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United States Government Accountability Office
Washington, DC 20548

April 27, 2011

The Honorable John F. Tierney
Ranking Member
Subcommittee on National Security,
Homeland Defense and Foreign Operations
Committee on Oversight and Government Reform
House of Representatives

Subject: *Multiple U.S. Agencies Provided Billions of Dollars to Train and Equip Foreign Police Forces*

Dear Mr. Tierney:

Over the past few years, the United States has increased its emphasis on training and equipping foreign police as a means of supporting a wide range of U.S. foreign-policy goals, including countering terrorists overseas and stopping the flow of narcotics to the United States. Funding for these activities has increased significantly since we last reported on these issues in 1992.¹

In response to your request, this report provides estimates of the funding the U.S. government provided for activities to train and equip foreign police,² hereafter referred to as “police assistance,” during fiscal year 2009. We defined “police” as all law-enforcement units or personnel with arrest, investigative, or interdiction authorities. We analyzed documents and interviewed officials of the Departments of State (State), Defense (DOD), Energy (DOE), Justice (DOJ), Homeland Security (DHS), the Treasury, and the U.S. Agency for International Development (USAID). We also reviewed past GAO reports, relevant legislation, and congressional budget submissions. We limited our review to fiscal year 2009 because of the limited availability of comparable funding data from the agencies in other years. Our estimate of U.S. funds provided for this purpose incorporates budget estimates, appropriations, obligations, allotments, and expenditures because the agencies did not provide uniform funding data. Enclosure I provides more information on our scope and methodology.

¹GAO, *Foreign Aid: Police Training and Assistance*, [GAO/NSIAD-92-118](#) (Washington, D.C.: Mar. 5, 1992).

²We included all training—regardless of content—and equipment provided to law-enforcement units or personnel with arrest, investigative, and/or interdiction authorities. We excluded funds for infrastructure because such costs are not typical of most police-assistance activities.

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We conducted our work from December 2009 to April 2011 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions.

Results in Brief

During fiscal year 2009, seven federal agencies and 24 components within them funded or implemented police-assistance activities to support their counternarcotics, counterterrorism, and anticrime missions. Five of these agencies provided an estimated \$3.5 billion for police assistance to 107 countries in fiscal year 2009. This amount compares to about \$180 million in inflation-adjusted dollars provided for these efforts in 1990, when we last compiled a similar inventory. DOD and State provided an estimated 97 percent of all U.S. government funds (\$3.4 billion) for police assistance; DOD provided about 55 percent of the total and State about 42 percent. DOE, USAID, and DOJ provided the remaining 3 percent of U.S. funds for activities such as procuring nuclear-detection devices and training law-enforcement officers on their use, establishing community-based police training programs, and developing terrorist crime-scene investigation capabilities.¹ Afghanistan, Iraq, Pakistan, Mexico, Colombia, and the Palestinian Territories each received an estimated \$100 million or more in police assistance. Both DOD and State provided funds for police assistance in 39 of the 107 recipient countries. In a subsequent review, we plan to assess how the two agencies coordinate efforts in these 39 countries to avoid duplication and overlap.

Background

U.S. legal authorization to train and equip foreign police forces has evolved over the last 50 years. The United States first funded police-training programs in other countries in the 1950s, and by 1968 the United States was training police forces in 34 countries in criminal investigation, patrolling, interrogation and counterinsurgency techniques, as well as riot control, weapons use, and bomb disposal. In the early 1970s, Congress expressed concern over the apparent absence of clear guidelines for supporting foreign police forces and the use of funds to support repressive regimes that committed human rights' abuses. Consequently, in 1974, Congress amended the Foreign Assistance Act to prohibit the use of foreign assistance for training or advice, or any financial support for police, prisons, or other law-enforcement forces for any foreign government. Congress provided certain exceptions, such as activity of the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI) related to

¹State provided DHS and Treasury with an estimated \$6 million and \$600,000, respectively, to implement activities such as developing and delivering training at the International Law Enforcement Academies.

crimes of the nature of which are unlawful in the United States.² In 1985, Congress added additional exceptions to this prohibition. For example, Congress added the exception for assistance provided to a country that has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of human rights. In the 1990s, Congress also added various exceptions such as assistance provided to police forces in connection with their participation in the regional security system of the eastern Caribbean states. Other exceptions added in the 1990s include exceptions to support customs authorities and personnel and to reconstitute civilian police authority and capability in postconflict nations.

In addition to these statutory exceptions, annual appropriations acts have authorized the use of funds for certain police-assistance activities in certain circumstances. For example, in fiscal year 2005, and in subsequent years, Congress authorized funds for community-based police assistance,³ notwithstanding the prohibition against police training contained in the Foreign Assistance Act. Enclosure II provides more information on the legal authorities under which the United States provides funding to train foreign police forces.

We last reported on the extent and cost of U.S. training and assistance to foreign police forces in March 1992.⁴ We identified 125 countries that received police training and assistance during fiscal year 1990 at a cost of about \$180 million.⁵ The State Department provided about \$85 million (47 percent) of these funds; DOD about \$65 million (36 percent); and other agencies about \$31 million (17 percent). The 1992 report noted that U.S. departments and agencies did not maintain data or regularly report on the extent or cost of assistance they provided to foreign police forces using their own appropriated funds.

²See Section 660 of the Foreign Assistance Act of 1961 as amended, 22 U.S.C. § 2420. The legislation applies only to funds appropriated to carry out the purposes of the Foreign Assistance Act and local currencies generated under the Act.

³Community-based police programs are programs that foster partnerships between the police and local communities.

⁴GAO/NSIAD-92-118. We later reported on the cost and extent of U.S. Rule of Law assistance worldwide, which included police training and assistance. For fiscal year 1998, we reported that the United States provided about \$280 million in inflation-adjusted dollars for Rule of Law activities worldwide; the report did not specifically identify the amount of funds for police training. GAO, *Foreign Assistance: Rule of Law Funding Worldwide for Fiscal Years 1993-1998*, [GAO/NSIAD-99-158](#) (Washington, D.C.: June 30, 1999).

⁵[GAO/NSIAD-92-118](#). This figure represents inflation-adjusted dollars. GAO previously reported that police training and assistance cost \$117 million in fiscal year 1990.

Multiple U.S. Agencies Provided about \$3.5 Billion for Police Assistance in More than 100 Countries during Fiscal Year 2009

Multiple Agencies and Their Subunits Provided Police Assistance

In 2009, seven agencies and more than 24 organizational units within the agencies provided police assistance to sustain the counternarcotics, counterterrorism, anticrime, and other civilian policing efforts of police forces around the world (see table 1).

Table 1: U.S. Departments, Agencies, and other Organizational Units that Provided Police Assistance in Fiscal Year 2009

Agency	Unit
DOD	Deputy Assistant Secretary for Counternarcotics and Global Threats
	Five Combatant Commands: Africa, Central, European, Pacific, Southern
	Joint Interagency Task Force-West
	Defense Threat Reduction Agency
DOE	National Nuclear Security Administration
DHS	Customs and Border Protection
	Federal Law Enforcement Training Center
	Immigration and Customs Enforcement
DOJ	Criminal Division
	Bureau of Alcohol, Tobacco, Firearms, and Explosives
	DEA
	FBI
	U.S. Marshals Service
State	Bureau of Diplomatic Security
	Bureau of International Security and Nonproliferation
	Bureau of International Narcotics and Law Enforcement Affairs
	Office of the Coordinator for Counterterrorism
Treasury	Internal Revenue Service
	Office of Technical Assistance
USAID	Bureau of Democracy, Conflict, and Humanitarian Assistance
	Multiple regional bureaus

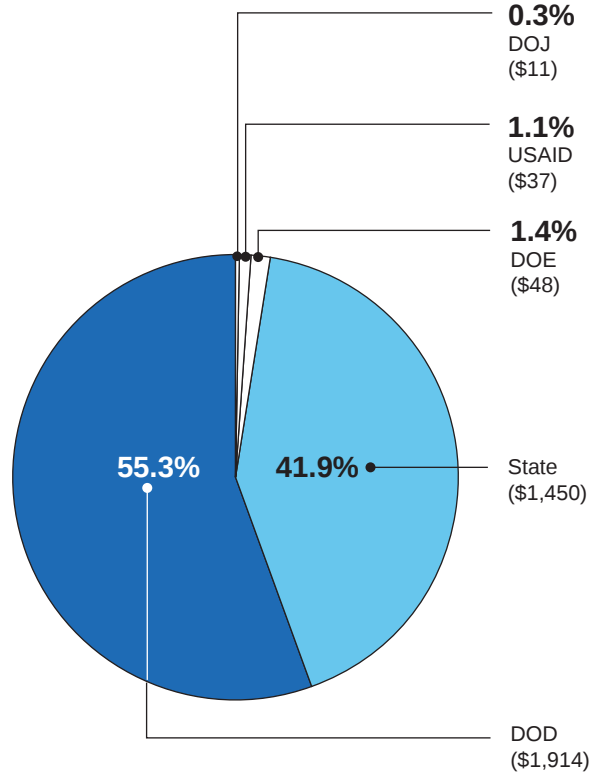
Source: GAO analysis of DOD, DOE, DOJ, State, Treasury, and USAID information.

These agencies and subunits are organized in a variety of ways to provide police assistance. At State, for example, bureaus responsible for developing and coordinating programs to support U.S. foreign-policy goals and objectives manage the assistance. State's Bureau of International Narcotics and Law Enforcement Affairs (INL) manages counternarcotics and other anticrime activities. The Bureau of Diplomatic Security implements specialized antiterrorist training in conjunction with the Office of Counterterrorism, which develops goals and objectives and establishes priorities. The Bureau of International Security and Nonproliferation leads and funds border security activities that include police assistance. Several agencies at DOJ, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the FBI, and DEA, have individual offices responsible for international training.

DOD and State Provided Almost All of the Estimated \$3.5 Billion in U.S. Funds for Police Assistance

Based on data provided primarily by State, DOD, DOE, USAID, and DOJ, we estimate the U.S. government provided about \$3.5 billion for police assistance in fiscal year 2009. DOD and State provided an estimated 97 percent, or about \$3.4 billion, of the estimated total amount (see figure 1). DOD provided an estimated \$1.9 billion, or about 55 percent of the total funds, while State provided almost \$1.5 billion, or about 42 percent of the total. DOD police assistance was supported by a combination of funds from the Afghanistan Security Forces Fund (ASFF), the Iraq Security Forces Fund (ISFF), the Pakistan Counterinsurgency Fund, and operations and maintenance funds. DOD based its funding estimates on appropriations, allotments, or obligations, depending on the source of the funds. DOD, in some cases, did not separate out police assistance that included both military and civilian police forces. State's police assistance was supported by a combination of funds from the International Narcotics Control and Law Enforcement (INCLE); the Nonproliferation, Antiterrorism, Demining, and Related Programs; and the Assistance for Eastern Europe, Eurasia, and Central Asia accounts. State based its funding estimates on appropriations data for these accounts. We excluded any infrastructure costs from the DOD and State submissions because such costs are not typical of most police-assistance activities.

Figure 1: Estimated Funding for Police Assistance by Agency, Fiscal Year 2009 (in millions)



Source: GAO analysis of DOD, State, DOE, USAID, and DOJ data.

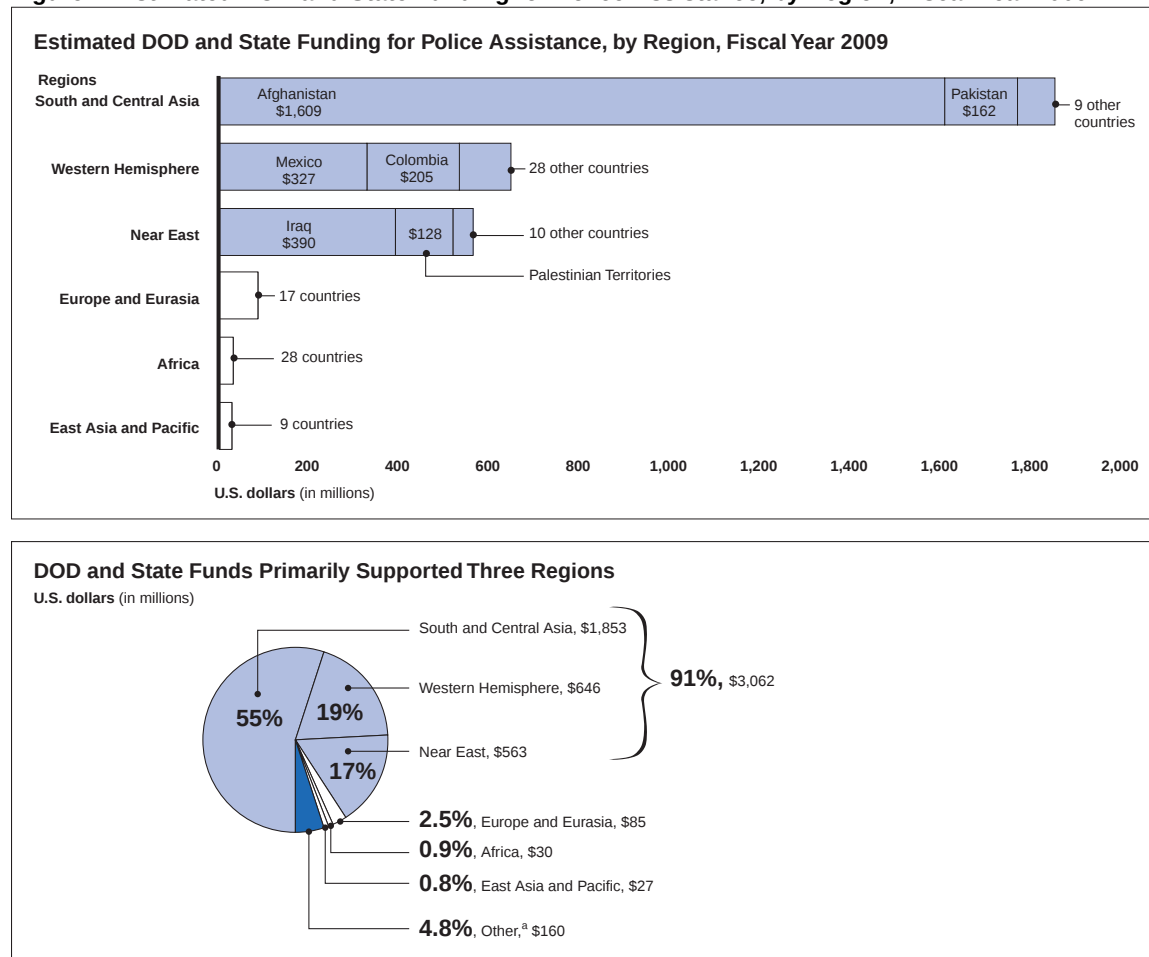
Note: Funding estimates include State appropriations, USAID allotments, DOD appropriations and obligations, and DOJ expenditures. DOD funding includes assistance provided to some military personnel. DOE reported an additional \$1.4 million not included in the DOE total in response to a comment from State.

Three other agencies—DOE, USAID, and DOJ—provided smaller amounts of funds for police assistance in fiscal year 2009.

DOD and State Funds Primarily Supported Three Regions

About \$3 billion or 91 percent of DOD and State’s estimated funds supported police assistance in three regions—South and Central Asia, the Western Hemisphere, and the Near East. Five countries and one area in the three regions—Afghanistan, Iraq, Pakistan, Mexico, Colombia, and the Palestinian Territories—received more than \$100 million each in police assistance in fiscal year 2009 (see figure 2). In South and Central Asia, Afghanistan received an estimated \$1.6 billion in police assistance from DOD and State (about 87 percent of the regional total), while Pakistan received an estimated \$162 million. In the Western Hemisphere, an estimated 82 percent of the funds supported counternarcotics missions in Mexico (\$327 million) and Colombia (\$205 million). In the Near East, Iraq and the Palestinian Territories received an estimated 92 percent of the regional total, with Iraq receiving an estimated \$390 million in police assistance and the Palestinian Territories \$128 million.

Figure 2: Estimated DOD and State Funding for Police Assistance, by Region, Fiscal Year 2009



Source: GAO analysis of DOD and State data.

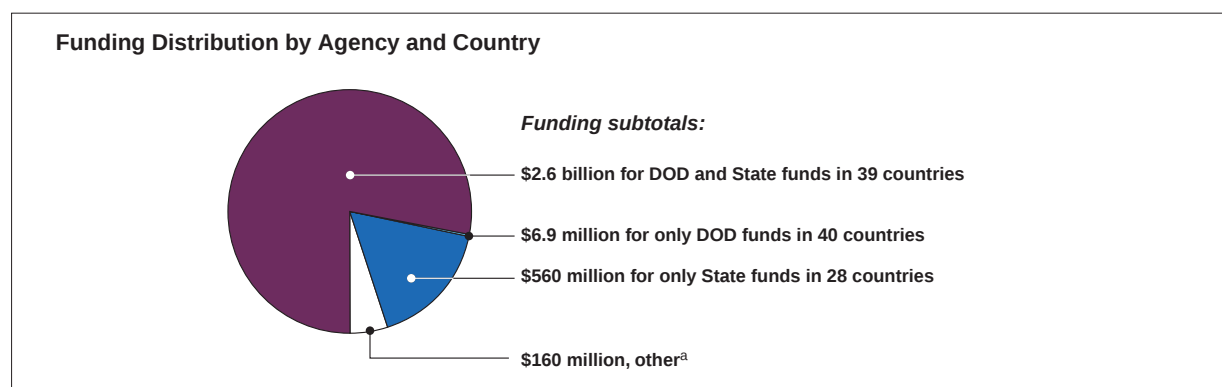
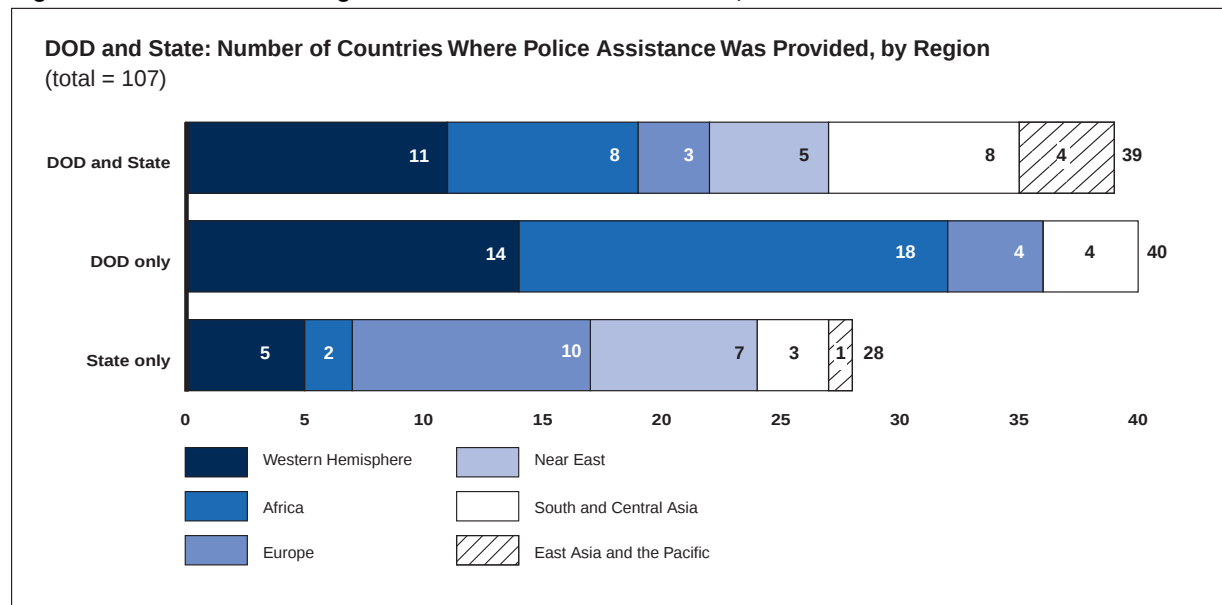
^a "Other" includes funding that supported multiple countries and regions.

DOD and State provided relatively few funds for police assistance in the remaining three regions during fiscal year 2009. For example, the agencies provided less than \$1 million per country for police assistance in 23 of the 28 recipient countries in the Africa region; 18 received under \$100,000 in assistance, primarily from DOD. Sudan received the largest amount of police assistance in Africa—an estimated \$11.1 million from State—followed by Kenya with about \$5.7 million and the Democratic Republic of the Congo with about \$4.4 million. In the Europe and Eurasia region, Kosovo, and Georgia received the largest amounts—an estimated \$34 million and about \$25.6 million, respectively. The Philippines and Indonesia received the most police assistance in the East Asia and Pacific region—an estimated \$11 million and \$10.5 million, respectively. Enclosure III provides more information on State and DOD funds by region and country.

Both DOD and State Provided Assistance to 39 Countries

Our analysis of DOD and State funding data shows that DOD and State together provided an estimated \$2.6 billion for police assistance in 39 of the 107 countries that received police assistance. In comparison, 40 countries received an estimated \$6.9 million in police assistance from DOD only, and 28 countries received an estimated \$560.4 million in assistance from State only (see figure 3).⁶ In a subsequent review, we plan to assess how the two agencies coordinate their efforts to avoid duplication and overlap.

Figure 3: Countries Receiving DOD and State Police Assistance, Fiscal Year 2009



Source: GAO analysis of DOD and State data.

^a“Other” includes funding that supported multiple countries and regions.

⁶These amounts do not include funds for State regional and global activities. Thus, they do not add up to the \$3.4 billion estimated for State and DOD.

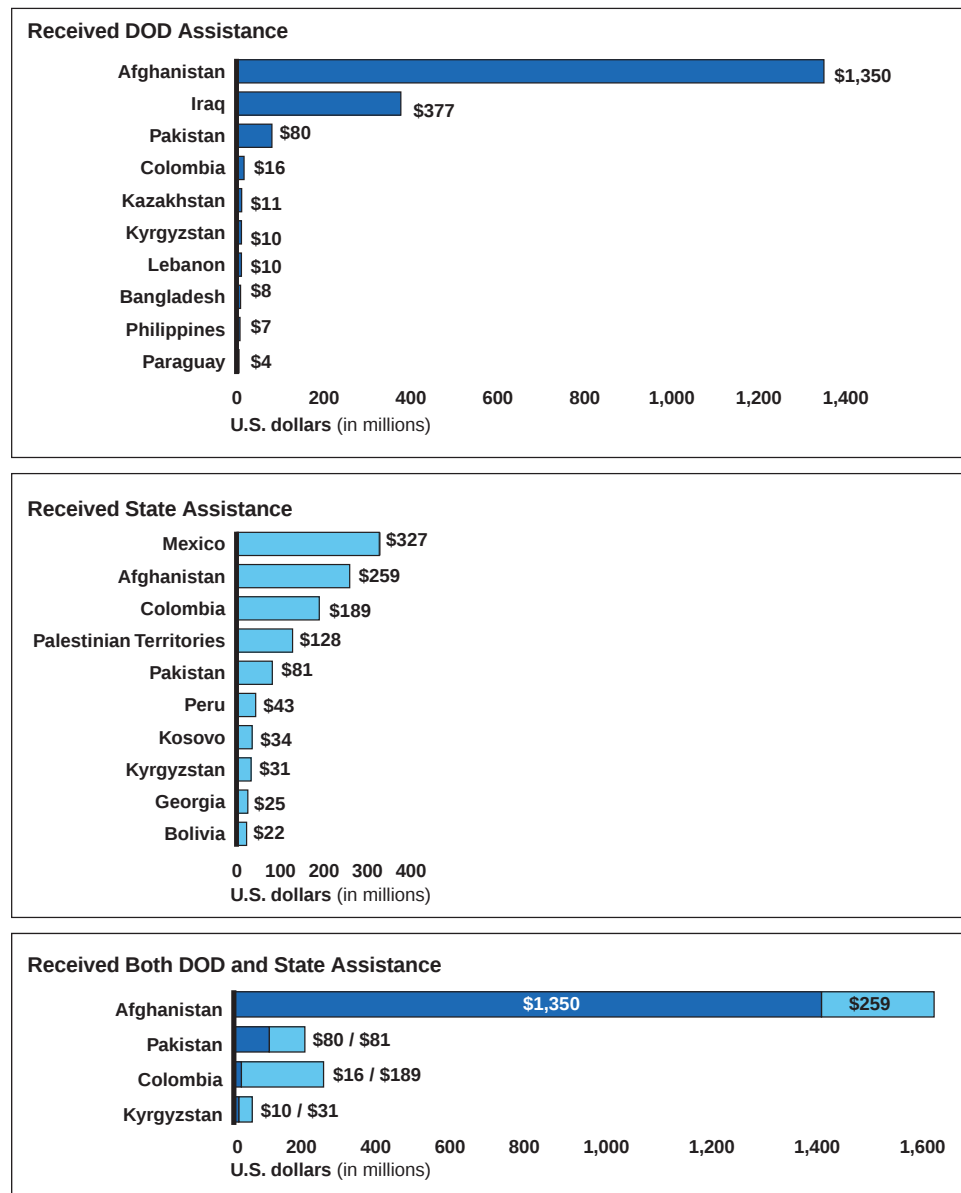
About 90 percent of DOD funds provided assistance to police forces in two countries, Afghanistan and Iraq. For Afghanistan, DOD estimated it provided about \$1.3 billion through the Afghanistan Security Forces Fund (ASFF) to train and equip the Afghan National Police to conduct and sustain independent law enforcement, counterterrorism, counterinsurgency, and counternarcotics operations. However, the majority of the funding for training, equipping, and infrastructure support for counternarcotics efforts came from the DOD counterdrug account, according to DOD officials. Activities included training police on investigating crimes, using special weapons, and operating and maintaining communications equipment. For Iraq, DOD estimated providing about \$377 million in ISFF funds to State to help Iraqi police attempt to reach minimum essential capabilities and assume responsibility for the country's internal security.⁷

In comparison, about 90 percent of State's funds supported 67 countries. Mexico and Afghanistan received the greatest amount of State assistance: an estimated \$327 million and \$259 million respectively. State INCLE funds for Mexico supported the Mérida Initiative, which delivered training and equipment to help address the problem of increasing crime and violence in Mexico and Central America. Activities included providing aircraft and boats to support interdiction efforts, and technical advice and training to strengthen the institutions of justice and law enforcement.⁸ Funds for Afghanistan were used primarily to provide training to specialized units of the Counternarcotics Police of Afghanistan to disrupt and reduce the supply of narcotics, investigate crimes, and work with prosecutors. See figure 4 for the top 10 DOD and State recipient countries.

⁷In 2011, State plans to fund and implement a police-development program in Iraq as U.S. forces draw down and, ultimately, withdraw from the country. At that time, DOD plans to discontinue funding and implementing police-assistance activities in Iraq. Under current plans, the Iraq program will be State's largest police-assistance program worldwide.

⁸GAO, *Mérida Initiative: The United States Has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures*, [GAO-10-837](#) (Washington, D.C.: July 21, 2010).

Figure 4: Top 10 Countries That Received Police Assistance From State and/or DOD, Fiscal Year 2009



Source: GAO analysis of DOD and State data.

In addition to Afghanistan, 3 of the top 10 recipients of police assistance in fiscal year 2009—Pakistan, Colombia, and Kryrgyzstan—received assistance from both DOD and State (see figure 4). State provided an estimated \$189 million and DOD provided an estimated \$16 million for police assistance in Colombia. Both agencies funded counternarcotics-related activities. DOD funded a variety of training courses, such as UH-60 flight simulation and counterdrug operations, while State provided funds for activities such as aviation training to facilitate coca-eradication programs. DOD and State provided about \$81 million and \$80 million, respectively, for Pakistan in fiscal year 2009. DOD provided counternarcotics and other training and equipment to Pakistan’s Frontier Corps. State provided training to law-enforcement units including the Frontier Corps, the

Frontier Constabulary, and the Antinarcotics Force for activities such as helping Pakistan secure its border with Afghanistan against terrorists, narcotics traffickers, and other criminal elements. For Kyrgyzstan, State provided an estimated \$31 million for security-sector reform and antiterrorism training, while DOD provided about \$10 million for counternarcotics-related communications, training, and equipment.

Three Additional Agencies Provided About 3 Percent of the Funds

Three other agencies provided about 3 percent of the estimated funds for police assistance in fiscal year 2009.

- DOE reported obligations of about \$48 million for the Second Line of Defense program, primarily through its National Nuclear Security Administration, Defense Nuclear Nonproliferation Appropriation. The Second Line of Defense Program provides nuclear detection devices and trains foreign border security and other law-enforcement officials on how to use the equipment. The Second Line of Defense program provided equipment and training to 24 participating foreign governments, as well as the Vienna International Center in Austria. Countries that signed memoranda of understanding or agreements in 2009 with the Second Line of Defense program included Bangladesh, Djibouti, Israel, Jordan, Kenya, and Poland. DOE additionally reported obligations of \$1.4 million for the International Nonproliferation Export Control Program, primarily through its Defense Nuclear Nonproliferation Appropriation. This program works in coordination with and is partially funded by State. DOE partners with foreign governments to train customs inspectors and other enforcement officials to recognize dual-use commodities used to manufacture weapons of mass destruction and their delivery systems in order to prevent illicit smuggling. During 2009, DOE collaborated with 35 countries including China, South Africa, and Ukraine through this program.
- USAID reported using an estimated \$37 million in Economic Support Funds and Development Assistance funds for civilian police training. Police-assistance activities in 2009 included training the Colombian National Police to prevent and respond to human-rights violations; training the police and local communities in Guatemala to work together to prevent crime; and working with Mexican law-enforcement agencies to establish restitution services for victims; and, in conjunction with the U.S. Marshals Service, train law-enforcement agencies to protect witnesses.
- DOJ reported using funds for police-assistance activities. For example, the FBI estimated expenditures of about \$11 million in fiscal year 2009 for a variety of training activities, including classes offered in Islamabad, Pakistan; Abuja, Nigeria; Santiago, Chile; and Quantico, Virginia; to teach foreign police how to investigate terrorist crime scenes. DOJ also received about \$39 million from State's INL Bureau for the International Criminal Investigative Training Assistance Program (ICITAP). ICITAP works in partnership with State and

other agencies to develop professional and accountable law-enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism. ICITAP focuses on police, forensics, corrections, and border security development.

- Two other agencies—DHS and Treasury—received funds primarily from State to provide police assistance. For example, State’s INL Bureau provided about \$6 million to DHS and about \$600,000 to Treasury in fiscal year 2009 for activities such as providing training at the International Law Enforcement Academies (ILEA) in Budapest, Hungary; Bangkok, Thailand; Gaborone, Botswana; San Salvador, El Salvador; and Roswell, New Mexico. The ILEAs received about \$16 million from State to provide training to mid-level and senior law-enforcement officers selected by the U.S. embassies. Classes were provided in three categories: general training classes of 6 to 8 weeks, shorter classes to enhance skills on specialized topics, and seminars and conferences. Instructors from participating U.S. agencies traveled to the ILEAs to provide the training. Treasury’s Office of Technical Assistance also used its own appropriated funds to support technical assistance provided to law-enforcement units and personnel, but could not easily determine exactly how much was provided for such assistance because its accounting systems do not track funds at that level of detail.

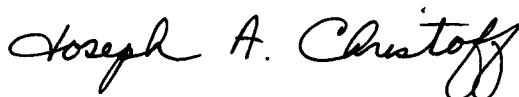
Agency Comments

We provided a draft of this correspondence to State, DOD, USAID, DOE, DOJ, DHS, and Treasury. The agencies provided technical comments, which we have incorporated into the report as appropriate.

We are sending copies of this correspondence to the Secretaries of State, Defense, Energy, Homeland Security, and the Treasury; the Attorney General; and the Administrator of USAID. In addition, the report will be available at no charge on GAO’s Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8979 or christoffj@gao.gov. Contact points for our offices of Congressional Relations and Public Affairs may be found on the last page of the report. GAO staff who made major contributions to this report are listed in enclosure IV.

Sincerely yours,



Joseph A. Christoff
Director, International Affairs and Trade

Scope and Methodology

To identify U.S. agencies that trained and equipped foreign police forces in fiscal year 2009, we reviewed past GAO reports, relevant legislation, and agency Web sites. To identify U.S.-government funding for foreign police training and equipment activities, we examined relevant legislation and congressional budget submissions, including the Department of State's (State) Bureau of International Narcotics and Law Enforcement Affairs' (INL) program and budget guides for fiscal years 2008 through 2010, the Afghanistan Security Forces Fund (ASFF) fiscal year 2011 congressional budget justification, and the Iraq Security Forces Fund (ISFF) fiscal year 2011 congressional budget justification, and other budget documents. To identify countries and examples of police assistance, we reviewed congressional budget justifications, other budget documents, agency annual reports, interagency agreements, and other program documents. We also interviewed officials of the Departments of Defense (DOD), State, Energy (DOE), Justice (DOJ), Homeland Security (DHS), and the U.S. Agency for International Development (USAID). We focused on fiscal year 2009 because of the challenges in obtaining comparable funding data from the agencies for other years.

Because agencies did not have a common definition of police training, we worked with State officials to develop a common definition. We defined police training and equipment activities (which we referred to as "police assistance") as all training—regardless of its content and equipment—provided to law-enforcement units or personnel with arrest, investigative, or interdiction authority. Using this definition, INL analyzed appropriations data reported in its annual program and budget guides to identify funding for police-assistance activities that fit our definition. The funding data covered all country programs funded through the International Narcotics Control and Law Enforcement (INCLE) account directed to law enforcement, stabilization operations, counternarcotics, border control, and transnational crime. State also used the definition to identify police assistance funded through other foreign-assistance accounts. State analyzed appropriations-funding data from the Foreign Assistance Coordination and Tracking System (FACTS) database, which tracks data on U.S. foreign-assistance programs. Funding information was provided for the Assistance to Europe, Eurasia, and Central Europe account and the Nonproliferation, Antiterrorism, Demining, and Related Activities account. We reviewed the State data for reasonableness; questioned State officials about their methodology; reviewed the program and budget guides as well as other GAO reports that used the same data sources; and discussed data reliability with agency officials. We determined that the data were sufficiently reliable for our purposes. We combined the data from the various funding accounts to derive the State total. The State data included funding provided to DOJ, DHS, and Treasury. It excluded funding provided to State from other agencies. We excluded any infrastructure costs because such costs are not typical of most police-assistance activities.

Officials from the Office of the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD-CN>) provided information on

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DOD police assistance using the definition we developed with State. DASD-CN> has oversight of program funding and obligations through a Web-based database. However, specific funds for police assistance are managed at the Combatant Command level. The data DOD provided included obligations data by combatant commands for training, equipment, and equipment maintenance. Using our definition, DOD's Defense Threat Reduction Agency (DTRA) provided funding data based on obligations from DOD's operations and maintenance account. In addition, we analyzed allotment data supplied by the Assistant Secretary of Defense for Special Operations, Low Intensity Conflict, and Interdependent Capabilities for a previous GAO review of the 1206/1207 program to identify funding from the 1207 program for police assistance.¹ The 1207 funds were based on allotments from the operations and maintenance account. We also obtained funding data based on appropriations for Afghanistan and Iraq from ASFF and ISFF congressional budget justifications. Further, we obtained funding data based on allotments for police assistance for Pakistan from various budget documents and funding information provided for another GAO review. We combined data from all funding sources to derive the DOD total. We included funding for equipment and transportation, training and operations, and sustainment. We excluded any infrastructure costs because such costs are not typical of most police-assistance activities. We reviewed the DOD data for reasonableness and questioned DOD officials about their methodology and the reliability of the data. Some of the data included both military and civilian police personnel, which might result in overestimating DOD funding. However, any effect would be relatively minor because the majority of DOD funds (over 80 percent) were provided through ASFF and ISFF, which separates funds provided to military and civilian personnel. We determined that the data were sufficiently reliable for our purposes.

DOE's National Nuclear Security Administration (NNSA) provided obligations-funding data for police assistance for fiscal year 2009 in response to our request for funding data based on our definition. An NNSA official stated that recipients of some of the training NNSA provides would have some, but not all, of the authorities specified in our definition.

USAID reviewed the FACTS database by program element to identify programs that might have a civilian policing component. USAID then consulted with its geographic bureaus and its overseas missions to obtain detailed data not available at headquarters. USAID provided us with funding data based on allotments for activities that included civilian police training. We reviewed the data for reasonableness and discussed its reliability with agency officials. We determined

¹Sections 1206 and 1207 of the fiscal year 2006 National Defense Authorization Act created funding authorities for DOD to formulate and implement security assistance programs jointly with State. GAO, *International Security: DOD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs*, [GAO-10-431](#) (Washington, D.C.: Apr. 12, 2010).

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that the data were sufficiently reliable for our purposes. We excluded programs that did not meet our definition, such as judicial exchanges.

For DOJ, we used funding data provided by the Federal Bureau of Investigation (FBI). The FBI provided funding data using the following definition to identify police assistance: any activity, including the provision of equipment in association therewith, that is intended to develop or enhance foreign law-enforcement capabilities to prevent, deter, detect, investigate, or respond to criminal or terrorist acts or support public safety and security. Such training occurs both in the United States and abroad. FBI officials explained that our definition would exclude some types of law-enforcement personnel, such as crime-lab technicians, who do not have arrest authority and that they could not isolate such individuals from their submission. The FBI provided data on expended funds based on its definition. We reviewed the data for reasonableness. We determined that the data were sufficiently reliable for our purposes.

We combined the funding data provided by DOE, DOD, DOJ, State, and USAID to obtain total U.S.-government funding. The amounts are estimates because, according to agency officials, police training and equipping is not generally a category the agencies use to track funding. In addition, to estimate funding for all elements of police training, the agencies had to rely on appropriations, allotments, and obligations data. However, based on our review of the data and discussions with agency officials, we determined that the data were sufficiently reliable for a broad estimate of U.S. government funding.

We conducted our work in Washington, D.C., from December 2009 to April 2011 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions.

Enclosure II

Authorities Used by Agencies for Police Assistance, Fiscal Year 2009

Agencies reported using a variety of legal authorities to provide police assistance in fiscal year 2009. Some of these authorities are contained in permanent legislation and continue in their current form year to year unless they are amended or repealed. For example, in 1974, Congress added section 660 to the Foreign Assistance Act (FAA), which generally prohibits U.S. agencies from using funds made available to carry out that Act to provide training or advice, or provide any financial support for a foreign government's police, prisons, or other law-enforcement forces, though it includes certain exceptions such as activity of the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI) related to crimes of the nature of which are unlawful in the United States.¹ Agencies use other authorities which appear in annual appropriations that generally expire at the end of the fiscal year and must be renewed in subsequent appropriations if they are to continue. For example, the Department of Defense's (DOD) largest efforts to assist police in Afghanistan and Iraq were carried out under the authorities granted in appropriations provisions that funded the Iraq Security Forces Fund (ISFF) and the Afghanistan Security Forces Fund (ASFF). Below are some examples of the different legal authorities under which agencies provided police assistance in fiscal year 2009.

Department of State

Different bureaus in the Department of State (State) carry out police assistance under different authorities. For example, according to INL officials, in conducting its programs in 2009, State's Bureau for International Narcotics and Law Enforcement Affairs (INL) carried out its mission under authorities in Chapter 8 of the Foreign Assistance Act,² as amended, which among other things, authorizes the provision of law-enforcement training. In addition to other laws that also authorize INL's programs to assist foreign police, such as the Narcotics Control Trade Act and the Arms Export Control Act, INL also relies on certain legislative authority referred to as "notwithstanding" authority, to overcome the general prohibition to police training found in section 660 of the FAA.³

Department of Defense

According to DOD officials, the department provides police training around the world through a variety of authorities. For example, it carried out its program in 2009 to assist police forces in Afghanistan under authority contained in the

¹22 U.S.C. § 2420.

²Pub. Law No. 87-195, as amended.

³See 22 U.S.C. § 2291(a)(4).

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Supplemental Appropriations Act of 2009.⁴ This Act provided appropriations for ASFF, in part, to provide assistance to the security forces of Afghanistan, including the provision of equipment and training. The 2009 Supplemental Appropriations Act also gave DOD authority in the Pakistan Counterinsurgency Fund appropriation to provide assistance to the Pakistan security forces, which included the provisions of equipment and training.

DOD also provided police assistance in Pakistan in 2009 under authority given to DOD in the National Defense Authorization Act (NDAA) for Fiscal Year 2008,⁵ as amended. This authority allows DOD to use up to \$25 million of funds available to DOD for operation and maintenance in fiscal year 2009 to provide assistance to enhance the ability of the Pakistan Frontier Corps to conduct counterterrorism operations along the Pakistan-Afghanistan border. According to DOD documents, DOD used this authority to provide police assistance to the Pakistan Frontier Corps Authority for counterterrorism operations. In addition, DOD officials stated they carried out police assistance under other authorities contained in various NDAA's. For example, section 1004 of the NDAA for Fiscal Year 1991, as amended, authorizes DOD to provide support for the counterdrug activities of foreign law-enforcement agencies for purposes including counterdrug training of foreign law-enforcement personnel, if requested by an appropriate official of a federal agency with counterdrug responsibilities.⁶ In addition, section 1033 of the NDAA for Fiscal Year 1998, as amended, authorizes DOD to provide additional support for counterdrug activities to specified countries.⁷ Similarly, according to DOD officials, they have provided police assistance under the authority provided in section 1022 of the NDAA for Fiscal Year 2004, as amended, which allows DOD joint task forces that provide support to law-enforcement agencies conducting counterdrug activities to provide support to law-enforcement agencies conducting counterterrorism activities.⁸

U.S. Agency for International Development

According to U.S. Agency for International Development (USAID) officials, for 2009 programs, USAID used three different authorities to carry out police assistance. USAID used the authority in section 7047 of the Omnibus Appropriations Act, 2009,⁹ for community-based police assistance. This provision

⁴Pub. Law No. 111-32.

⁵See Section 1206 of Pub. Law No. 110-181, as amended by Section 1201 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Pub. Law No. 110-417.

⁶Pub. Law No. 101-510, as amended.

⁷Pub. Law No. 105-85, as amended.

⁸Pub. Law No. 108-136, as amended.

⁹Pub. Law No. 111-8.

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authorized the use of certain funds made available under the Act, notwithstanding section 660 of the FAA, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in areas such as human rights and the rule of law. In addition, USAID carried out programs under authority given in the Democracy Fund appropriation in the same 2009 Omnibus Appropriations Act, which allowed that funds appropriated by that Act that were made available for the promotion of democracy may be made available, notwithstanding any other provision of law. USAID also carried out a program in Colombia, in part, under authority granted in the FAA which authorizes the President to furnish assistance to any country, notwithstanding any other provision of law, for the control of narcotic and psychotropic drugs and other controlled substances or for other anticrime purposes.¹⁰

Federal Bureau of Investigation

According to FBI officials, when the FBI conducts foreign law-enforcement training using its own appropriations in furtherance of its mission to detect, investigate, and prosecute crimes against the United States, that training is provided under 28 U.S.C. § 533. However, when the FBI conducts foreign law-enforcement training on a reimbursable basis, where State or DOD is providing the funding, it provides such training under the authorities of those agencies. The FBI's authority to enter into reimbursable transactions with State is found in the FAA.¹¹ According to the FBI, when it provides training for DOD, its authority to obtain reimbursement for such services is in the Economy Act, 31 U.S.C. § 1535.

¹⁰22 U.S.C. § 2291(a)(4).

¹¹See 22 U.S.C. § 2392.

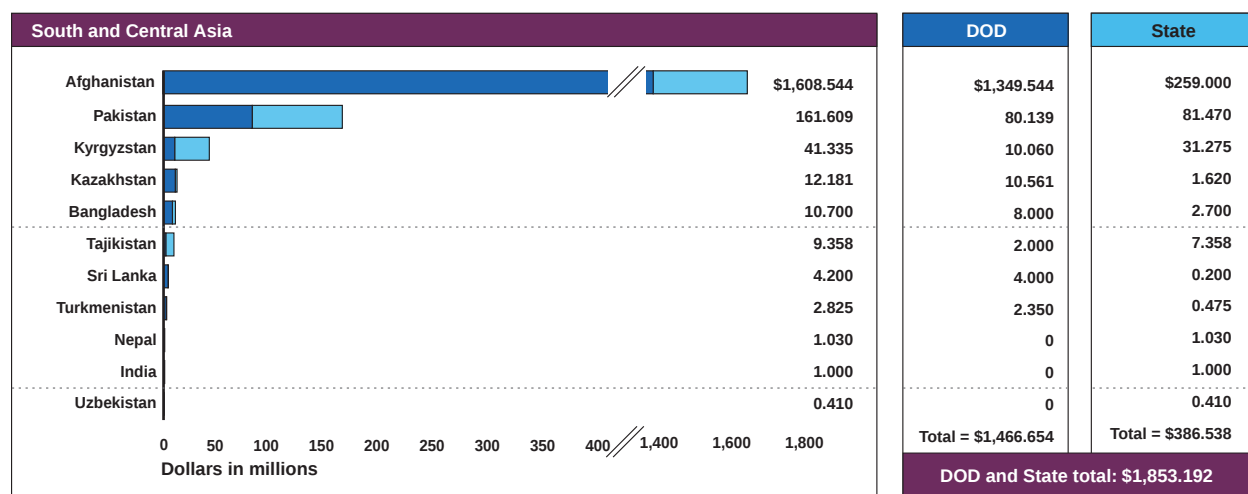
Enclosure III

DOD and State Funding for Police Assistance, by Region and Country, Fiscal Year 2009

This enclosure provides information on DOD and State funding for police-assistance activities during fiscal year 2009, by region and country. DOD and State funds comprised about 97 percent of all U.S. funds for these purposes.¹ We did not include funds for other agencies because agencies did not always provide information by country.

Our analysis of DOD and State data shows that both DOD and State funded police-assistance activities in 8 of 11 recipient countries in the South and Central Asia region, while State alone provided assistance in 3 other countries (see figure 5). Two countries in this region—Afghanistan and Pakistan—received more than \$100 million in police assistance, 8 received from about \$1 million to \$100 million each in assistance, and 1 country received less than \$1 million.

Figure 5: Estimated DOD and State Funding for Police Assistance in South and Central Asia, by Country, Fiscal Year 2009



Source: GAO analysis of DOD and State data.

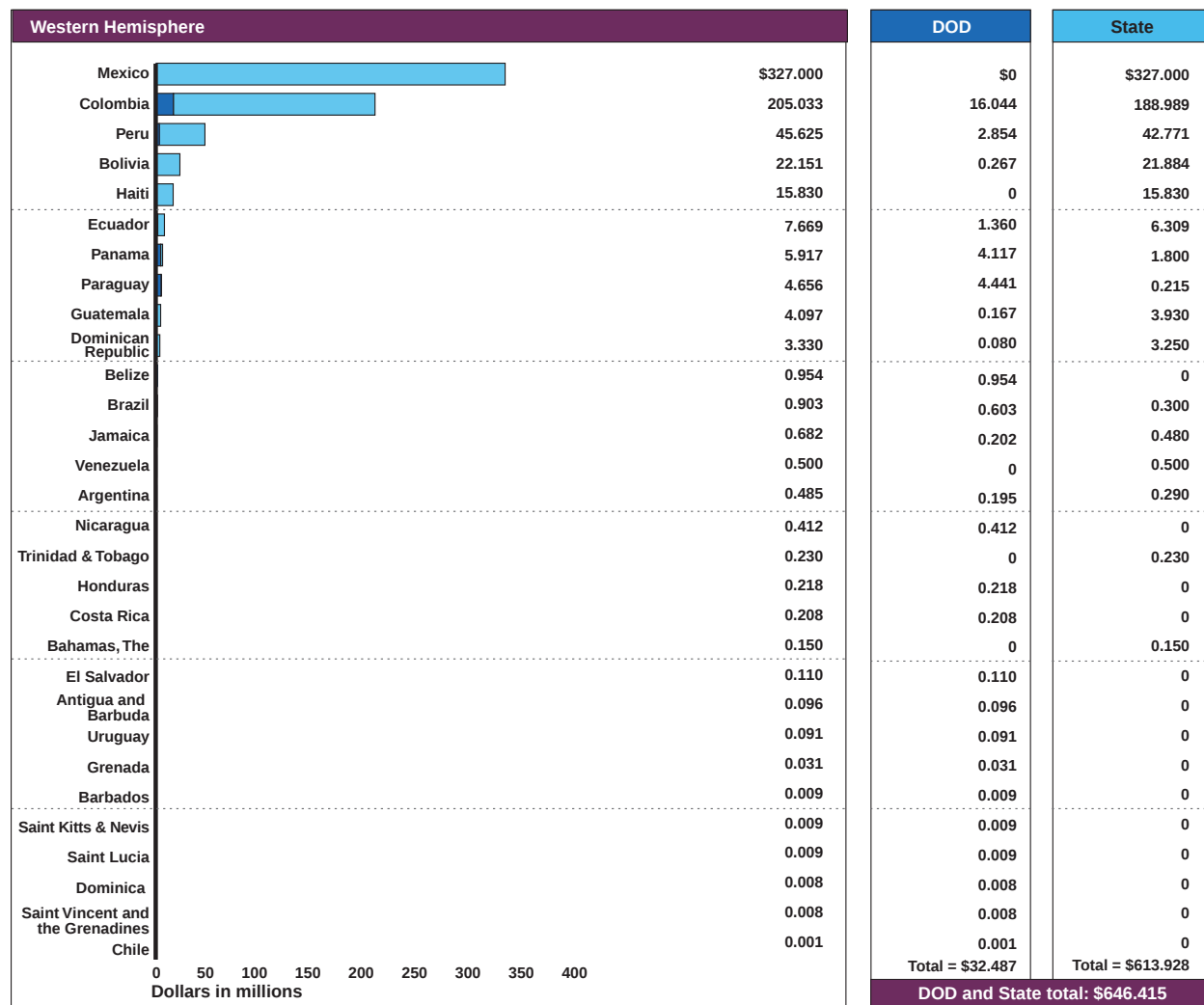
Note: Totals may not sum due to rounding.

Figure 6 shows that both DOD and State funded police-assistance activities in 11 of the 30 recipient countries in the Western Hemisphere. DOD alone provided funding for assistance in 14 countries, while State alone provided assistance in 5 countries. Two countries in this region—Mexico and Colombia—received more than \$100 million in police assistance. Eight countries received from about \$1 million to \$100 million each in police assistance, and 20 countries received less than \$1 million each in assistance.

¹Fiscal year 2009 funds included appropriations, allotments, obligations, and expenditures.

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Figure 6: Estimated DOD and State Funding for Police Assistance in the Western Hemisphere, by Country, Fiscal Year 2009



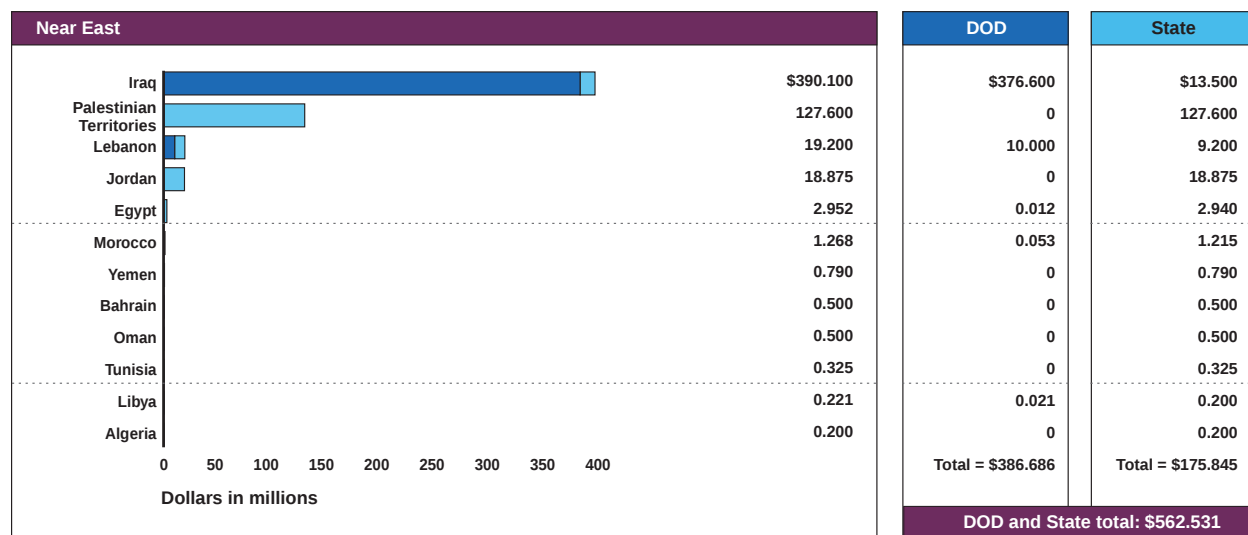
Source: GAO analysis of DOD and State data.

Note: Totals may not sum due to rounding.

As shown in Figure 7, both DOD and State funded police-assistance activities in 5 of the 12 recipient countries in the Near East, while 7 countries received assistance from State alone. One country and one area in this region—Iraq and the Palestinian Territories—received more than \$100 million each in police assistance, 4 countries received from about \$1 million to \$100 million each in assistance, and 6 countries received less than \$1 million each in assistance.

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Figure 7: Estimated DOD and State Funding for Police Assistance in the Near East, by Country, Fiscal Year 2009



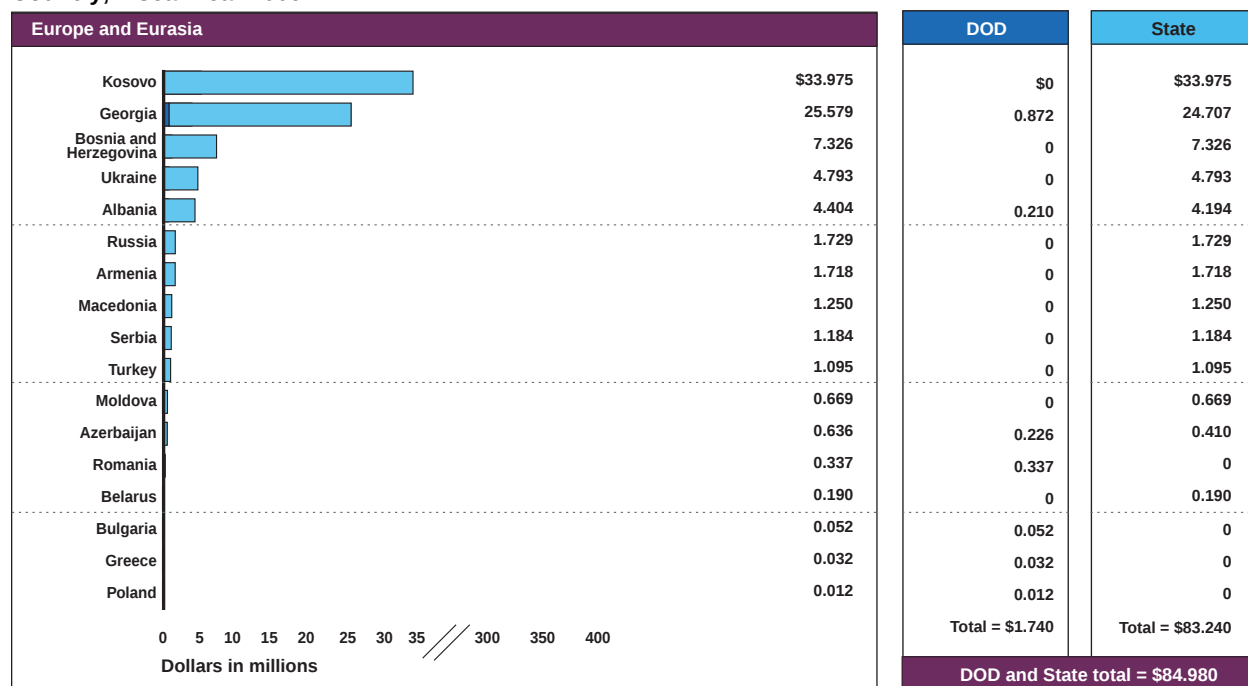
Source: GAO analysis of DOD and State data.

Note: Totals may not sum due to rounding.

Figure 8 shows that both DOD and State provided police assistance in 3 of the 17 recipient countries in Europe and Eurasia. DOD alone provided police assistance to 4 countries, while State alone provided assistance to 10 countries. Ten countries in this region received from about \$1 million to \$35 million each in police assistance, and 7 countries received less than \$1 million each.

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Figure 8: Estimated DOD and State Funding for Police Assistance in Europe and Eurasia, by Country, Fiscal Year 2009



Source: GAO analysis of DOD and State data.

Note: Totals may not sum due to rounding.

As shown in figure 9, both DOD and State provided police assistance in 8 of the 28 recipient countries in Africa. DOD alone provided assistance in 18 countries, while State alone provided assistance in 2 countries. Five countries in this region received from about \$1 million to slightly more than \$11 million each in police assistance; 5 countries received from about \$100,000 to \$1 million each in assistance; and 18 countries received less than \$100,000 each.

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Figure 9: Estimated DOD and State Funding for Police Assistance in Africa, by Country, Fiscal Year 2009

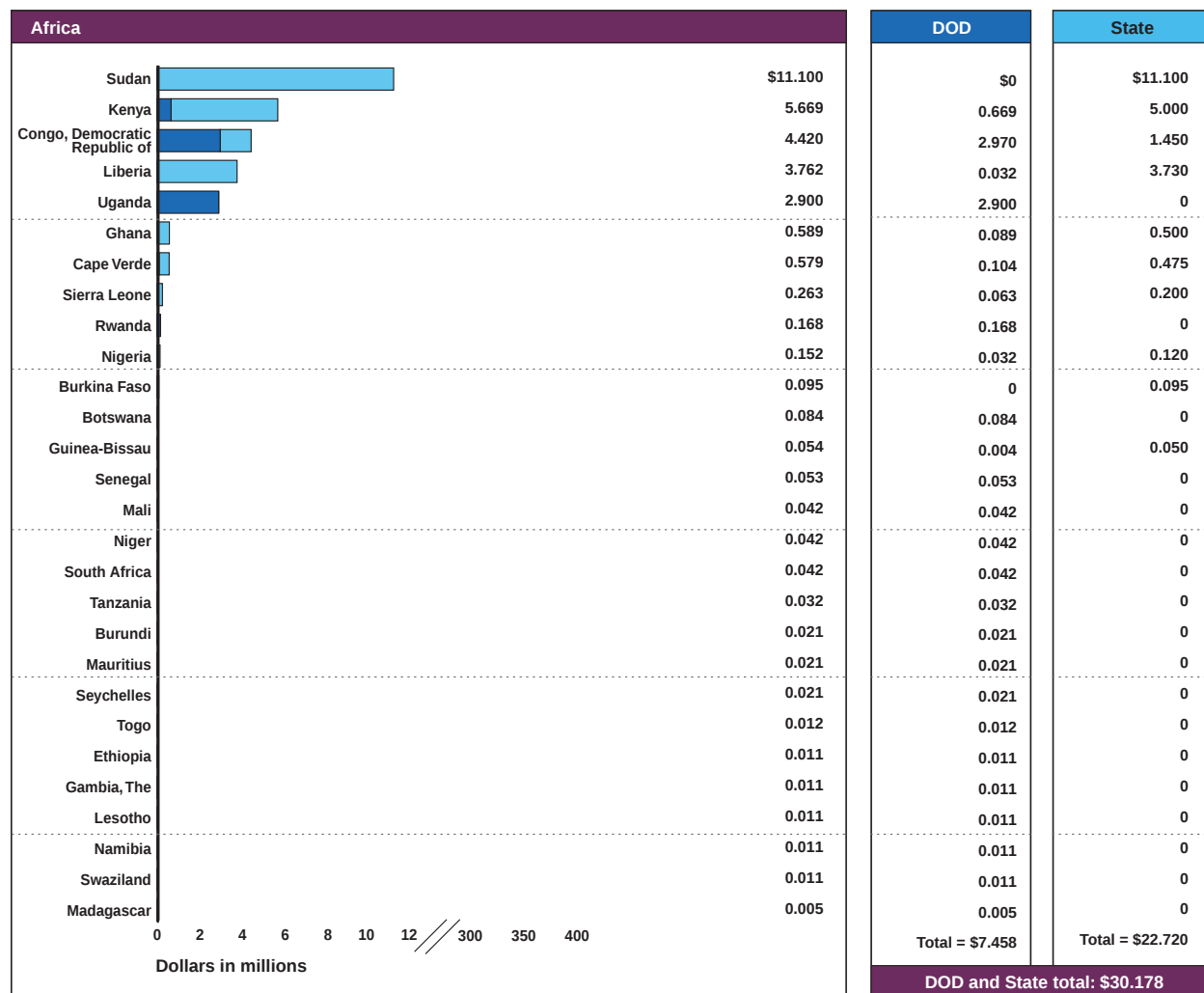
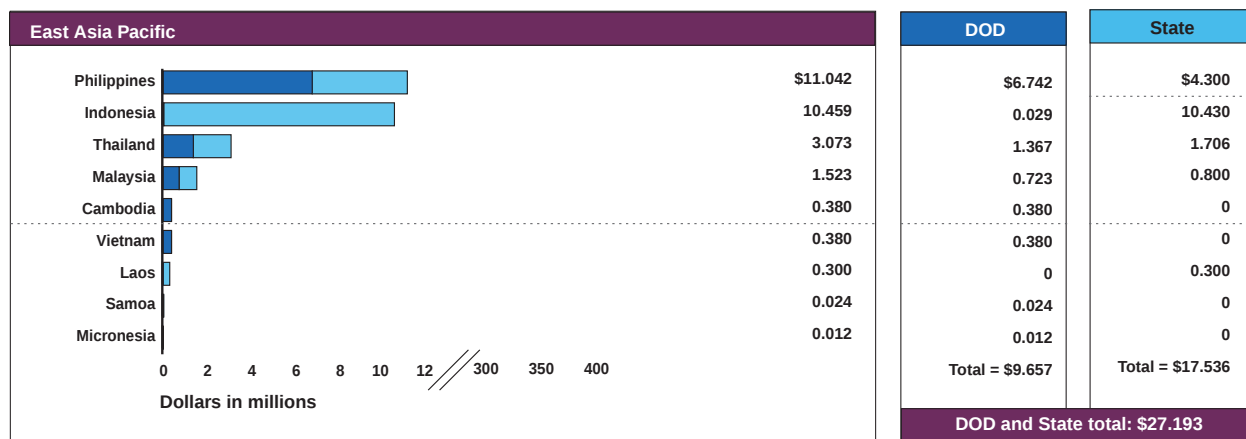


Figure 10 shows that both DOD and State provided police assistance in 4 of the 9 recipient countries in East Asia and the Pacific. DOD alone provided assistance in 4 countries, while State alone provided assistance in 1 country. Four countries in this region received from about \$1 million to slightly more than \$11 million each in assistance; 3 countries received from about \$100,000 to \$1 million each; and 2 countries received less than \$100,000 each.

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Figure 10: Estimated DOD and State Funding for Police Assistance in East Asia and the Pacific, by Country, Fiscal Year 2009



Source: GAO analysis of DOD and State data.

Note: Totals may not sum due to rounding.

Enclosure IV

GAO Contact and Staff Acknowledgments

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