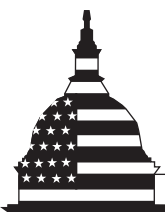


November 2010

# BORDER SECURITY

## Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands



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## Why GAO Did This Study

Federal and tribal lands on the U.S. borders with Canada and Mexico are vulnerable to illegal cross-border activity. The Department of Homeland Security (DHS)—through its U.S. Customs and Border Protection’s Office of Border Patrol (Border Patrol)—is responsible for securing these lands, while the Departments of the Interior (DOI) and Agriculture (USDA) manage natural resources and protect the public. GAO was asked to examine the extent that (1) border security threats have changed on federal lands; (2) federal agencies operating on these lands have shared threat information and communications; and (3) federal agencies have coordinated budgets, resources, and strategies. GAO reviewed interagency agreements and threat assessments; analyzed enforcement data from 2007 through 2009; and interviewed officials at headquarters and two Border Patrol sectors selected due to high volume of illegal cross-border activity (Tucson) and limited ability to detect this activity (Spokane). GAO’s observations cannot be generalized to all sectors but provide insights. This is a public version of a sensitive report that GAO issued in October 2010. Information that DHS deemed sensitive has been redacted.

## What GAO Recommends

GAO is recommending that DOI and USDA determine if more guidance is needed for federal land closures, and that DHS, DOI, and USDA further implement interagency agreements. DHS, DOI, and USDA concurred with the recommendations.

View [GAO-11-177](#) or key components. For more information, contact Richard Stana at (202) 512-8777 or [stanar@gao.gov](mailto:stanar@gao.gov).

## BORDER SECURITY

### Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands

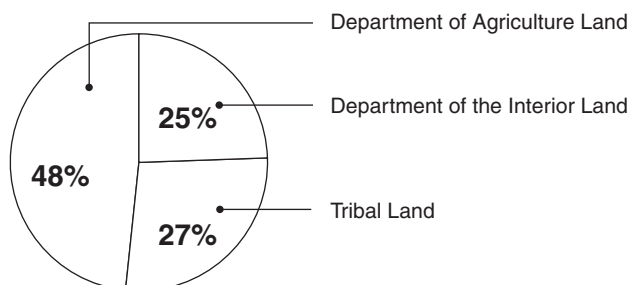
## What GAO Found

Illegal cross-border activity remains a significant threat to federal lands. On the southwest border, the Tucson sector is the primary entry point for marijuana smugglers and illegal aliens, and over the last 3 years apprehensions on federal lands have not kept pace with Border Patrol estimates of the number of illegal entries, indicating that the threat to federal lands may be increasing. On the northern border, the Spokane sector is a primary entry point for air smugglers of high-potency marijuana, but technical challenges preclude fully assessing threats to these borderlands. In the Tucson sector, federal land managers said they would like additional guidance to determine when illegal cross-border activity poses a sufficient public safety risk for them to restrict or close access to federal lands. DOI and USDA efforts to determine whether additional guidance is needed—consistent with internal control standards for the federal government and in line with DHS contingency plans for southwest border violence—could help federal land managers more easily balance public safety and access to federal borderlands.

Information sharing and communication among DHS, DOI, and USDA have increased in recent years, but critical gaps remain in implementing interagency agreements. Agencies established forums and liaisons to exchange information; however, in the Tucson sector, agencies did not coordinate to ensure that federal land law enforcement officials maintained access to threat information and compatible secure radio communications for daily operations. Coordination in these areas could better ensure officer safety and an efficient law enforcement response to illegal activity.

There has been little interagency coordination to share intelligence assessments of border security threats to federal lands and develop budget requests, strategies, and joint operations to address these threats. Interagency efforts to implement provisions of existing agreements in these areas could better leverage law enforcement partner resources and knowledge for more effective border security operations on federal lands.

**Percentage of Border Patrol—Estimated Illegal Entries on Federal Lands in the Tucson Sector, Fiscal Year 2009**



Source: GAO analysis of Border Patrol data.

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### Abbreviations

ACTT	Alliance to Combat Transnational Threats
BMTF	Borderlands Management Task Force
CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
DOI	Department of the Interior
HIDTA	High Intensity Drug Trafficking Area
IBET	Integrated Border Enforcement Area
MOU	memorandum of understanding
ORBBP	Operational Requirements Based Budgeting Process
PLLA	Public Lands Liaison Agent
QHSR	Quadrennial Homeland Security Review
SBI	Secure Border Initiative
SBI <i>net</i>	Secure Border Initiative Network
USDA	U.S. Department of Agriculture

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United States Government Accountability Office  
Washington, DC 20548

November 18, 2010

### Congressional Requesters

National forests and parks and other federal lands on the U.S. borders with Mexico and Canada have historically been vulnerable to illegal cross-border activity because of remote or rugged terrain and limited law enforcement presence. Addressing these vulnerabilities requires interagency coordination to leverage law enforcement resources for securing federal land borders covering over 800 miles of the southwest border with Mexico and over 1,000 miles of the northern border with Canada. Federal agencies with law enforcement presence on federal lands include the Department of Homeland Security's (DHS) Office of Border Patrol (Border Patrol), a component of U.S. Customs and Border Protection (CBP), which is primarily responsible for enforcing border security between official ports of entry<sup>1</sup> to the United States, and the Departments of the Interior (DOI) and Agriculture (USDA), which have jurisdiction for law enforcement on federal borderlands administered by their component agencies. These component agencies—including DOI's National Park Service, Fish and Wildlife Service, and Bureau of Land Management and USDA's Forest Service—are responsible for the protection of natural and cultural resources, agency personnel, and the public on the lands they administer. Law enforcement personnel from sovereign Indian nations located on the international borders also conduct law enforcement operations related to border security. In addition, DOI's Bureau of Indian Affairs may enforce federal laws on Indian lands, with the consent of tribes and in accordance with tribal laws.

In a 2004 report, we reviewed DHS, DOI, and USDA coordination of their law enforcement programs on federal lands; reported that the component agencies were not sharing information about local security threats, plans for infrastructure and technology enhancements, or staff deployment; and recommended that they establish agreements to coordinate strategies and the use of limited resources.<sup>2</sup> These agencies concurred with our

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<sup>1</sup>Ports of entry are government-designated locations where CBP inspects persons and goods to determine whether they may be lawfully admitted into the country. A land port of entry may have more than one border crossing point where CBP inspects travelers for admissibility into the United States.

<sup>2</sup>GAO, *Border Security: Agencies Need to Better Coordinate Their Strategies and Operations on Federal Lands*, [GAO-04-590](#) (Washington, D.C.: June 16, 2004).

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recommendation and have since established interagency agreements intended to facilitate coordination in these areas. DHS has also significantly increased the deployment of personnel, technology, and infrastructure along the borders, raising new coordination challenges. This report responds to your request that we assess the information available about border security threats on federal lands and progress agencies have made in sharing threat information and achieving a coordinated interagency response. Specifically, we reviewed the extent to which

- border security threats have changed from fiscal year 2007 to the present in Border Patrol sectors on the northern and southwest borders with large concentrations of federal borderlands;
- DHS, DOI, and USDA units operating in these areas share threat information and communications; and
- DHS, DOI, and USDA coordinate budget requests, resource deployment, and joint strategies to address border security threats on federal lands.

This report is a public version of the prior sensitive report that we provided to you in October 2010. DHS deemed some of the information in the prior report as law enforcement sensitive information, which must be protected from public disclosure. Therefore, this report omits certain sensitive information about cross-border illegal activity. Although the information provided in this report is more limited in scope, it addresses the same questions as the sensitive report. Also, the methodology used for both reports is the same.

In conducting our work, we analyzed DHS, DOI, and USDA documentation and conducted site visits to selected international border locations. On the southwest border, we visited the Border Patrol's Tucson sector in Arizona because it comprises a mix of tribal and federal lands and has experienced the highest volume of illegal cross-border activity, as indicated by marijuana seizures and illegal alien apprehensions, among southwest border sectors. We conducted semistructured interviews with officials at federal land units within the sector, interviewed tribal police officials, and conducted semistructured interviews with officials at Border Patrol stations in this sector. On the northern border, we conducted fieldwork in the Border Patrol's Spokane sector because most of it comprises federal lands and has low levels of Border Patrol personnel and resources and limited ability to detect cross-border illegal activity relative to other northern Border Patrol sectors. We conducted semistructured interviews with officials at federal land units within the sector, as well as with officials at Border Patrol stations. While we cannot generalize our work

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from these visits to all locations along the northern and southwest borders, we chose these locations to provide examples of the way the Border Patrol and federal land management agencies coordinate their efforts.

To address the first objective, we reviewed Border Patrol annual threat assessments from fiscal years 2007 through fiscal year 2009 for the Spokane and Tucson sectors, and operational assessments. We also reviewed apprehension data, as well as Border Patrol estimates of total illegal entries for federal borderlands in the Tucson sector for fiscal years 2007 through fiscal year 2009. We assessed the reliability of these data by interviewing Border Patrol officials responsible for overseeing quality control procedures for these data and determined that these data were sufficiently reliable to be used in this report. We did not use entry data for the Spokane sector because operational assessments indicate that the sector does not have the capability to reliably estimate illegal cross-border entries. We reviewed Border Patrol fiscal year 2009 operational assessments for the Tucson and Yuma sectors and the 2010 assessment for the Spokane sector that were included in each sector's Operational Requirements Based Budget Process (ORBBP) document to identify resources needed to address threats and any existing operational challenges to achieving control of the border.<sup>3</sup> We also analyzed DOI and USDA regulations related to federal land restrictions and closures and compared these regulations with our *Standards for Internal Control in the Federal Government*.<sup>4</sup>

To address the second objective, we reviewed Border Patrol policies and guidance that address information sharing and communication. We also identified various memorandums of understanding and agreements made and entered into by DHS, DOI, and USDA; reviewed provisions related to

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<sup>3</sup>We did not review the Border Patrol fiscal year 2010 operational assessments for the Tucson and Yuma sectors because the Border Patrol provided these documents after our audit work was complete.

<sup>4</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to FMFIA, the Office of Management and Budget (OMB) issued Circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in OMB Circular A-123 are based on GAO's *Standards for Internal Control in the Federal Government*.

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information sharing; and examined the extent to which DHS, DOI, and USDA were implementing these provisions. We also identified and reviewed strategies outlining DHS requirements for sharing information with other federal agencies and examined the extent to which DHS, DOI, and USDA were implementing these requirements.

To address the third objective, we analyzed Tucson sector and Spokane sector ORBBP documents to determine Border Patrol resource needs for these sectors in the areas of personnel, technology, and infrastructure. As part of our semistructured interviews with officials in the Tucson and Spokane sectors, we also examined the extent to which DHS, DOI, and USDA were coordinating the deployment of personnel, technology, and infrastructure as outlined in memorandums of understanding, interagency agreements, and departmental strategies.

We conducted this performance audit from November 2009 through November 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Additional details on our scope and methodology are contained in appendix I.

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## Background

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### Agencies Responsible for Administering and Securing Federal Lands

USDA and DOI agencies administer nearly 2,000 miles of federally owned or managed land adjacent to the international borders with Canada and Mexico. The majority of these lands are administered by four agencies—USDA’s Forest Service and DOI’s National Park Service, Bureau of Land Management, and Fish and Wildlife Service. In addition, DOI’s Bureau of Indian Affairs is responsible for assisting in the administration or management of tribal lands. For this report, we refer to these five agencies as federal land management agencies.

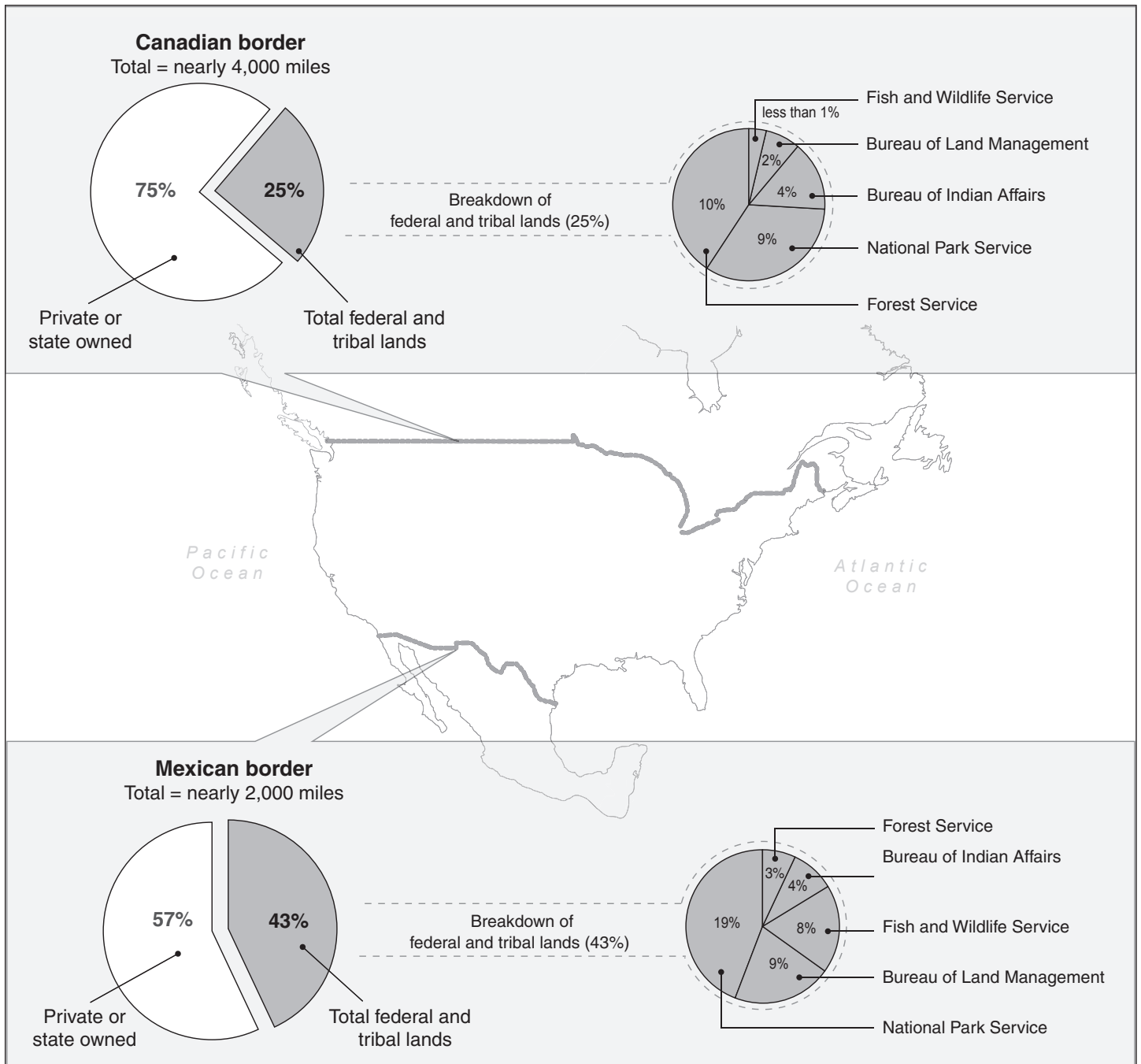
On the United States—Canada border, federal lands comprise about 1,016 miles, or approximately 25 percent, of the nearly 4,000 northern border miles (excluding the Alaska-Canada border), and are primarily



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administered by the National Park Service and Forest Service. On the United States–Mexico border, federal lands comprise about 820 miles, or approximately 43 percent, of the nearly 2,000 total border miles. (See fig. 1 for northern and southwest border miles and administering agencies.)

**Figure 1: Federal and Tribal Lands along the Canadian and Mexican Borders, by Administering Agency**



Source: GAO analysis of Department of the Interior and Forest Service data (data); Art Explosion (map).

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USDA and DOI employ resource managers who administer federal lands, as well as law enforcement officers and criminal investigative agents who operate within federal land boundaries to apprehend and investigate persons conducting illegal activities posing a threat to the visiting public, agency personnel, and the respective agency's mission. Agency missions include the conservation, preservation, and protection of natural, historic, and cultural resources. For the purposes of this report, we refer to resource managers from all agencies as federal land managers, and refer to law enforcement officers and criminal investigative agents as federal land law enforcement officials.

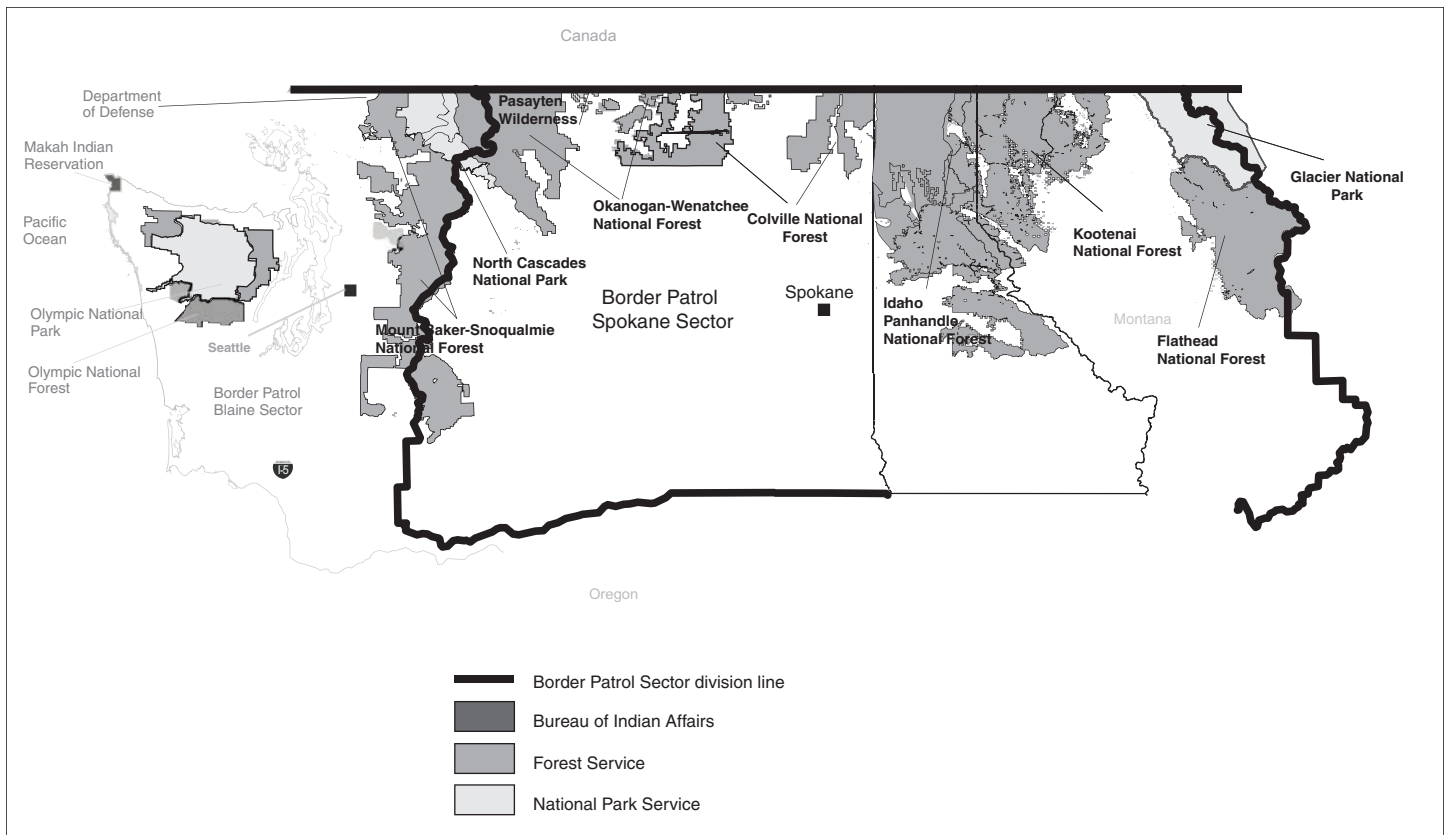
CBP's Border Patrol agents operate on federal lands and other areas as the primary federal law enforcement agency responsible for border security between the ports of entry. Along these border areas, the Border Patrol's mission is to prevent terrorists and their weapons of terrorism from entering the United States and also to detect, interdict, and apprehend those who attempt to illegally enter or smuggle any person or contraband across the nation's border. The Border Patrol is organized into 20 different sectors—with 8 sectors on the northern border, 9 sectors on the southwest border, and 3 sectors on coastal areas along the Gulf of Mexico and in Puerto Rico. Each sector has a headquarters with management personnel and various numbers of stations with agents responsible for patrolling within defined geographic areas. Depending on size and location, individual federal borderlands may fall within one or more stations' area of patrol responsibility and across one or two sectors.

On the northern border, a number of federal lands are located in the Border Patrol's Spokane sector, which comprises eastern Washington, Idaho, and western Montana. Border Patrol stations have responsibility for border security on these lands, which include five national forests, wilderness areas,<sup>5</sup> and a national park, as shown in figure 2.

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<sup>5</sup>The Wilderness Act of 1964 (16 U.S.C. § 1131-1136) defines wilderness as an area of undeveloped federal land retaining its primeval character and influence, without permanent improvement or human habitation, and designated for preservation and protection in its natural condition. There are over 756 areas in 44 states and Puerto Rico designated as wilderness, with Alaska, California, Arizona, Idaho, and Washington having the most wilderness acres. The Forest Service manages the most wilderness areas and the National Park Service manages the most wilderness acres.

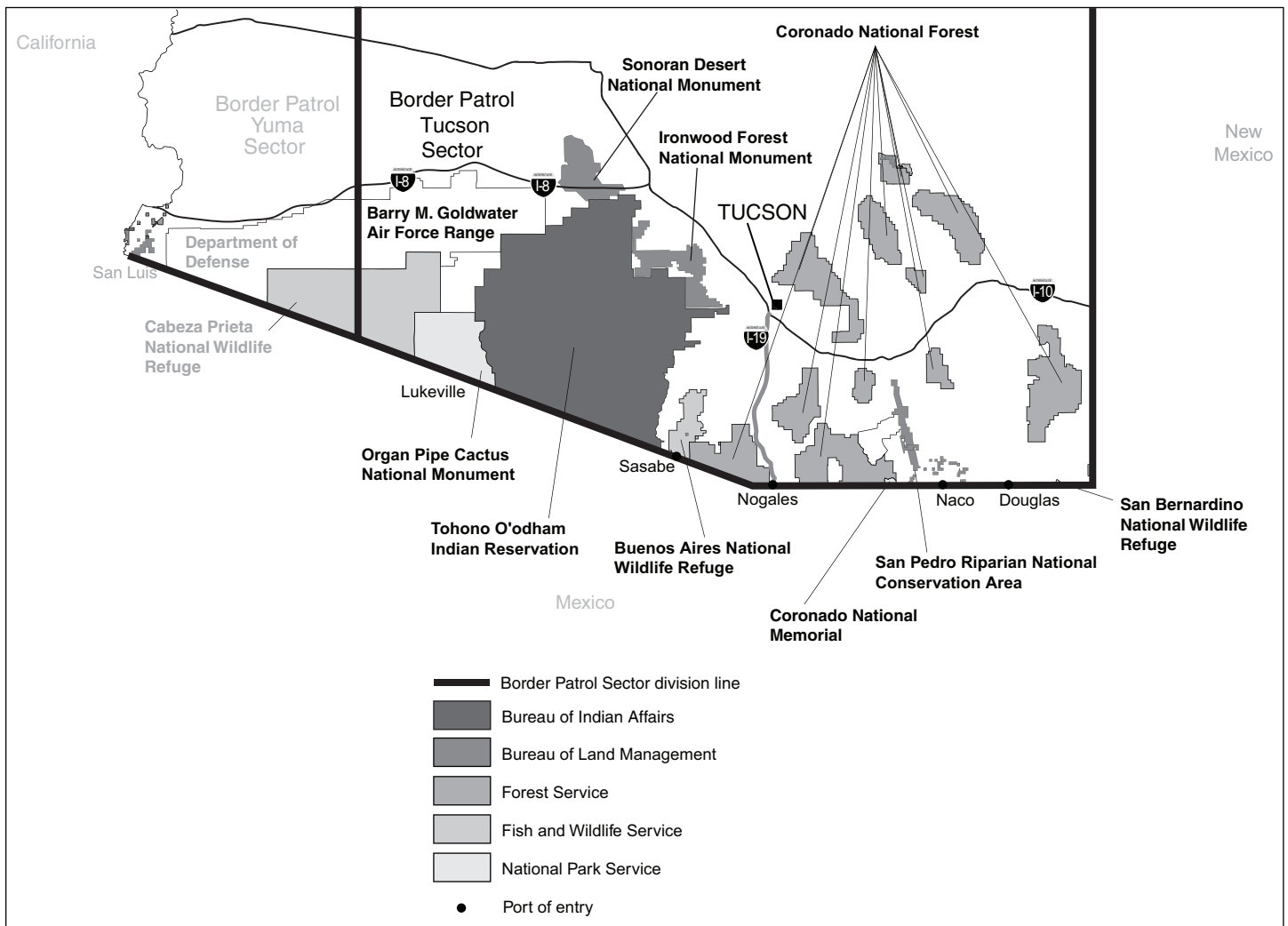
**Figure 2: Selected Federal Lands in Border Patrol's Spokane Sector**



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

The Border Patrol Tucson sector has the highest concentration and diversity of federal borderlands of all sectors on the southwest border. Border Patrol stations in the Tucson sector are responsible for providing border security on these lands, which include three national wildlife refuges, two national parks, a national forest, and other federal lands. The Tucson sector also includes the Tohono O’odham Nation Indian Reservation. (See fig. 3 for federal and tribal lands in the Tucson sector.)

**Figure 3: Selected Federal and Tribal Lands in Border Patrol's Tucson Sector**



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

The Border Patrol's operational strategies create an overlap in operational and mission boundaries with DOI and USDA agencies that provide law enforcement in the same geographic areas. Border Patrol's National Strategy includes a "defense in depth" approach to border security operations that provides for several layers of agents who operate not only at the border but also on federal lands and other areas up to 100 miles from the border. The Border Patrol's operational strategy also prioritizes border enforcement in urban and more populated areas that has resulted in diverting larger concentrations of illegal cross-border activity to more

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remote areas, including federal lands, where there may be more time for detection and apprehension. This illegal cross-border activity can cause damage to natural, historic, and cultural resources on federal lands, and put agency personnel and the visiting public at risk. As a result, federal land law enforcement officials and Border Patrol agents may patrol the same area of responsibility and pursue the same persons who violate laws underpinning each agency's respective mission. Coordination between these agencies can help leverage resources across missions and minimize further damage to federal lands in responding to illegal activity.

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## DHS, DOI, and USDA Coordination Efforts Following Our Last Review

Federal agencies have taken several actions aimed at coordinating their efforts since our previous findings reported in June 2004.<sup>6</sup> We reported that the Border Patrol and federal land management agencies had not coordinated their law enforcement efforts on federal borderlands, and recommended that these agencies coordinate their strategies and the use of their respective law enforcement resources. Subsequently, DHS, DOI, and USDA acted to establish interagency agreements and liaisons to address our recommendation for improved coordination. In 2006, these agencies signed a joint memorandum of understanding (MOU) that affirmed agency commitment to coordinate efforts in a number of key areas, including

- sharing information regarding border security threats on federal lands;
- sharing budget requests, deployment plans, and maintenance plans for infrastructure and technology that will be used on federal lands;
- sharing operational plans, including deployment of staff and resources, changes in staffing levels, and patrol methods that best align with federal laws to protect the environment and endangered species; and
- Border Patrol access to federal lands and waterways for the purposes of conducting border security operations, such as tracking and interdicting individuals, and installing remote detection systems, consistent with applicable federal laws.<sup>7</sup>

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<sup>6</sup>GAO-04-590.

<sup>7</sup>The 2006 MOU also states that DHS, DOI and USDA recognize that Border Patrol access to federal lands can facilitate the rescue of cross-border violators, protect these lands from environmental damage, and have a role in protecting wilderness and wildlife resources. Department of Homeland Security, Department of the Interior, and Department of Agriculture, *Memorandum of Understanding Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Border* (Washington, D.C., March 2006).

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DHS, DOI, and USDA also established a 2008 MOU on secure radio communications, which provided agreement for radio interoperability between Border Patrol agents and federal land law enforcement officials operating in the same geographic area of responsibility.<sup>8</sup>

The Border Patrol and DOI also established interagency liaisons, who have responsibility for facilitating coordination between agencies, including implementation of provisions in established agreements. Border Patrol's Public Lands Liaison Agent (PLLA) program requires each Border Patrol sector to staff an agent dedicated to interaction with DOI, USDA, or other governmental or nongovernmental organizations involved in land management issues to foster better communication; increase interagency understanding of respective missions, objectives, and priorities; and serve as a central point of contact to facilitate resolution of issues and concerns. Key responsibilities of the PLLA include engaging in the implementation of the 2006 MOU requirements and subsequent related agreements and monitoring any enforcement operations, issues, or activities related to federal land use or resource management. DOI also established a Northern Border Coordinator, colocated at the Border Patrol Spokane sector, and a Southwest Border Coordinator, colocated at the Border Patrol Tucson sector, to coordinate federal land management issues between and among DOI component agencies and the Border Patrol. USDA's Forest Service established a dedicated liaison position in the Tucson sector in June 2010 to coordinate with the Border Patrol, according to Forest Service officials. The Forest Service has also established a Northern Border Coordinator, who is based in the Spokane sector.

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## DHS Strategies and Vision for Agency Coordination and Initiatives to Secure the Border

DHS has also issued strategies and a vision for improved coordination among agencies. DHS reiterated its commitment to sharing information across agencies in its 2008 Information Sharing Strategy, which provides full recognition and integration of federal agencies, tribal nations, and others in the DHS information-sharing environment and in development of relevant technology.<sup>9</sup> More recently, DHS codified its vision for effective coordination among agencies in the Quadrennial Homeland Security

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<sup>8</sup>Department of Homeland Security, Department of the Interior, and Department of Agriculture, *Memorandum of Understanding Regarding Secure Radio Communication* (Washington, D.C., July 18, 2008).

<sup>9</sup>Department of Homeland Security, *Department of Homeland Security Information Sharing Strategy* (Washington, D.C., Apr. 18, 2008).

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Review (QHSR), issued in February 2010.<sup>10</sup> The QHSR emphasizes that homeland security is a collective effort and shared responsibility of federal, state, local, tribal, territorial, nongovernmental, and private-sector partners—as well as individuals, families, and communities—and is the first step in DHS plans to implement a strategic framework to guide the activities of these homeland security partners toward a common end. In achieving an end state for border security, the QHSR states that this goal can only be achieved by cooperative efforts among federal departments and others to share information and conduct coordinated and integrated operations.

DHS continues implementation of the Secure Border Initiative (SBI), a multiyear, multibillion-dollar program to secure the U.S. borders that focuses on increases in personnel, infrastructure, and technology, particularly along the southwest border. Border Patrol agents staffed along the U.S. borders have increased from 11,264 in 2005 to 20,161 as of June 2010, with 2,139 agents staffed on the northern border and 17,089 agents staffed on the southwest border.<sup>11</sup> In regard to infrastructure, CBP's SBI office reported that as of April 2010, it had completed 646 of the 652 miles of border fencing—including pedestrian fencing and permanent vehicle barriers—that it committed to deploy along the southwest border. As of May 2010, CBP had not assessed the effect of this fencing on border security as we recommended in September 2009,<sup>12</sup> but had contracted with the Homeland Security Institute to conduct this analysis.<sup>13</sup> Deployment of this infrastructure also raised concerns about the negative effects on certain environments and wildlife that are protected under federal law. These concerns have resulted in consultation and mitigation efforts between DHS and DOI. In regard to technology, CBP's SBI office deployed a Secure Border Initiative Network (SBI*net*) prototype in the Tucson sector in February 2008, with plans to fully deploy SBI*net* in two Tucson sector locations at the end of calendar year 2010. SBI*net* is the technological component of SBI and includes towers, cameras, radar, and

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<sup>10</sup>Department of Homeland Security, *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland* (Washington, D.C., February 2010).

<sup>11</sup>The remaining 933 Border Patrol agents were staffed to coastal sectors and other locations.

<sup>12</sup>GAO, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, [GAO-09-896](#) (Washington, D.C.: Sept. 9, 2009).

<sup>13</sup>GAO, *Secure Border Initiative: DHS Has Faced Challenges Deploying Technology and Fencing Along the Southwest Border*, [GAO-10-651T](#) (Washington, D.C.: May 4, 2010).



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other technology to detect illegal activity along the border and attendant maintenance roads. The planned deployment of *SBI<sub>net</sub>* on federal lands with sensitive environmental areas and animal habitats also resulted in consultation between DHS and DOI to mitigate effects on these federally protected resources. In May 2010, we reported that *SBI<sub>net</sub>* has suffered from repeated delays and cost overruns.<sup>14</sup> DHS suspended future funding for the *SBI<sub>net</sub>* program in March 2010 pending a comprehensive internal review.

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## Cross-Border Illegal Activity Remains a Significant Threat to Federal Borderlands, and Guidance Could Help Balance Public Access and Safety

Cross-border illegal activity remains a significant threat on southwest and northern federal borderlands, according to Border Patrol assessments and data from 2009. Specifically, Border Patrol threat assessments showed that tribal lands, a national forest, wildlife refuges, a conservation area, and national parks in the Tucson sector continue to be high-risk areas for cross-border threats related to marijuana smuggling and illegal migration, and Border Patrol data show that the number of apprehensions of illegal entrants has not kept pace with the number of estimated illegal entries. In the Spokane sector, Border Patrol threat and operational assessments showed that the extent of illegal cross-border activity remains largely unknown, and the use of borrowed technology has shown that cross-border use of low-flying aircraft to smuggle drugs has been much higher than indicated by the number of drug seizures. Some federal land managers in the Tucson sector expressed concern about public endangerment on federal lands, but lacked additional guidance to determine when public access to federal lands should be restricted.

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## Border Patrol Faces Challenges in Responding to Cross-Border Threats on Tucson Sector Federal Borderlands

The Tucson sector is the primary entry point for marijuana smugglers and illegal aliens on the southwest border, according to Border Patrol assessments,<sup>15</sup> and Border Patrol apprehensions have not kept pace with the estimated number of illegal entries, indicating that threats to these areas may be increasing. Our analysis of Border Patrol data from fiscal year 2007 through fiscal year 2009 showed that while the number of apprehensions decreased by 42 percent on Tucson sector federal lands, the estimated number of illegal entries decreased by 14 percent.

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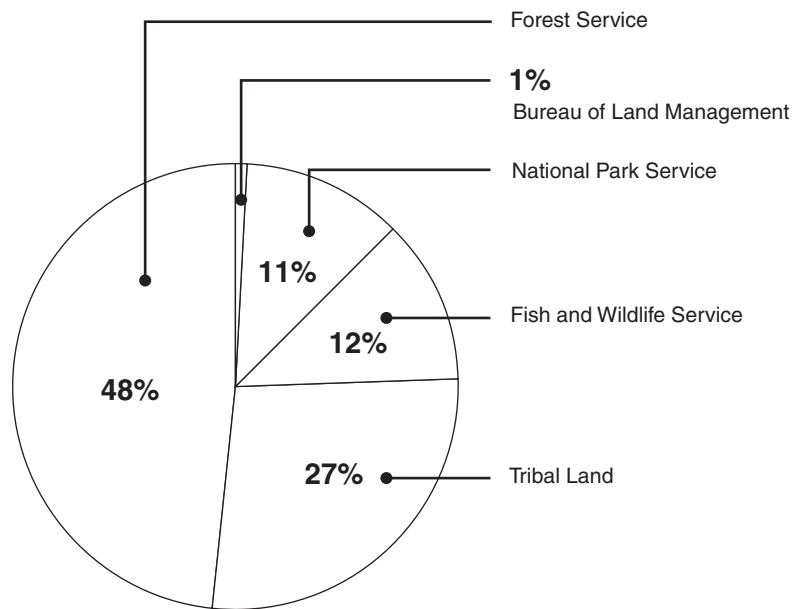
<sup>14</sup>GAO-10-651T.

<sup>15</sup>The Border Patrol fiscal year 2009 Tucson sector threat assessment and operational assessment show that the Tucson sector was responsible for about half of all marijuana seizures on the southwest border.

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Specifically, these data for 2009 show that while Border Patrol agents apprehended over 91,000 illegal aliens on federal lands, the Border Patrol estimated close to three times as many more illegal entries on federal lands.<sup>16</sup> In addition, these data show that most of the illegal entries were estimated to have occurred on federal lands administered by the Forest Service and the Tohono O’odham Nation. In fiscal year 2009, for example, the Border Patrol reported that nearly half of these estimated illegal entries occurred on Forest Service lands, and over one-fourth occurred on tribal lands (see fig. 4).

**Figure 4: Percentage of Border Patrol–Estimated Illegal Entries on Federal Lands in the Tucson Sector, Fiscal Year 2009**



Source: GAO analysis of Border Patrol data.

Note: Percentages do not add to 100 percent due to rounding.

According to Border Patrol operational and threat assessments, agents face many logistical and operational challenges in responding to the threat of illegal entries on these federal lands while ensuring that the Border

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<sup>16</sup>Border Patrol officials stated that illegal entrants who are not apprehended either cross back over the Mexican border or continue traveling to the U.S. interior, and may be apprehended in other locations.

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Patrol's strategy and mission are carried out effectively and efficiently. Challenges cited by Border Patrol assessments included insufficient resources, distance of resources from the border, and operational gaps between stations and sectors.

- **Insufficient resources.** The operational assessments for all five stations we visited with responsibility for patrolling federal lands indicated an insufficient number of staff or amount of technology or other resources to detect and respond to illegal activity in their area of responsibility.
- **Distance from the border.** The operational assessments for all five stations we visited indicated that distances from the station to some border areas they patrol made enforcement difficult in these areas.<sup>17</sup> For example, Border Patrol agents from stations responsible for patrolling parts of the Organ Pipe Cactus National Monument, the Coronado National Memorial, and the Coronado National Forest confirmed that the long distances between the station and border areas hindered timely response to and apprehension of illegal entrants. To address these vulnerabilities, the Border Patrol was working with federal land managers from these federal lands to establish or expand forward operating bases that allow Border Patrol agents to maintain a constant presence.
- **Operational gaps.** According to Border Patrol operational and threat assessments and station officials, some federal lands crossed station and sector boundaries, and these boundaries were sometimes underpatrolled, resulting in higher levels of illegal activity and lower levels of apprehension. To address these vulnerabilities on the Coronado National Memorial, the Border Patrol was working with land managers to establish forward operating bases on boundary lines that could be used by agents from different stations.

Operational and threat assessments indicated that patrolling environmentally sensitive areas was challenging, but access to these areas was not a primary factor to achieving operational control of the border.<sup>18</sup>

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<sup>17</sup>The distance from each of these five stations to the international border within each station's area of operations ranged from approximately 25 to 110 miles.

<sup>18</sup>For example, Border Patrol officials said that they are not limited in their ability to conduct motorized off-road operations in environmentally sensitive areas in conducting border security operations. The Border Patrol's authority to conduct off-road operations in these areas is outlined in the 2006 MOU between DHS, DOI, and USDA.

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In addition, Border Patrol agents that we interviewed from the station patrolling these lands confirmed that environmental restrictions were not a primary barrier to achieving operational control of the border and that they are able to work with these federal land managers to meet Border Patrol operational requirements.

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### Limited Capability to Detect Illegal Activity in the Spokane Sector Creates Challenges to Assessing Cross-Border Threats on These Northern Borderlands

The Spokane sector is a primary entry point for illegal cross-border transport of high-potency marijuana from Canada via low-flying aircraft, according to Border Patrol threat assessments, and much of this activity occurs on federal borderlands that comprise about 77 percent of the Spokane sector border. Border Patrol Spokane sector officials consider the level of illegal activity to be significantly higher than that reflected by the number of drug seizures and apprehensions. Border Patrol Spokane sector data showed that from fiscal years 2007 through 2009, the number of drug seizures decreased from 43 to 33 across the sector overall and apprehensions decreased from 341 to 277. However, these federal lands—which include five national forests, two wilderness areas, and a national park—are in areas where the Border Patrol has limited capability to reliably detect the full extent of illegal cross-border activity, according to Border Patrol threat and operational assessments. For example, according to Border Patrol assessments, using Department of Defense technology during a 30-day joint operation in fiscal year 2008, Border Patrol agents in the Spokane sector detected significantly more aircraft crossing the border than the number of cross-border aircraft normally detected in a given year without this additional technology. Border Patrol assessments also cited risks related to potential terrorism and gangs, and there are indications that smuggling of drugs and other contraband may be substantial.

About two-thirds of the border miles in the Spokane sector were defined as a low-level monitored area that remains vulnerable to exploitation because of issues related to accessibility and resource availability, according to the 2010 Spokane sector operational assessment. Border Patrol headquarters officials stated that other sectors had a higher priority for resources because they had higher threat levels when compared to the Spokane sector.<sup>19</sup> Border Patrol challenges related to responding to the

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<sup>19</sup>Border Patrol reported that 196 of 308 total border miles in the Spokane sector were defined at this level of border control, which the agency reports is not an acceptable end state.

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threat of illegal entries on Spokane sector federal lands resulted from the inability to patrol physically inaccessible terrain, limited resources and infrastructure to combat the air threat, and insufficient staff to cover each of the seven stations' area of responsibility, according to the sector's 2010 operational assessment.

Border Patrol operational and threat assessments also mentioned adapting operational strategy to patrol environmentally sensitive areas as a challenge, but not a primary factor in achieving border control. For example, roadless areas, such as the Pasayten Wilderness, limit motorized access. In addition, the Spokane sector Acting Chief Patrol Agent said that Forest Service officials had blocked road access in areas of core grizzly bear habitat, which negatively affected their ability to patrol these areas of the border, but these challenges were not reflected in the Spokane sector's 2010 operational assessment.<sup>20</sup> Officials from the Forest Service, Northern Region said that the road closures were in response to their responsibility to recover the threatened grizzly bear pursuant to the Endangered Species Act, as regulated by DOI's Fish and Wildlife Service.<sup>21</sup> The Forest Service is required to restrict motorized access in the recovery areas during the time of year when bears are outside of their dens, according to Forest Service officials.<sup>22</sup> However, Border Patrol Spokane sector officials said they are working with USDA's Forest Service and DOI's Fish and Wildlife Service on agreements related to road use in grizzly bear habitat areas.<sup>23</sup>

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### Additional Guidance May Help Tucson Sector Federal Land Managers Determine When to Restrict or Close Federal Lands to Public Access

Federal land managers and law enforcement officials from five of six DOI and USDA agencies we visited in the Tucson sector said that they would like additional guidance to determine when risks related to cross-border illegal activity warrant closure or restricted access to federal borderlands. DOI and USDA have regulatory authority to temporarily close or restrict portions of federal land units because of factors such as resource preservation or to protect public health and safety during wildland fires

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<sup>20</sup> According to Border Patrol Spokane sector officials, the restriction and closure of roads on federal lands within the sector's area of operations have occurred over the course of approximately 20 years. For example, one road was eliminated in 2002 for the purpose of creating a roadless habitat for the grizzly bear.

<sup>21</sup> This DOI bureau has national responsibility for managing endangered species.

<sup>22</sup> This time of the year is generally from April 1 through November 15.

<sup>23</sup> Border Patrol Spokane sector officials noted that they reserve the right to access the grizzly bear habitat if they have an operational need to do so.

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and other emergency events, but defer development of guidance to implement this authority to their component agencies.<sup>24</sup> We found that guidance developed by each component agency we visited varied regarding factors federal land managers should consider in making decisions in response to border security threats and most federal land managers and law enforcement officials that represent six federal land units in the Tucson sector stated that they would like additional guidance to more easily respond to changes in border security threats. DHS has developed contingency plans for cross-border violence on the southwest border, but these plans do not include information federal land managers could use to guide their decisions to close or restrict access to federal borderlands.<sup>25</sup>

Federal land law enforcement officials from the six DOI and USDA agencies we visited in the Tucson sector estimated spending 75 to 97 percent of their time responding to concerns about public safety or resource damage that were directly related to threats from illegal cross-border activity. For example:

- **Organ Pipe Cactus National Monument.** Drug smugglers frequently used the parking lot of the Visitor Center on the Organ Pipe Cactus National Monument as a staging area, according to Border Patrol threat assessments. Because of safety concerns, federal land law enforcement officials spent much of their time providing armed escorts for agency personnel, such as park researchers and scientists, conducting work in certain areas of the park.

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<sup>24</sup>Under 36 C.F.R. § 1.5, the National Park Service has the authority to close all or a portion of a park area when necessary for the maintenance of public health and safety, among other reasons. Under 50 C.F.R. § 25.21, the Fish and Wildlife Service has the authority to close all or any part of a refuge, for both nonemergency and emergency situations that endanger human life and safety. Under 43 C.F.R. § 8364.1, the Bureau of Land Management has the authority to close or restrict the use of designated public lands in order to protect persons, property, and public lands and resources. Under 36 C.F.R. §§ 261.50, 261.53 the Forest Service has the authority to close or restrict the use of an area of a national forest for a variety of reasons, including the protection of public health or safety. In addition, DOI headquarters and field officials stated that the authority and decision to close and reopen federal lands is further delegated to federal land managers at the local level.

<sup>25</sup>DHS has a plan in place to address border violence. The contingency plan, known as the Southwest Border Violence Operations Plan, outlines a layered response to provide the appropriate level of support to local law enforcement and DHS components in the event of escalating violence. The first part of this contingency plan involves support of state and local first responders in the event of spillover violence from Mexico to the United States.

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- **Coronado National Forest.** Criminal organizations continue to use the Coronado National Forest to facilitate illegal entry into the United States. According to a Forest Service law enforcement official, the majority of time law enforcement officials spend in the national forest is spent responding to public safety and resource protection issues directly related to illegal cross-border activity.
  - **Cabeza Prieta National Wildlife Refuge.** A law enforcement official responsible for monitoring wilderness access restrictions on the refuge spent a significant amount of time addressing issues related to illegal trafficking of humans and drugs.

DOI's Southwest Border Coordinator said that the lack of DOI guidance has resulted in different practices to close or restrict access across federal borderlands, despite similar border security threats to public safety. Federal land managers who represent six federal land units in the Tucson sector made different decisions on whether to close or restrict access to federal lands, and some managers said they considered such action but would like additional guidance that would allow them to more easily decide to close and reopen federal lands to reflect changes in cross-border threats.<sup>26</sup> For example:

- The Chief Ranger for the Coronado National Memorial said that he had safety concerns regarding border-related hazards. However, the Park Superintendent said she has not exercised her authority to close areas of the park because the National Park Service at the local, regional and national level has not fully analyzed the level of cross-border illegal traffic within the memorial or the severity of the threat to visitors and employees. In the meantime, the Chief Ranger posted signs to warn the public about illegal cross-border activity (see fig. 5) that are used throughout the National Park Service lands along the Mexico border. The Chief Ranger and the Superintendent for the Coronado National Memorial agreed that they would like more standard and specific

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<sup>26</sup>For the six federal land units, closures on federal lands ranged from 0 percent to approximately 55 percent. Two of the six federal land units had closed or restricted public access. Approximately 55 percent of the Organ Pipe Cactus National Monument and less than 1 percent of the Buenos Aires National Wildlife have been closed to the public.

guidance to aid in the decision-making process for opening and closing the park.<sup>27</sup>

Figure 5: A Warning Sign about Illegal Cross-Border Activity on the Coronado National Memorial



Source: National Park Service.

- The Acting Supervisor for the Coronado National Forest said that the Forest Service has the authority to issue orders to close or restrict the use of areas within its jurisdiction, but does not have specific guidance to assist federal land managers in making closure decisions to protect the public from potential dangers of cross-border illegal activity. On major roads likely to be used by public visitors, forest rangers have posted travel caution signs warning the public that smuggling and

<sup>27</sup> According to the National Park Service Intermountain Regional Chief Ranger, the National Park Service has adopted a risk management process that lists seven steps—(1) define mission, (2) identify hazards, (3) assess risks, (4) identify options, (5) evaluate risk versus gain, (6) execute decisions, and (7) supervise (watch for changes)—to be used to assess southwest border parks and develop actions to take to reduce the risk to resources, employees, and the public, including park closures. However, our review of the agency's seven-step risk management process showed that the guidance has no specific factors to link border security threats to personnel and public safety.



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other illegal activity may be encountered in certain areas when they get information from the Border Patrol and Forest Service law enforcement officers indicating potential risk areas. However, there are no standard procedures dictating when and how the public should be informed of illegal border activity, and such guidance may help provide support for taking action. For example, the Border Liaison for the Coronado National Forest said the Forest Service had posted warning signs along the Arizona state highway to warn visitors of illegal activity before entering the forest, but had been asked by Arizona state officials to remove them because of political sensitivities. These signs were reposted on forest land that could not be seen from the highway.

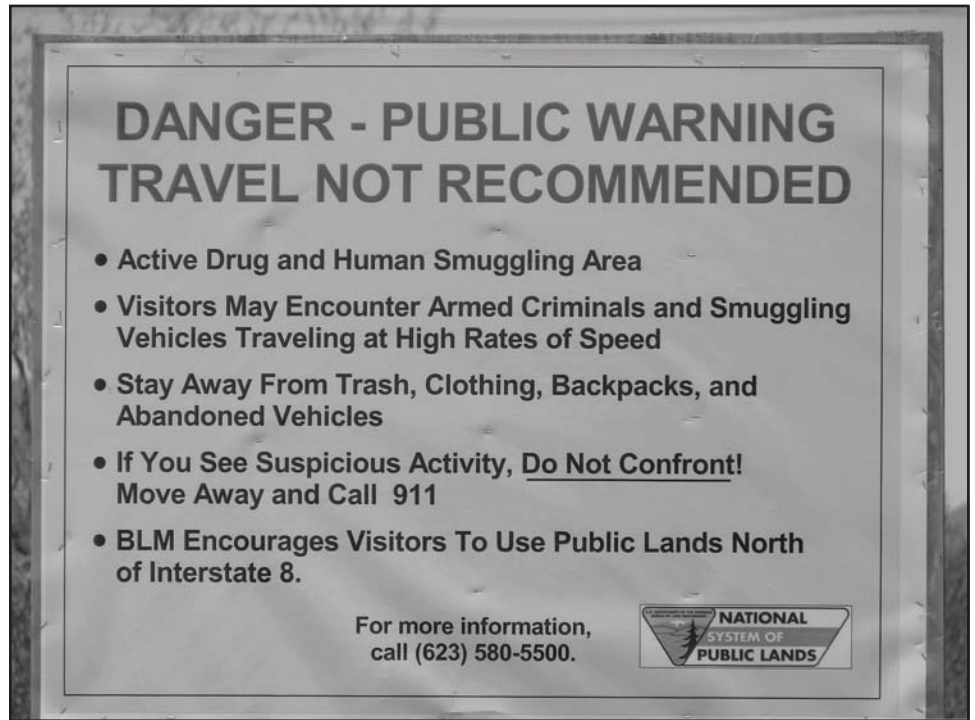
- The Chief Ranger for the Sonoran Desert National Monument stated that it would be useful to have additional DOI guidance in making Bureau of Land Management land closure decisions. He stated that he had previously proposed the closure of this monument, but was unsuccessful in convincing Bureau of Land Management officials of the threats posed by cross-border illegal activity in this area because of the requirement to demonstrate “extreme danger” based on law enforcement intelligence information, which he was unable to demonstrate because of staffing limitations.<sup>28</sup> Nonetheless, in response to increased threats to the monument, including the wounding of an Arizona county deputy sheriff in April 2010 and the killing of two suspected drug smugglers shot by a rival drug organization in May 2010, Bureau of Land Management officials posted warning signs at 11 entrance locations of the monument to warn the public against travel on portions of the monument because of potential encounters with armed criminals and smugglers’ vehicles traveling at high rates of speed (see fig. 6).

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<sup>28</sup>The need to demonstrate “extreme danger” is outlined in Bureau of Land Management guidance issued in May 2009. This guidance requires land managers to monitor safety issues on borderlands and outlines steps needed to close lands if extreme danger is identified on these lands. In instances where extreme danger is identified, land managers can—in coordination with the Arizona State Director and Bureau of Land Management headquarters—close lands to the public. Arizona Borderlands Safe Work Policy (May 7, 2009).

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**Figure 6: A Warning Sign about Illegal Activity on the Sonoran Desert National Monument**



Source: Bureau of Land Management.

Additional guidance to assist federal land managers to more easily determine when public access to federal borderlands should be restricted in response to changes in risks associated with cross-border illegal activity is consistent with requirements for internal controls for the federal government. *Standards for Internal Control in the Federal Government* states that internal control and all transactions and other significant events need to be clearly documented, and the documentation should be readily available for examination. The documentation should appear in management directives, administrative policies, or operating manuals and all documentation and records should be properly managed and maintained.<sup>29</sup> Additional guidance could also enhance DHS contingency plans for southwest cross-border violence since these plans do not include information on closing or restricting access to federal borderlands. DOI and USDA efforts to determine whether additional, and what type of,

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<sup>29</sup> [GAO/AIMD-00-21.3.1.](#)

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guidance is needed could help federal land managers more easily determine when to close and reopen public lands in response to changing levels of border security threats in order to balance public safety and access to federal lands. In addition, interagency consultation among DHS, DOI, and USDA on the adequacy of current guidance could assist federal land managers who may find it difficult, under current guidance, to determine when border security threats pose a significant enough threat to public safety to warrant the closure of federal borderlands. DOI and USDA headquarters officials stated that additional guidance could be helpful in balancing public safety and access to federal borderlands. Interagency assessments of whether additional guidance is needed may also prove helpful in aligning federal response should DHS find it necessary to implement its contingency plan for cross-border violence on the southwest border.

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## Federal Agencies Reported That Information Sharing and Communication Had Improved, but Additional Coordination Is Needed to Close Critical Gaps

Information sharing and communications among agencies have generally increased over the last several years, according to Border Patrol and federal land law enforcement officials in the Tucson and Spokane sectors, but critical gaps remained in implementing agreements to (1) share daily threat information needed to coordinate a timely and actionable law enforcement response in the Tucson and Spokane sectors and (2) ensure that radio communications of daily operations are compatible among law enforcement partners operating in common areas of responsibility in the Tucson sector. DHS, DOI, and USDA have established agreements requiring coordination in these areas and have established liaisons and forums to facilitate compliance and resolve coordination issues among agencies. However, federal land law enforcement officials remain concerned that the lack of early and continued consultation among agencies to implement these agreements has resulted in critical information-sharing gaps that compromise officer safety and a timely and effective coordinated law enforcement response.

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## Interagency Agreements, Forums, and Liaisons Have Increased Information Sharing

Information sharing among agencies has generally increased since the 2006 MOU, according to Border Patrol officials and federal land law enforcement officials in the locations we visited. The 2006 MOU stipulated that DHS, DOI, and USDA should establish forums and meet as needed to facilitate working relationships and coordination, and that Border Patrol provide federal land management agencies with statistics on illegal cross-border activity relevant to lands they manage. The majority of Border Patrol and federal land law enforcement officials we spoke with stated that forums and liaisons had been established to exchange information as

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required by the MOU and that Border Patrol was complying with the requirement to share statistics on illegal cross-border activity on federal lands.

Officials on federal lands we visited in the Tucson sector said that mechanisms were in place to exchange information. Mechanisms most often cited as improving information sharing included interagency forums, such as the Borderlands Management Task Force (BMTF)<sup>30</sup> and the High Intensity Drug Trafficking Area (HIDTA) working groups.<sup>31</sup> Federal land law enforcement officials agreed that the BMTF, which meets every other month, was a useful mechanism for discussions and mitigation of environmental issues related to border security construction projects and enforcement activities, while the HIDTA was useful for weekly exchanges of information related to cross-border drug trafficking issues in specific areas of Arizona. Interagency liaisons were also key mechanisms for sharing more specific information of mutual concern and interest between agencies. For example, the PLLA from the Tucson sector facilitated weekly exchanges of Border Patrol enforcement statistics with federal land law enforcement officials, such as apprehensions and drug seizures. In addition, Border Patrol officials said that the DOI liaison colocated at the Tucson sector and a USDA liaison for the Coronado National Forest were also useful as central points for information sharing regarding federal borderlands. Personal relationships among agency personnel were also commonly cited as a critical mechanism for information exchange between agencies.

Border Patrol and federal land law enforcement officials operating in the Spokane sector also reported that interagency forums such as the BMTF and Integrated Border Enforcement Teams (IBET)<sup>32</sup> had improved information sharing and communication about border security issues on

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<sup>30</sup>The BMTF acts as a mechanism to address issues of security and resources among federal, tribal, state, and local governments located along the international borders.

<sup>31</sup>The HIDTA program, administered by the Office of National Drug Control Policy, acts as a mechanism to enhance and coordinate drug control efforts among federal, state, and local law enforcement agencies. HIDTA working groups in Arizona are located in Phoenix and Tucson.

<sup>32</sup>IBETs are multiagency, field-level groups of law enforcement officials dedicated to securing the integrity of the shared border between Canada and the United States, while representing the laws and jurisdictions of each nation. IBETs are multidisciplinary intelligence and enforcement units that focus on national security, organized crime, and other criminal activity between ports of entry.

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federal lands. These officials agreed that the BMTF had served as a venue to discuss and resolve road access issues on national forest lands, while Border Patrol officials stated that the monthly IBET meetings were a means for law enforcement partner agencies to exchange information related to illegal cross-border activity throughout the sector. Forest Service officials reported receiving Border Patrol information related to illegal cross-border activity at monthly intelligence meetings held at some field locations, as well as at quarterly task force meetings. They also reported receiving Border Patrol enforcement statistics on a monthly basis from the sector, and while these statistics were not broken out by federal land unit, the officials said they were satisfied with the frequency and content of these reports. Border Patrol and federal land law enforcement officials operating in national parks said that they had established good relationships, as personal relationships were important to increased information sharing among agencies. However, Border Patrol officials and federal land law enforcement officials operating in national forests said they were working to improve relationships between the agencies in some locations.

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### Continuous Interagency Coordination Could Address Gaps in Sharing Threat Information and Radio Communications Critical to Law Enforcement on Federal Lands

DHS, DOI, and USDA did not coordinate to ensure that federal land law enforcement officials had access to daily situation reports on threats to federal lands and compatible secure radio communications to coordinate daily operations in the Tucson sector, according to Border Patrol and federal land law enforcement officials in locations we visited. The 2006 MOU requires DHS, DOI, and USDA to establish a framework for sharing threat information, but officials in the Tucson and Spokane sectors did not implement this provision. In addition, a 2008 MOU designated a common encryption key to enable secure radio communications for Border Patrol and federal land law enforcement officials operating on federal borderlands.<sup>33</sup> However, officials in the Tucson sector did not consistently consult with federal land agencies to ensure continued sharing of secure radio communications on daily operations. The lack of continuous interagency consultation to implement these agreements has raised concerns that law enforcement officials do not have a common awareness of immediate threats on the federal borderlands they patrol and lack the ability to communicate when attempting to provide a coordinated law enforcement response.

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<sup>33</sup>Department of Homeland Security, Department of the Interior, and Department of Agriculture, *Memorandum of Understanding Regarding Secure Radio Communication*.

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Agencies Have Not Coordinated to Ensure That All Law Enforcement Officials Patrolling Federal Lands Have Access to Timely and Actionable Threat Information

DHS, DOI, and USDA officials in the Tucson and Spokane sectors have not coordinated to ensure that all law enforcement agencies have access to the most recent information they need to respond to actual or potential threats on federal borderlands on a timely basis. For example, Border Patrol officials in the Tucson sector did not consult with federal land management agencies before discontinuing dissemination of daily situation reports that federal land law enforcement officials relied on for a common awareness of the types and locations of illegal activities observed on federal borderlands. On the northern border in the Border Patrol's Spokane sector, Border Patrol and Forest Service law enforcement officials did not coordinate to determine if they could address concerns about the type and frequency of information they received to respond to threats on national forests. Federal land law enforcement officials on both borders stated that they had no other sources of comparable information about cross-border threats to federal borderlands that could assist them in effectively deploying their scarce law enforcement resources to safeguard agency personnel and the public.<sup>34</sup>

Border Patrol Tucson sector officials said that they were no longer providing federal land law enforcement officials with daily situation reports on border security threats because this information-sharing responsibility was transferred to the Alliance to Combat Transnational Threats (ACTT).<sup>35</sup> This multiagency forum has recently been initiated in Arizona to integrate intelligence and operations among homeland security partners. However, the Border Patrol Tucson sector and the ACTT did not coordinate to ensure that federal land law enforcement officials would continue to receive threat information similar to that provided in the daily situation reports to ensure that partners had a common awareness of the types and locations of illegal activities observed on federal borderlands. In the absence of this coordination, ACTT officials said that the ACTT leadership had decided to produce weekly intelligence summaries rather than daily situation reports, and that the new summaries did not include information specific to federal lands because tracking trends and changes

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<sup>34</sup>Forest Service managers in the Spokane sector said they had only 12 law enforcement officials to protect thousands of acres of national forest along the border. Similarly, Forest Service managers on the Coronado National Forest in the Tucson sector said that there are only 10 law enforcement officials to protect nearly 2 million acres of national forest.

<sup>35</sup>ACTT—initially established as the Arizona Operational Plan in the fall of 2009—is a multiagency law enforcement partnership in Arizona designed to address smuggling of aliens, drugs and bulk cash; exportation of weapons; and hostage taking, among other illegal activities.

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in illegal cross-border activity specific to federal lands on a daily basis was manpower intensive.

Border Patrol Tucson sector officials noted that federal land law enforcement officials were invited to participate in ACTT from its inception, including the DOI and Forest Service liaisons colocated at the sector, but that federal land management agencies were not engaged in ACTT to ensure that their threat information needs were met. However, ACTT officials added that they did not include federal land management agencies in their leadership structure as of May 2010, although officials said this may change since the organization is still in development.

Border Patrol Spokane sector officials stated that because of low levels of illegal cross-border activity relative to other Border Patrol sectors, there is a limited amount of threat information that the sector needs to share with federal land law enforcement officials on a regular basis. A National Park Service law enforcement official at one location agreed, stating that the information he received from the Border Patrol was adequate for his needs. However, Forest Service law enforcement officials at another location noted that they had not received any Border Patrol reports of illegal cross-border activity in the Spokane sector since 2008, despite the fact that such activity persists on national forests in the sector, and emphasized that they relied on Border Patrol information to understand border security threats to federal lands. Border Patrol and Forest Service officials in the Spokane sector stated that they were working together to resolve these information-sharing challenges.

Implementation of the 2006 MOU's requirement for DHS, DOI, and USDA to establish a framework for sharing threat information could help to ensure that law enforcement officials operating on federal lands have access to threat information they consider necessary to efficiently and effectively complete their missions.

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Agencies in the Tucson Sector Did Not Coordinate to Ensure That All Law Enforcement Officials Were Sharing Radio Communications of Information on Daily Operations

DHS, DOI, and USDA officials did not coordinate to ensure that all federal law enforcement partners could monitor secure radio communications regarding daily operations on federal lands in the Tucson sector.<sup>36</sup> The 2008 MOU between DHS, DOI, and USDA established a common secure radio encryption key for use by component agencies when communicating information on daily operations.<sup>37</sup> The MOU was established to address past challenges between agencies operating in common areas of responsibility, and Border Patrol headquarters officials stated that following the 2008 MOU, CBP assisted DOI in aligning its radios with Border Patrol radios by coordinating funding and reprogramming of DOI's radios on the entire southwest border. In November 2009, however, Border Patrol changed the secure radio encryption key used by Border Patrol agents in the Tucson sector to communicate information on daily operations without consulting with DOI or USDA. Border Patrol headquarters officials said that the change was made as part of a national modernization initiative to increase the capabilities, coverage, and encryption levels of digital communications equipment.<sup>38</sup>

Border Patrol headquarters officials stated that they remained in compliance with the 2008 MOU, despite the change to the secure radio encryption key, because Border Patrol agents in the field could be trained to switch their radios back and forth between the new encryption key and the common encryption key shared with federal land law enforcement officials. However, federal land law enforcement officials at all six of the locations we visited in the Tucson sector stated that this action was insufficient to meet their information needs regarding daily Border Patrol operations on federal borderlands. These officials provided examples of how the inability to monitor daily operations across agencies may

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<sup>36</sup>On the northern border in the Border Patrol Spokane sector, radio communications were compatible for daily operations, but limited in certain areas lacking the infrastructure necessary for radio signal coverage.

<sup>37</sup>Department of Homeland Security, Department of the Interior, and Department of Agriculture, *Memorandum of Understanding Regarding Secure Radio Communication*.

<sup>38</sup>The modernization initiative, Project 25, is a standards-development process for the design, manufacture, and evaluation of interoperable, digital two-way wireless communications products created by and for public safety professionals. Project 25 standards are administered by the Telecommunications Industry Association. Radio equipment that demonstrates compliance with Project 25 must meet a set of minimum requirements to fit certain needs of public safety, including interoperability, allowing users on different systems to talk with direct radio contact.



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jeopardize officer safety and efficient deployment of law enforcement personnel.

- A Bureau of Land Management law enforcement official noted that in late 2009, a federal land law enforcement official on the Ironwood Forest National Monument radioed Border Patrol agents for help with apprehending a smuggler who failed to yield, but could not determine if his call for assistance was heard because agents did not respond on the same frequency.
- A Fish and Wildlife Service law enforcement official reported a case in which federal land law enforcement officials on the Buenos Aires National Wildlife Refuge had engaged in a high-speed vehicle chase and could not coordinate the operation with nearby Border Patrol agents because they lacked access to the Border Patrol's new secure radio encryption key.
- A National Park Service law enforcement official expressed concern that the inability to monitor Border Patrol agents' secure radio transmissions during emergency situations on the Organ Pipe Cactus National Monument could result in a lack of awareness of other law enforcement officials responding to a threat and accidental shootings among law enforcement officials.
- A National Park Service law enforcement official stated that losing the ability to monitor the Border Patrol's secure radio transmissions decreased his awareness of where Border Patrol agents are operating in areas of joint responsibility and how best to coordinate their daily patrols on the Coronado National Memorial.

In order to remedy these communication challenges, Border Patrol headquarters issued guidance in April 2010 instructing that secure radio communications of information regarding daily operations should be switched from the new encryption key back to the common encryption key compatible with DOI and USDA; however, this guidance applies only to the Tucson sector. The Office of National Drug Control Policy's 2009 Southwest Border Counternarcotics Strategy outlines the need for homeland security partners to be able to communicate using secure radio along the southwest border, and states that partners should ensure that new systems allow for federal interagency connectivity.<sup>39</sup> However, since

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<sup>39</sup>Office of National Drug Control Policy, *Southwest Border Counternarcotics Strategy* (Washington, D.C., June 2009).

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the Border Patrol's April 2010 guidance applies only to the Tucson sector, secure radio compatibility problems could persist in other Border Patrol sectors.

Border Patrol headquarters officials stated that future DHS-DOI radio issues will be addressed in a proactive manner in order to avoid radio communication complications. For example, based on the lessons learned from the Tucson sector encryption issue, Border Patrol has established a headquarters-level working group with DOI to address future radio communications issues in the Tucson sector and all other sectors throughout the country. However, as of June 2010, the Border Patrol had excluded USDA representation from the working group because of an oversight. Border Patrol headquarters officials we spoke with stated that new compatibility challenges could arise as other sectors complete upgrades from analog to digital communication systems. Continuous coordination among DHS, DOI, and USDA headquarters officials to ensure that the working group consults all law enforcement agencies operating on federal lands on future upgrades to secure radio communication capabilities could help ensure that there is a safe, efficient, and coordinated response among law enforcement personnel on federal borderlands across sectors.

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## **Additional Interagency Coordination of Threat Assessments and Budgets for Federal Lands, and Joint Operations, Could Enhance Border Security Efforts**

There was little interagency coordination to share periodic assessments of overall border security threats to federal lands, little interagency consultation to develop budget requests for resources necessary to address these threats, and limited coordination to conduct joint operations on federal lands, according to Border Patrol and federal land management agency officials in the two sectors we visited. Provisions of the 2006 MOU require the agencies to establish a framework by which threat assessments may be exchanged and the Border Patrol consult early with federal land managers affected by DHS budgetary and operational plans. The lack of up-front interagency consultation has raised concerns among federal land officials about missed opportunities to leverage knowledge and resources of all law enforcement partners for more effective border security operations on federal lands.

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Increased Agency  
Coordination of Threat  
Assessments Could Help  
Ensure Common  
Awareness of Threats and  
Border Security  
Vulnerabilities on Federal  
Lands

DHS, DOI, and USDA in the Tucson and Spokane sectors did not coordinate to share intelligence assessments that are used to describe border security threats and vulnerabilities in each sector and inform efforts needed to address them. The 2006 MOU states that parties will establish a framework by which threat assessments and other intelligence information may be exchanged, including intelligence training to be conducted by all parties. Federal land officials in the Tucson and Spokane sectors stated that DOI and USDA had not prepared threat assessments for federal lands in recent years because of resource constraints.<sup>40</sup> Border Patrol officials at the two sectors we visited said that they developed annual threat assessments that describe the overall threat environment and border security vulnerabilities across the sector—including federal lands—that are used to inform budget requests for resources and operational strategies. However, while federal land law enforcement officials in locations we visited in the Tucson and Spokane sectors said that they relied on the Border Patrol for information about border security threats on federal lands, not all agencies received Border Patrol threat assessments or were aware that the Border Patrol produced them.

Border Patrol Spokane sector officials said that they routinely disseminated threat assessments to DOI agencies but not to the USDA's Forest Service, which sector officials noted as an oversight and corrected after our inquiry. Spokane sector Border Patrol officials noted that information contained in their annual threat assessment is provided to the IBET, which in turn includes this information in its annual threat assessment. Forest Service officials in Spokane stated that they receive the annual IBET reports but were unaware that these reports contained the Border Patrol's threat information. Border Patrol Tucson sector officials said that they do not routinely share threat assessments outside the agency because these reports contain sensitive law enforcement information but would consider sharing threat assessments upon request. Border Patrol officials said that they had not received such a request from federal land managers in locations we visited. Neither sector had conducted intelligence training for federal land law enforcement officials that could inform them of the types of threat reports available and help them determine their specific information needs. However, the Border Patrol noted that federal land management agencies had never requested

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<sup>40</sup>In the Tucson sector, the Arizona Army National Guard prepared a threat assessment for DOI in 2003; in the Spokane sector, federal land management agencies had not prepared a threat assessment since 2000.

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intelligence training. Border Patrol headquarters officials said they had not monitored whether sectors were implementing the 2006 MOU's provisions. Implementing provisions for determining agencies' specific information needs—including the sharing of threat assessments and intelligence training—could help to ensure a common understanding among law enforcement officials of border security threats and vulnerabilities.

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### Enhanced Coordination on Budget Requests and Consultations for Federal Lands' Resource Deployment Plans Could Maximize Border Security Resources

DHS, DOI, and USDA officials in the Tucson and Spokane sectors did not coordinate budget requests for border security on federal lands, and while agencies said they generally consulted on Border Patrol deployment of sector personnel, infrastructure, and technology agencies disagreed on how early consultation needed to occur prior to planning the deployment of the SBI fencing and technology projects. The 2006 MOU places primary responsibility on the Border Patrol to coordinate its budget with federal land management agencies, specifically to ensure that federal land managers can provide input and are—in the early stages of planning—aware of what personnel, infrastructure, and technology the Border Patrol would like to deploy on federal lands. On the southwest border, however, five of the six federal land managers we spoke with in the Tucson sector said that the Border Patrol had not consulted them in developing fiscal year 2009 budget requirements, and three of the six managers said that the Border Patrol had never consulted with them in this regard. At the sixth location, Forest Service officials had developed a joint budget strategy with the Border Patrol in fiscal year 2007 to collaboratively gain and maintain operational control of the Coronado National Forest along the Arizona international border.<sup>41</sup> In the Spokane sector, Forest Service officials said that the Border Patrol had never consulted them about budget requests, while National Park Service officials said that they had last consulted with the Border Patrol on the budget in 2007.

With the exception of two Border Patrol stations responsible for patrolling the Coronado National Forest, Border Patrol officials from six of the eight stations we interviewed in the Tucson and Spokane sectors stated that they had not consulted with federal land managers on budget requests. The primary infrastructure project in the Tucson sector was the border

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<sup>41</sup>This joint budget strategy states that the Coronado National Forest and the Tucson sector Border Patrol will collaboratively support the priority mission of public and employee safety, antiterrorism, detection, arrest, prosecution, and deterrence of cross-border illegal trafficking. The Forest Service official responsible for this budget strategy explained that he was seeking to update it for the current fiscal year.

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fencing project under SBI, and towers and roads to support the *SBI*net technology project, which are included in CBP headquarters' budgets instead of the sector's budget.<sup>42</sup> The SBI office, however, said that it does not engage in outside coordination, relying on its component customers to perform this function. By coordinating budgets with federal land management agencies, Border Patrol stations could leverage federal land management agencies' knowledge of threats, vulnerabilities, and risks to federal lands, which could result in greater efficiencies in operations to patrol the border.

In regard to resource deployment by the Border Patrol Tucson sector, Border Patrol agents and federal land managers operating on federal lands we visited all agreed that federal land managers were able to provide input on the deployment of the sector's resources on federal lands. Federal land managers provided the following examples of interagency coordination in deploying resources to strengthen border security.

- Federal land managers stated that the Border Patrol had coordinated the placement of forward operating bases on the Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge, and the Coronado National Forest in order to address cross-border illegal activity on remote federal lands.
- Forest Service land managers in the Tucson sector said that they had worked with the Border Patrol to coordinate upgrades to Forest Service roads to facilitate border security operations. The Forest Service was providing engineering services and the Border Patrol was providing funding for this infrastructure project.

However, federal land managers at three of the six federal lands we visited in the Tucson sector cited several examples in which consultations were not conducted in the early stages of planning, as required by the 2006 MOU, but occurred after the Border Patrol had developed plans to deploy infrastructure projects on federal lands. For example, a federal land manager said that the Border Patrol had not consulted with him prior to building a road on the Buenos Aires National Wildlife Refuge to use its mobile surveillance technology. However, the refuge manager allowed

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<sup>42</sup>Budgeting and implementation of SBI infrastructure and technology is led by CBP's SBI Program Executive Office, a stand-alone office with a separate funding stream that is not overseen by Border Patrol sector officials.

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Border Patrol to continue using the road as it had been beneficial in reducing illegal cross-border activity on the refuge.

Federal land managers we interviewed were also concerned about the lack of early consultation regarding CBP deployment of the SBI border fencing, and towers and roads supporting SBI*net* technology. Border Patrol Tucson sector officials disagreed, stating that CBP and SBI officials made numerous efforts to meet with partner agencies related to infrastructure and explained that in the spring of 2008, before fence construction was initiated, the Border Patrol held a meeting at the Tucson sector Border Patrol station with representatives from the Border Patrol, DOI, and USDA to discuss fence construction projects throughout the sector.

Border Patrol headquarters officials also stated that earlier consultations were not feasible because the Border Patrol had to first determine its own operational requirements before consulting with federal land managers. However, DOI's Director of Law Enforcement and Security stated that early consultations with DOI could ensure that environmental considerations—such as designing fencing to address wildlife migration patterns—were fully vetted in the earliest stages of Border Patrol infrastructure planning. Moreover, federal land managers cited examples where early consultations could have leveraged their expertise and knowledge to better ensure that the infrastructure was engineered and designed to succeed across different border environments.

- One National Park Service federal land manager said that he was unaware of Border Patrol plans to install SBI fencing on the border adjacent to the Organ Pipe Cactus National Monument until park personnel encountered CBP's contractor—the U.S. Army Corps of Engineers—surveying the area for installation. This land manager said that the contractor had been instructed to not discuss the project at the time, and said that he would have appreciated earlier notification of the project to provide input. Border Patrol headquarters officials disagreed that they did not consult early enough with the land manager, stating that while still in the planning process, CBP and the U.S. Army Corp of Engineers met with this land manager to discuss fence alignment, time constraints, and the type of engineering that was feasible in order to meet the presidential mandate for constructing the

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fence.<sup>43</sup> However, the manager stated that the lack of early consultation between agencies about the project had created distrust and hindered good working relationships.

- A Fish and Wildlife Service federal land manager said that he has only received piecemeal information from the Border Patrol about the placement of *SBI*net infrastructure and radio communications towers on the Cabeza Prieta National Wildlife Refuge, with the Border Patrol generally providing information on a project-by-project basis. Lack of information about the overall deployment plan for the refuge made it difficult to provide input on the project in a way that effectively balanced the Border Patrol's operational needs with environmental constraints at this location. Border Patrol headquarters officials disagreed, stating that they had extensive dialogue with this refuge manager and Fish and Wildlife Service biologists regarding the placement of *SBI*net towers in order to reduce the potential effects on the Sonoran pronghorn, an endangered species whose habitat is located on this federal land. However, Border Patrol headquarters officials noted that radio communications towers were a separate project from *SBI*net towers, which resulted in the perception of a piecemeal approach to these two distinct projects.

Moreover, federal land managers in the Tucson sector said that the Border Patrol had not consulted with them to discuss whether federal land law enforcement officials would have access to the intelligence information resulting from the *SBI*net infrastructure and technology deployed on their lands. The 2008 DHS Information Sharing Strategy states that DHS will strive to ensure that technology platforms are developed to facilitate information sharing with its federal partners. However, DHS plans to install over 20 *SBI*net towers on the Coronado National Forest, but the Border Patrol has not consulted with the Forest Service law enforcement officials about sharing the live *SBI*net video feeds for lands patrolled by Forest Service law enforcement officials.<sup>44</sup> A law enforcement official from the National Park Service said that the ability to benefit from *SBI*net technology deployed on land he patrols is necessary for federal land law

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<sup>43</sup>The U.S. Army Corp of Engineers did not always coordinate its activities to align with CBP timing of communications with federal land managers at field locations, according to a CBP headquarters official and DOI's Director of Law Enforcement and Security.

<sup>44</sup>In March 2010, DHS froze funding for *SBI*net—pending completion of a program review—as a result of cost overruns and performance problems.

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enforcement officials to be fully integrated partners in border security operations.

CBP headquarters officials administering the *SBI*net program said that Border Patrol Tucson sector officials were responsible for requesting that information resulting from *SBI*net technology be shared with federal land management agencies, and that Border Patrol sector officials had not made this request. Border Patrol headquarters officials noted that discussions with DOI's headquarters law enforcement liaison regarding the sharing of *SBI*net technology information are ongoing, but that they could not make any commitments to share the information until the full capabilities of *SBI*net technology were realized.<sup>45</sup> However, Border Patrol officials did not mention any coordination efforts underway with USDA officials. We previously reported that CBP has not provided key *SBI*net capabilities for Border Patrol agents and has identified the need to increase input from these agents in *SBI*net design and development.<sup>46</sup>

DHS oversight to ensure adherence to the 2006 interagency MOU across all of its component and headquarters offices—including any necessary discussions with DOI and USDA to address Border Patrol concerns—could help ensure that interagency consultations occur in developing budget requests and design requirements for new infrastructure and technology on federal lands that can best enhance border security and other federal law enforcement missions on federal lands.

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### Differences in Coordination of Joint Operations on Federal Lands to Leverage Law Enforcement Resources

DHS, DOI, and USDA officials in the Tucson and Spokane sectors reported differences in the extent to which agencies had coordinated to conduct joint operations for border security across federal lands as outlined by the 2006 MOU. Federal land law enforcement officials in the Tucson sector provided examples where joint operations had increased, stayed the same, or decreased.

- Federal land law enforcement officials at two of the six federal lands we visited reported that there had been increased coordination among

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<sup>45</sup>This DOI law enforcement liaison—whose position is funded by DHS—is colocated at CBP headquarters to coordinate with CBP on *SBI*net projects.

<sup>46</sup>GAO, *Secure Border Initiative: DHS Needs to Address Significant Risks in Delivering Key Technology Investment*, [GAO-08-1086](#) (Washington, D.C.: Sept. 22, 2008) and *Secure Border Initiative: DHS Needs to Reconsider Its Proposed Investment in Key Technology Program*, [GAO-10-340](#) (Washington, D.C.: May 5, 2010).



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the agencies to develop joint enforcement strategies. For example, these officials reported that they had conducted joint operations or joint patrols with Border Patrol agents on the Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge.

- Federal land law enforcement officials at three other federal lands said that there had been no change in coordination because joint operations had never been conducted on the Coronado National Forest, the Buenos Aires National Wildlife Refuge, and the Coronado National Monument.
- Bureau of Land Management law enforcement officials said that as of January 2010, coordination had decreased on the Sonoran Desert National Monument because of barriers created by a new Border Patrol requirement to provide a 3-week advance notice for conducting joint operations. However, as of June 2010, Bureau of Land Management officials stated that the advance notice time frame had been significantly reduced because of improved coordination efforts.

A Border Patrol Tucson sector official said that agents in charge of each station that patrol federal lands determine whether joint strategies and operations will be conducted. However, this official said that Border Patrol agents outnumber federal land law enforcement officials to such an extent that joint strategies and operations for border security are not generally necessary.

In the Spokane sector, the Border Patrol differed in the extent to which agents conducted joint operations with DOI and USDA law enforcement personnel. The Border Patrol conducted joint operations with National Park Service law enforcement officials. For example, Border Patrol and law enforcement officials on Glacier National Park said they had conducted joint patrols that were beneficial in leveraging expertise and stretching the resources of both agencies. However, joint operations between Border Patrol and Forest Service personnel in certain locations of the Spokane sector were hindered by fundamental disagreements on the mission boundaries between these agencies for patrolling and interdicting illegal activity on forest lands. Forest Service regional officials and Border Patrol Spokane sector officials responsible for these locations have taken steps to resolve disagreements on roles and responsibilities between agency personnel. These steps included issuing two joint memorandums to clarify the national MOU, one at the sector level and one subsequently at the station level.

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## Conclusions

The ongoing challenges in deterring cross-border illegal activity and apprehending those involved on federal lands highlight the importance of interagency coordination of law enforcement resources by DHS, DOI, and USDA. Given Border Patrol estimates that a significant amount of illegal activity continues to cross federal lands, and that DHS has developed contingency plans for potential cross-border violence, it has become especially important that DOI and USDA determine whether additional guidance is needed for federal land managers in these areas to more easily determine when public safety is at risk and access to federal lands should be restricted. Although existing MOUs and agreements have established several important provisions for sharing critical threat information, as well as for leveraging personnel, technology, and infrastructure, agencies have not fully leveraged these agreements to achieve an effective and coordinated approach to address border security threats on federal lands. Achieving an integrated border security response will be difficult, however, unless the provisions in existing agreements are implemented at all levels within each agency. Creating a common understanding of the benefits that can be realized by coordinating threat information, budget requests, and resource deployment may encourage greater action to help achieve an integrated law enforcement response on federal borderlands.

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## Recommendations for Executive Action

To more easily balance public safety and access to federal borderlands and to help ensure that DHS, DOI, and USDA coordinate efforts to provide an effective interagency law enforcement response on these lands, we recommend that the Secretaries of Homeland Security, the Interior, and Agriculture take the following seven actions.

To help ensure that federal land managers have guidance to more easily balance public safety and access to federal borderlands, we recommend that the Secretaries of the Interior and Agriculture review and determine whether their field units on the southwest border have adequate guidance to assist federal land managers in determining when public access to federal borderlands should be restricted in response to risks associated with cross-border illegal activity. After completion of this review, and if additional guidance is needed, DOI and USDA should consult with DHS to ensure that any additional guidance developed is consistent with DHS contingency plans for southwest border violence.

To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, we recommend that the Secretaries of Homeland Security, the Interior,

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and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 MOU, specifically coordination of

- threat information for federal lands that is timely and actionable;
- future plans for upgrades of compatible radio communications used for daily law enforcement operations on federal lands;
- efforts to determine agencies' information needs for intelligence, including coordination of Border Patrol annual assessments of the threat environment and vulnerabilities affecting border security on federal lands;
- Border Patrol budget requests for personnel, infrastructure, and technology that affect federal lands;
- deployment plans for personnel, infrastructure, and technology on federal lands before such deployment is initiated; and
- access to information resulting from deployment of technology on federal lands.

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## Agency Comments and Our Evaluation

We provided a draft of the sensitive version of this report to DHS, DOI, and USDA for review and comment. All agencies responded and agreed with our recommendations. Their responses are reprinted in appendixes II, III, and IV, respectively. DHS also provided technical comments, which we incorporated as appropriate. USDA's Forest Service stated that the Forest Service looks forward to working with DHS and DOI to enhance coordination efforts on border security.

DHS's CBP also provided some planned corrective actions in response to our recommendations. CBP stated that it would issue a memorandum to all Border Patrol sectors and stations emphasizing the importance of USDA and DOI partnerships to address border security threats on federal lands. CBP plans to issue this memorandum by December 31, 2010. This action is a positive step toward implementing our recommendations. We encourage DHS, DOI, and USDA to take the additional steps necessary to monitor and uphold implementation of the existing interagency agreements in order to enhance border security on federal lands.

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As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 20 days from the report date. At that time, we will send copies to the Secretaries of Homeland Security, the Interior, and Agriculture; the Commissioner of U.S. Customs and Border Protection; and interested congressional

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committees as appropriate. The report also will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or [stanar@gao.gov](mailto:stanar@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix V.



Richard M. Stana  
Director, Homeland Security and Justice Issues

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*List of Requesters*

The Honorable Joseph I. Lieberman  
Chairman

The Honorable Susan M. Collins  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Charles E. Grassley  
Ranking Member  
Committee on Finance  
United States Senate

The Honorable George V. Voinovich  
Ranking Member  
Subcommittee on Oversight of Government Management, the Federal  
Workforce, and the District of Columbia  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Jon Tester  
United States Senate

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# Appendix I: Objectives, Scope, and Methodology

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The report addresses the following three questions:

- To what extent have border security threats changed from fiscal year 2007 to the present in Office of Border Patrol (Border Patrol) sectors on the northern and southwest borders with large concentrations of federal borderlands?
- To what extent have Department of Homeland Security (DHS), Department of the Interior (DOI), and Department of Agriculture (USDA) units operating in these areas shared threat information and communications?
- To what extent have DHS, DOI, and USDA coordinated budget requests, resource deployment, and joint strategies to address border security threats on federal lands?

In conducting our work, we gathered information and interviewed officials from federal agencies providing security on federal and tribal lands along the U.S. borders with Mexico and Canada, excluding international ports of entry. Specifically, we analyzed threat assessments, budget, and operational documents provided by the Border Patrol. At agency headquarters, we interviewed law enforcement and program officials from DHS's U.S. Customs and Border Protection, DOI, and USDA regarding their coordination on issues stemming from cross-border illegal activity occurring on federal borderlands.

To supplement our analyses of DHS, DOI, and USDA documentation, we conducted site visits to selected southwest and northern border locations. We selected these locations based on (1) the level of threat as defined by Border Patrol statistics, (2) the number of federal land linear miles within these sectors, and (3) environmental considerations associated with these lands. On the southwest border, we visited the Border Patrol's Tucson sector in the state of Arizona, where we observed conditions on federal lands and conducted semistructured interviews with officials at six federal land units; two units administered by DOI's Fish and Wildlife Service (Cabeza Prieta National Wildlife Refuge and Buenos Aires National Wildlife Refuge), two units administered by DOI's National Park Service (Organ Pipe Cactus National Monument and the Coronado National Memorial), one unit administered by DOI's Bureau of Land Management (Sonoran Desert National Monument), and one unit administered by the Forest Service (Coronado National Forest). In addition, we interviewed tribal police officials from the Tohono O'odham Nation Indian Reservation. We also conducted semistructured interviews with officials

from five Border Patrol stations in Arizona responsible for patrolling the southwest border on the six federal land units we reviewed, including the stations located in Ajo, Casa Grande, Sonoita, Tucson, and Wellton.<sup>1</sup> We also discussed our observations with Border Patrol Tucson sector officials, DOI's Southwest Border Coordinator and the Forest Service's dedicated liaison in the Tucson sector. We selected the Tucson sector because most of the border in this sector comprises a mix of tribal and federal lands, and these borderlands have experienced the highest volume of illegal cross-border activity, indicated by marijuana seizures and illegal alien apprehensions, among all of the Border Patrol's southwest border sectors.

On the northern border, we conducted field work in the Border Patrol's Spokane sector, which comprises eastern Washington, Idaho, and western Montana. We conducted semistructured interviews with Forest Service officials responsible for national forests in Washington, Idaho, and Montana (the Okanogan-Wenatchee National Forests, Idaho Panhandle National Forests, Colville National Forest, Kootenai National Forest and Flathead National Forest, and two wilderness areas) and with a National Park Service official responsible for overseeing Glacier National Park in Montana. We also conducted semistructured interviews with officials at three Border Patrol stations responsible for patrolling these borderlands, located in Oroville, Washington; Bonners Ferry, Idaho; and Whitefish, Montana. We also discussed our observations with Border Patrol Spokane sector officials and northern border coordinators from DOI and the Forest Service. We selected the Spokane sector because most of the border in this sector comprises federal lands and these borderlands have low levels of Border Patrol personnel and resources and limited ability to detect cross-border illegal activity relative to other northern Border Patrol sectors.

While we cannot generalize our work from visits to these Border Patrol stations and federal borderlands to all locations along the northern and southwest border, we chose these locations to provide examples of the way in which the Border Patrol and federal land management agencies coordinate their efforts.

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<sup>1</sup>The Wellton station is part of the Yuma sector, but we included this station because it shares the responsibility for patrolling the Cabeza Prieta National Wildlife Refuge with the Ajo station, which is part of the Tucson sector.

To assess changes to border security threats, we reviewed Border Patrol annual threat assessments, data on illegal activity, and operational assessments. Our review of threat assessments from fiscal years 2007 through 2009 for the Spokane and Tucson sectors provided an overall view of the types of threats in each sector and challenges in the operational environment.<sup>2</sup> Our review of Border Patrol data provided a more detailed view of illegal activity occurring on federal lands. We reviewed and analyzed Border Patrol data related to apprehensions of persons illegally crossing the border onto federal lands and seizures of smuggled narcotics on federal lands for the Spokane and Tucson sectors. We assessed the reliability of these data by interviewing headquarters and Border Patrol sector officials responsible for overseeing quality control procedures for these data. We determined that these data were sufficiently reliable to be used in this report.

Because apprehension data do not provide a complete picture related to the total volume of illegal activity, we also reviewed Border Patrol estimates of total illegal entries for federal borderlands in the Tucson sector for fiscal years 2007 through 2009. From our discussions with Border Patrol agents in the Tucson sector who collect and review these data, we agreed with Border Patrol statements that these data are likely understated but sufficient to compare relative trends in the volume of illegal activity.<sup>3</sup> We did not use entry data for the Spokane sector because operational assessments indicate that the sector does not have the capability to reliably estimate illegal cross-border entries. Our review of the Border Patrol fiscal year 2009 operational assessments for the Tucson and Yuma sectors and the 2010 assessment for the Spokane sector provided information about Border Patrol resources needed to address

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<sup>2</sup>We also reviewed threat assessments for six additional sectors: Blaine, Havre, and Swanton along the northern border and San Diego, El Centro, and Yuma along the southwest border to compare threats on federal lands across these sectors, but focused our review on the Spokane and Tucson sectors because of the high concentration of federal lands and threats in these locations.

<sup>3</sup>Border Patrol operational and intelligence officials in the Tucson sector said that the number of illegal entries is estimated daily for defined geographic zones using a variety of means that depend on the operational environment, including, but not limited to, visual observation; information obtained from remote ground sensors, video camera, scopes, or other technological sources; fresh “sign,” such as footprints, or other physical indications, such as broken foliage or trash; or intelligence information from interviews with apprehended aliens. These daily estimates of illegal entries are tracked over time and compared with apprehensions as one of the indicators for determining the extent and progress toward operational control of the border.



threats and any existing operational challenges to achieve control of the border.<sup>4</sup> These operational assessments were included in each sector's Operational Requirements Based Budget Process (ORBBP) document. To assess how federal land management agencies determine when illegal cross-border activity poses a threat to public safety, we analyzed regulations related to federal land restrictions and closures from DOI bureaus and USDA's Forest Service and discussed these regulations with DOI and USDA officials. We also compared DOI and USDA's regulations to our *Standards for Internal Control in the Federal Government*.<sup>5</sup>

To determine the extent to which DHS, DOI, and USDA have shared information and communications regarding border security threats to federal borderlands, we reviewed policies and guidance developed by the Border Patrol that address information sharing and communication between the three agencies. We identified various memorandums of understanding and agreements made and entered into by DHS, DOI, and USDA regarding coordination and cooperation among the parties related to information sharing among officials on federal lands. We reviewed provisions in these agreements related to information sharing and—as part of our semistructured interviews with officials in the Tucson and Spokane sectors—examined the extent to which DHS, DOI, and USDA were implementing these provisions. We also identified and reviewed strategies outlining DHS requirements for sharing information with other federal agencies.

To analyze the extent to which DHS, DOI, and USDA officials have coordinated budget requests, resource deployment, and joint strategies to address border security threats on federal borderlands, we analyzed the Tucson sector's fiscal year 2009 ORBBP document and the Spokane sector's 2010 ORBBP document. We also analyzed these documents to

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<sup>4</sup>We did not review the Border Patrol fiscal year 2010 operational assessments for the Tucson and Yuma sectors because the Border Patrol provided these documents after our audit work was complete.

<sup>5</sup>GAO *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to FMFIA, the Office of Management and Budget (OMB) issued Circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in OMB Circular A-123 are based on our *Standards for Internal Control in the Federal Government*.

determine Border Patrol resource needs for these sectors in the areas of personnel, technology, and infrastructure. As part of our semistructured interviews with officials in the Tucson and Spokane sectors, we also examined the extent to which DHS, DOI, and USDA were coordinating the deployment of personnel, technology, and infrastructure as outlined in memorandums of understanding, interagency agreements, and departmental strategies.

We conducted this performance audit from November 2009 through November 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Comments from the Department of Homeland Security

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



**Homeland  
Security**

October 8, 2010

Mr. Richard M. Stana  
Director  
Homeland Security and Justice  
Government Accountability Office  
Washington, D. C. 20548

Dear Mr. Stana:

Thank you for the opportunity to review and comment on the Government Accountability Office (GAO) draft report entitled, "BORDER SECURITY: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands," GAO-10-931SU, dated September 2010. GAO was asked to examine the extent that (1) border security threats have changed on federal lands; (2) federal agencies operating on these lands have shared threat information and communications; and (3) federal agencies have coordinated budgets, resources, and strategies. GAO concluded that although existing memorandums of understanding (MOUs) and agreements have established several important provisions for sharing critical threat information, as well as for leveraging personnel, technology, and infrastructure, agencies have not fully leveraged these agreements to achieve an effective and coordinated approach to address border security threats on federal lands.

This report included seven recommendations. The first recommendation was directed to the Department of the Interior (DOI) and to the U.S. Department of Agriculture (USDA). Recommendations two through seven were directed to the Department of Homeland Security (DHS), DOI, and USDA. U.S. Customs and Border Protection (CBP) concurs with the six recommendations addressed to DHS. As always, CBP appreciates the opportunity to highlight our current efforts that will not only comply with the recommendations, but will also improve our overall operational effectiveness.

The recommendations and CBP's corrective actions to address the recommendation are described below.

**Recommendation 1:** To help ensure that federal land managers have guidance to more easily balance public safety and access to federal borderlands, GAO recommends that the Secretaries of the Interior and Agriculture review and determine whether their field units on the southwest border have adequate guidance to assist federal land managers in determining when public access to federal borderlands should be restricted in response to risks associated with cross-border illegal activity. After completion of this review, and if additional guidance

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is needed, DOI and USDA should consult with DHS to ensure that any additional guidance developed is consistent with DHS contingency plans for southwest border violence.

**Response:** This recommendation was directed to DOI and USDA.

**Recommendation 2:** To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, GAO recommends that Secretaries of Homeland Security, the Interior, and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 Memorandum of Understanding (MOU), specifically coordination of threat information for federal lands that is timely and actionable.

**Response:** Concur. The Border Patrol's goal is to attain operational control of our Nation's border. The National Border Patrol Strategy sets forth six elements essential to achieving our goal. Among these elements are coordinating and partnering with other law enforcement agencies and improving border awareness and intelligence. The 2006 MOU between DHS, DOI, and USDA is an example of the efforts of these agencies to implement increased collaboration. The MOU effectively unites the agencies' assets and resources in order to promote our joint interest of protecting the Nation.

The Border Patrol has aggressively worked to implement programs that facilitate the partnerships with DOI and USDA. On December 8, 2005, having recognized the need for coordination on Federal lands, OBP created the Public Lands Liaison Agent (PLLA) Program, which requires each sector to staff an agent dedicated to interacting with organizations and agencies involved in land management issues. The PLLA agents work to implement and sustain the partnerships and practices initiated by the 2006 MOU.

The Border Patrol has also provided work space to allow the co-location of DOI and USDA liaison personnel at U.S. Border Patrol Headquarters and the Tucson and Spokane Sector Headquarters. These personnel are vital to the communication of time sensitive threat and intelligence materials. Their presence at Border Patrol locations provides for daily interactions with, observations of, and influence on Border Patrol strategies, objectives, and operations.

The Border Patrol has created several other initiatives to promote the sharing of intelligence and threat information. In June 2009, DOI and USDA law enforcement partners were invited by the Border Patrol to participate in the Alliance to Combat Transnational Threats (ACTT) in the Tucson Sector. ACTT holds weekly meetings concerning intelligence and threat assessments created by and shared amongst the numerous participating law enforcement agencies. The ACTT participants then create resourcing strategies for the current operation and share intelligence perspectives. Involvement in ACTT provides each law enforcement partner the opportunity to gain insight on border and other security threats as well as the ability to coordinate operations and intelligence gathering.

In Northern Border sectors, Integrated Border Enforcement Teams (IBETs) act similarly to ACTT to provide DOI, USDA, and other law enforcement partners with threat assessments as well as coordinated intelligence. Sectors on the Northern Border have a vast expanse of

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border to secure and rely heavily on their ability to communicate with and involve other Federal, state, and local law enforcement agencies in daily operations and enforcement of laws. IBETs are critical tools for coordinating law enforcement activity while maximizing the effective use of limited resources.

The Borderland Management Task Force (BMTF) is a less formalized version of IBETs. BMTFs consist of agencies that have a vested interest and operational need within certain areas. The BMTF is formed to meet periodically, usually monthly or quarterly, to provide a forum for the sharing of coordinated intelligence, operational plans, and other concerns.

OBP strives to improve and expand its relationships with all pertinent law enforcement partners. As part of OBP's continuing efforts to ally our efforts with those of our DOI and USDA partners, a memorandum will be sent to all Border Patrol sectors and stations emphasizing the importance of these partnerships. The memorandum will specifically address the importance of remaining persistent and diligent in our timely and actionable management of threat information related to federal lands. Issuance of this memo is planned to occur by December 31, 2010.

**Recommendation 3:** To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, GAO recommends that Secretaries of Homeland Security, the Interior, and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 MOU, specifically coordination of future plans for upgrades of compatible radio communications used for daily law enforcement operations on federal lands.

**Response:** Concur. CBP recently awarded contracts for the modernization of radio systems in the Houlton and Rio Grande Valley Sectors. We are on the verge of awarding the radio system modernization contract for El Paso and will initiate procurement activities for the modernization of Laredo in fiscal year (FY) 2011.

Each modernization project includes a requirements gathering process, which includes gathering the interoperability requirements of CBP users. The project will work to meet all documented and approved interoperability requirements that are supported by a MOU between necessary parties. As part of this process, CBP will coordinate with the Border Patrol PLLA as required.

The delivery of interoperable communications capability is a function of the project schedule for delivering the modernized radio systems. The Houlton, El Paso, and Rio Grande Valley modernization efforts are targeted for completion in summer FY 2012.

The interoperability of the communications systems used by Border Patrol, DOI, and USDA is imperative. As Federal law enforcement partners in protecting the United States, it is well understood that lines of communication are essential to field agents via compatible radio communications. DHS, DOI, and USDA signed an MOU in 2008 regarding secure radio communication. This memo was a concerted effort to bridge the communication gaps and provide radio interoperability between Border Patrol agents and their local law enforcement partners in DOI and USDA. Since the signing of the 2008 MOU, a primary repeater channel

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has been designated, and a common encryption key has been created and distributed to all Border Patrol agents and DOI and USDA law enforcement personnel. This interoperability has been strictly maintained by the Border Patrol.

In April 2010, OBP determined that, in the Tucson Sector specifically, DOI needed more extensive access to Border Patrol communications than provided for in the 2008 MOU. To address this concern, OBP manually eliminated the Border Patrol-specific tactical encryption key from all Tucson Sector radios, making all communications available to DOI partners. DOI is now able to monitor all radio traffic in the Tucson Sector, as opposed to only having access to the joint operations channel.

OBP will continue to adhere to the covenants of the 2008 MOU. As part of OBP's continuing efforts to ally our efforts with those of our DOI and USDA partners, a memorandum will be sent to all Border Patrol sectors and stations emphasizing the importance of these partnerships. The memorandum will specifically address the importance of maintaining radio communication interoperability with DOI and USDA, and will stress the need for coordinating future plans for upgrades of compatible radio communications used for daily law enforcement operations on Federal lands. Issuance of this memorandum is planned to occur by December 31, 2010.

The U.S. Government is working with the governments of Canada and Mexico on cross-border emergency management issues. Future coordination of interoperable communications plans will take international coordination into account, as appropriate.

**Recommendation 4:** To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, GAO recommends that Secretaries of Homeland Security, the Interior, and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 MOU, specifically coordination of efforts to determine agencies' information needs for intelligence, including coordination of Border Patrol annual assessments of the threat environment and vulnerabilities impacting border security on federal lands.

**Response:** Concur. As displayed in the response to Recommendation 2, OBP has created and maintains several avenues for information sharing with DOI, USDA, and its other law enforcement partners. Annual assessments of the threat environment and vulnerabilities impacting border security on federal lands are analysis products that OBP consistently makes available to all members of the relevant law enforcement community, when requested.

OBP endeavors to effectively inform its law enforcement partners as to the situational environment that exists at the border to include those areas designated as Federal lands. As part of OBP's continuing efforts to ally our efforts with those of our DOI and USDA partners, a memorandum will be sent to all Border Patrol sectors and stations emphasizing the importance of these partnerships. The memorandum will specifically address the significance of continuing to develop annual assessments of the threat environment and vulnerabilities impacting border security on Federal lands with the input of and communication with DOI,

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USDA, and other local law enforcement team members. Issuance of this memorandum is planned to occur by December 31, 2010.

**Recommendation 5:** To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, GAO recommends that Secretaries of Homeland Security, the Interior, and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 MOU, specifically coordination of Border Patrol budget requests for personnel, infrastructure, and technology that impact federal lands.

**Response:** Concur. In addition to the consistent and concerted efforts made to share information and intelligence with DOI and USDA, OBP is also inclusive of the Federal land management agencies in providing information and soliciting opinions in our budget process.

Each Border Patrol station within a sector requests resources (e.g., personnel, technology and infrastructure) through the Operational Requirements-Based Budget Program (ORBBP) each year. These requests are consolidated at each Border Patrol sector and are sent to Border Patrol Headquarters. At Headquarters, each sector's requests are prioritized based upon the National Border Patrol Strategy, the threat, and the traffic flow. Budgetary resources are then allocated to support each sector's and stations' requests based upon the priority and the amount of funding allocated.

While the ORBBP request is still in its early state, Border Patrol station and sector management refreshes and solidifies the collective understanding of and requirements for the securing of Federal lands garnered throughout the year's continuous interagency communication. This methodology is employed by OBP to make informed decisions on the import of various programs and assets during the budgetary analysis of alternatives. The ORBBP process proceeds from this point until final funding decisions are made for the year.

OBP recognizes that the information provided by DOI and USDA is highly valuable in its ability to improve the ORBBP decision making process. As part of OBP's continuing efforts to ally our efforts with those of our DOI and USDA partners, a memorandum will be sent to all Border Patrol sectors and stations emphasizing the importance of these partnerships. The memorandum will specifically address the value that the area knowledge of DOI and USDA land managers can have on the effectual budgetary planning of Border Patrol resources. Issuance of this memorandum is planned to occur by December 31, 2010.

**Recommendation 6:** To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, GAO recommends that Secretaries of Homeland Security, the Interior, and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 MOU, specifically coordination of deployment plans for personnel, infrastructure, and technology on federal lands before such deployment is initiated.

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**Response:** Concur. OBP recognizes the value of consulting with DOI and USDA land managers during the budgetary process and, likewise, understand that similar consultation is highly useful once monies have been allocated and resources are to be deployed.

When personnel, technology, and infrastructure requests are funded, OBP works directly with DOI and USDA land managers during the environmental assessment process and biological opinion process. CBP conducts early and continued consultations with DOI and USDA partners regarding deployment of personnel, infrastructure and technology on Federal lands. Once border security requirements are made within OBP, CBP immediately engages the Federal partners to coordinate deploying assets to meet changing threats. CBP holds biweekly meetings with DOI and USDA headquarters offices regarding all CBP planned projects. In addition, Border Patrol sectors meet with DOI and USDA local and regional representatives periodically, usually monthly or quarterly, to coordinate law enforcement actions and associated projects via the Borderlands Management Task Force. Associated with these meetings are reviews of current and planned tactical infrastructure and technology projects. Through these meetings, CBP, DOI, and USDA employ a cooperative problem-solving process that enables CBP to effectively and efficiently leverage resources and information in a manner that addresses border security, human safety, and natural and cultural resource protection.

As stated previously, OBP recognizes that the information provided by DOI and USDA is highly valuable in its ability to improve the decision making process by providing a unique point of view and understanding of Federal land. As part of OBP's continuing efforts to ally our efforts with those of our DOI and USDA partners, a memorandum will be sent to all Border Patrol sectors and stations emphasizing the importance of these partnerships. The memorandum will specifically address the value that the area knowledge of DOI and USDA land managers can have on the effectual use of Border Patrol resources. Issuance of this memorandum is planned to occur by December 31, 2010.

**Recommendation 7:** To help ensure that DHS, DOI, and USDA partners operating on federal lands have a common understanding of existing cross-border threats and coordinate to provide an effective interagency law enforcement response, GAO recommends that Secretaries of Homeland Security, the Interior, and Agriculture take necessary action to ensure that personnel at all levels of each agency conduct early and continued consultations to implement provisions of the 2006 MOU, specifically coordination of access to information resulting from deployment of technology on federal lands.

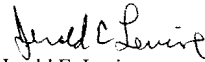
**Response:** Concur. As evidenced by the previous responses, OBP is aware of the need for information sharing and is willing to impart upon DOI and USDA partners all of the intelligence available within established guidelines. The Border Patrol will continue to make available to its DOI and USDA law enforcement counterparts the information gained from deployment of technology on Federal lands. DHS, DOI, and USDA are all committed to ensuring the security of the United States, and together we are an effective and formidable enforcement team. As such, OBP will continue to facilitate and feed this collaborative relationship, resulting in improved border security.



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As part of OBP's continuing efforts to ally our efforts with those of our DOI and USDA partners, a memorandum will be sent to all Border Patrol sectors and stations emphasizing the importance of these partnerships. The memorandum will specifically address our continued work to avail our technological information and intelligence to our DOI and USDA law enforcement partners. Issuance of this memorandum is planned to occur by December 31, 2010.

Sincerely yours,



Jerald E. Levine  
Director  
Departmental GAO/OIG Liaison Office

# Appendix III: Comments from the Department of the Interior



United States Department of the Interior  
OFFICE OF THE SECRETARY  
Washington, DC 20240



OCT 8 2010

Mr. Richard M. Stana  
Director, Homeland Security and Justice  
U.S. Government Accountability 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 Government Accountability Office Report entitled *BORDER SECURITY: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands* (GAO-10-931SU).

The Department has no comments and concurs with the major findings and recommendations included in the report.

If you have any questions, or need additional information, contact John Kmetz, Assistant Director, Law Enforcement at (202) 208-5903.

Sincerely,

Rhea Suh  
Assistant Secretary  
Policy, Management and Budget

# Appendix IV: Comments from the U.S. Department of Agriculture



Forest Service  
Washington Office

1400 Independence Avenue, SW  
Washington, DC 20250

File Code: 1420

Date: SEP 22 2010

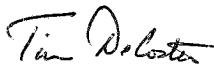
Richard M. Stana  
Director, Homeland Security and Justice  
Government Accountability Office  
441 G. Street, N.W.  
Washington, DC 20548

Dear Mr. Stana:

Thank you for the opportunity to review and provide comment on the draft Government Accountability Office (GAO) Report on "Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands (GAO-10-931SU)." The report recommended that the Department of Interior (DOI) and the Department of Agriculture (USDA) determine whether additional guidance is needed for federal land closure decisions; and that the Department of Homeland Security (DHS), DOI, and USDA implement interagency agreements to ensure coordination occurs. The USDA Forest Service has reviewed the report and generally concurs with the report's observations and recommendations. We value the strong relationship we have with DHS and DOI, and look forward to working with them to enhance coordination efforts on border security.

If you have any questions, please contact Donna M. Carmical, Chief Financial Officer, at 202-205-1321 or [dcarmical@fs.fed.us](mailto:dcarmical@fs.fed.us).

Sincerely,

  
THOMAS L. TIDWELL  
Chief

cc: Debbie L Everhart, Sandy T Coleman, Mary King, David Ferrell



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# Appendix V: GAO Contact and Staff Acknowledgments

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## GAO Contact

Richard M. Stana, (202) 512-8777 or [stanar@gao.gov](mailto:stanar@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Cindy Ayers, Assistant Director, and Joel Aldape, analyst-in-charge, managed this assignment. Brian Lipman and Arian Terrill made significant contributions to the work. David Alexander assisted with design and methodology. Frances Cook and Christine Davis provided legal support. Jessica Orr assisted with report preparation, and Lydia Araya developed the report's graphics.

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