

**GAO**

Briefing Report to the Chairman,  
Committee on Governmental Affairs, U.S.  
Senate

November 1988

# **BORDER MANAGEMENT**

## **Options for Improved Border Control Management**



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General Government Division

B-203099

November 21, 1988

The Honorable John Glenn  
Chairman, Committee on Governmental  
Affairs  
United States Senate

Dear Mr. Chairman:

As you requested on February 23, 1988, this briefing report provides information on the activities and funding of federal border control agencies and summarizes options we and others have presented for improved management of border control functions.

SCOPE AND METHODOLOGY

As agreed with the Committee, we gathered information related to border management issues on the three agencies of primary interest to you--the U.S. Coast Guard, the U.S. Customs Service, and the Immigration and Naturalization Service (INS). We obtained this information from our past reports and other published information on border control activities. Appendix I more specifically addresses our objectives, scope, and methodology.

BORDER CONTROL AGENCIES' ACTIVITIES AND FUNDING,  
AND OPTIONS FOR MANAGEMENT IMPROVEMENTS

Border control is not a precisely defined concept. In a broad sense, border control consists of the federal government's activities for controlling the movement of people, conveyances, and goods into and out of the country. Twelve agencies located in seven cabinet departments, along with the National Drug Policy Board and the National Narcotics Border Interdiction System, are responsible for programs whose goals include controlling legal and illegal entry through airports, seaports, ports of entry at the land border, and between ports of entry. Roughly \$1.9 billion was obligated in fiscal year 1987 for the border control activities of the three agencies of interest to you.

As discussed in appendix II, we have taken several positions that concern border control management. Our most recent positions regarding reforms for the overall management of the border and for the inspections process were included in our report commenting on the President's Private Sector Survey on Cost Control (PPSSCC). In that 1985 report, we agreed with the PPSSCC that

"(1) the administration develop a comprehensive border management policy and (2) all responsibility for primary inspection functions currently performed at ports of entry be placed into one agency."<sup>1</sup>

A major border control activity is the prevention of illegal drugs from entering the country. Our most recent border-related work has focused on this activity. On the basis of this work, we stated in June 1988 testimony before the Senate Committee on Armed Services that

"the time has come to assign the authority and responsibility for planning and coordinating federal antidrug efforts to a single individual. This individual must be directly accountable to the President for developing and implementing a unified drug abuse control policy and a coordinated antidrug strategy. But organizational changes by themselves are not sufficient to solve the problem. To succeed, this individual must receive strong and sustained support from the President and the Congress."<sup>2</sup>

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The views of responsible agency officials were sought during the course of our work and have been incorporated where appropriate. As arranged with the Committee, unless you announce its contents earlier, we plan no further

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<sup>1</sup>Compendium of GAO's Views on the Cost Saving Proposals of the Grace Commission, Vol. II - Individual Issue Analyses (GAO/OCG-85-1, Feb. 19, 1985), p. 898.

<sup>2</sup>Federal Drug Abuse Control Policy and the Role of the Military in Anti-Drug Efforts (GAO/T-GGD-88-38, June 8, 1988), p. 8.

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distribution of this briefing report until 30 days after the date of this letter. The major contributors to this briefing report are listed in appendix IV.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Arnold P. Jones". The signature is written in a cursive style with a large, prominent initial "A".

Arnold P. Jones  
Senior Associate Director

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ABBREVIATIONS

DEA	Drug Enforcement Administration
INS	Immigration and Naturalization Service
OMB	Office of Management and Budget
PPSSCC	President's Private Sector Survey on Cost Control

OBJECTIVES, SCOPE, AND METHODOLOGY

The Chairman, Senate Committee on Governmental Affairs, asked us in a February 23, 1988, letter to provide, among other things, information on (1) budget expenditures for border control, (2) the fragmentation of federal border control programs, and (3) options for improving the efficiency of border control efforts.

As agreed with the Committee, we gathered information related to border management, including information on the aforementioned issues, concerning the agencies of primary interest to the Chairman: the Coast Guard, Customs Service, and Immigration and Naturalization Service. These are the principal agencies responsible for controlling the movement of people and things crossing our national border. As agreed, we obtained this information from our past reports and other published material.

We did not obtain budget data directly from border control agencies. Rather, we obtained selected agency budget data from Office of Management and Budget (OMB) published budget materials. These materials provided data that were comparable over time. Because OMB does not publish aggregate figures for border control spending, we roughly estimated this spending by identifying the most specific information in the OMB budget that related to border control. For Customs, this included its entire budget; for the Coast Guard, this included its Enforcement of Laws and Treaties program, which contains its drug enforcement operations; and for INS, this included its Enforcement program, which includes the Border Patrol. The Coast Guard and INS programs include nonborder control functions that the OMB budget did not separately identify and, therefore, our estimate of border control spending for these agencies somewhat overstates actual expenditures. OMB budget materials did not contain budget data by agency mission or region. Our work was done from March 1988 to May 1988 and in accordance with generally accepted government auditing standards.

BORDER CONTROL MANAGEMENT ISSUES

Border control is not a precisely defined concept. In a broad sense, border control consists of the federal government's activities for controlling the movement of people, conveyances, and goods into and out of the country.

BACKGROUND

Twelve agencies located in seven cabinet departments, along with the National Drug Policy Board and the National Narcotics Border Interdiction System, are responsible for programs whose goals include controlling legal and illegal entry through airports, seaports, ports of entry at the land border, and between ports of entry. The border functions of the three agencies of primary interest to the Senate Committee on Governmental Affairs include:

- INS inspection of visitors and returning Americans at legal ports of entry, and INS patrols for illegal aliens and seizure of drugs along the land borders between ports of entry.
- Customs inspection of cargo, vehicles, and passengers at border and inland ports of entry and interdiction of drugs at ports of entry, the coastal seas, and airports.
- Coast Guard interdiction of drugs and illegal aliens on the high seas.

The Coast Guard and INS have additional responsibilities unrelated to border control. The Coast Guard's peacetime missions include search and rescue, marine safety, and ice operations. Some INS functions, such as processing petitions for citizenship, are not directly related to border control. Border control obligations, consisting of Customs' entire budget, the Coast Guard's Enforcement of Laws and Treaties program, and INS' Enforcement program, rose from \$1.3 billion in fiscal year 1983 to \$1.9 billion in fiscal year 1987. (See app. III.)

The border control environment is complex. The United States is accessible across thousands of miles of land and sea. The volume of cargo, vehicles, and people crossing the U.S. border is very large. The most recent published data show that over \$424.1 billion worth of legal merchandise was imported in 1987. INS inspected almost 6.2 million conveyances and processed 7.3 million visitors to our country in fiscal year 1986.

Limited and selective controls over immigration and commerce have developed over the years in the form of laws and regulations. However, enforcing these laws and regulations can conflict with



other aspects of an agency's mission. For example, the Customs Service is simultaneously responsible for increasing compliance with trade, health, and contraband laws while also expediting inspections to facilitate the flow of goods and people into the United States.

The border control environment is further complicated by the incentives for illegal activity. Drug smugglers operate because the demand for drugs in the United States is tremendous and the risks of apprehension are outweighed by the vast profits to be gained. The potential profits from drug smuggling are so large that smugglers have succeeded in thwarting past changes in the interdiction system and may continue to do so. Illegal aliens enter the United States because our economy is strong and our freedoms are great.

In major legislation enacted in 1986, Congress recognized that the problems of drug smuggling and illegal aliens cannot be addressed exclusively at the border. The Anti-Drug Abuse Act of 1986 authorized large increases in spending for drug demand reduction programs. The Immigration Reform and Control Act of 1986 established civil and criminal sanctions on U.S. employers who knowingly hire illegal aliens and doubled the number of authorized border patrol agents.

#### OPTIONS FOR IMPROVING BORDER CONTROL MANAGEMENT

We reviewed studies, reports, and proposals relating to border control to identify options for improving border management. Over the past decade and a half, the literature on border management has had a common theme: border control programs are fragmented and duplicative, and interagency rivalries, conflicts, and jurisdictional disputes are obstacles to effective border control.

During the 1970s, two presidential reorganization plans were developed to address border program fragmentation. Reorganization Plan No. 2, implemented in 1973, created the Drug Enforcement Administration (DEA) from the drug law enforcement functions of several agencies. The plan also proposed to transfer INS' inspection function to Customs in order to consolidate port-of-entry inspections in one agency, but this transfer was not endorsed by Congress. We supported the reorganization plan's proposal to transfer INS inspection functions to Customs and recommended single agency management of

port-of-entry inspections in 1973<sup>1</sup> because of the fragmented approach to inspections.

In 1974, OMB set in motion a single agency concept for inspections and enforcement along the U.S.-Mexican border on the basis of its study of the duplication of border activities. In general, Customs was to be responsible for inspections at the ports of entry, and INS was to be responsible for patrolling between ports of entry. For several reasons, including that OMB acted without congressional authorization, we and the House Committee on Government Operations questioned the legality of OMB's actions. As a result, the single agency concept was not implemented.

In 1977, we recommended that OMB and department heads with border enforcement authority develop an integrated strategy and comprehensive operational plan for border control.<sup>2</sup> In a 1977 draft report, the President's Reorganization Project within OMB proposed several options for improving border management. One option was transferring visa policy functions from the State Department to INS in order to eliminate duplication. Another was consolidating INS inspection and border patrol functions with Customs into a Border Management Agency in Treasury or Justice. The draft report was never incorporated into a reorganization plan due to public and congressional opposition.

Specifically in the drug area, we proposed in 1979 that the executive and legislative branches form a partnership to agree on the Nation's drug abuse policy, enact necessary legislation, and provide requisite oversight to ensure that the agreed-upon policy was vigorously carried out. We said that combining agencies with similar drug law enforcement responsibilities into a single agency was desirable.<sup>3</sup> Further, in what may have foreshadowed proposals for a "drug czar" to manage federal antidrug abuse programs, we also pointed out the need to create a position with

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<sup>1</sup>A Single Agency Needed to Manage Port-of-Entry Inspections-- Particularly at U.S. Airports (B-114898, May 30, 1973).

<sup>2</sup>Illegal Entry at United States-Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People (GGD-78-17, Dec. 2, 1977).

<sup>3</sup>Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes (GGD-80-4, Oct. 25, 1979).

a clear delegation of authority from the President to monitor activities and direct corrective actions.

Concern over the issue of border control management continued into the 1980s. Similar to our 1973 recommendations, the PPSSCC made the following recommendations in 1983:

1. "Place all responsibility for primary inspection functions currently performed at ports of entry into one agency."
2. "Develop a comprehensive border management policy."

In a 1985 report commenting on the PPSSCC recommendations, we agreed that

"(1) the administration [should] develop a comprehensive border management policy and (2) all responsibility for primary inspection functions currently performed at ports of entry [should] be placed into one agency."<sup>4</sup>

In 1983, we reported that congressional oversight and resource allocation decisions for drug interdiction were difficult because planning and decisionmaking were done by separate agencies-- Customs, the Coast Guard, and DEA.<sup>5</sup> We recommended that the President (1) direct the development of a more definitive federal drug strategy and (2) clearly delegate responsibility to one individual to oversee federal drug enforcement programs.

In June 1988, we testified that the federal antidrug strategy should be reassessed. We noted that no one knows which drug control programs are most effective and stated that:

"the time has come to assign the authority and responsibility for planning and coordinating federal anti-drug efforts to a single individual. This individual must be directly accountable to the President for developing and implementing a unified drug abuse control policy and a coordinated anti-drug strategy. But organizational changes by themselves are

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<sup>4</sup>Compendium of GAO's Views on the Cost Saving Proposals of the Grace Commission, Vol. II - Individual Issue Analyses (GAO/OCG-85-1, Feb. 19, 1985), p. 898.

<sup>5</sup>Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983).

not sufficient to solve the problem. To succeed, this individual must receive strong and sustained support from the President and the Congress."<sup>6</sup>

In the June 1988 testimony, we also said that military involvement in antidrug smuggling efforts has been increasing and even greater involvement has been proposed. We stated that

"the military can play a key role in providing logistical and technical support to civilian drug law enforcement efforts, but going beyond such a role needs careful consideration. And even that role must be part of a unified federal anti-drug plan."<sup>7</sup>

Our June 1988 testimony is based in large part on our belief that fragmentation of agency responsibilities and lack of interagency coordination continue to pose barriers to effective drug abuse control efforts. For example, the National Drug Enforcement Policy Board was established in 1984 to facilitate coordination of U.S. operations and policy regarding illegal drug law enforcement. In 1987, its duties were expanded to include oversight of federal drug prevention and treatment efforts and it was renamed the National Drug Policy Board. Although coordination has improved since the Board was established, our recent work indicates that national drug policy, strategy, and programs remain fragmented. In February 1988, we noted that the Policy Board had not exercised its authority to determine which of the many antidrug programs merited budgetary priority.<sup>8</sup>

Other recent efforts to improve interagency coordination and cooperation include (1) Operation Alliance, a multiagency effort to interdict drugs and other contraband smuggled across the southwestern border, and (2) cross-designation of Customs and INS inspectors at some ports of entry, so that one agency's inspectors can assume the other's inspection duties. We have not evaluated the effectiveness of these efforts.

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<sup>6</sup>Federal Drug Abuse Control Policy and the Role of the Military in Anti-Drug Efforts (GAO/T-GGD-88-38, June 8, 1988), p. 8.

<sup>7</sup>Federal Drug Control Policy and the Role of the Military in Anti-Drug Efforts (GAO/T-GGD-88-38, June 8, 1988), p. 13.

<sup>8</sup>National Drug Policy Board: Leadership Evolving, Greater Role in Developing Budgets Possible (GAO/GGD-88-24, Feb. 12, 1988).

However, in a June 1988 report, we pointed out that a joint Customs Service/National Guard operation intended to interdict airborne drug smugglers coming across the U.S.-Mexico border failed, partly because the operation was not adequately planned and coordinated.<sup>9</sup> In July 1988, we reported that, among other things, overall command and control of federal drug interdiction activities remained fragmented, despite Customs' development of a program to command and control air interdiction resources.<sup>10</sup>

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<sup>9</sup>Drug Interdiction: Operation Autumn Harvest: A National Guard-Customs Antismuggling Effort (GAO/GGD-88-86, June 2, 1988).

<sup>10</sup>Drug Interdiction: Should the Customs Command and Control Program Be Continued as Currently Evolving? (GAO/GGD-88-113, July 28, 1988).

OBLIGATIONS FOR SELECTED PROGRAMS/AGENCIES  
WITH BORDER CONTROL MISSIONS  
(dollars in thousands)

<u>Agency/program</u>	<u>Fiscal year</u>				
	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Customs	\$571,628	\$596,042	\$662,015	\$729,881	\$912,369
Coast Guard Enforcement of Laws & Treaties	433,962	460,775	531,716	584,725	590,628
INS Enforcement	<u>286,969</u>	<u>300,378</u>	<u>339,587</u>	<u>360,860</u>	<u>390,673</u>
Total	<u>\$1,292,559</u>	<u>\$1,357,195</u>	<u>\$1,533,318</u>	<u>\$1,675,466</u>	<u>\$1,893,670</u>

Note: Figures are actual obligations published in the Budget of the United States Government for fiscal years 1985 through 1989. These figures include obligations for some nonborder control functions.

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RELATED GAO PRODUCTS

Drug Interdiction: Should the Customs Command and Control Program Be Continued as Currently Evolving? (GAO/GGD-88-113, July 28, 1988).

Federal Drug Abuse Control Policy and the Role of the Military in Anti-Drug Efforts (GAO/T-GGD-88-38, June 8, 1988).

Drug Interdiction: Operation Autumn Harvest: A National Guard-Customs Antismuggling Effort (GAO/GGD-88-86, June 2, 1988).

Drug Control: Issues Surrounding Increased Use of the Military in Drug Interdiction (GAO/NSIAD-88-156, Apr. 29, 1988).

Controlling Drug Abuse: A Status Report (GAO/GGD-88-39).

National Drug Policy Board: Leadership Evolving, Greater Role in Developing Budgets Possible (GAO/GGD-88-24, Feb. 12, 1988).

Drug Smuggling: Large Amounts of Illegal Drugs Not Seized by Federal Authorities (GAO/GGD-87-91, June 12, 1987).

The Need for Strong Central Oversight of the Federal Government's "War on Drugs" (GAO/T-GGD-87-17, May 14, 1987).

Coordination of Federal Drug Interdiction Efforts (GAO/GGD-85-67, July 15, 1985).

Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983).

Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes (GGD-80-4, Oct. 25, 1979).

Compendium of GAO's Views on the Cost Saving Proposals of the Grace Commission: Vol. II - Individual Issue Analyses (GAO/OCG-85-1, Feb. 19, 1985).

Illegal Entry at United States-Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People (GGD-78-17, Dec. 2, 1977).

A Single Agency Needed to Manage Port-of-Entry Inspections-- Particularly at U.S. Airports (B-114898, May 30, 1973).

Cargo Imports: Customs Needs to Better Assure Compliance with Trade Laws and Regulations (GAO/GGD-86-136, Sept. 8, 1986).

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