

TESTIMONY OF

R. GIL KERLIKOWSKE
Commissioner
U.S. Customs and Border Protection
Department of Homeland Security

For a Field Hearing

BEFORE

United States Senate
Committee on Homeland Security and Governmental Affairs

ON

“All Hands on Deck: Working Together to End the Trafficking and Abuse of Prescription
Opioids, Heroin, and Fentanyl”

September 14, 2015
Manchester, New Hampshire

Introduction

Good morning, Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee. Thank you for the opportunity to appear today in New Hampshire to discuss the role of U.S. Customs and Border Protection (CBP) in combating the flow of dangerous narcotics into the United States.

The use and availability of heroin and other clandestinely made opioids as well as the abuse of prescription opioids in the United States have been increasing at an alarming rate. The situation is one of the most important, complex, and difficult challenges our Nation faces today. According to a recent report¹ from the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA), overdose deaths involving heroin nearly doubled between 2011 and 2013 and are climbing.

There is no single entity, nor a single solution, that can solve this problem or cure as complicated a disease as opioid use disorder. Addressing this complex threat involves a united, comprehensive strategy and aggressive approach by multiple entities – from law enforcement, science, medicine, education, social work, and the public health sector – across all levels of government. While continued efforts to interdict heroin and other narcotics at the border are a key aspect of addressing this crisis, interdictions, arrests and convictions alone cannot solve the epidemic consequences of prescription opioid and heroin use. We need to focus on prevention and treatment, and identify the characteristics of a developing opioid use disorder before it escalates. We must also concentrate on deterring opioid trafficking through transnational criminal organizations, cartels, and other distribution networks.

To do this effectively, we need to better integrate our efforts, share information, and partner with federal, state, local and tribal communities as well as the private sector. The Heroin Response Strategy,² recently announced by the Office of National Drug Control Policy (ONDCP), will foster a collaborative partnership between public health and law enforcement entities. The strategy seeks a comprehensive response to this complex epidemic by addressing the broad range of efforts required – on the international, national, and local levels – to reduce the use, distribution, and trafficking of this dangerous substance.

As America's unified border agency, CBP has a critical role in the efforts to keep dangerous drugs like heroin and other clandestinely made opioids out of the hands of the American public. Combating transnational criminal organizations (TCO) and drug trafficking organizations (DTO) is a key component of our multi-layered, risk-based approach to enhance the security of our borders. This layered approach to security reduces our reliance on any single point or program and extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

¹ *Vital Signs*, a report from the Centers for Disease Control and Prevention and Food and Drug Administration; July 7, 2015; <http://www.cdc.gov/media/releases/2015/p0707-heroin-epidemic.html>

² <https://www.whitehouse.gov/the-press-office/2015/08/17/white-house-drug-policy-office-funds-new-projects-high-intensity-drug>

Secretary Johnson's Unity of Effort initiative has put in place new and strengthened management processes to enable more effective DHS component operations to address transnational criminal organizations, drug-trafficking, and other cross-border threats. In addition, DHS-wide border and maritime security activities are guided by the new Southern Border and Approaches Campaign and complement the Administration's biennial *National Southwest Border Counternarcotics Strategy*. Aimed at leveraging the range of unique Department roles, responsibilities, and capabilities, the Campaign enhances our ability to work together in a more unified way to address these comprehensive threats. In support of this new strategy, on November 20, 2014, the Secretary announced the piloting of three new joint task forces (JTF) to coordinate the efforts of the combined resources of DHS component agencies. Joint Task Force-East is responsible for the maritime approaches to the United States across the southeast, from the Gulf of Mexico to the Caribbean. Joint Task Force-West is responsible for the southwest land border from Texas to California. And, supporting the work of the other two task forces is a standing Joint Task Force for Investigations. These three JTFs reached full operational capability on July 30 of this year.

Interdictions and Trends

Although CBP saw a 13 percent decrease in overall nationwide drug seizures from Fiscal Year (FY) 2013 to FY 2014, heroin seizures increased 12 percent during the same period, with CBP seizures totaling 2,235 kilograms (kg). Ports of entry (POE) saw an eight percent increase and Border Patrol seizures of heroin increased five percent. CBP has seen similar heroin seizure increases in the air and marine environments.³ CBP seizures of clandestinely made opioids like fentanyl, while relatively small compared to heroin, have also significantly increased from 1.1 kg in FY 2013 to 3.3 kg seized in FY 2014 and 27.5 kg seized to date in FY 2015. The majority of seizures occur at express consignment facilities.

Mexican manufacturers and traffickers continue to be the primary suppliers of heroin to the United States, providing approximately 53 percent of the U.S. supply. Although the vast majority⁴ of CBP's heroin interdictions occur along the Southwest land border, seized from vehicles of smugglers who are part of a network of drug trafficking organizations (DTO) and cartels, CBP interdicts this dangerous drug in various forms in all environments and transportation modes. The reach and influence of Mexican cartels, notably Los Zetas, and the Gulf, Juarez, Jalisco New Generation, and Sinaloa Cartels, stretches across and beyond the Southwest border, operating through loose business ties with smaller organizations in cities across the United States. The threat of DTOs is dynamic; rival organizations are constantly vying for control, and as U.S. and Mexican anti-drug efforts diminish criminal networks, new groups arise and form new alliances.

DHS Resources and Capabilities to Counter Drug Trafficking Organizations

³ Nationally, across land, air, and marine border environments, CBP's Office of Air and Marine (OAM) contributed to the seizure of 225 pounds (lbs.) of heroin in FY 2015, 724 lbs. in FY 2014 and 356 lbs. of heroin in FY 2015 as of August 28, 2015.

⁴ Approximately 85 percent of CBP's heroin seizures in FY 2014 were via land.

CBP, responsible for America's frontline border security, has a significant role in the Nation's efforts to combat the cross-border criminal activity of cartels and other drug trafficking organizations. In the past decade, DHS has deployed more resources, technology, and tactical infrastructure for securing our borders than at any other time in history. Technology and detection capabilities significantly contribute to identifying and deterring the entry of potentially dangerous people and contraband.

Between the POEs along the Southwest border, CBP has made significant technology deployments, including mobile surveillance units, ground sensors, and thermal imaging systems to increase its ability to detect illegal cross-border activity and contraband in recent years. CBP also has 652 miles of fencing and deployed other tactical infrastructure to key trafficking areas. Additionally, the Department of Defense (DoD) ReUse effort enables CBP to leverage DoD technologies to satisfy critical border security missions while saving DHS resources. DHS and CBP have employed these technologies for line-watch persistent surveillance, aerial surveillance, detection of contraband and Weapons of Mass Destruction, and agent/officer safety.

CBP's Border Patrol, as part of its efforts to prevent the illicit smuggling of humans, drugs, and other contraband, maintains checkpoints and a high level of vigilance on corridors of egress from our Nation's borders. For example, this past May, San Diego Sector Border Patrol agents made an arrest after discovering more than 16 pounds of heroin in the back of a vehicle travelling along Interstate 5 in California. Just a few weeks ago, Border Patrol agents in the El Centro Sector, also in California, arrested a suspected drug smuggler during a check of a commercial passenger bus at the Highway 86 checkpoint after discovering packages of heroin hidden inside his shoes. And earlier this year, Border Patrol agents participated in "Operation Crazy Bull", which targeted drug traffickers in northwest Pennsylvania and other states in the region. The operation, which resulted in the arrest of 15 suspected members of a DTO, included federal and state agencies and was the culmination of a two-year investigation initiated by the Border Patrol and U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI).

At POEs, technology, such as non-intrusive x-ray and gamma ray imaging systems, and canine teams are invaluable in detecting the illegal transit of drugs hidden on people, in cargo and in other conveyances. Two weeks ago, CBP officers conducting a container check in San Juan, Puerto Rico discovered two backpacks with brick-shaped objects inside that tested positive for cocaine and heroin. While cargo conveyances may be a popular conveyance for smuggling, DTOs also move heroin in smaller quantities to try to evade detection. Last December, CBP officers working express consignment operations in Cincinnati seized five pounds of heroin when a shipment manifested as a baby playpen arrived at the facility for processing. The shipment was mailed from Malaysia and was destined for delivery in Toronto, Canada. ICE and the Royal Canadian Mounted Police Serious and Organized Crime Division conducted a controlled delivery that resulted in the arrest of two individuals suspected of illegal importation and narcotics trafficking.

Recognizing the importance of law enforcement playing a role beyond simply enforcement, and observing the upsurge in heroin use and the increase in heroin seizures at POEs, CBP has initiated a Naloxone Pilot Program. This program will ensure that CBP officers are prepared to save a life, if any of the nearly one million daily travelers who are processed through our

Nation's POEs experience an opioid overdose. The first phase of the program, which involved naloxone instructor training, was completed in January of 2015. Training includes instruction on the application of naloxone, cardiopulmonary resuscitation instructor certification, and other administrative requirements. The second phase is currently underway, which is the rollout of naloxone training for first and second line supervisors and EMT-certified staff at seven pilot POEs by October 1, 2015.⁵

CBP also has capable and effective aerial and marine assets, including unmanned aircraft systems and strategic and tactical aerostats, providing critical surveillance coverage and domain awareness toward counternarcotic efforts. In the maritime domain, CBP's Office of Air and Marine (OAM) employs high speed Coastal Interceptor Vessels that are specifically designed and engineered with the speed, maneuverability, integrity and endurance to intercept and engage a variety of suspect non-compliant vessels in offshore waters, as well as the Great Lakes on the northern border.

This past May, OAM participated in a joint law enforcement operation with the Drug Enforcement Administration (DEA) targeting a heroin ring in Philadelphia, PA, and Rochester, NY. OAM's highly-trained air crews and marine agents conducted aerial and land surveillance and executed search warrants. The operation yielded the arrest of more than a dozen suspects and seizure of \$187,000 in currency, 1.6 kg of heroin, five handguns, and an assault rifle.

CBP OAM P-3 Orion Aircraft (P-3s) have also been an integral part of the successful counternarcotic missions operating in coordination with Joint Interagency Task Force South (JIATF-S). The P-3s patrol in a 42 million-square mile area known as the Source and Transit Zone, which includes more than 41 nations, the Pacific Ocean, Gulf of Mexico, Caribbean Sea, and seaboard approaches to the United States. In Fiscal Year 2014, CBP's P-3s operating out of Corpus Christi, Texas and Jacksonville, Florida flew more than 5,900 hours in support of counternarcotic missions resulting in 135 interdiction events of suspected smuggling vessels and aircraft. These events led to the total seizure of 57,374 kg of cocaine with an estimated street value of \$9.47 billion.

Improved technology and enhanced capabilities have also expanded the collection, analysis, and dissemination of information between law enforcement partners working to dismantle DTO networks. For example, CBP's Laboratories and Scientific Services Directorate uses advanced techniques to provide qualitative identification and quantitative determination as well as pollen analysis of heroin, cocaine, marijuana, and methamphetamine to assist with identifying potential drug smuggling routes.

Intelligence and Information Sharing

Criminal intelligence sharing is a key component of countering drug-trafficking along the Southwest and Northern borders. CBP contributes to several initiatives to improve the combined intelligence capabilities of Federal, state, local, tribal, and international partners.

⁵ The Naloxone Pilot Program has been implemented at the following POEs: El Paso, Fort Lauderdale International Airport, John F. Kennedy International Airport, Laredo, San Luis, San Ysidro, and Seattle/Blaine.

CBP hosts monthly briefing/teleconferences with federal, state and local partners regarding the current state of the border – the Northern border and Southwest border – in order to monitor emerging trends and threats and provide a cross-component, multi-agency venue for discussing trends and threats. The monthly briefings focus on narcotics, weapons, and currency interdictions and alien apprehensions both at and between the POEs. These briefings/teleconferences currently include participants from Canada, the Government of Mexico; ICE; U.S. Coast Guard (USCG); DEA; Federal Bureau of Investigation (FBI); U.S. Northern Command; Joint Interagency Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 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.

The operation of the JTFs increases information sharing with Federal, state and local law enforcement agencies; improves border-wide criminal intelligence-led interdiction operations; and addresses transnational threats. Information, including physical evidence and other forensic information, gathered at POEs is also valuable to the information sharing effort. Substantive and timely information sharing is critical in targeting and interdicting individuals that move drugs and illicit merchandise from the POEs to their destinations through the United States and Mexico.

Enhancing counternarcotic operations in the air and maritime environments, the Air and Marine Operations Center (AMOC), a state-of-the-art law enforcement radar surveillance center, integrates data from multiple sensor sources to provide real-time information on suspect targets to responders at the Federal, state, and local levels. AMOC’s capabilities are enhanced by the continued integration of DHS and other Federal and Mexican personnel to increase efforts to identify, interdict, and investigate suspected drug trafficking in the air and maritime domains.

Operational Coordination

Our Nation’s borders – land, maritime, and air environments – cannot be effectively policed by a single DHS component or even a single governmental entity. A whole-of-government approach that leverages interagency and international partnerships as a force multiplier has been and will continue to be the most effective way to keep our border secure.

Providing critical capabilities toward the whole-of-government approach, CBP works extensively with our Federal, state, local, tribal and international partners to address drug trafficking and other transnational threats along the Southwest border, Northern border, and coastal approaches. Our security efforts are enhanced through special joint operations and task forces conducted under the auspices of multi-agency enforcement teams, composed of representatives from international and U.S. federal law enforcement agencies who work together with state, local, and tribal agencies to target drug and transnational criminal activity, including investigations involving national security and organized crime.

Under the Secretary’s Unity of Effort initiative and with the three new DHS JTFs, CBP is enhancing our collaboration with other DHS components – specifically ICE and USCG – to

leverage the unique resources, authorities, and capabilities of each agency to more effectively and efficiently execute our border security missions against transnational criminal organizations, drug-trafficking and other threats and challenges.

CBP is a critical partner in the ICE-led Border Enforcement Security Task Forces (BESTs), which are composed of Federal, state, local, and international law enforcement and intelligence stakeholders working together to counter TCOs and enhance border security. BESTs currently operate in 37 locations, including 14 along the Southwest border. In FY 2014, BESTs made 3,231 criminal arrests and 870 administrative arrests; and federal prosecutors obtained 2,013 indictments and 1,837 convictions in BEST-investigated cases.

OAM works in partnership with ICE-HSI, DEA, and FBI facilitating the logistical aspect of covert operations in the maritime environment utilizing unmarked and undercover vessels when situations dictate that the surveillance of drug loads or TCO activity can yield larger seizures as a part of ongoing investigations. OAM routinely facilitates controlled deliveries with partner agencies through the utilization of undercover vessels and the incorporation of undercover or plainclothes agents. OAM develops and retains confidential human sources and specializes in the installation of covert trackers aboard suspect vessels and often leads these covert missions under hours of darkness utilizing plainclothes or undercover tactics with critical partner agencies. This leads to significant intelligence and seizures and the critical information gained is often crucial to identifying TCO suspects, associates, and accomplices. Additionally, OAM periodically augments vessel crews from these investigative partner agencies when a specific level of larger vessel certification coupled with investigative authority and experience is needed when operating these assets. OAM also actively participates in Operation Martillo, an international counter illicit trafficking initiative whereby U.S. and regional partner nations' military and law enforcement agencies patrol the air and sea environments in the Caribbean Sea, Gulf of Mexico and the Eastern Pacific on a year-round basis.

In the air environment, OAM detects, identifies, investigates, and interdicts potential air threats to the United States including general aviation (GA) aircraft involved in the aerial transit of contraband. The AMOC monitors complex airway traffic to identify illicit use of aircraft and those attempting to blend in with legitimate traffic. Through its national SKY PRO initiative, OAM, in collaboration with ICE-HSI, the Federal Aviation Administration, and state, local, and tribal law enforcement agencies, works to enhance law enforcement interactions with the GA community to increase awareness and intelligence on international and domestic smuggling activities.

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). The overall goals of these programs and their training component are to encourage commercial carriers to share with CBP the burden of 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. The Carrier Initiative Program is a voluntary training program directed at employees of carriers with route systems that are high risk for drug smuggling. The Super Carrier Initiative Program is for those carriers that face an extraordinarily

high risk from drug traffickers. 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. CBP and various carriers have signed over 3,800 Carrier Initiative Agreements and 27 Super Carrier Agreements.

Heroin trafficking is a global problem, and CBP continues to work with our international partners to share information and leverage resources to combat this threat. Through the 21st Century Border Management Initiative, the U.S. Government, and Government of Mexico (GOM) are working to strengthen our collaborative relationship and efforts to secure and facilitate the cross-border flows of people and cargo. CBP also has Border Patrol International Liaison Units who facilitate cooperation between U.S. and Mexican law enforcement authorities as part of a multi-layered effort to target, disrupt, and dismantle criminal organizations.

AMOC's coordinating efforts with the GOM and the deployment of shared surveillance technology has enabled the GOM to focus aviation and maritime enforcement efforts to better combat TCO operations in Northern Mexico and the contiguous U.S./Mexico border. For example, this past January, officers working at the AMOC detected a suspicious aircraft travelling north towards the United States. AMOC subsequently alerted GOM of the activity, and both the Mexican Federal Police and Air Force responded to investigate. The abandoned aircraft was located by Mexican officials a short time later, where 27 bags containing approximately 389 kilos methamphetamine, 79 kilos of cocaine, 79 kilos of white heroin, and 1.5 kilos of black tar heroin were discovered and seized.

CBP, together with our international, federal, state, local and tribal partners, is committed to reducing the risk associated with TCOs by addressing threats within the Southern Border and Approaches Joint Operating Area. The establishment of JTFs marks a renewed commitment to seek out and coordinate optimal, multi-component authorities, capabilities, competencies, and partnership expertise to combat all threats to the homeland.

Conclusion

CBP, through collaboration and coordination with our many Federal, state, local, tribal, international government, and other partners, has made great strides with regard to the integrity and security of our borders.

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 heroin into the United States. We will continue to work with the intelligence community and our law enforcement partners to improve the efficiency of information sharing with relevant partners, to guide strategies, identify trafficking patterns and trends, develop tactics, and execute operations to address the challenges and threats posed by transnational criminal organizations to the safety and security of the American public.

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