

Testimony of
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Senator Feinstein thank you for your invitation to testify before this Subcommittee today. Since September 11th, Commissioner Bonner's top priority for the Customs Service has been responding to the terrorist threat at our land borders, seaports and airports. His highest priority is doing everything we reasonably and responsibly can to keep terrorists and terrorist weapons from entering the United States.

Through our Customs Inspectors and Canine Enforcement Officers, and Special Agents we are doing just that: protecting and defending our country against the terrorist threat at all our ports of entry, including our seaports.

Since September 11th, Customs has been at a Level One alert across the country -- at all border entry points. Level 1 requires sustained, intensive anti-terrorist questioning, and includes increased inspections of travelers and goods at every port of entry. Because there is a continued threat that international terrorists will attack again, we remain at Level 1 alert to this day and will be at Level 1 for the foreseeable future.

As part of Commissioner Bonner's response, Customs has implemented round-the-clock coverage by at least two armed Customs officers at every Customs location, even at low volume crossings along our northern border. To this day, Customs inspectors are, in many places, working 12 to 16 hours a day, six and seven days a week.

To help ensure that Customs develops a coordinated, integrated counter-terrorism strategy for border security, Commissioner Bonner established a new Office of Anti-Terrorism.

In an operational context and to support our Customs officers in the field, we have also established the Office of Border Security. The mission of that office is to develop more sophisticated anti-terrorism targeting techniques for passengers and cargo in each border environment and provide a single point of contact for events taking place in our field.

In approaching our primary priority to prevent terrorists and terrorist weapons from transiting our borders, we believe that Customs must also do everything possible to "push the border outwards." We must expand our perimeter of security away from our national boundaries and towards foreign points of departure.

Any effort to "push the border outwards" must include the direct involvement of the trade community. The Customs-Trade Partnership Against Terrorism, or "C-TPAT," builds on past, successful security models between Customs and the trade that were designed to prevent legitimate commercial shipments from being used to smuggle illegal drugs

Another core area in these efforts is implementation of the Container Security Initiative, or CSI. As you know, one of the stated goals of current terrorist organizations has been not only to target American lives, but to target the American economy.

The vast majority of world trade - about 90% - moves in containers, much of it carried on oceangoing container ships. Nearly half of all incoming trade to the United States by value - about 46% - arrives by ship, and most of that is in containers.

If terrorists were to succeed in concealing a weapon of mass destruction, even a crude nuclear device, among the tens of thousands of containers that enter U.S. ports every day, the devastation would be horrible to contemplate. And the impact on our global economy would be severe. As the primary agency for cargo security, I believe U.S. Customs should know everything there is to know about a container headed for this country before it leaves a foreign port, such as Rotterdam or Singapore, for an American port. Customs wants that container pre-screened there, not here.

The effective use of technology depends largely on good targeting, for which we require advance information. Prior to September 11th, Customs examined about 2% of incoming cargo to the U.S. That percentage is significantly higher now. However, to some the overall number of examinations may still seem surprisingly low in proportion to the vast amount of trade we process. Yet it is important to note that the cargo Customs selects for intensive inspection is not chosen randomly. It is the result of a careful screening process, a process that uses information culled from a vast database on shipping and trading activities known as the Automated Manifest System. Using targeting systems that operate within AMS, we are able to sort through the cargo manifests provided to Customs by shippers and carriers, and chose those shipments that appear unusual, suspect, or high-risk. It is a system that has served us well, but one that can and must serve us much better in light of September 11th.

Currently the submission of advanced shipping manifests to Customs is voluntary. We cannot rest our Nation's homeland security on the vagaries of haphazard advance information that is often incomplete and sometimes inaccurate. Timely, accurate, and complete information is vital to homeland security and we should mandate it is provided in advance. Current legislation, such as S.1214 takes us a major step closer to where we ultimately need to be, particularly for the CSI - and that is to have full information on incoming cargo before it even leaves the foreign port.

As part of our immediate response to September 11th, Customs promptly sought, and the Congress promptly enacted, legislation that made the submission of data on incoming passengers to Customs' Advanced Passenger Information System mandatory for all airlines. That law was passed last November as part of the Aviation Security Bill. Initially, the Commissioner ordered all international airlines flying into the U.S. from abroad to submit advance passenger information to Customs, or face 100% inspection of people and goods departing their flights. This enabled Customs to better secure advance passenger information on all incoming international flights before the new law took effect.

Beginning with the mega-ports that export to the U.S., we should establish a new international security standard for containers in order to protect this vital system of global trade. The core elements of the CSI are the following:

First, we must establish international security criteria for identifying high-risk cargo containers that potentially pose a risk of containing terrorists or terrorist weapons.

Second, we must pre-screen the high-risk containers at their port of shipment - in other words before they are shipped to the U.S.

Third, we must maximize the use of detection technology to pre-screen high-risk containers. Much of this technology already exists and is currently being used by the U.S. Customs Service.

Fourth, we must develop and broadly deploy "smart" boxes - smart and secure containers with electronic seals and sensors that will indicate to Customs and to the private importers or carriers if particular containers have been tampered with, particularly after they have been pre-screened.

As you can glean from this list, technology and information are essential to a successful container security strategy, and to our counter-terrorist mission in general. And to put it simply, the more technology and information we have, and the earlier in the supply chain we have them, the better.

I also look forward to the completion of the Automated Commercial Environment, or ACE, which as you know is an extremely important project for the Customs Service. ACE, our new system of trade automation, offers major advances in both the collection and sorting of trade data.

We are also working with the Canadian and Mexican governments to improve information exchange and adopt benchmarked security measures that will expand our mutual borders and reduce the terrorist threat to most of the North American continent.

The terrorists have already exploited one key component of our transportation system: commercial aviation. It is not at all unthinkable that they will seek to target others, including maritime trade. We believe our seaports and the system of global trade they support are vulnerable, and we believe that the U.S. and the Customs Service must act now to address this threat. Thank you.