

Congress of the United States
House of Representatives
Washington, DC 20515-5401

October 24, 2014

The Hon. Alejandro Mayorkas
Deputy Secretary
U.S. Department of Homeland Security
Nebraska Avenue Center, NW
Washington, DC 20528

Admiral Paul F. Zukunft
Commandant
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593

Rear Admiral Stephen E. Mehling
U.S. Coast Guard
Director
Joint Interagency Task Force South
Building 4180 Truman Annex
Key West, FL 33040

Rear Admiral John H. Korn
Commander
U.S. Coast Guard, Seventh District
Brickell Plaza Federal
909 SE 1st Avenue
Miami, FL 33131

Dear Deputy Secretary Mayorkas, Admiral Zukunft, Rear Admiral Mehling, and Rear Admiral Korn:

As a follow-up to the telephone call I recently held with Deputy Secretary Mayorkas, I write regarding U.S. Coast Guard counter-drug operations in the maritime area of Puerto Rico and the U.S. Virgin Islands. The purpose of this letter is twofold. First, I want to acknowledge that, over the last several years, the U.S. Coast Guard has substantially increased the number of hours its vessels and aircraft have spent conducting drug interdiction operations around Puerto Rico and the U.S. Virgin Islands. Second, I want to urge the Coast Guard to further strengthen these efforts, which are having a demonstrably positive effect in the two U.S. territories and are justified from a broader homeland security perspective. Such action would be consistent with recent congressional directives.¹ I will highlight a few specific areas where I believe the Coast Guard can do more.

¹ See, e.g., Joint Explanatory Statement to *Consolidated Appropriations Act, 2014* (P.L. 113-76) (stating that “there are significant concerns about public safety and security in the Caribbean” and that the DHS Secretary “shall allocate resources, assets, and personnel to Puerto Rico and the U.S. Virgin Islands in a manner and to a degree consistent with those concerns”); House Report accompanying H.R. 4903, the *Department of Homeland Security Appropriations Bill, 2015* (stating that recent “surge operations” by DHS in Puerto Rico and the U.S. Virgin Islands “should be replicated, as necessary” and directing the DHS Secretary to report “on the Department’s plans to address operational needs in the source and transit zones and throughout the Caribbean basin, specifically in and around Puerto Rico and the U.S. Virgin Islands, either as part of surge operations or on a more permanent basis”).

First, it is important to recognize—and express appreciation for—the progress that has been made to date. A June 2014 report by the U.S. Government Accountability Office, which I and other Members of Congress requested, confirms that the Coast Guard is now allocating a level of resources to Puerto Rico and the U.S. Virgin Islands that is more in line with the scope and severity of the threat confronting these two jurisdictions.² The GAO report states:

Beginning in September 2012, the Coast Guard implemented a surge operation to provide additional vessels and aircraft to regularly patrol Puerto Rico and the U.S. Virgin Islands. According to Coast Guard officials, the increased vessel and aircraft deployments have since become the new baseline level of resources to be provided for drug interdiction operations there. According to Coast Guard data, the number of vessel hours spent conducting drug interdiction operations in these territories more than tripled from fiscal years 2009 through 2013. Similarly, the number of maritime patrol aircraft hours spent conducting drug interdiction operations in the territories increased—from about 150 flight hours in fiscal year 2011 to about 1,000 hours in fiscal year 2013.

These enhanced efforts by the Coast Guard, together with new actions taken by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the U.S. Transportation Security Administration, have had an extraordinary impact.³

The best evidence is the reduction in the annual number of homicides in Puerto Rico, most of which have historically been linked to the narcotics trade.⁴ The year 2011 was the most violent on record. There were 1,136 murders, a rate of nearly 31 per 100,000 residents. Meanwhile, the U.S. national average was 4.8 per 100,000 residents. No U.S. state or the District of Columbia had a homicide rate that came close to that of Puerto Rico. In the U.S. Virgin Islands, there were 45 murders per 100,000 residents in 2011, which is comparable to the most violent U.S. cities.

By comparison, as of October 23rd, there have been 539 homicides in Puerto Rico in 2014. Unless there is a major uptick in violence in the remaining two months of the year, it can be expected that there will be approximately 665 homicides in Puerto Rico by the end of 2014. That would be a 40 percent reduction versus 2011 (1,136 homicides), a 32 percent reduction versus 2012 (978 homicides), and a 25 percent reduction versus 2013 (883 homicides). This would roughly equate to 18 murders per 100,000 residents, down from 31 per 100,000 in 2011, 27 per 100,000 in 2012, and 24 per 100,000 in 2013. While a vast improvement over previous

² See U.S. Government Accountability Office, “Resources Provided for Drug Interdiction Operations in the Transit Zone, Puerto Rico, and the U.S. Virgin Islands,” GAO-14-527 (June 16, 2014), *available at* <http://www.gao.gov/products/GAO-14-527>.

³ For a list of some of the steps that these DHS component agencies have taken since late 2012 to reduce the flow of illegal drugs, weapons and money to and from Puerto Rico and the U.S. Virgin Islands, *see* GAO Report, at page 37 (Appendix II).

⁴ See Puerto Rico/U.S. Virgin Islands High Intensity Drug Trafficking Area (HIDTA), Drug Market Analysis 2011 (September 2011), at page 4, *available at* [http://www.justice.gov/archive/ndic/dmas/PR-VI_DMA-2011\(U\).pdf](http://www.justice.gov/archive/ndic/dmas/PR-VI_DMA-2011(U).pdf). I should note my concern that this market analysis has not been updated by the U.S. Department of Justice or the HIDTA since September 2011, over three years ago.

years, Puerto Rico's 2014 murder rate would still far exceed that of any state or DC, averaging nearly two homicides a day.

As I indicated to DHS Secretary Jeh Johnson when he testified before the House Judiciary Committee on May 29th, now is the time for the Department and its component agencies to reinforce their efforts, not to relent. The recent gains we have witnessed can be lost just as quickly as they were won unless the federal government sustains and, as appropriate, strengthens its efforts.

Background

As you are aware, the Coast Guard's Eleventh District—headquartered in Alameda, California—is responsible for counter-drug operations in the eastern Pacific, while the Coast Guard's Seventh District—headquartered in Miami, Florida—is responsible for counter-drug operations in the western Caribbean, the central Caribbean (which includes the Dominican Republic), and the eastern Caribbean (which includes Puerto Rico and the U.S. Virgin Islands). The Seventh District consists of six sectors: Sector Charleston (SC), Sector Jacksonville (FL), Sector Key West (FL), Sector Miami (FL), Sector St. Petersburg (FL), and Sector San Juan (PR), whose area of responsibility includes Puerto Rico and the U.S. Virgin Islands.

As reported by GAO, according to the federal government's Consolidated Counterdrug Database (CCDB), most of the cocaine smuggled from South America to the United States through the Western Hemisphere transit zone is transported on non-commercial maritime vessels, such as speedboats and fishing vessels.

In Fiscal Year 2013, about 84 percent of the cocaine smuggled through the transit zone was transported into Mexico via the eastern Pacific route (48 percent) and the western Caribbean route (36 percent), whereupon it is typically transported to the continental U.S. by land and other means. The balance—16 percent—was transported via the central Caribbean route (12 percent) and the eastern Caribbean route (4 percent, about 3 percent of which went through Puerto Rico and the U.S. Virgin Islands). It is important to note that, according to federal officials, this 16 percent is roughly double the percentage of U.S.-bound cocaine that was transported via the central and eastern Caribbean just one year earlier, in Fiscal Year 2012.⁵

In short, the central and eastern parts of the Caribbean are becoming increasingly attractive transit zones for drug trafficking organizations. Puerto Rico, in particular, is enticing for traffickers because it is close to source countries in South America and within the U.S. customs zone. Federal officials report that much of the cocaine now smuggled into Puerto Rico is in the form of large primary shipments transported directly from South America, rather than smaller secondary shipments transported to other jurisdictions in the transit zone and then to Puerto Rico. According to GAO's analysis of CCDB, cocaine flows into Puerto Rico and the U.S. Virgin

⁵ See Ezra Fieser, "DEA: Drug Trafficking Doubles in Caribbean," *Miami Herald* (October 3, 2013); see also Lizette Alvarez, "In Puerto Rico, Cocaine Gains Access to U.S.," *New York Times* (May 29, 2014) ("The sharp increase in the drug trade here [in Puerto Rico] is a sign of shifting patterns by traffickers in Colombia and Venezuela who are looking for new ways to import cocaine into the United States.").

Islands nearly tripled between Fiscal Year 2009 and Fiscal Year 2013, from 6.4 metric tons to 17.3 metric tons—14.9 metric tons (86 percent) of which were from primary shipments. It is reasonable to expect that these figures will experience further increases in future years.

With this as backdrop, I would like to ask questions and raise concerns related to (1) the Coast Guard's deployment of maritime vessels to Sector San Juan, (2) its deployment of patrol aircraft to Sector San Juan, and (3) its process for allocating drug interdiction resources to the Joint Interagency Task Force South (JIATF-South), a unit of U.S. Southern Command that oversees counter-drug operations in the Western Hemisphere transit zone.

Maritime Vessels

I am gratified that the total amount of vessel hours in support of counter-drug operations in Sector San Juan more than tripled between Fiscal Year 2009 (2,051 hours) and Fiscal Year 2013 (6,839 hours). I note that, in Fiscal Year 2013, about 75 percent of these mission hours were conducted by vessels homeported in Sector San Juan, with the remaining 25 percent conducted by vessels temporarily deployed to Sector San Juan from other Coast Guard sectors.

GAO reports that the Coast Guard is scheduled to modernize Sector San Juan's vessel fleet in Fiscal Year 2015 and Fiscal Year 2016. Specifically, the Coast Guard will replace Sector San Juan's six 110-foot Island Class Patrol Boats with six new 154-foot Sentinel Class Patrol Boats, which should substantially improve Sector San Juan's interdiction capabilities.

In August, I was advised by the Coast Guard that the first two Sentinel Class Patrol Boats to be homeported in Sector San Juan—USCG Heriberto Hernandez (WPC-1114) and USCG Joseph Napier (WPC-1115)—are scheduled to be commissioned by the fall of 2015.

In light of the foregoing, I have the following questions:

- Can you provide a more specific time frame in the fall of 2015 when WPC-1114 and WPC-1115 will be commissioned?
- Based on current Coast Guard plans, when will the four additional Sentinel Class Patrol Boats to be homeported in Sector San Juan be commissioned?
- Do any additional infrastructure improvements need to be made to Sector San Juan facilities before WPC-1114, WPC-1115 and the four other Sentinel Class Patrol Boats can be homeported in Puerto Rico? If so, do you anticipate any obstacles that could delay these improvements and, by extension, the commissioning of these vessels?
- The Sentinel Class Patrol Boats will have an assigned crew of 24, consisting of four officers and 20 enlisted personnel. Will the homeporting of six Sentinel Class Patrol Boats, in lieu of the current smaller Island Class Patrol Boats, result in more Coast Guard personnel being permanently stationed in Sector San Juan? If so, how many?

- As soon as it is available, can you provide me with the total amount of vessel hours that the Coast Guard conducted in support of counter-drug operations in Sector San Juan in Fiscal Year 2014, which recently ended?
- The *quality* of vessel hours matters, just as the *quantity* matters. In Fiscal Year 2013, about 75 percent of these mission hours were conducted by vessels homeported in Sector San Juan, meaning the less effective Island Class Patrol Boats. Although I am encouraged that Sector San Juan will soon receive Sentinel Class Patrol Boats, I have expressed concern—which I reiterate now—that the first 13 Sentinel Class Patrol Boats are being homeported in Sector Miami and Sector Key West. While I certainly appreciate the important work these sectors perform, Sector San Juan has far more serious counter-drug challenges, according to the Coast Guard’s own data. Moreover, Sector San Juan—like these two other sectors—faces serious migrant interdiction, search and rescue, and marine environmental protection challenges. When the Coast Guard allocates resources in the future, can you assure me that Sector San Juan will be appropriately prioritized?

Patrol Aircraft

I am pleased that the number of aircraft hours spent conducting counter-drug operations in Sector San Juan increased from an unacceptably low 148 hours in Fiscal Year 2011 to 502 hours in Fiscal Year 2012 to about 1,000 hours in Fiscal Year 2013.

Despite these recent improvements, I continue to have concerns and hope you can answer the following questions.

- How many flight hours did the Coast Guard conduct in each of the five other sectors within the Seventh District in Fiscal Year 2013? Where does Sector San Juan rank on the list?
- As soon as it is available, can you provide me with the total amount of aircraft hours that the Coast Guard conducted in support of counter-drug operations in Sector San Juan in Fiscal Year 2014? More generally, can you assure me that 1,000 is the new baseline and that the Coast Guard has no intention of returning to the wholly inadequate number of flight hours that were conducted several years ago?
- I firmly believe that the Coast Guard should permanently station fixed-wing aircraft in Sector San Juan. I find the arguments that the Coast Guard has made to justify its decision not to permanently station fixed-wing aircraft in Puerto Rico to be unpersuasive. Indeed, as GAO reports, an August 2012 memorandum written by the Coast Guard:

notes that the Coast Guard did not have maritime patrol aircraft permanently assigned to the territories. According to the memorandum, the only permanently assigned Coast Guard aircraft in Puerto Rico were helicopters based in the northwest corner of the island and their endurance and position made them

impractical for patrolling the eastern approaches to Puerto Rico and the U.S. Virgin Islands.

While I appreciate that the Coast Guard has done a much better job in recent years of temporarily deploying fixed-wing aircraft to Sector San Juan from other sectors, it cannot be reasonably argued that this is as effective as permanently stationing aircraft in the Sector. As GAO notes, the strategy of both JIATF-S and the Coast Guard is to use available aircraft resources “to patrol the transit zone far from U.S. shores and close to the source zone countries in South America in order to increase [the] chances [that] interdictions are of larger load sizes and higher purity than would otherwise be the case.” Stationing some of the fixed-wing aircraft assigned to Seventh District in Puerto Rico is more consistent with this philosophy than stationing all of them in Florida, as is currently the case. Puerto Rico-based aircraft can far more easily reach the southern Caribbean, the eastern Caribbean, and the central Caribbean than aircraft stationed in Florida. Additionally, flight times from Puerto Rico to the western Caribbean are comparable to flight times from Florida and, as noted, the Eleventh District, not the Seventh District, is responsible for interdiction in the eastern Pacific. I hope we can continue this discussion and that you will ultimately decide to permanently station fixed-wing aircraft in Puerto Rico.

Allocation of Coast Guard Resources to JIATF-South

I am concerned about a subject discussed in the GAO report, and how it might be adversely affecting the level of counter-drug resources deployed to the maritime area of Puerto Rico and the U.S. Virgin Islands. Specifically, GAO notes that the Coast Guard first allocates vessel and aircraft hours to JIATF-S before dividing up its remaining resource hours among its Atlantic and Pacific Area Commands for further allocation to Coast Guard districts and sectors across the country. However, GAO also observes that:

Unlike with overall transit zone operations, JIATF-S does not oversee detection and monitoring efforts for drug smuggling in the U.S. territories. Rather, DHS has the lead federal responsibility for planning and coordinating operations to interdict the maritime flow of illicit drugs in Puerto Rico and the U.S. Virgin Islands because they are U.S. territories and part of the arrival zone.

This would appear to pose a problem. If the Coast Guard provides vessel and aircraft hours to JIATF-S before it provides vessel and aircraft hours to its own commands, districts and sectors, and if JIATF-S does not allocate those vessel and aircraft hours to the maritime area of Puerto Rico and the U.S. Virgin Islands on the stated basis that they are U.S. territories and therefore a part of the arrival zone rather than the transit zone, then the federal government is employing a process that arguably will shortchange Puerto Rico and the U.S. Virgin Islands.

- The two territories are plainly part of both the arrival zone (based on the fact that they are U.S. jurisdictions inhabited by American citizens) and the transit zone (based on their geographic location and the fact that most of the drugs that enter Puerto Rico are subsequently transported to the U.S. mainland). Can the current allocation process be adjusted so that JIATF-S can assign resources that it receives from the Coast Guard to Sector

San Juan? If there are barriers to implementation of this request, can the Coast Guard consider specific ways to ensure that Sector San Juan is not prejudiced by the allocation process?

I thank you for your attention to this important matter and look forward to your response to my questions.

Sincerely,



Pedro R. Pierluisi
Member of Congress

cc: Mr. Michael Botticelli, Acting Director, Office of National Drug Control Policy
Vice Admiral William "Dean" Lee, Commander, U.S. Coast Guard, Atlantic Area
Command
Captain Robert W. Warren, U.S. Coast Guard, Commander, Sector San Juan
Hon. Donna M. Christensen, Member of Congress, U.S. Virgin Islands