

Migrating to DHS screening office

Moving CBP programs to Office of Screening Coordination and Operations raises questions, concerns.

By ERIC KULISCH

Many questions remain unanswered about a skeleton Bush administration proposal for a new Office of Screening Coordination and Operations (SCO) within the Department of Homeland Security that would cover many Transportation Security Administration background check programs on travelers.

But even less clear is how the office would affect international cargo security programs administered by Customs and Border Protection (CBP).

The fiscal 2006 DHS budget includes a proposal to consolidate terrorist-related screening programs for cargo and people in a new office within the Border and Transportation Security directorate.

SCO would coordinate and standardize separate identification, credentialing and tracking efforts of TSA and CBP, without necessarily creating a single screening program.

"The point is we have programs with similar structures involved in enrolling people, vetting them against terrorist watch lists, determining whether they should have special benefits or access ... notifying people, adjudicating a potential hit with a similar name, how to deal with false positives," said Stewart Verdery in an exit interview the day before he left office March 4 as assistant secretary for border and transportation security policy and planning.

The programs that initially fall under the new office deal with screening individuals, including transportation workers that handle cargo. Under the plan, the high-level management structure for nine programs would be combined in the SCO:

- The driver credentialing portion of Free and Secure Trade Lanes, a CBP supply chain security program allowing precertified shippers participating in the Customs-Trade Partnership Against Terrorism (C-TPAT) to have their vetted truckers get automated

10 **AMERICAN SHIPPER**: MAY 2005



Brian Goebel
attorney,
Gibson, Dunn
and Crutcher

"There are significant differences in the programs that they are trying to put under the SCO umbrella.

There are important distinctions that are getting blurred."

cargo clearance at land ports and pass through dedicated lanes, where available. There are 37,000 drivers enrolled in FAST. DHS has budgeted \$7 million for the program next year.

- TSA fingerprint-based criminal history background checks for truck drivers hauling hazardous materials. TSA estimates it will conduct background checks on 400,000 drivers next year.

- TSA background checks and management of the Transportation Worker Identification Card program for controlling access to secure areas of ports and other transportation facilities. TSA has been field-testing the TWIC at ports in Los Angeles-Long Beach; Wilmington, Del.-Philadelphia; and in Florida. Prototype testing is scheduled to end in May. Officials hope to issue about 100,000 prototype credentials during further test phases through September. TSA has a \$5

million budget for TWIC and next year plans to fund the program by collecting fees.

- The U.S.-VISIT program using fingerprints and digital photos for identifying visitors and immigrants.

- Secure Flight, a new program that shifts responsibility for matching airline passengers with terrorist watch lists from the airlines to TSA.

- NEXUS, a CBP program designed to simplify crossing the northern border for pre-approved, low-risk travelers, and the related Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program on the southern border.

- Crew Vetting, a TSA program for screening the backgrounds of every cockpit and cabin crew on inbound and outbound international flights.

- Registered Traveler, a TSA pilot program designed to prescreen travelers and allow them to avoid some on-site security checks at airports.

- Alien Flight Student Program.

DHS officials insist the SCO will address the structure of the programs and put rules in place on the backend, while operational control of the programs will continue to reside in the agencies.

CBP officials have publicly expressed support for pulling together screening efforts in the SCO, but on several occasions have admitted not knowing how the FAST program will be affected.

"It's still just an idea in the budget bill. How it's going to come out is anyone's guess," said Michael Mullen, CBP's director of trade relations, at an industry conference in March.

Verdery acknowledged that the FAST transfer to DHS "is not completely fleshed out," adding CBP would probably continue to operate the enrollment centers, certify drivers and process vehicles through FAST lanes at ports of entry.

"The basic idea is that the driver is vetted. That's the common link," Verdery said. "But what other components are handled by the SCO or under the review of the SCO – that decision hasn't been made."

DHS Secretary Michael Chertoff has endorsed the concept of the SCO, but exactly how the various programs will be brought together awaits his review of DHS initiatives.

DHS officials say other programs are likely candidates to fall under the SCO umbrella in the future after the office gets off the ground. The first round of the SCO is focused on passengers, but the next phase will incorporate more cargo screening programs, Verdery said.

Asked whether CBP's National Targeting Center, which screens cargo manifests

and other commercial data through high-powered computers that flag suspicious containers for full examinations, would be transferred to the SCO, Verdery said. "That's one of the tougher questions. My thinking is that the NTC is so integrated into the core of CBP's mission that it would be hard to pull it out without disrupting that mission. But it is a fair question about whether or not it should be" in the SCO.

The concept of an office to centralize screening activity is an outgrowth of 9/11 Commission recommendations and a subsequent presidential directive last year to integrate immigration, law enforcement, intelligence, border and transportation systems and critical infrastructure screening activities for people, cargo and conveyances to better prevent terrorist attacks.

Several congressmen agreed during a March 2 hearing that consolidating screening programs would improve their efficiency and effectiveness, assuming the correct selection of programs with potential to be harmonized.

But even after a hearing on the subject, Congress is still in the dark about who in DHS is going to manage the information, whether it is going to reside in one large database, privacy protections and other integration issues.

"There are so many unanswered questions that Congress is not comfortable," said a House Homeland Security Committee staff member. "But I'm not sure if anyone is going to do anything to stop it" because of the Bush security directive to coordinate screening.

Skeptics say the SCO wasn't well thought out and could just end up adding another layer of bureaucracy.

"There are significant differences in the programs that they are trying to put under the SCO umbrella," said Brian Goebel, an at-

torney with Gibson, Dunn and Crutcher and a top assistant to CBP Commissioner Robert Bonner until last year. "There are important distinctions that are getting blurred."

FAST is essentially the application of C-TPAT for importers who use trucks. It has more of a supply chain security and facilitation program than just a driver identification program, he said.

"It's not clear on what basis the FAST program is being brought under this office since it's a program for clearing truck cargo that is built mostly around C-TPAT. The driver interview and FAST card is an important, but relatively small piece of the overall FAST program," Goebel said.

The programs "don't necessarily need to be under one roof. You just have to make sure everyone is having conversations with each other to leverage the technology" and share background information, said a private sector source who closely follows DHS activity and worries that CBP's expertise dealing with international trade issues could be lost in the shuffle to a new office.

"This doesn't bode well for the department letting the agencies be agencies. The department is slowly peeling back operational control from the agencies, and down the road it will negatively affect the trade because you are divorcing operations and policy and accountability," the source said.

Importers, for example, may not be able to get quick answers to operational questions about why their containers are getting flagged for exams if supply chain security decisions are separated from the agency that works directly with shippers in the ports, the source suggested.

The House staff member said a lot of interoperability problems could be solved if agencies and programs simply exercised reciprocity. Most of the background-check requirements for FAST and TWIC, for

example, are the same so that a person applying for credentials in one program could have the same credentials accepted by the other. The applicant could then just satisfy any separate requirements required by the other program without having to go through the whole process again.

The SCO would receive \$847 million under the Bush budget, essentially the amount of all the combined programs.

DHS officials said reducing overhead was a primary impetus for pulling nine different programs together in a single office. The savings, they said, will be plowed back into operations.

But during a March 2 congressional hearing, Jim Williams, director of the U.S.-VISIT program, admitted plans call for the office to be staffed by 32 new employees at an annual cost of \$6 million.

"The 32 additional people are to help achieve the benefits of integration," Williams said. "The programs coming together have their own staffs that have to operate their programs. To achieve integration, you cannot do it without somebody who looks at this from a corporate level and starts to knit together these programs in terms of how the business processes, the data, the systems, the system interfaces, the data sources, how do those get harmonized?"

"What I think you really get is cost avoidance. If you don't do the SCO and you don't coordinate and integrate, then you have systems and programs that are building separate infrastructures potentially, buying the same tools instead of sharing the same tools. And that way you have duplicative costs that can be cost avoided by achieving the benefits of integration. If you then have the same budget, then you get more mission for the same amount of money by building upon that common set of services or that common infrastructure." ■



Shippers' NewsWire
Daily updates www.americanshipper.com

To subscribe call 1 (800) 874-6422 or on the Web at www.americanshipper.com