

TESTIMONY OF

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BEFORE

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Chairman Cuellar, Ranking Member Souder, and distinguished Members of the Subcommittee. Thank you for the opportunity to appear today to discuss the steps U.S. Customs and Border Protection (CBP) takes to pre-screen travelers bound for the U.S. I appreciate the Committee's leadership, and your steadfast efforts to ensure the security of the American people.

The attempted attack on Northwest Flight 253 on December 25 was a powerful reminder that terrorists will go to great lengths to defeat the security measures that have been put in place since September 11, 2001. As Secretary Napolitano has testified at recent hearings regarding the attempted attack, this Administration is determined to thwart terrorist plots and disrupt, dismantle, and defeat terrorist networks by employing multiple layers of defense that work in concert with one another to secure our country. This is an effort that involves not just CBP, but components across the Department of Homeland Security and many other federal agencies as well as state, local, tribal, territorial, private sector and international partners.

Today I want to describe the role that CBP currently performs in aviation security and the enhanced security measures implemented in the aftermath of the attempted Christmas Day attack.

CBP's Role in Multiple Layers of Defense

Since 9/11, the U.S. government has employed multiple layers of defense across several departments and agencies to secure the aviation sector and ensure the safety of the traveling public. Different federal agencies bear different responsibilities, while other countries and the private sector – especially the air carriers themselves – also have important roles to play.

CBP is responsible for securing our Nation's borders while facilitating the movement of legitimate travel and trade vital to our economy. Our purview spans more than 5,000 miles of border with Canada and 1,900 miles of border with Mexico. CBP is the largest uniformed, federal law enforcement agency in the country, with over 20,000 Border Patrol Agents operating between the ports of entry and more than 20,000 CBP officers stationed at air, land, and sea ports nationwide. These forces are supplemented with more than 1,100 Air and Marine agents, and 2,300 agricultural specialists and other professionals. In FY 2009 alone, CBP processed more than 360 million pedestrians and passengers, 109 million conveyances, apprehended over 556,000 illegal aliens between our ports of entry, encountered over 224,000 inadmissible aliens at the ports of entry, and seized more than 5.2 million pounds of illegal drugs. Every day, CBP processes over one million travelers seeking to enter the United States by land, air or sea.

In order to counter the threat of terrorism and secure our borders, CBP relies on a balanced mix of professional law enforcement personnel, advanced technologies and

fully modernized facilities and infrastructure both at and between the ports of entry. We deploy a cadre of highly trained agents and officers who utilize state of the art technologies to quickly detect, analyze and respond to illegal breaches across the borders. These personnel rely upon a solid backbone of tactical infrastructure to facilitate their access to border areas while impeding illegal entry by persons or vehicles into the United States. CBP Officers utilize advanced targeting, screening and inspection technologies to quickly identify persons or cargo that warrant additional scrutiny without unduly impeding the traveling public or commerce.

CBP and Intelligence

In 2007, CBP created the Office of Intelligence and Operations Coordination (OIOC), which serves as the situational awareness hub for CBP, providing timely, relevant information and actionable intelligence to operators and decision-makers and improving coordination of CBP-wide operations. Through prioritization and mitigation of emerging threats, risks and vulnerabilities, OIOC enables CBP to better function as an intelligence-driven operational organization. The OIOC serves as a single, central repository for agency-wide intelligence, while exploring new ways to analyze and fuse information.

As part of our efforts to screen passengers bound for the United States, CBP is a consumer of the U.S. Government's consolidated terrorist watchlist, which we use to help keep potential terrorists off flights bound for the United States and to identify travelers that require additional screening. Specifically, DHS uses the Terrorist Screening Database (TSDB), managed by the Terrorist Screening Center, as well as other information provided through the Intelligence Community, to determine who may board

flights, who requires further screening and investigation, who should not be admitted, or who should be referred to appropriate law enforcement personnel.

National Targeting Center-Passenger (NTC-P)

A key tool for DHS in analyzing, assessing, and making determinations based on the TSDB and other intelligence information, is the National Targeting Center (NTC). The NTC is a 24/7 operation, established to provide tactical targeting information aimed at interdicting terrorists, criminal actors and prohibited items. Crucial to the operation of the NTC is CBP's Automated Targeting System (ATS), a primary platform used by DHS to match travelers and goods against screening information and known patterns of illicit activity. Since its inception after 9/11, the NTC has evolved into two Centers: the National Targeting Center Passenger (NTC-P) and the National Targeting Center Cargo (NTC-C).

This year, Immigration and Customs Enforcement (ICE) began deploying Visa Security Program (VSP) personnel to the NTC-P to augment and expand current operations. Through the VSP, ICE stations agents at embassies and consulates to assist the State Department in identifying visa applicants who may present a security threat. The focus of the VSP and NTC-P are complementary: the VSP is focused on identifying terrorists and criminal suspects and preventing them from reaching the United States, while the NTC-P provides tactical targeting and analytical research in support of preventing terrorist and terrorist weapons from entering the United States. The co-location of VSP personnel at the NTC-P has helped increase communication and information sharing. .

Safeguards for Visas and Travel

One of the first layers of defense in securing air travel involves safeguards to prevent dangerous people from obtaining visas, travel authorizations and boarding passes. To apply for entry to the United States prior to boarding flights bound for the U.S. or arriving at a U.S. port of entry, most foreign nationals need visas – issued by a U.S. embassy or consulate – or, if eligible to travel under the Visa Waiver Program (VWP) country, travel authorizations issued through the Electronic System for Travel Authorization (ESTA).¹

Issuing visas is the responsibility of the Department of State (DOS), which screens all visa applicants biographic data against the TSDB for terrorism-related concerns and screens their biometric data (fingerprints and facial recognition) against other U.S. government databases for security, criminal and immigration violation concerns. For individuals traveling under the VWP, DHS operates ESTA, a web-based system through which individuals must apply for travel authorization prior to traveling to the United States. ESTA enables CBP to conduct enhanced screening of VWP applicants in advance of travel to the United States in order to assess whether they could pose a risk to the United States, including possible links to terrorism. On January 20, 2010, CBP began its transition to enforce ESTA compliance for air carriers, requiring all foreign nationals to present a valid authorization to travel to the United States at the airport of departure.

Pre-departure Screening

¹ Exceptions would be citizens of countries under other visa waiver authority such as the Western Hemisphere Travel Initiative or the separate visa waiver program for Guam and the Commonwealth of the Northern Mariana Islands, or those granted individual waivers of the visa requirement under the immigration laws.

When a traveler purchases a ticket for travel to the United States, a Passenger Name Record (PNR) may be generated in the airline's reservation system. PNR data contains various elements, which may include optional information on itinerary, co-travelers, changes to the reservation, and payment information. CBP receives PNR data from the airline at various intervals beginning 72 hours prior to departure and concluding at the scheduled departure time. CBP officers utilize the Automated Targeting System – Passenger (ATS-P) to evaluate the PNR data against “targeting rules” that are based on law enforcement data, intelligence and past case experience.

On the day of departure, when an individual checks-in for their intended flight, the basic biographic information from the individual's passport is collected by the air carrier and submitted to CBP's Advance Passenger Information System (APIS). APIS data, which carriers are required to provide to DHS at least 30 minutes before a flight for all passengers and crew on-board, contains important identifying information that may not be included in PNR data, including verified identity and travel document information such as a traveler's date of birth, citizenship, and travel document number. Carriers are required to verify the APIS information against the travel document prior to transmitting it to CBP. DHS screens APIS information on international flights to or from the United States against the TSDB, as well as against criminal history information, records of lost or stolen passports, and prior immigration or customs violations and visa refusals. APIS is also connected to Interpol's lost and stolen passport database for routine queries on all inbound international travelers.

Another layer in the screening process is the Immigration Advisory Program (IAP), which stations CBP officers at nine airports in seven countries in coordination

with the host foreign governments. CBP's National Targeting Center provides the IAP officers with non-U.S. Citizen and non-Legal Permanent Resident matches to the TSDB, of which the No Fly list is a subset. CBP also flags anyone whose U.S. visa has been revoked, whose Electronic System for Travel Authorization (ESTA) has been denied, who is using a foreign lost or stolen passport, or who is included on a Public Health Record provided by the Centers for Disease Control and Prevention. IAP officers can make "no board" recommendations to carriers and host governments regarding passengers bound for the United States who may constitute security risks, but do not have the authority to arrest, detain, or prevent passengers from boarding planes.

Screening while en-route to the United States and upon arrival

While flights are en route to the United States, CBP continues to evaluate the APIS and PNR information submitted by the airlines. At this point, a further assessment of an individual's admissibility into the United States is conducted, and a determination is made as to whether an individual requires additional screening prior to admission.

Upon arrival in the United States, travelers present themselves to a CBP officer for inspection. Based on the information garnered during the in-flight analysis, as well as the CBP officer's observations at the port of entry, a determination is made as to whether the traveler should be referred for a secondary inspection or admitted to the United States.

Enhanced Security Measures Implemented Since the Christmas Day Attack

Following the first reports of an attempted terrorist attack on Northwest Flight 253 on December 25, DHS immediately put in place additional security measures. Since then, CBP has undertaken a number of initiatives to enhance our security posture.

IAP Referrals

As explained above, CBP officers stationed abroad under the IAP receive referrals from the NTC-P based on matches against the TSDB. Following the attempted attack in December, the NTC-P, in coordination with the OIOC, has expanded the information referred to IAP's to include all aliens that the State Department has identified as actually, or likely, having engaged in terrorist activity as well, as existed in that case.. NTC-P and OIOC continue to work with the Intelligence Community to develop new rules to address the ever-changing threat, while implementing specific operations to address these threats.

Referrals for non-IAP Airports

On January 10, 2010, CBP also began pre-screening passengers traveling from non-IAP locations through the ATS-P framework. To accomplish this goal, the NTC-P works in coordination with officers assigned to the Regional Carrier Liaison Groups (RCLG). The RCLG are established in Honolulu, Miami and New York and provide regional points of contact and coordination between international carriers, foreign immigration authorities and other DHS entities. The RCLG respond to carrier inquiries concerning the validity of travel documents presented or admissibility of travelers. Additionally, CBP officers at the NTC-P work with the RCLG officers to make recommendations to foreign carriers that boarding be denied (off-loads) to individuals traveling to the United States who have been identified as being national security related threats, ineligible for admission or who are traveling on fraudulent or fraudulently obtained documents prior to boarding a flight to the United States. However, the final decision to board or not board remains with the carrier. This pre-departure initiative

mirrors our IAP efforts for flights originating from airports that do not currently have an IAP presence.

Enhanced Operational Protocols

At home and abroad, CBP officers have been briefed on the current threat stream and continue to work with our international partners, air carriers, local police, border control and counterterrorism authorities to recommend passengers traveling to and entering the U.S. for additional screening as needed. CBP has implemented enhanced operational protocols at 15 preclearance locations and all 300 plus ports of entry in the United States. At airports, CBP has enhanced reviews of all incoming advanced passenger manifests based on current threats and have increased pre and post-primary operations. At U.S. ports of entry, Passenger Analysis Units (PAU), and Counter Terrorism Response (CTR) teams continue carrying out targeted enforcement inspections, and have increased reviews of cargo manifest systems/databases by our Advance Targeting Unit (ATU) teams, and vehicle trunk inspections and truck cab checks. At POEs, the CTR team will normally be formed from CBP Officers assigned to special teams, or who possess prior counter-terrorism, antiterrorism, or intelligence-related training or experience. These officers are then provided additional training in order to target persons or cargo that may warrant additional scrutiny. PAU and ATU are specifically designed to target passengers or cargo that may require CTR examination before they arrive at the POE. At seaports, CBP has heightened screening with Non Intrusive Inspection (NII) equipment of all cargo from countries of interest, and increased cargo and port perimeter sweeps.

Through intelligence sharing agreements, CBP continues to work with our counterparts in the United Kingdom, Canada, and Mexico, as well as CBP Attachés and representatives around the world, to share information as necessary and appropriate.

Conclusion

The attempted attack on Christmas Day serves as a stark reminder that terrorists motivated by violent extremist beliefs are determined to attack the United States.

President Obama and Secretary Napolitano have made clear that we will be unrelenting in using every element of our national power in our efforts around the world to disrupt, dismantle, and defeat al-Qaeda and other violent extremists.

While we address the circumstances behind this specific incident, we must also recognize the evolving threats posed by terrorists, and take action to ensure that our defenses continue to evolve in order to defeat them. We live in a world of ever-changing risks, and we must move as aggressively as possible both to find and fix security flaws and anticipate future vulnerabilities. CBP will continue to work with our colleagues in DHS and the Intelligence Community to address this ever-changing threat.

Chairman Cuellar, Ranking Member Souder, and members of the Committee, thank you for this opportunity to testify. I look forward to answering your questions.