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April 12, 2021

The Honorable Chris Murphy  
Chairman  
The Honorable Shelley Moore Capito  
Ranking Member  
Subcommittee on Homeland Security  
Committee on Appropriations  
United States Senate

The Honorable Lucille Roybal-Allard  
Chairwoman  
The Honorable Chuck Fleischmann  
Ranking Member  
Subcommittee on Homeland Security  
Committee on Appropriations  
House of Representatives

### **Border Security: Assessment of the Department of Homeland Security's Border Security Improvement Plan**

Within the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) is the lead law enforcement agency responsible for border security. It manages approximately 7,000 miles of land border and 95,000 miles of shoreline. CBP is also responsible for facilitating legitimate trade and travel through 328 land, air, and maritime ports of entry.<sup>1</sup> Several offices within CBP help carry out this mission, including the U.S. Border Patrol (Border Patrol), Air and Marine Operations, and Office of Field Operations.

The DHS Appropriations Act, 2017, required the Secretary of Homeland Security to submit a risk-based plan for improving U.S. border security—referred to as the Border Security Improvement Plan—to the House and Senate Appropriations Committees.<sup>2</sup> The plan was to address nine elements specified in the law. The DHS Appropriations Act, 2018, continued this requirement with two additional reporting elements, and also mandated that DHS concurrently submit this report to the Comptroller General of the United States for review.<sup>3</sup> A provision in the Act called for us to evaluate and report on DHS's plan. DHS's 2019 and 2020 appropriations acts both referenced the 2018 directive in requiring the Secretary of Homeland Security to

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<sup>1</sup>Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws, and where DHS officers inspect persons seeking entry or admission into, or departing the United States pursuant to U.S. immigration and travel controls.

<sup>2</sup>See Pub. L. No. 115-31, div. F, title VI, 131 Stat. 135, 434-5. (2017)

<sup>3</sup>See Pub. L. No. 115-141, div. F, title II, § 231, 132 Stat 348, 617-8.

submit updated risk-based plans to Congress and us for fiscal years 2019 and 2020, respectively, and for us to review the plans.<sup>4</sup>

In July 2019, we reported on our assessment of the 2018 plan and found that it included some but not all of the 11 elements required in the 2018 appropriations act.<sup>5</sup> We recommended that DHS address all of the elements in its subsequent plan—the *Fiscal Year 2019-2020 Border Security Improvement Plan*—or provide information on why certain elements are not included.<sup>6</sup> In response to our recommendation DHS included in this plan an appendix with a summary table identifying each required element and its assessment of whether the element was satisfied, which addressed the intent of our recommendation.

This report addresses the extent to which the *Fiscal Year 2019-2020 Border Security Improvement Plan* (the 2019-2020 plan) includes the elements required by the DHS Appropriations Act, 2018, as referenced by the 2019 and 2020 appropriations acts. CBP officials told us that they decided, in conjunction with the Office of Management and Budget (OMB), to issue one plan, *Fiscal Year 2019-2020 Border Security Improvement Plan*, in response to the 2019 and 2020 reporting requirements. The 2019 and 2020 acts referenced the 2018 reporting requirement, which included a provision for us to conduct an evaluation and report on the plan not later than 120 days after receipt.<sup>7</sup> We shared our preliminary observations with the appropriations committees in December 2020. Enclosure I provides our assessment of the extent to which the plan included each of the required elements.

To address our objective, we reviewed the 2019-2020 plan to determine the extent to which the 11 elements required in the Act were included. In addition, we reviewed other relevant DHS, CBP, and Border Patrol strategic planning documents and guidance, including the *U.S. Customs and Border Protection Strategy 2020-2025* and the *DHS Border Security Metrics Report 2019*.<sup>8</sup> We also examined examples of acquisition documents, including life cycle cost estimates and an alternatives analysis for major acquisition programs listed in the plan.<sup>9</sup> We reviewed these documents to obtain additional context on the information included in the plan.

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<sup>4</sup>Pub. L. No. 116-6, div. A, title II, § 230(c), 133 Stat. 13, 28; Pub. L. No. 116-93, div. D, title II, § 209(e), 133 Stat. 2317, 2512 (2019).

<sup>5</sup>Pursuant to the language set forth in the 2017 and 2018 DHS appropriations acts, CBP released plans in January 2018 and December 2018, respectively. Both plans discussed CBP's border security goals and objectives, along with specific border security initiatives. See Pub. L. No. 115-31, div. F, title VI, 131 Stat. 434-5. (2017); Pub. L. No. 115-141, div. F, title II, § 231, 132 Stat at 617-8 (2018). DHS refers to the plan released in January 2018 as its fiscal year 2017 report to Congress. Accordingly, we refer to this as the 2017 plan, where appropriate. Similarly, DHS refers to the plan released in December 2018 as its fiscal year 2018 report to Congress. Accordingly, we refer to this as the 2018 plan.

<sup>6</sup>GAO, *Border Security: Assessment of the Department of Homeland Security's Border Security Improvement Plan*, GAO-19-538R (Washington, D.C.: July 16, 2019).

<sup>7</sup>The Secretary shall concurrently submit the plan required in subsection (a) to the Comptroller General of the United States, who shall evaluate the plan and report to the Committees on Appropriations of the Senate and the House of Representatives on the strengths and weaknesses of such plan not later than 120 days after receiving such plan. Pub. L. No. 115-141, div. F, title II, § 231(b), 132 Stat at 618.

<sup>8</sup>DHS intends for the *DHS Border Security Metrics Report 2019* to satisfy the National Defense Authorization Act for Fiscal Year 2017 requirement for DHS to provide an annual report to appropriate congressional committees, the Comptroller General, and certain other entities, containing 43 specific metrics to measure the effectiveness of border security.

<sup>9</sup>DHS defines major acquisition programs as those with life cycle cost estimates of \$300 million or more. A life cycle cost estimate provides a structured accounting of all labor, material, and other efforts required to develop, produce, operate and maintain, and dispose of a program. According to DHS guidance, an alternatives analysis examines performance characteristics of various alternative ways to implement a materiel solution (e.g., speed versus fuel cost of different engines to propel a replacement ship), and may be affected by cost and schedule constraints.

We also reviewed information from our prior reports, and a DHS Office of Inspector General report, on border security issues related to acquisition management, barrier deployment, technology, staffing, and border security metrics, among others.<sup>10</sup> In addition, we interviewed officials from CBP and Border Patrol headquarters to discuss their environmental consultation and land acquisition efforts for the construction and placement of physical barriers planned along the U.S. southwest border. We also interviewed these officials about their processes for developing and certifying the plan.

We conducted this work from October 2019 to April 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Background

The 2019-2020 plan, submitted on August 1, 2020, is to include information on CBP's border security goals and objectives, border security initiatives and programs, efforts to ensure accountability, and CBP's future planning priorities, among other elements. According to CBP officials, the 2019-2020 plan is structured differently from the 2017 and 2018 plans. Specifically, the 2017 and 2018 plans aligned with the goals and objectives identified in CBP's prior strategic plan, entitled *Vision and Strategy, 2020*. The 2019-2020 plan incorporates four of the 12 strategic initiatives outlined in the *U.S. Customs and Border Protection Strategy 2020-2025* and begins to implement this strategy.<sup>11</sup> In particular, the plan focuses on the following four strategic initiatives: (1) awareness and enforcement; (2) counter network; (3) biometric identification; and (4) vetting and authorization. Among other things, the plan also describes the *U.S. Customs and Border Protection Strategy 2020-2025*, identifies CBP's activities and the threats the agency faces while protecting the borders, and includes updated information on the *FY2019/2020 U.S. Border Patrol Impedance and Denial Prioritization Strategy*.<sup>12</sup>

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<sup>10</sup>See, for example, GAO, *Border Security: Assessment of the Department of Homeland Security's Border Security Improvement Plan*, GAO-19-538R (Washington, D.C.: July 16, 2019); GAO, *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*, GAO-14-368 (Washington, D.C.: Mar. 3, 2014); GAO, *Homeland Security Acquisitions: Outcomes Have Improved, but Actions Needed to Enhance Oversight of Schedule Goals*, GAO-20-170SP (Washington, D.C.: Dec. 19, 2019); GAO, *Southwest Border Security: CBP Is Evaluating Designs and Locations for Border Barriers but Is Proceeding Without Key Information*, GAO-18-614 (Washington, D.C.: July 30, 2018); and GAO, *Border Security: DHS Should Improve the Quality of Unlawful Border Entry Information and Other Metric Reporting*, GAO-19-305 (Washington, D.C.: March 21, 2019); and DHS Office of Inspector General, *CBP Has Not Demonstrated Acquisition Capabilities Needed to Secure the Southern Border*, OIG-20-52.

<sup>11</sup>The *U.S. Customs and Border Protection Strategy 2020–2025* focuses on 12 strategic initiatives to advance CBP's ability to accomplish its mission. These initiatives are: counter network; awareness and enforcement; secure and compliant trade; biometric identification; vetting and authorization; stakeholder experience; hiring and retention; resilience; OneCBP—set of activities to promote a cohesive organization including leadership engagement and professional development; data and analytics; information technology infrastructure; and partnerships. CBP issued an updated strategy, *U.S. Customs and Border Protection Strategy 2021-2026*, in December 2020.

<sup>12</sup>The *FY2019/2020 U.S. Border Patrol Impedance and Denial Prioritization Strategy* is Border Patrol's process for identifying and prioritizing impedance and denial investments—such as different types of barriers and accompanying roads and lighting—along the southwest border, and provides a priority ranking of locations for new barrier deployment. Impedance and denial refer to the capability to impede border incursions and deny the threat's use of terrain to their advantage in conducting illegal activities or acts of terrorism.

## The 2019-2020 Border Security Improvement Plan Did Not Include All Required Elements

DHS's *Fiscal Year 2019-2020 Border Security Improvement Plan* did not include all required elements, thus providing incomplete information to Congress, and was not delivered within the statutory time frame. We found the information in the 2019-2020 plan to be incomplete when compared to the elements required by the DHS Appropriations Act, 2018, as referenced by the 2019 and 2020 appropriations acts. In particular, during our review of the 2019-2020 plan, we identified 10 out of the 11 elements for which the 2019-2020 plan provided incomplete information. See table 1 for a summary of our assessment, and enclosure I for a more detailed discussion.

**Table 1: Summary of Assessment of the Department of Homeland Security's (DHS) Fiscal Year 2019-2020 Border Security Improvement Plan**

Required element <sup>a</sup>	Assessment
1. A statement of goals, objectives, activities, and milestones for the plan.	<p><b>Plan provided:</b> A goal, objectives, and activities.</p> <p><b>Plan did not provide:</b> Time frames for identified milestones</p>
2. A detailed implementation schedule for the plan with estimates for planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestones based on specific capabilities and services, mission benefits and outcomes, program management capabilities, and life cycle cost estimates.	<p><b>Plan provided:</b> The identification of capabilities across the four strategic initiatives and mission benefits and outcomes for each initiative.</p> <p><b>Plan did not provide:</b> A detailed implementation schedule linked to services, program management capabilities, or life cycle cost estimates; and an estimate of planned obligation of funds for fiscal years 2019-2027.</p>
3. A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.	<p><b>Plan provided:</b> The identification of 34 programs across four strategic initiatives that DHS considers the primary efforts to address key mission vulnerabilities.</p> <p><b>Plan did not provide:</b> The identification of programs considered the most important or addressing the highest priority border security needs.</p>
4. An identification of the planned locations, quantities, and types of resources, such as fencing, other barriers, or other tactical infrastructure and technology, under the plan.	<p><b>Plan provided:</b> Information on planned locations and quantities of CBP's priority locations for deploying border barrier segments.</p> <p><b>Plan did not provide:</b> Similar information for other types of resources, including technology.</p>
<p>5. A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes:</p> <ul style="list-style-type: none"> <li>• analyses of alternatives, including comparative costs and benefits;</li> <li>• an assessment of effects on communities and property owners near areas of infrastructure deployment; and</li> <li>• a description of other factors critical to the decision making process.</li> </ul>	<p><b>Plan provided:</b> A description of other factors critical to the decision making process.</p> <p><b>Plan did not provide:</b> Analyses of alternatives or an assessment of effects on communities and property owners.</p>
6. An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.	<p><b>Plan provided:</b> A note that CBP is developing a staffing summary.</p> <p><b>Plan did not provide:</b> The identification of staffing requirements for any of the initiatives identified in the plan.</p>

Required element <sup>a</sup>	Assessment
7. A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investment.	<p><b>Plan provided:</b> A discussion of performance metrics for assessing and reporting on border security capabilities associated with three of the four strategic initiatives.</p> <p><b>Plan did not provide:</b> Performance measures associated with the fourth strategic initiative.</p>
8. A description of the status of DHS's actions to address open recommendations by the DHS Office of Inspector General and GAO relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.	<p><b>Plan provided:</b> A list of 54 recommendations we have made in recent years, and 44 recommendations from the DHS Office of Inspector General, related to border security efforts. All recommendations have estimated implementation dates.</p> <p><b>Plan did not provide:</b> Recommendations after September 30, 2019—the plan was submitted on August 1, 2020. Schedules and/or associated interim milestones before completing the recommendation for half of our recommendations.</p>
9. A plan to consult state and local elected officials on the eminent domain and construction process relating to physical barriers.	<p><b>Plan provided:</b> A discussion of the process CBP uses to acquire land from private landowners, including the use of eminent domain, or condemnation action, in instances when officials are unable to acquire the property through negotiated sale.</p> <p><b>Plan did not provide:</b> A plan to consult state and local elected officials on the eminent domain and construction processes relating to physical barriers.</p>
10. An analysis, following consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts, including on wildlife, of the construction and placement of physical barriers planned along the Southwest border, including in the Santa Ana National Wildlife Refuge.	<p><b>Plan provided:</b> An analysis of the potential environmental impacts from barrier projects in one of nine Border Patrol sectors.<sup>b</sup></p> <p><b>Plan did not provide:</b> An analysis of the environmental impacts of border barriers in eight of nine Border Patrol sectors with the exception of the potential environmental impacts of barrier projects in the Rio Grande Valley Border Patrol sector.</p>
<p>11. Certifications by the Under Secretary of Homeland Security for Management, that</p> <ul style="list-style-type: none"> <li>• the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and</li> <li>• all activities under the plan comply with federal acquisition rules, requirements, guidelines, and practices.</li> </ul>	<p><b>Plan provided:</b> A certification statement from the DHS Deputy Under Secretary for Management that, with the support of the DHS Acquisition Review Board, the department is overseeing whether all major acquisition programs are taking the necessary steps to comply with DHS's acquisition policy.<sup>c</sup></p>

Source: GAO analysis of DHS data. | GAO-21-303R

<sup>a</sup>Element as required by the DHS Appropriations Act, 2018, and referenced by 2019 and 2020 DHS appropriations acts.

<sup>b</sup>U.S. Border Patrol divides responsibility for border security operations geographically among nine sectors along the southwest border each with its own headquarters. Each sector is further divided into varying numbers of stations.

<sup>c</sup>The Acquisition Review Board reviews major acquisition programs for proper management, oversight, accountability, and alignment with the department's strategic functions at acquisition decision events and other meetings as needed. The board is chaired by the acquisition decision authority or a designee and consists of individuals who manage DHS's mission objectives, resources, and contracts.

Further, DHS did not submit the 2019-2020 plan, nor prior plans, on time. The DHS appropriations acts from 2018 through 2020 required the department to submit the Border

Security Improvement Plan 180 days after enactment of the law in each respective year.<sup>13</sup> DHS has submitted three plans since the 2017 appropriations act, but did not submit any of these plans on time. Table 2 summarizes the dates of enactment, due dates, and dates of submission by the Secretary of Homeland Security.

**Table 2: Summary of Required Time Frames for Department of Homeland Security (DHS) Border Security Improvement Plans, and Dates of Submission**

Law	Date of enactment	Date due	Date submitted
DHS Appropriations Act, 2017	May 5, 2017	August 3, 2017	January 4, 2018
DHS Appropriations Act, 2018	March 23, 2018	September 19, 2018	December 21, 2018
DHS Appropriations Act, 2019	February 15, 2019	August 14, 2019	August 1, 2020
DHS Appropriations Act, 2020	December 20, 2019	June 17, 2020	August 1, 2020

Source: GAO analysis of DHS appropriations acts and DHS Border Security Improvement Plans. | GAO-21-303R

DHS officials provided various reasons for the incomplete and late submission of information in the 2019-2020 plan. Specifically, officials told us that generating the information would involve lengthy or time consuming efforts and that the information resided in other agency documents provided to Congress. For example, agency officials told us that costs presented or included in CBP's annual budget justification are usually informed by life cycle cost estimates. Officials also stated that identifying CBP-wide staffing requirements was deemed too lengthy of a process to include in the results in the 2019-2020 plan. As for the late submission of information, DHS officials told us they faced a delay in providing the most recent plan to Congress because it took time to structure the plan to align with the *U.S. Customs and Border Protection Strategy 2020-2025*. The officials also stated that the Coronavirus Disease 2019 (COVID-19) pandemic played a role in the delay.

Congress has noted the importance of having timely and comprehensive information such as that required in the plan to assist in its oversight and decision-making.<sup>14</sup> Prior House and Senate Appropriations Committee reports have expressed concern about the absence of timely analysis responsive to all of the plans' required elements and have emphasized the importance of such comprehensive analysis to make funding decisions and conduct oversight. For example, the explanatory statement for the Senate Appropriations Committee's Homeland Security Appropriations Act Bill, 2021, noted the need for DHS to address expeditiously the concerns with DHS's 2018 plan raised in our July 2019 report. The explanatory statement for the Senate bill also expressed concern about the lack of visibility into the department's execution of funds for the barrier system resulting from the delays in submitting an updated Border Security Improvement Plan. Also, the House Report accompanying the Consolidated Appropriations Act, 2021, stated that the 2017 and 2018 plans did not address all the elements as required by law and, that without such analysis, Congress lacked essential information for determining how best to invest scarce taxpayer dollars.<sup>15</sup> Providing Congress the additional information related to the

<sup>13</sup>The DHS Appropriations Act, 2017, required the department to submit the Border Security Improvement Plan to Congress 90 days after enactment.

<sup>14</sup>Pub. L. No. 116-260, 134 Stat. 1182 (2020). The Consolidated Appropriations Act, 2021, does not include a requirement for DHS to submit a Border Security Improvement Plan for fiscal year 2021.

<sup>15</sup>See H.R. Rep. No. 116-458, at 3-4 (July 20, 2020).

required elements that is not included in the 2019-2020 plan would assist Congress in its decision-making, and further, providing that additional information expeditiously, would help strengthen Congress's oversight of DHS's border security plans, efforts, and use of funds.

## **Conclusions**

DHS's 2019-2020 plan neither included all of the information required for each of the 11 elements defined in law, nor was the 2019-2020 plan provided within the specified time frame, limiting its usefulness to Congress for oversight of border security initiatives and investments. While there is no requirement for DHS to submit a Border Security Improvement Plan for fiscal year 2021, providing Congress with the additional information that was required in the Border Security Improvement Plan expeditiously would help to inform congressional decision-making and Congress's oversight of border security investments.

## **Recommendation for Executive Action**

The Secretary of Homeland Security should expeditiously provide Congress with the required information that was missing from the *Fiscal Year 2019-2020 Border Security Improvement Plan*. (Recommendation 1)

## **Agency Comments**

We provided a draft of this report to DHS for review and comment. DHS provide written comments, which are reproduced in full in enclosure II. DHS also provided technical comments, which we incorporated as appropriate.

DHS concurred with our recommendation and stated that CBP will ensure Congress receives the information GAO identified as missing in the Fiscal Year 2019-2020, BSIP submission. DHS also said that it will provide a written explanation in those instances where the information is not available. We believe that these actions, if effectively implemented, would address our recommendation.

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We are sending copies of this report to the appropriate congressional committees and the Secretary of Homeland Security. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or [gablerr@gao.gov](mailto:gablerr@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report include E. Jeanette Henriquez (Assistant Director), R. Gifford Howland (Analyst in Charge), Brian Lipman, Jordan Tibbetts, and Sasan J. "Jon" Najmi.

A handwritten signature in black ink that reads "Rebecca Gambler". The signature is written in a cursive, flowing style.

Rebecca Gambler,  
Director, Homeland Security and Justice

Enclosures –2

## Enclosure I: GAO Assessment of the Required Elements for the 2019-2020 Border Security Improvement Plan

### The 2019-2020 Border Security Improvement Plan Includes a Goal, Objectives, and Activities, but Does Not Include Time Frames for Identified Milestones

#### Border Security Improvement Plan Requirement #1

A statement of goals, objectives, activities, and milestones for the plan.

#### GAO Summary Assessment

The 2019-2020 plan includes a goal, objectives, and activities, but does not include time frames for identified milestones. The 2019-2020 plan's stated goal is to protect the American people and facilitate trade and travel.<sup>16</sup> Regarding objectives and activities, the plan includes four strategic initiatives, each of which links to the goal and to strategic mission benefits and outcomes and activities. The initiatives are four of 12 strategic initiatives identified in the *U.S. Customs and Border Protection Strategy 2020-2025*.<sup>17</sup> The plan states that these four initiatives are those that contribute most directly to border security among the 12 initiatives. Table 3 provides the strategic initiatives and corresponding benefits and outcomes.

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<sup>16</sup>Additionally, the plan states that DHS has incorporated operational control into its Agency Priority Goal of improving security along the U.S. borders between ports of entry, with emphasis on the southwest border. The Government Performance and Results Act (GPRA) of 1993, Pub. L. No. 103-62, 107 Stat. 285 (1993), as updated by the GPRA Modernization Act of 2010 (GPRAMA), Pub. L. No. 111-352, 124 Stat. 3866 (2011) calls for agencies to identify their highest priority performance goals as Agency Priority Goals and have ambitious targets for these Agency Priority Goals that can be achieved within 2 years. See 31 U.S.C. §§ 1115, 1120. While GPRAMA is applicable to the department or agency level, performance measures and goals are important management tools at all levels of an agency, including the program, project, or activity level.

<sup>17</sup>The *U.S. Customs and Border Protection Strategy 2020-2025* focuses on twelve strategic initiatives with an aim to advance CBP's ability to accomplish its mission.

## Enclosure I

**Table 3: 2019-2020 Border Security Improvement Plan’s Goal, Associated Strategic Initiatives, and Strategic Mission Benefits and Outcomes**

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**Goal: Protect the American People and Facilitate Trade and Travel**

**1. Strategic Initiative 1: Awareness and Enforcement**

- a. Strategic Mission Benefits and Outcomes: U.S. Customs and Border Protection (CBP) has operational control of the border between the ports of entry and has enhanced enforcement efforts at land, sea, and air ports of entry.<sup>18</sup>

**2. Strategic Initiative 2: Counter Network**

- a. Strategic Mission Benefits and Outcomes: Threat networks, including terrorists and transnational criminal organizations, are identified and disrupted, degraded, or dismantled.

**3. Strategic Initiative 3: Biometric Identification**

- a. Strategic Mission Benefits and Outcomes: CBP identifies travelers, detects fraud, and confirms overstays biometrically.

**4. Strategic Initiative 4: Vetting and Authorization**

- a. Strategic Mission Benefits and Outcomes: CBP, with U.S. government and international partners, identifies individuals who present a threat to national security or the prosperity of the United States before arrival at or between ports of entry.
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Source: Department of Homeland Security, 2019-2020 Border Security Improvement Plan. | GAO-21-303R

With regard to milestones, the 2019-2020 plan identifies broad milestones for two of the initiatives. However, these milestones do not have specific time frames associated with interim dates to indicate whether they are on schedule.<sup>19</sup> For example, for strategic initiative 1, the 2019-2020 plan identifies transforming border technology for greater effectiveness as a milestone. However, the plan does not list interim or final dates for achieving it.

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<sup>18</sup>Executive Order 13767 calls for complete operational control along the southern border, which it defines as the prevention of all illegal entries into the United States. Exec. Order No. 13767, §§ 3(h), 4, 82 Fed. Reg. 8793, 8794 (Jan. 30, 2017) (issued Jan. 25). The President revoked Executive Order 13767 on February 2, 2021. See Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border. U.S. Border Patrol defines operational control at a tactical level, as the ability to apply the appropriate, time-bound, law enforcement response and resolution between the ports of entry, maintain situational awareness, and impede or deny illegal entries.

<sup>19</sup>GPRAMA defines “milestone” as a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work. In particular, see 31 U.S.C. § 1115 (relating to agency performance plans and performance measurement), which defines “milestone” and other key terms under subsection (h).

## The 2019-2020 Border Security Improvement Plan Identifies Capabilities but Does Not Include a Detailed Implementation Schedule or Life Cycle Cost Estimates

### Border Security Improvement Plan Requirement #2

A detailed implementation schedule for the plan with estimates for planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestones based on specific

- capabilities and services;
- mission benefits and outcomes;
- program management capabilities; and
- life cycle cost estimates.

### GAO Summary Assessment

The 2019-2020 plan identifies capabilities across four strategic initiatives and describes mission benefits and outcomes for each initiative. However, it does not include a detailed implementation schedule linked to capabilities and services, mission benefits and outcomes, program management capabilities, or life cycle cost estimates. Further, the 2019-2020 plan does not include an estimate of planned obligation of funds for fiscal years 2019-2027. Rather, the plan describes enacted funding levels for the last two fiscal years and explains that future budget cycles will determine funding amounts for fiscal years 2021 through 2027. According to the 2019-2020 plan, DHS is in the early phases of implementing its larger *U.S. Customs and Border Protection Strategy 2020-2025* and is preparing implementation plans and schedules for the strategy. The implementation plans and schedules are in draft and have not been finalized and approved, as of October 2020, according to CBP officials.

The plan identifies 31 capabilities across the four strategic initiatives: (1) awareness and enforcement, (2) counter network, (3) biometric identification, and (4) vetting and authorization.<sup>20</sup> Examples of these capabilities include land domain surveillance and intelligence. The plan also describes the mission benefits and outcomes for each initiative. For example, the plan states that CBP operational control of the border between the ports of entry and enhanced enforcement efforts at air, land, and sea ports are the mission benefits and outcomes of the awareness and enforcement strategic initiative.

Additionally, the *FY2019/2020 U.S. Border Patrol Impedance and Denial Prioritization Strategy* included in the plan describes the benefits of the Border Wall System Program.<sup>21</sup> This strategy outlines a methodology for prioritizing future barrier deployments across the entire southwest border. According to the 2019-2020 plan, the strategy aims to provide benefits, such as the provision of cover and concealment for agents as they patrol the border, and the denial of the use of terrain for illegal activity.

<sup>20</sup>The *U.S. Customs and Border Protection Strategy 2020-2025* (April 2019), defines 12 strategic initiatives that will advance CBP's mission. In addition to the four strategic missions laid out in the 2019-2020 plan—(1) awareness and enforcement (2) counter network (3) biometric identification investments, and (4) targeting and vetting—the strategy describes an additional eight strategic initiatives, which deal with parts of CBP's mission (e.g., trade compliance) or are enterprise-wide. The 2019-2020 plan notes that these eight strategic initiatives are beyond its scope.

<sup>21</sup>CBP uses the term "wall system" to describe planned combinations of barriers, separated by an enforcement zone; lighting and surveillance technology for the barriers and enforcement zone; access roads; and interfaces for current or future technologies to support detection capabilities.

## Enclosure I

CBP did not include information in the 2019-2020 plan on program management capabilities.

The 2019-2020 plan also does not include life cycle cost estimates. The 2019-2020 plan states that an all-encompassing set of life cycle cost estimates for the four initiatives is not included because of the high number of programs, initiatives, and projects covered by the 2019-2020 plan.<sup>22</sup> According to the 2019-2020 plan, CBP utilizes DHS Acquisition Management directives and Chief Financial Officer policies to provide guidance for CBP programs to develop life cycle cost estimates. CBP has developed life cycle costs estimates for some CBP programs and capabilities included in the plan, such as the Integrated Fixed Towers program.<sup>23</sup>

Our previous work has identified weaknesses in CBP's life cycle cost estimates for certain border security-related investments. For example, CBP officials told us that not all of its life cycle cost estimates are at the same level of maturity and we have previously identified challenges in CBP's efforts to develop such estimates. Specifically, in December 2019, we reported that DHS plans to establish cost, schedule, and performance goals for each individual segment of the Border Wall System Program as funding becomes available.<sup>24</sup> As a result, the estimates in the 2019-2020 plan do not reflect the costs of the collective Border Wall System Program throughout the life of the program.<sup>25</sup> The plan also describes the use of different types of cost estimates for the Border Wall System Program to include order of magnitude estimates and independent cost assessments.<sup>26</sup>

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<sup>22</sup>According to GAO, *Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Program Costs*, GAO-20-195G (Washington, D.C.: Mar. 12, 2020), a life cycle cost estimate provides a structured accounting of all labor, material, and other efforts required to develop, produce, operate and maintain, and dispose of a program. The development of a life cycle cost estimate entails identifying and estimating all cost elements that pertain to the program from initial concept all the way through each phase in the program's duration. The program life cycle cost estimate encompasses all past (or sunk), present, and future costs for every aspect of the program, regardless of funding source.

<sup>23</sup>GAO, *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*, GAO-14-368 (Washington, D.C.: Mar. 3, 2014).

<sup>24</sup>GAO, *Homeland Security Acquisitions: Outcomes Have Improved, but Actions Needed to Enhance Oversight of Schedule Goals*, GAO-20-170SP (Washington, D.C.: Dec. 19, 2019).

<sup>25</sup>DHS officials noted that there is not a single overarching life cycle cost estimate for the Border Wall System Program and one is not planned.

<sup>26</sup>According to GAO, *Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Program Costs*, GAO-20-195G (Washington, D.C.: Mar. 12, 2020), a rough order of magnitude estimate is developed when a quick estimate is needed and few details are available. Usually based on historical information, such an estimate is typically developed to support what-if analyses and can be developed for a particular phase or portion of an estimate or the entire cost estimate, depending on available data. It is helpful for examining differences in high-level alternatives to see which are the most feasible. In March 2021, DHS officials noted that the Border Wall System Program may use rough order of magnitude estimates in the future because firm requirements and funding levels are not yet determined. An independent cost assessment is a non-advocate's evaluation of a cost estimate's quality and accuracy, looking specifically at a program's technical approach, risk, and acquisition strategy to ensure that the program's cost estimate captures all requirements. It does not usually capture the entire life cycle cost estimate.

## The 2019-2020 Border Security Improvement Plan Links CBP's Initiatives to Its Goals and Objectives, but Does Not Describe How Projects Address the Highest Priority Border Security Needs

### Border Security Improvement Plan Requirement #3

A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.

### GAO Summary Assessment

The 2019-2020 plan identifies 34 programs across four strategic initiatives that DHS considers to be the department's primary efforts to address key mission vulnerabilities, but does not compare the programs in order of priority. For example, the plan identifies seven programs supporting the vetting and authorization strategic initiative and identifies CBP's capabilities related to these programs. According to officials, CBP derived the programs identified in the plan to support each strategic initiative primarily based on whether they were level 1 and 2 major acquisition programs, or were included in the 2018 plan.<sup>27</sup> However, the 2018 plan identified 56 initiatives, some of which do not appear in the 2019-2020 plan. For example, the 2018 plan included initiatives related to information sharing, trade, and cloud computing, but these initiatives are not included in the 2019-2020 plan. The 2019-2020 plan also does not identify which programs are considered the most important or address the highest priority border security needs.

Most programs fall under the strategic initiative related to awareness and enforcement. CBP officials told us that, as part of the effort to prioritize needs, Border Patrol uses the Capability Gap Analysis Process (CGAP) to identify capability gaps and potential solutions, which can range from a major acquisition to a policy change.<sup>28</sup> CGAP is part of Border Patrol's broader Requirements Management Process, which was designed to facilitate planning for funding and deploying border security requirements, such as surveillance technology and barriers. In September 2020, Border Patrol officials told us they are piloting the use of geospatial analysis to complement the CGAP. According to officials, geospatial analysis will help verify the information collected through the process, allowing Border Patrol to better identify what resources would best increase their advantage in securing the border.

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<sup>27</sup>DHS defines major acquisition programs as those with life cycle cost estimates of \$300 million or more. Level 1 major acquisition programs are expected to cost \$1 billion or more over their life cycles. Level 2 major acquisition programs are expected to cost at least \$300 million over their life cycles.

<sup>28</sup>The CGAP is intended to identify each station's capability gaps by determining the difference between a station's baseline capabilities and a station's required set of capabilities needed to perform mission essential tasks. The identified shortfall in required capability is a capability gap.

## The 2019-2020 Border Security Improvement Plan Describes How Barrier Locations Were Identified but Does Not Discuss Technology Locations and Quantities

### Border Security Improvement Plan Requirement #4

An identification of the planned locations, quantities, and types of resources, such as fencing, other barriers, or other tactical infrastructure and technology, under the plan.

### GAO Summary Assessment

The 2019-2020 plan provides information on planned locations and quantities for CBP's priority border barrier deployments, but does not provide such information for other types of resources, including technology. The 2019-2020 plan includes the *Impedance and Denial Prioritization Strategy*, which documents CBP's process for identifying and prioritizing impedance and denial investments along the southwest border. The strategy identifies 198 segments of the border for border barriers, and according to the 2019-2020 plan, these barriers will include 1,440 miles of primary barrier and 700 miles of secondary barrier along the southwest border.<sup>29</sup> According to the 2019-2020 plan, these barriers will consist of new, replacement, and existing border barriers. The *FY2019/2020 U.S. Border Patrol Impedance and Denial Prioritization Strategy* prioritizes the segments based on data collected on the southwest border, such as the location or number of agent assaults or other incidents, and qualitative information such as an assessment of CBP's current ability to contain and deny illicit cross-border activity in a given segment. CBP's process then calls for combining these segments into groups considering factors such as geographic proximity, area of responsibility, terrain, and urban or rural environment.

Although CBP identified planned locations and quantities of border barriers in the 2019-2020 plan, we have previously identified weaknesses in CBP's methodology related to its adherence to leading practices for capital decision-making. Specifically, we reported in July 2018 that CBP's methodology did not include an analysis of the costs associated with deploying barriers in each location or segment, which can vary depending on topography, land ownership, and other factors.<sup>30</sup> We reported that without assessing costs, CBP does not have complete information for prioritizing locations and using its resources in the most cost-effective manner. We recommended that CBP analyze the costs associated with future barrier segments and include cost as a factor in the *FY2019/2020 U.S. Border Patrol Impedance and Denial Prioritization Strategy*. CBP concurred with this recommendation but has not yet addressed it. As of September 2020, CBP officials stated that this cost information may affect how barrier construction projects are executed, but that it would not influence how CBP prioritizes projects across various locations. In addition, in March 2021, CBP officials told us that its methodology includes cost as a part of the decision making process but does not include it in operational prioritization. As we have previously reported, using an integrated approach to the

<sup>29</sup>The primary barrier, which may include pedestrian or vehicle barriers, is the first barrier encountered when moving into the United States from the border; the secondary barrier, located behind the primary barrier on the U.S. side of the border, consists solely of pedestrian barrier; and the third barrier, or tertiary barrier, is further set back from the border, and is primarily used to delineate property lines rather than deter illegal entries.

<sup>30</sup>GAO, *Southwest Border Security: CBP is Evaluating Designs and Locations for Border Barriers but Is Proceeding Without Key Information*, GAO-18-614 (Washington, D.C.: July 30, 2018).

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requirements, acquisitions, and budget processes to prioritize needs and allocate resources can help an organization to optimize return on investment, and maintain program affordability.<sup>31</sup> We continue to believe that incorporating its analysis of the costs of barrier projects into its process for prioritizing locations for construction of barriers is essential to ensure appropriate and cost-effective use of resources.

While the 2019-2020 plan provides information on the types of CBP's technology investments, such as mobile and fixed surveillance technologies, it does not provide information on planned deployment locations or quantities of these technologies. By contrast, the 2018 plan included planned locations and quantities for a number of technologies. CBP officials told us that this information was not included in the 2019-2020 plan because they assumed the requirement was satisfied in the 2018 plan.

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<sup>31</sup>GAO, *Priority Open Recommendations: Department of Homeland Security*, GAO-20-355PR (Washington, D.C.: Apr. 23, 2020).

## The 2019-2020 Border Security Improvement Plan Does Not Analyze Alternatives or Effects on Communities, and Describe Factors Critical to Decision Making

### Border Security Improvement Plan Requirement #5

A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes:

- Analyses of alternatives, including comparative costs and benefits
- An assessment of effects on communities and property owners near areas of infrastructure deployment, and
- A description of other factors critical to the decision making process.

### GAO Summary Assessment

The 2019-2020 plan does not include analyses of alternatives or an assessment of effects on communities and property owners. However, it does include a description of other factors critical to the decision-making process.

According to the 2019-2020 plan, all DHS-funded segments related to the Border Wall System Program, such as the planned development of 129 miles of barrier in the Rio Grande Valley Sector, have undergone an alternatives analysis as of October 2019. An alternatives analysis is not the same as an analysis of alternatives. According to DHS acquisition guidance, an alternatives analysis can be used when the preferred solution is already narrowed down to a specific materiel solution. By contrast, the guidance defines an analysis of alternatives as an analytical comparison (from a high-level cost and performance perspective) of selected solution alternatives for fulfilling the specific capability gaps/needs. This process is to help ensure that the best alternative to meet mission need is chosen on the basis of the selection criteria, such as safety, cost, or schedule.

While the 2019-2020 plan identifies the segments of planned border barriers that have undergone alternatives analyses, the 2019-2020 plan does not include any details on the results of the alternatives analyses or indicate if any of the other programs in the plan have undergone an alternatives analysis. Rather, the 2019-2020 plan broadly identifies and describes the governance and decision-making processes that CBP uses to select resources. For example, the 2019-2020 plan explains that CBP generally employs mission analysis, course of action development and analysis, and course of action selection to make a decision.

The 2019-2020 plan also outlines CBP's approach to property acquisition and describes how CBP communicates with affected landowners. For example, during the right-of-entry for survey process, U.S. Army Corps of Engineers and CBP are to use various methods to reach landowners—community meetings, mailings, e-mail, phone conversations, and in-person meetings.<sup>32</sup> In some instances, local Border Patrol agents who are familiar with a landowner due to existing relationships will follow up in person with the landowner. However, the plan

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<sup>32</sup>In order for the government to conduct design, real estate, and environmental-related surveys on property that may be needed for a border wall system project, the government must obtain a right-of-entry for survey from each potentially affected landowner.

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does not assess the effects on communities and property owners of infrastructure deployment near their properties.

The 2019-2020 plan identifies threats and the requirements process as other factors critical to the decision making process and the selection of investments. For example, border security threats include terrorism, transnational crime, cybercrimes, and political and economic instability. According to the plan, the requirements process is intended to identify gaps and potential solutions to close them. The plan also states that only those capabilities currently documented and validated through the integrated requirements process are included in the plan.

## The 2019-2020 Border Security Improvement Plan Does Not Identify Staffing Requirements For Any of the Initiatives Identified

### Border Security Improvement Plan Requirement #6

An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.

### GAO Summary Assessment

The 2019-2020 plan does not mention staffing for any of the initiatives identified in the plan, nor does it identify requirements for full-time equivalents, contractors, and detailed personnel. The 2019-2020 plan states that CBP is developing a staffing summary that may satisfy this requirement.

According to DHS acquisition guidance, program offices should have qualified personnel.<sup>33</sup> While this guidance speaks to the staffing of program offices for major acquisitions, it does not address staffing for strategic initiatives, such as those listed under the plan. In December 2019, we reported on major DHS acquisitions and CBP's assessment that the Border Wall System Program needed 23 full-time equivalents.<sup>34</sup> According to CBP officials, the program has sufficient staff to manage the program's work based on the funding received to date and the remaining staff will be hired once funding becomes available. However, the 23 full-time equivalents does not refer to the number of Border Patrol agents needed to patrol the border but rather the number needed to run the program office. The 2017 and 2018 plans included an initiative related to Border Patrol and Mission Support Personnel and called for hiring 5,000 agents as part of implementation of the initiative.<sup>35</sup> GAO inquired with agency officials as to the reason that the goal of hiring 5,000 agents was not included in the 2019-2020 plan. Agency officials told us that an identification of CBP-wide staffing requirements was deemed too lengthy a process with the amount of time available to produce the report. CBP officials stated that they decided to defer the staffing requirements until the next Border Security Improvement Plan to satisfy the requirement.

CBP has a staffing model designed to help identify its personnel requirements and align these requirements to current and future operational needs. As we have reported in the past, offices within CBP, such as the Office of Field Operations and Border Patrol, have mechanisms in place or under development to identify staffing requirements.<sup>36</sup> Further, Border Patrol is in the process of finalizing its personnel requirements determination process, which is expected to

<sup>33</sup>DHS Instruction 102-01-006, *Acquisition Program Management Staffing*.

<sup>34</sup>GAO, *Homeland Security Acquisitions: Outcomes Have Improved, but Actions Needed to Enhance Oversight of Schedule Goals*, GAO-20-170SP (Washington, D.C.: Dec. 19, 2019).

<sup>35</sup>In January 2017, CBP was directed to hire 5,000 additional Border Patrol agents, subject to available appropriations. See *Border Security and Immigration Enforcement Improvements*, Exec. Order No. 13767, § 8, 82 Fed. Reg. 8793, 8795 (Jan. 30, 2017) (issued Jan. 25). The President revoked Executive Order 13767 on February 2, 2021. See *Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border*.

<sup>36</sup>GAO, *International Air Travelers: CBP Collaborates with Stakeholders to Facilitate the Arrivals Process, but Could Strengthen Reporting of Airport Wait Times*, GAO-17-470 (Washington, D.C.: Mar. 30, 2017) and GAO-19-538R.

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be complete by February 28, 2021, according to officials. Once complete, officials stated that DHS and Border Patrol leadership will review and validate the process prior to implementation. This process is designed to help Border Patrol identify its personnel requirements and align these requirements to current and future operational needs.<sup>37</sup>

Further, in February 2019, the DHS Office of Inspector General reported on Border Patrol's efforts to develop a staffing model and found that Border Patrol lacked the data and procedures needed to determine how many agents it needed to meet its mission requirements.<sup>38</sup> DHS's Office of Inspector General recommended that CBP expedite development and implementation of a workforce staffing model for Border Patrol, as required by Congress, to better inform staffing and resource deployment decisions. According to the Office of Inspector General, this recommendation had not yet been addressed as of September 21, 2020. In the 2019-2020 plan, DHS stated it is in the process of collecting and analyzing data to establish relationships between various variables and project staffing requirements. In the plan, DHS stated the next step is to use this analysis to inform the development of a staffing model. In November 2020, Border Patrol officials told us they are completing the second version of the workforce staffing model and that DHS's Program Analysis and Evaluation Office is verifying and validating it.<sup>39</sup>

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<sup>37</sup>We reported in 2018 that, consistent with the President's directive to hire 5,000 Border Patrol agents, Border Patrol was aiming to attain a staffing level of 26,370 agents (5,000 above the fiscal year 2016 statutorily-established level). At the time the directive was issued, the government was operating under a continuing resolution extending fiscal year 2016 funding, and related provisos such as the 21,370 Border Patrol agent workforce floor, into fiscal year 2017, while Congress worked to pass a consolidated appropriations bill. See GAO, *U.S. Customs and Border Protection: Progress and Challenges in Recruiting, Hiring, and Retaining Law Enforcement Personnel*, GAO-18-487 (Washington, D.C.: Jun 27, 2018) and see Further Continuing Appropriations Act, 2017, Pub. L. No. 114-254, div. A, 130 Stat. 1005, 1005-22 (2016); and Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, div. F, tit. II, 129 Stat. 2242, 2495 (2015). Border Patrol's fiscal year 2017, 2018, 2019, 2020 and 2021 appropriations did not mandate an overall Border Patrol agent workforce floor. See Explanatory Statement (163 Cong. Rec. H3327, H3809-10 (daily ed. May 3, 2017)) accompanying Pub. L. No. 115-31, 131 Stat. 135; Pub. L. No. 115-141, 132 Stat. 348 (2018); Pub. L. No. 116-6, div. A, 133 Stat. 13 (according to the 2019 joint explanatory statement, funding is provided to sustain the current level of Border Patrol agents); Explanatory Statement (165 Cong. Rec. H10613, H11016 (daily ed. Dec. 17, 2019)) accompanying Pub. L. No. 116-93, 133 Stat. 2317 (2019) (2020 joint explanatory statement "provides no funding for additional Border Patrol agents"); Explanatory Statement (166 Cong. Rec. H8311, H8469 (daily ed. Dec. 21, 2020)) accompanying Pub. L. No. 116-260, 134 Stat. 1182 (2020) (2021 joint explanatory statement "includes no funding for new Border Patrol Agents or personnel hired above the baseline funded in fiscal year 2020").

<sup>38</sup>Department of Homeland Security, Office of Inspector General, *Border Patrol Needs a Staffing Model to Better Plan for Hiring More Agents*, OIG-19-23 (Washington, D.C.: February 28, 2019).

<sup>39</sup>In March 2021, CBP officials told us that the staffing model is complete and that CBP leadership is reviewing it.

## The 2019-2020 Border Security Improvement Plan Includes Performance Metrics, but Some Have Limitations

### Border Security Improvement Plan Requirement #7

A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investment.

### GAO Summary Assessment

The 2019-2020 plan discusses performance measures associated with three of the four strategic initiatives identified from the *U.S. Customs and Border Protection Strategy 2020-2025*. In particular, the 2019-2020 plan includes 26 measures—17 measures associated with awareness and enforcement; 4 measures associated with counter network, and 5 measures associated with biometric identification. The plan does not include measures associated with the vetting and authorization initiative but states that measures are being developed and are anticipated to be finalized by the end of calendar year 2020. The plan also states that additional performance measures are forthcoming for all four of these strategic initiatives.<sup>40</sup> Table 4 provides examples of performance measures included in the 2019-2020 plan by strategic initiative.

**Table 4: Selected Examples of Performance Measures Described in 2019-2020 Border Security Improvement Plan**

Strategic initiative	Performance measures
Awareness and Enforcement	<ul style="list-style-type: none"> <li>• Percent of time that Border Patrol meets its goal of responding to potential illegal activity in remote, low-risk areas</li> <li>• Percent of southern border sectors that have implemented the Operational Control framework</li> <li>• Percent of Border Patrol agent workforce that is trained and certified to perform enforcement actions</li> </ul>
Counter Network	<ul style="list-style-type: none"> <li>• Monthly Border Patrol drug seizures</li> <li>• Apprehensions by gang affiliation</li> <li>• Number of smuggled outbound weapons seized at the ports of entry</li> </ul>
Biometric Identification	<ul style="list-style-type: none"> <li>• Criminal aliens encountered</li> <li>• Criminal aliens with outstanding wants or warrants</li> <li>• Percent of people apprehended multiple times along the Southwest Border</li> </ul>

Source: Department of Homeland Security, 2019-2020 Border Security Improvement Plan. | GAO-21-303R

We have previously identified limitations with some DHS measures. In March 2019, we reported DHS components generally have processes to help ensure the reliability of the data used in its May 2018 *Border Security Metrics Report*, and DHS identified and disclosed some data and methodological limitations with the metrics. However, DHS did not systematically

<sup>40</sup>Published in April 2019, *U.S. Customs and Border Protection Strategy 2020-2025* defines 12 strategic initiatives that will make the greatest impact on the mission, the American public, and the lives of CBP employees. The 2019-2020 plan focuses on specific programmatic investments from four strategic initiatives: Awareness and Enforcement, Counter Network, Biometric Identification, and Vetting and Authorization. In March 2021, a CBP official noted the agency has developed additional metrics.

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review the reliability of data used in all metrics to identify or disclose limitations and their potential implications for the metric.<sup>41</sup> We recommended that DHS develop and implement a process to systematically review the reliability of the data used in its *Border Security Metrics Report* and comprehensively identify any limitations with the data and methodologies that underlie its metrics. DHS concurred with this recommendation and had stated that it planned to address it in its fiscal year 2019 *Border Security Metrics Report*, which it subsequently issued in August 2020. We plan to review the fiscal year 2019 report and report on the results of our work in 2021.

Further, in February 2017, we reported that CBP had not assessed the contributions of fencing and technology deployments along the southwest border to border security operations.<sup>42</sup> According to CBP at the time of our report, from fiscal years 2007 through 2015, it spent approximately \$2.3 billion to deploy fencing along the southwest border and estimated that maintaining fencing would cost more than \$1 billion over 20 years. Despite these investments, CBP could not measure the contribution of fencing to border security operations because it had not developed metrics for this assessment. Accordingly, we recommended that CBP develop metrics to assess the contributions of pedestrian and vehicle fencing to border security along the southwest border and apply this information, as appropriate, when making investment and resource allocation decisions. DHS concurred with our recommendation, and in October 2019, DHS officials stated that they had developed and were testing initial metrics. DHS officials stated at the time that they plan to continue to gather data over fiscal years 2020 and 2021 to help assess the accuracy of these metrics, with an estimated date of September 2021 to complete these efforts.

Regarding technology deployments, we reported in 2014 that CBP had identified the mission benefits for technologies—such as mobile and fixed surveillance systems—under the Southwest Border Technology Plan, but had not developed performance metrics.<sup>43</sup> We recommended that CBP analyze available data to determine the contribution of surveillance technologies to its border security efforts. CBP concurred with this recommendation and is taking actions to address it. In September 2020, CBP officials provided us with a briefing on its efforts to develop a model that uses quantitative analysis and qualitative field insight to depict the Border Patrol's Mission Essential tasks across any area of operations. According to these officials, the goal of the model is to depict the overall balance of constraints and enablers that affect a station's current potential to perform Border Patrol's mission essential tasks within its area of responsibility. Officials added that this model will help Border Patrol determine what resources, including technology, would improve its operations. Border Patrol piloted this model in one station and plans to expand the pilot to the entire Southwest border. These officials could not provide a time frame for when Border Patrol would fully implement this model. We view these efforts, as described, as important progress toward fulfilling our recommendation; however, it is too soon to tell whether the model will fully address the intent of our recommendation. We will continue to monitor CBP's efforts in this area.

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<sup>41</sup>GAO, *Border Security: DHS Should Improve the Quality of Unlawful Border Entry Information and Other Metric Reporting*, GAO-19-305 (Washington, D.C.: March 21, 2019).

<sup>42</sup>GAO, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps*, GAO-17-331 (Washington, D.C.: Feb. 16, 2017).

<sup>43</sup>GAO, *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*, GAO-14-368 (Washington, D.C.: March 3, 2014).

## The 2019-2020 Border Security Improvement Plan Lists Open Recommendations and Estimated Completion Dates, but Generally Lacks Milestones and Plans

### Border Security Improvement Plan Requirement #8

A description of the status of the actions of DHS to address open recommendations by the Office of Inspector General and us relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

### GAO Summary Assessment

The 2019-2020 plan lists 54 recommendations we have made in recent years and 44 recommendations from the DHS's Office of Inspector General related to border security efforts.<sup>44</sup> However, this list includes recommendations only as of September 30, 2019. We identified 25 additional recommendations from October 1, 2019 to July 31, 2020 that we made to the department related to border security programs and efforts that were not included in the 2019-2020 plan.<sup>45</sup> These 25 recommendations included actions such as improving the reliability of data reported to Congress on deaths in custody within CBP, and establishing a reliable system of record for proof of export.

For all of the open GAO and Office of Inspector General recommendations included in the 2019-2020 plan, the plan includes an estimated completion date—something that was not included in previous versions of the Border Security Improvement Plan. However, of our 54 recommendations listed in the 2019-2020 plan, the plan lists 24 of them as having completion dates in calendar year 2019, rather than updating them to reflect that the recommendations have not yet been completed or that CBP is requesting closure. According to CBP officials, they could not provide updated completion dates through July 2020 due to the various approval levels and the amount of time the plan spent in review after initial drafting.

Furthermore, many of the entries detailing DHS's plans for implementing these recommendations do not detail schedules for completing actions, or the described actions do not address one or more substantive parts of the recommendation. According to CBP officials, the recommendation updates include the milestone actions completed and planned, where appropriate. However, based on our analysis of the 54 recommendations we made where CBP is the lead component agency, 27 are missing implementation schedules and/or associated interim milestones prior to the anticipated completion date of the recommendation.

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<sup>44</sup>CBP is the lead DHS component responsible for addressing these recommendations. In addition, the 2019-2020 plan also lists five recommendations we have made in recent years and two recommendations from the DHS's Office of Inspector General where CBP is not the lead DHS component responsible for addressing the recommendation. For example, Immigration and Customs Enforcement is listed as the responsible component for three of our five open recommendations. According to CBP officials, they decided to make this distinction in the 2019-2020 plan based on a suggestion we made during our review of the 2017 and 2018 Border Security Improvement Plans.

<sup>45</sup>Because the fiscal year 2019-2020 plan was submitted on August 1, 2020, we did not include DHS OIG or our reports with recommendations that were issued after July 31, 2020. We identified open border security recommendations by querying our public recommendations database for all recommendations to DHS, then filtering to recommendations to CBP. We then compared each recommendation to the list of recommendations in the 2019-2020 plan to create a single list of our open recommendations as of July 31, 2020. We only report on the number of open DHS OIG recommendations in the 2019-2020 plan.

## The Border Security Improvement Plan Does Not Describe How DHS Plans to Consult with State and Local Entities Regarding Land Acquisition

### Border Security Improvement Plan Requirement #9

A plan to consult state and local elected officials on the eminent domain and construction process relating to physical barriers.

### GAO Summary Assessment

The 2019-2020 plan does not include a plan to consult state and local elected officials on the eminent domain and construction processes relating to physical barriers, including related roads and construction staging areas. In May 2019, CBP officials told us that in lieu of a formal plan to consult with state and local officials, the agency has been utilizing an outreach strategy and that a description of this strategy could be included in future versions of the Border Security Improvement Plan. In September 2020, officials stated they developed a draft public involvement plan that outlines how they consult with state and local elected officials, among other stakeholders. They anticipated that the plan to consult state and local elected officials would be complete by the end of calendar year 2020.

In September 2020, CBP officials said they continue to comply with the DHS Appropriations Act, 2019, requirement to confer with and seek to reach mutual agreement with local elected officials regarding barrier design and alignment in certain locations.<sup>46</sup> For example, officials told us that the 2019 DHS appropriations act required them to consult with officials from Rio Grande City, Texas, to seek mutually agreeable barrier designs. CBP officials told us they consulted with officials from Rio Grande City in March, April, May, June, and September 2019 regarding plans for deploying border barriers. CBP officials noted that this consultation impacted CBP's deployment plans and delayed them by about 4 to 6 months. According to officials, the city had proposed a realignment of the border barriers, and CBP then conducted a second hydraulics analysis to ensure that the city's proposed realignment was consistent with a 1970 treaty between the United States and Mexico.<sup>47</sup>

The 2019-2020 plan discusses the process CBP uses to acquire land from private landowners, including the use of eminent domain, or condemnation action, in instances when officials are unable to acquire the property through negotiated sale. However, the information provided does not amount to a plan to consult state and local elected officials on the eminent domain and construction process relating to physical barriers. According to the 2019-2020 plan, CBP prefers to acquire land voluntarily through negotiated offers to sell. There are instances where the government is unable to obtain an offer to sell voluntarily—for example, if the landowners are unresponsive, or the government is unable to identify landowners. In such

<sup>46</sup>Pub. L. No. 116-6, div. A, title II, § 232(a), 133 Stat. at 28. Such consultations between DHS and local elected officials shall continue until September 30, 2019 (or until agreement is reached, if earlier) and may be extended beyond that date by agreement of the parties; and no funds made available in this Act shall be used for such construction while consultations are continuing.

<sup>47</sup>Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary, U.S.-Mex., Nov. 23-Dec. 21, 1970, T.I.A.S. No. 7313, 23 U.S.T. 371 (Entered into force on Apr. 18, 1972).

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cases, according to the 2019-2020 plan, after pursuing due diligence and good faith title research, a condemnation action is taken to obtain access to the property for surveys and to acquire a final real estate interest in the property.<sup>48</sup>

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<sup>48</sup>For more information, see GAO, *Southwest Border: Information on Federal Agencies' Process for Acquiring Private Land for Barriers*, GAO-21-114 (Washington, D.C.: Nov. 17, 2020).

## CBP Is Assessing the Environmental Impacts of New Barrier Construction, but Provides Limited Details in the Border Security Improvement Plan

### Border Security Improvement Plan Requirement #10

An analysis, following consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts, including on wildlife, of the construction and placement of physical barriers planned along the southwest border, including in the Santa Ana National Wildlife Refuge.

### GAO Summary Assessment

The 2019-2020 plan analyzes the potential environmental impacts from barrier projects in the Rio Grande Valley Border Patrol sector but does not analyze the potential impacts for any of the other sectors.<sup>49</sup> The plan states that CBP consulted with the Department of Interior (Interior) and Environmental Protection Agency (EPA) by conducting site visits to six of the nine Border Patrol sectors where barrier construction was planned from 2017 through January 2020 to discuss potential environmental impacts. The 2019-2020 plan includes examples of environmental concerns and mitigation efforts that CBP officials, in consultation with federal land managers and resource agencies such as Interior and EPA, identified in the Rio Grande Valley sector. For example, the 2019-2020 plan identifies increased risk of flood events as an environmental concern and states that CBP included mitigation measures in the design of the projects, such as broadening access ramps for use as safe high ground for animals. According to the plan, all border barrier designs were reviewed by the International Boundary and Water Commission.<sup>50</sup>

The 2019-2020 plan states that DHS is in the process of developing and finalizing Environmental Stewardship Plans that will assess potential environmental impacts in those locations where the Secretary of Homeland Security has invoked the waiver authority.<sup>51</sup> The plan states that the Environmental Stewardship Plans will outline CBP's analysis of the potential environmental impacts, mitigation efforts, and feedback received from consultation with stakeholders. In October 2020, CBP officials told us they completed 27 Environmental Stewardship Plans since 2005 and have 11 underway. Although DHS has completed 27 Environmental Stewardship Plans, the plan does not provide results of these plans.

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<sup>49</sup>Border Patrol divides responsibility for border security operations geographically among nine sectors along the Southwest border, each with its own headquarters.

<sup>50</sup>The International Boundary and Water Commission was established in March 1889 by treaty between the governments of the United States and Mexico. Under the treaty and subsequent agreements, the Commission is responsible for resolving boundary problems and maintaining the boundary between the United States and Mexico and managing issues involving the waters of the Rio Grande and Colorado Rivers.

<sup>51</sup>The REAL ID Act of 2005 amended the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by expanding the authority of the Secretary of Homeland Security to waive all legal requirements, as determined to be necessary, in the Secretary's sole discretion, to ensure expeditious construction of barriers and roads along the border. Pub. L. No. 104-208, div. C, title I, subtitle A, § 102(c), 110 Stat. 3009, 3009-555, as amended by Pub. L. No. 109-13, div. B, title I, § 102, 119 Stat. 231, 306 (classified, as amended, at 8 U.S.C. § 1103 note). For NEPA see Pub. L. No. 91-190, title I, § 102, 83 Stat. 852, 853-4 (classified, as amended, at 42 U.S.C. § 4332). In September 2020, CBP officials told us that the vast majority of projects take place under the Secretary's waiver authority.

## The Border Security Improvement Plan Includes Certifications Related to the Acquisition Management Process

### Border Security Improvement Plan Requirement #11

Certifications by the Under Secretary of Homeland Security for Management, that—

- (a) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and
- (b) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

### GAO Summary Assessment

The 2019-2020 plan includes a certification statement from the DHS Deputy Under Secretary for Management that, with the support of the DHS Acquisition Review Board, the department is overseeing whether all major acquisition programs are taking the necessary steps to comply with DHS's acquisition policy.<sup>52</sup> The DHS Deputy Under Secretary for Management is performing the duties of the Under Secretary for Management, as the latter position is currently vacant as of February 4, 2021. The 2019-2020 plan also states that the DHS Chief Procurement Officer is a member of the DHS Acquisition Review Board and is responsible for ensuring that these programs are meeting the Federal Acquisition Regulation.<sup>53</sup> The certification also notes that for nonmajor acquisition programs, the DHS Deputy Under Secretary for Management has delegated oversight to CBP's Component Acquisition Executive.<sup>54</sup> In these instances, CBP's Component Acquisition Executive is to review the programs annually and report the results of the review to the DHS Under Secretary for Management.

Our prior work on acquisition management has identified areas for improvement in DHS's management of its portfolio. For example, in December 2019 we reported that opportunities remain for DHS to provide better oversight of major acquisition programs' schedule goals, as we found that these goals generally did not trace to the integrated master schedules per DHS policy. When schedule goals are not traceable, DHS decision makers cannot be sure that the schedule presented is consistent and accurate.<sup>55</sup> We recommended that the Under Secretary for Management develop an oversight process to confirm that programs' schedule goals are developed and updated in accordance with our Schedule Assessment Guide, to include ensuring traceability between acquisition program baseline schedule goals and integrated master schedules. DHS concurred with our recommendation and developed a

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<sup>52</sup>Major acquisitions are those acquisitions with a life cycle cost above \$300 million.

<sup>53</sup>The FAR is the primary regulation for use by all executive agencies in their acquisition of supplies and services with appropriated funds.

<sup>54</sup>Nonmajor acquisitions are those with life cycle costs of less than \$300 million.

<sup>55</sup>GAO, *Homeland Security Acquisitions: Outcomes Have Improved, but Actions Needed to Enhance Oversight of Schedule Goals*, GAO-20-170SP (Washington, D.C.: Dec. 19, 2019). Traceability, which DHS policy and acquisition best practices call for, helps ensure that program goals are aligned with program execution plans, and that a program's various stakeholders have an accurate and consistent understanding of those plans and goals.

## Enclosure I

checklist based on our Schedule Assessment Guide, among other things. As of July 2020, DHS is in the process of updating and drafting guidance responsive to the recommendation.

## Enclosure II: Comments from the Department of Homeland Security

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



**Homeland  
Security**

March 18, 2021

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

Re: Management Response to Draft Report GAO-21-303R, "Border Security:  
Assessment of the Department of Homeland Security's Border Security  
Improvement Plan"

Dear Ms. Gambler:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

U.S. Customs and Border Protection's (CBP) top priority is to keep terrorists and their weapons from entering the U.S. while also welcoming all legitimate travelers and commerce. CBP manages a complex and vast mission space, covering approximately 7,000 miles of land border and 95,000 miles of shoreline, and is responsible for facilitating legitimate trade and travel through 328 land, air, and maritime ports of entry. CBP does all this in the face of dynamic and ever-changing transnational criminal organizations and networks that seek to exploit any, and all, weaknesses in border security. To reach its goals and better accomplish its daily tasks, CBP must continue to improve existing capabilities, develop new ones for the changing operational environment, and adapt its processes to better organize, train, equip and sustain its frontline operators.

This challenging operational environment makes the Border Security Improvement Plan (BSIP) essential to CBP's success, as the BSIP serves a vital role in communicating CBP's decision-making process and recommended investments to Congress.

## Enclosure II

The draft report contained one recommendation, with which the Department concurs. Attached find our detailed response to the recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H  
CRUMPACKER

Digitally signed by JIM H  
CRUMPACKER  
Date: 2021.03.18 16:15:25  
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JIM H. CRUMPACKER, CIA, CFE  
Director  
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: Management Response to Recommendation  
Contained in GAO-21-303R**

GAO recommended that the Secretary of Homeland Security:

**Recommendation 1:** Expeditiously provide Congress with the required information that was missing from the Fiscal Year 2019-2020 Border Security Improvement Plan.

**Response:** Concur. CBP Operations Support's Planning, Analysis, and Requirements Evaluation Directorate will continue to coordinate with other CBP offices, as appropriate, to ensure Congress receives the information (or a written explanation if the information is not available) GAO identified as missing in the Fiscal Year 2019-2020, BSIP submission. Estimated Completion Date: September 30, 2021.

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