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Testimony

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The Need for Strong Central Oversight of the
Federal Government's "War on Drugs"

Statement of
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Before the
Committee on the Judiciary, United States Senate
and Select Committee on Narcotics Abuse and
Control, House of Representatives

**NCJRS**

MAR 22 1988

ACQUISITIONS

Messrs. Chairmen and Members of the Committees:

We are pleased to be part of your hearings examining the need for strong central oversight of the federal government's "war on drugs." For years members of Congress have advocated the establishment of a "drug czar" who would develop a national strategy, establish priorities, direct resources, facilitate coordination, and be held accountable for federal efforts aimed at reducing our country's drug abuse and drug trafficking problems. As we will discuss today, we agree with the concept of strong central oversight of federal anti-drug efforts. Whether the Office of the Director of National Drug Control Policy, proposed by members of Congress in S. 789, should replace the National Drug Policy Board needs to be discussed at forums such as these hearings.

In our testimony today, I would first like to summarize our past position on the need for a so-called "drug czar." After that, I will provide information on the role of the National Drug Enforcement Policy Board (established by the National Narcotics Act of 1984) in coordinating U.S. drug law enforcement policy and operations and detail what we know about the Board's responsibilities being absorbed into the National Drug Policy Board by a March 26, 1987 Executive Order. Finally, we will discuss the proposed legislation, S. 789, which provides for central oversight of the entire drug abuse control effort.

Messrs. Chairmen, as you know, the Committee on the Judiciary has requested us to conduct an evaluation of the

National Drug Enforcement Policy Board. In this evaluation, scheduled for completion in the summer of 1987, we are examining (1) how the Board operated; (2) whether the Board fulfilled specific legislative mandates, such as developing budgetary priorities and resource allocations for agencies involved in drug law enforcement; (3) how the Board resolved conflicts; and (4) the Board's role in the accomplishments it has claimed.

THE NEED FOR GREATER DRUG LAW ENFORCEMENT

PROGRAM COORDINATION AND OVERSIGHT

IS WELL DOCUMENTED

The General Accounting Office has recognized the need for strong central oversight. In past reports and testimony dating back to the early 1970s, we have repeatedly pointed out problems caused by the fragmentation of federal anti-drug efforts among various agencies. Many obstacles, such as differing priorities and interagency rivalries, conflicts, and jurisdictional disputes have impeded drug abuse control efforts.

In a 1979 report to Congress (Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes, GGD-80-4, Oct. 25, 1979), we assessed the federal government's efforts to reduce the supply of illegal drugs in this country during the previous 10 years. As the title indicates, we concluded that drug abuse and drug trafficking were flourishing.

In that report, we said that one of the main reasons the government had not been more effective was the long-standing problem of fragmented federal drug supply reduction activities.

Over the years, there had been a variety of changes in drug strategy, policy, and federal drug law enforcement agencies' structures to reduce the fragmentation of efforts and to provide clear, high-level direction for greater supply reduction effectiveness. (A general description of these changes is included as app. I.) Our work showed that despite these changes, federal drug law enforcement efforts were still not well integrated, balanced, or coordinated.

Our 1979 report also pointed out that the federal government had continually failed to provide a central mechanism with the responsibility and authority to plan and coordinate all federal drug supply reduction efforts and to be accountable for effective implementation of a consistent federal drug policy. We proposed that the executive and legislative branches of government form a partnership to reach agreement on the Nation's drug abuse policy, enact necessary legislation, and provide the requisite oversight to ensure that the agreed-upon policy was vigorously carried out. We also pointed out the need to create a position with a clear delegation of authority from the President to monitor activities and demand corrective actions.

The need for strong central oversight was also the theme of our 1983 report to the Congress (Federal Drug Interdiction Efforts Need Strong Central Oversight, GAO/GGD-83-52, June 13, 1983). In this report, we focused on federal efforts to interdict illegal drugs being smuggled into the country. We

concluded that the fragmentation of these activities limited their effectiveness.

The interdiction of drugs was and still is a major, and also the most costly, component of the federal government's strategy to reduce the illegal drug supply. Our work demonstrated, however, that interdiction had a limited impact on the drug flow. Despite a dramatic increase in interdiction resources and a subsequent increase in drug seizures, there was no decrease in the availability of illegal drugs. Only a small percentage of the drugs entering the country were being seized.

We noted that authority and responsibility for federal interdiction efforts were split among three agencies--Customs, the Coast Guard, and DEA--in three separate departments--Treasury, Transportation, and Justice. We also noted that each agency had different programs, goals, and priorities, and that this led to inefficiency and interagency conflict. Our report pointed out that these interdiction difficulties were only one manifestation of a broader problem: the need for centralized direction and greater coordination of all federal drug supply reduction activities.

To promote a more cohesive and centralized oversight of federal drug enforcement efforts, we recommended that the President (1) direct the development of a more definitive federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities and (2) make a clear delegation of responsibility to one individual to oversee federal

drug enforcement programs. We recommended that the responsibilities of this individual include:

- Developing and reviewing U.S. Government policy with respect to illegal drugs.
- Providing for effective coordination of federal efforts to control the production, halt the flow into the United States, and stop the sale and use of illegal drugs.
- Developing a unified budget that will present (1) a composite picture of all federal resources being devoted to the drug war and (2) recommendations for rationalizing these efforts in terms of budgetary priorities.
- Collecting and disseminating information necessary to implement and evaluate U.S. policy with respect to illegal drugs.

CURRENT EFFORTS AT PROVIDING

STRONG CENTRAL OVERSIGHT

In 1983, President Reagan vetoed a bill that would have established a single Cabinet-level officer to direct the federal government's drug enforcement efforts because he felt that coordination of these efforts could be achieved through existing administrative structures. In his veto memorandum, the President said that the bill would create another layer of bureaucracy that would "produce friction, disrupt effective law enforcement and could threaten the integrity of criminal investigation and prosecution."

A compromise was then struck between the Administration and Congress, and the National Narcotics Act of 1984 (Public Law 98-473) was enacted establishing the National Drug Enforcement Policy Board. The intent of the act was to strengthen central direction of federal efforts aimed at reducing the supply of illegal drugs in this country. Composed of several high-level federal officials, the Board, rather than one official, was charged with this responsibility.

The Attorney General is designated as Chairman of the Board. Other members include the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services; the Director of the Office of Management and Budget; the Director of the Central Intelligence Agency; the Director of the White House Drug Abuse Policy Office; and the Vice-President's Chief of Staff. The Board generally meets on a monthly basis.

The Board's mission is to coordinate U.S. drug law enforcement policy and operations. The Board is responsible for (1) reviewing, evaluating, and developing U.S. drug law enforcement policy and strategy, including budgetary priorities; (2) facilitating the coordination of all federal drug law enforcement operations; and (3) coordinating the collection and evaluation of information necessary to implement U.S. drug law enforcement policy. The act specifies that the Board is not to interfere with routine law enforcement or intelligence decisions of any agency.

As Chairman of the Board, the Attorney General's duties include advising and making recommendations to the Board concerning drug enforcement activities, correlating and evaluating information on drug enforcement to support the Board's activities, and acting as primary advisor to the President and Congress on drug enforcement programs and policies developed by the Board. In carrying out the Board's responsibilities, the Attorney General, on behalf of the Board, is authorized to

- direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel in order to implement U.S. drug law enforcement policy;
- provide guidance in the implementation and maintenance of U.S. drug enforcement policy, strategy, and resources; and
- review and approve the reprogramming of funds relating to budgetary priorities developed by the Board.

The Board created an organizational structure, including an interagency Coordinating Group and a Policy Board Staff, to carry out its responsibilities. The Coordinating Group is made up of senior officials from organizations having a major role in drug enforcement. The group meets monthly to discuss and, to the extent possible, reach consensus on issues referred to it by the Board or on issues the members might raise. Its aim is to resolve conflicts and/or submit recommendations to the Board for resolving drug enforcement conflicts and developing policy. The

overall intent is to eliminate as many differences as possible among agency representatives at the subcabinet level.

The Policy Board Staff was organized to support both the Board and the Coordinating Group and ensure that they each have the information they need to make decisions. The Staff consists of a Director and about 20 personnel assigned from the various agencies. It performs a variety of tasks, including: assessing federal drug strategies, policies, and programs, and making recommendations to improve their effectiveness; reviewing budget levels for all federal drug enforcement programs and making recommendations to the Board on resource allocations; conducting research and analysis on issues referred to it by the Board or the Coordinating Group; and preparing reports to Congress on U.S. drug enforcement policy, plans, and accomplishments.

Activities and Accomplishments of the Policy Board

According to the Chairman of the Board's Coordinating Group, much of the Board's work takes place behind the scenes, and low-key advice and consultation are frequently provided to agencies involved in drug enforcement. According to the Board's Staff Director, the Board has not developed plans, procedures, or guidelines spelling out how the Board will operate to meet its responsibilities under the law. Thus, determining the extent of the Board's activities and its effectiveness in coordinating federal drug enforcement policy and operations is a difficult task.

On the basis of statements that the Coordinating Group Chairman made to Congress and information provided to us by the Board's staff, however, it appears the Board has undertaken a number of activities to carry out its mission. These include the following.

- Revising the national and international drug law enforcement strategy. In February 1987, the Board issued a strategy for the next 2 years. Before that, the Board had adopted the President's 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking as a guide for policy and program development.
- Reviewing and approving the concept of an all-source intelligence center to consolidate drug intelligence at one location for improved drug interdiction efforts.
- Reviewing proposals by the Secretary of Defense for expanded Department of Defense (DOD) support of drug enforcement.
- Reviewing drug problems along the southwest border and planning a multi-agency interdiction initiative called Operation Alliance to enhance drug enforcement in that area.
- Studying air and related marine interdiction capabilities along the southeast border to recommend appropriate measures for this region.
- Evaluating federal efforts to eradicate domestically

grown marijuana and making recommendations for improving those efforts.

- Approving a centralized interagency system for collecting and processing drug seizure statistics.
- Starting an effort to bring greater consistency to the reporting of spending on drug enforcement activities.
- Submitting a report to the Congress on controlled substance analogs (i.e., designer drugs).
- Establishing a drug crisis management system to decide on unified interagency approaches to urgent problems.

Policy Board relies on cooperation

Coordinating federal drug enforcement policy and operations for greater effectiveness is a formidable task. The Attorney General, as Chairman, is responsible for implementing the Board's policies and strategies, but he has limited authority to accomplish this. He cannot establish budgets, develop priorities, and direct resources in organizations outside the Department of Justice. Such organizations include Customs, the Internal Revenue Service, the Coast Guard, Department of Defense, and agencies in the national intelligence community--all of which have roles in drug law enforcement.

Without the authority to direct actions, the Attorney General can only provide guidance in implementing the Board's decisions and rely on the cooperation of the involved departments and agencies. We do not know to what extent this lack of authority affects the Board's ability to coordinate and provide

clear central direction to federal drug supply reduction efforts. This is a matter we are addressing in the ongoing evaluation that you requested.

Policy Board role expanded to
include demand reduction

As stated earlier, to provide policy coordination for reducing the demand for drugs, on March 26, 1987, President Reagan issued an Executive Order creating the National Drug Policy Board. Demand reduction was not officially part of the mission of the National Drug Enforcement Policy Board. Although technically the National Drug Enforcement Policy Board stills exists, the new Board absorbs its mission and intends to provide a coordinated strategy and policy for all of the federal government's anti-drug responsibilities, including drug prevention, education, and treatment programs. The Attorney General will remain as the Chairman, and the Secretary of the Department of Health and Human Services has been designated as the Vice Chairman. The President's Executive Order also directed the Board to establish two coordinating groups. One coordinating group will continue to consider issues related to drug law enforcement, while the other will deal with drug abuse prevention and health matters.

"OFFICE OF THE DIRECTOR OF NATIONAL
DRUG CONTROL POLICY" PROPOSED

Mr. Chairman, you introduced a bill, S.789, earlier this year that would establish a Director of National Drug Control

Policy. The purpose of your bill is to ensure that a single, competent, and responsible high-level official, who is appointed by the President with the advice and consent of the Senate, and who is accountable to Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to drug control and abuse.

As provided in your bill, the newly created Director would have authority to direct federal drug enforcement efforts. In addition, the Director would be responsible for directing and coordinating federal education, prevention, research, and treatment activities designed to reduce the demand for illegal drugs. Your proposal is based on the premise that an effective solution to the Nation's drug problem must involve a comprehensive approach combining supply and demand reduction efforts, and that the magnitude of the problem requires someone with broad responsibility and authority to lead all the involved federal agencies in a unified and efficient attack.

The objectives of your bill are consistent with what we have advocated in the past. As I discussed earlier, we recognize the need to have one individual with a clear delegation of responsibility and authority to plan and oversee all federal drug supply reduction activities--someone who is accountable for the effective implementation of a consistent federal drug enforcement policy. While our prior work focused on drug supply reduction, we also recognize the importance of demand reduction efforts. In

our 1979 report, we pointed out that effective drug enforcement will cause shifts and temporary disruptions in trafficking and drug use patterns and will buy time to enable the Nation to concentrate on long-term solutions. We observed that the search for long-term solutions must give high priority to each vital component of the federal drug control strategy: drug law enforcement, treatment and rehabilitation, education and training, and research.

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In conclusion, Messrs. Chairmen, we agree with the concept of strong central oversight of federal anti-drug efforts embodied in S. 789. Whether the Office of the Director of National Drug Control Policy proposed in S. 789 should replace the new National Drug Policy Board will be discussed by your Committees and Congress in the coming weeks. Hopefully, our evaluation of the Policy Board will contribute to this discussion.

This concludes my prepared statement. We would be pleased to respond to any questions.

A HISTORY OF CHANGES IN DRUG ABUSE CONTROL
BETWEEN 1968 AND 1978

A history of the major organizational changes that occurred between 1968 and 1978 is described in general terms below.

- President Johnson's Reorganization Plan No. 1 of 1968 established the Bureau of Narcotics and Dangerous Drugs in the Justice Department by merging the Federal Bureau of Narcotics, which was in the Treasury Department, and the Bureau of Drug Abuse Control, which was in the Department of Health, Education, and Welfare. This gave the Justice Department the primary responsibility for drug investigations. Treasury's U.S. Customs Service continued to be responsible for drug smuggling investigations.
- President Nixon created the Cabinet Committee on International Narcotics Control in 1971, with the Secretary of State as Chairman. The Committee was charged with developing a strategy to check the illegal flow of drugs to the United States and coordinating the efforts abroad by involved federal agencies to implement that strategy. President Carter abolished the Committee in 1977.
- In 1971, President Nixon also created the Special Action Office for Drug Abuse Prevention. The Office was responsible for coordinating and overseeing all federal drug prevention, education, treatment, training, and

research programs, which were scattered among 14 agencies. There was considerable debate concerning whether the Office should also have authority over drug law enforcement agencies.

- The Drug Abuse Office and Treatment Act of 1972 provided the Special Action Office for Drug Abuse Prevention with a statutory base for a 3-year period. The act authorized the permanent establishment of the National Institute on Drug Abuse--a separate organization in the Department of Health, Education, and Welfare--to handle federal drug demand reduction efforts. It also created the Strategy Council on Drug Abuse, whose primary responsibility was the development of a comprehensive federal strategy for the prevention of both drug abuse and drug trafficking.
- Drug law enforcement efforts continued to be fragmented. By 1972, investigative and intelligence functions were shared by the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence in the Justice Department, as well as the U.S. Customs Service in the Treasury Department. To correct this fragmentation, President Nixon's Reorganization Plan No. 2 of 1973 created the Drug Enforcement Administration (DEA) and assigned it the responsibility and authority for investigating all drug law enforcement cases under federal drug law. The bureau

and the offices in Justice that I just mentioned were abolished. Their functions and resources, along with the Customs Service's investigative and intelligence-gathering functions relating to drug enforcement, were transferred to DEA. The Customs Service's anti-drug role was limited to interdiction of illegal drugs at the U.S. borders and ports-of-entry.

--In 1976, Congress amended the Drug Abuse Office and Treatment Act of 1972 to establish the Office of Drug Abuse Policy. The legislative intent made it clear that Congress was dissatisfied with inconsistent and sometimes conflicting federal drug abuse policies with no clear overall direction. Congress wanted a central accountability mechanism to insure a coherent presidential drug abuse policy throughout the executive branch. The Office of Drug Abuse Policy's statutory authority, responsibility, and objectives were to oversee all organizational and policy issues for drug abuse and drug trafficking prevention; to coordinate the performance of drug abuse functions by federal departments and agencies; and to recommend and implement resource and program priorities. President Carter activated the Office in 1977 and abolished it in 1978. The Office's functions were absorbed by a drug policy office within the Domestic Policy Staff of the Executive Office of the President.