



FEDERAL LAW ENFORCEMENT AT THE BORDERS AND PORTS OF ENTRY

Challenges and Solutions

July 2002

REPORT OF THE SUBCOMMITTEE
ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES

Committee on Government Reform
U.S. House of Representatives



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HOUSE OF REPRESENTATIVES

Report
107-794

**FEDERAL LAW ENFORCEMENT AT THE
BORDERS AND PORTS OF ENTRY—
CHALLENGES AND SOLUTIONS**

EIGHTH REPORT

by the

COMMITTEE ON GOVERNMENT REFORM



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January 2, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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House of Representatives,
Washington, DC, January 2, 2003.

Hon. Dennis Hastert,
Speaker of the House of Representatives,
Washington, DC.

Dear Mr. Speaker: By direction of the Committee on Government Reform, I submit herewith the committee's eighth report to the 107th Congress. The committee's report is based on a study conducted by its Subcommittee on Criminal Justice, Drug Policy and Human Resources.

Dan Burton,
Chairman.

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Mr. Burton, from the Committee on Government Reform
submitted the following

EIGHTH REPORT

On October 9, 2002, the Committee on Government Reform approved and adopted
a report entitled “Federal Law Enforcement at the Borders and Ports of Entry—
Challenges and Solutions.” The chairman was directed to transmit a copy
to the Speaker of the House.

EXECUTIVE SUMMARY

Border security – the protection of the American homeland at its land boundaries, coasts, and ports of entry – presents two overriding challenges. The first and most important of them lies in striking the right balance between effective law enforcement at the border and preserving valuable trade and travel. This country has benefited tremendously from our openness to international commerce and tourism – indeed our prosperity, our freedom, and our very way of life depend on it. That openness, however, has left the U.S. vulnerable to increasingly global criminal organizations, who take advantage of porous borders and ports of entry. Crafting a policy that can intercept these enemies without undermining America’s preeminent role in the world economy is the key dilemma facing the U.S. today.

The second challenge lies in setting the priorities of border law enforcement itself. The threats facing our nation are often interrelated, but they are not the same, and each of them requires a somewhat different strategy. The agencies entrusted with protecting our borders and ports of entry – chiefly the U.S. Customs Service, the Immigration and Naturalization Service (including the U.S. Border Patrol), and the U.S. Coast Guard – must often make difficult choices when deciding how to use limited resources to meet these varied threats. How much emphasis should be placed on preventing terrorist attacks? How much on stopping the smuggling of narcotics and preventing illegal aliens from entering the country? Law enforcement at the border requires a strategy that can meet all of these threats.

The terrorist attacks of September 11 have given new urgency to these already pressing challenges, and forced the nation to reexamine every aspect of border security. President Bush’s plan to consolidate our border law enforcement agencies into a single Department of Homeland Security will help the nation to meet these challenges by promoting interagency coordination – something that has often been lacking in recent years. Congress must do its part, however, to ensure that the new Department has the tools it needs to create a focused yet balanced border security strategy. First, steps must be taken to make sure that the new Department does not neglect some vital missions while focusing solely on the threat of terrorism. Second, mechanisms giving the new Secretary of Homeland Security the ability to ensure cross-agency cooperation and coordination of effort must be added to the enacting legislation. And, most importantly, Congress must give the new Department the resources it needs to fight the increasing power and sophistication of global criminal networks.

First Challenge of Border Law Enforcement:

Increasing Border Security Can Restrict Commerce; Facilitating Commerce Can Hinder Border Security

Second Challenge of Border Law Enforcement:

Allocating Resources Between Different Missions – How Much To Prevent Catastrophic Terrorism? How Much To Stop Illegal Drugs and Illegal Immigration?

The First Challenge – Balancing Security and Open Borders

Border policy inevitably poses a fundamental dilemma of balancing national security and law enforcement against international trade, commerce and travel. It is difficult, if not virtually impossible, to improve one side of the equation without detriment to the other. No single place in America illustrates this fundamental tension better than the Ambassador Bridge in Detroit, Michigan. An overwhelming amount of commerce crosses the bridge, much of it tied to the auto industry. In response to the heightened border alerts after September 11, General Motors and other auto manufacturers contacted Customs officials in Detroit to express their concern about slowdowns on the bridge. Because the auto industry, like others, operates primarily on a "just-in-time" inventory system, delays in arrival of auto parts from Canada threatened to force layoffs of workers at several Detroit area plants. Improving the flow of commerce therefore became a priority for the Customs Service.

But expediting inspections and enforcement on the bridge cannot come without a price. Canada is one of the primary sources for pseudoephedrine, one of the main ingredients in methamphetamine. A Subcommittee staff interview with a Drug Enforcement Administration agent in Las Vegas revealed that groups of Middle Eastern nationals, under federal investigation for possible ties to terrorist financing, were using the city as a transshipment point for pseudoephedrine sales to West Coast drug producers. Their illegal trade had been directly traced to smuggling over the Ambassador Bridge. Thus, even a minor policy step at a single port of entry can have significant and unforeseen national ramifications – a fact that must be considered with the greatest care.

The Second Challenge – Balancing the Competing Missions of Border Law Enforcement

Border policy poses another dilemma, that of allocating limited law enforcement resources to meet widely varied threats and fulfill highly diverse missions. An agency must determine how much of its personnel, equipment, infrastructure, and intelligence resources should be devoted to each function. That is not an easy task.

The experience of the Coast Guard since September 11 is perhaps the clearest illustration of this difficult problem. Prior to September 11, the Coast Guard's law enforcement activities were concentrated on narcotics interdiction, the enforcement of fisheries regulations, and intercepting illegal immigrants on the waters. Only 1 to 2 percent of its activities was directed at actual port security matters. After the terrorist attacks, this percentage grew to 58 percent as the Coast Guard shifted its resources to meet the threat to our vulnerable sea ports. Though certainly necessary to meet a new, immediate danger, this change in strategy came at a price. During the first few months after September 11, the Coast Guard was forced to stop nearly all fisheries enforcement and illegal immigrant operations,

and about 75 percent of its counter-narcotics operations. As one Coast Guard officer informed the media in the late fall of 2001, with respect to counter-narcotics, "We're basically guarding the goal line. We're not covering the field."

Such changes in strategy may indeed be appropriate when, as after September 11, a clear vulnerability has been exposed that threatens the very functioning of the national economy. Over the long term, however, any border security strategy must be able to deal effectively with *all* of the dangers – whether catastrophic terrorism, as at the World Trade Center and the Pentagon, or the more insidious but equally devastating forms of terrorism in American communities, like drugs – that menace our shores.

The Work of the Subcommittee

Since the summer of 2001, the Subcommittee on Criminal Justice, Drug Policy and Human Resources has been investigating the status of law enforcement at the borders and ports of entry. The Subcommittee has held a comprehensive series of hearings in Washington, D.C. and at some of the key border areas in the U.S., focused on the issues of border security and trade, as reflected in the specific and unique circumstances of each port. Members and staff have visited many other ports of entry, met with local officials of the key agencies responsible for border and port security, and visited some major foreign ports. At each location, the Subcommittee and staff have explored which policies are working, which need improvement, and which new proposals should be implemented to enhance the quality of border law enforcement.

Though the Subcommittee has not yet completed its work, and will be holding additional hearings in the near future, this initial Report is intended to provide detailed background on how the border works, review the current state of law enforcement's efforts to manage it, describe our most significant findings to date, and discuss the benefits of and obstacles to several potential solutions which are currently under consideration, including President Bush's proposal to consolidate most federal border law enforcement agencies into a single Department of Homeland Security. The Subcommittee's final report will offer further recommendations for legislative action.

The Borders and Ports of Entry: Geography and Commerce

The "border" is an incredible challenge. It is far broader than commonly understood, including both the Northern and Southern land borders, our shorelines and coastal waterways, and every other port of entry (land, sea or airport) within the United States. Travel across any border is legally prohibited except at a port of entry. Crossing our borders illegally is not especially difficult, however, as



Chairman Souder and Rep. John McHugh hold a field hearing at the U.S. Customs facility in Champlain, NY.

(Subcommittee photo)

Field Hearings Held by the Subcommittee, 2001-02

Highgate Springs, Vermont

Champlain, New York

Blaine, Washington

San Diego, California

Ports of Los Angeles and Long Beach, California

Sierra Vista, Arizona

Each border crossing and port of entry is unique.



The narrow ditch that forms the border between the U.S. and Canada east of Blaine, WA.

(Subcommittee photo)

U.S. BORDER AND PORT FACTS:

5,657 miles	U.S.-Canada border (incl. Alaska)
2,062 miles	U.S.-Mexico border
12,353 miles	U.S. coastline (total)
130+	Ports of entry on Northern border
30+	Ports of entry on Southern border
300+	Sea ports of entry in the U.S.
100+	International airports in the U.S.
6 million	Containers arrived at sea ports in 2000
\$1.2 billion	Daily trade between U.S. and Canada
\$680 million	Daily trade between U.S. and Mexico

they run for miles and miles through open wilderness or even across wide lakes (especially on the huge and largely unpopulated Northern border). There are hundreds of potential illicit crossings, many examples of which Subcommittee Members and staff viewed with Customs and Border Patrol officials.

Legitimate traffic takes place through the legal ports of entry at which most federal border security resources are concentrated. Cross-border commerce is enormous and of vital importance to the U.S. economy. There is now over \$1.2 billion in trade per day between the U.S. and Canada; annual trade grew from \$243 billion in 1994 to \$406 billion in 2000. Border communities are particularly dependent on this trade, but virtually every state in the U.S. now has strong economic ties to Canada; some 37 states have Canada as their primary trading partner. Trade with Mexico is somewhat smaller, but has been growing

at an even faster rate. Total annual trade between Mexico and the U.S. grew from \$100 billion in 1994 to \$248 billion in 2000, and Mexico has now passed Japan as the United States' second largest trading partner. Though Mexico is more dependent on this trade than the U.S., American businesses, particularly those on the Southern border, are increasingly reliant on it. Note that although the 1990's was a period of unprecedented growth in cross-border trade, September 11 created the first annual drop in that trade in seven years in 2001.

Most commercial traffic along the Northern border is carried by truck, followed by rail. More than 13 million trucks cross the Canadian border each year, up from 7 million in 1990. The traffic is heavily concentrated, with over half of it taking place across four bridges alone. These patterns are mirrored on the Southern border.

Non-commercial traffic is considerably larger than commercial traffic on the land borders, but again most of it is concentrated at a few major crossings. On the Southern border, the data suggest that most border crossers are local residents, most are frequent crossers, and many are daily business commuters. Trade and travel by air and sea has also increased dramatically in recent years. Commercial traffic at sea ports of entry is particularly important; approximately 6 million containers with \$700 billion in cargo, 2 billion tons of oil, and 6.5 million cruise ship passengers arrived at U.S. sea ports in 2000.

Threats at our Borders and Ports of Entry

Potentially hidden – like a needle in a haystack – in the midst of the tremendous volume of border traffic are numerous potential threats to America and its security. Illegal narcotics remain one of the most difficult problems faced by federal law

enforcement. Most of the drugs consumed by Americans are made or have their component chemical source in foreign countries – principally cocaine, heroin, marijuana, methamphetamine, and ecstasy (or MDMA).

On the Northern border, the chief trend has been the growth in high-potency marijuana smuggling. "B.C. Bud," a variety of marijuana grown in British Columbia, and "Quebec Gold" (grown in Quebec), have a THC content upwards of 30 percent (as compared to only about 4 percent for Mexican marijuana). This Canadian marijuana is so sought after that it is said that it can be traded pound-for-pound for cocaine. The drug is sometimes smuggled in private or commercial vehicles, but is more frequently carried in duffel bags and backpacks across rural and mountainous stretches of the Washington border. The Northern border has also seen an explosion in the smuggling of pseudoephedrine, the chief precursor chemical for the dangerous drug methamphetamine.

The Southern border is the nation's primary source of cocaine and marijuana. Cocaine is typically smuggled by vehicle through the ports of entry, while marijuana is smuggled both in vehicles and by illegal immigrants acting as "mules" along the border. Heroin has also started being smuggled across the land border, although sea ports and airports remain the most common venue for smuggling. Ecstasy is coming in increasing amounts from Europe, both through U.S. airports and via Canada.

THREATS AT THE BORDERS AND PORTS OF ENTRY

Northern Border

- High potency marijuana from Canada ("B.C. Bud", "Quebec Gold") – 8 times as potent as Mexican marijuana; said to be as valuable as cocaine
- Methamphetamine precursors (chiefly pseudoephedrine) – illegally smuggled in huge quantities into the U.S. from Canada, due to lax Canadian regulation

Southern Border

- 70% of America's cocaine comes over the U.S.-Mexican border
- Mexico still leading producer of marijuana
- Mexico increasing source of U.S.-used heroin
- Mexican drug trafficking organizations now control 70% of U.S. methamphetamine trade

Air and Sea Ports of Entry

- Ecstasy shipments increasing from Europe via airline passenger couriers
- 25% of America's cocaine smuggled over the Caribbean

Illegal Narcotics

- 313 metric tons of cocaine / 13.7 metric tons of heroin smuggled to U.S. in 2000

Illegal Immigration

- 1.2-1.6 million illegal immigrants apprehended by Border Patrol each year
- 275,000 illegal immigrants (est.) make it into the U.S. each year
- 5 to 9 million illegal immigrants (est.) living in U.S. now
- 41% of illegal immigrants entered legally but stayed illegally ("nonimmigrant overstays")

Due in large part to the terrorist attacks of September 11, cross-border trade with Canada and Mexico fell in 2001 for the first time in seven years.

TOP 5 LAND BORDER CROSSINGS, 2001

(All Transportation Modes)

Detroit, MI

Laredo, TX

Buffalo-Niagara Falls, NY

Port Huron, MI

El Paso, TX

TOP 5 SEAPORTS, 2000

(By Port Calls)

Los Angeles/Long Beach, CA

Houston, TX

New Orleans, LA

New York, NY

San Francisco, CA

TOP 5 INTERNATIONAL AIRPORTS IN U.S.

(April 2000-March 2001)

New York, NY (JFK)

Los Angeles, CA

Miami, FL

Chicago, IL (O'Hare)

Newark, NJ

Source: Bureau of Transportation Statistics, U.S. Department of Transportation

Threats at the border are like a needle in a haystack.

Multiple agencies have border security responsibility.



Customs inspectors examine cargo at Miami International Airport. (Courtesy U.S. Customs Service)

U.S. Customs can only inspect about 2% of all incoming imports. At land borders, Customs inspects 6.6% of cargo on the Northern border, and 26.8% on the Southern border. However, Customs claims to inspect all cargo that it identifies and targets as high risk.

Weapons of mass destruction are now a primary concern for federal law enforcement. Given the high volume of international cargo shipments, it is a daunting challenge to prevent a single such weapon from making it past cargo inspections. A nuclear weapon would, of course, be the most devastating form of attack, but it is equally possible for chemical and biological weapons to be smuggled into the country in a cargo container. Also of concern is the possibility that a commercial ship could be hijacked by terrorists and used as an instrument of destruction in a U.S. port or waterway.

Illegal immigration remains a significant cause for concern. Each year, the U.S. Border Patrol apprehends about one and a half million illegal aliens; unknown numbers manage to evade apprehension. The vast majority of these illegal crossings take place on the Southern border, but such activity may be increasing on the Northern border, and over the waters – in fiscal year 2001, for example, the Coast Guard apprehended over 3,900 migrants headed for U.S. shores.

Federal Law Enforcement at the Borders and Ports of Entry

Three federal agencies take the lead on border enforcement; their efforts appear to be largely complementary (but they do overlap to some degree). The U.S. Customs Service has primary responsibility for preventing the smuggling of narcotics and weapons of mass destruction through the ports of entry, in addition to responsibility for collecting duties and enforcing numerous other laws. Customs inspectors are responsible for examining both commercial cargo and the personal items of travelers. Given the high volume of cargo shipments, Customs can only inspect about 2 percent of all incoming imports. This necessitates "risk assessment," or the ability to separate out high risk shipments for inspection, while letting cargo believed to be low risk pass through.

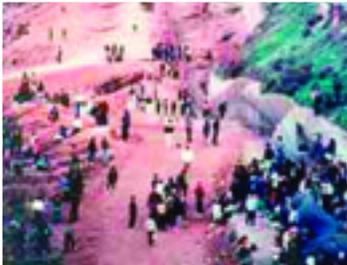
At the land border ports, the process of cargo inspection is still heavily paper-driven; truck drivers generally must present full entry documentation, which they pick up from their customs broker. The only aspect of the system that is automated is the Automated Broker Interface (ABI), which allows the importer (but not the carrier) to file entry papers electronically. Customs bases many of its decisions to do secondary inspections of cargo on the data submitted in ABI. The process of inspections on railroads and at sea ports and airports is more fully automated; carriers can file their cargo information electronically through the Automated Manifest System (AMS).

The Immigration and Naturalization Service (INS) is primarily responsible for preventing illegal immigration and the entry of dangerous foreign criminals, as

well as facilitating the entry and status of legal immigrants and visitors. Two main branches of the INS are entrusted with these tasks: INS Inspections, which is responsible for screening incoming travelers at land border ports, sea ports and airports; and the U.S. Border Patrol, which is responsible for guarding the border between the ports of entry.

Since 1994, the Border Patrol has greatly increased its numbers and activities on the Southern border, which has had the effect of driving most illegal immigration away from urban centers and into more remote areas. Unfortunately, until very recently the overall level of illegal immigration did not appear to be falling, despite the stepped-up efforts.

The Border Patrol's Southern Border Strategy



The border near San Diego, CA prior to 1994. (Courtesy Immigration and Naturalization Service)

In 1994, the INS announced a new Southern border strategy to combat illegal immigration, hiring thousands of new Border Patrol agents and aggressively targeting key migration routes, beginning in major population centers. Illegal immigration fell sharply in the targeted areas, but rose equally drastically in non-targeted areas as migrants shifted away from large cities to smaller towns and rural areas. The number of apprehensions finally fell in 2001, a sign the new strategy was having an effect; the slowdown in the U.S. economy, however, may have accounted for some of the drop.

U.S. BORDER PATROL APPREHENSIONS, SOUTHWEST BORDER

1997	1,369,000
1998	1,517,000
1999	1,537,000
2000	1,644,000
2001	1,236,000
2002	526,000 (through April 2002)

Source: Congressional Research Service compilation of INS data

CUSTOMS AUTOMATED COMMERCIAL SYSTEM (ACS)

Customs' computerized tracking system for cargo is the Automated Commercial System (ACS). First deployed in 1984, it consists of the Automated Broker Interface (ABI), which allows importers and customs brokers to file information on cargo, and the Automated Manifest System (AMS), which allows sea and air carriers to file manifests, or descriptions of their shipments. Currently, only ABI is in operation on the land border – truckers must still file manifest information in paper form at the border. ACS is badly outdated, and must be replaced. Customs hopes to deploy the new, web-based Automated Commercial Environment (ACE) in 4 years.

Customs, Border Patrol and Coast Guard Are Vital to Drug Interdiction

Customs seizures (FY 2001)
190,856 pounds of cocaine
3,622 pounds of heroin
1,503,941 pounds of marijuana

Border Patrol seizures (FY 2001)
18,500 pounds of cocaine
1.1 million pounds of marijuana

Coast Guard seizures (FY 2001)
138,393 pounds of cocaine
34,520 pounds of marijuana

Together, these 3 agencies seize more drugs bound for the U.S. than any other agency.

Source: U.S. Customs Service, U.S. Border Patrol, U.S. Coast Guard, and Drug Enforcement Agency data

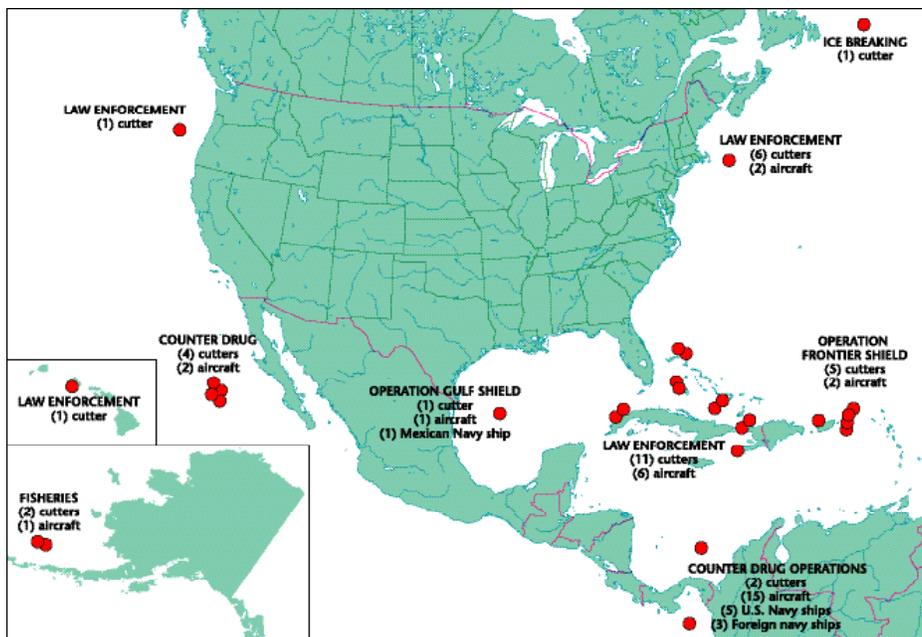
Responsibility for tracking down and deporting illegal immigrants once they have entered the country also lies with the INS. Its investigations, detention and deportation, and intelligence branches are charged with this mission. Unfortunately, while some progress has been made, the vast majority of illegal immigrants – including criminals and terrorists – are essentially "home-free" once they penetrate the border. This makes it all the more important for the Border Patrol and INS Inspections to intercept these persons before they are able to enter the country.

The Coast Guard is a multi-mission service that takes the lead role in ensuring the safety and security of America's ports, waterways and maritime borders. It is the nation's primary law enforcement agency on the water, with broad responsibility for preventing the smuggling of drugs, contraband and illegal aliens onto our shores. Since September 11, the Coast Guard has also been entrusted with the protection of sea ports and waterways from terrorist threats. The long-term challenge for the Coast Guard is to increase port and maritime security, but without losing ground with respect to its other key missions (including fisheries enforcement and search and rescue).

THE SHIFT IN FOCUS: COAST GUARD REDEPLOYMENTS AFTER 9/11

The experience of the Coast Guard after September 11 shows the strains that the shift to a counter-terrorist mode can have on border law enforcement. After 9/11, the Coast Guard drew back its forces into a coastal and port defense posture – helping protect our waterways and ports of entry from terrorist attack, but conceding much of the high seas to illegal drug traffickers.

MAJOR DEPLOYED COAST GUARD FORCES PRIOR TO SEPT. 11



Courtesy U.S. Coast Guard

New Proposals for Border and Port of Entry Law Enforcement **Proposals for Reform**

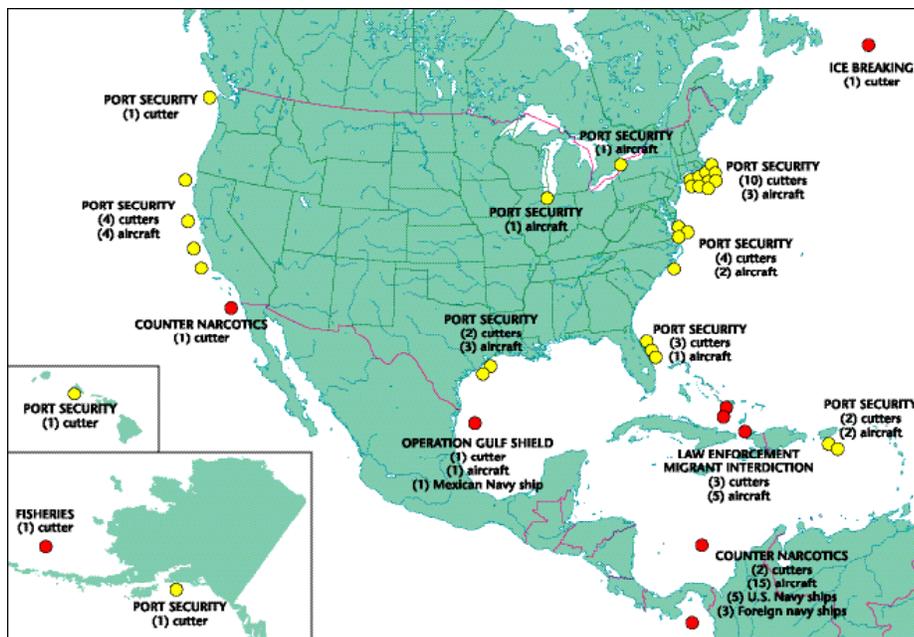
Although there are a large number of proposals to improve border and port management, some of which are specific to certain locations, this Report examines the pros and cons of six of the most important:

COMBINING BORDER LAW ENFORCEMENT AGENCIES

Various proposals to combine or restructure the border management agencies have been discussed in Congress and the Administration since September 11. President Bush asked Congress to create a Department of Homeland Security from Customs, the INS, the Coast Guard, and other key national security agencies. The President's proposal should promote a cohesive security strategy at the border and the efficient use of scarce law enforcement resources. Care must be taken, however, to ensure that the new Department does not become so focused on one threat – namely, the threat of terrorism – that it neglects the numerous other dangers at our borders and ports of entry. In crafting the legislation creating this Department, which will be the nation's largest and probably most important law enforcement agency, Congress must make certain that all aspects of border law enforcement are included in the Department's strategy.

- *Combine Agencies – But Ensure Effective Coordination*
- *Increase Inspections*
- *More Personnel*
- *Upgrade Databases*
- *Move Inspections Away From U.S. Ports*
- *Expand “Fastpass” Systems*

MAJOR DEPLOYED COAST GUARD FORCES SEPT. 19



The new Department of Homeland Security should appoint an Assistant Secretary for Narcotics Interdiction, with responsibility and authority to coordinate the counter-drug efforts of Customs, the Border Patrol and the Coast Guard.

Several steps, including mandating the cross-agency coordination of drug interdiction and other law enforcement activities within the Department, should be considered. Specifically, in light of the vital importance of Customs, the Border Patrol and the Coast Guard for narcotics interdiction, one of the Department's Assistant Secretaries should be given the responsibility and authority to coordinate interagency counterdrug efforts.

INCREASING THE NUMBER AND INTENSITY OF INSPECTIONS

The stepped-up inspections and heightened border alert after September 11 have clearly had an effect; seizures of drugs by our border law enforcement agencies have gone up dramatically, and this may already be affecting the supply and price of narcotics. Increased inspections are perhaps the most important tool we have for dealing with the new threats. Nevertheless, care must be taken to avoid unduly hindering trade and travel; moreover, the increased inspections will not be sustainable unless accompanied by increases in staff.

INCREASING THE NUMBER OF QUALIFIED CUSTOMS AND INS INSPECTORS, BORDER PATROL AGENTS AND COAST GUARD PERSONNEL

There is an obvious need for more personnel at the borders and ports of entry, particularly on the Northern border, which still has far fewer officers despite having twice as much territory to cover. A similar increase in Coast Guard personnel will also be required to provide an added presence at our sea ports, but without taking away from the Coast Guard's presence on the high seas and along the coast. Recent legislation and Administration proposals to increase staffing are welcome first steps. There are, however, difficulties involved with rapid expansion. The Border Patrol's experience in the late 1990's suggests that finding a sufficient number of new recruits is more difficult than might be expected, and even when sufficient recruits can be brought on board, an agency may have to scramble to properly train, house and equip them. Moreover, if financial incentives are given to increase the recruiting pool, this may draw individuals away from other vital law enforcement agencies. The government must take care to ensure that expanding border law enforcement does not become a game of personnel "musical chairs."

UPGRADING AND INTEGRATING BORDER LAW ENFORCEMENT DATABASES AND AUTOMATED SYSTEMS

All of the border law enforcement agencies need to upgrade and integrate their databases to ensure that criminals do not fall through the cracks between agencies. This must be the first priority of the new Department of Homeland Security. Customs in particular needs to replace its outmoded commercial tracking system, the Automated Commercial System (ACS), with the Automated Commercial Environment (ACE), a web-based, real-time system. It must also continue its move towards paperless automated systems. All federal law enforcement agencies (including the

Coast Guard) must work to improve the sharing of vital information in what are currently independent systems. And all of those agencies must work together to streamline those systems, and prevent unnecessary and costly duplication.

SHIFTING CARGO INSPECTIONS AWAY FROM PORTS OF ENTRY, TO THE POINT OF ORIGIN

In response to the growing tide of commercial traffic, Customs is considering a new strategy of pre-clearing cargo before it reaches the border by inspecting it at the "point of origin." While this shift in strategy must be given all due consideration, several issues need to be addressed. First, it is not clear how Customs will go about inspecting the cargo, or how it will ensure the security of the cargo between the point of origin and the U.S. border. Second, moving to such a system may involve substantial costs for industry and/or the federal government, which could mean both higher taxes and higher consumer prices. Customs (in cooperation with the Coast Guard) should continue to develop pilot programs to determine whether this new strategy is workable.



Photo courtesy Architect of the Capitol

EXPANDING "FASTPASS" SYSTEMS FOR THOSE WHO FREQUENTLY CROSS THE BORDERS

The INS and Customs have developed "fastpass" systems (NEXUS and SENTRI) allowing frequent crossers to be enrolled in a special program that allows them to use a dedicated lane, thus reducing their wait times at the border. Participants are required to submit to background checks, although these are more easily done for Canadian citizens than for Mexican citizens. These programs are strongly endorsed by local business leaders and our NAFTA partners, but it is not yet clear that they are cost-effective. More information should be gathered in order to expand these systems.

Action Points for Homeland Security

- *The new Department of Homeland Security must be structured to maximize the benefits of interagency cooperation, coordination, and integration of information systems.*
- *An Assistant Secretary at the new Department should be given responsibility and authority for coordinating the drug interdiction efforts of Customs, the Border Patrol and the Coast Guard – which are the nation's top narcotics interdiction agencies.*
- *The new Department should take an active lead not only in modernizing and integrating the computer and information systems of its own component agencies, but in ensuring that they are compatible with those of other federal law enforcement agencies – like the FBI – as well as state and local law enforcement.*
- *Our border law enforcement agencies – Customs, the INS, and the Coast Guard – will have to continue their stepped-up efforts, but to do so without damaging our economy, they will need more resources and more personnel.*
- *Personnel growth is necessary to improve homeland security, but it must be properly managed – excessive growth can create difficulties for an agency, and can draw personnel away from other vital agencies.*
- *New strategies, such as inspecting goods at the point of origin instead of at the ports of entry, and expanding "fastpass" systems for frequent travelers, should be pursued, but we must recognize that wholesale conversions are unrealistic. Incremental steps should continue to be taken, while aggressively strengthening more traditional methods of border security.*

INTRODUCTION

For at least a decade, it has been fashionable to speak of the coming "borderless" world, in which the ease and speed of international commerce and travel have rendered national boundaries virtually obsolete. Proponents of this vision have cited the tremendous benefits of free trade, and some have even called for the completely free movement of peoples as well. As recently as last summer, a major newspaper editorialized in favor of abolishing border controls between the U.S., Mexico and Canada.¹

Although threats had continued all along, the September 11 terrorist attacks reminded the nation of the dangers of fully open borders and the importance of maintaining control over our boundaries and ports. While free trade has indeed improved the lives of all Americans, it has also brought with it a deadly wave of dangerous narcotics, and the specter of weapons of mass destruction. While the free movement of peoples has increased tourist revenues and helped spread American values abroad, it has also brought terrorists and other dangerous criminals onto our shores. These risks must be dealt with, and they must be dealt with at the borders and ports of entry, or not at all.

The challenge for Congress and the Administration is to strike the right balance – to improve law enforcement at the borders and ports without unduly hindering the commerce and travel that have helped make the United States the freest and most prosperous nation on earth. The federal government must also determine how to allocate its limited law enforcement resources to meet many different threats. Since last summer, the Subcommittee on Criminal Justice, Drug Policy and Human Resources has been conducting a wide-ranging and comprehensive study of border control issues.² Although the study is still continuing, this initial Report provides background on the border and its management and presents some of the most significant initial findings of the Subcommittee.

This Report is divided into four sections. Section I describes the borders and ports of entry, and the importance they hold for American economic and social life. Section II describes the chief threats entering the country through our borders and ports, while Section III describes the efforts of our primary border and port law enforcement agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS), and the U.S. Coast Guard, to deal with those threats. Finally, Section IV explores some of the most significant proposals to improve law enforcement at the borders and ports of entry, including President Bush's proposal to consolidate the primary border agencies into a single Department of Homeland Security.

Hearings and Meetings Held by the Subcommittee and Staff on the Southern and Northern Borders, at Ports of Entry and in Washington, D.C.

The Subcommittee has held field hearings at a number of key ports of entry and border communities: Highgate Springs, Vermont; Champlain, New York; Blaine, Washington; San Diego, California; the Ports of Los Angeles and Long Beach, California; and Sierra Vista, Arizona. Visits were also made to a number of subsidiary ports of entry, including San Ysidro and Olay Mesa, California; Port Angeles, Lynden and Sumas, Washington; and Nogales and Douglas, Arizona. At each such location, the Members and staff have met with local officials of Customs, the INS, the Border Patrol, the Coast Guard and the Drug Enforcement Administration (DEA).



Chairman Souder and Rep. Juanita Millender-McDonald (not pictured) hold field hearing at the Port of Long Beach, CA.

(Subcommittee photo)

Field Hearings Held by Subcommittee

Highgate Springs, VT

Champlain, NY

Blaine, WA

San Diego, CA

*Ports of Los Angeles/
Long Beach, CA*

Sierra Vista, AZ

Information on all of the Subcommittee's hearings can be found on our website, at

<http://www.house.gov/reform/cj/>

In addition to these hearings, Chairman Souder and the Subcommittee staff have traveled to a number of other locations with significance for border security. Chairman Souder recently visited the border crossings at Fortuna and Portal, North Dakota, and Sweetgrass, Montana. Members and staff have also met with officials at the ports of Seattle, Washington, and Port Huron, Marine City and Detroit, Michigan, while Subcommittee staff have met with officials at the ports of El Paso, Texas; Buffalo and Niagara Falls, New York; Washington-Dulles International Airport; and with the U.S. Coast Guard in New York City.³ The Subcommittee staff recently visited the foreign port of Hong Kong, where they met with local customs and other law enforcement officials there. In addition, Chairman Souder conducted two Congressional delegations to Canada: the first to Ottawa, where he and staff met with several Canadian ministers, Members of Parliament, U.S. Ambassador Paul Cellucci, and the Royal Canadian Mounted Police (RCMP)⁴; and the second to Vancouver, where he and staff met with Canadian customs officials and the RCMP, and met with U.S. Customs inspectors taking part in pre-screening of U.S.-bound cargo.

The Subcommittee has also held hearings in Washington, D.C. on nationwide border security and law enforcement issues. In October 2001, the Subcommittee held a hearing on the staffing levels required for key federal law enforcement agencies in the wake of September 11, and related personnel issues. Also in October, the Subcommittee held a hearing on the connection between drug smuggling and international terrorism. In December, the Subcommittee heard testimony concerning the impact of September 11, and the necessity of responding to the new terrorist threat, on the other missions of key border enforcement agencies. In April 2002, the Subcommittee held a hearing on new strategies and proposals for border law enforcement. And in June 2002, the Subcommittee heard testimony from the former heads of the Coast Guard, the Border Patrol,

Customs, the Treasury Department's law enforcement branch and the DEA, and Stephen Flynn, a border security expert, on the potential impact of President Bush's homeland security reorganization plan on drug interdiction and other non-terrorism related law enforcement activities. Further hearings and field hearings will be held in the near future as the Subcommittee continues its investigation of these vital issues.

The Subcommittee staff has also researched the extensive number of reports and studies already prepared on these issues by federal agencies and non-governmental organizations over the last few years. We hope that this Report will provide members of Congress and concerned citizens with an overview of law enforcement and security at our borders, and an appreciation of the difficult choices facing the American people in this area.



The border crossing at Fortuna, ND. The Customs inspector's home is next to the inspection facility, allowing him to hear any nighttime traffic even when the station is closed.

(Subcommittee photo)

Additional Ports of Entry Visited by Subcommittee Members and Staff

*Douglas, AZ
Nogales, AZ
Otay Mesa, CA
San Ysidro, CA
Detroit, MI
Marine City, MI
Port Huron, MI
Sweetgrass, MT
Buffalo, NY
Niagara Falls, NY
Rouses Point, NY
Fortuna, ND
Portal, ND
El Paso, TX
Alburg, VT
St. Albans, VT
Port Angeles, WA
Seattle, WA
Sumas, WA
Washington-Dulles
International
Airport, VA*

I. THE BORDERS AND PORTS OF ENTRY

A. The Northern Border

1. GEOGRAPHIC FEATURES

The “Northern border” typically refers to the land border between the mainland United States and Canada, which is 4,121 miles long. (The Canada-Alaska border is an additional 1,536 miles long.)⁵ Much of this border is aquatic, running in the east from the St. Lawrence River between New York and Quebec through the Great Lakes (Lakes Ontario, Erie, Huron and Superior), and in the west through the Straits of Georgia and San Juan de Fuca between Washington and British Columbia. (There are several lakes on the boundary between Minnesota and Manitoba as well.)



There are approximately 130 official ports of entry on the Northern border at which it is legal to cross (whether by vehicle or on foot). There are in addition over 300 unofficial crossing areas along the Northern border, roads which are unmonitored and allow for individuals or groups to cross undetected.⁶ For example, in the area east of Blaine, Washington, the only “barrier” between the U.S. and Canada is a narrow ditch between two roads. The terrain along the Northern border is extremely varied – ranging from rivers, lakes and forests in the east to open prairie and rugged mountains in the west. The vast, unpopulated areas along the Northern border, especially in the west, allow individuals to cross undetected virtually at will. In the Great Plains states, for example, people can cross the Northern border by bicycle, snowmobile or horseback. Securing the border in these remote areas involves closing open prairie, numerous mountain passes, and enormous lakes.

2. ECONOMIC IMPORTANCE

The Northern border is the world’s busiest in economic terms. There is now over \$1.2 billion per day in trade between the U.S. and Canada.⁷ Trade with Canada increased from a total of \$243 billion in 1994 to \$406 billion in 2000 – growing an average of 10 percent each year in the 1990’s.⁸ The U.S. and Canada are now each other’s number one trading partners.

The importance of U.S.-Canadian trade for both the U.S. and Canadian economies cannot be overestimated. This is nowhere more obvious than in areas close to the border; for example, the Plattsburgh-North County Chamber of Commerce estimates that in Plattsburgh, New York alone, the U.S.-Canadian economic

The Northern Border

The Northern border is extremely vast, passing through huge wilderness areas. The photo above shows the prairie that makes up the border from Glacier National Park in Montana to the Red River in eastern North Dakota. (Subcommittee photo)

Mainland U.S.-Canada border
4,121 miles

Alaska-Canada border
1,536 miles

World’s busiest border
\$1.2 billion in trade per day

Growth in trade
Averaged 10% per year in 1990’s

Daily traffic
36,500 trucks; 665,000 travelers

37 U.S. states have Canada as primary trading partner



Canada Is America's Largest Energy Supplier

3.5 trillion cubic feet of natural gas (15% of total U.S. consumption)

494 million barrels of crude oil (9% of total U.S. consumption)

\$3 billion of electricity imports (nearly 100% of total U.S. imports)

Top 10 Land Border Freight Crossings, All Transportation Modes, Northern Border, 2001

- Detroit, MI*
- Buffalo-Niagara Falls, NY*
- Port Huron, MI*
- Champlain-Rouses Point, NY*
- Blaine, WA*
- Alexandria Bay, NY*
- Pembina, ND*
- Sweetgrass, MT*
- Portal, ND*
- Eastport, ID*

Source: Bureau of Transportation Statistics, U.S. Department of Transportation

relationship generates \$1.4 billion per year, with almost 14 percent of the workforce employed by Canadian employers.⁹ In Michigan, U.S. automakers have grown increasingly dependent on parts makers in Ontario, which are shipped on a “just-in-time” basis to American factories in less than 6 hours.¹⁰ The benefits of Canadian trade are not limited to border states, however. There are now 37 U.S. states that have Canada as their primary trading partner, and half of all U.S. exports bound for Canada are produced in 14 states that are not on the Northern border – including California and Texas.¹¹ Canada is even more heavily dependent on Northern border trade; 86 percent of its exports are destined for the U.S., and those exports now account for more than one-third of Canada’s total economic activity.¹²

The cross-border trade in energy is especially important for the U.S. economy; Canada is the single largest energy supplier to the U.S., providing about 15 percent of America’s natural gas and 9 percent of its oil.¹³ Canada supplied over 3.5 trillion cubic feet of natural gas to the U.S. in 2000 through pipelines across the Northern border (major crossing points include Eastport, Idaho, Port of Morgan, Montana, Niagara Falls, New York, Sumas, Washington and Noyes, Minnesota).¹⁴ It also supplied over 494 million barrels of crude oil, and over 100 million barrels of refined petroleum products. Nearly 100 percent of U.S. electricity imports (such as hydroelectric power) come from Canada, worth about \$3 billion.¹⁶

3. TRAFFIC PATTERNS

Most commercial traffic in both directions across the Northern border is carried by truck or rail; trucks carry the majority of goods by value, while railroads carry the most goods by weight. More than 13 million trucks – about 36,500 per day – currently cross the border each year (in both directions – about 7 million of those crossings are into the U.S. from Canada), up from 7 million in 1990. Truck traffic is expected to increase by 10 percent each year for the next decade.¹⁷

Truck traffic along the Northern border can take place at over 75 land ports, but almost 90 percent of all truck crossings take place at 20 locations. In fact, 4 bridges alone – the Ambassador Bridge between Detroit, Michigan and Windsor, Ontario; the Blue Water Bridge between Port Huron, Michigan and Sarnia, Ontario; the Peace Bridge between Buffalo, New York and Fort Erie, Ontario; and the Lewiston Bridge near Niagara Falls, New York – handle over 50 percent of the total truck traffic.¹⁸

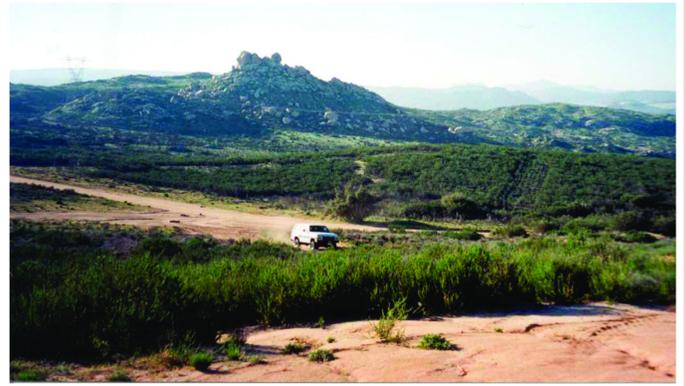
Cross-border movement along the Northern border is by no means confined to commercial traffic, however. In fact, travelers (whether business commuters or tourists) account for about 200 million crossings, or 85 percent of the total.¹⁹ Finally, not all traffic between the two countries is by land; the number of air travelers between the U.S. and Canada increased from 12 million in 1988 to nearly 18 million in 1998, while the number of commercial flights between the two countries has increased by one-third over the last five years.²⁰ The Washington State

Ferry system also carries over 25 million passengers and 11 million vehicles on about 150,000 trips per year, many of which cross the U.S.-Canada border.²¹

B. The Southern Border

1. GEOGRAPHIC FEATURES

At 2,062 miles, the Southern border is only about half as long as the mainland Northern border (excluding the Alaska-Canada border).²² About half of the Southern border is strictly land border, ranging from San Diego, through the deserts of eastern California and Arizona, to the New Mexico-Texas border. The Texas-Mexico border is defined by the Rio Grande River – a river that is unnavigable except at its mouth (at Brownsville, Texas), often dries up to a bare trickle, and can be crossed on foot in many places.²³ Nevertheless, the river can support small boats in some places, and the U.S. Border Patrol even maintains a light boat patrol in certain spots.²⁴ There are approximately 30 ports of entry (many with multiple crossing stations) along the Southern border. As is the case on the Northern border, however, there are innumerable “unofficial” crossings along the Southern border – and a much larger number of illegal crossings into the United States are made from Mexico than from Canada.



A U.S. Border Patrol van keeps watch along the California-Mexico border. (Subcommittee photo)

The Southern Border

Though only half the size of the mainland U.S.-Canada border, the Southern border is almost equally rugged and extremely difficult to patrol.

U.S.-Mexico border
2,062 miles

Daily trade
\$680 million

Growth in trade
More than doubled in 1990's

Daily traffic
Over 800,000 people and nearly 12,000 trucks cross into U.S. each day

Mexico is our second biggest trading partner



Mexico Is a Major Supplier of U.S. Energy

508 million barrels of crude oil

3.5 trillion cubic feet of natural gas.

2. ECONOMIC IMPORTANCE

Economic activity along the Southern border is growing rapidly. Mexico is now the United States' number two trading partner, passing Japan in 1999. Total trade with Mexico grew from \$100 billion in 1994 to \$248 billion in 2000.²⁵ The cross-border trade is of vital economic importance to Mexico's economy; exports to the U.S. account for 88 percent of total Mexican exports, and 25 percent of the Mexican economy.²⁶

Trade with Mexico is a significant contributor to U.S. economic health as well, however. Like Canada, Mexico is a major supplier of energy; in 2000, Mexico provided over 508 million barrels of crude oil to the U.S., and over 3.5 trillion cubic feet of natural gas (through pipelines running to Texas).²⁷ Mexico is the largest importer of many kinds of U.S.-built transportation equipment, including single engine airplanes, railway parts, various kinds of vehicle engines, and wheel rims and spokes; Mexico is also the biggest purchaser of many types of textiles and clothing, including woven cotton fabric and synthetic yarns, various household appliances and electrical goods, and many agricultural products.²⁸

3. TRAFFIC PATTERNS

Most cargo on the Southern border is carried by truck; there were about 4.3 million truck crossings into the U.S. from Mexico in 2001 (down slightly from 4.5 million in 2000).²⁹ As is the case on the Northern border, truck traffic on the Mexican border is highly concentrated at a few crossings. Approximately 91 percent of the more than 4 million truck crossings from Mexico into the U.S. that took place in 1998 occurred at 7 of the 25 ports of entry that handle commercial traffic – in order, they are Laredo, Texas; Otay Mesa, California; El Paso, Brownsville and Hidalgo, Texas; Nogales, Arizona; and Calexico East, California.³⁰ Laredo's share of the total U.S. land trade (both north and south) increased from 8 percent to 15 percent from 1995 to 2000; 4,100 trucks and \$140 million in merchandise pass through it each day.³¹



Otay Mesa, CA border crossing.
(Courtesy U.S. Customs Service)

Top 10 Land Border Freight Crossings, All Transportation Modes, Southern Border, 2001

Laredo, TX
El Paso, TX
Otay Mesa, CA
Nogales, AZ
Hidalgo, TX
Brownsville-Cameron, TX
Calexico East, CA
Eagle Pass, TX
Del Rio, TX
San Luis, AZ

Source: Bureau of Transportation
Statistics, U.S. Department of
Transportation

Although truck traffic continues to grow, most border crossings are made by non-commercial travelers. Approximately 300 million people legally enter the U.S. from Mexico each year, 83 percent of them using personal vehicles, and 16 percent on foot via pedestrian crossings. The crossings in El Paso and San Ysidro account for one-third of all northbound traffic; San Ysidro alone clears 40,000 cars per day, the single busiest international checkpoint in the world.³²

One important aspect of non-commercial traffic across the Southern border is that it is primarily local and composed of frequent crossers. Perhaps the most thorough study of people crossing the border was conducted in 1992-94 in San Diego; it found that 96 percent of the crossings at the two area ports (Otay Mesa and San Ysidro) were made by residents of the San Diego/Tijuana region. Sixty percent of those crossing the border were either "frequent" crossers (crossing 4-19 times per month), or "very frequent" crossers (crossing at least 20 times per month). These frequent and very frequent crossers accounted for 96 percent of the crossings.³³

The importance of this non-commercial traffic for the U.S. economy is significant. In San Diego, Mexican nationals cross more often than American citizens, and the majority of them cross either to shop (42 percent) or to work (24 percent). (Most Americans crossing the border do so either to make social visits – 40 percent – or for tourism and shopping – 32 percent.)³⁴ Retailers in Texas record an estimated \$15 billion in sales to Mexican shoppers each year, and local Texas chambers of commerce estimate that the percentage of sales made by retailers to Mexican residents ranges from 10 percent to almost 40 percent. A survey of San Diego businesses recently made by the U.S. Chamber of Commerce showed that

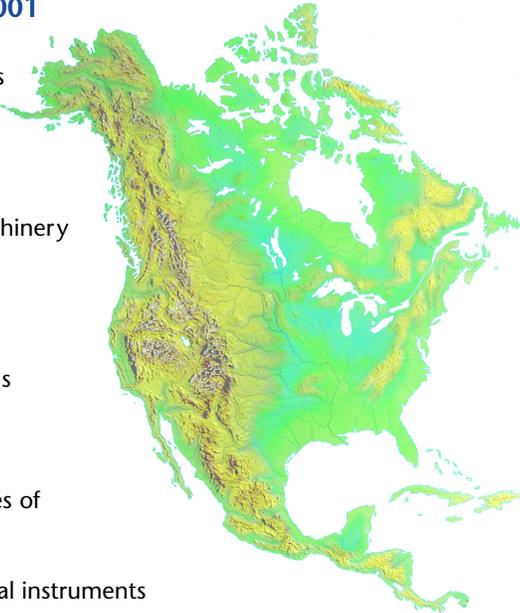
30 percent or more of their sales are to Tijuana shoppers, while the Arizona Chamber of Commerce estimated that 50 percent of retail sales in the state’s border region are to Mexican nationals.³⁵ Testimony at the Subcommittee’s field hearings anecdotally indicated a significant drop in business in Southern border towns as the alert level increased along U.S. borders after September 11.³⁶

C. The Growth in Cross-Border Trade

As indicated above, U.S. trade with its NAFTA partners has grown dramatically over the past decade; Canada and Mexico together account for one-third of the value of all U.S. international trade. Though trade with Canada remains greater, Mexico has been rapidly catching up. Manufactured goods have accounted for most of the growth in NAFTA trade, particularly the trade in motor vehicles, parts and accessories, which account for 22 percent of the U.S. land trade. The top ten leading commodity groups in 2000 (consisting of manufactured goods and industrial raw materials) accounted for 73 percent of the land trade. Notably absent from these lists are agricultural products; farm goods, while important, have not been primary sources of the growth in U.S. cross-border trade.³⁷

Top 10 Commodities for North American Trade, 2001

- Vehicles, parts and accessories
- Electrical machinery and equipment
- Nuclear reactors, boilers, machinery
- Mineral fuels, mineral oils and waxes
- Special classification provisions
- Plastics and articles thereof
- Paper and paperboard, articles of paper pulp
- Optical, photographic, surgical instruments
- Furniture, bedding, mattress supports, lamps
- Wood and articles of wood; wood charcoal



Source: Bureau of Transportation Statistics, U.S. Department of Transportation

Top 10 Land Border Crossings for Passengers/Pedestrians, FY 2001

- El Paso, TX
- San Ysidro, CA
- Hidalgo, TX
- Brownsville, TX
- Laredo, TX
- Detroit, MI
- Buffalo, NY
- Calexico, CA
- Nogales, AZ
- Otay Mesa, CA

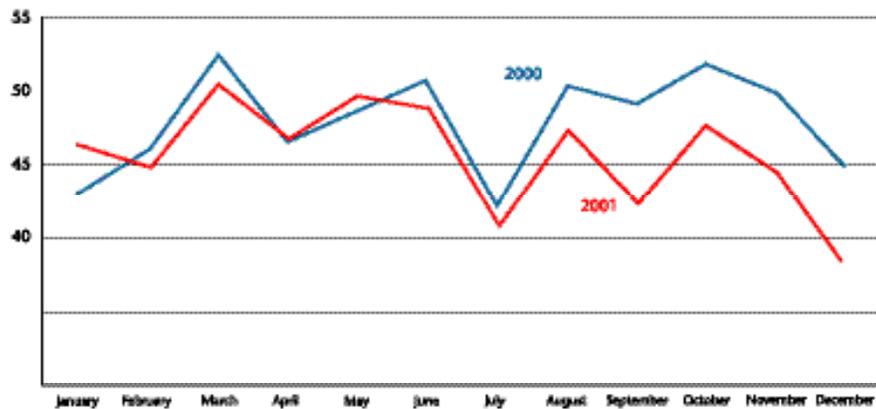
Source: U.S. Customs Service data

Most Southern border traffic is conducted by local, frequent crossers.

In 2001, however, total trade with Canada and Mexico actually declined for the first time since NAFTA was implemented seven years ago – due in large part to the impact of September 11, though the U.S. economic slowdown also had an effect. Land trade declined 4.9 percent, with most of the drop taking place after the terrorist attacks; the value of trade dropped only 1.5 percent in the January-August period, but 11.6 percent in September-December. The biggest decline was in imports from Canada, which dropped 14.4 percent following September 11.³⁸

NAFTA trade declined in 2001 for the first time in 7 years, due mostly to the aftermath of the September 11 attacks.

U.S. Monthly Surface Trade with NAFTA Partners: 2000 and 2001



(Graphic courtesy of Bureau of Transportation Statistics, Dept. of Transportation)

D. The Coasts and Non-Land Ports of Entry

The U.S. has a total of 12,353 miles of marine shoreline – almost twice as long as the borders with Canada and Mexico combined.³⁹ The coasts are incredibly varied, ranging from virtually unapproachable rocks on the northwest Pacific Ocean, to the much gentler shores of the Gulf Coast and Caribbean Sea, to the numerous seaports on the Atlantic Ocean.

Along those coasts, there are more than 300 sea ports at which cargo may be legally loaded or unloaded in the United States.⁴⁰ In 2000, about 60,000 commercial vessels (including tankers, dry bulk ships and container ships) entered U.S. sea ports.⁴¹ The U.S. is particularly dependent on the energy trade over the waters; of the more than 300 billion barrels of crude oil imported from foreign countries by the U.S. in 2001, more than two-thirds came from outside North America. In addition, over 226 billion cubic feet of liquid natural gas was shipped to the U.S. at Everett, Massachusetts (near the port of Boston) and Lake Charles, Louisiana.⁴²

Beyond the energy trade, maritime cargo is the lifeblood of international commerce; about 90 percent of the world's cargo moves by sea container.⁴³ Approximately 7.8 million containers arrived in the U.S. by sea in 2001, loaded by more than 500,000 non-vessel operators and freight forwarders around the world. More than half of the containerized cargo arriving in the U.S. is shipped from just 10 foreign ports (Hong Kong historically being the largest, shipping about 1.6 million containers (measured in "twenty-foot equivalent units", or TEUs) per year to the U.S.). Many (more than a half-million per year) containers are actually unloaded at seaports in Canada and then shipped by rail to the U.S.⁴⁴ In fact, of the total traffic handled by the Port of Montreal, approximately 70 percent of both inbound and outbound traffic originated in or is destined for the U.S.⁴⁵

Passengers also move through the sea ports (though not in the same numbers as at land border crossings and airports), generally on the cruise line industry. Over 95 cruise line vessels now operate in U.S. ports, serving over 7 million passengers each year.⁴⁶



The Coasts

The shores and coastlines represent another "border" of the U.S., one even longer – over 12,000 miles – and equally difficult to patrol.

The San Juan islands, between the state of Washington and Canada. (Subcommittee photo)

Top 10 Sea Ports by Port Calls, 2000

Los Angeles/Long Beach, CA

Houston, TX

New Orleans, LA

New York, NY

San Francisco, CA

Philadelphia, PA

Hampton Roads Area, Norfolk, VA

Charleston, SC

Columbia River, WA/OR

Savannah, GA

Source: U.S. Maritime Administration data



The ports of Los Angeles/Long Beach, CA. (Subcommittee photo)



The port of Seattle, WA, one of the country's busiest sea ports. (Subcommittee photo)

Sea Ports – Lifeline of International Trade

60,000 cargo vessels arrive at U.S. ports each year

7.8 million containers arrived in U.S. ports in 2001

90% of the world's cargo travels by sea container

Volume has nearly doubled in the last 6 years

Top 10 Airports for International Passenger Traffic

New York, NY (JFK)

Los Angeles, CA

Miami, FL

Chicago, IL (O'Hare)

Newark, NJ

San Francisco, CA

Atlanta, GA

Houston, TX

Honolulu, HI

Dallas/Ft. Worth, TX

*Source: U.S. Department
of Transportation
and U.S. Customs
Service data*

The U.S. also maintains ports of entry for airborne cargo and travelers. Though the amount of airborne cargo is small as compared with sea and land transport, air carriers hauled 8.4 million tons of freight to and from U.S. airports in the year ended March 2001. Far more significant is the volume of passenger traffic at the airports; in the year ended March 2001, U.S. airports handled a total of 144 million passengers traveling between the U.S. and the rest of the world.⁴⁷

SUMMARY

- *The borders are huge, and present a significant challenge to effective law enforcement.*
- *Trade at our ports of entry is enormous and growing at a rapid pace; Canada and Mexico are now America's No. 1 and No. 2 trading partners, respectively*
- *The U.S. cannot lose sight of the vital importance of cross-border and international trade to our economic health as new solutions to border security are pursued.*

II. THREATS AT OUR BORDERS AND PORTS OF ENTRY

A. *Smuggling of Contraband*

The sheer volume of commercial and passenger traffic described above presents virtually limitless opportunities to smuggle contraband of every kind into the U.S. Some of the smuggled materials – essentially commercial goods brought into the country without declaring them and paying the applicable tariff – are seemingly innocuous, though they represent a threat to our economic security through job loss to American workers if not controlled. Two kinds of contraband represent serious threats to our national security and the health and safety of our citizens: illegal narcotics and weapons of mass destruction.

1. ILLEGAL NARCOTICS

Most of the illegal drugs consumed in the U.S. are produced or have their chemical source in foreign countries, meaning they must come through ports of entry or be smuggled across the border. The key foreign-produced or foreign-sourced drugs are cocaine, heroin, marijuana, methamphetamine (produced in both the U.S. and Mexico from smuggled chemicals such as pseudoephedrine), and ecstasy or MDMA. Estimates of the amount of these drugs that come into the U.S. are necessarily tentative, because there is no truly accurate data available. The Office of National Drug Control Policy (ONDCP) estimates that 429 metric tons of cocaine were exported to the U.S. in 2000 from source countries (primarily in Central and South America), of which 313 metric tons (or 73 percent) were successfully brought in past law enforcement interdiction efforts. An estimated 13.7 metric tons of heroin were brought to the U.S. border, of which 13.05 metric tons were successfully smuggled in past the border.⁴⁸ Federal authorities seized a total of 235,377 pounds of cocaine, 2,673,535 pounds of marijuana and 4,379 pounds of heroin in fiscal year 2001.⁴⁹

a. Northern Border

The most significant trend in Northern border drug smuggling has been the rise in high-potency marijuana. Usually called “B.C. Bud” (for British Columbia), the drug is typically grown hydroponically in basements and garages in the Vancouver region (it is also grown in Quebec, where it is called “Quebec Gold”). The THC (the active component of marijuana) content of B.C. Bud is about 30 percent, compared to about 4 percent for Mexican marijuana. A pound of B.C. Bud sells

Some smuggled goods are not critically dangerous, but drugs and weapons of mass destruction are.



Opium poppy and cocaine (Courtesy Drug Enforcement Administration)

Five major drugs used in the U.S. have their primary origin or chemical source in foreign countries: cocaine, heroin, marijuana, ecstasy, and methamphetamine (which is produced in both the U.S. and Mexico, but is created from illegally smuggled chemicals – most notably the decongestant pseudoephedrine).

for about \$6,000 – comparable to the price of a pound of cocaine in some areas (although the Royal Canadian Mounted Police (RCMP) disputes this figure); by comparison, Mexican marijuana typically sells for only \$700 a pound. Because of its potency, a B.C. Bud plant has a very high yield; even a low-end grower (with about 25 plants) can make up to \$150,000 a year.⁵⁰ The economic incentive to smuggle is tremendous even where there is vigorous border enforcement.



B.C. Bud

B.C. Bud, so named because it is primarily grown in British Columbia, is an extremely potent variety of marijuana. The THC (the active component of marijuana) content of B.C. Bud can be as much as 30% or higher, whereas the more common form of marijuana from Mexico has a THC content of only 4%. B.C. Bud is typically smuggled across the border on foot in hockey bags or backpacks. Once in the U.S., it is said to be so valuable that it can be traded, pound-for-pound, for cocaine.

(Photo courtesy Drug Enforcement Administration)

B.C. Bud is now Canada's number two cash crop, producing at least 800 metric tons of the drug annually. The RCMP reports that seizures of marijuana plants in Canada jumped from 156,139 in 1992 to 1,102,198 in 2000.⁵¹ The drug is often smuggled in secret compartments in passenger vehicles (Chairman Souder witnessed one large seizure of B.C. Bud from the side doors of a minivan at Detroit's Ambassador Bridge, and members of the staff were told by U.S. Customs officers at Buffalo's Peace Bridge of another smuggler who stuffed the roof of his car with the drug). But B.C. Bud is more frequently carried on foot by backpackers, or by all-terrain vehicle or snowmobile across the northwestern border. Customs officials, Chairman Souder and staff of the Subcommittee traveled deep into

the muddy woods and personally viewed some of the trails in Washington used by the backpackers to transport B.C. Bud; once in the U.S., it is typically loaded onto small trucks waiting at the border. Marijuana is also smuggled over the water, in the vicinity of the San Juan Islands in Washington.⁵²

The second major drug threat emanating from Canada is the illicit trade in pseudoephedrine and other precursor chemicals used in the manufacture of methamphetamine. Pseudoephedrine, the main active component of cold medicines, has been subject to strict controls in the U.S. since Congress took action in 1996 to stop the illegal diversion of the chemical from pharmaceutical companies to meth labs. Canada, however, has not yet enacted such measures, and thus has become an attractive supply route for pseudoephedrine.⁵³ Canadian imports of precursor chemicals have increased 14 times since 1995, and organized crime groups from Latin America to the Middle East (including countries like Iraq and Jordan) have begun using Canada as a conduit to the U.S. (The DEA is currently investigating the potential connection between the Middle Eastern groups engaged in this activity and terrorist organizations.)⁵⁴

Massive amounts of the chemicals have been concealed on commercial trucks and smuggled into the U.S., where they are diverted to meth "superlabs" in California and Mexico. In the 11 months up to March 2002, U.S. Customs seized more than 110 million smuggled tablets of decongestants, including 2 seizures of 48 million tablets in Detroit alone. Not all of the smuggling is taking place at commercial border crossings, however; there is evidence that a trafficking organization is using the territory of the Akwesasne Mohawk Indian Reservation, in upstate New York, to smuggle the precursors out of Canada.⁵⁵

The Canadian government is currently moving ahead with new controls on precursor chemicals, to be implemented (if approved by Parliament) in 2003.⁵⁶ At a minimum, it appears that the proposed regulations would help prevent illegal precursor chemical smugglers from obtaining these materials on the open market.

Several other drugs are being shipped over the Northern border, though in somewhat lesser quantities. U.S. Customs believes that Canada is being used as a transshipment point for European ecstasy, as there was a 70 percent increase in ecstasy seizures from 2000-01 (this trend has been confirmed by a recent intelligence report of the RCMP). Federal authorities are also seeing increasing amounts of cocaine; at least 70 percent of the estimated 16-26 tons of cocaine smuggled into Canada each year is destined for the U.S. (Despite this, large amounts of cocaine are also being smuggled from the U.S. into Canada.) Intelligence sources for the U.S. Border Patrol report that some heroin is also being shipped into the U.S. through Vancouver (a city which itself has a very serious heroin abuse problem).⁵⁷

b. Southern Border

Despite increases in the amount of drugs crossing the Northern border in recent years, the Southern border remains by far the most significant source of illegal narcotics. Currently, over 70 percent of the cocaine entering the U.S. does so over the border with Mexico (up somewhat from 2000).⁵⁸ Mexican drug trafficking organizations control the smuggling of cocaine through a lucrative arrangement with the Colombian organizations that produce it.⁵⁹

Mexico has also emerged as a significant and increasing source of heroin over the past 20 years, with most of the heroin arriving in large loads on passenger vehicles through the Southern border. Federal authorities have also discovered smaller (1-3 kilogram) loads on illegal immigrants crossing between the ports of entry.⁶⁰

Mexico is the largest source country for marijuana consumed in the U.S., although as noted above Mexican marijuana is far less potent than the marijuana smuggled from Canada. Most of it is transported into the U.S. in secret compartments in passenger vehicles, or concealed in commercial shipments of agricultural products or industrial goods. Marijuana is also smuggled in by pedestrians at border crossings, or by illegal immigrant "mules" carrying backpacks of 20 kilograms in remote areas.⁶¹

As noted above, while the bulk of the precursor components of methamphetamine are smuggled from Canada into the U.S., the drug itself is actually produced



"Crystal" methamphetamine
(Courtesy Drug Enforcement Administration)

The Rising Trade in Methamphetamine Precursors

Methamphetamine is manufactured from several ingredients, including the active ingredients of nasal decongestants, ephedrine and pseudoephedrine. In 1996, Congress passed strict laws against the illegal diversion of these medicines to meth labs. These regulations, aggressively enforced by the DEA, virtually shut down the U.S. supply of precursors to drug rings.

Canada has not yet passed regulations controlling the sale or diversion of precursors. Canadian imports have increased 14 times since 1995, and much of that increase has been smuggled into the U.S. The DEA is currently investigating the possible connection of these precursor smuggling rings to Middle Eastern terrorist groups.



U.S. Border Patrol agents, with seized narcotics. (Courtesy Immigration and Naturalization Service)

The Southern border is still the primary source of illegal drugs in the U.S. Most of the marijuana and 70% of the cocaine entering the U.S. comes over the Mexican border. Mexico is also emerging as a significant source of heroin, and Mexican drug trafficking organizations now control nearly ¾ of the methamphetamine trade in the U.S.



Ecstasy pills, large amounts of which can be easily concealed by an individual courier, are frequently smuggled on commercial flights (particularly from the Netherlands, the primary source country for ecstasy). These ecstasy pills were discovered hidden in a suitcase by Customs inspectors. (Courtesy U.S. Customs Service)

either domestically or in “superlabs” in California or Mexico. The DEA estimates that 70 to 90 percent of the methamphetamine sold in the U.S. is now produced and distributed by Mexican drug trafficking cartels, which used the routes and connections they created for other drugs to take control of the methamphetamine trade.⁶² Methamphetamine produced in Mexico is typically smuggled in concealed compartments in passenger vehicles, historically at border crossings in southern California, but increasingly at checkpoints in Texas as well.⁶³

Though most of the ecstasy coming into the U.S. comes either across the Northern border or directly from Europe via airports, the DEA has become increasingly worried about the possibility that Mexico is being used as a transit country for MDMA. There were several significant seizures of ecstasy both within Mexico and bound for Mexico in 2000.⁶⁴

c. Other Ports of Entry

Large amounts of drugs also come into the U.S. through airports and sea ports. The most common form of smuggling of South American heroin, for example, has historically been by individual couriers on international passenger flights from locations in Central and South America, although recently smuggling organizations have used commercial shipping routes (often mixing heroin with cocaine shipments) as well as cruise ships. Southeast Asian heroin, which dominated the U.S. market in the 1980’s and early 1990’s, typically arrives via commercial ships.⁶⁵

Although most of the cocaine arriving in the U.S. does so via the Southern border, Colombian drug producers have also turned to commercial shipping routes on the eastern Pacific Ocean. The drug is taken by commercial fishing boats to Mexico, where it is loaded onto high-speed boats (often called ‘go-fast’ boats) and either taken directly to California or dropped off in northern Mexico for shipment across the land border. In the Caribbean region, cocaine is frequently loaded onto go-fast boats for shipment to Florida.⁶⁶ Currently, about 25 percent of all cocaine is smuggled into the U.S. through the Caribbean Sea (down from 2000), with less than 5 percent being smuggled directly to U.S. sea ports in commercial cargo vessels.⁶⁷

Ecstasy is frequently transported by individual couriers on international flights from Europe, and is also concealed on commercial cargo shipments (particularly from the Netherlands, the primary source country).

2. WEAPONS OF MASS DESTRUCTION

With respect to weapons of mass destruction, useful data is even scarcer. To date, there have been no known incidents of terrorists attempting to smuggle nuclear, biological or chemical weapons into the United States.⁶⁸ The terrorist Ahmed Ressam was caught at Port Angeles, Washington in 1999 attempting to

smuggle a home-made bomb as part of a plot to destroy the Los Angeles airport, but even that weapon was made of conventional explosives. The danger of an unconventional weapon being brought into the country, however, is very real. A nuclear device could be secreted in a single cargo container anywhere in the world and brought into any American (or Canadian) seaport. Detonating even a single such device would have a devastating impact in terms of lives lost, property destroyed, and damage to the national economy. The situation is almost as grim with respect to chemical or biological agents. As one commentator has pointed out, every year an estimated 5 to 10 million pounds of illegal chlorofluorocarbons are smuggled into the U.S. to be sold on the black market.⁶⁹ It would certainly be no more difficult to smuggle deadly chemicals or germs through the international cargo system.



A Customs inspector and a National Guardsman supervise the unloading of a sea container. (Courtesy U.S. Customs Service)

B. Illegal Immigration and the Entry of Criminals

The real number of foreign nationals who attempt to enter the United States illegally each year is unknown. The Border Patrol apprehended over 1.2 million illegal immigrants in fiscal year 2001 (down from over 1.6 million in 2000), but there are few good estimates of how many individuals managed to elude capture.⁷⁰ Still, one writer has estimated that illegal crossings represent only about 0.5 percent of total crossings over the Southern border.⁷¹ Although accurate data have not yet been collected, it is estimated that most people who cross the border illegally do so repeatedly; thus, the approximately 1.5 million crossings each year may be made by far fewer individuals.

The danger of weapons of mass destruction entering through a port is very real. A single nuclear, chemical or biological weapon, hidden inside one of the many thousands of containers, trucks and vehicles that enter the U.S. each day, could have a catastrophic effect.

Illegal Immigration

- *1.2-1.6 million people apprehended crossing the border each year*
- *5 to 9 million illegal immigrants (est.) living in the U.S.; growing by at least 275,000 per year*
- *41% of illegal immigrants entered legally but overstayed their visas ("nonimmigrant overstays")*



Border Patrol agents on bike patrol. (Courtesy Immigration and Naturalization Service)

Smuggling activity is increasing on the U.S.-Canadian border.



A Border Patrol agent watches the Northern border on a snowmobile. (Courtesy Immigration and Naturalization Service)

Illegal Immigration on the Northern Border

- *81,285 deportable individuals apprehended from 1993-98*
- *14 times more likely to be smuggling weapons than on Southern border*
- *9 times more likely to be smuggling drugs than on Southern border*

It is also important to note that the term “illegal immigrant” does not just include those who cross the border illegally. The total number of illegal immigrants residing in the U.S. was estimated by the INS in 1999 at roughly 5 million, although recent 2000 census data suggest a figure closer to 7.5 to 9 million.⁷² The INS has also estimated that the number of illegal aliens grows by about 275,000 persons each year, although some independent analysts have put the estimate at 400,000 or even 600,000 per year.⁷³ It is believed, however, that only 59 percent of these persons actually sneaked into the country. The remainder are believed to be “nonimmigrant overstays,” meaning that they entered legally on a temporary basis but then failed to depart. The vast majority (84 percent) of illegal immigrants from Mexico did enter illegally, as is the case for most (74 percent) of those from Central America; but 91 percent of the illegal immigrants from other countries are nonimmigrant overstays.⁷⁴

1. NORTHERN BORDER

The Border Patrol apprehended 81,285 deportable individuals on the Northern border from 1993-98, including 5,074 smuggled aliens (i.e., persons being brought into the country by professional smugglers). The Border Patrol also apprehended 4,384 non-deportable individuals, namely U.S. citizens and legal permanent residents caught engaging in criminal activity, principally alien smuggling. Although these numbers are dwarfed by illegal activity on the Southern border, INS intelligence suggests that smuggling activity is increasing on the U.S.-Canadian border. Moreover, Border Patrol agents in the north are more likely to encounter organized criminal activity than their counterparts in the south. From 1993-98, northern Border Patrol agents were 14 times more likely to encounter aliens smuggling weapons, and 9 times more likely to encounter aliens smuggling drugs.⁷⁵

As is the case with narcotics, smugglers of aliens often take advantage of the sovereign status of Indian reservations on the Northern border. Although the U.S.-Canada border still has legal force in the reservation, its enforcement is entrusted largely to the reservations’ police forces, creating an attractive avenue for smugglers of all kinds. Federal officers do engage in cooperative efforts with Indian authorities to stop illegal activity. In December 1998, for example, the INS led an operation that broke a smuggling ring that used the Akwesasne Mohawk Territory in New York to smuggle about 3,600 Chinese nationals into the U.S.⁷⁶

2. SOUTHERN BORDER

Most illegal crossings take place on the Southern border, and primarily involve citizens from Mexico and Central America. Anecdotal evidence of an increasing number of illegal immigrants from Middle Eastern countries crossing on the Southern border has been cited, but no hard figures are available (and in any case, most illegal immigrants of Middle Eastern origin cross on the Northern border).⁷⁷ In the

past year, illegal border crossings on the Southern border appear to have dropped significantly; the INS reports that such crossings have hit a 17-year low, and that arrests by the Border Patrol dropped 44 percent during the period October 2001 to February 2002, as compared with the same period from 2000-01.⁷⁸ This drop follows an overall increase in the number of illegal crossings throughout the 1990's, however, despite a stepped-up presence and more aggressive strategy by the Border Patrol (see Section III below). The recent drop may reflect the U.S. economic slowdown as much as the INS' stepped-up enforcement efforts.⁷⁹ The recent terrorist attacks (and the federal government's response) also seem to have had an impact; illegal crossings have plunged even further since September 11.⁸⁰

As is described in more detail in Section III below, the Border Patrol's strategy of stepped-up enforcement in some areas has led to unprecedented surges in illegal immigration in others. While illegal crossings in the San Diego and El Paso regions dropped, they skyrocketed in areas like southern Arizona and New Mexico, and particularly in border towns such as Nogales and Douglas. Recent Border Patrol enforcement actions have driven much of the illegal traffic away from these population centers as well, but now it is taking place in the more rural ranching areas outside the towns.⁸¹ The heavy illegal traffic has taken a severe toll on these communities. Illegal immigrants often dump large amounts of litter and cause significant property damage to ranches and homes, and some engage in petty thefts or even violent crimes. One rancher in Arizona's Cochise County reported spending \$50,000 to repair damage done to her property by illegal aliens since 1999, while another reported being tied up and robbed in his home.⁸²

Illegal immigrants often pay professional border smugglers, called "coyotes," to help them across the border. Sometimes migrants are used as "mules" by drug smugglers, bringing backpacks of marijuana or other narcotics across the border with them. In general, however, it appears that alien smugglers keep migrants away from the routes used by drug trafficking organizations.⁸³

3. OTHER PORTS OF ENTRY

Illegal immigration at ports of entry can take one of several forms: the smuggling of aliens (most often in cargo containers), the use by aliens of false identification papers, or the abuse of legal short-term visits (i.e., non-immigrant overstays). In recent years migrants from Asia (especially China) have made up a high percentage of stowaways on ships. There is also a steady flow of migrants at sea attempting to make landfall in the U.S. – particularly in the Caribbean region, presenting a significant challenge for the Coast Guard. In fiscal year 2001, the Coast Guard apprehended 3,948 migrants at sea.⁸⁴



The number of people attempting to cross the Southern border is staggering. Here, the footprints in the sand show the illegal traffic across one small section of the border during one night only. Each morning, the sand was swept clean with a tire by the Border Patrol.

(Subcommittee photo)

The Border Patrol's strategy of stepped-up enforcement in some areas has led to unprecedented surges in illegal immigration in others.

There has been a small but growing trend of terrorists attempting to sneak into the country:

1997 – Abu Mezer apprehended 3 times crossing the Washington-British Columbia border; he jumped bail after his third arrest; later discovered attempting to build a bomb in New York City.

1999 – Lucia Garofalo arrested attempting to smuggle a suspected terrorist into Vermont.

1999 – Ahmed Ressam caught at Port Angeles, Washington trying to bring a bomb into the U.S. to blow up the Los Angeles airport.

2002 – Report surfaced claiming that 25 Islamic extremists entered the U.S. at sea ports by hiding on cargo ships.

4. ENTRY OF CRIMINAL ALIENS AND ALIENS POSING A NATIONAL SECURITY RISK

Since the attacks of September 11, Congress and the Administration have focused on efforts to bar criminals, in particular terrorists, from entering the country. Every year, many individuals are refused entry into the U.S. because of their criminal history or because they are deemed to be potential threats to national security. Other individuals are apprehended and detained by the Border Patrol due to their criminal background. Some of these individuals have had terrorist connections. For example, Ahmed Ressam, who was arrested at the Port Angeles, Washington ferry crossing, had connections to the Al Qaeda terrorist network; he was carrying home-made bomb equipment in the trunk of his car, and intended to blow up the Los Angeles airport. Lucia Garofalo was arrested in Vermont in 1999 attempting to smuggle a suspected terrorist into the U.S. Abu Mezer, who was arrested attempting to cross into Washington illegally, jumped bond in 1997 and was later shot in New York City attempting to blow up that city's subway system. Ressam and Garofalo attempted to cross at legal crossing points; Mezer entered over the open frontier.

More recently, concern has focused on the ability of dangerous criminals to enter the country through sea ports of entry. In October 2001 an official in southern Italy discovered an Egyptian-born Canadian citizen living in a container that had been loaded on a cargo ship in Egypt, bound for Canada. The container was equipped with a bed, toilet facilities, a laptop computer, satellite phone, airport maps and security passes. In May of this year, a report surfaced that 25 Islamic extremists hid in cargo containers and sneaked into ports in Florida, Georgia and California, some apparently disguised as stevedores.⁸⁵ These cases illustrate the challenge facing our border management agencies today.

SUMMARY

- ***Illegal narcotics are entering the country through every possible channel: land borders, coastlines, and air, sea and land ports of entry.***
- ***Illegal immigration continues to be a serious problem, with more than 5 million illegal immigrants living in the country.***
- ***Weapons of mass destruction are an increasing threat, given the growing volume of international trade and travel.***

III. FEDERAL LAW ENFORCEMENT AT THE BORDERS AND PORTS OF ENTRY

Law enforcement at the nation's borders and ports of entry can be broadly divided into three categories: the control and inspection of goods entering the country, the control and inspection of people entering the country, and the protection and patrol of sea ports, waterways and shorelines. The first task falls generally to the U.S. Customs Service, the second to the Immigration and Naturalization Service, and the third is the responsibility of the U.S. Coast Guard. There is significant overlap; at all land ports of entry, for example, line inspectors from Customs and the INS are trained to perform both tasks, while between the ports of entry, the INS' Border Patrol division and the Coast Guard bear primary responsibility for preventing the illegal crossing of both people and contraband. It is nevertheless useful to organize an analysis of federal law enforcement around these three agencies. Each will therefore be discussed in turn.

A. The U.S. Customs Service

The U.S. Customs Service is a branch of the U.S. Department of the Treasury, and is one of the oldest sections of the federal government, dating back to 1789. Customs enforces over 400 laws and regulations on behalf of more than 40 federal agencies on the borders, along the coasts, and at the ports of entry, but its primary responsibilities are to collect tariffs and fees from importers, and to prevent the smuggling of contraband into the U.S. This makes Customs perhaps the most important law enforcement agency in the country.

The "front line" of the Customs Service is its inspector force; Customs inspectors at all ports of entry (whether at border crossings, sea ports, or airports) are responsible for the initial inspection of all goods entering the U.S., whether brought by commercial carriers or by individual travelers on their persons or in passenger vehicles. According to estimates recently provided to the Subcommittee by Customs, there are currently about 7,654 Customs inspectors, with approximately 1,059 of them stationed on the Northern border, 2,232 stationed on the Southern border, 899 assigned to sea ports, and 3,464 assigned to airports.

There is significant overlap between agencies at borders and ports of entry.

All Customs inspectors essentially perform the same basic function – the inspection of cargo and personal goods – but there are differences between commercial cargo and personal goods inspections, and between the various locations. Every day, the Customs Service examines an average of 50,889 trucks and containers, 355,004 vehicles, 588 vessels, 2,642 aircraft, and 1.3 million passengers; it also makes 107 narcotics seizures and 232 seizures of currency, weapons, child pornography, counterfeit goods and other items of contraband. The task is obviously a daunting one, and can be quite complex.⁸⁶ The various kinds of inspections are detailed below.



A Customs inspector and a canine enforcement officer walk the lines of vehicles at San Ysidro, CA. (Courtesy U.S. Customs Service)

U.S. Customs Service Inspections

*7,654 Customs Inspectors
1,059 on Northern Border
2,232 on Southern Border
899 at Sea Ports
3,464 at Airports*

*Every day, they inspect:
50,000 trucks and containers
355,000 vehicles
590 vessels
2,600 aircraft
1.3 million passengers*

*Every day, Customs makes:
107 narcotics seizures
232 seizures of currency, weapons, child pornography, counterfeit goods, and other contraband*

1. COMMERCIAL CARGO INSPECTIONS - PROCEDURES

In principle, all commercial cargo imported into the U.S. follows this simple process: upon arrival at a port of entry, the importer files entry documents for the goods with the Customs port director. Customs then examines the entry documents, and decides whether to physically examine the cargo. Assuming there are no problems, Customs then authorizes the cargo to be released (after any applicable duties have been assessed). Under regulations that are still valid, entry documents may be filed up to 5 days after the shipment arrives at the port of entry; the shipment is not to leave the port of entry, however, until the entry papers have been filed and examined and the cargo released by Customs.

As one might expect, this theoretical system – developed in an era of much slower transportation and much less international trade – bears little resemblance to the real processes used today. Most cargo must move through the ports of entry very quickly, and certainly in less time than 5 days. Moreover, Customs cannot possibly inspect every shipment, or even spend much time examining every entry paper to determine whether to inspect the cargo. For example, it is estimated that with over 1 million containers arriving at the Ports of Los Angeles and Long Beach, California each year, and 6,000-7,000 trucks crossing the Ambassador Bridge in Detroit each day, Customs inspectors must release one container every 20 seconds and one truck every 12 seconds.⁸⁷ In fact, Customs physically inspects only about 2 percent of the imports coming into the U.S.

As the Customs Service points out, however, it is somewhat misleading to say that “only” 2 percent of imports are being inspected – because Customs claims to inspect 100 percent of “high risk” cargo.⁸⁸ Given the massive quantities of goods coming in, Customs subjects them to “risk assessment,” seeking to determine which shipments are more suspicious and thus more in need of close inspection.⁸⁹ The ability of Customs inspectors to perform adequate risk assessment (using intelligence information, statistical modeling, and inspectors’ personal observations and experience) is therefore just as important, if not more important, than Customs’

capacity to conduct more inspections. That ability varies depending on where and how imported goods enter, as is described below.

a. Land Border Ports of Entry – Truck Traffic

At the land borders, the inspection process begins when cargo trucks approach primary inspection booths at the port of entry facility. Upon arrival, the truck driver must present the inspector with the initial entry documents: an entry manifest (usually prepared using Customs Form 7533) and the bill of lading, and Customs Forms 3461/3461-ALT, which allow for entry and immediate delivery; evidence of right to make entry (essentially proof that the person bringing the goods in is an agent of the ultimate owner of the goods); and a commercial invoice that describes the type and amount of the goods. Other documents, such as packing lists, may be required for certain goods. The Customs inspector reviews the documentation, and may ask questions of the truck driver. If the inspector is satisfied with the documentation and does not believe that the goods pose a threat, he will collect any duties owing (or accept proof that a bond for the value of any duties has been posted) and then release the goods into the U.S. If the inspector is not satisfied with the documentation, or some other aspect of the shipment concerns him, he will direct the truck to secondary inspection for further review. Ten days after goods are released into the U.S., an entry summary containing further information on the shipment is submitted to Customs on Customs Form 7501.



Customs inspectors must move huge amounts of cargo through the ports of entry in very little time. For example, it is estimated that inspectors must release one container every 20 seconds at the Ports of Los Angeles/Long Beach, California, and one truck every 12 seconds at Detroit's Ambassador Bridge.

Trucks line up for inspection at the Blue Water Bridge, Port Huron, Michigan. (Subcommittee photo)

Some of the process described above has been automated as part of Customs' Automated Commercial System (ACS), which was first deployed in 1984. At the land border, the branch of ACS in general operation is the Automated Broker Interface (ABI). Using ABI, licensed customs brokers (private individuals or firms that prepare documentation and arrange for the payment of duties on behalf of importers) can now file most of the entry information electronically before the truck arrives at the border. According to Customs, 96 percent of all licensed brokers now participate in the ABI system. The pre-filing of this information allows Customs better to perform its screening of the cargo for potential high-risk shipments.

At most border crossings, however, the truck driver must still present the entry information in paper form to the Customs inspector – even if the materials have been filed electronically. This generally means that before the driver reaches the checkpoint, he must stop his truck at a customs broker's office just before reaching the U.S. border and pick up the printed entry information. Under certain circumstances, truck drivers can skip this process by participating in the Border Release Advanced Selectivity System (BRASS). BRASS allows a driver to present simply the

Top 10 Land Border Ports, Truck Traffic, 2001

*Detroit, MI
Laredo, TX
Buffalo-Niagara Falls, NY
Port Huron, MI
Otay Mesa, CA
El Paso, TX
Blaine, WA
Champlain-Rouses Point, NY
Hidalgo, TX
Alexandria Bay, NY*

Source: U.S. Customs Service data



U.S. Customs inspector at primary inspection station, Champlain, NY. (Subcommittee photo)

Customs' Automated Systems

Customs inspectors receive electronic data on cargo via the Automated Broker Interface (ABI) system, a computer system first deployed in 1984. At the land borders, however, truckers cannot send summary data on their shipments (called manifests) electronically, as the manifest counterpart of ABI, called the Automated Manifest System (AMS), has not been deployed to land crossings – it is used only at sea ports and airports. This creates significant delays, as Customs inspectors and truckers must still rely on paper manifests to clear inspection. The entire system is hopelessly outmoded, and must soon be replaced.

invoice, the manifest, and a pre-assigned bar code (called a C4 card), all of which he can pick up at the place where the truck is loaded. The Customs inspector then “wands” the barcode with a scanner, pulling up the relevant information on a computer screen. This partially automated system is only available to a limited number of shippers, and only when they have a good record with Customs, are transporting a bulk commodity, and are taking a single shipment to one consignee.

At each port of entry, Customs inspectors face a unique set of challenges based on the type of commodities being shipped through. For example, in Sweetgrass, Montana, the large volume of agricultural products (live and dried) present certain challenges to detecting smuggling; in Vermont, significant cheese shipments are another problem; while in North Dakota, electrical appliances are a prime commodity.

The process of clearing truck traffic is essentially the same on the Northern and Southern borders, although there are significantly more BRASS entries on the Northern border; about 50 percent of the trucks on the Northern border use BRASS, whereas only 10 percent of those on the Southern border do.⁹⁰ Individual ports of entry on both the Northern and Southern borders have implemented pilot programs which seek more fully to automate much of the entry process. Those pilot programs are described in more detail in Section IV below.

TARGETING

As noted above, the decision to send a truck to secondary inspection can be based on the Customs inspector’s observations of the driver or the truck, or can be based on something in the documentation – such as the type of shipment, or a lack of specificity in the manifest about the goods being transported. Customs has attempted to develop various targeting techniques, particularly since 1995, when it initiated “Operation Hard Line,” an anti-narcotics program focusing on the Southern border. Customs’ primary targeting mechanism is ACS Cargo Selectivity, a computer program which attempts to filter out low-risk shipments and highlight high-risk shipments by analyzing data submitted on ABI. ACS Cargo Selectivity attempts to compare entry data from each shipment against a set of high risk characteristics. These characteristics are identified and developed by Customs’ Operational Analysis Staff, using intelligence and the results of previous inspections. If the computer identifies a shipment as a high-risk shipment, the Customs inspector is supposed to refer the truck to secondary inspection.

Questions have been raised about the effectiveness of ACS Cargo Selectivity. The Treasury Department’s inspector general reported in March 2000 that the ports of El Paso, Laredo, Otay Mesa and Nogales attributed only 2 narcotics seizures to ACS targeting between October 1995 and March 1998. The inspector

general found that better targeting criteria needed to be developed through improved training of personnel and better use of intelligence. The inspector general also found that examination overrides (where a shipment is targeted by the system for inspection but is overridden by inspector error or clerical mistake) were used “excessively,” raising the possibility that the system was being abused.

Customs has been testing a different targeting system, the Automated Targeting System (ATS) at several southwestern ports, starting with the port of Laredo. The ATS uses a scoring system based on standardized ACS information. It is not clear whether this system has proven more effective than ACS Cargo Selectivity, but it appears that Customs has decided to replace ACS Cargo Selectivity with ATS. A third targeting system, the Three Tier Targeting System (3T), was suspended in 2000 on the recommendation of the General Accounting Office (GAO). 3T attempted to divide shipments into three categories depending on an analytic assessment of the risk for each shipment.⁹¹

INSPECTIONS

The percentage of trucks subjected to cargo inspection varies between the Southern and Northern borders, but on either border it is significantly higher than the inspection rate at sea ports. On the Southern border, a relatively high percentage of trucks are subjected to detailed narcotics inspections. The GAO reports that in fiscal year 1998, for example, Customs inspected 12 percent of the loaded truck containers entering at the Mexican border; that same year, 14 to 47 percent of trucks were inspected at the seven busiest ports of entry.⁹² Statistics provided by Customs’ Detroit port authority to the Subcommittee in January 2002 put the percentage of trucks and containers inspected in fiscal year 2000 on the Northern border at 6.6 percent, while on the Southern border the rate was 26.8 percent. Materials provided to the Subcommittee at the Buffalo port of entry in June 2001 indicated that the rate of inspection there was about 8 percent.

Truck Inspections

- 6.6 percent of trucks inspected on Northern border
- 26.8 percent of trucks inspected on Southern border

Source: U.S. Customs Service data



Trucks park at Customs inspection station at Detroit’s Ambassador Bridge to bring in paperwork. (Subcommittee photo)

The Importance of Intelligence in Targeting Cargo

Although Customs uses computerized targeting systems to identify high risk imports for inspection, the effective use of intelligence is critical. At the port of entry in Sweetgrass, Montana, Customs inspectors told Chairman Souder that the largest marijuana bust ever made at that port was made on the basis of timely intelligence. In May 2002, Customs officers in Blaine, Washington sent out a bulletin to inspectors on the Northern border to be on the lookout for a truck from a certain company. On May 10, an inspector at Sweetgrass saw a truck from that company approaching the booth; he entered the license plate number into Customs’ lookout database, and it came back positive. A subsequent canine search revealed over 1,200 pounds of “B.C. Bud” marijuana hidden in a secret compartment in the trailer.

A detailed Customs narcotics inspection is referred to as a “six point” inspection, consisting of an examination by canine units, a search of the tractor engine and compartment, an examination of the trailer walls, ceiling and floor, an inspection of the fuel and air tanks, the tires, and the fifth wheel.⁹³ A full examination of this kind can take 5 inspectors up to 3 hours for a single 40-foot trailer container,⁹⁴ so Customs has been forced to perform somewhat less thorough examinations or come up with better technology.⁹⁵



On left: truck undergoes complete x-ray exam at Otay Mesa, California; on right: container being scanned by Mobile VACIS unit. (Courtesy U.S. Customs Service)

Scanning Technology

To meet the growing flows of commercial traffic, Customs has acquired new technology allowing it to conduct more inspections in less time.

These new devices include the Vehicle and Cargo Inspection System (VACIS), which uses gamma ray scans, in both stationary and mobile units; Truck X-Ray (TXR) and Mobile Truck X-Ray (MTXR) machines; and Personal Radiation Detectors (PRDs), pager-like devices that can detect hidden radioactive materials.

To accomplish this, Customs has been expanding its use of several scanning technologies, most notably the Vehicle and Cargo Inspection System (VACIS). VACIS is a gamma ray machine for use on commercial trucks (or other vehicles and containers). The stationary version of VACIS involves two tracks, one the source of the gamma rays, the other the detector. The vehicle is positioned between the two tracks, and the gamma ray scan runs through it, sending a visual image to a computer screen. The Customs inspector

reviews these images to determine if narcotics or other contraband are hidden inside. As of April 2001, Customs had deployed stationary VACIS units to 12 Southern border crossings and 4 sea ports, and planned to deliver more units to 3 locations on the Northern border, 4 more Southern border ports, and the Los Angeles sea port.

One significant variant of the VACIS system is the Mobile VACIS. The Mobile VACIS is a truck that extends a boom over the vehicle or container to be scanned; the VACIS truck is then slowly driven past the vehicle and the gamma ray scan is taken. As of April 2001, Customs had deployed Mobile VACIS units to 3 Southern border locations and 6 sea ports, with further units to be deployed to Southern and Northern border locations.

Two major x-ray scan systems are currently in use at the borders: the Truck X-Ray (TXR) and the Mobile Truck X-Ray (MTXR) systems. The Truck X-Ray system is a large, stationary building through which trucks pass and are x-rayed for contraband. As of April 2001, it was installed in 9 Southern border ports. The Mobile Truck X-Ray system is similar, but mounted on a truck. As of April 2001, Mobile Truck X-Ray units were at 5 Southern border locations, with further units scheduled to be deployed at the Southern border and 2 sea ports. The Subcommittee was informed in late 2001 that a Mobile Truck X-Ray had been deployed at Blaine, Washington as well.

A prototype VACIS system for scanning pallets and small containers has been deployed at Otay Mesa. The Subcommittee staff observed a demonstration of the system, which involves placing pallets inside a cabinet containing the gamma-ray scanners. The scanner is intended to allow Customs inspectors to examine individual pallets that might be able to conceal contraband from the larger VACIS or x-ray units.

These “non-intrusive inspection” systems have been quite successful. Customs attributed 265 seizures of over 311,000 pounds of narcotics to these systems in fiscal year 2001 – up from only 166 seizures of 119,221 pounds in fiscal year 2000.⁹⁶

In addition to technological scanners, Customs continues to rely on canine inspections. Customs trains dogs at its facility at Front Royal, West Virginia to be able to smell concealed narcotics, weapons, or other contraband. The dogs are then used at ports of entry to sniff out these prohibited materials. As of fiscal year 1999, Customs employed 660 Canine Enforcement Officers at land ports, sea ports and airports. Officials at Customs and other law enforcement agencies have been almost unanimous in praising the effectiveness of canine inspections.⁹⁷

In recent years Customs has also increasingly relied on the assistance of members of the National Guard in conducting inspections at the land border. According to information provided to the Subcommittee by the National Guard last fall, 626 of its personnel were assisting Customs at the borders, with 248 on the Northern border and 378 on the Southern border. (Those numbers have been in flux as more members of the Guard were detailed to various ports of entry after September 11.)



Customs inspectors examine box car at the Long Beach, California rail yard. (Courtesy U.S. Customs Service)

b. Land Border Ports of Entry – Rail Traffic

Depending on the location, rail traffic may not be inspected at the border itself, but instead may be subject to inspection at the rail yard in the U.S. This is because the process of filing entry papers for rail shipments has been more fully automated; entry documentation is not only entered through ABI, but is also entered through the Automated Manifest System (AMS) component of ACS. AMS allows the shipper to file the manifest and supporting documents electronically, while the importer files (usually through a customs broker) entry papers on ABI. The computer then matches the two sets of documents, and a Customs inspector reviews the information. If the Customs inspector believes that a shipment requires further inspection, he can withhold release until inspectors have had an opportunity to travel to the freight yard and examine the cargo.

It is unclear how often Customs inspectors are actually able to perform examinations of rail shipments deemed high-risk. Customs provided the Subcommittee with information showing that 14.7 percent of rail cars are “inspected” daily on the Northern border, but it is not clear that all such cars are actually being given a thorough examination; the same set of statistics showed that while 20.7 percent of truck traffic on the Northern border was subject to “inspection,” only 6.6 percent was subject to “search”. For example, John Wilda, a Customs inspector at the

Top 7 Rail Freight Ports, 2001

*Laredo, TX
Port Huron, MI
Detroit, MI
Buffalo-Niagara Falls, NY
Eagle Pass, TX
Nogales, AZ
Portal, ND*

Source: Bureau of Transportation Statistics, U.S. Department of Transportation

Highgate Springs, Vermont port of entry, testified before the Subcommittee that an 80-car freight train arrives daily at St. Alban's from Canada without any inspection at all.⁹⁸ Customs inspector Barry Clement testified to a similar lack of resources to inspect the 5 freight trains arriving daily in the Blaine, Washington area.⁹⁹



Containers are unloaded at the Port of Long Beach, California. (Subcommittee photo)

Top 10 Sea Ports by Container Volume (FY 2001)

Los Angeles/Long Beach, CA
New York, NY/Newark, NJ
Charleston, SC
Houston, TX
Seattle, WA
Oakland, CA
Savannah, GA
Miami, FL
Port Everglades, FL
Tacoma, WA

Source: U.S. Customs Service data

Note: This chart is based on the number of containers; however, some analysts prefer to measure container volume using the TEU, or "twenty foot equivalent unit," system, which is based on the length of container volume instead of the number of distinct units.

At some locations, however, some inspection does take place at the border itself. For example, at Calexico, California, one 30- to 40-car train arrives each day. Immediately upon arrival at the border the train is stopped, so that inspectors can check crew documentation; Customs inspectors and Border Patrol agents then inspect the cars for hidden persons or packages on the outside of the cars. Again, however, inspection of the actual cargo is generally delayed until the train reaches the rail yard, about one-half mile away.¹⁰⁰

One solution being promoted by Customs is the Rail VACIS system. The Rail VACIS is similar to the stationary VACIS, but is set up on a rail line to scan railroad cars. As of April 2001, it had been deployed in Laredo; another Rail VACIS unit has recently been installed in Nogales. If it receives sufficient funding, Customs plans to install further units on the Northern and Southern borders.

c. Sea Ports

As is the case with rail shipments, sea carriers generally file manifests electronically on the AMS system before cargo arrives in the U.S. Most customs brokers now also file entry papers electronically, which Customs inspectors will review (and which are processed by Customs' automated targeting systems) and decide whether to examine the cargo further. The Subcommittee staff was informed that some entry papers cannot be filed electronically due to trade agreement requirements. If that is the case, then the cargo is held at the port until entry papers are filed. In most cases brokers will file such papers within 24 hours (since holding cargo at the port is quite expensive for the importer), but occasionally there can be longer delays, usually because shippers in certain foreign countries use antiquated documentation procedures. The compliance and timeliness rates for all manifests and bills filed by sea carriers and importers appear to be quite good, exceeding the "target" rate set by Customs in fiscal year 2001.¹⁰¹

Most major sea ports now have the VACIS and/or x-ray units (whether mobile or stationary) described in the section on land border inspections above. Another device, now used not simply at sea ports but at most land crossings as well, is the Personal Radiation Detector (PRD). The PRD is the size of a pager, and worn on a Customs inspector's belt. It contains a gamma ray radiation detector for use in the detection of radioactive materials. Customs has now issued about 4,000 of these

devices; recently Commissioner Bonner announced that the agency would purchase an additional 3,400 of them.¹⁰²

It should be noted that cargo unloaded at sea ports of entry need not be inspected at the water's edge. Cargo can be unloaded at the sea port, and then sent to an inland port of entry for processing and inspection by Customs; such cargo is referred to as "in bond" while it is being transported to the final destination port. Thus, a container can be unloaded in Seattle and sent by rail or truck to Cincinnati before it is ever inspected. In fact, half the cargo unloaded in U.S. ports is transferred in this manner.¹⁰³ While this procedure helps Customs spread its workload among many different facilities (thus lessening the bottleneck in commercial traffic that might be created if all inspections took place at the shoreline), it does raise security concerns. Narcotics could be unloaded from containers while travelling to the final port. Similarly, a weapon of mass destruction could be concealed in such a container and then detonated in a major city before Customs is able to examine it.¹⁰⁴

d. Airports

Though the amount of cargo imported into the U.S. by air is dwarfed by the amount carried by sea and land conveyances, certain kinds of freight must be shipped by this method due to its speed. Air freight is part of the AMS system, and thus most carriers now file manifests electronically before the cargo arrives in the U.S. If the importer files entry documentation electronically on ABI, the ACS system will match it up with the manifest filed on AMS, and the Customs inspector will look at these documents and decide whether to inspect or release the cargo. Compliance rates for air carriers are apparently not as good as for sea carriers; Customs' target rate was met in only one of four categories in fiscal year 2001.¹⁰⁵

As was reported in 2000 by the Treasury Department's inspector general, a problem can arise with Air AMS if the importer does not have entry papers filed electronically. Because cargo at an airport must be unloaded and taken off the tarmac expeditiously, it will quickly be taken to a Container Freight Station (CFS), a private facility where cargo is sorted and distributed into commerce. To allow this to happen, ACS must be "tricked" into believing that matching entry papers were filed on ABI, and that Customs examined and cleared the cargo. This is required because ACS, which was designed in the early 1980's, will not allow cargo to leave Customs until an official release is entered. In essence, the Customs inspector must create a "fake" entry filing in ABI, as well as a "fake" release. The importer then has 5 days (as per Customs regulations) to file a "hard copy" of the real entry papers, which the Customs inspector will then enter into the system manually, over-

Cargo can be unloaded at a sea port and then shipped "in bond" to an inland Customs facility, where inspection takes place. Although this procedure helps Customs manage its workload at sea ports and break up bottlenecks, it also runs the risk of allowing drugs or even a weapon of mass destruction to enter U.S. soil without inspection.



Customs inspections supervise the unloading of a cargo plane. (Courtesy U.S. Customs Service)

Top 10 Airports, Volume of International Cargo Freight, 2001

- Anchorage, AK
- Miami, FL
- New York, NY (JFK)
- Los Angeles, CA
- Chicago, IL (O'Hare)
- San Francisco, CA
- Atlanta, GA
- Newark, NJ
- Memphis, TN
- Dallas/Ft. Worth, TX

Source: Airports Council International – North America data

The Treasury Department's inspector general revealed in 2000 that a flaw in Customs' Automated Manifest System (AMS) computer program for air carriers may have allowed 3,000 shipments to enter the U.S. without any inspection at all. Additional problems with the way importers classify their shipments on Customs' computer system may have also allowed some cargo to slip through the cracks without inspection. These problems highlight the need for Customs to replace its outdated computer system with the Automated Commercial Environment (ACE).

riding the previous "fake" entry. The inspector then can make the determination whether to examine the cargo or release it into commerce. There is, however, no way to keep track in ACS of which entries are true entries and which are the "tricks".

The CFS is supposed to hold the cargo until the real entry papers are filed and Customs issues a release. The inspector general estimated, however, that some 3,000 shipments had been released into commerce without ever having entry papers filed, thus completely avoiding Customs inspection. Customs' only remedy was to pursue fines against importers who did this, but the inspector general found that few fines had actually been pursued, as the procedure for imposing the fines was time-consuming and rarely resulted in substantial penalties.

The inspector general identified a second problem with the Air AMS system that raised a risk that shipments had entered the U.S. without inspection. As is the case at sea ports, cargo unloaded at airports can be transported "in bond" to another port, or remain on the aircraft for a later (domestic) flight to another port of entry. The Air AMS system attempts to keep track of which of the 3 options for air freight has been selected: inspection and release at the initial airport (called a "permit to transfer"), movement by ground transport to another port of entry (referred to on the system as "in bond"), or transportation on the same flight to another port of entry (called a "permit to proceed"). The trade itself, and not Customs, is entrusted with the task of entering one of these 3 codes into the Air AMS system, thus allowing Customs to keep track of where and when the shipments are to be inspected. The inspector general discovered, however, that the trade community was frequently using the "permit to transfer" code to cover shipments that were, in fact, moved in bond or remained on the airplane. This made it very difficult for Customs to track the merchandise and ensure that it was inspected before entering commerce. Moreover, many carriers and importers were supplying very scanty information into the ACS system (for example, one entry described the merchandise shipped simply as 426 pounds of "documentos [sic]"), making it that much harder for Customs to sort high-risk from low-risk shipments.¹⁰⁶

The Subcommittee staff contacted Customs recently to determine what action had been taken to remedy these problems. In response, Customs informed us that the most direct solution, namely the reprogramming of Air AMS, had been considered but was rejected as too costly and time-consuming, particularly since Customs plans to replace the entire ACS system with a new system, the Automated Commercial Environment (ACE). Instead, Customs increased its enforcement actions against violators of the system, improved its audit procedures, and increased the training of its own personnel. While it is understandable that Customs might reject the more expensive reprogramming of ACS, the Subcommittee recommends that Customs report to Congress on the effectiveness of its increased enforcement and training.¹⁰⁷

2. PASSENGER INSPECTIONS – PROCEDURES

As indicated earlier, the vast majority of border crossings are made by non-commercial travelers, whether tourists entering or returning to the U.S., or daily commuters living in border communities. They arrive by passenger vehicle (sometimes on international ferry boats), on foot, by airplane, or by cruise ship. Travelers usually bring luggage, gifts and other personal items with them – and many bring contraband, necessitating inspections by Customs. As is the case with commercial traffic, inspection of individual travelers varies considerably depending on what kind of port of entry is involved.

a. Land Border Ports of Entry

Most non-commercial travelers cross the borders in personal vehicles, meaning that Customs must determine not simply if the driver and passengers are carrying contraband on their persons, but also if any prohibited items are hidden inside the car. The inspection process normally begins, as with commercial cargo, at the primary inspection booth, where a driver must stop and answer the Customs inspector's questions.

Since Customs inspectors do not have a computerized targeting system with pre-filed information on a passenger vehicle, they must rely both on standard Customs procedures and methods for identifying high-risk individuals, and on their own experience and judgment in determining whether a vehicle should be referred to secondary inspection. Customs estimated that it apprehended 15.3 percent of serious violations at land border ports in fiscal year 2000; its targeting methods were 12.6 times more effective than purely random inspections in fiscal year 2000, and 18.3 times more effective in fiscal year 2001.¹⁰⁸

On the Southern border, the amount of drugs being smuggled through checkpoints is so large that Customs inspectors at a number of high-volume ports of entry have begun the initial screening process even before vehicles reach the primary inspection booth. At San Ysidro and El Paso, for example, canine enforcement officers lead dogs through the waiting lines of passenger vehicles to sniff for narcotics. In Nogales, Customs inspectors walk among the waiting vehicles and attempt to determine which ones will need closer examination.

Once a vehicle is referred to secondary inspection, it can be scanned with a VACIS or X-Ray unit (as are commercial trucks), or it can be immediately searched



Customs inspection facility at Nogales, AZ; showing the passenger vehicle and truck inspection lanes. Customs estimates that it apprehended 15.3% of violations at land border ports in FY 2000; its targeting methods were 18.3 times as effective as random searches in FY 2001. (Subcommittee photo)

Top 10 Land Border Ports for Passenger Vehicles, FY 2001

*El Paso, TX
San Ysidro, CA
Detroit, MI
Brownsville, TX
Hidalgo, TX
Laredo, TX
Buffalo, NY
Calexico, CA
Nogales, AZ
Otay Mesa, CA*

Source: U.S. Customs Service data

by hand. Drug traffickers have grown increasingly sophisticated in hiding narcotics in secret compartments; in New York City, DEA officials demonstrated to Subcommittee staff some of the examples of mechanized, even motorized secret compartments now found in smuggler's vehicles.



Customs canine officers inspect a van at San Ysidro, California. (Courtesy U.S. Customs Service)

Canine Inspectors

Customs uses dogs to detect hidden narcotics, weapons, currency, and other contraband. Nearly 700 canine inspectors (who train the dogs at Customs' Front Royal, West Virginia facility) are deployed at land crossings, sea ports and airports. The dogs are generally considered very effective.

The Crucial Role of the Individual Inspector

The capture of Ahmed Ressay, the would-be "millennium bomber," illustrates how important the perception and experience of an inspector is. Diana Dean, a Customs inspector at the passenger ferry crossing of Port Angeles, Washington, caught Ressay after she noticed how nervous he was while answering her questions. When she referred him to secondary inspection, he got out of his vehicle and attempted to flee; Dean's fellow inspectors Mark Johnson, Dan Clem and Mike Chapman chased him through the streets of Port Angeles until they finally apprehended him. Searching his vehicle, they discovered what later turned out to be a bomb in the trunk. This incident illustrates the tremendous debt we owe to our Customs inspectors and others like them, as they put their lives on the line to protect the country.



Chairman Souder (center), at the Port Angeles, WA ferry crossing, with (from left) Customs Inspector Mike Chapman, Inspector Diana Dean, Inspector Mark Johnson, and U.S. Coast Guard Captain Bill Peterson.

(Subcommittee photo)

Narcotics inspections are far more frequent on the Southern border, reflecting the much larger amounts of illegal drugs there. At the San Ysidro crossing, Customs inspectors and assisting National Guardsmen searched a small passenger car as the Subcommittee staff watched, revealing numerous packages of cocaine. Within minutes after they finished, another such vehicle was being searched. Customs officials there must contend with lookouts employed by Mexican drug smuggling cartels, who watch inspectors and attempt to determine their habits and potential weaknesses.

Pedestrian traffic is small on the Northern border, but about 16 percent of travelers on the Southern border do cross on foot. Customs inspectors must determine which ones are suspicious, and may then subject them to a “pat down” to determine if concealed packages or weapons are being carried. Customs has also deployed Body Scanners, similar to those used at airports (see below), at 3 Southern border ports (as of April 2001), with 4 more still to be delivered.

Rail passengers represent a very small fraction of total passengers at the land borders; on the Northern border, only about 270,000 passengers used rail transport in 2000, less than half a percent of the total.¹⁰⁹ (There are only four rail passenger crossings on the Northern border: Rouses Point, New York (from Montreal); Port Huron, Michigan (from Toronto); Niagara Falls, New York (from Toronto); and Blaine, Washington (from Vancouver).) Northern border rail passengers were, until September 11, subject to a procedure known as “rolling inspection,” under an agreement with Amtrak in 1993. Under “rolling inspection,” Customs inspectors boarded the train when it arrived at the border and cleared passengers as the train proceeded to its U.S. destination. Under the 1993 agreement, Amtrak committed to providing advanced passenger information (using APIS, described below), but according to Customs, Amtrak has thus far failed to do so.¹¹⁰

On the Southern border, passenger rail traffic is even smaller – only 18,000 passengers used rail transport to cross the border, less than 0.1 percent of the total.¹¹¹ In California, for example, the only cross-border rail crossing is a once-per week train between Tecate, Mexico and Campo, California, carrying about 200 passengers. There is no passenger processing facility; all clearance is done on the train, although Treasury Enforcement Communications System (TECS) checks are performed at the port of Tecate using information provided by the railroad.¹¹²

b. Airports

Unlike at land border checkpoints, Customs inspectors at international airports generally have prior information on passengers that allows them to target the highest risk individuals. The Advanced Passenger Information System (APIS) allows Customs inspectors to review the passenger lists of each incoming flight, and to check their names against various databases and “watch lists” of known or suspected criminals or national security risks. Prior to September 11, 2001, a number of carriers did not participate in this process, citing a lack of sufficient technology, and/or passenger privacy concerns. After the terrorist attacks, Customs required all carriers to provide APIS information or face the prospect of intensive inspections of each and every passenger on the flight. Customs is phasing in that requirement, with all carriers expected to comply by July 2002.¹¹³



Examples of the increasingly sophisticated ways that smugglers conceal drugs, currency and other contraband. (Courtesy U.S. Customs Service)

Customs estimates it apprehended 20.4% of violations at airports in FY 2000, a rate 15.6 times more effective than random inspections.



Customs canine inspector examines passenger baggage at the airport. (Courtesy U.S. Customs Service)

Top 10 U.S. Airports, International Passenger Traffic, FY 2001

New York, NY (JFK)

Los Angeles, CA

Miami, FL

Chicago, IL (O'Hare)

Newark, NJ

San Francisco, CA

Atlanta, GA

Houston, TX

Honolulu, HI

Dallas/Ft. Worth, TX

Source: U.S. Customs Service data

At airports, international passengers pass through Customs inspection immediately after picking up their luggage. Even as they pick up their luggage, passengers are being screened by roving Customs inspectors, who look for clues as to which individuals may merit closer examination. Customs inspectors at Washington-Dulles International Airport informed the Subcommittee staff that the effectiveness of this screening process had been hampered by the fact that all Customs inspectors, including the roving inspectors, are now required to be in uniform. This policy has made it impossible for the inspectors to blend in with the crowds

of passengers, meaning that they cannot do their work unobserved. Moreover, they are now constantly being approached by passengers seeking information, distracting them from the screening process. Congress and Customs should work together to determine if a solution to this problem can be found.

While passengers collect their luggage, canine enforcement officers also rove the baggage claim area. If the dog "hits" on a particular bag, the officer will direct the owner to secondary inspection.

Once passengers have their luggage, they approach the primary inspector, who reads their Customs declaration forms, observes the passengers, asks questions, and then directs potentially suspicious individuals to secondary inspection. (For certain flights, such as those out of Colombia and Peru – significant source countries for illegal narcotics – Customs will sometimes refer every passenger to secondary inspection.) A version of ATS, called ATS-P (Automated Targeting System – Passenger), a web-based computer program operational since October 2001, is also used to screen passengers for high-risk individuals. (Customs is working to fully integrate ATS-P with APIS.) At secondary, luggage may be searched by hand, or sent through an x-ray machine. If the inspectors believe an individual may be concealing narcotics or weapons on his or her person, he or she may be subjected to a "pat down" hand search. At 8 major airports, including Dulles Airport, Customs has installed Body Scanners that run a low-level x-ray scan, allowing the inspector to see concealed items. In some cases, the inspector may have reason to believe a passenger has ingested packages of narcotics (for example, rubber balloons filled with heroin). If so, the passenger may be held in a detention room until he or she has a bowel movement. At some airports, Customs has deployed mobile internal x-ray machines, which allow inspectors to see if an individual has ingested contraband.¹¹⁴

For fiscal year 2000, Customs estimated that it apprehended 20.4 percent of serious violations at airports, a rate 15.6 times more effective than random inspections; in fiscal year 2001, Customs estimated its rate of apprehension was 15.7 times more effective than random targeting.¹¹⁵

c. Sea Ports and Ferries

Sea port inspections are similar to those conducted at airports. Most passengers at sea ports arrive on cruise ships. As the number of cruise ship voyages increases, Customs will have to deploy more inspectors and more equipment to handle the increased volume.

Note that large numbers of passengers also arrive on ferries from Canada, particularly in the Washington state and Great Lakes regions. Inspections at these sites are similar to those conducted at land border ports of entry.

3. CUSTOMS INVESTIGATIONS

In its effort to prevent illegal contraband of all kinds from entering the country, Customs does not simply intercept prohibited items at the border and arrest the carrier. Customs also carries out its own investigations of smuggling organizations, relying in large part on the intelligence generated by border and port seizures. Customs' special agents conduct these investigations (which may include undercover operations and "controlled deliveries" of seized narcotics to identify and arrest more members of a smuggling ring). In fiscal year 2001, Customs special agents conducted 22,741 narcotics smuggling investigations.¹¹⁶ Special agents' work is not limited to narcotics, however, but also focuses on cases of money laundering, trade fraud, computer crime, and child pornography.



The ferry crossing at Marine City, MI, between Port Huron and Detroit. Some ports of entry are very small, but they still present potential avenues for smugglers and terrorists. (Subcommittee photo)

Customs special agents prepare to make a raid. Customs does not simply intercept drugs and other contraband at the ports of entry; it also conducts investigations of smuggling organizations. (Courtesy U.S. Customs Service)

4. U.S. CUSTOMS AIR AND MARINE INTERDICTION

Customs is also heavily involved in preventing smuggling over the waters and by air – a task it shares with the U.S. Coast Guard. Customs' Air and Marine Interdiction Division conducts both surveillance and actual interdiction in the air and on the waters. Customs' airborne assets include Cessna Citation airplanes, P-3 AEW or Orion radar airplanes, and Sikorsky Black Hawk helicopters. Its marine assets include speed boats designed to intercept the "go-fast" boats now used by smugglers to run drugs to American shores.¹¹⁷

Customs also maintains the Air and Marine Interdiction Coordination Center (AMICC), located near Riverside, California. AMICC connects over 98 separate radar sites around the country, including both ground-based military and civilian radars, Aerostat balloon radars (designed to detect low-flying aircraft), and reconnaissance aircraft, allowing the AMICC staff to monitor flights into and within the U.S. Chairman Souder and the Subcommittee staff visited AMICC, and observed the huge computer screens that track the thousands of aircraft crossing the country. When AMICC staff detect a flight that is suspicious, it can alert



Customs air interdiction officers apprehend drug smuggling suspects. Customs' Air and Marine Interdiction Division tracks incoming aircraft and boats used by drug smugglers, and seeks to arrest them upon landfall. (Courtesy U.S. Customs Service)

Customs interdiction personnel, or other federal, state or local law enforcement throughout the country to intercept the aircraft in the air or on the ground. AMICC is thus a tremendous resource for all levels of law enforcement.

5. OUTBOUND INSPECTIONS



Customs P-3 surveillance aircraft patrol the skies, looking for airborne smugglers. Customs maintains a substantial Air and Marine Interdiction Division, responsible for detecting and intercepting smugglers on the water and in the air. (Courtesy U.S. Customs Service)

Outbound inspections are particularly important in preventing illegal drug profits and weapons technology from leaving the U.S. In FY 2001, Customs seized \$46.9 million in outbound currency, and \$85 million worth of prohibited munitions, technology and sanctioned goods.

Customs is also responsible for inspecting vehicles and cargo leaving the U.S., although for obvious reasons it does not devote the same level of resources to this task as to inbound inspections. Many Northern border crossings have no dedicated facilities for outbound inspections at all.¹¹⁸ As one Customs official at Sweetgrass, Montana informed Chairman Souder, however, outbound inspections are very important, since they are necessary to prevent the smuggling of cocaine (often obtained in exchange for Canadian B.C. Bud marijuana), and to prevent the smuggling of illegal drug profits out of the U.S. In fiscal year 2001,

Customs made 1,199 seizures of outbound currency, totaling \$46.9 million (unfortunately down 24 percent from fiscal year 2000 seizures).

Customs' outbound seizures are also necessary to prevent the smuggling of stolen cars and military-grade weapons. In fiscal year 2001, Customs intercepted 463 outbound stolen vehicles, and seized 827 shipments of munitions, technology and sanctioned goods, worth over \$85 million.¹¹⁹

Customs has an automated computer system to track exports, the Automated Export System (AES), which collects trade data from exporters and forwarding agents. In fiscal year 2001, there were 5,302 filers submitting 18 million export transactions on AES. The data collected on AES accounts for 77.3 percent of all non-Canadian exports.¹²⁰ AES will eventually be superseded by the new Automated Commercial Environment (ACE).

6. UPGRADING AND IMPROVING PORT OF ENTRY INFRASTRUCTURE

In addition to increased staffing and better information systems, Customs will need significant improvements to the infrastructure at the ports of entry. Often, the physical limitations of border crossing facilities account for the long delays experienced by travelers. At Buffalo's Peace Bridge, for example, the road approaching the U.S. inspection lanes narrows and makes a sharp turn – which causes trucks turning at the bend to block off passenger vehicles immediately behind them. Thus, a single truck waiting at the bend can cause long back-ups for cars trying to enter the U.S., because the cars are unable to approach the passenger inspection lane. At Detroit's Ambassador Bridge facility, Customs officials have space to inspect only a few trucks at a time – at the busiest truck crossing in

the world. And at the Ports of Long Beach and Los Angeles, Customs needs new inspection facilities at the docks, as currently its inspectors must drive suspect cargo several miles through crowded city streets to its main facility to do detailed inspections. In total, Customs has identified 822 port of entry infrastructure projects needed throughout the country, costing an estimated \$784 million.

SUMMARY

- *Customs can only inspect about 2% of imports, but the most important measure of its effectiveness is whether it can identify all high-risk cargo shipments and travelers.*
- *Customs will need more personnel, better port of entry infrastructure, and – most importantly – a replacement for its current computer system, the Automated Commercial System (ACS).*
- *Customs must complete its transition from a paper-based, 20th century trade system to a computer-based, real-time system in the form of the Automated Commercial Environment (ACE).*



The Customs office at Rouses Point, New York. Customs will need significant improvements to port of entry infrastructure. Many Customs facilities were built as long ago as the 1930's, and are in need of repair or replacement. Customs has identified 822 port of entry infrastructure projects needed in the U.S., costing an estimated \$784 million. (Subcommittee photo)

B. The Immigration and Naturalization Service

The INS is the primary agency entrusted with controlling the movement of people across the U.S. border and through the ports of entry. A branch of the U.S. Department of Justice, it is organized into 3 regional offices, 4 regional service centers, 3 administrative centers, 36 district offices, 21 Border Patrol sectors, and is present at each of the country's ports of entry. The INS' activities at the borders are carried out by two branches of the Service: INS Inspections and the Border Patrol. INS Inspections is responsible for examining all entrants at the ports of entry; the Border Patrol is responsible for preventing illegal entries between the ports. A third "branch" of the INS' law enforcement activities, interior enforcement, seeks to find and remove illegal aliens who manage to get past INS Inspections and/or the Border Patrol.

1. INS INSPECTIONS

The INS currently employs 5,343 Inspectors, of whom 524 are stationed on the Northern border, 1,545 are stationed on the Southern border, 82 are stationed at sea ports, and 3,242 are stationed at airports.¹²¹ It is the job of INS inspectors to



INS Inspections desk, Rouses Point, NY (Subcommittee photo)

INS Inspections

5,343 Inspectors

524 on Northern border

1,545 on Southern border

3,242 at airports

82 at sea ports

510 million persons inspected

entering the U.S. in FY 2001

413 million at land crossings

79 million at airports

11.8 million at sea ports

0.2% of all international travelers (whether foreigners or U.S. citizens) are refused entry by INS Inspections per year – about 700,000 in FY 2001

verify the identity of each individual requesting entry into the U.S., and to ensure that all such individuals have the right to enter. Each year, there are over one-half billion entries into the U.S. at ports of entry – 510 million in fiscal year 2001. The vast majority are made at the land borders – in fiscal year 2001, for example, 413 million of the 510 million (79 million entries were made at airports, and 11.8 million at seaports).¹²² Over 70 percent of land crossings are made on the Southern border and the remainder on the Northern border. Only one-third of these entries were made by U.S. citizens.¹²³ INS Inspections refused entry to approximately 700,000 persons in fiscal year 2001, a rejection rate of about 0.2 percent.¹²⁴

In connection with the visa grant process (described below), INS Inspections is probably the most important line of defense against potential terrorists and criminals who seek to slip into the U.S. from foreign soil. If INS Inspections fails to work properly, these dangerous individuals may never be apprehended.

a. The Visa Grant Process

In general, all foreign visitors must have a visa granting them the right to enter the U.S. and to remain for a given period of time and under certain conditions. (Immigrants must also receive a visa.) There are 24 major non-immigrant visa categories, and 70 specific types of non-immigrant visas. The U.S. issued 7.1 million nonimmigrant visas in fiscal year 2000, of which 58.7 percent were for visitors for tourism or business, 21.3 percent were for Mexican border crossers (receiving the Border Crossing Card (BCC), or “laser visa” described in the section on land inspections below), 8.4 percent were for students, and 4.9 percent for workers. (The remainder were for executives and investors, crew and transits, and diplomats.)¹²⁵ The State Department rejected about 2.1 million nonimmigrant visa applications in fiscal year 2000, a rejection rate of about 23 percent.¹²⁶ The U.S. also issued about 413,000 immigrant visas in fiscal year 2000, and rejected about 102,000 – a rejection rate of about 20 percent.¹²⁷

Visas are required to be machine-readable, allowing INS inspectors at ports of entry to swipe them through scanning machines. They also contain a photo of the traveler.¹²⁸

Requests for visas are now processed overseas by the U.S. Department of State through its Bureau of Consular Affairs. The Bureau’s consular officers are required to check the names of all visa applicants on the State Department’s lookout database, the Consular Lookout and Support System (CLASS), which contains approximately 4 million records on suspected terrorists, drug smugglers, and international criminals. CLASS includes data provided by TIPOFF, a classified database containing the State Department’s intelligence on suspected terrorists and terrorist organizations.¹²⁹ The USA Patriot Act of 2001 now also authorizes the Attorney General to provide criminal history data (most notably that gathered by the FBI) to the State Department to assist it in its visa screening process.

The Bureau employs approximately 884 consular officers worldwide, of whom about 75 percent (660+) have some involvement with the visa granting process; at any given time, however, apparently only about 200-300 of them are working on the visa clearance process.¹³⁰ In the late 1990's, large backlogs in the Bureau's processing of visas raised concerns about staffing shortages; while the number of visas applications had increased significantly, the total number of consular officers providing visa services had actually fallen to less than 400. Beginning in 1998, however, the State Department began hiring more officers.¹³¹

ENTRY WITHOUT VISAS

A large number of foreign visitors are no longer required to obtain visas, however. Under the Visa Waiver Program (VWP – formerly the Visa Waiver Pilot Program, or VWPP), citizens from 28 countries are allowed to visit the U.S. for up to 90 days without obtaining a visa (mirroring similar concessions made by these countries to U.S. citizens). Thus, the State Department is unable to screen any of these visitors before they reach U.S. ports of entry.¹³² In 2001, 17.1 million persons entered the U.S. under the VWP.¹³³

Another program, the Transit Without Visa program, allows foreign travelers to change flights at U.S. airports (boarding planes bound for non-U.S. destinations) without obtaining visas. Upon arrival, the passengers may remain in U.S. airports for several hours, ostensibly in specially guarded secure lounges – although some 200,000 per year are allowed to mingle with the general airport population or even leave the airport, escorted by private guards. More than 5 million passengers have participated in the Transit Without Visa program in the last 3 fiscal years. The INS, which administers the program, briefly suspended it after September 11, but revived it with the additional safeguard of requiring such passengers to submit to immigration inspection (described below) upon arrival.¹³⁴ The program is extremely important to the U.S. airline industry, which has aggressively promoted it in recent years.

PROBLEMS WITH THE VISA PROCESS

There have been significant problems with the visa grant process and the visa waiver programs. At every stage, of course, there is a risk of corruption, which will bypass the security procedures designed to exclude dangerous individuals. For example, a former employee of the U.S. consulate in Saudi Arabia (where, coincidentally, many of the September 11 hijackers obtained their visas) recently admitted that he took bribes in exchange for fraudulent visas.¹³⁵ FBI and INS investigators also suspect that the airlines' private security guards may have helped passengers using the Transit Without Visa program to remain illegally in the country; apparently, the INS has cited the airlines nearly 6,000 times in the last three years for failing to provide documentary proof that passengers actually left the U.S.¹³⁶ And in 1999, the Department of Justice's inspector general reported that

Visas and Visa Waivers

- *Every foreign visitor must have a visa or be eligible for a visa waiver*
- *7.1 million non-immigrant visas issued in 2000*
- *2.1 million non-immigrant visa applications rejected (23% rejection rate)*
- *Visas are issued by State Department's Bureau of Consular Affairs, which is responsible for screening out criminals and terrorists*
- *17.1 million persons entered under the Visa Waiver Program in 2001, which allows citizens of 28 countries to visit the U.S. without a visa for up to 90 days*
- *5 million persons entered under the Transit Without Visa program over past 3 years, which allows in-transit foreign travelers to remain in the U.S. for a short time while connecting to another international flight*

terrorists, immigrant smugglers and other criminals have used the VWP to try to get into the U.S.¹³⁷

Even when a visa has been granted under correct procedures, however, there is no guarantee that the holder of a visa may safely be permitted to enter. At least thirteen of the nineteen September 11 hijackers entered the U.S. with legally valid visas. This illustrates the necessity of the second, and most important stage of entering the U.S.: INS immigration inspection.

b. Land Border Inspections

At land border ports of entry, primary immigration inspection begins at the same time as primary Customs inspection – each takes place at the same primary inspection booth. In fact, Customs and INS inspectors are cross-designated to do both tasks. For immigration purposes, however, the inspector is checking the status of the individual driver (or pedestrian). First, if (as is usually the case) the traveler is approaching in a vehicle, the inspector is supposed to enter the vehicle's license plate number into a computer linked to the Interagency Border Inspection System (IBIS) to determine if there are any "lookouts" for the vehicle in various law enforcement databases – most notably the National Automated Immigration Lookout System II (NAILS II), the Treasury Enforcement Communications System (TECS), the State Department's CLASS, and (on a limited basis) the FBI's National Crime Information Center (NCIC).¹³⁸ (INS inspectors can also access the IDENT system – described in the section on the Border Patrol below – and, in some locations, the Enforcement Case Tracking System, or ENFORCE.) Once the traveler reaches the inspection booth, the inspector is supposed to ask for identification, which should establish the citizenship of the individual seeking entry. If the traveler is a U.S. citizen, or a citizen of a country for which the U.S. does not require a visa (under the VWP), then, assuming the inspector is satisfied with the identification presented, the traveler may proceed. Foreign visitors from countries for which visas are required must present them.

If at any point the inspector is not satisfied with the information presented, or has some other reason to be suspicious, the traveler will be referred to secondary inspection. At secondary inspection, INS inspectors will question the traveler further, do a more detailed check of the traveler's identification and/or visa, and run the traveler's name through the IBIS database, which contains the names of persons with histories of immigration violations, criminal histories, or who are considered national security risks. The INS estimated that it prevented 20.3 percent of inadmissible aliens from entering the country at the 11 land ports of entry it sampled in fiscal year 2000.¹³⁹



The San Ysidro port of entry is the single busiest border checkpoint in the world (the Port of El Paso, which processes more total travelers, is divided into several different border crossings). (Courtesy U.S. Customs Service)

Top 10 Land Border Crossings for Passengers/Pedestrians, FY 2001

- El Paso, TX*
- San Ysidro, CA*
- Hidalgo, TX*
- Brownsville, TX*
- Laredo, TX*
- Detroit, MI*
- Buffalo, NY*
- Calexico, CA*
- Nogales, AZ*
- Otay Mesa, CA*

Source: U.S. Customs Service data

Travelers determined to be inadmissible at the port of entry are given the opportunity to withdraw their application and return voluntarily to Canada or Mexico, or are referred to an Immigration Judge at the Executive Office for Immigration Review for an independent determination of admissibility, where applicants may have legal representation at their own expense. Applicants referred to the Immigration Judge may be detained by the INS depending on the facts of the case. If there is a warrant for the traveler's arrest, of course, the INS is supposed to take that person into custody.

On the Northern border, the majority of persons entering the U.S. are either American or Canadian citizens, meaning that visas are not required. On the Southern border, however, Mexican citizens must have a visa. Section 104 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 required that visas for Mexican citizens be issued as part of an automated biometric system. The INS, together with the State Department, developed the Border Crossing Card (BCC) in response. The BCC, also called a "laser visa," is a laminated, credit card-style document with security features and 10-year validity. All cards issued after April 1, 1998 are required to have a biometric component, such as a fingerprint, and be machine-readable. The INS has installed laser visa card readers at most border crossings, but there are some Southern border checkpoints (including the McAllen, Texas port of entry) that have not yet done so.

There have been some problems with the conversion to laser visas. The original deadline for all pre-April 1, 1998 BCCs to be replaced was October 1, 1999; this deadline was extended by legislation to September 30, 2001 and subsequently to September 30, 2002. The final extension was only passed by Congress in spring of this year; the delay left some 2 million Mexican citizens (including some truck drivers and cross-border workers) temporarily without a legal means of entering the country. This has meant a sharp reduction in the number of people crossing the border.¹⁴⁰

c. Airport and Sea Port Inspections

At airport and sea ports, INS inspection is separate from Customs inspection. Passengers are required to verify their identities and present their visas before proceeding to claim their luggage and go through Customs. INS inspectors are supposed to check foreign visitors' names in the IBIS computer database to determine if there are reasons to deny them entry or take them into custody.¹⁴¹ The INS also has access to the same APIS information used by Customs. In fiscal year 2000, the INS estimated that it prevented 42.4 percent of inadmissible aliens from entering the country at airports.¹⁴²

Questions have been raised about the effectiveness of INS Inspections at airports. These concerns can be divided into four general categories: thoroughness, document fraud, computer system problems, and errors on the part of inspectors.

The INS estimates that it prevented 20.3% of inadmissible aliens from entering the U.S. at land border ports of entry in FY 2000.

The INS estimates that it prevented 42.4% of inadmissible aliens from entering the U.S. at airports in FY 2000.

Questions have been raised about how thorough and effective INS inspections are. Computer system crashes, failures to keep track of stolen passport numbers, and inspector errors may have allowed criminals to slip by the INS.

The IBIS database used by INS inspectors has serious technical problems.

First, the thoroughness of inspections has been criticized, as INS inspectors have attempted to process large numbers of travelers in a relatively short period of time. Until very recently, the INS was required by law to process all international flights through primary inspection within 45 minutes – a policy that was certainly traveler-friendly, but may have forced INS inspectors to rush the screening process. Congress redefined the 45 minute rule as a “goal” rather than a requirement in the Enhanced Border Security and Visa Entry Reform Act of 2002. While this change should help, INS inspectors still face the difficult problem of balancing the nation’s security needs with the need to move large numbers of international travelers out of the airport.

Second, the problem of document fraud is still a major concern – if INS inspectors are unable to detect forged or stolen documents, criminals and terrorists will continue to use them to gain entry. Currently, virtually all countries participating in the Visa Waiver Program issue machine-readable passports, allowing INS inspectors to inspect their documents with the benefit of automated systems – a situation which should make the process more efficient and decrease the chances of document fraud. The Justice Department inspector general reported in December 2001, however, that INS inspectors were still not consistently checking passport numbers in the automated lookout system – only travelers’ names were being checked.¹⁴³ And even when passports are machine-readable, the problem of identity theft raises the possibility that a visitor may not be who he claims. The inspector general also found that the INS had done a poor job of maintaining records of stolen passports in its automated lookout system – meaning that these passports may have been used to enter the country without INS inspectors having been aware that they were stolen.¹⁴⁴

Third, the IBIS computer system used by INS inspectors has serious technical problems. An INS inspector in the Miami airport recently told CBS News that when the database containing the names of suspected terrorists and known criminals crashes (which supposedly happens once or twice a week), INS supervisors order the inspectors to continue processing aliens.¹⁴⁵ The INS has denied that the computer system crashes so frequently (though one official acknowledged that crashes are “not rare”). The INS has also denied that passengers are simply waved through when that happens; instead, the INS says that CD-ROMs containing the names of individuals on the watch lists are used as a backup (though officials acknowledge that the CD-ROMs are not in every inspection booth).¹⁴⁶ Without taking sides in the dispute, it is clear that (a) the INS needs a computer system that crashes less frequently, and (b) the INS needs to make sure that an adequate backup system is in place and is always used when crashes occur. Other computer problems have recently surfaced; an error during an upgrade of the NAILS database caused nearly 3,500 people identified as suspected criminals or even terrorists to be dropped from the system for nearly two months, from March to May 2002. As a result, at least one individual in that group entered the country without being apprehended, and the INS is unsure how many others may have entered.¹⁴⁷

Fourth, the huge volume of international travelers makes the risk of errors on the part of inspectors almost inevitable. For example, recently an INS inspector improperly allowed 4 Pakistani crewmen on a Russian vessel to come ashore; they then disappeared. The ship's 27 crewmen, 19 of whom were Pakistani, were granted a special waiver at Norfolk, Virginia to go ashore. The INS inspector failed to follow protocol before issuing the waivers, including getting a senior-level administrator to sign off on them. An inspector also entered an improper birth date for one of the 4 men, which would have revealed that the man had committed an immigration violation in Chicago several years ago.¹⁴⁸ The INS must take steps to ensure that inspectors follow proper procedures; failure to do so can mean allowing a terrorist cell to be established on U.S. soil. Corruption can, unfortunately, also be a potential problem – as it is for every law enforcement agency. In Los Angeles, for example, an INS supervisor was recently arrested for allegedly smuggling illegal immigrants into the country, using the Transit Without Visa program.¹⁴⁹

d. Entry/Exit Monitoring System

One major difficulty for the INS lies in determining whether, and when, a legal foreign visitor has actually left the country. As noted above, most visas allow visitors to remain in the U.S. for a limited time only, and even visitors not required to have visas under the Visa Waiver Program may stay for no more than 90 days. Visitors who fail to leave after their visas expire, or after the 90-day period granted under the VWP, are referred to as “nonimmigrant overstays.” Finding and deporting nonimmigrant overstays is both challenging and vital, since (as noted above) a large percentage of the illegal immigrants in this country got into the country by overstaying their visas. In fact, abusing the legal visa process (or the VWP) is a very popular method for criminals to enter the country. (Three of the September 11 hijackers had overstayed their visas.)

An entry/exit monitoring system is required if the INS is going to be able to keep track of nonimmigrant overstays. Unfortunately, a true entry/exit system does not yet exist. The INS maintains a Nonimmigrant Information System (NIIS) database in an effort to identify nonimmigrant overstays, but the system lacks sufficient information to be effective. For an entry/exit system to work, the INS must be able to collect entry information on every foreign visitor, and exit information when the visitor leaves the country. The INS could then match the entry and exit information for each visitor to determine whether that person had indeed left on time.

Under current law, however, the INS cannot collect documentary entry or exit information from Canadian and Mexican citizens at land border crossings. Thus, for all practical purposes, virtually all of the nearly 195 million foreigners who enter at land ports of entry do not have to provide any entry information at all. Section 110 of the original 1996 IIRIRA mandated that the INS set up a complete entry/exit system at the border, but under pressure from the Canadian and Mexican governments, and Congressional delegates from border areas (who legiti-

Lack of an Entry/Exit System

- *41% of the 5 million or more illegal immigrants residing in the U.S. entered legally, but failed to leave at the required time.*
- *The INS does not currently have a system that effectively tracks the entry and exit of foreign visitors to the U.S. – thus it cannot be certain when an individual has entered, or whether he or she has left.*
- *At the land borders, the INS collects virtually no entry or exit information at all.*
- *At airports and sea ports, the INS collects the I-94 entry and exit form, but it has been unable to collect complete and accurate I-94 cards when foreigners leave.*
- *Congress and the Administration are working to create a fully automated entry/exit system that would rely on machine-readable passports and visas.*

mately feared creating even longer lines at land border crossings), Congress subsequently amended that provision. The new “entry/exit system” mandated by the Immigration and Naturalization Service Data Management and Improvement Act of 2000 cannot involve any new documentary requirements – which essentially renders the system non-functional at the present time.

At airport and sea ports, the INS does collect entry/exit information in the form of the I-94 card, which all foreign visitors must fill out before arrival, submit to an INS inspector, and then return to the INS upon departure. It is primarily these entries and exits – about 15 percent of all nonimmigrant entries into the U.S. – that the NIIS tracks.¹⁵⁰ As the Department of Justice’s inspector general has reported, however, even this data is incomplete and poorly managed. The inspector general found that the INS does not actively monitor airline compliance with the requirement that passengers provide accurate I-94 departure records. Essentially, the airlines have failed to collect I-94 departure forms from all of their passengers, and the INS has been slow to enforce the requirement because it has been waiting for full deployment of its Automated I-94 System – a system which the INS has now decided to abandon in favor of the system called for by the USA Patriot Act of 2001 (see below).¹⁵¹

Congress and the Administration have sought to implement a complete, automated entry/exit system at all of our ports of entry. President Bush has requested \$380 million for fiscal year 2003 for the development of such a system; the USA Patriot Act of 2001, enacted in the wake of the September 11 attacks, expressed the sense of Congress that the integrated entry/exit system required by Section 110 of the IIRIRA be implemented as quickly as possible. The Enhanced Border Security and Visa Entry Reform Act of 2002 also mandates an automated entry/exit system, relying on machine-readable passports and other entry documents. In principle, the system could rely on automatic passport and visa reading machines at each port of entry, which would record the date and location of a visitor’s entry into the U.S., and the date and location of his departure (feeding all of this information into a central database). It will likely be some time before such a system is in place, however.

SUMMARY

- *The entire process of legal entry into the U.S. – from the visa application system (currently administered by the State Department), to INS Inspections at the ports of entry, to the development of an automated, complete entry/exit monitoring system – must be harmonized and upgraded with the latest technology. This will be a primary task for the new Department of Homeland Security*
- *Preventing the illegal entry of foreigners is critical, since tracking down those who make it in is extremely difficult.*

2. THE U.S. BORDER PATROL

The Border Patrol is tasked with the defense of the open border between the ports of entry. As might be imagined, this is a massive undertaking. As of February 2002, the Border Patrol had 9,812 agents, of whom approximately 9,126 were stationed on the Southern border, and only 348 on the Northern border.¹⁵² There are 8 Northern border sectors, and 9 Southern border sectors.

To carry out its mission, the Border Patrol relies on both manpower and technology. Its agents use a number of different kinds of vehicles, from patrol cars and all terrain vehicles to helicopters, fixed-wing aircraft and even patrol boats. In Arizona, agents even use mobile towers to observe the remote stretches of the Southern border. Finally, the Border Patrol makes extensive use of sensors and remote video surveillance systems as “force multipliers” that allow more territory to be watched by fewer agents.¹⁵³



A Border Patrol agent watches the line. (Courtesy Immigration and Naturalization Service)

U.S. Border Patrol - Sectors



(Courtesy Immigration and Naturalization Service)

U.S. Border Patrol

9,812 agents
9,126 on Southern border
348 on Northern border

21 sectors
8 Northern border sectors
9 Southern border sectors

1.5 million apprehensions of illegal aliens each year

a. Checkpoints Away From the Border

One somewhat controversial strategy implemented by the Border Patrol has been the use of checkpoints on major roads, designed to catch alien and drug smugglers away from the border itself. The Border Patrol has established 26 permanent checkpoints along freeways and highways in Texas, New Mexico and California, including the large checkpoint on the I-5 freeway between San Diego and Los Angeles. Vehicles are required to stop and are observed by agents, who

may also ask questions. If the agent is suspicious, a vehicle may be directed to secondary inspection.



The roving checkpoint outside Tucson, Arizona. (Courtesy U.S. Border Patrol – Tucson Sector)

The Checkpoints Controversy

The Border Patrol uses permanent checkpoints on major roads past the Southern Border, except in most of Arizona due to Congressional mandate; in that area, it uses non-permanent, "roving" checkpoints. The Border Patrol believes the permanent checkpoints are a successful mechanism for apprehending alien and drug smugglers; its data show that it apprehended 4 times as many illegal aliens and seized 13 times as much marijuana along Highway 281 in south Texas as along I-19 between Nogales and Tucson, Arizona. Though checkpoints appear to be a useful strategy, it is questionable whether fixed checkpoints are really more effective than truly roving checkpoints. The "roving" checkpoint outside Tucson does not really move; it stays in the same place, night after night. The key problems with roving checkpoints are legal and technological: the Border Patrol must find a way to have constitutional road checkpoints, and must also improve its wireless technology to allow agents to link up to key INS databases while on the road.

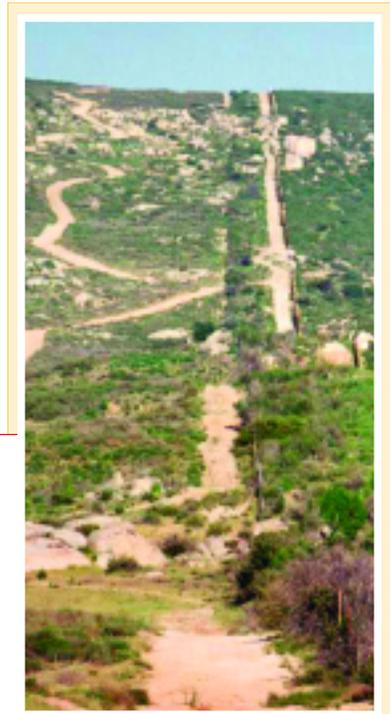
Concerns have been raised about the effectiveness of these checkpoints, particularly since they are fixed – in other words, everyone, including smugglers, knows where they are and can attempt to circumvent them. Moreover, they arguably divert agents and resources away from the actual border, thus implicitly conceding part of the immediate border zone to illegal immigrants and smugglers. These concerns have prompted Congress to prohibit the Border Patrol from building permanent checkpoints in its Tucson sector (which covers much of the Arizona-Mexico border).

Though these concerns are valid, it is clear that some form of checkpoints should be used. If INS Inspections can only intercept about 20 percent of illegal immigrants at the land border crossings, and even more migrants are getting through between the ports of entry, then the Border Patrol must have a mechanism to catch them away from the border. In conversations with Subcommittee Members and staff, the Border Patrol has insisted that the checkpoints are effective, and pointed to the numbers of arrests made at them, including statistics showing that seizures of marijuana are much higher in sectors with permanent checkpoints (the Border Patrol apparently apprehended 4 times as many illegal aliens and seized 13 times as much marijuana along Highway 281 in south Texas as along Interstate 19 between Nogales and Tucson, Arizona).

The real issue is whether the checkpoints should be permanent or roving. The Border Patrol's preference for permanent checkpoints is based on two factors: legal and technological. First, the Border Patrol believes that U.S. Supreme Court decisions have made it illegal for law enforcement to use roving checkpoints to stop and inspect motorists away from the border. This argument may be valid, though it is far from obvious that there is no constitutional way for the Border Patrol to move a checkpoint. Because of this perceived legal limitation, the "roving" checkpoint outside Tucson, Arizona does not move at all – thus removing any advantage from mobility. Second, the Border Patrol claims that it has been unable to establish effective wireless links to roving checkpoints to allow agents to access computer databases (like IDENT, described below). Fixed checkpoints can obviously have ground wire links. This simply highlights the need for the INS to improve its computer systems technology, a problem discussed in more detail in Section IV.

b. The Southern Border Strategy

The Border Patrol has grown significantly in recent years, in response to Congressional mandates. In fact, the INS has added over 5,000 Border Patrol agents since 1993 (a 150 percent increase) to sectors on the Southern border. In 1996 Congress required the Border Patrol to add 1,000 agents per year on the Southern border from fiscal years 1997-2001, but it was only able to achieve this in 1997 and 1998.



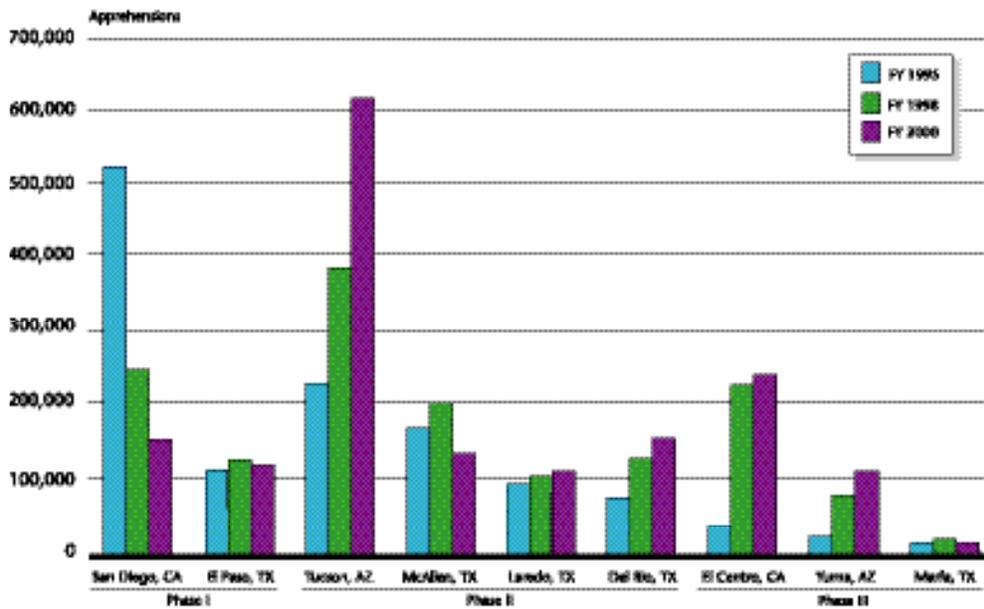
View of the California-Mexico border. (Subcommittee photo)

The Southern Border Strategy

The Southern Border Strategy was introduced by the INS in 1994. In 4 phases (the first three focusing on different parts of the U.S.-Mexico border), the INS planned to stem the tide of illegal immigration by increasing Border Patrol personnel and technology, and implementing aggressive new tactics – most notably putting more agents directly on the border to deter crossings instead of responding to crossings after they occur. The INS added 5,000 agents to Southern border sectors after 1993.

The strategy resulted in significant drops in illegal crossings in the targeted areas, but also created significant spikes in areas that did not receive as many new resources. Unfortunately, overall illegal immigration did not drop until last year. The INS claims that it will need 3,200 to 5,500 more Border Patrol agents and \$450-500 million to complete the securing of the Southern border.

Apprehensions In Southwest Border Patrol Sectors in Fiscal Years 1995, 1998 and 2000



(Graphic courtesy of General Accounting Office)

The growth in agents accompanied a shift in border enforcement strategy, announced in 1994. The INS set forth a four-phase strategy, designed to tighten the border by sectors. Phase One focused on the San Diego and El Paso sectors (which at that time were the most active in terms of illegal immigration); Phase Two would focus on the Tucson, Arizona and Del Rio, Laredo and McAllen, Texas sectors; Phase Three would focus on the remaining three sectors on the Southern border; and Phase Four would tighten the Northern border, Gulf Coast, and other coastal waterways. The strategy was intended to close off the routes (usually through urban areas) most frequently used by smugglers and illegal aliens, and shift traffic to ports of entry or to areas that are more remote and difficult to cross.

The strategy had already been implemented in El Paso in September 1993 with Operation Hold-the-Line, focusing on the busiest 20-mile section of the border. In 1994, Operation Gatekeeper began in San Diego, focusing initially on the 5-mile section that at the time accounted for nearly 25 percent of all illegal crossings. The operation has since been expanded to the entire 66 miles of the San Diego Border Patrol sector. That same year, Operation Safeguard began in the Tucson sector, focusing initially on Nogales, and later expanding to Douglas and Naco, Arizona. In August 1997, the Border Patrol launched Operation Rio Grande in south Texas, focusing on the McAllen and Laredo sectors. In 1998, Operation Gatekeeper expanded to include the El Centro, California sector.

To implement the plan, the Border Patrol concentrated personnel in the targeted areas, increased its use of sensors and other technology, and increased the physical barriers (i.e. fencing) to crossing the border. Agents began to spend more time waiting at the border for smugglers and aliens to cross, rather than responding to incursions after they happened. The amount of time spent by agents on border enforcement activities in the targeted sectors increased by 27 percent.¹⁵⁴

The strategy was certainly effective in the areas targeted, in that apprehensions of illegal aliens at first spiked, and then dropped dramatically. The San Diego, El Paso and McAllen Border Patrol sectors showed significant drop-offs in apprehensions from fiscal year 1998 through 2000.¹⁵⁵ The San Diego sector in particular saw a drop of 76 percent from fiscal year 1994 to fiscal year 2001.¹⁵⁶

As the Border Patrol predicted, illegal alien traffic shifted from the targeted areas to the less heavily patrolled areas. From fiscal years 1994-98, for example, apprehensions increased in Calexico, California ten-fold, and more than doubled in Nogales. Unfortunately, at least until very recently, the total number of apprehensions along the Southern border continued to increase, thus defying the INS' hope that by pushing illegal aliens to more remote, inhospitable areas (like the southern Arizona desert), more aliens would be deterred. In the first 4 months of 2001, Border Patrol apprehensions finally declined (by 26 percent) as compared with the same period in 2000. The reasons for the decline are unclear, and may be attributable more to the slowing U.S. economy than to the Border Patrol's efforts. The

GAO reported in August 2001 that the Border Patrol still has not developed adequate data to show the overall effect of its stepped-up activities on illegal traffic.¹⁵⁷

The new strategy has improved the quality of life in the targeted communities; at the Subcommittee's hearing in San Diego, for example, witnesses confirmed that crime and property damage associated with illegal traffic had gone down. The surge in traffic in other areas, however, created havoc in those communities. In Calexico, for example, the increase in illegal traffic was accompanied by an increase in prowler calls and vehicle thefts.¹⁵⁸ Witnesses told the Subcommittee that in Nogales, crime increased dramatically until the Border Patrol erected new fencing and drove the illegal traffic outside the town.¹⁵⁹

Although it is clear the Southern border strategy has begun to have results (at least in targeted areas), it is equally clear that more needs to be done. INS' preliminary estimates show that it may need 3,200 to 5,500 more agents, additional support personnel, and hundreds of millions of dollars in new technology to fully implement the southwest border strategy. The total number of agents would thus be between 11,700 and 14,000; it would take 5-9 years and Congressional approval to achieve this level of staffing on the Border Patrol. Southwest border sectors have requested new technology estimated to cost between \$450 million and \$500 million, nearly all of it for about 1,100 remote video surveillance systems. INS budget officials told the GAO it would take 7-10 years to deploy the additional staff and technology required to complete the strategy.¹⁶⁰

c. IDENT

The Automated Biometric Identification System, called IDENT, was created in 1989 as an automated fingerprint identification system allowing the INS to identify and track aliens who repeatedly crossed the border. The system was first deployed in the field in October 1994 by the San Diego Border Patrol sector. The 1996 IIRIRA directed the INS to expand the use of IDENT to illegal or criminal aliens nationwide. The system is now used in all Southern border sectors and most Northern sectors, as well as in some INS District offices and ports of entry. In 1996 the INS began integrating IDENT with its Enforcement Case Tracking System (ENFORCE), which collects enforcement data from across the INS. Ports of entry and 2 of the Border Patrol's Northern sectors (Houlton, Maine and Swanton, Vermont), however, only have access to IDENT and not to ENFORCE.

The IDENT system stores flat press (as opposed to rolled) fingerprints of an alien's right and left index fingers. It also stores a photograph and certain other biographical information. IDENT then electronically compares an apprehended alien's fingerprints to fingerprints in 3 databases: (1) a lookout database that contains fingerprints and photographs of about 240,000 aliens who are convicted or suspected of serious crimes or narcotics smuggling, or are deemed national security risks; (2) a database that tracks 300,000 aliens who have an administrative final order of removal or who are deemed an officer safety risk; and (3) an apprehension database that contains

The Alphabet Soup of INS Databases

At the ports of entry, INS uses the Interagency Border Inspections System (IBIS) to check the identity of persons entering the U.S. IBIS has access to the following databases:

- *National Automated Immigration Lookout System II (NAILS II)*
- *Treasury Enforcement Communications System (TECS, also used by Customs)*
- *Consular Lookout and Support System (CLASS, maintained by State Department)*
- *National Crime Information Center (NCIC, maintained by the FBI – available to INS on a limited basis only)*

The Border Patrol and INS Inspections also have access to:

- *Automated Biometric Identification System (IDENT)*
- *Enforcement Case Tracking System (ENFORCE)*

Agencywide, the INS also maintains:

- *Central Index System (CIS)*
- *Deportable Alien Control System (DACs)*

A number of issues have arisen with respect to these databases:

- *IDENT is a fingerprint-based database used to identify illegal aliens apprehended at the border. Currently, however, it cannot search the other major fingerprint-based crime databases, the Integrated Automated Fingerprint Identification System (IAFIS) and the National Crime Information Center 2000 (NCIC 2000), both maintained by the FBI. This means Border Patrol agents and INS personnel cannot use IDENT to determine if an apprehended alien is wanted for serious crimes.*
- *IBIS frequently crashes, and NAILS has also experienced serious computer problems*
- *Congress has mandated that IDENT and IAFIS be integrated, and that the INS integrate all of its information databases into a single system (the "Chimera" system)*

fingerprints and photographs of 4 million illegal aliens who have been apprehended by the INS, enrolled in IDENT and then allowed to leave the U.S. voluntarily. The electronic comparison normally takes about 2 minutes. The system was designed to handle a high volume of fingerprint checks in a relatively short time, in response to the high volume of apprehensions which the Border Patrol must rapidly process.

One major issue which has arisen is the lack of integration between IDENT and other law enforcement databases, most notably the FBI's Integrated Automated Fingerprint Identification System (IAFIS), and the NCIC 2000 system, created by the National Crime Information Center. IAFIS, which was finally deployed in July 1999, 5 years after IDENT, uses 10 rolled fingerprints. It contains more than 40 million such ten-print records, with the response time for a search about 2 hours for criminal fingerprints and 24 hours for civil fingerprints. NCIC 2000 allows law enforcement agents to quickly search 22 NCIC databases containing 60 million records. It also allows agents in the field to transmit a single pressed fingerprint that is searched in minutes against a subset of NCIC databases. NCIC was built to handle a limited volume of fingerprints against a much smaller set of databases than IAFIS.

The FBI and the INS met in 1990 to discuss their plans for automated fingerprint systems, but the INS determined that its system requirements were significantly different, and that it could not wait for the FBI to develop IAFIS. Thus, it is not possible for the Border Patrol to check the FBI's criminal database when it checks illegal aliens' fingerprints on IDENT.

Concern about the lack of integration surfaced in 1999 with the Resendez case, in which a Mexican national known as the "railroad killer," who was wanted for several murders in the U.S., was repeatedly apprehended crossing the border by the Border Patrol but was released each time. Local, state and federal law enforcement officers had obtained warrants for Resendez's arrest, beginning in 1998, but IDENT did not contain that information. The Border Patrol was therefore unaware of the warrants when it apprehended Resendez as late as June 1999, found no criminal history information about him in IDENT, and simply released him back to Mexico (as is common with illegal aliens). Resendez returned to commit 4 more murders that month.

While the lack of database integration was certainly a contributing factor in the Resendez case, a Justice Department inspector general report indicates that the action, or rather lack of action, of three INS investigators was a major culprit. Even though the databases are not integrated, it is still possible to put "lookouts" into the IDENT system if the INS obtains information that they are being sought. Three INS investigators were contacted by local law enforcement authorities seeking Resendez, but they failed to put a lookout into the system; two of the investigators did nothing at all, and the third referred the local authorities to Customs to have a lookout put in its Treasury Enforcement Communications System (TECS) database – which would only have been useful if Resendez had tried to enter through a port of entry.¹⁶¹ Had

the INS taken care to update its lookout list on IDENT, Resendez might have been apprehended earlier even without database integration.

As a result of the Resendez case, Congress imposed a moratorium on further deployment of IDENT until the Justice Department completed several tests on the feasibility of IDENT/IAFIS integration. The Justice Department announced a 5-year plan to integrate the two databases in March 2000; the plan would cost \$200 million, and would supplement IAFIS with IDENT's fingerprint files, while allowing the INS to check fingerprints of apprehended aliens against IAFIS. The Justice Department's tests, however, estimated that upgrading IDENT's 2-print system to a 10-print system would cost \$450-570 million between fiscal years 2002-07. An additional \$600 million to \$1.4 billion would be required in additional detention and processing costs as more criminal aliens would be identified under the new system.¹⁶²



Border Patrol headquarters, Blaine, WA (Subcommittee photo)

d. The Northern Border

The Northern border has received considerably less attention and resources from the Border Patrol. In 1999, only 311 of the nation's 8,364 agents were assigned to the eight northern Border Patrol sectors. From fiscal years 1995-98, all of the additional new agents were assigned to the Southern border.¹⁶³ At the direction of Congress, 44 new agents were assigned to the Northern border from fiscal years 1999-2001, along with 41 new vehicles, additional sensor systems were deployed to 5 of the 8 northern sectors, and all of the sectors received new night vision devices. In January 2002, the Attorney General announced the temporary assignment of 100 agents to the northern sectors, for approximately 60 days. Further deployments to the northern sectors are planned for this fiscal year.¹⁶⁴

The Northern border still does not have adequate Border Patrol staffing and resources, however. Four of the eight sectors do not have any stations operating on a 24-hour basis.¹⁶⁵ One sector informed the Justice Department's inspector general that it had identified 65 smuggling corridors along its 300 miles of border, but the sector had only 36 sensors with which to monitor the activity. The Border Patrol still uses antiquated radio equipment that criminals can monitor; the INS does not plan to replace it until 2005. The northern sectors reported to the inspector general that they needed more remote cameras, boats, office space and support staff as well.¹⁶⁶ These statements were confirmed to the Subcommittee and its staff during our visits to several Northern border sectors.

It must be recognized, however, that 100 percent enforcement at the Northern border is unrealistic. Even with cameras and sensors, the Border Patrol cannot be expected to monitor every mile of the 4,100-mile mainland boundary with

Only about 350 Border Patrol agents are currently stationed (on a permanent basis) on the vast Northern border. Four of the eight Northern border sectors do not have any stations operating on a 24-hour basis.¹⁶⁵ The Border Patrol is also in need of new equipment on the Northern border; one sector reported that it had identified 65 smuggling corridors, but only had 36 sensors to monitor them with.

Canada.¹⁶⁷ As on the Southern border, the INS will have to devise a strategy, focusing its efforts on the corridors most accessible to smugglers. Individuals will still be able to cross the border, but their ability to set up smuggling networks will be significantly hampered if the Border Patrol deploys its (expanded) forces wisely.

SUMMARY

- *The Border Patrol's Southern Border Strategy of the 1990's shows both how effective vigorous enforcement can be in targeted areas, and how illegal traffic can quickly shift to less guarded areas.*
- *The problems of integrating the Border Patrol's and the FBI's automated fingerprint identification systems illustrate one of the key challenges facing the new Department of Homeland Security: coordinating information systems development.*
- *The vast Northern border presents significant challenges: it must be watched, but it is perhaps too large to watch at all times.*

3. INS INTERIOR ENFORCEMENT

The INS is also responsible for tracking down and deporting illegal aliens who are able to get past INS Inspections and/or the Border Patrol, and for removing immigrants who overstay their visas. There are three components of the INS' interior enforcement: Investigations, Detention and Deportation, and Intelligence.¹⁶⁸ INS Investigations' special agents, who are essentially the plain-clothes law enforcement branch of the INS, carry out a wide variety of operations. Their activities range from investigating and breaking up alien smuggling rings, to cracking down on U.S. employers of illegal aliens, to preventing document and benefits fraud. They are also responsible for identifying immigrants who violate the law and become deportable. It is these special agents who must find and remove illegal immigrants who get past our borders and ports of entry. INS' Intelligence branch supports the Investigations agents by developing and analyzing intelligence on illegal smuggling rings and other operations, while Detention and Deportation officers are charged with holding apprehended aliens in INS detention facilities and transporting them out of the country.

The INS has had some success in removing illegal aliens from the U.S.; in fiscal year 1999, for example, the INS removed 176,990 aliens (including 62,359 criminal aliens). An additional 72,000 illegal aliens were allowed to leave voluntarily that year, waiving their right to a removal proceeding before an administrative law judge.¹⁶⁹ Removals increased slightly in fiscal year 2000, to over 181,000.¹⁷⁰ It has

also broken a number of large and sophisticated alien smuggling rings, including one organization that smuggled over 7,200 migrants from India over three years, earning nearly \$220 million in the process.¹⁷¹

Nevertheless, the challenge of finding and deporting all of the people who enter the U.S. illegally, or who overstay their visas, is daunting. As noted above, there are an estimated 5 million illegal aliens in the U.S., with many more arriving each year – thus, the deportation of 200,000-300,000 per year may not do much to reduce the total illegal population. Even when the INS is able to obtain deportation orders against known illegal aliens, it cannot always find and remove them. At a hearing before the Subcommittee in December 2001, INS Commissioner Ziglar testified that about 314,000 individuals have jumped bail and disappeared in the face of deportation orders; the INS was at that point only just beginning to enter their names into the FBI's National Crime Information Center (NCIC) database to ensure that they could be identified as illegal aliens if subsequently arrested on unrelated charges.¹⁷² These numbers illustrate how important it is to apprehend illegal aliens, particularly criminals, before they enter the country – since if they are not apprehended then, the chances of apprehending them later are small indeed.

C. The U.S. Coast Guard

The U.S. Coast Guard, the federal government's principal maritime law-enforcement agency, is a military service and a branch of the armed forces, operating within the Department of Transportation.¹⁷³ The Coast Guard is small in size, with about 36,000 active duty personnel, 8,000 reservists, 6,000 civilian employees, and the 32,000 all-volunteer auxiliary force, possessing a unique blend of law enforcement, regulatory, diplomatic, humanitarian, and military capabilities. A multi-mission service, the Coast Guard performs five fundamental roles: maritime security, maritime safety, protection of natural resources, maritime mobility (ensuring the flow of waterborne traffic), and national defense.¹⁷⁴

Prior to September 11, the Coast Guard's typical yearly distribution of operating effort in various mission areas was as follows: drug interdiction, 18 percent; fisheries and marine resources enforcement, 16 percent; aids to navigation, 15 percent; marine safety, 14 percent; search and rescue, 12 percent; marine environmental protection, 11 percent; migrant interdiction, 5 percent; ice operations, 4 percent; defense readiness, 2 percent; port security, 1 percent; and other activities, 1 percent. Some of the significant Coast Guard accomplishments during 2001 included saving the lives of 4,200 mariners in distress, interdicting 3,900 undocumented migrants attempting to illegally enter the country by sea, boarding over 9,100 fishing vessels to enforce fishery and safety regulations, and ensuring more than 1

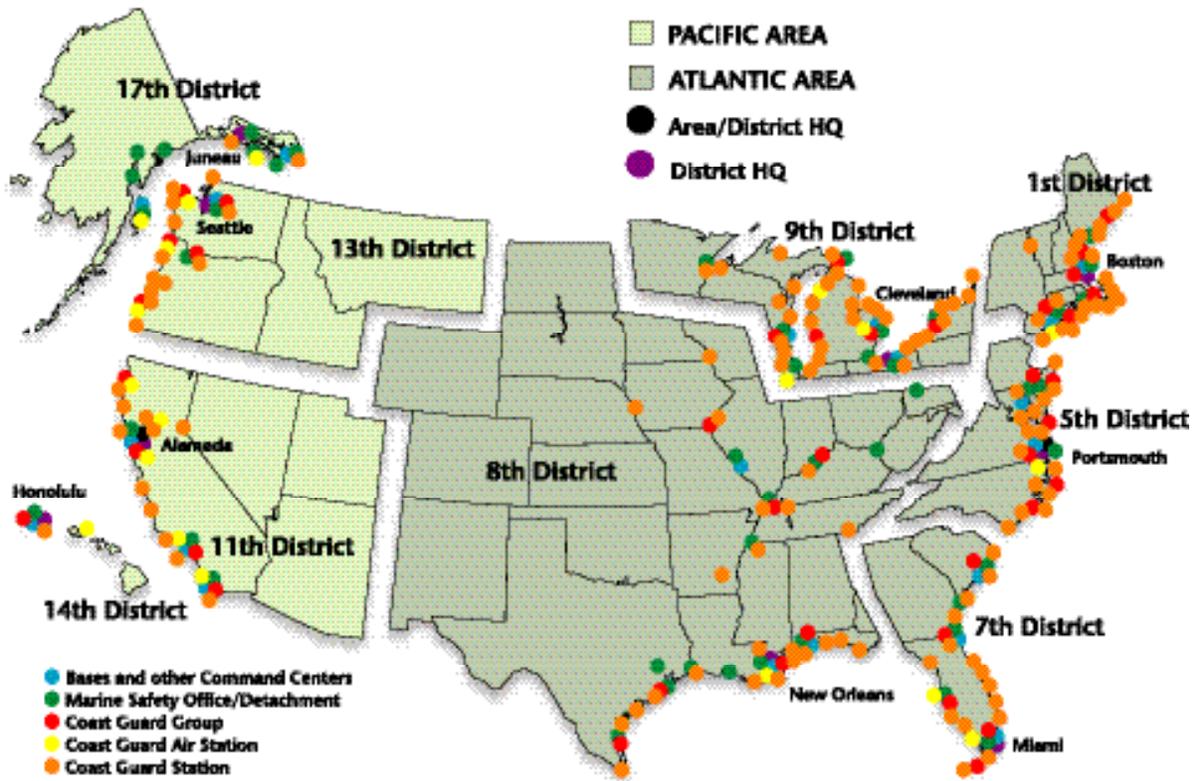
INS Interior Enforcement

INS interior enforcement officers are tasked with finding and deporting illegal immigrants who make it past the border. In FY 1999, the INS removed 176,990 aliens (including 62,359 criminal aliens). The task of deporting all of the nation's estimated 5 to 9 million illegal immigrants is daunting, however. The INS reports that 314,000 individuals have already had deportation orders entered against them, but they have jumped bail and cannot be found.



U.S. Coast Guard patrol boats at Port Angeles, Washington. (Subcommittee photo)

U.S. Coast Guard Organizational Map



(Courtesy U.S. Coast Guard)

The U.S. Coast Guard

36,000 active duty personnel
 8,000 reservists
 6,000 civilian employees
 32,000 auxiliary volunteers

In FY 2001, the Coast Guard-

*Interdicted 138,000
 pounds of cocaine*

*Interdicted 34,000 pounds
 of marijuana*

*Apprehended over 3,900
 illegal migrants*

*Saved the lives of 4,200
 mariners*

million safe passages of commercial vessels through congested harbors.

The Coast Guard also plays a major role in drug interdiction, providing (along with Customs) our nation's marine line of defense against narcotics smugglers. In 2001, the Coast Guard prevented 138,000 pounds of cocaine and 34,000 pounds of marijuana from reaching the U.S. The importance of the Coast Guard in our nation's counter-narcotics efforts is highlighted by the fact that the Coast Guard's Commandant (its highest-ranking officer) has traditionally served as the U.S. Interdiction Coordinator (USIC), responsible for coordinating all of the drug interdiction efforts of the U.S. government.

The Coast Guard operates in a complex and dangerous maritime environment characterized by rapidly changing security threats at home and abroad. It must therefore be flexible, versatile, and maintain sufficient resources to be capable of short-term "surge" operations in response to major crises. This was never truer than after September 11, as the nation was forced to address the vulnerability of our seaports and maritime borders to terrorist attack. Prior to September 11, the Coast Guard's work in the maritime security arena concentrated on counter-drug operations, fisheries enforcement, and illegal migration operations. The Coast Guard's activities in the nation's seaports were predominantly focused on marine/port safety, with less than 2 percent of the total effort directed toward port

security matters. After September 11, this percentage grew to 58 percent as the Coast Guard significantly changed its mission focus to improve maritime security.

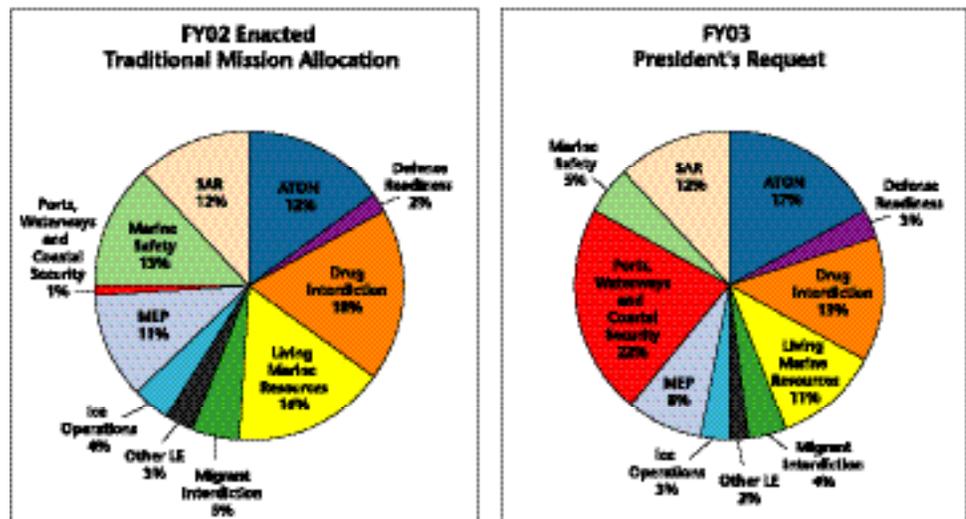
The following are some of the more significant actions taken by the Coast Guard to strengthen seaport and waterway security after September 11:

- Cutters and aircraft were diverted from more distant high seas operations to patrol U.S. ports and coastal waters.
- 124 security zones were established and enforced throughout the nation's ports and waterways.
- Over one-third of the Coast Guard's reserves (about 2,700 personnel) were activated; in addition, the Coast Guard utilized over 110,000 volunteer hours of the Coast Guard Auxiliary to assist with the largest port security operation since World War II.
- The Coast Guard activated four of its six Port Security Units (PSUs, contingents of Coast Guard reservists normally used to protect U.S. Navy vessels overseas) to protect the ports of New York, Boston, Seattle, and

The Post-9/11 "New Normalcy" for the Coast Guard

These pie charts show the Coast Guard's budget allocations for FY 2002 (enacted prior to September 11), and the President's request for FY 2003.

Pre- and Post-9/11 Budget Allocations, U.S. Coast Guard



Key: SAR - Search and Rescue
 ATON - Aids to Navigation
 MEP - Marine Environmental Protection
 LE - Law Enforcement
 Living Marine Resources includes fisheries enforcement and protection of other marine wildlife.

Source: U.S. Coast Guard

Los Angeles/Long Beach. Currently, a PSU is also deployed to Guantanamo Bay, Cuba to protect the U.S. Naval Base where Al Qaeda and Taliban soldiers are being held.

- New regulations were imposed requiring all inbound commercial ships to provide detailed information on the vessel, cargo, and crew 96 hours prior to arrival at a U.S. port. This pre-arrival information is processed at the newly commissioned National Vessel Movement Center in Martinsburg, West Virginia. The information is run through numerous classified and unclassified national databases to identify potentially high risk ships, cargo, or people.



U.S. Coast Guard “Sea Marshals” escort a cruise ship into San Diego harbor. The Sea Marshalls program is one of several new port safety initiatives instituted by the Coast Guard since 9/11.

(Courtesy U.S. Coast Guard)

During the months following September 11, the Coast Guard stopped nearly all fisheries enforcement, migrant operations, and about three-quarters of its counter-drug operations.

- The “Sea Marshals” program was created to provide ship escorts and Coast Guard boarding personnel for inbound high risk vessels. This includes most cruise ships and vessels with bulk hazardous materials.¹⁷⁵

The Coast Guard’s customary multi-mission culture and resilience enabled it to make this rapid transition. While this operational “surge” to boost port and waterway security was effective, however, it came at the expense of other operations. During the months following September 11, the Coast Guard stopped nearly all fisheries enforcement, migrant operations, and about three-quarters of its counter-drug operations. The Commandant of the Coast Guard, Admiral James Loy, reported at a Subcommittee hearing in December 2001 that “port safety and security mission now stands as Mission 1, right alongside Search and Rescue.”¹⁷⁶

Although short-term reductions in some Coast Guard mission areas are acceptable during a national crisis, the “new normalcy” for the Coast Guard must allow sufficient resources to handle all maritime security concerns. Along with port safety and security, this also must include other national priorities such as counter-narcotics, illegal migration, and fisheries enforcement. The Coast Guard’s extra burdens over the past 6 months were recognized by Congress in a fiscal year 2002 supplemental appropriation of \$209 million, and another 6 month supplemental appropriation would cover the remainder of the year. Long-term solutions to the Coast Guard’s budgetary demands will have to be found, however. The President’s fiscal year 2003 budget request includes \$7.2 billion for the Coast Guard, a 19 percent increase in operating funds. Although this is a major budget increase (the biggest since World War II), there are some experts who believe that the Coast Guard budget (together with that of Customs) should be doubled.¹⁷⁷

SUMMARY

- *The Coast Guard is entrusted with a wide variety of vital missions, including law enforcement and marine safety; its importance to the nation's drug interdiction efforts cannot be overstated.*
- *The multiple demands placed on the Coast Guard after September 11 illustrate the trade-offs of border security: an excessive focus on one mission or one threat can leave other missions and threats underserved.*

D. Cross-Border Cooperation on Law Enforcement Issues

The U.S. has engaged in cooperative efforts with Canadian and Mexican law enforcement agencies for some time, but significant advances were made beginning in the 1990's. On the Northern border, in 1995 the U.S. and Canada entered into the Canada-United States Accord on Our Shared Border, which generated a number of law enforcement and law enforcement-related cooperative efforts, including the NEXUS program (see Section IV, below), and the Cross-Border Crime Forum. The Cross-Border Crime Forum, created in 1997, involves over 100 senior law enforcement officials from Canada and the U.S. (including the Canadian Solicitor General, the Royal Canadian Mounted Police (RCMP), the Canadian customs and immigration authorities, the FBI, DEA, Border Patrol, U.S. Customs and local and provincial police) on cross-border crime problems such as smuggling, money laundering, and abducted children. Cooperation has not historically been as close between the U.S. and Mexican law enforcement authorities, although local cross-border working groups have been formed (particularly by U.S. Customs). Recently, Homeland Security Director Tom Ridge entered into "smart border" agreements with both Canada and Mexico, seeking to improve on border security by pursuing joint technology programs.

U.S. and Canadian law enforcement agencies in the Pacific Northwest have led the way in cross-border cooperation through the creation of the Integrated Border Enforcement Team (IBET), which brings together Customs, the Border Patrol, INS Inspections, the RCMP and other Canadian counterparts, and local and provincial law enforcement. The IBET is not simply a forum for discussion; it has actually formed an intelligence-sharing mechanism and has generated joint operations that have broken up major drug smuggling rings.¹⁷⁸ The Coast Guard has led the way in forming a marine version of IBET, called the Integrated Marine Enforcement

Team (IMET).¹⁷⁹ The U.S. and Canada are now in the process of creating IBET teams at other areas along the Northern border.

There are some significant issues that remain, of course, particularly on the Northern border. First, Canada still does not officially allow U.S. law enforcement agents to carry firearms onto its side of the border – making both pursuit of criminals and the possibility of Canadian-side inspections by U.S. Customs officers problematic. Second, despite the trend towards development of joint border inspection stations at smaller border crossings (such as at Sweetgrass, Montana), the U.S. has frequently been forced to pick up most of the bill for the facilities (as much as two-thirds of it at Sweetgrass). Third, Canada’s generous immigration rights have attracted international migrants from all over the world – including terrorists and criminals; similarly, its liberal marijuana and precursor chemical laws have made it a haven for drug growers and smugglers. These and other issues need to be resolved through further negotiation.

IV. NEW PROPOSALS FOR BORDER AND PORT OF ENTRY LAW ENFORCEMENT

In the aftermath of the September 11 attacks, new attention has been focused on the effectiveness of federal law enforcement at the borders and ports of entry. Americans are understandably anxious about whether the agencies are doing enough to protect the country from terrorists and smugglers; at the same time, they are concerned that any new measures avoid needlessly impeding trade and travel. Congress has already taken action on many of these issues in the USA Patriot Act of 2001 and the Enhanced Border Security and Visa Entry Reform Act of 2002, but further steps will be necessary. This report will focus on six of the most significant proposals.

A. Combining Border Law Enforcement Agencies

Various proposals to combine or consolidate Customs, the INS, the Coast Guard, and other border and port management agencies (such as the Department of Transportation's Transportation Safety Administration (TSA), the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), and other agencies) have been made in Congress since September 11. On June 6, 2002, President Bush asked Congress to create a new Department of Homeland Security, whose border security branch would include Customs, the INS and the Coast Guard.

The changes embodied in the President's plan are long overdue, and should bring significant improvements to our national border security strategy. The benefits include increasing cooperation and coordination between our border security agencies on common missions (such as preventing terrorism, drug trafficking and illegal immigration); reducing wasteful competition for resources devoted to those common missions; and ensuring the compatibility and efficiency of information systems. The new Department will be in a much better position to achieve these goals than the several agencies currently scattered throughout the executive branch.

1. ISSUES RELATING TO THE REORGANIZATION

While the President's proposal deserves the support of Congress, several factors must be taken into further consideration in its implementation. First, the reorganization must not have the effect of diminishing the efforts of Customs, the INS and the Coast Guard in non-terrorism related mission areas. Second, care must be taken to ensure that the benefits of reorganization – such as improved coordination and greater efficiency – are actually achieved. Finally, the costs of reorganization cannot be ignored.

Subcommittee Recommendations:

- *Combine border law enforcement agencies into a new Department of Homeland Security, but not at the expense of other vital missions like drug interdiction*
- *Increase the number and intensity of inspections while preserving commerce*
- *Increase the number of qualified and trained Customs inspectors, INS inspectors and Border Patrol agents*
- *Upgrade and integrate border law enforcement databases and automated systems*
- *Shift cargo inspections away from the ports of entry, to the point of origin*
- *Expand "fastpass" systems for those who frequently cross the borders*

a. The New Department's Diverse Missions Must Not Be Neglected

The concept of "Homeland Security" must be broadened to include the diverse range of potential threats to America – we cannot afford to neglect some critical dangers even as we focus attention on others. The Administration has defined the mission of the new Department as follows:

- To prevent terrorist attacks within the United States;
- To reduce America's vulnerability to terrorism; and
- To minimize the damage and recover from attacks that do occur.

The Department of Homeland Security

Proposed by President Bush on June 6, 2002

The Border and Transportation Security branch of the new Department would include the government's key border and transportation law enforcement agencies:

- U.S. Customs Service
- Immigration and Naturalization Service
- U.S. Coast Guard
- Transportation Security Administration
- Department of Agriculture's Animal and Plant Health Inspection Service
- General Services Administration's Federal Protective Service

The reorganization, the largest since 1947, will:

- Help ensure coordination and cooperation between border security agencies
- Help streamline the allocation of resources
- Help ensure integrated, compatible information systems

Care must be taken, however, to ensure that:

- The new Department does not lose sight of key missions other than preventing catastrophic terrorism – such as drug interdiction, illegal immigration, and marine safety
- The Department has mechanisms to ensure interagency coordination and cooperation
- The costs of the reorganization are minimized

Thus, the stated mission of the Department does not include most of the diverse missions of the critical federal law enforcement agencies that will be included in it. In fact, the primary goal of the Department appears to be simply to protect the nation from the kind of catastrophic terrorism we saw on September 11.¹⁸⁰

It is certainly the case that the U.S. will have to devote far more resources than it did before September 11 to preventing catastrophic attacks. But the other missions of Customs, the INS and the Coast Guard are simply too vital to be neglected – if they are, the nation will pay dearly for it. Combining the Customs Service, the INS, the Coast Guard and other agencies will instantly create the largest and probably the most important law enforcement agency in the country, the entire range of functions for which must be fully considered. In addition to such major national priorities as drug interdiction and border control, these agencies also perform such significant tasks unrelated to terrorism as tariff collection, immigration status adjudication for foreign citizens visiting and residing in the United States, fisheries enforcement, marine search-and-rescue, investigation of counterfeiting, and public health functions.

The Subcommittee's previous work on narcotics and border issues strongly suggests that, though terrorism is vitally important in its own right, the new Department of Homeland Security must avoid focusing on that single threat so intently that it loses sight of the many other dangers lurking on our borders. These activities cannot be given a "back seat" to an overriding preoccupation with catastrophic terrorism. The nation will not be better off if, in the rush to meet the terrorist threat, other criminal organizations are allowed to penetrate America. As Subcommittee Ranking Member Elijah Cummings has pointed out, the illegal drugs pouring into the country represent a form of "biochemical weapons attack on the United States . . . [that] has been effective in destroying untold lives and communities throughout this Nation."¹⁸¹

Although the White House has pledged that these functions will continue as at present, it appears clear that Congress should carefully consider how best to ensure that both the concept of "Homeland Security" and any new Department properly take such critical functions into account in addition to terrorism. Two major approaches to this problem of focus have been suggested: first, removing all non-terrorism related functions from the Department; and second, ensuring that the Department devote a significant amount of its resources to those functions. We believe the latter approach is the best option.

While splitting off all of the "non-terrorism" related functions (such as tariff collection by Customs, or search and rescue by the Coast Guard) would create at least the appearance of "focus" at the new Department, there would be significant costs. Creating further divisions between the agencies at the borders and ports of entry will not necessarily result in greater security. It is not clear, for example, that Canada is any better off for having attempted to divide tariff collection (by Canadian

It is certainly the case that the U.S. will have to devote far more resources than it did before September 11 to preventing catastrophic attacks. But the other missions of Customs, the INS and the Coast Guard are simply too vital to be neglected – if they are, the nation will pay dearly for it.

The new Department of Homeland Security must avoid focusing on a single threat so intently that it loses sight of the many other dangers lurking on our borders.

Importance of Customs, Border Patrol and Coast Guard to Drug Interdiction

Customs seizures (FY 2001)

190,856 pounds of cocaine

3,622 pounds of heroin

1,503,941 pounds of marijuana

Border Patrol seizures (FY 2001)

18,500 pounds of cocaine

1.1 million pounds of marijuana

Coast Guard seizures (FY 2001)

138,393 pounds of cocaine

34,520 pounds of marijuana

Together, these 3 agencies interdict more drugs being smuggled into the U.S. than any other agency.

Source: U.S. Customs Service, U.S. Border Patrol, U.S. Coast Guard, and Drug Enforcement Agency data

customs) from border law enforcement (by the Royal Canadian Mounted Police) – it has simply resulted in duplicative inspections at the ports. And artificial limits on a border agency’s authority can be highly counterproductive. For example, Congress’ attempt to transfer all narcotics investigations from Customs to the newly-created DEA in 1973 hamstrung Customs’ ability to rapidly follow up on the leads generated by drug busts at the border (Congress restored this authority to Customs a decade later).¹⁸² There is nothing inherently wrong with multi-mission agencies, when those multiple missions are rationally related to one another – and the various functions of Customs, the INS and the Coast Guard are certainly rationally related to each other.

Instead, we believe that the best approach is to require the new Department to include these various missions in its concept of border security. “Homeland security” should be defined in the reorganizing legislation to include not simply the prevention of catastrophic terrorism, but also the protection of America from drug trafficking, illegal immigration, and other cross-border threats to its well-being. The new Department should be required to report annually on its efforts to meet all of the international threats its component agencies are designed to meet. And Congress should consider requiring the Department to devote a minimum amount of its resources to meet each of its mission areas. Though this issue will need further study, it cannot be ignored as Congress moves ahead with the creation of the new Department.

b. The New Department Must Make Sure the Benefits of Reorganization Are Achieved

Care must be taken to ensure that the potential benefits of agency consolidation are actually achieved. Foremost among these are the streamlining of resource allocation decisions and the improvement of agency coordination. To some extent, Customs, INS and the Coast Guard (and other border agencies) compete for the same pool of funds, and may end up duplicating each other’s efforts.¹⁸³ Agency consolidation could help improve this situation by ensuring that all of the agencies are on the same page. Moreover, agency consolidation could improve coordination, particularly as the agencies move to modernize their information systems.¹⁸⁴ And the consolidation could help reduce the interagency competition for “headlines” that often impedes joint operations; for example, one senior Coast Guard officer told the Subcommittee that Customs marine personnel often wait until the last minute to request help from the Coast Guard in catching drug smugglers on the water – simply because they don’t want to share credit for making the arrests.

Reorganization alone, however, will not necessarily achieve these results. It must be remembered that even within the same agency there is competition for resources, and the potential for a lack of coordination. The FBI and the INS, for example, are both part of the Justice Department and answer to the Attorney

General; they do not have a perfect record of coordinating their efforts, however, as illustrated by the IDENT/IAFIS problems.¹⁸⁵ Likewise, although the Army, Navy, Marine Corps and Air Force are all part of the same Department of Defense, competition between them during the annual budget process can be intense. And as the National Journal recently explained, for decades after the 1947 merger of the armed forces the four services still submitted separate budget requests to Congress, and both “unified commanders” and the Joint Chiefs of Staff had no real authority. This resulted in frequent breakdowns in coordination and communication – remedied only when Congress passed the Goldwater-Nichols Act in 1986.¹⁸⁶

The lesson here is that reorganization must be accompanied by strong authority at the top, accountability on the part of each agency to the Secretary, and institutional mechanisms for coordinating inter-agency action. The President’s proposal gives strong authority to the new Secretary, a feature that should be kept, but Congress should consider additional ways to ensure cooperation.

For example, given the vital importance of Customs, the Border Patrol and the Coast Guard to drug interdiction, an Assistant Secretary should be assigned the task of ensuring cross-agency coordination and cooperation on counter-narcotics efforts. That Assistant Secretary should have full authority (subject to the approval of the Secretary) to force the various agencies to cooperate, share information, and engage in joint operations where appropriate.

c. Controlling the Costs of Reorganization

Finally, the costs of agency consolidation could be significant, as personnel are reassigned to new offices and departments are merged - a point made to the Subcommittee by both of the unions representing INS and Customs employees.¹⁸⁷ New lines of command will have to be established, personnel will have to be reassigned and moved, and new offices will have to be created. The process will not be trivial.

To some extent, these costs are inevitable, and they certainly should not deter Congress from moving ahead with the reorganization. Nevertheless, Congress and the Administration must provide vigorous oversight to ensure that the consolidation proceeds as quickly, efficiently and inexpensively as possible.

Action Points

- President Bush’s proposal for a Department of Homeland Security, combining all of our key border law enforcement agencies, will help the government craft a balanced, focused strategy for border security.
- To achieve this, the new Department must be structured to ensure the maximum coordination and cooperation between each agency.
- An Assistant Secretary should be designated with responsibility and authority to coordinate the narcotics interdiction efforts of all of the Department’s agencies – including Customs, the Border Patrol and the Coast Guard.

The new Department of Homeland Security should appoint an Assistant Secretary for Narcotics Interdiction, with responsibility and authority to coordinate the counter-drug efforts of Customs, the Border Patrol and the Coast Guard.

B. INCREASING THE NUMBER AND INTENSITY OF INSPECTIONS

Given the increasing threats coming across the borders and through the ports of entry, one obvious response is to conduct more inspections. This is precisely what Customs and the INS have done in the months since September 11, when they went to a “Level One” alert; Customs and the INS began insisting on photo identification from all border crossers, and began checking the trunk of every vehicle. The Border Patrol and the Coast Guard also stepped up their efforts.

Increasing Inspections and Border Patrols



A Customs inspector interviews a traveler at San Ysidro, CA.

(Courtesy U.S. Customs Service)

- *To improve border security, more inspections and more guards at the border will be needed.*
- *Since 9/11, Customs and INS inspectors have been conducting more intensive inspections at ports of entry; the Border Patrol and the Coast Guard have also stepped up their efforts.*
- *The increased inspections have had results: Customs seized twice as much cocaine and 20 times as much heroin in the fall of 2001; the Border Patrol seized 15% more marijuana.*

There are 4 issues that need to be addressed, however:

- *More inspections can lead to longer wait times, decreased trade and travel, and slower economic growth.*
- *All ports and border regions must be secured, or smugglers and illegal aliens will simply shift to the less secure areas.*
- *Increased inspections and border or coastal patrols can divert resources from other vital missions.*
- *The agencies will need more personnel to carry out the heightened activity over the long run.*

The increased inspections have certainly had results. From October-December 2001, Customs seized more than twice as much cocaine and twenty times as much heroin on the Southern border as it did during the same period in 2000.¹⁸⁸ Customs and the Border Patrol reported seizing 20 percent and 15 percent more marijuana, respectively, in the last 4 months of 2001 as in the last 4 months of 2000 (although the Border Patrol also reported seizing somewhat less heroin and cocaine in the same period). The agencies believe that drug smugglers held back in the first few weeks after September 11, but then began to flood the borders with drugs – leading to increased seizures. While there is as yet no firm evidence as to street prices, anecdotal evidence suggests that marijuana has become scarcer and more expensive in New York and Boston.¹⁸⁹

Although it is clear that more inspections will make it more difficult to smuggle drugs and other contraband into the U.S., there are four potential problems that must be addressed.

First, and most important, increased inspections can slow legitimate traffic at the ports of entry, which will hurt trade and travel. Wait times increased signifi-

cantly in the first few weeks after September 11; in Blaine, for example, the wait times jumped to 2-3 hours.¹⁹⁰ The delays deterred many travelers; chambers of commerce across the Southern border have reported steep drops in the number of people crossing the border after September 11 (as much as 25 percent in Del Rio, 30 percent in San Diego, and 60 percent in Arizona).¹⁹¹ The number of auto crossings in Blaine dropped 46 percent in October 2001 (as compared with October 2000). The U.S. Chamber claims that these drops “devastated” the Southern border region’s retail sector; local business representatives at each of the locations visited by the Subcommittee confirmed the negative impact of the increased security on their sales. For example, the Whatcom Council of Governments estimates that the October 2001 drop in traffic cost the Blaine region \$2.5 million in receipts from Canadian visitors that month.¹⁹²

Second, the Border Patrol’s experience with the Southern border strategy suggests that if only portions of the border or certain key ports of entry are “hardened,” smugglers will turn to alternate routes. Once a route has been closed off, law enforcement must anticipate new routes, while still holding the old one. For example, it already appears that smugglers have returned to the Pacific Ocean and Caribbean boat routes they favored in the 1980’s, taking advantage of the Coast Guard’s reduced patrols since September 11.¹⁹³

Third, as already discussed in several other contexts, heightened activity with respect to one mission will, unless accompanied by more resources, divert attention from other missions. The Coast Guard, for example, diverted significant resources to its “Sea Marshals” port escort system, which Chairman Souder and the Subcommittee staff were allowed to watch in action at the Port of Los Angeles in February 2002. In an effort to control the movement of vessels deemed “high interest,” a team of Sea Marshals led by the Coast Guard (but accompanied by other federal and local law enforcement personnel) boards the vessels – accompanied by Coast Guard patrol boats and, in some cases, helicopters or other aircraft. The Sea Marshals inspect the ship and guard and monitor activities on its bridge, in an effort to prevent or deter terrorists from taking it over and using it as an instrument of destruction in the port. Although the motivation for this program is obvious, it is an open question whether the resources devoted to it would be better spent on other missions. If the Coast Guard were suddenly faced with another, simultaneous emergency in the port, they might not have sufficient time to divert Sea Marshals to the actual point of danger.¹⁹⁴ A terrorist could even create a small diversion to draw resources away from an actual point of attack.

Finally, to conduct more inspections, Customs, the INS and the Coast Guard will need more equipment, more infrastructure, and – perhaps most important of all – more personnel to conduct the inspections. At hearing after hearing, representatives of the Customs and INS inspectors who have taken up the extra work after September 11 told the Subcommittee of the hardships imposed on these officers. In Vermont, for example, Customs inspector John Wilda reported working 50

The heightened security after 9/11 took its toll on trade and travel at the borders. In Blaine, Washington, wait times jumped to 2-3 hours, and the number of auto crossings dropped 46% in October 2001 – costing the region \$2.5 million in receipts from Canadian visitors that month. Equivalent drops in travel and business activity were reported along the Southern border.

Customs inspectors have reported grueling hours put in since 9/11: 50 hours of overtime in 2 weeks, working 21 days without a day off, and working multiple shifts.

hours of overtime over a 2-week period in October 2001, and working 21 days straight without a day off. On the job injuries have increased due to fatigue, all leaves and vacations have been cancelled, and the inspectors are forced to work multiple shifts.¹⁹⁵ Although these men and women have fulfilled their duty to the country admirably, we cannot expect them to be able to maintain such grueling work schedules over the long term. More inspections will require more inspectors.

Action Points

- The new Department of Homeland Security will need to conduct more inspections and stepped-up patrols at the borders and ports of entry to defend against international threats.
- To accomplish this without unduly hindering vital trade and travel, and without straining its existing personnel, the Department will need more inspectors and agents.

The Need for More Personnel at the Borders and Ports

- *Customs estimates that it needs 14,000 more employees, including 6,000 new inspectors, to fulfill its missions nationwide.*
- *Border Patrol estimates it needs 3,200-5,500 new agents to secure the Southern border.*
- *Coast Guard estimates it needs 5,000-6,000 more active-duty personnel and 1,000 more reservists over the next 3 years.*

C. INCREASING THE NUMBER OF CUSTOMS INSPECTORS, INS INSPECTORS, BORDER PATROL AGENTS AND COAST GUARD PERSONNEL

Improving border and port of entry security will therefore involve increases in personnel. This is nowhere more obvious than on the Northern border, where currently fewer than 500 Border Patrol agents are stationed on over 4,000 miles of wilderness. But the Southern border will also require more agents if the flood of illegal immigration is to be halted; as stated earlier, the INS estimates that it will need 3,200 to 5,500 more agents to fully implement its Southern border strategy.

Customs in particular is in need of significant staffing boosts; in February 2001, its Resource Allocation Model (RAM) estimated that the agency would need more than 14,000 new employees to fully meet its missions, including over 6,000 new inspectors.¹⁹⁶ Among other things, the RAM indicated that Customs had only 50 percent of the optimal staffing on the Northern border.¹⁹⁷ The need, however, is not confined to the border ports; given the massive amounts of cargo that come through sea ports, higher staffing will be needed there, too. At the Port of New York and New Jersey, for example, there are only 350 Customs inspectors to staff 6 shipping terminals, a cruise ship terminal, a rail terminus, 5 airports, and an international mail facility. Only 64 Customs inspectors actually inspect cargo – of which the port processed almost 19 million tons in 2000.¹⁹⁸

The Coast Guard is also in dire need of additional personnel. Even before September 11, the Coast Guard was strained to keep up with mission demands. With the nation's new focus on terrorism, the need to maintain and restore overall

capability reduced by escalating mission demands is magnified and more urgent. Growth of the service must also be commensurate with the significant new duties the Coast Guard has taken on in recent years. As one Coastguardsman put it, "We have gone from a firehouse mentality, where we respond to calls, to being more like a cop on the beat, patrolling 24 hours a day, seven days a week." The Coast Guard estimates that, over the next three years, it will need staff growth of 5,000 to 6,000 active-duty personnel and 1,000 reservists, as well as a significant increase in port security response boats to meet the new national priorities.

Growth in staffing is certain to come; already Customs will be adding 919 new inspectors and canine enforcement officers in fiscal year 2002. Moreover, the President's fiscal year 2003 budget proposal requests funds to hire 1,160 new INS inspectors, 570 additional Border Patrol agents, and about 576 new Customs inspectors and canine enforcement officers.¹⁹⁹ As might be expected, adding new inspectors, agents and personnel is expensive; each new position carries with it an annual cost of \$100,000 or more (including salary, benefits, equipment and training).

Increasing staff, however, is a more complicated problem than simply allocating money for salaries. An agency must first be able to attract enough qualified candidates, while keeping attrition of its experienced officers at an acceptably low level. It must have adequate training facilities, and enough excess infrastructure and equipment to allow the new recruits to function. And it must be prepared to handle an increasingly inexperienced workforce, while being on its guard against potential corruption. All of these difficulties are illustrated by the INS' crash program of expanding the Border Patrol in the late 1990's.

The Border Patrol's experience in the 1990's (when over 5,000 new agents were added to the Southern border) illustrates some of the key problems with rapid expansion of agency personnel:

- *Difficulties in attracting enough recruits and preventing attrition among experienced officers (Border Patrol was unable to recruit the target 1,000 agents per year after 1999, while attrition rates rose from 5% in 1994 to as high as 14% this year)*
- *Difficulties in providing enough training, equipment and infrastructure (Border Patrol was forced to open a temporary training facility, and had problems giving enough equipment, office space and housing to new recruits)*
- *Difficulties in dealing with inexperienced officers and a greater potential for corruption (Border Patrol saw its ratio of inexperienced to experienced officers rise dramatically, while reports of corruption of individual officers grew)*
- *Rapid growth at one agency may also draw personnel away from other vital agencies (the new Sky Marshals program has raised attrition at the Border Patrol)*



*A Border Patrol agent keeps watch on the Southern border.
(Courtesy Immigration and Naturalization Service)*

1. Finding Enough Recruits

First, the Border Patrol's experience demonstrates that even an agency with a large recruitment budget may not find enough qualified candidates willing to take the job. As noted above, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) required the INS to add 1,000 new Border Patrol agents each fiscal year from 1997-2001. The GAO reported in 1999 that the INS met this target in 1997 and 1998, but by 1999 only 369 net new agents were added. The Border Patrol was simply unable to attract enough qualified applicants and retain them through the hiring and training process. The Border Patrol's attrition rate rose from 5 percent in 1994 to 13 percent in 1998 before dropping somewhat (to 9 percent) in 1999; most of the attrition occurred during the initial 19-week training course at the Border Patrol Academy. The attrition made it impossible to add the required number of new recruits.²⁰⁰ It now appears that heavy recruitment of agents by the sky marshals program has pushed attrition back up to 14 percent this year, and maybe even as high as 20 percent – meaning the Border Patrol's task in hiring has become that much more difficult.²⁰¹

Although the Border Patrol has taken steps to improve the recruiting and hiring process (by shortening it and changing testing requirements), its experience is hardly unusual or unique, suggesting that there simply may be limits on how many people an agency can add. The Border Patrol historically hired about 4 percent of eligible applicants, but only 2 percent in 1999. By comparison, the Los Angeles Police Department hires about 5 percent of applicants, the state of Texas hires about 3 percent of its applicants for State Trooper positions, and the U.S. Coast Guard only 1 percent, while Customs hired only 1 percent for fiscal year 1999.²⁰²

In short, unless an agency is prepared to lower its standards, the only other option may be to dramatically improve pay and benefits. The Border Patrol has considered instituting signing bonuses for new recruits, and increasing the top pay scale (the "full performance" or "journeyman" level) from GS-9 to GS-11 – a proposal now included in the Enhanced Border Security and Visa Entry Reform Act of 2002. Similar proposals have been made for INS and Customs inspectors; the American Federation of Government Employees, which represents INS workers, has called for upgrading the top pay scale for inspectors to GS-11, and giving them "law enforcement retirement pay," normally reserved for officers in physically demanding law enforcement professions (like the Border Patrol).²⁰³ The National Treasury Employees Union has made similar proposals for Customs inspectors. In short, providing the financial incentive for workers to come to the INS and Customs, and stay there, will be a very expensive investment.²⁰⁴

2. Providing Training, Equipment and Infrastructure for New Recruits

Second, even when enough new recruits can be found, an agency faces a difficult challenge in providing them with adequate training, equipment, and infrastructure (such as housing and office space). The Justice Department's inspector general found that the massive hiring wave left most Southern border sectors scrambling to equip and house new agents, a problem exacerbated by the fact that the INS (due to Congressional pressure and budget delays) has been unable to give the sectors advance notice of how many new recruits will be arriving.²⁰⁵ Similarly, the Border Patrol was forced to build a temporary training center in Charleston, South Carolina, because its facilities at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia were too small to handle all of the new recruits.²⁰⁶ Since this facility also contains the training centers for Customs and INS Inspections (as well as other law enforcement agencies), it is certain that a hiring wave in those 2 agencies will put strains on FLETC as well.

3. Dealing with Inexperience

Rapid hiring will also test an agency's ability to supervise and police its new recruits. The percentage of Border Patrol agents with two years' experience or less along the Southern border tripled between fiscal years 1994 and 1998; seven of the nine sectors saw the number of nonsupervisory agents assigned to each supervisory agent increase. Hiring new recruits increases the chances that some will have legal or disciplinary problems; in the Tucson sector, there have even been cases of agents engaging in violent crimes. If Customs and the INS double the number of inspectors, they will almost certainly face these problems as well.²⁰⁷

4. Draining Personnel from Other Agencies – Interagency “Musical Chairs”

It should also be noted that pushing for rapid hiring at one or two agencies may deplete the manpower of other vital agencies. This will certainly be a problem if Congress increases the pay and benefits of INS and Customs inspectors, Border Patrol agents and Coast Guard personnel, without making corresponding changes in the pay and benefits of other law enforcement agencies. Already Customs, the INS, the Border Patrol and the Coast Guard have been victims of the popularity of the newly expanded “sky marshals” program; the Border Patrol in particular has lost about 150 agents to the sky marshals, and even Customs has “loaned” 115 special agents to that program. Local and state law enforcement agencies might also find themselves losing personnel if Congress makes federal jobs much more attractive. As Chairman Souder has pointed out, we must not end up simply playing a game of “musical chairs,” with the same pool of law enforcement officers merely shifting from one agency to another; the entire pool of potential officers must be expanded.

Action Points

- The new Department of Homeland Security will need significant infusions of new Customs and INS inspectors, Border Patrol agents, and Coast Guard personnel.
- Rapid expansion carries risks, however, as illustrated by the experience of the Border Patrol in the 1990's – difficulty in attracting enough recruits, strains on existing equipment and infrastructure, and coping with an inexperienced workforce and the increased risk of corruption.
- Care must be taken to ensure that growth in one agency does not come at the expense of other agencies – a game of personnel “musical chairs.”

D. UPGRADING AND INTEGRATING BORDER LAW ENFORCEMENT DATABASES AND AUTOMATED SYSTEMS

There is broad agreement in Congress and the Administration that border law enforcement agencies must improve and update their informational databases and automated systems. Two major tasks will face the new Secretary of Homeland Security: upgrading each agency's computer systems, and ensuring that all information systems are compatible and communicate with each other. Neither job will be easy.

1. Upgrading Information Systems – Customs' ACE Program

The need for systems upgrade is nowhere more obvious than at Customs, where (as described earlier in this report) the agency is using a cargo clearance program that is nearly two decades old. The current Automated Commercial System (ACS) simply cannot be expected to handle the rapid growth in international trade, particularly in a post-9/11 world where more information will be needed about incoming shipments.

Customs has recognized this problem for quite some time; planning for a replacement, the Automated Commercial Environment (ACE), which would provide web-based, real-time data, has been going on since 1990. Recently, Customs expanded ACE to include the International Trade Data System (ITDS) project, which is supposed to provide a “single window” through which all government filings relating to import and export shipments can be delivered electronically. If completed, this would allow shippers, carriers, customs brokers and importers to file information required by 104 separate agencies – not just Customs.²⁰⁸

Upgrading to ACE

Customs' current import and export information processing system, the Automated Commercial System (ACS), consists of the Automated Broker Interface (ABI, which can be used by importers and customs brokers) and the Automated Manifest System (AMS, which allows sea, rail and air carriers – but not truckers – to file cargo manifests). It was first deployed in 1984, and is in need of replacement. A new system, the Automated Commercial Environment (ACE), will create a “single window” through which importers and carriers can file all information on a web-based, real time system. Though planning for it has been going on since 1990, it will not be deployed for at least another 4 years, at a projected cost of \$1 billion.



*A Customs inspector reviews cargo manifests on the Sea Automated Manifest System (AMS).
(Courtesy U.S. Customs Service)*

Unfortunately, progress has not been as rapid as might have been hoped. While Customs has tested many systems in the field (the most important of which are described below), full deployment of ACE seems almost as far off now as it did a decade ago. Part of the problem has been inadequate leadership of the modernization effort at the agency; the Treasury Department inspector general reported in March of this year that the Customs Modernization Office was inadequately staffed, jeopardizing the success of the project; a recent GAO study of the ACE program came to a similar conclusion. In April 2001, Customs did award a 5-year, \$1.3 billion contract to e-Customs Partnership, a coalition of contractors led by IBM Global Services, to begin designing and planning ACE. After September 11, Customs reportedly decided to move up the project's completion from five to four years.²⁰⁹

Although the full deployment of ACE is still years away, Customs has tested several aspects of it in the field. One of the most significant is the Pre-Arrival Processing System (PAPS), which is currently in place at the Peace Bridge crossing in Buffalo, New York. PAPS is designed to reduce the number of trucks referred to secondary inspection solely because all the paperwork is not yet in order. In 1994, 34 percent of all trucks were referred to secondary inspection at the Peace Bridge, but actual cargo inspections were conducted on only one-quarter of them - meaning that each year, about 220,000 trucks were sent to secondary for paperwork processing alone. The goal of PAPS was to reduce the percentage of trucks being sent to secondary to 8 percent by eliminating the paperwork delays.

PAPS seeks to do this by cutting out most of the paperwork that a trucker needs at the standard border crossing. When the truck is loaded, the shipper or carrier generates an invoice for the shipment; a unique bar code is affixed to the invoice, which is then faxed to the customs broker. The broker enters the invoice into Customs' computer system; when the trucker arrives at the border, the local Customs inspector already has the invoice on his computer. The inspector then wanders the bar code on the trucker's paper invoice, and decides if the truck can be released or should be referred to secondary for a cargo inspection. Truckers thus avoid having to present any of the other forms normally required at the border, saving them the stop at the customs broker's office.

PAPS appears to have made substantial progress; as of 2001, only 16 percent of arriving trucks were being referred to secondary inspection. As of January 2000, 524 carrier trading chains were using PAPS, saving each of them an average of \$2.5 million per year due to increased efficiency.²¹⁰

Other ACE prototypes include the North American Trade Automation Prototype (NATAP), conducted by the U.S., Canada and Mexico to assess the potential of harmonizing trade processes, sharing data and creating a paperless customs process. The NATAP also used "intelligent transportation systems," such as transponder/radio frequency identification devices in trucks, to provide advance information to Customs inspectors at the border. It was tested in 1997-98, and lessons learned were incorporated into the National Customs Automation Program (NCAP), used at 3 ports of entry to process automobile and auto parts imports for four companies.²¹¹

The cost of modernizing and integrating any of these systems, of course, will not be negligible. For example, Customs has estimated the final bill for its modernization efforts at \$5 billion over 15 years, with \$1 billion being for ACE development and deployment. Currently, Congress has appropriated \$300 million for ACE for fiscal year 2002; President Bush's fiscal year 2003 budget proposal requests another \$312 million.²¹² The cost, though high, is worth it over the long run, since eventually ACS will simply be overwhelmed. Steps must be taken, however, to ensure that costs are kept to a reasonable minimum.

2. Ensuring Compatibility – the INS and IDENT

Similar upgrades will have to be made to the INS' systems to handle the growing amount of individual travel and the need for more information on potential security risks. One key concern, given the problems with IDENT and IAFIS described earlier, is that these new systems be capable of communicating with each other. Customs and the INS should work with each other, and other related agencies, to ensure that the old "stovepipe" model, where each agency independently generates similar but incompatible systems, is not repeated in this

next generation of databases. (This is, in fact, a problem which President Bush's reorganization proposal could help solve.)

Further efforts to integrate other law enforcement databases should also continue. These projects will not be easy, but there is simply too much information that is spread among too many different agencies. The goal should be to create databases that can communicate with each other, and with state and local databases as well. Information sharing can help prevent not simply future Resendez cases, but future terrorist attacks as well. Nor is this task impossible; as one commentator has pointed out, the situation faced by the government is similar to that faced by private business in the early 1990's, when most businesses' computer systems were incompatible with each other. The business world solved that problem by moving to open data exchange standards; similar measures could be taken (while still preserving data security) by the various agencies which must work together.²¹³



3. Information Sharing Between the Agencies

Meanwhile, as Customs, the INS and the Coast Guard await new systems, they must take care to ensure that maximum use is derived from what they currently have. Sharing information, and using the information shared, are the keys to success. As the Resendez case demonstrated, even a system with limitations like IDENT can be useful in apprehending criminals if its managers are careful to update it with "lookout" information provided by other agencies.

In the maritime security area, the Coast Guard has taken the lead on agency intelligence sharing with the MDA, or Maritime Domain Awareness initiative. The Coast Guard's goal is to improve federal law enforcement's knowledge of activity on the waters by sorting information on incoming vessels and distributing it to the proper agencies. As noted in the section on the Coast Guard's activities above, the newly created National Vessel Movement Center in Martinsburg, West Virginia compares the advance information it receives on incoming vessels against the intelligence databases of numerous other agencies. The Center then disseminates intelligence on high risk vessels to the proper agencies – including Customs, the INS, and the FBI. Although the concept behind the MDA is a sound one, the program remains in its infancy, and major gaps in the system still exist. Lack of coordination and compatibility among the various agencies, and the Center's ability to process the massive amount of incoming information, remain pressing challenges. The Coast Guard is trying to strengthen the MDA through the National Maritime Security Coordinating Committee, a high-level working group consisting of the INS, the Department of Defense, the Department of State, Customs, and other federal agencies involved in maritime activities.²¹⁴

Intelligence Sharing in Practice

The Coast Guard's Operations System Center, home of the National Vessel Movement Center (NVMC), in Martinsburg, WV. The NVMC collects information on incoming vessels and then shares it with Customs, the INS, the FBI and other law enforcement agencies under an intelligence sharing initiative called Maritime Domain Awareness (MDA).

(Courtesy U.S. Coast Guard)

Inspections should be moved away from the United States, to the extent possible.

Action Points

- The Department of Homeland Security will have to both upgrade and integrate each agency's information systems.
- Customs' outdated Automated Commercial System (ACS) must be replaced with the new Automated Commercial Environment (ACE) as soon as practicable.
- Law enforcement databases (such as those of the INS and the FBI) must be able to communicate with each other.
- Intelligence sharing between the agencies must be a primary goal of the new Department.

E. SHIFTING CARGO INSPECTIONS AWAY FROM THE PORTS OF ENTRY TO THE POINT OF ORIGIN

As the volume of cargo passing through ports of entry has grown, taxing Customs' ability to inspect it properly (and causing major delays), there have been proposals to begin pre-clearing cargo before it even reaches the port. To pre-clear cargo, the shipment must be inspected and secured at the place where it is initially shipped; hence, such a system is often called "point of origin" inspection. As long as the cargo is not tampered with, it can pass through the border or port without any additional inspection, thus allowing inspectors to focus their attention on higher-risk shipments. The idea is an intriguing one, and deserves careful study.

Point of Origin Inspections

- *In an effort to improve security and reduce the backlog at our ports of entry, some commentators have suggested a shift to point of origin inspections. This new strategy would target inspections at the place where goods are made and shipped, instead of waiting until they arrive in the U.S. In theory, the goods would be inspected and their cargo container sealed; assuming there are no signs of tampering, the cargo would be allowed to pass through a U.S. port without further inspection.*

- *The concentration of trade in relatively few companies suggests that this strategy has potential:*

*100 importers account for 40% of all Northern border trade
80,000 trucks made the 4.2 million crossings on the Southern border in 1999
7,400 out of the total 400,000 importers in the U.S. control about 82% of all imported merchandise by value*

- *Issues of cost, monitoring, and the ability of U.S. personnel to enforce U.S. law overseas make a wholesale shift to point of origin inspections problematic for the foreseeable future, however.*

Proponents of point of origin inspections argue that since so much of international commerce is dominated by a few carriers, it would not actually be that difficult to implement an effective pre-clearance system. For example, only 100 importers account for 40 percent of all cross-border trade on the Northern border.²¹⁵ Similarly, while there were 4.2 million truck crossings on the Southern border in 1999, only about 80,000 trucks actually made those crossings.²¹⁶ In fact, out of 400,000 importers in the U.S., about 7,400 control 82 percent of all imported merchandise by value.²¹⁷ Thus, the number of players who would have to be brought into the system might be smaller than expected.

There are, however, several problems with point of origin inspections that have to be worked out. First, shifting inspections to the point of origin means shifting them to foreign jurisdictions – where the U.S. has less legal control over the circumstances of the inspection, and no power to enforce its own laws without foreign cooperation. The U.S. has already encountered this problem in Canada, where efforts to station U.S. Customs inspectors north of the border have run into Canadian resistance to allowing those inspectors to be armed or to enforce U.S. drug laws. This problem will only be greater in countries which do not share American legal and political values.

In fact, unless the U.S. government gives up a great deal of direct control over the process of inspection, it is hard to see how point of origin inspections will result in much net benefit. Merely shifting inspections to foreign countries might have the benefit of breaking up bottlenecks at the U.S. ports of entry, but the same number of inspections, and the same number of inspectors, will be required unless the U.S. is planning to scale back enforcement efforts. Point of origin inspections rely on self-policing by the trade community itself; in short, foreign exporters would be entrusted with the responsibility of ensuring that their cargo is contraband-free, with only spot checks by Customs officials to ensure compliance. While this may be workable with respect to exporters in some countries, companies in many jurisdictions simply may not be trustworthy enough to allow self-policing.

Second, point of origin inspections will not be effective unless we can be certain that no tampering occurs between the point of origin and the U.S. port of entry. Ensuring the integrity of the supply route is not as simple as it may seem. For example, the U.N.-chartered International Maritime Organization catalogued 382 reported incidents of piracy and armed robbery against ships in 2001, and over 2,500 since July 1995.²¹⁸ Nor is most tampering that blatant; as Stephen Flynn, a leading scholar on point of origin inspections notes, American companies lose an estimated \$12 to \$15 billion each year in stolen cargo.²¹⁹

This fact alone gives companies some incentive to monitor their shipments, and thus it would not be impossible to co-opt this monitoring process for national security purposes. Manufacturers could be encouraged to adopt stringent internal security measures against tampering, and could use near-real time tracking systems,

such as are used by many companies operating on a “just-in-time” basis, to follow the movement of their cargo. They could even be required to put global positioning system (GPS) transponders on ships or individual containers, and the containers could be outfitted with sensors that detect tampering (for example, by measuring temperature changes).²²⁰



Containers are unloaded at the port of Hong Kong, one of the world's largest sea ports. (Subcommittee photo)

The costs of such a system could be very high, however, and it is not clear who should pay for it. If the cost is borne by Customs, U.S. taxpayers will have to pick up a very substantial bill. If the cost is imposed on industry, by contrast, the result will be higher prices for consumers, and another barrier to entry for smaller companies that cannot afford such expensive security measures.²²¹

Moreover, even if such a system could be designed (and the basic infrastructure paid for), Customs would still have to be able to process and analyze the massive amounts of information that would be sent by the industry.²²² Customs would have to have a computer system capable of receiving near-real time information on thousands, eventually perhaps millions, of shipments each day, and would have to have sufficient technical personnel available to analyze the data and look for anomalies. The complexity of Customs' Air & Marine Interdiction Coordination Center (AMICC), near Riverside, California, which tracks flights originating in or entering into the U.S., illustrates what a challenge such a system might present.

Top 10 Foreign Ports Sending Cargo to the U.S.

- Hong Kong, China*
- Shanghai, China*
- Singapore*
- Kaohsiung, Taiwan*
- Rotterdam, Netherlands*
- Pusan, South Korea*
- Bremerhaven, Germany*
- Tokyo, Japan*
- Genoa, Italy*
- Yantian, China*

Source: U.S. Customs Service data

It is therefore unlikely that a wholesale conversion to point of origin inspections is realistic in the near future. It will be difficult enough to modernize the systems Customs already has in place; a fundamental shift in strategy would require resources that the agency simply does not have at the present time. Nevertheless, the pilot programs recently initiated by Customs, which will allow Customs to measure the feasibility of point of origin inspections in various environments, appear well warranted. Some of these programs include the stationing of Customs inspectors at the three Canadian sea ports of Vancouver, Montreal and Halifax, to help in the inspection of cargo bound for the U.S.²²³ ; and the program developed in cooperation with the state of New Hampshire, a U.S. importer, and a Slovakian plant, involving point of origin inspections and specially sealed containers.²²⁴ Most recently, Customs reached agreement with the government of Singapore to allow U.S. Customs inspectors to assist in pre-screening of U.S.-bound cargo, and discussions are underway with authorities at the port of Hong Kong as well.²²⁵

Similarly, Customs' programs to encourage better internal security on the part of major carriers and exporters appear to be making meaningful progress. Customs' first such effort, the Carrier Initiative Program (CIP), was responsible for the

seizure at ports of entry of over 18,400 pounds of narcotics in 1996-97, and another 59,180 pounds of narcotics destined for the U.S.²²⁶ Customs has followed the CIP with programs such as the Americas Counter Smuggling Initiative (ACSI), the Land Border Carrier Initiative Program (LBCIP) (which all carriers wishing to participate in BRASS line release must be a part of), and the Business Anti-Smuggling Coalition (BASC). Customs' most recent such venture, announced by Commissioner Bonner in January 2002, is the Container Security Initiative (CSI), which seeks to build on the success of the CIP by establishing security criteria to identify high-risk containers, using technology to pre-screen high-risk containers before they arrive at U.S. ports, and developing and using "smart and secure" containers. The CSI is initially targeting the top 10 ports world-wide.²²⁷ The success of these various initiatives has depended in the past on the degree to which Customs clearly defines the benefits to the participating businesses, and takes a clearly defined role in it.²²⁸ We recommend that Customs take a similar approach to the CSI.

Moreover, although a tracking system for individual cargo containers is probably not practical in the immediate future, the Coast Guard is already working on a vessel tracking system to help improve port security. The Automatic Identification System (AIS) would transmit a ship's identity, position, course and speed, using a transponder. A proposal for this system is pending before the International Maritime Organization (IMO), the United Nations agency that coordinates international shipping safety and security policies. The proposal would require all vessels to install this system by July 1, 2004.²²⁹

Action Points

- The Department of Homeland Security will have to tackle the issue of shifting cargo inspections to the point of origin, away from the ports of entry.
- Although a wholesale shift to this strategy is probably not feasible in the immediate future, Customs should continue its efforts to promote it.
- Issues that will have to be dealt with in the future include technology problems, enforcing U.S. law overseas, and the extent to which private foreign businesses can be trusted.

F. EXPANDING "FASTPASS" SYSTEMS FOR THOSE WHO FREQUENTLY CROSS THE BORDERS

Just as cargo may be pre-cleared to allow it to pass through the border without additional inspection, so too can individual travelers. These "fastpass" systems allow frequent travelers to pre-register with the INS and Customs, submitting to background checks and providing the agencies with information about themselves. In return, the INS and Customs set aside a special lane at the border for

Frequent and trusted travelers should be expedited.

approved individuals, who may drive through it without additional inspection (although they are periodically required to submit to random compliance checks). The fastpass system is designed to take advantage of the fact that a high percentage of border crossings are made by frequent crossers (as described in Section I, above). If most of these people are enrolled in the system, traffic at the border crossings could be improved as Customs and the INS could focus their efforts on high-risk travelers.

Fastpass Systems on the Border

SENTRI – Secure Electronic Network for Travelers’ Rapid Inspection; allows people who frequently cross the border to register with the INS and Customs, undergo a background check, and then use a special traffic lane allowing rapid crossing (with only spot checks to ensure compliance). Now in place at several Northern and Southern border locations.

NEXUS – Harmonized Highway Pilot; integrates SENTRI with Canada’s similar CANPASS system, allowing two-way rapid crossing. Currently in place at Port Huron, Michigan, and soon to be deployed in Blaine, Washington.

The first fastpass system was the Dedicated Commuter Lane (DCL) system established in 1982 at the Peace Bridge in Buffalo. Blaine and Point Roberts, Washington established DCLs in 1991 as the Peace Arch Crossing Entry (PACE). The DCLs, which are now being phased out, were non-automated systems that relied on decals placed on a vehicle’s window. (Canada’s DCL program, CANPASS, has been in place since 1991).

In 1995, the INS piloted an automated DCL, the Secure Electronic Network for Travelers’ Rapid Inspection (SENTRI), at Otay Mesa. It has since been expanded to El Paso, Calexico, Brownsville and Hidalgo, Texas; virtually identical systems have been installed at the Peace Bridge and the Ambassador Bridge (although the INS technically does not refer to them as SENTRI systems). The SENTRI system uses a special lane, open only to enrolled users, and only to non-commercial vehicles. Registered users’ vehicles are equipped with a radio frequency transponder that sends a unique signal to the SENTRI system as it approaches the inspection booth. The system displays information about the vehicle and enrolled passengers on the computer screen in the booth. Once the vehicle reaches the inspection booth, the driver swipes an electromagnetic card through a card reader. The inspector (either an INS or a Customs inspector, trained to use SENTRI) verifies that all occupants of the vehicle, not just the driver, are enrolled in the SENTRI system. The system also randomly designates certain vehicles for secondary inspection as a compliance check.

To enroll in SENTRI, applicants complete an application form, pay an application fee, have their fingerprints taken and checked against the FBI’s IAFIS criminal database system, and undergo a preliminary interview. Biographical information is

then entered into a SENTRI Global Enrollment System (GES) database. (Currently, each GES database contains enrollment data only for an individual port of entry, although the INS eventually plans to create a national database.) An electronic criminal background check is then run on the IBIS computer database, and the applicant submits to a personal interview by an INS or Customs inspector and a full Customs vehicle inspection. The entire enrollment process takes 4-6 weeks. Enrollment status must be renewed annually, meaning the background checks must be repeated.²³⁰

A variant on the SENTRI system is the Harmonized Highway Pilot, or NEXUS, which combines SENTRI with Canada's CANPASS system; the program is jointly administered by the two countries, and background checks are performed in both jurisdictions. NEXUS was pilot tested at Port Huron, Michigan, and is scheduled to replace the PACE system at Blaine, Washington this year. The INS also operates a fastpass system at international airports, called INSPASS, allowing pre-registered frequent travelers to bypass long lines at immigration inspection.²³¹

The SENTRI and NEXUS systems are promising, and individuals and businesses in border communities have voiced their strong support for expanding the programs at each of the Subcommittee's field hearings. There are, however, several issues that should be resolved before fastpass systems are enlarged. First, it is not yet clear that SENTRI has improved the overall traffic situation at any of the locations where it has been implemented. On the Southern border, wait times for those enrolled in SENTRI have certainly improved, but neither the INS nor Customs has yet conducted a thorough study showing that wait times in the general traffic lanes have improved. On the Northern border, there is a similar lack of data with respect to general traffic wait times; and there, the data even suggest that those enrolled in SENTRI have not seen their wait times substantially reduced.²³² Since the creation of a SENTRI lane can cost over \$2.5 million (depending on the location), and removes a lane from general traffic use, it is important for the INS and Customs to determine whether the benefits of the program have been sufficient to justify expanding it.

Second, the INS and Customs still have not decided how best to pay for the SENTRI program. An Office of Management and Budget regulation, Circular A-25, states that if SENTRI is established as a permanent program, the full cost must be recovered by users' fees. At present, the INS collects a \$129 user's fee on the Southern border, but no fee at the Peace or Ambassador Bridges (it has in the past collected a \$25 fee for PACE users). Even the users' fees collected on the Southern border do not completely cover the program costs. It appears that there would be significant resistance to paying users' fees on the Northern border, perhaps because the benefit in terms of reduced wait times is not substantial enough.²³³ If this is the case, it may suggest that in practice the SENTRI program is simply not worth the additional costs. Although we appreciate the importance of exploring traffic management programs, we believe that partially recovering the costs of

SENTRI and NEXUS through users' fees is necessary to ensure that costs and benefits are properly balanced.

Finally, expansion of the SENTRI and NEXUS systems raises security concerns, particularly on the Southern border. Thus far, there have been no reported criminal violations of the programs; infractions have been confined to relatively minor offenses, such as carrying non-enrolled travelers, or engaging in commercial traffic.²³⁴ The more people are enrolled in the system, however, the greater the likelihood that some of them may attempt to take advantage of it by smuggling drugs or other contraband. There is a particular danger of this on the Southern border, because, unlike in Canada, there is no central criminal database in Mexico and thus no way to run a criminal background check. The INS and Customs have been forced to rely on letters written by local Mexican police chiefs, which merely certify that an individual does not have a criminal history in a particular local jurisdiction.²³⁵ To guard against the potential abuse of the system, Chairman Souder has recommended that at the very least penalties for violations be doubled if they take place through a SENTRI or NEXUS lane.

Action Points

- The Department of Homeland Security should continue expansion of "fastpass" systems at the borders, but it must work out several issues first.
- Before SENTRI and NEXUS can be implemented wholesale, the Department must be certain that they are cost-effective.

CONCLUSION

In proposing the new Department of Homeland Security, President Bush compared this reorganization to the creation of the Department of Defense in 1947. The comparison is an apt one, and not simply because of the similar size and complexity of the two reorganizations. Like the Department of Defense, the new Homeland Security Department is a response to a new international situation, and a new set of threats to the nation.

In 1945, when President Truman first proposed creating the Department of Defense, the U.S. faced a world transformed. Two world wars had left the major European and Asian powers in ruins; in place of the fascist threat, the Soviet empire emerged as the leading danger to freedom and democracy. As the last bulwark of freedom in the world, the U.S. was forced to abandon its historic preference for isolationism and its often haphazard approach to intelligence and military readiness. The merger of the armed forces and the creation of centralized intelligence agencies in 1947 was a vital response to the Cold War.

Today, we too face a new reality, one that has been quietly emerging for many years but has become impossible to ignore after September 11. Globalized trade and travel has created globalized crime: international terrorist networks, drug trafficking organizations, and sophisticated financial criminal enterprises. Like viruses in the bloodstream, these criminals move about unseen, until they strike – either in catastrophic ways (as at the World Trade Center and the Pentagon), or in ways less spectacular but no less destructive, poisoning our communities and young people, robbing them of hope for a better future.

Like the Department of Defense, the Department of Homeland Security will help the federal government to develop and sustain a focused, coordinated border security strategy – one that can protect the U.S. from terrorism, drug trafficking, and other international crime without blockading trade and economic growth. By bringing together the disparate agencies that protect our borders and ports of entry, the new Department can help reduce unnecessary competition for resources, wasteful duplication of effort, and lack of coordinated responses. That will be an important first step in getting the job done.

As was the case in 1947, however, reorganization is only a first step. The Department of Defense would never have been able to protect the free world against the Soviet threat without adequate resources. Similarly, once the new Department of Homeland Security is in place, Congress and the Administration will have to work together to give the new agency the resources – personnel, equipment and technology – it needs to protect the nation. The price will be high; there is simply no way of avoiding that unpleasant fact. But it will be a price worth paying if we are able to control and defeat our enemies, and secure America's borders and economic health for the new century.



A Historic Parallel

President Harry S. Truman, shown here in 1946, proposed the reorganization of the nation's disparate military and intelligence agencies at the end of World War II. His vision was enacted into law by the National Security Act of 1947, creating the Department of Defense, the National Security Council and the Central Intelligence Agency. Like the National Security Act, President Bush's proposal for a Department of Homeland Security is an important step in meeting a new set of international security challenges.

(Photo courtesy Truman Presidential Museum and Library)

ENDNOTES

Introduction

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Section I - The Borders and Ports of Entry

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- 76 *Id.*
- 77 Written testimony of Roger Hedgecock, former Mayor of San Diego, California, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, San Diego, California, January 31, 2002. The San Diego Border Patrol sector informed Chairman Souder and the Subcommittee staff in January 2002 that 13 Lebanese individuals were apprehended crossing the border in El Cajon.
- 78 "Frontiersmen: A Visit with the Border Patrol," Brendan Minter, OpinionJournal, February 27, 2002,

<http://opinionjournal.com/extra/?id=105001696>. There have been steep declines in certain sectors; in San Diego, for example, apprehensions dropped from 450,152 in 1994 to 110,074 in 2001. Source: Presentation by the U.S. Border Patrol, San Diego Sector, to Chairman Souder, Rep. Bob Filner and the Subcommittee staff, on January 31, 2002

- 79 Miniter, "Frontiersmen: A Visit with the Border Patrol"; *INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years*, General Accounting Office, Report No. GAO-01-842, August 2001
- 80 Miniter, "Frontiersmen: A Visit with the Border Patrol"
- 81 *INS' Southwest Border Strategy*; Written testimony of David Aguilar, Sector Chief, Border Patrol Tucson Sector, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources hearing, Sierra Vista, Arizona, February 22, 2002
- 82 "Border Blues," John J. Miller, *National Review*, March 11, 2002
- 83 Source: Staff conversations with Border Patrol and DEA agents in the southern Arizona region, February 2002
- 84 Source: U.S. Coast Guard website, <http://www.uscg.mil/hq/g-o/g-opl/mle/amiostats01.htm>
- 85 "Warnings on Terror Mounting; Graham: Extremists Use Ports for Entry," *South Florida Sun-Sentinel*, May 21, 2002

Section III - Federal Law Enforcement at the Borders and Ports of Entry

- 86 Source: "A Day in the Life of the U.S. Customs Service," U.S. Customs Service website, <http://www.customs.ustreas.gov/about/weare.htm>; additional U.S. Customs Service data
- 87 Flynn, "Beyond Border Control"
- 88 Moreover, this rate of inspection compares favorably to the inspection rates in many foreign jurisdictions. For example, information provided to the Subcommittee staff in Hong Kong suggests that the inspection rate there is less than 1 percent; likewise, in Vancouver, the Canadian customs service apparently inspects less than 1 percent of all containerized cargo.
- 89 "The Customs Patrol," Robert C. Bonner, *Washington Post*, February 16, 2002; "Customs official disputes container inspection claims," Marsha Salisbury, *The Journal of Commerce* online, March 19, 2002, <http://www.joc.com/20020319/sections/trade/w34604.shtml>
- 90 *U.S.-Mexico Border: Better Planning, Coordination Needed to Handle Growing Commercial Traffic*
- 91 *Audit Report on the United States Customs Service Automated Commercial System Cargo Selectivity*, Department of the Treasury Office of the Inspector General report, OIG-00-066, March 6, 2000
- 92 *U.S.-Mexico Border: Better Planning, Coordination Needed to Handle Growing Commercial Traffic*
- 93 *Id.*
- 94 "Rethinking the Line: Transforming Border Management Along the U.S.-Mexico Border," Stephen E. Flynn, Council on Foreign Relations website, August 24, 2001, <http://www.cfr.org/public/resource.cgi?pub!4097>
- 95 The Treasury Department inspector general reported in 2000 that 6 of the 12 intensive inspections it observed had failed to follow Customs protocols, for example by examining too few packages or relying exclusively on canine detection. *Audit Report on the United States Customs Service Automated Commercial System Cargo Selectivity*. It is important to remember, however, that Customs inspectors simply do not have the time or the manpower to carry out detailed searches of every truck referred to secondary inspection. It may well be better to conduct medium-intensity searches of several trucks than one high-intensity search of a single truck.
- 96 *U.S. Customs Service: America's Frontline, Annual Report Fiscal Year 2001*, U.S. Customs Service publication, 2002; http://www.customs.ustreas.gov/download/reports2001/uscs_report2001.pdf
- 97 One official at a Northern border port of entry disagreed and stated that the dogs were not as effective as might have been hoped. During our visits, it became clear that canine units are much more active on the Southern border than on the Northern. They are generally considered very effective.
- 98 Written testimony of John Wilda, U.S. Customs Inspector, and President, Chapter 142, National Treasury Employees Union, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Highgate Springs, Vermont, October 28, 2001
- 99 Written testimony of Barry Clement, U.S. Customs Inspector and President, NTEU Local Chapter 164, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Blaine, Washington, December 10, 2001
- 100 Written responses of Rex Applegate, Assistant Director, Mission Support, Field Operations, Southern California Customs Management Center, U.S. Customs Service, to questions submitted by the Subcommittee on Criminal Justice, Drug Policy and Human Resources
- 101 Customs reports that 97 percent of sea carriers filed timely manifests, timely bills were filed for the imports 97 percent of the time, the matching rate of the bills was 96 percent, and the compliance rate of the manifest was 94 percent. Customs' target rate for all four categories is 92 percent. *U.S. Customs Service: America's Frontline*
- 102 "Customs steps up radiation screens," Robert Schlesinger, *Boston Globe*, May 1, 2002, http://www.boston.com/dailyglobe/2/121/nation/Customs_steps_up_radiation_screens+.shtml
- 103 Peters, "Seeking Safe Harbor"
- 104 Cargo can also be shipped "in bond" from ports of entry on the land borders. According to a Customs official knowledgeable about the procedure, however, cargo shipped in bond at a land border crossing is still subject to screening for narcotics and other danger-

ous materials at the border. Only “commercial” inspections (to determine if the proper amounts of dutiable cargo have been declared, for example) are postponed until the final port of entry.

- 105 The timeliness rate of manifests for air carriers was 92 percent (meeting the target rate), but the timeliness rate of filing bills was 91 percent, the matching rate of bills 86 percent, and the compliance rate for manifests only 88 percent. U.S. Customs Service: America’s Frontline
- 106 *Audit of U.S. Customs Service’s Air Automated Manifest System*
- 107 The Subcommittee staff spoke with Customs officials knowledgeable about the Sea AMS system to determine if similar problems had arisen at the sea ports of entry. We were told that the first problem, the necessity to “trick” the system, does not arise with Sea AMS because there is no need immediately to remove cargo from the facility; the cargo simply waits at the port until all proper documentation is filed. The officials also informed us that they were unaware of any incidents of the trade community miscoding the disposition of cargo.
- 108 *U.S. Customs Service: America’s Frontline; Customs and INS: Random Inspection Programs Can Be Strengthened*, General Accounting Office, Report No. GAO-02-215R, December 3, 2001. Customs uses a random inspection program called the Compliance Measurement Examination (COMPEX) to test the effectiveness of its targeting procedures at major ports of entry. Essentially, Customs searches a random sample of non-targeted individuals and compares the data to the results of its targeted inspections. The GAO has raised some concerns about how accurate and complete the data produced by COMPEX are, however.
- 109 *North American Trade and Travel Trends*
- 110 See Written responses of Thomas W. Hardy, Director, Field Operations, Northwest Great Plains Customs Management Center, U.S. Customs Service, to questions submitted by the Subcommittee on Criminal Justice, Drug Policy and Human Resources. Note that since September 11, Customs has apparently suspended rolling inspection. Currently, passenger trains are stopped at the Northern border and inspections are conducted there (taking on average less than 15 minutes). *Id.*
- 111 *North American Trade and Travel Trends*. Amtrak does not operate any trains between Mexico and the U.S.
- 112 Written responses of Rex Applegate
- 113 As mentioned above, Customs is exploring the possibility of requiring APIS data at the land borders from operators of buses and passenger trains, but has informed the Subcommittee that it currently does not have the legislative authority to do this. Written responses of Philip W. Spayd, District Field Officer, U.S. Customs Service, to questions submitted by the Subcommittee on Criminal Justice, Drug Policy and Human Resources
- 114 Relatively few passengers are actually subjected to any sort of personal search. For example, the GAO reported that out of the approximately 140 million passengers who arrived in U.S. airports in 1997 and 1998, only about 102,000 were forced to undergo a personal search. *U.S. Customs Service: Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results*, General Accounting Office, Report No. GAO/GGD-00-38, March 2000
- 115 *Customs and INS: Random Inspection Programs Can Be Strengthened; U.S. Customs Service: America’s Frontline*
- 116 *U.S. Customs Service: America’s Frontline, Annual Report Fiscal Year 2001*
- 117 The Subcommittee staff observed demonstrations of both Customs’ speedboats and Black Hawk helicopters in San Diego, California.
- 118 See Written responses of Thomas W. Hardy
- 119 *U.S. Customs Service: America’s Frontline*
- 120 *Id.*
- 121 These figures were provided to the Subcommittee by the INS Office of Legislative Affairs in April 2002.
- 122 Source: INS data, <http://www.ins.usdoj.gov/graphics/aboutins/statistics/msrapr02/INSP.HTM>
- 123 Source: Testimony of Michael J. Hrinyak, Deputy Assistant Commissioner for Inspections, INS, before the House Judiciary Committee, Subcommittee on Immigration and Claims, July 23, 1998
- 124 Source: INS data, compiled by Congressional Research Service
- 125 *U.S. Immigration Policy on Temporary Admissions*, Ruth Ellen Wasem, Congressional Research Service, Order Code RL31381, May 8, 2002
- 126 Source: Department of State data, compiled by Congressional Research Service. Note that the 2.1 million rejections does not include about 310,000 visa applications that were initially rejected but were eventually granted (because the grounds for ineligibility were cured).
- 127 *Id.*
- 128 Nelson, “State Department: Efforts to Reduce Visa Fraud”
- 129 *Terrorism: Automated Lookout Systems and Border Security Options and Issues*, William J. Krouse and Raphael F. Perl, Congressional Research Service, CRS Report for Congress, June 18, 2001, Order Code RL31019
- 130 Source: Information provided to staff of the Government Reform Committee and the Subcommittee by the U.S. Department of State and the American Foreign Service Association
- 131 *State Department: Tourist Visa Backlogs Persist at U.S. Consulates*, General Accounting Office, Report No. GAO/NSIAD-98-69, March 1998

- 132 The VWP was created in 1986 as the VWPP, and was made permanent by legislation in 2000.
- 133 *Immigration: Visa Waiver Program*, Alison Siskin, Congressional Research Service, Order Code RS21205, April 22, 2002
- 134 "Smuggling by Airline Guards Feared," Patrick J. McDonnell, Rich Connell and Greg Krikorian, Los Angeles Times, May 6, 2002
- 135 "Official Took Bribes for U.S. Visas," Jeffrey Gold, Associated Press Wire Report, May 21, 2002
- 136 McDonnell, et al., "Smuggling by Airline Guards Feared"
- 137 *The Potential for Fraud and INS's Efforts to Reduce the Risks of the Visa Waiver Pilot Program*, Department of Justice, Office of the Inspector General, Report No. I-99-10, March 1999; see also Follow-up Report on the Visa Waiver Program, Department of Justice, Office of the Inspector General, Report No. I-2002-002, December 2001
- 138 Technically, Customs' TECS is the centralized database for IBIS; IBIS accesses the other law enforcement databases through TECS. *Terrorism: Automated Lookout Systems and Border Security Options and Issues*
- 139 The INS uses a random sample testing method called the Inspections Traveler Examination (INTEX), similar to that used by Customs, to test the efficacy of its screening procedures. As with Customs' COMPEX, however, the GAO has called into question the completeness and accuracy of the INTEX system. *Customs and INS: Random Inspection Programs Can Be Strengthened*
- 140 *America's Southwestern Border After 9/11*
- 141 In June 2002, the Department of Justice proposed new regulations requiring visa holders from certain Middle Eastern countries to register with the INS upon arrival and be fingerprinted. "U.S. Will Seek to Fingerprint Visas' Holders," Eric Schmitt, New York Times, June 4, 2002, <http://www.nytimes.com/2002/06/05/national/05IMMI.html>
- 142 *Customs and INS: Random Inspection Programs Can Be Strengthened*
- 143 *Follow-up Report on the Visa Waiver Program*
- 144 "Technological Help for Border Security," Statement of Glenn A. Fine, Inspector General, U.S. Department of Justice, before the Senate Judiciary Committee, Subcommittee on Technology, Terrorism, and Government Information, October 12, 2001
- 145 "INS Vigilance Under Fire," CBS News website, March 10, 2002, <http://www.cbsnews.com/stories/2002/03/07/60minutes/main503210.shtml>
- 146 "INS Backup System Described," Alfonso Chardy, Miami Herald, March 13, 2002; "INS in Database Dispute; Union Questions Airport Checks," Alfonso Chardy, Miami Herald, March 9, 2002
- 147 "INS Mix-Up Drops 3,500 From Travel 'Watch List'," Patrick J. McDonnell, Los Angeles Times, May 23, 2002, <http://www.latimes.com/news/nationworld/world/la-052302glitch.story>
- 148 "Justice Dept. to Probe New INS Visa Error," Cheryl W. Thompson, Washington Post, March 25, 2002, p. A11
- 149 "Immigration supervisor at Los Angeles airport arrested in smuggling ring," Kate Berry, Associated Press, June 12, 2002
- 150 *Follow-up Report on INS Efforts to Improve the Control of Nonimmigrant Overstays*, Office of the Inspector General, U.S. Department of Justice, Report No. I-2002-006, April 23, 2002
- 151 *Id.*
- 152 Figures provided by INS Office of Legislative Affairs.
- 153 Like Customs, the INS has enlisted the support of National Guard personnel at the borders, assisting both the Border Patrol and INS Inspections. Figures provided to the Subcommittee last fall by the National Guard indicated that 710 members of the Guard were assisting the INS, with 517 on the Southern border and 193 on the Northern border. Again, these numbers have fluctuated significantly since September 11.
- 154 *INS' Southwest Border Strategy*
- 155 *Id.*
- 156 Written testimony of William T. Veal, Chief Patrol Agent, San Diego Border Patrol Sector, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, San Diego, California, January 31, 2002
- 157 *INS' Southwest Border Strategy*
- 158 *Id.*
- 159 The Border Patrol's strategy has been criticized in Arizona not simply for increasing the illegal traffic in that state, but also for creating massive costs for the state's health care providers. The push to drive illegal aliens out of town and into more remote areas has sharply increased the number of illegal aliens suffering from exposure, accidents, and even criminal assaults by bandits. When the Border Patrol apprehends injured aliens, it will hand them over to the local hospitals for treatment (which they are required by law to provide), but without officially arresting them – thus avoiding the obligation to pay for the aliens' medical costs. As a result, local hospitals are forced to pick up the tab, straining their already limited resources. At present, the federal government's compensation program is inadequate to cover these costs, and should be reviewed by Congress. See Written testimony of James J. Dickson, CEO of Copper Queen Community Hospital, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Sierra Vista, Arizona, February 22, 2002

- 160 *INS' Southwest Border Strategy*
- 161 *The Rafael Resendez-Ramirez Case: A Review of the INS' Actions and the Operation of Its IDENT Automated Fingerprint Identification System*, U.S. Department of Justice Office of the Inspector General, Special Report, March 2000
- 162 *Status of IDENT/IAFIS Integration*, U.S. Department of Justice, Office of the Inspector General, Report No. I-2002-003, December 7, 2001
- 163 *Border Patrol Efforts Along the Northern Border*
- 164 *Follow-Up Report on the Border Patrol's Efforts to Improve Northern Border Security*, U.S. Department of Justice, Office of the Inspector General, Report No. I-2002-004, February 2002
- 165 *Id.*
- 166 *Border Patrol Efforts Along the Northern Border*
- 167 See "Plugging a Very Porous Northern Border," Bill Miller, Washington Post, April 8, 2002, <http://www.washingtonpost.com/wp-dyn/articles/A10757-2002Apr7.html>
- 168 See Immigration and Naturalization Service website, <http://www.ins.usdoj.gov/graphics/lawenfor/interiorenf/index.htm>
- 169 "INS Sets New Removals Record; Fiscal Year 1999 Removals Reach 176,990," Immigration and Naturalization Service News Release, November 12, 1999
- 170 INS Detention and Removals home page, <http://www.ins.usdoj.gov/graphics/lawenfor/interiorenf/custody.htm>
- 171 "U.S. Dismantles Largest Global Alien Smuggling Cartel Encountered to Date," Immigration and Naturalization Service News Release, November 20, 1998
- 172 Testimony of James Ziglar, Commissioner, Immigration and Naturalization Service, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, December 5, 2001
- 173 In time of war, or at the order of the President, the Coast Guard may be temporarily transferred under the control of the Department of Defense.
- 174 "U.S. Coast Guard: America's Maritime Guardian," Coast Guard Publication 1, January 1, 2002, <http://www.uscg.mil/overview/Pub%201/contents.html>
- 175 Source: U.S. Coast Guard website, <http://www.uscg.mil/overview/Homeland%20Security2.htm>
- 176 Written testimony of Admiral James M. Loy, Commandant, U.S. Coast Guard, before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, December 5, 2001
- 177 Testimony of Stephen E. Flynn, Council on Foreign Relations, before the U.S. Senate Committee on Appropriations, April 11, 2002
- 178 See Written testimony of Ronald H. Henley, Chief Patrol Agent, Blaine Border Patrol Sector, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Blaine, Washington, December 10, 2001
- 179 See Written testimony of Admiral Erroll Brown

Section IV - New proposals For Border and Port of Entry Law Enforcement

- 180 See Testimony of Stephen E. Flynn, Council on Foreign Relations, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, June 17, 2002
- 181 Statement of Ranking Member Elijah Cummings, Subcommittee on Criminal Justice, Drug Policy and Human Resources, at hearing on October 3, 2001
- 182 See Testimony of Peter K. Nunez, former Assistant Secretary for Enforcement, Department of the Treasury, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, June 17, 2002
- 183 For example, the maritime security legislation that recently passed in the House, H.R. 3983, originally gave authority to TSA to require electronic cargo manifest information from every carrier – authority already held by Customs. This raised the specter of a duplicate cargo manifest reporting system, which would further splinter information flow into the federal government and place unnecessary burdens on commercial carriers. Eventually a compromise was reached conferring the new authority on Customs, but requiring it to share the information with other agencies. One benefit of agency consolidation could be to prevent such "turf battles" between agencies from ever starting in the first place.
- 184 See Written Testimony of Larry C. Johnson, BERG Associates LLC, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, April 10, 2002
- 185 Some have suggested that another problem that could be fixed by consolidation is the elimination of multiple inspections at the borders and ports of entry. It should be noted, however, that at least at the land borders, Customs and INS inspectors are already cross-designated to perform primary inspection for both agencies. Thus, there is no duplication of primary inspection between these agencies. Moreover, though Customs and INS inspectors can each perform primary inspection, secondary inspections (for immigration, customs and agricultural products) require expertise and hence specialization – so separate inspector corps for these three functions may have to be maintained even if the separate agencies are "merged." See Written testimony of Colleen M. Kelley, National President, National Treasury Employees Union, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, April 10, 2002

- 186 "Repeating the Past?", Sydney J. Freedberg, Jr., Corine Hegland, and Margaret Kriz, National Journal, June 14, 2002, <http://nationaljournal.com/members/news/2002/06/0614nj2.htm>
- 187 Written Testimony of Colleen M. Kelley; Written Testimony of T.J. Bonner, National President, National Border Patrol Council, American Federation of Government Employees, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, April 10, 2002
- 188 "Drug Seizures Up at State Borders," William Overend, Los Angeles Times, January 31, 2002, <http://www.latimes.com/news/local/la-000007806jan31.story>
- 189 "White House says counterterrorism tactics aiding drug war," Wayne Washington and Anne E. Kornblut, Boston Globe, March 6, 2002. Note, however, that the news is not all good; drug prices apparently have not fallen in Miami, Chicago or Los Angeles. "Smugglers Refine Tricks to Pass Stricter Scrutiny," Donna Leinwand, USA Today, April 11, 2002
- 190 Written Testimony of Jim Miller, Executive Director, Whatcom Council of Governments, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Blaine, Washington, December 10, 2001
- 191 *America's Southwestern Border After 9/11*
- 192 Responses of Jim Miller, Executive Director, Whatcom Council of Governments, to written questions submitted by the Subcommittee on Criminal Justice, Drug Policy and Human Resources
- 193 Leinwand, "Smugglers Refine Tricks to Pass Stricter Scrutiny"
- 194 Yet another demand on the Coast Guard's resources has been created by the six new Marine Safety and Security Teams (MSSTs), which enforce moving and fixed security zones to protect commercial vessels, Navy ships, and waterside critical infrastructure.
- 195 Written testimony of John Wilda
- 196 Customs summary data on Resource Allocation Model, <http://www.customs.gov/about/pdf/ram4a.pdf>
- 197 "Northern Border Threats and Trends," U.S. Customs Service
- 198 Peters, "Seeking Safe Harbor"
- 199 The USA Patriot Act of 2001 authorized the tripling of Customs and INS inspectors, and Border Patrol agents, on the Northern border. The Enhanced Border Security and Visa Entry Reform Act of 2002 authorized an additional 200 INS inspectors and support staff. The Customs Reauthorization Act, H.R. 3129, recently passed by the House, would authorize funds for approximately 285 new Customs inspectors for the Northern border. It would also authorize over \$90 million for new detection equipment, including additional VACIS machines for both the Northern and Southern borders.
- 200 *Border Patrol Hiring: Despite Recent Initiatives, Fiscal Year 1999 Hiring Goal Was Not Met*, General Accounting Office, Report No. GAO/GGD-00-39, December 1999
- 201 Written testimony of T.J. Bonner
- 202 *Border Patrol Hiring*
- 203 Written testimony of Stephen Duchaine, INS Inspector, and President, Highgate Springs Chapter, American Federation of Government Employees, Immigration and Naturalization Service Council, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Highgate Springs, Vermont, October 28, 2001
- 204 Although it is understandable that the NTEU and AFGE would like to improve retirement benefits for Customs and INS employees, extending the "law enforcement" retirement system may not be the most effective way. The "law enforcement" retirement system is based in part on assumptions about the career length of certain government law enforcement jobs, which may not necessarily apply to Customs and INS inspectors. A better way to improve the retirement benefits of these positions may simply be to directly increase benefits payments, although this is a subject beyond the scope of this Report.
- 205 *Inspection of the Influx of New Personnel*, U.S. Department of Justice, Office of the Inspector General, Report No. 1-2000-018, June 1, 2000
- 206 *Border Patrol Hiring*
- 207 See, e.g., *Drug Control: INS and Customs Can Do More To Prevent Drug-Related Employee Corruption*, Statement of Richard M. Stana, Associate Director, Administration of Justice Issues, General Government Division, General Accounting Office, GAO/T-GGD-99-86, April 21, 1999
- 208 Written Testimony of Bonni Tischler, Assistant Commissioner, Office of Field Operations, U.S. Customs Service, before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, April 10, 2002; Customs' Automated Commercial Environment (ACE): Briefing for the Congressional Northern Border Caucus, General Accounting Office, April 11, 2002 (this information is now publicly available in Customs Service Modernization: Management Improvements Needed on High-Risk Automated Commercial Environment Project, General Accounting Office, Report No. GAO-02-545, May 2002)
- 209 "One step at a time," Judi Hasson, Federal Computer Week, March 4, 2002, <http://www.fcw.com/fcw/articles/2002/0304/mgt-custom-03-04-02.asp>; Interim Report on Customs ACE Program Management: Customs Needs to Adequately Staff the Modernization Office, Department of the Treasury, Office of the Inspector General, Report OIG-02-058, March 4, 2002; Customs' Automated Commercial Environment (ACE): Briefing for the Congressional Northern Border Caucus. A key test of ITDS at the Peace Bridge in Buffalo, intended to test the viability of incorporating private companies' data with Customs' inspection systems, was unfortunately suspended shortly after it began due to the September 11 attacks. "One step forward, one step back at the border," Preeti Vasishtha, Government Computer News, February 18, 2002, <http://www.itds.treas.gov/gcn021802.html>. Hopefully it will be brought back on line in the near future.

- 210 "PAPS: Pre-Arrival Processing System," informational brochure provided by U.S. Customs at Buffalo port of entry
- 211 *U.S.-Mexico Border: Better Planning, Coordination Needed*
- 212 Congress has conditioned the release of some of these funds on the submission of detailed spending plans from Customs. Congress should continue its oversight of ACE development, given the complexity, cost and importance of this system. See *Customs' Automated Commercial Environment (ACE): Briefing for the Congressional Northern Border Caucus*
- 213 "Time to Get On the 'GovBus,'" Om Malik, Wall Street Journal, April 3, 2002, page A22
- 214 "Border Security: Coast Guard Encounters Big Hurdles in New Effort to Screen Arriving Ships," New York Times, March 16, 2002
- 215 *Canada-U.S. Partnership Forum Report*
- 216 Flynn, "Rethinking the Line: Transforming Border Management Along the U.S.-Mexico Border"
- 217 Peters, "Seeking Safe Harbor"
- 218 *Id.*
- 219 Flynn, "Rethinking the Line: Transforming Border Management Along the U.S.-Mexico Border"
- 220 *Id.*; Flynn, "Preserving Open Borders in the Post-September 11 World"
- 221 Not only would expensive new sealing and tracking technology be required, but apparently a large number of containers themselves would have to be replaced due to aging and wear and tear. In May 2002, Customs reported that a surprise inspection at the port of Jacksonville, Florida revealed that 30 percent of cargo containers there had problems serious enough to prevent them from moving into or out of the port under Customs safety regulations. "Cargo holds problems: Inspection finds faulty containers," Dana Treen, Florida Times-Union, May 2, 2002, http://www.jacksonville.com/tu-online/stories/050202/met_9298798.html
- 222 Flynn, "Preserving Open Borders in the Post-September 11 World"
- 223 "U.S. Customs Will Screen at 3 Ports in Canada," Bill Miller, Washington Post, March 9, 2002. Chairman Souder and the staff recently had the opportunity to meet with the U.S. Customs inspectors currently assisting in pre-screening at the port of Vancouver. The Canadian customs service, after it has finished performing its own screening of all inbound cargo, provides information on U.S.-bound cargo to U.S. Customs inspectors stationed near Vancouver (at the Canadian customs cargo inspection facility located at Burnaby). The U.S. inspectors then use their standard screening mechanisms to identify high-risk cargo, which they ask Canadian customs officials to inspect. As of yet, U.S. Customs does not itself perform any inspections at these foreign facilities.
- 224 "Pilot program on border security coming to New Hampshire," Holly Ramer, Associated Press, February 26, 2002; "In Transit," Jason Peckenpaugh, GovExec.com, July 15, 2002, <http://www.govexec.com/news/index.cfm?mode=report&articleid=23399>
- 225 "Plan Would Prevent Terrorist Use of Shipping Containers," Patrick Goodenough, CNSNews.com, June 7, 2002, <http://www.cnsnews.com/ViewForeignBureaus.asp?Page=\ForeignBureau...\FOR20020607c.htm>
- 226 "Industry Partnerships," U.S. Customs website, <http://www.customs.ustreas.gov/impoexpo/tools/archives/vol1n01/indmay.htm>
- 227 "Factsheet: U.S. Customs Container Security Initiative to Safeguard U.S., Global Economy," February 22, 2002, U.S. Customs website, <http://www.customs.ustreas.gov/hot-new/pressrel/2002/0222-00.htm>
- 228 See *United States Customs Service Support for the Business Anti-Smuggling Coalition*, Department of the Treasury, Office of the Inspector General, Report No. OIG-00-109, July 17, 2000
- 229 "Track Ships to Protect Ports, U.S. Maritime Authorities Urge," Philadelphia Inquirer, April 1, 2002. There is a similar push to have the AIS installed on all commercial ships travelling on domestic waterways, particularly barges carrying hazardous materials.
- 230 *Inspection of the Secure Electronic Network for Travelers' Rapid Inspection*, U.S. Department of Justice, Office of the Inspector General, Report No. I-2000-019, June 2000
- 231 A "fastpass" system has also been created for small boats travelling between the U.S. and Canada, the I-68 Canadian Border Boat Landing Program. The boater receives a permit after filling out the INS' I-68 form and paying a fee; the boater then can travel freely between the U.S. and Canada for recreational purposes without paying a fee. The program was suspended after September 11, and although it has since been reinstated, boaters must now appear in person for inspection, interview and a name check on the IBIS database. Photographs and fingerprints are also required. INS News Release, April 9, 2002, <http://www/ins/gov/graphics/publicaffairs/newsrel/boatlanding.htm>
- 232 *Inspection of the Secure Electronic Network for Travelers' Rapid Inspection*
- 233 *Id.*
- 234 *Id.*
- 235 *Id.*

APPENDIX A

GLOSSARY OF ACRONYMS

ABI	Automated Broker Interface, part of Customs' ACS system. It allows customs brokers and importers to file entry documentation for cargo electronically.
ACE	Automated Commercial Environment, the planned replacement for ACS. It will allow all import data to be filed on a web-based computer system.
ACS	Automated Commercial System, Customs' electronic cargo database. First deployed in 1984, it consists of AMS and ABI.
ACSI	Americas Counter-Smuggling Initiative, Customs-led cooperative effort designed to improve internal security of Latin American carriers and importers.
AES	Automated Export System, Customs' electronic system for tracking export transactions.
AIS	Automatic Identification System, a proposal by the Coast Guard to create a vessel tracking system using transponder technology.
AMICC	Air and Marine Interdiction Coordination Center, located near Riverside, California; Customs-led program to track flights into and within the U.S. to prevent illegal smuggling by air.
AMS	Automated Manifest System, part of Customs' ACS system. Sea, rail and air carriers can file their manifests (descriptions of their cargo) electronically on AMS.
APIS	Advanced Passenger Information System, which provides advance electronic information on incoming international passengers to Customs and INS inspectors at airports.
ATS	Automated Targeting System, new system used by Customs to screen incoming cargo.
ATS-P	Automated Targeting System – Passenger, computer system used by Customs to screen information on incoming passengers.
BASC	Business Anti-Smuggling Coalition, Customs private-public partnership intended to improve monitoring of cargo by private industry.
BCC	Border Crossing Card, a laminated, credit card-style visa document, containing biometric information, issued to Mexican citizens. Commonly referred to as a "laser visa."
BRASS	Border Release Advanced Selectivity System, which helps simplify the paperwork required by Customs of truck drivers at land border crossings.

CANPASS The Canadian version of the DCL system.

CIP Carrier Initiative Program, early cooperative effort between Customs and private carriers and importers to improve internal security.

CIS Central Index System, an agencywide database used by the INS.

CFS Container Freight Station, a private facility where cargo is sorted and distributed.

CLASS Consular Lookout and Support System, database used by the Department of State to screen applications for visas overseas.

COMPEX Compliance Measurement Examination, a random inspection program used by Customs to test the effectiveness of its targeting procedures.

CSI Container Security Initiative, new public-private cooperative effort, spearheaded by Customs, to improve the security of containerized cargo.

DACS Deportable Alien Control System, an agencywide database used by the INS to track deportable aliens.

DCL Dedicated Commuter Lane, a system reserving a traffic lane at a land border crossing for participants in a special pre-clearance program.

ENFORCE Enforcement Case Tracking System, INS database that collects enforcement data from across the INS.

FLETC Federal Law Enforcement Training Center, located in Glynco, Georgia. Provides training to, among others, INS and Customs inspectors, and Border Patrol agents.

IAFIS Integrated Automated Fingerprint Identification System, FBI database containing criminal history records. It relies on 10 rolled fingerprints to identify criminal suspects.

IBET Integrated Border Enforcement Team, a team formed by U.S. and Canadian law enforcement officials to share intelligence and conduct joint investigations and operations. The first IBET was created in the Pacific Northwest.

IBIS Interagency Border Inspection System, computer database used primarily by INS inspectors at ports of entry, to screen incoming travelers.

IDENT Automated Biometric Identification System, used by the INS to track aliens who repeatedly cross the Southern border. It relies on two flat press (as opposed to rolled) fingerprints of an apprehended individual's right and left index fingers.

IIRIRA Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

IMET Integrated Marine Enforcement Team, a marine version of IMET.

INTEX	Inspections Traveler Examination, random sample testing method used by the INS to test the efficacy of its screening procedures.
ITDS	International Trade Database, a project intended to create a "single window" through which all data on imports required by government agencies can be submitted electronically. Currently entrusted to Customs, the ITDS project will be combined with ACE.
LBCIP	Land Border Carrier Initiative Program, Customs initiative designed to improve internal security of land-based carriers. All carriers wishing to participate in BRASS must be a part of LBCIP.
MDA	Maritime Domain Awareness, an intelligence sharing initiative created by the Coast Guard to improve information flow between maritime law enforcement agencies.
MTXR	Mobile Truck X-Ray system, a system mounted on a truck and used by Customs to scan cargo.
NATAP	ACE prototype pilot, conducted by the U.S., Canada and Mexico to assess the potential of harmonizing trade processes, sharing data and creating a paperless customs process. The NATAP also used "intelligent transportation systems," such as transponder/radio frequency identification devices in trucks, to provide advance information to Customs inspectors at the border.
NAFTA	North American Free Trade Agreement
NAILS	National Automated Immigration Lookout System, database used by INS inspectors to identify potentially dangerous immigrants. Current version is called NAILS II.
NCAP	National Customs Automation Program, Customs pilot program used at 3 ports of entry to process automobile and auto parts imports for four companies.
NCIC	National Crime Information Center, computerized criminal information clearinghouse maintained by the Federal Bureau of Investigation. The main database available to law enforcement personnel is NCIC 2000.
NEXUS	Harmonized Highway Pilot, a DCL system on the Northern border that combines SENTRI with the Canadian CANPASS system.
NIIS	Nonimmigrant Information System, database used by the INS to identify foreign visitors who have remained illegally in the country.
PACE	Peace Arch Crossing Entry, DCL system established in 1991 at the Blaine and Point Roberts, Washington border crossings.
PAPS	Pre-Arrival Processing System, a pilot project used by Customs at the Peace Bridge crossing in Buffalo, New York to reduce the number of trucks referred to secondary inspection due to defects in paperwork alone.

PRD	Personal Radiation Detector, a gamma ray detection device that can be used to identify hidden radioactive materials. It looks like a pager, and is worn by Customs inspectors on their belts.
PSU	Port Security Unit, a contingent of Coast Guard reservists normally deployed to protect U.S. Navy vessels overseas.
RAM	Resource Allocation Model, used by Customs to estimate its need for new personnel.
RCMP	Royal Canadian Mounted Police, the primary federal law enforcement agency of Canada.
SENTRI	Secure Electronic Network for Travelers' Rapid Inspection, an automated DCL system now in place at a number of locations on the Southern and Northern borders.
TECS	Treasury Enforcement Communications System, database used by Customs (among others) in screening entrants at the borders.
TIPOFF	Classified database used by the State Department, containing intelligence on terrorists and terrorist organizations.
TXR	Truck X-Ray system, a stationary system used by Customs to scan cargo.
USIC	United States Interdiction Coordinator, position at the Office of National Drug Control Policy. The USIC (who has traditionally been the Commandant of the U.S. Coast Guard) is responsible for coordinating the federal government's drug interdiction efforts.
VACIS	Vehicle and Cargo Inspection System, a gamma-ray scanner used by Customs. It takes several forms, including mobile, fixed and rail versions.
VWP	Visa Waiver Program (formerly the Visa Waiver Pilot Program, or VWPP). Allows citizens from certain nations (currently 29 of them) to visit the U.S. for up to 90 days without a visa.
3T	Three Tier Targeting System, prototype cargo screening system, recently terminated by Customs.

APPENDIX B

HEARINGS AND VISITS TO PORTS OF ENTRY CONDUCTED BY THE SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES RELATED TO BORDER LAW ENFORCEMENT AND SECURITY

1. Hearings

"Drug Trade and the Terror Network," October 3, 2001

"Keeping a Strong Federal Law Enforcement Work Force," October 17, 2001

"Improving Security and Facilitating Commerce at the Northern Border: Field Hearing at Highgate Springs, Vermont," October 28, 2001

"Improving Security and Facilitating Commerce at the Northern Border: Field Hearing at Champlain, New York," October 29, 2001

"Federal Law Enforcement: Long Term Implications of Homeland Security Needs," December 5, 2001

"Improving Security and Facilitating Commerce at the Northern Border: Field Hearing at Blaine, Washington," December 10, 2001

"Improving Security and Facilitating Commerce at the Southern Border: Field Hearing at San Diego, California," January 31, 2002

"Improving Security and Facilitating Commerce at the Nation's Ports of Entry: Field Hearing on the Seaports of Los Angeles and Long Beach, California," February 1, 2002

"Improving Security and Facilitating Commerce at the Southern Border: Field Hearing at Sierra Vista, Arizona," February 22, 2002

"Enhancing Border Security and Law Enforcement," April 10, 2002

"Homeland Security Reorganization: What Impact on Federal Law Enforcement and Drug Interdiction?", June 17, 2002

2. Visits to Ports of Entry

Washington – Dulles International Airport, June 2001 (Staff)

Buffalo and Niagara Falls, New York, June 2001

San Ysidro and Otay Mesa, California, August 2001 (Staff)

El Paso, Texas, August 2001 (Staff)

Highgate Springs, Alburg and St. Albans, Vermont, October 2001 (Chairman Souder and staff)

Champlain and Rouses Point, New York, October 2001 (Chairman Souder and staff)

Blaine, Port of Seattle, Sumas and Port Angeles, Washington, December 2001
(Chairman Souder and staff)

Port Huron, Marine City and Detroit, Michigan, January 2002 (Chairman Souder and staff)

Ports of Los Angeles and Long Beach, February 2002 (Chairman Souder and staff)

Fortuna and Portal, North Dakota, February 2002 (Chairman Souder)

Nogales and Douglas, Arizona, February 2002 (Chairman Souder and staff)

Sweetgrass, Montana, May 2002 (Chairman Souder)

APPENDIX C

TABLES: TRADE AND TRAFFIC AT THE PORTS OF ENTRY

I. TRADE DATA

U.S. Merchandise Trade with Canada and Mexico by Mode: 2000

Mode	Value (percent)	Weight (percent)
NAFTA trade, total	100.0	100.0
Truck	65.6	35.1
Rail	14.4	17.4
Pipeline	3.6	14.8
Air	6.9	0.2
Water	5.0	32.4
Other and unknown	4.5	0.1
U.S.-NAFTA imports, total	100.0	100.0
Truck	59.3	25.7
Rail	19.4	19.8
Pipeline	6.3	20.5
Air	4.9	0.1
Water	6.4	33.9
Other and unknown	3.7	0.1
U.S.-NAFTA exports, total	100.0	100.0
Truck	73.6	55.7
Rail	8.1	12.3
Pipeline	0.2	2.3
Air	9.3	0.4
Water	3.2	29.2
Other and unknown	5.5	0.2

Source: *North American Trade and Travel Trends*, <http://www.bts.gov/publications/nattt/entire.pdf>

Top 10 Commodities by Value in U.S. Merchandise Trade with NAFTA Partners for All Land Modes, 2000

Rank	Commodity	Value (\$ billions)	Percent
1	Motor vehicles, parts, and accessories	125	21.7
2	Electrical machinery, equipment and parts	89	15.5
3	Nuclear reactors, machinery, and mechanical appliances	75	13.0
4	Mineral fuels, mineral oils, and products	31	5.3
5	Plastics and related products	22	3.8
6	Special classification provisions	21	3.6
7	Paper, paperboard, and paper products	16	2.8
8	Wood and articles of wood; wood charcoal	13	2.3
9	Furniture, furnishings, and lighting products	13	2.3
10	Optical, photographic, and precision	13	2.3
	Total, top 10 commodities	418	72.6
	Total, all commodities	576	100.0

Source: *North American Trade and Travel Trends*

II. TRAFFIC DATA

A. TRUCK TRAFFIC

Top 20 NAFTA Border Truck Crossings into the United States: 1997 and 2000

Rank In 2000	Port name	1997 (thousands)	2000 (thousands)	Average Number of Truck Crossings Per Day (2000)	1997 (%)	2000 (%)	Percentage Change 1997-2000
1	Detroit, MI	1,420	1,769	4,848	15.4	15.3	24.6
2	Laredo, TX	1,251	1,493	4,091	13.6	12.9	19.3
3	Buffalo-Niagara, NY	1,054	1,198	3,282	11.4	10.4	13.7
4	Port Huron, MI	679	839	2,299	7.4	7.3	23.5
5	El Paso, TX	583	720	1,974	6.3	6.2	23.6
6	Otay Mesa/San Ysidro, CA	568	688	1,886	6.2	5.9	21.2
7	Blaine, WA	463	517	1,416	5.0	4.5	11.6
8	Champlain-Rouses Pt., NY	299	391	1,071	3.2	3.4	30.7
9	Hidalgo, TX	235	374	1,025	2.5	3.2	59.3
10	Brownsville, TX	248	299	820	2.7	2.6	20.9
11	Calexico East/Calexico, CA	U	279	764	U	2.4	U
12	Alexandria Bay, NY	220	278	763	2.4	2.4	26.5
13	Nogales, AZ	243	255	698	2.6	2.2	4.9
14	Pembina, ND	152	214	587	1.7	1.9	40.9
15	Calais, ME	126	154	422	1.4	1.3	22.5
16	Sweetgrass, MT	112	146	400	1.2	1.3	30.5
17	Derby Line, VT	101	139	380	1.1	1.2	37.6
18	Houlton, ME	103	133	364	1.1	1.1	28.8
19	Highgate Springs, VT	99	133	364	1.1	1.1	33.9
20	Jackman, ME	87	128	350	0.9	1.1	47.1
Total, top 20 ports		8,041	10,148	27,802	87.3	87.7	26.2
Total, all ports		9,215	11,574	31,709	100.0	100.0	25.6

KEY: U = data are unavailable.

NOTE: Data represent the number of truck crossings, not the number of unique vehicles, and include both loaded and unloaded trucks. Data for the port of Calexico is typically reported as a combined total with Calexico East.

Source: *North American Trade and Travel Trends*

Top 10 Ports for Trucks, FY 2001

	Ports	Total Trucks
1	Port of Detroit, MI	1,668,837
2	Port of Laredo, TX	1,419,165
3	Port of Buffalo, NY	1,142,592
4	Port of Port Huron, MI	827,141
5	Port of Otay Mesa, CA	700,453
6	Port of El Paso, TX	656,257
7	Port of Blaine, WA	492,532
8	Port of Champlain-Rouses Point, NY	384,885
9	Port of Hidalgo, TX	367,991
10	Port of Alexandria Bay, NY	279,350
	Total	7,939,203

Source: U.S. Customs Service data

B. LAND PASSENGER TRAFFIC

Incoming Passengers by Mode: 1997–2000

	1997 Number (1000's)	%	1998 Number (1000's)	%	1999 Number (1000's)	%	2000 Number (1000's)	%
From Mexico								
Passengers on trains	U	U	13	–	17	–	18	–
Passengers on buses	U	U	3,639	1.3	3,495	1.2	3,466	1.2
Pedestrians	45,000	17.9	44,477	16.2	48,186	16.4	47,090	16.2
Passengers in personal vehicles	206,113	82.1	226,104	82.4	242,613	82.4	239,795	82.6
Total	251,112	100.0	274,232	100.0	294,311	100.0	290,368	100.0
From Canada								
Passengers on trains	U	U	241	0.3	187	0.2	270	0.3
Passengers on buses	U	U	3,951	4.3	4,366	4.5	4,873	5.1
Pedestrians	520	U	585	0.6	587	0.6	585	0.6
Passengers in personal vehicles	90,731	U	88,127	94.9	92,470	94.7	90,047	94.0
Total	U	U	92,904	100.0	97,610	100.0	95,775	100.0

KEY: – = value too small to report; U = data are unavailable.

NOTE: Data for passengers in personal vehicles include the driver.

Personal vehicles are automobiles, minivans, sport utility vehicles, and pickups.

Source: *North American Trade and Travel Trends*

Top 10 U.S.-Mexico Border Crossings for Incoming Passengers and Personal Vehicles: 2000

Rank	U.S. Customs port/crossing	Passengers in personal vehicles per day	Personal vehicles per day	Daily port share of personal vehicles crossing U.S.-Mexico border (percent)
1	El Paso, TX	132,658	45,746	18.3
2	San Ysidro, CA	85,001	38,649	15.5
3	Hidalgo, TX	60,131	24,054	9.6
4	Brownsville, TX	53,954	21,582	8.6
5	Laredo, TX	48,980	19,592	7.8
6	Calexico, CA	55,053	18,479	7.4
7	Otay Mesa, CA	29,204	13,275	5.3
8	Nogales, AZ	31,511	12,826	5.1
9	Eagle Pass, TX	23,546	9,199	3.7
10	San Luis, AZ	19,365	7,117	2.8
Total, top10 ports		539,403	210,519	84.3
Total, all U.S.-Mexico border crossings		656,971	249,745	100.0

NOTE: Rank is based on the number of personal vehicle crossings per day.

Source: *North American Trade and Travel Trends*

Top 10 U.S.-Canada Border Crossings for Incoming Passengers and Personal Vehicles: 2000

Rank	U.S. Customs port/crossing	Passengers in personal vehicles per day	Personal vehicles per day	Daily port share of personal vehicles crossing U.S.-Mexico border (percent)
1	Detroit, MI	59,518	22,905	22.6
2	Buffalo-Niagara, NY	45,269	20,980	20.7
3	Blaine, WA	22,560	9,129	9.0
4	Port Huron, MI	18,810	6,390	6.3
5	Calais, ME	8,525	3,875	3.8
6	Sault Ste.Marie, MI	10,634	3,498	3.5
7	Massena, NY	8,340	2,987	3.0
8	Champlain-Rouses Pt., NY	7,526	2,685	2.7
9	Sumas, WA	5,583	2,243	2.2
10	Derby Line, VT	4,144	2,190	2.2
Total, top 10 ports		190,909	76,883	76.0
Total, all U.S.-Canada border crossings		246,704	101,137	100.0

NOTE: Rank is based on the number of personal vehicle crossings per day.

Source: North American Trade and Travel Trends

Top 10 Ports for Privately Owned Vehicles (POVs), FY 2001

Total	Ports	POVs
1	Port of El Paso, TX	17,285,331
2	Port of San Ysidro, CA	15,675,483
3	Port of Detroit, MI	8,148,948
4	Port of Brownsville, TX	7,879,955
5	Port of Hidalgo, TX	7,760,868
6	Port of Laredo, TX	7,684,459
7	Port of Buffalo, NY	7,663,934
8	Port of Calexico, CA	6,652,232
9	Port of Nogales, AZ	4,834,871
10	Port of Otay Mesa, CA	4,198,508
Total		87,784,589

Source: U.S. Customs Service data

C. SEA PORT TRAFFIC

Top 25 U.S. Port Calls by Vessel Type 2000*

Port	Tanker 1/		Dry Bulk		Containership		Other General Cargo 2/		Total	
	Calls	Capacity	Calls	Capacity	Calls	Capacity	Calls	Capacity	Calls	Capacity
Los Angeles/Long Beach	911	66,045	783	37,568	2,955	124,281	677	15,057	5,326	242,951
Houston	2,988	134,809	748	28,342	614	19,799	779	24,881	5,129	207,831
New Orleans	1,371	81,956	2,676	119,270	388	10,853	655	21,957	5,090	234,036
New York	1,271	65,965	301	10,099	2,172	87,463	861	23,104	4,605	186,631
San Francisco	787	50,653	626	22,619	1,936	82,958	226	6,841	3,575	163,071
Philadelphia	954	82,170	492	17,662	468	11,315	825	18,057	2,739	129,204
Hampton Roads Area	155	7,602	436	26,602	1,557	61,943	348	14,271	2,496	110,417
Charleston	149	6,052	139	4,872	1,547	62,463	332	8,313	2,167	81,699
Columbia River	277	13,894	1,279	46,457	262	10,025	345	7,061	2,163	77,436
Savannah	253	8,561	330	10,407	739	31,506	447	12,154	1,769	62,629
Baltimore	151	4,938	426	20,517	409	14,669	650	15,352	1,636	55,476
Corpus Christi	974	64,596	230	9,574	2	83	142	10,036	1,348	84,289
San Juan (PRI)	80	3,784	101	3,098	610	11,490	553	9,077	1,344	27,449
Jacksonville	204	8,848	190	6,946	305	7,989	592	11,749	1,291	35,532
Beaumont	1,053	76,914	99	4,483	-	-	67	4,704	1,219	86,101
Miami	11	472	65	2,519	766	25,522	370	6,041	1,212	34,553
Texas City	1,105	64,471	64	3,223	2	63	26	2,578	1,197	70,335
Tacoma	68	3,190	218	10,163	568	27,950	342	5,866	1,196	47,169
Seattle	49	2,786	229	10,253	794	31,182	78	1,348	1,150	45,569
Port Everglades	345	15,119	123	4,734	211	5,890	135	2,091	814	27,834
Tampa	228	6,379	367	13,750	6	127	178	3,372	779	23,628
Mobile	140	8,702	408	22,706	5	88	204	8,364	757	39,860
Lake Charles	518	37,749	115	5,203	3	62	79	1,921	715	44,935
Honolulu	141	10,677	84	4,802	339	8,987	112	2,434	676	26,900
Freeport (Texas)	516	30,660	18	646	46	766	61	3,664	641	35,737
Top 25 U.S. Ports	14,699	856,992	10,547	446,515	16,704	637,472	9,084	240,293	51,034	2,181,273
Total U.S. Ports	19,183	1,271,983	12,649	519,297	17,401	657,619	10,722	280,942	59,955	2,729,841
Top 25% of U.S. Total	76.6%	67.4%	83.4%	86.0%	96.0%	96.9%	84.7%	85.5%	85.1%	79.9%

* Excludes calls by vessels under 10,000 dryweight (dwt) tons.

1/ Includes petroleum, chemical, and gas carriers.

2/ Includes roll-on/roll-off, roll-on/roll-off container, vehicle carriers, general cargo, partial containership, refrigerated, barge carrier, livestock carrier, and combination carriers.

Note: Capacity = Dwt * Calls

Source: Department of Transportation, Maritime Administration website, http://www.marad.dot.gov/Marad_Statistics/Portcalls_us.htm

Top 10 Seaports by Container Volume – Individual Containers, FY 2001

	Total Vessel Ports	Containers
1	Port of Los Angeles, CA	1,811,610
2	Port of New York – Newark, Elizabeth, NJ	945,196
3	Port of Charleston, SC	388,028
4	Port of Houston, TX	285,667
5	Port of Seattle, WA	282,777
6	Port of Oakland, CA	259,140
7	Port of Savannah, GA	254,541
8	Port of Miami, FL	241,879
9	Port of Port Everglades, FL	175,495
10	Port of Tacoma, WA	160,024
	Total	4,804,357

Source: U.S. Customs Service data

Top 20 Sea Ports by Container Volume – Twenty-Foot Equivalent Units (TEUs), 2001

	Ports	TEUs
1	Los Angeles, CA	2,621,034
2	Long Beach, CA	2,374,581
3	New York, NY	1,598,788
4	Charleston, SC	611,529
5	Seattle, WA	498,389
6	Norfolk, VA	454,117
7	Savannah, GA	429,874
8	Oakland, CA	418,185
9	Houston, TX	390,126
10	Tacoma, WA	356,323
11	Miami, FL	346,652
12	Baltimore, MD	177,435
13	Port Everglades, FL	172,451
14	Jacksonville, FL	123,608
15	Wilmington, DE	103,355
16	Philadelphia, PA	86,636
17	New Orleans, LA	85,425
18	Gulfport, MS	66,914
19	Boston, MA	48,503
20	Portland, OR	46,648

Source: National Journal, June 29, 2002

D. AIRPORT TRAFFIC

Top 10 Airports for International Passengers, FY 2001

Ports	Total Passengers
1 New York, NY (JFK)	9,569,498
2 Los Angeles, CA	8,365,462
3 Miami, FL	8,066,609
4 Chicago, IL (O'Hare)	4,563,302
5 Newark, NJ	4,179,980
6 San Francisco, CA	3,807,972
7 Atlanta, GA	2,942,244
8 Houston, TX	2,772,453
9 Honolulu, HI	2,602,407
10 Dallas/Ft. Worth, TX	2,256,671
Total	49,126,598

Source: U.S. Customs Service data

Top 15 Airports for International Freight

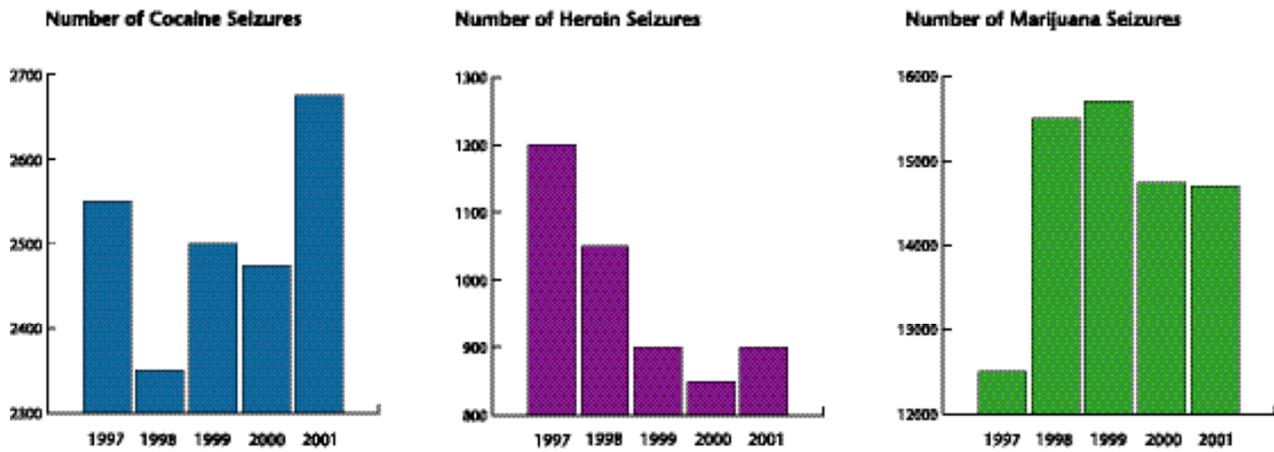
Airport	Freight tons 2001	Freight tons 2000
1 Anchorage, AK	1,608,816	1,493,611
2 Miami, FL	1,219,597	1,297,576
3 New York, NY (JFK)	1,017,448	1,276,043
4 Los Angeles, CA	844,501	911,078
5 Chicago, IL (O'Hare)	704,739	728,036
6 San Francisco, CA	325,224	431,083
7 Atlanta, GA	254,513	270,598
8 Newark, NJ	173,809	222,924
9 Memphis, TN	149,837	156,647
10 Dallas/Ft. Worth, TX	146,799	145,937
11 Houston, TX	119,785	120,346
12 Philadelphia, PA	119,480	105,192
13 Washington, DC (IAD)	118,025	132,679
14 Boston, MA	89,401	106,646
15 Dayton, OH	85,882	123,386

Source: Airports Council International – North America data

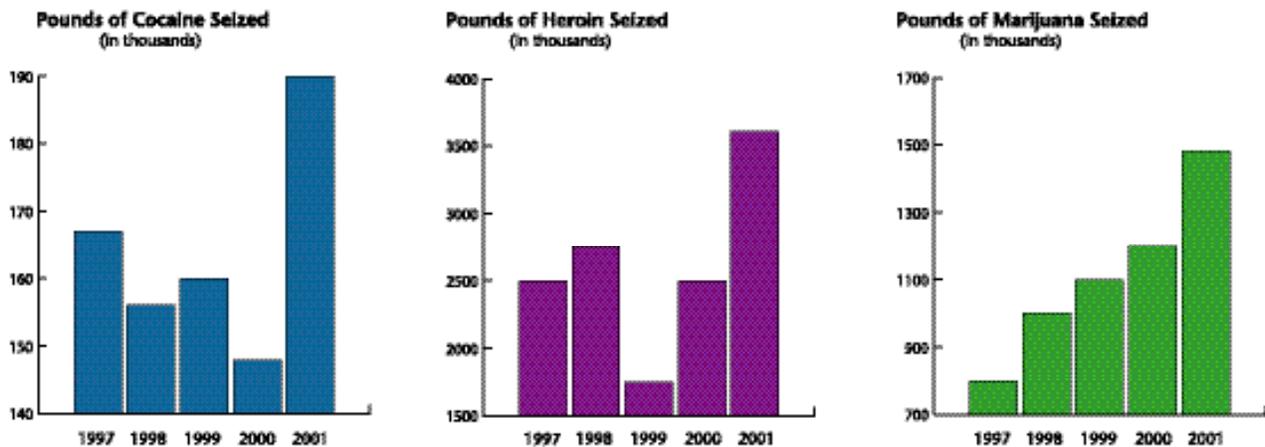
APPENDIX D

TABLES: DRUG AND MIGRANT INTERDICTION BY U.S. CUSTOMS SERVICE, U.S. BORDER PATROL, AND U.S. COAST GUARD; INSPECTIONS BY IMMIGRATION AND NATURALIZATION SERVICE

U.S. Customs Service - Drug Seizures 1997-2001



U.S. Customs Service - Volume of Drug Seizures 1997-2001



Source: U.S. Customs Service, *America's Frontline, Annual Report Fiscal Year 2001*, http://www.customs.usstres.gov/download/reports2001/acs_report2001.pdf

U.S. BORDER PATROL MIGRANT APPREHENSIONS

Apprehensions by Southwest Border Patrol Sector, Fiscal Years 1993-2000

Sector	Fiscal Year							
	1993	1994	1995	1996	1997	1998	1999	2000
San Diego, CA	531,689	450,152	524,231	483,815	283,889	248,092	182,267	151,681
El Centro, CA	30,058	27,654	37,317	66,873	146,210	226,695	225,279	238,126
Yuma AZ	23,548	21,211	20,894	28,310	30,177	76,195	93,388	108,747
Tucson, AZ	92,639	139,473	227,529	305,348	272,397	387,406	470,449	616,346
El Paso, TX	285,781	79,688	110,971	145,929	124,376	125,035	110,857	115,696
Marfa, TX	15,486	13,494	11,552	13,214	12,692	14,509	14,952	13,689
Del Rio, TX	42,289	50,036	76,490	121,137	113,280	131,058	156,653	157,178
Laredo, TX	82,348	73,142	93,305	131,841	141,893	103,433	114,004	108,973
McAllen, TX	109,048	124,251	169,101	210,553	243,793	204,257	169,151	133,243
Total	1,212,886	979,101	1,271,390	1,507,020	1,368,707	1,516,680	1,537,000	1,643,679

Source: *INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years*, General Accounting Office, Report No. GAO-01-842

Coast Guard Drug Interdictions At Sea Fiscal Year 1996 – 2002

As of 06/05/2002

	FISCAL YEAR						
	FY-96	FY-97	FY-98	FY-99	FY-00	FY-01	FY-02
Cocaine	28,585	103,617	82,623	111,689	132,480	138,393	106,971
Marijuana Products	31,000	102,538	31,390	61,506	50,463	34,520	28,049
Cases	36	122	129	118	92	65	40
Vessels Seized	41	64	75	74	56	30	27
Arrests	23	233	297	302	201	114	178
Value Seized	\$1.1 Billion	\$4.0 Billion	\$3.0 Billion	\$3.7 Billion	\$4.4 Billion	\$4.5 Billion	\$3.5 Billion

Coast Guard Migrant Interdictions At Sea Fiscal Year 1992 – 2002

As of 06/05/2002

	FISCAL YEAR										
	FY-92	FY-93	FY-94	FY-95	FY-96	FY-97	FY-98	FY-99	FY-00	FY-01	FY-02
Haiti	37,618	4,270	25,302	909	2,295	288	1,369	1,039	1,113	1,391	1,354
Dominican Republic	588	873	232	3,388	6,273	1,200	1,097	583	499	659	37
Cuba	2,066	2,882	38,560	525	411	421	903	1,619	1,000	777	287
People's Republic of China	181	2,511	291	509	61	240	212	1,092	261	53	72
Mexico	0	0	0	0	0	0	30	171	49	17	32
Ecuador	0	0	0	0	2	0	0	298	1,244	1,020	1,186
Other	174	48	58	36	38	45	37	24	44	31	40
Total	40,627	10,584	64,443	5,367	9,080	2,194	3,648	4,826	4,210	3,948	3,008

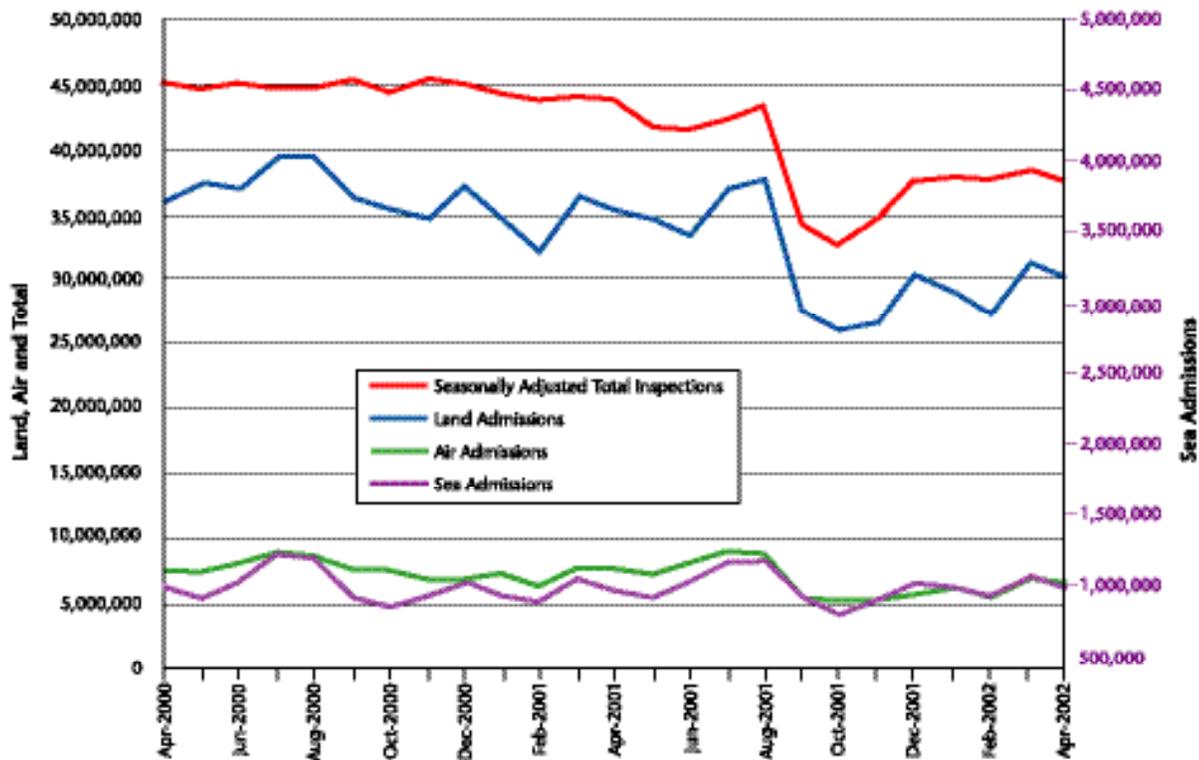
Source: U.S. Coast Guard website, <http://www.uscg.mil/news/cgnews.shtml>

INS Inspections Data

	Apr-2002	Month Apr-2001	% Change	FY-02 to Date	Fiscal Year FY-01 to Date	% Change	Total FY-01
Total Inspections	37,137,781	43,471,332	-15	245,090,306	299,201,090	-18	510,582,959
Air Admitted	5,848,248	6,811,420	-14	36,632,730	44,775,562	-18	79,391,456
Land Admitted	29,877,954	35,185,854	-15	198,976,332	244,589,864	-19	413,947,396
Sea Admitted	971,865	976,875	-1	6,665,948	6,655,175	0	11,869,375
Inadmissible	59,699	55,036	8	414,246	392,169	6	700,803

Source: INS data, <http://www.ins.usdoj.gov/graphics/exec/prnfriendly.asp>

Seasonally Adjusted Total Inspections - Land, Air & Sea Admissions



Source: INS data, <http://www.ins.usdoj.gov/graphics/exec/prnfriendly.asp>

APPENDIX E

MEMBERS AND STAFF OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

Mark E. Souder (IN), Chairman

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Danny K. Davis (IL)

Jim Turner (TX)

Thomas H. Allen (ME)

Janice D. Schakowsky (IL)

STAFF

Christopher A. Donesa, Staff Director and Chief Counsel

Nicholas P. Coleman (principal staff member for border issues)

Sharon Pinkerton

Roland Foster

Elizabeth Meyer

Conn Carroll, Clerk

CDR James Rendon, Congressional Fellow (U.S. Coast Guard)

Julian A. Haywood, Minority Counsel

APPENDIX F

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CHALLENGES AND SOLUTIONS

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U.S. House of Representatives