



January 2017

# BORDER SECURITY

## CBP Aims to Prevent High-Risk Travelers from Boarding U.S.-Bound Flights, but Needs to Evaluate Program Performance

# GAO Highlights

Highlights of [GAO-17-216](#), a report to congressional requesters

## Why GAO Did This Study

DHS seeks to identify and interdict international air travelers who are potential security threats to the United States, such as foreign fighters and potential terrorists, human traffickers, and otherwise inadmissible persons, at the earliest possible point in time. In fiscal year 2015, CBP processed more than 104 million U.S.-bound air travelers. CBP operates various predeparture programs domestically and overseas that are designed to identify and interdict high-risk travelers before they board U.S.-bound flights.

GAO was asked to review CBP's predeparture programs. This report addresses (1) how CBP identifies high-risk travelers before they board U.S.-bound flights; (2) the results of CBP's predeparture programs and the extent to which CBP has measures to assess program performance; and (3) how CBP plans to expand its predeparture programs. GAO reviewed CBP policies and procedures and fiscal year 2015 data across these programs. GAO also visited nine foreign and one domestic airport, selected based on location and traveler volume, among other factors. Information from these visits was not generalizable but provided valuable insights into program operations.

## What GAO Recommends

GAO recommends that CBP develop and implement a system of performance measures and baselines to evaluate the effectiveness of its predeparture programs and assess whether the programs are achieving their stated goals. CBP concurred with the recommendation and identified planned actions to address the recommendation.

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# CBP Aims to Prevent High-Risk Travelers from Boarding U.S.-Bound Flights, But Needs to Evaluate Program Performance

## What GAO Found

The Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) analyzes traveler data and threat information to identify high-risk travelers before they board U.S.-bound flights. CBP's National Targeting Center (NTC), the primary entity responsible for these analyses, conducts traveler data matching which assesses whether travelers are high-risk by matching their information against U.S. government databases and lists, and rules-based targeting, which enables CBP to identify unknown high-risk individuals. CBP operates multiple predeparture programs that use the results of NTC's analyses to help identify and interdict high-risk travelers before they board U.S.-bound flights. CBP officers inspect all U.S. bound travelers on precleared flights at the 15 Preclearance locations and, if deemed inadmissible, a traveler will not be permitted to board the aircraft. CBP also operates nine Immigration Advisory Program (IAP) and two Joint Security Program (JSP) locations as well as three Regional Carrier Liaison Groups (RCLG) that allow CBP to work with foreign government and air carrier officials to identify and interdict high-risk travelers. Through these programs, CBP may recommend that air carriers not permit such travelers to board U.S.-bound flights.

CBP data show that it identified and interdicted over 22,000 high-risk air travelers in fiscal year 2015 through its predeparture programs. CBP officers at Preclearance locations determined that 10,648 of the approximately 16 million air travelers seeking admission to the United States through such locations were inadmissible. Similarly, CBP, through its IAP, JSP, and RCLG locations, made 11,589 no-board recommendations to air carriers for the approximately 88 million air travelers bound for the United States from such locations. While CBP's predeparture programs have helped identify and interdict high-risk travelers, CBP has not fully evaluated the overall effectiveness of these programs using performance measures and baselines. CBP tracks some data, such as the number of travelers deemed inadmissible, but has not set baselines to determine if predeparture programs are achieving goals, consistent with best practices for performance measurement. By developing and implementing a system of performance measures and baselines, CBP would be better positioned to assess if the programs are achieving their goals.

CBP plans to expand its predeparture programs where possible, though several factors limit its ability to expand to all priority locations. In May 2015—after soliciting interest among foreign airport authorities and scoring interested airports using risk and other factors—CBP stated it would begin Preclearance expansion negotiations with 10 priority airports in 9 countries. As of November 2016, CBP had not completed the process required to begin operations in any locations prioritized for expansion, but had reached agreement with one location at which Preclearance operations could begin as early as 2019. According to senior CBP officials, Preclearance expansions are lengthy and complex processes because host governments and airports must be willing to allow for a Preclearance location, and CBP's Preclearance expansion strategy relies on partnering with airports that are willing to pay for the majority of operational costs.

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### Abbreviations

CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
GPRA	Government Performance and Result Act
IAP	Immigration Advisory Program
JSP	Joint Security Program
NTC	National Targeting Center
OFO	Office of Field Operations
POE	Port of Entry
RCLG	Regional Carrier Liaison Group
TSA	Transportation Security Administration
TSDB	Terrorist Screening Database

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January 24, 2017

Congressional Requesters

The Department of Homeland Security (DHS) seeks to identify and interdict international air travelers who are potential security threats to the United States at the earliest possible point in the travel lifecycle to make the nation’s physical borders the last, not the first, line of defense. DHS’s U.S. Customs and Border Protection (CBP) is the federal agency with primary responsibility for securing U.S. borders and processes all travelers on U.S.-bound flights.<sup>1</sup> In fiscal year 2015, CBP processed more than 104 million U.S.-bound air travelers. CBP’s efforts start before air travelers enter a foreign port of embarkation—including when an individual applies for U.S. travel documents, or reserves, books, or purchases an airline ticket—and continue during travel up until officers from CBP’s Office of Field Operations (OFO) determine whether to admit travelers into the United States at U.S. ports of entry (POE).<sup>2</sup> CBP implements multiple air predeparture programs designed to interdict high-risk individuals, such as foreign fighters and potential terrorists, human traffickers, drug smugglers, and otherwise inadmissible persons, before they board U.S.-bound aircraft.<sup>3</sup> CBP officers assigned to these programs query traveler data against government databases (referred to as vetting), conduct in-person interviews of travelers at foreign airports (referred to as

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<sup>1</sup>See 6 U.S.C. § 211. For the purposes of this report, our scope focuses on CBP efforts associated with air travel and does not include CBP’s efforts to process individuals who are traveling to the United States via other means, such as pedestrians or vehicles at U.S. land ports of entry or via commercial cruise ships.

<sup>2</sup>OFO, which is headed by an Executive Assistant Commissioner and has nearly 28,000 employees, is responsible for providing border security while facilitating lawful trade and travel at U.S. POEs. POEs are facilities that provide for the controlled entry into or departure from the United States. Specifically, a POE is any officially designated location (seaport, airport, or land border location) where CBP officers or employees are assigned to clear travelers and merchandise, collect duties, and enforce customs laws, and where a person may apply for admission into the United States pursuant to U.S. immigration law.

<sup>3</sup>For the purposes of this report, the term “high-risk traveler” refers to any traveler who may be inadmissible to the United States under the Immigration and Nationality Act, or who may otherwise pose a threat to homeland or national security. See, e.g., 8 U.S.C. § 1182 (establishing grounds for inadmissibility). According to CBP, the predeparture programs discussed in this report aim to interdict all high-risk travelers, but primarily focus on national security concerns and preventing known or suspected terrorists or travelers with connections to known or suspected terrorists from boarding flights destined for the United States.

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interviewing), and conduct full examinations of travelers and their belongings at foreign airports to determine admissibility to the United States (referred to as inspecting), as appropriate. U.S.-bound travelers are vetted, interviewed, or inspected prior to boarding flights, although not all U.S.-bound travelers undergo all three processes. In fiscal year 2015, CBP data indicate that more than 8,100 known or suspected terrorists, or individuals with connections to known or suspected terrorists, attempted to apply for travel to the United States or board U.S.-bound flights. CBP has plans underway to expand the presence of its predeparture programs overseas.

Recent events have highlighted the increased threat of one group of high-risk individuals, namely foreign fighters—individuals who leave home, travel abroad to terrorist safe havens, and join or assist violent extremist groups. In February 2016, the Director of National Intelligence reported that more than 36,500 foreign fighters—including more than 6,600 from Western countries—had traveled to Syria to train with, support, or join extremist groups, such as the Islamic State in Iraq and Syria (ISIS).<sup>4</sup> Moreover, according to the Director of National Intelligence, the November 2015 attacks in Paris, France, which killed 130 people, were conducted, in part, by European foreign fighters returning from Syria. Furthermore, airport and air travel security remains a pressing current issue, as evidenced by the October 2015 bombing of a Russian airliner in the Sinai, Egypt, which killed all 224 passengers onboard, as well as the March 2016 airport attack in Brussels, Belgium, which killed 32 people.

You asked us to review CBP's air predeparture programs and CBP's plans to expand them. This report addresses the following questions: (1) How does CBP identify high-risk travelers before they board U.S.-bound flights? (2) What have been the results of CBP's air predeparture programs, and to what extent does CBP have measures to assess the programs' performance? (3) How does CBP plan to expand its air predeparture programs?

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<sup>4</sup>James R. Clapper, *Director of National Intelligence*, Worldwide Threat Assessment of U.S. Intelligence Community, testimony before the Senate Select Committee on Intelligence, 114th Cong., 2nd sess., February 9, 2016.

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This report is a public version of a sensitive report that we issued in September of 2016.<sup>5</sup> CBP deemed some of the information in that report as sensitive security information and law enforcement sensitive, both of which must be protected from public disclosure. Therefore, this report omits sensitive information about CBP's efforts to target and interdict high-risk passengers prior to departing for the United States. Although the information provided in this report is more limited in scope, it addresses the same questions as the sensitive report. Also, the overall methodology used for both reports is the same.

To determine how CBP identifies high-risk travelers before they board U.S.-bound flights, we reviewed documentation related to CBP's efforts to identify high-risk travelers before they board U.S.-bound flights, such as CBP's 2015 predeparture targeting standard operating procedures and guidance on targeting effort development and implementation. We also reviewed applicable federal statutes, regulations, and DHS privacy documents related to CBP's predeparture targeting efforts. In addition, we reviewed documentation on CBP's processes for developing, implementing, and reviewing its targeting efforts. We interviewed senior CBP officials responsible for leading CBP's targeting efforts at the National Targeting Center (NTC) to better understand the process by which NTC develops, implements, and oversees the targeting process and observed the predeparture targeting process.<sup>6</sup> We also interviewed and received documentation from DHS's Office of General Counsel regarding its oversight of CBP's targeting and identification efforts.

To determine the results of CBP's air predeparture programs, we reviewed CBP documents, policies, and procedures regarding the management and operations of CBP's predeparture programs, including standard operating procedures and strategic planning documents. We also interviewed CBP headquarters officials responsible for managing CBP's predeparture programs. To evaluate the extent to which CBP has measures in place to evaluate these programs' performance, we

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<sup>5</sup>GAO, *Border Security: CBP Aims to Prevent High-Risk Travelers from Boarding U.S.-Bound Flights, but Needs to Evaluate Program Performance*, GAO-16-646SU (Washington, D.C.: Sept. 29, 2016).

<sup>6</sup>CBP's NTC leads all of CBP's predeparture targeting and vetting efforts. NTC is a 24/7 operations entity responsible for providing advance information and research about high-risk travelers and cargo and facilitating coordination between law enforcement and intelligence agencies in support of CBP's anti-terrorism mission and efforts to keep high-risk individuals and cargo from boarding U.S.-bound flights.

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assessed CBP's efforts to measure and track program performance against requirements for performance measurement in the Government Performance and Results Act of 1993 (GPRA)<sup>7</sup> and the GPRA Modernization Act of 2010,<sup>8</sup> as well as best practices on performance management<sup>9</sup> and best practices on program evaluation.<sup>10</sup> Moreover, we gathered fiscal year 2015 data—the most recent complete data available—on the results of CBP's predeparture programs. Due to technology updates related to CBP's efforts to collect data on predeparture program vetting, interviewing, and inspection, we used fiscal year 2015 data.<sup>11</sup> We also collected and analyzed available CBP data from fiscal year 2015 on the number of travelers matched to the Terrorist Screening Database (TSDB) and its subset No Fly List, as well as previously unknown individuals identified by CBP as high-risk.<sup>12</sup> We assessed the reliability of these data by, for example, reviewing documentation from and meeting with relevant CBP officials responsible for processing and handling the data, as well as by reviewing the data for inconsistencies. We found that these data were sufficiently reliable to provide descriptive information on the result of CBP's identification and targeting efforts and for presenting descriptive statistics on CBP's efforts to prevent high-risk individuals from traveling to the United States.

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<sup>7</sup>See generally Pub. L. No. 103-62, 107 Stat. 285 (1993). GPRA was enacted to help resolve the long-standing management problems that undermined the federal government's efficiency and effectiveness and provide greater accountability for results.

<sup>8</sup>See generally Pub. L. No. 111-352, 124 Stat. 3866 (2011) (updating GPRA).

<sup>9</sup>GAO, *Managing For Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005). The best practices outlined in [GAO-05-927](#) were developed through literature review, interviews with performance information experts, and group discussions with federal program managers, among other things.

<sup>10</sup>GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012). The best practices outlined in [GAO-12-208G](#) are based on GAO studies, policy documents, and program evaluation literature. To ensure the guide's competence and usefulness, drafts were reviewed by selected GAO, federal and state agency evaluators, and evaluation authors and practitioners from professional consulting firms.

<sup>11</sup>Due to the switch from multiple data collection systems for each predeparture program to one data collection system, which CBP implemented in fiscal year 2015, we elected to use fiscal year 2015 data to ensure that all of the data is comparable across programs.

<sup>12</sup>The Terrorist Screening Database (TSDB) is the U.S. government's consolidated terrorist watchlist. The No Fly List is a subset of the TSDB that identifies individuals prohibited from boarding flights to, from, within, or overflying the United States.

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We also conducted site visits at nine foreign airports and one domestic airport from May 2015 through September 2015 to observe the specific techniques used by CBP officers to prevent high-risk individuals from boarding U.S.-bound flights.<sup>13</sup> To help ensure that our site visits included observations across all of CBP's predeparture programs within our scope and across geographic regions, we selected these locations based on factors such as program type; geographic location; and CBP data on overall traveler volume and numbers of high-risk travelers, among other things. Moreover, during the site visits at foreign locations, we met with CBP, Department of State, and other U.S. government officials; representatives from host country government agencies; airport authority representatives; and airline representatives to discuss and observe how CBP implements the predeparture programs. Our visits to these locations do not provide a representative sample of these programs, but provide illustrative examples and insight into the processes and daily operations of these programs. We also met with and received documentation from CBP predeparture officials located in the three U.S. POEs that coordinate with airlines at foreign airports to prevent individuals who may pose a security threat, have fraudulent documents, or are otherwise likely to be inadmissible from boarding flights to the United States.

To determine how CBP plans to expand its air predeparture programs, we reviewed and analyzed CBP documentation, including guidance for prospective applicant airports, cost estimates for potential expansion locations, and CBP's expansion evaluation report and supporting materials. We also analyzed CBP's January 2016 predeparture "white paper," which outlines CBP's goals for its programs and discusses its strategy for expanding these programs and capabilities. We also reviewed relevant laws concerning expansion, particularly those related to funding and CBP staffing requirements. We interviewed a non-generalizable sample of private sector representatives from air carrier associations, airlines, and airport authorities regarding CBP's planned expansion of the predeparture programs. We selected these stakeholders

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<sup>13</sup>During our site visits, we traveled to nine foreign airports—Pierre Elliott Trudeau International Airport in Montreal, Canada; Lester B. Pearson International Airport in Toronto, Canada; Abu Dhabi International Airport in Abu Dhabi, United Arab Emirates; Doha Hamad International Airport in Doha, Qatar; Heathrow Airport in London, England; Charles de Gaulle International Airport in Paris, France; Adolfo Suarez Madrid—Barajas International Airport in Madrid, Spain; Tocumen International Airport in Panama City, Panama; and Benito Juarez International Airport in Mexico City, Mexico. We also traveled to one domestic airport—John Fitzgerald Kennedy International Airport in New York City, New York.

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through analysis of Department of Transportation data on air carrier volume, consultation with airline industry representatives, and input from an internal GAO expert on the airline industry. The information we obtained from our private sector interviews cannot be generalized, but offers insight into the role and participation of private sector stakeholders into CBP's expansion efforts. We interviewed CBP, Department of State, Transportation Security Administration (TSA), and Department of Transportation officials on predeparture expansion, including factors affecting expansion, insights into the negotiation process, the different roles of federal stakeholders involved in the process, and the status of these efforts.

We conducted this performance audit from October 2016 to January 2017 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.

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## Background

According to CBP documentation, throughout the travel process, OFO's NTC analyzes traveler information and uses it to provide CBP officers at CBP's predeparture locations with relevant and timely information about an individual.<sup>14</sup> According to CBP documentation, these efforts provide CBP officers stationed overseas and within the United States the ability to address risks or prevent the movement of identified threats toward the United States at the earliest possible point in the travel process. CBP's predeparture programs use the results of NTC's efforts to identify and interdict high-risk individuals destined for the United States while they are still overseas. Specifically, CBP operates three air predeparture programs that are responsible for all U.S.-bound air travelers—Preclearance; the Immigration Advisory Program (IAP) and Joint Security Program (JSP); and the regional carrier liaison groups (RCLG). In fiscal year 2015, CBP's

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<sup>14</sup>For the purposes of this report, the term travel process denotes the sequential steps that an international traveler takes to travel to the United States and focuses specifically on the points in time when travelers reserve and purchase airline tickets; check-in at the airport; transit to the United States; and arrive at a U.S.-based (i.e. domestic) airport; it does not focus on steps taken by the traveler before a ticket is reserved or purchased, such as obtaining a requisite travel authorization.

predeparture programs consisted of more than 670 CBP officers at 29 locations worldwide as outlined in figure 1 below.

**Figure 1: U.S. Customs and Border Protection’s (CBP) Air Predeparture Program Locations**



● Immigration Advisory Program/Joint Security Program    
◆ Preclearance    
★ Regional Carrier Liason Group

Source: GAO analysis of CBP documentation; MapInfo (map). | GAO-17-216

**Preclearance.** Preclearance locations operate at foreign airports and serve as U.S. POEs. Preclearance operations began in 1952 in Toronto to facilitate trade and travel between the United States and Canada. As of April 2016, CBP operates 15 air Preclearance locations in six countries.<sup>15</sup> Through the Preclearance program, uniformed CBP officers at a foreign airport exercise U.S. legal authorities to inspect travelers and luggage and make admissibility determinations prior to an individual boarding a plane to the United States.<sup>16</sup> According to CBP officials, an inspection at a Preclearance location is the same inspection an individual would undergo at a domestic POE, and officers conducting Preclearance inspections exercise the same authority as officers at domestic POEs to approve or deny admission into the United States.<sup>17</sup> As a result, travelers arriving at

<sup>15</sup>See 19 C.F.R. § 101.5. CBP’s Preclearance location in Victoria, Canada, only processes maritime travelers and, as a result, we did not include it in this report.

<sup>16</sup>See 8 U.S.C. § 1103(a)(7); 19 U.S.C. § 1629. See also 8 C.F.R. §§ 235.1, 235.5; 19 C.F.R. §§ 148.22, 162.6, 162.8. See also Pub. L. No. 114-125, § 813, 130 Stat. 122, 217-18 (2016) (authorizing the DHS secretary to establish and maintain CBP preclearance operations in a foreign country).

<sup>17</sup>Individuals denied admission to the United States at a Preclearance location are not permitted to proceed beyond the point of inspection and, thus, are unable to board a flight to the United States.

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domestic air POEs from Preclearance locations do not have to be re-inspected upon entry or if they are connecting to a domestic flight.<sup>18</sup> In fiscal year 2015, CBP had about 600 staff located in Preclearance facilities around the world.

**Immigration Advisory Program (IAP) and Joint Security Program (JSP).** IAP and JSP operate at foreign airports. According to CBP officials, under this program, unarmed, plain clothes CBP officers posted at foreign airports partner with air carriers and host country government officials to help prevent terrorists and other high-risk individuals from boarding U.S.-bound flights by vetting and interviewing them before travel.<sup>19</sup> According to CBP program documentation, CBP established IAP in 2004 to prevent terrorists, high-risk, and improperly documented travelers from boarding airlines destined to the United States. Building on the IAP concept, CBP established JSP in 2009 to partner with host country law enforcement officials to identify high-risk travelers. CBP officers at IAP and JSP locations have the ability to question travelers and review their travel documents. They are to act in an advisory manner to the air carriers and host governments and do not have authority to deny boarding to individuals on U.S.-bound flights or fully inspect travelers or their belongings. IAP and JSP officers are authorized by CBP to make recommendations to airlines as to whether to board or deny boarding (known as a no-board recommendation) to selected travelers based on their likely admissibility status upon arrival to the United States. The final decision to board travelers, however, lies with the carriers.

**Regional Carrier Liaison Groups (RCLG).** RCLGs are located and operate at domestic airports. CBP established RCLGs in 2006 to assist air carriers with questions regarding U.S. admissibility requirements and travel document authenticity. RCLGs are located in New York, Miami, and Honolulu. According to CBP officials, RCLGs are responsible for coordinating with air carriers on all actionable referrals from NTC on U.S. bound travelers departing from an airport without an IAP, JSP, or Preclearance presence. Each RCLG is assigned responsibility for travelers departing out of a specific geographic location.<sup>20</sup> Similar to IAP

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<sup>18</sup>According to CBP officials, in accordance with CBP's current preclearance agreements and processes, CBP officers retain the authority to inspect these travelers and their accompanying goods or baggage after arriving in the United States should further inspection be warranted.

<sup>19</sup>See 8 U.S.C. § 1225a(b).

<sup>20</sup>RCLGs are not responsible for travelers departing from Preclearance locations.

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and JSP, CBP officers in RCLGs also make no-board recommendations as appropriate to air carriers. CBP officers at RCLGs do not have authority to make admissibility determinations about U.S.-bound air travelers, and the final decision to board or not board a traveler lies with the carrier.

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## CBP Analyzes Traveler Data and Threat Information to Identify High-Risk Travelers before They Board U.S.-Bound Flights

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### CBP Has Processes in Place to Identify High-Risk Travelers before They Board U.S.-Bound Flights

CBP electronically vets all travelers before they board U.S.-bound flights and continues to do so until they land at a U.S. port of entry. Through these vetting efforts, CBP seeks to identify high-risk travelers from the millions of individuals who travel to the United States each year. CBP's vetting and targeting efforts are primarily conducted by NTC and entail (1) traveler data matching and analysis, (2) rules-based targeting, and (3) recurrent vetting.

### Traveler Data Matching and Analysis

CBP's primary method of identifying high-risk individuals is through the comparison of travelers' information (such as name, date of birth, and gender)<sup>21</sup> against records extracted from U.S. government databases,

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<sup>21</sup>According to CBP officials, information from both the Advance Passenger Information System (APIS), which includes biographical information such as full name, date of birth, gender, flight number, date of arrival and departure, citizenship, and passport/alien registration card number, among others, and the Passenger Name Record (PNR), which refers to reservation information contained in an air carrier's electronic reservation system and/or departure control system that sets forth the identity and travel plans of each traveler or group of travelers included under the same reservation record, are utilized in the targeting and vetting of individuals attempting to travel to the United States. See 49 U.S.C. § 44909; 19 C.F.R. §§ 122.49a, 122.49d. Air carriers must generally provide APIS information not later than 30 minutes prior to securing the aircraft (i.e. departure), while according to CBP officials, air carriers must provide PNR to CBP not later than 96 hours prior to scheduled departure. NTC uses APIS information to positively confirm the identity of high-risk travelers.

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including the Terrorist Screening Database (TSDB)—the U.S. government’s consolidated terrorist watch list.<sup>22</sup> Traveler data matching focuses on identifying known high-risk individuals—that is, individuals who may be inadmissible to the United States under U.S. immigration law or who may otherwise pose a threat to homeland or national security. According to senior NTC officials, CBP devotes significant resources to traveler data matching and analysis. CBP’s primary tool for vetting and targeting travelers is the Automated Targeting System (ATS), which is a computer based-enforcement and support system that compares traveler information against intelligence and law enforcement data to identify high-risk travelers. Traveler data matching occurs throughout the travel process and, upon a positive or possible match, CBP officers can select these individuals for further vetting, interviewing, and inspection.

## Rules-Based Targeting

CBP’s rules-based targeting efforts seek to identify unknown high-risk travelers—that is, travelers for whom U.S. government entities do not have available derogatory information directly linking them to terrorist activities or any other actions that would make them potentially inadmissible to the United States but who may present a threat and thus warrant additional scrutiny. According to NTC officials responsible for the rules-based targeting program, unknown high-risk travelers pose the greatest threat to the United States because their information is not contained in lists of known high-risk individuals and are therefore more difficult to detect. CBP identifies unknown high-risk individuals by comparing their information against a set of targeting rules based on intelligence, law enforcement, and other information. NTC officials stated that these rules have identified potential foreign fighters or other high-risk travelers. Within CBP, the NTC develops, modifies, and implements the targeting rules in ATS. On the basis of our interviews and reviews of CBP documentation, we found that when designing or implementing any new

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<sup>22</sup>Information in the TSDB comes from two sources: the National Counterterrorism Center, which provides information on known or suspected international terrorists in the Terrorist Identities Datamart Environment, and the Federal Bureau of Investigation, which provides information about known or suspected domestic terrorists. For more information about the TSDB and the process by which the U.S. government manages this watchlist, see GAO, *Terrorist Watchlist: Routinely Assessing Impacts of Agency Actions since the December 29, 2009, Attempted Attack Could Help Inform Future Efforts*, [GAO-12-476](#) (Washington, D.C.: May 31, 2012). Databases and lists used include the Terrorist Screening Center’s TSDB and its subset No Fly List, the Centers for Disease Control and Prevention’s Do Not Board List (an infectious and contagious disease watchlist), the Federal Bureau of Investigation’s National Crime Information Center, travelers with derogatory records in TECS (CBP’s primary database for documenting traveler records and not an acronym), the Department of State’s record of denied or revoked visas, and others.

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rules, NTC, in coordination with other partners at CBP, engages in a multiple-step assessment and review process to ensure that the proposed rule will meet its intended purpose and not impose an unjustifiable impact on legitimate travelers. Rules-based targeting evaluates travelers during the travel process and in some cases in advance of the travel process. If a traveler is a rule “hit”, this individual can be selected for further vetting, interviewing, and inspection.<sup>23</sup>

## Recurrent Vetting

CBP supports its traveler data matching and rules-based targeting efforts through the use of recurrent vetting. NTC’s vetting, targeting, and traveler data matching activities in ATS run 24 hours a day and seven days a week and automatically scan through updated traveler information, when available. This process, known as recurrent vetting, is to ensure that new information that affects a traveler’s admissibility is identified in near real time. Recurrent vetting occurs throughout the travel process and continues until a traveler arrives at a domestic port of entry. For example, after checking into a foreign airport, a traveler may have his or her U.S. visa revoked for a security or immigration-related violation. Due to recurrent vetting, CBP would be alerted to this through ATS and could take action as appropriate.

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## CBP Sends Lists of Identified High-Risk Travelers to Predeparture Program Locations and Coordinates Its Targeting Efforts with TSA

Information on individuals who the NTC identifies through traveler data matching or rules-based targeting, including recurrent vetting, is compiled automatically through ATS into a daily high-priority list, or traveler referral list. CBP officers at the NTC review the traveler referral list for accuracy and to remove, if possible, any automatically generated matches determined to not be potential high-risk individuals.<sup>24</sup> After this review, CBP officers at the NTC use ATS to send the traveler referral list to officers at each Preclearance, IAP, JSP, and RCLG location, as shown in figure 2. According to CBP officials responsible for managing CBP’s predeparture programs, these traveler referral lists represent their daily, high-priority requirements. According to CBP officials, officers at each of

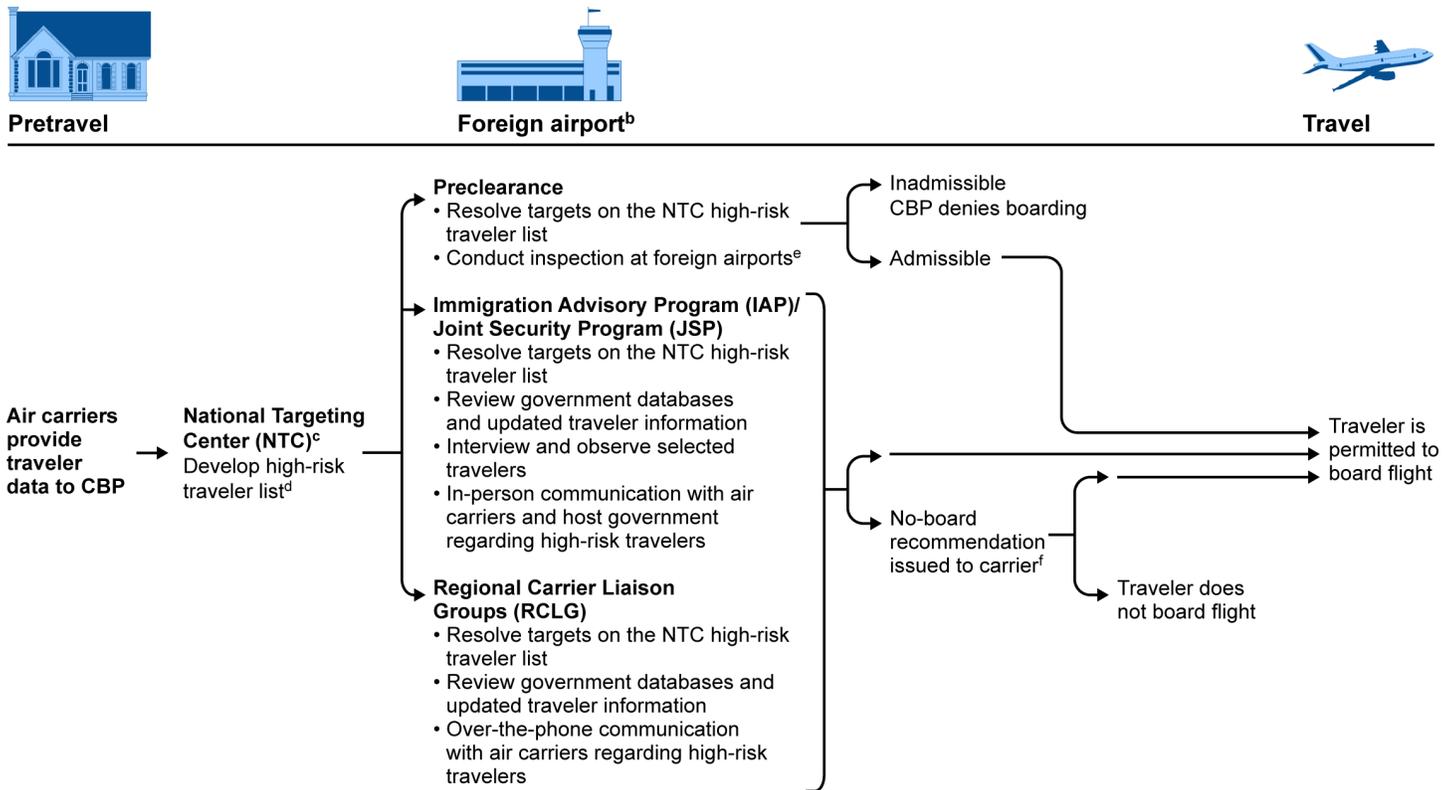
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<sup>23</sup>In general, when a traveler is identified through rules-based targeting, the traveler is considered to have hit the rule.

<sup>24</sup>Some travelers may be a “false positive” and match to high-risk individuals because they have the same or similar name and personal information. Upon further review, such as by viewing a picture of the traveler and comparing it with a picture of the high-risk individual, CBP may be able to determine conclusively that the traveler is not the high-risk individual in question. If this happens, CBP officers at the NTC can remove this individual from the traveler referral list.

these locations are required to assess each individual on the traveler referral list and verify travel and identity documents, as appropriate. CBP officers stationed overseas and at RCLGs communicate with the NTC regarding the authenticity and completeness of traveler documents and may send additional information to have the NTC verify that the documents are legitimate.

**Figure 2: Actions Taken by U.S. Customs and Border Protection’s (CBP) Predeparture Programs to Interdict High-Risk U.S.-Bound Air Travelers Throughout the Travel Process<sup>a</sup>**



Source: GAO analysis of CBP information. | GAO-17-216

<sup>a</sup>For the purposes of this report, the term travel process denotes the sequential steps that an international traveler takes to travel to the United States and focuses specifically on the points in time when travelers reserve and purchase airline tickets; check-in at the airport; transit to the United States; and arrive at a U.S.-based (i.e., domestic) airport. It does not focus on steps taken by the traveler before a ticket is reserved or purchased, such as obtaining a requisite travel authorization.

<sup>b</sup>This figure generally represents the actions CBP officers take to interdict high-risk travelers who will travel directly to the United States from a foreign last point of departure airport.

<sup>c</sup>CBP’s NTC leads all of CBP’s predeparture targeting and vetting efforts. The NTC is a 24/7 operations entity within CBP’s Office of Field Operations responsible for providing advance information and research about high-risk travelers and facilitating coordination between law

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enforcement and intelligence agencies in support of CBP's anti-terrorism mission and efforts to keep high-risk travelers from boarding U.S.-bound flights.

<sup>d</sup>For the purposes of this report, the term "high-risk traveler" refers to any traveler who may be inadmissible to the United States under the Immigration and Nationality Act or who may otherwise pose a threat to homeland or national security. See 8 U.S.C. § 1182 (establishing grounds for inadmissibility). According to CBP, the predeparture programs discussed in this report aim to interdict all high-risk travelers, but primarily focus on national security concerns and preventing known or suspected terrorists or travelers with connections to known or suspected terrorists from boarding flights destined for the United States.

<sup>e</sup>CBP officers at air Preclearance locations conduct inspections of all U.S.-bound air travelers and determine whether they are admissible into the United States, as if conducted at a domestic U.S. port of entry.

<sup>f</sup>If CBP determines that a traveler at an RCLG, IAP, or JSP location will likely be deemed inadmissible upon arrival in the United States, CBP officers responsible for the location may recommend to the air carrier that it not board the traveler. Air carriers, however, retain authority to board the traveler unless the traveler has been identified by TSA as being on the No Fly List.

Additionally, NTC coordinates its traveler data matching and rules-based targeting for international air travelers with TSA's Secure Flight Program.<sup>25</sup> In April 2014, NTC and TSA developed an electronic common operating picture, which displays a master CBP and TSA traveler referral list of high-risk travelers in both the NTC and TSA operations center. According to CBP and TSA officials responsible for these programs, joint display of high-risk traveler information permits both TSA and CBP to identify and resolve discrepancies in vetting travelers, coordinate their efforts, and functions as a security redundancy. In addition, NTC officials stated that CBP and TSA's coordination efforts have allowed them to identify more high-risk travelers than they would have if they had been working separately.

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<sup>25</sup>In response to requirements of the Intelligence Reform and Terrorism Prevention Act of 2004, and a recommendation of the National Commission on Terrorist Attacks upon the United States (the 9/11 Commission), TSA developed and implemented Secure Flight in order to assume from air carriers the function of matching traveler information against watchlists maintained by the federal government. See 49 U.S.C. § 44903(j)(2)(C). After initiating development of its prescreening system in 2004, TSA began implementing Secure Flight in 2009, and completed transitioning foreign and domestic air carriers to the program in November 2010. Secure Flight screens travelers on all domestic and international flights to, from, and within the United States; certain flights overflying the continental United States; and international point-to-point flights operated by U.S. aircraft operators. See 73 Fed. Reg. 64,018 (Oct. 28, 2008).

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## CBP Has Processes in Place to Oversee and Review Predeparture Targeting Efforts

According to officials from NTC and DHS's Offices of General Counsel, Privacy, and Civil Rights and Civil Liberties, CBP has internal and external processes in place to ensure that its vetting and targeting efforts—particularly the use of targeting rules—are relevant, manageable, and in compliance with privacy requirements.<sup>26</sup> These officials reported that CBP reviews the targeting rules on a periodic basis to assess whether the rules remain relevant in light of evolving threats. In addition, CBP also conducts constant rule maintenance and development as needed in response to new or changing threats. According to CBP documentation, DHS's Offices of General Counsel, Privacy, and Civil Rights and Civil Liberties also review the targeting rules on a periodic basis to ensure that the rules do not excessively affect the traveling public. According to NTC officials, to date there have been no disagreements about the validity or utility of the rules between NTC and the external review groups.

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## CBP's Air Predeparture Programs Interdict High-Risk Air Travelers, but CBP Has Not Fully Assessed the Programs' Performance

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### CBP Identifies and Interdicts High-Risk Travelers before They Board U.S.-Bound Flights

Through its predeparture programs—Preclearance, IAP and JSP, and RCLGs—CBP identifies and interdicts high-risk travelers before they board U.S.-bound flights. Specifically, CBP data indicate that CBP's predeparture programs identified and ultimately interdicted approximately 22,000 high-risk air travelers in fiscal year 2015.

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<sup>26</sup>See, e.g., 80 Fed. Reg. 13,407 (Mar. 13, 2015) (APIS System of Records Notice) and 77 Fed. Reg. 30,297 (May 22, 2012) (ATS System of Records Notice).

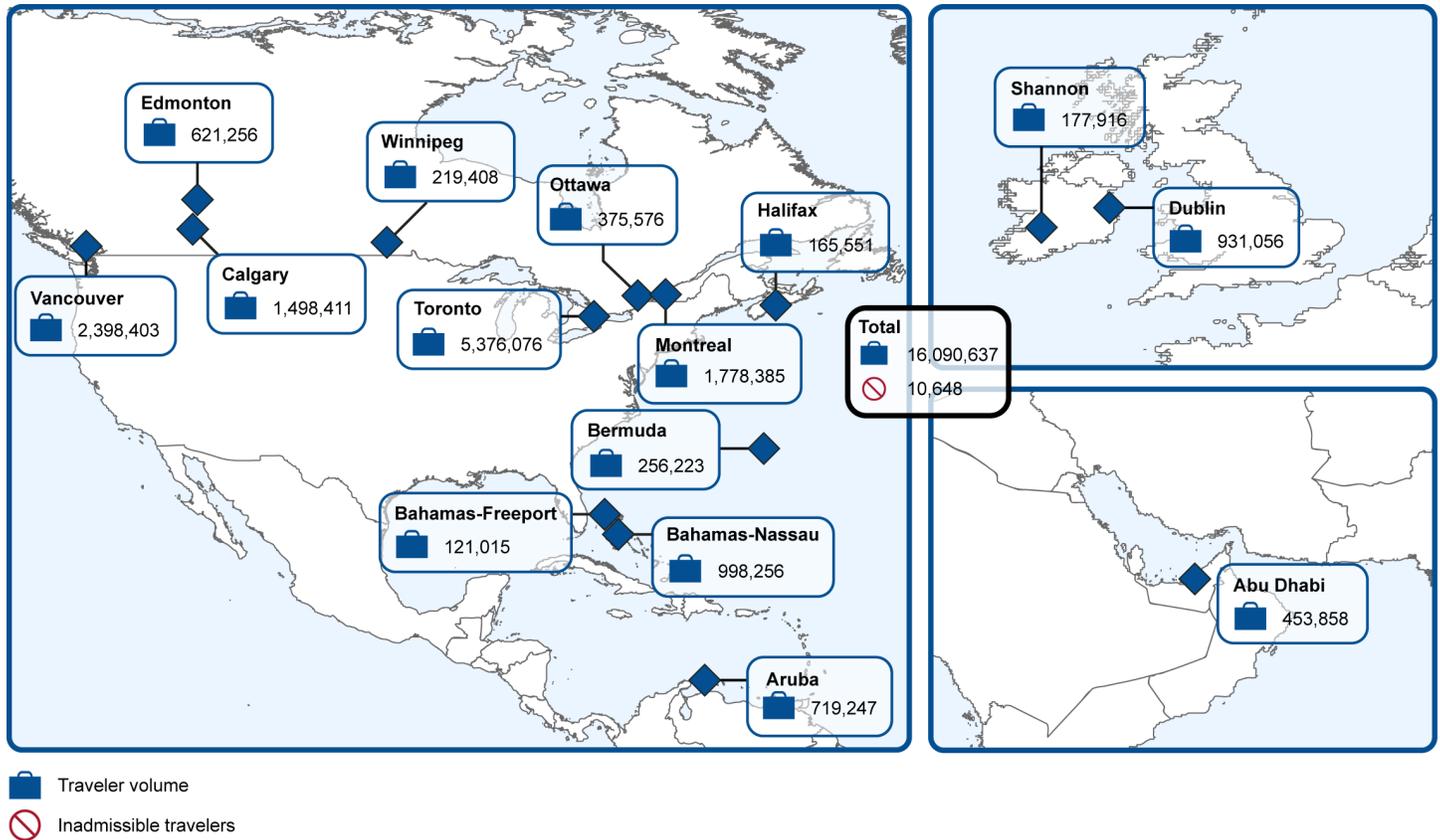
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**Preclearance.** In fiscal year 2015, CBP officers at Preclearance locations determined that 10,648 air travelers were inadmissible out of the approximately 16 million air travelers seeking admission to the United States through a Preclearance location (see fig. 3). In addition to requiring that all travelers undergo a primary inspection, CBP officers in these locations also referred almost 290,000 individuals for secondary inspection.<sup>27</sup> Because all precleared travelers are inspected at a foreign airport, CBP officials told us that Preclearance presents the best opportunity to prevent high-risk individuals from boarding a flight to the United States because the opportunity to conduct a secondary inspection or interview could result in information linking a person to terrorism or a crime that may render them inadmissible to the United States. CBP officers at the three Preclearance locations we visited—Montreal and Toronto, Canada, and Abu Dhabi, United Arab Emirates—noted that being able to conduct an inspection on travelers has allowed them to identify high-risk individuals. During our site visits to Preclearance locations, CBP officers stated that they conduct their own targeting activities, in addition to coordinated targeting activities with NTC.

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<sup>27</sup>Primary inspection refers to the procedure that CBP uses to conduct an initial inspection of individuals seeking to enter the United States to determine if additional review or scrutiny is needed to ensure compliance with U.S. law. Persons who need additional scrutiny and persons selected as part of a random selection process are subjected to a more detailed review called a secondary inspection. This involves, for example, a closer inspection of travel documents and possessions, additional questioning by CBP officers, and cross references through multiple law enforcement databases to verify the traveler's identity, background, purpose for entering the country, and other appropriate information.

**Figure 3: Total Traveler Volume and Inadmissibility Decisions for U.S. Customs and Border Protection (CBP) Preclearance, Fiscal Year 2015**



Source: GAO analysis of CBP documentation; MapInfo (map). | GAO-17-216

**IAP and JSP.** CBP officers at IAP and JSP locations made 3,925 no-board recommendations in fiscal year 2015 for the approximately 29 million air travelers bound for the United States from such locations (see fig. 4). During this same time period, CBP data indicated 1,154 confirmed encounters with individuals on the TSDB, including 106 on the No-Fly List.<sup>28</sup> According to CBP officials, IAP and JSP officers receive the majority of their daily targets from the NTC and they work closely with the NTC to address high-risk targets and identify trends in high-risk travel.

<sup>28</sup>A confirmed encounter refers to when a representative of the U.S. government (in this case a CBP officer) comes in to contact, either through physical interviewing or inspection or through electronic vetting, with an individual whose identity is confirmed as a match to a record in the TSDB.

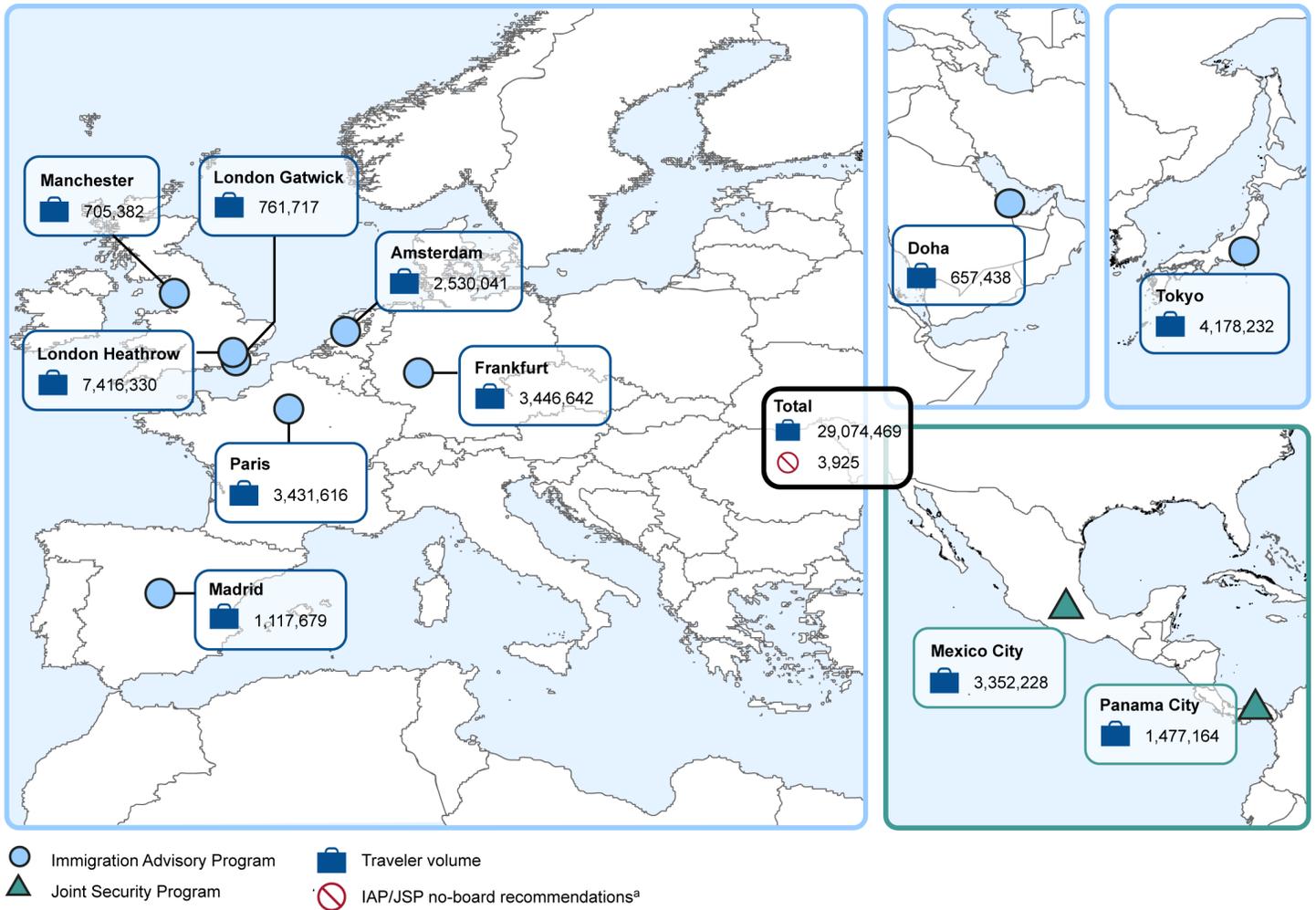
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According to our observations and in-person discussions with IAP and JSP officials, on a daily basis, IAP and JSP officers resolve NTC targets, observe travelers, and issue no-board recommendations to carriers regarding persons scheduled to travel on U.S.-bound flights who will likely not be admitted into the United States upon arrival. IAP and JSP officers also conduct their own targeting initiatives and have access to the host airports' sterile and boarding areas to question travelers and review their travel documents.<sup>29</sup> According to CBP officials and IAP and JSP officers (and supported by our in-person observations), air carriers almost always follow IAP and JSP no-board recommendations.

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<sup>29</sup>The sterile area of an airport is, in general, the area beyond a security screening checkpoint that provides travelers access to boarding aircraft and to which access is generally controlled through the screening of persons and property. See, e.g., 49 C.F.R. § 1540.5.

**Figure 4: Total U.S.-Bound Traveler Volume and No-Board Recommendations for U.S. Customs and Border Protection (CBP) Immigration Advisory Program (IAP) and Joint Security Program (JSP), Fiscal Year 2015**



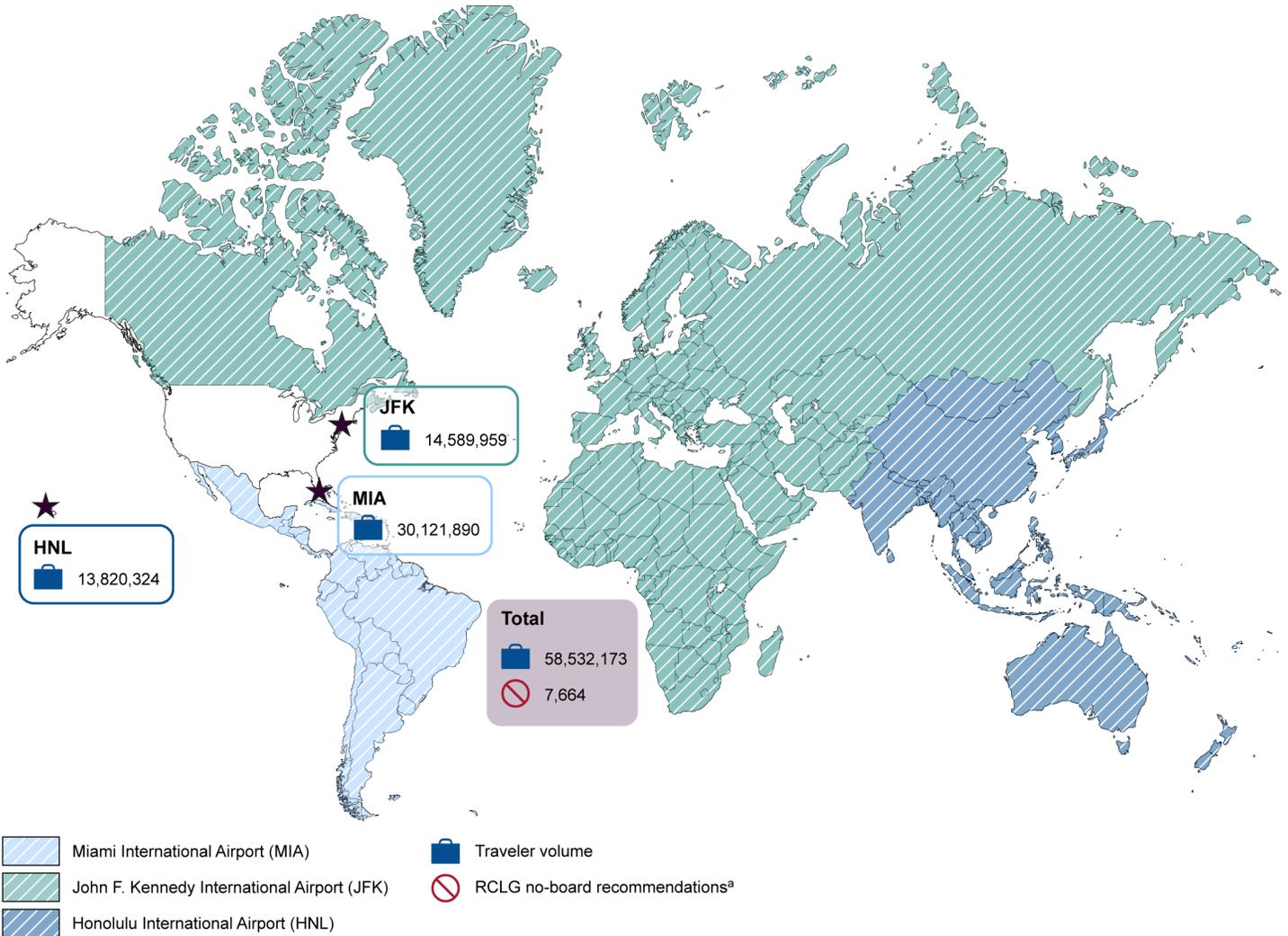
Source: GAO analysis of CBP documentation; MapInfo (maps). | GAO-17-216

<sup>a</sup>In issuing a no-board recommendation, an IAP or JSP officer is recommending that the air carrier not transport a traveler because the individual will likely be deemed inadmissible upon arrival in the United States.

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**RCLG.** CBP officers working at the three RCLGs made 7,664 no-board recommendations in fiscal year 2015 for the approximately 59 million travelers bound for the United States from locations within the RCLGs' spheres of responsibility (see fig. 5). During this time period, CBP data indicate that RCLGs also reported 1,634 confirmed encounters with individuals in the TSDB, including 119 on the No-Fly List. On the basis of our site visit to the New York RCLG, as well as phone interviews with the Miami, Florida, and Honolulu, Hawaii, RCLGs, we found that RCLG officers regularly resolve NTC targets, respond to questions from air carriers, conduct research on long-term targeting initiatives, and issue no-board recommendations. According to CBP officials, in the event that RCLGs issue a no-board recommendation, airlines generally follow it. CBP officials from all three RCLGs could not recall any examples over the last 5 years of an airline not following a no-board recommendation from an RCLG location.

**Figure 5: Total U.S.-Bound Traveler Volume and No-Board Recommendations for U.S. Customs and Border Protection (CBP) Regional Carrier Liaison Group (RCLG), Fiscal Year 2015**



Source: GAO analysis of CBP documentation; Map Resources (map). | GAO-17-216

<sup>a</sup> A no-board recommendation issued by an RCLG to an air carrier recommends that the air carrier not transport a traveler because the individual will likely be deemed inadmissible upon arrival in the United States.

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## CBP's Predeparture Programs Provide Additional Travel and Security-Related Benefits

In addition to preventing high-risk or other inadmissible travelers from boarding U.S.-bound flights, CBP's predeparture programs have resulted in other benefits by, for example, (1) assisting air carriers, (2) enhancing coordination with host country law enforcement agencies, (3) gathering additional information on travelers to improve U.S. targeting activities, or (4) facilitating travel.

### Assisting Air Carriers

CBP's predeparture programs provide regular assistance to air carriers on relevant U.S. admissibility requirements and U.S. travel documents. During our site visits, we observed that IAP and JSP officers regularly interacted with air carriers, and provided a point of contact at foreign airports for air carriers and airport security employees who may have difficulties assessing the validity of travel documents or understanding U.S. immigration requirements. For example, during our site visit to one IAP location in Europe, officers reported keeping a separate telephone line for air carriers to use when requesting assistance regarding document validity. In addition, several airline representatives we spoke with reported that CBP officers from IAP and JSP locations have provided helpful training to staff.<sup>30</sup> Further, according to RCLG officials we spoke with, the relationships that the RCLGs have established with air carriers allows RCLG officers to provide them with early information on potential traveler admissibility determinations, which ultimately help the air carrier avoid the costs associated with transporting inadmissible travelers back to their point of departure as well as fines that could be imposed.<sup>31</sup>

### Improving Coordination with Host Country Law Enforcement Agencies

According to CBP documentation, one of the key advantages of its predeparture programs is the ability to improve coordination overseas between CBP and host country law enforcement agencies. As part of their daily duties, IAP and JSP officers are responsible for establishing

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<sup>30</sup>In accordance with section 124 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, CBP established the Carrier Liaison Program to provide technical assistance to air carriers and security companies regarding the use of fraudulent travel documents. See Pub. L. No. 104-208, div. C, § 124, 110 Stat. 3009, 3009-562 (1996); 8 U.S.C. § 1356(h)(2)(A)(iv). This program is responsible for training air carriers on document validity. According to IAP and JSP training requirements, all IAP and JSP officers are certified to provide this training.

<sup>31</sup>See 8 U.S.C. § 1323 (authorizing CBP to impose a fine on air carriers who transport passengers to the United States who do not have valid passports or unexpired visas). Further, under the International Civil Aviation Organization's International Standards and Recommended Practices, air carriers are responsible for transporting inadmissible passengers back to their point of departure, or to a location where the passenger may be deemed admissible.

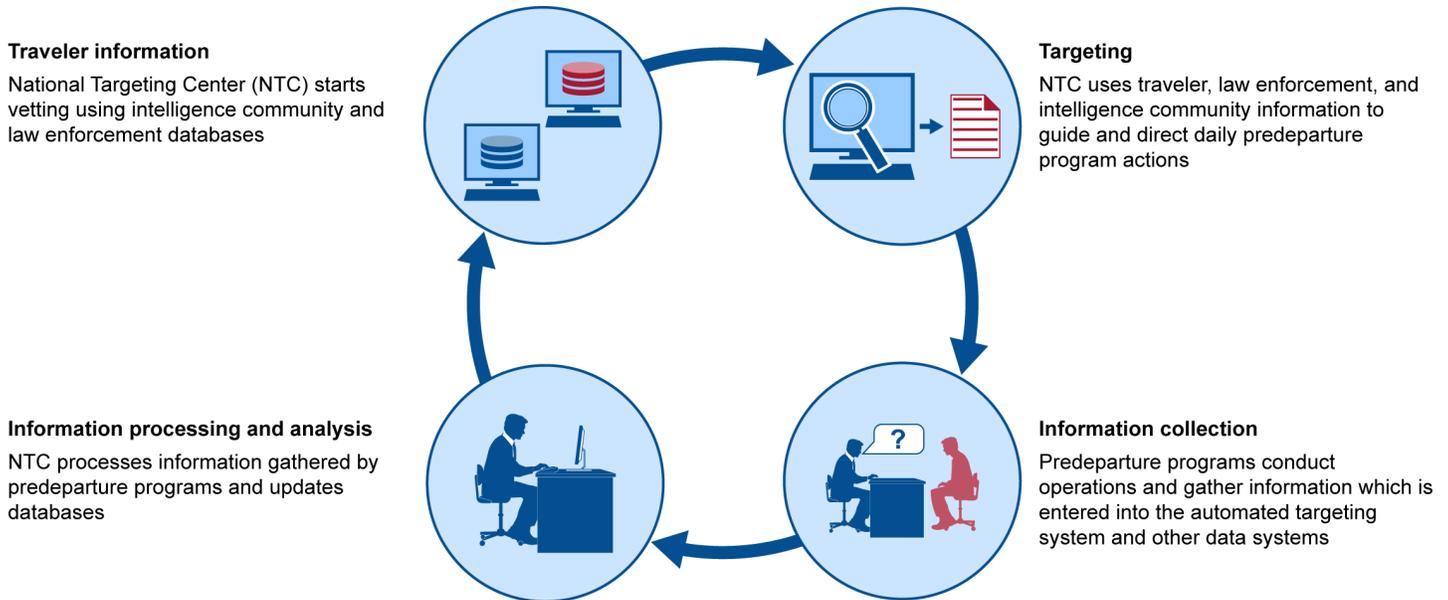
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positive working relationships with numerous foreign entities, including airlines and their security organizations, foreign border control authorities, and other law enforcement agencies. For example, during our site visits to the two JSP locations, host government law enforcement and security representatives emphasized that their coordination with and training from CBP was invaluable, and that it allowed them to better identify and target high-risk individuals. Host government officials told us that the expanded targeting efforts in their countries due to CBP's presence at JSP locations also have a strong impact on regional security. Moreover, according to CBP officials, information sharing through the JSP program has led to enhanced coordination and targeting efforts to include taking action against international drug, currency, and human smugglers, and known or possible suspected terrorists. Similarly, during our site visits to three IAP locations in Europe, foreign law enforcement officials we spoke with told us that information sharing generally occurs informally between IAP officers and host government officials rather than through formal channels due to host country privacy concerns about formal information sharing arrangements with other governments.

#### Gathering Information to Improve NTC Targeting Efforts

According to senior CBP officials, all of CBP's predeparture programs provide key information that helps to improve NTC's targeting efforts and also supports larger U.S. government information gathering efforts on high-risk individuals and threats to the United States (see fig. 6). For example, according to CBP data, in fiscal year 2015, CBP's predeparture programs allowed CBP to identify thousands of previously unknown high-risk individuals and of these, CBP nominated more than 1,500 for inclusion in the TSDB.

**Figure 6: U.S. Customs and Border Protection’s (CBP) Predeparture Programs’ Contributions to U.S. Government Information Gathering Efforts**



Source: GAO analysis of CBP documentation. | GAO-17-216

According to senior CBP officials, CBP officers stationed overseas in Preclearance, IAP, or JSP locations have the opportunity to collect information about travelers, their travel history, and any other pertinent information while engaging with these individuals in conversation as part of interviewing or inspecting them. Officials told us that the information collected can be maintained and used for future targeting efforts if these individuals travel to the United States again.

## Travel Facilitation

Air carrier and airport authority representatives, foreign government officials, and CBP officials we interviewed reported that CBP predeparture operations help to facilitate travel into the United States. For example, CBP officials, as well as air carrier and airport authority representatives told us that Preclearance operations ensure that all individuals aboard a given plane have already been inspected and have been cleared for entry into the United States. As a result, officials told us that this provides airports with more domestic airport arrival gate options by allowing international flights to arrive at domestic terminals that may not otherwise be equipped to properly inspect international travelers. IAP and JSP also provide travel facilitation benefits, according to IAP and JSP officers we spoke with. For example, IAP and JSP officers assist U.S. citizens and lawful permanent residents who have lost, stolen, or expired

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documentation. Although U.S. citizens and lawful permanent residents can generally not be denied entry to the United States under U.S. immigration law, air carriers will typically deny boarding to travelers without proper documentation because the air carrier cannot verify documentation and the legal status of the individual as admissible to the United States. According to IAP and JSP officers, having a physical presence at the airport enables them to reconcile an individual's identity by accessing CBP databases and recommending to the air carriers that they board the traveler. Further, U.S. embassy officials we interviewed in Europe stated that IAP officers routinely assist embassy staff in verifying travelers' identities and, because of their access to CBP databases, IAP officers are able to facilitate travel for U.S. citizens and lawful permanent residents even when the embassy is closed. For example, embassy officials in Western Europe reported that IAP officers were instrumental in facilitating the travel of the parents of the American students who thwarted a terrorist attack on the Thalys train from Amsterdam to Paris in July 2015. Not all of the families had the required travel documentation for entry into France, and IAP officers worked with the Western European government and air carriers to ensure their arrival and departure.

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### CBP Has Not Evaluated Overall Effectiveness of Air Predeparture Programs

CBP has not evaluated the effectiveness of its predeparture programs as a whole, including implementing a system of performance measures and baselines to assess whether the programs are achieving their stated goals. In a January 2016 white paper, CBP states that its strategic goal for its predeparture programs is to achieve comprehensive and highest level coverage at all high-risk air transit points to the United States with a focus on using the programs to push the U.S. borders outward to intercept and address potential threats at the earliest possible opportunity. Other program-specific documentation that we reviewed articulates similar, high-level predeparture program objectives, which are primarily focused on enhancing national security, counterterrorism, and travel facilitation. CBP has taken some initial steps to measure the performance of its air predeparture programs by collecting data on program activities. For example, CBP tracks a variety of data on the activities across Preclearance, IAP, JSP, and RCLG locations, including data on the numbers of travelers issued no-board recommendations or deemed inadmissible; invalid travel documents seized; and No-Fly List and TSDB encounters. According to CBP officials, on occasion, CBP has used these data, among other inputs, to support adjustments to its operations, including closing two IAP former locations where CBP determined that high-risk traveler volume did not merit having a location. On the basis of our analysis of CBP documentation and interviews with

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program officials, CBP has not assessed the performance of these programs on a regular basis, in part because it has not established baselines for these measures. Therefore, CBP does not have anything against which to compare the data to determine whether the programs are achieving stated goals. Solely tracking increases or decreases in program data, such as traveler volume or the number of invalid travel documents seized, does not allow CBP to fully evaluate its predeparture programs as such changes in the data may not be an indicator of program success or increased efficacy.

CBP officials told us that they have collected a large quantity of data and statistics regarding the actions of their predeparture programs and have done so since program inception for all programs. However, due to changes in operational focus, technology updates, and the use of separate data systems at predeparture program locations, CBP has not collected consistent data across all of its predeparture programs. As a result, CBP does not have baseline data on which to measure program performance. However, CBP officials stated that they now have updated and uniform data collection systems that are consistent across all predeparture programs. As a result, CBP officials stated that they should be able to identify performance baselines from fiscal year 2015 onward. According to senior CBP officials, some of the results of CBP's predeparture programs are not easily measured. For example, some benefits, such as coordination and information sharing with host governments, are invaluable but difficult to measure. Officials also noted that relying on data alone may not always present the most accurate picture of the true impact of predeparture programs because changes to the travel process or other factors may impact the predeparture programs in ways that are not fully captured by the data. However, on the basis of our analysis of CBP's documentation, including official hearing statements, and interviews with predeparture program officials, CBP uses these data as indicators of the programs' success.

According to GAO's Program Evaluation Guide, which articulates best practices for program evaluation, a program evaluation is a systematic study using research methods to collect and analyze data to assess how well a program is working and why.<sup>32</sup> Program evaluation is closely related to performance measurement and analyzes performance

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<sup>32</sup>GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012).

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measures to assess the achievement of performance objectives or goals. Evaluations answer specific questions about program performance and may focus on assessing program operations or results. Evaluation can play a key role in strategic planning and in program management, providing feedback on both program design and execution. Moreover, in accordance with GPRA, as updated by the GPRA Modernization Act of 2010, performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly towards pre-established goals, and agencies are to establish performance measures to assess progress towards goals.<sup>33</sup> Agencies can use performance measurement to make various types of management decisions to improve programs and results, such as developing strategies and allocating resources, and identify problems and take corrective action.<sup>34</sup> Developing and implementing a system of performance measures and baselines for each program would help ensure that these programs are achieving their intended goals. By using data from fiscal year 2015, for example, to develop initial baselines, CBP could better measure program performance towards meeting stated goals.

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## CBP Plans to Expand its Predeparture Programs, but Several Factors Limit Its Ability to Expand to All Priority Locations

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### CBP Aims to Expand Its Predeparture Programs to Additional Overseas Locations

CBP has plans underway to expand its predeparture programs, particularly Preclearance operations. According to CBP, Preclearance expansion is a significant homeland security priority. CBP has reported that it aims to preclear 33 percent of all U.S.-bound air travelers by 2024. Accordingly, in September 2014, CBP invited foreign airport authorities

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<sup>33</sup>See generally Pub. L. No. 103-62, 107 Stat. 285 (1993) (GPRA) and Pub. L. No. 111-352, 124 Stat. 3866 (2011) (updating GPRA); 31 U.S.C. § 1115.

<sup>34</sup>GAO, *Managing For Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005).

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interested in having the United States expand Preclearance operations to their location to submit letters of interest. CBP received 25 letters of interest from foreign airport authorities. Of the 25 airports, CBP selected 18 to rank, prioritize, and score for potential new air Preclearance locations.<sup>35</sup> CBP, in conjunction with TSA and considering input from Department of State, conducted technical site visits and evaluations of these airports. In particular, CBP and TSA assessed these airports based on a variety of factors related to national security, travel facilitation, and feasibility of operations, among other things. In May 2015, DHS announced plans to enter into formal negotiations to expand Preclearance to 10 airports in 9 countries.<sup>36</sup> According to CBP Preclearance officials, all 10 priority airports are valuable in supporting CBP's predeparture mission.

Opening a new Preclearance location requires the entry into force of an international agreement between the United States and a foreign government and requires the resolution of various diplomatic issues such as the extent of the law enforcement capability of CBP officers within the host country to include the carriage of service weapons, CBP officer immunity or legal status within the host country, and other complex issues. After reaching an agreement with the host country, expansion timelines may change due to competitive pressures, facility readiness, and other factors, according to CBP Preclearance officials. The Director of Preclearance noted that, in accordance with the Trade Facilitation and Trade Enforcement Act of 2015, CBP will provide any requisite information and certifications to the appropriate Congressional committees before entering an agreement into force with the government

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<sup>35</sup>CBP did not pursue Preclearance expansion with seven of the locations that submitted letters of interest for a number of reasons, including lack of host country willingness and ongoing diplomatic negotiations.

<sup>36</sup>The 10 priority airports identified for potential expansion are: Amsterdam Airport Schiphol, in the Netherlands; London Heathrow and Manchester Airports in the United Kingdom; Istanbul Ataturk Airport in Turkey; Narita International Airport in Tokyo, Japan; Madrid-Barajas Airport in Spain; Brussels Airport in Belgium; Stockholm Arlanda Airport in Sweden; Oslo Airport in Norway; and Punta Cana Airport in the Dominican Republic. The other 8 remaining airports were not identified as potential Preclearance locations for a number of reasons, but CBP officials noted that these airports could submit new letters of interest for consideration during the next expansion solicitation round.

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of a foreign country to establish Preclearance operations.<sup>37</sup> In May 2016, CBP again invited interested airport authorities to submit a letter of interest to participate in the Preclearance program by August 1, 2016.<sup>38</sup>

CBP officials told us that they also aim to expand IAP or JSP operations to other airports where CBP has determined there is a potential threat to the United States but Preclearance may not always be feasible. According to CBP officials, host countries and airport authorities must express interest in the program, coordinate with CBP so that CBP may determine if airports are suitable for participating in the program, and host countries must agree to bilateral arrangements before CBP will expand the program.

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<sup>37</sup>Specifically, section 814 of the Trade Facilitation and Trade Enforcement Act of 2015, enacted in February 2016, establishes three requirements pursuant to which the Secretary of Homeland Security must provide to the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science and Transportation, and the Committee on Appropriations of the Senate, and to the Committee on Homeland Security, the Committee on Ways and Means, and the Committee on Appropriations of the House of representatives, information and certifications regarding the establishment of Preclearance operations either 60 or 45 days before an agreement with the government of a foreign country to establish CBP Preclearance operations enters into force. See Pub. L. No. 114-125, § 814(a)-(c), 130 Stat. 122, 218-19 (2016). Title VIII, subtitle B of the Act is referred to as the Preclearance Authorization Act of 2015.

<sup>38</sup>On November 4, 2016, the Secretary of Homeland Security announced the selection of 11 new foreign airports, located in nine countries, for possible Preclearance expansion. The 11 airports identified for possible Preclearance locations are: El Dorado International Airport (BOG) in Bogota, Colombia; Ministro Pistarini International Airport (EZE) in Buenos Aires, Argentina; Edinburgh Airport (EDI) in Edinburgh, United Kingdom; Keflavik International Airport (KEF) in Iceland; Mexico City International Airport (MEX) in Mexico City, Mexico; Milan-Malpensa Airport (MXP) in Milan, Italy; Kansai International Airport (KIX) in Osaka, Japan; Rio de Janeiro-Galeão International Airport (GIG) in Rio de Janeiro, Brazil; Leonardo da Vinci-Fiumicino Airport (FCO) in Rome, Italy; São Paulo-Guarulhos International Airport (GRU) in Sao Paulo, Brazil; and Princess Juliana International Airport (SXM) in St. Maarten.

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Host Government and Foreign Airport Willingness, among Other Factors, Affect CBP's Ability to Expand Air Predeparture Programs to Other High Priority Locations

Because CBP depends on the willingness of host country governments and airport authorities to establish overseas predeparture program locations, there are challenges to expanding Preclearance, IAP, and JSP. For example, not all of the airports that responded to CBP's expansion solicitation may be able to secure the necessary support of their governments to enter into negotiations with the United States for Preclearance operations. Multiple senior CBP Preclearance officials stated that the willingness and readiness of the host government and airport authority are key factors impacting the timeline of expansion. As a result, CBP's negotiation and planning efforts are furthest along with two countries that currently have willing governments and airport authorities, according to CBP officials.<sup>39</sup> However, CBP did not select these two locations solely based on their score among the 10 priority locations that CBP selected for potential expansion. CBP officials stated that expanding to these locations does not preclude CBP from establishing Preclearance operations at some of the other airports where the benefits to the United States might be greater, as long as these other eight locations can meet CBP's requirements. According to CBP's Preclearance evaluation report, some high-priority airports that are interested in Preclearance may face challenges in meeting such requirements. For example, airports that provide service to the United States on multiple U.S. air carriers, such as London Heathrow, will need to ensure that all U.S. carriers have access to Preclearance services by, for example, reconfiguring terminals, according to CBP Preclearance officials. Further, airport authorities and

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<sup>39</sup>On November 4, 2016, the Secretary of Homeland Security announced that the United States and Sweden signed an agreement to implement Preclearance operations at Stockholm Arlanda Airport. The agreement will be brought into force after the Governments have completed all necessary internal procedures. According to the Secretary of Homeland Security, Preclearance operations in Sweden may begin as early as 2019. In addition, on December 1, 2016, the United States and the Dominican Republic signed an agreement to implement Preclearance operations at the Punta Cana International Airport. The agreement will be brought into force after the Governments have completed all necessary internal procedures. Preclearance operations may begin at Punta Cana International Airport as early as 2017.

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host country governments in many locations are not interested and do not support establishing a CBP Preclearance operation.<sup>40</sup>

Moreover, CBP plans to expand Preclearance to locations where airport authorities agree to reimburse CBP for certain costs. For the first 14 Preclearance locations, CBP assumed all of the costs of Preclearance operations—including officer pay, travel costs, and other operational costs. Beginning with Abu Dhabi, CBP determined that its model for new Preclearance locations would include a requirement for costs to be shared with the host airport authority. CBP's expenses for Preclearance inspections in Abu Dhabi are reimbursed to about 85 percent of all expenses.<sup>41</sup> According to CBP officials, under this model, CBP is able to extend its borders without having to pay the full costs of operations. Airport authority officials we spoke with in Canada stated that they valued having CBP Preclearance operations at their facilities, but noted that high up-front development and implementation costs could be potential

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<sup>40</sup>In addition, DHS's annual appropriations acts in recent years have provided that none of the funds made available to DHS may be used for new CBP air preclearance agreements unless: (1) the Secretary of Homeland Security, in consultation with the Secretary of State, has certified to Congress that air Preclearance operations at the airport provide a homeland or national security benefit to the United States; (2) U.S. passenger air carriers are not precluded from operating at existing preclearance locations; and (3) a U.S. passenger air carrier is operating at all airports contemplated for establishment of new air Preclearance operations. See, e.g., Pub. L. No. 114-113, div. F, § 553, 129 Stat. 2242, 2520 (2015).

<sup>41</sup>Under its agreement with the United Arab Emirates (UAE), CBP is able to recoup all costs associated with Preclearance operations to the greatest extent permitted by U.S. law. Under federal law, CBP may only seek reimbursement for immigration pre-inspection and agriculture preclearance services, such as inspecting travel documents and agriculture items; it may not seek reimbursement for time spent conducting customs activities such as collecting duties levied by the U.S. government. See 8 U.S.C. § 1356(i), 19 U.S.C. § 58c(e)(6)(B); see also 7 U.S.C. § 8311(a), (b) (authorizing the Secretary to enter into reimbursable fee agreements for the preclearance of animals or articles for movement into the United States at foreign locations), 6 U.S.C. § 231 (transferring this agricultural authority, among others, from the Secretary of Agriculture to the Secretary of Homeland Security). Moving forward, CBP officials stated that all countries wishing to be considered for Preclearance should generally be willing to pay, to the maximum extent allowable by U.S. law, for expenses incurred by CBP in the establishment and maintenance of Preclearance services, including, but not limited to salaries, expenses, and relocation costs of CBP Preclearance officers. See, e.g., Pub. L. No. 114-125, § 817, 130 Stat. at 220 (2016) (providing, among other things, that cost sharing agreements may authorize payment to CBP for initial Preclearance operating costs, which include costs incurred or expected to be incurred by CBP to establish or maintain Preclearance operations and include hiring, training, and equipping new CBP officers who will be stationed at domestic ports of entry to backfill officers to be stationed at an airport in a foreign country, in advance of incurring the costs or on a reimbursable basis).

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impediments for other airport authorities. Because of the cost-sharing model CBP has implemented, not all airport authorities may be willing or able to accept Preclearance operations in their facilities.

According to CBP officials and documentation, airport authorities' and host countries' willingness to participate also affects CBP's efforts to expand IAP and JSP operations, particularly concerns related to sovereignty, such as CBP officer presence in the country and airport. These officials also raised concerns about airside access, such as access to areas within the airport, freedom of movement, and ability to interview travelers. These officials stated that JSP and IAP expansion efforts are also impacted by officer safety and security concerns, particularly in potential expansion locations in Central and South America as well as the Middle East and Southeast Asia.

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### CBP is Taking Some Steps to Address Staffing and Funding Needs as it Seeks to Expand its Predeparture Programs

#### Staffing

CBP is taking some steps to address staffing and funding needed for the expansion of its predeparture programs, but because CBP's efforts are still in the early stages and negotiations with host governments about planned expansion locations have not yet been finalized, it is too soon to determine whether CBP's efforts will fully address its needs.

According to CBP's Assistant Commissioner for Human Resources Management, staffing is one of the most prominent challenges the agency faces. CBP data indicate that, as of February 2016, OFO was more than 800 officers below its congressionally authorized staffing level, which includes all POEs—OFO had 23,775 officer positions authorized and 22,937 officers on-board. In addition, according to CBP hiring and attrition data, as of February 2016, about one percent of initial applicants for a CBP OFO officer qualify. This means that CBP needs approximately 78,000 new applicants in fiscal year 2016 to meet its current officer gap. Further, in April 2016, CBP officials testified that OFO's staffing model estimates that the agency will need to hire an additional 2,107 officers through fiscal year 2017 to account for growing volumes of trade and

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travel.<sup>42</sup> CBP's stakeholders, including several air carriers and air carrier associations we met with, also raised concerns about the impact of expanding Preclearance operations on domestic POEs because CBP plans to initially staff new locations with officers from domestic POEs.

CBP's Office of Human Resources Management has taken several steps to address the agency's broader staffing gaps. In addition, in April 2016, CBP officials testified that CBP has begun initiatives aimed at decreasing the amount of time it takes for an applicant to complete the hiring process, increased the number of recruiting events, and coordinated with the Department of Defense to recruit qualified veterans and individuals separating from military service. Further, senior Preclearance officials stated that when staffing Preclearance locations for start-up operations, CBP selects temporary duty staff from various ports so as not to deplete the capacity of any one domestic POE. IAP and JSP also use temporary duty staff from multiple POEs for start-up and to augment core staff during seasonal peak travel. Further, a senior Preclearance official stated that new Preclearance locations will not be operational until sometime in fiscal year 2017 at the earliest and that, similar to the process in Abu Dhabi, CBP will initially staff a new operation with a smaller number of temporary duty officers and then gradually increase the number of permanent staff at these locations. Moreover, according to a CBP budget official, since the costs of new Preclearance positions will be mostly reimbursed by the foreign airport authorities, CBP will be able to backfill positions at domestic POEs that were vacated as a result of moving staff to Preclearance locations.

In addition, CBP has reported that implementing additional Preclearance locations will reduce wait times at domestic air POEs and lead to more

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<sup>42</sup>*Keeping Pace with Trade, Travel, and Security: How Does CBP Prioritize and Improve Staffing and Infrastructure: Hearing before the Subcommittee on Border and Maritime Security, House Committee on Homeland Security, April 19, 2016* (Joint CBP statement of Eugene Schied: Assistant Commissioner, Office of Administration; Linda Jacksta, Assistant Commissioner, Office of Human Resources Management; and John Wagner: Deputy Assistant Commissioner, Office of Field Operations). According to CBP data, the staffing shortfall is primarily at land POEs, as airport locations are staffed at 99 percent of the authorized levels, as of April 2016.

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efficient inspections.<sup>43</sup> Specifically, CBP's 2016 white paper notes that Preclearance operations will reduce wait times at some of the busiest air POEs in the United States. In addition, CBP officials also stated that Preclearance operations have led to increased airport traveler processing capacity. However, according to CBP officials responsible for data collection and analysis across OFO programs, CBP does not have generalizable data or analyses on the effect of Preclearance expansion on domestic wait times, so they could not provide us with data to corroborate this statement. Further, according to CBP officials and an airline official we met with, reductions in wait times may be short-term because airlines and airports may add new international routes in place of precleared flights. On the basis of our review of CBP documentation, we could not determine the extent to which there is a causal relationship between Preclearance operations and long-term, reduced wait times at domestic POEs. As of May 2016, CBP officials stated that they are in the process of surveying all U.S. airports to gain insights on the full extent of the impact of Preclearance operations, particularly traveler wait times and processing capacity.

CBP has also taken steps to model anticipated Preclearance, IAP, and JSP expansion staffing needs. However, CBP's estimates are preliminary and senior officials noted that CBP will be in a better position to determine staffing needs once CBP is further along in the negotiation process with host governments. According to CBP officials, the total staff required for each new predeparture location depends on the negotiated CBP presence at each location, which has not been finalized.<sup>44</sup> As a result, it is too early in CBP's efforts to accurately estimate staffing needs of expanding CBP's air predeparture programs, and to determine if CBP'S current and planned actions will address staffing needs.

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<sup>43</sup>In a July 2015 report to Congress, CBP reported that a precleared Boeing 777 from Abu Dhabi arriving at Chicago O'Hare Airport in the middle of peak traffic reduces the number of travelers in queues for inspection at O'Hare at that time by almost 20 percent. In addition, DHS's *Congressional Budget Justification for Fiscal Year 2017* states that preclearing a single, daily flight (Boeing 777) from Abu Dhabi to JFK Airport, reduced JFK terminal wait times by an average of 13.7 minutes (for a 2-hour period) and as a result, travelers processed at JFK will wait 188,000 fewer hours over the course of a year.

<sup>44</sup>For example, CBP officials explained that the number of officers stationed at each Preclearance location depends on multiple factors, including the number of flights the airport authority wants precleared and the number of shifts that will meet airport authority requirements for total precleared flights.

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## Funding

CBP has taken some steps to identify and address funding needs for the expansion of its predeparture programs, though it is too soon for us to determine if these actions will fully address CBP's funding needs. As previously mentioned, CBP plans to expand Preclearance to locations where airport authorities agree to reimburse CBP for certain costs. Specifically, CBP intends to require the host airport authority to reimburse CBP for all of the agricultural and immigration inspection-related costs associated with Preclearance operations. Further, CBP officials stated that new Preclearance locations will generally be expected to provide the facilities and equipment necessary for Preclearance operations.<sup>45</sup> Moreover, Preclearance officials stated that they are planning to use authority provided to CBP under the Trade Facilitation and Trade Enforcement Act of 2015, enacted in February 2016, to collect Preclearance payments for start-up costs in advance of opening new Preclearance facilities, and to collect reimbursement in advance of incurring the costs for the provision of certain activities, such as immigration or agricultural inspection activities.<sup>46</sup> By using these two strategies, Preclearance officials stated that they should be able to secure airport authority funding for almost all activities associated with the planning and operations of future Preclearance locations. Although CBP prefers that the airport authority pay the majority of Preclearance costs, CBP officials stated that its expansion decisions are not solely driven by the costs CBP would have to incur to set up and maintain a Preclearance location. These officials stated that CBP would still consider expanding Preclearance to a desirable location even if the country or airport authority did not support the reimbursement model; however, CBP's current expansion plans and white paper strategy indicate that they are primarily pursuing the reimbursement model. In contrast to Preclearance, CBP officials stated that CBP will continue to fund all of the costs

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<sup>45</sup>CBP officials estimate that CBP will be reimbursed for approximately 85 percent of total costs for any planned expansion locations; however, this percentage could potentially fluctuate depending on the nature of travel out of Preclearance locations. CBP will not request that the host airport authorities reimburse all costs because, among other things, as explained earlier, CBP is not authorized under federal law to seek reimbursement for costs associated with customs activities.

<sup>46</sup>The Trade Facilitation and Trade Enforcement Act of 2015 provides that CBP may collect payment for initial Preclearance operation costs in advance of incurring the costs. See Pub. L. No. 114-125, § 817, 130 Stat. at 220. The Act further provides that reimbursement for the provision of immigration inspection services, as well as the preclearance of animals or articles, may be collected in advance, among other things. See Pub. L. No. 114-125, § 118, 130 Stat. at 222 (amending 8 U.S.C. § 1356(i) and 7 U.S.C. § 8311(b)).

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associated with additional JSP and IAP locations. Officials told us that CBP has developed cost estimates for several potential JSP locations.

Further, CBP has taken steps to model anticipated Preclearance and IAP and JSP expansion costs. CBP has incorporated Preclearance staffing estimates into a cost model, which includes costs for salaries, benefits, relocation, and office space. According to CBP budget officials, the total cost incurred by CBP depends on the total number of officers stationed at each location, which has not been finalized. Similarly, funding required for IAP and JSP locations is also dependent on the number of staff at each location. As a result, it is too early in CBP's efforts to accurately estimate the cost of expanding CBP's predeparture programs, and to determine if CBP'S current and planned actions will address funding needs.

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## Conclusions

Through its predeparture programs, CBP seeks to prevent high-risk individuals from boarding U.S.-bound flights—a key aspect of the agency's mission to secure the U.S. border. In support of this mission, CBP has implemented a layered security approach aimed at identifying and preventing the travel to the United States of such individuals as early in the travel process as possible. CBP's approach uses information from across the government and leverages CBP officer's physical presence at predeparture program locations around the world. As a result of CBP's efforts to vet, interview, and inspect travelers, CBP interdicts thousands of high-risk travelers each year. Moreover, CBP's predeparture programs have provided additional benefits that improve global safety and security and facilitate lawful travel. However, CBP has not evaluated the effectiveness of its predeparture programs as a whole, including using a system of performance measures and baselines by which to assess whether the programs are achieving their stated goals. By developing and implementing a system of performance measures and baselines to evaluate the effectiveness of its predeparture programs, CBP will be better positioned to measure predeparture program performance and to determine what these data indicate about whether the programs are achieving their stated goals.

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## Recommendation for Executive Action

To better ensure the effectiveness of CBP's predeparture programs, we recommend that the Commissioner of U.S. Customs and Border Protection develop and implement a system of performance measures and baselines to evaluate the effectiveness of CBP's predeparture programs and assess whether the programs are achieving their stated goals.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Departments of Homeland Security, State, and Transportation for their review and comment. The Department of Transportation indicated that it did not have any comments on the draft report via e-mail. The Department of State provided technical comments via e-mail, which we incorporated as appropriate. DHS provided written comments, which are noted below and reproduced in full in appendix I, and technical comments, which we incorporated as appropriate.

DHS concurred with our recommendation and described the actions it plans to take in response. Specifically, DHS stated that it plans to create a working group to develop and implement a system of performance measures and establish baselines to evaluate the effectiveness of CBP's predeparture programs and to assess whether the programs are achieving their stated goals. If implemented effectively, these planned actions should address the intent of our recommendation.

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If you or your staff have any questions about this report, please contact me at (202) 512-8777 or [gablerr@gao.gov](mailto:gablerr@gao.gov). Key contributors to this report are listed in appendix II.



Rebecca Gambler  
Director, Homeland Security and Justice

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*List of Requesters*

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

The Honorable Martha McSally  
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House of Representatives

The Honorable Patrick Meehan  
House of Representatives

The Honorable Norma J. Torres  
House of Representatives

# Appendix I: Comments from the Department of Homeland Security

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



**Homeland  
Security**

December 27, 2016

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

Re: Management's Response to Draft Report GAO-17-216, "BORDER SECURITY:  
CBP Aims to Prevent High-Risk Travelers from Boarding U.S. Bound Flights, But  
Needs to Evaluate Program Performance"

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 positive recognition of the U.S. Custom and Border Protection's (CBP) layered approach to identifying and preventing high-risk individuals from traveling to the United States as early in the travel process as possible. CBP's approach uses information from across the government and leverages the physical presence of CBP officers at predeparture locations around the world. CBP's efforts to vet, interview, and inspect travelers helped to identify and interdict approximately 22,000 high-risk air travelers during Fiscal Year 2015. As noted in the draft report, these efforts also provided additional benefits that improved global safety and security and facilitated lawful travel.

The draft report contained one recommendation with which the Department concurs. Please see the attached for our detailed response to the recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Sincerely,

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

**Attachment: DHS Management Response to Recommendations  
Contained in GAO-17-216**

GAO recommended that the Commissioner of U.S. Customs and Border Protection:

**Recommendation 1:** Develop and implement a system of performance measures and baselines to evaluate the effectiveness of CBP's predeparture programs and assess whether the programs are achieving their stated goals.

**Response:** Concur. CBP's Office of Field Operations has created a working group to develop and implement a system of performance measures and will establish baselines to evaluate the effectiveness of CBP's predeparture programs to assess whether the programs are achieving their stated goals. The proposed performance measures will be developed and evaluated over a six month period and baseline metrics will be established by February 2017. Estimated Completion Date: February 28, 2017.

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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

Rebecca Gambler, (202) 512-8777 or [GamblerR@gao.gov](mailto:GamblerR@gao.gov).

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## Staff Acknowledgments

In addition to the contact named above, Kathryn Bernet (Assistant Director), Chuck Bausell, Jose Cardenas, Eric Hauswirth, Paul Hobart, Susan Hsu, Richard Hung, Benjamin Licht, Thomas Lombardi, Sara Margraf, Michael Silver, and Martin Wilson made key contributions to this report.

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