



---

STATEMENT OF

MICHAEL DOUGHERTY  
Assistant Secretary  
Border, Immigration, and Trade  
Office of Strategy, Policy, and Plans

SCOTT A. LUCK  
Acting Deputy Chief  
U.S. Border Patrol  
U.S. Customs and Border Protection

KEVIN KELLY  
Special Agent in Charge, Buffalo  
Homeland Security Investigations  
U.S. Immigration and Customs Enforcement

FOR A HEARING ON  
“Looking North: Assessing the Current Threat at the U.S.-Canada Border”

BEFORE THE  
United States House of Representatives  
Committee on Homeland Security, Subcommittee on Border and Maritime Security

November 14, 2017

## **Introduction**

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the Department of Homeland Security's (DHS) assessment of threats on the Northern Border and our efforts to ensure its security.

The U.S.-Canada border separates two friendly nations with a long history of social, cultural, and economic ties, and a high volume of cross-border trade and travel. At 5,525 miles, 1,500 of which are shared by Alaska with British Columbia and the Yukon Territory in Canada, the border is the longest bilateral land boundary in the world. On average, more than 60 million international travelers and 27 million vehicles are processed at the more than 120 land ports of entry (POEs) and 17 ferry land crossings annually.

DHS has committed significant personnel to securing the Northern Border. More than 2,000 U.S. Border Patrol (USBP) Agents, 4,700 U.S. Customs and Border Protection (CBP) Officers, 310 Agriculture Specialists, 260 CBP Air and Marine (AMO) personnel, 1,300 U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents, and more than 8,000 United States Coast Guard (USCG) personnel are currently stationed at or near the U.S.-Canada border. The Department also continues to invest in force-multiplying technological capabilities on the Northern Border, including sensor networks, surveillance cameras and aircraft, and non-intrusive inspection systems.

The Department's personnel work every day with their Canadian counterparts and our state, local, tribal, and territorial (SLTT) partners to ensure the border is secure. We do so by deploying a multi-layered, risk-based approach to enhance the security of the Northern Border, while facilitating the lawful flow of people and goods entering the United States. This layered approach to security reduces the Department's reliance on any single point or program, and leverages close coordination with U.S. interagency partners and with our Canadian counterparts to increase the security at our mutual border. Close coordination with our partners ensures our zone of security extends outward and that our physical border with Canada is not the first or last line of defense, but one of many.

### ***Northern Border Threat Assessment***

In response to the reporting requirements set forth in the *Northern Border Security Review Act* (Pub.L. 114-267), DHS delivered a *Northern Border Threat Assessment* report to Congress in August 2017. To undertake this assessment, DHS convened a broad working group composed of representatives from DHS Components with Northern Border-related operational mission responsibilities, as well as DHS support Components. This working group, led by the DHS Office of Strategy, Policy, and Plans (PLCY), included representatives from the Office of Intelligence and Analysis (I&A), CBP, ICE, USCG, the Science and Technology Directorate (S&T), the Domestic Nuclear Detection Office (DNDO), the Office of the General Counsel (OGC), the Office of Partnership and Engagement (OPE), and the Office of Legislative Affairs (OLA). The Joint Requirements Council (JRC) participated as an observer.

The working group developed the assessment through four primary methodologies: a formal threat analysis developed by I&A and Component intelligence elements; an open source literature review; a Component data call and interviews; and an expert workshop of Departmental subject matter experts.

The report describes the current threat landscape on the U.S.-Canada border, analyzing national security-related and other threats across the air, land, and maritime domains. The report also provides a high-level description of DHS operational capabilities on the Northern Border, including a preliminary assessment of capability gaps and challenges in legal authorities; cross-Component cooperation; coordination between SLTT law enforcement organizations; and intelligence sharing.

## **Counterterrorism**

The *Northern Border Threat Assessment* indicates that potential terror threats at the Northern Border are primarily from potential homegrown terrorists in Canada who are not watchlisted, and who believe they can enter the United States legally at Northern Border POEs without suspicion. Watchlisted Canadians and third-country nationals who are encountered at POEs may be determined to be inadmissible and refused entry into the United States. Watchlisted U.S. citizens and U.S. Lawful Permanent Residents departing Canada may be subject to additional scrutiny at POEs before their entry into the United States. Canada has been an effective partner in working with the United States to keep foreign terrorist suspects from entering North America, especially with initiatives undertaken as part of the 2011 *U.S.-Canada Beyond the Border* initiative.

Most Watchlist encounters on the Northern Border occur at air and land POEs. Apprehensions of individuals entering the United States from Canada between POEs (present without admission from Canada, or PWA-CAN) fluctuate year-to-year, but represent a very small fraction of overall apprehensions in Northern Border sectors. Of the 2,283 individuals apprehended by the USBP in Northern Border sectors in Fiscal Year (FY) 2016, only 558 were PWA-CAN, with most of the remainder having crossed into the United States across the Southern Border with Mexico. Apprehensions of migrants from countries affected by terrorism or conflict who illegally cross the border from Canada to the United States are very rare.

The ICE/HSI National Security Investigations Division, National Security Unit, Counterterrorism Section (NSID/NSU/CTS), acts as the single point of service and coordination for all Joint Terrorism Task Force (JTTF) international terrorism investigations. The NSID/NSU/CTS also acts as the conduit point for threat streams and coordination with Canadian Law Enforcement and Intelligence Agencies in their counterterrorism efforts. ICE/HSI JTTF Special Agents and HSI Special Agents in Canada continue to collaborate with Canadian law enforcement and intelligence services, utilizing ICE/HSI authorities as appropriate and advantageous, in investigations to combat terrorist activities in North America and abroad.

Additionally, as part of the *Homeland Security Act of 2002*, ICE/HSI conducts comprehensive visa screening, vetting, and investigative activities through the ICE/HSI Visa Security Program (VSP). VSP enhances visa security by providing in-depth screening, vetting, and investigative capabilities with respect to counterterrorism and criminal justice using the formal Department of

State (DOS) visa application process. Canadian applicants are subject to this program, as well as third-country nationals present in Canada who apply for visas to the United States. Currently, Canada vets all immigration, visa, and refugee applications, screening applicant fingerprints against DHS biometric holdings. On average, Canada conducts more than 400,000 biometric queries against DHS data. In FY 2018, Canada will increase biometric collection on all applicants, increasing the total number of biometric queries to more than three million per year. The United States began sending biometric queries to Canada in August 2016.

The Department works closely with Canada to offer Preclearance screening in Calgary, Edmonton, Halifax, Montreal, Ottawa, Toronto, Vancouver, and Winnipeg. Under the Preclearance operation, air travelers to the United States go through full security screening and vetting, and all inspections and admission checks are conducted before passengers board the aircraft for the United States. These Preclearance operations continue to strengthen our ability to identify terrorists, criminals, and other national security threats prior to encountering them on U.S. soil. Preclearance operations, now in six countries, place the Nation's most effective law enforcement and counterterrorism asset, a trained U.S. law enforcement professional, at foreign points of departure to protect the traveling public.

As part of the Beyond the Border Action Plan with Canada, the United States and Canada are also in the process of implementing a biographic exchange of traveler records that constitutes a biographic exit system on the shared border. Today, traveler records for all lawful permanent residents and non-citizens of the United States and Canada are exchanged in such a manner that land entries into one country serve as exit records from the other. The current match rate of Canadian records for travelers leaving the United States for Canada against U.S. entry records for nonimmigrants is over 98 percent.

### **Combating Transnational Criminal Organizations**

As part of the *National Northern Border Counternarcotics Strategy*, DHS works closely with Canadian partners to substantially reduce the flow of illicit drugs and drug proceeds along the Northern Border. The *Northern Border Threat Assessment* indicates that the most common threat to U.S. public safety along the Northern Border continues to be the bi-directional flow of illicit drugs. This flow is often facilitated by transnational criminal organizations (TCOs) operating on both sides of the border, with networks that span beyond the United States and Canada. In FY 2016, CBP's Office of Field Operations reported 2,015 arrests at Northern Border land POEs, and 815 pounds in drug seizures.

Reporting indicates that cocaine and methamphetamine move north into Canada after transiting the United States from Mexico, while smaller quantities of fentanyl, marijuana, and ecstasy flow south from Canada into the United States. While Northern Border POE seizures of methamphetamine and heroin are low, ICE investigative case reporting indicates that trafficking of these drugs are still responsible for significant social harm and public health and safety consequences at the individual and community levels in specific Northern Border communities such as Massena, NY.

To avoid detection by U.S. and Canadian law enforcement, TCOs continually adapt their drug production, smuggling methods, and routes. Illegal drugs are smuggled across the border via a number of modes including personal vehicles, commercial trucks, buses, trains, vessels, all-terrain vehicles, and snowmobiles. TCOs also recruit individuals at and between POEs along the length of the border to carry drugs on their person.

While the primary overland smuggling corridors used by TCOs are areas in the vicinity of Blaine, Washington; Detroit, Michigan; and Champlain and Buffalo, New York, TCOs have also utilized some tribal reservation lands adjoining the U.S.-Canada border. One example is the St. Regis (Akwesasne) Mohawk Reservation in New York, which uniquely spans both sides of the border and includes numerous waterways and unguarded land border crossings, making it a potentially appealing point of transit for TCOs to smuggle contraband for further transshipment to major metropolitan areas in the United States. ICE/HSI and CBP are working with local, state, tribal, and federal law enforcement agencies to counter this threat, which is complicated by the myriad jurisdictions along the border, unique maritime boundaries, and short transit distances between the United States and Canada.

The topography along mountainous parts of the Northern Border is occasionally exploited by smugglers flying private aircraft at low altitude to evade radar detection, but there are no reports to suggest that the tactic is employed on a large scale. Recently, ICE/HSI successfully investigated Canadian TCOs that were using helicopters capable of landing in remote sections of national forests on both sides of the border to smuggle narcotics, bulk cash, and firearms in both directions.

The unique nature of the maritime boundaries between the United States and Canada presents challenges for law enforcement operations while creating opportunities for TCOs to exploit. High-density recreational boating traffic in waterways with shorelines in both countries, along with myriad jurisdictions along the border, creates a complex detection and enforcement environment. Joint investigations by ICE/HSI and the U.S. Drug Enforcement Administration (DEA) in the Pacific Northwest show numerous drug smuggling groups using maritime routes in the Puget Sound, the Strait of Georgia, and the Strait of Juan de Fuca. Maritime drug seizures have occurred over the past 10 years at numerous locations in the waters between Vancouver, British Columbia, and Washington State. The USCG and Royal Canadian Mounted Police (RCMP) operate the Integrated Cross-Border Maritime Law Enforcement Operation (Shiprider) program, in which personnel from both the United States and Canada jointly patrol shared waterways to detect and prevent criminal activity, including smuggling. Shiprider is active in five locations: Vancouver/Blaine, Windsor/Detroit, Kingston/Alexandria Bay, Victoria/Port Angeles, and Niagara/Buffalo.

The Department maintains personnel on both sides of the Northern Border to address threats posed by the illegal cross-border flow of illegal or illicit goods and controlled dual-use commodities, technology, and software. ICE/HSI has six Special Agent in Charge offices located in Seattle, Denver, St. Paul, Detroit, Buffalo, and Boston that are responsible for overseeing the investigation of criminal activity with a nexus to the Northern Border of the United States. In addition, ICE/HSI has Attaché offices in Ottawa, Vancouver, Toronto, and Montreal to facilitate coordination with our Canadian law enforcement partners.

## **Leveraging Technology**

DHS has greatly enhanced its technological capabilities on the Northern Border. Between POEs, USBP has deployed Unattended Ground Sensors and Imaging Unattended Ground Sensors; Persistent Ground Surveillance Systems; Tactical Aerostat Systems; Slash Camera Poles; mobile surveillance systems; remote video surveillance systems; and Mobile Video Surveillance Systems. AMO has stationed 16 fixed-wing aircraft, 24 rotary-wing manned aircraft, and three Unmanned Aircraft Systems along the Northern Border to further support surveillance and domain awareness activities. Collectively, the information gathered from these systems contributes to a greater understanding of border activities and enables more timely and effective responses from border enforcement entities.

At many Northern Border POEs, CBP utilizes Radio Frequency Identification technology, next-generation license plate readers, large-scale and small-scale imaging technologies, as well as a variety of portable and hand-held technologies to assist officers and agents with identifying threats. CBP also deploys approximately 4,565 pieces of non-intrusive inspection and radiation detection equipment to assist officers and agents with identifying threats, including concealed people and narcotics.

## **Partnerships and Collaboration**

DHS does not safeguard or operate along the Northern Border alone. The Department has significant, ongoing collaborative partnerships with other federal and SLTT partners, as well as with our Canadian partners. Timely intelligence and law enforcement coordination and information sharing with these partners is critical for successful Northern Border operations.

For example, the Cross Border Law Enforcement Advisory Committee (CBLE-AC) is a coordination effort designed by its members [CBP, the Canada Border Services Agency (CBSA), ICE, the RCMP, and USCG] to provide executive-level strategic guidance to cross-border law enforcement initiatives involving partnerships between U.S. and Canadian law enforcement agencies. The CBLE-AC working group itself enables those enforcement teams to report back to a body that allows for a de-confliction mechanism. The CBLE-AC provides strategic guidance to Border Enforcement Security Task Forces (BESTs), Integrated Border Enforcement Teams (IBETs), Integrated Cross-Border Maritime Law Enforcement Operations (Shiprider) teams, and other hybrid programs.

With regard to BEST, ICE/HSI maintains five along the Northern Border: Blaine, Washington; Buffalo, New York; Detroit, Michigan; Port Huron, Michigan; and Massena, New York. A key success element of this program is the full-time co-location of U.S. and Canadian law enforcement agencies, including at the federal state, provincial, tribal, and local levels.

The BEST program has the authority to cross-designate Canadian law enforcement officers as U.S. customs officers under Title 19 U.S.C. §1401(i), permitting them to enforce the criminal laws of the United States under the direction of ICE/HSI. These Canadian law enforcement officers are provided with ICE/HSI task force officer badges and credentials and, upon successful completion of ICE/HSI-sponsored training, are authorized under the direction of

ICE/HSI to carry their agency-issued service weapons in the United States, make arrests, and execute search warrants.

In 2017, USBP operationalized the Northern Border Coordination Center (NBCC) at Selfridge Air National Guard Base, Michigan. The NBCC is the central information repository for the Northern Border to enhance intelligence capabilities and address intelligence gaps along the Northern Border. The NBCC provides analysis of emerging Northern Border threats and disseminates information to all CBP operational and intelligence components, as well as other federal, tribal, state and local law enforcement agencies and our Canadian law enforcement partners, to increase situational awareness and lay down the foundation for a Northern Border common operating and intelligence picture.

Through these and other cooperative programs, such as the IBETs and Shiprider, the United States and Canada continue to enhance cross-border operational effectiveness and facilitate the successful investigation and prosecution of transnational criminal conduct.

CBP is also cooperating with Canada beyond strictly operational discussions. CBP's Office of Human Resources Management (HRM) engages with Canada bilaterally, and through the Border Five construct, to address the most pressing common human resources issues, such as recruitment and hiring, workforce well-being, resiliency, and employee engagement strategies. Through this bilateral engagement, CBP/HRM and Canadian Human Resources offices share information, best practices, and lessons learned.

In addition, DHS maintains strong partnerships with several tribes. CBP and ICE/HSI continue to work with our tribal partners to secure travel between the United States and Canada by enhancing the security of tribal identification documents for members of tribes recognized by the Federal Government in order to strengthen border security while facilitating legitimate travel. Under a memorandum of agreement, each interested U.S. tribe develops a secure photograph identification document to be issued only to the tribe's legitimate members who could be either U.S. or Canadian citizens. These documents can be electronically verified by CBP at POEs.

This September, CBP and the Pokagon Band of Potawatomi Indians announced that the Band's Enhanced Tribal Card (ETC) is now an acceptable travel document at land and sea POEs. To date, CBP has signed memoranda of agreement with 18 tribes: The Kootenai of Idaho, the Pascua Yaqui of Arizona, the Seneca of New York, the Tohono O'odham of Arizona, the Coquille of Oregon, the Hydaburg Cooperative Association of Alaska, the Suquamish, Colville, Puyallup, Swinomish, and Samish Tribes of Washington State, the Fond du Lac of Minnesota, the Turtle Mountain Band of Chippewa Indians of North Dakota, the Pokagon Band of Potawatomi Indians of Michigan, the Kickapoo Traditional Tribe of Texas, the Caddo Nation, Muscogee (Creek) Nation, and the Absentee-Shawnee Tribe of Oklahoma.

DHS also continues to build cooperative law enforcement relationships with several tribes, and to support tribal participation in operational task forces. For example, the Akwesasne Mohawk Police Service (AMPS) and the St. Regis Mohawk Tribal Police are robust participants in the ICE/HSI-led BEST program and routinely collaborate and exchange information with our

agencies. Sharing information between tribal police and DHS Components facilitates quick responses and a safer, more secure Northern Border.

### **Updating the DHS *Northern Border Strategy***

As an outcome of our efforts on the *Northern Border Threat Assessment* report, former DHS Secretary John Kelly directed PLCY to update the Department's 2012 *Northern Border Strategy*.

The updated strategy is being developed as a whole-of-DHS effort and in accordance with the Department's *Strategic Planning Guidance*. It will be a risk-informed strategy, structured as a nesting set of goals, objectives, sub-objectives, and outcome statements. Within 180 days of the Strategy's release, an accompanying implementation plan will be developed, which will be used to ensure that the actions the Department takes to execute the Strategy are achieving our desired end-states in a cost-effective manner.

The updated *Northern Border Strategy* will have three primary focus areas: (1) enhancing border security operations; (2) facilitating and safeguarding lawful trade and travel; and (3) promoting cross-border resilience.

We expect to publish the updated *Northern Border Strategy* in January 2018.

### **Conclusion**

Thank you for the opportunity to testify about the Department's efforts to chart the way forward for the Northern Border.

We look forward to continuing to collaborate with you as we work to safeguard the Northern Border from the threats our Nation faces while also ensuring we manage the border in a way that facilitates the economic activity critical to our Nation's prosperity.

We welcome your questions.