

GAO

Testimony

Before the Subcommittee on International Law, Immigration
and Refugees

Committee of the Judiciary

House of Representatives

For Release on Delivery
Expected at
9:30 a.m.
August 5, 1992

BORDER PATROL

Southwest Border
Enforcement Affected by
Mission Expansion and
Budget

Statement of
Harold A. Valentine
Associate Director
Administration of Justice Issues



055050/147284

SOUTHWEST BORDER ENFORCEMENT AFFECTED BY
MISSION EXPANSION AND BUDGET

SUMMARY OF STATEMENT OF
HAROLD A. VALENTINE, ASSOCIATE DIRECTOR
ADMINISTRATION OF JUSTICE ISSUES

GAO is testifying today on the basis of its March 1991 report--BORDER PATROL: Southwest Border Enforcement Affected by Mission Expansion and Budget (Mar. 28, 1991, GAO/GGD-91-72BR)--which addressed a number of issues regarding the Border Patrol enforcement activities. These included its funding and staffing, the amount of time its agents spent patrolling the southwest border, alien apprehensions, assaults on agents, and the condition of field equipment.

The Border Patrol's mission is to maintain control of the international boundaries between the ports-of-entry by detecting and preventing the smuggling and illegal entry of aliens into the United States. As part of its mission, the Border Patrol also interdicts narcotics and other contraband. In accomplishing its mission, the Border Patrol (1) patrols the international boundaries; and (2) inspects passengers and vehicles at checkpoints located along highways leading from border areas, at bus and rail stations, and at air terminals. The Border Patrol uses vehicles and aircraft to patrol areas between the ports-of-entry and uses electronic equipment, such as sensors and low-light-level televisions, to detect illegal entry into the country.

INS has assigned the Border Patrol additional responsibilities that do not involve border control activities. For example, INS requires the Border Patrol to share in enforcing provisions of the Immigration Reform and Control Act of 1986 (IRCA). This act requires employers to hire only authorized workers and establishes penalties for those who do not comply. The Border Patrol helps enforce IRCA by checking on employer hiring practices.

Border Patrol funding increased 82 percent between fiscal years 1986 and 1991--from \$164 million to \$299 million. However, according to Border Patrol officials, it has not been able to fund all of its authorized positions along the southwest border. The percentage of authorized positions filled dropped from 94 percent in fiscal year 1985 to 87 percent in fiscal year 1990. Further, the proportion of total Border Patrol agent time devoted to border control activities decreased from 71 percent to 60 percent from 1986 to 1991.

At the 4 sectors GAO visited during its review along the southwest border, the Border Patrol's vehicles and electronic equipment were in poor condition. Without suitable vehicles and electronic detection devices, the Border Patrol has sometimes left areas known for high levels of illegal entry and drug smuggling unpatrolled.

Given that the flow of aliens illegally into the country continues to be a substantial problem, it is logical to assume that the Border Patrol's ability to carry out its enforcement mission has been negatively affected by the decrease in the proportion of agent time devoted to border control activities and the poor condition of its equipment.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the Immigration and Naturalization Service's (INS) Border Patrol enforcement activities. My comments today will focus on those issues discussed in our March 1991 report--BORDER PATROL: Southwest Border Enforcement Affected by Mission Expansion and Budget (Mar. 28, 1991, GAO/GGD-91-72BR)--which you wanted addressed. Specifically, I will talk about Border Patrol funding and staffing, the amount of time its agents spent patrolling the southwest border, alien apprehensions, assaults on agents, and the condition of field equipment. To the extent that we could, we updated the information in our 1991 report to include fiscal year 1991 data.

The basic points I want to make are that:

- The Border Patrol's fiscal year 1991 budget of \$299 million represented an 82 percent increase since fiscal year 1986. Moreover, the Border Patrol also received additional funding from other agencies to support drug interdiction activities.
- However, staff along the southwest border declined by 9 percent between 1988 and 1990. Further, the proportion of agent time devoted to border patrol activities decreased from 71 percent to 60 percent from 1986 to 1991. The Border Patrol has received authorization to hire an additional 300 agents for the southwest border by January 1993.
- While the apprehension rate has increased each year from 1989 to 1991, it decreased overall since 1986.
- Since 1987, the Border Patrol has reported an increase in assaults against its agents along the southwest border.
- Finally, some of the Border Patrol equipment needs to be replaced. For example, as of January 1991, over 50 percent of its vehicles should be considered for replacement because they exceeded the General Services Administration's (GSA) mileage criteria.

BACKGROUND

The Border Patrol's mission is to maintain control of the international boundaries between the ports-of-entry by detecting and preventing the smuggling and illegal entry of aliens into the United States. As part of its mission, the Border Patrol also interdicts narcotics and other contraband. In 1991, the Office of National Drug Control Policy (ONDCP) designated the Border Patrol as the primary agency for narcotics interdiction between

the ports-of-entry.¹ In accomplishing its mission, the Border Patrol patrols the international boundaries (called "linewatch"); and inspects passengers and vehicles at checkpoints located along highways leading from border areas, at bus and rail stations, and at air terminals. The Border Patrol uses its vehicles and aircraft to patrol areas between the ports-of-entry. It also uses electronic equipment, such as sensors and low-light-level televisions, to detect illegal entry into the country.

INS has assigned the Border Patrol additional responsibilities that do not involve border control activities. For example, INS requires the Border Patrol to share in enforcing provisions of the Immigration Reform and Control Act of 1986 (IRCA). This act requires employers to hire only authorized workers and establishes penalties for those who do not comply. The Border Patrol helps enforce IRCA by checking on employer hiring practices.

The Border Patrol carries out its mission in 21 sectors, of which 9 are located along the southwest border with Mexico.² At the end of fiscal year 1991, the Border Patrol employed 3,614 agents and support staff, 3,072 (85 percent) of whom were located in the 9 southwest border sectors.

In fiscal year 1991, the Border Patrol received \$299 million for salaries and expenses. INS support programs provided funds to purchase equipment such as vehicles and sensors for the Border Patrol. In addition, the Border Patrol has received funds from other agencies for supporting activities such as interdicting narcotics.

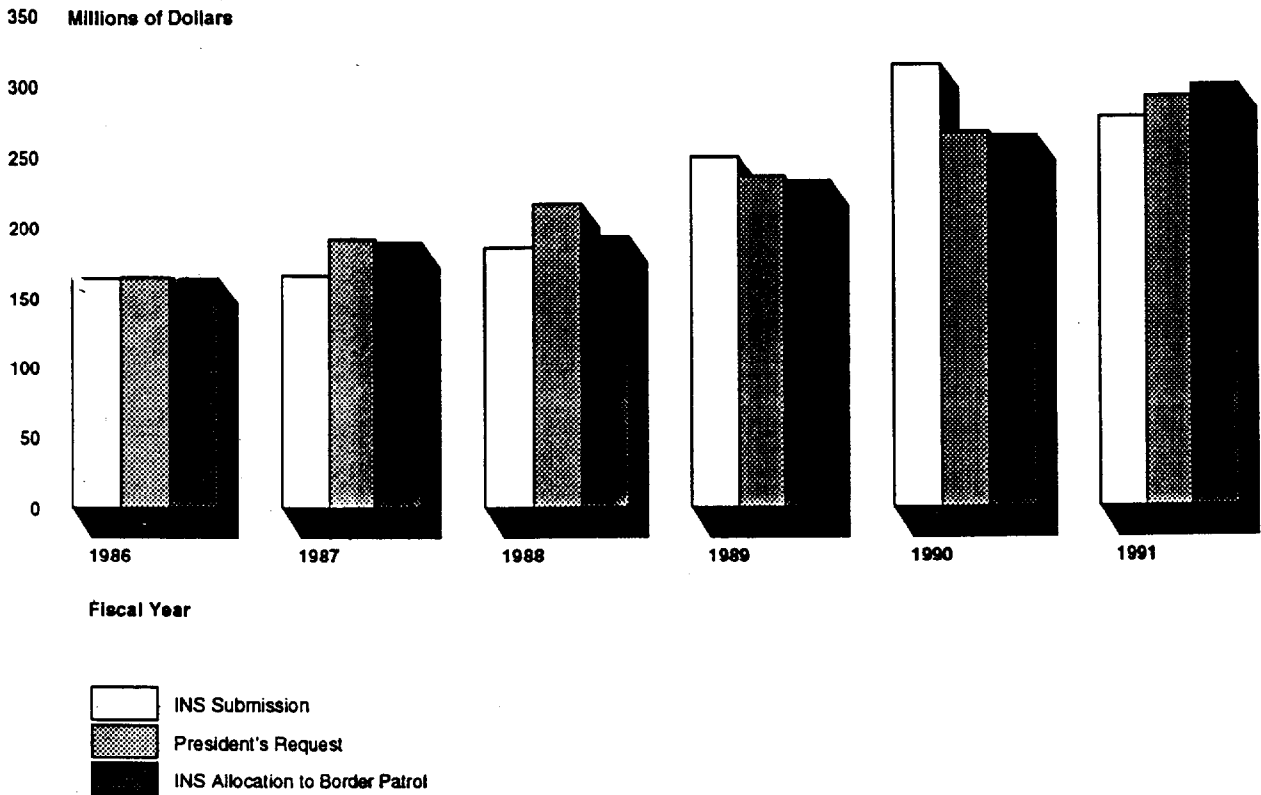
FUNDING AND STAFFING LEVELS

As shown in figure 1, Border Patrol funding increased \$135 million between fiscal years 1986 and 1991--from \$164 million to \$299 million (an 82 percent increase). For fiscal years 1986 through 1988 and again in 1991, INS requested less funding for the Border Patrol than was in the President's budget.

¹The office, which is in the Executive Office of the President, is responsible for developing and implementing a national drug control strategy.

²The nine sectors are located in San Diego and El Centro California; Yuma and Tucson, Arizona; and El Paso, Del Rio, Marfa, Laredo, and McAllen, Texas.

Figure 1: Border Patrol's Budget Has Significantly Increased



Source: INS

In fiscal years 1989 and 1990, the budget request exceeded the President's budget by \$14 million and \$48 million, respectively. However, for fiscal year 1991, the INS allocation of \$299 million to the Border Patrol exceeded the President's request of \$291 million and INS' submission of \$276 million.

After Congress approved INS' budget, INS provided the Border Patrol about 98 percent of the funds requested in the President's budget for this 6-year period. The Border Patrol's share of total INS funding has increased from 28 percent in 1986 to 33 percent in 1991.

The Border Patrol's funding is affected by other INS organizations and other federal agencies. According to INS officials, other INS organizations that purchase equipment (e.g., communications equipment) for use by the Border Patrol had their budgets reduced. As a result, the Border Patrol did not receive some of the requested equipment, such as sensors and low-light-level televisions, from these organizations. However, between fiscal years 1986 and 1992 the Border Patrol received additional

funding of \$51.2 million, from sources outside of INS. This included \$28 million from the Communications Interoperability Working Group, a multi-agency task force whose mission is to ensure the compatibility of communications equipment, \$17.1 million from ONDCP and \$6 million from the Department of Justice. These funds have been used primarily to purchase equipment such as radios, sensors, and vehicles.

Since 1986, the Border Patrol's authorized positions along the southwest border have exceeded its actual staffing. According to Border Patrol officials, funding for all of its authorized positions along the southwest border has not been provided. The number of authorized positions for southwest border sectors has fluctuated but overall has increased from 3,166 to 4,240 (or 34 percent) between fiscal years 1986 and 1990.³ Similarly, actual end-of-year staff has increased from 3,222 to 3,669 (or 14 percent).⁴ However, since 1988, the number of actual staff has declined 9 percent. The percentage of authorized positions filled dropped from 94 percent in fiscal year 1985 to 87 percent in fiscal year 1990. For example, the southwest border sectors had 4,240 authorized positions but had 3,669 staff on actual duty at the end of fiscal year 1990. According to INS officials, in 1990 INS reduced the number of total Border Patrol authorized positions by 633, and the southwest sectors were reduced by 483 to more accurately reflect anticipated funding.

In February 1992, the Attorney General announced that INS would hire 300 new Border Patrol agents. INS plans to do this by September 30, 1992. This would increase the staff to about 4,200 agents, or about an 8 percent increase. INS plans to assign these agents primarily to the 9 sectors along the southwest border. Further, the Attorney General has requested an additional 200 Border Patrol agent positions in the fiscal year 1993 budget.

TIME ON BORDER ENFORCEMENT ACTIVITIES

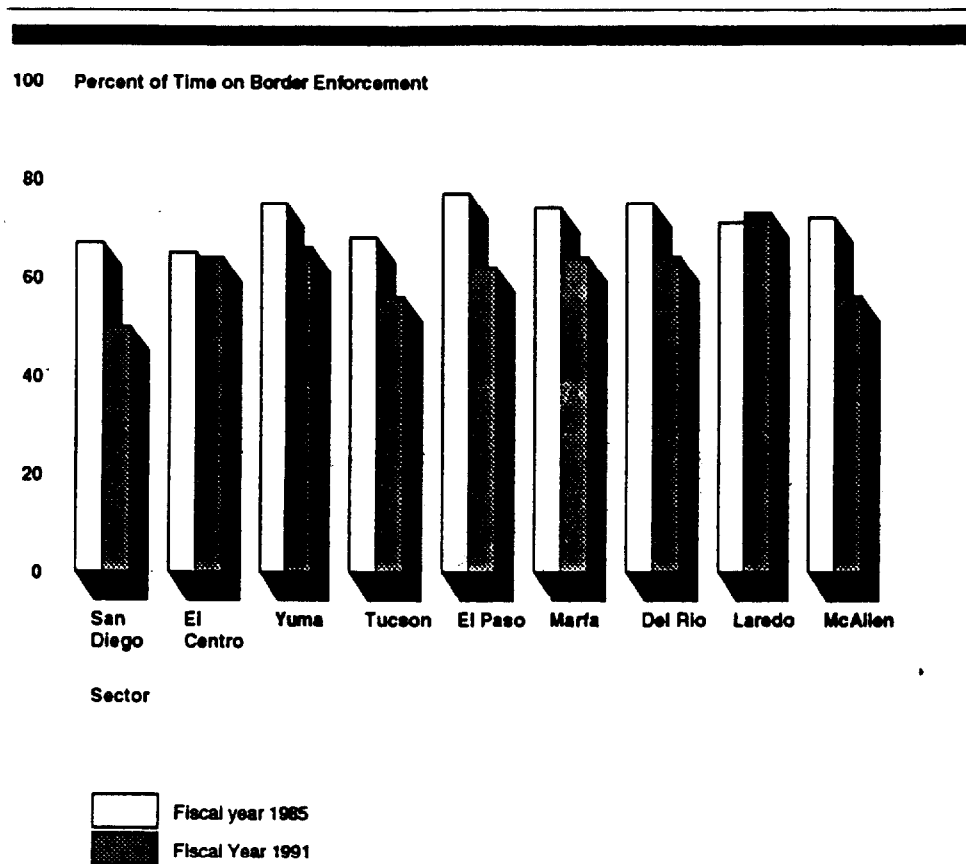
The proportion of time spent by Border Patrol agents on border control activities along the southwest border has declined from 71 percent of total hours in fiscal year 1985 to 60 percent in fiscal year 1991. As shown in figure 2, the percentage declined more dramatically in several sectors. For example, San Diego Sector activities declined from 67 percent to 50 percent. Even

³Since 1986, Congress has authorized increases in Border Patrol staffing that would have increased staff up to 6,300 agents.

⁴The number of authorized positions for the southwest border sectors for fiscal year 1991 was not available. However, the number of actual staff in these sectors declined to 3,072 in fiscal year 1991.

so, San Diego still accounts for 43 percent of all Border Patrol apprehensions. El Paso Sector activities declined 15 percent and McAllen Sector activities declined 16 percent.

Figure 2: The Percent of Time Spent Patrolling the Border Has Declined



Source: Border Patrol

The Border Patrol's nonborder control activities, such as pursuing criminal aliens and enforcing IRCA have increased.

Border Patrol officials in sectors along the southwest border believe that given their increased responsibilities for these activities, the staff resources devoted to border control are insufficient to carry out their border control mission. According to an official, at one location in the McAllen Sector seven agents were patrolling 66 miles of the border. For about 3 hours each night, all seven agents were carrying out other duties; as a result, the border area was totally unpatrolled during the 3 hours. Similarly, a supervisory agent in the San Diego Sector said that one-third of the border under his jurisdiction was not patrolled. Furthermore, officials from several sectors stated they have reduced the amount of time they operate the traffic checkpoints.

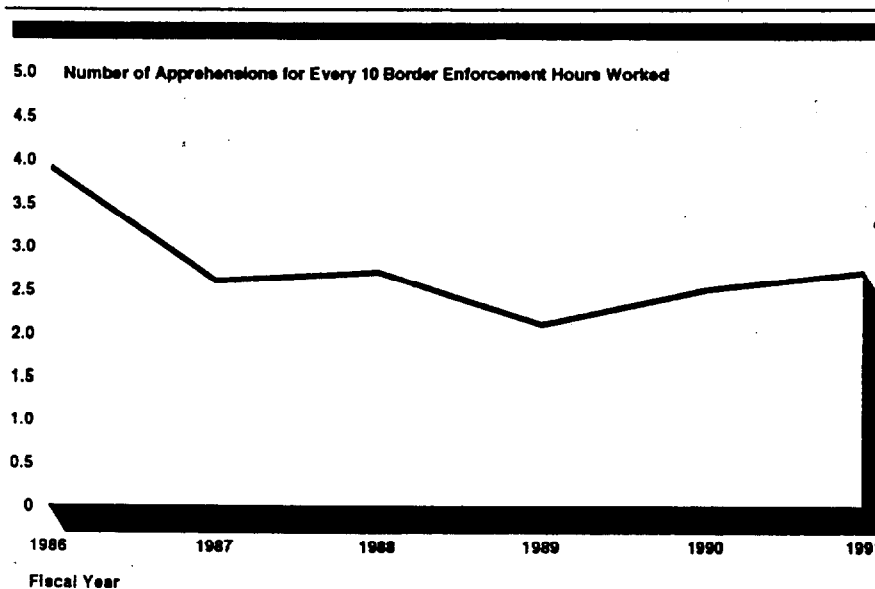
Correspondingly, the percentage of time spent on other activities, such as enforcing IRCA, increased from 29 percent of total hours in fiscal year 1986 to 40 percent in fiscal year 1991. Actual time spent on border control decreased 2 percent between 1986 and 1991.

APPREHENSIONS AND ASSAULTS

As shown in figure 3, the apprehension rate has decreased overall since 1986. In fiscal year 1986, southwest border sectors made four apprehensions per 10 hours, compared to 2.7 apprehensions per 10 hours in 1991.

Overall, apprehensions of aliens attempting to enter the country illegally declined by 47 percent from fiscal year 1986 to fiscal year 1989. However, 1991 apprehensions increased 3 percent over 1990.

Figure 3: Apprehension Rate Has Declined



Source: Border Patrol

According to sector officials, the increase in narcotics smuggling has contributed to the violence along the southwest border. Our analysis of assault reports from the 5 sectors for which complete data were available showed that assaults on Border Patrol agents increased from 128 to 282 between 1987 and 1990, but fell to 178 in 1991.⁵ Most assaults occurred in the San Diego Sector.

⁵Assaults include any action taken against an agent such as rock throwing.

AVAILABILITY AND CONDITION OF FIELD EQUIPMENT

We reported that some Border Patrol vehicles and electronic equipment were old and in poor condition. As of fiscal year 1991, 49 percent of all Border Patrol vehicles exceeded GSA's mileage criteria for when vehicle replacement should be considered. During our visits in 1990 and 1991, we observed many vehicles in poor condition. For example, some vehicles had cracked frames. According to Border Patrol officials, these vehicles would normally be removed from service. However, according to these officials, replacement vehicles were not available due to funding limitations. Consequently, vehicles that would normally be retired, were repaired and returned to service.

According to Border Patrol officials, the lack of a sufficient number of vehicles hinders their operations. For example, older vehicles with high mileage require frequent and extensive maintenance; they cannot be relied on regularly for patrols, thus further reducing the coverage of border areas. Some sectors estimated that up to one-half of the fleet may be down for repairs at any one time. The border is sometimes not patrolled during shift changes because there are not enough vehicles in operating condition during the shift changes. When agents coming on duty do not have vehicles, they must wait for the agents returning to the station to obtain their vehicles. Several sector officials stated that vehicle repair costs were excessive and could be reduced by 50 percent if vehicles in poor condition were replaced. For example, an official from the El Paso Sector estimated the sector could reduce its vehicle repair costs by \$120,000 per year. We note that this would not be a net savings because it would be offset to some extent by the maintenance costs of the new vehicles, as well as their purchase costs.

According to Border Patrol officials, the condition of the vehicles on the southwest border has improved. During fiscal year 1991, INS purchased 747 vehicles of which 599 (or 80 percent) were placed in the 9 southwest Border Patrol sectors, which has improved the condition of the vehicles on the southwest border. For example in January 1991, 71 percent of the vehicles in the San Diego Sector exceeded GSA's mileage criteria, compared to 49 percent in October 1991.

Sector officials also told us that additional electronic equipment used to detect aliens is needed to enhance mission effectiveness. For example, some electronic night vision devices that are on loan from the military are also difficult to maintain. Most of the funding allocated for night vision devices--\$800,000 in fiscal year 1991--is being used to maintain the existing equipment rather than to procure new and improved models.

Ground sensors and low-light-level television camera systems are used to detect aliens entering illegally and smugglers. According to a supervisory agent in Laredo, several cameras and 3 agents could monitor the same area that is now patrolled by 25 agents. During our visits, sector officials had told us that many of the sensors were older models that were unreliable and difficult to service. Officials from several sectors also said that they needed additional sensors because large, remote areas of the border were not fully covered. In July 1992, Border Patrol officials in headquarters and in the McAllen and El Paso Sectors said that some new sensors have been acquired. The sector officials said that they still needed additional sensors to cover areas of the border that are not presently covered. As of July 1992, the Border Patrol plans to upgrade low-light-level television camera systems in the Tucson, Yuma, Laredo, Del Rio, El Centro and El Paso Sectors.

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In conclusion, the flow of aliens illegally into the country continues to be a substantial problem. Thus, it is logical to assume that the Border Patrol's ability to carry out its enforcement mission has been negatively affected by the decrease in the proportion of agent time devoted to border control activities and the poor condition of its equipment.

Mr. Chairman, that concludes my prepared statement.. We will be pleased to respond to questions.