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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Options for Border Reorganization - To: POTUS - From: Tom Ridge	9	03/01/2002	P5;
002	Briefing	The Border of the Future	5	03/01/2002	P5;
003	Briefing	Achieving the Border of the Future The "Gaps" that Need to be Filled	7	03/01/2002	P5;
004	Briefing	Achieving the Border of the Future Priorities	5	03/01/2002	P5;
005	Briefing	OMB (Office of Management and Budget) Analysis of Border Management Options	4	03/01/2002	P5;
006	Memorandum	Options for Border Reorganization - To: POTUS - From: Tom Ridge	9	03/01/2002	P5;

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010	Briefing	OMB (Office of Management and Budget) Analysis of Border Management Options	4	03/01/2002	P5;
011	Memorandum	Options for Border Reorganization - To: Carl Buchholz - From: Jonathan Burks	1	03/04/2002	P5;
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CRS Report for Congress

Reorganization Proposals for U.S. Border Management Agencies

Updated July 22, 1999

Frederick M. Kaiser
Specialist in American National Government
Government and Finance Division



Congressional Research Service • The Library of Congress



ABSTRACT

Concerns over the ability of the national government to control U.S. borders has stimulated proposals to reorganize border management. This report describes initiatives and proposals, some of which date to the early part of this century, that include: merging entire agencies or certain specific programs and operations, consolidating authority, and transferring jurisdiction, among other ways, to make border control more effective, efficient, and economical among the 40 agencies involved. Most of the recommendations focus on the three principal agencies—the Customs Service, Immigration and Naturalization Service, and Coast Guard—expecting to overcome such problems as fragmented authority, duplicated effort, overlapping jurisdiction, and interagency rivalry. This report will be updated as needed. See also, CRS Report 97-989 EPW, *U.S. Border Patrol Operations*, by William Krouse, and CRS Report 98-767 F, *U.S. Military Participation in Southwest Border Drug Control*, by Nina Serafino, and CRS Report RL30257, *Proposals to Restructure the Immigration and Naturalization Service*, by William Krouse.

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Reorganization Proposals for U.S. Border Management Agencies

Summary

Throughout the 20th century, concerns have arisen over the ability of the national government to manage and control United States borders, particularly to interdict illicit narcotics and illegal aliens. The already demanding challenge—to enforce hundreds of provisions of law along thousands of miles of border and to process and inspect millions of people and conveyances entering or exiting the country each year—is made more difficult, according to critics of ongoing operations, by a set of organizational and administrative defects: fragmented authority, overlapping jurisdiction, duplicated effort, and interagency rivalry, in addition to other impediments to coordination and cooperation among the approximately 40 agencies involved.

Broad-scale reorganizations, as well as modest plans for fostering interagency efforts, have been advanced from 1911 to the present day, to correct these problems. Current initiatives—coming from the legislature and the executive as well as nongovernmental sources—are expected to improve enforcement in the area and make border control and management more effective, economical, and efficient. Most of the recommendations focus on the most prominent agencies—i.e., the Customs Service, Immigration and Naturalization Service (INS), and Coast Guard—but some are expansive, incorporating other agencies with border responsibilities. Ranging from the least to the most far-reaching, the proposals have called for:

- authorizing an agency to carry out certain functions, duties, or operations (e.g., port-of-entry inspections) of others and/or to use the personnel and resources of other agencies;
- creating a new office to coordinate activities and operations among agencies in selected areas;
- separating specific programs or functions, along with relevant authority and resources, from an agency and placing them in a new office within the same department;
- unifying or consolidating integral operations, functions, or entities (such as border patrols), by transferring them, plus relevant authority and resources, to a new independent organization or to an existing agency in a different department; and
- merging entire agencies—including Customs, INS, and possibly the Coast Guard and others—into a new border management organization, located in an existing department or as an independent agency in the executive.

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Reorganization Proposals for U.S. Border Management Agencies

Agencies and Responsibilities

As many as 40 federal agencies and organizations have some degree of responsibility, jurisdiction, or authority for border management and control, broadly defined.¹ Three, however, dominate:

- the U.S. Customs Service in the Treasury Department, which, as the principal border enforcement agency, enforces or administers more than 400 provisions of law for itself and 40 other government agencies;
- the Immigration and Naturalization Service (INS) in the Justice Department, which operates the Border Patrol and is responsible for facilitating entry of legally admissible visitors or immigrants and preventing improper entry; and

¹ See, among other sources: U.S. Customs Service, *Laws and Regulations Enforced or Administered by the United States Customs Service* (Washington: Customs Service, 1993); U.S. General Accounting Office, *Commercial Passenger Vehicles: Safety Inspection of Commercial Buses and Vans Entering the United States from Mexico*, GAO report RCED-97-194 (Washington: 1997), and *Combating Terrorism: Spending on Governmentwide Programs Requires Better Management and Coordination*, GAO report NSIAD-98-39 (Washington: 1998); U.S. Library of Congress, Congressional Research Service, "Border Management Reorganization," by Frederick M. Kaiser, and "Illustrative Sources of Federal Law Enforcement Authority Related to Border Management," by Elizabeth B. Bazan and Lou Fields, in U.S. Congress, Senate Committee on Governmental Affairs, *Border Management Reorganization and Drug Interdiction*, Senate Print 100-111, 100th Cong., 2nd sess. (Washington: GPO, 1988), pp. 1-57; U.S. Library of Congress, Congressional Research Service, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law*, by Charles Doyle, CRS report 95-964 S (Washington: 1995), *U.S. Border Patrol Operations*, by William Krouse, CRS report 97-989 EPW (Washington: 1998), *Proposals to Restructure the Immigration and Naturalization Service*, by William Krouse, CRS Report RL 30257 (Washington: 1999), and *U.S. Military Participation in Southwest Border Drug Control*, by Nina Serafino, CRS Report 98-767 F (Washington: 1998); U.S. Office of National Drug Control Policy, Office of Programs, Budget, Research and Evaluation, *An Overview of Federal Drug Control Programs on the Southwest Border: Briefing Book* (Washington: Office of National Drug Control Policy, 1997); Nancy Ferris, "Over the Border," *Government Executive*, vol. 30, April 1998, pp. 23-29; "Border Traffic: The Drug Trade from Mexico," 5-part series in *Washington Post*, Nov. 2-6, 1997, all beginning on p. A1; Glenn Frankel, "U.S. War on Drugs Yields Few Victories," *Washington Post*, June 8, 1997, pp. A1 and A18; and Ken Hughes and Leigh Rivenbark, "Law Officers Often Are Caught in Crossfire of Duplicate Efforts," *Federal Times*, vol. 29, June 7, 1993, pp. 1, 12-13.

- the U.S. Coast Guard in the Transportation Department, which is the primary maritime law enforcement agency for the United States.

Five other agencies have independent responsibilities over people, conveyances, cargo, or products entering the United States. These are: the Public Health Service in the Department of Health and Human Services, the Animal and Plant Health Inspection Service (APHIS) in the Department of Agriculture, the Drug Enforcement Administration (DEA) in the Justice Department, the Fish and Wildlife Service in the Department of the Interior, and the Federal Highway Administration (FHWA) in the Department of Transportation, which has authority for safety inspections of commercial passenger vehicles entering the country.

Separate from these eight agencies, located in six different departments, are numerous other organizations with border control and management responsibilities. For instance, the Navy and Air Force provide surveillance and support for anti-smuggling efforts, while the Army maintains forts and, in selected areas, provides patrols along the border. In the Department of Justice, moreover, the Federal Bureau of Investigation, Marshals Service, and U.S. Attorneys with jurisdictions along the border also have relevant authority as do the Internal Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms in the Treasury Department.

Initiatives

Reorganization of the executive branch—advanced as a means of improving the effectiveness, efficiency, or accountability of government agencies and programs—has been a recurring theme throughout the 20th century.² Proposals to reorganize border management have been prominent examples of this phenomenon. Recommendations that would merge or move agencies or operational units, transfer authority and resources, consolidate responsibilities and duties, realign jurisdiction, or otherwise restructure border management agencies and operations have appeared since the early part of the 20th century. None of the most far-reaching efforts have been put into effect, although two—i.e., a 1930 legislative proposal to unify the three main border patrol units and a 1973 reorganization plan to transfer INS inspection authority and personnel to Customs—came close to completion.

² For overviews of federal executive reorganization and the issues and controversies involved, see: Peri E. Arnold, *Making the Managerial Presidency: Comprehensive Reorganization Planning, 1905-1996* (Lawrence, Ka.: University of Kansas Press, 1998, 2nd edition, revised); Paul C. Light, *The Tides of Reform: Making Government Work* (New Haven: Yale University Press, 1997); U.S. General Accounting Office, *Government Reorganization: Issues and Principles* (Statement of Charles A. Bowsher, Comptroller General), GAO report T-GGD/AIMD-95-166 (Washington: 1995); and U.S. Library of Congress, Congressional Research Service, *Executive Branch Reorganization*, by Harold C. Relyea, CRS Issue Brief 93026 (Washington: updated continually), and *Reorganizing the Executive Branch in the Twentieth Century: Landmark Commissions*, by Ronald C. Moe, CRS Report 92-293 GOV (Washington: 1992).

Initiatives ranging from modest improvements in interagency coordination to major reorganizations affecting multiple agencies have come from a wide range of sources. These have included: both Republican and Democratic administrations, governmental commissions and citizen task forces, affected agencies themselves, and Members, committees, and support agencies of Congress, as well as public policy analysts and research organizations in the private sector.³

Early Efforts

The early efforts to reorganize border management, although few, nonetheless called for significant changes. One attempt—a merger of the three main border patrol units in 1930—moreover, was nearly enacted into law.

³ A CRS analysis examines a number of major reorganization attempts during the century. See Kaiser, "Border Management Reorganization." The study is part of a compilation of other examinations, recommendations, and official documents that have emerged from 1911, when the first proposal along these lines was developed, to 1988, reprinted in Senate Governmental Affairs Committee, *Border Management Reorganization*.

Other studies and proposals have emerged during the past decade. These include: U.S. Commission on Immigration Reform [Jordan Commission], *U.S. Immigration Policy: Restoring Credibility* (Washington: GPO, 1994), pp. xi and 46-47, and *Becoming an American: Immigration and Immigration Policy* (Washington: GPO, 1997), pp. 41-56; U.S. Congress, House, Congressional Task Force on Immigration Reform, *Report to the Speaker, Honorable Newt Gingrich*, Monograph, June 29, 1995, pp. 11-12; U.S. Congress, House, Democratic Caucus, Task Force on Government Waste, *The Challenge of Sound Management* (Washington: House Democratic Caucus, 1992), p. 41; U.S. Congress, House Committee on Government Operations, *The Immigration and Naturalization Service: Overwhelmed and Unprepared for the Future*, H. Rept. 103-216, 103rd Cong., 1st sess. (Washington: GPO, 1993), p. 37; U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration and Claims, *Border Security and Deterring Illegal Entry into the United States*, Hearing, 105th Cong., 1st sess., (Washington: GPO, 1997), and *INS Restructuring*, Hearing, 105th Cong., 2nd sess., May 21, 1998 (not yet printed); U.S. General Accounting Office, *Customs and INS: Dual Management Structure for Border Inspections Should Be Ended*, GAO report GGD-93-111 (Washington: 1993), and *Implementation of the National Performance Review's Recommendations*, GAO report OCS-95-1 (Washington: 1995), p. 204; U.S. National Performance Review, *From Red Tape to Results: Creating a Government That Works Better and Costs Less*, Report (Washington: NPR, 1993), pp. 144, 151; Daniel P. Sutherland, *Abolish the INS*, CEO Policy Brief (Washington: Center for Equal Opportunity, 1996), pp. 21-26; U.S. Library of Congress, Congressional Research Service, *Immigration and Naturalization Services FY1999 Budget*, CRS Report 98-269 EPW, by William Krouse (Washington: March 19, 1998); United States-Mexico Chamber of Commerce, *U.S.-Mexico Border Conference: Challenges and Collaboration* (Washington: U.S.-Mexico Chamber of Commerce, 1998); Carnegie Endowment for International Peace, International Migration Policy Program, *Reorganizing the Immigration Function: Toward a New Framework for Accountability* (Carnegie Endowment: New York, 1998); U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary, *INS Appropriations for FY1999*, 105th Cong., 2nd sess., March 31, 1998 (not yet printed); Debate on Amendment to the Defense Department Authorization Act for FY 1999, *Congressional Record*, vol. 144, May 21, 1998, pp. H3695-H3705; U.S. Office of National Drug Control Policy, *Organizing Drug Control Efforts Along the Southwest Border*, Remarks by Barry R. McCaffrey, Director (Washington: ONDCP, 1998).

1911-1912. Broad-scale reorganization proposals for border management date to a 1911-1912 proposal from the Taft Administration to dismantle the Revenue Cutter Service, a forerunner of the Coast Guard, and divide its responsibilities among other agencies.

After a hiatus of nearly 20 years, the recommendations recommenced and have continued over the intervening decades.

1930s. President Hoover, in 1930 and again in 1932, called for merging the border patrols of the Immigration Bureau, then in the Labor Department, the Customs Bureau in Treasury, and the Coast Guard in Treasury; the new organization would have been placed under the control of the Coast Guard. An amended version of the first proposal—which would have located the unified force under an assistant of the Treasury having general supervision over the Coast Guard but not directly under it—passed the House but was not acted on by the Senate. The second attempt occurred after President Hoover, who was using new presidential reorganization authority for the first time, had lost re-election; and the Democratic House defeated this reorganization plan, along with ten others submitted by Hoover, in the first exercise of the legislative veto, whereby Congress could withhold approval of such reorganization plans. In between these two proposals, the Wickersham Commission, which President Hoover had established to examine enforcement of the Prohibition law of the United States, supported a variety of changes to improve border control, but the Commission did not endorse the President's proposal to merge the three patrols.

In 1937, the report of the Senate Select Committee to Investigate the Executive Agencies of the Government, commonly known as the Byrd Committee, reprinted the findings and conclusions of a study by the Brookings Institution, which had been commissioned by the select committee. That study advocated only local (or field) consolidations between Customs and Immigration and did not press for overarching reorganizations.

Mid-Century Efforts

Border management reorganization efforts during the middle part of the 20th century tended to focus on ways to improve interagency coordination and efficiency. Nonetheless, several initiatives promoted broad-scale transfers, realignments, or mergers.

1940s. Two examinations in the 1940s called for organizational changes in border management. In 1948, the McKinsey and Company Management Survey of Customs recommended the eventual establishment of a border enforcement agency and, until then, improved coordination between Customs and INS. A year later, the first Hoover Commission proposed the transfer of the Coast Guard and certain Customs marine functions to the Commerce Department.

1950s. In 1950, a Senate Judiciary Committee report cautioned against broad-scale reorganizations. Instead, it favored consolidating Customs and INS functions only in isolated instances at certain ports of entry.

1960s. During the 1960s, three organizations—a citizens' task force commissioned by the Customs Service (1962), the Service itself (1964), and an interagency group set up by the Bureau of the Budget (1968)—recommended ways to improve interagency cooperation and liaison. These included combining the roles of U.S. border personnel engaged in preliminary inspection work, testing one-stop inspection, and possibly establishing a single agency to inspect all passengers and baggage.

Contemporary Efforts

Reorganization efforts beginning in the 1970s and continuing to the present have been more numerous and varied than in earlier periods. These contemporary manifestations have crossed a wide spectrum of ideas, ranging from modest improvements in coordination among a few operational units to major reorganizations merging the three principal agencies along with others. In between these ends have been recent proposals to increase the military presence along the border, under the direction of INS or Customs, and to abolish INS, with its functions and duties transferred to new organizational entities in the Justice Department and/or other departments and agencies.

1970s. In 1973, President Nixon's Reorganization Plan No. 2, which created the Drug Enforcement Administration, was accomplished in part through a transfer of Customs personnel and authority for narcotics intelligence and investigation. The Plan contained a second part that would have balanced these losses for Customs, by transferring Immigration's port-of-entry inspections along with 1,000 positions to Customs. This part, however, was put on hold by the Administration, in response to congressional criticism, and was repealed by public law the next year (P.L. 93-253; 88 Stat. 50).

Following this development, the Office of Management and Budget (OMB), in 1974, prepared a plan for a single-agency management strategy along the border; under it, INS was to be responsible for patrolling between ports of entry and Customs, for inspections at the ports. A subsequent report from the House Committee on Government Operations, however, criticized OMB for going beyond the planning and evaluation stages to an actual field test.

Early in the Carter Administration, two interagency studies developed proposals for a broad-scale reorganization of border management. In 1977, both the Office of Drug Abuse Policy and the President's Reorganization Project advanced the establishment of a multi-purpose border management agency, among other options. Its creation was to be accomplished by merging all of Customs and INS into a new organization located in either the Justice or Treasury Department.

1980s. During the 1980s, both the Reagan Administration and Congress endorsed a variety of reorganization proposals that would have affected border management. In 1981, the Attorney General's task force on violent crime raised the possibility of transferring the INS border patrol to Customs. Three other administration sources—i.e., the President's Cabinet Council on Management in 1983, the Grace Commission in the same year, and the President's Council on Management

Improvement in 1988—recommended the consolidation of INS and Customs border inspection operations.

The House Committee on Government Operations twice, in 1987 and 1988, called for consideration of merging all federal narcotics interdiction agencies, including border control organizations, into a single department.

At about the same time, several House and Senate bills—the Omnibus Antidrug Abuse Act (H.R. 4230 and S. 2205, 100th Congress) and the Coast Guard and National Border Coordination Revitalization Act (S. 2230, 100th Congress)—would have created an office of enforcement and border affairs in Treasury to house border interdiction agencies. The National Border Coordination Revitalization Act would have merged the Coast Guard, Customs, and INS into the new office, while the Omnibus Antidrug Act would have left INS out. The Omnibus Antidrug Abuse Act also would have set up a southwest border interagency task force, composed of Customs, DEA, and INS Border Patrol agents, to coordinate operations there.

1990s. A wide variety of reorganization proposals have appeared in the 1990s. In 1992, for instance, the House Democratic Caucus Task Force on Government Waste recommended consolidating the seven principal border management agencies into one department.

The next year, a panel of former and current government officials, operating under the auspices of the General Accounting Office (GAO) and National Academy of Public Administration (NAPA), called for the end of dual management structure for border inspections. The panel, after discarding other, more limited options, strongly endorsed the creation of a single independent agency that would combine the functions of INS and Customs. A subsequent report from the House Committee on Government Operations recommended that this plan be given serious consideration.

Also in 1993, the National Performance Review (NPR) called for improvements in border management, but not for a major realignment of jurisdiction or broad-scale reorganization. Instead, NPR focused on a series of cooperative actions to be taken by INS and Customs in five areas: coordinated shift scheduling, special operations, cross training of agents and inspectors, joint performance standards, and development of port quality improvement committees.

Later, in 1995, the Congressional Task Force on Immigration Reform recommended merging Customs enforcement with INS enforcement at ports of entry in a separate INS-Customs Enforcement Agency. The following year, a study from the Center for Equal Opportunity, a private research organization, recommended abolishing INS and incorporating all of its law enforcement functions (i.e., border patrol, investigations, deportations, and inspections) in Customs.

A series of other proposals have emerged in 1997-1998 to abolish or dramatically alter INS and shift its responsibilities and functions to other, sometimes new, organizations. Although the goal of these plans is to improve immigration policy development and not interagency coordination, they would indirectly affect the relationships among the principal agencies.

A 1997 proposal from the U.S. Commission on Immigration Reform, for instance, called for the abolition of the Immigration and Naturalization Service, with its functions distributed to various organizations in the Departments of Labor, State, and Justice—including a new Bureau for Immigration Enforcement. This initiative built on the commission's monitoring of attempts, based on suggestions from GAO and NPR, to improve coordination between INS and Customs at ports of entry. In an earlier report, released in 1994, the commission determined that if these efforts proved ineffective, it would recommend more extensive action, such as creating a new immigration and customs agency or designating one agency as the lead in inspections. Although neither of these specific options materialized three years later, a recommendation for significant change did: i.e., the dismantling of INS.

Legislation was introduced in the 105th Congress by Representative Harold Rogers, Chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, which has jurisdiction over INS, that would have accomplished this. His bill, the Immigration Reform and Improvements Act of 1998 (H.R. 3904, 105th Congress), would have abolished INS and established a new agency in the Justice Department, i.e., the Bureau of Immigration Enforcement. It would have been responsible for prevention of illegal immigration (border patrol); inspection at ports of entry; detention, deportation, and removal of illegal aliens (allowing the Attorney General to delegate detention authority to the Bureau of Prisons or the U.S. Marshals Service); and investigations, including alien smuggling and document fraud. The legislation would have also created the position of Director for Immigration Enforcement, appointed by the President and confirmed by the Senate for a five-year term. Other parts of the proposal would have affected the functions and responsibilities of the Departments of State and Labor, in part, by transferring certain INS functions to them, and would have established a new independent Agency for Immigration Review, by combining relevant functions of INS and the Departments of Justice, Labor, and State.

Earlier, in 1997, the proposed Border Security and Enforcement Act (H.R. 2588, 105th Congress) was introduced by Representative Silvestre Reyes. It would have separated the border patrol program, along with four other programs (i.e., detention and deportation, intelligence, investigation, and inspections), from INS; in turn, the legislation would have placed them, along with all associated functions, funding, personnel, and infrastructure, in a new Office of Enforcement and Border Affairs in the Justice Department. The office would have been headed by a Director appointed by the President, with Senate confirmation, who would report directly to the Attorney General.

Legislation along similar lines has been introduced in the 106th Congress, by Representative Rogers, for himself and 67 other Members, including Representatives Reyes and Lamar Smith. H.R. 2528 would establish two separate bureaus in the Justice Department, dividing INS's current activities between a Bureau of Immigration Enforcement and a Bureau of Immigration Services.

Responding to criticism of its operations, the Immigration and Naturalization Service in 1998 offered its own plan for an internal agency reorganization, based in part on a study and recommendations by the Booz-Allen and Hamilton consulting

firm. INS's changes would separate the enforcement mission from the services (to legal immigrants) mission; the restructuring would also change the existing field structure of regions and districts, creating new jurisdictions tailored to meet local enforcement and service needs, according to testimony from INS Commissioner Doris Meissner. Bills to make these changes were introduced in the 105th Congress by Representative Melvin Watt (H.R. 4363) and Senator Edward Kennedy (S. 2428), at the request of INS.

Yet another set of options has been advanced in 1998. The Carnegie Endowment for International Peace noted that separating the enforcement and service functions was a necessary step; but its analysis of the international migration policy program argued that this action alone was insufficient for improving policy development and coordination for immigration matters. Instead, the Carnegie proposal called for creation of a new, independent "Cabinet-level" agency for immigration and citizenship affairs, which would consolidate various related functions, now scattered among several federal departments, into a single agency. Such functions would include: all of those of INS; labor certification from the Labor Department; visa, passport, refugee, and migration function from State; and the functions of the Office of Refugee settlement from Health and Human Services. A second option from the Carnegie Endowment, if this "preferred" one were not accepted, would be to elevate the immigration function within the Department of Justice through a new position of Associate Attorney General for Immigration. This official would be responsible for the formulation of immigration policy and supervising immigration enforcement and service functions, which would be folded directly into the Department.

Separate from these alternatives are proposals to make members of the armed forces directly available to assist Customs and INS in border patrol and control. An amendment to the Department of Defense Authorization Act for fiscal year 1999 (H.R. 3616, 105th Congress), introduced by Representative James A. Traficant and approved by the House on May 21, 1998, would allow, but not mandate, the assignment of such personnel but only under certain prescribed conditions. Their assignment must be approved by the Secretary of Defense, at the request of the Attorney General for assistance to INS "in preventing the entry of terrorists, drug traffickers, and illegal aliens in the United States," and by the Secretary of the Treasury for assistance to Customs "in the inspection of cargo, vehicles, and aircraft at points of entry into the United States." Such military personnel, moreover, must undergo a specialized training program and must serve under a civilian law enforcement officer from either INS or Customs. This provision, however, was dropped from the DoD authorization bill by the conference committee.

In addition to these options, a specialized plan for a drug "czar" to coordinate the multiple agency efforts along the southwest border has been advanced by General Barry McCaffrey, Director of the Office of Drug Control Policy (ONDCP). His 1998 proposal, emphasizing that counter-drug coordination and accountability are difficult and unduly complex, calls for a new office which would have authority to set objectives and priorities and recommend to agency heads the need to redeploy resources to achieve these goals. This new office, according to the proposal, should also be able to designate an accountable chain of command all the way down to ports

of entry, evaluate the adequacy of agency efforts, and make recommendations for corrective action where necessary.

Over the past 25 years, furthermore, the General Accounting Office (GAO) has conducted numerous reviews of border management, agencies, operations, and activities. Often finding impediments to cooperation and coordination among border agencies, especially between INS and Customs, GAO has endorsed a variety of changes, designed to help relieve this condition, improve effectiveness of anti-smuggling efforts, increase efficiency, and expedite services, especially processing international travelers. Among other recommendations, GAO has called for: single-agency management of port-of-entry inspections, one-stop inspection for international travelers, strengthened leadership and command of anti-drug interdiction efforts along the border, and improvements between Defense and civilian agencies in coastal law enforcement and between Customs and DEA in combating drug smuggling.

Types of Possible Reorganizations

Reorganization attempts and recommendations affecting border management have tended to focus on certain specific functions, particularly inspection at ports of entry or patrolling along the border, or have been broadly encompassing, calling for a combination of all enforcement functions or a merger of entire agencies. These initiatives have generally followed one of five paths:

(1) Authorize an agency to conduct certain functions, duties or operations, such as port-of-entry inspections, of others and/or to use the personnel and resources of other agencies. This level of change could require cross-designation and cross-training of personnel but not a transfer of permanent authority or positions. Examples of this type appear in proposals for a single-agency management strategy along the border and/or for one-stop inspection at ports of entry that have come from the Office of Management and Budget in 1974, from the Reagan Administration on several occasions, and from the General Accounting Office beginning in the early 1970s. The use of military personnel under the direction of either Customs or INS, as embodied in the amendment to the DoD FY1999 Authorization Act, would also fit into this category of change.

(2) Create a new office to coordinate the efforts of agencies in selected areas, in terms of responsibilities, jurisdiction, or both. The proposal from ONDCP Director McCaffrey in 1998, which would establish a new office to coordinate anti-drug efforts along the southwest border, reflects this type of restructuring.

(3) Separate certain functions from an existing agency and place them in a new organization within the same department. An illustration of this type appeared in the proposed Border Security and Enforcement Act of 1997, which would have transferred border patrol, inspections, and several other programs from INS to a new Office of Enforcement and Border Affairs in the Justice Department. H.R. 2528 in the 106th Congress would divide current INS activities into a Bureau of Immigration Services and a Bureau of Immigration Enforcement in the Justice

Department. In addition, the U.S. Commission on Immigration Reform and the proposed Immigration Reform and Improvements Act of 1998 (H.R. 3904 in the 105th Congress), both calling for the abolition of INS, also recommended moving immigration enforcement along with other related functions to a new Bureau for Immigration Enforcement in the Department of Justice. The Carnegie Endowment, in 1998, raised the option of elevating the immigration function by creating a new post of Associate Attorney General for Immigration, charged with coordinating and supervising relevant policy.

(4) Unify or merge relevant functions and operational units of the agencies—such as the border patrol or law enforcement operations of Customs, Immigration, and/or the Coast Guard—by transferring them to an existing agency in another department or to a new independent agency. This type of initiative first appeared in 1911-1912, when the Taft Administration recommended dismantling the Revenue Cutter Service and dividing its resources among other agencies that needed a maritime capability. Another early call along these lines was placed by the Hoover Administration, twice proposing a unified border patrol. It was echoed in part fifty years later, in 1981, when the Attorney General's task force on violent crime suggested considering the transfer of the INS border patrol to Customs. Yet another example arose in the second part of Reorganization Plan No. 2 of 1973 (that created DEA); the silenced part would have transferred INS port-of-entry inspection authority and personnel to Customs. Similarly, the Congressional Task Force on Immigration Reform, reporting in 1995, advocated establishing a separate INS-Customs Enforcement Agency. A 1996 study from the Center for Equal Opportunity, furthermore, proposed that Customs incorporate all INS law enforcement functions. And in 1998, the Carnegie Endowment for International Peace called for creating a new "Cabinet-level agency" for citizenship and migration affairs, composed of INS and relevant functional entities from the Departments of Labor, State, and Health and Human Services.

(5) Merge entire agencies and create a new organization composed of the principal agencies—i.e., INS, Customs, and/or Coast Guard—possibly along with relevant parts of others, to be established as an independent agency in the executive branch or located in either the Department of Justice or the Department of the Treasury. Options along this line, the most far-reaching of the different types, were advanced by a number of sources over the past two decades. These include: two Carter Administration study teams; several House Government Operations Committee efforts dealing with narcotics interdiction agencies in the late 1980s; two border management revitalization and narcotics control bills introduced in 1988; the House Democratic Caucus Task Force on Waste in 1992; and a special panel, organized by GAO and NAPA, whose 1993 proposal was recognized as deserving serious consideration by the House Government Operations Committee.

Rationales for Change

Despite some significant differences, the proposed reorganizations of border management have several things in common. They have been stimulated by perceived serious deficiencies in federal law enforcement and interdiction efforts along the border, particularly over the smuggling of illegal aliens and illegal drugs (alcohol during the Prohibition era and illicit narcotics in the contemporary era). Underlying this failing are perceived organizational defects that the reorganizations are designed to correct:

- a lack of coordination and cooperation among the numerous agencies involved in border management;
- duplication of effort;
- fragmentation of authority and responsibility;
- rivalry among agencies and "turf battles"; and
- inconsistent, conflicting, or overburdening missions within a single agency.

Other features of the agencies involved in border management are seen as reinforcing, and possibly compounding, these conditions. Each has a unique heritage and administrative culture, a different set of enforcement authorities, separate statutory responsibilities and duties, competing policy priorities, and its own operational guidelines, institutional arrangements, and personnel organizations. In combination, these characteristics tend to promote each agency's independence and autonomy.

The border management agencies also have to contend with substantial existing responsibilities, coupled with new or expanding ones. The increased demands have come about largely because of: added statutory duties and responsibilities; expanding international travel, trade, and criminal conduct; increasing, more ambitious, and more sophisticated smuggling efforts; and changing public policy priorities. These demands put additional strains on existing governmental resources to manage and control the borders. This is also a field, according to proponents of broad-scale reorganizations, where additional resources or less far-reaching organizational changes have proved insufficient to meet policy goals, especially in combating illicit drug smuggling and illegal immigration. These promoters argue, therefore, that a major restructuring of government efforts is necessary to overcome the perceived obstacles and failings in this area.

Objections to Broad-Scale Reorganizations

Notwithstanding persistent and occasionally high-profile support, however, no broad-scale reorganization of border management has been approved by Congress. Nearly successful efforts have occurred only twice: In 1930, the House, but not the Senate, approved an amended version of President Hoover's plan to unify the border

patrols; and in 1973, Congress agreed to President Nixon's Reorganization Plan No. 2 (setting up DEA) but only with the caveat that the part transferring INS inspection to Customs would be repealed.

The various recommendations, especially for far-reaching change, have attracted a wide range of opposition. This comes from agencies and departments that stand to lose authority, responsibilities, and resources; from congressional committees that could lose jurisdiction and policy influence; and from agency personnel and private sector organizations that see their interests as being jeopardized by any such reconfiguration.

Objections have also arisen because of competition over policy priorities and concerns that certain policy goals might be jeopardized. Reorganization critics see the transfer of jurisdiction, resources, and authority (e.g., relocating INS border patrol in Customs) as lowering the priority for a particular policy goal (e.g., controlling illegal immigration), because the recipient has existing responsibilities that would take precedence over the new ones.

Further Questions

Additional questions have been asked about other matters connected to broad-scale reorganization efforts.

Establishing Criteria for Selecting Agencies. If entire agencies are to be transferred or merged, which ones are to be included or excluded and on what grounds? Should organizations with broad responsibilities, such as the Coast Guard and DEA, and/or those with more limited duties, such as APHIS and FHWA, for instance, be merged or left out of a new border management organization that would include INS and Customs?

If only discrete, functional parts of agencies, such as border patrolling and physical control of the borders, are to be transferred, again, which agencies should be included or excluded and why? When considering such divisions, should the "border" be confined to the immediate territorial border that separates the United States from Mexico and Canada and surrounds U.S. territories elsewhere? Or should it be extended to inland ports-of-entry (i.e., international airports or other specially designated small airports which receive international flights)?

Determining Location. Where—and on what grounds—should a new organization or transferred set of functions and programs be located institutionally? Should it be placed in the Treasury Department, where Customs resides and the Coast Guard had been housed for most of its history; in the Justice Department, where INS and DEA exist; or in a specially created independent agency in the executive?

Setting Goals. What goals and objectives are to be met by the reorganization? Is the primary objective: improved efficiency (through cost reductions and an end to a duplication of effort, for instance), increased effectiveness and productivity (through a better utilization of resources), or enhanced accountability and responsiveness to the

President and/or Congress? Are these expectations realistic; and, if there are several goals, are they compatible with one another?

Assessing Costs. What functional costs would be borne by the parent departments or agencies, which would lose jurisdiction, resources, and personnel? Would the other policies they enforce and implement be adversely affected? Would the loss of border patrolling, for instance, hamper INS's remaining functions and responsibilities? Or, alternately, would the loss of the Customs Service (to Justice or to a new independent agency) harm Treasury's remaining functions and responsibilities, such as revenue collection?

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	OMB (Office of Management and Budget) Analysis of Border Management Options	4	03/01/2002	P5;

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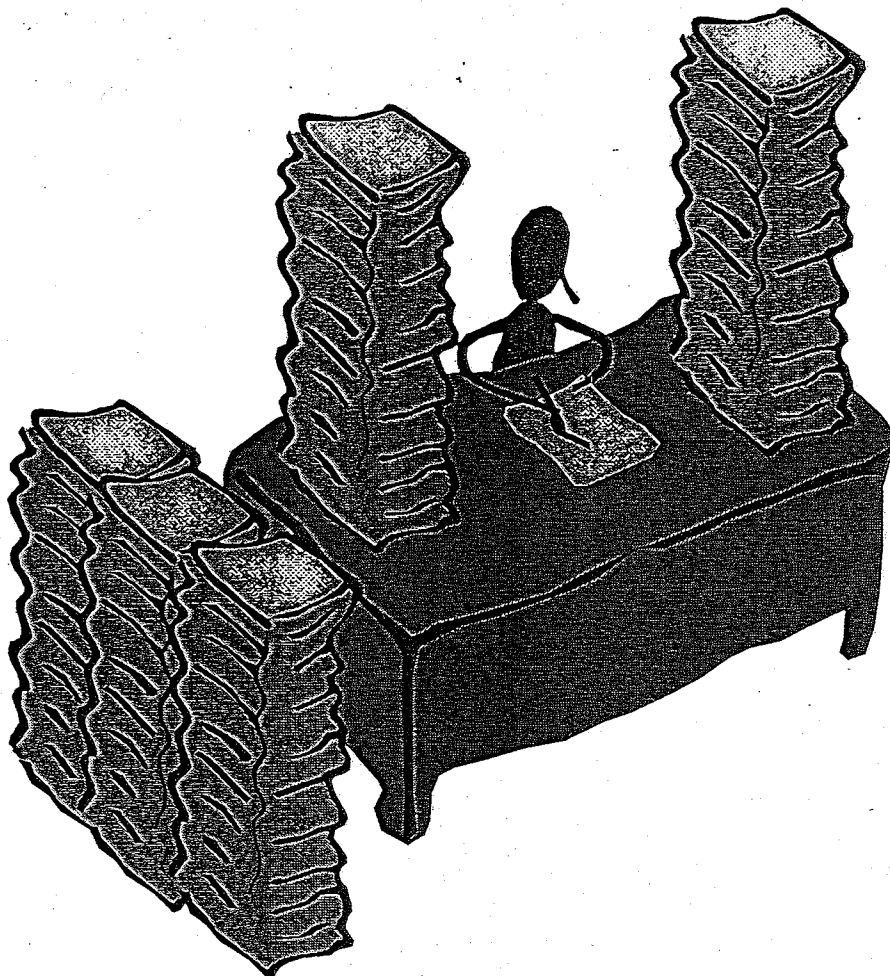
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RESPONSE:

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Assistant to the President
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Ext. 62702



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Memorandum	Options for Border Reorganization - To: POTUS - From: Tom Ridge	9	03/01/2002	P5;

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CRS Report for Congress

Reorganization Proposals for U.S. Border Management Agencies

Updated July 22, 1999

Frederick M. Kaiser
Specialist in American National Government
Government and Finance Division



Congressional Research Service • The Library of Congress



Reorganization Proposals for U.S. Border Management Agencies

Summary

Throughout the 20th century, concerns have arisen over the ability of the national government to manage and control United States borders, particularly to interdict illicit narcotics and illegal aliens. The already demanding challenge—to enforce hundreds of provisions of law along thousands of miles of border and to process and inspect millions of people and conveyances entering or exiting the country each year—is made more difficult, according to critics of ongoing operations, by a set of organizational and administrative defects: fragmented authority, overlapping jurisdiction, duplicated effort, and interagency rivalry, in addition to other impediments to coordination and cooperation among the approximately 40 agencies involved.

Broad-scale reorganizations, as well as modest plans for fostering interagency efforts, have been advanced from 1911 to the present day, to correct these problems. Current initiatives—coming from the legislature and the executive as well as nongovernmental sources—are expected to improve enforcement in the area and make border control and management more effective, economical, and efficient. Most of the recommendations focus on the most prominent agencies—i.e., the Customs Service, Immigration and Naturalization Service (INS), and Coast Guard—but some are expansive, incorporating other agencies with border responsibilities. Ranging from the least to the most far-reaching, the proposals have called for:

- authorizing an agency to carry out certain functions, duties, or operations (e.g., port-of-entry inspections) of others and/or to use the personnel and resources of other agencies;
- creating a new office to coordinate activities and operations among agencies in selected areas;
- separating specific programs or functions, along with relevant authority and resources, from an agency and placing them in a new office within the same department;
- unifying or consolidating integral operations, functions, or entities (such as border patrols), by transferring them, plus relevant authority and resources, to a new independent organization or to an existing agency in a different department; and
- merging entire agencies—including Customs, INS, and possibly the Coast Guard and others—into a new border management organization, located in an existing department or as an independent agency in the executive.

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Reorganization Proposals for U.S. Border Management Agencies

Agencies and Responsibilities

As many as 40 federal agencies and organizations have some degree of responsibility, jurisdiction, or authority for border management and control, broadly defined.¹ Three, however, dominate:

- the U.S. Customs Service in the Treasury Department, which, as the principal border enforcement agency, enforces or administers more than 400 provisions of law for itself and 40 other government agencies;
- the Immigration and Naturalization Service (INS) in the Justice Department, which operates the Border Patrol and is responsible for facilitating entry of legally admissible visitors or immigrants and preventing improper entry; and

¹ See, among other sources: U.S. Customs Service, *Laws and Regulations Enforced or Administered by the United States Customs Service* (Washington: Customs Service, 1993); U.S. General Accounting Office, *Commercial Passenger Vehicles: Safety Inspection of Commercial Buses and Vans Entering the United States from Mexico*, GAO report RCED-97-194 (Washington: 1997), and *Combating Terrorism: Spending on Governmentwide Programs Requires Better Management and Coordination*, GAO report NSIAD-98-39 (Washington: 1998); U.S. Library of Congress, Congressional Research Service, "Border Management Reorganization," by Frederick M. Kaiser, and "Illustrative Sources of Federal Law Enforcement Authority Related to Border Management," by Elizabeth B. Bazan and Lou Fields, in U.S. Congress, Senate Committee on Governmental Affairs, *Border Management Reorganization and Drug Interdiction*, Senate Print 100-111, 100th Cong., 2nd sess. (Washington: GPO, 1988), pp. 1-57; U.S. Library of Congress, Congressional Research Service, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law*, by Charles Doyle, CRS report 95-964 S (Washington: 1995); *U.S. Border Patrol Operations*, by William Krouse, CRS report 97-989 EPW (Washington: 1998), *Proposals to Restructure the Immigration and Naturalization Service*, by William Krouse, CRS Report RL 30257 (Washington: 1999), and *U.S. Military Participation in Southwest Border Drug Control*, by Nina Serafino, CRS Report 98-767 F (Washington: 1998); U.S. Office of National Drug Control Policy, Office of Programs, Budget, Research and Evaluation, *An Overview of Federal Drug Control Programs on the Southwest Border: Briefing Book* (Washington: Office of National Drug Control Policy, 1997); Nancy Ferris, "Over the Border," *Government Executive*, vol. 30, April 1998, pp. 23-29; "Border Traffic: The Drug Trade from Mexico," 5-part series in *Washington Post*, Nov. 2-6, 1997, all beginning on p. A1; Glenn Frankel, "U.S. War on Drugs Yields Few Victories," *Washington Post*, June 8, 1997, pp. A1 and A18; and Ken Hughes and Leigh Rivenbark, "Law Officers Often Are Caught in Crossfire of Duplicate Efforts," *Federal Times*, vol. 29, June 7, 1993, pp. 1, 12-13.

Initiatives ranging from modest improvements in interagency coordination to major reorganizations affecting multiple agencies have come from a wide range of sources. These have included: both Republican and Democratic administrations, governmental commissions and citizen task forces, affected agencies themselves, and Members, committees, and support agencies of Congress, as well as public policy analysts and research organizations in the private sector.³

Early Efforts

The early efforts to reorganize border management, although few, nonetheless called for significant changes. One attempt—a merger of the three main border patrol units in 1930—moreover, was nearly enacted into law.

³ A CRS analysis examines a number of major reorganization attempts during the century. See Kaiser, "Border Management Reorganization." The study is part of a compilation of other examinations, recommendations, and official documents that have emerged from 1911, when the first proposal along these lines was developed, to 1988, reprinted in Senate Governmental Affairs Committee, *Border Management Reorganization*.

Other studies and proposals have emerged during the past decade. These include: U.S. Commission on Immigration Reform [Jordan Commission], *U.S. Immigration Policy: Restoring Credibility* (Washington: GPO, 1994), pp. xi and 46-47, and *Becoming an American: Immigration and Immigration Policy* (Washington: GPO, 1997), pp. 41-56; U.S. Congress, House, Congressional Task Force on Immigration Reform, *Report to the Speaker, Honorable Newt Gingrich*, Monograph, June 29, 1995, pp. 11-12; U.S. Congress, House, Democratic Caucus, Task Force on Government Waste, *The Challenge of Sound Management* (Washington: House Democratic Caucus, 1992), p. 41; U.S. Congress, House Committee on Government Operations, *The Immigration and Naturalization Service: Overwhelmed and Unprepared for the Future*, H. Rept. 103-216, 103rd Cong., 1st sess. (Washington: GPO, 1993), p. 37; U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration and Claims, *Border Security and Deterring Illegal Entry into the United States*, Hearing, 105th Cong., 1st sess., (Washington: GPO, 1997), and *INS Restructuring*, Hearing, 105th Cong., 2nd sess., May 21, 1998 (not yet printed); U.S. General Accounting Office, *Customs and INS: Dual Management Structure for Border Inspections Should Be Ended*, GAO report GGD-93-111 (Washington: 1993), and *Implementation of the National Performance Review's Recommendations*, GAO report OCS-95-1 (Washington: 1995), p. 204; U.S. National Performance Review, *From Red Tape to Results: Creating a Government That Works Better and Costs Less*, Report (Washington: NPR, 1993), pp. 144, 151; Daniel P. Sutherland, *Abolish the INS*, CEO Policy Brief (Washington: Center for Equal Opportunity, 1996), pp. 21-26; U.S. Library of Congress, Congressional Research Service, *Immigration and Naturalization Services FY1999 Budget*, CRS Report 98-269 EPW, by William Krouse (Washington: March 19, 1998); United States-Mexico Chamber of Commerce, *U.S.-Mexico Border Conference: Challenges and Collaboration* (Washington: U.S.-Mexico Chamber of Commerce, 1998); Carnegie Endowment for International Peace, International Migration Policy Program, *Reorganizing the Immigration Function: Toward a New Framework for Accountability* (Carnegie Endowment: New York, 1998); U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary, *INS Appropriations for FY1999*, 105th Cong., 2nd sess., March 31, 1998 (not yet printed); Debate on Amendment to the Defense Department Authorization Act for FY 1999, *Congressional Record*, vol. 144, May 21, 1998, pp. H3695-H3705; U.S. Office of National Drug Control Policy, *Organizing Drug Control Efforts Along the Southwest Border*, Remarks by Barry R. McCaffrey, Director (Washington: ONDCP, 1998).

1960s. During the 1960s, three organizations—a citizens' task force commissioned by the Customs Service (1962), the Service itself (1964), and an interagency group set up by the Bureau of the Budget (1968)—recommended ways to improve interagency cooperation and liaison. These included combining the roles of U.S. border personnel engaged in preliminary inspection work, testing one-stop inspection, and possibly establishing a single agency to inspect all passengers and baggage.

Contemporary Efforts

Reorganization efforts beginning in the 1970s and continuing to the present have been more numerous and varied than in earlier periods. These contemporary manifestations have crossed a wide spectrum of ideas, ranging from modest improvements in coordination among a few operational units to major reorganizations merging the three principal agencies along with others. In between these ends have been recent proposals to increase the military presence along the border, under the direction of INS or Customs, and to abolish INS, with its functions and duties transferred to new organizational entities in the Justice Department and/or other departments and agencies.

1970s. In 1973, President Nixon's Reorganization Plan No. 2, which created the Drug Enforcement Administration, was accomplished in part through a transfer of Customs personnel and authority for narcotics intelligence and investigation. The Plan contained a second part that would have balanced these losses for Customs, by transferring Immigration's port-of-entry inspections along with 1,000 positions to Customs. This part, however, was put on hold by the Administration, in response to congressional criticism, and was repealed by public law the next year (P.L. 93-253; 88 Stat. 50).

Following this development, the Office of Management and Budget (OMB), in 1974, prepared a plan for a single-agency management strategy along the border; under it, INS was to be responsible for patrolling between ports of entry and Customs, for inspections at the ports. A subsequent report from the House Committee on Government Operations, however, criticized OMB for going beyond the planning and evaluation stages to an actual field test.

Early in the Carter Administration, two interagency studies developed proposals for a broad-scale reorganization of border management. In 1977, both the Office of Drug Abuse Policy and the President's Reorganization Project advanced the establishment of a multi-purpose border management agency, among other options. Its creation was to be accomplished by merging all of Customs and INS into a new organization located in either the Justice or Treasury Department.

1980s. During the 1980s, both the Reagan Administration and Congress endorsed a variety of reorganization proposals that would have affected border management. In 1981, the Attorney General's task force on violent crime raised the possibility of transferring the INS border patrol to Customs. Three other administration sources—i.e., the President's Cabinet Council on Management in 1983, the Grace Commission in the same year, and the President's Council on Management

A 1997 proposal from the U.S. Commission on Immigration Reform, for instance, called for the abolition of the Immigration and Naturalization Service, with its functions distributed to various organizations in the Departments of Labor, State, and Justice—including a new Bureau for Immigration Enforcement. This initiative built on the commission's monitoring of attempts, based on suggestions from GAO and NPR, to improve coordination between INS and Customs at ports of entry. In an earlier report, released in 1994, the commission determined that if these efforts proved ineffective, it would recommend more extensive action, such as creating a new immigration and customs agency or designating one agency as the lead in inspections. Although neither of these specific options materialized three years later, a recommendation for significant change did: i.e., the dismantling of INS.

Legislation was introduced in the 105th Congress by Representative Harold Rogers, Chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, which has jurisdiction over INS, that would have accomplished this. His bill, the Immigration Reform and Improvements Act of 1998 (H.R. 3904, 105th Congress), would have abolished INS and established a new agency in the Justice Department, i.e., the Bureau of Immigration Enforcement. It would have been responsible for prevention of illegal immigration (border patrol); inspection at ports of entry; detention, deportation, and removal of illegal aliens (allowing the Attorney General to delegate detention authority to the Bureau of Prisons or the U.S. Marshals Service); and investigations, including alien smuggling and document fraud. The legislation would have also created the position of Director for Immigration Enforcement, appointed by the President and confirmed by the Senate for a five-year term. Other parts of the proposal would have affected the functions and responsibilities of the Departments of State and Labor, in part, by transferring certain INS functions to them, and would have established a new independent Agency for Immigration Review, by combining relevant functions of INS and the Departments of Justice, Labor, and State.

Earlier, in 1997, the proposed Border Security and Enforcement Act (H.R. 2588, 105th Congress) was introduced by Representative Silvestre Reyes. It would have separated the border patrol program, along with four other programs (i.e., detention and deportation, intelligence, investigation, and inspections), from INS; in turn, the legislation would have placed them, along with all associated functions, funding, personnel, and infrastructure, in a new Office of Enforcement and Border Affairs in the Justice Department. The office would have been headed by a Director appointed by the President, with Senate confirmation, who would report directly to the Attorney General.

Legislation along similar lines has been introduced in the 106th Congress, by Representative Rogers, for himself and 67 other Members, including Representatives Reyes and Lamar Smith. H.R. 2528 would establish two separate bureaus in the Justice Department, dividing INS's current activities between a Bureau of Immigration Enforcement and a Bureau of Immigration Services.

Responding to criticism of its operations, the Immigration and Naturalization Service in 1998 offered its own plan for an internal agency reorganization, based in part on a study and recommendations by the Booz-Allen and Hamilton consulting

of entry, evaluate the adequacy of agency efforts, and make recommendations for corrective action where necessary.

Over the past 25 years, furthermore, the General Accounting Office (GAO) has conducted numerous reviews of border management, agencies, operations, and activities. Often finding impediments to cooperation and coordination among border agencies, especially between INS and Customs, GAO has endorsed a variety of changes, designed to help relieve this condition, improve effectiveness of anti-smuggling efforts, increase efficiency, and expedite services, especially processing international travelers. Among other recommendations, GAO has called for: single-agency management of port-of-entry inspections, one-stop inspection for international travelers, strengthened leadership and command of anti-drug interdiction efforts along the border, and improvements between Defense and civilian agencies in coastal law enforcement and between Customs and DEA in combating drug smuggling.

Types of Possible Reorganizations

Reorganization attempts and recommendations affecting border management have tended to focus on certain specific functions, particularly inspection at ports of entry or patrolling along the border, or have been broadly encompassing, calling for a combination of all enforcement functions or a merger of entire agencies. These initiatives have generally followed one of five paths:

(1) Authorize an agency to conduct certain functions, duties or operations, such as port-of-entry inspections, of others and/or to use the personnel and resources of other agencies. This level of change could require cross-designation and cross-training of personnel but not a transfer of permanent authority or positions. Examples of this type appear in proposals for a single-agency management strategy along the border and/or for one-stop inspection at ports of entry that have come from the Office of Management and Budget in 1974, from the Reagan Administration on several occasions, and from the General Accounting Office beginning in the early 1970s. The use of military personnel under the direction of either Customs or INS, as embodied in the amendment to the DoD FY1999 Authorization Act, would also fit into this category of change.

(2) Create a new office to coordinate the efforts of agencies in selected areas, in terms of responsibilities, jurisdiction, or both. The proposal from ONDCP Director McCaffrey in 1998, which would establish a new office to coordinate anti-drug efforts along the southwest border, reflects this type of restructuring.

(3) Separate certain functions from an existing agency and place them in a new organization within the same department. An illustration of this type appeared in the proposed Border Security and Enforcement Act of 1997, which would have transferred border patrol, inspections, and several other programs from INS to a new Office of Enforcement and Border Affairs in the Justice Department. H.R. 2528 in the 106th Congress would divide current INS activities into a Bureau of Immigration Services and a Bureau of Immigration Enforcement in the Justice

Rationales for Change

Despite some significant differences, the proposed reorganizations of border management have several things in common. They have been stimulated by perceived serious deficiencies in federal law enforcement and interdiction efforts along the border, particularly over the smuggling of illegal aliens and illegal drugs (alcohol during the Prohibition era and illicit narcotics in the contemporary era). Underlying this failing are perceived organizational defects that the reorganizations are designed to correct:

- a lack of coordination and cooperation among the numerous agencies involved in border management;
- duplication of effort;
- fragmentation of authority and responsibility;
- rivalry among agencies and “turf battles”; and
- inconsistent, conflicting, or overburdening missions within a single agency.

Other features of the agencies involved in border management are seen as reinforcing, and possibly compounding, these conditions. Each has a unique heritage and administrative culture, a different set of enforcement authorities, separate statutory responsibilities and duties, competing policy priorities, and its own operational guidelines, institutional arrangements, and personnel organizations. In combination, these characteristics tend to promote each agency’s independence and autonomy.

The border management agencies also have to contend with substantial existing responsibilities, coupled with new or expanding ones. The increased demands have come about largely because of: added statutory duties and responsibilities; expanding international travel, trade, and criminal conduct; increasing, more ambitious, and more sophisticated smuggling efforts; and changing public policy priorities. These demands put additional strains on existing governmental resources to manage and control the borders. This is also a field, according to proponents of broad-scale reorganizations, where additional resources or less far-reaching organizational changes have proved insufficient to meet policy goals, especially in combating illicit drug smuggling and illegal immigration. These promoters argue, therefore, that a major restructuring of government efforts is necessary to overcome the perceived obstacles and failings in this area.

Objections to Broad-Scale Reorganizations

Notwithstanding persistent and occasionally high-profile support, however, no broad-scale reorganization of border management has been approved by Congress. Nearly successful efforts have occurred only twice: In 1930, the House, but not the Senate, approved an amended version of President Hoover’s plan to unify the border

President and/or Congress? Are these expectations realistic; and, if there are several goals, are they compatible with one another?

Assessing Costs. What functional costs would be borne by the parent departments or agencies, which would lose jurisdiction, resources, and personnel? Would the other policies they enforce and implement be adversely affected? Would the loss of border patrolling, for instance, hamper INS's remaining functions and responsibilities? Or, alternately, would the loss of the Customs Service (to Justice or to a new independent agency) harm Treasury's remaining functions and responsibilities, such as revenue collection?

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Options for Border Reorganization - To: Carl Buchholz - From: Jonathan Burks	1	03/04/2002	P5;

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COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - IM (Immigration)

FOLDER TITLE:

508803 [1]

FRC ID:

12552

OA Num.:

12073

NARA Num.:

12283

FOIA IDs and Segments:

2015-0056-F

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

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WHITE HOUSE STAFFING MEMORANDUM

Date: _____ ACTION / CONCURRENCE / COMMENT DUE BY: _____

Subject: _____

5:00
P.M.
Monday

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HAWKINS	☒	☐
CARD	☒	☐	HUBBARD	☐	☐
BARTLETT	☐	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
BRIDGELAND	☐	☐	LINDSEY	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☒	☐
FLEISCHER	☐	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAGIN	☐	☐	OTHER	☐	☐

REMARKS:

RESPONSE:

Close
Holds

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 03-01-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-04-02 5:00 PMSubject: OPTIONS FOR BORDER REORGANIZATION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HAWKINS	☒	☐
CARD	☒	☐	HUBBARD	☐	☐
BARTLETT	☐	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
BRIDGELAND	☐	☐	LINDSEY	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☒	☐
FLEISCHER	☐	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAGIN	☐	☐	OTHER	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO CARL BUCHHOLZ, X62556, OR FAX, X61908, BY 5:00 P.M., MONDAY, FEBRUARY 5, 2002, WITH A COPY TO THE STAFF SECRETARY, X62702. THANK YOU.

RESPONSE:

CLOSE HOLD

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Options for Border Reorganization - To: POTUS - From: Tom Ridge	9	03/01/2002	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	The Border of the Future	5	03/01/2002	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Achieving the Border of the Future The "Gaps" that Need to be Filled	7	03/01/2002	P5;

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CRS Report for Congress

Reorganization Proposals for U.S. Border Management Agencies

Updated July 22, 1999

Frederick M. Kaiser
Specialist in American National Government
Government and Finance Division



Congressional Research Service • The Library of Congress



Reorganization Proposals for U.S. Border Management Agencies

Summary

Throughout the 20th century, concerns have arisen over the ability of the national government to manage and control United States borders, particularly to interdict illicit narcotics and illegal aliens. The already demanding challenge—to enforce hundreds of provisions of law along thousands of miles of border and to process and inspect millions of people and conveyances entering or exiting the country each year—is made more difficult, according to critics of ongoing operations, by a set of organizational and administrative defects: fragmented authority, overlapping jurisdiction, duplicated effort, and interagency rivalry, in addition to other impediments to coordination and cooperation among the approximately 40 agencies involved.

Broad-scale reorganizations, as well as modest plans for fostering interagency efforts, have been advanced from 1911 to the present day, to correct these problems. Current initiatives—coming from the legislature and the executive as well as nongovernmental sources—are expected to improve enforcement in the area and make border control and management more effective, economical, and efficient. Most of the recommendations focus on the most prominent agencies—i.e., the Customs Service, Immigration and Naturalization Service (INS), and Coast Guard—but some are expansive, incorporating other agencies with border responsibilities. Ranging from the least to the most far-reaching, the proposals have called for:

- authorizing an agency to carry out certain functions, duties, or operations (e.g., port-of-entry inspections) of others and/or to use the personnel and resources of other agencies;
- creating a new office to coordinate activities and operations among agencies in selected areas;
- separating specific programs or functions, along with relevant authority and resources, from an agency and placing them in a new office within the same department;
- unifying or consolidating integral operations, functions, or entities (such as border patrols), by transferring them, plus relevant authority and resources, to a new independent organization or to an existing agency in a different department; and
- merging entire agencies—including Customs, INS, and possibly the Coast Guard and others—into a new border management organization, located in an existing department or as an independent agency in the executive.

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(5) Merge entire agencies and create a new organization composed of the principal agencies—i.e., INS, Customs, and/or Coast Guard—possibly along with relevant parts of others, to be established as an independent agency in the executive branch or located in either the Department of Justice or the Department of the Treasury	10
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Reorganization Proposals for U.S. Border Management Agencies

Agencies and Responsibilities

As many as 40 federal agencies and organizations have some degree of responsibility, jurisdiction, or authority for border management and control, broadly defined.¹ Three, however, dominate:

- the U.S. Customs Service in the Treasury Department, which, as the principal border enforcement agency, enforces or administers more than 400 provisions of law for itself and 40 other government agencies;
- the Immigration and Naturalization Service (INS) in the Justice Department, which operates the Border Patrol and is responsible for facilitating entry of legally admissible visitors or immigrants and preventing improper entry; and

¹ See, among other sources: U.S. Customs Service, *Laws and Regulations Enforced or Administered by the United States Customs Service* (Washington: Customs Service, 1993); U.S. General Accounting Office, *Commercial Passenger Vehicles: Safety Inspection of Commercial Buses and Vans Entering the United States from Mexico*, GAO report RCED-97-194 (Washington: 1997), and *Combating Terrorism: Spending on Governmentwide Programs Requires Better Management and Coordination*, GAO report NSIAD-98-39 (Washington: 1998); U.S. Library of Congress, Congressional Research Service, "Border Management Reorganization," by Frederick M. Kaiser, and "Illustrative Sources of Federal Law Enforcement Authority Related to Border Management," by Elizabeth B. Bazan and Lou Fields, in U.S. Congress, Senate Committee on Governmental Affairs, *Border Management Reorganization and Drug Interdiction*, Senate Print 100-111, 100th Cong., 2nd sess. (Washington: GPO, 1988), pp. 1-57; U.S. Library of Congress, Congressional Research Service, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law*, by Charles Doyle, CRS report 95-964 S (Washington: 1995), *U.S. Border Patrol Operations*, by William Krouse, CRS report 97-989 EPW (Washington: 1998), *Proposals to Restructure the Immigration and Naturalization Service*, by William Krouse, CRS Report RL 30257 (Washington: 1999), and *U.S. Military Participation in Southwest Border Drug Control*, by Nina Serafino, CRS Report 98-767 F (Washington: 1998); U.S. Office of National Drug Control Policy, Office of Programs, Budget, Research and Evaluation, *An Overview of Federal Drug Control Programs on the Southwest Border: Briefing Book* (Washington: Office of National Drug Control Policy, 1997); Nancy Ferris, "Over the Border," *Government Executive*, vol. 30, April 1998, pp. 23-29; "Border Traffic: The Drug Trade from Mexico," 5-part series in *Washington Post*, Nov. 2-6, 1997, all beginning on p. A1; Glenn Frankel, "U.S. War on Drugs Yields Few Victories," *Washington Post*, June 8, 1997, pp. A1 and A18; and Ken Hughes and Leigh Rivenbark, "Law Officers Often Are Caught in Crossfire of Duplicate Efforts," *Federal Times*, vol. 29, June 7, 1993, pp. 1, 12-13.

Initiatives ranging from modest improvements in interagency coordination to major reorganizations affecting multiple agencies have come from a wide range of sources. These have included: both Republican and Democratic administrations, governmental commissions and citizen task forces, affected agencies themselves, and Members, committees, and support agencies of Congress, as well as public policy analysts and research organizations in the private sector.³

Early Efforts

The early efforts to reorganize border management, although few, nonetheless called for significant changes. One attempt—a merger of the three main border patrol units in 1930—moreover, was nearly enacted into law.

³ A CRS analysis examines a number of major reorganization attempts during the century. See Kaiser, "Border Management Reorganization." The study is part of a compilation of other examinations, recommendations, and official documents that have emerged from 1911, when the first proposal along these lines was developed, to 1988, reprinted in Senate Governmental Affairs Committee, *Border Management Reorganization*.

Other studies and proposals have emerged during the past decade. These include: U.S. Commission on Immigration Reform [Jordan Commission], *U.S. Immigration Policy: Restoring Credibility* (Washington: GPO, 1994), pp. xi and 46-47, and *Becoming an American: Immigration and Immigration Policy* (Washington: GPO, 1997), pp. 41-56; U.S. Congress, House, Congressional Task Force on Immigration Reform, *Report to the Speaker, Honorable Newt Gingrich*, Monograph, June 29, 1995, pp. 11-12; U.S. Congress, House, Democratic Caucus, Task Force on Government Waste, *The Challenge of Sound Management* (Washington: House Democratic Caucus, 1992), p. 41; U.S. Congress, House Committee on Government Operations, *The Immigration and Naturalization Service: Overwhelmed and Unprepared for the Future*, H. Rept. 103-216, 103rd Cong., 1st sess. (Washington: GPO, 1993), p. 37; U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration and Claims, *Border Security and Deterring Illegal Entry into the United States*, Hearing, 105th Cong., 1st sess., (Washington: GPO, 1997), and *INS Restructuring*, Hearing, 105th Cong., 2nd sess., May 21, 1998 (not yet printed); U.S. General Accounting Office, *Customs and INS: Dual Management Structure for Border Inspections Should Be Ended*, GAO report GGD-93-111 (Washington: 1993), and *Implementation of the National Performance Review's Recommendations*, GAO report OCS-95-1 (Washington: 1995), p. 204; U.S. National Performance Review, *From Red Tape to Results: Creating a Government That Works Better and Costs Less*, Report (Washington: NPR, 1993), pp. 144, 151; Daniel P. Sutherland, *Abolish the INS*, CEO Policy Brief (Washington: Center for Equal Opportunity, 1996), pp. 21-26; U.S. Library of Congress, Congressional Research Service, *Immigration and Naturalization Services FY1999 Budget*, CRS Report 98-269 EPW, by William Krouse (Washington: March 19, 1998); United States-Mexico Chamber of Commerce, *U.S.-Mexico Border Conference: Challenges and Collaboration* (Washington: U.S.-Mexico Chamber of Commerce, 1998); Carnegie Endowment for International Peace, International Migration Policy Program, *Reorganizing the Immigration Function: Toward a New Framework for Accountability* (Carnegie Endowment: New York, 1998); U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary, *INS Appropriations for FY1999*, 105th Cong., 2nd sess., March 31, 1998 (not yet printed); Debate on Amendment to the Defense Department Authorization Act for FY 1999, *Congressional Record*, vol. 144, May 21, 1998, pp. H3695-H3705; U.S. Office of National Drug Control Policy, *Organizing Drug Control Efforts Along the Southwest Border*, Remarks by Barry R. McCaffrey, Director (Washington: ONDCP, 1998).

1960s. During the 1960s, three organizations—a citizens' task force commissioned by the Customs Service (1962), the Service itself (1964), and an interagency group set up by the Bureau of the Budget (1968)—recommended ways to improve interagency cooperation and liaison. These included combining the roles of U.S. border personnel engaged in preliminary inspection work, testing one-stop inspection, and possibly establishing a single agency to inspect all passengers and baggage.

Contemporary Efforts

Reorganization efforts beginning in the 1970s and continuing to the present have been more numerous and varied than in earlier periods. These contemporary manifestations have crossed a wide spectrum of ideas, ranging from modest improvements in coordination among a few operational units to major reorganizations merging the three principal agencies along with others. In between these ends have been recent proposals to increase the military presence along the border, under the direction of INS or Customs, and to abolish INS, with its functions and duties transferred to new organizational entities in the Justice Department and/or other departments and agencies.

1970s. In 1973, President Nixon's Reorganization Plan No. 2, which created the Drug Enforcement Administration, was accomplished in part through a transfer of Customs personnel and authority for narcotics intelligence and investigation. The Plan contained a second part that would have balanced these losses for Customs, by transferring Immigration's port-of-entry inspections along with 1,000 positions to Customs. This part, however, was put on hold by the Administration, in response to congressional criticism, and was repealed by public law the next year (P.L. 93-253; 88 Stat. 50).

Following this development, the Office of Management and Budget (OMB), in 1974, prepared a plan for a single-agency management strategy along the border; under it, INS was to be responsible for patrolling between ports of entry and Customs, for inspections at the ports. A subsequent report from the House Committee on Government Operations, however, criticized OMB for going beyond the planning and evaluation stages to an actual field test.

Early in the Carter Administration, two interagency studies developed proposals for a broad-scale reorganization of border management. In 1977, both the Office of Drug Abuse Policy and the President's Reorganization Project advanced the establishment of a multi-purpose border management agency, among other options. Its creation was to be accomplished by merging all of Customs and INS into a new organization located in either the Justice or Treasury Department.

1980s. During the 1980s, both the Reagan Administration and Congress endorsed a variety of reorganization proposals that would have affected border management. In 1981, the Attorney General's task force on violent crime raised the possibility of transferring the INS border patrol to Customs. Three other administration sources—i.e., the President's Cabinet Council on Management in 1983, the Grace Commission in the same year, and the President's Council on Management

A 1997 proposal from the U.S. Commission on Immigration Reform, for instance, called for the abolition of the Immigration and Naturalization Service, with its functions distributed to various organizations in the Departments of Labor, State, and Justice—including a new Bureau for Immigration Enforcement. This initiative built on the commission's monitoring of attempts, based on suggestions from GAO and NPR, to improve coordination between INS and Customs at ports of entry. In an earlier report, released in 1994, the commission determined that if these efforts proved ineffective, it would recommend more extensive action, such as creating a new immigration and customs agency or designating one agency as the lead in inspections. Although neither of these specific options materialized three years later, a recommendation for significant change did: i.e., the dismantling of INS.

Legislation was introduced in the 105th Congress by Representative Harold Rogers, Chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, which has jurisdiction over INS, that would have accomplished this. His bill, the Immigration Reform and Improvements Act of 1998 (H.R. 3904, 105th Congress), would have abolished INS and established a new agency in the Justice Department, i.e., the Bureau of Immigration Enforcement. It would have been responsible for prevention of illegal immigration (border patrol); inspection at ports of entry; detention, deportation, and removal of illegal aliens (allowing the Attorney General to delegate detention authority to the Bureau of Prisons or the U.S. Marshals Service); and investigations, including alien smuggling and document fraud. The legislation would have also created the position of Director for Immigration Enforcement, appointed by the President and confirmed by the Senate for a five-year term. Other parts of the proposal would have affected the functions and responsibilities of the Departments of State and Labor, in part, by transferring certain INS functions to them, and would have established a new independent Agency for Immigration Review, by combining relevant functions of INS and the Departments of Justice, Labor, and State.

Earlier, in 1997, the proposed Border Security and Enforcement Act (H.R. 2588, 105th Congress) was introduced by Representative Silvestre Reyes. It would have separated the border patrol program, along with four other programs (i.e., detention and deportation, intelligence, investigation, and inspections), from INS; in turn, the legislation would have placed them, along with all associated functions, funding, personnel, and infrastructure, in a new Office of Enforcement and Border Affairs in the Justice Department. The office would have been headed by a Director appointed by the President, with Senate confirmation, who would report directly to the Attorney General.

Legislation along similar lines has been introduced in the 106th Congress, by Representative Rogers, for himself and 67 other Members, including Representatives Reyes and Lamar Smith. H.R. 2528 would establish two separate bureaus in the Justice Department, dividing INS's current activities between a Bureau of Immigration Enforcement and a Bureau of Immigration Services.

Responding to criticism of its operations, the Immigration and Naturalization Service in 1998 offered its own plan for an internal agency reorganization, based in part on a study and recommendations by the Booz-Allen and Hamilton consulting

of entry, evaluate the adequacy of agency efforts, and make recommendations for corrective action where necessary.

Over the past 25 years, furthermore, the General Accounting Office (GAO) has conducted numerous reviews of border management, agencies, operations, and activities. Often finding impediments to cooperation and coordination among border agencies, especially between INS and Customs, GAO has endorsed a variety of changes, designed to help relieve this condition, improve effectiveness of anti-smuggling efforts, increase efficiency, and expedite services, especially processing international travelers. Among other recommendations, GAO has called for: single-agency management of port-of-entry inspections, one-stop inspection for international travelers, strengthened leadership and command of anti-drug interdiction efforts along the border, and improvements between Defense and civilian agencies in coastal law enforcement and between Customs and DEA in combating drug smuggling.

Types of Possible Reorganizations

Reorganization attempts and recommendations affecting border management have tended to focus on certain specific functions, particularly inspection at ports of entry or patrolling along the border, or have been broadly encompassing, calling for a combination of all enforcement functions or a merger of entire agencies. These initiatives have generally followed one of five paths:

(1) Authorize an agency to conduct certain functions, duties or operations, such as port-of-entry inspections, of others and/or to use the personnel and resources of other agencies. This level of change could require cross-designation and cross-training of personnel but not a transfer of permanent authority or positions. Examples of this type appear in proposals for a single-agency management strategy along the border and/or for one-stop inspection at ports of entry that have come from the Office of Management and Budget in 1974, from the Reagan Administration on several occasions, and from the General Accounting Office beginning in the early 1970s. The use of military personnel under the direction of either Customs or INS, as embodied in the amendment to the DoD FY1999 Authorization Act, would also fit into this category of change.

(2) Create a new office to coordinate the efforts of agencies in selected areas, in terms of responsibilities, jurisdiction, or both. The proposal from ONDCP Director McCaffrey in 1998, which would establish a new office to coordinate anti-drug efforts along the southwest border, reflects this type of restructuring.

(3) Separate certain functions from an existing agency and place them in a new organization within the same department. An illustration of this type appeared in the proposed Border Security and Enforcement Act of 1997, which would have transferred border patrol, inspections, and several other programs from INS to a new Office of Enforcement and Border Affairs in the Justice Department. H.R. 2528 in the 106th Congress would divide current INS activities into a Bureau of Immigration Services and a Bureau of Immigration Enforcement in the Justice

Rationales for Change

Despite some significant differences, the proposed reorganizations of border management have several things in common. They have been stimulated by perceived serious deficiencies in federal law enforcement and interdiction efforts along the border, particularly over the smuggling of illegal aliens and illegal drugs (alcohol during the Prohibition era and illicit narcotics in the contemporary era). Underlying this failing are perceived organizational defects that the reorganizations are designed to correct:

- a lack of coordination and cooperation among the numerous agencies involved in border management;
- duplication of effort;
- fragmentation of authority and responsibility;
- rivalry among agencies and “turf battles”; and
- inconsistent, conflicting, or overburdening missions within a single agency.

Other features of the agencies involved in border management are seen as reinforcing, and possibly compounding, these conditions. Each has a unique heritage and administrative culture, a different set of enforcement authorities, separate statutory responsibilities and duties, competing policy priorities, and its own operational guidelines, institutional arrangements, and personnel organizations. In combination, these characteristics tend to promote each agency’s independence and autonomy.

The border management agencies also have to contend with substantial existing responsibilities, coupled with new or expanding ones. The increased demands have come about largely because of: added statutory duties and responsibilities; expanding international travel, trade, and criminal conduct; increasing, more ambitious, and more sophisticated smuggling efforts; and changing public policy priorities. These demands put additional strains on existing governmental resources to manage and control the borders. This is also a field, according to proponents of broad-scale reorganizations, where additional resources or less far-reaching organizational changes have proved insufficient to meet policy goals, especially in combating illicit drug smuggling and illegal immigration. These promoters argue, therefore, that a major restructuring of government efforts is necessary to overcome the perceived obstacles and failings in this area.

Objections to Broad-Scale Reorganizations

Notwithstanding persistent and occasionally high-profile support, however, no broad-scale reorganization of border management has been approved by Congress. Nearly successful efforts have occurred only twice: In 1930, the House, but not the Senate, approved an amended version of President Hoover’s plan to unify the border

President and/or Congress? Are these expectations realistic; and, if there are several goals, are they compatible with one another?

Assessing Costs. What functional costs would be borne by the parent departments or agencies, which would lose jurisdiction, resources, and personnel? Would the other policies they enforce and implement be adversely affected? Would the loss of border patrolling, for instance, hamper INS's remaining functions and responsibilities? Or, alternately, would the loss of the Customs Service (to Justice or to a new independent agency) harm Treasury's remaining functions and responsibilities, such as revenue collection?

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