

GAO

Statement for the Record  
Subcommittee on Border, Maritime, and  
Global Counterterrorism, Committee on  
Homeland Security, House of  
Representatives

To accompany the Committee  
hearing record of Thursday,  
October 4, 2007

COMBATING TERRORISM

Law Enforcement Agencies  
Lack Directives to Assist  
Foreign Nations

Statement for the Record by Jess T. Ford, Director  
International Affairs and Trade



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# Highlights

Highlights of [GAO-08-144T](#), a statement for the record to the Subcommittee on Border, Maritime, and Global Terrorism, Committee on Homeland Security, House of Representatives

## Why GAO Did This Study

Three U.S. national strategies, developed in the wake of the 9/11 attacks, directed U.S. law enforcement agencies (LEA) to focus on the prevention of terrorist attacks. The strategies called for LEAs to intensify their efforts to help foreign nations identify, disrupt, and prosecute terrorists. This testimony addresses (1) the guidance for LEAs to assist foreign nations to identify, disrupt, and prosecute terrorists and (2) the extent to which LEAs have implemented this guidance.

## What GAO Recommends

In our recent report on this issue, we recommended that the National Counterterrorism Center (NCTC), ensure that the implementing guidance for its plan for combating terrorism articulates a clear strategy for using LEAs to help foreign nations combat terrorism. We also recommended that State, Justice, and DHS explore enhancements to overseas coordination mechanisms and develop clear guidance and performance monitoring to enhance efforts to help foreign nations combat terrorism.

NCTC stated it had already begun to implement our recommendations. DHS generally agreed with our recommendations. State and Justice stated they would consider ways to improve overseas coordination, but did not indicate whether they concurred with our other recommendations.

To view the full product, including the scope and methodology, click on [GAO-08-144T](#). For more information, contact Jess Ford at (202) 512-4128 or [fordj@gao.gov](mailto:fordj@gao.gov).

## COMBATING TERRORISM

### Law Enforcement Agencies Lack Directives to Assist Foreign Nations

#### What GAO Found

Following the 9/11 attacks, the President issued a series of strategies that provided broad direction for overseas law enforcement efforts to assist foreign nations to identify, disrupt, and prosecute terrorists. However, these strategies did not articulate which LEAs should implement the guidance to enhance efforts to help foreign nations combat terrorism or how they should do so. In December 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, which charged the NCTC with developing a plan to use all elements of national power, including LEAs, to combat terrorism. NCTC officials told us they had drafted a general plan, which was approved by the President in June of 2006. According to NCTC, State, Justice, and DHS officials, implementing guidance for the plan is under development, and they would not discuss the contents of the plan or the guidance.

LEAs have increased efforts to help foreign nations identify, disrupt, and prosecute terrorists. For example, DHS has implemented its Container Security Initiative to screen U.S.-bound cargo at foreign ports, and State has expanded its Antiterrorism Assistance program. However, we found that because most LEAs, with the exception of the FBI, have not been given clear guidance, they lacked clearly defined roles and responsibilities on helping foreign nations identify, disrupt, and prosecute terrorists. In one country we visited, the lack of clear roles and responsibilities between two U.S. LEAs may have compromised several joint operations intended to identify and disrupt potential terrorist activities, according to the U.S. and foreign nation LEAs. In addition, we found LEAs generally lacked guidance on using resources to assist foreign nations in addressing terrorist vulnerabilities and generally lacked performance monitoring systems and formal structures for sharing information and collaborating. We also found that, because comprehensive needs assessments were not conducted, LEAs may not be tailoring their full range of training and assistance to address key terrorism vulnerabilities in foreign countries.

#### U.S. ATA-Trained Foreign Police Conduct Counterterrorism Exercises



Source: GAO.

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Madam Chairwoman and Members of the Subcommittee:

I am pleased to submit this statement for the record on U.S. law enforcement efforts to help foreign nations to combat terrorism abroad.<sup>1</sup> In the wake of the 9/11 terrorist attacks, combating terrorism has become the nation's top national security goal and the highest strategic objective of U.S. embassies worldwide. Law enforcement agencies (LEA) from the departments of State (State), Justice (Justice), and Homeland Security (DHS)—including the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), and State's Bureau of Diplomatic Security (DS)—operate from U.S. embassies overseas and assist foreign nation governments on a broad array of law enforcement issues, such as investigating crime, reducing illegal drug activity, controlling borders and immigration, and protecting U.S. embassies and diplomats from attack.

Following the 9/11 attacks, the President issued a series of national strategies that have called for using all elements of national power to combat terrorism, including changing the role of LEAs. In particular, these strategies have directed that law enforcement activities be increasingly focused on the prevention of further terrorist attacks, including helping foreign nations identify, disrupt, and prosecute terrorists. This includes technical assistance, such as antiterrorism training and the provision of technologies used to identify terrorist threats, and operational assistance, such as joint U.S.-foreign nation investigations and operations against terrorists.

This statement discusses the findings from our recent report regarding (1) the guidance for LEAs to help foreign nations combat terrorism, and (2) the extent to which LEAs have implemented this guidance. I should point out that our review was limited to U.S. law enforcement efforts overseas. It did not focus on U.S. domestic law enforcement efforts or other instruments of national power—including military, intelligence, diplomatic, and financial—currently being used to combat terrorism.

During the course of our review, we analyzed the National Security Strategy of the United States of America, the National Strategy for Homeland Security, and the National Strategy to Combat Terrorism. We

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<sup>1</sup>GAO, *Combating Terrorism: Law Enforcement Agencies Lack Directives to Assist Foreign Nations to Identify, Disrupt, and Prosecute Terrorists*, [GAO-07-697](#) (Washington, D.C.: May 25, 2007).

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discussed this and other guidance with representatives from State, Justice, and DHS, along with embassy and LEA officials involved with working with foreign nation counterparts. We also reviewed State, Justice, and DHS strategic plans and annual performance reports and conducted detailed work in four countries with key roles in combating terrorism where we met with LEA, embassy, and foreign nation officials. We also met with officials from the National Counterterrorism Center (NCTC)<sup>2</sup> to brief them on our observations and to determine the status of ongoing efforts to develop a plan to use all elements of national power, including LEAs, to combat terrorism. NCTC officials would not discuss the plan, its contents, or any issues raised in our report. During the course of our work we experienced considerable delays obtaining information from Justice and State, which resulted in our report being issued several months later than initially planned. We were eventually able to obtain information sufficient for answering our objectives. The work used to support this statement was conducted in accordance with generally accepted government auditing standards.

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## Summary

The national strategies issued after the 9/11 attacks collectively called for reorienting U.S. LEAs to proactively work to prevent terrorist attacks at home and abroad. However, they lacked key components, such as clearly defined objectives, roles, and responsibilities necessary for a strategic plan and for facilitating interagency collaboration. Further, they did not articulate which LEAs should implement the general guidance provided in the strategies or how they should do so. For example, of the seven LEAs in our review, only the FBI received and has issued some implementing guidance—for example, stating that it planned to increase its presence abroad and increase joint operations with foreign nations to identify, disrupt, and prosecute terrorists. In December 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act (the 2004 Intelligence Reform Act),<sup>3</sup> which charged the NCTC with developing a plan to use all elements of national power, including LEAs, to combat terrorism. NCTC officials told us they had drafted a general plan, which was approved by

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<sup>2</sup>The NCTC was created by Congress as part of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458). NCTC's mission includes developing plans that coordinate the use of all elements of national power, including LEAs, to combat terrorism and prevent terrorist attacks. As detailed in the background section of this report, the NCTC reports directly to the President on matters of strategic operational planning for counterterrorism and works under the policy direction of the NSC.

<sup>3</sup>P.L. 108-458, section 1021 (50 U.S.C. 404o).

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the President in June 2006. According to NCTC officials, the implementing guidance for the plan was still under development as of May 2007, and they would not discuss the plan, its contents, or the implementing guidance.

Some LEAs have taken steps to increase their efforts to help foreign nations identify, disrupt, and prosecute terrorists. For example, the FBI has increased its overseas activities and DHS has worked with foreign nations to implement the Container Security Initiative to screen U.S.-bound cargo at foreign ports. However, almost 6 years after the 9/11 attacks, the United States lacks clear implementing guidance for integrating the variety of overseas LEA activities to help foreign nations to identify, disrupt, and prosecute terrorists. We found that, because most LEAs have not been provided clear directives, they generally lacked (1) clearly articulated roles and responsibilities to assist foreign nations; (2) guidance on setting funding priorities and providing resources; (3) performance monitoring systems to assess LEA progress; (4) formal structures to coordinate LEA operational and technical assistance to foreign nation LEAs; and (5) comprehensive country needs assessments to tailor LEA technical and operational assistance to specific foreign nation needs.

Looking forward, the United States needs to develop clear implementing guidance for integrating the variety of overseas LEA activities assisting foreign nations to combat terrorism. In our recent report, we recommend that the Director of the NCTC, in consultation with the National Security Council (NSC), ensure that the implementing guidance for the NCTC's plan for combating terrorism clearly articulates the specific objectives for each LEA, clarifies their roles and responsibilities, and proposes actions linked to available resources and directed at the most pressing needs for assisting foreign nations to identify, disrupt, and prosecute terrorists. In addition, since these activities are central to the overall U.S. effort to combat terrorism, DHS, Justice, and State need to ensure that their component agencies have clear guidance to implement the national security strategies' goal of using the full capabilities of LEAs to assist foreign nations to identify, disrupt, and prosecute terrorists, and also need to assess progress toward objectives and provide regular reporting to Congress on the results, impediments, and planned improvements. NCTC stated it had already begun to implement our recommendations. DHS generally agreed with our recommendations. State and Justice stated they would consider ways to improve overseas coordination.

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## Background

State, Justice, and DHS each include LEAs that operate from U.S. embassies. LEAs abroad work on a wide array of law enforcement issues, including those that cover criminal enterprises, drug cartels, visa and immigration fraud, financial crimes, criminal and terrorist threats against U.S. embassies and personnel, and fugitive capture and extraditions. In this statement, we are focused primarily on ICE, FBI, and DS operations abroad, although in our report we also reviewed the overseas counterterrorism activities of the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the U.S. Marshals Service; Customs and Border Protection; and the U.S. Secret Service.

ICE investigates threats to U.S. border security and works to eliminate the potential threat of terrorist acts against the United States. The FBI is charged with protecting the United States from terrorist attacks; preventing, disrupting, and defeating terrorist operations; and expanding operational partnerships with foreign nation law enforcement and intelligence agencies to disrupt and prevent terrorism. DS is State's law enforcement arm and is responsible for protecting U.S. embassies, diplomats, and their families from criminal and terrorist attacks.

The 2004 Intelligence Reform Act created the NCTC and charged it with integrating all instruments of national power—including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities—within and among agencies, with the ultimate goal of preventing future attacks against America and its interests worldwide. The NCTC is a part of the Office of the Director of National Intelligence and reports to the Director on matters of intelligence collection and analysis; however, on matters of strategic operational planning for counterterrorism, the Director of the NCTC reports directly to the President. As a result, the NCTC works under the policy direction of the NSC on matters of counterterrorism planning.

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## National Strategies Provide Broad Guidance, but Lack Key Elements for a Strategic Plan and Interagency Collaboration

A series of national strategies have provided broad guidance for U.S. LEAs to help foreign nations to identify, disrupt, and prosecute terrorists. However, the strategies lack essential elements of a strategic plan and for facilitating interagency collaboration, and they do not clearly delineate what role, if any, the various LEAs should play in assisting foreign nations to combat terrorism. The 2004 Intelligence Reform Act requires the NCTC to develop U.S. governmentwide strategic operational plans to combat terrorism, which should include the mission, objectives, tasks to be performed, interagency coordination of operational activities, and assignment of roles and responsibilities among participating agencies. NCTC officials told us that, in response to the act, they had drafted a general plan, which was approved by the President in June 2006, but the implementing guidance for the plan was still under development.

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## National Strategies Provide Broad Guidance for LEAs to Assist Foreign Nations to Combat Terrorism

A series of national strategies have provided some strategic-level guidance for U.S. LEAs to help foreign nations identify, disrupt, and prosecute terrorists. For example, the National Security Strategy, issued in 2002 and updated in March 2006, states that the United States will continue to encourage regional partners to take up a coordinated effort that isolates the terrorists, and help ensure that foreign nations have the law enforcement, military, political, and financial tools necessary to disrupt and destroy terrorist operations before they reach American borders.

Additionally, the 2002 National Strategy for Homeland Security primarily focuses on domestic efforts to secure America from further terrorist attacks. It clarifies the role of LEAs in the post 9/11 world, stating that, “Our Nation’s highest law enforcement objective must be the prevention of terrorist acts—a significant shift from pre-9/11 objectives.” The strategy also notes that, in a world where the terrorist threat pays no respect to traditional boundaries, the American strategy for homeland security cannot stop at the country’s borders.

It also calls for a sustained and systematic international agenda to counter the global terrorist threat and improve homeland security, and identifies a number of initiatives in this area, including (1) intensifying international law enforcement cooperation and helping foreign nations fight terrorism and (2) augmenting the FBI’s overseas presence by increasing the number of LEGATs around the world. It states that Justice, in cooperation with State, is to work with foreign nation counterparts on these law enforcement issues.

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Also, the National Strategy for Combating Terrorism, issued in 2003 and updated in 2006, focuses on the United States' efforts to combat terrorism abroad. It also provides greater detail on the objectives and strategies for U.S. LEAs in working with their foreign nation counterparts. According to the strategy, the United States is to:

- Expand, where appropriate, the U.S. law enforcement presence abroad to further the investigative and operational assistance related to the interdiction, investigation, and prosecution of terrorist suspects.
- Increase technical and operational assistance efforts to help foreign nation LEAs acquire the necessary capabilities to fight terrorism through a variety of means, including (1) improved legislation, (2) technical assistance, (3) new investigative techniques, (4) intelligence sharing, and (5) law enforcement training.
- Enhance operational assistance to expand international cooperation to combat terrorism through expanded sharing of law enforcement information.

In 2006, the White House released updates of the National Security Strategy and the National Strategy to Combat Terrorism. Both updated strategies reinforce the basic concepts of using U.S. LEAs to assist foreign nations in identifying, disrupting, and prosecuting terrorists abroad. For example, the National Strategy to Combat Terrorism supports intensifying training and other types of assistance to improve foreign nation LEA capacities to identify and disrupt terrorists threats, as well as implementing legal reforms aimed at ensuring that foreign nations have the necessary laws to carry out this effort, and that investigators, prosecutors, and judges have the capacity to effectively prosecute terrorists using these new laws. The strategies state that this approach has succeeded in identifying, disrupting, and prosecuting terrorists since the 9/11 terrorist attacks.



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## The National Strategies Lack Key Elements for a Strategic Plan and Interagency Collaboration

Our past work has stressed the importance of developing a strategy to combat terrorism that would establish goals, objectives, priorities, outcomes, milestones, and performance measures.<sup>4</sup> In March 2003, we reported that strategic plans should clearly define objectives to be accomplished, identify the roles and responsibilities for meeting each objective, ensure that funding necessary to achieve the objectives is available, and employ monitoring mechanisms to determine progress and identify needed improvements. For example, our past work has found that identifying clear roles and responsibilities for each federal agency combating terrorism is a major challenge in implementing national strategies related to terrorism.

In addition, the Government Performance and Results Act (GPRA) requires each federal agency to develop strategic plans that cover a period of at least 5 years and include the agency's mission statement; identify the agency's general goals and objectives; and describe how the agency intends to achieve those goals through its activities and human, capital, information, and other resources. Under GPRA, strategic plans are the starting point for agencies to set annual performance plans for programs and to measure the performance of the programs in achieving those goals. Our past work has found that GPRA has the potential for greatly enhancing agency performance. For example, managers can use performance information to identify problems in existing programs, to try to identify the causes of problems, and to develop corrective actions.<sup>5</sup>

Moreover, in a large-scale interagency effort where interagency collaboration is essential, we have found that agencies should (1) define and articulate a common outcome; (2) establish mutually reinforcing or joint strategies; (3) identify and address funding needs by leveraging resources; (4) agree on roles and responsibilities; (5) establish compatible policies, procedures, and other means to operate across agency boundaries; (6) develop mechanisms to monitor, evaluate, and report on results; (7) reinforce agency accountability for collaborative efforts through agency plans and reports; and (8) reinforce individual accountability for collaborative efforts through performance management

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<sup>4</sup>GAO, *Combating Terrorism: Observations on National Strategies Related to Terrorism*, [GAO-03-519T](#) (Washington, D.C.: Mar. 3, 2003).

<sup>5</sup>GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005).

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systems.<sup>6</sup> We have specifically noted that, given the number of agencies involved in U.S. government efforts to combat terrorism, it is particularly important that there be mechanisms to coordinate across agencies.<sup>7</sup>

We found that while the national strategies, as well as their updates in 2006, provided broad guidance, they lacked key strategic elements, including those to promote LEA collaboration in assisting foreign nations to identify, disrupt, and prosecute terrorists. For example, none of the three national strategies established joint agency strategies that would capitalize on the unique capacity of each LEA to combat terrorism. Further, none of them identified funding needs or leveraged resources; reached agreement on roles and responsibilities; or established procedures to operate across agency boundaries. Moreover, none of the strategies included mechanisms to monitor, evaluate, and report on their overall results, nor did they reinforce agency accountability for collaborative efforts through agency plans and reports.

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## NCTC Has Drafted Plan for Combating Terrorism, but Implementing Guidance Is Still under Development

In December 2004, Congress passed the 2004 Intelligence Reform Act, creating the NCTC and charging it with developing strategic operational plans to combat terrorism using every element of national power, including those of U.S. LEAs. Under the act, the NCTC is expected to (1) conduct strategic operational planning for counterterrorism activities; (2) integrate all instruments of national power in such planning, including law enforcement, diplomatic, military, intelligence, and financial activities; (3) assign roles and responsibilities to lead departments and agencies; (4) ensure that agencies have access to intelligence and intelligence support needed to execute their counterterrorism plans and accomplish their assigned activities; and (5) monitor implementation of these operational plans.

In June 2006, the NCTC Director testified before Congress that the lack of a detailed plan to ensure full implementation of the national security strategy had been a void that stretched back for decades.<sup>8</sup> According to the director, what has long been missing is a plan to ensure that national

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<sup>6</sup>GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005).

<sup>7</sup>[GAO-03-519T](#).

<sup>8</sup>Admiral John Scott Redd, in testimony before the Senate Committee on Foreign Relations, June 13, 2006.

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strategies are implemented at the operational level in a coordinated, integrated fashion, and that there has been no formal process to translate the national strategies into strategic and tangible objectives, assigned to lead agencies, with roles and responsibilities clearly defined. In addition, there has been no plan to ensure the coordination, integration, and synchronization of joint departmental operations, or any effort to monitor the combined impact of the multiple agencies engaged in implementing the national security strategy.

NCTC officials told us that, in response to the act, they had drafted a general plan, which was approved by the President in June of 2006. According to NCTC officials, implementing guidance for the plan was still under development as of May 2007, and they would not discuss the plan, its contents, or the implementing guidance.

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## Several Factors Limit LEA Efforts to Assist Foreign Nations to Identify, Disrupt, and Prosecute Terrorists

Although some LEAs have taken steps to increase their efforts to help foreign nations identify, disrupt, and prosecute terrorists, most LEAs have not been given clear guidance for helping foreign nations to identify, disrupt, and prosecute terrorists. We found that LEA efforts to assist foreign nations identify, disrupt, and prosecute terrorists have been hindered because the LEAs generally lacked (1) clearly articulated roles and responsibilities from NCTC to assist foreign nations; (2) guidance on setting funding priorities and providing resources; (3) performance monitoring systems to assess LEA progress; (4) formal structures to coordinate LEA operational and technical assistance to foreign nation LEAs; and (5) comprehensive country needs assessments to tailor LEA technical and operational assistance to specific foreign nation needs.

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## Some LEAs Have Taken Steps to Assist Foreign Nations to Combat Terrorism

Some LEAs have increased their efforts to help foreign nations combat terrorism. For example, the FBI is attempting to operationally assist foreign nations to identify and disrupt terrorist attacks before they occur, and it has responded to specific terrorist attacks by assisting foreign nations to identify and prosecute the suspected terrorists. In addition, new programs have been specifically designed to assist foreign nations to identify and disrupt potential terrorist threats, such as the DHS Container Security Initiative (CSI). Moreover, some existing technical assistance programs, like State's Antiterrorism Assistance (ATA) program, have been expanded in an effort to improve foreign nation capabilities. While this list is not all inclusive, these represent some significant U.S. efforts to use U.S. LEAs to assist foreign nations to combat terrorism. We found that these three efforts were limited by a variety of factors.

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We found that the FBI has both responded to specific terrorist attacks by operationally assisting foreign nation LEAs to identify and prosecute terrorists involved in those attacks, as well as tried to proactively assist foreign nations to identify, disrupt, and prosecute terrorists. In one country we visited, the FBI provided limited but vital operational assistance to locate terrorist suspects and provided key evidence for their successful prosecution. In another country we visited, the FBI was working proactively with ICE and with foreign nation counterparts to track suspicious migrants and identify and disrupt potential terrorists before they entered the United States. However, as we will discuss below, we found that the impact of the FBI's efforts to combat terrorism has been limited in some posts overseas.

DHS's CSI effort targets for inspection at foreign seaports high-risk cargo shipments before they leave for the United States. It was created after the 9/11 terrorist attacks and requires U.S. law enforcement personnel to be physically colocated with foreign nation LEAs to identify and disrupt terrorist threats to America. In 2005, we reported that CSI had led to improved information sharing between U.S. and foreign customs staff and a heightened level of bilateral cooperation and international awareness of the need to identify and disrupt terrorist threats.<sup>9</sup> However, we also found that several issues limited its effectiveness, such as the inability to fully staff some ports because of diplomatic constraints.

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## LEAs Lack Clear Roles and Responsibilities

Despite such actions, we found that most LEAs have not been given clear guidance for helping foreign nations to identify, disrupt, and prosecute terrorists. We found that neither NCTC nor the executive departments have clearly translated the national strategies' broad strategic objectives to agency-specific roles and responsibilities. In addition, we found that, with one exception, neither Justice, DHS, nor State had issued guidance to their component LEAs to implement this new national security goal of assisting foreign nations to identify, disrupt, or prosecute terrorists. Only Justice had issued some guidance to the FBI. As a result, most U.S. LEAs lacked clearly defined roles and responsibilities for implementing their efforts to assist foreign nations to identify, disrupt, and prosecute terrorists.

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<sup>9</sup>GAO, *Container Security: A Flexible Staffing Model and Minimum Equipment Requirements Would Improve Overseas Targeting and Inspection Efforts*, [GAO-05-557](#) (Washington, D.C.: Apr. 26, 2005).

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We found problems because of this lack of guidance on roles and responsibilities. For example:

- Although Justice told us in February 2007 that the FBI was designated the lead federal LEA on investigating terrorism-related crimes abroad, this view was not shared by the other LEAs or even the FBI itself. LEAs, including DHS's ICE, Justice's FBI, and State's DS all told us there was no lead LEA charged with using the combined capabilities of federal LEAs to assist foreign nations identify, disrupt, and prosecute terrorists.
- In one country we visited, the lack of clear roles and responsibilities between two U.S. LEAs may have compromised several joint operations intended to identify and disrupt potential terrorist activities, according to the U.S. and foreign nation LEAs. ICE was responsible for tracking special interest aliens, while the FBI was responsible for identifying terrorists trying to enter the United States. Because it was unclear whether some of these special interest aliens were migrants or potential terrorists—and ICE and FBI were not given clear guidance to determine which LEA had the lead role—foreign nation and agency officials noted instances where joint U.S.-foreign nation investigations or operations were poorly coordinated. As a result, ICE and FBI, unknowingly working with different foreign nation LEAs, moved in on the same subject. According to the foreign nation law enforcement and FBI officials, such actions may have compromised several of their investigations.
- DS's Regional Security Officers (RSO) have been given no post 9/11 guidance from State on how to assist foreign nations to identify, disrupt, and prosecute terrorists, and RSOs voiced confusion about this role. In three of the four countries we visited, RSOs told us that they were not working with foreign nations to identify, disrupt, and prosecute terrorists, while in another country, the RSO played a critical role in embassy efforts to help the foreign nation capture and prosecute terrorists responsible for attacks against Americans and others.
- At the four embassies we visited, we found State had not provided guidance on how to use LEA assets to assist foreign nations to identify, disrupt, and prosecute terrorists. Ambassadors or deputy chiefs of mission at each embassy we visited voiced their concern that, despite combating terrorism being the embassy's highest priority, they received little to no guidance on how to design a coordinated assistance program using the full capacities of U.S. technical and operational assistance from LEAs, and ensure that LEAs had the necessary goals, skills, capabilities, and time to work closely with foreign nation officials to stop terrorists attacks.

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In commenting on our findings in February 2007, officials from DHS, Justice, and State agreed that there had been a lack of clear guidance instructing LEAs to assist foreign nations to identify, disrupt, and prosecute terrorists. Officials noted that the NSC and now the NCTC have the authority to compel U.S. LEAs to work together in a coordinated, systematic fashion to help stop terrorist attacks. Officials said that no executive department has the authority to direct the LEAs from other departments to focus on this goal, and they noted that recommendations to individual agencies would not result in a unified multidepartmental effort to help foreign nations combat terrorism.

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## LEAs Lack Guidance on Prioritizing Funds

Officials from DHS, Justice, and State told us that they are attempting to fund a broad array of LEA activities abroad with limited staffing and funds, and without guidance from the NSC on reprioritizing funds from other activities. As a result, their efforts to assist foreign nations to identify, disrupt, and prosecute terrorists have been hindered. For example,

- DHS officials from ICE and Customs and Border Protection said they were limited in their ability to undertake new overseas counterterrorism initiatives or to fully staff existing positions already approved by embassies.
- Although FBI's Strategic Plan states that it will expand the role of its LEGAT offices to undertake joint investigative and operational partnerships with foreign nation LEAs to identify and stop terrorist attacks against U.S. interests, we found several problems that reduced their ability to meet this goal. For example, the LEGATs in three of the four countries we visited said they generally lacked the resources, time, and staff to develop the close, collaborative relationships necessary to conduct joint investigations or operations.
- A 2006 report from State's Office of Inspector General found that State lacked adequate resources to meet its mandate to coordinate all U.S. counterterrorism assistance abroad, and was too under-funded to provide advice, coordination, and action on counterterrorism issues to its embassies.
- In all four countries we visited, terrorist transit and border vulnerabilities were identified as primary terrorist threats; yet, in three of these countries, funding had not been realigned to support this effort, so the respective embassies could not provide specific assistance to address these needs.

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- In all four countries we visited, there was more funding to assist foreign nations combat illegal drugs and crime than to combat terrorism, despite the fact that efforts to combat terrorism were the highest priority of each embassy. For example, in one country with an extremely high terrorist threat to American interests globally, State provided more than six times the amount of funding to stop illicit drugs and crime (\$220.2 million) than it did for antiterrorism assistance (\$34.5 million) from fiscal years 2002 to 2006.

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### LEAs Lack Performance Monitoring Systems

DHS, Justice, and State officials said that they lacked systems to assess their performance and progress in assisting foreign nations to identify, disrupt, and prosecute terrorists. As a result, none of the LEAs had in place a method for determining progress or documenting their accomplishments in assisting foreign nations to identify, disrupt, and prosecute terrorists, either for technical or operational assistance.

Because the LEAs lack such a monitoring system, they could not provide a comprehensive list of key accomplishments in assisting foreign nations to identify, disrupt, or prosecute terrorists from 2001 to 2005. As a result, we could not conduct a full assessment of the LEAs' progress in these efforts.

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### LEAs Lack Mechanisms to Foster Joint Collaboration

We found that neither NCTC, State, Justice, nor DHS had developed policies to facilitate joint LEA investigations and operations abroad. As a result,

- LEAs told us that the embassies had not been reoriented to harness the combined capabilities of all LEAs in a collective effort to prevent another terrorist attack on the United States or its interests.
- In three of the four embassies we visited, we found that the embassies generally retained pre-9/11 structures for information sharing among LEAs. Although embassies generally use law enforcement working groups to share information, we found they were not focused on joint investigative or operational efforts to identify and disrupt terrorist acts. For example, in one country we visited with an extremely high terrorist threat, an FBI official told us that the law enforcement working group had never been asked to try to identify or disrupt any of the terrorists on the most wanted lists of the departments of State or Defense, or of the foreign nation itself.

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## LEAs Lack Comprehensive Country Needs Assessments

In each country we visited, we found that there were no comprehensive needs assessments being conducted that consider all U.S. assistance available for addressing the country's needs in combating terrorism. As a result, we found that State, Justice, DHS, and their LEAs may not be targeting their full range of training and assistance to help foreign countries to identify, disrupt, and prosecute terrorists. For example,

- According to embassy officials in three of the four countries we visited, terrorist transit across their borders was a key vulnerability. However, there was no comprehensive effort by State, Justice, DHS, or their LEAs to provide training to the foreign nation border patrols, immigration officers, and customs agents to identify and disrupt terrorists transiting their borders.

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## Conclusion

In closing, the enhanced missions of LEAs to work with foreign nations to combat terrorism and the creation of the NCTC are potentially significant steps to resolving some of the serious national security problems identified by the 9/11 Commission. However, in our recent report, we found important gaps between the broad goals of the national strategies and what was actually being implemented in the field. While the national strategies articulated changes in the direction and emphasis of overseas LEA activities, they have not provided specific roles, objectives, or mechanisms for determining success. As a result of these and other weaknesses, LEAs, a key element of national power, are not being fully utilized abroad to help protect U.S. citizens and interests from future terrorist attacks. Looking forward, the United States needs to develop clear implementing guidance for integrating the variety of overseas LEA activities assisting foreign nations to combat terrorism. As such, it is imperative that the NCTC plan for combating terrorism be clear in assigning roles and responsibilities and ensuring that each LEA has the means, the incentives, and the procedures to work with other agencies to assist foreign nations to identify, disrupt, and prosecute terrorists.

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## Recommendations to Improve U.S. LEA Efforts to Assist Foreign Nations to Combat Terrorism

In our report, we recommended that the NCTC ensure that the implementing guidance for the NCTC's plan for combating terrorism articulates a clear strategy for using LEAs to help foreign nations combat terrorism. We also recommended that State, Justice, and DHS explore enhancements to overseas coordination mechanisms and develop clear guidance and performance monitoring to enhance efforts to help foreign nations combat terrorism. NCTC stated it had already begun to implement our recommendations. DHS generally agreed with our recommendations.



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State and Justice stated they would consider ways to improve overseas coordination, but did not indicate whether they concurred with our other recommendations.

I would be pleased to meet with you or your staff to answer any questions you may have or to discuss this statement.

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**Contact and Staff  
Acknowledgments**

For questions regarding this testimony, please contact Jess T. Ford at (202) 512-4128 or [fordj@gao.gov](mailto:fordj@gao.gov). Individuals making key contributions to this statement include: Dave Maurer, Assistant Director; Edward J. George; J. Addison Ricks; and Joe Carney.

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