

Department of Homeland Security **Office of Inspector General**

Improvements Needed To Strengthen the
Customs-Trade Partnership Against Terrorism Initial
Validation Process for Highway Carriers





OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

JUN 1 - 2012

MEMORANDUM FOR: Shawn C. Beddows
Acting Director
Customs-Trade Partnership Against Terrorism/Industry
Partnership Programs
U.S. Customs and Border Protection

FROM: Anne L. Richards 
Assistant Inspector General for Audits

SUBJECT: *Improvements Needed to Strengthen the Customs-Trade
Partnership Against Terrorism Initial Validation Process for
Highway Carriers*

Attached for your action is our final report, *Improvements Needed to Strengthen the Customs-Trade Partnership Against Terrorism Initial Validation Process for Highway Carriers*. We incorporated the formal comments from the U.S. Customs and Border Protection (CBP) in the final report.

The report contains three recommendations aimed at improving CBP's initial validation process for highway carriers. Your office concurred with all three recommendations. As prescribed by the Department of Homeland Security Directive 077-1, Follow-Up and Resolutions for the Office of Inspector General Report Recommendations, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendations will be considered open and unresolved.

Consistent with our responsibility under the *Inspector General Act*, we are providing copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact John E. McCoy II, Deputy Assistant Inspector General for Audits, at (202) 254-4100.

Attachment



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Abbreviations

CBP	U.S. Customs and Border Protection
C-TPAT	Customs-Trade Partnership Against Terrorism
CY	calendar year
DHS	Department of Homeland Security
SCSS	Supply Chain Security Specialists
SOP	Standard Operating Procedures
SAFE Port Act	Security Accountability For Every Port Act of 2006
OIG	Office of Inspector General
Portal	CTPAT Security Link Portal



Executive Summary

We conducted an audit of the Customs-Trade Partnership Against Terrorism Program to determine whether its initial validation process ensures that highway carriers' security practices meet minimum security requirements. Customs-Trade Partnership Against Terrorism Program's initial validation process does not always ensure that highway carriers' security practices meet minimum security requirements.

Specifically, documentation maintained by the Supply Chain Security Specialists for the initial validation process for highway carriers did not always confirm the accuracy and effectiveness of security measures declared in a carrier's Customs Trade Partnership Against Terrorism security profile. Supply Chain Security Specialists did not always follow Standard Operating Procedures, and did not include adequate details in the validation worksheet, explaining how they verified evidence of implementation for critical business partner and conveyance security procedures. These conditions occurred because the Customs Trade Partnership Against Terrorism Standard Operating Procedures did not indicate what evidence should be maintained to support conclusions made by Supply Chain Security Specialists or where this evidence should be included in the Security Link Portal, which it uses as its records management system. In addition, the "*evidence of implementation*" training provided to Supply Chain Security Specialists did not contain specific details of what should be obtained to support tests conducted for critical business partner and conveyance security requirements. The deficiencies that we identified in CBP's initial validation process have reduced the agency's ability to ensure that carriers' security practices promote supply chain integrity, and could expose CBP to increased risk of compromised border security.

We made three recommendations that will aid CBP in strengthening its initial validation process for highway carriers. CBP management concurred with all three recommendations.



Background

The Customs-Trade Partnership Against Terrorism (C-TPAT), established in 2001, is a voluntary government-business initiative to build cooperative relationships that strengthen and improve the overall international supply chain process¹ and U.S. border security. The program requires trade company participants to document and demonstrate their supply chain security procedures according to applicable U.S. Customs and Border Protection (CBP) C-TPAT security requirements. The Security and Accountability for Every (SAFE) Port Act of 2006 established time-sensitive mandates, such as reviewing and certifying security profiles within 90 days of submission, completing validations within 1 year of certification, to the extent practicable, and revalidating within 4 years of the initial validation.

As one of the measures geared toward meeting some of the requirements of the SAFE Port Act, C-TPAT established standard operating procedures (SOPs) for its Supply Chain Security Specialists (SCSSs). These security specialists travel the globe to visit partners and their facilities to validate that supply chain security practices and procedures meet the program's minimum security criteria and agreed-upon security standards.

The C-TPAT security criteria were jointly developed by CBP and the trade community. C-TPAT members receive the following benefits, among others:

- Fewer CBP inspections (reduced border delays);
- Priority processing for CBP inspections (front-of-the-line processing for inspections when possible); and
- Eligibility to attend C-TPAT supply chain security training seminars.

To further enhance processing and communication for C-TPAT participants and certified members, the program created the C-TPAT Security Link Portal (Portal), which it uses as its records management system.

¹ The international supply chain process is the collaboration between partners (domestic and overseas) involved in moving raw materials, work-in-process inventory, or finished goods from the supplier to its final distribution point.



Results of Audit

C-TPAT Initial Validation Process For Highway Carriers Needs To Be Strengthened

Improvements are needed in CBP's initial validation process for highway carriers to reduce the risk of compromised border security. Documentation maintained by the SCSSs for the initial validation process for highway carriers did not always confirm the accuracy and effectiveness of security measures declared in a carrier's C-TPAT security profile. Specifically, SCSSs did not always follow SOPs and did not include adequate details in the validation worksheet to explain how they verified evidence of implementation for critical business partner and conveyance security procedures. These conditions occurred because the C-TPAT SCSS SOPs did not indicate what evidence should be maintained to support conclusions made by the SCSS or where this evidence should be included in the Portal. In addition, the "evidence of implementation" training provided to SCSSs did not contain specific details of what should be obtained to support tests conducted for critical business partner and conveyance security requirements.

The deficiencies that we identified in CBP's initial validation process have reduced the agency's ability to ensure that carriers' security practices promote supply chain integrity, and could expose CBP to increased risk of compromised border security.

SCSSs Did Not Adequately Document Support for Critical Business Partner and Conveyance Security Procedures Verification

SCSSs did not include adequate details in the validation worksheet to explain how they verified evidence of implementation for critical business partner and conveyance security requirements. The minimum security requirements mandate that highway carriers must have written and verifiable processes for screening business partners, and conveyance inspections must be systematic. However, specific evidence guidelines for this mandate have not been established for SCSSs. Evidence-of-implementation training was provided to SCSSs, but it did not contain details of what should be obtained to support tests conducted for critical business partner and conveyance security requirements. According to the SAFE Port Act, the program shall establish sufficient internal quality controls and records management to support its management systems, and maintain a records management system to document determinations on the reviews of each of its participants, including certifications, validations, and revalidations.



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Regarding critical business partner procedures, 15 of 21 carriers we reviewed had validation worksheets on which the SCSS noted that procedures were in place. Of the remaining six carriers, the validation worksheet was not available for two carriers and the other four carriers did not comply with this business partner requirement. Our audit disclosed that, for 10 of the 15 carriers, the SCSS indicated on the validation worksheet that security requirements were verified; however, there was little to no information indicating what documentation was verified and who provided it. The validation worksheet for one carrier did contain explicit details. For the remaining four carriers, the SCSS used verbal statements as the sole evidence of implementation. We are not making recommendations regarding the use of verbal statements as evidence of implementation because C-TPAT has eliminated this practice from its guidance.

Regarding critical conveyance security procedures, 14 of 21 carriers had a validation worksheet on which the SCSS noted that procedures were in place. Of the remaining seven carriers, the validation worksheet was not available for two carriers and the other five carriers did not comply with this conveyance security requirement. Our audit disclosed that, for 11 of the 14 carriers, the SCSS indicated on the validation worksheet that security requirements were verified; however, there was little to no information indicating what documentation was verified and who provided it. The validation worksheet for one carrier did contain explicit details. For the remaining two carriers, the SCSS used verbal statements as evidence of implementation.

Standard Operating Procedures Were Not Always Followed

SCSSs did not always follow the established procedures. Specifically, they did not always:

- Conduct a secondary vetting procedure on the carrier to confirm that no significant Customs violations had taken place;
- Complete the initial validation within 1 year of the certification; or
- Obtain signed certification letters.

Secondary Vetting Not Conducted

Our review of the Portal and hard copy files showed that SCSSs did not conduct secondary vetting for 3 of 21 carriers' initial validations to ensure the accuracy of the initial vetting information. The Security Specialist SOP prescribes that the Vetting Processing Center conducts the initial vetting for all highway carriers. It also requires the SCSSs to ensure the Center's vetting accuracy through



secondary vetting to confirm that no significant customs violations have taken place. During vetting, the SCSSs should identify recent activity that may not have occurred at the time of the initial vetting. While vetting partners, the SCSSs conduct research in internal CBP databases such as Automated Commercial System and open source information available on the Internet using the company and financial websites. According to the SCSS SOPs, the SCSSs should document all vetting results in the Vetting Results section of the Portal. It is critical that SCSSs follow the established vetting procedures to reduce the risk of security compromises in the supply chain.

Initial Validation Not Completed Within 1 Year of Certification

In our sample of 21 carriers, there were 4 instances in which the SCSS did not complete the initial validation within 1 year of the certification. Reasons for the delays were not documented in the Milestones section of the Portal. The SAFE Port Act Subtitle B, Section 215 (a) requires that the validation, including onsite assessment, must be completed no later than 1 year from the certification, to the extent possible. Chapter 4 of the SCSS SOPs restates this requirement. Table 1 shows carrier certification and validation completion dates. The validation completion dates reflect the time period to establish compliance with this requirement. We could not locate a certification letter for one Houston highway carrier; therefore, we could not determine compliance.

Carrier	Certification Date	Validation Completion Date	Lapse Time ²
Newark Carrier 1	3/4/2008	9/10/2009	190 days
Houston Carrier 1	2/19/2008	3/12/2009	22 days
Houston Carrier 2	7/7/2008	8/31/2009	55 days
Houston Carrier 3	4/15/2008	8/10/2009	117 days

Source: DHS OIG Office of Audits

Certification Letters Not Signed

In our sample, 20 of the 21 carriers' certification letters did not contain a signature. For one carrier, there was no certification letter in either the Portal or hard copy files. Once the SCSS indicates approval of vetting and the Security Profile in the C-TPAT Portal, certification letters are automatically generated and uploaded. Initially, a C-TPAT official indicated that this situation could have

² Lapse time is the number of days after the 1-year deadline.



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resulted from a programming glitch in the Portal, but later determined that a request to include the signature was not submitted. C-TPAT officials explained that the signature will be added as a part of the next Portal upgrade in January 2012. The certification marks the beginning of the 1-year timeframe required by the SAFE Port Act for completion of the validation process.

Conclusion

CBP's initial validation process for highway carriers needs to be strengthened to reduce the risk of compromised border security. At the exit conference, C-TPAT officials acknowledged that improvements were needed to enhance the initial validation process for highway carriers. C-TPAT has been updating the SOPs in conjunction with implementation of the next version of the Portal, has revised its training to include improved evidence-of-implementation practices, and plans to improve the Evaluation Assessment Branch oversight process. However, these improvements have not been finalized: the policy has not been updated, the Portal upgrade has not been completed, and improved SOPs have not been finalized. Accordingly, our findings remain relevant until corrective measures have been implemented.

Recommendations

We recommend that the Assistant Commissioner, Office of Field Operations:

Recommendation #1:

Update the C-TPAT SCSS SOPs to explain what specific details should be included in the validation worksheet and how SCSSs should verify evidence of implementation for critical minimum security requirements.

Recommendation #2:

Revise the "evidence of implementation" training to explain how SCSSs should verify evidence of implementation for critical minimum security requirements and what information they should document to support conclusions.



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Recommendation #3:

Ensure that SCSSs follow SOPs when conducting the initial validations of highway carriers or document reasons for deviations.

Management Comments and OIG Analysis

CBP submitted formal comments to our report. A copy of the CBP response is included as appendix B. We also received technical comments from CBP and have made changes to the report based on these comments. CBP concurred with all recommendations. Our analysis of the CBP response to the recommendations follows.

Recommendation #1:

Update the C-TPAT SCSS SOPs to explain what specific details should be included in the validation worksheet and how SCSSs should verify evidence of implementation for critical minimum security requirements.

Management Response: CBP stated that it has reviewed the C-TPAT program and is in the process of incorporating specific instructions into existing or new SOPs regarding the details and supporting documentation that must be included in the validation worksheet.

OIG Analysis: CBP's comments are responsive to this recommendation. However, it will remain open and unresolved until CBP provides the SOPs that reflect the details and supporting documentation that must be included in the validation worksheet.

Recommendation #2:

Revise the "evidence of implementation" training to explain how SCSSs should verify evidence of implementation for critical minimum security requirements and what information they should document to support conclusions.

Management Response: CBP stated that it has provided an enhanced version of "evidence of implementation" training to all C-TPAT staff and provided notice to the Field Office managers advising them that it was critical to ensure that SCSSs are gathering the appropriate evidence during the validation process.



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OIG Analysis: CBP's comments are responsive to this recommendation. However, it will remain open and unresolved until CBP provides documentation that reflects how SCSSs should verify evidence of implementation for critical minimum security requirements and what information they should document to support conclusions.

Recommendation #3:

Ensure that SCSSs follow SOPs when conducting the initial validations of highway carriers or document reasons for deviations.

Management Response: CBP stated that the C-TPAT National Training Coordinator will provide webinar training to the C-TPAT staff on a regular and recurring basis as SOPs are updated, approved, and issued to the field. CBP added that once the Portal upgrade is operational the SOPs will be linked to its related process minimizing the opportunities for misinterpretation of procedures.

OIG Analysis: CBP's comments are responsive to this recommendation. However, it will remain open and unresolved until CBP provides documentation that reflects evidence of training provided.



Appendix A

Objectives, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

We performed a selected review of the C-TPAT initial validation process to determine whether it ensures that highway carriers' security practices meet minimum security requirements. We conducted this audit at CBP headquarters in Washington, DC. We interviewed C-TPAT program managers in headquarters responsible for the management and oversight of the program. We also held conference calls with C-TPAT officials assigned to field offices in Newark, NJ; Miami, FL; Houston, TX; Buffalo, NY; and New York, NY.

We reviewed and compared the SAFE Port Act to C-TPAT annual plans and C-TPAT policies and procedures. We also reviewed documentation supporting validation activities. We evaluated initial validation activities, the worksheets resulting from the onsite visits, the suspension of benefits, and the removal of carriers from the program. Our review of the validation worksheets resulting from the site visits focused on two of nine minimum security requirements. Our assessment of these requirements revealed that the greatest risks to highway carriers are (1) business partners and (2) conveyance security. Our audit coverage included program information and statistics for calendar year (CY) 2009.

For our carrier analysis, we began with 400 highway carriers that C-TPAT validated in CY 2009 for all of its field offices from the Portal. A total of 188 highway carriers' initial validations were listed as being completed during CY 2009 for the Newark, Miami, and Houston field offices. We reviewed a judgmental sample of 21 initial validations completed in CY 2009 to ensure that C-TPAT personnel conducted work in accordance with SOPs and the SAFE Port Act, that documentation was adequate to support SCSSs' conclusions, and that key elements were properly approved and completed in a timely manner. Accordingly, the results of our testing represented the characteristics of the judgmental sample and were not projected to the population from which it was selected. In addition, we relied on C-TPAT initial validation data from the Portal and verified the accuracy of database information obtained for the cases reviewed.

We conducted this performance audit between September 2010 and September 2011 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally



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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 upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.



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Appendix B
Management Comments to the Draft Report

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

April 11, 2012

Charles K. Edwards
Acting Inspector General
Department of Homeland Security
245 Murray Drive, SW, Building 410
Washington, DC 20528

Re: The Office of Inspector General's Draft Report Entitled, "Improvements Needed to Strengthen the Customs-Trade Partnership Against Terrorism Initial Validation Process for Highway Carriers - For Official Use Only"

Dear Mr. Edwards:

Thank you for the opportunity to review and comment on the Office of Inspector General's (OIG's) draft report entitled "Improvements Needed to Strengthen the Customs-Trade Partnership Against Terrorism Initial Validation Process for Highway Carriers - For Official Use Only," (project no. OIG-10-101-AUD-CBP). U.S. Customs and Border Protection (CBP) appreciates the OIG's work in planning and conducting its review and issuing this report.

CBP concurs with the OIG's recommendations and believes they will strengthen the Customs-Trade Partnership Against Terrorism (C-TPAT) Program. However, CBP would like to emphasize that it employs a layered enforcement strategy with multiple checks and balances to reduce the likelihood of contraband being smuggled into the U.S. The C-TPAT Program does not stand alone on the front line, but compliments and is complimented by other CBP programs and actions such as the Container Security Initiative (CSI), Non-Intrusive Inspection technology (NII), targeting, K-9 and physical inspections.

CBP would like to note several instances within the report which, if clarified may decrease the perception left by the report that C-TPAT is not effective in decreasing the likelihood of contraband being smuggled into the U.S. The audit occurred during a transitional period for C-TPAT since improving upon the receipt of evidence of implementation was already being addressed by the program internally. For example, a working group had already been assembled and an evidence of implementation matrix and webinar session was developed for the Supply Chain Security Specialists (SCSS) as a result.

In addition, the audit indicates that secondary vetting was not conducted. However, all highway carriers are vetted through the Free and Secure Trade (FAST) Vetting Center.



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Evidence of secondary vetting by C-TPAT SCSS was not found for some of the cases, but in each of the cases reviewed, at least one level of vetting occurred, SCSS reviewed and approved the security profile submitted to CBP, conducted a validation, issued a report and followed up with the member company regarding identified security enhancements.

The finding that standard operating procedures (SOPs) were not always followed, does not explain the full scope of the situation. The deficiency identified was really that the milestones section of the account did not mention why the validation did not occur during the required timeframe. The deficiency was not that the validation exceeded the normal time parameters, but rather that the account lacked any justification supporting a basis for exceeding the timeframe for validation. The Safe Port Act language, states that the 90-day and 1-year timeframes shall be met to the extent practicable. See 6 U.S.C. § 964 (c), 6 U.S.C. § 965 (a). C-TPAT personnel must often cancel, postpone or defer travel to certain areas due to security concerns, natural disasters and health warnings, which can lead to an initial validation not being completed within 1 year of certification.

The report makes three recommendations for CBP. A summary of CBP actions and corrective plans to address the recommendations is provided below:

Recommendation #1: Update C-TPAT SCSS SOPs to explain what specific details should be included in the validation worksheet and how SCSSs should verify evidence of implementation for critical minimum security requirements.

CBP Response: Concur. In 2010, the program initiated a comprehensive review of the methods and means used by SCSS to verify a partner company's compliance with the security criteria, including examples of evidence of implementation. These best practices were incorporated into a matrix and shared as training resource to all SCSSs. In a parallel effort, the Evaluation and Assessment Branch (EAB) initiated a comprehensive review of existing SOPs and identified several new processes, which the program had initiated to improve the program and needed to be incorporated into existing or new SOPs. These efforts are converging, and now the SOPs that cover the validation process will include specific instructions regarding the details and supporting documentation that must be included in the validation worksheet. The details contained in the worksheets are closely examined by supervisors when reviewing reports and crosschecked by the EAB during their sample audits.

Completion Date: May 31, 2012

Recommendation #2: Revise the "evidence of implementation" training to explain how SCSSs should verify evidence of implementation for critical minimum security requirements and what information they should document to support conclusions.

CBP Response: Concur. The C-TPAT Staff was provided with "Evidence of Implementation" training on September 9, 2010. The C-TPAT National Training Coordinator (NTC) worked with Field Training Coordinators (FTC) to develop an enhanced version of the training, which was provided to the staff on March 20, 2012 via webinar. Additionally, the C-TPAT Program Director sent a memo to the Field Office Managers on



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March 21, 2012 advising them that it was critical to ensure that SCSSs are gathering the appropriate evidence during the validation process. Managers were reminded to pay close attention to in this area when conducting their field assessments of SCSSs. Recently, BlackBerry devices were updated to provide camera functionality. This feature will be a valuable tool for SCSSs when capturing evidence of implementation during site visits. Photographs of documents and physical security measures can now be easily captured and uploaded to the C-TPAT web portal as additional evidence to support particular findings and observations.

Accordingly, CBP respectfully requests closure of Recommendation #2. Supporting documentation to close this recommendation will be provided.

Recommendation #3: Ensure that SCSSs follow SOPs when conducting the initial validations of highway carriers or document reasons for deviations.

CBP Response: Concur. The C-TPAT National Training Coordinator (NTC) will provide webinar training to the C-TPAT staff on a regular basis as SOPs are approved and issued to the field. In May of 2012, a webinar training session on the newly approved Vetting SOP is scheduled. Subsequent training sessions will be held throughout CY 2012 as new SOPs and updated SOPs are approved from HQ and issued to the field. Once Portal 2.0 is operational each SOP will be linked to its process allowing SCSSs immediate access. This operational linkage will minimize the opportunities for confusion and/or misinterpretation of procedures. Additionally, many SOPs will include training aids, checklists and other documentation intended to assist the SCSS.

Completion Date: December 31, 2012

With regard to the sensitivity of the draft report, CBP has identified information within the report requiring restricted public access based on a designation of "For Official Use Only." Accordingly, CBP's sensitivity and technical comments will be provided separately.

Once again, thank you for the opportunity to comment on the draft report. We look forward to working with you on future reviews. If you have any questions, please have a member of your staff contact Kathryn Dapkins, Audit Liaison, Office of Internal Affairs at (202) 325-7732.

Sincerely,

James F. Tomsheck
Assistant Commissioner
Office of Internal Affairs



Appendix C

Major Contributors to This Report

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Appendix D

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