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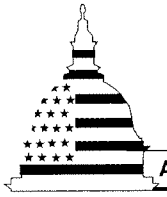
Report to Congressional Requesters

November 2007

BORDER SECURITY

Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry



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GAO-08-219

November 2007

BORDER SECURITY

Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry

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Highlights

Highlights of GAO-08-219, a report to congressional requestors

Why GAO Did This Study

U.S. Customs and Border Protection (CBP) is responsible for keeping terrorists and other dangerous people from entering the country while also facilitating the cross-border movement of millions of travelers. CBP carries out this responsibility at 326 air, sea, and land ports of entry. In response to a congressional request, GAO examined CBP traveler inspection efforts, the progress made and the challenges that remain in staffing and training at ports of entry, and the progress CBP has made in developing strategic plans and performance measures for its traveler inspection program. This is a public version of a For Official Use Only report GAO issued on October 5, 2007. To conduct its work, GAO reviewed and analyzed CBP data and documents related to inspections, staffing, and training, interviewed managers and officers, observed inspections at eight major air and land ports of entry, and tested inspection controls at eight small land ports of entry. Information the Department of Homeland Security (DHS) deemed sensitive has been redacted.

What GAO Recommends

GAO made recommendations aimed at enhancing internal controls in the inspection process, mechanisms for measuring training provided and new officer proficiency, and implementing a performance measure for apprehending inadmissible aliens and other violators. DHS concurred with our recommendations and said that CBP is taking steps to address them.

To view the full product, including the scope and methodology, click on GAO-08-219. For more information, contact Richard Stana at (202) 512-8777 or stanar@gao.gov.

What GAO Found

CBP has had some success in identifying inadmissible aliens and other violators, but weaknesses in its operations increase the potential that terrorists and inadmissible travelers could enter the country. In fiscal year 2006, CBP turned away over 200,000 inadmissible aliens and interdicted other violators. Although CBP's goal is to interdict all violators, CBP estimated that several thousand inadmissible aliens and other violators entered the country though ports of entry in fiscal year 2006. Weaknesses in 2006 inspection procedures, such as not verifying the nationality and admissibility of each traveler, contribute to failed inspections. Although CBP took actions to address these weaknesses, subsequent follow up work conducted by GAO months after CBP's actions found that weaknesses such as those described above still existed. In July 2007, CBP issued detailed procedures for conducting inspections including requiring field office managers to assess compliance with these procedures. However, CBP has not established an internal control to ensure field office managers share their assessments with CBP headquarters to help ensure that the new procedures are consistently implemented across all ports of entry and reduce the risk of failed traveler inspections.

CBP developed a staffing model that estimates it needs up to several thousand more staff. Field office managers said that staffing shortages affected their ability to carry out anti-terrorism programs and created other vulnerabilities in the inspections process. CBP recognizes that officer attrition has impaired its ability to attain budgeted staffing levels and is in the process of developing a strategy to help curb attrition. CBP has made progress in developing training programs, yet it does not measure the extent to which it provides training to all who need it and whether new officers demonstrate proficiency in required skills.

CPB issued a strategic plan for operations at its ports of entry and has collected performance data that can be used to measure its progress in achieving its strategic goals. However, current performance measures do not gauge CBP effectiveness in apprehending inadmissible aliens and other violators, a key strategic goal.

Vehicle Lanes at the San Ysidro Port of Entry

Passenger Lines at JFK International Airport

Source: GAO.

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Abbreviations

CBP	Customs and Border Protection
DHS	Department of Homeland Security
FAST	Free and Secure Trade
FMFIA	Federal Managers' Financial Integrity Act
FTE	full-time equivalent
GSA	General Services Administration
JFK	John F. Kennedy
OPM	Office of Personnel Management
SENTRI	Secure Electronic Network for Travelers' Rapid Inspection
US-VISIT	U.S. Visitor and Immigrant Status Indicator Technology

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GAO
Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

November 5, 2007

The Honorable Daniel K. Akaka
Chairman
Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
House of Representatives

The Honorable Sheila Jackson-Lee
House of Representatives

The Honorable Kendrick B. Meek
House of Representatives

The Honorable Bob Etheridge
House of Representatives

U.S. Customs and Border Protection (CBP)—a major component within the Department of Homeland Security (DHS)—is the lead federal agency in charge of inspecting travelers seeking to enter the United States at air, land, and sea ports of entry.[1] CBP officers, who number about 17,600 at these ports of entry, play a critical role in carrying out this responsibility. Since the terrorist attacks of September 11, 2001, their role has involved increased emphasis on countering threats posed by terrorists and others attempting to enter the country with fraudulent or altered travel documents. Intelligence officials believe that the United States will face a persistent and evolving terrorist threat and that the terrorist group al Qaeda will intensify its efforts to put operatives here. There is also a growing concern that terrorists with no criminal record may use legitimate

[1] Ports of entry are government-designated locations where CBP inspects persons and goods to determine whether they may be lawfully admitted into the country. A land port of entry may have more than one border crossing point where CBP inspects travelers for admissibility into the United States.

travel documents when they attempt to enter the country through ports of entry.

In addition to its homeland security responsibilities, CBP is responsible for preventing inadmissible aliens, criminals, and inadmissible goods from entering the country. Doing so is a difficult task given the high volume of travelers and goods that enter the country. For example, officers frequently carry out their responsibilities with little time to make decisions about admitting individuals into the country because they also face pressure to facilitate the cross-border movement of millions of legitimate travelers and billions of dollars in international trade.

When CBP was created in March 2003, it represented a merger of components from three departments—the U.S. Customs Service,[2] the U.S. Immigration and Naturalization Service,[3] and the Animal and Plant Health Inspection Service.[4] As part of the merger, CBP moved forward with an approach that was to allow a CBP officer, with the proper cross-training, to carry out homeland security as well as traditional customs and immigration responsibilities. For example, former customs inspectors would be trained and work on tasks traditionally done by immigration inspectors and vice versa. The CBP officer would also be capable of referring agricultural violations to agricultural specialists. By training officers from legacy agencies to perform both the customs and immigration functions, CBP aimed to have a well-trained and well-integrated workforce to carry out the range of the agency's missions.

In July 2003, we reported on vulnerabilities and inefficiencies in traveler inspections.[5] Given the critical role that CBP plays in homeland security, you asked us to review the progress CBP has made in strengthening its

[2] U.S Customs Service was in the U.S. Department of the Treasury. Customs inspectors were primarily responsible for inspecting cargo and goods.

[3] U.S. Immigration and Naturalization Service was in the Department of Justice. Immigration inspectors were responsible for processing people traveling across the border.

[4] Animal and Plant Health Inspection Service was in the Department of Agriculture. Unlike the Customs Service and the Immigration and Naturalization Service, which were moved to DHS in its entirety, Animal and Plant Health Inspection Service continues to exist within the Department of Agriculture and retains responsibility for conducting, among other things, veterinary inspections of live imported animals, establishing policy for inspections and quarantines, and providing risk analysis.

[5] See GAO, *Land Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*, GAO-03-782 (Washington, D.C.: July 2003).

ability to inspect travelers arriving at the nation's international airports and land borders. In response, on October 5, 2007, we issued a For Official Use Only[6] report that addressed the following questions:

- What success and challenges has CBP had in interdicting inadmissible aliens and other violators[7] at its ports of entry?
- What progress has CBP made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs?
- What progress and problems has CBP encountered in setting goals and performance measures for its traveler inspection program?

As our October 2007 report contained information that DHS considered law enforcement sensitive, this version of the report omits sensitive information about CBP's traveler inspection efforts, including information on the techniques used to carry out inspections, data on the number of inadmissible aliens and other violators that enter the country each year, and data on staffing at ports of entry. In addition, at DHS's request, we have redacted the specific locations that we visited.

The overall methodology used for our initial report is relevant to this version of the report since the information in this product is derived from our first report. To address the questions above, we analyzed information and data on CBP's traveler inspections, staffing, and training at ports of entry. We reviewed CBP policies and procedures for the traveler inspection program as well as other documents related to traveler inspection efforts. We interviewed CBP officials on the status of CBP efforts to develop a staffing model, train staff, carry out traveler inspections, and develop performance measures.[8] For information that

[6] See GAO, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry, GAO-08-123SU (Washington D.C.: Oct. 5, 2007).

[7] Other violators include individuals seeking to enter the country who are not in compliance with the laws and regulations for entry, including immigration, customs, and agricultural requirements.

[8] Our work on training focused on the training provided at ports of entry and did not include basic training given to CBP officers at the Federal Law Enforcement Training Center. We also did not examine the role of agricultural specialists in CBP because we issued a report on agricultural inspections at ports of entry last year. See GAO, *Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease*, GAO-06-644 (Washington D.C.: May 19, 2006).

would provide an overall picture of CBP's efforts, we reviewed and analyzed several nationwide databases, including data on staffing, training, attrition, resource requests from CBP's 20 field offices[9] and one pre-clearance headquarters office, and apprehension of inadmissible aliens and other violators at major airp and land ports of entry. We assessed the reliability of CBP's data from CBP's random selection program of travelers and staffing and training data by, among other things, meeting with knowledgeable officials about these data, reviewing relevant documentation, and performing electronic testing. We concluded that data from CBP databases, with the exception of the data on training as we discuss later in our report, were sufficiently reliable for the purposes of our review. Although we discussed the staffing model and its results with CBP officials responsible for the model, validating the model and its results was outside the scope of our review.

To supplement our analyses of CBP's nationwide data, we visited eight ports of entry. While we cannot generalize our work from our visits to all ports of entry, we chose these ports of entry to provide examples of operations at air and land ports of entry. At each site, we held discussion groups with CBP officers and met with management to discuss, among other things, staffing and training programs. In addition, GAO investigators visited other ports of entry to test the traveler inspection process. Although we cannot generalize our investigator's work at these locations to all ports of entry, we selected these ports of entry to provide examples of traveler inspections. Our investigators did their work in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency. Unless we specify that the work was done by our investigators, all referrals to our visits to ports of entry pertain to the eight ports of entry cited above. In addition, we analyzed the 2004 and 2006 Office of Personnel Management Federal Human Capital Surveys of staff at 36 federal agencies, including the results from CBP, that dealt with the views of federal employees on training and staffing in the workplace. We reviewed standards for internal control in the federal government[10] and compared the standards for information and communications and monitoring with CBP's policies and procedures for traveler inspections. Finally, we reviewed prior GAO reports on best practices for developing strategic plans and performance measures and

[9] CBP's 20 field offices are responsible for managing more than 300 ports of entry.

[10] GAO *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

compared the best practices with CBP's plans and measures for its operations at its ports of entry. See appendix I for further explanation of our scope and methodology. We did our work in accordance with generally accepted government auditing standards from August 2006 through September 2007.

Results in Brief

CBP has had some success in interdicting inadmissible aliens and other violators, but weaknesses in its traveler inspection procedures and related physical infrastructure increase the potential that dangerous people and illegal goods could enter the country. In 2006, CBP officers turned away over 200,000 aliens who attempted to enter the country illegally, and seized over 600,000 pounds of illegal drugs and more than 40,000 fraudulent documents, according to CBP. To help officers identify potential violators, CBP has installed additional technology to inspect vehicles for smuggled aliens and illicit cargo and to check traveler documents against law enforcement databases. While CBP has had some success in apprehending inadmissible aliens and other violators, its analyses indicate that several thousand inadmissible aliens and other violators entered the country at land and air ports of entry in fiscal year 2006.[11] When CBP does not apprehend a potentially dangerous person, this increases the potential that national security may be compromised. Weaknesses that contributed to failed inspections relate both to procedures and to infrastructure:

- **Weaknesses in traveler inspection procedures.** In mid-2006, CBP reviewed videotapes from about 150 large and small ports of entry and, according to CBP officials, determined that while CBP officers carried out thorough traveler inspections in many instances, they also identified numerous instances where traveler inspections at land ports of entry were weak in that they did not determine the citizenship and admissibility of travelers entering the country as required by law. Such weaknesses included officers not stopping vehicles for inspection and pedestrians crossing the border without any visual or verbal contact from a CBP officer despite operating procedures that required officers to do so. In the summer of 2006, CBP management took actions to place greater management emphasis on traveler inspections by holding meetings with senior management to reinforce the importance of carrying out effective inspections and by providing training to all

[11] We redacted data on the rate at which CBP apprehends inadmissible aliens and other violators who seek to enter the country because the data are considered sensitive.

supervisors and officers on the importance of interviewing travelers, checking travel documents, and having adequate supervisory presence. However, tests our investigators conducted in October 2006 and January 2007—as many as 5 months after CBP issued guidance and conducted the training—showed similar weaknesses as those on the videotape were still occurring in traveler inspections at ports of entry. At two ports, our investigators were not asked to provide a travel document to verify their identity—a procedure that management had called on officers to carry out—as part of the inspection. The extent of continued noncompliance is unknown, but these results point to the challenge CBP management faces in ensuring its directives are carried out. Standards for internal control in the federal government require that information should be communicated to agency management to enable it to carry out its program responsibilities. In July 2007, CBP issued new internal policies and procedures for agency officials responsible for its traveler inspection program at land ports of entry. The new policies and procedures require field office managers to conduct periodic audits and assessments to ensure compliance with the new inspection procedures. However, they do not call on managers to share the results of their assessments with headquarters management. Without this communication, CBP management may be hindering its ability to efficiently use the information to overcome weaknesses in traveler inspections.

- **Weaknesses in physical infrastructure.** While we cannot generalize our findings, at several ports of entry of entry that we examined, barriers designed to ensure that vehicles pass through a CBP inspection booth were not in place, increasing the risk that vehicles could enter the country without inspection. CBP recognizes that it has infrastructure weaknesses and has estimated it needs about $4 billion to make the needed capital improvements needed at all 163 land crossings. CBP has prioritized the ports with the greatest need. Each year, depending upon funding availability, CBP submits its proposed capital improvement projects based upon the prioritized list it has developed. Several factors affect CBP's ability to make improvements, including the fact that some ports of entry are owned by other governmental or private entities, potentially adding to the time needed to agree on infrastructure changes and put them in place. As of September 2007, CBP had infrastructure projects related to 20 different ports of entry in various stages of development.

CBP has taken action to improve staffing and training at ports of entry by assessing staffing needs, adding more officers since 2005 in response to higher budgeted staffing levels, and developing an extensive training

program, but it lacks (1) data to measure progress on providing required training and (2) certain elements in its on-the-job training program for new CBP officers, which limits its ability to effectively train and evaluate the performance of new officers. According to managers at ports of entry, staffing shortages can result in, among other things, officer fatigue that can affect the quality of traveler inspections. Untrained or poorly trained officers can increase the probability that terrorists, inadmissible aliens, and illicit goods will enter the country. Progress and problems with staffing and training involved the following:

- **Progress and problems with staffing.** Responding to language in a conference report for its fiscal year 2007 appropriation, CBP has developed a staffing model to estimate staffing needs. The model is based on several assumptions, such as whether overtime is considered as part of CBP's staffing at ports of entry, CBP's model estimates that CBP may need up to several thousand more officers and agricultural specialists to operate its ports of entry. According to field officials, lack of staff is affecting their ability to carry out border security responsibilities. For example, we examined requests for resources from CBP's 20 field offices and its pre-clearance headquarters office for January 2007 and found that managers at 19 of the 21 offices cited examples of anti-terrorism activities not being carried out, new or expanded facilities that were not fully operational, and radiation monitors and other inspection technologies not being fully used because of staff shortages. At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support, and safety issues when officers inspect travelers—increasing the potential that terrorists, inadmissible travelers, and illicit goods could enter the country. Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. CBP officials attribute attrition to retirements, officers receiving better law enforcement benefits at other DHS components and other federal agencies, and new officers being unable to afford high cost-of-living locations. Low job satisfaction, as reflected in the Office of Personnel Management's (OPM) Federal Human Capital Survey, is also a contributing factor to attrition, according to CBP. CBP recognized that it has a problem with retaining staff and plans to develop ways to stem its problems in this area. For example, CBP plans to analyze attrition data and data from OPM's Human Capital Survey and employee satisfaction and exit surveys in order to help identify what actions are needed to curb attrition. CBP plans to develop some initial retention strategies by December 2008 and by September

2009 develop approaches to retain staff based on areas of concern identified in the employee exit survey.

- **Progress and problems with training.** CBP has developed 37 courses on such topics as how to carry out inspections and detect fraudulent documents and has instituted national guidelines for a 12-week on-the-job training program that new officers should receive at land ports of entry. However, CBP faces challenges in providing the required training. Managers at seven of the eight ports of entry we visited said that they were challenged in putting staff through training because staffing shortfalls force the ports to choose between performing port operations and providing training. For example, at one land port of entry we visited, managers stated that courses are scheduled, but then canceled because of staffing concerns. CBP managers at headquarters recognize that untrained officers increase the potential of failed inspections. Standards for internal control in the federal government provide a framework for agencies to achieve effective and efficient operations and ultimately to improve accountability. One of the standards calls on agencies to compare actual performance to planned or expected results throughout the organization and to analyze significant differences. However, CBP lacks data that show whether the individuals who require training are receiving it. Having reliable data to measure the degree to which training has been delivered would put CBP management in a position to better gauge the results of its training program. In regards to on-the-job training, while CBP guidance states that new officers at land ports of entry should receive 12 weeks of on-the-job training, new officers at the ports we visited did not receive 12 weeks of training. For example, at one port of entry, new officers told us they received between 2 weeks and 6 weeks of on-the-job training. In addition, internal control standards related to management of human capital state that management should ensure that the organization has a workforce that has the required skills necessary to achieve organizational goals. CBP's guidance for its on-the-job training program does not require that new CBP officers perform certain tasks in order to develop needed skills or that the officers demonstrate proficiency in specific tasks. In contrast, the U.S. Border Patrol, another office within CBP, has developed a field training program where officers are required to demonstrate proficiency in 32 different skills. We discussed the utility of the Border Patrol's on-the-job training standards with CBP officials who told us that they might examine the Border Patrol's program to identify best practices that they could incorporate into the on-the-job training program for new CBP officers. When staff do not receive required training or are not trained consistent with program guidance, it limits

knowledge building and increases the risk that needed expertise is not developed.

CBP has developed strategic goals that call for, among other things, establishing ports of entry where threats are deterred and inadmissible people and goods are intercepted—a key goal related to traveler inspections—but it faces challenges in developing a performance measure that tracks progress in achieving this goal. Linking performance to strategic goals and objectives and publicly reporting this information is important so that Congress and the public have better information about agency performance and to help to ensure accountability. While CBP's 2006 Performance and Accountability Report included some performance measures related to CBP's goal of intercepting inadmissible people and goods, the report did not include a performance measure regarding how effective CBP is at achieving this goal at ports of entry. As discussed above, CBP has data on the degree to which it interdicts travelers who seek to enter the country illegally or who violate other laws at major air and land ports of entry. During the course of our review, we discussed with CBP officials the potential of using these data as one way of measuring the effectiveness of CBP inspection efforts. In June 2007, CBP officials told us that CBP was in the process of selecting performance measures for fiscal year 2008 and a decision had not yet been made on whether to include these data or other similar outcome-based measures in its performance report.

We made a number of recommendations to the Secretary of DHS to help address weaknesses in traveler inspections, challenges in training, and problems with using performance data. These recommendations cover such matters as improving internal controls for its traveler inspections at ports of entry, developing data that measure whether officers who require training are receiving it and establishing procedures for its on-the job training program that call on officers to perform specific tasks and measure officer proficiency in performing those tasks, and formalizing a performance measure that shows how effective CBP is in intercepting inadmissible people and goods at ports of entry.

In commenting on a draft of the For Official Use Only version of this report, DHS said it agreed with our recommendations and discussed actions CBP has underway or has taken to address our recommendations. Written comments from DHS are in Appendix III.

Background

CBP is the lead federal agency charged with keeping terrorists, criminals, and inadmissible aliens out of the country while facilitating the flow of legitimate travel and commerce at the nation's borders. CBP has three main components that have border security responsibilities. First, CBP's Office of Field Operations is responsible for processing the flow of people and goods that enter the country through air, land, and sea ports of entry where CBP officers inspect travelers and goods to determine whether they may be legally admitted into the country. Second, CBP's Border Patrol works to prevent the illegal entry of persons and contraband into the United States between the ports of entry. The Border Patrol is responsible for controlling nearly 7,000 miles of the nation's land borders between ports of entry and 95,000 miles of maritime border in partnership with the United States Coast Guard. Third, CBP's Office of Air and Marine helps to protect the nation's critical infrastructure through the coordinated use of an integrated force of air and marine resources and provides mission support to the other CBP components. For fiscal year 2007, CBP had a $9.3 billion budget, of which $2.5 billion was for border security and trade facilitation at ports of entry.[12]

In carrying out its responsibilities, CBP operates 326 official ports of entry, composed of airports, seaports, and designated land ports of entry along the northern and southern borders.[13] Ports of entry vary considerably in size and volume, including diverse locations such as major airports like New York's John F. Kennedy (JFK) International Airport, and the busiest land crossing in the United States at San Ysidro, California, which processes over 17 million vehicles a year (see fig. 1); small ports in remote rural locations along the Canadian border that process only a few thousand vehicles every year; and seaports like the Port of Miami where cruise ships transport more than 3 million travelers into and out of the country each year. Most ports of entry are land border crossings located along the northern border with Canada or the southern border with Mexico.[14] The four largest land border ports of entry by traveler volume

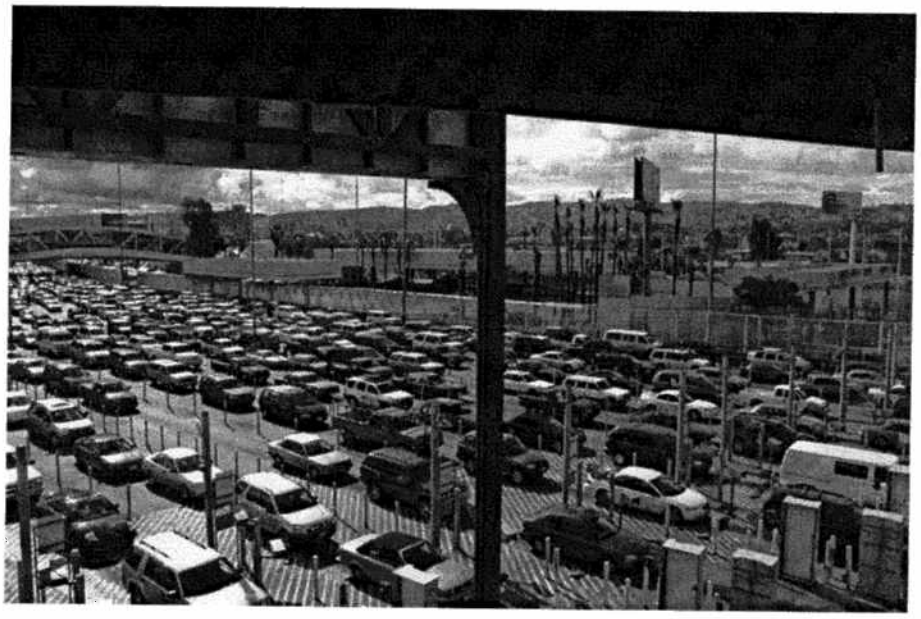
[12]CBP's budget includes $1.3 billion in revenue from other sources, including user fees, which include fees collected by CBP for processing air and sea passengers, commercial trucks, railcars, private vessels, dutiable mail packages, and customs broker permits.

[13] CBP also has preclearance operations at 15 international ports in Aruba, Bahamas, Bermuda, Canada, and Ireland, where travelers are processed for advance approval to enter the United States prior to departure from the respective airport.

[14]Land borders are unique because traffic at these crossings consists of varying combinations of pedestrians, bicycles, cars, trucks, buses, and rail.

are at San Ysidro, Calexico, and Otay Mesa in California, and the Bridge of Americas in El Paso, Texas. In total, these four ports process about 27 percent of all travelers who enter the country by land.

Figure 1: Vehicle Lanes at the San Ysidro Port of Entry



Source: GAO.

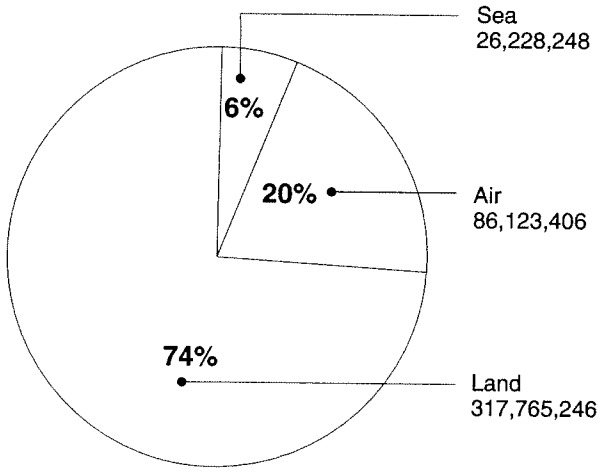
CBP annually processes over 400 million passenger and pedestrian entries,[15] 20 million containers, and 130 million conveyances[16] through ports of entry. In fiscal year 2005, the most recent year for which traveler data are available by mode of entry, land border crossings were by far the

[15] These statistics represent the total number of crossings, but do not reflect the number of unique individuals that entered the country. For example, a person may enter the country on multiple occasions throughout the year, and CBP counts each separate entry by the same person as an additional traveler processed.

[16] "Conveyance" refers to the means of transport by which persons or goods enter the country, such as by vehicle, aircraft, truck, or vessel.

busiest for processing people, with about three out of four entries into the country occurring through a land port of entry (see fig. 2).[17]

Figure 2: Border Crossings at Ports of Entry in Fiscal Year 2005



Source: CBP.

Process for Inspecting Travelers Differs between Air and Land Ports of Entry

The process for inspecting travelers at airports is significantly different than the process at land ports of entry. Prior to departure from foreign airports, airline carriers electronically submit passenger manifest information to CBP. CBP officers cross-check passengers against a wide range of law enforcement databases before travelers enter the country. Upon arrival in the United States, international airline passengers are first subject to immigration inspections that check visas, passports, and biometric data (see fig. 3). Generally, international passengers arriving by air must present a U.S. passport, permanent resident card, foreign passport, or a foreign passport containing a visa issued by the Department of State. CBP officers may also inspect the luggage of travelers.

[17] The majority of persons processed at land ports of entry arrive either as automobile drivers or passengers (82 percent) or pedestrians (15 percent), with the remaining travelers arriving by bus (2 percent) or train (about 1 percent.).

Figure 3: Arriving International Passengers Awaiting CBP Inspection at JFK International Airport

Source: GAO.

CBP faces a much greater challenge to identify and screen individuals at land ports of entry, in part because of the lack of advance traveler information and the high volume of traffic at many locations. Unlike travelers who enter the country at airports, travelers entering through land ports of entry can arrive at virtually any time and may present thousands of different forms of documentation, ranging from oral declarations of U.S. or Canadian citizenship, driver's licenses, birth certificates,[18] passports, visas, permanent resident cards, or U.S. military identity cards. Travelers entering the country by bus or rail must provide documentation and may be subject to further inspection. CBP has implemented measures to help provide advance information on passengers arriving at land ports of entry, including trusted traveler programs that register frequent, low-risk

[18] Pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004, DHS is in the process of developing and implementing a plan, called the Western Hemisphere Travel Initiative, to require these travelers to present a passport or other documents DHS deems sufficient to denote identity and citizenship. In particular, DHS has announced that it intends to end the routine practice of accepting oral declarations of citizenship alone starting January 31, 2008.

travelers for expedited entry, and license plate readers that match license plate numbers against law enforcement databases.

Traveler Inspection Policies and Procedures Call for Establishing Citizenship and Admissibility

The Immigration and Nationality Act,[19] implementing regulations,[20] and CBP policies and procedures for traveler inspection at all ports of entry require officers to establish, at a minimum, the nationality of individuals and whether they are eligible to enter the country. The first requirement is for the CBP officer to determine if the person is a U.S. citizen or an alien, and if an alien, establish whether the person meets the criteria for admission into the country. Current documentation requirements for entry into the country vary depending on the nationality of the traveler and the mode of entry. For example, U.S. citizens arriving at land ports of entry currently may seek to establish citizenship to a CBP officer through an oral declaration of citizenship. In general, nonimmigrant aliens[21] arriving at land and air ports of entry must present a valid, unexpired passport as well as, depending on country of origin and intended length of stay in the United States, a valid, unexpired visa issued by a U.S. embassy or consulate for entry into the country. As most travelers attempting to enter the country through ports of entry have a legal basis for doing so, a streamlined screening procedure referred to as a primary inspection is used to process those individuals who can be readily identified as admissible. Persons whose admissibility cannot be readily determined and persons selected as part of a random selection process are subjected to a more detailed review called a secondary inspection. This involves a closer inspection of travel documents and possessions, additional questioning by CBP officers, and cross references through multiple law enforcement databases to verify the traveler's identity, background, purpose for entering the country, and other corroborating information. At the end of this process, the individual may be admitted, refused entry and returned to the country of origin, or detained while admissibility is subject to further review.

[19] See 8 U.S.C. § 1225(a).

[20] See 8 C.F.R. § 235.1(a), (b), (f)(1).

[21] A non-immigrant alien is an international traveler that wishes to enter the United States on a temporary basis for tourism, medical treatment, business, temporary work, study, or other similar reasons.

Transforming the Role of CBP Officers Is a Work in Progress

As part of the original reorganization plan for border security, DHS found that having border security and inspections performed by three separate legacy agencies with different priorities, conflicting policies, and varying leadership structures had led to inconsistent inspections and gaps in the sharing of information between these agencies. As part of its actions to address these concerns, in March 2003, DHS created CBP by merging employees from the three legacy agencies previously responsible for border security.[22] Among other considerations, DHS formed CBP to establish a unified command structure that was intended to reduce duplication of efforts while improving the sharing of information. For operations at ports of entry, in September 2003 CBP issued its plan for consolidating the inspection functions formerly performed by separate inspectors from the three legacy agencies. The plan, referred to as "One Face at the Border," called for unifying and integrating the legacy inspectors into two new positions—a CBP officer and a CBP agricultural specialist.[23] The new CBP officer would serve as the frontline officer responsible for carrying out the priority anti-terrorism mission as well as the traditional customs and immigration inspection functions, while also identifying and referring goods in need of a more extensive agricultural inspection to the agricultural specialist. CBP anticipated that having a well-trained and well-integrated workforce that could carry out the complete range of inspection functions involving the processing of individuals and goods would allow it to utilize its inspection resources more effectively and enable it to better target potentially high-risk travelers.[24] Together, CBP envisioned the result to be more effective inspections and enhanced security at ports of entry while also accelerating the processing of legitimate trade and travel.

[22] As noted earlier, the merger consolidated inspectors from: (1) the U. S. Immigration and Naturalization Service (Department of Justice); (2) the U. S. Customs Service (Department of the Treasury); and (3) the Animal and Plant Health Inspection Service (Department of Agriculture).

[23] The agricultural specialist is a technical, scientific position rather than a law enforcement position with an emphasis on detecting and preventing the importation of harmful agricultural pests and diseases. Candidates for these positions are required to have majored in biological sciences, agricultural sciences, natural resource management, chemistry, or a closely related field. The agricultural specialist is responsible for conducting agriculture inspection of passengers and cargo as well as analysis of agriculture imports. Additionally, agricultural specialists are not authorized to carry firearms, and therefore they cannot staff primary inspection lanes. However, they may provide backup support to CBP officers during secondary screening.

[24] Prior to the creation of CBP, legacy customs officers were cross-trained to carry out primary inspections at land ports of entry.

While it has been about 4 years since the formation of DHS and CBP, our prior work on mergers and acquisitions found that it generally takes 5 to 7 years to successfully complete such a transformation. For example, GAO designated DHS's overall transformation as a high-risk area in 2003 based on three factors. First, DHS faced a formidable task in implementing a transformation process that would effectively combine 22 disparate agencies with an estimated 170,000 employees into one department. Second, many of these agencies were facing their own challenges in management areas such as strategic human capital, information technology, and financial management; thus, DHS inherited a host of operational and management challenges from the beginning. Third, DHS's national security mission is critically important and failure to effectively address its management challenges and program risks could have serious consequences for national security as well as have major economic impacts.[25] CBP, as part of DHS, faces many similar challenges in its efforts to unify three agencies into one and in transforming the role of its officers. For example, with over 40,000 employees, CBP represented the largest merger of people and functions within DHS. Additionally, our prior work on the Immigration and Naturalization Service and the U.S. Customs Service, two of the primary agencies involved in the merger, showed that these agencies experienced many management challenges before their merger into CBP. Finally, like DHS, CBP' has a primary mission of preventing terrorist attacks that is critical to national security.

[25] To be removed from GAO's high-risk list, agencies must do three things. First, they have to produce a corrective action plan that defines the root causes of identified problems, identifies effective solutions to those problems, and provides for substantially completing corrective measures in the near term. Second, agencies must demonstrate significant progress in addressing the problems identified in their corrective action plan. Finally, agencies, in particular top leadership, must demonstrate a commitment to achieve any remaining key objectives and sustain various improvements in their performance over the long term.

CBP Has Had Some Success in Interdicting Inadmissible Aliens and Other Violators, but It Still Needs to Overcome Weaknesses in Its Traveler Inspections and Physical Infrastructure

CBP has had some success in identifying inadmissible aliens and other violators. In fiscal year 2006, CBP successfully caught tens of thousands of violators and it made security improvements at its ports of entry, such as installing new cargo inspection technology. Nevertheless, the agency faces major challenges in overcoming weaknesses in both traveler inspections and physical infrastructure. In regards to traveler inspections, at our request, CBP officials showed us a videotape that identified numerous examples of officers not establishing the nationality of individuals and their eligibility for entering the country as required by law. CBP took action in the summer of 2006 to address the problems by holding high-level management meetings and delivering training on traveler inspections to its officers. However, we later found that CBP's initial set of corrective actions did not always address the problems and we found similar problems as those on the videotape. CBP issued new policies and procedures to overcome these inspection weaknesses at its land ports of entry including requiring field office directors to conduct assessments to ensure compliance with these new inspection procedures. However, the policies and procedures do not require that field office directors share their assessment results with CBP headquarters management, which may hinder its ability to use the information to overcome weaknesses in traveler inspections and to identify best practices that may occur during implementation of its new policies and procedures. CBP faces a challenge in addressing physical infrastructure weaknesses at land ports of entry in a timely way because some ports are owned by other governmental or private entities, potentially adding to the time needed to agree on infrastructure changes and put them in place.

CBP Has Had Some Success Identifying Inadmissible Aliens and Other Violators

CBP has identified and interdicted thousands of potentially dangerous people and significant amounts of illegal goods at ports of entry. According to CBP, in fiscal year 2006, CBP officers arrested more than 23,000 suspected criminals, denied entry to over 200,000 inadmissible aliens, seized more than 644,000 pounds of illegal drugs,[26] intercepted nearly 1.7 million prohibited agricultural items, and seized over $155 million in illegal commercial merchandise, such as counterfeit footwear and handbags. CBP officers also intercepted 40,362 fraudulent documents used in attempts to enter the country illegally in fiscal year 2006. Over half (21,292) of the fraudulent documents intercepted by CBP involved the

[26] In total, when seizures by other CBP offices, such as Border Patrol, are considered, CBP seized about 2 million pounds of illegal drugs in fiscal year 2006.

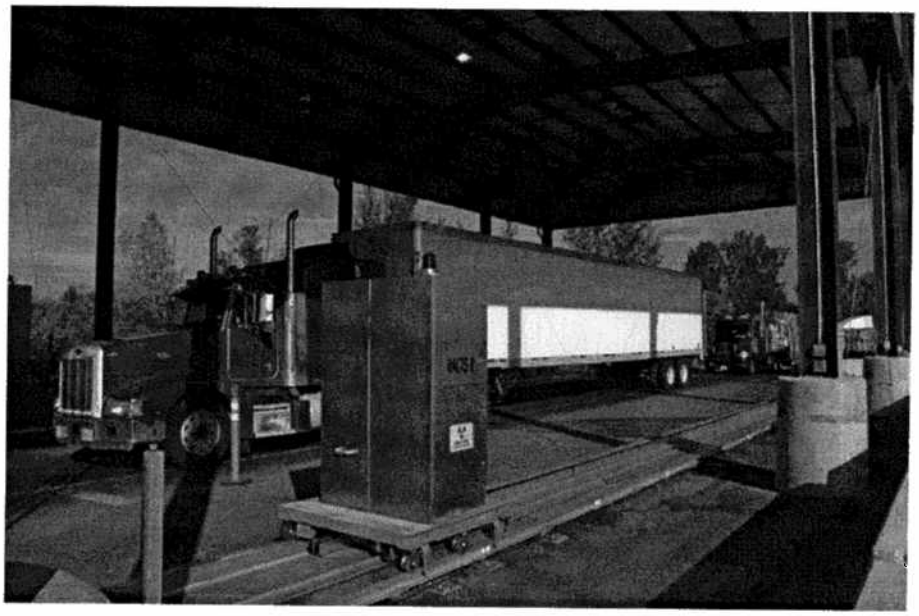
alteration or improper use of travel documents issued by the U.S Department of State. About 80 percent of these documents involved impostors—that is, people using authentic, unaltered documents that had been validly issued to another person. The remaining 20 percent attempted to enter with fraudulent documents that were altered in some way, such as a fake or altered U.S. visa, or were entirely counterfeit.[27]

CBP's success in identifying inadmissible aliens and other violators has been enhanced by several new initiatives and programs that aim to further improve security at ports of entry. They include the following:

- **New cargo inspection technology.** According to CBP, it has installed nonintrusive inspection technologies at ports of entry that enable officers to rapidly inspect vehicles and truck containers for inadmissible aliens and other violators, nuclear or radiological weapons, or other contraband (see fig. 4). Other nonintrusive technologies, such as radiation detectors, allow CBP to inspect containerized truck and sea cargo without having to perform a time-intensive manual search or other intrusive examinations of the contents.

[27] GAO, *Border Security: Security of New Passports and Visas Enhanced, but More Needs to Be Done to Prevent Their Fraudulent Use*, GAO-07-1006 (Washington D.C.: July 31, 2007).

Figure 4: CBP Technology Used to Screen Commercial Trucks



Source: GAO.

- **Additional requirements for screening passengers.** To improve its ability to target high-risk individuals that are on international flights bound for the United States, CBP in fiscal year 2007, issued a ruling that requires airlines provide passenger manifest information prior to departure. These data are critical in screening passengers against watch lists and other databases and identifying potentially dangerous individuals attempting to enter the United States.

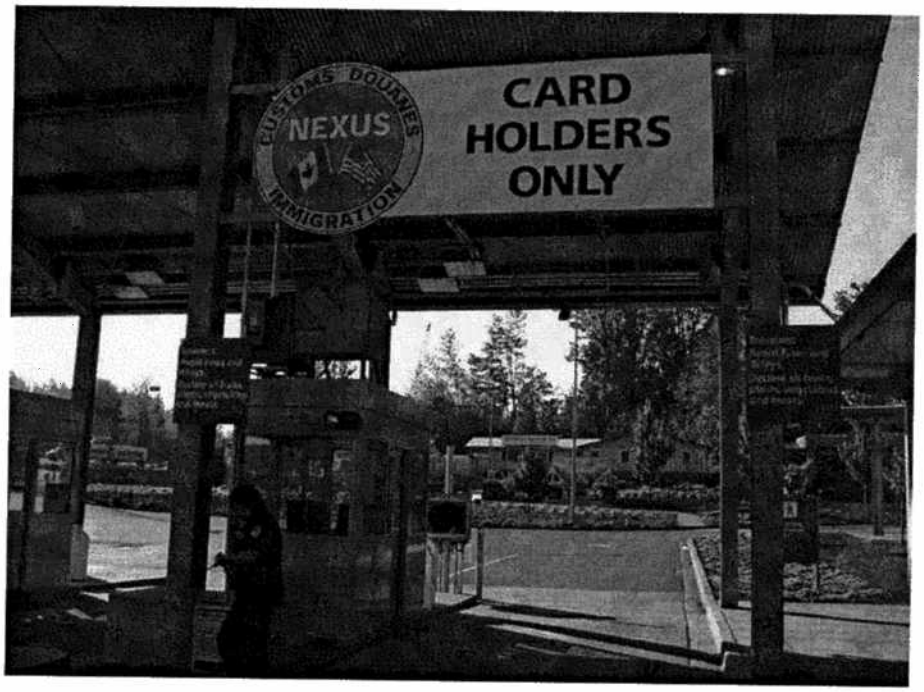
  CBP also expanded the entry capability of the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program to a total of 116 airports, 15 seaports, and 154 land ports of entry. Through this program, CBP is able to collect, maintain, and share data, including biometric identifiers like digital fingerprints, on selected foreign nationals entering the United States to verify their identities as they

arrive at air, sea, and land ports of entry.[28] CBP also uses these data to screen persons against watch lists and other law enforcement databases to determine their eligibility to enter the country.

- **Prescreening programs for low-risk travelers.** As part of CBP efforts to facilitate legitimate trade and travel, CBP has implemented several initiatives to increase enrollment in its trusted traveler programs, such as the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) program on the southern border and the NEXUS program on the northern border. These programs allow registered border residents and frequent cross-border travelers identified as low-risk individuals access to dedicated lanes and expedited processing with minimal inspection (see fig. 5). Participants undergo a thorough background check, a fingerprint law enforcement check, and a personal interview with a CBP officer. Enrollment in these two programs totaled nearly 260,000 members in fiscal year 2007. In addition, as part of an initiative among the United States, Canada, and Mexico, CBP operates a trusted traveler program called the Free and Secure Trade (FAST) program, for truck companies involved in transporting cargo through land ports of entry. Participants in FAST have access to dedicated lanes as well as reduced number of examinations. In 2006, CBP certified 124 new commercial partners and approved over 8,000 new drivers to participate in the program, bringing total FAST enrollment to 84,000 participants.

[28] For additional information on the inspection process for U.S. passports and visas, see GAO-07-1006. When fully implemented, US-VISIT is also intended to capture the same information from foreign nationals as they exit the country. For more information on the program, see GAO, *Border Security: US-VISIT Program Faces Strategic, Operational, and Technological Challenges at Land Ports of Entry.* GAO-07-248 (Washington D.C.: Dec. 6, 2006).

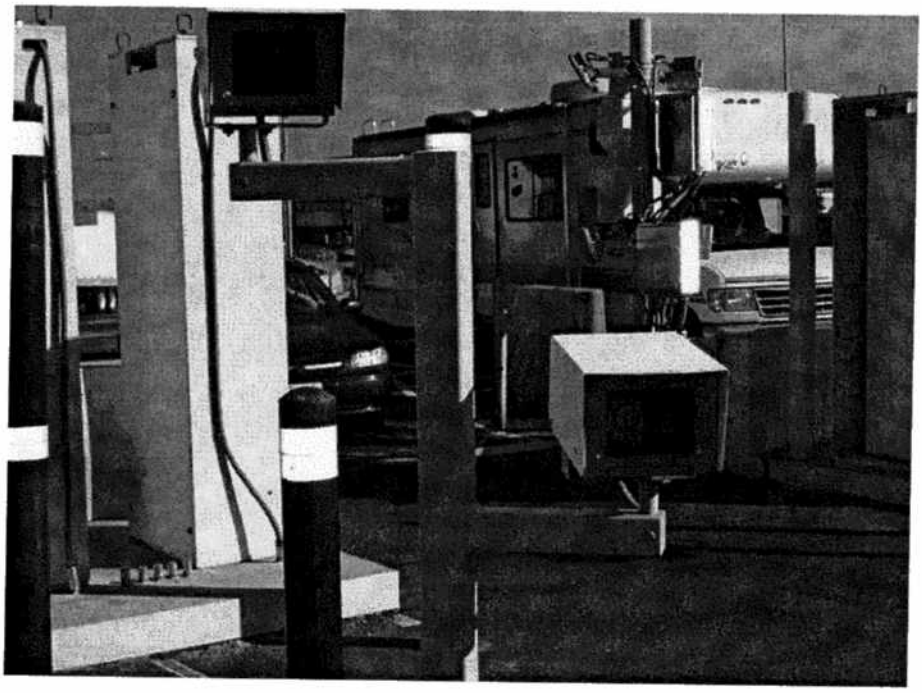
Figure 5: NEXUS Lane at a Port of Entry



Source: GAO.

- **Automated license plate and document readers.** CBP has also increased deployment of automated license plate and document readers at land ports of entry. License plate readers automatically read front and rear license plates of vehicles as they enter the primary inspection area, with the data simultaneously queried against CBP and law enforcement databases (see fig. 6). In addition, CBP has installed document readers that electronically read documents, such as passports or border crossing cards, that allow CBP officers to automatically query law enforcement databases. With these readers in place, CBP officers spend less time manually inputting information, thereby reducing inspection times, improving the accuracy of the collected information, and affording the officers the ability to interact more with vehicle occupants.

Figure 6: License Plate Reader at a Port of Entry



Source: GAO.

Improvements Notwithstanding, CBP Acknowledges that It Did Not Apprehend All Inadmissible Aliens and Other Violators

While CBP has had some success in interdicting inadmissible aliens and other violators, CBP acknowledges that it did not apprehend all inadmissible aliens and other violators who sought to enter the country at air and land ports of entry. CBP's estimates of how many inadmissible aliens and other violators evade detection are based on a sample of travelers who arrive at land and air ports of entry. This program, called Compliance Examination (COMPEX), randomly selects travelers entering the country for more detailed inspections.[29] CBP carries out this program at air and land ports of entry. At land ports, CBP randomly selects vehicles and conducts more detailed inspections of the vehicles and possessions of the traveler. At airports, CBP supervisors randomly select

[29] COMPEX was created in 1995 by U.S. Customs and was implemented at selected land crossings and airports on June 1, 1999. COMPEX allowed Customs to validate its deterrent efforts as well as meet the reporting requirements of the Government Performance and Results Act.

travelers. In both cases, the program is designed to select travelers who would not normally be referred to a secondary inspection and would therefore be allowed to enter the country. On the basis of the extent to which violations are found in the in-depth inspections, CBP estimates the total number of inadmissible aliens and other violators who seek to enter the country at locations where COMPEX is carried out.[30] CBP then calculates an apprehension rate by comparing the number of violators it actually apprehends with the estimated number of violators that attempted entry.[31] Using COMPEX, CBP estimates that several thousand inadmissible aliens and other violators entered the country through air and land ports of entry in fiscal year 2006.[32]

Weaknesses in How Well Inspection Procedures Were Followed Increased the Potential of Illegal Entry

Weaknesses in how well inspection procedures were followed increased the potential that inadmissible aliens and other violators successfully entered the country. In the summer of 2006, CBP reviewed hundreds of hours of video from 150 large and small land ports of entry and determined that while CBP officers carried out thorough traveler inspections in many instances, they also identified numerous examples where officers did not comply with inspection requirements, according to CBP officials. At our request, CBP officials showed us a 15-minute video that CBP had prepared that documented noncompliance with inspection requirements. The following were examples of weaknesses that were on the video:

- In one instance, officers waved vehicles into the United States without stopping the vehicle or interviewing the driver or its passengers as required. In another instance, motorcycles passed through inspection lanes without stopping and making any contact with an officer. In a third instance, during "lane switches" when CBP officers were relieved of their duty and replaced by other officers, officers waved traffic through the lane while the officer logged into the computer. The proper

[30] CBP breaks out violators into two main categories. The first category deals with serious violations (called category 1 violations) that include violations such as drug seizures and prohibited weapons. The second category involves minor violations (called category 2 violations) that include violations such as nonroutine prohibited foodstuffs, such as certain types of candy. The apprehension rate measures only category 1 violators.

[31] The apprehension rate is considered sensitive information and is not included in this report.

[32] CBP's estimate of the number of inadmissible aliens and other violators who entered the country in fiscal year 2006 is considered to be sensitive and therefore could not be included in this report.

procedure is for traffic to be stopped until the officer is logged into the system and is available to perform proper inspections.

- In another instance, while the CBP officer was reviewing information on his computer screen, he waved pedestrians through the lane without looking at them, making verbal contact, or inspecting travel documents. In another instance, travelers would simply hold up their identification cards and officers would view them without stepping out of the booth before waving the vehicle through. In these cases, the officers did not appear to make verbal contact with the passengers and did not interview any passengers sitting in the back seat of the vehicle. As a final example, officers did not board recreational vehicles to determine whether additional traveler inspections should be carried out.

Without checking the identity, citizenship, and admissibility of travelers, there is an increased potential that dangerous people and inadmissible goods may enter the country and cause harm to American citizens and the economy. According to CBP interviews with apprehended alien smugglers, alien smuggling organizations have been aware of weaknesses in CBP's inspection procedures and they have trained operatives to take advantage of these weaknesses. This awareness heightens the potential that failed inspections will occur at ports of entry when such procedural weaknesses exist.

According to CBP senior management, the factors that may have contributed to these weaknesses included the following:

- **Failure to engage, lack of focus, and complacency.** According to CBP senior management, emphasis is not being placed on all missions, and there is a failure by some of its officers to recognize the threat associated with dangerous people and goods entering the country.

- **Insufficient staffing.** According to CBP senior management, they are unable to staff ports of entry to sufficiently accommodate the workload. Lack of sufficient staff contributes to officers working double shifts, sometimes resulting in fatigue that can affect decisions.[33]

[33] Staffing and training issues are discussed in more detail later in this report, under the heading, "Progress Being Made, but Challenges Still Exist in CBP Officer Staffing and Training."

- **Lack of supervisory presence in primary inspections.** CBP senior management noted that lack of supervisory presence at primary inspection booths can contribute to less than optimal inspections.

- **Lack of training.** CBP senior management acknowledged that, in some cases, periodic and on-the-job training is not being delivered.

CBP Is Taking Action to Address Inspection Weaknesses, but Challenges Remain

CBP has taken action to address weaknesses in its inspection procedures by renewing its emphasis on the need to improve inspections at ports of entry and by revising traveler inspection policies and procedures. In July 2006, CBP headquarters showed field office directors the 15-minute videotape that documented the type of noncompliant inspections that were taking place at land ports of entry. CBP management emphasized the importance of thorough inspection procedures at all ports of entry, including airports and seaports, by requesting field office directors to review current procedures and identify best practices for more thorough inspections. As requested by the Assistant Commissioner of Field Operations, the field office directors conducted a series of meetings with senior port management to review and evaluate their ports' performance, make corrections where necessary, and identify best practices when inspecting travelers. Through efforts such as these, CBP managers identified best practices that included (1) increased supervisory presence in primary inspection areas; (2) detailing specific steps that should be conducted during primary inspections, such as interviewing travelers and conducting thorough document review (e.g., handling and inspecting documents); and (3) personal visits to ports of entry by directors and managers.

CBP also revised its policies and procedures for traveler inspections at land ports of entry to deal with weaknesses that were identified.[34] In July 2007, CBP issued new policies and procedures for inspecting travelers at land ports of entry, including pedestrians and those who enter by vehicle. Among other things, the policies and procedures call on officers to obtain photo identification for all travelers in a vehicle and match the traveler

[34] The Assistant Commissioner for the Office of Field Operations (OFO) created a steering committee whose primary responsibility was to develop draft directives for traveler inspections at land, air, and sea ports and associated performance measures. The committee consists of all OFO Executive Directors and the Deputy Assistant Commissioner for OFO.

with the photograph.[35] In doing so, the CBP officer is required to obtain a declaration of citizenship, either in the form of travel documents, such as passports, or in the case of a U.S. citizen or Canadian citizen, an oral statement. To the extent possible, officers are required to query law enforcement databases for all travelers in a vehicle. The new policies identify roles and responsibilities of CBP officials at ports of entry, including directors of field offices, port directors, supervisory CBP officers, as well as CBP officers. In the near future, CBP officials are also planning to issue new policies and procedures for processing cargo at land borders and for inspecting travelers who enter the country at airports and seaports.

However, issuing new policies and procedures alone does not ensure they will be carried out. For example, after CBP headquarters issued directives, held musters, and issued memorandums to field office and port managers that emphasized the importance of carrying out improved traveler inspections in July 2006, many of the same weaknesses they attempted to deal with continued to exist at ports of entry we visited. In October 2006 and January 2007, or as much as 5 months after managers informed officers of the need to carry out traveler inspections in a more rigorous way by interviewing travelers and examining their travel documents, our investigators identified weaknesses in traveler inspections that were similar to those identified in CBP's 15-minute video. At several ports of entry, our investigators found that a CBP officer was not staffing the booth when they arrived for inspection. At other locations, CBP officers did not ask for travel documents from our investigators. For example, at one port, when our investigators arrived at the port of entry, one of them called over to three officers who were seated at desks behind a counter about ten feet away. One of the officers asked our investigator if he was a U.S. citizen and the investigator said "yes." The CBP officers did not get up from their desks to ask for any identification, asked no other question, and allowed our investigator to enter the country.[36] At another port of entry, a CBP officer was not present at the primary inspection booth when our investigator arrived for inspection and he had to wait approximately 3 to 4 minutes before an officer arrived.

[35] CBP's policy recognizes that U.S. or Canadian citizens under the age of 16 may not have identification.

[36] DHS stated that by law a CBP officer is not required to ask for an identity document if the officer is satisfied that the person is a United States citizen.

While CBP's new policies and procedures are a step in the right direction, ensuring their proper implementation will be key to overcoming weaknesses in traveler inspections. An effective internal control environment is a key method to help agency managers achieve program objectives and enhance their ability to address identified weaknesses. CBP is taking positive steps to implement some control requirements. For example, one of the standards for internal control in the federal government involves monitoring to assess the quality of performance over time. To monitor how traveler inspections are conducted at ports of entry, CBP headquarters has developed a program to covertly test the integrity of existing security measures at ports of entry, including the work carried out by CBP officers. In addition, CBP headquarters officials are called on to conduct compliance reviews. Last, CBP's new policies and procedures on traveler inspections call on field office directors to ensure compliance with the new inspection procedures at all ports of entry by conducting audits and assessments. Internal control standards state that information should be communicated to management to enable it to carry out its program responsibilities. However, CBP does not require that field offices share the results of their audits and assessments with CBP headquarters management. Without obtaining and receiving the results of field office audits and assessments, CBP management may be hindered in its ability to efficiently use the information to overcome weaknesses in traveler inspections and identify best practices that may occur during implementation of its new policies and procedures.

Querying all travelers arriving at land ports of entry against CBP law enforcement databases represents a major challenge for CBP. As discussed earlier in this report, CBP's new policies and procedures require officers, to the extent feasible, to query travel documents of all travelers who arrive at primary inspection at land ports of entry. In contrast, CBP officers at airports generally handle and query documents of all travelers. Taking the time to enter information into CBP's law enforcement database for the several hundred million travelers arriving at primary inspection could hinder CBP's ability to facilitate the movement of legitimate travel and commerce.

DHS's planned Western Hemisphere Travel Initiative, when implemented at land ports of entry, may allow CBP to query more travelers against law enforcement databases and could improve CBP's ability to identify inadmissible aliens and other violators without harming commerce and travel. The initiative generally requires travelers to have a passport or passport-like document to enter the United States from Canada, Mexico, and other countries in the western hemisphere that is machine-readable

and therefore can be more quickly and accurately checked against CBP's law enforcement database than currently acceptable documents. CBP has already implemented the initiative at air ports of entry, but has yet to do so at land ports of entry. When the initiative is implemented at land ports of entry, CBP officers may be able to query more documents because DHS estimates that processing a traveler at primary inspection will be reduced by 15 to 25 seconds because all travelers will have documents that will be machine readable.

Problems with Physical Infrastructure Increase the Risk That Vehicles Could Bypass Land Ports of Entry

CBP's effectiveness at securing the nation's borders depends not only on the quality of traveler inspections, but also on the degree to which physical infrastructure is in place to reduce the risk that inadmissible aliens and other violators could bypass inspection points and enter the country. During our site visits, we identified weaknesses in physical infrastructure at some land ports of entry.[37]

Making Changes to Address Physical Infrastructure Weaknesses at Land Ports of Entry Can Be Challenging

CBP has developed a process to identify and prioritize capital infrastructure needs at land ports of entry. One component of this planning process is called the Strategic Resource Assessment—an assessment that identifies capital needs at ports of entry by evaluating existing facility conditions, predicting future workload trends, performing space capacity analyses, and estimating costs for the recommended options. CBP's Office of Finance has compiled resource assessments for 163 land crossings and has prioritized the ports with the greatest need. On the basis of the assessments, CBP estimates that the cost of making capital improvements at land crossings totals about $4 billion. In addition, the assessments identify a planning process to ensure that funding is allocated in a systematic and objective manner.

While CBP has made progress in identifying its capital needs, making infrastructure changes to address the problems is not always easy, according to CBP officials responsible for infrastructure improvements. For example, these senior CBP officials noted that they do not have the discretion to make infrastructure improvements on their own, such as installing barriers and bollards, when they do not own the property and therefore need to coordinate their efforts with other entities, such as private bridge commissions or state highway departments. For capital

[37] The locations and a description of the weaknesses in physical infrastructure are considered sensitive information and therefore are not included in this report.

improvements at ports of entry, such as building new vehicle lanes or secondary inspection facilities, the CBP officials said the lead time for making such improvements was long. For example, according to these CBP officials, for the 96 ports of entry that are owned by the General Services Administration (GSA), GSA approves and prioritizes capital improvement projects. The process of submitting a request for an infrastructure improvement and completion of the project is approximately 7 years from start to finish, according to a GSA official. For the 23 ports of entry that are privately owned and leased by GSA,[38] CBP officials noted that coordinating with privately owned companies on infrastructure improvements is a difficult process because the private owner's interest in facilitating commerce must be balanced with CBP's interest in national security. According to CBP officials, the degree to which improvements will be made at land ports of entry and how long it will take depend on available funding and the results of discussions with various stakeholders, such as GSA and private port owners. Each year, depending upon funding availability, CBP submits its proposed capital improvement projects based upon the prioritized list it has developed. As of September 2007, CBP had infrastructure projects related to 20 different ports of entry in various stages of development, according to a CBP official.

Progress Being Made, but Challenges Still Exist in CBP Officer Staffing and Training

CBP has taken action to improve staffing and training at ports of entry by assessing staffing needs, adding staff, and developing an extensive training program, but it faces challenges in hiring and retaining staff and providing required training. To address staffing, CBP developed a staffing model to identify the resources needed at the nation's ports of entry. While CBP has had a net increase of about 1,000 more staff since 2005, the results of the staffing model indicate that CBP may need additional officers at ports. Not having sufficient staff contributes to morale problems, fatigue, and safety issues for officers. It also makes it difficult for ports of entry to fully carry out anti-terrorism and other traveler inspection programs. The problems are exacerbated by difficulties in retaining experienced staff. Regarding training, CBP has made progress in developing 37 training modules for CBP officers and a national on-the-job training program for new officers. While it has delivered training to thousands of CBP officers, CBP faces challenges in (1) delivering the required training modules to those who

[38] Examples of privately owned ports of entry that are leased to GSA include the Rainbow Bridge in Niagara Falls, New York and the Windsor Tunnel in Detroit, Michigan.

need it and (2) providing on-the-job training to new CBP officers consistent with national program guidance. When staff do not receive required training or are not trained consistently with program guidance, it limits knowledge building and increases the risk that needed expertise is not developed. Senior CBP headquarters officials also stated that the lack of training and training that is inconsistently delivered may increase the risk that terrorists, inadmissible travelers, and illicit goods could be admitted into the country.

Staffing Shortfalls and Retention Problems Exist at Ports of Entry

Congressional concern about CBP's ability to link resources to its mission led Congress to call on CBP to develop resource allocation models. In responding to language in the conference report for the fiscal year 2007 DHS appropriations[39] and the SAFE Port Act of 2006,[40] CBP developed a staffing model for its land, air, and sea ports of entry. The conference report directed CBP to develop the staffing model in a way that would align officer resources with threats, vulnerabilities, and workload. This directive stemmed, in part, from concern about CBP's ability to effectively manage its growing workload, minimize wait times, and ensure that CBP officers receive adequate training in all relevant inspection functions. The staffing model is designed to determine the optimum number of CBP officers that each port of entry needs in order to accomplish its mission responsibilities. According to CBP staff involved in developing the staffing model, it is primarily driven by traveler volume and inspection processing times. The staffing model also incorporates assumptions for training, anti-terrorism activities, and staffing for special equipment, such as radiation portal monitors.[41] According to CBP officials, the model's assumptions will be recalculated each fiscal year in order to account for changes caused by new requirements, procedures, or changes in workload. For example, when the new inspection requirements come into effect under the Western Hemisphere Travel Initiative, CBP can adjust the processing times in the staffing model, which may result in changes in the number of staff

[39] H.R. Conf. Rep. No. 109-699, at 126 (2006).

[40] Pub. L. No. 109-347, §403, 120 Stat. 1884, 1926-28.

[41] A radiation portal monitor is a detection device that provides CBP with a passive, non-intrusive means to screen trucks and other conveyances for the presence of nuclear and radiological materials.

needed,[42] according to CBP officials. CBP plans to use the staffing model to help management decide on the number of staff needed and where they should be deployed.

In July 2007, CBP provided us with the results for the staffing model.[43] The model's results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry. In addition, the staffing model showed the relative need among different CBP locations. CBP has determined that data from the staffing model are law enforcement sensitive. Therefore, we are not providing more detailed data and information from the model in this report.

The staffing model was not finalized in time to prepare CBP's fiscal year 2008 budget request. CBP officials told us that they plan to use the results of the staffing model to determine which locations are to receive additional staffing in fiscal year 2008, should Congress approve their request for additional positions.

CBP Cites Insufficient Staffing as an Impediment to Traveler Inspection Efforts

Before the staffing model was finalized, CBP used other data to determine staffing needs and provide an indication of the degree to which insufficient staffing affects operations at ports of entry. CBP's 20 field offices and its pre-clearance headquarters office requested additional officers through quarterly resource assessment reports that quantified perceived staffing needs and provided justifications for the request. CBP used the quarterly resource assessment reports to help determine the number of officers to allocate to each office, but the majority of the requests went unfilled due, in part, to budget constraints. In January 2007, 19 of CBP's 21 offices identified a need for additional officers to accomplish their anti-terrorism responsibilities through special operations and anti-terrorism teams; operate new equipment, such as radiation portal monitors and non-intrusive inspection technologies, both of which are relatively new

[42] For example, the DHS estimates that when the Western Hemisphere Travel Initiative is implemented—the initiative that generally requires U.S. citizens and citizens of Bermuda, Canada, and Mexico when entering the United States from certain countries in North, Central, or South America to have a passport or other document or combination of documents that the Secretary of DHS deems sufficient to show identity and citizenship—it will reduce inspection times by 15 to 25 seconds.

[43] In a prior report, GAO recommended that CBP implement a staffing model to ensure that agricultural staffing levels at each port of entry are sufficient. See GAO, *Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease*, GAO-06-644 (Washington D.C.: May 19, 2006).

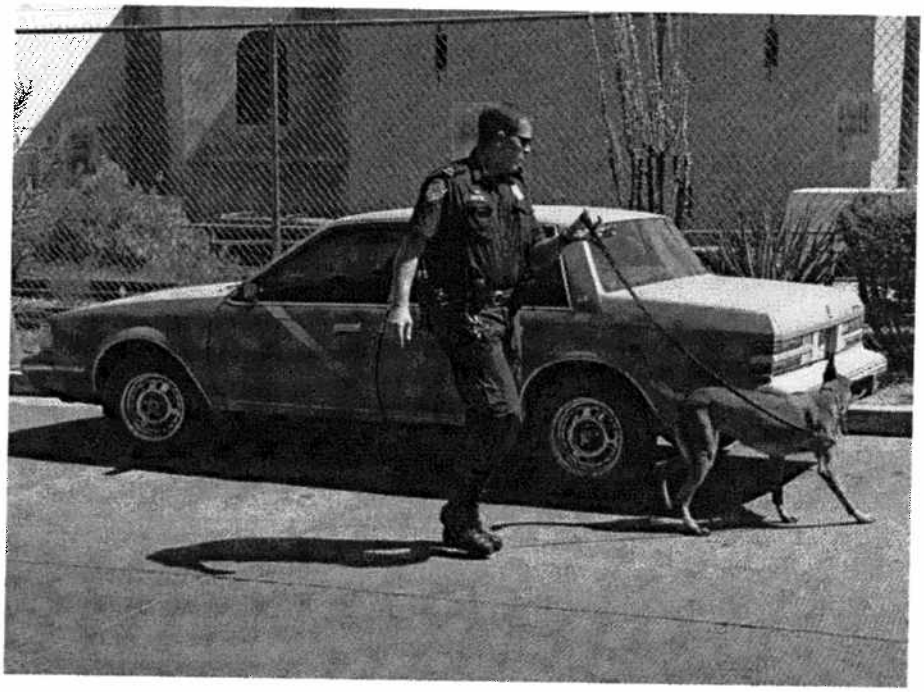
additions to CBP's mission responsibilities; and to deal with increased workload from increased traveler volume and the expansion of primary inspection lanes and other facilities.

Managers, supervisors, and officers at seven of the eight ports of entry that we visited provided examples of how insufficient staffing affects their ability to carry out primary and secondary inspections:

Anti-terrorism and other traveler inspection programs are not fully carried out. CBP uses a "layered" enforcement approach when it inspects travelers.[44] In implementing this approach, port officials told us that when possible, they perform enforcement operations that include anti-terrorism teams and canine inspections (see fig. 7). While considered discretionary, according to CBP officials, these inspections can result in significant numbers of seizures and adverse actions and, thus, are a key tool in traveler inspection efforts. For example, one port conducted a 30-day pilot project during which it focused its efforts on such operations. During this time, CBP officers said they apprehended 96 criminals, inadmissible aliens, and other violators who were in line for primary inspection.

[44] The specific techniques used by CBP in its "layered" enforcement approach are not included in this report because the information is considered sensitive. In addition, specific information on how staffing shortages affect CBP's ability to carry out primary and secondary inspections are also viewed as sensitive information and therefore are not included in this report.

Figure 7: Canine Team Inspecting Vehicular Traffic at a Land Port of Entry



Source: GAO.

Double shifts can result in officer fatigue. Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Officers at six of the eight ports of entry we visited indicated that officer fatigue caused by excessive overtime negatively affected inspections at their ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in the primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times.[45] Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports.

[45] Specific concerns from CBP officials of how officer fatigue affects primary inspections are not included in this report because the information is considered sensitive.

CBP Faces Challenges in Retaining Officers

CBP's onboard staffing level is below its budgeted level, partly due to attrition.[46] According to CBP officials at headquarters and the ports of entry we visited, the gap between the budgeted staffing level and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP data show that, on average, 52 CBP officers left the agency each 2-week pay period in fiscal year 2007, up from 34 officers in fiscal year 2005. Port managers at five locations indicated that the rising attrition consistently keeps their ports of entry below the budgeted staffing level because of the lengthy amount of time—up to a year—that it can take to hire and train a new officer. On a case-by-case basis, CBP has allowed five field offices to hire above their budgeted staffing levels in order to account for the expected attrition before the next hiring cycle. For example, one field office was allowed to hire over its budgeted staffing level by 100 staff in anticipation of expected officer attrition. However, the use of this option is limited and port managers stated that attrition still outpaces hiring at such locations.

Numerous reasons exist for officer attrition. As with other federal agencies, officer retirements are taking a toll on the agency's workforce. In the next 4 years, over 3,700 CBP officers, or about 20 percent of CBP's authorized level of 18,530 officers, will become eligible for retirement. In addition, according to CBP officials, CBP officers are leaving the agency to take positions at other DHS components and other federal agencies to obtain law enforcement officer benefits not authorized to them at CBP. In fiscal year 2006, about 24 percent of the officers leaving CBP, or about 339 officers, left for a position in another DHS component. Further, extensive overtime, poor officer morale, and the high cost of living in certain areas were frequently cited by employees who left as reasons for attrition. Our analysis of responses by nonsupervisory CBP staff[47] to the 2006 OPM Federal Human Capital Survey[48] corroborated that they have concerns about efforts to develop staff and agency leadership that could contribute

[46] Specific data on CBP's budgeted staffing level and the number of officers onboard are not included in this report because the data are considered sensitive.

[47] CBP staff refers to all nonsupervisory employees within CBP, including CBP officers, Border Patrol agents, and other mission support staff. CBP officers constitute 42 percent of CBP's nonsupervisory workforce and they represent the largest nonsupervisory group in CBP.

[48] OPM conducts the Federal Human Capital Survey (FHCS) as part of its efforts to measure federal employees' perceptions about how effectively agencies manage their workforce.

to low morale and attrition. See appendix II for a more complete analysis of responses by nonsupervisory employees to OPM's Federal Human Capital Survey.

CBP recognizes that attrition of officers is adversely affecting its operations and that it must reassess aspects of its human capital approach if it is to hire and retain a high-performing, motivated workforce. CBP officials told us that CBP is considering a number actions including establishing personnel incentive programs, such as a tuition reimbursement program. In addition, the Office of Field Operations plans to work with CBP's Office of Human Resources Management to develop and distribute a personnel satisfaction survey to obtain employee feedback so that leadership can better address the needs of its workforce. CBP has also revised the exit survey it gives to employees prior to their leaving the agency to better assess their reasons for leaving and to help CBP identify where it is losing employees. CBP plans to analyze data from OPM's Human Capital Survey, the employee satisfaction and exit surveys, and attrition data to help identify what specific actions CBP may need to take to curb attrition. CBP plans to develop some initial retention strategies by December 2008 and by September 2009 develop approaches to retain staff based on areas of concern identified in the employee exit survey.

Major Cross-Training Program Developed, but Ports of Entry We Visited Faced Challenges in Delivering Required Training

Starting in 2003, CBP began developing a series of 37 training modules aimed at improving the skills of and to cross-train CBP officers in carrying out inspections at ports of entry.[49] CBP recognized the importance of training in transforming the role of its officers, and has made officer training a focus of the agency. CBP initiated a multiyear cross-training program effort to equip new and legacy officers with the tools necessary to perform primary immigration and customs inspections, and sufficient knowledge to identify agricultural threats in need of further examination by the agricultural specialists. For example, through a combination of computer-based "fundamentals" courses followed by classroom and on-the-job training, a former customs inspector would take training that prepared him or her to conduct secondary inspections related to possible

[49] According to CBP officials, it developed the 37 modules by prioritizing courses in the following sequence: (1) anti-terrorism programs, (2) primary inspection policies and procedures, (3) agricultural inspection programs, and (4) customs secondary inspection for those officers with expertise in immigration issues.

immigration violations.[50] At airports, former customs officers might receive instruction so that they could better conduct traveler inspections. Legacy immigration officers in air and land ports of entry would be trained so that they could work in inspecting baggage or vehicles, respectively.[51] The program involved developing training modules on such topics as anti-terrorism and detecting fraudulent documents. Through its efforts, CBP has cross-trained thousands of officers since 2004. For example, CBP has trained about 12,000 staff in the anti-terrorism module.

In August 2007, CBP officials involved in developing the training program at ports of entry told us that CBP is in the process of changing its cross-training program. The officials told us that they hope to update existing cross-training materials and align them with recent changes in policies and procedures. Further, the officials said that the new program will be geared toward delivering training that provides specific expertise in immigration or customs-related inspection activities to new officers or CBP officers transferring to a different job function. According to these officials, they will begin implementing the program in January 2008.

Mission Demands Cited as Reason for Challenges in Delivering Cross-Training

While CBP has made progress in developing training modules and in training its officers, CBP managers at seven of the eight ports of entry we visited said they had experienced difficulty in providing their officers with required training in a timely manner because staffing challenges force the ports to choose between performing port operations and providing training. In these instances, port of entry managers told us that training is often sacrificed. One port of entry director stated, "the port is thinking out of the box just to do basic functions [and] cannot even begin to focus on training." Managers at this port of entry also indicated that training courses are scheduled and then canceled because of staffing concerns. At two other ports of entry we visited, managers indicated that staffing challenges cause the ports of entry to use overtime to fill positions temporarily vacated by officers who participate in training. For example, to provide its officers with four basic cross-training courses, including a course in processing immigration cases, management at one port estimated they would need nearly $4 million in overtime—a condition that

[50] This example applies to land ports of entry.

[51] CBP has developed a specialty position in the immigration secondary area called the CBP Admissibility Officer. CBP officers designated for this position take a 21-day course at the Federal Law Enforcement Training Center followed by on-the-job training at the port of entry.

would make the port go over its budget for overtime and add to the problems we discussed earlier caused by excessive overtime.

We also identified examples where ports of entry we visited did not consistently provide cross-training courses in the manner expected by CBP headquarters. For example, headquarters informed field offices that course content may not be shortened. However, according to a CBP official at one location, his port of entry trained officers to work in the immigration secondary area by pushing officers through a compressed 5-day version of the course rather than the 9-day version developed by headquarters. At another port, new officers we spoke with had not taken the immigration course after working for 3 years, even though CBP guidance states that new officers should take the course during their second year at the port. Challenges in providing training are not new. We have previously reported that staffing shortages have affected training efforts at ports of entry even before CBP was created in March 2003.[52]

Insufficient Cross-Training Creates Vulnerabilities in Traveler Inspections

Managers and supervisors at six of eight ports of entry we visited told us that vulnerabilities in traveler inspections occurred when officers did not receive cross-training before rotating to new inspection areas. Although CBP's training policy calls for no officer to be placed in an area without receiving the proper cross-training module, officers and supervisors at ports of entry we visited told us that officers are placed in situations for which they had not been trained. While we cannot determine the degree to which this is happening in other ports of entry cross the country, we identified several examples where this policy is not being followed at the ports of entry we visited. For example, legacy customs officers at one port of entry reported feeling ill prepared when called upon to inspect passengers because they had not received the requisite training. One supervisor at this port of entry stated that he had "no confidence" that the officers he supervised could process the casework for a marijuana seizure correctly in order to successfully prosecute the violator because they had not received training. Supervisors at another port of entry told us that they were rotated to areas in which they had not received training. With responsibility over admissibility decisions, these supervisors were concerned that they could not answer questions from their subordinates or make necessary determinations beyond their area of expertise. As a

[52] GAO, *Land Border Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*, GAO-03-782 (Washington, D.C.: July 2003). GAO, *Department of Homeland Security: Strategic Management of Training Important for Successful Transformation*, GAO-05-888 (Washington, D.C.: September 2005).

result of not being trained, officers at this port stated that they relied heavily on senior officers from legacy agencies. The officers also told us that these senior officers have been leaving the agency. CBP managers in headquarters recognize that insufficient training can lead to a higher risk of failed inspections. In a presentation that was given to all field office directors, CBP headquarters officials stated that untrained officers increase the risk that terrorists, inadmissible travelers, and illicit goods could enter the country.

Data for Measuring Progress in Providing Cross-Training Are Not Available

CBP is attempting to capture information that better reflects whether training requirements are being met. In November 2006, CBP's field offices submitted their revised training plans indicating how many additional officers needed to be cross-trained over the next several years. However, CBP officials told us that they do not track specifically which officers need to take a particular training module, nor do they track whether those officers have received the needed training. Without data on which CBP officers need which particular cross-training modules and whether they have received the training, CBP does not know the extent that its officers have received the necessary cross-training and are not in a position to measure progress toward achieving its cross-training program goals.

Standards for internal control in the federal government provide a framework for agencies to achieve effective and efficient operations and ultimately to improve accountability. One of the standards involves having good controls in place to ensure that management's directives are carried out. To do so, the standards call on agencies to compare actual performance to planned or expected results throughout the organization and to analyze significant differences. Having reliable data to measure the degree to which training has been delivered to those who are required to receive it would help meet this standard and put CBP management in a position to better gauge the results of its cross-training program.

On-the-Job Training Program for New CBP Officers Faces Implementation Challenges at Ports of Entry We Visited

In addition to developing cross-training modules for its officers, CBP also has an on-the-job training program for new officers once they arrive at a port of entry.[53] In a July 2003 report on inspections at land border ports of entry, we recommended that CBP develop and implement a field training program for new officers before they independently conduct inspections.[54] In response to this recommendation, CBP issued guidance for on-the-job training of new CBP officers. According to the guidance, new officers should receive up to 12 and 14 weeks of on-the-job training at land and air ports of entry, respectively. The guidance provides an outline of the type of experiences that a port of entry needs to provide to an officer as part of the on-the-job training program, such as reviewing emergency port of entry procedures and computer systems used in primary inspections.

However, at seven of the eight ports of entry we visited officials told us that they had difficulty in providing on-the-job training in compliance with the guidance. For example:

- Management at one land port of entry stated that it could not provide 12 weeks of on-the-job training to its new officers because of workload, budget, and staffing challenges, but indicated that it tried to provide 6 weeks of on-the-job training. CBP officers at another port of entry told us that the length of their on-the-job training varied from 2 weeks to 6 weeks and they told us that they needed more on-the-job training before inspecting travelers on their own.

- CBP's on-the-job training guidance recommends, but does not require, new officers receive 3 weeks of the training under close supervision of a coach or field training officer in order to receive direct guidance and feedback in their performance. However, officials at seven of the ports of entry we visited said that their port of entry had difficulty providing new officers with field training officers. For example, at two ports of entry, experienced officers were unwilling to take on the extra responsibility of training new officers, according to CBP officials at these locations.

[53] New officers are sent to a port of entry after receiving roughly 14 weeks of training at the Federal Law Enforcement Training Center, according to a CBP officer.

[54] See GAO-03-782.

Weaknesses in On-the-Job Training Can Reduce the Effectiveness of Traveler Inspections

Vulnerabilities in traveler inspections are created when new officers do not receive required training. For example, new officers who received as little as 2 weeks of on-the-job training rather than the recommended 12 weeks told us that they needed more training before inspecting travelers. In our July 2003 report, we reported that discrepancies in on-the-job training decrease the effectiveness of traveler inspections at ports of entry when little or no on-the-job training is given to new officers.[55] For example, we found that the ports that graded their officers as being the least prepared to carry out traveler inspections were among the ports that provided the least amount of on-the-job training.

Opportunities for Strengthening CBP's On-the-Job Training Program for New CBP Officers

In addition to new CBP officers not receiving on-the-job training consistent with CBP's national program guidance, the training program lacks certain elements that may be limiting CBP's ability to effectively train new officers. Internal control standards related to management of human capital state that management should ensure that the organization has a workforce that has the required skills necessary to achieve organizational goals. While CBP's on-the-job training guidance requires supervisors to document the tasks officers have performed while in the on-the-job training program, the guidance does not require that officers perform certain tasks to develop needed skills nor does it call on officers to demonstrate proficiency in specific job tasks.

The U.S. Border Patrol, an office within CBP, developed a field training program that contains mechanisms to help ensure new Border Patrol agents obtain the needed skills to do their job and demonstrate proficiency in those skills. For example, the Border Patrol identified 32 different specific skills, knowledge, and behavior traits intrinsic to Border Patrol operations, such as processing an expedited removal case, that agents must perform over the 12-week training period. If the new agent cannot gain experience in a specific task, the training officer must arrange for the new agent to conduct a practical exercise. The program requires that agents be evaluated in all 32 areas and be provided weekly feedback on those areas covered in training during the week. Agents are required to demonstrate competency in performing the 32 skills. In addition, training officers are required to write specific comments on performance that is rated as significantly deficient or exceptional.

[55] See GAO-03-782.

We discussed the utility of the Border Patrol's on-the-job training program with CBP officials. CBP officials told us that they are planning to revise CBP's on-the-job field training program for new CBP officers to make it a more robust program. They stated that they would review the Border Patrol's field training program to identify best practices that they might incorporate into CBP's on-the-job training program for new CBP officers.

Results from OPM's 2006 Federal Human Capital Survey Show that NonSupervisory CBP Staff Are Concerned about Training

Similar to the issues discussed above, our analysis of OPM's 2006 Federal Human Capital Survey shows that CBP staff expressed concern about training. Our analysis shows that less than half of nonsupervisory CBP staff were satisfied with how CBP assesses their training needs (43 percent), the extent to which supervisors support employee development (43 percent), and the degree to which supervisors provide constructive feedback on how to improve (42 percent). In responding to these three questions, a significantly lower percentage of nonsupervisory staff at CBP was satisfied with their training experiences than nonsupervisory staff in other federal agencies.

CBP Has Developed Strategic Goals for Its Traveler Inspection Program, but Challenges Remain in Formalizing Related Performance Measures

Strategic Plan Establishes Goals and Objectives for Traveler Inspection Program

CBP has developed strategic goals for its traveler inspection program, but it faces challenges in formalizing a set of performance measures that track what progress it is making toward achieving these goals. In September 2006, CBP's Office of Field Operations issued its 5-year strategic plan called *Securing America's Borders at Ports of Entry*, which defines CBP's national strategy for securing America's borders, specifically at ports of entry for fiscal year 2007 through fiscal year 2011. Building on the key

themes in DHS's and other CBP strategic plans[56] and applying them specifically to ports of entry, the plan outlines the Office of Field Operation's vision on establishing secure ports of entry where potential threats are deterred; threats and inadmissible people, goods, and conveyances are intercepted; legitimate trade and travel are facilitated; and operations and outcomes are consistent across locations and modes of transportation. The plan outlines five strategic goals. They are (1) expanding advance knowledge—increasing and improving the information and analysis CBP has about people, goods, and conveyances before they arrive at the ports of entry; (2) modernizing the inspection process to ensure that all people and goods are inspected appropriately; (3) ensuring a flexible enforcement focus to improve CBP's effectiveness in assessing, detecting, and predicting threats; (4) strengthening physical security at the ports of entry to maintain a secure environment for officers to perform inspections; and (5) building organizational partnerships, maintaining a skilled workforce, and utilizing emerging technologies to achieve CBP's mission.

Reported Performance Measures for Traveler Inspection Program Do Not Assess CBP's Effectiveness at Apprehending Inadmissible Aliens and Other Violators

Although one of CBP's main goals is to intercept inadmissible aliens and other violators, CBP's reported performance measure does not address this goal. In its fiscal year 2006 Performance and Accountability Report, CBP reported on the degree to which travelers who arrive at the port of entry are in compliance with immigration, agricultural, and other laws, rules, and regulations as a way to gauge the success of its traveler inspection efforts. Using data from its COMPEX program, CBP uses a measure—called the compliance rate—which showed that in fiscal year 2006 about 99 percent of travelers who seek to enter the United States through 19 major airports and by vehicle at 25 major land ports were in compliance with laws, rules, and regulations.

We have reported that linking performance to strategic goals and objectives and publicly reporting this information are important so that Congress and agency management have better information about agency performance and help to ensure accountability. CBP's current performance measure, the compliance rate, shows the extent to which

[56] DHS plan:*Securing Our Homeland*, 2004. CBP's 5-year strategic plan for fiscal years 2005-2010 is called *Protecting America*, issued in May 2005, and sets goals and objectives for securing the border at and between ports of entry. CBP has also developed a national strategy for the Border Patrol for reaching operational control of the border between ports of entry.

travelers arriving at ports of entry meet the legal requirements for entering the country. CBP does not use data that measure the extent to which it is intercepting inadmissible aliens and other violators, one of CBP's key strategic objectives. As discussed earlier in our report, CBP calculates a measure known as the apprehension rate as part of its COMPEX program, which provides an estimate of the agency's effectiveness in apprehending travelers seeking to enter the country illegally or in violation of other laws. The COMPEX program was originally developed by the former U.S. Customs Service to comply with the Government Performance and Results Act, which requires federal agencies to develop outcome-based performance goals and measures, when possible, as a way to assess the effectiveness and efficiency of their programs.

During the course of our review, we discussed with CBP officials the potential of using the apprehension rate as one way of measuring the effectiveness of CBP interdiction efforts. In June 2007, CBP officials told us that CBP was in the process of selecting performance measures for fiscal year 2008 and a decision had not yet been made on whether to include the apprehension rate or some other similar outcome-based measure.

Conclusions

Effective inspection of the millions of travelers entering the country each year is critical to the security of the United States. As CBP matures as an organization, having effective inspection procedures, retaining its officer corps, and developing the necessary skills in its officer corps are essential given the critical role that CBP plays in national security. Although CBP developed new inspection procedures that require CBP field office directors to monitor and assess compliance with the new procedures, a key internal control requiring field office directors to communicate with CBP management the results of their monitoring and assessment efforts is not in place. As a result, CBP management may not get information that would identify weaknesses in the traveler inspections process that need to be addressed. The initial set of actions that CBP has taken for dealing with challenges in training at ports of entry is a positive start, but it has not established a mechanism to know whether officers who need specific cross-training have received it and whether new CBP officers have experience in the necessary job tasks and are proficient in them. This means that some officers may be called on to perform certain inspection tasks without having the knowledge and skills to do them.

It is also important to have performance measures in place to permit agency management to gauge progress in achieving program goals and, if

not, to take corrective action. In regard to traveler inspections, CBP is missing an important performance measure that shows what results are achieved in apprehending inadmissible aliens and other violators. CBP has apprehension rate data that could be used to develop such a performance measure. Having performance measures related to the effectiveness of CBP interdiction efforts would help inform Congress and agency management of improvements resulting from changes in CBP's traveler inspection program and what gaps in coverage, if any, remain.

Recommendations for Executive Action

To mitigate the risk of failed traveler inspections at ports of entry, we recommended in our October 5, 2007 report[57] that the Secretary of Homeland Security direct the Commissioner of Customs and Border Protection to take the following four actions:

- implement internal controls to help ensure that field office directors communicate to agency management the results of their monitoring and assessment efforts so that agencywide results can be analyzed and necessary actions taken to ensure that new traveler inspection procedures are carried out in a consistent way across all ports of entry;
- develop data on cross-training programs that measure whether the individuals who require training are receiving it so that agency management is in a better position to measure progress toward achieving training goals;
- incorporate into CBP's procedures for its on-the-job training program (1) specific tasks that CBP officers must experience during on-the-job training and (2) requirements for measuring officer proficiency in performing those tasks; and
- formalize a performance measure for the traveler inspection program that identifies CBP's effectiveness in apprehending inadmissible aliens and other violators.

Agency Comments and Our Evaluation

We provided a draft of the For Official Use Only version of this report to DHS for comment. In commenting on our draft report, DHS, including CBP, agreed with our recommendations. Specifically, DHS stated that CBP is taking action or has taken action to address each recommendation.

[57] See GAO-08-123SU.

For example, DHS stated that CBP will develop a measurement validation tool to help confirm that officers have received the necessary cross-training courses before they are assigned to a different work environment. In addition, CBP's Office of Field Operations (OFO) will evaluate how the Border Patrol is implementing its on-the-job training program and analyze its compatibility to OFO. If effectively implemented, these actions should help address the intent of our recommendations.

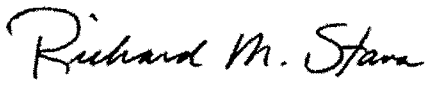
CBP took issue with an example we used in our draft report describing a situation where two GAO investigators who tested the traveler inspection process at land port of entry were not asked for any identification. We stated that as our investigators attempted to enter at the port, the CBP officer—who was seated behind a desk about 10 feet away—only asked our investigators if they were U.S. citizens and the investigators said "yes." DHS stated that under current statute and regulation, a person claiming to be a United States citizen arriving at a port of entry is not required to provide identity documents as long as the subject can establish, to the satisfaction of the inspecting officer, citizenship. DHS stated that because CBP officers were satisfied with the citizenship of the two investigators at the time of inspection, identity documents were not required.

We agree that an identity document is not required for U.S. citizens at land ports of entry. However, this example is meant to convey that some inspections were not meeting the intent of CBP's July 2006 management guidance calling for more thorough inspections through traveler interviews and document review. Asking a traveler one question about citizenship when seated at a desk about 10 feet away does not seem to be consistent with the more thorough inspections called for in CBP's management guidance. We modified our report to include additional information on this episode.

DHS also provided technical comments, which we incorporated into the For Official Use Only version of this report as appropriate. Appendix III contains written comments from DHS.

We are sending copies of this report to the Secretary of Homeland Security, the Director of the Office of Management and Budget, and interested congressional committees. We will also make copies available to others on request. In addition, this report will be available at no charge on the GAO Web site at http://www.gao.gov.

If you or your staff have any questions concerning this report, please contact me at (202) 512-8777 or by e-mail at stanar@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix IV.



Richard M. Stana
Director, Homeland Security and Justice Issues

Appendix I: Objectives, Scope, and Methodology

This report addresses the progress the U.S. Customs and Border Protection (CBP) has made and the remaining challenges it faces in conducting traveler inspections, staffing, and training at ports of entry. Specifically, we answered the following questions: (1) What success and challenges has CBP had in interdicting inadmissible aliens and other violators at its ports of entry? (2) What progress has CBP made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs? (3) What progress and problems CBP has encountered in setting goals and performance measures for its traveler inspection program?

On October 5, 2007, we issued a report that answered the above questions, but it contained information that DHS considered law enforcement sensitive.[1] This version of the report omits sensitive information about CBP's traveler inspection efforts, including information on the techniques used to carry out inspections, data on the number of inadmissible aliens and other violators that enter the country each year, and data on staffing at ports of entry. In addition, at DHS's request, we have redacted the specific locations that we visited.

The overall methodology used for our initial report is relevant to this version of the report since the information in this product is derived from our first report. Specifically, we, performed our work at the Department of Homeland Security's (DHS) CBP offices, based in Washington, D.C. We also conducted work at 8 ports of entry—three airports and five land crossings. While we cannot generalize our work from our visits to all ports of entry, we chose these ports of entry to provide examples of operations at ports of entry. At each location, we held group sessions with CBP officers and supervisors. We also interviewed port management and staff involved in training. In addition, our investigators conducted vulnerability assessments of inspection procedures at 8 additional ports of entry. Our investigators conducted covert operations to evaluate screening procedures at small ports of entry. Although we cannot generalize our investigators' work at these locations to all ports of entry, we selected these ports of entry to provide examples of traveler inspections at small ports of entry. Our investigators did their work in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency. In assessing the adequacy of internal controls, we used the criteria in GAO's *Standards for Internal Control in the Federal*

[1] See GAO-08-123SU.

Government, GAO/AIMD 00-21.3.1, dated November 1999. These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to FMFIA, the Office of Management and Budget issued Circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in Circular A-123 are based on the GAO Standards for Internal Control in the Federal Government.

To determine what success and challenges CBP has had in interdicting inadmissible aliens and other violators at its ports of entry, we interviewed CBP headquarters officials, such as officials from the Offices of Field Operations, Policy and Planning, Finance, and Training and Development. We obtained and analyzed available DHS documents on traveler inspections, more specifically on COMPEX data (a compliance measurement to determine an overall estimated rate of compliance for travelers), and port infrastructure assessments. For example, we examined COMPEX data that estimate the total number of inadmissible aliens and other violators that seek to enter the country, and compared their compliance and apprehension rates. We assessed the reliability of the COMPEX data by (1) talking with knowledgeable officials about how COMPEX inspections are conducted, documented, and how the apprehension rate estimates are generated; (2) reviewing relevant documentation; and (3) replicating the calculations for the apprehension rates that were provided in the COMPEX reports. We determined the COMPEX estimates were sufficiently reliable for illustrating apprehension rates for the ports of entry the COMPEX program covers. Additionally, we also analyzed CBP's Strategic Resource Assessment, an evaluation and planning tool designed to identify a port's infrastructure needs and operational impact on traveler inspections. We also evaluated the CBP Inspector's Field Manual to determine inspections-related requirements. During our eight site visits, we met with and interviewed field office directors and senior port management staff. During our interviews, we (1) discussed CBP's success in interdicting inadmissible aliens and other violators and the vulnerabilities in the inspections procedures and concerns related to physical infrastructure and (2) obtained available documentation regarding traveler-related inspections policies and procedures. At each port of entry we visited, we observed both primary and secondary screening procedures and conducted discussion group sessions with officers and supervisors. At each port of entry we visited, we obtained a list of CBP officers scheduled to work during our site visit and

from that list we randomly selected officers and supervisors to participate in our sessions at six of the eight ports we visited. We organized the discussion groups by whether they were from legacy organizations or became CBP officers after the merger. At two ports of entry, local management selected officers who would attend the discussion groups and interviews. The group discussions covered a variety of discussion topics, particularly officers' perceptions and experiences with the "One Face at the Border" initiative and associated challenges in conducting inspections at ports of entry. Over 200 CBP officers participated in our discussion group sessions. In addition to the discussion groups, we also conducted meetings (usually groups of two to four) with CBP chiefs, line supervisors, and specialists (e.g., officers assigned to the intelligence or canine units). These meetings were designed to collect perceptions from CBP middle management and specialists. Additionally, we reviewed a videotape prepared by CBP that documented noncompliance with inspection requirements. Finally, we reviewed CBP's new policies and procedures for traveler inspections at land ports of entry.

To examine what progress CBP has made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs, we interviewed CBP headquarters officials, including those from the Offices of Field Operations, Policy and Planning, Human Resource Management, and Training and Development. We obtained and analyzed available CBP reports on staffing and training data. For example, we analyzed staffing data from CBP's Quarterly Resource Assessment, an allocation tool used by field offices to identify the port's need for additional resources (e.g., request for additional officers). We also collected and analyzed data from CBP's National Training Plan, a comprehensive guide that documents recommended training guidelines for CBP officers. At each major port we visited, we met with field office directors and senior port management. During our meetings we discussed staffing and training challenges that affected port operations. Follow-up meetings with CBP headquarters officials resulted in receiving staffing numbers from the Quarterly Resource Assessment—an assessment tool used by CBP to identify field office needs and resources—that documented field offices' request for additional officers. We reviewed headquarters guidance on the on-the-job training program, then met with field office directors and training coordinators. We assessed the reliability of the staffing data by (1) talking with knowledgeable officials about staffing resources, (2) reviewing relevant documentation, and (3) comparing budgeted staffing numbers to officers currently onboard. Although CBP provided us with the results of the staffing model and not the model itself, we reviewed the model with knowledgeable officials,

including the assumptions that were used to produce the estimated staffing needs. We understand that the staffing requirements the model produces will vary depending on the assumptions used and we present the key assumptions in the text of our report. Although we discussed the staffing model and its results with CBP officials responsible for the model, validating the model and its results was outside the scope of our review. During the course of our review, we analyzed November 2006 training data from ports of entry that showed the number of officers that had taken cross-training modules as well as the number of officers that local port management had identified as still needing to take a certain module. However, when we compared July 2007 training data with the November 2006 data from ports of entry, we identified inconsistencies with the data. For example, the July 2007 data showed that 120 fewer officers had taken training in a module when compared with the November 2006 data. Because of inconsistencies such as these, we did not use these data in our report. We also reviewed the Border Patrol's on-the-job training program to identify best practices. Finally, we assessed nonsupervisory CBP employees' perceptions of the effectiveness of CBP's workforce management in areas such as job satisfaction, performance evaluation, providing employees sufficient resources to do their jobs, and meeting training needs by analyzing results from the 2004 and 2006 Office of Personnel Management's (OPM) Federal Human Capital Survey. In addition, we discussed CBP's training program with officers during discussion groups at the eight ports of entry we visited. To get a perspective on how these results ranked against other federal agencies, we compared the results of our analysis for nonsupervisory CBP employees with responses from nonsupervisory staff in the other DHS component agencies as well as the responses from the other 36 federal agencies included in the survey.

To examine what progress CBP has made in setting goals and performance measures for its traveler inspection program, we interviewed and corresponded with officials in CBP's Offices of Field Operations, Policy and Planning, and Human Resources Management. In addition, to identify CBP's strategic goals and performance measures for inspecting travelers, we reviewed agency documents such as CBP's Strategic Plan for 2005 to 2010, CBP Performance and Accountability Reports for fiscal years 2005 and 2006, and OFO's strategic plan, Securing America's Borders at Ports of Entry (FY 2007- 2011).

We conducted our work from August 2006 through September 2007 in accordance with generally accepted government auditing standards.

Appendix II: CBP's Strengths and Challenges, According to OPM Surveys

To gain a broader view of CBP nonsupervisory staff perspectives on workforce issues, we analyzed results from the 2004 and 2006 OPM Federal Human Capital Survey of 36 federal departments or agencies. OPM's survey represents responses from over 220,000 federal employees, including staff from DHS and CBP.[1] The survey has 73 questions designed to gauge employees' perceptions about how effectively agencies manage their workforce in the following categories: Personal Work Experiences; Recruitment, Development and Retention; Performance Culture; Leadership; Learning (Knowledge Management); Job Satisfaction; and Satisfaction with Benefits. The following presents our analysis of responses from nonsupervisory CBP staff to questions from OPM's 2004 and 2006 surveys.

CBP Receives High Marks in Some Areas, but Staff Generally Expressed Low Satisfaction with Their Work Environment

Estimates based on responses by CBP nonsupervisory staff to OPM's 2006 survey show that weaknesses in the work environment generally outweighed the strengths. Our analysis of the survey data showed that CBP nonsupervisory staff identified strengths in 12 of the 73 survey questions.[2] For example, we estimate that a high percentage of CBP staff (1) view their work as important, (2) use information technology to perform work, (3) like the kind of work they do, and (4) understand how their work relates to the agency's mission. (See table 1 for the top 10 items.)

[1] The sample design for the OPM survey of federal employees allows reporting results at the DHS component level, and the data may be further broken out by employee, supervisory, or management status. It does not provide for developing estimates by job series, or for CBP officers alone. Here, "CBP staff" refers to all nonsupervisory employees within CBP, including CBP officers, Border Patrol agents, and other mission support staff. CBP officers constitute 42 percent of all CBP's nonsupervisory workforce and about 36 percent of CBP's workforce overall; therefore, these estimates can be considered a closer reflection of CBP officers than estimates for all of CBP.

[2] OPM suggests an area is a management strength when 65 percent or more of the respondents give a positive response to a question.

Table 1: Top 10 Items—Strengths in CBP

Items	Percent estimates for nonsupervisory CBP staff who responded "agree" or "strongly agree, "satisfied," or "very satisfied"
The work I do is important	87.5
Employees use information technology to perform work	86.1
I like the kind of work I do	83.0
Satisfaction with paid vacation time	81.9
Satisfaction with paid leave for illness	77.0
Electronic access to learning and training at desk	74.9
The people I work with cooperate to get the job done	74.7
Employees in my work unit share job knowledge with each other	73.4
I know how my work relates to the agency's goals and priorities	73.1
Rate the overall quality of work done by work group	67.7

Source: GAO analysis of OPM survey.

Our analysis also showed that CBP nonsupervisory staff identified weaknesses[3] in 22 of 73 areas.[4] (See table 2 for the bottom 10 items.)

[3] OPM indicates that an area is a management weakness when 35 percent or less of respondents give a positive response to a question.

[4] We estimate that 50 percent or more of CBP nonsupervisory staff gave positive responses to 27 of 73 questions. For the remaining 46 questions, less than half of CBP's staff responded in a positive way.

Table 2: Bottom 10 Items—Weaknesses in CBP

Item	Percent estimates for non-supervisory CBP staff who responded "agree" or "strongly agree," "satisfied," or "very satisfied"
Employees are rewarded for high-quality products and services	20.8
Awards depend on how well employees perform their jobs	19.8
Satisfaction with work/life programs	19.3
Creativity and innovation are rewarded	18.4
Steps taken to deal with a poor performer	17.8
Promotions in my work unit are based on merit	17.7
Differences in performance are recognized in a meaningful way	16.7
Satisfaction with telework/telecommuting	15.8
Satisfaction with child care subsidies	9.4
Pay raises depend on how well employees perform their jobs	9.1

Source: GAO analysis of OPM survey.

When compared with the 2004 survey results, the survey results for 2006 showed that the only area where CBP demonstrated significant progress for non-supervisory staff was increasing employees' electronic access to learning materials at their desks (an estimated 24 percent improvement from 2004 to 2006). For 19 of 71 items,[5] we estimate that scores for nonsupervisory CBP staff declined by a statistically significant degree. Some of the items where CBP faces greater challenges today than it did in 2004 include (1) having worthwhile discussions with supervisors about performance (an estimated 9.4 percent fewer positive responses in 2006 compared with 2004); (2) rating the overall quality of work done by their unit (6.9 percent fewer); and (3) people I work with cooperate to get the job done (6.2 percent fewer).

CBP Results Generally Mirror Those of DHS, but CBP Has Shown Little or No Improvement in Its Work Environment Since 2004

The estimates for nonsupervisory staff within CBP generally mirror those for the rest of DHS employees. Estimates based on responses from nonsupervisory CBP staff were about the same as those based on the rest of DHS on 47 of the 73 survey items. CBP scored higher on four items, including having a reasonable workload and electronic access to training. CBP was below DHS on the remaining 22 items, including work environment issues such as the quality of work done by the workgroup,

[5] The 2004 and 2006 Federal Human Capital Surveys had 71 questions in common.

feedback from supervisors, and having enough information to do the job well.

Placing the results of our analysis in context with how DHS compared with the other 36 departments or agencies involved in OPM's survey provides a baseline along which to examine a department or agency's results. For 2006, DHS ranked at or near the bottom of four main categories measured by the survey. DHS ranked 35th on leadership and knowledge management, 36th on having a results-oriented performance culture, 33rd on talent management, and 36th on job satisfaction. To put the situation at CBP in this context, CBP's survey results rank the agency 10th out of the 13 DHS subcomponents, which would suggest that CBP similarly ranks at or near the bottom in these categories when compared to other federal agencies.

Quality of CBP's Work Environment for Nonsupervisory Employees Is Generally Lower than at Other Federal Agencies

For 2006, nonsupervisory CBP staff scored the work environment as lower than elsewhere in the federal government on 61 of the survey's 73 questions.[6] For example, when we compared CBP with other federal agencies, we estimated that a significantly smaller percentage of CBP nonsupervisory staff said (1) supervisors or team leaders in their work unit support employee development, (2) their work unit recruits people with the right skills, and (3) they are given an opportunity to improve their skills. In contrast, there were no items where CBP staff scored the work environment as significantly better.

When viewed in more detail, our analysis of OPM's survey data shows that CBP faces challenges in staffing and training its personnel, especially when CBP is compared to other federal agencies. For staffing, we estimate that CBP staff gave low marks to CBP for (1) the adequacy of sufficient resources to get the job done and (2) their work unit being able to recruit people with the right skills. With respect to training, less than half of CBP's staff were reportedly satisfied with (1) the quality of the training received, (2) CBP's assessment of their training needs, and (3) supervisory support for employee development (see table 3).

[6] OPM suggests using 5 percent as a "rule of thumb" approach when reviewing and interpreting the survey results to identify notable or meaningful differences in responses to survey questions. Using this standard, CBP staff scores were 5 percent or more below the governmentwide average in responses to 61 of the 73 survey questions.

Table 3: Selected Items in Which CBP Scored Lower than Elsewhere in the Federal Government (in percentages)

	Item	CBP	Rest of government	Difference
Staffing				
	I have sufficient resources to get my job done	33.2	47.8	-14.7
	My talents are used well in the workplace	48.1	61.7	-13.6
	My work unit is able to recruit people with the right skills	30.3	43.7	-13.5
Training				
	Supervisor/team leader in my work unit supports employee development	43.0	64.5	-21.5
	Supervisor/team leader provides constructive feedback on how to improve	42.1	57.9	-15.7
	My training needs are assessed	43.3	51.2	-7.8
Other work environment issues				
	I have enough information to do my job well	58.2	72.6	-14.4
	My work gives me a feeling of personal accomplishment	60.9	73.1	-12.3
	I have trust and confidence in my supervisor	55.1	63.9	-8.8

Source: GAO analysis of OPM survey.

CBP acknowledges that it needs to improve its workforce management, particularly focusing on raising employees' perceptions of CBP leadership, enhancing training and career development, and attitudes toward the performance culture at CBP. CBP has formulated a business plan that outlines a variety of corrective actions and initiatives it will take to achieve results in each of these areas. From a strategic standpoint, CBP will establish a Human Capital Advisory Board, composed of senior field leadership from the major CBP offices, that will serve as the central contact point for all program offices, advise and assist with implementing the initiatives outlined in the business plan, and asses the potential for forming an Employee Action Team Advisory Board. To facilitate communication with CBP employees about management actions, the plan sets forth a variety of potential actions, such as creating a Web site on the CBP intranet where CBP supervisors and employees can review the current workforce issues being addressed or results from actions taken, adding a link to CBP's Web site where the public can access information to learn how CBP is addressing the survey results, and holding town hall meetings at key locations with the Commissioner and other high-level management. To better define the scope of the workforce issues and problems identified through the Federal Human Capital Survey, CBP also plans to conduct employee focus groups as well as administer the survey internally to a larger, more representative sample of CBP employees.

Following an in-depth analysis of the results of these actions, CBP will update the business plan in the first quarter of 2008.

As part of its leadership initiative, CBP is exploring options to improve employee perceptions of managers' job performance, establish better communication of management's goals and priorities, and encourage managers to build more trust and confidence with their employees. To accomplish these goals, CBP plans to create a leadership development checklist to make sure supervisors are addressing critical areas identified through the employee focus groups, and intends to increase the marketing of its recently implemented training course for incumbent supervisors as well as continue the development of training for supervisors newly promoted into management positions. These courses cover integrity, communication, conflict management, and holding effective roundtable discussions. Within the performance culture initiative, CBP wants to find better ways of recognizing employees' performance that will improve their perceptions about the fairness of CBP's performance recognition while also supporting a balance between work and family life, which employees also rated poorly. CBP's plan includes, among other things, a call for improving the channels of communication used to inform supervisors and managers about the type and scope of discretionary performance awards they have at their disposal to issue throughout the year. It also suggests encouraging management at all levels of CBP to have more frequent employee recognition events, to publish award recipients and best practices, and to make awards management a component of performance standards for supervisory personnel. Finally, within the talent management initiative, the plan calls for Human Resources to complete its competency, skills, and needs assessment by the third quarter of fiscal year 2007, and for the Office of Training and Development to implement an automated development and career path system that will guide employees in their career development by providing occupational "road maps" and recommending training based on the occupations they intend to pursue.

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

October 2, 2007

Mr. Richard M. Stana
Director, Homeland Security and Justice Issues
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Stana:

RE: Draft Report GAO-07-1212SU, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry
(GAO Job Code 440524)

The Department of Homeland Security (DHS) appreciates the opportunity to review and comment on the draft report referenced above. The report addresses internal controls in the inspection process, mechanisms for measuring training provided and new officer proficiency, and implementing a performance measure for apprehending illegal aliens and other violators. The U.S. Government Accountability Office (GAO) makes four recommendations to mitigate the risk of failed traveler inspections at ports of entry. U.S. Customs and Border Protection (CBP) officials agree with the recommendations and are taking corrective action.

The report indicated that there are weaknesses in CBP's inspection procedures. CBP has made marked improvements in the identification of all travelers presenting themselves for admission at land border ports of entry. In April 2006, CBP mandated that all Field Offices with land border ports of entry begin increasing the number of primary name queries with the final goal of querying every person arriving at the ports. Since April 2006, CBP has raised the percentage of queries from single digit levels to an average of more than fifty percent nationwide.

As mentioned in the draft report, the GAO conducted an investigation on traveler inspection procedures. Upon review of the details of this investigation, CBP concluded that GAO's findings were inaccurate and flawed. Under current statute and regulation, a person claiming to be a United States citizen arriving at a port of entry is not required to provide identity documents as long as the subject can establish, to the satisfaction of the inspecting officer, citizenship. Therefore, because CBP Officers were satisfied with the citizenship of the two investigators at the time of inspection, identity documents were not required.

The following narrative is designed to address the four recommendations, specifically the action taken or planned. Technical comments have been provided under separate cover.

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Recommendation 1:

Implement internal controls to help ensure that field office directors communicate to agency management the results of their monitoring and assessment efforts so that agency wide results can be analyzed and necessary actions taken to ensure that new traveler inspection procedures are carried out in a consistent way across all ports of entry.

Response:

We agree with the recommendation. U.S. Customs and Border Protection (CBP) officials already have taken action to address the recommendation and believe it can be closed.

U.S. Customs and Border Protection Directive 1520-012A, Office of Field Operations (OFO) Self-Inspection Program, dated May 10, 2007, outlines the annual process and procedures for performing self-inspections and inspection verifications, and defines the roles and responsibilities of those involved in the process. The program verifies that the OFO mission is performed in accordance with established policies and procedures. Additionally, this program is supportive of the Securing America's Borders at the Ports of Entry, Data Integrity Initiative and the goal of verifying the quality and accuracy of data collected on travelers, goods and conveyances.

The directive requires the Directors of Field Operations to verify to the Assistant Commissioner, OFO, via memorandum, that the self-inspections have been completed as well as ensuring that corrective measures are taken on identified deficiencies. The directive provides a bottom-up reporting chain that allows deficiencies to be reported, tracked through correction, and verified by CBP's Office of Internal Affairs, Management Inspections Division and OFO. As new programs or directives are developed and deployed, the OFO program manager with responsibility for the new program or directive develops or revises self-inspection worksheets to be used by the field.

Recommendation 2:

Develop data on cross-training programs that measure whether the individuals who require training are receiving it so that agency management is in a better position to measure progress toward achieving training goals.

Response:

Presently OFO is working with the Office of Training and Development to repurpose the border unification cross-training modules in order to provide function-specific port training. The anticipated delivery of this training is January 2008. Once the new training is in place, OFO will be in a better position to accurately measure whether an officer who needed the training received it.

In addition to the revised training that is anticipated to be delivered in Fiscal Year 2008, OFO is holding a focus group with Field Training Coordinators (FTCs) at CBP headquarters (HQ). One of the topics that will be covered is how HQ can more accurately track training and how to increase accountability of training to all levels of the organization. OFO will be asking the FTCs to provide any "best practices" they are currently using at their ports to ensure their officers are receiving all necessary training and to provide HQ with a recommendation on the best way to evaluate training progress.

In the interim, CBP managers will develop a measurement validation tool to confirm that officers have received the proper training. OFO will compare the staffing assignments of officers assigned to work in a particular environment to the officers' training records. This assessment will allow CBP managers to ensure that the necessary cross-training courses have been completed before an officer is assigned to work in a different environment.

CBP officials expect the interim validation tool to be in place by the end of January 2008 and a port training assessment completed by the end of September 2008.

Recommendation 3:

Incorporate into CBP's procedures for its on-the-job training program (1) specific tasks that CBP officers must experience during on-the-job training and (2) requirements for measuring officer proficiency in performing those tasks.

Response:

We agree with the recommendation. OFO sent a representative to the Office of Border Patrol's (OBP's) Training Conference to review their post-academy training. OFO will evaluate how OBP is implementing their on-the-job training and analyze its compatibility to OFO's unique training challenges.

As the current cross-training modules are revised into port-specific training, OFO will look at ways to incorporate a monitoring system of specific skill sets that are imperative for success in each environment. Each environment will need to be analyzed for the specific tasks that must be performed and the requirements to measure officer proficiency, as the skill sets are not universal across the various environments.

Recommendation 4:

Formalize a performance measure for the traveler inspection program that identifies CBP's effectiveness in apprehending inadmissible aliens and other violators.

Response:

We agree with the recommendation. OFO formulated a performance measure called the Apprehension Rate, which has been calculated for the air and land border vehicle environments. This measure provides a statistically valid estimate of the apprehension rate of land border vehicle passengers for major violations at the ports of entry. It results from a randomized statistical sampling program implemented at the ports of entry called COMPEX that utilizes a sampling technique that is outcome/results driven. It is an outcome measure because it estimates the threat approaching the port in terms of major violations and demonstrates the effectiveness of CBP officers in interdicting that threat. It encompasses only "major violations" as defined in the COMPEX sampling program, which includes serious criminal activity that results in arrests and seizures.

This action is fully responsive to the recommendation and provides a reliable, statistically valid performance measure for the traveler inspection program that encompasses over 86 percent of travelers entering the United States at the ports of entry. The Apprehension Rate measure will be formally submitted by CBP to personnel involved with the DHS Future Years Homeland Security Plan (FYHSP) planning and budgeting system as a formal performance measure to be used in support of CBP planning requirements. Once Department personnel complete their review and make any revisions necessary to the measure definition, this measure will be added to the set of formal FYHSP performance measures used to track CBP performance for planning and budgeting purposes on an ongoing basis.

Sincerely,

Steven J. Pecinovsky
Director
Departmental GAO/OIG Liaison Office

MMcP

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Richard M. Stana (202) 512-8777 or StanaR@gao.gov.

Staff Acknowledgments

In addition to the contact listed above, Michael Dino, Assistant Director; Neil Asaba; Frances Cook; Josh Diosomito; Kasea Hamar; Michael Meleady; Christopher Leach; Ron La Due Lake; and Stan Stenersen made key contributions to this report.

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