



GAO

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

November 17, 2011

The Honorable Mary Landrieu
Chairman
The Honorable Frank Lautenberg
Vice Chairman
The Honorable Dan Coats
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate

The Honorable Robert B. Aderholt
Chairman
The Honorable David E. Price
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
House of Representatives

Subject: U.S. Customs and Border Protection's Border Security Fencing, Infrastructure and Technology Fiscal Year 2011 Expenditure Plan

This letter formally transmits the briefing slides we provided on November 16, 2011, in response to a mandate in the Department of Defense and Full-Year Continuing Appropriations Act, 2011.¹ This mandate required the Department of Homeland Security (DHS) to (1) update its Fiscal Year 2010 expenditure plan on border security fencing, infrastructure, and technology (BSFIT) for fiscal year 2011 budget authority and (2) submit the updated plan to the House and Senate Appropriations Committees. The plan is to address 10 legislative conditions in the fiscal year 2010 DHS appropriations act and be reviewed by GAO.²

DHS submitted an updated plan to Congress on September 8, 2011.³ As required by the act, we reviewed the plan. To conduct this work, we analyzed the expenditure plan and documents referenced within the plan, such as strategic plans and reports, and interviewed DHS and U.S. Customs and Border Protection (CBP) officials to obtain clarification on material contained in the expenditure plan, including certification memoranda from the DHS Chief Procurement, Chief Information, and Chief Human Capital Officers.

In summary, the expenditure plan satisfied some but not all of the legislative conditions. Specifically, of the 10 legislative conditions, the expenditure plan satisfied 3, partially

¹ Pub. L. No. 112-10, § 1601, 125 Stat. 38, 140.

² Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111-83, 123 Stat. 2142, 2145-2147 (2009), as made applicable with modifications by Pub. L. No. 112-10, §§ 1101(a), 1610, 125 Stat. at 102-03, 140.

³ For purposes of this report, we refer to this plan as the BSFIT expenditure plan.


satisfied 5, and did not satisfy 2 (see enclosure, table 1, slides 7 through 9).⁴ For more information on the legislative conditions and the results of our analyses, see enclosure, slides 16 through 25. Based on our reviews of BSFIT expenditure plans over 5 consecutive years, DHS has consistently not included all required elements in the plans leading to partially satisfied or not satisfied legislative conditions each year. Providing an explanation of which elements of the legislative conditions were not included in the expenditure plan and why the elements were not included would help DHS to provide Congress with a more complete picture of the status of the BSFIT-funded programs. Similarly, including an explanation in the certification memorandum of why all legislatively-required elements of the condition were or were not certified, along with references to supporting documentation, would provide Congress with more clarity on how and why the BSFIT programs were or were not certified. Based on the results of our review, we are recommending that the Secretary of Homeland Security enhance the expenditure plan by ensuring that explanations are included for all required legislative conditions that are not fully addressed. Further, we are recommending that the Secretary enhance the plan by ensuring that the required certification memoranda include descriptions of the review processes used for the certifications along with references to the documentation used to make certifications for each relevant BSFIT-funded program.

We provided a draft of this report to DHS for review and comment. DHS provided written comments which are reprinted in the enclosure, appendix V. In commenting on a draft of this report, DHS concurred with our first recommendation to enhance the expenditure plan by ensuring that explanations are included for all required legislative conditions that are not fully addressed and stated that CBP is committed to providing complete and thorough information in future BSFIT expenditure plans. In addition, DHS concurred with our second recommendation to enhance the expenditure plan by ensuring that required certification memoranda include descriptions of the review processes used for the certifications along with references to supporting documentation for each relevant BSFIT-funded program. In commenting on the draft, DHS noted that the fiscal year 2011 BSFIT expenditure plan is mandated to be an update to the fiscal year 2010 and earlier BSFIT expenditure plans and that CBP therefore omitted discussions that were addressed in the earlier plans such as detailed program management capabilities. We recognize that the fiscal year 2011 expenditure plan was mandated to be an update and reviewed the plan accordingly. For example, in instances where changes in BSFIT programs were significant, we assessed whether the fiscal year 2011 plan provided current and accurate information. Specifically, regarding detailed program management capabilities, between the issuance of the fiscal year 2010 and 2011 BSFIT expenditure plans, DHS reorganized its management of the acquisition, deployment and integration of surveillance and detection technologies, dissolving the Secure Border Initiative program management office and creating the Office of Technology Innovation and Acquisition. We assessed whether the BSFIT plan addressed detailed program management capabilities of the new office, among other things.

We are sending copies of this report to the appropriate congressional committees. We are also sending copies to the Secretary of Homeland Security, the Commissioner of U.S. Customs and Border Protection, and the Director of the Office of Management and Budget. This correspondence will also be available at no charge on our web site at

⁴ Satisfied means that the plan and documentation referenced therein either satisfied or provided for satisfying each requirement of the condition or direction that we reviewed. Partially satisfied means that the plan either satisfied or provided for satisfying some, but not all, key aspects of the condition or direction that we reviewed. Not satisfied means that the plan and documentation referenced therein did not satisfy any of the key aspects of the condition or direction we reviewed.

<http://www.gao.gov>. Should you or your staff have questions concerning this report, please contact me at (202) 512-8777 or stanar@gao.gov. Contact points for Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report were Chris Keisling, Assistant Director; Kevin Copping, Analyst-in-Charge; Sarah Arnett; Michael Sweet; Frances Cook; Celina Davidson; Rebecca Wilson; Richard Hung; Linda Miller; and Lara Miklozek.



Richard M. Stana
Director, Homeland Security and Justice

Enclosure

Enclosure



**Briefing on
U.S. Customs and Border Protection's
Border Security Fencing, Infrastructure, and
Technology
Fiscal Year 2011 Expenditure Plan**

Prepared for the
Subcommittees on Homeland Security,
Senate and House
Committees on Appropriations

November 16, 2011



Briefing Overview

- Introduction
 - Objective, Scope, and Methodology
 - Results in Brief
 - Background
 - Finding
 - Legislative Conditions
 - Conclusions
 - Recommendations
 - Agency Comments
 - Appendix I: Surveillance Technology Programs
 - Appendix II: Tactical Infrastructure Program
 - Appendix III: Tactical Communications Modernization Program
 - Appendix IV: Details Supporting GAO Analysis
 - Appendix V: Comments from DHS
 - Related GAO Products
-

Introduction

- The Department of Homeland Security (DHS) launched the Secure Border Initiative (SBI), a multiyear, multibillion-dollar effort aimed at securing U.S. borders and reducing illegal immigration, in November 2005. Under this initiative, U.S. Customs and Border Protection (CBP), the lead agency within DHS for border security, implemented the following programs:
 - **SBI Network (SBInet)**—A mix of radars, sensors, and cameras along 53 miles of Arizona's 376-mile border with Mexico.
 - **Northern Border Program**—A mix of cameras, radars, and operations centers along the northern border.
 - **Tactical Communications (TACCOM) Modernization**—Upgrade to CBP communications systems.
 - **Tactical Infrastructure (TI)**—Fences, roads, and lighting along the southwest border.
- In January 2011, after 5 years and a cost of nearly \$1 billion, DHS ended SBInet because it did not meet cost-effectiveness and viability standards.
- DHS is developing a successor plan to secure the southwest border called the Alternative (Southwest) Border Technology plan. The plan's first phase is the Arizona Border Surveillance Technology Plan, which also includes a mix of radars, sensors, and cameras. The Arizona Border Surveillance Technology Plan is expected to cost approximately \$1.5 billion over 10 years.



Introduction (cont.)

- The Department of Defense and Full-Year Continuing Appropriations Act, 2011, required DHS to update its fiscal year 2010 expenditure plan on border security fencing, infrastructure, and technology for fiscal year 2011 budget authority and submit the updated plan to the House and Senate Appropriations Committees.¹ The plan is to address 10 legislative conditions set forth in the fiscal year 2010 DHS appropriations act and be reviewed by GAO.² DHS received approximately \$573 million for border security fencing, infrastructure, and technology (BSFIT) programs for fiscal year 2011.³
- In response to similar requirements in previous appropriations acts, we issued four reports discussing the extent to which DHS met legislative conditions for its fiscal year 2007, 2008, 2009, and 2010 BSFIT expenditure plans.⁴
- In response to the above requirements, DHS submitted a plan to Congress on September 8, 2011, titled Border Security Fencing, Infrastructure and Technology (BSFIT) Fiscal Year 2011 Expenditure Plan.⁵

¹ Pub. L. No. 112-10, § 1601, 125 Stat. 38, 140.

² Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111-83, 123 Stat. 2142, 2145-47 (2009), as made applicable with modifications by Pub. L. No. 112-10, §§ 1101(a), 1610, 125 Stat. at 102-03, 140.

³ Pub. L. No. 112-10, § 1610(a), 125 Stat. at 140.

⁴ GAO, *U.S. Customs and Border Protection's Border Security Fencing, Infrastructure, and Technology Fiscal Year 2010 Expenditure Plan*, GAO-10-877R (Washington D.C.: July 30, 2010); GAO, *U.S. Customs and Border Protection's Secure Border Initiative Fiscal Year 2009 Expenditure Plan*, GAO-09-274R (Washington, D.C.: Apr. 30, 2009); *Secure Border Initiative Fiscal Year 2008 Expenditure Plan Shows Improvement, but Deficiencies Limit Congressional Oversight and DHS Accountability*, GAO-08-739R (Washington, D.C.: June 26, 2008); and *Secure Border Initiative: SBInet Expenditure Plan Needs to Better Support Oversight and Accountability*, GAO-07-309 (Washington, D.C.: Feb. 15, 2007).

⁵ For purposes of this briefing, we refer to this plan as the BSFIT expenditure plan.



Objective, Scope, and Methodology

- Our objective was to determine whether CBP's BSFIT expenditure plan satisfied 10 legislative conditions as specified in the Department of Defense and Full-Year Continuing Appropriations Act, 2011.
- To accomplish our objective, we
 - analyzed the BSFIT expenditure plan and documents referenced within the plan, such as strategic plans and reports, and
 - interviewed cognizant DHS and CBP program officials in Washington, D.C., to obtain clarification on material contained in the BSFIT expenditure plan.
- In making our determination regarding whether the BSFIT expenditure plan satisfied each of the 10 legislative conditions, we limited our assessment to information in the expenditure plan and documents referenced in the plan because the legislative conditions specified that the expenditure plan was to contain the information to address them.
- Also, in making our determination regarding the extent to which the plan satisfied the 10 legislative conditions, we examined the expenditure plan and documents referenced therein for the presence of the required elements. We did not assess the quality of these elements.
- We compared the results of our analysis of the 2007 through 2010 BSFIT expenditure plans with the results of our 2011 analysis.



Objective, Scope, and Methodology (cont.)

- We determined that funding, staffing, and fencing mileage data provided in the plan were sufficiently reliable for purposes of this briefing. We based our decision on an assessment for each respective area by questioning cognizant DHS officials about the source of the data and policies and procedures to maintain the integrity of these data.
- We conducted this performance audit from July 2011 through November 2011 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our objectives.



Results in Brief

Of the 10 legislative conditions, the BSFIT expenditure plan and documents referenced therein satisfy 3, partially satisfy 5, and do not satisfy 2.⁶ The 10 legislative conditions and the level of satisfaction are summarized in Table 1.

Table 1: GAO Assessment of Satisfaction of Legislative Conditions

Legislative conditions	Status
1. A detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the SBI program or any successor program, and description of the methodology used to obtain these cost figures. ^a	Partially Satisfied
2. A description of how specific projects will further the objectives of SBI, as defined in the DHS Secure Border Strategic Plan, and how the expenditure plan allocates funding to the highest priority border security needs. ^b	Satisfied
3. An explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities.	Partially Satisfied
4. An identification of staffing, including full-time equivalents, contractors, and detailees, by program office.	Satisfied

⁶ **Satisfied** means that the plan and documentation referenced therein either satisfied or provided for satisfying each requirement of the condition or direction that we reviewed. **Partially satisfied** means that the plan either satisfied or provided for satisfying some, but not all, key aspects of the condition or direction that we reviewed. **Not satisfied** means that the plan and documentation referenced therein did not satisfy any of the key aspects of the condition or direction we reviewed.



Results in Brief (cont.)

Table 1: GAO Assessment of Satisfaction of Legislative Conditions (cont.)

Legislative conditions	Status
5. A description of how the plan addresses security needs at the northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for northern border activities.	Satisfied
6. A report on budget, obligations and expenditures, activities completed, and progress made by the program in terms of obtaining operational control of the entire border of the United States.	Partially Satisfied
7. A listing of all open GAO and Office of Inspector General (OIG) recommendations related to the program and the status of DHS actions to address the recommendations, including milestones to fully address such recommendations.	Partially Satisfied
8. A certification by the Chief Procurement Officer (CPO) of the Department, including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that (a) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget (OMB), including as provided in Circular A-11, part 7; (b) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; (c) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the SBI Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program, and all contracts under the program, including the exercise of technical oversight.	Partially Satisfied



Results in Brief (cont.)

Table 1: GAO Assessment of Satisfaction of Legislative Conditions (cont.)

Legislative conditions	Status
9. A certification by the Chief Information Officer (CIO) of the Department, including all supporting documents and memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that: (a) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas; (b) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life-cycle and communicates high-risk conditions to CBP and DHS investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and (c) an independent verification and validation agent is currently under contract for the projects funded under the BSFIT heading.	Not Satisfied
10. A certification by the Chief Human Capital Officer (CHCO) of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative.	Not Satisfied

Sources: Pub. L. No. 111-83, 123 Stat. at 2145-47, as made applicable with modifications by Pub. L. No. 112-10, §§ 1101(a), 1610, 125 Stat. at 102-03,140, and GAO analysis.

^a Since 2007, SBI programs, including tactical infrastructure, *SBI_{net}*, Northern Border program and TACCOM, have been funded from the BSFIT account in DHS appropriations. While *SBI_{net}* was cancelled in January 2011, the other SBI programs listed above in addition to the *SBI_{net}* successor program, the Arizona Border Surveillance Technology plan, are still funded from the BSFIT account. The legislative conditions refer to these programs when stating "the program" or "the SBI program."

^b Department of Homeland Security, *Secure Border Strategic Plan* (Washington, D.C., Dec. 1, 2006).



Results in Brief (cont.)

- For the five legislative conditions that we determined that DHS *partially satisfied*, DHS officials told us that they did not include the required elements because of an oversight or because the elements were under development. An explanation was not included in the BSFIT expenditure plan.
- For the two legislative conditions that we determined that DHS *did not satisfy*, in one case DHS officials told us that they did not include the required element because of an oversight and in the other case they did not provide supporting documentation for the certification. An explanation was not included in the BSFIT expenditure plan.
- By providing an explanation of which elements of the legislative conditions were not included in the expenditure plan and why the elements were not included, DHS would provide Congress with a more complete picture of the status of the BSFIT-funded programs. Moreover, for those conditions that require a certification, including an explanation in the certification memorandum of why elements of the condition were or were not certified, along with references to supporting documentation, would provide Congress with more information in appropriating funds to BSFIT.
- We are recommending that the Secretary of DHS enhance the expenditure plan by ensuring that explanations are included for all legislative conditions that are not fully addressed and that required certification memoranda include descriptions of review processes used for the certifications along with references to supporting documentation for each relevant BSFIT-funded program. DHS concurred with these recommendations.



Background: BSFIT Appropriations

- Over \$4.7 billion has been appropriated for BSFIT activities from fiscal years 2007 through 2011 (see Table 2).

Table 2: BSFIT Appropriations, Fiscal Years 2007 through 2011 (Dollars in Thousands)

Fiscal year	Appropriated funds
2007	1,187,565 ^a
2008	1,302,587 ^b
2009	845,000 ^c
2010	800,000 ^d
2011	573,000 ^e
Total	\$4,708,152

Sources: CBP budget data and DHS's annual appropriations acts.

^a Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, 120 Stat. 1355, 1359 (2006). BSFIT funds are no-year dollars, meaning they do not expire at the end of a given fiscal year.

^b Includes approximately \$77.6 million of reprogrammed funds from other DHS accounts, plus \$1.225 million appropriated through the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, 121 Stat. 1844, 2047 (2007). BSFIT funds from this appropriations act are no-year dollars.

^c Includes \$100 million from the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115, 162, 302 (2009), which expires at the end of fiscal year 2010, plus \$775 million appropriated through the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329, 122 Stat. 3574, 3655 (2008), which are no-year dollars. DHS later reprogrammed \$30 million to DHS's Office of Emergency Communications for an interoperable border communications technology demonstration project.

^d Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111-83, 123 Stat. 2142, 2145 (2009).

^e Department of Defense and Full-Year Continuing Appropriation Act, 2011, Pub. L. No. 112-10 div. B, § 1610(a), 125 Stat. 38, 140, appropriated \$574,173,000. An across-the-board cut to DHS appropriations of 0.2 percent reduced the BSFIT appropriation to \$573 million.

Background: Map of 20 Border Patrol Sectors

The Border Patrol has 20 sectors as shown below in Figure 1.

Figure 1: U.S. Border Patrol Sectors



Source: CBP.



Background: BSFIT-Funded Programs

- BSFIT-funded programs include:
 - Surveillance technology programs
 - Arizona Border Surveillance Technology Plan—is to place border surveillance and related technologies in Arizona.
 - Northern Border Program—is to provide technology deployments and demonstrations for addressing the needs and vulnerabilities of the Northern Border.
 - Legacy Systems—provide surveillance, detection, tracking and identification capabilities.⁷
 - Tactical infrastructure (TI) program—projects for pedestrian fencing, vehicle fencing, roads, and lighting.⁸
 - Tactical communications (TACCOM) modernization program—systems such as mobile radios to enable communications for CBP agents and officers.⁹

⁷ For more information on surveillance technology programs, see appendix I.

⁸ For more information on the tactical infrastructure program, see appendix II.

⁹ For more information on the tactical communication program, see appendix III.



Background: Program Management Responsibilities

The CBP program offices responsible for the implementation of BSFIT-funded programs are the:

- **Office of Technology Innovation and Acquisition (OTIA).** OTIA manages the Arizona Border Surveillance Technology Plan, the Northern Border Program, and other technology projects. OTIA was formed in July 2010 and took over the responsibilities of the SBI program office related to the acquisition, deployment and integration of surveillance and detection technologies.
- **Border Patrol Facilities and Tactical Infrastructure (BPFTI) – Program Management Office (PMO).** The BPFTI PMO is part of CBP's Office of Administration and manages TI projects.
- **Office of Information and Technology (OIT) – Wireless Systems Program Office (WSPO).** OIT-WSPO manages TACCOM Modernization.

Fiscal year 2011 planned expenditures for program management: \$76.4 million.



Background: Summary of GAO Products related to SBI and the Alternative Southwest Border Technology Plan

- We have publicly reported on the SBI program 23 times since February 2007 and have made 38 recommendations (see list of related GAO products at the end of this briefing).
 - Our reports and recommendations pointed to an *SBI_{net}* technology program that was in a constant state of flux, with delays in deployment that required the Border Patrol to continue relying on existing technology for securing the border and weaknesses in testing and acquisition that have resulted in a program that did not produce expected results.
- On November 4, 2011 we reported on the extent to which CBP has the information needed to develop and implement its Arizona Border Surveillance Technology Plan, the first stage of the Alternative Southwest Border Technology Plan, and the extent to which CBP's estimated life-cycle costs for the Arizona Border Surveillance Technology Plan reflect best practices. The report had three recommendations related to CBP's planning for its new technology approach and three recommendations related to increasing the reliability of cost estimation for the plan.¹⁰

¹⁰ GAO, *Arizona Border Surveillance Technology: More Information on Plans and Costs Is Needed before Proceeding*, GAO-12-22. (Washington, D.C.: November 4, 2011).



Legislative Condition #1: Detail Program Progress to Date (Partially Satisfied)

Legislative condition: Include a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the SBI program or any successor program, and description of the methodology used to obtain these cost figures.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *partially satisfy* legislative condition 1. The plan provides a detailed accounting of the BSFIT funded programs' implementation to date, milestones, and system capabilities and services for technology investments. However, the plan and documents referenced therein do not provide system performance levels, mission benefits or outcomes for all investments or programs, or detailed descriptions of program management capabilities. The plan and documents referenced therein do not provide cost targets, maximum investment, and the methodology for determining cost figures for each technology investment program. CBP officials told us that they did not include this information in the plan because of an oversight. Additionally, for TACCOM, CBP did not include a cost target because it was still under development.¹¹

¹¹ For details supporting GAO's analysis of legislative condition 1, see appendix IV.



Legislative Condition #2: Describe How Activities Further the Objectives of SBI's Strategic Plan (Satisfied)

Legislative condition: Include a description of how specific projects will further the objectives of SBI, as defined in the DHS *Secure Border Strategic Plan*, and how the expenditure plan allocates funding to the highest priority border security needs.

GAO analysis: The BSFIT expenditure plan *satisfies* condition 2. The expenditure plan provides information on how technology investments and tactical infrastructure projects further objectives from the *Quadrennial Homeland Security Review* (QHSR) and CBP's *Missions, Goals, and Strategies FY 2011-2013*; these objectives align with those in DHS's *Secure Border Strategic Plan* (2006).¹² The expenditure plan states that CBP has determined that Arizona is the highest priority security need. CBP used an operational assessment to determine the allocation of funds within the Tucson Sector of Arizona.¹³

¹² The Quadrennial Homeland Security Review (QHSR), issued in February 2010, was required by the Implementing Recommendations of the 9/11 Commission Act of 2007. The QHSR provides a review of national security threats and outlines DHS's strategic framework to address these threats.

¹³ For details supporting GAO's analysis of legislative condition 2, see appendix IV.



Legislative Condition #3: Describe How Funds Are Obligated to Meet Future Program Commitments (Partially Satisfied)

Legislative condition: Include an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *partially satisfy* legislative condition 3. The BSFIT expenditure plan includes some information required by the condition, such as a plan defining how all funds are to be obligated for surveillance technology, TACCOM, and TI, and the planned expenditures needed to achieve TI milestones. However, the expenditure plan and documents referenced therein do not include a link between planned expenditures and milestones, services, system performance levels, mission benefits and outcomes, and program management capabilities. CBP officials told us that because of an oversight they did not draft the BSFIT expenditure plan with a level of detail to establish such a linkage.¹⁴

¹⁴ For details supporting GAO's analysis of legislative condition 3, see appendix IV.



Legislative Condition #4: Identify Staffing by Activity (Satisfied)

Legislative condition: Identify staffing, including full-time equivalents, contractors, and detailees, by program office.

GAO analysis: The BSFIT expenditure plan *satisfies* the condition. The plan identifies staffing levels by program office for organizations that execute BSFIT funds.¹⁵

¹⁵ For details supporting GAO's analysis of legislative condition 4, see appendix IV.



Legislative Condition #5: Describe Security Needs at the Northern Border and Ports of Entry (Satisfied)

Legislative condition: Include a description of how the plan addresses security needs at the northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for northern border activities.

GAO analysis: The BSFIT expenditure plan *satisfies* this condition. The plan describes how \$46.5 million of appropriated funds will address the security needs at the northern border and POEs including infrastructure, deployment of surveillance technologies, and the northern border security priorities related to the missions, goals, and objectives of DHS and CBP.¹⁶

¹⁶ For details supporting GAO's analysis of legislative condition 5, see appendix IV.



Legislative Condition #6: Report on Budget, Activities Completed, and Progress (Partially Satisfied)

Legislative condition: Include a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *partially satisfy* this condition. The plan reports the budget, obligations, and expenditure amounts from fiscal years 2006 through 2011 and discusses activities completed. However, the plan and documents referenced therein do not discuss the progress that the BSFIT-funded programs have made in terms of obtaining operational control of the U.S. border.¹⁷ CBP officials told us that they no longer use operational control as a measure of border security but instead are developing three new performance measures to measure security at the southwest border.¹⁸

¹⁷ CBP defined operational control as the number of border miles where Border Patrol had the ability to detect, respond, and interdict cross-border illegal activity.

¹⁸ For details supporting GAO's analysis of legislative condition 6, see appendix IV.



Legislative Condition #7: Provide a Status of All Open GAO and OIG Recommendations (Partially Satisfied)

Legislative condition: Include a listing of all open GAO and OIG recommendations related to the program and the status of DHS actions to address the recommendations, including milestones to fully address them.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *partially satisfy* the condition because although the plan lists all six open GAO recommendations and two open OIG recommendations, the description of the status of DHS actions to address the open recommendations does not contain milestones for five of the six GAO open recommendations and one of the two open OIG recommendations. CBP officials told us that they had information available on milestones for addressing open recommendations but did not include this information in the BSFIT expenditure plan because of an oversight.¹⁹

¹⁹ For details supporting GAO's analysis of legislative condition 7, see appendix IV.



Legislative Condition #8: Include Certification by the DHS CPO (Partially Satisfied)

Legislative condition: Include a certification by the CPO of the Department, including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that: (a) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget (OMB), including as provided in Circular A-11, part 7; (b) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and (c) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the SBI Program Office has adequate staff and resources to effectively manage the program, and all contracts under the program; including the exercise of technical oversight.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *partially satisfy* this condition. The DHS CPO certified that the programs met the condition's requirements and referenced supporting documentation. However, the certification memorandum did not fully address all aspects of the condition because the assessment did not certify that the program has adequate staff. DHS CPO officials told us that they used the term "resources" in the certification memorandum to encompass both resources and program staff. However, because the memorandum did not specify "staff", DHS technically did not satisfy the condition.²⁰

²⁰ For details supporting GAO's analysis of legislative condition 8, see appendix IV.



Legislative Condition #9: Include Certification by the DHS CIO (Not Satisfied)

Legislative condition: Include a certification by the CIO of the Department, including all supporting documents and memoranda, and documentation and a description of the investment review processes used to obtain such certification, that: (a) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas; (b) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life-cycle and communicates high-risk conditions to CBP and DHS investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and (c) an independent verification and validation agent is currently under contract for the projects funded under this heading.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *do not satisfy* this condition. The plan includes a CIO certification memorandum; however, this certification does not explicitly certify the conditions required by law, including that the system architecture was sufficiently aligned with DHS's architecture, that an effective risk management process is in place, and that the program has an independent verification and validation agent under contract. Also, the plan does not include or reference supporting documents or memoranda and does not contain a description of the investment review processes used to obtain the certification. A senior DHS CIO official told us that the office did not include this information in the certification memo but could not explain why this was not done.



Legislative Condition #10: Include Certification by the DHS CHCO (Not Satisfied)

Legislative condition: Include a certification by the Chief Human Capital Officer (CHCO) of the Department that the human capital needs of the SBI program are being addressed so as to ensure adequate staff and resources to effectively manage SBI.

GAO analysis: The BSFIT expenditure plan and documents referenced therein *do not satisfy* the condition. In a July 28, 2011, memorandum, the DHS CHCO declined to certify the BSFIT expenditure plan because the OTIA human capital plans and supporting documentation were unavailable during the transition from the SBI program to OTIA. Further, the CHCO did not address the human capital needs of the OIT WSPO and BPFTI PMO. DHS officials told us that they did not direct the CHCO to conduct a certification of the other two program offices because they focused on the legacy SBI PMO's transition to OTIA. DHS officials agreed that human capital certifications in future BSFIT expenditure plans should address all three program management offices.²¹

²¹ For details supporting GAO's analysis of legislative condition 10, see appendix IV.



Status of Legislative Conditions from 2007 through 2011

- Our reviews of BSFIT expenditure plans in fiscal years 2007, 2008, 2009, 2010, and 2011 have consistently shown that the plans have not satisfied all elements of the legislative conditions specified for each year. (See Table 3 for selected results of our reviews for these years.)
- While DHS told us why certain conditions were not fully satisfied in the fiscal year 2011 BSFIT expenditure plan—including that required elements were omitted or under development—these explanations were not included in the plan. Internal control standards for the federal government call for agencies to promptly record and clearly document significant events to maintain their relevance and value to decision makers in ensuring that their objectives are met.²²
- Providing an explanation of which elements of the legislative conditions were not included in the expenditure plan and why the elements were not included would help DHS to provide Congress with a more complete picture of the status of the BSFIT-funded programs as well as reasonable assurance that CBP's planned expenditures for its multi-billion dollar border security efforts are in accordance with legislative requirements. Similarly, including an explanation in each certification memorandum of why all legislatively-required elements of the condition were or were not certified, along with references to supporting documentation, would provide Congress with more clarity on how and why the BSFIT programs were or were not certified.

²² GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: Nov. 1999).



GAO Reviews of Fiscal Years 2007 - 2011 BSFIT Expenditure Plans

Table 3 : GAO Reviews of Fiscal Years 2007- 2011 BSFIT Expenditure Plans

Legislative Conditions	FY 2007 ^a	FY 2008	FY 2009	FY 2010	FY 2011
No. 1: Detailed accounting of implementation to date (including milestones and costs)	Partially Satisfied	Partially Satisfied	Partially Satisfied	Partially Satisfied	Partially Satisfied
No. 2: Describes how projects further the objectives of the Secure Border Initiative and funding is allocated according to highest priority security needs	Not Satisfied	Not Satisfied	Satisfied	Satisfied	Satisfied
No. 3: Explicit plan of how funds obligated and how planned expenditures link to milestones, services, performance levels, benefits and outcomes, and program management capabilities	Satisfied ^b	Partially Satisfied	Partially Satisfied	Partially Satisfied	Partially Satisfied
No. 4: Identification of staffing by program office	Satisfied ^b	Satisfied	Satisfied	Partially Satisfied	Satisfied
No. 5: Addresses security needs at northern border (including infrastructure, technology, and priorities for activities)	N/A	Satisfied	Partially Satisfied	Satisfied	Satisfied
No. 6: Report on budget, obligations and expenditures and progress made to obtain operational control of entire U.S. border	Partially Satisfied	Partially Satisfied	Partially Satisfied	Partially Satisfied	Partially Satisfied
No. 7: Listing of all open GAO and DHS OIG recommendations related to program and status of DHS actions to address them	N/A	Satisfied	Partially Satisfied	Partially Satisfied	Partially Satisfied
No. 8: Certification by Chief Procurement Officer (DHS)	Partially Satisfied ^c	Satisfied ^c	Partially Satisfied	Partially Satisfied	Partially Satisfied
No. 9: Certification by Chief Information Officer (DHS)	Satisfied ^c	Partially Satisfied ^c	Partially Satisfied	Not Satisfied	Not Satisfied
No. 10: Certification by Chief Human Capital Officer (DHS)	N/A	Satisfied	Partially Satisfied	Satisfied	Not Satisfied

Source: GAO

^a Several of the legislative conditions were less detailed in fiscal year 2007 than in subsequent fiscal years, but used the same broad categories.

^b In fiscal year 2007, conditions 3 and 4 were combined into one legislative condition as identifies funding and the organization staffing requirements by activity. This condition received a satisfied rating.

^c Fiscal years 2007 and 2008 legislative conditions did not have a rolled-up assessment of the CPO and CIO's certifications. In fiscal year 2007, all elements of the CPO certification were included; however, only one of three elements of the CIO legislative condition was present. GAO gave the CPO-related conditions two partially satisfied and one satisfied rating. The CIO-related condition received a satisfied rating. In fiscal year 2008, all CIO and CPO sub-criteria were present and received the same rating as is shown in this table.



Conclusions

- Based on our reviews of the current BSFIT expenditure plan and those of the previous 4 years, DHS has consistently not included all required elements in the plans leading to partially or not satisfied legislative conditions each year. While DHS told us why certain conditions were not fully satisfied, these reasons were not described in the plans.
- Providing an explanation of which elements of the legislative conditions were not included in the expenditure plan and why the elements were not included would help DHS to provide Congress with a more complete picture of the status of the BSFIT-funded programs as well as the extent to which CBP's planned expenditures for its multi-billion dollar border security efforts are reported in accordance with legislative requirements.
- Similarly, including an explanation in each certification memorandum of why all legislatively required elements of the condition were or were not certified, along with references to supporting documentation, would provide Congress with more clarity on how and why the BSFIT programs were or were not certified.



Recommendations

- To provide the Congress with the best information possible on the status and proposed expenditures of the programs described in any future BSFIT expenditure plan, we recommend that the Secretary of Homeland Security enhance the expenditure plan by ensuring that:
 1. explanations are included for all required legislative conditions that are not fully addressed; and
 2. required certification memoranda include descriptions of the review processes used for the certifications along with references to supporting documentation for each relevant BSFIT-funded program.



Agency Comments and Our Evaluation

We provided a draft of this report to DHS for review and comment. DHS provided written comments which are reprinted in Appendix V. DHS concurred with our first recommendation and stated that CBP is committed to providing complete and thorough information in future BSFIT expenditure plans. DHS also concurred with our second recommendation. Further, DHS noted that the fiscal year 2011 BSFIT expenditure plan is mandated to be an update to the fiscal year 2010 and earlier BSFIT expenditure plans and that CBP omitted discussions that were addressed in the earlier plans such as detailed program management capabilities. We recognize this point and reviewed the plan accordingly. For example, where changes in BSFIT programs were significant, we assessed whether the fiscal year 2011 plan provided current and accurate information. Specifically, regarding detailed program management capabilities, between the fiscal year 2010 and 2011 BSFIT expenditure plans, DHS reorganized its management of the acquisition, deployment, and integration of surveillance and detection technologies, dissolving the Secure Border Initiative Program management office and creating OTIA. We assessed whether the BSFIT plan addressed detailed program management capabilities of the new office, among other things. DHS also provided technical comments which we incorporated, as appropriate.



Appendix I: Surveillance Technology Programs

Arizona Border Surveillance Technology Plan

Fiscal year 2011 planned expenditures for Development and Deployment: \$185 million

Projects:

- **Agent Portable Surveillance System:** portable ground-sensing radar and computer equipment to provide surveillance.
- **Integrated Fixed Tower:** system of fixed towers, commercial sensors, and Border Patrol (BP) stations to provide a wide area surveillance.
- **Mobile Surveillance Capabilities:** suite of vehicle-mounted mobile sensory equipment to provide wide area surveillance.
- **Mobile Video Surveillance System:** camera system mounted on a vehicle to provide surveillance.
- **Remote Video Surveillance System:** remotely-controlled video cameras attached to towers or other structures for day and night surveillance.
- **Thermal Imaging Devices:** device for BP agents to see clearly at an effective range in areas that are dimly lit or in total darkness.
- **Unattended Ground Sensors and Imaging Sensors:** ground detection and imaging systems to detect activity and transmit information.



Appendix I: Surveillance Technology Programs (cont.)

Northern Border Program

Fiscal year 2011 planned expenditures for Development and Deployment, Operations and Maintenance: \$46.5 million

Projects:

- **Operational Integration Center:** collaborative operations center for DHS, CBP, and federal, state, local, and Canadian partners.
- **Low-Flying Aircraft Surveillance:** short-range radar systems to detect low-flying aircraft.
- **Aircraft Video Down Link:** technology to send aircraft video imagery to BP agents on the ground.
- **Ku Band Satellite Backhaul:** technology to send aircraft video and data long distances.
- **Maritime Radar:** detection system for maritime traffic.
- **Combined Agency Security Centers:** surveillance monitoring centers that support land ports of entry (POE) on the northern border.²³
- **Border Security Deployment Project:** project to deliver technologies to CASC and associated land POE.
- **Northern Border-1:** surveillance systems at Detroit, Buffalo, and Swanton Sectors, and the Champlain POE.
- **Mobile Surveillance Capabilities:** suite of vehicle-mounted mobile sensory equipment to provide wide area surveillance.

²³ At a port of entry location, CBP officers secure the flow of people and cargo into and out of the country while facilitating legitimate travel and trade.



Appendix I: Surveillance Technology Programs (cont.)

Legacy Surveillance Systems

Fiscal year 2011 planned expenditures for Operations and Maintenance: \$61.8 million

Projects:

- **Block 1 System:** legacy *SBlnet* deployment of towers with integrated day and night cameras, radars, unattended ground sensors and a “Common Operating Picture” that displays the results at a command center. Deployed to 53 miles of the Arizona border with Mexico.
- **Static Remote Video Surveillance:** static cameras for day and night surveillance of fixed areas such as a road or tunnel.
- **Border Intrusion Surveillance System:** camera system to monitor and record border intrusions.
- **Trailer Remote Video Surveillance:** remotely-controlled cameras that are integrated on a mobile trailer or platform.
- **Remote Video Surveillance System:** remotely-controlled video cameras attached to towers or other structures for day and night surveillance.
- **Mobile Video Surveillance System:** camera system mounted on a vehicle to provide surveillance.



Appendix I: Surveillance Technology Programs (cont.)

Other Technology

Fiscal year 2011 planned expenditures for Development and Deployment: \$40.6 million

Projects:

- **Open Architecture:** investment to standardize interfaces for future information technology deployments.
- **Innovative Technology Pilot Program:** program to augment CBP's selection of technology-based tools through testing and operational demonstrations.
- **Systems Engineering/Modeling and Simulation (Technology Road Map):** tool that will link technology capabilities to mission needs.
- **Ultra Light Aircraft Detection:** detection and tracking system for slow-flying aircraft.



Appendix II: Tactical Infrastructure Program

- Since fiscal year 2006, CBP has allocated approximately \$2.9 billion for TI along the southwest border. Fiscal year 2011 planned expenditures are \$25 million for TI deployment and \$75 million for TI maintenance.
- TI includes both pedestrian and vehicle fencing. Pedestrian fencing is intended to help prevent people on foot from crossing the border and vehicle fencing is intended to help prevent vehicles engaged in drug trafficking and alien smuggling operations from crossing the border.
 - As of August 2011, CBP had constructed 649 miles of pedestrian and vehicle fencing on the 1,993-mile southwest border, covering about 33 percent of the border.



Appendix III: Tactical Communications Modernization Program

- TACCOM systems such as mobile radios enable communications for CBP agents and officers. CBP's fiscal year 2011 planned expenditures include \$40 million on development and deployment of TACCOM projects and \$16.4 million on TACCOM maintenance. Primarily funded by BSFIT in fiscal year 2011, TACCOM modernization includes the following projects:
 - Project-25 Modernization.²⁴
 - Replacement of current voice communications infrastructure to provide expanded coverage and capacity, encryption to allow for secure voice communications, and enhanced interoperability with other federal, state, and local law enforcement agencies.
 - Tucson, Yuma, Rio Grande Valley, Houlton, and El Paso BP Sectors are receiving the Project-25 Modernization.
 - Digital in Place.
 - Transitions CBP analog radio equipment in the remaining 15 BP Sectors to the digital Project-25 interoperability standard.
- TACCOM 2
 - Would enable CBP to provide voice, video, and data capabilities to end users by using third-party subscriber broadband wireless systems.

²⁴ Project-25 is a suite of national standards that are intended to enable interoperability among the communications products of different vendors.



Appendix IV: Details Supporting GAO Analysis

Details Supporting GAO Analysis of Legislative Condition 1

With regard to surveillance technology investments in the Arizona Border Surveillance Technology Plan and the Northern Border Program, the BSFIT expenditure plan:

- Provides a detailed accounting of implementation to date, including completed and future milestones.
- Describes the system capabilities and services provided by each technology investment. For example, Mobile Video Surveillance Systems provides persistent video surveillance and situational awareness in rural, remote areas.
- Provides mission benefits for each technology investment. For example, Low Flying Aircraft Surveillance provides area surveillance and situational awareness in rural, remote, and semi-urban areas.
- Describes the formation and organization of the OTIA Program Management Office.
- Provides system performance levels for six of the seven Arizona Border Surveillance Technology Plan projects and states that system performance levels are under development for the remaining project.
- Provides system performance levels for one of the eight Northern Border technology projects and states that system performance levels are under development for four of the Northern Border technology projects and in draft form for the other three projects.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 1 (cont.)

The BSFIT expenditure plan and documents referenced therein:

- Do not provide outcomes for technology investments. According to OTIA officials, CBP is no longer measuring operational control of the border—their previous outcome measure. Slide 53 discusses CBP’s plans for developing a Border Condition Index as an outcome measure of the condition or state of the border.

Additionally, with regard to surveillance technology investments in the Arizona Border Surveillance Technology Plan and Northern Border program, the BSFIT expenditure plan:

- Provides cost targets for four of the seven Arizona Border Surveillance Technology plan projects—including life cycle costs.²⁵ For the remaining three projects, the BSFIT expenditure plan states that life cycle cost estimates are under development or being revised.

²⁵ A life cycle cost estimate provides the total cost to the Government of acquisition and ownership of the system over its full life time. It includes the cost of development, acquisition, operations and support, and (where applicable) disposal.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 1 (cont.)

The BSFIT expenditure plan and the documents referenced therein:

- Do not provide cost targets for any of the eight Northern Border program projects. The BSFIT expenditure plan states that cost targets are in development for two Northern Border projects and does not provide life cycle cost information on the remaining 6 projects.
- Do not describe the methodology used to obtain cost figures or identify the maximum investment required for each technology investment with life cycle costs specified. For example the expenditure plan estimates Thermal Imaging Devices will cost approximately \$10.4 million for acquisition, operation, and maintenance over 10 years, but does not describe the methodology used to obtain cost figures.
- Do not detail the OTIA Program Management Office's program management capabilities. For example, the expenditure plan states that the OTIA Program Management office oversees planning, staffing, organizing, and leading the management of specific acquisition programs, but the plan does not detail specific responsibilities regarding the projects in the Arizona Border Surveillance Technology plan or the projects along the northern border.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 1 (cont.)

With regard to technology investments in TACCOM, the BSFIT expenditure plan:

- Provides a detailed accounting of implementation to date with completed and future milestones.
- Describes the mission benefits, capabilities and services of TACCOM as providing increased secure coverage, capability, reliability, and improved interoperability to CBP law enforcement officers and agents.
- Provides the system performance level as meeting 95 percent of coverage requirements in the sectors undergoing TACCOM modernization.
- Names the program office that manages TACCOM: OIT-WSPO.

The BSFIT expenditure plan and documents referenced therein:

- Do not describe the OIT-WSPO's program management capabilities. The plan states that OIT-WSPO manages the entire scope of the existing TACCOM program, but does not provide specific program management capabilities.
- Do not include the cost target, the maximum investment including life cycle costs, or the methodology used to obtain TACCOM cost figures.
- Do not provide outcomes for TACCOM modernization.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 1 (cont.)

With regard to investments in TI, the BSFIT expenditure plan:

- Provides a detailed accounting of implementation to date with completed and future milestones.
- Describes the capabilities and services provided as pedestrian fencing, vehicle fencing, and roads.
- Describes the mission benefits of TI as persistent impedance of illicit cross-border activity and facilitating agent access to border regions.
- Provides system performance levels for TI projects including pedestrian and vehicle fencing as well as roads. For example, vehicle fencing should have the capability of disabling a 6,000 pound vehicle traveling at 40 miles per hour.
- Provides a cost target, the maximum investment with life cycle costs and the methodology used to determine cost figures.
- Names the program office responsible for managing TI projects—BPFTI PMO.

The BSFIT expenditure plan and documents referenced therein:

- Do not detail the BPFTI PMO's program management capabilities. The plan states that the BPFTI PMO plans, constructs, and maintains TI, but does not detail specific program management capabilities.
- Do not provide an outcome for TI.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 2

The BSFIT expenditure plan:

- Describes how each project furthers the objectives of the QHSR and CBP's *Missions, Goals, and Priorities FY 2011-2013*. The expenditure plan does not reference the DHS *Secure Border Strategic Plan* because, according to OTIA officials, that plan is no longer in use. However, the goals and objectives outlined in the DHS *Secure Border Strategic Plan* align with the goals and objectives of the QHSR and CBP's *Missions, Goals, and Priorities, FY 2011-2013* (see Table 4).



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 2 (cont.)

Table 4: Comparison of Goals and Objectives in DHS Secure Border Plan, Quadrennial Homeland Security Review, and Customs and Border Protection's Missions, Goals, and Priorities, FY 2011-2013

Secure Border Strategic Plan, 2006	Quadrennial Homeland Security Review Report, 2010	CBP's Missions, Goals, and Priorities, FY 2011-2013
<ul style="list-style-type: none"> • Goal 1: Gain Effective Control of the Border • 1.1 Develop and deploy the optimal mix of personnel, infrastructure technology, and response capabilities to identify, classify, and interdict cross-border violators. 	<ul style="list-style-type: none"> • Goal 2.1: Effectively Control U.S. Air, Land, and Sea Borders • Objective: Prevent the illegal flow of people and goods across the U.S. air, land, and sea borders while expediting the safe flow of lawful travel and commerce. 	<ul style="list-style-type: none"> • Goal 1.1: Secure the Southwest Border • Goal 1.2: Secure the Northern Border, Littoral Borders, and Associated Airspace • Objective 1.1.1: Reduce the illicit flows and crimes associated with smuggling at and between the ports of entry in Arizona in order to reduce criminality, illegal migration, and the threat of terrorism • Objective 1.1.3: Build a mobile and flexible response capability to anticipate and respond to security threats • Objective 1.2.1: Secure the northern border through an integrated approach to border enforcement • Objective 1.2.2: Secure the littorals and continental airspace

Source: GAO analysis of DHS documents.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 2 (cont.)

Regarding the allocation of funds to the highest priority border security needs, the BSFIT expenditure plan:

- Describes securing the southwest border, specifically reducing the illicit flows and crimes associated with smuggling at and between the ports of entry in Arizona, as a priority.
- States that funds are allocated based on operational assessments of the threats and vulnerabilities to the nation's borders. While the expenditure plan states that all operational assessments of BP sectors are not complete, the operational assessment for the Tucson sector is complete.
- Provides a description of how TI operations and maintenance funds were allocated based on operational requirements. For example, the expenditure plan states that an analysis of operational requirements resulted in the allocation of TI funds to replace primary pedestrian fencing in Nogales, Douglas, and Naco, Arizona—considered the highest priority TI projects.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 3

The BSFIT expenditure plan describes fiscal year 2011 planned expenditures, including surveillance technology, TACCOM and TI. Table 5 summarizes the planned expenditure of fiscal year 2011 funds.

Table 5: Fiscal Year 2011 Planned Expenditures

	Fiscal Year 2011 Planned Expenditures (\$ in millions)
Arizona Border Surveillance Technology Plan	185.0
Northern Border Program	46.5
TACCOM	56.4
TI	100.0
Border Surveillance Technology	68.1
Other Technology Projects	40.6
Program Management	76.4
Total	573.0

Source: CBP.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 3 (cont.)

With regard to technology investments for both the Arizona Border Surveillance Technology Plan and Northern Border program, the BSFIT expenditure plan:

- Describes planned expenditures for each technology investment for fiscal year 2011, including development and deployment and operations and maintenance. For example, the plan describes \$5.1 million for development and deployment of Integrated Fixed Towers and \$5 million for operations and maintenance of Combined Agency Security Centers along the northern border.
- Describes milestone-based delivery of specific capabilities (e.g. contract awards and deliveries for Mobile Video Surveillance Systems), system performance levels, services, and mission benefits, but does not link these to fiscal year 2011 planned expenditures. For example, Mobile Video Surveillance Systems are to detect items of interest during night and day operations at a range that is effective to provide a system operator with sufficient resolution to determine if an item of interest is human, vehicle, or animal. The expenditure plan does not link the cost of these system performance levels to fiscal year 2011 planned expenditures.

The BSFIT expenditure plan and the documents referenced therein:

- Do not describe program management capabilities and outcomes or link these to fiscal year 2011 planned expenditures.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 3 (cont.)

With regard to technology investments in TACCOM, the BSFIT expenditure plan:

- Describes planned expenditures for fiscal year 2011 including development and deployment (\$40 million) and operations and maintenance (\$16.4 million).
- Describes milestone-based delivery of specific capabilities (e.g., contract awards for commodity purchases), system performance levels for the system as a whole, services, and mission benefits, but did not link these to fiscal year 2011 planned expenditures. For example, TACCOM has a target of meeting 95 percent of identified coverage requirements in sectors undergoing full modernization. The expenditure plan and documents referenced therein do not link this level of coverage to fiscal year 2011 planned expenditures.

The BSFIT expenditure plan and documents referenced therein:

- Do not describe program management capabilities and outcomes or link these to fiscal year 2011 planned expenditures.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 3 (cont.)

With regard to TI, the BSFIT expenditure plan:

- Provides planned expenditures for fiscal year 2011 including development and deployment (\$25 million) and operations and maintenance (\$75 million).
- Links milestone-based delivery of specific capabilities to the fiscal year 2011 planned expenditures. For example, conducting all activities for fence replacement construction in Nogales, Arizona, is expected to cost \$10.4 million.
- Describes system performance levels, capabilities, services, and mission benefits, but does not link these to fiscal year 2011 planned expenditures. For example, the BSFIT expenditure plan mentions providing for safe use and maintainability of steep grades as a performance requirement for roads, but does not provide the fiscal year 2011 planned expenditures needed to meet this level of performance.

The BSFIT expenditure plan and documents referenced therein:

- Do not describe program management capabilities and outcomes or link these to fiscal year 2011 planned expenditures.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 4

The BSFIT expenditure plan identifies staffing by program office for organizations that execute BSFIT funds. As of April 28, 2011, CBP's program offices executing BSFIT funds identified approved staffing at 403 employees, including government full-time equivalents, Contractors, and detailees (see Table 6).

Table 6: BSFIT-Funded Approved Staff as of April 28, 2011

	Government Employees	Contract Employees	Detailees	Total
OTIA Program Management Office	161	105	5	271
CBP Office of Administration	19	0	0	19
CBP Office of Information and Technology	7	63	0	70
BPFTI	15	26	2	43
Total	202	194	7	403

Source: GAO analysis of CBP data.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 5

The BSFIT expenditure plan describes how security needs are addressed at the northern border and ports of entry including:

- **Infrastructure.** For example, procurements are under way to increase the monitoring capability for the Detroit Operational Integration Center, including a hardware and services acquisition for sensor infrastructure and construction of a tower site in Grosse Pointe, Michigan.
- **Technology.** For example, \$5 million of fiscal year 2011 appropriated funds are planned for the procurement, deployment, and first year of operation for up to four maritime radar systems to the Buffalo Sector.
- **Design and Operations Requirements.** For example, \$2.1 million of fiscal year 2011 appropriated funds for the acquisition of Mobile Surveillance Capabilities on the northern border is to provide Border Patrol with operational capabilities such as detection, identification, and tracking.
- **Specific locations.** For example, \$5 million of fiscal year 2011 appropriated funds are planned to support operations and maintenance of rural land POE surveillance systems in Maine through April 2012.
- **Priorities for northern border activities.** Projects align to the missions, goals, and objectives under the *QHSR* and the *CBP Missions, Goals, and Priorities, FY 2011-2013* by providing mission benefits such as improved situational awareness, collection of intelligence, detection of suspicious activity, and illegal smuggling or entry.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 6

- The BSFIT expenditure plan reports on appropriations, obligations, and expenditures for fiscal years 2006 through 2011 (see Table 7).

Table 7: BSFIT Funding Summary as of June 28, 2011 (\$ in millions)

Activity	Funding Received	Obligated	Unobligated Balance	Expenditures
Program Management	332.2	294.8	37.3	234.4
OTIA/SBI	1,607.8	1,225.2	382.6	1,065.2
TACCOM	207.8	110.0	97.8	43.4
TI	2,652.2	2,534.8	117.4	2,260.9
BSFIT Total	4,799.9	4,164.8	635.1	3,604.0

Source: CBP data.

Note: Amounts may not add to totals because of rounding. Distributed funds do not always match appropriated funds because of the status of recoveries and their redistribution by CBP.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 6 (cont.)

- The BSFIT expenditure plan discusses completed activities, including:
 - As of June 2011 CBP had completed 351 miles of pedestrian fencing and 299 miles of vehicle fencing.
 - CBP deployed 250 Remote Video Surveillance Systems on the southwest border.
 - CBP deployed 38 Mobile Surveillance Systems along the southwest border.
- The BSFIT expenditure plan and documents referenced therein do not discuss the progress made in obtaining operational control of the border. CBP no longer uses operational control as a measure of border security. Instead, the plan measures progress in securing the border through output measures such as seizures and apprehensions.²⁶

²⁶ Output measures are performance measures that address the direct products and services delivered by a program, while outcome measures focus on the results of products and services. See GAO, *Performance Measurement and Evaluation: Definitions and Relationships*, GAO-11-646SP (Washington, D.C.: May 2011).



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 6 (cont.)

CBP is currently developing three new performance measures to measure security at the southwest border, including:

- A CBP-led initiative to estimate total illegal crossings at the southwest border and the probability of apprehension. This measure, based on a Homeland Security Institute statistical model using apprehension and recidivism data, is to consider data from external sources, such as census data.²⁷ CBP expects to introduce this measure in February 2012.
- A CBP-led initiative to develop a “Border Condition Index” outcome measure of the condition or state of the border. CBP expects to introduce this measure in February 2012.
- A BP-led initiative to standardize and strengthen metrics that had formerly supported the operational control measure. As part of this effort, BP is finalizing its 2012-2016 Border Patrol National Strategy and developing measures to support the implementation of this strategy. BP plans to introduce these measures in fiscal year 2013.

²⁷ Established by the Homeland Security Act of 2002, 6.U.S.C. § 192, the Homeland Security Institute is a specialized studies and analysis Federally Funded Research and Development Center to assist DHS in addressing homeland security issues, particularly issues requiring scientific, technical, and analytical expertise.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 7

As of September 2011, there are six open recommendations from two GAO reports for BSFIT funded programs.²⁸

The expenditure plan lists all six of the open GAO recommendations.

- In September 2009, we recommended that CBP conduct a cost-effective evaluation of the impact of tactical infrastructure on effective control of the border. The expenditure plan describes CBP actions to address this recommendation with an analysis of the effectiveness of border fencing and provides a February 2012 completion date for this analysis.
- For the five recommendations we made in May 2011, the expenditure plan and documents referenced therein provide general information on planned CBP actions but do not provide milestones for addressing the recommendations. For example, we recommended that CBP establish procedures for coordinating with the Defense Contract Audit Agency (DCAA) to monitor the status of closeout audits related to the original *SBI_{net}* program. While the expenditure plan notes CBP is developing an electronic database to track closeout audits, the plan does not provide milestones as to when the database will be operational or how this will ensure coordination with DCAA.

The DHS Office of Inspector General has two open recommendations related to BSFIT-funded programs. The expenditure plan lists both recommendations; however, the plan does not include milestones to address one of the two recommendations.

²⁸ GAO, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, GAO-09-896 (Washington, D.C.: Sept 9, 2009) and GAO, *Secure Border Initiative: Controls over Contractor Payments for the Technology Component Need Improvement*, GAO-11-68 (Washington, D.C.: May 25, 2011).



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 8

On June 28, 2011, the DHS CPO certified that the BSFIT-funded programs:

- were reviewed in accordance with the DHS Capital Planning and Investment Control process, which complies with the requirements set forth in the OMB Circular A-11, Part 7, as well as the DHS Acquisition Management Review Process.
- have adequate processes in place to ensure compliance with federal acquisition rules, requirements, guidelines, and practices.
- have established procedures to prevent conflicts of interest between the prime integrator and major subcontractors.

The certification letter did not specifically certify that the BSFIT-funded programs have adequate staff to effectively manage the programs and contracts. DHS CPO officials told us that they used the term “resources” in the certification memorandum to encompass both resources and program staff. Further, CPO officials stated that they consider staffing levels to be adequate given the increase in the staffing level from 36 percent of authorized staffing in fiscal year 2010 to 88 percent in fiscal year 2011. However, because the memorandum did not specify “staff”, DHS technically did not satisfy the condition.



Appendix IV: Details Supporting GAO Analysis (cont.)

Details Supporting GAO Analysis of Legislative Condition 10


In its memorandum, the DHS CHCO recommended a provisional certification of the OTIA Human Capital Strategic Plan based, in part, upon the timely completion of three items:

- OTIA Workforce Plan—estimated completion February 2012
This plan is to identify anticipated workforce needs, including goals and strategies to meet those needs, and performance targets that measure success in meeting those goals.
- OTIA Human Capital Plan—estimated completion March 2012
This plan is to outline human capital management goals, actions, timeline and milestones, measurements, and the responsible accountability program official. According to DHS CHCO officials, the plan is to align to the *DHS Workforce Strategy for FY2011-FY2016*.
- OTIA Human Capital Implementation Framework—estimated completion May 2012.
This document is to describe how OTIA plans to implement the Human Capital Plan in management areas such as developing leaders and growing the workforce.

The DHS CHCO memorandum focused on OTIA human capital needs, but it did not address human capital needs for the other BSFIT-funded programs, including tactical infrastructure—managed by BPFTI PMO—or TACCOM—managed by OIT-WSPO.

Appendix V: Comments from DHS

U.S. Department of Homeland Security
Washington, DC 20535

 **Homeland
Security**

November 9, 2011

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

Re: Draft Report GAO-12-106R, "U.S. Customs and Border Protection's Border Security Fencing, Infrastructure and Technology Fiscal Year 2011 Expenditure Plan"

Dear Mr. Stana:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO's) work in planning and issuing this report. The Department is pleased that GAO notes that U.S. Customs and Border Protection (CBP) "satisfied" or "partially satisfied" 8 out of 10 legislative conditions. DHS and CBP will continue to work to satisfy the legislative requirements.

A mandate in the *Department of Defense and Full-Year Continuing Appropriation Act, 2011* required DHS to update its Fiscal Year (FY) 2010 Expenditure Plan on border security fencing, infrastructure, and technology (BSFTI) for FY 2011 budget authority and to submit the updated plan to the House and Senate Appropriations Committees. Pursuant to this mandate, DHS submitted an updated plan to Congress on September 8, 2011.

As the FY 2011 Expenditure Plan is mandated to be an update to the FY 2010 Expenditure Plan, CBP opted to omit certain discussions that had been addressed in the FY 2010 and earlier Expenditure Plans, such as detailed program management capabilities and instead focused on the substantial changes from FY 2010 to FY 2011, fulfilling the spirit of the legislative mandate.

The draft report contained two recommendations directed at DHS, with which the Department concurs. Specifically, GAO recommended that the Secretary of Homeland Security:

Recommendation 1: Enhance the expenditure plan by ensuring that explanations are included for all required legislative conditions that are not fully addressed.

Response: Concur. CBP is committed to providing complete and thorough information in future BSFTI Expenditure Plans.

Appendix V: Comments from DHS

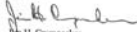
Recommendation 2: Enhance the expenditure plan by ensuring that required certification memoranda include descriptions of the review processes used for the certifications along with references to supporting documentation for each relevant ISFIT-funded program.

Response: Concur. The Office of the Chief Human Capital Officer (OCHCO) has stated that, in providing required certification memoranda, OCHCO will include descriptions of the review processes used for the certifications along with references to supporting documentation for each relevant ISFIT-funded program. OCHCO will also continue to coordinate with CBP's Office of Human Resources Management (HRM) and Office of Technology Innovation and Acquisition (OTIA) staff in developing the OTIA strategic and human capital plans as well as work with CBP's HRM and appropriate CBP staff in developing future strategic and human capital plans, which include each relevant ISFIT-funded program. In addition, DHS's Office of the Chief Information Officer (OCIO) is committed to enhancing the expenditure plan by modifying the required memorandum certification by OCIO to include sufficient responses to legislative conditions as outlined by Congress, along with supporting documentation, as evidence of compliance.

As part of a recent transition of technologies and associated offices, DHS and CBP's Chief Information Officer's are in the process of reassessing and updating the congressionally requested benchmarks for the new systems and technologies—until these new reviews are completed, the Department cannot certify to the extant legislative criteria.

Again, thank you for the opportunity to review and comment on this draft report. General, technical, and sensitivity comments on the report were previously provided under separate cover. We look forward to working with GAO on future Homeland Security issues.

Sincerely,



John H. Crumacker
Director
Departmental GAO-OCI Liaison Office



Related GAO Products

Arizona Border Surveillance Technology: More Information on Plans and Costs Is Needed before Proceeding. GAO-12-22. Washington, D.C.: November 4, 2011.

Secure Border Initiative: Controls over Contractor Payments for the Technology Component Need Improvement. GAO-11-68. Washington, D.C.: May 25, 2011.

Border Security: DHS Progress and Challenges in Securing the U.S. Southwest and Northern Borders. GAO-11-508T. Washington, D.C.: March 30, 2011.

Border Security: Preliminary Observations on the Status of Key Southwest Border Technology Programs. GAO-11-448T. Washington, D.C.: March 15, 2011.

Secure Border Initiative: DHS Needs to Strengthen Management and Oversight of Its Prime Contractor. GAO-11-6. Washington, D.C.: October 18, 2010.

U.S. Customs and Border Protection's Border Security Fencing, Infrastructure and Technology Fiscal Year 2010 Expenditure Plan. GAO-10-877R. Washington, D.C.: July 30, 2010.

Secure Border Initiative: DHS Needs to Follow Through on Plans to Reassess and Better Manage Key Technology Program. GAO-10-840T. Washington, D.C.: June 17, 2010.



Related GAO Products (cont.)

Secure Border Initiative: DHS Needs to Reconsider Its Proposed Investment in Key Technology Program. GAO-10-340. Washington, D.C.: May 5, 2010.

Secure Border Initiative: DHS Has Faced Challenges Deploying Technology and Fencing Along the Southwest Border. GAO-10-651T. Washington, D.C.: May 4, 2010.

Secure Border Initiative: Testing and Problem Resolution Challenges Put Delivery of Technology Program at Risk. GAO-10-511T. Washington, D.C.: March 18, 2010.

Secure Border Initiative: DHS Needs to Address Testing and Performance Limitations That Place Key Technology Program at Risk. GAO-10-158. Washington, D.C.: January 29, 2010.

Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed. GAO-09-1013T. Washington, D.C.: September 17, 2009.

Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed. GAO-09-896. Washington, D.C.: September 9, 2009.

U.S. Customs and Border Protection's Secure Border Initiative Fiscal Year 2009 Expenditure Plan. GAO-09-274R. Washington, D.C.: April 30, 2009.



Related GAO Products (cont.)

Secure Border Initiative Fence Construction Costs. GAO-09-244R. Washington, D.C.: January 29, 2009.

Northern Border Security: DHS's Report Could Better Inform Congress by Identifying Actions, Resources, and Time Frames Needed to Address Vulnerabilities. GAO-09-93. Washington, D.C.: November 25, 2008.

Department of Homeland Security: Billions Invested in Major Programs Lack Appropriate Oversight. GAO-09-29. Washington, D.C.: November 18, 2008.

Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investment. GAO-08-1086. Washington, D.C.: September 22, 2008.

Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investment. GAO-08-1148T. Washington, D.C.: September 10, 2008.

Secure Border Initiative: Observations on Deployment Challenges. GAO-08-1141T. Washington, D.C.: September 10, 2008.

Secure Border Initiative Fiscal Year 2008 Expenditure Plan Shows Improvement, but Deficiencies Limit Congressional Oversight and DHS Accountability. GAO-08-739R. Washington, D.C.: June 26, 2008.



Related GAO Products (cont.)

Department of Homeland Security: Better Planning and Oversight Needed to Improve Complex Service Acquisition Outcomes. GAO-08-765T. Washington, D.C.: May 8, 2008.

Homeland Security: DHS Has Taken Actions to Strengthen Border Security Programs and Operations, but Challenges Remain. GAO-08-542T. Washington, D.C.: March 6, 2008.

Department of Homeland Security: Better Planning and Assessment Needed to Improve Outcomes for Complex Service Acquisitions. GAO-08-263. Washington, D.C.: April 22, 2008.

Secure Border Initiative: Observations on the Importance of Applying Lessons Learned to Future Projects. GAO-08-508T. Washington, D.C.: February 27, 2008.

Secure Border Initiative: Observations on Selected Aspects of SBInet Program Implementation. GAO-08-131T. Washington, D.C.: October 24, 2007.

Secure Border Initiative: SBInet Planning and Management Improvements Needed to Control Risks. GAO-07-504T. Washington, D.C.: February 27, 2007.

Secure Border Initiative: SBInet Expenditure Plan Needs to Better Support Oversight and Accountability. GAO-07-309. Washington, D.C.: February 15, 2007.

(440995)

(440995)

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site (www.gao.gov). Each weekday afternoon, GAO posts on its Web site newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to www.gao.gov and select "E-mail Updates."

Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's Web site, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: www.gao.gov/fraudnet/fraudnet.htm

E-mail: fraudnet@gao.gov

Automated answering system: (800) 424-5454 or (202) 512-7470

Congressional Relations

Ralph Dawn, Managing Director, dawnr@gao.gov, (202) 512-4400
U.S. Government Accountability Office, 441 G Street NW, Room 7125
Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800
U.S. Government Accountability Office, 441 G Street NW, Room 7149
Washington, DC 20548

