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ON

“Combatting Transnational Criminal Organizations and Related Trafficking”

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## **Introduction**

Chairman Murphy, Ranking Member Britt, and distinguished Members of the Subcommittee, thank you for the opportunity to discuss U.S. Customs and Border Protection's (CBP) efforts to combat the dynamic threat of transnational criminal organizations (TCOs) and prevent the entry of dangerous illicit drugs, including fentanyl, into the United States.

The reach and influence of TCOs continues to expand across and beyond the Southwest and Northern Borders. These criminal organizations are sophisticated and operate with immense capability, capacity, and nearly unlimited resources. TCOs increasingly demonstrate the intent and ability to produce and modify synthetic drugs, making detection and identification difficult. They also continually adjust their tactics, techniques, and operational procedures to circumvent detection and interdiction by law enforcement by shifting to transportation of smaller quantities of drugs and by improving concealment techniques.

As others have testified,<sup>1</sup> synthetic opioids like fentanyl – a synthetic opioid that is 80-100 times stronger than morphine – and its analogues are produced using precursor chemicals made available by criminal elements, often in the People's Republic of China, that are shipped to Mexico where TCOs use these precursors to finish the production of illicit fentanyl or one of its analogues. This fentanyl is either sold in powder form or pressed into dangerous fake pills. These drugs are then either smuggled across the Southwest Border, most often through ports of entry (POEs), or shipped into the United States through the mail or through express consignment carriers.

Because there is no single tool or capability that can detect all suspected threats in all situations and environments, CBP uses a multifaceted approach that combines advanced detection capabilities, such as specialized canines and non-intrusive inspection technology; laboratory testing and scientific analysis; domestic and foreign partnerships; and intelligence and information sharing. Most importantly, we have dedicated, highly trained officers and intelligence research specialists whose experience and expertise are essential components of all CBP's efforts to combat transnational threats and prevent the entry of illegal drugs into U.S. communities.

Our enforcement approach enables the agency to nimbly shift resources and swiftly respond to emerging threats, such as the deadly threat posed by illicit fentanyl, fentanyl analogues, other synthetic opioids, and methamphetamine, as well as precursor and other chemicals used in illicit drug production.

## **Drug Trends and Interdictions**

As noted above, most illicit drugs, including fentanyl, enter the United States through our Southwest Border POEs. In Fiscal Year (FY) 2022, for example, nearly 66 percent of illicit

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<sup>1</sup> Written testimony, Kemp Chester, Senior Advisor, International Relations and Supply Reduction, Office of National Drug Control Policy, for a February 1, 2023, House Energy and Commerce Committee Hearing. [https://d1dth6e84htgma.cloudfront.net/Witness\\_Testimony\\_Gandotra\\_02\\_01\\_2023\\_4046a54230.pdf?updated\\_at=2023-02-01T14:37:29.455Z](https://d1dth6e84htgma.cloudfront.net/Witness_Testimony_Gandotra_02_01_2023_4046a54230.pdf?updated_at=2023-02-01T14:37:29.455Z)

drugs seized by weight by CBP at the Southwest Border were seized at POEs.<sup>2</sup> The drugs are concealed in privately owned vehicles, commercial vehicles, and in the pedestrian environments. Although not as frequent, fentanyl and other synthetic opioids are also encountered in international mail facility (IMF) and express consignment carrier (ECC) environments, accounting for approximately 19 percent of the illicit drug seizures at POEs in FY 2022.

CBP seizures of fentanyl have been escalating for several years.<sup>3</sup> In FY 2022, CBP seized nearly 15,000 pounds of fentanyl nationwide, with the majority – 12,500 pounds – seized at POEs – and we are on track to seize as much, if not more, this year. At our POEs alone, fentanyl seizures increased more than 200 percent in FY 2022 compared to FY 2019 and FY 2020 totals combined. In FY 2023 to date, CBP seizures at POEs already exceed more than 12,000 pounds of fentanyl. These seizures permanently removed these drugs from the illicit supply chain, kept them out of our communities, and denied drug trafficking organizations profits and critical operating capital.

Marijuana, methamphetamine, heroin, and cocaine remain the top-seized drugs by weight but shifting trends over recent years produced significant increases in synthetic drugs like fentanyl. Fentanyl is the most frequently seized illicit synthetic opioid, but CBP has also encountered 31 fentanyl analogues, as well as 44 unique synthetic opioids that are not from the fentanyl class.<sup>4</sup>

Although our statistics measure drug seizures by weight, CBP estimates it interdicted 1.1 billion potential doses of illicit fentanyl in both FY 2021 and FY 2022. By the measure of potential doses, CBP fentanyl seizures were only second to methamphetamine, of which an estimated 17 billion doses in FY 2021 and 16 billion doses in FY 2022 were seized. For reference, Earth's population is approximately 8 billion people.<sup>5</sup>

CBP's enforcement efforts focus on detecting and interdicting suspected illicit drugs; quickly anticipating and adapting to changing tactics and techniques used by cartels, traffickers, smugglers, and their networks; enhancing collaboration among key partners; producing actionable intelligence to target the illicit opioid supply chain; and protecting our personnel from exposure to opioids.

## **Detection and Inspection**

CBP, with the support of Congress, continues to make significant investments and improvements in our drug detection capabilities and interdiction technology. Our highly trained officers use narcotic detection canines and a variety of technologies to detect the presence of illicit drugs, including illicit opioids, in all operating environments.

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<sup>2</sup> Of the 288,287 pounds of drugs CBP seized at the Southwest Border in FY 2022, 189,682 pounds were seized at POEs. Excluding marijuana, CBP seized 202,631 pounds of illicit drugs at the Southwest Border, of which 179,317 pounds (88.5 percent) were seized at POEs. <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>. CBP Air and Marine Operations also contributed to drug seizure events with other agencies. These operations resulted in the seizure of approximately 270,000 pounds of drugs in FY 2022. <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/air-and-marine-operations-statistics>.

<sup>3</sup> <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>

<sup>4</sup> A complete list can be made available by CBP Laboratories and Scientific Services

<sup>5</sup> CBP would be happy to brief the Subcommittee on its illicit drug dose estimation tool and how it derived these estimates.

## *Canines*

Dating back to 1970, CBP maintains the largest and most diverse law enforcement canine training program in the country. Initially, efforts were concentrated on training dogs to detect the odors of marijuana and hashish, but the ever-increasing smuggling of narcotics make the detection of heroin, cocaine, methamphetamine, and now fentanyl equally critical to stopping the threat these drugs pose to our communities.

Today, working at POEs across the country, CBP Office of Field Operations (OFO) canine teams are an invaluable component of our counternarcotic operations providing a reliable and unequalled mobile detection capability. As of April 14, 2023, OFO has more than 513 specially trained canine teams deployed to 74 POEs contributing to the interdiction of narcotics, firearms, and undeclared currency, as well as the support of specialized programs aimed at combating terrorism and countering human trafficking. All of OFO's Concealed Human and Narcotic Detection canine teams are trained to detect the odor of fentanyl and fentanyl analogues. In FY 2022, the Field Operations Canine Academy successfully trained and deployed 87 certified canine enforcement teams into operational environments. In FY 2023, the Field Operations Canine Academy is projected to train and deploy an additional 140 canine teams.

CBP's canine program continues to demonstrate its significant contribution to our border security operations. In FY 2022, OFO canines assisted in the seizure of \$9,190,000 in undeclared currency, 259 firearms, and 204,128 pounds of drugs, including 10,736 pounds of fentanyl valued at more than \$2.5 billion. In the first quarter of FY 2023, OFO canine teams assisted in the seizure of 9,329 pounds of fentanyl compared to 1,726 pounds in the first quarter of FY 2022, an increase of more than 400 percent. The effectiveness of our canine teams is demonstrated daily. For example, in a single event on April 18, 2023, a canine team in Otay Mesa, California, aided in the seizure of 776 pounds of fentanyl pills valued at more than \$21 million.<sup>6</sup>

The continued success of CBP canine teams in the detection of narcotics is a team effort. CBP's Laboratories and Scientific Services (LSS) produces canine training aids and provides analytical support to the CBP Canine Training Program, including controlled substance purity determinations, training aid quality analyses, and research on delivery mechanisms that maximize safe vapor delivery during training exercises. This collaboration ensures the continued and reliable performance of all CBP canine teams in operational environments conducted in coordination with other detection and inspection activities.

## *Non-Intrusive Inspection*

CBP canine teams often work alongside officers conducting other inspection activities. CBP has deployed more than 350 large-scale and 4,500 small-scale non-intrusive inspection (NII) X-ray and gamma-ray imaging systems to detect the presence of illicit substances, including synthetic drugs such as fentanyl. This technology enables detection of these illicit substances hidden within passenger belongings, cargo containers, commercial trucks, rail cars, privately owned vehicles, as well as express consignment carrier and international mail parcels. In FY 2022, CBP officers used large-scale NII systems to scan more than 7.6 million conveyances,

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<sup>6</sup> <https://www.cbp.gov/newsroom/local-media-release/we-re-spilling-beans-211-million-worth-fentanyl-pills-concealed-within>

which resulted in the interdiction of more than 100,000 pounds of narcotics and approximately \$2 million of undeclared U.S. currency.

CBP continues to focus on further closing the vehicle scanning capacity gap and increasing the probability of interdiction. With funding provided by Congress, CBP has made progress toward implementing new drive-through NII systems, located in pre-primary inspection versus secondary. This work builds upon prior automation and transformation initiatives, leveraging advancements made to scanning and imagery analysis capabilities. Post-deployment of pre-primary systems that are already funded, CBP expects an increase of NII scans of passenger vehicles and fixed occupant commercial vehicles crossing the Southwest Border from the current approximately 2 percent and 15 percent to as much as 40 percent and 70 percent respectively. Overall, this approach will strengthen CBP's detection and inspection capabilities and increase both the effectiveness and efficiency of our enforcement and facilitation operations.

CBP's NII systems continue to demonstrate their value as part of CBP's layered enforcement strategy to screen for illicit goods and substances, including illicit drugs entering through POEs. To enhance enforcement, while facilitating secure and compliant trade, CBP must continue to close its scanning capability gaps. The FY 2024 President's Budget includes \$305.4 million to identify, procure, and deploy enhanced inspection capabilities to interdict emerging threats in the land, mail, and express consignment environments. Continued funding for NII will provide the resources needed to execute required civil work activities to deploy the drive-through NII systems at Southwest Border land POEs. The Budget also funds the procurement and deployment of additional systems to enhance narcotic detection at nine locations in the Southwest Border region.

CBP recognizes increased scanning will result in a substantial increase of images that require analysis and adjudication. To address this area, the FY 2024 President's Budget also supports CBP's ongoing work with industry partners to develop artificial intelligence and machine learning capabilities to reduce the need for a trained CBP officer to analyze each image. Without such capabilities, the expansion of pre-primary NII operations beyond current rates would require a significant increase in staffing to review images without causing adverse impacts to the free movement of legitimate commercial vehicles. Additionally, the Budget supports continued development of narcotic detection algorithms to increase the efficiency and effectiveness when adjudicating anomalies, while establishing a library to adapt to emerging threats and enhance interdictions of precursor chemical substances, with the primary focus on fentanyl detection.

Canine teams and NII technology are complementary detection and inspection capabilities that are critical to the continued success of CBP's interdiction operations at the POEs. At the core of these efforts are specially trained officers and specialists using their expertise and experience to maximize technological capabilities and resources. Every seizure we make at the border is important. It stops the flow of drugs into our communities, contributes to investigations, and increases our awareness of emerging trends and illicit networks.

## **Advance Information and Targeting**

CBP's interdiction efforts begin well before a conveyance or shipment arrives at a POE. Advance electronic shipping information, actionable intelligence, and information sharing partnerships are critical components of CBP's ability to quickly identify, target, and deter the entry of dangerous illicit drugs in all operational environments.

Authorities and mechanisms that enable CBP to obtain advance electronic shipping information are a key element of our ability to 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.<sup>7</sup> In the postal environment, bilateral agreements regarding Advance Electronic Data (AED) between the U.S. Postal Service (USPS) and foreign postal operators have increased CBP's ability to target high-risk shipments. Additionally, the *Synthetics Trafficking and Overdose Prevention (STOP) Act* requires that DHS prescribe regulations requiring the USPS to transmit advance electronic information for international mail to CBP consistent with the statute. Currently, USPS provides AED from more than 129 foreign postal services, and CBP utilizes the AED to actively target international mail shipments at seven IMFs. Accurate and reliable advance information is critical to our targeting efforts to ascertain legitimate shipment transactions from those involved in illegal and illicit business transactions utilizing the U.S. Postal Service and private carriers.

All advance shipment information is automatically fed into the National Targeting Center's (NTC) Automated Targeting System (ATS), an enforcement and decision support system. At CBP's NTC, advance data converges with law enforcement and intelligence records to facilitate the targeting of persons, conveyances, and items of cargo that pose the highest risk to our security in all modes of transportation. Advance information is a critical and effective component of CBP's targeting and interdiction efforts. We continue to pursue solutions to expand advance information opportunities to the land POEs, where, unlike travel processes in the air and sea modes, CBP often receives no advance traveler information, limiting traveler vetting that could be conducted before an individual arrives at a land POE.

In addition to targeting illicit substances directly, CBP and Homeland Security Investigations (HSI) target precursor chemicals shipped through the United States to destinations in Mexico and other countries. While many of the precursor chemicals used to synthesize methamphetamines and synthetic illicit opioids such as fentanyl have legitimate uses, CBP and HSI have sufficient

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<sup>7</sup> Under TSA regulations, international mail destined for the United States is 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 Administrator 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 classified as cargo. Aircraft operator security programs further define the term 'cargo.'"

authority to intercept and seize precursors if they can be identified as having illicit end-use intentions, including the production of illicit drugs. CBP also targets production-related equipment such as pill presses and tableting machines. The Drug Enforcement Administration (DEA) and Federal Drug Administration (FDA) regulate pill press/tableting machines, and the HSI Diversion Coordinator works on behalf of DHS to coordinate the investigations of pill press/tableting machine imports being diverted for illicit uses. The HSI Diversion Coordinator works closely with the NTC to identify and target individuals importing and diverting pill press/tableting machines to produce illicit fentanyl and other synthetic drugs.

The increasing ability of TCOs to produce sophisticated forms of synthetic drugs and develop new ways to smuggle is a challenge to CBP's counter-narcotic efforts. In addition to CBP's advance detection and targeting efforts, CBP's laboratory testing and analysis capabilities are invaluable to the timely identification of suspect substances and the disruption of drug trafficking networks. These capabilities not only contribute to our targeting and interdiction success, but also aid our intelligence and investigative partners in their criminal prosecution efforts.

### **Analysis and Intelligence**

Just as TCOs rapidly evolve their illicit production and smuggling operations, CBP must advance its capabilities to quickly and reliably identify the dangerous substances it encounters and provide analysis for targeting and other enforcement and investigative actions.

Sound analytical methodology centers on providing timely and actionable intelligence to our frontline officers and agents, decision makers, and partners. To strengthen our intelligence posture in responding to this complex threat environment, CBP's Intelligence Enterprise (IE) was established in 2017 as a cohesive, threat-based, data-driven, and operationally-focused effort to leverage the collective intelligence capabilities and expertise across CBP's operational components.

To enhance its intelligence capacity, CBP IE established investment priorities that support a whole-of-agency approach to countering various border threats, such as the use of a common reporting platform to timely share and disseminate threat information to disparate offices. CBP's IE was also responsible for launching the CBP Watch, a situational awareness facility that provides trend analysis and real-time feedback to better support the Agency's operational frontline 24 hours a day, seven days a week.

### *Laboratory Testing*

Thanks to the support of Congress, made possible, in part, by the INTERDICT Act of 2018,<sup>8</sup> CBP officers use various field-testing devices at international mail and ECC facilities to rapidly screen suspected controlled substances and obtain presumptive results. CBP officers can transmit sample data to the LSS Teleforensic Center's 24/7 Narcotics Reachback for scientific interpretation and identification. When controlled substances are presumptively identified by the Reachback program, the NTC is notified. CBP is working to expand the field-testing program

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<sup>8</sup> Public Law No. 115-112.

and increase scientific assets and personnel who can provide real-time presumptive analysis of suspect substances.

Building on the success of the Reachback program, for the past four years, CBP has increased its ability to swiftly identify suspected drugs by positioning agency laboratory scientists on-site at IMFs, ECCs and POEs in Forward Operating Labs (FOLs). This effort has proven to be not only a valuable part of CBP's ability to identify suspect substances, determine new production trends, and seize illicit drugs, but also a critical tool for partner investigative agencies, such as HSI, to make law enforcement-controlled deliveries that could lead to arrests and the shutting down of criminal networks.

With the 24/7 Narcotics Reachback and the FOLs positioned at strategic locations where new or emerging substances enter the United States, LSS can triage quickly if a potentially new analogue of an illicit substance or designer drug is being encountered. These presumptively identified new substances are sent to the LSS INTERDICT Science Center for comprehensive testing. These newly encountered substances, particularly synthetic opioids or other significant chemicals of interest, are added to the user libraries of the handheld field-testing devices used by CBP officers and agents to rapidly screen suspected substances. Since January 2022, 170 new spectra have been added to the equipment's factory library. Since the start of the designer drug wave in 2009, LSS has identified over 550 new substances.

#### *Pollen Analysis*

Identifying geographic origin of illicit drugs is a key element of counter-narcotic enforcement and investigative activities. However, unlike plant-based drugs, there are no sub-molecular markers contained within synthetic drugs to indicate geographic origin.

CBP continues to use its LSS palynology capabilities – more commonly referred to as pollen analysis – to close intelligence gaps related to the geolocation of illicit opioid shipments, which may be used to identify transit routes of illicit opioids. LSS palynologists can analyze approximately 1 kg of seized material through a process that dissolves the powder and other residues leaving pollen and spores. Through a microscopic examination, LSS palynologists identify the pollen compilation from the sample and can quickly determine a broad origin or a more regionalized location of origin.

CBP scientists participate in weekly operational roundtable discussions with intelligence personnel and law enforcement partners from federal, state, and local agencies, to share information on the latest analysis on encountered substances. Based on pollen analysis and suspected controlled substance analysis results, CBP develops intelligence products to share with CBP officers and agents, intelligence analysts, policy makers, and relevant external partners at federal, state, local, and international organizations to maintain a consistent understanding of the fentanyl threat picture nationally, not just at the borders.

#### *Protecting Frontline Personnel*

Contact with potentially hazardous substances, especially illicit synthetic opioids, is a very real health and safety risk to frontline law enforcement personnel and canines. At first glance, opioids



could easily be mistaken for other drugs that appear as white powders, such as cocaine or heroin. Due to the risk of unintentional exposure and subsequent hazardous drug absorption and/or inhalation, the confirmatory testing for the presence of synthetic opioids such as fentanyl and its analogues is best executed in a laboratory by trained scientists and technicians.

Naloxone has been deployed to all OFO field offices for placement where contraband is handled. As of April 14, 2023, approximately 45 percent (10,041) of the OFO workforce has been trained in naloxone administration. Considering not all OFO personnel are assigned to areas where contraband is handled (e.g., office, targeting, training), this means that OFO has deployed naloxone to all areas identified by the field as having risk factors for exposure to opioids. Additionally, OFO stands ready to deploy additional naloxone, as requested by the field.

In addition, CBP deployed the presumptive testing glove box to the field to aid in the safe testing and identification of opioids and other dangerous drugs. The sampling glove box is designed for use in the field as the first level of protection when inspecting, probing, and conducting presumptive testing of high risk or unknown substances.

## **Collaboration and Information Sharing**

Shifting trends and sophisticated TCO tactics mean that now, more than ever, efforts to counter TCO activity require coordination and cooperation across the law enforcement community. CBP leverages collaboration with our federal, state, local, tribal, and international partners to address drug trafficking and other transnational threats across all of our operational environments. This includes working closely with the Office of National Drug Control Policy's High Intensity Drug Trafficking Area program and continuous work with other laboratories and the medical community, including coroners and medical examiners, to identify emerging drug threats.

CBP works closely with key partners, including HSI, DEA, the United States Postal Inspection Service, the Federal Bureau of Investigation, and other federal, state, local, tribal, and international partners, to share information, coordinate enforcement actions, and facilitate investigations regarding intelligence and seizures. For seizures that do not meet a federal threshold, intelligence and information derived from these seizures are provided to local, state, and regional task forces for situational awareness and further investigative actions.

CBP regularly hosts briefings with federal, state, local, territorial, and tribal partners regarding the current state of the border, providing a cross-component, multi-agency venue for discussing trends and threats. Engagements focus on interdictions and arrests at the border and interior areas within the United States. These briefings also include participants from the Governments of Canada and Mexico.

Strong international partnerships are a critical part of CBP's ability to respond to the global challenges that affect our border operations. CBP works closely with our foreign partners and contributes to multilateral forums by sharing information and leveraging partner capabilities to combat transnational threats and advance our national security.

CBP also participates in joint operations and multi-agency enforcement teams, composed of representatives from international and federal law enforcement agencies. Working together with state, local, and tribal agencies, these operations target drug and transnational criminal activity, and often contribute to investigations involving national security and organized crime.

Our partnerships are also invaluable to our enforcement efforts. For example, CBP and HSI lead Operation Blue Lotus, a new intelligence and data driven coordinated surge operation targeting the smuggling of illicit fentanyl. Operation Blue Lotus includes an increase in targeted inspections by CBP officers and HSI special agents, canine units, and advanced technology at locations along the Southwest Border. Operation Blue Lotus leverages the advanced analytics, intelligence capabilities, and joint enforcement efforts of CBP and HSI to facilitate effective inspections and swift initiations of investigations. The information gleaned from the seizures is analyzed by CBP and HSI analysts, with actionable leads being immediately directed back to the officers and special agents in the field. Furthermore, CBP's FOLs at POEs conduct real-time analysis of suspected substances, providing vital scientific information in support of intelligence gathering and investigations. Since implementation on March 13, 2023, CBP efforts through Operation Blue Lotus have led to 94 arrests and the seizure of approximately 4,300 pounds of fentanyl, 4,200 pounds of methamphetamine, 932 pounds of cocaine, and 59 pounds of heroin.<sup>9</sup>

In collaboration with multiple Department of Justice components, in particular the Bureau of Alcohol, Tobacco, Firearms, and Explosives, CBP and HSI also lead Operation Without a Trace, a joint platform for our personnel to target and investigate smuggling networks to disrupt and dismantle their illegal gun trafficking operations. Since the initiative's inception in FY 2020, Operation Without a Trace has achieved significant success preventing Mexico-bound gun trafficking, resulting in the initiation of 803 investigations, the execution of 555 arrests, and the seizure of 1,213 firearms, more than 723 million rounds of ammunition, and \$16.5 million in illicit currency.<sup>10</sup>

## **Conclusion**

With continued support from Congress, CBP, in coordination with our partners, will continue to deploy critical resources to the border and refine the effectiveness of our detection, interdiction, and identification capabilities to combat transnational threats and the entry of illegal drugs into the United States.

We continue investing in our frontline officers and intelligence research specialists, who are vital to all of our enforcement efforts and capabilities. We will also pursue new and innovative technology to aid in our layered enforcement and identification strategy efforts, to include safety measures for frontline personnel and procurement of advanced detection and identification tools to support our fight against this ever-evolving threat.

Thank you for the opportunity to testify today. We look forward to your questions.

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<sup>9</sup> As of May 1, 2023.

<sup>10</sup> As of March 28, 2023.