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I. INTRODUCTION AND OVERVIEW

Good afternoon Mr. Chairman and Members of the Subcommittee. It is a privilege to appear before you today to discuss the actions of the Bureau of Customs and Border Protection and our efforts to combat terrorism. As you know, on March 1, 2003, immigration inspectors from the Immigration and Naturalization Service (INS), agricultural inspectors from the Animal and Plant Health Inspection Service (APHIS), customs inspectors from the U.S. Customs Service, and the entire Border Patrol merged to form the Bureau of Customs and Border Protection – BCBP – within the Border and Transportation Security (BTS) Directorate of the Department of Homeland Security. Now, for the first time in our country's history, all agencies of the United States government with significant border responsibilities have been brought under one roof. With our combined skills and resources, we will be far more effective than we were when we were separate agencies.

The priority mission of BCBP is to prevent terrorists and terrorist weapons from entering the United States. This extraordinarily important priority mission means improving security at our physical borders and ports of entry, but it also means extending our zone of security beyond our physical borders – so that American borders are the last line of defense, not the first line of defense. In sum, the BCBP's missions include apprehending individuals attempting to enter the United States illegally; stemming the flow of illegal drugs and other contraband; protecting our agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of their intellectual property; and regulating and facilitating international trade, collecting import duties, and enforcing U.S. trade laws. We must perform our all important security mission without stifling the flow of legitimate trade and travel that is so important to our nation's economy.

II. Standup of Customs and Border Protection

Secretary Ridge, Under Secretary Hutchinson, Commissioner Bonner, and I, have established clear, understandable chains of command for all BCBP personnel, and have directed that operations not be interrupted. To this end, effective March 1, 2003, twenty interim Directors of Field Operations (DFOs) were appointed, based on the twenty-office field structure of U.S. Customs, to exercise line authority over 317 ports of entry within their jurisdiction. At each of the ports of entry – land, sea, and air – interim Port Directors were appointed to be in charge of and responsible for all the BCBP inspection functions, customs, immigration, and agriculture. A clear chain of command was also established for the Border Patrol, with the Border Patrol's twenty-one Sector Chiefs reporting directly to the Chief of the Border Patrol, who reports to Commissioner Bonner.

This is the first time there has been one person at each of our nation's ports of entry in charge of all Federal Inspection Services. We are in the process of competitively selecting individuals to fill these DFO and Port Director positions on a permanent basis, and that process should be completed in the near future.

We want to learn from our legacy organizations and at the same time we are looking to bring new innovations to border management. To that end a full-time Transition Management Office has been put in place to help address the challenges that come from the standup of any new organization. That office is staffed with representatives from all the incoming agencies.

A. Responding to the Terrorist Threat

As the single, unified border agency of the United States, BCBP's mission is vitally important to the protection of America and the American people. In the aftermath of the terrorist attacks of September 11th, numerous initiatives were developed to meet our twin goals of improving security and facilitating the flow of legitimate trade and travel. Our strategy in implementing these initiatives – and accomplishing our twin goals – involves a number of factors, including (A) improving targeting systems and expanding advance information regarding people and goods, (B) pushing our "zone of security outward" by partnering with other countries, (C) pushing our "zone of security outward" by partnering with the private sector, (D) deploying advanced inspection technology and equipment, (E) increasing staffing positions for border security, and (F) working in concert with other agencies.

Targeting and the Necessity of Advance Information

Information is one of the most important keys to our ability to increase security without stifling legitimate trade and travel. Good information enables us to more accurately identify – or target – what is "high risk," defined as a potential threat, and what is low risk. The separation of high risk from low risk is critical because searching 100 percent of the cargo and people that enter the United

States would unnecessarily cripple the flow of legitimate trade and travel to the United States. What is necessary and advisable is searching 100 percent of the high-risk cargo and people that enter our country. To do this, we need to be able to identify what is high risk, and do so as early in the process as possible. BCBP has several programs and initiatives that help us accomplish that task.

National Targeting Center (NTC)

The National Targeting Center (NTC), created last year with FY '02 Emergency Supplemental funding, has significantly increased our overall capacity to identify potential terrorist threats by providing centralized, national targeting of passengers and cargo for the first time. NTC inspectors and analysts use a sophisticated computer system to monitor, analyze, and sort information gathered by BCBP and numerous intelligence and law enforcement agencies against commercial border crossing information. By mining the information in that system, NTC personnel identify potential terrorists and terrorist targets for increased scrutiny at the border ports of entry. When NTC personnel identify potential threats, they coordinate with our officers in the field and monitor the security actions that are taken. Because multiple agencies both contribute information to the National Targeting Center and rely on it for information, the Center allows a coordinated and centralized response to potential threats.

Automated Targeting System (ATS)

The Automated Targeting System (ATS), which is used by NTC and field targeting units in the United States and overseas, is essential to our ability to target high-risk cargo and passengers entering the United States. ATS is the system through which we process advance manifest and passenger information to pick up anomalies and "red flags" and determine what cargo is "high risk," and therefore will be scrutinized at the port of entry or, in some cases, at the foreign port of export.

In FY '02, we implemented a domestic targeting initiative at all U.S. seaports using the Automated Targeting System. Under that initiative, all manifests for ocean going cargo destined for the United States are processed through ATS and reviewed by trained personnel. When high-risk shipments are identified, inspectional officers at U.S. seaports conduct standardized security inspections on those shipments. Importantly, the goal is to inspect 100 percent of the high-risk sea cargo. We have implemented a similar system successfully at the Northern land border ports of entry where the entry information is used for risk assessments. We are already in the process of duplicating this process along the Southern land border ports of entry.

Advance Passenger Information System (APIS)

Advance information is also critical to our efforts to identify individuals who may pose a security threat. Before September 11th, 2001, air carriers transmitted information on international airline passengers in advance of their arrival to the Advance Passenger Information System (APIS) on a purely voluntary basis. Legislation enacted by Congress in late 2001 made submission of this information mandatory. An informed, enforced compliance plan has resulted in 99 percent of all passenger and crew information (including those pre-cleared outside the United States) now being transmitted through APIS in a timely and accurate manner.

NEXUS

With Canada, we have implemented a program that enables us to focus our resources and efforts more on high-risk travelers, while making sure those travelers who pose no risk for terrorism or smuggling, and who are otherwise legally entitled to enter, are not delayed at our mutual border. This is the NEXUS program, under which frequent travelers whose background information has been run against criminal and terrorism indices are issued a proximity card, or SMART card, allowing them to be inspected expeditiously through the port of entry. NEXUS is currently operational at six crossings located at four major ports of entry on the northern border: Blaine, Washington (3 crossings); Buffalo, New York; Detroit, Michigan; and Port Huron, Michigan. Recently, we opened a new NEXUS lane at the International Tunnel in Detroit. Some upcoming expansion sites for NEXUS include Niagara Falls, New York; Alexandria Bay, New York; and Pembina, North Dakota.

SENTRI

SENTRI is a program that allows low-risk travelers to be processed in an expedited manner through a dedicated lane at our land border with minimal or no delay. SENTRI is currently deployed at 3 southwest border crossings: El Paso, Texas, San Ysidro, and Otay Mesa, California, and expansion plans are being developed. We are committed to expansion.

B. Development and Deployment of Technology, Equipment, and Systems

BCBP depends on a broad range of technology and other tools to effectively inspect people and goods entering the country, including technology for detecting weapons of mass destruction, explosives, chemicals, and contraband.

Non-Intrusive Inspection (NII) technology provides for a more effective and efficient, as well as less invasive, method of inspecting conveyances and

cargo, compared with drilling or dismantling of conveyances or merchandise. NII equipment includes large-scale x-ray and gamma-ray imaging systems, portal radiation monitors, and a mixture of portable and handheld technologies to include personal radiation detection devices that greatly reduce the need for costly, time-consuming physical inspection of containers and provide us a picture of what is inside containers.

After the terrorist attacks of September 11th, efforts were stepped up to "harden" – to prevent unauthorized crossings of – the northern and southern land borders. In addition to staffing increases, the hardening of these ports of entry involved the installation of gates, signs, lights, and remote surveillance systems at ports of entry, many of them in remote locations, along the vast northern border with Canada. The Border Patrol also deployed additional agents to strategic locations along the northern border to aid in providing a law enforcement response to intrusions and deterring the illegal entry of anyone wanting to commit acts of terror.

C. Staffing Positions for Border Security

As important as our efforts to improve targeting, build partnerships with other countries and industry, and deploy technology are to preventing terrorism, these efforts simply cannot be effective without our well-trained staff of inspectors, canine enforcement officers, and Border Patrol Agents at and between the border ports of entry. The most important component of BCBP's success in protecting America and the American people lies in the men and women who work directly on our nation's frontlines.

One need only recall that it was a Customs inspector, Diana Dean, who in December 1999 stopped and arrested an Al Qaeda terrorist from crossing into the United States from Canada with a trunk load of powerful explosives in his car. His mission, as we now know, was to blow up Los Angeles International Airport.

Inspector Dean relied on nothing but her training to pick up on Ahmed Ressam's nervous behavior, his unusual travel itinerary, and his evasive responses to her questions. And thanks to her skill and professionalism, and the skill and professionalism of her fellow inspectors at Port Angeles, Ressam was arrested and a deadly Al Qaeda terrorist plot to do great harm to American lives was foiled.

In an effort to fight terrorism, 1,025 new immigration inspectors, now with BCBP, were hired in FY '02 and the beginning of FY '03, 355 of whom have been specifically assigned to supplement northern border enforcement activities. The Border Patrol hired 2,050 new agents in FY '02, and, as of February 2003, a total of 560 Border Patrol Agents were deployed all along the Northern Border. It is also worth noting that 125 additional Border Patrol agents and 4 Border Patrol

helicopters were redeployed temporarily to the Northern Border in support of Operation Liberty Shield. We intend to establish a staffing level of 1,000 Border Patrol Agents deployed to the northern border this year.

D. Apprehending Individuals Entering Illegally Between the Ports of Entry

The Border Patrol, now part of BCBP, is specifically responsible for patrolling the 6,000 miles of Mexican and Canadian international land borders and 2,000 miles of coastal waters surrounding the Florida Peninsula and the island of Puerto Rico. Their primary task is securing America's borders between official ports of entry. Foremost, the Border Patrol's mission is to provide for the national security of the United States by *preventing* the illegal entry of people, goods, and contraband across our sovereign borders. Secondly, Border Patrol operations are designed to detect, interdict, and apprehend those who attempt to illegally enter the United States or transport any manner of goods or contraband across our borders.

The Border Patrol executes its mission through a proper balance of agent personnel, enforcement equipment (such as a fleet of specialized aircraft and vehicles of various types), technology (such as sensors and night vision cameras), tactical infrastructure (such as roads and vehicle barriers), and intelligence and liaison efforts. Often, the border area in which these efforts are brought to bear is a barely discernible line in uninhabited deserts, canyons, or mountains.

Although the scope of the Border Patrol mission has not changed since the terrorist attacks of September 11, 2001, enforcement efforts have been accelerated, to enhance Border Patrol presence along the northern border and to make clear that its priority mission – like BCBP's – is keeping terrorists and terrorist weapons from entering the United States. As we expand that presence on the northern border, it is also essential that we expand control of the southwest border.

In FY 01 and FY 02, Border Patrol Agents apprehended a combined total of over 2 million people for illegally entering the United States. In FY 03, the Border Patrol will continue focusing on strengthening northern border security between the ports of entry; maintaining and expanding border enforcement capabilities on the southwest border, with primary focus on the Arizona corridor; and expanding and integrating technologies with other components of BCBP to support border control efforts.

Following the events of September 11th, the Border Patrol undertook a number of enforcement initiatives to assist in supporting and augmenting U.S.

national security.

Immediately after September 11, 317 Border Patrol Agents were detailed to 9 airports across the country within 36 hours of the attack. The Border Patrol also detailed additional agents and air assets to the 8 northern border sectors to augment existing capabilities and expand coverage within the sectors' areas of responsibilities. The Border Patrol worked in cooperation with the U.S. Coast Guard conducting joint operations on the Great Lakes and surrounding waterways to deter illegal entry and apprehend violators.

On the Northern Border, the Border Patrol is working with the Royal Canadian Mounted Police (RCMP), Citizenship and Immigration Canada, and Canada Customs and Revenue Agency to establish Integrated Border Enforcement Teams (IBETs) at several key locations. This initiative grew from years of cooperation and coordination, and today it is a hallmark of bi-national law enforcement cooperation and coordination.

The core membership of IBETs has divided the U.S.-Canada border into 14 geographic regions and created Joint Management Teams (JMT) in each one. The JMT's are comprised of senior agency leadership from among the participating agencies. They concentrate on sharing intelligence and information and often conduct joint operations to enhance border security. The IBET mission focuses on 3 mutually agreed upon priorities: 1) Matters of national security, 2) matters of organized crime, and 3) matters pertaining to other cross border criminal activity. These priorities guide local level decision makers in border security coordination efforts.

For the first time in history, a permanent Border Patrol Agent position has been authorized to be assigned to RCMP headquarters in Ottawa, Ontario in Canada. Understanding the critical need for permanent staffing and equipment increases to strengthen security on our Northern Border, with your support, we increased the number of remote video surveillance cameras, fixed-wing airplanes, and helicopters to our list of "force multipliers" along the Northern Border.

E. Preventing Individuals From Entering Illegally At The Ports Of Entry

With respect to preventing individuals from entering the country illegally at the ports of entry, BCBP works with the Department of State to ensure BCBP inspectors have the tools they need to verify the identity of immigrant visa holders and the authenticity of visas issued by the Department of State.

Beginning in 2002, immigration inspectors – now in BCBP – have had access to photographs and data transmitted electronically by the Department of State relating to holders of nonimmigrant visas. This permits inspectors to review visa application data and verify the identity of the holder. Senior BCBP

and State Department staff met during the week of March 24, 2003, to reaffirm their commitment to these initiatives and to outline new goals for electronic data sharing that will expand the exchange of data between State and BCBP, and further enhance both the visa issuance and inspections process.

The National Security Entry Exit Registration System (NSEERS) was implemented on September 11, 2002. The NSEERS program requires certain nonimmigrant aliens from designated countries to be fingerprinted, interviewed and photographed at Ports of Entry (POEs) when they apply for admission to the United States.

BCBP officers have made every effort to minimize any delay or inconvenience to those individuals required to register by streamlining the process for previously registered aliens.

Under the NSEERS program, we have apprehended or denied admission to more than 740 aliens at our POEs who present law enforcement threats due to felony warrants or prior criminal or immigration violations rendering them inadmissible. As Secretary Ridge recently announced, the new Visitor and Immigrant Status Indication Technology (VISIT) system will provide us with the biometric information now collected in the NSEERS registration process. BCBP will continue its support of this effort.

As part of ongoing efforts to enhance public safety and national security, in January, a requirement that all commercial carriers submit detailed passenger electronic manifests before an aircraft or vessel arrives in or departs from the United States was put into action. Section 402 of the Border Security and Visa Entry Reform Act of 2002 requires the submission of Advanced Passenger Information (API) on all passengers arriving by sea or air. Passenger information that must be submitted in advance includes: complete name; date of birth; citizenship; gender; passport number and country of issuance; country of residence; U.S. visa number, date and place of issuance (where applicable); alien registration number (where applicable); address while in the United States; and such other information as determined to be necessary for the enforcement of the immigration laws and to protect safety and national security. The advance submission requirement will help the BCBP verify the identities of individuals

being transported and enforce U.S. immigration laws. This program will assist inspectors in our Passenger Analytical Units (PAUs) in reviewing passenger manifests prior to an aircraft or vessel's arrival. These units generate useful information for Inspectors engaged in determining whether an alien seeking admission to the United States is in fact admissible. Using the Advanced Passenger Information System (APIS) in conjunction with the Interagency Border Inspection System (IBIS), PAU Inspectors are able to analyze the passenger arrival and departure information. We are currently integrating these former INS functions into existing BCBP NTC and APIS programs.

In the aftermath of September 11th, the former INS worked with other agencies and the Office of Homeland Security to develop 7 interagency security enhancement initiatives for the refugee program. These heightened security enhancements, now being performed by BCBP, included additional databases, records and fingerprint checks, and pre-flight notification to the FBI.

We are reassessing the eligibility of certain countries to participate in the Visa Waiver Program (VWP). As you may know, the Attorney General terminated Argentina's participation in the VWP in February 2002, and Uruguay's participation was terminated on April 15, 2003. BCBP has joined with the State Department to tighten regulations regarding various entry procedures that under ordinary circumstances facilitate travel, but which could be exploited to do harm to the United States. For example, on March 17, 2003, certain permanent residents of Canada were required to present passports and visas for entry into the United States, where they were previously exempt.

III. Conclusion

Mr. Chairman, Members of the Subcommittee, I have outlined a broad array of initiatives today that, with your assistance, will help BCBP to protect America from the terrorist threat while fulfilling our other traditional missions. We know that this new agency, BCBP, faces great challenges in merging the border agencies and in fulfilling both our priority and traditional missions. But, now that all the Federal Inspection Services and the Border Patrol have been unified in BCBP, under the Department of Homeland Security, we are in a far better position to meet those challenges and accomplish those goals. We will be far more effective working together, than we were as separate agencies in different departments. We will learn all we can from our legacy agencies and we will bring new innovation to border management.

With the continued support of the President, DHS, and the Congress, BCBP will succeed in meeting the great demands placed upon it, and will play a key role – by better securing our border against the terrorist threat – in the Department of Homeland Security.

Thank you again for this opportunity to testify. I would be happy to answer any of your questions.