

Why GAO Did This Study

Over the last 5 years, Border Patrol has nearly doubled the number of its agents on patrol, constructed hundreds of miles of border fence, and installed surveillance equipment on and near lands managed by the Departments of the Interior and Agriculture along the southwestern border. In so doing, the agency has had to comply with federal land management laws, and some have expressed concern that these laws may limit agents' abilities to detect and apprehend undocumented aliens. GAO was asked to examine (1) key land management laws Border Patrol operates under and how it and land management agencies coordinate their responsibilities under these laws; (2) how Border Patrol operations are affected by these laws; and (3) the extent to which land management agencies collect and use data related to the environmental effects of illegal activities, such as human trafficking and drug smuggling. GAO reviewed key land management laws, interviewed agents-in-charge at 26 Border Patrol stations responsible for patrolling federal southwest borderlands, and interviewed managers of these lands.

What GAO Recommends

GAO recommends, among other things, that the Secretaries of Homeland Security, the Interior, and Agriculture take steps to help Border Patrol expedite access to portions of federal lands by more quickly initiating required assessments. In commenting on a draft of this report, the agencies generally agreed with GAO's findings and recommendations.

SOUTHWEST BORDER

More Timely Border Patrol Access and Training Could Improve Security Operations and Natural Resource Protection on Federal Lands

What GAO Found

When operating on federal lands, Border Patrol has responsibilities under several federal land management laws, including the National Environmental Policy Act, National Historic Preservation Act, Wilderness Act, and Endangered Species Act. Border Patrol must obtain permission or a permit from federal land management agencies before its agents can maintain roads and install surveillance equipment on these lands. Because land management agencies are also responsible for ensuring compliance with land management laws, Border Patrol generally coordinates its responsibilities under these laws with land management agencies through national and local interagency agreements. The most comprehensive agreement is a 2006 memorandum of understanding intended to guide Border Patrol activities on federal lands.

Border Patrol's access to portions of some federal lands along the southwestern border has been limited because of certain land management laws, according to patrol agents-in-charge for 17 of the 26 stations, resulting in delays and restrictions in agents' patrolling and monitoring these lands. Specifically, patrol agents-in-charge for 14 of the 17 stations reported that they have been unable to obtain a permit or permission to access certain areas in a timely manner because of how long it takes for land managers to conduct required environmental and historic property assessments. The 2006 memorandum of understanding directs the agencies to cooperate with one another to complete, in an expedited manner, all compliance required by applicable federal laws, but such cooperation has not always occurred. For example, Border Patrol requested permission to move surveillance equipment to an area, but by the time the land manager conducted a historic property assessment and granted permission—more than 4 months after the initial request—illegal traffic had shifted to other areas. Despite the access delays and restrictions, 22 of the 26 agents-in-charge reported that the overall security status of their jurisdiction is not affected by land management laws. Instead, factors such as the remoteness and ruggedness of the terrain have the greatest effect on their ability to achieve operational control. Although 4 agents-in-charge reported that delays and restrictions have affected their ability to achieve or maintain operational control, they either have not requested resources for increased or timelier access or have had their requests denied by senior Border Patrol officials, who said that other needs were more important.

While federal land managers in the borderlands region rely on Border Patrol to collect data on the extent of cross-border illegal activities on their lands, the extent of the land managers' data collection efforts on the effects of these illegal activities has varied. Some land managers monitor areas on a routine basis, some document environmental damage on an ad hoc basis, and still others collect no such data. Where collected, land managers have used these data for several purposes, including restoring lands and providing Border Patrol agents with environmental awareness training. With regard to training, most agents-in-charge wanted more-frequent, area-specific training to be provided by land managers.