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HOMELAND SECURITY

DHS Has Taken Actions to Strengthen Border Security Programs and Operations, but Challenges Remain

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Homeland Security and Justice Issues





Highlights of [GAO-08-542T](#), a report to Subcommittee on Homeland Security, Committee on Appropriations, House of Representatives

Why GAO Did This Study

Since September 11, 2001, the need to secure U.S. borders has increased in importance and attracted greater public and Congressional attention. The Department of Homeland Security (DHS) has spent billions of dollars to prevent the illegal entry of individuals and contraband between ports of entry—government designated locations where DHS inspects persons and goods to determine whether they may be lawfully admitted into the country. Yet, while DHS apprehends hundreds of thousands of such individuals each year, several hundreds of thousands more enter the country illegally and undetected. U.S. Customs and Border Protection (CBP), a component of DHS, is the lead federal agency in charge of securing our nation's borders.

This testimony summarizes GAO's work on DHS's efforts on selected border security operations and programs related to (1) inspecting travelers at U.S. ports of entry, (2) detecting individuals attempting to enter the country illegally between ports of entry, and (3) screening of international travelers before they arrive at U.S. ports and challenges remaining in these areas. GAO's observations are based on products issued from May 2006 through February 2008. In prior reports, GAO recommended various actions to DHS to, among other things, help address weaknesses in the traveler inspection programs and processes. DHS has generally agreed with our recommendations and has taken various actions to address them.

To view the full product, including the scope and methodology, click on [GAO-08-542T](#). For more information, contact Rich Stana at (202) 512-8816 or StanaR@gao.gov.

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What GAO Found

CBP has taken actions to improve traveler inspections at U.S. ports of entry, but challenges remain. First, CBP has stressed the importance of effective inspections and trained CBP supervisors and officers in interviewing travelers. Yet, weaknesses in travel inspection procedures and lack of physical infrastructure and staff have hampered CBP's ability to inspect travelers thoroughly and detect fraudulent documents. Second, CBP is implementing an initiative requiring citizens of the United States, Bermuda, Canada, and Mexico to present certain identification documents when entering the United States. As of December 2007, actions taken to meet the initiative's requirements include selecting technology to be used at land ports of entry and developing plans to train officers to use it. Finally, DHS has developed a program to collect, maintain, and share data on selected foreign nationals entering and exiting the country. As of October 2007, DHS has invested about \$1.5 billion on the program since 2003 and biometrically-enabled entry capabilities now operate at more than 300 ports of entry. However, though allocating about \$250 million since 2003 to exit-related efforts, DHS has not yet detailed how it will verify when travelers exit the country.

In November 2005, DHS announced the launch of a multiyear, multibillion-dollar program aimed at securing U.S. borders and reducing immigration of individuals who enter the United States illegally and undetected between ports of entry. One component of this program, which DHS accepted as complete in February 2008, was an effort to secure 28 miles along the southwest border using, among other means, improved cameras and radars. DHS plans to apply the lessons learned to future projects. Another program component, 370 miles of pedestrian fence and 300 miles of vehicle fence, has not yet been completed and DHS will be challenged to do so by its December 2008 deadline due to various factors, such as acquiring rights to border lands. Additionally, DHS is unable to estimate the total cost of this component because various factors are not yet known such as the type of terrain where the fencing is to be constructed. Finally, CBP has experienced unprecedented growth in the number of its Border Patrol agents. While initial training at the academy is being provided, Border Patrol officials expressed concerns about the agency's ability to provide sufficient field training.

To screen international travelers before they arrive in the United States, the federal government has implemented new policies and programs, including enhancing visa security and providing counterterrorism training to overseas consular officials. As GAO previously recommended, DHS needs to better manage risks posed by a program that allows nationals from 27 countries to travel to the United States without a visa for certain durations and purposes. Regarding the prescreening of international passengers bound for the United States, CBP has a pilot program that provides additional scrutiny of passengers and their travel documents at foreign airports prior to their departure. CBP has reported several successes through the pilot but has not yet determined whether to make the program permanent.

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to participate in today's hearing to discuss the Department of Homeland Security's (DHS) efforts to secure our nation's borders. In the years since the 2001 terrorist attacks, the need to secure U.S. borders has taken on added importance and has received increasing attention from Congress and the public. In August of last year, we issued our report on the progress DHS has made in implementing its mission and management functions.¹ We reported that while DHS made some level of progress in all of its mission and management areas, more work remains. Regarding the border security mission area, we reported that DHS had made modest progress in achieving border security performance expectations. My testimony today summarizes the results of our work on DHS's efforts on selected border security operations and programs related to (1) inspecting travelers at our nation's ports of entry, (2) detecting individuals attempting to enter the country illegally between the ports of entry and (3) screening of international travelers before they arrive in the United States.

U.S. Customs and Border Protection (CBP)—a major component within DHS—is the lead federal agency in charge of securing our nation's borders. CBP employs nearly 18,000 CBP officers responsible for inspecting travelers seeking to enter the United States at 326 air, land, and sea ports of entry. To prevent individuals and contraband from illegally entering the country between the ports of entry, CBP's Office of Border Patrol employs nearly 15,000 agents responsible for patrolling our northern and southwest land borders as well as our coastal areas. In addition, DHS, along with the Department of State, is responsible for screening international travelers before they arrive in the United States, including mitigating any risk associated with the Visa Waiver Program (VWP), which enables citizens of participating countries to travel to the United States without first obtaining a visa. The administration has requested about \$9.5 billion for CBP for fiscal year 2009.

My comments are based on GAO reports and testimonies issued from May 2006 through February 2008 addressing border security operations and programs. We conducted these performance audits in accordance with generally accepted government auditing standards from September 2005

¹ See GAO, Department of Homeland Security: *Progress Report on Implementation of Mission and Management Functions*, GAO-07-454 (Washington, D.C.: August 2007).

through February 2008. 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 the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Summary

DHS has taken various actions to improve the inspection of travelers at our nation's ports of entry, but challenges remain. For example, we reported that CBP management has emphasized the importance of carrying out effective inspections and trained CBP supervisors and officers in, among other things, interviewing travelers and checking travel documents. Nevertheless, weaknesses in travel inspection procedures, lack of physical infrastructure, and lack of staff have hampered CBP's ability to inspect travelers. Specifically, although passports and visas contain newly-added security features, some CBP officers lack the technology and training that would enable them to take full advantage of these features. DHS has worked with the Department of State to implement the Western Hemisphere Travel Initiative (WHTI) in response to post-9/11 legislation requiring citizens of the United States, Bermuda, Canada, and Mexico, who previously had not been required to do so, to present certain identification documents or combinations thereof when entering the United States. As of December 2007, actions taken to meet WHTI requirements include finalizing and implementing document requirements at air ports of entry and selecting technology to be used with a new passport card at the 39 highest-volume land ports of entry. DHS plans to move forward by deploying the selected technology and staffing and training officers to use it. Finally, DHS has developed U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT), a program designed to collect, maintain, and share data on selected foreign nationals entering and exiting the United States at air, sea, and land ports of entry. As of October 2007, DHS has invested about \$1.5 billion on US-VISIT since 2003. Biometrically-enabled entry capabilities now operate at more than 300 ports of entry but this represents delivery of one-half of the program. That is, DHS has allocated about \$250 million since 2003 to exit-related efforts but lacks the ability to verify when travelers exit the United States. Today, because no detailed exit program plans are available, prospects for successfully delivering this half of US-VISIT remain unclear.

DHS also faces challenges securing the border between land ports of entry. In November 2005, DHS announced the launch of the Secure Border Initiative (SBI), a multiyear, multibillion-dollar program aimed at securing U.S. borders and reducing immigration of individuals who enter the United

States illegally and undetected between ports of entry. One component of this program, Project 28, is to secure 28 miles along the southwest border using, among other means, improved cameras and radars. DHS has formally accepted Project 28 from its contractor, Boeing, at a cost of about \$20.6 million. However, DHS officials told us that Project 28 has not fully met their expectations. Boeing developed the system with very little input from the border patrol agents that are to use the system. Another component of the program, 370 miles of pedestrian fence and 300 miles of vehicle fence, will be challenging to complete by its December 2008 deadline because of various factors, including difficulties in acquiring rights to border lands. Furthermore, DHS is unable to estimate the total cost of this component because various factors are not yet known, such as the type of terrain where the fencing is to be constructed. Finally, CBP has experienced unprecedented growth in the number of its Border Patrol agents. Between the end of fiscal year 2006 and December 2008, the total number of new Border Patrol agents is expected to increase by 6,000. CBP officials believe that CBP's training academy can handle the influx of new agents, but expressed concerns about the agency's ability to provide sufficient training to new agents in the field.

The federal government has done a creditable job screening international travelers before they arrive in the United States by implementing several measures to strengthen the visa process. Specifically, new policies and programs have been implemented to, among other things, enhance visa security, improve applicant screening, and provide counterterrorism training to overseas consular officials. Nevertheless, DHS could better manage risks posed by VWP, which allows nationals from 27 countries to travel to the United States without a visa for certain durations and purposes. One DHS screening program, the Immigration Advisory Program (IAP), is a pilot program that provides additional scrutiny of passengers and their travel documents at foreign airports prior to their departure. CBP has reported several successes through the pilot but has not taken steps to determine whether to make the program permanent.

We have recommended various actions to enhance DHS's ability to better secure the border and enhance our nation's security. Among them are actions to help address weaknesses in the traveler inspection program and challenges in training officers to inspect travelers and the documents they present for inspection; to develop a comprehensive strategy detailing how DHS will develop and deploy US-VISIT exit capabilities at air, sea, and land ports of entry; and to enhance controls over to VWP to reduce the risk of vulnerabilities posed by Visa Waiver travelers. DHS has generally

agreed with our recommendations and has taken various actions to address them.

Inspecting Travelers at Ports of Entry

CBP's ability to inspect travelers at our nation's ports of entry has been hampered by weaknesses in travel inspection procedures, inadequate physical infrastructure, and lack of staff at the air, land, and sea ports of entry. The use of fraudulent identity and citizenship documents by some travelers to the United States as well as limited availability or use of technology and lack of timely and recurring training have also hampered CBP's efforts in carrying out thorough inspections. DHS has taken several actions to implement WHTI at air, land, and sea ports of entry nationwide so that it can better secure the border by requiring citizens of the United States, Bermuda, Canada, and Mexico to present documents to show identity and citizenship when entering the United States from certain countries in North, Central, or South America. DHS plans to move forward to deploy technology to implement WHTI at land ports of entry, and staff and train officers to use it. Finally, DHS has enhanced border security by deploying US-VISIT biometric entry capability at over 300 air, sea, and land ports of entry nationwide, but the prospects for successfully delivering an operational exit solution remain uncertain because DHS has not detailed how it plans to develop and deploy an exit capability at the ports.

Traveler Inspection Procedures and Physical Infrastructure

Each year individuals make hundreds of millions of border crossings into the United States through the 326 land, air, and sea ports of entry. About three-fourths of these crossings occur at land ports of entry. In November 2007, we reported that while CBP has had some success in interdicting inadmissible aliens and other violators, weaknesses in its traveler inspection procedures and related physical infrastructure increase the potential that dangerous people and illegal goods could enter the country.² For example, CBP's analyses indicated that several thousand inadmissible aliens and other violators entered the country at land and air ports of entry in fiscal year 2006.

One factor that contributed to failed inspections was weaknesses in travel inspection procedures. In mid-2006, CBP reviewed videotapes from about 150 large and small ports of entry and, according to CBP officials,

²See GAO, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, GAO-08-219 (Washington, D.C.: November 2007).

determined that while CBP officers carried out thorough traveler inspections in many instances, they also identified numerous instances where traveler inspections at land ports of entry were weak in that they did not determine the citizenship and admissibility of travelers entering the country as required by law, such as officers not stopping vehicles for inspection and pedestrians crossing the border without any visual or verbal contact from a CBP officer despite operating procedures that required officers to do so. In the summer of 2006, CBP management took actions to place greater management emphasis on traveler inspections by holding meetings with senior management to reinforce the importance of carrying out effective inspections and by providing training to all supervisors and officers on the importance of interviewing travelers, checking travel documents, and having adequate supervisory presence. However, tests our investigators conducted in October 2006 and January 2007—as many as 5 months after CBP issued guidance and conducted the training—showed similar weaknesses as those on the videotape were still occurring in traveler inspections at ports of entry. At two ports, our investigators were not asked to provide a travel document to verify their identity—a procedure that management had called on officers to carry out—as part of the inspection. The extent of continued noncompliance is unknown, but these results point to the challenge CBP management faces in ensuring its directives are carried out.

In July 2007, CBP issued new internal policies and procedures for agency officials responsible for its traveler inspection program at land ports of entry. The new policies and procedures require field office managers to conduct periodic audits and assessments to ensure compliance with the new inspection procedures. However, they do not call on managers to share the results of their assessments with headquarters management. Without this communication, CBP management may be hindering its ability to efficiently use the information to overcome weaknesses in traveler inspections.

Another weakness involved inadequate physical infrastructure. While we could not generalize our findings, at several ports of entry that we examined, barriers designed to ensure that vehicles pass through a CBP inspection booth were not in place, increasing the risk that vehicles could enter the country without inspection. CBP recognizes that it has infrastructure weaknesses and has estimated it needs about \$4 billion to make the capital improvements needed at all 163 land crossings. CBP has prioritized the ports with the greatest need. Each year, depending upon funding availability, CBP submits its proposed capital improvement projects based upon the prioritized list it has developed. Several factors

affect CBP's ability to make improvements, including the fact that some ports of entry are owned by other governmental or private entities, potentially adding to the time needed to agree on infrastructure changes and put them in place. As of September 2007, CBP had infrastructure projects related to 20 different ports of entry in various stages of development.

Lack of inspection staff was also a problem. Based upon a staffing model it developed, CBP estimated it may need several thousand more CBP officers at its ports of entry. According to CBP field officials, lack of staff affected their ability to carry out border security responsibilities. For example, we examined requests for resources from CBP's 20 field offices and its pre-clearance headquarters office for January 2007 and reported that managers at 19 of the 21 offices cited examples of anti-terrorism activities not being carried out, new or expanded facilities that were not fully operational, and radiation monitors and other inspection technologies not being fully used because of staff shortages. At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support, and safety issues when officers inspect travelers—increasing the potential that terrorists, inadmissible travelers, and illicit goods could enter the country.

CBP also had difficulty in providing required training to its officers. CBP developed 37 courses on such topics as how to carry out inspections and detect fraudulent documents and has instituted national guidelines for a 12-week on-the-job training program that new officers should receive at land ports of entry. However, managers at seven of the eight ports of entry we visited said that they were challenged in putting staff through training because staffing shortfalls force the ports to choose between performing port operations and providing training. Lastly, although CBP has developed strategic goals that call for, among other things, establishing ports of entry where threats are deterred and inadmissible people and goods are intercepted—a key goal related to traveler inspections—it faces challenges in developing a performance measure that tracks progress in achieving this goal.

We made a number of recommendations to the Secretary of Homeland Security to help address weaknesses in traveler inspections, challenges in training, and problems with using performance data. DHS said it is taking steps to address our recommendations.

Identifying Fraudulent Travel Documents

We also reported that CBP's ability to do thorough inspections is made more difficult by a lack of technology and training to help CBP officers identify foreign nationals who attempt to enter the United States using fraudulent travel documents. In July 2007, we reported that although the State Department had improved the security features in the passports and visas it issues, CBP officers in primary inspection—the first and most critical opportunity at U.S. ports of entry to identify individuals seeking to enter the United States with fraudulent travel documents—were unable to take full advantage of the security features in passports and visas.³ This was due to (1) limited availability or use of technology at primary inspection and (2) lack of timely and recurring training on the security features and fraudulent trends for passports and visas. For example, at the time of our review, DHS had provided the technology tools to make use of the electronic chips in electronic passports, also known as e-passports, to the 33 airports of entry with the highest volume of travelers from Visa Waiver Program countries. However, not all inspection lanes at these airports of entry had the technology nor did the remaining ports of entry. Further, CBP did not have a process in place for primary inspection officers to utilize the fingerprint features of visas, including Border Crossing Cards (BCC) which permit limited travel by Mexican citizens—without additional documentation—25 miles inside the border of the United States (75 miles if entering through certain ports of entry in Arizona) for fewer than 30 days. For example, although BCC imposter fraud is fairly pervasive, primary officers at southern land ports of entry were not able to use the available fingerprint records of BCC holders to confirm the identity of travelers and did not routinely refer BCC holders to secondary inspection,⁴ where officers had the capability to utilize fingerprint records. Moreover, training materials provided to officers were not updated to include exemplars—genuine documents used for training purposes—of the e-passport and the emergency passport in advance of the issuance of these documents. As a consequence, CBP officers were not

³ See GAO, *Border Security: Security of New Passports and Visas Enhanced, but More Needs to Be Done to Prevent Their Fraudulent Use*, [GAO-07-1006](#), (Washington, D.C.: July 2007).

⁴ A secondary inspection occurs when persons whose admissibility cannot be readily determined and those selected as part of a random selection process are subjected to a more detailed review. This involves a closer inspection of travel documents and possessions, additional questioning and checks of multiple law enforcement databases to verify the traveler's identity, background, purpose for entering the country, and other corroborating information. This process may result in an individual being admitted, refused entry, returned to the country of origin, or detained.

familiar with the look and feel of security features in these new documents before inspecting them. Without updated and ongoing training on fraudulent document detection, officers told us they felt less prepared to understand the security features and fraud trends associated with all valid generations of passports and visas.

Although CBP faces an extensive workload at many ports of entry and has resource constraints, there are opportunities to do more to utilize the security features in passports and visas during the inspection process to detect their fraudulent use. We recommended that the Secretary of Homeland Security make better use of the security features in passports and visas in the inspection process and improve training for inspection officers on the features and fraud trends for these travel documents. We recommended that DHS take steps, including developing a schedule for deploying technology to other ports of entry and updating training. DHS generally concurred with our recommendations and outlined actions it had taken or planned to take to implement them.

We currently have work ongoing to examine DHS efforts to identify and mitigate fraud associated with DHS documents used for travel and employment verification purposes, such as the Permanent Resident Card and the Employment Authorization Document. We expect to issue a report on efforts to address fraud with these DHS documents later this year.

Western Hemisphere Travel Initiative

One of the major challenges for CBP officers at our nation's ports of entry is the ability to determine the identity and citizenship of those who present themselves for inspection. For years, millions of citizens of the United States, Canada, and Bermuda could enter the United States from certain parts of the Western Hemisphere using a wide variety of documents, including a driver's license issued by a state motor vehicle administration or a birth certificate, or in some cases for U.S. and Canadian citizens, without showing any documents. To help provide better assurance that border officials have the tools and resources to establish that people are who they say they are, section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended, requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a plan that requires a passport or other document or combination of documents that the Secretary of Homeland Security deems sufficient to show identity and citizenship for U.S. citizens and citizens of

Bermuda, Canada, and Mexico when entering the United States from certain countries in North, Central, or South America.⁵ DHS' and the State Department's effort to specify acceptable documents and implement these document requirements is called the Western Hemisphere Travel Initiative (WHTI).

In May 2006, we reported that DHS and State had not made decisions about what documents would be acceptable, had not begun to finalize those decisions, and were in the early stages of studying costs and benefits of WHTI. In addition, DHS and State needed to choose a technology to use with the new passport card—which State is developing specifically for WHTI. DHS also faced an array of implementation challenges, including training staff and informing the public.⁶ In December 2007, we reported that DHS and State had taken important actions toward implementing WHTI document requirements.⁷ DHS and State had taken actions in the five areas we identified in our 2006 report:

- DHS and State published a final rule for document requirements at air ports of entry. The agencies also published a notice of proposed rule making for document requirements at land and sea ports of entry.
- By publishing a final rule for document requirements at air ports of entry, DHS and State have established acceptable documents for air travel. DHS has also published a notice of proposed rule making which includes proposed documents for land and sea travel. Under current law, DHS cannot implement WHTI land and sea document requirements until June 1, 2009, or 3 months after the Secretary of Homeland Security and the Secretary of State have certified compliance with specified requirements,

⁵Pub. L. No. 108-458, § 7209, 118 Stat. 3638, 3823 (2004), *amended by* Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, § 546, 120 Stat. 1355, 1386-87 (2006) and Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 545, 121 Stat. 1844, 2080 (2007). This provision applies to citizens of Bermuda, Canada and Mexico entering the United States as nonimmigrant visitors.

⁶See GAO, *Observations on Efforts to Implement the Western Hemisphere Travel Initiative on the U.S. Border with Canada*, [GAO-06-741R](#) (Washington, D.C.: May 2006).

⁷See GAO, *Observations on Implementing the Western Hemisphere Travel Initiative*, [GAO-08-274R](#) (Washington, D.C.: December 20, 2007).

whichever is later.⁸ In the meantime, in January 2008, CBP ended the practice of oral declaration. According to CBP, until the WHTI document requirements are fully implemented, all U.S. and Canadian citizens are required to show one of the documents described in the proposed rule or a government issued photo identification, such as a driver's license, and proof of citizenship, such as a birth certificate.⁹

- DHS has performed a cost-benefit study, but data limitations prevented DHS from quantifying the precise effect that WHTI will have on wait times at land ports of entry—a substantial source of uncertainty in its analysis. DHS plans to do baseline studies at selected ports before WHTI implementation so that it can compare the effects of WHTI document requirements on wait times after the requirements are implemented.
- DHS and State have selected technology to be used with the passport card. To support the card and other documents that use the same technology, DHS is planning technological upgrades at land ports of entry. These upgrades are intended to help reduce traveler wait times and more effectively verify identity and citizenship. DHS has outlined a general strategy for the upgrades at the 39 highest volume land ports, beginning in January 2008 and continuing over roughly the next 2 years.
- DHS has developed general strategies for implementing WHTI—including staffing and training. According to DHS officials, they also planned to work with a contractor on a public relations campaign to communicate clear and timely information about document requirements. In addition, State has approved contracting with a public relations firm to assist with

⁸ Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 545, 121 Stat. 1844, 2080 (2007). These requirements include (1) National Institute of Standards and Technology certification that DHS and State have selected a card architecture that meets or exceeds the security standards set by the International Organization for Standardization, (2) sharing the technology used for the passport card with the governments of Canada and Mexico, (3) submitting a detailed justification to the House and Senate Committees on Appropriations concerning the fee that will be charged to individuals by the U.S. Postal Service for the passport card, (4) developing an alternative procedure for groups of children entering the United States under adult supervision and with parental consent, (5) ensuring that the infrastructure needed to process the passport cards has been installed at ports of entry, (6) training CBP officers at those ports of entry to use the new technology, (7) ensuring that the passport card is available to U.S. citizens, and (8) establishing a single date for implementing the program at sea and land ports of entry.

⁹ According to CBP officials at the ports of entry we visited at the time of our review, they did not expect the end of oral declaration to represent a significant operational change for them, because the majority of people crossing at their ports already present documents rather than attempt entry by oral declaration alone.

educating the public, particularly border resident communities about the new passport card and the requirements of WHTI in general. Earlier this year, DHS selected a contractor for the public relations campaign and began devising specific milestones and deadlines for testing and deploying new hardware and training officers on the new technology.

U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT)

Another major initiative underway at the ports of entry is a program designed to collect, maintain, and share data on selected foreign nationals entering and exiting the United States at air, sea, and land ports of entry, called the US-VISIT Program. These data, including biometric identifiers like digital fingerprints, are to be used to screen persons against watch lists, verify identities, and record arrival and departure. The purpose of US-VISIT is to enhance the security of U.S. citizens and visitors, facilitate legitimate travel and trade, ensure the integrity of the U.S. immigration system, and protect visitors' privacy.

As of October 2007, after investing about \$1.5 billion since 2003, DHS has delivered essentially one-half of US-VISIT, meaning that biometrically enabled entry capabilities are operating at more than 300 air, sea, and land ports of entry, but comparable operational exit capabilities are not. That is, DHS still does not have the other half of US-VISIT (an operational exit capability) despite the fact that its funding plans have allocated about one-quarter of a billion dollars since 2003 to exit-related efforts.¹⁰

To the department's credit, operational entry capabilities have produced results, including, as of June 2007, more than 1,500 people having adverse actions, such as denial of entry, taken against them. Another likely consequence is the deterrent effect of having an operational entry capability, which officials have cited as a byproduct of having a publicized capability at the border to screen entry on the basis of identity verification and matching against watch lists of known and suspected terrorists. Related to identity verification, DHS has also taken steps to implement US-VISIT's Unique Identity program to enable CBP and other agencies to be better equipped to identify persons of interest and generally enhance law enforcement. Integral to Unique Identity is the capability to capture 10 fingerprints and match them with data in DHS and FBI databases. The capability to capture and match 10 fingerprints at ports of entry is not only

¹⁰See GAO, *Homeland Security: Prospects for US-VISIT Biometric Exit Capability Remain Unclear*, [GAO-07-1044T](#) (Washington, D.C.: June 2007).

intended to enhance CBP's ability to verify identity, but, according to DHS, is intended to quicken processing times and eliminate the likelihood of misidentifying a traveler as being on a US-VISIT watchlist.

Nonetheless, the prospects for successfully delivering an operational exit solution remain uncertain. In June 2007, we reported that DHS's documentation showed that, since 2003, little has changed in how DHS is approaching its definition and justification of future US-VISIT exit efforts.¹¹ As of that time, DHS indicated that it intended to spend about \$27.3 million on air and sea exit capabilities. However, it had not produced either plans or analyses that adequately defined and justified how it intended to invest these funds. Rather, it had only described in general terms near-term deployment plans for biometric exit capabilities at air and sea ports of entry. Beyond this high-level schedule, no other exit program plans were available that defined what would be done by what entities and at what cost. In the absence of more detailed plans and justification governing its exit intentions, it is unclear whether the department's efforts to deliver near-term air and sea exit capabilities will produce results different from the past.

The prospect for an exit capability at land ports of entry is also unclear. DHS has acknowledged that a near-term biometric solution for land ports of entry is currently not feasible. According to DHS, at this time, the only proven technology available for biometric land exit verification would necessitate mirroring the processes currently in use for entry at these ports of entry, which would create costly staffing demands and infrastructure requirements, and introduce potential trade, commerce, and environmental impacts. A pilot project to examine an alternative technology at land ports of entry did not produce a viable solution. US-VISIT officials stated that they believe that technological advances over the next 5 to 10 years will make it possible to utilize alternative technologies that provide biometric verification of persons exiting the country without major changes to facility infrastructure and without requiring those exiting to stop and/or exit their vehicles, thereby precluding traffic backup, congestion, and resulting delays.

US-VISIT also faces technological and management challenges. In March 2007, we reported that while US-VISIT has improved DHS's ability to process visitors and verify identities upon entry, we found that

¹¹See GAO-07-1044T.

management controls in place to identify and evaluate computer and other operational problems at land ports of entry were insufficient and inconsistently administered.¹² In addition, DHS had not articulated how US-VISIT is to strategically fit with other land border security initiatives and mandates and could not ensure that these programs work in harmony to meet mission goals and operate cost effectively. DHS had drafted a strategic plan defining an overall immigration and border management strategy and the plan has been under review by OMB. Further, critical acquisition management processes had not been established to ensure that program capabilities and expected mission outcomes are delivered on time and within budget. These processes include effective project planning, requirements management, contract tracking and oversight, test management, and financial management.

We currently have work underway examining DHS' strategic solution, including a comprehensive exit capability, and plan to issue a report on the results of our work in Spring 2008.

Between the Ports of Entry

As part of its Secure Border Initiative (SBI), DHS recently announced final acceptance of Project 28, a \$20.6 million dollar project designed to secure 28 miles of southwestern border. However, DHS officials said that the project did not fully meet agency expectations and will not be replicated. Border Patrol agents in the Project 28 location have been using the system since December 2007 and 312 agents had received updated training. Still, some had not been trained to use the system at all. Deployment of fencing along the southwest border is on schedule, but meeting CBP's December 2008 goal to deploy 370 miles of pedestrian and 300 miles of vehicle fencing will be challenging because of factors that include difficulties acquiring rights to border land and an inability to estimate costs for installation. Besides undergoing technological and infrastructure improvements along the border, the Border Patrol has experienced unprecedented growth and plans to increase its number of agents by 6,000 by December 2008. Border Patrol officials are confident that the academy can accommodate this influx but are also concerned about the sectors' ability to provide sufficient field training.

¹²See GAO, *Homeland Security: US-VISIT Program Faces Operational, Technological, and Management Challenges*, [GAO-07-632T](#) (Washington, D.C.: March 2007).

The Secure Border Initiative

In November 2005, DHS announced the launch of SBI aimed at securing U.S. borders and reducing illegal immigration. Elements of SBI are to be carried out by several organizations within DHS. One component is CBP's SBI program office¹³ which is responsible for developing a comprehensive border protection system using people, technology, known as SBInet, and tactical infrastructure—fencing, roads, and lighting.

In February 2008, we testified that DHS had announced its final acceptance of Project 28, a \$20.6 million project to secure 28 miles along the southwest border, and was gathering lessons learned to inform future border security technology development.¹⁴ The scope of the project, as described in the task order between DHS and Boeing—the prime contractor DHS selected to acquire, deploy, and sustain the SBInet system across the U.S. borders—was to provide a system with the detection, identification, and classification capabilities required to control the border, at a minimum, along 28 miles in the Border Patrol's Tucson sector.¹⁵ After working with Boeing to resolve problems identified with Project 28, DHS formally accepted the system, noting that it met contract requirements. Officials from the SBInet program office said that although Project 28 did not fully meet their expectations, they are continuing to develop SBInet with a revised approach and have identified areas for improvement based on their experience with Project 28. For example, both SBInet and Border Patrol officials reported that Project 28 was initially designed and developed by Boeing with limited input from the Border Patrol, whose agents are now operating Project 28 in the Tucson sector; however, they said that future SBInet development will include increased input from the intended operators. The schedule for future deployments of technology to the southwest border that are planned to replace most Project 28 capabilities has been extended and officials estimated that the first planned deployment of technology will occur in other areas of the Tucson sector by the end of calendar year 2008. In

¹³The CBP SBI Program Executive Office, referred to in this testimony as the SBI program office, is responsible for overseeing all SBI activities; for acquisition and implementation, including establishing and meeting program goals, objectives, and schedules; for overseeing contractor performance; and for coordinating among DHS agencies.

¹⁴See GAO, *Secure Border Initiative: Observations on the Importance of Applying Lessons Learned to Future Projects*, [GAO-08-508T](#) (Washington, D.C.: February 2008).

¹⁵The U.S. Border Patrol has 20 sectors responsible for detecting, interdicting, and apprehending those who attempt illegal entry or smuggle people—including terrorists or contraband, including weapons of mass destruction—across U.S. borders between official ports of entry.

February 2008, the SBI program office estimated that the remaining deployments of the first phase of technology development planned for the Border Patrol's Tucson, Yuma, and El Paso sectors are expected to be completed by the end of calendar year 2011.

Border Patrol agents in the Project 28 location have been using the system as they conduct their border security activities since December 2007, and as of January 2008, 312 agents in the Project 28 location had received updated training. According to Border Patrol agents, while Project 28 is not an optimal system to support their operations, it has provided them with greater technological capabilities—such as improved cameras and radars—than the legacy equipment that preceded Project 28. Not all of the Border Patrol agents in the Project 28 location have been trained to use the system's equipment and capabilities, as it is expected to be replaced with updated technologies developed for SBInet.

Deployment of tactical infrastructure projects along the southwest border is on schedule, but meeting the SBI program office's goal to have 370 miles of pedestrian fence and 300 miles of vehicle fence in place by December 31, 2008, will be challenging and the total cost is not yet known. As of February 21, 2008, the SBI program office reported that it had constructed 168 miles of pedestrian fence and 135 miles of vehicle fence. Although the deployment is on schedule, SBI program office officials reported that keeping on schedule will be challenging because of various factors, including difficulties in acquiring rights to border lands. In addition, SBI program office officials are unable to estimate the total cost of pedestrian and vehicle fencing because of various factors that are not yet known, such as the type of terrain where the fencing is to be constructed, the materials to be used, and the cost to acquire the land. Furthermore, as the SBI program office moves forward with tactical infrastructure construction, it is making modifications based on lessons learned from previous fencing efforts. For example, for future fencing projects, the SBI program office plans to buy construction items, such as steel, in bulk; use approved fence designs; and contract out the maintenance and repair of the tactical infrastructure.

The SBI program office established a staffing goal of 470 employees for fiscal year 2008, made progress toward meeting this goal, and published its human capital plan in December 2007; however, the SBI program office is in the early stages of implementing this plan. As of February 1, 2008, SBI program office reported having 142 government staff and 163 contractor support staff for a total of 305 employees. SBI program office officials told us that they believe they will be able to meet their staffing goal of 470 staff

by the end of September 2008. In December 2007, the SBI program office published the first version of its Strategic Human Capital Management Plan and is now in its early implementation phase. The plan outlines seven main goals for the office and activities to accomplish those goals, which align with federal government best practices.

Border Patrol

In addition to technological and infrastructure improvements along the border, the Border Patrol has experienced an unprecedented growth in the number of its agents. As we reported last year, in a little over 2 years, between fiscal year 2006 and December 2008, the Border Patrol plans to increase its number of agents by 6,000.¹⁶ This is nearly equivalent to the increase in the number of agents over the previous 10 years, from 1996 through 2006. As of September 30, 2007, CBP had 14,567 Border Patrol agents onboard. It plans to have 18,319 Border Patrol agents on board by the end of calendar year 2008. While Border Patrol officials are confident that the academy can accommodate the large influx of new trainees anticipated, they have expressed concerns over the sectors' ability to provide sufficient field training. For example, officials are concerned with having a sufficient number of experienced agents available in the sectors to serve as field training officers and first-line supervisors. The large influx of new agents and the planned transfer of more experienced agents from the southwest border to the northern border could further exacerbate the already higher than desired agent-to-supervisor ratio in some southwest border sectors.

Screening of International Travelers Before They Arrive in the United States

Because citizens of other countries seeking to enter the United States on a temporary basis generally must apply for and obtain a nonimmigrant visa, the visa process is important to homeland security. While it is generally acknowledged that the visa process can never be entirely failsafe, the government has done a creditable job since September 11 in strengthening the visa process as a first line of defense to prevent entry into the country by terrorists.¹⁷ Before September 11, U.S. visa operations focused primarily on illegal immigration concerns—whether applicants sought to reside and

¹⁶See GAO, *Homeland Security: Information on Training New Border Patrol Agents*, [GAO-07-540R](#) (Washington, D.C.: May 2007).

¹⁷See GAO *Homeland Security: Progress has been Made to Address the Vulnerabilities Exposed by 9/11, but Continued Federal Action is Needed to Further Mitigate Security Risks*, [GAO-07-375](#) (Washington, D.C.: January 2007).

work illegally in the country. Since the attacks, Congress, the State Department, and DHS have implemented several measures to strengthen the entire visa process as a tool to combat terrorism. New policies and programs have since been implemented to enhance visa security, improve applicant screening, provide counterterrorism training to consular officials who administer the visa process overseas, and help prevent the fraudulent use of visas for those seeking to gain entry to the country. The State Department also has taken steps to mitigate the potential for visa fraud at consular posts by deploying visa fraud investigators to U.S. embassies and consulates and conducting more in-depth analysis of the visa information collected by consulates to identify patterns that may indicate fraud, among other things. (Notably, 2 of the 19 terrorist hijackers on September 11th used passports that were manipulated in a fraudulent manner to obtain visas.)

The Visa Waiver Program allows nationals from 27 countries to travel to the United States for 90 days or less for business and tourism purposes without first having to obtain a visa.¹⁸ The program's purpose is to facilitate international travel for millions of people each year and promote the effective use of government resources. While valuable, the program can pose risks to U.S. security, law enforcement, and immigration interests because some foreign citizens may try to exploit the program to enter the United States. Effective oversight of the program entails balancing the benefits against the program's potential risks. To find this balance, we reported in July 2006 that the U.S. government needs to fully identify the vulnerabilities posed by visa waiver travelers, and be in a position to mitigate them.¹⁹ In particular, we recommended that DHS provide the program's oversight unit with additional resources to strengthen monitoring activities and improve DHS's communication with U.S. officials overseas regarding security concerns of visa waiver countries. We also recommended that DHS communicate to visa waiver countries clear reporting requirements for lost and stolen passports and that the department implement a plan to make Interpol's lost and stolen passport database automatically available during the primary inspection process at

¹⁸The Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, created the Visa Waiver Program as a pilot program. In 2000, the program became permanent under the Visa Waiver Permanent Program Act, Pub. L. No. 106-396, 114 Stat. 1637.

¹⁹GAO, *Border Security: Stronger Actions Needed to Assess and Mitigate Risks of the Visa Waiver Program* [GAO-06-854](#) (Washington, D.C.: July, 2006).

U.S. ports of entry.²⁰ DHS is in the process of implementing these recommendations and we plan to report later this year on the department's progress.

Until recently, U.S. law required that a country may be considered for admission into the Visa Waiver Program if its nationals' refusal rate for short-term business and tourism visas was less than 3 percent in the prior fiscal year. According to DHS, some of the countries seeking admission to the program are U.S. partners in the war in Iraq and have high expectations that they will join the program due to their close economic, political, and military ties to the United States. The executive branch has supported more flexible criteria for admission, and, in August 2007, Congress passed legislation that provides DHS with the authority to admit countries with refusal rates between 3 percent and 10 percent, if the countries meet certain conditions.²¹ For example, countries must meet all mandated Visa Waiver Program security requirements and cooperate with the United States on counterterrorism initiatives.

Before DHS can exercise this new authority, the legislation also requires that the department complete certain actions aimed at enhancing security of the Visa Waiver Program. These actions include:

Electronic Travel Authorization System:

The August 2007 law requires that DHS certify that a "fully operational" electronic travel authorization (ETA) system is in place before expanding Visa Waiver Program to countries with refusal rates between 3 and 10 percent. This system would require nationals from visa waiver countries to provide the United States with biographical information before boarding a U.S.-bound flight to determine the eligibility of, and whether there exists a law enforcement or security risk in permitting, the foreign national to travel to the United States under the program. In calling for an ETA, members of Congress and the administration stated that this system was

²⁰Interpol is the world's largest international police organization, with 184 member countries. Created in 1923, it facilitates cross-border police cooperation, and supports and assists all organizations, authorities, and services whose mission is to prevent or combat international crime. In July 2002, Interpol established a database on lost and stolen travel documents. As of June 2006, the database contained about 11.6 million records of lost and stolen passports

²¹Implementing Recommendations of the 9/11 Commission Act of 2007, Pub .L. No. 110-53, 121 Stat. 267.

an important tool to help mitigate security risks in the Visa Waiver Program and its expansion. DHS has not yet announced when or how it will roll out the ETA system.

Air Exit System

The August 2007 law also required that, before DHS can admit countries with refusal rates between 3 percent and 10 percent to the Visa Waiver Program, DHS must certify that an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who depart through U.S. airports.²² Last month, we testified that DHS's plan to implement this provision had several weaknesses.²³ Using this methodology, DHS stated that it can attain a match rate above 97 percent, based on August 2007 data, to certify compliance with the air exit system requirement in the legislation. On December 12, 2007, DHS reported to us that it will match records, reported by airlines, of visitors departing the country to the department's existing records of any prior arrivals, immigration status changes, or prior departures from the United States. On February 21, 2008, DHS indicated that it had not finalized its decision on the methodology the department would use to certify compliance. Nevertheless, the department confirmed that the basic structure of its methodology would not change, and that it would use departure records as the starting point. Because DHS's approach does not begin with arrival records to determine if those foreign nationals stayed in the United States beyond their authorized periods of admission, information from this system will not inform overall and country-specific overstay rates—key factors in determining illegal immigration risks in the Visa Waiver Program. The inability of the U.S. government to track the status of visitors in the country, to identify those who overstay their authorized period of visit, and to use these data to compute overstay rates have been longstanding weaknesses in the oversight of the Visa Waiver Program. We reported that DHS's plan to meet the "97 percent" requirement in the visa waiver expansion legislation will not address these weaknesses.

²²In addition, Public Law 110-53 required the implementation of a biometric exit system at U.S. airports. If this is not in place by mid-2009, the flexibility DHS could have obtained to admit countries with refusal rates between 3 percent and 10 percent will be suspended until it is in place.

²³GAO, *Visa Waiver Program: Limitations with Department of Homeland Security's Plan to Verify Departure of Foreign Nationals*, [GAO-08-458T](#) (Washington, D.C.: February 2008).

DHS Pilot on the Immigration Advisory Program

DHS has also begun to pilot the Immigration Advisory Program (IAP), which is designed to provide additional scrutiny to passengers and their travel documents at foreign airports prior to their departure for the United States.²⁴ This pilot program began in 2004 and was designed to identify and target potential high-risk passengers. Under the IAP pilot, CBP has assigned trained officers to foreign airports where they personally interview pre-identified high-risk passengers, conduct behavioral assessments, and evaluate the authenticity of travel documents prior to the passenger's departure to the United States. The pilot program has been tested in several foreign airports, and CBP is negotiating with other countries to expand it elsewhere and to make certain IAP sites permanent.

CBP has reported several successes through the IAP pilot. According to CBP documents, from the start of the IAP pilot in June 2004 through February 2006, IAP teams made more than 700 no-board recommendations for inadmissible passengers and intercepted approximately 70 fraudulent travel documents. CBP estimated that these accomplishments equate to about \$1.1 million in cost avoidance for the U.S. government associated with detaining and removing passengers who would have been turned away after their flights landed, and \$1.5 million in air carrier savings in avoided fines and passenger return costs. According to CBP, these monetary savings have defrayed the costs of implementing the program.

In May 2007, we reported that CBP has not taken all of the steps necessary to fully learn from its pilot sites in order to determine whether the program should be made permanent and the number of sites that should exist.²⁵ These steps are part of a risk management approach to developing and evaluating homeland security programs. A risk management framework includes such elements as formally outlining the goals of the program, setting measurable performance measures, and evaluating program effectiveness. Although CBP is currently taking steps to make its IAP sites permanent and to expand the program to other foreign locations, CBP has not finalized a strategic plan for the program that delineates program goals, objectives, constraints, and evaluative criteria. CBP officials told us that they have drafted a strategic plan for the IAP, which

²⁴See GAO, *Aviation Security: Efforts to Strengthen International Prescreening are Underway, but Planning and Implementation Issues Remain*, [GAO-07-346](#) (Washington, D.C.: May 2007).

²⁵See [GAO-07-346](#).

contains program goals and performance measures. CBP stated that the plan has not yet been finalized.

Concluding Remarks

CBP has made progress in taking actions to secure our nation's borders. It has enhanced its ability to screen travelers before they arrive in the United States as well as once they arrive at a port of entry. Nevertheless, vulnerabilities still exist and additional actions are required to address them. How long it will take and how much it will cost are two questions that plague two of DHS's major border security initiatives. Whether DHS can implement the exit portion of US-VISIT is uncertain. For land ports of entry, according to DHS, there is no near-term solution. Completing the SBI initiative within time and cost estimates will be challenging, including the building of nearly 700 miles of fencing. These issues underscore Congress' need to stay closely attuned to DHS's progress in these programs to help ensure performance, schedule, and cost estimates are achieved and the nation's border security needs are fully addressed.

This concludes my prepared testimony. I would be happy to respond to any questions that you or members of subcommittees may have.

Contact and Acknowledgments

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