Between Ports of Entry Domain

Attempted Unlawful Border Crosser Apprehension Rate

Accessible Version

Description

This metric is a rate comparing apprehensions to the total number of attempted unlawful border crossers. As such, this metric requires an estimate of the number of unlawful entry attempts that are not detected, which is added to the number of detected unlawful border crossers to create the denominator. The Department of Homeland Security (DHS) provided two methods for calculating this rate in its report. The first method, called the Model-based Apprehension Rate, uses a statistical model based on the capture-recapture methodology to estimate the rate.[1] The second method, called the Observational Apprehension Rate, calculates the ratio of apprehensions to the sum of apprehensions and got aways.[2]

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

DHS solely included data for the southwest border because the current methodology for estimating undetected unlawful entries is limited to the southwest border. According to the report, research is underway on methods to produce estimates for the northern border.

Limitations

The Observational Apprehension Rate incorporates data on apprehensions, and got aways, while the Model-based Apprehension Rate is based on an estimate for undetected unlawful entries. Consequently, the limitations for those metrics also apply here. For more information on the limitations for those metrics, see the respective sections below.
DHS identified: The observational apprehension rate excludes unobserved got aways.

Additional information and planned actions by the Department of Homeland Security

In its report, DHS noted that it has taken steps to improve situational awareness along the border and mitigate limitations. These steps include investing in technology, refining observational estimates, and developing a methodology to estimate statistical reliability. According to U.S. Border Patrol officials, investments in new technology have enabled U.S. Border Patrol to better detect cross-border activities. For additional information on the data elements used for this metric and DHS's planned actions, see the respective sections below on apprehensions, got aways, and the estimate for undetected unlawful entries.

Between Ports of Entry Domain

Detected Unlawful Entries

[1] In its report, DHS referred to this methodology as the "repeated trials model" methodology." For more information, see discussion in the body of this report.

[2] "Got aways" describe unlawful border crossers who are directly or indirectly observed entering unlawfully, are not apprehended, and are not turn backs. See 6 U.S.C. § 223(a)(3). The term ''turn back'' means an unlawful border crosser who, after making an unlawful entry into the United States, responds to United States enforcement efforts by returning promptly to the country from which such crosser entered. Id. at § 223(a)(9).

Description

This metric is a count of the total number of attempted unlawful border crossers between land ports of entry who were directly or indirectly observed or detected by U.S. Border Patrol. The Department of Homeland Security (DHS) calculated this metric by adding turn backs, got aways, and apprehensions of unlawful border crossers.

Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

DHS solely included data for the southwest border for turn backs and got aways. According to U.S. Border Patrol officials, the northern border has different immigration dynamics than the southern border and accounts for a significantly smaller number of turn backs and got aways overall, so northern border data were not included.

Limitations

Because this metric incorporates data on apprehensions, got aways, and turn backs, the limitations for those metrics also apply here. For more information on the limitations for those metrics, see the respective sections below.

Additional information and planned actions by the Department of Homeland Security

For additional information on the data elements used for this metric and DHS's planned actions, see the respective sections below.

Between Ports of Entry Domain

Estimated Undetected Unlawful Entries

Description

This metric is an estimate of the number of attempted unlawful border crossers that are not directly or indirectly observed or detected by U.S. Border Patrol (Border Patrol). The Department of Homeland Security (DHS) used a statistical model, based on capture-recapture methodology, to estimate total successful unlawful entries, and subtracted detected got aways to calculate the total number of undetected unlawful entries.[3]

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

DHS only included data for the southwest border because the current methodology for estimating undetected unlawful entries is limited to the southwest border. According to DHS's report, research is under way to produce this estimate for the northern border.

Limitations

DHS identified:

- DHS does not currently have reliable data on the estimated share of migrants who, following an unsuccessful unlawful entry attempt, are deterred from making a subsequent reentry attempt. For its model, DHS used data from a survey of recently removed Mexicans, which asked them about their intentions to re-enter the United States.[4] According to DHS's report, a shortcoming of the survey is that it does not take account of shifting border enforcement efforts, potential changes in behavior by individuals who have been exposed to consequence programs, or other deterrent factors along the border. Consequently, any resulting undercount in the estimate of the deterred population results in a downward bias.
- The population that conforms best to the model's assumptions represents a diminishing share of southwest border apprehensions. Specifically, in its report DHS said that Mexican adults removed to the nearest border accounted for about 95 percent of apprehensions in the 1990s. However, because of recent changes at the border, including changes in the composition of border flows (i.e., rising numbers of Central Americans and asylum seekers) and in Border Patrol's enforcement strategy, the population best reflected in the model has declined to as few as 20 percent of apprehensions in recent years. Further, DHS noted that some alien populations, such as those seeking asylum and who do not evade detection by Border Patrol agents, are also excluded from the model. However, these populations make up an increasing share of apprehensions in recent years.
- The model uses restrictive assumptions about which re-apprehensions to include. For example, the model excludes apprehensions occurring at check points and other remote locations and those occurring more than 4 days after an illegal entry. According to DHS, these assumptions result in a downward bias.

We identified:[5]

- DHS described assumptions it made in its report but did not provide quantitative information on the extent to which they affected its estimated undetected unlawful entries through the use of sensitivity analyses. Sensitivity analyses help to convey the extent to which changing the values of variables, assumptions, data, or other input affects statistical estimates. By including the results of sensitivity analyses in its Border Security Metrics Report, DHS would allow Congress and the public to better understand the potential limitations associated with its model and make independent assessments on its accuracy. DHS did not provide information on the statistical level of uncertainty related to this rate, such as margins of error or confidence intervals. This information would help convey how the estimates might vary due to randomness in the data. Instead, DHS provided a single rate that does not fully convey the difficulty and uncertainty of the estimate.
- This metric incorporated data on apprehensions and got aways. For more information on the limitations

[3]In its report, DHS refers to this methodology as the "repeated trials model" methodology.

[4]The survey, Encuesta sobre Migración en las Frontera Norte de México, is conducted by a Mexican research center, El Colegio de la Frontera Norte. Interviews are conducted at repatriation facilities immediately upon return of the individual to Mexico, and interviewees are asked about their intentions to return to the United States within the next 7 to 90 days.

[5]For more information on these limitations, see discussion in the body of this report.

associated with those metrics, see the respective sections below.

Additional information and planned actions by the Department of Homeland Security

According to DHS, officials are continuing to improve the accuracy of the existing statistical model for estimating unlawful border crossers but are also considering alternative methodologies. U.S. Customs and Border Protection has contracted with Johns Hopkins Applied Physics Laboratory to develop a new model for estimating the flow of unlawful border crossers. This model uses a combination of statistical modelling, data from sensors along the border, and probability models that reflect how Border Patrol agents and unlawful border crossers behave in given circumstances. Border Patrol officials estimated that the earliest the simulation-based estimate could potentially be incorporated into the DHS *Border Security Metrics Report* would be for fiscal year 2020.

Between Ports of Entry Domain

Turn Backs

Description

This metric is a count of the number of unlawful border crossers who, after making an unlawful entry into the United States, responded to law enforcement efforts by returning promptly to the country from which they entered. These data came from U.S. Border Patrol (Border Patrol) records.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) only included data for the southwest border. According to Border Patrol officials, the northern border has different immigration dynamics than the southern border and accounts for a significantly smaller number of turn backs overall, so northern border data were not included. Officials stated that while the current emphasis of reporting is on the southwest border, efforts are underway to identify and find ways to capture data that are important and reflective of the effectiveness in addressing threats specific to the northern border.

Limitations

DHS identified:

- The estimate aggregates potentially subjective observations from thousands of individual agents.
- Some unlawful border crossers may enter the United States to drop off drug loads or to act as decoys to lure agents away from a certain area and then return to Mexico, and therefore may be misidentified as turn backs.

We identified:

- In our previous work we identified differences in the procedures for reporting and classifying turn backs across sectors, and noted how factors such as terrain and weather may impact agents' abilities to accurately detect turn backs.[6]
- According to DHS, since 2014, Border Patrol has implemented a standard, southwest border-wide methodology to improve reporting and mitigate the potential subjectivity of observations by agents. Therefore, data before 2014 are not necessarily comparable to data from 2014 and later. DHS presented the data in a table without explaining that the methodology used to categorize and count turns backs changed in 2014.

Additional information and planned actions by the Department of Homeland Security

According to DHS's report, Border Patrol has taken steps to implement a standard, southwest border-wide methodology to improve reporting of potential turn backs. In addition, DHS's report said that command staff ensure all agents are aware of and utilize proper definitions for apprehensions, got aways, and turn backs at their respective stations. They also ensure necessary communication takes place between and among sectors and stations to minimize double-counting when subjects cross through more than one station. DHS's report noted that Border Patrol headquarters components validate data integrity.

[6]GAO, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps,* GAO-17-331 (Washington, D.C.: Feb. 16, 2017); and GAO, *Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs,* GAO-13-25 (Washington, D.C.: Dec. 10, 2012).

Between Ports of Entry Domain

Got Aways

Description

This metric is a count of the number of unlawful border crossers who are directly or indirectly observed entering unlawfully, are not apprehended, and are not turn backs. These data came from U.S. Border Patrol (Border Patrol) records.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) only included data for the southwest border. According to Border Patrol officials, the northern border has different immigration dynamics than the southern border, so northern border data were not included. Officials stated that while the current emphasis of reporting is on the southwest border, efforts are under way to identify and find ways to capture data that are important and reflective of the effectiveness in addressing threats specific to the northern border.

Limitations

DHS identified: The count aggregates potentially subjective observations from thousands of individual agents.
We identified:

- In previous work we identified differences in procedures for reporting and classifying got aways across sectors, and noted how factors such as terrain and weather may impact agents' abilities to accurately detect got aways.[7]
- According to DHS, since 2014, Border Patrol has implemented a standard, southwest border-wide methodology to improve reporting and mitigate the potential subjectivity of observations by agents. Therefore, data before 2014 are not necessarily comparable to data from 2014 and later. DHS presented the data in a table without explaining that the methodology used to categorize and count turns backs changed in 2014.
- For information on limitations with the model-based estimate for undetected unlawful entries, see the section for estimated undetected unlawful entries above.

Additional information and planned actions by the Department of Homeland Security

According to DHS's report, Border Patrol has taken steps to implement a standard, southwest border-wide methodology to improve reporting of potential got aways. In addition, DHS's report said that command staff ensure all agents are aware of and utilize proper definitions for apprehensions, got aways, and turn backs at their respective stations. They also ensure necessary communication takes place between and among sectors and stations to minimize double-counting when subjects cross through more than one station. DHS's report noted that Border Patrol headquarters components validate data integrity.
As a comparison against the counts of documented got aways, DHS also provided an estimate of total successful unlawful entries along the southwest border using a statistical model based on capture-recapture methodology. For more information on the methodology for this estimate, see the section titled "Estimated Undetected Unlawful Entries" in this appendix.

[7] GAO-13-25 and GAO-17-331.

Between Ports of Entry Domain

Unlawful Border Crossing Effectiveness Rate

Description

This metric is a rate comparing the number of apprehensions and turn backs to the number of apprehensions, estimated undetected unlawful entries, turn backs, and got aways in each U.S. Border Patrol sector.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

According to the Department of Homeland Security's (DHS) report, the unlawful border crossing effectiveness rate is not available because sector-level estimates of unlawful entries and attempts have not yet been produced and validated. As an alternative, DHS presented data using the interdiction effectiveness rate.[8] With this rate, the estimated undetected unlawful entries measure is replaced with known got aways. However, DHS does not have an interdiction effectiveness rate for the northern border so it solely provided data for the southwest border. According to DHS's report, the department has not yet developed a northern border interdiction effectiveness rate because there are only a small number of attempted and successful entries along the northern border.

Limitations

None identified.

Additional information and planned actions by the Department of Homeland Security

DHS reported that sector-level estimates of unlawful entries and attempts are projected to be available in its 2019 annual *Border Security Metrics Report* to Congress.

[8]U.S. Border Patrol also reports the interdiction effectiveness rate in its Annual Performance Report.

Between Ports of Entry Domain

Probability of Detection Rate

Description

The National Defense Authorization Act for Fiscal Year 2017 (NDAA) defined this metric as a rate comparing the estimated total undetected unlawful border crossing attempts to the unlawful border crossing effectiveness rate. The Department of Homeland Security (DHS) calculated this metric by dividing the detected unlawful entries by the estimated total unlawful entries. The number of detected unlawful entries is calculated by adding turn backs, got aways, and apprehensions. Estimated total unlawful entries is calculated by adding turn backs, apprehensions and estimated total successful unlawful entries derived from DHS's statistical model.

Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

DHS only included data for the southwest border because the current methodology for estimating undetected unlawful entries is limited to the southwest border. Additionally, DHS used detected unlawful entries as the numerator, instead of the estimated total unlawful border crossing attempts not detected as called for in the NDAA. For the denominator DHS used the estimated total unlawful entries instead of the unlawful border crossing effectiveness rate, as called for in the NDAA.[9]

Limitations

Because this metric incorporates data on apprehensions, got aways, and turn backs, as well as the estimate for undetected unlawful entries, the limitations for those metrics also apply to this metric. For more information on the limitations for those metrics, see the respective sections for those metrics.

Additional information and planned actions by the Department of Homeland Security

[9]The NDAA defined the unlawful border crossing effectiveness rate as "the percentage that results from dividing the number of apprehensions and turn backs by the sum of the number of apprehensions, estimated undetected unlawful entries, turn backs, and got aways." In contrast, the estimated total unlawful entries metric is the sum of turn backs, apprehensions, and the model-based estimate of total successful unlawful entries.

For additional information on apprehensions, got aways, turn backs, and the estimate for undetected unlawful entries, and any planned actions by DHS for those metrics, see the respective sections for those metrics.

Between Ports of Entry Domain

Apprehensions in Each U.S. Border Patrol Sector

Description

This metric is a count of the number of apprehensions in each U.S. Border Patrol (Border Patrol) sector. Data come from Border Patrol records, and each apprehension of the same unlawful crosser in a fiscal year is counted separately, meaning these data do not represent a count of unique crossers apprehended.

Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) only included data for the southwest border. According to Border Patrol officials, the northern border has different immigration dynamics than the southern border, so northern border data were not included. Officials stated that while the current emphasis of reporting is on the southwest border, efforts are under way to identify and find ways to capture data that are important and reflective of the effectiveness in addressing threats specific to the northern border.

Limitations

DHS identified: In its report, DHS said that apprehensions are not a useful indicator of successful unlawful border crossings over the long-term and across multiple locations because the relationship between apprehensions and successful unlawful entries depends on the apprehension rate, which changes over time and may differ by location.

Additional information

None.

Between Ports of Entry Domain

Apprehensions of Unaccompanied Alien Children

Description

This metric is a count of the number of apprehensions of unaccompanied alien children (UAC), and the nationality of such children, in each U.S. Border Patrol (Border Patrol) sector. A UAC is a child under 18 years old with no lawful immigration status, and no parent present and available in the United States to provide care and physical custody.[10]

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) only included data for the southwest border.

Limitations

DHS identified: Agents may not be able to reliably distinguish among older children and young adults or confirm whether children are traveling alone or in family groups.
We identified:

- We previously reported that it can be challenging to obtain accurate information about a child's country of origin because of absence of documentation, language barriers, and coached responses by smugglers, among other reasons.[11]
- Border Patrol officials said that the data on UAC may have reliability issues because original data from a shared database had been changed. Specifically, officials said that in January 2015 they noticed that Enforcement and Removal Operations staff were inadvertently overwriting Border Patrol's original data entries about the status of migrant children apprehended once those children were placed with relatives or a foster family.

Additional information and planned actions by the Department of Homeland Security

According to Border Patrol officials, agents rely on statements provided by the child to determine the nationality of UACs when verifiable documentation is not available. Verifiable documentation could include biometric checks, birth certificates, state-issued identification cards, and passports. However, officials noted that this list is not all-inclusive and the processing agent determines the validity of any presented documents. Border Patrol officials said that a data integrity team regularly examines data on apprehensions and they conduct biweekly data reliability checks. Additionally, they are working with Enforcement and Removal Operations to modify the data entry process so that updates can be made without overwriting the original apprehension data entered by Border Patrol.

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[10] 6 U.S.C. § 279(g)(2).

[11] GAO, *Central America: Information on Migration of Unaccompanied Children from El Salvador, Guatemala, and Honduras,* GAO-15-362 (Washington, D.C.: Feb. 27, 2015).

Between Ports of Entry Domain

Apprehensions of Family Units

Description

This metric is a count of the number of apprehensions of family units, and the nationality of such family units, in each U.S. Border Patrol (Border Patrol) sector. A family unit is the number of individuals apprehended with a family member. For example, a mother and child apprehended together are counted as two family units.

Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) only included data for the southwest border.

Limitations

DHS identified: DHS noted that the count of apprehensions for family units is considered reliable, but that agents may not be able to reliably identify family units.
We identified: According to Border Patrol officials, their data entry system did not have a dedicated field for agents to record apprehensions of persons within a family unit for all of the years presented in the report. In December 2014, Border Patrol added specific data entry fields to its data entry processes for agents to input information about family units. These fields incorporated built in safeguards and edit checks to help ensure that agents make an appropriate family unit classification. Previously, Border Patrol officials said they used proxy data to identify family units. Given the additional safeguards and checks included with the new family unit data entry fields, Border Patrol officials stated that the data after December 2014 may be more reliable overall compared to previous years. Border Patrol officials stated that they have high confidence in the proxy count for data pre-2014, but acknowledged that those data may contain misclassifications of family units.

Additional information

According to Border Patrol officials, agents are trained in interviewing techniques and the processing agent will consider all available evidence to determine the validity of claims to familial relationships. Border Patrol officials also noted that in order to be categorized as a family unit, at least one member of the family unit must be at least 18 years of age. Consequently, related individuals younger than 18 years of age that are apprehended

together would not be categorized as a family unit.

Between Ports of Entry Domain

Between the Ports Illicit Drug Seizure Rate

Description

This metric is a rate comparing the amount and type of illicit drugs seized between ports of entry in any fiscal year to the average of the amount and type of illicit drugs seized between ports of entry in the immediately preceding 5 fiscal years.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

None identified.

Additional information

None.

Between Ports of Entry Domain

Estimates of the Impacts of the Consequence Delivery System on Recidivism

Description

This metric was not specifically defined in the National Defense Authorization Act for Fiscal Year 2017 (NDAA); the NDAA called for an estimate of the impact of the Consequence Delivery System (CDS) on the recidivism rate of unlawful border crossers over multiple fiscal years.[12] The Office of Immigration Statistics (OIS) calculated this metric by providing the average annual recidivism rate for the 3 years prior to fiscal year 2012—when the CDS was implemented—and the average annual recidivism rate for the subsequent 3 years. The annual recidivist rate is calculated by dividing the number of unique crossers apprehended multiple times in a fiscal year by the total number of unique crossers in the fiscal year.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) only included data for the southwest border because, according to DHS's report, recidivism data for the northern border were not available due to the small number of attempted illegal entries along the northern border.

Limitations

DHS identified:

- Noting the findings from our January 2017 review, DHS stated that its current recidivism measure could be strengthened by using the date an unlawful border crosser is removed or returned instead of the date they are apprehended, as well as by counting re-apprehensions within a fixed period of time defined by the crosser's repatriation date instead of by the fiscal year.[13] In January 2017, we reported that using a crosser's apprehension history beyond 1 fiscal year, and excluding crossers that have not been previously removed, among other things, produces a significantly different rate compared to how DHS currently calculates it. Consequently, we recommended that DHS calculate recidivism for a period of time longer than 1 fiscal year and that DHS exclude from the recidivism calculation aliens for whom there is no record of removal and who may remain in the United States. As of December 2018, this recommendation remained open.[14]
- DHS stated that changes in the recidivism rate after 2012 cannot be attributed solely to CDS because enforcement is a complex, dynamic system.

We identified: Given that DHS's methodology is to provide the 3-year average of the recidivism rate before and after CDS was implemented in fiscal year 2012, the data presented will remain static for subsequent annual reports because the periods of comparison for analyzing recidivism are fixed around a specific point in time. According to OIS officials, to help address this issue, in the next report they plan to provide individual rates for

[12]The CDS is a process U.S. Border Patrol uses to uniquely evaluate each apprehended crosser and identify the most effective and efficient consequences to deliver to impede and deter further illegal activity.

[13]GAO, *Border Patrol: Actions Needed to Improve Oversight of Post-Apprehension Consequences,* GAO-17-66 (Washington, D.C.: Jan. 12, 2017).

[14]Although DHS did not concur with this recommendation, it has taken some steps to implement it. For example, in January 2018, DHS officials stated that the office started reporting nationwide the recidivism rates for multiple years to U.S. Border Patrol sectors for situational awareness. However, the methodology for this reported recidivism rate does not exclude aliens for whom there is no record of removal.

each year instead of the 3-year average.

Additional information and planned actions by the Department of Homeland Security

In its report, DHS noted that future reports will include estimates of the impact of CDS on both the annual recidivism rate and a longer-term recidivism rate. For example, OIS officials said they plan to update the way they calculate recidivism for future issues of the report and are developing a multivariate impact analysis that would take into consideration factors such as crossers' demographics and immigration history.

Between Ports of Entry Domain

Examination of Each Consequence Under the Consequence Delivery System

Description

This metric was not specifically defined in the National Defense Authorization Act for Fiscal Year 2017 (NDAA); the NDAA called for an examination of each consequence under the Consequence Delivery System (CDS), including (1) voluntary return, (2) warrant of arrest or notice to appear, (3) expedited removal, (4) reinstatement of removal, (5) alien transfer exit program, (6) criminal consequence program, (7) standard prosecution, and (8) Operation Against Smugglers Initiative on Safety and Security.[15] The Department of Homeland Security (DHS) presented data on the recidivism rates for each consequence between fiscal years 2012 through 2016.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

As noted above for the metric "estimates of the impact of the Consequences Delivery System on recidivism," DHS only included data for the southwest border because recidivism data for the northern border were not available due to the small number of attempted illegal entries along the northern border.

Limitations

DHS identified:

- Differences in recidivism rates among the consequences may also reflect differences in the propensity of the targeted populations to attempt to re-enter.[16]
- As with the metric for estimating the impact of the CDS on recidivism discussed above, DHS noted the limitation that current recidivism data are based on apprehensions within a given fiscal year, and not the date when an individual was repatriated to their country of origin.[17]

We identified:

- In January 2017, we reported that some unlawful border crossers were incorrectly classified based on CDS guidance.[18] U.S. Border Patrol (Border Patrol) agents implement CDS by classifying apprehended aliens into one of seven noncriminal or criminal categories and then applying one or more of eight different consequences; therefore, determining the correct classification of the unlawful border crosser is important

[15]Voluntary return allows individuals to voluntarily depart from the United States in lieu of being subject to formal removal or expedited removal proceedings, thereby effectively withdrawing as an applicant for admission. Warrant of arrest or notice to appear refers to the initiation of formal removal proceedings in immigration court. See 8 U.S.C. §§ 1229, 1229a. Expedited removal is the process by which a DHS immigration officer may, subject to statutory criteria, order arriving and other designated foreign nationals removed from the United States without a formal removal proceeding. See 8 U.S.C. § 1225(b). Reinstatement of removal refers to the process by which a prior order of removal is reinstated because of illegal reentry after being removed or having departed voluntarily under such prior removal order. See 8 U.S.C. § 1231(a)(5).

[16]For crossers who have a more extensive history of attempting to cross, Border Patrol applies consequences designed to have a greater deterrent impact. For example, Border Patrol utilizes partnerships with the Department of Justice to prioritize and prosecute individuals with six or more apprehensions.

[17]This was a limitation we previously identified in our January 2017 report reviewing Border Patrol's oversight of post-apprehension consequences. See GAO, *Border Patrol: Actions Needed to Improve Oversight of Post-Apprehension Consequences,* GAO-17-66 (Washington, D.C.: Jan. 12, 2017). In that review, we found that using a crosser's apprehension history beyond 1 fiscal year, and excluding crossers that have not been previously removed, among other things, produces a significantly different rate compared to how DHS currently calculates it.

[18]GAO-17-66.

for identifying and applying the appropriate consequence. Our analysis of Border Patrol apprehension data from fiscal year 2013 through 2015 showed that Border Patrol did not classify 11 percent of apprehensions in accordance with the agency's guidance. We recommended that Border Patrol provide consistent guidance for classification and take steps to ensure the integrity of classification data. Border Patrol implemented this recommendation as of December 2017, but the issue could potentially have implications for the data DHS used in this metric, which was for fiscal years 2012 through 2016.

Additional information and planned actions by the Department of Homeland Security

According to its report, DHS is refining its analysis and will seek to specifically address the limitations discussed above in the fiscal year 2018 version of the *Border Security Metrics Report*.

At Ports of Entry Domain Metrics

Ports of entry are U.S. government facilities that provide for the controlled entry into or departure from the United States. There are 328 ports of entry in the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where U.S. Customs and Border Protection (CBP) officers or employees are assigned to clear passengers, merchandise and other items, collect duties, and enforce customs laws; and where CBP officers inspect persons seeking to enter or depart, or apply for admission into, the United States pursuant to U.S. immigration law and travel controls. CBP's Office of Field Operations (OFO) is the lead DHS component responsible for carrying out activities at POEs. The 15 metrics in this domain measure the number of travelers attempting to enter the United States at ports of entry, illicit drugs seized at ports of entry, and cargo entering the United States, among other things.[19] DHS included 11 of the 15 metrics called for in the NDAA for this domain in its fiscal year 2017 *Border Security Metrics Report*, as shown in table 5.

Table 5: Status of Metrics for Securing the Border at Ports of Entry in the Department of Homeland Security's (DHS) Fiscal Year 2017 *Border Security Metrics Report*

Metric number	Metric	Included in the fiscal year 2017 *Border Security Metrics Report*	Not included in the fiscal year 2017 *Border Security Metrics Report*
1	Total inadmissible travelers at ports of entry[a]	yes	
2	Refusal and interdiction rates at ports of entry[b]	yes	
3	Unlawful entries at ports of entry[c]		yes
4	Illicit drugs seized at ports of entry[d]	yes	
5	Port of entry illicit drug seizure rate[e]	yes	
6	Major infractions at ports of entry[f]	yes	
7	Cocaine seizures effectiveness rate[g]	yes	
8	Average wait times and traffic volume[h]	yes	
9	Infrastructure capacity utilization rate[i]	yes	
10	Secondary examination rate[j]	yes	
11	Secondary examinations effectiveness rate[k]		yes

[19]We currently have a review underway looking at CBP's inspection activities at land ports of entry. We plan to issue a report on our findings in spring 2019.

Metric number	Metric	Included in the fiscal year 2017 *Border Security Metrics Report*	Not included in the fiscal year 2017 *Border Security Metrics Report*
12	Number of potentially "high-risk" cargo containers[l]	yes	
13	Ratio of potentially high-risk cargo containers scanned relative to high-risk containers entering in previous fiscal year[m]	yes	
14	Potentially high-risk cargo containers scanned upon arrival at a U.S. port of entry[n]		yes
15	Potentially high-risk cargo containers scanned before arrival at a U.S. port of entry[o]		yes

Source: GAO analysis of DHS's Fiscal Year 2017 *Border Security Metrics Report.* | GAO-19-305

[a]Total inadmissible travelers who attempt to, or successfully, enter the United States at a port of entry. 6 U.S.C. § 223(c)(1)(A)(i).

[b]The rate of refusals and interdictions for travelers who attempt to, or successfully, enter the United States at a port of entry. Id. at § 223(c)(1)(A)(ii).

[c]The number of unlawful entries at a port of entry. Id. at § 223(c)(1)(A)(iii). According to DHS's report, DHS does not currently have a methodology to reliably estimate the number of successful unlawful entries through ports of entry but is working to establish one. According to DHS officials, they project being able to produce such an estimate in time to be included in the fiscal year 2019 report.

[d]The amount and type of illicit drugs seized by U.S. Customs and Border Protection's (CBP) Office of Field Operations (OFO) at ports of entry during the previous fiscal year. Id. at § 223(c)(1)(B).

[e]An illicit drugs seizure rate for drugs seized by OFO, which compares the ratio of the amount and type of illicit drugs seized by OFO in any fiscal year to the average of the amount and type of illicit drugs seized by OFO in the immediately preceding 5 fiscal years. Id. at § 223(c)(1)(C).

[f]The number of infractions related to travelers and cargo committed by major violators who are interdicted by OFO at ports of entry, and the estimated number of such infractions committed by major violators who are not so interdicted. Id. at § 223(c)(1)(D).

[g]In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine seizure effectiveness rate, which is the percentage resulting from dividing the amount of cocaine seized by OFO by the total estimated cocaine flow rate at ports of entry along the United States land border with Mexico and Canada. Id. at § 223(c)(1)(E).

[h]A wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each land port of entry. Id. at § 223(c)(1)(F)(i).

[i]An infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each land port of entry. Id. at § 223(c)(1)(F)(ii).

[j]A secondary examination rate that measures the frequency of secondary examinations at each land port of entry. Id. at § 223(c)(1)(F)(iii).

[k]An enforcement rate that measures the effectiveness of such secondary examinations at detecting major violators. Id. at § 223(c)(1)(F)(iv). According to DHS's report, this metric is under review and DHS did not provide a timeframe as to when it will be included in future reports.

[l]Id. at § 223(c)(1)(G)(i).

[m]Comparison of potentially high-risk cargo containers scanned by OFO at sea ports of entry during a fiscal year to total high-risk containers entering at such sea ports in the previous fiscal year. Id. at § 223(c)(1)(G)(ii).

[n]Potentially high-risk cargo containers scanned upon arrival at a U.S. sea port of entry. Id. at § 223(c)(1)(G)(iii). According to DHS's report, this metric is under review. DHS officials said that, as of December 2018, they do not plan

to include this metric in the fiscal year 2018 report and they did not provide a timeframe as to when it will be included in future reports.

[o]Potentially high-risk cargo containers scanned before arrival at a U.S. sea port of entry. Id. at § 223(c)(1)(G)(iv). According to DHS's report, this metric is under review. DHS officials said that, as of December 2018, they do not plan to include this metric in the fiscal year 2018 report and they did not provide a timeframe as to when it will be included in future reports.

DHS reported that the four metrics for which it did not provide information did not yet have a reliable methodology or were under review, and that DHS was in the process of developing methodologies to capture the data needed for the requested metrics. DHS officials said these four metrics would not be ready for inclusion in the next annual report.

At Ports of Entry Domain

Total Inadmissible Travelers at Ports of Entry

Description

This metric is a count of total inadmissible travelers, and requires an estimate of the number of inadmissible travelers who successfully enter at a port of entry without being detected.[20] The metric is the sum of the number of inadmissible travelers interdicted and the estimated number of inadmissible travelers who successfully enter at a port of entry without being detected.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) does not have a methodology to estimate the number of inadmissible travelers who successfully enter at a port of entry without being detected. Therefore, DHS only presented data on known inadmissible travelers.

Limitations

None identified.

Additional information and planned actions by the Department of Homeland Security

DHS projected that the department may be able to include estimates on the number of inadmissible travelers who successfully enter at a port of entry in its fiscal year 2019 *Border Security Metrics Report* to Congress. According to U.S. Customs and Border Protection (CBP) officials, they are in the process of determining whether CBP's Compliance Measurement Examination (COMPEX) program could be used as a means to reliably measure undetected inadmissible travelers.[21]

[20]Inadmissible travelers are travelers seeking admission at a port of entry who are determined to be statutorily inadmissible upon inspection by a CBP officer, and therefore ineligible for admission. See 8 U.S.C. § 1182(a).

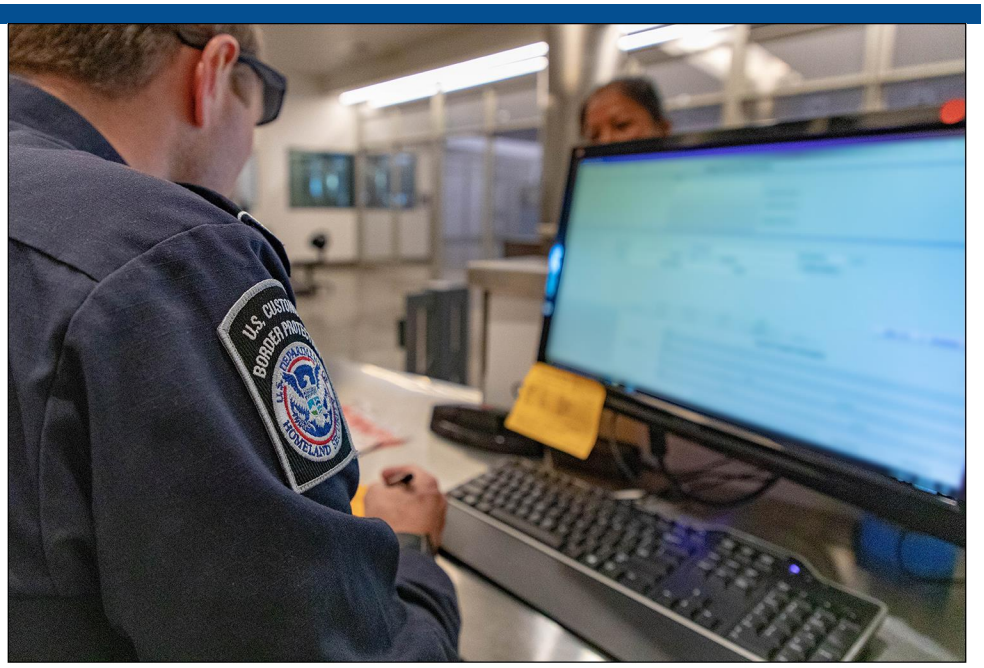
[21]The COMPEX program is designed to help measure the effectiveness of CBP's inspections and audit its violation detection processes. CBP uses a computer generated random sample to select travelers transiting through POEs where COMPEX is in operation for a compliance examination who would not otherwise be referred for a secondary inspection. Through a standardized secondary inspection exam, officers identify violations that CBP would otherwise have missed. CBP then uses the number of violations found in the COMPEX sample to estimate the total number of violations among the traveler population that CBP would otherwise have missed. CBP carries out the COMPEX program at a limited number of airports and land ports of entry and excludes pedestrian and sea travelers as well as general aviation and cargo operations.

At Ports of Entry Domain

Refusal and Interdiction Rates at Ports of Entry

Description

These metrics are rates that require data on travelers seeking admission at a port of entry, interdictions of inadmissible travelers, and an estimate of the number of inadmissible travelers who successfully enter at a port of entry without being detected. The refusal rate is calculated by dividing the number of inadmissible travelers interdicted by all people seeking admission at a port of entry. The interdiction rate is calculated by dividing the number of inadmissible travelers interdicted by the total number of inadmissible travelers who attempt to enter at a port of entry.



Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) did not have a methodology to estimate the number of inadmissible travelers who successfully enter at a port of entry without being detected. Therefore, DHS only presented data on the refusal rate.

Limitations

None identified.

Additional information and planned actions by the Department of Homeland Security

DHS projected that the department may be able to include estimates on the number of inadmissible travelers who successfully enter at a port of entry in its next *Border Security Metrics Report* to Congress. According to U.S. Customs and Border Protection (CBP) officials, they are in the process of reviewing data and program policies for CBP's Compliance Measurement Examination program to determine if the program could be used as a means to reliably measure undetected inadmissible travelers, which would then be used in calculating the interdiction rate.

At Ports of Entry Domain

Illicit Drugs Seized at Ports of Entry

Description

This metric is a count of the amount in kilograms of illicit drugs seized by U.S. Customs and Border Protection officers at ports of entry. In an appendix to the report, the Department of Homeland Security listed out 34 different types of illicit drugs and the amounts seized for each for fiscal years 2007 through 2016.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

None identified.

Additional information

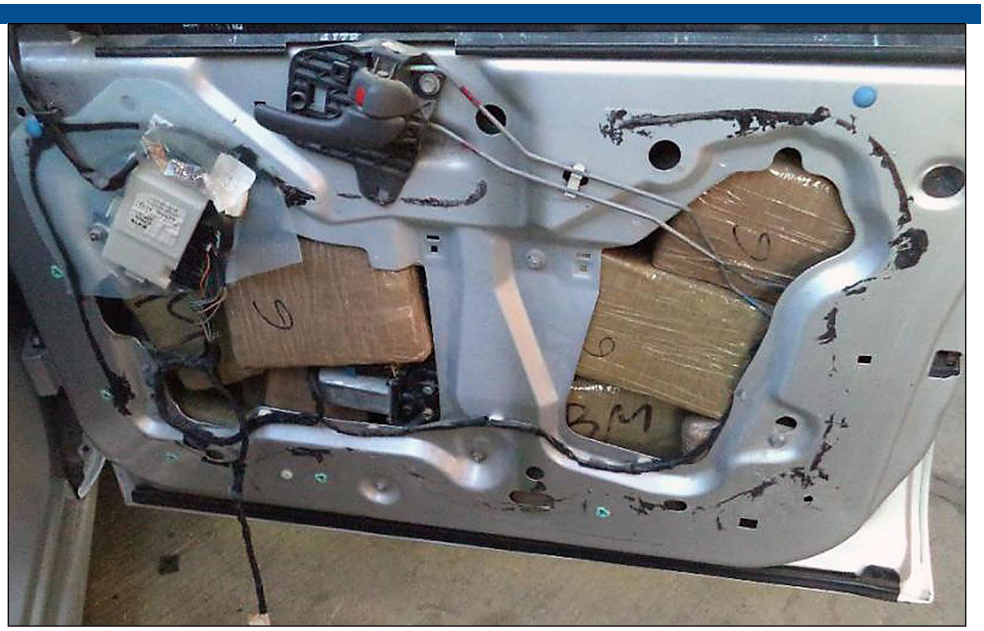
None.

At Ports of Entry Domain

Port of Entry Illicit Drug Seizure Rate

Description

This metric is a rate that compares the amount of illicit drugs seized (in kilograms) by Office of Field Operations officials at ports of entry in 1 fiscal year to the average amount seized in the immediately preceding 5 fiscal years.



Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The National Defense Authorization Act for Fiscal Year 2017 did not prescribe the illicit drugs to be included in the metric. The Department of Homeland Security provided rates for cocaine, methamphetamine, marijuana, and heroin for fiscal years 2012 through 2016.

Limitations

None identified.

Additional information

None.

At Ports of Entry Domain

Major Infractions at Ports of Entry

Description

This metric is a count of the number of infractions related to travelers and cargo committed by major violators, and an estimate of the number of major infractions not interdicted. The Department of Homeland Security (DHS) calculated an infraction rate by dividing the number of major infractions by the total number of passengers at ports of entry for fiscal years 2007 through 2016.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

- DHS officials reported that DHS does not have a methodology to track major violators as defined in the National Defense Authorization Act for Fiscal Year 2017 (NDAA).[22] As an alternative, for the purpose of its report, DHS defined a major infraction as an arrest, including arrests related to terrorism, drugs, criminal aliens, and currency, among other things.
- DHS reported that it does not have a methodology in place to estimate the number of undetected major infractions. Therefore, only data on known infractions are included.
- DHS only included data for passenger infractions and not cargo-related infractions.
- Although not requested by the NDAA, DHS provided an infraction rate by dividing the number of known infractions by the total number of travelers at ports of entry.

Limitations

We identified: Given that DHS's alternative approach to this metric involves using arrests as a proxy for major infractions, it is unclear whether there is a one-to-one correspondence between the arrest of a major violator and the number of infractions committed.[23]

Additional information

According to U.S. Customs and Border Protection (CBP) officials, they plan to use data from CBP's Compliance Measurement Examination program as a means to report estimated undetected major infractions starting with DHS's fiscal year 2019 report.

[22]The NDAA defines the term "major violator" to mean anyone engaging in serious criminal activities at a port of entry, including possession of illicit drugs or illegal weapons, smuggling of humans or prohibited products, use of fraudulent documents, or any other serious offense warranting arrest. 6 U.S.C. § 223(a)(5).

[23]We currently have a review under way looking at CBP's inspection activities at land ports of entry. We plan to issue a report on our findings in spring 2019.

At Ports of Entry Domain

Cocaine Seizures Effectiveness Rate

Description

This metric is a rate that compares the amount of cocaine seized at land ports of entry to the total estimated flow of cocaine.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

As defined by the National Defense Authorization Act for Fiscal Year 2017, this metric requires an estimate of the total flow of cocaine through land ports of entry. The Office of National Drug Control Policy produces annual estimates for total cocaine flow into the United States, but does not have a methodology to estimate the flow of cocaine through land ports of entry alone. Therefore, the estimates the Department of Homeland Security used included cocaine flow through all domains. According to the U.S. Drug Enforcement Administration's National Drug Threat Assessment, the southwest border remains the key entry point for the majority of the cocaine entering the United States.

Limitations

None identified.

Additional information

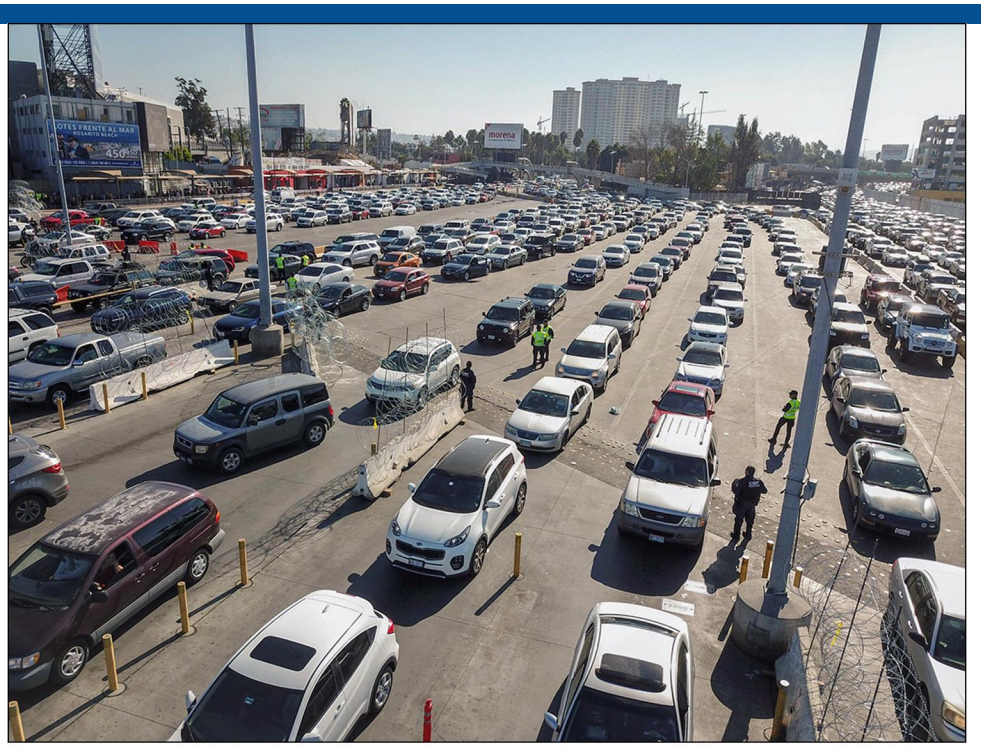
None.

At Ports of Entry Domain

Average Wait Times and Traffic Volume

Description

This metric is a rate that compares the average wait time for vehicles to pass through a land port of entry to the total number of commercial and private vehicles at each land port of entry.



Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) did not present data for every port of entry because wait time data were not available for every port of entry, such as small ones with negligible wait times.

Limitations

We identified: We reported in July 2013 that commercial vehicle wait time data were unreliable due to inconsistent data collection processes at ports, and made two recommendations to DHS to improve the reliability of the data.[24] While DHS implemented these recommendations in 2018, older data, including the data for the years presented in the report (fiscal years 2012 through 2016), remain unreliable.

Additional information and planned actions by the Department of Homeland Security

[24]We recommended that DHS identify and carry out steps to help CBP officials overcome challenges to consistent implementation of wait time estimation methodologies, and assess the feasibility of replacing current manual calculation methods with automated methods. GAO, *U.S.-Mexico Border: CBP Action Needed to Improve Wait Time Data and Measure Outcomes of Trade Facilitation Efforts,* GAO-13-603 (Washington, D.C.: July 24, 2013).

U.S. Customs and Border Protection (CBP) officials clarified that the wait times shown in the report reflect the average of all hourly recordings for wait times at ports of entry rather than the average passenger or vehicle experience because CBP did not report a volume-weighted measure of wait times. According to the report, CBP's wait time policy is currently under review and new guidance will be issued in the future to account for improvements in automation and recording.

At Ports of Entry Domain

Infrastructure Capacity Utilization Rate

Description

This metric is a rate that measures traffic volume at land ports of entry against the physical and staffing capacity at each land port of entry. The Department of Homeland Security (DHS) calculated the average number of vehicles processed per booth, per hour at each land port of entry.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None.

Limitations

None identified.

Additional information

In addition to reporting utilization at each port of entry, DHS provided the average utilization rate for all northern border land ports of entry and all southern border land ports of entry.

At Ports of Entry Domain

Secondary Examination Rate

Description

This metric is a rate that measures the frequency of secondary examinations at each land port of entry.[25] The Department of Homeland Security (DHS) calculated the rate by dividing the recorded number of passengers sent for secondary inspection by the total number of recorded passengers at each land port of entry.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

DHS did not include data on secondary examinations of cargo or shipments.

Limitations

None identified.[26]

Additional information

None.

[25]A secondary examination is when a U.S. Customs and Border Protection (CBP) officer at a port of entry refers a traveler to a separate area, outside the primary inspection area, to complete the inspection or examination process without causing delays for other travelers. Reasons a traveler may be referred for a secondary examination include when the CBP officer cannot verify a traveler's information or a traveler does not have all the required documentation, for example.

[26]We currently have a review under way looking at CBP's inspection activities at land ports of entry. We plan to issue a report on our findings in spring 2019.

At Ports of Entry Domain

Number of Potentially "High-Risk" Cargo Containers

Description

This metric is a count of the number of cargo containers at sea ports that DHS identified as potentially high-risk using National Targeting Center (NTC) security criteria.[27] According to the Department of Homeland Security (DHS), all international cargo shipments coming to the United States are screened to identify potentially high-risk containers, which may then be reviewed, scanned, or physically inspected prior to lading at a port of entry.

Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

We identified: U.S. Customs and Border Protection (CBP) officials said that the process of defining and identifying "high-risk" shipments can exclude some shipments, such as those in free trade zones.

Additional information

[27]The NTC, which is operated by U.S. Customs and Border Protection (CBP), identifies high-risk people and cargo traveling to the United States prior to their arrival. The NTC coordinates examination of cargo that may be connected to terrorist or other crimes, such as narcotics smuggling, human trafficking, merchandise counterfeiting, and money laundering. Importers are responsible for providing data on their cargo to CBP, which are automatically fed into CBP's Automated Targeting System (ATS). ATS uses a set of rules that assess different factors in the data to determine the risk level of a shipment and automatically places high-risk shipments on hold. CBP officials use information in ATS to identify which high-risk shipments should be examined or waived. If a shipment is held for examination, officials may scan the cargo with radiation detection and nonintrusive inspection equipment to detect anomalies or shielding that could indicate the presence of weapons of mass destruction or other contraband. If an anomaly is detected, the shipment is physically examined.

DHS’s report said that the NTC periodically refines, improves, and revises the security criteria for high-risk shipments, which can affect the number of cargo shipments identified as high-risk.

At Ports of Entry Domain

Ratio of Potentially High-Risk Cargo Containers Scanned Relative to High-Risk Containers Entering in Previous Fiscal Year

Description

This metric is a rate comparing the number of potentially high-risk cargo containers scanned at each sea port of entry during a fiscal year to the total number of high-risk cargo containers that entered the United States at each sea port of entry during the previous fiscal year.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security (DHS) does not have data on cargo containers that were scanned separate from cargo containers that were reviewed or assessed; instead, DHS tracks these inspection methods collectively. Therefore, DHS also included data on potentially high-risk cargo containers that were reviewed or assessed as well as those that were scanned in its report.

Limitations

DHS identified: In its report, DHS noted that ratio data are not available for fiscal year 2014 because U.S. Customs and Border Protection did not collect comparable container-level data (as opposed to shipment-level data) in fiscal year 2013. DHS also noted that the totals across the ports or field offices may include duplicate container counts.

We identified:

- NTC officials said that the definition of "high-risk" shipments excludes some shipments, such as those in free trade zones.
- NTC officials noted that assessing, reviewing, and scanning containers are different activities and reflect different levels of inspection or review. For example, NTC officials said that while all containers are "assessed" in order to determine their risk level, only higher risk containers may be scanned using radiation detection and nonintrusive inspection equipment. Consequently, when DHS included data on containers that were assessed or reviewed but not scanned, the resulting count was higher.
- In an appendix to its report, DHS presented a column of data called the "percentage of potentially high-risk containers scanned (same fiscal year)" for each fiscal year. Given DHS's inability to separate data on the different inspection methods, the data in this column included containers that were reviewed by all inspection methods, not just scanning.
- In its appendix, DHS did not present data on the number of containers that "entered the United States," even though it used those data to calculate the ratio and they are specified in the National Defense Authorization Act for Fiscal Year 2017. As a result, it is not possible to verify the accuracy of DHS's ratio calculations.

Additional information

None.

Maritime Border Domain Metrics

The U.S. maritime border domain encompasses ports, internal or inland waters, and coastal waters, as well as the territorial sea (waters 12 nautical miles seaward of the U.S. coast), contiguous zone (waters adjacent to and seaward of territorial sea and extending 24 nautical miles from shore), and exclusive economic zone (waters seaward of and adjacent to territorial sea and extending out to 200 nautical miles from shore).[28] U.S. Coast Guard (Coast Guard), Air and Marine Operations, and U.S. Border Patrol share responsibility for patrolling the U.S. maritime borders, and territorial sea.[29] The Coast Guard is a component of DHS and the lead federal maritime law enforcement agency on the high seas (waters beyond 12 nautical miles seaward of the U.S. coast) and all other waters under U.S. jurisdiction.[30] The Coast Guard responds to a variety of maritime border security issues, including trafficking of narcotics, people, illicit goods, unlawful migration, illegal exploitation of natural resources, potential terrorist activities, and the disruption of maritime commerce. The metrics in this domain measure the number of migrants and illicit drugs removed, among other things. DHS included 4 of 6 metrics called for in the NDAA for this domain in its fiscal year 2017 *Border Security Metrics Report*, as shown in table 6.

[28]33 C.F.R. pt. 2, subpt. B.

[29]The term "U.S. territorial sea" generally refers to the waters, 12 nautical miles wide, adjacent to the U.S. coast and seaward of the territorial sea baseline—normally the mean low water line along the U.S. coast—consistent with the principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, and the 1982 United Nations Convention on the Law of the Sea (UNCLOS), 21 I.L.M. 1261. See 33 C.F.R. §§ 2.20, 2.22(a); and Territorial Sea of the United States of America, Pres. Proc. No. 5928, 54 Fed. Reg. 777 (Dec. 27, 1988). In addition, CBP's immigration-related enforcement authority over any U.S. external boundary encompasses U.S. land boundaries and territorial sea 12 nautical miles from U.S. baselines, consistent with international law. See 8 C.F.R. § 287.1(a)(1).

[30]For purposes of special maritime and territorial U.S. jurisdiction under 18 U.S.C. § 7, "high seas" means all waters seaward of the shore. Under customary international law, and unless clearly indicated otherwise, "high seas" means all waters that are not the exclusive economic zone, territorial sea, or internal waters of the United States or any other nation. See 33 C.F.R. §§ 2.22, 2.30, 2.32. Coast Guard's, and AMO's, law enforcement authorities on the high seas are generally defined in statute and regulation. See, e.g., 14 U.S.C. § 89 (states Coast Guard's law enforcement authority on the high seas and U.S. waters, and provides that Coast Guard officers engaging in law enforcement pursuant to this section are deemed agents of the particular department or agency charged with the administration of the law being enforced); 19 U.S.C. § 1581 (CBP officers' authority over vessels or vehicles in the United States or within U.S. customs waters or a customs-enforcement area, or any other authorized place); Pres. Proc. No. 4865, 46 Fed. Reg. 48,107 (Sept. 29, 1981); and 19 C.F.R. § 162.3(a) (CBP officers may board any vessel in the United States or within U.S. customs waters; any American vessel on the high seas; and any vessel within a customs-enforcement area, but a foreign vessel is not to be boarded in violation of any treaty with the foreign government, or in the absence of a special arrangement).

Table 6: Status of Metrics for Securing the Maritime Border in the Department of Homeland Security's (DHS) Fiscal Year 2017 *Border Security Metrics Report*

Metric number	Metric	Included in the fiscal year 2017 *Border Security Metrics Report*	Not included in the fiscal year 2017 *Border Security Metrics Report*
1	Situational Awareness in the Maritime Environment[a]	yes[b]	
2	Known Maritime Migrant Flow Rate[c]	yes	
3	Illicit Drugs Removal Rate[d]	yes	
4	Cocaine Removal Effectiveness Rate[e]	yes	
5	DHS Maritime Threat Response Rate[f]		yes
6	Intergovernmental Maritime Threat Response Rate[g]		yes

Source: GAO analysis of DHS's fiscal year 2017 *Border Security Metrics Report*. | GAO-19-305

Notes:

[a]6 U.S.C. § 223(d)(1)(A).

[b]DHS reported several proxy metrics for situational awareness in the maritime environment while it develops the metric.

[c]Id. at § 223(d)(1)(B)

[d]An illicit drugs removal rate for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the maritime security components of DHS in any fiscal year to the average of the amount and type of illicit drugs removed by such maritime components for the immediately preceding 5 fiscal years. Id. at § 223(d)(1)(C).

[e]A cocaine removal effectiveness rate for cocaine removed inside a transit zone and outside a transit zone, which compares the amount of cocaine removed by the maritime security components of DHS by the total documented cocaine flow rate, as contained in federal drug databases. Id. at § 223(d)(1)(D)

[f]A response rate, which compares the ability of the maritime security components of DHS to respond to and resolve known maritime threats, whether inside or outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the department has known threat information. Id. at § 223(d)(1)(E). According to DHS officials, they are developing this metric and expect to include it in the fiscal year 2019 report.

[g]An intergovernmental response rate, which compares the ability of the maritime security components of DHS or other U.S. government entities to respond to and resolve actionable maritime threats, whether inside or outside a transit zone, with the number of such threats detected. Id. at § 223(d)(1)(F). According to DHS officials, they are developing this metric and expect to include it in the fiscal year 2019 report.

DHS officials reported that they were still exploring options to collect response rate measures data for the "DHS Maritime Threat Response Rate" and the "Intergovernmental Maritime Threat Response Rate" metrics that would meet the intent of the NDAA. DHS officials estimated that these metrics would be included in the fiscal year 2019 *Border Security Metrics Report*.

Maritime Border Domain

Situational Awareness in the Maritime Environment

Description

This metric was not specifically defined in the National Defense Authorization Act for Fiscal Year 2017 (NDAA). The NDAA described situational awareness as the knowledge and understanding of current unlawful cross-border activity, including (1) threats and trends concerning illicit trafficking and unlawful crossings, (2) the ability to forecast future shifts in such threats and trends, (3) the ability to evaluate such threats and trends at a level sufficient to create actionable plans, and (4) the operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The Department of Homeland Security's (DHS) report stated that the department is in the process of developing a measure for situational awareness in the maritime domain that meets the intent of the NDAA. While this effort is in process, DHS presented data on U.S. Coast Guard and U.S. Customs and Border Protection (CBP) asset (aircraft and cutter or boat) hours contributing to situational awareness or interdiction support and the number of vessel manifests screened.

Limitations

None identified.

Additional information

According to CBP Air and Marine Operations officials, they did not have confidence that the data for years prior to fiscal year 2016 were consistent enough for making comparisons across years. Consequently, only data for fiscal year 2016 were included in DHS's report for the metrics related to CBP.

Maritime Border Domain

Known Maritime Migrant Flow Rate

Description

This metric is a count of the total number of undocumented migrants interdicted, identified directly or indirectly but not interdicted, or otherwise believed to have unlawfully entered the United States through the maritime border.[31]

Source: U.S. Coast Guard. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

Department of Homeland Security (DHS) identified: The accuracy of migrant flow counts depends on partners to report interdictions and the ability to detect migrants. According to the DHS report, the U.S. Coast Guard relies on partners to report interdictions for compilation in the U.S. Coast Guard's database. Interdictions may be double-counted by the U.S. Coast Guard and its partners because they cooperate during operations and some interdictions by partners may not get reported. Further, some migrants may not be apprehended and leave no evidence, and are therefore excluded from the known flow figures.
We identified: According to U.S. Coast Guard officials, there is no centralized database for tracking migrant interdictions, and the decentralized nature of the data collection could lead to errors.

Additional information

[31]The National Defense Authorization Act for Fiscal Year 2017 defines the known maritime migrant flow as the sum of the number of undocumented migrants that are interdicted in the waters over which the United States has jurisdiction; identified at sea either directly or indirectly, but not interdicted; and those who were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter the United States through the maritime border.

According to the U.S. Coast Guard, about 90 percent of the data on migrant interdictions and flow originate from U.S. Coast Guard records. U.S. Coast Guard officials said that as part of a department-wide initiative to standardize illegal immigration statistics, they are in the preliminary stages of building a centralized database to enter and maintain information on migrant interdictions.[32] Additionally, officials said they take steps to ensure the reliability of externally reported data such as communicating with partners and working together to reconcile any errors. Within the U.S. Coast Guard, meetings are held regularly to discuss and vet the accuracy of migrant flow data.

[32]This DHS initiative is known as the Immigration Data Integration Initiative which seeks to ensure that DHS and its components have real-time access to all relevant immigration data needed to support operations, analysis, reporting, and strategic decisions.

Maritime Border Domain

Illicit Drug Removal Rate

Description

This metric is a rate comparing the amount and type of illicit drugs removed by the Department of Homeland Security (DHS) maritime security components in any fiscal year, including drugs abandoned at sea, to the average amount removed or abandoned in the immediately preceding 5 fiscal years.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

The National Defense Authorization Act for Fiscal Year 2017 called for the metric to include illicit drug removals by all DHS maritime security components, but DHS only provided data on removals by the U.S. Coast Guard.

Limitations

We identified:

- DHS did not explain in its report why it only included data from the U.S. Coast Guard. DHS officials said that the U.S. Coast Guard is the primary DHS component involved in this activity and was the only component that provided data for this metric, but this was not noted in the report.
- According to U.S. Coast Guard officials, some of the data for fiscal 2013 was misreported. Specifically, the quantity removed for methamphetamine should be 0 (report shows 17.4) while the value should be 7.9 kilograms for heroin (report shows 0).

Additional information

None.

Maritime Border Domain

Cocaine Removal Effectiveness Rate

Description

This metric is a rate comparing the amount of cocaine removed by the Department of Homeland Security (DHS) maritime security components inside and outside the maritime transit zone to the total documented cocaine flow rate.[33] DHS used estimates of noncommercial maritime cocaine flow from the Consolidated Counter Drug Database, which are derived from intelligence reporting and case data.

Source: U.S. Coast Guard. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

DHS identified: There is less robust intelligence on noncommercial maritime cocaine flow outside the transit zone than inside the transit zone, so data for outside the transit zone are not considered reliable.

We identified:

Precise cocaine flow estimates through a particular mode or domain can be difficult to obtain. In our prior work, officials with the Office of National Drug Control Policy and other departments and agencies involved in U.S. counternarcotics efforts told us that it is difficult to obtain precise estimates of cocaine flow because of the difficulty in obtaining specific information about the production of cocaine and how it gets to the United States.[34] We have also previously reported that when confronted with threats to their activities, drug-trafficking organizations use a variety of techniques to quickly change their modes of operation, thus

[33]The National Defense Authorization Act for Fiscal Year 2017 defines the transit zone as the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States. The Joint Interagency Task Force South, under the U.S. Southern Command, oversees detection and monitoring operations of drug smuggling in the transit zone, relying on the vessel and aircraft resources provided by the U.S. Coast Guard, other federal agencies and allied countries.

[34]GAO *Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations,* GAO-06-200 (Washington, D.C.: Nov. 15, 2005).

avoiding capture of their personnel and seizure of their illegal drugs. For example, when air interdiction efforts have proven successful, traffickers have increased their use of maritime and overland transportation routes.[35]

Additional information

According to U.S. Coast Guard officials, DHS officials hold quarterly inter-agency meetings to review the reliability of performance data related to cocaine interdiction performance.

[35]GAO *Drug Control: Long-Standing Problems Hinder U.S. International Efforts*, GAO/NSIAD-97-75 (Washington, D.C.: Feb. 27, 1997).

Air and Marine Security in the Land Domain

Air and Marine Operations (AMO) is a federal law enforcement agency within CBP that interdicts unlawful people and cargo approaching U.S. borders, investigates criminal networks, and provides domain awareness in the air and maritime environments, among other things.[36] The metrics in this domain measure AMO's flight hours, individuals detected, and apprehensions, among other things. DHS included 7 of 8 metrics within this domain called for in the NDAA in its fiscal year 2017 *Border Security Metrics Report*, as shown in table 7.

Table 7: Status of Air and Marine Security Metrics in the Land Domain in the Department of Homeland Security's (DHS) Fiscal Year 2017 Border Security Metrics Report

Metric number	Metric	Included in the fiscal year 2017 *Border Security Metrics Report*	Not included in the fiscal year 2017 *Border Security Metrics Report*
1	Flight hour effectiveness rate [a]	yes	
2	Funded flight hour effectiveness rate [b]	yes	
3	Air and Marine Operations (AMO) readiness rate [c]	yes	
4	AMO weather-related cancellation rate[d]	yes	
5	AMO individuals detected[e]	yes	
6	AMO apprehensions assisted[f]	yes	
7	Illicit drug seizures assisted by AMO[g]	yes	
8	AMO actionable intelligence[h]		yes

Source: GAO analysis of DHS's fiscal year 2017 *Border Security Metrics Report*. | GAO-19-305

[a]A flight hour effectiveness rate, which compares AMO flight hours requirements to the number of flight hours flown by AMO. 6 U.S.C. § 223(e)(1)(A).

[b]A funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to AMO to the number of actual flight hours flown by AMO. Id. at § 223(e)(1)(B).

[c]A readiness rate, which compares the number of aviation missions flown by AMO to the number of aviation missions cancelled by AMO due to maintenance, operations, or other causes. Id. at § 223(e)(1)(C).

[d]The number of missions cancelled by AMO due to weather compared to the total planned missions. Id. at § 223(e)(1)(D).

[e]The number of individuals detected by AMO through the use of unmanned aerial systems and manned aircraft. Id. at § 223(e)(1)(E).

[f]The number of apprehensions assisted by AMO through the use of unmanned aerial systems and manned aircraft. Id. at § 223(e)(1)(F).

[g]The number and quantity of illicit drug seizures assisted by AMO through the use of unmanned aerial systems and manned aircraft. Id. at § 223(e)(1)(G).

[h]The number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft. Id. at § 223(e)(1)(H). DHS reported that the "AMO actionable intelligence" metric was under review and estimated that the department would provide information on this metric in its fiscal year 2019 report to Congress.

[36]Interdiction means to intercept, apprehend, or disrupt threats in the land, sea, and air domains as they move toward or across the U.S. borders.

DHS reported that the "AMO actionable intelligence" metric was under review and estimated that the department would provide information on this metric in its 2019 annual report to Congress.

Air and Marine Security in the Land Domain

Flight Hours Effectiveness Rate

Description

This metric is a rate comparing the number of flight hour requirements to the number of flight hours flown by Air and Marine Operations (AMO) in the land domain.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

Department of Homeland Security (DHS) identified: Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.
We identified: DHS used the terms "funded flight hours," "unfunded flight hours," and "unconstrained flight hours" in the report without clearly defining them. AMO officials stated that a definition of these terms will be included in the next report.

Additional information

AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

Air and Marine Security in the Land Domain

Funded Flight Hours Effectiveness Rate

Description

This metric is a rate comparing the number of funded flight hours appropriated to Air and Marine Operations (AMO) to the number of actual flight hours flown.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

Department of Homeland Security (DHS) identified: Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.

Additional information

AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

AMO Readiness Rate

Description

This metric is a rate comparing the number of aviation missions flown by Air and Marine Operations (AMO) to the number of aviation missions cancelled by AMO due to maintenance, operations, or other causes.

Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

For the denominator for this rate, the National Defense Authorization Act for Fiscal Year 2017 only requested the number of missions cancelled due to causes within AMO control, such as maintenance, personnel, and asset availability. However, the Department of Homeland Security (DHS) used the total number of mission requests, which also includes the number of missions flown in addition to the number of missions cancelled for reasons within AMO control.

Limitations

DHS identified: Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.

Additional information

AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

Air and Marine Security in the Land Domain

AMO Weather-Related Cancelation Rate

Description

This metric is a rate comparing the number of missions cancelled by Air and Marine Operations (AMO) due to weather compared to the total planned missions.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

Department of Homeland Security (DHS) identified: Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.

Additional information

AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

AMO Individuals Detected

Description

This metric is a count of the number of individuals detected by Air and Marine Operations (AMO) through the use of unmanned aerial systems and manned aircraft.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None identified.

Limitations

Department of Homeland Security (DHS) identified:

- Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.
- DHS data on detections from manned aircraft were limited to those that led to apprehensions and arrests, and data from unmanned aircraft were limited to the number of Vehicle and Dismount Exploitation Radar (VADER) detections.[37] AMO did not track data from all sensors on unmanned and manned aircraft, and considers this metric to be a work in progress.

We identified: In February 2017 we reported that some mission data (such as asset assists) for unmanned aerial systems were collected inconsistently across operation locations, which could affect the accuracy of the counts provided.[38] We recommended that U.S. Customs and Border Protection—of which AMO is a component—update and maintain guidance for recording mission information in its data collection system, and provide training to users of the system. DHS completed implementation of these recommendations in July 2018. Although the recommendations have been implemented, this limitation is relevant because the data presented (for fiscal year 2016) were collected prior to their implementation.

Additional information and planned actions by the Department of Homeland Security

DHS expects to provide more comprehensive data for this metric in the next annual report. AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

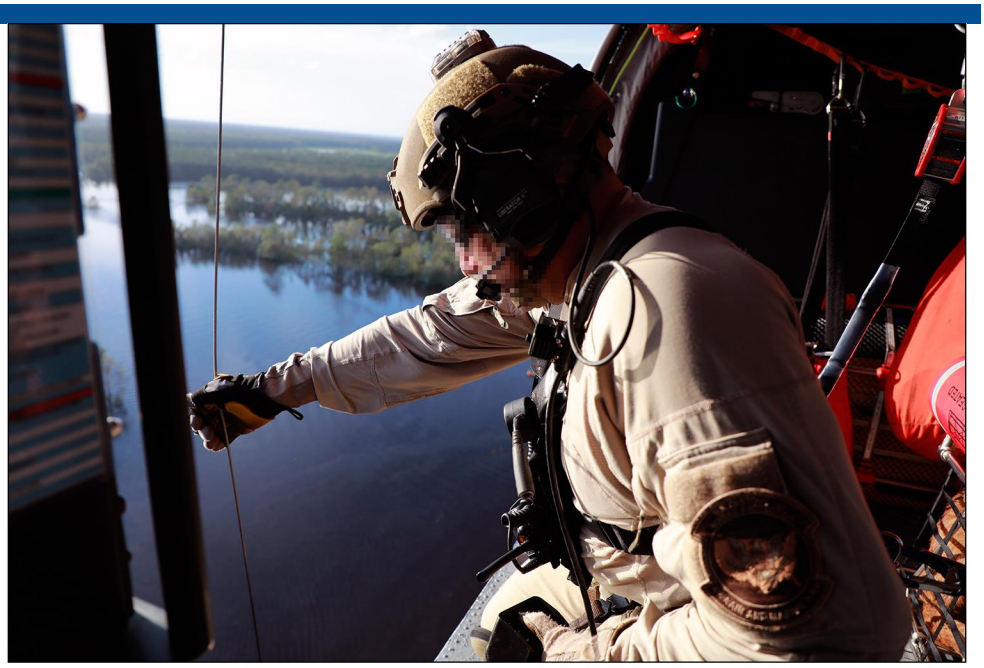
[37]VADER is a radar system that collects radar images of moving objects. U.S. Customs and Border Protection tracks the number of detections of cross-border illegal activity made using VADER equipped on its Predator B aircraft.

[38]GAO, *Border Security: Additional Actions Needed to Strengthen Collection of Unmanned Aerial Systems and Aerostats Data,* GAO-17-152 (Washington, D.C.: Feb. 16, 2017).

AMO Apprehensions Assisted

Description

This metric is a count of the number of apprehensions assisted by Air and Marine Operations (AMO) through the use of unmanned aerial systems and manned aircraft.



Source: U.S. Customs and Border Protection. | GAO-19-305

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None.

Limitations

Department of Homeland Security (DHS) identified: Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.

We identified: In February 2017 we reported that some mission data (such as asset assists) for unmanned aerial systems were collected inconsistently across operation locations, which could affect the accuracy of the counts provided. [39] We recommended that U.S. Customs and Border Protection—of which AMO is a component—update and maintain guidance for recording mission information in its data collection system, and provide training to users of the system. DHS completed implementation of these recommendations in July 2018.

Although the recommendations have been implemented, this limitation is relevant because the data presented (for fiscal year 2016) were collected prior to their implementation.

Additional information

[39] GAO-17-152.

In addition to the number of apprehensions assisted, DHS also provided the number of enforcement flight hours used for the assists. AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

Illicit Drug Seizures Assisted by AMO

Description

This metric is a count of the number and quantity of illicit drug seizures assisted by Air and Marine Operations (AMO) through the use of unmanned aerial systems and manned aircraft.

Differences between the National Defense Authorization Act for Fiscal Year 2017 and the Department of Homeland Security's report

None.

Limitations

Department of Homeland Security (DHS) identified: Data prior to fiscal year 2016 were unavailable. According to AMO officials, this is because AMO did not collect these data prior to fiscal year 2016, or because older data were not comparable.
We identified: In February 2017 we reported that some mission data (such as asset assists) for unmanned aerial systems were collected inconsistently across operation locations, which could affect the accuracy of the counts provided.[40] We recommended that U.S. Customs and Border Protection—of which AMO is a component—update and maintain guidance for recording mission information in its data collection system, and providing training to users of the system. DHS completed implementation of these recommendations in July 2018. Although the recommendations have been implemented, this limitation is relevant because the data presented (for fiscal year 2016) were collected prior to their implementation.

Additional information

In addition to the drug seizures assisted (in pounds), DHS also provided the number of enforcement flight hours used for the assists. AMO officials said they have taken steps to improve how they track flight hour data, such as by adding new data fields to AMO's system and providing training to staff.

[40] GAO-17-152.