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PLUGGING THE GAPS IN BORDER SECURITY

HEARING

BEFORE THE

SUBCOMMITTEE ON INFRASTRUCTURE AND BORDER SECURITY

OF THE

SELECT COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

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PLUGGING THE GAPS IN BORDER SECURITY: THE ONE FACE AT THE BORDER INITIATIVE

Thursday, October 16, 2003

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INFRASTRUCTURE
AND BORDER SECURITY,
SELECT COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 1:06 p.m., in Room 2212, Rayburn House Office Building, Hon. Dave Camp [chairman of the subcommittee] presiding.

Present: Representatives Camp, Granger, Dunn, Smith, Goodlatte, Sanchez, Markey, Dicks, Cardin, Slaughter, Jackson-Lee, Cox, ex officio, and Turner, ex officio.

Mr. CAMP. The Subcommittee on Infrastructure and Border Security hearing will come to order. I would like to welcome and thank all of those attending today's hearing.

Today's business is to receive testimony regarding the new border security initiative announced by Secretary Ridge on September 2, creating One Face at the Border; and the subcommittee will first hear from Commissioner Robert Bonner in his first public hearing on this new proposal. We will then hear from a second panel comprised of the National Treasury Employees, represented by Tom Keefe; the American Federation of Government Employees, represented by Tom Kuhn; and the California Farm Bureau Federation, represented by Bill Pauli.

Typically, in these hearings, to allow for more time for witness testimony and questions, the Chair requests that the members agree to a unanimous consent to waive opening statements.

Is there any objection to unanimous consent to waive opening statements?

Ms. SANCHEZ. Mr. Chairman, I believe there are some people on my side that wanted to do some opening statements.

Mr. CAMP. All right. Seeing then an objection to the unanimous consent, we will proceed with opening statements. And under committee rule 3, any members present at the beginning of the hearing may make a 3-minute opening statement, the Chair urges members to make summaries of their statements and insert their full statements into the record.

I do have a statement that I will insert into the record.

PREPARED OPENING STATEMENT OF DAVE CAMP, CHAIRMAN, SUBCOMMITTEE ON INFRASTRUCTURE AND BORDER SECURITY

The Homeland Security Act consolidated several border security agencies in the DHS Directorate of Border and Transportation Security. The success of the BTS Directorate requires effective and expedited coordination of the transferred agencies, which is the purpose of the One Face at the Border Initiative.

The Bureau of Customs and Border Protection houses the inspection functions and we've called CBP Commissioner Bonner here to gather additional information about the purpose and impact of the new initiative.

This proposal aims to fully integrate the three separate inspection positions, Customs, Immigration and Agriculture inspectors, into one new CBP Officer cross-trained to successfully screen for all three priority missions.

Historically, travelers entering the U.S. could make up to 3 stops, with each inspection carried out by a separate DHS employee. CBP is following through on a commitment to unify this system in order to process travelers more rapidly and conveniently while simultaneously identifying and addressing potential risks.

Merging the inspection forces of legacy Customs, INS, and APHIS has the potential to greatly increase the law enforcement responsibilities of the individual inspector at the border. These expanded responsibilities include such diverse areas as: evaluating terrorist threats; enforcing customs rules relating to commerce; enforcing immigration laws; and inspecting food and agricultural imports for insects and quarantine.

By utilizing one employee to perform all three primary inspection functions, the Department hopes to deploy additional employees into secondary inspection thus targeting our resources towards those passengers and cargo with suspicious indicators.

Each year more than 500 million people legally enter the country and over $1 trillion in trade crosses our borders. Searching for the threats and security risks in that bulk of commerce and people is a huge task. We have an unprecedented opportunity with the new Homeland Security Department to change the way we do business. Now is the time to develop and implement a comprehensive vision for border security.

Anytime something changes, there is concern and unease until it is implemented and proven successful. Through multiple conversations that I have had with the private sector and individual stakeholders in this endeavor, I have not heard anyone say that this is a bad idea. In fact, most people see initiatives like this as the foundation necessary for effective homeland security.

Legitimate concerns have been expressed about losing some of the expertise that our legacy inspectors have gained during their years of service. Commissioner Bonner will be called upon to address those questions today and I look forward to hearing more about the specific details of the program, especially regarding on-the-job training and mentoring.

I don't think that anyone would argue that this is going to be a simple and easy transfer, but instead will require a lot of work and dedication from both the legacy and new employees. The expertise and skill from those currently on our front lines will be necessary for mentoring and training the new CBP Officers. The force multiplying potential of having one face at the border could be a great advantage. The critical nature of the homeland security mission requires innovate and comprehensive strategies that multiply our strengths and diminish the risks.

The impact of this initiative is greater than its stated purpose. The integration will set a standard and be a model for subsequent homeland security initiatives and future DHS efforts to integrate its legacy agencies. How this the One Face at the Border initiative is carried out will lead the way for other much needed security reforms.

I would like to express my thanks and appreciate to Secretary Ridge and Commissioner Bonner for their leadership in announcing and implementing the One Face at the Border workforce.

I will conclude my remarks and enter my full statement for the record.

With that, I would yield to the ranking member, Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman. And I will just summarize and also put my statement in for the record.

First of all, I thank you, Honorable Mr. Bonner, for coming back before us. We are—I know that you have a lengthy testimony today, so we are looking forward to hear what you have to say.

Obviously, this hearing is about taking various tasks and putting them all together and having one person do it pretty much. And I would like to hear how we are going to get that done, how it is coming along, and whether we are going to end up with a jack of all trades, but an expert in none. I think that is really the concern that many of us have.

Also, I was a little worried because I thought at first that the agriculture entry piece was going to get shortchanged, but I hope you will expand on the fact that there actually will be some specialists who will still do the agricultural work and scrutiny.

The reason that is so important to me, of course, is, my home State of California's number one industry is agriculture. We are always very concerned about people coming into our country who might want to do us harm. But there are always those people who seem to bring back plants or fruit or something who, not really understanding, may bring that in with them and do us even more harm, economic harm, by bringing in pests and other diseases.

So I look forward to hearing from all of our witnesses. I am particularly going to look forward to the next panel also, because we will have some people who have actually been on the ground and who understand the limitations and the challenges of trying to get the work done right on the front lines.

With that, Mr. Chairman, I will submit my statement for the record.

Mr. CAMP. Thank you very much.

[The statement of Ms. Sanchez follows:]

PREPARED OPENING STATEMENT OF THE HONORABLE LORETTA SANCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE CALIFORNIA, AND RANKING MEMBER, SUBCOMMITTEE ON INFRASTRUCTURE AND BORDER SECURITY

Thank you, Mr. Chairman. I'd like to thank all of our witnesses for coming here today. This is the second time Mr. Bonner has visited this subcommittee and we are glad to have him back.

Today's hearing on the "One Face at the Border" Initiative is an important one. The introduction of the new Department of Homeland Security and the assimilation and reassignment of the duties of former agencies within that department is what the "One Face" Initiative is all about.

The department has taken on an ambitious task: To focus on stopping potential terrorist activity while at the same time attempting to streamline the immigration and customs process without losing any expertise in the process.

Many of us are concerned that for one person to be expected to do all the jobs of immigration, customs, and possibly agriculture inspector—and do them well—might be unrealistic.

I am very happy to see that we have not only Commissioner Bonner, but two inspectors, one former immigration and one former customs, to give us their perspective. I always find that to get the full information, it is best to ask both management and rank- and-file opinions and I am happy to see that we will have that perspective today.

"One Face" is like a one-stop shop. In previous years, those entering the US would go through immigration, then grab their luggage and go through customs, and, if necessary, go though an agriculture station.

The new initiative would combine primary customs, immigration, and agriculture into one person—the Customs and Border Protection or CBP officer. The traveler may be cleared to go after primary inspection by the CBP officer, or may be referred to secondary inspection, where a CBP officer would have more time to inspect them.

Compared to the old system, there is no marked difference between the expertise and experience level between primary and secondary inspectors.

There are specialists, such as canine and drug interdiction that can be called in, but the old system was set up so that secondary inspectors were those that had more expertise than those in primary. This is not the case in the new system as I understand it.

One of the things I was gratified to see was the existence of the CBP Agriculture Specialist. Mr. Pauli from the California farm bureau is here. He was concerned, as was I, when initial reports indicated that the scientific expertise formerly required of all USDA Agriculture inspectors would be lost if all of them were replaced by CBP Officers.

I was relieved to find out that the "One Face" plan still calls for CBP Agriculture Specialists, distinct from CBP Officers, who will retain that specialized training that the USDA inspectors had.

My home state of California, after all, is the largest agricultural producing state in the country. In our desire to prevent the country from terrorists, we cannot forget that significant harm can be caused to our economy if we fail to protect ourselves from agricultural parasites and diseases.

I am looking forward to hearing from all of our witnesses today. I hope that this initiative will be successful, and it is the intention of this committee to help ensure that success.

Thank you, Mr. Chairman.

Mr. CAMP. And I would now recognize Mr. Goodlatte for any opening statement.

Mr. GOODLATTE. Thank you, Mr. Chairman. And thank you also for holding this important hearing. I would say that the subject of this hearing is the reason why I requested to be put on this committee and why as the chairman of the House Agriculture Committee the Speaker of the House placed me on this committee.

This is an extremely important issue. I am very interested in hearing what Mr. Bonner has to say about the same subject raised by the gentlewoman from California with regard to agriculture, because in your testimony, Mr. Bonner, there are—in the thousands of words, there are only 56 that relate to the responsibility of the Animal and Plant Health Inspection Service, which we were very concerned about when that agency was split in two, part of it remaining in the Department of Agriculture, part of it going over to the Department of Homeland Security.

We understand the need for coordination at the border. We think that the President's initiative, which I supported, is important. But we also understand the exceedingly serious role that Animal and Plant Health Inspection people play with regard to this.

There are billions of dollars at stake here, there are people's lives at stake here. The fact of the matter is, if something like hoof and mouth disease, which the Department of Agriculture has done a very good job of keeping out of this country, were to get into the country, the damage to our livestock industry would clearly be in the billions of dollars.

The same thing with BSE, a problem which occurred recently as close as Canada.

And yet we are concerned about the training and the requirements that need to be improved upon, the people who will be hired to fill these multiple-role positions, inspecting not only for animals and plants, but immigration and normal customs duties as well.

We have been disappointed with the amount of information we have received from the Department regarding this. We have on more than one occasion requested that representatives of the Department come to the Hill, most recently just prior to this hearing, to be briefed. And we were told that the Department staff were too busy.

We also requested to be briefed after this hearing, which we thought was a little more open-ended, and we were again told that the Department was too busy.

The Agriculture Committee will be following up on Chairman Camp's hearing on this, and we will be pursuing this at great length. But let me say when an event like hoof and mouth disease comes into this country on the shoes of somebody who visits a farm anywhere in the world where that disease is rampant and is not properly inspected at the border and that kind of a disease does come about, the answer of "we were too busy" to consult with the people who have the ability to give good advice on how to handle this will not be acceptable.

Mr. Chairman, thank you very much.

PREPARED STATEMENT FOR THE RECORD OF THE HONORABLE BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman, thank you for holding this hearing today. In that the One Face at the Border initiative is already being implemented, I am grateful for the opportunity this hearing and further oversight hearings I intend to convene in the Agriculture Committee present to ensure success of our new consolidated border inspection program.

I am generally supportive of the Administration's efforts to streamlinegovernment programs by making more efficient use of limited Federalresources. That said, the "One Face at the Border" initiative leaves me witha number of questions, and quite frankly, a good deal of concern regardingthe effectiveness of the new inspection model.

In particular, I am concerned that the proposal regarding training and staffing levels as currently reflected in communications with DHS, would be insufficient to protect American Agriculture against the unintentional introduction of plant and animal pests and disease.

As I sit here today, I have a number of questions concerning the proposed training program; the level of staffing by agricultural specialists at passenger and cargo terminals; proposals from DHS on how they intend to spend funds collected from Agricultural Quarantine Inspection User Fees; and the amount of consultation that took place between the DHS and the Department of Agriculture ***prior*** to DHS announcing this new management initiative.

I am particularly concerned, Commissioner Bonner, with the unwillingness of your staff to provide my committee with the answers to questions we have raised on these topics.

DHS is a new department that combines existing agencies in new ways. By definition they have a new mission. But contained in that mission is an important function that's been going on for over a hundred years: protecting agricultural production from the introduction of foreign animal and plant diseases. Over the years, this function has involved the investment of hundreds of millions in taxpayer dollars and had countless man hours, education, and experience devoted to it. At risk is a food production system which is truly priceless. Those with experience in this field understand the old adage: "An ounce of prevention is worth a pound of cure." If an accidental introduction of Foot and Mouth Disease were to occur, it would cost our economy tens of billions of dollars. Compare this to the simple investment of time and personnel to adequately safeguard against the introduction of such foreign diseases and you can begin to understand our concern with this new initiative. In our zeal to focus attention on the intentional threat to America, we simply cannot neglect to protect ourselves from the historical threats that continue.

There will be scant satisfaction from stopping a terrorist attack on American agriculture if it is subsequently destroyed by neglecting the commonplace animal and plant diseases that the agriculture community faces everyday.

I know that agricultural quarantine inspection is in many ways a new world for the legacy Customs managers and inspectors. These people are at the beginning of a steep learning curve so I understand and anticipate that they will face some hurdles from time to time. Many of these hurdles can be minimized, or completely eliminated through cooperation and dialogue which at this point, has been ***all too limited.***

It is clear that in the recent meetings with senior officials in the USDA as well as representatives of the agricultural sector, Commissioner Bonner is becoming aware of the unique risks faced by agriculture, not only from acts of terrorism, but the risks associated with the ***unintentional*** introduction of a pest or disease that could cost American agriculture millions, or even billions, of dollars.

Unfortunately, this new found understanding is not reflected in any material we can find on the DHS web site nor in communications with the Agriculture Committee. I am hopeful that this hearing represents a new beginning in the discussion of DHS' management of the programs for which they have been entrusted. I look forward to today's testimony. Mr. Chairman, I yield back the balance of my time.

Mr. CAMP. Thank you.

And now I recognize the ranking member of the full committee, Congressman Turner, for any opening statement.

Mr. TURNER. Thank you, Mr. Chairman. I too will file my statement for the record, but let me say that I am very pleased to see Commissioner Bonner here with us today. I know he works very hard at the task that he has at hand. It is a very challenging responsibility.

The questions that I hope will be addressed today are the same that our ranking subcommittee chairwoman addressed, because I have wondered whether it is possible to provide the additional training necessary to perform these difficult responsibilities at the border in such a way that one person will be able to carry out all these inspection responsibilities.

I also want to be sure that we are not rolling back the level of training that for inspection agents at a time when their capability, their training, is more important than ever before. So I hope, Commissioner, you can reassure us with regard to those issues.

I also want to say I was very pleased when I learned that the Department will keep our agriculture inspectors separate and distinct from the Customs and Border Protection officers. There is, I think, very specialized training needed by the agricultural inspection agents and I think that that decision was a wise one.

I look forward to hearing from each of our panelists today. Thank you, Mr. Chairman.

PREPARED STATEMENT OF THE HONORABLE JACKSON-LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

I want to start by commending the United States Bureau of Customs and Border Protection (CBP) for its decision to implement the One Face at the Border initiative. This program is long overdue. The debate about consolidating ports of entry inspection functions began in the early 1970s. In 1993, the General Accounting Office (GAO) convened a panel to discuss various operational options for managing international ports of entry. The results of this discussion were reported by J. William Gadsby in testimony before the House Subcommittee on Information, Justice, Transportation, and Agriculture.

According to Mr. Gadsby, a GAO director, the panel members did not believe that the dual management structure between the former Immigration and Naturalization Service (INS) and the U.S. Customs Service was adequate. The panel members were concerned that this dual system would not be able to handle the customs and immigrations service demands that were likely to confront the government in the next 10 to 30 years. They believed that management benefits could be gained by vesting responsibility with one agency. They expected the benefits to include (1) an improved capability to think strategically about related immigration and customs issues, and (2) clearer accountability for border operations by having one spokesperson within the government for issues surrounding the movement of people, goods, and services into the United States.

These benefits and more will be derived from the One Face at the Border initiative. Under this initiative, the previous separation of the immigration, customs, and agriculture functions will be eliminated. Thus, the need to undergo up to three separate inspections will be eliminated. The unified inspection process will involve a single primary inspector who will determine whether the individual needs to go to secondary inspection for a more thorough screening and review by a higher-level inspector.

Also, by utilizing one employee to perform all three primary inspection functions, CBP will be able to deploy additional employees to secondary inspection, which is where potentially dangerous immigrants will be questioned.

It is vital for Congress to support the implementation of the One Face at the Border initiative. We must make more resources available to CBP. Among other things, our ports of entry are inadequately staffed, and infrastructure needs have not been met. For instance, although all of the ports at land borders have entry lanes, many of them lack the facilities for exit lanes. If we want to improve border security at our ports of entry, we must work with CBP to ensure adequate staffing, infrastructure, and technology.

I am particularly concerned about maintaining adequate staffing levels. The international airport at Houston, Texas, has had recruitment and retention problems for many years. This has resulted in an inability to maintain a full staff, and many of the inspectors are recent hires who lack experience. The increased waiting time at inspection lines is unacceptable.

CBP faces grave challenges. Recent government studies have revealed serious inadequacies in the training of immigration inspectors. Among other things, they have not received sufficient training in detecting fraudulent documents. Also, complaints from my constituents indicate that more work is needed to ensure that every inspection is done with due respect for the dignity of the person being inspected. I know, however, that CBP is addressing these and other problems in its new training programs. I am particularly pleased with the emphasis that is being placed now on such things as cultural awareness. Thank you.

Mr. CAMP. Thank you. And seeing no additional requests for time, we will begin.

Again, I would like to thank our witnesses for being here and we will hear testimony from Commissioner Bonner first, followed by questions. And then we will hear from the second panel, followed by questions.

So we will begin welcoming back Commissioner Robert Bonner of the Bureau of Customs and Border Protection. We have your written statement, and we would ask you to summarize that in 10 minutes; and we look forward to hearing from you. Thank you for being here.

STATEMENT OF THE HONORABLE ROBERT C. BONNER, COMMISSIONER, U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. BONNER. Thank you, Mr. Chairman and members of the committee, Ms. Sanchez and the other members of the subcommittee, as well as Mr. Turner of the full committee.

I appreciate the opportunity to testify today regarding U.S. customs and now Customs and Border Protection, to testify briefly on our efforts since 9/11 to improve border security, including more recently our efforts to achieve "One Face at the Border," that is, one agency to manage and secure our country's border.

A lot has been done to improve border security and I want to touch on the fact that since 9/11, U.S. Customs, now Customs and Border Protection, has taken many steps to literally reinvent our borders and make them secure against the terrorist threat, but to do so in a way that does not stifle the trade and commerce that is so important to our economy. I want to list some of these steps for this committee.

On 9/11 we had about 1,000 Customs inspectors and 500 Immigration inspectors at our northern border ports of entry. Today, we have over 2,900 CBP inspectors at our northern border. We have also increased the number of inspectors at our Nation's seaports, airports and southern border crossing points.

On 9/11, we had no large-scale X-ray-type machines on our northern border. Today, we have 24 and we have them at all the major crossings between Canada into the United States.

On 9/11, we had 45 large-scale X-ray-type machines deployed mostly at our border with Mexico for drug detection purposes. Today, we have 134 of these large, whole container, whole truck X-ray-type machines deployed nationwide.

On 9/11, there were only 368 authorized positions for Border Patrol agents on our northern border with Canada to secure between the ports of entry, and I am pleased to say that I am in the process of increasing that number to 1,000 Border Patrol agents, and we will be there soon.

On 9/11, there was no Customs-Trade Partnership Against Terrorism to better secure our supply chain of goods moving into the United States in partnership with the private sector. Today, there are 4,300 companies participating in the C–TPAT program.

On 9/11, the Free and Secure Trade initiative, or FAST, did not exist. That is a binational program with Canada. Today, it is operational on 28 lanes, six major commercial crossings between the U.S. and Canada, and we are about to begin implementing the FAST program with Mexico at El Paso later this month.

On 9/11, the Container Security Initiative did not exist. Today, governments representing 19 of 20 foreign ports have signed up to implement CSI, and CSI is already operational in 16 ports worldwide.

Since 9/11, Customs or Customs and Border Protection has implemented the 24-hour rule so that we can get advanced information on sea cargo containers destined for the United State 24 hours before those containers are loaded at foreign ports on a vessel. Soon we will have finalized regulations requiring advanced electronic information for the other modes of transportation—air cargo, rail and commercial trucks.

Since 9/11—by the way, with the help of Congress—Customs, now Customs and Border Protection, implemented legislation in November of 2001 that required air carriers to transmit to us advanced information on international airline passengers to better determine whether passengers pose a potential threat for terrorism in advance of their arrival.

Since 9/11, working with Canada we expanded the NEXUS program, a secure traveler program, from a small pilot project to eight northern border crossing points. There are over 23,000 people that have been vetted and enrolled in the NEXUS program.

On 9/11, CBP did not have an automated risk management system at the national level to identify potential terrorist threats to our country. Shortly after 9/11, in October of 2001, CBP staff established a National Targeting Center to do this. It is now called the National Targeting Center of Customs and Border Protection.

On 9/11, CBP had 3,800 personal radiation detectors deployed. We now have over 8,000 deployed. All frontline inspectors wear them.

On 9/11, CBP had no radioisotope identifiers and no portal radiation detection monitors. We have deployed 300 isotope identifiers and well over, I believe, 60 now, radiation portal monitors, and we are steadily increasing that deployment.

On 9/11, our canines, as most of you know, our detection dogs were trained to detect illegal drugs and currency. Today, we have a canine training program for detecting explosives and chemicals to be used as terrorist weapons.

I would be remiss if I did not note two critically important steps that the President, with the support of Congress, has taken to better secure our country against the terrorist threat. Those are, the establishment of the Department of Homeland Security, and within the Department of Homeland Security, just a little over 7 months ago, the creation of Customs and Border Protection. I will say that under the Department, under the leadership of Secretary Ridge, they will make our Nation safer and better able to deal with our Nation's terrorist threat.

You know the priority mission of Customs and Border Protection is to protect our country from this threat, but we also have some very, very important traditional missions to perform. U.S. Customs and Border Protection is creating what Secretary Ridge has called "One Face at the Border" by establishing one agency for our borders. In the past 7-1/2 months, since it was created, Customs and Border Protection has made great strides toward unification. America's borders are more secure than when our border responsibilities were fragmented among four different agencies and three departments of government, which was the case before March 1 of this year and before the creation of the Department of Homeland Security.

Now, I want to mention two steps that we have taken, only two that we have taken, to unify Customs and Border Protection. One of the important steps is the decision that all 18,000 CBP inspectors, whether they be legacy immigration or customs or agriculture, should have one uniform, not three different uniforms. One Face at the Border certainly means one uniform at our ports of entry, both internally so we identify as one agency, and externally so the 200 million to 300 Million people that arrive in the United States at our international airports and across our land borders see that we do have one agency at our border, not three different agencies and three different uniforms.

And by the way, I have here today a Customs and Border Protection inspector—Inspector Chausse, will you stand up? This is the new uniform of Customs and Border Protection. And I don't know—maybe you could step forward. You will see this is worn by all legacy inspectors. We started rolling out this uniform in August, and in 9 months we will have this uniform deployed for all of the 18,000 inspectors at Customs and Border Protection.

The patch on the sleeve, if you could turn sideways—he is a very good model, isn't he? The patches, of course, have the name of the agency, U.S. Customs and Border Protection; and in the center of the patch is the seal and the logo of the United States Department of Homeland Security. That is a very important unifying step.

You can sit down.

A second and very significant step was announced by Secretary Ridge in early September, last month, and that is the creation of the CBP officer position and a new agriculture specialist position for Customs and Border Protection. Moving to the new CBP officer, by the way, will—first of all, of course, it is going to help us unify

as one agency, rather than three separate agencies at our ports of entry. More importantly, in my judgment, we will be able to perform the priority mission, the antiterrorism mission, the homeland security mission more effectively.

We will be able to perform our traditional missions, including our very important mission of protecting United States' agriculture against diseases and pests, and traditional missions historically of customs and immigration. We are going to be able to perform those traditional missions more effectively. And lastly we will be able to, with the CBP officer position, eliminate the disparities of pay and overtime that currently exist among the legacy inspectional work forces in Customs and Border Protection.

We are no longer hiring for legacy Immigration inspectors and Customs inspectors. We have begun training a new cadre of CBP inspectional officers starting this month, who will be equipped to handle all primary and secondary inspection functions in both the passenger and cargo environment. We have also established a CBP Agriculture Specialist position to perform the highly specialized agriculture inspection function at both passenger and cargo processing areas.

By the way, we will have—I know I spoke by phone with Mr. Goodlatte, but we will have a number of Agriculture Specialists that will be at least equal to the number of current Agriculture Quarantine inspectors at our ports of entry; and we will also have CBP officers who have received significant training with respect to the agriculture protection function.

We have created a basic training program that will be followed by post-basic-inspection training at port, classroom training, and on-the-job training, and I will tell you that no CBP officer will perform any duties until they are appropriately and adequately trained to do them and we will continue to rely on the expertise, which is extraordinary, of 18,000 current inspectional officers at our ports of entry.

I expect the first class of CBP officers will graduate from the Federal Law Enforcement Training Center next January, and then in the Spring of 2004, current legacy immigration and customs inspectors will be converted to CBP officers and receive cross-training.

Current Agriculture Quarantine Inspection officers will have an opportunity to become CBP officers or CBP agriculture specialists. If they opt for CBP officers, they will be backfilled in those positions as agriculture specialists.

We are moving out to achieve the President's and the Secretary's goal of One Face at the Border, and that is one unified, flexible and effective agency to better manage security and control our country's borders. There is, of course, much more to do and with the help of this subcommittee—the full committee and this subcommittee—I hope to do it.

Mr. Chairman, let me conclude by saying that I believe we have forged a good relationship with this subcommittee. I look forward to strengthening that relationship with the subcommittee and the full committee, and I know that, working together, I am confident that we can further protect and secure our country's borders.

I want to thank you for giving me the opportunity to take a little bit more time than ordinary to summarize things, but I would be happy to answer any questions that you, Mr. Chairman, or any members of the subcommittee might have.

[The statement of Mr. Bonner follows:]

PREPARED STATEMENT OF THE HONORABLE ROBERT C. BONNER

Chairman Camp, Ranking Member Sanchez, Members of the Subcommittee, thank you for this opportunity to testify. I am pleased to appear before you today to discuss U.S. Bureau of Customs and Border Protection, our efforts to achieve "one face at the border," and our work in improving border security since September 11, 2001.

Although over two years have passed since 9–11, that day remains as vivid in all of our memories today as it was two years ago. We still grieve for the 3,000 innocent people whose lives were cut short on that day and for their families and loved ones. The horror and the anger that we all felt as a result of the terrorist attacks on 9–11 have not changed in the two years that have passed.

But today I will tell you about some of the things that *have* changed.

DHS

The creation of the Department of Homeland Security is one very important step—perhaps the most important step here at home—that President Bush and our nation have taken to address the ongoing threat of international terrorism, a threat that is likely to be with us for years to come. With our federal government's prevention, preparedness, and response capabilities now under one roof, in one department of government, and with that department under the outstanding leadership of Secretary Ridge, our nation will be—and already is—safer and better able to deal with the terrorist threat.

BCBP

The creation of U.S. Bureau of Customs and Border Protection, or "BCBP"—this new agency within the Department of Homeland Security's Border and Transportation Security Directorate—is another extraordinarily important step in addressing the terrorist threat. In fact, the BCBP merger is a big part of the Department of Homeland Security reorganization to better protect our Nation's borders. BCBP is the largest actual merger of people and functions going on in the Department of Homeland Security. Indeed, about one-fourth of the personnel of DHS are in BCBP. That's not surprising considering how important the security of our borders is to the security of our homeland.

To create BCBP, on March 1, we took most of U.S. Customs and merged it with all of the immigration inspectors and Border Patrol from the former INS, the agriculture border inspectors from the Department of Agriculture's Animal and Plant Health Inspection Service. This means that for the first time in our country's history, all agencies of the United States Government with significant border responsibilities have been unified into one agency of our government, one agency to manage and secure our Nation's borders.

As U.S. Customs and Border Protection, we are creating, as Secretary Ridge has called it, "One Face at the Border," by establishing one agency for our nation's borders. In the seven and a half months since it was created, U.S. Customs and Border Protection has made significant strides toward unification. And America's borders are safer and more secure than we were when border responsibilities were fragmented among different agencies in three different departments of government, as they were before March 1, 2003, as they were before the creation of the Department of Homeland Security.

On day one, March 1, 2003, we designated one Port Director at each port of entry and put in place a single, unified chain of command. And in terms of an immediate increase in antiterrorism security, on day one, all frontline, primary inspectors at all ports of entry into the United States were equipped with radiation detection devices. Since March 1, 2003, all inspectors have received antiterrorism training.

We have begun rolling out unified BCBP primary inspections for U.S. citizens at international airports around the country. It is presently operational in 8 major airports (Dulles, Houston, JFK, Newark, LAX, Atlanta, Miami, San Francisco), and will be operational at ten additional airports by the end of this month. By the end of this calendar year, we will have 60 airports conducting unified primary inspections for U.S. citizens. This a major step forward in eliminating the process of travelers potentially having to "run the gauntlet" through three separate inspection

agencies; separate questioning and inspections for customs, immigration, and agriculture.

Although legacy customs and immigration inspectors for years have been interchangeable at the land border ports of entry, this is the first time unified primary is being done at our country's airports. Significant cross-training is being provided to our frontline inspectors to ensure effective implementation, as is counterterrorism training is creating a better understanding of terrorist issues and better referrals to the secondary area. Along with unified primary, we are developing specialized immigration and customs antiterrorism response teams and consolidating our passenger analytical targeting units.

We have also begun rolling out a new BCBP uniform and patch for all BCBP inspectors at our Nation's ports of entry, that will replace the three different customs, agriculture, and immigration inspectional uniforms and patches. The new uniform and patch represent our most visible unifying symbols to the American public. The new uniform is being implemented in four phases. In the first phase, completed as of October 1, 2003, all BCBP managers and supervisors converted to the new uniform. Other BCBP uniformed personnel will be phased in at various points over the next nine months, with implementation scheduled to be complete by July 31, 2004.

BCBP Officer

All of these things are helping us unify and become more effective as an agency; however, our most significant step toward achieving "One Face at the Border" was announced by Secretary Ridge last month on September 2, 2003: the rollout of the new "BCBP Officer" position. Starting this month, we will no longer be training legacy "immigration" or "customs" inspectors. We will be training a new cadre of "BCBP Officers," who will be equipped to handle all BCBP primary and many of the secondary inspection functions, in both the passenger and cargo environments. We will also be deploying BCBP Agriculture Specialists to perform more specialized agricultural inspection functions in both these environments.

Training is a very important component to the roll out of the BCBP Officer. We have created a new 71-day basic course that provides the training necessary to conduct primary processing and have a familiarity with secondary processing of passengers, merchandise, and conveyances, in all modes of transport—air, sea, and land. The new BCBP Officer course was built from the 53-day basic Customs inspector course and the 57-day basic Immigration inspector course, with redundancies removed, and with additions to address anti-terrorism and BCBP's role in agriculture inspection. The training also supports the traditional missions of the legacy agencies integrated in BCBP.

Our first BCBP Officers were hired on September 22, 2003, and they have already started training at the Federal Law Enforcement Training Center (FLETC). The first BCBP Officer class started training on October 8, 2003, and two additional classes started yesterday. All of our BCBP Officer classes for the months of October and November are filled, for a total of 480 new BCBP Officers by the time their training is complete. We are now in the process of filling our classes for December.

In the spring of 2004, current legacy Customs and Immigration inspectors will be converted to BCBP Officers and will begin cross-training for their broadened responsibilities. Current Agriculture Quarantine inspectors will have an opportunity to become BCBP Officers or BCBP Agriculture Specialists.

We are moving out quickly to achieve the President's and the Secretary's goal of "One Face at the Border," that is, one unified, flexible, and effective agency to better manage, control, and secure our Nation's borders.

Priority Mission and Traditional Missions

The priority mission for our BCBP Officers and for our entire agency is homeland security. For the unified border agency of our country, that means detecting and preventing terrorists and terrorist weapons from entering the United States. We are doing everything we reasonably and responsibly can to carry out that extraordinarily important priority mission.

But we are also continuing to carry out the traditional missions of the predecessor agencies that make up U.S. Customs and Border Protection. These missions include, among others:

- seizing illegal drugs and other contraband at the U.S. border;
- apprehending people who attempt to enter the United States illegally;
- determining the admissibility of people and goods;
- protecting our agricultural interests from harmful pests and diseases;
- regulating and facilitating international trade;
- collecting duties and fees—we collected over $23 billion last year alone;
- and enforcing all laws of the U.S., including trade and immigration laws, at our borders.

Twin Goals

As U.S. Customs and Border Protection works to carry out its priority antiterrorism mission and its traditional missions, we have devised ways to do so without choking off the flow of legitimate trade and travel, so important to our nation's economy and our openness as a nation.

I learned the need to do this most graphically on September 12, 13, and 14, 2001. On 9–11, U.S. Customs went to its highest level of security alert—short of shutting down our borders. On September 12, 2001, wait times at our land borders skyrocketed from 10 to 20 minutes, to 12 hours at many of our major land border entry points. The border with Canada virtually shut down.

And the consequences for our "just in time" economy were quickly apparent. Some U.S. auto plants began to shut down by September 14th.

To preserve the U.S. economy, indeed, the North American economy, we needed to reinvent the border. We needed a more secure border because of the terrorist threat. But we also knew that, as we added security, we needed to ensure the continued movement of legitimate cargo and people through our borders. That's why we have twin goals: (1) increasing security *and* (2) facilitating legitimate trade and travel.

We have learned that by using advance information, risk management, and technology, and by partnering with other nations and with the private sector, these goals don't have to be mutually exclusive. Since 9–11, we have developed ways to make our borders more secure that also ensure the more efficient flow of *legitimate* trade and travel.

Today, I will tell you about some of the things U.S. Customs and Border Protection has done in the past two years—and is continuing to do today—to carry out those twin goals—things we've done and are doing to "reinvent the border."

Staffing and Technology Increases

Before 9–11, we had about 1,000 customs inspectors and about 500 immigration inspectors on our shared 4,000 mile border with Canada. Most of the lower volume border crossings were not open 24 hours a day. There was no security when they were closed, other than an orange cone in the road. An orange cone was all that stood in the way of someone driving a vehicle from Canada into the United States on a paved highway. That vehicle could have terrorists or terrorist weapons or it could be a weapon—a car bomb.

That was unacceptable. So, right after 9–11, I directed that all border crossings be staffed with two armed Customs inspectors 24x7. Because I didn't want inspectors doing this forever—the 24x7 staffing was a temporary measure—I mandated "hardening" and electronic monitoring of our low volume northern ports of entry to prevent unauthorized crossings. This meant installing gates, signs, lights, and remote camera surveillance systems, which we have done.

I have received significant staffing increases for the northern border, supported by the Administration. Today, we have over 2,900 BCBP inspectors along the northern border, up from about 1,600 on 9–11. We have also bolstered our staffing on the southern border. We know that terrorists have and will use any avenue they can to enter our country. Prior to September 11th, we had 4,371 inspectional staff at the southern ports of entry. Today, we have almost 4900 standing ready to protect us.

We also added sophisticated detection technology, such as large scale x-ray type machines that can scan an entire tractor trailer truck in a couple of minutes. There are now 24 such machines deployed at all the significant commercial crossings between Canada and the United States. There were exactly *zero* on 9–11. Nationwide, we have increased the number of whole container x-ray-type machines from 63 on 9–11 to 134 today.

We know that securing the areas *between* the ports of entry is just as important as adding security at the ports of entry. A chain, after all, is only as strong as its weakest link. Terrorists, just like others who seek to enter the U.S. illegally, may attempt to enter through official crossings with phony documents, or they may attempt to evade detection by crossing in areas between ports of entry.

BCBP's Border Patrol is responsible for patrolling those areas and, using sophisticated sensor technology, detecting those who attempt to illegally enter the U.S. between the ports of entry. Since March 1 of this year, the Border Patrol is a part of U.S. Customs and Border Protection, and we are revising and refocusing the Border Patrol's strategy—which had been principally focused on preventing the flow of illegal aliens and drugs crossing between ports of entry on our border with Mexico—to include an aggressive strategy for protecting against terrorist penetration, at both our northern and southern borders.

On 9–11, there were only 368 authorized positions for Border Patrol agents for the entire northern border. We are currently at 558. We have selected an additional 220 positions, and the other 222 are in the process of being selected. With the relocation funds from the 2003 War Supplemental, we will meet our goal of having 1,000 agents on the northern border by March 2004.

This staffing increase will better secure our border against terrorist penetration. But we are doing more than just adding staffing. We are adding sensors and other technology that assist in detecting illegal crossings along both our northern and southern borders, including Remote Video Surveillance (RVS) systems. These RVS systems are real-time remotely controlled force enhancement camera systems, which provide coverage along the northern and southern land borders of the United States, 24 hours per day, 7 days a week. The RVS system significantly enhances the Border Patrol's ability to detect, identify, and respond to border intrusions, and it has a deterrent value as well.

There are currently 238 completed Remote Video Surveillance (RVS) sites in operation; 170 along the southwest border and 68 along the northern border. An additional 224 installations are in progress.

C–TPAT

One thing that was apparent as we confronted post 9–11 security issues was that support of the private sector was essential. A comprehensive border security strategy for our nation and for global trade simply had to include the private sector, because they are the ones who own the supply chain. We also knew that we could offer something to the private sector in return for increased security: expedited processing at the borders—air, land, and sea.

From those realizations, the Customs-Trade Partnership Against Terrorism was born as an idea in November 2001. As many of you know, C–TPAT is a partnership between Customs and Border Protection and the trade community to implement security standards and best practices that better protect the entire supply chain against exploitation by terrorists—from foreign loading docks to our ports of entry. In exchange, companies that meet our security standards get the fast lane at and through our borders.

C–TPAT was launched in January 2002. Within one year, in January 2003, we had over 1,600 companies participating in the program. Today, we have over 4,300 companies participating.

That number demonstrates that many businesses recognize their role in, in fact, their responsibility to take part in, security efforts. Even more importantly, it indicates that because of C–TPAT, trade is a lot safer from terrorist exploitation.

Presently, BCBP has initiated the validation process for over 130 C–TPAT certified companies. These companies are in different stages of their validation process with 100 scheduled to be complete by November 2003. Validations serve to determine the accuracy and effectiveness of the companies' security profiles as applied to their supply chain, both foreign and domestic.

BCBP is also coordinating with other agencies to look at opportunities to leverage resources and technology, and to develop policy that supports a comprehensive and coordinated approach to cargo security. For example, TSA and BCBP are looking at the operational feasibility of coordinating TSA's Known Shipper program to BCBP's C–TPAT initiative in the air cargo environment. Although these programs have distinct goals and objectives, information on shipper legitimacy gained through Known Shipper may help to strengthen C–TPAT's foreign and domestic supply chain security validation process; conversely, C–TPAT certification helps ensure a greater degree of in-transit security and integrity as cargo is transported through the supply chain.

FAST

Another important post 9–11 initiative—one that draws upon the Customs-Trade Partnership Against Terrorism—is the Free and Secure Trade, or FAST program along our northern border with Canada. The way the FAST program works is that importers, commercial carriers (i.e., trucking companies), and truck drivers enroll in the program and, if they meet our stringent mutually agreed to security criteria, they are entitled to expedited clearance at the border.

Participation in our C–TPAT program is required for those who want to bring goods from Canada into the U.S. through the FAST lane and for the trucking company also. Indeed, the truck drivers themselves must be vetted as well for security.

FAST is operational in 28 lanes at six major commercial crossings along the northern border. We are about to begin implementing a pilot FAST program with Mexico on our southern border. On October 27, 2003, a dedicated FAST lane will become operational in El Paso. If adequate security is achieved with this FAST pilot

project at El Paso, particularly against drug smuggling, I expect that FAST will be expanded to other major commercial crossings on our border with Mexico.

CSI

In the wake of 9–11, we realized that we had to begin pushing our zone of security outward. We wanted our borders to be our *last* line of defense against the terrorist threat, not our first line of defense. This is the "extended border," defense-in-depth concept, or what Secretary Ridge has aptly called a "Smart Border."

C–TPAT and FAST are extended border initiatives. Another extended border, smart border initiative, is CSI, the Container Security Initiative. National security experts consider the vulnerability of cargo containers to terrorist exploitation to be chilling, especially the prospect that one of the seven million containers shipped to the U.S. annually could conceal a weapon of mass destruction.

Given this vulnerable system, we needed to develop and implement a program that would enable us to better secure containerized shipping—the most important means of global commerce—against the terrorist threat. That program, which I proposed in January 2002, is CSI.

Under CSI, BCBP has entered into bilateral partnerships with other governments to identify high-risk cargo containers and to pre-screen them *before* they are loaded on vessels destined for the United States. It involves stationing small teams of U.S. Customs, now BCBP, personnel at the foreign CSI ports to identify and target containers that might pose a potential terrorist security risk.

The initial goal was to implement CSI at the top 20 ports in terms of the volume of cargo containers shipped to the United States, because those top 20 ports alone account for two-thirds, nearly 70%, of all containers shipped to U.S. seaports, and because most cargo shipments from high-risk countries are transshipped through these ports.

Today, governments representing 19 of those top 20 have signed up to implement CSI. And we have actually already implemented CSI at 16 foreign seaports. These ports include 9 in Europe (Antwerp, Rotterdam, Le Havre, Felixstowe, Genoa, La Spezia, Bremerhaven, Hamburg, and Gothenburg, Sweden); 4 in Asia (Singapore; Hong Kong; Yokohama, Japan; and Pusan, Korea); and the 3 Canadian ports of Vancouver, Montreal, and Halifax.

With nearly all of the top 20 are on board, we have begun Phase 2 of CSI, where we are expanding beyond the top 20 to additional foreign ports.

24-Hour Rule

A key to CSI's success, and the success of other Smart Border initiatives, is advance information. For example, in order to identify high-risk containers before they leave foreign ports, we need the manifest information before the cargo is put on board those ships.

Last fall, I issued a rule, the so-called "24-hour rule," that required transmission of complete manifest information for sea cargo to U.S. Customs 24 hours in advance of lading. Through that rule, BCBP is getting information that allows us to identify containers we need to take a closer look at—ones that raise security concerns.

Trade Act Proposed Regulations

And U.S. Customs and Border Protection has worked closely with the trade community to develop regulations that will require advance electronic information for the other modes of transportation—commercial trucks, rail, and air cargo.

Our proposed regulations were published in late July. When final, these regulations, like the 24-hour rule, will permit better risk management for the terrorist threat, before cargo shipments reach the U.S. border ports of entry.

Advance Passenger Information

Advance information is also critical to our efforts to identify individuals who may pose a security threat. Before September 11th, 2001, air carriers transmitted some advance information on international airline passengers to U.S. Customs on a voluntary basis. In late 2001, we sought, and Congress enacted, legislation that would make the transmission of advance passenger information mandatory.

U.S. Customs, now BCBP, implemented that legislation, and moved aggressively to achieve compliance from all air carriers as soon as possible. In less than a year, we achieved a 99% compliance rate. BCBP, through our combined customs and immigration authorities, uses that information to evaluate and determine which arriving passengers pose a potential terrorist risk.

NEXUS and SENTRI

Since 9–11, BCBP has pressed forward with initiatives with both Canada and Mexico that enable 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 borders.

Our program with Canada is the NEXUS program. Under NEXUS, frequent travelers whose background information has been run against crime and terrorism indices are issued a proximity card, or SMART card, which allows them to be waived expeditiously through the port of entry. NEXUS has expanded to eight crossings on the northern border, including ports of entry at Blaine, Washington; Buffalo; Detroit; and Port Huron. Approximately 50,000 people have enrolled in the program so far.

With Mexico, we have the SENTRI program. Like NEXUS, 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 less delay. SENTRI is currently deployed at 3 southwest border crossings: El Paso, San Ysidro, and Otay Mesa.

US VISIT

Another new tool for border security and enforcement, with respect to travelers entering and exiting our country, is the US-VISIT program currently being developed. US-VISIT will capture point of Entry and Exit information by visitors to the United States. This system will be capable of using information, coupled with biometric identifiers, such as photographs and fingerprints—to create an electronic check-in/check-out system for people who come to the United States to work or to study or visit. Through US-VISIT, all border officers at air and some sea ports of entry will have the capability to access and review the visa information, including the photograph, during a visa holder's entry into the United States. BCBP is working with the US-VISIT office in developing the training and implementation facets of the US-VISIT system.

National Targeting Center

One of the greatest challenges—if not the single greatest challenge—we face in the war on terrorism is determining who and what to look at. BCBP has broad power to question and search every person, vehicle, and shipment of goods entering the U.S. How do we sort out who and what to look at, question, and inspect?

In October 2001, U.S. Customs established a National Targeting Center—using automated risk management for the first time at the national level—to help us meet the challenge of identifying potential terrorist threats to our country. Remember, our priority mission is detecting and preventing terrorists and terrorist weapons from entering our country. Our National Targeting Center in Virginia is an essential tool for carrying out our priority mission.

The Center gathers the advance electronic information I talked about, and uses our Automated Targeting System for passengers and cargo to identify what is high risk—to identify potential terrorists and terrorist targets for follow up at U.S. ports of entry and CSI ports.

The National Targeting Center has given us the ability to locate and eliminate terrorist threats before they become a reality, and it did not exist on 9–11.

Comprehensive Strategy to Address Nuclear and Radiological Terrorism

One of the greatest terrorist threats is the threat of nuclear and radiological terrorism—nuclear devices and RDDs, or so-called dirty bombs. This threat, particularly the threat of nuclear devices, is largely an external one—meaning someone would have to bring the device across our borders and into this country.

This past year, BCBP developed a Comprehensive Strategy for addressing that threat. Our plan focuses on several components, one of which is maintaining a secure border at our ports of entry that is capable of detecting potential nuclear and radiological devices.

BCBP's current deployment of radiation detection technology includes: over 8,000 personal radiation detectors, or PRDs, over 300 radiation isotope identifiers; and over 60 radiation portal monitors deployed. It should go without saying that we must and are continuing to steadily increase our deployment of radiation detection technology, but what we have today is a vast improvement over what we had on 9–11.

Chemical/Explosive Detection Dogs

Another terrorist threat is the threat of explosives and chemicals that could be used as terrorist weapons coming across our borders. For years, BCBP has used canines to detect illegal drugs and even cash, but after 9–11, we began training dogs to detect explosives and chemical weapons of mass destruction. These talented dogs are an important resource in our antiterrorist efforts. And on 9–11, this resource did not exist—we had no chemical/ explosive detection dogs at our ports of entry.

Conclusion

The efforts I have talked about today are the result of this Administration, this Congress, and the vision and leadership of the Secretary of the Department of Homeland Security, Tom Ridge. The creation of DHS and the unification of the border agencies within BCBP are among the most significant of those efforts. They enable us to have a more comprehensive and effective strategy as we press forward with our many initiatives for protecting and securing America's borders.

Although I have only covered some of our efforts since 9–11, I hope I have given you a sense of where we are today, as compared with where we were two years ago. We have made great strides. America is safer. Our borders are more secure against terrorists and their weapons of terror than they were two years ago.

But our work is far from finished. There is much more to do. And rest assured, I and all the men and women of U.S. Customs and Border Protection are continuing to push full steam ahead. We are also working hard to become the truly unified agency that we know we can and should and will be—so that we can be the more effective, more efficient agency that the American people expect and deserve.

Mr. Chairman, let me conclude by noting the important working relationship BCBP has forged with this Subcommittee. I have had the pleasure of meeting and talking with many of this Subcommittees' members, including you, Mr. Chairman, on a number of issues. I am very impressed with this Subcommittee's concern for, and expertise in, port and border security. As an example, Congressmen Shadegg and Souder and I have been in regular contact on a border security matter of mutual concern and we have made good progress working together. I know from my staff that the staff-to-staff relationship between BCBP and this subcommittee is, as it should be, very strong. This is critically important as we move forward and identify legislative and budgetary initiatives that will further protect and secure our nation.

Thank you. I would be happy to answer any questions you may have.

CUSTOMS AND BORDER PROTECTION ACADEMY'S NEW BASIC CBP OFFICER COURSE

U.S. Customs and Border Protection (CBP) is creating "One Face at the Border" by integrating people, processes, training and technologies from three federal agencies with border responsibilities into one unified border agency. Unified training is the foundation of these integration efforts.

Beginning with the first class of CBP Officers in October 2003, the CBP Academy now delivers a new basic training curriculum that provides important knowledge and skills needed to perform the duties of this critical frontline officer position. The comprehensive and integrated basic CBP officer course provides the training necessary to support the priority mission of CBP—detecting and prevention terrorists and instruments of terror, including weapons of mass destruction, from entering our country.

With the formation of CBP in the Department of Homeland Security, three different inspectional workforces joined together at our nation's ports of entry. Prior to that time, separate training was provided in separate academies. Now, with the establishment of a unified frontline officer, an integrated training course ensures that the CBP Officer is fully equipped to carry out all of the functions of his or her position.

What's new? For the first time, one basic course provides the training necessary to conduct primary processing and have a familiarity with secondary processing of passengers, merchandise, and conveyances, in all modes of transport—air, sea and land. The 71-day CBP officer course was built from the 53-day basic Customs inspector course and the 57-day basic Immigration inspector course, with redundancies removed, and with additions to address anti-terrorism and CBP's role in agriculture inspection.

The training also supports the traditional missions of the legacy agencies integrated in CBP, which includes interdicting illegal drugs and other contraband, apprehending or denying entry to people seeking to enter the United States illegally, protecting U.S. agricultural and economic interests from harmful pests and diseases, and regulating and facilitating international trade and collecting revenue.

With the first graduation slated for early January 2004, the CBP Academy expects to graduate approximately 300 CBP officers a month.

However, the training does not stop there. There is a comprehensive technical and structured In-Port training program which is a combination of classroom, computer-based and on-the-job training.

INTEGRATED CBP OFFICER COURSE

CBP Academy

Objective: Graduates will be proficient at the trainee level in primary inspection operations and familiar with secondary processing.

Duration: 71 days 111.8 weeks (based on 6 days per week).

Major Components (entire course focuses on priority mission of anti-terrorism):

Anti-Terrorism
Integrity
Nationality Law
TECS/NAILS/NSEERS/ACS
Grounds of Inadmissibility
Interviewing Techniques
Agriculture Threats
Firearms Usage
Physical Conditioning
Practical Exercises
Inspection Technology
Constitutional Border Search Authority
Officer Conduct and Professionalism
Non-Immigrant Classification / Processing
Immigration Classification / Processing
Document Examination
Trade Processing
General Inspection Procedures
Officer Safety and Basic Enforcement
Arrest Techniques and Defensive Tactics
First Aid/CPR
Identifying Drugs

In-Port Training Program (Post-Academy)

Objective: Graduates will be proficient at the trainee level in secondary processing.

Duration: Estimate 30+ classroom 1 computer-based training days and approximately 100 on-the-job training days during the first year after completing the CBP Academy.

Major Components:

- JT on Unified Primary—all modes (air, land and sea)
- Immigration Secondary—all modes
- Immigration Secondary—sea crewmembers
- Customs Secondary Passenger—all modes
- Customs Secondary Cargo—all modes
- Agriculture Secondary Cargo and Passenger—all modes

Mr. CAMP. Well, thank you very much, Commissioner, for your testimony.

We will begin the questioning now. I just have a couple of questions.

On a recent visit to the border, I was struck by the discussion in terms of trying to find out what people did, that were either a legacy customs individual or legacy immigration individual, so I welcome the unifying of these positions.

What process did DHS use to determine that these functions could be unified, and was there a working group or task force set up that participated in this?

Mr. BONNER. Yes. First of all, at the very beginning, shortly before March 1, which was the date the reorganization began at Customs and Border Protection, I established a transition team. The transition team is made up, by the way, of individuals from all of the legacy agencies—legacy Immigration, legacy Customs, legacy Agriculture. Among the things the transition team was tasked to look at were unifying symbols like uniforms and the like. A separate working group was set up to take a look at, and study, the jobs that were performed by the inspectional work force within CBP.

That group did do a rigorous analysis of the job descriptions, the job duties, the similarities, by the way, in the skills that are employed by all of the inspectional work force. Different levels, different kinds of knowledge in terms of different areas, but the skills, by the way, are very similar, if not substantially the same.

In any event, it was based upon that analysis that we concluded that you could have essentially an inspectional officer for CBP, Customs and Border Protection, that could perform, with appropriate and adequate training, multiple functions.

I want to also say, by the way, there is some notion that perhaps you train somebody to do all functions at all times, but that is not the case at all. Each port of entry will make an assessment as we go forward in terms of the needs of that particular port of entry, and there are certainly going to be specialized areas within the CBP officer. Let me name a couple.

Canines: We will continue to have a canine officer; that is a specialized skill. A CBP officer that wants to go into that will get some special further training to become a canine officer.

The same for the analytical units for cargo and people.

So there will be some specialized areas and training that will be given to CBP officers for some specific needs that we have as we go forward.

Of course, we will also have the existing expertise of the work force, which is 18,000 men and women, about 10,000 of them are legacy Customs, 6,000 legacy Immigration and there are about 1,500 Agriculture quarantine inspectors, plus 500 techs. So that is the process.

We looked at it hard. By the way, we looked at it with an open mind; we did not say whether this could or could not be done. The conclusion is that it could be done, that you could train for more multifunctionality, and this ultimately would make us more effective not just for our traditional missions, which it will, but also our homeland security mission.

Mr. CAMP. I realize it is new, but what kind of feedback are you getting on the unification of the responsibilities?

Mr. BONNER. First of all, I have had extensive discussions with our people in the field. Many of these have been through town hall meetings that I have had around the country, other top management of Customs and Border Protection have had. We received, through discussion and dialogue, a lot of feedback that way.

We have had discussions with the trade community, with other stakeholders, about this; and essentially we have made a significant effort to explain what we are doing, how we are doing it, what the rollout-type period is for it. And so we have gotten a lot of feedback or input in that manner as well.

Mr. CAMP. Okay. Thank you.

And now I will recognize Ms. Sanchez for any questions that she may have. .

Ms. SANCHEZ. Thank you, Mr. Chairman.

Thank you for being before us.

I have a question. I am trying to figure out what your initial academy training does. From what I could read and from what I understand, it is now a 71-day course. But before, when you had Customs and Immigration—you had a Customs-only course that lasted 53 days and an INS course that lasted 57 days; that is 110 days. Now you only have 71 days.

So does that mean that you are cutting some things out, that there was overlap on some? Why would the two separate ones have so many days and this one be pared down?

Mr. BONNER. It is a good question. The reality is that we are actually adding something to it. There was a lot of overlap between training for legacy Immigration and legacy Customs. There was 24 hours of that training devoted to the legacy Customs inspector for Immigration training; and Immigration got about 24 hours of Customs training in the old program. So there was overlap in that sense, and I will tell you why in a minute.

There was overlap in terms of firearms training; and practical exercises, training and the like, there was quite a bit of overlap. And the reason for it is, when you start thinking about Customs—legacy Customs or legacy Immigration doing each other's functions for over 20 years, Customs inspectors at the land border ports of entry have been doing both—certainly primary for both Immigration and Customs purposes; and Immigration inspectors at our land border have been doing inspectional primary for both Customs and Immigration purposes. That has been going on since the 1970s. And so they are cross-designated to do that.

Now, as we are one agency, you do not need to have a separate—with a CBP inspectional officer, you do not need to have a separate training that would be cross-training people. So that is the reason.

There was a lot of duplication and overlap in the training. A lot of the skill sets that are—for which Immigration and Customs inspectors are trained, and by the way even Agriculture inspectors to some degree, a lot of the skill sets are the same. How do you ask questions of people? How do you read behavior? These are skills that both Customs and Immigration inspectors have—they have now, by the way, and need to have, and you have to train for this.

The reality is, we have a longer course because it is 71 days. It is longer than the legacy Customs or Immigration basic courses were, significantly longer. We are adding some antiterrorism training to that. We are adding some agriculture training.

And the key thing here is to remember that it is not just all basic training. That is the way it used to be for Customs and Immigration; you got your basic training, and then you were just out there. We have basic training, which is that 71 days, which by the way translates into 3 months, 6 days a week at FLETC. And then there will be post-basic training which will be classroom—significant classroom training at the port, in-port training as well as on-the-job training.

So we are doing—the key to part of this—a key component is, frankly, a lot more training than either one of these inspectional services were doing prior to the creation of Customs and Border Protection and the CBP officer.

Ms. SANCHEZ. You mentioned earlier that there was a lot of discrepancy going on between what the INS, legacy INS and legacy Customs was being paid, et cetera. Going back to the 6-day training week at the academy, I have been told that legacy INS are being paid overtime for working the 6-day training, but legacy Customs are not being compensated at all for that sixth day.

Can you tell me if that is true? What is the intent to fix it? Are we going to work on fixing that? Why the difference?

Mr. BONNER. First of all, I am glad you asked that. It is true, there are disparities and there are significant disparities in the pay and overtime systems between legacy Customs and Immigration and legacy AQI inspectors, and we need to get rid of those discrepancies. We cannot unify as an agency until we get rid of them.

You mentioned one of them, and one of them is that under the Customs overtime system, which is called COPRA, you are not entitled to the FLSA kind of overtime, but the Immigration inspectors are entitled to it. That is one discrepancy that benefited legacy Immigration inspectors.

On the other hand, under COPRA, a Customs inspector can credit up to one-half of his overtime to retirement; an Immigration inspector cannot. So we need to eliminate these disparities, and frankly, I don't think we will ever unify as one agency until we do that.

And the CBP officer allows us to go to essentially one pay and one overtime system; the question is, what is it? And I have submitted that question to the Department of Homeland Security HR design team to come up with options and recommendations as soon as possible, but before the end of the year to the Department of Homeland Security, so we can have that decided.

Ms. SANCHEZ. And once you have that decided, will then the old legacy go under the new system and everybody will be under the new system? There is no problem with switching them over?

Mr. BONNER. There is a sequence to it, but the answer to that is yes. We need to have this decided before the first CBP officers graduate in January, and then in March we will convert the legacy Customs and Immigration inspectors to CBP inspectional officers, and we will have one system. And so it will have been decided

what that system is. And there will be overtime, because we depend on overtime to be able to do our job.

But what is the system? We need to have one system. And right now, we do not. There are disparities, and it is unfair and it is inequitable. And part of the CBP officer concept actually gets us to essentially one pay and overtime system. It helps us get there. And by March of next year, we will have one pay and overtime system, and we won't have these kinds of disparities that you just alluded to that occur right now, and every day, because we have three different overtime systems.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Mr. BONNER. It is a nightmare to administer, by the way.

Mr. CAMP. I notice the chairman of the full committee is here. Would the chairman of the full committee seek to inquire now?

Mr. COX. Sure. Thank you, Mr. Chairman.

Welcome. Thank you for your outstanding testimony. Let me jump ahead to one of the witnesses that we are going to hear from shortly, who is concerned with the capacity of your officers to cross-train, as it were. Do you want to address that?

Mr. BONNER. Yes, I do. I know there is a concern, and I think Ms. Sanchez alluded to it. There is a concern, the jack-of-all-trades-and-master-of-none concern.

First of all, we have to remember that we are not starting from scratch here. We have 18,000 highly trained inspectors that have a high level of expertise in the customs field, in the immigration field, and in the agriculture field. So we are not just starting everything over. That is number one.

Secondly—and we intend to and will continue to use that expertise. We will be training a CBP officer, though, Mr. Chairman, that we will begin rolling out in January, which will be—by the way, we are talking about maybe 200 or 300 new CBP officers a month that will graduate from the basic training down at FLETC. And they will get some very good, solid basic training in immigration and in customs procedures and the background they need.

But they are also going to get additional training when they go out to the field. And that is the proficiency training, that is, the in-port classroom training, so that as you are going to assign somebody, let's say to a particular function or area, whatever that area or function might be, that you have actually not only trained, but you have tested and certified that they are capable of performing that function. And only then do they get assigned.

So you are not training 18,000 people—inspectors to do everything all at once. What you are doing is, you are training them to have—certainly for the antiterrorism mission, you are training them for the important traditional missions of Customs and Border Protection, and then you have a corps officer which you can—with additional training and mentoring and the like, that will be—in my judgment will be capable of performing a variety of functions that we will need for CBP. Whether that is in Immigration or the Customs area or otherwise.

Mr. COX. I am a strong supporter of what you are doing. I think it is vitally important and vitally necessary. From the standpoint of law-abiding U.S. constituents who come across our borders, it is maddening to have to provide the same information on similar

forms to two different parts of the Federal Government right as you go through the same port of entry. And I think consolidating Customs and Immigration and APHIS, something that has been an opportunity for a long time, now the creation of the Department enables us to do.

I also can see that as we implement programs for biometric identification of visitors to the United States, some of the problems that I think very properly the Immigration inspectors are complaining about, the complexity of their jobs, will diminish. We have a primary lane and a secondary lane and we refer the people from primary to secondary if they have an irregular circumstance. It is very easy to imagine, if things that are now pilot programs such as US-VISIT and FAST become the norm rather than the exception, that the job of your inspector is going to be almost entirely focusing on the exceptions rather than focusing on the people who are law abiding.

Right now we have it almost backwards. We spend a whole lot of time making people stand in line, taking a lot of their time, and looking at them when, in fact, we should be looking for the needle, not the haystack.

Can you comment on whether my assumption is correct that the expanded use of biometric identifiers will actually make this concept more meaningful?

Mr. BONNER. Well, we are definitely moving there and it is going to be helpful. Our whole approach, Mr. Chairman, has been to better use advanced information, electronic information, technology risk management to sort out the haystack, to narrow down the haystack both for people and cargo coming into the United States. Biometrics as US-Visit is implemented, is going to be a very helpful tool to us, along with the other kinds of automated information and technology that we use that permits us to not only screen in advance, select in advance, but also to screen faster and to have a faster process.

If I could add one other thing to that is very important: As we have unified Customs and Border Protection in one agency, let's look at some of the things that are already happening. One is that since March 1, we are unifying the passenger analysis units. Immigration had theirs at airports and Customs had theirs, and obviously you want to merge these and marry these together when you are using them for the antiterrorist threat.

By the same token, as you narrow things down, cargo or people of concern, you want to use joint secondary teams. You do not want just an Immigration secondary that is looking at somebody for admissibility purposes or a Customs secondary over here that is looking at a potential terrorist threat for purposes of searching for drugs or other things. You want both of these expertises together and their authorities together.

We really need to go to the CBP officer to be more effective in performing that priority homeland security antiterrorism mission so they are more focused on it. It will help us better perform our traditional mission because it gives us a force multiplier, more people that know the broader missions of the agency as well as their traditional missions.

Mr. COX. It is abundantly clear that none of the legacy agencies that have been folded into the Department of Homeland Security had as their primary mission protecting against terrorist attack on the United States. That is now the mission of the Department and it is now your mission. And it seems to me that if people are saying this is not the way we have done it for the last 20 years, that that is essentially an establishment of nothing because nothing about DHS is the way we used to do it.

We are trying to change. We have got to change, and I applaud you for your efforts. Working change in 22 legacy agencies is going to be very difficult, but it is vitally important because we have a new mission and we have to accomplish it.

Thank you for your testimony.

Mr. CAMP. Thank you.

Mr. Dicks may inquire.

Mr. DICKS. Thank you very much for your testimony. And being from Washington State, we just had a good trip out there with Chairman Cox and Vice Chairman Dunn and had a chance to talk to people about the NEXUS program and the FAST program. This morning, I had a meeting with the director of our airport in Seattle—.

Mr. BONNER. SEATAC.

Mr. DICKS. At SEATAC.

—and basically was told when we go into the VISIT program we are going to have problems at the airports because you are going to have to put in new equipment and reorganize how you do this because of the biometrics. As I understand it, there has not been a lot of dialogue between the Department of Homeland Security and the airports on this subject and that there ought to be.

In fact we are trying to arrange a meeting to have Ms. Lindsey, the Director of Sea-Tac Airport, come down and talk to somebody at DHS about this because she thinks this is going to be a problem, just like the baggage has been a problem, in how you work this out between the airport and the local officials. And we had some problems out there this summer over in the TSA area in terms of number of people or adequacy of people.

Do you have any comment on this? Is this your responsibility of how US-VISIT is going to be done at airports or is that somebody else's responsibility?

Mr. BONNER. The program itself, Mr. Dicks, is being handled at the Department level within the Border and Transportation Security Directorate, and that is where the program is headed up by Jim Williams.

That said, of course, Customs and Border Protection are participating in the development and particularly the practicalities of implementing US VISIT initially, as you know, at our international airports, so that it can be implemented in a way that does not result in significant wait times in terms of processing people into the country-and so that there is a meaningful exit, too, by the way. I know there are various discussions as to how the exit part initially is going to be done.

I have people at my agency that are participating with the Department in terms of working on that issue both from an IT issue, and also from a practical operational issue—how does it work. I

have not gotten a briefing in a week or two on it, but there is some good work being done.

That said, I think it is very important—and I will take this back—that we engage with the airport authorities, what the plan is, how this is going to be implemented, and how we are going to make this work to establish this capability by the end of this year to be able to, at least with respect to some or all nonimmigrants—I don't know exactly what the universe will be there—can be part of those biometrically entered when entering into the United States, and we will know when they have exited.

But it is a big priority of the Department of Homeland Security. The program is at that level essentially under the overall oversight of Secretary Asa Hutchinson at the Border and Transportation Security Directorate.

Mr. DICKS. Thank you very much.

Thank you, Mr. Chairman.

Mr. CAMP. Thank you very much.

Mr. Goodlatte may inquire.

Mr. GOODLATTE. Thank you, Mr. Chairman.

Commissioner Bonner, your opening statement and some of the answers that you have given have enlightened us a little bit about our concerns, expressed by myself and Congresswoman Sanchez, about agriculture, certainly far more than the very paltry amount of information in your testimony.

However, I would again renew my concern that there are numerous questions, far more than my 5 minutes here today are going to allow me to get answers to and I must say, I am concerned. When you called me, and I appreciated the call; and in fact, at that time I raised with you the concern that we needed to be briefed, and we still have not been briefed. And it was especially disappointing when, after that, we asked for a briefing even after this hearing, and we were told that you would be too busy, not you personally, but your staff would be too busy to brief the committee staff.

This is not something that is a recent problem. My committee has had simple requests for information on the specific topic of training for 5 weeks and questions on port staffing levels since the first week in August. Can we get that briefing?

Mr. BONNER. Absolutely. First of all, Mr. Goodlatte, after we spoke I believe that there was a briefing of your staff or the staff of the Agriculture Committee. But if we are remiss, if we have not followed up on these things, you have my assurance we will promptly follow up and get you the information you need.

Frankly, I would welcome an opportunity to have further briefings of your staff on any and all issues that you might have. And beyond that, by the way, I am prepared at any time personally to meet with you or whoever you think I should meet with to provide you the answers to the legitimate questions that you and others might have in terms of how we are going to address in a way that improves and does not degrade the very important mission of protecting American agriculture.

Mr. GOODLATTE. Thank you. We will take advantage of that.

However, I must say that the input that we would like to have in this process has been partially lost. And there is nothing in the

law that requires that input; however, I would note that section 421(d)(3) of the Homeland Security Act provides that the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as necessary to assure the effective use of personnel to carry out the functions transferred. And that is required under the law.

And I would ask you, how many such consultative meetings between DHS and the U.S. Department of Agriculture occurred prior to announcing the One Face at the Border initiative?

Mr. BONNER. I don't know if I can categorize. I know that Jayson Ahern, Commissioner of Field Operations, which would oversee the inspectional work force at the ports of entry, I know he had discussions with Dr. Dunkle at Agriculture. I know I personally outlined the concept of the CBP officer and the agriculture—

Mr. GOODLATTE. This was prior to the announcement of One Face at the Border?

Mr. BONNER. Yes, when I say I did—and by the way, also before the announcement, I did attempt to—by the way, unsuccessfully, just before Secretary Ridge announced this, I did attempt to reach Bobby Acord of the Agriculture Department. As things turned out, it took several days before we were able to connect, but I did give Bobby—.

Mr. GOODLATTE. Let me interrupt you because I have a limited amount of time here, a minute left to get to the substance of this and the purpose for why we want these to occur.

One of our grave concerns is the amount of training that the CBP officers are receiving. Right now, all of the APHIS inspectors at the border are required as prerequisite to have extensive background, in fact, either comparable experience or a B.S. degree in biology, and then after that they undergo a 10-week or 400-hour training session. And this compares to a scant 16 hours of agricultural training with no scientific prerequisites for new hires.

I understand that you have experience there, and we are glad you have this, but the new hires have got to, on the spot, recognize problems and ask the right questions before they ever get to the agriculture specialists being involved. And I have herewith, because I cannot go into it because my time has expired—but I will ask, Mr. Chairman, that we make it a part of the record— examples of some of the products, some of them very innocent looking, like a can of Heinz soup, which is an import item coming into the country that is a banned product for very specific scientific reasons. There is a risk of BSE in that particular case.

But, in any event, it concerns me greatly that there is not enough training going into these frontline individuals for what is a very high-risk area in terms of the responsibilities that they have to undertake, that is, agricultural inspection.

Mr. BONNER. Can I just make two quick points, very quickly?

One is, the CBP officer with both the basic training and the import classroom training, it is contemplated, will have 90 hours of training in the agricultural protection mission. That is number one.

Number two, there will be a number of Agriculture Specialists that will be equal to the number of current AQI inspectors, that will be trained—there may be a somewhat longer training—it will be essentially the same training that they currently get through

the U.S. department of Agriculture at the national center over in Maryland.

So you will have that corps, and then you will have CBP officers who do have significant training in the agriculture protection mission, so we will be able to perform that function more effectively.

At over half of the ports of entry, there are not any Agriculture inspectors. I hate to tell you this: There are no AQI inspectors at over half of the ports of entry in the United States. So we want a CBP officer in addition to the Ag Specialists that are going to be better able to protect our country against agriculture. I think we will be more effective, not less effective.

Mr. CAMP. Mr. Cardin may inquire.

Mr. CARDIN. No questions.

Mr. CAMP. Thank you.

Ms. Dunn may inquire.

Ms. DUNN. Thank you very much, Mr. Chairman.

And welcome, Commissioner. I see that you were sworn in on the 24th of September, so I congratulate you on your strength of character to hang in there, knowing that your job would change a whole lot as a result of 9/11.

I wanted to ask you a couple of questions. First of all, how have your responsibilities shifted since 9/11? And are you well enough funded to be able, for example, to continue to pick up the legacy responsibilities of the drug smuggling and other things that were more of a focus before 9/11?

Mr. BONNER. Well, first of all, the responsibility—September 24th of 2001, I was sworn in as Commissioner of Customs, and the responsibilities changed dramatically with 9/11. Literally, we had to refocus U.S. Customs on the antiterrorism/homeland security mission.

When you think about it, Customs—of course, with Immigration—is the frontline at our borders in terms of protecting our country; and Agriculture inspectors, specifically with respect to agriculture diseases and pests. And so certainly my whole responsibility turned dramatically because it was clear to me from—and it was clear to me, listening to the President, that I needed to refocus U.S. Customs immediately and promptly on the antiterrorism, or what we now would call the Homeland Security mission; and that is what we have been doing, literally, since I hit the ground in September of 2001.

Now, this does not mean, by the way, we drop all of the traditional mission. We also have had to balance that. And we have to balance that as we become Customs and Border Protection with even more traditional missions which go from everything—interdicting illegal drugs and protecting our country in that sense to making sure that people that are illegally entering our country are apprehended, that if they are not admissible that those determinations are made.

From a budget point of view, this is the first year actually—fiscal year 2004 that I will actually have a budget for the entire Customs and Border Protection. For the last half of 2003, part of that budget was someplace else which made things difficult. But I think we have basically—without getting into a lot of fine details, I do think that we have a good budget that has been submitted by the Presi-

dent and enacted by the Congress for fiscal year 2004, and I am confident that we can do the mission.

Now, there may be some missions and initiatives as we go forward that may be necessary, and I will bring those up as appropriate to this subcommittee, to our Appropriations subcommittee.

Ms. DUNN. Good. I am glad.

We will also be interested in being helpful to you as you carry out what was required before 9/11 and what we are very interested in having you focus on, the Department of Homeland Security responsibilities.

I am from the State of Washington and many of my constituents are those of neighboring districts, up north, who move daily across the border into Canada. And I am interested in how the NEXUS program is working, whether it is serving my constituents and other Washington State constituents well.

Ms. DUNN. What can I tell them about this program, as you initiate it, and the future of this program?

Mr. BONNER. NEXUS is working better in the State of Washington than in any other place. We have over 35,000 people, both U.S. and Canadian citizens who are enrolled in the program, who provide information so their backgrounds could be checked through criminal and terrorist indices in both Canada and the United States, and who have submitted to a personal interview by, usually, a U.S. customs and Border Protection official and with the Canadians, and have been—we have made a determination that they do not pose a risk to the terrorist or even drug smugglers. And then they are enrolled in the program.

It is a model in the sense that I think you know at the Peace Arch, which is part of the Blaine port of entry, and this is one of the important things. We actually have a dedicated, not just a NEXUS booth, but a lane that you can get into, so it is truly a fast lane into the United States; and that has helped us with enrollment. Overall, this is important because the more people that we can get vetted, that we know are trusted, that we do not have to look at every time they come to the border entry point.

By the way, it may still be a random check once in a while, but we can concentrate more of our efforts on people we do not know anything about, or people who are Ahmed Ressams, who was, as you know, an individual who was arrested and apprehended by a U.S. customs inspector in early 2000, who was an Al-Qàeda terrorist. So that is what we want to focus our effort on, and these programs, like NEXUS, help us do that.

Ms. DUNN. Thank you for that answer.

There was a woman at U.S. Customs, a very alert woman; the Canadians tried to take credit for that snatch, by the way.

Mr. BONNER. They had nothing to do with it. It was Diana Dean.

Ms. DUNN. Good for you.

We have now got that on the record, finally, and we did have a wonderful report of that by one of your Customs agents in Seattle when we were there for our visit a couple of weeks ago.

Let me ask you about something that my other committee, Ways and Means, discussed because we, at least until now, oversaw the Customs department; and in our discussion as to what should go into the Department of Homeland Security, we talked about wheth-

er we should separate out the revenue-raising portions of Customs, the duty portions, for example, from the rest of the responsibilities.

Do you have any impression on whether that would be a good idea or a bad idea to do, as you move into—under Homeland Security?

Mr. BONNER. I think that would be a serious mistake. There are all sorts of connections and interconnections between, let's say, the inspectors at the ports of entry and the trade regulation and compliance function, as well as the trade facilitation function. U.S. Customs, now Customs and Border Protection, collected about $23, $24 billion last year in revenue.

Most of that, 90 percent or thereabouts, are import duties and the other 10 percent are fees of some sort that we are collecting. So it is very sizable, and it is very much interrelated; and I actually appreciated the fact that when the Homeland Security legislation was enacted, it did permit essentially for most of U.S. Customs to remain intact and our management system intact, so that we could add pieces from other agencies that had significant border responsibilities, like the Immigration inspector program from the former INS that was abolished on March 1, the Agriculture AQI inspection program at our borders, and the entire Border Patrol, and by doing that, we now—we do have one agency for the border.

But the trade functions and even the revenue functions are interrelated with what Customs and Border Protection does, and so I think it would be a mistake to split them all out. And I am glad, by the way, that Chairman Thomas and the Ways and Means Committee permitted the statute to be constructed in a way where we could build a border—one agency for our border, and that is what we have done under the Department of Homeland Security.

Ms. DUNN. Thank you very much.

Mr. CAMP. Thank you.

Mr. Markey, you may inquire.

Mr. MARKEY. Thank you, Mr. Chairman, very much.

This hearing room is a particularly fitting venue for today, given the debate on the Iraq war supplemental going on on the House floor and this committee, the work of this committee. The mural on the back wall reminds us of the battle that is still being waged in Iraq and Afghanistan and the courage of our men and women in the Armed Forces whose valor and determination keep our Nation secure.

The photo behind us of soldiers marching down a city street reminds us that we need protection here on our Nation's Main Street, as well, to safeguard the homeland from those who try to perpetrate terrorist acts against Americans inside our country.

My question for Mr. Bonner today relates to the efforts that Customs is making to ensure that our homeland is secure. On September 12, I wrote to Secretary Ridge to express my concern about a shipment of depleted uranium that ABC News was able to transport undetected from Jakarta to the Port of Los Angeles. I have not yet received a response from the Department and would like to take this opportunity to ask you to address some of the questions I raised in my correspondence.

Media reports indicate that upon arrival at the Port of Los Angeles on August 23, the shipment of depleted uranium from Jakarta

was screened by U.S. Customs inspectors. They did not detect anything dangerous or suspicious inside the trunk using radiation pagers and X-ray scanners, so they did not open the crate. As you know, while depleted uranium is a harmless substance, its chemical signature is similar to highly enriched radium, which can be used to make radiological dirty bombs or a nuclear explosive device that might be used against America.

My first question: Have you investigated how this shipment was able to pass from Jakarta to Los Angeles without raising the suspicions of Customs inspectors? And I will have follow-up questions after that.

Mr. BONNER. Okay. First of all, it did raise the suspicions of Customs inspectors. We had—through our automated targeting system, we identified this container as potentially being a container that posed a potential risk, based upon various factors that go into our automated targeting system, and so it was identified as a container that would get a security screening.

Mr. MARKEY. So why wasn't the crate opened if it was identified as a suspicious crate?

Mr. BONNER. Well, it was identified as posing a potential risk, based upon a number of factors about the container. It was given, and all containers that are identified as a potential risk get, a minimum security inspection, which includes running the container through a large-scale X-ray-type machine, and running it also for potential radiation admission. That was done with it. It was determined by the way that there was nothing dangerous in the container that posed a threat and in fact—in truth, in fact, there was nothing dangerous.

Mr. MARKEY. I am saying—.

Mr. BONNER. Just a minute, Mr. Markey.

There was nothing in the container that posed a threat.

Mr. MARKEY. No, I know that, but I am saying since the radiation signature is very similar to highly enriched uranium, did they determine that there was uranium in the container?

Mr. BONNER. Well, first of all, it was depleted uranium.

Mr. MARKEY. Did they determine that there was uranium in the container?

Mr. BONNER. Well, you said "or a radiation signature similar to highly enriched uranium"; and by the way, I take issue with that. It does not—the depleted uranium is depleted of most of its radiation source, so it is a very low-emitting substance. It actually emits about as much radiation as a pile of dirt, so it is not emitting a radiation signature that is very easy to pick up, as opposed to highly enriched uranium, which would emit—if it is not heavily lead-shielded, would emit a radiation signature.

Mr. MARKEY. Was the evidence that you had previous something that told you there could be uranium in that crate? You said that it had been identified. Was the information you had that there could be uranium?

Mr. BONNER. No. No. The information we had was based upon an analysis of advance information that we get under the 24-hour rule, which I described earlier in my testimony, which gives us information about a container. We then run it against a large database we have with respect to importers, shippers, and other factors,

including intelligence information; and we determined—by the way, when we say it is a potential risk container, that just means we haven't been able to rule that container out as a risk.

Mr. MARKEY. I appreciate that. So you are saying you didn't identify it as something which could potentially have uranium in it?

Mr. BONNER. No, we thought it could potentially—have potentially some sort of terrorist weapon, which could be anything from a manpad to a nuclear device to the materials that could make a nuclear device to just, potentially, ordinary explosive material.

Mr. MARKEY. So you do not have a system to open those crates that you believe pose a significantly higher risk?

Mr. BONNER. No. We do have a system, and the system is, if there is something about the container, it is either emitting radiation, or based upon the X-ray screening, there is an anomaly, there is something that doesn't look right in terms of what is advertised to be in the container, then we do a full physical inspection of the container.

That was not the case with respect to the small amount of depleted uranium, which was about the size of a Coke can that was shipped by ABC News as a supposed test. I do not think it was a valid test with respect to the capabilities of detecting, let's say, a terrorist weapon.

Mr. MARKEY. Okay, so the Natural Resources Defense Council says that without opening the crate, there is no way to tell the difference between HEU, highly enriched uranium, and depleted uranium without looking inside.

Do you disagree with that?

Mr. BONNER. I think highly enriched uranium which is not lead-shielded emits significantly more gamma rays than depleted uranium, so it is easier to read with a radiation detection device from a greater distance. That is what I believe.

Mr. MARKEY. And do you have detection devices which would pick up lower enriched uranium, or did that just go through?

Mr. BONNER. We are looking for highly enriched uranium that you could make into a nuclear device—which, by the way, there is a certain quantity that you would need that would displace a certain amount of space; and if you are going to prevent it from emitting, you have to have some significant lead shielding of the material. And I think if you did all of those things, I have a great deal of confidence that that kind of anomaly would have been detected by the X-ray scan that was done in that container.

If you are talking about a Coke can full of depleted uranium, no, that is not necessarily going to be detectable, but it does not pose any risk being—it is not a terrorist weapon, it cannot be made into a terrorist weapon. And frankly—.

Mr. MARKEY. No, I did know that. That is obvious.

Mr. BONNER. Yeah.

Mr. MARKEY. The question is, does it emit a radiation signature, chemical signature that is something that should be suspicious to you?

You disagree that it does not emit a chemical signature which is something that should be suspicious to you? You disagree with that; is that right?

Mr. BONNER. I am actually disagreeing with you on the level of emission.

Mr. MARKEY. That is what I am saying.

Mr. BONNER. Okay.

Mr. MARKEY. Are you saying you do not agree that it emits a signature which should cause any concern for any inspector? Is that what you are saying?

Mr. BONNER. No. I am saying it emits an extremely low level of radiation.

Mr. MARKEY. No. I am asking you.

Mr. BONNER. And is a sensitive device to pick up that radiation.

Mr. MARKEY. But is it something that should be suspicious and, as a result, looked at?

You are saying no?

Mr. BONNER. Well, if it is depleted uranium, no. Depleted uranium is used for a lot of purposes.

Mr. MARKEY. Stop, please.

You don't know it is depleted uranium until you open the crate. You have to first decide that the level of radiation which is picked up, the chemical signature, is significant enough to open the crate.

You are saying that this would not emit a chemical signature significant enough to open the crate?

Mr. CAMP. I will give the Commissioner time to answer the question. The time has expired.

Mr. BONNER. I am not disputing you on the signature. I am disputing you on the level of the emission that could be read and on what distance it could be read.

We would almost have to go into a classified hearing if we want to get into specific details on this.

Mr. MARKEY. All right.

Mr. CAMP. Ms. Granger may inquire.

Ms. GRANGER. Thank you.

Very simple questions, and I apologize because I came in late.

You said there would be 200, 300 graduating each month, and I believe you said it started in January. Did I say that right?

Mr. BONNER. That is right.

Ms. GRANGER. What is your total number of CBP officers?

Mr. BONNER. Well, you know, eventually—first of all, that is a hard question to answer because it says, what is the right number of inspectional officers that we need.

But let's say we have 18,000 inspectional officers, right now—.

Ms. GRANGER. All right.

Mr. BONNER. —so I would think at a minimum that given the terrorist threat and given the traditional missions that we are going to need ultimately, a number of CBP officers that is equivalent to that.

Now, maybe—I do not want to box myself in here—a year or two from now I may think we may need to increase that in certain places, and I cannot do it through reallocation, but generally speaking, over time, you would end up with having the number of CBP officers that is equivalent to the total number of inspectional officers that are at least legacy Customs and legacy Immigration. That is, by the way, about 16,000 to 17,000.

Ms. GRANGER. And so do you have a time frame to say, this is when we expect to have that done?

Mr. BONNER. Well, first of all, there would be new CBP officers that are being trained; and they are actually starting—we have actually started the training—and they would graduate in January, as I indicated. And there will be some graduating classes; it will be around 300 a month, depending on what our hiring needs are. But at the same time, in March of next year, the plan would be to convert the legacy Immigration and Customs inspectors to CBP officers and to provide, both before and after that, some additional cross-training and refresher training of the legacy work force, if you will, inspectional work force. But at that point essentially all of the inspectional work force, except for the Agriculture Specialist, would be CBP officers.

Ms. GRANGER. Okay, and one other question: What will that consolidation do in terms of the overall number of personnel at ports of entry?

Mr. BONNER. Well, it will not affect it at all per se, by the way, without prejudice to my right to decide that we need more inspectors at a particular one port of entry and perhaps a few less at another.

But this has nothing whatsoever to do—we would have essentially, and as a generalization, the same number of inspectors at, let's say, the San Ysidro port of entry or Detroit or Pembina, North Dakota, or JFK Airport, L.A. seaport or Seattle Seaport. You would have the same general number of inspectors that you have, now.

What you have, though, is you have inspectors that have a greater level of training and knowledge, both, as to the homeland security/antiterrorism mission and to the general, important, traditional missions that the agency as a whole must perform.

I hope that—.

Ms. GRANGER. Yes.

Thank you.

Mr. CAMP. Thank you.

Ms. Jackson-Lee may inquire.

Mr. BONNER. We will be adding about 2,000, from 2002 to 2004, we are adding about 2,000, a little over 2,000 inspectors to the work force, based upon where we were in fiscal year 2002.

Ms. JACKSON-LEE. I thank the chairman very much, and the ranking member.

This is a very important hearing and, Commissioner, I am gratified for your presence here. I always would hope or always would intend for Congress to be problem solvers, and certainly your agency was created to solve our biggest problem or to be part of the solution to our biggest problem that we are facing in the 21st century, and that is of terrorists and terrorist activities and horrific acts against the States.

So I apologize. There are two conflicting, or at least in terms of my time, Immigration Subcommittee hearings that are going on, in the Judiciary and this one; and you may have said this already. But I would like to know specifically on this question of fewer overall hours of training—in fact, I just came through the international segment of my airport, Houston Intercontinental; and I will put in a local plug and say, we want you down there. I am going to per-

sonally invite you, because we have had a continuing problem in backlogs with the number of inspectors.

It is not their fault, if you will, but it is a tough job with a high volume, and we have not been able to solve that; so let me extend a direct invitation. I think we had that invitation in before, and we have not been able to work out the schedule, so I hope we will be able to do that.

But the idea of fewer hours of training. Tell me what your vision is for this merged combination of Customs, Immigration and Agricultural inspectors. What is the best result of what you expect to have happen?

Mr. BONNER. Well, first of all, I do not believe there will be overall fewer hours of training. I believe there will be more hours of training with the approach we are taking.

Ms. JACKSON-LEE. And tell me how so?

Mr. BONNER. Well, how so in two ways. First of all, the basic CBP inspectional officer training will be 3 months, so I mean, it is longer significantly than—and that is 6 days a week, by the way, so it is significantly longer than the current legacy Customs inspector training.

But there is a lot of overlap in the Customs and Immigration training courses, so—we eliminated that, so I think the training is going to be at basic—the basic inspectional training is going to be in terms of hours; I think it will be roughly equivalent to what it has been separately now for the legacy Customs and Immigration basic training academies.

Now—but in addition to that, we are going to post-in-port classroom training when a CBP inspectional officer moves out to a port of entry. There were going to be additional training requirements and hours of training with respect to the mission, which doesn't exist right now, by and large. There is on-the-job training and there is occasional, sporadic classroom training. But this will be a structured in-port classroom training program which is going to be, also, a significant number of hours, so at the end of the day, I fully expect that CBP officers are going to be more highly trained than they currently are.

Ms. JACKSON-LEE. Can I stop you?

Are they going to have the inherent knowledge where they can address technical or out-of-the-box situations in this combination? What is your vision for getting them gelling together, working with at least a common understanding of the procedures, the technical procedures, so that we have an effective response to what we are trying to do, which I imagine is maximizing personnel to get the most efficient operating system that we can?

Mr. BONNER. Efficient and effective, but one of the things to gel together is, of course, to put all of the inspectional officers into one uniform, which we have done, and that will be phased in over the next 8 or 9 months.

Another thing, though, is in terms of how do they get the specialized knowledge that they are to going to need to perform their function? Well, there is basic inspectional training. You know, a new trainee has to be trained. They go from a GS–5 or GS–7 to a GS–11, so there is a period of time with any new trainee, where

you need to provide on-the-job training, and as I say, additional in-port classroom training modules.

And then, thirdly, in terms of the inherited sort of expertise, we have 18,000 CBP Customs and Border Protection inspectors that have a tremendous amount of expertise in the Immigration area, the Customs area, and the Agriculture protection mission area.

And lastly let me just say about more efficient, because I know we have been—we discussed the Houston airport and the wait times at the airport; and one of the key reasons for those wait times has been the lack of what were INS or Immigration inspector staffing at the primary booth. And so as you train, by the way, new people to perform multiple functions, you can have greater flexibility so that you can literally staff all of the primary inspection booths with a CBP inspectional officer, where we had not been able to do that in the past, so it makes us more efficient too in performing missions.

Ms. JACKSON-LEE. Let me just conclude.

My time, Mr. Chairman—I would just like to conclude by saying the topic in the Judiciary Committee is the issue of these overstays. Now, that is after the fact, but one of the problems that I see is that we need to refine and expedite the distinction between perceived troublemakers, because we have already defined them as troublemakers—and I use that term not lightly because it has offended many of our friends and allies from certain regions—and get a preapproval process that helps move that process along in terms of people.

The other thing that I would like to raise in this committee and raise with you as I conclude is that we need to also deal on a southern border with the whole question of smuggling, which I hope that maybe this merged group may have some sensitivities to that.

I have a CASE Act, and I hope I will get a hearing in this committee dealing with going at the nerve of smuggling so that we sort of move that criminal aspect away, so that this merged group can deal with the overall commerce and tourism that comes about, that we should not be undermining in light of the fact that we are all trying to fight terror; and I hope that I can engage you in this issue and engage the chairman.

It is called the CASE Act. We have worked the FBI, Treasury Department, law enforcement on incentives to getting informants penalty enhancements, and an outreach program to educate people about the travesty and tragedy of smuggling human cargo; and I hope we will be able to present that to this committee.

I thank you very much.

Mr. BONNER. Yes. Happy to discuss that with you.

Ms. JACKSON-LEE. Thank you.

Mr. CAMP. Thank you. And this concludes the questioning for the Commissioner.

Again, I want to thank you for being here and all that your doing and your time today.

Ms. SANCHEZ. Mr. Chairman?

Mr. Chairman, may I just add something?

Mr. CAMP. Yes.

Ms. SANCHEZ. I am very concerned that this whole issue is about the agriculture, again, because my State's main industry, believe it or not, is agriculture.

Mr. BONNER. Well, it is in my State, too, Ms. Sanchez, by the way.

Ms. SANCHEZ. I would really look forward to maybe getting a personal briefing from your department, just to ensure that we are getting our questions asked with respect to that particular piece of the program.

Mr. BONNER. We will be happy to do that. We will make sure that that happens.

Mr. CAMP. Thank you. Thank you very much.

The second panel may come forward. We will have Mr. Tom Keefe, President of the National Treasury Employees Union, Local 137; Mr. Tom Kuhn, President of the American Federation of Government Employees Union, Local 2580; and Mr. Bill Pauli, President of the California Farm Bureau Federation.

Mr. CAMP. Mr. Keefe, why don't we begin with you? We have your written testimony, and I would ask that you briefly summarize your statement in 5 minutes. There will be another hearing, that is scheduled for this room, so we do need to be done by 3:30.

So, Mr. Keefe, why don't you begin?

STATEMENT OF TOM KEEFE, PRESIDET, NATIONAL TREASURY EMPLOYEES UNION LOCAL 137

Mr. KEEFE. Thank you.

Chairman Camp, Ranking member Sanchez, distinguished members of the subcommittee, I would like to thank the subcommittee for the opportunity to testify on the Bureau of Customs and Border Protection's One Face at the Border initiative.

I am a second generation Customs inspector, proudly following in the footsteps of my father, who was a Customs inspector until his death in 1982. My law enforcement career spans 22 years.

In 1982, I started as a deputy sheriff and was a police officer for 2 years. In 1984, I accepted a position as an INS inspector, in Champlain, New York. To qualify for this position, I was required to attend and successfully complete 20 weeks of Immigration officer basic training class at the Federal Law Enforcement Training Center in Glynco, Georgia.

In 1989, I transferred to accept a position with the U.S. Customs Service. I again was required to attend and successfully complete a 9-week basic Customs inspector class at FLETC.

In addition to my INS and Customs training at the Federal Law Enforcement Training Center, I have recently had the opportunity to be a part of the DHS Human Resources Design Team. The Homeland Security Act of 2002 authorized the Secretary of Homeland Security and the Director of OPM to develop new resources—human resources systems for Federal employees in the Department of Homeland Security in the areas of pay, performance, management, job classification, disciplinary matters, and labor-management relations.

As an employee representative from NTEU, the National Treasury Employees Union, I was proud to serve on the DHS Human Resources Design Team field group. From the extensive field hear-

ings and meetings of our design team, we developed 52 human resources options that will eventually be sent to Secretary Ridge and OPM Director James. I believe this collaborative agency-employee process that was used for the DHS design team worked very well, and I would suggest that a similar process might be useful as the agency looks at challenges of reorganizing its border inspections function.

As the subcommittee is aware, on September 2, 2003, Secretary Tom Ridge announced the creation of the new CBP officer position and the One Face at the Border initiative.

Under this plan, a new position, the Customs and Border Protection officer, would combine the duties of legacy inspectors from Customs, INS, and APHIS into a single frontline border security position at the 307 official ports of entry across the United States.

I and the legacy Customs employees that I work with believe that combining the border protection responsibilities that were held by three highly skilled specialists into one "super inspector" raises some serious concerns. By utilizing one employee to perform all three primary and secondary inspection functions, will this agency lose the expertise that has made the United States border inspection personnel second to none?

I would note that a specialist position will be established within APHIS, and no specialist position will be created for legacy Customs or INS inspectors. I truly hope that the lack of a specialist position will not lead to the lack of specialists in many critical Customs and INS functions performed at the border. After 20 years as an inspector for both legacy Customs and legacy INS, and as a participant of the DHS design team, I believe we have a unique perspective to bring to this committee as relates to this new Department of Homeland Security and its implementation of the One Face at the Border initiative.

Prior to the creation of the CBP officers, legacy Customs officers receive 9 to 10 weeks of intensive training on the Customs Service rules and regulations alone. Under the new CBP officer training guidelines, legacy inspectors such as myself will be transitioning into the new position in the spring of 2004 by way of classroom training, CD–ROM, computer training and on-the-job training.

While the new training will lead to a broader knowledge of the INS, Customs and APHIS rules and regulations of entry for passengers and those entering the United States, there is a concern as to whether it will provide the specialized expertise necessary to ensure the successful accomplishment of the critical missions of the Department of Homeland Security.

Another aspect of the One Face at the Border initiative that needs to be more scrutinized, and is lacking in detail, is with regard to secondary inspections processed at ports of entry. Currently, legacy Customs and INS inspectors and APHIS inspectors are cross-trained as to the most basic Customs and INS procedures for entry into the United States, for passengers and goods.

However, if a legacy Customs inspector, for example, is faced with a complicated visa situation, they have the ability to send the passenger to a more intensive, secondary inspection where an experienced legacy INS inspector can make the determination as to the validity, say, of a particular visa. It is unclear whether experts in

visa issues or other Customs and INS border protection matters will continue to be available for secondary inspection.

I feel strongly that the specific expertise must be maintained. Stationed at the 307 ports of entry across the United States, legacy Customs inspectors, such as myself, K–9 enforcement officers and in-port specialists make up our Nation's front line of defense in the wars on terrorism and drugs, as well as facilitation of lawful trade into the United States.

In addition, legacy Customs personnel are responsible for ensuring compliance with over 400 in-port laws and regulations for over 40 agencies, as well as stemming the flow of illegal contraband, such as child pornography, illegal arms, weapons of mass destruction, and laundered money.

Both the American public and the trade community expect our borders to be properly defended with as little interference to legitimate trade as possible. In order to do that, we must maintain the expertise of legacy Customs Service personnel who have successfully performed these functions in the past.

Again, I want to thank the subcommittee for the opportunity to share my thoughts on this very important issue concerning the CBP's One Face at the Border initiative, and I would be happy to answer any questions that you may have.

Mr. CAMP. Thank you, Mr. Keefe.

[The statement of Mr. Keefe follows:]

PREPARED STATEMENT OF THOMAS KEEFE

Chairman Camp, Ranking Member Sanchez, distinguished members of the Subcommittee; I would like to thank the subcommittee for the opportunity to testify on the Bureau of Customs and Border Protection's (CBP) "One Face at the Border" initiative.

I am a second-generation Customs inspector, proudly following in the footsteps of my father, who was a Customs inspector until his death in 1982. My law enforcement career spans 22 years. In 1982, I started as a deputy sheriff and was a police officer for two years. In 1984, I accepted a position as an INS inspector in Champlain, New York. To qualify for this position, I was required to attend and successfully complete 20 weeks of the Immigration Officer Basic Class (IOBTC) at the Federal Law Enforcement Officer Training Center (FLETC) in Glynco, Georgia. In 1989, I transferred to accept a position as a Customs inspector. I again was required to attend and successfully complete a 9-week basic Customs inspector class at FLETC. In addition, over the course of my Customs career I have also attended specialized training for the Contraband Enforcement School in 1991 and Senior Inspector training when I was promoted to Senior Customs Inspector in 1996 both at FLETC.

In addition to my INS and Customs training at FLETC, I have also recently had the opportunity to be a part of the DHS Human Resources Design Team. The Homeland Security Act of 2002 authorized the Secretary of Homeland Security and the Director of OPM to develop new human resources (HR) systems for federal employees in the Department of Homeland Security in the areas of pay, performance management, job classification, disciplinary matters, and labor-management relations. As part of the creation of the new DHS HR system, a design team composed of DHS managers and employees, HR experts from DHS and OPM, and representatives from the agency's three largest unions, including NTEU, was assembled to develop a wide range of options for consideration by Secretary Ridge and OPM Director James.

As an employee representative from NTEU, I was proud to have served on the DHS Human Resources Design Team Field group. The Design team held a number of field hearings, town hall meetings and focus group meetings around the country. From the extensive field hearings and meeting our design team developed 52 human resource options that have been forwarded to a Senior Review Advisory Committee who will eventually send final HR options to Secretary Tom Ridge and OPM Director Kay Coles James. I believe the collaborative agency/employee process that was used for the DHS Design team worked very well and I would like to suggest that

a similar process might be useful as the agency looks at the challenges of reorganizing it border inspection functions.

As the subcommittee is aware, on September 2, 2003, Secretary Tom Ridge announced the creation of a new CBP officer position and the "One Face at the Border" initiative. Under this plan, a new position, Customs and Border Patrol Officer (CBPO) would combine the duties of legacy inspectors from Customs, INS and APHIS into a single front-line border security position at the 307 official ports-of-entry across the United States.

I and the legacy Customs employees I work with believe that combining the border protection responsibilities that were held by three highly-skilled specialists into a "super inspector" raises some serious concerns. Each of the job responsibilities from the three legacy inspection agencies is highly specialized and distinct. By utilizing one employee to perform all three primary and secondary inspection functions, will the agency lose the expertise that has made the United States border inspection personnel second to none?

I would note that a "specialist" position will be established within APHIS, but no "specialist" positions will be created for legacy Customs or INS inspectors. I truly hope that the lack of a "specialist" position will not lead to a lack of specialists in the many critical Customs and INS functions performed at the border.

CBP OFFICER TRAINING:

After 20 years as an inspector for both legacy Customs and INS and as a participant in the DHS Design Team, I believe that I have a unique perspective to bring to the committee as it relates to new Department of Homeland Security and its implementation of the "One Face at the Border" initiative. Prior to the creation of the CBP officer position, legacy Customs inspectors received 12 weeks of intensive basic training on Customs Service rules and regulations alone. Under the new CBP officer training guidelines legacy inspectors, such as myself, will be transitioning into the new positions in the spring of 2004 by way of classroom training, CD–ROM computer teaching and on-the-job training. The new training will lead to a broader knowledge of the INS, Customs and APHIS rules and regulations of entry for passengers and goods entering the United States but there is a concern as to whether it will provide the specialized expertise necessary to ensure the successful accomplishment of the critical missions of the Department of Homeland Security.

Another aspect of the "One Face at the Border" initiative that needs more thorough scrutiny is the lack of details as in pertains to the secondary inspection process at ports of entry. Currently, legacy Customs and INS inspectors are "cross-trained" as to the most basic Customs and INS procedures for entry into the U.S. for passengers and goods. However, if a legacy Customs inspector is faced with a complicated visa entry situation at an airport or land border primary inspection station they have the ability to send the passenger to a more intensive secondary inspection station where an experienced legacy INS inspector can make a determination as to the validity of a particular visa. It is unclear whether experts in visa issues or other specific Customs and INS border protection matters will continue to be available for secondary inspection. I feel strongly that specific expertise must be maintained.

Stationed at 307 ports-of-entry across the United States, legacy Customs inspectors, such as myself, canine enforcement officers, and import specialists make up our nation's first line of defense in the wars on terrorism and drugs as well as the facilitation of lawful trade into the United States. In addition, legacy Customs personnel are responsible for ensuring compliance with over 400 import laws and regulations for over 40 federal agencies, as well as stemming the flow of illegal contraband such as child pornography, illegal arms, weapons of mass destruction and laundered money.

As a current legacy Customs inspector I would like to briefly discuss what the traditional missions of Customs include as well as our newly added homeland security missions such as the Customs Trade Partnership Against Terrorism (C–TPAT), the Container Security Initiative (CSI) and the 24-Hour Rule that requires advanced transmission of accurate cargo manifest information to the CBP. Legacy Customs employees are involved in both the trade facilitation/enforcement and law enforcement missions of the Customs Service, requiring a truly unique set of job skills.

Customs Border Security Mission:

In 2002, legacy Customs employees seized over 1.9 million pounds of cocaine, heroin, marijuana and other illegal narcotics—including over 10 million tablets of Ecstasy, triple the amount seized in 1999. Customs also processed over 500 million travelers last year, including over 1 million cars and trucks and ships and these numbers continue to grow annually. Legacy Customs personnel's border security missions include examining hundreds of thousands of cargo containers every year at our nation's airports, seaports and land borders for contraband as well as weap-

ons of mass destruction. Legacy Customs personnel interdict more drugs, inspect more cargo and process more vehicles than any other agency within the federal government.

Customs Trade Mission:

Legacy Customs inspectors, import specialists, and canine enforcement officers work closely together to enforce trade and anti-smuggling laws. When an inspector makes an illegal cash seizure at a border crossing, the case is given to an agent for a follow-up investigation to determine where the illegal funds came from and where they were going. The interaction between the law enforcement and trade facilitation missions of the Customs Service is also necessary to the discovery of counterfeit goods and intellectual property piracy, as well as terrorist activity.

Customs relies on the expertise of its trade enforcement personnel to recognize anomalies as they review the processing of commercial transaction information associated with the admissibility and entry of imported goods. This process assists law enforcement in developing targeting criteria as well as targeting suspect shipments and starting investigations. In addition, the legacy Customs Service collects over $20 billion in revenue on over 25 million entries involving over $1.3 trillion in international trade every year, providing the federal government with its second largest source of revenue. Last year, the Customs Service deposited over $22.1 billion into the U.S. Treasury.

Both the American public and the trade community expect the borders to be properly defended with as little interference with legitimate trade as possible, while at the same time being able to efficiently and safely facilitate trade across that border. In order to do that, we must maintain the expertise of legacy Customs Service personnel who have successfully performed these functions in the past.

Again, I want to thank the subcommittee for the opportunity to share my thoughts on the very important issues concerning the CBP's "One Face at the Border" initiative. I would be happy to answer any questions.

Mr. CAMP. And now we will hear from Mr. Kuhn.

STATEMENT OF TOM KUHN, PRESIDENT LOCAL 2580, NATIONAL IMMIGRATION AND NATURALIZATION SERVICES COUNCIL (AFGE/AFL–CIO)

Mr. KUHN. Mr. Chairman, members of the committee, my name Thomas Kuhn. I am President of Local 2580 of the INS Council, and I would like to take the opportunity to thank the members for allowing me to present my views on the CBP officer.

My career began in 1973 as an inspector at Kennedy Airport. The training I received at Kennedy allowed me to develop the tools that I needed for the rest of my career. My next 19 years, I worked on land border, and in 1997 I was promoted to special operations inspector and transferred to preclearance operations in Canada. I have also served as an acting supervisor and instructor and intelligence officer, and I currently work in quality control.

Immigration inspectors graduate after 20 weeks of basic training, and it takes 3 to 5 years before they are competent to work secondary without a senior officer. Customs and Immigration inspectors currently staff land border inspection points. That works in view of the fact that no one other than U.S. citizens, Canadians or Mexicans with border crossing cards are handled along the primary line. Everyone is referred to Immigration secondary, where documents are checked, people are interviewed, and determinations are made as to the type of visa. There are over 55 nonimmigrant visas in subcategories, all with different requirements and durations. Immigration inspectors at airports process all passengers with visas on the primary line. Only passengers suspected of malfeasance are referred to secondary and escorted there.

It takes at least a year before an inspector is proficient at the primary line alone. When a new inspector starts working, he

makes many unnecessary referrals to secondary, due to the fact there are numerous different passports, visas, green cards, all with different security features. Many innocent people are referred to secondary and they have long waits, miss connecting flights and they are tremendously inconvenienced. The airlines suffer a loss of revenue, the new officers are also easily fooled by high quality false documents and convincing liars.

I am an American and I am a New Yorker. I watched the World Trade Center being built and I watched it come down, thanks to media coverage, so I am fully aware of the need to stop terrorists. But if we drive the airlines out of business or we make it so difficult to enter the United States that the tourists stay home, the tourists have won anyway—the terrorists have won anyway.

On the other hand, in a world where terrorists destroy 100-story buildings and kill thousands of people, the border is no place to put someone's idea of efficiency over national security. I can tell you that with one position our Nation will not be safer. If the management of Customs and Border Protection, which has limited immigration experience, plans to make CBP officers jacks of all trades, they will be masters of none and it will be a grave disservice to the security of the country.

If, on the other hand, they plan on developing quality primary officers from the new CBP officers and they develop new CBP paths to specialize in Customs, the concept could work.

We must continue to have Customs and Immigration specialists. Customs inspectors do a great job of examining cargo, searching baggage for contraband and weapons of mass destruction. Conversely, Immigration inspectors are experts at interviewing people and examining documents. CBP officers will never be as good as Customs and Immigration inspectors are today. The terrorists depend on expert counterfeiters for documents, the drug cartels are always developing new, sophisticated methods of smuggling, and WMDs are a whole new ball game.

The United States must have experts at the borders to stop all violators. This is a war, and just as in a war we wouldn't have F–15 pilots fly Apache helicopters, no one asked Customs and Immigration inspectors to do each other's job.

Let us do what we are trained to do. I have in this bag, this very large bag, volumes of immigration law, which every inspector has to be competent in before he can successfully do his job. We also have 30 volumes of BIA decisions, directives and numerous other volumes which we need to know.

I don't know what Customs does, other than the basics. I know how to—we have to look for drugs, we look for contraband, we look for duty—things that were dutiable and we refer them to Customs.

Conversely, they do the same things to us.

Finally, Mr. Chairman, I want to submit for the record a letter which I wrote in June of 2000, at the request of former national council President Chuck. He appeared before a congressional committee, and I bring to your attention the closing paragraph:

"In closing, I can only hope that the Members of Congress will answer the wakeup call of the two terrorists caught and not wait to have another Pearl Harbor or Oklahoma City on their watch. If Congress doesn't act, the only people that will be surprised by a

new terrorist attack will be the innocent victims who depend on the government to protect them."

The law enforcement community is aware of the problem and knows that the only people who can help prevent another disaster are the Members of Congress, the only ones who are able to increase staffing for the level necessary to protect our country.

In closing, I would just like to say, just as lawyers are specialized in various fields of law, we must have specialized CBP officers. They enforce the laws passed by Congress to protect our citizens and as law enforcement officers they deserve the enforcement pay and retirement. Most importantly, we deserve to give the country the security it needs. The security of the United States is the most important thing. We cannot accept nor tolerate mediocrity.

Thank you, and I will answer any questions you have.

Mr. CAMP. Thank you.

[The statement of Mr. Kuhn follows:]

PREPARED STATEMENT OF THOMAS KUHN

Mr. Chairman, Ranking Member Turner, Members of the Committee:

My name is Thomas Kuhn. I am President of Local 2580 of the National Immigration and Naturalization Services Council (AFGE). I would like to take this opportunity to thank the members of the Committee for allowing me to present my views on the proposed Customs and Border Protection Officer (CBP) position.

I will first provide you with a basic overview of my background and experience. I began my career in 1973 with the Immigration & Naturalization Service at Kennedy Airport. The training and experience I received in the five years at Kennedy allowed me to develop the primary, secondary, and investigative tools required for me to competently perform my duties for the rest of my career. For the next 19 years duty assignments were land border inspection stations

In 1997 I was promoted to Special Operations Inspector and was transferred to Preclearance Operations in Canada.

In addition to my inspection duties I also served as an instructor, intelligence officer, adjudicator, and currently I am the quality control officer for legacy Immigration at Montreal. As a special operations inspector I have always received excellent or above ratings and have received a number of awards and letters of commendation.

It is due to my education, training and experience that I am now able to provide an informed recommendation about the newly proposed Customs and Border Protection Officer. This new position as I understand it is designed to replace the Immigration, Customs and Agriculture Inspector with one person with 15 weeks of training, and OJT for 6 months. Mr. Chairman, having given the issue a great deal of thought, I do not believe that such a consolidation will work nor do I feel the country will be safer for it

My training and education is a continual process in which a new situation or question about the Immigration status of an individual traveler brings about moment-by-moment developments.

The complexities that the Immigration Inspector encounters on a daily basis are endless. There is no situation which is as simple as it first seems. What should take several minutes to determine ? if an individual is an American Citizen—can at times become an involved investigatory process that can take hours or even days.

Congress has rewritten the immigration law three times in my career and each and every time the repercussion at the front lines caused untold delays and loss of man-hours. As an example a person born outside the US in 1932 may not derive citizenship from a mother married to a non-US citizen father. Yet if they were born with the same circumstances in 1960 they would be citizens. And there are countless other equally confusing examples of immigration law we must interpret.

When an immigration inspector graduates after 22 weeks of basic inspector training it takes 3 to 5 years before they are competent to work secondary without a senior officer with them.

US Customs and Immigration Inspectors currently staff land border primary points. This works there due to the fact that no one other than US citizens, Canadians, or Mexicans with a border crossing card, are processed on the primary point of inspection. If a customs inspector encounters anyone other than the above listed

individuals, the traveler is referred to immigration secondary where the arriving person?s documents are checked, he or she is interviewed and a determination is made as to the type of visa required. There are over 55 non-immigrant visas and sub categories all with different requirements and duration of stay.

Immigration Inspectors at international airports process all passengers with visas on the primary line. Passengers suspected of malfeasance are immediately escorted to secondary.

It takes at least one year before a new inspector is proficient at primary alone.

When an inspector starts working he makes many unnecessary referrals to secondary due to the fact that there are numerous different issues of passports, visas, green cards etc all with different security features. In many cases these innocent people have long waits and often miss connecting flights causing tremendous inconvenience and lost revenue to the airlines. The new officer is also easily fooled by high quality false documents and convincing liars.

I am an American, a New Yorker. I watched the World Trade Center being built from my office when I worked on Wall Street. I watched them come apart thanks to media coverage. So I am fully aware of the need to stop terrorists. But if we drive the airlines out of business, or make it so difficult to enter the US that the tourists stay home, then the terrorists have won anyway.

On the other hand, in a world where terrorists destroy 100 story buildings and kill thousands of people, the border is no place to put a bureaucrat's idea of efficiency over our national security. And while this proposal may appear more 'efficient' I can tell you here and now our nation will not be safer for it.

If the management of Customs and Border Protection, which has limited immigration experience, plans on making CBP officers "Jacks of all trades" they will be "Masters of none" and it will be a grave disservice to the security of the country.

If on the other hand they plan on developing quality primary officers from the new CBP officers and then develop new CBP career paths to specialize in immigration or customs the concept could work.

We must continue to have Customs and Immigration specialists. Customs inspectors do a great job of examining cargo, searching vessels, and baggage for contraband and WMDs. If I work until I retire in six or seven years I will not be anywhere near as good as they are today. Conversely Immigration Inspectors are experts in interviewing people and examining documents. CBP officers will never be as proficient as good Immigration Inspectors are today.

The terrorists and criminals depend on expert counterfeiters for documents. The drug cartels are always developing new and more sophisticated methods of smuggling drugs, and WMDs are a whole new ballgame. The United States must have experts at the borders prepared to stop all kinds of violators.

This is a war and just as in war we would not ask F–15 pilots to fly Apache helicopters or B–52 pilots to fly stealth fighters. Don?t ask Customs and Immigration inspectors to do each other?s job. Let us do what we are trained to do.

In 1988 when there was a proposal for the INS to take over all land border responsibilities there was a local survey done in the Champlain, NY area. At that time Customs manned 2/3 of the primary lanes of traffic yet immigration inspectors made more that 2/3 of the referrals that resulted in refusals of admission. It?s not that immigration inspectors were smarter; it is that they were experts in immigration.

If you have doubts about the complexity and details of immigration law that are required to be understood by Immigration Inspectors, let me dispel it right now. On the desk in front of me are the volumes of Immigration Law, Bureau of Immigration Appeals decisions and the directives that an immigration inspector must be aware of to be competent at his or her job. I do not believe it is possible for one person to effectively perform this job and take on the responsibilities of both customs and agricultural inspectors.

I have very little idea what customs inspectors have to know to be fully able to do their job even though I am a cross-designated customs inspector and have been for 20 years. I know the basics, find drugs, what a tourist can bring back from abroad or what a visitor can bring into the US. I have even made Customs seizures when I worked alone at small northern ports but as to the rest of their job I have no idea. I know they enforce laws for 36 different agencies, I know they enforce marking regulations and copyright and trademark laws. They also collect duties. Other than that I know very little after 20 years of working side by side with customs.

Finally Mr. Chairman, I want to submit with my testimony a letterwhich I wrote in June of 2000 at the request of former National INS Council President Chuck Murphy. It concerns the issue of inadequate staffing levels at U.S. ports of entry, a problem which continues to this day. He submitted it to a Congressional com-

mittee when he appeared before it. I would like to call your attention to one particular paragraph in that letter:

"In closing I can only hope that the members of Congress will answer the wake up call of the two terrorists caught and not wait until we have another Pearl Harbor, or Oklahoma City on their watch. If Congress does not act, theonly people surprised by a terrorist attack will be the innocent victims whodepended on the government to protect them. The law enforcementcommunity is aware of the problem and knows that the only people who canhelp prevent a disaster are the members of Congress. They are the only oneswho can increase the staffing to levels necessary to protect our country"

In my view, the issue that needs to be addressed by DHS and Congress is not the consolidation of existing positions at the border, but the inability to attract and retain competent workers for the existing positions. Low pay compared with other law enforcement occupations, the fear of losing job protections and continuing morale problems contribute to the high turnover rate among legacy immigration inspectors. The failure to recognize customs and immigration inspectors as law enforcement officers for purposes of retirement coverage is, and will continue to be, a major reason for leaving.

Our nation needs a well trained, highly motivated work force in order to protect our borders from the threat of terrorism. The current division of responsibilities works well and allows us to pursue that goal aggressively. The CBP officer will not function as effectively and will not keep our nation safer from terrorists. These jobs are too important. We cannot tolerate mediocrity. Thank you.

Mr. CAMP. Mr. Pauli, you have 5 minutes to summarize your testimony.

STATEMENT OF BILL PAULI, PRESIDENT, CALIFORNIA FARM BUREAU FEDERATION

Mr. PAULI. Thank you, Mr. Chairman, Ms. Sanchez and Mr. Goodlatte. It is a pleasure to be here this afternoon.

I am a farmer from California. I am President of the California Farm Bureau.

Mr. CAMP. Mr. Pauli, could you pull the microphone in front of you?

Thank you.

Mr. PAULI. Thank you.

It is a pleasure to be here. I look forward to making the following comments.

I have personally visited border crossings, airports, and seaports. I have seen why there is a need to streamline inspection protocols, as this initiative does, but it is critical that it be done with utmost attention to the Animal and Plant Health Inspection Service, APHIS, with their mission of protecting plant and animal health to ensure a safe and reliable food supply for the American consumer.

Therefore, in my testimony today I would like to first thank the Bush administration for its diligence in protecting our homeland; secondly, raise awareness for the agricultural role of the new department; and third, express concerns with the new streamlining concept.

Farm Bureau has worked closely with the Department of Agriculture on homeland security issues and appreciates the leadership of Secretary Veneman and Deputy Secretary Moseley.

The creation of the Homeland Security Council at USDA has assisted in protecting our borders, our food supply, our research and laboratory facilities and technology resources from any intentional acts of terrorism. The quick and decisive actions taken at USDA

assured consumers that measures were in place to protect the U.S. food supply from attack.

Californians, unfortunately, know how devastating either an intentional or accidental introduction of foreign animal diseases or exotic pests can be to our food supply. USDA and the California Department of Food and Agriculture have spent in excess of $200 million to control outbreaks of Exotic Newcastle Disease, bovine tuberculosis and the Mexican Fruit Fly, all of which come from outside our borders. Prevention is certainly less costly than control and eradication.

In light of these recent pest disease outbreaks and a projected $2 billion increase in U.S. agriculture imports this year, we must strengthen security procedures for product inspection, test control, eradication, and emergency management.

Farm Bureau has supported increased resources to USDA's APHIS to improve surveillance measures and accountability at U.S. ports of entry, to prevent the introduction of foreign plants and animal pests and diseases.

It is imperative, and I repeat, it is imperative that these resources, including personnel training and quality control, not be diminished under the proposed One Face at the Border initiative, as proposed by the Department of Homeland Security. The training of the new Customs and Border Protection officers is the critical issue. It has become readily apparent to me, since we issued our initial comments this morning from various sources, that the issue about training is unclear.

Training is the heart of the issue and whether it is 16 days, as initially outlined by DHS, or whether it is 90 hours, as they say it is now, the real question here is the amount of training, the type of training, the type of officers, and their background, so that they have adequate knowledge in order to understand the issues that we have faced for years and years in APHIS.

Training is the key. When APHIS border functions were transferred to the new Department of Homeland Security, we were given assurance that the integrity of these programs would remain intact.

However, having One Face at the Border administering Customs, Immigration and Agriculture programs could be a daunting task. After all, the functions of ag inspectors alone is very, very complex, ranging from cargo and containers carrying potentially harmful insects to travelers carrying mud from a foot and mouth disease-infected livestock operation.

While we appreciate the Commissioner's outreach to agricultural stakeholders, we urge further dialogue between DHS, the USDA, and the industry on the initiative, on the further defining of DHS's responsibilities relating to food safety and safe trade. Many questions remain—many, many questions—such as, what about the collaborative efforts at the various State-level departments of agriculture and how that will be carried out?

Agriculture and consumers must be assured that food safety will remain a priority under this department. To that end, Farm Bureau and all of agriculture advocate the importance of trained agricultural specialists at our Nation's points of entry and strongly em-

phasize the need to ensure sufficient staff resources for the new Customs and Border Protection officers.

We commend this committee for holding this hearing. We look forward to working with you, USDA and the Department of Homeland Security to safeguard the U.S. food supply for both intentional and unintentional accidents which will affect not only production agriculture across the country, but will be to the detriment of the U.S. consumer.

Thank you, Mr. Chairman, and I look forward to any questions that you and the other members might have.

[The statement of Mr. Pauli follows:]

PREPARED STATEMENT OF BILL PAULI

Good afternoon, Mr. Chairman, members of the Committee. My name is Bill Pauli. I am President of the California Farm Bureau Federation and a member of the American Farm Bureau Federation Board of Directors. I produce wine grapes and Bartlett pears in Mendocino County. Thank you for the opportunity to present testimony on the "One Face at the Border" concept proposed by the Department of Homeland Security (DHS).

Having personally visited border crossings and seaports, I have seen why there is a need to streamline inspection protocol as this initiative does, but it is critical that it be done with the utmost attention to the Animal and Plant Health Inspection Service (APHIS) mission of protecting plant and animal health to ensure a safe food supply.

Therefore, in my testimony today, I would like to first, thank the Bush administration for its diligence in protecting our homeland, secondly, raise awareness for the agricultural role of the new department, and third, express concern with the new streamlining concept.

Farm Bureau has worked closely with the Department of Agriculture on homeland security issues and appreciates the leadership of Secretary Veneman and Deputy Secretary Moseley. The creation of the Homeland Security Council at USDA has assisted in protecting our borders, food supply, research and laboratory facilities and technology resources from any intentional acts of terrorism. The quick and decisive actions taken at USDA assured consumers that measures were in place to protect the U.S. food supply from attack.

Californians, unfortunately, know how devastating either an intentional or accidental introduction of a foreign animal disease or exotic pest can be to the food supply. USDA and the California Department of Food and Agriculture have spent in excess of $200 million to control outbreaks of Exotic Newcastle Disease, bovine tuberculosis and the Mexican Fruit Fly—all of which came from outside our borders. Prevention is certainly less costly than control and eradication.

In light of these recent pest/disease outbreaks and a projected $2 billion increase in U.S. agriculture imports this year, we must strengthen security procedures for product inspections, pest control, eradication, and emergency management.

Farm Bureau has supported increasing resources to USDA's Animal and Plant Health Inspection Service to improve surveillance measures and accountability at U.S. points of entry to prevent the introduction of foreign plant and animal pests and diseases. It is imperative that these resources, including personnel, training and quality control not be diminished under the proposed "One Face at the Border" initiative by the Department of Homeland Security.

The training for the new Customs and Border Protection officers would have to be extensive to know when a passenger, piece of luggage or cargo container needs further inspection by agricultural specialists. The traditional APHIS border inspectors were trained intensively for eight weeks under Veterinary Services and the Plant Protection and Quarantine Service. Many had an advanced degree in an agriculture related field, were highly trained in animal and plant disease identification and understood their movement. Under the initial system proposed by DHS, the new Customs and Border Protection officers would receive only 16 hours of training regarding agriculture. If DHS expects to ensure effective protocols with minimal training via secondary inspectors, how will the department meet the timing needs of perishable commodities and live animals?

When APHIS border functions were transferred to the new Department of Homeland Security, we were given assurances that the integrity of the programs would remain intact. However, having "one face at the border" administering customs, im-

migration and agriculture programs could be a daunting task. After all, the function of ag inspectors alone is very complex, ranging from cargo containers carrying potentially harmful insects to a traveler carrying mud from a Foot and Mouth Disease infected livestock operation.

While we appreciate Commissioner Bonner's outreach to agricultural stakeholders, we urge further dialogue between DHS, USDA and industry on this initiative and the further defining of DHS responsibilities relating to food safety and safe trade. Questions remain, such as, will DHS continue collaborative efforts with state-level departments of agriculture?

Agriculture and consumers must be assured that food safety will remain a priority under the department. To that end, Farm Bureau advocates the importance of trained agriculture specialists at our nation's points of entry and strongly emphasizes the need to ensure sufficient staff resources for the new Customs and Border Protection officers.

We commend this committee for holding this hearing and we look forward to working with you, USDA and the Department of Homeland Security to safeguard the U.S. food supply from both intentional and accidental threats. Thank you.

Mr. CAMP. Thank you for your testimony. And thank you all for your testimony. I have a couple of questions for both Mr. Keefe and Mr. Kuhn.

Tell me, what is your reaction to all of the added resources in personnel that have been put on the border since September 11? We had some pretty dramatic testimony about the increases in resources and programs. Do you have any comment on those?

Mr. KEEFE. Well, Mr. Chairman, thank God. Thank God and finally it happened.

I remember giving a brief discussion to the Northern Border Coalition, a group of Congressmen that are interested in the northern border, and I remember talking once—you know, I always hear a lot about after September 11, we have done this. Well, let me tell you something. A lot of the men and women I work with were doing it before September 11.

And I used to sit on certain committees for the union to negotiate things for the agency, and I would talk about terrorism and preventing terrorist attacks and I would be laughed at, but guess what?

Nobody is laughing anymore, and you know, we commend and we are very grateful for the infusion of resources. It allows us now to finally do our job. And I guess it is kind of—it is a double-edged sword because it is also very frustrating, because now we are doing our job, and like the gentleman from California said, it is very daunting to look at this; whereas, the resources given us—and I don't want to throw the baby out with the bathwater here.

Some of this idea is good, some of this merging is good, but the specialty has to remain; and it is now very daunting for the men and women that I work with, almost paralyzing, to think that we have to do all these functions.

Mr. CAMP. Okay.

Mr. Kuhn, any?

Mr. KUHN. I would agree that it is a good concept.

The extra manpower on the northern border has been a tremendous help. I spent 19 years on the northern border, many times working alone on our checkpoint, and there is not a whole lot you can do when you are alone.

There are vehicles that come down that you would like to really look at, but you don't back up 25 minutes away, so now that we

have two officers in a lot of these places, it gives these officers a real feeling of protection for themselves.

Also, the knowledge that we are getting and some of the tools we are getting is great. They are upgrading our computer systems. Right now, if I want to run a full check on somebody, I have to go in and out approximately nine different databases, all with different passwords, and you know how frustrating and complicated that gets. So it is a good idea, the improvements are good, but as Mr. Keefe said, we have to maintain a certain amount of expertise in the various fields.

Mr. CAMP. Well, I certainly appreciate those comments and what you and the members of your organizations are doing at the border to protect and serve the United States and the people who live here.

Tell me, it seems to me, in those smaller units, this integration is actually a good thing because they are doing everything anyway; and it seems to me, in the larger areas, larger points of entry, that you are naturally going to have some sort of specialization. And maybe I am misunderstanding, but I didn't see anything that necessarily would prevent further specialization in a unified agency. I mean, already the Commissioner testified that there would be, for example, a K–9 unit with special training; and clearly there is the Agriculture inspector that is going to be a specialist.

Is there something I don't know or is there something preventing those who may have a particular expertise or the way this will develop? In terms of One Face at the Border, the functions will still have to occur. Is there something preventing a specialization on behalf of an employee if they want to go deeper into something?

Mr. KEEFE. If I may, I agree with you, and I have heard Commissioner Bonner speak on several occasions, and he seems to be inching towards specialization, although not explicitly saying so.

I think there would be a greater comfort level if he explicitly said, for example, we are going to have secondary legacy Customs people, secondary INS people that are proficient and trained to do this—I think that would be a positive step in selling this program—and a secondary APHIS inspector. Because, as the gentleman said, APHIS, we are all different, but APHIS is a very scientific background. And I can tell you, in maybe even 20 years, while I may be able to have some similar skill sets as my partner Mr. Kuhn, I am not scientifically inclined—I don't have that vocation; and it is very specific. So I think there is nothing prohibiting it, but there is nothing that says it completely.

And if I may, Mr. Chairman, I would also like to comment on what the full chairman said. I don't want to come across and I know the people I represent don't want to come across; as we have been doing this for 20 years, we don't want to change. As Mr. Kuhn said, we welcome the change, but we think it should be done in a constructive, positive way with employees who do the job having some feedback; and up until this point, sir, we have had none of that.

Mr. CAMP. Okay. I appreciate your comments.

Ms. Sanchez may inquire.

Mr. KUHN. Sir?

Mr. CAMP. I am sorry. I didn't mean to cut you off.

Mr. KUHN. I have a lot of airport experience that Mr. Keefe doesn't have, and it is going to be a real problem at airports, at the unified primary. At a land border, when a person comes in who is not Mexican, Canadian or U.S., he is immediately referred over to secondary where Immigration takes care of him.

When you come into an airport, everybody's done on primary, and we issue I–94s, we determine whether the person is valid, we give them the time frame they have. We have to question them on what their intent is, are they coming for business, are they a tourist, et cetera. Customs doesn't do any of that now, so all of those 10,000 Customs inspectors will have to be brought up to speed on that.

I have 30 years, and we still get into discussions on the basic category of B–1 because it is getting so blurred with international business. Is this gentleman a visitor for business or does he need a different visa, a treaty trader or an in-company transferee, or a work permit; and it is going to be a real problem at the airports.

Mr. CAMP. Okay. Thank you.

Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

I guess I am having a little bit of difficulty trying to really understand how this works, this integrated one person who is the primary, but that doesn't necessarily mean that under the new system, there will be a secondary person—that is actually more trained or more specialized is pretty much what I really gathered from Mr. Bonner's testimony earlier and some of the reading that I did. Is that correct?

Is that the understanding, Mr. Chairman, or the understanding that you all have as to how this is going to work. Or does anybody really know?

Mr. KUHN. Well, what I have been told at town meetings is, we are going to start rotating.

Ms. SANCHEZ. So you could end up being the secondary guy or the primary guy.

Mr. KUHN. And I could wind up being the Customs secondary guy.

Do you have anything to declare? Yes. See the Customs inspector.

Ms. SANCHEZ. Right. Right.

Do you have any comment to that, Mr. Keefe?

I mean, I am trying to understand because what I am getting is that any of you will be placed in a place, so you could be a primary guy or you could be a secondary guy and if you are placed in a secondary position, you may not know the full stack of books that you have in front of you and all the other directives and court decisions that we have going on.

Mr. KEEFE. Exactly. You have got it, ma'am, with one exception.

He is correct when he says I have very little airport experience. The only airport experience I had was coming down here today. I don't work in an airport, and it is a different world. We have had—as the Commissioner of Customs said, it is called one-step inspection at the border, whereas Customs and Immigration inspectors perform inspections of—primary inspections on the border. I do it. It is one face. It has been that way for 20 years. I don't need a high

level of expertise to do the primary screening. The skill sets are the same; the questioning is the same.

Where it gets tricky is where you go into a matter that is a little more detailed. And one of the things I said to Commissioner Bonner at a town meeting in Buffalo is, physicians have similar skill sets, doctors have similar skill sets, a podiatrist and a cardiologist. When I get chest pains, I don't want to go to a podiatrist. There is a reason for specialization.

On the land border, if I have got a question on a primary issue, I send it to secondary. It is almost a safety net. It is a critical thing. It is a different world, though. You just have to know the airports and land borders and, for that matter, seaports. They are all different environments.

Ms. SANCHEZ. If—I am trying to also understand if we have new people coming into the system and now are trained overall as just a new Border Patrol—whatever the name of this is, the new uniform guy, Oh, it is a new uniform—I don't know that it is necessarily a good thing.

That is what I am trying to figure out.

How comfortable do the people who have already been doing this for a long time feel as far as putting aside the, what we—well, this is the way we have done it in Border or this is the way we have done it in Customs or this is the way we have done it in INS for a while.

How are they feeling about going through the new training? Are they getting new training? Are they getting the same 71-hour training course?

What do your colleagues—what kind of training do you think you are going to get? Do you feel comfortable with that if you are going from "I have always done INS" and looked at what the backgrounds of people are, and now I have got to go and do cargo; and I guess the same answer back from cargo to the people. Because some people feel very comfortable doing cargo and checking things, but they may not feel good about questioning people about status, "Are you really supposed to be here in this country?"

Not that he would be more lenient, but they might be, because confrontation over "Are you supposed to be here?" is a lot different confrontation from "You have got to leave that pair of scissors there" or "We have got to take this away" or "You have got to pay an additional $30 because you didn't declare this."

It is a different kind of confrontation.

Ms. SANCHEZ. I guess I am trying to feel how are the current employees feeling about all these changes going on?

Mr. KUHN. As far as the training goes we had one videotape put out so far on primary, and I reviewed it and there were four major errors on the training video. I was asked by my point director to review it before we put it out.

And with regard to how do the employees feel, we do the same job, we need the same skill sets, but things are—with Mr. Keefe's job, it is you find it or you don't find it. It is physical, it is objective.

With integration we train more with the subjective. Your answers come from interrogating the people, questioning the people and trying to find out what a person's true intent is, and one of the major problems is going to be when the supervisors switch

over. They are going to get a customs supervisor, a hundred hours of training on integration, and then I am going to have to try and convince him one way or the other that, A, we should exclude this guy or, B, we should let this guy go. And I believe I could snow it as supervisor if I wanted to, and I believe there are some supervisors who no matter what I said their mind would be made up even if they were wrong. And it is going to be a problem.

Mr. KEEFE. There is an incredible level where I work of frustration and almost demoralization, and it is kind of ironic considering as the chairman said, you know, how do we feel about the staff. They feel very good about the staffing and the recognition for the job we have done, and yet they almost feel like their job is being kind of dumbed down, because they have worked very diligently and have been very proficient and very talented and have intercepted a lot of things, both of our—all three of our legacy agencies.

As far as the new people, we don't know yet. They are just starting to go with this training. So I am sure they will come back, and they don't have anything to gauge it by. But most of the journey people inspectors are very resentful, and again it is not because they are resistant to the change. They are resistant to the way the change was thrust upon them without their input.

Ms. SANCHEZ. Thank you. And I guess I have one last question for Mr. Pauli, and this, again, trying to understand, because I didn't get to question the Commissioner as much as I had hoped, and I will submit some questions for the record. But you have studied this a lot more than I have and probably almost any member on this committee because it is directly going to effect you as a farmer and our Nation's agriculture.

Do you feel comfortable that in fact when there is something coming across the border or when there is a person coming through the airport or when there is a port person that we are actually going to have a secondary agriculture person there or there is going to be somebody that is trained up for that more so under this system than what we currently have, Mr. Pauli?

Mr. PAULI. Well, I hope it is apparent from my testimony that we have real concerns about how this is going to really work. We have questions about the training and the adequacy of the training. We think there is potential holes, but we are trying to keep an open mind, recognizing that clearly the system is changing, but we are not completely comfortable at this point by any means.

There again, on one hand the Department seems to be open and trying to meet with us and talk with us about what they are doing and why, and yet they don't seem to have all of the answers yet. It is evolving, and that is why we are here today to express our concern that we don't know some of the pieces. We hope those will come together, but as the other two gentlemen have stated, these are complex issues, and when you get to the APHIS issues, they too are very, very complex. They involve the type of personnel that have a background, desire to be in these kinds of areas, these kinds of issues. They have a background in agriculture. They understand these diseases and these pests. They know where they come from. They know where to look for them. And we are not convinced at this point that we may or may not get there.

Ms. SANCHEZ. And lastly, how much time do you think you have spent trying to understand this and doing meetings and talking—trying to talk to some of the Department officials?

Mr. PAULI. Well, it is hard to quantify the amount of time, but, I mean, there again—.

Ms. SANCHEZ. 10 hours, 50 hours?

Mr. PAULI. This has been an issue for over a year for us as it has been coming forward, but APHIS has always been a concern for us particularly in California and on the border states because of the complex issues we face and the outbreaks of various diseases and pests. There is not an easy answer to detect or prevent these pests.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Mr. CAMP. Thank you. The chairman of the full committee is back if you would like to inquire.

Mr. COX. I would like to thank the witnesses both for your prepared testimony and for what you do every day when you are not here. Mr. Pauli, congratulations to you on being appointed to Governor Schwarzenegger's transition team. I hope that that is a worthwhile experience. And Mr. Keefe—is it Kuhn? Mr. Keefe and Mr. Kuhn, thank you very much for what you do at the border and for the testimony that you provided to us.

I want to—first of all, I just want to express my support for the concerns that have been raised about getting ag right. I am a strong supporter of trying to consolidate our border functions, but at the same time I think we have got to do it right and particularly when it comes to ag we want to make sure that—because that is science as compared to law, if you will. It is not just a combination of two separate legal disciplines. It is—we are now pitting humanities into sciences, and so we need to make sure that we get this right. And I know the chairman of the Agriculture Committee wants to get it right. I know the Secretary wants to get it right, and so I think that the concerns that you have raised with us are very valid ones, and we want to continue our oversight and make sure this does get done right.

Mr. Keefe and Mr. Kuhn have raised slightly different issues than the APHIS issue, but I wonder if I could get the benefit of, unless I am, Mr. Chairman, covering ground that has already been covered at this hearing, get your take on the APHIS aspects, because your testimony I think is very good about the challenges that we face trying to combine customs and immigration. But I would like to hear a little bit more about your thoughts on the APHIS aspects, if you feel comfortable.

Mr. KEEFE. Mr. Chairman, I did say a little bit about it before you came in, and I think you hit it right on the head. I mean, it is an almost an apples and oranges thing. It is a law enforcement mindset from the people that I have worked in within APHIS to a scientific approach to a job.

Again, you know, on the primary—our worlds are a little different. I work at the land border. Mr. Kuhn works at an airport. On the land border I am able to ask some routine questions and do some routine examinations, and I feel a fairly strong comfort level with the primary function performing APHIS inquiries.

However, if you got into anything beyond that—and we are not talking a lot of detail—I think that is where it gets very problematic, because, again, it requires some level of scientific study that I just don't have the benefit in my education experience.

Mr. COX. Mr. Kuhn, do you want to add to that?

Mr. KUHN. Basically APHIS is just something that immigration inspectors are aware of. We basically ask a few basic questions, and we say, see the agriculture officer. I don't have any scientific background that would lend itself to becoming proficient, you know. I know what an orange is, an apple is. I could probably tell if there was a bug crawling on one of them, but other than that I don't have a whole lot of experience in it.

Mr. COX. Mr. Kuhn, I wonder if I could ask you about an area—the area where you are most experienced, and that is looking at documents that people bring with them as they try to cross the border. We have had hearings recently in this committee focused on fraudulent documents and their prevalence and also not just fake documents but valid government-issued documents that are fraudulently obtained.

The latter is of particular concern. The State of Maryland right now is considering loosening its requirements for issuance of a driver's license. Virginia since 9/11 went the other way because the 9/11 terrorists sought out Virginia given the laxity of the issuance of their IDs. California just had a contest about this in the context of our gubernatorial recollection, but, you know, very plainly even before the legislature changed the law in California, there were big problems at the DMV because the General Accounting Office went in and easily obtained fraudulently issued licenses based on the most obvious forgeries.

What can we do given that while we may fix one of these problems in one State or another State, there is this seeming proliferation of government-issued IDs that aren't any good? What can we do to make sure that as you are looking at people coming across the border, A, you don't have to keep in your mind 147 different documents and what they are supposed to look like and, B, protect you from the problem that just because it is government-issued it might not be real. It might have the guy's picture on it. It might be from the real state of the union, but it is just not legit. What can we do to address this problem?

Mr. KUHN. Short of a U.S. citizen ID card which would be issued by the Federal Government, it is an absolute nightmare. Almost every county in the United States issues a different type of birth certificate. It is no big problem to go to a cemetery and see someone, you know, of your age who died at a very young age. You get a birth certificate for that child. You go get a driver's license, and you have the world. You have a U.S. passport, which only gets a cursory examination in most countries of the world. It is an absolute—you would have to cross-reference all the birth certificates and death certificates in the country to make sure that somebody can't get a birth certificate for a dead person. You should probably link all of the driver's license bureaus together.

Mr. COX. And incidentally, we discovered in our hearings that that is already done for commercial driver's licenses, just not for everybody else.

Mr. KUHN. Right. There was an issue made a short time ago about some—I guess it was GAO inspectors that came through the northern border and they presented counterfeit driver's licenses, and it made press headlines that they got into the country. We don't examine driver's licenses. A U.S. citizen doesn't have to present anything. I talk to the person. If the person is a U.S. citizen, I let them go. If I don't think he is a U.S. citizen, then I really worry about documents.

So in the case of these guys coming through a land border with a false driver's license, it is not a shock to us. We don't check those documents. At airports we do, but at land borders you don't.

Mr. COX. Well, it is interesting. Our colleague Eleanor Holmes Norton, who is one of the moving forces in making sure we had this hearing on document fraud, described herself, and I think fairly, as a civil libertarian, and she is coming more and more to the view that we have got to have some sort of biometric identifier as a matter of civil rights and civil liberties, because right now what we are doing at the border is you are sizing somebody up and deciding whether they are a citizen. And obviously that kind of subjective approach is going to work less well for people who look like they are from some other country, and that is exactly what people from various national ethic groups don't like about the way government enforces the law.

Do you see any down—now, the purpose of a biometric of course, whether it be a thumbprint or a hand print or a retina or iris or facial, whatever you pick, the purpose of all of this is to connect the document with the person and also to make it much more difficult for people to generate fraudulently obtained government documents in the first place.

Do you see resistance to biometrics in the workforce, or do you see support for biometrics in the workforce, or do you just have a whole host of opinions on it?

Mr. KUHN. We welcome it. Anything that will aid us in keeping out the people we need to keep out, we welcome. I don't know of an immigration officer who wouldn't love to see a U.S. ID card with a biometric in it. It is just something we really need.

Mr. COX. Mr. Chairman, as you know, our statute, the Homeland Security Act, expressly forbids national identity card, and I don't think we should go revisit that portion of the statute, but I do think it is incumbent upon us to take a look at minimum standards for those who do issue identification in the United States of America and certainly for such national interstate interests as boarding aircraft, buying weapons and so on.

I yield back.

Mr. CAMP. Thank you. Mr. Goodlatte may inquire.

Mr. GOODLATTE. Thank you, Mr. Chairman, and I also thank Chairman Cox for his comments regarding agriculture. It is of grave concern here, and I share his hope that we will through coordination of efforts here achieve a better result, because certainly anything can be improved upon; but less training and less front line attention from agriculture folks concern us, and we have had not only on our part but I think on the part of the farm community and others as well a great deal of concern about the lack of commu-

nication that has come forward to explain exactly how this is going to work.

I have some exhibits we didn't have time for during the first round of questions with Mr. Bonner, but I will take the opportunity now, Mr. Chairman, and show you how complex some of these things are. These are not apples or oranges. This is the can of soup, Big Soup. It looks pretty innocent. It is not a U.S. product. It is a product of England and it is a banned product in the United States. It was seized at an airport by a trained agriculture quarantine inspector. It includes lamb ruminant, which is a risk for transmitting mad cow disease; and as many know, BSE caused a very serious problem in Europe. We have got to keep it out of the United States . It is heat resistant, survives the canning process, and BSE is listed as a select agent under the Agricultural Bioterrorism Protection Act. I hope 16 hours of training for the frontline person will help to identify this innocent-looking thing as a problem.

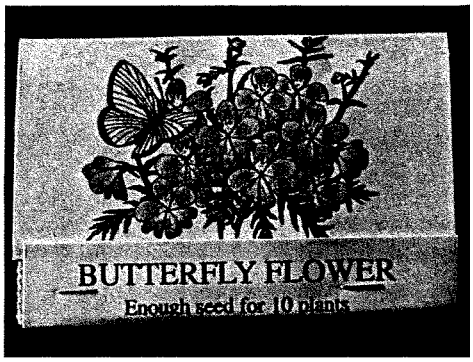
[Information follows:]

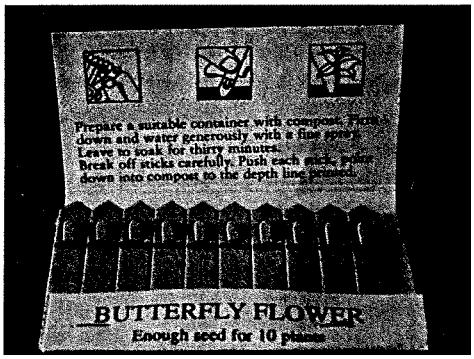
Nursery Stock

Example 1 – Seeds that Appear to be a Matchbook

Seed for propagation – The item is prohibited in passenger luggage without a phytosanitary certificate. The product is designed to look like a matchbook and could easily be overlooked.

RISK: Plant pests and diseases.

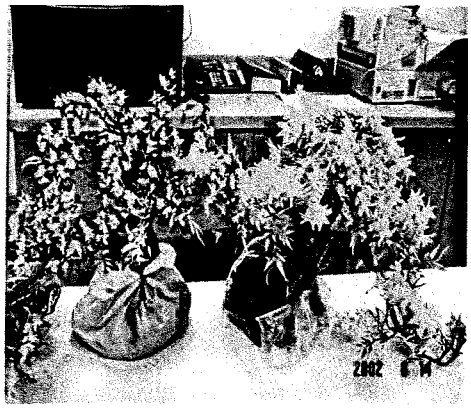




Example 2 -- Bonsai tree with Silk Flowers

The tree was declared as artificial, but is actually a live bonsai with the leaves removed and replaced with silk flowers.

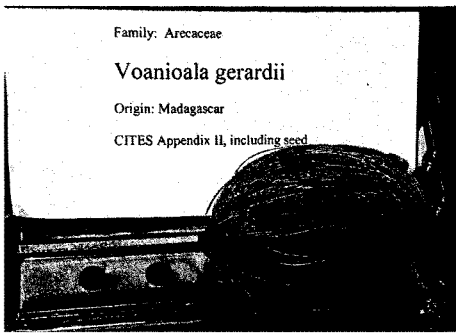
RISK: Live plant in soil. Such importations can harbor diseases, insects, and nematodes.

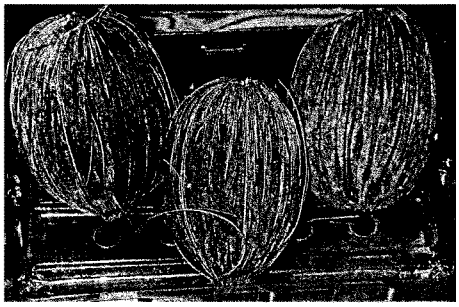


Example 3 – Nursery Stock and CITES

This nut can be mistaken for a small coconut and released. Actually, this is a palm nut that is an endangered species (CITES II). The correct action is to authorize movement to a plant inspection station.

RISK: Plant diseases and violation of CITES regulations.





Example 4 – Prohibited Nursery Stock Accompanied by a Phytosanitary Certificate

Prohibited plum tree cuttings imported with a valid phytosanitary certificate. A phytosanitary certificate only attests to the origin and apparent freedom from pests and diseases. It can not be used to determine enterability. Detailed regulatory knowledge is essential when conducting even seemingly routine inspections.

RISK: Plum pox virus (listed as a select agent under the Agricultural Bioterrorism Protection Act)

Nom et adresse de l'exportateur :
SUDFLOR
Fleurs Naturelles
Z.A.C. La Pauline
83130 LA GARDE (VAR)
Tél. : (94) 21.42.08
Télex : 400 287 F 286

MINISTÈRE DE L'AGRICULTURE

CERTIFICAT PHYTOSANITAIRE

N° CE/FR/ 83D/ 11758 1 Délivré le 12 DECEMBRE 2002

Nom et adresse déclarés du destinataire :

Everflora

Chicago

U.S.A.

Organisation de la Protection des Végétaux de FRANCE

PROVENCE - ALPES - COTE D'AZUR

A Organisation(s) de la Protection des Végétaux de

U.S.A.

Lieu d'origine :

FRANCE - VAR

Moyen de transport déclaré :

CHEMIN de FER	
ROUTE	
AIR	X
MER	

Point d'entrée déclaré :

Marques, numéros, nombre et nature des colis, nom du produit (y compris le nom botanique des plantes) :

16 Cuttings Prunus domestica

Quantité déclarée :

2 Kg

IL EST CERTIFIÉ que les végétaux ou produits végétaux décrits ci-dessus :

- ont été inspectés suivant des procédures adaptées;
- sont estimés indemnes d'ennemis visés par la réglementation phytosanitaire et pratiquement indemnes d'autres ennemis dangereux;
- et sont jugés conformes à la réglementation phytosanitaire en vigueur dans le pays importateur.

Déclaration supplémentaire :

Traitement de désinfestation et/ou de désinfection :

Produit chimique utilisé (matière active) :	Date :
Durée et température :	Concentration :
Renseignements complémentaires :	

Cachet de l'Organisation - Nom du fonctionnaire autorisé :

à : La Garde, Le 12 Decembre 2002

Signature

RÉPUBLIQUE FRANÇAISE SPV MINISTÈRE DE L'AGRICULTURE

Nonpropagative Plant Imports

Example 1 – Misrepresented Melon Seed.

Prohibited melon seed from the Middle East misrepresented as pistachios.

RISK: Khapra beetle.

Example 2 – Decorative Bird's Nest Made from Rice Straw

This is one of many types of handicrafts made from prohibited rice and wheat straw. These are typically declared as souvenirs.

RISK: A number of fungal and bacterial diseases of rice.

Example 3 – Handicrafts Containing Raw Cotton, Cotton Litter, and Cotton Seed

Souvenirs such as stuffed toys and handicrafts can contain prohibited agricultural materials.

RISK: Pink Bollworm, Golden Nematode, Flag Smut

Animal Products

Example 1 – Canned Soup from England That Could Pass for a U.S. Product

Heinz Big Soup. The item is a Product of England and is prohibited. Ingredients include lamb (a ruminant) which is a risk for transmitting mad cow disease.

RISK: Bovine Spongiform Encephalopathy (BSE). BSE is heat resistant and survives the canning process. BSE is listed as a select agent under the Agricultural Bioterrorism Protection Act.

Example 2 – Boneless Duck from Taiwan Deceptively Labeled as "Jerry Fish"

Packaging can sometimes be misleading. At a glance, this appears to be labeled as fish. Actually, this is boneless duck from Taiwan. Animal products must be carefully examined to ensure that they are what they appear to be.

RISK: Exotic Newcastle's Disease (END). END is listed as a select agent under the Agricultural Bioterrorism Protection Act.

Example 3 -- Cheese with Meat.

Cheese with embedded salami originating in Europe is prohibited without a proper certificate of processing. Hard cheeses, which are normally enterable, may contain meat which changes the entry status. Knowledge of animal products and the associated risks is key to making correct regulatory decisions and preventing the entry of a foreign animal disease.

RISK: Foot and Mouth Disease(FMD). FMD is listed as a select agent under the Agricultural Bioterrorism Protection Act.

This is not even an agricultural product. It is a handicraft, but it contains raw cotton, cotton litter and cotton seed, and souvenirs such as stuffed toys and handicrafts can contain prohibited agricultural materials. And the risk is a number of insects and other disease-bearing items like pink boll worm, golden nematode and something called flag smut that I had never heard of before.

This is something called waniola jirardi. Its origin is Madagascarian, and the problem is that this can be mistaken for a small coconut and released. Coconuts are a municipal product, but actually this is a palm nut that is an endangered species. And the correct action is to authorize movement to the plant inspection station. Plant diseases in violations of the CITES regulations are the risk that is involved there.

This is a bonsai tree with silk flowers. The tree was declared as artificial but is actually a live bonsai with the leaves removed and replaced with silk flowers. Obviously the risk is that this importation could harbor diseases, insects and nematodes.

This one is boneless—if you can't read that, it is boneless duck from Taiwan simply labeled as jerry fish. Packaging can sometimes be misleading. At a glance this appears to be labeled as a fish. Actually, this is boneless duck from Taiwan. Animal products must be carefully examined to ensure that they are what they appear to be, and the risk here is very high. As many people from southern California know, we have just been through a very devastating experience, a hundred million dollar-plus problem with exotic Newcastle disease. That is exactly what the risk is with this product.

And finally, we have this strange looking thing. This is a decorative bird's nest made with rice straw. This is one of many types of handicrafts made from prohibited rice and wheat straw. These are typically declared as souvenirs, but the problem with a number of fungal and bacterial diseases for rice, another major California product, is very great.

So, Mr. Pauli, I would ask you, given the fact that if these products are not caught, they could expose American agricultural to tremendous risks of pests and diseases, do you believe that the proposed training program for primary inspectors at points of entry into the United States will be sufficient to safeguard American agriculture?

Mr. PAULI. We believe the answer is no. We are hopeful, because without additional training and fully understanding the consequences that could occur to California and to American agriculture, there has to be more than what they are currently telling us and showing us, and we are anxious to find out what that is.

I mean, in my comments I said initially on their Web site they said they would receive 16 hours of training. I now understand from them directly here today that that has been increased to 90. We hope that it is going to be adequate. We hope that it is enough detail. We hope that the personnel they have, have the kind of MO to try to deal with the scientific aspects of understanding these complex issues and the type of materials that can come forward. We have major questions about whether that is going to occur, and yet as Mr. Cox has said, you know, we support many of the concepts here in terms of some of the things that are necessary to streamline the process. It is just a question of how much stream-

lining we are going to do and how the process is going to evolve and how we can adequately ensure that these issues that you brought up and that I brought up are going to be addressed. And right now we simply haven't been able to get the answers to feel comfortable that those kinds of issues are going to be addressed.

Mr. GOODLATTE. Thank you. Let me ask Mr. Keefe and/or Mr. Kuhn, you are experienced on the border dealing with things unrelated to APHIS. The APHIS inspectors have historically had qualified degrees or extensive previous experience, then go through not 16, not 90 but 400 hours of training before they are put on the front lines. How do you feel about taking over these responsibilities in addition to the other two? Do you think that is sufficient training?

Mr. KEEFE. No, sir. And I say so—and I enjoyed your presentation, and I have seen similar things. And before this new position, I was able to say I don't know and refer it to an expert. Now I am going to say I don't know and refer it to somebody that may know more or less than me.

So I feel very, very uncomfortable, because the one thing I know about the APHIS function is if you really want to critically harm this country and its economy, that is a good way to do it, and you need a specialization that I know I do not possess. So I feel—I, the people I work with, feel very uncomfortable about that.

Mr. GOODLATTE. So in other words, the training of the front line person as well as the training and the placement of the backup, the more specialized person, are both very critical.

I think we have, Mr. Chairman, an awful lot of unanswered questions here that pose a tremendous amount of risk. If hoof and mouth disease were to get into the United States, which we spend a tremendous amount of time at our borders preventing and so far have done successfully, it would be a multibillion dollar problem. For that matter, BSE would be a multibillion dollar problem for our livestock industry in the country. We know of the different types of invasive species that get into the country now and cause serious damage to a whole host of not just agricultural products but also to our environment that we have to deal with, and I am very concerned that more information needs to come forward to convince us that we are going to increase rather than decrease the expertise we have in catching these things at the border. They are very tricky problems, and the stories by which some exotic and invasive species have gotten into the United States through very unexpected means, those are not terrorist acts for the most part. They are very innocent acts in many cases, but nonetheless have equally if not greater devastation to our economy and potentially to the health of people.

So I hope that the Department will be more forthcoming and work with those who do have expertise in this area to design a plan that does achieve their goal, which I agree with the chairman is a worthwhile goal, at the same time assuring us that the goal achieves its real purpose, which is to be more effective in this area, not less effective.

Thank you, Mr. Chairman.

Mr. CAMP. Thank you. I want to thank again this panel and the Commissioner for their testimony today. I note that some members

may have additional questions for this panel, and which they may wish to submit into writing. Without objection, the hearing record will remain open for 10 days for members to submit written questions to these witnesses and to place their responses in the record.

There being no further business, again, I want to thank the subcommittee members and the witnesses for testifying here today. This hearing is adjourned.

[Whereupon, at 3:25 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT FOR THE RECORD OF DONNA M. GARREN, PH.D. VICE PRESIDENT, SCIENTIFIC AND TECHNICAL AFFAIRS

United Fresh Fruit and Vegetable Association (United) is a national trade association representing member growers, shippers, packers, processors, marketers and distributors of fresh produce in the United States. United members provide the leadership to shape business, trade and public policies that drive our industry. Working with thousands of industry members, United provides a fair and balanced forum to promote business solutions; helps build strong partnerships among all segments of the industry, promotes increased produce consumption; and provides scientific and technical expertise essential to competing effectively in today's marketplace.

The dramatic impact of the terrorism attacks of September 11, 2001 has led to a new focus in public policy aimed at promoting greater safety and security and preventing terrorist action. As our members provide over 1,000 different fresh fruits and vegetables to American consumers from both domestic growers and countries around the world, we take seriously our responsibility for prevention, detection, and all necessary actions to protect consumers from intentional contamination of our products. However, our world has changed and the produce industry must continue to change with it. Food security is a new issue for the entire food industry as a whole and this issue must be addressed to build a strong, safe and reliable food supply. Food security systems should be risk-based and recognize and respond to new risks as they arise, provide the same level of protection to consumers whether produced domestically or abroad, efficiently steward new technologies to the market; and effectively educate and communicate to stakeholders throughout the supply chain. The attention to food safety controls that operators in our industry have already proactively implemented in their operations can have a significant impact on food security.

While food security is a top priority for the produce industry, presently, economic damages from invasive pests and disease now exceed $120 billion annually. Toward this end, the fresh produce industry supports expedited and aggressive actions by the federal government in cooperation with the industry and stake holders at the state and local levels to eradicate and protect the domestic market from an increasing threat of exotic pests and diseases entering the United States. As a result of globalization, federal government action is critically important due to the increasing pathways for the movement and introduction of foreign, invasive agricultural pests and diseases as well as recent economic damages to the affected industries.

Increased importation of agricultural products into the United States has also increased the risk of the introduction of plant pests and diseases that threaten domestic production. Fruit imports increased from 1.35 million metric tons in 1990 to 2.82 million metric tons in 1999. Imports of fresh citrus products alone increased from 101,000 metric tons in 1990 to 348,000 metric tons in 1999. Vegetable imports increased from 1.90 million metric tons in 1990 to 3.73 million metric tons in 1999. Fresh tomato imports have doubled during that period as well. In addition, states such as California and Florida are seeing record numbers of tourists and other visitors arrive each year. Some 330 million visitors entered California and Florida through airports, seaports and highways in 1998, a combined increase of over 4.5 percent over the previous year. These growth statistics only exacerbate the problems surrounding efforts to control and eradicate invasive pests and disease.

Recognizing the need to address this serious situation, we commend the U.S. Customs and Border Patrol (CBP), Department of Homeland Security (DHS) and the U.S. Department of Agriculture (USDA) for their leadership in working with the private sector, including our industry, to ensure that appropriate steps are in place to minimize the potential of terrorist action to contaminate foods. However, let us keep in mind the American food supply continues to be the safest in the world. Con-

tinuing to ensure the safety and security of fresh fruits and vegetables whether produced domestically or abroad is a top priority of the entire produce industry. With this in mind, we have serious reservations pertaining to the new activities and training of the new CBP Officers and Agricultural Specialists.

While the intention and in concept creating a CBP corps of officers who will present "one face at the border" to travelers and the importing community is good, we have doubts that these individuals will be adequately prepare to address invasive pests and disease issues. We support the creation of the CBP Agriculture Specialist position which will complement the work of the CBP Officers and be stationed at ports with large volumes of cargo importation, particularly in those hubs where the agriculture industry imports much of the flowers, fruits, vegetables, meat, and other products of an agricultural interest. However, the reality of most inspections and processing on the "frontlines" will be managed by CBP Officers whose background and training will be seriously lacking for the identification of pests and disease. Also, the CBP's belief that there will be a unified cargo operation enabling a "one-stop process" for importers and that cargo can be examined more quickly and thoroughly, is misguided. Speed of inspections is secondary to thorough and accurate inspections.

In conclusion, United's members strongly support the goal of strengthening the safety and security of our food and the public. However, we must not neglect the federal government's responsibility of protecting our nation's agricultural crops from invasive pests being transported into this country. We need officials on the "frontlines" of our borders and ports to take seriously their role in this endeavor. Thus, we recommend CBP work with the agricultural stakeholders to better prepare the corps of new CBP officers to protect our nation's agricultural industry. Thank you for the opportunity to comment. We look forward to continuing to work together with the DHS, CBP, and USDA on these important matters.

PREPARED STATEMENT OF THOMAS P. KUHN

AMERICAN FEDERATION

OF

GOVERNMENT EMPLOYEES

(AFL–CIO)

NATIONAL IMMIGRATION AND NATURALIZATION SERVICE COUNCIL #117
BUFFALO DISTRICT LOCAL NO.2580

January 23, 2000

The United States House of Representative
Washington, DC

Dear Representatives

I would like to take this opportunity to present my views on the abdication of the Northern Border by the Immigration & Naturalization Service. I have been an Immigration Inspector for twenty-eight years, twenty of which I have spent in the Buffalo, NY district. In that time there has been no increase in the number of non-user fee positions for inspectors and only an increase of 19 user fee positions.

During that time traffic has risen dramatically, as has the criminal activity in the area. The rise in traffic has been most pronounced at the major Ports of Entry where the Interstate highway system connects to the Canadian highway system. Traffic has increased so much in Buffalo that they are proposing a second bridge to handle the traffic. At Niagara Falls they have built a new inspection facility, increasing from six to nineteen lanes but have not funded any additional positions. As a consequence of these increases, the Buffalo district has had to remove Immigration Inspectors from the following Ports of Entry: Fort Covington, Chateaugay, Churubsco, Cannons Corners, Jamison Line, Route 9B, and Route 276. All of these New York ports are land ports on the Quebec border. They leave a seventy-mile section of the Quebec border unprotected by Immigration Inspectors. Unlike the southern border, there and no great deserts to act as a natural barrier. In northern New York persons intent on breaking the law simply drive through an unmanned section at the and then avoid the five or six Border Patrol Agents assigned to monitor the area. Then they are in the US to do whatever they want. It is no great surprise that one of largest known Chinese smuggling ring was just broken in the Massena—Fort Covington, NY area.

The Buffalo District encompasses a five hundred-mile border with Canada; it also borders Canada's two largest cities, Toronto and Montreal. Both of these cities have major organized crime presence. Toronto has problems with the Asian gangs, the Russian underworld and Jamaican Posses, while Montreal has had open motorcycle gang warfare. Both of the suspected Algerian terrorists recently apprehended in Washington State and Vermont lived in the Montreal area. The area doesn't have large numbers of migrant workers transgressing the border looking for work, as the southern border does. Instead it has a very sophisticated criminal element, which is ruthless and extremely dangerous to contend with. I can tell you from first hand experience that there are times when Immigration or Customs Inspectors are forced to work alone and man a road block against criminals who would not hesitate to kill in order to complete their mission. I personally, while stationed at Fort Covington, NY, have had to detain over twenty motorcycle gang members alone while waiting for backup to arrive. The only reason I was successful in detaining them is because they let me. They could have killed me at any time but chose not to. I was not important enough to them. They knew that even if backup arrived, the worst that could happen is that they would be refused admission to the United States and then they would ride to an unguarded section and enter without inspection. In fact that may well have been their plan all along; knowing how few patrol agents there, they show up in mass at a small Port of Entry and when the inspector calls for backup they know exactly where the Patrol will be. Then they enter the people or drugs they had intended a few miles away.

There is no way the Buffalo District can complete it's mission of securing five hundred miles of border with a total inspections allocation of 113 FTE man years and 50 FTEO man years. There are no professional law-enforcement agencies that can operate with one third of its officers working part time. The Buffalo District needs at least one hundred inspection personnel, along with the increased overtime to support those numbers. As it stands now with Sunday and Holidays being overtime days, the Service reduces to skeleton staffing on the days when traffic is heavi-

est. The Service's small overtime budget further exacerbates the already short staffing problems.

In closing I can only hope that the members of Congress will answer the wake up call of the two terrorists caught and not wait until we have another Pearl Harbor, or Oklahoma City on their watch. If Congress does not act, the only people surprised by a terrorist attack will be the innocent victims who depended on the government to protect them. The law enforcement community is aware the problem and knows that the only people who can help prevent a disaster are the members of Congress. They are the only ones who can increase the staffing to levels necessary to protect our country.

Sincerely

THOMAS P. KUHN
President Buffalo Local 2580

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