



TESTIMONY OF

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BEFORE

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Committee on Homeland Security and Governmental Affairs

ON

“Securing and Ensuring Order on the Southwest Border”

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## **Introduction**

Chairman Peters, Ranking Member Portman, and Members of the Committee, thank you for the opportunity to discuss the conditions along the Southwest Border and U.S. Customs and Border Protection's (CBP) efforts to secure our borders and facilitate lawful trade and travel. I am honored to represent the dedicated men and women of CBP who operate on the frontlines to ensure our national security and the security of our borders.

Global and regional events over the last few years have produced challenging conditions along the Southwest Border that directly affect CBP's border operations. Most notably, we have been experiencing a significant increase in the number of migrant encounters, addressing a shift in illegal drug production and trafficking, and responding to the global coronavirus (COVID-19) pandemic. While CBP has experienced many challenges over the last few years it is important to note we remain dedicated to the humanitarian aspects of our mission. CBP performs thousands of lifesaving rescues and provides life-sustaining medical treatment, food, clothing, and shelter to those in need every single day.

The emergence of COVID-19 and the implementation of the Centers for Disease Control and Prevention's (CDC) public health order, commonly referred to as Title 42, have significantly altered the Southwest Border environment and CBP's operations. Since March 2020, CBP has assisted in enforcing CDC's Title 42 public health order, which suspends the right to introduce into the United States certain noncitizens arriving at the land borders to protect against the spread of COVID-19.

Throughout the pandemic, CBP has continued to respond to high levels of migrant encounters as we work to ensure the safety and security of our borders and protect civil and human rights. We also continue to work with partners across the federal government to prioritize the health and safety of surrounding communities, our personnel, and noncitizens.

Irregular migration and the resumption of pre-pandemic immigration processes are a primary focus for CBP. We remain vigilant and responsive to other challenges and responsibilities including interdicting illicit drugs crossing into the United States, preventing dangerous people and goods from crossing our borders, enforcing hundreds of trade laws, and ensuring the efficient flow of lawful trade and travel that is so important to our economy.

## **Resuming Pre-Pandemic Migrant Processing**

Once CDC's Title 42 order is terminated on May 23, CBP anticipates an increase in the number of noncitizens encountered, above the already high levels we currently experience. Leveraging experience and expertise gained during previous migration surges, CBP is making numerous preparations to help ensure we can continue to scale our operations and effectively respond to areas of the greatest need, impose consequences on those who break the law, and process noncitizens safely and humanely.

### ***Utilizing Immigration Authorities***

Following the termination of the CDC's Title 42 public health order, CBP will utilize its full range of immigration authorities under Title 8 of the U.S. Code to process migrants encountered at the border as we have done throughout our agency's history. These authorities include a range

of enforcement options to hold individuals accountable for entering the United States illegally, including placing individuals into expedited removal, immigration proceedings, or providing for urgent port of entry (POE) humanitarian parole on a case-by-case basis, while permitting those who are eligible to make claims for asylum.

### ***Providing Safety and Protection for those in our Custody***

Higher numbers of migrant encounters require deliberate and coordinated actions to ensure individuals in CBP custody are held in safe and sanitary conditions. CBP will continue to coordinate with the Movement Coordination Cell (MCC), a standing interagency group charged with overseeing expedited processing and transfer of unaccompanied children and other vulnerable individuals out of CBP custody. The MCC, comprised of personnel from CBP, the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), Federal Emergency Management Agency (FEMA), U.S. Immigration and Customs Enforcement (ICE), and the Department of Defense, was formed to facilitate communication and problem-solving among U.S. government agencies to specifically address the flow of vulnerable populations.

CBP continues to work with our partners to help ensure efficient processing of all noncitizens in our custody, even as encounter rates remain elevated. In April of 2022, CBP's daily rate often exceeded 13,000 noncitizens in custody, which has led to a tremendous logistical and operational challenge. However, we have ensured, and continue to ensure, that any individual released from CBP custody is vetted and screened to ensure that they do not pose a public safety or national security risk.

Furthermore, CBP is expanding efforts to vaccinate noncitizens found inadmissible under Title 8 and in DHS custody, in accordance with public health considerations. DHS has provided COVID-19 vaccines to noncitizens in ICE custody since summer 2021. Acting to further safeguard public health and ensure the safety of border communities, the workforce, and migrants in anticipation of Title 42 ending, DHS has expanded those efforts to provide a first dose of a COVID-19 vaccine to age-appropriate noncitizens found inadmissible and taken into CBP custody at the Southwest Border.

### ***Expanding Facilities and Transportation***

With Fiscal Year (FY) 2022 funding from Congress, we are increasing facility capacity and adding new short-term facilities at key border locations to reduce over-crowding and accommodate varying demographics of noncitizens encountered crossing the Southwest Border. In March 2022, CBP reopened the Rio Grande Valley Centralized Processing Center (CPC) in McAllen, Texas, after extensive renovations that dramatically improved CBP's ability to process noncitizens encountered at the border in a safe, orderly, and humane manner. Additionally, we have worked to increase our holding capacity, currently at over 17,000 compared to less than 13,000 in January 2021. We are also opening three new soft-sided facilities in Del Rio and Laredo, Texas, to expeditiously manage migration flows in those sectors.

The renovation of the CPC and opening of new facilities are part of CBP's broader goal to safely process individuals CBP encounters, as well as increase capacity and ensure appropriate conditions for noncitizens, agents, officers, and processing coordinators. We are also

maximizing the use of air and ground transportation to move noncitizens from U.S. Border Patrol Sectors that are over capacity to other less impacted CBP locations.

### ***Surging and Shifting Personnel***

CBP is shifting Border Patrol agents and CBP officers from other locations to assist at the Southwest Border, providing resources to areas with the most need. Hundreds of officers, agents, and DHS Volunteer Force members are already deployed. This ensures agents and officers can perform other critical mission functions. Thanks to the support of Congress, CBP will increase the number of Border Patrol processing coordinators and contractors available to assist with immigration processing activities.

### ***Coordinating with Partners***

In addition to targeted efforts such as MCC to address specific populations, DHS stood up a Southwest Border Coordination Center (SBCC) to bring CBP together with other federal partners to plan and execute a whole-of-government response to migration increases at the Southwest Border. Working with our DHS partners and communicating with our other governmental partners, CBP is mobilizing and shifting resources in anticipation of potential migration surges. CBP is the Primary Supported Component of the SBCC and is also utilizing our operational coordination capability to provide expertise and resources to the response to irregular migration flows across the Southwest Border. We are also increasing collaboration with DHS Components and other governmental partners, including ICE, FEMA, HHS, USCIS, the DHS Office of the Immigration Ombudsman, the Department of Justice (DOJ), the Department of State, and other federal entities to address potential increases in the number of noncitizens entering the United States. This enhanced collaboration spans the entire scope of border security activities, including resources and capabilities related to infrastructure, facilities, transportation, medical care, and joint processing.

CBP will also increase access to and promote utilization of the Unified Immigration Portal (UIP), a technical solution serving as a centralized location where relevant immigration-related data from multiple agencies across the immigration lifecycle can be accessed. The platform delivers mission critical dashboards, services and data integration capabilities to users that facilitate expeditious processing of subjects and increase visibility for interagency operations during surges.

Furthermore, CBP is also communicating with various non-governmental agencies, including a range of non-profit organizations, faith-based entities, and others — both at and away from the border area — regarding appropriate care and transportation of migrants released from custody. Furthermore, we continue to work closely with foreign governments to conduct joint enforcement operations and increase repatriations under Title 8.

Migrant smugglers put vulnerable individuals and families in danger every single day. Migrants are often guided by smugglers to cross vast stretches of desert, unforgiving mountain terrain, or the swift and unpredictable Rio Grande. The Southwest Border region experiences dramatic and unpredictable temperature changes year-round, meaning individuals lost or left behind in desolate areas are at risk of drowning, dehydration, heat stroke, injuries, or death. During FY 2021, CBP officers and agents rescued more than 13,000 individuals in a wide variety of

circumstances, an increase of more than 150 percent from FY 2020. CBP increased the number of rescue beacons used on the Southwest Border and our CBP officers and agents continue to stand ready to provide lifesaving assistance to all who need it.

## **Strengthening Border Enforcement and Facilitation Efforts**

In anticipation of increased noncitizen processing, CBP is focused on ensuring other security measures and enforcement programs are not circumvented or compromised.

### ***Combatting Human Smuggling***

CBP's posture and response to migration events are informed by comprehensive analyses of information and intelligence on operations of smugglers and the movement of noncitizens. We are more effectively tracking movements of various migrant groups who may be headed towards the U.S. border and increasing investigation and prosecution of human smuggling networks responsible for illegal border crossings.

In April 2021, CBP launched Operation Sentinel, a new counter-network targeting operation focused directly on transnational criminal organizations (TCOs) affiliated with smuggling migrants into the United States. More than 356 nonimmigrant visas and more than 265 Global Entry and SENTRI cards were revoked since the launch of Operation Sentinel, and more than 24 businesses and associated entities were targeted for suspension or debarment, two of which were disbarred. Lookouts are placed on more than 2,412 individuals associated with transnational criminal organizations' illicit activity. More than 2,093 individuals involved in illicit money transactions were identified and referred to interagency partners for law enforcement actions. Operation Sentinel refers all cases with potential prosecutorial interest to investigative partners for review and prosecution.

Additionally, CBP is supporting the DOJ-established Joint Task Force Alpha initiative, which counters transnational criminal organizations affiliated with migrant smuggling by targeting their members and associates. DHS and DOJ are working together to leverage joint investigative, prosecutorial, and capacity-building efforts to investigate and prosecute the most prolific and dangerous human smuggling and human trafficking groups operating in Mexico and the Northern Triangle.

### ***Interdicting Illicit Drugs***

CBP remains focused on the TCOs that continue to expand across and beyond the Southwest Border, and increasingly demonstrate their ability to produce synthetic drugs, including methamphetamine, fentanyl, and fentanyl analogues. TCOs also continually adjust operations to circumvent law enforcement detection and interdiction by shifting to drugs that can be transported in small quantities and improving fabrication and concealment techniques.

Fentanyl and its analogs are synthetic opioids that continue to be some of the most dangerous illegal drug flowing through, and damaging, communities across the nation and are involved in more overdose deaths than any other illicit drug trafficked into the United States. Like most illicit drugs, fentanyl enters the United States through our Southwest Border in privately owned vehicles, commercial vehicles, and individual pedestrians. Fentanyl and fentanyl analogue

shipments largely originate, and are synthesized, in Mexico and are often concealed within larger shipments of other commodities.

Over the past several years, the weight of CBP seizures of fentanyl increased sharply. In FY 2021, CBP seized 11,201 pounds of fentanyl, more than double the 4,791 pounds seized in FY 2020 and approximately four times as much as FY 2019 (2,804 pounds). In FY 2022, since October 1, 2021, CBP seized 5,310 pounds of fentanyl nationwide.<sup>1</sup>

CBP continues to combat the flow of illicit drugs by collaborating and sharing information with other agencies and foreign partners; obtaining advance electronic information to identify and target suspect shipments; leveraging advanced scientific, laboratory, and canine capabilities; and deploying nonintrusive inspection technology (NII).

CBP works with our Federal, state, local, tribal, and international partners daily by sharing information and collaborating on joint enforcement actions to identify and disrupt TCOs and stem the flow of illegal narcotics. At CBP's National Targeting Center, CBP and its partners utilize advance electronic shipping information and other law enforcement and intelligence records to facilitate targeting of shipments and cargo that pose the highest risk and prevent them from entering the country.

Both at and between POEs, canine operations are an invaluable component of counternarcotic operations. CBP's Office of Field Operation Concealed Human and Narcotic Detection canine teams completed training, to include the odor of fentanyl and fentanyl analogues. CBP utilizes over 350 large-scale and 4,500 small-scale NII x-ray and gamma-ray imaging systems to detect the presence of illicit substances, including synthetic drugs, hidden within passenger belongings, cargo containers, commercial trucks, rail cars, privately owned vehicles, as well as Express Consignment Carrier (ECC) and international mail parcels. In FY 2021, CBP performed approximately 7.8 million NII examinations, which resulted in the interdiction of more than 189,000 pounds of narcotics.

For suspect substances encountered at the international mail facilities (IMF) and at ECC facilities, CBP officers use various field-testing devices to rapidly screen suspected controlled substances and obtain presumptive results. CBP officers can transmit sample data to the LSS Teleforensic Center's 24/7 Narcotics Reachback for scientific interpretation and identification. Building on the success of the Reachback program, CBP increased its ability to swiftly identify suspected drugs by positioning agency laboratory scientists on-site at IMFs, ECCs and POEs in forward operating labs.

CBP's operational posture enables the agency to nimbly shift resources and swiftly adapt processes to changing situations along the border. This approach also ensures CBP's response to emerging events does not compromise its border security, trade, and travel mandates.

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<sup>1</sup> As of March 31, 2022. <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>

### ***Limiting Disruptions to Travel and Trade***

The nation's POEs are vital gateways for cross-border commerce and travel — critical sectors that drive economic growth and opportunities for American businesses and consumers.

Commercial vehicle traffic at both the Northern and Southwest Border land ports of entry (LPOE) fully rebounded to levels experienced before the COVID-19 pandemic, and since COVID-19 travel restrictions were eased on November 8, 2021, CBP processed increased numbers of arriving travelers without any significant delays.

Individuals who are not U.S. citizens or lawful permanent residents may now enter the United States for non-essential travel via LPOEs and ferry terminals, provided they are fully vaccinated and have appropriate documentation.<sup>2</sup> Updated guidelines allow most noncitizen, nonimmigrants who are fully vaccinated to travel by air to the United States, regardless of the reason for travel.

CBP strongly encourages nonimmigrant visa passport holders seeking to travel to the U.S. to apply and pay for an electronic I-94 online through the CBP One mobile application<sup>3</sup> to better facilitate international travel into the United States.

When the CDC's Title 42 order ends, CBP will continue to track POE traffic and wait times and adjust resources as needed to ensure travelers and goods move safely and efficiently across the Southwest Border.

### ***Conclusion***

As with previous migration surges, planning and preparedness efforts are critical. CBP remains committed to maintaining border security, properly caring for those in our custody, and keeping the American people and our workforce safe.

Thank you for the opportunity to testify today. I look forward to your questions.

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<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/travelers/proof-of-vaccination.html>

<sup>3</sup> <https://www.cbp.gov/about/mobile-apps-directory/cbpone>