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NATIONAL DRUG POLICY BOARD
Washington, D.C. 20530

October 30, 1987

The Honorable T. Kenneth Cribb, Jr.
Assistant to the President for
Domestic Affairs
The White House
Washington, D.C. 20500

Dear Mr. ~~Cribb~~: *Ken*

Enclosed is a copy of the Briefing Book prepared by the National Drug Policy Board Staff for your use at the Interdiction Strategy Presentation.

As you know, this presentation will be given to the National Drug Policy Board on November 3, 1987, at 9:30 a.m. in the Roosevelt Room at the White House.

It is important that you bring this Briefing Book with you as we will not have additional books available.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Pickens", written over the typed name.

David Pickens
Executive Director

Enclosure

BRIEFING BOOK

INTERDICTION COMMITTEE STRATEGY PRESENTATION

NATIONAL DRUG POLICY BOARD
November 3, 1987

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Interdiction Committee Membership

U.S. Customs Service
U.S. Coast Guard
Department of Defense
Drug Enforcement Administration
Immigration & Naturalization Service
National Narcotics Border Interdiction System

TAB A

AGENDA/FACT SHEET
NATIONAL DRUG POLICY BOARD
TUESDAY, NOVEMBER 3, 1987
9:30 - 10:30 A.M.
ROOSEVELT ROOM, THE WHITE HOUSE

- I. Introductory Remarks (Chairman Meese)
- II. INTERDICTION Committee Strategy Presentation
(Commissioner von Raab)

The Interdiction Committee (TIC) is chaired by Mr. William von Raab, Commissioner, U.S. Customs Service and vice-chaired by Admiral Paul Yost, Commandant, U.S. Coast Guard. Other members of the TIC include representatives from the DOD, INS, DEA and NNBIS. TIC has three subcommittees addressing Land, Air and Maritime issues and operations. An overall Executive Summary is included in TAB C with individual summaries for the Air, Land, and Maritime strategies attached as TABS C-1, C-2, and C-3.

- III. New Business

TAB B

NDPB Staff Strategy Overview

THE NATIONAL INTERDICTION STRATEGY

The National Interdiction Strategy is a multi-agency, multi-lateral program designed to reduce the quantity of illegal narcotics entering the U.S. by targeting the transportation link between source countries and the borders of the United States. It addresses the smuggling of all types of narcotics into the U.S. with specific emphasis on cocaine and marijuana which, as a result of their bulk, weight and method of transport, are best suited for interdiction.

The threat facing the interdiction agencies is nothing short of monumental. Presently, all of the cocaine and heroin and 80% of the marijuana available in the United States originates outside our borders. The window of opportunity available to the smuggler community is reflected in the volume of passengers and conveyances entering the United States. (See page 2 and 3 of Executive Summary - TAB C)

The Interdiction Strategy is divided into three substrategies, each addressing the separate but interrelated issues of Air, Land and Maritime smuggling. Each of the substrategies utilize a common "interdiction module" which reduces the interdiction process into four common functions: detection, sorting, intercept/tracking and apprehension.

A major objective of the interdiction strategy is to raise the level of risk to the point where significant numbers of organized smuggling groups will cease operation, and will also serve to deter other potential smugglers from entering the trade.

Once deterrence begins to force smugglers from the narcotics trade, resources can then be directed, with greater emphasis, at the hard-core criminal element through the investigative and intelligence elements. In essence, the interdiction strategy seeks to reduce the universe of narcotics and smugglers to point where an investigative approach is the most feasible and cost beneficial.

As can be expected, the Interdiction Strategy is very labor and asset intensive and represents a large portion, approx. 30%, of both the 1987 and 1988 total drug enforcement budgets. Of the additional enhancements requested for 1989, over 50 percent are capital-related and represent one-time purchases which will not reoccur in 1990.

The cost of the FY 88 Interdiction program is estimated to be 785.9 million. The 1989 OMB budget identifies \$929.2 million which represents a net change of \$143.3 million over the FY 88 figure. Potential enhancements totalling \$388.0 million have also been identified by the Interdiction Committee.

TAB C

THE NATIONAL INTERDICTION STRATEGY

GOAL

The goal of the national interdiction strategy is to further reduce the quantity of illegal narcotics entering the United States by targeting the transportation link between narcotics supply and demand. This strategy represents a common approach by air, land, and maritime interdiction components and focuses on "significant loads" of cocaine and marijuana arriving from South America, Mexico and the Caribbean. While not neglecting the importance of heroin smuggling, the strategy recognizes that heroin enforcement is better achieved by intelligence and investigative initiatives.

An indication of the success of our current interdiction efforts was recently discussed in a study released by Wharton Econometrics research group. This study supports the proposition that interdiction is a key factor in stopping drugs from entering our narcotics supply.

The interdiction strategy, based upon multi-agency, multi-lateral cooperation and built upon a solid foundation of current interdiction practice, will substantially increase our effectiveness in the war on drugs. By improving interdiction processes and methods presently employed and encouraging bold, new initiatives, successes are expected to result in a considerable decline of narcotics supplies in the United States.

THREAT

Presently, all of the cocaine and heroin and 80% of the marijuana supply available in the United States originates from outside our national borders. These supplies are produced and arrive primarily from South America, Mexico and the Caribbean. The National Narcotics Intelligence Consumers Committee (NNICC) report projected worldwide cocaine hydrochloride production at 306 to 377 metric tons in 1986. Marijuana production was estimated to be between 9,700 to 13,400 metric tons. While these numbers have typically been understated they are an indication that supply is out of control.

The windows of opportunity available to the smuggling community from importing these illegal narcotics are immense and are reflected in the following statistical representation of the volume of conveyances and passengers entering the United States in 1986:

- ° 265,000,000 persons at our land borders

- ° 3,000,000 sea containers
- ° 4,400,000 land containers
- ° 30,000,000 air passengers
- ° 421,000 commercial aircraft
- ° 125,000 non-commercial vessels and small boats
- ° 84,000 commercial vessels
- ° 250,000 private general aviation aircraft
- ° 94,000,000 vehicles
- ° 4,000,000 sea passengers

The interdiction strategy clearly recognizes the existence of this narcotics threat and responds accordingly. Further, the strategy is fluid and is capable of responding to changes in smuggling methods as they occur.

INTERDICTION SYSTEM

In developing the interdiction strategy, the air, land, and maritime substrategies have related interdiction techniques and processes to a system which will maximize the probability of interdicting narcotics. This system, referred to as the "interdiction module", reduces the interdiction process into the four common functions: Detection, Sorting, Interception/Tracking, and Apprehension. The "interdiction module" is not a radical departure from the current interdiction process, but is merely a systematic method useful in identifying the functions needed to complete an interdiction, regardless of the smuggling environment.

AIR, LAND, AND MARITIME STRATEGIES

The air, land, and maritime strategies collectively represent the national interdiction strategy and are constructed within the framework of the interdiction module.

In the following recitation of the air, land, and maritime strategies, a sample of programs associated with these strategies have been identified and represent the strengthening of the interdiction module functional capabilities.

AIR STRATEGY

The air strategy is intended to interdict general aviation aircraft transporting illegal narcotics into the United States. Highlights of the air strategy include:

- ° strengthening and completing a fixed detection net in the southeast.
- ° completing the development of a fixed detection net in the southwest.
- ° establishing a mobile detection net in departure zones near source and transit countries.
- ° improving the sorting process by implementing Command, Control, Communications and Intelligence (C3I) Centers in the eastern and western U.S.
- ° improving interception/tracking and apprehension to respond to increased detection and sorting capabilities.
- ° providing dedicated air detection support to the maritime interdiction strategy.

LAND STRATEGY

The land strategy is intended to interdict illegal narcotics at airports, seaports, land border ports, between ports of entry and in international mail. Highlights of the land strategy include:

- ° improve targeting through more sophisticated use of Automated Commercial System (ACS) computer data base for every commercial importation, especially aimed at containerized cargo.
- ° increase the number of 100 percent inspections of containers and commercial trucks.
- ° available resources will be mobilized along the Southwest Border through increased coordination of all agencies (Operation Alliance).
- ° expand cooperative programs and data exchange with private industries involved in international trade and travel to improve detection and sorting systems.
- ° establish an information base for interdiction targeting in departure zones through special analytical teams.

MARITIME STRATEGY

The maritime strategy is intended to interdict illegal narcotics being transported through the maritime region into the United States. Highlights of the maritime strategy include:

- ° placement of maritime interdiction capabilities in departure zones off narcotics source countries to perform surge and pulsed operations.
- ° permanent placement of detection and apprehension assets in "choke points" in the Caribbean.
- ° addressing air drops in the Bahamas by adding helicopters, continuously operating existing aerostats and adding aircraft detection assets in arrival and transit zones.
- ° placement of additional fast coastal interceptor vessels in the Bahamas and South Florida.
- ° sorting of maritime drug smuggling from legitimate vessel traffic in the arrival zone and responding accordingly.

DETERRENCE

A major objective of our interdiction effort is to raise the level of risk to the point where significant numbers of organized smuggling groups will cease their operations and deter other individuals from entering the trade.

Deterrence is difficult to assess empirically and therefore nationally recognized experts in this field will be used to determine the effectiveness of the strategy in relation to the deterrence factor.

Once deterrence begins to force smugglers from the narcotics trade, thereby reducing the smuggling population, resources can then be directed, with greater emphasis, at the hard-core criminal element through the investigative and intelligence elements. In essence, the interdiction strategy seeks to reduce the universe of narcotics and smugglers to a point where an investigative approach is the most feasible and cost beneficial. Such is the case with heroin today.

IMPLEMENTATION

Throughout the air, land, and maritime strategies, time frames for implementation have been identified. It should be noted that

many of the programs included in these strategies have already been institutionalized.

Many other programs are at their genesis and will require considerable development and still others represent program enhancements that are currently unfunded. The latter programs have been incorporated into the interdiction strategy as they are viewed as necessary components to build a complete and credible interdiction system.

NEW INITIATIVES

The Attorney General, as Chairman of the National Drug Policy Board, directed the lead agencies to formulate new and innovative ideas that would support the national drug strategy. Accordingly, appendices have been included in the air, land, and maritime interdiction strategies that propose bold and innovative initiatives. These initiatives include suggested legislative and regulatory amendments as well as programmatic and operational changes, that, if adopted and instituted could have a substantial impact on current interdiction practice and correspondingly, future interdiction successes.

CONCLUSION

The national interdiction strategy does not exist in a vacuum, but rather compliments the other supply side narcotics reduction efforts. These efforts, consisting of Intelligence, Investigations, Prosecutions, International Drug Control and Interdiction are dependent on one another and taken together offer a consorted supply reduction effort. Other demand and supply reduction efforts, including zero-tolerance and user penalties are also essential to overall long-term success.

To conclude, if the National Drug Policy Board accepts this national interdiction strategy, there will be across-the-board improvements in air, land, and maritime interdiction effectiveness. This proposal represents the beginning not the end of our renewed efforts to have interdiction continue to play a integral role in efforts to reducing narcotic supply and the demand for drugs in this country.

TAB C-1

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National Air Interdiction Strategy and Plan

I.

EXECUTIVE SUMMARY

A national goal of the United States is to eliminate drug abuse and drug trafficking by reducing both the supply of and demand for illegal drugs. The National and International Drug Law Enforcement Strategy was developed to achieve this national goal. Drug law enforcement supports the national goal by attacking the supply of drugs all along the distribution chain from field or laboratory to consumer. Interdiction is a key element of the national strategy, and air interdiction is an integral part of the overall interdiction effort.

The National Air Interdiction Strategy and Plan is promulgated to reduce the number of general aviation aircraft (GAA) carrying illegal drugs into the United States. Successful air interdiction efforts will interdict aircraft carrying illegal drugs, deter air traffickers, disrupt the flow of drugs into the U.S., and force air traffickers to alter their methods to avoid detection or abandon air smuggling altogether. The U.S. Coast Guard and the U.S. Customs Service are jointly responsible for coordinating all air interdiction efforts.

The National Air Interdiction Strategy will achieve its objective by:

- o Maximizing use of current national and international law enforcement capability through improved coordination and cooperation.
- o Enhancing existing assets, developing new technology, and acquiring resources to detect, sort, intercept, track, and apprehend aircraft carrying illegal contraband.
- o Building a flexible defense in depth and responding to changes in threat, tactics, or locations.

Air interdiction operations will focus on the detection, sorting, tracking/interception, and apprehension of illegal drug shipments as they move from the departure points in source countries then along the air smuggling routes to the U.S. Once these shipments are interdicted, the violators will be arrested, and the drugs, conveyances, and other assets seized. Operations will be conducted not only along the U.S. border, but against smugglers in the departure areas and along trafficking routes to disrupt their pattern of activity, gain valuable intelligence, and increase their exposure and vulnerability to detection and interception throughout their transit to the U.S. During these operations, mobile detection assets will be deployed to increase flexibility and depth of detection capability.

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This Plan assigns to the Coast Guard Area Commanders and Customs National Aviation Center (CNAC) the responsibility to develop and implement regional Air Interdiction Operations Plans in cooperation with the appropriate supporting federal, state, and local agencies. Additionally this Plan establishes agency coordination mechanisms for planning and conducting operations, designates geographical areas of responsibility, defines command and control relationships, and provides a division of agency functional responsibilities. ||

This Plan provides for accountability in implementing the operations plans and for joint oversight by the Commandant of the Coast Guard and Commissioner of Customs. The Plan also discusses the need for intelligence and identifies the required Essential Elements of Information (EEI). Finally, the Strategy sets several near term goals and stresses the need for a coordinated effort by all agencies involved in air interdiction.

The development of the National Air Interdiction System has significant national security applications with its capability to detect, sort, and intercept unknown low-flying, slow aircraft. This capability may be extremely valuable during a national crisis or mobilization. As a result, the Customs Service and Coast Guard will maintain close coordination with the Department of Defense (DOD).

TAB C-2

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LAND INTERDICTION SUBCOMMITTEE

Land Interdiction Strategies

I. EXECUTIVE SUMMARY

The National Drug Policy Board (NDPB) directed The Interdiction Committee (TIC) to develop comprehensive strategies for all U.S. narcotics interdiction efforts. The subcommittee for land interdiction, chaired by the U.S. Customs Service and comprised of representatives of the Drug Enforcement Administration, the Immigration and Naturalization Service, National Narcotics Border Interdiction System, the U.S. Coast Guard and Operation Alliance, jointly created "Land" Strategies that address narcotics interdiction at airports, seaports, land border ports, between ports of entry and in international mail.

The product is an action-oriented strategy package incorporating a multi-agency approach toward fighting the war on drugs. It attempts to integrate various agency narcotics interdiction programs and to achieve coordinated, complementary strategies. The plans do not control each agency's resources, rather they foster effective interagency coordination and present a unified federal interdiction budget or resource requirement. The strategies encourage support to and assistance from state and local law enforcement, private industry and numerous federal agencies.

These narcotics strategies are applicable to all air ports of entry, sea ports of entry and land borders. They call for sustained, coordinated drug enforcement efforts and represent a systematic approach addressing the total interdiction threat for each type of operation. The plans are sufficiently flexible to permit priority allocation of agency resources. The priorities can be directed "narcotic specific," that is, according to the types of narcotics most vulnerable to interdiction -- cocaine and marijuana; or to the greatest operational and geographic threats -- Southwest border, ocean containers and airport internal conspiracies.

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The format of the strategies targets five key areas: Land Border, Airports, Seaports, Between Ports of Entry and Mail. These are further substructured to pinpoint threat operations involving arriving persons, cargo (including containers), and conveyances. In each area, a brief description is provided on the threat, the priority objectives, the key strategy elements and possible courses of action. In order to be consistent with all national interdiction strategies, each plan is organized into detection, sorting, interception and apprehension modules. Emphasis is placed on improved communications, intelligence, linkage of automated systems and overall interagency coordination.

The strategies, if successful, will result in improved interagency coordination to fight the war on drugs. The strategies should, in turn, support cooperative and more effective interagency enforcement initiatives. The plans should also provide a common basis to ensure the maximum coordination of the budgets, the resources and the operations of the participating land agencies, accomplishing this in a manner consistent with the national and international NDPB Strategy.

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TAB C-3

NATIONAL MARITIME INTERDICTION STRATEGY AND PLAN

I

EXECUTIVE SUMMARY

The National Maritime Interdiction Strategy and Plan is promulgated to increase the effectiveness of interdiction operations against maritime drug trafficking and is one of three plans submitted to The Interdiction Committee (TIC).

The overall maritime interdiction strategy and plan is designed as a three-tiered approach: departure zones, transit zones, and arrival zones including a separate strategy for the Great Lakes. For each tier, a strategy and corresponding programs with objectives and estimated resources are developed. The programs listed under each strategy include budgeted as well as new initiatives. These approaches differ from coast to coast primarily due to geographic differences between coasts and the lower threat levels on the West Coast and Great Lakes. Separate strategies are developed for the high threat Florida/Bahamas area, and the unique Gulf of Mexico area. Coast Guard Area and District Commanders, in coordination with Customs, DOS, DOD, DEA, DOJ (as appropriate), will develop operational plans (OPLANS) to implement these strategies, programs and objectives no later than 01 FEB 88.

These OPLANS will be Geo-Specific and address the threat as it specifically applies to the commodity being smuggled (ie: Colombian Marijuana/Cocaine, Thai Marijuana etc.). They will identify resource availability in the respective threat areas and establish guidelines for the most effective employment of those resources. (Manpower, Vessels, Aircraft etc.).

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TAB D

SIGNIFICANT ISSUES AND DISCUSSION

1. The use of appropriate force to apprehend aircraft involved in drug smuggling.
 - o Specifically this authority is sought only in those cases in which Customs/Coast Guard air officers have witnessed the airdropping of suspected narcotics in U.S. or international airspace, or the aircraft has discharged narcotics during a touch and go landing on U.S. soil. (Authority would be limited to U.S. registered aircraft or aircraft which do not bear registration markings.)
 - o Authority to use force is necessary to prevent the smuggler aircraft from evading apprehension by returning to a safe haven in source or transshipment countries.
 - o Appropriate force is defined as the amount of force necessary to convince the pilot to obey the orders of the Customs or Coast Guard air crews and land his aircraft where directed. Appropriate force would be demonstrated through the use of weapons with officers authorized to fire until the pilot obeys, or if he refuses, the aircraft is disabled thus forcing it down.
 - o Stringent rules and guidelines would be established for the use of force.

Discussion

- o The Department of Transportation and the FBI have objected to this proposal (see letters - TAB F).
- o This is certainly a "Get Tough On Drugs" message and may result in considerable deterrence simply by having the authority exist.
- o Is this something which will be acceptable to the American public and to Congress?

2. Enact legislation or implement regulations requiring all civil aircraft (U.S. and foreign) operating within a certain distance of the U.S. Border or transiting in the coastal air defense identification zone to be equipped with an operating transponder.

Discussion

- o This requirement would assist radar identification of all aircraft in the air defense zone.
- o It would identify those aircraft not utilizing their transponder as suspect.
- o This requirement would place a financial burden (approx. \$1500) on the general aviation community and may result in criticism of the Department of Transportation by the aviation community.

3. Enact legislation or implement regulations requiring all general aviation aircraft entering U.S. air space to fly established air corridors enroute to designated international airports.

Discussion

- o Under existing law, private aircraft may enter the U.S. at any place and travel by any air corridor, subject to certain air navigation requirements. The establishment of such corridors would allow not only the law enforcement agencies, but also DoD for air defense purposes, to more effectively scrutinize arriving private aircraft. More importantly, corridors would promote concentration on those aircraft that would avoid the corridors because they are carrying illegal drugs or are otherwise violating U.S. law.

4. Cost effectiveness of Interdiction Efforts

The 1989 OMB budget request provides net changes over the 1988 budget of \$143.3 million. Additional increases totalling \$388.0 million have also been identified by the Interdiction Committee for consideration.

Discussion

- o Should these amounts of monies be dedicated to the interdiction efforts versus other supply reduction initiatives?
- o What would be the impact if no additional resources were provided for Interdiction above those already included in the 1989 OMB budget?

5. There are a number of proposals or programs in the interdiction strategy which may impact on U.S. foreign policy.

- o What processes are established or will be established to ensure these concerns are addressed?

6. Facilitation of transportation/commerce/entry processing versus drug law enforcement.

More stringent anti-drug measures at ports of entry may modify or delay the current system of processing conveyances, cargo, passengers and mail.

Discussion:

- o More thorough examinations, more efficient and concentrated use of law enforcement personnel, and more effective sorting of potential smuggling targets could be accomplished by such programs as:
 - o Reducing the number of Ports of Entry designated to receive commercial shipments;
 - o Requiring International mail to be processed at designated entry points;
 - o Requiring source country conveyances to report at designated P.O.E.s;
 - o Requiring 100% examinations of all conveyances/containers arriving from source countries;
 - o Requiring arriving private vessels to report during daylight at designated locations;
 - o Deny landing rights to commercial carriers with a history of passenger smuggling when advance passenger information is not provided;
 - o Presentation of shipping documents at entry points.
- o These programs could have the following impacts:
 - o Adverse impact on cost and quality of mail service;
 - o Strong resistance from trading partners and reconsideration of bilateral agreements;
 - o Significant congestion and delays at entry points;
 - o Increased cost to transportation industry and consumers.

TAB E

The Following New Initiatives and Regulatory/Legislative
Issues Have Been Extracted From The
Strategy Document Submitted By The
Interdiction Committee

IV. APPENDIX - BOLD NEW INITIATIVES

The following items represent concepts/actions which have not been incorporated by the Land Subcommittee into the Interdiction Module pending TIC review, approval and/or modification. Some of these "new initiatives" if adopted/advanced by The Interdiction Committee could dramatically effect present enforcement efforts and would have a major impact/dramatic effect on present patterns of international trade and relations.

Construct physical barriers on the Southwest Border. The installation of concrete traffic barriers at known "drive through" locations and adjacent to P.O.E.'s would deter illegal vehicle crossings and, at least, the "large loads." This is not as politically sensitive as a fence or wall.

Reduce/limit P.O.E.'s designated to receive commercial shipments.

Eliminate "pre-clearance" in "narcotic problem" countries.

Designated source country mail to be processed only at Oakland and JFK Mail Branches.

Seize and destroy containers which have been modified to transport narcotics.

Establish network for information developed by military operations in traditional smuggling areas to be passed to interdiction agencies.

When special military operations are being conducted in traditional smuggling areas have a multi-agency response team ready to be "air-lifted" to interdict smugglers when such activity is discovered. Encourage military training in known smuggling areas.

Establish multi-agency debriefing teams for intelligence gathering/collection and for specific target tracking/interdiction.

Currency regulations should be expanded to allow passing of financial information to aid "BUCKSTOP operations".

Establish multi-agency "Container Alteration/Repair Sting Operation.

Implement a Strategic Long Range Sensor Program for all the land borders for narcotic interdiction purposes. A comprehensive continuing program utilizing the latest state-of-the-art electronic equipment.

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Develop a rapid, criminal identification system that provides near real time returns based on physical characteristics (i.e. fingerprints, voice prints, etc.).

Vessels/Aircraft arriving direct from source countries/major transit countries will be required to report at designated P.O.E.'s.

Require 100% examinations for all conveyances/containers arriving from source/transit countries.

Require arriving private vessels (small boats) to report at designated Customs locations only during daylight hours.

Border Envelope Team concept expanded to be multi-agency and expanded to also address "small boat" enforcement.

Expand joint multi-agency/military operations and training to the maximum extent allowed within the existing posse comitatus framework.

Attack the drug user/consumer at the interdiction level by pursuing zero tolerance in the seizure, forfeiture, arrest and prosecution stages.

Attack the drug user/consumer by requiring international documents of drug users to be marked indicating/identifying their drug use.

Create a National Operational Analysis Unit for narcotics information. This unit would be in regular contact with overseas offices to receive raw data on a timely basis for conversion into interdiction targets in ACS. This unit would also provide a feedback mechanism on inspection results to encourage continued exchange of valuable information.

VI. LEGISLATIVE/REGULATORY CHANGE - APPENDIX

As a result of the guidance provided by The Interdiction Committee, multi-agency interaction has increased. The continuation of this process will require the need for additional legislative and regulatory change. The following are the first suggested changes in this ongoing process:

1. Law: Air routes between the United States and countries that are identified as regular source or transit points for narcotics will be subject to renegotiation, restriction and/or suspension.

Similar legislation for vessels.
2. Law: Upon request of U.S.C., any carrier/importer must provide all shipping documents and export documents for any shipment -- requested prior to or after arrival of carrier. Inability to provide data will preclude rights to unlade or arrive in U.S.
3. Law: Provide U.S.C. full authority of border search on cargo/conveyances (not people) arriving in continental U.S. from Puerto Rico or Hawaiian Islands.
4. Law: This proposal would amend the administrative summons provisions in 21 U.S.C. 967 and clarify export enforcement authority, particularly with respect to the examination of outbound mail.
5. Law: There is no current authority to assess civil and criminal penalties against insured financial institutions for violations of the recordkeeping provisions of the Bank Secrecy Act. This proposal would provide penalties for these institutions equivalent to the sanctions imposed against them for violations of the Bank Secrecy Act reporting requirements.
6. Law/Reg: Require all foreign cargo to be contained in a secure/controlled access environment until released by U.S.C. All workers in the control zone to be given background and ID's. All cargo movements positively controlled through ADP system. Port authorities required to cordon off waterfront locations from public access.

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7. Req: No movement or Customs release of international freight unless an advance manifest is on file (3 days ahead). No master B/L's, manifest must contain full B/L data (to house bill level) prior to allowing shipment to be moved from site of unloading -- better yet, carrier can't unlade unless advance B/L data is provided. Possibly add AMS.
8. Req: Deny landing rights to commercial carriers who do not provide advance passenger information when repetitive drug seizures are made from passengers arriving on that carrier's flight(s).

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APPENDIX C

AIR LEGISLATIVE/REGULATORY INITIATIVES

1. Present U.S. Coast Guard "Roles and Mission" statement in Title 14, U.S. Code, authorizes the Coast Guard to conduct maritime law enforcement on and under the high seas in general, but does not specifically mention law enforcement over the high seas, i.e. interdiction in the air environment. For continuity purposes and to provide a more specific basis for the Coast Guard's air interdiction program, the Coast Guard requires that this mission be addressed in Title 14.
2. The Coast Guard and the Customs Service require authority over aircraft to more effectively conduct the air interdiction mission. Explicit authority over aircraft would include the ability to order aircraft to a landing site to examine documents, inspect the aircraft, interview the crew and passengers, and if violation of law is discovered, to make arrests and seizures. Along with authority to order a landing, sanctions and authority to compel compliance should be provided for failure to follow lawful directions. Primarily, this authority would be for apprehending individuals on aircraft violating 19 USC 1590 by dropping bundles of narcotics from aircraft in international airspace over the high seas. This situation arises from the fact due to its mobility, smuggler aircraft can return to their points of origin in source or transshipment countries subsequent to airdropping narcotics to vessels on the high seas or after briefly touching down on land to off-load their narcotics. This situation occurs most frequently in areas near and adjacent to the US contiguous zones, where airdropping of narcotics, specifically cocaine, to waiting vessels is the preferred means of facilitating the smuggling of drugs into the U.S. The dropping of large bundles of narcotics poses a threat not only to the pursuing law enforcement vessel, but also to any legitimate vessel which happens to be in the vicinity.
3. Require all civil aircraft operating into, within or out of a coastal Air Defense Identification Zone (ADIZ) to be equipped with an operating transponder, and to activate the transponder whenever the aircraft is airborne within controlled airspace, including the coastal ADIZ. Investigate the possibility, through the International Civil Aviation Organization (ICAO) and/or bilateral agreements with foreign countries adjacent to U.S. borders, including South America, or requiring such transponder equipment and use whenever airborne.
4. Require all general aviation aircraft (GAA) entering U.S. airspace to fly established "air corridors" enroute to international airports of arrival. Under existing law, private aircraft may enter the U.S. at any place and travel by any air corridor, subject to certain air navigation requirements. The establishment of such corridors would allow not only the law enforcement agencies, but also DoD for air defense purposes, to more effectively scrutinize arriving private aircraft. More importantly corridors would promote concentration on those aircraft that would avoid the corridors because they are carrying illegal drugs or are otherwise violating U.S. law.

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APPENDIX C

MARITIME LEGISLATIVE/REGULATORY INITIATIVES

1. Clarify that Navy and USCG Taclet personnel conducting law enforcement operations under 10 USC 379, the codification of a Posse Comitatus exception for the Taclet program, have the same immunity from civil liability in the use of force to compel compliance with orders to heave to for boarding as provided in 14 USC 637 for Coast Guard personnel.

2. Provide explicit extraterritorial application of 19 USC 844, the prohibition against simple possession of controlled substances. The primary benefit will be for use as a lesser included offense to drug trafficking in cases where residue of an earlier offload is discovered.

3. Provide criminal and civil penalties for the non-forcible impeding or obstructing of a member of the Coast Guard in performance of his/her lawful duties. Currently, the only criminal remedy existing is for a forcible assault on a boarding officer. As a result, we are unable to deal with the frequent occurrence of non-forcible obstructive behavior, refusal to cooperate or provide information and similar obstructive conduct. A criminal penalty, similar to that available to most state law enforcement officers, would allow for arrest to control a potentially violent situation before violence actually occurs. A civil remedy, i.e. civil penalty, would provide a sanction in cases of lesser severity which a U.S. Attorney refuses to prosecute and would support the boarding personnel.

4. Provide criminal/civil sanctions against masters/operators of U.S. documented and state numbered vessels who fail to:

a. truthfully respond to inquiries regarding vessels's destination, origin, ownership, registration, nationality, cargo, crew.

b. heave to and permit a boarding by USCG (including LEDETS) upon direction by individual identifying himself/herself as a Coast Guard boarding officer and displaying a Coast Guard emblem.

c. obey lawful/reasonable directions of members of the Coast Guard boarding officer.

Currently, individuals can obstruct boardings by noncooperation and by providing false information. With minor exceptions, federal law does not prohibit these acts. The proposal would seek to make federal law consistent with many municipal ordinances concerning truthfulness of statements and cooperation with police.

5. Remove the words "drug interdiction area" from 10 USC 379, the codification of USCG personnel conducting law enforcement from Navy vessels as a Posse Comitatus exception,. Presently, Taclets are authorized to be embarked on Navy vessels transiting "drug trafficking areas" as determined by SECDoD and the Attorney General. No specific findings have been made, but a SECNAV memo limits geographic areas. While an administrative fix is possible, the language is unnecessary and limits responsiveness to intelligence.

6. Authorize the payment of any judgments arising from "Bivens" actions against Coast Guard law enforcement personnel. Currently, DOJ provides representation, but the member is individually liable for any monetary awards granted in suits alleging violations of constitutional rights by law enforcement personnel.³

7. Authorize the federal government to waive exclusive enforcement jurisdiction over a U.S. documented or state numbered vessel transiting the high seas in favor of law enforcement by a foreign nation, and to designate the responsible department for making such waivers. In the past, negotiations for written agreements have stalled over the reciprocity issue. Not only would such a provision aid in negotiations, it be consistent with our position in the draft anti-drug trafficking convention that flag nations should expeditiously respond to requests for registry verification and law enforcement authority.

8. Provide statutory criteria (possibly under vessel documentation provisions) defining nature/inception/termination of U.S. vessel nationality.

9. Encourage coastal states to pass enabling legislation to provide reciprocity of "cross deputization" between federal and state officers as already authorized by federal legislation. Such legislation would allow both state and federal officers to assist each other on request with full powers, protections and immunities.

10. Provide an exception to the Federal Procurement Regulations authorizing sole source procurement for law enforcement exigencies; analogous to the exception for defense purposes.

11. USCG/MARAD amend regulations to limit foreign sales/automatic disenrollment of vessel types commonly utilized for smuggling. Currently, 46 USC App. 808 prohibits the sale of U.S. documented vessels without approval of the Secretary of Transportation. By regulations issued by MARAD, 46 CFR 221.8, automatic approval has been granted for all documented vessels under 200 gross tons. Commonly vessels used for bulk shipments are within the automatic approval limits. By requiring MARAD approval of foreign sales by classes of vessels commonly used as motherships, the supply of vessels may be reduced.

12. Authorize sinking seized vessels, following administrative forfeiture, as an alternate to sale. Cost of storing and processing vessels to meet environmental considerations could be directly appropriated to the Customs Forfeiture Fund or reimbursed from U.S. and foreign fishing permit fees.

Notes:

1. Already part of the USCG legislative package for the 100th Congress
2. Was included in recommendations for the NDBP Posse Comitatus Report. DoD objected to this, as well as other agency suggestions, on basis of readiness impact and that no USCG requests had been denied.
3. DOJ provided this coverage to its employees by regulation, in 51 F.R. 27021, 29 July 1986.