

STATEMENT OF
ASA HUTCHINSON
BEFORE THE COMMITTEE ON HOMELAND SECURITY
U. S. HOUSE OF REPRESENTATIVES

March 20, 2007

Chairman Bennie Thompson, Ranking Member Peter King and Members of the Committee, thank you for the invitation to appear before this Committee to discuss the history, management and future of the US-VISIT program at the Department of Homeland Security.

While I had the privilege of serving as the first and only Under Secretary for Border and Transportation Security within the Department, I am now in the private sector serving as CEO of Hutchinson Group, a homeland security consulting firm in Little Rock, Arkansas, and as a senior litigation counselor at the Venable Law Firm in Washington, DC.

During the creation of the Department of Homeland Security, it was my responsibility to oversee the creation of the US-VISIT program, to meet the Congressional mandates on entry-exit, and to work with this Committee on a regular basis. The leadership of this Committee has been essential in supporting the security goals of US-VISIT and providing necessary oversight in the spending of billions of dollars on this program.

In my testimony this morning, I will provide some historical perspective, emphasize the goals achieved thus far, address the need for high level oversight within the Department and finally talk about how the breadth of the US-VISIT mission impacts many different departments within the government.

Prior to the attack on 9/11, Congress recognized the need to create an entry-exit system to record and account for visitors to the United States. Of the 12 million illegal aliens presently in the United States, it is estimated that 40% are visa overstays. It is easy to conclude that accounting for visitors through an entry-exit system is critical to border security, the flow of lawful commerce

and the integrity of our immigration system. The mandate was given to the former INS and was stalled because of the enormity of the challenge and, perhaps, because of the inertia of INS as well. After the 9-11 attack, Congress accelerated the program, moved up the deadlines and increased the requirements. At that point the new Department of Homeland Security was created and assumed the responsibility of implementing an entry-exit system. By December 31, 2003, the new Department had created a US-VISIT program office, developed and had approved its \$340 million spend plan, and met the first deadline within the budget provided by Congress. US-VISIT has continued to expand the entry system to the land borders and now even to visa waiver travelers. There is always more to do and gaps to close but even the 9-11 Commission Report recognized the singular success of US-VISIT and applauded the security enhancements.

I left the Department as its first Under Secretary in March of 2005 and soon became the last Under Secretary for Border and Transportation Security when the Department was reorganized.

The BTS Under Secretary position was abolished, and the US-VISIT program reported directly to the Deputy Secretary and Secretary of the Department. This change would appear to elevate the US-VISIT program, but in reality it left the program without a strong advocate and active decision-maker. Secretary Chertoff understandably made additional changes after the Hurricane Katrina failures, and in the most recent reorganization, placed the US-VISIT program within the newly created National Protection and Programs Directorate. I applaud this move because it will increase the day-to-day oversight and advocacy for the program, it will improve the responsiveness to Congress and enhance the program's relationship with other departments of government that are served by the biometric identification system for international visitors.

There have always been some questions raised as to whether US-VISIT should be placed within one of the operational agencies such as Customs and Border Protection rather than at the headquarters level. I have always disagreed with this idea and,

there are a number of reasons the US-VISIT program office should be a separate reporting unit outside of CBP or any separate agency.

1. Placing the program office within the NPP directorate minimizes the stove-pipe tendencies of government agencies. Within the department it is essential that the biometric identification system work with the enforcement arm of Immigration and Customs Enforcement, the policy office of the Department, the Coast Guard and a host of other offices within the department. The working relationships are easier to maintain when US-VISIT reports to an Under Secretary who can serve as an arbiter, decision-maker and advocate for the system.
2. It is also necessary for US-VISIT to have a close working relationship with the Department of Justice and the Department of State. The original charter for US-VISIT included representatives from multiple departments on its oversight board for . This board met to develop and

recommend policy for the program and to resolve differences. As Under Secretary, I chaired that oversight board, and the high level participation of other departments would not occur if the program was placed at the agency level.

3. Finally, the involvement of department leadership with US-VISIT based upon decision making and active oversight makes it easier for Congress to get information on the program, support its goals and justify its funding. I was regularly called to testify to Congress on US-VISIT, and the high level of support gave a higher level of confidence in the direction of the office.

It is my pleasure to be here today, and I am happy to respond to any questions.