



April 15, 2011

SOUTHWEST BORDER

Border Patrol Operations on Federal Lands

Highlights of [GAO-11-573T](#), a statement before the Subcommittee on National Parks, Forests, and Public Lands, Committee on Natural Resources, and the Subcommittee on National Security, Homeland Defense, and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

To stem the flow of illegal traffic from Mexico into the United States over the last 5 years along the U.S. southwestern border, the Border Patrol has nearly doubled the number of agents on patrol, constructed hundreds of miles of border fences, and installed a variety of surveillance equipment. About 40 percent of these border lands are managed by the Departments of the Interior and Agriculture, and coordination and cooperation between Border Patrol and land management agencies is critical to ensure national security. As requested, this statement summarizes GAO's findings from two reports issued on southwest border issues in the fall of 2010. The first report, [GAO-11-38](#), focused on the key land management laws that Border Patrol must comply with and how these laws affect the agency's operations. The second report, [GAO-11-177](#), focused on the extent to which Border Patrol and land management agencies' law enforcement units share threat information and communications.

What GAO Recommends

This statement contains no new recommendations. In its 2010 reports, GAO made several recommendations to the Departments of Agriculture, Homeland Security, and the Interior to help expedite Border Patrol's access to federal lands and recommended that the agencies take actions to improve communication and information sharing. The departments concurred with GAO's recommendations in those reports.

View [GAO-11-573T](#) or key components. For more information, contact Anu K. Mittal at (202) 512-3841 or mittala@gao.gov.

What GAO Found

When operating on federal lands, Border Patrol must comply with the requirements of several federal land management laws, including the National Environmental Policy Act, Wilderness Act, and Endangered Species Act. Border Patrol must obtain permission or a permit from federal land management agencies before agents can undertake operations, such as maintaining roads and installing surveillance equipment, on federal lands. To fulfill these requirements, Border Patrol generally coordinates with land management agencies through national and local interagency agreements. The most comprehensive agreement is a 2006 memorandum of understanding between the Departments of Homeland Security, Agriculture, and the Interior that is intended to guide Border Patrol activities on federal lands.

Border Patrol's access to some federal lands along the southwestern border has been limited because of certain land management laws, according to 17 of 26 patrol agents-in-charge that GAO surveyed. For example, these patrol agents-in-charge reported that implementation of these laws had resulted in delays and restrictions in their patrolling and monitoring operations. Specifically, 14 patrol agents-in-charge reported that they had been unable to obtain a permit or permission to access certain areas in a timely manner because of the time it takes for land managers to conduct required environmental and historic property assessments. The 2006 memorandum of understanding directs the agencies to cooperate and complete, in an expedited manner, all compliance required by applicable federal laws, but such cooperation has not always occurred. For example, when Border Patrol requested permission to move surveillance equipment, it took the land manager more than 4 months to conduct the required historic property assessment and grant permission, but by then illegal traffic had shifted to other areas. Despite the access delays and restrictions experienced by these stations, 22 of the 26 patrol agents-in-charge reported that the overall security status of their jurisdiction had not been affected by land management laws. Instead, factors such as the remoteness and ruggedness of the terrain have had the greatest effect on their ability to achieve operational control in these areas. Four patrol agents-in-charge reported that delays and restrictions had affected their ability to achieve or maintain operational control, but they either had not requested resources for increased or timelier access or their requests had been denied by senior Border Patrol officials because of higher priority needs of the agency.

Information sharing and communication among the agencies 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 had access to threat information and compatible secure radio communications for daily operations. GAO found that enhanced coordination in these areas could better ensure officer safety and a more efficient law enforcement response to illegal activity along the southwest border.