

June 2004

BORDER SECURITY

Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands





Highlights of [GAO-04-590](#), a report to congressional requesters

Why GAO Did This Study

Since the mid-1990s—and especially since September 11—the government has focused attention and resources on preventing illegal aliens, drug smugglers, and potential terrorists from entering the United States across its land borders with Mexico and Canada. The Border Patrol is responsible for protecting the nation's borders. However, a significant portion of the borderlands are federal or tribal lands managed by the Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service.

Realizing the importance of coordinating federal law enforcement efforts, GAO agreed to assess: (1) border-related law enforcement challenges for land management agencies in Arizona and Washington, (2) resources land management agencies have received to address these challenges, and (3) how the Border Patrol and land management agencies coordinate border-related law enforcement efforts.

What GAO Recommends

GAO is recommending that the Secretaries of Homeland Security, the Interior, and Agriculture coordinate strategic and funding plans with regard to federal borderlands. DHS, the Interior, Agriculture, Justice, and the Office of Management and Budget reviewed a draft of this report and generally agreed with its findings and recommendations.

www.gao.gov/cgi-bin/getrpt?GAO-04-590.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Richard Stana at (202) 512-8777 or stanar@gao.gov.

BORDER SECURITY

Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands

What GAO Found

Illegal border activities, including alien border crossings and drug smuggling, on federal and tribal lands in Arizona have been increasing since the mid- to late-1990s, creating law enforcement challenges for land management agencies. This situation poses dangers to law enforcement officers, visitors, and employees and damages fragile natural resources. Rising illegal activity on these federal lands results from the Border Patrol's strategy to deter illegal entry by concentrating resources in populated areas—thus shifting illegal traffic to more remote federal lands, where Border Patrol has placed fewer resources. Although the problem is less acute along the Canadian border, land management agency officials in Washington are concerned that as the Border Patrol increases resources in populated areas, more illegal traffic will shift to remote federal lands.

Officials from the five land management agencies believe their resource levels have not kept pace with increases in illegal border activities on their lands. Agencies have sought more federal funds to address these problems and have received varying levels of law enforcement staffing and resource increases. According to Office of Management and Budget representatives, agency funding is mission-driven. Thus, land management agencies' proposals for certain border projects have not been included in the administration's fiscal year 2005 budget because they were considered to be more in keeping with the border security mission of the Border Patrol.

At the national level, interagency coordination of strategic plans and activities among Border Patrol and land management agencies is minimal regarding the Mexican and Canadian borders. Thus, limited funds may not be used most efficiently, and the impact of one agency's actions on another agency may not be considered. As of May 2004, the Border Patrol had not issued detailed plans to ensure that interagency coordination occurs, nor had it coordinated with land management officials regarding funding for infrastructure and technology improvements. Some coordination had occurred at the field level, as officials from the various agencies had begun meeting to improve operations and to share threat assessments in Arizona.

Border Fence on Federal Lands in Arizona does not Deter Illegal Border Crossings



Source: GAO.

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Abbreviations

CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
IACP	International Association of Chiefs of Police
OMB	Office of Management and Budget

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G A O

Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

June 16, 2004

The Honorable Greg Walden
Chairman
Subcommittee on Forests and Forest Health
Committee on Resources
House of Representatives

The Honorable Scott McInnis
The Honorable Tom Tancredo
House of Representatives

Enhancing the security of the nation's borders with Mexico and Canada has emerged as a significant policy issue. Since the mid-1990s—and especially since the September 11 terrorist attacks—attention and resources directed at deterring and preventing illegal aliens, drug smugglers, potential terrorists, and other criminals seeking to enter the United States illegally across its land borders have risen. However, patrolling and protecting the borderlands pose challenges to federal law enforcement officers due, in part, to the vast stretches of land that comprise the border—approximately 1,900 miles of border with Mexico and approximately 4,000 miles of border with Canada. Roughly 50 percent of the land along the Mexican border and 25 percent of the land along the Canadian border are federal or tribal lands that encompass national parks, forests, and wildlife refuges—much of it rugged and remote terrain.

Federally owned borderlands are under the jurisdiction of the Bureau of Land Management, Fish and Wildlife Service, and the National Park Service within the Department of the Interior; and the Forest Service within the Department of Agriculture. In addition, the Bureau of Indian Affairs, within Interior, assists in the management of tribal lands. While these agencies employ law enforcement officers and investigators to protect agency personnel, visitors, and natural resources on their lands, they are not responsible for preventing the entry of illegal aliens into the United States. Rather, the U.S. Border Patrol, within the Department of Homeland Security (DHS), is responsible for detecting and deterring illegal entry of people into the country, including potential terrorists, and combating drug trafficking and other criminal activities at the nation's Mexican and Canadian borders.

Coordination among these federal agencies is important for effective law enforcement efforts, including those that address the possible entry into the United States by terrorists crossing federal borderlands. Thus, we agreed to identify and assess law enforcement efforts of federal land management agencies that protect assets along the Mexican and Canadian borders. Specifically, this report discusses: (1) law enforcement challenges land management agencies face along the international borders in Arizona and Washington, (2) the resources federal land management agencies and tribal nations have received to address border-related law enforcement challenges on federally managed lands, and (3) how the Border Patrol and federal land management agencies coordinate their law enforcement efforts along the Mexican and Canadian borders and steps taken to meet joint challenges.

To meet these objectives, among other things, we obtained and analyzed information about law enforcement programs along the Mexican and Canadian border areas as they relate to federal lands located along the border areas, excluding ports of entry. Specifically, we analyzed information provided by the Department of the Interior's Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, and National Park Service; the Department of Agriculture's Forest Service; and the Department of Homeland Security's Border Patrol. At headquarters, we interviewed law enforcement and budget officials from each agency, as well as representatives of the Office of Management and Budget. We conducted field visits to federal lands along the Mexican border in Arizona and the Canadian border in Washington, during which we interviewed land management agency and Border Patrol officials, and the United States Attorney for Arizona, and observed conditions on these federal lands. We conducted our work from July 2003 through March 2004 in accordance with generally accepted government auditing standards. Appendix I presents more details about our scope and methodology.

Results in Brief

Increased illegal border activity, including drug and alien smuggling, has challenged land management agencies' ability to protect people and resources on federal lands in Arizona, and officials in Washington are concerned that illegal activity and related law enforcement challenges will increase on their lands, as well. Along the Arizona border, seizures of illegal narcotics on a tribal nation increased from more than 65,000 pounds in 2002 to over 100,000 pounds in 2003. Land management officials told us that the number of undocumented aliens crossing from Mexico into Arizona on federal lands has risen substantially since 1997 although comprehensive data are not available. The increase in illegal border-

related activities poses dangers to law enforcement officers, visitors and employees, and has also damaged fragile natural resources. Land management and Border Patrol officials told us that the increased illegal activity on federal and tribal lands is a result of the Border Patrol's strategy of deterring illegal entry. Since the strategy concentrates resources in or near populated areas, much of the illegal traffic has shifted to more remote federal lands, where the Border Patrol has fewer resources, such as agents and fencing, to deter illegal entry. The problem is less acute along the United States-Canadian border in Washington. However, land management agency officials are concerned that as the Border Patrol increases the number of agents and other resources in populated areas along the Canadian border, illegal border activity—including the possible entry of terrorists—will increase on remote federal lands and create additional law enforcement challenges.

Four of the five land management agencies we reviewed, excluding the Bureau of Indian Affairs, had about 200 full-time law enforcement officers for Mexican and Canadian borderlands, combined, as of September 2003. Between September 2001 and September 2003, land management agency officials estimated that their combined law enforcement staffing levels had increased by about 25 officers along the Mexican border and increased by about 6 officers along the Canadian border. Land management agency officials told us that in recent years, they requested and received funds, to varying degrees, to address illegal activities on their borderlands. Officials from all five land management agencies believe funding has been insufficient to address the full impact of the illegal border traffic. The National Park Service and the Fish and Wildlife Service have developed proposals to construct barriers to prevent vehicles from crossing the border illegally through their neighboring Arizona properties. The administration's budget for fiscal year 2005 requests funds for the Park Service to complete the vehicle barrier initially funded in fiscal year 2003 as specified in the conference report to the Department of the Interior appropriations act for 2003. According to representatives from the Office of Management and Budget, which is responsible for preparing the administration's budget, they view constructing barriers primarily in keeping with the Border Patrol's border security mission and generally not consistent with land management agencies' missions of protecting people and resources.

Although the strategic plans of the Departments of Homeland Security and the Interior call for coordination among agencies and tribal governments, broad strategic law enforcement coordination among Border Patrol and

land management agencies has been minimal at the national level, while some coordination has occurred at the field level.

Border Patrol officials said they did not coordinate with land management officials on threat assessments, funding proposals, or staff deployment plans. The three departments—DHS, Interior, and Agriculture—have yet to coordinate their strategies and develop broad interagency approaches to combat illegal activities on federal borderlands. As a result, threats may not be fully assessed, limited funds may not be efficiently used, and deployment of personnel and other resources may be inefficient or negatively affect other agencies, according to land management agency and Border Patrol officials. Border Patrol officials also told us they have drafted a revised border strategy and plan to develop a detailed implementation plan to ensure that coordination with land management agencies occurs in the future. As of May 2004, neither the strategy nor its implementation plan had been finalized. At the field level, land management agency and Border Patrol officials have begun meeting to improve coordination and identify issues of joint concern with respect to the Mexican border in Arizona, and they told us they plan to hold meetings at various Canadian border locations in the future.

We are recommending that the Secretaries of Homeland Security, the Interior and Agriculture coordinate their strategic and operational plans when federal and tribal lands are affected and include in those plans goals for developing joint threat assessments, coordinating funding proposals for infrastructure and technology, and sharing deployment plans.

Background

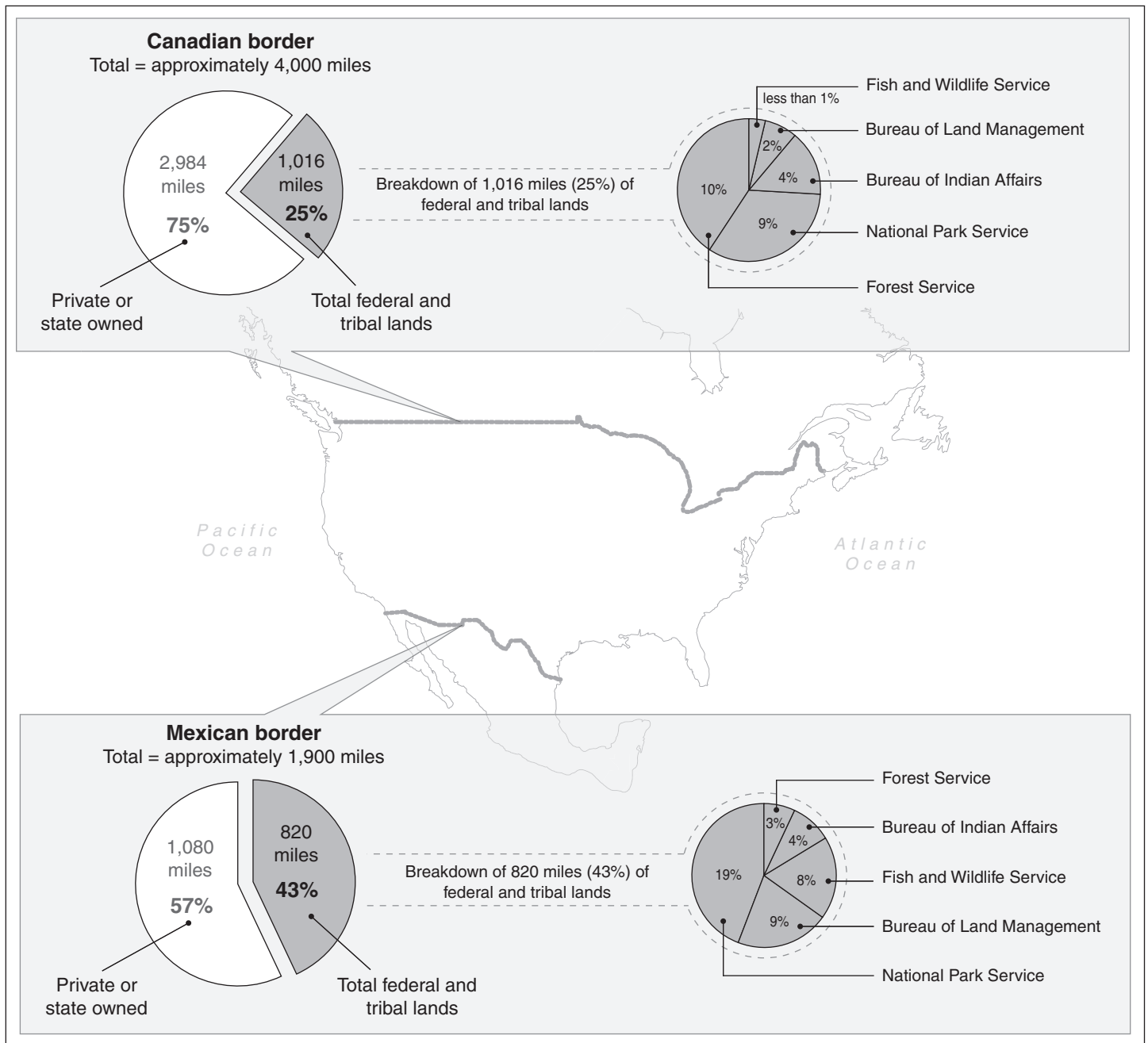
Federal Lands along the Mexican and Canadian Borders

A considerable amount of federally owned or managed land lies adjacent to the international borders with Mexico and Canada. As shown in figure 1, of the total 1,900-mile United States-Mexico border, about 43 percent, or 820 linear miles, are federally owned or managed lands.¹ Of that, the National Park Service has the largest percentage, 19 percent, or 365 linear miles, of federal land on the Mexican border. On the total 4,000 linear miles of United States-Canadian border, about 1,016 miles, or 25

¹Linear miles of border could refer to both land boundaries and international waterway boundaries between Mexico-United States and Canada-United States international borders.

percent, border federal lands. The Forest Service is responsible for the largest percentage of miles along the Canadian borderlands—about 417 miles, or 10 percent. Of the 562 federally recognized Indian tribes, 36 tribes have lands that are close to, adjacent to, or crosses over international boundaries with Mexico or Canada.

Figure 1: Percentage of Linear Miles of Federal and Tribal Borderlands along the Mexican and Canadian Borders



Source: GAO analysis of Department of the Interior and Forest Service data.

In total, the federal government owns or has significant responsibility for the management of about 711 million acres of approximately 2.3 billion acres of land in the United States. Of the 711 million acres, the federal government owns 655 million acres, which include forests, parks, grasslands, arctic tundra, and deserts. The four federal agencies responsible for administering the majority of these lands are the Bureau of Land Management, Fish and Wildlife Service, and National Park Service in the Department of the Interior, and the Forest Service in the Department of Agriculture.² The remaining 56 million acres is held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. The Department of the Interior's Bureau of Indian Affairs is responsible for assisting in the administration and management of these tribal lands. For this report, we refer to these five agencies as land management agencies.

Land Management Agencies' and Border Patrol's Missions in Border Areas

Each land management agency has a distinct mission and set of responsibilities. These missions involve managing the land for a variety of purposes relating to the conservation, preservation, and development of natural resources, as well as limited responsibility for land set aside for the use, occupancy, development, and governance by federally recognized tribes. Land management agencies employ different types of law enforcement officers to enforce their respective federal laws and regulations and to protect natural, cultural and historic resources; national icon parks; gas and oil pipelines; dams; and electric transmission lines. The land management agencies' law enforcement authority generally extends to the boundaries of their respective lands. To carry out their respective missions, the Bureau of Land Management and National Park Service employ law enforcement rangers and criminal investigative agents. The Fish and Wildlife Service employs refuge officers and criminal investigative agents, the Forest Service employs law enforcement officers and criminal investigative agents, and the Bureau of Indian Affairs and tribal nations primarily employ police officers and criminal investigative agents. For this report, we refer to all these types of federal land management agency law enforcement officers as law enforcement officers.

²These four agencies manage 628 million acres, or 96 percent, of 655 million acres of land owned by the United States. The remaining 27 million acres of federal land are managed by several other agencies, including the Department of Defense and General Services Administration.

The primary mission of the Border Patrol, within U.S. Customs and Border Protection (CBP) in the Department of Homeland Security, is to detect and prevent the entry of terrorists, terrorist weapons, contraband, and illegal aliens into the United States between designated ports of entry. Other units within CBP are responsible for inspecting persons presenting themselves for entry into the United States at designated ports of entry. The Border Patrol primarily employs Border Patrol agents, whose law enforcement authority extends along the entire boundaries of the United States on both federal and nonfederal lands. The Border Patrol is organized into 21 different sectors—9 of which are along the Mexican border, 8 along the Canadian border, and 4 along Pacific Ocean and Gulf of Mexico coastal areas and Puerto Rico. While the Border Patrol is the agency responsible for border security, its mission also calls for it to work with other law enforcement agencies to prevent illegal trafficking across the borders. DHS's U.S. Immigration and Customs Enforcement has responsibility for conducting criminal investigations of drug and alien smuggling cases, as well as processing, detaining and removing aliens apprehended by the Border Patrol.

While land management agencies' and Border Patrol's missions are separate and distinct on federal lands near the borders, some of the issues that their law enforcement officers address can be similar. When faced with illegal activities in areas adjacent to the borders, both the land management law enforcement officials and Border Patrol agents work to prevent these illegal activities from occurring. However, differences in their missions and responsibilities may dictate different approaches and different results on federal borderlands. Both land management law enforcement officers and Border Patrol agents have the authority to carry firearms and make arrests, perform duties related to criminal investigation, and enforce federal laws and regulations.

Land Management Agencies' Responsibilities to Protect and Manage Federal Lands

As shown in table 1, each of these five federal agencies owns or manages differing amounts and types of land and has a variety of responsibilities in managing resources on the lands.

Table 1: Land Management Agencies' Amount of Federal and Tribal Lands, Types of Lands, and Primary Responsibilities

Agency	Amount of federal and tribal land (In acres)	Types of land	Primary responsibilities
Department of the Interior			
Bureau of Land Management	264 million	Grasslands, forests, mountains, arctic tundra, and deserts.	Manages lands for multiple uses and programs, such as energy development, timber harvesting, recreation, grazing, wild horses and burros, cultural resources, and conservation of diverse plants and animal species. Also manages 700 million acres of federal subsurface mineral resources and supervises the mineral operations on about 56 million acres of Indian Trust lands.
Fish and Wildlife Service, National Wildlife Refuge System	94 million	542 refuges, 200 waterfowl production areas, and 50 wildlife coordination areas.	Responsible for conserving and protecting animals and plants on their lands. Also responsible for listing "endangered" or "threatened" plants and animals under the Endangered Species Act on both federal and nonfederal lands and designating critical habitat areas where the endangered or threatened species are found or which might provide additional habitat for the species recovery.
National Park Service	78 million	387 national parks and other land units, such as national monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, reserves, preserves, and scenic rivers and trails.	Responsible for twofold mission: to conserve, preserve, protect, and interpret the natural, cultural, and historic resources of the nation for the public and to provide for their enjoyment by the public.
Bureau of Indian Affairs	56 million	Land held in trust by the United States for American Indians, Indian tribes, and Alaska Natives.	Responsible for assisting in the administration and management of developing forestlands, leasing assets, directing agricultural programs, protecting water and land rights, developing and maintaining infrastructure, and providing for health and human services and economic development in cooperation with American Indians and Alaska Natives. There are 562 federally recognized tribes.
Department of Agriculture			
Forest Service	192 million	155 national forests, 20 national grasslands, and 80 other areas, such as research and experimental areas and land utilization projects.	Manages land for multiple uses and for sustained yields of various products and services, such as timber harvesting, recreation, grazing, watershed protection, and fish and wildlife habitats.

Source: Congressional Research Service, Federal Land Management Agencies: Background on Land and Resource Management, RL 30867 (Washington, D.C.: February 27, 2001), pages 1-2, 18-19, 27, 39-41, 47-48, and 54-58. Bureau of Indian Affairs Web site: <http://www.doi.gov/orientation/bia2.cfm>, and agency officials.

Special Protection of Areas within Federal Lands

Congress has designated areas within some federal lands as wilderness under the Wilderness Act of 1964³ and subsequent legislation, while the Fish and Wildlife Service has designated certain areas as critical habitat for endangered and threatened species under the Endangered Species Act.⁴ Federal law enforcement officers told us that these designations can hinder their efforts. For example, motorized vehicles must generally remain on designated roads in wilderness areas, and the Wilderness Act generally prohibits construction of permanent structures such as communications towers in wilderness areas.

Exemptions can be obtained from these restrictions imposed by wilderness or critical habitat designation. The National Environmental Policy Act⁵ requires all federal agencies to analyze the potential environmental effects of major proposed federal actions that significantly affect environmental quality, including a detailed analysis of alternatives to the proposed actions. However, federal law enforcement officers told us obtaining these exemptions can be costly and time-consuming.

Border Patrol Strategy

In 1994, the Immigration and Naturalization Service, which at the time oversaw the Border Patrol, designed and implemented a national strategy to systematically regain control of our nation's borders—that is, to restrict illegal traffic and encourage legal entrance at designated ports of entry.⁶ The strategy called for “prevention through deterrence” by raising the risk of apprehension to a level so high that prospective illegal entrants would consider it futile to attempt to enter the United States illegally. The strategy's objectives were to close off the routes most frequently used by smugglers and illegal aliens (generally through urban areas near ports of entry) and shift traffic either to ports of entry, where travelers are inspected, or to areas that are more remote and difficult to cross. With the traditional crossing routes disrupted, the Border Patrol expected that illegal alien traffic would either be deterred or forced over terrain less

³Wilderness Act, 16 U.S.C. §1131, *et seq.*

⁴Endangered Species Act of 1973, 16 U.S.C. 1531, *et seq.*

⁵National Environmental Policy Act of 1969, 42 U.S.C. §4321, 4332(2)(C).

⁶Prior to the creation of DHS, the Border Patrol was part of the Department of Justice's Immigration and Naturalization Service. Since March 1, 2003, the Border Patrol has been part of the DHS's Bureau of Customs and Border Protection.

suited for crossing, where the Border Patrol believed its agents would have a tactical advantage.

The strategy called for the Border Patrol to concentrate personnel and technology in a four-phased approach, starting first with the sectors with the highest levels of illegal immigration activity (as measured by the number of illegal aliens apprehended) and later moving to areas with the least activity. The strategy's four phases called for allocating additional Border Patrol resources to sectors along the borders in the following order, beginning in 1994, with no established timeframes for subsequent phases.⁷

- Phase I—the San Diego sector in California and El Paso sector in Texas.
- Phase II—the Tucson sector in Arizona and three sectors in south Texas—Del Rio, Laredo, and McAllen.
- Phase III—the remaining three sectors along the southwest border.
- Phase IV—the northern border, gulf coast, and coastal waterways.

Since the beginning of the strategy, the number of authorized positions for Border Patrol agents has increased significantly for the Mexican border. By the beginning of fiscal year 2004, these positions had risen to about 9,700 on the Mexican border, compared with about 3,400 in fiscal year 1993. The Border Patrol has completed phase I and is currently in phase II of the strategy, during which time it has been deploying resources such as agents, technology, and infrastructure into the Tucson sector. Phase II is not complete. Border Patrol officials told us that areas remain where they have not deployed significant levels of resources because of limited resources.

The September 11 terrorist attacks and continued threats of future attacks have directed congressional attention to security-related issues on the Canadian border and accelerated the implementation of the Border Patrol's strategy. The USA PATRIOT Act of 2001, passed within weeks of the September 11 attacks, authorized appropriations to triple the number of inspectors at ports of entry and Border Patrol agents along the

⁷This strategy has not precluded the Border Patrol from allocating additional agents to a location before it has officially targeted that area.

Canadian border and to improve monitoring technology on that border.⁸ Accordingly, the Border Patrol began increasing its presence on the Canadian border. Prior to September 11, 368 Border Patrol agents were stationed along the nation's border with Canada. By the end of fiscal year 2002, a total of 613 agents were stationed there, and by the end of December 2003, a total of 1,000 agents.

Land Management Agencies Face Law Enforcement Challenges as a Result of the Border Patrol Strategy

Illegal aliens and drug smugglers have increasingly been entering the United States from Mexico through federal borderlands in Arizona, according to land management agency and Border Patrol officials. This situation creates challenges for land management law enforcement officers responsible for protecting employees, visitors, and natural resources—all of which face dangers from illegal border traffic. Land management and Border Patrol officials attribute the increased illegal activity on federal lands to the Border Patrol's strategy of concentrating its resources primarily in populated areas, thus shifting much of the illegal traffic to less patrolled federal lands. The Border Patrol is beginning to address some of the effects of its strategy in Arizona by increasing resources on federal lands. In Washington, federal lands have been less affected by Border Patrol's strategy, but officials are concerned they will continue to see increases in illegal activity as the Border Patrol concentrates more resources on more populated areas of Canadian Border.

Increased Illegal Activity on Federal Lands in Arizona

Officials from the five land management agencies and the Border Patrol told us that illegal border traffic, including drug smuggling and illegal alien crossings, on federal borderlands in Arizona has been increasing by some measures since the mid to late 1990s. Comprehensive data on drug seizures are not readily available, in part because law enforcement officers from multiple agencies, including land management agencies and the Border Patrol, make seizures on federal lands. Nevertheless, information we obtained regarding drug seizures indicates a significant level of illegal activity. For example:

- More than 100,000 pounds of marijuana, 144 grams of cocaine, and 6,600 grams of methamphetamine were seized on the Tohono O'odham Nation in

⁸USA PATRIOT Act of 2001, P.L. 107-56, 18 U.S.C 1 note.

2003, according to its police department; whereas in the previous year, more than 65,000 pounds of narcotics were confiscated.

- About 19,000 pounds of marijuana were seized by the Bureau of Land Management on Bureau properties in Arizona—primarily Ironwood Forest National Monument—in fiscal year 2003, according to a Bureau official, up from about 2,600 pounds the year before.
- About 4.6 tons of marijuana were seized in the National Park Service’s Coronado National Memorial in 2002 and an estimated 35 tons of marijuana pass through this property annually, according to a National Park Service report.
- Nearly 400,000 pounds of marijuana were seized from 2000 to 2003 in National Forests on the southwest border, primarily in Arizona, according to information the Forest Service provided to Congress regarding border issues.

The number of illegal aliens crossing federal borderlands appears to be increasing as well. According to the Department of the Interior, the number of illegal aliens apprehended on its lands in Arizona within 100 miles of the border increased substantially between 1997 and 2000—from 512 to 113,480—and agency officials told us the number of illegal crossers continues to increase.⁹ Because it is difficult to know the number of illegal aliens who crossed federal borderlands without being apprehended, agencies have estimated the extent of such crossings on their border properties in Arizona. For example:

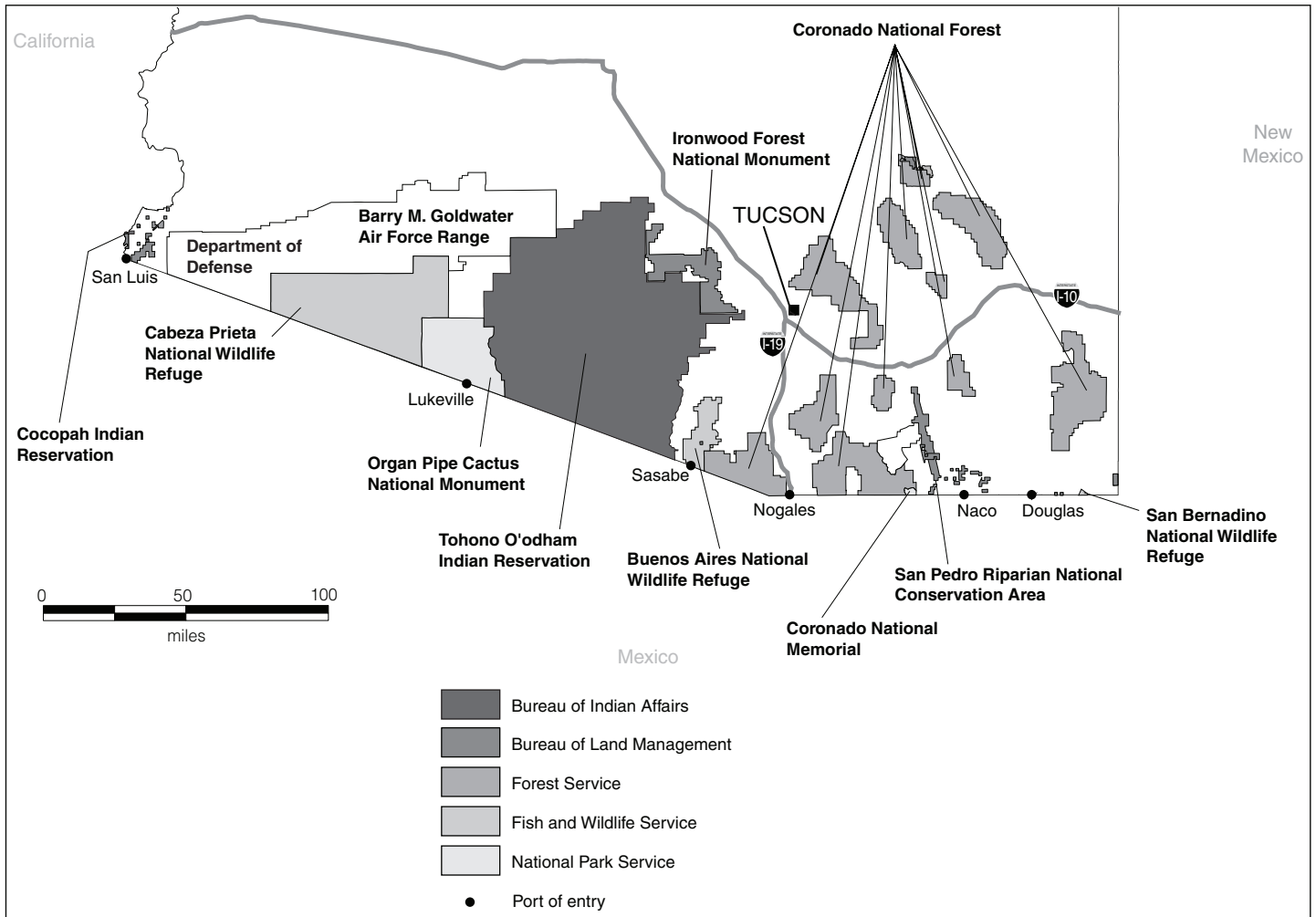
- An estimated 1,500 undocumented aliens cross the Tohono O’odham Indian Reservation each day, according to the Tohono O’odham Police Department. Total apprehensions from October 2001 to November 2002 were 65,000—representing a 172 percent increase from the previous year.
- An estimated 200,000 undocumented aliens illegally entered the United States through the National Park Service’s Organ Pipe Cactus National Monument in 2001, according to the Park Service.

⁹*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, (April 2002).*

- An estimated 1,000 undocumented aliens cross the Fish and Wildlife Service's Cabeza Prieta National Wildlife Refuge each week, according to refuge officials.

Figure 2 identifies federal lands along the Arizona's international border with Mexico, as well as the official land border ports of entry.

Figure 2: Map of Arizona Identifying Federal Lands and Ports of Entry along the Mexican Border



Source: GAO.

Land Management Law Enforcement Officers in Arizona Face Challenges in Protecting People and Resources

This illegal border-related activity poses dangers to law enforcement officers, other agency employees, residents, and visitors to national parks, forests, wildlife refuges, and tribal nations. For example, in August 2002, a National Park Service officer was shot and killed on national parkland while helping Border Patrol agents pursue two men suspected in a drug-related murder. A review board examining the incident found that “Illegal smuggling activities . . . are threatening the existence of the park and the fundamental agency mission to protect its employees, visitors and resources.”¹⁰ In addition, law enforcement officers have been attacked on federal borderlands in Arizona, and officers and their families have been the subject of threats. In some cases, smugglers are escorted across federal lands by heavily armed scouts who are equipped with automatic assault weapons, encrypted radios, and night vision optics. Due to potential dangers, land management agencies require their law enforcement officers to wear bulletproof vests and carry assault weapons while on duty.

Incidents reported on federal borderlands in Arizona include break-ins at employees’ homes, visitor carjacking, assaults, and robberies. Employees and visitors have been run off the road by smugglers traveling at high speeds. Certain federal lands can no longer be used safely by the public or federal employees, according to a 2002 report on the impacts of undocumented aliens crossing federal lands in Arizona, due to the significance of smuggling illegal aliens and controlled substances in the United States.¹¹ The Forest Service reported in 1999 that it designated over 400,000 acres on one property as a “constrained area”—not safe to use or occupy because of high levels of illegal activity.

People seeking to enter the United States illegally, whether on their own or accompanied by alien smugglers, also face danger. In fiscal year 2003, about 150 undocumented aliens died trying to cross Arizona borderlands—139 within the Border Patrol’s Tucson sector, alone, which is responsible for most of Arizona’s border with Mexico. In the Tucson sector, the number of deaths associated with illegal crossings has been increasing annually since fiscal year 1999, when 29 such deaths were recorded. The

¹⁰*Report of Board of Review: Organ Pipe Cactus National Monument, Murder of Park Ranger Kris Eggle*, (Jan. 2003).

¹¹*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona*, (April 2002).

majority of these immigrants succumbed to dehydration and heat exposure in remote stretches of Arizona's western desert, often during the harsh summer months.

Illegal border activity on federal lands not only threatens people, but endangered species and the land, itself. Illegal aliens and smugglers have created hundreds of new trails and roads while crossing borderlands (see figs. 3 and 4), and in doing so have destroyed cactus and other sensitive vegetation that can take decades to recover, including habitat for endangered species, according to a report on the impacts of undocumented aliens crossing federal lands.¹² These roads and trails disturb wildlife, cause soil compaction and erosion, and can impact stream bank stability. According to the report, vehicles abandoned by smugglers are routinely found on federal lands and are not only expensive to remove, but towing them from remote areas can result in additional resource damage (see fig. 5). Tons of trash and human waste are left behind each year, affecting wildlife, vegetation, and water quality. According to the Tohono O'odham Nation, located along Arizona's Mexican border, illegal border crossers left behind close to 4,500 abandoned vehicles in fiscal year 2002 and an estimated 4 million pounds of trash each year as they crossed over the lands (see fig. 6). According to the Tohono O'odham Nation Police Department, it removed over 7,000 such vehicles in 2003. One land management official described another federal property on Arizona's border as so unsafe and with resources so destroyed that it is now primarily used for illegal activities and no longer visited by the legal public.

¹²*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, (April 2002).*

Figure 3: One of Hundreds of New Trails Created by Illegal Aliens or Smugglers on Federal Lands in Arizona



Source: Department of the Interior.

Figure 4: Illegal Roads Created by Illegal Aliens or Smugglers Crossing Federal Lands in Arizona



Source: Department of the Interior.

Figure 5: Vehicle Abandoned by Illegal Aliens or Smugglers on Federal Land in Arizona



Source: Department of the Interior

Figure 6: Accumulated Trash Left by Illegal Aliens or Smugglers on Tohono O’odham Indian Reservation in Arizona



Source: GAO.

The volume of illegal activities on federal borderlands poses resource challenges in addition to risks. Land management law enforcement officials told us that responding to increasing levels of illegal drug smuggling and border crossings into Arizona have diverted their staff from more traditional law enforcement activities, such as routine patrols, traffic control, and wildlife enforcement activities.

Finally, illegal border activity is affecting federal lands beyond those immediately along the border and creating law enforcement challenges there. For example, a Bureau of Land Management property we visited in Arizona, Ironwood Forest National Monument, sits more than 60 miles north of the Mexican border, adjacent to the northeast boundary of the Tohono O’odham Indian Reservation, yet Bureau officials told us it shares many of the border-related problems of federal lands right on the border. (See fig. 2.) Bureau officials told us that as a result of one officer being nearly run over by illegal aliens in vehicles, as well as other assaults on officers, the Bureau requires that officers travel in patrol teams (two vehicles) to help ensure their safety. The monument’s vulnerable ecosystem, with over 600 animal and plant species—some of them endangered—has been damaged by illegal border traffic. According to Bureau officials, smugglers and other illegal aliens in route from Mexico have established more than 50 illegal roads through the monument that

damage plants. In addition, the illegal aliens and smugglers have abandoned about 600 vehicles each year and leave behind waste that creates biohazards.

Agencies Attribute Increased Illegal Activity on Federal Lands in Arizona to Border Patrol's Strategy

According to land management agency and Border Patrol officials, the increased drug trafficking and illegal immigration on federal lands in Arizona, and the challenges they present for law enforcement, are a consequence of the Border Patrol's increased enforcement efforts to deter illegal entry along other parts of the Arizona border. In fiscal year 1995, the Border Patrol began increasing the number of agents and resources it deployed to its Tucson sector in Arizona. From fiscal years 1993 to 2004, the number of Border Patrol agents grew more than sixfold—from about 280 to about 1,770 agents—in keeping with its strategy of prevention through deterrence. In addition to deploying more agents, the Border Patrol installed fencing, lighting, and remote video surveillance system sites to deter and detect illegal entry. The Border Patrol focused these resources primarily in more populated areas with a history of illegal traffic—first in the area around the Nogales, Arizona, port of entry, and later, in the areas surrounding the Douglas and Naco, Arizona, ports of entry, in response to increased illegal alien apprehensions (see fig. 2). The strategy has resulted in a reduction in illegal alien apprehensions in these areas but, according to the Border Patrol, the Tucson sector continues to experience the highest levels of illegal cross border activity of any sector in the country. In 2003, agents in the Tucson sector apprehended about 366,000 illegal aliens attempting to cross the Arizona border.

Land management agency and Border Patrol officials told us that as a result of increased enforcement efforts in these areas, much of the illegal traffic has shifted to federal lands, where Border Patrol resources are fewer. Although the intent of the Border Patrol strategy is to eventually deploy enough resources to deter illegal entry along the entire state border, resources have yet to be concentrated on federal borderlands, which comprise the majority of Arizona's border with Mexico. For example, the strategy calls for installing barriers and fencing, where appropriate, to deter illegal entry. Although the Border Patrol has installed fencing along other sections of the state's border, the border along federal lands remains virtually wide open or marked by barbed wire fencing that is easily and frequently broken, as seen in figure 7. Furthermore, there are fewer law enforcement officers and Border Patrol agents to patrol these areas compared with other more populated parts of the border. Consequently, according to land management agency and Border Patrol officials, many undocumented aliens and smugglers who seek to enter the

country illegally and evade detection have found remote, less-patrolled and unrestricted federal lands increasingly attractive. These officials are also concerned that would-be terrorists could enter this country undetected through federal lands.

Figure 7: International Border Fence on Federal Land in Arizona, Presumed Damaged by Illegal Aliens or Smugglers



Source: GAO.

This is not the first time the implementation of the Border Patrol's strategy has shifted illegal activity to other locations. Part of the strategy has been to shift illegal traffic to areas that are more remote and more difficult to cross. In 1999, we reported that implementing the strategy and deploying resources in traditionally high entry points like San Diego, California, and El Paso, Texas, had several anticipated interim effects, including shifting illegal alien apprehensions to other border locations.¹³ In 2001, we reported that in implementing its strategy in other locations along the Mexican border, the Border Patrol found many aliens risked injury and death by trying to cross mountains, deserts, and rivers in attempting to illegally enter the United States. At that time, officials told us that as traffic shifted, they did not anticipate the sizable number that attempted to enter

¹³U.S. General Accounting Office, *Illegal Immigration: Status of Southwest Border Strategy Implementation*, [GAO/GGD-99-44](#) (Washington, D.C.: May 19, 1999).

through these harsh environments. We further reported that when the Border Patrol's Tucson sector began increasing enforcement in Nogales, Arizona, it anticipated illegal alien traffic would shift to Douglas, Arizona, but at the time the sector did not have enough agents to simultaneously build up its agent resources in both Nogales and Douglas.¹⁴ During our visit to the sector in August 2003, Border Patrol officials told us that these areas remain challenging with respect to deterring illegal entry.

According to land management agency officials, they were unprepared for the increased illegal border activity on their lands. They said the Border Patrol did not coordinate with them when it began implementing its strategy in Arizona. For example, the Border Patrol did not share its deployment plans nor alert land management agencies that these increased enforcement efforts in populated areas might have the effect of shifting illegal activity onto federal lands. Border Patrol officials in the Tucson sector told us they were surprised when their border strategy resulted in so much illegal activity shifting to these federal lands; rather, they had expected the remoteness and harsh conditions found across much of these areas would deter illegal crossings. Border Patrol officials told us that despite the "gravity" of problems on these federal lands, these lands have not been the sector's priority. In keeping with its strategy, the Border Patrol's priority has been to first focus on more populated areas where there is more illegal traffic so that they can reduce the impacts of illegal border activity on area residents.

Border Patrol officials say they are taking steps to address some of the effects of their strategy in Arizona. During the spring and summer of 2003, the U.S. Attorney's Office in Arizona spearheaded a joint effort by state; local; tribal; and federal agencies, including the Border Patrol and land management agencies; to reduce the number of immigrants who die each summer crossing the Arizona desert and cut crimes associated with smuggling. As part of this effort, the Tucson sector temporarily moved some of its agents and equipment to areas on or near several federal borderland locations in the western desert region of Arizona—Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and the Tohono O'odham Indian Reservation. In March 2004, as part of another joint effort to control illegal immigration and reduce migrant deaths, the Border Patrol announced plans to deploy 260 additional Border Patrol

¹⁴U.S. General Accounting Office, *INS' Southwest Border Strategy: Resource and Impact Issues Remain after Seven Years*, [GAO-01-842](#) (Washington, D.C.: Aug. 2, 2001).

agents to the Tucson sector, including temporarily assigning 60 agents from other sectors for the summer months. According to a Border Patrol official, some of these agents—60 on temporary assignment and 75 on permanent assignment—will be deployed to Arizona’s western desert, where the vast majority of land is federally owned or managed.

In Washington, Federal Lands Have Been Less Affected by Border Patrol Strategy, but Officials Are Concerned that Illegal Activity Will Increase

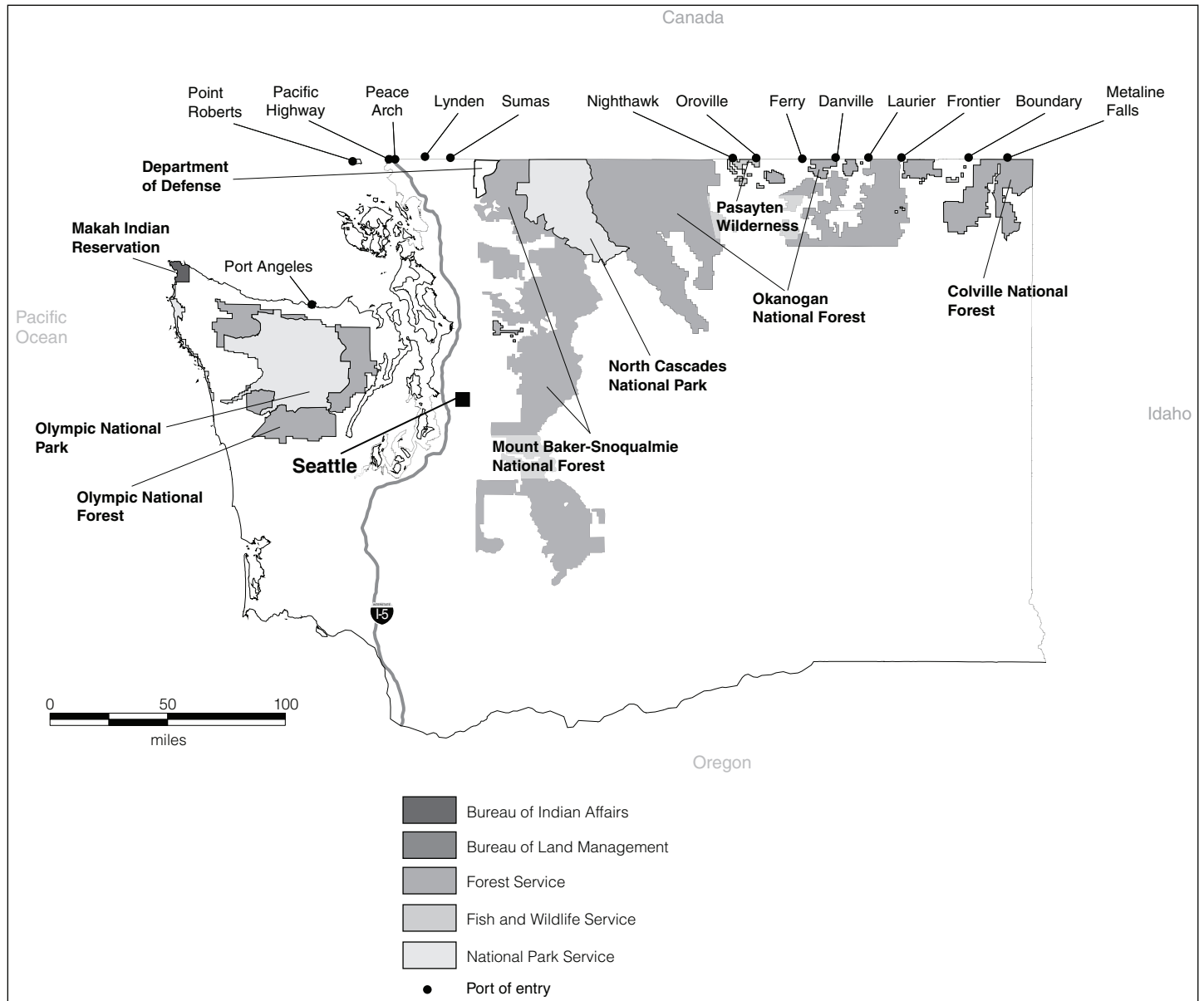
Overall, evidence suggests federal lands on the Canadian border have not been affected by the Border Patrol’s strategy to the extent they have in Arizona, where the Border Patrol has deployed much higher concentrations of resources. For example, the level of illegal border crossings in Washington pales in comparison to those in Arizona, based on statewide illegal apprehension data, which the Border Patrol uses as one measure of illegal activity. In 2003, the two Border Patrol sectors responsible for Washington apprehended about 2,300 illegal aliens, compared with about 422,000 illegal aliens apprehended in two Arizona sectors.¹⁵ Likewise, according to a drug threat assessment of Washington public lands in 2003, although there is smuggling of contraband across the Canadian border through public lands in Washington, the level of activity has resulted in very little impact to the environment.¹⁶ The Congressional Research Service reported in 2003 that “the southern border has seen more illegal activity over the years” than the Canadian border.¹⁷ (Fig. 8 identifies the location of federal borderlands in Washington, as well as designated ports of entry.)

¹⁵Arizona 2003 apprehension data are reported by Border Patrol’s Tucson sector (about 366,000 apprehensions) and Yuma sector (56,000 apprehensions). The Yuma sector covers border areas in western Arizona and a small area in eastern California.

¹⁶*Washington State Public Lands Drug Threat Assessment, 2003* (Northwest High Intensity Drug Trafficking Area, 2003).

¹⁷Congressional Research Service, *Border Security: U.S.–Canada Immigration Border Issues*, RS21258 (Washington, D.C.: May 21, 2003).

Figure 8: Map of Washington Identifying Federal Lands and Ports of Entry along the Canadian Border



Source: GAO.

Since September 11, Congress has appropriated funds to deploy additional technology and Border Patrol agents along the Canadian border, adding about 630 more agents to bring the total number agents to 1,000. In Washington, this translates to an increase in the number of Border Patrol

agents stationed in two sectors by 155 agents over fiscal years 2002 and 2003. In addition, the Border Patrol installed additional ground sensors and a remote video surveillance system covering 43 miles. Following a similar strategy employed along the Mexican border, the additional agents and technology improvements have generally been deployed to the more populated areas near the ports of entry—not on remote federal lands. In addition, since September 11, the U.S. Customs and Border Protection has shored up enforcement efforts at ports of entry by increasing the number of inspectors and deploying more technology. According to a Department of the Interior official stationed on the Canadian border, increased staffing and improvements in technology both at and near Canadian border ports of entry appear to have forced smuggling activities to more remote locations, such as the properties managed by Interior.

Land management officials in Washington with whom we spoke expressed concern that as enforcement efforts increase in populated areas along the Canadian border, illegal activity—particularly drug smuggling—will continue to shift onto the more remote federal lands. According to the Interior official mentioned above, although only certain locations have experienced an increase in smuggling activity, it is only a matter of time before other Interior lands are affected, too. A Border Patrol official in Washington explained that as a result of concentrating resources around one port of entry, drug smugglers are searching for locations with the least resistance and moving their activities onto nearby federal lands. National Park Service and Forest Service law enforcement officials in Washington were concerned that if enforcement resources continue to be deployed both at and near ports of entry, remote locations—like federal lands—will continue to see an increase in illegal activity.

Park Service officials in Washington consider drug smuggling across the Canadian border through federal lands to be a problem that shows little sign of slowing. Law enforcement officers there are especially concerned with the smuggling of high-quality marijuana grown in British Columbia into the United States from Canada (see fig. 9). In addition, since the September 11 terrorist attacks, the Congress and others have been particularly concerned about the potential for terrorists to enter the United States across the vast, largely unpatrolled, stretches of the Canadian border. As the Congressional Research Service recently reported, the southern border has seen more illegal activities over the years, but there has been growing concern over the insufficient number of

personnel assigned to the Canadian border, the increasing level of illegal activity that takes place there, and the potential for terrorists to sneak into the United States across the Canadian border.¹⁸ In Washington, land management law enforcement officers also voiced concerns that would-be terrorists might enter the country through their federal lands. According to the Washington public lands drug threat assessment, the potential threat to national security is a grave concern because these borderlands serve as smuggling routes for contraband, including drugs, weapons, and currency.¹⁹

Figure 9: Snowmobile Towing Boat with Marijuana Load over Ice on Federal Land in Washington along the Canadian Border



Source: Department of the Interior.

Land management agency and Border Patrol officials point out that a limited law enforcement presence along the Canadian border has made it difficult to assess the scope of crimes, notably drug smuggling, that occurs on the border and on federal lands. The vast mountain ranges, waterways, and often inaccessible terrain that cover much of the Canadian border only adds to the difficulties quantifying the extent of the problem. In 2000,

¹⁸*Border Security: U.S.-Canada Immigration Border Issues* (Congressional Research Service, May 2003).

¹⁹*Washington State Public Lands Drug Threat Assessment, 2003* (Northwest High Intensity Drug Trafficking Area).

the Department of Justice’s Office of Inspector General reported that the Border Patrol could not accurately quantify how many illegal aliens and drug smugglers it fails to apprehend because it lacked the resources to monitor the Canadian border.²⁰ Even with 1,000 Border Patrol agents along the 4,000-mile Canadian border, the Border Patrol’s presence is relatively sparse compared with the Mexican border, where 9,700 agents patrol 1,900 miles.

Land Management Agencies Say Law Enforcement Resources for Borderlands Have Not Kept Pace with Illegal Activity

Land management agencies have received varying levels of law enforcement staffing and resource increases to address the effects of illegal border-related activity. Officials from all five land management agencies we reviewed said that staffing and resource levels have not kept pace with the increases in illegal border activities affecting their lands and have been insufficient to address the full impact of these activities. We did not independently assess their proposals or the adequacy of the funds they received. However, we discussed these proposals with representatives of the Office of Management and Budget (OMB)—the executive branch office that helps prepare the federal budget. While they declined to comment on specific budget decisions, they explained that the administration’s budget is a result of a deliberative process between agencies and OMB, during which agencies decide how to prioritize limited resources.

Between September 2001 and September 2003, regarding four of the five land management agencies we reviewed, excluding Bureau of Indian Affairs, officials estimated that their combined law enforcement staffing levels declined by about 2 percent—from an estimated 2,526 full-time officers to 2,472 full-time officers nationwide.²¹ This included officers stationed in the interior of the country as well as border locations. While these four agencies collectively experienced a decline of 54 officers at the national level, law enforcement staffing levels along the Mexican border increased by about 25 officers, from an estimated 76 to 101 full-time officers. Law enforcement staffing along the Canadian border increased by about 6 officers, from an estimated 92 to 98 full-time officers for the four

²⁰*Border Patrol Efforts Along the Northern Border* (U.S. Department of Justice, Office of the Inspector General, 2000).

²¹The Fish and Wildlife Service is the land management agency we reviewed that relies heavily on collateral duty law enforcement officers—full-time employees who receive law enforcement training but spend less than 50 percent of their work hours performing law enforcement duties. The Service has been decreasing its number of collateral duty officers nationwide, while increasing its number of full-time officers.

agencies, combined. Thus, as of September 2003, these land management agencies had about 200 law enforcement officers on the Mexican and Canadian borders, combined. Bureau of Indian Affairs officials told us that about 50 law enforcement officers were stationed on tribal lands bordering Mexico in September 2001 compared to about 47 officers in September 2003. Regarding officers stationed on tribal lands bordering Canada, Bureau officials estimated 250 and 277 law enforcement officers, respectively, over the same time period.²²

Regarding the National Park Service, in 2000, the International Association of Chiefs of Police (IACP) conducted a study that focused on the responsibilities, capabilities, and requirements of the Park Service's law enforcement officers and found the law enforcement function to be understaffed and under-resourced. Its review of 35 national parks found "intolerable" officer safety conditions and a diminishing capacity to protect visitors and natural resources. As such, the study recommended "an aggressive program of staff augmentation and resource leveraging initiatives," including the addition of 615 full-time law enforcement officers nationwide—roughly the equivalent to the number of Park Service officers who do not work year round. According to the study, replacing these seasonal officers with full-time officers would almost triple the Park Service's law enforcement capacity supplied by seasonal officers.²³

Other assessments have focused on specific National Park Service borderland properties. For example, in 2002, at the request of the House Committee on Appropriations, the Park Service—one of four land management agencies that provided cost estimates—estimated it would need about \$844,000 for law enforcement and safety and about \$268,000 for maintenance and resource management to mitigate and prevent environmental damage for 1 year²⁴ caused by illegal immigrants crossing through Park Service properties in southeast Arizona and to restore safe

²²Bureau of Indian Affairs staffing data are based on tribal self reporting and were not verified by Bureau staff.

²³*Policing the National Parks: 21st Century Requirements* (International Association of Chiefs of Police, October 2000).

²⁴The agencies estimated their 5-year costs. We have included only first year estimates.

public use and management of these lands.²⁵ This estimate addressed the needs of four Park Service properties affected by illegal border activity in southeast Arizona, including one directly on the border. In another border area of Arizona, a multiagency review board found that “Understaffing of [law enforcement officers] has compromised employee and visitor safety, and reduced the capability of the park to protect natural and cultural resources.”²⁶ Along the Canadian border, the Park Service found in 2003 that one of its parks was staffed at about half of the level needed. Its needs assessment, which included such elements as visitation patterns and trends, criminal activity, and current staffing, concluded that the park needed about 8 additional officers.

In fiscal years 2003 and 2004, combined, the Park Service received an increase of about \$2.4 million for law enforcement and resource protection at specific border parks along the Mexican and Canadian borders. These funds were to support the total equivalent of 25 additional full-time positions to be allocated among six parks along the Mexican border and about 8 additional officers for one park along the Canadian border. The administration’s fiscal year 2005 budget includes \$1.5 million to support 18 additional full-time law enforcement positions for six Mexican border area parks and two Canadian border area parks.²⁷

In 2000, in response to concerns over the noticeable deterioration of natural resources from increased illegal border traffic at Organ Pipe Cactus National Monument in Arizona, the National Park Service regional office responsible for the park conducted a review of border-related protection issues and concluded that increased staffing and a vehicle barrier were needed. However, this project was not included in the Park Service’s official 5-year construction plan at that time. In 2002, before

²⁵*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona* (April 2002). The Environmental Protection Agency also reported cost estimates, but we excluded them from the information we present in this report. Because Organ Pipe Cactus National Monument, Cabeza Prieta Wildlife Refuge, and most of the Tohono O’odham Indian Reservation, are not located in the southeastern portion of Arizona, they were not addressed in the report or included in its cost estimates.

²⁶*Report of Board of Review: Organ Pipe Cactus National Monument, Murder of Park Ranger Kris Eggle*, (Jan. 2003).

²⁷In addition, the Park Service received additional funds for two southeast border parks in Texas and Florida in fiscal year 2004, and the administration’s fiscal year 2005 budget included additional funds for one of these two parks.

action on the barrier was taken, a Park Service officer was shot and killed in the line of duty in Organ Pipe. According to a Park Service official, the agency subsequently raised the issue of funding for the vehicle barrier, and a congressional conference report provided \$7 million in fiscal year 2003 for the first phase of the project.²⁸ The administration's fiscal year 2004 budget requested another \$4.4 million for this project, which the Park Service subsequently received.²⁹ In its fiscal year 2004 budget justification, the Park Service said it needed 32 miles of vehicle barrier to eliminate illegal vehicle entry from Mexico, thereby improving the safety and welfare of employees and visitors and allowing for the recovery of much of the disturbed acreage.³⁰ The administration's fiscal year 2005 budget request includes the final \$6.6 million needed to complete this \$18 million construction project.

Regarding the Fish and Wildlife Service, IACP also conducted a nationwide study of 27 refuges in the National Wildlife Refuge System (within the Fish and Wildlife Service) in 2000, and concluded that that an increase in law enforcement officers, particularly full-time officers, was justified. Only about 10 percent of the National Wildlife Refuge System's 602 officers were full-time, resulting in a workforce equivalent to 244 full-time officers. The report considered this level of staffing to be "modest" at a time when officer demands, including drug trafficking and illegal alien activity, were increasing.³¹ In a study focusing on southeast Arizona, the Fish and Wildlife Service estimated in 2002 that it would need about \$1.8 million for law enforcement and safety expenditures and about \$1.5 million for maintenance and resource management costs to mitigate and prevent environmental damage for 1 year caused by illegal immigrants

²⁸H.R. Conf. Rep. 108-10 (2003) accompanying the Department of the Interior and Related Agencies Appropriations Act, 2003, P.L. 108-7.

²⁹H.R. Conf. Rep. 108-330 (2004) accompanying the Department of the Interior and Related Agencies Appropriations Act, 2004, P.L. 108-108.

³⁰In addition to constructing a vehicle barrier along the 30-mile international border of Organ Pipe, the Park Service planned to construct a 2-mile long barrier, as a preventative measure, along the border of another Arizona property—the Coronado National Memorial—with border-related problems similar to those of Organ Pipe. Subsequently, the Park Service was able to reduce the length of the barrier at Coronado to about 1 mile by relying on natural barriers.

³¹*Protecting the National Wildlife Refuge System: Law Enforcement Requirements for the 21st Century* (International Association of Chiefs of Police, December 2000).

crossing through three properties along the border in southeast Arizona and to restore safe public use and management of these lands.³²

The administration's fiscal year 2005 budget request for the Fish and Wildlife Service includes a request for an additional \$3 million for the National Wildlife Refuge System's law enforcement budget—\$900,000 of which is identified for borderlands. However, according to an agency official, this is half the amount the National Wildlife Refuge System said it needed for border law enforcement. If approved, the official said these funds will be used to hire five refuge officers for the Mexican border (four to be deployed in Arizona) and two to support operations on the Gulf Coast.

National Wildlife Refuge System officials told us that they developed a proposal to construct a vehicle barrier along the Mexican border of its Cabeza Prieta National Wildlife Refuge, immediately to the west of Organ Pipe Cactus National Monument. Based on the experience of how the Border Patrol's strategy resulted in a shift in illegal traffic in Arizona, the Fish and Wildlife Service anticipates that once Organ Pipe's barrier is in place, much of the park's illegal border traffic will be diverted to the adjacent Cabeza Prieta refuge. Thus, to protect its own resources, the Fish and Wildlife Service wants to extend the park's barrier onto its refuge and has said it needs \$2 million in fiscal year 2005 for planning and design—the first of three project phases. The Fish and Wildlife Service estimates the project's total cost will be between \$15 million and \$26 million. The administration's fiscal year 2005 budget request does not include funds for this project.

In 2002, the Bureau of Land Management, at the request of the House Committee on Appropriations, estimated it would need about \$2.3 million for law enforcement and safety expenditures and about \$1.5 million for maintenance and resource management costs to mitigate and prevent environmental damage for 1 year caused by illegal immigrants crossing through four properties along the border or affected by illegal border activity in southeast Arizona and to restore safe public use and

³²*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona (April 2002).*

management of these lands.³³ As a result of these estimates, the House Appropriations Committee provided \$2 million in fiscal years 2003 and 2004, combined, to restore these lands.³⁴ After further congressional action and a rescission, the Bureau received about \$1.5 million for these 2 years, combined. According to the Bureau, it has used the funds primarily to remove tons of trash and abandoned vehicles; to repair damaged fences, gates, roads and washes resulting from illegal aliens and smugglers crossing federal lands; and to increase security for crews working in remote areas and to provide emergency care for those found in distress.

In fiscal year 2004, the Bureau of Land Management also received \$2 million to increase protection on its lands within 100 miles of the borders. The Bureau is using the \$2 million for, among other things, five additional law enforcement officers—four on the Mexican and one on the Canadian border—and to support those officers with vehicles, gear, and interagency dispatch technology to better track the location of all officers in border areas. According to an agency budget official, the Bureau has not received the \$1.5 million it proposed after the September 11 terrorist attacks for increasing patrols on other remote public lands or other funding proposals to upgrade and replace firearms and radios, and procure satellite telephones and special equipment that would aid all officers, including those along the borders. Agency officials told us that, as a result, they continue to repair equipment that should be replaced. The administration's fiscal year 2005 budget does not include any funding for the Bureau's borderlands.

Regarding law enforcement on tribal lands, the IACP held a summit in 2001 on improving safety and issued numerous recommendations that included increasing funding for tribal law enforcement. That same year, the National Institute of Justice issued a report citing existing research that suggested tribes have relatively fewer officers compared to non-Indian communities, but that this comparison may underestimate needs

³³*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona* (April 2002).

³⁴H.R. Rep. 107-564 (2003) and H.R. Rep. 108-195 (2004) accompanying the Department of the Interior and Related Agencies Appropriations Bills for fiscal years 2003 and 2004.

because the violent crime rate for tribal lands is about two and half times the rate for the nation.³⁵

Regarding tribal lands, the Tohono O’odham Nation Police Department estimated it spent about \$3.4 million in fiscal year 2003 on activities directly related to illegal border activity on its land. This included processing drug smuggling cases, towing stolen vehicle abandoned by smugglers, investigating deaths and homicides, and conducting autopsies. According to Tohono O’odham officials, the Nation wants to recoup these costs, either through direct funding to the Nation, or through responsible law enforcement agencies. The administration’s fiscal year 2005 budget includes \$1.4 million specifically for law enforcement for the Tohono O’odham Nation. According to Bureau of Indian Affairs officials, this amount will not cover the annual cost of addressing the Nation’s border-related problems. The officials also noted that the St. Regis Band of Mohawk Indians of New York, located on the Canadian border, has serious, longstanding illegal activity that is border-related. The St. Regis Band of Mohawk Indians has said it needs \$600,000 for its tribal police department, but the administration’s fiscal year 2005 budget does not include such funding.

The Forest Service estimated in 2002 that it would need about \$2.6 million for law enforcement and safety expenditures and more than \$12 million for maintenance and resource management costs to mitigate and prevent environmental damage for 1 year caused by illegal immigrants crossing through a national forest in southeast Arizona and to restore safe public use and management of this property.³⁶ Officials said they developed funding proposals for, among other things, a border security coordinator, on-site DHS liaisons for the Canadian and Mexican borders, and an image-based remote sensing system to be placed along national forest border locations. However, the administration’s fiscal year 2005 budget for the Department of Agriculture does not include such funding.

³⁵*Policing on American Indian Reservations* (U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, July 2001). This report refers to violent crime rate data based on 1992-1996 data from another report, *American Indians and Crime* (U.S. Department of Justice, Bureau of Justice Statistics, February 1999).

³⁶*Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona* (April 2002).

OMB representatives said that some of the funding land management agencies have proposed has not been consistent with their missions. OMB representatives explained that when considering agency requests for funding, they focus on each agency's mission and how requests relate to mission. OMB staff indicated that they view the construction of vehicle barriers along federal properties to be primarily in keeping with the Border Patrol's border security mission and generally not land management agencies' mission. The administration's budgets for fiscal years 2004 and 2005 requested funds for the National Park Service to complete a vehicle barrier initially funded in fiscal year 2003 as specified in the conference report to the Department of the Interior appropriations act for 2003. However, the administration's fiscal year 2005 budget did not request funds for the Fish and Wildlife Service to begin constructing a similar vehicle barrier on its neighboring property. From the land management agency officials' perspective, the distinction between border security and resource protection is not always clear. In the case of barriers, both the Park Service and the Fish and Wildlife Service consider vehicle barriers for their Arizona properties necessary to carry out their mission of protecting resources and people—not to perform a border security mission.

Border Strategies and Activities Are Not Well-Coordinated, but Efforts to Improve Are Underway

Although enhancing the coordination of law enforcement activities along the Mexican and Canadian borders is a goal of DHS at the department level and of the Border Patrol, at the agency level, broad strategic coordination and information sharing has been minimal. Land management agency and Border Patrol officials have made efforts to improve coordination of law enforcement resources on federal lands in Arizona and have identified issues, such as Border Patrol's access to environmentally sensitive federal lands, that can be worked on in a collaborative manner. Despite these efforts, land management agencies told us about instances in the field where coordination could be improved. As a result of limited coordination, land management agency and Border Patrol officials told us that threats may not be fully assessed, limited funds may not be efficiently used, and deployment of personnel and other resources may be inefficient or negatively affect other agencies.

DHS's first departmentwide strategic plan, issued in February 2004, includes objectives to "Secure our borders against terrorists, means of terrorism, illegal drugs and other illegal activity..." and to "Ensure national and international policy, law enforcement and other actions to prepare for and prevent terrorism are coordinated." The plan states that DHS "...will effectively coordinate and communicate with other federal agencies; and,

state, local and tribal governments; the private sector, and the American people. Increasing and coordinating information sharing between law enforcement, intelligence and military organizations will improve our ability to counter terrorists everywhere.”

In keeping with the broad-based plan citing coordination among federal agencies as a goal, Border Patrol officials said that more detailed documents—such as the Border Patrol strategic plan and implementation plans—will specify detailed instructions and action items regarding which agencies are involved and how these agencies are to coordinate their efforts. According to Border Patrol officials, they plan to eventually add a component to their strategic plan, which focuses on coordinating its activities with land management agencies on federal borderlands. However, as of May 2004, the Border Patrol strategic plan and implementation plan were not yet issued.

Federal land management agencies have stated the need for, and importance of, enhancing the coordination of law enforcement activities with DHS generally and Border Patrol in particular. For example, Interior’s May 2003 draft International Border Coordination Strategy emphasizes that that coordination with DHS is vital, and states, “DOI’s [Department of the Interior’s] strategy of protecting the integrity of its borderlands involves close cooperation with the Department of Homeland Security....Overall, it is DOI’s intention to work closely with all relevant and affected parties in the formulation and implementation of a realistic, responsive, and effective strategy that responds to the challenges presented by illegal activities on its borderlands.”

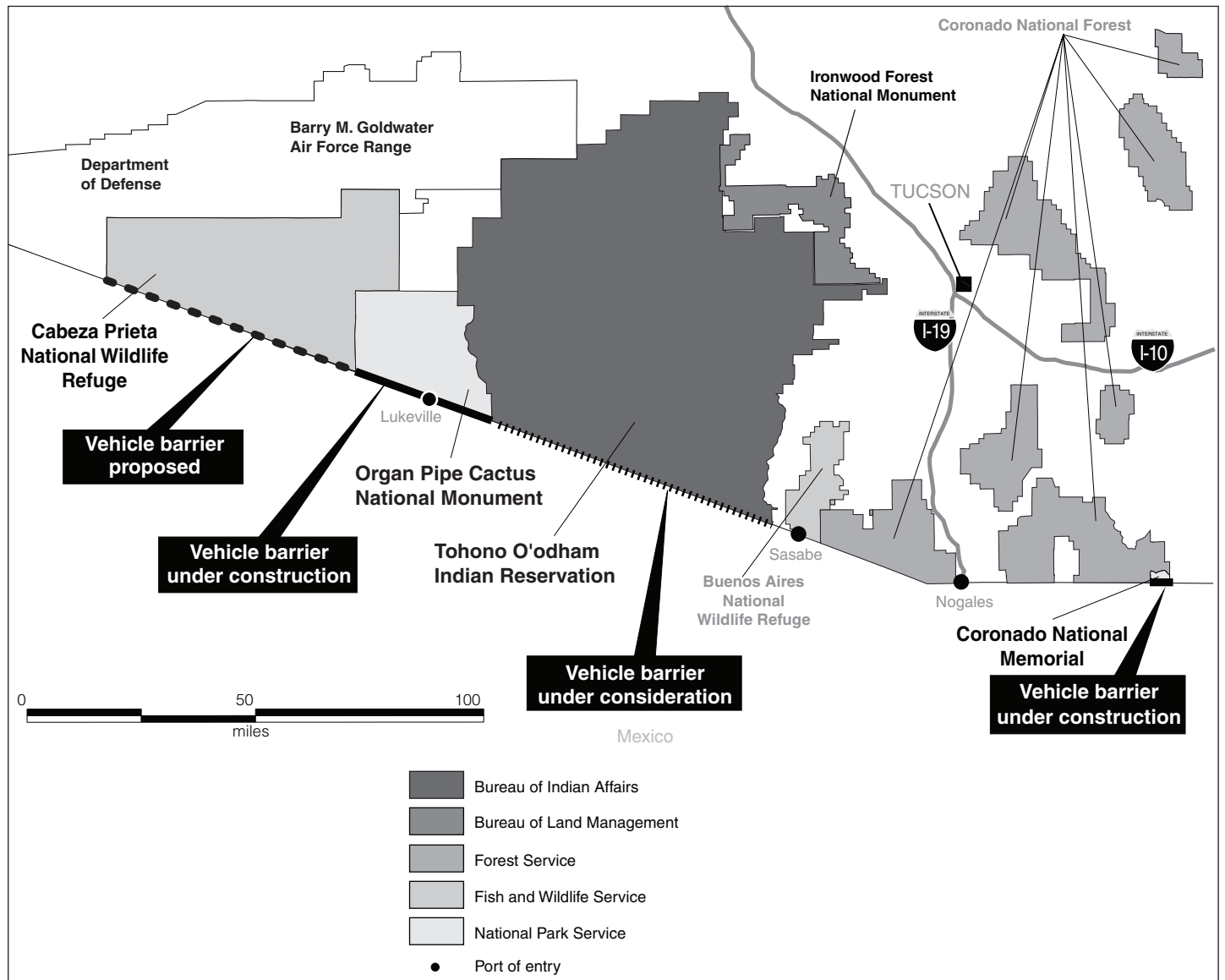
In addition, an Agriculture Inspector General’s report, dated January 2003, emphasized cooperative efforts and concluded, “...the Forest Service should coordinate with DHS to play a more active role in improving security on the Nation’s borders. Until DHS is fully staffed and operational, the Forest Service needs to actively participate with U.S. Customs and the U.S. Border Patrol in developing a cohesive, multiagency strategy for securing U.S. borders. Such a strategy would make the most efficient use of available Forest Service resources.” Generally, Forest Service headquarters and field officials agreed that a multiagency strategic approach is vital to improving border security. However, DHS, Interior and Agriculture officials told us that as of March 2004, agencies had not yet coordinated their strategies or developed a broad interagency approach at the national level to combat illegal activities along federal borderlands.

Our review found several areas where coordination and information sharing among Border Patrol and the land management agencies was minimal at both the Mexican and Canadian borders. For example, in the area of intelligence sharing, the Border Patrol did not coordinate with land management agencies on some matters of concern to the agencies. For example, while the Border Patrol has developed threat assessments in 2003 for areas along the Mexican and Canadian borders, many of which include vast areas of federal lands, Border Patrol officials told us that they have not shared these documents with the relevant land management agencies, nor worked with them in developing these assessments. None of the land management agency officials we interviewed during our audit site visits to Arizona and Washington were aware of the existence of Border Patrol's threat assessments, which included detailed assessments of their respective lands. All these land management officials told us that they would have liked to participate in the development of the threat assessments of their lands so that they could be better informed of intelligence related to incidents taking place on their lands and reports of potential threats. Additionally, they believed that they had particular knowledge of the terrain, infrastructure, and reports of illegal activities on their own lands that might be relevant to the Border Patrol's threat assessments. In addition, federal land management officials said that their agencies' incident reports might have been useful to the Border Patrol in preparing the various threat assessments.

Moreover, Border Patrol officials responsible for the threat assessments told us that they did not consult with any land management agencies in developing the assessments and that they did not know of any Border Patrol sector officials who had asked neighboring land management agencies for input. Most of the threat assessments for sectors along the Canadian and Mexican borders do not list land management law enforcement agencies under their listing of law enforcement agencies in their respective geographic areas. As one land management official pointed out, in his opinion, this oversight is an indication that the Border Patrol does not coordinate its activities with law enforcement agencies and does not see them as full partners in federal law enforcement efforts. When we asked about this omission, Border Patrol headquarters officials told us that future iterations of the threat assessments will be more inclusive of other federal law enforcement agencies with jurisdiction in the areas of interest, including land management agencies. They added that the land management agencies have valuable insights about protecting border areas, and the Border Patrol would be willing to coordinate with them in the future.

In the area of funding, land management agencies did not coordinate the funding, planning, and construction of an infrastructure project—namely, a vehicle barrier—that could help protect neighboring federal properties. National Park Service officials said that they were aware that constructing a vehicle barrier along Organ Pipe Cactus National Monument would shift more illegal traffic to their neighbors—the Fish and Wildlife Service’s Cabeza Prieta National Wildlife Refuge to its west and the Tohono O’odham Indian Reservation to its east—but did not inform these parties of their plans to construct the barrier until after their plans were underway. Similarly, the Park Service did not inform Forest Service officials at the Coronado National Forest about Park Service plans to construct a vehicle barrier at the Coronado National Memorial and that, as result, illegal traffic would likely shift to the Coronado National Forest (see fig. 10).

Figure 10: Locations for Vehicle Barriers Proposed and under Construction along the Mexican Border in Arizona



Source: GAO.

According to Department of the Interior officials, the Park Service did not adequately coordinate with officials from the parks' neighboring federal lands, and the idea of developing a coordinated funding proposal for a barrier that would extend onto neighboring federal lands was never considered. In March 2004, in order to protect the Nation from increasing

border crime, the Tohono O’odham Nation passed a resolution to support the construction of a vehicle barrier extending from the adjacent Organ Pipe property across the Nation’s border with Mexico. Thus, as one land management agency official pointed out, agencies are in effect proposing one long barrier in a piecemeal manner. The official noted that all these neighboring properties need protection, and the boundaries separating them are arbitrary.

OMB staff told us that they encourage agencies to coordinate funding proposals with each other when programs or activities are closely related to help ensure the most efficient use of taxpayer dollars. Although such coordination is not mandated, they said they look favorably on such efforts during the budget formulation process and would expect agencies to coordinate interrelated projects along the borders in future budget proposals.

In the area of staffing, Border Patrol and land management agency officials told us that they have never coordinated their deployment plans to explore the possibility of staffing efficiencies. In Arizona, there has been very little coordination or planning between the Border Patrol and land management agencies, even as border agencies’ staffing levels have increased in recent years. The Border Patrol did not consult with land management agencies or share its deployment plans for the additional 400 agents it received in 2003—some deployed to areas near federal lands along the Canadian border.

Some Efforts to Improve Interagency Coordination and Access Are Underway

Since the summer of 2003, land management agency officials and Border Patrol officials have been meeting to improve coordination among the federal agencies, and we attended some of these meetings. The meetings were held to identify issues that can be worked on in a collaborative manner to better accomplish their missions, particularly in Arizona. Agency officials involved in this effort told us that a congressional inquiry regarding the Border Patrol’s inability to access and effectively patrol certain federal lands in Arizona was the primary impetus for these interagency meetings. Department of the Interior officials told us they also plan to hold meetings with land management agency and Border Patrol officials at various Canadian border locations in the future. In addition, the Border Patrol officials told us that they have sponsored meetings with border tribal police departments in 2002 and 2003 to strengthen the law enforcement partnerships on tribal lands adjacent to the Mexican and Canadian borders.

As a result of these interagency meetings, the Border Patrol and land management agencies are working towards increasing Border Patrol's access to environmentally sensitive federal lands and began a 1 year pilot project in November 2003. The Buenos Aires National Wildlife Refuge, which is located along the Arizona border and has critical habitat areas but no designated wilderness areas, has struggled for several years to combat illegal activities across its land, according to the refuge manager. The Border Patrol is using all terrain vehicles and horse patrols as alternative methods to patrol the refuge in environmentally sensitive areas. After 1 year, this pilot project will be evaluated to see if it should be continued or expanded. According to a refuge official, while the Border Patrol has always had some presence on the refuge, the number of Border Patrol agents on the land has increased since the pilot project began.

To address issues regarding access to federally protected areas, such as wilderness areas, the Interior Deputy Assistant Secretary for Law Enforcement and Security, in February 2004, asked the department's Solicitor to review various legal issues on a national scale regarding the Border Patrol's access to federal lands. Currently, land managers use applicable environmental regulations and statutes to determine access and their interpretations can vary. Border Patrol officials told us the lack of consistent determinations of their access to federally protected lands has been frustrating. According to the Deputy Assistant Secretary, he has asked for the Solicitor's guidance and legal opinion to assist Interior land managers in developing a consistent, departmentwide approach when responding to Border Patrol requests for increased access to protected federal lands.

In commenting on our draft report, Interior officials told us that the Solicitor's Office had issued a letter to CBP's Office of the Chief Counsel in May 2004 that addressed, in part, one of the legal issues raised by the Deputy Assistant Secretary. The letter outlined Border Patrol's statutory authority to manage interdiction and related cross-border traffic issues on federal lands in Arizona on a 60-foot strip along the international border between the United States and Mexico. However, Interior officials told us that other issues involving Border Patrol access on federally protected lands, such as wilderness areas and federal lands along the Canadian border, are being handled on a case-by-case basis. A representative from the Solicitor's Office explained that since the laws and regulations were not the same for every federally protected land, determinations about the extent of Border Patrol access to those federal lands can vary, and a "common legal blueprint" is not possible. For example, the representative told us they were drafting three individual memorandums of

understanding between CBP and Interior regarding Border Patrol access for three separate federal lands in Arizona.

Interior and the Border Patrol have each designated border coordinators to support interagency coordination efforts. According to Forest Service officials, the Forest Service would like to also have a full-time border coordinator, but due to funding constraints, has assigned coordination tasks to an officer as one of several responsibilities. To help resolve land management officials' environmental resource protection-related concerns, Interior and Border Patrol coordinators have facilitated meetings in the field with land management and Border Patrol officials in Arizona. Forest Service officials have attended Interior and Border Patrol's coordination meetings at the headquarters level, but have limited staff available to participate in meetings, especially at the field level. Forest Service officials told us that they believe these meetings are important, and by not participating in them, they may be unaware of plans affecting their lands.

In addition, DHS officials, with the assistance of Interior officials, have drafted a declaration of principles to guide interagency efforts to enhance border security and control and prevent environmental degradation and lessen the threat of danger on land managed by Interior caused by illegal cross-border traffic. As stated in the December 2003 draft, DHS and Interior will work together on legislative initiatives, regulations, and funding initiatives to support mutual goals. An Interior official said the declaration is intended to provide the national guidelines and that probably officials in the field would develop more detailed and site-specific guidelines to direct interagency efforts in the field. As of March 2004, the draft declaration had not been finalized by DHS or Interior.

Law Enforcement Coordination at the Field Level Varies in Arizona and Washington

Although broad strategic coordination has been minimal, DHS Border Patrol and the land management agency officials told us during visits to Arizona and Washington about numerous instances where law enforcement efforts were coordinated at the field level among federal agencies. For example, at the field level, land management agency and Border Patrol officials worked together to allow Border Patrol agents to use horses to patrol a wilderness area close to a major smuggling route to which they would otherwise not have access. In order to allow the horses in a wilderness area, the Border Patrol fed the horses a special diet to ensure that the horses' manure would not introduce nonindigenous plant species. In another case, one land management law enforcement officer was providing training to some newly assigned Border Patrol agents. The

training included an orientation of the area, including restricted access areas, and environmentally sensitive areas of the land.

Another field land management official told us of being added to the Border Patrol's distribution of intelligence reports so that the official could be better informed of events taking place in and around the federal lands. The official told us that these intelligence reports contain information on drug seizures, suspicious vehicles, or reports of suspicious activities in the area, which was useful in identifying vulnerable areas along the border.

Border Patrol officials in Arizona described another case of how coordinated efforts can benefit both of the agencies involved. The Border Patrol set up "camp details" on the Tohono O'odham Indian Reservation as part of broader, multiagency effort to reduce migrant deaths in the summer of 2003. According to Border Patrol officials, as a result of these agents camping out on tribal land during the summer months, the Nation saw a 60-percent decline in illegal activity and a 40-percent reduction in medical cases referred to the Nation's hospital. This enforcement approach proved less intrusive than the Border Patrol's more traditional enforcement efforts.

Despite these examples of coordination, land management agency officials also told us about instances where coordination efforts could be improved at the field level. For instance, one land management official told us that significant officer and visitor safety concerns were raised when the Border Patrol did not alert federal land management officials of an impending special enforcement operation the Border Patrol executed on their land. The special enforcement operation included armed and camouflaged Border Patrol agents conducting clandestine surveillance operations on a federal land without alerting the land management agency. After hearing reports of suspicious activity, the land management law enforcement officers approached the Border Patrol agents, fortunately without incident. The land management agency official told us that both land management agency employees and visitors could have potentially been at risk because of this lapse in communication.

Law enforcement officer and visitor safety concerns were also elevated when land management officials were not notified of a Border Patrol temporary checkpoint set up a short distance from a federal land near a heavily used smuggling trail. As a result, illegal traffic was diverted into other parts of the federal land, thus increasing potential encounters with unsuspecting law enforcement officers. A land management official from

another agency told us that the Border Patrol did not coordinate when planning the deployment of infrastructure such as towers for remote video surveillance cameras on another federal land. The same official said that they may have been able to help expedite the necessary environmental requirements required to place these infrastructure on or near federally protected lands.

Conclusions

Given the enormous law enforcement challenges along the borders, the increased awareness about the threat of terrorists entering the country, and the need to maximize the effectiveness of limited government resources, it is critical that the Border Patrol and land management agencies closely coordinate their efforts to ensure that appropriate strategies and best use of limited resources are developed to respond to increased illegal border activity—in populated areas as well as rugged wilderness. Sharing information regarding threats, daily operations, funding plans for infrastructure and technology enhancements, and short- and long-term deployment plans, are all essential to maximizing efficiency and keeping all affected parties apprised of important information affecting them. Officials from all the agencies we reviewed agree that coordinating with each other is essential in carrying out their responsibilities and that they each bear some responsibility in ensuring this takes place.

The Border Patrol does not currently have the resources to control the borders in their entirety, nor do land management agencies have the resources to always enforce applicable laws or fully protect employees, visitors, and natural resources. In addition, no single department has responsibility for setting federal priorities for all lands located along the borders—for example, deciding whether concentrating on reducing illegal immigration in the most populated areas of the border or protecting resources on federal lands is the more immediate need. It is too soon to know whether the development of the Border Patrol's strategic plans at the national level, or a pilot project at the field level, will mean more effective law enforcement for all parties, but these appear to be steps in the right direction. However, without a coordinated, interagency approach along the Mexican and Canadian borders that takes into account a broader federal perspective, individual federal agencies will continue to consider and fund only their own priorities.

Recommendations for Executive Action

To help ensure that federal law enforcement resources are being effectively focused on the areas of greatest need along the Mexican and Canadian borders, we recommend that the Secretaries of Homeland Security, the Interior, and Agriculture require their respective law enforcement components to consult with each other when developing their strategic plans and accompanying implementation plans and to ensure these plans establish, at a minimum, goals regarding the following:

- Coordinating the development and sharing the results of threat assessments and other risk assessments of border areas encompassing federal lands.
- Coordinating the development of plans for infrastructure and technology improvements to be placed on or near federal lands.
- Coordinating and sharing information about changes in the number and uses of law enforcement personnel on or near federal lands and the potential consequences for all the agencies.

Agency Comments and Our Evaluation

We requested comments on a draft of this report from the Secretaries of Agriculture, Homeland Security, and the Interior, as well as the Attorney General and the Director of the Office of Management and Budget.

The Chief of the U.S. Forest Service responded for Agriculture and concurred with our findings and recommendations. The Forest Service said that as border initiatives take place at or near federal lands, it looked forward to more dialogue with the Department of Homeland Security. The Forest Service's comments are reprinted in appendix II.

DHS agreed with our overall observations and recommendations and said that it was taking steps to address issues raised in this report. To improve coordination between CBP and land management agencies, CBP stated that it was holding ongoing meetings to discuss how to share threat assessments, strategies and infrastructure plans, and changes in the number and uses of law enforcement personnel on or near federal lands. Further, officials from CBP and the land management agencies were meeting to develop memorandums of understanding regarding specific federally protected lands in Arizona to establish agencies' law enforcement access and define roles and responsibilities.

While we are encouraged by CBP's ongoing and planned actions in some areas, these actions are not fully responsive to our recommendations. We

are recommending that the agencies' strategic plans and accompanying implementation plans establish, at a minimum, goals regarding the sharing of threat assessments, coordination of plans for infrastructure and technology improvements on or near federal lands, and sharing of information about changes in the number and uses of law enforcement personnel on or near federal lands. While we acknowledge CBP's efforts to coordinate operations along the Mexican border in Arizona should have significant benefits, we continue to believe that specific goals in their strategic plans need to be established to institutionalize this interagency coordination and to help ensure that coordination is not episodic or limited to one border area. DHS's comments are reproduced in appendix III.

The Department of the Interior said that, in general, it agreed with the findings and recommendations in the report. It noted that since our audit work was completed, the Solicitor's Office has taken some steps to address land managers' concerns about how to respond to the Border Patrol's requests for access to federally protected areas, such as wilderness areas. The Solicitor's Office has determined that a "common legal blueprint" to guide land managers' response to requests for Border Patrol access to protected lands is not often possible; rather they have begun working with staff from CBP's Office of the Chief Counsel to address these issues on a case by case basis. Interior officials also provided technical comments on the report, which we incorporated as appropriate. Interior's comments are reproduced in appendix IV.

The Attorney General, U.S. Department of Justice, said that overall it found our report to be accurate. Justice also commented on the Federal Bureau of Investigation's (FBI) responsibilities related to several criminal violations occurring on or near the border areas. The FBI's jurisdiction includes violations occurring on federal reservations and tribal lands, as well as assaults on federal law enforcement officers, and drug and alien smuggling violations. Accordingly, Justice suggested that any strategic planning on the part of the Border Patrol or land management agencies include affected FBI field and headquarters offices so that FBI staff can be prepared for any shift in illegal activities in their area of jurisdiction. Although the FBI's role and responsibilities regarding border security was outside the scope of this report, we would support the inclusion of the FBI in strategic planning activities among federal agencies in border areas.

We received oral comments from representatives of OMB's Resource Management Office and Office of General Counsel on May 26, 2004. These representatives generally agreed with our findings and recommendations.

In addition, they noted that the Border Patrol is the federal agency with primary responsibility for securing the borders and, as such, it has received significant funds to carry out this responsibility. Our report discusses the roles and responsibilities of the Border Patrol, and the considerable law enforcement challenges faced by land management agencies in protecting resources and people from illegal border traffic. Because these agencies share law enforcement responsibilities along the borders, it is important that agencies coordinate their efforts to ensure the best use of federal resources. OMB representatives also provided technical comments, which we incorporated into our report as appropriate.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after its issue date. At that time, we will send copies of this report to interested congressional committees and subcommittees. We will also make copies available to others on request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staffs have any questions about this report or wish to discuss the matter further, please contact me at (202) 512-8777 or Michael Dino at (213) 830-1000. Additional contacts and key contributors to this report are listed in appendix V.



Richard M. Stana
Director, Homeland Security
and Justice Issues

Appendix I: Objectives, Scope, and Methodology

Objectives

We reviewed law enforcement challenges facing federal land management agencies that protect assets along the Mexican and Canadian borders. Specifically, this report discusses

- law enforcement challenges land management agencies face along the international borders in Arizona and Washington,
- the resources federal land management agencies and tribal nations have received to address border-related law enforcement challenges on federally managed lands, and
- how the Border Patrol and federal land management agencies coordinate their law enforcement efforts along the Mexican and Canadian borders and steps taken to meet joint challenges.

Scope and Methodology

To identify law enforcement challenges land management agencies face along the international borders in Arizona and Washington, we reviewed relevant reports and agency documents regarding the Border Patrol's strategy and, more broadly, reviewed relevant reports regarding federal agencies' law enforcement challenges nationwide, and specifically in border areas. In August and September 2003, we visited various federal lands in Arizona along the Mexican border and in Washington along the Canadian border because these areas had experienced the highest levels of illegal activities for each border. When visiting these federal lands, which included national parks and monuments, national forests, tribal lands, and wildlife refuges, we interviewed federal land management field and law enforcement officials and reviewed agency documents. We also toured these lands where we observed, among other things, environmental damage and a lack of barriers or fencing along international borders. During our field visits, we interviewed Border Patrol sector officials responsible for federal lands, and in Arizona, we interviewed the U.S. Attorney regarding his involvement in efforts to coordinate federal and other agencies with interests along the border. Additionally, we interviewed headquarters officials and analyzed agency documents from Interior's Office of Law Enforcement and Security, as well as the individual bureaus—Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, and National Park Service. We also interviewed officials and analyzed documents from the Department of Agriculture's Forest Service Office of Law Enforcement and Investigations and Department of Homeland Security's Border Patrol. As a measure of illegal activity, we cite Border Patrol data on the number of illegal aliens agents apprehended, which were compiled from a system used to process,

detain, and remove the aliens. To assess the reliability of these data, we interviewed agency officials knowledgeable about the data and determined that they were sufficiently reliable for the purposes of our report.

To determine the additional resources land management agencies received to address border-related challenges, we interviewed headquarters budget officials and analyzed budget-related documents. We did not independently assess their proposals or the adequacy of the funds they received. We interviewed representatives from the Office of Management and Budget to obtain their views on various budget issues. Regarding the land management agencies' staffing data, each agency provided estimates on the number of law enforcement staff on-board nationwide and the number stationed on federal borderlands for September 2001 and September 2003; estimates were used because precise data for these timeframes were not always available. To assess the reliability of these estimates, we interviewed agency officials knowledgeable about the data and, where available, reviewed existing reports about the data. We determined that these data were sufficiently reliable for this report. We reviewed reports regarding land management law enforcement staffing that were prepared by the Department of the Interior's Office of Inspector General, the Department of Justice's National Institute of Justice and Bureau of Justice Statistics, and the International Association of Chiefs of Police. We reviewed these reports' findings as well as their methodologies and found that they were sufficiently reliable for the purposes of our report.

To determine the extent that Border Patrol and federal land management agencies coordinated their law enforcement efforts along the Mexican and Canadian borders, we conducted site visits to Arizona and Washington to interview field officials from land management agencies and the Border Patrol. We interviewed headquarters officials and reviewed documents from the land management agencies and Border Patrol, including the Border Patrol Special Coordination Center. Furthermore, we reviewed these agencies' documents regarding their strategies, threat assessments, deployment plans, interagency agreements, and procedures and policies as they relate to law enforcement programs, and specifically border-related activities.

In order to assess ongoing interagency coordination efforts, we attended several meetings between land management agencies and Border Patrol from September 2003 through March 2004, and interviewed staff from DHS's Border and Transportation Security Directorate. Additionally, we

interviewed Interior's and Agriculture's Inspector General staff and reviewed relevant Inspector General reports.

For the background section of the report, we relied on the Department of the Interior's U.S. Geological Survey and the Department of Agriculture Forest Service's Geospatial Service and Technology Center data to determine the number of linear miles of federal lands along the borders (see fig. 1). The U.S. Geological Survey data were developed by using maps with a scale of 1:2,000,000 and included federal lands as of July 2001. The Geospatial Service and Technology Center data were reported as of July 2003 and estimated to be accurate to plus or minus 3 percentage points. Since these data were used for background purposes, they were not verified.

In this report, we did not include some of the land management agencies' significant law enforcement activities because we determined they were not within the scope of this review. For example, we did not include the Bureau of Reclamation or the National Park Service's U.S. Park Police within the Department of the Interior because they do not have significant amounts of property that lie on or near the Mexican or Canadian borders. Furthermore, the Fish and Wildlife Service's law enforcement programs for inspection activities at the ports of entry, in part, to monitor wildlife imports and exports, were determined to be outside the scope of this review. Although we include some data on federal land management agencies and their law enforcement programs nationwide, our review focused primarily on the law enforcement programs and activities near the Mexican and Canadian land border areas, excluding the Alaska-Canada border. Regarding the Border Patrol, while it has responsibility over the coastal areas near the Pacific and Atlantic Oceans and Gulf of Mexico, we limited our review to those activities on or near the Mexican and Canadian land border areas.

We conducted our work from July 2003 through March 2004 in accordance with generally accepted government auditing standards.

Appendix II: Comments from the Department of Agriculture



United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 5300/1450
Date: MAY 25 2004

Mr. Richard Stana
Director, Homeland Security and Justice Issues
U.S. General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Stana:

Thank you for the opportunity to review and comment on the draft General Accounting Office (GAO) Report, GAO-04-590, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*. The report identifies the need for better coordination between the Department of Homeland Security, Border Patrol and Land Management agencies. The Forest Service concurs with the audit finding and recommendations.

With more Department of Homeland Security border initiatives taking place at or near public lands, the Forest Service looks forward to more dialogue with this Department in the future.

Sincerely,


DALE N. BOSWORTH
Chief

cc: Ronald A Sprinkle, Sandy T Coleman, Christine Roye



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Appendix III: Comments from the Department of Homeland Security

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



**Homeland
Security**

June 3, 2004

Richard M. Stana
Director, Homeland Security and Justice Issues
U.S. General Accounting Office
441 G St., NW
Washington, DC 20548

Re: GAO-04-590, BORDER SECURITY: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands, May 2004, GAO Job # 440218

Dear Mr. Stana:

Thank you for providing us with a copy of your draft report entitled "BORDER SECURITY: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands", and the opportunity to discuss the issues in this report.

We agree with the General Accounting Office's (GAO) overall observations that the Bureau of Customs and Border Protection (CBP) should coordinate law enforcement efforts with other federal agencies along the nation's borders. We have taken, and will continue to take, prudent steps to address these factors. Attached are comments specific to the recommendations.

If you have any questions concerning this response, please contact Ms. Brenda Smith, Audit Liaison, at (202) 927-1507.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Dixon".

Anna F. Dixon, Director
Bankcard Programs and
GAO/OIG Liaison

Attachment

Department of Homeland Security Comments on GAO Draft Report

BORDER SECURITY: Agencies Need to Better Coordinate Their Strategies and
Operations on Federal Lands (GAO-04-590)

Response to Recommendations

To help ensure that federal law enforcement resources are being effectively focused on the areas of greatest need along the Mexican and Canadian borders, we recommend that the Secretaries of Homeland Security, the Interior, and Agriculture require their respective law enforcement components to consult with each other when developing their strategic plans and accompanying implementation plans.

CBP agrees with the recommendations and has taken the appropriate steps to implement the recommendations. Key actions are listed below:

Recommendation One:

Development and sharing of threat assessments and other risk assessments of border areas encompassing Federal lands.

Planned Corrective Action:

CBP Office of Border Patrol (OBP) is currently making threat assessments available through Operation Alliance. Through biweekly department level meetings, processes are being developed with Department of Interior (DOI) to facilitate the further exchange of threat assessments through a more standardized process.

Planned Completion Date: June 2004

Recommendation Two:

Coordination in the development of plans for infrastructure and technology improvements to be placed on or near Federal lands.

Planned Corrective Action:

OBP has and will continue to utilize the department level biweekly meeting process between CBP and DOI to develop and share strategies and resources to establish infrastructure and technology infrastructure. Have established both a Department level and regional level liaison officer to facilitate local and national infrastructure efforts.

Planned Completion Date: June 2004

Recommendation Three:

Coordination and sharing information about changes in the number and uses of law enforcement personnel on or near federal lands and the potential consequences for all the agencies.

Planned Corrective Action:

CBP, DOI and the U.S. Forest Service (USFS) have been coordinating efforts since May 2003 through formalized, biweekly departmental level meetings to identify ways to improve cooperation and communication in furtherance of each other's mission. Local Memorandums of Understandings (MOU) have been drafted in advance of a National MOU between DOI and CBP to establish law enforcement access and define roles and responsibilities on federal lands. Border tours and mission overviews have been provided to local, regional and department level DOI and USFS so that the staff could better understand CBP's mission. Operational initiative information and resource information are regularly discussed. Tactical and strategic level resource information to include personnel has and will continue to be shared with all involved entities including DOI.

Planned Completion Date: June 2004

Appendix IV: Comments from the Department of the Interior



United States Department of the Interior

OFFICE OF THE ASSISTANT SECRETARY
POLICY, MANAGEMENT AND BUDGET
Washington, D.C. 20240

MAY 28 2004

Mr. Richard M. Stana
Director, Homeland Security and Justice Issues
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Stana:

Thank you for providing the Department of the Interior the opportunity to review and comment on the draft U.S. General Accounting Office report entitled, "Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands," (GAO-04-590) dated May 6, 2004. In general, we agree with the findings, except as discussed in the enclosure, and agree with the recommendations in the report.

The enclosure provides specific comments from the Department's Office of Law Enforcement and Security, Solicitor's Office, Bureau of Indian Affairs, and the Bureau of Land Management. We hope our comments will assist you in preparing the final report.

Sincerely,

P. Lynn Scarlett
Assistant Secretary
Policy, Management and Budget

Enclosure

Appendix V: GAO Contacts and Staff Acknowledgments

GAO Contacts

Richard Stana, (202) 512-8777
Michael Dino, (213) 830-1000

Acknowledgments

In addition to the above contacts, Nancy Kawahara, Lori Weiss, and Gary Stofko made significant contributions to this report. Leo Barbour, Amy Bernstein, Michele Fejfar, and Nancy Finley also made key contributions to this report.

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