



**One Hundred Eighteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515**

Wednesday, September 13, 2023

10:00 a.m. EDT in 310 Cannon House Office Building

**Full Committee**

Hearing

**“An Unbearable Price: The Devastating Human Costs of the  
Biden-Mayorkas Border Crisis”**

**WITNESSES**

**Mr. Tim Ballard**

Private Citizen

**Ms. Sandy Snodgrass**

Founder

Alaska Fentanyl Response

**Ms. Mayra Hinojosa Cantu**

Private Citizen

**Mr. Lee Gelernt**

Deputy Director

ACLU Immigrants’ Rights Project

American Civil Liberties Union

## TESTIMONY OF SANDY SNODGRASS

For a Hearing Before the House Committee on Homeland Security  
“An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis”

Sept. 13, 2023

Good morning, I would like to thank you Chairman Green and Ranking Member Thompson for the opportunity to address the committee today.

I would like to begin my testimony with a moment of silence to honour the memory of American Citizens who have lost their lives to illicit drug poisonings. Particularly recognising American Citizens that will die today during the course of this hearing.

My only child, Robert Bruce Snodgrass, became forever 22 on October 26th, 2021, in Anchorage Alaska. He was poisoned by Fentanyl on the cold October day in a wooded area within shouting distance of a McDonalds drive through. The Fentanyl he got that day prevented him from being able to call out for help. He dropped and died where he stood.

Bruce loved Alaska, he was an outdoorsman, a free solo climber and wilderness survival expert. He was safe in the backcountry of Alaska. He was not safe in his own home town.

The year Bruce died Alaska was #1 in the nation for increased illicit drug deaths. The 73% increase was fueled by Fentanyl.

In the first 6 months of 2023 enough Fentanyl was seized in Alaska to kill every Alaskan 3 times. Alaska is being targeted by drug cartels due to the money they can make in my state, particularly in rural, predominantly Alaska Native Communities. 1 pill in an Alaskan Village can cost 80 dollars. That same pill is sold in large American cities for 10 dollars.

So, what to do?

I am hopeful that this committee will focus on solutions today. I will offer 5 solutions for your consideration today and moving forward.

First, Designate Mexican Drug Cartels and their Transnational Criminal Partners as Terrorist Organisations. This will bring the full weight of the United States Government to bear down on the perpetrators that have killed and are continuing to kill Americans on our Sovereign Soil. Immediately, as members of the United States House of Representatives you can co-sponsor and support the swift passage of House Bill HR. 1564.

Second, this committee can fully support The Department of Homeland Security's non-intrusive technology to significantly increase the number of passenger and commercial vehicles scanned at the southern border.

Third, The Postal Inspection Service has created a standardized nationwide Task Force Officer (TFO) Program. TFO's are armed with non-invasive scanners and are imbedded with Postal

Inspectors. Often part of High Intensity Drug Trafficking Area (HIDTA) Task Forces. They act as critical force multipliers and this committee can update the funding resources to advance the investigations and interdictions of TFO Programs around the country.

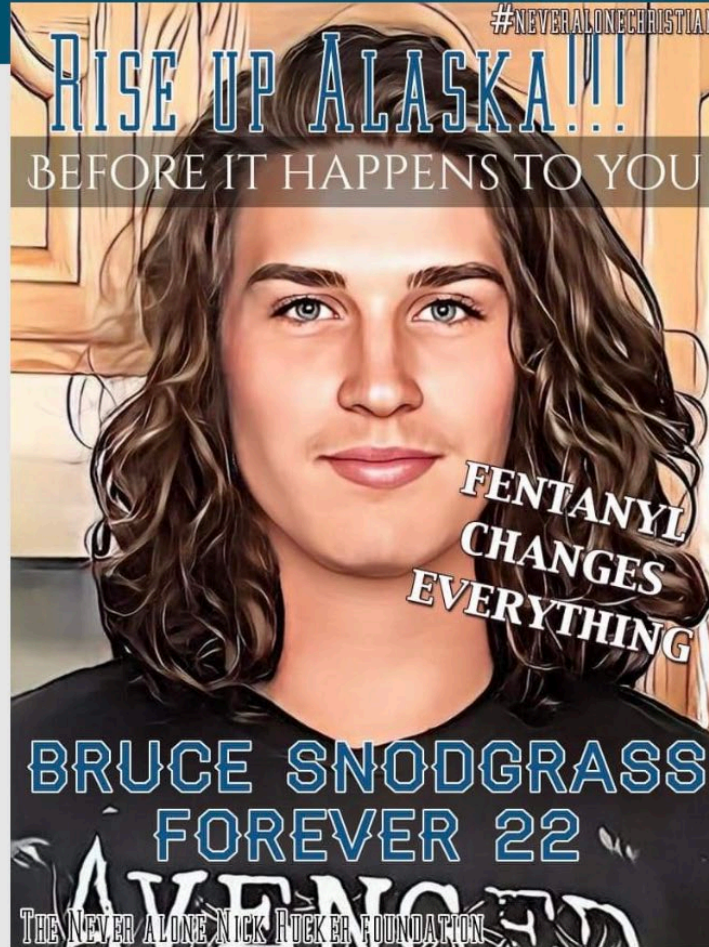
Fourth, The HIDTA Programs in all 50 states are a model of how to dramatically impact the contaminated drug supply in this country. HIDTA initiatives create task forces including tribal, local, state and federal law enforcement, including Homeland Security Forces, to very effectively investigate, interdict and prosecute Drug Trafficking Organisations (DTO's) in all 50 states. I have witnessed HIDTA's effectiveness in Alaska and I am asking that this committee fully support HIDTA.

Fifth, Congressman Trone has introduced the bi-partisan House Bill HR. 2867, known as Bruce's Law, named for my son. Bruce's Law will establish an Awareness Campaign related to the lethality of Fentanyl and Fentanyl contaminated drugs. It will provide community based enhancement grants to mitigate the effects of drug use, particularly focused on school aged children. I can not urge the members of this committee strongly enough to co-sponsor Bruce's Law and support its rapid passage. TIME IS NOT ON OUR SIDE.

Finally, I would again like to thank Chairman Green and Ranking Member Thompson for the opportunity to address this committee. Chairman, I wish you and this committee God Speed in you work here today and in the days ahead.

Thank you.

## **Ak Fentanyl Response Project**



The Mission of Ak Fentanyl Response Project is to provide community events to address the Fentanyl Crisis in Alaska. Presentations include awareness, prevention, education, training and distribution of Naloxone Kits to Alaskan Communities. [Akfentanylresponse@gmail.com](mailto:Akfentanylresponse@gmail.com)

**Appendix 1:**

<https://www.congress.gov/bill/118th-congress/house-bill/1564/text?s=1&r=2>

# **Shown Here: Introduced in House (03/10/2023)**

118th CONGRESS  
1st Session

H. R. 1564

To direct the Secretary of State to submit to Congress a report on the designation of the Gulf Cartel, the Cartel Del Noreste, the Cartel de Sinaloa, and the Cartel de Jalisco Nueva Generacion as foreign terrorist organizations, and for other purposes.

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## **IN THE HOUSE OF REPRESENTATIVES**

Mr. Roy (for himself, Mrs. McClain, Mr. Tiffany, Mrs. Miller of Illinois, Mr. Cloud, Mr. Higgins of Louisiana, Mr. Gooden of Texas, Mr. Biggs, Mr. Carter of Texas, Mr. Gosar, Mr. Donalds, Mr. Good of Virginia, Mr. Zinke, Mr. Ogles, Mr. Brecheen, Mr. Norman, Ms. Van Duyne, Mr. Steube, Mr. Bost, Mr. Burgess, and Mr. Babin) introduced the following bill; which was referred to the Committee on the Judiciary

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## **A BILL**

To direct the Secretary of State to submit to Congress a report on the designation of the Gulf Cartel, the Cartel Del Noreste, the Cartel de Sinaloa, and the Cartel de Jalisco Nueva Generacion as foreign terrorist organizations, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Short title.

This Act may be cited as the “Drug Cartel Terrorist Designation Act”.

SEC. 2. Report on designation of certain drug cartels as foreign terrorist organizations.

## Appendix 2:

<https://www.defensedaily.com/white-house-fact-sheet-points-to-slow-rollout-of-vehicle-and-cargo-inspection-systems-along-border/homeland-security/>

# White House Fact Sheet Points To Slow Rollout Of Vehicle And Cargo Inspection Systems Along Border

02/07/2023

Rapiscan Eagle P60 drive-through cargo and vehicle inspection system. Photo: OSI Systems

## Also In This Issue:

The White House on Tuesday morning released a fact sheet outlining President Biden's State of the Union address that evening to include his administration's efforts to combat fentanyl trafficking, but the document shows that the rollout of vehicle and cargo inspection systems at land ports of entry along the southwest border is going slower than expected.

The fact sheet says that by fiscal year 2026, CBP will have 123 non-intrusive inspection (NII) systems at the land ports of entry, enabling the scanning of 40 percent of passenger vehicles and 70 percent of cargo vehicles entering the U.S. Currently, about 2 percent of passenger vehicles and 17 percent of cargo vehicles are inspected with large-scale NII systems as they enter the country, it says.

The NII inspection goals for FY '26 represent a three-year delay from what a CBP official told Congress last May.

"Beginning in FY 2023, CBP expects to increase NII scans of these vehicles as much as 40 percent and greater than 70 percent, respectively," Pete Flores, executive assistant commissioner for CBP's Office of Field Operations, said in written testimony to the House Homeland Security Subcommittee on Border Security.

The NII systems are seen as a key capability for detecting and interdicting illegal drugs such as fentanyl, as well as other contraband and potential threats, that are being hidden inside cars, trucks and cargo entering the U.S. legally through ports of entry. The majority of fentanyl is believed to be entering the U.S. through these means.

Congressional Republicans have been bashing Biden for the fentanyl crisis, saying he isn't moving aggressively to combat the issue. However, these legislators don't typically focus on the NII deployments as the primary means to squeeze the drug smugglers at the ports of entry.

In January, CBP told *Defense Daily* it has acquired 123 drive-through NII systems under new contracts and that the installation of these systems would increase scanning of passenger occupied vehicles and commercial occupied vehicles to 40 and 70 percent, respectively, versus current levels.

In FY '23, the agency's goal is to deploy more than 50 percent of the NII systems, or about 65 units, across 30 locations along the southwest border, it said. Based on the goals put forth in the White House fact sheet, it will take three more years to complete the deployment of the acquired systems.

The deployment "has been has been a bit turbulent and volatile in terms of our scheduling," Mark Borkowski, CBP's chief acquisition officer, said on Tuesday in response to a question about the NII deployments during a homeland security panel discussion hosted by *ExecutiveBiz*.

CBP in early January, in response to *Defense Daily's* queries, said that it had deployed eight drive through NII systems in pre-primary inspection at southwest land ports of entry, including six low-energy portals (LEPs) and two multi-energy portals (MEPs). The LEPs are used to safely screen passenger occupied vehicles at lower energy levels and the MEPs allow for cargo vehicles to be screened at different energy levels, low energy to scan the occupied cab and high-energy for the cargo conveyance.

The use of the new portals allows for scanning at the speed-of-commerce, rather than only pulling suspect vehicles and cargo aside for scanning in a secondary inspection area. The development of the LEPs and MEPs is



expected to eventually allow CBP to near its congressionally-mandated goal of 100 percent scanning of vehicles and cargo entering the U.S.

Where the small number of NII systems are installed in pre-primary inspection lanes, CBP said it is scanning more than 75 percent of conveyances. In pre-primary lanes without these systems, the agency is scanning 1 to 2 percent of passenger vehicles and 14 to 15 percent of commercial vehicles.

The new NII systems are being purchased through two contracts awarded to multiple vendors in 2021. **Leidos** [LDOS], **OSI Systems'** [OSIS] Rapiscan Systems division, and Britain's **Smiths Detection** were selected to provide the MEPs, and **Astrophysics**, Leidos and Rapiscan the LEPs.

In addition to highlighting the new NII deployments, Biden is expected to tout advanced targeting efforts by CBP based on data provided by commercial delivery companies to identify and intercept suspicious packages and disrupt the global fentanyl production and supply chain among several actions.

During a White House media teleconference on Tuesday morning, Rahul Gupta, director of the Office of National Drug Control Policy, touted progress made by the administration dealing with the fentanyl challenge. He said in the last year nearly 15,000 pounds of fentanyl was seized at the border and 26,000 pounds within the U.S.

The seizures combined with public health efforts have resulted in "five straight months where overdose numbers have decreased," he said.

### Appendix 3:

<https://www.uspis.gov/the-opioid-epidemic>

# Delivering Justice to Opioid dealers

USPIS is committed to stopping fentanyl traffickers with the most advanced technology available. Discover how our inspectors are using data, forensics, and citizens' tips to protect Americans and apprehend opioid dealers who send illegal drugs through the mail.

## Our Success By the Numbers

2,221

2,221 arrests in FY2020 involving drug trafficking using the U.S. Mail.

124K

124,000 pounds of illegal narcotics and nearly \$39 million in illegal proceeds seized in FY2020.

914

914 Synthetic Opioids Seizures by USPIS FY 2017 - 2019

592

592 pounds of Synthetic Opioids Seized by USPIS FY 2017 - 2019

94

94% increase in Domestic Synthetic Opioids Seized by USPIS FY 2017 - 2019

## Innovations

Data Unleashed Real-time Intelligence Accelerated Interceptions Advance Electronic Data Rapid Substance Identification State-of-the-Art Forensics

USPIS Cyber and Analytics group combines sophisticated technology to predict patterns and discover insights. These models allow us to crunch huge data sets with more accuracy, and rapidly boost seizure rates – even when offenders develop new tactics.

To enhance our targeting efforts, we've linked our local, national, and international partners as well as standardized our tracking technologies. This enables us to share real-time data with the Drug Enforcement Agency (DEA), the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center, and the U.S. Customs and Border Protection (CBP).

We employ a robust, automated sorting process at all International Service Centers to quickly track a higher volume of packages. Shared parcel sorting machines help USPIS and CBP work together to facilitate holds and intercepts.

USPIS is working with CBP and foreign postal operators to ensure Advance Electronic Data inside barcodes is on all inbound mail. The detailed information in AED, like full names and addresses, weight, date, and more can be instantly captured in both outgoing and incoming processing centers. Better data means quicker interceptions.

New high-tech analyzers help USPIS field divisions quickly and safely scan for unknown and illegal drugs, like fentanyl. Now inspectors can test over 300 illicit substances without needing to open containers or plastic bags.

USPIS operates its own world-class National Forensic Laboratory with some of the best forensic scientists and analysts in the field. Every day, they examine a myriad of evidence from fingerprints and DNA to narcotics and dark web activity. Annually, these specialists examine around 275,000 items, identifying an average of 900 suspects.

## Case closed

The Postal Inspection Service is turning the tide against opioid dealers. Detecting and stopping their shipments is only the beginning. Tracing

illegal drugs back to the sources and shutting them down is the ultimate mission.

## Fentanyl and Opioids

### OPERATION SpecTOR

“You Can Try to Hide” ...in 2023, a combined effort between USPIS and other federal and international partners led to the largest takedown to-date of international DarkNet fentanyl and opioids trafficking. The coordinated effort spanned the United States, Europe, and South America. Operation SpecTOR resulted in a record 288 arrests, and more seizures of any prior operation: 117 firearms; 850 kilograms of drugs which included 64 kilograms of fentanyl and fentanyl-laced narcotics; and \$53 million in cash and virtual currencies. “Our message to criminals on the dark web is this: You can try to hide in the furthest reaches of the internet, but the Justice Department will find you and hold you accountable for your crimes.” — Attorney General Merrick B. Garland.

[Read Press Release](#)

## Opioids

### Outlaw Motorcycle Gang Takedown

Between August 2018 and November 2020, Postal Inspectors in Pennsylvania worked with partners at the FBI, DEA and multiple state and local law enforcement agencies to bring a total of 30 indictments against members of the Pagans Motorcycle Club for violations including narcotics trafficking and firearm possession. The defendants included high-ranking members of the club, who oversaw a violent trafficking ring selling cocaine, methamphetamine, heroin, fentanyl, marijuana and other illegal drugs across western Pennsylvania. In some cases, members of the motorcycle club used the Dark Web to facilitate narcotics shipments through the U.S. Mail. The complex Organized Crime Drug Enforcement Task Force (OCDETF) investigation included three months of court-authorized Title III wiretaps of phones linked to several defendants

## Dark Web Narcotics

### Operation DisrupTor

*In 2020, USPIS played a major role in a worldwide effort to dismantle narcotics traffickers on the Dark Web in Operation DisrupTor. As an integral member of JCODE (Joint Criminal Opioid and Darknet Enforcement), the Inspection Service worked with federal law enforcement partners and Europol to target criminals who sell and ship narcotics and other dangerous goods around the world by exploiting the U.S. Mail and express consignment carriers. This coordinated operation led to a total 179 arrests, the seizure of dozens of weapons, hundreds of kilograms of narcotics and over \$6.5 million.*

[READ PRESS RELEASE](#)

## Silk Road 2.0

### Next Stop, Prison

After deleting the original Silk Road from the dark web, USPIS again joined a multiagency probe to prevent Silk Road 2.0 from taking its place. With their help, the mastermind behind this new marketplace was arrested, convicted and sentenced to eight years in prison. Before being shut down, Silk Road 2.0 was shipping hundreds of kilos of illegal drugs, including opioids, around the world. That's 150,000 active users generating \$8 million/month driven off the road.

## Peter the Great

### Data Takes Down "Peter The Great"

After synthetic opioids killed an Oregon woman, USPIS was alerted by authorities. Analytics uncovered evidence that the deceased's mail was connected to a dark web vendor called "Peter the Great." The resulting investigation led to the interception of over 130 more shipments from the suspect. Following the data trail, authorities descended on his residence and arrested him. Their search revealed a clandestine lab and more than 40 pounds of illegal drugs, including synthetic opioids.

From: Hong Kong  
To: No One

Suspicious shipments from Hong Kong sender “MDD” were identified by U.S. Postal Inspectors. Sharing intelligence and coordinating with authorities overseas, 275 more mailings were seized, all containing illegal drugs or controlled substances – leading to the seizure of one kilogram of fentanyl. This bust alone could have saved hundreds of thousands of lives – because a lethal dosage of fentanyl can be as low as 2 milligrams.

## LA Gangs

### Cracking Hollywood’s Dark Web Market

After busting a local resident who received illegal drugs, law enforcement in Quitman, Arkansas, alerted USPIS. The evidence trail led them to Los Angeles County, where they worked with the U.S. Attorney’s Office to hunt down the source. Quickly, they discovered and shut down two separate LA area drug rings that were using dark web markets to distribute illegal substances.

## Doggfood

### Fingerprint Fail

Investigating an overdose-related package with a coalition of U.S.-based agencies, USPIS in Maryland and Arkansas soon discovered fingerprints on related mail from a Pikesville, MD, resident. When authorities searched his home, they recovered a laptop used to run dark web vendor “DoggFood,” a firearm, and over 100 grams of illegal drugs.

## AlphaBay

### Closing The Largest Underground Drug Bazaar

Taking down Alphabay, the biggest marketplace on the dark web since Silk Road, was a massive undertaking. USPIS joined law enforcement in Thailand and five other countries to shut down this illicit drug empire that

had more than \$1 billion in transactions. Alphabay previously hosted 200,000 users, 40,000 vendors, and had nearly 250 places to buy heroin, opioids, and other illegal drugs.

## Wall Street Market

### Dark Web

### Stocks Crash

USPIS teamed up with domestic and international law enforcement to take out Wall Street Market in 2019. Cooperating with law enforcement in the United States, Germany, and the Netherlands, agents arrested and charged three men as the masterminds behind the online underground bazaar. At the time, Wall Street Market had 5,400 vendors selling and shipping illegal drugs, including opioids, to 1.5 million customers.

## COMBATING ILLICIT DRUGS IN THE MAIL: USPS DRUG STRATEGY

Winning the battle against illicit drugs in the mail is a top priority for the U.S. Postal Service and the U.S. Postal Inspection Service.



[VIEW FULL DRUG STRATEGY PAGE](#)

## Addiction Help

The mission of the Inspection Service is protecting the American people and the U.S. Mail from illicit drug activity. USPIS is also committed to crime prevention and victim assistance. If you or someone you know is in need of addiction treatment, please contact the National Helpline:

**1-800-662-4357 (1-800-662-HELP)**

[samhsa.gov](http://samhsa.gov)

**Find treatment near you:**

[FindTreatment.gov](http://FindTreatment.gov)

**More resources:**

[hhs.gov/opioids](https://hhs.gov/opioids)

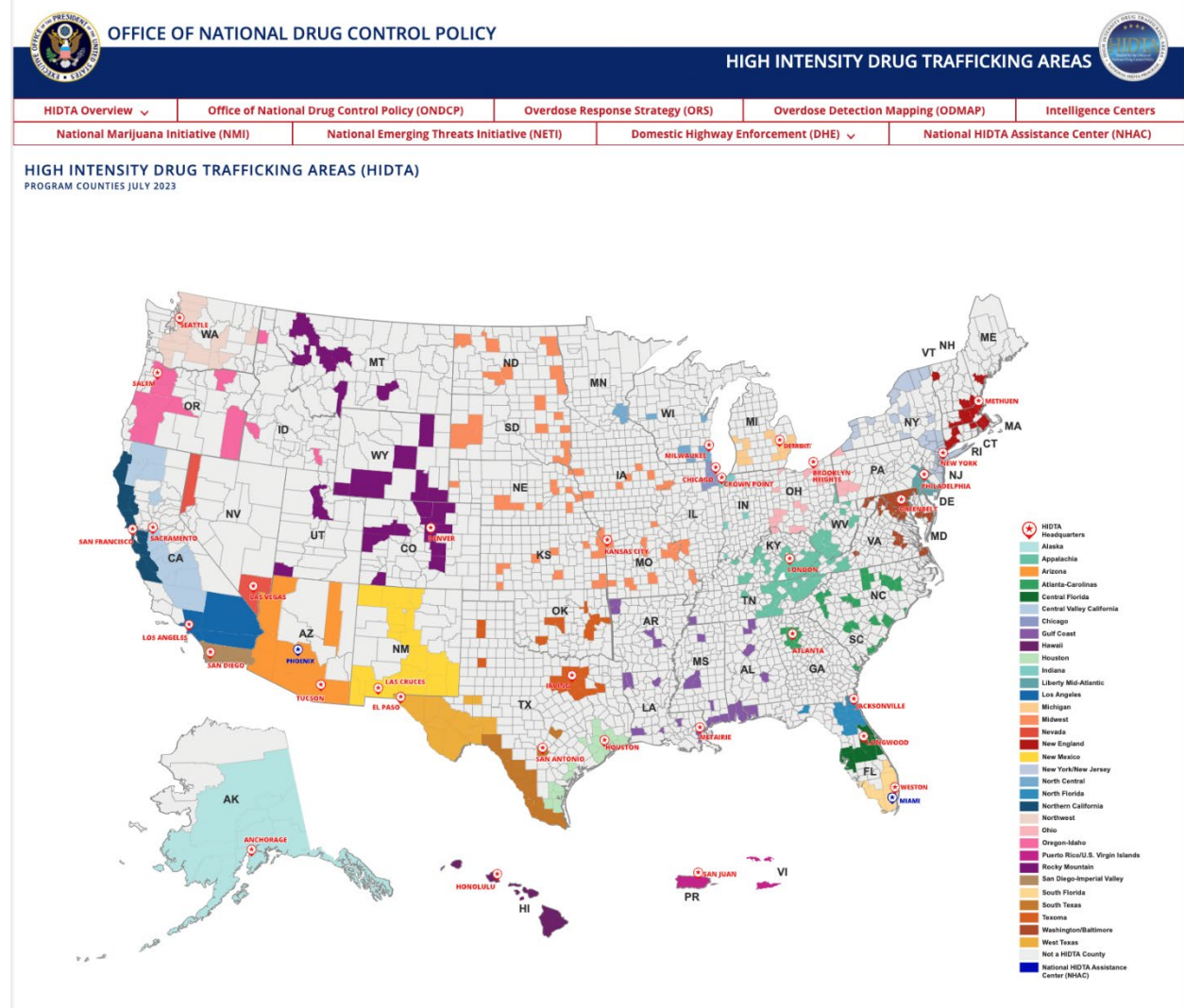
## Report a Crime

Help us end the opioid epidemic. If you know someone who's mailing illegal drugs or has received them, alert Postal Inspectors. You can help save lives.



# Appendix 4:

<https://www.hidtaprogram.org/>



## Appendix 5:

<https://dps.alaska.gov/getmedia/d2b7aeb9-0497-434a-a9f7-c4e1cbe5b01b/2022-Annual-Drug-Report.pdf>



# 2022 Annual Drug Report

JANUARY 2023



Statewide Drug Enforcement Unit (SDEU)  
Alaska Department of Public Safety

January 2023

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## 2022 ANNUAL DRUG REPORT

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

### AS 18.65.085. NARCOTIC DRUGS AND ALCOHOL ENFORCEMENT

(b) The commissioner of public safety shall prepare a report concerning the activities of the narcotic drugs and alcohol enforcement unit. The commissioner shall notify the legislature on the first day of each regular session that the report is available. The report must include, but is not limited to, the number of arrests made, the kind, amount, and value of narcotic drugs and alcoholic beverages seized, the sentences received by narcotic drug and alcohol offenders, and an overall view of the narcotic drug and illicit alcohol problem in the state.

#### Report includes:

- Number of arrests made
- Kind, amount, and value of narcotic drugs and alcoholic beverages seized
- Drug and alcohol prices
- Sentences received by narcotic drug and alcohol offenders
- Overall view of the narcotic drug and illicit alcohol problem in the state

January 2023

1

## 2022 ANNUAL DRUG REPORT

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

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January 2023

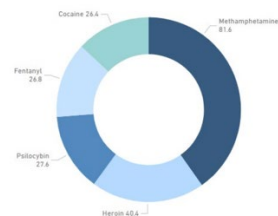
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## 2022 ANNUAL DRUG REPORT

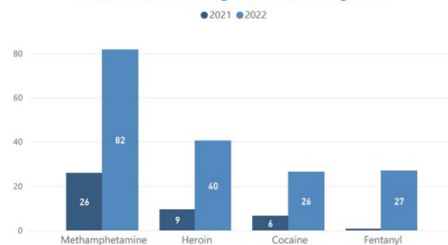
Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

### KIND, AMOUNT, AND VALUE OF NARCOTIC DRUGS AND ALCOHOLIC BEVERAGES SEIZED<sup>2</sup>

2022 Top Drug Seizures in Kilograms



2022 and 2021 Drug Seizures in Kilograms



January 2023

3

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**2022 Drug Seizures in Kilograms**

Drug	Kilograms
Methamphetamine	81.57
Marijuana	53.20
Heroin	40.36
Psilocybin	27.63
Fentanyl	26.85
Cocaine	26.41
Marijuana Edibles	17.04
THC Liquid	13.31
Marijuana BC Bud	10.30
THC Resin	3.59
Synthetic Marijuana	2.17
Oxycodone	0.31
Viagra	0.13
Crack	0.07
Testosterone	0.06
Methadone	0.05
Amphetamine	0.03
Hydrocodone	0.02
Ketamine	0.01
Alprazolam	0.01
MDMA	0.00
Morphine	0.00
LSD	0.00
Buprenorphine	0.00
<b>Total</b>	<b>303.10</b>

**2022 Drug Seizures in Dosage Units**

Drug	Dosage Units (D.U.)
Tapentadol	10,540.00
Fentanyl	5,005.50
THC Liquid	1,647.00
Buprenorphine	488.50
Oxycodone	389.00
LSD	169.00
Tramadol	92.00
Alprazolam	75.00
Methamphetamine	43.00
Psilocybin	43.00
Cyclobenzaprine	42.00
Amphetamine	26.00
Clonazepam	23.00
Marijuana Edibles	22.00
Marijuana	18.00
Methadone	16.00
Hydrocodone	12.00
Hydroxyzine Hydrochloride	12.00
Benzodiazepine	9.00
Gabapentin	9.00
Codeine	4.00
Hydromorphone	3.00
Lorazepam	3.00
MDMA	2.00
<b>Total</b>	<b>18,693.00</b>

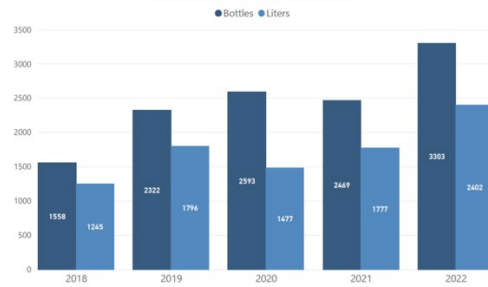
**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**2022 Alcohol Seizures**

Alcohol Description	Bottles Seized	Liters
Distilled Spirits	3,164	2,302.91
Malted Beverage	105	38.28
Wine	34	60.50
<b>Total</b>	<b>3,303</b>	<b>2,401.70</b>

**2018 - 2022 Alcohol Seizures**



<sup>3</sup> Dosage Unit (D.U.) is the number of pills seized  
<sup>4</sup> As little as two milligrams of fentanyl can be lethal. United States Drug Enforcement Administration (July 2, 2018). Fentanyl. Accessed January 26, 2020, <https://www.dea.gov/galleries/drug-images/fentanyl>.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**DRUG AND ALCOHOL PRICES<sup>3</sup>**

The disparity between prices in the contiguous United States and Alaska presents an incentive for drug trafficking organizations to import and distribute drugs into and throughout the state. Moreover, there is a strong correlation between distance from a regional hub and price – the farther a drug or alcohol is trafficked from a regional hub the greater the retail price.

2022 Drug Prices					2022 Drug Prices				
Type	Price	Quantity	Measurement	Community	Type	Price	Quantity	Measurement	Community
Alprazolam	\$100	10.00	Dosage Units (D.U.)	Anchorage	Heroin	\$50	0.46	Grams (g)	Wasilla
Cocaine	\$100	0.40	Grams (g)	Kotzebue	Heroin	\$140	0.20	Grams (g)	Ketchikan
Cocaine	\$100	1.00	Grams (g)	Fairbanks	Heroin	\$150	0.30	Grams (g)	Ketchikan
Cocaine	\$100	1.00	Grams (g)	Kodiak	Heroin	\$200	0.10	Grams (g)	Barrow
Cocaine	\$100	1.00	Grams (g)	Kodiak	Heroin	\$200	2.00	Grams (g)	Kodiak
Cocaine	\$400	0.20	Grams (g)	Anchorage	LSD	\$250	0.40	Grams (g)	Anchorage
Cocaine	\$700	13.00	Grams (g)	Anchorage	Methamphetamine	\$60	1.70	Grams (g)	Anchorage
Cocaine	\$2,000	2.00	Ounces (oz)	Kenai	Methamphetamine	\$100	3.50	Grams (g)	Anchorage
Cocaine	\$3,000	11.00	Grams (g)	Kenai	Methamphetamine	\$150	1.50	Grams (g)	Klawock
Crack	\$40	0.50	Grams (g)	Barrow	Methamphetamine	\$150	1.20	Grams (g)	Chitkaok
Crack	\$200	1.00	Grams (g)	Fairbanks	Methamphetamine	\$180	4.00	Grams (g)	Kenai
Crack	\$300	1.00	Grams (g)	Bethel	Methamphetamine	\$200	6.00	Grams (g)	Sterling
Fentanyl	\$35	1.00	Dosage Units (D.U.)	Anchorage	Methamphetamine	\$220	1.00	Grams (g)	Kodiak
Fentanyl	\$40	1.00	Dosage Units (D.U.)	Barrow	Methamphetamine	\$300	2.00	Grams (g)	Klawock
Fentanyl	\$60	0.30	Grams (g)	Fairbanks	Methamphetamine	\$300	3.50	Grams (g)	Kodiak
Fentanyl	\$60	2.00	Dosage Units (D.U.)	Kodiak	Methamphetamine	\$320	15.00	Grams (g)	Anchorage
Fentanyl	\$60	1.00	Dosage Units (D.U.)	Bethel	Methamphetamine	\$400	1.00	Grams (g)	Barrow
Fentanyl	\$100	1.00	Dosage Units (D.U.)	Kodiak	Methamphetamine	\$400	1.00	Ounces (oz)	Anchorage
Fentanyl	\$100	1.00	Dosage Units (D.U.)	Ketchikan	Methamphetamine	\$500	1.00	Ounces (oz)	Anchorage
Fentanyl	\$100	3.00	Dosage Units (D.U.)	Ketchikan	Methamphetamine	\$500	30.00	Grams (g)	Anchorage
Fentanyl	\$400	3.00	Grams (g)	Anchorage	Methamphetamine	\$600	26.00	Grams (g)	Wasilla
Fentanyl	\$400	6.00	Dosage Units (D.U.)	Ketchikan	Methamphetamine	\$900	28.00	Grams (g)	Fairbanks
Fentanyl	\$500	28.00	Dosage Units (D.U.)	Anchorage	Oxycodone	\$120	8.00	Dosage Units (D.U.)	Anchorage
Fentanyl	\$800	10.00	Dosage Units (D.U.)	Ketchikan	Oxycodone	\$200	30.00	Dosage Units (D.U.)	Anchorage

<sup>3</sup> Drug price data provided by Alaska HIDTA monthly reports

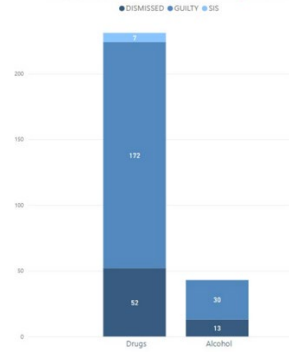
**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**SENTENCES RECEIVED BY NARCOTIC DRUG AND ALCOHOL OFFENDERS<sup>4</sup>**

In 2022, of the 43 alcohol-related offenses, there were 30 guilty and 13 dismissed alcohol-related offenses. Of the 231 drug-related offenses, there were 172 guilty, 52 dismissed, and 7 suspended impositions of sentencing (SIS) drug-related dispositions.

**2022 Alcohol and Drug Offense Dispositions**



<sup>4</sup> Data provided by Alaska Public Safety Information Network (APSIN) as of January 3, 2022. Arrest data is not solely SDEU data, as APSIN is not able to break the data up by units within the Department of Public Safety (DPS). These data represent all alcohol and drug-related arrests for all units within DPS.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

The following charts depict 2022 offense dispositions, offense sentences in fine amounts, and sentencing by average number of days and years for all alcohol and drug-related offenses within the Department of Public Safety. A charge may be initially presented in state court and later adopted in federal court; these dispositions would show as a dismissal. The following charts only represent state court sentences and dispositions.

**2022 Alcohol and Drug Offense Sentences and Fine Amounts**

Category	Disposition	Sentence	Fine Amount	Average Number of Days	Average Number of Years
Alcohol	GUILTY	FINE	\$20,500		
Drugs	GUILTY	FINE	\$2,500		
Alcohol	GUILTY	FINE SUSPENDED	\$7,000		
Drugs	GUILTY	FINE SUSPENDED	\$950		
Alcohol	GUILTY	JAIL		24.57	
Drugs	GUILTY	JAIL		144.15	2.08
Alcohol	GUILTY	JAIL SUSPENDED		60.00	
Drugs	GUILTY	JAIL SUSPENDED		139.83	1.63
Drugs	GUILTY	LIC REST/SU		135.00	
Alcohol	GUILTY	PROBATION			1.00
Drugs	GUILTY	PROBATION		180.00	2.07
Drugs	GUILTY	RESTITUTION	\$100,000		
Drugs	SIS	FINE	\$750		
Drugs	SIS	JAIL			1.00
Drugs	SIS	PROBATION			2.00

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

seizures for fentanyl since fentanyl was reported in both forms. Moving forward, SDEU will only report fentanyl seizures in kilograms.

SDEU remains steadfast in its commitment to the Alaska High Intensity Drug Trafficking Areas (HIDTA) program and its focus on better coordination, cooperation, efficiency, and effectiveness. Following the state's judicial district boundaries, the SDEU teams align with the Alaska HIDTA enforcement initiatives. The Alaska HIDTA program was designated on May 1, 2018, and the Alaska HIDTA executive board authorized funding and the creation of initiatives on October 1, 2018.

*Dreadly Doses of Fentanyl in 2022* (December 20, 2022). Accessed January 10, 2023. <https://www.dea.gov/press-releases/2022/12/20/drug-enforcement-administration-announces-seizure-over-379-million-deadly-fentanyl-text+DEA%20laboratory%20testing%20in%202022.contains%20a%20potentially%20deadly%20dose>.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**OVERALL VIEW OF THE NARCOTIC DRUG AND ILLICIT ALCOHOL PROBLEM IN THE STATE SENTENCES RECEIVED BY NARCOTIC DRUG AND ALCOHOL OFFENDERS**

International drug trafficking organizations (DTOs) continue to gravitate towards Alaska's lucrative drug market. DTOs look to exploit Alaska's:

- Hub locations to access remote areas
- High demand
- Limited law enforcement resources in remote areas

Unorganized individuals continue to import illegal alcoholic beverages into one of the 108 local option communities in Alaska that either ban the sale of alcohol, sale by specific type of license only, sale by municipality operated license only, ban sale and importation, or ban the sale, importation, and possession of alcohol.<sup>7</sup>

Methamphetamine, opioids, synthetic opioids (e.g., fentanyl), and cocaine pose the greatest drug threats in Alaska. The high rate of return for drug and alcohol traffickers greatly incentivizes supply into and throughout Alaska. Illegal drugs are predominantly imported and then distributed throughout the state. Alaska is not known to produce illegal drugs. Illegal alcohol, however, is purchased in the hub cities or other legal locations and then distributed to local option communities.

In 2022, the Drug Enforcement Agency (DEA) issued a Public Service Alert notifying the public that they found that six out of ten fentanyl-laced fake prescription pills analyzed contained a potentially lethal dose of fentanyl. This is an increase from four out of ten in 2021<sup>8</sup>. The DEA also declared fentanyl to be the deadliest drug threat facing the country<sup>9</sup>. SDEU cautions comparing 2022 to 2021 kilogram and DU

<sup>7</sup> Department of Commerce, Community, and Economic Development. Alcohol & Marijuana Control Office. *Current list of local option communities – 10/15/2020*. Accessed January 15, 2021.

<sup>8</sup> Drug Enforcement Agency. *PUBLIC SAFETY ALERT: DEA Laboratory Testing Reveals that 6 out of 10 Fentanyl-Laced Fake Prescription Pills Now Contain a Potentially Lethal Dose of Fentanyl*. Accessed January 10, 2023. <https://www.dea.gov/alert/dea-laboratory-testing-reveals-6-out-10-fentanyl-laced-fake-prescription-pills-now-contain>

<sup>9</sup> Drug Enforcement Agency. *Press Release: Drug Enforcement Administration Announces the Seizure of Over 379 million*. Accessed January 2023.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**APPENDIX A**

**AS 18.65.085 Narcotic Drugs and Alcohol Enforcement**

- (a) There is established in the Department of Public Safety, Division of Alaska State Troopers, a narcotic drugs and alcohol enforcement unit for the purpose of investigating and combating the illicit sale and distribution of narcotic drugs and alcoholic beverages in the state. Enforcement of the alcoholic beverage control laws shall focus primarily on the investigation, apprehension, and conviction of persons who violate AS 04.11.010 by selling, importing, or possessing alcoholic beverages in violation of a local option adopted by a municipality or established village under AS 04.11.491.
- (b) The commissioner of public safety shall prepare a report concerning the activities of the narcotic drugs and alcohol enforcement unit. The commissioner shall notify the legislature on the first day of each regular session that the report is available. The report must include, but is not limited to, the number of arrests made, the kind, amount, and value of narcotic drugs and alcoholic beverages seized, the sentences received by narcotic drug and alcohol offenders, and an overall view of the narcotic drug and illicit alcohol problem in the state.
- (c) The Department of Public Safety may establish and administer a reward program, and provide grants to municipalities, established villages, and, at the request of a municipality or established village, to a nonprofit association that administers a village public safety officer program, for reward programs leading to the apprehension and conviction of persons who violate AS 04.11.010 by selling, importing, or possessing alcoholic beverages in violation of a local option adopted by a municipality or established village under AS 04.11.491.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**APPENDIX B**

**SDEU Teams**

- **Fairbanks Area-wide Narcotics Team (FANT)** focuses on drug interdictions and investigations in the Interior Region, Utqiagvik, and east to Canada. FANT is comprised of Alaska State Troopers (AST), Fairbanks Police Department, North Slope Borough Police Department, North Pole Police Department, Federal Bureau of Investigations (FBI), and DEA. FANT works closely with the United States Marshals Service (USMS); Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE); and local, state, and military agencies within the region.
- **Southcentral Area-wide Narcotics Team (SCAN)** focuses on drug interdictions and investigations throughout the Southcentral Region, to include the Mat-Su Valley, Anchorage, Kenai Peninsula, and Kodiak Island. SCAN is comprised of AST, Kenai Police Department, Anchorage Police Department, North Slope Borough Police Department, Sand Point Police Department, Anchorage Airport Police and Fire Department, and works closely with the United States Postal Inspection Service (USPIS), Department of Homeland Security Investigations, United States Coast Guard Investigative Service (CGIS), DEA, Internal Revenue Service, and BATFE.
- **Southeast Alaska Cities Against Drugs (SEACAD)** focuses on drug interdictions and investigations in Southeast Alaska. SEACAD is comprised of AST, Juneau Police Department, Petersburg Police Department, Ketchikan Police Department, DEA, FBI, USPIS, and CGIS. SEACAD also provides investigative support to Wrangell, Craig, Klawock, Yakutat, Hoonah, Sitka, Haines, Skagway, and Cordova police departments. SEACAD is comprised of local, state, and federal law enforcement agencies and works closely with law enforcement agencies in the lower 48 and Canada.
- **Western Alaska Alcohol and Narcotics Team (WAANT)** focuses predominately on alcohol enforcement in Western Alaska, as well as drug interdictions and investigations. WAANT is comprised of AST and the Bethel Police Department and works closely with USPIS and other federal partners.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**APPENDIX C**

**FEDERAL TRAFFICKING PENALTIES—MARIJUANA**

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$20 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kg hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$2 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 10 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish (Schedule I)	1 to 49 marijuana plants;		
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

**FEDERAL TRAFFICKING PENALTIES<sup>10</sup>**

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule I)	500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if not an individual, \$25 million if not an individual.	5 kg or more mixture	<b>First Offense:</b> Not less than 30 yrs. and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$20 million if not an individual, \$50 million if not an individual.
Cocaine Base (Schedule I)	28-279 grams mixture		280 grams or more mixture	
Heroin (Schedule I)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture	<b>Second Offense:</b> Not less than 10 yrs., and not more than 30 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.	100 grams or more mixture	<b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	
LSO (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule I)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule I)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) (Schedule IV)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Other Schedule III drugs	Any amount	<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
All other Schedule IV drugs (Flunitrazepam (Schedule IV))	1 gram	<b>First Offense:</b> Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.		<b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs (Flunitrazepam (Schedule IV))	Other than 1 gram or more	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		<b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

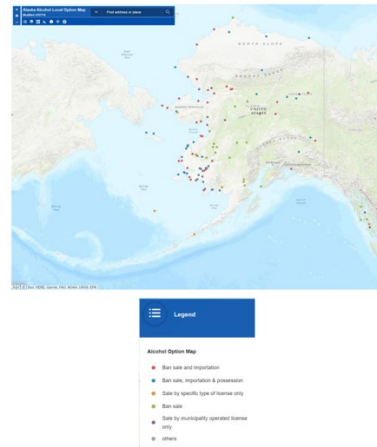
<sup>10</sup> U.S. Department of Justice Drug Enforcement Administration. (2017). *Drugs of Abuse* [PDF]. Accessed January 21, 2020.

**2022 ANNUAL DRUG REPORT**

Statewide Drug Enforcement Unit (SDEU) Alaska Department of Public Safety

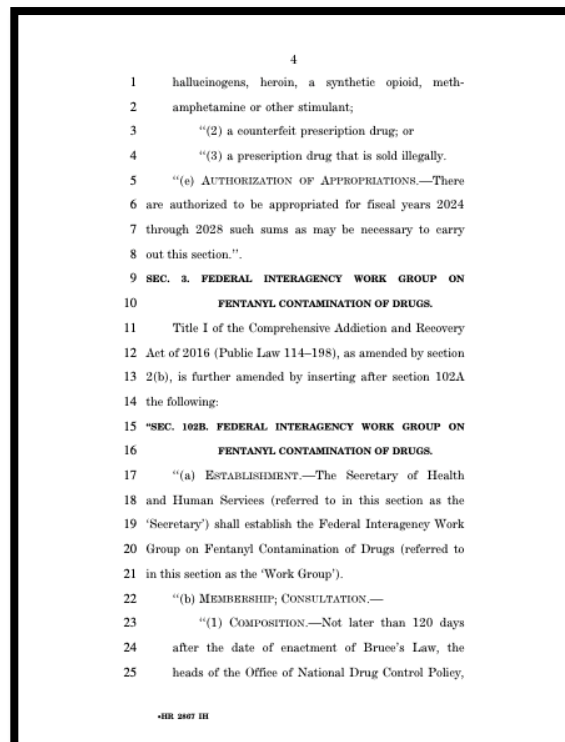
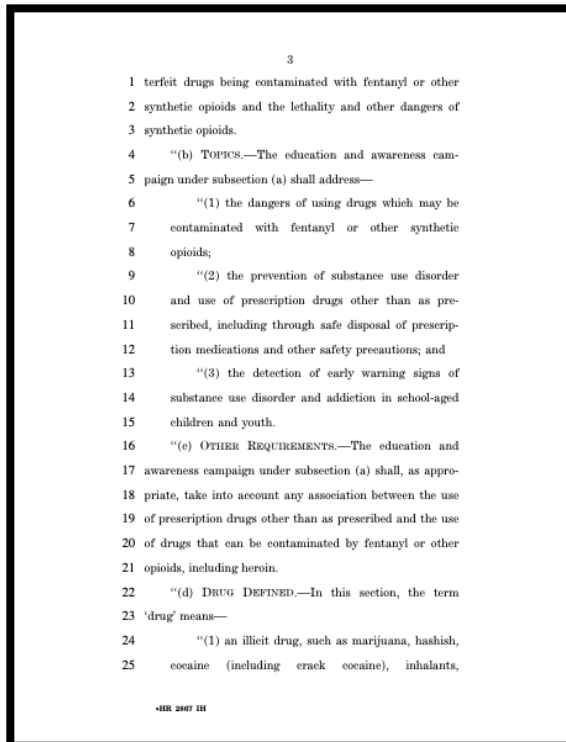
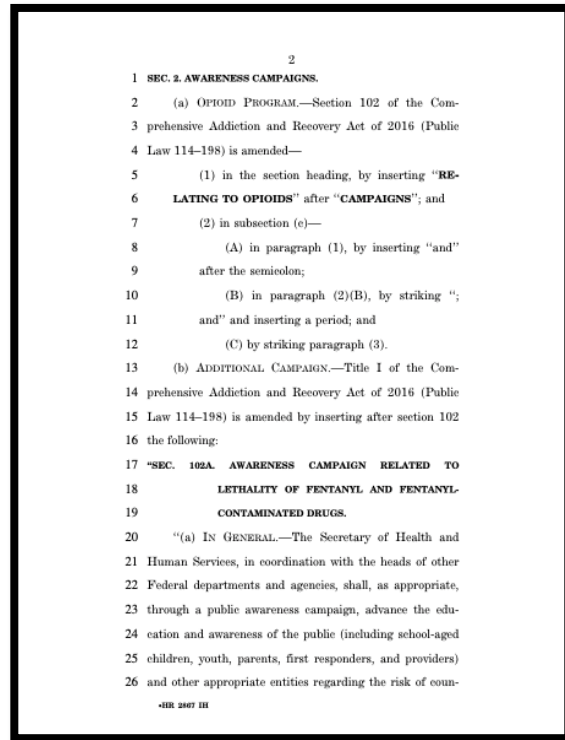
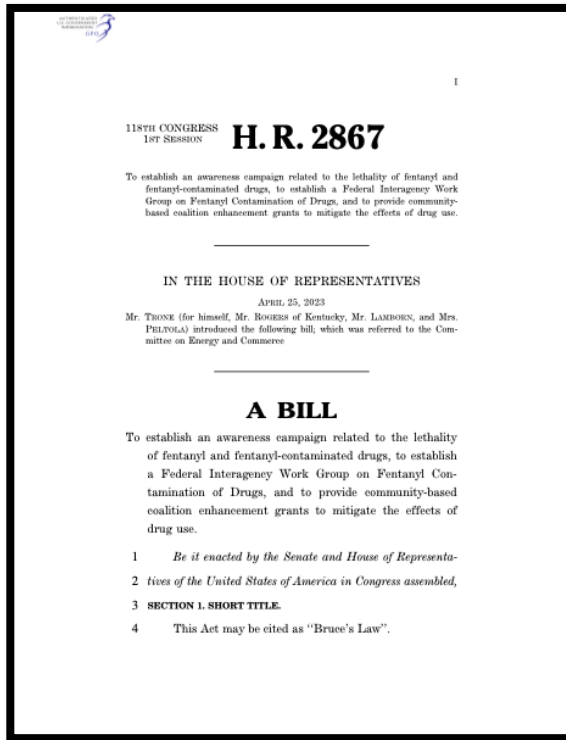
**APPENDIX D**

Alaska Local Option Map<sup>11</sup>



<sup>11</sup> Department of Commerce, Community, and Economic Development. Alcohol & Marijuana Control Office. *Current Map of local option communities*. Accessed January 3, 2022.

## Appendix 6:



1 the Substance Abuse and Mental Health Services  
2 Administration, the Administration for Children and  
3 Families, the Centers for Disease Control and Pre-  
4 vention, the Department of Justice, the Drug En-  
5 forcement Administration, the Department of State,  
6 the Department of Education, and other Federal  
7 agencies (as determined by the Secretary) shall des-  
8 ignate representatives of the respective agency or of-  
9 fice to the Work Group.

10 “(2) CONSULTATION.—The Work Group shall  
11 consult with—

12 “(A) experts at the State, Tribal, and local  
13 levels with relevant backgrounds in reducing,  
14 preventing, and responding to drug overdose by  
15 fentanyl contamination of drugs;

16 “(B) individuals in recovery from use of  
17 fentanyl other than as prescribed or use of  
18 other synthetic opioids;

19 “(C) family members of adults who have  
20 overdosed by fentanyl-contaminated drugs;

21 “(D) family members of school-aged chil-  
22 dren and youth who have overdosed by fentanyl-  
23 contaminated drugs;

1 “(E) researchers and other experts in the  
2 design and implementation of effective drug-re-  
3 lated messaging and prevention campaigns; and  
4 “(F) technology companies.

5 “(e) DUTIES.—The Work Group shall—

6 “(1) examine all Federal efforts directed to-  
7 wards reducing and preventing drug overdose by  
8 fentanyl- or other synthetic opioid-contaminated  
9 drugs;

10 “(2) identify strategies, resources, and supports  
11 to improve State, Tribal, and local responses to over-  
12 dose by fentanyl- or other synthetic opioid-contami-  
13 nated drugs;

14 “(3) make recommendations to Congress for  
15 improving Federal programs and efforts and coordi-  
16 nation across such programs and efforts to reduce  
17 and prevent drug overdose by fentanyl- or other syn-  
18 thetic opioid-contaminated drugs; and

19 “(4) make recommendations for educating  
20 youth on the dangers of drugs contaminated by  
21 fentanyl or other synthetic opioids.

22 “(d) ANNUAL REPORT TO SECRETARY.—The Work  
23 Group shall annually prepare and submit to the Secretary,  
24 the Committee on Health, Education, Labor, and Pen-  
25 sions of the Senate, and the Committee on Education and

1 the Workforce and the Committee on Energy and Com-  
2 merce of the House of Representatives, a report on the  
3 activities carried out by the Work Group under subsection  
4 (e), including recommendations to reduce and prevent  
5 drug overdose by fentanyl or other synthetic opioid con-  
6 tamination of drugs, in all populations, and specifically  
7 among youth at risk for substance use disorder and use  
8 of drugs other than as prescribed.”.

9 **SEC. 4. COMMUNITY-BASED COALITION ENHANCEMENT**

10 **GRANTS TO ADDRESS LOCAL DRUG CRISES.**

11 Section 103(i) of the Comprehensive Addiction and  
12 Recovery Act of 2016 (21 U.S.C. 1536(i)) is amended by  
13 striking “2017 through 2021” and inserting “2024  
14 through 2028”.

15 **SEC. 5. COMMUNITY-BASED COALITION ENHANCEMENT**

16 **GRANTS TO EDUCATE YOUTH ON THE RISKS**  
17 **OF DRUGS CONTAMINATED WITH FENTANYL**  
18 **OR OTHER SYNTHETIC OPIOIDS.**

19 Title I of the Comprehensive Addiction and Recovery  
20 Act of 2016 (Public Law 114–198) is amended by insert-  
21 ing after section 103 (21 U.S.C. 1536) the following:

1 **“SEC. 103A. COMMUNITY-BASED COALITION ENHANCEMENT**  
2 **GRANTS TO EDUCATE YOUTH ON THE RISKS**  
3 **OF DRUGS CONTAMINATED WITH FENTANYL**  
4 **OR OTHER SYNTHETIC OPIOIDS.**

5 “(a) PROGRAM AUTHORIZED.—The Director of the  
6 Office of National Drug Control Policy (referred to in this  
7 section as the ‘Director’), in coordination with the Direc-  
8 tor of the Centers for Disease Control and Prevention,  
9 may make grants to eligible entities to implement edu-  
10 cation of the public on the dangers of contamination of  
11 drugs with fentanyl or other synthetic opioids.

12 “(b) APPLICATION.—

13 “(1) IN GENERAL.—An eligible entity seeking a  
14 grant under this section shall submit an application  
15 to the Director at such time, in such manner, and  
16 accompanied by such information as the Director  
17 may require.

18 “(2) CRITERIA.—As part of an application for  
19 a grant under this section, the Director shall require  
20 an eligible entity to submit a detailed, comprehen-  
21 sive, multisector plan for addressing the implementa-  
22 tion of an evidence-based public education campaign  
23 on the dangers of drugs contaminated with fentanyl  
24 or other synthetic opioids, with a specific consider-  
25 ation given to education focused on youth at in-  
26 creased risk for developing a substance use disorder.

1 “(3) ELIGIBLE ENTITIES.—For purposes of this  
2 section, the term ‘eligible entity’ means an entity  
3 that—

4 “(A) has documented, using local data,  
5 rates of drug overdose related to fentanyl or  
6 other synthetic opioids at levels that are signifi-  
7 cant, as determined by the Director; and

8 “(B) has received a grant under the Drug-  
9 Free Communities Act of 1997.

10 “(e) USE OF FUNDS.—An eligible entity shall use a  
11 grant received under this section—

12 “(1) for programs designed to implement com-  
13 prehensive community-wide prevention strategies to  
14 address the dangers of drugs contaminated with  
15 fentanyl or other synthetic opioids, in the area  
16 served by the eligible entity, in accordance with the  
17 plan submitted under subsection (b)(2);

18 “(2) to obtain specialized training and technical  
19 assistance from the organization funded under sec-  
20 tion 4 of Public Law 107–82 (21 U.S.C. 1521 note);  
21 and

22 “(3) for programs designed to implement com-  
23 prehensive community-wide strategies to address the  
24 dangers of drugs contaminated with fentanyl or  
25 other synthetic opioids in the community.

1 “(d) SUPPLEMENT NOT SUPPLANT.—An eligible en-  
2 tity shall use Federal funds received under this section  
3 only to supplement the funds that would, in the absence  
4 of those Federal funds, be made available from other Fed-  
5 eral and non-Federal sources for the activities described  
6 in this section, and not to supplant those funds.

7 “(e) EVALUATION.—A grant under this section shall  
8 be subject to the same evaluation requirements and proce-  
9 dures as the evaluation requirements and procedures im-  
10 posed on the recipient of a grant under the Drug-Free  
11 Communities Act of 1997, and shall also include an eval-  
12 uation of the effectiveness at reducing the use of illicit  
13 fentanyl or other synthetic opioids.

14 “(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
15 Not more than 12 percent of the amounts made available  
16 to carry out this section for a fiscal year may be used  
17 to pay for administrative expenses.

18 “(g) DELEGATION AUTHORITY.—The Director may  
19 enter into an interagency agreement with the Director of  
20 the Centers for Disease Control and Prevention to dele-  
21 gate authority for the execution of grants and for such  
22 other activities, as the Director determines necessary to  
23 carry out this section.

24 “(h) DEFINITION.—In this section, the term ‘drug’  
25 has the meaning given such term in section 102A.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—For the  
2 purpose of carrying out this section, there are authorized  
3 to be appropriated such sums as may be necessary for  
4 each of fiscal years 2024 through 2028.”.

○



September 13, 2023

Chairman Green, Ranking Member Thompson, and Members of the Homeland Security Committee, it's an honor to testify here today.

I would like to begin today by showing you a powerful clip from the popular movie SOUND OF FREEDOM.

This scene depicts a moment from my real life I'll never forget. I was working for the Department of Homeland Security out of Calexico, CA, and I can tell you firsthand that the only reason we were able to save this precious little boy was due to the fact that they had to take him across the border at a port of entry checkpoint.

Despite what you may hear from some media sources, human trafficking is absolutely real, and—for the sake of innocent children—it must be dealt with urgently and immediately.

The horrors a child faces as a victim of human trafficking demand that we take action. A child can be sold up to 20 times per day, six days a week for ten years or even longer if they are trafficked as a toddler or infant.

The topic of border security and the policies surrounding it have unfortunately become a type of political football that is used in the larger discussion of our government's immigration policies. But the reality of what is happening at our southern border is not merely a policy debate, it is a humanitarian crisis with real victims.

Just in 2022 alone immigration authorities encountered more than 152,000 unaccompanied minors at or near the U.S.-Mexico border, representing an all-time high. As I will share with you today, many of those children will enter the U.S. and be put at risk of sexual exploitation by human traffickers.

Regardless of ideology or party label, I believe every member of this committee, and good people everywhere, can agree that human trafficking is a plague and an evil that must be eradicated.

Evidence of this can be seen in the response to the movie SOUND OF FREEDOM—based on my life story—which has been a surprise box office success and is sparking a national conversation on child sex slavery and trafficking, the fastest-growing criminal enterprise on earth.

But the growing resolve amongst Americans is also seen in national polling, showing a majority of Americans support President Biden closing the southern border until the humanitarian crisis involving drug smuggling and human trafficking can be properly addressed.<sup>1</sup>

The American people, on all sides of the political aisle, are realizing that ending human trafficking in the U.S. is not part of a political debate, it is an unprecedented humanitarian crisis happening in our country, and on our watch.

The conclusions I offer in this testimony are based on my professional experience as an anti-trafficking operator. After starting my professional career with the CIA, I transferred to the Department of Homeland Security. At the DHS, I spent 12 years as a special agent and undercover operator for Homeland Security Investigations. For 10 of those years, I was combating sex trafficking on the southern border and became one of the country's foremost experts on the issue of trafficking through years of undercover work, research, and investigation.

After leaving the federal government, I have continued the fight against human trafficking. First, as the founder and CEO of the anti-trafficking organization Operation Underground Railroad (O.U.R.), and now as a Senior Advisor for the SPEAR Fund, an organization that funds and collaborates with a coalition of experts, organizations, and concerned citizens from around the globe to end human-trafficking in our time.

Through my experience as a federal agent, CEO of O.U.R., and Senior Advisor for SPEAR Fund I have worked closely with the heads of every U.S. agency whose job it is to find and rescue children being trafficked across the southern border. These agencies under the jurisdiction of the Department of Homeland Security include Customs and Border Protection, Border Patrol, Immigration and Customs, and Homeland Security Investigations.

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<sup>1</sup> [Trafalgar Group Polling](#), Conducted April 2022

Our federal agents who work at the southern border are women and men of the highest integrity and dedication. Their efforts protect us daily from the myriad of different dangers found coming into our country. Our agents exist to protect, not to judge, not to discriminate, and not to carry out a political motive. They follow the laws they have sworn to uphold and they deserve a debt of gratitude from each of us as they help keep us safe.

When I last had the honor to testify before Congress I shared how traffickers use our southern border to bring slaves into our country for the sex industry because the United States is one of the highest consumers of child sex abuse content in the world.<sup>2</sup> The US is also one of the wealthiest nations in the world, creating fertile ground for child traffickers who are trying to get their product to this lucrative illicit market.

Through my decade on the border as a human trafficking expert for the federal government, I participated in dozens of cases and operations that uncovered human trafficking rings and discovered human smuggling processes across the border. We were fortunate to rescue many victims and I'm proud that we put so many criminals behind bars.

But despite the success of agents on the ground, one thing has become vividly clear: poor U.S. border security and broken U.S. policy are feeding the growth of human trafficking in the U.S., and empowering international criminal cartels both inside and outside of our borders.

One way this is seen is the absence of physical barriers on our border. While the topic of a border wall has become hotly contested here in Washington D.C. and in the media, the reality is that requiring people to enter our country at actual ports of entry is very effective in combating human trafficking. It can mean the difference between freedom or sexual captivity for a child.

As you saw in the clip from the movie, I have personally seen how ports of entry were responsible for helping rescue a child, catch a sexual predator, and start a chain of events that rescued multiple children from his abuse.

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<sup>2</sup> [THORN.org](http://THORN.org)

On the other hand, I've had heartbreaking conversations with survivors who were trafficked by cartels taking advantage of the miles of unprotected U.S. border. In one case in particular a young woman was brought across the border at an area where no barriers or protections existed. Her captors brought her to New York City where she was sold and raped for money up to 30-40 times a day for five years before eventually escaping.

She shared with me the tragic conclusion that had her captors been forced to attempt crossing into our country at a port of entry she would have had a better chance of being rescued, as opposed to the hell on earth she endured before her escape.

At our points of entry, trained law enforcement officials have the ability to look into the eyes of traffickers and victims. They have technology, training, and instinct on their side to identify victims and hopefully rescue them.

But the success we've seen in interdicting human traffickers at points of entry means nothing if our immigration policies allow traffickers to flaunt legal loopholes.

Recently, members of Congress sounded the alarm on information that the government has lost track of 85,000 minors that crossed the border unaccompanied<sup>3</sup>, and The New York Times reported that the Department of Health and Human Services has lost contact with thousands of children who were released to "sponsors", and are now feared to be at risk for exploitation.<sup>4</sup>

In May, U.S. Customs and Border Protection encountered an average of 435 unaccompanied minors per day,<sup>5</sup> while in June of this year alone, the Biden administration released 344 kids to non-related adults in the U.S.<sup>6</sup>—most of whom already had multiple children in their care. These children are prime targets for traffickers—for sex or labor.

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<sup>3</sup> *Newsweek*, Jul. 14, 2023

<sup>4</sup> *New York Times*, Apr. 17, 2023

<sup>5</sup> U.S. CBP May Operational Update, Jun. 20, 2023

<sup>6</sup> *NBC News*, Jun. 6, 2023

To fight the human trafficking battle most effectively, we must put aside politics. Oftentimes politicians and the media try to make border enforcement and pro-migration positions mutually exclusive. That does not need to be the case. Our country can have a robust and welcoming policy about immigration, but it must be in a way that's legal and doesn't leave loopholes for criminals to hurt children and sentence them to a life of horror.

Ending human trafficking in the U.S. would create huge progress in ending human trafficking across the globe. One of the first steps in accomplishing that is securing our border and fixing our immigration policies. As we have seen from the reaction to the movie SOUND OF FREEDOM and polling, the American people from all political ideologies are ready to tackle this scourge.

I ask that this administration and its agencies show the same resolve, put politics aside, and immediately take the action needed to begin securing our border and ending the horrible policies that are only serving to put innocent children at risk.

We have seen the success that is possible when our nation acts with a unified spirit against evil people and evil ideologies, and by God's grace that same spirit can bring an end to human trafficking.

Sincerely, Tim Ballard



Written Testimony of

Lee Gelernt

American Civil Liberties Union

Submitted to the U.S. House Committee on Homeland Security

For a Hearing On:

“An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis”

September 13, 2023

The American Civil Liberties Union (“ACLU”) thanks the U.S. House Committee on Homeland Security for the opportunity to submit this statement for the Committee’s hearing on the human cost of federal border policies.

The ACLU is a nonpartisan public interest organization with 4 million members and supporters, and 53 affiliates nationwide—all dedicated to protecting the principles of freedom and equality set forth in the Constitution. The ACLU has a long history of defending civil liberties, including immigrants’ rights. The ACLU vigorously defends the constitutional right of due process for both citizens and immigrants, advocates for policies that protect these rights.

The ACLU represents families that were forcibly separated at the Southern U.S. border through the Ms. L case and continues to work to ensure that the federal government identifies and reunifies thousands of migrant families. We are also one of the organizations challenging the current asylum ban. We have participated in other litigation over the years concerning the civil liberties of immigrants, and we routinely advocate in Congress and state legislatures for policies that promote due process and protections for immigrants.

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Our testimony today focuses on recent policies, adopted by the Trump and Biden administrations, that have caused incredible suffering and harm to migrants.

## **THE FAMILY SEPARATION POLICY**

The family separation policy enacted by the Trump administration ripped apart asylum-seeking parents and children and only ended because of the ACLU’s Ms. L lawsuit. The family separation policy is the most draconian, cruel immigration policy I have seen in my more than 30

years litigating at the ACLU. Unfortunately, the harm from this policy remains ongoing five years later. Yet there are still some who believe the policy should be reenacted. The ACLU is committed to ensuring that the full extent of this ongoing harm is understood and not forgotten, so that such an abhorrent policy is never again adopted.

In 2017, the ACLU learned of reports that young children arriving at the southern border with their families in search of protection, were being ripped away from their parents. In the coming months, the public learned that this was not just an accident or an exceptional mistake; rather, the federal government had adopted a deliberate policy of taking children from the parents, a policy that came to be known as the “Zero Tolerance” policy. The goal of this policy was to subject families to such cruelty that they would give up their asylum claims and to deter other asylum-seeking families from seeking refuge here. It stands out today as one of the worst episodes in our nation’s recent history.

In March 2018, the ACLU filed a national class action in federal court in San Diego (the Ms. L case) to stop this despicable practice. At the time, still months before the federal government officially announced it had an official “zero tolerance” family separation policy,<sup>1</sup> we were already aware of several hundred separated families. Three months later, when the court struck down the policy as unconstitutional, calling it brutal, the government reported to the court and the ACLU that there were about 2,700 families who had been separated.

Yet astoundingly, there were thousands more families who had been separated, which only came to light months after the initial court ruling. We know that there were *at least* 5500 children who were separated from their parents, and there are likely more cases that we still don’t know

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<sup>1</sup> See, e.g., Jonathan Blitzer, “A Mother, Separated From Her Children at the Border, Comes Home,” *The New Yorker*, May 5, 2021, <https://www.newyorker.com/news/annals-of-immigration/a-mother-separated-from-her-children-at-the-border-comes-home>.



about. Of those 5500 children, more than 500 were under age five when taken away from their families. Some were just babies, still breast feeding; the youngest was only six months old.

Five years later, there remain *hundreds* of children who still have not been reunited with their parents because of the government’s failure to document and keep track of the parents and children.<sup>2</sup> Many of these still-separated children were only babies or toddlers when taken from their parents and have spent nearly their entire life without their parents.

Physicians for Human Rights has stated the forcible separation of families by the U.S. government constituted torture.<sup>3</sup> There is an “overwhelming body of scientific literature” that is “replete with evidence of the irreparable harm and trauma to children caused by separation from their parents.”<sup>4</sup> The president of the American Academy of Pediatrics referred to the U.S. government’s family separation policy as “government-sanctioned child abuse.”<sup>5</sup> The American Academy of Child and Adolescent Psychiatry has warned that family separation “places already vulnerable children at increased risk for traumatic stress reactions, psychiatric disorders, and other adverse medical outcomes” and can have lifelong effects on children, particularly those who have already fled violence or conflict.<sup>6</sup>

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<sup>2</sup> See PBS News Hour, “Hundreds of migrant children remain separated from families despite push to reunite them,” Feb. 6, 2023, <https://www.pbs.org/newshour/show/hundreds-of-migrant-children-remain-separated-from-families-despite-push-to-reunite-them>; Philip Bump, *The Washington Post*, “Hundreds of immigrant families split apart under Trump remain separated,” *Washington Post*, Feb. 13, 2023, <https://www.washingtonpost.com/politics/2023/02/13/trump-immigrants-children-border/>.

<sup>3</sup> Physicians for Human Rights, “*You Will Never See Your Child Again*”: *The Persistent Psychological Effects of Family Separation* (2020), available at <https://phr.org/wp-content/uploads/2020/02/PHR-Report-2020-Family-Separation-Full-Report.pdf>.

<sup>4</sup> Declaration of Lauren Shapiro, Exhibit 6, Ms. L.

<sup>5</sup> CNN, “Doctor: Family separation is child abuse,” June 18, 2018, <https://www.cnn.com/videos/us/2018/06/18/colleen-kraft-american-academy-of-pediatrics-family-separation-child-abuse-ath.cnn>; Justin Wise, *The Hill*, “American Academy of Pediatrics president: Trump family separation policy is ‘child abuse,’” June 18, 2018, <https://thehill.com/latino/392790-american-academy-of-pediatrics-president-trumps-family-separation-policy-is-child/>.

<sup>6</sup> American Academy of Child and Adolescent Psychiatry, Statement, Separating Immigrant Children From Their Families, June 2018, [https://www.aacap.org/AACAP/Policy\\_Statements/2018/Separating\\_Immigrant\\_Children\\_From\\_Their\\_Families.aspx](https://www.aacap.org/AACAP/Policy_Statements/2018/Separating_Immigrant_Children_From_Their_Families.aspx).

These aggregate statistics and medical evidence tell the story in one respect but cannot begin to account for the lasting damage, trauma, and hardship that this policy has caused to these children and their parents. The individual stories most starkly reveal the cruelty.

One of the separated mothers we represented was forced to strap her 18-month-old son into the back seat of a border patrol vehicle and not allowed to comfort the hysterical child before federal officers took her child away. The mother recounted that as the car drove away with her baby, she could see him craning his neck to get one last look at her glimpse of her out the window.

Another separated child was a four-year-old little boy who wore glasses. When immigration agents came to take him away, he fortunately had his glasses with him, but was not able to retrieve the case for his glasses. His mother worried every day whether the government would show him where he could keep his glasses safe at night or whether they would get him a new pair if they broke.

Another father reported that he was denied even a few minutes to brace his son for what was about to happen. Instead, his child was pulled away while holding his father's leg and begging to know what was happening and where he was being taken. Mothers and fathers were often not even told where their children had been taken or given the chance even to say goodbye, left only to wave to them through a glass window as they were led away. Ms. L, the lead plaintiff in the ACLU's lawsuit, only learned that her 6-year daughter old was being taken away because she heard her scream from the next room, "Mommy, don't let them take me."

The fear, trauma, and suffering hasn't ended even for those families who have been reunited. Another mother told us that even after being reunited with her four-year-old son, he continued to ask if he would be taken away again in the middle night when he went to sleep. Another three-year-old boy would stand by the window after he was finally reunited,

looking to see if people were coming to take him away again. These children may remain traumatized the rest of their lives.

But it is not just the children who suffered. The parents have also understandably been traumatized by this policy, as it destroyed their relationship with their children. Many of the children were too young to understand that their parents could not stop what was happening. They would stare into their parents' eyes as they were screaming not to be taken away, watching as their parents just starred back helplessly. When the children were finally reunited, they would ask their parents why they didn't fight for them and why didn't they love them enough to keep them. When I was in El Salvador to meet with our clients, I met a father who broke down crying when he recounted that the very first thing his 8-year-old child said to him when he was finally reunited was "Papi, why do you let them take me?"

The trauma these families and young children experienced will have a lasting impact on their lives and is a stain on our nation. Going forward, we must commit to ensuring that our government never returns to such a heinous policy of harming children and their families. We all have an obligation to make sure that this shameful chapter in our history is never repeated.

## **ASYLUM BANS**

Although the family separation policy has ended for now, federal and state agencies continue to use abusive and unnecessary tactics to stop asylum-seeking children and others from getting protection in the United States. Right now, children and their families arriving at our Southern border continue to face myriad challenges and abuses when they try to seek protection.

The current Biden administration asylum ban, which the ACLU and partners are challenging in federal court, has left many families stranded in life-threatening conditions along the border while they wait for a rare CBP appointment and opportunity to request help at a port of

entry. Since this new asylum ban went into effect in May, it has already threatened the lives of many children and their parents trying to apply for asylum in the United States. Asylum-seeking parents, forced to wait in Mexico for a rare CBPOne appointment, have had to sleep in encampments with cable wires tied around their children to ensure their children are not abducted, abused, and potentially trafficked in the middle of the night.<sup>7</sup> While waiting in these life-threatening conditions where migrant families are an easy and predictable target, women have been raped and whole families have been kidnapped even tortured.<sup>8</sup>

We also know from past asylum bans that restricting access to asylum leads to horrific harms. In *Huisha-Huisha v. Mayokas*, the ACLU and partners' case challenging the exclusion of asylum seekers under the infamous Title 42 policy enacted by the Trump administration and retained by the Biden administration, the Court of Appeals for the D.C. Circuit observed that asylum seekers faced horrible abuses when turned back to places where they faced torture or persecution. Judge Walker, writing for the Court, observed that for families who were turned back to Mexico without an opportunity to apply for asylum, "the record is replete with stomach-churning evidence of death, torture, and rape." Indeed, the Court noted that for those forced to walk back across the bridge back to Mexico, it was as if they were "forced to walk the plank into those places."<sup>9</sup>

It is not only criminal gangs that are threatening the safety and well-being of these families. This summer when the state of Texas put razor-wire-wrapped buoys in the Rio Grande, over 130 migrants were reportedly injured and needed medical treatment because of this callous attempt to

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<sup>7</sup> Human Rights First, *Refugee Protection Travesty: Biden Asylum Ban Endangers and Punishes At-Risk Asylum Seekers* (2023), <https://humanrightsfirst.org/wp-content/uploads/2023/07/Refugee-Protection-Travesty-Asylum-Ban-Report-July-2023-1.pdf>

<sup>8</sup> *Id.*

<sup>9</sup> *Huisha-Huisha v. Mayokas*, 27 F.4th at 733 D.C. Cir. (2022).

stop asylum seekers from out of the United States.<sup>10</sup> Among those injured were children stuck on the wire-wrapped buoys and a young pregnant woman who miscarried while caught in the wire.<sup>11</sup> According to news reports and information from a whistleblower, Texas troopers were ordered to refuse water to migrants and push even young children back into the river,<sup>12</sup> and in recent weeks, it has also emerged that fathers were separated from the rest of the families without being given information on where their children and partners were.<sup>13</sup> These intentional and dangerous acts are a continuation of our government's harsh and harmful treatment of children and their parents who seek safety at our borders.

Our border policy has for too long put children, their parents, and other asylum seekers and migrants in danger when they come to the United States seeking protection. We must ensure that our country does not shrink from its long and rightly-celebrated commitment to providing an opportunity for those in danger to seek protection.

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<sup>10</sup> Benjamin Wermund, "Texas Troopers Treated 133 Migrants for Injustices From Razor Wire Over Two Months This Summer," *The Houston Chronicle*, Aug. 30, 2023, <https://www.houstonchronicle.com/politics/texas/article/border-wire-injuries-18336354.php>.

<sup>11</sup> Benjamin Wermund, "Texas troopers told to push children into Rio Grande, deny water to migrants," *The Houston Chronicle*, July 17, 2023, <https://www.houstonchronicle.com/politics/texas/article/border-trooper-migrants-wire-18205076.php>; see generally, Benjamin Wermund & Jeremy Wallace, "Razor wire along the Rio Grande is blocking border agents from reaching at risk migrants," *The Houston Chronicle*, July 11, 2023, <https://www.houstonchronicle.com/politics/texas/article/texas-border-razor-wire-memo-18193102.php>; John C. Moritz, Michael Collins, & Francesca Chambers, "Two found dead in Rio Grande where Texas' floating barrier and razor wire sparked federal lawsuit" *USA Today*, <https://www.usatoday.com/story/news/politics/2023/08/03/two-dead-in-rio-grande-where-texas-installed-razor-wire-and-buoys/70522492007/>; Peter Breen, "3 takeaways from DPS trooper's email about the state of the Texas border," *The Houston Chronicle*, July 18, 2023, <https://www.houstonchronicle.com/news/houston-texas/trending/article/border-injury-death-razor-wire-trooper-email-18206609.php>.

<sup>12</sup> Benjamin Wermund, "Texas troopers told to push children into Rio Grande, deny water to migrants," *The Houston Chronicle*, July 17, 2023, <https://www.houstonchronicle.com/politics/texas/article/border-trooper-migrants-wire-18205076.php>.

<sup>13</sup> Acacia Coronado, "Texas separates migrant families, detaining fathers on trespassing charges in latest border move" *Associated Press*, Aug. 4, 2023, <https://apnews.com/article/texas-immigration-family-separation-a652cafd5270b097d0ebcc034796b8>; Brittany Gaddy, "Texas Department of Public Safety separating several fathers from families seeking asylum, immigration attorney says," *ABCNews*, Aug. 4, 2023, <https://abcnews.go.com/US/texas-department-public-safety-separating-fathers-families-seeking/story?id=101969972>; Rosa Flores & Sara Weisfeldt, "Texas is separating families at the border in apparent 'harsh and cruel' shift in policy, immigration attorney says," *CNN*, Aug. 2, 2023, <https://www.cnn.com/2023/08/02/us/texas-border-policy-separating-families/index.html>.