

FACTSHEET: THE DANGERS OF A TECH WALL

The Biden administration plans to increase border surveillance and technology funding, marketing it as a "gentler" or "smarter" alternative to Trump's border wall.¹ This factsheet explains why "smart border" tech is an extension of the Trump administration's border infrastructure buildup, not a break with it. Funding DHS and CBP surveillance will continue the massive and unchecked expansion of government surveillance on immigrants and communities along the Southwest and Northern borders and far into the interior.

I. Tech Wall May Be More Lethal and Expansive than a Physical Wall

At ports of entry, increased surveillance technology means more biometric collection, including expanded [facial recognition](#) and [DNA collection](#), as well as experimental technologies like [iris scanning](#) at pedestrian border crossings. The ongoing DHS buildout of its new HART biometric database means that this biometric data will be [accessible](#) to all major federal law enforcement agencies and some foreign governments via information sharing agreements. The rapid [expansion](#) of license plate recognition technology used by CBP and other federal agencies is a major privacy concern.

Meanwhile, virtual wall technology between ports of entry is not a "humane" alternative to a physical wall. In fact, it has been shown to be even more dangerous, in a number of important ways:

- **Individuals detected by "smart" border technology, when apprehended by CBP or other law enforcement, find themselves caught up in the immigration enforcement dragnet,** often in CBP and ICE jails that the United Nations has [called out](#) for inhumane conditions. The Biden administration already [directed](#) the Department of Justice to end private prison contracts, but privatized facilities are much more prevalent at immigration facilities, housing the [majority](#) of detainees.
- **Increased border surveillance technology leads to more deaths, as migrants take longer, more dangerous routes to avoid detection.** [Peer-reviewed research](#) has shown that there is "significant correlation between the location of border surveillance technology, the routes taken by migrants, and the locations of recovered human remains in the southern Arizona desert." U.S. Border Patrol [reported](#) finding the remains of more than 250 migrants who died along the U.S.-Mexico border in 2020 alone.

¹ See Felipe de la Haz, Why Biden's 'Virtual' Border Could Be Worse Than Trump's Wall, The Nation (Jan. 22, 2021), <https://www.thenation.com/article/politics/biden-immigration-surveillance/>.

- **The harms of border technology go far beyond the border and disproportionately impact Black, indigenous, and people of color communities**, as demonstrated by CBP drones deployed on [Black Lives Matter](#) protesters last summer. Border enforcement policies have long served as a testing ground for military grade surveillance at the border and [far into the interior](#).

II. The Tech-Border-Industrial Complex

Border surveillance is a for-profit industry. It is being pushed by companies with financial ties to both the Biden and former Trump administrations and clock thousands of lobby visits to Congress each year.² From FY 2017-20, CBP alone received around \$743 million from Congress for tech and surveillance.³ In FY 2021, DHS received more than \$780 million from Congress for the same. Below are examples of the technologies deployed by CBP:

- **Anduril Industries** builds mobile sentry towers. The company was founded by billionaire Trump donor Palmer Luckey with funding from Palantir's Peter Thiel. The company was awarded a [contract](#) by CBP in July 2020 for a potential \$250 million to set up over 200 mobile surveillance towers along the Southwest and Northern borders. These towers use sensors and AI software that distinguishes humans from animals, and relays data to drones and the CBP cloud. [Google AI](#) software is being used in relation to these surveillance towers. This technology forms the backbone of the new virtual wall.
- **Elbit Systems** is an Israeli company that builds and maintains the fixed surveillance towers along the U.S.-Mexico border under a contract worth up to \$239 million through October 2022. Elbit Systems supplies the Israeli army with drones used in surveillance and attacks on Palestinians in Gaza. Pension funds in Norway, Holland, Sweden and the UK, as well as financial institutions like HSBC and AXA, have [divested](#) from the company in response to human rights concerns. The Biden administration's border plan calls for investment in fixed towers, and CBP released a [series](#) of initial industry solicitations for the development of an updated system in 2022, along both the Southwest and Northern U.S. borders.
- **Venntel and mobile surveillance:** Venntel is a commercial data broker which stores and sells the [mobile location data](#) of millions of American's cell phones. CBP uses software from Venntel for phone location tracking as well as mobile forensics software from Grayshift and Cellebrite to hack people's phones including [journalists, lawyers and activists](#). CBP conducts these invasive searches [without warrants](#).

² A recent report shows that border security companies donate more to Democratic Party members than former President Trump. See Transnational Institute, AFSC, and Mijente, "Biden's Border," (Feb. 2021) <https://www.tni.org/en/bidensborder>; see also Tod Miller, "More Than A Wall: Corporate Profiteering and the Militarization of US borders," Transnational Institute, <https://www.tni.org/files/publication-downloads/more-than-a-wall-report.pdf>.

³ Joseph V. Cuffari, "CBP Has Improved Southwest Border Technology, but Significant Challenges Remain," DHS Office of the Inspector General, Feb. 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-02/OIG-21-21-Feb21.pdf>.

- **Drones** manufactured by Anduril, Lockheed Martin, FLIR Systems, AeroVironment and General Dynamics have also been used to patrol the border. [Autonomous drones](#) are currently in development as well, and Lockheed Martin has long provided surveillance blimps. Flir Systems has developed **thermal imaging technology**, and CBP purchases **sensor and camera systems** to complement the larger elements of the border surveillance system. Many of these companies [contributed](#) large amounts to both the Democratic and Republican presidential campaigns in 2020. During [Black Lives Matter protests](#) last year, CBP deployed these drones on marchers in multiple cities.
- **Palantir Technologies** operates key case management systems at ICE that were used in conjunction with CBP to [track down and prosecute families](#) of migrant children under the Trump administration. Palantir technology is also used by federal immigration authorities for ICE's [tipline](#) and [workplace raids](#). Palantir was founded by Peter Thiel, who remains its majority owner. Thiel was a major contributor to the 2016 Trump campaign and installed key people in the administration.
- Personal vehicles have become a subject of heightened surveillance at the border, airports, and beyond. CBP uses **automated license plate reader** software from [Vigilant Solutions](#), which shares and compiles data from law enforcement across the country. Furthermore, the companies [MSAB](#) and Berla have partnered to provide **vehicle forensic software** that hacks cars' infotainment systems to track "recent destinations, favorite locations, call logs, contact lists, SMS messages, emails, pictures, videos, social media feeds, and the navigation history of everywhere the vehicle has been."

III. DHS Appropriations Recommendations and Snapshot

Budget accountability is one meaningful way to halt the most harmful aspects of DHS's role in mass surveillance, criminalization, and deportations. The Whitehouse's budget request for FY22 includes [\\$1.2 billion for border infrastructure of which technology is touted as a critical component](#). As discussed below, this continues a worrisome trend of increased funding to DHS and its component agencies for tech surveillance with little consideration given to its harmful impacts.⁴

Specifically, our FY 2022 recommendations include:

- **Reduce DHS surveillance and technology** budgetary appropriations by a minimum of 50%. This should include limiting funding for CBP biometric surveillance collection programs, unmanned aerial vehicles, automatic license plate readers, facial recognition technology, tethered blimps, thermal imaging technology, surveillance towers, and wide-area surveillance.
- **Require meaningful oversight** by creating a review and public comment period of no less than 60-days *prior* to the deployment of surveillance technology to allow for input from impacted communities and privacy and technology experts.

⁴ Since at least 2017, DHS OIG has found that CBP fails to assess the efficacy of its technologies. Despite CBP's continued failure to create metrics to evaluate tech, the OIG states that funding for CBP technology is too constrained. See supra 3, at 23.

Congress has already appropriated hundreds of millions of dollars for CBP surveillance technology in FY 2021. This includes:

U.S. Customs and Border Protection⁵ (\$167,213,000)	
Amount	Purpose
\$20,000,000	Video recording equipment for Border Patrol Stations
\$25,000,000	Innovative technology
\$10,000,000	Port of entry technology
\$14,440,000	Body-worn cameras
\$2,773,000	Analytics and modeling
\$95,000,000	Border security technology, to include \$20,000,000 for innovative technology

In addition, some appropriations line items could fund significant amounts of surveillance technologies, but there is little transparency on how the funds are spent.

U.S. Customs and Border Protection	
Amount	Purpose
\$1,839,634,000	Procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems

We call on Congress and the Biden administration to invest in border communities, not invasive tech and border militarization. Communities along the U.S.-Mexico border have some of the [highest poverty rates](#) in the country due to [systemic disinvestment](#). They have already been the subject of extreme militarization and mass surveillance including interior checkpoints, drones, blimps, mobile and fixed surveillance towers, and other cameras and sensors placed in communities. Instead of pouring billions more into invasive surveillance and military technology that only harms immigrants and enriches private companies, the Biden administration should [listen to the needs of border communities](#), address ongoing harms, and invest in communities.

⁵ See Joint Explanatory Statement for the Homeland Security Appropriations Bill, 2021, <https://www.appropriations.senate.gov/imo/media/doc/Division%20F%20-%20Homeland%20Security%20Statement%20FY21.pdf>, at 15-26.