

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

PASCAL ABIDOR, NATIONAL)
ASSOCIATION OF CRIMINAL DEFENSE)
LAWYERS, NATIONAL PRESS)
PHOTOGRAPHERS ASSOCIATION,)

Plaintiffs,)

v.)

JANET NAPOLITANO, in her official capacity as)
Secretary of the U.S. Department of Homeland)
Security; ALAN BERSIN, in his official capacity as)
Commissioner, U.S. Customs and Border)
Protection; JOHN T. MORTON, in his official)
capacity as Assistant Secretary of Homeland)
Security for U.S. Immigration and Customs)
Enforcement,)

Defendants.)

**DECLARATION OF
TROY RILEY
IN SUPPORT OF
DEFENDANTS'
MOTION TO
DISMISS**

Case No. 1:2010cv04059

DECLARATION OF TROY RILEY

1. My name is Troy Riley, and I am the Director of the Program Analysis and Measures (PAM) Branch within the Policy, Program Analysis and Evaluation Division of the Office of Field Operations (OFO) of U.S. Customs and Border Protection (CBP). As such, I am responsible for providing leadership and direction for analyzing data to identify trends and system requirements as they pertain to performance measures; information development; and using automated systems to discover data anomalies and data integrity issues. I have been with CBP or its predecessor the U.S. Customs Service

since February 1991. Prior to becoming Director of PAM, I was the Director for Cargo Targeting systems within the Office of Information and Technology of CBP.

2. I am familiar with the procedures followed by CBP in gathering information on the number of travelers encountered by CBP at the nation's ports of entries. The statements contained in this declaration are made on the basis of my review of the official files and records of this office, my personal knowledge of the internal operations of this office and CBP, and information acquired by me in the course of the performance of my official duties.

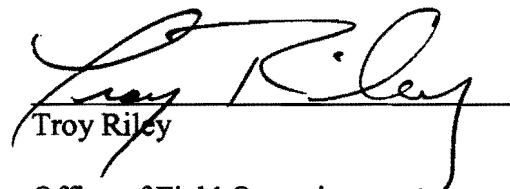
3. This declaration is provided in support of Defendants' Motion to Dismiss.

4. CBP processes all travelers who arrive at a United States port of entry and intend to enter the United States. CBP record systems indicate that CBP encountered approximately 590 million inbound travelers at the nation's ports of entry for the period October 1, 2008, through June 2, 2010.

5. Because CBP does not process all travelers who depart the United States through a port of entry, CBP record systems do not indicate the total number of outbound travelers for the period October 1, 2008, through June 2, 2010.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed this 21 day of January, 2011.



Troy Riley

Office of Field Operations
U.S. Customs and Border Protection
Washington, D.C.