the end of FY 2007 was 3,233. As of July 19, 2008, there were 3,533 CBPOs assigned to the Northern LPOEs, an increase of 300 CBPOs over the end of FY 2007. Additionally, there are 2,585 applicants being processed for the Northern Border locations from the latest nationwide CBPO announcement.

The CBP Northern LPOEs remain flexible and proactive in modifying operations, adding additional staff and addressing port-specific concerns. CBP managers continue to balance the need for strong anti-terror enforcement and the desire to keep legitimate traffic and commerce moving across the border by analyzing and developing solutions that provide the maximum flow through lanes without sacrificing the security of the border.

Question#:	4
Topic:	coordination - 1
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: What action are the Seattle Field Office and the rest of CBP taking to coordinate CBP's northern border security work with other Department of Homeland Security (DHS) components that have responsibilities along the northern border, such as the Coast Guard?

Answer:

Coast Guard Coordination

CBP in Seattle and Blaine work closely with the Coast Guard in the operation of the Coast Guard's Joint Harbor Operations Center (JHOC) in Seattle. The JHOC was established pursuant to the Safe Port Act of 2006 with the goal of increasing interoperability among all key federal, state, and local maritime stakeholders. The United States Coast Guard (Coast Guard) officially unveiled the JHOC on August 15, 2007. The coordinated activities within the Coast Guard JHOC include participation by both the Office of Field Operations and the Office of Border Patrol. CBP's role at the JHOC allows for an increased and immediate communication with officers from other government agencies to include the U.S. Navy, Washington State Patrol, and USCG.

- The Office of Border Patrol Blaine Sector's goal is to expand the partnership opportunities within DHS and law-enforcement entities through co-location and joint operations. Blaine Sector's participation in the JHOC will not only provide CBP with direct access to the Coast Guard's large vessel tracking information applicable to threats in the Blaine Sector area of operations (AOR) , but will allow CBP to partner with the Coast Guard in developing a common approach to identifying small vessel threats as well as fuse intelligence resources. The Blaine Sector currently has an exceptional working relationship with the Coast Guard and has agents assigned to the Coast Guard station in Bellingham, Washington. These agents provide immigration and customs law expertise during Coast Guard Operations.
- Field Operations in Seattle is jointly located at the JHOC and conducts joint targeting efforts between CBP, USCG, and Immigration and Customs Enforcement (ICE). The CBP office at the JHOC includes a workstation dedicated for USCG personnel. Also, a workstation within the USCG includes a dedicated workstation for CBP personnel. This daily interaction between CBP and USCG targeting personnel allows for increasingly close and sustainable intensive operations.

Question#:	4
Topic:	coordination - 1
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

- Field Operations in Seattle participates in multi-agency operational meetings which are conducted every other week to share information between agencies, and to identify those high risk vessels arriving the following week. This allows for planning and coordinated efforts in the level of boarding/inspection for any vessel targeted for joint boarding and planning for additional operations, such as container/cargo enforcement operations.
- Field Operations in Seattle attends the Captain of the Port sector operations briefings three times a week. The ongoing meetings with the USCG have further enhanced interagency collaborative efforts. Through these efforts, there has been a significant increase in the number of joint vessel boardings since January 2008.
- Field Operations in Seattle has been engaged through its presence in critical operational areas within the JHOC. Currently, there is one CBP Supervisor and two CBP Officers assigned to the JHOC. One CBP Officer is now physically located and assigned on the main USCG watch floor performing critical and essential targeting duties.

The SFO and Area Port of Seattle and Blaine are key participants in the West Coast Maritime Small Vessel Preventive Radiation/Nuclear Detection Pilot (PRND).

- The Department of Homeland Security (DHS), Domestic Nuclear Detection Office (DNDO), spearheads the PRND pilot program. This program focuses on reducing the vulnerability for the introduction of illegal radiological/nuclear weapons and materials in the maritime environment.
- The pilot project in the Puget Sound area of Washington State is a three year project that will include an integrated suite of capabilities (Human Portable Radiation Detection equipment) developed in close coordination with stakeholders (Federal, state, tribal, and local), which will be evaluated for wider deployment at the end of the project.
- The goal of the project is to use Federal, state, tribal, and local maritime and port assets to prevent the entry of illicit radiological or nuclear weapons or components of those weapons from entering Puget Sound.
- The pilot project will use maritime and port stakeholders in a secondary mission profile to execute the PRND program, in concert with CBP and USCG assets.
- The CBP SFO is working closely with DNDO, USCG, and the Pacific Northwest National Laboratory, as the pilot project develops. CBP will be attending monthly and other ad hoc meetings, which address the different phases of the concept of operations for the pilot project.

Question#:	4
Topic:	coordination - 1
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

CBPOs, in coordination with the USCG Seattle Sector conduct examinations of domestic empty inbound containers arriving within the port boundaries. Examinations are conducted on random days/times. CBPOs are equipped with non-intrusive technology including personal radiation detection devices, radiation isotope identifiers, and laser range finders. This coordinated effort is part of the Safe Port Act. To date, the examinations have yielded negative results.

Pier side boarding and examination program collaboration with the USCG Seattle Sector includes the addition of a USCG intelligence officer, along with CBPOs, to conduct pier side boardings and examinations. During these joint activities, the USCG intelligence officer conducts an interview with the vessel captain and gathers additional information on the vessel and crew. This information is shared between CBP and USCG and is used for future targeting efforts.

Joint Terrorism Task Force
Coordination with other Federal, state and local law enforcement agencies include the assignment of CBPOs to the Seattle FBI Joint Terrorism Task Force (JTTF). This coordination has been invaluable in the identification and further investigation of potential terrorists entering the U.S. The SFO CBP JTTF liaisons work in close coordination with the FBI, ICE, and other JTTF members to identify and further investigate subjects with a nexus to international travel. At the CBP Sweetgrass POE, the FBI has embedded an agent to ensure the immediate response to potential terrorists. This close coordination has been beneficial to both CBP and FBI.

Question#:	5
Topic:	northern border
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: How are your northern border efforts being coordinated with the efforts of other federal agencies and Canadian law enforcement and border security officials?

Answer:

Through liaison activities and intelligence sharing, CBP has worked closely with Canadian law enforcement agencies for decades. Inseparable relationships have been forged through years of working together in a joint endeavor to both police and secure our shared border. That collaborative and cooperative relationship manifested itself in the formalization of an international program called the Integrated Border Enforcement Team (IBET) in 1996, and eventual recognition as a best practice by Canada and the United States in 2001.

- In response to the tragedy of 9-11-01, the Governments of Canada and the United States, recognizing the unique capabilities of the IBET concept, ordered the expansion of IBET across the shared border. Currently, there are 15 IBET Regions and 24 IBET locations. The strength of the IBET lies in the mandate to incorporate other federal, state, local and tribal law enforcement entities into operations where practicable and feasible.
- There are five core IBET agencies having law enforcement responsibility at the shared border, namely:
  - Royal Canadian Mounted Police (RCMP) – Canada
  - Canada Border Services Agency (CBSA) – Canada
  - Immigration and Customs Enforcement (ICE) - U.S.
  - Customs and Border Protection (CBP) – OBP/OFO - U.S.
  - United States Coast Guard (USCG) - U.S.

Joint border enforcement operations are coordinated through the IBETs and are conducted in collaboration with state, county, tribal, and federal agencies located on both sides of the international border.

Under the Security and Prosperity Partnership Initiative, which the U.S., Canada, and Mexico signed in June 2005, the signatories agreed to develop business resumption protocols at LPOEs in the event of an unexpected disaster and/or increased alert levels. The SFO participates in a joint Canadian Border Services Agency (CBSA)/CBP Business Resumption Communication and Coordination Plan, which provides a framework for communication during an incident that disrupts trade flow at our shared border. This plan complements existing national incident management plans and designates points of contact between CBP and CBSA, provincial, state, and local authorities, as well as the

Question#:	5
Topic:	northern border
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

trade community. In April 2007, the CBP SFO participated in a tabletop exercise in Vancouver, British Colombia, to task the Joint CBSA/CBP Business Resumption Communication and Coordination Plan.

The SFO has three joint CBP/CBSA facilities along the Northern Border. These joint border facilities are located in Sweetgrass, Montana, Oroville, Washington, and Danville, Washington. These joint facilities provide the venue for CBP and CBSA to more effectively exchange information on local operations and issues, share intelligence, and communicate with the local trade and traveling public.

The SFO is actively engaged with the U.S. Department of Agriculture (USDA) in pest risk committees. Pest risk committees have been established in the four SFO Area Ports of Seattle, Blaine, Great Falls, and Pembina. These committees include participation by CBP, USDA, Fish and Wildlife, and the Canadian Food Inspection Agency and were established to communicate local pest risk issues and initiatives. CBP Seattle has coordinated extensively with USDA in the targeting and inspection of vessels that represent a risk of introducing the Asian Gypsy Moth (AGM) (*Lymantria dispar*) into the Seattle area on vessels arriving from high risk countries in Eastern Europe and Asia. CBP has also provided training to the USCG to enable them to recognize AGM egg masses on vessels they board. AGM is a voracious pest of trees that poses a major threat to forest habitats in the U.S.

In July 2008, CBP Seattle identified a vessel that was due in Everett, WA. Prior to arriving in the U.S., CBP's research on the vessel itinerary revealed that it had visited various Asian ports including Dalian, China and Hachinoche, Japan. Both of these Asian ports are believed to have populations of AGM, but the vessel was in these ports prior to the dates when the egg laying season normally occurs. The vessel was not listed on the Animal and Plant Health Inspection Service's (APHIS's) Office Port Protection and Quarantine's 2008 AGM Alert List because it had not called in any high risk ports during the 2007 egg-laying season. CBP targeted the vessel for AGM inspection because of the association with multiple high risk ports shortly before the egg-laying season. Over 100 egg masses were found on the vessel and CBP worked closely with USDA and USCG to order the vessel out of U.S. waters. The vessel was subsequently treated at sea and was ultimately permitted entry after multiple reinspections to ensure that all egg masses were removed.

Through the Smuggling Interdiction and Trade Compliance (SITC) program, the CBP SFO and USDA - conduct special operations to target specific agriculture threats in the ports of entry (POEs). Recent operations have been conducted in Port Angeles, Chief

Question#:	5
Topic:	northern border
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Mountain, Seatac International Airport passenger and mail facilities, Anacortes, Sweetgrass, Laurier, Roosville, and Eastport.

In June 2008, the CBP SFO hosted the West Coast Agriculture Roundtable, which is a semi-annual interagency agriculture conference. Attendees included CBP field managers from Seattle, Los Angeles, and San Diego. USDA – APHIS participants included representatives from the Western Regional Office, State Plant Health Directors Offices of California, Oregon, and Washington, veterinary services, SITC and Investigative and Enforcement Services (IES). The California, Oregon, and Washington State Departments of Agriculture were also represented, along with the U.S. Fish and Wildlife Service, USDA - Food Safety Inspection Service (USDA-FSIS), and U.S. Public Health Service.

In the commercial trade operations environment, the SFO Area Ports coordinate with multiple Federal agencies on import safety issues. Some of these agencies include Food and Drug Administration, Consumer Product Safety Commission (CPSC), Environmental Protection Agency, Department of Transportation, and USDA-FSIS. The SFO and Area Ports have established points of contact that coordinate import safety activities and operations in support of Operation Guardian. Operation Guardian is a multi-agency task force established in July 2008 to address import safety issues and ensure that unsafe products do not enter the commerce of the U.S. The CPSC is in the process of co-locating a CPSC investigator within the Area Port of Seattle in the Container Examination Station as part of enhanced enforcement efforts. The Area Port of Seattle also conducts local special enforcement operations with CPSC to target unsafe toys. In 2007, the Area Port of Seattle had four seizures of Aqua Dots toys that were seized pursuant to 19 USC 1595a(c)(2)(A) (merchandise contrary to law) and 15 USC 2068 (CPSC - prohibited merchandise). The total value of the merchandise was $2,039,032, which consisted of approximately 365,000 individual units.

2009/2010 Olympic Planning Activities

The SFO is actively participating in the security subcommittee that was formed at the request of Washington State Governor and State Homeland Security Director. The security subcommittee is a multi-disciplinary Federal, state, and local agency security subcommittee to oversee Washington State's preparations for the 2010 Vancouver Olympic and Paralympics Games, in British Columbia, Canada. The subcommittee's scope was subsequently expanded to include the 2009 World Police Games, also being held in the Vancouver metropolitan region. The primary mission of the security subcommittee is to synchronize Federal, state, local and Canadian security partners to

Question#:	5
Topic:	northern border
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

provide a safe and secure Washington State and Northern Border Region in conjunction with the 2009 World Police & Fire Games and 2010 Olympics and Paralympics Games.

The SFO is a major participant in all aspects of the 2010 planning process and leads the effort under the Planning Branch to develop an integrated concept of operations document, establish a coordination center, and develop operational procedures to handle the anticipated increased cross-border traffic. SFO managers are engaged in multiple working groups with the Planning Branch and tasked to work on these activities.

Primary issues of interest of the 2010 Olympics Taskforce include border wait times, emergency response personnel clearance procedures, and operational coordination with the CBSA and/or the Royal Canadian Mounted Police. The SFO has identified a range of options to improve the processing of vehicular traffic during the events and has a variety of initiatives that are being considered to ensure the secure flow of people and goods during the events. Many of these initiatives are being worked in close coordination with our CBSA counterparts.

Additional Intergovernmental and Cross Border Coordination

The SFO has worked in conjunction with the Washington State Department of Health to create a document titled "Sharing Medical Personnel and Resources across Washington and British Columbia" as part of the Emergency Medical Services Cross Border Work Group. Follow up projects included cross training for CBPOs on Emergency Service deployment and cross border travel.

The SFO has provided assistance for several years in the form of subject matter experts to work with agencies such as the U.S. Department of the Interior. The officers have worked to establish mutual standard operating procedures in support of the cross border deployment of fire emergency and disaster relief personnel and equipment. Governmental agencies of the U.S. and Canada that are responsible for wild land fire suppression have entered into mutual aid agreements to deploy personnel and equipment in support of fire and other emergencies to include the Northwest Compact and Northwest Border Arrangement. The member agencies are briefed annually on the changes to the process and maintain an operating manual that includes details of their responsibilities. Thus far, movements have been well coordinated with the individual POEs and represented minimal additional work to facilitate.

The SFO Continuity of Operations (COOP) plans have been updated to include response protocols, new templates, and operational roles and responsibilities to address an all hazards environment, including the introduction of a contagious disease into the U.S.

Question#:	5
Topic:	northern border
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

The SFO program staff is working with Area (Service) Port management to ensure that appropriate updates to COOP documents and procedures are made. In addition, the SFO personnel are participating in a State of Washington initiative to implement movement coordination protocols to facilitate the efficient and safe movement of relief vehicles/supplies into the state in response to a significant disaster.

CBP's SFO, Area Port of Blaine, Washington, is a signatory to the Binational Interagency Communication about Highway and Border Station Incidents that affect the Cross-Border Travel Memorandum of Agreement (MOA). This agreement was collaboratively developed by CBP, Canadian Government Agencies, and the State of Washington. Signatories to the MOA are CBP, Transport Canada, British Columbia Ministry of Transportation, CBSA, Royal Canadian Mounted Police, Washington State Department of Transportation, and Washington State Patrol. The MOA established a communications protocol for the purposes of increasing the speed and effectiveness of border-related incident management, ensuring the accuracy and timeliness of information delivered to affected entities and the public, and using the most current information technology to the public in the event of partial or complete closure of an international border POE.

Question#:	6
Topic:	oral declarations
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: Since DHS announced that it would no longer accept oral declarations of citizenship at land ports of entry in January, have you noted an increase in wait times to enter the U.S. at land ports of entry in your region?

Answer:

CBP has issued a 120-Day Operational Assessment to report on the impact that the January 31, 2008 document requirement changes have made to date on travel, wait times, security, and other significant issues. CBP findings to date indicate that this change has been successful with no discernable impact on wait times. However, other factors may occasionally impact wait times. As an example, the construction and redesign project at Peace Arch in preparation for the Olympics may impact wait times. Longer wait times that may occur due to construction are not attributable to either the new document requirements or the Western Hemisphere Travel Initiative (WHTI).

Question#:	7
Topic:	percentage
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: What percentage of travelers entering the U.S. at land ports of entry in your region are aware of and complying with DHS' current requirement that travelers present documentation to prove their identity and citizenship?

Answer:

The compliance rates are high – more than 95 percent of U.S. and Canadian citizens queried are presenting the requested documents when crossing the border. In the region, compliance rates are as follows:

Compliance Percentage Rate Since January 31st at Select Northern Border Locations

Location	U.S. Citizens	Canadian Citizens	Total
Pacific Highway	98.9%	98.5%	98.6%
Peace Arch	98.5%	98.0%	98.2%
Sumas	95.8%	93.1%	93.6%
Sweetgrass	94.6%	95.1%	95.0%

Question#:	8
Topic:	inform
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: What is CBP doing to inform cross-border travelers about the document requirements that will be in effect next summer at land ports as part of the Western Hemisphere Travel Initiative?

Answer:

CBP has issued a public relations contract to create a comprehensive plan to proactively communicate the new requirements and document options to the traveling public. CBP will use a variety of tools including advertising, public service announcements, and consumer-friendly materials as well as leveraging existing stakeholder partnerships to educate travelers and solicit the greatest compliance. This campaign will raise traveler awareness across the Nation about secure and standard documents with facilitating technologies, and will be designed to ensure a smooth transition to full WHTI requirements.

The immediate goal of the communications plan was to conduct border events in summer 2008 with an "Improving to Keep You Moving" summer travel theme, including advertising WHTI-compliant documents and advising affected border communities of planned RFID infrastructure deployment and construction.

An advertising campaign will be launched in September 2008, to reach the broader national audience that includes infrequent or would-be travelers. Communications activities will be planned in coordination with the Department of State (DOS) and will be shared with Canadian counterparts to ensure that messages are aligned.

Communication efforts in later stages, leading up to June 1, 2009, will be informed and measured by the document saturation and compliance at the land borders and by continual stakeholder feedback as the new document options become available.

Question#:	9
Topic:	partner programs
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: How are trusted partner programs such as NEXUS and the Free and Secure Trade program helping to reduce border inspections and wait times while improving our border security?

Answer:

CBP's Trusted Traveler Programs (TTPs), including NEXUS, Free and Secure Trade (FAST), and SENTRI, were developed to facilitate travel of known, low-risk border crossers and allow CBP to concentrate efforts on those who may be of higher risk.

All TTP applicants are thoroughly vetted for prior criminal violations, terrorist affiliations, and customs, immigration, and agricultural violations. Additionally, applicants voluntarily provide biometrics to CBP as part of the application process. CBP then checks the biometric information against the Federal Bureau of Investigation (FBI), CBP, and other law enforcement databases to verify the identity and check for criminal wants or warrants prior to approval in the program. Members are then subsequently checked every 24 hours and at each crossing.

Most TTPs use dedicated vehicle lanes equipped with RFID technology at LPOEs to pull up a member's information prior to the member arriving at the inspectional booth. This pre-read technology enables CBP to quickly query the traveler and confirm that they are a member of the program and therefore, expedite their routine processing. For example, the Port of San Ysidro, California, processed SENTRI vehicles nearly four times quicker than non-SENTRI vehicles (65 seconds to process a vehicle by manual query vs. 17 seconds for SENTRI). Therefore, the total hourly throughput for the SENTRI lanes was more than double that of the regular lanes (147 vs. 77 vehicles). Similarly, at the Port of Blaine, Washington, vehicles utilizing the NEXUS lanes were processed almost four times quicker than those using the regular vehicle lanes (18 seconds vs. 70 seconds).

Question#:	10
Topic:	coordination - 2
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: What action are you taking to coordinate CBP's northern border security work with other Department of Homeland Security (DHS) components that have responsibilities along the northern border?

Answer:

Integrated Border Enforcement Teams

- Integrated Border Enforcement Teams provide a forum for law enforcement agencies along the northern border to share information and intelligence. Both the Office of Border Patrol and the Office of Field Operations within CBP actively participate on IBET Teams. There are five core Integrated Border Enforcement Team (IBET) agencies having law enforcement responsibility at the shared border. Of these agencies, two are from Canada (Royal Canadian Mounted Police and the Customs and Border Services Agency) and three consist of DHS components (CBP, ICE, and the USCG). Joint border enforcement operations with all agencies, to include other DHS component agencies, are coordinated through the IBETs and are conducted in collaboration with state, county, tribal, and federal agencies located on both sides of the international border. In addition, when assistance is requested from one DHS component to another, established operational agreements are in place to provide that assistance. Some examples of this assistance are as follows:
  - Example #1: The request for OBP assistance from ICE in conducting a work site enforcement operation.
  - Example #2: Joint marine patrols consisting of shared OBP and USCG crewmembers along the Great Lakes.

IBET Teams are located across the Northern Border. Locations of IBET Teams include the Pacific IBET – Area Port of Blaine, WA; Okanogan IBET – Area Port of Oroville, WA; Rocky Mountain IBET – Area Port of Sweetgrass, MT; Prairie IBET – Area Port of Raymond, MT; Red River IBET – Area Port of Pembina, ND; Lake Superior IBET – Area Port of International Falls, MN; and Prairie Region IBET – Area Port of Portal, ND. IBET partners include the Royal Canadian Mounted Police, CBSA, ICE, and CBP's OFO, AMO, and OBP.

IBET partners meet on a weekly/monthly/quarterly basis to:

- Gather information from all sources in a manner consistent with the law in support of efforts to provide tactical or strategic intelligence on the existence,

Question#:	10
Topic:	coordination - 2
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

identities, and capabilities of terrorist or criminal organizations and enterprises. In particular, this will result in an enhanced national security and aggressive pro-active crime prevention and enforcement objectives/priorities pertaining to cross border crime between the U.S. and Canada.

- Discuss local and regional activities which may generate cross border travel, such as gun shows, equipment auctions (cash), and Outlaw Motorcycle Gang rallies (particularly the Regina Hells Angels group).
- Exchange information and develop actionable intelligence necessary for the timely cooperative follow-up on cases/incidents.
- Collaboratively review recent seizures, Be on the Look Outs, and activities to ensure all IBET partners are informed.

Air and Marine Operations
Within CBP, the SFO has coordinated with the Office of Air and Marine (AMO) in order to implement training and maritime special operations. Designated CBPOs who have marine responsibilities will receive training and equipment consistent with the standards established by AMO. In order to participate in this program, CBPOs will be required to complete the AMO "Crewmember Training" in advance of performing marine duties. Topics covered in this 24-hour training module include: Vessel Nomenclature, Marlinspike Seamanship, Use of Safety Equipment, Emergency Action Drills, Basic Seamanship, Tactical Handcuffing (Officer Safety), Arrest Techniques/Prisoner Custody, Basic Boarding Procedures, Use of Force (Tactical Overview), and the corresponding Practical Training Exercises.

Border Patrol
The SFO recently provided personnel to work special operations with CBP's Office of Border Patrol (OBP) and the National Park Service in Montana. The operation was conducted in Goat Haunt, Montana, to screen passengers arriving from Canada via the waterways. The officers concentrated on the interception of false documents, illegal aliens, and contraband, to include prohibited agricultural products. Goat Haunt is a seasonal location and only active during the summer months. Future operations are being planned for the upcoming months.

The SFO, working with OBP's Blaine Sector, helped to establish the coordination and transportation of detained aliens from the Blaine area POE to the Northwest Detention Center in Seattle. Border Patrol utilizes their office and agents to receive and detain aliens pending their pickup and transportation to Seattle. CBP's OBP has offered

Question#:	10
Topic:	coordination - 2
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

transportation vehicles and agents to assist at the POEs when Detention and Removal Office contractors are not available.

Immigration and Customs Enforcement
The Blaine Border Enforcement and Security Task Force (BEST) was developed and is operational in the Area Port of Blaine. The Blaine BEST includes a full-time dedicated CBPO and is led by the Blaine ICE Resident Agent in Charge. The Blaine BEST works in close coordination with the Integrated Border Enforcement Team (IBET) and Integrated Border Intelligence Team (IBIT) and focuses on smuggling in the commercial environment. IBET and IBIT include CBP's OBP and AMO, as well as other Federal and state law enforcement agencies.

CBP's Office of Field Operations (OFO) coordinated efforts with ICE include the integrated efforts at the Blaine POE to identify and apprehend violators in the outbound environment. This coordinated effort includes CBP Anti-Terrorism Contraband Enforcement Teams (A-TCETs) and ICE Port Squad members working together during outbound operations. In addition, ICE Port Squad members are receiving an overview of CBP operations during short-term assignments to shadow CBPOs during the completion of their daily duties.

Collaborative enforcement operations with other Federal law enforcement agencies have been conducted and additional operations are scheduled within the SFO area of responsibility.

Question#:	11
Topic:	WHTI
Hearing:	Securing the Northern Border: Views from the Front Lines
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: What is being done in your sector to inform cross-border travelers about the document requirements that will be in effect next summer at land ports as part of the Western Hemisphere Travel Initiative?

Answer:

CBP has issued a public relations contract to create a comprehensive plan to proactively communicate the new requirements and document options to the traveling public. CBP will use a variety of tools including advertising, public service announcements, and consumer-friendly materials, as well as leveraging existing stakeholder partnerships to educate travelers and solicit the greatest compliance. This campaign will raise traveler awareness across the Nation about secure and standard documents with facilitating technologies, and will be designed to ensure a smooth transition to full WHTI requirements.

The immediate goal of the communications plan was to conduct border events in summer 2008 with an "Improving to Keep You Moving" summer travel theme, including advertising WHTI-compliant documents and advising affected border communities of planned RFID infrastructure deployment and construction.

An advertising campaign will be launched in September 2008, to reach the broader national audience that includes infrequent or would-be travelers. Communications activities will be planned in coordination with DOS and will be shared with Canadian counterparts to ensure that messages are aligned.

Communication efforts in later stages, leading up to June 1, 2009, will be informed and measured by the document saturation and compliance at the land borders and by continual stakeholder feedback as the new document options become available.

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