

Testimony by the Border Trade Alliance
Submitted for the House Homeland Security Committee's Subcommittee on Border and
Maritime Security
"Using Technology to Facilitate Trade and Enhance Security at Our Ports of Entry"
May 1, 2012
Laredo, Texas

The Border Trade Alliance appreciates the opportunity to submit testimony for this important Subcommittee hearing on security and trade facilitation technology at United States ports of entry.

About the Border Trade Alliance

Founded in 1986, the Border Trade Alliance is a non-profit organization that serves as a forum for participants to address key issues affecting trade and economic development in North America. Working with entities in Canada, Mexico and the United States, the BTA advocates in favor of policies and initiatives designed to improve border affairs and trade relations among the three nations.

BTA's membership consists of border municipalities, chambers of commerce and industry, academic institutions, economic development corporations, industrial parks, transport companies, custom brokers, defense companies, manufacturers and state and local government agencies.

What's at stake?

The Subcommittee should be commended for examining not only technology's effect on security at our ports of entry but also how technology might be used to speed legitimate trade and travel through the ports.

Our ports of entry are quite literally our country's gateways to economic health and prosperity.

Customs and Border Protection in fiscal year 2010 facilitated \$2 trillion in trade. Our neighbors in Canada and Mexico are our number 2 and 3 trade partners respectively by imports worldwide. Canada and Mexico in FY 10 were each responsible for sending more than \$220 billion worth of imports into the U.S.¹

Our country maintains an inextricable economic link with Canada and Mexico. Texas, for example, is the number 1 destination for Mexican imports at a value of a staggering \$75 billion.

Much of the same can be said for U.S. exports, where Canada and Mexico rank 1 and 2 worldwide as destinations for our goods.²

¹ Canada: \$270,538,454,767 in imports; Mexico: \$220,628,712,432

² Canada: \$244,199,301,410 in exports; Mexico: \$155,599,424,038

These aren't just economic data compiled by government statisticians. These numbers mean jobs. One in four U.S. jobs depends on international trade. Consider the border states like California where 617,000 jobs depend on international trade, or Texas, where it's 539,000 or Michigan where it's 210,000.

Non-intrusive = success

Our organization, the Border Trade Alliance, over the years has had as part of its membership various technology companies, large and small, including manufacturers and technology integrators.

The BTA does not endorse one company's technology over another's. We wholeheartedly acknowledge, however, that technology must play a pivotal role in any border and port management solution that the Department of Homeland Security pursues.

Without technology, we will never have enough Border Patrol agents to secure the vast frontier along our southern and northern borders, nor will we have sufficient CBP officers to staff every entry lane at our ports.

When it comes to the *type* of technology, however, we are unequivocal in our belief that the federal government must place an emphasis on implementing non-intrusive technology to inspect cargo entering the U.S. That is, technology that does not require CBPOs to open conveyances in order to clear the contents to enter U.S. commerce. Such intensive inspections slow entry times, lead to longer border wait times, increase costs and, in the case of the produce industry, can result in total loss.

Beware the exit process

In testimony delivered by DHS Secretary Janet Napolitano before the Senate Judiciary Committee on April 25, the secretary touched on the United States Visitor and Immigrant Status Indicator Technology, or US-VISIT, and stated that in October 2001 she:

*"...proposed a strategy to Congress to utilize DHS funds to implement an automated vetting and enhanced biographic exit capability. This strategy will allow the Department to significantly enhance our existing capability to identify and target for enforcement action those who have overstayed their authorized period of admission, and who represent a public safety and/or national security threat by incorporating data contained within law enforcement, military, and intelligence repositories."*³

The BTA has a long history with US-VISIT, having served on the Department of Justice's Data Management Improvement Act Task Force shortly after 9/11, which was charged with making recommendations to the Department on how to implement an integrated border entry and exit system.

³ <http://www.ilw.com/immigrationdaily/news/2012,0426-napolitano.shtm>

While the BTA has never endorsed US-VISIT per se, we have always sought to work with DHS (and its legacy agencies in the Department of Justice and the Department of the Treasury) to implement an entry and exit system that would not harm border communities.

A word of caution as your Subcommittee contemplates how such a system might actually work. If DHS is looking to its management of the border entry process for inspiration, then border communities should hold their collective breath when it comes to DHS' development of the congressionally-mandated immigration exit process.

The need for an exit system is not a new idea. Congress first called for the development of an exit control in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. In the 16 years since, Congress has reiterated and strengthened its mandate in various statutes, including the anti-terrorism USA PATRIOT Act, and DHS has struggled to implement it, missing deadlines as it worked out how to design a system to accommodate travelers in the air, sea and land exit environments.

Yet the mandate remains in statute and the Congress -- and immigration enforcement and reform -- require results. In the fiscal year 2010 DHS budget bill, Congress called on the department to make quarterly reports on its progress in developing US-VISIT for the land borders, leading many to believe that some sort of land border exit program test is coming down the pike.

Border communities in the U.S. have seen their local economies negatively affected by the economic downturn of this Great Recession and the increasing hassle experienced by shoppers and other visitors crossing the border. Adding another layer of delays to the border crossing experience -- this time as travelers attempt to head home -- could sink the border economy.

In the pilot tests run by DHS in the air environment, the exit process mirrors the entry process. It need not be so at the land borders. With the right mix of technology and political will, the land border implementation of US-VISIT can result in the exit of foreign and U.S. travelers out of the U.S. and into Canada and Mexico without the long lines they all endure coming in.

Any US-VISIT solution for the land borders should be implemented with the best interests of border communities as the top priority. Replicating the entry process is a non-starter. Long lines of traffic backups into U.S. communities will be fiercely -- and rightly -- opposed at a local level and by many in Congress.

But by deploying available technology designed to continue the current unimpeded U.S. exit - not slow it with a new exit process - the government can implement a US-VISIT land exit solution that meets the mandates of Congress, the needs of local communities, and doesn't become an impediment to trade and travel.

A discrepancy in agency resources

In February 2009, Chesley Sullenberger, the famed pilot who successfully ditched his U.S. Airways Airbus in the Hudson River following a bird strike that disabled his aircraft, testified

before the House Committee on Transportation and Infrastructure's Subcommittee on Aviation. In his testimony, Sullenberger said:

*"In aviation, the bottom line is that the single most important piece of safety equipment is an experienced, well-trained pilot."*⁴

In port security, much like in aviation, there is no more important technology than an experienced CBPO who can spot an anomaly or identify a traveler who might seek to do us harm.

Unfortunately, this vital element of border and port security is growing increasingly hard to come by.

Your Subcommittee will get no argument from the trade community and the constituency that the BTA represents that the Border Patrol is not an integral component of our nation's border security strategy.

But the increased attention that Congress and this and previous administrations has directed towards Border Patrol has left the agency responsible for security at the ports of entry, Customs and Border Protection, coming up short in the chase for dwindling human and technological resources.

Border Patrol has seen a huge spike in agents since fiscal year 2004. That year, Border Patrol was allocated \$4.9 billion to fund 10,817 agents. But by fiscal year 2010, Border Patrol was allocated \$10.1 billion to fund just over 20,000 agents.

According to a March 30, 2011 GAO report, the Border Patrol is now better staffed than at any other time in its 86-year history.⁵

The same rapid rise in staffing levels cannot be said for CBP inspectors at our ports of entry.

A note about SBInet

The BTA recognizes that some members of this Subcommittee were dubious of the effectiveness of SBInet, the so-called "virtual fence" in southern Arizona that was canceled last year by DHS.

Being the only third-party organization allowed to visit the program facility on a fact-finding mission late 2010, and after a presentation with Border Patrol agents in the Tucson sector where the system is deployed and having studied the issue closely, we believe that the system should have been allowed to continue, especially in light of subsequent requests for information from DHS calling for much of the same technology already in use as part of SBInet in southern Arizona.

⁴ <http://aircrewbuzz.blogspot.com/2009/02/what-capt-sully-sullenberger-told.html>

⁵ <http://www.gao.gov/new.items/d11508t.pdf>

While this testimony has focused mostly on security at the ports of entry, we're not blind to the fact that our constituency is in the midst of an uphill climb to direct attention to the ports when the area between our ports is perceived as porous.

We believe that an effective SBInet program between the ports will allow more human resources to be directed to the ports themselves. We are encouraged that DHS still believes that technology is a vital component to any border security strategy. We hope the Department gives the system in southern Arizona another look as it moves forward with the latest iteration of its border security strategy.

Coordinated Border Infrastructure

To the extent that the members of your Subcommittee can influence the process, we strongly encourage you to work with the recently named conferees to the Transportation Reauthorization Conference Committee to ensure that the next highway funding bill includes funding for the Coordinated Border Infrastructure (CBI) program, as was the case under SAFETEA-LU.

CBI funds are disbursed to border state departments of transportation to help underwrite costs for transportation projects associated with facilitating international trade in and around ports of entry, with project locations up to 100 miles from the border. These funds can be used for technology that can help facilitate trade.

CBI's effect on border state economies is dramatic. The program has an annual economic impact of \$55.9 million on Texas, \$26.6 million in California, \$27.5 million in New York and \$28.3 million in Michigan.

It's because of CBI that Texas can, for example, construct roads leading from a port to the interstate highway system. Even the most modern port is of little benefit to the economy if trade is still encountering bottlenecks in the border region.

CBI helps reduce congestion, facilitates trade and it creates jobs, something we know Congress and the Administration are especially are especially sensitive to in this economy.

The Border Trade Alliance appreciates the opportunity to submit these comments for the record. We welcome the opportunity to testify before your committee in the future and we offer our 25-years of experience in border affairs as a resource to your committee as you investigate these and other important issues affecting border security.