

**Prepared Remarks by C. Stewart Verdery, Jr.  
Principal, Mehlman Vogel Castagnetti, Inc.  
Adjunct Fellow, Center for Strategic and International Studies**

**The 9/11 Public Discourse Project  
“The 9/11 Commission Report: The Unfinished Agenda  
Session 4: Securing the Homeland”**

**Washington, D.C.  
June 28, 2005**

**Introduction**

Senator Kerrey, thank you for the opportunity to appear as part of today’s panel which will examine the progress that has been made in implementing the recommendations made by the 9/11 Commission in key areas such as border and transportation security. I am a principal at the consulting firm Mehlman Vogel Castagnetti. I also serve as an Adjunct Fellow at the Center for Strategic and International Studies, although my comments today are solely my own.

I served as Assistant Secretary for Border and Transportation Security (BTS) Policy and Planning at the Department of Homeland Security from June of 2003 until my resignation in March of this year. I was responsible for policy development in the fields of immigration and visas, transportation and cargo security, and law enforcement which largely were carried out in the field by U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA). It is important to note from the outset that my responsibilities did not encompass topics on today’s agenda related to national preparedness, and thus my remarks do not address those important issues.

I thank the 9/11 Commission for its uniquely valuable report and subsequent efforts working with Congress to enact the Intelligence Reform and Terrorism Prevention Act last year. The sections related to border security, in particular, were very much aligned with the existing direction of the department and accelerated next generation policies that will facilitate legitimate commerce while detecting terrorist travel and other criminal behavior crossing the border.

I believe the government has moved about as quickly as is possible to turn the Commission’s recommendations into concrete action. However, it is neither feasible nor wise to expect our international travel and transportation systems to be retrofitted with every good idea at once. Moreover, poorly implemented security procedures will be proof positive to those who argue that we have created a “Fortress America”, an image which itself has the potential to cause serious harm to our nation. The trick is to maintain that sense of urgency we felt after 9/11 which was rekindled by your report, without causing self-inflicted wounds to our economy or foreign policy that will take a generation to heal.

## **Deploying a Biometric Entry-Exit Program and Targeting Terrorist Travel**

Despite Congressional mandates, on 9/11 we lacked an automated entry and exit system that would allow us to know when foreign visitors arrived and when they departed. INS operated only a minimal entry system with no biometrics and no exit system at all: criminals were able to come and go across our border, by using forged documents or aliases, without detection.

Now, of course we have built the first phases of the US-VISIT program. I am frankly shocked by some of the recent criticism of US-VISIT: a *Congressional Quarterly* piece even suggested shutting the program down because it does not yet encompass a 100% entry-exit system. These criticisms fail to recognize the necessity of deploying US-VISIT in manageable stages to ensure success. Before Secretary Ridge took the bold step of allowing an entry-exit system to be built in increments, year after year went by with nothing being deployed because nobody could figure out how to instantly turn on a universal system that would actually find unwanted criminals and terrorists without crippling international trade and sparking outrage among the business persons, students, and tourists we need to attract to our country. Under the incremental approach, we now have conducted biometric reviews of some 28 million foreign visitors at our air and sea ports and at our busiest land ports of entry, and are checking out certain visitors departing the country at designated locations. Combined with the strengthened BioVisa system, the biometrics captured by US-VISIT allow consular and immigration officials to confidently tie travelers to the visas and passports they are carrying. US-VISIT has identified over 650 criminals who would otherwise been allowed entry to the U.S. and no doubt frightened away countless other criminals from attempting to enter our country.

US-VISIT works in tandem with the biographic system based on advanced passenger data known as APIS and PNR. Leads and threat profiles generated by our intelligence services are analyzed by the National Targeting Center and the Human Smuggling and Trafficking Center to develop robust targeting engines to find the literal needles in the haystack.

But there is certainly much more to do in this area. The next handful of years will see a convergence of major initiatives affecting how traffic flows across our land borders with Mexico and Canada: the deployment of US-VISIT to primary lanes of our land ports of entry and exit; the requirement that all entrants to the U.S. present a secure travel document to enter or reenter the U.S.; the expansion of “trusted” traveler programs; and the possibility of a new guest worker program to ensure that foreign workers able to pass a security check are allowed to work for willing employers in the U.S.

It is absolutely critical that the Congress aggressively fund US-VISIT so that land border implementation is not delayed. Travel documents for Mexican nationals, most significantly Border Crossing Cards, must be retrofitted or reissued to include information capable of being read wirelessly at land ports of entry. Entry traffic lanes must be altered to allow for wireless connectivity to identify watchlist or criminal hits in time for a law enforcement response.

Creating an exit structure at the land borders is no less daunting. A reasonable goal over the next several years is construction of a system that will inform DHS whether persons departing the U.S. have complied with the terms of their entry.

In addition, US-VISIT requires sufficient funding to implement the full exit component at air and sea ports. DHS has done enough pilot testing on a variety of biometric exit models involving kiosks, departure receipts, and gate confirmation to make decisions. We must be able to identify those who violate the terms of their visa and the occasional but important instances where a known terrorist or violent criminal is attempting to depart the country. US-VISIT's recent identification of a sexual predator seeking to leave the country in Texas is a great example of an exit enforcement capability.

US-VISIT's end state also will include a "person-centric" inventory of all relevant enforcement and immigration services information. The program should put an end to the unwieldy systems of records maintained regarding travel and immigration and will result in better service to legitimate travelers and immigrants, and better enforcement tools as well.

Second, the overdue enactment of the Western Hemisphere Travel Initiative last year as part of the intelligence bill means that millions of U.S. citizens returning to the U.S. and many Canadians and certain Caribbean guests will be required to produce a secure travel document such as a passport or SENTRI or NEXUS card no later than 2008. This increased workload makes the challenges to deploy US-VISIT and next generation U.S. passports all the more important.

Third, US-VISIT should also serve as the backbone of any temporary worker program that Congress might enact. Passage of a properly developed guest worker program will bring massive improvements in border security. Providing those who want to work and have no criminal or terrorist record a means to enter the country legally will make it much more likely that the Border Patrol will be able to identify and arrest the criminals and terrorists who will lose their cloak of invisibility that the current situation offers. Any new applicant should be required to submit ten fingerprints for a full IDENT and IAFIS review and be required to obtain a unique, biometrically-enhanced identification document that can serve as an entry document under US-VISIT at a port of entry and as an employment verification document via an "insta-check" system.

### **International Cooperation**

Moving to the issue of international cooperation, the Commission rightly pointed out the need for effective relationships with foreign governments and international organizations to share information and develop standards. After perhaps a slow start in engaging in this area, DHS, usually in cooperation with the Departments of State and Justice, has moved aggressively and has finalized major accomplishments, including: treaties with the European Union on passenger data and cargo security; adoption of the International Maritime Organization's ship and port security codes; development of excellent bilateral relationships with key partners like Mexico, Canada, and the United Kingdom; and just

last week adoption of new standards for cargo security at the World Customs Organization.

To improve on this record, DHS should create a unified policy office that includes responsibility for interactions with foreign governments and organizations, deploy attaches to key foreign posts, and particularly redouble efforts to share watchlist and other terrorist travel information, such as lost and stolen passports, with foreign governments, particularly the European Union.

### **Comprehensive Screening System**

Next, the Commission's recommendation that the U.S. government design a common screening system was quickly seized upon by the President when he issued Homeland Security Presidential Directive 11 in August of 2004. Policymakers throughout the White House, DHS, and other cabinet agencies recognized the wisdom of attacking similar problems and requirements with unified and consistent approaches. Thus HSPD-11 tasked DHS Under Secretary Asa Hutchinson to lead a government-wide effort to develop this capability. Utilizing his recommendations, the White House requested that Congress reorganize screening programs within DHS by creating a Screening and Coordination Operations office (SCO). However, we have not actually seen progress on the SCO as its structure is being reviewed as part of the DHS Second Stage Review and the Congress seems unwilling to fund the reorganization until it is better explained.

I strongly believe that a SCO or similar organization should be created to undertake the following responsibilities:

- Development of common vetting platforms that require review of biographic and/or biometric information;
- Adjudication of watchlist "hits";
- Acting as a point of contact for American citizens who believe they have been unfairly affected by screening programs; and
- Offering vetting assistance to non-DHS entities, including private sector institutions.

### **Document Standards**

Moving to document standards, in under a year since the 9/11 report was submitted, we have seen massive changes in the way identification documents will be issued. Under the REAL ID Act, states will be checking for false breeder documents and issuing tamper-resistant driver's licenses. Under HSPD-12, issuance of identification documents for federal workers and contractors will be strengthened immensely. And U.S. passports themselves will be incorporating significant new security features, although not fingerprints. It will take years for the U.S. to dig out of a hole created by lax document security regimes, but these requirements truly represent a sea change in how we do business.

## **Aviation and Transportation Security**

The breadth of difficult issues in the aviation and transportation fields defies a quick comment. However, I believe that any realistic risk management analysis would conclude that in allocating vast, but ultimately limited resources, we are too heavily focused on aviation security. Moreover, within the aviation realm, the massive amount of money required to support a well-trained screener workforce required to physically screen all passengers with little regard for their risk profile, means our resource allocation is out of whack. I hope that the current Second Stage Review may contribute to a more focused use of resources that relies of the worthy goal of layered aviation security, rather than trying to chase down the unobtainable goal of a 100% error-proof checkpoint.

## **Conclusion**

In conclusion, as the U.S. builds secure border and transportation systems, it is perhaps appropriate that oversight bodies and the media focus on continued weaknesses and not success stories. I would caution, however, against unjustified pessimism about our current defenses. Nor should we blindly disregard the risk that poorly planned security measures may wreak major havoc on our economy and foreign policy. In part due to the efforts of the 9/11 Commission, the government has made tremendous progress towards the secure but welcoming borders that our citizens need and deserve. I have great faith in my former colleagues to continue this record of achievement to bring the full weight of American resolve, technology, and democracy to bear against those who would do us harm.

I congratulate the Public Discourse Project for its continued interest in these critical issues, thank you for the opportunity to present these observations, and look forward to our discussions.