



TESTIMONY OF

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Introduction

Chairman Portman, Ranking Member Carper, 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, including synthetic opioids, into the United States, specifically through international mail and express consignment carrier (ECC) shipments.

As America's unified border security 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, including the United States Postal Service (USPS), 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 (LPOEs), the smuggling of illicit synthetic drugs in the mail and ECC environment poses a significant threat. Dozens of 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 and its analogues, synthetic cannabinoids,¹ and synthetic cathinones.² CBP seizures of illicit fentanyl, the most frequently seized synthetic opioid,³ remain relatively small compared to other opioids such as heroin,⁴ but are highly potent and have significantly increased over the past several years, from approximately two lbs. seized in Fiscal Year (FY) 2013 to approximately 544 lbs. seized in FY 2016,⁵ and approximately 1,476 lbs. seized in FY 2017.⁶

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 illicit fentanyl in small quantities, making detection and targeting a significant challenge. Follow-on investigations, which are conducted by U.S. Immigration and Customs

¹ 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>).

² 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>).

³ While illicit 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.

⁴ In FY 2017, CBP officers and agents seized or disrupted over 1.9 million lbs of narcotics across the country, including over 60,000 lbs. of methamphetamine, over 330,000 lbs. of cocaine, and over 4,800 lbs. of heroin.

⁵ This includes approximately 440 lbs. seized at POEs (including mail and ECC facilities) and 104 lbs. seized at U.S. Border Patrol checkpoints.

⁶ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2017>.

Enforcement – Homeland Security Investigations (ICE-HSI), are also challenging because these shippers are often not the hierarchically structured DTOs we usually encounter.

In FY 2017, CBP made 118 seizures of illicit fentanyl totaling approximately 240 lbs. in the ECC environment and 227 seizures totaling approximately 92 lbs. of fentanyl in the international mail environment.⁷ CBP also made 65 seizures of fentanyl at LPOEs totaling approximately 853 lbs..The majority of illicit fentanyl in the international mail and ECC environments is shipped in concentrations of over 90 percent, whereas the majority of fentanyl in the land border environment is seized in concentrations of less than 10 percent. Purchasers can also access open source and dark web marketplaces for the tools needed for the manufacturing of 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 seizures of pill press/tablet machines were made by OFO, and the number increased to 51 in FY 2015, 58 in FY 2016 and 92 in FY 2017.

International Mail and Express Consignment Carrier Operations

In the ECC environment, shipments are processed at 25 established 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 high-risk 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 25 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 USPS. Subsequently, CBP x-rays all international mail packages presented by USPS and physically examines those deemed to be high-risk.

CBP has seen a nearly 50 percent⁹ increase in express consignment shipments over the past five years. In FY 2013, CBP processed over 76 million express bills; in FY 2017, CBP processed approximately 110 million bills. CBP has not only seen an increase in the express consignment environment, but also in international mail shipments, which have increased an astonishing 200 percent over the past five years. In FY 2013, CBP and the USPS processed approximately 150 million international mail shipments. By FY 2017 the number of international mail shipments had swelled to over 400 million shipments.

The detection of illicit synthetic drugs remains challenging in the postal environment. However, recent bi-lateral agreements regarding advance electronic data (AED) between USPS and foreign postal operators have increased CBP's ability to target high-risk shipments. Currently, in the international mail environment, CBP receives AED on over 40 percent of all international mail shipments with goods. The lack of a mandate for advance manifest data on all parcels, 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. Illicit drug

⁷ Additional Fentanyl was seized by OFO in the air passenger and sea transportation environments.

⁸ U.S. law enforcement suspects that there are also some clandestine fentanyl milling and production labs in Mexico. These labs likely obtain precursor chemicals and fentanyl for milling and tableting from China.

⁹ Total increase 45 percent

manufacturers also 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. For example, on August 26, 2017, CBP officers assigned to the Memphis, Tennessee, Federal Express (FedEx) Hub selected a shipment for an enforcement examination based on a pre-arrival manifest review. The shipment originated from Canada and was destined for Massachusetts. Officers seized 4.70 grams of carfentanil from the shipment manifested as documents. The Memphis Border Enforcement Security Task Force, in coordination with ICE-HSI Boston, coordinated a successful controlled delivery resulting in arrests, seizure of additional narcotics to include cocaine, heroin, and carfentanil, as well as three high powered rifles with high capacity magazines.

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.¹⁰ This information is automatically fed into CBP's Automated Targeting System, a secure intranet-based enforcement and decision support system that compares cargo and conveyance information against intelligence and other enforcement data.

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,

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.

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. There are currently two full-time ICE-HSI Special Agents embedded within the NTC Cargo (NTC-C) Narcotics Division. These Special Agents are assigned to NTC-Investigations (NTC-I) and are charged with serving as liaisons between the NTC and ICE-HSI personnel in both domestic and international posts. ICE-HSI investigative case data is fused with CBP targeting information to bolster investigations targeting illicit narcotics smuggling and trafficking organizations.

Due to 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.

As mentioned above, in the international mail environment, there is no mandate for advance data and CBP is currently receiving less than 50 percent of AED on shipments with goods. USPS receives mail from more than 180 countries, the vast majority of which arrives via commercial air or surface transportation. Few foreign postal operators provide AED to USPS (which is then passed on to CBP). Hence, within the mail environment, CBP officers still rely on intelligence and physical or x-ray examinations to carry out their enforcement mission.

CBP and the USPS have conducted an AED pilot on express mail and e-packets from select countries, which is now operational at five of our main IMFs to target high-risk shipments. The USPS is responsible for locating the shipments and delivering to CBP for examination. CBP and USPS continue to work with foreign postal operators to highlight the benefits of transmitting AED to the United States. For example, CBP and the United States Postal Inspection Service (USPIS) will jointly provide training at a Security Workshop we are conducting, as consultants of the Universal Postal Union (UPU), Postal Security Group (PSG), in Bangkok, Thailand, at the Asia-Pacific Postal College the week of January 22, 2018. CBP will continue to work with USPS to address the issue of AED and, through its participation on U.S. delegations to meetings of the UPU, is working to expand the use of AED globally.

Detection Technology and Canines

CBP officers utilize NII, spectroscopic and chemical testing equipment, and narcotics detection canines to detect and presumptively 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 and ECC 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. After assessing 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. This added the odor of fentanyl and its analogues to six OFO canine handler teams in the international mail and ECC environments. As of November 23, 2017, all OFO concealed human and narcotic detector dogs working in the international mail and ECC environments have been trained to detect fentanyl. As of December 20, 2017, 295 of OFO's 474 concealed human and narcotic detector dog teams have been trained to detect fentanyl across OFO's work environments, with the remaining teams scheduled to be trained by March of 2018. On December 15, 2017, seven new OFO concealed human and narcotic detector dog teams graduated from the Canine Center Front Royal as the first OFO canines to be fentanyl certified at initial certification. All future OFO concealed human and narcotic detector dog teams will graduate fentanyl certified. 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.

As the narcotics seized through the mail and at ECC facilities usually have a very high purity, at IMFs and ECC facilities CBP officers use Fourier Transform Infrared Spectroscopy (FT-IR), Gemini® Raman Spectroscopy,¹² and handheld narcotics analyzers to test suspect substances and obtain a presumptive result. Using CBP's Laboratories and Scientific Services Directorate (LSSD) Field Triage Reachback Program, CBP officers transmit sample data directly to LSSD for scientific interpretation and identification.¹³ When any synthetic opioids are detected by the reachback program, LSSD notifies key CBP personnel at the NTC as well as the liaisons with Drug Enforcement Administration's (DEA) Special Operations Division, so they can generate near real-time intelligence. 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.¹⁴

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. Based on the results of the pilot, OFO procured 12 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. In the fourth quarter of FY 2017, OFO procured over 90 Gemini® handheld analyzers and the associated narcotic field drug test kits, and we are currently training staff and deploying the technology across our mail, ECC, and

¹¹ CBP offices involved in this assessment included OFO, the Office of Training and Development CBP Canine Training Program, LSSD, and the Office of Chief Council, Labor Employee Relations, and Occupational Safety and Health Divisions.

¹² Raman spectroscopy is a technique used in chemistry to provide a structural fingerprint by which molecules can be identified.

¹³ At limited POEs, officers also use Gemini® Raman Spectroscopy and handheld narcotics analyzer equipment that have the ability to make identifications of illicit substances. However, detecting 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.

¹⁴ 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 contributed to many controlled deliveries because of the rapid turnaround.

LPOEs on the Southwest border. Utilization of the handheld analyzers and test kits improves officer safety, and provides a near real-time capability to increase narcotic interdiction and increase the number of ICE-HSI and DEA controlled deliveries resulting in arrests and additional contraband seized. 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 international mail and ECC 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 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 and its analogues is best executed in a laboratory by trained scientists and technicians.¹⁵

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 POEs¹⁶ 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 II 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.¹⁷ To date, OFO has deployed 1,119 two-dose boxes of naloxone to the field. Additional naloxone is being deployed to field offices upon request, as additional personnel are trained in its administration. A procurement of 720 two-dose boxes of Narcan® Nasal Spray from FY 2017 funding is due to be shipped, to replace the lot which expires in April of 2018. The naloxone

¹⁵ 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.

¹⁶ 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.

¹⁷ Phase 2 Naloxone Pilot Program POEs include Miami Int'l/Miami Seaport; Boston; Buffalo; Detroit; Newark; Chicago; Houston Int'l/Houston Seaport; and Dallas.

program has also expanded to LSSD to help protect its scientists in both 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, DEA, the Federal Bureau of Investigation, the Food and Drug Administration Office of Criminal Investigations (FDA/OCI), other members of the Intelligence Community, and 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 at the NTC assisting and collaborating for narcotic targeting under a recent Memorandum of Understanding. 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.

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 a five-day joint operation to target and interdict illicit fentanyl and other narcotic shipments that posed a health and safety risk to consumers. The operation focused on mail packages originating in China and Hong Kong. This successful operation resulted in the seizure of 5.31 lbs. 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, such as “Operation Crush” at the ECC facilities in Cincinnati, Louisville, and Memphis, to seize narcotics such as fentanyl. Operation Crush effected 77 seizures of narcotics and precursor chemicals in Memphis, 24 in Louisville, and 24 in Cincinnati. This operation also resulted in the additional seizure of three assault rifles, one handgun, a 100-round ammunition drum and other high-capacity magazines, and \$7,028 in United States currency, as well as cocaine and heroin. One subject was arrested after carfentanil was seized in Memphis. From this seizure, the Bureau of Alcohol, Tobacco, Firearms and Explosives matched one of the firearms to an unsolved June 2017 shooting in the Brockton, Massachusetts area.

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 utilizes the Department of

Justice's Nationwide Deconfliction System operated by the 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.

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