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United States General Accounting Office

GAO

Report to the Congress

December 1987

# DRUG LAW ENFORCEMENT

## Military Assistance for Anti-Drug Agencies



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U.S. Department of Justice  
National Institute of Justice

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General Government Division

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December 23, 1987

To the President of the Senate and the  
Speaker of the House of Representatives

As required by section 3057, subsection (e) of the Anti-Drug Abuse Act of 1986 (Public Law 99-570), we are reporting on the Department of Defense's (DOD) compliance with certain provisions of the act requiring DOD to make military resources available to drug law enforcement agencies. Specifically, section 3057 required DOD, on a one-time basis, to prepare a list of available assistance and a detailed plan for providing this assistance to drug law enforcement agencies, and to convene a conference of such agencies to reach agreement on the distribution of this assistance. We found DOD generally complied with these requirements of the act.

In a letter dated November 2, 1987, DOD stated that it concurred with the contents of this report (see app. II). Appendix I presents the details of our assessment as well as the objective, scope, and methodology of our review.

We are sending copies of this report to concerned House and Senate Committees, the Secretary of Defense, and other interested parties, and will make copies available to others upon request.

*W. J. Anderson*

*for*

Charles A. Bowsher  
Comptroller General  
of the United States

# Assessment of the Department of Defense's Compliance With Section 3057 of the Anti-Drug Abuse Act of 1986

The Department of Defense (DOD) has helped support drug law enforcement efforts for years, especially since the passage of the Posse Comitatus Amendment in 1981, which clarified the role of the military in assisting drug law enforcement agencies. DOD's contributions to drug law enforcement efforts have included equipment loans, training for law enforcement agency officials, and radar coverage of major drug trafficking routes.

Several provisions of the Anti-Drug Abuse Act of 1986 authorized specific enhancements to the military's support of drug law enforcement, such as the loan of four Navy surveillance aircraft to drug law enforcement agencies and the procurement of radar equipment to detect drug smuggling activities. Another provision of the act, section 3057, required that DOD prepare a list of assistance it could make available to federal drug law enforcement agencies and a plan for promptly providing the assistance to these agencies. Section 3057 also required that DOD convene a conference of federal drug law enforcement agencies to reach agreement on the appropriate distribution of the assistance. We monitored DOD's actions pursuant to these requirements of section 3057 and found that DOD generally complied with them.

## DOD Submitted a List of Assistance and a Distribution Plan to Congress

On February 18, 1987, the Secretary of Defense submitted to the Chairmen of the Senate and House Armed Services Committees a report containing the list required by section 3057, subsection (a), that included equipment and other forms of assistance DOD could provide to federal drug law enforcement agencies.<sup>1</sup> As required by subsection (a), the report also contained a plan for providing this equipment and assistance to federal drug law enforcement agencies. The plan generally outlined the same process that DOD had used in the past to provide support to federal drug law enforcement agencies. The Secretary's report was submitted to the Committees 24 days after the due date set by subsection (a). On April 7, 1987, the report was made available to all federal agencies DOD identified as having drug law enforcement responsibilities.

Subsection (a) specified that the list must include the following types of assistance: surveillance and communications equipment; support by the Armed Forces Reserves for drug interdiction operations (i.e., seizing

<sup>1</sup>While section 3057, subsection (b), specified that the Armed Services Committees shall submit their approval or disapproval of DOD's list and plan to the Secretary of Defense, DOD did not receive a response from the Committees.

drug shipments before they penetrate U.S. borders); intelligence information on foreign drug production and shipments; support for drug interdiction activities by the Southern Command (the field command of all U.S. forces in South and Central America, excluding Mexico) and other such field commands; and aircraft, marine vessels, and land vehicles suitable for use in drug interdiction efforts. DOD's report included listings of each of these types of assistance, as well as training and miscellaneous assistance that can be made available to drug law enforcement agencies.

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## DOD Convened an Interagency Conference to Determine the Distribution of Assistance

Subsection (b) of section 3057 required that DOD convene a conference of drug law enforcement agencies, including the Customs Service, the Coast Guard, and the Drug Enforcement Administration (DEA), in order to determine the appropriate distribution of the assistance it offered to these agencies in its report to Congress. On April 20, 1987, the Secretary of Defense asked the Chairman of the National Drug Policy Board<sup>2</sup> to chair the conference on his behalf. On April 30, 1987, the Chairman, in turn, asked the National Narcotics Border Interdiction System (NNBIS)<sup>3</sup>, which coordinates drug law enforcement agency requests for DOD support, to convene the conference. NNBIS convened the conference on May 28, 1987, in Washington D.C.

DOD invited to the conference all federal agencies that it identified as having drug law enforcement responsibilities. Fifteen such agencies sent representatives to the conference, including the Customs Service, the Coast Guard, and DEA. Also in attendance were representatives from each military service, the Joint Chiefs of Staff, and the DOD Task Force on Drug Enforcement which coordinates DOD's handling of requests for drug law enforcement support. Our representatives also attended the conference.

Four of the agencies attending—the Customs Service, DEA, the Coast Guard, and the State Department—made specific requests for the available support. After the conference, according to a DOD official, Customs withdrew its request for helicopters because they did not meet mission

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<sup>2</sup>The National Drug Policy Board, chaired by the Attorney General, is responsible for coordinating federal drug policy and operations. Members of the Policy Board include the heads of federal departments involved in drug control efforts as well as other high-level federal officials.

<sup>3</sup>NNBIS, in the Office of the Vice President, is a management system for coordinating the efforts of federal agencies involved with drug interdiction and is staffed by personnel detailed from these agencies. One of NNBIS' functions is coordinating civilian agency requests for DOD support.

requirements, and also its request for jeeps because they were determined to be unsafe. A DOD official also said the State Department withdrew a request for helicopters for the same reason as Customs. Other requests made by the State Department at the conference, including those for boats and training, had been previously submitted to DOD and were already being handled by DOD outside of the process specified in section 3057. The requests by the Coast Guard and DEA were granted by DOD as part of the process specified by section 3057 (see below).

The agency representatives attending the conference requested only a small portion of the assistance included on DOD's list. Many representatives indicated that their agencies did not have a present or clearly defined need for the assistance being offered, and would use procedures that were in place before the conference to request DOD support when it was needed for specific drug law enforcement operations.

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## **DOD Entered Into Memorandums of Agreement With DEA and the Coast Guard**

On July 28, 1987, as required by section 3057, subsection (b), DOD signed memorandums of agreement with the Coast Guard and DEA 1 day after the deadline set by subsection (b). The agreement with the Coast Guard provides for the transfer of six helicopters during the first quarter of fiscal year 1988. In the memorandum with DEA, DOD agreed to provide mobile engineering support for up to 1 year to improve the security of bases used for drug law enforcement operations in the Bahamas and the nearby vicinity in a manner and amount to be determined by DOD. DOD also agreed to review its procedures in order to streamline the delivery of equipment in support of these operations. DOD provided copies of these memorandums to the Chairmen of the Senate and House Armed Services Committees.

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## **Agency Comments**

DOD reviewed this report and in a letter dated November 2, 1987, concurred with the report's contents. (See app. II.) We also discussed the sections of this report pertaining to the interagency conference required by the Anti-Drug Abuse Act of 1986 with NNBIS officials, who agreed with the contents of these sections.

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## **Objective, Scope, and Methodology**

Our objective was to assess DOD's compliance with section 3057 of the Anti-Drug Abuse Act of 1986. We were required to perform this assessment by subsection (e) of section 3057 of the act. We did not attempt to evaluate the adequacy of the assistance offered to drug law enforcement agencies by DOD under the act. To meet our objective, we (1) reviewed

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**Appendix I  
Assessment of the Department of Defense's  
Compliance With Section 3057 of the Anti-  
Drug Abuse Act of 1986**

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section 3057 to identify its specific requirements, (2) reviewed the list of assistance compiled by DOD, (3) attended the conference at which distribution of some of the assistance was arranged, (4) reviewed the conference report prepared by NNBIS and memorandums of agreement resulting from the conference, and (5) interviewed DOD and NNBIS officials. Our work was conducted in accordance with generally accepted government auditing standards.

# Agency Comments From the Department of Defense



FORCE MANAGEMENT  
AND PERSONNEL

ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-4000

2 NOV 1987

Mr. Frank C. Conahan  
Assistant Comptroller General  
National Security and International  
Affairs Division  
U.S. General Accounting Office  
Washington, D.C. 20548

Dear Mr. Conahan:

This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report, "DRUG LAW ENFORCEMENT: Military Assistance For Anti-Drug Agencies," dated October 13, 1987 (GAO Code 264240/OSD Case 7426).

The Department has reviewed the report, concurs with the findings and conclusions, and has no further comment. The DoD appreciates the opportunity to comment on this draft report.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Armor".

David J. Armor  
Principal Deputy

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