

HSA@20 Episode Companion: Border Enforcement

August 7, 2023

This Insight accompanies the “Border Enforcement” episode of *The Homeland Security Act at 20* podcast series and includes background information on the issues discussed during the podcast.

Click this [link](#) to ask questions, provide feedback, or offer suggestions for future topics. You can also email the podcast team at HSA20@loc.gov. Thank you for your engagement.

Drug Control at the Border

Selected Drug Control Milestones

Federal drug control began in the early 20th century, as the federal government initially aimed to stem drug use and abuse [through taxation](#). The Federal Bureau of Narcotics was initially established within the Department of the Treasury (Treasury).

After World War II, more drug control legislation was enacted, and law enforcement approaches were complemented by medical treatment of drug addiction:

1968: [Reorganization Plan No. 1](#) created the Bureau of Narcotics and Dangerous Drugs (within the Department of Justice [DOJ]) from the Bureau of Narcotics (within Treasury) and the Bureau of Drug Abuse Control (within Department of Health, Education, and Welfare).

1970: Congress passed the [Controlled Substances Act \(P.L. 91-513\)](#), which established federal control of certain plants, drugs, and chemical substances.

1971: President Nixon declared a [war on drugs](#).

1973: [Reorganization Plan No. 2](#) created the Drug Enforcement Administration (within DOJ).

1982: The [Organized Crime Drug Enforcement Task Force \(OCDETF\)](#) program was established within DOJ to identify and target major drug trafficking and money laundering organizations.

1988: The [Office of National Drug Control Policy \(ONDCP\)](#) was established by the [Anti-Drug Abuse Act of 1988](#) to coordinate national drug policy.

Congressional Research Service

<https://crsreports.congress.gov>

IN12216

- ONDCP develops and implements the [National Drug Control Strategy](#) and [budget](#).
- These include demand reduction (prevention and treatment) and supply reduction (domestic law enforcement, interdiction, and international) efforts, including border enforcement.

Note: While the DEA and other federal law enforcement agencies investigate and make arrests for drug-related offenses, most drug crime (as other crime) is investigated at the state level.

Mitigating Drug Flow into the U.S.

According to the DEA, Mexican drug trafficking organizations [remain a dominant influence](#) in the U.S. illicit drug market.

- There are [no comprehensive data](#) on the total quantity of illicit drugs smuggled into the United States.
- More [illicit drugs are seized](#) by officials at official ports of entry (POEs) than between them.
- Drugs are [commonly smuggled](#) in concealed compartments in privately owned passenger vehicles or comingled with legitimate goods on tractor trailers.
- Non-intrusive inspection (NII) equipment helps scan vehicles, and is rising in capacity, but many passenger vehicles and commercial trucks remain unscreened.

Countering Transnational Criminal Organizations

- [2011 National Strategy on Transnational Organized Crime](#)
- [U.S. Council on Transnational Organized Crime](#)
- [Quadrennial Homeland Security Review](#)

Border Barriers

“Prevention through deterrence” initially used heavy agent deployments in crossing areas:

- [Operation Hold-the-Line](#)
- [Operation Gatekeeper](#)

The [Border Patrol 1994 Strategic Plan](#) outlined the initial plans for border barriers as part of an integrated strategy.

The [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) first authorized integrated border barriers.

This authority was amended by:

- [REAL ID Act, 2005](#);
- [Secure Fence Act, 2006](#); and
- [Consolidated Appropriations Act, 2008](#).

For more history, see CRS Report R45888, *DHS Border Barrier Funding*, by William L. Painter and Audrey Singer.

The [consequence delivery system](#) focused on tougher penalties for those apprehended in order to discourage migration, reduce recidivism, and disrupt smuggling networks.

Current Border Barrier Status

At the end of FY2015, approximately 653 miles—roughly one-third of the international boundary—had a primary layer of barriers.

Roughly 450 miles of border barriers were built under the Trump Administration (roughly 50 miles in areas without previous barriers).

- [The Government Accountability Office \(GAO\) found](#) that construction of barriers was prioritized over the completion of the integrated system.
- [Only about 15% of the barriers constructed were the complete integrated border wall system.](#)

Biden Administration Border Plans

After an initial pause in work, the Department of Defense (DOD) cancelled contracts funded through redirected appropriations. DOD-constructed border barriers were transferred to the Department of Homeland Security (DHS) for remediation, completion, and operation.

- [June 2021 Border Plan](#)
- [July 2022 Plan Amendment](#)
- [GAO on Border Wall System Program progress](#) (pp. 61-64)

Current Border Enforcement Challenges

1. **Volume of migrants.** Record levels of encounters have occurred in recent years.
2. **Rise in the number of vulnerable populations.** Unaccompanied minors and families require different treatment than single adult migrants.
3. **Shift in countries of origin.** This complicates removal efforts, as origin countries may not allow migrant repatriation.

Recent trends: [U.S. Border Patrol Encounters at the Southwest Border: Fact Sheet \(crs.gov\)](#).

Historical perspective: [Immigration: Apprehensions and Expulsions at the Southwest Border \(crs.gov\)](#).

Control of the Border, Key Terms and Measurement

Operational Control Defined

2004 National Border Patrol Strategy (pp. 2-3)

To carry out its missions, the Border Patrol has a clear strategic goal: to establish and maintain operational control of the border of the United States.... National guidance for planning and implementation will ensure that resources are focused in the highest risk areas and that the foundation for operational control over our Nation's border is established and maintained. Operational control is defined as the ability to detect, respond, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives. Operational control may be limited to specific smuggling corridors or other geographically defined locations.

Secure Fence Act of 2006 (Sec. 2(b))

Operational Control Defined.—In this section, the term “operational control” means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Matching Metrics to Policy Effectiveness

The challenge of measuring the effectiveness of border security policy is in part a question of how the border enforcement policy outputs contribute to drug control or immigration policy outcomes.

- [DHS Border Security Metrics Reports.](#)
- [GAO: Border Security Metrics: Progress Made, but DHS Should Take Additional Steps to Improve Information Quality.](#)

Key policy challenge: balancing facilitating lawful travel and trade with preventing unauthorized entries of goods and people.

Next Episode

Evolution of Emergency Management: August 25, 2023.

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