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ON

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Introduction

Chairman Meadows, Ranking Member Connolly, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today to discuss the role of U.S. Customs and Border Protection (CBP) in combating the flow of dangerous illicit drugs into the United States, specifically through international mail and express consignment carrier (ECC) shipments.

As America's unified border agency, CBP plays a critical role in the Nation's efforts to keep dangerous drugs from harming the American public. CBP's Office of Field Operations (OFO) interdicts drugs at our ports of entry (POEs) and multiple mail and ECC facilities, leveraging targeting and intelligence-driven strategies, and working with our partners to combat Drug Trafficking Organizations (DTOs) as part of our multi-layered, risk-based approach to enhance the security of our borders. 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.

Illicit Drug Trends, Interdictions, and Challenges

While most illicit drug smuggling attempts occur at Southwest land POEs, the smuggling of illicit synthetic drugs in the mail and ECC environment is a growing threat that we need to work to address. Several different types of illicit synthetic drugs, also called "designer drugs", are currently being sold and shipped to end-users in the United States, including synthetic opioids such as fentanyl, [1] synthetic cannabinoids,[2] and synthetic cathinones.[3] CBP seizures of fentanyl, the most frequently seized synthetic opioid,[4] remain relatively small compared to other opioids such as heroin,[5] but have significantly increased over the past three years, from approximately two pounds seized in Fiscal Year (FY) 2013 to approximately 544 pounds seized in FY 2016.[6]

Illicit synthetic drugs are often purchased from foreign sellers through online transactions. The drugs are then shipped to the United States and delivered to domestic purchasers – DTOs and individuals – primarily via U.S. mail or ECC. DTOs and individual purchasers move synthetic drugs such as fentanyl in small quantities, making detection and targeting a significant challenge.

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[1] Along the Southwest border, the practice of mixing synthetic opioids into heroin makes it more challenging for CBP to accurately quantify how much synthetic opioid is seized at the border.

[2] Synthetic cannabinoids are drugs that do not contain marijuana but are pharmacologically similar to tetrahydrocannabinol. (https://www.cdc.gov/mmwr/volumes/65/wr/mm6527a2.htm)

[3] Synthetic cathinones, more commonly known as "bath salts," are synthetic drugs chemically related to cathinone, a stimulant found in the khat plant. (https://www.drugabuse.gov/publications/drugfacts/synthetic-cathinones-bath-salts)

[4] While fentanyl is the most frequently-seized synthetic opioid, CBP has also encountered various types of fentanyl analogues, including acetylfentanyl, butyrylfentanyl, beta-hydroxythiofentanyl, para-fluorobutyrylfentanyl, pentanoylfentanyl, alpha-methyl acetylfentanyl, para-fluoroisobutyrylfentanyl, para-fluorofentanyl, carfentanil, furanylfentanyl, and most recently benzodioxolefentanyl, acrylfentanyl, and methoxyacetylfentanyl. Also, CBP's Laboratories and Scientific Services Directorate (LSSD) has presumptively identified n-hexanoyl fentanyl and benzoyl fentanyl, and are working diligently to confirm these new substances.

[5] In FY 2016, CBP officers and agents seized or disrupted more than 3.3 million pounds of narcotics across the country, including approximately 46,000 pounds of methamphetamine, approximately 200,000 pounds of cocaine, and approximately 4,800 pounds of heroin. https://www.cbp.gov/sites/default/files/assets/documents/2016-Dec/CBP-fy2016-border-security-report.pdf.

[6] This includes approximately 440 pounds seized at POEs (including mail and ECC facilities) and 104 pounds seized at U.S. Border Patrol checkpoints.

Follow-on investigations, which are conducted by U.S. Immigration and Customs Enforcement – Homeland Security Investigations (ICE-HSI), are also challenging because these shippers often are not the hierarchically structured DTOs we usually encounter.

In FY 2017 to date,[7] CBP has made 90 seizures of fentanyl totaling approximately 217 lbs. in the ECC environment and 152 seizures totaling approximately 82 lbs. of fentanyl in the international mail environment. CBP has also made 46 seizures at land POEs totaling approximately 494 lbs.; however, the average purity of fentanyl in the international mail and ECC environments is over 90 percent, whereas the average purity of fentanyl in the land border environment is only 7 percent. Purchasers can also access open source and dark web marketplaces for the tools needed for manufacturing synthetic drugs. In the case of fentanyl, powdered fentanyl, pill presses, and binding agents can be purchased online and then shipped into the United States.[8] In FY 2014, 24 pill press/tablet machines were seized by CBP, and the number increased to 51 in FY 2015 and 58 in FY 2016.

International Mail and Express Consignment Carrier Operations

In the ECC environment, shipments are processed at 26 facilities located throughout the United States. Prior to arrival of the express parcels, CBP reviews the manifest information transmitted by the ECC operators and targets those packages requiring examination. All parcels presented to CBP for examination are subjected to Non-Intrusive Inspection (NII) to include x-ray and gamma ray imaging. CBP operates in all 26 facilities nationwide.

CBP also operates within nine International Mail Facilities (IMF), inspecting international mail arriving from more than 180 countries. Upon arrival in the United States, all international mail parcels are screened for radiological threats. International mail requested for inspection by CBP is then turned over to CBP by the United States Postal Service (USPS). CBP x-rays all international mail packages presented by USPS and physically examines those deemed to be high-risk.

Currently, in the international mail environment, there is limited advance information available. The lack of advanced manifest data, which would aid in targeting shipments, as well as the sheer volume of mail and potentially hazardous nature of various types of illicit drugs, present challenges to CBP's interdiction efforts in the international mail environment. The detection of illicit synthetic drugs in particular remains challenging. Illicit drug manufacturers seek to outpace the law by continually manufacturing new drug analogues, challenging CBP's targeting and detection capabilities.

Although the processing of inbound international mail is primarily manual, requiring CBP officers to sort through large volumes of parcels, 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. On April 20, 2017, CBP officers working at the IMF in Chicago, Illinois, intercepted a package from China destined for Lafayette, Indiana, that was not manifested and had no declared value. CBP officers selected the package for further examination due to prior

[7] As of August 27, 2017.

[8] U.S. law enforcement suspects that there are also some clandestine fentanyl production labs in Mexico that likely obtain precursor chemicals from China.

seizures utilizing similar packaging. A physical examination of the package revealed 2.27 pounds of a fentanyl analogue. CBP has also worked in coordination with local police departments, as in the case of a man arrested in Rohnert Park, California, in late 2016 for collecting a package shipped internationally through the mail containing $30,000 worth of MDMA, also called Ecstasy or Molly.[9]

CBP Resources and Capabilities to Target, Detect, and Interdict Illicit Drugs

Thanks to the support of Congress, CBP has made significant investments and improvements in our drug detection, identification, and targeting capabilities. These resources, along with enhanced information sharing and partnerships, are critical components of CBP's ability to detect and deter the entry of dangerous illicit drugs in the international mail and ECC environments.

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 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 air and maritime cargo data elements provided by air, sea, and land commercial transport companies (carriers) — including ECCs and importers. This information is automatically fed into CBP's Automated Targeting System, an intranet-based enforcement and decision support system that compares cargo and conveyance information against intelligence and other enforcement data.

CBP's National Targeting Center (NTC) is where 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. As the focal point of that strategy, 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.

Because of the complex tracking systems used by ECCs, when CBP identifies a high-risk shipment in the ECC environment, it has the ability to place an electronic hold and to notify the carrier that a particular parcel needs to be presented to CBP for inspection. The major international air shipping carriers have a tracking number system that allows them to pull these parcels for inspection when they are scanned into the computer system upon arrival at an air hub.

[9] Per http://www.sfchronicle.com/crime/article/Rohnert-Park-man-busted-in-club-drug-smuggling-10623082.php?ipid=gsa-sfgate-result

As mentioned above, in the international mail environment, there is limited advance information available. USPS receives mail from more than 180 countries, the vast majority of which arrives via commercial air or surface transportation. The international mail system is not integrated and few foreign postal administrations provide advance manifest data to USPS (which may then be passed on to CBP). Hence, within the mail environment, CBP Officers must rely on intelligence and physical or x-ray examinations to carry out their enforcement mission. CBP and the USPS have been conducting an advance data pilot on express mail and e-packets from select countries, and CBP continues to work with the USPS to address the issue of electronic advanced data and, through its participation on U.S. delegations to meetings of the Universal Postal Union, is working to expand its use globally.[10]

Detection Technology and Canines

CBP officers utilize NII, spectroscopic and chemical testing equipment, and detection canines to detect and identify illicit drugs at international mail and ECC facilities. Canine operations are an invaluable component of CBP's counternarcotic operations. CBP canine teams work at international mail facilities to examine millions of foreign mail shipments coming into the United States from all parts of the world. Synthetic opioids present unique challenges to canine teams due to the potency of the drug and the associated danger to the health and safety of the canines and their handlers. CBP recently assessed the feasibility of safely and effectively adding fentanyl as a trained odor to OFO's deployed narcotic detection canine teams.[11] On June 23, 2017, CBP successfully completed its first Fentanyl Detection Canine Pilot Course, which added the odor of fentanyl and its analogues to six OFO canine handler teams. CBP continues to conduct special research to determine the detection and identification of signature odor profiles for fentanyl compounds to aid in our detection capabilities.

The narcotics seized through the mail and at ECC facilities usually have a very high purity compared to seizures along the Southwest border due to the DTO practice of mixing synthetic opioids with other substances.[12] Therefore, at IMFs and ECC facilities, CBP officers use Fourier

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[10] 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' and 'non-U.S. Mail'." Under TSA regulations, international mail destined for the United States is considered cargo and, as a result, is subject to all existing 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. 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.

[11] CBP offices involved in this assessment include OFO, the Office of Training and Development CBP Canine Training Program, the Laboratory and Scientific Services Directorate, and the Office of Chief Council, Labor Employee Relations, and Occupational Safety and Health Divisions.

[12] Synthetic drugs seized in the mail environment generally contain a purity greater than 90 percent with the exception of two drug classes: naturally occurring drugs and certain forms of steroids. In contrast, the purity of seizures along the Southwest border, and particularly of synthetic opioids, average about seven percent controlled substance content. At limited land POEs, officers use Gemini Raman Spectroscopy and handheld narcotics analyzer equipment and NIK narcotic field drug test kits that have the ability to make identifications of illicit substances. However, detecting

Transform Infrared Spectroscopy (FT-IR), Gemini Raman Spectroscopy,[13] handheld narcotics analyzers, and NIK narcotic field drug test kits[14] to test suspect substances and obtain a presumptive result. When illicit drugs are seized at an IMF or ECC facility, the sample data is then transmitted directly to CBP's Laboratories and Scientific Services Directorate (LSSD) for scientific identification and interpretation.

CBP also performs illicit synthetic drug detection in the field with LSSD's Field Triage Infrared Reachback Program, which utilizes ruggedized FTIR equipment, the data from which is transmitted from officers in the field to scientific personnel at LSSD to provide presumptive results. When any synthetic opioids are detected by the reachback program, LSSD notifies key CBP personnel at the NTC as well as the liaisons with DEA's Special Operations Division, so they can generate near real-time intelligence and see if controlled deliveries can be executed. LSSD 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.[15]

In the fourth quarter of FY 2016, OFO conducted a pilot with the San Diego Field Office and the LSSD Los Angeles Laboratory to evaluate new testing methods for the identification of fentanyl. The pilot tested four handheld tools along with a new reagent test kit to provide immediate presumptive testing for fentanyl. Of the four tested, the Gemini Analyzer proved to be the most reliable instrument. The Gemini system combines Raman with FT-IR technology and encompasses a software library that evaluates and identifies liquid and chemical explosives. Based on the results of the pilot, OFO procured twelve Gemini systems and assigned a Program Manager to provide a Fentanyl Safety Brief for the CBP officers across San Diego, Tucson, El Paso, and Laredo Field Offices. Currently, OFO is working to procure more than 60 additional handheld analyzers, test kits, and the necessary protective equipment to conduct non-contact sampling on-site. The systems will be deployed in the mail and ECC cargo facilities and at POEs on the Southwest border. CBP will prioritize procurement and deployment plans of additional devices based on the availability of funds and analysis of synthetic drug interdiction rates.

Technology and canine detection capabilities are critical components of CBP's security operations at mail and ECC cargo facilities. These capabilities are used in conjunction with advance information and targeting capabilities to effectively and efficiently detect and interdict dangerous illicit drugs.

Workforce Protection

CBP's frontline operations, including drug interdiction activities, are extremely hands-on. The potential for contact with dangerous substances – especially illicit synthetic opioids – is a very real

synthetic opioids that are mixed with cutting agents, such as lactose and dipyrone, which are regularly found at Southwest LPOEs, remain a challenge for the current technology.

[13] Raman spectroscopy is a technique used in chemistry to provide a structural fingerprint by which molecules can be identified.

[14] The NIK field presumptive test kits are chemical screening kits used to identify the most commonly encountered narcotic and street drugs.

[15] LSSD has provided triage on 5,299 submissions during FY 2015, and 8,384 submissions for FY 2016. Since the inception of the program, LSSD has triaged 20,158 submissions within a business day and has generated many controlled deliveries because of the rapid turnaround.

health and safety risk to law enforcement personnel and canines. For example, in its pure powder form, fentanyl is approximately 50-100 times more potent in its intensity, speed of action, and effect on organs than morphine, and, at first glance, it is often mistaken for other drugs, which 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 is best executed in a laboratory by trained scientists and technicians. [16]

Explicit instructions, including guidance to canine handlers, have been distributed to the field regarding the safe handling of fentanyl. Additionally, in response to increased seizures at LPOEs and the upsurge in the use of heroin (which is increasingly cut with fentanyl) across the Nation, in October 2015 CBP completed Phase 1 of a pilot program to train and equip CBP officers with naloxone, a potentially life-saving drug for the treatment of opioid exposure. During Phase I, CBP officers, at seven participating POEs[17] received training on recognizing the signs and symptoms of opioid exposure, administering naloxone, and were certified as CPR instructors. In February 2016, CBP initiated Phase 2 of the Naloxone Initiative Pilot Program, expanding the pilot to an additional eight POEs and deploying 602 dual-dose Narcan Nasal Spray® kits to the field.[18] The naloxone program has also expanded to LSSD to help protect its scientists both in its main and satellite laboratories. CBP was the first Federal law enforcement agency to implement such a program.

Information Sharing and Operational Coordination

Substantive and timely information sharing is critical to targeting and interdicting shipments containing illicit drugs. CBP contributes to the whole-of-government effort to identify and disrupt sophisticated routes and networks used by DTOs for the smuggling of illicit drugs by sharing critical information on individuals and cargo with investigative and intelligence partner agencies.

To bolster its targeting mission in the international mail and ECC environments, the NTC collaborates with critical partners on a daily basis, including ICE-HSI, the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation, the Food and Drug Administration Office of Criminal Investigations (FDA/OCI), other members of the Intelligence Community, and the United States Postal Inspection Service (USPIS). CBP is sharing information with these agencies and conducting joint enforcement initiatives, including intelligence-driven operations designed to identify and disrupt drug smuggling. As of April 2017, the NTC has two permanent USPIS employees working in the NTC narcotic targeting units under a recent MOU. Moreover, NTC works in close coordination with several pertinent task forces including the Organized Crime Drug Enforcement Task Forces, the High Intensity Drug Trafficking Areas, as well as the Department of Homeland Security's Joint Task Force–West and Joint Task Force–Investigations.

[16] Expedited analysis can have a turnaround time of a day or two; the turnaround time for non-expedited samples can be up to two months. Routine samples are treated as non-expedited. Samples that are treated as expedited are samples that are destined for controlled deliveries, have an impending court date, person or persons under arrest or detention, or are otherwise deemed a priority.

[17] Phase 1 Naloxone Pilot Program POEs include El Paso; Laredo; Fort Lauderdale International Airport; John K. Kennedy International Airport; San Luis: San Ysidro; and Seattle/Blaine.

[18] Phase 2 Naloxone Pilot Program POEs include Miami Int'l/Miami Seaport; Boston; Buffalo; Detroit; Newark; Chicago; Houston Int'l/Houston Seaport; and Dallas.

The OFO Tactical Operations Division directs special enforcement operations, in concert with ICE-HSI and other law enforcement partners, to identify and disrupt drug smuggling at targeted POEs, IMFs, and ECC facilities. These operations involve NII technology, canine enforcement teams, Antiterrorism-Contraband Enforcement Teams, Special Response Teams, and other law enforcement partner resources. For example, in January 2017, CBP officers at the John F. Kennedy (JFK) International Airport IMF partnered with ICE-HSI, DEA, FDA, U.S. Fish and Wildlife Service, and the U.S. Consumer Product Safety Commission to launch "Operation Mail Flex." This five-day joint operation targeted and interdicted illicit fentanyl and other opioids shipments that posed a health and safety risk to consumers. Operation Mail Flex focused on express mail originating in China and Hong Kong. This successful operation resulted in the seizure of 2.4 kilograms (5.31 pounds) of fentanyl and 134 other controlled substances. It also resulted in the seizure of 1,297 non-compliant imports and provided law enforcement officers with the opportunity to conduct eight controlled deliveries to unsuspecting drug smugglers. CBP is also conducting other special enforcement operations, including “Operation Crush” at the ECC facilities in Cincinnati, Louisville, and Memphis to seize hard narcotics such as fentanyl.

Additionally, CBP is a key partner in the implementation of the Office of National Drug Control Policy’s (ONDCP) Heroin Availability Reduction Plan (HARP). CBP also participates in the Department of Justice’s Nationwide Deconfliction System operated by DEA, conducting interagency deconfliction and coordination, and is the second most prolific user among all federal agencies. CBP is also working with the Heroin and Fentanyl Working Group at the DEA Special Operations Division, alongside ICE-HSI, and at the El Paso Intelligence Center to link drug seizures to international and domestic distribution networks.

Conclusion

There is no single entity or single solution that can stop the flow of dangerous illicit drugs into the United States or keep them from harming the American public. Tackling this complex threat involves a united, comprehensive strategy and an aggressive approach by multiple entities across all levels of government. With continued support from Congress, CBP, in coordination with our partners, will continue to refine and further enhance the effectiveness of our detection and interdiction capabilities to combat transnational threats and the entry of dangerous illicit drugs into the United States.

CBP will continue to work with our government and private-sector partners to improve the efficiency of information sharing and operational coordination to address the challenges and threats posed by illicit narcotic smuggling in the international mail environment. CBP, and specifically OFO, will also continue to work with USPS and USPIS to improve interdiction in the mail environment through improved advanced data, and other security best practices at the Nation’s IMFs.

Chairman Meadows, Ranking Member Connolly, and distinguished Members of the Subcommittee, thank you for the opportunity to testify today. I look forward to your questions.