

## BORDER PROTECTION

Testimony of Michael O'Hanlon, coauthor of *Protecting the Homeland 2006/2007*, June 28, 2006

Border protection is a critical pillar of homeland security. It keeps dangerous people and materials out of the country before terrorists can even get into a position to attack. In other words, it is preventive in nature—and thus represents an optimal approach to homeland security policy, as my coauthors and I argue in our new Brookings book, *Protecting the Homeland 2006/2007*.

Border protection should not be principally viewed as a literal defense of the nation's perimeter. It is not tantamount to the creation of a moat around American borders. Rather, it is a set of efforts that exploits the fact that people and goods are relatively easily monitored when they arrive at checkpoints. In other words, movement across borders allows spotlighting to occur. To be sure, some border protection functions represent something closer to the direct physical protection of borders—most notably, the efforts of the border patrol along the long perimeters of the United States, as well as some activities of the Coast Guard and the Department of Defense. But the spotlighting role is even more critical. Its failure is what allowed the 19 September 11 hijackers to enter the country. Similarly, the nation's inability to know accurately what goods are coming across its borders have much more to do with holes in the official inspection process—that is, with the spotlighting function—than with the weaknesses of our national walls.

Done right, border security activities can offer additional benefits beyond the homeland security sphere, meeting another one of our four recommended guidelines. Digitized and computerized borders can allow more dependable and rapid movement of people and goods in and out of the United States. They can also provide better knowledge of where ships and goods are when in transit. That in turn translates into, among other things, a greater ability to prevent or respond quickly to other dangers such as piracy and ship accidents that can afflict trade and travel. This should be the goal of tighter border protection; we must avoid the risk of borders turning into chokepoints. Homeland security efforts should reinforce, not compete with, economic competitiveness.

America's geography generally helps in the effort to monitor borders and to use them as a means of funneling goods and routing people through places where spotlighting is possible. But the country has two long land borders that remain very difficult to guard. And they are far from the only main challenge facing this domain of homeland security. This testimony considers a number of relevant problems, as well as the general matter of aviation security, which is in part a matter of border protection. Its conclusions, in short, are that there is no magic bullet for keeping illicit goods and people out of the country, and no easy analytical way to deduce what level of increased inspection or monitoring capacity would be sufficient for national security. Ongoing efforts since 9/11 have been headed in the right direction, however, and the gradual increase in capacity for monitoring borders as well as goods should continue. In addition, some additional policy steps such as much more uniform standards for drivers' licenses are called for.

## MONITORING OF PEOPLE

There has been progress in regulating and monitoring the movement of people into the United States. It is much harder for individuals to gain access to this country while disguising their true identities, particularly for those on terror watch lists. Notably, someone trying to fly into an airport from abroad is unlikely to get through under their own name if on a terrorist watch list, and indeed is unlikely to be allowed entry even under a false name if his or her fingerprints are already on file. This is a major step forward since 9/11.

Other useful measures have also been adopted. For example, the Student and Exchange Visitor Information System (SEVIS) now appears to be functioning quite well in helping track those foreigners in the United States on student visas.<sup>1</sup> Those who overstay visas can be more quickly identified and located.

Biometric indicators are used increasingly to control foreign travel. The U.S.-VISIT program requires foreign visitors from all countries except Canada to submit to fingerprinting (of right and left index fingers) and digital photography upon arrival in the United States. A complementary program, the State Department's Biometric Visa Program, requires that fingerprints be taken of visa applicants before travel to the United States and compared to those in a DHS database (known as IDENT) consisting of some five million individuals, some of whom are ineligible for American visas. Upon arrival in the United States, visitors' fingerprints taken by DHS under the U.S.-VISIT program are also checked against those on the visas to confirm that the individual in question is indeed the one to whom the visa was granted.<sup>2</sup>

To reduce the chances that individuals planning terror attacks will find a legal way into the country and then overstay their visas, it would be useful to record exits in real time from the United States. Those remaining longer than they should could then be more easily identified and pursued (as the 9/11 Commission recommended).<sup>3</sup>

A remaining problem in air travel security arises from what is known as the Visa Waiver Program. Until digitized passports with biometric indicators are widely used by qualifying countries, the visa waiver program (VWP) will continue to constitute a substantial loophole in U.S. border security, given the prevalence of stolen and forged passports around the world.<sup>4</sup> While individuals entering under VWP are still checked upon entry, there is less ability to interview them thoroughly when required if such activities must be carried out at the actual border.

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<sup>1</sup> General Accounting Office, *Homeland Security: Performance of Information System to Monitor Foreign Students and Exchange Visitors Has Improved, But Issues Remain*, GAO-05-440T (March 17, 2005), pp. 1-4.

<sup>2</sup> General Accounting Office, *Border Security: State Department Rollout of Biometric Visas on Schedule, But Guidance is Lagging*, GAO-04-1001 (September 2004), pp. 1-9.

<sup>3</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (New York: W.W. Norton and Co., 2004), pp. 388-389.

<sup>4</sup> Anthony Davis, "Document Forgery Operations Expand in Thailand," *Jane's Intelligence Review* (February 2005), pp. 36-39.

This circumstance argues for some other level of screening of individuals from VWP countries before they can board flights for the United States. For example, DHS security personnel could be deployed at foreign airline check-in counters in certain VWP countries (as Israel does with El Al flights).<sup>5</sup>

Terrorist watch lists also need to be improved. The United States is presently consolidating some dozen watchlists into a single terrorist screening database (TSDB) using more extensive data in the terrorist identities database (TID) that is also now being constructed. (The effort to construct the TID began with the previous gold standard of terrorist watch lists, the State Department's TIPOFF list. The list was subsequently scrubbed and expanded by consolidating it with other databases.) Some new specialized watchlists with limited information (easier to share with people not possessing security clearances) are being created as well, such as the Secure Flight database to assist in monitoring aircraft passengers and improve the accuracy with which their names are matched against those of suspected terrorists.<sup>6</sup> Thankfully none of the watchlist consolidations have turned into complete fiascos, as the FBI's attempts to computerize its case files unfortunately has.<sup>7</sup> But the consolidation and integration process remains slow. For example, Secure Flight had not yet been tested as of September 2005.<sup>8</sup>

Even digitized passports with biometric indicators cannot track new recruits with no known ties to terrorist organizations. It is therefore important to recall that there are inherent limitations to these sorts of terrorist tracking efforts. This is one clear example of the reason why a multi-tiered strategy for homeland security is imperative.

The problem with screening people also works in the opposite direction--keeping good people out while they wait for security reviews to be completed. This is true for example for foreign students, who when screened through the so-called Visas Mantis program have had to wait months for their visas in many cases. Improvements have been underway in these programs, including allowing students to get a single visa for an entire period of study (rather than requiring annual renewal). But there are still long delays.<sup>9</sup> This problem also applies to individuals trying to enter the country to conduct business, seek medical care, or pursue other important matters.

The student problem has not truly become severe. While the 2003/2004 academic year did register a 2.4 percent decline in foreign students relative to the year before, the number of foreign students remained greater than in 2000 or any year before.<sup>10</sup> Moreover, numbers of applications from the Middle East to U.S. graduate schools actually increased in both the 2003-2004 and 2004-2005 academic years (while numbers from China, India, and Korea continued to fall).<sup>11</sup>

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<sup>5</sup> Robert S. Leiken, *Bearers of Global Jihad?: Immigration and National Security After 9/11* (Washington, D.C.: Nixon Center, March 2004), pp. 102-129.

<sup>6</sup> Sara Kehaulani Goo, "Airlines Must Hand Over Records; TSA Requests Passenger Data to Test Its Screening System," *Washington Post*, November 13, 2004, p. A7; and Omar Khan, "Screening in Need of Sense," *Washington Post*, April 26, 2005.

<sup>7</sup> Harry Goldstein, "Who Killed the Virtual Case File?" *IEEE Spectrum*, vol. 42, no. 9 (September 2005), pp. 24-49.

<sup>8</sup> Sara Kehaulani Goo, "Panel Criticizes Screening Plan," *Washington Post*, September 24, 2005.

<sup>9</sup> General Accounting Office, *Border Security: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars*, GAO-04-371 (February 2004), pp. 1-4.

<sup>10</sup> Institute of International Education, "Open Doors 2004 Report on International Educational Exchange," New York, 2004, available at [opendoors.iienetwork.org/?p=49931](http://opendoors.iienetwork.org/?p=49931).

<sup>11</sup> Yudhijit Bhattacharjee, "Drop in Foreign Applications Slows," *Science*, vol. 307, March 18, 2005, p. 1706.

Indeed, the overall number of foreign students in the United States was 4.5 percent greater in 2004/2005 than just before the September 11, 2001 attacks, though there was a decline of 14 percent in Middle Eastern students.<sup>12</sup> And the U.S. figures were not notably worse than those witnessed in the United Kingdom. That said, the problem could again intensify--and could affect some of the most talented individuals in the broader foreign student pool, convincing disproportionate numbers of them to go elsewhere. Further measures to address this problem, such as increases in government capacity for processing such paperwork, are therefore warranted.

In situations involving certain non-western countries, American technical and financial help may be needed to ensure good border security and travel controls. The simple fact of the matter is that the United States has a greater interest in tracking the movement of many terrorists than do developing countries. Even when that is not the case, many countries will not have the resources to do all they should given the urgency of the threat. Seen in this light, President Bush's June 2003 East Africa Counterterrorism Initiative (EACTI) is a good step in the right direction. It provides \$100 million to improve border control, police, airline security, and related homeland security operations in a region that has been hit hard by terrorist violence.<sup>13</sup> The latter includes the 1998 U.S. embassy bombings in Kenya and Tanzania and the 2002 attacks on a hotel and airline in Kenya (the latter thankfully not successful), not to mention ongoing civil strife in places such as Somalia. This is enough money to make a real difference in a region of relatively low incomes. But these funds were apparently taken in large part out of existing programs, meaning that their net beneficial effect is difficult to ascertain.<sup>14</sup> And similar programs are probably needed in other regions such as Central Asia.

Ensuring adequate capacity to screen individuals and issue visas, as well as proper means for verifying their identities, helps the United States beyond the homeland security arena. It can expedite the movement of people into the country who can contribute to the economy, and who can ideally become goodwill ambassadors as well as important contact points for the United States once they return home. Whenever a homeland security program can have additional benefits beyond that immediate objective, it is especially worthy of serious consideration and serious support.

## THE SPECIAL PROBLEM OF LAND BORDERS

The preceding discussion pertains generally to the movement of individuals to and from the United States. But monitoring the movements of people at land borders poses special problems. It also offers unique opportunities, underscoring our theme about the need for greater international cooperation in the "homeland" security effort. To the extent Canada and Mexico make it hard for terrorists to use their countries as staging bases or waystations, the United States benefits from an added line of defense of its own country. That does not make its own border

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<sup>12</sup> Robert Satloff, "The Brain Drain That Wasn't," *Weekly Standard*, July 25, 2005, p. 11.

<sup>13</sup> See William Pope, Deputy Coordinator for Counterterrorism, "Opening Remarks," East Africa Counterterrorism Initiative Conference, Kampala, Uganda, April 21, 2004, available at [www.state.gov/s/ct/rls/rm/2004/31731.htm](http://www.state.gov/s/ct/rls/rm/2004/31731.htm).

<sup>14</sup> Stuart E. Eizenstat, John Edward Porter, Jeremy M. Weinstein, and the Commission on Weak States and U.S. National Security, *On the Brink: Weak States and U.S. National Security* (Washington, D.C.: Center for Global Development, 2004), p. 57.

enforcement job unimportant, but it does allow a somewhat greater (and more realistic) margin for error at that inherently difficult line of defense. If Canada and Mexico improve their own monitoring of persons traveling into and out of the country, only modest additional improvements may be needed in border security along the U.S.-Canada frontier, and other lines of protection in the broader homeland security arena may become more effective.

The United States has 216 airports, 143 seaports, and 115 land facilities that are official ports of entry, at a total of 317 places. Those land facilities generally involve car and truck traffic that is especially difficult to regulate. In addition, of course, land borders are very hard to control in between official points of entry. At many official checkpoints, passengers in cars are not checked as long as they are in vehicles with legitimate license plates. This policy should be changed. Care must be taken to do it in a way that does not seriously slow movement at checkpoints, with resulting consequences for commerce as well as convenience of travel. That suggests that the change in policy will have to be gradual to allow time for more inspectors to be hired and new procedures to be developed (such as adding lanes at checkpoints). Given typical car passenger loads, it may be necessary to increase staffing by as much as 100 percent.<sup>15</sup>

Open land borders are also a serious problem. For example, U.S. land management agencies are responsible for the 30 percent of the borders owned by the federal government. Yet they have only 200 full-time law enforcement officers, a number increased by just 20 percent in the first two years after September 11.<sup>16</sup> Such numbers cannot begin to credibly monitor or prevent off-road border crossings.

Such limited vigilance of U.S. land borders is a mistake. It can deprive the country of the opportunity to “spotlight” people effectively at official points of entry, thereby blunting one of the very best homeland security tools that the United States and the international community in general possess. There are relatively few dependable ways to search for terrorists among the huge throngs of individuals on the planet; this needle-in-haystack effort requires some means of rendering people visible, and official border crossings can do that. So it is especially important to ensure that individuals pass through such locations when traveling.

Take for instance the sparsely guarded Canadian border, which can be an important means of entry.<sup>17</sup> The Patriot Act led to a tripling of the number of U.S. agents along that border, but the total remains just under 1,000 for an enormously long and porous border, and there is little reason to think the number adequate.<sup>18</sup> The United States also needs an integrated plan involving increased, random patrols and better equipment for surveillance and mobility for the U.S.-Canada border, as well as better cooperation with Ottawa in this effort.<sup>19</sup> There is movement in the right direction. DHS is developing a way to have response capability anywhere within an

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<sup>15</sup> Ruth Ellen Wasem, Jennifer Lake, Lisa Seghetti, James Monke, and Stephen Vina, *Border Security: Inspections Practices, Policies, and Issues* (Washington, D.C.: Congressional Research Service, May 2004), pp. 2, 11.

<sup>16</sup> General Accounting Office, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*, GAO-04-590 (June 2004), pp. 3-4.

<sup>17</sup> Robert S. Leiken, *Bearers of Global Jihad?: Immigration and National Security After 9/11* (Washington, D.C.: Nixon Center, March 2004), p. 118.

<sup>18</sup> Blas Nunez-Neto, "Border Security: The Role of the U.S. Border Patrol," *CRS Report for Congress*, October 14, 2004, p. 18.

<sup>19</sup> Bodenheimer, "Technology for Border Protection," p. 7.

hour of notice of a problem, and to improve monitoring as well. This might not help with the "lone wolf" terrorist sneaking through the woods, but could pick up illicit vehicle movements or groups of individuals. Five DHS bases near the Canadian border are being created to help in the effort.<sup>20</sup> Overall, this border is better protected than before, and will soon be monitored even more effectively. But the absolute numbers of U.S. capabilities are still extremely modest, suggesting an enduring problem.

Although few Canadians would pose major terrorism-related concerns, Canada's efforts to monitor its own borders against terrorist infiltration are wanting in a number of areas. For example, its coast guard does little to monitor Canada's long shorelines and cruise ships coming ashore do not have passenger manifests examined.<sup>21</sup> This underscores the importance of Canada improving its own regulations on individuals visiting the country, but also means the United States must assume that foreign terrorists may try to reach this country via our northern neighbor.

A greater worry is the Mexican border, where despite the presence of almost 10,000 border agents, an estimated 4,000 illegal aliens cross per day. They are mostly Latinos, but also include individuals from countries such as Afghanistan, Egypt, Iran and Iraq with a greater corresponding risk of possible terrorist infiltration.<sup>22</sup> Intelligence reports express concern that al Qaeda may indeed try to exploit the porosity of this border and infiltrate operatives through it.<sup>23</sup>

A rough benchmark for the above proposals to increase monitors at borders is that adding 1,000 employees costs the government \$100 million. So the costs associated with the above proposals might be roughly \$1 billion a year, if the doubling of inspectors recommended to monitor passengers in vehicles crossing the border were matched by comparable increases in other aspects of the border protection effort. Accurately estimating the appropriate number of additional inspectors is beyond the scope of this analysis, but the above number gives a reasonable ballpark. The number of inspectors has grown by 5,000 over the last decade, with some beneficial effect on estimated infiltration rates. Indeed, it possibly reduced them by one-third, though it is admittedly difficult to be sure of the exact numbers as well as the true causes of any decline. It makes sense therefore to continue on the same trajectory while also introducing new operational procedures and new technologies--such as UAV patrols, the sea wall near San Diego, and America's Shield Initiative involving multispectral sensors and cameras as well as magnetic and seismic detectors.<sup>24</sup> The Bush administration's idea of using National Guard forces as a temporary means of supplementing DHS personnel at the borders seems in this light to be a good idea.

The right policy is to start increasing border patrol personnel year by year in significant numbers and then attempt to modify procedures to improve border monitoring. As experience is gained, it can then be determined more accurately how many will be enough. Unfortunately, the Bush administration's request for additional border agents in 2006 totaled just 210 individuals, a far

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<sup>20</sup> Michael Hill, "New Base to Monitor Border in Northeast," *Washington Post*, October 11, 2004, p. 21.

<sup>21</sup> Standing Senate Committee on National Security and Defence, *Canada's Coastlines: The Longest Under-Defended Borders in the World* (Ottawa, Canada: Canadian Parliament, October 2003), pp. 151-160.

<sup>22</sup> Donald L. Barlett and James B. Steele, "Who Left the Door Open?" *Time*, September 20, 2004, pp. 51-66.

<sup>23</sup> Bill Gertz, "Goss Fears WMD Attack in U.S. 'A Matter of Time,'" *Washington Times*, February 17, 2005, p. 3.

<sup>24</sup> Blaz Nunez-Neto, "Border Security: The Role of the U.S. Border Patrol," *CRS Report for Congress* (Washington, D.C.: Congressional Research Service, May 10, 2005), pp. 5-7, 11.

cry from the scale of increase that would be appropriate, given the present porous nature of the country's perimeter.<sup>25</sup> But Congress wisely added \$600 million to the president's request in this area, enough for 1,000 additional agents.<sup>26</sup>

The database used by DHS's Border Patrol, IDENT, is not fully integrated on a national scale with other databases. IDENT uses a photo and two fingerprints, whereas the FBI's IAFIS (or Integrated Automated Fingerprint Identification System) uses all ten fingerprints. Reportedly, all U.S. Border Patrol stations now have interoperable systems capable of accessing IAFIS records and cross-checking the Border Patrol's IDENT entries against those records. But Border Patrol agents cannot access the consolidated name-based terrorist watchlist maintained by the Terrorist Screening Center at their stations.<sup>27</sup>

Another problem is that the consular identification cards issued to their own citizens by some foreign governments, including Mexico, can be fraudulently obtained fairly easily.<sup>28</sup> They are often used for identification in the United States. Lax standards for such cards cannot be tolerated. The United States may need to consider contributing seed money to encourage Mexico in particular to develop more rigorous and real-time databases of possible terrorists as well as better ID technology of its own. At present, the United States has a plan to require visitors crossing the Canadian or Mexican borders to present a passport or one of four other hard-to-counterfeit documents. But that plan is not due to be implemented before December 31, 2007.<sup>29</sup>

Summing up, the land border security problem poses three special challenges. One, making sure that smaller border crossing posts receive up-to-date technology to become full participants in new efforts such as U.S.-VISIT, is mostly a matter of taking the problem seriously and providing adequate funds. A second, improving screening of individuals in cars--and working toward a standard by which all who pass through a land border are checked—is more demanding conceptually, though surely doable. It will take new procedures not yet developed. They could slow crossings dramatically, however, so considerable work is needed to add inspectors and increase the numbers of lanes at key crossings. Third is a problem for which solutions have not yet been successfully conceptualized, even in theory--closing down U.S. land borders to illegal infiltration, which is of course linked to broader U.S. immigration policy. More technical and human resources to monitor borders are generally well-advised to mitigate the problem, but are unlikely to solve it--again underscoring the need for a multi-tier approach to homeland security that begins by pushing America's own borders "outward" and improving cooperation with other countries' parallel homeland security efforts.

There is clearly also a major benefit to improving border monitoring outside the homeland security domain. It is an important means of reducing illegal immigration, with all of its associated economic and political repercussions. Thus, focusing on land border controls within a

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<sup>25</sup> See Bill Richardson, "Emergencies on Border Are a Plea for Federal Help," *Arizona Republic*, August 26, 2005.

<sup>26</sup> David Rogers, "Homeland Budget Accord Is Reached," *Wall Street Journal*, September 30, 2005, p. 2.

<sup>27</sup> Blas Nunez-Neto, "Border Security: The Role of the U.S. Border Patrol," *CRS Report for Congress* (Washington, D.C.: Congressional Research Service, May 10, 2005), pp. 7-8, 29.

<sup>28</sup> General Accounting Office, *Border Security: Consular Identification Cards Accepted within United States, but Consistent Federal Guidance Needed* (August 2004).

<sup>29</sup> Lara Jakes Jordan, "U.S. Sticks with Passport Plan," *washingtonpost.com*, September 1, 2005.

homeland security strategy is consistent with the principle, as presented in the introduction, that the United States should be especially keen to pursue programs with multiple benefits. Indeed, the United States and Canada might push this logic one step further and consider another crossing point in the Detroit/Windsor area (where more than \$100 billion of trade occurs annually between the two countries). If built outside of the immediate urban areas, it would not only provide backup in case a major bridge were destroyed, but reduce traffic congestion under normal conditions.<sup>30</sup>

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<sup>30</sup> Standing Senate Committee on National Security and Defence, *Borderline Insecure* (Ottawa, Canada: 2005), pp. 47-61.