



JULY 15, 2015

# SECURING THE BORDER: UNDERSTANDING THREATS AND STRATEGIES FOR THE MARITIME BORDER

UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL  
AFFAIRS

ONE HUNDRED FOURTEENTH CONGRESS, FIRST SESSION

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**Opening Statement of Chairman Ron Johnson**  
***“Securing the Border: Understanding Threats***  
***and Strategies for the Maritime Border”***  
**July 15, 2015**

*As submitted for the record:*

Today marks the eighth hearing this committee has held on border security since we began exploring this issue in early March. Over the course of the last several months, we have examined transnational crime on our southwest border, vulnerabilities on the northern border, and technology and infrastructure solutions at our ports of entry. Today, the committee seeks to understand the challenges facing our longest U.S. border: the U.S. maritime border.

The United States coastline, which includes the Atlantic, Caribbean, Pacific and Great Lakes coasts, measures over 95,000 miles long—one of the longest coastlines in the world. Across these coastlines migrants from Cuba, the Dominican Republic, and Haiti seek to illegally enter the U.S., often forced into overcrowded boats with unsafe and unsanitary conditions. Transnational criminal organizations also transport drugs—marijuana on the west coast and cocaine on the east coast—into the U.S. via the maritime border.

Terrorism is also a continuing threat across our maritime borders. In 2012, the Department of Homeland Security released its Northern Border Strategy, which in part focused on the vulnerabilities in the Great Lakes region. The report cautioned that these shared waterways provided a conduit for potential exploitation. In particular, the ability of small vessels to traverse the Great Lakes and blend in with commercial trade and recreational boaters creates a challenging enforcement environment. As a Wisconsinite, I can attest to this observation firsthand.

Despite these threats, as compared to the southwest border, the U.S. has very little domain awareness across our maritime border. And of the threats of which we do become aware, the U.S. Coast Guard is only able to respond to approximately 30 percent. This means that, similar to our southwest border, along which we are only interdicting 5 to 10 percent of the drugs smuggled across, a large amount of drugs are coming across our maritime border undetected.

Multiple government agencies are tasked with ensuring that U.S. coastlines remain protected from these various threats. These agencies include the U.S. Coast Guard (USCG), the U.S. Customs and Border Protection (CBP) Office of Air and Marine (OAM), and U.S. Immigration and Customs Enforcement (ICE). Today representatives from these agencies will testify to the threats at our maritime border and the strategies they have deployed to secure our coastlines.

I thank the witnesses for their willingness to provide these important insights and I look forward to their testimony.

## **Statement of Ranking Member Thomas R. Carper**

*“Securing the Border: Understanding Threats and Strategies for the Maritime Border”*

July 15, 2015

*As prepared for delivery:*

Thank you, Mr. Chairman, for holding this hearing. And thanks to our witnesses, as well, for joining us. Today, we take note of an important but often overlooked aspect of our homeland security – our nation’s maritime borders.

The United States has more than 95,000 miles of shoreline. The oceans, rivers, and lakes bordering the United States are both natural barriers and super highways. My home state of Delaware alone has over 350 miles of shoreline. It is also home to the Port of Wilmington, which ranks as the nation’s leading gateway for imports of fresh fruit, bananas, and juice concentrate. So maritime activity is serious business for us in Delaware. And I know it is for many others on this Committee, as well.

But the same waters that facilitate so much legitimate travel and trade can also be a pathway for many illegal activities. For example, we know that drug traffickers, human smugglers, and counterfeiters all take advantage of the difficulty in securing our maritime borders.

Maintaining ‘situational’ or ‘domain’ awareness of our country’s vast maritime borders is extremely challenging. Trying to actually disrupt or intercept threats that approach by water can be even more daunting.

Thankfully, we have many federal workers who dedicate their lives to stopping threats from entering our country by water. [Just last week, I had the pleasure of meeting several dozen of these fine people at the Coast Guard station at Indian River Inlet near Rehoboth Beach in Delaware.](#)

I am so proud of the work that Captain Cooper, Petty Officer Greenwell, and the rest of men and women at Indian River Inlet are doing. Day and night, Captain Cooper and his team patrol our busy coasts in Delaware and along the Atlantic and are ‘always ready’ to provide assistance should there ever be an emergency. Thank you for all that you do for the people of our state and for our country, as well as for our guests.

The Department of Homeland Security has a unique and leading role in maritime border security. It is home to the U.S. Coast Guard, the Office of Air and Marine within Customs and Border Protection, and Immigration and Customs Enforcement, which conducts investigations to disrupt trafficking and other threats. These agencies or their predecessors have been protecting our shores since the founding of our nation. We are fortunate to have leaders from each of these agencies here today to talk with us about the important work they do.

“It is my hope that we can learn more about a few key issues here today. First, we need to understand the current state of our maritime border security. I’d also like for our witnesses to talk

about what a secure maritime border looks like to them. Next, we need to develop a better understanding of the top threats in the maritime environment and how they are evolving.

As we have tightened up security on our southern land border, for example, traffickers and smugglers are seeking out other paths in the Caribbean or the Pacific coast. We need to be ready to combat this trend, as we continue to ‘squeeze the balloon’ along our land borders. Given the vastness of our maritime borders, it’s important that there is close coordination among agencies, as well as good cooperation with our trusted international partners.

Finally, I hope to hear today from each of our witnesses about the equipment and resources available to you and your colleagues to ensure our maritime border security. For instance, I know that you often rely on air surveillance to direct where vessels should go to disrupt criminal activity. Yet too many times, we have assets up in the air without the right kind of technology or surveillance packages. This also hampers our efforts on our land borders while wasting a lot of taxpayers’ dollars. We need to be smarter than that.

Thanks again to all of our witnesses for being with us today to discuss these important issues. I look forward to your testimony.

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**TESTIMONY OF  
REAR ADMIRAL PETER J. BROWN  
ASSISTANT COMMANDANT FOR RESPONSE POLICY**

**ON  
“MARITIME SUPPORT TO BORDER SECURITY”**

**BEFORE THE  
SENATE HOMELAND SECURITY AND GOVERNMENT AFFAIRS COMMITTEE**

**JULY 15, 2015**

**Introduction**

Good morning Mr. Chairman and distinguished Members of the committee. I am honored to be here today to discuss the Coast Guard’s role in maritime support to border security.

The U.S. maritime domain is vast and challenging in its scope and diversity and is not limited to the nation’s shorelines. It encompasses the expanse of our ports and coastal waters, our Territorial Sea, Contiguous Zone, and our Exclusive Economic Zone (EEZ), out to 200 nautical miles from shore. Coast Guard law enforcement authority reaches even farther when you consider the extended continental shelf, partner nation agreements, and the Coast Guard’s authorities on the high seas. A component of the Department of Homeland Security (DHS), the Coast Guard is at all times an armed force, a Federal law enforcement agency, a humanitarian service, a regulatory agency, and a member of the Intelligence Community. Over 75 percent of U.S. international trade by weight travels through maritime conveyance, making the safety and security of our maritime borders an economic and national security imperative. Each day we respond to a growing list of maritime border security issues, including the trafficking of narcotics, people, and other illicit goods by Transnational Organized Crime networks (TOCs), undocumented migration, illegal exploitation of our natural resources, potential terrorist activities, and the disruption of maritime commerce. Securing our maritime borders requires a layered, multi-faceted approach of authorities, capabilities, competencies and partnerships; the Coast Guard is uniquely positioned to cover this broad range of maritime border security requirements. The Coast Guard provides maritime support to border security by confronting threats in a layered approach, as far from our borders as possible.

**Layered Security**

Through a layered approach, the Coast Guard effectively pushes our border security measures well beyond our shoreline and EEZ by fostering strategic relationships with partner nations to detect, deter, and counter threats as early and as far from U.S. shores as possible. The Coast Guard enforces U.S. immigration laws and international conventions against human smuggling through at-sea interdiction and rapid repatriation of undocumented migrants attempting to reach

the United States unlawfully. The Coast Guard maintains a constant law enforcement presence at-sea to deter undocumented migrants and transnational human smugglers and to detect and interdict them far from the U.S. border. The Coast Guard accomplishes this mission in conjunction with other Federal, state and local agencies, including Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and the Departments of State and Justice. Between October 1, 2014 and June 30, 2015, the Coast Guard interdicted 2,259 illegal migrants attempting to enter the United States. While the Coast Guard leads the interdiction mission on the high seas, partnerships with CBP and ICE are critical for successful shore-side interdiction operations.

In September 2014, the Coast Guard released its Western Hemisphere Strategy that identifies three priorities for the maritime domain: Combating Networks, Securing Borders, and Safeguarding Commerce. To meet these priorities, the Strategy emphasizes the importance of a robust offshore cutter presence, which is supported by fixed wing maritime patrol aircraft, Airborne Use of Force (AUF) helicopters, and sophisticated intelligence and communications capabilities; an ideal maritime interdiction capability. To implement the Strategy, the Coast Guard has dedicated additional assets to Transit Zone interdiction operations, and invested in the people and platforms necessary to effectively target TOC networks.

With broad authorities and an extensive array of agreements and arrangements with nearly every coastal state in the Western Hemisphere, the Coast Guard leads maritime interdiction efforts against TOC networks. Our major cutters, AUF-equipped helicopters, and maritime patrol aircraft possess the offshore capabilities necessary to operate on the high seas where TOC networks are largely unchallenged by regional partners, and where those networks are most vulnerable to enforcement action by the United States. Over the last five years, Coast Guard cutters and aircraft have removed from the high seas more than 450 metric tons of cocaine, with a wholesale value of nearly \$15 billion. Our annual seizures at sea amount to more than three times the quantity of cocaine seized at our borders and within the United States combined. These interdictions, removals and seizures, combined with timely investigation and prosecution efforts, drive the interdiction continuum known as “The Cycle of Success.”

In the cycle of success, maritime interdictions, often cued by intelligence from ongoing investigations, lead to a deeper understanding of the organizational aspects of illicit activity. As evidence is collected and case packages developed, information is shared and analyzed, new intelligence leads are pursued, and linkages within the criminal networks are discovered. When done well, this process will result in tactically actionable intelligence that can be exploited to disrupt criminal networks and further propel the cycle of success. From 2002 to 2011, intelligence gained from Coast Guard interdictions contributed to the arrest and extradition of nearly 75 percent of all Colombian Consolidated Priority Organizational Targets, or drug kingpins. Just last month, one of our new National Security Cutters, USCGC STRATTON, using a robust on board sensor package and intelligence gained from other interdictions, located and seized a semi-submersible vessel with 2.8 metric tons of cocaine. Intelligence cueing is often very successful - for instance, 90 percent of the Coast Guard’s interdictions in 2014 were cued by intelligence. However, current surface and aviation fleet capacity only allows the Coast Guard to respond to approximately one-third of actionable intelligence.

To sustain and improve on these operational successes, the Coast Guard needs to re-capitalize its patrol boats and major cutters. The Coast Guard continues to replace legacy 110-ft Patrol Boats with more capable Fast Response Cutters. Additionally, as steady progress continues on the acquisition of eight National Security Cutters, the Coast Guard's highest priority is now acquisition of 25 Offshore Patrol Cutters (OPCs). The OPC will be the backbone of Coast Guard offshore presence and the manifestation of Coast Guard authorities, and will replace 30-50 year old Medium Endurance Cutters that are operating well beyond their service lives. These assets are essential to interdicting drug smugglers and undocumented migrants at sea, as well as rescuing mariners, enforcing fisheries laws, responding to disasters, and protecting our ports.

## **International Partnerships**

The Coast Guard's success in maritime border security relies on robust joint, interagency, and international partnerships to conduct drug interdiction throughout the Western Hemisphere. To more effectively counter maritime threats in the offshore region and throughout the Western Hemisphere, the Coast Guard maintains more than 40 maritime bilateral law enforcement agreements and arrangements with partner nations. These agreements and arrangements facilitate coordination of operations and the forward deployment of boats, cutters, aircraft, and personnel to deter and counter threats as close to their origin as possible, and enable real time communications between Coast Guard and Partner Nation operations centers.

In coordination with Joint Interagency Task Force South (JIATF-S), the Coast Guard works closely with partner nations in Central and South America, taking full advantage of their capabilities and local knowledge to improve maritime governance in littoral regions that are being exploited by TOC networks. As part of this effort, we leverage the availability of U.S. Navy and Allied Nation vessels to enhance presence and expand interdiction opportunities by embarking specially trained Coast Guard Law Enforcement Detachments (LEDETs) with the requisite law enforcement authority; we currently have these agreements and arrangements with the U.S. Navy, Canada, the Netherlands, the United Kingdom and Belgium. Recently, we began negotiations with Spain to reach a similar arrangement.

To foster international cooperation and build partner capacity, Coast Guard personnel are posted at several embassies throughout the world. These individuals develop strategic relationships with partner nation maritime forces that facilitate real-time operations coordination, maritime security cooperation, confirmation of vessel registry, waivers of jurisdiction, repatriation of undocumented migrants, and disposition of seized vessels, contraband, and detained crews. Equally important, they provide subject matter expertise and advice for the Country Team to assist the Ambassador in carrying out a comprehensive and coherent U.S. Government foreign policy, and to address maritime threats at their source.

Since 2007, the Coast Guard has sponsored semi-annual Multilateral Maritime Counter Drug Summits for Central and South America countries, and in 2014 initiated an annual Multilateral Maritime Interdiction and Prosecution Summit for Central and Eastern Caribbean countries. Combined, these summits involve more than 300 maritime law enforcement and prosecutorial officials in over 60 international agencies from some 35 countries. Topics range from maritime interdiction to prosecution and criminal investigations, the combination of which is improving regional success in all aspects of the interdiction continuum.

In February 2015, the Coast Guard launched its first ever Support to Interdiction and Prosecution (CG-SIP) Team in Panama. This initiative involves a three person team consisting of one Coast Guard Interdiction Specialist and two Coast Guard Investigative Service Special Agents. These personnel work alongside their Panamanian counterparts, filling critical gaps in our interdiction and engagement activities in the Central American drug transit zone, and bolstering awareness and information sharing well beyond our physical borders.

### **International Port Assessments and Vessel Screening**

The Coast Guard conducts foreign port assessments and leverages the International Maritime Organization's (IMO) International Ship and Port Facility Security (ISPS) Code to assess effectiveness of security and antiterrorism measures in foreign ports. Through the International Port Security Program, the Coast Guard performs overseas port assessments to determine the effectiveness of security and antiterrorism measures exhibited by foreign trading partners.

Since the inception of the ISPS Program in 2004, Coast Guard personnel have visited more than 150 countries and approximately 1,200 port facilities. These countries generally receive biennial assessments to verify compliance with the ISPS Code and U.S. maritime security regulations, as appropriate. Vessels arriving in foreign ports that are not compliant with ISPS Code standards are required to take additional security precautions while in those ports. They may also be boarded by the Coast Guard before being allowed entry to U.S. ports, and in some cases may be refused entry to the United States.

In U.S. ports, the Coast Guard Captain of the Port (COTP) is designated as the Federal Maritime Security Coordinator (FMSC). In this role, COTPs lead the nation's 43 Area Maritime Security Committees (AMSC) and oversee the development, regular review, and annual exercise of their respective Area Maritime Security Plans. AMSCs assist and advise the FMSC in the development, review, and implementation of a coordination and communication framework to identify risks and vulnerabilities in and around ports. Additionally, AMSCs coordinate resources to prevent, protect against, respond to, and recover from Transportation Security Incidents. AMSCs have developed strong working partnerships between all levels of government and private industry stakeholders.

The Coast Guard screens ships, crews, and passengers for all vessels required to submit an Advance Notice of Arrival (ANOVA) prior to entering a U.S. port. Complementary screening efforts occur at the national and tactical levels. At the tactical level, each of the Coast Guard's Area Commanders receives support from a Maritime Intelligence Fusion Center (MIFC), which screens the commercial vessels operating within their areas of responsibility for unique indicators, as well as providing additional screening for vessels that submit an ANOVA. The MIFCs focus on screening characteristics associated with the vessels itself, such as ownership, ownership associations, cargo, and previous activity. Coast Guard vessel screening results are disseminated to the appropriate DHS Maritime Interagency Operations Center, Coast Guard Sector Command Centers, local intelligence staffs, CBP, and other interagency partners through Regional Coordinating Mechanisms to evaluate and take action on any potential risks.

At the national level, the Intelligence Coordination Center's Coastwatch Branch, which is co-located with CBP at the National Targeting Center, screens crew and passenger information. Additionally, through the Coast Guard's partnership with CBP, we have expanded access to counter-terrorism, law enforcement, and immigration databases and this integration has led to greater information sharing and more effective security operations. In 2014, Coastwatch screened approximately 124,000 ANOAs and 32.7 million crew and passenger records. The Coast Guard also supports the CBP Container Security Initiative to ensure that all United States-bound maritime shipping containers posing a potential risk are identified and inspected prior to being placed on vessels. This initiative encourages better interagency cooperation and risk management through information sharing.

The Coast Guard has already established several Interagency Operations Centers (IOCs) to provide a capability that enhances the ability of multi-agency operational coalitions to better plan, coordinate and execute missions to support and enhance maritime safety, security, and economic resilience. Today, the Coast Guard, CBP and other agencies share workspace and coordinate operations directly at IOCs in the ports of Charleston, Puget Sound, San Diego, and Jacksonville, which have improved the efficiency and effectiveness of maritime security operations.

## **Southern Border**

Along the Southwest Border, DHS partners work together to keep communities safe from border-related violence and crime, and to weaken TOC Networks. The DHS Southern Border and Approaches Campaign Plan (SBACP) enhances Departmental flexibility by enabling the shifting and massing of DHS assets as needed along the southern border. The SBACP provides for unified operations across air, land, and maritime domains to better counter threats in the source zone, along legal and illegal pathways, and through networks, to the United States. The most significant new element of the Campaign Plan is the establishment of three new DHS Joint Task Forces: Joint Task Force East (JTF-E) (mainly maritime with land responsibilities in the U.S. Southeast); Joint Task Force West (JTF-W) (mainly land in the U.S. Southwest with maritime responsibilities close off the coasts of Texas and Southern California), and Joint Task Force-Investigations (JTF-I) (to coordinate the DHS investigations capabilities to support the Campaign Objectives). These three task forces operate cooperatively to maintain effective border security. To address the myriad maritime border security challenges DHS faces extending from our shores to the source of the threats, the Coast Guard, with strong support of our CBP and ICE partners, leads JTF-E. We are also an integral part of JTF-W and JTF-I, providing some 50 personnel for their support, intelligence, operations, planning, and special programs sections.

To further address maritime threats and to improve security along the Southwest Border of the United States, the Coast Guard and U.S. Northern Command (NORTHCOM) work with the Mexican Navy (SEMAR) and the Mexican Secretariat for Communications and Transportation (SCT). In particular, SEMAR and SCT are increasing their engagement with the Coast Guard through training, exercises, coordinated operations, and intelligence and information sharing. Furthermore, the North American Maritime Security Initiative provides an operational relationship between SEMAR, NORTHCOM, Canadian Forces, and the Coast Guard built upon standard procedures for communications, training, and operations.

A recent example of strong interagency cooperation is the effort to counter drug and migrant smuggling threats in the waters off Southern California. The Coast Guard, in partnership with other Federal, state and local agencies, has increased our levels of effort for the standing Operation BAJA TEMPESTAD. This joint operation brings additional resources to the fight against TOCs, including flight deck-equipped cutters with airborne and surface use-of-force capability; increased Coast Guard and CBP maritime patrol aircraft flights; additional non-compliant vessel use-of-force endgame capabilities from our shore based boats; and enhanced intelligence collection, analysis and dissemination. Through this operation, our joint forces have been responsible for the seizure of 125,292 pounds of marijuana and 259 kilograms of methamphetamines in Fiscal Year 2014.

### **Northern Border**

The Coast Guard has joined with CBP/USBP, ICE/Homeland Security Investigations, Royal Canadian Mounted Police (RCMP), and the Canada Border Security Agency to strengthen border security between Canada and the United States through a variety of operational programs based upon the U.S.-Canada Beyond the Border Initiative. One of the most visible cooperative initiatives is the Integrated Cross Border Maritime Law Enforcement Ship Rider Program.

This Agreement provides a legal mechanism for the cross-designation of United States and Canadian law enforcement officers, who are empowered to enforce the laws of both countries along the shared maritime border. There are 207 Shiprider-trained and cross-designated officers available to conduct operations (101 U.S. Coast Guard and 106 Canadian officers from RCMP, Windsor Police Service, Niagara Regional Police Service, and Ontario Provincial Police). Since its inception in 2012, Coast Guard and RCMP officers have conducted more than 3,000 hours of regular patrols and over 600 boardings on U.S. and Canadian vessels; an effort that previously could not be undertaken due to lack of jurisdictional authorities.

### **Conclusion**

The Coast Guard's layered maritime border security strategy addresses the broad range of offshore and coastal threats that have the potential to impact our national security and economic prosperity. From our efforts to push out our maritime border and strengthen our international and domestic partnerships, to our investments in cutter, boat and aircraft recapitalization, the Coast Guard continues to improve maritime border security while facilitating the safe flow of legitimate commerce.

Thank you for the opportunity to testify today, and thank you for your continued support of the U.S. Coast Guard. I would be pleased to answer your questions.

TESTIMONY OF

RANDOLPH D. ALLES  
Assistant Commissioner  
Office of Air and Marine

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

BEFORE

United States Senate  
Committee on Homeland Security and Governmental Affairs

ON

“Securing the Border: Understanding Threats and Strategies for the Maritime Border”

July 15, 2015  
Washington, DC

## **Introduction**

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

As America's frontline border agency, CBP is responsible for securing America's borders against threats while facilitating the lawful flow of people and goods entering the United States. OAM is a critical component of CBP's border security mission and the Department of Homeland Security's (DHS) risk-based and multi-layered approach to homeland security. We apply advanced aeronautical and maritime capabilities and employ our unique skill sets to protect our Nation's borders and preserve America's security interests.

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

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

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

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

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

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

## **A Secure Maritime Border**

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

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

A secure *maritime* border presents additional challenges. Unlike air traffic, small vessels<sup>1</sup> inbound to the United States are generally not required to announce their arrivals in advance, nor are they required to make their initial landing at a designated port of entry. Additionally, small vessels have no requirement to continually broadcast their position via transponder.<sup>2</sup> Therefore,

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<sup>1</sup> “Small vessels” are characterized as any watercraft, regardless of method of propulsion, less than 300 gross tons. Small vessels can include commercial fishing vessels, recreational boats and yachts, towing vessels, uninspected passenger vessels, or any other commercial vessels involved in foreign or U.S. voyages. DHS, Small Vessel Security Implementation Plan Report to the Public, January, 2001, page 1. <http://www.dhs.gov/xlibrary/assets/dhs-uscg-small-vessel-security-strategy-report-to-public-012011.pdf>.

<sup>2</sup> While the Maritime Transportation Security Act of 2002 (MTSA) and the International Convention for the Safety of Life at Sea (SOLAS) require many commercial, passenger, and commercial fishing vessels to operate with an Automatic Identification System (AIS), a tracking system to, among other things, increase maritime awareness, the requirement does not cover many small vessels.

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

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

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

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

## **OAM Overview**

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

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

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

OAM's 1,272 law enforcement personnel operate 257 aircraft, 283 vessels,<sup>3</sup> and a sophisticated domain awareness network across the United States. These assets provide critical aerial and maritime surveillance, interdiction, and operational capability in support of OAM's maritime border security mission. OAM continues to modernize its fleet and sensor systems to enhance our operational performance in diverse marine environments and increase our ability to adapt to the challenges of securing the maritime border and approaches to the United States.

### **OAM Law Enforcement Authorities**

An integral part of CBP's border security mission, OAM agents are credentialed law enforcement officers with a broad range of authorities that enable them to transcend land, air, and sea domains and jurisdictions, providing a critical layer of continuity in enforcement efforts. First and foremost, OAM agents are sworn federal law enforcement agents. They are authorized to carry firearms, obtain and serve warrants, subpoenas and summons, make arrests for any offense committed in their presence and make felony arrests without warrant.<sup>4</sup>

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

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

<sup>4</sup> See 19 U.S. Code § 1589a

<sup>5</sup> See 19 U.S. Code § 1401

<sup>6</sup> See 19 U.S. Code § 1581

<sup>7</sup> See 19 CFR 162.3

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

In their capacity as CBP law enforcement agents, OAM agents also enforce immigration laws in the territorial sea, on land, and in the air. Agents within OAM have the same broad immigration authority<sup>9</sup> as the U.S. Border Patrol; however, OAM is in the unique position to enforce this authority in the maritime environment. Similar to other investigative agencies, our agents recruit confidential sources, develop criminal cases, support prosecutors and testify in court in addition to their enforcement actions in the air, land and maritime domains.

This combination of authorities enables OAM to conduct successful investigations in the maritime domain.

### **Maritime Assets and Capabilities**

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

Often, there is little time to interdict inbound suspect vessels, and OAM has honed its maritime border security response capability around rapid and effective interception, pursuit, and interdiction of these craft. OAM employs high speed Coastal Interceptor Vessels (CIV) that are specifically designed and engineered with the speed, maneuverability, integrity and endurance to intercept and engage a variety of suspect non-compliant vessels in offshore waters, as well as the Great Lakes on the northern border.

Our vessels are manned by highly trained and experienced OAM crews authorized to deploy any required use of force, including warning shots and disabling fire to stop fleeing vessels. Over the last decade, OAM has evolved to counter the egregious threat of non-compliant vessels. OAM has developed capabilities to disable non-compliant vessels and to bring dangerous pursuits to a conclusion and prevent these vessels from reaching our shores. Since 2003, OAM has engaged in 123 cases involving marine warning and/or disabling rounds, and three cases involving air to vessel warning and disabling rounds.

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

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

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<sup>9</sup> See Title 8, Aliens and Nationality

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

Although OAM routinely makes seizures through maritime border patrols, the majority of arrests and seizures are the result of actionable information or detection by aircraft. CBP's P-3 Long Range Tracker and Airborne Early Warning aircraft are multirole high endurance aircraft capable of performing border security mission sets in the air and maritime environments. Equipped with a multitude of highly sophisticated communications equipment, radar and imagery sensors, operated by highly trained professional sworn law enforcement agents and officers, the P-3 is accredited with the interdiction of 122,427 pounds of cocaine and 5,918 flight hours within the Western Hemisphere Transit Zones in Fiscal Year (FY) 2014, which equated to 20.7 pounds of narcotics interdicted per flight hour.

The integration of unmanned aircraft systems (UAS) have provided critical enhancements to OAM's air, land, and maritime border domain awareness and capabilities. UAS provide high-endurance intelligence, surveillance, and reconnaissance of land borders, inland waters, littoral waters, and high seas with multiple advanced sensor arrays. The use of UAS in the maritime environment has increased OAM's ability to effectively detect, monitor, and track both personnel and conveyances involved in illegal activity.

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

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

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

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

situational awareness in real-time. In addition, the Minotaur mission integration system will allow multiple aircraft and vessels to share networked information, providing a never before seen level of air, land, and sea domain awareness.

A vital component of DHS's domain awareness capabilities, the AMOC integrates multiple sensor technologies and sources of information to provide comprehensive domain awareness in support of CBP's border security mission. Utilizing extensive law enforcement and intelligence databases and communication networks, AMOC's operational system, the Air and Marine Operations Surveillance System (AMOSS), provides a single display that is capable of processing up to 700 individual sensor feeds and tracking over 50,000 individual targets simultaneously.

AMOC coordinates with the Department of Defense (DoD), Federal Aviation Administration (FAA), the North American Aerospace Defense Command (NORAD), and international law enforcement partners in the governments of Mexico (GoM), Canada, and the Bahamas, to detect, identify, track and support interdiction of suspect aviation and maritime activity in the approaches to U.S. borders, at the borders, and within the interior of the United States. This relationship, enhanced through the deployment of shared surveillance technology has allowed GoM to focus aviation and maritime enforcement efforts to better combat transnational criminal organization (TCO) operations in Northern Mexico and the contiguous U.S./Mexico border. For example, this past January, officers working at the AMOC detected a suspicious aircraft travelling north towards the United States. AMOC subsequently alerted GoM, via the AMOSS, of the activity, and both the Mexican Federal Police (PF) and Air Force (SEDENA) responded to investigate. The abandoned aircraft was located by Mexican officials a short time later, where 27 bags containing approximately 389 kilos methamphetamine, 79 kilos of cocaine, 79 kilos of white heroin, and 1.5 kilos of black tar heroin were discovered and seized.

## **Operational Coordination**

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

In 2011, the CBP Commissioner, the USCG Commandant and ICE Assistant Secretary signed the cross-component Maritime Operations Coordination (MOC) plan. The plan addresses the unique nature of the maritime environment and sets forth a layered, DHS-wide approach to homeland security issues within the maritime domain, ensuring integrated planning, information

sharing, and increased response capability in each area of responsibility. In accordance with the MOC plan, OAM has been a key stakeholder in the implementation of the Regional Coordinating Mechanism (RECOM). Through this mechanism, OAM coordinates maritime operational activities through integrated planning, information sharing and intelligence integration.

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

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

### **Joint Technology Development**

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

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

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

## **Indicators of Success**

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

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

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

## **Conclusion**

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

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



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

PETER T. EDGE  
EXECUTIVE ASSOCIATE DIRECTOR  
HOMELAND SECURITY INVESTIGATIONS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

*“SECURING THE BORDER:  
UNDERSTANDING THREATS AND STRATEGIES FOR THE MARITIME BORDER”*

BEFORE THE

UNITED STATES SENATE  
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Wednesday, July 15, 2015

342 Dirksen Senate Office Building

## **Introduction**

Chairman Johnson, Ranking Member Carper, and distinguished members:

Thank you for the opportunity to appear before you today to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to improve security along the maritime border of the United States.

As the largest investigative agency within the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI) leverages its broad statutory authority to support border enforcement by working in close coordination with U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard (USCG) in a unified effort with our U.S. interagency partners to target transnational criminal organizations (TCOs). Today, I would like to highlight HSI's enforcement activities and successes in the maritime environment, the unique smuggling methods used by TCOs, and operational challenges that we encounter.

## **Overview of Maritime Smuggling Methods**

TCOs and individuals continuously seek to smuggle illicit merchandise through America's international borders. In the maritime border environment, they attempt to evade detection by concealing contraband in sea freight or in commercial fishing vessels. As a result of the sheer volume of international vessels entering U.S. seaports daily, law enforcement agencies face challenges in detecting smuggling concealment methods and targeting freight that is being moved through sophisticated facilitation schemes.

In addition, as federal, state, local, and tribal agencies augment their interdiction efforts along the U.S./Mexico land border, drug and human smuggling organizations are increasingly

shifting their operations to maritime routes as an alternative to land routes in order to transport contraband into the United States.

To illustrate, Mexican smuggling organizations have a history of utilizing various methods to enter the United States via maritime routes. One notable scheme is their use of small wooden fishing vessels, which are known as pangas. Pangas are simple in nature, with no inside floor, no cockpit, and no extraneous markings. However, they are efficient, cost effective, have superior handling, and are difficult to detect and often travel at night in order to avoid detection. As a result of increased patrols by CBP and the USCG, as well as a coordinated law enforcement response to this threat, these smuggling organizations have identified routes further out to sea and travel further north up the California coast (as far north as the San Francisco Bay Area) to circumvent interdiction efforts and to maintain their illicit smuggling operations.

### **Border Enforcement Security Task Force**

ICE created the Border Enforcement Security Task Force (BEST) to identify, investigate, disrupt, and dismantle existing and emerging TCOs and other criminal organizations posing significant threats to border security. The BEST program seeks to promote cooperation and coordination across the lines between federal, state, local, and tribal investigations, and close the gap with international partners in investigating complex TCOs in an effort to diminish vulnerabilities exploited by these organizations in the past. Currently, HSI has 37 BEST units located across 16 states and Puerto Rico and, of these, 19 maintain maritime units.

To facilitate these cooperative networks, ICE designates customs authority to partner agencies. ICE is authorized to designate customs officer authority under Section 1401 of Title 19 of the U.S. Code to other federal, state, local, and foreign law enforcement officers. This

designation is often referred to as “cross-designation” because the designated law enforcement officers are already empowered with the authorities granted by their home agency. Cross-designation enhances the ability of BEST agents and officers to investigate a wide range of complex criminal cases.

In order to minimize threats, the BEST program focuses on three key areas: investigations, interdiction, and intelligence. First, BESTs apply a risk-based approach to identify targets for disruption and dismantling. Targets identified as posing the most significant risk to border security, public safety, and national security are prioritized accordingly. Likewise, BESTs combine and leverage intelligence and interdiction successes in a comprehensive approach to investigate, disrupt, and dismantle TCOs involved in border related crime. These activities culminate with the proactive use of actionable intelligence and investigative leads by BESTs to target, intercept, and disrupt the illicit actions of TCOs attempting to exploit border security vulnerabilities.

BESTs offer diverse methods to combat TCOs, and many serve several specialized missions targeting illicit cross-border tunnels, maritime smuggling (contraband and human) through the use of modified fishing vessels (pangas), and illegal international flights using ultralight aircraft for smuggling narcotics. Likewise, BEST investigations also extend beyond the physical border. These units investigate cases of money laundering and financial crimes, the violation of intellectual property rights, identity and benefit fraud, child exploitation, and sex trafficking.

Co-location is another crucial aspect to the success of the BEST program. It enables all members of a BEST to work side-by-side on a daily basis under HSI supervision in a single

location. BEST members working in the same workspace promotes maximum cohesion and collaboration.

Created in 2005, the BEST program has provided a proven and flexible platform for DHS to investigate and target TCOs attempting to exploit perceived vulnerabilities at our nation's borders. BEST units differ from other task forces due to the BEST units' proximity to the borders and the program's focus on cross-border criminal activity. Congress codified the establishment of the program by passing the Jaime Zapata Border Enforcement Security Task Force Act, which was signed into law by President Obama in December 2012.

### **HSI Maritime Operation and Landscape Challenges**

HSI has been designated as the executive agent for developing the DHS Joint Task Force Investigations (JTF-I), and other DHS components are supporting this joint, integrated task force focused on common goals and objectives to secure the southern border and approaches, including the maritime border. JTF-I has the responsibility of identifying top tier criminal investigations and to support JTF-East and JTF-West.

The success of the JTF-I and the BESTs in these diverse environments depends upon the level of cooperation among HSI and our federal, state, local, and foreign partners in consolidating resources and leveraging unique international maritime authorities in combating TCOs. An example of this effort is the high-impact operation called Joint Operation Panama Express (PANEX). PANEX is a U.S. interagency strike force with significant HSI participation that is charged with identifying, targeting, and interdicting multi-ton quantities of cocaine being transported in the international maritime environments from South America through Central America and/or the Caribbean and into the United States.

PANEX is split into two separate task forces, one focusing on the Caribbean and one on the Pacific: PANEX N (Western Caribbean) and PANEX S (Eastern Pacific). HSI plays a critical role in the success of PANEX through its investigative authorities and augmentation of interagency resources in both the domestic and foreign arenas. HSI, the Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI) share investigative responsibilities for these international maritime interdictions. However, these agencies also rely heavily on the resources and analytical support of the USCG, CBP, Department of Defense (DoD), Intelligence Community, and multiple state and local partners in order to achieve success. In Fiscal Year (FY) 2014, PANEX was responsible for the interdiction of upwards of 36 tons of cocaine and more than 100 arrests of maritime facilitators and coordinators responsible for these shipments. Also, in FY 2014, PANEX dismantled three drug trafficking organizations and disrupted over 100 illicit activities of criminal organizations.

Another example of this effort is HSI Miami's Operation Bay Islands. Operation Bay Islands was initiated in July 2009 to target Honduran-based maritime transportation coordinators responsible for the movement of hundreds of tons of cocaine annually into Honduras for distribution to various Mexican cartels. Over the past six years, HSI led joint efforts with its federal, state, local, and foreign partners, and leveraged DoD and Intelligence Community capabilities, to completely dismantle one of the largest illicit maritime transportation networks operating in Central America. This HSI operation contributed to the arrests, indictment, and subsequent extradition of two Honduran nationals, the first Honduran nationals to be extradited from Honduras to the United States, since Honduras amended its constitution.

The cases were facilitated by four USCG maritime drug interdictions that helped build the cases. Since these charges and significant seizures of assets were effected, U.S. authorities

have witnessed a significant decrease in maritime cocaine movement into Honduras. This operation is a great example of HSI applying a whole of government approach to targeting TCOs at the source of the problem and preventing them from continued adverse impact on U.S. border security.

The individual BESTs located in maritime environments face unique challenges along the shoreline because of the surrounding geography. The following three BEST locations exemplify some of these maritime geographical challenges faced by these units.

Louisiana hosts two maritime BEST locations: New Orleans and Houma. Established in April 2015, the Houma BEST operates in a remote environment along the open coast of the Gulf of Mexico, and covers approximately 250 miles of uninhabited Gulf Coast sea border. Access to land is gained through six major waterways consistently traversed by large commercial vessels. These expansive, remote terrestrial areas and open major waterways are conducive environments for TCOs to smuggle illegal merchandise.

Within the BEST Houma area of responsibility, the Port of Morgan City has the second-highest number of vessel entries of any port in the nation due to the oilfield industry and its off-shore operations. Vessel entries into the Port of Morgan City increased over 11 percent from 4,561 in FY 2013 to 5,083 in FY 2014. Helicopter flights into the Port of Morgan City from off-shore oil platforms also increased over 45 percent, from 4,837 entries in FY 2013 to 7,052 entries in FY 2014.

The Louisiana Offshore Oil Port (LOOP) is located in Lafourche Parish, with its docking station 18 miles off the coast of Grand Isle, Louisiana. The LOOP alone is responsible for the delivery of as much as 18 percent of the nation's oil and is connected by pipeline to 50 percent of

the nation's oil supply. The LOOP is the only port in the United States capable of offloading Ultra Large Crude Carriers and Very Large Crude Carriers.

The establishment of BEST Houma has afforded HSI the opportunity to engage drug trafficking organizations exploiting these emerging Caribbean ports for maritime smuggling activity within the Gulf Coast. Modes of maritime transportation used to smuggle narcotics include containerized cargo, commercial vessels, crewmembers smuggling drugs, non-commercial fishing, and sailing vessels. BEST Houma is observing a dramatic increase in the use of fraudulent travel documents by aliens within the oilfield community.

In Virginia, the Hampton Roads BEST monitors facilities in Norfolk and Newport News. Hampton Roads is the third-largest container port along the Atlantic coast and seventh busiest in the United States. A majority of the commercial traffic in Hampton Roads is centered on four major seaport container terminals. Containerized traffic is expected to increase not only from the Panama Canal expansion project but also from the Heartland Corridor project, which will increase containerized rail traffic between the East Coast and the Midwest. The area also has a very large military presence, including the world's largest naval base. The port also has two cruise ship terminals that are increasing in passenger volume. TCO activity in the Port of Hampton Roads area of responsibility has included intellectual property enforcement seizures of counterfeit goods originating in China, illicit export of weapons destined to Africa, and stolen vehicles shipped to Eastern Europe, Africa, and the Middle East.

Lastly, the Port of Charleston is also a major transportation hub and is home to Charleston BEST. The top trading regions with the port are Europe, Asia, and Latin America, with Europe and Asia as the top markets. In all, 150 nations are served by 30 ocean carriers out of the Port of Charleston. There are also numerous privately-owned terminals in the Charleston

area providing services for the steel, petroleum, and paper industries. The Port of Charleston also supports cruise passenger traffic that has seen an infrastructure enhancement to support additional cruise traffic and passengers. The port is a major cargo facility for the U.S. military with an out-load operations site located in North Charleston, and is ranked one of the top strategic ports in the U.S. for military cargo movement.

### **Successful BEST Maritime Cases**

Partnerships with our international law enforcement partners are vital to identifying, disrupting, and dismantling TCOs. HSI strives to coordinate with our global counterparts beyond our border. Such collaborative relationships are demonstrated through these notable case examples.

The Newark BEST established a federally-led carjacking task force in response to the dramatic increase in luxury vehicles being violently carjacked in New Jersey, then smuggled through the Ports of Newark and Elizabeth, New Jersey to various West African countries to fund illicit TCO activity. BEST special agents and task force officers (TFOs) arrested 29 defendants following the dismantling of a major international carjacking and stolen vehicle trafficking ring. The ring procured luxury cars that were either stolen or violently taken through carjacking in New Jersey and New York and shipped the cars in containers to West Africa, where they were resold for large profits. Approximately 180 stolen vehicles worth more than \$10 million were recovered during Operation Jack in the Box, a 10-month Newark BEST investigation that used multiple investigative techniques.

The Honolulu BEST has a remote area of responsibility – the Hawaiian Island chain – requiring cooperative law enforcement partnerships in order to complete the BEST mission of

identifying, dismantling, and prosecuting criminal organizations. Every partner agency must share the investigative burden equally, and disparate agency priorities must be set aside to serve the unit and its mission as a whole. The Honolulu BEST is pursuing several notable investigations to include narcotics interdiction, export violations, and intellectual property rights, and has provided direct support to many significant state and local cases related to the seaport environment. For instance, the Honolulu BEST received information from the Honolulu Police Department on the recovery of five stolen vehicles with altered and/or removed Vehicle Identification Numbers (VINs). The stolen vehicles had the VINs swapped with salvaged vehicles similar in make and model to avoid law enforcement and regulatory detection.

The Houston BEST maintains the Mexico Corridor Initiative (MCI), which leverages law enforcement and DoD resources. The unit also focuses on TCOs operating in the Caribbean and the maritime threat from Central and South America. In one example, our Houston BEST tracked a commercial freighter vessel from the Dominican Republic that had docked in Venezuela, and then traveled to Puerto Rico. The Houston BEST collaborated with HSI Puerto Rico and CBP's Office of Air and Marine Operations in the Caribbean to intercept a Zodiac boat launched from the ship. This partnership resulted in two arrests and the seizure of 1,774 kilograms of cocaine. That same ship launched a second boat, resulting in an additional seizure of 1,056 kilograms of cocaine and several arrests. The USCG made an additional 11 arrests and the freighter was eventually seized by the U.S. Government.

The Los Angeles BEST represents a true "task force" model, where each agency supports the team effort by bringing their combined resources to the table. This task force's success is largely due to the unit's philosophy that all agencies share the credit equally and that all the partner agencies' priorities are the priorities of the Los Angeles BEST. The unit has investigated

several notable cases in the areas of narcotics and human smuggling, gun trafficking, and export violations, and has provided direct support to many significant state and local cases related to the seaport including murders, gang violence, and cargo theft investigations. The Los Angeles BEST is quickly becoming the model of how to combat the growing trend of maritime drug and human smuggling via pangas and private recreational crafts along the Mexico-California coast.

Co-located with the BEST is the Los Angeles/Long Beach Regional Intelligence Group, which coordinates directly with BEST special agents and TFOs. In FY 2014, a Los Angeles BEST-led Organized Crime Drug Enforcement Task Force (OCDETF) investigation resulted in the interdiction of a panga piloted by two Mexican nationals while the USCG patrolled the Southern California Coast. The panga contained bulk marijuana weighing approximately 2,560 pounds, cell phones, a satellite radio, and a maritime radio. The special agents seized all of these materials, and the subjects were charged with violations of maritime and narcotics laws.

Similarly, the San Diego BEST Marine Task Force (MTF) has been successful in combatting TCOs exploiting the openness of the Southern California Coastline to smuggle drugs and people from Mexico into the United States. The San Diego BEST MTF is a vital component of the San Diego Regional Coordinating Mechanism and provides tactical intelligence to patrol and interdiction assets. It also responds to and investigates all maritime smuggling events. San Diego BEST MTF is the lead agency of one OCDETF investigation. The unit itself is an initiative of the Southwest Border High Intensity Drug Trafficking Area (HIDTA) – California Region, so all narcotics investigations are HIDTA-related. In a joint San Diego BEST and OCDETF investigation dubbed Operation Baja Maelstrom, HSI targeted a large-scale maritime smuggling organization operating out of Baja California, Mexico. The BEST special agents and TFOs learned that the organization planned to land along the coast of California between San

Diego and San Francisco. Since its initiation in 2012, Operation Baja Maelstrom has resulted in a significant increase in interdictions spanning multiple judicial districts. In FY 2014 alone, the operation yielded over 30 interdictions and 95 arrests, as well as the seizure of 81,000 pounds of marijuana and 30 pounds of crystal methamphetamine.

These are just a few of the successful operations involving our maritime BESTs.

### **Conclusion**

HSI investigative and intelligence personnel are working tirelessly in coordination with DHS and our interagency counterparts to identify, disrupt, and dismantle TCOs that subvert the rule of law, violate our immigration and customs laws, destabilize our communities, and threaten national security. We commit substantial resources to secure not just the northern and southern borders, but our maritime borders as well. Our considerable efforts, in coordination with our partners at CBP and the USCG, are part of our comprehensive strategy known as the Southern Border and Approaches Campaign Plan, which focuses on securing the nation's borders, dismantling the infrastructure supporting cross-border criminal activity, and identifying and seizing the illicit criminal profits.

BESTs are continuing to identify and disrupt TCO activity and dismantle these organizations cell by cell. This success stems from the partner agencies acting as a force multiplier, with all of their resources, which have allowed BESTs to engage and more effectively target criminal activity perpetrated by TCOs. BEST special agents and TFOs continue to present successful criminal investigations for prosecution at the federal and state levels.

We are dedicated and committed to this mission, and we look forward to continuing to work with this Committee on these efforts. Thank you again for the opportunity to appear before you today.

I would be pleased to answer any questions.