

Capability Gaps Threatening CBP's Present and Future Operations

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Abstract

Thanks to an enduring burst of domestic populism, the United States is knee-deep in a tumultuous renegotiation of its superpower relationship with the world. Customs and Border Protection (CBP) faces two possible paths: transformation or trivialization. The agency either embraces the mission-creep demanded by this moment or surrenders responsibility to other government entities forced into greater action by larger political forces. CBP endures five capability gaps that threaten its ability to manage the operational fusion point now expanding between the homeland and national security communities. Fundamentally resource-starved, CBP lags on (1) mobilizing necessary human resources, (2) integrating new technologies, (3) managing a rapidly expanding interface with Defense, (4) developing next-generation leaders, and (5) erecting and harmonizing agency-wide planning, analytical, and risk-management systems. Comprehensively resolving these capability gaps is an existential imperative for CBP, which otherwise will not long survive its current "time in the barrel." Certainly, within a generation's time, CBP must evolve from a mere law-enforcement organization to a de facto federal technology enterprise on par with lead elements of the defense and intelligence communities. This necessary transformation will generate extraordinary management requirements, which, in turn, will mandate a radical upgrading of the agency's leadership development agenda. CBP's leadership-training programs should come to resemble – in strategic breadth and technological depth – those currently applied throughout the higher echelons of the national security community.

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Why Customs and Border Protection Matters Now More Than Ever

Customs and Border Protection (CBP) stands as a pivotal federal actor in what must become one of the great turning-points in American history. Thanks to a surge of domestic populism that encompasses both sides of the political spectrum, the United States is embroiled in a chaotic renegotiation of its leadership role in the world. At ground zero of this hyper-partisan dynamic stands the hot-button issue of Latino migration (legal and illegal) across our Southwest border. Until that genuine crisis is stabilized, America will remain mired in inward-looking debates that preclude a much-desired re-balancing of its external ties with, and responsibilities to, the global economy.

CBP faces two possible paths going forward: transformation or trivialization. The former must unfold for America to regain its self-confidence regarding globalization's many penetrating pressures, while the latter looms as the inevitable default if failure truly is an option. In sum,

CBP either embraces the pervasive mission-creep demanded by this historical moment or surrenders responsibility to other government entities forced into greater action by larger political forces. While American military forces have been withdrawing from the world's battlefields for years now, their biggest recent deployment has been to our nation's Southwest border – next door to the world's second-most deadly internal conflict.¹

CBP presently endures a handful of capability gaps that threaten its ability to manage the operational fusion point now expanding between the homeland and national security communities. Fundamentally under-resourced, CBP remains behind the curve on (1) mobilizing necessary human resources, (2) integrating new technologies, (3) managing a rapidly expanding interface with Defense, (4) developing next-generation leaders, and (5) erecting and harmonizing agency-wide planning, analytical, and risk-management systems. Comprehensively resolving these capability gaps is an existential imperative for CBP, which otherwise will not long survive its current “trial by crisis” institutionally intact.

How CBP Became Such a Controversial Touchstone for this Era

It is truly emblematic of our times that CBP is presently the most politically controversial element of America's sprawling security establishment. The Federal Government was not recently shut down over decisions made to establish a new U.S. space force, bolster U.S. Cyber Command's defense of our national elections, or manufacture a new low-yield nuclear weapon – all dramatic national-security developments that would, in normal times, trigger fierce political arguments amidst rising international tensions.² Instead, it was shuttered over the white-hot issues of border security and illegal migration. So we must ask ourselves: out of all of the national emergencies possibly cited in 2019, why are our nation's most prominent political actors litigating this one?

Whenever a democracy chooses to obsess over one particular emergency, it is – in effect – choosing which recent trauma will inform its national security strategy for the foreseeable future.³ For an America now many-years-past the terrorist strikes of 9/11, that most destabilizing recent trauma is globalization itself, viewed by many citizens as the wellspring of destructive forces currently hollowing out our economy, weakening our communities, and diluting our national character.

Are such blame-shifting verdicts invariably infused with protectionist, isolationist, and even racist instincts? Yes, and not for the first time in U.S. history.⁴ Whenever America's middle class has felt that it is losing ground – as it has for many years now, our country has turned mean, intolerant, and uncompromising, which has been evident in our hyper-partisan, grid-locked political environment since the 2008 Financial Crash.

Donald J. Trump rose to the presidency on a platform of “America First” in direct response to a growing popular fixation on globalization as the primary instrument of our nation's

perceived decline.⁵ President Trump thus seeks to “make America great again” by drastically renegotiating its relationship with globalization. While that political instinct slights the domestic – and largely technological – dynamics reshaping the U.S. economy, it is nonetheless reasonably accurate. America did spend the last several decades encouraging the peaceful rise of its now-formidable economic competitors and it did so at considerable economic opportunity-cost to itself. Rarely mentioned is the fact that this American grand strategy long allowed us to live well beyond our means while maintaining the world’s preeminent military force – and using it at will.⁶

America’s sponsorship of globalization’s rapid expansion over the last half-century was both an unprecedented success and arguably the greatest single good accomplished by one nation to the world’s benefit. Without American-style globalization there would be no emerging global middle class.⁷ But that American grand strategy effectively ended with the Great Recession, which signaled our nation’s peak overreach moment. Having launched and nurtured globalization’s profoundly integrating forces, America clearly needed to rebalance its responsibilities to, and transactions with, the global economy. President Barack Obama initiated this lengthy process but did not advance it rapidly enough to surmount the growing sense of doom within a large portion of the American electorate that has persistently sought a “change election” every two years.

So here we stand as a nation in 2019, buffeted by still-rising global economic competition and threatened by rivals’ efforts to sabotage and subvert our political system. Is it any wonder that we now obsess over our national borders and the numerous security vulnerabilities – both real and virtual – found therein?

Today’s CBP is too often cast by media as – at best – an agency dangerously overwhelmed by circumstances and – at worst – an uncaring security force given to morally questionable tactics.⁸ Neither image is acceptable for the nation’s largest law-enforcement agency. Now more than ever, CBP must fulfill its unique role as both enabler and regulator of America’s international trade by successfully addressing these growing institutional deficiencies.

Capability Gap #1 – Human Resource Management

Every day, CBP processes over one million travelers and cargo worth billions of dollars, intercepting all manner of illicit and dangerous traffic.⁹ It is an impossibly demanding job that begs for a more efficient utilization – and allocation – of CBP’s existing resources across its numerous air, land, and maritime operating environments. Progress on this front requires greater agency funding, but a key roadblock to winning such political support is CBP’s continuing poor record on both recruitment and retention.¹⁰ The hiring process is too convoluted, as proven by Accenture’s recently panned re-engineering effort to meet President Trump’s Executive Order calling for 5,000 additional hires. With CBP losing agents faster than it can replace them, the agency simply cannot afford to spend upwards of \$40,000 to recruit, hire, and field each new officer.¹¹ As of today, CBP is unable to meet its current staffing requirements, much less the President’s ambitious demand.¹²

While the agency is rightfully determined to keep its standards high, recruits increasingly require more on-the-job training, which in turn makes it more difficult for CBP to maintain a strong organizational culture. When CBP was created in 2003, it was kluged together from a number of distinct organizations. The agency then saw its workforce balloon over the next half-decade, more than doubling in size.¹³ That meant a large majority of relatively inexperienced officers were tasked with rapidly extending and expanding the agency's operational reach – an organizational transformation that would challenge the most seasoned workforce. Unsurprisingly, officer retention is low, particularly across the agency's most difficult operational locations. Worse, CBP is struggling to understand the problem. According to a 2018 Government Accounting Office (GAO) report, "CBP does not have a systematic process in place across its three operational components to capture and analyze information on these departures."¹⁴ Simply put, CBP cannot improve what it cannot measure.

Recruitment and retention are foundational elements of CBP's overall mission readiness – an urgent requirement more often cited by agents to address border vulnerabilities than physical barriers.¹⁵ Given CBP's strong operational focus on the nation's southern border, it is only natural that the agency has been forced to address its labor shortage by recruiting overwhelmingly from Hispanic communities residing there.¹⁶ This choice addresses a number of personnel requirements but likewise transforms the agency's organizational culture while complicating its effective management.

Bluntly stated, while CBP's rank-and-file is predominantly Hispanic, agency – and department – management is predominantly white. Hispanics constitute almost half of all Border Patrol Agents within CBP (and 25% of Immigration and Customs Enforcement [ICE] agents), but account for less than 6% of executive and senior leaders within DHS, where whites occupy 81% of leadership posts.¹⁷ That means leadership must develop and exhibit cultural, cross-cultural, and diversity competencies both inside the agency and in relations with foreign counterparts. Absent systematic processes to analyze why officer retention is so low, it is difficult to imagine that CBP's leadership development adequately addresses either the internal or external portions of that management challenge. Until that happens, it is reasonable to anticipate a growing cultural divide between management and workers, ultimately requiring a more diverse leadership cohort.

Capability Gap #2 – Technology Acquisition and Integration

The Trump Administration publicly makes its case for "the Wall" as a direct plea from CBP for help. While true, that argument misrepresents the agency's far-greater prioritization on integrating new technologies into its operational tool-kit. Per CBP's own 2017 Capability Gap Analysis Process (CGAP), of the almost 1,000 gaps identified by agents along the southwest border, only a quarter were classified as addressable by man-made barriers of any type. In contrast, roughly two-thirds were designated under the solution-sets Domain Awareness

and Mission Readiness, two operational capabilities largely advanced by technological inputs.¹⁸ The proliferation of aerial drone technology is a prime example: drug cartels increasingly move product across the border using drones on either round-trip or one-way flights, launching them from both land and sea. No wall will address that vulnerability, which demands an increase of agents' speed-of-response based on pervasive and persistent surveillance assets – e.g., CBP's recent pilot program to evaluate Small Unmanned Aircraft Systems (SUAS) in the Tucson Sector.¹⁹

Zooming out from CBP's Southwest-border focus, the agency – like so much of the U.S. economy – increasingly finds itself sprinting to catch up with the Amazon Effect, defined as e-commerce triggering an explosion of just-in-time small-package deliveries to both businesses and consumers. A significant portion of this massive flow crosses U.S. borders daily, with many packages emanating from small-and-medium businesses identified by CBP as “less proficient” in meeting regulatory standards. This forces CBP to update and adapt risk-management practices originally created for traditional, large-scale shippers. A recently issued CBP “E-Commerce Strategy” addresses the paradigm shift, emphasizing an aggressive – and for now largely aspirational – mix of “data analytics, data mining, and an array of powerful analytical tools.”²⁰

Over the past five years, CBP personnel have struggled to keep up with these skyrocketing flows, to include a 50% increase in express consignment shipments and a four-fold jump in international mail shipments. Smugglers have naturally piggy-backed on these growing volumes, further complicating the agency's still labor-intensive inspection practices in these environments, where presently 90 percent of CBP seizures of pirated and counterfeit goods occur.²¹ Yes, pre-submitted manifest information can be processed in an automated fashion (less so for international mail, where such data are often lacking), but once suspicious packages are identified, non-intrusive inspection techniques (x-/gamma ray imaging) inevitably yield to manual inspection and arrests coordinated with local police departments.²²

Over time, CBP's risk-management of e-commerce will resemble its ongoing approach to managing travel – namely, the segmentation of risk both vertically (here, goods ranked low-to-high) and horizontally (individual process-steps similarly parsed). That segmentation approach, while valid, nonetheless creates unprecedented big-data management and analysis challenges that invariably propel CBP into cutting-edge applications of cognitive computing and artificial intelligence. In practical terms, this means that – certainly within a generation's time – CBP must evolve from mere law-enforcement organization to a de facto federal technology enterprise on par with lead elements of the defense and intelligence communities. This necessary transformation will generate extraordinary management requirements, which, in turn, will mandate a radical upgrading of the agency's leadership development agenda. Logically, CBP's leadership-training programs should come to resemble – in both strategic breadth and technological depth – those currently applied throughout the higher echelons of the national security community. Again, CBP either “plays up” to the national security community or that community will be forced to “play down” to that resulting capability gap.

Capability Gap #3 – Managing the Growing Interface with Defense

When Acting Secretary of Defense Patrick Shanahan toured the U.S.-Mexico border earlier this year, he spoke of the need for a “wholesale redesign” of how the federal government conducts border control, noting that “I don’t want to just add resources and not fix the problem.”²³ That is an accurate snapshot of where CBP stands today in Washington politics: a problem that either gets fixed – and soon – or gets subsumed within some larger bureaucratic solution. CBP leadership would be wise to view such Administration sentiment as less offer than ultimatum. CBP should embrace further operational and even institutional fusion with the Department of Defense (DoD), because that process is inevitable, already underway, and warranted. But CBP must capably lead within the emerging partnerships it forges with individual Combatant Commands, the National Guard, and DoD’s many relevant programs.

CBP is forced into fusion with DoD by the post-9/11 landscape of existing and emerging strategic threats, none of which the United States desires to first encounter at its borders. The agency’s 2015 strategy document stated it well:

The border is a nexus to a continuum of activities designed to place multi-directional pressure on those seeking to do us harm; effectively safeguarding the border requires detailed attention to processes that begin far outside the U.S. borders, occur at the border, and continue to all interior regions of the country. CBP extends the zone of security to transcend our physical borders by implementing an outcome-oriented approach that uses actionable information developed through integrated partnership to enable rapid and effective response to threats around the world.²⁴

That ethos was further amplified in the 2019 strategic plan, whose vision positions CBP as both the tip of the Federal law-enforcement spear and as the DoD’s last line of defense – in effect, serving as the primary operational fusion point of Homeland Security and National Security.²⁵

While many will dispute the immediate feasibility of such ambition, it is entirely proper for CBP to harbor it – particularly during the country’s current myopic focus on its Southwest border. America has entered an age of full-spectrum competition and conflict with rising superpowers, transnational organizations, and rogue actors of all stripes. This is the price of achieving globalization’s unprecedented wealth and technology creation: the end of our “unipolar moment.” By design, the U.S. now faces from others, the same breadth of hard and soft-power instrumentality once wielded only by itself. Most shocking to the average American, our competitors and enemies now seek – within our economy, society, and politics – the same penetrating influence that America long enjoyed over theirs. In our popular fears, that situation equates to a “G-Zero” world slipping into chaos, when – of course – it is nothing of the sort. This is simply what a truly multipolar globalization looks like, and why CBP requires transformation to meet its stunningly broad menu of dangers – and opportunities.

In the last years of the Obama Administration, CBP's leadership displayed many of the correct instincts toward this inevitable fusion, both in terms of its 2016 Global Engagement Strategy and its growing emulation of DoD resource planning – specifically in its Air and Marine Operations component.²⁶ But far more must be accomplished, as evidenced by a subsequent pair of critical reports emanating from the GAO and DHS's Office of the Inspector General.²⁷ The latter's 2016 examination of "Major Management and Performance Challenges" illustrated the numerous command-and-control and information-sharing challenges that beset CBP's overall approach to border security and immigration enforcement. In aggregate, DHS's operational shortcomings are reminiscent of those endured by DoD's four military services prior to the implementation of the Goldwater-Nichols Act, which streamlined the military's rather convoluted and disjointed command structures.

As such, DHS's primary operational task is to create a homeland security version of military "jointness" among CBP, ICE, the U.S. Coast Guard (USCG), and the U.S. Customs and Immigration Service (USCIS). Within DoD, that unprecedented achievement – unmatched by any other military to this day – took an entire generation to achieve and required a complete revamping of its leadership development programs.

Capability Gap #4 – The Ongoing Generational Loss of Leadership

Within the Federal workforce, the Boomer generation is rapidly being lost to retirement in a process begun earlier this century. DHS enjoys a relatively younger workforce than most executive branch departments – due largely to the rapid expansion of its ranks, and yet one-quarter of its personnel are eligible to retire within the next five years.²⁸ Within DHS, CBP's senior leadership played a crucial role in stabilizing the agency amidst a rough doubling of size since the mid-2000s. But with that exodus of experienced management well underway, the agency now endures a middle-management crunch while its low-retention rank-and-file workforce – by definition – grows younger and less experienced over time. All these demographic shifts stress the agency just as its operational portfolio grows more complex in its demand for collaboration, innovation, and integration. A good example is located within CBP's Global Engagement Strategy, where the agency is hard-pressed to develop and retain employees with strong international skills.

On this demographic trajectory, 2028 looms large for CBP, thanks to Congress' decision in 2008 (P.L. 110-161) to extend to the agency the federal designation of a Law Enforcement Organization.²⁹ This legislation ensures that all CBP officers hired after 6 July 2008 – just as the agency achieved its post-9/11 high-water mark of roughly 20,000 agents – are subject to mandatory retirement at age 57 with 20 years of service.³⁰ The resulting senior-officer retirement wave is already being described inside CBP as the "2028 Problem." This is when today's middle-management crunch could prove bureaucratically fatal – unless steps are taken immediately to enhance that cohort's leadership skills.

To be clear: CBP managers require collaboration skills that span both the domestic law-enforcement and the international security communities, in addition to the agency's traditional, border-centric coordination with its fellow DHS components (ICE, USCIS, USCG,). As both enablers and regulators of cross-border trade and travel, they must develop serious expertise in the acquisition and application of new technologies, maintaining a real-time awareness of innovation across the private sector. In conjunction with the agency's Centers of Excellence, CBP leaders must be able to balance the optimization demands of global supply chains with federal regulatory requirements. Finally, CBP leadership must possess sufficient risk-management skills to integrate all-of-the-above in agency-wide analytical and planning frameworks.

No federal agency is required to master the same breadth of direct- management skills across globalization's rapidly-evolving networks and the crucial flows they enable. As a result, CBP leadership-development programs must reflect globalization's operational complexity while preparing these individuals for success in an ideologically-charged environment where the agency's core missions remain subject to enormous political pressures for the foreseeable future.

Capability Gap #5 – Enterprise-Wide Planning, Analytical, and Risk-Management Systems

CBP's 2015 strategic planning document ("Vision and Strategy 2020") listed four broad strategic goals:

1. Identify and counter threats to safety, security, and prosperity at the earliest and most vulnerable point possible;
2. Facilitate lawful trade and travel;
3. Advance information sharing and risk management; and
4. Promote shared global values, norms, and standards for trade and security.³¹

The first goal (identify and counter threats) stemmed from the unassailable prioritization of counter-terrorism following the 9/11 attacks, while the second (facilitate trade and travel) encompassed CBP's traditional role as enabler/regulator of America's cross-border activities. The fourth goal (promote global standards) was suitably aspirational and reflected the agency's natural ambition to leverage America's longstanding soft-power capabilities. In sum, it is hard to imagine any CBP strategic planning statement that did not include these three goals as primary to the agency's mission.

It is telling, however, that the document's third strategic goal – and the only one concerning internal capacity – addressed the agency's lagging capabilities in information and risk management. This suggests that there has long been widespread institutional awareness of this maturation deficiency, effectively acknowledging it as the long-pole-in-the-tent of CBP's operational capacity to achieve the three external goals. Given the breadth of those operational responsibilities, CBP's risk-management challenges are as wickedly complex as those faced by the Pentagon and the CIA, both of which devote huge resources to support analytical

data-driven decision-making by senior managers. But here is the key difference: DoD and the Intelligence Community are supported by a dedicated, decades-in-the-making ecosystem of technology contractors and research think tanks, something DHS and its component agencies are still in the early stages of establishing.

As such, CBP and its fellow DHS component agencies are often criticized for taking an all-of-the-above approach to threat identification – in effect, precluding the application of mature, in-house risk-management techniques and decision-making. This deficiency leaves DHS – and CBP in particular – vulnerable to legislative oversight that is unhelpfully granular. Again, the Federal Government's recent shutdown was not about some controversial risk-assessment within the Intelligence Community or some disputed acquisition decision by the Pentagon. Because of those communities' mature and well-respected enterprise-management systems, neither suffers the operationally-intrusive Congressional interventions that CPB now routinely endures. While such legislative deference is not granted but earned, CBP's natural ambition to serve as operational fusion point between the Federal law-enforcement and national-security communities makes its achievement an institutional imperative.

Right now, CBP cannot offer analytically-rigorous answers to a host of questions naturally asked by the legislative stewards of its budget: what is an acceptable definition of a "secure border" in the age of globalization? Which metrics will effectively measure progress toward this goal? How should CBP's spending on interdiction be weighed against DHS's wider investment in national resiliency? How much should CBP focus on the border versus international cooperation? How should the agency parse scarce resources among ports of entry versus the remaining air, land, and sea borders? What mix of technology and personnel investment yields an appropriate speed-of-response to identifiable inbound threats? All of these institutional uncertainties are reflected in the most telling of the 12 agency initiatives cited in the 2019 updating of CBP's strategic plan – namely, the goal of creating "One CBP" that is a "unified and integrated enterprise working together at all levels to execute the CBP mission."³² For CBP to admit that lack of bureaucratic cohesiveness a full decade-and-a-half after its post-9/11 reformation is a sign of how desperately the agency – and DHS as a whole – needs to forge a homeland security equivalent of DoD's jointness doctrine.

Until CBP achieves appropriately mature enterprise-wide planning, analytical, and risk-management systems, Congress will remain suitably skeptical of its resource requests, in turn complicating the agency's efforts at increasing its institutional and operational agility. Again, CBP cannot improve what it cannot systematically measure – much less sell that progress to its Congressional overseers. Truth be told, if agency leaders fail to develop such robust management systems, it is because CBP is developing the wrong type of leaders.

First Steps on the Way Forward

Until CBP's messaging – to Congress, the American public, and the outside world – is consolidated in a bipartisan manner, it will continue suffering a popular image as an undertrained, understaffed, and unfocused agency overwhelmed by globalization's rising tide

of illicit flows. The Trump Administration's recent attempt to address a rise in asylum-seekers through the controversial policy of family separation amply illustrates this danger. Once the policy came under scathing bipartisan and international criticism, its subsequent abandonment triggered an even larger flow by migrants now convinced that immediate surrender to CBP agents has become a safe alternative to attempted illegal entry. So-called coyotes now offer kids-are-smuggled-free discounts to adult customers, exploiting the resulting risk-reduction afforded by this sudden shift to voluntary surrender.³³ This is the classic iatrogenic effect wherein the imagined "cure" only worsens the "disease." Unity of messaging is a first step in meeting the do-no-harm directive that must apply to all such public-policy "doctoring." Longer term, CBP's path past today's controversies requires a radical rethinking of its leadership-development strategy. This must include an expansion of program-content "aperture" to both address the agency's current bout of mission-creep and achieve its stated – and highly appropriate – ambition to serve as the operational fusion point between America's law-enforcement and national-security communities. Our nation's mutually-beneficial relationship with globalization depends on CBP's successful transformation into a federal enterprise capable of this bridging function.

About the Author

Thomas P.M. Barnett has worked in U.S. national security circles since the end of the Cold War, starting first with the Department of Navy's premier think tank, the Center for Naval Analyses. From there he moved to serve as a senior researcher and professor at the Naval War College in Newport RI, where he became a top assistant to Vice Admiral Arthur Cebrowski – father of "network-centric warfare." After 9/11, Barnett served in Cebrowski's Office of Force Transformation in the Office of the Secretary of Defense as the Assistant for Strategic Futures. He developed a famous PowerPoint brief on the subject of globalization and international security (see his 2005 TED Talk), which later morphed into a New York Times-bestselling book, *The Pentagon's New Map: War and Peace in the Twenty-First Century* (2004). Since leaving government service in 2005, Dr. Barnett has worked in a series of technology-driven start-ups.

Barnett completed his "New Map" trilogy with the volumes, *Blueprint for Action: A Future Worth Creating* (2005), and *Great Powers: America and the World After Bush* (2009). Dr. Barnett holds a PhD in political science from Harvard University (1990). He is based in Madison, Wisconsin, and travels the world giving speeches and conducting strategy work with both private- and public-sector enterprises. He may be reached at thomaspmbarnett@mac.com.

Notes

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