

U.S. Department of Homeland Security  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

June 24, 2013

U.S. Office of Special Counsel  
ATTENTION: Lynn Alexander, Esquire  
1730 M Street, NW, Suite 201  
Washington, DC 20036

**RE: OSC File No. DI-11-3562**

Dear Lynn:

This responds to your request for an update concerning the above-referenced matter. Specifically, on October 17, 2011, Special Counsel Carolyn Lerner referred a whistleblower disclosure to Department of Homeland Security Secretary Janet Napolitano, alleging that managerial employees of Customs and Border Protection's (CBP) Customs-Trade Partnership Against Terrorism (C-TPAT), Washington, D.C., have failed to fully and properly protect C-TPAT employees who travel to high-risk locations throughout Mexico. CBP responded to Special Counsel Lerner on December 19, 2011, reporting its investigatory findings and describing the actions taken or planned in response to the Special Counsel's referral. The following summarizes the steps CBP has taken to date.

1. *CBP Action: C-TPAT management has rewritten the position description for all Supply Chain Security Specialists (SCSS) to specifically indicate that the position requires travel to countries and areas within countries that are high-risk for security matters. The position description is under review and will be distributed to all SCSSs as soon as final review is completed by CBP management.*

**Ongoing.** The new position description for SCSS was submitted to CBP's Human Capital Division for approval during FY 2012. As of this writing, there has been no further update.

2. *CBP Action: CBP will continue to hold monthly training for all SCSSs, which will include safety/security training. It will continue to solicit potential topics and enhance previous trainings to reiterate the most serious matters affecting SCSSs traveling in high-risk areas of Mexico.*

- **Implemented.** All SCSSs have completed the Pre-Deployment (**PD**) **100** training via the Virtual Learning Center (VLC) module. The curriculum consisted of:
  - a) Course Code: G2093001-31 International Pre-Deployment Security Awareness
  - b) Course Code: 219704 IEDs at the Border
  - c) Course Code: 219705 Improvised Explosive Devices Awareness 2011
  - d) Course Code: 219702 Counterintelligence (CI) Awareness
- The majority of SCSSs have completed the **PD-200** training that is mandatory for CBP employees that travel to foreign countries more than 28-days per year.
  - o In 2012, C-TPAT sent 92 SCSSs/ Supervisors to CBP's Advanced Training Center (ATC) in Harpers Ferry, WV to attend the two day safety/security course.
  - o In 2013, approximately 33 SCSSs/ Supervisors completed the same class via an online learning management system called Desire2Learn (D2L).
- In September 2012, C-TPAT sent 11 SCSSs to the ATC in order to participate in **PD-300 Pilot** Course. The PD-300 is a mandatory course for any CBP employee that travels to a U.S. Department of State (DoS) designated Danger Pay location.
- In 2011, C-TPAT sent nine SCSSs to attend the DoS **Foreign Affairs Counter-Threat (FACT)** training. The Bureau of Diplomatic Security administered a five-day course that provided the C-TPAT employees with practical, hands-on training in detection of surveillance and improvised explosive devices, counter-terrorism driving, weapons familiarization, and emergency medical training.
- In 2011, C-TPAT sent seven SCSSs to attend the DoS **Security Overseas Seminar (SOS)** training. This two-day program is designed to meet the security awareness needs of U.S. Government personnel and families traveling overseas.
- **On the Job Training** webinars related to safety and security:
  - a) Internal Conspiracies – 12/11/2011
  - b) BSI/ Grade Update – 05/01/2012
  - c) New C-TPAT Vetting SOP – 05/23/2012
  - d) Mexico Update - 04/25/2013
- All C-TPAT SCSSs have been trained to make arrival and departure notifications when entering and exiting foreign countries. These notifications are sent via email to the employees' chain of command. Any safety or security incident that might occur while on Official Travel is reported via the same format.
- Travel warnings and alerts are communicated by C-TPAT Headquarters to the field offices as needed. In turn, C-TPAT Directors/Supervisors in each field office brief SCSSs and keep them up to date with the most current safety and security information.

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- All C-TPAT employees are trained to carry important U.S. Embassy (Post One) and Regional Security Officer (RSO) contact information with them while traveling in foreign countries. In many cases SCSSs receive a security briefing by the RSO at the foreign U.S. Embassy before being allowed to conduct the validation visit.
- All C-TPAT employees carry a “**C-TPAT Emergency Card**” with them that provides critical information on how to deal with an emergency in a foreign country.

3. *CBP Action: C-TPAT will formalize a written procedure for SCSSs, in consultation with his/her Field Director, to request reports of investigation through the NTC.*

**Pending.**

4. *CBP Action: C-TPAT management will ensure that all SCSSs are aware that they may coordinate with consular RSO to obtain vetted car service.*

**Implemented.** SCSSs were informed via email and Security Directive 2010-012 to coordinate with perspective consular RSOs on certain areas requiring use of an armored vehicle.

5. *CBP Action: On November 16, 2011, C-TPAT Headquarters disseminated a temporary Standard Operating Procedure for using SENTRI when returning to the U.S. from Mexico. C-TPAT reminded field personnel that the driver and vehicle must be authorized to use the SENTRI lane.*

**Implemented.**

6. *CBP Action: On October 31, 2011, CBP’s Office of Training and Development issued a memorandum announcing officer safety trainings for CBP employees who travel outside the United States. The training is available in three separate tiers, and all C-TPAT personnel are required to complete by December 31, 2011. The Tier One course established a baseline for all personnel traveling outside the continental United States.*

**Implemented.** All C-TPAT employees completed Tier I (baseline for all personnel traveling outside the continental United States).

Due to sequestration, the OTD/ATC was forced to cancel many significant training programs beginning on or after April 1<sup>st</sup>. Beginning that date, the ATC cancelled the following training courses until the sequestration is lifted and/or reallocation of funding enables the ATC to deliver these programs later in the fiscal year.

**International Affairs Security Awareness Training Program (PD-200)**

<u>Program</u>	<u>Session</u>	<u>Start Date</u>	<u>End Date</u>
INASATP	1303	4/7/2013	4/26/2013
INASATP	1304	5/5/2013	5/24/2013

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INASATP 1305 6/2/2013 6/21/2013

**Pre-Deployment 300**

<u>Program</u>	<u>Session</u>	<u>Start Date</u>	<u>End Date</u>
PD300	1302	4/15/2013	4/26/2013
PD300	1303	5/6/2013	5/17/2013
PD300	1304	6/3/2013	6/14/2013

7. *CBP Action: C-TPAT will disseminate the "Interim Personnel Recovery Procedure" to all SCSSs through their respective Field Director.*

**Implemented.** C-TPAT has established and distributed an interim "CBP/Mexico (CBP/MX) Personnel Recovery Procedure" effective February 21, 2013, setting forth procedures, protocols, responsibilities and requirements on how CBP/MX will prepare, train, equip, track and provide recovery support to personnel assigned to CBP/MX, absent a defined CBP, DHS or National Personnel Recovery Policy. Employees have also received recovery procedures from the Department of State and a security directive from the American Embassy in Mexico.

Thank you for contacting CBP. Please let me know whether I can assist you further on this matter or any future concern of the Special Counsel. I may be reached at 202.344.2904 or [mary.monahan@dhs.gov](mailto:mary.monahan@dhs.gov).

Sincerely,

Mary K. Monahan