



TESTIMONY OF

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For a Hearing

BEFORE

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ON

“Combating Opioid Smuggling Along the Southwest Border”

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Introduction

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, Thank you for the opportunity to appear before you today to discuss the role of U.S. Customs and Border Protection (CBP) in combating the flow of dangerous opioids, including synthetic opioids such as fentanyl and fentanyl analogues, into the United States. The opioid crisis is one of the most important, complex, and difficult challenges our Nation faces today, and President Trump ordered the declaration of a National Public Health Emergency to address the opioid crisis in October of last year.¹

As America's unified border agency, CBP plays a critical role in preventing illicit narcotics, including opioids, from reaching the American public. CBP leverages targeting and intelligence-driven strategies, and works in close coordination with our partners as part of our multi-layered, risk-based approach to enhance the security of our borders and our country. This layered approach reduces our reliance on any single point or program, and extends our zone of security outward, ensuring our physical border is not the first or last line of defense, but one of many.

Opioid Trends, Interdictions, and Challenges

In Fiscal Year (FY) 2018 to-date, the efforts of Office of Field Operations (OFO) and U.S. Border Patrol (USBP) personnel resulted in the seizure of more than 545,000 lbs. of narcotics including over 38,000 lbs. of methamphetamine, over 35,000 lbs. of cocaine, and over 2,700 lbs. of heroin.² CBP seizures of illicit fentanyl have significantly increased from approximately two lbs. seized in FY 2013 to approximately 1,131 lbs. seized by OFO and USBP in FY 2017.³ Approximately 1,218 lbs. of illicit fentanyl have already been seized in FY 2018.⁴ Fentanyl is the most frequently seized illicit synthetic opioid, but CBP has also encountered 18 fentanyl analogues.⁵

Illicit drug interdiction in the border environment is both challenging and complex. Drug Trafficking Organizations (DTOs) and Transnational Criminal Organizations (TCOs) continually adjust their operations to circumvent detection and interdiction by law enforcement, quickly taking advantage of technological and scientific advancements and improving fabrication and concealment techniques.

DTOs seek to smuggle opioids, most commonly heroin, across our land borders and into the United States at and between our Ports of Entry (POEs), and Mexican manufacturers and traffickers continue to be major suppliers of heroin to the United States.⁶ The reach and influence of Mexican cartels, notably the Sinaloa, Gulf, and Jalisco New Generation Cartels, stretch across and beyond the Southwest border, operating through loose business ties with smaller organizations

¹ <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-taking-action-drug-addiction-opioid-crisis/>

² <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

³ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

⁴ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

⁵ These include: acetylfentanyl, butyrylfentanyl, β -hydroxythiofentanyl, α -methylacetylfentanyl, p-fluorobutyrylfentanyl, p-fluorofentanyl, pentanoylfentanyl (a.k.a. valerylfentanyl), 2-furanylfentanyl, p-fluoroisobutyrylfentanyl, n-hexanoylfentanyl, carfentanil, benzodioxolefentanyl, acrylfentanyl, 2,2'-difluorofentanyl, methoxyacetylfentanyl, benzoylfentanyl, cyclopropylfentanyl, and hydrocinnamoylfentanyl.

⁶ Heroin is also sometimes transported by couriers on commercial airlines. Heroin intercepted in the international commercial air travel environment is from South America, Southwest Asia, and Southeast Asia.

in communities across the United States. The threat of these cartels is dynamic; rival organizations are constantly vying for control, and as U.S. and Mexican anti-drug efforts disrupt criminal networks, new groups arise and form new alliances.

Smugglers use a wide variety of tactics and techniques for concealing drugs. CBP officers regularly find drugs concealed in body cavities, taped to bodies, hidden inside vehicle seat cushions, gas tanks, dashboards, tires, packaged food, household and hygiene products, in checked luggage, and concealed in construction materials on commercial trucks. For example, during the weekend of May 4, 2018 CBP officers at Arizona's San Luis POE arrested two individuals in connection to separate failed drug smuggling attempts in personal vehicles. In the first case, CBP seized approximately 113 lbs. of methamphetamine, worth nearly \$338,000, and approximately 5 lbs. of heroin, worth more than \$86,000, which the officers discovered hidden throughout the vehicle. During a second vehicle inspection, CBP officers discovered nearly 35 lbs. of methamphetamine, worth almost \$105,000, concealed in the vehicle's seats and rear door. CBP officers turned the drugs, vehicles, and arrested subjects over to U.S. Immigration and Customs Enforcement – Homeland Security Investigations (ICE-HSI).⁷

While most illicit drug smuggling attempts occur at Southwest land POEs, the smuggling of illicit narcotics in the international mail and express consignment courier (ECC) environments also poses a significant threat. Illicit narcotics can be purchased from sellers through online transactions and then shipped via the United States Postal Service (USPS) or ECCs. DTOs and individual purchasers move drugs such as illicit fentanyl and fentanyl analogues in small quantities, making detection and targeting a significant challenge. However, these are often significantly more potent and therefore more deadly than the shipments seized along the border. Follow-on investigations, which are conducted by ICE-HSI, are also challenging because these shippers are often not the hierarchically structured DTOs we encounter in other environments. To combat this threat, CBP operates within nine major international mail facilities (IMF) inspecting international mail arriving from more than 180 countries, as well as 25 ECC facilities located throughout the United States.

Between the POEs, DTOs and TCOs strategically send smugglers to vulnerable spots along the Southwest border with limited infrastructure and technology to gain access into the illicit drug market. CBP plays a key role in the DHS and US Government strategy to combat TCOs at home and with our international partners. We must combat these criminal and drug trafficking organizations with a systematic approach to border security. Our approach includes interagency coordination, legislative reform, as well substantial investments in impedance and denial capabilities, surveillance technology, access and mobility, mission readiness and personnel.

CBP Resources and Capabilities to Detect, Target and Interdict Opioids

CBP, with the support of Congress, has made significant investments and improvements in our drug detection and interdiction technology and targeting capabilities. These resources, along with enhanced information sharing and partnerships, are critical components of CBP's ability to identify and deter the entry of dangerous illicit drugs in all operational environments. Additionally, thanks to the support of Congress, the *International Narcotics Trafficking*

⁷ <https://www.cbp.gov/newsroom/local-media-release/san-luis-cbp-officers-seize-529k-meth-and-heroin>

Emergency Response by Detecting Incoming Contraband with Technology Act, or the INTERDICT Act, authorized the appropriation of \$9 million to CBP to ensure that CBP has sufficient resources and personnel, including scientists and chemical screening devices, to enhance CBP's drug interdiction mission and provide for additional scientists to process lab tests expeditiously.

Advance Information and Targeting

An important element of CBP's layered security strategy is obtaining advance information to help identify shipments that are potentially at a higher risk of containing contraband. Under section 343 of the *Trade Act of 2002* (Pub. L. No. 107-210), as amended, and under the *Security and Accountability for Every Port Act* or *SAFE Port Act of 2006*, (Pub. L. No. 109-347), CBP has the legal authority to collect key cargo data elements provided by air, sea, and land commercial transport companies (carriers), including ECCs and importers.⁸ This information is automatically inputted into CBP's Automated Targeting System (ATS), a secure intranet-based enforcement and decision support system that compares cargo and conveyance information against intelligence and other enforcement data. CBP, in conjuncture with our federal and international partners, is working to expand the availability of advanced electronic data (AED) to enhance our targeting in the international mail environment as well.

At CBP's National Targeting Center (NTC), advance data and access to law enforcement and intelligence records converge to facilitate the targeting of travelers and items of cargo that pose the highest risk to our security in all modes of inbound transportation. The NTC takes in large amounts of data and uses sophisticated targeting tools and subject matter expertise to analyze, assess, and segment risk at every stage in the cargo/shipment and travel life cycles. The NTC leverages classified, law enforcement, commercial, and open-source information in unique, proactive ways to identify high-risk travelers and shipments at the earliest possible point prior to arrival in the United States.

To bolster its targeting mission, the dedicated men and women of the NTC collaborate with critical partners on a daily basis including ICE-HSI, the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), members of the Intelligence Community, and the United States Postal Inspection Service (USPIS). Investigative case data is fused with CBP targeting information to bolster investigations targeting illicit narcotics smuggling and trafficking organizations. Moreover, NTC works in close coordination with several pertinent task forces including the Organized Crime Drug Enforcement Task Force, the High Intensity Drug

⁸ Under TSA requirements, inbound international mail destined for the United States is treated similar to other cargo and subject to security controls. These security controls, which include screening for unauthorized explosive, incendiary, and other destructive substances or items in accordance with TSA regulations and security program requirements, are applied to international mail prior to transporting on aircraft at Last Point of Departure locations to the United States. 49 U.S.C. 44901(a) states: "The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft." Under 49 C.F.R. 1540.5, "Cargo means property tendered for air transportation accounted for on an air waybill. All accompanied commercial courier consignments whether or not accounted for on an air waybill, are also classified as cargo. Aircraft operator security programs further define the terms 'cargo'. These requirements are not dependent on advance electronic manifest data, as provided by ECC operators and other participants in the Air Cargo Advance Screening (ACAS) pilot program.

Trafficking Areas, and the Joint Interagency Task Force-West, as well as the Department of Homeland Security's (DHS) Joint Task Forces (JTF).

Some of the precursor chemicals that can be used to synthesize fentanyl and fentanyl analogues are currently non-regulated and many have legitimate uses. However, CBP has sufficient authority to seize precursors if they can be identified as having illicit end-use intentions, including the production of illicit drugs. CBP targets precursor chemicals transiting the United States with destinations to Mexico and other countries. When these shipments are identified through interagency collaboration as having illicit end-use intentions, the shipments are offloaded for further inspection and enforcement action by external agencies such as DEA and ICE-HSI.

In addition to targeting illicit substances directly, CBP also targets related equipment such as pill presses and tablet machines. DEA regulates pill press/tablet machines and there is an ICE Diversion Coordinator assigned to the DEA Special Operations Division who oversees the investigations of pill press and tablet machine imports being diverted for illicit uses. The Diversion Coordinator works closely with the NTC to identify and target individuals importing and diverting pill presses and tablet machines to press fentanyl, fentanyl analogues and other synthetic drugs into counterfeit pills. In FY 2014, 24 seizures of pill presses and tablet machines were made by OFO. The number increased to 92 in FY 2017.

Non-Intrusive Inspection Equipment

At our POEs and in the international mail and express consignment environments, CBP utilizes technology, such as non-intrusive inspection (NII), x-ray, and gamma ray imaging systems to detect the illegal transit of synthetic drugs hidden on people, in cargo containers, and in other conveyances entering the United States. Since October of 2010, CBP has conducted more than 83 million NII examinations, resulting in more than 18,500 narcotics seizures, and more than \$79 million in currency seizures. For example, on April 15, 2018 CBP officers at the Veterans International Bridge in Brownsville, Texas utilized NII technology to discover 12 lbs. of heroin and 1.3 lbs. of methamphetamine in a personal vehicle. The combined estimated street value of the narcotics from the seizure is \$348,000. CBP officers seized the narcotics along with the vehicle, arrested the driver, and turned him over to the custody of ICE-HSI for further investigation.⁹

CBP is committed to continuing to improve its ability to interdict illicit narcotics and is currently joining with the DHS Science and Technology Directorate (S&T) to evaluate existing detection solutions, such as the Handheld Illicit Drug Explosives Trace Detector (HID-ETD) and the x-ray imaging contract, and to develop advanced capabilities through a prize challenge for inventors to create or modify existing technology capable of accomplishing this.

Canines

Canine operations are an invaluable component of CBP's counternarcotic operations. The CBP Canine Training Program maintains the largest and most diverse law enforcement canine training program in the country. At our Nation's POEs and at preclearance locations abroad, CBP officers utilize specially trained canines for the interdiction of narcotics, firearms, and undeclared currency, as well as in support of specialized programs aimed at combating terrorism and countering human trafficking. Concealed Human and Narcotic Detection Canines are trained to

⁹ <https://www.cbp.gov/newsroom/local-media-release/brownsville-port-entry-cbp-officers-seize-over-300k-heroin-and>

detect concealed humans and the odors of marijuana, cocaine, heroin, methamphetamine, hashish, ecstasy, fentanyl and fentanyl analogues.

The use of canines in the detection of narcotics is a team effort. CBP's Laboratories and Scientific Services Directorate (LSSD) produces canine training aids and provides analytical support to the CBP Canine Training Program, including controlled substance purity determinations, pseudo training aid quality analyses, and research on delivery mechanisms that maximize safe vapor delivery during training exercises. Most recently, OFO's National Canine Program, in coordination with LSSD, assessed the feasibility of safely and effectively adding fentanyl as a trained odor to deployed narcotic detection canine teams. On June 23, 2017, the Office of Training and Development's CBP Canine Training Program successfully completed its first Fentanyl Detection Pilot Course. This added the odor of fentanyl and fentanyl analogues to six OFO canine handler teams in the international mail and ECC environments. Beginning October 1, 2018, all new OFO canine handler teams graduating from the CBP Canine Training Program will have successfully completed a comprehensive CBP Canine Detection Team Certification to include the odor of fentanyl and fentanyl analogues. Today, all OFO Concealed Human and Narcotic Detection canine teams across all of OFO's operational environments have completed fentanyl training.

During FY 2017, OFO canine teams were responsible for \$26,813,863 in seized property, \$1,905,925 in fines, \$36,675,546 in seized currency, \$29,674,839 in Financial Crimes Enforcement Network (FINCEN) actions, 197 firearms and 22,356 rounds of ammunition, 79 concealed humans and 384,251 lbs. of narcotics. In FY 2018 to-date, OFO canine teams have been responsible for \$7,322,522 seized property, \$411,073 in fines, \$7,951,376 in seized currency, \$9,178,971 in FINCEN actions, 150 firearms, 5,418 rounds of ammunition, 105 concealed humans and 187,409 lbs. of narcotics.¹⁰

For example, on May 1, 2018, a CBP Concealed Human and Narcotic Detection canine at the Nogales, Arizona POE alerted officers to almost 11 lbs. of heroin wrapped around the midsection of an individual entering the United States. The heroin had an estimated street value in excess of \$188,000. Officers seized the drugs, and turned the arrested subject over to ICE-HSI.¹¹

Laboratory Testing

As the narcotics seized through the international mail and at ECC facilities usually have a very high purity, CBP officers at IMFs and ECC facilities use various field testing devices to rapidly screen suspected controlled substances and obtain presumptive results. Using CBP's LSSD Field Triage Reachback Program, CBP officers can transmit sample data directly to LSSD for scientific interpretation and identification. When any synthetic opioids are detected by the Reachback program, LSSD notifies key CBP personnel at the NTC, as well as our liaisons at DEA. CBP is working to expand the field testing program, along with the scientific assets and personnel who are able to provide real-time chemical composition determinations.

¹⁰ Effective 4/24/18

¹¹ <https://www.cbp.gov/newsroom/local-media-release/nogales-cbp-officers-seize-188k-heroin>

In 2016, a CBP pilot program tested four handheld tools and a new test kit to provide immediate presumptive testing for fentanyl. Based on the results of the pilot, OFO procured 12 systems for further testing across San Diego, Tucson, El Paso, and Laredo Field Offices. Last year, CBP purchased over 90 handheld analyzers for deployment. Handheld analyzers improve officer safety, and provides a near real-time capability to increase narcotic interdiction.

Information Sharing and Operational Coordination

Substantive and timely horizontal and vertical information sharing is critical to targeting and interdicting illicit drugs. CBP works extensively with our Federal, state, local, tribal, and international partners and provides critical capabilities toward the whole-of-government approach to address drug trafficking and other transnational threats at POEs, in our IMFs and ECCs, and along the Southwest border, Northern border, and coastal approaches. Our targeting, detection and interdiction efforts are enhanced through special joint operations and task forces conducted under the auspices of multi-agency enforcement teams that target drug and transnational criminal activity, including investigations involving national security and organized crime.

Additionally, CBP hosts monthly briefings/teleconferences with Federal, state and local partners regarding the current state of the border – the Northern border and Southwest border – to monitor emerging trends and threats and provide a cross-component, multi-agency venue for discussing trends and threats. The monthly briefings focus on drugs, weapons, and currency interdictions and alien apprehensions both at and between the POEs. These briefings/teleconferences currently include participants from: the Government of Canada; the Government of Mexico; ICE, U.S. Coast Guard (USCG); DEA; FBI; U.S. Northern Command; Joint Interagency Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); U.S. Attorneys’ Offices; Naval Investigative Command; State and Major Urban Area Fusion Centers; and other international, Federal, state, and local law enforcement as appropriate.

CBP is a critical member in the S&T led interagency Illicit Drug Detection Working Group. This Working Group assists in coordinating communications between various government stakeholders inside and outside of DHS, including four other DHS components, the Department of Defense, DEA, and the Department of Justice (DOJ), on synthetic opioid information, such as seizure and profile data, and approaches for detection and best practices for safe handling. The Working Group, with the specific support of the National Institute of Standards and Technology, is also working on the development of detection standards for illicit drugs to allow the consistent test and evaluation of detection equipment and inform protocols for operational use. Further, these illicit drug detection standards generated by the Working Group will guide industry in their development of detection equipment that will meet the operational needs of DHS.

CBP is a key participant in the implementation of the Office of National Drug Control Policy’s (ONDCP) Heroin Availability Reduction Plan (HARP). CBP also utilizes the DOJ’s Nationwide Deconfliction System operated by DEA, conducting interagency deconfliction and coordination, and is working with the Heroin and Fentanyl Working Group at the DEA Special Operations Division, alongside ICE-HSI.

Collaboration with our partners yields results. For example, the Chicago Field Office Tactical Analytical Unit initiated “Operation Mad Dog” in February 2017 to target international mail

shipments suspected of containing illicit fentanyl and refer those shipments to law enforcement partners across the country- including ICE-HSI and state, local, and tribal partners- for action. Targeted suspect shipments were intercepted and examined in IMFs based on information provided by our law enforcement partners and the NTC, as well as open-source information. Controlled deliveries have resulted in 37 arrests. Successes attributed to this Operation to-date also include the seizure of over 57 lbs. of fentanyl, firearms, cash and crypto-currency, and the disruption of a major domestic dark web distributor of illicit fentanyl.

International Collaboration and Cooperation

USPS receives international mail from more than 180 countries. The vast majority of this mail arrives via commercial air or surface transportation. An increasing number of foreign postal operators provide AED to USPS, which is then passed on to CBP. CBP is working to expand the availability of AED globally to enhance the security of the international mail. For international mail arriving from foreign postal operators who do not provide AED, CBP officers utilize experience and training to identify items that potentially pose a risk to homeland security and public safety, while facilitating the movement of legitimate mail. CBP and USPS now have an operational AED targeting program at five of our main IMFs with plans for further expansion. USPS is responsible for locating the shipments and delivering them to CBP for examination. Thus far in FY 2018, CBP has interdicted 186 shipments of fentanyl at the John F. Kennedy International Airport (JFK) IMF, a participant in the AED program. One hundred and twenty-five of those interdictions can be attributed to AED targeting. CBP and USPS continue to work with foreign postal operators to highlight the benefits of transmitting AED.

CBP, in close coordination with USPS and U.S. Food and Drug Administration, provided technical assistance on the “*Synthetics Trafficking and Overdose Prevention (STOP) Act*”, which were largely incorporated into the pending “*Securing the International Mail Against Opioids Act of 2018*”, which was recently reported favorably by the House Committee on Ways and Means. This legislation seeks to address these challenges in a multi-phase process which emphasizes risk-assessment, technology, and collaboration across the Federal government and with our international partners. We support efforts to expand the ability of USPS to greatly increase the availability of AED (which is the foundation of a sound targeting mechanism) for international mail, to develop new scanning technology, and to collect fees to help cover the cost of customs processing of certain inbound mail items.

Because DTOs are also known to use legitimate commercial modes of travel and transport to smuggle drugs and other illicit goods, CBP partners with the private sector to provide anti-drug smuggling training to air, sea, and land commercial transport companies (carriers) to assist CBP with stopping the flow of illicit drugs; to deter smugglers from using commercial carriers to smuggle drugs; and to provide carriers with the incentive to improve their security and their drug smuggling awareness. Participating carriers sign agreements stating that the carrier will exercise the highest degree of care and diligence in securing their facilities and conveyances, while CBP agrees to conduct site surveys, make recommendations, and provide training.

The trafficking of synthetic opioids like fentanyl and fentanyl analogues is a global problem, and CBP continues to work with our international partners to share information and leverage resources to combat this threat. CBP’s Office of International Affairs International Technical Assistance Division (INA/ITAD) conducts International Border Interdiction training, coordinated and funded

by the Department of State, for various countries worldwide. These courses provide instruction on multiple aspects of border security, including targeting and risk management, interdiction, smuggling, search methodologies, analysis, canine enforcement, and narcotics detection identification. INA/ITAD has conducted anti-smuggling training in opiate source countries such as Panama, Guatemala, Colombia, Ecuador, Peru, Mexico, Indonesia, India, Thailand, Afghanistan, Kenya, Cambodia, and the Philippines. CBP also provides an Identification of Drugs and Precursor Chemical training course to Mexico and other drug source and transit countries to provide important insight to foreign Customs Officers on the vast resources of precursors available to narcotics producers and traffickers worldwide.

Through the 21st Century Border Management Initiative, the U.S. Government and the Government of Mexico are working to strengthen our collaborative relationship and efforts to secure and facilitate the cross-border flows of people and cargo. We receive information from Mexican authorities on a daily basis that helps us better target drug smugglers at the border and continue to work closely to expand joint efforts to combat illicit drug cultivation, production, and trafficking, and sharing more information on smuggling routes and networks. This information sharing, facilitated by the CBP Attaché office in Mexico, has allowed for an unprecedented exchange of real-time information through deployments of personnel between our countries. Today, CBP personnel are assigned to Mexico City under the Joint Security Program where we exchange alerts on suspicious DTO movements through the monitoring of our Advance Passenger Information System. This information sharing has also led to numerous seizures and cases within Mexico that serve to disrupt the activities of DTOs throughout the Western Hemisphere.

Conclusion

In coordination with our partners and with the support of Congress CBP will continue to refine and enhance the effectiveness of our detection and interdiction capabilities to prevent the entry of opioids and other illicit drugs into the United States, including strengthening our ability to detect and interdict drugs entering via the mail and express consignment systems. Chairwoman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, thank you for the opportunity to testify today. I look forward to your questions.