

Statement of
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Before
The Senate Homeland and Governmental Affairs Committee
Subcommittee on Oversight, Management, the Federal Workforce,
and the District of Columbia
Regarding
“Human Capital Needs of the U.S. Customs and Border Protection
One Face at the Border Initiative”

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Good morning Chairman Akaka, Senator Voinovich, and distinguished Members of the Subcommittee. I am pleased to be here today to discuss how the Department of Homeland Security (DHS), particularly U.S. Customs and Border Protection (CBP), is building a more secure and efficient border, by continuing to strengthen our workforce and enhancing our traveler inspection processes.

I would like to begin by expressing my thanks to the men and women of CBP who work on the frontlines everyday, protecting this Nation. Since its creation in 2003, CBP has made significant progress in effectively securing our borders and protecting our country against terrorist threats. Sometimes we forget to recognize the efforts of these officers and agents on the frontlines and everything they have accomplished.

The creation of CBP, which established a single, unified border agency for the United States, is a profound achievement, and our responsibilities are immense and challenging. CBP is responsible for protecting more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico and operating 326 official ports of entry. Each day CBP inspects more than 1.1

million travelers, including 327,000 cars and over 85,000 shipments of goods approved for entry; processes more than 70,000 truck, rail and sea containers; collects more than \$84 million in fees, duties, and tariffs; seizes more than 5,500 pounds in illegal narcotics; and seizes more than 4,400 pounds of agricultural items and pests at ports of entry. CBP also intercepts over 70 fraudulent documents a day and refuses entry to almost 600 inadmissible aliens, that translates to over 21,000 fraudulent documents and more than 200,000 inadmissible aliens each year. Despite the assertions made by the Government Accountability Office (GAO), during fiscal year 2007 alone, CBP Officers at our land, sea, and air ports of entry arrested 25,693 individuals, representing murderers, sexual predators, drug smugglers, and individuals with links to terror.

CBP continues to increase its workforce, hiring 2,156 new CBP Officers, for a net increase of 648 officers, and 340 agriculture specialists, for a net increase of 151 specialists in FY07. CBP has also significantly enhanced its ability to provide timely and actionable intelligence to its operational customers, and enhanced its ability to support its mission partners through information sharing, by successfully piloting a field intelligence capability and organization called an Intelligence Coordination Team (ICT). Planned deployment of ICTs, and an even richer capability called Intelligence and Operations Coordination Centers (IOCC) will provide CBP and its mission partners an integrated, end-to-end intelligence capability.

Although six years have passed since September 11, 2001, that day remains a vivid memory to all of us. CBP is keenly aware of its responsibility to remain ever vigilant in protecting the homeland. We understand that the threat is ever present and the risks ever changing. For this reason we continually seek better and smarter means to ensure the security of our border, by enhancing all areas of our operations including technology, document security, infrastructure, inspectional processes, workforce, and training of our officers.

From a strategic and operational standpoint, CBP has significantly increased our ability to execute our anti-terrorism and traditional missions at our Nation's borders more effectively than ever before, thereby enhancing the security of the United States, its citizens, and the economy. We continue to perform our traditional missions, including 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; regulating and facilitating international trade; collecting import duties; and enforcing United States trade laws, all while executing our primary mission of preventing terrorists and terrorist weapons from entering the United States.

I am here before you today to discuss a recent report released by the Government Accountability Office (GAO) entitled, "Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry." In its report, GAO focused on traveler inspection procedures, physical infrastructure, staffing and training of our officers, and performance measures for determining our successes and areas of improvements. I will outline for you today CBP's advancements over the past four years, while detailing CBP's responses to GAO's concerns and recommendations.

Traveler Inspection Procedures

Technology and Document Security

Border security is the cornerstone of national security, and if we are to protect our homeland from terrorist attacks, we must use all the tools at our disposal. These tools include the use of smart technology and improved document security, which will make our ports more secure and our inspectional processes more robust and efficient.

The Department of Homeland Security (DHS), in partnership with the Department of State (DOS), is working to secure our homeland by strengthening our ability to identify accurately all persons – U.S. citizens and potential visitors alike – before they enter the United States. We are accomplishing this through instituting documentation requirements for entry into the United States. Our approach to implementing the Western Hemisphere Travel Initiative (WHTI), which is both a statutory mandate and 9/11 Commission recommendation; will increase security while also facilitating trade and the flow of legitimate travelers.

WHTI is necessary to strengthen our security while also facilitating the flow of legitimate trade and travel into the U.S. Currently, U.S., Canadian, and Bermudian citizens entering the United States across our land and sea borders are not required to present or carry any specific set of identity or citizenship documents. Not surprisingly, this significantly complicates our ability to verify that people are who they say they are in a matter of seconds. In an era when we, as a country, were less concerned about the security threats posed by persons seeking to enter or re-enter our country, a mere verbal declaration of citizenship, if credible, could suffice. Now, both Congress and the Administration recognize that this practice must end.

The institution of a travel document requirement and the standardization of travel documents are critical steps to securing our Nation's borders and increasing the facilitation of legitimate travelers. Currently, some travelers at our land and sea ports of entry may present any of thousands of different documents to CBP officers when attempting to enter the United States, creating a tremendous potential for fraud.

Access to our nation is critical for a terrorist to plan and carry out attacks on our homeland. As the 9/11 Commission's Final Report states, "For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets,

and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels to present themselves to border security officials, or attempt to circumvent inspection points”.

Our layered security strategy involves identifying and interdicting terrorists as early as possible – if not before they enter our country, then at the port of entry. As populations increasingly mix and extremists recruit native-born youth and converts, travel documents become even more critical in identifying terrorists. Travel documents and travel patterns can provide our CBP officers at the border with terrorists indicators – sometimes the only clue the government will receive.

DHS must be able to capitalize on our border inspection process. We must be able to inspect those who seek to enter. Through its requirement that individuals carry a passport or other limited set of acceptable documents, WHTI will greatly reduce the opportunities for fraud or misrepresentation of one’s true identity. Advanced technology embedded in these travel documents, with the appropriate privacy protections and infrastructure, will allow DHS the ability, for the first time, to verify an individual’s identity even before our officers begin to question them and to perform real-time queries against lookout databases. Full implementation of WHTI will allow DHS to focus even greater time and attention on each individual traveler. We have an opportunity to install an integrated secure land border system through WHTI and that opportunity should not be squandered.

The WHTI Final Rule will be published shortly, but it is expected that the following documents will be WHTI-compliant for U.S. Citizens in the land and sea environments: passport, passport card, Enhanced Driver’s License (EDL), and a NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), and Free and Secure Trade (FAST) card. The process for

implementing WHTI in the land and sea environments will be a deliberate and phased approach. The rule proposes a transition period to ensure that citizens will be able to obtain the documents necessary to satisfy WHTI. This will not occur overnight. The glide path proposed will give U.S. citizens sufficient time to become accustomed to this new requirement. The end of accepting verbal declarations of citizenship alone at our land and sea ports of entry will end on January 31, 2008. U.S. citizens and Canadian citizens will be required to carry a WHTI-compliant document or government-issued photo identification, such as a driver's license, and proof of citizenship, such as a copy of a birth certification. At a later date, we will implement the full requirements of the land and sea phase of WHTI. The precise date will be formally announced with at least 60 days notice to the public. This vital layer of security must be put in place as soon as possible, and not be subject to repeated delays and endless new and ever-shifting requirements. By delaying, through legislation, WHTI implementation, Congress will undoubtedly make Americans more vulnerable to terrorist attacks. We must advance to a smarter, more efficient, and more secure border that includes these document controls.

Also, under the auspices of WHTI, new facilitative technology will be implemented to assist in the efficient flow of legitimate travel. CBP is in the process of awarding a contract for the installation of infrastructure and technology required to read vicinity Radio Frequency Identification (RFID) enabled travel documents in vehicle primary lanes at land borders at the 39 highest-volume ports, which process 95 percent of travelers entering the United States through our land borders. Using the RFID technology, traveler information will be collected prior to the vehicle's arrival at the processing booth. This information will be pre-positioned for the CBP Officer to verify and authenticate document information upon arrival.

This proven RFID technology provides significant advantages for our officers, while providing a clear security benefit for the traveler: The speed of vicinity RFID will allow CBP Officers to quickly read the advanced information on all travelers carrying RFID-enabled cards, allowing CBP to perform checks against terrorist watch lists, National Crime Information Center (NCIC) database, and various law enforcement databases, enabling CBP to continue to enforce more than 400 laws from 40 different federal agencies, without impeding traffic flow. In addition, multiple cards can be read at a distance and simultaneously with vicinity RFID, allowing an entire carload of people to be processed at once.

RFID technology has been used successfully along our land borders with Canada and Mexico since 1995. Through Trusted Traveler Programs, such as NEXUS, SENTRI and FAST, CBP Officers are able to expedite legitimate cross-border travel and trade. Membership in these programs currently exceeds 385,000.

Inspectional Process

CBP constantly and continually monitors our activities and operations in the field to identify areas that need improvement and to implement these improvements – whether they are policies or procedures and processes. After noting that there were weaknesses in our land border inspectional procedures, CBP mandated that all land border ports of entry increase the number of primary name queries being performed, with our final strategic goal to screen all persons arriving at ports. Since that time CBP has raised the percentage of primary name queries at land border ports of entry significantly. The implementation of WHTI, facilitative technology, and secure documents will raise these percentages even further.

Additionally, CBP developed a training module using actual land border videotape footage to be viewed by all managers and frontline officers in order to demonstrate the need for

effective and thorough inspections. In conjunction with this presentation, CBP developed and implemented the land border primary inspection directive, which defines CBP policy regarding land border inspections. All land border officers received training regarding the policy and are required to take annual refresher courses.

CBP uses a layered approach to monitor and assess compliance of our existing inspectional policies and procedures. The Assistant Commissioner, Office of Field Operations, is responsible for policy oversight, which includes the formulation and implementation of guidelines and procedures. The Executive Director, Admissibility and Passenger Programs, is responsible for the formulation and implementation of the guidance to the field regarding traveler inspection and programs. The Office of Admissibility and Passenger Programs is also responsible for conducting reviews of enforcement actions and ensuring compliance with policies and procedures. The Office of Field Operations works closely with the Management Inspection Division to conduct self-inspection and compliance reviews. At any time, if an incident occurs, CBP's Office of Internal Affairs conducts a thorough investigation into the incident, ensuring that all responsible parties are held accountable for their actions and any necessary changes to procedures are made. CBP continually improves and expands its incident oversight capabilities, monitoring the actions of each of our ports of entry.

In the field, we require that the Directors of Field Operations (DFOs), who directly oversee ports of entry within their designated Field Office, monitor their ports' compliance with existing policies and procedures, and conduct audits and assessments of their ports. On the frontlines, Supervisory CBP Officers are required to undergo a mandatory 9-day course on supervisory leadership training before they can work as managers.

Physical Infrastructure

CBP has long recognized the need to improve our facilities and infrastructure to more effectively meet mission requirements. Modern facilities must address our dramatically changing border functions, increasing traffic volumes and staffing levels, and new and updated technologies and equipment. To that end, CBP has implemented a facility investment planning process, and capital improvement plan for land border ports of entry. This process ensures that facility and real property funding is allocated in a systematic and objective manner, and is prioritized by mission critical needs.

While CBP operates 163 land border facilities along the Northern and Southwest borders, CBP owns only 27 percent of these facilities. The U.S. General Services Administration (GSA) owns 58 percent, and leases the remaining 15 percent from private, state, or municipal entities. Unfortunately, the rapid evolution in CBP's mission coupled with years of neglect has left these vital assets in dire need of modernization and expansion. The average age of our facilities is 42-years-old and they were not designed for our current operations. Since the terrorist events of September 11, 2001, CBP has been given the priority mission of preventing terrorists and terrorist weapons from entering the United States, along with maintaining our legacy missions. These tremendously expanded responsibilities are stretching our physical resources well-beyond what they were ever designed to handle. The vast majority of these facilities were not built to incorporate all of the enhanced security features that are now present at our ports of entry, including Non-Intrusive Inspection technology (Radiation Portal Monitors, Vehicle and Cargo Inspection System, X-rays) and License Plate Readers. Our facilities are stretched to the limit.

GSA annually prepares a master list of public building construction projects—based upon the competing priorities among the various federal tenants—for submission to Congress. CBP's priorities are placed on the master list and presented to the Office of Management and Budget

(OMB) and Congress, alongside a variety of competing projects, including courthouses and other federal buildings, for authorization and funding through the Federal Buildings Fund. CBP receives a small percentage of the funds allocated. CBP is working with GSA to streamline the construction process to assist in getting vital repairs to our ports of entry, as soon as possible.

Workforce and Training

Staffing

We have no greater asset than our human resources. And we are committed to recruiting, hiring and developing a premier officer corps. Included in our 5-year strategic plan, the Office of Field Operations has a human capital initiative with an objective of building and sustaining a high performance workforce. To achieve this goal we are currently working towards refining the recruitment and hiring processes, improving our retention capabilities, and enhancing our deployment and staffing processes.

We have developed a Workload Staffing Model (WSM) to better align resource needs and requests against levels of threat, vulnerabilities, and workload. By using the model we can adjust optimal staffing levels to changes in workload, processing times, new technologies and processes, mandated requirements, and threats. However, the staffing model alone does not determine how our officers are allocated; it is merely a tool to assist us in determining the correct allocation of officers at each of our land, sea, and air ports.

However, we are challenged with the continuously expanding demand for our services and new statutory requirements mandated each year, as trade and travel into the United States continues to grow. To address this extremely important mission of securing our Nation's borders, CBP management is often required to make our officers work mandatory overtime,

sometimes on numerous days each week. CBP does not have the luxury of shutting down a port of entry to give officers time-off.

Training

We depend on the dedication and training of our frontline officers to conduct thorough inspections and make sound judgments. CBP has implemented numerous programs, initiatives, and trainings to build our officer corps, thereby enabling officers to more effectively respond to threats of terrorism, to better utilize intelligence information, to continue to develop skills, streamline processes, and enhance inspection operations.

We have developed and implemented a comprehensive training curriculum for CBP Officers and CBP Agriculture Specialists. This training curriculum includes basic CBP Officer and CBP Agriculture Specialist academy training, as well as comprehensive, advanced, on-the-job, and cross-training courses. We continue to refine our training programs and validation tools to ensure that we have an integrated approach incorporated into existing systems. CBP continually strives to provide our frontline officers with additional training to help them perform their job better. For example, CBP has extensive training in place for fraudulent document identification – both in the CBP officer academy and embedded in 40 additional courses.

To make the best use of our training time and resources, we train our officers when they need to be trained, and for the functions they are performing. This means that not every officer completes every cross-training module, but does receive the training needed to do the job he or she is currently performing. CBP has identified Field Training Officers to ensure that CBP Officers are receiving the training they need to do their jobs, and that internal measures are in place to monitor and assess training needs and accomplishments nationwide. For example, CBP has an extensive database to record and track instances of training; and the database is searchable

by individual, field office, and course of instruction. CBP is constantly reviewing and revising its training, as needed, in the every-changing border enforcement environment.

Recognizing the complexity of our mission and the broad border authorities of our agency, we have established specialty functions and teams that receive additional focused advanced training. For example, counter-terrorism response teams were created for deployment within secondary inspection areas. These teams are provided with a new and intense training curriculum that teaches our officers how to detect deception and elicit information. We have established targeting and analysis units, roving teams, and prosecution units. Our enforcement officers receive additional advanced training to develop expertise in the questioning of individuals suspected of being involved with organized smuggling of aliens or drugs, terrorism, and document fraud.

Performance Measures

In addition to the information I have outlined above, addressing the processes for our managers to review and monitor the inspectional processes being conducted by our frontline officers, CBP has also implemented a system to track our effectiveness. CBP conducts random compliance examinations. Essentially, these examinations involve random selection of vehicles and/or air passengers that ordinarily would not be selected for an intensive examination. By combining the results of these examinations with the results of targeted examinations, CBP is able to estimate the potential total number of violations being committed by the international traveling public. When CBP compares the results of the two types of examinations, we are better able to devise enforcement techniques without creating undue delay of law abiding travelers. Trends often tell us what message we need to send to ensure informed compliance by travelers

who were unaware of our requirements. CBP believes that this compliance examination is a critical component of our ability to ensure that our processing procedures are effective.

However, our reference measurement is a tool that was originally designed for the U.S. Customs Service, and to assess compliance with customs laws. We have recently made some additional improvements to the program to more fully align it with all functions and missions within CBP. We believe we will be better able to assess the apprehension rate of inadmissible aliens and other violations as we obtain more data from the realigned reference measurement program.

We strongly disagree with the assertions stated by GAO in their report, which is inaccurate in several areas. CBP worked with GAO to provide statistics to them; however, GAO decided to make inferences and assumptions after CBP repeatedly informed them that they could not make these assumptions. The numbers relating to the report that CBP allowed entrance to 21,000 inadmissible aliens was erroneously inferred by GAO from a CBP-maintained, legacy U.S. Customs Service created, compliance measurement program, called COMPEX, which uses a randomized statistical sampling process to select travelers for inspection at the largest land border ports and international airports. The COMPEX program did not include Immigration and Agricultural violations in definition of “category one (significant)” violations prior to October 1, 2007. GAO was briefed on COMPEX and provided nine years worth of data that was based solely upon Customs law and findings related to violations in Customs categories that did not list, in any manner, statistics on Immigration-related violations. This 21,000 number was erroneously calculated based upon Customs-related statistics and incorrect application of terminology. Because of these issues, the COMPEX data prior to October 1, 2007, cannot be used to draw conclusions about the apprehension of inadmissible aliens.

As I noted earlier, during fiscal year 2007, CBP revised the execution of the COMPEX program and expanded the definition of the violation categories to include specific categories that relate to inadmissible aliens and agricultural violations. These new COMPEX categories went into effect beginning on October 1, 2007, and the new measures will provide reliable, statistically valid performance measures for the traveler inspection program.

Closing

In closing, Mr. Chairman and Members of the Subcommittee, CBP would like to express its disappointment with GAO for the inappropriate release of a document marked “For Official Use Only” (FOUO). CBP worked with GAO, going line-by-line, to develop public and FOUO versions of this report; however, the FOUO document was released publicly. CBP feels that the information present in this document could be a detriment to the effectiveness of CBP to carry out our mission.

I have outlined today some of the ways CBP has strengthened our workforce and enhanced our traveler inspection processes. CBP’s frontline officers and agents will continue to protect America from the terrorist threat while also accomplishing our traditional missions in immigration, customs, and agriculture, all while balancing our enforcement missions with the need to effectively facilitate the flow of legitimate trade and travel. I appreciate this opportunity to testify before you and would be happy to answer any questions that you may have.