

# ISSUE BRIEF

No. 4778 | OCTOBER 30, 2017

## House Border Security Bill a Strong Step Forward but Improvements Still Needed

*David Inserra*

The House Committee on Homeland Security recently amended and passed the Border Security for America Act.<sup>1</sup> The amended bill strengthens U.S. border security, but could still use some improvements. Congress should change the funding of National Guard assets used for border security, limit expensive projects like a biometric exit system and U.S. Customs and Border Protection (CBP) personnel expansion, and provide additional funding to recapitalize the Coast Guard. Going beyond this bill, Congress should also consider essential improvements to interior enforcement.

### Strong Core Provisions

The Border Security for America Act has a number of core provisions. These provisions rightly recognize that any border security efforts must be workable and cost-effective in the region where they are built.

- Orders the Department of Homeland Security (DHS) to “deploy the most practical and effective tactical infrastructure” along the U.S.’s southern border in order to achieve situational awareness and operational control of the border.

- Requires DHS to build such infrastructure that considers the safety of federal agents.
- Requires the most practical and effective technology to be built at the border, with details of different forms of technology that should be deployed at different parts of U.S. borders.
- Calls for increased air and sea patrols to monitor the U.S. borders and waters.
- Acknowledges, through its specific focus on technology and increased patrol hours, that surveillance capabilities paired with response from border patrol agents is the most effective way to provide border security for large portions of the border.
- Ensures that the CBP is authorized to pursue its duties and construction with appropriate waivers from various regulations and laws.
- Recognizes that ports of entry are critical for trade and travel and calls for additional land ports on the U.S.’s northern and southern border, as well as expansion of existing land ports.
- Provides for at least 300 additional K-9 units to be deployed at land ports of entry which will improve searches for drugs, weapons, and other contraband.

This paper, in its entirety, can be found at <http://report.heritage.org/ib4778>

The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
(202) 546-4400 | [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

### Areas for Improvement

These and other core provisions of the bill improve U.S. border security; however, several can be improved.

**Military Tools.** The bill calls for increased use of military and National Guard resources on the U.S.'s southern border. While military resources can be force multipliers, they are not permanent solutions given the other responsibilities and missions of the U.S. military. As such, any new or expanded role for the military or National Guard must be temporary. The bill also calls for the Department of Defense (DOD) to reimburse states for the use of the National Guard for border security missions. The DOD has enough challenges of its own right and its resources should not be diverted to pay for DHS duties.<sup>2</sup>

**Biometric Exit.** The bill includes a large section on installing a new biometric exit system. Currently, when visitors arrive in the U.S. they must provide biometric data, generally fingerprints, to ensure known security threats are not entering the U.S. On the way out, visitors do not provide biographic or biometric data as there is no infrastructure at most U.S. ports and airports for outbound passport control stations. Instead, DHS receives passenger manifests from airlines and commercial ships. This biographic data is then reconciled with the inbound information.<sup>3</sup>

The mandate for a biometric exit system has existed since at least 2004, but lack of infrastructure has made the mandate costly to fully implement. Air, sea, and land ports of entry would need significant new investments in infrastructure and technology to implement a biometric exit system—investments estimated to cost billions of dollars.<sup>4</sup>

Furthermore, biometric exit ultimately adds little of value to immigration efforts. If an individual overstays his visa, then he did not use a biographic, biometric, or any other kind of exit system because he did not exit the country. To improve the U.S.'s immi-

gration system, Congress should focus on improving the existing biographic exit system and use the money saved to enhance more effective immigration enforcement efforts and programs.

**Personnel.** The bill calls for recruitment and retention bonuses for CBP and special pay for remote and difficult to fill locations. The bill also wisely provides some narrow exemptions for the CBP to waive polygraph requirements to hire new officers such as for veterans who have held a clearance.

However, hiring 5,000 more border patrol agents and 5,000 more customs officers will be difficult. A recent DHS inspector general report found that DHS would face significant challenges hiring and properly allocating new agents. Given current levels of attrition and hiring rates, it would take 750,000 applicants to hire 5,000 more Border Patrol agents.<sup>5</sup> The report also found that the CBP had not thought through how its workforce would meet operation needs and “achieve strategic goals.” CBP officials told the Inspector General that they were “still 3 to 4 more years away from implementing a process to obtain and analyze accurate operational needs and deployment data.”<sup>6</sup> This should be a warning to Congress to avoid spending too much money on expanding the CBP without clearly defined needs and plans for expansion.

**Funding.** Congress can save significant sums by focusing on a biographic rather than biometric exit system and taking a more deliberate approach to expanding CBP's workforce. The bill could also safeguard the use of Operation Stonegarden Grants, that provide funding to state and local governments for border security, by ensuring that such funds are only available to localities that are cooperating with other parts of federal immigration enforcement.

- 
1. Border Security for America Act of 2017, H.R. 3548, 115th Congress, 1st Sess., <http://docs.house.gov/meetings/HM/HM00/20171004/106426/BILLS-115-HR3548-M001157-Amdt-1.pdf> (accessed October 23, 2017).
  2. Dakota L. Wood, ed., *2018 Index of U.S. Military Strength* (Washington, DC: The Heritage Foundation, 2017), <http://www.heritage.org/military-strength> (accessed October 23, 2017).
  3. Lisa Seghetti, “Border Security: Immigration Inspections at Ports of Entry,” Congressional Research Service *Report for Congress* No. 43356, January 26, 2015, <https://fas.org/sgp/crs/homesecc/R43356.pdf> (accessed October 23, 2017).
  4. DHS has estimated that \$1 billion would allow installation at only the “highest volume airports.” U.S. Department of Homeland Security, “Comprehensive Biometric Entry/Exit Plan,” *Fiscal Year 2016 Report for Congress*, April 20, 2016, <https://www.dhs.gov/sites/default/files/publications/Customs%20and%20Border%20Protection%20-%20Comprehensive%20Biometric%20Entry%20and%20Exit%20Plan.pdf> (accessed October 23, 2017).
  5. U.S. Department of Homeland Security, Office of Inspector General, *Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers*, July 27, 2017, pp. 1-19, <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-98-SR-Jul17.pdf> (accessed October 23, 2017).
  6. *Ibid.*
-

The bill wisely provides the Coast Guard with operations funding to carry out the missions required by the bill. However, the bill should go further to actually enhance Coast Guard capabilities, not just operational funding. Coast Guard leadership has consistently stated that \$1.5 billion is the minimum needed for the Coast Guard to barely complete its missions, with consistent annual funding of \$2.5 billion being healthy. Sadly, the Coast Guard has averaged only \$1.2 billion over the past several years.<sup>7</sup>

### Improving After a Good Start

The Border Security for America Act as recently amended is a strong legislative effort to realistically improve U.S. border security. For further improvements, Congress should:

- **Take a more deliberate approach to border staffing.** With the Inspector General expressing serious concerns over the CBP's ability to effectively hire and use new agents, Congress should proceed carefully in providing funding for this purpose.
- **Refocus biometric exit on other enforcement tools.** Rather than an expensive biometric exit system, Congress should enhance the biographic exit system and improve other immigration enforcement efforts.
- **Save DOD funding for DOD missions.** The National Guard can help as a temporary force multiplier on the border but the DOD should not shoulder the costs for this DHS mission.

- **Set aside more funding for Coast Guard acquisitions.** This will ensure that the Coast Guard can acquire the right mix of vessels, including Fast Response Cutters and Offshore Patrol Cutters, as well as appropriate unmanned aerial systems.
- **Improve interior enforcement of immigration laws.** While beyond the scope of this bill, Congress should consider much needed improvements to interior enforcement in the near future.

### Border Security Done Right

The Border Security for America Act includes a strong core of provisions that ensure effective infrastructure and technology are deployed at the U.S. border and ports of entry. With improvements to the sections on the funding of military resources, biometric exit, and CBP manpower sections, and the addition of specific Coast Guard funding, the bill can advance border security in a reasonable and cost-effective manner.

—*David Inserra is a Policy Analyst for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.*

---

7. Brian Slattery, "Congress and the Coast Guard Need to Do More to Secure America's Maritime Borders," Heritage Foundation *Background* No. 4677, April 4, 2017, <http://www.heritage.org/defense/report/congress-and-the-coast-guard-need-do-more-secure-americas-maritime-borders>.