



# Combating Illicit Drugs: Improvements Needed for Coordinating Federal Investigations

GAO-25-107839 (Accessible Version)

Q&A

Report to Congressional Requesters

March 5, 2025

## Why This Matters

The federal government has identified the use of illegal drugs and misuse of prescription drugs, particularly opioids, as a persistent and long-standing risk to public health in the U.S. The Department of Justice and an executive order created the Drug Enforcement Administration (DEA) in 1973, as a single, comprehensive federal agency to lead U.S. efforts against illicit drug trafficking, domestically and internationally. DEA works with U.S. Immigration and Customs Enforcement (ICE) within the Department of Homeland Security to investigate illicit drug activity with a connection to U.S. borders and ports of entry. To facilitate their collaboration, DEA and ICE have entered into agreements including: (1) an August 1994 memorandum of understanding between DEA and U.S. Customs Service, (2) a June 2009 interagency cooperation agreement between DEA and ICE, and (3) a January 2021 joint letter. We refer to these documents as agreements in this report. These agreements, among other things, outline the mechanisms to provide agents from ICE's Homeland Security Investigations (HSI) with authority to investigate violations of controlled substances laws contained in Title 21 of the U.S. Code (i.e., cross-designation under Title 21 authority).

The January 2021 agreement requires DEA and HSI to create two training modules, including a joint training on the June 2009 agreement. The goal was to present the information to DEA and HSI special agents with one voice to help ensure consistency in implementing it. We were asked to examine how DEA and HSI coordinate on counternarcotics investigations. This report addresses the extent to which DEA is following its process to review HSI agent requests to participate in counternarcotics investigations, and the extent to which DEA and HSI have implemented the provisions of their agreement regarding training requirements.

## Key Takeaways

- DEA has cross-designated an average of over 4,000 HSI agents per year with the authority to participate in counternarcotics investigations under Title 21 of the U.S. Code during fiscal years 2019 through 2023.
- DEA has not established timeliness goals for its Title 21 cross-designation processes and does not track processing time. This prevents the agency from ensuring it can make timely, data-driven decisions about the program.
- DEA and HSI officials have not implemented the training requirements pursuant to their January 2021 agreement. This prevents these agencies from ensuring their agents are properly trained and effectively collaborate on counternarcotics investigations.

- We recommend that DEA establish timeliness goals for its Title 21 cross-designation processes and track processing time. Additionally, we recommend that DEA and ICE develop and implement the training modules pursuant to their January 2021 agreement to ensure they adhere to the agreement, which was signed over 4 years ago.

### **What are some illicit drug challenges facing the U.S.?**

The U.S. faces multiple challenges related to illicit drugs and has declared the opioid epidemic as a national public health emergency since October 2017. Though overall overdose deaths have declined recently, the Centers for Disease Control and Prevention estimated in February 2025 that the predicted provisional number of drug overdose deaths was 86,882 for the 12-month period ending in September 2024. In addition to the significant loss of life, the drug misuse crisis has negatively affected society and the economy. These costs are borne by individuals who misuse drugs, their families and employers, private businesses and nonprofit organizations, and federal, state, and local governments.

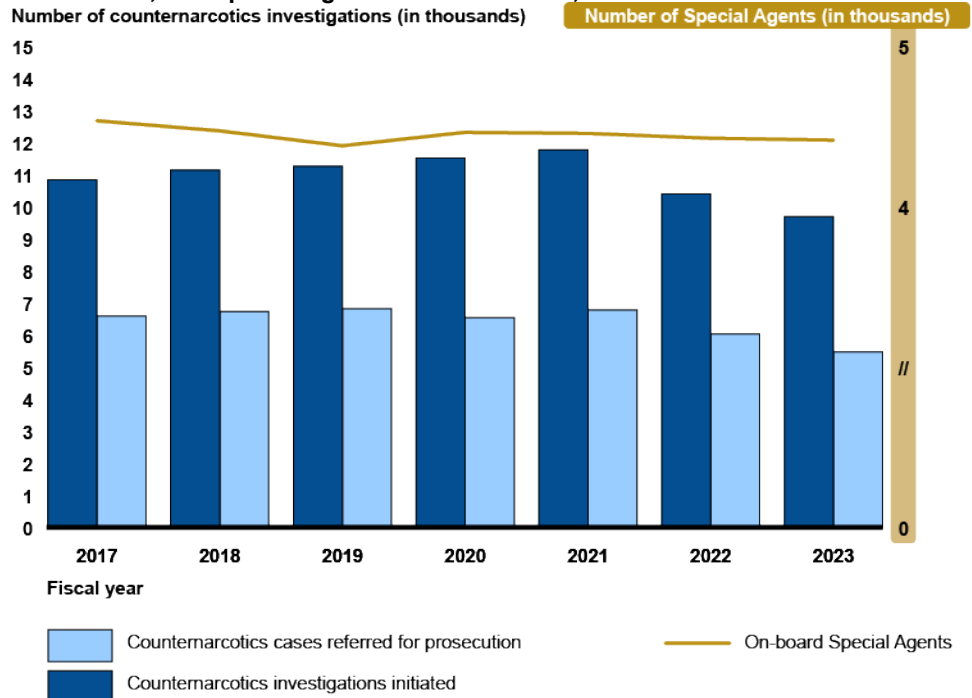
According to the *2024 DEA National Drug Threat Assessment*, a shift from plant-based drugs to synthetic drugs in the U.S. has resulted in the most dangerous and deadly drug crisis the U.S. has ever faced.<sup>1</sup> The synthetic drugs, such as fentanyl and methamphetamine, are responsible for nearly all the fatal drug poisonings in the U.S. The assessment also reported that several Mexican drug cartels are at the heart of this crisis and have developed global supply chain networks to transport the drugs into the U.S.

### **How are DEA and HSI involved in counternarcotics investigations?**

Both DEA and HSI initiate counternarcotics investigations, but the agencies focus their investigative activities on different efforts. Specifically, DEA focuses on leading U.S. efforts against illicit drug trafficking, and HSI focuses on efforts against smuggling with a connection to the U.S. border.<sup>2</sup> The Department of Justice's Reorganization Plan No. 2 and Executive Order 11727 created DEA in 1973, as a single, comprehensive federal agency to lead U.S. efforts against illicit drug trafficking, domestically and internationally. These directives also authorized the Attorney General, through DEA, to coordinate the enforcement of U.S. drug laws among all executive branch departments and agencies, requiring those agencies to assist DEA on drug enforcement efforts when requested.<sup>3</sup> Accordingly, DEA works to disrupt and dismantle the leadership, command, control, and financial infrastructure of major narcotics-trafficking organizations. DEA is charged with enforcing Title 21 of the U.S. Code, which contains the nation's controlled substances laws, including the Controlled Substances Act and Controlled Substances Import and Export Act of 1970.

As shown in figure 1, over a 7-year period—fiscal years 2017 through 2023—DEA initiated over 76,000 counternarcotics investigations and referred over 45,000 counternarcotics cases for prosecution (an annual average of over 10,900 initiated investigations and over 6,400 cases referred for prosecution). Based on DEA's workforce data, during this period, the agency was annually staffed with about 4,400 special agents who work on DEA's law enforcement activities to combat illicit drugs in the U.S.<sup>4</sup>

**Figure 1: Number of DEA Counternarcotics Investigations Initiated, Cases Referred for Prosecution, and Special Agents in Its Workforce, Fiscal Years 2017–2023**



Source: GAO analysis of reported Drug Enforcement Administration (DEA) information. | GAO-25-107839

**Accessible Data for Figure 1: Number of DEA Counternarcotics Investigations Initiated, Cases Referred for Prosecution, and Special Agents in Its Workforce, Fiscal Years 2017–2023**

Fiscal year	Cases (in thousands)	Cases referred (in thousands)	Agents (in thousands)
2017	10.843	6.593	2.537
2018	11.149	6.74	2.474
2019	11.268	6.825	2.381
2020	11.523	6.544	2.465
2021	11.78	6.788	2.458
2022	10.405	6.038	2.428
2023	9.694	5.477	2.416

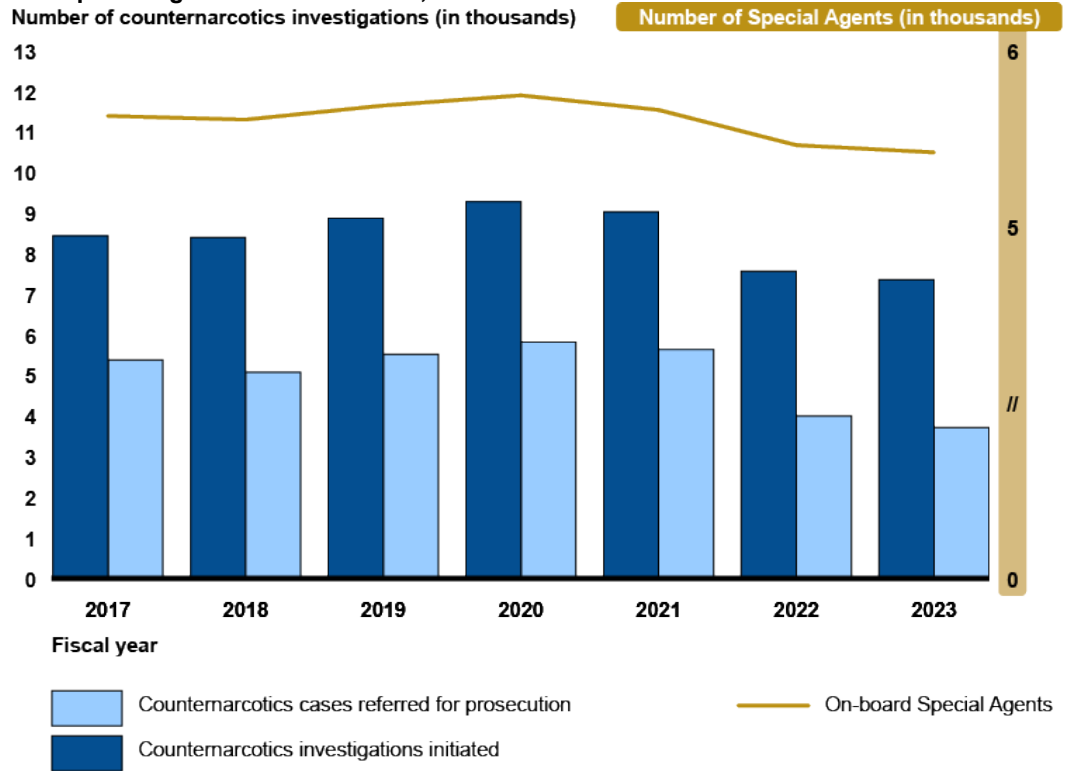
Source: GAO analysis of reported Drug Enforcement Administration (DEA) information. | GAO-25-107839

Note: DEA officials stated that not all counternarcotics investigations are opened and closed within the same fiscal year. An investigation may open in one fiscal year and close in subsequent fiscal years. In addition, DEA officials said that counternarcotics investigations may remain in an active or pending status while awaiting prosecution.

Within ICE, HSI agents conduct federal criminal investigations into the illegal movement of people, goods, money, contraband, weapons, and sensitive technology into, out of, and through the U.S., including narcotics.<sup>5</sup> Specifically, as it relates to counternarcotics investigations, HSI’s mission includes tracking, intercepting, investigating, and stopping illicit narcotics from flowing into the U.S. through targeting criminal networks; strengthening global partnerships; and enhancing domestic collaboration.

As shown in figure 2, over a 7-year period—fiscal years 2017 through 2023—HSI initiated over 58,000 counternarcotics investigations and referred over 35,000 counternarcotics cases for prosecution (an annual average of over 8,000 initiated investigations and over 5,000 cases referred for prosecution). Based on HSI’s workforce data, during this period, the agency was annually staffed with about 5,600 special agents who work on HSI’s law enforcement activities, including activities that work to combat illicit drugs in the U.S.<sup>6</sup>

**Figure 2: Number of HSI Counternarcotics Investigations, Cases Referred for Prosecution, and Special Agents in Its Workforce, Fiscal Years 2017–2023**



Source: GAO analysis of reported U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI) information. | GAO-25-107839

**Accessible Data for Figure 2: Number of HSI Counternarcotics Investigations, Cases Referred for Prosecution, and Special Agents in Its Workforce, Fiscal Years 2017–2023**

Fiscal year	Cases (in thousands)	Cases referred (in thousands)	Agents (in thousands)
2017	8.45	5.384	2.63
2018	8.404	5.088	2.609
2019	8.881	5.53	2.689
2020	9.291	5.831	2.747
2021	9.036	5.648	2.664
2022	7.569	4.006	2.464
2023	7.365	3.722	2.423

Source: GAO analysis of reported U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI) information. | GAO-25-107839

Note: The HSI Special Agents worked on HSI’s law enforcement activities, including but not limited to activities that combat illicit drugs in the U.S. From fiscal years 2019 through 2023, HSI agents submitted 21,769 Title 21 cross-designation requests to DEA for approval to work on counternarcotics investigations, an annual average of over 4,000 requests.

### What authority does DEA have to cross-designate HSI agents under Title 21 of the U.S. Code?

Under section 873 of Title 21 of the U.S. Code, DEA can cross-designate HSI agents with the authority to investigate the smuggling of controlled substances across U.S. international borders or through ports of entry, but an August 1994 agreement between DEA and Customs (ICE’s predecessor agency) limited the scope of HSI’s authority to not include performing domestic or non-smuggling counternarcotics investigations.<sup>7</sup> The Reorganization Plan No. 2 of 1973 established the DEA within the Department of Justice and provided for the Attorney General, acting through the Administrator of the DEA, to coordinate all drug law enforcement functions vested in the Attorney General. According to the reorganization plan, generally, this was done to assure maximum cooperation

between and among the DEA, the Federal Bureau of Investigation, and other units of the department involved in the performance of these drug-related law enforcement functions. In addition, pursuant to 21 U.S.C. § 873(b), generally it is the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical assistance, to the Attorney General for carrying out the functions of Title 21 of the U.S. Code, when requested by the Attorney General.

While Reorganization Plan No. 2 was intended to clarify counternarcotics roles and reduce conflicts between DEA and Customs, disputes continued related to Customs' narcotics enforcement jurisdiction, among other things. In addressing these disputes, the Department of Justice's Office of Legal Counsel stated in a 1986 memorandum that Customs did not have independent authority to carry out counternarcotics investigations. However, according to the office, Customs agents may participate in counternarcotics investigations, per the Department of Justice's authorization of DEA to cross-designate federal law enforcement officers to undertake counternarcotics investigations under DEA's supervision.<sup>8</sup>

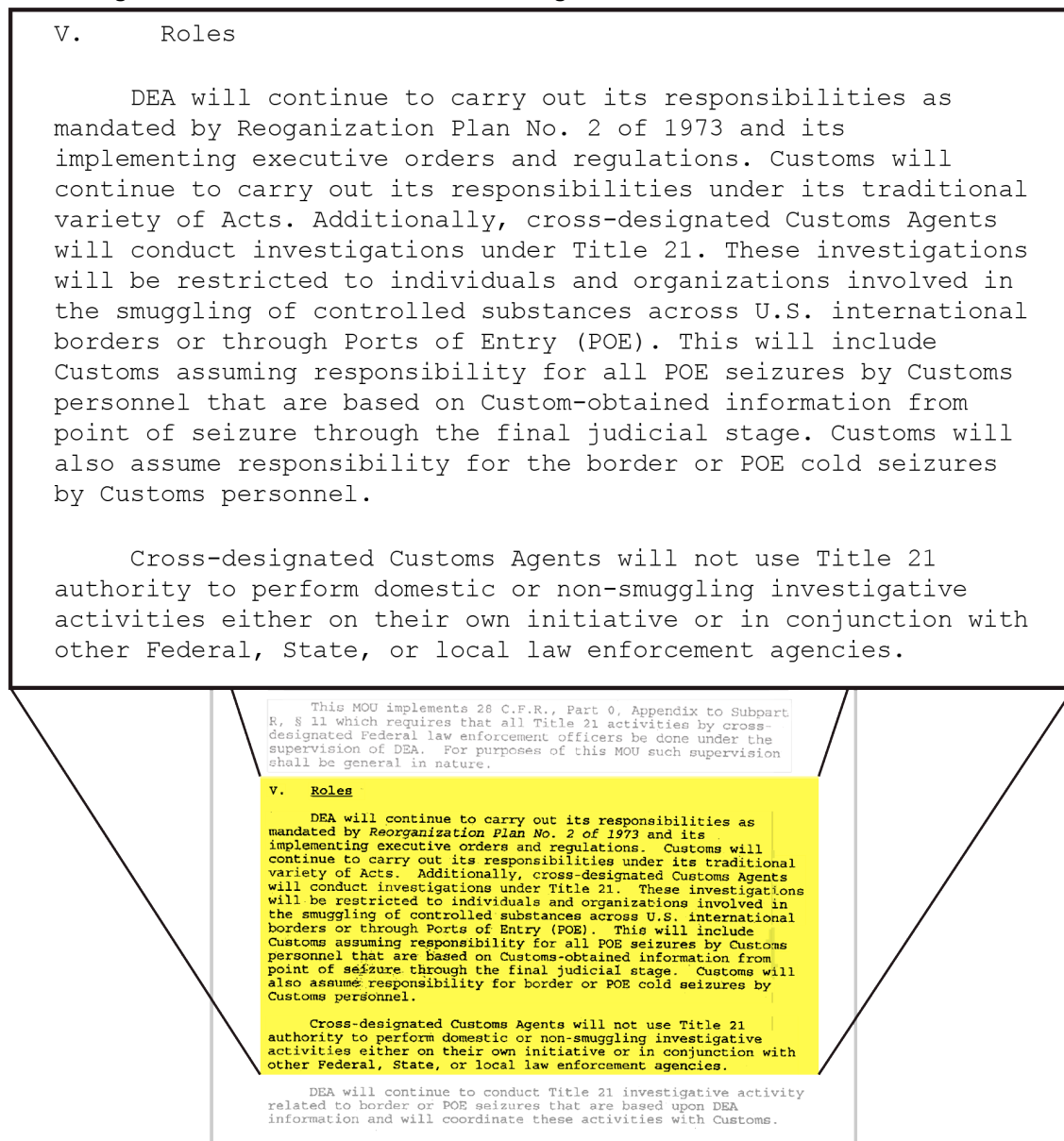
An August 1994 agreement between DEA and Customs set forth policies and procedures by which DEA would cross-designate Customs agents to enforce the controlled substances laws contained in Title 21 of the U.S. Code. Upon the creation of the Department of Homeland Security, ICE became a party to the DEA and Customs memorandum of understanding. The August 1994 agreement specifically restricted cross-designated Customs agents, and subsequently ICE agents, to investigating individuals and organizations involved in the smuggling of controlled substances across U.S. international borders or through ports of entry.

### **What DEA and ICE cooperation and related agreements exist for counternarcotics investigations?**

Over the last 30 years, DEA and ICE have entered into three agreements—in August 1994, June 2009, and January 2021, respectively—to better define ICE agents' ability to conduct counternarcotics investigations and outline collaboration mechanisms between the agencies. An overview of each agreement and our relevant prior recommendations related to the agreements are provided below.

- ***Memorandum of Understanding Between the Drug Enforcement Administration and the United States Customs Service to Implement Title 21 Cross-Designation Policies and Procedures (August 1994).*** DEA signed an agreement with Customs that created procedures for the cross-designation of Customs agents with Title 21 authority.<sup>9</sup> Under this agreement, Customs agents could only conduct counternarcotics investigations of narcotics smuggling across U.S. international borders. Figure 3 identifies the scope of authority and circumstances in which cross-designated Customs agents were authorized to participate in counternarcotics investigations.

**Figure 3: Scope of Authority for Cross-Designated U.S. Customs Service Agents Participating in Counternarcotics Investigations Under August 1994 Memorandum of Understanding**



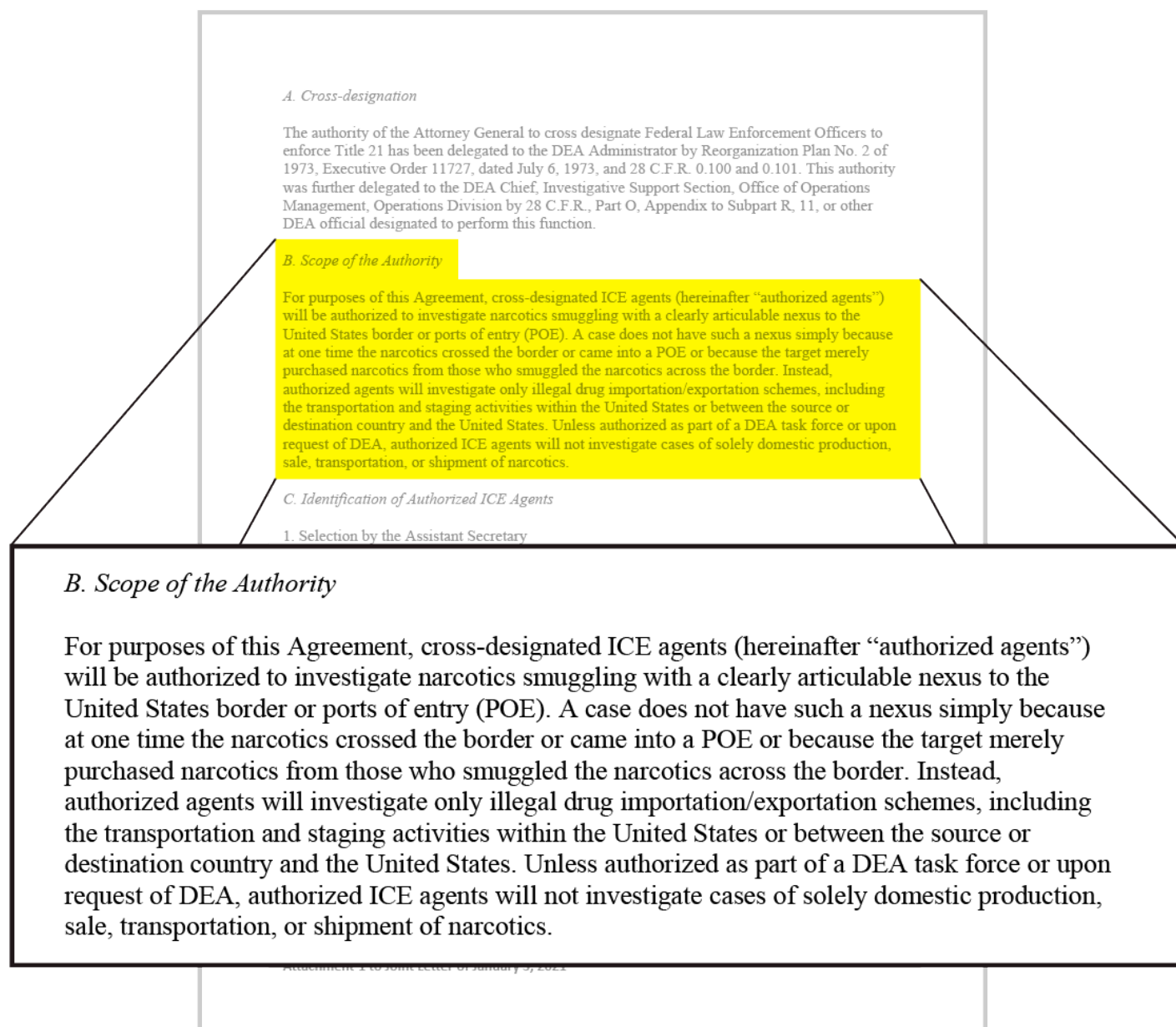
Source: Drug Enforcement Administration (DEA) and U.S. Customs Service August 1994 memorandum of understanding. | GAO-25-107839

In March 2009, we reported that DEA's and ICE's cross-designation procedures under the August 1994 agreement were problematic. This was due in part to misplaced cross-designation requests and the cap set in conjunction with the agreement limiting the number of cross-designated ICE agents to 1,475.<sup>10</sup> According to ICE headquarters officials, this cap limited ICE's ability to accomplish its mission because agents who were not cross-designated could not pursue border-related narcotics-smuggling investigations into the U.S.<sup>11</sup> We recommended that the Attorney General and the Secretary of Homeland Security develop a new agreement or other mechanism to provide efficient procedures for cross-designating ICE agents to conduct counternarcotics investigations. Aligned with our March 2009 report recommendation, which we closed as implemented, the June 2009 agreement changed the process for cross-designating ICE agents with Title 21 authority to conduct counternarcotics investigations. This agreement enabled ICE to select an unlimited number of agents for cross-designation.



- **Interagency Cooperation Agreement Between the U.S. Drug Enforcement Administration and U.S. Immigration and Customs Enforcement Regarding Investigative Functions Related to the Controlled Substances Act (June 2009).** In June 2009, DEA and ICE signed a new agreement that replaced the August 1994 agreement. This superseding agreement included provisions for coordination between the agencies and requirements for cross-designation, information sharing, and deconfliction.<sup>12</sup> Figure 4 identifies the scope of authority and circumstances in which cross-designated ICE agents are authorized to participate in counternarcotics investigations under the June 2009 agreement.

**Figure 4: Scope of Authority for Cross-Designated ICE Agents Participating in Counternarcotics Investigations Under June 2009 Cooperation Agreement**



Source: Drug Enforcement Administration (DEA) and U.S. Immigration and Customs Enforcement (ICE) June 2009 cooperation agreement. | GAO-25-107839

In July 2011, we reported that DEA and ICE took actions to fully implement the cross-designation and deconfliction provisions of their June 2009 agreement and finalized efforts to complete the information-sharing provisions.<sup>13</sup> The agencies implemented the cross-designation

provisions through a revised process that (1) elevated the levels at which requests are exchanged between the agencies, and (2) consolidated multiple requests into one list of ICE agents. We reported that, according to ICE officials, the new process was more streamlined and resulted in enhanced flexibility in maximizing investigative resources. Also, DEA and ICE implemented local deconfliction protocols and used a variety of mechanisms (e.g., local deconfliction centers) to deconflict investigations.

- ***Joint Letter on the DEA-ICE Interagency Cooperation Agreement (January 2021).*** In January 2021, DEA and ICE signed an agreement that outlined four initiatives to carry out provisions in the June 2009 agreement.<sup>14</sup> These initiatives include creating two training modules—including a joint training to ensure the June 2009 agreement is taught to DEA and HSI special agents with one voice to ensure consistency and clarity and a module on HSI’s mission, priorities, and border search authority—and reestablishing a headquarters review team of DEA and ICE officials to, among other things, resolve any disputes between the agencies.

### **What processes does DEA follow to review HSI agent requests to participate in counternarcotics investigations?**

According to DEA and HSI officials, DEA uses annual and ad hoc processes to review HSI agents’ Title 21 cross-designation requests. These officials stated each DEA and HSI field office has a designated Title 21 Coordinator to facilitate the review processes, among other tasks.<sup>15</sup> The coordinators ensure that HSI agents requesting Title 21 authority meet the criteria of working on relevant counternarcotics smuggling investigations with a connection to a U.S. border or port of entry. This could include serving on task forces or interagency groups that conduct counternarcotics investigations.

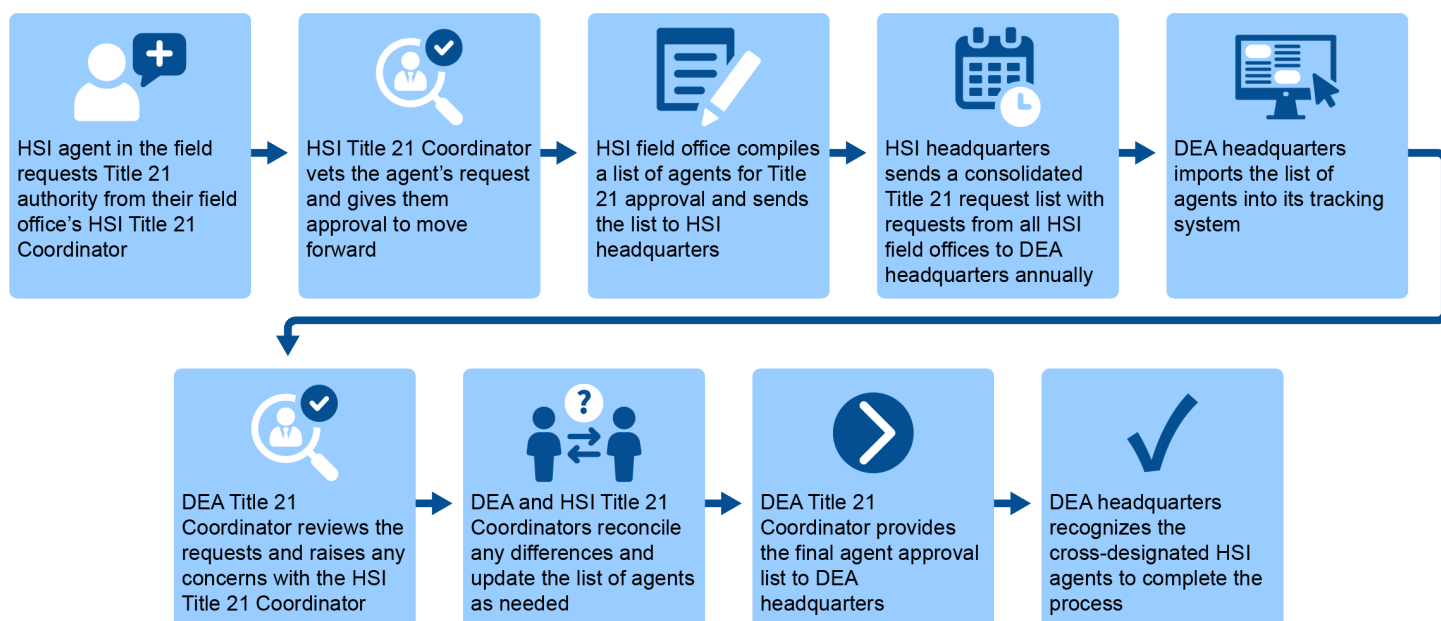
These officials said that HSI headquarters works with its Title 21 Coordinators in the field offices annually to consolidate the names of all HSI agents requesting Title 21 authority into one list for final review and approval by DEA headquarters.<sup>16</sup> They said the HSI requests are processed and approved at the Executive Associate Director and Chief of the Investigative Support Section level for HSI and DEA, respectively. The cross-designation is active for 1 year, and HSI officials must renew each HSI agents’ cross-designation annually.

DEA officials told us that they have concerns with the vetting HSI performs during the annual cross-designation process, which we discuss later in this report. HSI officials stated they do not have any issues or concerns with the structure of this process and no HSI agents have been denied cross-designation from DEA during fiscal years 2017 through 2023.

Figure 5 provides an overview of the annual process to cross-designate HSI agents with Title 21 authority to participate in counternarcotics investigations, in accordance with the interagency cooperation agreement.



**Figure 5: Annual DEA and HSI Title 21 Cross-Designation Process**



Source: GAO analysis of Drug Enforcement Administration (DEA) and U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI) documentation. | GAO-25-107839

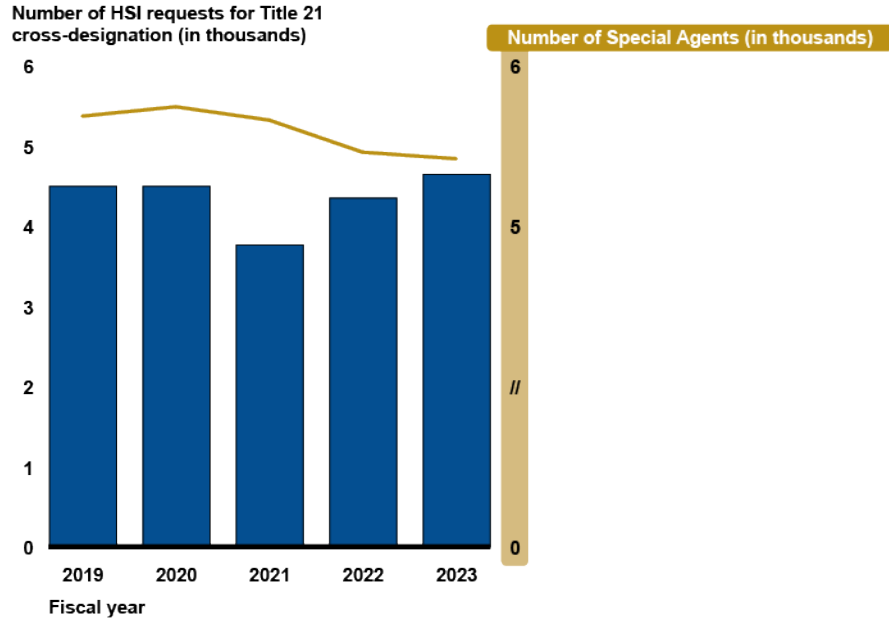
Note: DEA has the authority to cross-designate HSI agents to enforce the controlled substances laws contained in Title 21 of the U.S. Code. DEA has 23 Division offices and HSI has 30 Special Agent in Charge offices throughout the U.S., which we refer to as field offices in this figure.

In addition to the annual cross-designation process, DEA and HSI Title 21 Coordinators use an ad hoc process as needed, such as when HSI agents are reassigned from the interior of the nation to the U.S. border. According to DEA and HSI officials, the ad hoc process is beneficial for HSI requests that require an immediate decision. According to HSI officials, the DEA and HSI Title 21 Coordinators in the field work closely together to determine an HSI agent's need for cross-designation authority, and HSI officials stated their headquarters officials are not involved. DEA officials clarified that while most of the ad hoc process takes place with field officials, cross-designation can only be granted by DEA's Investigative Support Section at the headquarters level, which receives the ad hoc requests for processing. The coordinators inform HSI headquarters of their decision and send the final list of cross-designated HSI agents in their field office during the annual process. These officials said that the agencies do not have any issues or concerns with the structure of the ad hoc cross-designation process.

### How many HSI requests for cross-designation have been submitted to and approved by DEA during fiscal years 2019 through 2023?

Based on DEA's cross-designation data, over a 5-year period—in fiscal years 2019 through 2023—HSI agents submitted 21,769 Title 21 cross-designation requests to DEA for approval, an annual average of over 4,000 requests. DEA and HSI officials stated that they are not aware of any requests that DEA denied during this period. According to HSI's workforce data, during this period, the agency was annually staffed with about 5,600 special agents who work on HSI's law enforcement activities, including combatting illicit drugs in the U.S. Figure 6 shows the number of Title 21 cross-designation requests that HSI submitted to DEA for approval—including the number of special agents in its workforce during fiscal years 2019 through 2023.

**Figure 6: Number of U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI) Agent Requests for Title 21 Cross-Designation, Fiscal Years 2019 through 2023**



Source: GAO analysis of reported Drug Enforcement Administration information. | GAO-25-107839

**Accessible Data for Figure 6: Number of U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI) Agent Requests for Title 21 Cross-Designation, Fiscal Years 2019 through 2023**

Fiscal year	Requests (in thousands)	Agents (in thousands)
2019	4.5	2.689
2020	4.5	2.747
2021	3.768	2.664
2022	4.354	2.464
2023	4.647	2.423

Source: GAO analysis of reported Drug Enforcement Administration (DEA) information. | GAO-25-107839

Note: The Drug Enforcement Administration has the authority to cross-designate HSI agents to enforce the controlled substances laws contained in Title 21 of the U.S. Code. Officials from these agencies stated that they are not aware of any cross-designation requests that were denied during this period.

### What statutory provisions do HSI agents use other than those under Title 21 in their counternarcotics investigations?

The Homeland Security Act of 2002 transferred the U.S. Customs and the U.S. Immigration and Naturalization Service, with the exception of certain functions, to the newly created Department of Homeland Security.<sup>17</sup> The Department of Homeland Security established ICE by combining the criminal investigators from the U.S. Custom Service and the Immigration and Naturalization Service. According to ICE, HSI’s statutory authority to investigate violations of the U.S. Code is primarily derived from its predecessors’ statutory authorities pursuant to 19 U.S.C. § 1589a for customs officers and 8 U.S.C. § 1357 for immigration officers.

According to HSI officials, HSI agents can pursue counternarcotics investigation activities for various violations of the U.S. Code. These statutory provisions include smuggling violations under Title 19 of the U.S. Code, which are associated with criminal offenses outside of Title 21 of the U.S. Code. In addition, DEA and HSI officials said that HSI agents may carry out appropriate and immediate enforcement actions (e.g., make arrests and seize narcotics) for violations of other applicable statutory provisions when HSI agents are awaiting cross-designation approval from DEA. For example, HSI officials stated that HSI

agents may conduct counternarcotics-related investigations for violations of Titles 8, 18, 19, and 31 of the U.S. Code while awaiting Title 21 authority. Table 1 provides examples of the various statutory provisions that HSI officials reported using in counternarcotics investigations.

**Table 1: Examples of Statutory Provisions Outside of Title 21 HSI Officials Reported Using in Counternarcotics Investigations**

Title	Title information
Title 8 of the U.S. Code	<p><b>8 U.S.C. § 1324(b)(1):</b> A violation under 8 U.S.C. § 1324(a) involves bringing in and harboring certain noncitizens into the U.S. in violation of law. Pursuant to 8 U.S.C. § 1324(b)(1), any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of 8 U.S.C. § 1324(a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, is to be seized and subject to forfeiture.</p> <p><b>8 U.S.C. § 1327:</b> A violation under 8 U.S.C. § 1327 involves aiding or assisting certain noncitizens who are inadmissible under certain laws to enter the U.S.</p>
Title 18 of the U.S. Code	<p><b>18 U.S.C. § 545:</b> A violation under 18 U.S.C. § 545 involves smuggling, or the attempt to smuggle, goods into the U.S. and the forfeiture of the merchandise, or the value thereof, to the U.S.</p> <p><b>18 U.S.C. § 982:</b> Pursuant to 18 U.S.C. § 982, generally, a court, in imposing a sentence on a person convicted of certain criminal statutes, is required to order that the person forfeit certain property involved in the offense or traceable to the property. This is the forfeiture authority, not the underlying criminal offense.</p>
Title 19 of the U.S. Code	<p><b>19 U.S.C. § 1595a(c)(1)(B):</b> Under 19 U.S.C. § 1595a(c)(1)(B), merchandise which is introduced or attempted to be introduced into the U.S. contrary to the law, shall be seized and forfeited. This includes controlled substances, as defined by the Controlled Substances Act, that are not imported in accordance with applicable law.</p>
Title 31 of the U.S. Code	<p><b>31 U.S.C. § 5316:</b> A violation under 31 U.S.C. § 5316 involves reporting on the exporting and importing of monetary instruments of more than \$10,000 at one time into or out of the U.S.</p> <p><b>31 U.S.C. § 5317:</b> Under 31 U.S.C. § 5317, for purposes of ensuring compliance with the requirements of 31 U.S.C. § 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the U.S. In general, property involved in a violation of 31 U.S.C. § 5316, and certain other related statutes, and property traceable to such violations, may be criminally or civilly forfeited. This is not a violation that HSI enforces; it is a mechanism by which HSI can investigate violations of 31 U.S.C. § 5316.</p> <p><b>31 U.S.C. § 5332:</b> A violation under 31 U.S.C. § 5332 involves bulk cash smuggling.</p>

Source: U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI) information and GAO analysis of statutory authorities. | GAO-25-107839

Note: One narcotics seizure can involve multiple criminal violations that may involve narcotics and other possible crimes during a seizure event, such as smuggling.

While HSI may pursue violations of these statutory provisions to conduct counternarcotics related investigations, HSI officials stated that they believe Title 21 authority provides their agents with investigative capabilities that these other provisions do not provide. For example, HSI officials stated that Title 21 authority provides HSI agents with the ability to target listed precursor chemicals and equipment used in the manufacturing of illicit narcotics. These officials said that while precursor chemicals suspected of use in the illicit production of narcotics are initially detained by U.S. Customs and Border Protection under Title 19 of the U.S. Code, in most cases without Title 21 authority, HSI lacks a reliable mechanism to seize these chemicals. HSI officials stated that they believe Title 21 authority provides a straightforward legal basis to seize these chemicals and avoid complex evidentiary requirements. However, DEA officials indicated that from their perspective, a lack of Title 21 authority does not prevent HSI from seizing listed precursor chemicals that they encounter. DEA officials noted that they believe HSI has existing Title 18 and Title 19 authorities to conduct seizures in these situations, or that HSI can contact DEA.

### What goals has DEA established to measure its performance on the timely processing of Title 21 cross-designation requests?

DEA has not established timeliness goals for its cross-designation (annual and ad hoc) processes to review requests from HSI agents for cross-designation under Title 21 authority and could not provide data on actual processing times because it does not track how much time these processes take. DEA's June 2009 and January 2021 agreements with HSI and related standard operating procedures also do not define any timeliness goals for processing the cross-designation requests.

Moreover, according to DEA officials in August 2024, they had not considered tracking the processing time for the Title 21 cross-designation processes. Subsequently, DEA officials made a different claim in November 2024 stating that it does track processing times for the Title 21 cross-designation processes. They stated it takes DEA headquarters about one business day to input the list of HSI cross-designated agents into its data system. However, after we made multiple requests, DEA officials could not provide us with evidence or data to support their statement. Additionally, DEA officials told us they have a web application (developed in 2023) that could track this processing time, but they have not provided evidence of the application's functionality for tracking this or provided any results from the application.

According to the Department of Justice's *Fiscal Years 2022 – 2026 Strategic Plan*, the Department should modernize its data and technology to promote collaboration across the law enforcement community.<sup>18</sup> Additionally, to improve the efficiency and effectiveness of federal programs, Congress and the President enacted the Government Performance and Results Act of 1993 (GPRA) and significantly amended and expanded requirements through the GPRA Modernization Act of 2010.<sup>19</sup> As amended, GPRA contains requirements for performance assessment, including requirements for agencies to develop outcome-related strategic goals. In prior work on performance management, we found that these requirements can serve as key practices for program-level performance assessment.<sup>20</sup> These key practices include defining goals that are concrete, objective, and measurable as well as collecting performance data to assess progress toward reaching those goals.

Both HSI headquarters and DEA officials have noted that there have been delays or at least perceived delays in processing times. According to HSI headquarters officials, their agents have faced delays during counternarcotics investigations waiting for DEA's approval for cross-designation requests. They said this could have a negative impact on HSI investigations. DEA officials stated that they believe the cross-designation processes can be time consuming because Title 21 Coordinators in the field offices need to spend extra time vetting the list of agents that HSI submits because it sometimes includes (1) duplicative agent badge numbers and names or (2) agents who are not eligible for cross designation because, for example, they retired.<sup>21</sup>

While both agencies agree that the processes can be delayed, without establishing timeliness goals and collecting and analyzing data on processing times, they can't know how long the processes actually take or should take. Consequently, DEA cannot ensure it is making timely, data-driven decisions about the program or ensure it is effectively collaborating with its law enforcement partner. In addition, according to HSI officials, delays in the Title 21 cross-designation process can (1) potentially lead to criminals evading detection and illicit drugs getting into the U.S. and (2) HSI agents not being able to investigate illicit drugs they have identified during a non-counternarcotics investigation because DEA had not cross-designated the HSI agents.

### **To what extent have DEA and HSI implemented the training requirements outlined in the January 2021 agreement?**

DEA and HSI have taken steps toward implementing the training requirements of their January 2021 agreement but have not completed this effort as of February 2025.<sup>22</sup> While the agencies have created draft training materials, disagreements between them over the content of these trainings have prevented HSI from approving the materials and both agencies from jointly implementing them. As a result, DEA and HSI counternarcotics agents are not jointly trained on the June 2009 agreement (which is a main component of the January 2021 agreement)

and have faced challenges working together in the field on counternarcotics investigations.

For example, DEA officials stated their agents have told them that HSI agents in the field do not follow deconfliction procedures when working together on counternarcotics investigations. These officials also stated that DEA agents reported that they perceive HSI agents in the field do not have the same understanding of the cooperation agreement as the DEA agents, which has led to confusion, intelligence gaps, and the duplication of effort.

In January 2021, DEA and HSI signed an agreement to strengthen how they work together on counternarcotics investigations. They agreed to develop and implement two training modules on (1) the provisions of the June 2009 DEA and HSI agreement; and (2) HSI's mission, priorities, and border search authority.<sup>23</sup> DEA and HSI agreed to develop the training modules no later than 180 days after signing the letter—July 4, 2021. They agreed to require every DEA and HSI special agent working on counternarcotics investigations to take the joint training within 60 days of its availability on the agencies' virtual learning systems—September 2, 2021. After that, the agreement requires the joint training annually for cross-designated HSI special agents, their supervisors, and Title 21 Coordinators from both DEA and HSI. In addition, HSI is to certify completion of the annual joint training prior to submitting HSI's list for cross-designation.

According to DEA and HSI officials, while the agencies have taken steps towards implementing the training requirements of the January 2021 agreement, they have not fully implemented this effort as of February 2025. DEA sent HSI officials the final draft version of the training slides in September 2022. As shown in table 2, HSI officials stated they reviewed the draft training materials and raised several issues with the content to DEA, including interpretations of the definitions of key terms, statutory authorities, and provisions in June 2009 agreement language. We have ongoing work evaluating how DEA and HSI collaborate on counternarcotics investigations, including the extent to which these reported obstacles are being addressed, and we will be issuing our findings in an upcoming report.



**Table 2: DEA and HSI Officials’ Reported Obstacles to Implementing Training Requirements in January 2021 Agreement**

Obstacle	DEA and HSI officials’ perspective on obstacles to implementing training requirements
Different definitions of key terms	<p>HSI officials stated they do not agree with how DEA defined two key terms in the draft training modules—nexus to the U.S. border and domestic production.</p> <ul style="list-style-type: none"> <li> <b>Nexus to the U.S. border.</b> The June 2009 agreement states that HSI agents cross-designated with Title 21 authority are authorized to investigate narcotics smuggling when they exhibit a clearly articulable nexus to the U.S. border. In addition, the agreement states that a case does not have a nexus simply because at one time the narcotics crossed the border or came into a port of entry or because the target merely purchased narcotics from those who smuggled the narcotics across the border. DEA officials stated they believe HSI should participate in counternarcotics investigations where narcotics are being directly exported or imported over the U.S. border or through a port of entry. HSI officials stated they believe a border nexus encompasses not only the U.S. border and ports of entry, but also locations that function as extensions of these locations such as highway checkpoints, transportation hubs, and distribution centers, among other situations. HSI officials stated that in these interior locations, HSI would have a nexus to the U.S. border and the authority to conduct counternarcotics investigations. </li> <li> <b>Domestic production.</b> The June 2009 agreement states that unless authorized by DEA, HSI agents will not participate in investigations of the solely domestic production, sale, transportation, or shipment of narcotics. DEA officials stated they agreed with this interpretation, and that HSI officials should not participate in solely domestic counternarcotics investigations. HSI officials stated, however, that the June 2009 agreement does not clearly define the exact point in the narcotics supply chain when sale, transportation, or shipment of narcotics becomes domestic. </li> </ul>
Different interpretations of statutory authorities section	<p>HSI officials stated they believe the draft training modules indicate the June 2009 agreement supersedes HSI statutory authorities for narcotics investigations. HSI does not agree and believes its own statutory authorities take priority. DEA officials stated they do not agree that the training modules indicate this; they believe the joint training modules are focused on the exercising of Title 21 authority granted to HSI by DEA.</p>
Different interpretations of the June 2009 agreement language section	<p>HSI officials stated they believe the training modules indicate that DEA has a supervisory role over HSI’s narcotics-related investigations under Title 21 of the U.S. Code. HSI officials stated DEA does not oversee its counternarcotics agents, whereas these officials stated the training modules implied DEA is the supervisor of HSI in these situations. DEA officials stated they do not agree that the training modules indicate this; they believe the modules clearly state that coordination does not imply supervision and HSI can exercise its own authorities outside of DEA.</p>

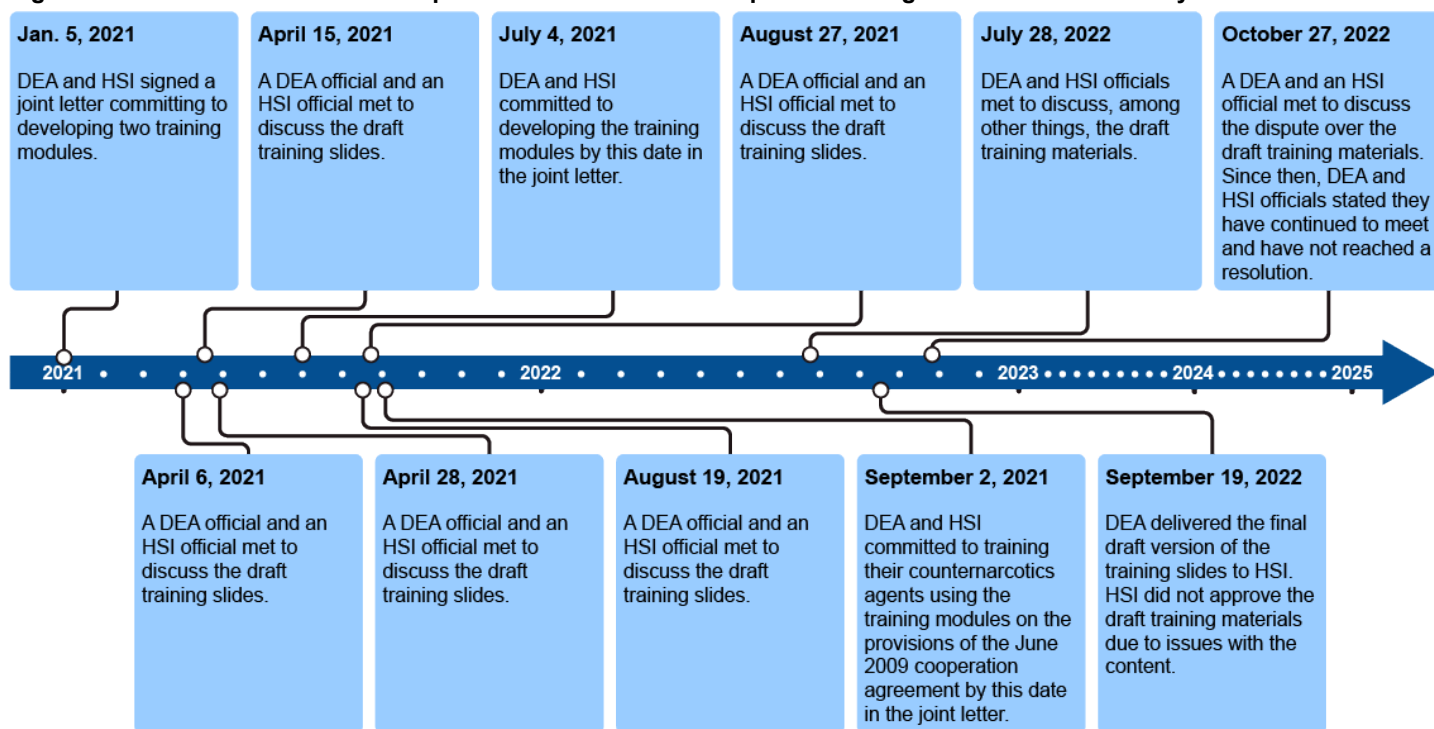
Source: GAO analysis of Drug Enforcement Administration (DEA) and U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI) information. | GAO-25-107839

Note: In January 2021, DEA and HSI signed a joint letter to strengthen how they work together on counternarcotics investigations. We refer to that joint letter as an agreement. They agreed to develop and implement two training modules on (1) the provisions of the June 2009 DEA and HSI agreement; and (2) HSI’s mission, priorities, and border search authority.

While DEA and HSI officials stated they train their agents on the June 2009 agreement, we do not consider either training program to reflect the training

requirements referenced in the January 2021 agreement because the agencies do not teach mutually agreed upon modules. DEA officials stated they deployed the training modules not approved by HSI to their field counternarcotics agents in September 2022. DEA officials also stated that these agents have taken the training modules over 11,000 times. HSI officials said that they started including information on the June 2009 agreement in HSI's basic training program, not approved by DEA, for its field counternarcotics agents in June 2010. In January 2010, HSI also started teaching information on the agreement to HSI agents during on-the-job training, according to HSI officials. Figure 7 includes a timeline of the implementation efforts completed by DEA and HSI for the required training modules.

**Figure 7: Timeline of DEA and HSI Implementation Efforts for Required Training Modules Since January 2021**



Source: GAO analysis of Drug Enforcement Administration (DEA) and U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI) documentation and interviews. | GAO-25-107839

S01:Source: GAO analysis of reported Drug Enforcement Administration (DEA) information. | GAO-25-107839

S02:Source: GAO analysis of reported U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI) information. | GAO-25-107839

S03:Source: Drug Enforcement Administration (DEA) and U.S. Customs Service August 1994 memorandum of understanding. | GAO-25-107839

S04:Source: Drug Enforcement Administration (DEA) and U.S. Immigration and Customs Enforcement (ICE) JL11e 2009 cooperation agreement. | GAO-25-107839

Note: This timeline reflects implementation efforts since the January 2021 joint letter was signed by DEA and HSI.

According to DEA and HSI officials, their agents working on counternarcotics investigations in the field have experienced coordination challenges due to the lack of training modules on the provisions of the cooperation agreement. For example, as stated earlier in this section, DEA officials stated their agents have told them that HSI agents in the field do not follow deconfliction procedures when working together on counternarcotics investigations and have a different understanding of the cooperation agreement, which has led to confusion, intelligence gaps, and the duplication of effort. HSI officials stated that not having consensus on the definition of *border nexus* led to disagreements between HSI agents and DEA agents on which agency has jurisdiction over a narcotics investigation in the nation's interior.

HSI officials stated that a working group—consisting of DEA and HSI officials—was organized in January 2023 to address training concerns, but the agencies have not resolved their disagreements related to the training requirements as of February 2025. One option for DEA and HSI to resolve their training disagreements is to leverage their Headquarters Review Team. DEA and HSI established this team in the June 2009 agreement as a formal dispute resolution mechanism to resolve coordination issues. DEA officials stated that a Headquarters Review Team meeting was planned for November 2024 to continue working through their training disagreements.

While this is a positive step, without implementing the training requirements in the January 2021 agreement, DEA and HSI are unable to ensure that their agents are properly trained and effectively collaborate with each other to achieve their mission of conducting counternarcotics investigations or that any duplication of efforts between the agencies are reduced. In addition, DEA and HSI's inability to reconcile their competing interpretations of the June 2009 and January 2021 agreements in order to develop and implement the joint training means DEA and HSI are not fully adhering to their agreed upon policies and procedures to cross designate agents. This brings into question whether DEA and HSI are cross designating HSI agents with Title 21 authority in accordance with those agreements.

## **Conclusions**

DEA and HSI's efforts to enforce federal narcotics laws are a vital part of the federal response to the illicit drug crisis. Collaborating on investigations through DEA's cross-designation processes is key to the success of these efforts. Nevertheless, the challenges DEA and HSI officials reported with the annual and ad hoc cross-designation process, including the processing times involved, may hinder investigations by making it difficult to rapidly act on emerging information about criminal activities. Additionally, these challenges highlight the importance of proactively managing the cross-designation processes by setting timeliness goals and collecting and analyzing data to track progress toward meeting them. Until DEA establishes timeliness goals and collects and analyzes the length of time it takes to process Title 21 cross-designation requests, the agency cannot make timely, data-driven decisions about these processes.

Additionally, while DEA and HSI have taken some steps towards implementing their training requirements, they have not completed this effort due to disagreements over the content of the trainings. Without jointly developing and implementing the training modules, such as through resolving their disagreements through their dispute resolution mechanisms, DEA and HSI cannot ensure that their agents are properly trained to collaborate effectively with each other on counternarcotics investigations. In addition, DEA and HSI may be cross designating HSI agents with Title 21 authority without fully adhering to their agreements and without consistent and clear guidance on the June 2009 agreement.

## **Recommendations for Executive Action**

GAO is making the following three recommendations:

The DEA Administrator should (1) establish timeliness goals for the cross-designation processes in consultation with the Director of ICE, and (2) collect and analyze data on the time involved in the processes to assess its performance against the goals. (Recommendation 1)

The DEA Administrator should work with the Director of ICE to develop and implement the two training modules in accordance with their January 2021

agreement, using agreed-upon dispute resolution mechanisms as appropriate.  
(Recommendation 2)

The Director of ICE should work with the DEA Administrator to develop and implement the two training modules in accordance with their January 2021 agreement, using agreed-upon dispute resolution mechanisms as appropriate.  
(Recommendation 3)

## Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Justice and the Department of Homeland Security for review and comment. Both Departments of Justice and Homeland Security agreed with our recommendations. The Department of Justice stated that it is committed to collaborating with HSI to, among other things, bring transparency to the processing times for the Title 21 cross-designation processes and implementing the training requirements in the January 2021 agreement. DEA officials stated that it takes them one business day to import the list of HSI cross-designation requests. However, after we made multiple requests during the course of this audit, DEA officials could not provide us with evidence or data to support their statement. In its written comments, which are reproduced in appendix I, the Department of Homeland Security described HSI's planned actions to address our recommendation. Additionally, the Departments of Justice and Homeland Security provided technical comments, which we incorporated as appropriate.

## How GAO Did This Study

To determine the extent to which DEA has followed its process to review HSI agent requests to participate in counternarcotics investigations, we reviewed related DEA and HSI guidance on granting Title 21 authority to HSI agents, including the

- August 1994 memorandum of understanding,
- June 2009 interagency cooperation agreement,
- January 2021 joint letter, and the
- Title 21 Coordinator guidance.<sup>24</sup>

We also reviewed this guidance to identify timeliness goals and what activities HSI agents perform while awaiting a DEA decision. We analyzed DEA and HSI investigation and prosecution information to identify the number of counternarcotics investigations initiated and cases referred for prosecution during fiscal years 2017 through 2023.<sup>25</sup> We analyzed DEA's Title 21 request information to identify the number of HSI agents that requested Title 21 cross-designation during fiscal years 2019 through 2023.<sup>26</sup> In addition, we interviewed relevant DEA and HSI headquarters officials to report on their perspectives related to:

- the process HSI follows to request, and DEA follows to approve HSI agent's requests to participate in counternarcotics investigations under Title 21 authority,
- the timeliness of DEA's Title 21 approval process and extent to which HSI agent's investigations are affected by delays, and
- any challenges DEA and HSI have experienced in the process to review HSI agent's requests to participate in counternarcotics investigations.<sup>27</sup>

We also interviewed relevant HSI officials to identify the statutory authorities under the U.S. Code that HSI agents can use to pursue counternarcotics investigations while awaiting cross-designation from DEA. We assessed DEA's implementation and oversight of the Title 21 process against the provisions provided in the Department of Justice's strategic plan, and key practices from GPRA and the GPRA Modernization Act of 2010.<sup>28</sup>

To identify the extent that DEA and HSI implemented the provisions of their agreement regarding training requirements, we reviewed the January 2021 agreement that outlines the agencies training requirements and implementation milestones.<sup>29</sup> We also reviewed DEA and HSI training guidance, training course

materials, and available transcripts to identify the agencies progress in implementing the training requirements. We interviewed DEA and HSI officials to obtain and report on their perspectives on the process to develop and implement the training requirements—including any challenges experienced. We assessed their training implementation efforts against the provisions provided in the January 2021 agreement.

We conducted this performance audit from February 2024 to March 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

### List of Requesters

The Honorable John Cornyn  
Chairman  
Caucus on International Narcotics Control  
United States Senate

The Honorable James Lankford  
Chairman  
Subcommittee on Border Management, Federal Workforce and Regulatory Affairs  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Jon Ossoff  
United States Senate

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional requesters, the Secretary of Homeland Security, and the Attorney General. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

### GAO Contact Information

For more information, contact: Triana McNeil, Director, Homeland Security and Justice, [McNeilT@gao.gov](mailto:McNeilT@gao.gov), (202) 512-8777.

Sarah Kaczmarek, Managing Director, Public Affairs, [KaczmarekS@gao.gov](mailto:KaczmarekS@gao.gov), (202) 512-4800.

A. Nicole Clowers, Managing Director, Congressional Relations, [ClowersA@gao.gov](mailto:ClowersA@gao.gov), (202) 512-4400.

**Staff Acknowledgments:** Frederick Lyles, Jr. (Assistant Director), Kelsey M. Carpenter (Analyst-in-Charge), Lauri Barnes, Billy Commons, Ben Crossley, Riley Grube, Samuel Kim, Amanda Miller, and Janet Temko-Blinder made key contributions to this report.

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## Appendix I: Comments from Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

BY ELECTRONIC SUBMISSION

February 12, 2025

Triana McNeil  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548-0001

Re: Management Response to GAO-25-107839, "Combatting Illicit Drugs:  
Improvements Needed for Coordinating Federal Investigations"

Dear Ms. McNeil:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS, or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO's recognition that the U.S. Immigration and Customs Enforcement's (ICE) and the Drug Enforcement Administration's (DEA) efforts to enforce Federal narcotics laws are a vital part of the Federal response to the illicit drug crisis, and that—from fiscal years 2017 through 2023—ICE Homeland Security Investigations (HSI) initiated over 58,000 counternarcotics investigations and referred over 35,000 counternarcotics cases for prosecution (averaging an annual of more than 8,000 investigations initiated and over 5,000 cases referred for prosecution annually). GAO also highlighted that during this period on an annual basis, ICE was consistently staffed with approximately 5,600 special agents who work on HSI's law enforcement activities, including activities that work to combat illicit drugs in the United States. DHS remains committed to strengthening partnership and collaboration with DEA through full implementation of existing interagency agreements and memorandums, as well as by continued efforts to investigate illicit drug activity and trafficking across U.S. borders and ports of entry.

The draft report contained three recommendations, including one for ICE with which the Department concurs. Enclosed find our detailed response to the recommendation. DHS

previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration, as appropriate.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H CRUMPACKER

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CRUMPACKER  
Date: 2025.02.12 10:12:44 -05'00'

JIM H. CRUMPACKER  
Director  
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendation  
Contained in GAO-25-107839**

GAO recommended that the Executive Associate Director of HSI:

**Recommendation 3:** Work with the DEA Administrator to develop and implement the two training modules in accordance with their January 2021 agreement, using agreed-upon dispute resolution mechanisms as appropriate.

**Response:** Concur. ICE HSI, led by the Headquarters Review Team (HRT), will work with DEA to develop and implement the two training modules in accordance with the January 2021 agreement with DEA.<sup>1</sup> This will provide DEA and HSI special agents training with “one voice” to ensure consistency and clarity between both agencies. For example, HSI HRT already took steps towards implementing DEA’s training requirements, such as discussing the training requirements with DEA HRT in November 2024, and providing an updated slide deck to DEA on November 26, 2024, which clarifies ICE’s roles and agreed-upon interpretations of key terms in the January 2021 joint agreement letter with DEA. Estimated Completion Date: January 30, 2026.

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<sup>1</sup> “Joint Letter on the DEA-ICE Interagency Cooperation Agreement,” dated January 5, 2021.

## Accessible Text for Appendix I: Comments from Department of Homeland Security

BY ELECTRONIC SUBMISSION

U.S. Department of Homeland Security  
Washington, DC 20528

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Director, Homeland Security and Justice  
U.S. Government Accountability Office  
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Sincerely,

JIM H CRUMPACKER

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CRUMPACKER

Date: 2025.02.12 10:12:44 -05'00'

JIM H. CRUMPACKER  
Director  
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendation Contained in GAO-25-107839**

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<sup>1</sup> “Joint Letter on the DEA-ICE Interagency Cooperation Agreement,” dated January 5, 2021.

## Endnotes

<sup>1</sup>U.S. Department of Justice, Drug Enforcement Administration, *National Drug Threat Assessment* (2024)

<sup>2</sup>In January 2025, section 4 of Executive Order 14159 called for the Secretary of Homeland Security to ensure that the primary mission of U.S. Immigration and Customs Enforcement's Homeland Security Investigations is the enforcement of the provisions of the Immigration and Nationality Act and other federal laws related to the illegal entry and unlawful presence of noncitizens in the United States and the enforcement of the purposes of the order. Exec. Order No. 14,159, Protecting the American People Against Invasion, 90 Fed. Reg. 8,443, 8,444 (Jan. 20, 2025).

<sup>3</sup>Executive Order No. 11727 appears at 38 Fed. Reg. 18357 (1973) and Reorganization Plan No. 2 of 1973, as amended by Pub. L. No. 93-253, 88 Stat. 50 (1974), is reprinted in 5 U.S.C. § 903 Note. 21 U.S.C. § 873(b).

<sup>4</sup>As of February 2025, DEA has 23 domestic field offices located throughout the U.S. and 91 foreign offices in 68 countries.

<sup>5</sup>In this report, we refer to ICE and HSI officials as HSI officials unless discussing the agreements between DEA and ICE. The Homeland Security Act of 2002 transferred the U.S. Customs and the U.S. Immigration and Naturalization Services, with the exception of certain functions, to the newly created Department of Homeland Security, Pub. L. No. 107-296, §§ 403, 412, 441, 451(b), 462, 116 Stat. 2135, 2178, 2179-2180, 2192, 2196, 2202-2205 (2002). The Department of Homeland Security established ICE by combining the criminal investigators from the U.S. Customs Service, which had been a component of the Department of the Treasury, and the criminal investigators from the Immigration and Naturalization Service, which had been a component of the Department of Justice. The remaining elements of Customs and the Immigration and Naturalization Service were reorganized into, among other agencies, U.S. Customs and Border Protection. ICE was established in March 2003.

<sup>6</sup>As of February 2025, HSI has 30 Special Agent in Charge offices throughout the U.S. and over 90 foreign offices in more than 50 countries. The Special Agent in Charge offices are responsible for the administration and management of all investigative and enforcement activities within the geographic boundaries of the respective offices. The foreign offices interact with the international law enforcement communities to investigate over 400 laws of the U.S. criminal codes.

<sup>7</sup>21 U.S.C. § 873(b). 28 C.F.R. pt. 0, subpt. R, app., § 11.

<sup>8</sup>The Department of Justice's Office of Legal Counsel is responsible for addressing questions of legal authority among executive branch agencies. Department of Justice, Office of Legal Counsel, Memorandum for the Deputy Attorney General, "United States Customs Service Jurisdiction" (June 3, 1986); Department of Justice, Office of Legal Counsel, Memorandum for Joseph R. Davis, Chief Counsel, DEA, "Authority of the United States Customs Service to Participate in Law Enforcement Efforts Against Drug Violators" (June 11, 1985); and 28 C.F.R. pt. 0, subpt. R, app., § 11. Per 28 C.F.R. pt. 0, subpt. R, app., § 11 and Executive Order No. 11727 (1973) and Reorganization Plan No. 2 of 1973, the authority of the Attorney General to cross designate federal law enforcement officers to enforce Title 21 was delegated to the DEA Administrator. 28 C.F.R. pt. 0, subpt. R, app., § 11, states "Cross-Designation of Federal Law Enforcement Officers. The Chief, Investigative Support Section, Office of Operations Management, Operations Division is authorized to exercise all necessary functions with respect to the cross-designation of Federal law enforcement officers to undertake title 21 drug investigations under supervision of the DEA pursuant to 21 U.S.C. 873(b)."

<sup>9</sup>DEA and U.S. Customs, *Memorandum of Understanding Between the Drug Enforcement Administration and the United States Customs Service to Implement Title 21 Cross-Designation Policies and Procedures*, (Aug. 8, 1994).

<sup>10</sup>GAO, *Drug Control: Better Coordination with the Department of Homeland Security and an Updated Accountability Framework Can Further Enhance DEA's Efforts to Meet Post-9/11 Responsibilities*, [GAO-09-63](#) (Washington, D.C.: Mar. 20, 2009).

<sup>11</sup>According to DEA officials, ICE's number of cross-designated agents under the August 1994 agreement did not reach the cap and ICE had hundreds of cross-designation slots available.

<sup>12</sup>DEA and ICE, *Interagency Cooperation Agreement Between the U.S. Drug Enforcement Administration and U.S. Immigration and Customs Enforcement Regarding Investigative Functions Related to the Controlled Substances Act* (Jun. 18, 2009).

<sup>13</sup>GAO, *Combatting Illicit Drugs: DEA and ICE Interagency Agreement Has Helped to Ensure Better Coordination of Drug Investigations*, [GAO-11-763](#), (Washington, D.C.: Jul. 28, 2011).

<sup>14</sup>DEA and ICE, *Joint Letter on the DEA-ICE Interagency Cooperation Agreement* (Jan. 5, 2021). The January 2021 agreement reinforces the June 2009 agreement; it does not replace the June 2009 agreement.

<sup>15</sup>As mentioned earlier, DEA has 23 Division offices and HSI has 30 Special Agent in Charge offices throughout the U.S., which we refer to as field offices in this report. The June 2009 agreement required each of the DEA and HSI field offices to assign or designate a Title 21 Coordinator to assist with the cross-designation process. According to DEA and HSI officials, the Title 21 Coordinators are also responsible for ensuring cooperation, communication, coordination, and deconfliction in Title 21 matters affecting the field offices.

<sup>16</sup>DEA does not impose a limit on the number of cross-designated agents each HSI field office can request—the agents' need for Title 21 authority is based on whether their duties involved counternarcotics investigations that have a connection to a U.S. border or port of entry.

<sup>17</sup>Pub. L. No. 107-296, §§ 403, 412, 441, 451(b), 462, 116 Stat. 2135, 2178, 2179-2180, 2192, 2196, 2202-2205 (2002). Additionally, in the 118th Congress, H.R. 5713 was introduced in the U.S. House of Representatives to amend the Controlled Substances Act to authorize HSI to, among other things, perform certain drug enforcement functions for five years after enactment of the bill. The bill did not move out of the Subcommittees that it was initially referred.

<sup>18</sup>Department of Justice, *Fiscal Years 2022 – 2026 Strategic Plan*.

<sup>19</sup>Pub. L. No. 103-62, 107 Stat. 285 (1993); and Pub. L. No. 111-352, 124 Stat. 3866 (2011).

<sup>20</sup>GAO, *Cybersecurity Workforce: National Initiative Needs to Better Assess Its Performance*, [GAO-23-105945](#) (Washington, D.C.: Jul. 27, 2023).

<sup>21</sup>According to DEA officials, the 2020 annual list of HSI cross-designated agents included 341 duplicative names and 542 duplicative badge numbers. They stated the 2024 annual list included 450 headquarters personnel who do not perform counternarcotics investigations.

<sup>22</sup>DEA and ICE, *Joint Letter on the DEA-ICE Interagency Cooperation Agreement* (Jan. 5, 2021).

<sup>23</sup>DEA and ICE, *Interagency Cooperation Agreement Between the U.S. Drug Enforcement Administration and U.S. Immigration and Customs Enforcement Regarding Investigative Functions Related to the Controlled Substances Act* (Jun. 18, 2009).

<sup>24</sup>DEA and U.S. Customs, *Memorandum of Understanding Between the Drug Enforcement Administration and the United States Customs Service to Implement Title 21 Cross-Designation Policies and Procedures*, (Aug. 8, 1994); DEA and ICE, *Interagency Cooperation Agreement Between the U.S. Drug Enforcement Administration and U.S. Immigration and Customs Enforcement Regarding Investigative Functions Related to the Controlled Substances Act* (Jun. 18, 2009); DEA and ICE, *Joint Letter on the DEA-ICE Interagency Cooperation Agreement* (Jan. 5, 2021); and DEA and HSI, *HSI and DEA Roles & Responsibilities Relating to Title 21 Coordinators* (Jan. 5, 2021).

<sup>25</sup>DEA and HSI officials did not provide record-level data on the number of counternarcotics investigations initiated and cases referred for prosecution; they provided summary information that we included in the report.

<sup>26</sup>DEA officials did not provide record-level data on the number of HSI agent requests for Title 21 authority; they provided summary information that we included in the report.



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<sup>27</sup>The DEA and HSI headquarters officials we interviewed for this review included individuals representing DEA's Office of the Deputy Administrator, Office of Domestic Operations, and Office of Chief Counsel and HSI's National Program for Combatting Synthetic Opioids, Law Division, and Narcotics Smuggling Unit.

<sup>28</sup>Department of Justice, *Fiscal Years 2022 – 2026 Strategic Plan*; Pub. L. No. 103-62, 107 Stat. 285 (1993); and Pub. L. No. 111-352, 124 Stat. 3866 (2011).

<sup>29</sup>DEA and ICE, *Joint Letter on the DEA-ICE Interagency Cooperation Agreement* (Jan. 5, 2021).