

<b>Question#:</b>	7
<b>Topic:</b>	Child's Death
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** As you are aware, a seven-year-old girl from Guatemala died in Border Patrol custody on December 8, reportedly as a result of severe dehydration and septic shock. According to news reports, this young girl and her family were held in Border Patrol custody for more than eight hours before she stopped breathing and was transported to the hospital.

When did you become aware of this child's death?

**Response:** I first learned of the death on the morning of December 8, 2018. While the case is under review, the initial timeline of events in this tragic case demonstrates that agents did everything they could to help Jakelin once they were aware she was ill.

**Question:** Why did CBP fail to notify Congressional appropriators about this child's death within 24 hours after she died?

**Response:** CBP was in the process of solidifying a privacy waiver; I did not have confirmation that the mother had been notified in Guatemala, and, most importantly, I did not want to risk politicizing the death of a child while I was imploring Senators to fix the laws that are inviting families to take this dangerous path.

Over the years, in response to such tragic events, being mindful and respectful of the oversight role of Congress, CBP has endeavored to walk the fine line between appropriately notifying our Congressional Oversight Committees, and taking care to protect the privacy interests of the family as well as the integrity of the investigation. Following the tragic loss of Jakelin, it became clear that we had to do better.

On December 17, I signed a policy memorandum detailing the notification process for deaths occurring in CBP custody. We outlined this process in keeping with Federal law enforcement best practices. CBP believes this new policy meets both the spirit of and legal requirements of congressional actions over the past few years. Should we identify additional best practice procedures, it is our intention to update further our own process accordingly.

<b>Question#:</b>	8
<b>Topic:</b>	Medical Screenings
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** CBP has informed my staff that its agents screened 163 migrants, including 85 children, for medical distress between 9:15 PM and 10:00 PM on December 6, in the remote desert of New Mexico. Please describe these medical screenings. Did CBP agents conduct any examinations of the migrants to determine whether they were exhibiting symptoms of distress? If so, what observations did they make about this child upon initial screening? Did CBP agents rely exclusively on the migrants' self-identification of their own medical conditions? Did they rely on self-identification of medical conditions for any children in this group?

What training do Border Patrol agents receive in order to conduct these medical screenings? Are medical personnel available to conduct health screenings? What procedures does CBP have in place to ensure that such a large population of individuals can be accurately screened for medical distress in a 45-minute period of time?

**Response:** Initial field interviews, to include a verbal medical questionnaire, attempt to determine several things in order to set priorities for treatment, transportation, and processing. 1) If the person claims to be, or appears to be in medical distress; 2) If the person is an unaccompanied alien child; 3) If the person is part of a family unit; 4) If the person is traveling alone.

The medical screenings conducted in this area are a verbal question and answer covering whether or not the person is currently sick, has known allergies, is taking any medication and if they consider themselves to be in good health. Personnel are also visually assessing the person for alertness and whether or not they are acting appropriately. Personnel are also looking for any outward signs of trauma (visible cuts, bruises, etc.) or illness such as lesions, rashes or other indications.

Jakelin's father did not provide any immediate negative health information to the Border Patrol, and agents did not note any outward signs of distress or trauma. CBP personnel use the responses to the health-related questions and their observations of the person to prioritize them for further medical evaluation/treatment and transportation priority in remote locations.

USBP has approximately 1,300 nationally-certified EMTs and Paramedics within its workforce. This is a voluntary certification and training is paid for by CBP. In remote areas such as the location in question, there are no professional medical personnel available to conduct health screenings. As staff is available, medically trained agents are deployed to the field with emergency medical supplies to render as much aid as possible

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based on their level of training. Although all USBP agents are able to observe abnormal behavior as an indication of altered mental state, and indications of trauma or physical impairment, CBP does not have procedures nor the resources to ensure each large group or population can be screened by medical personnel for distress within 45 minutes.

<b>Question#:</b>	9
<b>Topic:</b>	Child Screening
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Reports indicate that the screening consisted solely of questions to the young girl's father in Spanish, who was asked to sign documentation of the screening in English - despite neither Spanish nor English being his primary language. Were the Border Patrol Agents that conducted the initial screening fluent in Spanish? What procedures does CBP have in place to screen non-Spanish/English speakers? What information does CBP rely on, other than the testimony of an accompanying adult, to screen children?

**Response:** Initial interviews in the field are conducted in the Spanish or English language, depending on the desire of the person in custody. All agents are trained to speak Spanish at the Border Patrol Academy.

There are no procedures in place for screening of non-English or Spanish speaking individuals in the field along remote areas of the border. The ability to conduct interviews in other languages beyond English and Spanish exists only at stations or processing centers which all have access to telephones and contract interpreters. CBP, including USBP, has a translation services contract that allows access to interpreters for a variety of languages.

CBP personnel use persons' responses to the initial health-related questions and their observations of the person to prioritize persons for further medical evaluation/treatment and transportation priority in remote locations.

<b>Question#:</b>	10
<b>Topic:</b>	Temperature Taken
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Did this child's initial medical screening on December 6 include an assessment of this child's body temperature? If so, what was her temperature? Was this child's temperature ever taken prior to 6:00 AM on December 7?

**Response:** Initial medical screening did not include body temperature, only verbal question and answer and observation. Temperature-taking capability was not immediately available. The first time her temperature was taken was when she was being evaluated and attended to by medically-trained agent personnel.

<b>Question#:</b>	11
<b>Topic:</b>	Dehydration
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Was this young girl exhibiting symptoms of dehydration when she turned herself in on the evening of December 6th?

**Response:** No negative health information was provided by the father and no outward signs of distress or trauma were noted.

**Question:** Did this child start to exhibit any symptoms of dehydration during the eight hours she was in Border Patrol custody prior to her?

**Response:** None were noted. The first indication of any illness was when the father notified agents she had vomited. This was just prior to the bus departing for the Lordsburg Station, with her father and others.

**Question:** Was this young girl provided with food and water upon arrival at the Border Patrol station?

**Response:** Water was immediately available to all persons in the group once they were taken into the sally port of the Antelope Wells Port of Entry.

<b>Question#:</b>	12
<b>Topic:</b>	EMT Training
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What training do Border Patrol agents receive in order to administer emergency medical treatment?

**Response:** USBP agents volunteer for medical training, which is funded by the agency. They currently have approximately 1300 volunteers who are trained as paramedics and EMTs. Agents that administer emergency medical treatment are nationally certified EMTs or Paramedics. Some agents are trained as First Responders, which allows for the most basic life-saving measures to be taken.

**Question:** Are medical personnel available at Antelope Wells sally port to administer emergency medical treatment?

**Response:** Antelope Wells is a small port of entry that operates only during the day. At the time this group surrendered to agents, the port of entry was not conducting operations.

<b>Question#:</b>	13
<b>Topic:</b>	Triage
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What procedures are in place to determine whether a sick individual should be flown directly to a hospital rather than transported via bus to a border station?

**Response:** The decision on how to transport a sick person to medical care is made based on the totality of the circumstances in each case. The level of distress, overall responsiveness, signs and symptoms exhibited and extent of trauma are factors that are considered.

**Question:** What procedures are in place to make Emergency Medical Technicians available at all Forward Operating Bases and Border Patrol Stations?

**Response:** CBP is currently evaluating the assignment of medically trained personnel in each sector. It is important to note agents trained as EMTs and Paramedics are volunteers. Becoming an EMT or Paramedic is not a requirement to be a Border Patrol agent. Additionally, assignments of bargaining unit members, even those with medical training, must be in alignment with the current collective bargaining agreement.



<b>Question#:</b>	14
<b>Topic:</b>	Antelope Wells Conditions
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Please describe the conditions at the Antelope Wells sally port where this girl was held on the night of December 6-7.

**Response:** The sally port of the Antelope Wells POE is temperature controlled, providing protection from the elements and heating and cooling.

**Question:** How are detainees given access to water at Antelope Wells?

**Response:** Commercially purchased bottled water and restrooms are made available to all persons temporarily held in the sally port while they await transportation to a Border Patrol Station at no charge to the detainees.

<b>Question#:</b>	15
<b>Topic:</b>	After Action
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What is being done to ensure that this never happens again?

**Response:** This event is tragic and has affected everyone involved in one way or another. Although CBP cannot ensure someone with a pre-existing condition or encountered in poor health will not succumb to their illness, CBP is committed to doing everything we can to identify those persons in need of medical attention and get them assistance as soon as possible.

In the meantime, CBP is reviewing staffing to include the availability of deploying medically-trained Border Patrol agents into remote areas and increasing our ability to transport people from remote locations to stations and processing centers more rapidly.

<b>Question#:</b>	16
<b>Topic:</b>	El Centro, CA Conditions
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In summer 2018, following concerning reports of the alleged mistreatment of children and families at CBP facilities along the Southwest Border, I sent my staff to inspect facilities in California. Following those visits, my staff reported that detention conditions in at least one Border Patrol Station in El Centro, CA were inhumane. Families with small children were sleeping on the concrete floor with no padding. Detainees did not have adequate access to drinking water and lacked basic hygiene products. Moreover, unaccompanied minors had been detained in a room for up to five days, in possible violation of federal law; single adults, including asylum seekers, had been held for up to 10 days, despite CBP policy that migrants should not be kept in holding facilities for longer than 72 hours.

What steps is CBP taking to ensure families with small children are not sleeping on concrete floors with no padding at El Centro? At other border patrol stations?

**Response:** Aliens are issued blankets, mats or cots in accordance with established procedures. All stations follow this same guidance.

The USBP complies with the National Standards on Transport, Escort, Detention and Search (TEDS) and the Hold Room and Short Term Detention Policy which includes policy guidance on accessibility to all amenities for subjects in CBP facilities. These policies are routinely verified for compliance. These items are tracked on amenity reports, to help show that what each person had access to in the cell, and to custodial action logs, which show showers/shower wipes and other items by person.

<b>Question#:</b>	17
<b>Topic:</b>	Water Access
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** How does CBP ensure that individuals have regular access to drinking water at border patrol stations? Do individuals have constant and unimpeded access to water fountains or water bottles? If not, how does CBP ensure there is sufficient water provided?

**Response:** Yes, all persons are provided water. The majority of stations have water fountains in their cells, for those stations that do not, bottled water is provided as needed or requested. The provision of water in all cells is tracked through the preparation of amenity reports, to ensure access is constant.

<b>Question#:</b>	18
<b>Topic:</b>	Hygiene Products
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** How does CBP ensure that individuals have regular access to basic hygiene products? What products are available at El Centro?

**Response:** The USBP complies with the National Standards on Transport, Escort, Detention and Search (TEDS) and the Hold Room and Short Term Detention Policy which includes policy guidance on accessibility to all amenities for subjects in CBP facilities. These policies are routinely verified for compliance. Each sector purchases hygiene items such as feminine hygiene products, diapers, formula, etc. through its operational funds as wrap around costs. Items are identified, purchased, and refreshed based on the needs of each station. Basic hygiene logs are tracked on amenity reports, to help show what each person had access to in the cell, and to custodial action logs, which show showers/shower wipes and other items by person.

<b>Question#:</b>	19
<b>Topic:</b>	Time Detained
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** How long, on average, are families and unaccompanied minors being detained at Border Patrol Stations along the Southwest Border?

**Response:** CBP strives to process individuals in our custody as quickly as possible – usually within 24 hours – and then notify our partners at ICE, HHS, and other partners for transfer and appropriate placement. Our goal is to complete this whole process within the first 72 hours. For more vulnerable individuals, like UACs, we try to move even faster. If an individual has characteristics that require specialized placement, their placement may take slightly longer than the average person. Once ICE or HHS have identified placement, individuals are transferred to facilities operated by those entities and designed for longer-term detention.

**Question:** What is being done to shorten the time?

**Response:** In general, U.S. Border Patrol (USBP) prioritizes the processing of unaccompanied alien children (UAC) and family units (FMUA) over that of single adult detainees. These vulnerable groups require specialized detention arrangements, which fall under the purview of other federal departments and agencies, ICE and HHS. USBP continues to work directly with its federal partners to coordinate a more efficient transfer of custody.

During FY 2019 to date, USBP has seen a dramatic increase of groups of 100 or more arrested, many in the very remote areas of New Mexico and Arizona. These extremely large groups, mostly comprised of FMUAs and UACs, present a logistical challenge in their transport to Border Patrol stations. USBP has reallocated and increased contract transportation service support in these areas to meet this new trend. Increasing the transportation capability will have a positive effect on the time it takes for USBP to complete a subject's processing and being available to be turned over to ICE or HHS.

**Question:** Does CBP have a process to assess data on the amount of time individuals are held in custody?

**Response:** Yes, time in custody is tracked in USBP's and OFO's electronic systems of record.

<b>Question#:</b>	20
<b>Topic:</b>	Compliance
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What oversight structure does your agency have in place to ensure compliance with legal and agency standards at Border Patrol facilities along the Southwest Border?

**Response:** USBP Policy & Compliance teams in Headquarters, DC, and at every Sector Headquarters, fulfill Self-Inspection Process protocols, and engage with the various DHS and CBP oversight entities. These entities conduct audits, inspections, and investigations, on whose resulting recommendations USBP implements corrective action plans.

CBP's Management Inspections Division (MID) within CBP's Office of Accountability provides executive managers with an internal, independent management inspections capability. The MID organizational structure consists of the Headquarters in Washington, DC and six field offices. Its mission is to provide CBP executive managers with timely, independent, and objective information and analysis concerning the integrity and performance of CBP programs, operations, and offices.

The Office of Professional Responsibility (OPR) has integrity and security oversight authority for all aspects of CBP operations, personnel, and facilities. OPR is responsible for ensuring compliance with agency-wide programs and policies relating to corruption, criminal and serious misconduct or mismanagement allegations, and for executing CBP's internal security and integrity awareness programs.

The Privacy and Diversity Office, an independent office within the Office of the Commissioner, has the responsibility of ensuring CBP's compliance with the Privacy Act and other departmental privacy policies, instilling a culture of privacy that protects personally identifiable information across all programs, processing Freedom of Information (FOIA) requests and managing diversity and inclusion, Equal Employment Opportunity (EEO), civil rights and civil liberties requirements.

DHS's Office for Civil Rights and Civil Liberties (CRCL) and Office of the Inspector General reviews and investigates civil rights and civil liberties complaints regarding DHS policies and activities. CRCL reviews and assesses allegations involving a range of alleged civil rights and civil liberties abuses.

<b>Question#:</b>	21
<b>Topic:</b>	Analyzing Trends
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What is Border Patrol's process for analyzing trends related to holding facility complaints to determine if reported violations are a one-time occurrence or a larger deficiency that needs to be addressed?

**Response:** Internally, USBP relies on CBP's PDO and OPR, as well as DHS's CRCL, to monitor and report such trends. Their findings may lead to corrective action plans. Additionally, OIG and GAO may provide similar conclusions and recommendations, on which corrective action plans may be based.



<b>Question#:</b>	22
<b>Topic:</b>	Child Welfare
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the December 11 hearing, I was glad to have the opportunity to discuss with you the Keep Families Together Act, which I introduced in June, and which was co-sponsored by all Senate Democrats. The Keep Families Together Act would prevent families from being separated unless parental rights were terminated or the parent was a danger to the child. My bill would also provide specialized child welfare training to the people making those determinations.

What procedures does CBP have in place to determine when it is not in a child's best interest to be with his or her parent?

**Response:** When CBP encounters an alien family unit (consisting of either one or two alien parents/legal guardians and their alien child(ren)) or a group purporting to be a family unit, CBP does not separate the child from either parent unless the specific criteria provided in the Preliminary Injunction in *Ms. L v. ICE* are met. With the appropriate approvals, CBP officers and agents may separate where a parent/legal guardian is being referred for prosecution for certain offenses, the parent/legal guardian presents a danger to the child, the parent/legal guardian has a criminal history, the parent/legal guardian has a communicable disease, or CBP is unable to determine the familial/custodial relationship. Additionally, CBP will not separate two-parent families unless both adults meet the criteria to require separation from the child(ren).

**Question:** Who makes that determination? Who, if anyone, reviews that determination?

**Response:** In instances where a separation is warranted, a CBP OFO senior manager (GS-14 or above) must be notified, approve the separation, and contact the Immigration and Customs Enforcement/Enforcement Removal Operations (ICE/ERO) local juvenile coordinator. Approval and notification cannot be delegated below an OFO senior manager (GS-14).

For USBP, the on duty Supervisors and managerial staff review initial decisions to verify compliance.

**Question:** What procedures are in place to allow the parent or the child to challenge that determination?

**Response:** DHS will, if appropriate, relay the basis for separation to the adult, or to the adult's attorney, upon request. CBP will not generally provide reasons to the adult if doing so would create a risk to the child's safety or would not otherwise be in the child's

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best interests, and will not do so in situations in which CBP suspects fraud, smuggling, and/or trafficking. While in CBP custody, there is not a means for the parent to challenge the decision to separate a parent/legal guardian from a child, or for the child to challenge the separation. ICE ERO in conjunction with HHS ORR make the final determination to reunify or maintain separation.

**Question:** What child welfare training does CBP currently provide for its officers and agents?

**Response:** CBP treats all individuals in its custody with dignity and respect, and has designed policies and procedures based on that principle, as well as all appropriate legal obligations.

CBP further recognizes the importance of thoroughly training our frontline officers. U.S. Customs and Border Protection Officers (CBPOs) and U.S. Border Patrol agents receive training on the proper processing, treatment, and referral of aliens. This training begins with the Academy training, and is reinforced through Post Academy training and the periodic issuance of memoranda and policy reminders/musters.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and *Flores* Settlement Agreement (FSA) provide guidelines regarding the care and treatment of juveniles during CBP processing.

1. During CBP Officer Basic Training, CBP provides the following training modules:
  - Human Trafficking Awareness - 1 Hour Block
  - Cultural Diversity And Law Enforcement - 2 Hour Block
  - Personal Search Policy And Procedures - 4 Hour Block
  - Arrest And Detention - 2 Hour Block
2. At the Border Patrol Academy, new Border Patrol Agents take the DHS PALMS course dealing with the processing and handling of juveniles via the *Flores vs. Reno* court case/ TVPRA. This one hour course is mandatory for all Border Patrol Enforcement series, Customs and Border Protection series, Agricultural Specialist, Polygraph Examiners, and Customs and Border Patrol Interdiction series.
3. Distance Learning (online courses):

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- Human Trafficking Awareness Training and Unaccompanied Alien Children: *Flores v. Reno*/TVPPRA (Course Provider: Office of Field Operations)
  - This one hour course is available to all CBP employees via DHS PALMS, however only the following job series are required to complete the course annually: Border Patrol Enforcement series, Customs and Border Protection series, Agricultural Specialist, Polygraph Examiners, and Customs and Border Patrol Interdiction series

<b>Question#:</b>	23
<b>Topic:</b>	Tracking Data
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** On June 23, the Department of Homeland Security (DHS) announced that it had "a central database," accessible to both DHS and Health and Human Services (HHS), to locate and track parents and minors who were separated from one another as part of the "zero tolerance" policy between April and June. However, on September 27, the DHS inspector general found "no evidence that such a database exists."

You testified at the December 11 hearing that DHS and HHS had tracking mechanisms in place for families separated under the "zero tolerance" policy. You also testified that 81 children were separated from their parents after the "zero tolerance" policy was ended on June 20.

When did DHS and HHS set up the data tracking mechanisms you referred to at the December 11 hearing?

**Response:** U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP), each of which fall under the Department of Homeland Security (DHS), have independent IT systems designed to efficiently enforce immigration laws under their respective authorities. As such, each IT system is designed according to the enforcement business process of each individual Component; however, most data is stored in the Enforcement Integrated Database (EID), which serves as the combined data repository for ICE and CBP applications and contains immigration data related to encounters, subjects, arrests, detentions, and removals.

ICE has longstanding procedures in place that govern family separation and reunification. ICE did not have a systematic process in place to track the cases of family separation that occurred prior to the Zero Tolerance policy. While ICE worked with other involved agencies to reunify families as ordered by the Court in *Ms. L v. ICE*, the agency also updated ICE systems so that, going forward, ICE personnel can identify all aliens that CBP flags as part of a family unit that has been separated.

That said, DHS—specifically ICE—and the Department of Health and Human Services (HHS) work to ensure both agencies are fully up-to-date on the most recent data surrounding potential family separations. DHS and HHS update their respective data systems to reflect family separation data, ensuring that ICE officers and HHS staff have the information needed to make operational decisions.

**Question:** Please describe the methods DHS and HHS use to share data on separated families.

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**Response:** DHS and HHS share electronic data from each independent agency system through in person and electronic mail systems as has been the communication protocols since HHS was charged with the placement and of all Unaccompanied Alien Children present in the U.S. on March 2, 2003. Additionally, some personnel within DHS have access to the HHS UC Portal as another form of communication and to help ensure continuity of care.

**Question:** What software platforms do DHS and HHS use to track separated parents and children?

**Response:** For CBP, Office of Field Operations uses SIGMA and for U.S Border Patrol, they use the e3 suite of applications to include: e3 Intake, e3 Processing and e3 Detention Module. For ICE, Enforcement and Removal Operations (ERO) uses Enforcement Alien Removal Module (EARM).

DHS defers to HHS for their platforms.

**Question:** What identifying metrics do DHS and HHS use for each parent and child?

**Response:** When CBP refers a child to HHS, CBP personnel submit an electronic placement request to HHS with the child's name, A#, date and country of birth, and family group #. Additionally, the request includes the parents' names, phone numbers, relationship (mother or father), and address. Information about all UAC referred to HHS by CBP is also entered into the HHS UC Portal.

**Question:** Are changes to the data made by DHS accessible to all components of DHS, and to HHS, in real time?

**Response:** CBP data is stored within the DHS Enforcement Integrated Database (EID) which is maintained by ICE/OCIO. All data that is written to the EID is accessible by DHS Components with a need to know, who are thus able to obtain updated information if their particular system has access to that data field that has been updated. HHS is a separate cabinet entity and currently does not have access to DHS EID. Some personnel within DHS Components do have access to the HHS UC Portal which stores their data related to UAC.

**Question:** Are changes made by HHS accessible to all components of DHS in real time?

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**Response:** Some personnel within DHS Components do have access to the HHS UC Portal which stores their data related to UAC.

**Question:** Do DHS and HHS use the same database for children separated from their parents under the zero tolerance policy, and children separated from their parents since the policy ended?

**Response:** No, DHS and HHS maintain separate data systems to reflect family separation data. Information about all UAC referred to HHS by CBP is entered into the HHS UC Portal.

**Question:** If HHS makes a change in its data on separated families, can DHS use that information for immigration enforcement purposes, such as deportation or denial of a visa?

**Response:** ICE, CBP, and HHS signed a Memorandum of Agreement (MOA) on April 13, 2018, to address information exchanges between each department and to enhance cooperation. Subsequently, those individuals who are identified as potentially removable aliens through the information shared, pursuant to the MOA, may be referred to local ICE field offices for appropriate action. This may include targeting, arrest, and removal. These determinations are made on a case-by-case basis in accordance with federal law. As a result of funding restrictions in the Fiscal Year 2019 enacted budget, ICE Enforcement and Removal Operations (ERO) has ceased making arrests based solely on information referred from HHS while the agency analyzes the language and consults with interagency partners.

<b>Question#:</b>	24
<b>Topic:</b>	CBP Forms
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** When a CBP agent or officer encounters a child, the agent or officer needs to determine whether that child is a citizen of the United States in order to decide whether to begin immigration proceedings against the child.

What form or forms does a CBP officer or agent complete upon encountering a child near the United States border or at a port of entry?

**Response:** USBP does not complete any forms when questioning children in the field.

When encountering a child at the border or a port of entry, CBP establishes the identity, alienage, and admissibility of the child and processes them accordingly. The forms completed vary by the ultimate disposition of the child, however CBP Form 93 (Unaccompanied Alien Child Screening Addendum) is an additional form completed when CBP encounters a UAC. CBP Form 93 was introduced as a screening job aid with the implementation of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). CBP officers and agents receive training on processing Unaccompanied Alien Children (UAC), which includes the use of CBP Form 93, during training at the CBP Officer Academy, post-academy training, and during annual on-line refresher training covering topics of the TVPRA, *Flores* Settlement Agreement, and human trafficking issues.

<b>Question#:</b>	25
<b>Topic:</b>	Determine Citizenship
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** How does a CBP agent or officer determine whether a child encountered at the border is a United States citizen?

**Response:** CBP seeks to establish the identity, alienage, and citizenship of all seeking to enter the United States, regardless of age. This is established through a combination of documents presented by the alien, statements made by the alien (including those made during a Sworn Statement, when conducted), and information available to CBP through systems research. CBP may also contact the respective consulate to verify information, as necessary.

**Question:** Do the procedures for identifying citizenship differ depending on whether the child is unaccompanied, or whether the child is accompanied by a parent or legal guardian?

**Response:** When a parent or legal guardian accompanies a child, it is generally easier to obtain the information needed to determine citizenship. This is especially the case when there child may have derived U.S. citizenship through his parents.

**Question:** Do the procedures for identifying the child's citizenship differ depending on the child's age?

**Response:** The procedures for determining citizenship for children in the field does not differ based on the child's age. During temporary holding to determine legal alienage or citizenship, CBP will talk to the child or, a responsible adult and will request and consider evidence, such as a passport or birth certificate.

The procedures are the same, however the level of information available will vary on a case by case basis.

**Question:** If procedures differ depending on the child's age, or depending on whether the child is accompanied or unaccompanied, please describe the procedure in each type of case, and please indicate whether CBP officers or agents ever rely on a child's self-identification of citizenship.

**Response:** CBP Agents and Officers do rely on a child's responses to questioning to determine citizenship. When the information provided by a child is insufficient on its own, an Agent or Officer may seek other sources to validate this information. Border Patrol Agents routinely seek this validation through requesting foreign government



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<b>Committee:</b>	JUDICIARY (SENATE)

records, consultation with consulate of the child's self-identified county of birth, and telephone calls to the child's immediate family or legal guardians.

**Question:** Additionally, please specifically indicate how CBP officers or agents determine the citizenship of an unaccompanied minor who is under the age of 5 or otherwise unable to understand questions related to citizenship.

**Response:** CBP Agents and Officers assume a child is a U.S. citizen when a determination cannot be made. In the event of an unaccompanied child who is in a compromising location or situation, CBP will contact the child's parents or legal guardian, state/local law enforcement, or state child welfare services.

In the case that CBP encounters a UAC who is under the age of 5 or otherwise unable to understand questions related to citizenship, CBP must rely on documents presented, available system information (if any), and contacting the respective consulate of the claimed citizenship to verify any documentation presented or claimed information.

**Question:** If a CBP officer or agent relies on any individual's self-identification of citizenship, what questions does the officer or agent ask to determine whether the individual is a United States citizen?

**Response:** CBP Agents and Officers will ask a subject questions related to their country of birth. When the child was born abroad, additional questions relate to the parents will be asked. In many cases to make a determination of birthright citizenship, the parents must be questioned.

**Question:** Does the officer or agent limit his or her questions to the child's place of birth?

**Response:** No, this is just the starting point for making a citizenship determination. A subject may be a U.S. citizen even if born abroad depending on a parent's' citizenship, residency and physical presence in the United States. Additional questions may be asked to determine the credibility of the statements.

Multiple questions are asked regarding the child's history and family to determine if there is any way that this child is a United States citizen, or has any immigration status in the United States.

**Question:** Does the officer or agent also ask whether the individual's parents or grandparents were born in the United States?

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**Response:** CBP Agents and Officers ask questions concerning of all suspected illegal aliens as to their parents place of birth and citizenship to ensure there is not a derivative citizenship claim, which in some instances the individual is not even aware.

CBP Agents and Officers do not generally ask questions about an individual's grandparents to determine citizenship.

Part of establishing the alienage relies on both the place of birth of the parents and their U.S. immigration history. The grandparent's place of birth is not usually directly asked, but inferred by asking if either parent ever was a U.S. citizen.

<b>Question#:</b>	26
<b>Topic:</b>	Abuse Accusations
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** CBP agents have been accused of an alarming number of violent, exploitative acts. According to a December 5 NBC News article, Border Patrol agent Juan David Ortiz allegedly killed 4 women in Texas this September. Meanwhile, according to a November 12 New York Times article, Border Patrol agent Esteban Manzanares allegedly assaulted two teenage sisters in March 2014, one of whom was a minor. In all, there were 84 complaints of coerced sexual contact between CBP agents and migrants between January 2010 and July 2016. The CBP Inspector General investigated only 7 of these incidents and never held the officers involved accountable.

What steps does CBP take when one of its agents or officers is accused of abusing migrants?

**Response:** CBP takes all allegations of misconduct seriously. All allegations of criminal or administrative misconduct are referred to the Joint Intake Center (JIC), which serves as the central "clearinghouse" for receiving, processing and tracking allegations of misconduct involving personnel and contractors employed by CBP and Immigration and Customs Enforcement (ICE). The JIC provides CBP and ICE with a centralized and uniform system for processing reports of alleged misconduct. All allegations of misconduct are referred to the Department of Homeland Security (DHS) Office of Inspector General (OIG) for investigative consideration. If the DHS OIG determines not to investigate, the allegation is referred to either CBP's Office of Professional Responsibility or the appropriate component office for investigation, fact-finding or immediate management action.

**Question:** Is that agent or officer immediately permitted to return to the field?

**Response:** The merits and circumstances of every case are unique. The facts known at the time dictate whether or not the Agent/Officer's authorities and/or work assignment will be altered.

**Question:** What procedures are in place to ensure that every claim of misconduct or abuse is thoroughly investigated?

**Response:** CBP takes allegations of employee misconduct very seriously. Under a uniform system, allegations of misconduct are documented and referred to the DHSOIG for independent review and assessment. Cases are either retained by the DHS OIG for investigation or referred to CBP's Office of Professional Responsibility or the appropriate component office for further determination of the outcome. These allegations

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will be subsequently referred to CBP's Office of Human Resources Management Labor Employee Relations Division. The Office of Chief Counsel, along with component management, will review the consolidated final report and exhibits to determine if the allegation is sustained by evidence and determine appropriate penalty.

**Question:** Is there regular oversight of CBP conduct by an independent body? If so, please describe that oversight and identify the body that conducts it.

**Response:** The DHS Office of Civil Rights and Civil Liberties frequently conducts investigations into civil rights and civil liberties complaints filed by the public regarding CBP policies or activities, or actions taken by CBP personnel. Additionally, the DHS OIG operates independent of DHS and all offices within it. The DHS OIG is authorized to receive and investigate complaints or information from employees, contractors, and other individuals concerning the possible existence of criminal or other misconduct constituting a violation of law, rules, or regulations, a cause for suspension or debarment, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, and report expeditiously to the U.S. Attorney's Office whenever the Inspector General has reasonable grounds to believe there has been a violation of federal criminal law.

**Question:** What measures does CBP take to ensure that CBP agents do not abuse migrants in the course of their duties?

**Response:** CBP has a zero tolerance policy prohibiting all forms of sexual abuse and assault of individuals in CBP custody, including holding facilities, during transport, and processing. CBP is committed to protecting the safety of individuals in CBP custody, and it is CBP policy to provide effective safeguards against sexual abuse and assault for individuals in CBP custody. CBP has adopted Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities. Additionally, CBP complies with DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (codified at 6 C.F.R. Part 115).

<b>Question#:</b>	27
<b>Topic:</b>	Monitoring Agents
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** How does CBP monitor its agents while they are in the field?

**Response:** CBP utilizes various forms of technology (voice, video, and data) to maintain situational awareness of Border Patrol agent locations and activities while in the field.

The United States Border Patrol does its due diligence in selecting individuals who have shown the capacity to operate with little, to no, supervision in a very dangerous and diverse environment. As other law enforcement agencies throughout the country, once selected for the positions, Border Patrol Agents go through a rigorous law enforcement academy, followed by on-the-job training with a field training unit. This training is extensive and done to test the agents' ability to perform their duties in the manner designed by law and policy, and in support of the border security mission. Once OJT is completed, and approved by the station leadership, the agents are expected and trusted to perform their duties in vast areas and at times, on their own.

To provide supervision and support for the agents, the Border Patrol additionally deploys Supervisory Border Patrol Agents (SBPAs), first line supervisors, who provide guidance and direction to address issues and incidence that may rise in the performance of their duties. These SBPAs are senior agents who have been promoted to their positions based on the knowledge, experience, and ability to support daily field and administrative operations, thereby providing another layer to overall field operations.

Lastly, each unit is supervised by a Watch Commander, a second line supervisor, with overall oversight on the unit and overall support for the agents and SBPAs deployed during their shift. While USBP agents are trained to operate independently in a vast border environment, the Supervisors and Watch Commanders in the individual units provide supervision, guidance, and overall support to ensure the mission is accomplished safely, appropriately, and within the policies and expectations of the Border Patrol mission

**Question:** Are agents required to maintain regular contact with supervisors during their shifts?

**Response:** USBP does not have a specific national policy requiring regular contact between supervisors and employees, during a regular tour of duty. However, under CBP standards of conduct, Employees are required to respond readily to the lawful direction of their supervisor, and to not deviate from their assignment of work and location unless authorized to do so, by a supervisor.

<b>Question#:</b>	28
<b>Topic:</b>	Credible Fear Claims
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** As of today's date, the CBP website does not list the number of credible fear claims made by individuals crossing the border in fiscal years prior to FY2017. However, the CBP website indicates that claims that credible fear claims have increased in FY2018, relative to FY2017..

Why is data, such as the number of credible fear claims made by individuals crossing the border in fiscal years prior to FY2017 available on the CBP website? Please make such data available.

**Response:** CBP's intent was to pull and publish current data about claims of fear made in CBP custody because it was the predominant scope of public dialogue. In the interest of posting the data as timely as possible, CBP prioritized the publication of the most recent data to inform the public of current trends. Providing prior years' worth of additional statistics would have delayed the publication of the information. This was the first time CBP's Office of Public Affairs published claims of fear statistics on its website, which now includes criminal alien, gang affiliation and drug seizure data.

**Question:** Was that information ever previously available on CBP's website? If so, when was that information removed from CBP's website, and why?

**Response:** The Credible Fear data was not available on our website previously, but statistics of those who claimed a fear of return in CBP custody for FY17 and FY18 are on the website.

<b>Question#:</b>	29
<b>Topic:</b>	Preventing Narcotics From Entering
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** According to data on your website, CBP seized 1,361,624 pounds of illicit drugs in Fiscal Year 2017. It is my understanding that the vast majority of these substances enter the United States through legal ports of entry at the California-Mexico border.

Please explain how CBP allocates its staffing and resources to ensure that ports of entry along the Southwest Border that experience the highest seizure rates have the necessary resources and equipment to keep up with the flow illicit narcotics?

**Response:** CBP allocates resources to its ports of entry based on current and expected workload levels, to include inspecting for illicit drugs and carrying out drug seizure activities. CBP uses its Workload Staffing Model (WSM) to analyze and provide recommendations for changes to CBP officer (CBPO) staffing requirements. This decision-support tool calculates recommended staffing levels for each port of entry based on current and projected enforcement and facilitation workload, including recognizing risk and emerging threats.

CBP applies similar approaches for allocating equipment, such as non-intrusive inspection (NII) technology. CBP bases new NII technology deployment decisions on an assessment of field office needs (i.e., new ports, port expansions, port reconfigurations), interdiction and volume trends, port infrastructure and technology footprint, and the availability of personnel and funding resources.

In recognition of the higher level of workload on the southwest border compared to the northern border, including significantly higher drug seizure rates, CBP has currently allocated staff and equipment accordingly. CBP currently has 7,049 CBPOs allocated to the Southwest Border compared to 3,910 on the Northern Border. Similarly, at the end of FY2018, CBP had 118 large scale NII systems deployed to the southwest border POEs compared to 57 deployed to the northern border POEs.

**Question:** Please also provide a breakdown of the current staffing levels at each of the ports of entry in the United States.

**Response:** For security reasons, CBP does not provide staffing figures by port of entry. However, below, please find the staffing by field office.

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**FY 2019| CBP Officer Staffing as of Pay  
Period 24, Ending 12/08/2018**

Office	FY 2019 On-Board
<b>Field Offices - Total</b>	<b>22,509</b>
Atlanta	757
Baltimore	606
Boston	962
Buffalo	1,189
Chicago	770
Detroit	1,123
El Paso	1,297
Houston	896
Laredo	2,538
Los Angeles	1,362
Miami	1,734
New Orleans	219
New York	2,098
Portland	181
Preclearance	591
San Diego	2,111
San Francisco	895
San Juan	419
Seattle	1,451
Tampa	410
Tucson	900

**Question:** What additional resources and equipment are necessary to better prevent illicit narcotics from entering our country?

**Response:** CBP incorporates advanced detection equipment and technology, including the use of Non-Intrusive Inspection (NII) equipment, to maintain robust cargo, commercial conveyance, and vehicle inspection regimes at our ports of entry (POEs). In FY 2018, CBP utilized Large-Scale (LS) NII systems to examine over 6.4 million conveyances, resulting in over 206,000 pounds of narcotics seized with NII. More than 98 percent of the total weight of these seizures occurred by scanning 1.5 percent of Privately Owned Vehicle (POV) traffic and 16 percent of Commercial truck traffic at POEs on the Southwest Land Border. These systems are primarily deployed in secondary



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inspection operations, which provides operational limitations on the volume of traffic CBP Officers can reasonably scan.

To enhance our interdiction capabilities, we are actively conducting operational assessments to explore utilizing new Drive-Through NII imaging technology with a pre-primary inspection concept of operations (CONOP). Our goal of these assessments is to understand throughput constraints and ideal scanning CONOPs to determine the feasibility of scanning increased traffic without impact to primary inspection wait times. The assessments are utilizing commercially available drive-through X-ray imaging systems, which can support both pre-primary and secondary inspections. The assessments also involve exploring further integration of NII systems and automating data transfer capabilities to support image analysis from remote or command center locations. The findings and outcomes of these assessments will provide the necessary information to inform, document and validate the NII land border pre-primary inspection CONOP.

Based on the availability of funds, CBP will utilize the results to inform near-term and future system acquisition plans that require LS NII deployed in pre-primary or secondary inspection operations.

<b>Question#:</b>	30
<b>Topic:</b>	Mexican Legislation
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** I have authored two laws to address the continuing threat of drug tunnels. The first bill criminalized tunnel construction, while the second provided a number of additional tools to prosecute those who construct tunnels. Unfortunately, Mexico has not enacted similar legislation.

Is CBP working with the newly elected Mexican government to encourage it to enact similar legislation? If not, will you commit to doing so?

**Response:** In establishing a relationship with the new Mexican administration, CBP, in collaboration with DHS HQ and the Department of State, will confirm and pursue areas of shared interest. We expect this will include continuing attention to measures to stem illegal narcotics trafficking. While we have not yet engaged on the potential for Mexican legislation along the lines referred, CBP will explore as many mechanisms as is possible to engage appropriate Mexican Government counterparts against narcotics trafficking.

<b>Question#:</b>	31
<b>Topic:</b>	Mexican Counternarcotics Strategies
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In December, Andres Manuel Lopez Obrador was sworn in as Mexico's President. Lopez Obrador has made statements regarding his use of the Mexican Police and military and has suggested making changes regarding immigration and counternarcotics strategies within Mexico.

What specific steps is CBP taking to work with the government of Mexico to ensure that counternarcotics strategies and goals are prioritized?

**Response:** CBP has always maintained that the counter-narcotics dynamic is an integral part of the U.S.-Mexico relationship, particularly with regards to Transnational Criminal Organizations (TCOs). The Governments of the United States and Mexico have developed a common understanding of the impact Mexican TCOs are having on both countries and currently view addressing this burden as a shared responsibility. For this reason, CBP has numerous areas of cooperation with Mexico in order to mitigate the flow of narcotics across our shared border. Programs ranging from tracking and monitoring opium yields in Mexico, to sharing eradication goals and a joint strategy for intelligence driven eradication to providing and training Mexican immigration officials on non-intrusive inspection equipment to prevent the flow of illicit drugs both northbound and southbound, have fostered a robust level of cooperation between our two governments in this arena. Strengthening this level of cooperation is important to CBP and will continue to be a priority for the agency in the transition from the previous Mexican administration to the current one.

<b>Question#:</b>	32
<b>Topic:</b>	Southbound Contraband
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Do CBP's counternarcotics efforts include strategies to stop the flow of guns and money flowing southbound into Mexico?

**Response:** CBP recognizes that the southbound illegal flow of weapons and bulk cash from the United States into Mexico is an integral element of the bi-national issue with transnational criminal organizations (TCOs) trafficking contraband into the United States. As such, there are several initiatives in place and emerging that seek to address the southbound smuggling of weapons and currency. CBP has outbound enforcement teams to interdict illegally exported goods to include: weapons, ammunition and parts for weapons, dual-use/high-technology commodities, and undeclared and illicit currency. In addition, CBP continues to collaborate with the Government of Mexico to develop bi-national initiatives that further support these efforts.

<b>Question#:</b>	33
<b>Topic:</b>	INTERDICT ACT
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In Fiscal Year 2018, \$9 million was appropriated to carry out the Inspection Systems, Interdiction of Illegal Narcotics and the International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act (INTERDICT Act), the purpose of which is to ensure that Customs and Border Protection (CBP) has the necessary screening devices, laboratory equipment, facilities, and personnel to better detect fentanyl and other synthetic drugs at international mail facilities.

Is the funding provided by the INTERDICT Act sufficient to make a discernable difference in detecting the amount of fentanyl coming into the country via the mail?

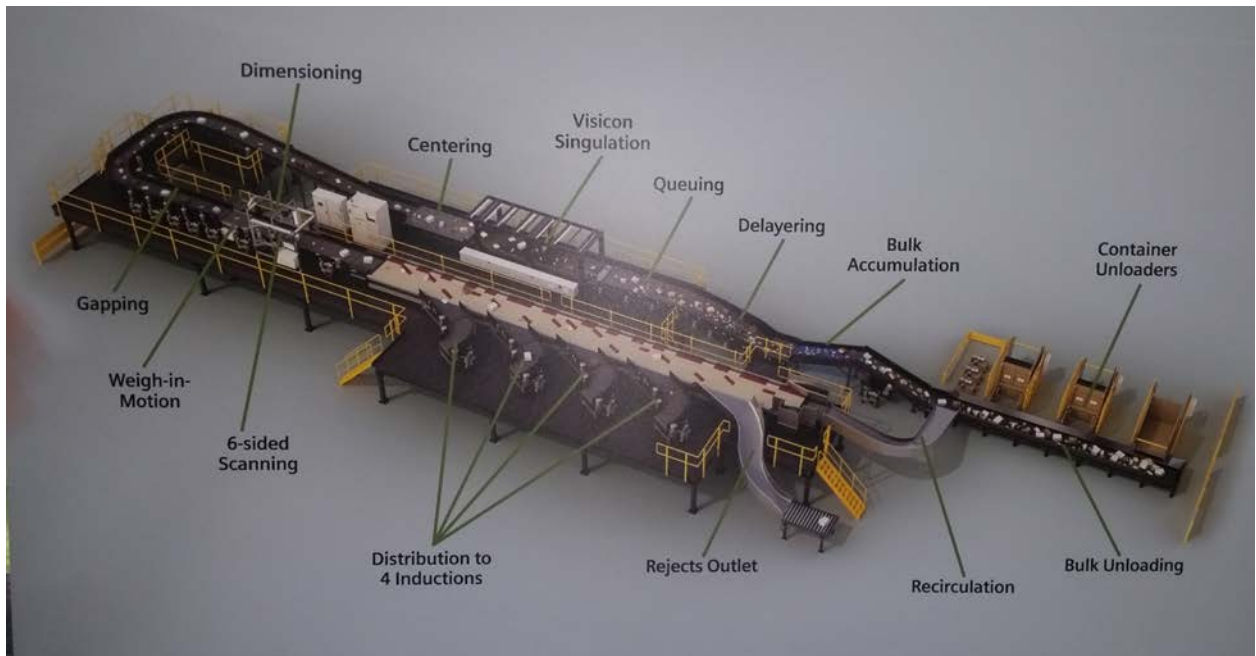
**Response:** During FY18, funding was utilized to purchase Presumptive Testing Instruments and safety equipment and training for CBP's frontline personnel. With assistance of the INTERDICT Act, all of CBP's International Mail Facilities and most of CBP's Ports of Entry now have the ability to presumptively identify fentanyl, fentanyl analogues and other opioids. With continued Congressional support, CBP will expand its detection and identification abilities of threats as new and emerging technology becomes available.

In FY 2018, the funding was used to stand up the Narcotics Reachback Center and to procure new and additional laboratory equipment and chemical analysis software. The INTERDICT Act enabled the development of a reachback capability to support CBP frontline officers with rapid adjudication of presumptive screening results of suspect fentanyl and fentanyl analogues, and other synthetic substances.

CBP continues to seek new and innovative technology and operational concepts capable of automating the scanning process to streamline operations, and solutions that can detect and identify threats or concerns.

Currently, the equipment CBP uses for moving packages at international mail facilities are antiquated and in desperate need for replacement. A new conveyor belt system with integrated layering, queuing, singulation, centering, six-sided bar-code scanning, 3D x-ray technology, opioid detection equipment, and distribution inductions is needed to address the increasing volume in the international mail environment. CBP would like to install systems, like the photo below, which would greatly enhance our ability to halt the flow of these drugs and track high-risk targeted shipments.

<b>Question#:</b>	33
<b>Topic:</b>	INTERDICT ACT
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
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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 illegal drugs into the United States.

**Question:** How specifically has the INTERDICT Act impacted CBP’s efforts at international mail facilities?

**Response:** CBP thanks Congress for its support contained in the INTERDICT Act authorizing language. The language has improved our ability to interdict fentanyl, synthetic opioids, other narcotics, and psychoactive substances illegally imported into the U.S.

FY 2018 enacted funding, for Opioid Interdiction, was utilized to procure Presumptive Testing Instruments, safety equipment and continue training for CBP’s frontline personnel. With assistance of the INTERDICT Act, all of CBP’s International Mail Facilities and most of CBP’s Ports of Entry now have the ability to presumptively identify fentanyl, fentanyl analogues and other opioids.

<b>Question#:</b>	33
<b>Topic:</b>	INTERDICT ACT
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What percentage of the total number of packages is CBP inspecting at each international mail facility and how are those packages selected?

**Response:** One hundred percent of International mail is processed through radiation portal monitors at international mail facilities. Mail which has Advanced Electronic Data (AED) is processed through our Automated Targeting System and packages identified as high risk are selected for secondary examination. CBP requests that packages originating from high risk countries, or have other high risk indicators are presented by the United States Postal Service (USPS) for examination and CBP utilizes a combination of x-ray technology, K9 teams, or physical inspection based on officer knowledge to inspect these packages. CBP does not calculate what percentage of the total volume of mail this secondary examination represents, because CBP is dependent upon USPS to determine the total volume of mail.

**Question:** How has this number changed since funds were appropriated for the INTERDICT Act?

**Response:** CBP has primarily utilized the appropriated funds to purchase testing equipment allowing CBP to identify unknown substances through presumptive testing after discovery. CBP intends to utilize additional appropriations to update and automate CBP processing and scanning capabilities at international mail locations. Through these updates CBP will see a significant increase in the number of packages receiving secondary screenings and examinations.

<b>Question#:</b>	34
<b>Topic:</b>	Withdrawal from UPU
<b>Hearing:</b>	Oversight of U.S. Customs and Border Protection
<b>Primary:</b>	The Honorable Dianne Feinstein
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The Synthetics Trafficking and Overdose Prevention (STOP) Act, which was signed into law as part of the opioids package, requires advance electronic data (AED) for mail entering the United States from foreign countries. CBP has asserted that the AED required by this bill will be very helpful in its efforts to prevent synthetic drugs from entering our country. It is my understanding that the STOP Act may require the United States to renegotiate treaties with the Universal Postal Union (UPU) in order to obtain the AED required by the bill. Yet, public reporting indicates that President Trump may withdraw from the UPU.

If the U.S. withdraws from the UPU, what impact will it have on the implementation of the STOP Act?

**Response:** The STOP Act requires that DHS prescribe regulations requiring the United States Postal Service (USPS) to transmit advance electronic information for international mail to CBP consistent with the statute. The other requirements of the STOP Act are to collect a customs fee on all express mail shipments (EMS) in the postal environment and issue penalties to the USPS for postal shipments delivered to CBP without AED.

The United States has provided notice to the Universal Postal Union (UPU) to withdraw within one year. If the withdrawal goes through, per the Department of State, the international mail would no longer be considered international mail as it does not utilize the UPU documents. Therefore, CBP may have to consider this as cargo and we would treat it as regular cargo. In turn, this would put the responsible party as the carrier and not the USPS. Express mail may also be cargo and processed as regular cargo which would not require the collection of the customs fee. The USPS would not be the party to receive a penalty for shipments without AED. The penalty would go to the carrier that brings in the shipment of the importer of record depending on the mode transported.