

Border Regulation Begins with Stronger Capacity at Official Points of Entry



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Takeaways

After the Trump Administration cutbacks, Congress should invest in the U.S. southern border to benefit trade, stop bad actors, and humanely process people with real asylum claims.

Managing vehicular, rail, and people throughput at border crossings is an enormous challenge, but one not being met. U.S. inspectors do not properly screen more than a small percentage of incoming commercial and personal vehicles making this the primary means for narco-trafficking into the United States.

Investing more in screening capacity at the official land Points of Entry with Mexico will reduce crime, illegal drug importation, guns going southbound, strengthen regulation and

order essential for safe trade and opportunity, and make for a safer environment for those seeking legal entry into the United States.

Congress has steadily appropriated new funds for more border screening capacity, but additional investment in screening capacity is still needed to make up for Trump Administration cutbacks. President Biden's U.S. Citizens Act of 2021 has a range of helpful proposals to make us safer and keep commerce moving.

Congress should mandate better measures to evaluate actual screening effectiveness. Congress also should conduct stronger oversight to address shortcomings in the US Department of Homeland Security (DHS) and Customs and Border Protection Agency (CBP) acquisition plans to make sure border inspectors spend the money more effectively and field the right capability in a timely fashion.

There is a range of reforms we must make across immigration and border regulation to better serve our nation and those seeking to come here. Immigration and border enforcement have strayed from our values as a country and urgently need reform. Our legal immigration system both in asylum and visa-based needs clear modernization. Millions who have known no home but America deserve citizenship. Enforcement alone will not solve our problems, but we must improve all aspects of American immigration and our border.

The Points of Entry

The U.S. – Mexico land border is nearly 2,000 miles long and one of the most economically vital lifelines for U.S. trade, investment, and growth. There are 110 formal land Points of Entry (POE) between Mexico and the United States and two-way trade volume will grow even higher as the national recovery from COVID-19 shutdowns accelerates.

U.S. - Mexico Border Crossings



Note: The primary land border crossings facilitate vital trade and supply chain security for the U.S. economy, but also the primary venue for moving illicit drugs and other contraband into the United States.

Source: "U.S.-Mexico Border Crossings." The Market Oracle. 2017.
http://www.marketoracle.co.uk/images/2017/Mar/US_States_Depend_On_Mexico1.png. Accessed 5 May 2021.

More than 239 million people, 80 million vehicles, including 6.5 million commercial trucks and 1.1 million rail containers legally entered the United States from Mexican soil in 2019, according to the U.S. Department of Transportation.¹ Mexico is the United States' third-largest trading partner, with two-way trade between the two North American nations exceeding \$650 billion in 2019.² Trade volume will increase as President Biden's American Rescue Plan boosts the nation's economic recovery. The March 2021 announcement by Canadian Pacific and Kansas City Southern railways that they will spend \$29 billion creating the first railroad connecting the United States, Mexico, and Canada will make the volume of trade even larger.³

Managing vehicular, rail, and people throughput at border crossings is an enormous challenge. The trade-off between moving people and goods at the appropriate speed for business and inspecting enough of each to prevent wide-scale transit of illicit goods at the Points of Entry is a function of time. Speed and inspection percentages reflect the volume of traffic, the capacity to inspect (having enough inspectors and inspection equipment), but not causing such burdensome backlogs that traffic flows are too slow for business. Right now, we are failing on all fronts.

Long delays at the U.S.–Mexico border crossing for goods destined for American manufacturers and consumers hit key sectors, like the U.S. auto industry, especially hard.

In April 2019 – well before the pandemic made inspections more complex – the commercial vehicle wait time to cross the U.S. – Mexico land border often exceeded 10 hours after President Trump diverted more than 500 Customs and Border Protection officers to help the Border Patrol look for people crossing in-between the formal Points of Entry. ⁴ Gridlock doubled the delay time for northbound trucks crossing the Ciudad Juarez entry point after the diversion of inspectors. The delays caused major backlogs at this crucial port that normally handles \$1.7 billion in daily trade. ⁵



Note: The backlog of vehicles waiting to pass through border checkpoints causes significant economic harm without making a substantial dent in the flow of trafficker operations smuggling goods into the homeland.

Source:“Laredo Commercial Crossing.” Freight Waves. Sep. 2019.
<https://s29755.pcdn.co/wp-content/uploads/2019/09/Laredo-Commercial-Crossing.jpg>. Accessed 5 May 2021.

The volume of crossings and the inadequate number of inspectors and inspection equipment overwhelm border security officials. The Customs and Border Protection Agency (CBP) acknowledges that it inspects just two percent of all private passenger vehicles and only 16 percent of commercial vehicles at land borders. ⁶ These paltry inspection rates have not increased despite years of promised improvement.

Overwhelmed Border Inspectors

The overwhelming volume of trade and people crossings at the formal land POEs is legal, legitimate, and good for the United States. But not everything crossing the land POEs is legal or good for the United States. The U.S. Drug Enforcement Administration (DEA) seized nearly 363,000 pounds of drugs at the POEs in 2018, including 70,000 pounds of methamphetamine, 20,000 pounds of

cocaine, and 1,400 pounds of fentanyl.⁷ Even more disturbing, most of the illegal drugs entering the United States were driven right through the legal land POEs—not, as former President Trump frequently implied, carried by migrants attempting to enter our country between the formal border crossing points. Given the small volume of vehicles inspected, it is almost certain that actual narcotics flow into the United States are multiples higher than the amount seized.



Note: Traffickers know a small percentage of products will be identified and seized, but also know the vast majority of their drugs will make it through the Points of Entry because inspectors can only check so many vehicles each day.

Source: "STPOE Marijuana." U.S. Customs and Border Protection, <https://www.cbp.gov/sites/default/files/u413/STPOEmarijuana.jpg>

Drugs intercepted at Ports of Entry, FY 2014-FY 2020

	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20 TD AUG
Cocaine	45,323	38,346	52,838	62,415	51,592	89,207	37,380
Heroin	4,356	6,023	4,224	3,398	5,205	5,427	4,552
Marijuana	438,146	602,821	516,122	366,627	299,419	289,529	313,813
Methamphetamine	19,613	25,495	33,086	46,247	57,440	68,585	41,663
Fentanyl	n/a	70	596	1,875	1,895	2,545	3,302

*weights are in pounds (lb)

Note: The growing volume of the most dangerous drugs being seized at border crossings is but a small percentage of the amount being driven right through our official Points of Entry.

Source: “Drug seizures by fiscal year at the Southwest border.” U.S. Customs and Border Protection. 7 Sep. 2020. <https://www.border-report.com/hot-topics/border-crime/mexican-cartels-sending-more-hard-drugs-across-the-border-cbp-acting-commissioner-says/>. Accessed 5 May 2021.



Balancing vibrant trade and extensive inspections is not possible without seriously upgrading the rate of inspections. Border inspectors simply lack the scanning capacity to do more inspections without imposing an incredible burden on the already back-logged flow of two-way commerce that fuels much of our respective economic engines.

Passenger Screening at Land Borders

Drug flows are not the only areas of risk at the border. The threat of dangerous persons attempting to enter the U.S. at or between official POEs is not zero, especially when one includes organized criminals, human traffickers, and gang members.⁸ While the risk is not zero, the hyping of terrorist passage risk occurs with disturbing frequency. House Minority Leader Kevin McCarthy claimed in March without evidence that suspected terrorists are attempting to cross into the United States, noting that he “saw it in their eyes,” and Senator Lindsey Graham claimed in early March that “undocumented children *could* become terrorists.”

All nations need to know who enters their country and whether those persons pose a threat to homeland security. Like vehicular traffic, screening individuals is a key means by which the United States manages risk at the Points of Entry. But unlike vehicular traffic, all persons entering the country are screened. There is far more time and data to verify who someone says they are, and information available when deciding whether to send someone to secondary screening. And, also, unlike vehicular traffic, validating the bona fides of people seeking entry into the country can be done at scale at land borders without major new investment.

Reducing the flow of illicit smuggling will improve the overall climate for safety and dignified treatment of those seeking legal entry into the United States. Because inspections are so scatter-shot and ineffective at stopping dangerous activity at the border, the border itself becomes more police-centric and less about facilitating the safe and secure movement of legal entrants through

the nation's Points of Entry. Being better about inspections will increase safety AND make for a more humane and dignified climate at the border.

President Trump grossly and regularly mischaracterized who is seeking legal entry into the United States. He told us repeatedly that we were being “invaded” by asylum seekers and economic migrants. That they are “the worst of the worst.” Of course, his own FBI Director Christopher Wray concluded months before the former President inspired the attack on the Capitol that domestic extremism is the most significant threat to our domestic security. ⁹

Roughly a half a million people legally cross the Mexican border into the United States every day, and despite the hyperbole of terror groups poring over the border, the actual threat is quite limited. Only four of the 180 foreign national individuals arrested in the United States since 9/11 were found to have crossed U.S. land borders illegally. Of those four, three were five years old or younger when they entered the homeland (who became radicalized years after entering the United States). ¹⁰ Vigilance is prudent, but hyping the risk is irresponsible fear-mongering.



Note: Expanding biometric safe entry programs will expedite the movement of appropriately cleared people and goods into the homeland while reducing low risk even lower.

Source: “San Ysidro Port of Entry.” Bipartisan Policy Center, Mar. 2019, <https://bipartisanpolicy.org/wp-content/uploads/2019/03/san-ysidro-port-of-entry2.png-1024x682.jpg>. Accessed 5 May 2021.

A 2018 study by the RAND Corporation concluded that “overwhelmingly, most individuals connected to U.S. jihadist terrorism since 9/11 have been U.S. citizens, and only two of the 26 individuals responsible for the 23 domestic attacks in the United States between September 2001

and September 2017 were nonresidents, both of whom entered the country legally.¹¹ The dramatic increase in domestic terrorism and extremism needs to be a far greater area of emphasis when allocating resources for preventing terrorism inside the United States.

CBP throughput screening rates remain elusive

Congress provided the Customs and Border Patrol with \$570 million in Fiscal Year (FY) 2019 for strengthening its capacity to conduct Non-Intrusive Inspections of vehicles and container passing through U.S. land borders. It appropriated another \$59.1 million in FY 2020 for the procurement of even more capacity.¹² Non-Intrusive Inspections are large image scanners that can see what is inside cargo holds for rapid detection of contraband. The new funds were expected to allow CBP to increase truck inspection rates to 72% and passenger vehicle inspection rates to 40% at the larger ports of entry by 2024; major, ambitious jumps from current levels.

As of September 2019, CBP reported having more than 300 Non-Intrusive Inspection systems deployed across 143 Field Offices and 28 U.S. Border Patrol locations.¹³

CBP's Management Plan calls for purchasing 23 more inspection platforms through FY 2021. The new equipment will – aspirationally – give CBP the ability to scan 100 containers per hour, compared to the current minimum objective of 20 per hour.



Note: Despite modest progress in acquiring more portable and fixed inspection systems for scanning truck cargo entering the United States, vehicle screening rates will remain badly short to prevent wide-scale illicit flows into the homeland

Source: Office of the Inspector General, U.S. Department of Homeland Security. "CBP Does Not Have a Comprehensive Strategy for Meeting Its LS-NII Needs." U.S. Department of Homeland Security, 28 Sep. 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-20-75-Sep20.pdf>. Accessed 5 May 2021.

Despite the modest gains in fielded technology to increase inspection throughput, the DHS Inspector General concluded in September 2020 that CBP does not have the staff necessary to examine the additional images, nor does it have a comprehensive strategy for meeting its Large-Scale Non-Intrusive Inspection (LS-NII) equipment needs at all CBP locations.

President Biden recognizes this imperative in the U.S. Citizens Act of 2021. The bill calls for the Secretary of DHS to develop and implement a plan to “deploy technology to expedite screening and enhance the ability to identify narcotics and other contraband at every land, air, and seaport of entry. This includes high-throughput scanning technologies to ensure that all commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border undergo pre-primary scanning.” Passage of the U.S. Citizens Act of 2021 will not only address the root causes of migration and restore humanity to our immigration laws, but also make us safer from illicit trafficking.

Congressional Action

Congress appropriated \$15.28 billion in the FY 2021 Omnibus spending bill for the CBP, \$370.7 million above the FY 2020 enacted level and \$520.2 million below the President’s budget request. The bill included a modest increase in spending of \$10 million for Porof Entry Technology.¹⁴ However, Congress dramatically reduced funding levels for procuring additional Non-Intrusive Inspection machines the past three fiscal years. Congress enacted \$546 million in FY 2019 for Non-Intrusive Inspection machines, just \$59 million in FY 2020 and the Trump Administration requested no funds for FY 2021.¹⁵

Congress has an understandably difficult time evaluating the progress CBP may be making in stopping the flow of dangerous goods into the homeland. DHS and CBP performance metrics are confusing and difficult to quantify. CBP’s effort to measure its success is by the percentage of potentially high-risk cargo that is assessed or scanned ranges from 97 to 99 percent between FY 2016 and FY 2019.¹⁶ This measure is, of course, just of the items sent to screening. It is not a reflection of the percentage of goods entering the country that are inspected. This kind of measure implies far more robust inspections than is reality. Congress should direct DHS to identify more meaningful measures to assess the rate of vehicle and container inspections at southwest borderland Points of Entry if it is to truly understand the percentage of commodities inspected for drugs and other dangerous commodities.

Representative Xochitl Torress Small introduced the Southwest Border Security Technology Improvement Act of 2020 (H.R. 7944) in the last session of Congress. That bill would have addressed many of the concerns noted above. Among other provisions, it called for DHS to report to Congress an analysis of border security technology for improving security along the southwest border, including how it can better facilitate legal trade and reduce illicit smuggling. The bill was co-sponsored by Representatives Mike McCaul, Elissa Slotkin, and Michael Cloud. Senator Kyrsten Sinema and co-sponsors Cornyn and Lankford introduced this same legislation, S.4224, in the Senate. These bills provide a strong basis for action in the 117th Congress, or as elements of the U.S. Citizens Act of 2021.

Conclusion

Border security is far more than what it has been defined as in the Trump Administration. Real border security is border integrity. Walls do nothing to stop the large flow of narcotics that are driven right through the formal Points of Entry.

The border has long been challenging, but there is a true opportunity for the broad reforms we need across all aspects that touch immigration. The U.S. Citizens Act of 2021 would make a fundamental step forward. We must lean into the urgent need for America to safely welcome asylum seekers and to properly regulate our border. Within the sphere of proper management, members of Congress should be advocating for more spending for vehicle and container screening at the POEs to stop the flow of drugs and potentially dangerous people from entering the United States. This is the known threat to the United States, not economic migrants seeking opportunity or persons surrendering to border officials so they may request asylum from terrible circumstances in their home country.

TOPICS

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ENDNOTES

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