



## Accessible Version

March 14, 2019  
Congressional Committees

### U.S. Ports of Entry: Update on CBP Public-Private Partnership Programs

On a typical day in fiscal year 2017, over 1 million passengers and pedestrians and over 78,000 truck, rail, and sea containers carrying goods worth approximately \$7.2 billion entered the United States through 328 U.S. land, sea, and air ports of entry (POE), according to U.S. Customs and Border Protection (CBP).<sup>1</sup> Within the Department of Homeland Security (DHS), CBP is the lead federal agency charged with a dual mission of keeping terrorists and their weapons, criminals and their contraband, and inadmissible aliens out of the country while facilitating the flow of legitimate international travel and trade through the nation's POEs.<sup>2</sup> CBP's Office of Field Operations is responsible for conducting passenger and cargo processing activities related to security, trade, immigration, and agricultural inspection at the nation's POEs.<sup>3</sup>

Since 2013, CBP has entered into public-private partnerships with stakeholders, such as port authorities or local municipalities that own or manage the ports or private companies that conduct business through the ports, under its Reimbursable Services Program (RSP) to cover CBP's cost of providing certain services at POEs.<sup>4</sup> Such services include those supporting customs, agricultural processing, border security, or immigration inspection matters. For example, the RSP enables entities to pay the overtime costs of CBP personnel who may provide such services outside normal business hours.<sup>5</sup> A second public-private partnership program—the Donations Acceptance Program (DAP)—enables entities to donate personal or real property, nonpersonal services, or provide funding related to land acquisition, design, construction, repair or alteration, and operations and maintenance to CBP and the General Services Administration (GSA) at POEs.<sup>6</sup> More specifically, the DAP permits CBP and GSA to accept donations from private and public sector entities, such as private or municipally-owned seaports or land border crossings. Donated resources may include improvements to existing facilities, new facilities, equipment and technology, and operations and maintenance costs,

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<sup>1</sup>Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers, merchandise and other items, collect duties, and enforce customs laws; and where DHS officers inspect persons seeking to enter or depart, or applying for admission into, the United States pursuant to U.S. immigration and travel controls.

<sup>2</sup>See 6 U.S.C. § 211(a) (establishing CBP within DHS), (c) (enumerating CBP's duties).

<sup>3</sup>See id. § 211(g) (establishing and listing duties of Office of Field Operations within CBP).

<sup>4</sup>We refer to entities that CBP selects for and/or enters into partnerships with CBP as partners throughout this report.

<sup>5</sup>More specifically, the RSP enables partnerships between CBP and private sector or government entities, allowing CBP to provide new or additional services upon the request of partners, and may cover costs such as salaries, benefits, overtime expenses, administration, and transportation costs. According to authorizing legislation, RSP agreements are subject to certain limitations, including that they may not unduly and permanently impact existing services funded by an appropriations act or fee collection. According to CBP officials, the purpose of the RSP is to provide new or additional CBP services at ports of entry that the component would otherwise not have been able to provide.

<sup>6</sup>GSA also oversees matters related to the DAP at all land POEs with GSA-operated real estate.

among other things.<sup>7</sup> CBP's Alternative Funding Programs office manages and oversees both programs at the headquarters level for CBP. GSA's Public Building Services office manages and oversees the DAP at the headquarters level for GSA.

The Cross-Border Trade Enhancement Act of 2016 included a provision for us to annually review the agreements along with the funds and donations that CBP has received under the RSP and DAP. We issued the first annual report in March 2018, which describes the development of the statutory framework of the RSP and DAP and how the programs are administered, among other things.<sup>8</sup> We reported on the status of RSP and DAP partnerships through approximately the third quarter of fiscal year 2017, and found that the partnerships have benefits. For example, the programs augment CBP staffing and infrastructure resources and provide partners with additional services and operational flexibility. We also found that CBP uses various processes to monitor and evaluate its partnerships, but could benefit from establishing an evaluation plan to assess overall performance. Thus, we recommended that CBP develop and implement an evaluation plan to assess the overall performance of RSP and DAP. CBP concurred with this recommendation, and we discuss the status of CBP's actions later in this report. This second annual report updates key information from our March 2018 report, and examines: (1) the status of CBP public-private partnership program agreements, including the purposes for which CBP has used the funds and donations from these agreements in 2017 and 2018; and (2) the extent that CBP addressed our March 2018 recommendation to develop and implement an evaluation plan to assess the overall performance of public-private partnership programs.

To examine the status of RSP and DAP agreements, including the purposes for which CBP uses funds and donations from these agreements, we collected and analyzed all Reimbursable Services Agreements, Donations Acceptance Agreements, and Memoranda of Understanding (MOU) for both the RSP and DAP from 2017 and 2018, excluding the 2017 agreements that were analyzed in our March 2018 report. In addition, we interviewed CBP officials at headquarters about any significant changes to how RSP and DAP are administered. To determine the extent to which CBP has addressed our March 2018 recommendation regarding program assessment, we reviewed CBP's 2018 *Alternative Funding Programs: Program Performance Management Plan*, interviewed CBP officials at headquarters, and reviewed documentation on plan implementation.

We conducted this performance audit from October 2018 to March 2019, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In summary, we found that CBP continued to expand the RSP and DAP, and entered into almost 80 new agreements for both programs since our March 2018 report. Although the number of agreements increased, the level of services provided through the RSP in 2018 was

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<sup>7</sup>Donations may be used for activities related to land acquisition, design, construction, repair, alteration, operations, and maintenance, including installation or deployment of furniture, fixtures, equipment or technology, at an existing CBP-owned land port of entry; a new or existing space at a CBP air or sea port of entry; or a new or existing GSA-owned land port of entry. CBP and GSA may not accept donations at a leased land port of entry, nor is CBP able to accept a donation at or for a new land port of entry if the combined fair market value of the port of entry and donation exceeds \$50 million. Additionally, CBP may not use monetary donations accepted under the DAP to pay salaries of CBP employees performing inspection services. Also, CBP may not accept donations on foreign soil.

<sup>8</sup>GAO, *U.S. Ports of Entry: CBP Public-Private Partnership Programs Have Benefits, but CBP Could Strengthen Evaluation Efforts*, [GAO-18-268](#) (Washington, D.C: March 15, 2018).

comparable to services provided in 2017. In addition, in response to our March 2018 recommendation, CBP developed and is implementing an evaluation plan to assess the overall performance of the RSP and DAP. CBP plans to issue an internal report on its evaluation in April 2019 and share its findings with us.

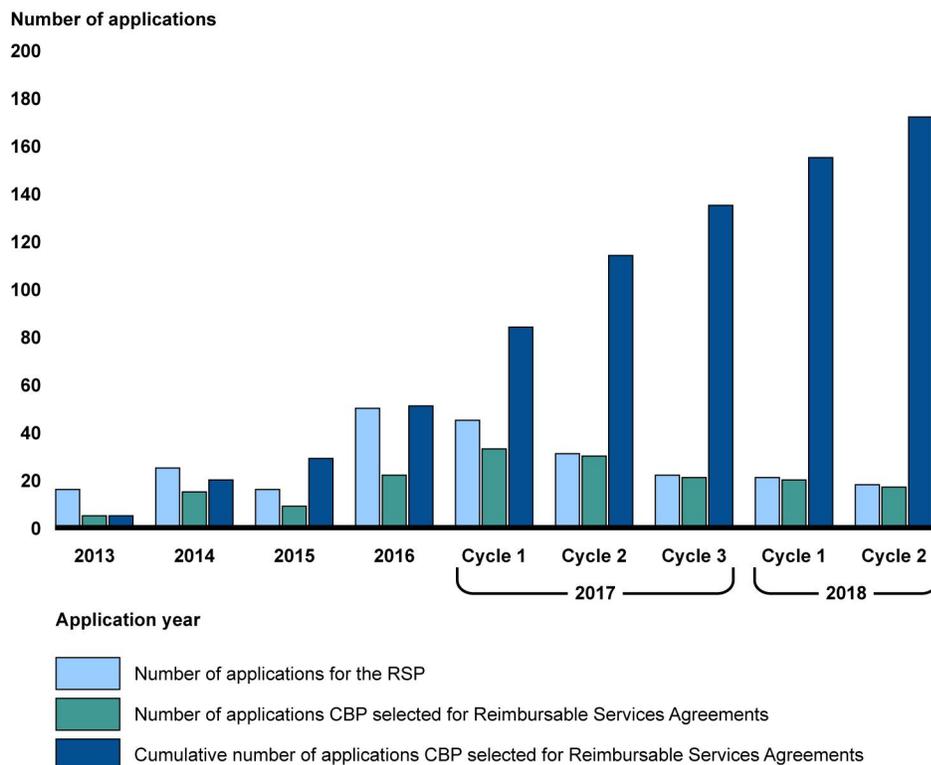
We are not making any recommendations in this report.

Reimbursable Services Program and Donation Acceptance Program Agreements Increased in 2017 and 2018 and Are Used for a Variety of Services

**CBP’s Use of RSP Agreements Has Grown**

Since our March 2018 report, the RSP has continued to expand. From July 2017 through October 2018, CBP selected an additional 58 RSP applications, bringing the total number of RSP selections since 2013 to 172.<sup>9</sup> According to CBP officials, three applications were denied since March 2018. For example, one application was denied because the proposed agreement site was located too far away from the nearest CBP POE to make CBP travel time practicable. Figure 1 depicts the number of RSP applications received and selected since 2013, including during the three most recent evaluation cycles for which data are available since our March 2018 report.

**Figure 1: Number of Applications U.S. Customs and Border Protection (CBP) Selected for Its Reimbursable Services Program (RSP) from 2013 through the Second 2018 Evaluation Cycle<sup>a</sup>**



Source: GAO analysis of CBP information. | GAO-19-263R

<sup>a</sup>In 2017, CBP implemented a process to accept and evaluate applications for RSP agreements during three application cycles per year. Cycle 1 includes the months of November, December, January, and February. Cycle 2 includes the months of March, April,

<sup>9</sup>At the time of our March 2018 report, CBP had made 114 RSP selections.

May, and June. Cycle 3 includes the months of July, August, September, and October. Our March 2018 report included data through Cycle 2 of 2017. Data from Cycle 3, 2018 was not finalized as of December 2018.

In addition to the 58 new 2017 and 2018 RSP selections, CBP and its RSP partners established 36 new MOUs as of December 2018 that outline how RSP agreements are implemented at specific POEs.<sup>10</sup> For example, MOUs outline the types of CBP services that partners can request, such as traveler processing or mission support. The MOUs may also describe intended results of the partnership, such as reducing traveler wait times or expanding POE hours of operation. The majority of MOUs executed in the 2017 and 2018 evaluation cycles that we reviewed was at air POEs and focused on freight, cargo, and traveler processing. See table 1.

**Table 1: Details of Reimbursable Services Program (RSP) Partnership Memoranda of Understanding (MOU) for Select 2017 and 2018 Evaluation Cycles<sup>a</sup>**

	Total Number of MOUs by Port of Entry (POE) Type <sup>b</sup>		
	Land	Sea	Air
<b>Services that partner can request</b>	<b>1</b>	<b>11</b>	<b>24</b>
Freight or cargo processing <sup>c</sup>	1	10	23
Traveler processing	1	7	22
Unanticipated irregular operations or diversions	0	1	5
Mission support	0	1	16
Enforcement functions	1	1	17
CBP officers or contractors (unspecified)	0	0	5

Source: GAO analysis of U.S. Customs and Border Protection data. | GAO-19-263R

<sup>a</sup>Specifically, Cycle 3, 2017 and Cycles 1 and 2, 2018

<sup>b</sup>This table includes information on the types of services that partners can request as outlined in MOUs that CBP and its partners negotiate at the affected POEs.

<sup>c</sup>Freight or cargo processing includes agricultural inspection.

Although the number of RSP partners increased since our March 2018 report, the total number of RSP-related CBP assignments, officer overtime hours, and reimbursed funds through mid-October 2018 remained roughly at 2017 levels. This recent leveling-off occurred after a rapid period of growth from 2014 through 2017. One senior CBP official noted that CBP is better addressing its CBP-wide officer staffing challenges than in prior years, and that it hired additional officers in 2018, which may impact the number of requests for RSP services. In addition, fluctuations in travel and trade impact the overall annual number of CBP inspections, and these fluctuations may also impact the number of requests for RSP services. Table 2 lists data on services provided by the RSP and table 3 lists more specific data on the number of travelers and vehicles inspected from 2014 through 2018. With the exception of pedestrian inspections, the number of RSP-related inspections of other types of travelers and vehicles from January through mid-October 2018 were fewer than 2017 figures.

<sup>10</sup>According to CBP's procedures, before any RSP services can be provided, CBP and the prospective partners must sign a legally binding Reimbursable Services Agreement. The MOUs are not legally binding and instead address logistical issues concerning requesting and providing services.

**Table 2: Total Reimbursement of U.S. Customs and Border Protection (CBP) Officer Assignments/Hours for Reimbursable Services**

Year	Total number of CBP assignments	Total number of CBP officer overtime hours	Total amount partners reimbursed CBP for overtime services
2014	21,960	60,279	\$6,977,984
2015	25,546	72,980	\$8,489,033
2016	42,283	112,705	\$13,844,910
2017	61,604	174,168	\$23,032,215
2018 <sup>a</sup>	60,617	165,742	\$22,746,547
<b>Total</b>	<b>212,010</b>	<b>585,874</b>	<b>\$75,090,688</b>

Source: GAO analysis of U.S. Customs and Border Protection data. | GAO-19-263R

<sup>a</sup>2018 data are through October 13, 2018, the most current data available at the time of our report.

**Table 3: Total Number of Travelers and Vehicles U.S. Customs and Border Protection Officers Inspected During Reimbursable Services Program Partner Requests for Services**

Traveler or vehicle type	Amount inspected in 2014	Amount inspected in 2015	Amount inspected in 2016	Amount inspected in 2017	Amount inspected 2018 <sup>a</sup>	Total number of travelers or vehicles inspected
Air travelers	866,823	993,158	1,098,145	1,547,865	1,226,420	<b>5,732,411</b>
Travelers in personally operated vehicles at land ports of entry (POE)	578,517	638,136	672,022	1,070,589	691,336	<b>3,650,600</b>
Pedestrians	53,226	42,551	83,008	44,630	51,059	<b>274,474</b>
Travelers in commercially operated vehicles at land POEs	7,400	9,877	37,373	48,530	39,307	<b>142,487</b>
Ship travelers	7,287	106,629	416,916	809,378	529,493	<b>1,869,703</b>
<b>Traveler Total</b>	<b>1,513,253</b>	<b>1,790,351</b>	<b>2,307,464</b>	<b>3,520,992</b>	<b>2,537,615</b>	<b>11,669,675</b>
Personally operated vehicles	229,670	258,309	276,104	441,639	299,750	<b>1,505,472</b>
Commercially operated vehicles	7,400	9,877	28,065	38,700	31,928	<b>115,970</b>
<b>Vehicle Total</b>	<b>237,070</b>	<b>268,186</b>	<b>304,169</b>	<b>480,339</b>	<b>331,678</b>	<b>1,621,442</b>

Source: GAO analysis of U.S. Customs and Border Protection data. | GAO-19-263R

<sup>a</sup>2018 totals through October 13, 2018, the most current data available at the time of our report.

### CBP Entered Into New DAP Partnerships for Various Projects in Fiscal Year 2018

In fiscal year 2018, CBP entered into 17 new DAP partnerships bringing the total number of agreements to 33 since fiscal year 2015. Partners span a variety of sectors, including state and local governments, private companies, such as Apple and Procter & Gamble, and airline companies. Correspondingly, donations served a variety of purposes, such as expanding inspection facility infrastructure, providing biometric detection services, and providing luggage for canine training. As of December 2018, CBP officials estimated that the total value of all DAP donations was \$218 million. Fiscal year 2018 DAP donations and status updates on projects from fiscal years 2015 through 2017 are described in more detail in enclosure I. Figure 2 depicts

an ongoing DAP project at the Veterans International Bridge in Cameron County, Texas. Cameron County is donating funds to expand inspection facilities at a land POE.

**Figure 2: U.S. Customs and Border Protection Donations Acceptance Program: Pavement Expansion Project at Land Port of Entry**



Source: U.S. Customs and Border Protection. | GAO-19-263R

CBP Created a Public-Private Partnership Evaluation Plan and is Preparing to Issue an Assessment Report in April 2019

In our March 2018 report, we recommended that CBP develop and implement an evaluation plan to assess the overall performance of the RSP and DAP. CBP concurred with this recommendation and, in April 2018, issued its *Alternative Funding Programs: Program Performance Management Plan* to help evaluate the performance of the RSP and DAP. We reviewed this plan and found that it contains program goals and metrics, along with methodologies to collect and analyze various qualitative and quantitative data. For example, RSP performance metrics span four overarching goals related to exploring new partnerships, facilitating existing partnerships, and measuring the benefits and effectiveness of the program. Similar goals are defined for the DAP. In addition, the plan lists a total of 27 measurable objectives and associated metrics for the RSP and DAP. CBP also surveyed RSP partners to gain insights on their experiences with the program and to identify potential areas for improvement and distributed an internal questionnaire to CBP officials at POEs. As of December 2018, CBP reported that it had completed data collection as called for in the plan, and was analyzing results. According to CBP officials, CBP expects to issue internally an assessment report for the RSP and DAP based on this analysis in April 2019, and then on an annual basis. According to the plan and CBP officials, this evaluation process will assist in improving and monitoring the performance of the RSP and DAP. CBP actions to develop the evaluation plan and collect data under the plan are positive steps toward addressing our recommendation. Once completed and issued, CBP's 2019 assessment report to assess the overall performance of the RSP and DAP should address the intent of our recommendation.

Agency Comments

We provided a draft of this report for review and comment to the Secretary of Homeland Security. DHS provided technical comments only, which we incorporated as appropriate.

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We are sending copies of this report to appropriate congressional committees, the Secretary of Homeland Security, and other interested parties. In addition, the report is available at no charge on the GAO website 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 [gablerr@gao.gov](mailto:gablerr@gao.gov). Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report were Kirk Kiester (Assistant Director), Michele Fejfar, Stephanie Heiken, David Lutter, Sasan J. "Jon" Najmi, Kevin Reeves, and Eli Stiefel.



Rebecca Gambler  
Director, Homeland Security and Justice  
Enclosure

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Enclosure: Additional Information on Projects Funded Through U.S. Customs and Border Protection's (CBP) Donations Acceptance Program (DAP)

As described in tables 4 and 5, CBP has entered into 33 DAP agreements as of December 2018. The agreements are made with a variety of stakeholders, and as such, serve a variety of purposes. The status of individual projects range from early pre-execution, through planning and design, to full execution. Some projects, such as airline companies donating luggage for canine training, are executed on a recurring basis.

**Table 4: Status of Partner Donations Under U.S. Customs and Border Protection's (CBP) Donations Acceptance Program, Fiscal Year 2018**

<b>Partner</b>	<b>Affected port of entry (POE) and port type</b>	<b>Scope of donation</b>	<b>Donation status as of December 2018</b>
North Dakota Department of Transportation	Pembina (Land)	Median for outbound inspections and vehicle registration parking lot.	Execution
New Mexico Border Authority	Santa Teresa (Land)	Sidewalk in support of planned visitor center.	Pre-execution
Texas Department of Transportation	Los Tomates (Land)	Infrastructure improvements in support of Border Safety Inspection Facility plans.	Planning
Texas Department of Transportation	Paso Del Norte (Land)	Closed caption television cameras and video monitoring equipment in support of highway expansion project.	Pre-Execution
Texas Department of Transportation	Los Indios (Land)	Infrastructure improvements in support of Border Safety Inspection Facility plans.	Design
Cameron County, Texas	Los Indios (Land)	Land donation in support of Border Safety Inspection Facility	Pre-Execution
Cameron County, Texas	Veterans International Bridge (Land)	Pavement expansion project in support of model port testing.	Execution
City of El Paso, Texas	Paso Del Norte (Land)	Roundabout project including sidewalks, landscaping, signage, and striping.	Design
Anzalduas Bridge Board	McAllen Anzalduas (Land)	Northbound and southbound laden commercial inspection facilities and related infrastructure and technologies.	Planning
Otter Products, LLC	Multiple Locations	Detector devices to authenticate OtterBox and LifeProof-branded cases.	Fully executed
Procter & Gamble	Multiple Locations	Test kits, test sieves, and night vision cameras to authenticate a variety of Procter & Gamble products.	Fully executed
Apple, Inc.	Multiple Locations	Digital microscopes, lightning cable detectors, and iPhone power cords to authenticate a variety of Apple products.	Planning

<b>Partner</b>	<b>Affected port of entry (POE) and port type</b>	<b>Scope of donation</b>	<b>Donation status as of December 2018</b>
Cisco Systems, Inc.	Multiple Locations	Barcode scanners in conjunction with secured access to Cisco's package lookup tool to authenticate a variety of Cisco products.	Execution; Limited roll-out executed. CBP and Cisco reviewing larger roll- out strategy.
Red Cross	San Diego FO	100 cots in support of detainee operations.	Fully executed
Samsonite	El Paso FO	Luggage for canine training purposes.	Fully executed
Southwest Airlines	Multiple Air POEs	Luggage for canine training purposes.	Fully executed
British Airways	Multiple Air POEs	Provision of facial biometrics data and services.	Fully executed

Source: U.S. Customs and Border Protection, | GAO-19-263R

**Table 5: Status of Partner Donations Under U.S. Customs and Border Protection's (CBP) Donations Acceptance Program, Fiscal Years 2015 through 2017**

<b>Fiscal year selected</b>	<b>Partner</b>	<b>Affected port of entry (POE) and port type</b>	<b>Scope of donation</b>	<b>Donation status as of December 2018</b>
2015	City of Donna, Texas	Donna Rio-Bravo (Land)	Construction of 1 outbound primary inspection lane and booth for empty commercial vehicles, 1 outbound secondary inspection facility, and 1 outbound exit control booth, including related infrastructure and technologies.	Pre-execution
2015	City of El Paso, Texas	Ysleta (Land)	Traffic island removal.	Fully executed
2015	City of Pharr, Texas	Pharr (Land)	Construction of 2 inbound inspection lanes and booths for commercial vehicles. Expansion of pre-primary approach lane between bridge and primary inspection. Installation of 2 new eastbound exit booths. Construction of 4 new exit lanes and booths. Construction of new bypass road.	Pre-execution
2016	City of Donna, Texas	Donna Rio-Bravo (Land)	Construction of new inbound empty commercial vehicle inspection lane and booth. Construction of empty-only inspection facility with supporting infrastructure and technologies.	Design
2016	City of Pharr, Texas	Pharr (Land)	Expansion of current cargo dock spaces (60 to 80 spaces). Construction of additional cold inspection docks and facilities. Construction of an agricultural lab and training center.	Design
2016	Nogales Santa Cruz Port Authority	Nogales Mariposa (Land)	Upgrade of up to 6 air conditioned dock spaces to refrigerated dock spaces.	Planning
2016	Red Hook Terminals	Port of Freeport (Sea)	Donation of a high-capacity perforating machine.	Fully executed

Enclosure

<b>Fiscal year selected</b>	<b>Partner</b>	<b>Affected port of entry (POE) and port type</b>	<b>Scope of donation</b>	<b>Donation status as of December 2018</b>
2017	Anzalduas Bridge Board	McAllen Anzalduas (Land)	Construction of lanes and booths for inbound empty commercial vehicles. Construction of inbound empty commercial vehicle inspection facilities and related infrastructure and technologies.	Planning
2017	City of Donna, Texas	Donna Rio-Bravo (Land)	Construction of inbound and outbound inspection facilities and operational components for laden commercial vehicles, including technologies, cargo docks, and exit booths.	Design
2017	Cameron County, Texas	Brownsville Veterans International Bridge (Land)	Construction of 2 to 4 inbound lanes and primary booths for personally owned vehicles, including related technologies. Construction of expanded secondary inspection area and building.	Design
2017	City of Laredo, Texas	Laredo World Trade Bridge (Land)	Construction of 4 commercial vehicle lanes and booths as dedicated Trusted-Traveler lanes. Construction of roadways and infrastructure, exit booths and related technologies.	Planning
2017	City of Douglas, Arizona	Douglas (Land)	Donation of a parking lot and adjacent empty lot.	Fully executed
2017	SITA Information Networking Computing USA, Inc. and JetBlue Airways Corporation	Multiple Air POEs	Collection and provision of traveler facial biometrics data for CBP traveler processing purposes.	Fully executed
2017	Delta Airlines	Port of Washington, D.C. Dulles (Air)	Luggage to be donated in support of canine training activities. To provide approximately 2 to 5 pieces of luggage every 2 to 3 weeks.	Fully executed; recurring donations ongoing
2017	The Salvation Army	San Luis (Land)	Luggage to be donated in support of canine training activities. To provide approximately 6 to 9 pieces of luggage, twice per year.	Fully executed; recurring donations ongoing
2017	The Fixery	John F. Kennedy International Airport (Air)	Luggage to be used in support of canine training activities. To provide approximately 15 pieces of luggage, per month, for 5 years.	Fully executed; recurring donations ongoing

Source: U.S. Customs and Border Protection. | GAO-19-263R

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