

Statement of
Jayson P. Ahern
Assistant Commissioner, Office of Field Operations
U.S. Customs and Border Protection
Department of Homeland Security
Before
The Senate Committee on Finance
Regarding
Fraudulent Document Detection

August 2, 2006

Chairman Grassley, Ranking Member Baucus, Members of the Committee, it is a privilege and an honor to appear before you today to discuss the U.S. Department of Homeland Security's U.S. Customs and Border Protection (CBP) and the recent Government Accountability Office (GAO) investigation of our ability to detect and interdict counterfeit state-issued driver's licenses and birth certificates.

I want to begin by expressing my gratitude to the Committee for the support you have shown for important initiatives that enhance the security of our homeland. Your continued support has enabled CBP to make significant progress in securing our borders and protecting our country against the terrorist threat. CBP looks forward to working with you to build on these successes.

On March 1, 2006, CBP marked its third anniversary. During this time, we have made great strides towards securing America's borders, facilitating legitimate trade and travel, and ensuring the vitality of our economy. As America's frontline border agency, CBP employs highly trained and professional personnel equipped with the resources, expertise, and law enforcement authorities to discharge our priority mission: preventing terrorists and terrorist weapons from entering the United States. Carrying out this extraordinarily important mission entails not only improving security at and between our ports of entry along the entire length of our land and maritime borders, but also extending our zone of security outward, beyond our physical borders.

Our efforts to gain operational control of our borders and push our zone of security outward enables CBP to better perform the traditional missions of its legacy agencies, which 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 the theft of their intellectual property, regulating and facilitating international trade, collecting import duties, and enforcing United States trade laws. In fiscal year 2005 alone, CBP processed more than 29 million trade entries, collected \$31.4 billion in revenue, seized 2 million pounds of narcotics, processed 431 million pedestrians, and passengers and 121 million privately owned vehicles, and processed 25.3 million sea, rail and truck containers.

CBP will take action to address the vulnerabilities identified by the recent GAO investigation into our ability to detect counterfeit documents. These notable actions will include:

- Delivery of 16 hours of basic fraudulent document training to all CBP Officers;
- Additional fraudulent document training to Counter-Terrorism Response Teams;
- Delivery of a series of musters designed to enhance awareness of and increase the detection of fraudulent identity documents;
- Installation of card reader technology in all land border primary inspection booths to allow faster and more accurate reads of machine readable documents, including U.S. passports;
- Increase in the use of name queries of law enforcement databases by primary inspectors at land border ports of entry;
- Purchase of identity checking guides for all ports of entry. These guides provide CBP officers with the basic security and verification features of all US and Canadian identity documents;
- Initiation of a program to increase CBP Officer training in state-issued identity document security features and validation processes. The CBP personnel who receive this document training will, in turn, train additional field personnel in their duty stations.
- Delivery of state-of-the-art fraudulent document workstations, which will provide CBP Officers with the latest in fraudulent, altered, and counterfeit document detection capabilities;
- Development of port-of-entry-specific strategic initiatives designed to increase enforcement and improve facilitation, including an initiative that leads us to verification of the identity of each applicant for admission and creation of a record of that person's travel;
- Development of targeting operations based on strategic methodologies allowing CBP to focus on specific groups, for example, those individuals who may present state-issued identity documents;
- Development of a web-based reference tool that will be made available to CBP Officers during primary inspection to assist in the verification of identity documents; and
- Development of an enhanced training package on establishment of identity to be delivered as part of the CBP Officer Academy and Post Academy training.

Addressing any major issue at the land border presents many challenges. The United States has over 7,000 miles of shared border with Canada and Mexico, and each day CBP Officers inspect more than 1.1 million passengers and pedestrians. This includes many who reside in border communities, who cross legally and contribute to the economic prosperity of our country and that of our neighbors. Maintaining this flow is critical; however, we must be confident in our determinations of who is crossing our border. In fiscal year 2005, over 84,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or false documents. Moreover, on an average day at our ports of entry, CBP intercepts more than 200

fraudulent documents, arrests over sixty people, and refuses entry to hundreds of non-citizens, a few dozen of whom are criminal aliens who are attempting to enter the United States. As the 9/11 Commission report stressed, security requirements governing travel to and from Canada, Mexico and parts of the Caribbean should be treated as equivalent to security requirements for travel to and from other parts of the world. Congress recognized this important principle when it passed the Intelligence Reform and Terrorism Prevention Act of 2004, which included what is now commonly known as the Western Hemisphere Travel Initiative (WHTI).

We realize the potential consequences that any changes to address these vulnerabilities could have on international travel. We are particularly mindful of the challenges presented in the land border environment, where approximately two percent of travelers crossing the border are responsible for nearly 48 percent of all cross-border trips, and the cross-border relationships and cultures are vibrant and dynamic.

However, just as passenger behavior in the commercial airline industry has changed since the terrorist attacks of 9/11, travelers within the western hemisphere must also become accustomed to possessing authorized travel documents when crossing our borders. That some individuals currently can cross the border without verifiable documents, or without any type of travel or identity documents in their possession, is a significant vulnerability to our national security.

The standardization of travel documents is a critical step in securing our Nation's borders. Currently, there are thousands of different documents that a traveler can present to CBP Officers when attempting to enter the United States, creating a tremendous potential for fraud. Standardization of documents will eliminate the time-consuming, manual process of reviewing and validating a host of distinct and sometimes illegible and unverifiable birth certificates and other identity documents. The use of standardized documents that will enable automated reading and vetting of the information will also be essential to achieving the facilitation benefits of WHTI; valuable time is wasted and accuracy is reduced if manual data entry is required in order to perform necessary database and watchlist queries of passengers. Automated reading and vetting of identity documents will also be an important tool for CBP in distinguishing the small set of incoming travelers who pose a potential threat from the legitimate traveling public.

In addition to determining the appropriate documentation under the WHTI, the Department of Homeland Security (DHS) and the Department of State (DOS) are also carefully examining the best type of technology available to enable CBP Officers at the border to quickly and automatically, with appropriate privacy protections validate a traveler's identity and citizenship. Standardized and automated travel documents will enable us to efficiently, reliably, and accurately identify a traveler and his or her citizenship without having to review an assortment of documents and pursue an extensive line of questioning thereby facilitating travel.

Existing "trusted traveler" programs are also being evaluated for expanded use at our land borders. These include the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade (FAST), and NEXUS programs. These programs facilitate the crossing of low-risk, frequent travelers and commercial truck drivers at the land borders, through exclusive, dedicated lanes. To enroll in these programs, travelers must provide proof of citizenship, a Border Crossing Card (BCC) or visa, if required, as well as other identity documentation, such as a driver's license or ID card. An intensive background check against law enforcement databases and terrorist indices is required, and includes fingerprint checks and a personal interview with a CBP Officer. To date, approximately 225,000 SENTRI, NEXUS, and FAST cards have been issued. Over the next few months, we expect to increase the number of locations where they can be used. These programs are implemented in partnership with the governments of Canada and Mexico, and include the participation of many citizens of these countries. In light of the extensive background checks and pre-vetting of enrollees in these programs, we are evaluating whether the presentation of a trusted traveler card when traveling through the dedicated NEXUS, SENTRI or FAST lanes can serve as sufficient evidence of a traveler's identity and citizenship for purposes of meeting the requirements of WHTI.

To ensure that affected stakeholders will be able to convey their comments and concerns about WHTI, we are using a robust rulemaking process that allows multiple opportunities to comment. In addition, we have attended over 30 public sessions and town hall meetings and DHS representatives have met with 670 community leaders and stakeholders to discuss this initiative. We are committed to continuing to work with affected stakeholders to mitigate potentially adverse effects as this initiative gets underway.

Given the magnitude of change this initiative will entail, DHS and DOS, in consultation with other government agencies, have proposed a two-phased implementation plan for WHTI. This approach was outlined in the Advanced Notice of Proposed Rulemaking (ANPRM), which was published in the Federal Register on September 1, 2005, and had a 60-day public comment period. In response to this advance notice, approximately 2,000 public sources, including governors, mayors, police chiefs, tribal leaders, business leaders, and border community members submitted comments. Both DHS and DOS recognize the unique issues that this initiative will raise, and we will remain flexible when working with affected entities and communities.

WHTI is an essential element of our layered approach to security at our borders. DHS and DOS will use our resources to implement this travel initiative by the deadline set forth in law. However, this is just one step in our ongoing efforts to secure our borders. We are making substantial progress every day--through our Secure Border Initiative (SBI), which is a comprehensive approach to border security, through enhanced border security task forces, and in a host of other ways.

We will also continue to work with Congress in support of the President's call for comprehensive immigration reform that is necessary to increase border security and

interior enforcement and that creates a temporary worker program and addresses the problem of the estimated 11 to 12 million illegal immigrants already in the country.

Mr. Chairman, Members of the Committee, I have outlined today some of the issues that we are faced with in attempting to ensure identification and verification of citizenship of each applicant for admission.

CBP will continue to protect America from the terrorist threat while fulfilling our other important traditional missions. But our work is not complete. With the continued support of the Congress, CBP will succeed in meeting the challenges posed by the ongoing terrorist threat and the need to facilitate ever-increasing numbers of legitimate trade shipments and travelers. Thank you again for this opportunity to testify. I would now be happy to answer any questions that you may have.