

**IMPROVING SECURITY, TRADE, AND TRAVEL AT
LAND PORTS OF ENTRY AT THE SOUTHWEST
BORDER**

HEARING

BEFORE THE

SUBCOMMITTEE ON
GOVERNMENT OPERATIONS AND
BORDER MANAGEMENT

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
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CONTENTS

Opening statements:	Page
Senator Sinema	1
Senator Lankford	1
Senator Hawley	10
Prepared statements:	
Senator Sinema	23
Senator Lankford	25

WITNESSES

WEDNESDAY, JUNE 16, 2021

Hon. Kevin K. McAleenan, Former Acting Secretary (2019) at the U.S. Department of Homeland Security	2
Anthony Reardon, National President, National Treasury Employees Union ...	4
Samuel Vale, President, Starr-Camargo Bridge Company	5
Guillermo Valencia, President, Valencia International Inc.	7

ALPHABETICAL LIST OF WITNESSES

McAleenan, Hon. Kevin K.:	
Testimony	2
Prepared statement	29
Reardon, Anthony:	
Testimony	4
Prepared statement	32
Vale, Samuel:	
Testimony	5
Prepared statement	43
Valencia, Guillermo:	
Testimony	7
Prepared statement	49

APPENDIX

Responses to post-hearing questions for the Record:	
Mr. McAleenan	52
Mr. Reardon	54
Mr. Vale	58
Mr. Valencia	63

**IMPROVING SECURITY, TRADE, AND TRAVEL
AT LAND PORTS OF ENTRY AT THE
SOUTHWEST BORDER**

WEDNESDAY, JUNE 16, 2021

U.S. SENATE,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
AND BORDER MANAGEMENT,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:31 p.m., via Webex,
Hon. Kyrsten Sinema, Chairman of the Subcommittee, presiding.
Present: Senators Sinema, Ossoff, Lankford, and Hawley.

OPENING STATEMENT OF SENATOR SINEMA

Senator SINEMA. I call today's hearing to order.

I welcome Ranking Member Lankford, Members of the Subcommittee, and our witnesses to today's discussion focused on Southwest Border land ports of entry (POE).

I hope today's hearing can help us refocus our Southwest Border security discussions back toward the ports of entry.

Unfortunately, votes on the Senate floor are going to impact our hearing today, so I am going to submit my full opening statement for the record¹ in the interest of saving time for our panelists.

With that, I would like to turn the time over to Senator Lankford for his opening statement. I want to recognize our Ranking Member for his opening remarks.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you. You do not have to turn the gavel over to me. We are working on the in the mid-term.

I appreciate that very much. I am also, in the interest of time, going to submit my opening statement for the record.² I appreciate all of our witnesses being here, all of their preparation in the written statements that they have already submitted, and I look forward to questions with them.

Senator SINEMA. Thank you.

Now, I will introduce our witnesses so they can present their opening statements.

¹The prepared statement of Senator Sinema appears in the Appendix on page 23.

²The prepared statement of Senator Lankford appears in the Appendix on page 25.

I ask each of our witnesses to keep their opening statements to 5 minutes. Your full written statements will be submitted for the record.

Our first witness is Kevin McAleenan, who previously served as the Acting Secretary of Homeland Security in 2019 and the Commissioner of Customs and Border Protection (CBP) from 2017 to 2019. Even before this time, he had a long career managing CBP's workforce and leading the organization's operations to secure the U.S. border while expediting lawful trade and travel at 329 ports of entry in the United States and 70 international locations in more than 40 countries.

Mr. McAleenan, we are honored to have you join us today and you are now recognized for your opening statement.

**TESTIMONY OF THE HONORABLE KEVIN K. McALEENAN,¹
FORMER ACTING SECRETARY (2019), U.S. DEPARTMENT OF
HOMELAND SECURITY**

Mr. McALEENAN. Thank you, Madame Chairwoman, Ranking Member Lankford, distinguished Members of the Committee. It is an honor to appear before you today and to be back in front of the Homeland Security and Governmental Affairs Committee (HSGAC), especially the newly structured Subcommittee with Oversight of Border Management.

The topic of this hearing, Improving Security, Trade, and Travel at Land Ports of Entry on the Southwest Border, is a critical one and it is a privilege to be with such a knowledgeable group, knowledgeable panel, on Southwest Border operations.

Our ports of entry, and land ports in particular, have traditionally received less emphasis and focus than they deserve, in my view. Our ports of entry with Mexico are an essential gateway for trade and commerce, integrated manufacturing and supply chains, agriculture produce and livestock, and daily connections between shared border communities for work, school, and life.

They are also critical points for ensuring the security of the United States where U.S. Customs and Border Protection officers and agriculture specialists must identify and interdict dangerous people and goods. The majority of hard narcotics, the methamphetamine and opioids plaguing so many parts of our country, have traditionally been smuggled through these ports of entry. Agriculture pests and diseases that can threaten U.S. producers are encountered daily. Cartels move weapons and hard currency outbound daily, as well. Human trafficking, counterfeit products, and trade fraud are constant challenges.

Over the past decade, Congress has provided significant resources to CBP for land border ports of entry and enhanced legal authorities to enter into innovative public-private partnerships and CBP has endeavored to deploy them to continually improve the facilitation of lawful trade and travel while enhancing security.

As a result, CBP has made substantial progress in improving operations at ports of entry toward that goal of an increasingly well-managed border, that one that efficiently and effectively identifies

¹The prepared statement of Mr. McAleenan appears in the Appendix on page 29.

and interdicts threats while expediting the vast majority of lawful travel and trade.

More investment, however, infrastructure, technology, and personnel is needed to sustain and build on this progress and that investment can have substantial benefits for the United States economy impacting all 50 States.

Ports of entry are an important economic engine for the U.S. economy. On a typical day, almost \$2 billion worth of goods move across our shared border with Mexico. Before coronavirus disease (COVID) and the travel restrictions it entailed, several hundred thousand people crossed our border each day through a few dozen crossing points. Our land borders necessarily require a combination of infrastructure to accommodate the physical flow, but also technology and personnel to manage it effectively.

I am going to submit my longer statement for the record, in view of the need for time for questions. But I wanted to highlight just a few key points.

With regard to technology, non-intrusive inspection (NII) now available and being deployed offers the promise of 100 percent inspection of personally owned vehicles and rail cars and truck conveyances crossing our border. Combined with the ability to integrate that data, platforms to assess the risk and provide results to our CBP officers and agriculture specialists, the potential for dramatic security improvements is achievable in the coming months and years. Combined with enhances forensics, investments in intelligence analysis, and investigative partnerships, these technologies provide impressive capabilities and offer significant facilitated benefits, as well.

But the importance of investments in technology are equaled by the importance of the investments in the people of CBP. Ultimately, each decision on admissibility of a person or a good depends on that CBP officer's insight and knowledge. Adequate staffing is essential. The Center for Risk and Economic Analysis of Terrorism Events at the University of Southern California has found the economic impact to be dramatic. Due to increased efficiency of processing trade and travel, each additional CBP officer contributes over \$350,000 to the U.S. economy and supports the growth of 3.5 American jobs. Hiring additional officers pays for itself.

The other key point is the infrastructure. We have worked across multiple administrations with the CBP has, to prioritize key ports of entry. Those investments are needed now but also innovative partnerships, public-private State and local government partnerships like the Cross Border Xpress in Southern California, the developing Otay Mesa port of entry, and Gordie Howe Bridge on the Northern Border are great examples of how public-private partnership can speed growth and provide that infrastructure that is critical for that cross-border movement.

I will close now by just noting that, by definition, border management is binational. The partnership with Mexico in this space is critical. We have great programs like the Unified Cargo Processing program, but we need more and it needs to be a priority of our diplomatic relationship with the Government of Mexico.

Thanks again for the opportunity to testify. I look forward to engaging the Committee's questions.

Senator SINEMA. Thank you.

Our second witness today is Tony Reardon, the national president of the National Treasury Employees Union (NTEU) is the nation's largest independent union of Federal employees and Mr. Reardon has more than 25 years with the union.

Thank you so much for your work and for joining us today and you are recognized for your opening statement.

**TESTIMONY OF ANTHONY REARDON,¹ NATIONAL PRESIDENT,
NATIONAL TREASURY EMPLOYEES UNION**

Mr. REARDON. Chairwoman Sinema, Ranking Member Lankford, and Members of the Subcommittee. I want to thank you very much for the opportunity to testify on behalf of over 29,000 frontline Customs and Border Protection Officers, Agriculture Specialists and trade enforcement specialists at the nation's 328 air, sea, and land ports of entry and at pre-clearance operations overseas.

As you know, the ports are an economic driver of the U.S. economy, contributing \$74 billion in 2020 revenue collections. The dedicated men and women that NTEU represents ensure the efficient processing of legitimate trade, travel, and they stop illicit trafficking of people, drugs, weapons, and money at ports of entry.

Improving security, trade, and travel and ensuring the safest possible working environment for CBP personnel at all ports of entry, including the Southwest Border ports, is incredibly important to our members especially during the COVID-19 crisis.

To date, the CBP frontline workforce has had over 8,800 confirmed COVID-19 cases and sadly, 32 line-of-duty deaths due to the virus. NTEU mourns these losses with the family, friends, and colleagues of these workers and greatly appreciates their service to our country. Since the vaccine became available, NTEU worked with CBP to encourage and assist our members in getting the vaccine and that work continues.

As I have testified in the past, there is no greater roadblock to border security than the lack of sufficient staff at the ports. Despite the decrease in trade and travel volume due to the pandemic, according to CBP's own staffing models, there is a staff shortage of 1,700 CBP officers, 400 CBP agriculture specialists, and 200 CBP non-uniformed trade specialists.

Understaffed ports lead to long delays in travel and cargo lanes, a situation that continues to plague many Southwest Border ports. This has led to temporary duty assignments (TDYs) to ensure proper staffing, including at the San Ysidro and Otay Mesa ports of entry that are currently experiencing up to 4 hour delays. This situation will only be exacerbated as the temporary bans on non-essential travel are lifted as the spread of COVID-19 diminishes.

In addition, the reduction of user fees collected due to the drastic drop in international commercial travel and, to a lesser extent, trade volume since March 2020 also threatens to disrupt CBP staffing at the ports. These user fees fund 40 percent of CBP personnel including 8,000 CBP officer positions. That is roughly one-third of the entire CBP workforce at the ports of entry.

¹The prepared statement of Mr. Reardon appears in the Appendix on page 32.

Without additional funding to support these CBP officers between now and the end of fiscal year (FY) 2021, this loss of user fee funding could result in furloughs at a time when this workforce is most needed to facilitate the flow of legitimate travel and trade as the economy recovers.

Even though they are severely understaffed, the results of CBP officers' efforts are indisputable. For example: a CBP official recently testified before the House Appropriations Committee that seizures of fentanyl at the ports of entry are up over 300 percent. It is vital that Congress continue to authorize and fund additional staffing to ensure CBP officers can continue to succeed in this important work.

But I want to be clear, NTEU strongly supports border security and that is why we have fought for many years for additional funding to increase CBP's staffing at the ports. We fought for better equipment, pay, and benefits for all CBP employees. All of these things contribute to a strong and secure border and improve trade and travel at the Southwest Border ports.

After years of effort and much appreciated funding support by Congress, NTEU urges you to ensure that CBP does not lose staffing advances that they finally started to gain and that CBP personnel at the ports are on the job during the economic recovery.

Thank you all very much for having me and happy to answer any questions you might have.

Senator SINEMA. Thank you so much.

Our next witness is Sam Vale, president of the Starr-Camargo Bridge Company which operates the bridge connecting the Rio Grande Valley (RGV) in Texas with the Mexican State of Tamaulipas. I think I said that right.

He is joining us today representing the Border Trade Alliance, a non-profit organization that seeks to address key issues affecting trade, travel, and security at the U.S. Northern and Southwest Borders.

Mr. Vale, thanks so much for joining us today.

You are recognized for your opening statement.

TESTIMONY OF SAMUEL VALE,¹ PRESIDENT, STARR-CAMARGO BRIDGE COMPANY, TESTIFYING ON BEHALF OF THE BORDER TRADE ALLIANCE

Mr. VALE. Thank you, Chairman Sinema, and Ranking Member Lankford. I really appreciate the work that all of you are doing.

I think that the Border Trade Alliance has for 35 years been promoting good policies for cross-border trade and commerce to benefit the countries of North America.

I think that one of the things that I do want to bring up initially is the definitions that we are using as countries, essential, non-essential. People act like an essential traveler goes back to a community in Mexico that is only essential people. They are mixing with all the non-essential people and, in the meantime, the border communities are being devastated economically. The local governments are suffering. CBP is suffering. We are having a lot of reasons why we are looking forward to some of the benchmarks that Senator

¹The prepared statement of Mr. Vale appears in the Appendix on page 43.

Sinema has established, are mentioned in a letter on March 28, 2021. We are looking forward to working with her on that and the rest of the bipartisan members that signed on to the correspondence.

We think that it is truly a shame that we do not really understand how things work on the business and commerce on the border. We think that, with the help of the Senate and the House and the administration, and our counterparts in Mexico and Canada, that we can come up with a very respectable plan that allows for us to return to more normal activities.

Certainly, none of us want CBP to have problems, but we go along way along the Southern Border to protect CBP, down to and even testing Mexican officers who are on the U.S. side for the Unified Cargo Processing. So even though CBP cannot do that, we did it with our bridge owners. That is how we try to contribute.

We are also talking quite a bit about how we are going to go about being able to come back to normality. The fact that Rice University has demonstrated that \$4.9 billion of gross domestic product (GDP) have been lost solely on the Texas counties on the Mexican border, and I know that it is true for the New Mexico, Arizona and to California, and probably up on the Northern Border, as well. We need to get business going again and that is something that we have an obligation to all of our constituents.

I am looking forward to being able to discuss the resources that we need. We are big supporters of public-private partnerships. We are currently providing internships—and when I say we, we are talking about the owners of the ports of entry. We are providing donor donated properties to the government. We are providing reimbursable services for overtime hours. We are really doing all we can to promote the livelihoods of all of the countries in North America because of trying to put back into the system, even though we are paying taxes just like everybody else.

We are looking forward to technology and, as mentioned by Mr. McAleenan, we need the technology in order to be successful. We can absolutely examine 100 percent of the northbound and southbound cargo with using modern technology. I think that is one of the keys that we need to utilize.

We appreciate the opportunity to represent our positions. They are all in the written testimony and look forward to any discussions and answering any questions that the Senators may have.

Thank you.

Senator SINEMA. Thank you.

Our final witness today is Guillermo Valencia, who is the president and co-owner of the Arizona-based company Valencia International. He is joining us today on behalf of the Greater Nogales and Santa Cruz County Port Authority.

Mr. Valencia, thank you so much for joining us today. I am looking forward to hearing your Arizona perspective and you are recognized for your opening statement.

TESTIMONY OF GUILLERMO VALENCIA,¹ PRESIDENT, VALENCIA INTERNATIONAL, INC., TESTIFYING ON BEHALF OF THE GREATER NOGALES AND SANTA CRUZ COUNTY PORT AUTHORITY

Mr. VALENCIA. Thank you, Chairwoman Sinema and Ranking Member Lankford. Thank you very much for this opportunity.

My name is Guillermo Valencia and I am past chairman of the Greater Nogales and Santa Cruz County Port Authority. My day job, I am president and co-owner of Valencia International, a customs brokerage and logistics services company. We have been in business for 40 years.

The Port Authority is comprised of city of Nogales, Santa Cruz County, the Fresh Produce Association of the Americas, the Nogales Customs Brokers Association, INDEX Nogales, Nogales Community Development, Nogales Santa Cruz County Economic Development Corporation, and the Santa Cruz County Mining Cluster. Our principal focus is the improvement of our ports of entry system and the quality of life of our residents.

I would like to bring to your attention the needs of our community. The first issue is our border infrastructure, including our ports of entry and the connectivity to our Federal highway system. While we have a state-of-the-art facility at the Mariposa port of entry, we also have one of the most outdated, overburdened and literally crumbling ports in the Nation. That is the DeConcini port of entry.

In terms of our transportation infrastructure, we work extensively with the Arizona Department of Transportation (ADOT) and we are about complete a \$134 million dollar modernization of State route 189 that connects our commercial port of entry to interstate 19.

But that is only one aspect of the transportation investments we need. Modernizations are desperately needed at the Ruby Road and Rio Rico interchanges on interstate 19. Our mining, manufacturing and fresh produce sectors could greatly benefit from a multimodal facility at Rio Rico but there is simply no funding for this to happen. Multimodal alternatives are essential if we are to remain competitive as a region and a nation.

We also need additional CBP staffing at our ports. While staffing has improved in recent years, we still see a situation in which CBP is unable to open every lane during our peak hours and peak operations and port directors are forced to play a game of opening and closing of different aspects of the ports in order to help maximize operations.

They are trying to do their best with what they have. But that is simply not a standard for our nation's security. Staffing needs to be a thoughtful and deliberative process that meets not only immediate but future needs.

I would also propose that in order to eliminate the constant battle for funding for efforts at the ports of entry versus the space between them, that the Department of Homeland Security (DHS) be modified to create directorates that are highly specialized. While those of you in the Committee know the difference, not every mem-

¹The prepared statement of Mr. Valencia appears in the Appendix on page 49.

ber of the Senate or the House of Representatives understands the difference between the Office of Field Operations (OFO) and the Border Patrol, both commonly and at times erroneously referred to as Customs and Border Patrol. It is important that the customs functions be kept separate than those of the Border Patrol. Too often we hear that funding was provided to CBP when it was to the Border Patrol, and not to the OFO at the Ports of Entry.

Our ports are the trade and tourism lifeline of our Nation. Border patrol does law enforcement between the ports of entry. Their training of the officers and the laws they enforce are very different and not easily interchangeable. Thus, I propose that this structure be better defined.

Finally, I implore you to work with the White House in lifting border crossing restrictions for non-essential travel. While these measures may have served an important role at critical times during the height of the pandemic, the continuation of these provisions are engendering the negative impacts on border economies. Border crossing travel here in Nogales is down by over 46 percent and that has decimated our small business, our restaurants, our hotels, our stores.

Santa Cruz County and other local partners have done an exceptional job and as of the latest reports, more than 82 percent of the eligible population in Santa Cruz County has been fully vaccinated. Our hospitalization rates have decreased dramatically and positivity rates in our county and on the Mexican side have decreased significantly. While we remain committed to pushing a message of protecting the health of our residents, we must also protect the health of our business community.

Just a few days ago, the Centers for Disease Control (CDC) lowered the travel advisory for Mexico from a level 4 to a level 3 reflecting the improving conditions on the ground combating the pandemic. The conditions have dramatically improved, and we must reopen the border to all travel.

I want to thank you for taking the time to convene this hearing and for your personal commitment to making a difference for the border. We are the frontline of our nation's security but we are also the principal gateway for trade and tourism.

Thank you and I would be happy to address any questions you may have.

Senator SINEMA. Thank you so much, Mr. Valencia.

Now we will begin the question portion of our hearing and each Senator will receive 7 minutes for questions. I will recognize myself first for 7 minutes.

I want to start today with both Mr. Vale and Mr. Valencia. From a trade perspective, what are the chief investments or policy changes needed to ensure that our ports effectively serve businesses in border communities? I want to better understand what could have been done during the pandemic, what needs to happen now that we are coming out of the pandemic, and what we need to tackle moving forward.

Mr. VALE. You want a reply to that?

Senator SINEMA. If possible, yes. Thank you, Mr. Vale.

Mr. VALE. Yes. I think that we were all rattled by this pandemic and I think that we did not really measure correctly how it was

affecting the border on both sides, including the personnel that the government's support.

I think that we could have done much better the minute the vaccinations were out, every Customs officer should have been vaccinated. I do not know what, all of our employees were vaccinated. Everybody we dealt with, we would not let anybody that came to our business not be vaccinated. We promoted it. We think that the government could have done a better job there.

We are also very concerned about the lack of support that really goes into what the mission of CBP is. Kevin McAleenan, I think I last saw you in Mexico City and we were trying to promote good common business practices between both Customs and the Mexican side as well as the private sector.

Senator, I think that the biggest problem that we have is that we are looking at it always from a rear-view mirror point of view and we are not reaching out in advance and being able to provide for what we need.

The private sector is willing to do its part. We have demonstrated that by being able to pay for Customs officers. We have now got programs getting interns from college to go into the CBP agriculture specialist positions. When they graduate from college, they are automatically given a job by CBP should they want it. We need to have more of these. There are communities that donate huge tracts of property, build facilities, do all sorts of things to assist the ports of entry. We think that that mission has not been accepted by the country and it cannot always be just another tax dollar.

Senator SINEMA. Thank you.

And Mr. Valencia.

Mr. VALENCIA. Sure. Thank you, Senator Sinema.

I am not an expert on health and I think most of us did not know what to expect from this pandemic. It was kind of hard and most of us erred on the side of caution. From that point, I think we understand some of the reactions.

But also, the restrictions on travel and essential travel, the definitions on it, and the application of those definitions, were I think a little bit—how can I say? They were unbalanced. If people traveled by air they could get into the United States and they were not asked many questions. But if they traveled by car, they were asked a lot of questions and they were returned most of the time. And traveling for the same reasons to conduct business or essential medical necessities or whatever.

I think on that point we could have all done a better job. Like Mr. Vale said, we, the business sector, adapted really quickly. But the government sector did not. I think that is where we can learn from the pandemic is how do we help to adapt quicker in a situation like this where it does not hurt us and devastate our local economies the way it did.

Was there another part to your question, too, on the first part of that, Senator?

Senator SINEMA. No, that was great. Thank you so much.

I will move now to Mr. McAleenan. I want to focus on technology with you. At times, the border security technology discussion focuses too much on the regions between ports of entry and not

enough on the ports themselves. Yet, we know that criminal networks are constantly targeting our ports.

What steps should Congress and DHS take right now to ensure that our strategies in technology investments keep pace with criminals who are continually adapting their tactics in response to U.S. capabilities?

Mr. McALEENAN. Sure. I guess I will start and just focus on the highest risk threat coming through the ports of entry in terms of the impact on American lives, and that is those hard narcotics.

Mr. Reardon mentioned the 300 percent increase in fentanyl, synthetic opioids and methamphetamine. Really important investment in 2019 from Congress, \$600 million for large scale non-intrusive inspection systems and, importantly, multi-energy systems which allow truck drivers to stay in the truck while the rear of the conveyance is scanned and additional low energy systems that help for personally owned vehicles as they cross the border.

That has allowed CBP to substantially initiate the deployment that will take them from only 16 percent of trucks being scanned to over 70 percent and from only 1.6 percent of personally owned vehicles being scanned to 40 percent. That is going to be really disruptive to cartel business operations. It is going to increase the security and the potential to make those seizures.

But there is more to be done. We are not at 100 percent, one. That is the obvious conclusion. But also, the systems behind the actual non-intrusive inspection that do the analytics, that connect the officers to that information coming from the system that allow them to make good decisions on which vehicles they need to further inspect. I think there are real opportunities to invest there.

There is also the major issue of the outbound side. We do not have the infrastructure on the outbound lanes to do full-scale inspections at many ports of entry. The newer ports do have some infrastructure. But this is another area where the pace of technology, the portability of these systems allow for scanning to be done outbound, as well.

The challenge is the cartels outnumber CBP. They have very aggressive spotter networks. So once you go out to the outbound lanes and start doing an operation, they can adjust their practices and stop outbound shipments at that time. Using a scanning system that can be kept there for days at a time, that is what will help disrupt outbound flow of weapons and currency, as well.

Senator SINEMA. Thank you.

I see that my time is expiring so I will save my questions for Mr. Reardon for our next round.

Ranking Member Lankford has indicated that he will defer to the end of the first round of questions. Now I will recognize Senator Hawley for 7 minutes.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much. Thank you, Madam Chair. Thanks to all of the witnesses for being here today.

Mr. McAleenan, I would like to start with you if I could. I want to talk about CBP's role in enforcing Section 307 of the Tariff Act, if we could.

As you know, that section bans the importation of goods that are made with forced labor or made with child labor and it has, for almost a century now—it dates back to 1930. My own view is these bans are very critical to protect American workers and also to strengthen accountability for products that come from places that use slave labor.

Can I just get your assessment about the process for issuing the withhold release orders (WROs). How is that working right now, in your view and given your experience?

Mr. MCALEENAN. Thank you, Senator.

A really important aspect of CBP's mission and one that I was privileged to work on during my tenure as Deputy Commissioner and then as commissioner when it became a renewed focus given the fact that one, it is a humanitarian issue in many countries around the world. But two, it absolutely has negative trade impacts as producers are able to use forced labor to undercut pricing in the United States.

In terms of the process for withhold release orders, I will be honest and admit that we had some learning experiences. We issued some withhold release orders without the proper coordination with State Department, with Department of Defense (DOD) and other parts of government in the initial months and years.

But I think CBP has really streamlined those efforts. In fact, there is a CBP trade team up for a Service to America medal for their forced labor work, not only how comprehensive it is but the pace of withhold release orders and the coordination in advance across government and with industry.

I think it has improved significantly over time but I think it is really important that you are highlighting that mission.

Senator HAWLEY. Let me ask you about some of the challenges that CBP faces and has faced historically when there is an investigation to be done to determine whether or not forced labor exists in a supply chain. Talk us through that a little bit.

When you get an allegation, get a petition for review of potential forced labor, CBP does the investigation. What are sometimes the obstacles, the difficulties that CBP faces in doing that?

Mr. MCALEENAN. Sure. First and foremost, you are trying to work to understand the supply chain in a foreign country where you might not have collaboration from the foreign partner and their authorities. I think that is a fundamental issue. That is why you have to work very closely with State Department. That is why you have to work with the Department of Labor (DOL). But also, the trade supply chain participants. Often, it is the good suppliers, the good customs brokers who understand what the prices are supposed to look like, what the natural movement of a particular commodity is supposed to look like through the supply chain. When that is diverted from, they can point out and offer tips for further review.

You also need an investigative and intel presence. I used to talk with my intel colleagues about hey, if we could borrow one-quarter of 1 percent of your intelligence power to look into this manufacturer, that would be a huge advantage. But it often comes down to having a liaison in-country working out of that embassy that has

the trust of the host nation authorities and can go out and look at a factory.

One of the letters we have there is the Customs Trade Partnership Against Terrorism, the fact that so many foreign manufacturers want to be part of that because of the benefits, that we do get access to a lot of the legitimate supply chain which helps you focus on the illegitimate.

But it is hard. More resources are needed for that foreign investigation piece.

Senator HAWLEY. You anticipated my question there.

If you were to say, if we were to look at trying to give CBP the resources it needs to better conduct these investigations in the WRO process, is the piece about the foreign investigations, is that the critical piece?

Mr. MCALEENAN. That is a key part of it but I think it is also the Customs-Trade Partnership Against Terrorism (CTPAT) program and the partnership with the legitimate supply chains to help identify what is outside of that range.

I think the CBP Office of International Trade has a strategy for expanding their forced labor impact and the enforcement of Section 307 so I would defer to them on their latest needs. But I think you are highlighting an importance piece, the intelligence, the investigative piece foreign is really critical.

Senator HAWLEY. Let me ask you about the reasonable care standard. Under the Tariff Act, importers of goods are supposed to exercise reasonable care and take the necessary steps to make sure that merchandise that they are importing into the country has not been—does not run afoul, of course, of any U.S. laws and does not turn on, rely on abused forced labor.

I am just curious about in your experience, I mean, in your experience do American companies who are importing goods into the U.S. exercise appropriately that reasonable care that the statute requires? Or in your experience, do we sometimes get sort of a blind eye turned toward forced labor in the supply chain?

Mr. MCALEENAN. I think broadly speaking, I think it is over 55 percent of trade to the United States by volume are members of CTPAT. We have a very active Customs-brokers partnership and multiple organizations that really try to ensure the highest level of professionalization and review of those types of issues. I think the majority of goods coming into the United States and the players involved in that are definitely meeting that reasonable care standard.

There are unscrupulous players and there are companies that intentionally evade trade laws and disappear overnight as soon as they start to be investigated. That becomes, again, a resource challenge. Homeland Security Investigations (HSI) has a variety of missions that they need to partner with CBP on and this is an area where it could use some additional attention over time.

Senator HAWLEY. Very good.

I want to come back to the point that you sort of referred to obliquely a minute ago. You talked about the increased effort to enforce this portion of the law, the Section 307 enforcement, which is true. We had a 15-year stretch, if I have my facts right, between 2000 and 2015 I think where there was zero WROs issued, zilch. Those numbers began to go up under the Trump administration.

But last September even, the Department of Labor identified 155 goods from 77 countries that it had reason to believe are produced by forced labor. But we only have about 50 active WROs, which is pretty telling and there is quite a delta there.

In your view, what needs to happen to boost investigation of forced labor imports and increase the issuance of WROs? Give us an overview of what you think Congress can do to help this process?

Mr. MCALEENAN. What I see is an acceleration of the efforts to address this issue. Really, it was pressure and a spotlight from the U.S. Senate on that lack of withhold release orders that got CBP to generate a focus in their Office of International Trade on this issue.

They now have developed the mechanisms, the muscle memory if you will, between the Office of Trade and the other components, the Office of Counsel that have to issue these orders. Zero to 50 is not zero to 100 yet, in terms of speed. But they are definitely accelerating dramatically and I think that the Department of Labor report is a good anchor to show the scale of the problem and how much more needs to be done.

Senator HAWLEY. Very good. My time is expired. Thank you very much. Thank you, Madam Chair.

Senator SINEMA. Thank you, Senator Hawley.

I now turn 7 minutes over to questions for Ranking Member Lankford. Thanks.

Senator LANKFORD. Thank you. Thank all four of you for the testimony today and what you are bringing to the conversation, as well as your written testimony.

Mr. Reardon, I want to ask you what are the major barriers we have to hiring additional CBP personnel?

Mr. REARDON. Thank you, Senator. I forgot to unmute myself.

I think probably one of the main barriers is that I have said for years and years that the current CBP officers—and this actually even goes beyond just the officers to other employees. I think CBP employees should be the best recruiters for the Agency. Unfortunately, the morale for many years has been very low. Some of that relates back to what you have heard me talking about in my opening statements and my written statements about staffing.

There are so few staffers, so much fewer than are needed. As a result, many employees have to work a great deal of overtime and it impacts their personal well-being, it impacts their families, and creates real hardships on them. As a result, the morale is low and they are not the best recruiters.

I think we have started to see CBP has done a much better job of actually going out and recruiting folks and starting to bring them in. Certainly there has been some funding that has assisted in that process from Congress so we thank you, obviously, for that. But from my perspective, and I think this question probably is really well-suited for CBP, but I think from my perspective if we can start finding a way to really improve the morale, get some more staffing in there, we are going to start seeing some real improvement.

Senator LANKFORD. Were you surprised that President Biden's budget flat-lined all of DHS and flat-lined hiring and it did not extend new hiring

Mr. REARDON. What I will say, and I think I said in my longer statement, is that we believe that more staffing is needed. I certainly hope that Congress will provide more money to CBP, more funding to CBP. I think the last thing that is needed is a situation where we have to look at furloughs for employees, especially at a time where we are looking, Senator, at the economy rebounding and travel is going to start really increasing. That would be a problem.

The TDYs that CBP employees are having to endure, and they have had to do it now for several years and it is happening again right now, and it will only increase I believe in the summer, those TDYs have a very significant negative impact on the folks that are having to travel down to do the TDY but also are leaving their home port of entry and that has a negative impact on the staffing in that port, as well.

Senator LANKFORD. Right, I would assume so for that significantly. Thank you for that.

Mr. McAleenan, I need to ask you a little bit about what we have talked about several times, and it is about hard narcotics coming into the United States.

In Oklahoma, unlike Arizona, I am not a border State but what happens at the border certainly affects us. We have a flow of narcotics that are coming into our State, as well. As you have mentioned already, just fentanyl has increased by three times just over the last year. While COVID time we have seen a decrease in a lot of movement, the exception to that has been fentanyl coming into the country and being interdicted. We have seen a dramatic increase in that.

You talked a lot about additional technology and getting to the point where we can do 100 percent non-intrusive evaluations at the border of vehicles and pedestrians. What kind of time period and what is needed to be able to achieve that? Does the technology exist? Or do you need additional new technology? Just additional deployment of that?

Mr. MCALEENAN. Can I give you 30 seconds on your last question, as well?

Senator LANKFORD. Sure.

Mr. MCALEENAN. So really quickly, I agree with Tony's points on supporting the workforce and increasing morale. What CBP has actually done quite a bit, with the work on staffing, with recruiting, with shortening the time to hire by 70 percent, what I think is needed next is really a replacement of the fee basis for hiring, which is one-third of CBP officers, with more of a TSA style. Fees can reimburse hiring, but we need a consistent appropriation from Congress that meets the work load staffing model so you can keep that supply chain of officers, that recruiting process, going without disruption. That would be my structural recommendation on the hiring.

They will need some support from Congress coming out of COVID.

In terms of does this technology exist now to really make substantial gains on interdiction of hard narcotics at the ports of entry? Yes, it does. The deployments of the Multi-Energy Portals, of the low energy portals for the personally owned vehicle lanes are already making an impact in increasing the numbers of inspection. As you heard Tony mention, the fentanyl seizures are up 300 percent.

The technology exists. They have key players on contract to go ahead and keep deploying those systems now. What we need to do is look at what the investment is needed and what makes the most sense to get that as close as possible to 100 percent at the land border and then to look at the outbound piece.

I will note that the border is a chain and a chain is as strong as its weakest link. You will have security spillover issues between ports of entry, as you are already seeing opportunistic smugglers go between ports right now with hard narcotics which was not happening in the past. The majority went through the ports of entry. That will be something Congress has to look at holistically.

Senator LANKFORD. Obviously, to be able to make changes in technology, additional items and additional inspection points and such, that is harder to do at some of the older ports of entry that are more landlocked and that are in urban areas. Easier to do in open rural areas.

Let me do twofold here. One is that we have a real difference in how the land ports of entry are overseen, the physical areas. Some of those General Services Administration (GSA) oversees. In fact, most of those do. Some of those CBP actually runs their own in more rural areas, especially along the Canadian border.

How do we resolve this? Because when I talk to folks at CBP, I often hear the issue that I would like to make changes but it is 7 years to be able to make a change when we go through GSA and all sorts of edits and it takes forever to be able to get there.

How do we fix that process so obvious problems on the ground can get fixed and CBP can actually not only just make the request but actually get it executed?

Mr. MCALEENAN. Great question and it is an extraordinarily complex, bureaucratic process both on the U.S. Government side at the Federal level, working with State and locals, and with that critical binational coordination with Mexico.

Two things that I have seen that have worked is a joint prioritization between CBP and GSA of which ports of entry require investment and improvement at the national level annually. That is important. Doing the same with Mexico, equally important.

But I do think we need to shorten the number of steps needed to make a significant infrastructure change. The process of a Presidential permit with the Department of State is another cumbersome layer, an appropriate review.

But all of these things, I think, should face tighter timelines and more of a teamwork and coordinated effort to get done.

In terms of the day-to-day management of ports of entry at the border, that is another challenge. We have a mixed real estate oversight. CBP owns a significant number of the smaller ports of entry, especially those funded in the American Recovery and Reinvestment Act, while GSA leases back to CBP and manages some

of the larger ports of entry that have a majority of traffic on the Southwest Border.

That creates a cumbersome process for prioritizing fixes and improvements and I think can be done better, honestly, at the Federal and national level but also at the regional and local level.

Senator LANKFORD. I would agree it could be done better. I do see the layers of bureaucracy and the challenges that are there. CBP has to set their priorities, they go through their own studies and set priorities. Then it goes to GSA. They go through years of study on a second of priorities. Then it has to go to State Department and it has to go to the White House with the Office of Management and Budget (OMB). That is years in process just to be able to say and evaluate what is obvious needs to be done.

You typically say it needs to be done when it needs to be done, not 7 years in advance of when it needs to be done.

So we have to find a way to be able to get that resolved and that is one of the things our Subcommittee is working on right now. Any insight that we can get, we would be glad to be able to get.

I see I have run a little bit over time on that. I yield back.

Senator SINEMA. Thanks so much, Ranking Member Lankford.

Mr. REARDON. I would like to follow up with you.

In Arizona and the other border States, we have had a recurring problem with understaffing at some of our ports. Now CBP reports that numbers in ports such as Nogales have been better recently, but I always worry about retention. Given that we remain in the midst of the pandemic and that securing our ports remains a challenging and difficult job, what steps does Congress need to take to improve morale and employee retention?

Mr. REARDON. Chairwoman Sinema, thank you for that question.

I think one of the things that certainly could be done is to support the introduction and passage of the DHS MORALE Act. I think that would probably play a pretty significant role.

One of the things that it does is it authorizes the establishment of an employee engagement steering committee comprised of representatives from across the Department as well as individuals from employee labor organizations. I think it would provide an opportunity for some feedback and starting to learn some of the issues that might help in terms of morale.

I think also, it would help in terms of directing—the bill would direct the Chief Human Capital Officer (CHCO) to analyze governmentwide Federal workforce satisfaction surveys.

I think what is ultimately important here is to start really having a dialog with and understanding what is going on with front-line employees. What are the touchpoints that are needed in order to improve the morale?

But I want to underscore, because I think it is critically important, and I keep going back to the staffing because I will tell you, when I talk to folks what is abundantly clear to me is at the center of all of the morale issues and really a lot of the major issues as far as frontline employees are concerned, it is related to staffing.

Senator SINEMA. Thank you, I appreciate that.

I would like to ask another question to Mr. McAleenan.

As you mentioned previously, non-intrusive inspection is a critical technology solution at our ports of entry. It helps ports officers

identify vehicles for further inspection, make our entire Nation more secure. CBP is working right now to improve NII technology and expand its use. But it works best in conjunction with other efforts such as canine units and traditional law enforcement intuition.

What other technologies and initiatives should Congress and DHS pursue to help ensure that NII technology is as effective as possible?

Mr. MCALEENAN. Yes, I think it is worth going a layer deeper in that take a Multi-Energy Portal, for instance, that is used to scan a large commercial truck coming across the border. The old technology, which was outstanding at the time and a big improvement, the driver would have to get out of the truck before the scan started because it would be a potential threat to health. Each truck had to be pulled in and parked, the driver gets out, the scan happens. It takes a minute or two to do the scan and then it is reviewed by our officer.

The new multi-energy systems can go from maybe 7 to 10 trucks an hour to 70. Think about all of those images that are going in to the officer because the driver no longer has to get out of the truck. They no longer even have to stop. The vision is that a truck will not have to fully come to a stop at the U.S. border with the advance information we have on what is in it and with the x-ray scan and those other tools, like canines, like officer intuition and review.

With those images coming in from a much higher capability scanner, you really need an automated image analysis capability that assists the officers and helps them identify things that might present a threat so they can then make that decision on whether to do a further examination of that vehicle.

You are going to get many more trucks scanned but ultimately fewer that need to go to secondary inspection and less pressure on the officers to review all of those images. That is like a next layer of technology that needs to be implemented alongside those purchases of the equipment itself.

Senator SINEMA. Thank you.

I have one more question for Mr. Reardon and then I will yield time back to Senator Lankford if he has another round of questions before we head to the vote.

Mr. Reardon, at some point we are going to reopen our ports of entry to non-essential travel, I hope sooner rather than later. I joined a bipartisan group of my colleagues in asking DHS for a plan on how to do that safely.

From a workforce perspective, what do we need to keep in mind as we return our ports to more regular operations?

Mr. REARDON. Thank you Chairwoman Sinema, I appreciate that question, as well.

I think one of the things that we have to pay attention to is we have to push to get as many people vaccinated as possible. I think that we need to continue to look at social distancing to make sure that people can remain as safe as they possibly can.

But I think also looking at testing so that we can ensure that if somebody does get ill that we know about it and then we can start looking at who they have been in contact with and do some of that

work that early on in the pandemic did not happen. Contact tracing was really walked away from very quickly. I think that is a problem.

But I do believe that it is DHS's responsibility, and ultimately now since we are talking about CBP, their responsibility to get employees vaccinated.

Part of my concern is as these variants are making their way around the world, we have to make sure that part of this plan you are referring to addresses those needs, protecting people from the variants. Because the last thing we need is, for example, at one of the ports in Arizona or anywhere else for that matter, if a bunch of employees start becoming sick that can really deplete our ability to manage and protect our country in that particular port of entry.

Senator SINEMA. Thank you. Senator Lankford.

Senator LANKFORD. Thank you again.

Let me run through a series of questions here and this is going to be more specifically for Kevin and Mr. Reardon. I will be able to go back and forth with you.

This is a challenge. It is not normal, but it is a challenge for us to be able to process through. January of this year, Department of Justice (DOJ) announced that they were sentencing a CBP individual—and I will leave his name out—for 30 months to prison for bribery after he received a \$6,000 cash bribe to allow a convicted felon through the Nogales port of entry. Not typical, does happen at times.

My question is what are we doing to be able to continue to accelerate this? Obviously, the cartels have a tremendous amount of cash. They are moving that cash around and they are constantly trying to be able to reach out to be able to find ways to be able to move illicit materials and individuals across our ports. What is the best way to be able to manage that among our employees?

Kevin, I will let you start first.

Mr. MCALEENAN. I think the most important element is really the investment in the CBP Office of Professional Responsibility. This starts at the hiring and the training with a good background review as someone is coming into the workforce, good periodic re-investigations. But also having the authority and the resources to follow up on tips that do come in or concerns that are presented.

CBP's Office of Professional Responsibility only gained the authority to do their own criminal investigations in 2013. It has been a developing work in progress and I think, Assistant Commissioner Klein and his team have done a great job of building out a really highly professional workforce.

But they have to combine that effort with the DHS Inspector General (IG) and with the Federal Bureau of Investigation (FBI) public corruption task forces on the border, the Border Corruption Task Forces (BCTF), because these are few and far between but they can be very serious cases. They can expose very serious security risks. That investment and that oversight and follow through has to be critical both for the accountability and the security of the American people but also—for Tony's points—to the morale of the workforce.

They want bad apples and individuals that are violating their oath to be taken out of the workforce. Having that accountability is really important to the overall health of the organization.

Senator LANKFORD. Tony, do you want to add anything to that?

Mr. REARDON. I would simply say that Kevin is exactly right. In his past life with DHS and CBP, he and I actually had a lot of opportunities to talk about these kinds of things.

One thing I will say about frontline employees, and this extends to their employee representative in this case, NTEU, is that we want employees held accountable, as well. It does not do CBP, it does not do employees that are doing the right thing and serving their Nation proudly as the vast majority do, and it certainly does not help our country when people are doing what you described was being done by the individual being sentenced to 30 months or whatever it was.

So yes, we think they should be held accountable and I do want to impress upon everybody on this call, and I think it is already probably well understood, that it is very rare that these kinds of things happen. But when they do, it is important that they are dealt with in accordance with the law.

Senator LANKFORD. I appreciate that very much. I agree, it is rare but continuing the process to be able to evaluate, to be able to encourage, maintain morale, and to be able to have professional responsibility will be really important.

Flip to the other side of the border. My staff has heard from several different sources that the Border Crossing Cards are occasionally collected and used by cartels, that they will hand them out to drivers that have the physical appearance that is similar to what they are seeing on the card and try to be able to move individuals and contraband through based on a false Border Crossing Card that does not line up with the individual that is actually using it at that moment.

What can we do to continue to increase the speed of truck traffic and other traffic coming across but maintain security? Are there things that we can actually implement? Are processes in place?

Mr. REARDON. Is that for Kevin or me?

Senator LANKFORD. That is a yes. That is for both of you if you have a good thought on that.

Mr. MCALEENAN. Very quickly, the arc of this progress on the border has been really impressive over the last 15 years or so, going from really an oral declaration of citizenship to only 7 accepted documents under the Western Hemisphere Travel Initiative, going to much more secure documents, going to Trusted Traveler programs like secure electronic network for travelers rapid inspection (SENTRI) being able to segment those travelers and have higher confidence in their background.

But absolutely, more can be done. I know that CBP is working on incorporating more biometrics in backing up the documents with facial recognition that can be done at speed for pedestrians and those in personally owned vehicles. I think that is a really important augmentation to the security of identify crossing the border.

Senator LANKFORD. Anyone have anything to add? Any of the three of you.

Mr. REARDON. Senator, I would simply add that whatever the mechanisms are that are put in place, as long as our officers are appropriately trained on how to use whatever the technology is, they will make use of whatever they are instructed to use.

Senator LANKFORD. Let me add one more question here, and this is for all four of you. If you do not want to answer, you do not have to, if it is redundant and somebody has already said it.

But everyone is very committed to moving through legitimate supplies, materials, good trade across our border both north and south. The SENTRI and Free and Secure Trade (FAST) programs have been essential for that. But again, if there are problems with SENTRI and FAST, we have to identify those to make sure that that does not become an area where we have illicit traffic, as well.

It is finding a way to be able to protect those programs, continuing to be able to strengthen those programs, information will be important. The technology around it will be important. But any insight that you have to be able to protect the integrity of those programs to make sure that we can keep it protected and continue to be able to move trade across the border?

Mr. VALE. Senator, I would say this, that it is extremely important that you start using the more modern facial technology equipment because that will help with truck drivers. That helps with—all of us 20 years ago might have objected to that. But today, we know it is quicker, faster. We actually go to airports and pay extra money so that they can get our eyeballs on record.

I think that we need to understand that we need to use the most modern technology.

The worst thing that can happen to an officer is to be tied to a booth because they do not have enough broadband to be able to move around with tablets and be able to give reports of what they are seeing, what they are observing, and that they do not know who is crossing the border. That is crazy.

Senator LANKFORD. That is very helpful. Anyone else have insight?

Mr. VALENCIA. Senator, I will give you a personal experience. This happened last night at 9 p.m. I crossed the border into Mexico walking, on foot. I came back across and there was a minimal line but there was some people in front of me. The people that were in front had paper documents and it took forever to get those processed. But I came across with my SENTRI card and it has a chip that has all of the biometrics in it. I just went up to the facial recognition and I was through in 10 seconds.

So yes, definitely applying more of that technology would help.

Senator LANKFORD. Any other insight?

[No response.]

Gentleman, thank you. I appreciate it very much.

Madam Chair, if I could make one quick personal comment on this. Mr. Valencia is a fan of Ansel Adams photography, which I am as well. Those are magnificent pictures behind you and he does great photography, as well.

Thanks for your engagement and thanks for all of your written testimony, as well as your oral testimony today.

Mr. VALENCIA. Thank you.

Senator SINEMA. Thanks so much, Senator Lankford. You should see Ansel Adams' work from Arizona. It is phenomenal.

With that, we have reached the end of today's hearing. I appreciate the witnesses for their time and testimony, and I want to thank my colleagues for your participation.

This is an important subject and I look forward to working with my colleagues to improve security, travel, and trade at all of our ports of entry.

Today's hearing record will remain open for 2 weeks, until July 1, 2021. That is when questions for the record are also due.

Thanks again, and we are adjourned.

[Whereupon, at 3:34 p.m., the Subcommittee was adjourned.]

A P P E N D I X

HSGAC Government Operations and Border Management Subcommittee
Hearing:
“Improving Security, Trade, and Travel at Land Ports of Entry at the
Southwest Border”

Wednesday, June 16, 2021

Senator Sinema’s Opening Statement

I welcome Ranking Member Lankford, members of the Subcommittee, and our witnesses to today’s discussion focused on Southwest Border land ports of entry.

Having grown up in southern Arizona, I know the importance of cross-border security, trade and travel for my state, and the entire nation. Our ports along the Southwest Border play a critical role in facilitating trade and ensuring the safety, prosperity, and economic security of the American people.

The United States shares strong economic and cultural ties with Mexico, and any disruption to this relationship has adverse effects on investment, employment, productivity, and competitiveness. The COVID-19 pandemic has certainly created new challenges and the closure of the border to non-essential travel has seriously hurt local border communities.

Our ports are also the key link to securing our border. Most seizures of illicit drugs at our border happen at ports of entry. It is critical that we ensure we are making the right security investments at our ports of entry. Our nation must slow the flow of illegal goods and drugs through our ports of entry, while also maintaining the efficient flow of trade and travel. Technology, including Non-Intrusive Inspection (NII), can play a critical role in that effort.

As always, the key part of improved border security is a strong border workforce. Our port officers have worked the past year in challenging circumstance in the midst of a global pandemic. I honor their efforts and know they bring an important perspective on how to improve port operations.

I hope today’s hearing can help us re-focus our border security discussions back toward ports of entry. I want to start gathering a new baseline

Page 1 of 2

understanding of the current challenges for our Southwest border ports and discuss the appropriate technology, infrastructure, and personnel investments needed.

I am pleased to have a strong panel of non-governmental experts on our witness panel today who bring important expertise on workforce, trade and security issues. Later this summer, I hope to hold a follow-on hearing to get the viewpoints of the Department of Homeland Security.

Opening Statement
Hearing before the Government Operations
and Border Management Subcommittee
Wednesday, June 16th at 2:30 pm

**“Improving Security, Trade, and Travel at
the Southwest Border.”**

- Thank you, Senator Sinema.
- We on the full committee and here on the subcommittee have been taking a look at the many issues facing our country’s Southwest border. As I’m sure we all are aware, our country continues to face a crisis of historic proportions at the Southwest border, where more than 180,000 migrants were encountered by CBP in May 2021.
- This 20-year high continues to strain our government’s resources, and it will create massive complications as our government works to re-open trade and travel along the Southern border.
- Many, if not most, of the migrants crossing our Southwest border are currently doing so between land ports of entry. Our subcommittee has previously taken a look at the role of NGOs in helping address the surge of migrants between ports of entry, and the full committee has taken a look at the surge of unaccompanied children between our ports of entry.

- The stats on migrants encountered at ports of entry along the Southwest border generally show that the number of migrants who choose to lawfully present to CBP for inspection and cross at a port are significantly down. This trend makes sense, as the ports have been closed to all unessential travel since March 2020 due to the COVID-19 pandemic.
- The data specifically show that migration at ports of entry is down by 30.81 percent from the previous fiscal year. At the same time, migration *between* the ports is up more than 291 percent from the previous fiscal year.
- While migration at our ports of entry might be slightly down, the amount of drugs seized by CBP's Office of Field Operations is at a record high.
- In May 2021, CBP officials seized 1,300 pounds of heroin and fentanyl at our ports of entry. This is a 143 percent increase from the amount of heroin and fentanyl seized in May 2020.
- In May 2021, CBP officials seized 18,819 pounds of methamphetamine, a nearly 72 percent increase from May 2020.
- These numbers are gravely concerning, especially as the DEA has noted in its 2020 National Drug Threat Assessment that "Mexican [Transnational Criminal Organizations] continue to control lucrative smuggling corridors, primarily across the Southwest

border, and maintain the greatest drug trafficking influence in the United States.”

- According to the DEA, “Cartels transport bulk quantity, polydrug loads via commercial and passenger vehicles,” and they do so by exploiting “major highway routes for transportation.” The DEA notes that the most common method of drug smuggling into the United States involves “smuggling illicit drugs through U.S. Ports of Entry in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers.”
- Even with our ports closed to non-essential travel, we’re seeing huge amounts of narcotics flow through our ports of entry. As we begin re-opening to non-essential travel, we’ll begin straining the capacity of our ports and could see the narcotics flow become even worse.
- The GSA recently told Congress in a report that “Steady global and regional growth has funneled more people and goods through the Nation’s aging land port of entry infrastructure than it is able to handle. Two-thirds of our land ports of entry have not had capital improvements over the past decade.”
- We’ve been hearing a lot about disrupted supply chains, long wait times for shipped goods, and serious issues obtaining the analogs and components need for manufacturing due to COVID.

- As our nation begins re-opening, we'll continue to see this issue come to the forefront as our capacity is strained.
- Beyond the strained capacity for consumer goods and agricultural imports and exports, we'll also see CBP have to make difficult decisions about how to balance the lawful facilitation of trade and travel with the need to protect our country from illicit narcotics.
- Unless the Biden Administration gets its border policies straight, we'll also likely see CBP deal with additional migration surges that will only further strain its capacity to operate our ports of entry effectively.
- Many of our ports along the Southwest border were built before NAFTA and the USMCA, and they haven't been touched since these two agreements went into effect.
- I'm very excited today to hear from our witnesses about what we in Congress should be looking at to strengthen the security of our ports of entry and ensure that we better facilitate lawful trade and travel.
- Thank you for appearing before our committee today, I look forward to the discussion.

HEARING BEFORE THE UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY & GOVERNMENTAL AFFAIRS COMMITTEE
SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT

“Improving Security, Trade, and Travel at Land Ports of Entry at the Southwest Border”

June 16, 2021, 2:30 PM EST
Via WebEx

Prepared Statement for Kevin K. McAleenan
Former Acting Secretary at the Department of Homeland Security

Chairwoman Sinema, Ranking Member Lankford, and distinguished members of the committee. It is an honor to appear before the Homeland Security and Government Affairs Committee again, especially the newly structured subcommittee with oversight of Border Management.

The topic of this hearing, Improving Security, Trade, and Travel at Land Ports of Entry on the Southwest Border is a critical one, and it is a privilege to participate with such a knowledgeable panel on Southwest Border operations.

Our ports of entry (POEs), and land ports in particular, have traditionally received less emphasis and focus than they deserve. Our ports of entry with Mexico are an essential gateway for trade and commerce, integrated manufacturing and supply chains, agriculture, produce, and livestock, and daily connections between shared border communities for work, school, and life.

There are also critical security points, where U.S. Customs and Border Protection (CBP) officers and Agriculture Specialists must identify and interdict dangerous people and goods.

The majority of hard narcotics, the methamphetamine and opioids plaguing so many parts of our country have traditionally been smuggled through these ports of entry. Agriculture pests and diseases that can threaten U.S. producers are encountered daily. Cartels move weapons and hard currency outbound daily as well. And human trafficking, counterfeit products and trade fraud are constant challenges.

Over the past decade, Congress has provided significant resources to CBP for land border ports of entry and enhanced legal authorities to enter into innovative public private partnerships, and CBP has endeavored to deploy them to continually improve the facilitation of lawful trade and travel while enhancing the security.

As a result, CBP has made substantial progress in improving operations at ports of entry, toward the goal of an increasingly well-managed border – one that efficiently and effectively identifies and interdicts threats while expediting the vast majority of lawful travel and trade.

More investment, in infrastructure, technology, and personnel, is needed, however, to sustain and build on this progress—and that investment can have substantial benefits for the U.S. economy, impacting all 50 states.

POEs are important economic engines for U.S. economy. On a typical day, almost \$2 Billion dollars' worth of goods move across our shared border with Mexico. Before COVID travel restrictions several hundred thousand people crossed each day through a few dozen crossing points. Our land border ports of entry require a combination of adequate infrastructure to accommodate the physical flow of pedestrians, personally-owned vehicles, and commercial trucks and trains, as well as innovative technology and highly-trained personnel to operate effectively.

With regard to infrastructure, CBP has worked with GSA across multiple administrations to prioritize critical investments in new and existing ports of entry. And new public private partnerships like the Cross-Border Express and the developing Otay Mesa East and Gordie Howe Bridge projects have also provided new ways to enhance cross-border flow options. But several billion dollars of funding are needed urgently to modernize existing crossings in order to maintain and increase throughput at these ports, many of which have not been improved for decades and are not equipped for modern travel numbers and requirements. This immediate investment needs to be sustained through annual, dedicated funding, along with multi-year funding to prepare for the opening of new crossings and continued growth. This is true infrastructure investment and has national benefits.

With regard to technology, advanced non-intrusive inspection technology now available and being deployed offers the promise of 100% inspection of vehicles and rail cars at our southwest borders. Combined with systems to integrate the data, and platforms to assess the risks presented by these conveyances and their cargo and present actionable feedback to officers and agriculture specialists, the potential for dramatic security improvements is achievable in the coming months and years. Combined with enhanced forensics, investments in intelligence analysis, and investigative partnerships, these technologies provide impressive capabilities and offer significant facilitative benefits as well.

The importance of investments in technology are equaled by the importance of investments in the people of CBP. Ultimately decisions on inadmissibility of people and goods are made by trained professionals. Adequate staffing is essential. The Center for Risk and Economic Analysis at the University of Southern California has found the economic impact to be dramatic. Due to increased efficiency in processing trade and travel, each additional CBP Officer contributes over \$350,000 to the U.S. economy and supports 3.5 jobs. Hiring additional officers pays for itself.

We also need to invest in training and support for these professionals.

In closing, I would like to emphasize that border management is by definition, a binational activity. On the Southwest Border, partnering with Mexico is fundamental. Programs like Unified Cargo Processing, where US and Mexican authorities work together to clear cargo, with

a more fulsome security review and much greater facilitation. Coordinating investments and infrastructure planning regionally is also essential. Building this focus into the diplomatic agenda remains an important objective for improving border management.

Thank you again for the opportunity to appear before you today, I look forward to your questions.



STATEMENT OF ANTHONY M. REARDON
 NATIONAL PRESIDENT
 NATIONAL TREASURY EMPLOYEES UNION

IMPROVING SECURITY, TRADE, AND TRAVEL AT
 SOUTHWEST BORDER PORTS OF ENTRY

SUBCOMMITTEE ON GOVERNMENT OPERATIONS
 AND BORDER MANAGEMENT
 SENATE COMMITTEE ON HOMELAND SECURITY
 AND GOVERNMENTAL AFFAIRS

June 16, 2021

Chairwoman Sinema, Ranking Member Lankford, and distinguished members of the Subcommittee, thank you for the opportunity to testify before you today. As National President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 29,000 Customs and Border Protection (CBP) Office of Field Operations (OFO) employees, including CBP Officers, Agriculture Specialists and trade enforcement personnel stationed at the 328 air, sea, and land ports of entry across the United States (U.S.) and 16 Preclearance stations at airports in Ireland, the Caribbean, Canada, and the United Arab Emirates.

CBP OFO employees are responsible for border security, including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection at U.S. ports of entry. CBP's OFO pursues a dual mission of safeguarding American ports by protecting the public from dangerous people and materials, while enhancing the nation's global and economic competitiveness by enabling legitimate trade and travel. In addition to CBP's trade and travel security, processing, and facilitation missions, CBP OFO employees at the ports of entry are the second largest source of revenue collection for the U.S. government. **In 2020, CBP processed more than \$2.4 trillion in total import value of goods and collected approximately \$74 billion in customs duties and fees.**

As with every workplace, the COVID-19 pandemic remains one of the most significant ongoing challenges facing CBP employees at the ports of entry. The pursuit of the safest possible working environment for CBP employees at all ports of entry, trade, enterprise services and operations support facilities has been NTEU's paramount concern during the COVID-19 crisis. Throughout the pandemic, many international air, sea, and land ports of entry remained open and staffed by CBP OFO employees 24 hours a day, seven days a week, 365 days of the year.

Despite best efforts to protect essential frontline CBP employees, **over 8,800 CBP employees have tested positive for COVID-19 and tragically 31 CBP employees have died as a result of the virus.** I want to take a moment to honor the NTEU CBP members by name: CBPO Genaro Guerrero-San Ysidro, CBPO Crispin San Jose-Cross Border Xpress, CBP Technician Van Dong-

Los Angeles International Airport, CBPO Alfonso Murrieta-Tucson International Airport, CBPO Richard McCoy-Fort Lauderdale/Port Everglades Port of Entry, CBPO Richard Rios-Area Port of Ysleta Commercial Facility, CBPO Troy Adkins-Port of El Paso, Rodolfo Morales, Jr.-Port of El Paso, CBPO Jose Santana-Laredo Port of Entry, CBPO Roel De La Fuente-Port of Hidalgo, CBPO Domingo Jasso-Progreso Port of Entry, CBPO Carlos Mendoza-Pharr Cargo Facility, CBP Agriculture Specialist Juan Ollervidez-Hidalgo Port of Entry, CBP Field Technology Officer James Taylor-JFK International Airport, CBPO Omar Palmer-JFK International Airport, CBPO Ching Kok (C.K.) Yan-JFK International Airport, CBPO Andrew Bouchard-Houston Seaport, CBPO Cesar Sibonga-Kenneth G. Ward Port of Entry, and CBPO Lucas Saucedo-Eagle Pass Port of Entry.

I am happy to report that since the vaccine became available to essential federal employees, NTEU has worked with CBP to encourage and assist our members in getting the vaccine. According to our most recent briefing from DHS, 77 percent of employees who opted-in have received at least the first vaccine dose. We all understand federal workers' anxiety about their own and their family's safety during this pandemic as they work to keep our country safe. As leaders, it is important that we continue to do everything we can to mitigate the risks they face, and we need to encourage them to do so on an individual basis, for their own safety as well as the safety of their coworkers and families.

Along with ensuring protection from the pandemic, the most important resource that Congress needs to provide to improve security, trade, and travel at all the ports of entry, including those at the southwest border, is funding to address ongoing OFO staffing shortages at the ports.

CBP Staffing at the Ports of Entry: For years, NTEU has advocated for the hiring of thousands of new CBP Officers and hundreds of new Agriculture Specialists and non-uniformed trade operations personnel that are needed based on the agency's own Workload Staffing Model (WSM), Agriculture Resource Allocation Model (AgRAM) and Resource Optimization Model for Trade Revenue (Trade ROM).

Pursuant to these models, the final FY 2020 funding agreement provided \$104 million to fund the hiring of 800 new OFO positions, including 610 CBP Officer and CBP Agriculture Specialist new hires. Unfortunately, Congress did not continue to fund to the models in FY 2021. While House Appropriators approved \$171 million for 1,150 new CBP OFO positions including \$91 million for 850 CBP Officers, \$10 million for 100 support personnel and \$30 million for 200 agriculture specialists, the final FY 2021 funding agreement did not include any funding to increase staffing for CBP OFO.

CBP's staffing models are dynamic and reflect the impact of the pandemic on CBP OFO staffing needs. Despite the decrease in international trade and travel in the past year due to the pandemic, CBP's most recent staffing models show a staffing gap of 1,700 CBP Officers, 400 Agriculture Specialists and 200 non-uniformed Trade Specialists. However, there has been no additional funding for demonstrably needed OFO new hires since FY 2020.

To address the OFO staffing gap, NTEU has requested that House and Senate Appropriators include in its FY 2022 DHS appropriations bill funding for CBP OFO new hires

up to levels required by the CBP's dynamic workplace staffing models for CBP Officers, Agriculture Specialists and Trade Specialists. NTEU is asking Appropriators to provide at minimum \$160 million in direct appropriated funding for CBP "Operations and Support" in FY 2022 to fund the hiring of at least 800 CBP Officers, 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians, 20 Agriculture Canine Teams and 50 non-uniformed trade enforcement specialists and associated operational support personnel.

To further support this staffing request, NTEU joined a coalition of 28 port stakeholders, including Airports Council International-North America, the U.S. Chamber of Commerce, and the U.S. Travel Association on a letter dated May 4, 2021, to the Homeland Security Appropriations Subcommittee urging funding for new officers so the agency will be prepared for an influx of passengers and cargo at the ports-of-entry once the current international travel restrictions are relaxed and eventually lifted. (See appendix A.)

As the letter states, ensuring CBP staffing is an economic driver for the U.S. economy and an additional 800 CBP Officers would not only reduce wait times at ports of entry, but also provide new economic opportunities across the United States. "While the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace with demand" the coalition wrote. "Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply-chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers."

Furthermore, acknowledging the ongoing CBP Officer staffing shortage at the ports, CBP again finds it necessary to solicit CBP Officers for temporary duty assignment (TDY) to San Ysidro, Otay Mesa, and Calexico land ports of entry, which began on May 16, 2021. According to CBP, the TDY is necessary to support the workload and operational challenges facing the San Diego Field Office, such as wait times in excess of four hours. OFO anticipates the TDY to run in three, 62-day phases and tentatively ending on July 18, 2021, with the possibility of additional phases. These TDYs will be filled by CBP Officers currently assigned to air and seaport locations and will generally exclude northern and southern land border POEs.

Lastly, in order to mitigate the spread of COVID-19, since March 2020, travel through the northern and southwest border land ports has been restricted to essential trade and travel. These restrictions are reevaluated monthly and there is an expectation that these essential travel restrictions will be lifted as early as June 21. If these essential travel restrictions are indeed lifted, I have heard from NTEU leaders that the current staffing at land ports will be unable to maintain inspection and processing functions to address the expected increase in traffic flow in a timely manner. At the San Ysidro port of entry, the current TDYs will need to be extended or wait times at that port will become untenable. With the end of essential travel restrictions, the surge of travelers, as well as asylum seekers, through the land ports threaten to overwhelm port functions. To end the need for TDYs, it is up to Congress to address the ongoing port staffing deficit by authorizing and funding CBP OFO new hires in FY 2022 and subsequent years until the staffing gap identified in the workload staffing models are met. Without addressing the ongoing CBP Officer staffing shortages, allocating adequate staffing at all ports will remain a challenge.

Unfortunately, the FY 2022 President's DHS budget request is essentially flat and includes no increase in funding for CBP OFO new hires. NTEU greatly appreciates the President for including a pay raise for federal employees in his budget proposal and new CBP funding to address the annualization of the FY 2021 pay raise, the FY 2022 pay raise, the associated FERS contribution and funding for certain port modernization projects.

NTEU commends Senator Gary Peters (D-MI), now Chairman of the Senate Homeland Security and Governmental Affairs Committee, for introducing and getting favorably reported out of this Committee in 2020, S. 1004, the Safeguarding American Ports Act, stand-alone legislation that would authorize the hiring of 600 additional CBP Officers annually until the staffing gaps in CBP's WSM is met. NTEU strongly support the reintroduction of this stand-alone CBP Officer staffing authorization bill. NTEU recognizes that the Subcommittee Chair recently introduced S. 1358, the Bipartisan Borders Solutions Act, a bill that includes a provision similar to CBP Officer hiring authorization provision to the Peters' standalone bill. While NTEU supports the CBP Officer staffing provision in S. 1358, NTEU has no position on the remainder of the bill and will continue to encourage the introduction and support passage of a stand-alone CBP Officer staffing bill.

CBP Agriculture Specialist Staffing: Currently, there is a shortage of approximately 430 Agriculture Specialists nationwide according to CBP's own data-driven and vetted Workload Staffing Model. Last year, Congress approved P.L. 116-122, the *Protecting America's Food and Agriculture Act of 2019*. The new law authorizes CBP to hire 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians and 20 Agriculture Canine Teams per year until the staffing shortage that threatens the U.S. agriculture sector is met. NTEU's appropriations request includes funding to hire the first wave of CBP agriculture inspection personnel authorized by the newly enacted statute.

CBP Trade Operations Staffing: In addition to safeguarding our nation's borders and ports, CBP is tasked with regulating and facilitating international trade. **CBP employees at the ports of entry are critical for protecting our nation's economic growth and security and are the second largest source of revenue collection for the U.S. government—\$74 billion in 2020. For every dollar invested in CBP trade personnel, \$87 is returned to the U.S. economy**, either through lowering the costs of trade, ensuring a level playing field for domestic industry or protecting innovative intellectual property. Since CBP was established in March 2003, however, there has been no increase in non-uniformed CBP trade enforcement and compliance personnel. Additionally, CBP trade operations staffing has fallen below the statutory floor set forth in the Homeland Security Act of 2002 and stipulated in the FY 2019 CBP Trade ROM. To maintain CBP's trade enforcement mission, NTEU requests that Congress provide funding in FY 2022 for 50 additional CBP non-uniformed trade personnel.

User Fee Shortfalls: One of the most critical pandemic related issues facing CBP OFO is the reduction of user fee funding that is threatening the nation's economic recovery as international trade and travel struggles to return to normal. This budget shortfall is a result of the reduction in customs and immigration user fees collected due to the drastic drop in international commercial travel, and to a lesser extent, trade volume since March 2020.

As you know, CBP collects fees under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and immigration inspection user fees to recover certain costs incurred for processing air and sea passengers and various private and commercial land, sea, air, and rail carriers and shipments. The source of these user fees are commercial vessels, commercial vehicles, rail cars, private aircraft, private vessels, air passengers, sea passengers, cruise vessel passengers, dutiable mail, customs brokers, and barge/bulk carriers. International air travel contributes 94 percent of COBRA and immigration user fees. COBRA and immigration user fees together fund 40 percent of CBP's OFO budget, including 8,000 CBPO positions. That is roughly one third of the entire CBP workforce at the ports of entry. Agriculture Quality Inspection (AQI) user fees currently fund up to 2,400 Agriculture Specialists, currently 100 percent of the CBP Agriculture Specialists workforce.

Due to the pandemic's continued disruption of fee-generating international travel and commerce, user fee collections have fallen precipitously which has necessitated the need for emergency funding to prevent furloughing CBP OFO personnel at a time when international trade and travel volume is beginning to return to pre-pandemic levels. To address the user fee shortfall, we were pleased that Congress provided \$840 million in FY 2021 emergency appropriations to maintain current staffing of CBP Officers. Projected CBP trade and travel volume data shows an estimated user fee shortfall of up to \$1.4 billion through the first quarter of FY 2022. Congress also provided up to \$635 million through the end of FY 2022 in supplemental funding to USDA to cover the user funding shortfall that funds CBP Agriculture Specialists staffing.

U.S. businesses rely on the safe and efficient movement of goods and people across our borders and are all working to safely resume international travel and travel. Keeping current CBP Officer staffing levels will be necessary to successfully transition into a more robust, safe, and delay-free travel environment and improve cargo movement. Losing the hiring and staffing advances that they finally started to gain after years of effort and much appreciated funding support by Congress will negatively impact cross-border travel, passenger processing and trade facilitation in future years as the economy returns to normal.

The critical issues that American businesses are facing to recover from this pandemic require quick, decisive action so that our government can best facilitate the flow of travel and trade as the economy recovers. Without Congress again providing supplemental funding or reprogramming existing funds to support these CBP Officers between now and the end of FY 2022, we are gravely concerned that this loss of user fee funding will result in furloughs at a time when this workforce is most needed to facilitate the flow of legitimate travel and trade as the economy recovers.

NTEU requests that the Committee seek from appropriators, either through reprogramming, a supplemental funding bill, or in its FY 2022 DHS appropriations bill, funding to replace user fee shortfalls for CBP OFO salaries and expenses and to mitigate dependence on user fees to fund salaries and expenses of CBP OFO personnel. This CBP OFO funding request will help to ensure that current CBP Officer staffing levels are maintained as trade and traffic volumes increase. NTEU implores you to seek additional funding now so that CBP Officers can stay on the job during the economic recovery. CBP employees at the ports of entry already face many challenges in the course of their work and concerns about their health and safety or of being furloughed as the country reopens for business should not be among them.

NTEU also strongly opposes any diversion of COBRA user fees. Any increases to the user fee account should be properly used for much-needed CBP staffing and not diverted to unrelated projects. In 2015, the *Fixing America's Surface Transportation (FAST) Act* indexed COBRA user fees to inflation. However, the Act diverted this increase in the user fee from CBP to pay for unrelated infrastructure projects. Indexing the COBRA user fee to inflation is projected to raise \$1.4 billion over ten years—a potential \$140 million per year funding stream to help pay for the hiring of additional CBP Officers to perform CBP's border security, law enforcement and trade and travel facilitation missions. Diverting these funds has resulted in CBP not receiving this user fee funding to hire over 900 new CBP Officers per year since the FAST Act went into effect. These new hires would have significantly alleviated the current CBP Officer staffing shortage.

CBP Officer Overtime: Prior to the pandemic, ongoing staffing shortages resulted in CBP Officers being required to work excessive overtime hours to maintain basic port staffing. CBP Officer overtime pay is entirely funded through user fees and is statutorily capped at \$45,000 per year. All CBP Officers are aware that overtime assignments are an aspect of their jobs. However, long periods of overtime hours can severely disrupt an officer's family life, morale and ultimately their job performance protecting our nation. CBP Officers can be required to regularly work overtime hours and many individual Officers have hit the overtime cap very early in the fiscal year. This leaves no overtime funding available for peak season travel, resulting in critical staffing shortages in the third and fourth quarter that coincides with holiday travel at the ports.

To address this issue prior to the pandemic CBP granted overtime cap exemptions to over one-half of the workforce to allow managers to assign overtime to Officers that have already reached the statutory overtime cap, but cap waivers only force CBP Officers already working long daily shifts to continue working these shifts for more days. As the trade and travel volume recovers, CBP Officers may once again be required to come in hours before their regular shifts, to stay an indeterminate number of hours after their shifts (on the same day) and compelled to come in for more overtime hours on their regular days off. Involuntary overtime resulting in 12 to 16-hour shifts, day after day, for months on end significantly disrupts CBP Officers' family life and erodes morale. As NTEU has repeatedly stated, extensive overtime is not a long-term solution for staffing shortages at the ports and we need Congress' support to end this practice by funding OFO new hires as international trade and travel volume continues to rally.

Reimbursable Service Agreements: In order to find alternative sources of funding to address serious staffing shortages, CBP received authorization for and has entered into Reimbursable Service Agreements (RSAs) with the private sector, as well as with state and local governmental entities. These stakeholders, who are already paying COBRA and immigration user fees for CBP OFO employee positions and overtime, reimburse CBP for additional inspection services, including overtime pay and the hiring of new CBP Officer and Agriculture Specialist personnel that in the past have been paid for entirely by user fees or appropriated funding. Since the program began in 2013, CBP has entered into agreements with over 211 stakeholders providing more than 793,000 additional processing hours for incoming commercial and cargo traffic (see GAO-20-255R).

NTEU believes that the RSA program is a band-aid approach and cannot replace the need

for Congress to either appropriate new funding or authorize an increase in customs and immigration user fees to adequately address CBP staffing needs at the ports. RSAs simply cannot replace the need for an increase in CBP appropriated or user fee funding—and they make CBP a “pay to play” agency. NTEU also remains concerned with CBP’s new Preclearance expansion program that also relies heavily on “pay to play.” Further, NTEU believes that the use of RSAs to fund CBP staffing shortages raises significant equity issues between larger and/or wealthier ports and smaller ports.

Opioid Interdiction: CBP OFO is the premier DHS component tasked with stemming the nation’s opioid epidemic — a crisis that continues to get worse. On a typical day, the agency makes over 900 arrests and seizes more than 9,000 pounds of illegal drugs.

According to a May 2018 report released by the Senate Homeland Security and Governmental Affairs Committee Minority titled *Combating the Opioid Epidemic: Intercepting Illicit Opioids at Ports of Entry*, “between 2013 and 2017, approximately 25,405 pounds, or 88% of all opioids seized by CBP, were seized at ports of entry. The amount of fentanyl seized at the ports of entry increased by 159% from 459 pounds in 2016 to 1,189 pounds in 2017.”

CBP officials recently testified that seizures of fentanyl at the ports of entry “increased from 2,579 pounds in FY 2019 to 3,967 pounds in FY 2020, an increase of 54 percent. For the comparative time frame of FY 2020 and 2021 (October to March for both years) the amounts seized were 1,079 and 5,048. This is over a 300 percent increase with a half year to go.”

Most fentanyl is manufactured in other countries such as China and is smuggled primarily through the ports of entry along the southwest border and through international mail and Private Express Carrier Facilities, such as FedEx and UPS. Over the past five years, CBP has seen nearly 50 percent increase in express consignment shipments from 76 million to 110 million express bills and a 200 percent increase in international mail shipments from approximately 150 million to more than 500 million.

Prior to the enactment of FY 2019 funding agreement, there were only 181 CBP employees assigned to the five Postal Service International Service Centers and 208 CBP employees assigned to the Private Express Carrier Facilities. Additional funding from Congress for CBP OFO new hires in the past two cycles has increased the number of CBP Officers assigned to these inspection facilities. NTEU’s FY 2022 funding request would allow for further increases in CBP port staffing at these facilities.

Ongoing Morale Issues at DHS: Adequate staffing at CBP ports of entry is critical to our nation’s economic vitality. In order to attract talented applicants, however, federal agencies must also recognize the importance of employee engagement and fair treatment in their workplace. Unfortunately, low morale has been a consistent challenge at CBP that is reflected in CBP’s ranking in the Partnership for Public Service (PPS) *Best Places to Work in the Federal Government*. In 2019, PPS ranked CBP as 380th out of 420 component agencies surveyed with a drop of 2.1% from 51.6% in 2018 to 49.5% in 2019.

The *Best Places to Work* results raise serious questions about the CBP’s ability to recruit and retain the top-notch personnel necessary to accomplish the critical missions that keep our country

safe. If the agency's goal is to build a workforce that feels both valued and respected, these results show that the agency needs to make major changes in its treatment of employees.

Of particular concern to NTEU is the increase in suicides as the reported cause death of Federal employees. Last year, the U.S. Bureau of Labor Statistics (BLS) released data that shows that Federal employee suicides were at their highest level in at least 15 years, with suicides accounting for 28% of the 124 Federal employee job-related deaths in 2018. Since 2011, the number of self-inflicted intentional fatalities among Federal workers has more than doubled to 35, although the Federal workforce has remained approximately the same size.

Most suicides continue to involve Federal employees in work related to law enforcement, such as CBP. In 2016, 15 of the 16 reported suicides were by Federal workers employed at a national security related agency. At CBP, more than 100 employees died by suicide between 2007 and 2018, according to the agency. NTEU applauds CBP for seeking additional funding for their Employee Assistance Program (EAP). We also appreciate that CBP agreed to add NTEU representatives to a CBP workgroup that is working to address the unacceptably high rate of suicides among CBP personnel and develop a Suicide Prevention Strategy. It is vital that this workgroup continue to include input from rank-and-file members as it develops a strategy to reduce the number of job-related suicides at CBP.

Recognizing these disturbing statistics, NTEU applauds the President for including in FY 2022 budget request an increase of \$2.1 million to fund on-site clinicians to support CBP employee resiliency and suicide prevention programs.

NTEU also strongly supports H.R. 490, the DHS Morale, Recognition, Learning and Engagement Act or the DHS MORALE Act. The MORALE Act was approved by the House on April 20, 2021, and is awaiting action by the Senate. The bill directs the Chief Human Capital Officer (CHCO) to analyze government-wide Federal workforce satisfaction surveys to inform efforts to improve morale, maintain a catalogue of available employee development opportunities and authorize the designation of a Chief Learning and Engagement Officer to assist the CHCO on employee development.

H.R. 490 also authorizes the establishment of an Employee Engagement Steering Committee comprised of representatives from across the Department, as well as individuals from employee labor organizations that represent DHS employees. Lastly, the bill authorizes the Secretary to establish an annual employee awards program to recognize non-supervisory DHS employees who have made a significant contribution to the Department. In our collective bargaining agreement with CBP, NTEU negotiated an extremely popular employee joint awards program. The Agency retains the discretion to determine how much of its budget will be allocated for awards, but 85 percent of the total awards budgeted are recommended by a joint union/management awards committee to be distributed proportionately among bargaining unit employees. NTEU recommends that DHS look at the negotiated CBP joint awards program as a model for an agency-wide program.

While a major factor contributing to low morale at CBP is insufficient staffing and resources at the ports of entry, the provisions in the DHS MORALE Act will help to address non-staffing issues that affect employee morale by improving frontline employee engagement

and establishing a statutory annual employee award program. NTEU commends the House for approving the DHS MORALE Act and urges the Senate to expeditiously do the same.

NTEU Recommendations: To address CBP's workforce challenges and to improve security, trade, and travel at the Southwest border ports of entry, Congress must first address CBP OFO ongoing staffing shortages. It is clearly in the nation's economic and security interest for Congress to authorize and fund an increase in the number of CBP Officers, CBP Agriculture Specialists, and other CBP employees at the air, sea, and land ports of entry.

In order to achieve the long-term goal of securing the proper staffing at CBP OFO and end disruptive TDYs and excessive involuntary overtime shifts at the Southwest border ports of entry, NTEU recommends that Congress take the following actions:

- Enact a stand-alone bill to authorize funding for CBP Officer new hires to the level identified in the workload staffing model,
- Support funding for CBP Officers new hires in FY 2022 DHS Appropriations,
- Support FY 2022 funding for new CBP agriculture inspection personnel, as authorized by P.L. 116-122,
- Support funding for needed Trade Operations Specialists and other OFO support staff,
- Support the introduction and passage of the DHS MORALE Act by the Senate, and
- Oppose any legislation to divert customs user fees to other uses, projects, or programs that are collected to fund a portion of salaries, benefits, and overtime for CBP Officers.

The CBP employees that NTEU represents work hard and care deeply about their jobs and their country. These men and women are deserving of more staffing and resources to perform their jobs better and more efficiently.

Thank you for the opportunity to testify before the Subcommittee.

NTEU Exhibit A

May 4, 2021

The Honorable Chris Murphy
Chair
Subcommittee on Homeland Security
Committee on Appropriations
U.S. Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
U.S. Senate
Washington, DC 20510

Dear Chair Murphy and Ranking Member Capito:

As stakeholders interested in the facilitation activities of Customs and Border Protection (CBP) at air, land, and sea ports-of-entry around the world, we are all greatly affected by the ongoing COVID-19 global pandemic and its impact on the processing of passengers and cargo.

With CBP experiencing a precipitous drop in user fees during the COVID-19 pandemic, we greatly appreciate Congress providing supplemental resources last year to help the agency maintain its staffing levels and continue to onboard new officers. We understand the user-fee shortfalls will continue into Fiscal Year 2022 and additional funding likely will be necessary to assist CBP through this difficult period.

We also urge the subcommittee to provide funding for new officers so the agency will be prepared for an influx of passengers and cargo at the ports-of-entry once the current international travel restrictions are relaxed and eventually lifted. Even during the global pandemic, CBP's most recent workload staffing model shows a shortage of over 1,700 officers that are needed to keep up with current travel and trade demands at our ports-of-entry. Providing CBP with at least 800 additional CBP officers as international passenger and cargo volumes rebound would reduce lengthy wait times at the ports-of-entry and facilitate new economic opportunities in communities throughout the United States.

Increasing CBP officer staffing is an economic driver for the U.S. economy. While the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace with demand. Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply-chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers. The travel industry estimates long CBP wait times have discouraged international visitors, who spend an average of \$4,200 per visit, from traveling to the United States.

We share your commitment to ensuring that America's borders remain safe, secure, and efficient for all users, while enhancing our global competitiveness through the facilitation of legitimate travel and trade. We greatly appreciate your efforts to continue building on staffing advances made in recent years, and we urge you to include funding in your bill this year to sustain the current CBP officers and hire new ones.

Sincerely,

Airports Council International – North America
National Treasury Employees Union
American Association of Airport Executives
American Association of Port Authorities
Airforwarders Association
American Society of Travel Advisors
Arizona-Mexico Commission
Border Trade Alliance
Cargo Airline Association
City of Douglas, Arizona
City of San Luis, Arizona
Douglas Industrial Development Authority
Douglas International Port Authority
Douglas Regional Economic Development Corporation
Federal Law Enforcement Officers Association
Fresh Produce Association of the Americas
Global Business Travel Association
Greater Nogales Santa Cruz County Port Authority
Greater Yuma Port Authority
National Association of Waterfront Employers
Nogales Customs House Brokers Association
Nogales Economic Development Foundation
Nogales Community Development
Southwest Port Users Association (San Luis, Arizona)
Texas International Produce Association
US Chamber of Commerce
US Travel Association
West Gulf Maritime Association

TESTIMONY BY SAM F. VALE
ON BEHALF OF THE BORDER TRADE ALLIANCE
IMPROVING SECURITY, TRADE, AND TRAVEL AT SOUTHWEST BORDER PORTS OF
ENTRY
SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
JUNE 16, 2021

The Border Trade Alliance thanks the Committee for the opportunity to provide this written testimony for the record and to provide oral testimony at the hearing entitled, "Improving Security, Trade, and Travel at Southwest Border Ports of Entry" taking place on June 16, 2021.

The BTA is committed to working with the administration and Congress to devise policies that ensure our ports of entry are best equipped to speed the passage of legitimate trade and travel, while preventing the entrance of contraband or individuals who would seek to do harm. We appreciate the Committee's attention to these important issues.

The Border Trade Alliance

For 35 years, the BTA has provided a forum for analysis and advocacy on issues pertaining to the U.S.-Canada and U.S.-Mexico border regions. A network of public and private sector representatives from all three North American nations, our organization has been involved in a number of important border issues, ranging from the implementation of the original North American Free Trade Agreement to the successor United States-Mexico-Canada Agreement, to the original organization of the Department of Homeland Security to the perennial issues of staffing, infrastructure and trade processes.

Lift border travel restrictions

We submit this testimony amid some of the most trying circumstances for the U.S. land borders.

The communities along our nation's borders with Canada and Mexico have been disproportionately impacted by the pandemic that, since March 2020, has brought non-commercial cross-border travel to a halt. While currently defined by the United States, Canada, and Mexico as "non-essential," such travel is anything but for the businesses that depend on customers from the neighboring country and for local governments whose sales tax bases rely on robust cross-border commerce and, for some states, crossing tolls. For many border businesses and border region governments, the pandemic has resulted in an economic calamity.

The BTA believes the Biden administration, in consultation with state and local governments and our counterparts in Canada and Mexico, should lift travel restrictions and allow legal cross-border travel to resume. We cannot support an extension of the current restrictions, which are set to expire June 21, 2021.

Furthermore, we echo the bipartisan letter dated May 28, 2021¹ (that was signed by Sen. Kyrsten Sinema, the Chairman of this subcommittee) that called for a detailed plan that includes benchmarks for land ports of entry to return to full operations. Border stakeholders have been deeply frustrated that travel restrictions have been implemented in an ad-hoc manner with little indication as to which data are being relied on to make such decisions, nor has there been any communication to the public and border stakeholders as to the criteria that would permit a resumption of travel.

Medical ingenuity has brought to market three highly effective vaccines in the U.S. and we know more each day about how to control the spread of Covid-19 and treat positive cases. We are encouraged that in some border communities that positivity numbers have plummeted, in some cases below 5 percent. There is no indication that a resumption of non-commercial cross-border traffic would have any material effect on ongoing efforts to end the scourge of the pandemic. It would, however, allow the many livelihoods that depend on cross-border commerce to begin down the path to economic recovery.

In anticipation of a resumption of travel, the BTA has shared with the administration and with members of Congress our opposition to any plan that would call for travelers to demonstrate proof of a negative Covid test, especially for trips limited to the border area for a short duration. Not only would such a requirement be too unwieldy and likely lead to congestion at the ports of entry due to the additional documentation requirement, but there is nothing more remarkable about a shopper crossing from Tijuana, Baja California into San Ysidro, California to purchase groceries than there is about a shopping trip across town in any American community; neither is likely to contribute to the spread of Covid if normal public health protocols are followed. CBP Officers at the ports of entry could require travelers to wear face coverings in the port facilities, and officers should continue to set a good example by doing the same, just as they have done over the course of the past year.

Rice University's Baker Institute for Public Policy analyzed the economic impact of the travel restrictions between March and November of 2020.² The study focused on the economic implications of the travel restrictions on the nine counties across the Texas-Mexico border. Mexican tourists and shoppers are a key component of these economies, and without them, the losses are likely to be unprecedented, causing an estimated reduction of nearly \$4.9 billion in GDP of these border communities. The retail sector could experience economic losses exceeding \$2.0 billion during the eight-months that were part of the study.

CBP personnel at the ports of entry during the pandemic have not escaped the virus' impact. Too many officers have lost their lives. The BTA strongly supports efforts to ensure they have the necessary protective equipment – face coverings, face shields, sanitizer – and that they are prioritized in vaccination efforts. We acknowledge that we are requesting officers to increase their interaction with the traveling public beyond current levels, but we believe they can perform their jobs safely with the proper resources.

¹ <https://www.cornyn.senate.gov/sites/default/files/Letter%20to%20Secretary%20Mayorkas%20-%20LPOE%20restrictions.pdf>

² <https://www.bakerinstitute.org/media/files/files/258cf982/bi-brief-120420-usmx-touristsborder.pdf>

Now is the time to resume regular cross-border non-commercial travel. We can do so safely and without compromising the sustained efforts to return to some semblance of normalcy.

Addressing migrant flows, asylum-seekers

The spike in asylum-seekers and unaccompanied minors from Central America brings with it its own set of challenges for border communities.

The Department of Homeland Security reports that year-to-date fiscal year 2021 has seen nearly 930,000 migrant encounters at the United States-Mexico border, a dramatic increase that exceeds all of fiscal year 2020. The surge of migrants is a humanitarian tragedy and a security failing.

Our organization is especially concerned about the surge's impact on regular border operations that, as discussed above, have already been disrupted over the past year by the pandemic. As we've experienced in previous increases in undocumented border crossings, DHS may be forced to divert its limited resources from the important dual mission of security and facilitation to the task of migrant processing, resulting in congestion at the ports of entry and costly shipping delays.

The BTA thanks the sponsors of the Bipartisan Border Solutions Act of 2021 (which include Sen. Sinema). We believe strongly that the bill will better equip DHS and the Department of Justice to efficiently and properly manage the flow of migrants in a manner that treats migrants fairly, reduces the strain on local community resources, and maintains normal port of entry operations. We are especially encouraged that your legislation will allow DHS increased hiring authority to ensure that frontline DHS personnel can continue to carry out their critically important agency mission.

As a recognition of the increasing regularity of migrant surges, the BTA has encouraged Customs and Border Protection, as part of its overall recruitment efforts, to seek individuals who can also fulfill roles within the agency that might be more administrative in nature and do not necessarily require a highly trained CBP officer. Such individuals will lessen the likelihood that officers will be redeployed to act in support roles to Border Patrol during migrant surges. We believe strongly that highly trained specialists should not be redeployed away from ports of entry, as doing so will exacerbate delays at the ports and increases the likelihood that an immigration crisis could quickly become a trade, travel and economic crisis. To that end, we are encouraged that the \$4.7 billion requested in the President's budget for the Office of Field Operations calls for \$9.1 million for Border Patrol Processing Coordinators, a good first step.

Public-private partnerships to improve border infrastructure

Aging, outmoded infrastructure is also a major challenge for the trade community. Land border ports of entry average 40 years in age, many built before the North American Free Trade Agreement was even a consideration, much less the USMCA. As a result, their configurations are oftentimes not well suited to the throngs of commercial trucks they must process on a daily basis.

The trade community's concerns over staffing levels and infrastructure are not mutually exclusive. Both must be addressed if we are to realize the full benefits of international trade.

There is, however, a public-private partnership program that is facilitating border infrastructure improvements and expansions. The Donation Acceptance Program allows local governments and private sector entities to donate capital improvements to the federal government.

CBP and the U.S. General Services Administration (GSA) are jointly authorized by 6 U.S.C. § 301a (Section 301a), and more generally, the Homeland Security Act of 2002, 6 U.S.C. §§ 112 et seq., as amended, to accept real property, personal property, monetary and non-personal services donations from private sector and government entities. Accepted donations may be used for port of entry construction, alterations, operations and maintenance-related purposes.

The BTA in 2020 applauded passage of a \$1.4 trillion omnibus spending package that included an extension of the Donation Acceptance Program. We sincerely hope that Congress again considers a long-term authorization for the Donation Acceptance Program prior to the program's authorization sunset at the end of this fiscal year.

Since the program's launch, DAP has resulted in 40 partnerships totaling approximately \$219 million in planned and realized investments in U.S. ports of entry and important CBP initiatives. Twenty-one of the projects have been fully executed, while 19 of the projects are in the planning, design, or execution stage. However, the proposed financing for many of these donations include grant awards from various federal agencies including the Department of Transportation, Economic Development Administration, or state governments. These grants have an expiration and, if a grant expires, the money must be returned to the federal or state entity of origination. In some instances, after a DAP submittal, GSA and CBP take so long to evaluate a project's design, financing mechanisms, and planning stages, that the grant expires and the project collapses. In some cases, we have seen DAP proposals take far too long from proposal to acceptance from GSA and CBP. In the most egregious instances, the timeline from DAP submission to acceptance can take five to eight years.

There is room for improvement to DAP. For example, a donation cannot occur when the sponsoring entity still carries debt on the project. Amendments to the DAP are necessary to allow a rental agreement between the GSA and CBP that would allow the debt on capital improvements to be retired under a concession mechanism or some other method of revenue generation.³ We also recommend an increase in the maximum total value of projects that are eligible for the program. Later this year when Congress decides whether to reauthorize the DAP for CBP, Congress should consider changing the authorization to direct GSA and CBP to include specific project milestones when evaluating projects to expedite project acceptance on federally owned land ports of entry. Congressional authorizers and appropriators should also consider

³ It is worth noting that the state of Texas recently adopted legislation that amends the state Transportation Code to authorize a county bordering the Rio Grande to use negotiable bonds or the proceeds of the sale of the bonds to construct, improve, enlarge, or equip in whole or in part a toll bridge or a related building, structure, or other facility. The bill authorizes the county to use those bonds or the sale of the bonds to acquire such a building. <https://pharr-tx.gov/pharr-takes-lead-in-creation-and-successful-passage-of-hb-2843-sb-1334-in-texas-legislature-to-enhance-bridge-funding/>

setting aside monies in the GSA Public Building Services' Federal Buildings Fund (FBF) specifically for the DAP program. Dedicated FBF monies to DAP could help GSA and CBP move these projects forward more expeditiously.

A companion public-private partnership referred to as Reimbursable Service Agreements has proven successful in addressing staffing shortfalls at the land border ports of entry. For example, a CPP Agriculture Specialists intern program gives college students a fast track to be eventually hired by CBP as full-time employees, above the CBP budgeted staffing levels. These positions are essential in expediting the processing of commercial produce traffic.

The program has also been used to meet the demands of increased private vehicle and pedestrian flows, whether by underwriting the costs for full-time equivalent positions or for overtime.⁴⁵

Making the Federal Buildings Fund whole

From Fiscal Year 2010 to Fiscal Year 2021, GSA's annual Capital Investment Program has lost nearly \$9 billion for new design and construction projects and essential repair and alteration projects to maintain the existing Federal portfolio. Since 2010, GSA has requested 315 capital construction projects, yet Congress has only appropriated funds for 177 of those requests. This has resulted in crumbling federal infrastructure. Every GSA region has multiple buildings that are a stain on the portfolio and an embarrassment to the agency. Some of these owned assets within the portfolio are worse than others. Gateway Land Port of Entry for example located in Brownsville, Texas has not had a major modernization since the Eisenhower Administration. The El Paso Bridge of the Americas is also in dire need of a major facelift to meet the ever evolving operational and mission critical needs of CBP.

The raiding of the Federal Buildings Fund has forced GSA to delay major repairs of dozens of federal buildings and land ports of entry across the United States. Over the last five fiscal years spanning three Administrations, GSA has received nearly \$5.5 billion less than requested. The impacts of this shortfall will continue to exacerbate unless Congress takes steps to make the FBF whole.

Technology to increase security, facilitate trade and travel

Improvements to trade and travel throughput will not come from brick-and-mortar improvements or staffing level increases alone. New technology is critically important to the effort to make our ports more efficient and more secure.

⁴ <https://www.expressnews.com/news/local/article/Border-communities-help-fund-overtime-pay-for-CBP-12783169.php>

⁵ <https://www.borderreport.com/hot-topics/trade/el-paso-readies-for-possible-roll-back-of-non-essential-border-travel-restrictions/>

Broadband

The BTA believes that land border ports of entry are in need of greater access to internet broadband. Upgrading broadband availability will lead to greater trade throughput by increasing the mobility of CBP officers around the port campus, preventing them from being tied to inspection booths. Improved broadband will also allow CBP to move to a command center model that allows for remote inspection targeting and increase the likelihood that future agency resource decisions are based on reliable, fresh data.

Non-intrusive inspection technology

Inspection equipment and facial recognition technology on the market represents a dramatic improvement over the scanning equipment and traditional Q&A that is available at most ports of entry. The BTA supports the deployment of this leading-edge inspection technology that provides officers a clear picture of the people and contents of containers that, with the proper broadband technology, could be relayed to a remote command center where personnel can recommend further inspection. The technology available is so advanced as to allow the inspection of 100 percent of northbound and southbound trucks entering the United States with no loss in trade throughput.

Once again, the BTA thanks the Committee for the opportunity to share our organization's collective insights on issues facing our ports of entry and we look forward to our oral testimony. Please do not hesitate to count on the BTA as a resource to you in the future.

**Testimony by Mr. Guillermo Valencia
Past Chairman, Greater Nogales Santa Cruz County Port Authority**

**Homeland Security and Governmental Affairs Committee
Subcommittee on Government Operations and Border Management
Wednesday, June 16, 2021**

Chairwoman Sinema and Ranking Member Lankford,

My name is Guillermo Valencia, and I am the past chairman of the Greater Nogales Santa Cruz County Port Authority. For my day job, I am President and Co-Owner of Valencia International, a customs brokerage services company that has been in business for over 40 years. Our current chairman, Mr. Jaime Chamberlain, was unable to join us today because of a schedule conflict with Governor Doug Ducey in Nogales. I am here to present on his behalf.

The Board of the Port Authority is comprised of the City of Nogales, Santa Cruz County, the Fresh Produce Association of the Americas, the Nogales Customs Brokers Association, INDEX Nogales, Nogales Community Development, Nogales Santa Cruz County Economic Development Corporation, and the Santa Cruz County Mining Cluster.

We have been in existence for just over 16 years and our principal focus is the improvement of our port of entry system and the quality of life of our residents.

I would like to bring to your attention the needs of our community, and what I suspect are the needs of other border communities.

The first issue is our border infrastructure, including our ports of entry and the connectivity to our federal highway system. While we have a state-of-the-art facility at the Mariposa port of entry, we also have one of the most outdated, overburdened and literally crumbling ports in the nation at the DeConcini port of entry.

In terms of our transportation infrastructure, we work extensively with the Arizona Department of Transportation, but ADOT is focused on road maintenance with the funding they have versus investing in new projects or innovative approaches to transportation. As you might know, we are about complete a \$134 million dollar modernization of SR-189 that connects our commercial port to Interstate 19. But that is only one aspect of the transportation investments we need. Modernizations are desperately needed at the Ruby Road and Rio Rico interchanges on interstate 19. Our mining, manufacturing and fresh produce sectors could greatly benefit from a multimodal facility at Rio Rico but there is simply no funding for this to happen. Multimodal alternatives are essential if we are to remain competitive as a region and a nation.

We also need additional CBP staffing at our ports. While staffing has improved in recent years, we still see a situation in which CBP is unable to open every lane during our peak hours and our peak operations and port directors are forced to play a game of opening and closing of different

aspects of the ports in order to help maximize operations. They are trying to do their best with what they got. But that is simply not a standard for our nation's security. Staffing needs to be a thoughtful and deliberative process that meets not only immediate but future needs.

But staffing is not limited to our customs specialists. Our ports need additional USDA inspectors, and I know that San Luis needs an entomologist as well. I ask you if a country like ours should not ensure that every port is fully staffed with all the needs of our nation's security but also the needs of industry that creates jobs, and in our case, feeds the nation.

I would also propose that we need to engage with Mexico in a dialogue to establish a joint binational mechanism to advance binational infrastructure projects. We have bodies like the IBWC with its Mexican counterpart, CILA. We have the North American Development Bank that looks at the certification and financing of infrastructure projects. Why can't we create a binational institution that takes ports of entry in a binational format to ensure that projects move forward? Today there is a lack of coordination on key projects, and it is left up to an intense advocacy process that is a hit or miss at best. This body would be tasked with ports of entry only and not a broader binational agenda.

I would also propose that in order to eliminate the constant battle for funding for efforts at the ports of entry versus the space between them, that the Department of Homeland Security be modified to create directorates that are highly specialized. While those of you in this committee know the difference, not every member of the Senate or the House of Representatives understands the difference between the Office of Field Operations and the Border Patrol, both commonly and at times erroneously referred to as Customs and Border Patrol. It is important that the customs functions be kept separate than those of the Border Patrol. Too often we hear that funding was provided to CBP when it was to the Border Patrol, and not to the OFO at the Ports of Entry.

Our ports are the trade and tourism lifeline of our nation. Border patrol does law enforcement between the ports of entry. Their training of the officers and the laws they enforce are very different and not easily interchangeable, thus I propose that this structure be better defined.

I would propose the following structure that would help ensure the distinction in function and in funding. Separate what is today the Office of Field Operations, or OFO, from the US Border Patrol. This would allow the OFO to focus on legitimate trade and travel, bolster antiterrorism efforts at our ports of entry, ensure a focused approach to safeguarding against illegal trade practices and allow for the centralized approach to those seeking asylum with the creation of standalone processing centers. These centers would be structured as a one-stop-shop for the processing of asylum seekers and offer an immediate resolution versus a drawn-out process that is taking on the individuals, their families, and the officers.

This structure would also benefit from the creation of a Border Security Administration, that would bring together Border Patrol, Citizenship and Immigration Services or USCIS, and Immigration and Customs Enforcement or ICE. Another essential component is the urgent need to lighten the workload of immigration judges so that case adjudication can happen in a timely manner.

This structure is more transparent, more specialized approach to our ports of entry, the border and immigration enforcement.

Far too often, border communities, which are some of the safest in the country, get lumped into a discussion of activities that occur in remote areas of the border. The same thing happens with activities at the ports of entry versus the activities that occur between the ports of entry or interior enforcement.

Finally, I implore you to work with the White House in lifting border crossing restrictions for non-essential travel. While these measures may have served an important role at critical times during the height of the pandemic, the continuation of these provisions are engendering the negative impacts on border economies. Border crossing travel is down by over 46% at Nogales and that has decimated our small business, our restaurants, our hotels, and our stores. Santa Cruz County, in partnership with the Mariposa Health Center, and other local partners have done an exceptional job and as of the latest reports, more than 82% of the eligible population in Santa Cruz County has been fully vaccinated. Our hospitalization rates have decreased dramatically and positivity rates in our county and on the Mexican side have decreased significantly. While we remain committed to pushing a message of protecting the health of our residents, we must also protect the health of our business community. And just a few days ago, the Centers for Disease Control, lowered the travel advisory for Mexico from level 4 or Very High to Level 3 of High reflecting the improving conditions on the ground combating the pandemic. The conditions have dramatically improved, and we must reopen the border to all travel.

I want to thank you for taking the time to convene this hearing and for your personal commitment to making a difference for the border. We are the frontline of our nation's security but are also the principal gateway for trade and tourism.

Thank you and I would be happy to address any questions you might have.

HSGAC Government Ops and Border Management Subcommittee
Hearing on *Improving Security, Trade, and Travel at Land Ports of Entry at the
Southwest Border*

Wednesday, June 16, 2021

Senator Kyrsten Sinema

Questions for the Record for Kevin McAleenan

- In Arizona and the other Border states, we have had a recurring problem of understaffing at some ports. CBP appears to have instituted several new initiatives to attract new officers in recent years, but it still appears that there are problems with retaining its workforce. Given that securing our ports will remain a challenging and difficult job, do you have any recommendations that may help with DHS officer and staff retention?
- The men and women staffing our ports of entry understand the challenges of their jobs better than anyone. Based on your prior experience, what were the key things that got in the way of officers successfully doing their jobs? How can these issues be better addressed?
- In February 2021, the DHS Office of Inspector General released a report (OIG-21-21) detailing:

“Over the past 3 years, CBP has deployed new surveillance technologies, initiated system modernization efforts, and upgraded the IT infrastructure supporting its Border Patrol stations... However, a number of CBP’s planned technology deployments were incomplete at the time of {DHS OIG’s} audit in February 2020 due to shifting priorities, construction delays, a lack of available technology solutions, and funding constraints. Consequently, most southwest Border Patrol sectors still rely on obsolete systems or technologies with limited capabilities to support mission needs.”

Responses to these questions were not received by time of printing. If received, they will be on file in the committee offices and available for review.

From your time with CBP, can you provide some challenges you confronted with investing in new technology at ports of entry and any lessons learned that should be kept in mind when crafting future legislation to invest in technology and infrastructure upgrades at our borders?

- Getting the appropriate data and using these metrics and related analysis to drive investment decisions and staffing needs for CBP has been a focus of my office for several years. Based on your time at DHS, do you feel that CBP is gathering the right data needed to help drive decision making, and do you have any recommendations on how to improve CBP's use of metrics in directing its daily operations and future investments?
- You have likely seen that Senator Cornyn and I have introduced the *Southwest Border Bipartisan Solutions Act* to attempt to manage the large influx of migrants at the Southwest border. I would welcome any thoughts you have on this bill and if there are areas that need further consideration to improve it.

Responses to these questions were not received by time of printing. If received, they will be on file in the committee offices and available for review.

HSGAC Government Ops and Border Management Subcommittee
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Wednesday, June 16, 2021

Senator Kyrsten Sinema

Questions for the Record for Tony Reardon

- In Arizona and the other Border states, we have had a recurring problem of understaffing at some ports. CBP appears to be doing well in recruiting new officers, but not in retaining its workforce. Given that securing our ports remains a challenging and difficult job, especially as of late with COVID and the influx of migrants, what recommendations does NTEU have that may help with DHS officer and staff retention?

For years, NTEU has been working with Congress to direct CBP to use to its fullest extent available pay flexibilities, such as recruitment, retention, and relocation incentives (3 Rs) and special salary rates, to incentivize new and existing CBP Officers to seek vacant positions at hard to fill, remote ports, such as Douglas. The 3 Rs are also needed to attract transfers to and retain CBP Officers at the most severely short-staffed ports, such as Nogales. When using a recruitment incentive to attract employees to a certain location, CBP must be mindful that this incentive should be used in conjunction with retention incentives. Otherwise, you will have newly hired employee working side-by-side with a veteran employee that not only is denied the opportunity to transfer out but may also now be paid less than a new recruit.

In addition, as I said in my testimony, it is imperative the ongoing morale issues are addressed if CBP is going to improve recruitment and retention. To do this, CBP must ensure the workforce feels both valued and respected and Congress must provide CBP with the funding and staffing it needs to put an end to excessive overtime, double shifts and temporary duty assignments that disrupt the lives of CBP personnel and contributes to low morale.

- The men and women staffing our ports of entry understand the challenges of their jobs better than anyone. What are the key things you hear from port officers that get in the way of them successfully doing their jobs?

In order to help CBP Office of Field Operations (OFO) employees successfully do their jobs, improve morale, and ensure the workforce feels both valued and respected, CBP must make major changes to how they treat employees. During the prior Administration, the source of the ongoing morale problems were the multiple threats to employee rights and benefits, including executive orders to limit bargaining rights; attempts to freeze pay and pensions; and plans to scale back performance awards.

To address these ongoing morale issues at CBP, NTEU recommends:

- Senate introduction and passage of the DHS MORALE Act (H.R. 490) to improve frontline employee engagement and establish a statutory annual employee award program;
- Reinstate labor-management partnerships by passing the Federal Labor-Management Partnership Act; and
- Preserve collective bargaining rights and adherence to the provisions of CBP OFO employees' collective bargaining agreement.

Also, because ongoing significant staffing shortages at ports across the country has led to excessive overtime and double shifts for many CBP Officers that disrupts their family life and contributes to low morale, Congress must provide FY 2022 funding for up to CBP OFO new hires to the levels identified in CBP's own workload staffing models.

- Soon, we expect to be re-opening our ports of entry to non-essential travel. I have joined a bipartisan group of my colleagues in asking DHS for a plan on how we can do this safely. From a workforce perspective, what do we need to keep in mind as we return ports to fuller operations? Are there practices or ways of working that were instituted during COVID that CBP officers feel need to remain in place?

The pursuit of the safest possible working environment for CBP employees at all ports of entry, trade, enterprise services and operations support facilities has been NTEU's paramount concern during the COVID-19 crisis. Throughout the pandemic, most international air, sea, and land ports of entry remained open and are staffed by CBP OFO employees 24 hours a day, seven days a week, 365 days of the year. Even with the universal availability of effective vaccines, our CBP members deserve every possible safety precaution CBP can implement.

NTEU continues to work with CBP to maintain the following safeguards:

- On-site, free vaccinations for all CBP employees.

- On-site, free widespread COVID-19 and antibody tests for CBP employees. NTEU also requested that CBP provide real-time notification of positive cases among employees.
- A contact tracing protocol that requires notification of CBP OFO employees exposed to asymptomatic travelers who subsequently test positive for the virus. With the shorter Delta variant exposure time, NTEU is seeking a less restrictive time exposure requirement. NTEU has concerns that current DHS Guidance that CBP follows is insufficient to precisely define the duration of time that constitutes a prolonged exposure. Recommendations vary on the length of time of exposure from 10 minutes or more to 30 minutes or more. Science has shown that even brief interactions to the Delta variant, even if vaccinated, are more likely to result in transmission.
- Maintain thorough cleaning of all terminals and work areas, including shared vehicles, staggering lanes, and cleaning booths between Officer rotations, not just between shifts. CBP has told us that staggering lanes and cleaning booths between rotations is a “best practice,” but acknowledged that it may be cost prohibitive at some ports.
- Plexiglass barriers on primary booths and in detention areas and promoting social distancing where possible. CBP acknowledged NTEU’s concerns about limited space in soft-secondary areas which may prevent maintaining safe social distances. They will do what they can to maintain such distances, particularly to ensure that safe distances exist between members of the public and officers working the counter.
- Proper and sufficient Personnel Protective Equipment (PPE)—masks, gloves, sanitizer, and wipes—for all employees, including Agriculture Specialists, and non-uniformed trade personnel. When mandated by the Centers for Disease Control (CDC) to promote officer safety, CBP must supply N95 masks be worn in secondary when working in close proximity to others and that surgical masks be worn in primary booths. NTEU also strongly supports any new CDC requirements for travelers to wear masks while being processed in air, sea, and land port primary booths.
- Adequate notice of return to work and adjusted work schedule policies to ensure appropriate physical distancing and staggered shift arrivals and departures.
- Maximize telework and other flexibilities, particularly for employees with children whose schools or child-care facilities are closed and those who rely on public transportation where social distancing may not be possible to get to work.
- Authorize telework or WSL for “high risk” CBP employees and for employees whose work is portable and are not assigned to frontline work at the ports.

- Allow WSL for quarantined and symptomatic employees who are still able to work. CBP has resisted providing WSL to symptomatic employees who are still working from home, saying they must take sick leave.
- Provide safety suits for CBP Officers and Agriculture Specialists entering confined spaces, such as ship holds.
- Provide parking subsidies to reimburse employees who choose to drive to work because of concerns with using public transportation.

NTEU believes CBP employees and other federal personnel should already be eligible to receive hazardous duty pay under existing law. Because of the nature of their jobs, many CBP employees have regular contact with the public and difficult to practice social distancing while working at the air, sea, and land ports of entry. According to the Schedule of Pay Differentials Authorized for Hazardous Duty Pay, one such hazard is: "Exposure to Hazardous Agents, work with or in close proximity to... (5) Virulent biologicals. Materials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection." NTEU submits that COVID-19 exposure falls within this hazard, but to date, CBP has said that it does not, and has not paid either Hazardous Duty Pay or Environmental Differential Pay to those employees that are exposed to COVID-19 because of their work for CBP. NTEU urges Congress to enact legislation that would clarify that even vaccinated employees who have contact with the public and may be exposed to an individual who has or has been exposed to COVID-19 are eligible for this pay differential.

Federal law also gives department and agency heads the authority to pay up to \$10,000 as a death gratuity to the personal representative of a federal employee who dies from an injury sustained in the line of duty. NTEU believes that the families of CBP personnel who die from COVID-19 are eligible for such benefits and NTEU will continue to work with the agency to make sure death benefits are provided.

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Wednesday, June 16, 2021

Senator Kyrsten Sinema

Questions for the Record for Mr. Vale

- From a trade perspective, what are the chief investments in technology and infrastructure you would recommend Congress consider to ensure our ports effectively serve businesses and border community needs of the future? Are there any policy and/or regulatory changes needed?

The Border Trade Alliance and the broader trade community is particularly impressed with leading-edge non-intrusive inspection (NII) technology, and we believe Congress should support its further deployment. This container-scanning technology can quickly scan the contents of a conveyance and identify an anomaly quicker than ever before without opening the container or unloading its contents. This technology can be used for both U.S. inbound and outbound shipments.

As I touched on in my testimony, many trade stakeholders decades ago strongly opposed proposals to scan each and every container entering the country. Doing so, we argued, would bring trade to a near standstill and erode U.S. global competitiveness. Today, however, NII technology makes that goal more possible without the negative effects that likely would have occurred before NII technology became available.

The BTA would also urge Congress to ensure that our land border ports of entry have high-speed internet access. We cannot expect our inspection agencies to meet the demands of 21st century global commerce with 20th century internet connections. Improved broadband capabilities would increase trade throughput and enhance the nation's security by allowing CBP officers greater mobility throughout the port campus rather than being tied to an inspection booth and would allow CBP to electronically transmit container scans or other data to another location for further analysis.

Finally, we would encourage DHS and CBP to expand the pilot testing of facial recognition technology at the land ports of entry, including to commercial truck drivers. Testing of facial recognition at airports and in more limited instances at land ports has proven that the technology works and can aid CBP personnel in their risk assessments.

All these recommendations are made out of a desire to make CBP's risk assessment processes easier, so that fewer individual determinations have to be made at primary inspection booths. Technology can greatly aid in this goal.

- As you have mentioned in your written testimony and during the June 16th hearing, this past year has been very difficult for border communities impacted by the non-essential travel ban and disrupted supply chains.
 - Do you expect the border community businesses and cross-border trade to be able to bounce back to pre-pandemic levels once travel restrictions are lifted? If no, what is needed to help these communities?

CBP's post-restrictions posture is critically important. The BTA has urged CBP to be ready to adequately staff the inspection lanes for vehicles and pedestrians once the restrictions are lifted. If the agency is unprepared, then that will further exacerbate the pain felt by border community businesses, as potential customers will face delays and hassles that will make reaching retailers, restaurants, and other businesses more difficult. We hope CBP is ready to meet the pent-up demand from consumers in our neighbor countries; our communities – whose budgets depend on sales tax receipts generated by cross-border shoppers – are counting on it.

- Has COVID pandemic impacted cross border supply chains to such a degree that this needs to be factored into future operational planning at the ports of entry?

There were delays in supply chains early in the pandemic, but those have mostly eased. Supply chain disruptions today are typically the result of global production challenges that are independent of U.S. port or agency operations.

We would, however, remind Congress and the administration that this pandemic is unlike any challenge ever faced by the U.S. trade community. At the U.S.-Mexico border, for example, we regularly encounter natural disasters like floods and tornado damage, labor disputes, blockades, and technology outages. We are usually able to navigate these issues by diverting traffic to another port, rescheduling shipments, and through open dialogue with our local CBP officials and customers in Mexico. In a global pandemic, however, disruptions cannot easily be overcome by simply entering another port. All three countries need to be ready for the next public health crisis and develop contingency plans for how we'll respond without bringing commerce to a grinding halt.

- When travel restrictions are lifted, what should CBP do to prepare for the return to more regular operations?

As discussed above, CBP's ability to properly staff vehicle and pedestrian lanes will be essential to a return to regular operations. We would also urge CBP to ensure its frontline officers are vaccinated, the best assurance that personnel won't be infected and miss work time or suffer some even more adverse health outcome. To that end, we support the administration's vaccine mandate for federal workers and we would hope that the National Treasury Employees Union, CBP officers' labor union, will not oppose its implementation.

- I am aware that Border Patrol and Office of Field Operations have great relationships with key stakeholders in some border sectors and not so much in others.
 - Can you generally assess how Border Trade Alliance members see their coordination with CBP?

The BTA greatly appreciates its relationship with CBP headquarters and local offices. Even in times when the agency did not have a Senate-confirmed commissioner, the agency has been responsive to our members' inquiries on a host of topics. Twice this year, in fact, CBP has convened virtual roundtables with our members to answer questions and update our membership on new initiatives.

With that said, we would urge the Senate to make confirmation of a new CBP commissioner a priority and not to delay a hearing any longer. A confirmed commissioner will set the managerial tone for the agency and maintain a consistent operational philosophy between CBP and the rest of DHS.

- Are there areas where CBP and local community and business collaboration can be improved?

The BTA acknowledges that CBP is not the architect of the border travel restriction policy, but rather is responsible for its implementation. Still, CBP could leverage its close relationships with border stakeholders to increase the frequency of communication on the restrictions, including sharing what public health criteria DHS is relying on and what a re-opening might look like.

Border communities' greatest frustration over the past year has been DHS' inability or unwillingness to convey its decision-making process to border governments or businesses; we've been left in the dark.

CBP could also be a helpful force in promoting vaccination uptake in border communities. By working with city officials, local public health agencies, and nonprofits, CBP could play a coordinating role in ensuring that any Mexican national crossing the U.S.-Mexico border with a valid Border Crossing Card could be eligible for vaccination at a U.S. vaccination site or pharmacy. Promoting vaccination availability and acceptance among Mexican border crossers would benefit the crossers themselves and diminish the chances for future travel restrictions once the current set of restrictions are eased or allowed to expire.

- The Border Trade Alliance, and you especially, have a great deal of experience in the logistics of cross-border trade and travel. What do you see as the biggest challenge in U.S.-Mexico trade regarding our ports and how should our nation respond?

The entire cross-border trade and travel regulatory structure needs to catch up with and better anticipate the speed and ingenuity that defines today's trade environment. USMCA helpfully addresses digital trade, for example, something that could barely have been contemplated at the advent of NAFTA, and we applaud CBP's work on the 21st Century Customs Framework, an effort to ensure that the agency's regulations and statutes reflect the realities of today's trade.

Staffing and infrastructure are longtime sources of frustrations, but those challenges are often symptoms of a calcified approach to doing business by agency leaders and lawmakers in both parties. The trade community is populated by creative, talented individuals with deep insight on how to make trade more efficient and more secure. I believe that greater reliance on private stakeholders will help our agencies meet their congressional mandates.

HSGAC Government Ops and Border Management Subcommittee
Hearing on *Improving Security, Trade, and Travel at Land Ports of Entry at the
Southwest Border*
Wednesday, June 16, 2021
Senator Kyrsten Sinema

Questions for the Record for Mr. Valencia

- What are the greatest challenges in cross-border trade that the Great Nogales Santa Cruz County Port Authority members are facing? And, from a trade perspective, what are the chief investments and/or policy changes needed to ensure our ports effectively deal with those challenges and continue to serve businesses and border community needs of the future?

In terms of trade, US Customs and Border Protection (CBP) needs the latest in technology to act as force multipliers. There is an ongoing need for additional staffing, both for CBP Trade Specialists and CBP Agriculture Inspectors to help expedite the processing of fresh produce. We would also ask that the Unified Cargo Processing (UCP) program be expanded to include both US and Mexican Agriculture Inspectors and inspections by US Department of Agriculture/Food and Drug Administration and its Mexican counterparts (SAGARPA/SENASICA) so that all inspections by the relevant agencies from both countries can be conducted at one facility with one stop.

A portion of CBP staffing is funded through the collection of user fees. This leaves the agency vulnerable to budget shortfalls for CBP officers and CBP Agriculture Inspector positions when there are fluctuations in trade volumes. CBP staffing should be fully covered through appropriations and not through fluctuating user fees based on trade flows, just as Border Patrol positions are fully funded through appropriated dollars.

Additional investments are needed to support existing CBP personnel and recruit more to staff the ports of entry. Without sufficient staffing, the ports cannot be used to their full capacity and increase wait times for commercial and non-commercial traffic. To fully maximize future infrastructure investments, we need CBP personnel.

In general, there is a continued need for investment in infrastructure. The DeConcini port of entry, for instance, is a facility that is far beyond its useful life and no longer meets the mission requirements for CBP. Yet they continue to operate in a dilapidated, inefficient, and in many ways, crumbling facility.

The COVID-19 pandemic is also forcing a new approach to the inspection process. Whenever possible, the inspection process should strive to be touchless in order to lower the risk of the transmission of COVID-19 and other transmissible diseases. The Arizona Department of Transportation (ADOT), for example, has implemented a touchless permitting program with great success from both a health and a time-savings perspective.

Additionally, because part of entry projects are funded through the Federal Buildings Fund (FBF) in the Financial Services and General Government Appropriations (FSGG), these projects are competing with courthouses and other federal office buildings for the same pot of money. A port of entry does not compare to a federal courthouse in terms of the purpose that it serves. We believe that the approach to funding ports of entry should change, be taken out of FSGG, and go through Homeland Security Appropriations.

- As you have mentioned in your written testimony and during the June 16th hearing, this past year has been very difficult for border communities impacted by the non-essential travel ban and disrupted supply chains.
 - Do you expect the border community businesses and cross-border trade to be able to bounce back to pre-pandemic levels once travel restrictions are lifted? If no, what is needed to help these communities?

Until the cross-border travel restrictions are lifted, we won't fully know the true extent of the impact on Arizona border communities in the long-term. Several retail businesses in downtown Nogales have already closed permanently and are probably not coming back. Those that remain have relied on emergency relief programs, such as the Paycheck Protection Program (PPP) to make ends meet – but these programs are running out. Current programs need to be extended or new ones developed that help small business, merchants, restaurants, and hotels in order to help border communities come out of the pandemic-driven recession that pervades the border. Until the border is reopened, border businesses will continue to be negatively impacted unlike the rest of the nation that is in the process of reopening.

There is, however, pent-up demand among Mexican shoppers looking to spend money in Arizona, and we will likely see a dramatic increase in crossing volumes when the restrictions are lifted. More than any assistance, we need the restrictions to be lifted.

It is important to remember that border communities were impacted more severely by cross-border travel restrictions than inland communities, which receive arrivals from

Mexico via air travel. The Department of Homeland Security (DHS) did not restrict Mexican tourists into Arizona arriving by air, whether it be commercial or charter flights. The requirements by the Centers for Disease Control and Prevent (CDC) for negative COVID-19 tests, which were applicable to all travelers, were put in place 9 months after non-essential travel was restricted at the border, yet this requirement was unrelated to visa status or national origin. Metropolitan Phoenix, as an example, receives many flights daily from Mexico, bringing tourists into the region, and allowing that tourism-related spending to continue.

As for cross-border trade, after the initial disruptions in the second quarter of 2020, trade across North America has recovered substantially and is even performing as strongly as it did 2019. Because many of the industries in our region were considered essential, several businesses in Nogales never fully shut down and adjusted their operations to account for the COVID-19 risks. But the adjustments also meant higher expenses for masks, gloves, and other personal protective equipment (PPE) that were necessary to ensure the health of all employees. Additionally, new health and hygiene protocols were implemented – and most continue to this day.

- Has COVID pandemic impacted cross border supply chains to such a degree that this needs to be factored into future operational planning at the ports of entry?

For the most part, CBP was able to maintain trade flows throughout the entire pandemic, but they were also dealing with COVID-19 themselves. Many officers either became sick or were forced to quarantine due to exposure to the virus while trade operations continued. This is a reflection of the tremendous commitment by CBP personnel that met the needs of our nation during this pandemic. But CBP needs to have additional measures and programs to help them address future situations that could impact operations, from pandemics to weather or other natural phenomena.

- When travel restrictions are lifted, what should CBP do to prepare for the return to more regular operations?

Even with the best planning, and the deployment of all available staff, we expect that there will be hours-long wait times to cross northbound as Mexican nationals jump on the opportunity to once again travel, shop, and visit relatives in the US. CBP needs the sufficient number of officers to fully staff both the DeConcini and Mariposa port of entry and open all lanes. There will also be a mad rush of people applying for an I-94. No one has secured an I-94 for travel beyond the border since the start of the border crossing restrictions. This may create backlogs at the ports. This may be the time to

consider the deployment of the pilot program to waive the need for an I-94 in Arizona and New Mexico. Additionally, this is a great time to promote enrollment in the SENTRI/Global Entry program to help people cross the border faster, but the enrollment centers are at capacity. For instance, there are no appointments available at the Phoenix Sky Harbor Airport and people are being forced to travel to other locations to enroll in the program. There are also significant delays in processing new applications and renewals for these Trusted Traveler Programs. Staffing and support needs to be allocated to their program areas to ensure their continued success in enrolling low risk individuals.

- I am aware that the Greater Nogales Santa Cruz County Port Authority has a robust and collaborative relationship with Border Patrol and Office of Field Operations.
 - Are there areas where CBP and local community and business collaboration can be improved?

The Port Authority is proud of its close working relationship with the Office of Field Operations (OFO) in Tucson. We have been able to achieve this by supporting CBP's mission and its officers and identifying opportunities to develop cross-sector partnerships for innovative programs, such as Unified Cargo Processing. We regularly invite the Director of Field Operations and the leadership team to our monthly meetings where they provide updates and hear from industry on what is going on in the community. It is through this open line of communication on the various issues impacting us both that we have this strong working relationship. This open dialogue served a valuable purpose in working with CBP and Santa Cruz County to make sure that CBP personnel would have access to COVID-19 vaccines to protect officers against the virus.

- Are there any lessons learned from this partnership that you would want to provide counterparts in the other border sectors?

The approach to how ports of entry are designed and operated has changed because of COVID-19. Social distancing requirements, hand-to-hand exchanges need to be avoided, health concerns must now be considered. CBP needs additional resources to make sure ports are able to operate regardless of the conditions. Finally, the pandemic has made it more evident that border communities are essential cogs for the national economy. Had it not been for all the essential workers in the produce industry, logistics, enforcement, first responders, and health care workers in our community, the rest of the nation would have felt the impacts far more than was the case. The fact that people

could still find fruits and vegetables on their grocery store shelves at the beginning of this pandemic was due in large part to the close collaboration of the industry and CBP OFO. This message needs to be conveyed to those in the rest of the nation and in Congress that question why additional funding is required for border infrastructure and increased CBP staffing.

On a separate but related note, our US Embassy and Consulates in Mexico are overwhelmed. Due to the COVID-19 restrictions, visa processing has essentially come to a halt and people trying to renew their visas are getting appointments that are towards the end of 2022. Our consular service needs additional resources in order to process the tremendous backlog of visas. Without visas, many would-be visitors will not be able to travel to the United States.

