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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510–6250

July 11, 2017

Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, DC 20229

Dear Mr. McAleenan:

We write to inquire about U.S. Customs and Border Protection's (CBP's) Land Mobile Radio (LMR) Interoperability Equipment Refresh for the remainder of Fiscal Year (FY) 2017 and for FY 2018. Specifically, we want to ensure that communications devices purchased for use by the United States Border Patrol meet operational needs, improve agent safety, and advance the shared goal of a more secure border. We appreciate that CBP needs to replace obsolete equipment, and we would like to ensure that the effort to replace equipment prioritizes those areas that are currently experiencing communications failures.

Shortfalls in secure, reliable communications systems have been brought to our attention by the National Border Patrol Council, individual Border Patrol agents, and by CBP itself. In particular, Border Patrol agents have reported to us and our staff that, in some locations, radios and infrastructure rarely support reliable agent-to-agent or agent-to-station communications. In the absence of reliable radio coverage, agents often have to be creative in finding workaround solutions. This lack of reliable, interoperable, and secure communication devices represents a direct threat to agent safety and border security.

CBP's FY 2017 Congressional Justification detailed department-wide issues with obsolete equipment, lack of interoperability, inadequate secure voice encryption, and poor coverage across its LMR network. CBP stated:

> *Across CBP's Tactical Communications (TACCOM) current infrastructure, there exists a predominance of locations where there is extremely limited or no radio coverage. These gaps in coverage in remote, mission critical areas not only hamper CBP's ability to degrade Transnational Criminal Organizations (TCO) engaged in smuggling and/or trafficking of narcotics, weapons, persons, and bulk cash, but also increase the risk to officer safety.*[1]

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[1] Department of Homeland Security, *Congressional Budget Justification FY 2017 – Volume I* (March 2016).

CBP stated that, of its current inventory of 70,000 tactical radio communication devices, 25,000 units have exceeded their useful life and are no longer supported by the manufacturer, 35,000 units cannot be used to communicate with state and local law enforcement agencies and international authorities, and 18,000 units lack adequate security voice encryption.[2] CBP requested $47.2 million in FY 2017 and $26.6 million in FY 2018 to replace more than 18,000 radios with interoperable, multi-band, satellite capable equipment.[3]

In March 2015, the Government Accountability Office (GAO) reported on the lack of interoperability and poor functionality of CBP's existing LMR network. Seven of 10 CBP user groups interviewed reported worsened LMR system coverage despite upgrades that were made between 2009 and 2013.[4] Given that past acquisitions have not appeared to improve communications coverage, reliability, security, and interoperability, we are concerned that CBP may not have a clear acquisition strategy for the equipment purchases contemplated in FY 2017 and FY 2018.

A strategy that is perfectly appropriate at ports of entry, where radio coverage is more reliable, may not meet the unique needs of Border Patrol agents patrolling rural and remote areas along the Southwest and Northern borders. The fact that agents must find workaround solutions to talk to each other is unacceptable given the millions of dollars that have already been spent on radio communications. Moving forward, we want to ensure that the equipment CBP purchases meets operational needs, improves agent safety, and contributes to a more secure border.

Given these concerns, we ask that you respond to the following questions:

1) CBP's FY 2018 Congressional Justification references a Southwest Border Capability Roadmap that was used to identify "updated operational requirements for Surveillance, Personnel, Mobility and Access, and use of Commercial Technology Innovation/Future Capabilities."[5] Please provide our staff with a copy of the capability roadmap along with documentation of any other analysis that was conducted to identify gaps in communications coverage along the Southwest and Northern borders.

2) What methodology has CBP utilized in order to develop operational requirements for the Interoperability Equipment Refresh? To what extent was the Capability Development Support (CDS) Group's Office of Test and Evaluation (OTE) within DHS's Science and Technology (S&T) Directorate involved in this process?

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[2] *Id.*

[3] Department of Homeland Security, *Congressional Budget Justification FY 2017 – Volume I* (March 2016); Department of Homeland Security, U.S. Customs and Border Protection, *Budget Overview: Fiscal Year 2018 Congressional Justification* (May 2017).

[4] Government Accountability Office, *Border Security: Additional Efforts Needed to Address Persistent Challenges in Achieving Radio Interoperability* (GAO-15-201) (March 2015).

[5] Department of Homeland Security, U.S. Customs and Border Protection, *Budget Overview: Fiscal Year 2018 Congressional Justification* (May 2017).
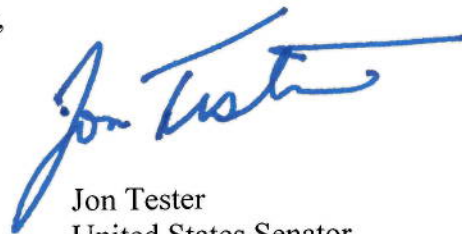
3) Will CBP prioritize equipment that will create an open architecture network, ensuring that all vendors' equipment can achieve full interoperability among CBP components and with state and local law enforcement and international authorities in all Border Patrol sectors and at all ports of entry?

4) How will CBP ensure that the equipment that is purchased is fully capable of integrating future technological advances, such as full-spectrum converged LMR to LTE radios with secure voice and data and integrated Wi-Fi capability?

5) How will CBP ensure that its Interoperability Equipment Refresh takes into account geographic areas where neither LMR nor LTE service is currently reliable?

6) How will CBP prioritize capability increases and improvements in network coverage, reliability, security, and interoperability – rather than simply the lowest price – throughout the acquisition process?

7) How will CBP ensure that this acquisition does not include any proprietary vendor specifications that would prelude full and open competition?

8) To what extent will CBP's Northern Border Threat Assessment, which is in its final stages of review, include a communications gap assessment?

Thank you for your prompt attention to this matter. We ask that you respond to this letter as quickly as possible but in no event later than August 1. If you are unable to meet that deadline or should you have any questions, please contact Joel Walsh with Ranking Member McCaskill's staff at Joel_Walsh@hsgac.senate.gov, Stuart Varvel with Senator Tester's staff at Stuart_Varvel@tester.senate.gov, and Eric Bursch with Senator Heitkamp's staff at Eric_Bursch@hsgac.senate.gov. Please send any official correspondence related to this request to Amanda_Trosen@hsgac.senate.gov.

Sincerely,

Claire McCaskill
Ranking Member

Jon Tester
United States Senator

Heidi Heitkamp
United States Senator

cc: Ron Johnson
        Chairman

        Craig Basham
        Director
        Wireless Systems Program Office
        U.S. Customs and Border Protection

        Kraig Moise
        Associate Chief
        Tactical Air, Land & Marine Enterprise Communications
        U.S. Customs and Border Protection

        Ronald Hewitt
        Director
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