

**November 30, 2006 Associated Press Article Rebuttal Points  
"Feds Rate Travelers for Terrorism"**

**Assertion:** *"The public has not been notified about the targeting of travelers. This is the first time it was covered in the Federal Register."*

**Fact:** DHS and CBP officials have discussed the target process for passengers in many public forums in the past including, Congressional hearings and on CBP's public Web site. ATS was previously covered in the Federal Register by the TECS SORN.

**Assertion:** *"Risk Assessment is based on where they are from, how they paid for their tickets, their motor vehicle records, past one-way travel, seating preference, and what kind of meal they ordered."*

**Fact:** The rules used to evaluate risk are based on intelligence, past experience, and other practical factors. Individuals are not targeted based on their nationality, meal preference, or other innocuous factors.

**Assertion:** *"Could not say whether ATS has apprehended any terrorists."*

**Fact:** The information held in ATS has helped to identify suspected terrorists, as well as scores of other people involved in the violation of U.S. law.

**Assertion:** *"Faulty risk assessments could cost innocent people jobs in shipping or travel, government contracts, licenses or other benefits."*

**Fact:** ATS is a decision support tool, as such it may highlight a person that may require additional attention and a possible interview with an officer, but it does not make recommendations concerning a person's employment. ATS is not used in employment background checks.

The computer does not make the decision; ATS only assigns risk and the officer conducts an exam or an interview to determine the appropriate course of action.

**Note:** Someone who is in the commercial cross border traffic business (truck drivers) could be misidentified in ATS and they could have a boss that has a zero tolerance for any level of USG scrutiny. In rare cases like this, an ATS determination could cost a person their job, but not due to ATS risk scoring.

**Assertion:** *"Everyone can see it but." Travelers cannot learn whether system has information on them nor can they contest the records.*

**Fact:** Any person can submit a FOIA request for information about them in ATS. While targeting rules and other analytical factors are subject to the law enforcement exemptions of FOIA, the personal information against which those

assessments are made (and collected via regulatory requirements) may be available. If such information is inaccurate, the person can seek correction through CBP's Customer Satisfaction Unit.

**Assertion:** *"Sponsoring multiple fiancées for immigration as an innocuous rule."*

**Fact:** ATS does not reference such immigration rules as the sponsoring of multiple fiancées; there is no such specific rule or capability within ATS.

**Assertion:** *"There is no process to correct the risk assessment and associated rules stored in the ATS as the assessment ...will change when the data from the source system's) is amended."*

**Fact:** Rules are reviewed regularly and updated as required.

### **Automated Targeting System Talking Points As of December 4, 2006**

#### *Publishing of the System of Records Notice*

- To provide expanded notice and transparency to the public, the Department of Homeland Security, U.S. Customs and Border Protection gave notice regarding the Automated Targeting System on November 2, 2006 in the Federal Register.
- ATS is the enforcement screening module associated with the Treasury Enforcement Communications System and was previously covered by the Treasury Enforcement Communications System "System of Records Notice."
- The ATS system of records notice does not identify or create any new collection of information, rather DHS is providing additional notice and transparency of the functionality of these systems.
- Previously, this information was covered by the Treasury Enforcement Communications System (TECS) system of records notice, as ATS is a functional module associated with the environment of TECS.
- ATS is employed as an analytical tool to enhance CBP screening and targeting capabilities by permitting query-based comparisons of different data modules associated with the TECS system, as well as comparisons with data sets from sources outside of TECS.
- As part of DHS's updating of its system of records notices and in an effort to provide more detailed information to the traveling public and trade community, CBP has determined that ATS should be noticed as a separate system of records, giving greater visibility into its targeting and screening efforts.

#### *ATS System*

- The Automated Targeting System (ATS) is an Intranet-based enforcement and decision support tool that is the cornerstone for all Customs and Border Protection's (CBP) targeting efforts.

- CBP uses ATS to improve the collection, use, analysis and dissemination of intelligence to target, identify and prevent potential terrorists and terrorist weapons from entering the United States and identify other violations and violators of U.S. law.
  - In this way, ATS allows CBP officers to more effectively and efficiently focus their efforts on cargo shipments and travelers that most warrant further attention.
  - ATS standardizes names, addresses, conveyance names, and similar data so these data elements can be more easily associated with other business data or personal information to form a more complete picture of a traveler, import, or export in context with previous behavior of the parties involved.
  - Every traveler and shipment processed through ATS is subjected to a real-time rule based evaluation.
- ATS consists of six modules that provide selectivity and targeting capability to support CBP inspection and enforcement activities.
    - ATS-Inbound – inbound cargo and conveyances (rail, truck, ship, and air)
    - ATS-Outbound – outbound cargo and conveyances (rail, truck, ship, and air)
    - ATS-Passenger (ATS-P) – travelers and conveyances (air, ship, and rail)
    - ATS-Land (ATS-L) - private vehicles arriving by land
    - ATS - International (ATS-I) - cargo targeting for CBP's collaboration with foreign customs authorities.
    - ATS-Analytical, ATS-Trend Analysis and Analytical Selectivity Program, ATS-TAP) (analytical module)
  - Generally, ATS collects and maintains personal information relating to name, risk assessment, and the internal system rules upon which the assessment is based and Passenger Name Record data obtained from commercial carriers.
    - ATS does not collect information directly from individuals. The information used by ATS to build the risk assessment is collected from government data sources and from entities providing data in accordance with U.S. legal requirements or other applicable arrangements (e.g., air carriers providing PNR regarding individual passengers).
    - Relevant data, including personally identifiable information, is necessary for CBP to effectively and efficiently assess the risk and/or threat posed by a person, a conveyance operated by person, or cargo, handled by a person, entering or exiting the country.

#### **ATS PIA**

- DHS published the PIA for ATS on November 22, 2006.
- [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_cbp\\_ats.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cbp_ats.pdf)

## **AUTOMATED TARGETING SYSTEM Development and Funding Strategy**

### **Issue:**

The Bureau of Customs and Border Protection's (CBP) enforcement responsibilities continues to change and expand at a rapid pace. To help CBP's personnel meet these challenges, the Bureau continues to develop the Automated Targeting System (ATS), CBP's core targeting and decision support system. Since CBP's enforcement responsibilities encompass the movement of people and cargo in and out of the United States, the targeting and decision support requirements for this vast population is equally vast. This paper describes a strategy for identifying and prioritizing these requirements.

### **Project Oversight**

The Office of Field Operations' Border Targeting and Analysis Team (BTA) will serve as the process owner for all ATS development and serve as the single point of contact between the Office of Information and Technology (OIT) and the operational units. The BTA will be responsible for identifying, defining and prioritizing ATS functional requirements and policy issues for the application. In the past, competing priorities have pulled OIT resources in many directions. The designation of BTA as the process owner will allow for a more consolidated effort and minimize redundant taskings.

- The Director of BTA is the ultimate process owner for the Automated Targeting System, and will be supported by two project managers dividing ATS into logical units, cargo and passenger. As a point of reference a list of ATS components is included in Attachment 1.

### **Project Prioritization**

Different CBP offices will continue to generate additional ATS requirements and BTA will be responsible for coordinating these requests with OIT. The BTA will also provide guidance through the Investment Management Process (IMP), although the requesting office and OIT will contribute significantly to the effort.

### **Overview of Budget Process for ATS funding**

The initiation and funding for ATS projects will be managed through the IMP. The BTA will work with OIT and be responsible for ensuring that ATS funding requirements are available for the entire project lifecycle. The BTA will incorporate the ATS funding requirements into the Automated Commercial Environment (ACE) process and develop a long-term strategy to merge the two programs. A Budget Review Committee will be established to review ATS on a Quarterly Basis and will be chaired by the Director, BTA.

## What does ATS need now?

Funding requirements have been identified for the remainder of FY03. These funds totaling \$ 11.4 M have been appropriated in the FY03 Counter-Terrorism Spending plan and only require approval by the Investment Review Board for dispersion. A breakdown of specific ATS funding/project status is contained in Attachments 2.

### Resources:

- The BTA staff handling the ATS components will consist of two managers and 4 staff officers. There are currently 3 vacancies that need to be filled.
- The requirements for ATS continue to expand at a rapid pace and have placed a significant amount of pressure on OIT to increase the current staffing levels. Contractual issues and the availability of physical space to locate the new resources have hampered this effort, but OIT continues to concentrate on resolving these issues.

### Container Security Initiative (CSI) requirements and funding

- International Affairs (INA) will control funding and manage CSI through the IMP. The ATS funding requirements for CSI support will be included in the CSI Business Case as a specific line item.
- The OFO will be responsible for developing the ATS requirements and coordinating their implementation with OIT.
- The INA has identified \$1.2 million in FY04 for CSI enhancements and is preparing the Business Case for consideration by the Investment Review Board (IRB).

### ATS Marketing Strategy

CBP needs to aggressively market the capabilities of ATS to the senior management of DHS, Congress, and GAO. We have a unique opportunity to present a fully functional, integrated, and state-of-art targeting system that can be the centerpiece of the Department's analytical and enforcement missions.



## ATTACHMENT 2

### ATS Approved FY03 Funding Awaiting IRB Approval for Project Initiation

#### ATS-N inbound truck targeting (Southern Border)

- Total Cost: \$48,000
- Status: Input into the business case for maintenance.

#### ATS-N inbound rail targeting (Northern Border)

- Total Cost: \$64,000
- Status: Input into the business case for maintenance.

#### ATS-N inbound ocean targeting

- Total Cost: \$92,000
- Status: Input into the business case for maintenance.

#### ATS-P passenger targeting

- Total Cost: \$1.5 million
- Status: Input into the business case for maintenance.

#### ATS-L (land border)

- Total Cost: \$6.7 million
- Status: Goes before the IRB for approval during the week of June 9<sup>th</sup>.

#### ATS-EC express courier (Federal Express)

- Total Cost: \$3 million
- Status: An ITCD and business case is being prepared. The target date for presentation is before the end of June

**Program Name:** Automated Targeting System

**Program Description:** The Automated Targeting System (ATS) sub-systems provide decision support functionality for CBP targeting efforts. ATS-N provides targeting functionality for cargo, and national targeting rule sets have been implemented in ATS-N to provide threshold targeting for national security risks for all modes: sea, truck, rail, and air.

Threshold targeting uses numerous targeting rules that work in combination to vet different shipment information from manifest and entry data against historical and enforcement records, prioritize "unusual" shipments, and generate mandatory targets for shipments that exceed a specified score threshold. Additional targeting rule sets have been developed to address risks associated with agro-terrorism, contraband, intellectual property rights, and pharmaceuticals. ATS-P provides targeting functionality to Passenger Analysis Units (PAUs) at airport ports of entry and to the target analysts at the National Targeting Center, and ATS-L provides similar functionality at the land border ports of entry for processing conveyances.

**Priority:** High

**Funding Status:** 1

**Remarks:** CBP is currently working with the trade community on an initiative in the ocean cargo environment designed to provide additional data to customs prior to vessel lading in foreign ports. The concept involves increasing the data detail by receiving critical entity identification information on individual shipments prior to vessel lading.

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**Issue:** Utilization of Automated Targeting System – Passenger (ATS-P) for Risk-Assessment of Visa Applications

**Background:**

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CBP met with the Office of Screening Coordination (OSC), Department of State (DOS) and ICE in January and February of 2005 to discuss the possibility of utilizing ATS-P for risk assessing visa applications in support of the HSPD-11 recommendation. These meetings were very high level discussions whereby no agreement was reached to move forward on the creation of this new module within ATS-P. DOS and ICE would only commit to follow up meetings to discuss the concept of a pilot of this recommendation.

**Current Status:** On May 3, 2005, CBP met with the OSC, DOS and ICE to discuss the possibility of performing a test, using ATS-P, to risk-assess visa applications. As a result of this meeting, DOS has tentatively agreed to work with OSC, ICE and CBP on the development of a visa application risk-assessment test. It should be noted that ICE previously expressed an interest in working with CBP to develop a visa-risk assessment module in ATS-P while DOS was more reluctant.

Two primary issues were identified in the meeting as requirements for conducting a proper test. First, a working group would need to be established that would identify the parameters of the test, including the creation of the rules for use within ATS-P. This group would consist of Subject Matter Experts at the working level who would report back to their senior managers on the progress of the test.

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# Targeting in the Passenger Environment

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4 March 2004



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# Automated Targeting System (ATS)

- ATS is designed to assist Inspectors and by helping them to focus on inbound and outbound passengers and cargo shipments that most warrant their attention
- ATS receives much of its data in real time from various Customs mainframe systems, such as the Treasury Enforcement Communication System (TECS), the Automated Commercial System (ACS) and the Automated Export System (AES), as well as from non-Customs sources as is the case for Passenger Name Records (PNRs)
- This data consists of electronically filed manifests and other data for arriving and departing passengers; bills, entries, and entry summaries for cargo imports; and shippers' export declarations and transportation bookings and bills for cargo exports

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# Automated Targeting System (cont.)

- ATS consists of the following modules:
  - ATSP/P Passenger
  - ATSN/N Inbound Cargo
  - ATSA/T Outbound Cargo
  - ATSL/L Land Border
  - ATSM/M Marine
  
- Each module employs rules and methods to:
  - Examine all of the data
  - Identify passengers or cargo that are associated with data anomalies or high risk factors
  - Rank order these results
  
- The rules are based upon targeting and evaluation methods used by experienced Inspectors and Import Specialists at airports, seaports, and land border ports



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# ATS Program Alignment to DHS Goals

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DHS Goal	Key Program Features	Results
<p>Create smart borders</p> <ul style="list-style-type: none"> <li>Identify trustworthy people</li> </ul>	<p>Automated review of inbound and outbound passengers</p>	<p>Identify high risk passengers for terrorist links or smuggling while facilitating low risk passengers</p>
<ul style="list-style-type: none"> <li>Identify trustworthy cargo</li> </ul>	<p>Tools for analysis of cargo &amp; shipping documents for anti-terrorism, narcotics, other contraband and Container Security Initiative (CSI) Decision Support</p>	<p>More trustworthy inbound cargo. Export control of controlled commodities</p>
<ul style="list-style-type: none"> <li>Increase security of shipping containers</li> </ul>	<p>Planned tracking of movement of seagoing containers</p>	<p>Provide more secure maritime trade environment</p>
<ul style="list-style-type: none"> <li>Improve detection of weapons</li> </ul>	<p>Tools for analysis of cargo documents for anti-terrorism</p>	<p>Better export control of weapons and weapon components, hazardous materials and FAA violations</p>



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# ATS Program Alignment to DHS Goals (cont.)

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DHS Goal	Key Program Features	Results
<p>Integrate information sharing across Federal Government</p>	<p>Support to all agencies</p>	<p>Targeting support to CBP, ICE, FBI, Secret Service, Dept of State, IRS, Coast Guard, federal &amp; state task forces</p>
<p>Provide people &amp; processes to rapidly field new technology</p>	<p>Interactive, friendly web interface.                      (b)(2)(high) (b)(7)(E)</p>	<p>(b)(2)(high) (b)(7)(E)                      Easy to learn web interface for new users</p>

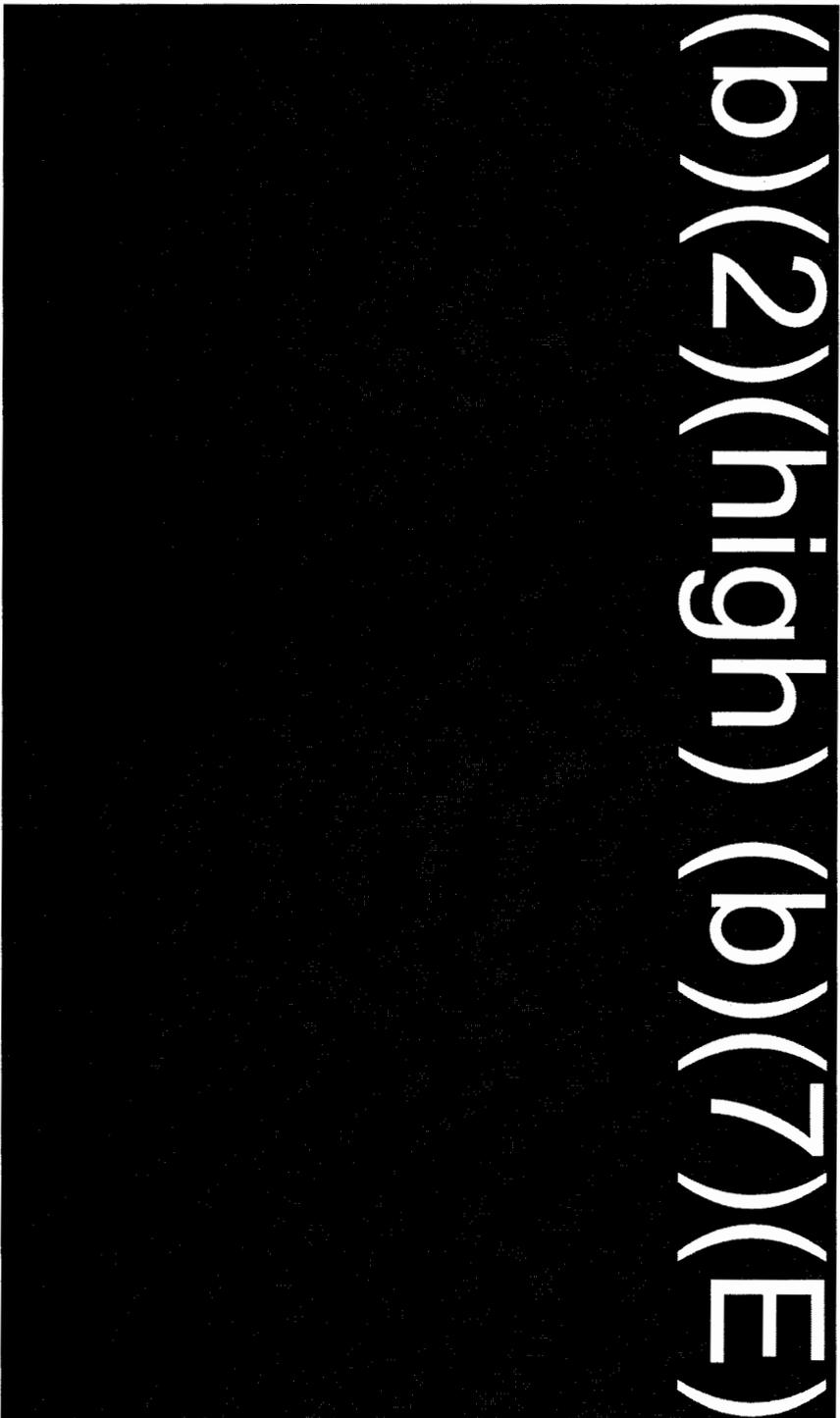


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# Targeting Strategies

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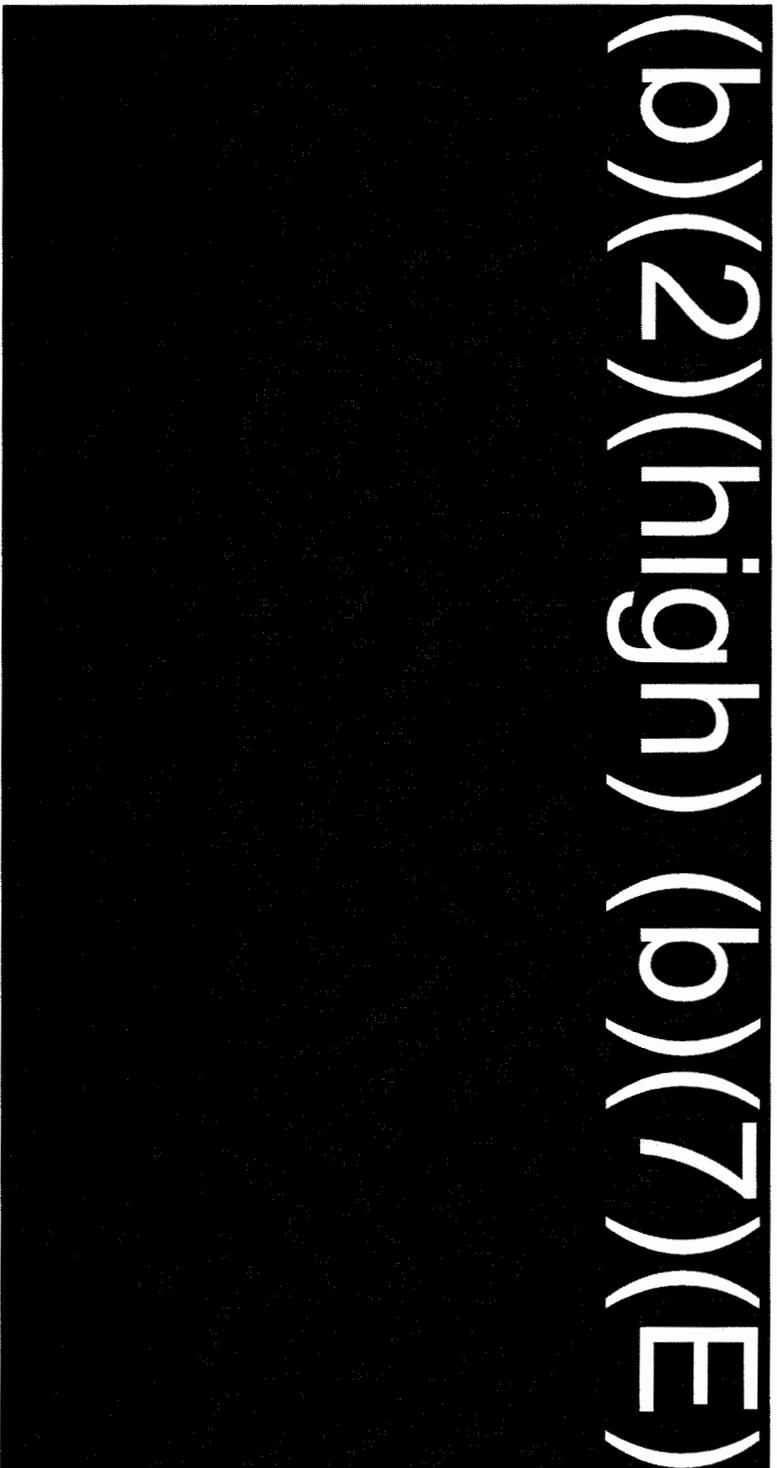
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# Targeting Strategies (cont.)

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# ATS Key Capabilities

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- Evaluates large data sets
- Identifies high risk inbound and outbound passengers and cargo for terrorist links, smuggling of WMD, drugs, currency and other contraband
- Supports alert and lookout functions
- Facilitates low risk passengers and cargo for expedited clearance or entry
- Analysis allows limited inspectional resources to focus on higher risk passengers or cargo

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## ATS Key Capabilities (cont.)

- (b)(2)(high) (b)(7)(E)
- Continually updates its assessments of passengers and cargo as new data becomes available.
- Every passenger and cargo shipment is subjected to the level of scrutiny that an experienced inspector would perform under favorable conditions.
- Results of the ATS evaluations are presented to inspectors for final decision.



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# Definitions

- Rule - A procedure that returns a finding when a set of constraints is satisfied
  - Uniquely identified so it can be used within rule sets
- Rule Set (Weight Set) - A group of rules defined for a particular targeting or analytical purpose
  - Comprised of rules that are assigned specific weights in accordance with their importance within context of the rule set
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## Definitions (cont.)

- Sweep - An evaluation of all current passengers or cargo against rule sets
  - Results of Sweeps are presented to all targeters through the ATS interface

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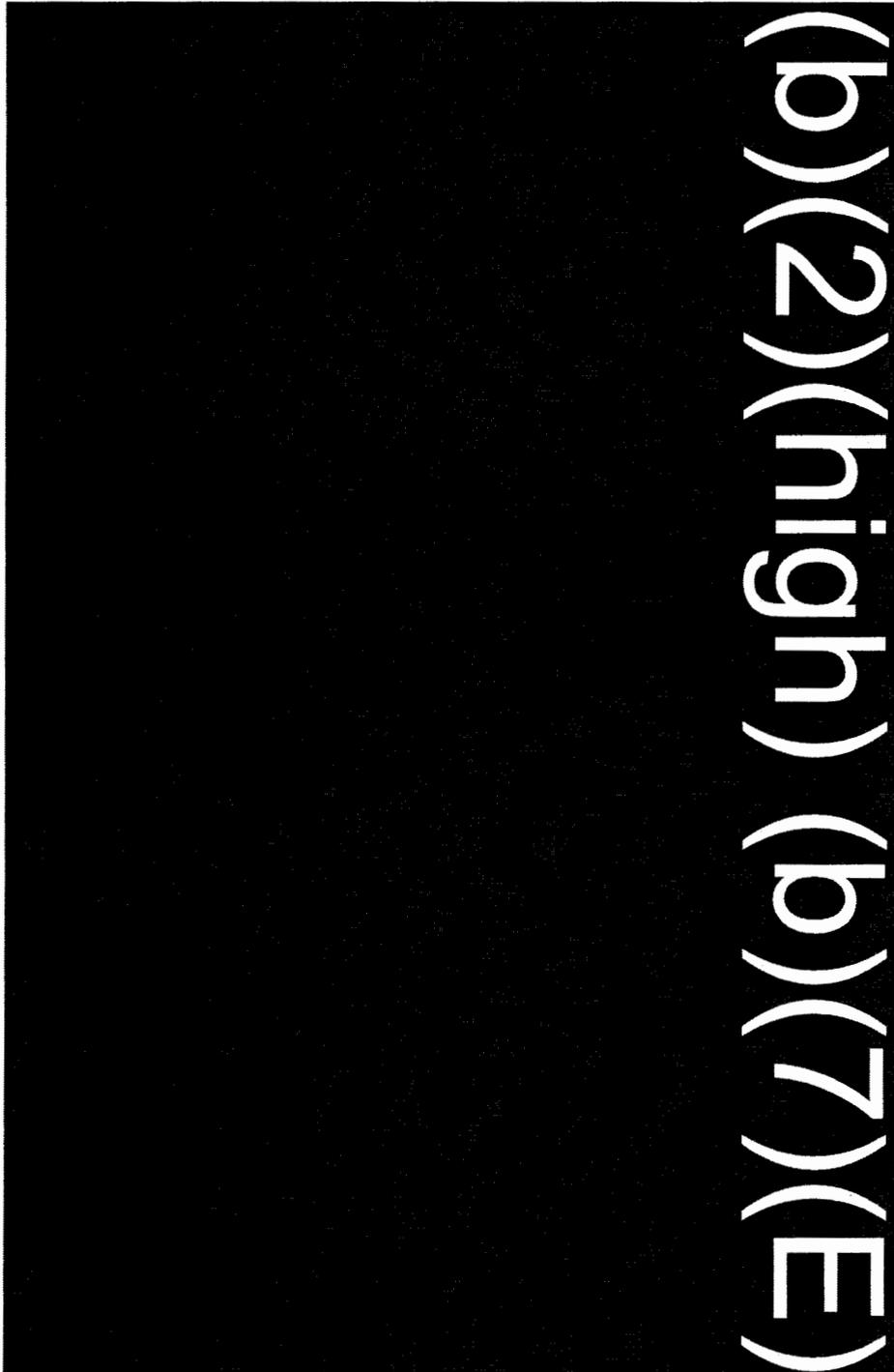


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# ATS Targeting Approach

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# ATS Targeting Approach (cont.)

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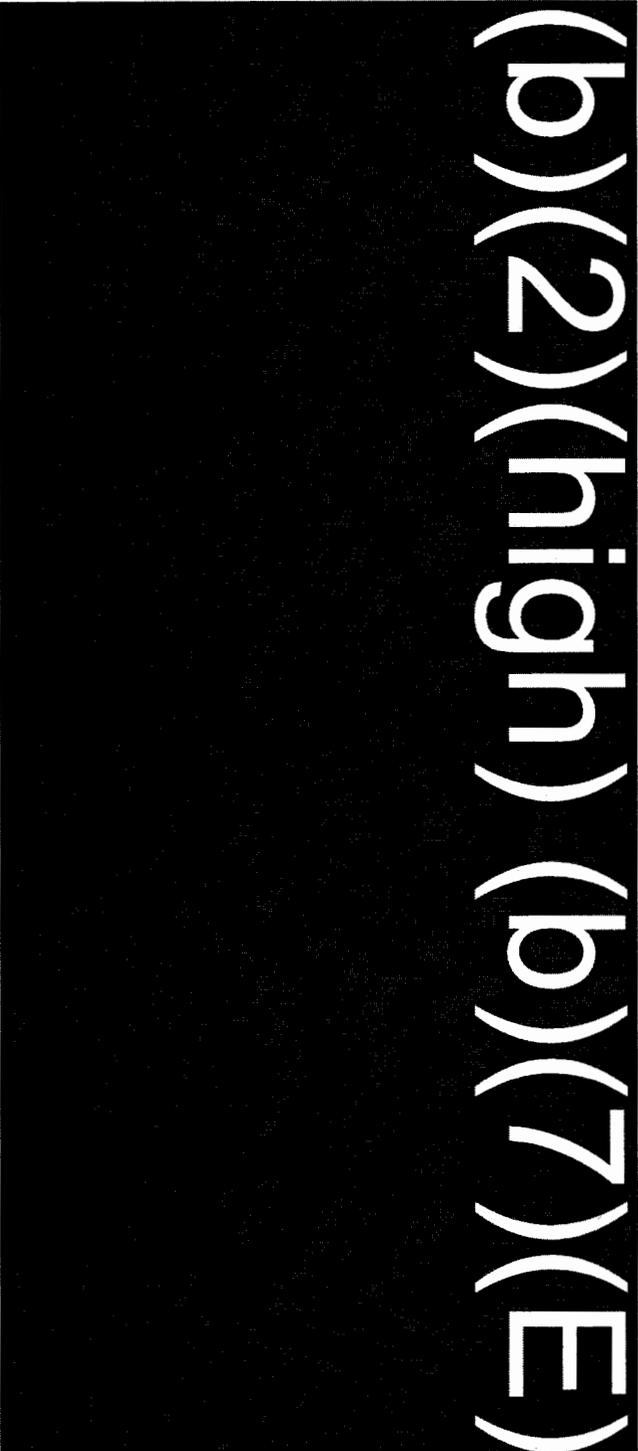
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# Name Matching Factors

- Names appearing in source records (e.g., passenger manifests and other documents/records) are compared with names in target records (e.g., other data sets such as TECS, NCIC, SAVI records, target/watch lists, etc.).

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## Name Matching Types

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# “Probable” Fuzzy Match Examples

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# “Possible” Fuzzy Match Examples

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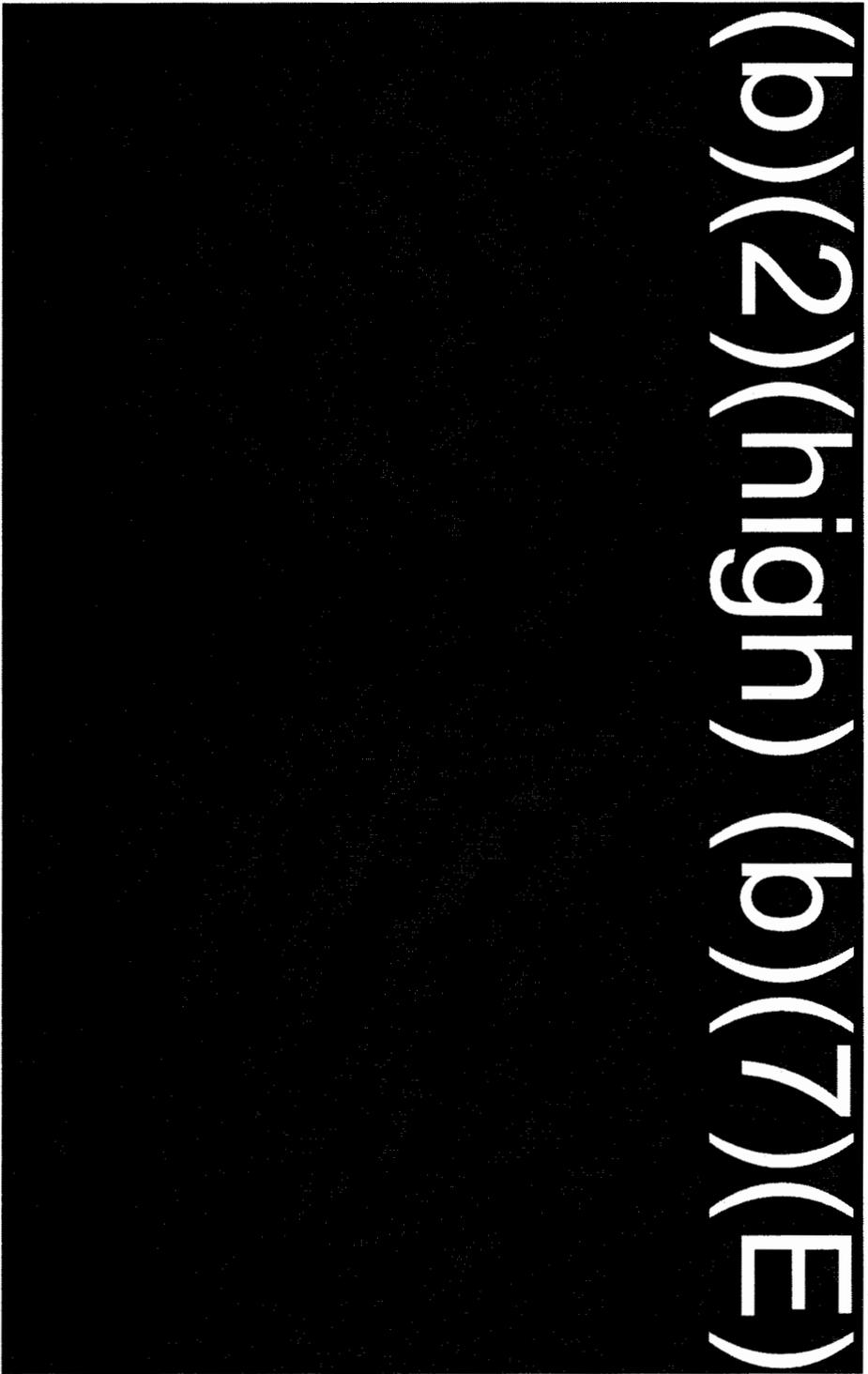


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# Matching Types (cont.)

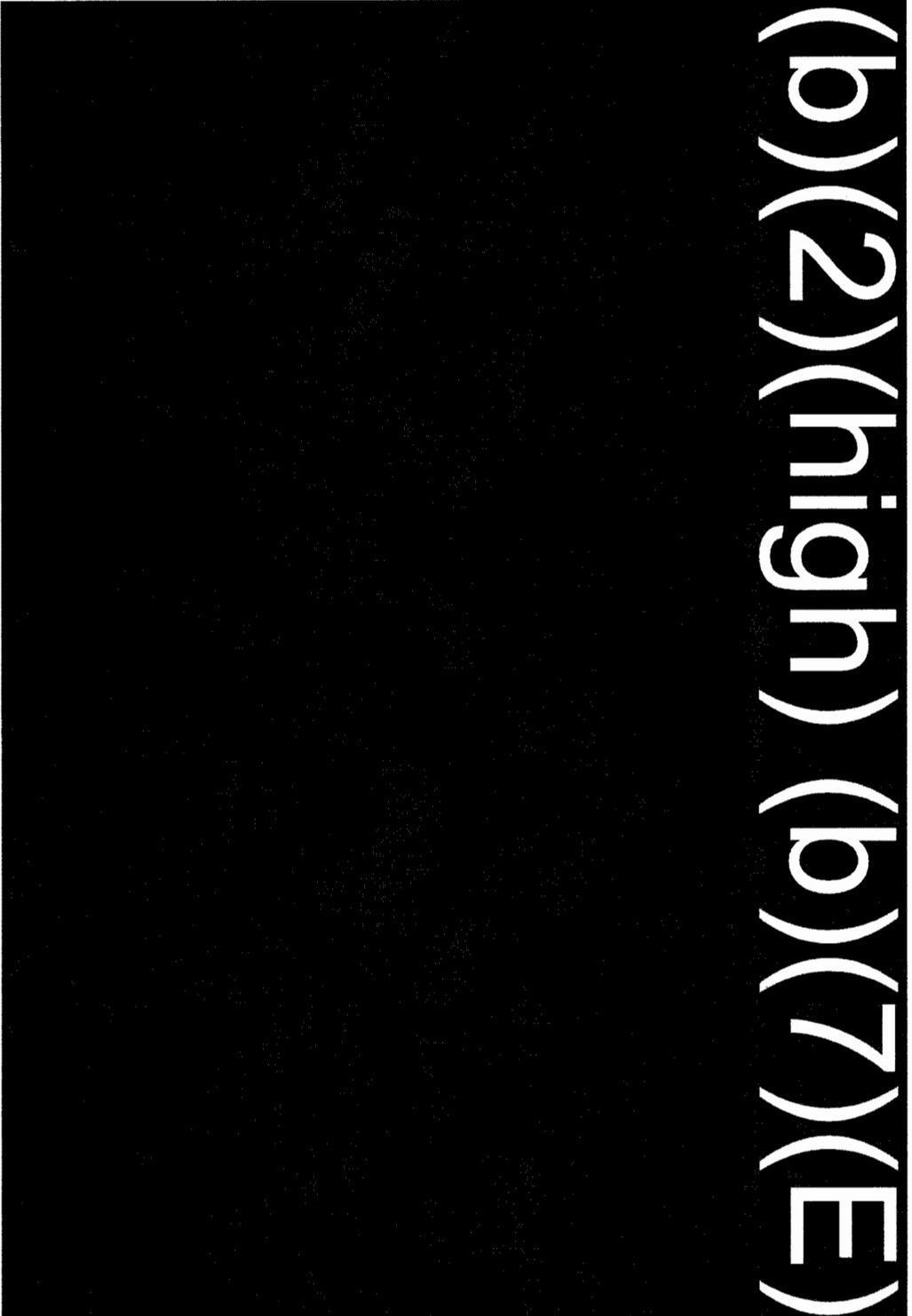
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# Passenger Name Matching Example

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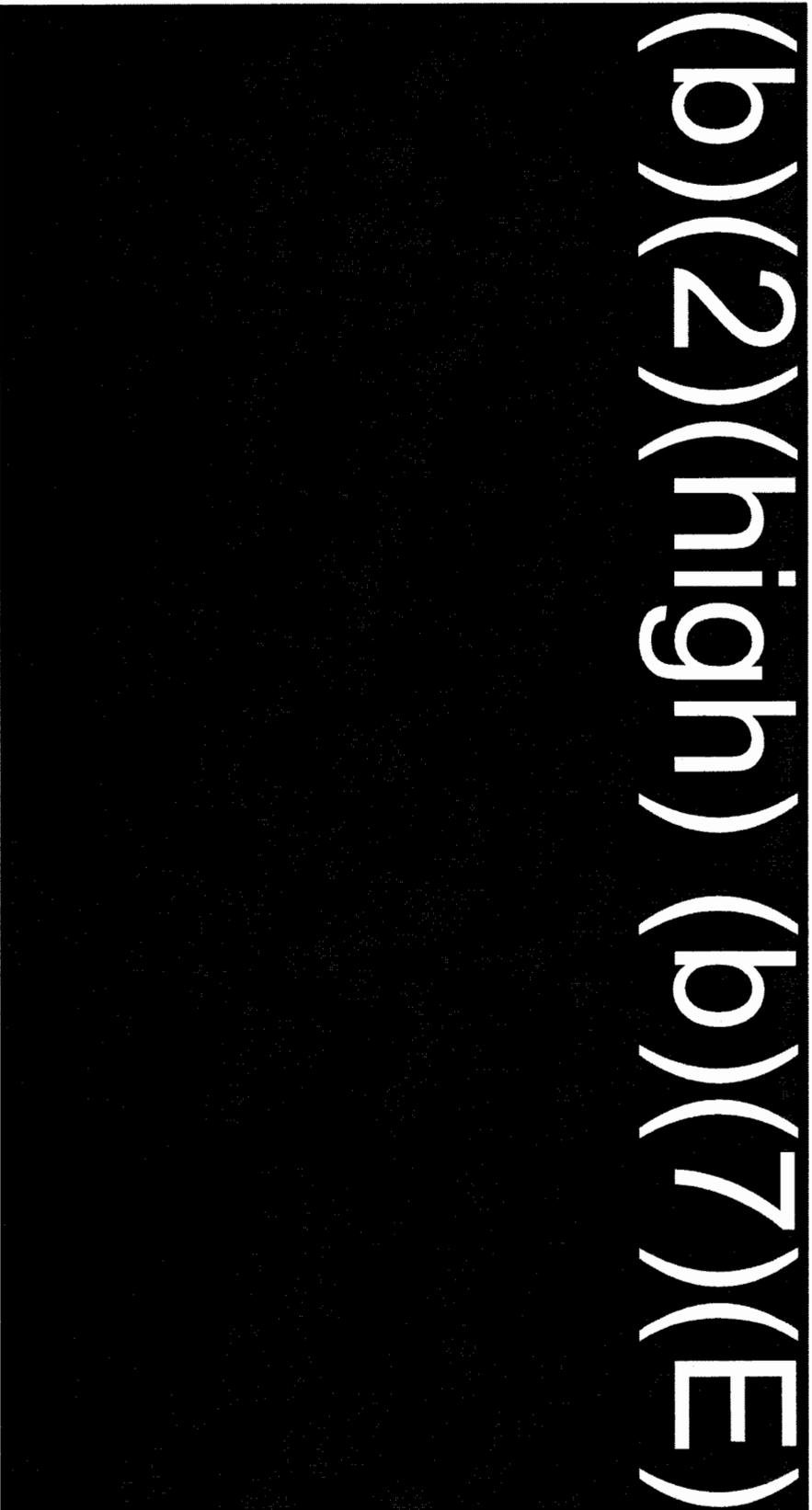
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Multipart First, Middle and Last Names

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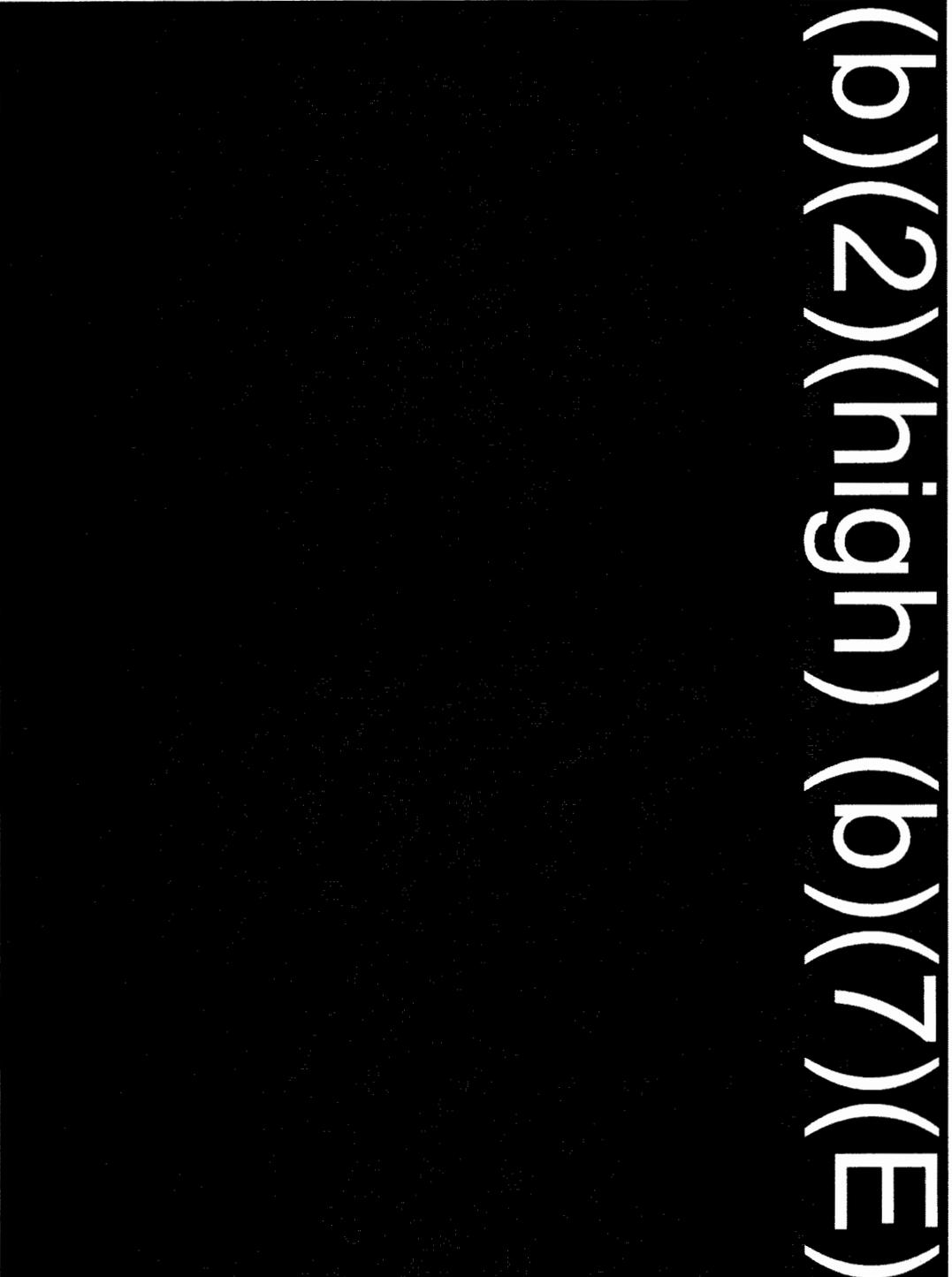
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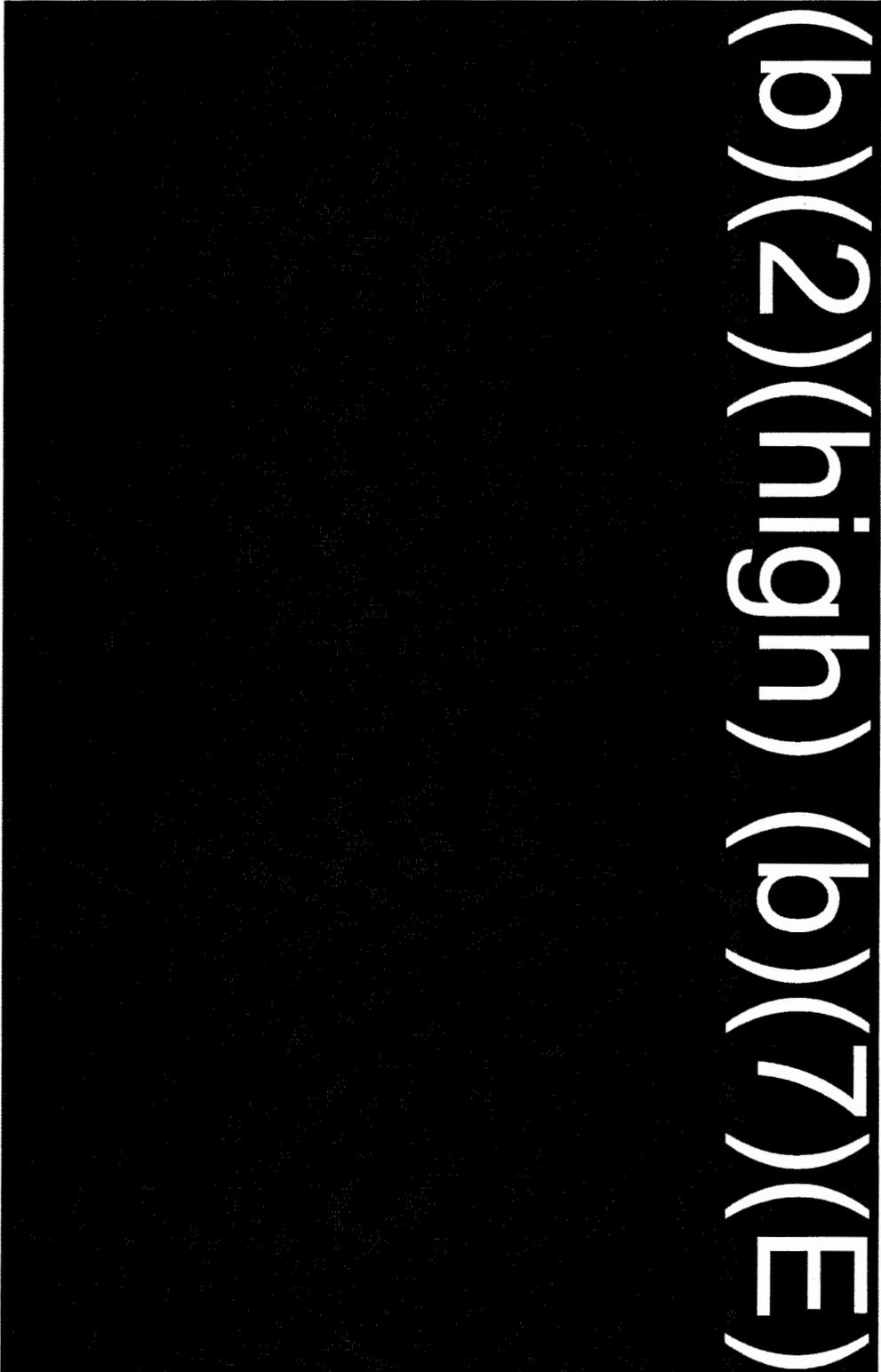
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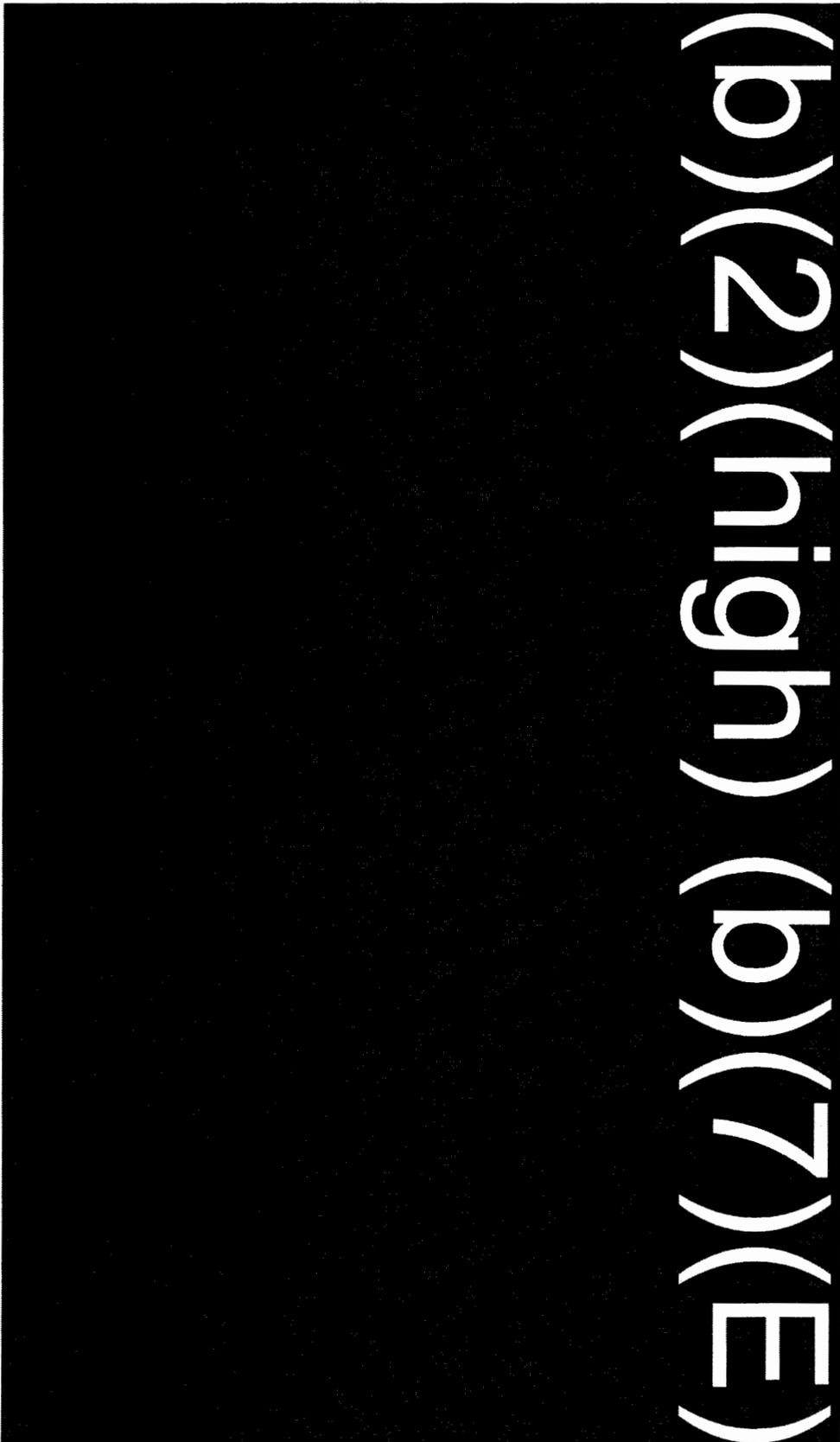


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# ATS Passenger Overview

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ATS Passenger Database

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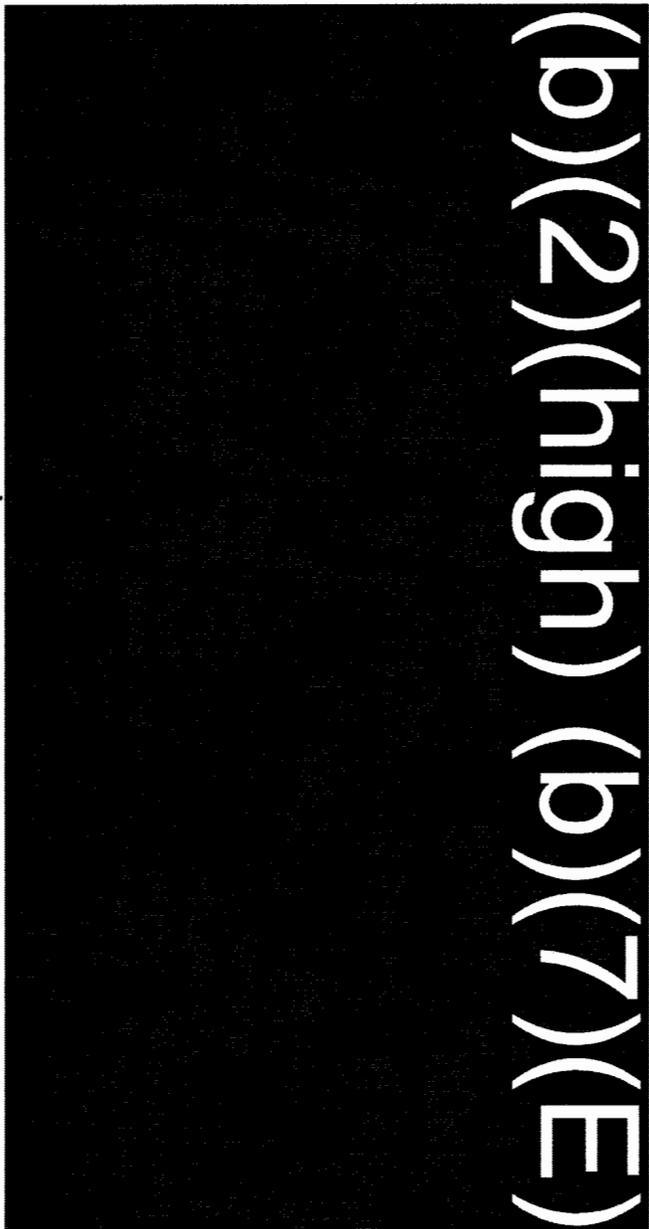


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# ATS Passenger Rule Groups

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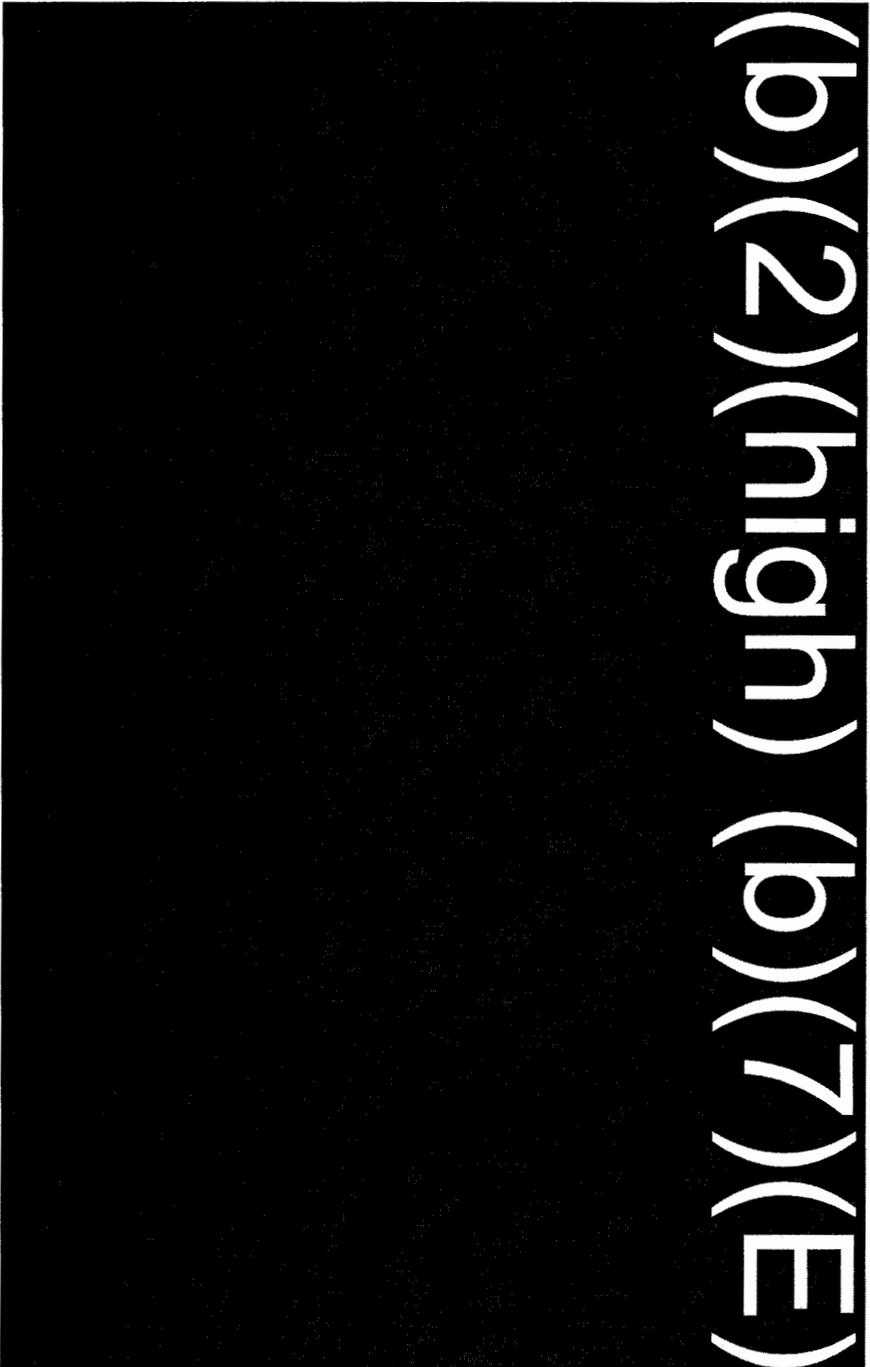


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# ATS Passenger Rule Groups (cont.)

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# ATS Passenger Rule Groups (cont.)

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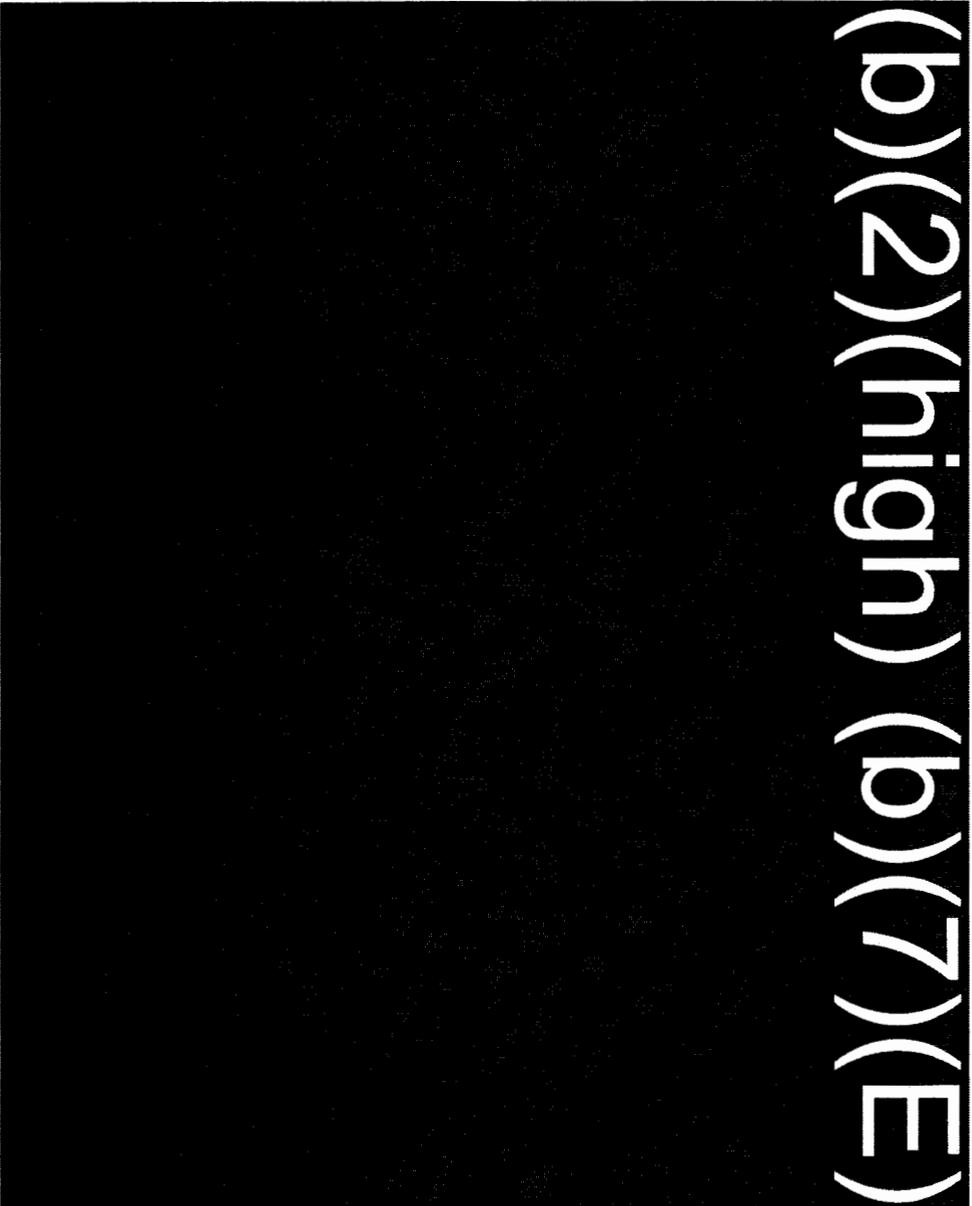


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# ATS Passenger Rule Groups (cont.)

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# Passenger Evaluation Process

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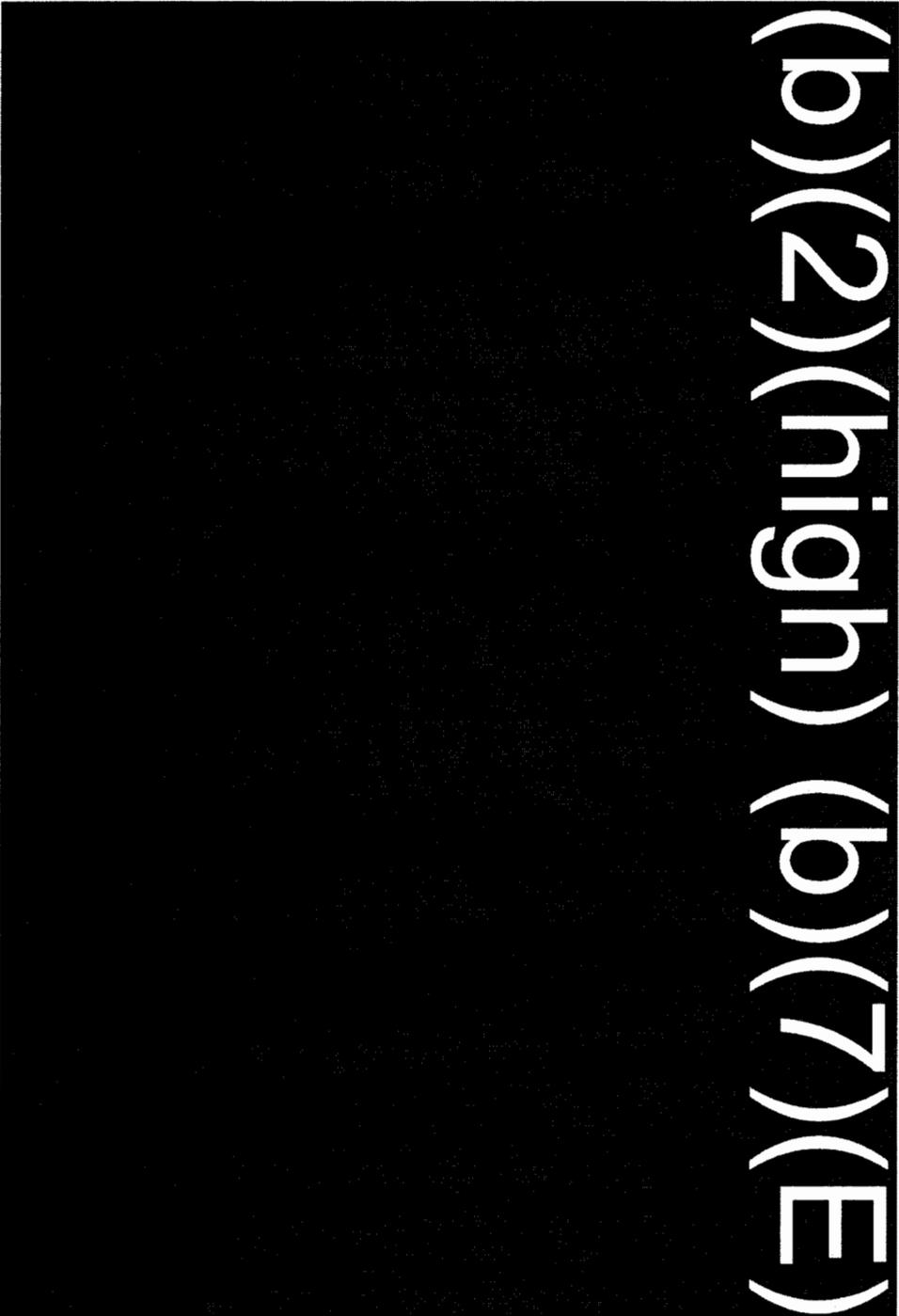


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# Future ATIS Passenger Enhancements

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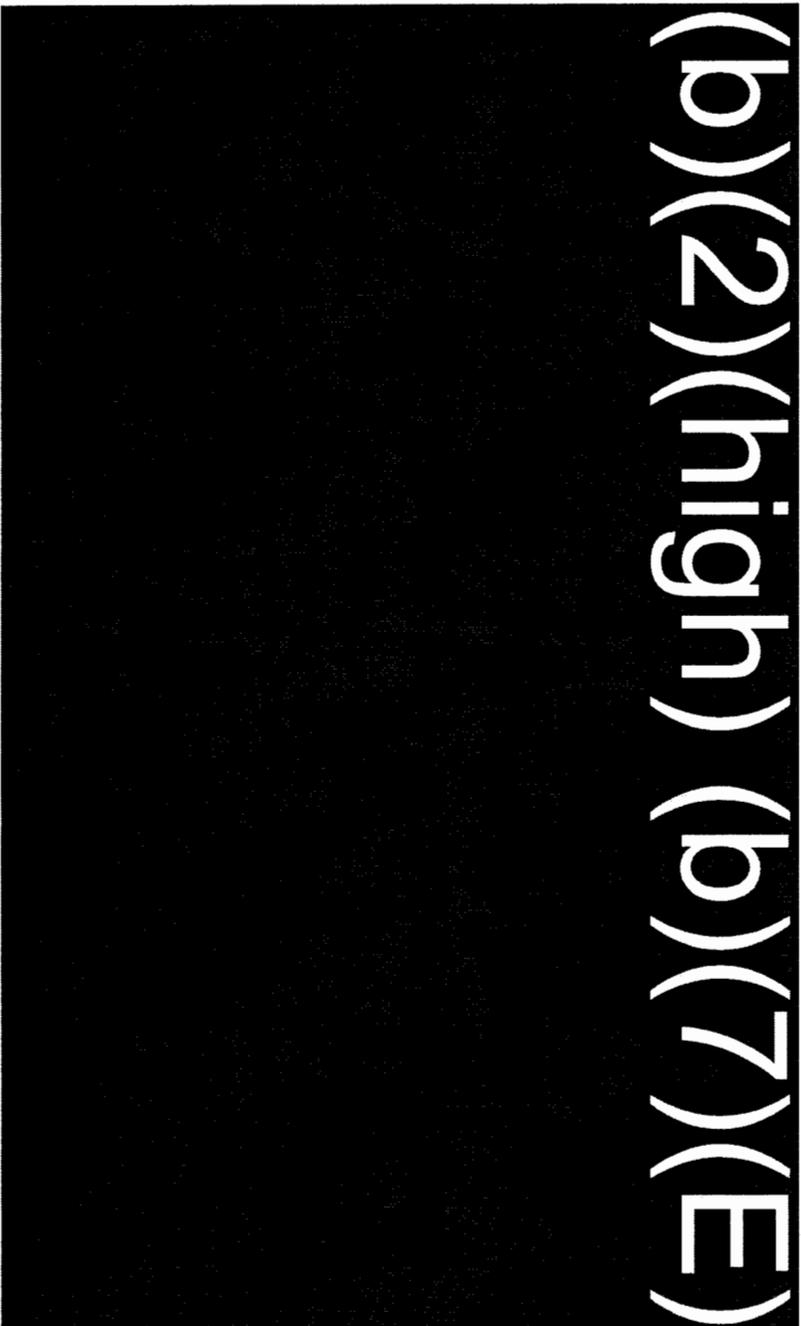


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# Future ATS Passenger Enhancements (cont.)

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# Future ATS Passenger Enhancements (cont.)

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# ATS Passenger Demonstration



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# ATS Passenger Examples

Start Date

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# ATS Passenger Examples (cont.)

Start Page (cont.)

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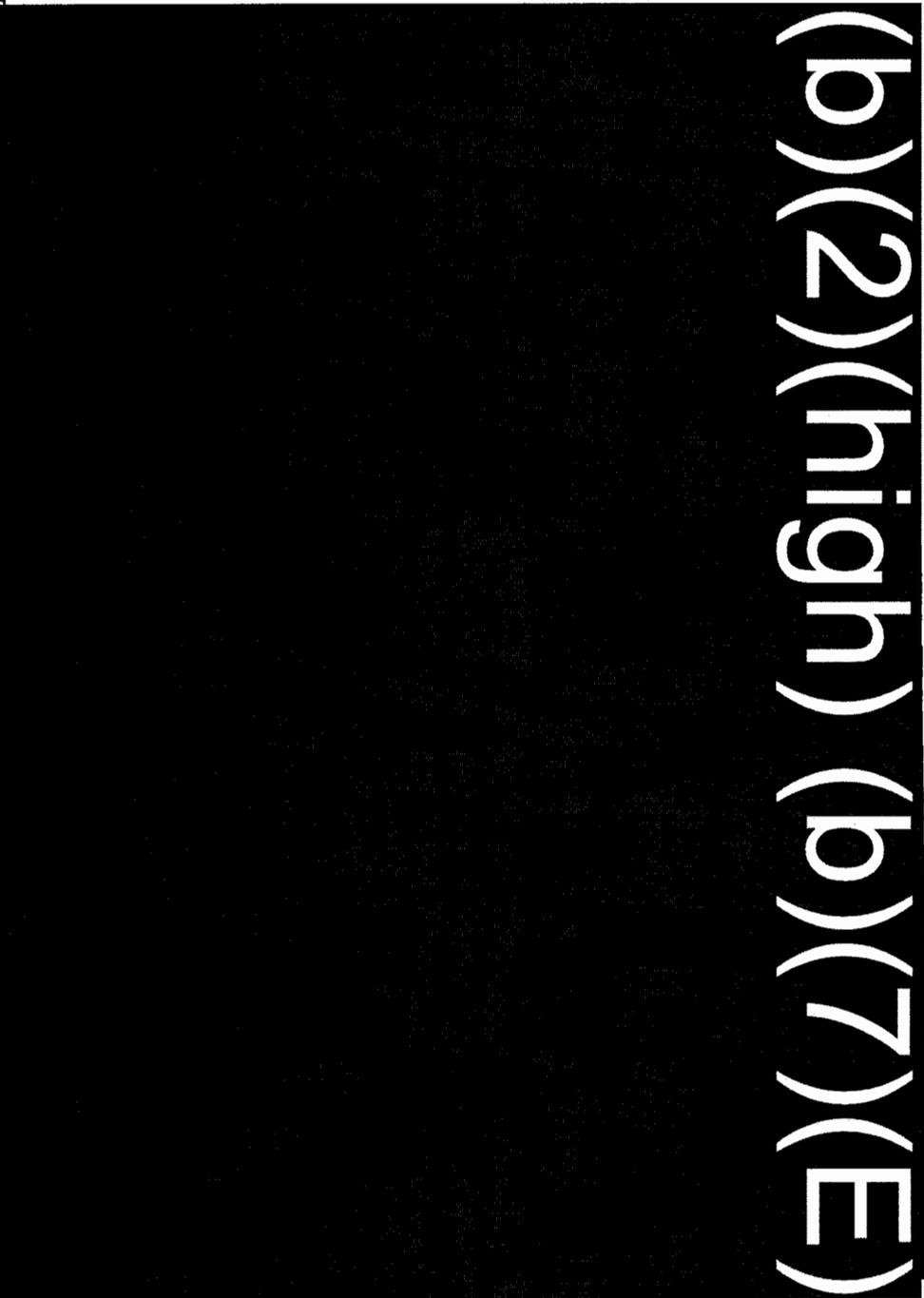
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# ATS Passenger Examples (cont.)

## Passenger Sweep

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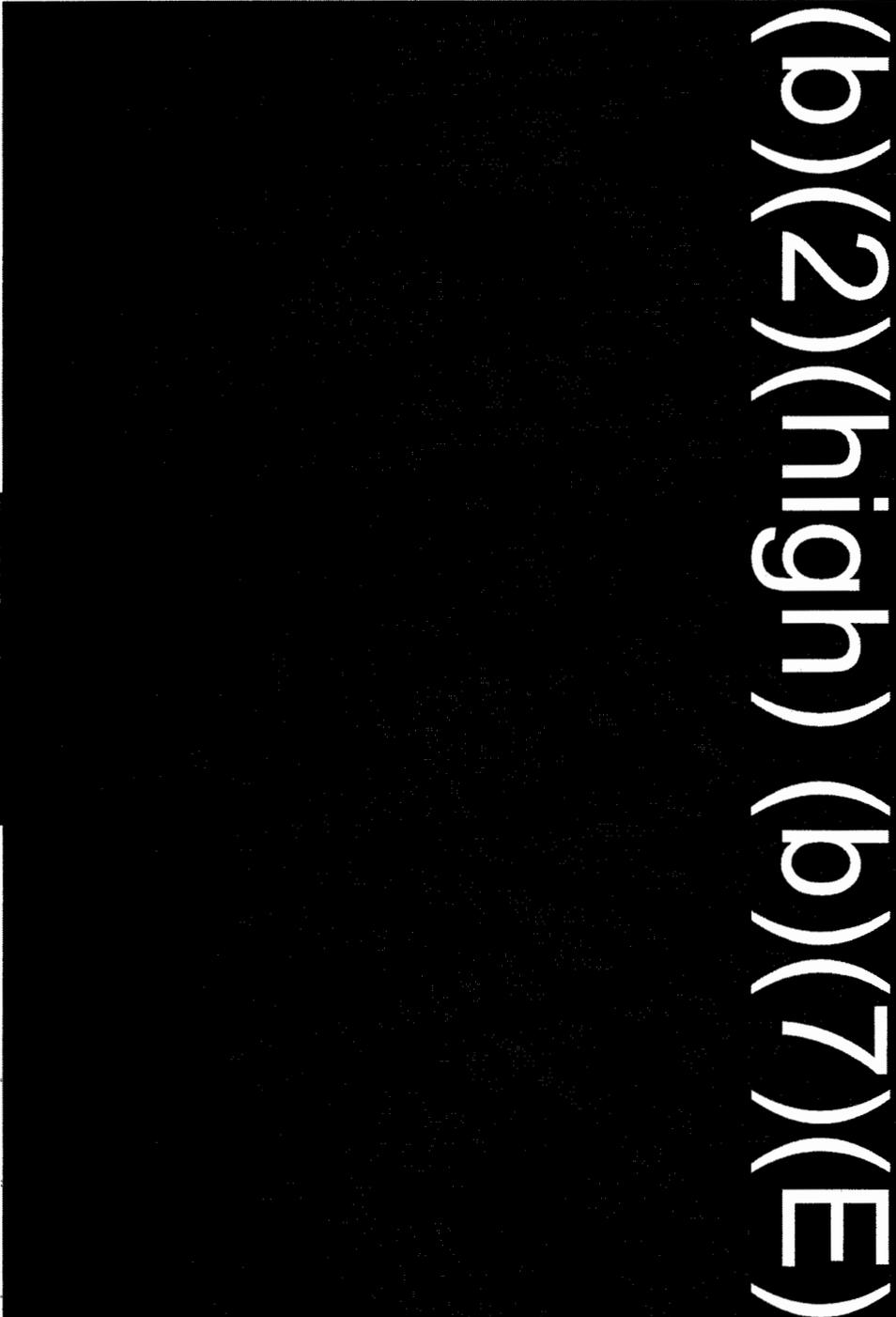


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# ATS Passenger Examples (cont.)

Passenger Sweep "Drill Downs"

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# ATS Passenger Examples (cont.)

Passenger “Super Query”

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# ATS Passenger Examples (cont.)

Passenger Arriving Flights – Risk Scored

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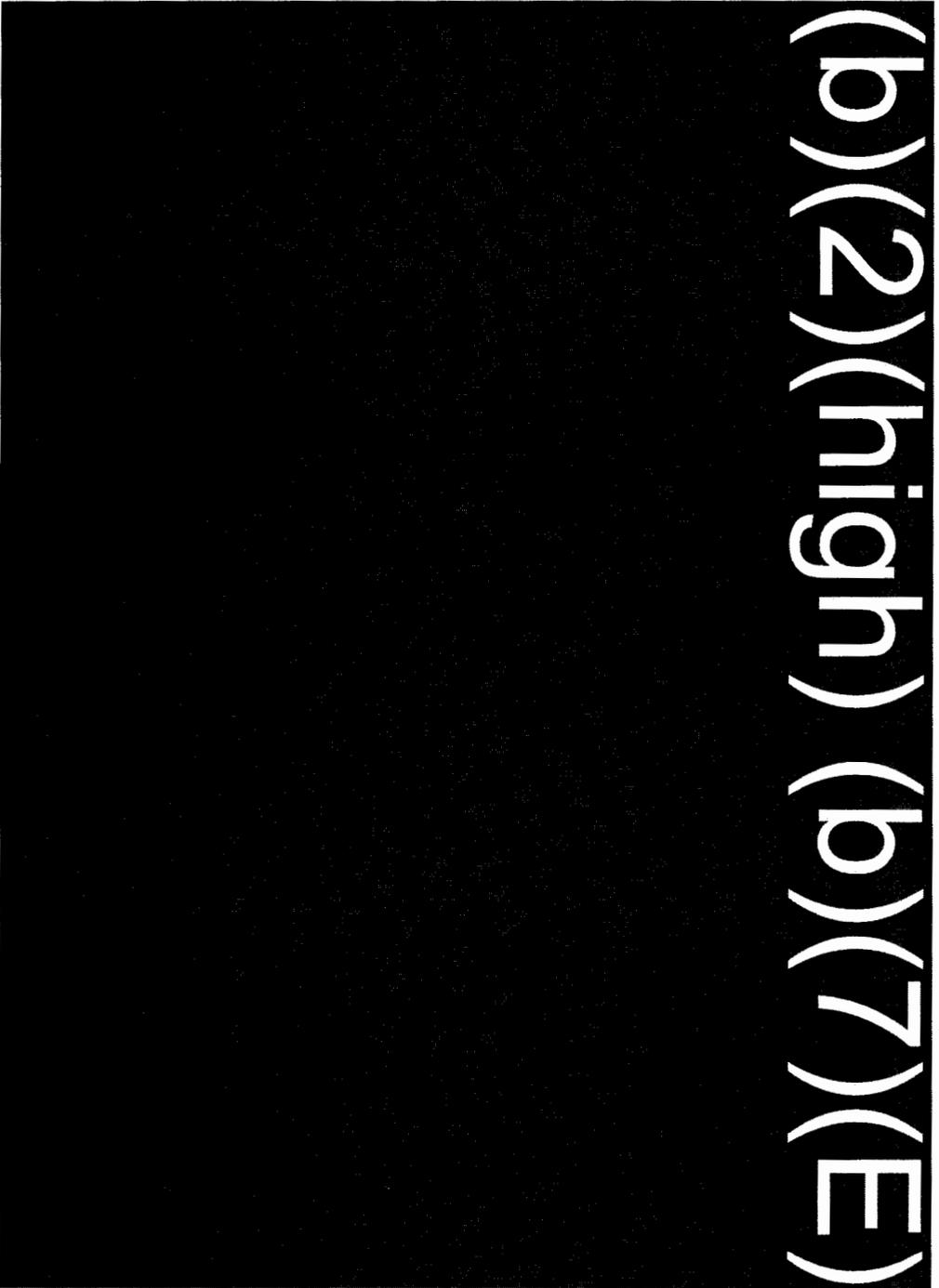
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# ATS Passenger Examples (cont.)

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Border Protection

Dec 8, 2006

**ASSOCIATED PRESS ON AUTOMATED TARGETING SYSTEM**

**AN ASSOCIATED PRESS STORY CLAIMS THAT THE AUTOMATED TARGETING SYSTEM (ATS) MAY VIOLATE U.S. LAW:** "The Homeland Security Department's newly revealed computerized risk assessments of international travelers may violate a specific ban that Congress imposed as part of the agency's budget over the past three years." (*"Traveler Risk System May Violate Ban"*, Associated Press 12/7/06)

**BUT IT IS CLEAR THAT CONGRESS DID NOT INTEND TO LIMIT THE ATS PROGRAM:**

- The Aviation and Transportation Security Act of 2001 mandates that each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to Customs an electronic transmission of a passenger manifest and carriers shall make passenger name record information available to the Customs Service.

**THE STORY CLAIMS A PROVISION BY CONGRESS PROHIBITS COMPUTERIZED RISK ASSESSMENTS:** "But they said a separate section, covering the entire department, was added to prevent any use of computerized risk assessment of people who are not already on watch lists." (*"Traveler Risk System May Violate Ban"*, Associated Press 12/7/06)

**BUT WHEN READ IN CONTEXT, IT IS CLEAR THAT THE PROVISION WHICH SOME HAVE SUGGESTED WAS ADDED TO REGULATE ATS (SECTION 514 OF THE DHS APPROPRIATIONS BILL), HAS NOTHING TO DO WITH ATS, NOR WAS IT INTENDED AS A CATCH-ALL PROVISION:**

- The various sections of the law cannot be read in isolation. Section 514 is concerned only with aviation security generally and the Secure Flight program administered by TSA in particular. Congress did not intend section 514 to pertain to ATS, a program that has been funded by Congress since the late 1990's and has an entirely different mission from Secure Flight. Secure Flight is intended to screen domestic passengers attempting to board airplanes, while ATS relates to individuals seeking admission to the U.S. at ports of entry.
- ATS has been in existence since the late 1990's. Congress is presumed to be aware of programs in existence when it passes legislation. The fact that Congress makes no mention of ATS undermines the suggestion that it intended to regulate it in any way. Because ATS predates the Secure Flight program (b) (5) it can be neither a

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(b) (5)

"follow-on" nor "successor" program to Secure Flight, as required by section 514(a).

- Furthermore, the provision prohibits the use of DHS funds "for data or a database that is obtained from or remains under the control of a non-Federal entity," except Passenger Name Record Data obtained from air carriers. This provision only makes sense if it is limited to testing activities for Secure Flight. Otherwise, by this language, Congress would have made illegal any use of non-Federal database material by the federal government, thereby shutting down numerous legitimate programs having nothing to do with aviation security.

**THE STORY ALSO CLAIMS THAT THERE HAS BEEN LITTLE NOTICE OF ATS:**  
"ATS has operated with little public notice or understanding until a description was published last month in the Federal Register, a fine print compendium of federal rules. (*"Traveler Risk System May Violate Ban"*, Associated Press 12/7/06)

**BUT DEPARTMENT OFFICIALS HAVE TESTIFIED BEFORE CONGRESS SEVERAL TIMES AND HAVE PROVIDED NUMEROUS STAFF BRIEFINGS AND TOURS OF THE OPERATIONS AT THE NATIONAL TARGETING CENTER (INCLUDING THE OPERATIONAL APPLICATION OF ATS).**

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- Excerpts from the nearly 20 written testimony about ATS to Congress since May 2003 include:
  - **DHS Deputy Secretary Michael P. Jackson, Written Testimony, Hearing before Senate Homeland Security and Governmental Affairs Committee (April 5, 2006):** "ATS is the system through which we process advance manifest and passenger information to detect anomalies and "red flags," and determine which passengers and cargo are high risk, and therefore should be scrutinized overseas or at the port of entry."
  - **CBP Assistant Commissioner Jayson Ahern, Written Testimony, Hearing before Senate Homeland Security and Governmental Affairs Committee, Permanent Subcommittee on Investigations (March 28, 2006):** "The Automated Targeting System, which is used by the National Targeting Center and field targeting units in the United States and overseas, is essential to our ability to target high-risk cargo and passengers entering the United States. ATS is the system through which we process advance manifest and passenger information to detect anomalies and "red flags," and determine which passengers and cargo are "high risk," and should be scrutinized at the port of entry, or in some cases, overseas."
  - **CBP Assistant Commissioner Jayson Ahern, Written Testimony, Senate Committee on Judiciary, Subcommittee on Terrorism, Technology, and Homeland Security (September 7, 2006):** "Next, we'd like to highlight some of the steps DHS takes to screen airline passengers and prevent the dangerous ones from boarding U.S.-bound aircraft. Throughout the travel and arrival processes, a host of

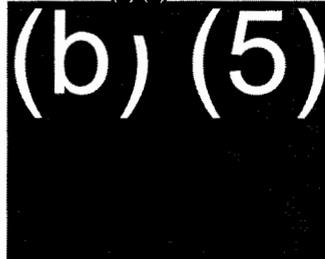
Customs and Border Protection resources are marshaled to obtain and analyze information about every traveler, identify those who are likely to present a higher risk, and interdict and further screen those who are deemed high risk. At the core of this effort is the National Targeting Center (NTC). NTC receives inbound and outbound passenger information and runs it against sophisticated risk assessment rules and algorithms in the Automated Targeting System (ATS). ATS's methodologies are based on strategic intelligence about the terrorist threat, and ATS compares passenger information against data from numerous national intelligence and law enforcement databases, including the combined Federal law enforcement database known as the Treasury Enforcement Communications System/Interagency Border Inspection System (TECS/IBIS) and the National Crime Information Center (NCIC) database. The analysis NTC conducts on inbound passengers is largely based on two sources of information – Advance Passenger Information (API) and Passenger Name Records (PNR). Both types of information are used to prevent and combat terrorism and terrorist acts, as well as to catch persons suspected of other serious crimes. CBP also uses this information to facilitate bona fide travelers so it can focus its resources on areas of highest risk."

- **Former CBP Commissioner Robert Bonner, Written Testimony, Hearing before House Appropriations Committee, Subcommittee on Homeland Security (March 25, 2004):** "The Automated Targeting System (ATS), which is used by NTC and field targeting units in the United States and overseas, is essential to our ability to target high-risk cargo and passengers entering the United States. ATS is the system through which we process advance manifest and passenger information to pick up anomalies and "red flags" and determine what cargo is "high risk," and therefore will be scrutinized at the port of entry or, in some cases, overseas.
  
- **CBP Executive Director, Traveler Security and Facilitation, Robert Jacksta, Written Testimony, Hearing before House Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations (July 13, 2004):** The Automated Targeting System-Passenger (ATS-P) is CBP's premier targeting tool in the passenger environment, and is available to CBP personnel at U.S. ports of entry nationwide. This system utilizes information from the National crime Information center (NCIC), the Treasury Enforcement Communications System (TECS), the Consular Lookout and Support System (CLASS) and other law enforcement databases to provide automated risk assessments on arriving international passengers.

### Automated Targeting System Talking Points

- To provide expanded notice and transparency to the public, the Department of Homeland Security, U.S. Customs and Border Protection gave notice regarding the Automated Targeting System (ATS) on November 2, 2006 in the Federal Register. This Privacy Impact Assessment provides additional details about the privacy impact associated with this system.
- ATS is not a new program nor does it represent a new collection of information. ATS was initially deployed in the early 1990's to identify cargo that was likely to be entering the United States in violation of U.S. law. Passenger modules were first deployed in the mid 1990's.
  - This assessment is being published now to provide the public with greater visibility into an existing program.
  - ATS is the enforcement screening module associated with the Treasury Enforcement Communications System and was previously covered by the Treasury Enforcement Communications System "System of Records Notice."
- ATS is the primary tool used by CBP to prescreen cargo and travelers destined to the United States. In many cases, it is the United States government's first opportunity to determine whether a good or person presents a risk of terrorism, illegal immigration, trafficking or other criminal activities. Without ATS the United States would be virtually blind to potential threats until they have entered the United States and screening at points of entry would be substantially slower and more cumbersome.
  - ATS treats all passengers and cargo equally. It does not profile on race, ethnicity or arbitrary assumptions.
  - ATS makes an assessment in advance of arrival based on information that DHS would otherwise collect at the point of entry.
  - ATS does not replace human decision making. It provides analysis for use by trained law enforcement officials.
- Significant system safeguards have been put in place to protect the traveling public from the unauthorized disclosure of their personal information. Access to ATS is only given to personnel with a need to access information in the course of completing their official duties and stiff penalties are associated with misuse. Auditing systems have been established to identify unauthorized access and misuse.
- Individuals may seek access to the source information collected in ATS or originating from a government source system pursuant to the FOIA and as a matter of CBP policy.

(b) (6)



- With respect to the data that ATS creates, i.e., the risk assessment for an individual, the risk assessment is for official law enforcement use only and is not communicated outside of CBP staff, nor is it subject to access under the Privacy Act. ATS is a system that supports CBP law enforcement activities; as such an individual might not be aware of the reason CBP is engaging in additional scrutiny, nor should he or she, as this may compromise the means and methods of how CBP came to require further scrutiny.

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- ATS stores data for 40 years because a recently identified transnational criminal or terrorists travel history is frequently relevant to assessing the risk they present and, when appropriate, developing a case against them. To prematurely delete data already collected under existing statutory authority would severely hamper these efforts, which have minimal impact on an individual's privacy.
  - This retention period for data in ATS reflects the longest underlying retention period for the data in its source records (for example, data from ACS, AMS, and ACE is retained for six years).
  - However, the touchstone for data retention is its relevance and utility. Accordingly, CBP will regularly review the data maintained in ATS to ensure its continued relevance and usefulness. If no longer relevant and useful, CBP will delete the information.

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Comment (b) (6) should you spell out these acronyms to ensure if the reader is familiar with these systems.

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#### *Background on ATS System*

- The Automated Targeting System (ATS) is an Intranet-based enforcement and decision support tool that is the cornerstone for all Customs and Border Protection's (CBP) targeting efforts.
  - CBP uses ATS to improve the collection, use, analysis and dissemination of intelligence to target, identify and prevent potential terrorists and terrorist weapons from entering the United States and identify other violations and violators of U.S. law.
  - In this way, ATS allows CBP officers to more effectively and efficiently focus their efforts on cargo shipments and travelers that most warrant further attention.
  - ATS standardizes names, addresses, conveyance names, and similar data so these data elements can be more easily associated with other business data or personal information to form a more complete picture of a traveler, import, or export in context with previous behavior of the parties involved.
  - Every traveler and shipment processed through ATS is subjected to a real-time rule based evaluation.
- ATS consists of six modules that provide selectivity and targeting capability to support CBP inspection and enforcement activities.
  - ATS-Inbound – inbound cargo and conveyances (rail, truck, ship, and air)

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**(b) (5)**

- ATS-Outbound - outbound cargo and conveyances (rail, truck, ship, and air)
  - ATS-Passenger (ATS-P) - travelers and conveyances (air, ship, and rail)
  - ATS-Land (ATS-L) - private vehicles arriving by land
  - ATS - International (ATS-I) - cargo targeting for CBP's collaboration with foreign customs authorities. (in development)
  - ATS- -Trend Analysis and Analytical Selectivity Program, (ATS-TAP) (analytical module)
- Generally, ATS collects and maintains personal information relating to name, risk assessment, and the internal system rules upon which the assessment is based and ATS-P stores Passenger Name Record data obtained from commercial air carriers.
    - ATS does not collect information directly from individuals. The information used by ATS to build the risk assessment is collected from government data sources and from entities providing data in accordance with U.S. legal requirements or other applicable arrangements (e.g., air carriers providing PNR regarding individual passengers).
    - Relevant data, including personally identifiable information, is necessary for CBP to effectively and efficiently assess the risk and/or threat posed by a person, a conveyance, or cargo entering or exiting the country.

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1. CONGRESSIONAL RECORD -- SENATE, Friday, September 29, 2006 , 152  
Cong Rec S 10810, Vol. 152, No. 125, SECURITY AND ACCOUNTABILITY FOR  
EVERY PORT ACT\_CONFERENCE REPORT

... According to CBP officials, the **Automated Targeting System** or ATS is  
largely dependent on " ...

2. CONGRESSIONAL RECORD -- HOUSE, Friday, September 29, 2006  
, 152 Cong Rec H 8540, Vol. 152, No. 125, CONFERENCE REPORT ON  
H.R. 4954, SAFE PORT ACT

... trade. Sec. 203. **Automated Targeting System**. Sec. 204.

Container ...

... incident.

SEC. 203. **AUTOMATED TARGETING**

**SYSTEM.** (a) In General...The ...

... relied upon for the **Automated Targeting System** and any  
successor targeting system ...

... review of the effectiveness and capabilities of the **Automated  
Targeting System**; (2) consider future iterations of the **Automated  
Targeting System**, which would incorporate smart features, such as

...

... updated; (3) ensure that the **Automated Targeting System** has  
the capability to electronically compare ...

... anomalies; (4) ensure that the **Automated Targeting System**  
has the capability to electronically identify, ...

... Department with respect to the operation of the **Automated  
Targeting System**. (f) Secure Transmission of ...

... Protection to carry out the **Automated Targeting System** for  
identifying high- ...

... risk, including by the **Automated Targeting System**, unless the  
cargo is determined to ...

... score assigned pursuant to the **Automated Targeting System** of  
not greater than 20 ...

... reduced scores in the **Automated Targeting System**; (2) reduced  
examinations of ...

... score assigned pursuant to the **Automated Targeting System**;  
and (5) inclusion in ...

... information collected to enhance the **Automated Targeting  
System** or other relevant programs; ( ...

... 2) an analysis of the efficacy of the **Automated Targeting  
System** or other relevant programs ...

... provided.

Section 203. **Automated targeting**

**system** House Section 201 ...

... 1803, "Plan to Improve the **Automated Targeting System**."

House Sections 1802 ...

... a plan to improve the **Automated Targeting System** (ATS) in  
order to ...

... authorization of appropriations to fund the **Automated Targeting  
System** for Fiscal Years ...

... adopts the House provision on the **Automated Targeting**

**System**, as modified, including the Senate's provision generally  
authorizing the **Automated Targeting System**. Section

204. Container ...

... include a reduction of the **Automated Targeting System** risk score for those ...  
... scores assigned pursuant to the **Automated Targeting System** (ATS) of not ...

3. CONGRESSIONAL RECORD -- HOUSE, Thursday, September 28, 2006 , 152 Cong Rec H 7784, Vol. 152, No. 124, CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007  
... information collected to enhance the **Automated Targeting System** or other relevant programs; and ( ...  
... Technology'241,317,000 ' Investments ' ' **Automated Targeting Systems** '27,298,000 ' National Targeting ...

4. CONGRESSIONAL RECORD -- SENATE, Wednesday, September 20, 2006 , 152 Cong Rec S 9820, Vol. 152, No. 118, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT  
... trade. Sec. 203. **Automated Targeting System**. Sec. 204. Container ...  
... incident. SEC. 203. **AUTOMATED TARGETING SYSTEM**. (a) In General.\_The ...  
... relied upon for the **Automated Targeting System** and any successor targeting system ...  
... review of the effectiveness and capabilities of the **Automated Targeting System**; (2) consider future iterations of the **Automated Targeting System**; (3) ensure that the **Automated Targeting System** has the capability to electronically compare ...  
... anomalies; and (4) ensure that the **Automated Targeting System** has the capability to electronically identify, ...  
... Security to carry out the **Automated Targeting System** for identifying high- ...  
... appropriated to carry out the **Automated Targeting System**.  
SEC. 204. CONTAINER ...  
... score assigned pursuant to the **Automated Targeting System** of not greater than 20 ...  
... reduced scores in the **Automated Targeting System**; (2) reduced examinations of ...  
... score assigned pursuant to the **Automated Targeting System**; (3) notification of specific ...  
... information collected to enhance the **Automated Targeting System** or other relevant programs; and ( ...  
... 2) an analysis of the efficacy of the **Automated Targeting System** or other relevant programs ...

5. CONGRESSIONAL RECORD -- SENATE, Thursday, September 14, 2006 , 152 Cong Rec S 9582, Vol. 152, No. 114, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT  
... C-TPAT Program, the **automated targeting system**. And it includes the provisions we added ...  
... part of a system\_the **Automated Targeting System** or ATS\_to identify high- ...

... risk assessment through its **Automated Targeting System** to determine which containers pose the ...

6. CONGRESSIONAL RECORD -- SENATE, Wednesday, September 13, 2006 , 152 Cong Rec S 9454, Vol. 152, No. 113, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT  
... collected is utilized to enhance the **Automated Targeting System** or other relevant programs. ( ...  
... incident. SEC. 203. **AUTOMATED TARGETING SYSTEM.** (a) In General. The ...  
... relied upon for the **Automated Targeting System** and any successor targeting system ...  
... review of the effectiveness and capabilities of the **Automated Targeting System**; (2) consider future iterations of the **Automated Targeting System**; (3) ensure that the **Automated Targeting System** has the capability to electronically compare ...  
... anomalies; and (4) ensure that the **Automated Targeting System** has the capability to electronically identify, ...  
... Security to carry out the **Automated Targeting System** for identifying high- ...  
... appropriated to carry out the **Automated Targeting System**.  
SEC. 204. CONTAINER ...  
... score assigned pursuant to the **Automated Targeting System** of not greater than 20 ...  
... reduced scores in the **Automated Targeting System**; (2) reduced examinations of ...  
... score assigned pursuant to the **Automated Targeting System**; (3) notification of specific ...  
... 2) an analysis of the efficacy of the **Automated Targeting System** or other relevant programs ...  
... ships pull into ports. The **automated targeting system** is a sophisticated analysis that ...
7. CONGRESSIONAL RECORD -- SENATE, Tuesday, September 12, 2006 , 152 Cong Rec S 9327, Vol. 152, No. 112, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT  
... collected is utilized to enhance the **Automated Targeting System** or other relevant programs. ( ...
8. CONGRESSIONAL RECORD -- SENATE, Tuesday, September 12, 2006 , 152 Cong Rec S 9369, Vol. 152, No. 112, TEXT OF AMENDMENTS  
... collected is utilized to enhance the **Automated Targeting System** or other relevant programs. ( ...
9. CONGRESSIONAL RECORD -- SENATE, Friday, September 08, 2006 , 152 Cong Rec S 9230, Vol. 152, No. 110, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT  
... trade. Section 203: **Automated targeting system (ATS)**. Requires DHS to ...

... Security Programs Improved **Automated Targeting System**. A critical component of the ...  
... cargo for inspection is the **Automated Targeting System**. This computer-based system ...  
... loading on a vessel and the **Automated Targeting System** (ATS) uses complex, ...  
... in this bill, including the **Automated Targeting System**, the Container Security Initiative, and the ...

10. CONGRESSIONAL RECORD -- SENATE, Thursday, September 07, 2006 , 152 Cong Rec S 9113, Vol. 152, No. 109, STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS  
... Plan." SEC. 3121. **AUTOMATED TARGETING SYSTEM**. Title III of the Tariff ...  
... following: "SEC. 318B. **AUTOMATED TARGETING SYSTEM**. "(a) In General.\_The ...  
... possible data for the **Automated Targeting System**, the Commissioner shall require ...  
... 6) System improvements.\_The **Automated Targeting System** used by the United ...  
... Security to carry out the **Automated Targeting System** to identify high-risk ...  
... appropriated to carry out that the **Automated Targeting System**." SEC. 3122. CONTAINER ...  
... reduced scores in the **Automated Targeting System**. (4) Definition.\_In this ...

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11. CONGRESSIONAL RECORD -- SENATE, Monday, July 17, 2006 , 152 Cong Rec S 7632, Vol. 152, No. 93, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007  
... information collected to enhance the **Automated Targeting System** or other relevant programs; and ( ...
12. CONGRESSIONAL RECORD -- SENATE, Thursday, July 13, 2006 , 152 Cong Rec S 7455, Vol. 152, No. 91, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007  
... information collected to enhance the **Automated Targeting System** or other relevant programs; and ( ...  
... 2) an analysis of the efficacy of the **Automated Targeting System** or other relevant programs ...
13. CONGRESSIONAL RECORD -- HOUSE, Tuesday, June 06, 2006 , 152 Cong Rec H 3367, Vol. 152, No. 70, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007  
... agents and inspectors, improvements to the **automated targeting system** as recommended by the Government ...

14. CONGRESSIONAL RECORD -- HOUSE, Thursday, May 25, 2006  
 , 152 Cong Rec H 3259, Vol. 152, No. 67, PROVIDING FOR  
 CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND  
 SECURITY APPROPRIATIONS ACT, 2007  
 ... percent of cargo through the **Automated Targeting System**;  
 and to establish minimum security ...  
 ... agents and inspectors, improvements to the **automated  
 targeting system** as recommended by the Government ...
15. CONGRESSIONAL RECORD -- HOUSE, Thursday, May 04, 2006  
 , 152 Cong Rec H 2107, Vol. 152, No. 52, SECURITY AND  
 ACCOUNTABILITY FOR EVERY PORT ACT  
 ... data to be given to improve our **automated targeting system**.  
 And as far as the Container Security ...  
 ... 1803, Plan To Improve the **Automated Targeting  
 System**\_Section 1803 requires the ...  
 ... a plan to improve the **Automated Targeting System** for the  
 identification of high- ...  
 ... 1803. PLAN TO IMPROVE THE **AUTOMATED TARGETING  
 SYSTEM**. "(a) Plan.\_The Secretary ...  
 ... a plan to improve the **Automated Targeting System** for the  
 identification of high- ...  
 ... Security with respect to the operation of the **Automated  
 Targeting System**. "(2) Information submissions. ...  
 ... relied upon for the **Automated Targeting System** and any  
 other targeting systems ...  
 ... panel, a review of the **Automated Targeting System**. The  
 results of this review shall be ...  
 ... consider future iterations of the **Automated Targeting  
 System**, which would incorporate smart features, such as ...  
 ... shall also consider how the **Automated Targeting System**  
 could be improved through linkages with ...  
 ... higher risk by the **Automated Targeting System** unless the  
 cargo\_ "(A) is ...  
 ... reduced scores in the **Automated Targeting System**; and "(7)  
 streamlined billing of any ...  
 ... definitions apply: "(1) **Automated targeting system**.\_The  
 term '**Automated Targeting System**' means the rules-based ...  
 ... 1803. Plan to improve the **Automated Targeting System**.  
 "Sec. 1804. Container ...  
 ... implement the plan to improve the **Automated Targeting  
 System** under section 1803( ...  
 ... reduced scores in the **Automated Targeting System**". The  
 Acting CHAIRMAN. Pursuant to ...
16. CONGRESSIONAL RECORD -- HOUSE, Wednesday, May 03, 2006  
 , 152 Cong Rec H 2058, Vol. 152, No. 51, PROVIDING FOR  
 CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY  
 FOR EVERY PORT ACT  
 ... United States. It improves the **Automated Targeting System**  
 by collecting enhanced ...

17. CONGRESSIONAL RECORD -- SENATE, Monday, May 01, 2006 , 152  
 Cong Rec S 3808, Vol. 152, No. 49, TEXT OF AMENDMENTS  
 ... 70115 the following: "70116. **Automated targeting system** "(a) In General.\_The ...  
 ... possible data for the **automated targeting system**, the Secretary shall require ...  
 ... Security to carry out the **automated targeting system** program to identify high- ...  
 ... reduced scores in the **automated targeting system**; and "(E) streamlined billing of any ...  
 ... inserting the following: "70116. **Automated targeting system** "70117. Container security ...  
 ... possible data for the **automated targeting system** developed and operated by ...  
 ... Security to carry out the **automated targeting system** program to identify high- ...  
 ... 70115 the following: "70116. **Automated targeting system** "(a) In General.\_The ...  
 ... possible data for the **automated targeting system**, the Secretary shall require ...  
 ... Security to carry out the **automated targeting system** program to identify high- ...  
 ... reduced scores in the **automated targeting system**; and "(E) streamlined billing of any ...  
 ... inserting the following: "70116. **Automated targeting system** "70117. Container security ...
18. CONGRESSIONAL RECORD -- SENATE, Thursday, April 06, 2006 , 152  
 Cong Rec S 3253, Vol. 152, No. 43, TEXT OF AMENDMENTS  
 ... 70115 the following: "70116. **Automated targeting system** "(a) In General.\_The ...  
 ... possible data for the **automated targeting system**, the Secretary shall require ...  
 ... Security to carry out the **automated targeting system** program to identify high- ...  
 ... reduced scores in the **automated targeting system**; and "(E) streamlined billing of any ...  
 ... inserting the following: "70116. **Automated targeting system** "70117. Container security ...
19. CONGRESSIONAL RECORD -- HOUSE, Thursday, September 29, 2005 , 151  
 Cong Rec H 8585, Vol. 151, No. 124, CONFERENCE REPORT ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006  
 ... **Automated Targeting Systems** |28,253,000  
 H8597 | ...
20. CONGRESSIONAL RECORD -- SENATE, Tuesday, May 17, 2005 , 151  
 Cong Rec S 5302, Vol. 151, No. 65, STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

... 2008 to carry out the **automated targeting system** program to identify high- ...  
... address the deficiencies in its **automated targeting system** strategy identified in the ...  
... external peer review of the **automated targeting system**; (C) a mandatory ...

21. CONGRESSIONAL RECORD -- HOUSE, Saturday, October 09, 2004 , 150 Cong Rec H 9125, Vol. 150, No. 128, CONFERENCE REPORT ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005  
... Technology Investments 145,159,000 **Automated Targeting Systems** 29,800,000 National Targeting ...  
... Container Security Initiative, and **Automated Targeting Systems**. The conferees direct CBP to ...
  
22. CONGRESSIONAL RECORD -- HOUSE, Friday, July 26, 2002 , 148 Cong Rec H 5888, Vol. 148, No. 104, CONFERENCE REPORT ON H.R. 3009, TRADE ACT OF 2002  
... 2,450,000 for 7 **automated targeting systems**. (I) \$360,000 for ...  
... container inspection units, **automated targeting systems**, rapid tire deflator ...
  
23. CONGRESSIONAL RECORD -- HOUSE, Friday, July 26, 2002 , 148 Cong Rec H 5888, Vol. 148, No. 104, CONFERENCE REPORT ON H.R. 3009, TRADE ACT OF 2002  
... container inspection units, **automated targeting systems**, rapid tire deflator ...
  
24. CONGRESSIONAL RECORD -- HOUSE, Wednesday, June 26, 2002 , 148 Cong Rec H 3961, Vol. 148, No. 87, RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT  
... 2,450,000 for 7 **automated targeting systems**. (I) \$360,000 for ...
  
25. CONGRESSIONAL RECORD -- HOUSE, Wednesday, June 26, 2002 , 148 Cong Rec H 3961, Vol. 148, No. 87, RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT  
... 2,450,000 for 7 **automated targeting systems**. (I) \$360,000 for ...
  
26. CONGRESSIONAL RECORD -- SENATE, Monday, June 03, 2002 , 148 Cong Rec S 4892, Vol. 148, No. 70, ANDEAN TRADE PREFERENCE ACT  
... 2,450,000 for 7 **automated targeting systems**. (I) \$360,000 for ...

27. CONGRESSIONAL RECORD -- SENATE, Monday, January 22, 2001 , 147 Cong Rec S 305, Vol. 147, No. 7  
 ... 2,450,000 for 7 **automated targeting systems.** (I)  
 \$360,000 for ...  
 ... 1,050,000 for 3 **automated targeting systems.** (P)  
 \$572,000 for ...
28. CONGRESSIONAL RECORD -- HOUSE, Tuesday, May 25, 1999 , 145 Cong Rec H 3521, Vol. 145, No. 76, TRADE AGENCY AUTHORIZATIONS, DRUG FREE BORDERS, AND PREVENTION OF ON- LINE CHILD PORNOGRAPHY ACT OF 1999  
 ... 2,450,000 for 7 **automated targeting systems.** (I)  
 \$360,000 for ...
29. CONGRESSIONAL RECORD -- SENATE, Thursday, March 25, 1999 , 145 Cong Rec S 3457, Vol. 145, No. 48  
 ... 2,450,000 for 7 **automated targeting systems;** (9)  
 \$360,000 for ...
30. CONGRESSIONAL RECORD -- SENATE, Tuesday, January 19, 1999 , 145 Cong Rec S 345, Vol. 145, No. 8, STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS  
 ... 2,450,000 for 7 **automated targeting systems.** (I)  
 \$360,000 for ...  
 ... 1,050,000 for 3 **automated targeting systems.** (P)  
 \$572,000 for ...
31. CONGRESSIONAL RECORD -- SENATE, Tuesday, September 8, 1998 , 144 Cong Rec S 10019, Vol. 144, No. 117, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999  
 ... containers, \$3,400,000 for the **automated targeting system,** and \$40,600,000 to purchase equipment ...
32. CONGRESSIONAL RECORD -- HOUSE, Tuesday, May 19, 1998 , 144 Cong Rec H 3407, Vol. 144, No. 64, DRUG FREE BORDERS ACT OF 1998  
 ... 2,450,000 for 7 **automated targeting systems.** (I)  
 \$360,000 for ...  
 ... x-ray systems and **automated targeting systems** for inspection of cargo at ...
33. CONGRESSIONAL RECORD -- HOUSE, Thursday, April 30, 1998 , 144 Cong Rec H 2629, Vol. 144, No. 51, CONFERENCE REPORT ON H.R. 3579, 1998  
 ... year 1997 for the **Automated Targeting System (ATS),** as proposed in ...

34. CONGRESSIONAL RECORD -- SENATE, Monday, March 23, 1998 , 144 Cong Rec S 2402, Vol. 144, No. 33, SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998  
... for continued development of **Automated Targeting System** for the Customs Service; ...
35. CONGRESSIONAL RECORD -- HOUSE, Monday, September 29, 1997 , 143 Cong Rec H 8137, Vol. 143, No. 132, CONFERENCE REPORT ON H.R. 2378  
... x-ray systems and **automated targeting systems**, \$5,735,000 for laboratory ...
36. CONGRESSIONAL RECORD -- HOUSE, Wednesday, September 17, 1997 , 143 Cong Rec H 7456, Vol. 143, No. 124, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998  
... x-ray systems and **automated targeting systems**, \$4,000,000 for redeploying ...
37. CONGRESSIONAL RECORD -- SENATE, Tuesday, July 22, 1997 , 143 Cong Rec S 7785, Vol. 143, No. 104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998  
... x ray systems and **automated targeting systems**, \$5,735,000 for laboratory ...
38. CONGRESSIONAL RECORD -- HOUSE, Thursday, June 12, 1997 , 143 Cong Rec H 3757, Vol. 143, No. 82, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA  
... 1998 to develop further the **Automated Targeting System**.  
U.S. POSTAL SERVICE ...
39. CONGRESSIONAL RECORD -- SENATE, Thursday, June 5, 1997 , 143 Cong Rec S 5309, Vol. 143, No. 76, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR OF 1997-- CONFERENCE REPORT  
... million to continue development of an **automated targeting system** for the Customs Service; ...
40. CONGRESSIONAL RECORD -- HOUSE, Thursday, June 5, 1997 , 143 Cong Rec H 3520, Vol. 143, No. 76, GENERAL LEAVE  
... Customs Service for the **Automated Targeting System**; \$5.383 million to the U.S. ...

41. CONGRESSIONAL RECORD -- HOUSE, Wednesday, June 4, 1997 , 143 Cong  
Rec H 3442, Vol. 143, No. 75, CONFERENCE REPORT ON H.R. 1469  
... 1998 to develop further the **Automated Targeting System**.  
U.S. POSTAL SERVICE ...

42. CONGRESSIONAL RECORD -- HOUSE, Thursday, May 15, 1997  
, 143 Cong Rec H 2697, Vol. 143, No. 64, 1997 EMERGENCY  
SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM  
NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING  
EFFORTS, INCLUDING THOSE IN BOSNIA  
... 1998 to develop further the **Automated Targeting System**.  
GENERAL PROVISIONS, CHAPTER ...

43. CONGRESSIONAL RECORD -- SENATE, Wednesday, May 7, 1997  
, 143 Cong Rec S 4082, Vol. 143, No. 58, SUPPLEMENTAL  
APPROPRIATIONS AND RESCISSIONS ACT OF 1997  
... delay funding for the **automated targeting system**, which  
increases Customs' capability to ...

44. CONGRESSIONAL RECORD -- HOUSE, Saturday, September 28,  
1996 , 142 Cong Rec H 12001, Vol. 142 No. 137  
... a level one **automated targeting system** (ATS) represent  
the best ...

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**From:** (b) (6)  
**Sent:** Thursday, December 07, 2006 8:25 PM  
**To:** FALK, SCOTT K; (b)(2)low (b)(6)  
**Subject:** FW: AP: Traveler Risk System May Violate Ban

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**From:** (b)(2)low (b)(6)  
[mailto:  
**Sent:** Thursday, December 07, 2006 8:07 PM  
**To:** (b)(2)low (b)(6)  
LOVEJOY, MICHAEL JOHN  
**Subject:** Fw: AP: Traveler Risk System May Violate Ban

Fyi.

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Sent from my BlackBerry Handheld.

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----- Original Message -----

**From:** "Knocke, William R" (b)(2)low (b)(6)  
**Sent:** 12/07/2006 07:56 PM  
**To:** "Jackson, Michael (DepSec)" (b)(2)low (b)(6); "Bergman, Cynthia" <Cynthia.Bergman@dhs.gov>; "Sweet, Chad" <Chad.Sweet@dhs.gov>; "Perry, Phil" <Phil.Perry@dhs.gov>; "Coldebella, Gus" <Gus.Coldebella@dhs.gov>; "Kent, Don" <Don.Kent@dhs.gov>; "Norton, James" <James.Norton@dhs.gov>; "Baker, Stewart" <Stewart.Baker@dhs.gov>; "Ahern, Jayson P" (b)(2)low (b)(6); "Rosenzweig, Paul" <Paul.Rosenzweig@dhs.gov>; "Kraninger, Kathleen" (b)(2)low (b)(6); "Isles, Adam" <Adam.Isles@dhs.gov>  
**Cc:** "Agen, Jarrod" <JARROD.Agen@dhs.gov>; "Gonzalez, Joanna" <Joanna.Gonzalez@dhs.gov>; "Valdes, Veronica Nur" <Veronica.Valdes@dhs.gov>; (b) (6) (b)(2)low (b)(6) "Frawley, Anne Marie" <AnneMarie.Frawley@dhs.gov>  
**Subject:** AP: Traveler Risk System May Violate Ban

## Traveler Risk System May Violate Ban

By MICHAEL J. SNIFFEN  
The Associated Press  
Thursday, December 7, 2006: 7:47 PM

WASHINGTON -- The Homeland Security Department's newly revealed computerized risk assessments of international travelers may violate a specific ban that Congress imposed as part of the agency's budget over the past three years.

Some members of Congress and privacy advocates on Thursday questioned the legality of Automated Targeting System, or ATS, risk assessments that have been assigned to millions of Americans and foreigners who entered or left the United States over the past four years.

"It clearly goes contrary to what we have in law," Rep. Martin Sabo, D-Minn., said in an interview. He said ATS is the kind of computerized risk assessment "we have been trying to prohibit."

Homeland Security Secretary Michael Chertoff told The Associated Press: "I don't think it (the prohibition) can be read as applying to this program. The statute doesn't bar the use of funds for the purpose of analyzing the risks for people entering the country."

Department spokesman Russ Knocke said Congress was informed many times since 2003 that ATS was being used to assess people.

The AP reported last week that ATS has been assessing millions of people since 2002.

At that time, a law prompted by the attacks of Sept. 11, 2001, required air and cruise lines to give the Homeland Security Department advance data on all passengers and crew entering and leaving the country.

Jayson P. Ahern, assistant commissioner of customs and border protection, told the AP all that passenger data is analyzed by ATS. Data on rail and some land travelers also have been assessed, he said.

ATS has operated with little public notice or understanding until a description was published last month in the Federal Register, a fine print compendium of federal rules.

The Homeland Security Department's notice said people could not see their assessments or directly challenge them. It plans to keep the assessments for 40 years and share data with state, local and foreign governments for hiring, contracting, licensing and other decisions. In some instances, data could be shared with courts and private contractors.

Sabo, the top Democrat on the House Appropriations subcommittee on homeland security, wrote into the agency's spending bills the ban on computerized passenger risk assessments. For the past three budget years, the legislation has said no funds from the appropriations bill could be used to develop or test computerized data-mining tools "assigning risk to passengers whose names are not on government watch lists."

"They keep going off on these wild scenarios on a regular basis," Sabo said. "They should concentrate on making their watch lists comprehensive and correctable."

Sen. Patrick Leahy, a Vermont Democrat, agreed. "There is growing concern in Congress that this program invites abuse, and that the administration is plowing ahead with it in apparent violation of the law," said Leahy, a member of the counterpart subcommittee in the Senate and incoming chairman of the Senate Judiciary Committee.

Chertoff noted that the prohibition barred risk assessments of "passengers." He said "other people may have a different opinion of what they intended, but it's clear this is all aimed at what Secure Flight was, which was deciding who could board aircraft" in the United States.

Democrats and privacy advocates acknowledged the provision began in 2004 trying to prohibit computerized risk assessments using commercial databases by the proposed domestic screening system, then known as CAPPS II.

But they said when the agency changed the name to Secure Flight and dropped commercial databases, they broadened the prohibition in 2005. One section restricted Secure Flight only to testing and set accuracy and privacy tests before it could be implemented. But they said a separate section, covering the entire department, was added to prevent any use of computerized risk assessment of people who are not already on watch lists.

Knocke said the department provided written testimony about ATS to Congress 19 times since May 2003. Most of the written testimony contained a sentence or two saying ATS was being used to screen passengers. One statement specifically mentioned mining regulatory databases; one said ATS used computer algorithms to find potentially risky people for additional questioning at the border.

Ahern, the customs and border protection official, told the AP that ATS "is a very proven, forward-leaning border initiative that we put in place to try to take a look for people that basically weren't watch-listed."

Ahern said the ATS software finds people whose travel histories in the passenger records forwarded by air and cruise lines coincides with patterns of behavior that agents had seen among terrorists or criminals over time.

In comments filed with the government this week, The Identity Project, a legal defense fund for people whose travel has been impeded by government screening, argued ATS violated the spending ban and said "any records or data already collected ... for this forbidden purpose should be immediately destroyed."

The ban also was raised by Barry Steinhardt, director of the American Civil Liberties Union's technology and liberty project; David Sobel, lawyer for the Electronic Frontier Foundation; and former Republican Rep. Bob Barr of Georgia, now a liberty and privacy expert for the American Conservative Union.

"We went through many years of debate over this notion of probing into the background of every passenger and assigning them a threat rating," Steinhardt said.

"Congress enacted a specific prohibition on rating innocent travelers and instructed DHS to focus only on those who were on a government watch list. So it is unconscionable for the government to then create this kind of a system in violation of that ban, and without proper notice to Congress or the public."

The department's operation of ATS since the ban was passed might violate the Anti-Deficiency Act, which bars government officials from spending money not appropriated by Congress, according to several of these critics.

That act carries administrative penalties that include firing. It also has criminal penalties for willful violations up to two years in prison, although no one ever has been prosecuted.

Russ Knocke  
Press Secretary  
Department of Homeland Security

(b)(2)low (b)(6)

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**WARNING: THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT INFORMATION AND IS PROVIDED FOR INTELLIGENCE PURPOSES. THIS INFORMATION MAY NOT BE RELEASED OUTSIDE CBP WITHOUT PRIOR APPROVAL FROM THE OFFICE OF INTELLIGENCE. RECIPIENTS OF THIS MESSAGE ARE AUTHORIZED TO DISSEMINATE THIS INFORMATION WITH APPROPRIATE CBP OFFICES ON A NEED TO KNOW BASIS.**

**Commissioner's Alert  
Increased Vigilance and Operational Tempo during Summer and Fall 2004**

The surge in al-Qaida activity overseas combined with hostile statements by al-Qaida and the wide array of public events and activities in the U.S. over the coming months, strongly suggests that increased vigilance at our borders is prudent and may be critical to deterring or disrupting terrorist attacks against U.S. interests at home and abroad. There are a number of specially designated National Security special events and dates in the coming weeks that could be targeted by al Qaida or other terrorist groups. In response, Secretary Ridge has directed the Department of Homeland Security (DHS) to implement heightened security measures and to increase vigilance during this critical period. Perhaps no agency within DHS has a more important responsibility in securing the Homeland and preventing terrorist attacks than U.S. Customs and Border Protection (CBP). This notice provides information to focus our response and increase our border security in support of our priority mission: preventing terrorists and terrorist weapons from entering the United States.

Over the past several months there have been numerous terrorist related events around the world. These events include the Madrid train bombings, recent attacks in Saudi Arabia, as well as thwarted attacks in the Philippines, Turkey, Jordan, and the United Kingdom. In addition, al-Qaida has made a number of public statements expressing continued hostile intent towards the U.S. Of particular interest is a recent al-Qaida tape attributed to Usama Bin Laden, who makes reference to the Madrid train bombings and the subsequent elections in Spain.

The apparent global campaign by al-Qaida and terrorist groups associated with al Qaida, the continued planning by al- Qaida to attack the U.S., as well as al-Qaida's references to the Spanish election, suggest that al-Qaida may be interested in carrying out a terrorist attack against the U.S. over the next several months. Although CBP possesses no specific information identifying timing, targets, tactics or locations for any al-Qaida operations, our analysis of available information and anecdotal reporting suggests that the global indicators of attack are rising.

CBP Officers should be alert to the following trends and patterns associated with terrorist activity:

**(b)(2)(high) (b)(7)(E)**

**(b)(2)(high) (b)(7)(E)**

**(b)(5) (b)(7)(E)**

The following are Significant Events and Dates over the next 6 months:

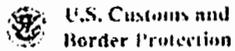
(U) Significant Events and Dates		
31 May - 2 November 2004		
Date	Event	Location
May 31, 2004	Memorial Day	
June 8-10, 2004	G-8 Summit	Sea Island, Georgia
June 26-27, 2004	Presidential visit	Ankara, Turkey
June 28-29, 2004	NATO Summit	Istanbul, Turkey
June 30, 2003	US Transfers Authority in Iraq	
July 4, 2004	Independence Day	
July 26-29, 2004	Democratic National Convention	Boston
August 13-29, 2004	Olympic Summer Games	Greece
August 30 - September 2, 2004	Republican National Convention	New York
September 11, 2004	Anniversary of 9/11 Attacks	
September 13 -	United Nations 59th General Assembly	New York
October 30, 2004	World Bank/IMF Annual Meetings	Washington, DC
October 4-5, 2004		
November 2, 2004	Election Day	

In sum, the apparent surge in al-Qaida activity overseas combined with hostile statements by al-Qaida and the wide array of public events and activities in the U.S. over the coming months, strongly suggests that increased vigilance is prudent and may be key to deterring or disrupting terrorist attacks against U.S. interests at home and abroad. CBP Officers are encouraged to remain vigilant throughout the summer and fall months and report any suspicious events immediately via your established reporting mechanisms. Questions or

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comments reference this message may be directed to (b) (6) Director, CBP Office of Intelligence at (b)(2)low (b)(6)

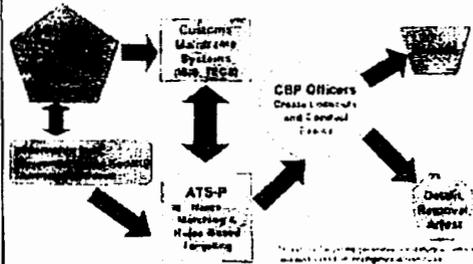
Robert C. Bonner  
Commissioner



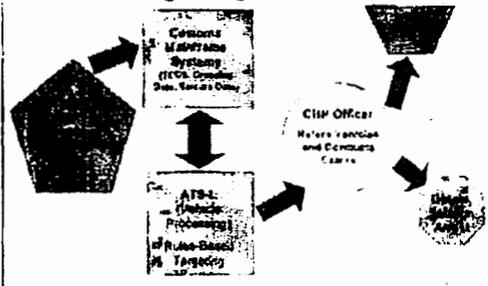
# Automated Targeting System: Data Flow Process and Uses

October 25, 2006

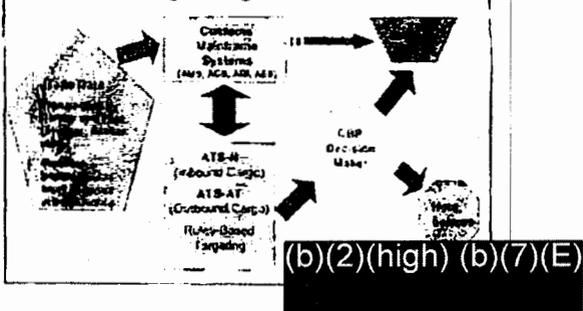
## Air and Sea Passenger Targeting Process



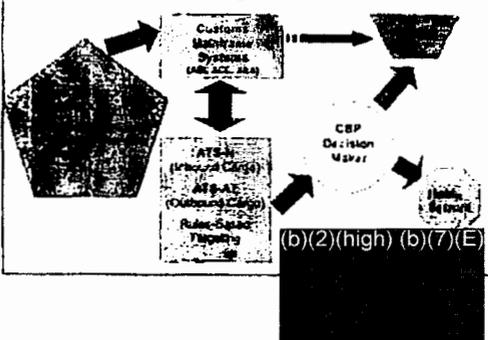
## Land Vehicle Targeting Process



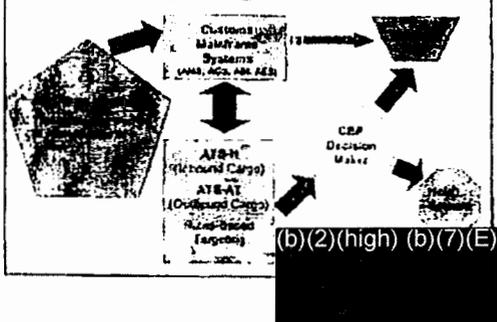
## Sea and Rail Cargo Targeting Process



## Truck Cargo Targeting Process



## Air Cargo Targeting Process



## Just The Facts

Dec 8, 2006

### ASSOCIATED PRESS ON AUTOMATED TARGETING SYSTEM

**AN ASSOCIATED PRESS STORY CLAIMS THAT THE AUTOMATED TARGETING SYSTEM (ATS) MAY VIOLATE U.S. LAW:** "The Homeland Security Department's newly revealed computerized risk assessments of international travelers may violate a specific ban that Congress imposed as part of the agency's budget over the past three years." ("*Traveler Risk System May Violate Ban*", Associated Press 12/7/06)

#### **BUT IT IS CLEAR THAT CONGRESS DID NOT INTEND TO LIMIT THE ATS PROGRAM:**

- The Aviation and Transportation Security Act of 2001 mandates that each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to Customs an electronic transmission of a passenger manifest and carriers shall make passenger name record information available to the Customs Service.

**THE STORY CLAIMS A PROVISION BY CONGRESS PROHIBITS COMPUTERIZED RISK ASSESSMENTS:** "But they said a separate section, covering the entire department, was added to prevent any use of computerized risk assessment of people who are not already on watch lists." ("*Traveler Risk System May Violate Ban*", Associated Press 12/7/06)

#### **BUT WHEN READ IN CONTEXT, IT IS CLEAR THAT THE PROVISION WHICH SOME HAVE SUGGESTED WAS ADDED TO REGULATE ATS (SECTION 514 OF THE DHS APPROPRIATIONS BILL), HAS NOTHING TO DO WITH ATS, NOR WAS IT INTENDED AS A CATCH-ALL PROVISION:**

- The various sections of the law cannot be read in isolation. Section 514 is concerned only with aviation security generally and the Secure Flight program administered by TSA in particular. Congress did not intend section 514 to pertain to ATS, a program that has been funded by Congress since the late 1990's and has an entirely different mission from Secure Flight. Secure Flight is intended to screen domestic passengers attempting to board airplanes, while ATS relates to individuals seeking admission to the U.S. at ports of entry.
- ATS has been in existence since the late 1990's. Congress is presumed to be aware of programs in existence when it passes legislation. The fact that Congress makes no mention of ATS undermines the suggestion that it intended to regulate it in any way. Because ATS predates the Secure Flight program (b) (5) it can be neither a (b) (5)

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"follow-on" nor "successor" program to Secure Flight, as required by section 514(a).

- Furthermore, the provision prohibits the use of DHS funds "for data or a database that is obtained from or remains under the control of a non-Federal entity," except Passenger Name Record Data obtained from air carriers. This provision only makes sense if it is limited to testing activities for Secure Flight. Otherwise, by this language, Congress would have made illegal any use of non-Federal database material by the federal government, thereby shutting down numerous legitimate programs having nothing to do with aviation security.

**THE STORY ALSO CLAIMS THAT THERE HAS BEEN LITTLE NOTICE OF ATS:**  
"ATS has operated with little public notice or understanding until a description was published last month in the Federal Register, a fine print compendium of federal rules. (*"Traveler Risk System May Violate Ban"*, Associated Press 12/7/06)

**BUT DEPARTMENT OFFICIALS HAVE TESTIFIED BEFORE CONGRESS SEVERAL TIMES AND HAVE PROVIDED NUMEROUS STAFF BRIEFINGS AND TOURS OF THE OPERATIONS AT THE NATIONAL TARGETING CENTER (INCLUDING THE OPERATIONAL APPLICATION OF ATS).**

Deleted: THE ATS AND

- Excerpts from the nearly 20 written testimony about ATS to Congress since May 2003 include:
  - > **DHS Deputy Secretary Michael P. Jackson, Written Testimony, Hearing before Senate Homeland Security and Governmental Affairs Committee (April 5, 2006):** "ATS is the system through which we process advance manifest and passenger information to detect anomalies and "red flags," and determine which passengers and cargo are high risk, and therefore should be scrutinized overseas or at the port of entry."
  - > **CBP Assistant Commissioner Jayson Ahern, Written Testimony, Hearing before Senate Homeland Security and Governmental Affairs Committee, Permanent Subcommittee on Investigations (March 28, 2006):** "The Automated Targeting System, which is used by the National Targeting Center and field targeting units in the United States and overseas, is essential to our ability to target high-risk cargo and passengers entering the United States. ATS is the system through which we process advance manifest and passenger information to detect anomalies and "red flags," and determine which passengers and cargo are "high risk," and should be scrutinized at the port of entry, or in some cases, overseas."
  - > **CBP Assistant Commissioner Jayson Ahern, Written Testimony, Senate Committee on Judiciary, Subcommittee on Terrorism, Technology, and Homeland Security (September 7, 2006):** "Next, we'd like to highlight some of the steps DHS takes to screen airline passengers and prevent the dangerous ones from boarding U.S.-bound aircraft. Throughout the travel and arrival processes, a host of

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Customs and Border Protection resources are marshaled to obtain and analyze information about every traveler, identify those who are likely to present a higher risk, and interdict and further screen those who are deemed high risk. At the core of this effort is the National Targeting Center (NTC). NTC receives inbound and outbound passenger information and runs it against sophisticated risk assessment rules and algorithms in the Automated Targeting System (ATS). ATS's methodologies are based on strategic intelligence about the terrorist threat, and ATS compares passenger information against data from numerous national intelligence and law enforcement databases, including the combined Federal law enforcement database known as the Treasury Enforcement Communications System/Interagency Border Inspection System (TECS/IBIS) and the National Crime Information Center (NCIC) database. The analysis NTC conducts on inbound passengers is largely based on two sources of information – Advance Passenger Information (API) and Passenger Name Records (PNR). Both types of information are used to prevent and combat terrorism and terrorist acts, as well as to catch persons suspected of other serious crimes. CBP also uses this information to facilitate bona fide travelers so it can focus its resources on areas of highest risk.

- **Former CBP Commissioner Robert Bonner, Written Testimony, Hearing before House Appropriations Committee, Subcommittee on Homeland Security (March 25, 2004):** "The Automated Targeting System (ATS), which is used by NTC and field targeting units in the United States and overseas, is essential to our ability to target high-risk cargo and passengers entering the United States. ATS is the system through which we process advance manifest and passenger information to pick up anomalies and "red flags" and determine what cargo is "high risk," and therefore will be scrutinized at the port of entry or, in some cases, overseas.
- **CBP Executive Director, Traveler Security and Facilitation, Robert Jacksta, Written Testimony, Hearing before House Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations (July 13, 2004):** The Automated Targeting System-Passenger (ATS-P) is CBP's premier targeting tool in the passenger environment, and is available to CBP personnel at U.S. ports of entry nationwide. This system utilizes information from the National crime Information center (NCIC), the Treasury Enforcement Communications System (TECS), the Consular Lookout and Support System (CLASS) and other law enforcement databases to provide automated risk assessments on arriving international passengers.

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