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BORDER PATROL STRATEGY

Progress and Challenges in Implementation and Assessment Efforts

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Homeland Security and Justice Issues

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GAO-12-688T

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May 8, 2012

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Highlights

Highlights of GAO-12-688T, a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

Border Patrol, within DHS's CBP, is the federal agency with primary responsibility for securing the national borders between the U.S. ports of entry (POE). DHS has completed a new *2012-2016 Border Patrol Strategic Plan* (2012-2016 Strategic Plan) that Border Patrol officials stated will emphasize risk management instead of increased resources to achieve border security and continue to build on the foundation of the 2004 *National Border Patrol Strategy* (2004 Strategy). This statement highlights key issues from prior GAO reports that discuss Border Patrol's progress and challenges in (1) implementing key elements of the 2004 Strategy and (2) achieving the 2004 strategic goal to gain operational control of the border. This statement is based on GAO reports issued since 2007 on border security, with selected updates from April and May 2012 on Border Patrol resource needs, actions taken to address prior GAO recommendations, and efforts to develop performance measures. To conduct these updates, GAO reviewed agency documents such as operational assessments and interviewed DHS officials.

What GAO Recommends

In prior reports, GAO made recommendations to, among other things, strengthen border security technology, infrastructure, and partnerships. DHS concurred with the recommendations and has reported actions planned or underway to address them. CBP reviewed a draft of information contained in this statement and provided comments that GAO incorporated as appropriate.

View GAO-12-688T. For more information, contact Rebecca Gambler at (202) 512-8777 or gamblerr@gao.gov.

What GAO Found

GAO's prior work has highlighted progress and challenges in various areas related to Border Patrol's implementation of its 2004 National Strategy, which could provide insights as Border Patrol transitions to its 2012 Strategic Plan. Border Patrol officials stated that the 2012 Strategic Plan will rely on Border Patrol and federal, state, local, tribal, and international partners working together to use a risk-based approach to secure the border, and include the key elements of "Information, Integration, and Rapid Response" to achieve objectives. These elements were similar to those in the 2004 Strategy and GAO's past work highlighted the progress and challenges the agency faced obtaining information necessary for border security; integrating security operations with partners; and mobilizing a rapid response to security threats. Border Patrol successfully used interagency forums and joint operations to counter threats, but challenges included assessing the benefits of border technology and infrastructure to, among other things, provide information on situational awareness. For example, in May 2010 GAO reported that the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) had not accounted for the effect of its investment in border fencing and infrastructure on security. GAO recommended that CBP conduct an analysis of the effect of tactical infrastructure on border security, with which CBP concurred. Further, GAO identified challenges in DHS efforts to coordinate with partners that help to secure the border. For example, in December 2010 GAO reported that various northern border security partners cited ongoing challenges sharing information and resources for border security operations and investigations, and that DHS did not have mechanisms for providing oversight. GAO recommended that DHS provide oversight, to which DHS concurred and stated that in January 2012 the department established an intercomponent Advisory Council to provide oversight of compliance with interagency agreements.

GAO's prior work showed that as of September 30, 2010, Border Patrol reported achieving its 2004 goal of operational control—where Border Patrol has the ability to detect and interdict illegal activity—for 1,107 (13 percent) of 8,607 miles across U.S. northern, southwest, and coastal borders. DHS transitioned at the end of fiscal year 2010 from using operational control as its goal and outcome measure for border security to using an interim measure of apprehensions on the southwest border. DHS reported that this interim measure would be used until such time as DHS developed a new goal and measure for border security that will reflect a more quantitative methodology across border locations and the agency's evolving view of border security. As GAO previously testified, this interim measure, while providing useful information on activity levels, is an output measure that does not inform on program results. Therefore, it limits oversight and accountability and has reduced information provided to Congress and the public on program results. DHS stated that it had several efforts underway to establish a new measure used to assess efforts to secure the border but as this measure is under development, it is too early to assess it.

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Chairwoman Miller, Ranking Member Cuellar, and Members of the Subcommittee:

I am pleased to be here today to discuss our past work highlighting the U.S. Border Patrol's progress and challenges implementing its 2004 *National Border Patrol Strategy* (2004 Strategy) that could be relevant to the new *2012-2016 Border Patrol Strategic Plan* (2012-2016 Strategic Plan). Border Patrol, within the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP), is the federal agency with primary responsibility for securing the national borders between the designated U.S. land border ports of entry (POE).[1] Border Patrol's 2004 Strategy to secure the borders focused on ensuring the agency had the right mix of personnel, technology, and infrastructure across locations, and Border Patrol experienced significant increases in these resources since 2004. For example, from fiscal year 2004 through 2011, the number of Border Patrol agents has nearly doubled from about 10,800 to nearly 21,500; and DHS reported that since fiscal year 2006, about $4.4 billion has been invested in border technology and infrastructure. These resources were used to support the DHS goal to achieve operational control of the nation's borders. The extent of operational control—also referred to as effective control—was defined as the number of border miles where Border Patrol had the ability to detect, respond to, and interdict cross-border illegal activity. DHS last reported its progress and status in achieving operational control of the borders in fiscal year 2010, and reported this information to Congress and the public in its *Fiscal Year 2008-2010 Annual Performance Report* in accordance with requirements in the Government Performance and Results Act of 1993 (GPRA).[2]

[1]POE are officially designated places that provide for the arrival to, or departure from, the United States.

[2]Pub. L. No. 103-62, 107 Stat. 285, amended by The GPRA Modernization Act (GPRAMA) of 2010, Pub. L. No. 111-352, 124 Stat. 3866. Under GPRA, agencies are required to hold programs accountable to Congress and the public by establishing program goals, identifying performance measures used to indicate progress toward meeting the goals, and using the results to improve performance, as necessary. The information is publicly reported each year in the department's performance accountability report. Under the amendments made by GPRAMA, agencies are to describe how the performance goals contribute to the agency's strategic plan, establish clearly defined milestones for achieving performance goals, and describe how they will ensure the accuracy and reliability of the data used to measure progress.

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DHS has completed but not yet publically released a new 2012-2016 Strategic Plan that Border Patrol officials stated will emphasize risk management instead of increased resources to achieve border security and that will continue to build on the foundation of the 2004 Strategy.[3] However, the performance goal and measures that will be used to provide oversight and accountability for the new strategic plan have not yet been established. In its *Fiscal Year 2010-2012 Annual Performance Report* and subsequent reports, DHS replaced the border security goal and measure of operational control with an interim measure of the number of apprehensions on the southwest border to report its status and progress in achieving border security to Congress and the public. As of April 2012, DHS had yet to develop a new goal for border security. DHS reported that the interim measure of apprehensions on the southwest border would be used until such time as DHS developed a new goal and measure for border security that will reflect a more quantitative methodology across border locations and the agency's evolving view of border security.

In the past, we have reviewed and reported on a variety of border security programs and related performance goals and measures supporting the 2004 Strategy that could inform discussions regarding the 2012-2016 Strategic Plan. Today I will highlight key issues on the Border Patrol's progress and challenges relevant to

(1) implementing key elements of the 2004 Strategy, and

(2) achieving the 2004 strategic goal to gain operational control of the border.

In addition, appendixes I and II provide information on characteristics of effective national security strategies and performance measures, respectively.

[3]In the context of risk management, "risk-based" and "risk-informed" are often used interchangeably to describe the related decision-making processes. However, according to the DHS Risk Lexicon, risk-based decision making uses the assessment of risk as the primary decision driver, while risk-informed decision making will consider other relevant factors such as effectiveness and cost in addition to risk-assessment information. In our prior work we have reported on the importance of risk-informed decision making with respect to homeland security strategies given DHS's limited resources. See GAO, *Department of Homeland Security: Actions Needed to Reduce Overlap and Potential Unnecessary Duplication, Achieve Cost Savings, and Strengthen Mission Functions*, GAO-12-464T (Washington, D.C.: Mar. 8, 2012).

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My statement is based on prior products issued from 2007 to the present that examined DHS's efforts to secure the U.S. borders (see related GAO products at the end of this statement), with selected updates related to the Border Patrol's new strategic plan conducted in April and May 2012. For those reports and testimonies, we obtained and analyzed documents and information from officials from various components of DHS; the Department of Justice (DOJ); the Department of Interior (DOI); the United States Department of Agriculture (USDA); and Canadian, tribal, state, and local law enforcement agencies with a vested interest in border security along the northern or southwest borders. More detailed information about our scope and methodology can be found in our reports and testimonies. For the selected updates we interviewed Border Patrol headquarters officials regarding the forthcoming *2012-2016 Border Patrol Strategic Plan* and the status of agency efforts to develop performance measures for assessing the security of the border between the POEs, as well as reviewed relevant information contained in Border Patrol 2012 Operational Requirements Based Budget Process (ORBBP)—operational assessments—and other documents.[4] We also reviewed our prior work on key elements of effective national security strategies and previous work on key attributes of successful performance measures consistent with GPRA.[5] Our work was conducted in accordance with generally accepted government auditing standards. These 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.

[4]The ORBBP is Border Patrol's standardized national planning process that links sector- and station-level planning, operations, and budgets. This process documents how sectors identify and justify their requests to achieve effective control of the border in their area of responsibility, and enables Border Patrol to determine how the deployment of resources, such as technology, infrastructure, and personnel, can be used to secure the border.

[5]See GAO, *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, GAO-04-408T (Washington, D.C.: Feb. 3, 2004); *Rebuilding Iraq: More Comprehensive National Strategy Needed to Help Achieve U.S. Goals*, GAO-06-788 (Washington, D.C.: July 11, 2006); and *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures,* GAO-03-143 (Washington, D.C.: Nov. 22, 2002).

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Border Patrol Progress and Challenges Implementing Key Elements of Its 2004 National Strategy

The Border Patrol developed its 2004 Strategy following the terrorist attacks of September 11, 2001, as a framework for the agency's new priority mission of preventing terrorists and terrorist weapons from entering the United States and to support its traditional mission of preventing aliens, smugglers, narcotics, and other contraband from crossing U.S. borders illegally. The 2004 Strategy was designed to facilitate the buildup and deployment of agency and border resources and to consolidate the agency into a more centralized organization.

Border Patrol headquarters officials stated that the 2012-2016 Strategic Plan will rely on Border Patrol and federal, state, local, tribal, and international partners working together to use a risk-based approach to secure the border that uses the key elements of "Information, Integration, and Rapid Response" to achieve Border Patrol strategic objectives. Our past reviews of border security programs contained information on the progress and challenges related to implementing these key elements. Our observations are as follows.

Obtaining Information Necessary for Border Security. Critical to implementation of the 2004 Strategy was the use of intelligence to assess risk, target enforcement efforts, and drive operations, according to the strategy. As part of their intelligence efforts, CBP and Border Patrol worked to develop and deploy the next generation of border surveillance and sensoring platforms to maximize the Border Patrol's ability to detect, respond, and interdict cross-border illegal activity. Border Patrol headquarters officials reported that the new 2012-2016 Strategic Plan also has a focus on information that provides situational awareness and intelligence developed by blending technology, reconnaissance, and sign-cutting[6] and tracking, to understand the threats faced along the nation's borders. Our prior work reviewing CBP's efforts to deploy capabilities to, among other things, provide situational awareness along U.S. borders provides insights that could inform Border Patrol considerations in implementing its new strategic plan.

[6]"Sign" is the collective term for evidence that Border Patrol agents look for and find after they have dragged dirt roads using tires lying on their sides flat on the ground and pulled by chains behind an SUV. "Sign" can be footprints, animal prints, and tire or bicycle tracks—any indication in the polished surface created by the drag. The term "cutting" refers to the practice of concentrating on the marks within discrete, manageable slices or segments of terrain. Border Patrol agents track illegal cross-border activity by cutting for sign to find persons who may have crossed the border illegally.

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As of fiscal year end 2010, Border Patrol reported having substantial detection resources in place across 45 percent of the nation's border miles. The remaining 55 percent of border miles—primarily on the northern and coastal borders—were considered vulnerable due to limited resource availability or inaccessibility, with some knowledge available to develop a rudimentary border control strategy. Our review of Border Patrol 2012 operational assessments also showed concerns about resource availability to provide the information necessary to secure the border. Across Border Patrol's 20 sectors located on the northern, southwest, and southeast coastal borders, all sectors reported a need for new or replacement technology used to detect and track illegal activity, and the majority (19) reported a need for additional agents to maintain or attain an acceptable level of border security.[7] Additionally, 12 sectors reported a need for additional infrastructure.[8]

DHS, CBP, and Border Patrol are continuing to focus attention on development, acquisition, and deployment of technology and infrastructure needed to provide the information necessary to secure the borders, with priority for the southwest border. Our past work highlighted the continuing challenges the agency faced implementing technology and infrastructure at the U.S. land borders.

- **Technology.** We previously reported that in January 2011, after 5 years and a cost of nearly $1 billion, DHS ended the Secure Border Initiative Network (SBI*net*), a multi-year, multi-billion-dollar technology effort aimed at securing U.S. borders because it did not meet cost-effectiveness and viability standards. DHS developed a successor plan to secure the border—the Alternative (Southwest) Border Technology plan—where CBP is to focus on developing terrain- and population-based solutions utilizing existing, proven technology, such as camera-based surveillance systems, for each border region

[7]For example, one station in a northern sector requested additional agents to enhance limited border detection and enforcement capability to an acceptable level, and one station in a southwest sector reported a need for fixed and mobile technology to secure the remote and rugged terrain, reporting that without this technology, rapid response was often impossible.

[8]For example, one station in a northern sector reported that insufficient infrastructure and personnel meant violators had a high probability of crossing a remote/rural border area undetected, and one station in a southwest sector reported that lack of infrastructure hindered its ability to address a more than 91 percent increase in aliens who are able to get away before apprehension.

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beginning with high-risk areas in Arizona. In November 2011, we reported that CBP's planned technology deployment plan for the Arizona border, the Arizona Border Surveillance Technology Plan, was expected to cost approximately $1.5 billion over 10 years.[9] However, we also reported that CBP did not have the information needed to fully support and implement the technology deployment plan in accordance with DHS and Office of Management and Budget guidance, among other things.[10] We recommended that DHS determine the mission benefits to be derived from implementation of the plan and develop and apply key attributes for metrics to assess program implementation. DHS concurred with our recommendation and reported that it planned to develop a set of measures to assess the effectiveness and benefits of future technology investments.

- **Infrastructure.** In May 2010, we testified that CBP had not accounted for the effect of its investment in border fencing and infrastructure on border security.[11] Border fencing was designed to impede people on foot and vehicles from crossing the border and to enhance Border Patrol's ability to detect and interdict violators. CBP estimated that border fencing and other infrastructure had a life-cycle cost of about $6.5 billion for deployment, operations, and maintenance. CBP reported a resulting increase in control of southwest border miles, but could not account separately for the effect of the border fencing and other infrastructure. In a September 2009 report, we recommended that CBP conduct an analysis of the effect of tactical infrastructure on border security.[12] CBP concurred and reported that it had contracted with the Homeland Security Institute (HSI)—a federally funded research and development center—to analyze the effect of tactical infrastructure on the security of the border.[13] As of May 2012, CBP

[9]$1.5 billion then-year dollars. Then-year dollars reflect the cost at the time of the procurement.

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

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

[12]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).

[13]The Secretary of Homeland Security established HSI pursuant to section 312 of the Homeland Security Act of 2002. See 6 U.S.C. § 192.

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had not provided an update on this effort.

Integrating Border Security Operations with Federal, State, Local, Tribal, and International Partners. Leveraging the law enforcement resources of federal, state, local, tribal, and international partners was a key element of Border Patrol's 2004 Strategy and Border Patrol's implementation of the strategy, on the northern and coastal borders where Border Patrol had fewer resources relative to the size of the geographic area, and on the southwest border where Border Patrol used the assistance of law enforcement partners to conduct surge operations in high-priority areas. Border Patrol headquarters officials stated that integration of border security operations will be a key element of the 2012-2016 Strategic Plan across all borders. Our prior work reviewing coordination among various stakeholders with responsibilities for helping to secure the border provides insights for consideration as Border Patrol transitions to its new strategic plan.

We previously reviewed Border Patrol efforts to coordinate law enforcement resources across partners on the northern border and on federal border lands.[14] On the northern border, we reported in December 2010 that federal, state, local, tribal, and Canadian partners operating in four Border Patrol sectors we visited stated that efforts to establish interagency forums were beneficial in establishing a common understanding of border security status and threats, and that joint operations helped to achieve an integrated and effective law enforcement response. However, numerous partners cited challenges related to the inability to resource the increasing number of interagency forums and raised concerns that some efforts may be overlapping. We found that DHS did not oversee the interagency forums established by its components. Further, we also reported that while Border Patrol and other federal partners stated that federal agency coordination to secure the northern border was improved, partners in all four sectors we visited cited long-standing and ongoing challenges sharing information and resources

[14]GAO, *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border,* GAO-11-97 (Washington, D.C.: Dec. 17, 2010), and *Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands,* GAO-11-177 (Washington, D.C.: Nov. 18, 2010).

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for daily border security related to operations and investigations.[15] Challenges were attributed to continued disagreement on roles and responsibilities and competition for performance statistics used to inform resource allocation decisions. DHS established and updated interagency agreements designed to clarify roles and responsibilities for agencies with overlapping missions or geographic areas of responsibility, but oversight by management at the component and local levels had not ensured consistent compliance with provisions of these agreements. We previously reported that governmentwide efforts to strengthen interagency collaboration have been hindered by the lack of agreement on roles and responsibilities and agency performance management systems that do not recognize or reward interagency collaboration.[16] Thus, we recommended, among other things, that DHS provide guidance and oversight for interagency forums established or sponsored by its components and provide regular oversight of component compliance with the provisions of interagency Memorandum of Understandings. DHS concurred with our recommendation and stated that the structure of the department precluded DHS-level oversight, but that it would review the inventory of interagency forums through its strategic and operational planning efforts to assess efficiency. DHS officials stated that in January 2012 the department established an intercomponent Advisory Council to address our recommendation that DHS provide oversight of compliance with interagency agreements.[17]

We also reported in December 2010 that while there is a high reliance on law enforcement support from partners on the northern border, the extent of law enforcement resources available to address border security vulnerabilities was not reflected in Border Patrol's processes for assessing border security and resource requirements.[18] We previously

[15]These partners included DHS's Offices of Border Patrol and Immigration and Customs Enforcement, DOJ's Drug Enforcement Administration, and USDA's U.S. Forest Service.

[16]GAO, *National Security: Key Challenges and Solutions to Strengthen Interagency Collaboration*, GAO-10-822T (Washington, D.C.: June 2010), and *Interagency Collaboration: Key Issues for Congressional Oversight of National Security Strategies, Organizations, Workforce, and Information Sharing*, GAO-09-904SP (Washington, D.C.: Sept. 25, 2009).

[17]According to DHS officials, this intercomponent Advisory Council meets quarterly to, among other things, identify cross-cutting issues, identify areas for closer collaboration, and share best practices.

[18]GAO-11-97.

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reported that federal agencies should identify resources among collaborating agencies to deliver results more efficiently and that DHS had not fully responded to a legislative requirement to link initiatives—including partnerships—to existing border vulnerabilities to inform federal resource allocation decisions.[19] Development of policy and guidance to integrate available partner resources in northern border security assessments and resource planning documents could provide the agency and Congress with more complete information necessary to make resource allocation decisions in mitigating existing border vulnerabilities. Thus, we recommended that DHS direct CBP to develop policy and guidance necessary to identify, assess, and integrate the available partner resources in northern border sector security assessments and resource planning documents. DHS concurred with our recommendation and has taken action to formulate new policy and guidance in associated strategic planning efforts.

In our November 2010 report on interagency coordination on northern federal borderlands in Border Patrol's Spokane sector and southwest federal borderlands in Border Patrol's Tucson sector, we reported, among other things, that Border Patrol, DOI, and USDA had established forums and liaisons to exchange information.[20] However, while information sharing and communication among these agencies had increased in recent years, critical gaps remained in implementing interagency agreements to share intelligence information and compatible secure radio communications for daily border security operations. We reported that coordination in these areas could better ensure officer safety and an efficient law enforcement response to illegal activity. In addition, there was little interagency coordination to share intelligence assessments of border security threats to federal lands and develop budget requests, strategies, and joint operations to address these threats. We reported that interagency efforts to implement provisions of existing agreements in these areas could better leverage law enforcement partner resources and knowledge for more effective border security operations on federal lands. Thus, we recommended that DHS, DOI, and USDA take the necessary

[19]GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, GAO-06-15 (Washington, D.C.: Oct. 21, 2005), and *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.: Nov. 25, 2008).

[20]GAO-11-177.

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action to further implement interagency agreements. The departments concurred with our recommendation. In response, Border Patrol issued a memorandum to all Border Patrol sectors emphasizing the importance of USDA and DOI partnerships to address border security threats on federal lands. While this action is a positive step toward implementing our recommendation, we continue to believe that DHS should take additional steps necessary to monitor and uphold implementation of the existing interagency agreements, including provisions to share intelligence and resource requirements for enhancing border security on federal lands.

Mobilizing a Rapid Response to Border Security Threats. One of the elements of Border Patrol's 2004 National Strategy was to improve the mobility and rapid deployment of personnel and resources to quickly counter and interdict threats based on shifts in smuggling routes and tactical intelligence. CBP reported expanding the training and response capabilities of the Border Patrol's specialized response teams to support domestic and international intelligence-driven and antiterrorism efforts as well as other special operations. Border Patrol headquarters officials stated that "Rapid Response," defined as the ability of Border Patrol and its partners to quickly and appropriately respond to changing threats, will also be a key element of the 2012-2016 Strategic Plan; and in fiscal year 2011, Border Patrol allocated agent positions to provide a national group of organized, trained, and equipped Border Patrol agents who are capable of rapid movement to regional and national incidents in support of priority CBP missions. Our prior work and review of Border Patrol's 2012 operational assessments provide observations that could inform Border Patrol's transition to and implementation of its new strategic plan.

Our review of Border Patrol 2012 operational assessments showed that Border Patrol sectors had used resources mobilized from other Border Patrol sectors or provided by law enforcement partners to maintain or increase border security. Border Patrol, for example, mobilized personnel and air assets from Yuma sector to neighboring Tucson sector, which cited that the coordination of operational activities was critical to the overall success of operations. Similarly, National Guard personnel and resources have been used to bridge or augment Border Patrol staffing until new agents are trained and deployed. The Department of Defense (DOD) estimated costs of about $1.35 billion for National Guard support of DHS's border security mission in the four southwest border states (California, Arizona, New Mexico, and Texas) from June 2006 through September 30, 2011.

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However, Border Patrol headquarters officials stated that they had not fully assessed to what extent the augmented mobile response resources would be sufficient to preclude the need to redeploy personnel and resources needed to secure higher-priority border locations at the expense of lower-priority locations, or changes in the type or continued need of resources from its law enforcement partners. Within Border Patrol, for example, our review of the 2012 operational assessments showed that Border Patrol reported difficulty maintaining border control in areas from which resources have been redeployed. Border Patrol stations within six of the nine southwest border sectors have reported that agent deployments to other stations have affected their own deployment and enforcement activities.

Border Patrol law enforcement partners also cited challenges. For example, we testified in April 2012 that DOD officials expressed concerns about the challenges to identify and plan a DOD role in the absence of a comprehensive strategy for southwest border security.[21] In addition, we reported in March 2012 that while Border Patrol expects an increase in air support for rapid deployment of its mobile forces, it had not fully coordinated requirements with CBP's Office of Air and Marine (OAM).[22] OAM officials stated that while they deployed a majority of resources to high-priority sectors, budgetary constraints, other national priorities, and the need to maintain presence across border locations limited the amount of resources they could redeploy from lower-priority sectors. In addition, the agency does not have documentation of analyses assessing the effect of these constraints and whether actions could be taken to change the mix and placement of resources within them.[23] In response to our recommendation, in part, that CBP reassess the mix and placement of OAM air resources to include anticipated CBP strategic changes, DHS agreed and stated that it planned to complete such actions as part of the next iteration of the Aircraft Deployment Plan[24]

[21]GAO, *Observations on Costs, Benefits, and Challenges of a Department of Defense Role in Helping to Secure the Southwest Land Border,* GAO-12-657T (Washington, D.C.: Apr. 17, 2012).

[22]GAO, *Border Security: Opportunities Exist to Ensure More Effective Use of DHS's Air and Marine Assets*, GAO-12-518 (Washington, D.C.: Mar. 30, 2012).

[23]GAO-12-518.

[24]Aircraft deployment plans are intended to match assets to operational requirements.

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Border Patrol Progress and Challenges in Achieving Its Strategic Goal for Border Security

The DHS goal and measure of operational control used in conjunction with the 2004 Strategy provided oversight of five levels of border control that were based on the increasing availability of information and resources, which Border Patrol used to detect, respond, and interdict illegal cross-border activity either at the border or after entry into the United States (see table 1). The top two levels—"controlled" and "managed"—reflect Border Patrol's reported achievement of "operational control," in that resources were in place and sufficient to detect, respond, and interdict illegal activity either at the immediate border (controlled level) or after the illegal entry occurs (managed level), sometimes up to 100 miles away. The remaining three levels reflected lower levels of border control, where Border Patrol has less ability to detect, respond to, or interdict illegal activity due to insufficient resources or inaccessibility.

Table 1: Definitions of Border Patrol Levels of Border Security under 2004 Strategy

Level of border security	Definition
Controlled—operational control	Continuous detection and interdiction resources at the immediate border with high probability of apprehension upon entry.
Managed—operational control	Multi-tiered detection and interdiction resources are in place to fully implement the border control strategy with high probability of apprehension after entry.
Monitored	Substantial detection resources in place, but accessibility and resources continue to affect ability to respond.
Low-level monitored	Some knowledge is available to develop a rudimentary border control strategy, but the area remains vulnerable because of inaccessibility or limited resource availability.
Remote/low activity	Information is lacking to develop a meaningful border control strategy because of inaccessibility or lack of resources.

Source: GAO analysis of U.S. Border Patrol data.

DHS reported achieving operational control for 1,107 (13 percent) of 8,607 miles across U.S. northern, southwest, and coastal borders at the time it discontinued use of this performance goal at the end of fiscal year 2010 (see fig. 1). Nearly 80 percent of border miles Border Patrol reported to be under operational control were on the U.S. southwest border with Mexico. Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource

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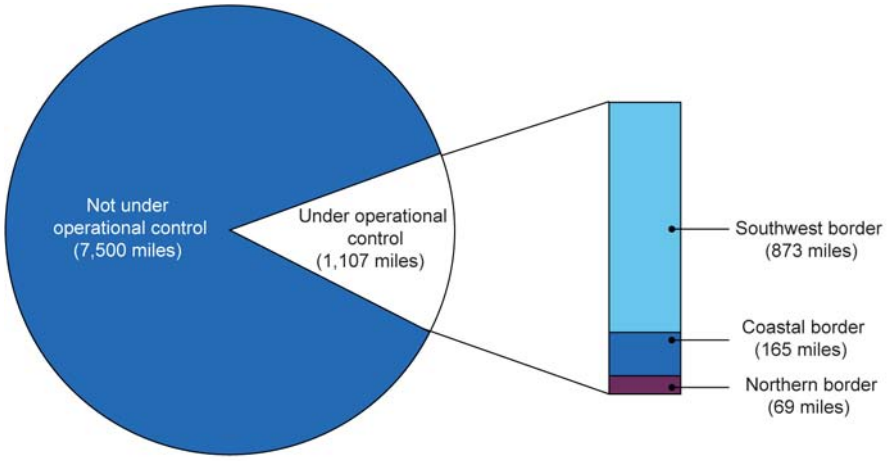
deployments and discussions with senior Border Patrol agents.[25] Our analysis of the 1,107 border miles Border Patrol reported to be under operational control showed that about 12 percent were classified as "controlled," which was the highest sustainable level for both detection and interdiction at the immediate border. The remaining 88 percent of these 1,1,07 border miles were classified as "managed," in that interdictions may be achieved after illegal entry by multi-tiered enforcement operations.

Figure 1: U.S. Border Miles Reported by Border Patrol to be under Operational Control, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

Across the 20 Border Patrol sectors on the national borders, Yuma sector on the southwest border reported achieving operational control for all of its border miles as of the end of fiscal year 2010. In contrast, the other 19 sectors reported achieving operational control ranging from 0 to 86 percent of their border miles (see fig. 2). Border Patrol officials attributed the uneven progress across sectors to multiple factors, including a need to prioritize resource deployment to sectors deemed to have greater risk

[25]Operational statistics generally include the number of apprehensions, known illegal border entries, and volume and shift of smuggling activity, among other performance indicators. Border Patrol officials at sectors and headquarters convene to discuss and determine the number of border miles under operational control for each sector based on relative risk.

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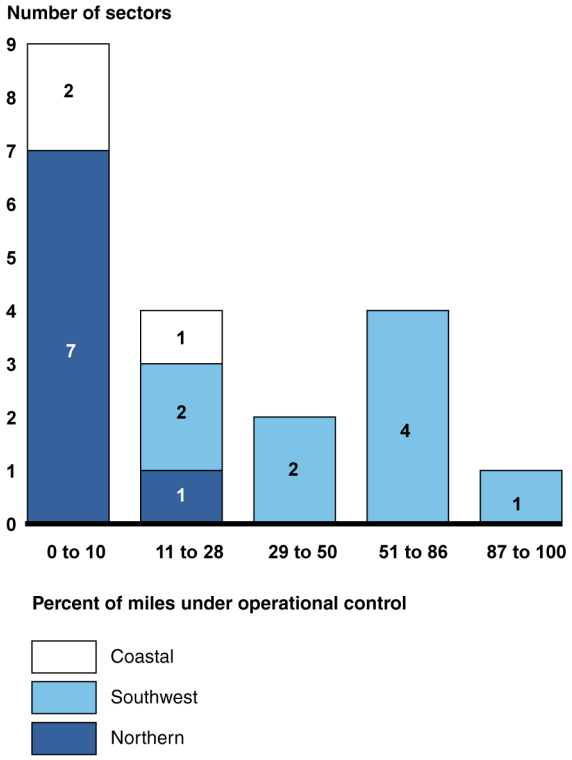
of illegal activity as well as terrain and transportation infrastructure on both sides of the border.

Figure 2: National Border Patrol Sectors by Percentage of Miles Reported to Be under Operational Control, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

Our analysis of the remaining 7,500 national border miles that Border Patrol reported as not under operational control at the end of fiscal year 2010 showed that nearly two-thirds of these border miles were considered at the level of “low-level monitored,” meaning that some knowledge was available to develop a rudimentary border control strategy, but border security was vulnerable due to limited resources or inaccessibility (see fig. 3). The approximate one-third of these border miles remaining at the higher “monitored” level were judged to have substantial detection resources in place, but accessibility and resources continue to affect Border Patrol’s ability to respond. Border Patrol reported that these two levels of control were not acceptable for border security. No border miles were classified at the lowest level of

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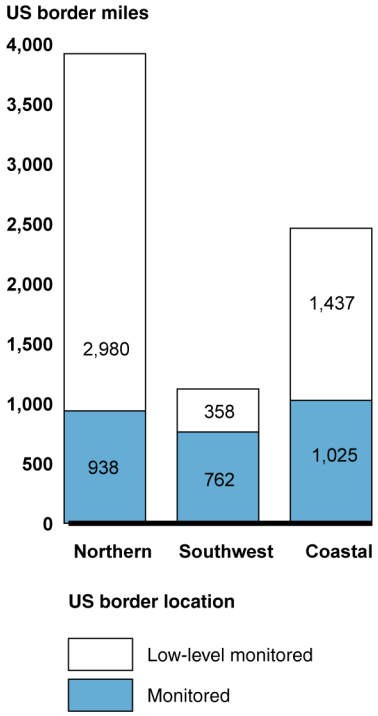
"remote/low activity" as a result of insufficient information to develop a meaningful border control strategy.

Figure 3: Status of U.S. Border Miles Reported as Not Under Operational Control by Border Location, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

DHS transitioned from using operational control as its goal and outcome measure for border security in its Fiscal Year 2010-2012 Annual Performance Report, which since September 30, 2010, has reduced information provided to Congress and the public on program results. Citing a need to establish a new border security goal and measure that reflect a more quantitative methodology as well as the department's evolving vision for border control, DHS established an interim performance measure until a new border control goal and measure could be developed. As we previously testified, this interim GPRA measure—the number of apprehensions on the southwest border between the ports of entry (POE)—is an output measure, which, while providing useful information on activity levels, does not inform on program results and

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therefore could reduce oversight and DHS accountability.[26] Studies commissioned by CBP have documented that the number of apprehensions bears little relationship to effectiveness because agency officials do not compare these numbers to the amount of illegal activity that crosses the border.[27] CBP officials told us they would continue to use interim measures for GPRA reporting purposes until new outcome measures are implemented; as of April 2012 CBP officials did not have an estimated implementation date for a new border security goal and measure.

DHS stated that it had three efforts underway to improve the measures used to assess its programs and activities to secure the border. However, as these measures have not yet been implemented, it is too early to assess them and determine how they will be used to provide oversight of border security efforts. One of two efforts, led by CBP with assistance from the Homeland Security Institute (HSI), is to develop a Border Condition Index (BCI) that is intended to be a new outcome-based measure that will be used to publicly report progress in meeting a new border security goal in support of GPRA. The BCI methodology would consider various factors, such as the percentage of illegal entries apprehended and community well-being. CBP is in the process of finalizing the BCI measure and did not provide us with a time frame for its implementation. The second CBP effort is to create a measure of the change in illegal flow of persons across the southwest border using a statistical model developed by HSI, which uses data on apprehensions and recidivism rates for persons illegally crossing the border. DHS officials said that they had not yet determined whether results from this model would be used for GPRA reporting in the *Fiscal Year 2012 DHS Annual Performance Plan*, or for internal management purposes and reported to Congress in support of the annual budget request. The third effort, led by Border Patrol, is to standardize and strengthen the metrics that had formerly supported the measure of "border miles under effective (operational) control" that DHS removed as a GPRA goal and measure beginning in fiscal year 2011. As of April 2012, Border Patrol

[26]GAO, *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, GAO-11-374T (Washington, D.C.: Feb. 15, 2011).

[27]For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Va.: Oct. 18, 2005).

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headquarters officials were working to develop border security goals and measures, but did not yet have a target time frame for implementation.

While these new metrics are in development, Border Patrol operational assessments from fiscal years 2010 and 2012 show that field agents continued to use a different and evolving mix of performance indicators across Border Patrol sectors to inform the status of border security. These performance indicators generally included a mix of enforcement measures related to changes in the number of estimated known illegal entries and apprehensions, as well as changes in third-party indicators such as crime rates in border communities. Border Patrol officials said that the differences in the mix of performance indicators across sectors and time reflected differences in sector officials' judgment of what indicators best reflect border security, given each sector's unique circumstance. Border Patrol headquarters officials said that they were moving to standardize the indicators used by sectors on each border but did not yet have a time frame for completing this effort.

Chairwoman Miller and Ranking Member Cuellar this completes my prepared statement. I would be happy to respond to any questions you or the members of the subcommittee may have.

GAO Contacts and Staff Acknowledgments

For questions about this statement, please contact Rebecca Gambler at (202) 512-8777 or gamblerr@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this statement included David Alexander, Cindy Ayers, Charles Bausell, Jr., Frances Cook, Michele Fejfar, Barbara Guffy, Brian Lipman, Jessica Orr, and Susan Sachs.

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Appendix I: Characteristics of Effective Security Strategies

We have previously reported on desirable characteristics of effective security strategies through our prior work on national security planning.[1] These six characteristics and their elements could assist Border Patrol in its efforts to ensure that the *2012-2016 Border Patrol Strategic Plan* (2012-2016 Strategic Plan) is an effective mechanism for achieving results.

- **Purpose, scope and methodology.** This characteristic addresses why the strategy was produced, the scope of its coverage, and the process by which it was developed. Border Patrol could discuss the specific impetus that led to the new strategic plan, for example, a terrorist event or changes in the external environment such as decreases in illegal activity or changes in organizational makeup such as significant increases in resources and capabilities. In addition to describing what the strategy is meant to do and the major functions, mission areas, or activities it covers, a national strategy would address its methodology, such as which organizations drafted or provided input to the document. For example, Border Patrol could identify parties or stakeholders who were consulted in the development of the strategy, such as federal law enforcement partners, relevant state and local agencies, and tribal organizations.
- **Problem definition and risk assessment.** This characteristic addresses the particular national problems and threats the strategy is directed towards. Border Patrol could develop a detailed discussion of primary threats—such as the illegal flow of migrants, smugglers, and other criminals or persons linked with terrorism across the border—as well as their causes and operating environment.[2] This characteristic also entails a risk assessment, including an analysis of the threat to, and vulnerabilities of, critical assets and operations.[3] Border Patrol could ensure that the strategic plan is informed by a national risk

[1]See GAO, *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, GAO-04-408T (Washington, D.C.: Feb. 3, 2004), and *Rebuilding Iraq: More Comprehensive National Strategy Needed to Help Achieve U.S. Goals*, GAO-06-788 (Washington, D.C.: July 11, 2006).

[2]If the details of the analyses are classified, an unclassified version could include a broad description of the analyses and stress the importance of risk assessments to implementing parties.

[3]Risk assessment includes a threat assessment, a vulnerability assessment, and a consequences assessment (formerly referred to as a "criticality" assessment). For more in-depth discussion of these subjects, see GAO, *Homeland Security: Key Elements of a Risk Management Approach*, GAO-02-150T (Washington, D.C.: Oct. 12, 2002).

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assessment that includes a comprehensive examination of threats and vulnerabilities across all U.S. borders, to include key infrastructures and assets. A discussion of the quality of data available for this assessment, such as known constraints or deficiencies in key data on estimated volume of persons illegally crossing the border, could also be pertinent.

- **Goals, subordinate objectives, activities, and performance measures.** This characteristic addresses what the strategy is trying to achieve, steps to achieve those results, and priorities, milestones, and performance measures to gauge results. For example, Border Patrol could identify what the strategic plan is attempting to achieve—a specific end state such as securing the nation's borders—and identify and prioritize the specific steps and activities needed to achieve that end state, such as prioritizing the resourcing of sectors and stations in high-risk border areas. Identifying milestones and performance measures for achieving results according to specific time frames could help to ensure effective oversight and accountability. Border Patrol could, for example, identify milestones for developing an implementation plan, with time frames, which would guide the execution of the strategy and ensure that key steps such as completing a comprehensive risk assessment or developing appropriate outcome measures are achieved. This characteristic also emphasizes the importance of establishing outcome-related performance measures that link back to goals and objectives. For example, Border Patrol could develop outcome measures that show to what extent it has met its goal for securing the nation's borders.
- **Resources, investments, and risk management.** This characteristic addresses what the strategy will cost, the sources and types of resources and investments needed, and where resources and investments should be targeted based on balancing risk reductions with costs.[4] A national strategy could include criteria and appropriate mechanisms to allocate resources based on identified needs. Border Patrol could develop information on the costs of fully implementing the strategic plan, as well as a comprehensive baseline of resources and investments needed by sectors and stations to achieve the mission of securing the nation's borders. According to our previous work, risk management focuses security efforts on those activities that bring about the greatest reduction in risk given the resources used. The

[4]Risk management also involves assessing risk through an assessment of threat, vulnerability, and consequence.

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strategic plan could elaborate on the risk assessment mentioned previously and provide guidance on how to manage resources and investments.

- **Organizational roles, responsibilities, and coordination.** This characteristic addresses who will be implementing the strategy, what their roles will be compared to others, and mechanisms for them to coordinate their efforts. A strategy could clarify organizations' relationships in terms of partnering and might also identify specific processes for coordination between entities. For example, Border Patrol could build upon relations with federal, state, local, and tribal law enforcement organizations by further clarifying how these relationships can be organized to further leverage resources.
- **Integration and implementation.** This characteristic addresses how a national strategy relates to other strategies' goals, objectives, and activities, and to subordinate levels of government and their plans to implement the strategy. For example, a national strategy could discuss how its scope complements, expands upon, or overlaps with other national strategies. Border Patrol could ensure that its 2012-2016 Strategic Plan explains how it complements the strategies of other CBP agencies, such as the Office of Air and Marine and the Office of Field Operations, which oversees the nation's ports of entry, as well as U.S. Customs and Border Protection's overall strategy.

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Appendix II: Characteristics of Effective Performance Measures

Under the Government Performance and Results Act (GPRA), Border Patrol performance measures should be developed in the context of the Department of Homeland Security (DHS) mission and objectives for securing the U.S. border. In its Annual Performance Report for fiscal years 2010-2012, DHS discussed border security under Mission 2: Securing and Managing Our Borders. Under this mission, there were interim Border Patrol performance measures supporting Goal 2.1: Secure U.S. Air, Land, and Sea Borders, defined as preventing the illegal flow of people and goods across U.S. air, land, and sea borders. There were two objectives supporting this goal:

- Objective 2.1.1 Prevent illegal entry of people, weapons, dangerous goods and contraband, and protect against cross-border threats to health, the environment, and agriculture, while facilitating the safe flow of lawful travel and commerce.
- Objective 2.1.2 Prevent illegal export and exit of weapons, proceeds of crime, and other dangerous goods, and the exit of malicious actors.

We have previously reported on key attributes of successful performance measures consistent with GPRA.[1] Some of these attributes suggest that U.S. Customs and Border Protection (CBP) and Border Patrol consider the following in efforts to develop and standardize performance indicators and metrics:

- **Measures should cover the core program activities that Border Patrol is expected to perform.** At the broadest level, the DHS goal suggests measuring Border Patrol outcomes for preventing the illegal flow of people across the border between the ports of entry, as well as the illegal flow of goods. Border Patrol metrics comparing estimated illegal entries to apprehensions could serve to show how its efforts contribute to stemming the illegal flow of people across the border. As of April 2012, Border Patrol did not have a metric for performance related to stemming the illegal flow of goods, such as drugs, between the ports of entry in support of the border security goal. Border Patrol headquarters officials stated that they were not likely to develop a measure, per se, on contraband seizures that would apply across all sectors. According to these officials, although the Border Patrol plays a vital role in seizing contraband at the borders, it views this role as

[1] *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, GAO-03-143 (Washington, D.C.: Nov. 22, 2002).

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part of the larger security function played by many different agencies at all government levels.

- **Measures should be balanced to cover CBP and DHS priorities.** Border Patrol could establish specific performance measures that support CBP and DHS priorities, such as those listed in the objectives supporting the overall DHS goal. For example, in measuring the ability to prevent the illegal flow of persons, Border Patrol, in consultation with CBP and DHS, could choose to separately measure the illegal flow of migrants, smugglers, and other criminals, or persons linked with terrorism, crossing the border between the ports of entry. Similarly, in measuring the ability to prevent the flow of dangerous goods, Border Patrol could choose to separately measure the flow of weapons, illegal drugs, or proceeds of crime, such as bulk cash. Border Patrol could also establish separate performance measures for its ability to prevent the entry and exit of persons and goods across the border.
- **Measures should link and align with measures of other components and at successive levels of the organization.** DHS could ensure that performance measures established by Border Patrol align with measures at the CBP and departmental level, as well as those established by other components that contribute toward the goal to secure our borders, such as Customs and Border Protection's Office of Field Operations (OFO), which has responsibility for securing the border at the ports of entry. For example, Border Patrol metrics estimating the flow of illegal entries between the ports of entry aligns with OFO metrics to measure for the illegal flow of persons through the ports of entry,[2] and metrics of both components could be aligned with an overall effort by CBP to measure the overall flow of persons illegally crossing the southwest border. DHS could also choose to establish a performance measure informing on the flow of persons into the United States who overstay their authorized period of admission or other means that could similarly link to the overall DHS estimate of persons illegally residing in the United States. Linking performance measures such as these across the organization informs

[2]OFO uses a statistical program (model), COMPEX, which estimates the total amount of illegal activity passing undetected through U.S. ports of entry—including persons transporting illegal drugs, guns, or other banned substances—to calculate the apprehension rate and gauge the effectiveness of Customs and Border Protection officers to interdict them. As of March 2011, OFO officials said COMPEX was used at air and land ports of entry, but not sea ports of entry, and at land ports of entry it was used for passenger vehicles, but not cargo vehicles or pedestrians.

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on how well each program or activity is contributing toward the overall goal to prevent illegal entry of persons, reinforces accountability, and ensures that day-to-day activities contribute to the results the organization is trying to achieve.

- **Measures should reflect governmentwide priorities, such as quality, timeliness, and cost of service.** Border Patrol could establish performance measures that are consistent with any measures developed by CBP and DHS to reflect the time frames and cost efficiencies in securing the border across locations. For example, CBP and DHS could establish measures that reflect the overall cost or timeframe to secure the border as indicated by changes in the illegal flow of persons or goods relative to its investment across components and programs. At the Border Patrol level, such a measure could compare the relative cost efficiencies achieved across border locations that use a different mix of personnel, technology, or strategies to secure the border.
- **Measures should have a numerical goal, be reasonably free from significant bias or manipulation, and be reliable in producing the same result under similar conditions.** As of April 2012, Border Patrol was working to improve the quality of its border security measures to reflect a more quantitative methodology to estimate the number of illegal entries across the border compared to apprehensions, and other metrics.[3] However, Border Patrol officials said that comparable performance measures should not be applied to the northern or coastal borders, providing an inconsistent picture of security for the majority of U.S. border miles.[4] We reported that in circumstances where complete information is not available to measure performance outcomes, agencies could use intermediate goals and measures to show progress or contribution to intended results.[5] For example, Border Patrol could lack the detection capability necessary as a first step to estimate illegal entries across most of the northern border and some other border locations. In these circumstances, Border Patrol could choose to establish performance measures tracking progress in establishing this detection capability.

[3]For example, Border Patrol officials said they were working to standardize the methodology used by sectors to estimate the number of illegal entries.

[4]Border Patrol headquarters officials stated that this was because the threat of illegal entries differs across borders.

[5]GAO, *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, GAO/GGD/AIMD-99-69 (Washington, D.C.: Feb. 26, 1999).

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Once Border Patrol achieves the ability to detect illegal activity across its borders, it could then transition to measures for reducing the flow of illegal activity and for interdiction. On the southwest border, Border Patrol could also choose to establish intermediate measures in reaching southwest border security goals. Such intermediate performance measures could include those that use Global Positioning System data for each apprehension to show Border Patrol progress in apprehending persons at or close to the border compared to enforcement tiers located miles away.

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