

**United States Senator Mike Lee**  
**Questions for the Record – Executive Director Tony Garcia**

1. Has there been an increase in the amount of drugs (or cocaine in particular) trafficked across the border since November of 2020? January of 2021?

Yes, for the time specified, there were 23,075 kilograms of cocaine seized in the United States as reported to the El Paso Intelligence Center National Seizure System, a 200% increase from the same timeframe in 2019/2020.

2. What connections, if any, are there between the current administration's border enforcement (or nonenforcement) policies and drug trafficking across the United States–Mexico border?

The efforts to address the immigration issue has caused task saturations that preclude proper enforcement at our borders which in turn has increased drug trafficking across the nation.

3. How many doses are typically in 1 gram of crack cocaine? In 1 gram of powder cocaine? If no precise numbers are available, please use estimates.

Crack and Cocaine dosage units are equal. Per the United States Customs and Border Protection Office of Intelligence and Laboratories and Scientific Services, the average dosage unit of cocaine/crack is 173mg. This would equate to approximately 5 doses per gram of cocaine or crack.

4. How do the street prices of crack and powder cocaine in the United States compare?

The price of a gram of cocaine ranges from \$8.00 to \$100.00, depending on the location of the country where it is being sold. The price for a gram of crack ranges from \$56.00 to \$100.00, also depending on location.

5. Over the years, the amount of nationwide drug seizures for cocaine has strongly correlated to the total number of enforcement actions by U.S. Customs and Border Patrol at the U.S./Mexico border. Will stronger border policies reduce the amount of cocaine coming into the United States?

Strong border policies along with the increase in personnel and technology (cameras, sensors, scanning devices) would have a significant impact not only on cocaine but other illicit drugs and contraband as well.

6. If there was a reduction in the amount of powder cocaine coming into the United States, would this affect the amount of crack cocaine on the streets?

Yes sir, as crack cocaine is a product of powder cocaine.

7. Given that crack cocaine is made from powder cocaine, does it make sense to have harsher penalties and mandatory minimums for powder cocaine?

It would, but I believe that the consistent application of the current penalties by prosecutors and judges would serve as an effective deterrent if used.

8. We hear a lot about the negative effects of cocaine in general, and particularly for crack cocaine. How do the negative effects of crack and powder cocaine differ, and how should these differences be addressed?

Both have the potential to be fatal, the primary difference is method of ingestion. Because crack is smoked, it produces a quicker onset of effects and can be considered to increase the risk of addiction.

9. Do harsher mandatory minimums deter criminals from using and dealing cocaine, and does this have a positive impact on recidivism for drug-related crimes in general?

Harsher sentences do not seem to have had any significant effect on the use of cocaine in this country as evidenced by the continued use. A cocaine dealer will continue to sell his product as long as there is a demand for it. I don't know the answer to the recidivism question as much of that is dependent on the individual.

10. As the current mandatory minimums generally target low-level offenders such as street dealers and mules, how can Congress better target high-level offenders?

Focus on the organizations that are producing, importing, and distributing these products and provide more resources for the technology necessary to identify and thoroughly investigate the organizations involved in this trade, especially with the advent of encryption. Congress should consider their continued support to the Drug Enforcement Administration and the HIDTA Task Forces as they already focus on high-level drug trafficking and transnational criminal organizations.

11. The current mandatory minimums for heroin kick in at 100 g and 1 kg, respectively. Given that heroin and cocaine have about the same amount of deaths per year in the United States (4.7 deaths per 100,000 for heroin and 4.5 for cocaine), does it make sense to treat the two drugs equally for sentencing purposes?

No, I believe that the use of a depressant like heroin, has a stronger and quicker propensity for fatality. Although both drugs can be attributed to a like number of deaths, it takes a lessor amount of heroin than of cocaine.

12. Are there properties of crack cocaine that make the user more violent? Or is the violence associated with crack more to do with the drug trade in general?

Substances impact users often times very differently, much like alcohol, some drinkers become passive and others become aggressive. Many other factors could influence this such as medications taken or not taken, mental health issues, adverse reactions to the drug, etc.

13. Nearly one-fourth (23.8%) of drug trafficking offenders who recidivated had assault as their most serious new charge. Do mandatory minimums have an impact on recidivism for violent crimes? Or do they have the adverse effect?

I have no information that would allow me to answer this question.

14. The lethal dose of cocaine is around 1200 mg, while the lethal dose of heroin is 50 mg. Given this, should all forms of cocaine be treated the same as heroin?

All drugs have various amounts of lethal doses, amounts vary between the various substances, the lethal dose of fentanyl is miniscule. I believe that Congress should establish specific penalties for specific drugs, I don't agree that all drugs should be considered equal solely based on their lethality.

15. How does HIDTA evaluate the relative "dangerousness" of a particular substance? In other words, what metrics are used to determine whether one substance (e.g., heroin) is more dangerous than another (e.g., cocaine hydrochloride)?

We look at a variety of outcomes such as overdose deaths, related violent crime and drug related property crimes in ranking the level of danger for each of the drugs we encounter. As an example, CDC reports that 75% of the nearly 92,000 drug overdose deaths in 2020 involved an opioid. Each HIDTA ranks their drugs specific to their area of responsibility.

16. Most states do not currently have a crack/powder distinction for criminal mandatory minimums, and instead treat the two equally. Given this, does it make sense for the Federal government to have different mandatory minimums for each? Why or why not?

Consistency in sentencing throughout the state and federal systems would be more effective, as it makes it perfectly clear to dealers and users alike the consequences they will face. The penalties established should indicate the consequence for the actions/crimes committed. The same would apply for efforts to reduce the consumer demand.

**Questions for the Record from  
Senator Thom Tillis for  
Mr. Antonio Garcia**

1. Mr. Garcia, as you know, we have seen a surge of drugs being smuggled into the United States this year.

For fiscal year 2020, just over 58, 000 pounds of cocaine were seized by the CBP. This year, 65,254 pounds have been seized.

What action should Congress or the Biden Administration take to disrupt the influx of drug smuggling into the country?

Our partners at CBP continue to make record drug seizures in spite of the lack of manpower and access to technological equipment. They and the investigative agencies DEA, FBI, HSI, IRS and ATF and others need to have more technology and personnel to pursue and disrupt/dismantle the Transnational Criminal Organizations that continue to profit from the massive influx of drugs and human trafficking. The use of advanced technology would assist CBP at the ports of entry as they deal with such a high volume of inspections. Added technology would help minimize border traffic disruptions that cause delays that affect immigration, tourism and commerce.

Congress and the Administration can assist law enforcement by recommending and supporting the use of national seizure and information databases that are available to the law enforcement community. Since the year 2000, the El Paso Intelligence Center has operated the National Seizure System that is made available to all law enforcement. However, this system is not being populated by all law enforcement agencies. The license plate reader program, that is of tremendous benefit to all law enforcement, does not have one database that can be queried to retrieve information on a vehicle that may have been involved in a child abduction, a murder, a terrorist event, drug trafficking, human trafficking, and a myriad of other crimes.

Efforts should be made to improve communications (radio) systems. When multiple agencies work together, radio communication problems because of lack of common encrypted channels that can be shared by state, local and federal agencies hinder the safety and security of officers and their investigations.

Lastly, efforts need to be made to diminish the customer base in this country. Drugs flow into the US because of demand. Traffickers are increasingly moving away from organically produced drugs to synthetics, fentanyl and methamphetamine are far easier to produce, conceal

and distribute. Overhead costs are minimized when criminal organizations are no longer burdened with the growth and processing of organic drugs such as marihuana, cocaine or heroin.

All Administrations and members of Congress should be at the forefront of a national messaging plan that is sustained over a lengthy period of time. We must reduce the customer base and make it socially unacceptable to use drugs. A weekly or bi-weekly message to the country addressing the evils of drug use is an inexpensive way of impacting at-risk youth and young adults. It can educate parents, teachers and other community leaders and seek the support of business and religious leaders. All Federal agencies as well as state and local agencies that receive federal funding should be mandated to include drug abuse information on their websites and social media pages. These links should lead interested parties to prevention and treatment sites that can help an individual that wants or needs to receive assistance. They can also use these websites to link to law enforcement agencies to report drug trafficking and other related violent crime.

If leaders from all sectors of life were to get involved and publicize the same or like messages, we could spread the word that the use of drugs has a negative impact on our citizens and country and slowly turn the tide and lower the demand. Children, young adults and others at risk should be able to look to their political, civic and business leaders as well as entertainment and sports celebrities for leadership in battling a plague that is destroying this nation.