United States Government Accountability Office

Report to the Committee on Homeland Security and Governmental Affairs, U.S. Senate

August 2019

LAND PORTS OF ENTRY

CBP Should Update Policies and Enhance Analysis of Inspections

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Why GAO Did This Study

CBP, within the Department of Homeland Security (DHS), is the lead federal agency charged with a dual mission of facilitating the flow of legitimate travel and trade at the nation's borders while keeping terrorists and their weapons, criminals and their contraband, and inadmissible aliens out of the country. GAO was asked to review CBP's process for inspecting passenger vehicles, pedestrians, and commercial vehicles at land POEs to secure the border. This report examines to what extent CBP (1) has processes and policies for inspections, (2) monitors inspection activities, and (3) has measures to assess its efforts to detect illegal activity of passengers, pedestrians, and commercial vehicles at land POEs. To address these questions, GAO analyzed CBP documents and data related to inbound inspections; interviewed officials; and observed operations at a non-generalizable sample of seven land POEs, selected to reflect a range of traffic volumes and geographic locations, among other things. This is a public version of a sensitive report that GAO issued in June 2019. Information that DHS deemed sensitive has been omitted.

What GAO Recommends

GAO recommends that CBP: (1) review and update policies related to land POE inspections in accordance with CBP guidance; (2) analyze the SIP results to identify and address reoccurring inspection deficiencies at individual POEs; (3) implement a policy to conduct periodic comprehensive analyses of covert test findings; and (4) develop a more ambitious target for the land border interception rate measure. DHS concurred.

View GAO-19-658. For more information, contact Rebecca Gambler at (202) 512-8777 or gamblerr@gao.gov.

What GAO Found

U.S. Customs and Border Protection (CBP) has processes for inspecting passenger vehicles, pedestrians, and commercial vehicles at U.S. land ports of entry (POE). These processes include reviewing travel documents, screening against law enforcement databases, and using canines and X-ray equipment (see figure below). However, because CBP has not updated many of its policies—in a few cases for almost 20 years—they do not always reflect changes in technology or processes, such as those for conducting searches and handling fentanyl. By reviewing and updating policies, CBP could help ensure officers have guidance needed to consistently and properly perform inspections.

X-Ray Image of a Commercial Vehicle with Indicators of Contraband Smuggling

Source: U.S. Customs and Border Protection. | GAO-19-658

CBP has various mechanisms at the port, field office, and national levels to monitor inspection activities at land POEs, but opportunities exist to enhance analysis of the results from its national level Self-Inspection Program (SIP) and covert operational testing. The SIP is an annual self-assessment that POEs are to conduct to determine compliance with CBP policies. CBP analyzes the results of the SIP annually to identify systemic compliance issues across CBP that year; however, it does not analyze noncompliance at individual POEs over time. By analyzing these data, CBP could better identify and address deficiencies at individual POEs. In addition, CBP has produced three comprehensive assessments, which analyzed aggregated results for certain types of covert tests, such as fraudulent document tests, conducted at land POEs in fiscal years 2013, 2014, and 2018. However, CBP has not done so for other types of tests, such as canine contraband detection tests, conducted from fiscal years 2013 through 2018. By implementing a policy for periodically conducting such analyses, CBP could identify vulnerabilities, trends, and best practices occurring more broadly.

CBP uses various sets of measures to assess its efforts to detect illegal activity at land POEs. CBP performance measures generally reflect the key attributes of effective measures, but CBP does not set an ambitious and realistic target for one measure. CBP's target for the land border interception rate—the estimated percentage of major violations in privately-owned vehicles that CBP intercepts out of the projected total number of major violations—is lower than the actual reported rate for fiscal years 2015 through 2018. A more ambitious target for the interception rate would better encourage CBP to review past performance of inspection activities that impact the measure and challenge CBP to identify ways to improve performance.

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Abbreviations

CBP	U.S. Customs and Border Protection
COMPEX	Compliance Examination
DHS	Department of Homeland Security
e-manifest	electronic manifest
ELMOrf	Enforcement Link Mobile Operations Red Flag
FAST	Free and Secure Trade
POE	port of entry
MID	Management Inspections Division
NDAA	National Defense Authorization Act for Fiscal Year 2017
NII	non-intrusive inspection
OFO	Office of Field Operations
OFTD	Operational Field Testing Division
PPAE	Planning, Program, Analysis, and Evaluation
QAED	Quality Assurance Enterprise Division
RFID	Radio Frequency Identification
SENTRI	Secure Electronic Network for Travelers Rapid Inspection
SIP	Self-Inspection Program

August 6, 2019

The Honorable Ron Johnson
Chairman
The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

In fiscal year 2018, about 104 million passenger vehicles, 46 million pedestrians, and 12 million commercial vehicles entered the United States through 110 land ports of entry (POE) along the border, according to U.S. Customs and Border Protection (CBP).[1] Within the Department of Homeland Security (DHS), CBP is the lead federal agency charged with a dual mission of facilitating the flow of legitimate travel and trade at our nation's borders while also keeping terrorists and their weapons, criminals and their contraband, and inadmissible aliens out of the country.

Land POEs continue to be a key drug smuggling route for Mexican transnational criminal organizations. According to the Drug Enforcement Administration, the most common smuggling method used by Mexican transnational criminal organizations involves transporting illicit drugs through U.S. land POEs in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor trailers.[2] In fiscal year 2018, CBP data show that it had seized nearly 363,000 pounds of drugs at land POEs, including approximately 265,000 pounds of marijuana, 70,000 pounds of methamphetamine, 20,000 pounds of cocaine, and 1,400 pounds of fentanyl, among other drugs.[3]

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[1]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 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 applying for admission into, the United States pursuant to U.S. immigration and travel controls. A single land port of entry may be composed of one or more crossings.

[2]U.S. Department of Justice, Drug Enforcement Administration, *2018 National Drug Threat Assessment*, DEA-DCT-DIR-032-18 (October 2018).

[3]Methamphetamine includes crystal methamphetamine.

Enforcing U.S. immigration law, including by detecting and interdicting the illegal movement of people, is also a key part of CBP's border security mission. According to CBP, its officers encountered nearly 139,000 inadmissible individuals at land POEs in fiscal year 2018.[4] The lack of required travel documents, such as a visa, was the most common reason cited by CBP for determining individuals to be inadmissible.

You asked us to review CBP's process for inspecting passenger vehicles, pedestrians, and commercial vehicles at land POEs to secure the border. This report addresses the following questions:

1. To what extent does CBP have processes and policies in place for inspection of passengers, pedestrians, and commercial vehicles at land POEs?

2. To what extent does CBP monitor inspection activities at land POEs?

3. To what extent does CBP have measures to assess its efforts to detect illegal activity of passengers, pedestrians, and commercial vehicles at land POEs?

This report is a public version of a sensitive report that we issued in June 2019.[5] DHS deemed some of the information in our June report to be sensitive, which must be protected from public disclosure. Therefore, this report omits sensitive information about the results of certain monitoring activities, planned actions to address deficiencies identified through these monitoring activities, and information on one performance measure. Although the information provided in this report is more limited, the report addresses the same objectives as the sensitive report and uses the same methodology.

To address all of the above questions, we focused on inbound inspection activities at land POEs designed to identify and interdict contraband, such

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[4]Upon inspection by a CBP officer at a U.S. port of entry, an individual may be determined to be inadmissible to the United States and denied admission if they fall within the classes of inadmissibility defined in the Immigration and Nationality Act, as amended, Pub. L. No. 82-414, tit. II, ch. 2, § 212(a), 66 Stat. 163, 182-87 (1952) (classified, as amended, at 8 U.S.C. § 1182(a)); e.g., foreign nationals who have engaged in terrorist or criminal activities or previously violated U.S. immigration law.

[5]GAO, *Land Ports of Entry: CBP Should Update Policies and Enhance Analysis of Inspections,* GAO-19-400SU (Washington, D.C.: June 13, 2019).

as narcotics, and determine the admissibility of travelers.[6] We analyzed CBP policies, procedures, and reports on inbound inspections. We also visited a nonprobability sample of land POEs to observe inspections and interview CBP POE officials on inspection processes, efforts to monitor the implementation of inspection activities, and use of performance measures. Specifically, we conducted site visits to seven POEs: Nogales and Douglas, AZ; San Ysidro and Otay Mesa, CA; El Paso and Marcelino Serna, TX, and Buffalo-Niagara Falls, NY. We selected these land POEs using a combination of the following factors: a range of traffic volume; presence of crossings for passenger vehicles, pedestrians, and commercial vehicles; a range of geographic locations; proximity to other ports; and presence of unique or new inspection processes or technology. The results of our site visits cannot be generalized more broadly to all land POEs. However, they provide important context and insights into how CBP is conducting, monitoring, and assessing the effectiveness of inspections. During our site visits we also interviewed CBP Field Office officials responsible for overseeing land POE operations. Further, we interviewed CBP headquarters officials responsible for overseeing inspection processes, policies, technology, efforts to monitor and assess compliance, and performance measurement at land POEs.

To determine the extent to which CBP has processes and policies in place for the inspection of passengers, pedestrians, and commercial vehicles at land POEs, we also analyzed DHS and CBP directives, policy memoranda, standard operating procedures, and documentation on technology. These processes include the use of law enforcement databases, non-intrusive inspection equipment, and canines to screen

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[6]For the purposes of this report, we focused on inspection activities to determine admissibility and did not assess DHS's processing of individuals seeking immigration relief or protection. We have ongoing work on DHS's processing of families and individuals seeking asylum at the border; we expect to complete that work later in 2019. In addition to its anti-terrorism, narcotics interdiction, and immigration law enforcement responsibilities at land POEs, CBP is also responsible for inspecting international mail, enforcing trade, and inspecting agriculture to protect against pests and diseases. For additional information on CBP's efforts in these areas, see GAO, *International Mail Security: Costs and Benefits of Using Electronic Data to Screen Mail Need to Be Assessed*, GAO-17-606 (Washington, D.C.: Aug. 2, 2017); *Customs and Border Protection: Improved Planning Needed to Strengthen Trade Enforcement,* GAO-17-618 (Washington, D.C.: June 12, 2017); and *Agricultural Quarantine Inspection Fees: Major Changes Needed to Align Fee Revenues with Program Costs*, GAO-13-268 (Washington, D.C.: Mar. 1, 2013).

individuals, vehicles, and cargo seeking entry to the United States.[7] We assessed the timeliness of CBP's policies using CBP's *Office of Field Operations Policy Management Handbook*, which establishes guidelines for reviewing and updating CBP policies.[8]

To determine the extent to which CBP monitors inspection activities at land POEs, we also analyzed CBP documentation, including directives, policy memoranda, standard operating procedures, reports, and assessments. Additionally, we analyzed Self-Inspection Program (SIP) reports and data from 2013 to 2018 to determine the extent to which CBP analyzes SIP results.[9] To assess the reliability of SIP data, we reviewed documentation on system controls, interviewed knowledgeable CBP officials, and analyzed the data for any potential gaps and errors. We determined the data were sufficiently reliable for the purposes of reporting SIP results related to operations at land POEs for 2013 through 2018. To determine the extent the CBP analyzes covert testing at land POEs, we analyzed test protocols, summaries of test results, and comprehensive assessments of aggregated test results from fiscal years 2013 through 2018. We assessed CBP's monitoring efforts using *Standards for Internal Control in the Federal Government*, including the standards related to using quality information to support internal control systems, remediating deficiencies, and documenting policies.[10]

To determine the extent to which CBP has measures to assess its efforts to detect illegal activity of passengers, pedestrians, and commercial vehicles at land POEs, we reviewed CBP reported performance data from fiscal years 2013 through 2018, a time period chosen to show recent

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[7]Non-intrusive inspection technology includes large-scale X-ray and Gamma-ray imaging systems that are designed to help CBP detect narcotics and weapons, or materials that pose potential nuclear and radiological threats, without requiring a CBP officer to physically open or offload passenger or commercial vehicles.

[8]CBP, *Office of Field Operations Policy Management Handbook,* HB 2110-006 (Jan. 8, 2016).

[9]The Self-Inspection Program (SIP) uses a self-assessment approach in which CBP managers responsible for implementing policies and procedures complete worksheets designed to determine whether their office is complying with federal laws, regulations, CBP policies, and other requirements. SIP is used to monitor operations CBP-wide, but for the purposes of this report, we focused on SIP data and reports related to operations at land POEs. We selected the time period from fiscal year 2013 through 2018 to identify recent efforts to monitor the implementation of inspection policies at land ports of entry.

[10]GAO, *Standards for Internal Control in the Federal Government,* GAO-14-704G (Washington, D.C.: Sept. 2014).

trends in performance. To assess the reliability of the data, we reviewed documentation on the methodology to calculate performance measures and relevant systems, interviewed knowledgeable CBP officials, and analyzed the data for any potential errors. We found the data were sufficiently reliable for the purposes of reporting recent performance results. We also analyzed documents, including performance and accountability reports, strategic plans, and management reports. We assessed CBP's performance measures using the attributes of successful performance measures we have previously identified.[11]

The performance audit upon which this report is based was conducted from January 2018 to June 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. We subsequently worked with DHS from June 2019 to August 2019 to prepare this version of the original sensitive report for public release. This public version was also prepared in accordance with these standards.

Background

Roles and Responsibilities

CBP's Office of Field Operations (OFO) is responsible for inspecting pedestrians, passengers, and cargo at 110 land POEs, which have a combined total of 173 crossings (see figure 1). OFO has 20 field offices

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[11]We previously identified key attributes of effective performance measures based on our prior work, Office of Management and Budget Circular No. A-11, and the Government Performance and Results Act of 1993, among other sources. See GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures,* GAO-03-143 (Washington, D.C.: Nov. 22, 2002); *Defense Health Care Reform: Additional Implementation Details Would Increase Transparency of DOD's Plans and Enhance Accountability,* GAO-14-49 (Washington, D.C.: Nov. 6, 2013).

nationwide that oversee the operations of all POEs within their designated areas of responsibility.[12]

Figure 1: Land Border Crossings

Source: GAO analysis of U.S. Customs and Border Protection information; MapInfo (map). | GAO-19-658

Note: The port of entry in Portland, ME processes passenger vehicles traveling from Canada by ferry.

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[12]OFO field offices oversee all types of POEs—air, sea, and land—within their area of responsibility. In addition to OFO, other federal agencies may play a role in screening or examining certain products and wildlife entering the United States through land POEs. For example, the U.S. Food and Drug Administration is responsible for helping to ensure that certain imported food products meet statutory and regulatory requirements, and the U.S. Fish and Wildlife Service is responsible for enforcing wildlife import regulations.

Traveler and Cargo Entry Requirements

Travelers seeking entry to the United States through a land POE are required to present valid travel documents.[13] In response to a recommendation from the 9/11 Commission and the Intelligence Reform and Terrorism Prevention Act of 2004, DHS and the Department of State implemented the Western Hemisphere Travel Initiative, which requires all travelers to present documents that denote identity and citizenship, such as a passport, when entering the United States.[14] Foreign nationals may have particular travel document requirements, such as a visa or other entry permit, which vary based on such factors as nationality and the purpose of travel.[15] See table 1 for examples of the types of acceptable documents for travelers coming into the United States through land POEs.

Table 1: Document Requirements for Entering the United States through a Land Port of Entry

Traveler Type	Examples of Acceptable Documents
U.S. citizens	U.S. Passport, Passport Card, Enhanced Driver's License, Trusted Traveler Program Card[a], or Form I-872 American Indian Card
U.S. and Canadian citizens under the age of 16	Birth certificate or other proof of citizenship
U.S. Lawful Permanent Residents	Permanent resident card
Canadian citizens	Passport, Enhanced Driver's License, or Trusted Traveler Program Card[a]
Mexican citizens	Passport with visa or Border Crossing Card[b]
Other foreign nationals	Passport with visa or passport with Electronic System for Travel Authorization approval for travelers from countries participating in the Visa Waiver Program

Source: GAO analysis of Department of Homeland Security and Department of State information. | GAO-19-658

[13]8 U.S.C. §§ 1185 (travel control of citizens and aliens), 1225 (inspection of aliens arriving in the United States who are deemed applicants for admission); 8 C.F.R. pts. 215 subpt. A (alien departure controls), 235 (inspection of persons applying for admission).

[14]Pub. L. No. 108-458, tit. VII, subtit. B, § 7209, 118 Stat. 3638, 3823-24 (classified at 8 U.S.C. § 1185 note).

[15]An individual seeking to come to the United States from abroad must obtain a visa or other authorization permitting the person to travel to, and present for inspection at a U.S. POE. At the POE, a CBP officer may admit the individual for an authorized period of stay or on a permanent basis, depending on whether the person is seeking entry as a temporary nonimmigrant or an immigrant, respectively. For additional information on visas, see GAO, *Nonimmigrant Visas: Outcomes of Applications and Changes in Response to 2017 Executive Actions*, GAO-18-608 (Washington, D.C.: Aug. 7, 2018); *Border Security: Actions Needed to Strengthen Performance Management and Planning for Expansion of DHS's Visa Security Program*, GAO-18-314 (Washington, D.C.: Mar. 20, 2018); and *Visa Waiver Program: DHS Should Take Steps to Ensure Timeliness of Information Needed to Protect U.S. National Security*, GAO-16-498 (Washington, D.C.: May 5, 2016).

There are also documentary requirements for commercial vehicles with cargo seeking entry into the United States. The Trade Act of 2002,[16] as amended, establishes requirements for commercial vehicles with cargo to electronically submit information to CBP at least 1 hour in advance of arrival at a land POE.[17] The information required includes data on the vehicle (e.g., Vehicle Identification Number or license plate number), the shipper, the carrier, scheduled date and time of arrival, and the description and weight of the cargo, among other things. Commercial vehicles with cargo valued less than $2,500 are considered "informal entries" that are exempt from the advance cargo information reporting requirements.

CBP Has Processes for Inspections at Land POEs, But Has Not Updated Related Policies Consistent with CBP Guidance

[16]Pub. L. No. 107-210, div. A, tit. III, subtit. A, ch. 4, § 343, 116 Stat. 933, 981-85 (classified at 19 U.S.C. § 1415).

[17]Free and Secure Trade (FAST) shipments may submit information 30 minutes in advance. Participation in FAST requires that every link in the supply chain, from manufacturer to carrier to driver to importer is certified under the Customs-Trade Partnership Against Terrorism program. For additional information on this program, see GAO, *Supply Chain Security: Providing Guidance and Resolving Data Problems Could Improve Management of the Customs-Trade Partnership Against Terrorism Program,* GAO-17-84 (Washington, D.C.: Feb. 8, 2017).

CBP's Inspection Processes Include Screening to Identify Higher-Risk Travelers, Vehicles and Cargo and Conducting Physical Inspections

CBP inspects travelers and cargo seeking to enter the country through land POEs. These inspections involve a targeting process in which CBP uses law enforcement databases to identify and target higher-risk passengers, pedestrians, commercial vehicles, and cargo before arrival at a land POE.

Targeting. CBP uses law enforcement, intelligence, and other enforcement data to identify higher-risk individuals, vehicles, or cargo for additional scrutiny upon their arrival at a land POE. Most cargo-carrying commercial vehicles must submit an electronic manifest (e-manifest) with information on the shipment to CBP at least 1 hour in advance of arrival at a land POE. CBP personnel at the POEs are to use the e-manifest and CBP's Automated Targeting System to identify high-risk inbound cargo. The Automated Targeting System is a decision support tool that compares traveler, cargo, and conveyance information against law enforcement, intelligence, and other enforcement data using risk-based targeting scenarios and assessments. It draws on many law enforcement, intelligence, and other enforcement databases, including the Terrorist Screening Database, the Department of Justice's National Crime Information Center, the Social Security Administration Death Master File, and the National Insurance Crime Bureau's private database of stolen vehicles.[18] CBP policy requires that high-risk cargo be targeted for additional research and analysis and generally will also require the high-risk cargo to undergo a secondary examination once it arrives at the POE.

In addition, CBP personnel at the POEs or field offices may review seizure and arrest reports, and other law enforcement information to identify individuals or vehicles that have associations with known criminals and place a "lookout" on them in TECS, CBP's system for processing travelers. TECS will flag travelers with lookouts for additional inspection if they arrive at the land POE. CBP personnel at the POEs or field offices may also use this information to develop products on recent trends that can help inform inspections.

Once passengers, pedestrians, and commercial vehicles arrive at a land POE, CBP has various processes for inspecting them, including

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[18]A more complete list of these databases can be found in the Privacy Impact Assessment for the Automated Targeting System. See DHS, *Privacy Impact Assessment Update for the Automated Targeting System,* DHS/CBP/PIA-006(e) (Washington, D.C.: Jan.13, 2017).

preprimary, primary, and secondary inspections, as explained below (see figure 2).

Figure 2: Passenger Vehicle, Pedestrian, and Commercial Vehicle Inspections at Land Ports of Entry

Preprimary inspection	Primary inspection	Secondary inspection	Exit
During the preprimary inspection, information on travelers and vehicles may be collected in advance of the primary inspection. This information is collected via technology such as Radio Frequency Identification (RFID) and license plate readers. Passenger and commercial vehicles also drive through radiation detectors.	During the primary inspection, U.S. Customs and Border Protection (CBP) officers inspect travelers, vehicles, and cargo to determine compliance with U.S. law and admissibility to the United States. Inspection activities include officers' review of travel documents, interview of travelers, and checks of information against law enforcement databases. Travelers, vehicles, and cargo that are determined admissible at primary inspection are admitted to the United States. If the officer cannot complete the inspection (e.g., cannot determine admissibility), then the traveler or cargo is referred for a secondary inspection.	During the secondary inspection, travelers, vehicles, or cargo undergo additional inspection. A secondary inspection could include physical or canine searches and x-ray examinations, among other things. CBP officers are to determine whether or not travelers, vehicles, and cargo referred for secondary are admissible to the United States.	

Passenger vehicles

STATE
ABC-123

Pedestrian

Luggage X-ray

Commercial vehicles

Source: GAO analysis of CBP information. | GAO-19-658

Preprimary. In the preprimary area, both commercial vehicles and passenger vehicles will generally pass through radiation portal monitors that are designed to detect radiation and help prevent the smuggling of nuclear material into the United States (see figure 3).[19]

Figure 3: Radiation Portal Monitors at a U.S. Land Port of Entry
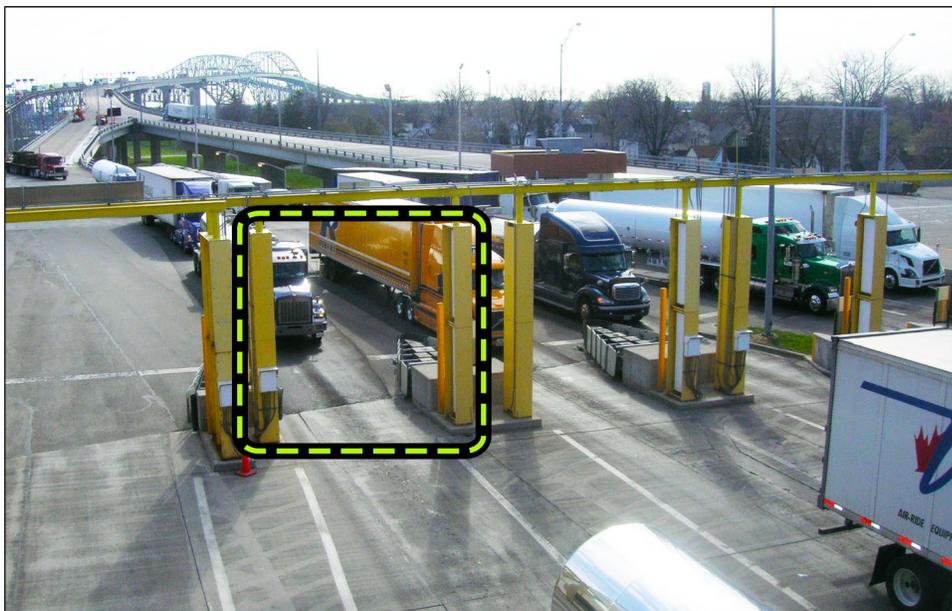
Source: GAO. | GAO-19-658

In the passenger vehicle environment, the preprimary area also contains license plate readers and Radio Frequency Identification (RFID) readers to capture information on vehicles and RFID-enabled travel documents. Examples of RFID-enabled travel documents include passport cards and border crossing cards. When a vehicle enters the preprimary inspection lane, a sensor grid determines that a vehicle has entered the lane. The sensors deploy a flash strobe that illuminates the area and license plate reader cameras take a picture of the front and rear of the vehicle. The information associated with the license plate number is run against law enforcement databases to alert the officer during the primary inspection if there is a potential issue with the vehicle or its occupants. Similarly, as a

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[19]For additional information on radiation portal monitors, see GAO, *Radiation Portal Monitors: DHS's Fleet Is Lasting Longer than Expected, and Future Acquisitions Focus on Operational Efficiencies*, GA0-17-57 (Washington, D.C.: Oct. 31, 2016).

vehicle approaches the primary inspection area, travelers are directed to hold up their RFID travel documents to be read by RFID readers. Some land POEs may also have RFID readers for pedestrians. See figure 4 for examples of a license plate reader and RFID reader.

Figure 4: License Plate Reader and Radio Frequency Identification Reader at U.S. Land Ports of Entry
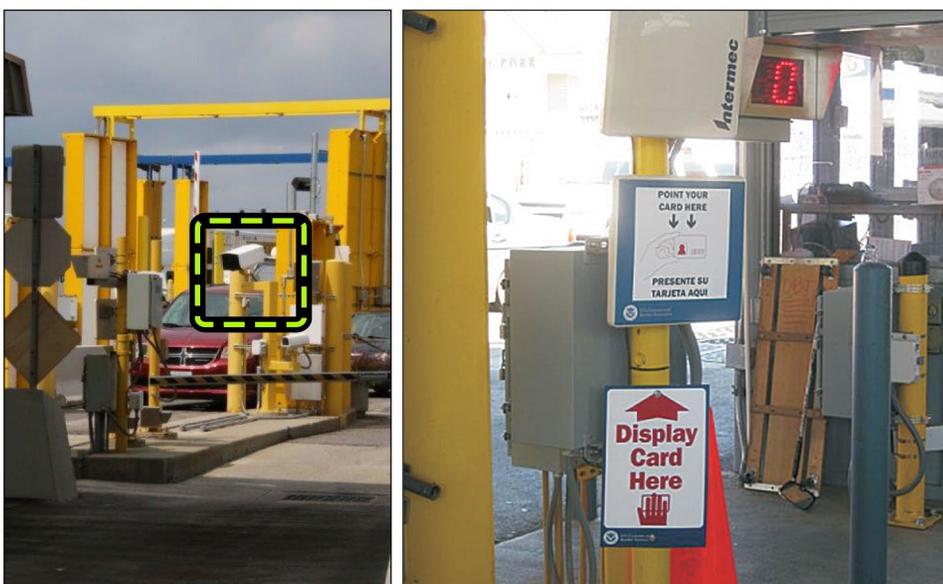
Source: GAO. | GAO-19-658

The preprimary area is also used to direct travelers to different lanes according to the type of travel documents they have. For example, CBP may use signs to designate specific lanes for travelers with RFID or other machine readable documents ("Ready lanes") or for trusted travelers (see figure 5).[20]

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[20]Trusted travelers are individuals enrolled in one of four CBP programs—Global Entry, NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI) and Free and Secure Trade (FAST)—for expedited travel through designated lanes at POEs. For additional information, see GAO, *Trusted Travelers: Programs Provide Benefits, but Enrollment Processes Could Be Strengthened*, GAO-14-483 (Washington, D.C.: May 30, 2014).

Figure 5: Signs for Different Types of Travel Documents at a U.S. Port of Entry Pedestrian Crossing

Source: U.S. Customs and Border Protection. | GAO-19-658

Primary inspection. During the primary inspection, CBP officers inspect travelers, vehicles, and cargo to determine compliance with U.S. law and admissibility to the United States. A CBP officer is to examine travel documents to ensure their validity and visually match the traveler to the photo identification to confirm the traveler's identity. All travelers' names and license plates generally are to be screened against law enforcement databases. As previously discussed, this screening process may begin in the preprimary area when license plate and RFID readers collect data on vehicles and travelers with RFID travel documents. CBP officers may also manually enter data on travelers and vehicles during the primary inspection. A CBP officer is to interview travelers to obtain a declaration of citizenship, the purpose of travel, and items acquired outside the United States. For commercial vehicles, the CBP officer may also review the manifest and the results of targeting, if any. All CBP officers conducting primary inspections are to wear personal radiation detectors— small devices designed to be worn on a belt—to help detect radiation and help ensure the safety of officers and the traveling public.

If the inspection cannot be completed at the primary inspection location, a more thorough inspection is required and the travelers, vehicles, or cargo are to be referred for secondary inspection. Travelers, vehicles, or cargo can be directed to secondary inspection for a wide range of issues, including when:

- radiation is detected (either on the traveler or from his or her vehicle),
- the traveler does not have required travel documents,
- the officer has questions about the validity of travel documents,
- the traveler's information matches information that may be of concern from law enforcement or intelligence data, or
- the officer suspects that the traveler is carrying contraband.

Foreign visitors to the United States (with the exception of Canadian citizens and Mexican citizens using border crossing cards) may also be referred to secondary inspection to complete processing of their admission records, referred to as Form I-94s. Additionally, CBP selects passenger vehicles at random to be sent to a secondary inspection for a Compliance Examination (COMPEX). COMPEX is a program designed to help measure the effectiveness of CBP's inspections and is discussed in more detail later in this report.

Secondary inspection. A secondary inspection may include a CBP officer conducting further questioning of travelers or additional examination of the traveler, vehicle, or cargo. CBP may use canines, non-intrusive inspection (NII) X-ray, Gamma-ray, or radiation detection equipment, or physically examine the traveler, vehicle, or cargo. CBP may also examine a traveler's electronic devices, such as computers, tablets, and mobile phones.[21] To examine cargo, CBP may require the contents to be offloaded. When foreign visitors are referred to a secondary inspection to process Form I-94 admission records, CBP officers are to conduct interviews and additional database screening, including biometric checks of fingerprints. CBP policy calls for documentation, immigration, and other admissibility issues to be resolved before a traveler or vehicle is permitted to enter the country. Below, figure

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[21]For additional information on CBP's searches of electronic devices, see Department of Homeland Security Office of Inspector General, *CBP's Searches of Electronic Devices at Ports of Entry*, OIG-19-10 (Washington, D.C.: Dec. 3, 2018).

6 shows a canine examination and figure 7 shows an example of NII equipment and scans of vehicles with indicators of contraband smuggling.

Figure 6: Canine Search During Secondary Inspection at a U.S. Land Port of Entry

Source: GAO. | GAO-19-658

Figure 7: Non-Intrusive Inspection Equipment and Vehicle Scans Showing Indicators of Contraband Smuggling
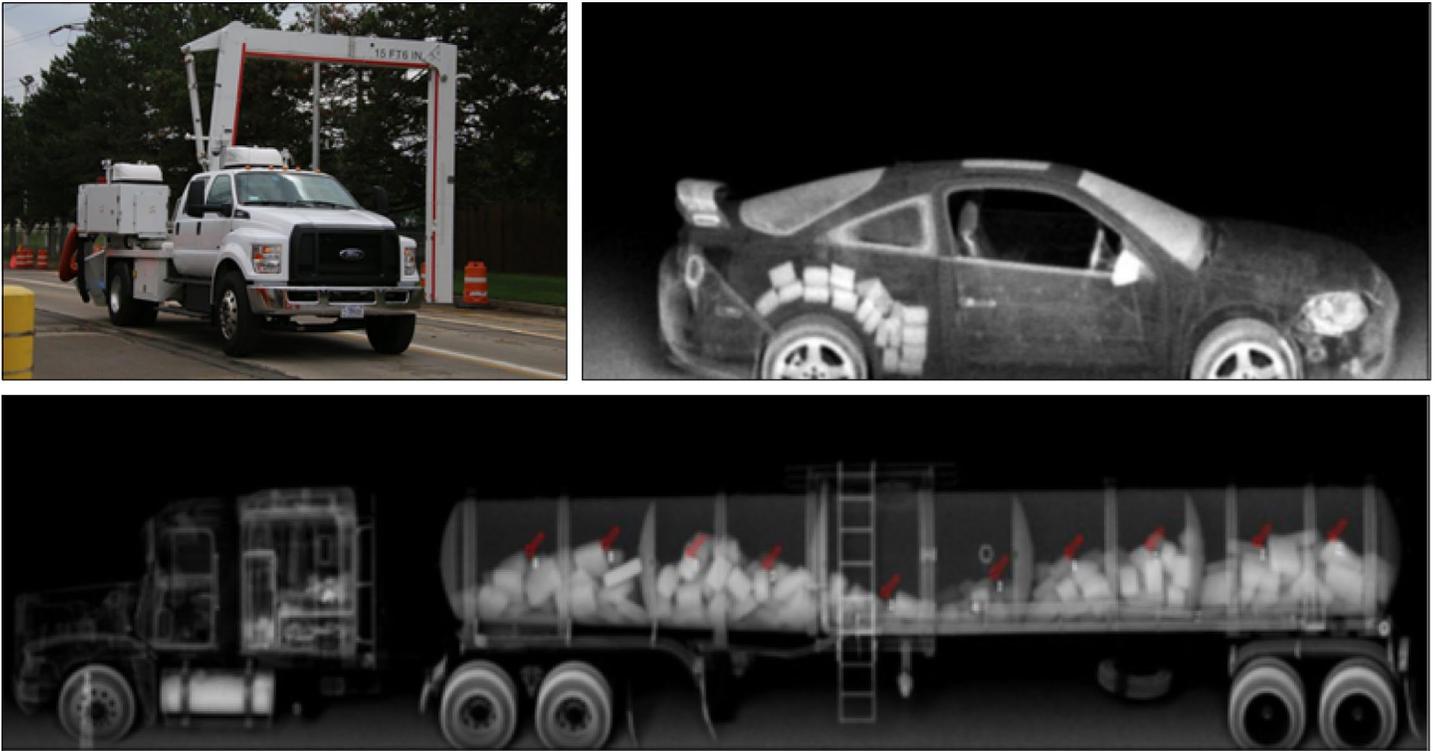
Source: GAO (top left photo); U.S. Customs and Border Protection. | GAO-19-658

CBP also has additional processes to enhance preprimary, primary, or secondary inspections at land POEs, including:

- **Canines.** CBP has canines that can detect concealed humans, narcotics, currency, firearms, and agriculture products. Depending on availability, land POEs may deploy officers with canines to walk among the vehicles in preprimary waiting to reach an inspection booth. Canines may also be used in the pedestrian and commercial vehicle environments. As previously mentioned, canines are also used for some secondary searches.

- **Anti-Terrorism Contraband Enforcement Teams.** These teams conduct special operations that focus on anti-terrorism and the interdiction of narcotics, alien smugglers, and fraudulent documents, among other contraband. For example, at one POE we visited, members of the Anti-Terrorism Contraband Enforcement Team told us they often walk among the passenger vehicles in the preprimary area to look for indicators of illicit activity.

- **Tactical Terrorism Response Teams.** These teams provide immediate counterterrorism response capabilities at some land POEs. Members of Tactical Terrorism Response Teams receive counterterrorism training and are responsible for interviewing known and suspected terrorists at ports of entry to help determine admissibility and collect intelligence.

- **Blitzes and other local practices.** CBP officers at land POEs may perform "blitzes", in which inspections are enhanced for a period of time. For example, CBP officials told us that blitzes may include looking in all vehicle trunks during the primary inspection or sending additional vehicles for NII (X-ray) exams during a certain period of time. Officers at the POEs we visited also discussed other local initiatives to enhance inspections. For example, one POE we visited used NII to screen all commercial vehicles. Another POE we visited partnered with the local authority that manages an international bridge to deploy license plate readers for commercial vehicles before the vehicles enter the bridge into the United States. The bridge authority uses the license plate reading to check if the commercial vehicle has submitted the required e-manifest to CBP; only those commercial vehicles that have submitted the required e-manifests are allowed to cross. Officials from CBP told us that, in the future, CBP and the bridge authority plan to deploy additional technology in the preprimary area on the non-U.S. side of the border, including facial recognition and NII.

In addition, CBP has plans to make future improvements to inspection processes. For example, CBP is conducting tests to use facial recognition technology as part of inspections at land POEs. According to CBP, facial recognition technology may enhance its ability to detect imposters by matching facial images of those arriving with images on file. CBP began a facial recognition test in the passenger vehicle environment at the Anzalduas, Texas land POE in August 2018 and expects the test to run for up to 1 year. In September 2018, CBP initiated a project at the Port of San Luis, Arizona to demonstrate the feasibility of acquiring photos of all arriving pedestrians and comparing those photos to photos on file. Subsequently, in October 2018, CBP officials stated they extended this demonstration project to the Port of Nogales, Arizona. According to CBP, these pedestrian demonstration projects built upon an earlier pilot project at the Port of Otay Mesa, California, which ran from February through May 2016. Testing this technology is one of CBP's key efforts in

developing the capability to fulfill DHS' statutory responsibility to collect biometric information from arriving and departing aliens.[22]

Many of CBP's Policies Related to Inspections at Land POEs Have Not Been Reviewed and Updated to Reflect Changes Consistent with CBP Guidance

CBP has numerous directives, handbooks and other official instructions that specify policies and procedures for inspections at land POEs. However, many of these documents have not been reviewed and updated as required by OFO's January 2016 *OFO Policy Management Handbook*. This guidance states that all of OFO's policies must be reviewed and updated, as necessary at least once every 3 years to help ensure the timely provision of uniform and relevant policy.[23] In some cases, the policy documents issued by OFO or its program offices have not been reviewed and updated for almost two decades. See table 2 below for a list of such policies we identified that have not been reviewed and updated to reflect changes in processes since their issuance consistent with OFO's policy management requirements.

Table 2: Policies That Have Not Been Reviewed and Updated as Necessary Consistent with Office of Field Operation Guidance

Policy	Date issued[a]	Description
Compliance Measurement Directive	June 1999	Provides a means of measuring the effectiveness of passenger processing procedures. Compliance measurements allow U.S. Customs and Border Protection (CBP) to validate its deterrent efforts as well as meet the requirements of the Government Performance and Results Act.
Narcotics Interdiction Guide Handbook	August 1999	Communicates the procedures necessary to assure a uniform standard of enforcement in the performance of narcotics examinations. It is also intended to serve as a procedural guideline for both examining inspectors and those who will review the results.

[22]Since 1996, a series of federal statutes has required that the federal government develop and implement, and report to Congress on implementation of an entry and exit data system to use biometric identifiers to match records of foreign nationals entering and leaving the country. See, e.g., Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, div. C, tit. I, subtit. A, § 110, 110 Stat. 3009-546, 3009-558 to -559 (classified, as amended, at 8 U.S.C. § 1365a); Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, tit. VII, subtit. B, § 7208, 118 Stat. 3638, 3817-23 (classified, as amended, at 8 U.S.C. § 1365b). The Intelligence Reform and Terrorism Prevention Act of 2004 required the Secretary of Homeland Security to develop a plan to accelerate full implementation of the automated biometric entry and exit data system.

[23]CBP, *Office of Field Operations Policy Management Handbook,* HB 2110-006 (Jan. 8, 2016).

Policy	Date issued[a]	Description
Land Border Inspectional Safety Policy	June 2001	Clarifies policy and procedures to ensure that both inbound and outbound inspectional activities at land border locations are performed in a safe and secure manner.
Secondary Examinations System Directive	April 2002	Establishes national policy for the collection of data related to travelers subject to land and airport secondary examinations.
Canine Enforcement Program Handbook	August 2002	Describes canine search techniques and employment methods that meet the needs of most inspectional and enforcement situations. Subjects include information on essential logistical support requirements, proficiency training, problem solving, program assessment, and measurement.
Canine Enforcement Program Directive	August 2002	Defines the operational policy of the National Canine Enforcement Program, specifically, the deployment of detector dogs in anti-terrorism initiatives, as well as the interdiction of smuggled narcotics and currency.
Consolidated National Inspectional Anti-Terrorism Contraband Enforcement Team Policy	August 2003	Establishes national priorities and policies and provides uniform guidelines and procedures for these teams.
Personal Search Handbook	July 2004	Sets forth policy on when intrusive searches of a person are appropriate, and the procedures officers must follow in carrying them out.
Use of Outside Law Enforcement Detector Dogs Directive	December 2005	Establishes policy and guidance for the use of outside law enforcement and Department of Defense detector dog teams that assist in enforcement activities.
Responding to Potential Terrorists Seeking Entry into the United States	September 2006	Provides guidance and standard operating procedures for responding to known or suspected terrorists attempting to enter the United States.
Standard Operating Procedures during System Outages at Air, Land, and Sea Ports of Entry	November 2007	Provides guidance and direction during system outages for processing of passengers and vehicles seeking entry to the United States at air, land, and sea ports of entry.
Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry Directive	May 2008	Provides guidance and direction for primary processing of travelers and vehicles seeking entry to the United States at land ports of entry.
Seized Asset Management and Enforcement Procedures Handbook	July 2011	Contains the standards that CBP and U.S. Immigration and Customs Enforcement personnel are to follow when initiating seizure, penalty, or fines and handling seized property.

Source: GAO analysis of U.S. Customs and Border Protection information. | GAO-19-658

[a]The date issued represents the last time the policy was updated, according to CBP officials.

As a result of policies not being reviewed and updated by OFO, these policies, as currently written, do not fully reflect changes in technology, operating conditions, or inspection processes. For example:

- The 2008 policy on processing travelers and vehicles at land POEs does not include information on the Consolidated Secondary Inspection System, the current system used to record secondary inspections. It also directs officers to follow guidance in the Inspector's Field Manual, which has since been discontinued.

- The 1999 Compliance Measurement directive refers to procedures for a paper-based system, while the system is now electronic, according to officials.

- The 2004 Personal Search Handbook does not incorporate the 2015 National Standards on Transport, Escort, Detention, and Search policy that prohibited CBP officers from observing personal cavity searches conducted by medical personnel.

- The 1999 Narcotics Interdiction Handbook and the 2002 canine policies do not address fentanyl. Fentanyl is a synthetic opioid that requires special handling and has been a main contributor to the recent spike in overdose deaths in the United States, according to the Centers for Disease Control and Prevention.[24]

OFO's Planning, Program, Analysis, and Evaluation (PPAE) Quality Assurance Enterprise Division (QAED) is responsible for monitoring that each program office review and update, as needed, the policies for its programs. QAED has an internal tracking system and sends out reminders to CBP program offices about policies that need to be reviewed, and updated, if necessary. QAED officials acknowledged that many policies need to be updated because some are almost 20 years old and many technological and other changes have occurred that may not be described in existing policies.

CBP officials stated that they are in the process of updating some policies, including the 1999 Compliance Measurement directive, the 2002 Canine Enforcement Program Handbook, the 2004 Personal Search Handbook, and the 2008 Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry directive. Officials attributed the lack of timely updating to several factors. OFO officials responsible for reviewing and updating policies said that the process can be time-consuming and difficult, as there may be many needed changes or may include conducting site visits to identify best practices and areas for improvement. In addition, QAED officials responsible for monitoring policy updates said QAED has 12 staff and is responsible for three OFO-wide mission areas in addition to policy management, as well as a number of other responsibilities within PPAE. Further, according to QAED officials, they do not have authority to require

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[24]For additional information on government efforts to address synthetic opioids, see GAO, *Illicit Opioids: While Greater Attention Given to Combating Synthetic Opioids, Agencies Need to Better Assess their Efforts*, GAO-18-205 (Washington, D.C.: Mar. 29, 2018).

cognizant program offices to review and update their policies in line with the *OFO Policy Management Handbook*. QAED officials agreed that CBP and OFO could better ensure compliance with OFO's policy updating requirements.

OFO's 2016 *OFO Policy Management Handbook* states that the timely provision of uniform and relevant policy facilitates informed decision-making at all levels of the organization and that an effective policy management program is critical to the success of any organization. By reviewing and updating as necessary all relevant policies related to land POE inspections consistent with OFO's policy handbook, CBP could better ensure that officers have guidance needed to consistently and properly inspect vehicles and their passengers, pedestrians, and commercial vehicles.

CBP Uses Various Mechanisms to Monitor Inspection Activities at Land POEs, But Does Not Fully Analyze the Results of Some National Monitoring Programs

CBP Monitors Inspections at Land POEs Using Mechanisms Deployed at the Port, Field Office, and National Levels

CBP uses various mechanisms at the port, field office, and national levels to monitor inspection activities at land POEs to help ensure that CBP officers are following policies and procedures. At the POE level, supervisors and port management monitor many of the inspection tasks in real-time by reviewing computer-based records and logs of inspections and observing inspections. CBP also provides tools to the ports to assist with supervisory monitoring efforts, such as Enforcement Link Mobile Operations Red Flag (ELMOrf)—a computer application that provides alerts to supervisors via mobile device when certain types of events occur during primary inspections that warrant supervisory oversight. Table 3 below provides key monitoring mechanisms CBP uses for its land POE inspections at the port level.

Table 3: U.S. Customs and Border Protection (CBP) Key Port of Entry Level Monitoring Mechanisms for Inspections at U.S. Land Ports of Entry (POE)

Mechanism	Description
Supervisory review in computer inspection systems	Assigned supervisors or designees are required to monitor—in real-time by computer—primary inspection activity and referrals of travelers or cargo for secondary inspections. These supervisors or designees are required to follow up on all Incidents of Non-Referral—instances when an officer did not refer a traveler for secondary inspection whose information matches to derogatory information in law enforcement or intelligence data. Other supervisory oversight in inspection systems includes review of officer entries in the secondary inspection results systems – Consolidated Secondary Inspections System for passenger inspections and the Cargo Enforcement Reporting and Tracking System for commercial inspections.
Enforcement Link Mobile Operations Red Flag (ELMOrf)	ELMOrf is a computer based program that monitors passenger vehicle primary inspections and provides alerts to supervisors through mobile device or desktop computer. ELMOrf notifies supervisory officers of events during passenger primary inspections based on a programmed set of rules. For example, ELMOrf will alert a supervisor when a traveler's information matches a TECS lookout or a warrant from the National Crime Information Center database and the officer does not refer the traveler or there is a relationship or connection between an officer and the traveler he or she is inspecting. Supervisors can then review the alert and the officer actions during the inspection and follow up with corrective action if necessary.
Primary lookout over-rides	Officers conducting inspections are required to create and route "primary lookout over-rides" to supervisors in instances where a traveler was determined not to be a match to a database record during secondary inspections and should not be referred for secondary inspection for the same database match in the future.
Incident report reviews	CBP officers are required to submit incident reports for supervisory review and signoff, which detail the circumstances and actions taken for certain encounters with travelers, such as pat downs that do not lead to a seizure of contraband or an arrest.
Search/Arrest/Seizure report reviews	CBP officers are required to submit incident reports for supervisory review and signoff detailing circumstances and actions taken during personal searches resulting in seizures of contraband or arrests.
Supervisor observation initiatives	Management at some land POEs have developed additional initiatives to review officer compliance with procedures when conducting inspections. For example, at one POE we visited, supervisors conduct checklist reviews to assess whether officers are following procedures, such as requiring the traveler to remove hats and sunglasses and doing a visual comparison of the traveler to the identification documents provided. At another POE, supervisors were required to observe officers during inspections and conduct coaching sessions to provide feedback and direction to the officers. Another POE implemented a Boots on the Ground initiative, which requires supervisors to engage and oversee officers conducting primary inspections by walking among inspection stations.

Source: GAO analysis of CBP information. | GAO-19-658

At the field office level, field office staff may monitor land POE activities within their area of responsibility through periodic assessments of supervisor monitoring duties, such as inspection report reviews. In addition, all field offices have Integrity Officers tasked with identifying potential corruption and officer training issues at the ports. Table 4 below

provides key monitoring mechanisms CBP uses for its land POE inspections at the field office level.

Table 4: U.S. Customs and Border Protection (CBP) Key Field Office Level Monitoring Mechanisms for Inspections at U.S. Land Ports of Entry (POE)

Mechanism	Description
Post-port of entry apprehension reviews	CBP field offices may monitor and review apprehensions or seizures by other CBP offices or other law enforcement agencies to determine if the individuals arrested recently crossed through a land POE. If the individual recently crossed, field office staff, and in some instances POE staff, review the inspection record and video of the encounter to determine if officers at the POE followed policies and procedures. Further, in cases when contraband is seized, officials will try to determine if the person apprehended potentially had contraband at the time of crossing. Field office and POE staff may then use these reviews to advise officers of trends in contraband concealment and other inspection vulnerabilities.
Operational testing	Officials at three of the field offices we visited reported that they plan to or are conducting operational testing at the land POEs within their area of responsibility. Operational testing includes covert and overt testing of inspection procedures for fraudulent document/imposter identification, radiation source detection, and others.
Integrity officers	Each Office of Field Operations (OFO) field office has an Integrity Officer who is responsible for conducting trend and data analysis on activities at POEs to identify potential internal corruption, officer training issues, and systematic vulnerabilities that could affect inspections. Integrity Officers also are to coordinate with OFO's Analytical Management Systems Control Office to monitor and adjust the Enforcement Link Mobile Operations Red Flag (ELMOrf) system rules for POEs within their respective field offices' area of responsibility.
Periodic compliance assessments	Field offices may complete periodic assessments of compliance with reporting requirements and supervisory monitoring duties at POEs. For example, the staff at one field office reviewed incident reports to ensure necessary reporting details were provided and notified the POE officials of deficiencies. At another field office, staff monitored ELMOrf alerts and reported deficiencies in supervisory responses to the POEs.

Source: GAO analysis of CBP information. | GAO-19-658

CBP's national level initiatives include its Self-Inspection Program (SIP) and the Operational Field Testing Division's covert testing program. The Self-Inspection Program is an annual internal self-assessment of various CBP component offices and includes assessment of various inspection activities at POEs. Table 5 below provides key monitoring mechanisms CBP uses for its land POE inspections at the national level.

Table 5: U.S. Customs and Border Protection (CBP) Key National Level Monitoring Mechanisms for Inspections at U.S. Land Ports of Entry (POE)

| Mechanism	Description
Self-Inspection Program	CBP's Management Inspections Division manages the Self-Inspection Program. The Self-Inspection Program requires management at POEs to conduct an annual internal assessment of compliance with CBP policies and procedures. Port management is to complete the assessment by responding to questions posed in various worksheets regarding administrative and operational activities, including inspections. The completed worksheets must be accompanied by documentation to demonstrate compliance with policies. Questions on the worksheets cover a variety of inspection duties including: compliance with the directive on inspections at land POEs, completion of reports involving personal searches, enforcement operations in trusted traveler lanes, and cargo trade examinations/enforcement. Land POE staff are required to propose and complete corrective actions to address deficiencies identified through the assessments and report them to the Management Inspections Division.
Focused Assessments	The Management Inspections Division conducts Focused Assessments, which are topic or program assessments that may cover activities at POEs or other CBP locations. For example, one Focused Assessment reviewed CBP's Telework Program and the implementation of telework policies and procedures by all of CBP's components.
Management Assurance Reviews	The Management Inspections Division also conducts Management Assurance Reviews to assess compliance with CBP policies and procedures at individual land POEs and other CBP locations. According to Management Inspections Division officials, the goal of the reviews is to strengthen internal controls and to address impediments to CBP achieving its goals and missions. Areas of noncompliance identified during the reviews are addressed through recommendations to management. For example, if the Management Inspections Division determined through physical inspections that officers are in possession of expired equipment, the Management Inspections Division may advise management to implement spot checks of equipment and reiterate policy during musters.
Covert testing	CBP's Office of Intelligence Operational Field Testing Division conducts operational tests—covert tests of inspection activities. Operational tests consist of a variety of covert tests including those for fraudulent documents and imposter detection, Non-Intrusive Inspection equipment contraband detection, canine contraband identification, radiation detection, and biological agent detection.
Enforcement Link Mobile Operations Red Flag (ELMOrf)	The OFO Analytical Management Systems Control Office monitors ELMOrf alerts. Its monitoring efforts analyze the ELMOrf alerts to identify trends or anomalies, which may indicate unintended consequences resulting from the deployment of new technologies, vulnerabilities that may increase susceptibility to potential integrity issues, and possible officer integrity issues at individual POEs.

Source: GAO analysis of CBP information. | GAO-19-658

CBP Conducts Analysis of the Results of National Level Monitoring Programs, But Opportunities Exist to Enhance Analyses

CBP Analyzes Self-Inspection Program Results Each Year, But Does Not Analyze Results of Individual POEs to Identify Reoccurring Deficiencies

CBP produces CBP-wide analyses of the SIP results it collects annually, but the analyses are not done in a manner—such as at the port level and over multiple years—that would allow CBP to identify potentially reoccurring deficiencies at individual POEs. The Management Inspections Division issues a report each year which provides comprehensive SIP results across CBP offices for that year and highlights compliance issues identified (referred to as the SIP Summary Analysis Report). Similarly, OFO issues an annual report which provides comprehensive results and highlights compliance issues identified across OFO's programs for that year.[25] See figure 8 for an overview of the SIP process.

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[25]Specific details of these reports' findings were omitted because the information is sensitive.

Figure 8: U.S. Customs and Border Protection (CBP) Office of Field Operations' Implementation of Self-Inspection Program Annual Cycle

Self-Inspection Program (SIP) worksheet creation/preparation

OFO subject matter experts analyze SIP results and port of entry feedback to revise and improve worksheets

OFO analyzes OFO SIP results and issues an OFO annual SIP summary analysis report

Management Inspections Division (MID) and Office of Field Operations (OFO) conduct training for staff at ports of entry prior to the internal assessment period

Internal assessment period—ports of entry review their records to assess compliance and complete worksheets, identify deficiencies, and propose corrective actions to address deficiencies

MID analyzes CBP-wide SIP results and issues an annual SIP analysis report

Source: GAO analysis of CBP information. | GAO-19-658

With regard to the 2018 SIP Summary Analysis Report, the Management Inspections Division reported that approximately 80 percent of all SIP worksheets, which document the results of the self-assessments, submitted across CBP in the 2018 cycle had no deficient conditions. The report also identified the six worksheets with the highest number of deficient conditions across OFO and the questions associated with the most corrective actions for those worksheets. For worksheets that the report did not highlight, additional summaries of the OFO data are provided, including the number of worksheets submitted and the number of worksheets reporting corrective actions.

OFO's SIP annual report also provides summaries of the SIP results, but with additional analysis specific to OFO. The 2018 OFO SIP annual report calculated an overall compliance rate of 92.4 percent across the 31,947

questions for worksheets completed by OFO that year. The report also provided summaries of data used to calculate compliance rates for each worksheet assigned to OFO and included trends in compliance rates for each over 3 years. Additionally, the report provided summaries of the data for each OFO field office that includes number of worksheets submitted, the number of deficient conditions in the given year, and the number of corrective actions for each POE under the field office. Beginning in 2017, the OFO report provided an analysis of any SIP worksheet question with a compliance rate below 90 percent in a given year and the actions planned or taken to increase future compliance.

While these reports provide useful summary data of CBP's monitoring of inspections activities and recommendations for increasing compliance for some programs and processes, our analysis of SIP results showed that opportunities exist for CBP to identify potential reoccurring deficiencies at individual land POEs over time. Specifically, our analysis of SIP results from 2013 through 2018 identified reoccurring instances of noncompliance at individual land POEs indicating the possibility that the corrective actions taken each year to address the deficiencies did not fully remediate them.[26]

We found that management at the land POEs with reoccurring instances of deficiencies took corrective actions each year to address the identified deficiencies, and in some instances, management proposed and implemented the same corrective action in multiple years to try to resolve the identified deficiency. While the Management Inspections Division and OFO reports provide some useful analysis to identify programs or specific activities across CBP to target for remediation each year, these reports have not positioned CBP to identify and more effectively address reoccurring deficiencies at individual POEs.

Standards for Internal Control in the Federal Government provides that management should use quality information to achieve the entity's objectives and management should process the obtained data into quality information that supports the internal control system.[27] Furthermore, management should remediate identified internal control deficiencies on a timely basis and the audit resolution process is completed only after

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[26]Specific examples of recurring instances of noncompliance at individual land POEs were omitted because the information was deemed sensitive.

[27]GAO-14-704G.

action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action. Additionally, management, with oversight from the oversight body, is to monitor the status of remediation efforts so that they are completed on a timely basis.

Management Inspections Division and OFO officials stated that their analyses are designed to identify systemic compliance issues across OFO. In addition, OFO officials stated that port management is responsible for addressing compliance issues of individual land POEs. However, without an analysis to identify reoccurring deficiencies at all individual land POEs, the Management Inspections Division and OFO are not well positioned to determine whether CBP may need to take additional or alternative actions to more effectively address the deficiencies at these ports. By enhancing analysis of the SIP data to include analysis at the port level over time, CBP could better identify potential reoccurring deficiencies with inspections at land POEs and could be better positioned to more fully remediate them and ensure compliance with inspection policies.

CBP Has Produced Comprehensive Analyses of Some Covert Testing Results, But Does Not Have a Policy to Conduct These Analyses on a Periodic Basis

CBP has produced comprehensive analyses of the results from some of its covert operational tests conducted at land POEs in fiscal years 2013, 2014 and 2018. These comprehensive assessments of aggregated covert test results provide analysis of trends, common vulnerabilities, and best practices used in inspections across land POEs; however, CBP has not developed comprehensive assessments for various other covert tests it conducted during this time frame.[28] Of the 213 land POE tests conducted from fiscal years 2013 through 2018, 78 were included in comprehensive assessments.[29]

CBP's Operational Field Testing Division (OFTD) is responsible for covertly assessing and evaluating the integrity of CBP's personnel, technologies, and policies and procedures at land POEs. From fiscal years 2013 through 2018, OFTD conducted a variety of tests of

[28]For the purposes of this report, we refer to the reports documenting comprehensive analyses of covert tests as "comprehensive assessments." CBP also uses the term "assessment" to refer to the results documented following a test or group of tests conducted during a field visit to one location; however, we refer to these reports that are more limited in scope as "summaries."

[29]Details of the results of the covert tests and findings of the comprehensive assessments were omitted because the information was deemed sensitive.

inspections at land POEs including: fraudulent document and imposter tests, canine contraband detection tests, biological agent detection tests, NII equipment contraband detection tests, radiation detection capabilities tests, and assessments of Tactical Terrorism Response Teams. See figure 9 for an overview of the process for fraudulent document and imposter covert testing.

Figure 9: Operational Field Testing Division (OFTD) Fraudulent Document/Imposter Covert Testing Process

Entry to U.S.
✗ *Test fail*

Detained/ interdicted
✓ *Test pass*
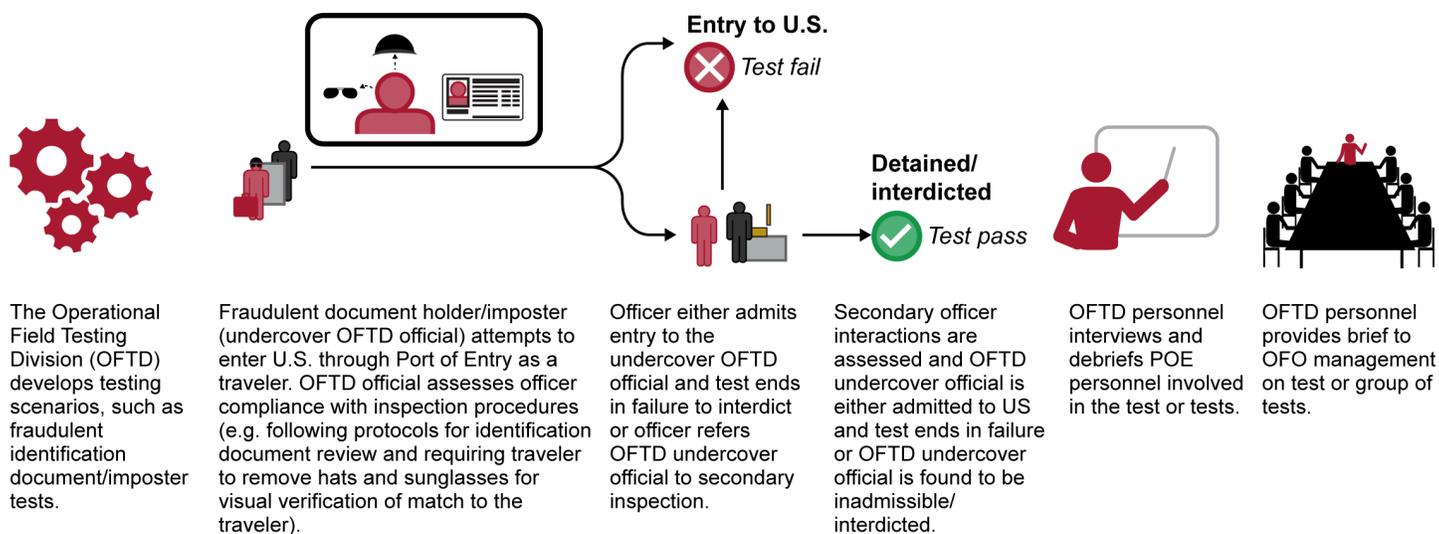
The Operational Field Testing Division (OFTD) develops testing scenarios, such as fraudulent identification document/imposter tests.

Fraudulent document holder/imposter (undercover OFTD official) attempts to enter U.S. through Port of Entry as a traveler. OFTD official assesses officer compliance with inspection procedures (e.g. following protocols for identification document review and requiring traveler to remove hats and sunglasses for visual verification of match to the traveler).

Officer either admits entry to the undercover OFTD official and test ends in failure to interdict or officer refers OFTD undercover official to secondary inspection.

Secondary officer interactions are assessed and OFTD undercover official is either admitted to US and test ends in failure or OFTD undercover official is found to be inadmissible/ interdicted.

OFTD personnel interviews and debriefs POE personnel involved in the test or tests.

OFTD personnel provides brief to OFO management on test or group of tests.

Source: GAO analysis of U.S. Customs and Border Protection information. | GAO-19-658

For tests conducted from fiscal years 2013 to 2018, OFTD produced three comprehensive assessments related to tests it conducted at land POEs.[30] One assessment compiled the results of 129 fraudulent document and imposter tests conducted at 10 land POEs and 14 airports in fiscal years 2012 and 2013. Another assessment covered 34 NII equipment tests conducted in fiscal years 2013 and 2014 at land POEs and seaports, of which nine of the tests were at land POEs. The third assessment, issued in 2018, covered 33 NII equipment tests conducted in fiscal year 2018 at six land POEs.

While OFTD produced comprehensive assessments for these tests, OFTD did not comprehensively analyze the results of various other types

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[30]According to OFTD, it also produced comprehensive assessments related to covert tests in other environments during this time frame.

of covert tests conducted from fiscal years 2013 through 2018. Such covert tests included 34 tests for canine detection of contraband, 11 for agricultural and biological agent detection, seven for radiation detection, and seven for Tactical Terrorism Response Team response.[31] Additionally, OFTD conducted another 72 fraudulent document and imposter tests and six NII equipment tests over this time period that were not included in the comprehensive assessments described above. Overall, we found that 135 of 213 tests conducted from fiscal years 2013 through 2018 were not included in comprehensive assessments.

For tests not included in comprehensive assessments, analysis of the test is limited to a test summary document that is produced following a test or group of tests conducted during a field visit to one location. The summaries identify officer actions during the test and record whether the test resulted in an interdiction of the test subject. Some of the summaries also include findings, identify leading practices, and provide recommendations to the POE where the test or tests were conducted to improve the inspections. While these summaries provide useful information, they encompass the results of tests at individual POEs and do not provide an evaluation of aggregated test results that could more broadly identify vulnerabilities, trends, and best practices across land POEs as provided in the comprehensive assessments.

According to OFTD officials, they have drafted a policy and standard operating procedures that would address comprehensive analysis of covert testing results, but these have been in development for 3 years and have not been finalized. OFTD did not provide further details or documentation of the draft policy or procedures or a date for completion. Additionally, OFTD officials stated that in some cases they did not have a sufficient number of covert test results to conduct a comprehensive analysis. OFTD officials also stated that an additional comprehensive assessment of fraudulent document and imposter tests was not needed as OFTD completed this type of assessment in 2013 and no new findings were generated by subsequent tests.

We recognize that the small number of certain tests limit OFTD's ability to conduct comprehensive analyses. However, we found that from fiscal

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[31]In fiscal year 2018, OFTD conducted two combined agricultural and biological agent and Tactical Terrorism Response Team covert tests. These tests have been included in both the agricultural and biological agent detection and Tactical Terrorism Response Team totals.

years 2013 through 2018 over half (135 of 213) of the tests conducted at land POEs were not included in a comprehensive assessment and a formalized policy could better position OFTD to be able to conduct these analyses moving forward. Further, our analysis of covert test interdiction rates suggests that additional periodic comprehensive analysis could help inform CBP management of vulnerabilities, systemic inspection deficiencies, leading practices observed, and ways to improve inspection processes. Moreover, the reasons for non-interdiction in the fraudulent document and imposter covert tests conducted since the last comprehensive assessment may be different due to changes in inspection technologies, training, personnel, or the threat environment. OFTD officials agreed and stated that another comprehensive assessment is being developed based on covert tests focused on facial recognition technologies.

Standards for Internal Control in the Federal Government provides that management should implement control activities through policies, including documenting such policies.[32] In addition, management should monitor the internal control system through ongoing monitoring and separate evaluations. These evaluations are to be used periodically and may provide feedback on the effectiveness of ongoing monitoring. Furthermore, management should evaluate and document issues identified through separate evaluations to identify internal control deficiencies and monitor changes in the internal control system.

By implementing a policy for conducting periodic comprehensive analyses of its covert operational test results, CBP would be better positioned to understand the effectiveness of inspection policies, personnel, and technologies across land POEs over time. Furthermore, periodic analyses could help identify inspection vulnerabilities that may be occurring more broadly, trends in these vulnerabilities, and best practices in mitigating such vulnerabilities on a more consistent basis.

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[32]GAO-14-704G.

CBP Has Performance Measures to Assess Its Land POE Inspections but Has Not Set a Target for One Measure That Drives Performance Improvements

CBP uses various sets of performance measures including organizational performance measures, internal performance measures, program and port-specific measures, and measures required by the National Defense Authorization Act for Fiscal Year 2017 (NDAA).[33] CBP reports organizational measures externally to inform program management while internal measures track additional areas of performance to inform OFO management. In addition, some CBP programs and ports track measures specific to their performance at land POEs. DHS also reports measures that cover CBP's efforts to detect illegal activity at land POEs as required by the NDAA. These performance measures generally reflect attributes of effective measures, however, CBP has not set an ambitious target for one measure—the land border interception rate.

CBP Uses Various Sets of Measures to Evaluate Its Efforts to Detect Illegal Activity at Land POEs

Organizational Performance Measures

CBP tracks and externally reports the results of performance measures annually in its Organizational Performance Measures Overview. The Overview states that it serves as a tool for leadership to manage programs using performance information and includes performance measure descriptions, targets, results, and trends over time. CBP developed and reports on two measures that cover the detection of illegal activity among inbound passenger vehicle and cargo traffic at land POEs: (1) the estimated percentage of land border privately-owned vehicles with passengers who are compliant with laws, rules, and regulations; and (2) the percentage of inbound cargo identified as high-risk that is assessed or scanned prior to departure or at arrival at a U.S. air, land, and sea POE.[34] CBP also tracks, but does not report, data on the percentage of high-risk

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[33]Pub. L. No. 114-328, div. A, tit. X, subtit. G, § 1092, 130 Stat. 2000, 2429-36 (2016) (classified at 6 U.S.C. § 223).

[34]For the purposes of this report, we focused on measures related to detecting security-related illegal activity during inbound inspections; however, CBP has additional performance measures that it tracks and reports. For example, CBP also reports on the percentage of border vehicle passengers in compliance with agricultural quarantine regulations and the amount of smuggled outbound currency and weapons seized at POEs.

inbound cargo assessed or scanned prior to departure or upon arrival at U.S. land POEs, which in fiscal year 2018 was 97.7 percent. See figures 10 and 11 for CBP's reported results for these measures by fiscal year.

Figure 10: Reported Results on the Estimated Percentage of Land Border Privately-Owned Vehicles with Passengers Who Are Compliant with Laws, Rules, and Regulations
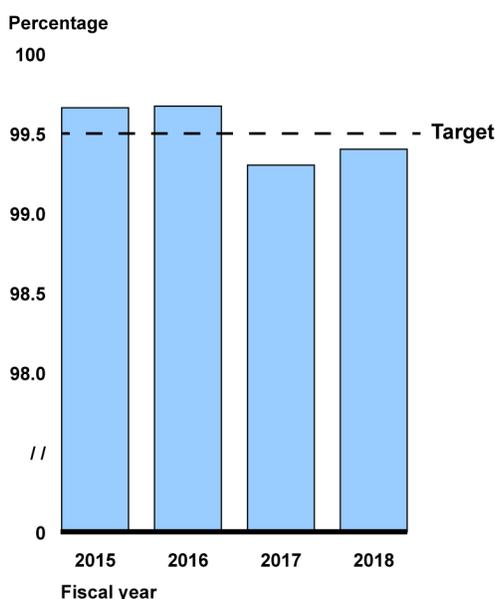
Source: GAO analysis of CBP data. | GAO-19-658

Note: Due to a major methodological change in how CBP tracked and reported violations beginning in fiscal year 2015, data for years prior to 2015 are not comparable to the data for subsequent years and as a result are omitted from the table.

CBP measures the percentage of privately-owned vehicles with passengers who are compliant with all federal, state, and local laws and regulations through its COMPEX program. COMPEX is a statistical survey in which vehicles cleared for entry into the United States by CBP are randomly selected for a comprehensive audit through a computer-generated random sample. CBP is to conduct an audit of the selected vehicles by doing a secondary inspection using a standardized system of checks to identify any violations that were missed during the routine inspection.

Violations found in the COMPEX audits represent violations missed by CBP and are used by CBP to estimate the total number of violations missed by CBP operations. According to officials, CBP uses these data—

along with data on violations CBP officers identify during the normal inspection process—to calculate the overall estimated percentage of land border privately-owned vehicles with passengers compliant with laws, rules, and regulations.[35] As shown in Figure 10, CBP has set a target rate of 99.5 percent compliance. From fiscal years 2015 through 2018, CBP reported estimated rates of over 99 percent compliance. While CBP nearly met its target across all of these years, CBP plans to work with field office management and review COMPEX secondary inspection findings to identify noncompliance trends and identify the underlying reasons for noncompliance. In addition, CBP plans to develop materials to educate travelers on relevant laws and requirements.

As previously discussed, in the cargo environment, CBP identifies potentially high-risk cargo through the Automated Targeting System. CBP then tracks the percentage of such cargo assessed or scanned prior to arrival or at a land POE. As shown in Figure 11, CBP has set a target rate of identifying 100 percent of potentially high-risk cargo. For fiscal years 2014 through 2017, CBP reported rates of 99 percent or higher, and in 2018, the rate was 97.9 percent. According to CBP, it did not meet its target rate of 100 percent in fiscal year 2018 because of challenges related to changes in high-risk status that occur en route, data entry errors, and logistical or scheduling errors. OFO plans to address these challenges by working with internal stakeholders to resolve status-tracking problems and information-processing errors and by working with shippers and carriers to rectify logistical and scheduling issues.

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[35]Annual estimated national-level rates effectively have no sampling error associated with them because of their large sample size. Information on the sample size was omitted because it was deemed sensitive.

Figure 11: Reported Results on Percentage of Inbound Cargo Identified by Customs and Border Protection (CBP) As Potentially High-Risk That Is Assessed or Scanned Prior to Departure or Arrival at U.S. Land, Air, and Sea Ports of Entry
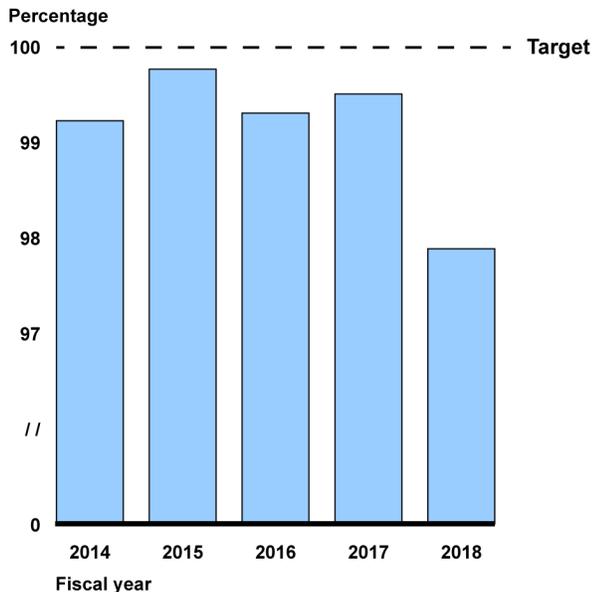
Source: GAO analysis of CBP data. | GAO-19-658

Note: In fiscal year 2013 CBP only collected data on air and sea ports of entry. CBP did not collect data on this metric at land ports of entry in fiscal year 2013.

Internal Performance Measures

In addition to its externally-reported organizational performance measures, OFO tracks two performance measures internally that relate to efforts to detect illegal activity among inbound traffic at land POEs: the percentage of individuals screened against law enforcement databases for entry into the United States and the land border interception rate for passengers in privately-owned vehicles with major violations.[36] See figure 12 for CBP's performance by fiscal year.[37]

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[36]Examples of major violations include agricultural violations resulting in fines, drug or terrorism-related arrests, seizures of prohibited weapons, seizures of currency in excess of 10,000 dollars, and certain inadmissibility offenses, among others.

[37]The reported results of the land border interception rate were omitted from figure 12 because the information was deemed sensitive.

Figure 12: Reported Results of Percentage of Individuals Screened Against Law Enforcement Databases for Entry into the United States
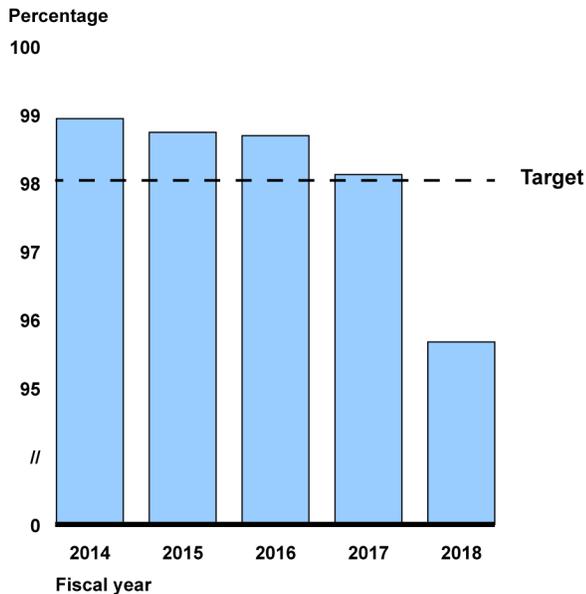
Percentage

Source: GAO analysis of CBP data. | GAO-19-658

Note: Prior to fiscal year 2014, CBP did not track the percentage of individuals screened against law enforcement databases for entry into the United States at land ports of entry but rather tracked a combined measure for sea, air, and land ports. As a result, data from prior to fiscal year 2014 are omitted from the table.

CBP uses COMPEX data to estimate the land border interception rate for privately-owned vehicles containing passengers with major violations (interception rate). This represents the number of major violations in privately-owned vehicles at the border that CBP intercepts divided by the estimated total number of major violations.[38]

CBP tracked the percentage of individuals screened against law enforcement databases for entry into the United States across fiscal years 2013 through 2018, but plans to discontinue use of this measure beginning in fiscal year 2019 according to CBP officials. CBP officials stated that this measure was originally created to track progress toward

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[38]CBP estimates total major violations by adding 1) the number of major violations found by CBP officers during the normal inspection process and 2) the major violation rate from the COMPEX sample audits times the total number of travelers who were not referred for a secondary inspection.

electronic screening of travel documents as part of the Western Hemisphere Travel Initiative. This measure tracks the percentage of travelers screened against law enforcement databases using electronically readable documents. According to CBP officials, there have been a variety of technology infrastructure upgrades and changes to vehicle processing software at land POEs that have reduced the relevance of this measure for land POE operations and CBP plans to discontinue its use as a result.

Program and Port-Specific Measures

Some CBP programs that operate as part of the inspection process track performance data on the results of their program activities. For example, CBP tracks results from the Canine Program. Canine handlers are to enter performance data into the Canine Tracking System locally at land POEs. They track data on the numbers of days canine officers worked, searches conducted, and fines and arrests that result from canine searches.

In addition, some land POEs track performance data on local efforts to detect illegal activity. For example, officials at one POE we visited track data on the numbers and types of seizures, arrests, and immigration enforcement actions that occur at the port.

Metrics Required by National Defense Authorization Act for Fiscal Year 2017

In 2018, DHS began reporting additional metrics to measure the effectiveness of border security at land POEs in response to the National Defense Authorization Act for Fiscal Year 2017 (NDAA). The NDAA requires DHS to produce an annual report for appropriate congressional committees, the Comptroller General, and certain other entities.[39] This report is to include certain metrics to measure the effectiveness of border security between POEs, at POEs, in the maritime environment, and with respect to aviation assets and other air and marine operations in the land domain.

DHS submitted the fiscal year 2017 *Border Security Metrics Report* in response to the NDAA requirement in May 2018.[40] Nine of the metrics in

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[39]Pub. L. No. 114-328, § 1092(g), 130 Stat. at 2435 (classified at 6 U.S.C. § 223(g)).

[40]Department of Homeland Security, *Border Security Metrics Report* (Washington, D.C.: May 1, 2018). According to DHS officials, this report is intended to satisfy the NDAA reporting requirement for fiscal year 2017; therefore, we refer to it as DHS's fiscal year 2017 *Border Security Metrics Report*. GAO recently issued a review of the fiscal year 2017 DHS *Border Security Metrics Report*. See GAO, *Border Security: DHS Should Improve the Quality of Unlawful Border Entry Information and Other Metric Reporting,* GAO-19-305 (Washington D.C.: Mar. 21, 2019).

DHS's fiscal year 2017 report cover CBP's efforts to detect illegal activity at land POEs, although many of these measures group land POE data with other types of ports. DHS reported data for 7 of these 9 metrics.[41] In some instances, DHS reported that it did not have the specific data needed for a required metric and provided other available data instead. DHS reported data in response to the following required metrics related to land ports of entry in the fiscal year 2017 *Border Security Metrics Report*:

- *total inadmissible travelers at ports of entry* (DHS does not have a methodology to estimate total inadmissible travelers, and therefore presented data on known inadmissible travelers),

- *refusal rate at ports of entry,*

- *illicit drugs seized at ports of entry,*

- *port of entry illicit drug seizure rate*,

- *major infractions at ports of entry* (DHS does not have a methodology to estimate all major infractions, and therefore included data on known passenger infractions),[42]

- *cocaine seizures effectiveness rate at land ports of entry*[43], and

[41]DHS did not provide data for two required metrics in the fiscal year 2017 *Border Security Metrics Report*: the number of unlawful entries at land POEs, and the secondary examination effectiveness rate. 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. In addition, according to DHS's report, the secondary examination effectiveness rate metric is under review and DHS did not provide a timeframe as to when it will be included in future reports.

[42]This metric is a count of "the number of infractions related to travelers and cargo committed by major violators who are interdicted by the OFO at ports of entry, and the estimated number of such infractions committed by major violators who are not so interdicted". 6 U.S.C. § 223(a)(5) (definition of "major violator"), (c)(1)(D) (major infractions metric).

[43]The cocaine seizure effectiveness rate is the percentage resulting from dividing the amount of cocaine seized by the OFO by the total estimated cocaine flow rate at ports of entry along the United States land border with Mexico and Canada. 6 U.S.C. § 223(c)(1)(E). 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 DHS 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.

- *secondary examination rate*.[44]

CBP did not leverage existing data from the COMPEX program to estimate all major infractions in the fiscal year 2017 *Border Security Metrics Report*, but began reporting these data in the fiscal year 2018 report. The NDAA requires DHS to report 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.[45] In the fiscal year 2017 DHS *Border Security Metrics Report*, DHS reported the number of known major infractions at ports of entry. DHS also reported that they did not have a methodology to estimate the number of infractions among those who are not interdicted. However, CBP estimates the number of undetected major infractions through the COMPEX program. CBP officials stated there was likely a miscommunication within CBP that led to the DHS Office of Immigration Statistics—the DHS office that compiled the *Border Security Metrics Report*— not using COMPEX data to report the estimated number of major infractions in the 2017 Border Security Metrics Report. In addition, the DHS Office of Immigration Statistics was not aware that CBP's COMPEX was applicable for purposes of reporting this metric. As a result of our review, DHS included an estimate of the number of major infractions not interdicted by CBP using data from the COMPEX program in the fiscal year 2018 *Border Security Metrics Report*.

CBP Performance Measures Generally Reflect Key Attributes of Effective Measures but CBP Does Not Set an Ambitious Target for One Measure

CBP organizational and internal performance measures for detecting illegal activity at land POEs generally reflect key attributes of effective performance measures that we previously identified.[46] Based on our analysis of CBP's organizational and internal performance measures, these measures generally reflect the key attributes listed in table 6. For example, CBP clearly defines its externally-reported organizational measures and presents baselines and trends in its Organizational Performance Measures Overview. In addition, CBP's Organizational Performance Measures Overview provides linkage between its externally-

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[44]CBP reported data on secondary inspections rates in the fiscal year 2017 *Border Security Metrics Report*, however, in 2019 CBP began using the Consolidated Secondary Inspection System to calculate secondary inspection rates resulting in lower results for the secondary inspections rates than originally reported, according to CBP officials.

[45]6 U.S.C. § 223(c)(1)(D).

[46]GAO-03-143, GAO-14-49

reported organizational measures and DHS mission. CBP performance measures also have limited overlap with each other presenting new information beyond what other measures provide.

Table 6: Attributes of Effective Performance Measures

Attribute	Definition
Balance	A suite of measures ensures that an organization's various priorities are covered.
Clarity	Measure is clearly stated, and the name and definition are consistent with the methodology used to calculate it.
Core program activities	Measures cover the activities that an entity is expected to perform to support the intent of the program.
Government-wide priorities	Each measure covers a priority such as quality, timeliness, and cost of service.
Limited overlap	Measure should provide new information beyond that provided by other measures.
Linkage	Measure is aligned with division and agency-wide goals and mission and is clearly communicated throughout the organization.
Measurable target	Measure has a numerical goal.
Objectivity	Measure is reasonably free from significant bias or manipulation.
Reliability	Measure produces the same result under similar conditions.
Baseline and trend data	Measure has a baseline and trend data associated with it to identify, monitor, and report changes in performance and to help ensure that performance is viewed in context.

Source: GAO | GAO-19-658

Note: We previously identified key attributes of effective performance measures based on sources such as our earlier work, Office of Management and Budget Circular No. A-11, and the Government Performance and Results Act of 1993, among other sources. See GAO-14-49 and GAO-03-143 for additional information.

Our analysis of CBP's measures found that they focus on the commercial and passenger-owned vehicle environments and currently provide limited coverage of the pedestrian traveler environment. According to CBP officials, the agency is in the process of expanding the two COMPEX measures to include pedestrian travelers at land POEs, which would provide greater coverage of CBP's core program activities for detecting illegal activity at land POEs. According to CBP officials, CBP began collecting COMPEX data for all pedestrian POEs in 2015. CBP officials stated they are in the process of reviewing the collected data and are working to refine the methodology and operational issues that may impact the reliability of the results. After CBP resolves these data issues, CBP

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will begin reporting the results of COMPEX audits in the pedestrian environment, according to CBP officials.[47]

Our analysis of CBP's measures also found that CBP generally sets ambitious but realistic targets for its organizational and internal performance measures. However, CBP's target for the land border interception rate is lower than the actual reported rate for fiscal years 2015 through 2018.[48]

We previously identified critical success factors for goal-setting and performance measurement efforts. Creating ambitious but realistic and measurable "stretch" goals based on current performance levels, among other things, supports the organization in achieving performance improvements.[49] In addition, the Office of Management and Budget Circular A-11 states that agencies are expected to set ambitious goals to push them to achieve significant performance improvements beyond current levels.[50]

OFO officials stated they set the target for the land border interception rate following methodological changes OFO implemented in the COMPEX program in 2015. However since that time, OFO officials in the Strategic Transformation Office—the office that reviews and provides input into targets for CBP's organizational performance measures—stated they have not reviewed this target because it is an internal measure and they do not review these as they would for the externally-reported organizational measures. Nevertheless, OFO officials stated they use this measure internally for performance management and to report results to

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[47]According to CBP officials, CBP considered also implementing COMPEX in the cargo vehicle environment, but, determined that doing so would impede the facilitation of trade. Officials stated there are two reasons that expanding COMPEX to the commercial environment would impact the flow of traffic and trade through land POEs. First, officials stated that violations are less frequent in commercial vehicles than in privately owned vehicles and as a result CBP would need to select a large number of commercial vehicles for COMPEX examinations in order to obtain a generalizable sample. Second, officials stated that commercial vehicle secondary inspections take longer to conduct than privately owned vehicle inspections.

[48]The target and actual reported rates for this measure were omitted because the information was deemed sensitive.

[49]GAO, *Government Reform*: *Goal-Setting and Performance*, GAO/AIMD/GGD-95-130R (Washington, D.C.: March 27, 1995).

[50]Office of Management and Budget, *Preparation and Submission of the Budget*, OMB Circular No. A-11 (Washington, D.C.: July 2018).

OFO management. Because OFO sets a target for the interception rate and uses this measure internally, a more ambitious target for the measure would better encourage CBP to review its performance of inspection activities that impact the measure and challenge them to identify ways of improving performance.

Conclusions

Inspecting travelers and cargo seeking entry to the United States through land POEs is critical to preventing terrorists and other inadmissible persons, as well as nuclear materials, narcotics, and other contraband, from entering the country. OFO has implemented processes and deployed technology to screen and examine travelers and cargo at POEs; however, by reviewing and updating its inspection policies in accordance with its own established time frames, CBP could better ensure that officers have guidance needed to consistently and properly inspect passengers, pedestrians, and commercial vehicles. Further, while CBP has taken steps to monitor compliance with inspection policies through the SIP and covert operational tests, it could more fully analyze the results. By identifying and addressing reoccurring SIP deficiencies at individual land POEs and implementing a policy to conduct periodic comprehensive analyses of covert test findings, CBP could be better positioned to enhance inspections and address vulnerabilities. Lastly, CBP has established various measures to assess the effectiveness of its inspections; however, establishing an ambitious and realistic target for its major violations interception rate could encourage additional improvements in performance.

Recommendations for Executive Action

We are making the following four recommendations to CBP:

The Commissioner of CBP should review and update policies related to land port of entry inspections in accordance with OFO guidance. (Recommendation 1)

The Commissioner of CBP should analyze the results of the Self-Inspection Program over time and at a level necessary to identify and address potentially reoccurring inspection deficiencies at individual ports of entry. (Recommendation 2)

The Commissioner of CBP should implement a policy to conduct periodic comprehensive analyses of covert test findings. (Recommendation 3)

The Commissioner of CBP should develop a new target for the land border interception rate for passengers in privately-owned vehicles with major violations that sets an ambitious and realistic goal based on past performance. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report to DHS for its review and comment. DHS provided comments, which are reproduced in appendix I. In its comments, DHS concurred with the four recommendations. DHS also provided technical comments, which we incorporated as appropriate.

With regard to the first recommendation that CBP update policies related to land POE inspections in accordance with OFO guidance, DHS stated that OFO has initiated a process to modernize handbooks, policy memoranda, and directives. With regard to the second recommendation that CBP analyze SIP results over time and at a level necessary to identify and address potentially reoccurring deficiencies at individual POEs, DHS stated that OFO plans to begin training on how to conduct this analysis so it may be conducted for 2021 SIP results. With regard to the third recommendation that CBP implement a policy to conduct periodic comprehensive analyses of covert test findings, DHS stated that CBP is in the process of writing a policy that will document procedures for comprehensive reporting, including periodic reviews of corrective actions taken to mitigate vulnerabilities. With regard to the fourth recommendation that CBP develop a new target for the land border interception rate, DHS stated that OFO will set a new target for fiscal year 2020 using data from the previous three fiscal years. If fully implemented, these actions will meet the intent of our recommendations.

We are sending copies of this report to the appropriate congressional committees, the Secretary of the Department 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 about this report, please contact me at (202) 512-8777 or gamblerr@gao.gov. Contact points for our Offices 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 are listed in appendix II.

Rebecca Gambler
Director
Homeland Security and Justice

Appendix I: Comments from the Department of Homeland Security

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

Homeland Security

July 24, 2019

Rebecca Gambler
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-19-658: "LAND PORTS OF
        ENTRY: CBP Should Update Policies and Enhance Analysis of Inspections"

Dear Ms. Gambler:

Thank you for the opportunity to review and comment on this draft report. The U.S.
Department of Homeland Security (DHS) appreciates the U.S. Government
Accountability Office's (GAO) work in planning and conducting its review and issuing
this report.

The Department is pleased to note GAO's recognition of U.S. Customs and Border
Protection (CBP) Office of Field Operations (OFO) dual missions to facilitate the flow of
legitimate travel and trade at our nation's borders while also keeping terrorists and their
weapons, criminals and their contraband, and inadmissible aliens out of the country.
OFO has numerous policies and procedures for inspecting passenger vehicles,
pedestrians, and commercial vehicles at land Ports of Entry (POE) to secure the border.
To ensure that the policies and procedures are updated in a timely manner, OFO
established a single office within the Planning, Program Analysis, and Evaluation
(PPAE) Directorate to monitor the policies and procedures and developed an internal
tracking system to monitor when policies and procedures require updates.

OFO has also established a variety of tools to assist with supervisory oversight to ensure
field-level compliance with policies and procedures. In addition, OFO utilizes field
office level monitoring and periodic assessments to monitor land POE activities, as well
as field office Integrity Officers to identify potential corruption and officer training issues
at the POEs. Further, through CBP's national Self-Inspection Program, OFO developed
Self-Inspection Worksheets for specific OFO program areas to identify non-compliance
with particular program policies and procedures. OFO remains committed to ensuring
that these policies and procedures remain accurate and effective.

The draft report contained four recommendations, with which DHS concurred. Attached find our detailed response to each recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

for JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Attachment

2

Attachment: Management Response to Recommendations Contained in GAO-19-658

GAO recommended that the Commissioner of CBP:

Recommendation 1: Review and update policies related to land POE inspections in accordance with OFO guidance.

Response: Concur. The Office of Field Operations (OFO) will review and update policies related to land port of entry (POE) inspections. The OFO, Admissibility and Passenger Programs (APP) and Operations (Ops) Directorate has initiated a process to modernize handbooks, policy memoranda, and directives in accordance with OFO Policy Management Handbook, dated January 2016. This will make the documents current, less dependent on specific system names, and more process oriented. Estimated Completion Date (ECD): April 30, 2020.

Recommendation 2: Analyze the results of the Self-Inspection Program over time and at a level necessary to identify and address potentially reoccurring inspection deficiencies at individual ports of entry.

Response: Concur. OFO will incorporate analysis of Self-Inspection Program (SIP) results from individual reporting units (i.e., Directors, Field Operations, POEs, and Centers of Excellence and Expertise) into the OFO SIP Cycle Annual Report.

As part of this process, the OFO, Planning, Program Analysis and Evaluation (PPAE) Directorate, Quality Assurance Enterprise Division (QAED), will provide training and instruction to OFO SIP Coordinators (SCO) in Headquarters, OFO Directorates and Field Offices on how to conduct this analysis. Due to the level of training and coordination required, this task will be implemented by the issuance of the SIP Cycle 2021 Annual Report.

Milestones:
- September 30, 2019: Complete the fiscal year (FY) 2019 OFO SIP Annual Report, which will be used as a baseline report.
- September 30, 2019: Begin developing a template for individual reporting units to use when conducting analysis of SIP Cycle 2020 results.
- April 30, 2020: Complete template development.
- August 31, 2020: Provide FY 2020 SCO Training. This will assist SCOs in conducting the analysis of individual reporting units for the first time.
- September 30, 2020: Complete FY 2020 OFO SIP Annual Report. This report will feature, for the first time, analysis of SIP results from individual reporting units.

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- August 31, 2021: Conduct FY 2021 SCO Training and inform SCOs that the SIP 2021 report will include a comparison of individual reporting unit results from 2020-2021.
- September 30, 2021: Complete FY 2021 OFO SIP Annual Report. This report will feature an analysis of reoccurring inspection deficiencies over time at individual reporting units.

ECD: October 31, 2021.

Recommendation 3: Implement a policy to conduct periodic comprehensive analyses of covert test findings.

Response: Concur. The Office of Intelligence, in collaboration with the Office of Field Operations and U.S. Border Patrol, is currently writing a policy that will codify existing practices related to comprehensive reporting. This policy will address the determining factors and inputs needed to produce a comprehensive report, to include periodic reviews of the corrective actions taken to mitigate vulnerabilities and weaknesses. ECD: March 31, 2020.

Recommendation 4: Develop a new target for the land border interception rate for passengers in privately-owned vehicles with major violations that sets an ambitious and realistic goal based on past performance.

Response: Concur. OFO will develop a new, realistic target based on past performance for the land border interception rate for passengers in privately-owned vehicles with major violations. OFO will compare FY 2017, 2018 and 2019 data to set a new target for FY 2020, review the target vs. actual mid-year FY 2020 data, and report on the target at the end of FY 2020.

Milestones:
- November 30, 2019: Compare FYs 2017, 2018, and 2019 data to set target
- April 30, 2020: Review the target vs. actual mid-year FY 2020
- November 30, 2020: Report on the target end of year FY 2020).

ECD: December 31, 2020.

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Appendix II: GAO Contact and Staff Acknowledgments

GAO Contact

Rebecca Gambler at (202) 512-8777 or gamblerr@gao.gov

Staff Acknowledgments

In addition to the contact named above, Kirk Kiester (Assistant Director), Heather May (Analyst in Charge), Carl Barden, Michele Fejfar, Eric Hauswirth, Susan Hsu, Richard Hung, Jeff Love, Mara McMillen, Sasan J. "Jon" Najmi, and Jonathan Tumin made key contributions to this report.