

TESTIMONY OF

TODD OWEN

**EXECUTIVE DIRECTOR, CARGO AND CONVEYANCE SECURITY
OFFICE OF FIELD OPERATIONS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

BEFORE

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SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT

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Chairman Miller, Ranking Member Broun, esteemed members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss the work of U.S. Customs and Border Protection (CBP), particularly the detection of radioactive and nuclear material in cargo containers and the potential future role that the Advanced Spectroscopic Portal (ASP) program will have on our operations. CBP is responsible for ensuring the security of cargo entering the United States at our borders and facilitating the flow of legitimate trade and travel. As part of this process, over 98 percent of all arriving maritime containerized cargo is currently scanned for radiation through radiation portal monitors.

I want to begin by expressing my gratitude to Congress for its continued support for the mission and people of CBP. It is clear that Congress is committed to providing CBP the resources we need in order to increase and maintain the security of our borders. We appreciate your efforts and assistance.

CBP is the largest uniformed federal law enforcement agency in the country. We station over 21,000 CBP officers at access points around the nation, including air, land, and sea ports. We have deployed over 20,000 Border Patrol agents between the ports of entry. These forces are supplemented with 1,266 Air and Marine agents, 2,392 agricultural specialists, and other professionals.

CBP's responsibilities include stemming the illegal flow of drugs, contraband and people, protecting our agricultural and economic interests from harmful pests and diseases, protecting American businesses from theft of their intellectual property, enforcing textile agreements, tracking import safety violations, regulating and facilitating international trade, collecting import duties, facilitating legitimate travel, and enforcing U.S. trade laws. CBP facilitates lawful immigration, welcoming visitors and new immigrants, while making certain those entering this country are indeed admissible and taking appropriate action when an individual fears being persecuted or tortured if returned to their home country. At the same time, our employees maintain a vigilant watch for terrorist threats. In FY 2009, CBP processed more than 361 million

pedestrians and passengers, 109 million conveyances, 25.8 million trade entry summaries, examined 5.2 million sea, rail, and truck containers, performed over 26.8 million agriculture inspections, apprehended over 732,000 illegal aliens between our ports of entry, encountered over 224,000 inadmissible aliens at the ports of entry, and seized more than 2.8 million pounds of illegal drugs.

We must perform our important security and trade enforcement work without stifling the flow of legitimate trade and travel that is so important to our nation's economy. These are our twin goals: border security and facilitation of legitimate trade and travel.

CBP OVERVIEW

I am pleased to appear before the Subcommittee today to highlight the continued progress on radiation detection technology. I would also like to take this opportunity to bring attention to CBP's holistic cargo security programs that are applied to all environments. CBP has made tremendous progress toward securing the supply chains that bring goods into the United States from around the world, and preventing their potential use by terrorist groups, by: using cutting-edge technology to increase the ability of front-line CBP Officers to successfully detect and interdict illicit importations of nuclear and radiological materials; moving resources where they are most needed; integrating all CBP offices; sharing information, including actionable intelligence, across all aspects of CBP; and utilizing a multi-layered approach to ensure the integrity of the supply chain from the point of stuffing, through arrival at a U.S. port of entry. This multi-layered approach includes the following comprehensive cargo security programs that are applied to all modes of transportation:

- Advance Information
 - *24-Hour Rule*
 - *Automated Targeting Systems*
 - *Importer Security Filing (commonly known as "10+2")*
- The Customs Trade Partnership Against Terrorism (C-TPAT) and Free and Secure Trade (FAST)
- Container Security Initiative (CSI)
- Secure Freight Initiative
- Use of non-intrusive inspection technology and mandatory exams for all high risk shipments

I will discuss each one of these layers in greater detail with particular focus on our radiation and nuclear detection capabilities.

ADVANCE INFORMATION

CBP requires advanced electronic cargo information, as mandated in the Trade Act of 2002, for all inbound shipments in all modes of transportation. This advanced cargo information is evaluated using the Automated Targeting System (ATS) before the cargo arrives in the United States.

ATS provides decision support functionality for CBP officers working in Advanced Targeting Units at our ports of entry and Container Security Initiative ports abroad. The system provides uniform review of cargo shipments for identification of the highest threat shipments, and presents data in a comprehensive, flexible format to address specific intelligence threats and trends. Through rules, the ATS alerts the user to data that meets or exceeds certain predefined criteria. National targeting rule sets have been implemented in ATS to provide threshold targeting for national security risks for all modes of transportation: sea, truck, rail, and air. The DHS Science and Technology Directorate is exploring additional methodologies for conducting risk assessment.

The Importer Security Filing interim final rule, also more commonly known as “10+2”, went into effect earlier this year and has already yielded promising results. This program will increasingly provide CBP timely information about cargo shipments that will enhance our ability to detect and interdict high risk shipments. Comments on aspects of this rule were accepted until June 1, 2009, and implementation using informed compliance will continue until January of next year. Shipments determined by CBP to be high-risk are examined either overseas as part of our Container Security Initiative, or upon arrival at a U.S. port.

CUSTOMS TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT)

CBP works with the trade community through the Customs Trade Partnership Against Terrorism (C-TPAT) to better secure goods moving through the international supply chain. C-TPAT has enabled CBP to leverage supply chain security throughout international locations where CBP has no regulatory reach. Under the C-TPAT program, a prospective member submits basic company information and a security profile via an Internet-based portal system. CBP conducts records checks on the company in its law enforcement and trade databases and evaluates the security profile, ensuring the company meets the security criteria for its particular business sector. Members who pass initial vetting are certified into the program. Using a risk-based approach, CBP Supply Chain Security Specialists conduct on-site visits of foreign and domestic facilities to confirm that the security practices are in place and operational.

C-TPAT is a voluntary public –private partnership program wherein CBP works with the trade community in adopting tighter security measures throughout their international supply chain. In return for making these enhancements members are afforded benefits to include reduced exams, dedicated cargo lanes (FAST), Stratified Exam, an assigned Supply Chain Security Specialist (SCSS). Potential members initially complete an online application. The SCSS then conducts internal record checks and evaluates the security profile provided. Upon completion of vetting the company then becomes a Certified member who will then be physically validated within a year of certification.

In 2009, CBP continued to expand and strengthen the C-TPAT program and ensure that certified member companies are securing their goods moving through the international supply chain to the United States. Teams of Supply Chain Security Specialists conducted validations and revalidations of C-TPAT members' supply chains to ensure that security protocols are reliable, accurate, and effective.

As C-TPAT has evolved, we have steadily increased both the rigor of the program and program membership. CBP has strengthened the C-TPAT program by clearly defining the minimum security requirements for all categories of participants wishing to take part in the program. As of Nov. 6, 2009, there were 9,509 companies certified into the C-TPAT program. CBP's goal is to validate all partners within one year of certification, revalidate all companies not less than once every three years, and revalidate all U.S./Mexico highway carriers on an annual basis, due to the risks of compromise of trailers associated with the Southern Border Highway Carrier sector of C-TPAT.

C-TPAT's 9,509 Certified Partners include 4,330 importers, 2,583 carriers, 821 brokers, 784 consolidators/third party logistic providers, 56 Marine Port Authority and Terminal Operators and 935 foreign manufacturers. C-TPAT has conducted 13,246 onsite validations of manufacturing and logistics facilities in 90 countries. 301 C-TPAT importer partners have been designated Tier 3, meaning they have exceeded the minimum security criteria and have been granted the highest level of program benefits.

CONTAINER SECURITY INITIATIVE

Because of the sheer volume of sea container traffic, containerized shipping is uniquely vulnerable to terrorist exploitation. To prevent terrorists and their weapons from entering the United States, CBP has also partnered with foreign governments through our Container Security Initiative (CSI). CSI, which is the first program of its kind, was announced in January 2002 and is currently operational in 58 foreign seaports – covering more than 80 percent of the maritime containerized cargo shipped to the United States. The program enables CBP to identify and inspect high-risk cargo containers at foreign ports before they are shipped to our seaports and pose a threat to the United States and to global trade. CSI stations multidisciplinary teams of CBP officers to work with host country counterparts to identify and examine containers that are determined to pose the highest risk for terrorist activity.

CBP officers stationed at foreign CSI ports review 100 percent of the manifests originating and/or transiting those foreign ports for containers that are destined for the United States. In locations where the tremendous volume of bills prevents the CSI team at the port itself from performing 100 percent review, or during port shutdowns, CSI targeters at the National Targeting Center provide additional support to ensure that 100 percent review is accomplished. Utilizing the overseas CSI team and the CSI targeters at our National Targeting Center, CBP is able to achieve 100 percent manifest review for the CSI program. In FY 2009, CBP officers stationed at CSI ports reviewed over 9 million bills of lading and conducted over 56,000 exams in conjunction with their host country counterparts.

SECURE FREIGHT INITIATIVE

The Secure Freight Initiative (SFI) is an effort to build upon existing port security measures by enhancing the U.S. government's ability to scan containers for nuclear and radiological materials in seaports worldwide and to better assess the risk of inbound containers. SFI provides carriers of maritime containerized cargo greater confidence in the security of the shipment they are transporting, and increases the likelihood of an uninterrupted and secure flow of commerce. This initiative is the culmination of our work with other U.S. government agencies, foreign governments, the trade community, and vendors of leading-edge technology.

CBP will prioritize future deployments of scanning systems to locations of strategic importance by identifying seaports where non-intrusive imaging and radiation detection data would be most practical and effective in deterring the movement of weapons of mass destruction via containerized cargo. The additional scan data provided by SFI will enhance DHS' risk-based and layered approach to securing maritime containerized cargo. We will continue to work with Congress to enhance the safety of our nation's ports and the security of incoming cargo.

NON INTRUSIVE INSPECTION / RADIATION DETECTION TECHNOLOGY

The deployment of imaging systems and radiation detection equipment has contributed tremendously to CBP's progress in ensuring that supply chains bringing goods into the United States from around the world are secure against exploitation by terrorist groups. Non-Intrusive Inspection (NII) technology serves as a force multiplier that allows officers to detect possible anomalies between the contents of a container and the manifest. CBP relies heavily on the use of NII, as it allows us to work smarter and more efficiently in recognizing potential threats.

Prior to 9/11, not a single Radiation Portal Monitor (RPM), and only 64 large-scale NII systems were deployed to our nation's borders. By October 2002, CBP had deployed the first RPM at the Ambassador Bridge in Detroit. Today, CBP uses RPMs to scan 99 percent of all cargo arriving in the U.S. by land and sea. CBP, in partnership with the DHS Domestic Nuclear Detection Office (DNDO) and Pacific Northwest National Laboratory (PNNL), has deployed 473 RPMs at northern border land ports of entry; 385 RPMs at southern border land ports of entry; 433 RPMs at seaports; and 55 RPMs at mail facilities. Currently, CBP has 232 large-scale NII systems deployed and 5,816 small-scale NII units. Additionally, CBP has deployed 1,515 Radiation Isotope Identifier Devices (RIIDs) and 19,365 Personal Radiation Detectors (PRDs). These devices allow CBP to examine 100 percent of all identified high-risk cargo. To date, CBP has used the deployed systems to conduct over 38 million examinations, resulting in over 8,300 narcotic seizures, with a total weight of over 2.6 million pounds, and over \$28.6 million in undeclared currency seizures. Since RPM program inception in 2002, CBP has scanned over 404 million conveyances for radiological contraband resulting in over 2.2 million alarms. CBP's Laboratories and Scientific Services spectroscopy group at the National Targeting Center has responded to some 21,599 requests from the field for technical assistance in resolving alarms. To date 100 percent of all alarms have been successfully adjudicated as innocent.

CBP is pleased to report that the final installation of RPMs along our shared northern border was commissioned on Oct. 29 at the Trout River, N.Y., port of entry. This milestone represents another critical step in the Department's efforts to strengthen the interconnected U.S. border

security network by deploying technology and personnel to key border locations to meet modern-day security needs. This recent milestone provides CBP with the ability to utilize radiation detection technologies to scan 100 percent of trucks and personally owned vehicles arriving through both northern and southern border ports, and 98 percent of arriving sea containers. In addition, CBP officers now use handheld radiation identification devices to scan 100 percent of private aircraft arriving in the U.S. from foreign destinations.

The first generation RPM systems, although very sensitive, do have limitations. While they alert CBP officers to the presence of radiation, a secondary exam is necessary to identify the location and specific isotope causing the alert. In the event that a CBP officer is unable to positively resolve the alert, scientific reach back is available on a 24/7 basis through the National Targeting Center and CBP's Laboratory & Scientific Services Division located in the northern Virginia area.

Understanding these limitations and the need for more precise radiological detection architecture, DNDO was created in 2005 to focus on radiological and nuclear threats and develop new technologies that will improve the nation's ability to detect and identify radiological and nuclear weapons and material. One of these new technologies is the next generation RPM, or the Advanced Spectroscopic Portal (ASP).

The ASP is able to distinguish between actual threats and natural or medical radiation sources that are not security threats. In doing so, the ASP would enhance our detection capability, while significantly reducing the burden of responding to the numerous benign alarms that are mostly generated by everyday products. This would allow CBP to focus our staffing and resources on high-risk shipments and other border security initiatives.

CBP COORDINATION WITH DNDO

In our collaboration with DNDO, CBP brings knowledge of how our ports work, of the needs of our frontline officers, and of the operational requirements for new technologies that must work consistently in a broad array of environments. Additionally, CBP is attuned to critical factors such as throughput and capacity as we seek to maintain an appropriate balance between security and the facilitation of cross-border travel and trade.

CBP has worked closely with DNDO in the developmental and operational testing of the ASP. A complete, independent operational testing and evaluation will be conducted by the DHS Science and Technology Directorate's Test and Evaluation and Standards Division, along with the Director of Operational Test and Evaluation, when the system completes the current course of testing. CBP's objective for operational testing is to ensure that systems are suitable and effective in our operational environments. CBP provided DNDO with functional requirements for the ASP and has been actively engaged in every step of testing, including performance testing at the Nevada Test Site and integration testing currently ongoing at a mock port of entry at the Pacific Northwest National Laboratory.

During CBP-led field validation and integration testing, CBP has been working closely with DNDO to assess each ASP system's performance as an integrated unit, including reach

back capability and ancillary equipment such as traffic lights and automated gate arms that are essential to maintaining positive control of vehicles at our ports of entry. In addition, CBP works with DNDO to assess and categorize each system's issues to ascertain their technological impact on performance and their operational impact on frontline CBP officers – the users of the system.

CBP will continue to work with DNDO toward certification by the Secretary, which is dependent on demonstrating a “significant increase in operational effectiveness” over existing first-generation radiation detection systems. At such time, the discussion could then turn to potential acquisition and deployment of ASP systems. Any decision to purchase and deploy ASPs in the operational arena will be based on mission needs, operational requirements, and a full understanding of maintenance and operational costs, to include a comprehensive cost-benefit analysis and an analysis of alternatives.

CONCLUSION

Technology plays an enormous role in securing the supply chain. Security technology is continuously evolving, not only in terms of capability but also in terms of compatibility, standardization, and integration with information systems. It is important to note that there is no single technological solution to supply chain security. As technology matures, it must be evaluated, and adjustments to operational plans must be made. Priority should be given to effective security solutions that complement and improve the business processes already in place, and which build a foundation for secure 21st century global trade.

Mr. Chairman, Members of the Subcommittee, thank you again for this opportunity to testify about CBP's commitment to investing in new and emerging detection technology, as well as some of the steps we have taken toward enhancing cargo security. I will be happy to answer any of your questions.