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HUMAN CAPITAL NEEDS OF THE U.S. CUSTOMS AND BORDER PROTECTION "ONE FACE AT THE BORDER" INITIATIVE

HEARING

BEFORE THE

OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA SUBCOMMITTEE

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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HUMAN CAPITAL NEEDS OF THE U.S. CUSTOMS AND BORDER PROTECTION "ONE FACE AT THE BORDER" INITIATIVE

TUESDAY, NOVEMBER 13, 2007

U.S. SENATE,
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA,
OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:02 a.m., in Room SD–342, Dirksen Senate Office Building, Hon. Daniel K. Akaka, Chairman of the Subcommittee, presiding.

Present: Senators Akaka, Levin, Voinovich, and Warner.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. I call this hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia to order.

Today's hearing, Human Capital Needs of the U.S. Customs and Border Protection "One Face at the Border" Initiative, will examine the results of a Government Accountability Office report entitled "Border Security: Despite Progress, Weaknesses in Travel Inspections Exist at Our Nation's Ports of Entry." The GAO report details troubling shortcomings in inspections by Customs and Border Protection (CBP) at land and air ports of entry.[1]

Each year CBP processes more than 400 million pedestrian and passenger entries, as well as 20 million containers with goods, into the United States. The vast majority of visitors to the United States have come here legally for tourism, business, work, studies, or other activities. But the GAO report makes clear that thousands of people each year are entering the country illegally through official ports of entry.

I requested that GAO do this study because I was concerned that CBP was not hiring enough officers to screen travelers at ports of entry and that CBP officers were not receiving the training they need to do their jobs properly. This report reinforces my concern.

GAO investigators who visited border crossings found CBP officers missing from their inspection booths at some locations. At other locations officers failed to ask investigators for their identification or travel documents. GAO investigators also saw video of

[1] The GAO report appears in the Appendix on page 101.

CBP officers waving vehicles through inspection booths without speaking with the passengers. In short, CBP at times conducts inspections that are unlikely to detect people and goods that should not enter the country.

Insufficient staffing and training seem to be the central reasons for these inadequate inspections. CBP simply does not have anywhere near enough CBP officers working at ports of entry, and officers are not provided the training they need to do their jobs effectively. CBP's own staffing model indicates that the agency needs to hire several thousand additional CBP officers.

Because of staffing shortfalls, CBP officers are being forced to work extensive overtime, sometimes 16-hour shifts. It is not realistic to expect an officer to stay as alert and focused as needed for 16 straight hours. Long overtime also leads to CBP officers calling in sick from exhaustion, worsening the staffing shortages.

CBP has made progress in improving its training programs, but staffing shortages have forced the agency to cut back on its training. New officers at land border crossings are supposed to receive 12 weeks of basic on-the-job training when they start. Most CBP officers receive less than that. Some receive as little as 2 weeks of on-the-job training, and more advanced training courses often are canceled or shortened because there are not enough officers to cover the inspection booths.

As a result, officers are being placed in situations without the training they need to do their jobs.

Unfortunately, but predictably, staffing shortages, forced overtime, and inadequate training contribute to serious morale problems in CBP.

Under the circumstances, it is not surprising there is high turnover among CBP officers. At some ports of entry, CBP is losing officers faster than it can hire replacements. Attrition is a major factor in understaffing. This is a vicious cycle. Understaffing creates problems that lead to turnover, and high turnover makes it very difficult to address the staff shortages.

As the GAO report notes, some CBP officers are leaving to take positions that provide law enforcement officer benefits. Even though CBP officers receive mandatory law enforcement training, carry firearms, and make arrests, they do not receive the same enhanced pension benefits that other Federal law enforcement officers, including Border Patrol agents, receive. Fixing this inequity would help mitigate the high turnover of CBP officers.

We owe the brave men and women charged with keeping terrorists, illegal drugs, and other dangerous people and items out of the country much better training and working conditions.

GAO also found weaknesses in the infrastructure of land border crossings that allow people to bypass inspection booths entering the country without inspection. The physical environment at some land border crossings is not conducive to thorough inspections. In many ports of entry, visitors wait hours to enter the country because there are not enough inspection booths.

As the Senator from Hawaii, I fully understand the importance of facilitating efficient entry into the country for legitimate travel and trade. Tourism is almost a $12 billion industry in Hawaii, the

largest sector of our economy, and foreign visitors contribute enormously to Hawaii's and the Nation's economy.

Approximately $4 billion in capital improvements in the facilities at land border crossings are needed, but there is only approximately $250 million in the President's budget for infrastructure improvements.

Securing our Nation's ports of entry is a critical national security priority. At the same time, we must never lose focus on the fact that these ports welcome millions of tourists, business people, students, immigrants, and refugees who make this Nation more economically and culturally vibrant. As the President's new National Strategy for Homeland Security States, achieving a welcoming America must remain an important goal.

It is time that we invest in the infrastructure to make our Nation's ports of entry more secure, inviting, and efficient. One approach would be to examine ways of redesigning the gateways to this country to optimize security and maximize processing rates while improving the work environment of our Customs and Border Protection officers.

I look forward to learning more about CBP's successes and challenges, in particular, staffing and infrastructure issues. I want to thank our witnesses for being here today to discuss these important issues, and before calling on my friend, Senator Voinovich, for his opening statement, I would like to say that there is a vote scheduled shortly. Senator Voinovich will chair the hearing while I vote, and he will recess briefly after his statement, until I return. We will try it that way. But we will see how it works.

So at this time, let me call on Senator Voinovich.

OPENING STATEMENT OF SENATOR VOINOVICH

Senator VOINOVICH. Thank you, Mr. Chairman. If things work the way they work in the Senate, we may not have the vote at that time, so I am going to make my statement rather short. Hopefully we will get a chance to hear the witnesses before we have to go and vote.

First of all, I want to thank you very much for holding this hearing. I think you did a wonderful job in explaining what the problems are, and I am not going to reiterate them. I think you have done a terrific job in laying them out for the witnesses and for the people that are here today.

Second, I think that we should make it very clear that the budget of this agency is really robust. As you know, we went ahead and passed the Homeland Security budget. Between the White House and the Homeland Security Appropriations Committee, they increased the budget by 23 percent over FY 07. And if you take the $3 billion that we put in at the end, we are talking about almost a 47-percent increase in the amount of money for border security and immigration enforcement over FY 07.

So the issue is not money. What are we doing with the money? I think we all have to understand that security at the borders is a cornerstone to our national security. There are 326 land, air, and sea ports, and it entails more than preventing individuals from crossing these borders illegally. It includes protecting our economy from illegal goods, which is a big problem today. That is why Sen-

ator Evan Bayh and I have introduced a bill to deal with counterfeit goods.

CBP holds this responsibility, and the American people are grateful to the thousands of officers who every day accept this responsibility. They do a very good job. They are conscientious workers. Nowhere in government is it more important than at CBP that you have to have the right people with the right knowledge and skills at the right place at the right time so that they are going to be successful. However, as the GAO will discuss in its testimony, Customs and Border Protection faces significant challenges in getting the right people with the right skills in place. Two of the three components that today make up CBP came to DHS with significant operational and management challenges. One of the problems when we created the Department of Homeland Security was not recognizing that a lot of the agencies being merged were already in trouble. And here we are, same problems today.

Senator Akaka and I have been pushing legislation that would require a Chief Management Officer at DHS. A CMO would have a 6-year term that would concentrate on making the management changes in the Department of Homeland Security. Without a strong leader who can develop the proper metrics and an appropriate strategic plan, we will be here 5 years from now, and it will be the same story. And, quite frankly, as a former mayor and governor, I am fed up with it. We must do better.

For more than 4 years, Customs and Border Protection has not been able to identify the concrete steps they will take to—in other words, they have not been able to ensure it has the skilled workforce in place to meet its mission. Senator Akaka did a great job of explaining the turnover rate, the training, and so forth. CBP must find and take immediate steps to address the needs of its workforce today, not in 1 or 2 years but today.

I think it is ridiculous that we do not have performance measures for the Traveler Inspection Program that identifies Customs and Border Protection's effectiveness in apprehending inadmissible aliens and other violators. It is just absolutely unacceptable. One of the things that this Subcommittee is trying to do is get the Department to develop those metrics. Before this Administration leaves, we want the strategic plan and we want the metrics. When the next Administration comes in, we want to be able to say here is where you are in performing and how you are going forward to get the job done. That is the only way we can do it, Senator Akaka. If we do not do that, then we will get a new Administration in, and we will start all over again.

So I am anxious to hear the witnesses today. Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Voinovich.

Now you know how passionate he can be, and he has been working really hard on human capital problems, and really it is the basis of what we are talking about.

I want to welcome to the Subcommittee today's first panel of witnesses: Paul Morris, who is the Executive Director of Admissibility Passenger Programs in the Office of Field Operations at U.S. Customs and Border Protection; and Richard Stana, Director of Home-

land Security and Justice Issues at the Government Accountability Office.

I think you know that it is the custom of the Subcommittee to swear in all witnesses, and I would ask both of you to stand and raise your right hand. Do you solemnly swear that the testimony you are about to give this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. MORRIS. I do.

Mr. STANA. I do.

Senator AKAKA. Thank you very much. Let it be noted for the record that the witnesses answered in the affirmative.

I want the witnesses to know that while your oral statements are limited to 5 minutes, your entire statements will be included in the record. So, Mr. Morris, will you please proceed with your statement?

TESTIMONY OF PAUL M. MORRIS,[1] EXECUTIVE DIRECTOR, ADMISSIBILITY PASSENGER PROGRAMS, OFFICE OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. MORRIS. Good morning, Chairman Akaka and distinguished Members of the Subcommittee. I am pleased to be here today to discuss how the Department of Homeland Security, particularly Customs and Border Protection (CBP)—is building a more secure and efficient border by continuing to strengthen our workforce and enhancing our traveler inspection processes. I would like to begin by expressing my sincere thanks to the men and women of CBP who work on the front lines every day protecting this Nation.

Since its creation in 2003, CBP has made significant progress in effectively securing our borders and protecting our country against terrorist threats. I am here today to discuss a recent report released by the GAO.

First, CBP would like to express its disappointment for the inappropriate release of an "Official Use Only" version of the report and the misuse of statistics CBP supplied to GAO. We believe that the information released in the "Official Use Only" document could be detrimental to the effectiveness of CBP in carrying out our mission, and the misrepresentation of CBP's statistics discredits the work of our front-line officers.

CBP is responsible for protecting more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and operating 326 official ports of entry. Each day, CBP inspects more than 1.1 million travelers. Though the vast majority of the people CBP officers interact with are legitimate travelers, there are those who would seek to do us harm.

To that end, CBP intercepts more than 21,000 fraudulent documents and interdicts more than 200,000 inadmissible aliens each year. Despite the assertions made by the GAO, during fiscal year 2007 alone CBP officers at our land, sea, and air ports of entry arrested nearly 26,000 individuals, including murderers, sexual predators, drug smugglers, and individuals with links to terror.

[1] The prepared statement of Mr. Morris appears in the Appendix on page 35.

DHS must be able to capitalize on our border inspection process. We must be able to verify the identity of all those who seek to enter. In partnership with the Department of State, we are working to secure our homeland by strengthening our ability to identify accurately all persons before they enter the United States. The Western Hemisphere Travel Initiative (WHTI) establishes these documentation requirements while continuing to facilitate the flow of legitimate trade and travel. Full implementation of WHTI will supply our officers with the technology and proper documentation to make admissibility decisions in a matter of seconds. This vital layer of security must be put in place as soon as possible and not be subject to repeated delays and endless new and ever shifting requirements. We must advance to a smarter, more efficient, and more secure border that includes these document controls.

CBP constantly and continually monitors our activities and operations in the field. After noting weaknesses in our land border inspectional procedures, we mandated that all land border ports of entry increase the number of primary main queries being performed, with our final strategic goal to screen all persons arriving at ports. The implementation of WHTI, facilitative technology, and the requirement to present secure documents will raise these percentages even further. CBP has also implemented a new directive which defines policy regarding land border inspections.

CBP uses a layered approach to monitor and assess compliance. In the field, we require management to monitor poor compliance with existing policies and procedures and conduct audits and assessments. CBP has also implemented a system to track our effectiveness. CBP conducts compliance examinations involving random selection of vehicles and air passengers that ordinarily would not be selected for an intensive examination through a program called COMPEX. However, we strongly disagree with the inferences and assumptions made by GAO in their report which were based upon the COMPEX statistics CBP supplied. GAO was told that COMPEX, prior to October 1 of this year, monitored customs law-related violations only and that these statistics could not be extended to immigration and agricultural violations. However, GAO chose to disregard our advisories and published misinformation.

We have no greater asset than our human resources. CBP continues to increase its workforce, hiring 2,156 new CBP officers and 340 agriculture specialists in fiscal year 2007. Included in our 5-year strategic plan, we have an objective of building and sustaining a high-performed workforce by refining the recruitment and hiring processes, improving our retention capabilities, and enhancing deployment and staffing. We have developed a workload staffing model to better align resource needs and requests against levels of threat, vulnerabilities, and workload. However, we are challenged with the continuously expanding demand for our services as trade and travel to the United States continues to grow.

We depend on the dedication and training of our front-line officers to conduct thorough inspections and make sound judgments. We have developed and implemented a comprehensive training curriculum. To make the best use of our training, we train our officers when they need to be trained and for the functions they are performing. This means that not every officer completes every training

module but does receive the training needed to do the job performed.

CBP has long recognized the need to improve our facilities and infrastructure to more effectively meet mission requirements. Unfortunately, the rapid evolution of CBP's mission, coupled with years of neglect, has left these vital assets in dire need of modernization and expansion. Expanded responsibilities and the deployment of enhanced technology have stretched our physical resources well beyond their capacity. In addition, CBP's infrastructure priorities have to compete with other Federal buildings and courthouses, and we receive only a small amount of the funds allocated. Although we are working with GSA to streamline the 7-year construction process, right now our facilities are stretched to the limit.

Mr. Chairman and Members of the Committee, I appreciate this opportunity to testify before you, and I would be happy to answer any questions you may have.

Senator AKAKA. Thank you very much for your testimony.

I was just informed that the vote is running out, so I am going to run and vote, and I am going to then be back in 10 minutes or less. But in the meantime, this Committee will be in recess.

[Recess.]

Senator VOINOVICH [presiding]. Mr. Morris, I apologize that I was not able to hear your testimony, but I do not control the schedule.

Mr. Stana, we are glad to have you here.

TESTIMONY OF RICHARD M. STANA,[1] DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. STANA. Thank you very much. Chairman Akaka, Mr. Voinovich, Members of the Subcommittee, I am pleased to be here today to discuss GAO's report on CBP traveler inspections at our Nation's ports of entry.

As you know, CBP is the lead Federal agency responsible for inspecting travelers who enter the United States. In carrying out this responsibility, over 17,000 CBP officers are charged with keeping terrorists and other dangerous or inadmissible people from entering the country while also facilitating the cross-border movement of millions of travelers and legitimate cargo. For fiscal year 2007, CBP had a budget of $9.3 billion, of which $2.5 billion was for border security and trade facilitation at ports of entry. My prepared statement summarizes the report we issued to you on November 5. In my oral statement, I would like to highlight three main points.

First, CBP officers at the ports of entry have had some success in identifying inadmissible aliens and other violators. In fiscal year 2006, they successfully turned away over 200,000 travelers who attempted illegal entry at the ports and seized more than 40,000 phony documents. But despite this success, weaknesses in inspection procedures resulted in many thousands of illegal aliens and other violators entering the country. This problem is not new, and previous attempts to fix it have not been fully successful. In 2003,

[1] The prepared statement of Mr. Stana appears in the Appendix on page 49.

we reported on several weaknesses in the CBP inspection process that permitted inadmissible aliens to enter the country, and we recommended improvements. In 2006, CBP identified weaknesses in its inspection procedures, such as officers waving vehicles into the country without stopping the vehicle or interviewing the driver or its passengers.

CBP headquarters called for corrective actions in July 2006, but our subsequent testing showed that significant weaknesses still existed. In several locations, we found, among other things, that travelers' nationality and admissibility were not always verified and inspection booths were not always staffed. In July 2007, CBP revised its policies and procedures for traveler inspections at land crossings to address such weaknesses. The new procedures call on CBP officers to carry out more rigorous inspections, such as handling the travel document of each traveler and, when possible, checking the document against law enforcement databases. They also call on CBP supervisors to monitor officer compliance with the new procedures and for CBP headquarters to do compliance testing. The extent that these actions are successful remains to be seen.

My second point is that while new policies and procedures may help strengthen traveler inspections, they alone will not fully address the causes of the failed inspections. CBP's staffing model shows it may need up to several thousand new officers to properly operate its ports of entry. CBP managers at seven of the eight ports we visited told us that staffing shortfalls adversely affected their ability to carry out traveler inspections in a number of ways, including not having staff to carry out anti-terrorism programs and requiring extensive overtime to cover routine operations, which in turn can cause morale problems, fatigue, and a lack of back-up support. Officer attrition is a contributing factor. In some locations, it is sometimes difficult to hire enough staff to replace officers who leave, let alone fill open slots. Staffing shortfalls can also affect CBP's ability to provide both classroom and on-the-job training to officers. Port officials sometimes need to make the tough choice between allowing staff to go to training and improve their skills or require staff to forego training because they are needed to do inspections. Moreover, when training is provided, CBP does not measure the extent to which the courses are delivered to the officers who need it most, nor does it require new officers to demonstrate proficiency and required skills after they take the courses.

My last point is that it is very important for CBP to know how effective it is in keeping dangerous people out of the country, where it would like to be, and what progress it is making on closing any gaps in meeting the goals. We examined CBP's performance measures for its Traveler Inspection Program, and while it has developed data that shows the number of persons who were apprehended, it has not yet created a performance measure to indicate its success in identifying inadmissible travelers from the millions of border crossers who pass through the ports of entry each year.

In closing, having a sufficient number of well-trained and well-supervised CBP officers is important for the safety and well-being of our Nation. Alert CBP officers have interdicted dangerous travelers, such as the Millennium Bomber, but more needs to be done to ensure that this can be done consistently. Our work underscores

the need for CBP to address weaknesses in its policies, procedures, and supervisory controls; to find ways to adequately staff its ports of entry, including developing and implementing strategies for retaining staff; and to improve classroom and on-the-job training programs for its officers. None of these actions alone can fix the problems we saw, but a coordinated and well-implemented effort could mitigate the risk and consequences of failed traveler inspections.

Before I finish, I would like to address two points raised in Mr. Morris' opening statement.

First, with respect to the leaking of a FOUO report, we did not leak a FOUO report. We issued a classified version which was released to the Committee on October 5 and embargoed for 30 days, and an unclassified version which was released on November 5. We did not leak the contents of the classified report, although I do note with some confusion that the 21,000 figure appears in Mr. Morris' official statement when that was supposed to be classified.

Second, I want to point out with respect to COMPEX, we worked very carefully with CBP, the statisticians on our observations. Mr. Morris is correct that COMPEX speaks to what was seized. Who brought it into the country COMPEX is silent on. When we spoke to the statisticians, they told us it was both inadmissible aliens and other violators, which is the language we used in the report. CBP had an opportunity to correct that for the record at an exit conference and at two official comment periods and failed to do so. But if there is a way we could have clarified that for the record, we certainly apologize, and we would make that clearer, if asked.

Thank you very much, and I look forward to answering any questions the Committee may have.

Senator VOINOVICH. Thank you very much.

Mr. Morris, I agree with the GAO that CBP needs to develop retention strategies for its officers and agriculture specialists and develop strategies to retain those staff. I recall at a hearing a couple years ago that there were some real problems with agriculture specialists, and maybe you can enlighten me on where you stand in terms of those folks.

I am dismayed that this process will not be complete until 2009. In other words, how do you retain these people? In this time frame, too many talented agents will continue to leave CBP. In connection with this long-term goal, CBP needs short-term actions it can take to help slow attrition.

Has CBP identified short-term initiatives it can implement to address attrition needs? And if not, will you commit to a parallel path of long- and near-term actions that can be taken and report those back to the Subcommittee by the end of the year? Basically, what I am saying is this: CBP has a retention problem and a long-term goal of solving it by September 2009. What do we do in the meantime to try and make sure that you do not have this continued turnover rate that you have been experiencing in the past?

Mr. MORRIS. Thank you, Senator. I think that the Chairman did capture the issues that we have to deal with on a day-to-day basis very well, and it is a vicious circle, that as we lose officers, it compounds the staffing issues that we have. And in some cases, at some ports of entry where it is more difficult to recruit officers, that can be much worse than in other places.

We recognize that retention and attrition are very significant issues for the agency. Attrition has always been one that the border agencies have had to grapple with. We have looked at some targeted recruiting functions at particular areas of concern where we have the gravest concern with our staffing levels. We do want to continue to provide a comprehensive training package to our officers.

In the surveys that we have seen regarding their satisfaction with their job, one of the items that was repeatedly brought up was the training that is provided to them.

Senator VOINOVICH. Do you have the tools to hire people? One of the things that we have been working on the last 7 or 8 years is to put agencies in the position where they can make the Federal Government an employer of choice. Are there things in personnel management that make it difficult for you to bring people on board? Is it a reputation that the agency is not the best place to work that discourages people? Just what is it that is causing you not to be able to bring these people on?

Mr. MORRIS. Well, I am hopeful——

Senator VOINOVICH. Wages? I mean, what is it?

Mr. MORRIS. I am hopeful that it is not the reputation of the agency. We are striving to become the premier law enforcement agency with respect to border security. There has been a lot of emphasis placed on our training for our officers. We do provide that through our academy with an extensive training package that provides them with the essential basic tools for when they return to the port.

Senator VOINOVICH. Is the starting salary relative to other enforcement agencies competitive?

Mr. MORRIS. Well, starting salary is competitive with other Federal agency starting salaries for similar positions. Typically, they start at GS–5 level. Journeyman level brings them up to—after a period of 2 or 3 years, it would bring them up to about GS–11 level. They can then progress into management.

But as you can imagine, a GS–5 perhaps on their own in a metropolis like Los Angeles or New York, they are going to have some difficulty making ends meet.

Senator VOINOVICH. What does a GS–5 pay? What is the range?

Mr. MORRIS. I am sorry, Senator. I do not know that off the top of my head.

Senator VOINOVICH. So you are saying that like with the FBI and some agencies, if they are in big cities, the locality pay, in your opinion, is not adequate to keep those people on board?

Mr. MORRIS. In the initial years, it is certainly difficult for them to make ends meet and satisfy their family requirements and other things on that level of pay.

We also have an issue with attrition due to loss to other Federal agencies where the benefits packages are better. For instance, those that provide law enforcement coverage for their positions, such as criminal investigators or special agents, if they get additional pay and a better retirement package, there is not much that is going to keep them around if——

Senator VOINOVICH. Is that in Homeland Security, or are you competing with agencies outside of Homeland Security?

Mr. MORRIS. Within and outside the Department, sir.

Senator VOINOVICH. Mr. Chairman, one of the things that we had asked the Department to do was to harmonize the pay within the Department so that we would not have the government competing with itself. The other was to look at the pay compared to other natural security agencies to see how they compared so you would not have this movement based on better benefits.

So you are telling me today that there are agencies, national security agencies within Homeland Security that have better benefits than what you provide.

Mr. MORRIS. It is primarily the difference between the Customs and Border Protection officer that does not have law enforcement coverage and other investigative positions that do have that coverage. That law enforcement coverage provides them with additional ways of payment such as administratively uncontrollable overtime and law enforcement retirement for which they qualify for after 20 years of service.

Senator VOINOVICH. Do you have any kind of documentation or has GAO seen any documentation about the reasons why people leave and where they go?

Mr. STANA. We know that about 25 percent of them go to other DHS components. It may be ICE; it may be Border Patrol. To understand why people leave, it is instructive to look at the OPM survey data that we had in the appendix to our report. A large majority, 88 percent, say they know the work is important; 83 percent said they like the kind of work they do; 75 percent say that they like the work environment. So those are not really the issues.

But if you look at the downside, 21 percent said they are not rewarded for high-quality work; 18 percent said poor performers are not dealt with adequately; 9 percent said pay raises depend on performance. And then there are other statistics like only a third say they have the sufficient resources to do their job; 30 percent say that CBP is able to recruit people with the right skills.

When you take those kinds of statistics together, it paints the picture of a less than happy staff, a morale issue that has to be dealt with. I also might add that 20 percent of the workforce is eligible for retirement in the next 4 years, and that could have a devastating effect because typically the people who are the most senior are the ones who may be legacy Customs and legacy INS who understand the ins and outs of immigration law and the customs law. And these are the ones that the younger staff turn to when they are confused or they need guidance on how to handle certain situations.

Senator VOINOVICH. Do you have the authority right now—and I will finish up with this. Do you have the authority to bring back annuitants?

Mr. MORRIS. We have used rehired annuitants to a very limited extent, primarily because of pretty limited interest in coming back to work in the ports of entry.

Senator VOINOVICH. Thank you.

Senator AKAKA [presiding]. Thank you very much, Senator Voinovich.

Let me call on Senator Warner.

OPENING STATEMENT OF SENATOR WARNER

Senator WARNER. Thank you very much, Mr. Chairman.

First, I would like to thank you for your leadership in requesting this report. I have looked it over, and I think it is very well done, very well balanced. I have had a long association with the Government Accountability Office over the many years that I have been here, and I have a high regard for their work product.

Mr. Morris, I commend you for saying you want to try and establish in your area of responsibility the best possible enforcement that America can get, and I, like your people, say I have got a lot of problems ahead of me, but I am going to continue to strive to achieve that. And I hope that the people under your jurisdiction take notice of this hearing today and the statement that you made on their behalf.

I would simply draw your attention, Mr. Morris, to one provision in this report that was given to me about what the GAO found, and they said, "However, the CBP has not established an internal control to ensure field office managers share their assessments with the CBP headquarters to help ensure that the new procedures are consistently implemented across all ports of entry and reduce the risk of failed traveler inspections."

Mr. MORRIS. Certainly, Senator. Customs and Border Protection has really a layered internal control mechanism in place, and I think that we are far ahead of other agencies in ensuring that we do have compliance in the field. We still have some work to do, certainly, but we do have many mechanisms in place, and if I can outline those for you very quickly.

First of all, we have a self-inspection program, and basically that requires that every port of entry, all 326, every year look at a wide variety of the various responsibilities that they have and the policies and procedures that are in place at their ports of entry. It requires them to respond to a series of work sheets. In those responses, they have to note where there is any kind of deviation from the existing policy or procedure. They have to propose some kind of corrective action that is going to be taken. And all of that information from those 326 ports is then filtered up to the headquarters level where we consolidate them, we look at the issues that exist across the board, or in particular areas; and then from the headquarters level we update our directives, we send out new directives to try to bring policy and procedure in line on a national basis.

Our Management Inspection Division also conducts field reviews. Typically, these are at the request of headquarters management to take a look at a particular aspect of what we do at the ports of entry. We have recently asked them to take a look at our ability to interdict fraudulent documents and our processing of those documents that we seize, as just an example.

We also place in all of our directives basically layers of responsibility for implementation of those directives——

Senator WARNER. Let me just interrupt you.

Mr. MORRIS. Certainly.

Senator WARNER. Clearly, you have got a lot going on, but Senator Akaka and I—and I see Senator Levin—we all three have served many years on the Armed Services Committee. And when

the people down on the front in the actual combat situations—and I am not likening it to combat, but it is an extremely important part of how our overall security functions. For example, this says "to ensure that field office managers share their assessment with the headquarters."

We have always put into the military situation provisions by which that type of information can very quickly, on a real-time basis, get to the headquarters and receive their attention. Somehow your description, I am left with the impression that an awful lot of bureaucracy is there to go through to get an idea from the front lines of your service right up to the top people.

Can you look at a way to try and expedite that?

Mr. MORRIS. Certainly, Senator, and we do agree with GAO's recommendation in this area. We do agree that we need to provide for a better flow of information from the field to headquarters, and we are in the process of developing that.

Senator WARNER. Did you have any amplification, Mr. Stana, on that provision?

Mr. STANA. No. I think the steps that they outlined in their July 2007 plan seem to be reasonable, not only to bring that kind of information up to the top quickly, as you point out, but they are also going to do some Red Teaming. And if that is done well——

Senator WARNER. That is excellent. Now, explain what "Red Teaming" is. That is well known in the military, but it is not so well known in other areas.

Mr. STANA. Red Teaming is the idea where you get some of your own staff to secretly test the controls. You might send some people from Washington out to try to get through a port of entry to see if the inspection is successful or if the inspection has failed. And they have a program plan to do just that, and I think the results of that, in conjunction with getting information up from the bottom quickly, would go a long way toward addressing the problem.

Senator WARNER. I could not have provided a better answer to the question than that. We use it a great deal.

I thank the Chairman and colleagues. Good luck to you.

Senator AKAKA. Thank you very much, Senator Warner.

Mr. Morris, as you know, I am a strong proponent of improving training opportunities for Federal employees. Training can be a key to improving government efficiency by maximizing employees' contributions, and it can help morale, as was mentioned by Mr. Stana.

I am concerned that CBP is providing too little training and that the training that CBP officers receive does not provide them with the concrete skills and knowledge that they need. Particularly, I am concerned that they do not receive enough cross-training to master all of the functions that were folded into CBP with the creation of the Department of Homeland Security.

Mr. Morris, how is CBP tracking and evaluating CBP officer training at the many different ports of entry to ensure that CBP officers receive sufficient and high-quality training?

Mr. MORRIS. Senator, first let me explain that all of our officers before they are placed in a port of entry do go through 16 weeks of intensive training at the Federal Law Enforcement Training Center in Glynco, Georgia. Upon their arrival in the port of entry, we do have a post-academy training that is established for them.

We do recognize that we need to make some modifications in that post-academy training, and that is primarily because the original training package that we had put together, which consisted of 37 different modules, was constructed in order to provide that cross-training that you talk about to bring customs inspectors, immigration inspectors, and agriculture inspectors under a single management chain of command and to provide them with all the basic information they need for this very broad mission that we have, counterterrorism plus all of these legacy missions.

We recognize that 4 years after the transition to DHS and the formation of Customs and Border Protection, we need to move beyond that cross-training. We now need to have function-specific training. So, for instance, if an officer arrives at a port of entry and they are going to be assigned to a cargo environment, we want to provide them with as-needed, just-in-time training on the cargo environment. If later they move on to a new position working passport secondary, we want to provide them with that training package. What we do not want to try to do is force those 37 training modules on every officer upon their actual arrival in the port of entry.

It simply is something that we cannot do because of the magnitude of our mission, the very diverse issues that we have to deal with on a day-to-day basis. So we really need to focus it on what the need is for the particular officers.

Do we have a mechanism that can establish exactly what training is necessary for each particular officer? We are working on refining that. We could not come up with a report that would state whether or not any given officer was trained in all of the programs that were necessary for perhaps primary inspection. But we do track the training that is delivered to every officer. I can tell you officer by officer what they have been provided with, but we need to take that next step and tie the training to the function that they are now performing so that we can better assess whether or not they are prepared for the job that they are currently doing.

Senator AKAKA. Mr. Morris, the GAO report states that CBP officers are receiving as little as 2 weeks of on-the-job training. You just mentioned that while they are in a job, they do attend some of these modules that are prepared for them. But I am concerned that officers are being placed in these situations without the proper training, and this can be dangerous for the officers and increases the risk of failed inspections.

Is there someone in charge of CBP officer training agency-wide? Someone needs to be accountable, and Senator Voinovich did mention the CMO that we have been talking about. Is there a CBP Office of Training agency-wide? Who is in charge of training?

Mr. MORRIS. CBP does have an Office of Training and Development. They are responsible for the oversight of the CBP Officer Academy in Glynco, Georgia. They work with the Office of Field Operations, which is the office directly over the ports of entry, to ensure that there is post-academy that is provided to our officers also.

And if I could just clarify one statement, Senator, and that is that I think the 2 weeks that was mentioned was somewhat anecdotal. At various stages of post-academy training, an officer could

have only received 2 weeks of training and would not feel prepared for the full gamut of jobs that they have to perform.

We do track the post-academy training. We have training officers in the field that are supposed to ensure that our officers go from beginning to completion on post-academy training. But there will be times when we have to delay training because we do not have the luxury of closing down a port of entry or in some cases even closing a couple of lanes at a port of entry in order to accommodate training.

Trade, travel, facilitation of legitimate travelers into the United States must continue, regardless of the administrative functions that we have otherwise.

Senator AKAKA. Mr. Stana, I would like to hear your thoughts on CBP officer training as well, particularly whether CBP is ensuring that officers receive the right training and whether the effectiveness of the training is evaluated.

Mr. STANA. Well, the point is correct that oftentimes port directors have to make a decision on whether to have somebody go to training or to stay and staff a post. But at none of the locations we went to—none—was all 12 weeks of on-the-job training delivered. None. It was as little as 2 weeks, as you pointed out. Sometimes the average was 6 to 10 weeks, but none was 12 weeks.

We also point out that in tracking the training and making sure that the training is useful, the Border Patrol would be a useful place for CBP to seek advice. The Border Patrol has 30 specific functions that they have laid out for the Border Patrol agents, and they test against each one of those 30 following training to make sure that the Border Patrol agents learned what they were supposed to learn. They test for proficiency. And I think that would be a good thing for the CBP officers to do when training courses are completed.

I do not know if I could be as strong as to say that is best practice governmentwide, but it would certainly go a long way to picking up some of the training shortfalls.

The last point I would make is that until you deal with the staffing question, the training issue is always going to be looming out there. Some of these ports are 30 to 40 percent understaffed, and until you deal with that, CBP officers are really not going to have time to get away and be trained properly so that they know how to do your job at the post they are assigned.

Senator AKAKA. Thank you. Senator Levin.

OPENING STATEMENT OF SENATOR LEVIN

Senator LEVIN. Thank you, Mr. Chairman, and let me join you in welcoming our witnesses.

I was somewhat confused by some of the statistics that was given here in the GAO report. On page 5, there is an estimate that CBP officers turned away 200,000 aliens who attempted to enter the country illegally. Then it says a little later, on that page, that "CBP estimates about 21,000 inadmissible aliens"——

Mr. STANA. Sir, you might be reading from a classified version of the report.

Senator LEVIN. It is not classified. It says "Official Use Only."

Mr. STANA. OK. We consider that as classified, but go ahead.

Senator LEVIN. This is classified? What am I doing with it in a public place without——

Mr. MORRIS. "Official Use Only" generally simply means it is not for dissemination to the public.

Senator LEVIN. Does that mean it is classified?

Mr. MORRIS. Yes, sir.

Mr. STANA. They only have administrative classifications at Homeland Security, and there are only a couple that they deal with. One is OUO. The other might be——

Senator LEVIN. Well, I will tell you, you better tell staff to keep this in a safe and not let me walk around with it and take it home if these are classified figures. As Chairman of the Armed Services Committee, when we say something is classified, I cannot even have it here.

Is that what the meaning of "Official Use Only" is? Somebody is shaking his head behind you there.

Mr. MORRIS. I am not a classification expert myself, Senator, but as I say, it basically means it is for government use only, not for public dissemination.

Mr. STANA. We do not classify or unclassify at GAO. We take the classification that is given to us at the Department, and the Department told us that when it is "Official Use Only," we are not to disseminate it to the general public. It can be talked about in a closed session or among government people with a need to know.

Senator LEVIN. All right. Well, let me ask you this in an—let me put it to you this way: Take a look at the numbers. Do you have the thing with you?

Mr. STANA. I know the numbers.

Senator LEVIN. There seems to be a major discrepancy between the numbers, OK? In terms of the percent—I will not go into what the percent is—that were caught, that percent, and then you have a total—and when you look at the numbers, they are totally different than the percentages.

Mr. STANA. Yes, and that gets to the issue of the estimating program that the Department uses to identify how many inadmissible travelers—well, actually, more accurately—and Mr. Morris pointed this out—it estimates how many people are caught with serious contraband. It might be drugs, it might be weapons, but that is the number there. What that number does not say is who brought the drugs or the weapons in. It could be an inadmissible alien. It could be a citizen who is a violator and should not be bringing stuff into the country.

Senator LEVIN. How do they know how many people got in who are inadmissible? How do they arrive at that statistic?

Mr. MORRIS. Senator, again, we have not yet arrived at that statistic. The statistic that was provided was specific to customs violators. However, effective October 1 of this year, we have modified that same system so that we will now collect information on inadmissibles and agriculture violators as well.

Senator LEVIN. Without getting into the numbers, it says here in fiscal year 2006, CBP estimates that it caught about [blank] percent of these travelers who attempted to enter illegally by vehicle and [blank] percent at major land ports of entry, 44 percent who attempted to enter illegally through major airports.

It says CBP estimates that about [blank] inadmissible aliens and other violators entered the country. How, in 2006, were you able to estimate the number of inadmissible aliens and other violators who entered the country? How do you know that?

Mr. MORRIS. The fact is that we do not at this point know that.

Senator LEVIN. But then where did that number come from that I was not supposed to divulge publicly?

Mr. STANA. Well, I can tell you where the number came from because it is in our report. This program randomly selects 260,000 land crossers and 240,000 air crossers into the country for further inspection. If the inspector at the booth or at the desk at an airport decides that the person is eligible to enter the country, those individuals may be tagged through a random selection process to go into the secondary area where a more detailed inspection is done.

Senator LEVIN. If they are eligible.

Mr. STANA. If they are selected by the random——

Senator LEVIN. No, but I do not mean that. If they are eligible to enter the country.

Mr. STANA. Yes. The inspector at the booth did not find anything that was wrong, and they would have admitted them except for this random selection for further inspection.

Upon further inspection, what the statistics show is they often find—or at times find drugs, contraband; they might find other things that are Class II violations. It might be phony documents. It might be something like that. And that is where those figures came from. X percent of the time they are saying that upon referral to secondary they are successful in finding these kinds of people at the airport; at Y percent of the time they are successful in finding these kinds of people at land ports.

Now, the key here is the people entering the ports may be an alien or they may be a citizen, and that is the figure that they are trying to refine in the next iteration that they are just starting this fiscal year. But some of those people are inadmissible aliens, and some of those people are other violators, which is the language we used. And if it is confusing, we apologize.

Senator LEVIN. My time is up. Thank you.

Senator AKAKA. Thank you very much.

Mr. Stana and Mr. Morris, we are going to go into a second round here. I would like to hear both of your thoughts on this question. As legacy customs, immigration, and agriculture inspectors retire, CBP is losing their specialized knowledge and skills. I am concerned that newer officers are not being trained adequately to replace that specialization.

Is CBP losing expertise as legacy officers leave the agency? Mr. Morris.

Mr. MORRIS. Well, certainly any drain of qualified, very experienced officers concerns us. But I believe that the current training and recruitment that we are going through will replace those officers with officers of the same level of expertise as the years go by for them as well.

As we grow into an agency with very vast responsibilities at the ports of entry and as our officers learn to enforce the laws that regulate various customs issues and immigration and agricultural as well as all of the other Federal laws that we handle at the ports

of entry, they will gain that expertise. They will naturally fall into areas where they want to provide some emphasis or want to specialize.

In addition, we do have advanced training that we provide to officers that tend to go down these roads. We have some advanced secondary training that we provide to officers that will be working in passport control secondary so that they can better process individuals for asylum, for fraudulent documents, for expedited removal, and the other tools that we have there.

We have counterterrorism response training that we provide to our counterterrorism response teams. We also have training that teaches them how to detect deception and elicit response from individuals.

We have training that we provide as far as just basic admissibility so that the officers working passport primary can focus on the issues that are presented to them with each individual that arrives there at the port of entry.

So, yes, it will be a shame to lose some of these officers that have that historical knowledge, but the laws change frequently, we continually have to update our knowledge base and continually update our training. And our CBP officers, I believe, are very well qualified to carry out the job.

Senator AKAKA. Thank you.

Mr. STANA. Mr. Akaka, you hit on a major pain point at the ports of entry. What is working with "One Face at the Border"? Well, what is working is that the individual at the primary area, at the first booth, has a wider range of knowledge on agricultural issues, immigration issues, customs issues, and can decide at that higher level whether the individual in front of them merits further inspection.

What else is working with "One Face at the Border" is you do not have a confusing dual management system at the ports where you have people with one uniform sitting on one side of the room and another uniform sitting on another side of the room making decisions that could essentially be made by one service. So that is where it has improved.

What is not working so well yet, and particularly in the immigration area, is that many of the officers who were trained under "One Face at the Border" have not received the detailed training, or at least have not comprehended the detailed immigration knowledge needed to make some of these very detailed and intricate decisions regarding things like expedited removal, humanitarian paroles, asylum, the whole gamut of immigration law. It is much more complicated than you might think. And the port officers that we spoke with at the eight locations we visited told us that, as the people either leave or retire—there is a hole in the organization that is left behind. And whatever can be done to regain that specialization, in the secondary area primarily, would be very welcome by those port directors.

Senator AKAKA. Yes. Senator Voinovich alluded to that, too, about the retirees. And I hope you will really look at that, and I would like to think of what we call emeritus types who can come back and give the kind of information that you do not read about

in books. And so I think that is something that we really need to look at.

Mr. Morris, I am deeply troubled by the poor morale—and this was mentioned by Mr. Stana—of CBP officers. CBP fared poorly on the most recent Office of Personnel Management Federal Human Capital Survey. These results are disturbing as poor morale and high attrition make it even more difficult to address CBP's staffing shortfall.

What steps are you taking to improve CBP officer morale?

Mr. MORRIS. Officer morale is a difficult area to address, and we recognize that it is really a combination of many things that can affect that. It is in many cases simply the nature of the job, the very difficult circumstances that we place the officers in on a day-to-day basis—for instance, on the Southwest border during the summer and on the Northern border during the wintertime. And beyond that, the infrastructure is not there to really support effective and efficient inspections as well. And when we do not provide our officers with that infrastructure, with a facility that is conducive to conducting an effective inspection, it makes their job that much more difficult.

And as we continue to have some difficulties in recruiting and retaining staff, we continue to have to go to overtime as a tool in order to make up for the difference. That working of overtime affects the quality of life for many of these individuals, and I think the workforce of today is different than it was 20 or 30 years ago when they wanted the overtime, they wanted the long hours for the extra pay. But there does seem to be a shift in their focus perhaps.

As far as how we are addressing it, as I said before, we would like to become the premier law enforcement agency with respect to border security in the world. And we have a professionalism program trying to instill some of that pride and just self-worth in our officers about what they are doing. I do not know that the GAO report went into this at all, but my personal feeling is that our officers are very proud of what they do. They think they have a very significant role in protecting this Nation, and we need them desperately at those ports of entry on a day-to-day basis conducting those thorough inspections. But as you pointed out so very aptly in your statement, Senator, it is a vicious circle in many cases.

Senator AKAKA. Mr. Stana, what are your thoughts on improving officer morale?

Mr. STANA. Well, look, there are no easy answers here. I think some of the answers are in the data. People enjoy what they are doing. They understand the significance and the importance to national security and immigration management. On the other hand, they are not satisfied totally with pay. They are not satisfied with working conditions.

Mr. Morris and others have talked about trying to address the law enforcement retirement and law enforcement pay. Some of the officers' answers suggested implementing, a pay for performance (PFP), but we did not get into that.

But one of the messages that the officers left with us is that they would like more of a say in how things are run, and this gets—I do not know if you call it "total quality management" or—it is the kind of management that we have seen the auto companies pick up

on and use to good effect. And I do not know to what extent—you might ask the second panel—to what extent the agency is partnered with the union to try to get more of a voice from the bottom on what could be improved, what is not working well. Sometimes it could be something as simple as, well, you need to put the bollards over there, or we need equipment in the booth for inspections that is configured this way, not that way.

But the more people feel they have a role and a say in their work, the better off I think we all would be.

Senator AKAKA. Thank you very much. Senator Voinovich.

Senator VOINOVICH. Thank you, Mr. Chairman.

Unfortunately, Environment and Public Works is working on the climate change legislation, and I am going to have to excuse myself from this hearing, and I regret that I am not going to have an opportunity to hear Colleen Kelley's testimony.

Mr. Stana, you did bring up a subject that I would be very interested to hear Ms. Kelley's comments about, and that is the issue of empowering the people that are there to come back with recommendations on how they think they could possibly get the job done. One thing that I have been very supportive of is total quality management, that is going to the people who do the jobs and empowering them to come back with their best recommendations on how to get the job done.

It is frustrating here that only under the guise of outsourcing the government develops the most efficient organizations. I would like to see MEOs without competition established throughout the Federal Government so the people that are there could come back and identify better ways to do their job. For example, in some areas we have tiger teams that come together, and they have a problem, they sit down, they spend 6 months on it, talk to their customers, come back, and they do a pretty good job.

So I am interested in knowing Mr. Morris, how much involvement have you—how often have you engaged the union and your people to come back and say how do they think things can be better done in their respective responsibilities?

Mr. MORRIS. Well, when new initiatives are surfacing and we have to make operational changes at the ports of entry, we do bring in the union and advise them on those changes, seek their feedback. In some cases, when we are rolling out new programs to the field—and this depends largely on the nature of the initiative, but we will have roundtables that include the supervisors and managers there at the ports of entry to get their feedback on how this should be implemented. We will typically have training teams onsite to ensure that the implementation goes well.

Senator VOINOVICH. Mr. Morris, unfortunately, I am going to have to excuse myself.

Ms. Kelley, I want you to know that I am going to read your testimony and also get your oral testimony today.

I would suggest, Mr. Chairman, that after we have heard from Ms. Kelley, maybe we ought to ask Mr. Morris, or whoever else, to sit down and have them come back with a recommendation on how possibly we could correct the situation, assuming that the union feels that they could do a lot better if they had more input into the

recommendations on how to make you a better, more efficient organization. Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Voinovich. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Your report indicates a significant number of fraudulent documents. I will not go into the number.

Mr. STANA. That is unclassified, sir. [Laughter.]

Senator LEVIN. OK. How many were there?

Mr. STANA. Forty thousand—well, I am sure that is rounded.

Senator LEVIN. I do not think you ought to use the word "classified."

Mr. STANA. Let us just say "sensitive."

Senator LEVIN. Because these are not classified documents. I mean, we have a legal opinion on this question. This is very different from classified documents. I would use some other terms.

In any event, 40,000 fraudulent documents. What do you do with those? Do you hold the person who offers the fraudulent—not you. Let me ask Mr. Morris. Do you hold the people who offer the fraudulent documents and investigate the source of those documents? Is that the ordinary practice?

Mr. MORRIS. It can really follow a number of different avenues. Typically, an individual that is presenting a fraudulent document is either going to be an alien attempting to unlawfully immigrate to the United States, or it could be a United States citizen as well, trying to obscure their identity because they have an outstanding warrant or something like that.

After we determine their citizenship and the nature of the violation, that would determine what we do with that individual, whether we present them for prosecution before the U.S. Attorney's Office or if we process them administratively.

For most aliens, we typically remove them expeditiously. That is one of the authorities that we have under the Immigration and Nationality Act, whereby essentially we quickly formally remove them at the port-of-entry level, we put them on the next flight out of the United States, or we put them back across the border. The actual document is sent to our Fraudulent Document Analysis Unit, where all of those documents from throughout the United States are collected. We gather the data. We seek trends in the presentation of these documents. And we try to pursue those document vendors that are making those documents available for the individuals presenting.

Senator LEVIN. What percentage of the 40,000 fraudulent documents in a year, I guess, would you say that you held the individual for investigation rather than summarily removing the individual? Most of them or less than most?

Mr. MORRIS. Well, the vast majority of fraudulent documents that we receive are actually valid documents presented by other than the true bearer, and in those cases an individual is simply using someone else's card or passport to attempt entry into the United States.

Senator LEVIN. Is the person held in most cases or removed in most cases?

Mr. MORRIS. If an alien, typically they would simply be removed. Unless we can draw some nexus to a criminal organization or something else that would warrant their detention so that we could use them as a material witness, something along those lines, typically they would be removed.

Senator LEVIN. But what about investigating the source of the illegal document? If they are just summarily removed, you lose that opportunity, don't you?

Mr. MORRIS. Well, to a certain extent. I mean, we do collect a sworn statement from each of these individuals as they are being processed for return. We do attempt to identify the source of the documents. But typically these are organizations that are operating outside of the United States. Investigation is difficult unless we can use our assets such as Immigration and Customs and Enforcement in a foreign country to cooperate——

Senator LEVIN. No, I am talking about getting information from the alien as to where they got the document.

Mr. MORRIS. That would be done during the sworn statement portion of processing.

Senator LEVIN. Would you say in most cases they willingly give you the source or not?

Mr. MORRIS. In most cases, not.

Senator LEVIN. Not, and so you still let them go. Even though they attempted to enter the United States with an illegal document, they are just removed on the ground that if you held them you would not be likely to get more information about the source of the document?

Mr. MORRIS. Correct. There is typically not more that we are going to be able to glean from those individuals.

Senator LEVIN. Even if you hold them.

Mr. MORRIS. Correct.

Senator LEVIN. Even if you detained them.

Mr. MORRIS. Correct.

Senator LEVIN. And you have tested that?

Mr. MORRIS. I personally have not tested it, no, Senator. But I can tell you that the types of organizations——

Senator LEVIN. Obviously, you have not done it personally. When I say "you," I am talking about your agency. Has your agency tested that theory that if you hold people who offer fraudulent documents that you are not going to be able to get the source if you detain the people? Let us know for the record, would you, if you do not know the answer?

Mr. MORRIS. Yes, sir. My apology for my previous comment, Senator.

Senator LEVIN. That is OK.

Mr. MORRIS. No, we have not tested it, but our experience has shown that the types of organizations that are providing these documents are difficult to track, they are difficult to identify. In many cases, they are actually a rental agency that is providing these documents through a vendor standing near the port of entry that provides one that looks like the individual, and that card is then collected at the other side.

Senator LEVIN. Do you know whether the agency has tested the detention approach for people who try to enter the country fraudu-

lently to see if they can't, by holding someone a few days, determine the source of that document? Have you tested that approach?

Mr. MORRIS. And we have not tested that, Senator.

Senator LEVIN. I think it would be useful to at least consider testing the approach. I mean, we are flooded with illegal, fraudulent documents. It might be useful to tell the person, well, we are going to try to talk to you and see if you—give you a lie detector test, whatever it is. I mean, it is a crime, isn't it, to enter the country with a fraudulent document?

Mr. MORRIS. It is, Senator. It typically does not rise to the level where we will be able to obtain prosecution. And it is important to note that——

Senator LEVIN. I am not talking about prosecution. I am talking about trying to figure out the source.

Mr. MORRIS. I understand, but——

Senator LEVIN. And I know it is overseas, but it is useful. Some countries actually have police forces that work with us. I just would ask you to take back to the head of the agency this question: What about trying to go after sources of fraudulent documents by detaining the people who use them here in a legitimate effort to investigate to try to find out from that person what the source of that document is? And if that is not being used, why not? I mean, every other crime that is committed in this country, presumably, if someone is offering fraudulent documents to the police department or the IRS or to the Treasury Department or the FBI, there is an investigation. We have an immigration problem here, illegal immigration. We are flooded with fraudulent documents. Why not hold these folks for at least a reasonable period of time in an effort to find out the source of the documents? And if you are not going to use that approach and are not willing to test it, could you at least—not you. Could the agency at least let this Subcommittee know why not? Could you do that?

Mr. MORRIS. I would be happy to do that, Senator.

Senator LEVIN. One last question, if I could, Mr. Chairman, and I know I am over my time. On the reverse inspection question, we have been proposing that in order to speed up the flow of commercial material across our borders, both directions, that there be reverse inspections so that the inspections take place in, for instance, Canada—where I live, it would be across from Detroit. What is the status of that effort?

Mr. MORRIS. We continue to have discussions with the Canadian Government. There are some significant issues and concerns that must be addressed, for instance, operating on Canadian soil and what the authority of our CBP officers would be.

Senator LEVIN. But that has been true for years, hasn't it?

Mr. MORRIS. It has. It continues to be.

Senator LEVIN. Is there any hope it is going to be resolved?

Mr. MORRIS. It is a difficult subject to really overcome the issues and challenges there, Senator.

Senator LEVIN. Can you tell us just for the record, if you would, when the last efforts have been made to negotiate this with the Canadians? Just for the record. Not now. I am over my time. Could you let us know?

Mr. MORRIS. Certainly, sir.

Senator LEVIN. Thanks. Thank you both.

Senator AKAKA. Thank you. Thank you very much, Senator Levin.

Mr. Morris, most land border crossings were built at a time when there was a lower volume of travel and less recognition of the need for security. According to CBP estimates, the land ports of entry need almost $4 billion in upgrades. This does not include the additional billions that it would take to improve infrastructure near ports of entry, such as widening bridges or highways that form choke points before land border crossings. It would take billions more to put the infrastructure in place to allow for exit screening through US–VISIT at land ports.

You testified that CBP infrastructure must compete with other GSA building projects. What can be done to better recognize, evaluate, and prioritize the pressing need for infrastructure improvements at ports of entry?

Mr. MORRIS. Mr. Chairman, CBP and GSA recognize the, I would say, urgent need for new infrastructure at ports of entry to carry out our mission, and we have partnered with GSA to try to reduce the costs associated with the design and construction of our ports and try to reduce the amount of time that is necessary in order to complete our ports of entry.

As far as the prioritization of how funding is spent, I think we are going to simply need to continue to focus on making sure that our needs are heard and that they are given the proper priority. However, very often we do compete with other Federal buildings, such as courthouses, which very often carry much more weight in getting the construction completed.

Senator AKAKA. Mr. Stana, I would like to hear your view on this issue as well. GAO's report indicates that weaknesses in physical infrastructure at ports of entry can result in failed traveler inspections. What are some of the more troubling problems you observed in the infrastructure of land border crossings?

Mr. STANA. Well, first let me say that the fact that almost 60 percent of our ports are actually owned by GSA magnifies the kinds of issues that Mr. Morris talked about. There are only about a third that are owned by CBP, so they are somewhat confined and restricted on what they can do on their own. And then another 14 percent, I believe, are owned by private individuals—or private corporations, like the Detroit-Windsor Tunnel and the Ambassador Bridge in Mr. Levin's area. And this creates problems when you want things to be done. You have to get approvals and you have to get in their priority system as well.

The kinds of problems that we saw include lanes that are not secured, making it easier to run through a port without going into the secondary area if you are instructed to do so; making sure that all of the technology is in the right place. Now there are license plate readers there, and they have portal monitors for radiation detection and so on.

This gets to a larger issue, I think, that you raised in your opening statement, Mr. Akaka, and that is, is it really time for a 21st Century port configuration? If you go to a port of entry, what you have now is akin to buying an old car from the 1960s and putting GPS on it and retrofitting power windows and satellite radio and

all that kind of stuff, when a new car incorporates that and it is much more easy to use and it works better.

If we are going to spend $4 billion upgrading the ports, we ought to make sure that we consider all of the things that are going to make the job easier. Is the computer screen in the right location in the booth to make it easy to query the text databases, the law enforcement databases? Are the license plate readers in a position that gives the officer enough advance warning that a person requires further inspection—should the portal monitors be placed several hundred yards away? Why would you put them right at the port where an explosive devise could have a severe consequence?

So maybe it is time for CBP, along with engineers and local governments where these ports are located, perhaps the union, to get together and consider how these ports ought to be configured to take us into the next era where we have to consider security and terrorism much more than we had to when these ports were designed, and yet still allowing the relatively free flow of people and legitimate cargo.

Senator AKAKA. Thank you for that forward look.

Mr. Morris, CBP is under tremendous strain to complete its visitor/traveler inspection and antiterrorism functions. I am concerned that agricultural inspection is being sacrificed due to CBP's staffing shortage. How are you ensuring that there is enough focus on agricultural inspection?

Mr. MORRIS. The CBP agriculture specialists play a very important role at our ports of entry, and they are fully a part of the rest of Customs and Border Protection operation at a port.

In our training for our officers at the CBP Officer Academy, they get the cross-training in the agriculture mission, and they are made aware of the great importance of performing that mission at the ports of entry to protect the economic interests and the agricultural interests of this country.

In order to ensure that the agricultural mission is thoroughly addressed at the ports of entry, we frequently put out musters for our officers, so, in other words, we are providing them with a briefing at the beginning of their shift that tells them to look for specific pests or specific items that are prohibited from entry. And we make sure that within each of the ports of entry our management oversees that joining of the two workforces.

And I should say that I believe that our agricultural enforcement is much better now than it was previously, and it is better now because each CBP officer on primary inspection is a workforce multiplier for those ag specialists. They have the basic information that they need to identify when there may be an issue with an agricultural product, and they refer it to secondary, where the ag specialist then focuses on it.

So I think we have really improved this transition.

Senator AKAKA. Mr. Morris, in March 2003, CBP initiated its "One Face at the Border" program that unified and integrated legacy inspectors from three agencies into two new positions: CBP officer and CBP agriculture specialist. CBP envisioned the results would be more effective traveler inspections and enhanced security at ports of entry.

What is your assessment of the "One Face at the Border" program? And what are the lessons learned from the effort?

Mr. MORRIS. Well, I believe as many have pointed out, any transition of this magnitude takes a long time. I have heard estimates anywhere between 5 and 10 years before a transition such as this is complete. But all that said, I believe that we have made outstanding progress in heading towards that one face at the border and a truly unified workforce with common missions and a common primary mission being counterterrorism.

We have seen the better interdiction and identification and apprehension of individuals with links to terrorism. We have seen a better sharing of information from the top to the bottom as far as intelligence information that is useful to our officers in the field. And we have overall continued to grow in the apprehension of individuals that are bringing in any number of prohibited goods, as well as continuing to apprehend those that are attempting to unlawfully immigrate to the United States.

Yes, we still have work to do, but I think we have made an outstanding first 4 years at it.

Senator AKAKA. Well, I want to thank both of you very much for your testimony as well as your responses to the Subcommittee. It will be helpful, and as you pointed out, we have much to do, both as Administration people and people of Congress. And so I want to thank you again for all you have done and will be doing for our country.

Mr. STANA. Thank you, Mr. Chairman.

Mr. MORRIS. Thank you, Chairman.

Senator AKAKA. Thank you. Now may I call forward Colleen Kelley, National President of the National Treasury Employees Union. Welcome, Ms. Kelley. It is the custom of the Subcommittee to swear in all witnesses. Please stand and raise your right hand. Do you swear that the testimony you are about to give the Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. KELLEY. I do.

Senator AKAKA. Thank you very much.

Let it be noted in the record that the witness answered in the affirmative.

As with the previous panel, I want you to know that while your oral statement is limited to 5 minutes, your entire written statement will be included in the record. Will you please proceed with your statement, Ms. Kelley?

TESTIMONY OF COLLEEN KELLEY,[1] NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION

Ms. KELLEY. Thank you very much, Chairman Akaka. I appreciate the opportunity to testify on the human capital challenges posed by the U.S. Customs and Border Protection's "One Face at the Border" Initiative. NTEU represents Customs and Border Protection officers, agriculture specialists, and trade enforcement employees at the Homeland Security Department.

[1] The prepared statement of Ms. Kelley appears in the Appendix on page 64.

Shortly after DHS was created, CBP announced the "One Face at the Border" initiative that, as we have heard, combined three different inspector occupations: Customs, immigration, and agriculture. This major consolidation of the roles and responsibilities of the inspectional workforce of the ports of entry has resulted in a huge expansion of the duties of each officer, and it has led to the dilution of the customs, immigration, and agriculture inspection specializations, weakening the quality of inspections.

CBP saw its "One Face at the Border" initiative as a means to increase management flexibility without increasing staffing levels. Their position was "there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train front-line employees will allow CBP to more easily handle projected workload increases and stay within present budgeted levels."

This has not been the case. The knowledge and the skills required to perform the expanded inspectional tasks under the "One Face at the Border" initiative have dramatically increased the workload of the CBP officer. CBP officers have twin goals: Antiterrorism and facilitating legitimate trade and travel.

On the one hand, CBP officers are to fully perform their inspectional duties, yet at all times they are made aware by management of wait times. In land port booths, wait times are clearly displayed. At airports, all international arrivals are expected to be cleared within 45 minutes. CBP's emphasis on reducing wait times without increasing staff at the ports of entry creates an extremely challenging work environment for the CBP officer.

GAO testified today that CBP's own staffing model shows that several thousand additional CBP officers and agriculture specialists are needed at our ports of entry. And GAO testimony issued on October 3, 2007, stated, "As of mid-August 2007, CBP had 2,116 agriculture specialists on staff, compared with 3,154 specialists needed, according to its own staffing model."

NTEU has called on Congress for an increase of at least 4,000 new CBP officers and agriculture specialists for CBP to achieve its dual mission.

Staffing shortages are exacerbated by challenges in retaining staff, as we have heard today. This contributes to an increasing number of CBP officer vacancies, which are currently estimated at 1,000 vacancies. According to GAO, "CBP's onboard staffing level is below its budgeted level—the gap between the budgeted staffing level and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP data shows that, on average, 52 CBP officers left the agency each 2-week pay period in fiscal year 2007. That is up from only 34 officers each 2-week pay period in fiscal year 2005."

The most significant impediment to recruitment and retention of CBP officers that Congress can address immediately is the lack of law enforcement officer status, which we heard about earlier. The newly issued GAO report states, "CBP officers are leaving the agency to take positions at other DHS components and other Fed-

eral agencies to obtain law enforcement officer benefits not authorized to them at CBP."

For this reason, legislation has been introduced in both the House and Senate to provide CBP officers with law enforcement officer benefits. In addition, House appropriators have included in their fiscal year 2008 DHS appropriations bill a provision that would grant law enforcement officer status to CBP officers prospectively. NTEU is currently working with the House and the Senate to modify this provision so that some LEO retirement benefit is provided to all CBP officers. NTEU urges this Subcommittee to support our efforts to improve and to pass this legislation.

I have to mention that in Mr. Morris' testimony on the prior panel, he testified that CBP is striving to be the premier law enforcement agency, and I agree with that goal. But I can tell you that will never happen without providing law enforcement officer status to these CBO officers.

Widely reported morale problems at DHS also affect recruitment and retention, and we heard about that somewhat on the earlier panel. It also gets in the way of the ability of the agency to accomplish its mission. The proposed new DHS pay and personnel systems and CBP's unilateral elimination of employee input into routine workplace decisionmaking, such as work shift schedules, have had a serious negative impact on morale and also need to be addressed.

I have to mention also that in response to Mr. Morris' answer to a question that you asked about morale at CBP and what they intended to do about it, it is very clear to me that CBP has no plan to address this. The first time the employees answered the survey and made clear that the employee morale was so low, 29 out of 30, the Department of Homeland Security was very dismissive of those results. They said to the press and to Congress and to everyone else that: "It is a new department, we merged 22 agencies, of course, morale is low." They were very dismissive of employees' responses.

The next year, when again employees had the same response, they decided that Secretary Chertoff should now convene some groups of executives and managers to talk about the issue. That is not how the problem will be solved. It will be solved by working with NTEU and with the front-line employees to identify the issues that are impacting this morale issue. And it is about staffing, about law enforcement officer status. It is about employee involvement in decisionmaking, and it is about valuing and respecting the front-line officers and the input that they have into how the work can be done better. None of that is done today.

In conclusion, I would say that there are six recommendations NTEU has for CBP on their human capital challenges. One is to fill the vacancies and increase the CBP officer and agriculture specialists staffing to the levels in CBP's own staffing model.

Second, end the "One Face at the Border" initiative.

Third, re-establish the specialization of prior inspectional functions.

Fourth, provide LEO coverage to all CBP officers with retroactive coverage.

Five, repeal Homeland Security's personnel flexibility authority.

And, six, allow employee input in a shift assignment system.

And I would just like to add as part of my statement a response to Senator Voinovich's question about how much NTEU and employee involvement there is with CBP. As I signaled to Senator Voinovich when he asked the question, the answer is zero. There is zero involvement. And there is a reason for that. At least there was a triggering reason.

When this Administration came into office, one of the first acts they did was to rescind an Executive order on partnership. An Executive order had been in place since 1993 that required Federal agencies to work in partnership with the unions who represent front-line Federal employees and those employees. Within 2 months of the President taking office, this Administration rescinded that Executive order, and as a result, every agency, including the U.S. Customs Service at the time and now Customs and Border Protection, does not work with NTEU or with employees in partnership in any way, shape, or form. The notice and the discussions with NTEU that Mr. Morris referenced I take issue with. He said when there are changes at the ports, they notify NTEU. That is a legal obligation because we are the exclusive representative and they have a collective bargaining obligation. They interpret that as narrowly as possible, give us notice when they see fit, give us the minimal facts that they can, and their intent always is to unilaterally move and to act on whatever their decisions are without NTEU's involvement or the involvement of the front-line employees.

So to Senator Voinovich's question, there is no NTEU or employee involvement on shift assignments, on training, on port operations, on retention, on morale, on nothing. There is zero NTEU or employee input.

With that, I am happy to answer any questions that you have for me today, Senator. Thank you.

Senator AKAKA. Thank you very much, Ms. Kelley.

I was very troubled by the GAO report's finding that CBP officers receive as little as 2 weeks of on-the-job training. Are CBP officers being placed in situations that they are not prepared to handle?

Ms. KELLEY. Unfortunately, they are at times. They do the best they can. They take their jobs very seriously. They do have the formal training from the academy. But the front-line, on-the-job training at the port—actually getting to see the work done by an experienced officer, to have that 12 weeks, as was described earlier, provided to them is a critical piece of how well they will do the job. How fast they will be able to really understand all of the nuances and also see these experienced officers react, not only to textbook knowledge, but also to gut reactions that they have built and acquired over the years, are really a very key part to doing this job.

Senator AKAKA. Ms. Kelley, CBP officers routinely seize narcotics and arrest drug smugglers. They also need to be prepared to apprehend suspected terrorists. Given these job duties, are you concerned that insufficient training creates a safety hazard for the CBP officers that you represent?

Ms. KELLEY. I think it does at times create a safety risk, and also it does not allow these officers to do the first-class quality job

that they are trying to do for our country. It does not give them the opportunity to do that. It does not give them the tools and the resources to be able to do it. And at times it does make the environment unsafe.

Senator AKAKA. You testified that combining the former customs inspectors, INS immigration inspectors, and USDA agriculture inspectors into generalist CBP officers has resulted in job responsibility overload and a dilution of specialization, weakening the inspection process. How could cross-training be improved to reduce the problems that you identified?

Ms. KELLEY. Cross-training is a piece of it from a standpoint of an awareness, I would say. But to think that these officers can be cross-trained to be experts in all three areas of law is misguided. Each one of them have their own sets of law, rule, and regulation—the customs law, rule, and regulation, the immigration law, rule, and regulation, as well as the agriculture law, rule, and regulation. So cross-training surely serves a purpose from an awareness standpoint to then get those travelers or that cargo into secondary where the experts, those who have the specialized skills, can then continue to do that inspection and that work. And so cross-training is a piece of it, but it is not the sole answer.

The specialization loss is a very real one, and it is one that needs to be addressed, and it needs to be addressed by staffing and a recognition that those secondary lanes need to be staffed so that when someone who has an awareness from the cross-training that they have received sends someone there, that there is staffing there to do an adequate inspection. Too many times today that is not the case.

Senator AKAKA. CBP officers at border crossings work long hours, breathing fumes from thousands of cars. Often they work while standing in high temperatures, particularly along the Southern border. To some degree, these are realities of the job.

What can be done to improve border crossings to make them more secure, efficient, and comfortable work environments for CBP officers?

Ms. KELLEY. I think that there are 326 answers to that question since there are 326 ports of entry, because each one really is a different situation. They are all laid out differently, whether it is because of real estate or because of traffic. But each one is different, and that is why the input of the front-line officers who are doing this work is so key. They would have ideas about how to either redirect the traffic or insert fans or whatever equipment can be put into certain ports that would eliminate or at least reduce the fumes that they are subjected to. It may be that the staffing in those booths needs rotating more frequently on the Southwest border because of the fumes than it does in some of the inland borders with less traffic.

So I really think there are 326 answers to that question, and the way to get the answer is not to have the port director and the manager sit down and discuss it. It is to work with NTEU and the front-line officers. They have a lot of really good ideas about how to do the work better, about how to do the work safer, and about how to make the ports of entry more effective for America's taxpayers.

Senator AKAKA. Speaking about morale and attrition, as you know, CBP officers do not receive the enhanced pension benefits that Federal law enforcement officers receive. What effect does this treatment have on CBP officers' morale and attrition?

Ms. KELLEY. It is a huge issue, Mr. Chairman. Everywhere I go, officers ask me what the chances are that this wrong will be made right and that they will be given the law enforcement officer status that they so deserve.

It is a very big morale issue, and it is an issue that really feeds into the retention that CBP acknowledges. And I will say that I am glad to hear that CBP is acknowledging—maybe because of the GAO report, but acknowledging they have a retention problem, because for years NTEU has been raising this with them, and they have never acknowledged that they had a problem that was different than any other Federal agency.

The idea that GAO can pinpoint that 25 percent of the officers say LEO is important to them is one that I think is a statistic that should not be lost on anyone, and hopefully Congress will take appropriate action to give the long overdue law enforcement officer status to these officers that they deserve.

Senator AKAKA. Ms. Kelley, your written testimony notes the decrease in secondary inspections. GAO's report also observes that CBP's antiterrorism and other traveler inspection programs are not fully carried out due to understaffing.

Do you believe that CBP cuts back on secondary inspections to deal with short staffing?

Ms. KELLEY. I do at times. I believe they make decisions every day about what work will be done and what work will not be done because of the staffing problem that is now acknowledged. There are 1,000 vacancies that are funded. There is no reason in my mind that they are not filled, and efforts to get additional funding for them for the 4,000 positions we think are needed. But absolutely, I think every day—I have been to ports where if a flight is coming in and it has to clear in 45 minutes and they are at minimal staffing, everyone is pulled to clear that flight, from cargo, from secondary, from everywhere. It is an operational decision that they make because they do not have the staffing that they need.

Senator AKAKA. Whenever there are reports or news of poor traveler inspections, front-line CBP officers often receive the blame. I understand that many ports of entry do not have enough inspection booths, forcing travelers to wait in long lines. You testified that CBP's emphasis on reducing wait times creates a challenging work environment for CBP officers.

Are the officers you represent being pressured to conduct inspections quickly at the expense of being thorough?

Ms. KELLEY. I believe so. Many of them, if asked a question in an environment where they could answer it, would tell you yes, depending on the day. They very often feel they are not allowed to take the time that in their professional judgment is needed to ask all the questions and to have the conversation with the passenger that they think is needed to ensure they are making the right decision on entry or not.

When you have the pressure of wait times, whether it is on a bridge or at the airport, and management says move the line, you

have to move the line in a shorter time, and that means you cannot spend the 2 or 3 minutes that you would to notice behaviors, to ask questions, to look at documents. You have heard the testimony of how many different documents there are that can be used to enter the country today, and in many cases, officers report they have 1 minute to spend, if not less than 1 minute, with each passenger, that they are making a conscious decision about whether to let into the country or not. So it is a very real factor.

Senator AKAKA. Are these time goals enforced? For example, do CBP officers' performance evaluations reflect how quickly they inspect travelers? You mentioned 1 minute. Is that prevalent?

Ms. KELLEY. Again, it depends on the day and the port, but it is not unusual that officers are visited by a supervisor and they are told to speed up the line, which means take less time with each passenger that is coming through.

As far as the airports, a while ago I asked CBP, I said, "I keep hearing about this 45 minutes. Is there some rule that it has to be cleared in 45 minutes?" And they assured me there was no such rule.

What I then found out was while there might not be a rule, if a flight goes over 45 minutes, a report is initially triggered back to CBP headquarters, who, of course, is calling the port saying, "Why is it taking you more than 45 minutes?"

So while there is nothing that says you have to clear the flight, if you do not, you have to explain why you did not. And most ports and port directors do not want to call that attention to themselves, so they move the flight.

Senator AKAKA. Ms. Kelley, you testified that CBP no longer gives officers input into their schedules. Could you say a bit more about how scheduling used to work, how it changed, and why this is a concern for CBP officers?

Ms. KELLEY. The right of CBP to establish schedules, what hours a port will be covered—and more and more ports, of course, are on 24/7 coverage. But it is the right of management to determine what hours they need coverage, how many employees they need to do the work, and what the qualifications are of those employees. That has always been a management right.

What used to happen then was once the shifts were established, employees would exercise their right to bid—we called it a "bid process"—to where they would say they would like to work 4 to 12 or midnight to 8 or 8 to 4, whatever the shift was, and they had the right to say that because it was good for morale, it helped them to balance their family issues, whether they had working spouses or transportation issues or elder issues, or whatever it was.

A few years ago, CBP decided that input would no longer be allowed and that managers would just assign employees to shifts. There used to be a process that allowed employees to swap shifts, and that still ensured the coverage and everything that management mandated and had a right to mandate. It is very difficult in most ports today to swap shifts.

So management has taken away that right—I would say not for a business reason. It is about control. They just want to be able to dictate to the employees. And they do not want to have to go through the work of working with the employees, which would real-

ly be a huge increase in their morale if a process like that were put back in place, for all the obvious reasons.

I would say whether you work as a CBP officer or at any job anywhere, the idea that you would be able to express a preference for what shift works better for you, and then even if you do not get the shift that you wanted, at least there is a clear, transparent process that you say at least it was a fair process, and then maybe the next time I would get my preferred shift. And that is not how it operates today.

Senator AKAKA. Well, I noted your comments on the need for labor-management partnerships. I agree with you that this is important, and I want to thank you for your support of my bill to reinstate those partnerships.

Ms. KELLEY. In fact, I was remiss in my opening, Mr. Chairman, in not thanking you for introducing that bill, because you do clearly recognize the value that it brings not just to the employees but to the Department and to all of our citizens who are depending on the work of the Department of Homeland Security. So I thank you for your leadership in introducing the bill, and we are going to help you do everything possible to make it a reality.

Senator AKAKA. Well, I want to thank all of our witnesses again for the time you spent preparing and presenting this valuable information to this Subcommittee. We appreciate the hard work that you do to improve Customs and Border Protection.

Today's hearing highlights the need to really focus on making CBP an attractive place to work. CBP must address its staffing, training, and morale problems. This is not merely a matter of being a responsible employer. The human capital problems at CBP undermine thorough inspections and create a serious homeland security risk.

One small step that I hope we will take soon is providing law enforcement benefits to CBP officers. Furthermore, I believe that it is time that we look closely at the infrastructure at land border crossings. We must invest the resources to modernize our ports of entry, to permit thorough and efficient inspections, in an atmosphere that is inviting to visitors and a more attractive work environment for CBP officers.

This Subcommittee will continue its attention to CBP inspections at our Nation's ports of entry in the future. The hearing record will be open for 1 week for additional statements or questions other Members may have, and, again, my thanks to all of you for making this valuable hearing.

The hearing is adjourned.

[Whereupon, at 12:06 p.m., the Subcommittee was adjourned.]

APPENDIX

Statement of
Paul M. Morris
Executive Director
Admissibility and Passenger Programs
Office of Field Operations
U.S. Customs and Border Protection
Department of Homeland Security
Before
The Senate Homeland and Governmental Affairs Committee
Subcommittee on Oversight, Management, the Federal Workforce,
and the District of Columbia
Regarding
"Human Capital Needs of the U.S. Customs and Border Protection
One Face at the Border Initiative"

November 13, 2007

Good morning Chairman Akaka, Senator Voinovich, and distinguished Members of the Subcommittee. I am pleased to be here today to discuss how the Department of Homeland Security (DHS), particularly U.S. Customs and Border Protection (CBP), is building a more secure and efficient border, by continuing to strengthen our workforce and enhancing our traveler inspection processes.

I would like to begin by expressing my thanks the men and women of CBP who work on the frontlines everyday, protecting this Nation. Since its creation in 2003, CBP has made significant progress in effectively securing our borders and protecting our country against terrorist threats. Sometimes we forget to recognize the efforts of these officers and agents on the frontlines and everything they have accomplished.

The creation of CBP, which established a single, unified border agency for the United States, is a profound achievement, and our responsibilities are immense and challenging. CBP is responsible for protecting more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico and operating 326 official ports of entry. Each day CBP inspects more than 1.1

million travelers, including 327,000 cars and over 85,000 shipments of goods approved for entry; processes more than 70,000 truck, rail and sea containers; collects more than $84 million in fees, duties, and tariffs; seizes more than 5,500 pounds in illegal narcotics; and seizes more than 4,400 pounds of agricultural items and pests at ports of entry. CBP also intercepts over 70 fraudulent documents a day and refuses entry to almost 600 inadmissible aliens, that translates to over 21,000 fraudulent documents and more than 200,000 inadmissible aliens each year. Despite the assertions made by the Government Accountability Office (GAO), during fiscal year 2007 alone, CBP Officers at our land, sea, and air ports of entry arrested 25,693 individuals, representing murderers, sexual predators, drug smugglers, and individuals with links to terror.

CBP continues to increase its workforce, hiring 2,156 new CBP Officers, for a net increase of 648 officers, and 340 agriculture specialists, for a net increase of 151 specialists in FY07. CBP has also significantly enhanced its ability to provide timely and actionable intelligence to its operational customers, and enhanced its ability to support its mission partners through information sharing, by successfully piloting a field intelligence capability and organization called an Intelligence Coordination Team (ICT). Planned deployment of ICTs, and an even richer capability called Intelligence and Operations Coordination Centers (IOCC) will provide CBP and its mission partners an integrated, end-to-end intelligence capability.

Although six years have passed since September 11, 2001, that day remains a vivid memory to all of us. CBP is keenly aware of its responsibility to remain ever vigilant in protecting the homeland. We understand that the threat is ever present and the risks ever changing. For this reason we continually seek better and smarter means to ensure the security of our border, by enhancing all areas of our operations including technology, document security, infrastructure, inspectional processes, workforce, and training of our officers.

From a strategic and operational standpoint, CBP has significantly increased our ability to execute our anti-terrorism and traditional missions at our Nation's borders more effectively than ever before, thereby enhancing the security of the United States, its citizens, and the economy. We continue to perform our traditional missions, including apprehending individuals attempting to enter the United States illegally; stemming the flow of illegal drugs and other contraband; protecting our agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of their intellectual property; regulating and facilitating international trade; collecting import duties; and enforcing United States trade laws, all while executing our primary mission of preventing terrorists and terrorist weapons from entering the United States.

I am here before you today to discuss a recent report released by the Government Accountability Office (GAO) entitled, "Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry." In its report, GAO focused on traveler inspection procedures, physical infrastructure, staffing and training of our officers, and performance measures for determining our successes and areas of improvements. I will outline for you today CBP's advancements over the past four years, while detailing CBP's responses to GAO's concerns and recommendations.

Traveler Inspection Procedures

Technology and Document Security

Border security is the cornerstone of national security, and if we are to protect our homeland from terrorist attacks, we must use all the tools at our disposal. These tools include the use of smart technology and improved document security, which will make our ports more secure and our inspectional processes more robust and efficient.

The Department of Homeland Security (DHS), in partnership with the Department of State (DOS), is working to secure our homeland by strengthening our ability to identify accurately all persons – U.S. citizens and potential visitors alike – before they enter the United States. We are accomplishing this through instituting documentation requirements for entry into the United States. Our approach to implementing the Western Hemisphere Travel Initiative (WHTI), which is both a statutory mandate and 9/11 Commission recommendation; will increase security while also facilitating trade and the flow of legitimate travelers.

WHTI is necessary to strengthen our security while also facilitating the flow of legitimate trade and travel into the U.S. Currently, U.S., Canadian, and Bermudian citizens entering the United States across our land and sea borders are not required to present or carry any specific set of identity or citizenship documents. Not surprisingly, this significantly complicates our ability to verify that people are who they say they are in a matter of seconds. In an era when we, as a country, were less concerned about the security threats posed by persons seeking to enter or re-enter our country, a mere verbal declaration of citizenship, if credible, could suffice. Now, both Congress and the Administration recognize that this practice must end.

The institution of a travel document requirement and the standardization of travel documents are critical steps to securing our Nation's borders and increasing the facilitation of legitimate travelers. Currently, some travelers at our land and sea ports of entry may present any of thousands of different documents to CBP officers when attempting to enter the United States, creating a tremendous potential for fraud.

Access to our nation is critical for a terrorist to plan and carry out attacks on our homeland. As the 9/11 Commission's Final Report states, "For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets,

and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels to present themselves to border security officials, or attempt to circumvent inspection points".

Our layered security strategy involves identifying and interdicting terrorists as early as possible – if not before they enter our country, then at the port of entry. As populations increasingly mix and extremists recruit native-born youth and converts, travel documents become even more critical in identifying terrorists. Travel documents and travel patterns can provide our CBP officers at the border with terrorists indictors – sometimes the only clue the government will receive.

DHS must be able to capitalize on our border inspection process. We must be able to inspect those who seek to enter. Through its requirement that individuals carry a passport or other limited set of acceptable documents, WHTI will greatly reduce the opportunities for fraud or misrepresentation of one's true identity. Advanced technology embedded in these travel documents, with the appropriate privacy protections and infrastructure, will allow DHS the ability, for the first time, to verify an individual's identity even before our officers begin to question them and to perform real-time queries against lookout databases. Full implementation of WHTI will allow DHS to focus even greater time and attention on each individual traveler. We have an opportunity to install an integrated secure land border system through WHTI and that opportunity should not be squandered.

The WHTI Final Rule will be published shortly, but it is expected that the following documents will be WHTI-compliant for U.S. Citizens in the land and sea environments: passport, passport card, Enhanced Driver's License (EDL), and a NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), and Free and Secure Trade (FAST) card. The process for

implementing WHTI in the land and sea environments will be a deliberate and phased approach. The rule proposes a transition period to ensure that citizens will be able to obtain the documents necessary to satisfy WHTI. This will not occur overnight. The glide path proposed will give U.S. citizens sufficient time to be become accustomed to this new requirement. The end of accepting verbal declarations of citizenship alone at our land and sea ports of entry will end on January 31, 2008. U.S. citizens and Canadian citizens will be required to carry a WHTI-compliant document or government-issued photo identification, such as a driver's license, and proof of citizenship, such as a copy of a birth certification. At a later date, we will implement the full requirements of the land and sea phase of WHTI. The precise date will be formally announced with at least 60 days notice to the public. This vital layer of security must be put in place as soon as possible, and not be subject to repeated delays and endless new and ever-shifting requirements. By delaying, through legislation, WHTI implementation, Congress will undoubtedly make Americans more vulnerable to terrorist attacks. We must advance to a smarter, more efficient, and more secure border that includes these document controls.

Also, under the auspices of WHTI, new facilitative technology will be implemented to assist in the efficient flow of legitimate travel. CBP is in the process of awarding a contract for the installation of infrastructure and technology required to read vicinity Radio Frequency Identification (RFID) enabled travel documents in vehicle primary lanes at land borders at the 39 highest-volume ports, which process 95 percent of travelers entering the United States through our land borders. Using the RFID technology, traveler information will be collected prior to the vehicle's arrival at the processing booth. This information will be pre-positioned for the CBP Officer to verify and authenticate document information upon arrival.

This proven RFID technology provides significant advantages for our officers, while providing a clear security benefit for the traveler: The speed of vicinity RFID will allow CBP Officers to quickly read the advanced information on all travelers carrying RFID-enabled cards, allowing CBP to perform checks against terrorist watch lists, National Crime Information Center (NCIC) database, and various law enforcement databases, enabling CBP to continue to enforce more than 400 laws from 40 different federal agencies, without impeding traffic flow. In addition, multiple cards can be read at a distance and simultaneously with vicinity RFID, allowing an entire carload of people to be processed at once.

RFID technology has been used successfully along our land borders with Canada and Mexico since 1995. Through Trusted Traveler Programs, such as NEXUS, SENTRI and FAST, CBP Officers are able to expedite legitimate cross-border travel and trade. Membership in these programs currently exceeds 385,000.

Inspectional Process

CBP constantly and continually monitors our activities and operations in the field to identify areas that need improvement and to implement these improvements – whether they are policies or procedures and processes. After noting that there were weaknesses in our land border inspectional procedures, CBP mandated that all land border ports of entry increase the number of primary name queries being performed, with our final strategic goal to screen all persons arriving at ports. Since that time CBP has raised the percentage of primary name queries at land border ports of entry significantly. The implementation of WHTI, facilitative technology, and secure documents will raise these percentages even further.

Additionally, CBP developed a training module using actual land border videotape footage to be viewed by all managers and frontline officers in order to demonstrate the need for

effective and thorough inspections. In conjunction with this presentation, CBP developed and implemented the land border primary inspection directive, which defines CBP policy regarding land border inspections. All land border officers received training regarding the policy and are required to take annual refresher courses.

CBP uses a layered approach to monitor and assess compliance of our existing inspectional policies and procedures. The Assistant Commissioner, Office of Field Operations, is responsible for policy oversight, which includes the formulation and implementation of guidelines and procedures. The Executive Director, Admissibility and Passenger Programs, is responsible for the formulation and implementation of the guidance to the field regarding traveler inspection and programs. The Office of Admissibility and Passenger Programs is also responsible for conducting reviews of enforcement actions and ensuring compliance with policies and procedures. The Office of Field Operations works closely with the Management Inspection Division to conduct self-inspection and compliance reviews. At any time, if an incident occurs, CBP's Office of Internal Affairs conducts a thorough investigation into the incident, ensuring that all responsible parties are held accountable for their actions and any necessary changes to procedures are made. CBP continually improves and expands its incident oversight capabilities, monitoring the actions of each of our ports of entry.

In the field, we require that the Directors of Field Operations (DFOs), who directly oversee ports of entry within their designated Field Office, monitor their ports' compliance with existing policies and procedures, and conduct audits and assessments of their ports. On the frontlines, Supervisory CBP Officers are required to undergo a mandatory 9-day course on supervisory leadership training before they can work as managers.

Physical Infrastructure

CBP has long recognized the need to improve our facilities and infrastructure to more effectively meet mission requirements. Modern facilities must address our dramatically changing border functions, increasing traffic volumes and staffing levels, and new and updated technologies and equipment. To that end, CBP has implemented a facility investment planning process, and capital improvement plan for land border ports of entry. This process ensures that facility and real property funding is allocated in a systematic and objective manner, and is prioritized by mission critical needs.

While CBP operates 163 land border facilities along the Northern and Southwest borders, CBP owns only 27 percent of these facilities. The U.S. General Services Administration (GSA) owns 58 percent, and leases the remaining 15 percent from private, state, or municipal entities. Unfortunately, the rapid evolution in CBP's mission coupled with years of neglect has left these vital assets in dire need of modernization and expansion. The average age of our facilities is 42-years-old and they were not designed for our current operations. Since the terrorist events of September 11, 2001, CBP has been given the priority mission of preventing terrorists and terrorist weapons from entering the United States, along with maintaining our legacy missions. These tremendously expanded responsibilities are stretching our physical resources well-beyond what they were ever designed to handle. The vast majority of these facilities were not built to incorporate all of the enhanced security features that are now present at our ports of entry, including Non-Intrusive Inspection technology (Radiation Portal Monitors, Vehicle and Cargo Inspection System, X-rays) and License Plate Readers. Our facilities are stretched to the limit.

GSA annually prepares a master list of public building construction projects—based upon the competing priorities among the various federal tenants—for submission to Congress. CBP's priorities are placed on the master list and presented to the Office of Management and Budget

(OMB) and Congress, alongside a variety of competing projects, including courthouses and other federal buildings, for authorization and funding through the Federal Buildings Fund. CBP receives a small percentage of the funds allocated. CBP is working with GSA to streamline the construction process to assist in getting vital repairs to our ports of entry, as soon as possible.

Workforce and Training

Staffing

We have no greater asset than our human resources. And we are committed to recruiting, hiring and developing a premier officer corps. Included in our 5-year strategic plan, the Office of Field Operations has a human capital initiative with an objective of building and sustaining a high performance workforce. To achieve this goal we are currently working towards refining the recruitment and hiring processes, improving our retention capabilities, and enhancing our deployment and staffing processes.

We have developed a Workload Staffing Model (WSM) to better align resource needs and requests against levels of threat, vulnerabilities, and workload. By using the model we can adjust optimal staffing levels to changes in workload, processing times, new technologies and processes, mandated requirements, and threats. However, the staffing model alone does not determine how our officers are allocated; it is merely a tool to assist us in determining the correct allocation of officers at each of our land, sea, and air ports.

However, we are challenged with the continuously expanding demand for our services and new statutory requirements mandated each year, as trade and travel into the United States continues to grow. To address this extremely important mission of securing our Nation's borders, CBP management is often required to make our officers work mandatory overtime,

sometimes on numerous days each week. CBP does not have the luxury of shutting down a port of entry to give officers time-off.

Training

We depend on the dedication and training of our frontline officers to conduct thorough inspections and make sound judgments. CBP has implemented numerous programs, initiatives, and trainings to build our officer corps, thereby enabling officers to more effectively respond to threats of terrorism, to better utilize intelligence information, to continue to develop skills, streamline processes, and enhance inspection operations.

We have developed and implemented a comprehensive training curriculum for CBP Officers and CBP Agriculture Specialists. This training curriculum includes basic CBP Officer and CBP Agriculture Specialist academy training, as well as comprehensive, advanced, on-the-job, and cross-training courses. We continue to refine our training programs and validation tools to ensure that we have an integrated approach incorporated into existing systems. CBP continually strives to provide our frontline officers with additional training to help them perform their job better. For example, CBP has extensive training in place for fraudulent document identification – both in the CBP officer academy and embedded in 40 additional courses.

To make the best use of our training time and resources, we train our officers when they need to be trained, and for the functions they are performing. This means that not every officer completes every cross-training module, but does receive the training needed to do the job he or she is currently performing. CBP has identified Field Training Officers to ensure that CBP Officers are receiving the training they need to do their jobs, and that internal measures are in place to monitor and assess training needs and accomplishments nationwide. For example, CBP has an extensive database to record and track instances of training; and the database is searchable

by individual, field office, and course of instruction. CBP is constantly reviewing and revising its training, as needed, in the every-changing border enforcement environment.

Recognizing the complexity of our mission and the broad border authorities of our agency, we have established specialty functions and teams that receive additional focused advanced training. For example, counter-terrorism response teams were created for deployment within secondary inspection areas. These teams are provided with a new and intense training curriculum that teaches our officers how to detect deception and elicit information. We have established targeting and analysis units, roving teams, and prosecution units. Our enforcement officers receive additional advanced training to develop expertise in the questioning of individuals suspected of being involved with organized smuggling of aliens or drugs, terrorism, and document fraud.

Performance Measures

In addition to the information I have outlined above, addressing the processes for our managers to review and monitor the inspectional processes being conducted by our frontline officers, CBP has also implemented a system to track our effectiveness. CBP conducts random compliance examinations. Essentially, these examinations involve random selection of vehicles and/or air passengers that ordinarily would not be selected for an intensive examination. By combining the results of these examinations with the results of targeted examinations, CBP is able to estimate the potential total number of violations being committed by the international traveling public. When CBP compares the results of the two types of examinations, we are better able to devise enforcement techniques without creating undue delay of law abiding travelers. Trends often tell us what message we need to send to ensure informed compliance by travelers

who were unaware of our requirements. CBP believes that this compliance examination is a critical component of our ability to ensure that our processing procedures are effective. However, our reference measurement is a tool that was originally designed for the U.S. Customs Service, and to assess compliance with customs laws. We have recently made some additional improvements to the program to more fully align it with all functions and missions within CBP. We believe we will be better able to assess the apprehension rate of inadmissible aliens and other violations as we obtain more data from the realigned reference measurement program.

We strongly disagree with the assertions stated by GAO in their report, which is inaccurate in several areas. CBP worked with GAO to provide statistics to them; however, GAO decided to make inferences and assumptions after CBP repeatedly informed them that they could not make these assumptions. The numbers relating to the report that CBP allowed entrance to 21,000 inadmissible aliens was erroneously inferred by GAO from a CBP-maintained, legacy U.S. Customs Service created, compliance measurement program, called COMPEX, which uses a randomized statistical sampling process to select travelers for inspection at the largest land border ports and international airports. The COMPEX program did not include Immigration and Agricultural violations in definition of "category one (significant)" violations prior to October 1, 2007. GAO was briefed on COMPEX and provided nine years worth of data that was based solely upon Customs law and findings related to violations in Customs categories that did not list, in any manner, statistics on Immigration-related violations. This 21,000 number was erroneously calculated based upon Customs-related statistics and incorrect application of terminology. Because of these issues, the COMPEX data prior to October 1, 2007, cannot be used to draw conclusions about the apprehension of inadmissible aliens.

As I noted earlier, during fiscal year 2007, CBP revised the execution of the COMPEX program and expanded the definition of the violation categories to include specific categories that relate to inadmissible aliens and agricultural violations. These new COMPEX categories went into effect beginning on October 1, 2007, and the new measures will provide reliable, statistically valid performance measures for the traveler inspection program.

Closing

In closing, Mr. Chairman and Members of the Subcommittee, CBP would like to express its disappointment for the inappropriate release of a document marked "For Official Use Only" (FOUO). CBP worked to develop public and FOUO versions of this report; however, the FOUO document was released publicly. CBP feels that the information present in this document could be a detriment to the effectiveness of CBP to carry out our mission. CBP does not have any reason to believe the GAO was responsible for the FOUO version of the report appearing in the media.

I have outlined today some of the ways CBP has strengthened our workforce and enhanced our traveler inspection processes. CBP's frontline officers and agents will continue to protect America from the terrorist threat while also accomplishing our traditional missions in immigration, customs, and agriculture, all while balancing our enforcement missions with the need to effectively facilitate the flow of legitimate trade and travel. I appreciate this opportunity to testify before you and would be happy to answer any questions that you may have.

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate

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BORDER SECURITY

Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry

Statement of Richard M. Stana, Director
Homeland Security and Justice Issues

GAO-08-192T

GAO
Accountability·Integrity·Reliability

Highlights

Highlights of GAO-08-192T, a testimony before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

U.S. Customs and Border Protection (CBP) is responsible for keeping terrorists and other dangerous people from entering the country while also facilitating the cross-border movement of millions of travelers. CBP carries out this responsibility at 326 air, sea, and land ports of entry. In response to a congressional request, GAO examined CBP traveler inspection efforts, the progress made, and the challenges that remain in staffing and training at ports of entry, and the progress CBP has made in developing strategic plans and performance measures for its traveler inspection program. To conduct its work, GAO reviewed and analyzed CBP data and documents related to inspections, staffing, and training, interviewed managers and officers, observed inspections at eight major air and land ports of entry, and tested inspection controls at eight small land ports of entry. GAO's testimony is based on a report GAO issued November 5, 2007.

What GAO Recommends

GAO made recommendations aimed at enhancing internal controls in the inspection process, mechanisms for measuring training provided and new officer proficiency, and a performance measure for apprehending inadmissible aliens and other violators. The Department of Homeland Security (DHS) concurred with GAO's recommendations. DHS said that CBP is taking steps to address the recommendations.

To view the full product, including the scope and methodology, click on GAO-08-192T. For more information, contact Richard Stana at (202) 512-8777 or stanar@gao.gov.

November 13, 2007

BORDER SECURITY

Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry

What GAO Found

CBP has had some success in identifying inadmissible aliens and other violators, but weaknesses in its operations increase the potential that terrorists and inadmissible travelers could enter the country. In fiscal year 2006, CBP turned away over 200,000 inadmissible aliens and interdicted other violators. Although CBP's goal is to interdict all violators, CBP estimated that several thousand inadmissible aliens and other violators entered the country though ports of entry in fiscal year 2006. Weaknesses in 2006 inspection procedures, such as not verifying the citizenship and admissibility of each traveler, contribute to failed inspections. Although CBP took actions to address these weaknesses, subsequent follow-up work conducted by GAO months after CBP's actions found that weaknesses such as those described above still existed. In July 2007, CBP issued detailed procedures for conducting inspections including requiring field office managers to assess compliance with these procedures. However, CBP has not established an internal control to ensure field office managers share their assessments with CBP headquarters to help ensure that the new procedures are consistently implemented across all ports of entry and reduce the risk of failed traveler inspections.

CBP developed a staffing model that estimates it needs up to several thousand more staff. Field office managers said that staffing shortages affected their ability to carry out anti-terrorism programs and created other vulnerabilities in the inspections process. CBP recognizes that officer attrition has impaired its ability to attain budgeted staffing levels and is in the process of developing a strategy to help curb attrition. CBP has made progress in developing training programs; however, it does not measure the extent to which it provides training to all who need it and whether new officers demonstrate proficiency in required skills.

CBP issued a strategic plan for operations at its ports of entry and has collected performance data that can be used to measure its progress in achieving its strategic goals. However, current performance measures do not gauge CBP effectiveness in apprehending inadmissible aliens and other violators, a key strategic goal.

Vehicle Lanes at the San Ysidro Port of Entry

Passenger Lines at JFK International Airport

Source: GAO.

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 inspect travelers at our nation's ports of entry.[1] My statement today is based on our November 5, 2007, report[2] that describes the progress made by CBP in inspecting travelers at air and land ports of entry and the challenges that remain.[3]

The U.S. Customs and Border Protection (CBP)—a major component within DHS—is the lead federal agency in charge of inspecting travelers seeking to enter the United States at 326 air, land, and sea ports of entry. CBP officers, who number about 17,600 at these ports of entry, play a critical role in carrying out this responsibility. Since the terrorist attacks of September 11, 2001, their role has involved increased emphasis on countering threats posed by terrorists and others attempting to enter the country with fraudulent or altered travel documents. Intelligence officials believe that the United States will face a persistent and evolving terrorist threat and that the terrorist group al Qaeda will intensify its efforts to put operatives here.

In addition to its homeland security responsibilities, CBP is responsible for preventing inadmissible aliens, criminals, and inadmissible goods from entering the country. Doing so is a difficult task given the high volume of travelers and goods that enter the country. For example, officers frequently carry out their responsibilities with little time to make decisions about admitting individuals into the country because they also face pressure to facilitate the cross-border movement of millions of legitimate travelers and billions of dollars in international trade.

[1] Ports of entry are government-designated locations where CBP inspects persons and goods to determine whether they may be lawfully admitted into the country. A land port of entry may have more than one border crossing point where CBP inspects travelers for admissibility into the United States.

[2] See GAO, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, GAO-08-219 (Washington D.C.: Nov. 5, 2007).

[3] Our November 2007 report (GAO-08-219) is the public version of a For Official Use Only report that we issued on October 5, 2007. This report contained sensitive information about CBP traveler inspection efforts, including information on the techniques used to carry out inspections, data on the number of inadmissible aliens and other violators that enter the country each year, and data on staffing at ports of entry. See GAO, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, GAO-08-123SU (Washington D.C.: Oct. 5, 2007).

When CBP was created in March 2003, it represented a merger of components from three departments—the U.S. Customs Service,[4] the U.S. Immigration and Naturalization Service,[5] and the Animal and Plant Health Inspection Service.[6] As part of the merger, CBP moved forward with an approach that was to allow a CBP officer, with the proper cross-training, to carry out homeland security as well as traditional customs and immigration responsibilities. For example, former customs inspectors would be trained and work on tasks traditionally done by immigration inspectors and vice versa. The CBP officer would also be capable of referring agricultural violations to agricultural specialists. By training officers from legacy agencies to perform both the customs and immigration functions, CBP aimed to have a well-trained and well-integrated workforce to carry out the range of the agency's missions.

In July 2003, we reported on vulnerabilities and inefficiencies in traveler inspections.[7] Given the critical role that CBP plays in homeland security, you asked us to review the progress CBP has made in strengthening its ability to inspect travelers arriving at the nation's international airports and land borders. In response, on November 5, 2007, we issued a report that addressed the following questions:

- What success and challenges has CBP had in interdicting inadmissible aliens and other violators[8] at its ports of entry?
- What progress has CBP made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs?

[4] U.S. Customs Service was in the U.S. Department of the Treasury. Customs inspectors were primarily responsible for inspecting cargo and goods.

[5] U.S. Immigration and Naturalization Service was in the Department of Justice. Immigration inspectors were responsible for processing people traveling across the border.

[6] Animal and Plant Health Inspection Service was in the Department of Agriculture. Unlike the Customs Service and the Immigration and Naturalization Service, which were moved to DHS in its entirety, Animal and Plant Health Inspection Service continues to exist within the Department of Agriculture and retains responsibility for conducting, among other things, veterinary inspections of live imported animals, establishing policy for inspections and quarantines, and providing risk analysis.

[7] See GAO, *Land Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*, GAO-03-782 (Washington, D.C.: July 2003).

[8] Other violators include individuals seeking to enter the country who are not in compliance with the laws and regulations for entry, including immigration, customs, and agricultural requirements.

- What progress and problems has CBP encountered in setting goals and performance measures for its traveler inspection program?

To address the questions above, we analyzed information and data on CBP's traveler inspections, staffing, and training at ports of entry. We reviewed CBP policies and procedures for the traveler inspection program as well as other documents related to traveler inspection efforts. We interviewed CBP officials on the status of CBP efforts to develop a staffing model, train staff, carry out traveler inspections, and develop performance measures.[9] For information that would provide an overall picture of CBP's efforts, we reviewed and analyzed several nationwide databases, including data on staffing, training, attrition, resource requests from CBP's 20 field offices[10] and 1 pre-clearance headquarters office, and apprehension of inadmissible aliens and other violators at major air and land ports of entry. We assessed the reliability of CBP's data from CBP's random selection program of travelers and staffing and training data by, among other things, meeting with knowledgeable officials about these data, reviewing relevant documentation, and performing electronic testing. We concluded that data from CBP databases, with the exception of the data on training as we discuss in our report, were sufficiently reliable for the purposes of our review. Although we discussed the staffing model and its results with CBP officials responsible for the model, validating the model and its results was outside the scope of our review.

To supplement our analyses of CBP's nationwide data, we visited eight ports of entry. While we cannot generalize our work from our visits to all ports of entry, we chose these ports of entry to provide examples of operations at air and land ports of entry. At each site, we held discussion groups with CBP officers and met with management to discuss, among other things, staffing and training programs. In addition, GAO investigators visited other small ports of entry to test the traveler inspection process. Although we cannot generalize our investigators' work at these locations to all ports of entry, we selected these ports of entry to provide examples

[9] Our work on training focused on the training provided at ports of entry and did not include basic training given to CBP officers at the Federal Law Enforcement Training Center. We also did not examine the role of agricultural specialists in CBP because we issued a report on agricultural inspections at ports of entry last year. See GAO, *Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease,* GAO-06-644 (Washington D.C.: May 19, 2006).

[10] CBP's 20 field offices are responsible for managing more than 300 ports of entry.

of traveler inspections. Our investigators did their work in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency. Unless we specify that the work was done by our investigators, all referrals to our visits to ports of entry pertain to the eight air and land ports of entry we visited. In addition, we analyzed the 2004 and 2006 Office of Personnel Management Federal Human Capital Surveys of staff at 36 federal agencies, including the results from CBP, that dealt with the views of federal employees on training and staffing in the workplace. We reviewed standards for internal control in the federal government[11] and compared the standards for information and communications and monitoring with CBP's policies and procedures for traveler inspections. Finally, we reviewed prior GAO reports on best practices for developing strategic plans and performance measures and compared the best practices with CBP's plans and measures for its operations at its ports of entry. We did our work in accordance with generally accepted government auditing standards from August 2006 through September 2007.

Summary

CBP has had some success in interdicting inadmissible aliens and other violators, but weaknesses in its traveler inspection procedures and related physical infrastructure increase the potential that dangerous people and illegal goods could enter the country. In 2006, CBP officers turned away over 200,000 aliens who attempted to enter the country illegally, and seized over 600,000 pounds of illegal drugs and more than 40,000 fraudulent documents, according to CBP. To help officers identify potential violators, CBP has installed additional technology to inspect vehicles for smuggled aliens and illicit cargo and to check traveler documents against law enforcement databases. While CBP has had some success in apprehending inadmissible aliens and other violators, its analyses indicate that several thousand inadmissible aliens and other violators entered the country at air and land ports of entry in fiscal year 2006.[12] When CBP does not apprehend a potentially dangerous person, this increases the potential that national security may be compromised. Weaknesses that contributed to failed inspections relate both to procedures and to infrastructure:

[11] GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

[12] We did not include data on the rate at which CBP apprehends inadmissible aliens and other violators who seek to enter the country because the data are considered sensitive.

Weaknesses in traveler inspection procedures. In mid-2006, CBP reviewed videotapes from about 150 large and small ports of entry and, according to CBP officials, determined that while CBP officers carried out thorough traveler inspections in many instances, they also identified numerous examples 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. The following were examples that were on the videotape:

- In one instance, officers waved vehicles into the United States without stopping the vehicle or interviewing the driver or its passengers as required. In another instance, motorcycles passed through inspection lanes without stopping and making any contact with an officer. In a third instance, during "lane switches" when CBP officers were relieved of their duty and replaced by other officers, officers waved traffic through the lane while the officer logged into the computer. The proper procedure is for traffic to be stopped until the officer is logged into the system and is available to perform proper inspections.

- In another instance, while the CBP officer was reviewing information on his computer screen, he waved pedestrians through the lane without looking at them, making verbal contact, or inspecting travel documents. In another instance, travelers would simply hold up their identification cards and officers would view them without stepping out of the booth before waving the vehicle through. In these cases, the officers did not appear to make verbal contact with the passengers and did not interview any passengers sitting in the back seat of the vehicle. As a final example, officers did not board recreational vehicles to determine whether additional traveler inspections should be carried out.

Without checking the identity, citizenship, and admissibility of travelers, there is an increased potential that dangerous people and inadmissible goods may enter the country and cause harm to American citizens and the economy. According to CBP interviews with apprehended alien smugglers, alien smuggling organizations have been aware of weaknesses in CBP's inspection procedures and they have trained operatives to take advantage of these weaknesses. This awareness heightens the potential that failed inspections will occur at ports of entry when such procedural weaknesses exist.

According to CBP senior management, the factors that may have contributed to these weaknesses included the following:

- Failure to engage, lack of focus, and complacency. According to CBP senior management, emphasis is not being placed on all missions, and there is a failure by some of its officers to recognize the threat associated with dangerous people and goods entering the country.

- Insufficient staffing. According to CBP senior management, they are unable to staff ports of entry to sufficiently accommodate the workload. Lack of sufficient staff contributes to officers working double shifts, sometimes resulting in fatigue that can affect decisions.[13]

- Lack of supervisory presence in primary inspections. CBP senior management noted that lack of supervisory presence at primary inspection booths can contribute to less than optimal inspections.

- Lack of training. CBP senior management acknowledged that, in some cases, periodic and on-the-job training is not being delivered.

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 management 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. Standards for internal control in the federal government require that information should be communicated to agency management to enable it to carry out its program responsibilities. 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

[13] Staffing and training issues are discussed in more detail later in this testimony.

communication, CBP management may be hindering its ability to efficiently use the information to overcome weaknesses in traveler inspections.

Weaknesses in physical infrastructure. While we cannot generalize our findings, at several land ports of entry 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.[14] CBP recognizes that it has infrastructure weaknesses and has estimated it needs about $4 billion to make the capital improvements needed at all 163 of the nation's 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. For example, according to CBP officials, for 96 ports of entry that are owned by the General Services Administration (GSA), GSA approves and prioritizes capital improvement projects. The process of submitting a request for an infrastructure improvement and completion of the project is approximately 7 years from start to finish, according to a GSA official. For 23 ports of entry that are privately owned and leased by GSA,[15] CBP officials noted that coordinating with privately-owned companies on infrastructure improvements is a difficult process because the private owner's interest in facilitating commerce must be balanced with CBP's interest in national security. As of September 2007, CBP had infrastructure projects related to 20 different ports of entry in various stages of development.

As previously mentioned, insufficient staffing and lack of training can contribute to a greater likelihood of failed traveler inspections. CBP has taken action to improve staffing and training at ports of entry by assessing staffing needs, adding more officers since 2005 in response to higher budgeted staffing levels, and developing an extensive training program, but it lacks (1) data to measure progress on providing required training

[14] The locations and a description of weaknesses in physical infrastructure are considered sensitive information and therefore are not included in this testimony.

[15] Examples of privately-owned ports of entry that are leased to GSA include the Rainbow Bridge in Niagara Falls, New York, and the Windsor Tunnel in Detroit, Michigan.

and (2) certain elements in its on-the-job training program for new CBP officers, which limits its ability to effectively train and evaluate the performance of new officers. According to managers at ports of entry, staffing shortages can result in, among other things, officer fatigue that can affect the quality of traveler inspections. Untrained or poorly trained officers can increase the probability that terrorists, inadmissible aliens, and illicit goods will enter the country. Progress and problems with staffing and training involved the following:

Progress and problems with staffing. Responding to language in a conference report for its fiscal year 2007 appropriation, CBP has developed a staffing model to estimate staffing needs. The model is based on several assumptions, such as whether overtime is considered as part of CBP's staffing at ports of entry. CBP's model estimates that CBP may need up to several thousand more officers and agricultural specialists[16] to operate its ports of entry.[17] According to field officials, lack of staff is affecting their ability to carry out border security responsibilities. For example, we examined requests for resources from CBP's 20 field offices and its preclearance headquarters office for January 2007 and found 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. In addition, officers at six of the eight ports of entry we visited indicated that officer fatigue caused by excessive overtime negatively affected inspections at their ports of entry. On occasion, officers said they are

[16] The agricultural specialist is a technical, scientific position rather than a law enforcement position with an emphasis on detecting and preventing the importation of harmful agricultural pests and diseases. The agricultural specialist is responsible for conducting agriculture inspections of passengers and cargo as well as analysis of agriculture imports. Additionally, agricultural specialists are not authorized to carry firearms, and therefore, they cannot staff primary inspection lanes. However, they may provide backup support to CBP officers during secondary screening.

[17] CBP has determined that data from the staffing model is law enforcement sensitive. Therefore, we are not providing more detailed data and information from the model in this testimony.

called upon to work 16-hour shifts, spending long stints in the primary passenger processing lanes to keep lanes open, in part to minimize traveler wait times.[18] Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports.

Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide.[19] CBP officials attribute attrition to retirements, officers receiving better law enforcement benefits at other DHS components and other federal agencies, and new officers being unable to afford high cost-of-living locations. Low job satisfaction, as reflected in the Office of Personnel Management's (OPM) Federal Human Capital Survey, is also a contributing factor to attrition, according to CBP. CBP recognized that it has a problem with retaining staff and plans to develop ways to stem its problems in this area. For example, CBP plans to analyze attrition data and data from OPM's Human Capital Survey and employee satisfaction and exit surveys in order to help identify what actions are needed to curb attrition. CBP plans to develop some initial retention strategies by December 2008 and by September 2009 develop approaches to retain staff based on areas of concern identified in the employee exit survey.

Progress and problems with training. CBP has 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, CBP faces challenges in providing the required training. 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. For example, at one land port of entry we visited, managers stated that courses are scheduled, but then canceled because of staffing concerns.

[18] Specific concerns from CBP officials of how officer fatigue affects primary inspections are not included in this testimony because the information is considered sensitive.

[19] Specific data on CBP's budgeted staffing level and the number of officers onboard are not included in this testimony because CBP considers the data sensitive.

Managers and supervisors at six of eight ports of entry we visited told us that vulnerabilities in traveler inspections occurred when officers did not receive cross-training before rotating to new inspection areas. Although CBP's training policy calls for no officer to be placed in an area without receiving the proper cross-training module, officers and supervisors at ports of entry we visited told us that officers were placed in situations for which they had not been trained. While we cannot determine the degree to which this is happening in other ports of entry cross the country, we identified several examples where this policy is not being followed at the ports of entry we visited. For example, legacy customs officers at one port of entry reported feeling ill prepared when called upon to inspect passengers because they had not received the requisite training. One supervisor at this port of entry stated that he had "no confidence" that the officers he supervised could process the casework for a marijuana seizure correctly to successfully prosecute the violator because they had not received training. Supervisors at another port of entry told us that they were rotated to areas in which they had not received training. With responsibility over admissibility decisions, these supervisors were concerned that they could not answer questions from their subordinates or make necessary determinations beyond their area of expertise. As a result of not being trained, officers at this port stated that they relied heavily on senior officers from legacy agencies. The officers also told us that these senior officers have been leaving the agency. CBP managers in headquarters recognize that insufficient training can lead to a higher risk of failed inspections. For example, in a presentation that was given to all field office directors, CBP headquarters officials stated that untrained officers increase the risk that terrorists, inadmissible travelers, and illicit goods could enter the country.

Standards for internal control in the federal government provide a framework for agencies to achieve effective and efficient operations and ultimately to improve accountability. One of the standards calls on agencies to compare actual performance to planned or expected results throughout the organization and to analyze significant differences. However, CBP lacks data that show whether the individuals who require training are receiving it. Having reliable data to measure the degree to which training has been delivered would put CBP management in a position to better gauge the results of its cross-training program. In regards to on-the-job training, while CBP guidance states that new officers at land ports of entry should receive 12 weeks of on-the-job training, new officers at the ports we visited did not receive 12 weeks of training. For example, at one port of entry, new officers told us they received between 2 weeks and 6 weeks of on-the-job training. In addition, internal control

standards related to management of human capital state that management should ensure that the organization has a workforce that has the required skills necessary to achieve organizational goals. CBP's guidance for its on-the-job training program does not require that new CBP officers perform certain tasks in order to develop needed skills or that the officers demonstrate proficiency in specific tasks. In contrast, the U.S. Border Patrol, another office within CBP, has developed a field training program where officers are required to demonstrate proficiency in 32 different skills. We discussed the utility of the Border Patrol's on-the-job training standards with CBP officials who told us that they might examine the Border Patrol's program to identify best practices that they could incorporate into the on-the-job training program for new CBP officers. When staff do not receive required training or are not trained consistently with program guidance, it limits knowledge building and increases the risk that needed expertise is not developed.

Our analysis of OPM's 2006 Federal Human Capital Survey shows that CBP staff expressed concern about training. Our analysis shows that less than half of nonsupervisory CBP staff were satisfied with how CBP assesses their training needs (43 percent), the extent to which supervisors support employee development (43 percent), and the degree to which supervisors provide constructive feedback on how to improve (42 percent). In responding to these three questions, a significantly lower percentage of nonsupervisory staff at CBP was satisfied with their training experiences than nonsupervisory staff in other federal agencies.

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—but it faces challenges in developing a performance measure that tracks progress in achieving this goal. Linking performance to strategic goals and objectives and publicly reporting this information is important so that Congress and the public have better information about agency performance and to help to ensure accountability. While CBP's 2006 Performance and Accountability Report included some performance measures related to CBP's goal of intercepting inadmissible people and goods, the report did not include a performance measure regarding how effective CBP is at achieving this goal at ports of entry. CBP has data on the degree to which it interdicts travelers who seek to enter the country illegally or who violate other laws at major air and land ports of entry. During the course of our review, we discussed with CBP officials the potential of using these data as one way of measuring the effectiveness of CBP inspection efforts. In June 2007, CBP officials told us that CBP was in

the process of selecting performance measures for fiscal year 2008 and a decision had not yet been made on whether to include these data or other similar outcome-based measures in its performance report.

Concluding Remarks

Effective inspection of the millions of travelers entering the country each year is critical to the security of the United States. As CBP matures as an organization, having effective inspection procedures, retaining its officer corps, and developing the necessary skills in its officer corps are essential given the critical role that CBP plays in national security. Although CBP developed new inspection procedures that require CBP field office directors to monitor and assess compliance with the new procedures, a key internal control requiring field office directors to communicate with CBP management the results of their monitoring and assessment efforts is not in place. As a result, CBP management may not get information that would identify weaknesses in the traveler inspections process that need to be addressed. The initial set of actions that CBP has taken for dealing with challenges in training at ports of entry is a positive start, but it has not established a mechanism to know whether officers who need specific cross-training have received it and whether new CBP officers have experience in the necessary job tasks and are proficient in them. This means that some officers may be called on to perform certain inspection tasks without having the knowledge and skills to do them.

It is also important to have performance measures in place to permit agency management to gauge progress in achieving program goals and, if not, to take corrective action. In regard to traveler inspections, CBP is missing an important performance measure that shows what results are achieved in apprehending inadmissible aliens and other violators. CBP has apprehension rate data that could be used to develop such a performance measure. Having performance measures related to the effectiveness of CBP interdiction efforts would help inform Congress and agency management of improvements resulting from changes in CBP's traveler inspection program and what gaps in coverage, if any, remain.

In our report,[20] we made a number of recommendations to mitigate the risk of failed traveler inspections. We recommended that the Secretary of Homeland Security direct the Commissioner of Customs and Border Protection to take the following four actions:

[20] See GAO-08-219.

- implement internal controls to help ensure that field office directors communicate to agency management the results of their monitoring and assessment efforts so that agencywide results can be analyzed and necessary actions taken to ensure that new traveler inspection procedures are carried out in a consistent way across all ports of entry;
- develop data on cross-training programs that measure whether the individuals who require training are receiving it so that agency management is in a better position to measure progress toward achieving training goals;
- incorporate into CBP's procedures for its on-the-job training program (1) specific tasks that CBP officers must experience during on-the-job training and (2) requirements for measuring officer proficiency in performing those tasks; and
- formalize a performance measure for the traveler inspection program that identifies CBP's effectiveness in apprehending inadmissible aliens and other violators.

DHS said it agreed with our recommendations and discussed actions CBP has underway or has taken to address our recommendations.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions that you and the Members of the Subcommittee may have.

GAO Contact and Staff Acknowledgments

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TESTIMONY OF NTEU NATIONAL PRESIDENT
COLLEEN M. KELLEY

ON

HUMAN CAPITAL NEEDS OF THE U.S. CUSTOMS AND BORDER PROTECTION "ONE FACE AT THE BORDER" INITIATIVE

BEFORE

THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

342 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, D.C.
November 13, 2007

Chairman Akaka, Ranking Member Voinovich, I would like to thank the subcommittee for the opportunity to testify on the human capital needs and challenges of the U.S. Customs and Border Protection "One Face at the Border" initiative. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 18,000 Customs and Border Protection Officers and Agriculture Specialists who are stationed at 326 land, sea and air ports of entry across the United States. CBP Officers constitute 42 percent of CBP's nonsupervisory workforce and represent the largest non-supervisory group at CBP.

In fiscal 2006, CBP Officers arrested more than 23,000 suspected criminals, denied entry to over 200,000 inadmissible aliens, seized more than 644,000 pounds of illegal drugs, intercepted nearly 1.7 million prohibited agricultural items, and seized over $155 million in illegal commercial merchandise, such as counterfeit footwear and handbags. CBP Officers also intercepted 40,362 fraudulent documents used in attempts to enter the country illegally in fiscal year 2006. CBP Officers are our nation's first line of defense in the wars on terrorism and drugs, while facilitating legal travel and trade.

ONE FACE AT THE BORDER INITIATIVE

As part of the establishment of the Bureau of U.S. Customs and Border Protection (CBP) in March 2003, DHS brought together employees from three departments of government--Treasury, Justice and Agriculture to operate at the 326 ports of entry.

On September 2, 2003, CBP announced the One Face at the Border initiative. The initiative was designed to eliminate the pre-9/11 separation of immigration, customs, and agriculture functions at US land, sea and air ports of entry. **Inside CBP, three different inspector occupations –Customs Inspector, Immigration Inspector and Agriculture Inspector were combined into a single inspectional position—the CBP Officer.**

The priority mission of the CBP Officer is to prevent terrorists and terrorist weapons from entering the U.S., while simultaneously facilitating legitimate trade and travel—**as well as upholding the laws and performing the traditional missions of the three legacy agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS) and the Animal, Plant and Health Inspection Service (APHIS).**

This change in job description and job duties established by the One Face at the Border initiative resulted in the Herculean task of training, retraining and cross training over 18,000 newly created CBP Officers. The U.S. Border Patrol was spared this monumental training, retraining and cross training need because DHS transferred the U.S. Border Patrol Service as an intact unit within CBP and did not integrate the Border Patrol Agent position with the three inspectional positions working at the ports.

In practice, the major reorganization of the roles and responsibility of the inspectional workforce as a result of the One Face at the Border initiative has resulted in

job responsibility overload and dilution of the customs, immigration and agriculture inspection specializations and in weakening the quality of passenger and cargo inspections.

The processes, procedures and skills are very different at land, sea and air ports, as are the training and skill sets needed for passenger processing, cargo and agriculture inspection. Under the One Face at the Border initiative, former INS agents that are experts in identifying counterfeit foreign visas are now at seaports reviewing bills of lading from foreign container ships, while expert seaport Customs inspectors are now reviewing passports at airports.

It is apparent that CBP saw its One Face at the Border initiative as a means to "increase management flexibility" without increasing staffing levels. According to CBP, "there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train frontline officers will allow CBP to more easily handle projected workload increases and stay within present budgeted levels."

This has not been the case. The knowledge and skills required to perform the expanded inspectional tasks under the One Face at the Border initiative have also increased the workload of the CBP Officer. Also lacking in the actual implementation of One Face at the Border is the ability to consistently practice in doing the job. Practice at doing a job is what makes a worker better at that job. A lawyer specializes in litigation, contracts, family law or one of many specialties. A doctor specializes in general medicine, surgery or one of many specialties. The CBP Officer has no opportunity to develop a specialty now.

The CBP Officer is a generalist and is rotated from seaport cargo inspection to land port vehicle processing to airport passenger processing. The CBP Officer must know the laws and duties of all of these specialized inspection processing systems. **The CBP Officer is responsible for ensuring nothing and no one gets through the port that threatens the health, safety and security of the U.S. population, while at the same time facilitating legal trade and travel. It is a heavy burden that has been demanded of these men and women.**

GAO REPORT

In 2006, Congress requested that the Government Accountability Office (GAO) evaluate the One Face at the Border initiative and its impact on legacy customs, immigration and agricultural inspection and workload. GAO conducted its audit from August 2006 through September 2007 and issued its public report, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry (GAO-08-219), on November 5, 2007.

The conclusions of this report echo what NTEU has been saying for years:

- CBP needs several thousand additional CBP Officers and Agriculture Specialists at its ports of entry.

- Not having sufficient staff contributes to morale problems, fatigue, and safety issues for CBP Officers.
- Staffing challenges force ports to choose between port operations and providing training.
- CBP's onboard staffing level is below budgeted levels, partly due to high attrition, with ports of entry losing officers faster than they can hire replacements.
- One of the major reasons for high attrition is that CBP Officers are leaving to take positions in other federal agencies to obtain law enforcement officer benefits not provided to them at CBP.

NTEU's testimony today will expand upon staffing, training and morale problems outlined in the GAO report and offer recommendations to address these problems.

IMPACT OF STAFFING SHORTAGES

According to GAO, "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." (See GAO-08-219, page 7)

"Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue...officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports." (See GAO-08-219, page 33)

According to CBP, CBP Officers have "Twin Goals" in doing their job - anti-terrorism and facilitating legitimate trade and travel. CBP's priority mission is preventing terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel. **CBP's emphasis on reducing wait times, however, without increasing staffing at the ports of entry creates a challenging work environment for the CBP Officer.**

On the one hand, CBP Officers are to fully perform their inspection duties, yet at all times they are made aware by management of wait times. In land port booths, wait times are clearly displayed. At airports, all international arrivals are expected to be cleared within 45 minutes or a visual alert is displayed at headquarters and local management is notified. CBP's website posts wait times at every land port and allows travelers to check airport wait times by location.

Land Ports of Entry:

Most travelers enter the U.S. through the nation's 166 land border ports of entry. About two-thirds of travelers are foreign nationals and about one-third are returning U.S. citizens. The vast majority arrive by vehicle. The purpose of the primary inspection process is to determine if the person is a U.S. citizen or alien, and if alien, whether the alien is entitled to enter the U.S. In general, CBP Officers are to question travelers about their nationality and purpose of their visit, whether they have anything to declare, and review any travel documents the traveler may be required to present.

At the land ports, primary inspections are expected to be conducted in less than one minute. Travelers routinely spend about 45 seconds at U.S.-Canadian crossings during which CBP Officers have to assess oral claims of citizenship.

Currently, there are thousands of different documents that a traveler can present to CBP Officers when attempting to enter the United States, creating a tremendous potential for fraud. Each day CBP Officers inspect more than 1.1 million passengers and pedestrians, including many who reside in border communities who cross legally and contribute to the economic prosperity of our country and our neighbors. At the U.S. land borders, approximately two percent of travelers crossing the border are responsible for nearly 48 percent of all cross-border trips.

In FY 2005, over 84,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or documents. On an average day, CBP intercepts more than 200 fraudulent documents, arrests over sixty people at ports of entry, and refuses entry to hundreds of non-citizens, a few dozen of whom are illegal aliens that are attempting to enter the U.S.

Each day, CBP Officers at 326 crossings process 1.1 million inbound travelers, 327,500 private vehicles and 85,300 shipments of goods. Eight thousand forms of driver's licenses, birth certificates, baptism, or hospital records can be presented under existing rules.

Currently, U.S. citizens are not required to show any documentation to enter the U.S. and need only make a declaration. If a person declares that they are a U.S. citizen, CBP Officers are limited in what they ask to determine if they are telling the truth. Many complaints are lodged when CBP Officers ask for documentation.

In addition, it takes several minutes for CBP Officers to perform shift changes at the land ports of entry. The delay is primarily due to restarting the inspection booth computer with a new operator. Rebooting the computer by the new CBP Officer takes on average three to five minutes. Lines back up during shift changes and CBP Officers are under pressure by managers to clear these lanes quickly.

Air Ports of Entry:

At the airports, CBP Officers are expected to clear international passengers within 45 minutes. Prior to 9/11 there was a law on the books requiring INS to process incoming international passengers within 45 minutes. The Enhanced Border Security and Visa Protection Act of 2002 repealed the 45 minute standard, however "it added a provision specifying that staffing levels estimated by CBP in workforce models be based upon the goal of providing immigration services within 45 minutes. According to GAO, "the number of CBP staff available to perform primary inspections is also a primary factor that affects wait times at airports."

In addition, **the U.S. Travel and Tourism industry has called for a further reduction in passenger clearance time to 30 minutes**. The industry's recently announced plan, called "A Blueprint to Discover America," includes a provision for "modernizing and securing U.S. ports of entry by hiring customs and border [protection] officers at the top 12 entry ports to process inbound visitors through customs within 30 minutes." This **CANNOT** be achieved at current staffing levels without jeopardizing security.

The emphasis on passenger processing and reducing wait times results in limited staff available at secondary to perform those inspections referred to them. NTEU has noted the diminution of secondary inspection in favor of passenger facilitation at primary inspection since the creation of the Department of Homeland Security. Why has there been this decrease in secondary inspections? NTEU believes that it is because of the large number of CBP Officer job vacancies and static overall CBP Officer staffing levels.

Agriculture Specialists:

NTEU was certified as the labor union representative of CBP Agriculture Specialists in May of this year as the result of an election to represent all Customs and Border Protection employees that had been consolidated into one bargaining unit by merging the port of entry inspection functions of Customs, INS and the Animal and Plant Inspection Service as part of DHS' One Face at the Border initiative.

NTEU believes the One Face at the Border initiative has failed to integrate the different border functions it sought to make interchangeable, because they are not. The Customs, Immigration and Agriculture functions performed at our borders enforce different laws and require different training and skills. Due to severe staffing shortages at our ports of entry, Agriculture Specialists sometimes are called on to backfill for CBP Officer shortages at secondary inspection.

According to GAO-08-219 page 31, CBP's staffing model "showed that CBP would need up to several thousand additional CBP Officers and agriculture specialists at its ports of entry." **And GAO testimony issued on October 3, 2007 stated that, "as of**

mid-August 2007, CBP had 2,116 agriculture specialists on staff, compared with 3,154 specialists needed, according to staffing model." (See GAO-08-96T page 1.) NTEU recommends that CBP hire additional CBP Agriculture Specialists to comply with its own staffing model.

In addition, NTEU recommends that CBP Agriculture Specialists have access to voluntary overtime opportunities to the same extent as CBP Officers. Agriculture Specialists did not have an overtime cap before joining CBP. Many now say they are not given adequate voluntary overtime opportunities.

NTEU also recommends that Congress, through oversight and statutory language, make clear that the agricultural inspection mission is a priority and require DHS to report to them on how it is following USDA procedures on agriculture inspections. The report should include wait times for clearing agricultural products and what measures could be implemented to shorten those wait times.

Hiring of Supervisors v. Hiring of Frontline CBP Officers:

There is concern among CBP Officers that in terms of real numbers CBP has hired more new managers than frontline workers. According to GAO, the number of CBP Officers has increased from 18,001 in October 2003 to 18,382 in February 2006, an increase of 381 officers. **In contrast, GS 12-15 CBP supervisors on board as of October 2003 were 2,262 and in February 2006 there were 2,731, an increase of 462 managers over the same of time. This is a 17% increase in CBP managers and only a 2% increase in the number of frontline CBP Officers.** (See GAO-06-751R, page 11)

ADDRESSING STAFFING SHORTAGES:

The President's FY 2008 budget proposal requests $647.8 million to fund the hiring of 3000 Border Patrol agents. But, for salaries and expenses for Border Security, Inspection and Trade Facilitation at the 326 ports of entry, the President's funding request is woefully inadequate.

The President's FY 2008 budget calls for an increase of only $8.24 million, for annualization of 450 CBP Officers appropriated in the FY 2007 DHS Appropriations bill. NTEU is grateful that Congress did include funding for an additional 450 CBP Officers in the FY 2007 DHS Appropriations bill, but it is clearly not enough.

In order to assess CBP Officer staffing needs, Congress, in its FY 07 DHS appropriations conference report, directed CBP to submit by January 23, 2007 a resource allocation model for current and future year staffing requirements.

In July 2007, CBP provided GAO with the results of the staffing model. **"The model's results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry."** (See GAO-08-219, page 31)

CBP has determined that data from the staffing model are law enforcement sensitive and has not shared this data with NTEU.

In July 2007, NTEU called on Congress to hire an additional 4,000 CBP Officers. NTEU based this number on results from the former U.S. Customs Service's last internal review of staffing for Fiscal Years 2000-2002 dated February 25, 2000, also known as the 2000-2002 RAM, that shows that the Customs Service needed over 14,776 Customs inspectors just to fulfill its basic mission—and that was before September 11. Since then the Department of Homeland Security was created and the U.S. Customs Service was merged with the Immigration and Naturalization Service and parts of the Agriculture Plant Health Inspection Service to create Customs and Border Protection and given an expanded mission of providing the first line of defense against terrorism, in addition to making sure trade laws are enforced and trade revenue collected.

According to GAO, with the merger of the three agencies' inspection forces, there are now approximately 18,000 CBP Officers currently employed by CBP. Based on the expanded mission of CBP Officers, **NTEU believes that at least 22,000 CBP Officers would be needed to have a robust and fully staffed force at our ports of entry.** NTEU called for this increase in response to Congressional inquiries in July.

TRAINING ISSUES

The Homeland Security Appropriations Committee added report language to the FY 2007 DHS Appropriations bill that, with regard to CBP's One Face at the Border initiative, directs "CBP to ensure that all personnel assigned to primary and secondary inspection duties at ports of entry have received adequate training in all relevant inspection functions." It is my understanding that CBP has not reported to DHS Appropriators pursuant to this language, but NTEU's CBP members have told us that CBP Officer cross-training and on-the-job training is woefully inadequate. In addition, staffing shortages force managers to choose between performing port operations and providing training. In these instances, it is training that is sacrificed.

Training of New CBPOs:

With the implementation of the One Face at the Border initiative, the curriculum for new hires at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia has undergone major changes. Prior to the merger, INS trainees studied at FTETC for 65 days. Trainees from the former Customs Service had a 55-day course at FLETC. Unlike Customs and Immigration Inspectors who all attended basic Academy training at FLETC, Agriculture Inspectors have a different background; those Agriculture Inspectors who became CBPOs were required to complete the same basic training course as a new CBP Officer hire.

New CBP Officers receive 73 days of FLETC training on all three types of inspection. "Upon returning to their assigned port, they will be trained for the next year by a combination of classroom, computer based, and OJT training." The most critical

part of this training is the year of on-the-job (OTJ) training to teach specialized information.

This OJT training phase is not being adequately done. Many new CBP Officers report that few of them have received extensive post-academy training yet are assigned to the primary passenger processing line. Inadequate mentoring and OTJ training make it difficult for CBP Officers to become proficient in even one job while they are expected to be proficient at three.

"Vulnerabilities in traveler inspections are created when new officers do not receive required training. For example, new officers who received as little as 2 weeks of on-the-job training rather than the recommended 12 weeks told us that they needed more training before inspecting travelers. In our July 2003 report...we found that the ports that graded their officers least prepared to carry out traveler inspections were among the ports that provided the least amount of on-the-job training." (See GAO-08-219, page 40)

Cross-training of Legacy Inspectors:

The three disciplines' skill sets—immigration, customs, and agriculture are highly specialized and require in-depth training and on-the-job experience. Agriculture specialists have a science background, immigration officers are trained to recognize suspect documents and customs officers are trained to identify counterfeit goods, drug smugglers and look for suspect passenger behavior at the airports and suspect product at the ports.

CBP Officers that have been given cross-training have reported to NTEU that training is inadequate in time, resources and mentoring. According to CBP, all cross-training has been provided via video, CD-ROM/Web, classroom instruction, on-the-job training, or a combination of these methods. With limited exceptions, all of the training is provided at the CBP Officers' post-of-duty.

For legacy inspectors, the training both in class, computer based and on-the-job is totally inadequate. According to CBP, all legacy Customs and CBP Officers had mandatory training on Immigration Fundamentals. "It will be delivered during Officers' normal tour of duty in the form of eight electronic 45-minute lessons, after which the employee will be tested to ensure comprehension. A passing grade on the review is a prerequisite to taking the training for Full Unified Primary inspections."

In its report, GAO concluded that "vulnerabilities in traveler inspections occurred when officers did not receive cross-training before rotating to new inspection areas. Although CBP's training policy call for no officer to be placed in an area without receiving the proper cross-training module, officers and supervisors at ports of entry we visited told us that officers are placed in situations for which they are not trained." (See GAO-08-219, page 37.)

This is a typical story about this training from legacy inspectors:

"I took the immigration class in January of 2005 and have not been in a booth since. That is until I was told 3 weeks ago to go upstairs and get in the booth. I told the supervisor that I could not do it because I do not remember the training as it had been almost a year. She told me that she would put me with another inspector who would watch me for about 30 minutes and then I should be good to go on my own. After speaking with the experienced legacy INS inspector in the booth about how I was doing she changed her mind when he told her I was screwing up everything. CBP must **create a refresher class** for us or we will wind up screwing up and getting fired. I feel we are being fed to the lions."

The Computer-based Training Process:

Almost all training outside of training received at FLETC and firearms recertification and safety training is computer based. Training is supposed to be completed by CBP Officers using the Virtual Learning Center on the intranet, DVDs and videos. No time is specifically allotted for CBP Officers to view the videos or sign on to the computer and complete the training. CBP Officers are expected to squeeze this training in on their breaks, and in-between performing other administrative duties, or on their own time before or after work. If interrupted, some of these modules require them to start again at the beginning; others allow for picking up at the screen that they left off.

Upon completion of the training module, CBP Officers are required to input completion data into the Training Record and Enrollment Network (TRAEN). This certificate states that the CBP Officer is fully trained on that topic. If any problem occurs or mistakes are made, supervisors pull out these training certificates and use them as a basis for discipline.

Some training modules refer to allotting time for a structured 10 to 15 minute discussion upon completion of the module. Rarely does this happen. There usually is no interaction with their supervisor on module content, nor are there any structured discussion or question and answer sessions following completion of the training video.

For example, on February 5, 2004, CBP notified NTEU that "CBP will be providing Bio/Agroterrorism training to all CBP Officers and Agriculture Specialists. It will be delivered during employees' normal tour of duty via a 20-minute video, with 10-15 minutes allotted for structured discussion." I have heard that at most ports; the 10-15 minute structured discussion did not take place.

RECRUITMENT AND RETENTION ISSUES

Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. "CBP's onboard staffing level is below its budgeted level...the gap between the budgeted staffing level and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP

data shows that, on average, 52 CBP Officers left the agency each 2-week pay period in fiscal 2007, up from 34 officers in fiscal year 2005...Numerous reasons exist for officer attrition." (See GAO-08-219, page 34.)

Law Enforcement Officer Status:

The most significant impediment to recruitment and retention of CBP Officers is the lack of law enforcement officer (LEO) status. LEO recognition is of vital importance to CBP Officers. CBP Officers perform work every day that is as demanding and dangerous as any member of the federal law enforcement community, yet they have long been denied LEO status.

The GAO report confirms the negative impact that lack of LEO coverage is having: "CBP officers are leaving the agency to take positions at other DHS components and other federal agencies to obtain law enforcement officer benefits not authorized to them at CBP. In fiscal year 2006, about 24 percent of the officers leaving CBP, or about 339, left for a position in another DHS component." (See GAO-08-219, page 34.)

Within the CBP there are two classes of federal employees, those with law enforcement officer status, such as Border Patrol Agents, and those without. Unfortunately, CBP Officers fall into the latter class and are denied benefits given to other federal employees in CBP.

CBP Officers carry weapons, and at least three times a year, they must qualify and maintain proficiency on a firearm range. This tri-annual firearms training and recertification also includes classes in arrest techniques and self defense tactics training, and defensive and restraint techniques. CBP Officers are issued weapons (24-hour carry), body armor, pepper spray and batons.

CBP Officers have the authority to apprehend and detain those engaged in smuggling drugs and violating other civil and criminal laws. They have search and seizure authority, as well as the authority to enforce warrants. All of which are standard tests of law enforcement officer status.

CBP Officers clearly deserve LEO status. For this reason, legislation has been introduced in both the House and Senate, H.R. 1073 and S. 1354, to provide CBP Officers with LEO benefits.

In addition, House appropriators included in H.R, 2638, the FY 2008 DHS appropriations bill, Section 533, a provision to grant LEO status to CBP Officers prospectively. NTEU is currently working with the House and Senate to modify Section 533 so that some LEO retirement benefit is provided to all CBP Officers.

NTEU urges this Committee to support our efforts to improve and pass this provision.

DHS Human Resources System:

On March 7, 2007, DHS announced that it will put into effect portions of its controversial personnel overhaul, formerly known as MaxHR, but now called the Human Capital Operations Plan.

In July 2005, a U.S. District Court for the District of Columbia ruled that portions of the proposed DHS personnel regulations infringed on employees' collective bargaining rights, failed to provide an independent third-party review of labor-management disputes and lacked a fair process to resolve appeals of adverse management actions. The Appellate Court rejected DHS' appeal of this District Court decision and DHS declined to appeal the ruling to the Supreme Court.

When Congress passed the Homeland Security Act in 2002 (HSA), it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively. The regulations DHS came up with were subsequently found by the Courts to not even comply with these two very minimal and basic requirements.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than four years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide any of those critical elements. It is time to end this flawed personnel experiment.

It has become clear to the Congress that the Department of Homeland Security has learned little from these Court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. In May, the full House approved H.R.1648, the FY 2008 DHS Authorization bill that includes a provision that repeals the DHS Human Resources Management System. In addition, both of the 2008 DHS Appropriations bills significantly restrict funding for MaxHR.

DHS employees deserve more resources, training and technology to perform their jobs better and more efficiently. DHS employees also deserve personnel policies that are fair. The DHS personnel system has failed utterly and its authorization should be repealed by the Senate and all funding should be eliminated by Congress. Continuing widespread dissatisfaction with DHS management and leadership creates a morale problem that affects the safety of this nation.

Work Shift Schedule:

Another major factor that has hindered recruitment and retention of CBP Officers is work shift determinations. In the past, the agency had the ability to determine what the shift hours will be at a particular port of entry, the number of people on the shift, and the job qualifications of the personnel on that shift. The union representing the employees had the ability to negotiate with the agency, once the shift specifications are determined, as to which eligible employees will work which shift. This was determined by such criteria as seniority, expertise, volunteers, or a number of other factors.

CBP Officers around the country have overwhelmingly supported this method for determining their work schedules for a number of reasons. One, it provides employees with a transparent and credible system for determining how they will be chosen for a shift. They may not like management's decision that they have to work the midnight shift but the process is credible and both sides can agree to its implementation. Two, it takes into consideration lifestyle issues of individual officers, such as single parents with day care needs, employees taking care of sick family members or officers who prefer to work night shifts. **CBP's unilateral elimination of employee input into this type of routine workplace decision-making has had probably the most negative impact on employee morale.**

In February of this year, DHS received the lowest scores of any federal agency on a survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management. As I have stated previously **widespread dissatisfaction with DHS management and leadership creates a morale problem that affects recruitment and retention and the ability of the agency to accomplish its mission.**

NTEU RECOMMENDATIONS

CBP employees represented by NTEU are capable and committed to the varied missions of DHS from border control to the facilitation of trade into and out of the United States. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. The American public expects its borders and ports be properly defended.

Congress must show the public that it is serious about protecting the homeland by:

- fully funding CBP staffing needs as stipulated in CBP's own staffing model;
- extending LEO coverage to all CBP Officers;
- ending the One Face at the Border initiative;
- reestablishing CBP Officer and CBP Agriculture Specialist inspection specialization at our 326 ports of entry;
- repealing the compromised DHS personnel system; and

- allowing employee input in the shift assignment system.

I urge each of you to visit the land, sea and air ports of entry in your home districts. Talk to the CBP Officers, canine officers, agriculture specialists and trade enforcement specialists there to fully comprehend the jobs they do and what their work lives are like.

Again, I would like to thank the committee for the opportunity to be here today on behalf of the 150,000 employees represented by NTEU.

BACKGROUND
HUMAN CAPITAL NEEDS OF THE U.S. CUSTOMS AND BORDERS PROTECTION
"ONE FACE AT THE BORDER" INITIATIVE
November 13, 2007

The GAO Report

In August 2003 GAO released a report on the traveler inspection process at ports of entry. The GAO's 2003 report highlighted vulnerabilities in the integrity of the inspections process – including difficulties in verifying the identity of travelers, inconsistent traveler inspections, and insufficient training of Customs and Border Protection (CBP) officers – that increased the risk of unlawful entry into the country.[1] That report made a number of recommendations to CBP, including several to improve inspectors' training and equipment.

In December 2005 Senator Akaka requested a follow-up report on the traveler inspection process. In particular, the request also asked GAO to review human capital issues, including staffing levels, attrition, an assessment of optimal staffing requirements, and training programs.

On November 5, 2007, GAO released a public version of their report, entitled: *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry* (GAO-08-219) (hereafter "GAO Report"). This hearing will review that report.

The GAO report highlights several weaknesses in traveler inspections at our nation's land and air ports of entry.

A. Background on Inspections at Ports of Entry

CBP was created in March 2003 with the formation of the Department of Homeland Security. CBP brought together components of the U.S. Customs Service from the Department of Treasury, the U.S. Immigration and Naturalization Service from the Department of Justice, and the Animal Plant Health Inspection Service from the Department of Agriculture.

CBP officers within the CBP Office of Field Operations inspect people and goods that enter the country through the airports, seaports, and land ports of entry along the northern and southern borders. Border Patrol, which is a distinct component of CBP, patrols the borders between the ports of entry.[2] The GAO report is limited to inspections at ports of entry and does not address the effectiveness of Border Patrol between the ports of entry.

According to the GAO report, approximately 17,600 CBP officers at the 326 official ports of entry nationwide process over 400 million passenger and pedestrian entries, as well as 20 million containers with goods, annually.[3] Nearly three quarters, or over 300 million, of those

[1] *See* Government Accountability Office, Land Border Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process (August 18, 2003), GAO-03-1084R.

[2] *See* GAO Report at 9.

[3] *See ibid.* at 1, 10-11.

entries are through one of the 163 land border ports of entry.[4] More than one fourth of the travelers who enter by land pass through four border crossings – San Ysidro, Calexico, and Otay Mesa in California as well as the Bridge of the Americas in El Paso, Texas.[5]

A traveler seeking to enter the country must establish to a CBP officer's satisfaction either that he or she is a U.S. citizen or that he or she is a foreign traveler legally permitted to enter the country.[6]

When passengers arrive by air, CBP officers receive passenger information from the airlines, which they can cross check against law enforcement databases before the passengers arrive. When international passengers arrive, they are subject to immigration inspections, and passengers must present a passport or visa to enter the country.[7]

Land border inspections are significantly more challenging because CBP officers do not have advanced information about travelers and must process a high volume of travelers through many land border crossings.[8] Additionally, travelers at land borders crossings may present a wide variety of documentation, and U.S. and Canadian citizens currently may be permitted to enter with an oral declaration of their citizenship.[9]

Most travelers are processed through a streamlined primary inspection process at ports of entry. Travelers whose admissibility cannot be determined quickly, plus persons selected by a random process, are referred to secondary inspection for more thorough screening.[10]

B. Results of GAO Report

1. *Strengths in inspection process*

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[4] *See ibid.* at 11-12.

[5] *See ibid.* at 10-11.

[6] *See ibid.* at 14; 8 U.S.C. § 1225(a); 8 C.F.R. § 235.1

[7] *See* GAO Report at 12.

[8] *See ibid.* at 13.

[9] *See ibid.* at 13, 26. The Western Hemisphere Travel Initiative (WHTI), which as part of the Intelligence Reform Terrorism Prevention Act of 2004 (Public Law No. 108-458), will require travelers to present a passport or other document sufficient to establish identity and citizenship. DHS plans to begin partial WHTI implementation on January 31, 2008, by ending the practice of accepting oral declarations of citizenship for border crossings. Travelers who do not present a passport will be required to present government-issued photo identification, such as a driver's license, as well as proof of citizenship, such as a birth certificate. Currently, DHS plans full implementation of WHTI's requirements during summer 2008.

[10] *See* GAO Report at 14.

CBP has made some improvements and had some success in the traveler inspection process. CBP has integrated technology into the land border screening process to facilitate efficient processing of low-risk travelers, including trusted traveler programs for frequent travelers who undergo a background and law enforcement check.[11]

Technology is facilitating more efficient and effective screening. At land border crossings, license plate readers automatically read vehicles' license plate numbers as they enter primary inspection areas and query them against CBP and law enforcement databases. Many documents, such as passports and border crossing cards, are machine readable so CBP officers can use them to query CBP databases quickly for adverse information about the traveler.[12]

In fiscal year 2006, CBP officers denied entry to more than 200,000 inadmissible aliens, arrested more than 23,000 suspected criminals, and seized more than 644,000 pounds of illegal drugs.[13]

2. *Weaknesses in inspection process*

At some ports of entry, GAO found that travelers were being permitted to enter the country without CBP adequately identifying their admissibility. At others, GAO investigators found no CBP officer in the inspection booth when they arrived. At other locations, CBP officers did not ask GAO investigators for travel documents. GAO investigators also saw video footage of CBP officers waiving vehicles through inspection booths without speaking with the passengers.[14]

A separate, recent GAO investigation found several ports of entry with posted daytime hours that were not staffed at night. Investigators observed that a barrier across the road could be driven around. CBP did not respond when GAO investigators walked around the port of entry area and took photographs, despite surveillance equipment at the port of entry.[15]

CBP currently is unable to query all travelers arriving at land border crossing against CBP law enforcement databases because of the large volume of passengers and because many travelers currently do not present machine-readable travel documents. Although it is possible to manually enter a traveler's information into the law enforcement databases, it is not feasible to do so on a large scale because of the time that it would take.[16]

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[11] *See ibid.* at 20.

[12] *See ibid.* at 21.

[13] *See ibid.* at 17.

[14] *See ibid.* at 23-24.

[15] *See* Government Accountability Office, Border Security: Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations (September 27, 2007), GAO-07-884T.

[16] *See* GAO Report at 27.

Inadequate staffing and training are primary reasons for the weaknesses found in the inspection process.

a. Staffing

The GAO report states that, according to CBP's own staffing model, CBP needs several thousand additional CBP officers and agricultural specialists at the ports of entry.[17] The staff shortage leads to mandatory overtime and double shifts, fatigue, officers calling in sick due to exhaustion, low morale, and safety issues.[18]

The staff shortage is due in part to attrition. CBP's staffing level is below its budgeted level, and some ports of entry are losing officers faster than CBP can hire replacements. Employees cited extensive overtime, poor morale, and the high cost of living in certain areas as reasons for the turnover.[19]

Additionally, CBP officers are leaving to take positions with law enforcement officer benefits.[20] Although CBP officers receive law enforcement training, carry firearms, and make arrests, they are not statutory federal law enforcement officers.[21] Therefore, they do not receive the enhanced retirement benefits that federal law enforcement officers, including Border Patrol agents, receive.

b. Training

The GAO report states that CBP has made progress in developing its training program, but training often is sacrificed due to staffing shortages.[22] After receiving law enforcement training, new officers are supposed to receive 12 weeks of on-the-job training at land border crossings. Most receive less than the required training and some receive very little on-the-job training – as little as two weeks.[23] With training courses being shortened or canceled, CBP officers are being placed in situations for which they have not been trained.[24]

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[17] *See ibid.* at 31.

[18] *See ibid.* at 24, 29, 33.

[19] *See ibid.* at 34.

[20] *See ibid.*

[21] *See* Brittany R. Ballenstedt, "Lawmakers renew push to grant employees law officer benefits," *Government Executive* (Feb. 26, 2007), *available at* http://www.govexec.com/story_page.cfm?articleid=36206&sid=50; Stephen Losey, "Bill would give CBP officers law-officer status," *Federal Times* (Aug. 11, 2005), *available at* http://www.federaltimes.com/index2.php?S=1015113; *see also* GAO Report at 39 (stating that new CBP officers receive 14 weeks of law enforcement training before starting).

[22] *See* GAO Report at 36.

[23] *See ibid.* at 39.

[24] *See ibid.* at 37.

c. Port of entry infrastructure

Finally, GAO identified weaknesses in physical infrastructure at some land ports of entry. For example, some land border crossings did not have barriers designed to ensure that vehicles could not bypass inspection booths to enter the country without inspection. Approximately $4 billion in capital improvements at land border crossings are needed. Many border crossings are owned by private entities or the General Services Administration, so making capital improvements may require difficult coordination and negotiation.[25]

3. *GAO recommendations*

GAO recommended the following steps to mitigate the risk of failed inspections at ports of entry:

- implement internal controls to ensure CBP communicates, analyzes, and acts on results of monitoring and testing of the inspection process;
- track training that officers receive so the agency can measure progress toward achieving training goals;
- incorporate specific tasks that officers must learn in on-the-job training and measure their proficiency at performing those tasks; and
- formalize performance measures to evaluate the effectiveness of traveler inspections.[26]

Notably, none of these recommendations deal directly with the key issues of staffing and morale.

CBP officials agreed with GAO's recommendations and responded that they are taking corrective actions.[27] In particular, CBP officials stated that they are developing training programs that teach specific functions that CBP officers must be able to perform as well as port-specific training. Additionally, CBP is working to more accurately track training to ensure that officers are provided necessary training.

Additional Resources

Government Accountability Office, Border Security: Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations (September 27, 2007), GAO-07-884T.

Government Accountability Office, Border Security: Continued Weaknesses in Screening Entrants into the United States (August 2, 2006), GAO-06-976T.

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[25] *See ibid.* at 6, 28.

[26] *See ibid.* at 44.

[27] *See ibid.* at 57-60 (Appendix III: Comments from the Department of Homeland Security)

Government Accountability Office, Border Security: Investigators Successfully Transported Radioactive Sources Across Our Nation's Borders at Selected Locations (March 28, 2006), GAO 06-545R.

Government Accountability Office, International Air Passengers: Staffing Model for Airport Inspections Personnel Can Be Improved (July 15, 2005), GAO-05-663.

Government Accountability Office, Land Border Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process (August 18, 2003), GAO-03-1084R.

Hearing of the House Committee on Homeland Security, Subcommittee on Border, Maritime and Global Counterterrorism, "Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders" (July 26, 2007), statement and testimony *available at* http://homeland.house.gov/hearings/index.asp?ID=77&subcommittee=8.

Question#:	1
Topic:	rotation program
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Responses to Questions from Paul M. Morris

Question: The Homeland Security Appropriations Act for fiscal year 2007 contained a provision that I authored to establish a rotational program to allow Department of Homeland Security (DHS) employees to gain expertise throughout the Department.

Has DHS established such a program and, if so, does Customs and Border Protection (CBP) participate in it?

If not, please explain in detail why not.

ANSWER: The Secretary of DHS has approved the Leadership Rotational Assignment Management Directive which establishes policy guidance across the Department for employee participation in rotational assignments required by select leadership development programs and/or as individual developmental activities identified and agreed upon between an employee and an employee's management team. Key leadership programs sponsored by the Office of the Chief Human Officer (OCHCO) incorporate rotational assignments. The Senior Executive Service Candidate Development Program requires participants (GS-15) to complete a four-month assignment, and the DHS Fellows Program includes a two-month rotation for its participants (GS-14/15). The OCHCO is developing plans for hosting an agency-wide accessible website that will include information on rotational assignment opportunities across the Department, as well as list the resumes of employees interested in undertaking such an assignment.

CBP provides rotational programs to afford employees opportunities to broaden their experience and better enable them to do their current jobs. These rotations also have the potential to improve an individual's success in competing for a new position. One example is the Office of Field Operations, Headquarters rotational program. This program has a dual purpose: it is designed to meet a staffing need in the Headquarters of the Office of Field Operations, as well as draw field personnel into Headquarters and to provide them with seminars, assignments, and mentors while they are there. Subsequently, these experiences may lead to promotions.

Question#:	2
Topic:	mentoring program
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: Mentoring programs are critical in integrating new employees into the department. Mentoring seems particularly important for CBP because formal training is falling short. Does CBP have a mentoring program for new officers?

If so, please describe this program.

If not, does CBP have any plans to start a mentoring program?

Answer:

I strongly disagree with any assertion that CBP training is falling short. Prior to becoming a CBP officer, each trainee goes through 73 days of rigorious training at the FLETC Academy in Glynco, GA. CBP requires that each graduate of the *CBP* Officer Basic Academy Training complete a rigorous CBPO Post Academy Training program beginning immediately upon arrival at his or her duty station at a port of entry. This program is comprised of up to thirty-seven on-the-job, classroom, and web-based training modules. Content covers core and technical skills training in both cross-cutting and job-specific environments. Each port of entry identifies a more senior CBPO to coach, guide and certify each officer's completion of each part of the Post Academy Training requirements. While not formally called a mentoring program, this oversight does fulfill a very similar support for the new officers.

New CBPO supervisors complete the mandatory Supervisory Leadership Training within ninety days of selection as supervisor. Supervisors receive training on coaching performance and are provided with a number of tools and resources to enable them to initiate coaching and mentoring with their employees. Among the resources are links to *Creating a Successful Mentoring Partnership*. This publication provides specific steps to creating one-on-one or organization-wide mentoring.

Question#:	3
Topic:	GAO report
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: The Government Accountability Office's report, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry (GAO-08-219), makes clear that CBP faces a critical shortage of CBP officers at ports of entry, which is caused in part by high attrition.

Please provide for the record the number of CBP officers who receive:

Student loan repayment assistance.

Recruitment bonuses.

Relocation bonuses.

Retention bonuses.

Any other incentive provided to CBP officers to improve recruitment or retention.

Please detail what hiring flexibilities, such as direct hire authority, critical pay, and category rating, you are using to improve recruitment or retention of CBP officers.

Please provide CBP's budget for any personnel flexibilities used to attract and retain CBP officers.

Answer:

Student loan repayment assistance - CBP has initiated a Student Loan Repayment Plan via Directive 51332-019 on October 31, 2007 to improve recruitment and retention. None have been paid from this fund. There are no current CBPO's receiving student loan repayment benefits.

Recruitment bonuses - No recruitment bonuses have been paid to CBPO's.

Relocation bonuses - No relocation bonuses have been paid to CBPO's.

Question#:	3
Topic:	GAO report
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Retention bonuses - No retention bonuses have been paid to CBPO's.

Any other incentive provided to CBP Officers to improve recruitment or retention - None at this time.

Please detail what hiring flexibilities; such as direct hire authority, critical pay, and category rating, you are using to improve recruitment or retention of CBP Officers - None at this time.

Please provide CBP's budget for any personnel flexibilities used to attract and retain CBP Officers - None at this time.

Question#:	4
Topic:	primary inspections
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: Colleen Kelley testified that CBP officers are told to conduct primary inspections in less than one minute. Is that accurate? If so:

Is that sufficient time to conduct thorough inspections?

How often do CBP officers meet this time frame?

Answer:

The outcome of any primary inspection is to either refer or release the traveler(s). Customs and Border Protection (CBP) Officers are required to conduct a complete primary inspection, meeting certain minimum standards, and make a decision to refer or release the traveler(s).

CBP Directive 3340-040, *Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry,* dated July 6, 2007, outlines the minimum standards for primary inspection, and includes additional actions that an officer may perform in the primary environment.

- The minimum standards for primary inspection at land border ports of entry include:
- Performing verification and systems queries of all vehicle license plates;
- Obtaining a delaration of citizenship from each traveler;
- Performing verification of identification documents presented by each traveler;
- Making a determination of admissibility;
- Obtaining a binding declaration of merchandise or items being imported;
- Performing a visual exam of the vehicle interior; and,

Question#:	4
Topic:	primary inspections
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

- Following any systems generated instructions for special operations or referrals.

If the primary officer is not prepared to release the traveler(s) after completion of the minimum standards, the following options are provided, according to the Directive:

"If, after completion of the aforementioned procedures, the CBP Officer determines that completion of additional steps on primary would be counterproductive, he/she may refer the persons and vehicle for secondary inspection," (6.1.16) or

"If the CBP Officer determines that further primary inspection is warranted, in addition to completing the mentioned required steps of a primary inspection, the CBP Officer may initiate additional inspectional actions." (6.1.17)

If additional inspectional actions are taken, they are to be consistent with the ultimate goal of deciding to refer or release the traveler(s). The Directive does not stipulate a minimum nor maximum time frame for completion of a primary inspection.

Question#:	5
Topic:	agricultural inspectors
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: I understand that CBP agricultural inspectors perform general inspection duties when CBP is short-handed. How frequently does this occur?

Answer:

CBP Agriculture Specialists (CBPAS) perform the mission of protecting American agriculture from harmful pests and diseases. The role of the CBPAS is to interpret and enforce agricultural regulatory requirements through agricultural inspections of travelers and cargo. CBPAS are assigned to inspectional activities commensurate with the agriculture-related workload at the ports of entry. Assignments for these employees are focused on the mission of protecting the nation's food supply and agriculture industry from pests and diseases.

In FY 2007, CBPAS performed agriculture activities in direct support of this mission 93% of their regular hours. The remaining 7% of time regular hours were spent on a variety of tasks including agriculture-related training, systems training, mandatory personnel training, union activities and travel.

Question#:	6
Topic:	canine teams
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: GAO's report observes that CBP considers canine inspections to be discretionary, and such inspections may be sacrificed when CBP officers are needed to work in primary inspection.

How frequently does CBP employ canine teams on average, and how often are they unable to work because of insufficient staff?

Answer:

The Customs and Border Protection Officer (Canine) position is considered a collateral duty. DFOs and Port Directors routinely utilize CBPO's (Canine) to perform primary examinations, secondary examinations (including disposition for enforcement and compliance), outbound, registration and exit controls. The staffing level at each port determines the amount of time CBPO's (Canine) are assigned to other duties. Explosive teams are not assigned to other duties. The nature of these positions dictates the maximum utilization of these teams during their normal duty hours. This excludes mandatory training (i.e. firearm qualifications, etc.) that may require a specific number of hours to meet established guidelines.

Question#:	7
Topic:	officer input
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: Colleen Kelley testified that CBP has eliminated officer input into their shift assignments.

Is that accurate?

If so, why did CBP make that change?

Answer:

There has been no change in officer input into their shift assignments. U.S. Customs and Border Protection (CBP) has been following the National Inspectional Assignment Policy (NIAP) for all CBP Officers and Agriculture Specialists shift assignments since June 25, 2004. The managers conduct periodic workload assessments to ensure that staffing is aligned with the workload. Individual work assignments are posted at a minimum 1-2 weeks in advance. Officers are afforded the opportunity to request assignment changes from management. Assignment changes are generally approved as long as there is no operational or cost impact involved with approving such a request.

Question#:	8
Topic:	attrition needs
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: I agree with GAO that CBP needs to develop retention strategies for its officers and agriculture specialists and develop strategies to retain those staff; however, I am dismayed that this process will not be complete until September 2009. In this timeframe, too many talented agents will continue to leave CBP. In connection with this long term goal, CBP needs short term actions it can take to help slow attrition. Has CBP identified short term initiatives it can implement to address attrition needs? If not, will you commit to a parallel path of long and near term actions that can be taken and report those back to the Subcommittee by the end of this year?

Answer:

CBP has established the following initiatives to attract and retain quality personnel:

1. CBP has initiated a Student Loan Repayment Plan via Directive 51332-019 on October 31, 2007 to improve recruitment and retention.
2. The Office of Field Operations (OFO) and HRM are reviewing the use of recruitment incentives for entry-level CBPO's in remote/hardship ports.
3. HRM is coordinating with OFO on a request for a CBPO training agreement which would provide for accelerated promotions (promotion after 6 months of successful experience and training) for GS-5 and GS-7 entry-level CBPO's.

Question#:	9
Topic:	tools
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: As managers conduct audits of whether officers are following proper procedures, how are those findings communicated back to officers? What tools are available to managers if they identify officers who do not follow established procedures?

Answer:

Supervisors are responsible for communicating performance expectations, continuously monitoring employee performance, providing feedback, conducting formal employee progress reviews, as well as annual appraisal discussions, and recognizing and taking corrective action(s) when appropriate. Further, supervisors are encouraged to manage by "walking around" so they are familiar with what procedures employees are using in their environment and can offer "immediate" guidance to officers to ensure compliance. Supervisors are required to meet with employees and discuss expectations for performance, and to clarify how each competency area specifically applies to the work performed. Further, CBP provides management tools available on the CBPnet, including the Standards of Conduct and Table of Offenses, in case disciplinary action is necessary. Coaching materials also are available on the CBPnet in the form of a Managers Tool Kit. In addition, the *Supervisor's Desk Reference Guide (SDRG) - 2007* is a reference tool for both new and experienced CBP supervisors and managers. The SDRG was developed as a "first source" of information on key topics in administrative and management areas such as personnel, finance, health & safety, EEO and many more. The SDRG is an abridged copy of rules, regulations and other CBP procedures that have been compiled in a way to help supervisors access the information they need. Each chapter in the SDRG provides the basics on how to handle situations a supervisor may encounter.

Question#:	10
Topic:	total quality management
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: Before I began studying the federal workforce, my goal was to bring total quality management to the federal government. It was in that effort, I realized that before that could happen, the government needed to first deal with the challenges it had in recruiting and retaining the necessary highly skilled workforce. As CBP continues to struggle with staffing shortages and increased border traffic, CBP may need to think outside the box in its procedures. What mechanism has CBP instituted to incorporate the expertise of the officers on the ground into improving the process of evaluating travelers seeking to enter the U.S.?

Answer:
CBP utilizes CBP Officers' operational experience on a continual basis to evaluate, update, and adjust policy and procedures. CBP incorporates field personnel in regular work group meetings aimed at ensuring CBP policy is appropriate and effective for the processing of all travelers.

Question#:	11
Topic:	staffing
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: CBP staffing model's show that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry to carry outs its mission. Will the fiscal year 2009 budget submission reflect these staffing needs?

Answer:

CBP's Workload Staffing Model (WSM) is a decision support tool. While the results indicate that there is an overall need for additional CBP resources at ports of entry and will play an important role as CBP assesses FY 2009 needs, the WSM results do not represent CBP-sanctioned recommended staffing levels. They are the output of the model, given its assumptions and data. The precision of the model will increase as data is refreshed, data integrity improves, and assumptions are refined.

The WSM arrives at recommended staffing levels by focusing on all aspects of CBP processing of passengers and cargo in the air, land, and sea environments. The WSM analyzes multiple factors that influence required levels of staffing. These factors include:

- Volume for key CBP Officers and Agriculture Specialist functions;
- Level of effort or processing times for these functions;
- Staffing for special teams not directly driven by volume of specific functions, such as targeting teams and response teams;
- Staffing necessary to provide coverage for specific equipment at ports of entry, such as Radiation Portal Monitors (RPMs);
- Staffing necessary to provide coverage for the specific physical attributes of each port, including the number of crossings and the number of lanes;
- Time spent on non-direct activities, such as training, administrative duties and Temporary Duty assignments;
- "Open the door" requirements, including coverage for the number of shifts a port of entry is open for business;
- Submitted requests for additional staffing from the Field Offices based on criteria such as facility expansions, expected workload increases, or the roll out of specific local or national initiatives;
- Wait time statistics.

The model addresses threat and risk by analyzing the volume of work elements that characterize threat and risk, such as secondary inspections, seizures and inadmissible passengers.

Question#:	12
Topic:	traveler inspection program
Hearing:	Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative
Primary:	The Honorable George V. Voinovich
Committee:	HOMELAND SECURITY (SENATE)

Question: The GAO report noted that CBP had not identified performance measures for the traveler inspection program for fiscal year 2008. The fiscal year has begun; has CBP identified those performance measures?

Answer:
CBP has formulated performance measures for the traveler inspection program called the "Apprehension Rate" in the air and land environments, which have been calculated using a randomized statistical sampling program implemented at the ports of entry, called COMPEX. It is an outcome measure because it estimates the threat approaching the port in terms of major violations and demonstrates the effectiveness of CBP officers in interdicting that threat. These performance measures have been formally submitted to the DHS Office of Finance, Program Analysis and Evaluation (P A&E) Office to be incorporated into the Future Years Homeland Security Plan (FYHSP) planning and budgeting system in support of CBP planning requirements. The measures are currently under review by DHS. They are expected to be formally incorporated into the FYHSP system for FY 2008 by the revision period closing date of January 15, 2008.

Responses to Questions from Richard M. Stana

1. The Government Accountability Office's (GAO) report, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at our Nation's Ports of Entry* (GAO-08-219), makes clear that traveler inspections at ports of entry must be improved.

Did you observe any ports of entry that carried out inspections efficiently and effectively from which best practices could be adopted? If so, please describe the ports of entry and their best practices.

We observed several ports of entry carrying out activities as part of their traveler inspection efforts from which best practices might be adopted. For example, as part of its "layered" approach to security, one land port of entry had a canine unit rove among vehicles as they waited in line prior to their arrival at the inspection booth. CBP officers would check trunks of cars and interview drivers and passengers as part of these pre-primary inspection efforts. CBP officials believed these pre-primary inspection activities not only acted as a deterrent to those who might try to enter illegally, but also increased the efficiency of the primary inspection process.

According to CBP's strategy for Securing America's Borders at Ports of Entry, one of the greatest front-line challenges is a lack of detailed information about the person attempting to cross the border. CBP's strategy calls for obtaining information on more individuals prior to an individual's arrival at the border allowing CBP to assess the risk level of those arriving and detect potential threats earlier. At one land border port of entry, many of the travelers arrived aboard commercial buses. Consistent with CBP's strategy, this port of entry requested bus companies send their passenger manifests to CBP before the buses are scheduled to arrive at the port of entry. CBP officers then check the passenger names against a law enforcement database. According to CBP officials, this practice has helped them facilitate the processing of legitimate travelers as well as identify those travelers that might be potential threats or inadmissible.

In regards to training, one port of entry complied with CBP headquarters guidance by assigning a field training officer to each new officer as part of its on-the-job training program. According to the new CBP officers we spoke with at this location, the field training officer provided continuity to their on-the-job training experience.

Regarding information sharing, CBP officials at one southwest border port of entry held monthly meetings with representatives from state and local law enforcement agencies as well as their counterparts in Mexico. According to CBP officials at this port of entry, these meetings allowed CBP to share and receive information on law enforcement activities that affected the port as well as coordinate with state, local, and Mexican officials on upcoming events that affected operations at the port.

2: GAO's report does not discuss Customs and Border Protection's (CBP) agricultural inspection functions in detail.

a. **What problems, if any, did you observe in the agricultural inspection program?**

b. **Is CBP focusing sufficiently on agricultural inspection to accomplish the program goals of preventing pests and other biohazards from entering the country?**

We did not include CBP's agricultural inspection program in the scope of our review because we had recently issued a separate report on this program.[1] In October 2007 we testified on this report before the Subcommittee on Horticulture and Organic Agriculture, House Agriculture Committee.[2] In summary, we testified that CBP and the Agriculture Department's Animal and Plant Health Inspection Service (APHIS) had taken steps intended to strengthen the Agricultural Quarantine Inspection (AQI) program since the transfer of inspection responsibilities from Agriculture to DHS following passage of the Homeland Security Act of 2002. GAO's survey of CBP agriculture specialists found that many believed the agriculture inspection mission had been compromised by the transfer. Although 86 percent of agriculture specialists we surveyed reported feeling very well prepared or somewhat prepared for their duties, 59 and 60 percent of specialists answered that they were conducting fewer inspections and interceptions, respectively, of prohibited agricultural items since the transfer. CBP must address several management challenges to reduce the vulnerability of U.S. agriculture to foreign pests and diseases. For example, CBP had not used available inspection and interception data to evaluate the effectiveness of the AQI program. More information on our findings and recommendations related to agricultural inspections can be found in the referenced report and testimony.

3: Your report notes that CBP considers canine inspections to be discretionary, and such inspections may be sacrificed when CBP officers are needed to work in primary inspection. How frequently did GAO observe canine teams working and how often did you observe them unable to work because of insufficient staffing?

Although we did not examine the canine program itself, we observed canine teams working at several land and air ports of entry. For example, as I state in my response to question 1, one land port of entry had a canine unit rove among vehicles as they waited in line prior to their arrival at the inspection booth as part of its "layered" approach to security. GAO is currently evaluating DHS canine programs in response to a mandate contained in section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007. Specifically, our key questions are:

- To what extent has DHS procured the number of mandated certified canines to support transportation security and other needs?

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[1] GAO.*Homeland Security, Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease*, GAO-06-644, (Washington D.C.: May 19, 2006.

[2] GAO, *Agricultural Quarantine Inspection Program: Management Problems May Increase Vulnerability of U.S. Agriculture to Foreign Pests and Diseases*, GAO-08-96T, (Washington D.C.: October 3, 2007).

- How is DHS utilizing explosives detection canine teams to secure all modes of transportation, for high-risk areas, or to address specific threats?

- What progress has DHS and TSA made in expanding its canine training and establishing training curricula, performance standards, and other requirements for private sector canine programs?

We are coordinating our work with the following committees:

- Senate Commerce, Science and Technology
- Senate Banking, Housing, and Urban Affairs
- Senate Homeland Security and Governmental Affairs
- House Homeland Security
- House Transportation and Infrastructure

United States Government Accountability Office

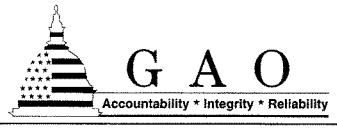
GAO

Report to Congressional Requesters

November 2007

BORDER SECURITY

Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry



GAO-08-219

GAO
Accountability·Integrity·Reliability

Highlights

Highlights of GAO-08-219, a report to congressional requestors

Why GAO Did This Study

U.S. Customs and Border Protection (CBP) is responsible for keeping terrorists and other dangerous people from entering the country while also facilitating the cross-border movement of millions of travelers. CBP carries out this responsibility at 326 air, sea, and land ports of entry. In response to a congressional request, GAO examined CBP traveler inspection efforts, the progress made and the challenges that remain in staffing and training at ports of entry, and the progress CBP has made in developing strategic plans and performance measures for its traveler inspection program. This is a public version of a For Official Use Only report GAO issued on October 5, 2007. To conduct its work, GAO reviewed and analyzed CBP data and documents related to inspections, staffing, and training, interviewed managers and officers, observed inspections at eight major air and land ports of entry, and tested inspection controls at eight small land ports of entry. Information the Department of Homeland Security (DHS) deemed sensitive has been redacted.

What GAO Recommends

GAO made recommendations aimed at enhancing internal controls in the inspection process, mechanisms for measuring training provided and new officer proficiency, and implementing a performance measure for apprehending inadmissible aliens and other violators. DHS concurred with our recommendations and said that CBP is taking steps to address them.

To view the full product, including the scope and methodology, click on GAO-08-219. For more information, contact Richard Stana at (202) 512-8777 or stanar@gao.gov.

November 2007

BORDER SECURITY

Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry

What GAO Found

CBP has had some success in identifying inadmissible aliens and other violators, but weaknesses in its operations increase the potential that terrorists and inadmissible travelers could enter the country. In fiscal year 2006, CBP turned away over 200,000 inadmissible aliens and interdicted other violators. Although CBP's goal is to interdict all violators, CBP estimated that several thousand inadmissible aliens and other violators entered the country though ports of entry in fiscal year 2006. Weaknesses in 2006 inspection procedures, such as not verifying the nationality and admissibility of each traveler, contribute to failed inspections. Although CBP took actions to address these weaknesses, subsequent follow up work conducted by GAO months after CBP's actions found that weaknesses such as those described above still existed. In July 2007, CBP issued detailed procedures for conducting inspections including requiring field office managers to assess compliance with these procedures. However, CBP has not established an internal control to ensure field office managers share their assessments with CBP headquarters to help ensure that the new procedures are consistently implemented across all ports of entry and reduce the risk of failed traveler inspections.

CBP developed a staffing model that estimates it needs up to several thousand more staff. Field office managers said that staffing shortages affected their ability to carry out anti-terrorism programs and created other vulnerabilities in the inspections process. CBP recognizes that officer attrition has impaired its ability to attain budgeted staffing levels and is in the process of developing a strategy to help curb attrition. CBP has made progress in developing training programs, yet it does not measure the extent to which it provides training to all who need it and whether new officers demonstrate proficiency in required skills.

CPB issued a strategic plan for operations at its ports of entry and has collected performance data that can be used to measure its progress in achieving its strategic goals. However, current performance measures do not gauge CBP effectiveness in apprehending inadmissible aliens and other violators, a key strategic goal.

Vehicle Lanes at the San Ysidro Port of Entry

Passenger Lines at JFK International Airport

Source: GAO

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Abbreviations

CBP	Customs and Border Protection
DHS	Department of Homeland Security
FAST	Free and Secure Trade
FMFIA	Federal Managers' Financial Integrity Act
FTE	full-time equivalent
GSA	General Services Administration
JFK	John F. Kennedy
OPM	Office of Personnel Management
SENTRI	Secure Electronic Network for Travelers' Rapid Inspection
US-VISIT	U.S. Visitor and Immigrant Status Indicator Technology

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United States Government Accountability Office
Washington, DC 20548

November 5, 2007

The Honorable Daniel K. Akaka
Chairman
Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia
Committee on Homeland Security and Governmental Affairs
United States Senate

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

The Honorable Sheila Jackson-Lee
House of Representatives

The Honorable Kendrick B. Meek
House of Representatives

The Honorable Bob Etheridge
House of Representatives

U.S. Customs and Border Protection (CBP)—a major component within the Department of Homeland Security (DHS)—is the lead federal agency in charge of inspecting travelers seeking to enter the United States at air, land, and sea ports of entry.[1] CBP officers, who number about 17,600 at these ports of entry, play a critical role in carrying out this responsibility. Since the terrorist attacks of September 11, 2001, their role has involved increased emphasis on countering threats posed by terrorists and others attempting to enter the country with fraudulent or altered travel documents. Intelligence officials believe that the United States will face a persistent and evolving terrorist threat and that the terrorist group al Qaeda will intensify its efforts to put operatives here. There is also a growing concern that terrorists with no criminal record may use legitimate

[1] Ports of entry are government-designated locations where CBP inspects persons and goods to determine whether they may be lawfully admitted into the country. A land port of entry may have more than one border crossing point where CBP inspects travelers for admissibility into the United States.

travel documents when they attempt to enter the country through ports of entry.

In addition to its homeland security responsibilities, CBP is responsible for preventing inadmissible aliens, criminals, and inadmissible goods from entering the country. Doing so is a difficult task given the high volume of travelers and goods that enter the country. For example, officers frequently carry out their responsibilities with little time to make decisions about admitting individuals into the country because they also face pressure to facilitate the cross-border movement of millions of legitimate travelers and billions of dollars in international trade.

When CBP was created in March 2003, it represented a merger of components from three departments—the U.S. Customs Service,[2] the U.S. Immigration and Naturalization Service,[3] and the Animal and Plant Health Inspection Service.[4] As part of the merger, CBP moved forward with an approach that was to allow a CBP officer, with the proper cross-training, to carry out homeland security as well as traditional customs and immigration responsibilities. For example, former customs inspectors would be trained and work on tasks traditionally done by immigration inspectors and vice versa. The CBP officer would also be capable of referring agricultural violations to agricultural specialists. By training officers from legacy agencies to perform both the customs and immigration functions, CBP aimed to have a well-trained and well-integrated workforce to carry out the range of the agency's missions.

In July 2003, we reported on vulnerabilities and inefficiencies in traveler inspections.[5] Given the critical role that CBP plays in homeland security, you asked us to review the progress CBP has made in strengthening its

[2] U.S Customs Service was in the U.S. Department of the Treasury. Customs inspectors were primarily responsible for inspecting cargo and goods.

[3] U.S. Immigration and Naturalization Service was in the Department of Justice. Immigration inspectors were responsible for processing people traveling across the border.

[4] Animal and Plant Health Inspection Service was in the Department of Agriculture. Unlike the Customs Service and the Immigration and Naturalization Service, which were moved to DHS in its entirety, Animal and Plant Health Inspection Service continues to exist within the Department of Agriculture and retains responsibility for conducting, among other things, veterinary inspections of live imported animals, establishing policy for inspections and quarantines, and providing risk analysis.

[5] See GAO, *Land Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*, GAO-03-782 (Washington, D.C.: July 2003).

ability to inspect travelers arriving at the nation's international airports and land borders. In response, on October 5, 2007, we issued a For Official Use Only[6] report that addressed the following questions:

- What success and challenges has CBP had in interdicting inadmissible aliens and other violators[7] at its ports of entry?
- What progress has CBP made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs?
- What progress and problems has CBP encountered in setting goals and performance measures for its traveler inspection program?

As our October 2007 report contained information that DHS considered law enforcement sensitive, this version of the report omits sensitive information about CBP's traveler inspection efforts, including information on the techniques used to carry out inspections, data on the number of inadmissible aliens and other violators that enter the country each year, and data on staffing at ports of entry. In addition, at DHS's request, we have redacted the specific locations that we visited.

The overall methodology used for our initial report is relevant to this version of the report since the information in this product is derived from our first report. To address the questions above, we analyzed information and data on CBP's traveler inspections, staffing, and training at ports of entry. We reviewed CBP policies and procedures for the traveler inspection program as well as other documents related to traveler inspection efforts. We interviewed CBP officials on the status of CBP efforts to develop a staffing model, train staff, carry out traveler inspections, and develop performance measures.[8] For information that

[6] See GAO, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry, GAO-08-123SU (Washington D.C.: Oct. 5, 2007).

[7] Other violators include individuals seeking to enter the country who are not in compliance with the laws and regulations for entry, including immigration, customs, and agricultural requirements.

[8] Our work on training focused on the training provided at ports of entry and did not include basic training given to CBP officers at the Federal Law Enforcement Training Center. We also did not examine the role of agricultural specialists in CBP because we issued a report on agricultural inspections at ports of entry last year. See GAO, *Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease*, GAO-06-644 (Washington D.C.: May 19, 2006).

would provide an overall picture of CBP's efforts, we reviewed and analyzed several nationwide databases, including data on staffing, training, attrition, resource requests from CBP's 20 field offices[9] and one pre-clearance headquarters office, and apprehension of inadmissible aliens and other violators at major airp and land ports of entry. We assessed the reliability of CBP's data from CBP's random selection program of travelers and staffing and training data by, among other things, meeting with knowledgeable officials about these data, reviewing relevant documentation, and performing electronic testing. We concluded that data from CBP databases, with the exception of the data on training as we discuss later in our report, were sufficiently reliable for the purposes of our review. Although we discussed the staffing model and its results with CBP officials responsible for the model, validating the model and its results was outside the scope of our review.

To supplement our analyses of CBP's nationwide data, we visited eight ports of entry. While we cannot generalize our work from our visits to all ports of entry, we chose these ports of entry to provide examples of operations at air and land ports of entry. At each site, we held discussion groups with CBP officers and met with management to discuss, among other things, staffing and training programs. In addition, GAO investigators visited other ports of entry to test the traveler inspection process. Although we cannot generalize our investigator's work at these locations to all ports of entry, we selected these ports of entry to provide examples of traveler inspections. Our investigators did their work in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency. Unless we specify that the work was done by our investigators, all referrals to our visits to ports of entry pertain to the eight ports of entry cited above. In addition, we analyzed the 2004 and 2006 Office of Personnel Management Federal Human Capital Surveys of staff at 36 federal agencies, including the results from CBP, that dealt with the views of federal employees on training and staffing in the workplace. We reviewed standards for internal control in the federal government[10] and compared the standards for information and communications and monitoring with CBP's policies and procedures for traveler inspections. Finally, we reviewed prior GAO reports on best practices for developing strategic plans and performance measures and

[9] CBP's 20 field offices are responsible for managing more than 300 ports of entry.

[10] GAO *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

compared the best practices with CBP's plans and measures for its operations at its ports of entry. See appendix I for further explanation of our scope and methodology. We did our work in accordance with generally accepted government auditing standards from August 2006 through September 2007.

Results in Brief

CBP has had some success in interdicting inadmissible aliens and other violators, but weaknesses in its traveler inspection procedures and related physical infrastructure increase the potential that dangerous people and illegal goods could enter the country. In 2006, CBP officers turned away over 200,000 aliens who attempted to enter the country illegally, and seized over 600,000 pounds of illegal drugs and more than 40,000 fraudulent documents, according to CBP. To help officers identify potential violators, CBP has installed additional technology to inspect vehicles for smuggled aliens and illicit cargo and to check traveler documents against law enforcement databases. While CBP has had some success in apprehending inadmissible aliens and other violators, its analyses indicate that several thousand inadmissible aliens and other violators entered the country at land and air ports of entry in fiscal year 2006.[11] When CBP does not apprehend a potentially dangerous person, this increases the potential that national security may be compromised. Weaknesses that contributed to failed inspections relate both to procedures and to infrastructure:

- **Weaknesses in traveler inspection procedures.** In mid-2006, CBP reviewed videotapes from about 150 large and small ports of entry and, according to CBP officials, 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 weaknesses included 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

[11] We redacted data on the rate at which CBP apprehends inadmissible aliens and other violators who seek to enter the country because the data are considered sensitive.

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. Standards for internal control in the federal government require that information should be communicated to agency management to enable it to carry out its program responsibilities. 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.

- **Weaknesses in physical infrastructure.** While we cannot generalize our findings, at several ports of entry 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 needed 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.

CBP has taken action to improve staffing and training at ports of entry by assessing staffing needs, adding more officers since 2005 in response to higher budgeted staffing levels, and developing an extensive training

program, but it lacks (1) data to measure progress on providing required training and (2) certain elements in its on-the-job training program for new CBP officers, which limits its ability to effectively train and evaluate the performance of new officers. According to managers at ports of entry, staffing shortages can result in, among other things, officer fatigue that can affect the quality of traveler inspections. Untrained or poorly trained officers can increase the probability that terrorists, inadmissible aliens, and illicit goods will enter the country. Progress and problems with staffing and training involved the following:

- **Progress and problems with staffing.** Responding to language in a conference report for its fiscal year 2007 appropriation, CBP has developed a staffing model to estimate staffing needs. The model is based on several assumptions, such as whether overtime is considered as part of CBP's staffing at ports of entry, CBP's model estimates that CBP may need up to several thousand more officers and agricultural specialists to operate its ports of entry. According to field officials, lack of staff is affecting 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 found 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. Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. CBP officials attribute attrition to retirements, officers receiving better law enforcement benefits at other DHS components and other federal agencies, and new officers being unable to afford high cost-of-living locations. Low job satisfaction, as reflected in the Office of Personnel Management's (OPM) Federal Human Capital Survey, is also a contributing factor to attrition, according to CBP. CBP recognized that it has a problem with retaining staff and plans to develop ways to stem its problems in this area. For example, CBP plans to analyze attrition data and data from OPM's Human Capital Survey and employee satisfaction and exit surveys in order to help identify what actions are needed to curb attrition. CBP plans to develop some initial retention strategies by December 2008 and by September

2009 develop approaches to retain staff based on areas of concern identified in the employee exit survey.

- **Progress and problems with training.** CBP has 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, CBP faces challenges in providing the required training. 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. For example, at one land port of entry we visited, managers stated that courses are scheduled, but then canceled because of staffing concerns. CBP managers at headquarters recognize that untrained officers increase the potential of failed inspections. Standards for internal control in the federal government provide a framework for agencies to achieve effective and efficient operations and ultimately to improve accountability. One of the standards calls on agencies to compare actual performance to planned or expected results throughout the organization and to analyze significant differences. However, CBP lacks data that show whether the individuals who require training are receiving it. Having reliable data to measure the degree to which training has been delivered would put CBP management in a position to better gauge the results of its training program. In regards to on-the-job training, while CBP guidance states that new officers at land ports of entry should receive 12 weeks of on-the-job training, new officers at the ports we visited did not receive 12 weeks of training. For example, at one port of entry, new officers told us they received between 2 weeks and 6 weeks of on-the-job training. In addition, internal control standards related to management of human capital state that management should ensure that the organization has a workforce that has the required skills necessary to achieve organizational goals. CBP's guidance for its on-the-job training program does not require that new CBP officers perform certain tasks in order to develop needed skills or that the officers demonstrate proficiency in specific tasks. In contrast, the U.S. Border Patrol, another office within CBP, has developed a field training program where officers are required to demonstrate proficiency in 32 different skills. We discussed the utility of the Border Patrol's on-the-job training standards with CBP officials who told us that they might examine the Border Patrol's program to identify best practices that they could incorporate into the on-the-job training program for new CBP officers. When staff do not receive required training or are not trained consistent with program guidance, it limits

knowledge building and increases the risk that needed expertise is not developed.

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—but it faces challenges in developing a performance measure that tracks progress in achieving this goal. Linking performance to strategic goals and objectives and publicly reporting this information is important so that Congress and the public have better information about agency performance and to help to ensure accountability. While CBP's 2006 Performance and Accountability Report included some performance measures related to CBP's goal of intercepting inadmissible people and goods, the report did not include a performance measure regarding how effective CBP is at achieving this goal at ports of entry. As discussed above, CBP has data on the degree to which it interdicts travelers who seek to enter the country illegally or who violate other laws at major air and land ports of entry. During the course of our review, we discussed with CBP officials the potential of using these data as one way of measuring the effectiveness of CBP inspection efforts. In June 2007, CBP officials told us that CBP was in the process of selecting performance measures for fiscal year 2008 and a decision had not yet been made on whether to include these data or other similar outcome-based measures in its performance report.

We made a number of recommendations to the Secretary of DHS to help address weaknesses in traveler inspections, challenges in training, and problems with using performance data. These recommendations cover such matters as improving internal controls for its traveler inspections at ports of entry, developing data that measure whether officers who require training are receiving it and establishing procedures for its on-the job training program that call on officers to perform specific tasks and measure officer proficiency in performing those tasks, and formalizing a performance measure that shows how effective CBP is in intercepting inadmissible people and goods at ports of entry.

In commenting on a draft of the For Official Use Only version of this report, DHS said it agreed with our recommendations and discussed actions CBP has underway or has taken to address our recommendations. Written comments from DHS are in Appendix III.

Background

CBP is the lead federal agency charged with keeping terrorists, criminals, and inadmissible aliens out of the country while facilitating the flow of legitimate travel and commerce at the nation's borders. CBP has three main components that have border security responsibilities. First, CBP's Office of Field Operations is responsible for processing the flow of people and goods that enter the country through air, land, and sea ports of entry where CBP officers inspect travelers and goods to determine whether they may be legally admitted into the country. Second, CBP's Border Patrol works to prevent the illegal entry of persons and contraband into the United States between the ports of entry. The Border Patrol is responsible for controlling nearly 7,000 miles of the nation's land borders between ports of entry and 95,000 miles of maritime border in partnership with the United States Coast Guard. Third, CBP's Office of Air and Marine helps to protect the nation's critical infrastructure through the coordinated use of an integrated force of air and marine resources and provides mission support to the other CBP components. For fiscal year 2007, CBP had a $9.3 billion budget, of which $2.5 billion was for border security and trade facilitation at ports of entry.[12]

In carrying out its responsibilities, CBP operates 326 official ports of entry, composed of airports, seaports, and designated land ports of entry along the northern and southern borders.[13] Ports of entry vary considerably in size and volume, including diverse locations such as major airports like New York's John F. Kennedy (JFK) International Airport, and the busiest land crossing in the United States at San Ysidro, California, which processes over 17 million vehicles a year (see fig. 1); small ports in remote rural locations along the Canadian border that process only a few thousand vehicles every year; and seaports like the Port of Miami where cruise ships transport more than 3 million travelers into and out of the country each year. Most ports of entry are land border crossings located along the northern border with Canada or the southern border with Mexico.[14] The four largest land border ports of entry by traveler volume

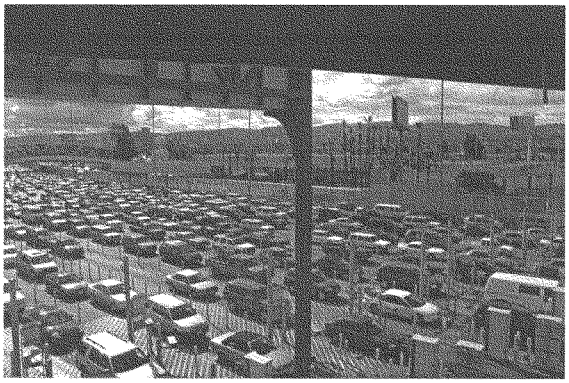
[12]CBP's budget includes $1.3 billion in revenue from other sources, including user fees, which include fees collected by CBP for processing air and sea passengers, commercial trucks, railcars, private vessels, dutiable mail packages, and customs broker permits.

[13] CBP also has preclearance operations at 15 international ports in Aruba, Bahamas, Bermuda, Canada, and Ireland, where travelers are processed for advance approval to enter the United States prior to departure from the respective airport.

[14]Land borders are unique because traffic at these crossings consists of varying combinations of pedestrians, bicycles, cars, trucks, buses, and rail.

are at San Ysidro, Calexico, and Otay Mesa in California, and the Bridge of Americas in El Paso, Texas. In total, these four ports process about 27 percent of all travelers who enter the country by land.

Figure 1: Vehicle Lanes at the San Ysidro Port of Entry



Source: GAO.

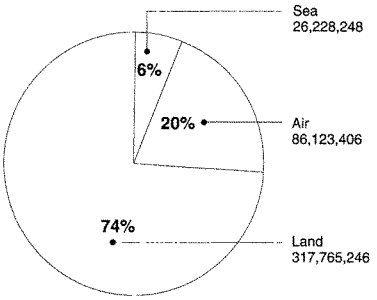
CBP annually processes over 400 million passenger and pedestrian entries,[15] 20 million containers, and 130 million conveyances[16] through ports of entry. In fiscal year 2005, the most recent year for which traveler data are available by mode of entry, land border crossings were by far the

[15] These statistics represent the total number of crossings, but do not reflect the number of unique individuals that entered the country. For example, a person may enter the country on multiple occasions throughout the year, and CBP counts each separate entry by the same person as an additional traveler processed.

[16] "Conveyance" refers to the means of transport by which persons or goods enter the country, such as by vehicle, aircraft, truck, or vessel.

busiest for processing people, with about three out of four entries into the country occurring through a land port of entry (see fig. 2).[17]

Figure 2: Border Crossings at Ports of Entry in Fiscal Year 2005



Source CBP

Process for Inspecting Travelers Differs between Air and Land Ports of Entry

The process for inspecting travelers at airports is significantly different than the process at land ports of entry. Prior to departure from foreign airports, airline carriers electronically submit passenger manifest information to CBP. CBP officers cross-check passengers against a wide range of law enforcement databases before travelers enter the country. Upon arrival in the United States, international airline passengers are first subject to immigration inspections that check visas, passports, and biometric data (see fig. 3). Generally, international passengers arriving by air must present a U.S. passport, permanent resident card, foreign passport, or a foreign passport containing a visa issued by the Department of State. CBP officers may also inspect the luggage of travelers.

[17] The majority of persons processed at land ports of entry arrive either as automobile drivers or passengers (82 percent) or pedestrians (15 percent), with the remaining travelers arriving by bus (2 percent) or train (about 1 percent.).

Figure 3: Arriving International Passengers Awaiting CBP Inspection at JFK International Airport

Source: GAO.

CBP faces a much greater challenge to identify and screen individuals at land ports of entry, in part because of the lack of advance traveler information and the high volume of traffic at many locations. Unlike travelers who enter the country at airports, travelers entering through land ports of entry can arrive at virtually any time and may present thousands of different forms of documentation, ranging from oral declarations of U.S. or Canadian citizenship, driver's licenses, birth certificates,[18] passports, visas, permanent resident cards, or U.S. military identity cards. Travelers entering the country by bus or rail must provide documentation and may be subject to further inspection. CBP has implemented measures to help provide advance information on passengers arriving at land ports of entry, including trusted traveler programs that register frequent, low-risk

[18] Pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004, DHS is in the process of developing and implementing a plan, called the Western Hemisphere Travel Initiative, to require these travelers to present a passport or other documents DHS deems sufficient to denote identity and citizenship. In particular, DHS has announced that it intends to end the routine practice of accepting oral declarations of citizenship alone starting January 31, 2008.

travelers for expedited entry, and license plate readers that match license plate numbers against law enforcement databases.

Traveler Inspection Policies and Procedures Call for Establishing Citizenship and Admissibility

The Immigration and Nationality Act,[19] implementing regulations,[20] and CBP policies and procedures for traveler inspection at all ports of entry require officers to establish, at a minimum, the nationality of individuals and whether they are eligible to enter the country. The first requirement is for the CBP officer to determine if the person is a U.S. citizen or an alien, and if an alien, establish whether the person meets the criteria for admission into the country. Current documentation requirements for entry into the country vary depending on the nationality of the traveler and the mode of entry. For example, U.S. citizens arriving at land ports of entry currently may seek to establish citizenship to a CBP officer through an oral declaration of citizenship. In general, nonimmigrant aliens[21] arriving at land and air ports of entry must present a valid, unexpired passport as well as, depending on country of origin and intended length of stay in the United States, a valid, unexpired visa issued by a U.S. embassy or consulate for entry into the country. As most travelers attempting to enter the country through ports of entry have a legal basis for doing so, a streamlined screening procedure referred to as a primary inspection is used to process those individuals who can be readily identified as admissible. Persons whose admissibility cannot be readily determined and persons selected as part of a random selection process are subjected to a more detailed review called a secondary inspection. This involves 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 corroborating information. At the end of this process, the individual may be admitted, refused entry and returned to the country of origin, or detained while admissibility is subject to further review.

[19] See 8 U.S.C. § 1225(a).

[20] See 8 C.F.R. § 235.1(a), (b), (f)(1).

[21] A non-immigrant alien is an international traveler that wishes to enter the United States on a temporary basis for tourism, medical treatment, business, temporary work, study, or other similar reasons.

Transforming the Role of CBP Officers Is a Work in Progress

As part of the original reorganization plan for border security, DHS found that having border security and inspections performed by three separate legacy agencies with different priorities, conflicting policies, and varying leadership structures had led to inconsistent inspections and gaps in the sharing of information between these agencies. As part of its actions to address these concerns, in March 2003, DHS created CBP by merging employees from the three legacy agencies previously responsible for border security.[22] Among other considerations, DHS formed CBP to establish a unified command structure that was intended to reduce duplication of efforts while improving the sharing of information. For operations at ports of entry, in September 2003 CBP issued its plan for consolidating the inspection functions formerly performed by separate inspectors from the three legacy agencies. The plan, referred to as "One Face at the Border," called for unifying and integrating the legacy inspectors into two new positions—a CBP officer and a CBP agricultural specialist.[23] The new CBP officer would serve as the frontline officer responsible for carrying out the priority anti-terrorism mission as well as the traditional customs and immigration inspection functions, while also identifying and referring goods in need of a more extensive agricultural inspection to the agricultural specialist. CBP anticipated that having a well-trained and well-integrated workforce that could carry out the complete range of inspection functions involving the processing of individuals and goods would allow it to utilize its inspection resources more effectively and enable it to better target potentially high-risk travelers.[24] Together, CBP envisioned the result to be more effective inspections and enhanced security at ports of entry while also accelerating the processing of legitimate trade and travel.

[22] As noted earlier, the merger consolidated inspectors from: (1) the U. S. Immigration and Naturalization Service (Department of Justice); (2) the U. S. Customs Service (Department of the Treasury); and (3) the Animal and Plant Health Inspection Service (Department of Agriculture).

[23] The agricultural specialist is a technical, scientific position rather than a law enforcement position with an emphasis on detecting and preventing the importation of harmful agricultural pests and diseases. Candidates for these positions are required to have majored in biological sciences, agricultural sciences, natural resource management, chemistry, or a closely related field. The agricultural specialist is responsible for conducting agriculture inspection of passengers and cargo as well as analysis of agriculture imports. Additionally, agricultural specialists are not authorized to carry firearms, and therefore they cannot staff primary inspection lanes. However, they may provide backup support to CBP officers during secondary screening.

[24] Prior to the creation of CBP, legacy customs officers were cross-trained to carry out primary inspections at land ports of entry.

While it has been about 4 years since the formation of DHS and CBP, our prior work on mergers and acquisitions found that it generally takes 5 to 7 years to successfully complete such a transformation. For example, GAO designated DHS's overall transformation as a high-risk area in 2003 based on three factors. First, DHS faced a formidable task in implementing a transformation process that would effectively combine 22 disparate agencies with an estimated 170,000 employees into one department. Second, many of these agencies were facing their own challenges in management areas such as strategic human capital, information technology, and financial management; thus, DHS inherited a host of operational and management challenges from the beginning. Third, DHS's national security mission is critically important and failure to effectively address its management challenges and program risks could have serious consequences for national security as well as have major economic impacts.[25] CBP, as part of DHS, faces many similar challenges in its efforts to unify three agencies into one and in transforming the role of its officers. For example, with over 40,000 employees, CBP represented the largest merger of people and functions within DHS. Additionally, our prior work on the Immigration and Naturalization Service and the U.S. Customs Service, two of the primary agencies involved in the merger, showed that these agencies experienced many management challenges before their merger into CBP. Finally, like DHS, CBP' has a primary mission of preventing terrorist attacks that is critical to national security.

[25] To be removed from GAO's high-risk list, agencies must do three things. First, they have to produce a corrective action plan that defines the root causes of identified problems, identifies effective solutions to those problems, and provides for substantially completing corrective measures in the near term. Second, agencies must demonstrate significant progress in addressing the problems identified in their corrective action plan. Finally, agencies, in particular top leadership, must demonstrate a commitment to achieve any remaining key objectives and sustain various improvements in their performance over the long term.

CBP Has Had Some Success in Interdicting Inadmissible Aliens and Other Violators, but It Still Needs to Overcome Weaknesses in Its Traveler Inspections and Physical Infrastructure

CBP has had some success in identifying inadmissible aliens and other violators. In fiscal year 2006, CBP successfully caught tens of thousands of violators and it made security improvements at its ports of entry, such as installing new cargo inspection technology. Nevertheless, the agency faces major challenges in overcoming weaknesses in both traveler inspections and physical infrastructure. In regards to traveler inspections, at our request, CBP officials showed us a videotape that identified numerous examples of officers not establishing the nationality of individuals and their eligibility for entering the country as required by law. CBP took action in the summer of 2006 to address the problems by holding high-level management meetings and delivering training on traveler inspections to its officers. However, we later found that CBP's initial set of corrective actions did not always address the problems and we found similar problems as those on the videotape. CBP issued new policies and procedures to overcome these inspection weaknesses at its land ports of entry including requiring field office directors to conduct assessments to ensure compliance with these new inspection procedures. However, the policies and procedures do not require that field office directors share their assessment results with CBP headquarters management, which may hinder its ability to use the information to overcome weaknesses in traveler inspections and to identify best practices that may occur during implementation of its new policies and procedures. CBP faces a challenge in addressing physical infrastructure weaknesses at land ports of entry in a timely way because some ports are owned by other governmental or private entities, potentially adding to the time needed to agree on infrastructure changes and put them in place.

CBP Has Had Some Success Identifying Inadmissible Aliens and Other Violators

CBP has identified and interdicted thousands of potentially dangerous people and significant amounts of illegal goods at ports of entry. According to CBP, in fiscal year 2006, CBP officers arrested more than 23,000 suspected criminals, denied entry to over 200,000 inadmissible aliens, seized more than 644,000 pounds of illegal drugs,[26] intercepted nearly 1.7 million prohibited agricultural items, and seized over $155 million in illegal commercial merchandise, such as counterfeit footwear and handbags. CBP officers also intercepted 40,362 fraudulent documents used in attempts to enter the country illegally in fiscal year 2006. Over half (21,292) of the fraudulent documents intercepted by CBP involved the

[26] In total, when seizures by other CBP offices, such as Border Patrol, are considered, CBP seized about 2 million pounds of illegal drugs in fiscal year 2006.

alteration or improper use of travel documents issued by the U.S Department of State. About 80 percent of these documents involved impostors—that is, people using authentic, unaltered documents that had been validly issued to another person. The remaining 20 percent attempted to enter with fraudulent documents that were altered in some way, such as a fake or altered U.S. visa, or were entirely counterfeit.[27]

CBP's success in identifying inadmissible aliens and other violators has been enhanced by several new initiatives and programs that aim to further improve security at ports of entry. They include the following:

- **New cargo inspection technology.** According to CBP, it has installed nonintrusive inspection technologies at ports of entry that enable officers to rapidly inspect vehicles and truck containers for inadmissible aliens and other violators, nuclear or radiological weapons, or other contraband (see fig. 4). Other nonintrusive technologies, such as radiation detectors, allow CBP to inspect containerized truck and sea cargo without having to perform a time-intensive manual search or other intrusive examinations of the contents.

[27] 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 31, 2007).

Figure 4: CBP Technology Used to Screen Commercial Trucks

Source GAO

- **Additional requirements for screening passengers.** To improve its ability to target high-risk individuals that are on international flights bound for the United States, CBP in fiscal year 2007, issued a ruling that requires airlines provide passenger manifest information prior to departure. These data are critical in screening passengers against watch lists and other databases and identifying potentially dangerous individuals attempting to enter the United States.

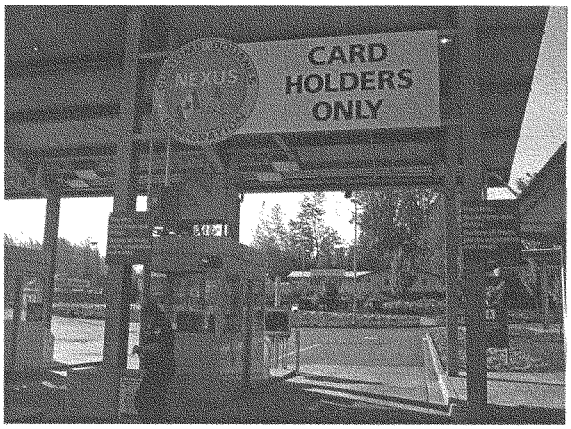
  CBP also expanded the entry capability of the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program to a total of 116 airports, 15 seaports, and 154 land ports of entry. Through this program, CBP is able to collect, maintain, and share data, including biometric identifiers like digital fingerprints, on selected foreign nationals entering the United States to verify their identities as they

arrive at air, sea, and land ports of entry.[28] CBP also uses these data to screen persons against watch lists and other law enforcement databases to determine their eligibility to enter the country.

- **Prescreening programs for low-risk travelers.** As part of CBP efforts to facilitate legitimate trade and travel, CBP has implemented several initiatives to increase enrollment in its trusted traveler programs, such as the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) program on the southern border and the NEXUS program on the northern border. These programs allow registered border residents and frequent cross-border travelers identified as low-risk individuals access to dedicated lanes and expedited processing with minimal inspection (see fig. 5). Participants undergo a thorough background check, a fingerprint law enforcement check, and a personal interview with a CBP officer. Enrollment in these two programs totaled nearly 260,000 members in fiscal year 2007. In addition, as part of an initiative among the United States, Canada, and Mexico, CBP operates a trusted traveler program called the Free and Secure Trade (FAST) program, for truck companies involved in transporting cargo through land ports of entry. Participants in FAST have access to dedicated lanes as well as reduced number of examinations. In 2006, CBP certified 124 new commercial partners and approved over 8,000 new drivers to participate in the program, bringing total FAST enrollment to 84,000 participants.

[28] For additional information on the inspection process for U.S. passports and visas, see GAO-07-1006. When fully implemented, US-VISIT is also intended to capture the same information from foreign nationals as they exit the country. For more information on the program, see GAO, *Border Security: US-VISIT Program Faces Strategic, Operational, and Technological Challenges at Land Ports of Entry*. GAO-07-248 (Washington D.C.: Dec. 6, 2006).

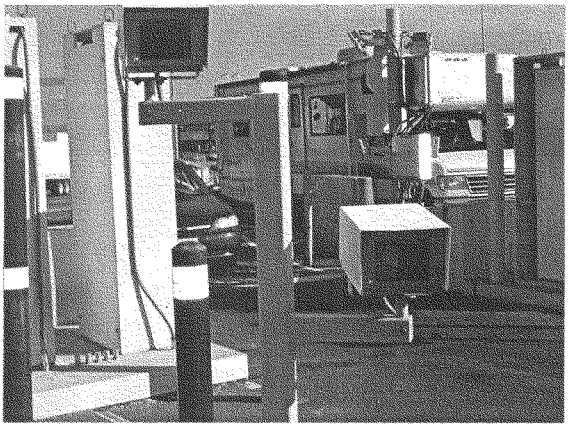
Figure 5: NEXUS Lane at a Port of Entry



Source GAO

- **Automated license plate and document readers.** CBP has also increased deployment of automated license plate and document readers at land ports of entry. License plate readers automatically read front and rear license plates of vehicles as they enter the primary inspection area, with the data simultaneously queried against CBP and law enforcement databases (see fig. 6). In addition, CBP has installed document readers that electronically read documents, such as passports or border crossing cards, that allow CBP officers to automatically query law enforcement databases. With these readers in place, CBP officers spend less time manually inputting information, thereby reducing inspection times, improving the accuracy of the collected information, and affording the officers the ability to interact more with vehicle occupants.

Figure 6: License Plate Reader at a Port of Entry



Source. GAO.

Improvements Notwithstanding, CBP Acknowledges that It Did Not Apprehend All Inadmissible Aliens and Other Violators

While CBP has had some success in interdicting inadmissible aliens and other violators, CBP acknowledges that it did not apprehend all inadmissible aliens and other violators who sought to enter the country at air and land ports of entry. CBP's estimates of how many inadmissible aliens and other violators evade detection are based on a sample of travelers who arrive at land and air ports of entry. This program, called Compliance Examination (COMPEX), randomly selects travelers entering the country for more detailed inspections.[29] CBP carries out this program at air and land ports of entry. At land ports, CBP randomly selects vehicles and conducts more detailed inspections of the vehicles and possessions of the traveler. At airports, CBP supervisors randomly select

[29] COMPEX was created in 1995 by U.S. Customs and was implemented at selected land crossings and airports on June 1, 1999. COMPEX allowed Customs to validate its deterrent efforts as well as meet the reporting requirements of the Government Performance and Results Act.

travelers. In both cases, the program is designed to select travelers who would not normally be referred to a secondary inspection and would therefore be allowed to enter the country. On the basis of the extent to which violations are found in the in-depth inspections, CBP estimates the total number of inadmissible aliens and other violators who seek to enter the country at locations where COMPEX is carried out.[30] CBP then calculates an apprehension rate by comparing the number of violators it actually apprehends with the estimated number of violators that attempted entry.[31] Using COMPEX, CBP estimates that several thousand inadmissible aliens and other violators entered the country through air and land ports of entry in fiscal year 2006.[32]

Weaknesses in How Well Inspection Procedures Were Followed Increased the Potential of Illegal Entry

Weaknesses in how well inspection procedures were followed increased the potential that inadmissible aliens and other violators successfully entered the country. In the summer of 2006, CBP reviewed hundreds of hours of video from 150 large and small land ports of entry and determined that while CBP officers carried out thorough traveler inspections in many instances, they also identified numerous examples where officers did not comply with inspection requirements, according to CBP officials. At our request, CBP officials showed us a 15-minute video that CBP had prepared that documented noncompliance with inspection requirements. The following were examples of weaknesses that were on the video:

- In one instance, officers waved vehicles into the United States without stopping the vehicle or interviewing the driver or its passengers as required. In another instance, motorcycles passed through inspection lanes without stopping and making any contact with an officer. In a third instance, during "lane switches" when CBP officers were relieved of their duty and replaced by other officers, officers waved traffic through the lane while the officer logged into the computer. The proper

[30] CBP breaks out violators into two main categories. The first category deals with serious violations (called category 1 violations) that include violations such as drug seizures and prohibited weapons. The second category involves minor violations (called category 2 violations) that include violations such as nonroutine prohibited foodstuffs, such as certain types of candy. The apprehension rate measures only category 1 violators.

[31] The apprehension rate is considered sensitive information and is not included in this report.

[32] CBP's estimate of the number of inadmissible aliens and other violators who entered the country in fiscal year 2006 is considered to be sensitive and therefore could not be included in this report.

procedure is for traffic to be stopped until the officer is logged into the system and is available to perform proper inspections.

- In another instance, while the CBP officer was reviewing information on his computer screen, he waved pedestrians through the lane without looking at them, making verbal contact, or inspecting travel documents. In another instance, travelers would simply hold up their identification cards and officers would view them without stepping out of the booth before waving the vehicle through. In these cases, the officers did not appear to make verbal contact with the passengers and did not interview any passengers sitting in the back seat of the vehicle. As a final example, officers did not board recreational vehicles to determine whether additional traveler inspections should be carried out.

Without checking the identity, citizenship, and admissibility of travelers, there is an increased potential that dangerous people and inadmissible goods may enter the country and cause harm to American citizens and the economy. According to CBP interviews with apprehended alien smugglers, alien smuggling organizations have been aware of weaknesses in CBP's inspection procedures and they have trained operatives to take advantage of these weaknesses. This awareness heightens the potential that failed inspections will occur at ports of entry when such procedural weaknesses exist.

According to CBP senior management, the factors that may have contributed to these weaknesses included the following:

- **Failure to engage, lack of focus, and complacency.** According to CBP senior management, emphasis is not being placed on all missions, and there is a failure by some of its officers to recognize the threat associated with dangerous people and goods entering the country.

- **Insufficient staffing.** According to CBP senior management, they are unable to staff ports of entry to sufficiently accommodate the workload. Lack of sufficient staff contributes to officers working double shifts, sometimes resulting in fatigue that can affect decisions.[33]

[33] Staffing and training issues are discussed in more detail later in this report, under the heading, "Progress Being Made, but Challenges Still Exist in CBP Officer Staffing and Training."

- **Lack of supervisory presence in primary inspections.** CBP senior management noted that lack of supervisory presence at primary inspection booths can contribute to less than optimal inspections.

- **Lack of training.** CBP senior management acknowledged that, in some cases, periodic and on-the-job training is not being delivered.

CBP Is Taking Action to Address Inspection Weaknesses, but Challenges Remain

CBP has taken action to address weaknesses in its inspection procedures by renewing its emphasis on the need to improve inspections at ports of entry and by revising traveler inspection policies and procedures. In July 2006, CBP headquarters showed field office directors the 15-minute videotape that documented the type of noncompliant inspections that were taking place at land ports of entry. CBP management emphasized the importance of thorough inspection procedures at all ports of entry, including airports and seaports, by requesting field office directors to review current procedures and identify best practices for more thorough inspections. As requested by the Assistant Commissioner of Field Operations, the field office directors conducted a series of meetings with senior port management to review and evaluate their ports' performance, make corrections where necessary, and identify best practices when inspecting travelers. Through efforts such as these, CBP managers identified best practices that included (1) increased supervisory presence in primary inspection areas; (2) detailing specific steps that should be conducted during primary inspections, such as interviewing travelers and conducting thorough document review (e.g., handling and inspecting documents); and (3) personal visits to ports of entry by directors and managers.

CBP also revised its policies and procedures for traveler inspections at land ports of entry to deal with weaknesses that were identified.[34] In July 2007, CBP issued new policies and procedures for inspecting travelers at land ports of entry, including pedestrians and those who enter by vehicle. Among other things, the policies and procedures call on officers to obtain photo identification for all travelers in a vehicle and match the traveler

[34] The Assistant Commissioner for the Office of Field Operations (OFO) created a steering committee whose primary responsibility was to develop draft directives for traveler inspections at land, air, and sea ports and associated performance measures. The committee consists of all OFO Executive Directors and the Deputy Assistant Commissioner for OFO.

with the photograph.[35] In doing so, the CBP officer is required to obtain a declaration of citizenship, either in the form of travel documents, such as passports, or in the case of a U.S. citizen or Canadian citizen, an oral statement. To the extent possible, officers are required to query law enforcement databases for all travelers in a vehicle. The new policies identify roles and responsibilities of CBP officials at ports of entry, including directors of field offices, port directors, supervisory CBP officers, as well as CBP officers. In the near future, CBP officials are also planning to issue new policies and procedures for processing cargo at land borders and for inspecting travelers who enter the country at airports and seaports.

However, issuing new policies and procedures alone does not ensure they will be carried out. For example, after CBP headquarters issued directives, held musters, and issued memorandums to field office and port managers that emphasized the importance of carrying out improved traveler inspections in July 2006, many of the same weaknesses they attempted to deal with continued to exist at ports of entry we visited. In October 2006 and January 2007, or as much as 5 months after managers informed officers of the need to carry out traveler inspections in a more rigorous way by interviewing travelers and examining their travel documents, our investigators identified weaknesses in traveler inspections that were similar to those identified in CBP's 15-minute video. At several ports of entry, our investigators found that a CBP officer was not staffing the booth when they arrived for inspection. At other locations, CBP officers did not ask for travel documents from our investigators. For example, at one port, when our investigators arrived at the port of entry, one of them called over to three officers who were seated at desks behind a counter about ten feet away. One of the officers asked our investigator if he was a U.S. citizen and the investigator said "yes." The CBP officers did not get up from their desks to ask for any identification, asked no other question, and allowed our investigator to enter the country.[36] At another port of entry, a CBP officer was not present at the primary inspection booth when our investigator arrived for inspection and he had to wait approximately 3 to 4 minutes before an officer arrived.

[35] CBP's policy recognizes that U.S. or Canadian citizens under the age of 16 may not have identification.

[36] DHS stated that by law a CBP officer is not required to ask for an identity document if the officer is satisfied that the person is a United States citizen.

While CBP's new policies and procedures are a step in the right direction, ensuring their proper implementation will be key to overcoming weaknesses in traveler inspections. An effective internal control environment is a key method to help agency managers achieve program objectives and enhance their ability to address identified weaknesses. CBP is taking positive steps to implement some control requirements. For example, one of the standards for internal control in the federal government involves monitoring to assess the quality of performance over time. To monitor how traveler inspections are conducted at ports of entry, CBP headquarters has developed a program to covertly test the integrity of existing security measures at ports of entry, including the work carried out by CBP officers. In addition, CBP headquarters officials are called on to conduct compliance reviews. Last, CBP's new policies and procedures on traveler inspections call on field office directors to ensure compliance with the new inspection procedures at all ports of entry by conducting audits and assessments. Internal control standards state that information should be communicated to management to enable it to carry out its program responsibilities. However, CBP does not require that field offices share the results of their audits and assessments with CBP headquarters management. Without obtaining and receiving the results of field office audits and assessments, CBP management may be hindered in its ability to efficiently use the information to overcome weaknesses in traveler inspections and identify best practices that may occur during implementation of its new policies and procedures.

Querying all travelers arriving at land ports of entry against CBP law enforcement databases represents a major challenge for CBP. As discussed earlier in this report, CBP's new policies and procedures require officers, to the extent feasible, to query travel documents of all travelers who arrive at primary inspection at land ports of entry. In contrast, CBP officers at airports generally handle and query documents of all travelers. Taking the time to enter information into CBP's law enforcement database for the several hundred million travelers arriving at primary inspection could hinder CBP's ability to facilitate the movement of legitimate travel and commerce.

DHS's planned Western Hemisphere Travel Initiative, when implemented at land ports of entry, may allow CBP to query more travelers against law enforcement databases and could improve CBP's ability to identify inadmissible aliens and other violators without harming commerce and travel. The initiative generally requires travelers to have a passport or passport-like document to enter the United States from Canada, Mexico, and other countries in the western hemisphere that is machine-readable

and therefore can be more quickly and accurately checked against CBP's law enforcement database than currently acceptable documents. CBP has already implemented the initiative at air ports of entry, but has yet to do so at land ports of entry. When the initiative is implemented at land ports of entry, CBP officers may be able to query more documents because DHS estimates that processing a traveler at primary inspection will be reduced by 15 to 25 seconds because all travelers will have documents that will be machine readable.

Problems with Physical Infrastructure Increase the Risk That Vehicles Could Bypass Land Ports of Entry

CBP's effectiveness at securing the nation's borders depends not only on the quality of traveler inspections, but also on the degree to which physical infrastructure is in place to reduce the risk that inadmissible aliens and other violators could bypass inspection points and enter the country. During our site visits, we identified weaknesses in physical infrastructure at some land ports of entry.[37]

Making Changes to Address Physical Infrastructure Weaknesses at Land Ports of Entry Can Be Challenging

CBP has developed a process to identify and prioritize capital infrastructure needs at land ports of entry. One component of this planning process is called the Strategic Resource Assessment—an assessment that identifies capital needs at ports of entry by evaluating existing facility conditions, predicting future workload trends, performing space capacity analyses, and estimating costs for the recommended options. CBP's Office of Finance has compiled resource assessments for 163 land crossings and has prioritized the ports with the greatest need. On the basis of the assessments, CBP estimates that the cost of making capital improvements at land crossings totals about $4 billion. In addition, the assessments identify a planning process to ensure that funding is allocated in a systematic and objective manner.

While CBP has made progress in identifying its capital needs, making infrastructure changes to address the problems is not always easy, according to CBP officials responsible for infrastructure improvements. For example, these senior CBP officials noted that they do not have the discretion to make infrastructure improvements on their own, such as installing barriers and bollards, when they do not own the property and therefore need to coordinate their efforts with other entities, such as private bridge commissions or state highway departments. For capital

[37] The locations and a description of the weaknesses in physical infrastructure are considered sensitive information and therefore are not included in this report.

improvements at ports of entry, such as building new vehicle lanes or secondary inspection facilities, the CBP officials said the lead time for making such improvements was long. For example, according to these CBP officials, for the 96 ports of entry that are owned by the General Services Administration (GSA), GSA approves and prioritizes capital improvement projects. The process of submitting a request for an infrastructure improvement and completion of the project is approximately 7 years from start to finish, according to a GSA official. For the 23 ports of entry that are privately owned and leased by GSA,[38] CBP officials noted that coordinating with privately owned companies on infrastructure improvements is a difficult process because the private owner's interest in facilitating commerce must be balanced with CBP's interest in national security. According to CBP officials, the degree to which improvements will be made at land ports of entry and how long it will take depend on available funding and the results of discussions with various stakeholders, such as GSA and private port owners. Each year, depending upon funding availability, CBP submits its proposed capital improvement projects based upon the prioritized list it has developed. As of September 2007, CBP had infrastructure projects related to 20 different ports of entry in various stages of development, according to a CBP official.

Progress Being Made, but Challenges Still Exist in CBP Officer Staffing and Training

CBP has taken action to improve staffing and training at ports of entry by assessing staffing needs, adding staff, and developing an extensive training program, but it faces challenges in hiring and retaining staff and providing required training. To address staffing, CBP developed a staffing model to identify the resources needed at the nation's ports of entry. While CBP has had a net increase of about 1,000 more staff since 2005, the results of the staffing model indicate that CBP may need additional officers at ports. Not having sufficient staff contributes to morale problems, fatigue, and safety issues for officers. It also makes it difficult for ports of entry to fully carry out anti-terrorism and other traveler inspection programs. The problems are exacerbated by difficulties in retaining experienced staff. Regarding training, CBP has made progress in developing 37 training modules for CBP officers and a national on-the-job training program for new officers. While it has delivered training to thousands of CBP officers, CBP faces challenges in (1) delivering the required training modules to those who

[38] Examples of privately owned ports of entry that are leased to GSA include the Rainbow Bridge in Niagara Falls, New York and the Windsor Tunnel in Detroit, Michigan.

need it and (2) providing on-the-job training to new CBP officers consistent with national program guidance. When staff do not receive required training or are not trained consistently with program guidance, it limits knowledge building and increases the risk that needed expertise is not developed. Senior CBP headquarters officials also stated that the lack of training and training that is inconsistently delivered may increase the risk that terrorists, inadmissible travelers, and illicit goods could be admitted into the country.

Staffing Shortfalls and Retention Problems Exist at Ports of Entry

Congressional concern about CBP's ability to link resources to its mission led Congress to call on CBP to develop resource allocation models. In responding to language in the conference report for the fiscal year 2007 DHS appropriations[39] and the SAFE Port Act of 2006,[40] CBP developed a staffing model for its land, air, and sea ports of entry. The conference report directed CBP to develop the staffing model in a way that would align officer resources with threats, vulnerabilities, and workload. This directive stemmed, in part, from concern about CBP's ability to effectively manage its growing workload, minimize wait times, and ensure that CBP officers receive adequate training in all relevant inspection functions. The staffing model is designed to determine the optimum number of CBP officers that each port of entry needs in order to accomplish its mission responsibilities. According to CBP staff involved in developing the staffing model, it is primarily driven by traveler volume and inspection processing times. The staffing model also incorporates assumptions for training, anti-terrorism activities, and staffing for special equipment, such as radiation portal monitors.[41] According to CBP officials, the model's assumptions will be recalculated each fiscal year in order to account for changes caused by new requirements, procedures, or changes in workload. For example, when the new inspection requirements come into effect under the Western Hemisphere Travel Initiative, CBP can adjust the processing times in the staffing model, which may result in changes in the number of staff

[39] H.R. Conf. Rep. No. 109-699, at 126 (2006).

[40] Pub. L. No. 109-347, §403, 120 Stat. 1884, 1926-28.

[41] A radiation portal monitor is a detection device that provides CBP with a passive, non-intrusive means to screen trucks and other conveyances for the presence of nuclear and radiological materials.

needed,[42] according to CBP officials. CBP plans to use the staffing model to help management decide on the number of staff needed and where they should be deployed.

In July 2007, CBP provided us with the results for the staffing model.[43] The model's results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry. In addition, the staffing model showed the relative need among different CBP locations. CBP has determined that data from the staffing model are law enforcement sensitive. Therefore, we are not providing more detailed data and information from the model in this report.

The staffing model was not finalized in time to prepare CBP's fiscal year 2008 budget request. CBP officials told us that they plan to use the results of the staffing model to determine which locations are to receive additional staffing in fiscal year 2008, should Congress approve their request for additional positions.

CBP Cites Insufficient Staffing as an Impediment to Traveler Inspection Efforts

Before the staffing model was finalized, CBP used other data to determine staffing needs and provide an indication of the degree to which insufficient staffing affects operations at ports of entry. CBP's 20 field offices and its pre-clearance headquarters office requested additional officers through quarterly resource assessment reports that quantified perceived staffing needs and provided justifications for the request. CBP used the quarterly resource assessment reports to help determine the number of officers to allocate to each office, but the majority of the requests went unfilled due, in part, to budget constraints. In January 2007, 19 of CBP's 21 offices identified a need for additional officers to accomplish their anti-terrorism responsibilities through special operations and anti-terrorism teams; operate new equipment, such as radiation portal monitors and non-intrusive inspection technologies, both of which are relatively new

[42] For example, the DHS estimates that when the Western Hemisphere Travel Initiative is implemented—the initiative that generally requires U.S. citizens and citizens of Bermuda, Canada, and Mexico when entering the United States from certain countries in North, Central, or South America to have a passport or other document or combination of documents that the Secretary of DHS deems sufficient to show identity and citizenship—it will reduce inspection times by 15 to 25 seconds.

[43] In a prior report, GAO recommended that CBP implement a staffing model to ensure that agricultural staffing levels at each port of entry are sufficient. See GAO, *Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease*, GAO-06-644 (Washington D.C.: May 19, 2006).

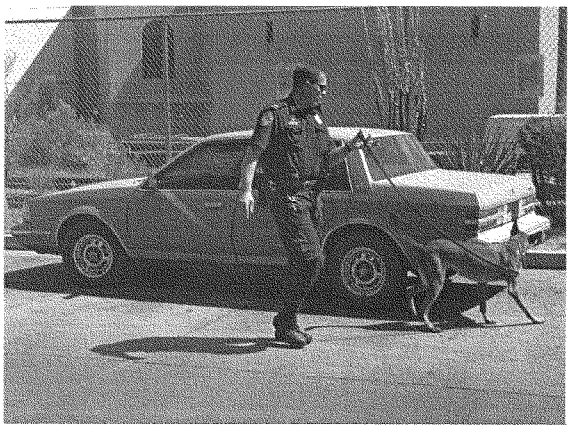
additions to CBP's mission responsibilities; and to deal with increased workload from increased traveler volume and the expansion of primary inspection lanes and other facilities.

Managers, supervisors, and officers at seven of the eight ports of entry that we visited provided examples of how insufficient staffing affects their ability to carry out primary and secondary inspections:

Anti-terrorism and other traveler inspection programs are not fully carried out. CBP uses a "layered" enforcement approach when it inspects travelers.[44] In implementing this approach, port officials told us that when possible, they perform enforcement operations that include anti-terrorism teams and canine inspections (see fig. 7). While considered discretionary, according to CBP officials, these inspections can result in significant numbers of seizures and adverse actions and, thus, are a key tool in traveler inspection efforts. For example, one port conducted a 30-day pilot project during which it focused its efforts on such operations. During this time, CBP officers said they apprehended 96 criminals, inadmissible aliens, and other violators who were in line for primary inspection.

[44] The specific techniques used by CBP in its "layered" enforcement approach are not included in this report because the information is considered sensitive. In addition, specific information on how staffing shortages affect CBP's ability to carry out primary and secondary inspections are also viewed as sensitive information and therefore are not included in this report.

Figure 7: Canine Team Inspecting Vehicular Traffic at a Land Port of Entry



Source: GAO

Double shifts can result in officer fatigue. Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Officers at six of the eight ports of entry we visited indicated that officer fatigue caused by excessive overtime negatively affected inspections at their ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in the primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times.[45] Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports.

[45] Specific concerns from CBP officials of how officer fatigue affects primary inspections are not included in this report because the information is considered sensitive.

CBP Faces Challenges in Retaining Officers

CBP's onboard staffing level is below its budgeted level, partly due to attrition.[46] According to CBP officials at headquarters and the ports of entry we visited, the gap between the budgeted staffing level and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP data show that, on average, 52 CBP officers left the agency each 2-week pay period in fiscal year 2007, up from 34 officers in fiscal year 2005. Port managers at five locations indicated that the rising attrition consistently keeps their ports of entry below the budgeted staffing level because of the lengthy amount of time—up to a year—that it can take to hire and train a new officer. On a case-by-case basis, CBP has allowed five field offices to hire above their budgeted staffing levels in order to account for the expected attrition before the next hiring cycle. For example, one field office was allowed to hire over its budgeted staffing level by 100 staff in anticipation of expected officer attrition. However, the use of this option is limited and port managers stated that attrition still outpaces hiring at such locations.

Numerous reasons exist for officer attrition. As with other federal agencies, officer retirements are taking a toll on the agency's workforce. In the next 4 years, over 3,700 CBP officers, or about 20 percent of CBP's authorized level of 18,530 officers, will become eligible for retirement. In addition, according to CBP officials, CBP officers are leaving the agency to take positions at other DHS components and other federal agencies to obtain law enforcement officer benefits not authorized to them at CBP. In fiscal year 2006, about 24 percent of the officers leaving CBP, or about 339 officers, left for a position in another DHS component. Further, extensive overtime, poor officer morale, and the high cost of living in certain areas were frequently cited by employees who left as reasons for attrition. Our analysis of responses by nonsupervisory CBP staff[47] to the 2006 OPM Federal Human Capital Survey[48] corroborated that they have concerns about efforts to develop staff and agency leadership that could contribute

[46] Specific data on CBP's budgeted staffing level and the number of officers onboard are not included in this report because the data are considered sensitive.

[47] CBP staff refers to all nonsupervisory employees within CBP, including CBP officers, Border Patrol agents, and other mission support staff. CBP officers constitute 42 percent of CBP's nonsupervisory workforce and they represent the largest nonsupervisory group in CBP.

[48] OPM conducts the Federal Human Capital Survey (FHCS) as part of its efforts to measure federal employees' perceptions about how effectively agencies manage their workforce.

to low morale and attrition. See appendix II for a more complete analysis of responses by nonsupervisory employees to OPM's Federal Human Capital Survey.

CBP recognizes that attrition of officers is adversely affecting its operations and that it must reassess aspects of its human capital approach if it is to hire and retain a high-performing, motivated workforce. CBP officials told us that CBP is considering a number actions including establishing personnel incentive programs, such as a tuition reimbursement program. In addition, the Office of Field Operations plans to work with CBP's Office of Human Resources Management to develop and distribute a personnel satisfaction survey to obtain employee feedback so that leadership can better address the needs of its workforce. CBP has also revised the exit survey it gives to employees prior to their leaving the agency to better assess their reasons for leaving and to help CBP identify where it is losing employees. CBP plans to analyze data from OPM's Human Capital Survey, the employee satisfaction and exit surveys, and attrition data to help identify what specific actions CBP may need to take to curb attrition. CBP plans to develop some initial retention strategies by December 2008 and by September 2009 develop approaches to retain staff based on areas of concern identified in the employee exit survey.

Major Cross-Training Program Developed, but Ports of Entry We Visited Faced Challenges in Delivering Required Training

Starting in 2003, CBP began developing a series of 37 training modules aimed at improving the skills of and to cross-train CBP officers in carrying out inspections at ports of entry.[49] CBP recognized the importance of training in transforming the role of its officers, and has made officer training a focus of the agency. CBP initiated a multiyear cross-training program effort to equip new and legacy officers with the tools necessary to perform primary immigration and customs inspections, and sufficient knowledge to identify agricultural threats in need of further examination by the agricultural specialists. For example, through a combination of computer-based "fundamentals" courses followed by classroom and on-the-job training, a former customs inspector would take training that prepared him or her to conduct secondary inspections related to possible

[49] According to CBP officials, it developed the 37 modules by prioritizing courses in the following sequence: (1) anti-terrorism programs, (2) primary inspection policies and procedures, (3) agricultural inspection programs, and (4) customs secondary inspection for those officers with expertise in immigration issues.

immigration violations.[50] At airports, former customs officers might receive instruction so that they could better conduct traveler inspections. Legacy immigration officers in air and land ports of entry would be trained so that they could work in inspecting baggage or vehicles, respectively.[51] The program involved developing training modules on such topics as anti-terrorism and detecting fraudulent documents. Through its efforts, CBP has cross-trained thousands of officers since 2004. For example, CBP has trained about 12,000 staff in the anti-terrorism module.

In August 2007, CBP officials involved in developing the training program at ports of entry told us that CBP is in the process of changing its cross-training program. The officials told us that they hope to update existing cross-training materials and align them with recent changes in policies and procedures. Further, the officials said that the new program will be geared toward delivering training that provides specific expertise in immigration or customs-related inspection activities to new officers or CBP officers transferring to a different job function. According to these officials, they will begin implementing the program in January 2008.

Mission Demands Cited as Reason for Challenges in Delivering Cross-Training

While CBP has made progress in developing training modules and in training its officers, CBP managers at seven of the eight ports of entry we visited said they had experienced difficulty in providing their officers with required training in a timely manner because staffing challenges force the ports to choose between performing port operations and providing training. In these instances, port of entry managers told us that training is often sacrificed. One port of entry director stated, "the port is thinking out of the box just to do basic functions [and] cannot even begin to focus on training." Managers at this port of entry also indicated that training courses are scheduled and then canceled because of staffing concerns. At two other ports of entry we visited, managers indicated that staffing challenges cause the ports of entry to use overtime to fill positions temporarily vacated by officers who participate in training. For example, to provide its officers with four basic cross-training courses, including a course in processing immigration cases, management at one port estimated they would need nearly $4 million in overtime—a condition that

[50] This example applies to land ports of entry.

[51] CBP has developed a specialty position in the immigration secondary area called the CBP Admissibility Officer. CBP officers designated for this position take a 21-day course at the Federal Law Enforcement Training Center followed by on-the-job training at the port of entry.

would make the port go over its budget for overtime and add to the problems we discussed earlier caused by excessive overtime.

We also identified examples where ports of entry we visited did not consistently provide cross-training courses in the manner expected by CBP headquarters. For example, headquarters informed field offices that course content may not be shortened. However, according to a CBP official at one location, his port of entry trained officers to work in the immigration secondary area by pushing officers through a compressed 5-day version of the course rather than the 9-day version developed by headquarters. At another port, new officers we spoke with had not taken the immigration course after working for 3 years, even though CBP guidance states that new officers should take the course during their second year at the port. Challenges in providing training are not new. We have previously reported that staffing shortages have affected training efforts at ports of entry even before CBP was created in March 2003.[52]

Insufficient Cross-Training Creates Vulnerabilities in Traveler Inspections

Managers and supervisors at six of eight ports of entry we visited told us that vulnerabilities in traveler inspections occurred when officers did not receive cross-training before rotating to new inspection areas. Although CBP's training policy calls for no officer to be placed in an area without receiving the proper cross-training module, officers and supervisors at ports of entry we visited told us that officers are placed in situations for which they had not been trained. While we cannot determine the degree to which this is happening in other ports of entry cross the country, we identified several examples where this policy is not being followed at the ports of entry we visited. For example, legacy customs officers at one port of entry reported feeling ill prepared when called upon to inspect passengers because they had not received the requisite training. One supervisor at this port of entry stated that he had "no confidence" that the officers he supervised could process the casework for a marijuana seizure correctly in order to successfully prosecute the violator because they had not received training. Supervisors at another port of entry told us that they were rotated to areas in which they had not received training. With responsibility over admissibility decisions, these supervisors were concerned that they could not answer questions from their subordinates or make necessary determinations beyond their area of expertise. As a

[52] GAO, *Land Border Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*, GAO-03-782 (Washington, D.C.: July 2003). GAO, *Department of Homeland Security: Strategic Management of Training Important for Successful Transformation*, GAO-05-888 (Washington, D.C.: September 2005).

result of not being trained, officers at this port stated that they relied heavily on senior officers from legacy agencies. The officers also told us that these senior officers have been leaving the agency. CBP managers in headquarters recognize that insufficient training can lead to a higher risk of failed inspections. In a presentation that was given to all field office directors, CBP headquarters officials stated that untrained officers increase the risk that terrorists, inadmissible travelers, and illicit goods could enter the country.

Data for Measuring Progress in Providing Cross-Training Are Not Available

CBP is attempting to capture information that better reflects whether training requirements are being met. In November 2006, CBP's field offices submitted their revised training plans indicating how many additional officers needed to be cross-trained over the next several years. However, CBP officials told us that they do not track specifically which officers need to take a particular training module, nor do they track whether those officers have received the needed training. Without data on which CBP officers need which particular cross-training modules and whether they have received the training, CBP does not know the extent that its officers have received the necessary cross-training and are not in a position to measure progress toward achieving its cross-training program goals.

Standards for internal control in the federal government provide a framework for agencies to achieve effective and efficient operations and ultimately to improve accountability. One of the standards involves having good controls in place to ensure that management's directives are carried out. To do so, the standards call on agencies to compare actual performance to planned or expected results throughout the organization and to analyze significant differences. Having reliable data to measure the degree to which training has been delivered to those who are required to receive it would help meet this standard and put CBP management in a position to better gauge the results of its cross-training program.

On-the-Job Training Program for New CBP Officers Faces Implementation Challenges at Ports of Entry We Visited

In addition to developing cross-training modules for its officers, CBP also has an on-the-job training program for new officers once they arrive at a port of entry.[53] In a July 2003 report on inspections at land border ports of entry, we recommended that CBP develop and implement a field training program for new officers before they independently conduct inspections.[54] In response to this recommendation, CBP issued guidance for on-the-job training of new CBP officers. According to the guidance, new officers should receive up to 12 and 14 weeks of on-the-job training at land and air ports of entry, respectively. The guidance provides an outline of the type of experiences that a port of entry needs to provide to an officer as part of the on-the-job training program, such as reviewing emergency port of entry procedures and computer systems used in primary inspections.

However, at seven of the eight ports of entry we visited officials told us that they had difficulty in providing on-the-job training in compliance with the guidance. For example:

- Management at one land port of entry stated that it could not provide 12 weeks of on-the-job training to its new officers because of workload, budget, and staffing challenges, but indicated that it tried to provide 6 weeks of on-the-job training. CBP officers at another port of entry told us that the length of their on-the-job training varied from 2 weeks to 6 weeks and they told us that they needed more on-the-job training before inspecting travelers on their own.

- CBP's on-the-job training guidance recommends, but does not require, new officers receive 3 weeks of the training under close supervision of a coach or field training officer in order to receive direct guidance and feedback in their performance. However, officials at seven of the ports of entry we visited said that their port of entry had difficulty providing new officers with field training officers. For example, at two ports of entry, experienced officers were unwilling to take on the extra responsibility of training new officers, according to CBP officials at these locations.

[53] New officers are sent to a port of entry after receiving roughly 14 weeks of training at the Federal Law Enforcement Training Center, according to a CBP officer.

[54] See GAO-03-782.

Weaknesses in On-the-Job Training Can Reduce the Effectiveness of Traveler Inspections

Vulnerabilities in traveler inspections are created when new officers do not receive required training. For example, new officers who received as little as 2 weeks of on-the-job training rather than the recommended 12 weeks told us that they needed more training before inspecting travelers. In our July 2003 report, we reported that discrepancies in on-the-job training decrease the effectiveness of traveler inspections at ports of entry when little or no on-the-job training is given to new officers.[55] For example, we found that the ports that graded their officers as being the least prepared to carry out traveler inspections were among the ports that provided the least amount of on-the-job training.

Opportunities for Strengthening CBP's On-the-Job Training Program for New CBP Officers

In addition to new CBP officers not receiving on-the-job training consistent with CBP's national program guidance, the training program lacks certain elements that may be limiting CBP's ability to effectively train new officers. Internal control standards related to management of human capital state that management should ensure that the organization has a workforce that has the required skills necessary to achieve organizational goals. While CBP's on-the-job training guidance requires supervisors to document the tasks officers have performed while in the on-the-job training program, the guidance does not require that officers perform certain tasks to develop needed skills nor does it call on officers to demonstrate proficiency in specific job tasks.

The U.S. Border Patrol, an office within CBP, developed a field training program that contains mechanisms to help ensure new Border Patrol agents obtain the needed skills to do their job and demonstrate proficiency in those skills. For example, the Border Patrol identified 32 different specific skills, knowledge, and behavior traits intrinsic to Border Patrol operations, such as processing an expedited removal case, that agents must perform over the 12-week training period. If the new agent cannot gain experience in a specific task, the training officer must arrange for the new agent to conduct a practical exercise. The program requires that agents be evaluated in all 32 areas and be provided weekly feedback on those areas covered in training during the week. Agents are required to demonstrate competency in performing the 32 skills. In addition, training officers are required to write specific comments on performance that is rated as significantly deficient or exceptional.

[55] See GAO-03-782.

We discussed the utility of the Border Patrol's on-the-job training program with CBP officials. CBP officials told us that they are planning to revise CBP's on-the-job field training program for new CBP officers to make it a more robust program. They stated that they would review the Border Patrol's field training program to identify best practices that they might incorporate into CBP's on-the-job training program for new CBP officers.

Results from OPM's 2006 Federal Human Capital Survey Show that NonSupervisory CBP Staff Are Concerned about Training

Similar to the issues discussed above, our analysis of OPM's 2006 Federal Human Capital Survey shows that CBP staff expressed concern about training. Our analysis shows that less than half of nonsupervisory CBP staff were satisfied with how CBP assesses their training needs (43 percent), the extent to which supervisors support employee development (43 percent), and the degree to which supervisors provide constructive feedback on how to improve (42 percent). In responding to these three questions, a significantly lower percentage of nonsupervisory staff at CBP was satisfied with their training experiences than nonsupervisory staff in other federal agencies.

CBP Has Developed Strategic Goals for Its Traveler Inspection Program, but Challenges Remain in Formalizing Related Performance Measures

Strategic Plan Establishes Goals and Objectives for Traveler Inspection Program

CBP has developed strategic goals for its traveler inspection program, but it faces challenges in formalizing a set of performance measures that track what progress it is making toward achieving these goals. In September 2006, CBP's Office of Field Operations issued its 5-year strategic plan called *Securing America's Borders at Ports of Entry*, which defines CBP's national strategy for securing America's borders, specifically at ports of entry for fiscal year 2007 through fiscal year 2011. Building on the key

themes in DHS's and other CBP strategic plans[56] and applying them specifically to ports of entry, the plan outlines the Office of Field Operation's vision on establishing secure ports of entry where potential threats are deterred; threats and inadmissible people, goods, and conveyances are intercepted; legitimate trade and travel are facilitated; and operations and outcomes are consistent across locations and modes of transportation. The plan outlines five strategic goals. They are (1) expanding advance knowledge—increasing and improving the information and analysis CBP has about people, goods, and conveyances before they arrive at the ports of entry; (2) modernizing the inspection process to ensure that all people and goods are inspected appropriately; (3) ensuring a flexible enforcement focus to improve CBP's effectiveness in assessing, detecting, and predicting threats; (4) strengthening physical security at the ports of entry to maintain a secure environment for officers to perform inspections; and (5) building organizational partnerships, maintaining a skilled workforce, and utilizing emerging technologies to achieve CBP's mission.

Reported Performance Measures for Traveler Inspection Program Do Not Assess CBP's Effectiveness at Apprehending Inadmissible Aliens and Other Violators

Although one of CBP's main goals is to intercept inadmissible aliens and other violators, CBP's reported performance measure does not address this goal. In its fiscal year 2006 Performance and Accountability Report, CBP reported on the degree to which travelers who arrive at the port of entry are in compliance with immigration, agricultural, and other laws, rules, and regulations as a way to gauge the success of its traveler inspection efforts. Using data from its COMPEX program, CBP uses a measure—called the compliance rate—which showed that in fiscal year 2006 about 99 percent of travelers who seek to enter the United States through 19 major airports and by vehicle at 25 major land ports were in compliance with laws, rules, and regulations.

We have reported that linking performance to strategic goals and objectives and publicly reporting this information are important so that Congress and agency management have better information about agency performance and help to ensure accountability. CBP's current performance measure, the compliance rate, shows the extent to which

[56] DHS plan:*Securing Our Homeland*, 2004. CBP's 5-year strategic plan for fiscal years 2005-2010 is called *Protecting America*, issued in May 2005, and sets goals and objectives for securing the border at and between ports of entry. CBP has also developed a national strategy for the Border Patrol for reaching operational control of the border between ports of entry.

travelers arriving at ports of entry meet the legal requirements for entering the country. CBP does not use data that measure the extent to which it is intercepting inadmissible aliens and other violators, one of CBP's key strategic objectives. As discussed earlier in our report, CBP calculates a measure known as the apprehension rate as part of its COMPEX program, which provides an estimate of the agency's effectiveness in apprehending travelers seeking to enter the country illegally or in violation of other laws. The COMPEX program was originally developed by the former U.S. Customs Service to comply with the Government Performance and Results Act, which requires federal agencies to develop outcome-based performance goals and measures, when possible, as a way to assess the effectiveness and efficiency of their programs.

During the course of our review, we discussed with CBP officials the potential of using the apprehension rate as one way of measuring the effectiveness of CBP interdiction efforts. In June 2007, CBP officials told us that CBP was in the process of selecting performance measures for fiscal year 2008 and a decision had not yet been made on whether to include the apprehension rate or some other similar outcome-based measure.

Conclusions

Effective inspection of the millions of travelers entering the country each year is critical to the security of the United States. As CBP matures as an organization, having effective inspection procedures, retaining its officer corps, and developing the necessary skills in its officer corps are essential given the critical role that CBP plays in national security. Although CBP developed new inspection procedures that require CBP field office directors to monitor and assess compliance with the new procedures, a key internal control requiring field office directors to communicate with CBP management the results of their monitoring and assessment efforts is not in place. As a result, CBP management may not get information that would identify weaknesses in the traveler inspections process that need to be addressed. The initial set of actions that CBP has taken for dealing with challenges in training at ports of entry is a positive start, but it has not established a mechanism to know whether officers who need specific cross-training have received it and whether new CBP officers have experience in the necessary job tasks and are proficient in them. This means that some officers may be called on to perform certain inspection tasks without having the knowledge and skills to do them.

It is also important to have performance measures in place to permit agency management to gauge progress in achieving program goals and, if

not, to take corrective action. In regard to traveler inspections, CBP is missing an important performance measure that shows what results are achieved in apprehending inadmissible aliens and other violators. CBP has apprehension rate data that could be used to develop such a performance measure. Having performance measures related to the effectiveness of CBP interdiction efforts would help inform Congress and agency management of improvements resulting from changes in CBP's traveler inspection program and what gaps in coverage, if any, remain.

Recommendations for Executive Action

To mitigate the risk of failed traveler inspections at ports of entry, we recommended in our October 5, 2007 report[57] that the Secretary of Homeland Security direct the Commissioner of Customs and Border Protection to take the following four actions:

- implement internal controls to help ensure that field office directors communicate to agency management the results of their monitoring and assessment efforts so that agencywide results can be analyzed and necessary actions taken to ensure that new traveler inspection procedures are carried out in a consistent way across all ports of entry;
- develop data on cross-training programs that measure whether the individuals who require training are receiving it so that agency management is in a better position to measure progress toward achieving training goals;
- incorporate into CBP's procedures for its on-the-job training program (1) specific tasks that CBP officers must experience during on-the-job training and (2) requirements for measuring officer proficiency in performing those tasks; and
- formalize a performance measure for the traveler inspection program that identifies CBP's effectiveness in apprehending inadmissible aliens and other violators.

Agency Comments and Our Evaluation

We provided a draft of the For Official Use Only version of this report to DHS for comment. In commenting on our draft report, DHS, including CBP, agreed with our recommendations. Specifically, DHS stated that CBP is taking action or has taken action to address each recommendation.

[57] See GAO-08-123SU.

For example, DHS stated that CBP will develop a measurement validation tool to help confirm that officers have received the necessary cross-training courses before they are assigned to a different work environment. In addition, CBP's Office of Field Operations (OFO) will evaluate how the Border Patrol is implementing its on-the-job training program and analyze its compatibility to OFO. If effectively implemented, these actions should help address the intent of our recommendations.

CBP took issue with an example we used in our draft report describing a situation where two GAO investigators who tested the traveler inspection process at land port of entry were not asked for any identification. We stated that as our investigators attempted to enter at the port, the CBP officer—who was seated behind a desk about 10 feet away—only asked our investigators if they were U.S. citizens and the investigators said "yes." DHS stated that under current statute and regulation, a person claiming to be a United States citizen arriving at a port of entry is not required to provide identity documents as long as the subject can establish, to the satisfaction of the inspecting officer, citizenship. DHS stated that because CBP officers were satisfied with the citizenship of the two investigators at the time of inspection, identity documents were not required.

We agree that an identity document is not required for U.S. citizens at land ports of entry. However, this example is meant to convey that some inspections were not meeting the intent of CBP's July 2006 management guidance calling for more thorough inspections through traveler interviews and document review. Asking a traveler one question about citizenship when seated at a desk about 10 feet away does not seem to be consistent with the more thorough inspections called for in CBP's management guidance. We modified our report to include additional information on this episode.

DHS also provided technical comments, which we incorporated into the For Official Use Only version of this report as appropriate. Appendix III contains written comments from DHS.

We are sending copies of this report to the Secretary of Homeland Security, the Director of the Office of Management and Budget, and interested congressional committees. We will also make copies available to others on request. In addition, this report will be available at no charge on the GAO Web site at http://www.gao.gov.

If you or your staff have any questions concerning this report, please contact me at (202) 512-8777 or by e-mail at stanar@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix IV.

Richard M. Stana

Richard M. Stana
Director, Homeland Security and Justice Issues

Appendix I: Objectives, Scope, and Methodology

This report addresses the progress the U.S. Customs and Border Protection (CBP) has made and the remaining challenges it faces in conducting traveler inspections, staffing, and training at ports of entry. Specifically, we answered the following questions: (1) What success and challenges has CBP had in interdicting inadmissible aliens and other violators at its ports of entry? (2) What progress has CBP made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs? (3) What progress and problems CBP has encountered in setting goals and performance measures for its traveler inspection program?

On October 5, 2007, we issued a report that answered the above questions, but it contained information that DHS considered law enforcement sensitive.[1] This version of the report omits sensitive information about CBP's traveler inspection efforts, including information on the techniques used to carry out inspections, data on the number of inadmissible aliens and other violators that enter the country each year, and data on staffing at ports of entry. In addition, at DHS's request, we have redacted the specific locations that we visited.

The overall methodology used for our initial report is relevant to this version of the report since the information in this product is derived from our first report. Specifically, we, performed our work at the Department of Homeland Security's (DHS) CBP offices, based in Washington, D.C. We also conducted work at 8 ports of entry—three airports and five land crossings. While we cannot generalize our work from our visits to all ports of entry, we chose these ports of entry to provide examples of operations at ports of entry. At each location, we held group sessions with CBP officers and supervisors. We also interviewed port management and staff involved in training. In addition, our investigators conducted vulnerability assessments of inspection procedures at 8 additional ports of entry. Our investigators conducted covert operations to evaluate screening procedures at small ports of entry. Although we cannot generalize our investigators' work at these locations to all ports of entry, we selected these ports of entry to provide examples of traveler inspections at small ports of entry. Our investigators did their work in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency. In assessing the adequacy of internal controls, we used the criteria in GAO's *Standards for Internal Control in the Federal*

[1] See GAO-08-123SU.

Government, GAO/AIMD 00-21.3.1, dated November 1999. These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to FMFIA, the Office of Management and Budget issued Circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in Circular A-123 are based on the GAO Standards for Internal Control in the Federal Government.

To determine what success and challenges CBP has had in interdicting inadmissible aliens and other violators at its ports of entry, we interviewed CBP headquarters officials, such as officials from the Offices of Field Operations, Policy and Planning, Finance, and Training and Development. We obtained and analyzed available DHS documents on traveler inspections, more specifically on COMPEX data (a compliance measurement to determine an overall estimated rate of compliance for travelers), and port infrastructure assessments. For example, we examined COMPEX data that estimate the total number of inadmissible aliens and other violators that seek to enter the country, and compared their compliance and apprehension rates. We assessed the reliability of the COMPEX data by (1) talking with knowledgeable officials about how COMPEX inspections are conducted, documented, and how the apprehension rate estimates are generated; (2) reviewing relevant documentation; and (3) replicating the calculations for the apprehension rates that were provided in the COMPEX reports. We determined the COMPEX estimates were sufficiently reliable for illustrating apprehension rates for the ports of entry the COMPEX program covers. Additionally, we also analyzed CBP's Strategic Resource Assessment, an evaluation and planning tool designed to identify a port's infrastructure needs and operational impact on traveler inspections. We also evaluated the CBP Inspector's Field Manual to determine inspections-related requirements. During our eight site visits, we met with and interviewed field office directors and senior port management staff. During our interviews, we (1) discussed CBP's success in interdicting inadmissible aliens and other violators and the vulnerabilities in the inspections procedures and concerns related to physical infrastructure and (2) obtained available documentation regarding traveler-related inspections policies and procedures. At each port of entry we visited, we observed both primary and secondary screening procedures and conducted discussion group sessions with officers and supervisors. At each port of entry we visited, we obtained a list of CBP officers scheduled to work during our site visit and

from that list we randomly selected officers and supervisors to participate in our sessions at six of the eight ports we visited. We organized the discussion groups by whether they were from legacy organizations or became CBP officers after the merger. At two ports of entry, local management selected officers who would attend the discussion groups and interviews. The group discussions covered a variety of discussion topics, particularly officers' perceptions and experiences with the "One Face at the Border" initiative and associated challenges in conducting inspections at ports of entry. Over 200 CBP officers participated in our discussion group sessions. In addition to the discussion groups, we also conducted meetings (usually groups of two to four) with CBP chiefs, line supervisors, and specialists (e.g., officers assigned to the intelligence or canine units). These meetings were designed to collect perceptions from CBP middle management and specialists. Additionally, we reviewed a videotape prepared by CBP that documented noncompliance with inspection requirements. Finally, we reviewed CBP's new policies and procedures for traveler inspections at land ports of entry.

To examine what progress CBP has made in improving staffing and training at its ports of entry and how successful has it been in carrying out these workforce programs, we interviewed CBP headquarters officials, including those from the Offices of Field Operations, Policy and Planning, Human Resource Management, and Training and Development. We obtained and analyzed available CBP reports on staffing and training data. For example, we analyzed staffing data from CBP's Quarterly Resource Assessment, an allocation tool used by field offices to identify the port's need for additional resources (e.g., request for additional officers). We also collected and analyzed data from CBP's National Training Plan, a comprehensive guide that documents recommended training guidelines for CBP officers. At each major port we visited, we met with field office directors and senior port management. During our meetings we discussed staffing and training challenges that affected port operations. Follow-up meetings with CBP headquarters officials resulted in receiving staffing numbers from the Quarterly Resource Assessment—an assessment tool used by CBP to identify field office needs and resources—that documented field offices' request for additional officers. We reviewed headquarters guidance on the on-the-job training program, then met with field office directors and training coordinators. We assessed the reliability of the staffing data by (1) talking with knowledgeable officials about staffing resources, (2) reviewing relevant documentation, and (3) comparing budgeted staffing numbers to officers currently onboard. Although CBP provided us with the results of the staffing model and not the model itself, we reviewed the model with knowledgeable officials,

including the assumptions that were used to produce the estimated staffing needs. We understand that the staffing requirements the model produces will vary depending on the assumptions used and we present the key assumptions in the text of our report. Although we discussed the staffing model and its results with CBP officials responsible for the model, validating the model and its results was outside the scope of our review. During the course of our review, we analyzed November 2006 training data from ports of entry that showed the number of officers that had taken cross-training modules as well as the number of officers that local port management had identified as still needing to take a certain module. However, when we compared July 2007 training data with the November 2006 data from ports of entry, we identified inconsistencies with the data. For example, the July 2007 data showed that 120 fewer officers had taken training in a module when compared with the November 2006 data. Because of inconsistencies such as these, we did not use these data in our report. We also reviewed the Border Patrol's on-the-job training program to identify best practices. Finally, we assessed nonsupervisory CBP employees' perceptions of the effectiveness of CBP's workforce management in areas such as job satisfaction, performance evaluation, providing employees sufficient resources to do their jobs, and meeting training needs by analyzing results from the 2004 and 2006 Office of Personnel Management's (OPM) Federal Human Capital Survey. In addition, we discussed CBP's training program with officers during discussion groups at the eight ports of entry we visited. To get a perspective on how these results ranked against other federal agencies, we compared the results of our analysis for nonsupervisory CBP employees with responses from nonsupervisory staff in the other DHS component agencies as well as the responses from the other 36 federal agencies included in the survey.

To examine what progress CBP has made in setting goals and performance measures for its traveler inspection program, we interviewed and corresponded with officials in CBP's Offices of Field Operations, Policy and Planning, and Human Resources Management. In addition, to identify CBP's strategic goals and performance measures for inspecting travelers, we reviewed agency documents such as CBP's Strategic Plan for 2005 to 2010, CBP Performance and Accountability Reports for fiscal years 2005 and 2006, and OFO's strategic plan, Securing America's Borders at Ports of Entry (FY 2007- 2011).

We conducted our work from August 2006 through September 2007 in accordance with generally accepted government auditing standards.

Appendix II: CBP's Strengths and Challenges, According to OPM Surveys

To gain a broader view of CBP nonsupervisory staff perspectives on workforce issues, we analyzed results from the 2004 and 2006 OPM Federal Human Capital Survey of 36 federal departments or agencies. OPM's survey represents responses from over 220,000 federal employees, including staff from DHS and CBP.[1] The survey has 73 questions designed to gauge employees' perceptions about how effectively agencies manage their workforce in the following categories: Personal Work Experiences; Recruitment, Development and Retention; Performance Culture; Leadership; Learning (Knowledge Management); Job Satisfaction; and Satisfaction with Benefits. The following presents our analysis of responses from nonsupervisory CBP staff to questions from OPM's 2004 and 2006 surveys.

CBP Receives High Marks in Some Areas, but Staff Generally Expressed Low Satisfaction with Their Work Environment

Estimates based on responses by CBP nonsupervisory staff to OPM's 2006 survey show that weaknesses in the work environment generally outweighed the strengths. Our analysis of the survey data showed that CBP nonsupervisory staff identified strengths in 12 of the 73 survey questions.[2] For example, we estimate that a high percentage of CBP staff (1) view their work as important, (2) use information technology to perform work, (3) like the kind of work they do, and (4) understand how their work relates to the agency's mission. (See table 1 for the top 10 items.)

[1] The sample design for the OPM survey of federal employees allows reporting results at the DHS component level, and the data may be further broken out by employee, supervisory, or management status. It does not provide for developing estimates by job series, or for CBP officers alone. Here, "CBP staff" refers to all nonsupervisory employees within CBP, including CBP officers, Border Patrol agents, and other mission support staff. CBP officers constitute 42 percent of all CBP's nonsupervisory workforce and about 36 percent of CBP's workforce overall; therefore, these estimates can be considered a closer reflection of CBP officers than estimates for all of CBP.

[2] OPM suggests an area is a management strength when 65 percent or more of the respondents give a positive response to a question.

Table 1: Top 10 Items—Strengths in CBP

Items	Percent estimates for nonsupervisory CBP staff who responded "agree" or "strongly agree, "satisfied," or "very satisfied"
The work I do is important	87.5
Employees use information technology to perform work	86.1
I like the kind of work I do	83.0
Satisfaction with paid vacation time	81.9
Satisfaction with paid leave for illness	77.0
Electronic access to learning and training at desk	74.9
The people I work with cooperate to get the job done	74.7
Employees in my work unit share job knowledge with each other	73.4
I know how my work relates to the agency's goals and priorities	73.1
Rate the overall quality of work done by work group	67.7

Source GAO analysis of OPM survey

Our analysis also showed that CBP nonsupervisory staff identified weaknesses[3] in 22 of 73 areas.[4] (See table 2 for the bottom 10 items.)

[3] OPM indicates that an area is a management weakness when 35 percent or less of respondents give a positive response to a question.

[4] We estimate that 50 percent or more of CBP nonsupervisory staff gave positive responses to 27 of 73 questions. For the remaining 46 questions, less than half of CBP's staff responded in a positive way.

Table 2: Bottom 10 Items—Weaknesses in CBP

Item	Percent estimates for non-supervisory CBP staff who responded "agree" or "strongly agree," "satisfied," or "very satisfied"
Employees are rewarded for high-quality products and services	20.8
Awards depend on how well employees perform their jobs	19.8
Satisfaction with work/life programs	19.3
Creativity and innovation are rewarded	18.4
Steps taken to deal with a poor performer	17.8
Promotions in my work unit are based on merit	17.7
Differences in performance are recognized in a meaningful way	16.7
Satisfaction with telework/telecommuting	15.8
Satisfaction with child care subsidies	9.4
Pay raises depend on how well employees perform their jobs	9.1

Source GAO analysis of OPM survey.

When compared with the 2004 survey results, the survey results for 2006 showed that the only area where CBP demonstrated significant progress for non-supervisory staff was increasing employees' electronic access to learning materials at their desks (an estimated 24 percent improvement from 2004 to 2006). For 19 of 71 items,[5] we estimate that scores for nonsupervisory CBP staff declined by a statistically significant degree. Some of the items where CBP faces greater challenges today than it did in 2004 include (1) having worthwhile discussions with supervisors about performance (an estimated 9.4 percent fewer positive responses in 2006 compared with 2004); (2) rating the overall quality of work done by their unit (6.9 percent fewer); and (3) people I work with cooperate to get the job done (6.2 percent fewer).

CBP Results Generally Mirror Those of DHS, but CBP Has Shown Little or No Improvement in Its Work Environment Since 2004

The estimates for nonsupervisory staff within CBP generally mirror those for the rest of DHS employees. Estimates based on responses from nonsupervisory CBP staff were about the same as those based on the rest of DHS on 47 of the 73 survey items. CBP scored higher on four items, including having a reasonable workload and electronic access to training. CBP was below DHS on the remaining 22 items, including work environment issues such as the quality of work done by the workgroup,

[5] The 2004 and 2006 Federal Human Capital Surveys had 71 questions in common.

feedback from supervisors, and having enough information to do the job well.

Placing the results of our analysis in context with how DHS compared with the other 36 departments or agencies involved in OPM's survey provides a baseline along which to examine a department or agency's results. For 2006, DHS ranked at or near the bottom of four main categories measured by the survey. DHS ranked 35th on leadership and knowledge management, 36th on having a results-oriented performance culture, 33rd on talent management, and 36th on job satisfaction. To put the situation at CBP in this context, CBP's survey results rank the agency 10th out of the 13 DHS subcomponents, which would suggest that CBP similarly ranks at or near the bottom in these categories when compared to other federal agencies.

Quality of CBP's Work Environment for Nonsupervisory Employees Is Generally Lower than at Other Federal Agencies

For 2006, nonsupervisory CBP staff scored the work environment as lower than elsewhere in the federal government on 61 of the survey's 73 questions.[6] For example, when we compared CBP with other federal agencies, we estimated that a significantly smaller percentage of CBP nonsupervisory staff said (1) supervisors or team leaders in their work unit support employee development, (2) their work unit recruits people with the right skills, and (3) they are given an opportunity to improve their skills. In contrast, there were no items where CBP staff scored the work environment as significantly better.

When viewed in more detail, our analysis of OPM's survey data shows that CBP faces challenges in staffing and training its personnel, especially when CBP is compared to other federal agencies. For staffing, we estimate that CBP staff gave low marks to CBP for (1) the adequacy of sufficient resources to get the job done and (2) their work unit being able to recruit people with the right skills. With respect to training, less than half of CBP's staff were reportedly satisfied with (1) the quality of the training received, (2) CBP's assessment of their training needs, and (3) supervisory support for employee development (see table 3).

[6] OPM suggests using 5 percent as a "rule of thumb" approach when reviewing and interpreting the survey results to identify notable or meaningful differences in responses to survey questions. Using this standard, CBP staff scores were 5 percent or more below the governmentwide average in responses to 61 of the 73 survey questions.

Table 3: Selected Items in Which CBP Scored Lower than Elsewhere in the Federal Government (in percentages)

	Item	CBP	Rest of government	Difference
Staffing				
	I have sufficient resources to get my job done	33.2	47.8	-14.7
	My talents are used well in the workplace	48.1	61.7	-13.6
	My work unit is able to recruit people with the right skills	30.3	43.7	-13.5
Training				
	Supervisor/team leader in my work unit supports employee development	43.0	64.5	-21.5
	Supervisor/team leader provides constructive feedback on how to improve	42.1	57.9	-15.7
	My training needs are assessed	43.3	51.2	-7.8
Other work environment issues				
	I have enough information to do my job well	58.2	72.6	-14.4
	My work gives me a feeling of personal accomplishment	60.9	73.1	-12.3
	I have trust and confidence in my supervisor	55.1	63.9	-8.8

Source: GAO analysis of OPM survey.

CBP acknowledges that it needs to improve its workforce management, particularly focusing on raising employees' perceptions of CBP leadership, enhancing training and career development, and attitudes toward the performance culture at CBP. CBP has formulated a business plan that outlines a variety of corrective actions and initiatives it will take to achieve results in each of these areas. From a strategic standpoint, CBP will establish a Human Capital Advisory Board, composed of senior field leadership from the major CBP offices, that will serve as the central contact point for all program offices, advise and assist with implementing the initiatives outlined in the business plan, and asses the potential for forming an Employee Action Team Advisory Board. To facilitate communication with CBP employees about management actions, the plan sets forth a variety of potential actions, such as creating a Web site on the CBP intranet where CBP supervisors and employees can review the current workforce issues being addressed or results from actions taken, adding a link to CBP's Web site where the public can access information to learn how CBP is addressing the survey results, and holding town hall meetings at key locations with the Commissioner and other high-level management. To better define the scope of the workforce issues and problems identified through the Federal Human Capital Survey, CBP also plans to conduct employee focus groups as well as administer the survey internally to a larger, more representative sample of CBP employees.

Following an in-depth analysis of the results of these actions, CBP will update the business plan in the first quarter of 2008.

As part of its leadership initiative, CBP is exploring options to improve employee perceptions of managers' job performance, establish better communication of management's goals and priorities, and encourage managers to build more trust and confidence with their employees. To accomplish these goals, CBP plans to create a leadership development checklist to make sure supervisors are addressing critical areas identified through the employee focus groups, and intends to increase the marketing of its recently implemented training course for incumbent supervisors as well as continue the development of training for supervisors newly promoted into management positions. These courses cover integrity, communication, conflict management, and holding effective roundtable discussions. Within the performance culture initiative, CBP wants to find better ways of recognizing employees' performance that will improve their perceptions about the fairness of CBP's performance recognition while also supporting a balance between work and family life, which employees also rated poorly. CBP's plan includes, among other things, a call for improving the channels of communication used to inform supervisors and managers about the type and scope of discretionary performance awards they have at their disposal to issue throughout the year. It also suggests encouraging management at all levels of CBP to have more frequent employee recognition events, to publish award recipients and best practices, and to make awards management a component of performance standards for supervisory personnel. Finally, within the talent management initiative, the plan calls for Human Resources to complete its competency, skills, and needs assessment by the third quarter of fiscal year 2007, and for the Office of Training and Development to implement an automated development and career path system that will guide employees in their career development by providing occupational "road maps" and recommending training based on the occupations they intend to pursue.

Appendix III: Comments from the Department of Homeland Security

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

Homeland Security

October 2, 2007

Mr. Richard M. Stana
Director, Homeland Security and Justice Issues
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Stana:

RE: Draft Report GAO-07-1212SU, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry (GAO Job Code 440524)

The Department of Homeland Security (DHS) appreciates the opportunity to review and comment on the draft report referenced above. The report addresses internal controls in the inspection process, mechanisms for measuring training provided and new officer proficiency, and implementing a performance measure for apprehending illegal aliens and other violators. The U.S. Government Accountability Office (GAO) makes four recommendations to mitigate the risk of failed traveler inspections at ports of entry. U S Customs and Border Protection (CBP) officials agree with the recommendations and are taking corrective action

The report indicated that there are weaknesses in CBP's inspection procedures. CBP has made marked improvements in the identification of all travelers presenting themselves for admission at land border ports of entry. In April 2006, CBP mandated that all Field Offices with land border ports of entry begin increasing the number of primary name queries with the final goal of querying every person arriving at the ports. Since April 2006, CBP has raised the percentage of queries from single digit levels to an average of more than fifty percent nationwide.

As mentioned in the draft report, the GAO conducted an investigation on traveler inspection procedures. Upon review of the details of this investigation, CBP concluded that GAO's findings were inaccurate and flawed. Under current statute and regulation, a person claiming to be a United States citizen arriving at a port of entry is not required to provide identity documents as long as the subject can establish, to the satisfaction of the inspecting officer, citizenship. Therefore, because CBP Officers were satisfied with the citizenship of the two investigators at the time of inspection, identity documents were not required.

The following narrative is designed to address the four recommendations, specifically the action taken or planned. Technical comments have been provided under separate cover.

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Recommendation 1:

Implement internal controls to help ensure that field office directors communicate to agency management the results of their monitoring and assessment efforts so that agency wide results can be analyzed and necessary actions taken to ensure that new traveler inspection procedures are carried out in a consistent way across all ports of entry.

Response:

We agree with the recommendation. U S Customs and Border Protection (CBP) officials already have taken action to address the recommendation and believe it can be closed.

U.S. Customs and Border Protection Directive 1520-012A, Office of Field Operations (OFO) Self-Inspection Program, dated May 10, 2007, outlines the annual process and procedures for performing self-inspections and inspection verifications, and defines the roles and responsibilities of those involved in the process. The program verifies that the OFO mission is performed in accordance with established policies and procedures. Additionally, this program is supportive of the Securing America's Borders at the Ports of Entry, Data Integrity Initiative and the goal of verifying the quality and accuracy of data collected on travelers, goods and conveyances.

The directive requires the Directors of Field Operations to verify to the Assistant Commissioner, OFO, via memorandum, that the self-inspections have been completed as well as ensuring that corrective measures are taken on identified deficiencies. The directive provides a bottom-up reporting chain that allows deficiencies to be reported, tracked through correction, and verified by CBP's Office of Internal Affairs, Management Inspections Division and OFO. As new programs or directives are developed and deployed, the OFO program manager with responsibility for the new program or directive develops or revises self-inspection worksheets to be used by the field.

Recommendation 2:

Develop data on cross-training programs that measure whether the individuals who require training are receiving it so that agency management is in a better position to measure progress toward achieving training goals.

Response:

Presently OFO is working with the Office of Training and Development to repurpose the border unification cross-training modules in order to provide function-specific port training. The anticipated delivery of this training is January 2008. Once the new training is in place, OFO will be in a better position to accurately measure whether an officer who needed the training received it.

In addition to the revised training that is anticipated to be delivered in Fiscal Year 2008, OFO is holding a focus group with Field Training Coordinators (FTCs) at CBP headquarters (HQ). One of the topics that will be covered is how HQ can more accurately track training and how to increase accountability of training to all levels of the organization. OFO will be asking the FTCs to provide any "best practices" they are currently using at their ports to ensure their officers are receiving all necessary training and to provide HQ with a recommendation on the best way to evaluate training progress.

In the interim, CBP managers will develop a measurement validation tool to confirm that officers have received the proper training. OFO will compare the staffing assignments of officers assigned to work in a particular environment to the officers' training records. This assessment will allow CBP managers to ensure that the necessary cross-training courses have been completed before an officer is assigned to work in a different environment.

CBP officials expect the interim validation tool to be in place by the end of January 2008 and a port training assessment completed by the end of September 2008.

Recommendation 3:

Incorporate into CBP's procedures for its on-the-job training program (1) specific tasks that CBP officers must experience during on-the-job training and (2) requirements for measuring officer proficiency in performing those tasks.

Response:

We agree with the recommendation. OFO sent a representative to the Office of Border Patrol's (OBP's) Training Conference to review their post-academy training. OFO will evaluate how OBP is implementing their on-the-job training and analyze its compatibility to OFO's unique training challenges.

As the current cross-training modules are revised into port-specific training, OFO will look at ways to incorporate a monitoring system of specific skill sets that are imperative for success in each environment. Each environment will need to be analyzed for the specific tasks that must be performed and the requirements to measure officer proficiency, as the skill sets are not universal across the various environments.

Recommendation 4:

Formalize a performance measure for the traveler inspection program that identifies CBP's effectiveness in apprehending inadmissible aliens and other violators.

Response.

We agree with the recommendation. OFO formulated a performance measure called the Apprehension Rate, which has been calculated for the air and land border vehicle environments. This measure provides a statistically valid estimate of the apprehension rate of land border vehicle passengers for major violations at the ports of entry. It results from a randomized statistical sampling program implemented at the ports of entry called COMPEX that utilizes a sampling technique that is outcome/results driven. It is an outcome measure because it estimates the threat approaching the port in terms of major violations and demonstrates the effectiveness of CBP officers in interdicting that threat. It encompasses only "major violations" as defined in the COMPEX sampling program, which includes serious criminal activity that results in arrests and seizures.

This action is fully responsive to the recommendation and provides a reliable, statistically valid performance measure for the traveler inspection program that encompasses over 86 percent of travelers entering the United States at the ports of entry. The Apprehension Rate measure will be formally submitted by CBP to personnel involved with the DHS Future Years Homeland Security Plan (FYHSP) planning and budgeting system as a formal performance measure to be used in support of CBP planning requirements. Once Department personnel complete their review and make any revisions necessary to the measure definition, this measure will be added to the set of formal FYHSP performance measures used to track CBP performance for planning and budgeting purposes on an ongoing basis.

Sincerely,

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Director
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MMcP

Appendix IV: GAO Contact and Staff Acknowledgments

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Staff Acknowledgments

In addition to the contact listed above, Michael Dino, Assistant Director; Neil Asaba; Frances Cook; Josh Diosomito; Kasea Hamar; Michael Meleady; Christopher Leach; Ron La Due Lake; and Stan Stenersen made key contributions to this report.

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