



U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

OIG-24-51

September 13, 2024

FINAL REPORT

CBP Conducts Individualized Assessments but Does Not Comprehensively Assess Land Port of Entry Operations





OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

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

September 13, 2024

MEMORANDUM FOR: Troy Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D.
Inspector General

SUBJECT: *CBP Conducts Individualized Assessments but Does Not
Comprehensively Assess Land Port of Entry Operations*

**JOSEPH V
CUFFARI** Digitally signed by
JOSEPH V CUFFARI
Date: 2024.09.13
14:55:13 -04'00'

Attached for your action is our final report, *CBP Conducts Individualized Assessments but Does Not Comprehensively Assess Land Port of Entry Operations*. We incorporated the formal comments provided by your office.

The report contains two recommendations aimed at improving U.S. Customs and Border Protection Office of Field Operations' oversight and evaluation of land port of entry operations. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 and 2 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

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

Please contact me with any questions, or your staff may contact Kristen Bernard, Deputy Inspector General, Audits, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

CBP Conducts Individualized Assessments but Does Not Comprehensively Assess Land Port of Entry Operations

September 13, 2024

Why We Did This Audit

OFO is responsible for facilitating lawful trade and travel at 167 LPOEs on the northern and Southwest borders. Some LPOEs on the northern border encounter very low daily traffic and are within close proximity to other LPOEs. We conducted this audit to determine the extent to which CBP assesses operations at LPOEs to make strategic decisions.

What We Recommend

We made two recommendations to improve OFO's oversight and evaluation of LPOE operations.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

U.S. Customs and Border Protection's (CBP) Office of Field Operations (OFO) conducts individualized assessments of some land port of entry (LPOE) operations to evaluate workforce staffing, technology, and infrastructure improvements. While these assessments may have allowed OFO to optimize some LPOE operations, OFO does not integrate them or the data collected to enable a more comprehensive assessment across all LPOE operations.

According to the United States Code, OFO should systematically and continually assess its activities, functions, or organizational units to determine the level of efficiency and economy. However, CBP officials stated that they do not comprehensively assess LPOE operations and instead rely heavily on field office input.

We also determined OFO does not collect data on costs to operate each LPOE. Additionally, OFO developed multiple versions of a port closure list dating back to 2018. During our audit, OFO could not provide a methodology or justification for why it selected the LPOEs on the list to potentially close. Nor did OFO create and maintain records of these decisions in violation of Federal records retention requirements.

We attribute OFO not collecting cost data, not using data from individualized LPOE assessments, and violating Federal records retention requirements to insufficient oversight and non-existent policies regarding the need for comprehensive assessments. As a result, OFO is missing opportunities to make strategically sound decisions, use resources more efficiently, and provide Congress with information necessary to conduct proper oversight.

CBP Response

CBP concurred with both recommendations, which we consider open and resolved.



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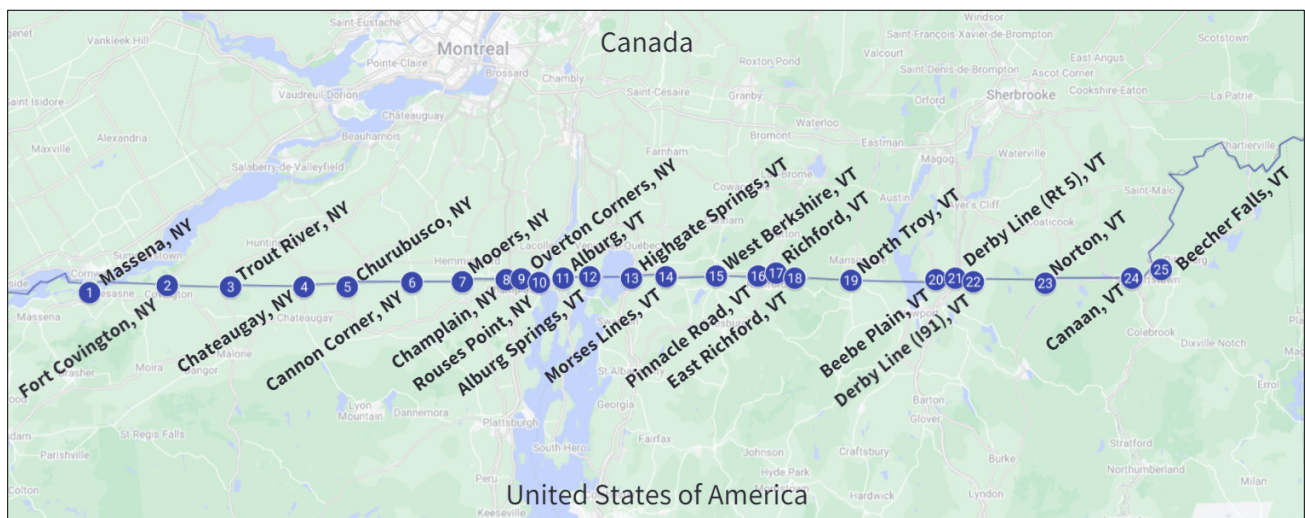
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Background

U.S. Customs and Border Protection (CBP) is one of the largest law enforcement organizations in the world. CBP's mission is to protect the United States from terrorist threats and prevent the illegal entry of inadmissible persons and contraband while facilitating lawful trade and travel at air, sea, and land ports. As the largest CBP component, the Office of Field Operations (OFO) supports a complex and demanding border security mission at 167 land ports of entry (LPOE). It has broad law enforcement authority to screen all foreign visitors, returning American citizens, and imported cargo. OFO is also responsible for all LPOE operations such as personnel, facilities, and resources.

Both the northern and Southwest borders face unique challenges for OFO and its officers staffing LPOEs. The northern border, shared with Canada, spans more than 5,500 miles, and significant populations of the communities and businesses in that area cross the border every day. The northern border has many LPOEs with low traffic volume located near each other. For example, the distance between the LPOEs in Massena, New York, and Beecher Falls, Vermont, is approximately 200 miles. However, all 23 of the LPOEs situated between these 2 ports are within 30 miles of another LPOE, with 18 of the 23 less than 15 miles apart. See Figure 1 below for the locations of the 23 LPOEs.

Figure 1. Twenty-three LPOEs between Massena, New York, and Beecher Falls, Vermont



Source: Department of Homeland Security Office of Inspector General representation of CBP LPOEs

The northern and Southwest borders also see a vastly different number of travelers enter through their respective LPOEs. According to CBP, 434.8 million travelers entered the United States through LPOEs during fiscal years 2022 and 2023. Most of these travelers, 358.4 million



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(82 percent), entered through the Southwest border LPOEs. Conversely, 76.4 million travelers (18 percent) entered through the northern border LPOEs.

Therefore, OFO faces different challenges along the Southwest border, considering the high numbers from migrant surges as well as increased numbers of vehicles and travelers using LPOEs. In a prior report, we found that despite greater workloads at LPOEs on the Southwest border, staffing levels remained the same, resulting in CBP using staff detailed from other offices and overtime pay to meet work demands.¹

We conducted this audit to determine the extent to which CBP assesses operations at LPOEs to make strategic decisions.

Results of Audit

OFO Conducts Individualized Assessments of LPOE Operations but Does Not Integrate the Data Collected to Enable More Informed Strategic Decisions

Per the United States Code (U.S.C.), agencies must systematically and continually assess the operations of their activities, functions, or organizational units to determine the level of efficiency and economy.² The Office of Management and Budget further directs agencies to examine spending, seek opportunities to redirect resources, and eliminate unnecessary spending.³ Federal agencies are also responsible for identifying and using opportunities to improve effectiveness and efficiency of operations.⁴

OFO conducts different types of individualized assessments of LPOE operations, such as workforce staffing, technology, and infrastructure improvement. OFO uses these assessments to make decisions based solely on each assessment's purpose. For example, CBP completed the following individualized assessments from 2017 to 2023:

- Strategic Resource Assessment – Each year, CBP uses the methodology developed in this assessment to identify and rank infrastructure investment needs of LPOEs.

¹ *Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees' Health and Morale*, OIG-23-24, May 3, 2023.

² 5 U.S.C. § 305, *Systematic Agency Review of Operations*.

³ Office of Management and Budget Circular No. A-11, *Preparation, Submission, and Execution of the Budget*, December 2020.

⁴ Office of Management and Budget Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control*, July 2016.



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- Resource Optimization Strategy – In fiscal year 2017, CBP issued its *Resource Optimization at the Ports of Entry* Report to Congress,⁵ which detailed CBP’s strategies for accurately identifying staffing requirements, reducing staffing requirements by transforming business processes, and exploring alternative funding sources.
- Time and Motion Studies – CBP reportedly uses these studies to focus on the impact of new technology deployment and operational procedures on LPOE operations. CBP indicated that since 2021, it visited two LPOEs where it reviewed operations to consider deployment of non-intrusive inspection technology at these same locations.

While these assessments may have allowed OFO to optimize some LPOE operations, OFO does not integrate them or the data collected to enable a more comprehensive assessment across all LPOE operations. In fact, CBP officials stated that they do not assess operations at LPOEs and instead rely heavily on field office input. CBP’s 2021-2026 strategic plan⁶ includes a goal to improve CBP capability to support data-driven executions. CBP plans to achieve this goal by maintaining reliable data and applying advanced analytics to inform critical strategic and tactical decisions. CBP acknowledges that “components and divisions individually collect stores of data in support of advancing our mission, but face challenges integrating data and using it in a more strategic and holistic manner.”

We found that OFO does not collect data on costs to operate each LPOE. We requested yearly LPOE operational costs from the OFO Budget Office, but officials from that office indicated that they could not provide this information because each field office manages the budget for its respective ports. We inquired about the same LPOE operational costs from two of the five northern border field offices. However, the field offices do not track yearly LPOE cost information. Instead, according to a field office official, they would need to query multiple different systems to obtain the information. Combining LPOE operational costs with data already collected, such as traffic patterns, staffing requirements, and facility deficiencies, could allow OFO to perform comprehensive assessments to make informed strategic decisions.

OFO would benefit from conducting comprehensive assessments of LPOEs to inform more strategic decisions, such as identifying potential cost savings by adjusting operational hours or eliminating unnecessary spending through LPOE closures. For example, OFO may have missed an opportunity for potential cost savings when it spent approximately \$35 million to upgrade

⁵ *Resource Optimization at the Ports of Entry*, Fiscal Year 2017 Report to Congress, September 12, 2017.

⁶ The *U.S. Customs and Border Protection Strategy 2021-2026* describes CBP’s Enduring Mission Priorities. The plan identifies 3 goals and 12 strategic objectives with measurable outcomes. Goal 3 identifies CBP’s need to improve its capability to support operationally focused, threat-based, intelligence and data-driven execution. CBP identified Strategic Objective 3.1: Data and Analytics as a key activity to focus its efforts and activities to achieve Goal 3.



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and repair infrastructure at five LPOEs between 2012 and 2013, even though CBP previously identified these five ports for closure as far back as 2011.⁷

OFO Did Not Maintain Documentation for Its Decisions on Port Closure Selections

The *Federal Records Act of 1950*⁸ requires agencies to create and preserve records that document the decisions, procedures, and essential transactions of the agency. Federal agencies must also create and maintain records that document the formulation and execution of their decisions and make records available for scrutiny by Congress or authorized agencies.⁹

In 2009, due to concerns about spending of *American Recovery and Reinvestment Act*¹⁰ funding, DHS conducted a 30-day review of CBP spending and recommended periodic studies to decide whether any LPOEs should be closed.¹¹ Although CBP has not conducted periodic studies related to port closures, OFO developed multiple versions of a port closure list dating back to 2018. As of February 2024, this list included 14 LPOEs on the northern border and none on the Southwest border. In response to our request for information about the genesis of the list, OFO could not provide a methodology or justification for why it selected those LPOEs to potentially close. Rather, OFO only provided updated justifications for ports already on the closure list. Without creating and maintaining records of these decisions, OFO is violating Federal records retention requirements¹² and is unable to justify critical decisions to close LPOEs.

OFO Does Not Have Oversight or Formal Policies for Comprehensive Assessments

We attribute OFO not collecting cost data, not using data from individualized assessments, and violating Federal records retention requirements to insufficient oversight and non-existent policies regarding the need for comprehensive assessments. Within OFO, multiple offices collect data and conduct limited assessments to make decisions based solely on each assessment's purpose. No one office or designated official within OFO is responsible for performing

⁷ See *Use of American Recovery and Reinvestment Act Funds by U.S. Customs and Border Protection for Construction of Land Ports of Entry*, OIG-11-97 (Revised), June 2014, for further information. This report identified six LPOEs scheduled to receive *American Recovery and Reinvestment Act* funds that CBP ranked in the top 15 for potential closure. Of those six LPOEs, five appeared on subsequent potential LPOE closure lists.

⁸ 44 U.S.C. § 3101.

⁹ 36 Code of Federal Regulations § 1222.22(e); DHS Instruction 141-01-001, *Records and Information Management (Revision 01)*, September 2019.

¹⁰ Pub. L. No. 111-5.

¹¹ *30-Day Review of Spending by U.S. Customs and Border Protection under the American Recovery and Reinvestment Act for Construction of Land Ports of Entry*, October 23, 2009.

¹² See 36 Code of Federal Regulations § 1222.22(e), "To meet their obligation for adequate and proper documentation, agencies must prescribe the creation and maintenance of records that...[d]ocument the formulation and execution of basic policies and decisions and the taking of necessary actions, including all substantive decisions and commitments reached orally (person-to-person, by telecommunications, or in conference) or electronically."



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comprehensive assessments across all LPOEs. OFO also lacks policies and procedures requiring comprehensive assessments to inform strategic decisions. Such guidance would allow OFO to identify responsible offices, appropriate methodologies, required data, frequency of assessments, and records retention requirements.

CBP's strategic plan acknowledges that robust data and analytics capabilities would allow more efficient spending of resources. Without comprehensively integrating the individual assessments and data collected, OFO is missing opportunities to make strategically sound decisions, use resources more efficiently, and provide Congress with information necessary to conduct proper oversight.

Recommendations

Recommendation 1: We recommend the Executive Assistant Commissioner of CBP's Office of Field Operations develop and implement policies and procedures requiring regular comprehensive assessments of operations across all land ports of entry. These policies and procedures should also include key elements such as the designated office or official for conducting comprehensive assessments, assessment criteria, frequency of assessments, and related records retention requirements.

Recommendation 2: We recommend the Executive Assistant Commissioner of CBP's Office of Field Operations conduct an initial comprehensive assessment of land port of entry operations, issue a report on the findings to identify areas of efficiencies, develop a corrective action plan to eliminate inefficiencies, and avoid wasting funds. This report should also document the rationale for strategic decisions including, but not limited to:

- maintaining current land port of entry operations;
- reducing or expanding land port of entry operational hours; and
- permanently closing land ports of entry.

Management Comments and OIG Analysis

CBP concurred with both recommendations. In its management response, CBP stated that OFO has begun addressing improvements needed to conduct regular comprehensive assessments of operations across all LPOEs. Specifically, CBP stated that OFO is working with the Enterprise Services' Office of Facilities and Asset Management as well as other stakeholders to verify the validity of data already collected and share information to support resource decision-making. OFO has also begun evaluating its port closure list to address deficiencies identified in this report. In addition, OFO is drafting an action plan to address the criteria and assessment procedures for how ports should be evaluated for permanent closure and identifying



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assessments needed to complete actions based on lessons learned. A copy of CBP's response is in Appendix B. CBP also provided technical comments, which we used to revise the report as appropriate.

CBP Response to Recommendation 1: Concur. OFO collects data and performs limited assessments to inform decisions based on each assessment's unique purpose. OFO is evaluating and reviewing the assessments that have been conducted, including their criteria and frequency. This effort will enable OFO to determine what, if any, additional assessments are required and how to integrate them into a more comprehensive assessment. Additionally, as of August 21, 2024, the fiscal year 2024 OFO File Plan for records and retention has been approved by CBP's Chief Records Officer and has been posted to the CBP Records and Information Management SharePoint site. Estimated Completion Date: June 30, 2025.

OIG Analysis of CBP Comments: These actions are responsive to the recommendation, which we consider open and resolved. We will close this recommendation when OFO provides us with a copy of its policies and procedures requiring regular comprehensive assessments of operations across all LPOEs, including key elements for implementing these policies.

CBP Response to Recommendation 2: Concur. Pending the successful completion of Recommendation 1 and the ability to secure funding, OFO will consolidate the requirements identified, obtain funding, and establish a contract mechanism to complete an initial comprehensive assessment. OFO will ensure both internal and external stakeholders are involved in developing any corrective action plans to address the criteria and assessment procedures. The results from this assessment will help OFO make more strategic decisions, such as identifying potential cost savings by adjusting operational hours or eliminating unnecessary spending through LPOE closures. Estimated Completion Date: September 30, 2025.

OIG Analysis of CBP Comments: These actions are responsive to the recommendation, which we consider open and resolved. We will close this recommendation when OFO provides us with a copy of its initial comprehensive assessment of LPOE operations and the resulting report detailing findings and corrective action plans for any identified deficiencies.



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Appendix A: Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107–296) by amendment to the *Inspector General Act of 1978*.

The objective of this audit was to determine the extent to which CBP assesses operations at LPOEs to make strategic decisions. The scope of our audit was fiscal years 2019 through 2023. To answer our objective, we reviewed applicable Federal laws and regulations, as well as CBP and DHS policies and procedures relevant to LPOE assessments and records retention requirements. We also reviewed reports from DHS OIG and the U.S. Government Accountability Office, media articles, and congressional testimonies to gather further information on the audit objective.

To learn about CBP’s LPOE assessments, we obtained documents and interviewed CBP officials in the:

- Office of Facilities Asset Management
- Office of Field Operations Boston Field Office
- Office of Field Operations Budget Office
- Office of Field Operations Executive Assistant Commissioner
- Office of Field Operations Facilities Fleet Division
- Office of Field Operations Law Enforcement Operations Division
- Office of Field Operations Mission Support Directorate
- Office of Field Operations Planning Program Analysis and Evaluation
- Office of Field Operations Seattle Field Office
- Office of Finance
- Records and Information Management Division

We reviewed and analyzed documents and information obtained during interviews to determine which offices conduct assessments of LPOE operations, how often CBP conducted assessments, and what information officials used to conduct the assessments. We also identified whether CBP used performance metrics to measure efficiency at LPOEs. We reviewed assessments provided by CBP to identify the information officials use to execute business decisions for LPOE operations. Additionally, we reviewed Federal, DHS, and CBP policies for records management requirements and compared them to CBP documents and information on the list of LPOEs proposed for potential closure.



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In planning and performing our audit, we identified the internal control components and underlying internal control principles significant to the audit objective. Specifically, we reviewed CBP's control environment, control activities, and information and communication methods. We identified internal control deficiencies that could adversely affect CBP's ability to make strategic decisions by conducting assessments of operations at LPOEs. We discussed these identified deficiencies in the body of our report. However, because we limited our review to these internal control components and underlying principles, our work may not have disclosed all internal control deficiencies that may have existed at the time of our audit.

We conducted this audit from July 2023 through July 2024 pursuant to the *Inspector General Act of 1978*, 5 U.S.C. §§ 401–424, and according to 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.

DHS OIG's Access to DHS Information

During this audit, CBP provided timely responses to our requests for information and did not delay or deny access to information we requested.



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Appendix B: CBP Comments on the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229



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

BY ELECTRONIC SUBMISSION

September 2, 2024

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Henry A. Moak, Jr.
Senior Component Accountable Official
U.S. Customs and Border Protection

9/2/2024

X

Signed by: HENRY A. MOAK, JR.

SUBJECT: Management Response to Draft Report: "CBP Conducts
Individualized Assessments but Does Not Comprehensively
Assess Land Port of Entry Operations"
(Project No. 23-040-AUD-CBP)

Thank you for the opportunity to comment on this draft report. U.S. Customs and Border Protection (CBP) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

CBP is pleased to note OIG's positive recognition of CBP as one of the largest law enforcement organizations in the world. As CBP's largest office, the Office of Field Operations (OFO) supports a complex and demanding border security mission at land ports of entry (LPOEs), facing unique challenges at both the Northern and Southwest borders and executing its mission of protecting the United States from terrorist threats and preventing the illegal entry of inadmissible persons and contraband while facilitating lawful trade and travel at air, sea, and land ports. In fulfilling its law enforcement mission, CBP leadership demands the highest standards of honesty, impartiality, and professionalism. CBP takes pride in its organizational commitment to promote accountability and facilitate lawful trade and travel at the more than 300 land, air, and seaports of entry (POEs).

CBP continuously evaluates traffic levels and operational efficiency at POE to best allocate limited resources. All decisions relating to POE operating hours include data-based considerations along with factors that cannot be quantified through a standardized assessment, such as stakeholder and community impacts, congressional engagement, staffing challenges, and impacts to operational security.

OFO has started addressing the improvements needed to conduct regular comprehensive



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assessments of operations across all LPOEs identified in the draft report. Specifically, OFO is working in partnership with CBP Enterprise Services, Office of Facility and Asset Management (OFAM) to improve facility condition assessments (FCA) and facility functional assessments (FFA) which are performed at LPOEs, performing FCA data entry into TRIRIGA, and collaborating with key stakeholders to verify data validity and share information to support resource decision-making.

As mentioned in the draft report, OFO has been evaluating a port closure list from 2018 and has paused the most recent effort that was provided during this audit to reevaluate deficiencies identified in the draft report. OFO is drafting an action plan to address the criteria and assessment procedures for how ports should be evaluated for permanent closure and identifying assessments needed to complete actions based on lessons learned. As part of this effort, OFO is working with stakeholders to identify current operating conditions on both the northern and southern border.

By optimizing port hours, OFO creates a more secure environment that leverages advanced technology, data analytics, and staffing resources when and where they are needed the most. This strategic focus not only deters and prevents illegal activities but also ensures swift and effective responses during critical periods.

The draft report contains two recommendations with which CBP concurs. Attached please find our detailed response to each recommendation. CBP previously submitted technical comments addressing several accuracy, contextual and other issues under a separate cover for OIG'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.

Attachment



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Attachment: Management Response to Recommendations Contained in OIG 23-040-AUD-CBP

OIG recommended that the Executive Assistant Commissioner of CBP's Office of Field Operations [OFO]:

Recommendation 1: Develop and implement policies and procedures requiring regular comprehensive assessments of operations across all land ports of entry [LPOE]. These policies and procedures should also include key elements such as the designated office or official for conducting comprehensive assessments, assessment criteria, frequency of assessments, and related records retention requirements.

Response: Concur. OFO collects data and performs limited assessments to inform decisions based upon on each assessment's unique purpose. OFO continues to take a holistic review of all OFO policies and procedures as it relates to assessments, to include operations across all land ports of entry (LPOE). OFO is currently evaluating and reviewing all the current assessments that have been conducted, their criteria and frequency. This effort will enable OFO to determine what, if any, additional assessments are required and ultimately, how to possibly integrate them into a more comprehensive assessment.

All OFO facilities regardless of tenure, have a FCA completed based on a schedule to ensure compliance with DHS Directive 119-02-004. FCAs identify the condition of all elements of a building structure, revealing deficiencies, repair needs, and replacement value to include the expected useful life. CBP identifies the list of annual sites, which include all Offices, that will be included in the assessment contract. While their focus is on compliance and supports resource planning efforts, it does not always incorporate individual Office's mission priorities.

In February of 2024, OFO identified areas for improvement which included a requirement to maintain documentation for its decisions on port closure selections. OFO is updating the FY24 OFO File Plan for records and retention to include all items deemed as permanent records related to port designation and port closure. As of August 21, 2024, the FY 2024 file plan has officially been approved by CBPs Chief Records Officer (CRO) and has been posted to the CBP RIM SharePoint.

Estimated Completion Date: Quarter 3, FY2025



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Recommendation 2: Conduct an initial comprehensive assessment of land port of entry operations, issue a report on the findings to identify areas of efficiencies, develop a corrective action plan to eliminate inefficiencies, and avoid wasting funds. This report should also document the rationale for strategic decisions including, but not limited to:

- maintaining current land port of entry operations;
- reducing or expanding land port of entry operational hours; and
- permanently closing land ports of entry.

Response: Concur. OFO, constrained by the successful completion of recommendation #1 and the ability to secure funding, will consolidate the requirements identified, obtain funding, and establish a contract mechanism to complete an initial comprehensive assessment. OFO will ensure both internal and external stakeholders are involved in the development of any corrective action plans which will address the criteria and assessment procedures. The results from this assessment will aid OFO in making more strategic decisions such as identifying potential cost savings by adjusting operational hours or eliminating unnecessary spending through LPOE closures.

Estimated Completion Date: Quarter 4, FY2025



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Appendix C: Report Distribution

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