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## **Terrorism: Automated Lookout Systems and Border Security Options and Issues**

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# Terrorism: Automated Lookout Systems and Border Security Options and Issues

## Summary

Border security and the threat of international terrorism are issues of intense congressional concern, as is evidenced by recent congressional hearings held to examine these issues in the 107<sup>th</sup> Congress. The challenge for policy makers is to provide for a level of border security that is commensurate with threats from abroad, while facilitating legitimate cross-border travel and commerce, and protecting civil liberties. To provide border security, a number of federal agencies work in tandem. The State Department and the federal inspection services, principally the Immigration and Naturalization Service and the U.S. Customs Service, have long maintained lookout books for the purpose of excluding “undesirable” persons, including suspected terrorists, from entry into the United States. While automated lookout books are an integral part of the border security equation, other measures can be taken to increase border security.

This report presents five options that have been discussed by international security specialists for strengthening the processes by which persons who are known to be members or supporters of foreign terrorist organizations are excluded from entry into the United States. Those options include (1) making it more difficult to counterfeit and alter international travel documents, (2) increasing entry/exit control mechanisms at international ports of entry, (3) increasing staff and technology for consular and federal inspection services, (4) enhancing recordkeeping on the visa status and whereabouts of foreign students in the United States, and (5) expanding the current visa lookout system to include data on members of international organized crime groups. While some, or perhaps all, of these options could theoretically be implemented by the Administration, adoption would most likely require congressional support through legislative mandates, directed appropriations, or report language.

Clearly, border control is vital to the security of the nation and its citizens. Notwithstanding, increasing border security has significant financial and social costs. Indeed, the exclusion of persons from entry into the United States for ideological or political beliefs has long been a source of controversy. Moreover, the options listed above could prove controversial, if adopted and implemented without careful consideration for facilitating legitimate cross-border travel and commerce. Furthermore, many view the inclusion of personal biometric identifiers in travel documents, monitoring foreign students, and increased entry/exit control as examples of greater government intrusion. Finally, hiring additional staff and developing force-multiplying technologies are expensive propositions as well.

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# Terrorism: Automated Lookout Systems and Border Security Options and Issues

This report examines options and issues related to improving border security by strengthening the automated “lookout” systems and processes employed to exclude persons who are known to be members or supporters of foreign terrorist organizations from entry into the United States.<sup>1</sup>

## Introduction

Border security and the threat of international terrorism are issues of intense congressional concern, as is evidenced by recent congressional hearings held to examine these issues in the 107<sup>th</sup> Congress. The challenge for policy makers is to provide for a level of border security that is commensurate with threats from abroad, while facilitating legitimate cross-border travel and commerce, as well as, protecting civil liberties.

A number of federal agencies work in tandem to provide border security. The State Department and the federal inspection services,<sup>2</sup> principally the Immigration and Naturalization Service (INS) and the U.S. Customs Service, have long maintained lookout books for the purpose of excluding “undesirable” persons, including suspected terrorists, from entry into the United States. The exclusion of persons from entry into the United States for ideological or political beliefs, however, has long been a source of controversy. While it is clearly within the public interest and the federal government’s mandate to exclude persons who are intent on inciting or engaging in terrorist activities, the determination of who may be a member or supporter of a foreign terrorist organization and, therefore, inadmissible is ultimately a subjective consideration made by intelligence analysts and consular officers and based on the best information available. As such, these considerations are likely to be controversial and change over time.

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<sup>1</sup>It is important to note that lookout systems are only one of a number of tools available to federal officials carrying out border control functions. Alert and experienced consular staff and inspectors, such as the Customs inspectors who interdicted suspected terrorist Ahmed Ressam at the U.S.-Canada border in December 1999, are essential.

<sup>2</sup>“Federal inspection services” is a term of art. These services include: the Department of the Treasury’s U.S. Customs Service, the Department of Justice’s Immigration and Naturalization Service, the Department of Agriculture’s Animal and Plant Health Inspection Service, and the Department of Health and Human Services’ Public Health Service. Inspectors from all of these agencies are stationed at international ports of entry, but under certain circumstances, inspectors of one agency perform the functions of one or more of the other agencies.

The administration and enforcement of immigration law has been viewed by some as a series of concentric circles. The first circle, or line of defense, is made up of the State Department's consular posts overseas, where consular officers adjudicate visa applications for foreign nationals wishing to come to the United States. Under current law, any alien (non-citizen) who is known to have engaged in terrorist activity, is likely to engage in terrorist activity, or who is a member/supporter of a foreign terrorist organization is inadmissible into the United States.<sup>3</sup>

Over the last decade, Congress has enacted legislation directing the State Department to computerize and expand its visa lookout books.<sup>4</sup> The computerized lookout system maintained by the State Department is the Consular Lookout and Support System (CLASS). With input from the intelligence community, the State Department enters the names and other biographical data of known and suspected members and supporters of foreign terrorist organizations into CLASS. As required by law, before issuing a visa to any foreign national, consular officers must certify, in writing, that a lookout check has been made and that there is no reason to exclude the applicant from admission to the United States.<sup>5</sup>

The second circle is composed of designated international ports of entry where travelers are screened for admission into the United States by INS immigration and Customs inspectors. It is unlawful for any person to enter the United States at any place other than a designated port of entry. The primary objective of inspections is twofold: to facilitate legal entries of admissible persons on the one hand, and to intercept *mala fide* applicants for admission on the other. INS and Customs inspectors use the Interagency Border Inspection System (IBIS) to quickly verify that applicants for admission are not known to be inadmissible and to check that they are not wanted by federal law enforcement officials. IBIS not only interfaces with CLASS, it also interfaces with databases maintained by other federal law enforcement agencies like the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA).

For the most part, once foreign nationals are admitted to the United States, they are not monitored unless they come under the scrutiny of the FBI's foreign counter-intelligence operations, or the scrutiny of some other federal law enforcement agency because of some other suspected illegal activity.

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<sup>3</sup>See Immigration and Nationality Act (INA) Section 212(a)(3)(B).

<sup>4</sup>See Section 140 of P.L. 103-236 (Foreign Relations Authorization Act, FY1994 and FY1995, as amended). Subsection (a) of this provision authorized the State Department to collect a fee to recover the costs of providing consular services. Subsection (b) directed the State Department to include a surcharge in the fee to upgrade and computerize visa lookout systems.

<sup>5</sup>See Section 140(c) of P.L. 103-236.

## Statutory Authorities

The following discussion sets out the relevant federal authorities, the grounds of inadmissibility, the statutory definition of “terrorist activity,” and the process by which the State Department designates foreign terrorist organizations.

### The Roles of the Attorney General and Secretary of State

The Immigration and Nationality Act of 1952 (INA; 8 U.S.C. Section 1101 *et seq.*) is the main body of law governing immigration to the United States. Section 103 of the INA gives primary responsibility for the administration and enforcement of immigration law at the border and within the United States to the Attorney General. All persons seeking entry into the United States must apply for admission at a designated port of entry. With limited exceptions, any non-citizen seeking to enter the United States is required to present valid documentation as required by the Attorney General in regulation. Most of that authority is delegated to the INS Commissioner. The issuance of passports and visas, however, is the responsibility of the Secretary of State.

Section 104 of the INA gives responsibility for the administration and enforcement of immigration law to the Secretary of State as it relates to the duties and functions of diplomatic and consular officers. The Secretary of State oversees 250 diplomatic and consular posts around the world from which visas are issued to immigrants seeking permanent residence and nonimmigrants seeking authorization for a temporary stay in the United States. The Bureau of Consular Affairs is the branch of State that manages the issuance of passports to citizens and visas to non-citizens. U.S. consular officers abroad issue about 6 million visas annually to foreign nationals who wish to visit the United States and almost 500,000 immigrant visas to those who wish to reside here permanently.

Consular officers are given wide discretion whether to grant or refuse a visa, this decision is subject to very limited review, and there is no avenue for administrative appeal. Moreover, a visa (immigrant or nonimmigrant) is not a guarantee of entry into the United States; INS inspectors at ports of entry may find cause to exclude a visaed alien from entry, although this seldom occurs.

### Grounds for Inadmissibility

During both the visa and admissions process, aliens must satisfy consular and immigration officers that they are not inadmissible under any of the grounds outlined in Section 212(a) of the INA. Grounds for inadmissibility are currently divided into 10 categories: (1) health-related grounds; (2) criminal grounds; (3) security grounds; (4) public charge proscription; (5) unauthorized employment; (6) illegal entrants and immigration violators proscription; (7) documentation requirements; (8) ineligibility for citizenship; (9) unlawful presence; and (10) miscellaneous.

Section 212(a)(3) of the INA makes any alien inadmissible if the Secretary of State or the Attorney General has reasonable grounds to believe that the alien seeks to enter the United States to engage in espionage or sabotage, to attempt to

unlawfully overthrow the U.S. government, or to engage in any other unlawful activity.

Section 212(a)(3)(B)(i) of the INA makes any alien inadmissible if there is reasonable ground to believe the alien (1) has engaged in terrorist activity; (2) is or is likely to be engaged in terrorist activity; (3) has, under certain circumstances, indicated an intention to cause death or serious bodily harm, or incited terrorist activity; (4) is a representative of a foreign terrorist organization as designated by the Secretary of State, which the alien knows or should have known is a terrorist organization; or (5) is a member of a foreign terrorist organization as designated by the Secretary of State.

**Visa Denial Waivers.** The inadmissibility of members and supporters of foreign terrorist organizations under Section 212(a)(3)(B) can be waived under Section 212(d), which provides the Attorney General with that authority, if he deems that it is in the national interest to do so. Such waivers are usually granted at the request of the Secretary of State, with the concurrence of the Attorney General.

**Terrorist Activity Defined.** Section 212(a)(3)(B)(ii) defines “terrorist activity” as being comprised of the following six examples: (1) the highjacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle); (2) the seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained; (3) a violent attack upon an internationally protected person (as defined in Section 1116(b)(4) of Title 18) or upon the liberty of such a person; (4) an assassination; (5) the use of any – (a) biological agent, chemical agent, or nuclear weapon or device, or (b) explosive or firearm (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property; (6) a threat, attempt, or conspiracy to do any of the foregoing. In addition, such activity must be unlawful in the place where it is committed or, if committed in the United States, would be unlawful under the laws of the United States.

**Designation of Foreign Terrorist Organizations.** Section 219(a) of the INA governs the process by which the Secretary of State designates a foreign terrorist organization. Such an organization must (1) be foreign, (2) be engaged in an activity as defined under Section 212(a)(B)(ii) (described above), and (3) threaten the security of U.S. nationals or the security of the United States. In addition, State is required by law to inform Congress of its intent to designate a particular organization as terrorist in the *Federal Register*. An organization may appeal such designation within 30 days before the U.S. Court of Appeals for the District of Columbia Circuit.

## Visa Issuance, Admissions, and Lookout Checks

The State Department and the federal inspectional services have taken a number of steps to improve and computerize their lookout systems. Although efforts were already underway in the early 1990s to improve these systems, the bombing of the

World Trade Center in February 1993 prompted federal officials to accelerate these efforts, since many of those involved in the conspiracy were visaed foreign nationals. The following discussion provides a brief description of these systems.

## State Department

Consular officers are required by law to certify in writing that they have checked State's lookout system, CLASS, and that there is no basis to exclude an alien before issuing a visa.<sup>6</sup> The CLASS database contains approximately 4 million records, including limited biographical information on terrorists, narco-traffickers, and international criminals. Following the World Trade Center bombing, State directed consular offices to form "Visa Viper" committees to ensure that the names of possible terrorist are forwarded by consular officers to the State Department.

In addition, State's Bureau of Intelligence and Research maintains a database known as TIPOFF. By screening highly classified holdings on international terrorists, State Department analysts compile files on persons who may be considered terrorists and may be subject to exclusion under Section 212(a)(3). Such information may prove useful to consular and immigration officers when making decisions regarding visa issuance and admissions. The bottom line criterion for inclusion in TIPOFF is whether a reasonable suspicion exists that a person, if admitted, is or would be engaged in terrorist activities.

The holdings of TIPOFF are classified. Essential components of TIPOFF data needed to identify and exclude persons on terrorist grounds have been added into CLASS. State Department employees, who maintain the TIPOFF system, check TIPOFF database hits and related intelligence reports. Names are periodically removed from TIPOFF. Reasons for removal include: (1) death; (2) attaining 99 years of age; (3) weakness of original information as confirmed by lack of activity over a sustained period of time; (4) subsequent ascertainment that the original information was incorrect; and (5) an individual has become an immigrant or U.S. citizen. Since 1987, when TIPOFF was established, several hundred names have been removed from TIPOFF, according to the State Department.

It is important to note that not all persons who are in CLASS are denied visas. A suspected or confirmed terrorist may be granted a visa denial waiver when requested by the Secretary of State and approved by the Attorney General. Such waivers may be granted for political purposes, as is now often the case with members of the Palestinian Liberation Organization (PLO) visiting the United States on diplomatic business. Waivers are also granted for intelligence gathering and law enforcement purposes. For example, a suspected terrorist may be admitted to the country so as to determine where and to whom his trail leads. Indeed, according to the Foreign Affairs Manual, all visa applications involving possible inadmissibility as a terrorist must be submitted to the State Department for a security advisory opinion, which State's Visa Office attempts to turn around with 15 days. Furthermore, the

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<sup>6</sup>Section 140(c) of P.L. 103-236, the Foreign Relations Authorization Act, FY1994 and FY1995.

Secretary of State is required by law to report to Congress the denial of all visas on these grounds.

## **INS and Customs Service**

With certain exceptions, INS immigration inspectors are instructed to check the name of every person 14 years of age or older in the Interagency Border Inspection System (IBIS). IBIS is maintained by the INS and the U.S. Customs Service and provides lookout information to the federal inspection services. While INS provides the largest number of lookout records through its National Automated Immigration Lookout System II (NAILS II), many different agencies feed information into IBIS. Some of these agencies include the Department of State, the Federal Bureau of Investigation (FBI), the Office of Special Investigations (OSI), the International Crime Police Organization (INTERPOL), and the Department of Agriculture. About 30 different agencies and approximately 3,000 government employees have access to IBIS.

NAILS II, the INS lookout system, contains biographical and case data on persons who may be inadmissible or are being sought by INS for other reasons related to immigration law and enforcement. It may be searched by name, variations of the name (soundex), alien registration number, or date of birth. Names are downloaded from TIPOFF into NAILS II. Conversely, NAILS lookout data is fed into CLASS on a daily basis.

The Treasury Enforcement and Communications System (TECS) II serves as the centralized database for IBIS. Through TECS II, IBIS interfaces with many other databases maintained by many other state, federal, and international law enforcement agencies, e.g., the FBI's National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the California Law Enforcement Telecommunications System (CLETS). Through these interfaces, IBIS contains approximately 5 million names and birth dates of individuals who may be inadmissible into the United States. Most of these persons, however, are potentially inadmissible for reasons other than suspected terrorist activity. Persons may be included in IBIS for reasons ranging from suspected organized crime activity to non-payment of child support.

## **Options and Issues for Congress**

As international travel to the United States increases, Congress is likely to continue to focus on issues related to border security and the facilitation of legitimate cross-border travel. While automated lookout books are an integral part of the border security equation, other measures can be taken to increase border security. Enumerated below are five technology-based options for increasing border security along with related issues, such as economic and social costs. Options include (1) making it more difficult to counterfeit and alter international travel documents, (2) increasing entry/exit control mechanisms at international ports of entry, (3) increasing staff and technology for consular and federal inspection services, (4) enhancing record keeping on the visa status and whereabouts of foreign students in the United States,

and (5) expanding the current visa lookout system to include data on members of international organized crime groups.

Certainly, these border security options are not without consequence. Related issues include the degree to which these measures: 1) encroach upon civil liberties, 2) impede legitimate cross-border travel and commerce, 3) increase fiscal costs, and 4) are responsive to emerging threats.

## **Travel Document Integrity**

Increasing travel document integrity by making it more difficult to counterfeit and alter those documents could lead to two desirable outcomes. First, border security could be enhanced. Second, legitimate international travel could be expedited. Indeed, Congress has recently enacted legislation (P.L. 106-396) that makes permanent the Visa Waiver program. This program allows nationals from certain countries to enter the United States as temporary visitors for business or pleasure without first obtaining a visa from a U.S. consulate abroad. By eliminating the visa requirement, this program facilitates international travel and commerce and eases consular workloads, but it bypasses the first step by which international visitors are screened for admissibility when seeking to enter the United States.

This legislation also requires all countries participating in the Visa Waiver Program to issue machine readable passports to its citizens by October 2007. Machine readable passports not only facilitate international travel, but they also expedite lookout system queries. They also facilitate entry of international travelers by allowing carriers and the federal inspection services to pre-clear passengers through the use of electronic passenger manifests.<sup>7</sup>

Machine readable passports, however, do not address the issue of identity fraud. Another option by which border security could be enhanced is by upgrading lookout systems and travel documents to include biometric data. Indeed, INS and State have incorporated digitized fingerprints into the Green Card (I-551) carried by immigrants and the new Border Crossing Card (Laser Visa). In the case of the Green Card, INS administratively determined that a digitized fingerprint should be incorporated into that document. Congress has also enacted legislation requiring that a new Border Crossing Card be developed that would include a personal biometric identifier. The cost of producing and issuing these travel documents are covered by user fees. One option that has been mentioned is to legislatively require that passports include biometric identifiers. Such a course would likely require additional appropriations or higher passport fees.

With new technologies, a traveler's identity could be quickly and definitively verified by matching their identity with biometric identifiers like facial geometry, iris scans, and fingerprints that could be incorporated into passports, visas, and other travel documents. While biometric data is being collected for many purposes in the

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<sup>7</sup>For further information, see CRS Report RS20546, *Immigration: Visa Waiver Permanent Program Act (P.L. 106-396)*, by William J. Krouse.

private sector, its use in the public sector has been controversial, for it is viewed by many as a government intrusion on individual privacy.<sup>8</sup>

## Entry/Exit Control

Increasing entry/exit control mechanisms at international ports of entry is another measure that could be used to enhance border security. Provisions to require increased entry/exit control included in the Illegal Immigrations and Immigrant Responsibility Act of 1996 (IIRIRA; P.L. 104-208) have proved controversial and were amended by the 106<sup>th</sup> Congress. Section 110 of IIRIRA required the Attorney General to develop an automated entry/exit control system that would create a record for every alien arriving in the United States and match it with the record for the alien departing the United States. The Department of Justice (DOJ) encountered significant difficulty in implementing Section 110, because INS had not previously tracked arrivals and departures of immigrants and only had limited success in tracking arrivals and departures for nonimmigrants.

In addition, Canada and many congressional delegations from northern border states strongly opposed the implementation of Section 110 at the northern land border, since it would have represented a significant departure from the status quo. Canadians who enter the United States through land border ports were and are usually not required to obtain a visa, nor present a passport. Some were concerned that, if Section 110 were implemented at northern land border ports of entry, additional documents would have been required.

The principal focus of Section 110 was the enumeration and identification of nonimmigrant overstays (i.e., those persons who are legally admitted to the United States on a temporary basis and subsequently overstay the terms of their admission). Such a system, however, if linked to visa lookout systems and law enforcement databases, would serve as an extremely enhanced means of more closely screening aliens who may be subject to exclusion from the United States. Because of difficulties in developing such a system and concerns that it would impede legitimate international travel and commerce, Congress enacted the Immigration and Naturalization Service Data Management and Improvement Act of 2000 (P.L. 106-215), amending Section 110 to require the development of an integrated entry and exit data system, which will use available data to record alien arrivals and departures, without establishing additional documentary requirements. Consequently, the scope of Section 110 is much narrower than originally enacted under P.L. 104-208.<sup>9</sup>

For reasons of immigration control and border security, entry/exit control could reemerge as an issue. Measures taken to increase border security, however, would be less controversial if they could be implemented in such a way as to facilitate legitimate cross border traffic and not greatly inconvenience the traveling public.

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<sup>8</sup> For related information, see CRS Report RL30084, *Biometric Science and Technology for Personal Identification: Devices, Uses, Organizations and Congressional Intent*, by William C. Boesman.

<sup>9</sup> For further information, see CRS Report RS20627, *Immigration: Integrated Entry and Exit Data System*, by William J. Krouse.

## Increasing Staff and Technology for Consular and Federal Inspection Services

Increasing staff and technology for consular and federal inspection services is one option, albeit costly, that may warrant congressional attention. At the present time, the most effective mix of staff and technology necessary to achieve an optimal level of border security is under study by federal inspection services and is not yet known. Moreover, automated lookout systems and other technologies, which serve as force multipliers will, if not upgraded, be quickly outpaced by growth in cross-border traffic. It is undisputed that well trained and experienced staff are an essential component of the border security equation. Congress, however, may well want a clear assessment that agency personnel are being allocated efficiently and automated lookout systems are being properly and economically developed, before considering requests for increased funding.

According to State, demand for consular services is increasing. In FY2001, State anticipates that approximately 3,702 consular officers will provide services at overseas posts and domestically, processing over 7.5 million non-immigrant visa applications, about 500,000 immigrant visa applications, and over 7.8 million passports.<sup>10</sup> Under State's border security program, equipment and systems, including CLASS and TIPOFF, that support consular activities are being maintained and upgraded. Furthermore, increasing cooperation between consular officials with representatives of law enforcement agencies and the intelligence community is an ongoing part of the border security program. These efforts are funded through the machine readable visa (MRV) fee.<sup>11</sup>

At international airports of entry, INS is mandated by law to clear all international flights through primary inspections within 45 minutes. INS inspections at air and sea ports of entry are funded through user fees. While the 45 minute mandate expedites inspections, if a port is understaffed it probably leads to less thorough inspections, diminishing border security. The Administration's FY2002 request includes an increase in \$70 million in user fees to hire an additional 539 positions to increase INS inspections staff at air and sea ports of entry, and \$5 million to upgrade automated lookout systems.<sup>12</sup> The FY2002 request includes no additional funding for Customs inspectors at air ports of entry.

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<sup>10</sup>U.S. Department of State, *The Budget in Brief, Fiscal Year 2002*, (Washington, Winter 2001), p. 18.

<sup>11</sup>Machine readable visa (MRV) fees were authorized by the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 102-236). For FY2002, State has reported that it will obligate \$414 million in offsetting receipts generated by the MRV fee for border security – a \$23 million increase over FY2001 funding. The FY2002 request also includes a legislative proposal to make the MRV fee authorization permanent. It is currently authorized in 3-year cycles.

<sup>12</sup>For further information, see CRS Report RS20908, *Immigration and Naturalization Service's FY2002 Budget*, by William J. Krouse.

Regarding staffing and land border port infrastructure, the Customs Service has recently delivered to Congress two statutorily mandated reports. Regarding resource allocation Customs contracted with PricewaterhouseCoopers (PwC) in 1998 to develop a resource allocation model (RAM) to determine the most effective deployment of its inspectors and canine enforcement officers at its more than 300 international ports of entry. Such an analysis was necessary in order to identify opportunities to reduce passenger inspection wait time and cargo examination times, while maintaining some level of border security.

The RAM report includes a finding that, to meet its multifaceted mission, Customs staffing would need to be increased by 14,776 positions over its FY1998 base. The largest increases would be in inspector (6,481), special agent (2,041), and canine enforcement officer (650) positions. GAO testified in April 2000 that they found some weaknesses (data reliability issues) in the resource allocation model.<sup>13</sup> Nevertheless, the resource allocation model is the most comprehensive staffing analysis available to date, and it is very likely that Customs staffing will be an issue for the 107<sup>th</sup> Congress, as congestion and wait times at land border ports increase.

Regarding land border port infrastructure, the Customs Service, in consultation with the General Service Administration (GSA) and the federal inspection service (FIS) agencies, was directed in report language to assess the current infrastructure needs at ports of entry on the Northern and Southwest borders of the United States.<sup>14</sup> Customs identified 822 projects and projected that their costs would be around \$784 million.<sup>15</sup> The agency also expects that imports and exports will nearly double in the next 5 years.<sup>16</sup> Customs anticipates that if the infrastructure at these ports is not improved in the next few years, the result is likely to be traffic backups and longer lines. In addition, the mission capabilities of federal inspection service agencies will be dangerously impaired, adversely affecting the level of border management.

Land border ports of entry pose greater border security challenges. Many people who cross the land border frequently reside in the region. Therefore, inspections process at land border ports is not conducted with the same level of intensity as at airports. At land border ports, inspectors visually screen applicants for admission in primary inspections lanes. As the vehicle approaches the inspections booth, the inspector usually enters the automobile license plate number into IBIS to check whether there is a lookout record on it. If there is a record, the vehicle is detoured into secondary inspection for further examination. In addition, the inspector queries the vehicle's occupants for documentation, intended destination, and length of stay.

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<sup>13</sup>U.S. General Accounting Office, Testimony before the House Committee on Government Reform Subcommittee on Government Management, Information and Technology, *U.S. Customs Service: Observations on Selected Operations and Program Issues*, T-GGD/AIMD-00-150 (Washington, April 20, 2000), p. 6.

<sup>14</sup>Report language accompanying the FY2000 Treasury-Postal Appropriations Act (P.L. 106-58); S.Rept. 106-87 (S. 1282), p. 23.

<sup>15</sup>*Ports of Entry Infrastructure Assessment*, p. 1 of overview.

<sup>16</sup>U.S. General Accounting Office, *Major Management Challenges and Program Risks: Department of the Treasury*, (Washington, January 2001), p. 32.

If in the inspector's judgement no further examination is warranted, the vehicle and its occupants are waved through.

Unlike inspections at airports, wait times for inspections at land border ports have increased as cross border commerce has grown on both our northern and southern borders, largely as a consequence of the Canadian Free Trade Agreement and North American Free Trade Agreement. On the southern land border, inspection staff has increased dramatically, but on the northern land border, staffing has not increased significantly in the past 10 years.<sup>17</sup> The Administration's FY2002 request includes no funding for additional Immigration and Customs inspectors at land border ports. While statistical data are not readily available, it is generally acknowledged that both licit and illicit cross border commerce has increased on both the northern and southern land borders in the past decade. Without corresponding increases in staffing and new technologies, however, the frequency and rigor of inspections at land border ports of entry is likely to diminish.

## Monitoring the Status of International Students

One of the recommendations of the National Commission on Terrorism,<sup>18</sup> a congressionally-mandated bipartisan body, was to expand an existing computerized program known as the Coordinated InterAgency Partnership Regulating International Students (CIPRIS).<sup>19</sup> This program is designed to facilitate data retrieval capability by establishing an automated database to more efficiently monitor the immigration/visa status and whereabouts of students from abroad. The Commission's report noted that one of the convicted terrorists involved in the World Trade Center bombing entered the United States on a student visa, dropped out, and remained illegally thereafter.

In June 1997, INS implemented the program on a pilot basis at 21 educational institutions in Georgia, Alabama, North Carolina, and South Carolina, and at Atlanta's Hartsfield Airport. The program's automated system was designed to not only monitor foreign students, but to support screening foreign students at Consular Posts

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<sup>17</sup>From FY1992 to FY1999, the number of immigration inspectors deployed on the southern land border increased from 666 to 1,893, an increase of 184%, while those deployed on the northern land border increased from 451 to 490, an increase of 9%. Meanwhile, immigration inspectors deployed at air and sea ports of entry nationwide went from 1,748 to 2,925, an increase of 67%. A breakout of Customs personnel deployed to the southern and northern land borders, and air and sea ports of entry, is not available; however, there are staffing statistics available nationwide. From FY1992 to FY1999, Customs inspectors deployed nationwide increased from 6,159 to 7,812, an increase of 27%, while canine enforcement officers increased from 405 to 644, an increase of 59%.

<sup>18</sup>For further information, see CRS Report RS20598, *National Commission on Terrorism Report: Background and Issues for Congress*, by Raphael Perl.

<sup>19</sup>Note that this pilot program was authorized by the Illegal Immigration and Immigrant Responsibility Act of 1996 (P.L. 104-208; IRRIRA). It was amended by the 106<sup>th</sup> Congress (P.L. 106-396; Title IV-Miscellaneous Provisions, Section 404) to eliminate the fee collection role for schools and exchange visitor programs by having the student/exchange visitor pay the fee directly to the federal government or a designated third party contractor.

and processing their inspection at U.S. Ports-of-Entry. The pilot phase of the program officially ended in October 1999, but INS reports that the program's automated system is still a prototype.

Although enjoying strong support in the national security and counter-terrorism community, this program has drawn strong criticism from civil liberty groups and higher education administrators as a costly administrative requirement that represents an overreach of governmental authority.<sup>20</sup>

## **An International Organized Crime Tipoff System**

Many in the international law enforcement community perceive a growing opportunistic and often symbiotic relationship between terrorist and international organized crime groups.<sup>21</sup> In light of such developments, expanding the Tipoff system to include identified members of international criminal organizations may warrant congressional attention, they contend. Such a database would undoubtedly expand the number of files included in Tipoff and would increase the costs for the Department of State of maintaining such a system. While it would arguably provide national security benefits, it could potentially result in challenges from the civil liberties community.

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<sup>20</sup>NAFSA: Association of International Educators, *Issue Brief: Repeal Section 641(CIPRIS): Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)*. (See: [<http://www.nafsa.org/>]. Click on "Public Policy," "Advocacy Topics," "For the Media," "NAFSA on the Issues," "CIPRIS" ) (This site was last visited on June 18, 2001.)

<sup>21</sup>For further information, see U.S. Congress. House Committee on the Judiciary. *Threat Posed by the Convergence of Organized Crime, Drug Trafficking, and Terrorism*. Hearing before the Subcommittee on Crime, December 13, 2000 (Serial No. 148).

