



**TESTIMONY OF NTEU NATIONAL PRESIDENT
COLLEEN M. KELLEY**

ON

**CARGO SECURITY AT LAND PORTS OF ENTRY: ARE
WE MEETING THE CHALLENGE?**

BEFORE

**THE HOUSE HOMELAND SECURITY COMMITTEE
SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM**

**311 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C.**

October 22, 2009

Chairman Sanchez, Ranking Member Souder, I would like to thank the subcommittee for the opportunity to testify on cargo security at the land ports of entry. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 22,000 frontline Customs and Border Protection Officers, CBP Agriculture Specialists, CBP CBP Seized Property Specialists, and CBP Trade Operations, Revenue, legal and administrative personnel who are stationed at 327 land, sea and air ports of entry (POEs) across the United States, 15 Preclearance offices in Canada and the Caribbean and CBP headquarters.

CBP enforces the import and export laws and regulations of the U.S. federal government and conducts immigration policy and programs. Ports also perform agriculture inspections to protect the U.S. from potential carriers of animal and plant pests, or diseases that could cause serious damage to America's crops, livestock, pets, and the environment. NTEU-represented CBP Officers, CBP Agriculture Specialists, and CBP trade personnel are our nation's first line of defense in the wars on terrorism and drugs, contraband smuggling, human trafficking, agricultural pests, and animal disease while at the same time facilitating legitimate international trade and travel.

On a typical day based on fiscal 2008 data, CBP Officers, CBP Agriculture Specialists and CBP trade personnel at the POEs arrested 73 suspected criminals, executed 614 refusals of entry, intercepted 76 fraudulent documents—1 for terrorism related/national security concerns; processed 1.09 million passengers and pedestrians, processed 331,000 privately owned vehicles, processed 70,451 truck, rail, and sea containers, processed \$90.4 million in fees, duties and tariffs, seized more than 7,621 pounds of illegal drugs, seized \$295,829 in undeclared and illicit currency and intercepted nearly 4,125 prohibited agricultural meat, plant materials or animal products and 435 agricultural pests.

LAND PORTS OF ENTRY

The U.S. has 5,000 miles of land border with Canada and 1,900 miles of land border with Mexico. Most travelers enter the U.S. through the nation's 166 land border ports of entry. About two-thirds of travelers are foreign nationals and about one-third are returning U.S. citizens. The vast majority arrive by vehicle. The purpose of the passenger primary inspection process is to determine if the person is a U.S. citizen or alien, and if alien, whether the alien is entitled to enter the U.S. In general, CBP Officers are to question travelers about their nationality and purpose of their visit, whether they have anything to declare, and review the travel documents the traveler is required to present.

Each day CBP Officers inspect more than 1.1 million passengers and pedestrians, including many who reside in border communities who cross legally and contribute to the economic prosperity of our country and our neighbors. At the U.S. land borders, approximately two percent of travelers crossing the border are responsible for nearly 48 percent of all cross-border trips. At the land ports, passenger primary inspections are expected to be conducted in less than one minute. According to CBP, for regular lanes the average inspection time per vehicle is 30 to 45 seconds during which CBP Officers should handle documents for all vehicle occupants and, if necessary, detain and transfer suspected violators to secondary inspection. For FAST truck lanes, the average processing time is 15 to 20 seconds. ("CBP: Challenges and Opportunities" Memo prepared by Armand Peschard-Sverdrup for:

Mexico's Ministry of the Economy: U.S.-Mexico Border Facilitation Working Group. January 2008, page 5.)

Yearly, CBP Officers and CBP Agriculture Specialists process more than 133 million conveyances--truck and rail containers--at the land ports located along the 7,500 miles of land borders between the United States and its North American neighbors.

Out of the total 327 official POEs, currently only 24 major land POEs are situated on the Mexico-U.S. border: six in California, seven in Arizona, one in New Mexico and ten in Texas. On the Canadian-U.S. border there are 150 land POEs. Land POEs have a series of dedicated lanes for processing commercial traffic, passenger vehicles, pedestrians and in some cases rail crossings.

Between the U.S. and Mexico, 68.4 percent of the total commercial two-way truck trade flow crossed through three land POEs—Laredo, El Paso and Otay Mesa. In rail traffic, trade is heavily concentrated (97.8%) in five rail POEs—Laredo, Eagle Pass, El Paso, Nogales, and Brownsville (Facilitating Legal Commerce and Transit. 2009 Memo prepared by Armand Peschard-Sverdrup for the Pacific Council/COMEXI Joint Task Force on Re-thinking the Mexico-U.S. Border: Seeking Cooperative Solutions to Common Problems, page 2).

Each year, 45 million vehicles cross into the United States from Canada. Most of the trucks use 22 principal border crossings. By 2020, the volume of truck traffic is projected to grow to 19.2 million per year, an increase of 63% from 11.8 million in 1999. The six highest-volume crossings on the Canada-U.S. border handled almost 90% of the value and three-quarters of the tonnage and truck trips. The six highest U.S.-Canada POEs are Ambassador Bridge (Detroit, Michigan), Peace Bridge (Buffalo, New York), Blue Water Bridge (Michigan), Lewiston-Queenston Bridge (New York), Blaine (Washington), and Champlain (New York). (Truck Freight Crossing the Canada-U.S. Border, September 2002, page 2, 6.)

Cargo security, that is, preventing the flow of arms, drugs, other contraband, pirated merchandise, and undeclared cash, and invasive agricultural items, while at the same time facilitating trade and the legal movement of people as efficiently as possible is a daily challenge for CBP Officers and Agriculture Specialists at the land POEs.

Border Violence at U.S.-Mexico Land Ports:

In the last year, a new challenge also confronts CBP personnel at the southwest land POEs. An epidemic of violence has erupted right across the U.S. southern border in Mexico due to an increase in Mexican drug cartel activity there and the crackdown on drug and human traffickers by the Mexican government. Drug violence in northern Mexico has skyrocketed with more than 13,800 homicides since January 2008. This violence is fueled by arms smuggling and bulk cash drug proceeds transiting south from the U.S. The incidence of violence is escalating daily at or near U.S.-Mexico POEs. On October 9 and again on October 19, a victim of cartel violence was strung up at an overpass between the U.S. and Mexico border and three weeks ago, CBP Officers confronted with speeding vehicles running the port had to fire on three vans filled with over 70 illegal immigrants at the San Ysidro POE.

NTEU is providing information to Congress and the Administration to help assess security equipment and other needs to address the increased threat to CBP personnel at the southern border. Safety of CBP Officers at the ports of entry is a major concern. Appropriate facilities, staffing and equipment are necessary at the southern land ports to ensure CBP Officers' safety.

The FY 2010 DHS funding bill includes \$8.1 million for 65 CBP Officers and 8 support staff positions to be dedicated to "Combating Southbound Firearms and Currency Smuggling." NTEU believes that this staffing increase is insufficient to address the staffing needs at southern ports of entry and well below the 1,600 additional personnel and 400 canine teams sought by the Senate authorizing committee in its FY 2010 funding request.

Also, the last Administration fell down on the job of inspecting outbound traffic through U.S. land ports and not all U.S.-Mexico passenger vehicle, rail and truck port crossings are staffed or equipped to conduct southbound inspections. Rightfully, the new Administration is focused on putting more resources into southbound inspections to help curb arms and bulk cash trafficking into Mexico.

CARGO SECURITY CHALLENGES

Cross-border commercial operators are acutely concerned about wait times and costs of delay at the land POEs. Wait times differ across POEs and vary depending on whether the congestion involves pedestrians, passenger vehicles, trucks or railcars and whether the ports participate in expedited crossing programs such as SENTRI for people or FAST (Free and Secure Trade) lanes for trucks and railcars that are certified as compliant with the Customs Trade Partnership Against Terrorism (C-TPAT) agreement. Wait times also vary with the day of the week and the time of day and holidays on either side of the border. Currently, not all available lanes are staffed to capacity. Antiquated port infrastructure and CBP personnel staffing shortages contribute directly to wait times at the land POEs.

NTEU believes that there is no way you can speed up the inspection process in which CBP Officers are currently conducting primary inspections in 30 to 40 seconds without increasing staffing. **NTEU's position was confirmed on October 1, 2009, by a draft report of the Southwest Border Task Force created by Homeland Security Secretary Janet Napolitano and reported by the Associated Press that recommends the "federal government should hire more Customs [and Border Protection] officers."**

The task force led by former director of the FBI and CIA, William Webster, was created in June 2009 to study the balancing of security concerns with the need to facilitate trade between the U.S. and Mexico. According to the report, as of July 2009, 5,586 Customs Officers worked on the Southwest border and the fiscal 2009 DHS appropriations bill includes funds to hire only 212 additional CBP Officers.

The report echoes the finding of the Border-Facilitation Working Group. (The U.S.-Mexico Border Facilitation Working Group was created during the bilateral meeting between

President George W. Bush and President Felipe Calderon held in Merida in March 2007.) “In order to more optimally operate the various ports of entry, CBP needs to increase the number of CBP Officers. According to its own estimate, the lack of human resources only for the San Ysidro POE is in the “hundreds” and the CBP Officer need at all ports of entry located along the border with Mexico is in the “thousands.” (“CBP: Challenges and Opportunities” page 1 and 2. Memo prepared by Armand Peschard-Sverdrup for: Mexico’s Ministry of the Economy: U.S.-Mexico Border Facilitation Working Group. January 2008.)

NTEU strongly supports the findings of the September 2009 Homeland Security Advisory Council draft recommendation to increase CBP staffing at the POEs.

CBP STAFFING SHORTAGES

The most recent public data that NTEU has regarding CBP staffing needs at the POEs is from a report that Congress requested from the Government Accountability Office (GAO) entitled Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation’s Ports of Entry (GAO-08-219), on November 5, 2007.

The conclusions of this report echo what NTEU has been saying for years:

- CBP needs several thousand additional CBP Officers and Agriculture Specialists at its ports of entry.
- Not having sufficient staff contributes to morale problems, fatigue, and safety issues for CBP Officers.
- Staffing challenges force ports to choose between port operations and providing training.
- CBP’s onboard staffing level is below budgeted levels, partly due to high attrition, with ports of entry losing officers faster than they can hire replacements.

In order to assess CBP Officer and CBP Agriculture Specialists staffing needs, Congress, in its FY 07 DHS appropriations conference report, directed CBP to submit by January 23, 2007 a resource allocation model for current and future year staffing requirements.

In July 2007, CBP provided GAO with the results of the staffing model. **“The model’s results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry.”** (See GAO-08-219, page 31) CBP has determined that data from the staffing model are law enforcement sensitive and has not shared this data with NTEU.

IMPACT OF STAFFING SHORTAGES

According to GAO, "At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support and safety issues when officers inspect travelers--increasing the potential that terrorists, inadmissible travelers and illicit goods could enter the country." (See GAO-08-219, page 7.)

"Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue...officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports." (See GAO-08-219, page33.)

Staffing shortages have also reduced the number of CBP Officers available to conduct more in depth secondary inspections. In the past, there were three inspectors in secondary processing for every one inspector in primary processing. Now there is a one to one ratio. This has resulted in a dramatic reduction in the number of illegal cargo seizures. For example, at the Port of Sweet Grass, Montana, from 2000 through 2007, there has been a 59% reduction in the number of seizures of illegal drugs, hazardous imports and other contraband and at the Port of Blaine, Washington as of August 2006, there were 192 narcotics and other seizures, while by August 2001, there were 434 narcotics and other seizures. Port-by-port seizure data is deemed law enforcement sensitive and it is now very difficult to compare number of seizures at a port from year to year.

Without adequate personnel at secondary, wait times back up and searches are not done to specifications. This is a significant cargo security issue. For example, a full search of one vehicle for counterfeit currency will take two officers on average a minimum of 45 minutes. Frequently, only one CBP Officer is available for this type of search and this type of search will then take well over an hour.

Finally, NTEU has been told that when wait times in primary inspection becomes excessive in the opinion of the agency, CBP Officers are instructed to query only one occupant of a vehicle and to suspend COMPEX (Compliance Enforcement Exams) and other automated referral to secondary programs during these periods. This is an improvement over the past practice of lane flushing, but is still a significant security issue. Also, when primary processing lanes become backed up, passenger vehicles are diverted to commercial lanes for processing. At the Port of Blaine, for example, on heavy traffic days, CBP Officers often route private vehicles through the commercial cargo facility where the lanes and the computers are not set up for private vehicle inspections. Truck drivers have complained that someone is going to get killed when they do this because they often cannot see the cars maneuvering around them.

CBP Officer Staffing:

NTEU was pleased that Congress, in its FY 2007 DHS appropriations conference report, directed CBP to submit a workplace staffing model for current and future year staffing requirements. For years, NTEU has said that CBP needs several thousand additional CBP Officers and CBP Agriculture Specialists at its ports of entry; that insufficient staffing and scheduling abuses are contributing to morale problems, fatigue, and safety issues for CBP Officers and CBP Agriculture Specialists, and that CBP is losing personnel faster than it can hire replacements.

CBP's staffing model concluded "that the agency needs 1,600 to 4,000 more officers and agricultural specialists at the nation's air, land and sea ports, or a boost of 7 to 25 percent, the GAO reported." (Washington Post, November 6, 2007)

NTEU is disappointed that the FY 2010 DHS appropriations conference report increasing new hires for CBP Border Patrol Agents from 17, 499 to 20,000--an increase of 1,500, but no increase in frontline CBP Officer or CBP Agriculture Specialist new hires.

NTEU agrees with the findings of the Border Facilitation Working Group, "when you look at the budgets that are normally handed out to CBP to POEs, one can conclude that this unit has been traditionally under-funded." (See CBP: Challenges and Opportunities, page 1.)

Again NTEU concurs with the AP-reported September 2009 Homeland Security Advisory Council Southwest Border Task Force Draft Report that calls on Congress to authorize funding to increase staffing levels for CBP Officers. NTEU urges Congress to authorize funding for CBP Officers and CBP Agriculture Specialists at the levels specified in CBP's own workforce staffing model, in addition to funding an increase in CBP Officer staffing needed to expand outbound inspection and address the increasing violence at the U.S.-Mexico border.

NTEU also strongly supports legislation introduced by Representative Silvestre Reyes (D-TX) H.R. 1655, "Putting Our Resources Towards Security (PORTS) Act." Representative Reyes' PORTS Act would authorize 5,000 additional CBP Officers and 1,200 additional CBP AS new hires, in addition to 350 border security support personnel at the nation's 327 official ports of entry over the next five years. In addition, the bill authorizes funding for infrastructure improvements at the existing ports of entry to repair and improve the gateways into our country.

CBP Agriculture Specialists:

In 2008, NTEU was certified as the labor union representative of CBP Agriculture Specialists as the result of an election to represent all Customs and Border Protection employees that had been consolidated into one bargaining unit by merging the port of entry inspection functions of Customs, INS and the Animal and Plant Inspection Service as part of DHS' One Face at the Border initiative.

According to GAO-08-219 page 31, CBP's staffing model "showed that CBP would need up to several thousand additional CBP Officers and agriculture specialists at its ports of entry." **And GAO testimony issued on October 3, 2007 stated that, "as of mid-August 2007, CBP had 2,116 agriculture specialists on staff, compared with 3,154 specialists needed, according to staffing model."** (See GAO-08-96T page 1.)

NTEU urges Congress to authorize and fund the additional 2,274 CBP Officers and the 880 CBP Agriculture Specialist needed according to CBP's own staffing model.

Also, NTEU continues to have concerns with CBP's stated intention to change its staffing model design to reflect only allocations of existing resources and no longer account for optimal staffing levels to accomplish their mission.

Finally, NTEU strongly supports Section 805 of S. 3623, the FY 2009 DHS Authorization bill introduced in the Senate last Congress, that through oversight and statutory language, makes clear that the agricultural inspection mission is a priority and increase CBP Agriculture Specialist staffing, impose an Agriculture Specialist career ladder and specialized chain of command. H.R. 3623 in Section 815 also extends CBP Officer enhanced retirement to their ranks and to CBP Seized Property Specialists.

Hiring of Supervisors v. Hiring of Frontline CBP Officers:

NTEU continues to have concerns that CBP is continuing to increase the number supervisors when a much greater need exists for new frontline hires. In terms of real numbers, since CBP was created, the number of new managers has increased at a much higher rate than the number of new frontline CBP hires. According to GAO, the number of CBP Officers has increased from 18,001 in October 2003 to 18,382 in February 2006, an increase of 381 officers. **In contrast, GS 12-15 CBP supervisors on board as of October 2003 were 2,262 and in February 2006 there were 2,731, an increase of 462 managers over the same of time. This is a 17% increase in CBP managers and only a 2% increase in the number of frontline CBP Officers.** (See GAO-06-751R, page 11).

In 2009, CBP reports that there are 19,726 CBP Officers of which 16,360 are bargaining unit frontline employees-- **a ratio of one supervisor for every five CBP Officers.** And according to CBP data, the current number of CBP Agriculture Specialists staff is 2,277, of which 312 are non-frontline supervisors—**a ratio of one supervisor for every six CBP Agriculture Specialists.**

ONE FACE AT THE BORDER

As part of the establishment of the Bureau of U.S. Customs and Border Protection (CBP) in March 2003, DHS brought together employees from three departments of government--Treasury, Justice and Agriculture to operate at the 327 ports of entry. On September 2, 2003, CBP announced the One Face at the Border initiative. The initiative was designed to eliminate the pre-9/11 separation of immigration, customs, and agriculture functions at US land, sea and air ports of entry. Inside CBP, three different inspector occupations –Customs Inspector, Immigration Inspector and Agriculture Inspector were combined into a single inspectional position—the CBP Officer.

The priority mission of the CBP Officer is to prevent terrorists and terrorist weapons from entering the U.S., while simultaneously facilitating legitimate trade and travel—as well as upholding the laws and performing the traditional missions of the three legacy agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS) and the Animal, Plant and Health Inspection Service (APHIS).

This change in job description and job duties established by the One Face at the Border initiative resulted in the Herculean task of training, retraining and cross training newly created CBP Officers. It became clear after several months that Agriculture Specialists job duties and background was significantly unique to establish a CBP Agriculture Specialist job series 401, separate from the CBP Officer job series, 1895.

In practice, the major reorganization of the roles and responsibility of the inspectional workforce as a result of the One Face at the Border initiative has resulted in job responsibility overload and dilution of the customs, immigration and agriculture inspection specializations and in weakening the quality of passenger and cargo inspections.

In addition, the processes, procedures and skills are very different at land, sea and air ports, as are the training and skill sets needed for passenger processing, cargo and agriculture inspection. Under the One Face at the Border initiative, former INS agents that are experts in identifying counterfeit foreign visas are now at seaports reviewing bills of lading from foreign container ships, while expert seaport Customs inspectors are now reviewing passports at airports.

It is apparent that CBP saw its One Face at the Border initiative as a means to “increase management flexibility” without increasing staffing levels. According to CBP, “there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train frontline officers will allow CBP to more easily handle projected workload increases and stay within present budgeted levels.” This has not been the case. The knowledge and skills required to perform the expanded inspectional tasks under the One Face at the Border initiative have also increased the workload of the CBP Officer.

NTEU believes the One Face at the Border initiative has failed to integrate the different border functions it sought to make interchangeable, because they are not. The Customs, Immigration and Agriculture functions performed at our borders enforce different laws and require different training and skills. For these reasons, NTEU urges CBP to reinstate Customs and Immigration specializations, as it did with the Agriculture specialization, at the POEs.

NTEU suggests that the Committees include the following provision in any upcoming CBP authorization.

SEC. __. ESTABLISHMENT OF SPECIALIZED CBP OFFICER OCCUPATIONS.--The Secretary of Homeland Security shall establish within the Bureau of Customs and Border Protection two distinct inspectional specialization occupations for Customs and Border Protection Officers at the air, sea and land ports of entry; an immigration inspection specialization and a customs inspection specialization.

RECRUITMENT AND RETENTION ISSUES

Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. “CBP’s onboard staffing level is below its budgeted level...the gap between the budgeted staffing level and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP data shows that, on average, 52 CBP Officers

left the agency each 2-week pay period in fiscal 2007, up from 34 officers in fiscal year 2005...Numerous reasons exist for officer attrition.” (See GAO-08-219, page 34.)

“Aside from the budgetary constraints confronting CBP, there have also been dysfunctional ties within the civil service system of worker classification that applies to CBP officers. Because CBP officers were not classified as law enforcement officers, they were automatically excluded from eligibility for higher salary levels, benefits, and early retirement. CBP officers, for example, are normally ranked as GS-11-level employees, a level that is considered a “journeyman grade” and provides a salary that ranges between \$54,000 and \$70,000. Conversely, officers in other law enforcement agencies – such as Immigration and Customs Enforcement (ICE) and the U.S. Marshals Service – have the opportunity to ascend to GS-12 or GS-13 levels, in which the salary range is \$70,000–\$100,000. Moreover, CBP officers tend to have better prospects for promotion outside of CBP – in such agencies as Immigration and Customs Enforcement and the U.S. Marshals Service – than within CBP itself.” (See Facilitating Legal Commerce and Transit by Armand Peschard-Sverdrup, page 10).

NTEU is pleased to commend Congress and the Department for addressing these two major CBP Officer recruitment and retention challenges—lack of law enforcement officer retirement status and a lower rate of journeyman pay with respect to most other federal law enforcement occupations. In July 2006, Congress extended enhanced retirement prospectively to CBP Officers and on October 14, 2009 announced an increase in the rate of CBP Officer and CBP Agriculture Specialists journeyman pay from GS-11 to GS-12. It is unfortunate that this pay increase and enhanced retirement coverage was not extended to the 120 armed, uniformed CBP Seized Property Specialists and the pay increase was not given to the nearly 400 CBP Officers (enforcement). NTEU is working to remedy these inequities in pay and benefits for CBP SPS and CBP Officers (enforcement.)

INFRASTRUCTURE ISSUES

“The average land POE is 40–45 years old. Urban sprawl has enveloped some of these ports, rendering them effectively landlocked. For example, the port of San Ysidro currently has 21 lanes, but only 4 traffic lanes feed all the traffic to the booths; in addition, local street traffic intersects with border crossing traffic. Over time, eroding infrastructure and limits on the availability of land – along with projected growth in the legal movement of goods and people stemming from the continued deepening of economic integration – will require both governments to erect new infrastructure.” (See Facilitating Legal Commerce and Transit by Armand Peschard-Sverdrup, page 4).

Infrastructure issues vary from port to port. NTEU does not dispute that the infrastructure problems at the POEs need to be addressed. But all port infrastructure solutions, including constructing additional 24 hour port facilities, will take years to achieve. What is necessary today is to staff all existing lanes to capacity. Without adequate staffing to achieve this, excessive overtime practices, as well as increased wait times, will continue.

Also, the observations and suggestions of frontline CBP Officers should be taken into account when planning new infrastructure solutions. For example, since before 9/11, the lack of

a manned egress point for the Cargo Inspection facility at the Port of Blaine has been noted by numerous port runner incidents. After years of lobbying by Officers, a manned egress booth is being built as we speak. But, there is still no way to physically stop a vehicle and driver who want to run the port. There are no gates, no tire shredders, or deployable bollards at the new egress point. Pulling into secondary is still largely dependent on the honor system. A manned egress point will intercept the lost drivers, and the drivers who can't understand instructions from the primary officer, but it won't stop deliberate port runners.

I am told that there is a similar egress lane configuration and port runner issue at the new Port of Champlain that is allowing absconders to avoid stipulated secondary inspection.

Another concern is that the upcoming Winter Olympics in February 2010 will increase travel volume through the Blaine POE. According to CBP Officers, there is room for two or more additional traffic lanes at the Pacific Highway crossing. On busy weekends, CBP routes cars through the truck area forcing them to maneuver around semi trucks. Can something be done to get these two lanes in place prior to the Olympics?

TECHNOLOGY ISSUES

Customs and Border Protection relies on technology to process border crossings with greater efficiency and speed. To compensate for the inadequacy of personnel at land POEs, CBP is relying more on technology, such as Radiation Portal Monitors (RPM) and Radio Frequency Identification (RFID).

Technological advances are important, but without the training and experience, technology alone would have failed to stop the millennium bomber at Port Angeles, Washington. Today, primary processing is increasingly dependent on technology. CBPOs are instructed to clear vehicles within thirty seconds. That is just enough time to run the license through the plate reader and check identifications on a data base. If the documents are in order the vehicle is waived through. The majority of a CBPO's time is spent processing I-94s, documents non-resident aliens need to enter the U.S.

Also, technology improvements can't overcome deficiencies in port infrastructure. For example at the Blaine POE, CBP management recently moved the primary lane vehicle queue within 10 feet of the primary booth in order to speed processing time an average of eight seconds per car. This creates a great deal of confusion locating Radiation Portal Alerts, Traveler Enforcement and Compliance System (TECS) hits, and National Crime Information Center (NCIC) hits from the RFID technology as two or three cars are now past the RPM detectors and RFID readers moves these vehicles into the "fatal funnel" for any "Armed and Dangerous" encounter in primary. Earlier this month, there was an NCIC hit that the officers responded to on primary. They took proper cover behind the car in primary and extracted the occupants only to later discover that the NCIC hit was in queue behind the car stopped in primary. The stacking of vehicles in the queue just prior to the primary booth is creating problems for officers locating and isolating radiation portal alerts. The price of these eight seconds could be very high if Officers miss a vehicle smuggling radioactive materials or an "Armed and Dangerous" encounter goes bad and innocent people are trapped in the cross fire with nowhere to retreat.

Expedited inspection programs such as FAST work very well for the participants in these programs in that their clearance process is reduced. CBP, however, needs a higher level of verification of FAST participants because of the higher risk their expedited clearance creates. For example, at the Blaine POE, many of CBP Officer's narcotics seizures have come out of FAST approved Carriers and Consignees. Expedited inspection programs such as FAST and C-TPAT, require additional CBP Officers to conduct these verifications.

NTEU RECOMMENDATIONS

One of the key goals of the new administration's senior management is to earn the respect and trust of frontline workers. To that end, NTEU is pleased that a CBP Commissioner has been recently nominated.

Federal employees represented by NTEU look forward to working with the new CBP leadership that will provide agencies with the staffing, tools and resources they need to accomplish their missions and will listen to employees' ideas about how to do the work better.

As noted by DHS's own Advisory Council headed by William Webster, for too long, CBP at the POEs has been unfunded and understaffed. DHS employees represented by NTEU are capable and committed to the varied missions of the agency from border control to the facilitation of trade into and out of the United States. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. The American public expects its borders and ports be properly defended.

Congress must show the public that it is serious about protecting the homeland by:

- fully funding CBP "salaries and expenses at the POEs" to hire more CBP personnel at the POEs as recommended by the draft September 2009 Homeland Security Advisory Council Report and Recommendations;
- fully staff all existing lanes at the POEs to capacity;
- ending the One Face at the Border initiative by reestablishing CBP Officer and CBP Agriculture Specialist inspection specialization at our 327 ports of entry;
- extending LEO coverage to armed, uniformed CBP Seized Property Specialists and uniformed CBP Agriculture Specialists, and
- extending GS-12 journeyman pay to CBP personnel not included in the recent GS-12 journeyman pay increase—CBP trade operations personnel, CBP Seized Property Specialists and CBP Agriculture Specialists; and
- authorizing CBP to submit yearly workplace staffing models that include optimal staffing requirements for each POE to fully staff all lanes and reduce wait times.

Again, I would like to thank the committee for the opportunity to be here today on behalf of the 150,000 employees represented by NTEU and the 22,000 CBP personnel the ports of entry.

