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# ISSUES AT THE NORTHERN BORDER

## HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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# CONTENTS


| | Page |
|---|---|
| Hearing held on October 28, 2001 | 1 |
| Statement of: | |
| Dion, Sylvain, president, Distribution Marcel Dion | 39 |
| Duchaine, Stephen, president Highgate Springs chapter, American Federation of Government Employees | 51 |
| Lariviere, Gilles, president, West Brome Mill | 42 |
| Ouellette, Jean R., Director, INS, Portland District | 10 |
| Paradis, Denis, Member of Parliament of Canada, House of Commons | 30 |
| Smith, Timothy, executive director, Franklin County Industrial Development Corp. | 69 |
| Spayd, Philip W., District Field Officer, U.S. Customs | 17 |
| Tsounis, Chad, executive director, St. Albans area Chamber of Commerce | 64 |
| Wilda, John, president, Chapter 142, National Treasury Employees Union | 58 |
| Letters, statements, etc., submitted for the record by: | |
| Dion, Sylvain, president, Distribution Marcel Dion, prepared statement of | 40 |
| Duchaine, Stephen, president Highgate Springs chapter, American Federation of Government Employees, prepared statement of | 55 |
| Lariviere, Gilles, president, West Brome Mill, prepared statement of | 44 |
| Leahy, Hon. Patrick, a Representative in Congress from the State of Vermont, prepared statement of | 80 |
| Ouellette, Jean R., Director, INS, Portland District, prepared statement of | 12 |
| Paradis, Denis, Member of Parliament of Canada, House of Commons, prepared statement of | 34 |
| Sanders, Hon. Bernard, a Representative in Congress from the State of Vermont, prepared statement of | 6 |
| Souder, Hon. Mark E., a Representative in Congress from the State of Indiana, Burlington newspaper article | 9 |
| Spayd, Philip W., District Field Officer, U.S. Customs, prepared statement of | 20 |
| Tsounis, Chad, executive director, St. Albans area Chamber of Commerce, prepared statement of | 67 |
| Wilda, John, president, Chapter 142, National Treasury Employees Union, prepared statement of | 61 |

# ISSUES AT THE NORTHERN BORDER

**SUNDAY, OCTOBER 28, 2001**

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
*Highgate Springs, VT.*

The subcommittee met, pursuant to notice, at 3:30 p.m., at the U.S. Customs Station, Highgate Springs, Route I–89, North of Burlington, VT, Hon. Mark Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder and Sanders.

Staff present: Chris Donesa, staff director; and Conn Carroll, clerk.

Mr. SOUDER. Thank you all for coming. I thank Congressman Sanders for hosting us today. He's a member of our subcommittee, and we look forward to working together and addressing a lot of the questions. Today our subcommittee will explore the status of the Highgate Springs, VT, border crossing.

We have invited representatives of the U.S. Customs Service, the U.S. Marshals Service, and the Immigration and Naturalization Service, which also administers the U.S. Border Patrol, to testify here today, and we thank Mr. Jean Ouellette, District Director of the INS, and Mr. Philip W. Spayd, District Field Officer at U.S. Customs, for being here today. We are also pleased to have here with us representatives and employees of two agencies, Mr. Stephen Duchaine, an INS Inspector and president of the Highgate Springs Chapter of the American Federation of Government Employees, and Mr. John Wilda, a U.S. Customs Inspector, president of Chapter 142 of the National Treasury Employees Union.

The subcommittee is vitally interested in ensuring the effective functioning of these agencies, and we will continue to work with them and their employees to ensure the continued security and effective administration of our Nation's borders.

We also welcome Mr. Denis Paradis, member of the Canadian House of Commons. Mr. Paradis represents the area of Quebec just north of this area. Border policy, of course, affects not simply the United States, but also Canada. As such, it is of vital importance that we seek the input of our neighbors to the north in evaluating changes at the border. We are very glad that he could join us today.

When examining border policies, we must also seek the input of representatives of the local community, particularly the business community, whose livelihood is directly affected by the changes at

the border. We therefore welcome Mr. Tim Smith, executive director of the Franklin County Industrial Development Corp., and Mr. Chad Tsounis, director of the St. Albans Chamber of Commerce. We also welcome two representatives of the Canadian business committee, Mr. Silvain Dion, president of Distribution Marcel Dion, and Mr.—I want to say my French pronunciation is very poor. Gilles Lariviere? Close? President of West Brome Mill.

In Indiana, anybody who isn't German, we kind of have to get them over and kind of sort it out, so I apologize.

We thank everyone for taking time out of their Sunday afternoon to join us for this important discussion.

Even before the terrorist attacks of September 11, 2001, the subcommittee was considering ways to improve both the security of our Nation's borders and the efficient flow of international commerce, travel and tourism. Continuing problems with illegal immigration and the smuggling of drugs and other contraband over the southern and northern borders, and the threat of terrorism, have prompted calls to hire more Federal law enforcement officers and to expand the physical and technological infrastructure needed to allow those officers to work effectively.

The attacks of September 11th have emphasized the necessity of dealing with the terrorist threat as well as the problems of narcotics interdiction and illegal immigration. At the same time, long delays at border crossings resulting from the increased security measures put in place after September 11th have raised concerns about the effect of these policies on trade, tourism and travel.

Congress has been considering numerous proposals to deal with these problems. For example, the House of Representatives and the Senate have now both passed anti-terrorist legislation that, among other measures, would authorize the tripling of Border Patrol agents, INS inspectors and Customs inspectors along the northern border. It is unclear, however, how quickly any of these agencies can meet these requirements. Moreover, it is unclear what the impact of this new emphasis on anti-terrorism will be on personnel decisions at each of these agencies.

This hearing and the hearing tomorrow morning at Champlain, NY, are the first in a series of field hearings which will be held by this subcommittee at border crossings and ports of entry throughout the United States. At each such location, this subcommittee will assess the problems facing the Federal agencies, local lawmakers, and community and business leaders with respect to border policy. We will focus on what new resources are needed for the Federal Government most effectively to administer the border crossings, as well as what new policies can be pursued to ease burdens placed on commerce, travel and tourism. We will also explore how the new emphasis on preventing terrorism may affect the ability of these agencies to carry out their other vital missions.

These issues are all extremely important and extremely urgent, and I look forward to hearing from our witnesses today about ways to address them.

If I could just add to what I've told some of you, that the original outgrowth of this actually came from the U.S.-Canada Parliamentary Group last May, long before the current crisis. Susan Whalen and I chaired the Transborder Subgroup, and we were concerned,

particularly in the Buffalo and Detroit corridor, about the backups that were already occurring.

We also had additional discussion, as Canada was looking at possibly some relaxation of some of their antidrug laws, and what that was going to do to further complicate the border-crossing question, and we needed to try to address these things before the crisis became too great.

Then, after September 11th, we decided to move from just Detroit, Buffalo, and Vancouver, to pick up a couple of the other major places on the northern border, because historically we've looked at the southern border, not the northern border. And at the same time, I talked with members of the U.S.-Mexico Parliamentary Group, and we're going to hold at least three hearings on the southern border in the first week of December. We'll be down on the Texas area at Brownsville, Laredo, and McAllen, and the second week of December up in the Puget Sound area, because—and I want to illustrate one other reason why we've decided to come here today. This was, up until a couple of weeks ago, even though it's in the Montreal corridor, not much media focus was on it. It was a good chance for me to see a different type of a mix of if we put more pressure on an interstate highway, what also happens on the water, what happens if people walk through the woods. People in America are demanding that we have more border security, yet if we're going to do that, we need to do it in a logical way.

If I may say one other thing, because many of you may not be familiar with our hearing process, we're an oversight committee that is to analyze how things are being done, to then set up and advise the appropriations and legislative committees. But in this case, we're working very much in tandem and simultaneously with the authorizers and the appropriators, and among other things that we're trying to address, we had, I think, 2 weeks ago, now, a hearing on recruitment problems in the INS and U.S. Marshals and Customs, because we just doubled, roughly, the number of people we expect to hire, yet 67 percent of the INS people are generally hired from either local law enforcement or the military, and when we say we're going to bump up this category, what is it going to do to other parts of American society when we do the hiring? What are the problems that you have at each place in your recruitment ability? Are there pay caps, overtime caps, language caps? We want to look at those kind of nuances, as well.

We're also having this week, to give you a little bit of perspective, this week alone, in the Education Committee, we're having a hearing on tracking students who immigrate to the United States where we've lost track of them, because one of the terrorists was one of them where the university didn't keep track that they were registered.

We're also having, in the Government Reform Committee on Tuesday, a hearing on the post office. We're having a hearing also this week on the sharing of information between local law enforcement and our Federal law enforcement officials through RISKS, EPIC, and a lot of our intelligence systems. So we're comprehensively analyzing our system, because back home there is very little else being talked about around the United States, except for fear of what's going to happen.

We need to do this in a responsible way, and that's why we're here today. Now I'd like to yield to my friend, Mr. Sanders of Vermont.

Mr. SANDERS. Thank you very much, Mr. Chairman, and thank you for coming to the State of Vermont this afternoon to get input on an issue of enormous concern, and that is, how do we protect the northern border of Vermont and the United States from terrorists, from drug dealers, and from all those who would do us harm, while at the same time making certain that commerce, tourism, and legal and legitimate activity between the United States and Canada continues to flourish. And frankly, as the chairman indicated, I think that is not an easy challenge to solve, which is why this hearing is extremely appropriate.

I want to take this opportunity to thank all Vermonters and Canadians for coming out today on a beautiful Sunday. We appreciate everybody being here. The United States, obviously, and Canada, and the people of Vermont and Quebec have long ties that go way back. We have people from the same family on both sides of the border, and I am absolutely confident that, working together, we in fact are going to be able to solve this very difficult issue of making sure that both sides of the border are safe, and that we continue the flow of commerce that is so important to the economy of Vermont and Quebec.

I would also like to thank—he's not here, but to thank Senator Patrick Leahy of Vermont for submitting a statement for the record, and Mr. Chairman, I would ask unanimous consent that statement be allowed into the record and to thank him and the staff for all the work they have done on this issue.

Mr. Chairman, it is clear to me that the Federal Government must commit significantly more resources to the security along our northern border. A couple of weeks ago, as it happens, my wife and I happened to travel back from Canada, we spent a few hours on the other side of the border, and we had the opportunity to speak with some of the Border Patrol people right here in this particular facility, and I was informed about the kind of hours, increased hours, that many of the people here are currently putting in. And I want to thank them on behalf of all Americans for really stepping up to the plate in these difficult times. Clearly, given the changing world that we are living in since September 11th, there's no question, I think, in anybody's mind that our people along the border are going to need significantly more help than they currently have, and it's our job to make sure that they get that help.

Recently, legislation was passed which authorizes a tripling of the number of Border Patrol officers, INS inspectors and Customs Service employees along the northern border. Money was also authorized to improve technology for this purpose, but as the chairman knows, within the world of Congress, an authorization does not necessarily mean an appropriation. There's a difference.

Last month, however, Congress did appropriate $40 billion in response to the terrorist attacks, and I intend to do all that I can to make certain that some of that money is released as quickly as possible to improve our security requirements along the northern border.

Increased technology and increased money is one thing, but using those assets effectively is something else. For example, how do we increase security and manpower on the border, while not keeping automobiles and trucks waiting for hours before they cross into Canada or into the United States? How do we pay increased attention to terrorism, as we must, while not neglecting our long-term concerns about illegal drugs and other law enforcement issues?

Can we accomplish these goals? Absolutely. We sure can. But it's going to take some good thinking through these issues in order to be effective, and that is why a hearing like this is so important. It allows us to hear from the people on the front lines, the people who are doing the actual work in protecting our border, and the business people and citizens of the local community who will live with the consequences of the new decisions being made.

So Mr. Chairman, I want to thank you again for holding this very important hearing, and I look forward to working with you in the months to come.

[The prepared statement of Hon. Bernard Sanders follows:]

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Statement of Rep. Bernard Sanders at the Field Hearing of the Subcommittee on Criminal Justice, Drug Policy and Human Resources Held at Highgate Springs, Vermont

October 28, 2001

Mr. Chairman, thank you very much for coming to Vermont this afternoon to get input on an issue of enormous concern. And that is: how do we protect the northern border of Vermont and the United States from terrorists, drug dealers and all those who would do us harm while, at the same time, making certain that commerce, tourism and legal and legitimate activity between Canada and the United States continues to flourish? That's not an easy challenge to solve, which is why this hearing is very appropriate.

I want to thank all the Vermonters who have come out on this beautiful Sunday, as well as our good friends from Canada. We appreciate everyone being here very much. The United States and Canada have a long and deep friendship and there are many family ties between the people of the two countries in this part of the world. I'm absolutely confident that, working together, the United States government and the Canadian government and the people of Vermont and Quebec are going to do an excellent job in addressing these issues of critical importance to both countries.

I would also like to thank Senator Patrick Leahy of Vermont for submitting a statement for the record. Senator Leahy, as Chairman of the Senate Judiciary Committee, has been playing a very strong role in attempting to improve border security, and I want to thank him and his staff for all their efforts in this area. I would ask unanimous consent that Senator Leahy's statement be made a part of the record.

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Mr. Chairman, it is clear to me that the federal government must commit significantly more resources to security along our northern border. A couple of weeks ago my wife and I happened to travel back from Canada and we had the opportunity of speaking with some of the Border Patrol people right here in this facility. These public servants, do extremely important and stressful work in protecting our country, and they deserve our very sincere gratitude for the hard work and very long hours that they have been putting in since the September 11th tragedy. Clearly, given the changing world we're living in, they need help if they are going to do the job required of them – and we've all got to work together to make sure they get that help.

Recently, legislation was passed which authorizes a tripling of the number of Border Patrol officers, INS inspectors and Custom Service employees along the northern border. Money was also authorized to improve technology for this purpose. But, within the world of Congress, an authorization is not an appropriation. Last month, however, Congress did appropriate $40 billion in response to the terrorist attacks and I will do all that I can to make certain that some of that money is released immediately to improve our security requirements along the northern border.

Increased money and technology is one thing, but using those assets effectively is another thing. For example, how do we increase security and manpower on the border while not keeping cars and trucks waiting for hours before they cross into Canada or the United States? How do we pay increased attention to terrorism, as we must, while not neglecting our long-term concerns about illegal drugs and other longtime law enforcement issues? Can we accomplish these goals? We sure can. But it's going to take some good thinking through.

That is why a hearing like this is so important. It allows us to hear from the people on the front lines – the people who are doing the actual work in protecting our border, and the business people and citizens of the local community who will live with the consequences of the new decisions being made.

So, Mr. Chairman, I would like once again to express my appreciation for your holding this hearing today and I look forward to the testimony of our witnesses.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you. Before proceeding, I'd like to take care of a few procedural matters. First, I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record, and that any answers to written questions provided by the witnesses also be included in the record. I also ask unanimous consent that all exhibits, documents and other materials may be included in the hearing record, and that all Members be permitted to revise and extend their remarks without objection is so ordered. And I would like to insert into the record an article from the Burlington newspaper this morning saying, "Border Tests Show Media to be . . ." I thought this was a very good article that illustrates—and we'll be looking for other things that are regionally oriented—that illustrates that we aren't playing "gotcha." We're trying to figure out how to work together, and there's been a lot of gamesmanship around the border. We all know it's impossible to catch anything everywhere, but we want to work together as much as possible to catch people who aren't following the law.

[The information referred to follows:]

# Border tests show media to be irresponsible

Sam Hemingway

The Fox Undercover television news team from Boston had quite a story on its hands.

It just wasn't the story that the Fox 25 affiliate had expected to tell its viewers.

Oct. 18, Fox Undercover's lead investigative reporter, Mike Beaudet, and cameraman Richard Ward were in East Franklin working on a story about border security. U.S. Border Patrol agents said that afternoon, the two crossed the international line twice without permission.

These were not one of those "Oops, I made a mistake, officer" transgressions. According to Border Patrol, Beaudet and Ward filmed their activities to show how easily a terrorist could sneak into the country.

"We know they had scheduled interviews in advance with U.S. Customs and Border Patrol, then attempted to unsuccessfully penetrate the border," said Russ Bergeron, a spokesman for the Immigration & Naturalization Service.

As a result, Fox Undercover's story took an unexpected plot twist: The two men were arrested by Border Patrol agents and later ordered to pay $5,000 fines — each.

Beaudet, the Fox 25 reporter, would not submit to an interview about what happened. He deferred questions to a spokeswoman for the network affiliate.

"He's not going to comment until after the story runs," said Maggie Hennessey-Nees.

She acknowledged the Fox Undercover crew had not expected to be "detained" by the Border Patrol. Work on the story is ongoing and the report will be aired next month, she said.

The Fox 25 incident at East Franklin has important lessons for everyone, none more so than for those of us in the media business.

Proving that someone can cross some obscure point along our nation's 4,000-mile border with Canada is neither new or newsy.

It happens, but not as often as you would think, thanks to the vigilance of local residents and electronic devices that can detect illegal crossings in remote areas not monitored by Border Patrol agents in the flesh.

Unfortunately, that hasn't stopped some out-of-state reporters from showing up at the border, looking for an easy angle on the terrorism threat in the aftermath of the Sept. 11 attacks.

In the past seven weeks, federal agents in our region have busted six other journalists doing the same thing that got the Fox Undercover crew in trouble.

That's more media activity than in any other region in the country for the same time period, and little new ground was broken in the process.

Bergeron told of a National Public Radio reporter who recorded audio of himself stepping across the border and then back again.

"He seemed to be implying 'I did it, and I didn't get caught,' " Bergeron said. "That's just silly."

The incidents involving the media have been so frequent that earlier this month INS put out a statement warning journalists that such "testing" of border security was a criminal violation subject to fines and forfeitures.

"It's like what happens with a bomb threat," said Ed Duda, a Border Patrol spokesman. "You take attention away from an area under surveillance and send your guys out elsewhere, just to find out it's only a reporter."

That demoralizes the agents, Duda said. It also wastes time and the taxpayers' money at a time the Border Patrol is supposed to be on a heightened state of alert.

"I understand that reporters have a responsibility to inform the public and hold government accountable," Bergeron said.

"I think it's unfortunate when some individuals grandstand for entertainment value, and break the law while they're doing it."

The truth hurts, but he's right.

*Sam Hemingway is the Free Press state news columnist. His columns appear Wednesday, Friday and Sunday. If you have a comment or tip, phone 660-1850, or e-mail shemingway@bfp.burlingtonfreepress.com. For past columns, go to www.burlingtonfreepress.com*

Mr. SOUDER. Now, would the witnesses on the first panel please come forward, and before you sit down, if you'll stand and raise your right hands. Is is the standard practice of this committee to have everybody testify under oath. Do you swear that the testimony you'll give today is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that the witnesses both have answered in the affirmative. You'll now be recognized for your opening statements, if you can summarize in 5 minutes, because we have a large number of witnesses, and we'll insert your full statements in the record, in addition to any other information that you want to submit.

So first off, from INS, Jean Ouellette.

**STATEMENT OF JEAN R. OUELLETTE, DIRECTOR, INS, PORTLAND DISTRICT**

Mr. OUELLETTE. Thank you, Mr. Chairman, Congressman Sanders. I want to thank you for the opportunity to address you today on behalf of the Immigration and Naturalization Service, the Portland District, concerning issues relating to the northern border. I've been working with the Immigration and Naturalization Service for more than 30 years. I've been closely involved with the management of the inspections program in INS for most of my career.

The INS, an agency under the Department of Justice, now with over 30,000 employees, enforces and administers the Immigration and Nationality Act, as amended. Our employees prevent the illegal entry of aliens into the United States, facilitate the admission of legitimate travelers; arrest, detain and remove criminal aliens; and administer requests for benefits such as naturalization. Immigration inspectors are stationed at airports, seaports, and land border ports of entry such as this one here at Highgate Springs, VT.

The Portland District has jurisdiction of the States of Vermont and Maine and the port of entry at Pittsburg, NH. The border with Canada in this area extends over 600 miles from the eastern shore of Lake Champlain in Vermont, to the port of entry at Lubec, ME, on the Maine coast.

INS maintains staff at 31 land border ports of entry, as well as at international airports in Portland and Bangor, and conducts seaport inspections at numerous locations along the Maine coast. The district currently has 137 full-time Immigration inspectors and 76 part-time or seasonal inspectors. These inspectors, working with the U.S. Customs inspectors, examine over 13 million applicants for admission per year. Other staff located at the district office in Portland, and at a sub-office here in St. Albans, VT, are dedicated to interior enforcement, to detention and removal, to benefits adjudications, and to support functions.

Highgate Springs is one of four major ports of entry in Vermont. Twelve other smaller facilities report directly to these four major locations. Highgate, which was constructed in 1997, is our newest facility. Alburg, a joint facility with Canada, was constructed and opened in 1988. Other facilities date back to the early 1930's.

The 63 Immigration inspectors and 19 part-time seasonal inspectors in Vermont examine over 3½ million applicants per year. The master port at Highgate, including its subports, has a staff of 29

inspectors, 18 of whom are stationed here at the Highgate location. Six smaller locations report to this facility. During fiscal year 2000, over 1 million applicants for entry were processed at the Highgate location itself.

Immigration inspectors are trained and tasked with determining admissibility of applicants for admission in a fair, consistent and timely fashion. The great majority of applicants at land border ports of entry are admitted after questioning in their vehicle by an Immigration or a Customs officer, and a review of their documents and their demeanor, and other such aspects. Individuals determined to need further questioning prior to a determination of their admissibility are directed into the port of entry for further questioning and further processing by another officer.

Since the tragic events of September 11, 2001, the ports of entry have have been placed on the highest security alert. The alert entails more extensive inspections, closer scrutiny of individuals, their documentation, and their vehicles. Inspectors have been asked to work longer hours in order to increase presence at the border and to process traffic timely. Others have been detailed to other locations to assist in traffic management.

The INS and Customs have a special relationship, because of our shared responsibilities at ports of entry. We work closely at all levels, exchanging information, and assigning personnel as needed to manage traffic. The Border Patrol is an essential element in the border area, since its agents control the areas between the designated ports of entry.

Canada is also a full and important partner in the northern border. Law enforcement agencies on both sides of the border share intelligence on a daily basis. They participate in regular meetings to share information for their own local areas and join in task forces to address shared concerns and problems.

Immigration inspectors continue to closely screen applicants for admission, providing security for the country. I am especially proud of the men and women of the Portland District for the extraordinary work they perform and continue to perform on a daily basis. Thank you.

[The prepared statement of Mr. Ouellette follows:]

**STATEMENT**

**OF**

**JEAN R. OUELLETTE**
**DIRECTOR**

**IMMIGRATION AND NATURALIZATION SERVICE**
**PORTLAND DISTRICT**

**BEFORE THE**

**HOUSE COMMITTEE ON GOVERNMENT REFORM**
**SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES**

**REGARDING**

**NORTHERN BORDER ISSUES**

**OCTOBER 28, 2001**
**FIELD HEARING - SWANTON, VT**

MR. CHAIRMAN AND CONGRESSMAN SANDERS, I want to thank you for the opportunity to address you today on behalf of the Immigration and Naturalization Service (INS), the Portland District and issues relating to the northern border. I have spent more than half of my thirty-two year career with INS working on and managing inspections operations and INS employees who staff ports-of-entry along the northern border.

The INS, an agency under the Department of Justice, has over 30,000 employees who enforce and administer the provisions of the Immigration and Nationality Act, as amended. Our statuary duties include inspection of persons applying for admission to the United States, the prevention of illegal entry into the United States, the facilitation of legitimate travelers, the arrest and removal of criminal aliens, and the adjudication of requests for benefits such as naturalization. Officers of the uniformed inspections branch of INS are stationed at airports, seaports, and at land border ports-of-entry such as this one at Highgate Springs, Vermont.

The INS is assisted in the inspection of applicants for admission by the United States Customs Service (USCS). The INS, USCS and the Department of Agriculture's Animal and Plant Health Inspection Service, are responsible for federal inspection operations at our nation's port-of-entry. The Immigration or Customs Inspector is the first representative of the United States Government that the traveler meets.

**PORTLAND DISTRICT OVERVIEW**

The Portland District covers the States of Maine and Vermont as well as the port-of-entry at Pittsburg, New Hampshire. The US/Canada border in this area extends over 600 miles stretching from the eastern shore of Lake Champlain in Vermont to Lubec, Maine on the Maine coast. The INS maintains staff at 31 land border ports-of-entry as well as at two international airports located in Portland and Bangor and conducts seaport inspections at numerous locations along the Maine coast. The District currently has 137 full time Immigration Inspectors and 76 part time or seasonal Inspectors. Investigations, Detention and Removal, Adjudications, and Administrative Support staff are assigned to the District Office in Portland and to the sub-Office in St. Albans, Vermont.

**VERMONT OVERVIEW**

Four major ports-of-entry are located on the Vermont/Quebec border: Highgate Springs, Richford, Derby Line, and Norton. There are an additional 12 smaller ports-of-entry reporting to management at the four major ports. Dates of construction for the ports-of-entry range from the early twentieth century to our newest facility here in Highgate that opened in 1997. The port-of-entry located at Alburg, Vermont, built in 1988 is a joint facility with Canada. Sixty-three permanent full time positions have been allocated to Vermont. These are supplemented with 19 part time positions to maximize

staffing during the busiest times of the year. Over 3.5 million individuals were examined at ports of entry in Vermont during Fiscal Year 2000.

**HIGHGATE PORT-OF-ENTRY**

The Highgate area ports-of-entry has a staff of 29 Immigration Inspectors, 18 of whom are stationed at the Highgate location. The remainder of the staff are located at 6 other inspection facilities. During Fiscal Year 2000, over one million applicants for admission were examined at the Highgate port-of-entry. Wait times for inspection normally range well under 30 minutes for passenger vehicles (of which there were 366,636 in fiscal year 2000) as well as for commercial and charter buses.

**INSPECTIONS PROCESS**

The Immigration Inspector has the dual responsibility of facilitating the admission of legitimate travelers and of preventing the entry of inadmissible persons. The Immigration Inspector -- who receives an intensive 16 week initial training at the Federal Law Enforcement Training Center at Glynco, Georgia -- must in a timely, fair and consistent manner determine the admissibility of persons seeking entry into the United States.

The great majority of applicants for entry are admitted to the United States at land border ports-of-entry after questioning in their vehicle by an Immigration or Customs Inspector. Sample questions that each applicant is asked would be:

Of what country are you a citizen?

Where do you live?

Why are you coming to the United States; how long do you plan to stay; and where are you destined?

Depending on the answers to these questions, the demeanor of the applicants and a review of the applicants' identification, the Immigration Inspector will either admit the applicants to the United States or refer them to another officer inside the port-of-entry for further questioning, closer review of documentation and the querying of databases.

Applicants determined to be inadmissible, may be given the opportunity to withdraw their application for admission and voluntarily return to Canada, or are referred to an Immigration Judge at the Executive Office for Immigration Review for an independent determination of admissibility, where applicants may have legal representation at their own expense. Applicants referred to the Immigration Judge may or

may not be detained by the Immigration Service depending on the facts of the case. Criminal prosecution may also be pursued through the United States Attorney for individuals involved in the smuggling of aliens, imposters, presenters of fraudulent documents, or other criminal violation of immigration laws.

**IMPACT OF EVENTS OF SEPTEMBER 11, 2001**

Since the tragic events of September 11, 2001, all the ports-of-entry have been placed on Level 1 security alert. This is the highest level of security alert in which the ports may operate. It entails more intense inspections, closer scrutiny of individuals, documentation, and vehicles. In order to accomplish this we have had to require our inspectors to work longer hours and to forego vacation plans. Inspectors have been detailed to other locations within the district to supplement local staffing. Our inspectors have done a remarkable job in responding to the crisis.

**OTHER LAW ENFORCEMENT ENTITIES**

The INS and the Customs Service have a special relationship as a result of our shared responsibilities at the ports-of-entry. We work closely together at all levels in coordinating and consulting on the security status at our locations, in exchanging information and data and in the assigning of personnel. Support from the Border Patrol is also critical to the port-of-entry operations on the northern border since Border Patrol Agents have responsibility for the areas between the designated ports-of-entry. Daily exchange of information and intelligence on the local level increases the effectiveness of all the agencies on the border.

A full and important partner on the northern border is Canada. The sharing of information among agencies of both countries is an important asset to all the agencies. Law enforcement agencies on both sides of the border regularly participate in local meetings to share information. Officers here at the Highgate port-of-entry participate in groups such as the Northeastern Border Joint Terrorism Task Force, and the Vermont State Attorney's Joint Border Intelligence Committee. In furtherance of the United States-Canada Accord, the Portland District, the Houlton Border Patrol Sector and the Royal Canadian Mounted Police in Fredericton, New Brunswick have formed a North Atlantic Region Intelligence Group to collect, analyze and share intelligence impacting the border between the two countries. These are but a few examples of the practical, on the ground, local cooperative efforts with the Canadians that have helped protect the northern border.

**CONCLUSION**

Immigration Inspectors continue to closely screen applicants for admission while facilitating commerce and tourism. I am proud of the men and women of the Portland District for the extraordinary work they perform on a daily basis. I thank you for allowing me to give this testimony.

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Mr. SOUDER. Thank you very much.

Now we recognize Mr. Spayd.

**STATEMENT OF PHILIP W. SPAYD, DISTRICT FIELD OFFICER, U.S. CUSTOMS**

Mr. SPAYD. Thank you. Thank you for the invitation to testify and for providing me the chance to appear before you today. I would like to discuss the efforts of the U.S. Customs Service to address the terrorism threat and the challenges that exist along the U.S.-Canada border, commonly called the northern border.

As the guardian of our Nation's border, Customs plays a major role in the great struggle against the forces of terror in which America is now engaged. The Customs Service enforces over 400 laws and regulations for more than 40 Federal agencies. Naturally, the northern border is a major focus of our efforts. Protecting our broad, expanding economic ties with Canada, while preventing terrorists from exploiting increased traffic flows is our goal on the northern border.

The immense flow of trade and travel between the United States and Canada requires that our two nations continue to work together to enhance the protection of our vital interests at this critical time. Trade and travel between the United States and Canada has jumped dramatically since the implementation of NAFTA in 1994. The area port of Highgate Springs, VT, consists of eight land border ports, plus the port of Burlington. The area port stretches from Alburg on the west, through the major port of Highgate, here on Route 89, to East Richford, VT. These ports are the main link between the metropolitan areas of Montreal and Quebec City and Boston and the rest of New England.

During the last fiscal year, over one-half million passenger vehicles and nearly 130,000 trucks entered the United States through the area port of Highgate Springs. Over $5 billion of commercial goods entered through the area port of Highgate last year alone.

The Customs Service was addressing security along our frontier with Canada well before the attacks of September 11th. The previous arrest of an Algerian terrorist, the millennium bomber, Ahmed Ressam, by Customs inspectors at Port Angeles, WA, in December 1999, is an example of our previous efforts. That arrest also set into motion a range of efforts to bolster security along our northern flank.

In response to the terrorist attacks of September 11th, U.S. Customs Service immediately implemented a level one alert for all personnel at all ports of entry. This is our highest state of alert, calling for sustained, intensive anti-terrorist operations. We remain at level one alert today.

Under level one alert, all ports of entry have increased vehicle, passenger cargo and mail examinations commensurate with the threat at their location. On the northern border, we have suspended remote inspection reporting systems, and are staffing every port of entry with at least two officers, 24 hours per day, 7 days a week. In order to meet the demands of maintaining this high state of alert, nearly 100 additional Customs inspectors have been temporarily detailed to northern border posts, to ensure that this

minimum staffing requirement applies even to our most remote locations.

In addition to the Customs Service's enhanced efforts and in keeping with the tradition of partnership that has always marked the close relationship between our two nations and Customs agencies, Canada Customs has pledged their full support and cooperation in preventing terrorists and the implements of terrorism from transiting our northern border. We are working on a priority basis with Canada to identify additional steps to be taken now, to enhance security. We have also been asking for the public's and the trade community's patience as we work to protect our Nation from the immediate threat, without turning the border into an obstacle to legitimate trade or our lifetime's freedom of movement, although traffic volume has been markedly lower since September 11th.

Despite initial concerns about our level one alert placing an undue burden upon normal border flows, we have in fact succeeded in reducing waiting times at the border to the levels they were at prior to the September 11th attacks. Cooperation with our partners from Customs Canada and in the business community has been instrumental to our success.

As some of you know, some of our Customs facilities on the northern border need to be updated. Although this main port at Highgate is a modern facility constructed in 1997, many of the other facilities in the area date back to the 1930's-era ports, such as Alburg and Morses Line.

To improve these facilities, Customs recently was provided with $20 million for resources and technology to support northern border security and aging infrastructure. Equipment will be deployed to various northern border locations. These nonintrusive inspection systems enhance the agency's ability to inspect vehicles and cargoes crossing the border, without impeding the steady flow of commercial traffic. Customs inspectors along the northern border are also currently using other technology, including radiation detectors to detect radioactive material used for weapons of mass destruction and vapor trace technology to help us detect the presence of narcotics.

In addition, the Customs Service plans to use part of this $20 million in new funding to enhance the security of the ports of entry along the northern border by investing in key elements of infrastructure. There are many roads which connect to the border which are unmonitored and allow for individuals or small groups to gain entry undetected. Most remote, limited-hour ports of entry have no monitoring or assessment capabilities. Our infrastructure investments will be prioritized to those locations that have the highest risk. The Customs Service plans to install digital video security systems, which can call remote monitoring locations, when they are enabled, at selected locations. These systems will complement our existing systems.

The Customs Service also plans to install additional lighting and appropriate barriers, gates, bollards at those locations that lack barriers to prevent unauthorized vehicle crossings, and to increase officer safety and deny anonymity to law violators.

From an overall perspective, the vast volume of trade and traffic on the northern border has put immense pressure on our ability to

enforce the Nation's laws while facilitating international trade, even before September 11th. After September 11th, our challenge has risen to a new level. Although we have taken many steps to address these challenges, such as the planned improvements at our facilities and the temporary detailing of additional Customs inspectors to the northern border, we still face many challenges.

We are working with the Treasury and within the administration to address these challenges. For example, we are developing threat assessments and a longer-term perimeter security strategy for dealing with them, to secure our homeland defenses, including the northern border.

In considering such a long-term plan, several core questions need to be addressed. First, how do we measure the added protection or risk reduction we will realize from additional investments on the border? How will Customs' plans properly interact and integrate with the other border agencies, the intelligence community, and the DOD? What are alternative means of securing our far-flung border crossings? What is the best system for securing the vast amounts of cargo coming across the border?

I want to thank you, Mr. Chairman and Mr. Sanders, and the members of the subcommittee for this opportunity to testify. The Service will make every effort possible, working with our fellow inspection agencies within the administration, and with congressional leaders, our Canadian counterparts, and the business community, to address your concerns and those of the American people. Thank you.

[The prepared statement of Mr. Spayd follows:]

**STATEMENT OF DIRECTOR FIELD OPERATIONS**
**NORTH ATLANTIC CMC**
**UNITED STATES CUSTOMS SERVICE**
**OFFICE OF FIELD OPERATIONS**
**BEFORE THE COMMITTEE ON GOVERNMENT REFORM**
**SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES**
**HIGHGATE SPRINGS, VT**
**OCTOBER 28, 2001**

Chairman Souder, Members of the Subcommittee, thank you for your invitation to testify and for providing me the chance to appear before you today. I would like to discuss the efforts of the U.S. Customs Service to address the terrorism threat and the challenges that exist along the U.S. - Canada Border, commonly called the Northern Border.

**Trade and Traffic on the Northern Border**

As the guardian of our nation's borders, Customs plays a major role in the great struggle against the forces of terror in which America is now engaged. The Customs Service enforces over 400 laws and regulations for more than 40 federal agencies. Naturally, the Northern Border is a major focus of our efforts. Protecting our broad expanding economic ties with Canada, while preventing terrorists from exploiting increased traffic flows, is our goal on the Northern Border.

The immense flow of trade and travel between the U.S. and Canada requires that our two nations continue to work together to enhance the protection of our vital interests at this critical time. Trade and travel between the U.S. and Canada has jumped dramatically since the implementation of the North American Free Trade Agreement in 1994. The "Area Port" of Highgate Springs, VT consists of eight land border ports, plus the port of Burlington. The area port stretches from Alburg on the west, through the major port of Highgate Springs on Route 89, to East Richford. These ports are the main link between the metropolitan areas of

Montreal and Quebec City and Boston and New England. During the last fiscal year over one-half million passenger vehicles and nearly 130,000 trucks entered the U.S. through the Area Port of Highgate Springs. Over $5 billion of commercial goods entered through the area port of Highgate Springs last year alone.

**The Customs Response to Recent Acts of Terrorism**

The Customs Service was addressing security along our frontier with Canada well before the attacks of September 11th. The previous arrest of an Algerian terrorist, the millennium bomber Ahmed Ressam, by Customs inspectors at Port Angeles, Washington, in December 1999, is an example of our previous efforts. That arrest also set into motion a range of measures to bolster security along our northern flank.

In response to the terrorist attacks of September 11th, the U.S. Customs Service immediately implemented a Level One Alert for all personnel and ports of entry. This is our highest state of alert, calling for sustained, intensive anti-terrorist operations. We remain at Level One Alert today.

Under Level One Alert, all ports of entry have increased vehicle, passenger, cargo, and mail examinations commensurate with the threat at their location. On the Northern Border, we have suspended remote inspection reporting systems, and are staffing every port of entry with at least two officers, 24 hours per day, seven days per week. In order to meet the demands of maintaining this highest state of alert, nearly 100 additional Customs inspectors have been temporarily detailed to northern border posts, to ensure that this minimum staffing requirement applies even to our most remote locations.

In addition to the Customs Service's enhanced efforts and in keeping with the tradition of partnership that has always marked the close relationship between

our two nations and Customs agencies, Canada Customs has pledged their full support and cooperation in preventing terrorists and the implements of terrorism from transiting our northern border. We are working on a priority basis with Canada to identify additional steps to be taken now, to enhance security. We have also been asking for the public's and the trade community's patience as we work to protect our nation from the immediate threat without turning the border into an obstacle to legitimate trade or our lifetime's freedom of movement, although traffic volume is markedly lower since then.

Despite initial concerns about our Level One Alert placing an undue burden upon normal border flows, we have in fact succeeded in reducing waiting times at the border to the levels they were at prior to the September 11th attacks. Cooperation with our partners from Customs Canada and in the business community has been instrumental to our success

**Improvements in Northern Border Facilities**

As some of you may know, some of our Customs facilities on the Northern Border need to be updated. Although the main port at Highgate is a modern facility constructed in 1997, many of the other facilities in the area date back to the 1930's era ports, such as Alburg and Morses Line.

To improve these facilities Customs recently was provided with $20 million for resources and technology to support Northern Border security and aging infrastructure. Equipment will be deployed to various Northern Border locations. These non-intrusive inspection systems enhance the agency's ability to inspect vehicles and cargoes crossing the border, without impeding on the steady flow of commercial traffic. Customs Inspectors along the northern border are also currently using other technology, including radiation detectors to detect radioactive material used for weapons of mass destruction, and vapor trace technology to help us detect the presence of narcotics.

In addition, the Customs Service plans to use part of this $20 million in new funding to enhance the security of the ports-of-entry all along the Northern Border by investment in key elements of infrastructure. There are many roads that connect to the border which are unmonitored and allow for individuals or small groups to gain entry undetected. Most remote, limited hour ports of entry have no monitoring or assessment capabilities. Our infrastructure investments will be prioritized to those locations that have the highest risk. The Customs Service plans to install digital video security systems, which can "call" remote monitoring locations when they are enabled, at selected locations. These systems will complement pre-existing Remote Video Inspection System sites.

The Customs Service also plans to install additional lighting, and appropriate barriers/gates/bollards at those locations that lack barriers to prevent unauthorized vehicle crossings, and to increase officer safety and deny anonymity to law violators.

**The Challenges Ahead**

From an overall perspective, the vast volume of trade and traffic on our Northern Border has put immense pressure on our ability to enforce the nation's laws while facilitating international trade, even before September 11th. After September 11th, our challenge has risen to a new level. Although we have taken many steps to address these challenges, such as the planned improvements to our facilities and the temporary detailing of additional Customs Inspectors to Northern Border posts, we still face many challenges.

We are working with Treasury and within the Administration to address these challenges. For example, we are developing threat assessments and a longer-term perimeter security strategy for dealing with them, to secure our homeland defenses, including the Northern Border. In considering such a long-term plan,

several core questions will need to be addressed. First, how do we measure the added protection or risk reduction we will realize from additional investments on the border? How will Customs' plans properly interact and integrate with the other border agencies, the intelligence community, and the Department of Defense? What are alternative means of securing our far-flung border crossings? What is the best system for securing the vast amounts of cargo coming across the border?

**Conclusion**

I want to thank you, Mr. Chairman, and the Members of the Subcommittee for this opportunity to testify. The U.S. Customs Service will continue to make every effort possible, working with our fellow inspection agencies within the Administration and with Congressional leaders, our Canadian counterparts, and the business community to address your concerns and those of the American people. I would be happy to answer any questions you might have.

Mr. SOUDER. Thank you both very much. I can start the questioning. Mr. Spayd, you're based out of the Boston office?

Mr. SPAYD. Yes, I am.

Mr. SOUDER. And Mr. Ouellette, are you——

Mr. OUELLETTE. Portland.

Mr. SOUDER. You said, Mr. Spayd, that you transferred 100 additional Customs inspectors to the northern border. Is that across the country?

Mr. SPAYD. That's across the northern border, yes.

Mr. SOUDER. How much of that was from the Boston region?

Mr. SPAYD. Fifteen were transferred from the Port of Boston to the Ports of Maine and Vermont.

Mr. SOUDER. Have you had a similar transfers?

Mr. OUELLETTE. We've had smaller transfers within the district itself, from ports in Maine that were less affected, other locations that needed extra traffic management.

Mr. SOUDER. To meet the challenges that you're being asked to do, how many additional agents would you say will be needed, and let's talk about the Vermont border while we're here. Do you feel that with the additional transfers in from Customs, if you were able to sustain that number? Mr. Spayd, do you have any suggestion?

Mr. SPAYD. No, the 15 are not enough. We're getting by with, as Representative Sanders mentioned, immense amounts of overtime here, which, due to the extraordinary diligence of our employees, we're working very hard, we're getting by, but that would not sustain us over the long term. Customs has reallocated 50 positions to the northern border—and I apologize, I think of the northern border as Maine and Vermont.

Mr. SOUDER. Right.

Mr. SANDERS. We're parochial. We don't see the west coast, midwest.

Mr. SPAYD. The 50 people which we are now hiring for, which will be helpful, but even that to sustain, and when you take your tour outside and see what it really takes to sustain level one operations, at a much different level than you normally operate at, that 50 will still require a lot of overtime and reduced vacation time for people.

Mr. SOUDER. So ideal would be more than 50?

Mr. SPAYD. Yes.

Mr. SOUDER. Would 50, at a level one, actually result in what you're having to search for now—a reduction in other things that Customs is searching for?

Mr. SPAYD. Well, let me answer it this way: We need to think in terms of the division between the primary vehicle processing and the commercial processing. Now, a port like Highgate gets a lot of Canadian cargo. It also gets international cargo from around the world through the ports of Montreal and through the ports of Halifax, and there's rail connections between Halifax and Montreal. So that cargo is true international cargo, and to sustain intensive examinations of that cargo is another area and would require an additional addition of employees to look at that cargo thoroughly, in a way that allows the legitimate cargo still to move relatively quickly through the port.

Mr. SOUDER. Mr. Ouellette, how about you?

Mr. OUELLETTE. On the short term we can handle the traffic that we're doing at this point, with the staff we have on duty, but it is requiring, as you mentioned, longer hours for all officers, and overtime. We can sustain that for a short term. Long term, we do need additional resources. I can't give you an exact number; we're still working with our headquarters to come up with that. But for the longer term, it would require fairly substantial increases in resources. Not just personnel—I think you will—you'd have to be looking at changes in the infrastructure itself as well as changes in the technology we use.

Mr. SOUDER. Do you believe it's possible—are you fully staffed with all the vacancies you have in INS and Border Patrol in this region?

Mr. OUELLETTE. I can't speak for Border Patrol, because that's a different chain of command. In the Portland district, which I can speak for, the inspection forces, our vacancies are fairly minimal on the permanent Immigration inspector staff. We have more difficulty in recruiting seasonal and part-time inspectors, because of the labor situation. It's a very, very difficult labor market. We're having difficulty recruiting those people, but for the permanent staff, we have very few vacancies.

Mr. SOUDER. In INS and in Customs, if you increase—if you could do this in two parts: One is, where do you think your local recruits would come from? How hard would that be to find the boost-up in the region, and how long does it take to train them?

Mr. OUELLETTE. We're fairly fortunate in locating applicants for our permanent positions. We use the Outstanding Scholar Program, visiting the colleges and universities in the area and recruiting from that pool. We also use people who are military veterans who've retired from the military or left the military, and often will be able to fill our slots from that pool. And so we've been fairly fortunate. We'll continue doing that. We've never hired in large numbers, as perhaps we'll be looking at in the future if Congress and the administration does go forward with the recommendations. So we've never faced large numbers of increased personnel at one time.

Mr. SOUDER. Mr. Spayd.

Mr. SPAYD. Customs recruits on a national basis, and the recruiting is all done through our Washington, DC, Office of Human Resources Management, and there is a quite a rigorous screening process. People need to take and pass a test, they need to pass a group interview. Once they're hired, they need a full background check, and they need, I believe, 15 weeks of training, so it does take a while to get people. However, in the ongoing recruitment, there are people always in the pipeline, and I do know that of the 50 that we are going to add in Maine and Vermont, that some number of them are already in that pipeline, and we're expecting them relatively soon.

Mr. SOUDER. Thank you. Mr. Sanders.

Mr. SANDERS. Thanks. Mr. Spayd, you indicated that you're aware that some of our present employees are working very, very long hours under a lot of stress. What kind of hours are people working today?

Mr. SPAYD. Well, on a 2-week—a northern border inspector on a 2-week pay period is averaging 31 hours of overtime every 2 weeks.

Mr. SANDERS. 15 hours a week or so?

Mr. SPAYD. 15 hours a week.

Mr. SANDERS. OK. Is that a—given the stress and the detail that's involved, can people continue to work those kind of hours and continue to do the job that we need?

Mr. SPAYD. Not much longer, no.

Mr. SANDERS. So we need help and we need it soon is what you're implying. Mr. Ouellette.

Mr. OUELLETTE. I think we're facing the same situation, that for the short term we can maintain this kind of activity, but not for a long term. Our people are working 6 days a week and often working 10-hour days during that time.

Mr. SANDERS. And when you're asking people to be ever so careful, I mean that's a hard thing to do?

Mr. OUELLETTE. It is. It's very difficult to work long hours and to be as efficient as you would be in a normal situation.

Mr. SANDERS. Mr. Spayd, in your statement, you make a statement, you state, "There are many roads that connect to the border which are unmonitored and allow for individuals or small groups to gain entry undetected." Post September 11th, can we afford that luxury anymore?

Mr. SPAYD. Well, most of the roads—the word "unmonitored" in this statement means unstaffed by Customs people.

Mr. SANDERS. Right, I understand, yeah.

Mr. SPAYD. The roads are monitored by the Border Patrol, and places of egress into the United States or entry into the United States are monitored by the Border Patrol, and I don't want to speak for the Border Patrol, but I think it's well known—you can certainly read this in the newspapers—that there are not a lot of Border Patrol agents on the northern border, and that in order to respond to intrusions at those monitors, I think is a question that should be addressed with the Border Patrol and their staffing.

Mr. SANDERS. Right. Mr. Ouellette.

Mr. OUELLETTE. As far as the roads into the United States, they are being monitored by the Border Patrol through their sensors and all of their technology that's available to them. You may have read recently that some news agents tested that system, and they were apprehended by the——

Mr. SANDERS. My favorite news agency. I'm glad you got that.

Mr. OUELLETTE. So they were apprehended in their attempt to cross without inspection. So the Border Patrol are very active. We're very fortunate to have them.

Mr. SANDERS. Let me ask both of you an overview. We don't have a whole lot of time, but as the chairman indicated, the challenge that we face is post September 11th, doing an even stronger job in security, doing everything humanly possible to keep terrorists from coming into this country, continuing to do the work that we've always done in terms of narcotics and other criminal-types of activity, and at the same time, not disrupting the very strong flow of commerce and tourism that exists between the United States and Canada, can we accomplish that goal? Give me an overview, some

of your general thoughts as to how we can do those things. Mr. Spayd, you want to respond?

Mr. SPAYD. Well, can we do it? I mean it's a long order, and in terms of drug interdiction, it is not a high-risk port, although we are seeing increasing marijuana seizures moving mainly from the west to the east, but after September 11th, it became a high-risk border almost instantly. In order to get the border to where we need it to be, I believe is a question of people, a question of technology, a question of intelligence, and information. In addition to technology, the right analysis. The fact is, the vast majority of people crossing this border are doing it for perfectly legitimate reasons.

Mr. SANDERS. Of course.

Mr. SPAYD. In Vermont, here, they may be going to church, going home on the other side, but so the right risk management approach, using better intelligence from wider sources, undoubtedly technology, undoubtedly more people, all of which arranged in the way where each agency does what it is best equipped to do, is, to my mind, the formula for a system that very much upgrades the border security.

Mr. SANDERS. OK, Mr. Ouellette.

Mr. OUELLETTE. I think it's a three-part solution. I think you have to look at resources; manpower, obviously; and the efficient use of that manpower; you have to look at technology; you have to find ways to separate the individuals to whom you want to speak and those who we think are less of a risk, to separate the people who need more interrogation from the others. And then you have to look at the sharing of intelligence. I think it's an important issue today where all law enforcement agencies share the intelligence that's available and share the——

Mr. SANDERS. Do they do that enough right now?

Mr. OUELLETTE. I think there's always room for improvement. I think it's being done on a local basis, and I see that every day, but I think it needs to be reemphasized globally, that the sharing of intelligence on an international basis is crucial to all the countries of the world.

Mr. SANDERS. And how do we do with our Canadian friends? Are you happy with the relationship?

Mr. OUELLETTE. Yes, we are. The officers at ports like Highgate belong to intelligence groups that meet regularly to share information on both sides of the border. Canadians, their law enforcement agencies, the RCMP, with our own Border Patrol, Immigration, Customs, and other agencies. Local and State police are involved in those, as well.

Mr. SANDERS. OK. Well, we've got a job on our hands. We look forward to working with you in the coming months. Thanks.

Mr. SOUDER. Thank you.

Mr. OUELLETTE. Thank you very much.

Mr. SOUDER. I have a couple of additional questions I want to ask, and some of these we may want to put into the record. I just want to say for the record, too, that I'm one who's a little more nervous on the intelligence-sharing than some, and I have a feeling Congressman Sanders shares some of these concerns. One is rapid expansion means we're more likely to have the ability to be pene-

trated in our intelligence operations. Also, intelligence is often rumor, and the more people you have with access to the rumors and the less experienced people you have, the more it can spread in the community if it's—in this type of stuff gets into part-time people and so on. I know we have very professional government people, but as you start hooking up State and local police and all sorts of individuals with the intelligence—doesn't mean it's necessarily hard stuff, as you all know—and it's a very sensitive thing that we're trying to work through.

A couple of additional things: You've mentioned a little bit of infrastructure required in your region. What would you say are the most important priorities, particularly here in Vermont, in infrastructure? You mentioned the border crossings at Alburg and a couple of—Anything else? Equipment? Maybe you can give it for the record if you don't have it in front of you, because we'd like to know some particular things.

Miss Daniels is a friend of mine in O & B. I'm asking you for a clear list, and I think both of you made it clear in your statement what there has to be, but if you had a wish list. Similarly, if you boost up the number of employees, is housing sufficient in this area, or are we looking at any government housing needs for new agents?

Mr. SANDERS. Yes, we have an affordable housing crisis in the State of Vermont.

Mr. SOUDER. Do we need more vehicles in the Border Patrol if you boost up your agents?

Mr. OUELLETTE. I can't respond to the Border Patrol; sorry.

Mr. SOUDER. I forgot, I apologize. What about in the Customs? Do you know how many borders in your region use a form 3461?

Mr. SPAYD. Well, no, it's a hard question to answer. The 3461 is the fundamental Customs entry form for release of documents, so we have a number that's our main system on the northern border. We use what's called a 3461-alt, which requires somewhat less information, and I don't want to get into too many of the weeds, as they say, but because of the difference of the northern border, the truck traffic which arrives very quickly, but we use the 3461-alt, and then we have what's called BRASS, which is a variation for low-risk importers, and we use another system called BREL, which is for shipments of less than $2,000.

Mr. SOUDER. What about the automated manifest?

Mr. SPAYD. Well, again, the——

Mr. SOUDER. Similar?

Mr. SPAYD. No, it's different from the border than the rest of the country. The only automated manifest information that we get on the border is rail. Again, because we haven't solved the problem of the decentralized idea that trucks are constantly leaving places and moving, and getting that advanced manifest information per truck, we haven't solved that problem, where we have in terms of air and vessel, where we get all the manifest information in an automated sense prior to the arrival of the conveyance.

Mr. SOUDER. What about automated broker interface? Similar?

Mr. SPAYD. That's used throughout the region.

Mr. SOUDER. Do you see more pressure? Are we looking at how to address these things? Could that speed up the time at the border, or is this just unmanageable?

Mr. SPAYD. Well, that's my next meeting. I'm addressing 150 Boston trade people on this question on Tuesday. It's the question of how do we get the information that we need so we're not having cargo enter the United States without a full and detailed understanding of who shipped it, what it is and where it's going. And I think there's some difficult questions that need to be addressed. There is some legislation out there that poses different alternatives, but I think a lot of discussions need to be undertaken about how Customs can get the information in a way that doesn't impede the legitimate trade.

Mr. SOUDER. And as you pursue that, one of the questions is, do we need—what type of technology would we need to be able to implement that so we don't have the backups, because pressure is certainly going to be on to do more thorough checks. We've never really had this focus on the northern border before. At the southern border, we've invested in all kinds of equipment and fast-pass systems and everything else, but in the northern border, we just—it's pretty much somebody who's crossed it frequently, there's never been much comparative auditing. In trucking, there's been a little bit more, but in Indiana, when they come back and forth with auto parts multiple times a day, it's a whole different ball game.

On the other hand, there's been a lot of inability of Congress to fix some of these problems long-term, because there's been hollering, historically, that there's been discrimination. So the northern border was already tightening because of the pressures on the southern border, which are still great, and we've had this big bogdown in Congress over the trucking question in the southern border, which is then putting political pressure on the northern border. And now with the terrorist question added to that, we can kind of see these kind of things coming and agree we can head them off before we get into the 4-hour backups like in San Diego would be helpful. Thank you very much for testifying.

Mr. SPAYD. You're welcome.

Mr. SOUDER. If the second panel could now come forward. Mr. Paradis, Mr. Dion, and Mr. Lariviere, if you could take the oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that all the witnesses have answered in the affirmative. It's a privilege to be joined today by our colleagues from the Canadian Parliament, the House of Commons, Mr. Denis Paradis. We're very pleased to have you with us, and we recognize your opening statement.

## STATEMENT OF DENIS PARADIS, MEMBER OF PARLIAMENT OF CANADA, HOUSE OF COMMONS

Mr. PARADIS. Thank you, Mr. Chairman, Congressman Sanders. Thank you for this opportunity to meet with your subcommittee about issues at the Canada-U.S. border that concerns us all. The terrible events of September 11th have given new meaning to the words "neighbor" and "community." They have emphasized to us all the importance of supporting each other through good times and bad times. Indeed, our world is not the same since terror struck at

the very heart of our shared community. We have been given a challenge with profound implications for our two nations.

The Canada-U.S. border is a powerful symbol of the relationship between our countries. Our border reflects our friendship, our common values, and the fact that Canada and the United States have the same interests in facilitating trade and travel. Indeed, the human reality stretches across both sides of this, some people would call it, imaginary line. While some villages sit right on top of the fence, Canadians and their ancestors before them have populated many of the northeastern cities and parishes, even giving their name to some of them.

We had the same interests before September 11. We have the same interests now, but our environment has changed dramatically. We must rise to this new challenge together and ensure we address new risks while protecting our people and prosperity. We must work together to merge best practices and develop common programs that serve our common interests.

The spirit of cooperation between our countries has produced tremendous benefits to both our nations. We have brought together a huge market that represents over $2 billion a day in trade. Millions of jobs on both sides of the border depend on trade and the continued integration of our two economies.

On average, 300,000 people and 40,000 commercial shipments enter Canada every day. And while we're talking numbers, let me add that for 21,000 people arrested at the Canadian border with a criminal record coming from the United States. In the year 2000, 14,000 were arrested going into the U.S.A. From Canada.

Coming back to the trade issue, 80 percent of our exports are going south, while 25 percent of yours are finding buyers on our side of the border.

As elected member for Brome-Missisquoi, my electoral constituency expands all the way from the Richelieu River near St-Jean, Quebec, to Lake Memphremagog, with nine border stations along the line and some international small roads with no border stations at all. I am therefore highly preoccupied by the outcome of this situation.

Given these realities, Canada was already moving forward with a new vision for improving the way we manage the border. In April 2000, Minister of National Revenue, Martin Cauchon, launched the Customs Action Plan. This plan sets out a series of reforms based on risk-management principles of advance information, preapproval, and self-assessment.

Given the events of September 11th, it's even more important that we proceed with this plan. It remains a solid strategy for meeting the challenges we face—maintaining high-level security and at the same time keeping our nations' economies strong. Obviously, the Customs Action Plan did not anticipate the crisis that we now face, but it serves us well in our new circumstances. In fact, we are accelerating the security initiative of this plan that should be in place in the next month.

The Government of Canada is providing additional funding of $21 million to the Canada Customs and Revenue Agency for new technologies and increased staff at our airports and seaports. Bill

S–23 is the legislative authority for the implementation of the initiatives in the Customs Action Plan.

As vice-chair of the House of Commons Committee on Justice, I am pleased to report that the bill now requires only the final stage of approval, which is the Royal Assent, in order to proceed with implementation of the Customs Action Plan. Our Justice Committee is also working very hard to complete the study of new authorities for strengthening security at our airports by allowing us to receive advance information on passengers on international flights. This is the same legislation our colleagues in the United States are now working on.

The legislation also allows us to implement programs announced last year which are aimed at facilitating the entry to Canada of frequent low-risk travelers. NEXUS is the name, and NEXUS is a good example of a program that facilitates legitimate travel. Canada and the United States each have their own programs to expedite low-risk frequent travelers. NEXUS is a shared program, giving the traveler one card to go both ways, using dedicated lanes. While both customs maintain the right to examine NEXUS users, travel is made easier with a NEXUS card. We know who those travelers are, and we have prescreened them against Federal data bases in Canada and the United States. Given the events of September 11th, we are now completing additional internal checks to ensure that all NEXUS participants are really low risk.

On the commercial side, our new legislation lets us pursue a dramatic new reform called customs self-assessment. It enables us to move the processing of commercial shipments away from the border, and let me explain how it works. Pre-approved importers will be able to use their own business system to meet their trade data and revenue requirements; for example, by e-mail. The Canada Custom and Revenue Agency supports this self-assessment through regular audit activities.

Customs self-assessment streamlines the customs clearance process and brings greater speed and certainty to the importation of low-risk goods. I believe it will be better for those companies involved. We will be able to manage the 11 million transactions a year far more efficiently. It means better compliance and, more importantly, less congestion at the border. Customs self-assessment also allows us to focus resources on areas of high risk. The CCRA would like to develop this and similar programs with our colleagues at U.S. Customs.

We need consistent approaches that work both ways, and we need to fast-track what is part and parcel of our daily life: Honest people and quality goods going through the border on a daily basis. It's in our mutual interest to manage risk as it shows up at the gate, way before it becomes a threat on our streets.

Airports and harbors are the gateway for terrorists and other threats from the outside, and they should be dealt with accordingly in a mutually convenient approach.

Let's work together to build a better-managed border not just for economic interests, but for our security interests. We all must make sure terrorism does not win. President Bush and Prime Minister Cretien have committed to work together to coordinate our efforts and fight this threat. Working together is the only way it will

happen. That is the great history of our shared border and this is the key to our success in the future.

Thank you for this opportunity, and I'll try to convince my colleagues in Ottawa to have the same democratic exercise on our side of the border, and I wish also to welcome you, Mr. Chairman, with the members of your subcommittee, to Ottawa, where we could arrange a joint meeting with our colleagues from the House of Commons. So thank you.

[The prepared statement of Mr. Paradis follows:]

# Speaking Notes

# Mr. Denis Paradis

## Subcommittee hearings on criminal justice, drug policy and human resources

## Highgate Springs, Vermont

**Champlain, New York**

**October 28 & 29, 2001**

**Check upon delivery**

Good afternoon ladies and gentlemen.

Thank you for this opportunity to talk to you about issues at the Canada-United States border that concern us all.

The terrible events of September 11th have given new meaning to the words "neighbor" and "community."

They have emphasized to us all the importance of supporting each other through good times and bad times.

Indeed our world is not the same since terror struck at the very heart of our shared community.

We have been given a challenge with profound implications for our two nations.

The Canada-US border is a powerful symbol of the relationship between our countries. It symbolizes the many ties that link our citizens and our economies.

Our border reflects our friendship, our common values and the fact that Canada and the US have the same interests in facilitating trade
and travel.

Indeed, the human reality stretches across both sides of this imaginary line. While some villages sit right on top of the fence, Canadians and their ancestors before them have populated many of the north eastern cities and parishes even giving their name to some of them.

We had the same interests before September 11. We have the same interests now - but our environment has changed dramatically.

We must rise to this new challenge together and ensure we address new risks while protecting our people and prosperity.

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We have brought together a huge market that represents over 2 billion dollars a day in trade.

Millions of jobs, on both sides of the border, depend on trade and the continued integration of our two economies.

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And while we are talking numbers, let me add that for 21,000 people arrested at the Canadian border coming from the US in the year 2000, 14,000 were arrested going into the USA from Canada.

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This plan sets out a series of reforms based on the risk-management principles of advance information, pre-approval, and self-assessment.

Given the events of September 11th it is even more important that we proceed with this plan.

It remains a solid strategy for meeting the challenges we face—maintaining high level security and at the same time keeping our nations' economies strong.

Obviously, the Customs Action Plan didn't anticipate the crisis that we now face - but it serves us well in our new circumstances. In fact, we are accelerating the security initiatives of this plan.

The Government of Canada is providing $21 million to the Canada Customs and Revenue Agency for new technologies and increased staff at our airports and seaports.

Bill S-23 is the legislative authority for the implementation of the initiatives proposed in the Customs Action Plan.

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The bill also includes new authorities for strengthening security at our airports by allowing us to receive advance information on passengers on international flights.

This is the same legislation our colleagues in the US are now seeking.

The legislation also allows us to implement programs announced last year, which are aimed at facilitating the entry into Canada of frequent low risk travellers.

"NEXUS" is a good example of a program that facilitates legitimate travel.

Canada and the US each have their own programs to expedite low-risk frequent travellers.

However, NEXUS is a shared program giving the traveller one card to go both ways using dedicated lanes.

While both customs authorities maintain the right to examine NEXUS users, travel is made easier with the NEXUS card.

We know who these travelers are and we have pre-screened them against federal databases in Canada and the US.

Given the events of Sept. 11th we are now completing additional internal security checks to ensure all NEXUS participants are low risk.

On the commercial side, our new legislation lets us pursue a dramatic new reform called Customs self-assessment.

This program enables us to move the processing of commercial shipments away from the border. Let me explain how it works.

Approved importers will be able to use their own business systems to meet their trade data and revenue requirements.

The Canada Custom and Revenue Agency supports this self-assessment system through regular audit activities.
Customs self-assessment streamlines the customs clearance process, and brings greater speed and certainty to the importation of low-risk goods.

I believe it will be better for those companies involved.

We will be able to manage the 11-million transactions a year far more efficiently.

It means better compliance and - more importantly - less congestion at the border.

Customs self-assessment also allows us to focus resources on areas of high risk.

The CCRA would like to develop this and similar programs with our colleagues at US Customs.

We need consistent approaches that work both ways. And we need to fast-track what is part and parcel of our daily life: honest people and quality goods going through the border on a daily basis.

Business should not have to invest in one set of systems and examination requirements for Canada and different ones for the US.

It is in our mutual interest to manage risk as it shows up at the gate, way before it becomes a threat on our streets.

Airports and harbors are the gateway for terrorists and other threats from the outside and they should be dealt with accordingly in a mutually convened approach.

As to the domestic management of related problems, our respective laws and police forces are best able to deal with it.

Partnerships are essential to managing risk at our border. Not only within government but also with business.

That's the key to this challenge. We need government and business partnerships.

I know Ambassador Cellucci and the US business community is interested.

Let's work together to build a better-managed border not just for economic interests but for our security interests.

We all must make sure terrorism does not win.

Your President and our Prime Minister have committed to work together to coordinate our efforts and fight this threat.

Working together is the only way it will happen. That is the great history of our shared border and that is the key to our success in the future.

Thank you.

Mr. SOUDER. Thank you very much for coming.

Now, from Distribution Marcel Dion, we're pleased to welcome Mr. Sylvain Dion.

**STATEMENT OF SYLVAIN DION, PRESIDENT, DISTRIBUTION MARCEL DION**

Mr. DION. Your Honor, members of the Congress, members of the Committee on Government Reform: For the past 2 weeks, the situation has clearly improved in regard with the crossing of the American borders by trucks. However, we will need a longer delay in obtaining the new Identification Standards from American Customs, birth certificates or passports. Previously, drivers' licenses were sufficient. We had a driver who was refused entrance at Champlain, NY, because he had only his driver's license and a photocopy of his application for a birth certificate. This is the reason why we need a longer daily to obtain their requested documents.

Proposal to improve security, to facilitate commerce, and to ease travel between the United States and Canada: We think that border control must be reinforced in a way to facilitate northbound and southbound traffic. The European Union set the pace in that regards. During the 1980's, there was a card issued by the American Customs that was identifying the driver at Customs. This card was obligatory for transportation of containers inbound in the city of Detroit. It is almost a historical reminder, but we believe that the preapproved, updated, modern and performing driver's card could aim at facilitating the flow of commerce between our two countries. This new card should be issued for a Canadian driver as well as for an American driver. By the same occasion, it will contribute to their pride of being a professional driver.

It could include the following elements: photograph, fingerprints, DNA test, criminal investigation by both governments, bar code, for northbound and southbound commercial traffic. Such a card should be previously approved by both governments. We sincerely think that such a card could improve the security and facilitate commerce between our two countries. We thank you for hearing us.

[The prepared statement of Mr. Dion follows:]

October 27, 2001

Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy
And Human Resources
B-373 Rayburn house Office Building
Washington DC 20515
U.S.A.

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   - Photograph
   - Fingers prints
   - DNA test
   - Criminal investigation by both governments
   - Bar Code for northbound and southbound commercial traffic

Such card should be previously approved by both governments.

We sincerely think that such a card could improve the security and facilitate commerce between our two countries.

We thank you for hearing us.

Sylvain Dion
President

Mr. SOUDER. Thank you very much. I appreciate also you all doing your statements in English. I know that it's really a compliment to yourselves that you're all bilingual. One of the interesting things that happened in my life is I was in Quebec City on my honeymoon, way back—as I'm older—in 1974, at the peak of the French-only in Quebec City, and my wife had to have her appendix out on the 4th day of our honeymoon in the University of Laval, and nobody spoke English except the night guard, and one nurse helped us through it. So I appreciate very much that you've been able to communicate to us better than we can communicate back sometimes, and appreciate that very much.

Mr. Lariviere.

**STATEMENT OF GILLES LARIVIERE, PRESIDENT, WEST BROME MILL**

Mr. LARIVIERE. Having been involved in the transborder softwood and hardwood industries with the United States for the past 30 years, I welcome this opportunity to voice my concern over the control being considered or put into place in response to the September 11th disaster.

To begin with, let me say that as a Canadian and a close neighbor, I sympathize wholeheartedly with you and hope that we and our children will be able to continue living in a peaceful America in the years to come. This being said, and as your leaders have been saying repeatedly, we have to go on with our lives and get back to our daily business. While we will try to do so in the private sector, it becomes the business of both governments to ensure that we can do so in the most unimpeded way, while at the same time ensuring the protection of all citizens against acts of terrorists of any form that could jeopardize our democracy and create civil unrest.

In a more pragmatic way, while I do understand the need to fight terrorists and drugs at the border, I do think that it can be done without unduly affecting the normal flow of goods and people going routinely through our common border as part of one of the largest trade relationships in the world. My softwood and hardwood business, which has been in operation for the past 30 years, calls for 10 to 20 trucks a day to cross the border with wood coming from the United States. The most recent controls are significantly slowing down the trucks, with 2 to 3 hours of waiting at the border and affecting both my costs and my capacity to deliver the goods in an orderly and timely fashion.

With the devastating effect that the above-mentioned tragedy has had on the North American economy, we certainly don't need additional man-made obstacles to curtail even more, the potential of commerce. This being said, I am all for control aimed at terrorism and drug trafficking. They should and must be the object of control at the border. At the same time, with today's technology, it should be possible to deal with normal day-to-day commercial transborder activities in a streamlined and efficient way. Trucks entering the country on a daily basis could be permanently logged into a computer data bank by their permit number or license plate, and be processed at the Customs office. This way, control could still be done in a case-by-case basis should the need arise, and the regu-

lar flow of goods could be maintained. Wherever such practices are possible, there needs to be put into place. In any case, the goal should be to process the goods through the border in an orderly, timely and efficient way. It is only to the extent that this goal is met that both Canadian and U.S. business and consumers will be able to return to business as usual. Thank you, sir.

[The prepared statement of Mr. Lariviere follows:]

**Brief to the**

**U.S House of Representatives,**

**Committee on Government Reform and Oversight,**

**Subcommittee on Criminal Justice, Drug Policy and Human Resources**

**"Issues at the United States-Canada Border"**

**Field Hearing at Highgate Springs, Vermont and Champlain,**

**New York Border Crossings.**

**Submitted by Gilles Larivière,**
**Sutton, Québec ,Canada**

**Sunday ,October 28th 2001**

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To begin with, let me say that as a Canadian and a close neighbour, I sympathize wholeheartedly with you, and hope that we and our children will be able to continue living in a peaceful America in the years to come.

This being said, and as your leaders have been saying repeatedly, we have to go on with our lives, and get back to our daily business. While we will strive to do so in the private sector, it becomes the business of both our Governments to ensure that we can do so in a most unhindered way, while at the same time ensuring the protection of all citizens against acts of terrorism in any form, that could jeopardize our democracies and create civil unrest.

In a more pragmatic way, while I do understand the need to fight terrorism and drugs at the border, I do think that it can be done without unduly affecting the normal flow of goods and people going routinely through our common border as part of one of the largest trade relationship in the world.

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With the devastating effect that the above mentioned tragedy has had on the North American economy we certainly don't need additional man- made obstacles to curtail even more a potential upswing.

This being said, I am all for controls aimed at terrorism and drug trafficking. They should and must be the object of a thorough control at the border.

At the same time, with today's technology, it should be possible to deal with normal day to day commercial trans-border activity in a streamlined and efficient way.

Trucks entering the country on a daily basis could be permanently logged into a computer data bank, by their permit number or licence plate, and be processed in a designated row at the customs office. This way, controls could still be done on a case by case basis, should the need arise, and the regular flow of goods could be maintained.

Whether such practices are possible, or others need to be put into place, in any case, the goal should be to process the goods through the border in an orderly, timely and efficient way. It is only to the extent that this goal is met, that both Canadian and US businesses and consumers will be able to return to" business as usual"

Mr. SOUDER. Thank you all very much for your testimony. Mr. Lariviere, and Mr. Dion in particular, do most of your trucks come across at I–89, or are you crossing at multiple points?

Mr. LARIVIERE. All over the place.

Mr. SOUDER. New York State, as well as in Vermont?

Mr. LARIVIERE. Yes. Detroit.

Mr. SOUDER. Detroit, as well? Have you seen—You've mentioned 2 to 3 hours' delay. Is that across the board that you're seeing? Is it greater——

Mr. LARIVIERE. Yeah, it's greater at different ports, yes.

Mr. SOUDER. In this region, what are you seeing?

Mr. LARIVIERE. Yeah, here at this port here and the port of Lacolle is where it's the most longest time of waiting time.

Mr. SOUDER. Do you see that, as well?

Mr. DION. Yes, but since 2 weeks, it's not as bad.

Mr. SOUDER. It's improved in the last couple of weeks?

Mr. DION. Yes, yes.

Mr. SOUDER. Do you believe that's predominantly—we'll ask the inspectors here—the number of inspectors or the number of lanes? Obviously, we need to try to move to the fast pass-type systems that you're all advocating, but that may take a while, as we're proceeding, partly as we've seen in the southern border as well, you alluded to the problem of getting the passports cleared. Part of this is in our Embassies, we're not used to the kind of pressure we're getting right now for the requests; that it's going to take a while to get that system up. In the meantime, but also even long term, if we have that, do you see this as a problem with the number of truck lanes, as well, or——

Mr. DION. If you had more truck lanes, that would be better, for sure.

Mr. LARIVIERE. Yes, it would help, definitely.

Mr. SOUDER. Mr. Paradis, have you seen much impact in the last 30 days, change on the trade and the tourism?

Mr. PARADIS. I mean the economy, it would be hard both on our side and your side after this September 11th events. And what we're looking now is that you just have to look outside here; it's a much longer line, people arriving from Canada entering in the States, than the contrary. I was pushing in my speech here that we really should improve—it should go further on the checking at airports and seaports, because if we can better control seaports and airports, I mean the whole America is more secure at this point, and that I think we will have to find—I'm listening to my colleagues here that are giving some kind of examples of the way it could be done immediately if we had some lanes for trucks, and but on the long-term, also, we should come to a solution that we should continue to explore together.

Mr. SOUDER. One of the most difficult things we're going to have to work through, there are different pressures in the trucking area, whether it be logging or distribution, than there are in the human traffic. In other words, we can probably work with random inspections combined with the fast passes to figure out how to have kind of repetitive use or people who work across the borders. The less frequent travelers would participate—I'm curious, Mr. Paradis, how do you think this is going to evolve in Parliament? With the

probable exception of Mexico, the United States has not only a tougher immigration standard historically, but a more enforced immigration. Canada has always prided itself on being much more open in its own immigration standards. That's part of the problem vis-a-vis Europe, where they have more commonality. Do you see that changing in Canada?

Mr. PARADIS. Yes, we do see that changing, because we're bringing changes in our administration for the immigrations, and it's in the process right now, so by April 2002, for example, we're issuing official cards for people that are in the country and that are Canadians, and they are waiting for the process. And there will be more security checks, also, and we are kind of improving on security basis the system for immigration.

Mr. SOUDER. One of the things that we'll probably deal with a little bit tomorrow—it doesn't directly relate to the trucking—it predominantly relates right now to other customs and narcotics questions, but could indeed also start to relate in human traffic, which could be terrorists or other immigrations and how we deal with the Indian reservations, which are independent on the United States side, and the First Peoples of Canada.

Could you explain to me briefly what kind of—in the United States, they have a whole separate police force that are independent and require a whole different cooperation structure. Is that true in Canada, as well?

Mr. PARADIS. I'm not too sure as to how they process in those reserves. But you don't have to go that far. I mean yesterday I went to visit a few border stations along my riding here, my constituency, and I've seen a place where—and there was three places not too far from here where people can cross, and there is—I mean at one point you triple your people at the Customs, you open all the trunks and everything, but 600 feet further, people can cross without nobody there. I mean that doesn't make sense, and those people in drugs or different circuits like that, they know that there is some kind of roads open like that. And just a small sign saying "don't cross" and police, like some others have said, are not always there to pick them up if they cross where they're not supposed to cross, so it's a kind of as complicated, maybe, here as it would be in Akwasasne or some other reserve.

Mr. SOUDER. One of the things that becomes apparent from looking at a map—and in the next couple of days we're going to be looking at this question, as well—obviously the border isn't all land; that Lake Champlain comes up in a couple of points. Do you have any idea of what moves or how we might do a better job? Because you're right; if we strengthen the border crossing at one place, logic tells you that if you're not willing to follow the law, you're going to move around. Do you have any sense of what might move in water and how we might address that better?

Mr. PARADIS. On the lake?

Mr. SOUDER. Yes.

Mr. PARADIS. Better surveillance on the lake, I imagine. Because you're right, the lake is kind of open and on both sides. So block maybe some roads that need to be blocked right now and where there is no port of entry, and better surveillance on the crossing of the lake.

Mr. SOUDER. This is a huge problem, because tourism and boating, whether it be Lake of the Woods or Lake Huron, I mean people don't know an international boundary when they're going back and forth. Would that be a huge problem to try to watch that more?

Mr. PARADIS. There was a pilot project a few years ago on Lake Champlain, for example. It could be real easy if we would have a barge or a kind of a dock there where you put a Customs officer from United States and a Customs officer from Canada, and both there, so the boat stops, and there's not much different places where you can go through and just stop there and report if you're a Canadian or an American. Let's work together on that, and I think that would be easily fixable.

Mr. SOUDER. Thank you. Mr. Sanders.

Mr. SANDERS. Thank you. Let me thank all three of you for emphasizing a very important point, and that is, while we obviously want to put more emphasis and do a better job in keeping terrorists out of both countries, we don't want to forget about the economy. Right now in the United States—I don't know how the situation is in Canada—we are entering a recession. So obviously we don't want to take action which will slow down our economy and create more unemployment, and thank you for making that point.

Now, I should know this, and I apologize for not knowing this, but let me start off with Mr. Lariviere, and that is, if you have a truck driver who every week is going across the border?

Mr. LARIVIERE. Every day, yes.

Mr. SANDERS. Every day. Is he treated the same way as somebody who has never come across the border and is coming across for the first time? Or is there a process by which your business that is going across the border, is there a process involved where we know that a truck—we know a driver comes across many, many times of the year?

Mr. LARIVIERE. Yes.

Mr. SANDERS. We know who this guy is, we know what the material is, and that in some way or another we could expedite that process so that he is not treated like a new visitor?

Mr. LARIVIERE. No, no, he's been treated very well, and there's no problem on that part. The only thing is it's the waiting time that's occurring right now with what happened.

Mr. SANDERS. No, but what I'm meaning, what I'm trying to get at, is he treated differently than somebody who's coming across for the first time? In other words, is there a process, if you're coming across many times and—a driver is coming across many, many times—shouldn't we have a process by which we anticipate him, we know him, if this is the guy, if this is the material, we do all that we have to do, but it should be different than somebody who we're seeing for the very first time?

Mr. LARIVIERE. Yes, right.

Mr. SANDERS. You agree with that?

Mr. LARIVIERE. Yes.

Mr. SANDERS. And that would expedite the process?

Mr. LARIVIERE. That's right, yeah.

Mr. SANDERS. Right now, is there any procedure by which our people here know all of your drivers, who they are, that we have a list of them and we can identify them and so forth, or is it——

Mr. LARIVIERE. Yeah, sure, because when they go through every day, they have their name, if it's the same customs officer.

Mr. SANDERS. But it's more informal than formal?

Mr. LARIVIERE. That's right, yes.

Mr. SANDERS. So I think what you were trying to stress——

Mr. LARIVIERE. To stress, to put it formal.

Mr. SANDERS. Figure out how we can get that information earlier to anticipate a truck coming and we can move that faster?

Mr. LARIVIERE. Exactly, yes.

Mr. SANDERS. And I would gather that you would hope that with some of the additional money that we anticipate putting into this area, that we can have additional lanes so that the process can be expedited?

Mr. LARIVIERE. Exactly, yes.

Mr. SANDERS. OK. Mr. Dion, you agree with that, as well?

Mr. DION. Yeah, no problem. But you had a new system 1 year ago you put in Windsor, a PAPS system, P-A-P-S, and I would like to know if it's effective here. Because with that new system, it's supposed to go more fast to clear the truck at the border. But we have 55 trucks. We didn't go with PAPS, because it's only good for Detroit, but maybe the PAPS system is very aware. We should go with there, just stick a sticker on the invoice, and when the truck comes to the gate, it's already clear. The Customs officers just have to make the immigration, "Are you Canadian? Do you have your passport? OK, have a good day."

Mr. SANDERS. Well, it would seem to me that with all of the potential technology that we have, if we know when you are coming, if we know what you are bringing, if we know who your driver is, that situation should be different than somebody just traveling over the border for the first time.

Mr. DION. Right, but the PAPS starts just 1 year ago, but I know it was only for Windsor. But if that system would be able to take the system for Vermont and into Maine——

Mr. SANDERS. I don't know the answer. Mr. Chairman.

Mr. SOUDER. My understanding is it's a pilot program, which we historically fund these things to test them, and I know, because I come from Fort Wayne, which crosses a lot in Detroit/Windsor. I'm not sure that we're going to get a fair pilot test of it, because we've slowed down the border so much in general, but we will be having a hearing in Windsor with Susan Whalen, probably within 30 to 60 days, and we'll focus on that and we'll get back to you with that procedure, but it's the type of thing we should be doing across the country. We have a similar thing at the San Diego border.

Mr. SANDERS. My guess is that with the kind of technology that we have now, we should be able to expedite the process for regular commerce. That's the extent of my questions, Mr. Chairman.

Mr. SOUDER. Well, thank you again. And we are certainly trying to evolve in this direction, many of us across the country, even if we don't have a district—I'm 120 miles from the border, but what we've seen is while we've lost many jobs in Mexico, we've had an increase in trade with Canada, some 90 percent in the last 12 to 18 months. North American Van Lines has based their international headquarters in my district, so we have a lot of trucking questions going across the border, as well as increasingly Cana-

dian-owned companies in the United States. It is a very active type of a trading situation.

The American people, if I can just add this comment, and I look forward to continue to work with each of you. It is hard to understand the emotion coming off an evening watching the media, after New York and after the Pentagon attack and the anthrax, which many of us feel may not even be connected, but has made everybody so hyper, and false alarms all through the United States.

We're in a situation in our own office buildings, my legislative director had to go in—because she had been in one of the offices in our building, she had to go in for her antibiotics yesterday, that I keep waiting for my beeper to go off, because so far they have not cleared my own office and own floor, the sixth and seven the floor. And it is a different feeling now that they're coming at us and they're going to keep coming at us, and finding that before the terrorists get in, if indeed these are even related, international border security is our only protection, and yet at the same time, if they collapse our economy, they've accomplished their goals. And so it's a delicate balance we're trying to work through, and as I pointed out in the first panel, is to be not penny-wise and pound foolish here, is that we may throw so many resources at something with so little return that in fact it either diverts resources, when we are chasing something that can't be caught and is so infrequent, and/or collapses our economy.

So we thank you for our testimony today. This is what we're trying to do across our border.

Mr. SANDERS. If I may say so, it's terribly important that you continue to stay involved. I think we all have the same goals, and we need as many ideas as we possibly can achieve. Thank you very much.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses have each answered in the affirmative.

From the American Federation of Government Employees, representing INS, Stephen Duchaine.

## STATEMENT OF STEPHEN DUCHAINE, PRESIDENT HIGHGATE SPRINGS CHAPTER, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. DUCHAINE. Thank you. Congressmen, thank you for inviting me to testify regarding our staffing situation on the Canadian border. My name is Stephen Duchaine, and I'm a Senior Immigration Inspector at this port of entry, Highgate Springs, VT. I'm also the vice president of AFGE Local 2076, District 1, which includes the Immigration Inspectors of Vermont. I just received my 30-year pin for government service, and I have been an inspector since 1980 here and in Laredo, TX. I'm also a third-generation Vermonter whose ancestors came from Quebec.

The demographics of Canada have changed dramatically over the years. Canada has a very large immigrant community from all over the world. I've seen hundreds apply for refugee status at the Canadian port of entry opposite this one. Many arrived in the United States illegally, and some legally, but they went directly to the Ca-

nadian border to apply for refugee status, as I would see them walk along the interstate going north.

I'm sure you remember Mr. Ressam, who was arrested in 1999 trying to enter the United States in the State of Washington with a trunkload of explosives, but you may not remember that he was a resident of Montreal, Canada, only 40 minutes from this port of entry. Last year in the northeastern corner of Vermont, Lucia Garofalo was intercepted at a small port of entry, smuggling a suspected Middle Eastern terrorist to the United States. A few years ago, a Lebanese-born Canadian was caught with a pipe bomb in Richford, VT. Once again, they were all residents of Montreal. On September 8, 2001, at Highgate Springs, we refused entry to three Middle Eastern-born individuals who reside in Montreal under very suspect circumstances. I sent out an intelligence report September 10, 2001, identifying all three. One clearly expressed to me his displeasure with the U.S. Government being a puppet of the Israeli Government.

During normal monthly operations, we refuse entry to an average of 100 aliens. Usually 25 or so are based on criminal convictions. These numbers are only for this port of entry. I have successfully prosecuted over 50 felonies and seized over 200 conveyances for immigration violations here at Highgate Springs. The cases involved commercial alien smuggling involving commercial trucks, documented false claims, including fraudulently obtained U.S. passports obtained by criminal aliens, and attempted reentry after deportation involving aggravated felons. I have two such cases pending now. Sentences received have been as long as 4 years in prison.

One such case involved an IRA member who had been deported after being caught in an FBI sting trying to purchase stinger missiles. He was caught at this port of entry, trying to return to Boston.

My local has long said it is inherently unsafe to work at the border ports with only one officer, and now that we are on level one alert, our service is now staffing these ports with two officers. They are even staffing ports 24 hours a day that are normally open only 16 hours. Most of the ports in Vermont are these small ports. No additional staffing has been authorized, so the additional staffing requirements have required a great deal of overtime.

The average Immigration inspector in Vermont has been getting an average of 20 or more hours of overtime each week since September 12, 2001. All annual leaves have been canceled and days off lost, disrupting officers' personal lives. There are also serious health concerns when you realize the average age of inspectors. I will soon be 50 years old, and well over half the inspectors at Highgate are significantly older than I am.

Many have health problems that these extra hours will only make worse. I will only mention my own. I am being treated for high blood pressure, and as of October 25, 2001, I was diagnosed with a sleeping disorder. My doctor recommends a reduction in my stress level and in my hours of work. At the rate of overtime that is being utilized in Vermont, many senior inspectors will reach the overtime cap before the end of the year, if their health holds up.

If the overtime cap is not waived, then the 65 percent of the officers I estimate who don't reach the cap will have to work additional hours. More experienced officers would be unavailable for overtime assignments as the holidays approach.

We have many very fine inspectors here in Vermont, but given the threat that we face, we must have additional inspectors or we must close some of the lower-traffic ports of entry and consolidate the staff where the most traffic is crossing. I do not believe Vermonters or the American public want border stations to be closed. I believe they feel safer knowing we are on guard. However, inspectors presently on duty have commitments to their families and community that are difficult to put on hold indefinitely, regardless of their dedication.

Also tied to the staffing issue is the continuing problem of retaining our young inspectors. Our new INS Commissioner Ziglar, in his recent testimony to Congress, quickly identified this crucial issue, extending hope that inspectors will finally be recognized as law enforcement officers with the appropriate retirement, and he also supports a long-overdue upgrade to GS11 for all inspectors. Commissioner Ziglar's testimony alone has given hope to inspectors, that didn't exist a few months ago.

Locally, the retention problem can be very easily explained. An inspector works rotating shifts, weekends, holidays, and when a crisis comes, as it has three times in the past year, the inspectors' planned leave is canceled, and all for GS9 pay, without law enforcement retirement.

The Vermont service center has more immigration examiners than we have inspectors in Vermont, their hours are flexible, and leave is never a problem. They also have overtime, and many even work in their private homes and they are paid at a GS12 level. Is it surprising that young inspectors apply for examiner jobs as soon as they open? I think not. I have seen this happen over and over, and it will continue to happen unless Congress supports Commissioner Ziglar's efforts to correct this retention problem.

At Highgate Springs, we have 16 immigration inspectors. In the next 5 years, eight will retire. Five are actively seeking a transfer, leaving three who intend on remaining inspectors at Highgate Springs for more than 5 years. Management for immigration inspection in Vermont presently has eight managers, and five expect to be retired in 5 years, as well. While my data is oriented specifically to Highgate Springs, VT, the personnel issues are very similar through Vermont INS inspections. Once again, I thank you for allowing me to testify before you.

Mr. SOUDER. Before we move to the other testimony, let me say this to both you and Mr. Wilda, if you'll communicate to your employees, as well, that we very much appreciate the people on the front lines, and that we were not paying attention enough to people who are on the front lines when we get these kind of attacks on our country, and whether it's the firemen who went in to try to rescue people, whether it's the people at the border who are working

overtime, we appreciate it very much, and hope that gets through. And hopefully we can be more sensitive to the needs and demands that are being made on average people that are actually having to do the battle, and we want to thank you on behalf of the Congress.

[The prepared statement of Mr. Duchaine follows:]

**Testimony**

*Congressmen, thank you for inviting me to testify regarding our staffing situation on the Canadian border.*

**Background:** *My name is Stephen Duchaine. I am a Senior Immigration Inspector at this Port of Entry, Highgate Springs, VT. I am also the Vice President of AFGE Local 2076 District 1 which includes the Immigration Inspectors of Vermont. I just received my 30 year pin for government service and I have been an inspector since 1980 here and in Laredo, TX. I'm also a 3rd generation Vermonter whose ancestors came from Quebec.*

**The Threat at the Canadian Border:** *The demographics of Canada have changed dramatically over the years. Canada has a very large immigrant community from all over the world. I've seen hundreds apply for refugee status at the Canadian port of entry opposite this one. Many arrived in the US illegally and some legally but they went directly to the Canadian border to apply for refugee status as I would see them walk along the Interstate going north.*

*I'm sure you remember Mr. Ressam, who was arrested in 1999 trying to enter the US in the State of Washington with a trunk load of explosives but you may not remember that he was a resident of Montreal, Canada, only 40 minutes from this port of entry. Last year in the northeastern corner of Vermont, Lucia Garofalo was intercepted at a small port of entry smuggling a suspected Middle Eastern terrorist to the US. A few years ago a Lebanese born Canadian was caught with a pipe bomb in Richford, VT. Once again they were* ***all*** *residents of Montreal. On Sept.8, 2001 at Highgate Springs we refused entry to 3 Middle Eastern born individuals who reside in Montreal (under very suspect circumstances). I sent out an Intelligence report Sept. 10, 2001 identifying all 3. One clearly expressed to me his displeasure with the US government being a puppet of the Israeli government.*

*During normal monthly operations we refuse entry to an average of 100 aliens. Usually 25 or so are based on criminal convictions. These numbers are only for this port of entry. I have successfully prosecuted over 50 felonies and seized over 200 conveyances for Immigration violations here at Highgate Springs. The cases involved commercial alien smuggling involving commercial trucks, documented false claims including fraudulent obtained US passports obtained by criminal aliens and Attempted Re-entry after Deportation involving aggravated felons. I have 2 such cases pending now. Sentences received have been as long as 4 years in prison. One such case involved an IRA member who had been deported after being caught in a FBI sting trying to purchase* ***stinger missiles.*** *He was caught at this POE trying to return to Boston.*

**The Problem:** *My local has long said that it is inherently unsafe to work the border ports with only one officer and now that we are on Level 1 alert, our Service is now staffing these ports with two officers. They are even staffing ports 24 hours a day that are normally open only 16 hours. Most of the ports in Vermont are these small ports. No*

*additional staffing has been authorized so the additional staffing requirements have required a great deal of overtime. The average Immigration Inspector in Vermont has been getting an average of 20 or more hours of overtime each week since Sept.12, 2001. All Annual Leaves has been canceled and days off lost, disrupting officer's personal lives. There are also serious health considerations when you realize the average age of Inspectors. I will soon be 50 years old and well over half the Inspectors at Highgate are significantly older than I am. Many have health problems that these extra hours will only make worse. I will only mention my own. I'm being treated for high blood pressure and as of Oct.25, 2001 I was diagnosed with a sleeping disorder. My doctor recommends a reduction in my stress level and in my hours of work. At the rate overtime is being utilized in Vermont, many of the senior Inspectors will reach the overtime cap before the end of the year, if their health holds up. If the overtime cap is not waived than the 65% of the officers I estimate who don't reach the cap will have to work additional hours. The more experienced officers would be unavailable for overtime assignments as the holidays approach.*

**Solution:** *We have many very fine Inspectors here in Vermont but given the threat that we face we* ***must*** *have additional Inspectors* ***or*** *we must close some of the lower traffic ports of entry and consolidate the staff where most of the traffic is crossing. I do not believe Vermonters or the American public want Border stations to be closed, I believe they feel safer knowing we are on guard. However Inspectors presently on duty have commitments to their families and community that are difficult to put on hold indefinitely regardless of* ***their dedication.***

*Also tied to the staffing issue is the continuing problem of retaining our young Inspectors. Our new I&NS Commissioner Ziglar in his recent testimony to Congress quickly identified this* ***crucial issue*** *extending hope that Inspectors will finally be recognized as* ***law enforcement officers with the appropriate retirement*** *and he also supports a long overdue upgrade to GS11 for* ***all Inspectors.*** *Commissioner Ziglar's testimony alone has given hope to Inspectors that didn't exist a few months ago.*

*Locally the retention problem in Immigration Inspectors can be very easily explained. An Inspector works rotating shifts, weekends, holidays and when a crisis comes, as it has 3 times in the past year, the Inspectors' planned Leave is canceled and all for GS9 pay without law enforcement retirement. The Vermont Service Center has more Immigration Examiners than we have Inspectors in Vermont, their hours are flexible, leave is never a problem; they also have overtime and many even work in their private homes and they are paid at the GS12 level. Is it surprising that young Inspectors apply for Examiner jobs as soon as they open!?! I have seen this happen over and over and it will continue to happen unless Congress supports Commissioner Ziglar's efforts to correct this retention problem.*

*At Highgate Springs we have 16 Immigration Inspectors, in the next 5 years 8 will retire, 5 are actively seeking a transfer leaving 3 who intend on remaining Inspectors at Highgate Springs for more than 5 years. Management for Immigration Inspection*

*presently has 8 managers and five expect to be retired in the next 5 years as well. While my data is oriented specifically to Highgate Springs, VT the personnel issues are very similar throughout Vermont I&NS Inspections.*

*Once again I thank you for allowing me to testify before you.*

*Stephen Duchaine*
*Senior Immigration Inspector*
*Highgate Springs, VT*

**STATEMENT OF JOHN WILDA, PRESIDENT, CHAPTER 142, NATIONAL TREASURY EMPLOYEES UNION**

Mr. WILDA. Good afternoon. Chairman Souder, Congressman Sanders, ladies and gentlemen, I'd like to thank you for giving me the opportunity to appear before you today. My name is John Wilda. I'm a U.S. Customs Inspector assigned to the port of Highgate Springs, VT. I've worked here for 27 years. I'm also the chapter president of Chapter 142 of the National Treasury Employees Union. Chapter 142 represents all bargaining unit employees in the U.S. Customs Service who are employed in the State of Vermont and assigned to the port of Pittsburg, NH.

My objective today is to explore ways to enhance the security at our borders, improve ways of facilitating cargo, and easing the entry of legitimate travelers into the United States. Prior to making any recommendations about staffing, I think the Federal Government has some decisions that must be made.

The State of Vermont is divided into two area ports, Highgate Springs and Derby Line. Each port maintains jurisdiction over other smaller ports, as well. There are 15 staffed border crossings in Vermont; 10 of the 15 border crossings are staffed by one inspector per shift. Of these 10, 2 are open only 16 hours per day. Both of these are located within the area port of Highgate Springs, VT.

Since we have gone on high alert, the number of inspectors assigned to each shift has been increased to two inspectors per shift, 24 hours a day, 7 days per week. This includes coverage at the two ports previously staffed only 16 hours per day. Keeping these small, one-person stations open with two inspectors will require an additional 40 to 50 inspectors in the State of Vermont.

In December 1999, this country should have received a wakeup call when a terrorist, Ahmed Ressam, was arrested by U.S. Customs officials attempting to smuggle bomb-making supplies into the United States at Port Angeles, WA. Mr. Ressam lived 45 miles north of Highgate, in Montreal. Highgate Springs is a direct link between Montreal and Boston.

Our work has changed significantly since September 11th. We now double-staff our one-person ports. We staff around the clock at ports that were previously open only 16 hours per day. We double-staff our primary inspection lanes at the larger ports so that we can safely examine every car, truck and bus entering the United States. We unload each and every bus that arrives and check all passengers' names in our Customs and Immigration data base. Our work has increased significantly, yet we're doing it all with no increase in staff.

Last pay period I worked 50 hours of overtime over a period of 2 weeks. I recently worked 21 consecutive days between days off. I often work 16 hours, get off work at 8 a.m., return to work at 4 p.m. the same day. On-the-job work injuries have increased due to fatigue. We often work several different shifts in a week. All vacations have been canceled. Our summer inspectors have been extended until March.

To go along with the agency's philosophy of facilitation, Customs proposed using remote video inspection systems at certain remote one-man ports. At that time, NTEU warned the agency of the potential drawbacks of this system, including a dangerous security

issue, terrorists. Within a year of the installation of the remote video inspection in Pittsburg, NH, Lucia Garofalo, who was suspected by the U.S. Government of having terrorist connections after she was arrested, took advantage of the open border concept. As a result of her entry via camera inspection, intel was generated by a customs inspector which resulted in her arrest at another one-person crossing in Beecher Falls, VT, shortly thereafter. Several years ago, two other terrorists were arrested, one in Alburg and one in Richford.

A supplemental appropriations bill provided the Boston Customs Management Center with 80 additional inspectors. The Boston CMC encompasses all of New England. Of these 80 inspectors, Highgate Springs, the largest land border cargo center in the CMC, was allotted a total of 5. Boston received 30. During the present alert, Boston has been providing Highgate with TDY inspectors. That has helped. But we should be getting triple the amount in order to immediately alleviate the stress of working long hours with little impending hope for some much-deserved time off.

Since September 11th, we no longer work alone. Aside from the one-person ports, more staff is needed at the larger ports, as well. We have a new $10 million facility here at Highgate Springs, which opened in 1997. Understaffing has caused it to be grossly underutilized. Our warehouse is only open 16 hours per day. Staffing cuts have eliminated our two-man mobile enforcement team. Boston has a 16-person team. We should be opening our warehouse 24 hours per day. We should maintain an outbound inspection team. An 80-car freight train arrives in St. Albans daily without any inspection at all.

Lake Champlain is a wide-open sieve to both boaters in the summer and snowmobiles in the winter. During Y2K, we had a bomb-detecting ion scanner. We no longer have one. We used to have two administrative employees here. Inspectors and supervisors now perform their functions.

The process for new hires needs to be expedited. It now takes well over a year to get an inspector on board. One way to get around this is to offer full-time positions to those who now work only part-time. Hiring needs to be decentralized and brought back to the local managers.

While our prime focus is fighting terrorism, there are additional benefits to the way we now perform our inspections. Four major drug interdictions were made in Vermont since September 11th. Additional staff will enable us to fight the evils of terrorism and interdict major drug shipments.

We need to reexamine some of our immigration policies so that we never again allow terrorists to enter our country, legally or illegally. We must use our borders to protect ourselves. We cannot become complacent again. There is a cost to more staffing. I think there are millions of Americans who believe the added security is worth it.

It is very clear that funding must be increased to allow Customs to meet the challenges of the future. Customs' recent internal review of staffing, known as the Resource Allocation Model [RAM], shows that nationwide, Customs needs 14,776 new hires just to ful-

fill its basic mission. Highgate Springs would need 17 new inspectors and 8 additional support personnel.

Another issue that must be addressed is law enforcement retirement for Customs inspectors and canine enforcement officers. Customs officers have the authority to apprehend and detain those engaged in terrorism, drug smuggling, and violations of other civil and criminal laws. We are being denied benefits given to our colleagues who work with us. Granting us law enforcement status would be a long-overdue step in recognizing the contributions we make in protecting our borders. There is presently a bill before Congress, H.R. 1841, which would grant law enforcement status to customs officers.

In closing, we can facilitate cargo, ease travel, and improve security, but it all comes down to more staff. We need more inspectors so no one works alone at small ports. We need more staff at the larger ports so we can facilitate cargo by assigning more inspectors to cargo release and open our warehouses 24 hours per day. More inspectors will allow us to open more traffic lanes on busy days, thereby reducing waiting times and enhancing enforcement. We need to institute a roving enforcement team to provide inspectional capabilities at the rail yard, on the lake, and between ports as needed. We need better technology and better communication with other agencies. Either we revert back to the border being a sieve, or we get the requisite staff necessary to protect all Americans. Thank you very much.

[The prepared statement of Mr. Wilda follows:]

**STATEMENT OF JOHN WILDA**
**SENIOR CUSTOMS INSPECTOR, HIGHGATE SPRINGS, VERMONT**
**PRESIDENT, CHAPTER 142 NATIONAL TREASURY EMPLOYEES UNION**
**STATEMENT MADE BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM,**
**SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES**
**HIGHGATE SPRINGS, VERMONT**
**OCTOBER 28, 2001**

Good afternoon. Chairman Souder, Congressman Sanders, ladies and gentlemen. I would like to thank you for giving me the opportunity to appear before you today. My name is John Wilda. I am a United States Customs Inspector assigned to the Port of Highgate Springs Vermont. I have worked here for 27 years. I am also the Chapter President of Chapter 142 of the National Treasury Employees Union. Chapter 142 represents all bargaining unit employees in the United States Customs Service who are employed in the state of Vermont and to the port of Pittsburgh, New Hampshire.

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Since September 11, we no longer work alone. Aside from the one person ports, more staff is needed at the larger ports as well. We have a new $10 million facility here, which opened in 1997. Understaffing has caused it to be grossly underutilized. Our warehouse is only open 16 hours per day. Staffing cuts have eliminated our two man mobile enforcement team. Boston has a 16 person team. We should open our warehouse 24 hours per day. We should maintain an outbound inspection team. An eighty car freight train arrives in St. Albans daily without any inspection at all. Lake Champlain is a wide open sieve to both boaters in the summer and snowmobiles in the winter. During Y2K we had a bomb detecting ion scanner. We no longer have one. We used to have 2 administrative employees. Inspectors and Supervisors now perform their functions.

The process for new hires needs to be expedited. It now takes well over a year to get a new Inspector on board. One way around this is to offer full time positions to those who are now only part-time Inspectors. Hiring needs to be de-centralized and brought back to the local Managers.

While our prime focus is fighting terrorism, there are additional benefits to the way we now perform our inspections. Four major drug interdictions were made in Vermont since September 11. Additional staff will enable us to fight the evils of terrorism and interdict major drug shipments.

We need to re-examine some of our Immigration policies so that we never again allow terrorists to enter our country, legally or illegally. We must use our borders to protect ourselves. We cannot ever become complacent again. There is a cost to more staffing. I think there are millions of Americans who believe the added security is worth it.

It is very clear that funding must be increased to allow Customs to meet the challenges of the future. Customs recent internal review of staffing, known as the Resource Allocation Model (RAM), shows that nationwide, Customs needs 14,776 new hires just to fulfill its basic mission. Highgate Springs would need 17 new Inspectors and 8 additional support personnel.

Another issue that must be addressed is law enforcement retirement for Customs Inspectors and Canine Enforcement Officers. Customs Officers have the authority to apprehend and detain those engaged in terrorism, drug smuggling and violations of other civil and criminal laws. We are being denied benefits given to colleagues who work with us. Granting us law enforcement status would be a long overdue step in recognizing the contributions we make in protecting our borders. There is presently a bill before Congress, HR 1841 which would grant law enforcement status to Customs Officers.

In closing, we can facilitate cargo, ease travel and improve security. But it all comes down to more staff. We need more Inspectors so no one works alone at a small port. We need more staff at the larger ports so we can facilitate cargo by assigning more Inspectors to cargo release and open our warehouses 24 hours per day. More Inspectors will allow us to open more traffic lanes on busy days thereby reducing waiting times and enhancing enforcement. We need to institute a roving enforcement team to provide inspectional capabilities at the railyard, on the lake and between ports as needed. We need better technology and better communication with other Agencies. Either we revert back to the border being a sieve, or we get the requisite staff necessary to protect all Americans.

Thank you once again, and I will be happy to answer any questions you may have.

Mr. SOUDER. Thank you.

Mr. Chad Tsounis, executive director of the St. Albans Area Chamber of Commerce.

**STATEMENT OF CHAD TSOUNIS, EXECUTIVE DIRECTOR, ST. ALBANS AREA CHAMBER OF COMMERCE**

Mr. TSOUNIS. I'm pleased to testify before the Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy and Human Resources today, Sunday, October 28th, in regard to issues relating to border crossings.

I understand the purpose of this hearing is to explore ways to improve security, facilitate commerce, and ease travel between the United States and Canada. I further understand that the subcommittee will make recommendations concerning potential legislation based upon the information which you today will receive. I therefore take very seriously this hearing today. Thank you for the opportunity to address these important issues on behalf of the business community within Franklin County.

The issue of security is best left to the Customs officials of whom have already made ample statements today at this hearing. However, a few comments will suffice that the security at our borders must be strong, consistent, and uniform. There must be a thorough screening process for those Customs officials who are responsible for the security of our borders and border crossings. There must further be acceptable funding to allow for an increase in Customs border officials so as to provide an adequate level of personnel at the border, with the purpose of enforcing good security procedures; however, not at the expense at the convenience and utility of our border crossings.

There should further be consistent and uniform procedures used during the process of border crossing, which are well communicated to the public and business community at large, for the purpose of proper compliance with such procedures.

The issue of facilitating commerce is another which has been touched upon by members of the witness panel, yet which I'll address briefly. The best way to facilitate commerce on our U.S.-Canadian border is not necessarily promoting policy which allows for the quickest transport across the border. Rather, it is the promotion of policy which allows for the most thorough and efficient crossing of the border.

Again, the issue of appropriate staffing at the border is one which should be addressed, as the volume across the border, I assume, increases year by year. Again, diligent communication of border-crossing procedures and standards should be relayed to those businesses that take part in regular commerce across the border. The need for efficient crossing of our U.S.-Canadian border is paramount to the success of our businesses that rely on accessibility, both for the exchange of products, as well as the impact of tourists upon our service-based businesses.

An issue of importance in light of September 11th's tragic events is how the strengthening of security at the border will affect the day-to-day travelers and tourists who seek to visit the United States or Canada via our border crossing.

Let me be clear that the consistent, uniform security procedures taken at our border should by no means be compromised simply for the sake of an easy and quick crossing of our border. Instead, there must be sound policies and procedures which are both expected by and communicated to the traveling public. These policies could be documented, for example, in an easy-to-read brochure distributed by U.S. Customs via chambers of commerce on both sides of the border which explain what a traveler should expect in terms of appropriate documentation, inspection, and allowance of items to be carried across the border.

Of even greater importance, however, is the communication of problems or delays at the border which may immediately affect the traveling public. Throughout the day on September 11th, our Chamber office was flooded with phone calls asking for us to confirm whether or not the border had indeed been closed to travelers. Again a week or so later, the border was rumored to be closed because of an alleged bomb threat. In both instances, the immediate need of travelers was to determine whether or not to stay put in their present location or to continue on toward the border.

We received phone calls in both instances from chambers in other New England States who asked for similar information in order to service travelers heading north. Massachusetts, New Hampshire were examples. The St. Albans area Chamber of Commerce was unable to provide accurate information to travelers, and was further unable to confirm the border closings because of tied-up phone lines at Customs.

An easy and practical solution which should be adopted in light of future potential delays or border crossings is a uniform communication policy in which chambers of commerce and other related organizations be contacted and informed in light of these happenings. The dissemination of reliable information to the traveling public will not only alleviate congestion at the border during instances of delay or closing; rather, it will allow travelers to plan accordingly if border crossing is temporarily suspended or delayed.

In either case, communication of present circumstances at the border must be relayed in a timely, accurate, and sufficient manner to chambers of commerce and other related organizations in order to continue the confidence and reliability of our border and its workings.

In conclusion, the improvement of security, the facilitation of commerce, and the ease of travel between the United States and Canada should be conditioned first upon safety and security, and then upon ease and accessibility. Further, any policy developed which speaks to these issues of security, facilitation of commerce, and the ease of travel between the U.S. And Canada, should have a long-sighted, as opposed to short-sighted, approach as relates to the effects of these policies upon businesses.

A strong, consistent and uniform policy for crossing our borders, which emphasizes thoroughness and efficiency as the rule, will maintain an adequate level of accessibility to the border by our businesses and traveling public. Efficiency and thoroughness at the border from day to day are better for our businesses and public than a misstep and tragic event which results in an uncalculated and negative effect upon our community, businesses, and economy.

[The prepared statement of Mr. Tsounis follows:]

To: Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

From: Chad Tsounis- Executive Director, St. Albans Area Chamber of Commerce.

Re: Statement regarding issues relating to border crossings.

Date: Friday October 26, 2001.

I am pleased to testify before the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy, and Human Resources today Sunday October 28th in regards to issues relating to border crossings.

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An issue of utmost importance in light of September 11th's tragic events is how the strengthening of security at the border will effect the day to day travelers and tourists who seek to visit the U.S. or Canada via our border crossing. Let me be clear that the consistent uniform security

procedures taken at our border should by no means be compromised simply for the sake of an easy and quick crossing of our border. Instead there must be sound policies and procedures, which are both expected by and communicated to the traveling public. These policies could be documented for example in an easy to read brochure distributed by U.S. customs via Chambers of Commerce on both sides of the Border which explain what a traveler should expect in terms of appropriate documentation, inspection, and allowance of items to be carried across the border.

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Mr. SOUDER. Thank you.
OK, Mr. Smith.

**STATEMENT OF TIMOTHY SMITH, EXECUTIVE DIRECTOR, FRANKLIN COUNTY INDUSTRIAL DEVELOPMENT CORP.**

Mr. SMITH. Good afternoon, and I'd like to welcome everyone to northern Vermont. My name is Timothy Smith, and I'm the executive director of Franklin County Industrial Development [FCIDC]. FCIDC is a nonprofit corporation which is partially funded by the State of Vermont, municipalities within Franklin County, local businesses, and utilities. FCIDC is engaged in processes of building a strong diversified market economy that serves the interests of area enterprises, municipalities, and residents.

As mentioned in your invitation to testify, your area of concern included security, facilitation of commerce, and ease of travel between the United States and Canada. The area of which I feel most comfortable is that of facilitating commerce.

I have lived along the Canadian border most of my life—if not here, then 5 years in Derby Line, VT, in the Northeast Kingdom. What was very apparent is the fact that the border crossings in the past had been responsible for processing and regulating goods and people who enter into the United States. Since September 11, 2001, the focus has been forever altered to include national defense and stricter regulations. The stricter regulations have led to a delay of processing all commercial traffic. Some have as their ultimate destination manufacturing or distributionsites within Franklin County.

The truck delays at the Highgate port were increased an additional 45 to 90 minutes during peak traffic hours after the New York attacks. The length of delays have decreased as time has passed and as our lives have gradually returned to normal, as normal as we can expect considering recent events.

The volume of commercial traffic throughout Vermont's northern borders have increased substantially due to the signing of the North American Free Trade Agreement and the economic growth we have seen over the past decade. Our border crossings are also impacted by the Port of Montreal's proximity to Vermont and its goal to become 1 of the top 15 ports in North America.

With the increased volume of traffic and higher expectations on our border personnel to help in the fight for our national security by enforcing stricter regulations, it is necessary to ensure that the border crossings have the tools and resources they need to do an effective job.

It is apparent that the manpower, facilities and technology at Vermont's border crossings are not up to par. The Vermont border crossings lack proper facilities, technology and staffing to process commercial traffic in a safe, timely and efficient fashion.

I would encourage two specific enhancements that in the long run would improve processing efficiency, staff morale, and safety of our country. The first piece is obvious to anyone who lives near the border and knows individuals that work here. It is absolutely necessary to increase the levels of employment at the border crossings. It is difficult to operate any business or agency when an employee is overworked and approaching levels of burnout. An overworked

employee may lose motivation and be less attentive to the tasks at hand.

Second, an improvement in the facilities to process commercial traffic is imperative to do an effective and comprehensive job in securing our national border. The facility should contain state-of-the-art technology such as x-ray machines and communication systems.

Currently there are no commercial vehicle facilities at the Highgate or Derby Line border crossings, let alone the numerous smaller ones scattered across northern Vermont. A facility such as this would allow the staff the opportunity to be protected by the elements, which would in turn increase staff morale.

In conclusion, I would like to note that the businesses I have spoken with in Franklin County have not complained about the delays. They are aware of the reasons for the current precautions and accept them. These delays will not have such an adverse impact on local business that they should be forced to close or relocate. These delays will probably not even be a major concern when a company is considering locating to northern Vermont, as issues of higher priority when a company is considering locating or expanding include skilled work force, job training, cost of doing business, and health care.

However, these delays are costing local businesses a significant amount of revenues and resources and will have a direct impact on the economy of Franklin County. Thank you for listening, and I hope the committee will consider the recommendations that we are proposing to you today.

Mr. SOUDER. Thank you all very much. Mr. Sanders is going to start the questioning.

Mr. SANDERS. Thank you, Mr. Chairman. Let me divide the questioning up between law enforcement and commerce, if I might.

In terms of law enforcement, let me start with you, Mr. Duchaine—and let me begin by reiterating what the chairman said: we very much appreciate the enormous effort that you folks have been making under this kind of pressure and what it's done to your family life and so forth. You are unsung hereos, and we really appreciate what you've done, and we're going to do our very best to make life better as soon as we possibly can.

In that regard, Mr. Duchaine, you mentioned, and it should be of concern to all of us here, that in your statement, "At Highgate Springs we have 16 Immigration inspectors. In the next 5 years eight will retire, five are actively seeking a transfer, leaving three to remain for the next 5 years." You know, one of the things that we are aware of since the tragedy is that we are not treating the people who are on the front line in terms of security, the way we should. We see this in airports, when we find out we have minimum-wage workers who determine what gets on planes and what not, and we are hearing from you right now that in your judgment—and I agree with you—that many of our border people are underpaid. Let me ask you a specific question. What will an upgrade to GS11 mean for the men and women who work right here?

Mr. DUCHAINE. If you're referring to dollars and cents, the grade structure is obvious, but what it means for the inspections program is we're going to be able to retain our younger inspectors. What you have in a situation as far as pay structures is the senior officers,

because there's not really a rotation of staff here, get—if the GS11-grade inspector position, because in Inspections, we have a breakdown—we have Specialists and certain Senior Inspectors who are GS11s. They tend to remain. And the other two-thirds of the staff tend to be the trainees and the journeyman inspectors, GS9s, who are basically tired of waiting for the older inspectors to retire and move on so they can get an 11.

Mr. SANDERS. What's the difference in pay, roughly?

Mr. DUCHAINE. Oh, you're talking over $1,000 a month, minimum difference. When you consider the overtime that they're earning, as well.

Mr. SANDERS. And you think if we increase the GS9s to 11s, you would have a lot easier time retaining people?

Mr. DUCHAINE. Absolutely. I believe you would see a lot of the GS9 inspectors, if you get the 11—especially if you get the law enforcement, they would probably remain in inspections.

Mr. SANDERS. So one of the points—and I think everybody recognizes you want people to stay on the job for a long time, to learn the job, we don't want constant turnover, so one of the points you are making is that irregardless of how many new people we can bring in tomorrow, it's not going to help all that much if we constantly have this turnover?

Mr. DUCHAINE. That's right.

Mr. SANDERS. And you think it's imperative, then, that we rethink those policies?

Mr. DUCHAINE. Absolutely.

Mr. SANDERS. OK. Mr. Wilda, let me ask you in a similar vein. Your people do not have some of the retirement benefits that other law enforcement people have. Can you focus on that for a moment? What does that mean for retention? What does that mean for people willing to come onto the job in the first place?

Mr. WILDA. I don't think we have the same problems that Immigration has as far as job retention is concerned. The main reason for that is that Immigration has several larger offices just south of here, within commuting distance, so if the grades are not available at the border, Immigration can always put in for another one, and just within commuting distance, have a much higher-paying job. Customs it's not the same. Here, approximately half of the inspectors are GS11 and the other half are GS9. I think it would help. An upgrade to an 11 would certainly improve morale, for one thing. Like I say, I don't think the turnover is the same in Customs as it is for Immigration.

Mr. SANDERS. If I were a 22-year-old person interested in a life of law enforcement, would I come up here, would I go to the Burlington Police Department, would I go to the State Police, would I go to a Federal law enforcement? How high would I be attracted to come here compared to other law enforcement career options?

Mr. WILDA. Well, there are some benefits. One of the big problems, of course, is rotating shifts, long hours and things like that. Federal benefits, you know, attract a certain number of people to government service. It's a good job, but certainly a higher-graded job would keep people here and stop them from transferring. We do lose some transfers to other locations because there's a higher

grade—it may be in Montreal, Toronto, Boston, Chicago, Miami—so we do lose some people, transfers.

Mr. SANDERS. OK. Let me just ask you, maybe somewhat personal or not, but you guys both are putting in a hell of a work week, and so are your brothers and sisters who are also involved. How much longer can people continue to work like that and retain their health, and in fact, their ability to do the job?

Mr. DUCHAINE. Yeah, well my comment would be is that we probably got a slightly overforce in the immigration side of the house, that sick leave is starting to pick up for the ones that have health problems. I mean they're trying to get by, and that tends to result in more overtime for the others. To answer your question quickly, I would say that most can tough it out for a shorter period of time until we get the additional staff on, as our district director indicated, but I would say there's a certain amount of urgency, especially with our hiring practices being what they are.

Mr. SANDERS. When do you anticipate some additional help coming in? Do you have a sense of how quickly that might be?

Mr. DUCHAINE. Not in the near term, no. I understand positions have been authorized, and obviously, no money attached with it, so——

Mr. SANDERS. Congress does that. I won't—has a tendency of authorizing——

Mr. DUCHAINE. I'm hoping that will show up in the immigration budget.

Mr. SANDERS. We will certainly do our best to make that happen. Mr. Wilda, what do you hear?

Mr. WILDA. Well, the long days are taking its toll, and I've seen an increase in injuries, crawling under trucks and things like that, somebody cutting their head or cutting their leg, and I think that's directly due to fatigue. I've been told that we have a couple of new hires coming on at the end of the year, which will help a little bit. Holding over the summer inspectors helped tremendously. These are part-timers who normally end August 30th, and they've agreed to stay on until, I believe, through the end of March, and they've been just a tremendous benefit to us.

Mr. SANDERS. But those are working double shifts in a sense, too, because they have their regular day jobs.

Mr. WILDA. Exactly.

Mr. SANDERS. You heard the testimony that we heard from some of our Canadian friends a moment ago. I am interested in asking the same question to you. You're familiar with people who are going over the border on a regular basis. Can we make some improvements to expedite the process for those people whose loads we know, whose drivers we know, whose contents we know? Can we make some improvements in that direction?

Mr. SMITH. I would say yes. As I've spoken to people at Deringer's, one of the larger Customs brokers in the area. They have suggested that—and I believe there's a policy put in place—John, you can support me on this—that if someone has not come across a border over the last 3 years, that they need to be reinspected. Where they have to go back to the firm and they have to do an actual inspection of the company sending the firm, you know, the product over. So they're taking it in a little different respect,

in that they go back to someone who they have not seen and then scrutinizing their paperwork and their operation, more so than a company who has come across on a regular basis. But yeah, I would agree that there could be a system set up for those. And I have two or three companies in Franklin County that sends a truck over daily.

Mr. SANDERS. Right.

Mr. SMITH. And they come through the same port just about the same time every day, and they have done a few things to help alleviate inspection. They've allowed a walkway down through their trailer, so that people can walk in and can check them. So they are working on that angle to help assist with the process, as well.

Mr. SANDERS. Mr. Tsounis.

Mr. TSOUNIS. I don't think I would add any more than Tim has to the business side of it, where you have regular basis constantly going over the border day by day.

As I said in my statement, in regards to tourists who are crossing the border—and I said tourists, not terrorists—in regards to tourists crossing the borders, you have people who are from Montreal and Burlington-based, or in those regions, who are regularly crossing the borders. They probably understand what's expected of them in regards to documentation that is needed, items they are able to carry across and, you know, food or retail possessions, but I think in terms of persons who may not be as familiar, tourists who may not be as familiar crossing the border, again, it's a communication piece.

The chambers should have something in their offices, which we don't now, whether it's because it's not there or whether it's because we haven't looked for it or the publication is not actually in existence. There should be a communication piece which describes to the common traveler what kind of documentation could be required, what kind of searches or inspections could be taken during the crossing of the border, so I would say that just to make it more efficient, so that we're not getting people at the border, "I didn't know that you were going to be asking this."

Mr. SANDERS. Right, that they can have their stuff out and ready to go?

Mr. TSOUNIS. A communication piece, something that can be placed in chamber offices is one example, a brochure of some type. The other thing I had mentioned is the communication when there are delays, 45 minutes or more, it would be good for chamber offices and other related organizations to know that those delays or stoppages at the border are happening. This way, we get people in our office or calls from chambers around the State or in other parts of New England, we're able to tell them, "There's a 45 minute delay, have lunch, try it in another hour," so some kind of communication piece where, you know, for example, a 45-minute-plus delay, a stoppage at the border, chambers, our chamber and other chambers and organizations are contacted, "Look, there is a delay, there is a stoppage."

Mr. SANDERS. Suggesting that some of the restaurants in Swanton start advertising more, huh?

Mr. TSOUNIS. Exactly, yup, and those are—I think that would alleviate congestion and alleviate slowing of our public travelers.

Mr. SANDERS. Thank you, Mr. Chairman.

Mr. SOUDER. What immediately jumped to my mind when you said that is what they've started to do, I know even Fort Wayne is doing it now in the airport page, that you can call up and see the status of the flight, just as if, you know, it's on the board at the airport, that in some places they have something they hand at the border. But that's too late. In Windsor I was stopped a number of years ago, I hadn't carried my passports before, and all of a sudden they wanted passports for my kids with me, and so I had to go over and file all kinds of papers as to whether I had kidnapped my kids. At Sault Ste. Marie 1 year, when we went camping, we had to leave potatoes, because that year there was a concern about some midwestern potatoes. Another year my sister was—we were meeting up there and she was bringing me a little Christmas tree, and that year Christmas trees or pine trees weren't allowed to be coming across.

Mr. SANDERS. You seem to be a lucky guy in terms of carrying products.

Mr. SOUDER. Yeah, so it's true in both directions, and if we had some way, with the e-mails today, that could put up whatever's on the screen and the chambers could then get it down and into your network, and when there's a short-term thing, maybe not something system-wide but certainly at each border, it can't be that hard to do anymore with the type of information we have. Do you have any comment on that?

Mr. WILDA. The only comment I have is I believe now you can access the Customs Web page and they update border waits every 15 minutes at specific crossings.

Mr. TSOUNIS. Is there a phone number, like a 1–800 number where somebody could call and they could have a message playing? I mean that's something, if you're in your car and you're on the cell phone, you know, you're able to make a quick phone call. A brochure should also talk about things such as what should objects look like or not look like. I mean these are the types of things you're going to be held up for, retail items—a toy gun, for instance—don't buy a toy gun and bring it across the border. But there needs to be communication, so that persons aren't getting to the borders and say, "Oh, I didn't realize."

Mr. SOUDER. For example, in the midwest and west in particular—it probably is true in the east, too—but one of the big things was Canada passed a new gun-trading permit law and they're going into American gun shows, but a lot of people were not aware of that new law, and all of a sudden they're hit with a charge at the border. Really unusual at the northwest angle in Minnesota and for Alaskans, when they were traveling between American States, but had to go through Canada, and how to work through the waiver question. There are all sorts of things that we work through, and we have to do a better job of performing those.

I had somebody riding with me in an airplane who I thought told me, because he was very concerned, it was his grandma—it could have been his aunt—was the only person at one of these 24-hour points. Is it possible that one of the points in Vermont could have, in the evening, if it's a 24-hour point, a single elderly woman being the only person at that point?

Mr. DUCHAINE. Not since the level one alert. It should be two.

Mr. SOUDER. But prior to that?

Mr. DUCHAINE. Oh, yes, yes.

Mr. SOUDER. So it wouldn't only be just one person? It could be a female, and it could be somebody who was near retirement?

Mr. DUCHAINE. We're talking about a female Immigration inspector, elderly, working by themselves at an outpost? Oh, yes, absolutely.

Mr. SANDERS. And you know her well, right?

Mr. SOUDER. Because we often have security concerns at 7–11s and other types of things where you just have one personnel, but what we're talking about here is not just one of you two.

Mr. DUCHAINE. No, I understand. And it's—I suspect it's not a unique situation along the Canadian border. I'm sure other locations have it, as well.

Mr. SOUDER. Mr. Ziglar, by the way, testified in front of our committee, that was our hearing that we had, and he also talked to a large group of members that started a lot of this whole concern, particularly on the law enforcement question and the retention question, regarding Border Patrol, but also with Customs, as we were looking at the hiring, when we heard, I think, the day before, he had met with a bunch of members, five people had retired, and we were losing at a time we were supposed to be adding.

Furthermore, the chairman of that Subcommittee on Appropriations is trying to figure out, even right now while we're working, what the needs are. We have an irony here that myself and the ranking member, Elijah Cummings, are also both on Civil Service and are both on this subcommittee. We're having a little bit of a tussle right now about this grade ranking. We were trying to fix it, actually, in the Appropriations bill, but cannot. There are two short-term problems, but we're looking at it long-term. One is that we're having a problem in the entire Civil Service system, and there's concern about us doing a rapid fix of what it might do to other departments in the government if we fix one portion, and for example, we're having a big-time problem retaining doctors in the health service. And Dr. Welden chairs the Civil Service, so he viewed us as trying to protect law enforcement, but he was also concerned about how to address some other sectors.

A second part of that is that we are indeed boosting the dollar amount, and it's to some degree, because it isn't going to be as high as what's authorized, and how much is spent per individual, particularly when we factor in the retirement systems that are always teetering as to whether they're funded anyway, that if you said—what was your more critical need, given the fact that both of these are important to employees, for safety reasons, for job pressure reasons, for health reasons, is it—we're going to address both questions, but is your need greater right now to have more inspectors to relieve some of the pressure, or to get the salary structure? Because that's a decision we have to make.

Mr. DUCHAINE. We need staff right now. I mean we don't even have an impending date for vacation time or anything like that. There are very few days off that we've gotten since September 11th, and usually that day is not a complete day.

Mr. SOUDER. But the truth is that's a short-term need that's going to have to be addressed all over the long run. You're going to have to.

Mr. DUCHAINE. Exactly, and if you had to have one or the other, like I said. It's going to end up leading to a revolving door, at least on the immigration side of the house. That as soon as they get in, they're going to be looking for something else, because it has——

Mr. SOUDER. One of the great debates, and I believe Mr. Duchaine alluded to this—I didn't understand one of your statements, but one of the big debates is a tradeoff between personnel and technology. For example, if we are able to implement more of this pilot program on PAPS or the fast-pass system, do a better job of preclearances, get people one way or the other so they can move back and forth easier, will that remove some of the pressure for——

Mr. DUCHAINE. I don't see it having a significant impact in our operation.

Mr. SOUDER. That will reduce the time more than it will——

Mr. DUCHAINE. Right.

Mr. SOUDER. And I also understood you in your testimony to say that you wanted to staff all the lanes. Does that mean that at times, you have lanes that could be opened up more? In other words, it's not a problem here, but physically at this particular crossing, it's a personnel problem; is that true for trucks, too?

Mr. WILDA. Right. Today is a good example. The trucks were directed basically through the auto lanes. Normally the trucks all cross on the other side of the warehouse, and so we'd have the capability of operating five passenger traffic lanes instead of two or three. Since we've opened this facility in 1997, we have never had the staff to open five, even if, you know, we had the personnel. It's just impossible to do.

Mr. SANDERS. See here's an example that we put a whole lot of money into an infrastructure, but that you can't utilize what you have, right?

Mr. WILDA. Exactly.

Mr. SOUDER. So you said that—that was one of the questions I was trying to address. I know it was you, Mr. Wilda, who referred to—you said, when you were talking about the terrorist Garofalo, you referred to the camera, and said that—I understood your testimony to be saying you felt that that was a failure, when in fact we caught her. Are you suggesting that it was—I mean it was better than nothing, but are you suggesting that others are getting by and it was a fluke that we—I didn't quite understand.

Mr. WILDA. The remote video system has been, or had been, instituted at Pittsburg, NH. The monitors for that system were at least 30 or 40 miles away, in Norton. So if the traveler at that crossing said, "I'm not going to wait 'til you can come inspect me," or whatever, they could leave and there's nothing we could do about it. The closest inspector's 40 miles away.

Mr. DUCHAINE. It keeps honest people honest.

Mr. WILDA. Exactly. We're doing inspections by remote video.

Mr. SANDERS. Let me ask you to be frank. At this moment in our history, with the apprehension that we all have, can we continue to act like that anymore?

Mr. DUCHAINE. Not in my opinion, no.

Mr. WILDA. No. Not at all.

Mr. SANDERS. I think people would be laughing that, you know, everyone's talking about everything crisis, crisis, crisis, crisis, and you have a video camera, and human beings are 40 miles away in a pretty remote area.

Mr. SOUDER. But what you're saying happened in this case was they got basically a picture of her, so we knew she was here, but we couldn't catch her at that point, but because you got the picture, that went out as a warning at the border crossings, so when she came across a second time, we caught her.

Mr. WILDA. Yeah, I believe she was refused entry when she came in the camera. So she went back to Canada, and based on that information, when she ultimately was intercepted at a crossing where there were inspectors, an arrest was made.

Mr. SOUDER. Are you saying here—It says as a result of her entry via camera inspection. What does that mean?

Mr. WILDA. Right. Pittsburg, NH, they have remote video system. There's a camera set up and you talk to it and you say, Hi, I'm so-and-so, I'm going to some location.

Mr. SOUDER. Well, how does it stop you?

Mr. WILDA. It doesn't. There's no physical barrier.

Mr. SOUDER. So did she drive on through?

Mr. WILDA. I'm not certain whether she actually entered on that inspection or not. I'm not sure anyone is certain whether or not she did.

Mr. SOUDER. But we caught her.

Mr. DUCHAINE. That was hence my comments that many, many inspectors—and she was apparently stupid this time, to turn around. We gathered intelligence, eventually we caught her.

Mr. SOUDER. Anything else any of you want to say for the record? We very much appreciate you——

Mr. SANDERS. Let me just—just a few more.

Mr. SOUDER. Sure.

Mr. SANDERS. Do you have any law enforcement people—do you have any more information than we do about some of those folks from September 11th who had gone from—presumably gone to Boston from Canada? Do we have any more information? Did they, in fact?

Mr. DUCHAINE. I don't. I do know that the three that I made reference to in my testimony weren't amongst the terrorists that have been identified on the aircraft and such.

Mr. SANDERS. Second question is we've heard commentary that immediately after September 11th, there were long delays, but those long delays seem to have receded. Now, is that the case, that we're making some progress, or——

Mr. DUCHAINE. I would say to a certain extent we're making some progress. We're being inventive on how we can clear them a little faster, by using—some of the local people are learning to use some of the outer ports of entry during the busier times, and I also think fewer people are traveling than before. I do feel we're making as much progress as we can, given the resources that we have.

Mr. SANDERS. On the ground at your level, what is your relationship to your Canadian counterparts?

Mr. DUCHAINE. I would portray it as excellent.

Mr. WILDA. I would as well.

Mr. DUCHAINE. And I would like to add to the record, as well, we've gotten a lot of very positive comments from the traveling public, that I've never seen anything like it in the time I've been here. They're very, very understanding, polite, and they've thanked us on many occasions, as have you.

Mr. WILDA. Even after a 3-hour wait, everybody would drive through and say thank you.

Mr. SANDERS. I think we're all in this together, and people understand what we have to do. Well, I just want to thank all of you, and once again, thank you for the great job you're doing.

Mr. SOUDER. I forgot two other things that I had. One is tomorrow we're going to be over in Champlain. It's very interesting to me, and it's logical, that Vermont flows to Boston and Portland offices in both of your cases, whereas New York flows to Albany and New York City. But I would suspect that people who'd want to avoid Customs for drugs or for immigration, or terrorists, might not be quite that neatly divided. That is, if somebody crossed zones, do you exchange information? Do you talk regularly to the crossings across the way and alert—do you have a system that would bounce down and have to come back up?

Mr. WILDA. Yes.

Mr. DUCHAINE. Quite often people don't realize it. They'll drive down saying a destination out of Vermont without a particular intervening destination in Vermont. That's an automatic secondary over here. It makes no sense to travel from Montreal to New York by way of Vermont, so but we do communicate regularly.

Mr. SOUDER. They may be getting cheese or syrup or something. You made some comments about—well, Mr. Wilda, about the—basically the lake being wide open. Do you have anything right now on the lake? What's your involvement? It's been a little—we've heard that the state and local law enforcement have more primary enforcement there. Does Customs have a presence, too?

Mr. WILDA. Customs has no presence on the lake. That would be either Coast Guard or Border Patrol. And one of the suggestions that I made is if you did have some sort of mobile enforcement team they could cover the rail yard 1 day and the lake another day and some other manned crossing on a third day, just to intercept people and keep them off guard, so they don't know what to expect.

Mr. DUCHAINE. The Border Patrol does have a boat, and given the limited resources, from what I understand word of mouth, they're not out there very often. Immigration inspection, they don't have a port of entry and don't have inspections. We do have boat permits where we can preprocess people in ports of entry, and if somebody inspects them on the lake, we're supposed to make sure they have been inspected.

Mr. SOUDER. Is your gut feeling that much moves on the water?

Mr. WILDA. I think——

Mr. DUCHAINE. Yes, undoubtedly. If I could let out a family secret, my grandmother told me before she passed on that my grandfather, who had a farm out in West Swanton, VT, on the lake, that he smuggled booze during prohibition, as well as a few Chinamen. I'm sure that sort of thing is still going on.

Mr. SANDERS. Statute of limitations is in effect. Your grandmother is safe.

Mr. SOUDER. Well, thank you all again. We appreciate it very much, and we'll try to make sure you get copies of this hearing record, and if you have additional things you want to submit or you have other people who are in your chamber or other individuals who want to submit some written testimony, we'll be happy to put that in the record, too. With that, this hearing is adjourned.

[NOTE.—The publication entitled, "Investing in the Future, The Customs Action Plan, 2000, 2004," may be found in subcommittee files.]

[Whereupon, at 5:52 p.m., the subcommittee was adjourned.]

[The prepared statement of Hon. Patrick Leahy and additional information submitted for the hearing record follow:]

**Statement of Senator Patrick Leahy**
**October 28, 2001**

The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks, many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely shortchanged in personnel. While the number of border patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Ahmed Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. That border will remain an inviting target until we dramatically improve our security.

The USA Act, the anti-terrorism law that I sponsored and that was signed into law on Friday, includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. Vermont has seen huge increases in Customs and INS activity since the signing of the North American Free Trade Agreement, and increasing pressures in monitoring that traffic since the September 11 attacks. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

The terrorism law authorizes funding to triple the number of Border Patrol officers, INS inspectors, and Customs Service employees in Vermont and in each of the States along the 4,000-mile Northern Border. The next critical step is to convince the Bush Administration that it must fully fund this indispensable law enforcement priority. Pursuing that goal, Senator Jeffords, I and 20 other Senators wrote to the President on Thursday urging him to fund this initiative from the $40 billion Congress has already appropriated to respond to the September 11 attacks. I will continue to work to convince the Administration that this funding is necessary.

The anti-terrorism bill contains additional provisions to improve border security. First, it authorizes $100 million in funding for both the INS and the Customs Service to improve the technology used to monitor the Northern Border and to purchase additional equipment. Increasing personnel alone cannot solve all of our security needs – we need to enhance the technology we use to protect our borders as well. Second, the bill authorizes the Attorney General to waive the cap on INS full-time employees in order to address our increased needs on the northern border. Third, the bill also instructs the Attorney General to develop a technical standard for identifying electronically the identity of persons applying for visas or seeking to enter the United States, so that we can screen out people suspected of criminal activity. Fourth, the bill directs the FBI to give the State Department and INS access to the criminal history information in the FBI's National Crime Information Center (NCIC) database, as the Administration and I both proposed.

Now more than ever, we must patrol our border vigilantly and prevent those who wish America

harm from gaining entry. At the same time, we must work with the Canadian government to allow speedy crossing to legitimate visitors and foster the continued growth of trade that benefits both countries. This trade serves the important daily needs of Vermonters and Vermont businesses, and as we protect our security we must also take practical steps to maintain the strength of our regional economy. I will diligently pursue both goals.

Stephen Duchaine, Former Vice President
American Federation of Government Employees
Immigration and Naturalization Service Council
482 Welcome Center Road
Highgate Springs Port of Entry
Swanton, VT 05488
November 14, 2001

Mark E. Souder, Chairman
Subcommitte on Criminal Justice,
Drug Policy and Human Resources

Re: Field Hearing, 'Improving, Security and Facilitating Commerce at the Northern Border," Highgate Springs, VT.

This message is in response to your fax dated November 6, 2001 requesting a response to specific additional questions in order to aid your committee in their future deliberations. Once again I wish to thank you for this opportunity to respond to this urgent matter that will have such a profound impact on not only my follow employees but to our nation as well. I wish to advise you that because of my doctor's advice I have resigned my Union leadership position as the only means that I can reduce the stress in my life and still be able to fulfill my remaining commitments, my job and my family. As of yet no replacement has been selected so I will do my best to respond to your important questions.

**1. How many new Immigration and Naturalization Service Inspectors do you believe need to be assigned to your region?** By region I assume you mean the area that my Union local represents which is the state of Vermont. In my calculations I made the following assumptions; that we would maintain at least 2 Inspectors on duty at each port of entry for 24 hours a day, seven days a week. As you may recall Mr. Souder you inquired if it was true that Immigration has a female Inspector in her 60's working a rural port of entry alone. If you recall my response was that in Vermont we have more than one I believe and that it probably isn't unique to Vermont. Also the numbers would allow for sufficient relief to allow Inspectors to take their earned annual leave and still maintain staffing which has been impossible to do since September 11, 2001. To achieve this goal would require the following number **of additional** Immigration Inspectors at each major port of entry; **Norton 7, Derby Line 6, Richford 8 and Highgate Springs 10 for a total of 31 additional Immigration Inspectors just for Vermont.** I understand Congress has authorized a tripling of Inspectors without any additional funding, such an increase for Vermont would be 100 Immigration Inspectors instead of the 31, I propose. Naturally my proposal doesn't include the additional support personnel or managers that such an increase would require.

**2. How quickly should new agents and inspectors be hired? Are there disadvantages to rapid hiring?** I believe our situation is such that are present hiring practices are inadequate to the challenge of hiring the additional staffing in the time frame that we need. The Immigration hiring process is now entirely centralized but from the time a position is authorized, announced, selected, background check is complete along with physical followed by training it is anywhere from **a year to a year and half before we have a working Immigration Inspector** at the trainee level.

We are presently completing our mission by utilizing massive overtime and cancellation of Annual Leave and days off. As I testified to you before, the average Immigration Inspector at my

location is over 50 and many have medical problems including myself. We can't wait more than a year to get the help we need.

You must also realize that we won't be the only agency hiring additional staff at this time of crisis. The Sky Marshal Program has already announced numerous positions (at a higher GS level than Immigration Inspectors) and some Immigration Inspectors along US Customs Officers have applied for those jobs and **will** be selected making our staffing situation worse. Also US Customs and Border Patrol will also be seeking a large number of new employees at the same time we will from a limited pool of candidates.

My recommendation would be to return to the old practice of local control of the hiring of applicants. Too often I have seen applicants selected at Twin Cities, MN who have arrived in the area they are to work and than decline the position as they don't want to live in the area. The problem being they take the test and were only allowed to narrow their preference to a District which in our case is Portland, ME and but the District includes many very rural areas which doesn't appeal to some people. If the hiring practices allowed for local hiring this problem would be eliminated. Presently a full background investigation must be complete before the selectee can start training, I would recommend returning to the old practice of a computer background check and at that point allowing the training to commence while the full background check continues. Besides if we maintain the present background check policy with the planned massive hiring it will just slow the hiring process further because of the backlog in the background checks.

Another possible solution would be to offer full time positions to our part time Immigration Inspectors who in many cases have been doing the job for years and only lack the in depth 4 month training course. As another interim solution we could attempt to temporarily hire back recently retired Immigration Officers. However neither of these latter two solutions would come anywhere close to getting the additional staff we need.

It is my opinion that these proposed changes in hiring practices would prove beneficial without any significant downside risk.

**3. What improvements in pay and/or benefits do you believe should be implemented in order to improve recruitment and retention?** This is the **most** critical question because as I said in my earlier testimony, if this is not addressed than it will be **impossible** to keep an experienced staff of Inspectors. As I said in my testimony on October 28, I have been an Immigration Inspector since 1980 and year after year, I have seen the Inspectional staff become older and older as the young Inspectors left for higher graded positions that gave them a better quality of life and better pay.

Inspectors work rotating shifts, weekends, mandatory overtime and when an emergency arises their Annual Leave and days off are cancelled. The pay grade stops at a GS9 for the majority and that is a **$35,808 annual salary**.

Immigration Examiners and there are far more of them in Vermont than Immigration Inspectors, Examiners work flexible schedules of their own design, work overtime if they desire it, no limits of the number of officers that can be on Leave at one time as in Inspections. Examiners leave isn't cancelled because of a National Emergency and the journeyman grade **for all** Immigration Examiners is GS12 that starts at an **annual salary of $51,927.**

Immigration also has a significant number of Criminal Investigators in Vermont, over 20. Their journeyman grade is also GS12 and they receive Law Enforcement retirement benefits. Immigration Inspectors in Vermont have numerous Enforcement actions as I stated in my testimony of Oct.28. I have personally seized over 200 conveyances and prosecuted over 50 felonies involving many aggravated felons most of whom were intercepted by my fellow Immigration Inspectors and Customs Inspectors, none of whom have Law Enforcement retirement benefits. Yet both are **required to carry and qualify with firearms, carry handcuffs, mace and batons. Both Customs and Immigration Inspectors receive training in Arrest Techniques in our Basic Training courses.** At Highgate Springs, VT port of entry we average over 100 alien refusals a month with an average of 25 based on their criminal record.

I would encourage the members of your committee to support our new I&NS Commissioner Ziglar's effort to upgrade all Immigration Inspectors to GS11 journeyman grade and grant them Law Enforcement Retirement benefits. It is my considered opinion if this isn't done soon our nations borders will soon be protected by an inexperienced Inspectional staff looking for their next job in a continuous revolving door. The older Inspectors such as myself will be retired within 5 years and in Vermont that means over 50% of your Inspectors will be retired and that **includes our present managers as well.**

I would like to point out for the record for those who believe my testimony may be self-serving. I am a Senior Immigration Inspector since this position was created in 1988; there are a total of three in Vermont. **A Senior Immigration Inspector is a GS11 and receives Law Enforcement retirement.** Therefore if my recommendations are enacted I will gain nothing other than the satisfaction that my follow Inspectors have received what they deserve and hopefully will remain Inspectors. I will tell your committee as I have my co-workers many times in the past, if I wasn't a GS11 with Law Enforcement retirement benefits I would have left Inspections years ago.

While not directly related to the questions you asked, I have information that will impact on these issues. While Congress has seen fit to waive the Immigration Inspectional overtime cap for 2001, myself and another officer have been taken off the overtime while local management obtains permission from higher immigration management for us to work overtime over the $30,000 limit that Congress has **already authorized.** While I personally don't mind the time off this action forces other Inspectors to work additional overtime since we are no longer available to work. Granted at this point only two officers have been taken off the overtime but that represents nearly 10% of our work force and many more will soon reach the cap and the same permission must be obtained.

Also we are lacking important enforcement tools at our Ports of Entry in Vermont. None have access to the **IDENT SYSTEM.** This is a system that allows an Immigration officer to query the Immigration database for previous deportees and apprehended aliens by their **fingerprints, electronically.** Only one port of entry has this capability in this district and that is Calais, ME. At the very least they should be available at all the major ports of entry along with a **Photophone.** The photophone allows a high definition transmission directly to the I&NS Forensic lab to assist the Inspectors in determining whether a document is valid or not. Needless to say such technology could prove very useful in the detection of imposters and previous violators but is unavailable to the Ports of entry in Vermont.

Once again thank you for allowing my testimony to be seen and heard.
Stephen Duchaine
Former VP AFGE Local 2076
Highgate Springs, VT

**Critical Points**

1. **To maintain present alert level staffing at all Ports of Entry in Vermont we need 31 Immigration Inspectors.**

Failing to obtain the needed Immigration Inspectors will require massive overtime expenditures, canceling of Annual Leave, increased health problems, increased desire to transfer to other types of jobs.

2. **Expedite the Hiring process by decentralizing the hiring and allowing selectees to work prior to completion of full background checks, converting part time Inspectors and allowing recent retirees to return to work.**

Failing in obtaining the above will result in present Inspectional staff not being able to take Annual Leave next year, many will seek different jobs and the ones who remain will require a waiver of the overtime cap again next year.

3. **Upgrading all Immigration Inspectors to GS11 and placing them under the Law Enforcement Retirement Provisions.**

As I indicated earlier, I have remained an Inspector because I am a GS11 with Law Enforcement coverage and I believe most of our younger Inspectors will remain if they are given the same appropriate benefits. Failing to obtain these basic benefits Immigration Inspections will be doomed to the revolving door with Inspectional staff becoming less experienced with each passing year as the older Inspectors reaching retirement age being replaced with young officers who are seeking to leave Inspections. Also Immigration would be seeking new employees from the same pool of candidates that many other agencies that have better basic benefits packages. I've seen us lose Inspectional selectees to other agencies from the time we hired them but prior to the time we were able to send them to training.

4. **We need the IDENT System and Photophone for major ports of entry in Vermont.**

Failing to obtain the latest technology makes it more difficult to intercept previous violators and/or imposters/criminals.

NTEU Chapter 142
P.O. Box 198
Swanton, VT 05488
November 19, 2001

Mark E Souder
United States House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6149

Dear Congressman Souder:

Thank you for affording me the opportunity to testify before your subcommittee at the Customs Port of Highgate Springs, VT. This letter is in response to your request for more information. I will address the most difficult issue first. Staffing.

Vermont is divided into two area ports: Highgate Spilings and Derby Line. Highgate Springs is located on I-89 and encompasses the ports of Burlington Airport, Alburg, Alburg Springs, Morses Line, West Berkshire, Pinnacle, East Richford and Richford. Derby Line is located on I-91 and includes North Troy, Rte 5, Beebe, Norton, Canaan, Beecher Falls and Pittsburgh, N.H. The two Area Ports employ a total of 79 Inspectors at this time. We would require an additional 53 Inspectors for a total of 132 Customs Inspectors assigned to the two area ports in Vermont.

This increase would allow us to maintain a level 1 alert status which means no Inspector works alone and we would continue to staff the formerly one person stations with 2 Inspectors 24 hours per day. We would then be able to expand the hours at the Customs warehouse to 24 hours per day. It would also allow us to create a Mobile Enforcement team at each Area Port which could perform random inspections at the railyard and lake located within each area. We could also begin performing outbound exams on a regular basis, an enforcement function performed at many other ports of entry.

New Customs Inspectors should be hired as quickly as possible. However, recruitment would be a problem, as other federal agencies would be recruiting from the same pool of applicants. In order to speed the process, part-time and seasonal Inspectors could be offered a full time job. Since they have already completed the requisite background investigation and have been actually performing some of the work, they could begin almost immediately. Any other new employees should not begin work until a full background investigation has been completed.

The improvement in pay and benefits implemented should include an increase from GS-9 to GS-11 as the journeyman level. Raising the level would assist with recruitment and retention. The overtime budget for Vermont should be increased to $2.3 million. Since user fees fund our overtime and the present User Fee Legislation expires in September 2003, that issue would need to be addressed.

While the proposed numbers may appear somewhat high, the northern border has been grossly neglected the past several years. Had vacancies been filled as they occurred, we would not be in the predicament we are now. An increase would still be required however as doubling of the staff at ports previously staffed by one Inspector and opening all ports 24 hours provides better service to the public and allows them an alternate route to cross during high traffic periods.

Since we have gone to the level 1 alert caused by the horrific events of September 11, there have been eight major drug seizures made in Vermont by U.S. Customs and Border Patrol at or near the border. The approximate estimated street value is over 2 million dollars. During a similar period last year, there was one major drug case.

Since our meeting on October 28, the U.S. Customs Service has obtained 6 bomb detecting ion scanners to be used at various ports of entry in Vermont. This equipment will assist us in protecting our borders against terrorists. Technological advances are welcomed but we need people to screen traffic and make proper use of the equipment.

Increasing the number of Customs Inspectors in Vermont to 132 is actually only a 25% increase over the number we had assigned here 25 years ago. The number of Canine Enforcement Officers has remained the same, one. Traffic has increased about 50% over the same period. The number of trucks has quadrupled.

I have not addressed your request for the number of Customs Agents as my request to that office for numbers was referred to the Office of Congressional Affairs.

We have held up well since the 11th of September. However, the 12 and 16-hour days are wearing out many Inspectors. We look forward to the ban on vacations being lifted. We are optimistic that relief will be coming shortly. I cannot adequately express the appreciation that all Customs employees have for the efforts afforded us by you and Congressman Sanders. You have given us hope. Thank you.

Sincerely,

John Wilda

John Wilda
President, Chapter 142 NTEU

cc: Congressman Bernie Sanders

**Committee on Government Reform**
**Subcommittee on Criminal Justice, Drug Policy and Human Resources**
**"Improving Security and Facilitating Commerce at the northern border,"**
**Highgate Springs, Vermont**

## PERSONNEL ISSUES

**Question:** What additional personnel do you need to manage each of the border crossings and ports of entry in your region effectively?

**Answer:** Customs is adding 258 inspectors and 10 canine enforcement officer positions for the northern border and an additional 626 National Guard positions nationally, contingent on the Department of Defense signing the memorandum of understanding. With these additions, it is believed that the North Atlantic Customs Management Center will be able to manage the ports of entry more effectively.

**Question:** How rapidly should new officers and inspectors be added? Is slow growth better, to ensure adequate training and supervision? If the growth is more rapid, how much will performance suffer? Are there certain positions for which rapid growth is less of a problem?

**Answer:** New positions should be added using a consistent, steady flow. Using this method will allow Customs to maximize training efficiency and capabilities at both the Federal Law Enforcement Training Center (FLETC) and in the field. Local on the job training is best delivered in smaller groups. Because appointees must successfully complete formalized training prior to permanent appointment and FLETC can only accommodate a limited number of students at any given time, too rapid growth could cause serious training logjams. There are no positions for which rapid growth is less of a problem.

**Question:** Do you believe that it will be possible to add enough new agents to meet these needs? Can you maintain a high level of quality among the recruits?

**Answer:** Customs has had no problem in attracting high quality recruits for our agent positions. Through our quality recruitment program, candidates are subjected to a rigorous hiring process; e.g., testing, structured interviews, background investigations, etc. We currently have 2,500 agent applicants working their way through this process. Applicants who complete this process are held in a "pipeline" so they are available to meet the hiring needs of the Customs Service. Approximately 75 agent applicants have already completed all steps of the process.

**Question:** If you are unable to hire as many agents as you would like, how will you deploy the ones you have? How many will be assigned to deal with

terrorism, and how many to deal with other problems such as narcotics smuggling and the smuggling of other contraband?

**Answer:** If we were unable to hire this additional staffing for some reason, we would be forced to redeploy our special agents to antiterrorism activities. Such redeployments will be both permanent and temporary. However, the degree of redeployment will depend upon the threat level and the definition of Customs role in the protection of our Nation's borders.

The demands on Customs to assist in antiterrorism efforts have been great. Currently, there are approximately 115 Customs special agents on loan to the Federal Aviation Administration's Air Marshal program for a 12 to 18 month period. Further, Customs has refocused the agency's financial investigative expertise toward tracking the funding sources used by terrorist organizations. The overall effect of such redeployments is unknown.

While Customs role in the war against terrorism may increase, the agency simply cannot decrease its efforts in the other priority areas in which it plays an integral and important role.

**Question:** How difficult is it to attract new inspectors and agents to this particular region?

**Answer:** We have a very active recruitment program in this region and the rest of the United States with 41 field recruitment coordinators and over 250 recruiters to assist in our hiring initiatives. In FY 2001, Customs expended $140,000 and over 2,100 staff hours to participate in 814 recruitment efforts, making contact with over 55,000 potential applicants. Many of the outreach efforts conducted during this period were targeted toward women and minorities.

While Customs generally gets a tremendous response from candidates who apply to our vacancy announcements, there are some locations along the northern border for which it is sometimes difficult to attract applicants. In our smaller and remote border locations, it is impractical to assign new employees to these posts of duty; instead, we must reassign experienced inspectors and agents who can perform the full range of inspectional and investigative duties without further training.

**Question:** During the hearing, we discussed where the Customs Service typically finds new recruits. For the record, please provide us with data concerning the prior occupations of new recruits in your region, including the percentages of new recruits who come from other federal law enforcement agencies, from state and local law enforcement agencies, and from the military.

**Answer:** Customs draws applicants for its positions from the same pool of candidates as other law enforcement agencies. We have a very active

recruitment program for filling our entry-level positions and regularly recruit from colleges and universities, military organizations, job fairs, conferences, etc. We have been able to attract veterans, and for inspectors, have attracted applicants who have retired from the military. Although we tap other law enforcement organizations for higher graded positions, we do not believe there has been a serious impact on the losing organizations. Approximately 7 percent of the agents hired agencywide in the last 2 years were from other agencies.

**Question:** What, if any, increases in pay or benefits will be required to improve recruitment and assignment to your region?

**Answer:** While we generally have no problem in attracting candidates to most locations, we would like to provide for "remote duty" or "hardship" allowances for employees required to work in remote locations. Under this allowance, we would propose up to 30 percent above base pay, to be paid only while an employee is in a remote duty location. This would assist in retaining employees in these locations. Currently, there are no Office of Personnel Management (OPM) regulations that cover this type of situation.

Foreign language bonus pay (up to 5 percent of basic pay) is a flexibility allowable to Customs law enforcement personnel. However, there are other employees along our borders who must speak a foreign language in order to perform their jobs but are not classified as law enforcement. We are not able to compensate these employees. This inequity should be corrected so that we can retain employees in these duty locations.

The circumstances in which recruitment and retention bonuses can be used should be expanded. These bonuses allow for payment of up to 25 percent of base pay. We can offer a non-federal applicant a recruitment bonus to go to a hard-to-fill location, but we cannot offer a recruitment bonus to an experienced Customs employee to go to that same location. Oftentimes, a remote location is exactly where we need to place a "seasoned" employee, rather than a new recruit. Conversely, retention bonuses are permitted if a current employee is leaving the federal service. If a current employee is leaving Customs for another agency, a bonus is not permitted. We believe that we should be able to try to retain our employees.

Current regulations allow agencies to reemploy military/federal retirees without reduction of pay or annuity in exceptional circumstances if approved by OPM. We would like to see these regulations changed to allow agencies to reemploy retirees in remote and small duty locations without OPM approval.

**Question:** What resources do you currently have to provide incentives for recruitment and assignment to your region? Can you detail what steps you currently can take, in the form of bonuses or other incentives, to increase recruitment or retention? How have you been using those resources? Do you plan to use them in the near future?

**Answer:** Refer to the response in question 7 above regarding currently available and recommended incentives. In addition, 5 CFR provides for other hiring incentives, i.e., payment of travel or transportation costs to interview candidates under consideration for a particular job, payment of travel and transportation costs to relocate a new or current federal employee, offer any step of the appropriate grade to meet salary requirements of a superior candidate, and advance a new hire up to two paychecks so that the individual can meet living and other expenses.

**Question:** Do you see a need for increased use of foreign language bonuses?

**Answer:** We have utilized recruitment, retention, and foreign language bonuses. However, since we have generally been successful in attracting a large applicant pool for our vacancies, we have not used these incentives extensively. If the regulatory changes we propose in our answer to your question 7 above were adopted, our use of the incentives would expand.

**Question:** Do you need to hire agents with special skills to deal with the new threats?

**Answer:** The Customs Service actively recruits and hires high quality applicants to fill special agent positions. As such, all new hires are immediately capable of contributing to any facet of the Customs mission. Customs is constantly recruiting applicants with unique or special skills to fill needs that are created by evolving enforcement priorities to ensure a ready work force.

The Customs Service has a special agent recruitment program that is active in its entire Special Agent in Charge or Resident Agent in Charge offices. The recruitment program seeks and recruits high quality applicants, particularly those with special experience or skills to fulfill the needs of the Office of Investigations.

**Question:** How many border crossings in this region are unstaffed for any period of time during the day or night? How do you handle unmanned stations? Do you shut them down, and if so, how (using orange cones, closing gates, etc.)? Do you monitor them using the Remote Video Inspection System? Do you have any estimates on how many people enter the United States through these unmanned crossings?

**Answer:** Under Code Red, all Customs ports of entry are staffed with a minimum of two armed officers 24 hours a day, 7 days a week. Armed officers include Customs Inspectors, Canine Enforcement Officers, Immigration and Naturalization Inspectors. Customs has also implemented new procedures to notify state and local law enforcement agencies when additional assistance is required.

## PHYSICAL INFRASTRUCTURE

**Question:** In addition to new personnel, to what extent will new infrastructure be required in your region? Do you see the need to expand the physical plant at the border crossings and ports of entry in your region, by increasing the number of car and truck lanes, expanding bridges, or building new warehouses?

**Answer:** The North Atlantic Customs Management Center (CMC) has some 69 stations and work sites. The overwhelming majority of the ports and stations date from the 1930s. The stations by design and size are outmoded and in varying states of repair. Last summer Customs compiled and prioritized a list of improvements, repairs and replacements. The identified needs included signage, search rooms and holding cells. Only three of 40 ports and stations complied with agency facility requirements.

In addition, Customs owns six border stations, all of which need extensive work.

Cargo can be unloaded/inspected at facilities in Highgate Springs, Vermont (our newest facility) and Houlton, Maine. All other North Atlantic CMC commercial centers (Jackman, Derby Line, Vermont, Norton, Vermont, and Calais, Maine) require the use of a Centralized Examination Site/Container Freight Station or a facility upgrade. One of our commercial centers (Highgate Springs) requires an additional truck lane for commercial vehicle processing.

**Rail Facilities**:

The North Atlantic CMC has seven international rail crossings. Those crossings carry goods originating in Canada but the majority of containers are being transshipped through Canada from around the world. The containers that are loaded on trains in the ports of Halifax, Montreal and Quebec are not subjected to Canadian inspection. There are no facilities at any of the crossings to examine the containers as they enter the United States.

The rail crossings in need of these enhancements are as follows: Richford, Vermont; Norton, Vermont; Highgate Springs, Vermont; Van Buren, Vermont; Jackman, Maine; Vanceboro, Maine; Calais, Maine.

**Question:** Will new fencing and lighting be required along the border in this area?

**Answer:** Yes. Customs is in the process of adding fencing and lighting along the northern border ports. In addition, gates and bollards are being added to enhance security.

**Question:** Will new housing for agents be required?

**Answer:** Yes. As the number of officers' increases, the housing requirements will increase. The lack of housing is already a problem. This problem will only be exacerbated with an increase of staffing.

## EQUIPMENT AND TECHNOLOGY

**Question:** What new equipment will be required? Do you need more vehicles? Do you need to modernize the vehicles or other equipment in this region?

**Answer:** Customs has developed a 5-year plan for the deployment of Non-Intrusive Inspection (NII) technology (mobile and relocatable x-ray and gamma ray technology) that is capable of detecting anomalies in commercial shipments. Customs intends to deploy these units to the Northern Border as quickly as possible. In addition to large-scale NII equipment, Customs could also utilize portable NII technologies that will allow for the detection of anomalies and radiological material, etc. These devices include particle detectors, personal radiation detectors, isotope identifiers, contraband detection kits, and smaller x-ray imaging devices.

Customs allocates vehicles consistent with the agency's standard employee to vehicle ratio. When new positions are allocated to the field, standard ratios are applied and additional vehicles are provided to the locations that are receiving new staff. Moreover, Customs schedules for replacement vehicles that exceed the agency prescribed high mileage mark. These replacement buys are typically done on an annual basis, but have been averaging more than five years.

Specific to the North Atlantic Customs Management Center area, at the five major commercial centers, non-intrusive inspection technology such as truck x-ray units and x-ray vans with Interagency Border Inspection System capability are needed. This will enable the ports to conduct thorough examinations of trucks and cargo in a more efficient manner.

In Highgate Springs, Vermont, the necessary equipment to establish a second truck processing lane is needed to more efficiently process commercial traffic.

In Houlton, Maine, an upgraded communications system is needed to allow communication among the ports in the area. This area port also needs a pallet x-ray system and three contraband detection kits.

**Question:** Are there new technologies which are available which you believe should be acquired for use in your region?

**Answer:** Yes. There are new technologies that we believe may have value to Customs, and we are exploring a number of them. In the passenger environment, these include a walk-through vapor and particle detection system to rapidly examine individuals for concealed contraband in a non-intrusive manner. Once in the system, vapors and particles from the person are collected from the natural flow of air generated by the individual's body heat.

For the cargo environment, another system is a device developed by a national laboratory that uses ultrasonic sound waves to detect and identify contraband (both drug and weapons of mass destruction) in sealed containers such as drums, barrels, and tankers. In addition, several companies presently offer radiation detection equipment capable of detecting certain types of radioactive material secreted in vehicles and trucks, as well as radiation isotope identifiers that would enable our inspectors to identify radiation that has caused their Personal Radiation Detectors (Pagers) to alarm. Other federal agencies have acquired such technology for use or testing. Customs is currently preparing to purchase and test, in our unique operating environment, six units from three different manufacturers. If testing proves successful, this equipment could prove to be an invaluable tool in our efforts to combat the terrorism threat at our Nation's borders.

The systems could be deployed at all U.S. ports of entry, but require varying amounts of space for efficient deployment. Some ports will require redesign and facility enhancements. Northern border ports will require protective structures to house the equipment because of inclement weather.

**Question:** Would introducing face recognition technology be a viable step?

**Answer:** Introducing biometric technologies, including facial recognition technology, at the border and at our airports is also being considered and explored. Facial recognition is being used in various countries overseas to assist foreign governments in identifying known violators that may attempt entry into the United States.

**Question:** Are there new kinds of x-ray machines and scanners that could be used? Or do you need to expand the number and use of existing x-ray machines and scanners?

**Answer:** Currently, Customs has acquired and deployed the latest in x-ray technology. However, these systems are continuously evolving and Customs, through the Applied Technology Division of our Office of Information and Technology, maintains a close liaison with different manufacturers developing cutting edge technology. Many of the systems deployed by Customs have proven successful as force multipliers in our layered enforcement strategy. Smugglers and potential terrorists employ a number of tactics in attempts to exploit our vulnerabilities. This requires us to continually upgrade and expand our Non-Intrusive Inspection (NII) technology deployment schedule and add many more large-scale systems and other technologies for new and shifting threats i.e., drugs vs. explosives) to our inventory.

The existing NII technology needs to be viewed as anomaly detection platforms on which can be added radiation, chemical and biological detection capabilities as those capabilities are developed and eventually deployed. Customs will use the $33.2 million provided in the FY 2002 appropriation to acquire and deploy

additional non-intrusive inspection technologies with an emphasis on reinforcing the northern border.

**Question:** Could something like the Advanced Passenger Information System (APIS), which provides information on passengers from the databases of Customs, INS, the Department of State, and other federal agencies, be used at the land border crossings in your region?

**Answer:** Yes. The APIS could be used at the land border, and would be very beneficial to our border security and law enforcement efforts. In the current APIS system air and sea carriers transmit advance manifest lists of passengers to Customs and the Immigration and Naturalization Service. Those names are then checked against lookout records and other information contained in the Interagency Border Inspection System (IBIS). The IBIS contains information provided by several federal agencies, including Customs, the Immigration and Naturalization Service, and the Department of State. The APIS manifest is also checked against the National Crime Information Center database. This contains information on persons wanted by state and local law enforcement officials.

The APIS could also be used on the land border to provide advance information on passengers crossing on commercial conveyances, such as buses or trains. There is no legislative requirement, however for bus and train operators to provide APIS information. At the current time we receive no APIS data for land border crossings of passengers on commercial conveyances.

## EXPEDITING TRANSIT THROUGH BORDER CROSSINGS

**Question:** For the record, please describe the process of clearing truck and other freight traffic through the border crossings in this region. How might this process be made more efficient?

**Answer:** Currently the majority of truck freight is cleared by either the Border Release Advanced Screening & Selectivity (BRASS) system or Border Cargo Selectivity. Each truck driver must present a paper Inward Manifest and accompanying invoices. Goods that are cleared by BRASS are usually released at the primary inspection booth and require no further processing by Customs upon arrival. Goods not on BRASS are cleared at a secondary cargo examination facility and require intervention by the Customs broker. These goods are cleared through the Border Cargo Selectivity system. Any increase in the number of goods released at the primary inspection booth without an increase in actual handling time benefits both Customs and the trade. Systems such as the Pre-Arrival Processing System and National Customs Automation Program assist in increasing these releases.

**Question:** For the record, please provide an update on the deployment and use of Customs' Automated Commercial System ("ACE") in your region.

**Answer:** On September 28, 2001, Customs awarded three task orders to our systems integration contractor, the e-Customs Partnership — Task 1 (Program Management), 2 (Enterprise Architecture and Engineering) and 3 (Requirements Definition and Planning).

Customs is progressing well with the first pieces of the ACE framework:

- With the start of Task 3, Customs entered the definition phase of ACE and is obtaining input from Customs operations and technical staff, along with members of the trade community, to identify user requirements for ACE Increment 1.

- Trade involvement is critical to the effort. There has been superb representation in the Trade Support Network and the Trade User Requirements Integration Committee. The next plenary meeting of the TSN will be held January 23-24, 2002, in Arlington, Virginia.

- The President signed the Customs Appropriations Bill on November 12, 2001, providing Customs $300 million for modernization in FY 2002.

- In keeping with our antiterrorism priorities, Customs is collaborating with the e-Customs Partnership to speed the delivery of ACE

functionality. This is reflected in the Expenditure Plan now being prepared for Administration and Congressional review, which requests a funding release of $206 million. This includes $104 million for the design, development, test and deployment of ACE Increment 1, Release 1.0, and $11.2 million for detailed requirements and planning efforts for ACE Increment 2.

We anticipate beginning development of ACE Increment 1, Release 1.0, in February 2002 and expect implementation to begin in early 2003.

ACE Increment 1, Release 1.0 will deliver early, high-priority business needs with minimal disruption, solidify trade support by providing account management capability (a high priority), and provide flexible infrastructure readily leveraged for enforcement and antiterrorism initiatives.

This early functionality will enable visibility to Customs, trade, and participating government agencies through access and analysis of near real-time information that provides monitoring of:

- Trade Activity – Near real-time availability of trade data for analysis
- Trends – Ability to analyze trade activities
- Targeting and Decision Support – Analysis of data to suggest targeting priorities for inspection, while minimizing inconvenience to reliable shippers

Deployment of Release 1.0 functionality is planned for the three ports currently piloting the National Customs Automation Program (NCAP): Detroit, Michigan, Port Huron, Michigan, and Laredo, Texas. No other deployment decisions have been made at this point.

In order to keep the program on track, Customs will need a funding level of between $350 million and $400 million over the next 3 years. This is critical to mitigating program risk, keeping stakeholder involvement, and to meet the demands of Customs core mission.

**Question:** It is our understanding that on the northern border, only rail carriers are using the Automated Manifest System component of ACE. How successful has it been? Could this program be improved? Could it be expanded for use by trucking companies in your region?

**Answer:** Customs and the rail carriers consider the Automated Manifest System to be highly successful. The Rail AMS has enabled Customs to target and process the ever-increasing rail volume on the northern border. Customs receives manifest information on rail shipments destined for the United States at a minimum of 1 hour in advance of the train's arrival. Improvements to Rail AMS require legislative changes that would mandate carriers to submit additional manifest information. An example of this would be additional information on

containers transferred to the rail carriers from a vessel. Rail AMS was not created to accommodate the requirements of the trucking industry. The trucking industry has much shorter turnaround times and providing advanced manifest information in AMS could cause delays. Additionally, trucks carry a greater variety of small shipments than do rail. Substantial modifications would have to be made to Rail AMS to accommodate trucks. While there will always be many small trucking companies not capable of investing in an AMS operation, it may still be a benefit to Customs if the larger companies can.

**Question:** How many importers in your region use customs brokers that participate in the Automated Broker Interface component of ACE? How successful has it been? Could this program be expanded or improved?

**Answer:** Nationally, Customs currently has 491,835 separately identified entities that import merchandise into the United States. At this time, Customs does not have the demographics readily available for importers using the land border ports within the North Atlantic Customs Management area.

Within the North Atlantic Customs Management Center (CMC), the majority of importers use the services of 98 licensed Customs brokers who are authorized to operate at our landborder ports. These brokers electronically file their import data with Customs via the Automated Broker Interface within the Automated Commercial System (ACS).

Of the import entries that are filed in ACS for the North Atlantic CMC's land border ports, 98.8 percent originate through the use of the Automated Broker Interface. Customs and the trade community not only consider the Automated Broker Interface a success, but a critical link in conducting international trade efficiently and effectively.

The continued use of this manner of automated information exchange capability is a fundamental cornerstone of Customs development of the Automated Commercial Environment (ACE). The Customs brokerage community as well as importers and carriers are helping to guide development of ACE through their participation in Customs Trade Support Network.

**Question:** What percentage of importers in your region uses Customs Form 3461-ALT, which allows for immediate release at the border? How successful has this form been in reducing delays at the border? Could use of this form be expanded or improved?

**Answer:** Except for shipments released using the BRASS or PAPS systems, Customs uses the Customs Form 3461-ALT as the primary release document on the northeast land border. The fact that it has fewer data elements than the Customs Form 3461 and it is bar coded helps expedite the processing of this

form. With the alternatives of BRASS and NCAP, expansion of this form is not especially an issue at the border.

**Question:** Please describe how the "BRASS" system of selective inspection works at the border crossings in your region.

**Answer:** The Border Release Advanced Screening & Selectivity (BRASS) program was formerly known as the Line Release program. The BRASS is an automated cargo release system designed to expedite the processing of highly compliant, repetitively shipped products. The BRASS is a voluntary program that requires the entry filer to submit an application for participation to Customs identifying required information. Shipper/manufacturers, importers, entry filers and products, in combination, must be approved to participate in BRASS. Approved participants will be assigned a unique identifying code for use in BRASS transactions. The BRASS program is only available at designated land border locations approved by Customs. Some of these locations require further participation in additional enforcement and compliance programs.

Applications for BRASS on the northern border are processed at the Customs Service Port of St. Albans, Vermont. They review all applications for BRASS privileges and designate the required C-4 bar code for participation.

The key to BRASS is the bar code that contains the information necessary to uniquely identify a routine import transaction. This bar code contains four elements: a shipper/manufacturer's code, an importer code, entry filer code and the product code. This assembly of identifiers is referred to as the Common Commodity Classification Code or C-4 code.

Use of BRASS increases the number of shipments eligible for quick clearance at the truck primary inspection booth, while still allowing for a system of random and targeted examinations as necessary.

**Question:** Could you use so-called "Intelligent Transportation Systems" to speed up truck traffic in your region (such as the weighing of trucks in motion, or the use of transponders to automatically deduct fees or even file manifests as trucks pass by)?

**Answer:** Certainly, Intelligent Transportation Systems would help expedite shipments across land borders to the extent that information and intelligence is available for those shipments. Today, however, there is little advance information pertaining to the shipments moving across the borders. To be effective, it is necessary to have an effective verification component to any system (to include sufficient staffing with proper facilities and equipment), so that there are mechanisms to stop dangerous merchandise that is about to enter or exit the United States.

**Question:** Would you consider implementing the pilot Pre-Arrival Processing System, now in use at the Ambassador Bridge, at the border crossings in your region?

**Answer:** Yes. In fact, the Customs Trade Compliance Board of Directors has approved the use of the Pre-Arrival Processing System (PAPS) pilot at any port where the Port Director feels the system would help ease congestion and wait time issues. However, the successful implementation of PAPS requires the cooperation of the carrier, the shipper, and the broker, without which the system will not provide benefit.

**Question:** Would you consider implementing the pilot Commercial Vehicle Processing Center (CVPC), now in use at Ft. Erie, Ontario, at the border crossings in your region?

**Answer:** Yes. However, the CVPC's are set up in Canada, with the cooperation of the Canadian or provincial authorities and private industry. U.S. Customs has no authority to set up or operate such facilities unilaterally.

**Question:** How widespread is the use of the Dedicated Commuter Lane system at the border crossings in this region? How helpful has it been? Could this program be expanded here?

**Answer:** There are currently 4,418 participants in the Nexus Dedicated Commuter Lane (DCL) program in the Sarnia/Port Huron Port of Entry. Of these participants, 2,374 are Canadian Citizens and 1,993 are U.S. Citizens. The remaining participants consist of lawful permanent residents of the U.S. or Canada. In addition to Nexus, there are two DCLs operational in Detroit, Michigan, and Buffalo, New York. The Immigration and Naturalization Service manages both of these.

The DCLs have the potential to be quite efficient in expediting the flow of low-risk travelers without jeopardizing border security. The average wait time for Nexus participants, before the program was suspended after September 11th, was approximately 1 minute.

The DCL programs may merit expansion. The consulting firm of Klynveld, Peat, Marwick, and Goerdeler (KPMG) was hired to conduct a comparison study of the various Dedicated Commuter Lane programs. The KPMG will have a preliminary report completed by December 31, 2001. Future expansion of DCLs should be determined, in part, by the results of this study.

**Question:** Would you support consolidating the "fastpass" systems used by Canada and the U.S. into a single system, such as has been tested at the Sarnia/Port Huron border crossing (the so-called "NEXUS" pilot program)?

**Answer:** Yes. We would support the development of one consolidated "fastpass" system, or, more specifically, a Dedicated Commuter Lane similar to the Nexus pilot program. The results of the Evaluation Working Group (EWG) comparison study of Dedicated Commuter Lane programs (including Nexus) should be used, in part, to determine future expansion of this nationwide system. The EWG is comprised of individuals from U.S. and Canadian Customs and Immigration agencies.

**BALANCING MISSIONS**

**Question:** As the Customs Service in your region has responded to the heightened threat of terrorism, what impact has this had on your ability to deal with other threats? For example, has the diversion of attention to intercepting terrorists reduced your ability to deal with narcotics trafficking or to prevent illegal immigration?

**Answer:** Considering that the fight against terrorism is the President's first priority, the Customs Service appropriately responded and dedicated important resources to combat the threat of terrorism in the United States. It is true that Customs response has been focused on the immediate threat of terrorism. However, despite our focus on terrorism, the Customs Service remains fully committed to protect our Nation's borders from drug smuggling and other offenses.

**Question:** What is the solution to these problems? Is it simply a matter of adding more agents?

**Answer:** No, it is a combination of more advanced information, industry partnerships, technology, and the assessment of resources versus threat. Customs is currently assessing its ability to maintain its enforcement priorities, while emphasizing efforts against terrorism. In light of the recent re-deployment of special agents to support vital activities as the Federal Air Marshal Program and to trace and seize terrorist assets, additional funding would certainly broaden options available to Customs to support vital antiterrorism efforts.

## NARCOTICS TRAFFICKING

**Question:** What sorts of drugs are being smuggled across the border here? In what amounts are they being smuggled here? Where are they coming from? What parts of the U.S. are they usually headed to?

**Answer:** All types of illegal drugs are being smuggled into the United States through the ports of entry. Last year, Customs inspectors in Highgate Springs, Vermont, seized approximately 541 grams of marijuana, 26.57 grams of cocaine, 31.5 grams of hashish and 3,176 grams of MDMA (commonly known as ecstasy). In Rouses Point, New York, Customs inspectors seized approximately 2,490 kilograms of marijuana, 1,250 grams of cocaine, 11.8 grams of hashish, 14.3 grams of heroin, 2,700 grams of MDMA. In addition to these seizures they also seized psilocybin, opiates, GHB (commonly known as "the date rape" drug), Ritalin, Viagara, steroids, and serostim. This list is not all-inclusive. Special agents have effected seizures outside of the ports of entry to add to the seizures made by Customs inspectors.

These drugs are largely destined for distribution throughout the Northeast of the United States. However, information developed resultant of these seizures indicates that the drugs are occasionally destined for southeastern cities, such as Atlanta, Georgia, or Miami, Florida.

**Question:** Where is the smuggling usually taking place? Is most of it being conducted through the border crossings? In trucks or cars, or on foot? Is it going on in between the border crossings, along the border? If so, where?

**Answer:** The threat of smuggling along the Canadian border is similar to that of the Mexican border. Currently, there are 84 official ports of entry located along the northern border through which contraband is smuggled in private vehicles or commercial shipments. Because of the concentration of Customs personnel resources at these locations, the vast majority of Customs seizures occur at the ports of entry.

However, smuggling is not limited to the official ports of entry. There have been several seizures of contraband associated with crossings outside the ports of entry.

The smuggling threat is not limited to land. Intelligence indicates that a number of low flying small aircraft have been observed crossing remote areas. Such activity gives rise to the suspicion of an increasing air smuggling threat. Additionally, the Saint Lawrence Seaway and the Great Lakes pose a maritime smuggling threat similar to that found on our coastlines.

## ILLEGAL IMPORTATION OF PHARMACEUTICALS

**Question:** Are you seeing a significant amount of illegal smuggling of pharmaceuticals from Canada? What kinds of pharmaceuticals are being brought here? Who is typically bringing them to the U.S., and how are they doing it?

**Answer:** Each day the Customs Service seizes a wide range of prescription pharmaceuticals from citizens of the United States and Canada as they travel across the border. Such seizures are generally small and of personal use quantity (defined as 250 tablets or dosage units). They range through the gamut of drugs, from prescription acetaminophen (containing codeine) to Viagara.

However, Customs also seizes large quantities of prescription drugs that are sold on the black market or utilized as precursors in the manufacture of other drugs. Examples of prescription drugs that are abused in the United States include GHB, which is also known as the "Date Rape Drug" and oxycontin. We also regularly seize large quantities of ephedrine or pseudoephedrine, which are precursor chemicals used in the manufacture of methamphetamine. These types of drugs are often mailed anonymously or smuggled across the border in cars or trucks.

## COOPERATION WITH CANADIAN OFFICIALS

**Question:** For the record, please describe how the Customs Service is cooperating with similar Canadian agencies in this region.

**Answer:** The Customs Attaché, Ottawa, Canada, has facilitated the placement of Canada Customs and the Royal Canadian Mounted Police officers on the Resident Agent in Charge Rouses Point Task Force. In addition, the Customs Attaché in Ottawa has been instrumental in the preparation of a Memorandum of Understanding (MOU) with the RCMP in order to place a special agent on the Cornwall Task Force located in Cornwall, Ontario. This MOU is currently under review by U.S. Customs Headquarters.

**Question:** Would you consider engaging in a program modeled on the Integrated Border Enforcement Team (IBET) now in force in Washington State and British Columbia?

**Answer:** In the Champlain area, U.S. Customs has facilitated the IBET concept through the efforts of the Rouses Point Task Force and the Cornwall MOU. Evaluation of the IBET concept has led the RCMP to officially begin establishing IBET teams in Canada at strategic locations. In addition to the existing IBET in Vancouver new IBET teams have been approved for establishment in Hamilton, Windsor and Fredericton. Also, the RCMP intends to establish an IBET oversight mechanism at RCMP Headquarters. U.S. Customs should ensure that efforts are made to have corresponding assets in these areas.

**Question:** To what extent does the Customs Service in this region consult with its Canadian counterparts when changes in policy are being contemplated or implemented? Could communication with these agencies be improved?

**Answer:** Given the excellent relationship between Canada and the United States, Customs openly shares their opinions and concerns with all levels of the Canadian government. This is completed through negotiation/mediation between the Customs Attaché Ottawa Office and the particular Canadian agency involved. When necessary, Customs will work with the Ambassador, Deputy Chief of Mission, Political and Economics sections, the Canadian Department of Foreign Affairs and International Trade or other appropriate officials to discuss any issues of mutual concern. Communications between the Customs Service and its Canadian counterparts is excellent. However, since Canada is a sovereign state, on occasion decisions and policies are made in conflict with those of the United States. In these situations, we are usually able to reach a mutually satisfactory solution.

## FACILITATING COMMERCE

**Question:** Does the Customs Service in your region consult with local government, business and law enforcement leaders when contemplating or implementing changes in policy at border crossings and ports of entry? If so, how? If not, why not?

**Answer:** At the port level, the Port Directors (PDs) coordinate any major changes to Customs policy directly with local government, business and law enforcement leaders. For example, the PDs promptly met with representatives of this group when Heightened Alert actions were implemented to ensure that Customs enforcement activities were properly communicated and coordinated with all affected parties.

**Question:** What efforts does the Customs Service in your region take to keep local government, law enforcement, businesses and chambers of commerce informed of changes in policy at the border crossings and ports of entry?

**Answer:** The ports meet regularly with local law enforcement agencies through groups such as Intelligence Collection and Analysis Teams (ICATs) and the International Law Enforcement Association. These groups include U.S. Customs, Immigration and Naturalization Service, Border Patrol, National Guard, State Police, Canada Customs, and the Royal Canadian Mounted Police. While the mission of these units is mainly to share intelligence and other enforcement information, this forum is also used to discuss any changes in Customs policy and procedures that are of interest to the member organizations.

In trade, the PDs conduct regular monthly meetings with the local Customs Broker Associations. The goal of this group is to inform the members of proposed Customs policy changes and to discuss the impact on the local trade community. Also, the members are free to raise any other Customs issues or problems that require the attention of Customs management.

In addition, the Director, Field Operations (DFO), makes regular presentations at meetings of the Coalition of New England Companies for Trade (CONECT). Most recently, the DFO appeared before this group (150 attendees) on October 30, 2001, and spoke on security issues in response to the events of September 11th. These issues included the proposed mandatory filing of certain in-bond data to assist in cargo risk assessment and the increased level of container inspections under Heightened Alert. The DFO will address the next CONECT meeting scheduled for December 12, 2001.

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ONE HUNDRED SEVENTH CONGRESS

# Congress of the United States
## House of Representatives

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INDEPENDENT

May 24, 2002

**VIA FACSIMILE AND FIRST-CLASS MAIL**

The Honorable James Ziglar
Commissioner
Immigration and Naturalization Service
425 Eye St., NW
Washington, D.C. 20536

Dear Commissioner Ziglar:

I am writing concerning a number of sets of written questions for the hearing records which we have submitted over the last seven months. We have not yet received responses to questions submitted to you on November 5, 2001; to Mr. Jean Ouellette on November 6, 2001; to Ms. Frances Holmes on November 6, 2001; to Mr. Robert S. Coleman, Jr. and Mr. Ronald H. Henley on December 18, 2001; to Ms. Adele J. Fasano and Mr. William T. Veal on March 1, 2001; and to Mr. David Aguilar on March 1, 2001.

Typically, the Subcommittee will provide one month after the hearing for written responses to questions. The responses to the most recent requests are now nearly two months overdue. While we recognize that the past few months have been exceptionally busy ones for your Agency, we also believe that we must have reasonably timely responses in order to conduct effective oversight and ensure that the questions and answers remain relevant. In addition, we are rapidly approaching the deadline to print the hearing records as well as our interim report on border issues.

We request that your agency provide all of the responses no later than June 14, 2002. If you have any questions, please feel free to have your staff contact our staff director, Chris Donesa, or counsel Nick Coleman, at (202) 225-2577.

Sincerely,

Mark Souder

Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy, and Human Resources

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INDEPENDENT

November 6, 2001

**VIA FACSIMILE AND FIRST CLASS MAIL**

Mr. Jean Ouellette
District Director
Immigration and Naturalization Service
425 "I" Street, N.W., Room 7030
Washington, D.C. 20536

Re: Field Hearing, "Improving Security and Facilitating Commerce at the Northern Border," Highgate Springs, Vermont

Dear Mr. Ouellette:

Thank you very much for your testimony on October 28, 2001 before the Subcommittee on Criminal Justice, Drug Policy and Human Resources concerning the future of federal law enforcement agencies. I found your testimony both insightful and helpful. Due to the limited amount of time available for the hearing, however, we were unable to address all of the issues involved. To better help the Subcommittee understand these significant issues, we are submitting to you the following list of questions for the record, organized by topic area. Please note that our questions are directed to the U.S. Border Patrol in your region as well as the INS. If you do not have sufficient information concerning the activities of the Border Patrol, we would appreciate it if you would consult with that agency and obtain it.

**Personnel Issues**

1. What additional personnel do the INS and the Border Patrol need to manage each of the border crossings and ports of entry in your region effectively?

2. How rapidly should new officers and inspectors be added? Is slow growth better, to ensure adequate training and supervision? If the growth is more rapid, how

much will performance suffer? Are there certain positions for which rapid growth is less of a problem?

3. Do you believe that it will be possible to add enough new agents to meet these needs? Can you maintain a high level of quality among the recruits?

4. If the INS and/or the Border Patrol in this region are unable to hire as many agents as they would like, how will they deploy the ones they have? How many will be assigned to deal with terrorism, and how many to deal with other problems such as illegal immigration and narcotics smuggling?

5. How difficult is it to attract new inspectors and agents to this particular region?

6. During the hearing, we discussed where the INS and the Border Patrol typically find new recruits. For the record, please provide us with data concerning the prior occupations of new recruits in your region, including the percentages of new recruits who come from other federal law enforcement agencies, from state and local law enforcement agencies, and from the military.

7. What, if any, increases in pay or benefits will be required to improve recruitment and assignment to your region?

8. What resources do the INS and/or the Border Patrol in your region currently have to provide incentives for recruitment and assignment to this region? Can you detail what steps they currently can take, in the form of bonuses or other incentives, to increase recruitment or retention? How have they been using those resources? Do they plan to use them in the near future?

   a. Do you see a need for increased use of language bonuses?

9. Do they need to hire agents with special skills to deal with the new threats?

10. How many border crossings in this region are unstaffed for any period of time during the day or night? How does the INS and/or the Border Patrol in this region handle unmanned stations? Do they shut them down, and if so, how (using orange cones, closing gates, etc.)? Do they monitor them using the Remote Video Inspection System? Do they have any estimates on how many people enter the U.S. through these unmanned crossings?

**Physical Infrastructure**

11. In addition to new personnel, to what extent will new infrastructure be required in your region? Do you see the need to expand the physical plant at the border crossings and ports of entry in your region, by increasing the number of car and truck lanes, expanding bridges, or building new warehouses?

12. Will new fencing and lighting be required along the border in this area?

13. Will new housing for agents and inspectors be required?

**Equipment and Technology**

14. What new equipment will be required? Do the INS and/or the Border Patrol need more vehicles? Do they need to modernize the vehicles or other equipment in this region?

15. Since 1995, INS has been expanding the use of the IDENT automated biometric identification system, which records apprehended aliens' fingerprints, photos, and biographical data, along the Southwest border. Could this system be usefully deployed in your region?

16. Are there new technologies which are available which you believe should be acquired for use in your region?

    a. Would introducing face recognition technology be a viable step?

**Expediting Transit through Border Crossings**

17. For the record, please describe the process of clearing travelers through the border crossings in this region. How might this process be made more efficient?

18. How widespread is the use of the INSPASS card at the border crossings in this region? How helpful has it been? Could this program be expanded here?

19. How widespread is the use of the Dedicated Commuter Lane system at the border crossings in your region? How helpful has it been? Could this program be expanded in this region?

20. Would you support consolidating the "fastpass" systems used by Canada and the U.S. into a single system, such as has been tested at the Sarnia/Port Huron border crossing (the so-called "NEXUS" pilot program)?

**Balancing Missions**

21. As the INS and the Border Patrol in your region have responded to the heightened threat of terrorism, what impact has this had on their ability to deal with other threats? For example, has the diversion of attention to intercepting terrorists reduced these agencies' ability to deal with narcotics trafficking or to prevent illegal immigration?

22. What is the solution to these problems? Is it simply a matter of adding more agents?

**Illegal Immigration**

23. How is illegal immigration occurring at these border crossings, and along this region's border? Of what nationalities typically are these illegal immigrants? Please provide the Subcommittee with any data or estimates the INS or the Border Patrol may have concerning the rate of illegal immigration in your region.

**Narcotics Trafficking**

24. What sorts of drugs are being smuggled across the border here? In what amounts are they being smuggled here? Where are they coming from? What parts of the U.S. are they usually headed to?

25. Where is the smuggling usually taking place? Is most of it being conducted through the border crossings? In trucks or cars, or on foot? Is it going on in between the border crossings, along the border? If so, where?

**Cooperation with Canadian Officials**

26. For the record, please describe how the INS and the Border Patrol are cooperating with similar Canadian agencies in your region.

27. Would you consider engaging in a program modeled on the Integrated Border Enforcement Team (IBET) now in force in Washington State and British Columbia?

28. To what extent do the INS and/or the Border Patrol in this region consult with their Canadian counterparts when changes in policy are being contemplated or implemented? How might communication with these agencies be improved?

**Facilitating Commerce**

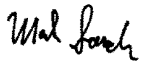
29. Does the INS in your region consult with local government, business and law enforcement leaders when contemplating or implementing changes in policy at border crossings and ports of entry? If so, how? If not, why not?

30. What efforts does the INS take to keep local government, law enforcement, businesses and chambers of commerce informed of changes in policy at the border crossings and ports of entry?

In order to help the Subcommittee move forward with its work on this subject, we request that you respond to these questions in writing no later than the close of business on Tuesday, December 4, 2001. Your answers will be included in the written record.

Thank you very much for your time and assistance. If you have any questions, you may contact Nick Coleman, a member of our staff, at 202-225-2577.

Very truly yours,



Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources



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