

## United States Senate

The Honorable Gene Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G St NW, Washington, DC 20226

July 21, 2023

Mr. Dodaro,

Title 21 grants the Drug Enforcement Agency (DEA) the authority to enforce the controlled substances laws of the United States. Oftentimes, Homeland Security Investigations (HSI), an investigative component within U.S. Immigration and Customs Enforcement (ICE), works closely with the DEA to investigate crimes related to both controlled substances and transnational crime, despite HSI not having the same Title 21 authority as DEA.

DEA has the ability to delegate authority to HSI to investigate Title 21 violations. Given HSI focuses on illegal cross-border movement, it, often times, encounters the movement of narcotics and other illicit substances. HSI and DEA have expressed frustration regarding the coordination and delegation of efforts to investigate and prosecute Title 21 violations.

It is vital for the welfare of our country and safety of our citizens that our law enforcement agencies are able to collaborate and effectively enforce our laws. GAO issued a report in July 2011 that analyzed the coordination between DEA and ICE when it comes to drug investigations.<sup>[1]</sup> To ensure that HSI and DEA are working together in a collaborative matter to enforce their existing authorities, we request the GAO update its 2011 report and examine the following questions:

1. To what extent have DEA and HSI taken actions to implement the provisions of their cooperative agreement addressing the cross-designation of HSI agents to pursue counternarcotic investigations, information sharing, and deconfliction of counternarcotic investigations?
2. How much time does it take DEA to grant Title 21 authority to an HSI agent who requests it?
3. Do HSI agents continue investigating cases with a drug component while they wait for Title 21 authority to be granted?

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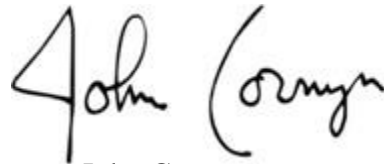
<sup>[1]</sup> Govt. Accountability Office, “COMBATTING ILLICIT DRUGS: DEA and ICE Interagency Agreement Has Helped to Ensure Better Coordination of Drug Investigations,” GAO-11-763, July 2011.

4. Are there circumstances in which DEA denies Title 21 authority to an HSI agent that requests it?
5. Are DEA and HSI properly deconflicting cases in a timely manner to ensure no duplicative investigative cases are occurring?
6. In what ways can DEA and HSI improve collaboration and coordination within their existing and respective authorities to bring drug traffickers to justice?
7. Are there unique challenges at the border that require enhanced coordination and collaboration between DEA and HSI? If so, what are those challenges and how can cross-designation help address those challenges?

Sincerely,



James Lankford  
United States Senator



John Cornyn  
United States Senator