GAO responses to Questions from Senator Kennedy
January 31, 2007 Hearing on US-VISIT: Challenges and Strategies for Securing the U.S. Border
Subcommittee on Terrorism, Technology, and Homeland Security
Committee on the Judiciary
United States Senate

Question 1

Your report highlights that many aspects of US-VISIT implementation have been defined by various legislative mandates, including implementation by December 21, 2005 of an integrated entry and exit system at all U.S. ports of entry. In their testimony, Assistant Secretary Barth and Acting Director Mocny stated that "US-VISIT has met every legislative mandate to date, on time and within budget."

Question: ***Do you agree with this assessment of the US-VISIT program's compliance with Congressional mandates?***

GAO Response: Under law, DHS was to create an automated system to integrate information on the entry and exit from the United States of foreign nationals and implement the system at (1) air and sea ports of entry (POEs) by December 31, 2003, (2) the 50 highest-volume land POEs by December 31, 2004, and (3) the remaining POEs by December 31, 2005. Subsequent legislation required the collection of biometric exit data from all individuals who are required to provide biometric entry data, but it did not set a deadline for implementation of this requirement.

After having spent more than $1 billion of the $1.7 billion in funds appropriated through fiscal year 2007, DHS has largely met legislative milestones and expectations to implement entry capabilities at most POEs. Specifically, on January 5, 2004, US-VISIT deployed and began operating most aspects of its planned biometric entry capability at 115 airports and 14 seaports for selected foreign nationals, including those from visa waiver countries. Also, as noted in our report,[1] as of December 2005, US-VISIT had deployed and begun operating entry capability in the secondary inspection areas of 154 of 170 land POEs.[2]

Nonetheless, DHS has not met the statutory requirement to collect biometric exit data from travelers at air, sea, or land POEs. Although there is no specific statutory deadline for meeting this requirement, DHS was to have reported to

[1] GAO, *Border Security: US-VISIT Program Faces Strategic, Operational, and Technological Challenges at Land Ports of Entry,* GAO-07-248 (Washington, D.C.: December 6, 2006).

[2] According to program officials, 14 of the remaining 16 POEs have no operational need to deploy US-VISIT because visitors who are required to be processed through US-VISIT are, by regulation, not authorized to enter into the United States at these locations. The other two POEs do not have entry capability deployed because they do not have the necessary transmission lines to operate US-VISIT; CBP officers at those sites have continued to process visitors manually.

Congress by June 2005 on how the agency intended to fully implement a biometric entry/exit program. As of February 2007, this plan was under review by the Office of Management and Budget (OMB), according to a US-VISIT official. According to statute, this plan is to include, among other things, a description of the manner in which the US-VISIT program meets the goals of a comprehensive entry and exit screening system—including both biometric entry and exit—and fulfills statutory obligations imposed on the program by several laws enacted between 1996 and 2002. Until such a plan is finalized and issued, DHS is not able to articulate how entry/exit concepts will fit together—including any interim nonbiometric solutions—and neither DHS nor Congress is positioned to prioritize and allocate resources for a US-VISIT exit capability or plan for the program's future.

Question 2

The US-VISIT program has cost about $1.7 billion so far. Setting it up has required the extensive use of private contractors. Last June, GAO found that contractors under US-VISIT have not been effectively managed or overseen. Because of a lack of financial controls, DHS was unable to report the expenditures reliably.

Question: ***The American people have the right to know that the massive funds allocated for this program are being well-spent. Have the problems you identified been corrected?***

GAO response: In our June 2006 report,[3] we found that the US-VISIT program office had not effectively overseen US-VISIT-related contract work performed on its behalf by other DHS and non-DHS agencies, and these agencies did not always establish and implement the full range of controls associated with effective management of contractor activities. Furthermore, we found that the program office and the other agencies did not implement effective financial controls. Regarding the latter, the program office and other agencies managing US-VISIT–related work were unable to reliably report the scope of contracting expenditures and some agencies improperly paid and accounted for related invoices, including making a duplicate payment and making payments for non-US-VISIT services from funds designated for US-VISIT. We recommended that DHS (1) develop and implement practices for overseeing contractor work managed by other agencies on the program office's behalf, (2) require these agencies, through agreements, to implement effective contract management practices consistent with acquisition guidance for all US-VISIT contract actions, and (3) ensure that effective financial controls are established and implemented for contracts managed by US-VISIT and on behalf of US-VISIT.

DHS agreed with our recommendations. In a September 2006 letter to the Chairmen and Ranking Members of the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Homeland Security, and the House Committee on Government Reform, DHS stated that it intends to take steps to (1) strengthen oversight controls with regard to work performed by agencies on behalf of US-VISIT and (2) develop and implement requirements designed to foster improved contract management practices through the agreements reached with these agencies. DHS also said it intends to take steps to strengthen financial controls for work performed by and on behalf of US-VISIT. We have not assessed the steps DHS plans to take or has taken to address the management and financial control weaknesses we discussed in our report.

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[3] GAO, *Homeland Security: Contract Management and Oversight for Visitor and Immigrant Status Program Need to Be Strengthened,* GAO-06-404 (Washington, D.C.: June 9, 2006).