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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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ISSUES AT THE NORTHERN BORDER

MONDAY, OCTOBER 29, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Champlain, NY.

The subcommittee met, pursuant to notice, at 9:30 a.m., at the U.S. Customs Station, Champlain, NY, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder and McHugh.

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

Mr. SOUDER. Good morning, and thank you all for coming. Today our subcommittee will explore the status of the Champlain, NY, 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. Michael Dambrosio, District Field Director at U.S. Customs, and Ms. Frances Holmes, District Director at INS, for being here today. We are also pleased to have with us representatives of the employees of these two agencies, Mr. Carl Duford, an INS inspector and president of the Champlain Chapter of the American Federation of Government Employees, and Mr. Thomas Keefe, a Customs inspector and president of the St. Lawrence Chapter 138 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 border.

We've also been joined by Senator Ron Stafford, Head of the Senate Finance Committee, and look forward to having his opening welcome here in a few minutes, and for his leadership in the State legislature, I'm sure on a regular basis, with these issues that we only occasionally deal with in Washington.

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 changes at the border. We also welcome Mr. Garry Douglas, executive director of the Plattsburgh-North Country Chamber of Commerce. We thank everyone for taking the time this morning to join us for this important discussion.

Even before the terrorist attacks of September 11, 2001, this 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 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 the new emphasis on anti-terrorism will be on personnel decisions at each of these agencies.

This hearing and the hearing held yesterday at Highgate Springs, VT, 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 crossing, as well as what new policies could be pursued to ease the burdens being 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. And I want to add, too, that what precipitated this series, in addition to our oversight responsibilities over justice and commerce and the narcotics issue, is a U.S.-Canada Parliamentary Exchange Group last May.

I cochaired the transborder section of that Parliamentary Group, and we had agreed to hold several hearings along the northern border about problems we were having already, in trying to make sure that we could facilitate ease of movement and meet the needs that we were asking along the border, prior to September 11th, which only put more pressure on the borders.

Also then with the U.S.-Mexico Parliamentary Group, we've agreed to do a number of hearings on the southern border. In December, we'll be in Brownsville, Laredo and McAllen on the Monterey corridor; then the second week of December, up in the Vancouver corridor and Puget Sound, looking at Coast Guard questions, as well as the Blaine border crossing. We'll also be doing Detroit, Niagara Falls and Buffalo, where we've worked with the people there. In San Diego and El Paso, analogous section, so we're

going to systematically, over the next—we were going to do it over 12 months; we're now going to push for a 5-month—and this is our first region that we're holding the hearings, yesterday in Highgate and today here, and we're visiting some of the border crossings in between, as well as with the Border Patrol and with the Coast Guard in each area to learn where the gaps are. When you put pressure on one point, it tends to move to another point, and if we're not thinking a step ahead in both how to accommodate commerce and to protect the citizens of the United States, we'll fall behind.

With that, I'd like to yield to my friend, Congressman McHugh, a more senior member of the committee. Also has been a long-tem subcommittee chair before he went over to Armed Services and a leadership position there, too.

Mr. MCHUGH. Thank you very much, Mr. Chairman. More senior means older, I take it, and I appreciate that. Mr. Chairman, I have a prepared statement that I would ask unanimous consent be entered in its entirety and just make a few comments, if I might.

Mr. SOUDER. Sure.

Mr. MCHUGH. First of all, I want to add my words of appreciation and welcome that you have just stated to all of our panelists here today. We do look forward to their comments, and a special welcome to my former colleague in the State Senate, Ron Stafford, who certainly needs no introduction nor explanation to these good folks of the terrific job he does, not just for this region, although he certainly does that, but for the entire State, so welcome to all of you.

But as well, Mr. Chairman, I want to express both my words of welcome and appreciation to you. All of us who've had the honor of serving in any legislative body always think of our districts that we represent as someplace special, and I'm certainly no exception to that. I hope that during your travels, as hectic as they have been, you've had a chance to see the true beauty of this region. We hope you had a chance to enjoy it. If not, please come back. There's about 13,000 square miles of the 24th District to the south and west of here that we think are equally as special, as well. But I particularly appreciate the effort that you've made to be here.

You mentioned yesterday your hearing at Highgate Springs. I know last evening you had an opportunity to go up into Canada and meet some of the folks up there. We were thrilled they let you back in here to our side of the border. And I have long been very impressed with the very ambitious hearing schedule that you defined here this morning, and it speaks very highly of your commitment, and more importantly your understanding of the very formidable issues that face us. As you noted, Mr. Chairman, through your work, September 11th, while bringing unimaginable and truly profound changes to this country, was not really the beginning of the challenges that we're facing along both the northern and the southern border, but I think it has brought new focus to the challenges here in the northern border region.

This issue has really been at the core of focus for many of us for some time now, working with great leaders like Governor Pataki, Senator Stafford, Chris Ortloff; with the local government representatives here in the North Country of Clinton and Essex Coun-

ties in particular, with our partners on the Canadian side, and of course, with the business community, from whom we'll hear here today. We've had some success. We've initiated what we're calling a Border of Excellence that will, when completed, produce about a $30 million program designed to modernize and to streamline the facilities located here at Champlain.

But the fact of the matter is, new buildings, new processing lanes, safer approaches, for all of their importance, are simply not enough. The Federal officials that staff this crossing, all of the crossings across the northern border, have been and remain simply amazing. Long hours, very effective work, often thankless tasks with incredible efficiency and with incredible effectiveness. This border spans, as you know, some 4,000 miles, and yet when you look at, in just one area alone, the Customs area, only 14 percent of the assigned inspectors nationwide are stationed along that northern border. Only some 1,000 inspectors. And if you compare that to a place like JFK International Airport, where there are 500 inspectors at that one point, we can begin to better understand the very difficult manpower challenge that these good folks face.

Yes, we need better facilities. We need safer access. We need, clearly, the latest in technology. But most importantly, in my opinion, we need the personnel who can make these crossings work and who can keep our borders safe, and at the same time, as you noted, Mr. Chairman, keep them effectively processing that flow of commerce.

The Canadians are, as I mentioned, our partners in this effort. Ours is an extraordinary relationship. We are each other's largest trading partners. And while I'll defer to the Canadians to describe their perspective, but to those of us here in the North Country, they are our partners, they are our welcome neighbors, and they represent, collectively, an irreplaceable thread in the economic fabric of our region.

Mr. Chairman, during a brief conversation we had just last week off the House floor in the Speaker's lobby, I was very impressed with your comments about the critical nature of balancing security with the essential flow of commerce, and I couldn't agree more, and that, it seems to me, is our two-part challenge. And I know, Mr. Chairman, that's your objective, as well. And while we deeply appreciate your making the effort to bring this subcommittee here to help fill in the pieces of this puzzle that is obviously in all our interests to solve, and like you, Mr. Chairman, I look forward to hearing from our witnesses to learn their perspectives, hopefully to borrow from their expertise, so that we can forge an effective policy to meet this very critical challenge. So thank you, Mr. Chairman, and I look forward to the hearing ahead.

[The prepared statement of Hon. John M. McHugh follows:]

Rep. John M. McHugh

2441 Rayburn House Office Building
Washington, D.C. 20515
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STATEMENT of

REPRESENTATIVE JOHN M. McHUGH (R-NY)

Before The

House Committee on Government Reform's Subcommittee on Criminal Justice, Drug Policy and Human Resources

Monday, October 29, 2001

Mr. Chairman, Members of the Subcommittee, staff, and guests: Welcome to the North Country. Every Member takes immense pride in his or her congressional district and I certainly am no different, but I trust you will agree with me that when the Good Lord parceled out nature's breathtaking beauty, He made sure northern New York State received an extra helping. We don't call this part of the state "God's Country" for nothing.

I appreciate the Subcommittee's willingness to venture this far from Washington for an on-site hearing. It speaks well of you, Mr. Chairman, and your commitment to this critical issue. It is indeed fitting that this hearing is being held here in Champlain, one of the busiest ports of entry along the U.S.- Canadian border and one in desperate need of additional U.S. Customs Service manpower.

Today's hearing would be no less an important event even if the tragic events of September 11th had never occurred. In those days before September 11th, the U.S. Customs Service and the associated law enforcement agencies guarding our northern border were engaged in a war against drugs and smuggling. This represented a concerted effort to stop or, at the very least, disrupt the flow of illegal drugs coming into the United States.

September 11th, however, changed all that. Today, the U.S. Customs Service is tasked with an even greater mandate: protecting the very safety of our citizens and their property from the scourge of international terrorism. We are now at war and those men and women manning posts along our borders are no less on the front lines of this struggle against the forces of evil and destruction than those brave young men and women in our military who, even as we meet here today, are engaged in combat operations against those who attacked our nation last month. And just as we have always insisted that the American military and the men and women who comprise it must be the best equipped, trained, and led force of arms in the world, so must the U.S. Customs Service and the other domestic agencies tasked with guarding our homeland be the best in their fields.

Sadly, Mr. Chairman, this is not the case. Prior to September 11th, it was an open secret to those of us with Congressional Districts along the Canadian border that Customs Service resources were stretched thin, perhaps too thin, along our northern border. In fact, according to the Canadian/American Border Trade Alliance, our northern border embodies 40% of the total ports/crossings in the U.S., but has only 14% of the currently deployed inspectors performing 33% of the national Customs workload. What these numbers help illustrate is just how understaffed we are along our northern border. The current number of primary inspectors along the entire northern land border is approximately 1000 men and women. This compares to approximately 500 inspectors currently staffing John F. Kennedy International Airport in New York.

Much of this, I am sure, stems from the warm relations and friendships we have developed with our Canadian neighbors, as well as the lack of real or perceived threats emanating from the north. In that regard, Mr. Chairman, I wish to extend my personal thanks and appreciation, as well as those of the Congress, to our Canadian friends for their heartfelt expressions of sympathy and support in the wake of the attacks of September 11th. Canada's unwavering support for America and the civilized world's struggle against the forces of darkness, oppression, tyranny, and terrorism only reinforces how fortunate we are to have Canada not only as our neighbor, but also our friend.

While the events of September 11th in no way diminish those warm relations and friendships, it is now readily apparent, in a manner never before evident, that the safety of the United States and its citizens requires an increased vigilance along our northern border. Adequate staffing at ports of entry and crossings along the northern border is critical to any coordinated effort to confront this threat and maximize our chances of thwarting any future terrorist attack. The insidious enemies we now face in this struggle will seek to exploit any weakness and vulnerability. We must not make their job any easier.

We must, however, exercise great caution that we do not cut off our nose in spite of our face: Our trade with Canada constitutes the largest bi-lateral trade relationship in the world. Billions of dollars in commerce annually transit our nations along trade corridors at these same ports of entry and crossings. As an example, the port of entry at Champlain sits astride the Quebec-New York Corridor connecting Montreal and New York City - the two busiest ports on the Atlantic coast. I will leave it to Garry Douglas, the President and CEO of the Plattsburgh-North Country Chamber of Commerce to go into greater detail regarding the importance of this trade relationship to Clinton County and the North Country, but suffice it to say, the impact is enormous.

Our failure to adequately staff these northern border crossings will have profound negative consequences to our trade relationship with Canada. I am sure you will agree that we cannot allow our efforts to ensure the security of our homeland to harm the economic ties we have established with our Canadian neighbors. As has been demonstrated in the past several weeks, a heightened state of security utilizing existing resources has had a chilling impact on the free flow of commerce along the northern border. For the short-term, this is bearable but, over the long-term, the consequences could be grave. We must not give the fanatics who perpetrated the dastardly acts of September 11th the satisfaction of knowing that in addition to the death, destruction, and suffering they caused, they also mortally wounded our trade relationship with Canada.

America can have both secure borders and a vibrant trade relationship with those across the borders, but it will require additional manpower and resources, especially for the U.S. Customs Service. The safety of our nation, as well as its economic livelihood, demands no less.

The dedicated men and women of the U.S. Customs Service stationed along our northern border are waging a valiant war against an enemy sworn not to defeat, but to destroy, the United States. They have carried out their duties above and beyond the call of duty. It is now time additional manpower and infrastructure resources be made available to them. Today's hearing signifies a critical step in the process, and our objective cannot be accomplished without the continued efforts and support of this Subcommittee.

Thank you.

Mr. SOUDER. I'd like to do a few procedural matters. I ask unanimous consent that all Members have five 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.

Also, for the record, I ask unanimous consent that Mr. McHugh, a member of the full committee, be permitted to participate in this subcommittee hearing.

Now, as a government-formed oversight committee, it's our general practice that all witnesses have to be sworn in and testify under oath, so if you could each stand and raise your right hands?

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses have each answered in the affirmative. Our committee, for those of you who aren't familiar, when the Republicans took over Congress, this was one of the more infamous committees, that we started with Waco and proceeded into the travel office investigations, all sorts of different investigation-type things, which is why we, as an oversight committee, have to do the swearing in.

But Senator Stafford, it's a great honor to have you here today. You've been a long-time respected leader in this area, and if you'd like to make a few opening comments, we'd be privileged to hear them.

STATEMENT OF RONALD STAFFORD, SENATOR FROM THE 45TH DISTRICT, IN THE STATE OF NEW YORK

Mr. STAFFORD. Thank you, Mr. Chairman. So now I'm under oath, so I have to be careful what I say about Mr. McHugh, but on a serious note, we all receive many, many invitations to attend a number of gatherings, meetings, that type of thing, and we certainly can't go to all of them, and I think even my staff had indicated that we had a conflict, and I changed that, because I wanted to be here personally, first to thank you, Mr. Chairman, Chairman Souder, and Congressman McHugh, for being here today, and you're here considering issues that are so important to our area. You can see why John is so well respected and we think so much of him in this area. The statement he made covered it very well. My dad was a Clinton County farmer, he had a lot of sense, and he always said that it's always good to keep your mouth closed and let people think you don't know anything than to open it and remove all doubt, so I won't get into real specifics here. You will have professionals here, others here in this area talking with you, testifying.

But again, I certainly want to compliment those in our area. Garry Douglas—I've mentioned one name, so I should mention about 20—but all here who have been so concerned about the problems and issues you're here today to consider, as I've mentioned. John, I think, has mentioned this. It isn't difficult. We're here between New York City and Montreal, two of the major cities on the North American continent, and we're here right in the main line of travel. We trust you will use good judgment.

I know Congressman McHugh has been right in the forefront and has been talking to you, Mr. Chairman, and others.

You'll find our people here very knowledgeable. They know exactly what they're talking about. And as John mentioned, we hope you will come back, and I'm sure, out of this meeting and others, we'll have some decisions which make it possible, as John said, for our people who work here who do such a tremendous job, challenged in so many ways and hours and other areas. And with that, I will let those who are going to testify concerning some of the specifics and some of the others—not let them—but I will make it possible for them to testify, and thank you for being here from Wendell Wilke's State. We all thought a great deal of him up here in Clinton County. And on the other hand, you've had some other great people from Indiana, and as you mentioned earlier, Notre Dame will be back. But thank you so much for being with us, and John, thank you very much for being here.

Mr. SOUDER. I thank you, and I know that your schedule's tight, and we appreciate you working this in, and at whatever point you need to leave, and if you want to make additional comments as we go.

Mr. STAFFORD. Thank you.

Mr. SOUDER. But we really recognize that what we do here at the Federal level has a huge impact in every State and local area. It's important that we work together on the questions involved, because one of the side tragedies of the major attack is what's happening to our economy, and if we can't figure out how to keep people working and in their homes and getting their bills paid——

Mr. STAFFORD. That's right.

Mr. SOUDER. It will all come to naught in our security efforts.

Mr. STAFFORD. Thank you.

Mr. SOUDER. Mr. Dambrosio.

STATEMENT OF MICHAEL DAMBROSIO, DISTRICT FIELD OFFICER, U.S. CUSTOMS SERVICE

Mr. DAMBROSIO. Good morning. 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.

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 a key goal for 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 the North American Free Trade Agreement in 1994. The Port of Champlain alone now clears approximately 400,000 trucks and nearly 1 mil-

lion vehicles a year. Champlain is also on a major highway that connects the large metropolitan areas of Montreal and New York City and points beyond.

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 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, 7 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 our 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.

As some of you may know, some of our Customs facilities on the northern border need to be updated. 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. For example, at the port of Champlain, construction has started for the installation of a vehicle and cargo inspection system, or VACIS for short. When completed, this will be the first permanent truck x-ray facility on the northern border. A portable version of this technology is being procured for Champlain, and should arrive at the port by the end of this calendar year. Customs inspec-

tors at the port of Champlain 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, and 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 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 1th, 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 within Treasury and 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 examining the vast amounts of cargo coming across the border?

I want to thank you, Mr. Chairman, and Congressman McHugh, 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, to address your concerns and those of the American people.

I would be happy to answer any questions you might have.

[The prepared statement of Mr. Dambrosio follows:]

STATEMENT OF DIRECTOR FIELD OPERATIONS
EAST GREAT LAKES CMC
UNITED STATES CUSTOMS SERVICE
OFFICE OF FIELD OPERATIONS
BEFORE THE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
CHAMPLAIN, NY
OCTOBER 29, 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 a "key goal" for 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 port of Champlain alone now clears approximately 400,000 trucks and nearly 1 million vehicles a year. Champlain is also on a major highway that connects the large metropolitan areas of Montreal and New York City and points beyond.

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. 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.

For example, at the port of Champlain, construction has started for the installation of a Vehicle and Cargo Inspection System, or VACIS for short. When completed, this will be the first permanent truck X-ray facility on the northern border. A portable version of this technology is being procured for Champlain and should arrive at the port by the end of this calendar year. Customs Inspectors at the port of Champlain 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 within Treasury and 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 examining 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. Ms. Holmes.

STATEMENT OF M. FRANCES HOLMES, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE

Ms. HOLMES. Mr. Chairman and Congressman McHugh, thank you for inviting me here today to address you on behalf of the U.S. Immigration and Naturalization Service. The INS, which is part of the Department of Justice, has a staff of over 30,000 people who enforce the Immigration and Nationality Act. Their duties include the inspection of persons applying for admission to the United States, facilitating the legal entry of persons into the United States, detecting illegal entry, arresting and deporting criminal aliens, and naturalizing legal permanent residents for U.S. citizenship. The uniformed inspections branch of INS provides the staffing at our Nation's ports of entry. Additional staff is assigned to the investigations, detention and removal, adjudications, and administrative support sections of the INS.

The U.S.-Canada border is over 4,000 miles long. The INS-Buffalo District portion of this border extends from the Vermont/Lake Champlain border, west to Buffalo and Lake Erie. The district extends south to just north of New York City in the east and includes Binghamtom in the west. The District Office is located in Buffalo and there is a sub-office in Albany. Small offices serve the public in Syracuse and Rochester. There are 16 major land border ports of entry and multiple harbors where pleasure boats and commercial vessels arrive and are inspected. Additionally, we staff Amtrak stations in two locations on the border and undertake immigration preclearance activities at Canadian airports in Ottawa, Montreal and Toronto. We have 289 full-time Inspections staff and additional part-time or seasonal staff. In fiscal year 2001, the Buffalo District completed 40 million inspections.

The Champlain port of entry is located 45 miles south of Montreal and 350 miles north of New York City. It is located at Interstate Highway 87, which connects these two cities. The current Champlain facility opened in August 1973 and is scheduled for modification and expansion in the coming years as funds are allocated.

The INS management staff at Champlain provides oversight to ports of entry from Rouses Point, which is adjacent to Lake Champlain, to Fort Covington in the west, and to ports of entry in between. There are currently 38 full-time permanent staff here, with additional part-time staff.

The Champlain staff is responsible for conducting inspections of the Amtrak train, which arrives daily from Montreal at Rouses Point. It also inspects pleasure boats from Canada which arrive on Lake Champlain. Our primary activity, however, is inspecting arriving passengers in private vehicles. We complete this work with the U.S. Customs Service, and the Department of Agriculture's Animal and Plant Inspection Service makes up the third government agency which conducts inspections here at Champlain. Besides the inspection of arriving persons, the INS Champlain also handles a significant number of aliens and U.S. citizens returned from Canada under the U.S.-Canada reciprocal agreement. Of these aliens, about 300 annually are denied refugee status in Can-

ada and are returned to us just here at this port of entry, and they require interviewing to determine if they are allowed to be in the United States. Some are processed for removal hearings from the United States and some are held in custody.

Over the last few years, we have seen a decline in the number of inspections performed by our inspectors here at Champlain. For example, 5 years ago, in fiscal year 1996, this master port, the larger port, performed over 5.5 million inspections. In fiscal year ending 2001, that figure was slightly over 3.8 million inspections.

INS Champlain has held three stakeholder meetings in 2001 to meet with individuals, local employers, trucking associations, the Plattsburgh Chamber of Commerce, and other interested parties to improve the processing of applicants for admission at the port of entry. Suggestions have been received and implemented. The management staff is committed to facilitating admissible applicants, while enforcing the laws and regulations of the Immigration and Nationality Act.

In response to the terrorist attacks of September 11, 2001, there has been increased vigilance at the border. Annual leave of inspectors has been canceled. Overtime has increased, and additional staff has been detailed to enhance border security. We remain cognizant that legitimate cross-border traffic must be allowed, while ensuring persons who are inadmissible or who wish to harm this country will be denied entry. Staffing has been doubled at the small ports of entry so that no inspector works alone. More applicants for admission are checked through law enforcement data bases, and all adult applicants are asked to produce government-issued identification. Trunks of passenger cars are opened and contents scanned.

Within the first few days following September 11th, there were traffic delays. Today, however, there are minimal waits for passenger cars—in most cases, under 10 minutes. Lanes are opened and closed based on need. The Immigration and Naturalization Service remains committed to securing the borders of this country against those who wish to harm it.

The INS Buffalo District was pleased to receive one additional inspector for Champlain during the fiscal year 2001, and a total of eight for our district land border ports. We are proud of the service we provide to the public at the U.S.-Canada border, and look forward to working with the Congress to keeping up that level of service and to help protect the security of our Nation. The administration's request for additional staff and technology resources is of the utmost importance now. Additional resources will greatly assist the INS in securing the border, without closing it.

Thank you, Mr. Chairman, for allowing us to give testimony regarding the Champlain corridor and the Buffalo District border operations.

[The prepared statement of Ms. Holmes follows:]

STATEMENT

OF

M. FRANCES HOLMES
DIRECTOR
IMMIGRATION AND NATURALIZATION SERVICE
BUFFALO DISTRICT

BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE DRUG POLICY
AND HUMAN RESOURCES

REGARDING

CURRENT ISSUES ON THE US-CANADA BORDER

OCTOBER 29, 2001
FIELD HEARING - CHAMPLAIN, NY

MR.CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for inviting me here today to address you on behalf of the United States Immigration and Naturalization Service (INS). The INS, which is part of the Department of Justice, has a staff of over 30,000 people who enforce the Immigration and Nationality Act. Their duties include the inspection of persons applying for admission to the United States, facilitating the legal entry of persons into the United States, detecting illegal entry, arresting and deporting criminal aliens, and naturalizing legal permanent residents for United States citizenship. The uniformed Inspections Branch of INS provides the staffing at our nation's ports-of-entry.

The United States, as a matter of sovereign right, exercises control over aliens seeking to enter, pass through, or remain in the national territory. The purpose of the controls is to protect the national interest and the continuing good order and well being of the nation. Immigration inspection procedures are designed to simplify the examination and admission of United States citizens who can readily establish their identity, and to determine whether each alien meets the admission requirements of the Immigration and Nationality Act (INA).

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

BUFFALO DISTRICT

The United States-Canada border is over 4,000 miles long. The INS-Buffalo District portion of the US-Canadian border extends from the Vermont/Lake Champlain border west to Buffalo and Lake Erie. The district extends south to just north of New York City in the east and includes Binghamton in the west. The District Office is located in Buffalo and there is a sub-office in Albany. Small offices serve the public in Syracuse and Rochester. There are 16 major land border ports-of-entry and multiple harbors where pleasure boats and commercial vessels arrive and are inspected. Additionally, we staff Amtrak stations in two locations on the border and undertake immigration pre-clearance activities at Canadian airports in Ottawa, Montreal and Toronto. We have 289 full time Inspections staff and additional part time or seasonal staff. Additional staff is assigned to the Investigations, Detention and Removal, Adjudications, and Administrative Support sections of the District's operations.

CHAMPLAIN CORRIDOR

The Champlain port-of-entry is located 45 miles south of Montreal and 350 miles north of New York City. It is located on Interstate Highway 87, which connects these two cities. The Champlain port-of-entry opened in August 1973 and is scheduled for modification and expansion in the coming years as funds are allocated.

The INS Management staff at Champlain provides oversight to ports-of-entry from Rouses Point, adjacent to Lake Champlain, to Fort Covington in the west, and to ports-of-entry in between. There are currently 38 full time permanent positions on the staff; there are additional part time employees.

The Champlain staff is also responsible for conducting daily inspections of the Amtrak train, which arrives from Montreal. The staff also inspects pleasure boats from Canada arriving on Lake Champlain. Our primary activity, however, is inspecting arriving passengers in private vehicles. Typically, the inspection of drivers and passengers of commercial traffic is varied, based on staffing and resource availability or on advanced information on smuggling. Since the attack on our nation on September 11, however, we have increased security levels and together with our Customs counterparts are undertaking more thorough inspections of all traffic. Our district also handles a significant number of applicants for Canadian refugee status, some of which, when denied, are returned to the Champlain port-of-entry. These persons require interviewing to determine if they are allowed to be in the United States; some are processed for removal hearings before Immigration Judges. Some, though not all, are kept in INS custody for these hearings.

Over the last few years we have seen a decline in the number of inspections performed by our Inspectors. For example, in fiscal year 1996 our District performed over 5.5 million inspections. In fiscal year 2001, that figure was just slightly over 3.8 million.

INS Champlain has held three stakeholder meetings in 2001 to meet with individuals, local employers, trucking associations, the Plattsburgh Chamber of Commerce, and other interested parties to discuss methods to improve the processing of applicants for admission at the port-of-entry. Suggestions have been received and implemented. The management staff is committed to facilitating admissible applicants while enforcing the laws and regulations of the Immigration and Nationality Act. District staff met with Congressman McHugh on Champlain inspections issues in June 2001.

IMMIGRATION INSPECTION PROCESSES

The INS recognizes the importance of maintaining professionalism and the highest standard of conduct at all times, regardless of circumstances. It is the Immigration Inspector's responsibility to carry out the duties and responsibilities of the

position in accordance with law, regulation, and agency policy. Immigration Inspectors are both law enforcement officers and service providers. Inspectors must constantly be aware that the American public are customers whose laws we have sworn to uphold and enforce and who expect and deserve prompt, efficient, courteous, inspection services.

It is also important that the applicant for admission know that we are honest, fair, courteous, and considerate. Our decisions concerning the people we inspect could seriously affect their lives. In a timely and consistent manner, the inspector must determine the admissibility of persons seeking entry; deny entry to inadmissible aliens; enforce criminal provisions against those who conspire to promote illegal entry and stay; and deter future illegal entry and stay in the United States.

Our inspection process is divided into two steps: primary inspection and secondary inspection. Primary inspection is designed to process applicants quickly where admissibility can be readily established and the persons allowed to enter the United States. Secondary inspection allows individuals to be moved away from the incoming traffic and be referred to a secondary inspector for further questioning or documentation.

Immigration Inspectors must rely heavily on their powers of observation. On the vehicular lanes, as they clear one vehicle and turn to watch the next approach, several determinations must be made in the short time it takes for the vehicle to stop. Is it from a local area or distant area? Is there any baggage, or other indication that the vehicle is destined to an interior location? The car's interior is visually assessed while obtaining the required declarations from the occupants. In some cases it is determined almost immediately if the vehicle will be referred for a secondary inspection. In other cases, the occupants may initially appear to be admissible, but their responses to questions, combined with observations, may indicate that further inspection is required.

Questions, such as the following, help in determining whether cases should be referred to secondary inspection:

Of what country are you a citizen?
Where is your home?
What is the purpose of your trip?
What is the relationship among the travelers in your vehicle or group?

Should persons be referred for secondary inspection, more extensive questioning occurs and databases are queried. Aliens who are determined to be inadmissible to the United States may be provided the opportunity to withdraw their application for admission and return to Canada, or can be referred to an Immigration Judge for an independent determination of admissibility. Applicants referred to an Immigration Judge may be detained based on the facts of the case.

The Buffalo District has an exceptional working relationship with the US Attorney's Office in both the Northern and Western Districts of New York. Both offices prosecute many smuggling, imposter, or criminal cases intercepted at the border.

RESPONSE TO SEPTEMBER 11

In response to the terrorist attacks of September 11, 2001 there has been increased vigilance at the border. Annual leave of inspectors has been cancelled, overtime has increased and additional staff has been detailed to enhance border security. We remain cognizant that legitimate cross-border traffic must be allowed, while ensuring that persons who are inadmissible, or who wish to harm this country, will be denied entry. Staffing has been doubled at the small ports-of-entry so that no inspector works alone. More applicants for admission are checked through law enforcement data bases and all adult applicants are asked to produce government issued identification. Trunks of passenger cars are opened and the contents scanned.

Within the first few days following September 11, there were traffic delays. However, in the weeks that have followed, until today, there are minimal waits for passenger cars, in most cases under 10 minutes. Lanes are opened and closed based on need. The Immigration and Naturalization Service remains committed to securing the borders of this country against those who wish it harm while facilitating legitimate business traffic and travelers.

COOPERATION WITH OTHER AGENCIES

The INS and USCS staff the primary inspection line at land border ports-of-entry. Each officer is cross-designated to perform the primary inspection for both agencies. The goal is to provide "50-50" staffing between INS and USCS at all land border inspection stations. Agencies coordinate activities to ensure efficient inspection operations. Regular meetings between INS and USCS managers at ports-of-entry are essential in order to maintain effective port management. Like other organizations, the INS strives to provide all of our customers the best service possible. Our goal is to process all applicants for admission to the United States with respect and dignity, and to process all inspections in a timely manner. Working closely with USCS, individual vehicle processing times are 30 to 45 seconds at the inspection booth with a five to ten minute wait in the approach to the booth. Longer backups at the international bridges in the Buffalo area are not common although the physical layouts of the bridges can impede access to inspection booths. Normally delays occur only during peak travel days, i.e. July 4th, Labor Day and Canadian national holidays.

Commercial traffic is inspected at most of the ports-of-entry, with the exception of small border ports and the Rainbow Bridge in the City of Niagara Falls. At the ports-

of-entry there are separate booths for the inspection of trucks. The USCS can better address the issue of commercial traffic inspection. Buses are inspected in designated areas away from the vehicular traffic. We also have significant pedestrian traffic only at the Rainbow Bridge in Niagara Falls. Our standard procedure is to separate the types of traffic to ensure the quickest possible inspection.

To foster cooperation among the Federal Agencies at inspection locations, Port Quality Improvement Committees (PQIC's) were formed in 1995. INS, Customs, Agriculture, and the Bridge Authorities meet to develop recommendations to improve efficiency, effectiveness, and vehicle processing times at land borders. Locally, we have PQIC's at the Buffalo Peace Bridge and Niagara Falls. We meet regularly to discuss common issues and interactions with the local community, training of officers, needs and requirements, sharing of tactical and strategic intelligence information, and mutual facility problems at border ports.

CONCLUSION

The INS Buffalo District was pleased to receive an additional inspector position for Champlain in fiscal year 2001 and a total of eight for District land border locations. We are proud of the service we provide to the public at the US-Canadian border and look forward to working with the Congress to keep up that level of service and help protect the security of our nation. The Administration' request for additional staff and technology resources is of the utmost importance now. Additional resources will greatly assist the INS in securing the border -- without closing it.

Thank you Mr. Chairman, for allowing us to give testimony regarding the Champlain Corridor and Buffalo District border operation.

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Mr. SOUDER. Thank you all for your testimony. I'd like to start with a few clarification questions. Thank you, Senator.

In your district for Customs, do you go also to Buffalo, or do you go Eastern Great Lakes?

Mr. DAMBROSIO. It's all of New York State. It's the same as Ms. Holmes's areas. All of New York State except for New York City, so my office is just on the outskirts of Buffalo.

Mr. SOUDER. If both of you could provide for the record some indication, in your regions, of the amount of traffic at the different points so we can kind of get a feel. We originally were going to start with the Buffalo/Niagara Falls crossings, and when I could work out the times with Congressmen, we couldn't work them out with the Canadian Parliamentarians. Both of us had to cancel one time. So we will be doing another hearing in that zone, but I'm particularly interested, if I can ask a couple questions on the area between here and Buffalo. Where would the largest crossing be between here and Buffalo?

Ms. HOLMES. Well, it's the greater Buffalo area between the Peace Bridge and the bridges at Niagara Falls.

Mr. SOUDER. But is Kingston, along the St. Lawrence River——

Mr. DAMBROSIO. Yes, and Congressman McHugh's area. Actually, our answers will be different because for commercial purposes, the largest crossing is at Alexandria Bay, but for private vehicles, it's at Massena.

Ms. HOLMES. Are you talking other than Champlain?

Mr. SOUDER. Yes, between Champlain and Buffalo, that area of New York State. And in those crossings, how—for example, Alexandria Bay—how does that in size compare with Champlain for Customs?

Mr. DAMBROSIO. OK, at——

Mr. SOUDER. You said yours is Alexandria Bay and yours would be Massena?

Ms. HOLMES. For passengers would be Massena, NY.

Mr. SOUDER. But Alexandria Bay, how does it compare to Champlain, roughly?

Mr. DAMBROSIO. In terms of traffic volume?

Mr. SOUDER. Yes.

Mr. DAMBROSIO. At Alexandria Bay, roughly 150,000 to 200,000 trucks a year; roughly 500,000 to 700,000 vehicles per year. Let me just clarify that the port of Champlain provides commercial support for Alexandria Bay, because Customs is engaged in commercial activities, which Immigration Service is not. The port of Champlain has a commercial staff which consists of import specialists and entry control specialists, who provide the commercial coverage that goes all the way west to Alexandria Bay, and we have large commercial operations at Alexandria Bay, Ogdensburg, at the Peace Bridge, Massena, and a small operation at Chateaugay, NY. So the volume that's handled there is handled by inspectors for release purposes, but the entire range of commercial processing is handled here at Champlain.

After the release takes place, there's what's called an entry summary. It's the assessment of duty, correct country of origin; all of the work that goes into finalizing the importation is done here at Champlain.

Mr. SOUDER. And just to kind of get a context for me in the size of that operation, if you put them all together, is that roughly half of Buffalo-Erie, or more than half?

Mr. DAMBROSIO. May I look at some data that I have here?

Mr. SOUDER. Sure. Let me ask you a couple of the same questions, Ms. Holmes. On Massena, do you handle it similarly?

Ms. HOLMES. No, it is not. We have the master port at Thousand Islands, which is Alexandria Bay, and that port director would be responsible for the Thousand Islands Bridge, Ogdensburg, which is the next bridge north, and then Massena, which is the next bridge after that, and then that portion of the border is under the Champlain port of entry, but Massena has a great deal of cross-border traffic. It is busy. It is not as busy as this port, here at Champlain, and it has a different type of traffic, because it is not between two major cosmopolitan cities—it's more local traffic going back and forth—but it is a very busy port of entry. It also is not supported well. In fact, it has a very poor facility and outdated structure for the size of the traffic that goes through there, and that exacerbates part of the flow problem at Massena.

Mr. SOUDER. Do you know roughly, at Massena, how many people would go through?

Ms. HOLMES. I'd have to find that out, how many annually.

Mr. SOUDER. If we can put it in the record, so as people look at our different hearing records, we can get kind of a perspective.

Did you have——

Mr. DAMBROSIO. Yes, I brought along statistical data, just in case you had questions like this. The port of Buffalo, in fiscal year 2000—and that's the last year for which we have final total figures—privately owned vehicles was nearly 8 million for Buffalo. That would be Buffalo and Niagara Falls. For the entire Customs management sector, which is all of New York State, except for New York City, there was a total of nearly 11 million privately owned vehicles, so roughly 3 million are from Alexandria Bay to Champlain; the remainder are at Buffalo/Niagara Falls.

Mr. SOUDER. I wanted to—one of the questions that came up yesterday in our hearing was a question of Customs employees are hired out of the central offices rather than regionally. Have you looked into that further, or could you explain to me briefly—I know I've heard this before—but why that would be true, as opposed to regional hirings, and does that impact your ability? Do you look to hire in a region? Do you expect Customs inspectors then to move between different ports and not be located at a particular port for an extended period of time? What's the philosophy there?

Mr. DAMBROSIO. Well, Chairman, let me start at the beginning of the process. It was about 2½ years ago that Customs headquarters, working with OPM, decided to take the route of quality recruitment. Prior to quality recruitment, we did advertise locally for positions, but with the quality recruitment route, which is an effort to streamline the hiring process, candidates are solicited nationally and they go onto a register and they have a lot of the background work done already, so that when a vacancy comes up in a particular part of the country, there's a ready list of people to be plugged in. And that system is supposed to work more smoothly than the previous system of you have a vacancy, you advertise, you

hope you get some good candidates, etc. Once the people are on board from this quality recruitment effort, which is a national effort—it's not a local or regional effort—once inspectors, for example, are at a port of entry and they would like to transfer to a different port within my area of management control, they would indicate that to their supervisor, and if there is there's a vacancy at the port where they want to go to, or if they want to switch with somebody, a mutual swap, that certainly takes place.

Mr. SOUDER. Without getting you into trouble with OPM, let me see if I can ask this question in a tactful way. Have you found—do you—well let me ask you this question: Do you believe, qualitatively, you're getting better employees under this system, in a factual way under this zone—not arguing a national policy right now—and second, can you get your vacancies filled more rapidly than you were able to before? Those are factual questions, not opinion questions.

Mr. DAMBROSIO. Yes, Mr. Chairman, the speed with which people are coming on board, I have to say that right now, for example, we're reallocating, within Customs to the management sector that I have responsibility for, 47 positions. That's a reallocation from other parts of the Customs Service to the East Great Lakes CMC. We are not actually transferring people that are already in Customs. What's happening is that the Office of Field Operations has determined its usual attrition rate, and based on that attrition rate, is advancing the hiring and bringing additional people on board and allocating additional positions, 47 in number, to the East Great Lakes CMC. I have to tell you that we thought that process would take longer than it's taking, but the first person in the Champlain area to get an EOD date—an entry on duty date—I believe is this week, or in the very near future.

Now, this decision to bring these people on board was just made within the past month, certainly since September 11th, so the speed with which we were able to plug into the quality recruitment lists worked very well. If we had to advertise locally and then get a list and then go through all of the background checks, it wouldn't have been nearly as quick. So it's this recent experience, that I can tell you it has worked very quickly.

Mr. SOUDER. Do you think your retention will be as well if you're bringing in people from outside into an area, as opposed to somebody who was recruited from an area?

Mr. DAMBROSIO. Well, the way the system works is that people do indicate a part of the country as their preference, so the people that have indicated this part of the country as their preference, even though they might today be living in San Diego, but they've always wanted to move here or they have relatives here or they've always wanted to get back to this part of the country, we find that when people do come here, they tend to stay. Our attrition rate from this area, from the East Great Lakes CMC is very low compared to other parts of the country.

Mr. SOUDER. Thank you. Mr. McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman. The chairman in his comments talked about how we have to watch this border crossing issue from the broadest perspective, because if you fix one problem, it's like a balloon—you tend to squeeze it in one end and it comes

out another. Both of you spoke about temporary assignments to handle the challenges, particularly coming after September 11th. Mr. Dambrosio, you talked about 100 officers temporarily coming to the northern border. Where do those officers come from, generally?

Mr. DAMBROSIO. Congressman, those officers have come from other parts of the country. I have to tell you that none of them have come to the East Great Lakes CMC, so I couldn't tell you their origin, because they didn't come here.

Mr. MCHUGH. They did not come here?

Mr. DAMBROSIO. No, they didn't.

Mr. MCHUGH. Well, then, how are you handling the 24/7, two officers, which did not exist before? How are you accommodating that? I assume that it's just through overtime and such; is that true?

Mr. DAMBROSIO. Within the Customs management sector, additional ports of entry are Syracuse, Rochester and Albany. Because they are not as impacted as the land border is, we've been detailing people—one person from Rochester, one from Syracuse and two from Albany—since September 11th to land border locations. That's a total of four people from within the CMC. The rest has been taken up by a combination of resources, a lot of overtime. Our overtime has doubled in many locations. We have received great assistance from the National Guard; the New York State National Guard provided us with great assistance, especially immediately after September 11th, and we worked closely with our partners in the Immigration Service to try and cover shifts as best we can.

Mr. MCHUGH. Ms. Holmes.

Ms. HOLMES. We've done two things. Immediately following September 11th, we had agents in Buffalo and Albany who we detailed to the border to work with other government agencies, and most recently, headquarters has detailed U.S. Border Patrol agents from the southwest to the border here to assist us and add security at the ports of entry.

Mr. MCHUGH. Well, I guess my point, or I was hoping you would illustrate the point, that whatever we do to meet a challenge somewhere, if we're dealing in an ad hoc way, as you seem to say you are—which I understand, by the way. This is not a criticism of what you're doing. I think you've done an incredible job, particularly under the circumstances—but that places pressures in other areas, as well, and that obviously it all comes back to a nature of personnel. This is kind of a factual question. It may be an opinion question, as well. Given how we probably are going to demand these crossings be operated from now on, given the need to have two inspectors at these crossings, given the need to try to do things to accommodate these rather obscure road crossings that you talked about, Michael, how many personnel nationwide, on the crossings themselves, do you feel you're short right now to achieve a balance to do the job you need to do and to place a sustainable work burden on your personnel that right now, as I understand it, are operating at an incredible tempo—60, 70, 80 hours a week—which most people would not be able to do over any extended period. Have you had a chance to look at that at all? Talking about thousands, hundreds? How many?

Mr. DAMBROSIO. As far as the entire Customs Service is concerned, Congressman, I really couldn't say. I could only tell you from the perspective of the East Great Lakes CMC.

Mr. SOUDER. OK.

Mr. DAMBROSIO. The 47 reallocated positions from other parts of the country was in response to my discussions with Customs headquarters to tell them that we needed to provide relief to inspectors here that they cannot work indefinitely 16 hours a day, day after day. So we are getting 47 reallocated positions. In addition, we have requested additional National Guard support which would help alleviate the Customs staffing requirements, which would allow people to work an 8-hour day, perhaps, instead of a 16-hour day. So when the 47 reallocated positions are on board, and if we continue to have New York State National Guard support, we believe that we can handle the situation as it is now, assuming that the technology, which goes hand in hand with the people, is also available. For example, I did reference VACIS being installed here in Champlain. One high-technology system can equal numerous Customs inspectors. To devan one truck would take two or three inspectors perhaps all day, and that would use their resources an entire day. With VACIS, with the x-ray system, we would be able to do a truck every 5 minutes going through the x rays, to see if there's anything inside that truck that merits a devanning. If we can avoid the manual labor that comes with lack of knowledge by applying to high technology that gives us better knowledge so that we don't have to use the manual labor, then we can manage with the resources that we will have on board. So the two really do go hand in hand.

Mr. MCHUGH. Well, I appreciate that. Mr. Chairman, I don't think it's reasonable to expect the National Guard of the State of New York, who are people who come from private employment, as you well know, to become part of our permanent border presence. I'm suggesting that we have a real personnel challenge here that has to be met where the responsibility lies, and that's with the Federal Government.

If I'm asking something coming up here that you don't feel you can answer in a public forum, I understand, but right after September 11th, it was my understanding that the practice was inspect every vehicle, every trunk crossing, true?

Mr. DAMBROSIO. Yes.

Mr. MCHUGH. That has now lessened in frequency; is that true?

Mr. DAMBROSIO. It has, Congressman, because a lot of our crossings—and believe it or not, even in the Buffalo area—a lot of the crossings are people that are seen every day and they actually cross many times a day. For example, at Massena, NY, where the POV count is actually higher than Champlain, they're at over a million POVs a year. A lot of those crossings are the same people crossing four and five times a day and they're local people. And immediately after September 11th, we said every car, every trunk, ID for everybody, but we had to step back and take a look, and say is this really reasonable? You know, the people that we see five times a day, the people that we know live in the area that have lived here all their life and we know are not a high risk. We

brought some of that to the process so that not every car today is having its trunk opened or identification being provided.

Mr. MCHUGH. That brings us to the personal or frequent-traveler, frequent-flyer program that's been kind of up and down. Is that being resurrected, if you will, with the Canadian Government, to try to evolve a system that formalizes the frequent-traveler situation that you just talked about?

Mr. DAMBROSIO. The Customs Service has no specific system of frequent travelers. There's a test system at Port Huron/Sarnia, called NEXUS. There is a Canadian system called CanPass, which allows for habitual crossers who have a card, who have had some background checks, to be able to cross more quickly. The Immigration and Naturalization Service has a system, which I'm sure Ms. Holmes can explain better than I can.

Ms. HOLMES. We have a system at the Peace Bridge called Autopass, and we've been using it for many years, and it allows people to apply, and we do background checks, and they are then able to move through the border, coming in our direction, much more quickly. We did suspend it after September 11th and we have not yet reopened it. It is a much more simple system than what they use in this Port Huron test called NEXUS, but it is something I think we're going to be moving toward. Also, the INS has a biometrics system called INSPASS that we use at a number of airports for frequent business passengers, both U.S. citizens and aliens, and it is biometrics, using the hand, and that works and we are able to continue to use that after September 11th, because it does identify the individual and the individual has had extensive background checks, so I think that is something that the agency is moving toward, is more expanded biometrics, as the techinology gets better, to continue to use that. It is more problematic at a land border port of entry because although the car, maybe the driver may be enrolled, all the passengers with the driver would not be, and whether the agency has decided to do that, I'd have to defer to our headquarters, but it is something that we are constantly looking at. I'd like to address the staffing issue, if I may.

Mr. MCHUGH. Please.

Ms. HOLMES. We obviously rely and work with the Customs Service to staff ports of entry, and the National Guard has been of great help. Certainly, if the bill as proposed, we were to receive three times the number of staff that we have here, we would be thrilled. Personally I was thrilled last year when we received eight additional land border positions for the whole 400 miles. I mean that was a great increase for us, so any increases would be welcome, but we are right now canceling annual leave for our employees, they're working double shifts, they're working long days, they're working with very few days off. I think we are soon going to hit a point where they are tired and not well as a result of all of this work, and I don't know that we're going to get the relief soon enough to prevent concerns with their health. It is quite a lengthy process to bring people on board. We always anticipate attrition with the agency, and we have people in the queue ready to clear, but whether we'll get it—we haven't yet received any additional positions, unlike the Customs Service, so that I haven't been able to bring any additional staff on yet. And it will take time. Se-

curity clearances take time, training then takes time, and to make them contributing members of the inspectional staff here will take a while, and so I don't see any immediate relief to the staffing crunches that we're experiencing right now here at the land border post.

Mr. MCHUGH. I appreciate that you look somewhat envious toward Mr. Dambrosio in that regard. I'm sure he's looking enviously toward you in terms of a recent funding bill that not just tripled an authorization—everybody was taken care of there—but unfortunately, in my view, didn't provide the funds for Customs, and that's something we've got to work on.

Last question, Mr. Chairman; I appreciate your patience. The generic hearing question: If you had two wishes that could be fulfilled from the U.S. Congress, what would they be? What could we do for you?

Ms. HOLMES. Well, two wishes would always be additional staff—I think we definitely need new staff—and we need some facilities, at least here in the Buffalo District for the INS. Some of their facilities, if you've seen them, have long since passed their prime. Some of them were built in the 1930's and 1940's, and they just don't meet the technological needs that we have now, and I think we could do a better job with better resources like that. I would have many more, but those would be my top two.

Mr. MCHUGH. That's why I said two. I understand. Mike.

Mr. DAMBROSIO. I would have to echo that, that we have the resources that will provide the quick transit of the volume at the northern border that continues to grow. Right now there's been a temporary reduction because of the events of September 11th, but in the long term, the traffic volume at this northern border is going to increase. And it has doubled and doubled again in the recent decade, and the resources that are available at the northern border essentially are static, and they date back to years ago. The infrastructure is old, many of these buildings date from the 1930's. Port of Champlain will be rebuilt within the next 3 years. That's the kind of advancement that I'd like to see at the northern border, that the major crossings have the kinds of facilities that will expedite the flow of trade and people, that the staffing be sufficient, and that the technology be there and technology advance as we learn more about what will help move goods and people more quickly.

Mr. MCHUGH. Mr. Chairman, I apologize, but I did want to address—thank you both for that—one final question, which you may not be prepared to answer right now, but if you could, if you're not—if you could provide it for the record. My office has received a number of communications from individuals who are concerned about the Canadian Pacific Railway that currently maintains 11 people at the Rouses Point rail crossing. There's talk about an internal restructuring that may remove some, perhaps all, of those 11 people. I'm concerned about what role those folks play, if any, in the current partnership that both of your agencies have with those firms that ship across this border, and what their absence may mean to the processing times, if they're not there to facilitate the job, that you have to do in inspection of railroad cars, which probably is not done as thoroughly as all of us would like right

now, out of certain necessity, what would that mean without those 11 people? I don't know if either of your agencies have a formal view or have any familiarity with that, but if you could look at that, I'd appreciate it. Thank you. Thank you, Mr. Chairman.

Mr. SOUDER. I have two additional questions I wanted to follow-up. On the Autopass at Peace Bridge and the INPASS you referred to, particularly the Autopass or the NEXUS, how do they handle the passengers in the cars?

Ms. HOLMES. Well, the people receive a decal that goes on their car and they are allowed to go to a dedicated line. However, we still do have an officer who works in the booth just to be sure that there are no additional passengers, but it does make for a quicker inspection, because people have been precleared and you know that.

Mr. SOUDER. So if somebody has been precleared, they can't have somebody else in the car and still use the——

Ms. HOLMES. Correct. Either that, or it negates the whole point. No, it's only for the people who have been cleared.

Mr. SOUDER. That's fine. And if you get preclearance, can you take your kids with you?

Ms. HOLMES. We would do a——

Mr. SOUDER. The whole family precleared?

Ms. HOLMES. Exactly.

Mr. SOUDER. I wanted to followup by Mr. Dambrosio, in your statement you said this new VACIS system is coming to Champlain. Was that a pre-September–11th commitment to do that?

Mr. DAMBROSIO. Yes, Mr. Chairman.

Mr. SOUDER. And what's the rough cost of that?

Mr. DAMBROSIO. I recall discussions with my headquarters people that one VACIS, the type that we're getting, it's called a portable VACIS. It's called portable, but once it's set down, it really is not portable. It's roughly $1 million.

Mr. SOUDER. Have you heard any preliminary—as to how the additional expenditures on the northern border might affect this zone? Do you put requests up and have any process started inside Customs or INS at this point?

Ms. HOLMES. Concerning?

Mr. SOUDER. On the northern border, additional expenditures. Like do you already have a wish list in?

Ms. HOLMES. We always have a wish list in.

Mr. SOUDER. And have you—has anybody asked you for opinions to how that might change after September 11th, or was it a wish list that was sent in at the beginning of the budget cycle?

Ms. HOLMES. Well, certainly resourcewise, the necessity to staff ports with two people all the time changed after September 11th, and so we revised it then. Facility wish list has been in for years. We are constantly pointing out deficiencies in the ports of entry. Although some of them, Massena included, that was pre-September 11th.

Mr. SOUDER. In your case, for limited amount of dollars, do you put more of a premium on being able to have two staffers, or for additional structural facilities?

Ms. HOLMES. People. Absolutely people.

Mr. SOUDER. In the—you seem to indicate a little bit different in yours, Mr. Dambrosio?

Mr. DAMBROSIO. I guess it's because the Customs Service is responsible for the commercial processing, and it's the technology that's needed for that endeavor that could help to eliminate a need for lots of additional people. The VACIS that I spoke about could help us to identify what is inside trucks or trains far better than people could, because we could never have enough people here at the northern border to look inside those containers the way that x rays can. And Congressman McHugh mentioned Canadian Pacific at Rouses Point. At the rail crossings at the northern border, there is a real deficiency of any kind of infrastructure. There are no facilities to examine cargo, there are no VACIS units, and we have had—when you asked about what kind of lists have we had into headquarters, Customs headquarters has had lists of what is needed at rail crossings, specifically, for a long time, and is continually working with the rail companies to try and get examination facilities, and is trying to get funding in order to put VACIS units at the rail crossings. When it comes to the smaller ports of entry, I would have to echo what Ms. Holmes said, that if we're going to keep stations and ports open 24 hours a day staffed with two inspectors, in order to reduce the overtime expenditures that are occurring now, you of course would need more staffing resources.

Mr. SOUDER. That's a problem, by the way, on the southern border, too, with the rail. I think you said that there has been a temporary reduction in traffic. Has this been—Let me ask the question this way: I think both of you said, before the hearing started and in your testimony, that the delays are relatively short at this point along your sector. If traffic were normal and you continued at level one, what would the delays be?

Ms. HOLMES. Well, we would staff so that the delays would be minimal. We would——

Mr. SOUDER. But you don't—where would you—in other words——

Ms. HOLMES. They would work more time, they would have less time off, there would probably be more leave canceled. We are trying to give people days off, but our goal, in working with Customs, is of course to keep the waits as minimal as possible, so——

Mr. SOUDER. Let me ask the question a different way. If you don't do those, in other words, how much would you say it's reduced, the traffic is reduced? 10 percent, 30 percent? And obviously the first weeks were probably a greater drop than——

Mr. DAMBROSIO. Well, at Champlain alone, and I can't say just since September 11th, but just because of the differential in the Canadian dollar versus the U.S. dollar in recent years, the amount of traffic I would say has reduced significantly.

Ms. HOLMES. Well, in my testimony I stated it's gone up, but since September 11th, at least in the Buffalo corridor, my staff tells me it's down about 30, 40 percent.

Mr. SOUDER. Well, the reason I ask the question that way is that if you're already—and my understanding from Mr. Ziglar was INS is getting fairly tapped out in ability to use overtime, which is a whole other question we have, and some others, if you had that traffic go up 30 to 40 percent and you're already tapped out on your

overtime and you've already canceled leave, unless we get more personnel in at level one—either we're to back off of level one or get personnel relatively rapidly, because we're hitting a wall.

Ms. HOLMES. The waits will get longer.

Mr. SOUDER. And we can't both try to say we want the economy to pick up and stay at level one, and yet at the same time, what we've seen, the terrorists historically have hit us somewhere in the world about every 6 months, because they know we tend to back off, and also, if under this pressure any other major incidents happen where there's a border—basically you have to come in by air, water or land unless they're already in the United States, and it won't take but one more major border incident where somebody has crossed to see a desire to never go down from level one. In fact, to not have unmanned crossings at all, that the pressure is going to be huge on the government to try to address the question, and that's part of what we're trying to do in the assessment.

I have one other technical question that I wanted to ask. We have been discussing a lot about language questions, that my understanding from our hearing 2 weeks ago with the U.S. Marshals, Customs, and INS in Washington in personnel questions, that the INS, for example, has heavily focused on having Spanish as a second language. Yesterday, when I asked the knowledge about French, and let alone Farsi, that while you can get up to a 5-percent bonus, if I understand this—3 to 5 percent annual increase in salary for learning a second language, few people are taking advantage of that, partly because they have to pass a State Department-level test. One of my—and, for example, a couple of the people informally we talked to after the hearing actually were French, that has their first language, and couldn't pass the test. Which leads to the question, could we even pass English tests if we were doing that? In other words, what we don't need here is somebody who can teach French or teach Farsi. The question is that in our system, particularly given the risk that we are currently looking at in the United States, it is almost incomprehensible to some of us that we don't have people at the borders who can talk—or have access, even—who can talk or read literature in the language that we're basically concerned about from the terrorist perspective right now. Do you know, in Customs and INS, whether there has been any discussion about making a more functional-type test with a different kind of bonus system which would say you don't have to be able to teach this language, you don't even have to be completely literate, but you have to understand certain things, and maybe know what "anthrax" looks like in Arabic? And Congressman Wolfe, who heads the Appropriations Committee is looking in the report to tell us how we might do something in the language question and look for a creative way to do it, but we're running into very complicated walls and traditions with this, and I'm wondering how the tradition started, and whether you have any grassroots suggestions in your zone, because it's not a particularly comforting prospect to this elected official or the average taxpayer to realize our language vulnerabilities at the borders.

Ms. HOLMES. Well, if I could address that. We do something a little different from the Customs Service, and we hire through the OPM register, but we also use the VRA and we also use the out-

standing scholar. And in this district, we make an effort to interview every applicant, and one of the things we look for is language abilities, and place people appropriately at our ports of entry so that if we have an Arabic speaker, and we do, we put that person in Montreal, because in Montreal there's quite a large Arabic population.

We have quite a few French speakers here in Champlain. We certainly, at our academy, teach Spanish, because a number of our predominant ports are where they deal with many Spanish-speaking people. But as an agency, we certainly look to get people who have language ability to make a well rounded inspector. But as far as recruitment nationally, excuse me, national policies on that, I am unaware of the OMM process.

Mr. SOUDER. At Buffalo, Niagara Falls, and Massena, do you have anybody who can speak Farsi?

Ms. HOLMES. Not that I am aware of, no. I am pleased to have an Arabic speaker.

Mr. SOUDER. You have an Arabic?

Ms. HOLMES. We have an Arabic speaker in Montreal. In fact, we moved her to Buffalo to work with the FBI, because they didn't have one, either.

Mr. SOUDER. Do you have a resource of people that you can call?

Ms. HOLMES. Yes. Well, we certainly have translation services, and we use them all the time, yes.

Mr. SOUDER. Thank you. Mr. Dambrosio.

Mr. DAMBROSIO. Mr. Chairman, in the Customs Service, I'm not aware of any discussions along the line that you've asked the question, but I can look into that, if you'd like.

Mr. SOUDER. We'll pursue it in Washington, as well. Mr. McHugh, do you have any more questions?

Mr. MCHUGH. No.

Mr. SOUDER. Thank you very much. If the second panel could now come forward. Before you sit down, Mr. Douglas, Mr. Duford and Mr. Keefe, if you will stay standing and we'll do the oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses have answered in the affirmative. First we'll start with Mr. Douglas from the Plattsburgh-North Country Chamber of Commerce. We're appreciative that you could join us today.

STATEMENT OF GARRY F. DOUGLAS, PRESIDENT AND CEO, PLATTSBURGH-NORTH COUNTRY CHAMBER OF COMMERCE

Mr. DOUGLAS. Well, thank you, and your colleague will confirm that it's a dangerous thing to put me in front of you and ask me to talk about the border, so it's a subject that I and the business community in this region feel passionately about and have been working actively on long before September 11th, which, of course, has brought fresh attention from new quarters to a lot of the things we were already talking about.

First of all, let me welcome you, Mr. Chairman, to Montreal's U.S. suburb. That has come to be the way that we refer to ourselves, because in a short, bumper-sticker sort of way, it frames the reality of what's happening in this area and other areas approximate to the border, like Plattsburgh. We are becoming bi-national

economic regions. There are a series of them across the U.S.-Canadian frontier. It is no longer about trade. It is about common economic regions. Trade brings about images of boxes moving back and forth, and I would suggest it's something more related to the U.S. relationship with Bulgaria or Finland than it is with Canada at this point in time. This is a different sort of relationship. It's far more integrated, it's far more personal, it's far more important. It's actually far more precious—at least it certainly should be—to all the United States and to all the American people. If you'll indulge me, I'd like to, first of all, talk in terms of a couple of frameworks within which I think we need to think about the border in places like Champlain, and then I would like to hit on several specific requests, recommendations, issues that our coalition has some definite opinions on.

First of all, economics. It is important. It's vastly important to all Americans. Of our 50 States 35 now have Canada as their main export mark. If you talk about economic security, Canada is our No. 1 source of economic security, and that certainly needs to be as much a part of thinking about security as other elements of security, which certainly also need to be thought about and addressed.

I won't bore you with the numbers that we all hear all the time, the $1.8 billion a day in trade, the at least 1.8 million U.S. jobs directly dependent on simply selling products to Canada; never mind all of the other ripple effects of that. The stakes are absolutely huge. But in our area—and we've submitted this for the record—our chamber does a study every 2 years to document—we're the only place in the country that does this—to try to put numbers, and then track them, on the impact of a neighboring country, in this case Canada, on a border jurisdiction like ours, in this case Clinton County, NY, which is the area around Plattsburgh. 80,000 people. To put the numbers in some context, we've established that for calendar year 1994, that annual economic impact amounted to $784 million U.S. dollars, per year. Extraordinary.

But then we further documented that in just 4 years' time, that doubled to $1.4 billion. That tells us the stakes are huge. It also tells us they're growing exponentially. We now estimate that 14 percent of the work force in Clinton County out of the 80,000 population works directly for a Canadian employer. Companies like Bombardier in Quebec or Champlain Plastics, and the more than 100 Canadian employees we have working here who have transcended those boundaries and working both sides, they're about far more than the boxes in trucks moving back and forth, which more and more now are a symptom or a sign of what's happening, rather than the be-all and end-all of what's happening.

I'm fond of pointing to the Canadian border as really America's No. 1 economic asset, and when you think about it in those terms and realize that is indeed a fact, frankly it becomes disgraceful to also realize that it's America's most neglected economic asset, its most taken for granted. And finally, we're coming to grips with that.

There have been many determined, but often lonely, voices like our good Congressman here in the past, but their frustration—and it's natural—is that most of their colleagues are from places like

Nebraska, and both to engage their attention, but then also to have them understand the kinds of relationships that areas like ours have with this neighboring country is difficult, but hopefully we have an opportunity now to get through some of that lack of awareness or misunderstanding and to protect our economic security and make sure that these border crossings work in excellent ways—excellent in all regards: Excellent in terms of protecting national security, excellent in terms of enforcing the laws that they have to enforce, but excellent also in terms of facilitating economic activity, because it's vital that all three of those pillars be upheld.

The other framework that I really have to touch on on behalf of our Canadian partners—and they are our partners; our friends; we work with them every day. They aren't some other country that we visit once in a while on a mission and do business with. It's more than that. And hope that we all agree that Canada and Canadians that aren't the enemy. And I've seen the degree to which even some hysteria is attempting to be created that somehow Canada is some great center of bomb-throwing madmen and that Canadians somehow are our enemy because they don't care about our security or whatnot. And there are things to be addressed, but we need to be very careful about doing it within a framework of, first of all, acknowledging and understanding our very special relationship with Canada.

In NORAD and in NATO, they're our allies. They're at our side right now in the campaign in Afghanistan. We know about the economic links that I've mentioned. They're at our sides, our stakes are the same in that way.

But the relationship is more than that. We're neighbors, we're friends, we're family. And as with any family, the attack on America has been regarded as an attack on Canadians as well, and I can tell you it's felt very deeply there. Witness the 100,000 grief-stricken Canadians who gathered on Parliament Hill in Ottawa. It wasn't reported much in the United States, which is too bad. It was an extraordinary event. Or the volunteers, just one moving example of which I'll cite: The little rural community just across this imaginary line is called Lacolle, Quebec. Very small community. Their municipality brought $1,000 donation to our Chamber to pass on to the American Red Cross just last week. This shows they aren't the enemy, they're our friends, and we need to treat them as such. This relationship is truly special. It is unique in the world. It is of enormous value to all Americans.

As we react to current security concerns, it is surely and clearly vital that we do nothing to undermine or diminish this bond and connection with our Canadian friends. The economic security stakes are huge for our country and its people. But the subtler stakes inherent in preserving the most special relationship in the world between two nations and two peoples are even greater. It must be appropriately cherished and fully secured as we go forward.

We do not need a more restrictive relationship with Canada any more than we need a, "tighter border," if tighter means the raising of walls. What we do desperately need is a commitment by both our nations to take our past cooperation and partnership to new levels and into new areas of endeavor, and we need border facilities and

operations which are modern, efficient and effective, in balanced support of all three key objectives: Security, enforcement, and trade and travel facilitation. In short, we need a smarter border and a smarter cross-border partnership.

Let me touch on a few priorities if I may, and recommendations. I speak on behalf of the Plattsburgh-North Country Chamber of Commerce, which is a 2,100-member regional business organization servicing the northeast region of the State of New York. I also speak for the Quebec-New York Corridor Coalition, which unites more than 1,000 chambers of commerces, businesses, economic development agencies, public and private interests in both Quebec and the State of New York and for our group, the committee of 100 Plus for a Port of Excellence.

First of all, we need the right tools for our people, and let me agree and concur and join in aplauding the INS and Customs folks here at Champlain. I know across the country, but I know personally of the folks here at Champlain, who are doing an extraordinary job under great pressure with a great weight of responsibility on their shoulders, without leave, putting in extraordinary hours, keeping things working here. It is because of that extraordinary effort—which we cannot expect them to engage in going forward forever—but it's because of that we have not had significant additional delays here at Champlain, because they understand that multiplicity of responsibilities and that they have to make things work not just in one dimension, but in all dimensions here, and they're doing that. And I can't thank them enough, but we need to give them the proper tools to make sure that we continue to meet all three of those responsibilities, and one of those is certainly a proper facility.

This Champlain facility I think is an embarrassment, it's a disgrace. I think the U.S. Government needs to be embarrassed that it went for 40 years with this kind of inadequate facility with the responsibilities that it then expected its people to carry out here. But we have an opportunity to fix that. With Congressman McHugh's assistance, we have a project in the first stage of the pipeline. There's a copy in the testimony submitted to you of the site plan prepared by GSA of the conceptual design for what we call a Port of Excellence at Champlain. We have some initial funding for design work, and some funding has also been provided to do a few initial things here to make the situation less awful—not to fix it, but to make the situation less awful, until we can get to this, which is the real solution.

We want a facility here—and I suggest really we ought to be talking about a Border of Excellence. This is what we should be seeking at all facilities, but I'll address Champlain. We want a facility here that is excellent in all respects, that is so modern, flexible, expansive, efficient, effective, that it is in fact the model of a facility in our U.S.-Canadian border, that it will actually draw and encourage commerce and travel, not discourage it.

Some of the other things that have been talked about, applying technologies to moving people, I'm going to get to that in just a second, but facilities have to come first, because it doesn't make a difference if you've got a NEXUS pass and you're 2 miles back in the

line and you can't get through to that special booth to get through. We need to get on to the job, because nothing——

Mr. SOUDER. We didn't put the clock on individuals, but if you could kind of just summarize your other points, we'll insert your full statement in the record.

Mr. DOUGLAS. I will. We need to accelerate this particular project, so hopefully not breaking ground 2004, but hopefully as soon as 2003. Border staffing: we thank the Congress last week for the tripling of U.S. Border personnel on the northern border, including critically needed staffing for U.S. Customs so that new security procedures can be carried out while still facilitating and moving trade and traffic. We need to make sure that we get those folks out in the field and get them properly allocated. I'll state a number; my friends at U.S. Customs didn't. In addition to those that are already in the pipeline, we need at least 50 additional U.S. Customs inspectors here at Champlain, and that's what we hope our folks will be working for.

Third, a shared security perimeter. We need to redouble the United States and the Canadian Governments' efforts to work toward that goal, so that somewhere down the road, hopefully not in the too-distant future, we can put more. I think there's a window there. I think the Canadian people are ready for it. They weren't 6 months ago; I think they may be now.

Pre-clearance technologies: NEXUS and other types of pre-clearance procedures that can take some of the pressure away from the actual borders. Senator Clinton has suggested the creation of a position at the new Office of Homeland Security devoted to coordination of northern border activities. We cautiously endorse that, with the caveat that it be very well defined if that does go forward. However, I think what she was touching on is a problem, which is the multiplicity of Federal and State agencies dealing with places like Champlain, and the often lack of coordination and agreement and common approaches and strategies among those. If not done through such a position as this, I hope the committee will consider other ways that we can bring greater coordination to the number of agencies that have responsibility.

And then finally, while we work to do the right things, we also have to make sure that the wrong things don't get done, even if for well-meaning reasons. We have to make sure that the types of exit controls don't rear their ugly head again. We don't need to go down those kinds of roads. There are kinder, gentler ways to address the kinds of needs that are seen in going after those kinds of things. I know there have been proposals out there, and there will be, in the well-meaning interests of national security, to do things that actually would be wrong and injurious things to do here in the northern border, and we need to be vigilant about that.

With that, I thank you for the time. I told you it was dangerous to ask me to talk about the border.

Mr. SOUDER. Well, thank you. And if you could also submit for the record, depending what you've already sent to our office, if the different groups that you were representing have any summary reports, this is really good data to get into our hearing book as we

look at other borders.

Mr. DOUGLAS. I will.

[NOTE.—The attachments to Mr. Douglas' statement may be found in subcommittee files.]

[The prepared statement of Mr. Douglas follows:]

October 26, 2001

TESTIMONY REGARDING THE U.S.-CANADIAN BORDER

To: U.S. House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

From: Garry F. Douglas, President and CEO
Plattsburgh-North Country Chamber of Commerce
P.O. Box 310
Plattsburgh, New York 12901

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TESTIMONY

The events of September 11, 2001 have brought fresh and overdue attention to our U.S.-Canadian border, raising both opportunities and concerns.

First, let us agree that Canada and Canadians are not in any way the enemy. As our ally in NORAD and NATO, Canada has been one of our greatest sources of military security, and as our #1 trading partner, she is by far our greatest source of economic security. Her navy and special forces are at our side as we sit here, and our crossborder economic relationship is directly responsible for more than 1.8 million U.S. jobs. Here in the Plattsburgh, New York area alone, this relationship generates a favorable economic impact of more than $1.4 billion per year on a population of just 80,000 people, with almost 14% of the Plattsburgh area workforce directly employed by Canadian employers.

But the relationship is more than that. We are neighbors. We are friends. We are family. And as with any family, the attack on America of 9/11 has been regarded as an attack on Canadians as well, and is deeply felt there. Witness the 100,000 grief stricken Canadians who gathered on Parliament hill in Ottawa for a highly emotional memorial service. Or the outpouring of donations and volunteers, just one moving example of which was a $1000 donation delivered to our Chamber office last week to be forwarded to the American Red Cross from the people of Lacolle, Quebec – the rural border crossing community just over the imaginary line from Champlain.

This relationship is truly special. It is unique in the world. And it is of enormous value to all Americans.

As we react to current security concerns, it is surely and clearly vital that we do nothing to undermine or diminish this bond and connection with our Canadian friends. The economic security stakes are huge for our country and its people. But the subtler stakes inherent in preserving the most special relationship in the world between two nations and two peoples is even greater, and must be appropriately cherished and fully secured as we go forward.

(2)

We do not need a more restrictive relationship with Canada anymore than we need a "tighter" border, if tighter means the raising of walls. What we DO desperately need is a commitment by both our nations to take our past cooperation and partnership to new levels and into new areas of endeavor. And we need border facilities and operation, which are modern, efficient and effective in balanced support of all three key objectives: security, enforcement and trade and travel facilitation.

In short, a SMARTER BORDER and a SMARTER CROSSBORDER PARTNERSHIP.

PRIORITIES

With respect to the Champlain, New York/Lacolle, Quebec port of entry, the Plattsburgh-North Country Chamber of Commerce, the Quebec-New York Corridor Coalition, and the Committee of 100+ for a Port of Excellence are joined in support of the following priority agenda:

I. ACCELERATED ACTION TOWARD A "PORT OF EXCELLENCE AT CHAMPLAIN:

Of all the major commercial border crossings in the eastern half of the U.S., Champlain is one of the few which is actually owned by the federal government (GSA) as opposed to the bridge or tunnel authorities, therefore making Congress directly responsible for appropriations and other actions required for its future.

With truck traffic having more than doubled in recent years, with trends pointing to a further doubling within the next 5-10 years, and with peak hours now bringing costly and dangerous back-ups which in turn have directly led to three fatal truck crashes in the last eighteen months, we have a facility crisis at Champlain which must be aggressively addressed. Thanks in no small part to the leadership of Congressman John McHugh, Champlain has been identified by customs as the #1 border crossing facility priority, and GSA has generated a conceptual plan for what has been termed a "Port of Excellence" – i.e. an expanded and upgraded port of entry which will be so expansive, flexible, modern, efficient and effective that it will become the model of excellence on the U.S. border.

We now must come together, in the face of new challenges, to accelerate the timetable for the construction, hopefully achieving full authorization and required appropriations for 2003. We seek the committee's support in speeding the implementation of the project.

II. BORDER AGENCY STAFFING

We thank the Congress for its recent approval of a tripling of U.S. border personnel on the northern border, including critically needed staffing for U.S. Customs so that new security procedures can be carried out while still facilitating and moving trade and traffic. While we understand it is not within the authority of this committee to deal with specific allocation of the new positions, we would be remiss if we did not, nevertheless, restate our call for the New York State delegation and the Governor to work together to obtain our state's fair share of these new positions

and, in turn, to guarantee that this vital port of Champlain receives the additional U.S. Customs inspectors it needs to meet all of its past, current and future responsibilities.

III. SHARED SECURITY PERIMETER

The U.S. and Canadian governments must come together aggressively to pursue the longstanding concept of a shared perimeter around the U.S. and Canada, permitting future emphasis on security to be placed abroad rather than within, and to be pursued in the spirit of sharing, cooperation and partnership which already characterizes the Canada-U.S. relationship. This will likely require significant harmonization of our two countries' immigration and customs laws, enforcement procedures and policies, but the time is right and success is critical to maintaining maximum openness on our shared border and preserving and building the economy of North America.

IV. PRE-CLEARANCE TECHNOLOGIES:

A large percentage of travelers north and south through our border crossings are low-risk and frequent travelers, including commuters. The proper functioning of our border crossings and the best use of staff and resources dictate a commitment to the earliest possible development and deployment of a Nexus type system whereby such individuals obtain pre-background clearance from the U.S. and Canada, entitling them to a card or pass allowing expedited crossings.

V. OFFICE OF HOMELAND SECURITY:

The lack of clear coordination and direction among various federal and state agencies at our border has indeed been a longstanding challenge. This has led to suggestions that the President should perhaps designate an individual within the new Office of Homeland Security to help encourage and facilitate coordinated approaches and the development of a comprehensive agenda. Others have suggested a reorganization of agencies such as Customs and INS so that they are within the same department and are somehow commonly led. We generally support the consideration of such possibilities. However, if any new coordinating position is to be created, it is absolutely essential that the mission of such a position be carefully developed to maintain due focus on trade and traffic facilitation and the current and future partnership between the U.S. and Canada, as well as the demands of security. The goal must be a border system which is effective and efficient for ALL facets of its mission.

VI. NEW FORMS OF EXIT CONTROL AND REGULATION:

While doing the right things, which have long been needed at our border, we must be sure to also prevent the wrong things from happening. We must all oppose the creation or implementation of any onerous new system of U.S. exit controls at our U.S.-Canadian border crossings such as those, which were originally proposed under Section 110 of the Immigration Reform Act.

Necessary exit information should instead be secured through cooperation with Canadian border agencies, and the resources that would be required for such new systems would be far better devoted to other critical investments such as adequate facilities, new technology and adequate staffing.

VII. CROSSBORDER PARTNERSHIP:

Government and business in Canada and the U.S. must increasingly come together to deepen and broaden crossborder partnership of all kinds, including a realignment of thinking in planning and funding various forms of infrastructure such as highways, rail, telecommunications and energy transmission. Across North America, the major "trade corridors" which carry crossborder commerce have now evolved into exciting new bi-national economic regions, with business activity increasingly integrated at all levels in all the ways one would expect in a shared economic region.

This in turn requires due notice and support from Washington and from Border States such as New York.

Modest programs such as the Borders/Corridors grant program created in TEA-21 need to be continued and significantly expanded. Federal and state agencies across the board need to connect with their Canadian and provincial counterparts for shared planning and joint programs and projects, and any impediments which still remain in federal law or regulations regarding such cooperation and sharing need to be removed.

CONCLUSION

I thank the Chairman and the subcommittee for coming to Champlain and providing this opportunity to address the changing needs and opportunities along our northern border.

Our border with Canada is America's #1 economic asset, and one our most precious connections and rescurces. At the same time, however, it has sadly been on e of our most neglected assets for far too long, leaving our hard working border personnel without the tools and support they need, and failing to fully grasp the exciting opportunities for partnership and for economic advancement which are inherent in the U.S.-Canada relationship.

(5)

The actions and investments that are required to reverse this neglect and to maximize our future opportunities are clear and achievable. We look forward to working with this committee and all other concerned parties in Washington, Ottawa, Albany and Quebec City toward our shared aims.

Garry F. Douglas

Plattsburgh-North Country Chamber of Commerce

Quebec-New York Corridor Coalition

Committee of 100+ for a Port of Excellence at Champlain

ATTACHMENTS

The following documents and materials are provided for background purposes:

a) Site plan developed by GSA for the "Port of Excellence" project at the Champlain Port of Entry.

b) Committee of 100+ for a Port of Excellence at Champlain.

c) Associated Press news story regarding the Champlain border crossing.

d) Assessment of the Economic Impact of Canada on Clinton County, New York.

e) Quebec-New York Corridor Agreement

Mr. SOUDER. Sounds like you're a little more developed in some of your reports. Mr. Keefe.

STATEMENT OF THOMAS KEEFE, PRESIDENT, ST. LAWRENCE CHAPTER 138, NATIONAL TREASURY EMPLOYEES UNION

Mr. KEEFE. Thank you. Chairman Souder, Representative McHugh, thank you for the opportunity to provide testimony at the world class port of Champlain, NY. I am proud to be 1 of over 13,000 Customs Service employees who serves as the first line of defense against terrorism and the influx of drugs and contraband into the United States.

I'm a second-generation Customs inspector. I followed in the footsteps of my father, who was an inspector until his death in 1982. In light of the recent tragedies at the Pentagon and the World Trade Center, Customs personnel in New York and across the country have been called upon to implement heightened security at our land, sea and airports, and may I say I know of no greater way to consecrate the tragedy and the lives that were lost in New York than to do our job as we've done prior to September 11th, and it is an honor from the people that I represent to be able to do so.

My chapter's jurisdiction covers over 17 ports of entry from Champlain to Alexandria Bay to Albany, NY. We further have the responsibility to cover Lake Champlain ports of the Salmon and St. Lawrence River and two of the Great Lakes for boat reporting. The boat reporting is done telephonically, as we do not have resources to cover these waterways. We also cover freight trains. These trains are both in and outbound. Again, with limited resources, these conveyances are rarely, if ever, examined. To further complicate matters, part of the chapter, at Fort Covington, NY, borders an Indian reservation, and while it is unpatrolled by Federal agencies, it is not unknown to those who are professional smugglers looking to avoid detection. The task is daunting, to say the least.

Customs personnel are working under a heightened level one border security as a result of September 11th, and a fact that must not be overlooked is that business and all other Federal inspection agencies has not ceased. We still have an active border here, we still have our regular jobs to do. Many inspectors are working 60 to 70 hours a week with no days off. Unfortunately there has been a relatively small increase in personnel nationwide, despite the dramatic increase in trade from NAFTA, the increased threat of terrorism, drug smuggling, and the opening of new ports and land borders across the country each year.

In fact, the port of Champlain processes over 1 million private automobiles and approximately half a million commercial trucks and a daily passenger train. The port of Champlain has the responsibility for providing commercial support for the ports of Albany, Massena, Ogdensburg, and Alexandria Bay.

My career spans 19 years in law enforcement. It includes two Federal agencies. When I began my Federal career with the Immigration Service in 1984, there were over 75 full-time Customs inspectors at Champlain. When I transferred to the Customs Service in 1989, the number was about 65. As I sit here today, in Champlain there are 43 full-time Customs inspectors. Customs recently conducted an internal review and commissioned the company of

Price Waterhouse, at the tune of over $1 million, to create what was called a resource allocation model [RAM], and it showed nationwide that Customs needs over 14,776 new hires just to fill its basic mission.

In fact, according to the resource allocation model, the port of Champlain would need over 79 new inspectors, 2 canine enforcement officers, 4 import specialists, and 12 special agents alone. The administration and the Congress must show the men and women of the Customs Service they respect and support the difficult and dangerous work these officers do, 365 days a year, by providing an increase in funding to the Customs Service.

This country needs to make some decisions about the northern border. As a wise man once told me in reference to the northern border, he said, "I have been to many castles in Europe, and none have only three walls." Nothing could be truer about the northern border. The port of Montreal receives over a half million containerized shipments a year, and many of these are placed on trucks and rail cars destined to this port. We need an increase in not only staffing, but technology, and we need the right technology. We do not need the technology that is simply the lowest bid and does not perform the job for us.

Deploying any new hires along the area ports of the northern border would be a good start, especially since international terrorism has forever changed the landscape of this Nation.

Another important issue that needs to be addressed is law enforcement status for Customs inspectors and canine enforcement officers, and also our brothers and sisters in the Immigration Service. The U.S. Customs Service inspectors and canine officers continue to be the Nation's first line of defense against terrorism and smuggling of illegal drugs and contraband across our borders. Customs Service inspectors have the authority to apprehend and detain those engaged in drug smuggling and violations of other civil and criminal laws, and for example, it was a Customs inspector who stopped the terrorist attack planned for New Years Day 2000 by identifying and capturing an individual at Port Angeles, WA.

Canine enforcement officers and Customs inspectors carry weapons, we have to qualify three times a year, yet we do not have law enforcement status. We are being denied the benefits given to our colleagues who they have been working beside to keep our country safe. Customs employees face real dangers on a daily basis, and granting us law enforcement status would be an appropriate and long-overdue step in recognizing the tremendous contribution Customs personnel make to protecting our borders from terrorism and drugs.

I'm extremely proud that Congressman McHugh has cosponsored H.R. 1841, which would give us this important status, and I would encourage the subcommittee to consider this very important legislation.

In closing, thank you for the opportunity to submit testimony on behalf of all my colleagues in the Customs Service, and especially the employees that I have the honor and privilege to represent in Chapter 138, and I'd be glad to answer any questions you have. Thank you.

[The prepared statement of Mr. Keefe follows:]

Statement by

Thomas V. Keefe
Senior Customs Inspector
and
President of the National Treasury Employees Union
Local Chapter 138

October 29, 2001

Before

The Subcommittee on Criminal Justice, Drug Policy and Human Resources of the House Committee of Government Reform

Representative Mark Souder, Chairman

Chairman Souder, Representative McHugh, thank you for the opportunity to provide this testimony at the world class port of Champlain, New York. I am proud to be one of the over 13,000 Customs Service employees who serve as the first line of defense against terrorism and the influx of drugs and contraband into the United States.

I am a second generation Customs Inspector. I have followed in the footsteps of my father who was an Inspector until his death in 1982. In light of the recent tragedies at the Pentagon and the World Trade Center, Customs personnel in New York and across the country have been called upon to implement heightened security procedures at our land, sea and airports.

My Chapter's jurisdiction covers over 17 Ports of Entry from Champlain to Alexandria Bay to Albany NY. We further have the responsibility to cover Lake Champlain and parts of the Salmon and St. Lawrence River and 2 of the Great Lakes for Boat reporting. This boat reporting is done telephonically as we do not have the resources to patrol these waterways. We also cover freight trains in the Port of Champlain and Ft. Covington. These trains are both in and out bound. Again, with limited resources, these conveyances are rarely if ever examined. To further complicate matters, part of the Chapter, at Ft Covington NY, borders an Indian reservation that while unpatroled by Customs is a favorite venue for professional smugglers looking to avoid detection. This task is daunting, to say the least.

Customs personnel are working under heightened Level 1 border security as a result of the tragedy of September 11th 2001. For example, we are not only continuing to do our normal duties but some of my colleagues are also assisting the Federal Aviation Administration (FAA) and the U.S. Marshal Service at security checkpoints in all major airports. Customs personnel assisting the FAA and U.S. Marshals have provided invaluable assistance during this heightened state of awareness all around the country.

A fact that must not be lost during this Level 1 security, is the fact that the workload of the Customs Service employees has dramatically increased every year including more commercial entries that must be processed, more trucks that must be cleared and more passengers that must be inspected at the 301 ports of entry including Champlain, New York. Many Inspectors are working 60 to 70 hour weeks with no days off during this alert. Unfortunately, there has been a relatively small increase in personnel nationwide, despite the dramatic increases in trade resulting from NAFTA, the increased threat of terrorism, drug smuggling and the opening of new ports and land border crossings each year. In fact, at the Champlain POE we process over 1 million private cars, 500,000 commercial trucks and a daily passenger train. The Port of Champlain has the responsibility for providing commercial support for the Ports of Albany, Massena, Ogdensburg

and Alexandria Bay. When I began my federal career with the Immigration Service in 1984 there were over 75 full time Customs Inspectors in Champlain. When I transferred to the Customs Service in 1989 that number was about 65. Now, there are 43 full time Inspectors and the workload has skyrocketed.

Nationwide, in 2000, Customs Service employees seized over 1.5 million pounds of cocaine, heroin, marijuana and other illegal narcotics --- as well as over 9 million tablets of Ecstasy, triple the amount seized in 1999. Customs also processed nearly 500 million travelers last year, including 140 million cars and trucks and over $1 trillion worth of trade. This number continues to grow annually, and statistics show that over the last decade trade has increased by 135%.

It's very clear that funding must be increased to allow Customs to meet the challenges of the future. In recent years Customs has seen a decrease in the level of funding, compared to other Federal law enforcement agencies, even while having significantly higher workloads and threats along America's borders. Customs' recent internal review of staffing, known as the Resource Allocation Model or R.A.M., shows that nationwide, Customs needs over 14,776 new hires just to fulfill its basic mission for the future. In fact, according to this R.A.M. report, Champlain, New York POE would need over 79 new Inspectors, 2 new Canine Enforcement Officers (CEO's), 4 new Import Specialists and 12 new Agents. The Administration and Congress must show the men and women of the Customs Service they respect and support the difficult and dangerous work these officers do 365 days a year by providing increased funding for the Customs Service.

This country needs to make some decisions about the northern border. As a wise man once told me, in reference to the northern border, " I have been to many castles in Europe and NONE have only three walls." Nothing could be truer about the northern border. The Port of Montreal receives 500,000 containerized shipments per year and the bulk of theses containers are placed on trucks and shipped to the US through this Port. We, who do the job, feel that we need a dramatic increase in staffing, tools and technology. We need adequate staff to perform all the tasks we are charged to perform. We need tools and technology that provide us with the latest science to help us perform our jobs. We have received no staff and the tools are the lowest bid and the concern focuses on cost rather than ability to be able to do the job. We who do the job can provide invaluable input to both.

Deploying any new hires to our nation's ports of entry along the area ports on the Northern Border where some ports are unmanned and where the threat of international terrorism has forever changed the landscape would be a great start. Also, we need to focus attention on the seaports and airports across the country. The understaffed and overworked inspectors at the U.S. seaports and airports

currently contend with corruption, theft and safety issues that are a direct result of the lack of staffing.

I was recently informed of an article in the October 23, 2001 Washington Post that the Administration has decided against using any of the $20 billion in the new emergency funds given by Congress to hire additional Customs inspectional personnel. This is very troubling. I hope the members of this Committee can go back to Washington and tell your colleagues and the Administration what you have seen here and how important the emergency funding is for Customs personnel in New York and around the country.

This year, your colleagues acknowledged the shortage of staffing and resources by appropriating additional money for staffing and other resources for Customs, but it is not enough. Quite simply, the resources have not been provided for Customs Inspectors', Canine Enforcement Officers and Import Specialists to adequately do their jobs. With the new challenges facing the Customs Service since September 11, 2001 this is an untenable situation that must be addressed immediately.

Another important issue that must be addressed is law enforcement status for Customs Inspectors and Canine Enforcement Officers. The U.S. Customs Service Inspectors and Canine Enforcement Officers continue to be the nations first line of defense against terrorism and the smuggling of illegal drugs and contraband at our borders and in our ports. Customs seizes millions of pounds of narcotics annually. Customs Service Inspectors have the authority to apprehend and detain those engaged in terrorism drug smuggling and violations of other civil and criminal laws. For example, it was Customs Inspectors who stopped a terrorist attack planned for New Years Day 2000 by identifying and capturing a terrorist with bomb making material as he tried to enter the country at Port Angeles, Washington.

Canine Enforcement Officers and Inspectors carry weapons, and three times a year they must qualify and maintain proficiency on a fire arm range. Yet, we do not have law enforcement officer status. We are being denied the benefits given to our colleagues who they have been working beside to keep our country safe. Customs employees face real dangers on a daily basis, granting us law enforcement officer status would be an appropriate and long overdue step in recognizing the tremendous contribution Customs personnel make to protecting our borders from terrorism and drugs. There currently is a bill before Congress, HR 1841, which would grant law enforcement status to Customs personnel. I am extremely proud that my representative, Ranking Member John McHugh is a cosponsor of this bill. I would ask the subcommittee members to encourage all of their colleagues to cosponsor this very important legislation.

In closing, thank you for the opportunity to submit testimony on behalf of all my colleagues in the Customs Service especially the employees
I have the honor and privilege to represent in Chapter 138. I would be glad to answer any questions you may have at this time on these very important issues.

Area Service Port of Champlain, NY - *Landscape*

FY 2000

Passenger Processing

Port	POV's		Buses		Totals
	FY00	Avg./Day	FY00	Avg./Day	
Ogdensburg	246,224	675	399	1	246,623
Massena	1,101,148	3,017	3,567	10	1,104,715
Alex. Bay	670,239	1,836	2,251	6	672,490
Champlain	974,956	2,671	11,930	33	986,886
Trout River	204,231	560	99	0	204,330
Albany	0	0	0	0	0
Totals	3,196,798	8,758	18,246	49.99	3,215,044

Passenger Processing cont.

Port	Private Aircraft		Vessels		
	FY00	Avg./Day	FY00	Avg./Day	
Ogdensburg	92	0.25	28	seasonal	
Massena	211	0.58	0	seasonal	
Alex.Bay	149	0.41	7,358	seasonal	
Champlain	0	0.00	5,754	seasonal	
Trout River	0	0.00	1,263	seasonal	
Albany	261	0.72	93	seasonal	
Totals	713		14,494	0.00	

Seizures

FY00	Ogd. Area	Chm. Area	1002	Value
Wdse Seizure:Pax&Trade	16	33	1	$3,283,404.00
Narcotics Seizures:	95	98	0	
Currency Seizures:	13	19	1	$1,934,435.00
Stolen Vehicles Recovered:	12	7	0	
Arrests:	357	255	91	

Cargo Processing

Port	Trucks		Trains		Comm. Aircraft
	FY00	Avg./Day	FY00	Avg./Day	FY00
Ogdensburg	31,623	87	0	0.00	0
Massena	61,550	169	0	0.00	0
Alex. Bay	283,097	776	0	0.00	0
Champlain	397,015	1,088	1,415	3.88	0
Trout River	20,241	55	638	1.75	0
Albany	0	0	0	0.00	256
Totals	793,626	2,174	2,053	5.62	256

Entry Releases

Ogdensburg	FY00	Avg./Day	% of Total
Total Entry Releases	32,424	89	2.76%
BCS Releases	16,316	45	50.32%
Line Releases	15,994	44	49.33%
BREL Releases	114	0	0.35%
Origin In-Bonds	171	0.5	0.62%
Massena	**FY00**	**Avg./Day**	**% of Total**
Total Entry Releases	34,947	96	2.98%
BCS Releases	8,586	24	24.57%
Line Releases	25,823	71	73.89%
BREL Releases	538	1	1.54%
Origin In-Bonds	127	0.3	0.46%
Alex. Bay	**FY00**	**Avg./Day**	**% of Total**
Total Entry Releases	315,765	865	26.90%
BCS Releases	117,596	322	37.24%
Line Releases	198,035	543	62.71%
BREL Releases	154	0.4	0.05%
Origin In-Bonds	1,596	4	0.51%
Champlain	**FY00**	**Avg./Day**	**% of Total**
Total Entry Releases	755,831	2,071	64%
BCS Releases	483,236	1,324	63.93%
Line Releases	261,932	718	34.66%
BREL Releases	10,663	29	1.41%
Origin In-Bonds	25,823	71	3.42%
Trout River	**FY00**	**Avg./Day**	**% of Total**
Total Entry Releases	34,919	96	2.97%
BCS Releases	4,962	14	14.21%
Line Releases	17,481	48	50.06%
BREL Releases	12,476	34	35.73%
Origin In-Bonds	5	0.0	0.01%
Totals:	**FY00**	**Avg./Day**	**% of Total**
Ttl. Entry Releases	**1,173,906**	**3,216**	
BCS Releases	**630,696**	**1,728**	**53.73%**
Line Releases	**519,265**	**1,423**	**44.23%**
BREL Releases	**23,945**	**66**	**2.04%**
Origin In-Bonds	**27,722**	**76**	**2.36%**

Trade Compliance Processing

	FY00
Entry Summaries	1,159,208
ABI Rate, Entries %	100%
ACH Rate %	98%
Paperless Rate %	92%
Duties on Imports	$88,339,174.00

Major Filers in the Port

AV2 - Blaikdock	PW9 - Markteck	300 - Livingston Int'l.
GV6 - Burton	Q28- IBM	336 - AEI (Radix Group)
BR9 - GMC	SF1- Colony Lic.	390 - Trans American
EG6 - Affiliated	SF2- Wine Merch.	458 - Cambell&Gardiner
G34 - J. Curran	110- Fritz	551 - A.N. Deringer
GN2 - S. Ferris	112 - Tower Group	702 - Trans-Border
M76 - Grt. Lakes	113 - Barthco	
P64 - Ammex	144 - N.G. Jensen	

Overall Compliance Rate (ACS & LR) wt.	71.36%	10/99 - 08/00
PFI Compliance Rate (ACS only) wt.	71.97%	10/99 - 08/00

Largest Imports: (FY00)	Tariff #	Lines	Value
1) Telecommunications	8517	32,025	$ 2,162,194,894
2) U.S. Goods Returned	9801	99,555	$ 1,445,342,037
3) Precious Metals - Gold	7108	383	$ 965,997,093
4) Unwrought Aluminum	7601	21,283	$ 849,626,494
5) Newsprint	4801	55,270	$ 802,244,753
6) Other Furniture & parts	9403	93,913	$ 611,335,716

NAFTA - FY00		Largest Carriers: (# of Entries)	
Determ. Total:	486	1) Yellow Freight	17%
Positive	305	2) Consolidated Frt.	13%
Negative	26	3) McGill Transport	14%
Failed	20	4) Garfield Trans.	13%
Denied	88	5) Tracy Transport	9%

Port Account Management

Account	Manager	CM%	Phone
1) IVACO Rolling Mills	J. Mulvihill		518-298-8338
2) ISPAT - Sidbec Dosco	J. Mulvihill		518-298-8338
3) Mitel Corporation	J. Romano		518-298-8340
4) CPC Int'l Inc.	J. Ryan		518-298-8344
5) Beco Industries Ltd.	J. Stephen		518-298-8337
6) Nova Steel Ltd.	J. Mulvihill		518-298-8338
7) American Yeast Sales	J. Ryan		518-298-8344
8) PPG Industries	P. Forttreil		518-298-8320
9) Newbridge Networks Corp.	J. Romano		518-298-8340

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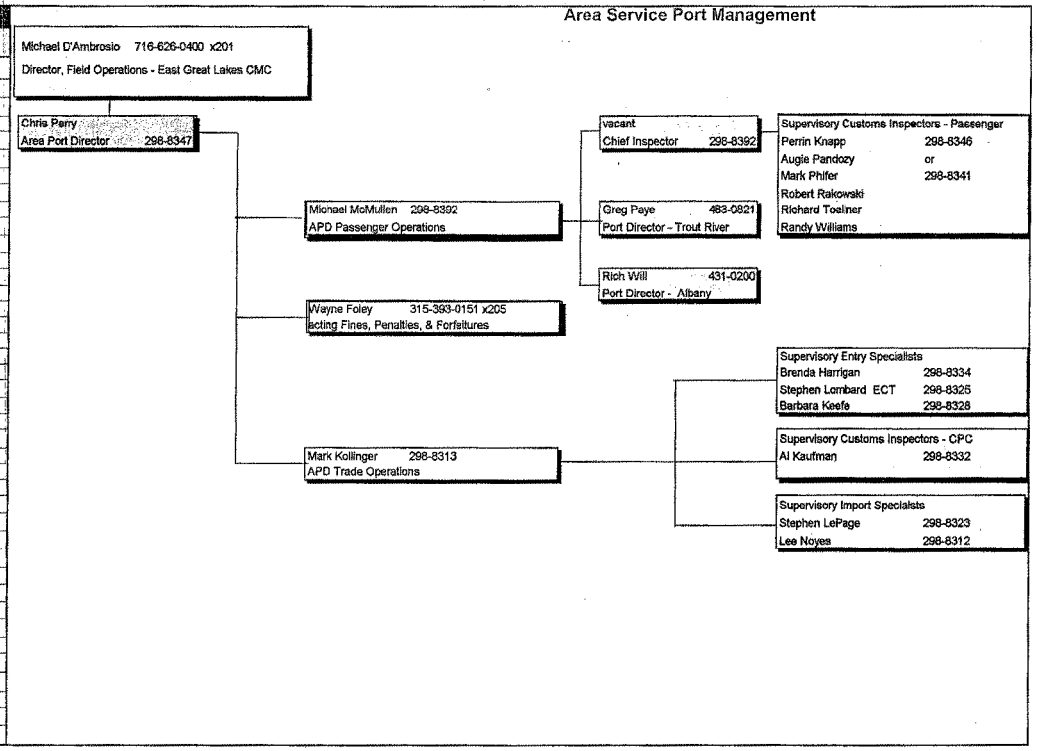
Staffing	Full Time	Full Time
Area Port Director *	1	
Management Program Technician	1	
APD Passenger Operations*	1	
Chief Inspector*	vacant	
SupervisoryCustoms Inspectors*	5	
Senior Customs Inspectors	22	
Customs Inspectors	28	8
Canine Enforcement Officers	2	
Administrative Assistant	1	
Port Director* (Trout River)	1	
Senior Inspectors	5	
Inspectors	13	2
Administrative Assistant	1	
APD Trade Operations*	1	
Supervisory Customs Inspectors*	2	
Supervisory Import Specialists*	2	
Field National Import Specialists	6	
Team Leader - Import Specialists	1	
Import Specialists	15	
Entry Control Officer*	vacant	
Supervisory Entry Specialists*	3	
Entry Specialists	7	
Customs Entry Leads/Aids	9	
Administrative Assistant	1	
FP&F Officer*	vacant	
Paralegal Specialists	2	
Paralegal Assistant/Clerk	2	
Seized Property Specialists	1	
Sup. Field Analysis Specialist*	1	
Field Analysis Specialist	3	
Student Trainees		
Stay-In-Schools		
Total	136	10
*Management	11	



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Mr. SOUDER. Thank you. Mr. Duford.

STATEMENT OF CARL DUFORD, PRESIDENT, CHAMPLAIN CHAPTER, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, IMMIGRATION AND NATURALIZATION SERVICE COUNCIL

Mr. DUFORD. Mr. Chairman, Senator McHugh, I would like to take this opportunity to thank the members of the committee for traveling all the way to Champlain to listen to our views and see what we need for northern border security. I would also like to thank you for allowing me to present my views. I've been an inspector with the Service for approximately 13 years, and involved with Local 2580 for 10 years. Only the last 3 I've been involved as an officer. Currently I'm the vice president of our local union. Prior to that, I spent 23 years in the Air Force as a Security Police officer.

Inspections in general has a problem retaining inspectors, and the Champlain port of enty is no exception. It is a constant struggle to keep inspectors. Many newly hired officers leave Inspections for other Federal law enforcement agencies when they realize promotion potential is poor for inspectors. INS is treated as an entry-level position, used for entry into "real" law enforcement occupations. Others leave the service altogether. For example, at this port we recently have had one inspector leave for better benefits to Customs. That happened just this week. One will be leaving to go to Secret Service, and we had a 20-year veteran that recently resigned and went to work for construction because of the lack of pay and benefits and retirement package. There was just no promotion potential for him, either. We have two more officers—we have one that's leaving INS to go into the New York State Police, and we have another one that's going into Secret Service. The Service has spent thousands of dollars on each officer to provide a 16 or 18-week training course at the Federal Law Enforcement Training Center in Georgia. It is a terrible waste of INS dollars to bring these people on, only to have them go somewhere else. But it does provide a ready pool of pretrained applicants for other agencies.

Treating Immigration inspectors as clerks, not law enforcement officers, with no promotion potential, does not serve the interest of individuals, the service, or the government. We work side by side with U.S. Customs inspectors doing the same type of work, yet their agency has provided their officers with a much better pay and retirement. If two officers, one Immigration, one in Customs, start on the same day, working side by side until retirement, the Customs officer will have earned more money, had more time off, and will receive better pension, thousands of dollars higher than that of an Immigration inspector.

The INS has great employees who want to step up and do their part to protect this great land. Three times in less than 2 years we have been put on heightened alert. Each time, inspectors have risen to this challenge, working double shifts, giving up leave, standing out in the brutal North Country winters conducting inspections, such as we did during Y2K just a few years ago. Most of the terrorists apprehended were apprehended on the northern border.

In the year 2000, the Champlain, NY, port of entry initiated 248 criminal prosecutions. The U.S. Attorney pursued prosecution in 139 cases. The cases were for document fraud, paid alien smuggling, and reentry after deportation. We daily deal with aggravated felons, many of whom are wanted. These numbers do not include violators turned over to local law enforcement or State officials. I think it should be brought to the committee's attention that INS officers arrest more individuals than any other Federal law enforcement agency combined.

The time is long overdue for INS inspectors to be brought up to the same GS level as other officer positions within INS. We should receive law enforcement retirement in our positions. The Service and Congress must change the emphasis placed on appeasing the airlines and business interests and concentrate more on enforcing the immigration laws designed to protect the United States. As recently as August this year, the Buffalo District proposed disarming our detention officers traveling with prisoners because the airlines did not like the officers carrying their weapons onboard the aircraft. Could you have imagined how ironic it would have been to have two unarmed Federal officers with a prisoner on one of the aircraft that crashed on September 11th because the airlines were uncomfortable with armed personnel onboard?

All Federal law enforcement officials bury their head in the sand on the issue of control of local waterways. Government officials since before the French and Indian War have recognized Lake Champlain as a primary invasion route into the United States. Yet the agencies charged with control of Lake Champlain refuse to accept this responsibility for the protection of the homeland. The I–68 program has only facilitated the complete disarray on the lake. Government officials are quick to forget the last time the United States was invaded as an act of war was September 11, 1814, via Lake Champlain at the Battle of Plattsburgh. Washington, DC, and Baltimore, MD, were also attacked on that same day. This country should learn from all its lessons taught on September 11th, no matter what the year.

Inspectors in the Buffalo district have been ordered by the service to inspect boats that are hundreds of miles away up in the St. Lawrence River via television cameras. The inspector cannot see the boat nor who or what is in the boat, nor can it tell if there's any additional passengers on that boat, because the individual comes before a camera, which is not even located anywhere near where the boat comes in. Quite often, the picture is fuzzy, we can't make out who the person is. Sometimes we can't even get a picture. Sometimes we can't get the sound. But during the current crisis, ineffective remote inspections continue. It's time to regain control of our waterways.

The Service must rethink a number of policies if we are to be effective. We must have effective control of visitors within the United States. The student program is out of control. The visa waiver program needs modification. The work permits for trade, NAFTA, and L–1s, must be controlled. An immigrant to Canada only has to live in Canada 3 years to naturalize. Then they can obtain permission to live in and work in the United States easily by using these same programs. The computer systems used by the Service are arcane

data bases which do not effectively work. I will be supplying a written statement from our local president, which addresses some of these same subjects which I don't want to get into.

In closing, I would like to say that our inspectors understand that most people we deal with are honest tourists and business people. We appreciate the fact that they want to be cleared as quickly as possible. We want to inspect them as efficiently as we can, but we do not wish to put our country in jeopardy for the sake of convenience. Finally, I would like to acknowledge and thank the new INS Commissioner, Mr. Ziglar, for recent expressions of support for INS inspectors. For too long, the concerns have taken a back seat to the wide range of other issues, such as technology and training. Mr. Ziglar's support for law enforcement benefit and pay grade increase will do much to improve morale, effectiveness, and retention of our most experienced front-line workers. It also represents a significant departure for policies of past INS commissioners and hopefully will mean a new era of better management. Again, we thank you, Mr. Chairman, and members of the committee for this opportunity to present our views from the local union.

[The prepared statement of Mr. Duford follows:]

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
(AFL-CIO)

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

STATEMENT BY

CARL DUFORD
VICE-PRESIDENT LOCAL 2580
NATIONAL IMMIGRATION & NATURALIZATION SERVICE COUNCIL
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

OCTOBER 29, 2001

BEFORE

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

REPRESENATIVE MARK SOUDER, CHAIRMAN

Mr. Chairman and members of the committee:

I would like to take this opportunity to thank the chairman and members of the committee for traveling to Champlain, NY to see what is needed for northern border security. Also I would like to thank you for allowing me to present my views. I have been an Inspector with the service for approximately 13 years, and involved with the local #2580 for ten years. Currently I'm the Vice President for our local union. Prior to that I spent 23 years with the Air Force as a Security Police officer.

During the past 15 years, particularly during Commissioner Doris Meisner's era, the Service reduced staffing by Immigration Inspectors at the following Class A ports in the Champlain area;
Mooers, NY, from 3 inspectors to 1 inspector.
Chateaugay, NY, from 3 inspectors to none.
Trout River, NY, from 4 inspectors and a supervisor plus 2 part time inspectors to 3 inspectors all over age 50.
Fort Covington, NY, from 3 inspectors to none.
Rouses Point, N.Y. which includes two ports of entry at Routes 276 and 9B went from two man daytime coverage and one man midnight coverage to one man coverage by Customs 24 hours a day.

Even the Pre-Flight facilities in Montreal, Ottawa, and Toronto have been greatly under staffed. Toronto is the fourth busiest INS staffed airport. There we process 5 million people with fewer than 100 inspectors. At one point we had 70 inspectors working 14 hours per day 6 and 7 days a week. Staffing ratios must more accurately reflect passenger loads.

Inspections in general, has a problem retaining inspectors, and Champlain Port Of Entry is no exception. It is a constant struggle to keep inspectors. Many newly hired officers leave inspections for other Federal law enforcement agencies when they realize promotion potential is poor for inspectors. INS is treated as an entry-level position used for entry into "real" law enforcement occupations. Others leave the service altogether, for example at this port we recently have had one inspector leave for the better benefits provided by Customs Service, one will be leaving for Secret Service, and a 20 military veteran resigned to work construction after becoming disillusioned with promotional opportunities and compensation. Another inspector left INS and joined the N.Y. State Police. The Service spent thousands of dollars on each officer to provide 18 week of training at the Federal Law Enforcement Training Facility in Georgia. It is a terrible waste of INS and taxpayers dollars, but looking on the bright side of the equation, it provides a ready pool of pre-trained applicants for other agencies. Treating Immigration Inspectors as clerks not Law Enforcement officers, with no promotion potential doesn't serve the interests of the individuals, the Service or the government.

We work side by side U.S. Customs Inspectors doing the same type of work yet their agency has provided their officers with much better pay and retirement plans. If two officers, one immigration inspector and one Customs inspector, start the same day working side by side until retirement the Customs officer will have earned more money, had more time off and will receive a better pension, thousands of dollars higher the immigration inspector.

The INS has great employees who want to step up and do their part to protect this great land. Three times in less than two years we have been put on heightened alert. Each time inspectors have risen to the challenge, working double shifts, giving up leave, standing out in our brutal Northern winters conducting inspections. Most of the terrorists apprehend were apprehended on the northern border. From Port Angeles, Washington to Lubec, Maine we have prevented terrorists from killing and maiming Americans with the bombs and evil plans. In the year 2000, the Champlain, New York port of entry initiated 248 criminal prosecutions. The US attorney pursued prosecution in 139 cases. The cases were for document fraud, paid alien smuggling and re-entry after deportation. We daily deal with aggravated felons, many of whom are wanted. These numbers do not include violators turned over to local law enforcement for prosecution by state officials. I think it should be brought to the committees' attention that INS officers arrest more individuals than all other federal law enforcement officers combined.

The time is long overdue for INS inspectors to be brought up to the same GS level as the other Officer Corp positions in the INS. We should receive the law enforcement retirement and our positions should be increased to GS11. Under the current job classification and benefits package the surviving spouse and dependents of an INS officer killed in the line of duty do not receive Officer Corp law enforcement survivor benefits.

The Service and Congress must change the emphasis placed on appeasing the airlines and business interests and concentrate more on enforcing the immigration laws designed to protect the United States. As recently as August of this year the Buffalo District proposed disarming our detention officers traveling with prisoners because the airlines did not like the officers carrying their weapons onboard aircraft. Could you have imagined how ironic it would have been to have two unarmed federal officers with a prisoner on one of the aircraft that crashed on September 11 because the airlines were uncomfortable with armed personnel onboard?

All Federal Law Enforcement officials bury their head in the sand on the issue of control of local waterways. Government officials since before the French and Indian war have recognized Lake Champlain as a primary invasion route into the United States. Yet the agencies charged with control of Lake Champlain refused to accept their responsibility for the protection of the homeland. The I-68 program has only facilitated the complete disarray on the lake. Government officials are quick to forget the last time the United States was invaded as an act of war was September 11, 1814 via Lake Champlain at the Battle Of Plattsburgh. Washington, DC and Baltimore, Maryland were also attacked the same day. This country should learn from all its lessons taught on September 11, no matter what the year.

Inspectors in the Buffalo District have been ordered by the Service to inspect boats hundreds of miles away on the St. Laurence River via television cameras. This is absurd and totally unacceptable. The inspector can not see the boat or who or what is in it the camera only focuses on the person in front of the camera. There may be a place for this type of inspection, but only at locations where inspectors can quickly travel to the location if they ascertain something is amiss. During the current crisis ineffective remote inspections continued, yet the same service felt it necessary to double staff each port of entry. Its time to regain control of our waterways.

The service must re-think a number of policies if we are to be effective. We must have effective control of visitors within the United States. The student program is out of control; the Visa Waiver Program needs modification, and work permits for Trade NAFTA and L-1's must be controlled. An immigrant to Canada only has to live in Canada three years to naturalize. They then can obtain permission to live in the work in the United States easily by using these programs.

The computer systems used by the Service are archaic databases, which do not work effectively. Our adjudication centers are little more than rubber stamps with management pushing approval at all costs. I will be supplying a written statement from the president of our AFGE Local, which addresses these subjects in greater detail.

In closing, I would like to say that our inspectors understand that most people we deal with are honest tourist and business people. We appreciate the fact that they want to clear as quickly as possible. We want to inspect them as efficiently as we can but we do not wish to put our country in jeopardy for the sake of convenience.

Finally, I would like to acknowledge and thank the new INS Commissioner, Mr. Zigler for recent expressions of support for INS inspectors. For too long, the concerns of employees, including inspectors, have taken a backseat to a wide range of other issues such as technology and training. Mr. Ziglar's support for law enforcement retirement benefits for immigration inspectors and a pay grade increase will do much to improve morale, effectiveness and retention of our most experienced front line workers. It also represents a significant departure from policies of past INS Commissioners and will hopefully mean a new era of better management at this critical federal agency.

Thank you again Mr. Chairman and members of the committee for this opportunity to present views from our local union.

Mr. SOUDER. First, thank all three of you for your testimony. This is one of the great reasons why we have field hearings, as opposed to just in Washington. First we're in and out all the time, and here we get to have concentrated attention, and we also tend to hear very pragmatic, intense—it's not even just that the people are different—it's that in Washington often they come in and the testimony is just more inhibited. Here you each let fly from a number of different points, and I have a couple of comments I want to make, then I'll yield to Mr. McHugh for questions. But I have quite a few questions to followup with, too.

I want to assure you of a couple of things. One, Mr. Ziglar came in aggressively, both in our committee in arguing for the law enforcement and pay grade, the pension, but also at a meeting sponsored with Chairman Wolfe, and I'm trying to think who the ranking Democrat is on the committee, but they had about 30 Members there, and he lit a fire of concern about the INS, because so many Americans are looking at the border right now, and we're—and I need to point out for all of you here that authorizing and appropriating are different, and we've authorized the new agents. We're appropriating more money, but it isn't the same level. That's what's still being battled over.

But the day before he spoke to this group, INS had lost five agents, and he pointed out that already there is a shortage of applicants, and here we are looking at tripling these things, and we're losing people. There was a disconnect between the public policy statements and the practical pressures that we put on at the grassroots, and that's part of what we're trying to do is figure out how to address this question.

A second thing related—similar to that same subject—we're going to deal with this week, in airport security, is that when we boost one agency, where do people think the employees are going to come from? If we've suddenly Federalized all the airports and fire all the existing security, what is that going to do to State and local law enforcement and the Customs and the INS? It's going to be like a giant sucking sound, particularly if you have differentials in benefits, that we have to think through in these steps of how we're going to approach this and how fast somebody can be trained to bring into these different things.

Because what we heard in our hearing 2 weeks ago was that 37 percent of new employees in the—particularly Customs and INS—are from local law enforcement, that 30 percent are retired military, and we're trying to keep people from not retiring from the military at a time when we're in conflict, too. So there's somewhat of a zero-sum game, particularly if you need trained people. And we've got to sort through this process, make sure our benefit structures are logical, that our law enforcement status things are logical, because we're clearly facing the pressures.

And I understand the economic side, but we also need to acknowledge that, in fact, Montreal has become a center of some of the activities that have been around the country, and we've got to watch that clearly, in narcotics. Ecstasy is coming from the Netherlands and largely into Canada and into the east coast, unlike where we've been so focused, on the southern border, with cocaine and heroin, we have a different problem in the precurser chemicals

and in the ecstasy directly, so it isn't even just the current terrorism question, it's the narcotics question, as to how we're going to deal with the border, but I have some technical followup questions I want to ask, but I'll yield to Mr. McHugh at this point.

Mr. MCHUGH. Thank you, Mr. Chairman. Quite honestly, I can't imagine what I would ask any of these three gentlemen that they haven't already told me many times. I even know where Thomas buys his ties, so I can't even ask that. But I do want to, first of all, let me associate myself with the remarks that you made. The candor that you receive at these kinds of hearings, I think, are extraordinarily helpful, and help all of us to better understand what is happening, where the battles are being fought. In places like Champlain, I don't think it's tending toward the extreme to say we are fighting the battle, and with respect to Mr. Duford and Mr. Keefe, they are on the front lines, and I would hope through my comments earlier, it's come through the admiration that I hold for those individuals who from September 11th have worked so incredibly hard with such effectiveness to do a very thankless, but very necessary job, and has only grown dramatically since that time.

I know that Garry is going to be able to provide you with data to your heart's content. He has been to Washington, testified before other subcommittees in support, and as he mentioned, we have had some success, and that's probably due more to his persuasiveness, that unlike some, when he's in Washington, he speaks about the same way as he does here. So the appropriators were very supportive as a result.

But as he said, as well, we need to do a better job, and I think it's—I don't know who scheduled which panels, but I think it's illustrative that you would have these three individuals sitting at the same table, because there is no separating what happens at this border and the resources that we provide to the Federal agencies involved there from the ability of the business community here in this part of the North Country to thrive.

You don't have to drive too far to the west of this particular community to find unemployment figures in the double digits, to find economic challenges that are very, very perplexing, and in conventional terms, are defying solutions. I don't mean to suggest that in this corridor there are not challenges, because there are. But this part of New York State is doing very well, in relative terms, to other parts of certainly my district and other parts of the State. And Garry, am I not correct, the unemployment rate here in Clinton County is actually below the State level?

Mr. DOUGLAS. Yes, it is.

Mr. MCHUGH. Now, which perhaps may not seem like such an achievement, but in this part of the world it truly is one, and that's because of this partnership. So I really don't have any questions for these individuals, but I just wanted to underscore what I attempted to say in my opening comments about the need to do better across the board. Facilities has been attested to here today, VACIS and other kinds of technology to allow them to do an even more effective job, but in my opinion, first and foremost, and as Carl mentioned, obviously to bring more people on, but we have to address the quality of the profession that we ask these profes-

sionals to do, as well, and again, I know that's why the chairman is here, and I appreciate that, so I'd yield back to you.

Mr. SOUDER. Thank you. I take it, Mr. Duford, that you don't believe that three Coast Guard boats, two of which aren't here, are enough to patrol Lake Champlain? Is that a——

Mr. DUFORD. I think what I'm talking about mainly is crossing from Canada into the United States. Not only do we have the Coast Guard, but we have Border Patrol, we have the sheriff's patrol up here in the summertime. There's still an opportunity at night, you know, during the nighttime for people to come across into the United States through Lake Champlain. It's been proven it's been done in the St. Lawrence many, many times, sneaking aliens across, smuggling across in the night, and the time of the year doesn't seem to make any difference. Even in the wintertime, they take the chance of trying to cross the St. Lawrence River.

Mr. SOUDER. We talked about this a little bit yesterday. I'm more familiar with Michigan, and as I looked at a particular northern peninsula, that as I looked at how we try to seal the borders and basically channel people through in as orderly and as efficient and as fast as we can, that the logical thing is that people who don't want to follow the law will bounce outside that system and, for example, Manitou Island, as you move up to Sault Ste. Marie, you can't quite walk across the water, but it doesn't take much of a rowboat to get across. When you go through the islands here and the border, what becomes apparent between the two interstates, and there's this point, is that there's a corridor coming in between two different points. How exactly would you monitor this, particularly at night? What would you do?

Mr. DUFORD. When they initially built the bridge, it was my understanding that the contracting people were willing to put up a location for inspections. Why that never materialized, I really don't know. As it is now, there's three locations that we can go to in Rouses Point to inspect boats, but even during the daytime, you can see boats coming down that never come in. Were they preinspected by Immigration? Well, we don't know, because they just keep going down the waterway. We're not sure. We have no idea what it's like at night.

Mr. SOUDER. Not having a really good picture of exactly what's around the water at different points there or the fishing and pleasure boating that goes on in the water, is it a border that moves freely? In other words, do fishermen move across, people have cottages, go up to a boat marina, for lunch at another place? Is this a big tourism factor, too? And how much would it inhibit having crossing points or checking points? I mean is it feasible? Mr. Douglas, do you have any——

Mr. DOUGLAS. Yeah, well, I think it is. It is a shared lake, two States and two nations, and people do as they do on a lake, as you say on a lake, go down to the marina, visit Plattsburgh, go back and forth. There are Canadians who have second homes, maybe in Vermont and Quebec, for example, and go back and forth. And we certainly don't want to inhibit that. Also the important thing to understand is that Lake Champlain is actually part of a through-way on the water. The Hudson River is connected to the Champlain Canal at the south end via the State barge, and the Champlain

Canal to the north takes pleasure craft up and down to the St. Lawrence, so there are boats that are going vast distances through the lake on to other places.

But there certainly are solutions. And Dick McCabe, the INS' Port Director here, has had a pet project for several years that we just haven't been able to have to come together. There is a pier over in Rouses Point that would seem a reasonable and feasible place to establish a docking place, where at least with remote camera technology or so on, Quebec visitors could easily stop, check in, be seen, versus just going through. What they're expected to do now, in the absence of a public place, frankly, is to stop and check in via a private marina which charges them to stop, so it isn't rocket science to understand that, well, gee, I think I can avoid that docking charge; I'm just going to go through. You need to have a no-cost public docking place where you expect them to stop and make that kind of check-in.

Mr. SOUDER. Mr. Keefe, one of the things—because I'm interested about the night-running, whether it be snowmobiles or boats. We met with some of the Canadians last night. This isn't about catching somebody with turkeys where they're selling turkeys for additional money. This has become a major route, and we heard over in the other side, at Highgate, and also from a DEA briefing yesterday afternoon, that we have people walking across with backpacks with this really high-grade Quebec Gold or B.C. bud variations of marijuana, which is not really marijuana—it's closer to cocaine than marijuana in its content mix—that it is not obviously being supplied for this zone. There aren't enough people in this zone, given the amount that's coming through. It's predominantly become a major route for certain things for New York and Boston. We heard from both regions. That we're not—like I say, we're not trying to catch this random person who's trying to avoid a Customs question. Could you give me your input, from the Customs perspective, of particularly narcotics or the smuggling individuals across?

Mr. KEEFE. Yes, Mr. Chairman, and may I say you gentlemen are very quick learners, because I've been very impressed in some of the things that you've said and picked up in the last couple of days. I think you have to look at law enforcement, and the essence of law enforcement has always been, you know, you're not going to have a police officer or a presence at every single location. The key—and the word "seal" is not the appropriate—I agree with Garry: we do not want to seal the border, but we want to be able to put the most deterrence there to let people know that we are checking. And that can be done in a variety of ways, and there are a lot of solutions. There is personnel, and we do support, of course, personnel. You know, this is our profession. We think we do it very well, but we also are pragmatic enough to understand that we're not going to put agents and inspectors in every location. So that has to be augmented with technology, and that begs the next question is it's got—the technology has got to be the latest science. It's got to be up-and-running stuff that we can use, and there's tons of it out there.

And I was on the negotiating team with my national unit, and we did something with what's called remote video inspections. And

the concept itself is not a bad idea. Where it kind of fell down was the technology was not adequate enough to do what we needed to do. You know, to give us a comfort level. And I'll never forget, I was in Washington negotiating this, and I'll never forget. I was down doing the tourist thing, as I've done thousands of times, and I walked by the White House, and these cameras that we looked at had a 15-second delay, basically. And I said to myself and I said to the people the next day, "I bet you if I jump that fence, by the time I hit the ground on the White House grounds, somebody would be on me, and I bet you they don't have a 15-second delay in the video transmission."

And my point is this: they shouldn't. It's very important, but it is also very important to do the best deterrence job we can do at the border. We don't want to do low-budget at the border. I hear a lot about national defense, and I echo that. We need a strong military. We need them to be ready, but there is no greater presence than those of us that stand on the line at the border.

There are many things we can do. My boss, I know, is looking into some infrared technology just to try to see if we can get an idea of what's there. But what we have now is nothing, you know, and one of the complaints that I have heard from the people I represent is, "Here we are out here doing a level one alert, and I'm answering a phone clearing a boat in one of the Great Lakes." I mean that's just unacceptable.

Again, we don't want to choke off the legitimate trade, we don't want to choke off the legitimate tourist industry, and I don't think we have to, but we do have to do something more than nothing.

Mr. SOUDER. Mr. Duford, in the INS inspectors—and first let me thank both INS and Customs people for the amount of hours you're putting in. We've learned the hard way in Washington where we were focused in this latest anthrax scare in our offices, and found out that the postal workers put their lives on the line, and we should have been checking at the core. For whatever reason, that wasn't suspected that was going to happen, but you are at the front lines and we thank you at the front lines for trying, in effect, to make the rest of America safer, whether it be narcotics or from terrorists.

But as INS inspectors, if they're working long hours and losing their vacation time, does that impact their ability to screen, particularly at the end of a shift? Realistically, from a human standpoint, what happens?

Mr. DUFORD. If we're working extended hours, I'd say toward the end of those extended hours, it might possibly do that. I know since we've gone at heightened security, our alertness has been so much more advanced than it ever has in the past because of the concerns of what might be coming into the United States through Champlain or one of the smaller ports. I can't vouch for anybody else, but I know that the way I do things when I'm out there in that primary line and I'm talking to people, I ask all the questions that's necessary to ask. I look in that vehicle, I go through everything. I don't want to have anything come through here and then have it come back and say, well, one of our inspectors at the Champlain port of entry, because he wasn't doing his job, something came into the United States that should not have been in here.

So I'd say probably after working a double shift, maybe toward the end of that double shift, maybe my alertness is not going to be quite the same, but as of what happened after September 11th, I'm in a lot more heightened security, and I believe the rest of our people are, too.

Mr. SOUDER. It's a question of how much you can push your adrenaline button for how long. It's a human physical question. It isn't a desire or confidence question. If you continually tax people, it is human nature—I mean we probably become a little less concerned about the particulars of an amendment that's offered when they haul us in at 2 a.m., than if it's in the middle of the afternoon. And there's a question of safety risks here, too, as we continue to use employees the way they are.

Let me ask you a couple other questions. In the physical changes here at this particular border crossing, do you see fencing and lighting additionally required? What equipment would you focus on most to assist the INS?

Mr. DUFORD. In the last year our technology at Champlain has increased a lot. I'll give you an example. We have license plate readers now which we never had before, and as a result of this—and the technology of these computers is quite advanced—I don't have to spend my time reading the license plate and not being able to look at that individual when I try to talk to him. Now I can look at that person and I can look at him in the eye, and I only have 30 or 45 seconds that might tell me this person has to go in for a secondary. There's something not quite right about this person; we're going to have to send him in. Where before, the technology was basically ourselves. We're down there, we're typing the license plate in before we ever look at the person, and by the time we got done, we were just about finished with our questions. I think the lighting has improved quite a bit, which is really necessary for what we do, especially at night. For some of us older people, it's hard to see things that we can see during the daytime. The lighting, the license plate readers and all the other technology that we have out there in that line to help us do things, it's increased quite a bit, and instead of having one officer on the primary now, we now have two officers, so you've got one officer that's asking questions and doing the computer work; we've got another officer that's actually taking a look inside the vehicle, the van, the car, the truck, whatever it is, and looking in the trunk, inspecting the trunk. So we've basically doubled, since September 11th, what we're doing out there on that line, and I think it's been for the better.

Mr. SOUDER. Mr. Douglas, one of the things we're looking at, clearly we're going to do more of the Fast Pass preclearance, that type of thing, particularly if we have to either stay at level one or even tighten further on the border, which could happen. The question then comes is how can we move the regular commerce, how can we get additional lanes, I mean what do we need to do to try to not get the backup, but in the Fast Pass system yesterday one of the things we heard is that within the last week on the Vermont border, one of the major drug busts was somebody who in fact was a regular person who was going across on a long-term basis.

And let me ask you a couple of questions, if you could take this back to your group as to how to address these. What type of pen-

alty would you have for the company if one of—if they had a Fast Pass system and were precleared and a driver came through? Would you suspend that for 5 years, for the entire company, what about if it's—my understanding is sometimes the cab is privately leased, and sometimes—and then they hire different trailers on. How would you address this question to make sure there is a disincentive, or an incentive, that the companies themselves are closely checking with their contracted employees, because this is going to undermine the credibility of that system if in fact, for the violators—now, they're going to be rare, and there will be spot checks, but it is a fundamental challenge to the Fast Pass system.

Mr. DOUGLAS. Well, actually I suggest that's when it comes to commercial traffic, and Tom, disagree with me if you do, that the real challenge, more than the companies or the shippers or the customs brokers or the things that are in the truck coming down the road, the challenge and concern is more frequently around the driver.

Mr. KEEFE. Yes.

Mr. DOUGLAS. Because the driver's perhaps more apt to be the one who's trying to get away with something and gee, I'll take something across the border in the cab with me unbeknownst to the company or the others dealing with the progress, which argues for the fact that we're certainly not, in the foreseeable future, going to get to the point where trucks are going to plow down the road without stopping at the border, even though you know you've precleared all the cargo and you have no high concern about that. Because you're still going to have those concerns about the drivers, and no matter how much you try to work with the shippers, with the trucking companies, to try to preclear or toughen background checks or so on—and I think some of that probably does need to be done—the reality is going back to something you referred to earlier with getting Federal workers to do jobs: there's a crisis in this country and Canada to get truck drivers, so it almost has come to the point, do you have a pulse and are you willing to drive the truck and can you pass the driver's test? There's high turnover. It's endemic to the whole country and to Canada, as well, and that means that you're not going to have the stability or predictability with the actual drivers that you may have had 20 or 30 years ago. And it's a challenge. I don't know that there's an easy answer. I think you would have to be careful, though, in that context of thinking that the answer is simply, well, let's penalize the company if some trucker happens to be driving a truck with their shipment and is trying to get away with something, because there's a degree to which they can't control that, and particularly in an environment of current labor market for truck drivers, at the end of the day, somebody's got to take that truck down the road. So there just needs to be vigilance at facilities like this, with adequate staffing and technology to check those things and to have that kind of deterent that Tom referred to.

Mr. SOUDER. Mr. Keefe, one more question—and you can comment on that last one as well—to kind of do a supplement to the last one. And my last question, that in the trying to get the truckers accelerated, if a company is precleared, that they're generally doing it, you're still going to have to do checking. And last night

we were looking at the differences if they leave gaps in their loads it's easier to check, other types of things, because it doesn't do a whole lot of good to preclear the company, if in effect the drivers are the people at risk.

I'd like to hear your comments on that, but then the last question is, I take it that I will be meeting with Border Patrol before I head back to Washington, too, at their inland office, as well as the Coast Guard, so we're doing that as a supplement and get those things in the record, but part of the problem here is that this is—I'm trying to figure out how much this is going to be a problem along multiple parts of the northern border and potentially the southern border. Because Indian reservations and Indian nations are treated as independent nations, there's a different standard for law enforcement. At the same time, that has predominantly been—for internal regulation reasons, we haven't had this extent of concern about smuggling. Now, smuggling is one thing, in the traditional types of smuggling. As we move to more serious types of narcotics and as we potentially push more toward those ones that are joint along a border, particularly if it's on both sides of the border, it becomes really problematic, which I understand an island in the river is a Canadian First Nation's group, so you have it on both sides, and it really becomes a potential problem without a lot of cooperation if also terrorists move through that area.

If you could give me some suggestions on how great you think the problem is, how vulnerable, the cooperation that you've had, other suggestions to deal with that, as well as walk-across questions or the whole range of if you squeeze it at one point, besides Lake Champlain and the Indian reservation, where else would be points vulnerable?

Mr. KEEFE. If I could just comment on what Garry said, he's absolutely right, and what's kind of ironic, when we built this new port project is even people I deal with in my union in Washington is amazed how the chambers of commerce and people in the union could actually go down the same road together, and we've been down the same road together and we have more in common on this issue than we do in opposition. And he's absolutely right about the drivers, and again, you have to kind of jump back and take a forest or the trees look and say you're never going to be able to stop everything, you're never going to be able to get 100 percent certainty. The essence of law enforcement is to put the best deterrent forward that you can, and if we can do that type of stuff, we will screen most of the drivers. The freight that is precleared, that is a separate issue to the conveyance, and that is also a time-consuming issue when they cross the border. There's the people that cross the border and there's the conveyance and the merchandise that cross the border, so if we can preclear some of this stuff and have a reasonable certainty that this is in compliance with law, that takes a lot of time and allows us to focus then on the driver. And we're very good at focusing on the driver.

If you properly manage your caffeine, you can do it a little better than other people can. But you may miss, like you said at Congress at 2 a.m., there may be some nuances you're going to miss, but you're not going to miss a big thing, I don't care how tired you are. You do it every day. So if we can focus on those kinds of, like De-

troit, the big three, there's a GM shipment that we're going to want to look at, and if we can preclear that, then we can focus our attention on the driver. So they're not mutually exclusive. You don't want to say, why, if I'm going to have driver problems anyway, should we bother with the preclearance? You still get a net gain, is my point, on the drivers. You don't want to throw the baby out with the bathwater on that.

About the reservation, while they are separate entities, I find our biggest problem is putting resources to the problem. It's not that we have a lack of problem. Many sovereign nations do not want to participate in illegal activity. They do not want their land used to engage in smuggling. There's always a very small amount of people, whenever you have anything for profit, back to the bootlegging days, will try to smuggle, and if we can get some type of technology, human resources—or the best solution, I think, is a combination of both—then you have—again, you're not there all the time, you're not going to be there all the time. You're going to be there enough where people are going to think before they do this type of stuff, so you're going to have a reduction in what they're doing.

And it is a problem with people walking around. Marijuana—the active component in marijuana is THC, and back when marijuana first broke in this country, the rate of THC was 3 or 4 percent. What's grown now is hydroponic marijuana. The component of THC is now up to 40, 50 percent, I mean it is so potent it is frightening.

You talk about ecstasy. This port had an internal carrier, which is unheard of, somebody that swallows drugs in condoms or in latex wrappings and then dispels them at a later time. We actually caught one here smuggling ecstasy, so I mean ecstasy is a big-ticket item. It comes in from Europe here. We don't do enough to target—and again, it's just a question of personnel and getting us all working together.

We have resources in Canada, we could target some of the European flights. We could do a better job. It's not an impossible job. It's a daunting job, but it's not impossible.

The walkers—and again, when you squeeze one place or another, the unfortunate thing about these borders is they were designed back in the—you know, the turn of the century, and to have a border was a status thing. If you take South Dakota, for example—where there's a border and there's 400 miles of trees and bears and that's it—that's not the case here. You will have a border crossing in Mooers, and as the crow flows, another mile west you have another border crossing. If you put up the wrong technology at these border stations, you will actually force people to try to beat the system instead of vice-versa, because the roads are all so intertwined and close together. It's not like a vast wilderness. There's all these ports that are kind of clustered along the border.

We have to make some decisions. If we want to keep these open, and I believe we do, we have to staff them adequately, and I don't think we will choke anything off, per se. Conversely, if we put technology that is conducive to trying to be beat at one of these places, we will take it and put it to those locations, because it's not that far out of the way.

Mr. SOUDER. Thank you. Do you have any other?

Mr. MCHUGH. Just one question. Thomas, you talked about your canine officers. Is my understanding correct that your access to a dog now is a dog that is trained for drugs only; is that true?

Mr. KEEFE. That's correct.

Mr. MCHUGH. So if you have an occasion where there is a suspected explosive, as I understand happened a few weeks ago, you actually have to bring a dog team either from Albany or Fort Drum?

Mr. KEEFE. Or actually, in that instance, Congressman, we were lucky enough to get a canine team from Montreal that came down here.

Mr. MCHUGH. Or the Canadians?

Mr. KEEFE. Yeah, or the Canadians.

Mr. MCHUGH. So, Mr. Chairman, it seems like a simple thing, but there's a potential, particularly in the winter, which in spite of how you feel about it, is not here as yet, if they find a suspected package on this crossing, it could literally close it down for 3, 4, perhaps more hours while we're awaiting the arrival of a dog just to sniff something that we hope turns out to be, you know, baked cookies for Thanksgiving or something. So another small dedication of resources that could be shared, as Tom has said, amongst a number of points here, if you had a location of a dog team that had the explosive capabilities.

Mr. SOUDER. Yes, Mr. Douglas?

Mr. DOUGLAS. If I can, I want to clarify some numbers that you asked for earlier, and I don't know how important it is, but you were looking for the impact on traffic figures here at Champlain. Actually, if you were to look at the truck and passenger car counts here for September 2000, compared to September 2001, they're almost right on the penny, which would lead you to believe that well, it really has had no impact, traffic has held up. But the fact is, if you would then look at June, July and August, would see that for passenger car traffic, it was up 20 percent from a year earlier, and truck traffic was up significantly as well, so what we lost was the continuing growth rate in that traffic, but we are still—those folks are in fact still working with numbers here that are equal to what they were working with a year before. And as far as that loss, of course, that's something that we want to get back as soon as possible.

Mr. SOUDER. Do you have any idea how much that was softening in the recession?

Mr. DOUGLAS. It hadn't been up until September.

Mr. SOUDER. So in August, it was still——

Mr. DOUGLAS. Yes, in August the car counts were up approximately 20 percent.

Mr. SOUDER. Well, I thank each one of you, and as you have additional information and suggestions, we're kind of in a short-term fast track in Washington, and I would assume that—who knows where we're going to be, but we're not in a short-term war on terrorism and drugs. The war on terrorism is now going to find out how difficult those who said we weren't succeeding in the war on drugs are now going to get a feeling for what it feels like to try to catch every terrorist. Similar to like fighting child abuse or rape

or spouse abuse, we fight those things because they're evil, not that we're going to completely defeat them.

We have direct authorizing end oversight on the narcotics question, so we spent a lot of time in South America, and what we've seen is you put the pressure on in Colombia, then it moves back to Peru and Ecuador and starts to move other places, and try to get a step ahead so we don't get in the Vietnam syndrome of where we're just far enough behind that we have to keep escalating. And that's what we're trying to do here, and to do it that way, because Americans want to be safer, but they also want to have jobs and they want to be home and pay their health insurance and do this in a way as our countries become more interdependent.

I'm not from a border area, and we've lost a ton in NAFTA to Mexico, but we've had our trade in Canada, and it's an auto belt. These parts are moving back and forth multiple times a day, and the entire Nation is finding out how interconnected we are, both in a bad way and a good way, so hopefully we can continue to look at this.

Thank you for your testimony, and with that, our hearing is adjourned.

[NOTE.—The publication entitled, "Investing in the Futures, The Customs Action Plan, 2002, 2004," may be found in subcommittee files.]

[Whereupon, at 12 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
(AFL-CIO)

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

WRITTEN STATEMENT BY

THOMAS KUHN
PRESIDENT LOCAL 2580
NATIONAL IMMIGRATION & NATURALIZATION SERVICE COUNCIL
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

OCTOBER 29, 2001

BEFORE

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

REPRESENTATIVE MARK SOUDER, CHAIRMAN

Mr. Chairman and members of the committee:

I would like to take this opportunity to thank the chairman and members of the committee for traveling to Champlain, NY to see what is needed for northern border security. Also, I would like to thank you for allowing me to present my views.

I am a GS 11 Special Operation Inspector at the Toronto Preflight Facility. Prior to this promotion I was a GS 9 Immigration Inspector at Fort Covington, NY for 19 years, and prior to that I was an inspector at JFK International Airport. Based upon my 29 years experience I feel qualified to make the following statement.

The Buffalo District is a microcosm of the entire service in that we do all types of inspections in this district. We have 280 inspectors completing land, sea, and air inspection of people from all over the world. The Buffalo District is responsible for about 400 miles of border and three pre flight inspection facilities, along with various seaports and other international airports and military bases. We inspected over thirty eight million people in fiscal year 2001. We processed twenty eight thousand Free Trade Applications, fourteen thousand five hundred lookout intercepts. There were 55,066 total refusals, 5,699 were criminals, and 533 were people from Visa Waiver Countries. Dedicated inspectors working 12 to 14 hour days 6 days a week processed these.

Somewhere over the past 15 years, particularly during the Commissioner Meisner era, the

Service abdicated control of the northern border of the United States to Customs and they didn't want it. Consequently the two services fought over who could assign less people to the northern border. From 1980 to the present, just in the area under the control of Champlain the sub-ports have had the following cuts in Immigration Inspectors:

- Mooers, NY Class A port from 3 inspectors to 1
- Chateaugay, NY Class A port from 3 inspectors to 0
- Trout River, NY Class A port from 4 inspectors and a Supervisor plus 2 part time inspectors to 3 inspectors all over age 50
- Fort Covington, NY Class A port from 3 inspectors to 0
- Route 9B and Route 276, Rouses Point, NY both Class A ports of entry went from around the clock coverage by both agencies to Customs coverage only

Even the Pre Flight facilities in Montreal, Ottawa and Toronto have been greatly under staffed. It was ironic that an article appeared in US News, which told of the chronic under staffing problems of the west coast. The article stated that LAX had to inspect 8 million people with 250 inspectors while JFK inspected 9 million with 400 inspectors. Well ladies and gentlemen Toronto is the fourth-busiest INS airport and we process 5 million people with fewer than 100 inspectors. At one point we had 70 inspectors working 14 hours per day 6 and 7 days a week.

The inspectors want to do their job, they want to protect the country, and they want the tools and the respect that goes with the job. Congress passed a law that requires inspectors to clear an airline flight in 45 minutes but they didn't increase the number of inspectors or the size of the

facilities to do the job. Consequently inspectors are rushed to inspect people in 1 minute or less. The service then makes it extremely difficult to detain or refuse anyone. What should be a simple part of process, setting a hearing date, is a nightmare with an EOIR computer system which rarely works and when it does it's like working with an early DOS base program. Even extremely computer literate inspectors give up in frustration.

The Services computer system is a hodgepodge of different databases that are not linked together and force the inspector to run five different records checks for each NAFTA applicant. Some require the officer to completely log out of one database to get into another using different passwords. Congress should order the INS to hire Oracle or SAP or any other professional data base builders to create and import all the service records into a seamless database. The system should work in such a way that when an inspector enters the subject name at first contact all data bases are checked. To do this now would require at least five to ten minutes per passenger. Then his admission document should be created and printed and his name and other information would be in the mainframe. This would allow officers to know if a person they are inspecting has ever overstayed or violated any other immigration law.

Congress has mandated departure control of some kind but again they not provided the manpower to do the job. We as inspectors are barely able to keep up with the inflow of passengers much less check who is departing. One possible solution is to have INS takes over baggage screening of departing flights and we could do departure control at the same time. This would require a large increase in staff but the increased security of having armed Federal officers at least on international flights would be worth the cost. If the service took over all baggage

screening it would give us another chance to catch violators. We could do a simple name and date of birth check and find if the person traveling domestically was an overstay or other violator.

Visa Waiver Program is another weak point. We have no way of obtaining information about these people applying other than that they have a passport. If we are going to continue the program it should be with countries that will provide instant record checks directly to the ports of entry. Canada and the US have established a link that allows inspectors to check each country's criminal records. It is extremely effective in preventing criminals from entering the country, we can, within a few minutes, have a complete record check on someone we suspect. The technology exists and with the Internet it is quite possible.

The student program needs to be completely revised. We currently admit students as duration of status which means as long as they are in school carrying twelve credits they can stay. We depend totally on the schools to advise us if foreign students drop out. Many schools don't and some schools refuse to advise INS when a foreign student stops attending. I believe students should be admitted on a yearly basis and if a school fails to notify the service that a foreign student fails to attend or drops out, the school should loose it's right to have foreign students attend for an extended period of time. Foreign students not only add diversity, as the academic world like to say, but they are a "Cash Cow" for many schools and universities. They pay full tuition, as shown by the terrorists who walked into the flight schools, and put over twenty thousand dollars on the table. The government should also put restrictions on what subjects the students are allowed to study. I personally have often wondered why in the world we allow students from countries who are not particularly friendly to the US to study Physics, Chemical

Engineering, Biochemistry, and other technical subjects. Why do we give these countries our expertise to build nuclear or biological weapons?

The waterways between Canada and the US are totally unprotected. The last invasion of the United States was September 11, 1814 the Battle of Plattsburgh, NY on Lake Champlain. Today Lake Champlain, the St. Lawrence River, and the Great Lakes are virtually undefended. If a terrorist can operate a 767 airliner there is no reason to believe they will not take advantage of the thousands of miles of open water. A videophone inspection of boats and people hundreds of miles away does nothing but give a false sense of security.

The adjudication program also needs to be rethought and restructured. The past commissioner and staff were primarily interested in customer service. There was little emphasis on enforcement. The Service built huge centers for processing applications for benefits. Then again instead of promoting field officers with years of experience to these positions they hired trainees to work in these application factories. Many of our Regional Adjudicators have never personally interviewed an alien. They were hired to be rubber stamps and approve as many applications as possible with no regard to enforcement. This is how thousands of aliens with criminal records were approved for citizenship contrary to the law. The adjudicator is under tremendous pressure to meet quota. Again the Service makes it much more difficult to deny an application; it can take hours to deny an application where a simple approval can be done in minutes. Supervisors have been heard to say, "Don't worry if it look like there may be fraud the consulate will catch it when they apply for their visa". The consulate says it must be ok INS approved it. If you deny too many there is no way you can meet your quota and your rating suffers accordingly. We have to

put the well being of the country first, not the "Customer". Why do we allow people who have violated the law by overstaying or entering without inspection to stay and work in the US while waiting for their quota number to come up. The person who respects the law and follows all procedures waits for years in his native land because he is an honest person. This is one of the most unjust things I have ever seen. We give the violator the benefit of living in this great country while we punish the people who follow the rules.

The inspector is the lost bastard child of the INS, neither law enforcement, nor administrative yet they are our front line of defense in this country. Immigration and Customs inspectors talk to virtually every person entering the US. It is their responsibility to determine whether the person applying is a threat, a violator or a bonifide visitor. They work alone, they make arrests alone, and they are expected to stop terrorist. The Service doesn't give them the tools or the respect they deserve, so there is a tremendous turnover rate particularly at the larger ports. Morale is the lowest I have seen in my twenty-nine years as an inspector. The Service can not hire inspectors or border patrol agents fast enough to keep up with attrition. The problem is the Service has blocked advancement to inspectors and border patrol agents. In the years before Ms. Meisner, officers started off in the uniform positions of inspector and border patrol agent and then with experience they were promoted up to investigator and deportation officer and adjudicator. Now all the positions have the same entry grade level, but the only the inspectors and patrol agents stop at GS 9, all the rest are GS 11 and 12. They rarely post journeymen jobs they just hire trainees. This has the same effect as if you went to New York City Police Force and told them that they would not be promoted to detective anymore because it was cheaper to hire detective trainees instead. There would be a mass exodus of officers to other localities where they would

be appreciated for their experience and efforts. Inspectors have full peace officer status in New York. We make arrests, we can serve warrants, we are issued and trained in firearms, batons and pepper spray. We are issued bulletproof vests and yet we are denied law enforcement retirement. The oldest inspector in the Buffalo District is 74 years old. Since we don't have law enforcement retirement there is no restriction on how long an inspector can work. Does the Congress really want a 74-year-old man to try and stop the next Mohammed Atta?

Finally, I would like to acknowledge and thank the new INS Commissioner, Mr. Ziglar for recent expressions of support for INS inspectors. For too long, the concerns of employees, including inspectors, have taken a backseat to a wide range of other issues such as technology and training. Mr. Ziglar's support for law enforcement retirement benefits for immigration inspectors and a pay grade increase will do much to improve morale, effectiveness and retention of our most experienced front line workers. It also represents a significant departure from policies of past INS Commissioners and will hopefully mean a new era of better management at this critical federal agency.

Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
"Improving Security and Facilitating Commerce at the northern border,"
Champlain, New York

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 East Great Lakes CMC will be able to manage the ports of entry 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 us 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 of 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 all of its 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: At the Port of Champlain, the port of entry facility needs to be rebuilt to meet current and anticipated operational growth.

In Buffalo, additional bridge capacity would help to alleviate traffic congestion on the current three-lane Peace Bridge

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: This is not an issue in the East Great Lakes Customs Management Center as none of the ports are extremely remote. Adequate housing is generally available in towns and villages near the ports.

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.

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 fact, 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 biometrics 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 (PAPS) and the National Customs Automation Program (NCAP) assist in increasing these releases. The PAPS was developed at the port of Buffalo and allows for a speedier use of BCS by utilizing bar coded bill of lading numbers which carriers can easily have prepared in advance of arrival at the port. In addition, the CVPS at Ft. Erie, Ontario, serves to have even more truckers participate in PAPS and in other ways be prepared to clear their shipments as quickly and effectively as possible.

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 one 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 East Great Lakes Customs Management area.

Within the East Great Lakes Customs Management Center (CMC), the majority of importers use the services of 104 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 East Great Lakes CMC's landborder ports, 99.8 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: The Pre-Arrival Processing System (PAPS) was originally developed in the Port of Buffalo and was expanded to other ports. Its use has dramatically increased the number of vehicles that can be cleared at the truck primary inspection booth. The Customs Trade Compliance Board of Directors has approved the use of the 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: The CVPC is another option pioneered at the Port of Buffalo. Expansion at most border ports would usually be helpful, including expansion at other bridges in the Port of Buffalo. 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 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 its 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 assessment of resources versus threats. 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 or Miami.

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 Attache, 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 CA/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: The Customs Service works closely with outside affected agencies when contemplating or implementing changes at ports of entry. For example, the ports of Buffalo and Champlain have Port Quality Improvement Committees comprised of various border agencies that meet regularly to take proactive actions on issues of improvements, health and safety. Ports consult with applicable Bridge Authorities and other entities on facilities planning for any expansion or new construction. Recent examples include the New York State border crossings at Lewiston, Buffalo, Massena, Champlain and Ogdensburg. Planning for potential border disturbances or demonstrations, such as protests of recent meetings of the Summit of the Americas and Pastors for Peace, have included advance consultation and coordination with multiple law enforcement agencies such as local police departments, New York State Police, New York National Guard, and Bridge Authorities. All ports of entry, currently operating at Customs highest alert level as a result of the events of September 11, 2001, continue to work closely with local law enforcement organizations on border security interests.

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: Great efforts are taken to keep local government, law enforcement and businesses informed of changes in policy at border crossings. The Service Ports of Buffalo and Champlain issue periodic information trade notice "Pipelines" to all affected parties. Each Service Port conducts open town meetings to discuss current issues, with an invitation to affected parties to provide input on agenda items. There is active participation in Port Account Management with importers and customhouse brokerage firms. The ports, as well as the Customs Management Center, provide speakers and panelists for trade shows, symposiums, and other similar forums. Port Managers are frequently quoted in newspapers, or are featured on radio and television broadcasts to explain changes in policy or regulations to the public.

NATIONAL TREASURY EMPLOYEES UNION
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Chapter President

November 29th 2001

The Honorable Mark E. Souder
Chairman
House of Representatives
Subcommittee on Criminal Justice
Drug Policy and Human Resources
2157 Rayburn House Office Building
Washington D.C. 20515-6143

Chairman Souder:

Thank you for the opportunity to testify at the field hearing at Champlain, NY on October 29th, 2001 and for the opportunity to respond to your follow up questions listed below. As you are aware from my testimony, my area of responsibility covers 17 Ports of Entry from Champlain to Alexandria Bay to Albany New York. This represents over 200 employees at these locations. My testimony and response to the follow up questions will address all of these locations and I will provide specifics where I can.

Question 1:

How many new Customs Service agents and inspectors do you believe need to be assigned to your region?

The National Treasury Employees Union does not represent Agents assigned to the Office of Investigation. They are by Executive order, exempt from the bargaining unit. I can tell you, however, that the Customs Resource Allocation Model stated that the area of Champlain alone would need additional 12 agents.

The National Treasury Employees Union does represent Inspectors, CEO's, and Commercial Operations personnel in the bargaining unit. The same Resource Allocation model states we need an additional 79 Inspectors, 2 CEO (Canine Enforcement Handlers) and 4 Import Specialists. This is a rough starting point that I will use as a template for my suggestions. I do not know how the RAM broke down the Port of Champlain.

The Port of Champlain covers Ports of Entry from Champlain to Fort Covington, NY. There are many one person Ports of Entry in this area. Further, there is an Indian reservation that borders several of our Ports. To cover these ports with adequate personnel, we would need an additional 50 Inspectors. This would allow the agency to have at least two people at every one-person station. The one person Ports of Entry should have never been allowed to exist. This

practice is a safety hazard to our personnel and an invitation to smuggle. We cannot and should not expect one inspector to face dangerous situations alone. We should never have allowed this situation to occur and should never allow it again, especially after September 11. We further have the responsibility to have mobile, Contraband Enforcement and Outbound Enforcement teams. We have not had the luxury to provide staffing for these initiatives. We will further need personnel to cover the new VACIS (Vehicle and Cargo Inspection Systems) X-ray unit. We also need to dedicate personnel to take a better look at the rail at Rouses Point and Ft. Covington.

We also cover the Ports of Entry from Ogdensburg to Alexandria Bay. We would need an additional 40 Inspectors to cover these areas. The breakdown would be as follows: Alexandria Bay should get additional 15 inspectors. The Port of Ogdensburg should get additional 10 inspectors and the Port of Massena should get an additional 15 inspectors. These Ports have different risks and would utilize this additional person power to again, cover basics that we have not had the luxury to cover. There are ships from the seaway (ocean vessels) and the St. Lawrence River (private boats) that have been neglected. The Port of Massena also borders an Indian reservation that demands attention. Both Alexandria Bay, Ogdensburg and Massena should have outbound and contraband enforcement teams that have been neglected in these areas.

The Port of Albany would require an additional 10 Inspectors. Albany has vessel concerns along with responsibility to cover an international airport, several outlying airports and a public office in downtown Albany.

All told, we would need an additional 100 Inspectors to cover the basics in the area I represent. This would only cover the basics that we have been mandated to cover by policy and the laws enacted by Congress.

We would also require an additional 9 CEO (Canine Enforcement Officers) to cover the entire area. 4 should stay in the Champlain/Trout River Area and the other 4 should go to the Ogdensburg, west area. 1 Canine position should be dedicated to Albany. Albany used to have a CEO but as a cost savings measure, it was moved to Massena. Of theses new CEO positions, at least 2 should have explosive detection capability to service the entire area, as needed.

We should also address the need for additional Commercial Operations personnel. They have been overlooked but are a critical element to the safe and expeditious clearing of legitimate merchandise through this border. Champlain provides commercial support to all of the Ports between Champlain and Alexandria Bay and Albany. I feel to effectively and properly defend our nation, we would need to address their staffing deficiencies as well. We will need an additional 10-15 Import Specialists and additional 8-10 Entry Specialists 4 lead Customs Aides and 7 Customs Aides. We would further need additional positions in the Fines and Penalties division, Field Analysis Specialists and Seized Property Specialists divisions. The number of positions for these groups would be speculative, at best at this time. The number of positions needed for these positions would be based upon the increased workload the new hires would bring. Their needs cannot be overlooked as their support is critical and is parallel to the success of the hiring of new Inspectors.

This level of staffing will allow the agency and the employees that I represent, the opportunity to

finally, do the job they were hired to do.

Question 2:

How quickly should new agents and inspectors be hired? Are there disadvantages to rapid hiring? If so, please describe the disadvantages.

The employees I have suggested should be hired as soon as possible and practical. The agency has "gutted" resources to a point that we are dangerously running our operations at the potential safety of our nation and it's citizens. We need a rapid response and as soon as the funding becomes available we should hire. The present system of hiring a customs inspector or agent is a 2-year long process. This is unacceptable and has to be expedited.

The disadvantages to rapid hiring: 1) The agency would tell you the major disadvantage to rapid hiring is that they, the agency, do not have enough time to properly screen less than desirable candidates from the process. Arguably, the less time spent on the hiring process the greater the chance that some potential problems might slip through the cracks. However, in the first year of any federal employment, the employee is on probation and can be dismissed with little to no cause from the agency. In cases were the employee is hired under VRA (veterans preference) that probationary window is two years. This allows the agency a safety net to observe and evaluate new employees and weed out any potential problems that may have been overlooked in an accelerated hiring process.

2) There would also have to be a temporary increase in the Academy Staff to facilitate all of the new hires. The Federal Law Enforcement Training Center (FLETC) is located in Brunswick, GA. Each new employee has to complete a basic training class and for Inspectors it is now, 13 weeks. Funding would have to be provided to the Academy for housing, additional TDY Instructors, etc. The same would be true for any discipline that I have suggested to be hired, including the agents. There are only so many basic classes that could be run without additional funding.

3) Even in an accelerated hiring process, the process takes a lot of time.

Any disadvantages would be outweighed by the urgency needed to address the safety and security of our nation and it's citizens.

Question 3:

What Improvements in pay and/or benefits do you believe should be implemented in order to improve recruitment and retention?

Law Enforcement Officer Status

Factors including the uncertainty of irregular hours and the requirement to work overtime have contributed to a high turnover rate among the Customs inspection ranks. These turnover rates

lead to increased training costs for the Agency. After being hired by Customs, many young Inspectors complete the training program, gain valuable on the job experience, and then move to positions with the Department of Justice, the Secret Service, the FBI or with state or local government, where they are guaranteed all the benefits of being a law enforcement officer.

Without a doubt, the single most important improvement that would dramatically improve recruitment and retention for the U.S. Customs Service would be to grant law enforcement officer status to Customs Inspectional personnel. With this status, Customs personnel would receive full retirement benefits after 20 years of government service in law enforcement. Currently Customs Inspectors and CEOs, who carry guns, make arrests and seize more illegal drugs than any other federal group, are denied this benefit. There is a bill before Congress (H.R. 1841), which would give Customs Inspectors and CEOs, law enforcement officer status and end this disparity. I would hope Congress would pass this bill as soon as possible.

Another issue that would vastly improve recruitment and retention would be to make the Journeyman Grade for Customs Inspectors a GS-11. Currently the maximum career grade ladder that a Customs inspector reach without having to apply for a Senior Inspector position is GS-9 Step 10. The career ladder for an inspector starts at a GS-5 for the first year. Rises to GS-7 at the beginning of the second year. After the third year rises to GS-9 where the inspector can go no further unless applying for a Senior Inspector position.

Once Inspectors reach Grade 9, this is as far as they can go on the career ladder without having to apply for a Senior Inspector position. They then would have to apply for the Senior Inspector GS-11 position, which greatly limits the chances for an inspector to actually reach this level for reasons such as unfortunate local port politics, management/bargaining unit relations or because of the cap on the number of Grade 11 positions made available in a particular Customs region.

Upgrading career ladder to the Inspector Journeyman GS-11 would help Customs attract and retain quality personnel, which will result in more experienced employees serving the United States public in mission critical positions at all ports around the country. Customs inspectors should receive Journeyman GS-11 because of their increased enforcement and trade law responsibilities that exist within the Customs Service. In the last 15 years the actual duties of Customs Inspectors has changed dramatically.

The more than 13,000 Customs employees are capable and committed to the Customs mission. We are proud of our part in keeping our country safe from terrorism and drugs and our economy safe from illegal trade. The men and women of the U.S. Customs Service are deserving of more resources and personnel to perform their jobs better and more efficiently.

I applaud this Subcommittee for recognizing the twenty-first century needs of the Customs Service. I urge this Committee to continue to talk to the Customs personnel to fully understand the jobs we do and what our regular work lives are like.

Sincerely,

Thomas V. Keefe/s/
Chapter President, NTEU Chapter 138
Senior Customs Inspector

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
(AFL-CIO)

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

29 November 2001

Mark E. Souder, Chairman
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
2157 Rayburn House Office Building
Washington DC 20516

RE: Field hearing, "Improving Security and Facilitating Commerce at the Northern Border," Champlain, New York

Dear Chairman Souder,

Thank you again for your interest concerning the future of improving security and facilitating commerce by Federal Law Enforcement agencies, especially the U.S. Immigration and Naturalization Service located at the northern border in Champlain, New York. Your interest in the Northern Border is a refreshing breath of fresh air for those of us charged with the protection of this border and the homeland. Your committee has specifically addressed three areas of concern that you wish further input.

Your first question addresses the need for increased staffing on the northern border. All of our class "A" ports of entry are suppose to have full Immigration coverage twenty-four hours a day, seven days a week and until September 11, 2001 this was not the case. To regain the minimal staffing to meet the definition of a class "A" port of entry would require thirty-eight full time inspector positions to cover the six ports not currently staffed. This will allow us to meet only the minimum standards required to staff class "A" ports as required by definition of the port class standards and past staffing levels. This would take into account minimum staffing of both INS/Customs officers at the ports of entry as required to include time off, sickness, medical leaves, annual leaves, training, alerts and unforeseen staffing problems.

To address the issue of waterway coverage is another issue entirely. Since the inspectional presence for both the Immigration and Customs Service on Lake Champlain and the St. Lawrence River is basically non-existent and entirely new program will have to be drawn up to attack this breach of America's security perimeter. Minimal staffing for this area on Lake Champlain would entail a minimum of two eight-hour shifts a day during the heavy traffic

season. In addition, at the very minimum, electronic monitoring during off-hours and low season to include foot and snowmobile traffic on the ice in winter. That would result in four new seasonal positions located in a new inspectional facility located on Lake Champlain.

The St. Lawrence River is another demographic matter; it is completely out of control. The union would propose two additional seasonal inspection facilities to be opened and staffed at least for two eight hour shifts a day during high season, or six new seasonal positions. The union would propose termination of the current remote video program because it's still lacking in technology. If the program becomes adequate for the service it should be coordinated through the new St. Lawrence facilities not the Champlain port of entry, which is located approximately 140 miles away.

These changes will restore the standards of fifteen years ago and barely address the current laps in security. The Immigration Service must also fully staff its inspectional facilities to reflect traffic flow. The current practice of minimally staffing ports of entry for weekend shifts must end. The union is amazed that despite the fact Sunday is the busiest days of the week for inspectors at the ports of entry, we have only 40 – 60% of the normal staffing because Sunday is an overtime day. Staffing should reflect traffic loads and security needs for the northern border, not the level of the current overtime budget.

Your second question addresses the issue of how to quickly staff our land border ports. The increased level of security and protection demanded by the Congress and the American public has created a situation in which inspectors are currently working sixteen hour days, averaging sixty to seventy hours a week. All leave has been cancelled and the demands of the job are taking a tool on the officers on the front line. To immediately address the issue the union would propose the temporary rehire of recently retired Immigration Inspectors, Border Patrol Agents, Immigration Criminal Investigators, Detention Officers and others with the appropriate training and security clearances for a period not to exceed one year. This would allow Immigration necessary lead-time of at least one year for the hiring of quality new recruits to fill the needed positions. The union would propose the immediate hiring and training of at least 30% of the anticipated staffing levels within ninety days of the determination of the required staffing using current maintained selection lists. The balance of the hiring should be completed within one year. Given the time required for security checks and basic training at the Federal Law Enforcement Training Center (FLETC) Glynco, Georgia, turn around time on hew hires should approach one year.

The one issue that needs to be stressed during the hiring process is the need for quality employees that want a career with Immigration; it should hold president over a quick hiring process. The turn over rates approaching 50% in some INS facilities. The stress should be on retention, not on serving as a turnstile into government service with other agencies. It may be time for Immigration to explore new venues to obtain quality employees that want a career with the service. The use of the favorite program of hiring with the service, the outstanding scholar program, has been a horrible failure. Quick action on the part of the Congress is called for to pass a budget to allow the hiring of qualified officers to increase the level of security on the northern border, and to reduce the stress being placed on those carrying out the current mission.

The last question regarding improvements in pay/benefits is the heart of many of the problems facing the Immigration Service. Inspections with the Immigration Service has been and remains the lost child of the Department of Justice. Our current Commissioner, Mr. Zigler, has recognized this since he took office. Inspectors are seen mainly as clerks working the inspectional facilities. They just happen to carry a badge, mace, baton, handcuffs, and weapon. The first obstacle to success with the inspections program has been the lack of recognition that it is a **Law Enforcement** position deserving the pay and benefits normally associated with this type of position. An Immigration Inspector killed in the line of duty is not a clerk; they are law enforcement officials deserving the compensation of a law enforcement position. Inspections within the service is currently viewed as a dead end career move with little to no hope for advancement and promotion. The inspection position currently demands little respect from Immigration management officials. Immigration Inspectors work at a competency and responsibility level as high or higher than their Immigration Examiner counterparts, yet a journeyman inspector is a GS-09 and the Examiner is a GS-12. The examiner works regular hours in an office, Monday through Friday with holidays off. They never see the elements of working outside, never face a rotating shift schedule with its frequent midnight shifts, and never face the danger of dealing regularly with the criminal element. Our current Commissioner, Mr. Zigler, has recognized these problems and is attempting to address them with specific proposals for improvements in inspections.

If you examine the promotion potential and benefits package given to our fellow government agency Customs gives its inspectors, its not hard to imagine why Immigration looses so many good inspectors to the Customs program. Customs officers have benefited by a law passed for Immigration inspectors receiving 5% more pay for having a foreign language. They receive more night deferential pay, and can add up to 50% of their overtime pay towards retirement. Just a few of the benefits not given to Immigration Inspectors.

First and formost, Immigration inspectors need law enforcement recognition and benefits for its entire front line staff. Secondly, promotions of the journeyman inspector to the GS11/12 level, and a new entry level for new hires at the GS-07 level. The third priority for advancement within the Immigration ranks should be given to qualified current members of the officers' corps, not to new outside hires. Making inspections a dead end career choice will not attract the high quality candidates the service needs to complete its mission. Upward mobility within the inspections ranks is practically non existent and should end. The fourth area needing attention is for better recruitment and retention of officers. A joint task force involving the Congress, the service and the union to address the critical elements of entitlements for the employee benefits package could address that. The service has a terribly run personnel department that lacks clearly written procedural policy manuals for handling the simplest tasks. Workmen's compensation claims go unanswered for years, expense claims go unanswered for extended periods of time, promotion announcements go unfilled, preflight inspectional officers remain stranded overseas for years on end, and the simplest operational manuals are not available for the staff to access. Basic operational needs, such as rough duty and winter uniforms are unavailable. Our facilities need upgrading to reflect the task at hand and the conditions officers need to work in.

These answers should shed a little light on the plight of an Immigration Inspector and the northern border security. Unfortunately, the problems with the service runs deep. Territorial conflicts between districts and regions with Immigration compound the blur of an already confusing chain of command made up of fiefdoms. The dilemma of an agency charged with enforcing immigration laws and granting immigration benefits is a constant source of friction within the service. Loose implementation of lax immigration laws has allowed the breaches of the homeland security that have resulted in the current situation concerning border control. Poor record keeping on data systems a local government would not use must end. The tools necessary to accomplish a clear mission must be made available to inspection personnel. Emphasis on enforcement of immigration laws must take precedent to "Customer satisfaction surveys". Terrorists are not INS's "customers", they are a direct threat to the nation we all love. Immigration Inspectors need laws that will protect our way of life, as we know it. Lack of coordination between INS, Customs, the Border Patrol and other government agencies result in the gaps that have created the current situation on the northern border concerning coverage. The past practice of existing in your own little agency world is not serving the goal of border security. Again a clear mission statement must be issued with a firm plan on how to obtain the mission by all agencies charged with border security.

The union stands ready to support any action by the Congress that will move us all toward common goals. There is a lot that needs to be accomplished and Congress has the authority to make those changes. Again thank you for allowing the union to provide its views and the inspectors believe Congress will address longstanding problems.

Very Truly Yours,

Carl J. Duford, Vice President Local 2580
Immigration and Naturalization Service
Council

Nov-02-01 12:37pm From-USCS CONGRESSIONAL AFF 2029270953 T-276 P.02/03 F-581

Boston Globe 10/30/2001

High alert strains resources of northern border patrols

ASSOCIATED PRESS

HIGHGATE, Vt. — US border officials, who have been working long hours since the Sept. 11 attacks on New York and the Pentagon, are trying to keep the border open while keeping the United States safe.

Since the attacks, officials at all Vermont ports of entry, including the port of Highgate Springs, which stretches from Alburg to East Richford, have been on Level 1 Alert.

"This is our highest state of alert, calling for sustained, intensive antiterrorist operations," said Philip Spade, director of field operations for the US Customs regional office in Boston. "We remain at Level 1 Alert today."

On the northern border in Spade's jurisdiction, which stretches from Vermont to Maine, two Customs officers are staffing all ports of entry 24 hours a day, seven days a week.

Previously, smaller ports such as those in Franklin and Alburg were occupied by one person for 16 hours daily.

At a Sunday congressional hearing at the port of entry in Highgate, members of the US House Subcommittee on Government Reform were told of those efforts.

It was sponsored by Representatives Mark Souter, Republican of Indiana, and Bernard Sanders, the Vermont independent.

Nearly 100 Customs inspectors have been stationed temporarily at northern border posts to ensure minimum staffing requirements, but keeping small stations open with two round-the-clock inspectors requires at least 50 more in Vermont, said John Wilda, a Highgate resident and senior customs inspector at the Highgate Port of Entry.

"Our work has changed significantly since Sept. 11," said Wilda. "Yet we are doing it all with no increase in staff."

As a result, Wilda said, he logged 60 overtime hours during a two-week pay period and worked 21 consecutive days. Sixteen-hour days are common, he said.

Vacations were canceled, on-the-job injuries have increased because of fatigue, and summer positions were extended to March.

"It all comes down to more staff," Wilda said. "Either we revert back to the border being a sieve, or we get requisite staff necessary to protect all Americans."

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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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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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 6, 2001

VIA FACSIMILE AND FIRST CLASS MAIL

Ms. Frances Holmes
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," Champlain, New York

Dear Ms. Holmes:

Thank you very much for your testimony on October 29, 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

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 this region currently have to provide incentives for recruitment and assignment to your 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 foreign 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 do 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 your 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