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Testimony
Before the Committee on Finance,
U.S. Senate

For Release on Delivery
Expected at 10:00 a.m. EDT
Wednesday, August 2, 2006

BORDER SECURITY

**Continued Weaknesses in
Screening Entrants into the
United States**

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G A O

Accountability * Integrity * Reliability

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to be here today to discuss our investigation of the effectiveness of U.S. Customs and Border Protection (CBP) in screening entrants into the United States at land border crossings. Currently, U.S. citizens are not required to present a passport when entering the United States from countries in the Western Hemisphere.¹ However, U.S. citizens are required to establish citizenship to a CBP officer's satisfaction.² On its Web site, CBP advises U.S. citizens that an officer may ask for identification documents as proof of citizenship, including birth certificates or baptismal records and a photo identification document.³

In 2003, we testified that CBP officers were not readily capable of identifying whether individuals seeking entry into the United States were using counterfeit identification to prove citizenship. Specifically, our agents were able to easily enter the United States from Canada and Mexico using fictitious names and counterfeit driver's licenses and birth certificates.⁴ Later in 2003 and 2004, we continued to be able to successfully enter the United States using counterfeit identification at land border crossings, but were denied entry on one occasion.

Specifically, agents entered the United States using counterfeit driver's licenses at two land crossings in Washington, one in New York, one in California, and one in Texas. One agent was also able to enter the United States through both the California and Texas border crossings using an expired, altered U.S. diplomatic passport. CBP officers did not question the authenticity of these agents' identification. Furthermore, at one of the Washington crossings, agents were able to walk across the border without passing through any security checkpoints and without presenting identification. However, another agent who entered at the New York crossing was not allowed entry into the United States after presenting as identification an expired, altered U.S. tourist passport and a counterfeit

¹ 22 C.F.R. § 53.2(b).

² 8 C.F.R. § 235.1(b).

³ See http://www.cbp.gov/xp/cgov/travel/vacation/documentary_requirements.xml.

⁴ We also testified in 2003 that agents successfully entered Florida from Jamaica via air. GAO, *Weaknesses in Screening Entrants into the United States*, GAO-03-438T (Washington, D.C.: Jan. 30, 2003).

driver's license. CBP officers detained this agent for further screening until he identified himself as a GAO employee conducting undercover tests.⁵

Because of your concerns that these weaknesses could possibly be exploited by terrorists or others involved in criminal activity, you requested that we assess the current status of security at the nation's borders. Specifically, you requested that we conduct a follow-up investigation to determine whether the vulnerabilities exposed in our prior work continue to exist.

To perform our 2006 follow-up investigation, we created a fictitious driver's license and birth certificate with the same name that we used in the tests conducted for the work we did in 2003. We also created another fictitious license and birth certificate. To create all these documents, we used commercial software that is available to the public. As agreed with your offices, we chose to test a nonrepresentative selection of nine land crossings at both the northern and southern borders, including one in California, one in Texas, two in Arizona, one in Michigan, two in New York, one in Idaho, and one in Washington. We conducted our work from February 2006 through June 2006 in accordance with the President's Council on Integrity and Efficiency Quality Standards for Investigations.

Summary

Agents successfully entered the United States using fictitious driver's licenses and other bogus documentation through nine land ports of entry on the northern and southern borders. CBP officers never questioned the authenticity of the counterfeit documents presented at any of the nine crossings. On three occasions—in California, Texas, and Arizona—agents crossed the border on foot. At two of these locations—Texas and Arizona—CBP allowed the agents entry into the United States without asking for or inspecting any identification documents.

After completing our investigation, we briefed officials from CBP on June 9, 2006. CBP agreed that its officers are not able to identify all forms of counterfeit identification presented at land border crossings and fully supports a new initiative that will require all travelers to present a

⁵ As part of this investigation, agents also attempted to enter the United States via air. Agents successfully entered the United States from the Bahamas using counterfeit driver's licenses and birth certificates. However, agents were not successful when attempting to enter the United States from Jamaica; CBP officers detained four agents in Florida until they identified themselves as GAO employees conducting tests.

passport before entering the United States. We did not assess whether this initiative would be effective in preventing terrorists from entering the United States or whether it would fully address the vulnerabilities shown by our work.

Southern Border Crossings

The following information provides details about our agents' experiences and observations entering the United States from Mexico at border crossings in California and Texas and at two crossings in Arizona.

California: On February 9, 2006, two agents entered California from Mexico on foot. One of the agents presented as identification a counterfeit West Virginia driver's license and the other presented a counterfeit Virginia driver's license. The CBP officers on duty asked both agents if they were U.S. citizens and both responded that they were. The officers also asked the agents if they were bringing anything into the United States from Mexico and both answered that they were not. The CBP officers did not request any other documents to prove citizenship, and allowed both agents to enter the United States.

Texas: On February 23, 2006, two agents crossed the border from Mexico into Texas on foot. When the first agent arrived at the checkpoint, a CBP officer asked him for his citizenship information; the agent responded that he was from the United States. The officer also asked if the agent had brought back anything from Mexico. The agent responded that he had not, and the officer told him that he could enter the United States. At this point, the agent asked the CBP officer if he wished to see any identification. The officer replied "OK, that would be good." The agent began to remove his counterfeit Virginia driver's license from his wallet and the inspector said, "That's fine, you can go." The CBP officer never looked at the driver's license.

When the second agent reached the checkpoint, another CBP officer asked him for his citizenship information and he responded that he was from the United States. The CBP officer asked the agent if he had purchased anything in Mexico and the agent replied that he had not. He was then asked to show some form of identification and he produced a counterfeit West Virginia driver's license. The CBP inspector briefly looked at the driver's license and then told the agent he could enter the United States.

Arizona, first crossing: On March 14, 2006, two agents arrived at the border crossing between Mexico and Arizona in a rental vehicle. Upon request, the agents gave the CBP officer a counterfeit West Virginia

driver's license and counterfeit Virginia driver's license as identification. As the CBP officer reviewed the licenses, he asked the agents if they were U.S. citizens and they responded that they were. The officer also asked if the agents had purchased anything in Mexico and they said they had not. The CBP officer then requested that agents open the trunk of their vehicle. The agents heard the inspector tap on several parts of the side of the vehicle first with his hand and again with what appeared to be a wand. The officer closed the trunk of the vehicle, returned the agents' driver's licenses, and allowed them to enter the United States.

Arizona, second crossing: On March 15, 2006, two agents again entered Arizona from Mexico on foot at a different location than the previous day. One of the agents carried a counterfeit West Virginia driver's license and a counterfeit West Virginia birth certificate. The other carried a counterfeit Virginia driver's license and a counterfeit New York birth certificate. As the agents were about to cross the border, another agent who had crossed the border earlier using his genuine identification phoned to inform them that the CBP officer on duty had swiped his Virginia driver's license through a scanner. Because the counterfeit driver's licenses the agents were carrying had fake magnetic strips, the agents decided that in the event they were questioned about their licenses, they would tell the CBP officers that the strips had become demagnetized.

When the agents entered the checkpoint area, they saw that they were the only people crossing the border at that time. The agents observed three CBP officers on duty; one was manning the checkpoint and the other two were standing a short distance away. The officer manning the checkpoint was sitting at a cubicle with a computer and what appeared to be a card scanner. The agents engaged this officer in conversation to distract him from scanning their driver's licenses. After a few moments, the CBP officer asked the agents if they were both U.S. citizens and they said that they were. He then asked if they had purchased anything in Mexico and they said no. He then told them to have a nice day and allowed them to enter the United States. He never asked for any form of identification.

Northern Border Crossings

The following information provides details about our agents' experiences and observations entering the United States from Canada at Michigan, New York, Idaho, and Washington border crossings.

Michigan: On May 1, 2006, two agents drove in a rental vehicle to a border crossing in Michigan. When asked for identification by the CBP officer on duty, the agents presented a counterfeit West Virginia driver's license and

a counterfeit Virginia driver's license. As the CBP officer examined the licenses, he asked the agents if they were U.S. citizens and they responded that they were. The CBP officer then asked if the agents had birth certificates. One agent presented a counterfeit New York birth certificate and the other presented a counterfeit West Virginia birth certificate. The agents observed that the CBP officer checked the birth certificates against the driver's licenses to see if the dates and names matched. The CBP officer then asked the agents if they had purchased anything in Canada and they responded that they had not. The officer also asked what the agents were doing in Canada and they responded that they had been visiting a casino in Canada. The CBP officer then returned the agents' documentation and allowed them to enter the United States.

New York, first crossing: On May 3, 2006, two agents entered New York in a rental vehicle from Canada. The agents handed the CBP officer on duty counterfeit driver's licenses from West Virginia and Virginia. The CBP officer asked for the agents' country of citizenship and the agents responded that they were from the United States. The CBP officer also asked the agents why they had visited Canada. The agents responded that they had been gambling in the casinos. The CBP officer told the agents to have a nice day and allowed them to enter the United States.

New York, second crossing: On the same date, the same two agents crossed back into Canada and re-entered New York at a different location. The agents handed the CBP officer at the checkpoint the same two counterfeit driver's licenses from West Virginia and Virginia. The officer asked the agents what they were doing in Canada and they replied that they had been gambling at a casino. The officer then asked the agents how much money they were bringing back into the country and they told him they had approximately \$325, combined. The officer next asked the agent driving the car to step out of the vehicle and open the trunk. As the agent complied, he noticed that the officer placed the two driver's licenses on the counter in his booth. The officer asked the agent whose car they were driving and the agent told him that it was a rental. A second officer then asked the agent to stand away from the vehicle and take his hands out of his pockets. The first officer inspected the trunk of the vehicle, which was empty. At this point, the officer handed back the two driver's licenses and told the agents to proceed into the United States.

Idaho: On May 23, 2006, two agents drove in a rental vehicle to a border crossing in Idaho. The agents handed the CBP officer on duty a counterfeit West Virginia driver's license and a counterfeit Virginia driver's license. As the CBP officer examined the licenses, he asked the agents if they were

U.S. citizens and they responded that they were. The CBP officer then asked if the agents had birth certificates. One agent presented a counterfeit New York birth certificate and the other presented a counterfeit West Virginia birth certificate. The agents observed that the CBP officer checked the birth certificates against the driver's licenses to see if the dates and names matched. The officer also asked what the agents were doing in Canada and they responded that they had been sightseeing. The CBP officer then returned the agents' documentation and allowed them to enter the United States.

Washington: On May 24, 2006, two agents drove in a rental vehicle to a border crossing checkpoint in Washington. When the agents arrived at the border, they noticed that no one was at the checkpoint booth at the side of the road. Shortly thereafter, a CBP officer emerged from a building near the checkpoint booth and asked the agents to state their nationality. The agents responded that they were Americans. The CBP officer next asked the agents where they were born, and they responded New York and West Virginia. The agents then handed the CBP officers their counterfeit West Virginia and Virginia driver's licenses. The officer looked at the licenses briefly and asked the agents why they had visited Canada. The agents responded that they had a day off from a conference that they were attending in Washington and decided to do some sightseeing. The CBP officer returned the agents' identification and allowed them to enter the United States.

Corrective Action Briefing

We conducted a corrective action briefing with officials from CBP on June 9, 2006, about the results of our investigation. CBP agreed its officers are not able to identify all forms of counterfeit identification presented at land border crossings. CBP officials also stated that they fully support the newly promulgated Western Hemisphere Travel Initiative,⁶ which will require all travelers, including U.S. citizens, within the Western Hemisphere to have a passport or other secure identification deemed

⁶ See Western Hemisphere Travel Initiative, 70 Fed Reg. 52037.

sufficient by the Secretary of Homeland Security⁷ to enter or reenter the United States. The current timeline proposes that the new requirements will apply to all land border crossings beginning on December 31, 2007. The proposed timeline was developed pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004. The act requires the Secretary of Homeland Security, in consultation with the Secretary of State, to implement a plan no later than January 1, 2008, to strengthen the border screening process through the use of passports and other secure documentation in recognition of the fact that additional safeguards are needed to ensure that terrorists cannot enter the United States.⁸ However, the Senate recently passed a bill to extend the implementation deadline from January 1, 2008, to June 1, 2009. Additionally, the Senate bill would also authorize the Secretary of State, in consultation with the Secretary of Homeland Security, to develop a travel document known as a Passport Card to facilitate travel of U.S. citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda.⁹ We did not assess whether this initiative would be fully implemented by either the January 2008 or June 2009 deadline or whether it would be effective in preventing terrorists from entering the United States.

Conclusion

The results of our current work indicate that (1) CBP officers at the nine land border crossings tested did not detect the counterfeit identification we used and (2) people who enter the United States via land crossings are not always asked to present identification. Furthermore, our periodic tests since 2002 clearly show that CBP officers are unable to effectively identify counterfeit driver's licenses, birth certificates, and other documents. This vulnerability potentially allows terrorists or others involved in criminal activity to pass freely into the United States from Canada or Mexico with

⁷ Although a passport will be the preferred form of identification for entry into the United States, the Department of State and CBP anticipate that other acceptable forms of identification will be the Border Crossing Card (BCC or laser visa), the Customs and Border Protection Secure Electronic Network for Travelers Rapid Inspection (SENTRI), NEXUS, and Free and Secure Trade (FAST) program cards. BCC cards have a photo and machine-readable biometric information; SENTRI cards are used for the automated commuter lanes at the United States/Mexico border crossings; NEXUS cards are issued to low-risk travelers for travel between Canada and the United States; and FAST cards are used by low-risk truck drivers, carriers, and importers at the United States/Canada border crossings.

⁸ Pub. L. No. 108-458, § 7209, 118 Stat. 3638, 3823 (2004).

⁹ Comprehensive Immigration Reform Act of 2006, S. 2611, 109th Cong. §135.

little or no chance of being detected. It will be critical that the new initiative requiring travelers within the Western Hemisphere to present passports or other accepted documents to enter the United States address the vulnerabilities shown by our work.

Mr. Chairman and Members of the Committee, this concludes my statement. I would be pleased to answer any questions that you may have at this time.

Contact

For further information about this testimony, please contact Gregory D. Kutz at (202) 512-7455 or kutzg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this testimony.

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