STATEMENT

OF

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U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

SENATE SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND
HOMELAND SECURITY
AND THE
SENATE SUBCOMMITTEE ON BORDER SECURITY,
IMMIGRATION, AND CITIZENSHIP
COMMITTEE ON THE JUDICIARY

"BORDER TECHNOLOGY: KEEPING TERRORISTS OUT
OF THE UNITED STATES"

MARCH 12, 2003, 10:00 AM

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MISTER CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for providing a forum to discuss using technology to protect our borders and fight terrorism. This is my first opportunity to appear before the Congress as our nation's first Under Secretary for Border and Transportation Security, and I am pleased to discuss with you the critical steps we are taking to improve our ability to determine which people and what materials are entering our country.

As you are aware, the United States Customs Service and Immigration and Naturalization Service – agencies with primary jurisdiction over the laws that govern the entry and exit of people and goods into and from the United States – were transferred to the Department of Homeland Security on March 1, and were re-grouped among two newly-formed Bureaus within the Border and Transportation Security Directorate. Immigration and Customs inspections and border patrol enforcement functions between the Ports of Entry have been placed in the new Bureau of Customs and Border Protection, or BCBP, and Immigration and Customs investigations and interior enforcement functions, such as investigations and detention, were placed in the new Bureau of Immigration and Customs Enforcement, or BICE. We believe this reconfiguration will enable us to streamline the activities of the Inspectors, Border Patrol Agents and Investigators in the two bureaus and reap benefits in enhanced screening of people and goods, and enforcement of our immigration and customs laws.

I mention this because prior to March 1, at the direction and with the support of Congress, the INS and Customs Service were working to develop and deploy technologies that would enhance their ability to perform their missions. Now that they are part of the Department of Homeland Security, they will have the benefit of being able to rely on expertise and resources vested within the Department's Directorates of Science and

Technology (S&T), and Information Analysis and Infrastructure Protection (IAIP), to

enhance the systems already in place, and develop and deploy new technology and

information sharing tools to aid in the completion of their missions. The President and

Secretary Ridge have identified a very qualified candidate, Dr. Charles McQueary, to lead

the S&T Directorate, and they are working diligently to identify the right candidate to lead

the IAIP Directorate. I look forward to working with them once they are confirmed.

Let me quickly lay out how I will proceed with my testimony this morning. I will first

address our efforts to use technology to ensure we know the "who" and "how long" of

people entering the U.S., and highlight the status of three very important tools in this arena:

the Entry-Exit System (EES), the National Security Entry Exit Registration System

(NSEERS), and Biometric Verification System (BVS). Next, I will cover briefly the status

of our efforts to ensure we know what is entering the U.S., including Non-Intrusive

Inspection Devices, Advance Information Systems, and Information Sharing systems.

Finally, I will discuss some of the needs we have identified and will work with the S&T and

IAIP Directorates to meet.

Knowing who has entered and who has departed our country in real time is an important

element in enforcing our laws. Section 110 of the Illegal Immigration Reform and

Immigrant Responsibility Act of 1996 (IIRIRA), requires the development of an automated

entry and exit control system to collect records of arrival and departure from every alien

entering and leaving the United States. The Data Management Improvement Act, passed in

2000, requires the INS to develop a fully automated integrated entry-exit data collection

system (EES) by the end of 2005. The legislation also requires a public and private sector

task force to make recommendations on development of the system and methods to ensure

that trade and tourism are not harmed. The Enhanced Border Security and Visa Entry

Reform Act, as well as the USA PATRIOT Act, added the complexities of biometrics to the implementation of the EES – it is an addition which will bolster our security.

The Departments of Justice and State have reported to Congress on the issues to be considered in adding biometrics to the entry exit process, as required by the USA PATRIOT Act and the Enhanced Border Security Act and Visa Entry Reform Act. These reports outline many issues that will need to be considered in undertaking such an endeavor. A November 2002 GAO report entitled "Using Biometrics for Border Security" cited privacy rights, international relations, feasibility, cost and effectiveness as further considerations before biometrics can be implemented effectively at the border. In March 2002, an Entry Exit Program Team comprised of all appropriate Department and Agency representatives was chartered to improve the processes, policies, workforce, and systems utilized to manage the pre-entry, entry, stay, and exit of international travelers through established air, land, and sea ports-of-entry (POE's).

The EES will be able to strike the appropriate balance between enhanced border security and the facilitation of legitimate international trade and travel. This will integrate real-time, transaction-level biometric and watch list data, improving systems interoperability, and enhancing interfaces with related government partners.

The system will include a number of software and hardware enhancements to further strengthen border management processes.

Specifically, the Entry Exit System will:

- Provide improved access to data relevant to determining visa eligibility;
- Improve detection of fraudulent documentation through automated capture and processing of data contained in travel documents;

- Capture and process biometric data in order to improve precision of traveler identification; and

- Improve data integration and sharing among agencies in terms of accuracy, consistency, completeness, and timeliness.

We share Congress' desire to field the Entry Exit System capability as soon as possible while ensuring we have a well-defined project plan. We look forward to working with Congress toward that end over the next two months. The Directorates of Science and Technology and Information Analysis and Infrastructure Protection will be actively involved as we put this system in place.

As we were working on the comprehensive Entry Exit System, the events of September 11th propelled the Administration into launching the National Security Entry Exit Registration System. This system, otherwise known as "NSEERS," is a response to strategic intelligence assessments that warranted the rapid development of a more rigorous process than had been employed in the Special Registration Program since 1995.

The goal of NSEERS is to secure our borders, by intercepting terrorists and criminals at Ports of Entry, identifying aliens who deviate from their stated purposes once they enter the country, and identifying aliens who overstay their visas. NSEERS promotes several important national security objectives:

- The NSEERS program allows the United States to screen aliens effectively by matching individual biometric data against a database of known terrorists and criminals during the initial and continuing registration processes.

- The NSEERS module permits computerized review of warehoused data, allowing it to be utilized as new information relating to terrorist activities is developed.

- NSEERS enables us to determine instantly whether an alien has overstayed his or her visa.

- NSEERS enables us to verify that an alien is acting according to stated plans while in the United States, and ensure that he or she is not violating our immigration laws

The NSEERS process has operated since September 11, 2002, with registration of 88,989 enrollees from 149 countries as of March 4, 2003. We have learned and applied lessons with the intent to minimize delays and inconvenience to registrants, while balancing the security objectives of the program.

Non-immigrant aliens entering, present in, and departing the United States, who fall under the NSEERS program, may interact with BTS through four distinct processes:

- Point of Entry (POE) registration

- Domestic or Call-In Registration

- Continuing Registration Requirements

- Departure Verification

With respect to POE registration, NSEERS requires certain non-immigrant aliens from designated countries to be fingerprinted, photographed, and interviewed at the POEs at the same time they apply for admission to the United States. In addition, other aliens who are identified from intelligence sources or who match certain pre-existing criteria determined by the Attorney General or the Secretary of the State may be enrolled in NSEERS at the POE.

Call-in registration relates to the class of aliens known as "Domestic Registrants," who are subject to special registration. Domestic Registrants are certain nonimmigrant aliens who were admitted to the United States prior to the inception of the new border registration program, have remained in the United States, and who, when designated by the Attorney General, must report to an identified Interviewing Office for Special Registration to be

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registered. The Attorney General has designated individuals from 25 different countries as subject to domestic registration requirements. The purpose is to gather the same information that may have been collected at the POEs had those aliens arrived after the effective date for NSEERS.

Aliens subject both to POE registration and Domestic Registration must also appear to fulfill their continuing registration requirements, based upon length of stay in the United States. Finally, aliens registered either through the POE or the Domestic Registration must complete a departure check when they leave the United States.

The 88,989 individuals, who have been registered in NSEERS, are divided evenly between POE registrations and Domestic registrations. The total number of registrations, including POE registrations, the follow-up or continuing registrations of aliens registered at a POE, and domestic registrations, is 133,017. The NSEERS program has led to the identification and apprehension of 8 suspected terrorists, and the initiation of 40 investigations of registrants suspected of terrorist activity. We have apprehended or denied admission to more than 555 aliens with outstanding warrants or other criminal violations.

Likewise, through the domestic registration program, as of March 4th, 4,825 individuals in violation of our immigration laws are awaiting removal from the United States. Since its implementation, fifteen aliens have been arrested for explicit violation of their status related to NSEERS requirements, after they failed to appear for their continuing registration interviews. NSEERS is also providing DHS with information to target enforcement activities and coordinate with other law enforcement components to prevent those aliens seeking to do harm to the United States from remaining in this country for extended periods of time. Our NSEERS experience reflects the importance of having a comprehensive,

requirements-based technology solution to ensure compliance with the immigration laws for the millions of visitors to this country every year.

I will now briefly discuss the Biometric Verification System. Since 1998, the Department of State and the former INS have produced over six million Border Crossing Cards that include biometrics, based on a mandate included in Section 104 of IIRAIRA. The Border Crossing Card has two fingerprints and a digital photograph imbedded in an optical stripe on the back of the card. With the enactment of the fiscal year 2002 Counter Terrorism Supplemental Appropriations Act, the INS received $10.6 million to purchase readers that can decode those embedded biometrics for comparison with the person presenting the card. A recent pilot program which ran for three weeks at six locations shows the value of a Biometrics Verification System. More than 250 imposters were detected.

Two other tools we are developing and using will ensure the integrity of the immigration and visa issuance processes -- the SENTRI and NEXUS programs. These programs allow pre-screened, low-risk travelers to be processed in an expedited manner via a dedicated lane at our land borders with minimal or no delay, thereby enabling BCBP staff to focus their attention on those crossing our borders who are relatively unknown. SENTRI is deployed at 3 southwest border crossings: El Paso, San Ysidro and Otay Mesa. The NEXUS program is deployed at 6 northern border crossings: Pacific Highway, Peace Arch Bridge, Port Roberts, Port Huron, Detroit and Buffalo.

We must also ensure the integrity of our borders between ports of entry, including remote areas of the Northern and Southern Borders. Today we have over 10,000 Border Patrol Agents, now a part of BCBP, deployed at our nation's borders. We will deploy an additional 285 Agents with funds provided by the Congress in the FY 2003 Appropriations Bill. In addition, the Border Patrol is employing a number of force-multiplying

technologies, including aerial surveillance equipment, infrared surveillance scopes and other sensor technology. We will deploy similar technologies for use on the Northern Border, and work closely with the Science and Technology Directorate to identify and deploy other technologies to augment those capabilities and better secure those borders. We will also continue to work with the Department of State and other agencies on cooperative "smart border" international programs implementing the 30-point U.S.-Canada Smart Border Action Plan and 22-point U.S.-Mexico Border Partnership.

I will now outline the technology we are using to inspect commercial goods to detect potentially dangerous or threatening materials coming across our borders. The BCBP has deployed, and must continue to develop the technology necessary to inspect arriving and departing conveyances and cargo at our ports of entry rapidly and comprehensively to prevent the smuggling of weapons, narcotics and other contraband. This technology permits enhanced security without unduly impeding the flow of legitimate commercial traffic. We are:

- Expanding deployment of non-intrusive inspection technology
- Enhancing our advance targeting capability, and
- Modernizing our nearly 20-year old legacy trade system.

BCBP has deployed 112 large-scale Non-intrusive inspection (NII) systems at our Nation's air, sea and land border ports of entry to further enhance our non-intrusive inspection capability while facilitating the flow of legitimate trade and traffic. Additional systems have been ordered.

The BCBP is also testing and deploying other technologies that will assist inspectors to conduct high-confidence, non-intrusive inspections quickly and efficiently. These systems include portal monitors and isotope identifier devices that are capable of detecting and

identifying radiation. Over 6,000 personal, pager-sized radiation detectors have already

been deployed to our ports of entry to allow inspectors to monitor their vicinity for

radioactive sources.

We are employing and refining our risk-based targeting systems, to incorporate

intelligence information and enable us to target unusual, suspect or high-risk inbound and

outbound shipments for intensive examinations. We are also working with the Department

of Transportation to test different tracing and tracking technologies that enable commercial

carriers to maintain contact with their fleets and cargo.

In accordance with the Trade Act of 2002, BTS is working to promulgate regulations,

which will mandate the advance electronic information for all modes of transportation, both

inbound and outbound. The BCBP, formerly U.S. Customs, already issued regulations

requiring advance manifest information – 24 hours before lading of oceangoing cargo

containers bound for U.S. ports. These regulations will allow us sufficient time to determine

whether a particular shipment is high risk or warrants closer scrutiny. In fact, access to

advance information on all cargo shipments expands on our successful efforts to require

airlines to submit passenger manifests to our Advanced Passenger Information System

(APIS) prior to departure.

The Automated Commercial Environment, or ACE, one of BCBP's first major

modernization projects, will improve both the collection and sorting of trade data to expedite

trade across our borders and enhance our targeting of high risk cargo. The new system will

help overcome information stovepipes and enhance border security by providing interagency

information sharing, and real-time, cross-government access to more accurate information.

Shipment information will be analyzed prior to arrival, allowing advanced inter-agency

assessment of risks and threats. Results will determine if, upon arrival, a shipment is to be examined or cleared for release.

The trade community currently files its data with numerous government agencies to comply with approximately 400 laws and regulations. The BCBP is working with these other government agencies to coordinate efforts and leverage information and resources through ACE.

The International Trade Data System (ITDS), initiated as a project to streamline government and provide a single interface for the submission of import and export data to the U.S. Government, will be a fully integrated part of ACE. We continue to work closely with other government agencies and the trade community, to ensure requirements are incorporated into, and are compatible with, ACE.

Technology is a critical tool that enables the hard-working men and women of the Department of Homeland Security to properly balance our national security imperative with the free flow of goods and peoples across our Nation's borders. We look forward to working together with the Congress, within the Executive Branch, and with our state, local, and private partners to provide the American people with the level of security that they deserve.

Thank you for this opportunity to appear before your Subcommittees today. I look forward to your questions.