

TESTIMONY OF

**Todd Owen
ACTING DEPUTY ASSISTANT COMMISSIONER**

**U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

BEFORE

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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 future role that the Advanced Spectroscopic Portal (ASP) program will have on our operations. CBP strives to continually improve the security of cargo entering our borders and facilitate the flow of legitimate trade and travel. Included in this process, over 98 percent of all arriving maritime containerized cargo is presently scanned for radiation through radiation portal monitors.

I want to begin by expressing my continuing gratitude to Congress for its continued support for the mission and people of CBP. It is clear that the 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 20,000 CBP officers at access points around the Nation, including at air, land, and sea ports. As of mid-May, we have deployed over 19,000 Border Patrol agents between the ports of entry. These forces are supplemented with 1,058 Air and Marine agents, 2,318 agricultural specialists, and other professionals. These personnel are key players in the implementation of Secretary Napolitano's Southwest Border Security Initiative.

CBP continues to execute all of its responsibilities, which 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 United States 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 2008, CBP processed more than 396 million pedestrians and passengers, 122 million conveyances, 29 million trade entries, examined 5.6 million sea, rail, and truck containers, performed over 25 million agriculture inspections, apprehended over 720 thousand illegal aliens between our ports of entry, encountered over 220 thousand 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 key accomplishments related to container security, particularly those related to new and emerging technology. CBP has made tremendous progress in securing the supply chains bringing goods into the United States from around the world to prevent their potential use by terrorist groups that seek to deliver

weapons of mass effect. The use of cutting-edge technology has greatly increased the ability of front line CBP Officers to successfully detect and interdict illicit importations of nuclear and radiological materials. CBP uses 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:

- Advanced Information
 - 24-Hour Rule
 - Automated Targeting Systems
 - Importer Security Filing
- The Customs Trade Partnership Against Terrorism
- The Container Security Initiative
- The 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 (including the 24-hour rule for maritime cargo). Advanced cargo information on all inbound shipments for all modes of transportation is effectively evaluated using the Automated Targeting System (ATS) before arrival in the United States.

ATS provides decision support functionality for CBP officers working in Advanced Targeting Units (ATUs) at our ports of entry and CSI ports. 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. ATS uses a rules-based program to highlight potential risk, patterns, and targets. 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: sea, truck, rail, and air.

The Importer Security Filing interim final rule, also known as “10+2”, went into effect earlier this year and has already yielded some promising results. This program will 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

The Customs Trade Partnership Against Terrorism (C-TPAT) is an integral part of the CBP multi-layered strategy, in that CBP works in partnership with the trade community 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. In 2009, CBP will continue to expand and strengthen the C-TPAT program and ensure that certified member companies are fulfilling their commitment to the program by securing their goods moving across the international supply chain to the United States. To carry-out this critical tenet of C-TPAT in 2009, teams of Supply Chain Security Specialists (SCSS) will conduct validations and revalidations of C-TPAT members' supply chains to ensure security protocols are reliable, accurate, and effective.

As C-TPAT has evolved, we have steadily added to the rigor of the program. CBP has strengthened the C-TPAT program by clearly defining the minimum-security requirements for all categories of participants wishing to participate in the program and thereby gain trade facilitation benefits. As of June 18, 2009, there are 9,286 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, based on the risk associated with the Southern Border Highway Carrier sector of C-TPAT.

Container Security Initiative

To prevent terrorists and their weapons from entering the United States, CBP has also partnered with other countries through our Container Security Initiative (CSI). In FY 2008 CBP Officers stationed at CSI ports reviewed over 11 million bills of lading and conducted over 74,000 exams in conjunctions with their host country counterparts. Because of the sheer volume of sea container traffic, containerized shipping is uniquely vulnerable to terrorist exploitation. Under CSI, which is the first program of its kind, we are partnering with foreign governments 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.

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% manifest review for the CSI program.

Today, CSI is operational in 58 ports covering 86 percent of the maritime containerized cargo shipped to the United States.

Secure Freight Initiative

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

Moving forward, 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. Under this strategy, 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

Today I will specifically address large-scale X-ray and gamma imaging systems and radiation detection devices; technologies that play a critical role in our layered enforcement strategy.

The deployment of imaging systems and radiation detection equipment has contributed to CBP's tremendous progress in ensuring that supply chains bringing goods into the United States from around the world are secure against exploitation by terrorist groups that seek to deliver weapons of mass effect.

Non- Intrusive Inspection (NII) technology serves as a force multiplier that allows officers to detect possible anomalies between the contents of the 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 of 2002, CBP had deployed the first RPM at the Ambassador Bridge in Detroit. Today, CBP has deployed 1,250 operational RPMs at seaports, land border ports, and mail facilities, 227 large-scale gamma ray or x-ray imaging systems and 3,000 small scale NII systems nationwide. Additionally, CBP has deployed over 1,382 Radiation Isotope Identifier Devices (RIID) and over 17,542 Personal Radiation Detectors (PRD). These devices allow CBP to inspect 100 percent of all identified high-risk cargo.

Currently, 97 percent of trucks and 93 percent of personally owned vehicles arriving through northern border ports, 100 percent of vehicles arriving through southern border ports, and 98 percent of arriving sea containers are scanned by our radiation detection technologies. CBP uses RPMs to scan 98 percent of all cargo arriving in the U.S. by land and sea. 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. As of May 2009, CBP officers scanned over 368 million conveyances and successfully adjudicated 2.1 million radiological alarms.

It is important to distinguish these deployments from the 100 percent mandate. These deployments refer to CBP's domestic RPM deployments, which perform radiation detection (not imaging) of containers that are scanned in the US but prior to release into the commerce. The 100 percent mandate requires scanning in a foreign port and both imaging and radiation detection.

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 positively 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, the DNDO was chartered to develop new technologies that will improve CBP's radiation and nuclear detection capabilities. 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 is expected to enhance our detection capability, while significantly reducing the burden of responding to the numerous benign, nuisance alarms that are mostly generated by everyday products. This will allow CBP to focus our staffing and resources on high-risk shipments and other border security initiatives.

CBP COORDINATION WITH THE DOMESTIC NUCLEAR DETECTION OFFICE (DNDO)

In the course of our collaboration with DNDO, CBP brings knowledge of how our ports work, of the support needs of our front-line officers, and of the operational requirements for new technologies that must work consistently in a broad array of environments. Additionally, we must remain 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 S&T Director, T&E and Standards Director, Operational T&E, when the system is ready. CBP's objective for operational testing is ensuring that systems are operationally acceptable and effective and can be deployed in our operational environments. Specifically, 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 integration testing, CBP works closely with DNDO to assess each 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 maintain positive control of vehicles at our congested ports of entry. In addition, CBP works with DNDO to assess and categorize each system's defects to ascertain their technological impact on performance and their operational impact on front-line CBP officers – the users of the system.

CBP will continue to work with DNDO towards Certification by the Secretary, which is dependent on demonstrating a “significant increase in operational effectiveness” over existing first generation radiation detection systems. Only after this Certification has been reached can the discussion then turn to potential acquisition and deployments of the ASP systems. The decisions 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, an analysis of alternatives, etc.

CONCLUSION

In conclusion, I would like to say that 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 improving 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 Committee, today I have addressed CBP's commitment to investing its efforts in the areas of new and emerging detection technology, as well as some of the steps we have taken towards enhancing cargo security.

Thank you again for this opportunity to testify. I will be happy to answer any of your questions.