

**Questions for the Record for Dr. Rahul Gupta
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U.S. Senate Caucus on International Narcotics Control
“Office of National Drug Control Policy (ONDCP) and its 2022 National Drug Control
Strategy”**

Questions for the Record from Senator Sheldon Whitehouse

The *Performance Review Plan* for the *Strategy* calls for a 100 percent increase in treatment admissions for populations most at risk of a fatal drug overdose. What populations does ONDCP consider most at risk, and how will ONDCP reach them in order to satisfy this objective?

Objective 4-1 of the 2022 *Performance Review System (PRS) report* seeks a 100 percent increase in treatment for populations most at risk of overdose death – those with an opioid, methamphetamine, and/or cocaine use disorder. As noted in the *National Drug Control Strategy (Strategy)*, certain factors are associated with an elevated risk of overdose for people with an opioid, methamphetamine, and/or cocaine use disorder, such as experiencing homelessness, injecting drugs, having a prior history of non-fatal overdose, using nonprescribed benzodiazepines, and detoxification without follow-up medication treatment (in people who use opioids).

The *Strategy* outlines a number of actions being taken to fulfill the unmet need for evidence-based treatment, including efforts nationwide to identify people most at risk of overdose, expanding access to evidence-based treatments and harm reduction programs including increasing access to naloxone, fentanyl test strips, and syringe services programs improving reimbursement models, and building the workforce and infrastructure needed so more people can enter long term recovery.

The *Performance Review Plan* mentions that it will use SAMHSA’s 2020 Treatment Episode Data Set to establish a baseline, but notes there is an 18-month lag for this data. When will ONDCP provide a baseline for this objective? Given the 18-month lag, can ONDCP accurately assess progress towards meeting this objective?

The Substance Abuse and Mental Health Services Administration (SAMHSA) reports that the 2020 Treatment Episode Data Set (TEDS data), the most reliable source of information concerning treatment admissions, should be available in September 2022. The systemic lag in TEDS is due to the fact that SAMHSA’s preparation of the annual report cannot be finalized until all of the States have completed their data submission for that year; in the same manner, States must wait until individual facilities report their data. Thus, in a typical year, TEDS data become available around July. However, for 2020 data in particular, reporting from facilities and States was further interrupted by the COVID-19 pandemic, similar to most other data collection activities in 2020.

The *Strategy* makes it clear that timely and accurate data are essential to understand the issues and inform policies. However, it notes that data systems have not kept up. Therefore, the

Strategy details the actions being taken to strengthen existing data systems, establish new data systems and analytical methods to fill gaps, and enhance the utility of drug data for policymaking.

On June 14, 2022, all of my Drug Caucus colleagues and I introduced a resolution marking June 26, 2022 as the International Day Against Drug Abuse and Illicit Trafficking. Our resolution, in part, calls for greater international cooperation to dismantle the illicit drug trade. The Biden administration has prioritized such collaboration with foreign partners. Despite this, the administration proposed a 16% cut to international drug control efforts for FY23. How do you justify this cut when drug overdoses are skyrocketing and the U.S. is rebuilding its international partnerships?

President Biden's inaugural *National Drug Control Strategy* recognizes the importance of working with international partners to respond to the changing dynamics and threats of the global illicit drug trade. The President's FY23 budget request for international drug control efforts reflects this reality, while accounting for a drawing down of funding for U.S. supported counternarcotics programs in Afghanistan. The request also makes some changes in the reporting of programs in key partner countries such as Mexico and Colombia, where some programs previously designated for counternarcotics are now reported under citizen security and law enforcement. In Colombia, the request reflects adjustments to ensure adequate support for all aspects of the holistic counternarcotics strategy. Overall, the President's FY23 budget request includes more than \$18 billion to reduce the supply of illicit substances. This includes \$747.5 million in increases for efforts to reduce the availability of drugs, including efforts to interdict illicit drugs at ports of entry and disrupt drug trafficking networks.

The Russia-Ukraine war has shown the power and crippling impacts that sanctions have when the U.S. coordinates their implementation with partner nations. The *Strategy* calls for increasing sanctions on drug traffickers by 365 percent by 2025. How will ONDCP coordinate these sanctions with partner nations?

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) administers and enforces more than 35 sanctions programs, including Russia-related sanctions programs as well as the Counter Narcotics Trafficking Sanctions program. Each sanctions program operates according to different statutory and executive authorities, is driven by unique policy considerations, and depends on a variety of factors that may influence how OFAC coordinates with partners and allies. OFAC maintains Attaché offices in Bogotá, Colombia, and Mexico City, Mexico, each of which work regularly with host country and regional authorities to investigate activity tied to narcotics trafficking. This coordination has resulted in joint actions with partner governments, including most notably the Government of Mexico against major drug trafficking organizations, their money laundering operations, and related corruption networks. The OFAC Attachés also work with foreign financial regulatory authorities and the compliance community within their areas of responsibility (AOR) to promote awareness of, and adherence to, OFAC regulations, where applicable. Additionally, OFAC coordinates when appropriate with other partners and allies to develop information that may lead to counter narcotics sanctions designations. ONDCP will continue to coordinate with the interagency to maximize the effectiveness of these sanction programs against the TCOs that pose the greatest threat to the United States and its citizens.

Why did ONDCP settle on a 365 percent increase, and how will this increase contribute to reducing the supply of illicit drugs in the United States?

Using E.O. 14059, Treasury OFAC intends to sanction the most strategic targets across the global supply chain for one purpose: to disrupt the illicit production of synthetic opioids intended for U.S. markets, thereby reducing opioid-related deaths in the United States.

All sanctions implemented under E.O. 14059 have included individuals and entities engaged in illicit fentanyl manufacturing and trafficking, and each tranche of sanctions has included entities with ties to the Sinaloa Cartel or the Jalisco New Generation Cartel, both of whom represent a primary fentanyl threat to the United States and its citizens.¹ ONDCP developed the goal in the *National Drug Control Strategy* based on this progress.

How will ONDCP determine the effectiveness of this particular strategy?

While E.O. 14059 is a relatively new tool against the threat of drug traffickers and their enablers, narcotics sanctions have been and continue to be a proven tool against the TCOs that traffic drugs across our border such that E.O. 14059 will only strengthen the program and make it more effective. ONDCP is working closely with OFAC to assess the results sanctions have against narcotics trafficking, including through the use of this new authority.

I am pleased to see that the *Strategy* prioritizes dismantling the financial networks that support the drug trade. The *Performance Review Plan* specifically calls for a 14 percent increase in the number of defendants convicted in OCDETF investigations that incorporate suspicious activity reports. In previous Drug Caucus hearings, however, I have been told that many narcotics investigators are not sufficiently trained to use the data in these reports. What steps will ONDCP take to ensure that federal narcotics officers are trained to meet this goal? Are there best practices or similar training that can be provided to state and local law enforcement?

ONDCP is leveraging its budget authority and coordinating capacity to ensure federal law enforcement agencies prioritize and appropriately resource efforts to commercially disrupt criminal organizations by undermining the illicit finance networks that make drug trafficking both possible and profitable. While training plays an important role in developing experienced financial investigators, agencies must also recruit individuals with the appropriate educational, technical, and interpersonal skills to undertake this challenging work.

Among the most effective ways for state and local agencies to develop and hone these skills and build that experience and expertise in their agents, detectives, and officers is for those individuals to work alongside experienced federal agents on multi-jurisdictional, multi-agency task forces, such as those supported by the High Intensity Drug Trafficking Areas (HIDTA) Program and the Organized Crime Drug Enforcement Task Forces (OCDETF).

¹ The Sinaloa Cartel and the Jalisco New Generation Cartel (CJNG) are identified as the primary fentanyl trafficking threat in the 2020 National Drug Threat Assessment, available at https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf

In addition to advising the President on narcotics policy and developing the *Strategy*, ONDCP also has budget certification authority. This means that ONDCP assesses and certifies budget requests of national drug control program agencies to ensure they are adequate to achieve the *Strategy*'s goals. Do you believe the budget certification process is sufficient to ensure the goals outlined in the *Strategy* will be met? If so, why is that *Strategy* goals are so often not met? If not, why has ONDCP not informed Congress of these issues and requested additional resources to accomplish the *Strategy*'s goals?

The budget certification process is an effective approach to engage with National Drug Control Program Agencies (NDCPA) in ensuring support for policy and programmatic efforts that support the goals of the *National Drug Control Strategy (Strategy)*.

The Biden-Harris Administration has undertaken extensive efforts to achieve the *Strategy*'s goals. The first is taking unprecedented steps to address the complex interplay between the availability of drugs and their use. The Administration has outlined a comprehensive path forward to address both the demand and supply sides of substance use and its potentially destructive impact on individuals, families, communities, the United States, and the international community. This includes building a stronger substance use disorder treatment infrastructure and reducing the supply of illicit substances through targeted law enforcement actions and commercially disrupting criminal organizations by undermining the illicit finance networks that make drug trafficking both possible and profitable. Additional top priorities include expanding evidence-based harm reduction strategies to meet people where they are, preventing drug use before it begins, building a recovery-ready Nation, safely addressing and meeting the needs of individuals with substance use disorder in the criminal justice system, and improving data systems and research that guide drug policy development. Support for these efforts is reflected in the budget requests of NDCPAs.

The Administration, in addition to supporting unique, innovative, and focused policy and programmatic efforts, has established performance indicators and a mechanism to track NDCPA progress.

The *National Drug Control Strategy's Performance Review System (PRS)* is designed to evaluate the effectiveness of the Nation's drug policy efforts in addition to assessing the progress in implementing the *Strategy*. The *PRS* is a tool that serves as an indicator, alerting officials when the *Strategy* is on track, and when and where further attention or efforts are needed. The *PRS* is complemented by the National Drug Control Assessment which tracks the progress of each NDCPA's efforts towards meeting the *Strategy*'s goals. I urge Congress to fully fund President Biden's Fiscal Year 2023 budget, which calls for a historic investment of \$42.5 billion for National Drug Control Program Agencies, allowing the Administration to accomplish the goals of the 2022 *Strategy*. While, this Administration cannot speak to the success or failure of previous Administrations, I am confident in the Biden Administration's commitment and efforts to accomplish the goals established by the 2022 *Strategy*.

In the *Strategy*, ONDCP stated that it plans to develop a data plan for (1) increasing data

collection to enable real time surveillance of drug control threats, (2) developing analysis and monitoring capabilities, and (3) identifying and addressing policy questions related to the *Strategy*. When does ONDCP expect to complete this plan? How is ONDCP going about developing this plan?

ONDCP is working with drug control agencies to complete a Data Plan ideally by fall of 2022. We had indicated in the *Strategy* (Appendix A) that it may take up to a year to develop a plan that is consistent with the data needs for informing policy as articulated in the *Strategy*, that is concordant with the drug control agency missions and data requirements, and that is compliant with the Congressional requirements for the Data Plan as stipulated in the SUPPORT Act. We are well ahead of that one-year time frame at this point.

To this end, ONDCP has reconstituted the Drug Data Interagency Working Group (Data IWG) that consists of research and data subject matter experts from drug control agencies. ONDCP convened the first meeting in December 2021 to begin the data coordination process and has continued to meet regularly since then to develop the Data Plan.

The *Strategy* calls for a 100 percent increase in the number of Federal Bureau of Prison (BOP) inmates diagnosed for an opioid use disorder (OUD) and who are given access to medication for OUDs. ONDCP's *Fiscal Year 2023 National Drug Control Budget*, however, proposes a nearly 16 percent cut to BOP's treatment efforts. How does ONDCP justify this cut when the *Strategy* calls for increasing access to medication assisted treatment in federal correctional facilities?

The COVID-19 pandemic and alterations in court operations resulted in a decline in the number of prisoners under federal correctional authority and hence a corresponding decline in drug control cost estimates overall. The Bureau of Prisons (BOP) is in the process of safely expanding system-wide access to medications for opioid use disorder (MOUD) for eligibility persons under their authority with opioid use disorder, and ONDCP will continue to work with the BOP to ensure an increase in safe access to MOUD.

***The Surgeon General's Report on Alcohol, Drugs, and Health* indicates that “nearly 70 percent of those who try an illicit drug before the age of 13 develop a substance use disorder in the next 7 years, compared with 27 percent of those who first try an illicit drug after the age of 17.” Research also demonstrates that every dollar invested in substance use prevention programs can save up to \$20 in other societal costs. Given this, in addition to the Drug Free Communities program and programs focused on adverse childhood experiences, what additional steps will ONDCP take to prioritize prevention efforts geared toward stopping substance use before it starts, both in terms of emphasis and funding?**

The Administration is committed to preventing youth illicit drug use. The President's FY 2023 Budget requests an increase of \$848.0 million for drug use prevention. This is more than a 37 percent increase over the FY 2022 level, the largest percentage increase of any drug control function, and includes CDC's opioid misuse and overdose prevention activities, Bureau of Indian Affairs' School Resource Officer program, and other prevention programs through Department of Labor and Department of Justice.

Recently, ONDCP announced approximately \$81 million for 645 local coalitions across the country as part of the Drug-Free Communities (DFC) Support Program Continuation Grant Awards. The grants will provide funding to community coalitions working to prevent youth substance use by supporting individuals and communities in their evidence-based and tailored work to help prevent youth use of counterfeit pills, meth, marijuana, and other substances.

Finally, the U.S. Department of Education and the Office of National Drug Control Policy have been collaborating on the development of a three-part miniseries within the Lessons from the Field Webinar Series to help schools and educators effectively address substance use, mental health, and their impacts on learning. As students return to school, we know that these topics are on the top of educators' minds. After hearing from leading national subject matter experts from federal agencies, the miniseries will feature practitioners from schools, districts, and other places of educational instruction who will share their lessons learned and best practices for transforming their systems in collaboration with community partners to help students thrive.

Questions for the Record from Senator Charles E. Grassley

In March, President Biden signed into law the Methamphetamine Response Act that I introduced with Senator Feinstein. This law designates meth as an emerging drug threat and directs the Office of National Drug Control Policy (ONDCP) to implement a plan within 90 days of enactment to address the rise in access, abuse, and lethality of methamphetamine. I learned that ONDCP held its first meeting on meth as an emerging threat earlier this month. However, it's been over 90 days since this bill was signed into law. Please specify what progress you have made in the implementation of the *Methamphetamine Response Act*? When can Congress expect a plan from your office?

On June 7th, ONDCP released the Biden Administration's *Plan to Address Methamphetamine Supply, Use, and Consequences*, which in conjunction with the *National Drug Control Strategy* outlines comprehensive, effective public health and public safety interventions, including recommended policy solutions. The plan was reviewed by the interagency and ONDCP expects to use a policy circular to reiterate that agencies are expected to implement and make progress on action items.

As noted above, ONDCP held a meeting of its Emerging Threats Committee (Committee) on June 13th. The committee discussed concerns about Methamphetamine, and ONDCP has begun investigating ways the Committee mentioned to address the threat including exploring options for wastewater surveillance and surveillance among those involved with the criminal justice system. ONDCP will keep Congress updated on additional plans as they evolve, particularly in regards to the President's FY2024 budget.

ONDCP is focused on ensuring that Contingency Management, the one treatment for people with stimulant use disorder that shows the most promise, is available in clinics nationwide. A number of policy barriers exist to its use. ONDCP has held several meetings of the interagency to seek to address these concerns and HHS has its own intradepartmental working group that is also addressing health-focused matters.

I've long supported efforts to prevent drug use, including helping set up and ensure success of the Drug-Free Communities (DFC) program. We know that these programs are effective and are a smart use of the taxpayer dollar, saving approximately 18 times what they cost. So, it's concerning to see that the President's FY23 budget request for drug prevention is low compared to other drug control areas. In fact, if the President had his druthers, there'd be an 18 billion dollar difference between what's invested for prevention as compared to treatment. Do you support the President's budget request to fund treatment programs at seven times the amount of prevention programs, even though we know prevention programs—like DFC—are good for the taxpayer?

President Biden's Fiscal Year 2023 budget request supports prevention efforts with a 37.1% increase from the FY22 CR level, the largest percentage increase of any drug control function. These comprehensive evidence-based activities include:

- education efforts, including youth mentoring programs and other programs proven to reduce the risk factors related to drug use;
- drug-free workplace programs;
- drug testing in various settings, including athletic activities, schools and the workplace; and
- all other programs to prevent substance misuse and its consequences.

ONDCP's Drug Free Communities Program announced in 2021 a total of 745 community coalitions grants in all 50 states. This represents the largest single-year investment in the Program's history. President Biden has been clear from day one that addressing addiction and the overdose epidemic is a key priority of his Administration, and primary prevention programs are a critical part of this effort.

I also noticed that President Biden's budget would decrease funding for international drug programs, and that domestic law enforcement funding only increases moderately. I was surprised by this since we're seeing floods of lethal drugs originating abroad coming into our country, and international programs as well as domestic law enforcement are critically important. How and why did ONDCP choose to prioritize funding so drastically towards treatment, instead of prevention, domestic law enforcement, and international drug programs?

President Biden has been clear from day one that addressing addiction and the overdose epidemic is a key priority of his Administration, and beating the overdose epidemic is a key part of his Unity Agenda announced during the State of the Union. His mandate for the Nation is clear: Reduce the number of drug overdose deaths, put quality public health services within reach for people with substance use disorder, and stop the drug trafficking organizations that seek profits by harming Americans. That's exactly what the *Strategy* does. It focuses on addressing two critical drivers of the overdose epidemic: untreated addiction and drug trafficking. With those drivers in mind, we're focused on comprehensive evidence-based approaches to:

- Expand access to high-impact harm reduction interventions like naloxone, which is a drug that reverses an opioid overdose;
- Ensure those at highest-risk of an overdose can access evidence-based treatment;
- Obstruct and disrupt drug trafficking operations; and
- Reduce the supply of illicit drugs like fentanyl smuggled across our borders by working with our domestic and international partners.

President Biden's inaugural *National Drug Control Strategy* recognizes the importance of working with international partners to respond to the changing dynamics and threats of the global illicit drug trade. The President's FY23 budget request for international drug control efforts reflects this reality, while accounting for a drawing down of funding for U.S.-supported counternarcotics programs in Afghanistan. The request also makes some changes in the reporting of programs in key partner countries such as Mexico and Colombia, where some programs previously designated for counternarcotics are now reported under citizen security and law enforcement. In Colombia, the request reflects adjustments to ensure adequate support for all aspects of the holistic counternarcotics strategy. Overall, the President's FY23 budget request

includes more than \$18 billion to reduce the supply of illicit substances. This includes \$747.5 million in increases for efforts to reduce the availability of illicit drugs, including efforts to interdict illicit drugs at ports of entry and disrupt drug trafficking networks.

Intelligence sharing between the United States and Mexico is essential and has yielded positive results. For instance, increased intelligence sharing and law enforcement cooperation can help capture high-profile criminals and lead to extraditions, including Joaquin “El Chapo” Guzman, one of the most notorious Mexican drug kingpins. NPR reported earlier this year that joint efforts between the U.S. and Mexico to target Mexican drug cartels are unraveling because of a breakdown in cooperation between law enforcement agencies and militaries in the two countries.

In the article, a senior Drug Enforcement Administration (DEA) agent stated, “[I]t’s essential that we get Mexico’s cooperation for the safety of American citizens as well as to stem the flow of violence in Mexico.”² The collapse of joint drug control efforts directly impacts the surge of illicit drugs coming into our country. Is ONDCP engaged in efforts with DEA and other agencies to assess joint drug control efforts with Mexico? If yes, please detail what those efforts are. If not, please explain why.

Illegal drug production and trafficking are global problems that require close international cooperation. As two nations with an enduring partnership, the United States and Mexico must face the challenges of illicit drug trafficking together to achieve our shared goals of security, peace, and prosperity in the spirit of shared responsibility.

For example, as a result of collaboration between the Department of Treasury's Office of Foreign Assets Control (OFAC), the Drug Enforcement Administration (DEA), and Mexico's Financial Intelligence Unit (UIF) the United States and Mexico worked to designate members of the Jalisco New Generation Cartel (CJNG) under the Foreign Narcotics Kingpin Designation Act.

Notably, in October 2021, the United States and Mexico agreed to the *U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities (Framework)*. Under the *Framework*, both countries pledged to take concrete actions to strengthen our cooperation on security including the pursuit of criminal networks by increasing bilateral and parallel actions to disrupt illicit actors, their supply chains, and financial networks.

Since then, the United States and Mexico have also committed to target import companies suspected of diverting precursor chemicals for the production of illicit synthetic drugs, such as fentanyl and methamphetamine, transnational criminal organizations, and clandestine laboratories.

At your nomination hearing for the position of Director of ONDCP, you testified that a significant amount of non-fentanyl opioids and precursor chemicals used to produce fentanyl, fentanyl analogues, and other synthetic drugs originate in China and are exported to Mexico for fentanyl production and trafficking. You also testified that you maintain close contact with our Ambassador to China and work with the Chinese government on this issue. What is ONDCP doing to engage with Chinese and Mexican governments to stop the flow of fentanyl drugs, analogues, and precursors?

The Administration's approach to working with these countries is to seek cooperation and partnership, with a sense of shared responsibility, on the global drug problem that affects all of our countries. This includes not only working cooperatively at the policy level, but also sharing information and best practices in both the law enforcement and public health domains. We stress accountability, at all levels, to reduce corruption and criminality, and to enhance our ability to disrupt the manufacture and trafficking of illicit drugs.

Under the October 2021 *Bicentennial Framework for Security, Public Health, and Safe Communities*, the United States and Mexico are working to prevent transborder crime by better securing modes of travel and commerce, disrupting the capacity of Transnational Criminal Organizations (TCOs) and their illicit supply chains. We are also working together to pursue criminal networks by disrupting illicit financiers, strengthening the capacity of the security and justice sectors to investigate and prosecute organized crime.

The level of effort the United States is applying to this problem, not only to reduce the use of these illicit drugs in the United States but also the trafficking of weapons south into Mexico, is substantial. That level of effort needs to be matched by the Government of Mexico in reducing the production of heroin, methamphetamine, and fentanyl that find their way into the United States or the global market; targeting the shipment of illicit precursor chemicals and pill presses coming into Mexico to produce these drugs; and holding accountable the drug producers, traffickers, and arms brokers who provide Transnational Criminal Organizations their revenue and freedom of movement within Mexico.

The Chinese government must do more to hold accountable the criminals and facilitators within its borders who supply synthetic opioids and drug precursors to drug trafficking organizations. I made this point recently in a Wall Street Journal opinion piece urging China to join the United States' efforts to stop the flow of illicit precursor chemicals and substances, "...unless other countries, including China, join the U.S. and act, drugs such as fentanyl and methamphetamine synthesized with precursors made in China will continue to flood the world."

We want to work in partnership with China to accomplish three things in the near term:

- Better reinforce "know your customer" procedures so there is full accountability and visibility of the destination of chemical shipments to the end-user level;
- Ensure the proper labeling of all chemicals in accordance with international standards to ensure the full transparency and accountability of what is being shipped; and
- Adopt a mutually agreed-upon list of unregulated chemicals used in the production of illicit synthetic drugs to increase government oversight and prevent their diversion for illicit use.

All of these are reasonable and commonsense practices that any responsible country can implement to prevent the diversion of chemicals for illicit use, and we look forward to working with the Chinese government, along with like-minded countries around the world, to address this global problem.

What does ONDCP need from Congress to assist in ensuring the production of these drugs is stopped before the drugs even reach the United States?

The Biden-Harris Administration is using every means available to reduce the supply of illicit substances in America's communities. This includes working with our international partners to halt drug production outside the United States, which includes the cultivation of poppy and coca; controlling the precursor chemicals used to produce both plant-based and synthetic drugs; ensuring our law enforcement agencies have the resources they need to disrupt the sale of these drugs on the internet and the flow of drugs across our borders; and ensuring those involved in any aspect of the global drug trade, including the measures taken to benefit from their illicit proceeds, are held accountable.

To accomplish these goals, the President's FY2023 Budget requests \$42.5 billion for National Drug Control Program agencies, and I look forward to continuing to work with Congress to ensure that we have these necessary resources to implement the *National Drug Control Strategy* and end the overdose epidemic. Additionally, Congress can work to take actions this year that will help save lives immediately, such as removing outdated barriers to treatment, ending the crack-cocaine sentencing disparity, and permanently schedule fentanyl-related substances while accounting for civil rights and research access.

The failure to secure our borders has led to an influx of illegal drugs crossing from Mexico into the United States and has fueled our nation's drug crisis. Earlier this year, Brandon Judd, President of the National Border Patrol Council, testified in a House Freedom Caucus Congressional Hearing that Border Patrol is lucky if it seizes even 5% of all of the fentanyl coming across the border. We must secure our border effectively to address the illegal importation of fentanyl. One of ONDCP's duties is to formulate a Southwestern Border Counternarcotics Strategy. In your 2022 Southwest Border Counternarcotics Strategy, there is scant emphasis on eliminating these gaps in coverage on our border. Stopping drugs from entering through tunnels and subterranean passages, vehicles, aircraft and vessels are highlighted, but increasing detection and interdiction via land routes is hardly mentioned. What steps are being taken to combat the illegal importation of fentanyl and other deadly drugs in areas between ports-of-entry over land?

I have been to the border multiple times and seen the extraordinary efforts of the women and men that work every day to stop illicit drugs from coming into our country. There has been a record amount of illicitly manufactured fentanyl seized at our borders and that means those drugs will not make it into our communities. We must also ensure that the men and women on the front lines have the resources they need to meet the immense challenges they face at our borders.

That is why the President has called for historic funding increases for border security in his FY23 budget to ensure those men and women have the tools and technology they need to get the job done. And we need Congress to fund that budget.

However, the challenge of drugs like illicit fentanyl making their way into our communities does not begin or end at the border. That is why the *National Drug Control Strategy* is focused on

addressing two critical drivers of the overdose epidemic: untreated addiction and drug trafficking.

Part of the Strategy aims to reduce the supply of illicit drugs smuggled across our borders because it is critical to stop drugs from entering our communities. These are important pieces in the Strategy, but they do not represent the entire *Strategy*.

As long as it remains easier to get illicit drugs than it is to get treatment for substance use disorder, we will never bend the curve on the overdose epidemic. Therefore, we must remain focused on treating addiction here at home, too.

That is why both public health and safety elements of this approach need to be applied at the same time; we must disrupt the trafficking of drugs into the United States while also ensuring the historic investments in public health interventions take hold so that we reduce both the demand and supply side of the equation.

Director McNeil of the Government Accountability Office (GAO) testified that the Strategy does not meet the statutory requirements of ONDCP in a few areas. One area is that the Strategy and its accompanying documents lack performance evaluations for each established goal. How do you plan to measure progress towards a listed goal? Additionally, how will you evaluate what is working and what isn't without concrete performance evaluations?

ONDCP's authorization includes that the ONDCP Director may conduct "program and performance audits and evaluations." ONDCP uses a three-part program to complete these performance evaluations:

ONDCP staff-led program audits and evaluations of National Drug Control Program Agencies (NDCPA) and their *National Drug Control Assessment* results;

audits conducted by the NDCPA Inspectors General (IG) (as authorized by 21 U.S.C. § 1703(d)(7)(B)), focusing on *Performance Review System (PRS) report* measures that are not progressing; and contracted audit and evaluation support, contingent upon appropriated funding, which performs both *PRS* and *Assessment*-level reviews and program audits.

Each of these performance evaluation reviews will provide an informed assessment of how well an element of a NDCPA is contributing to the *Strategy* and its goals and objectives, and will provide the Administration with recommendations to improve program performance or to realign resources.

Questions for the Record from Senator Ben Ray Luján

The 2022 National Drug Control Strategy states, “Drug trafficking organizations rely on networks of facilitators such as money laundering organizations, complicit financial institutions, money service businesses, and corrupt government officials to traffic illicit drugs into the United States”. One of the goals of the 2022 strategy is to increase the number of defendants convicted in active Organized Crime Drug Enforcement Taskforces investigations that incorporate FinCEN/SAR data, by 14 percent by 2025. Does that 14 percent include corporate defendants such as C-suite banking executives?

The increase refers to all active Organized Crime Drug Enforcement Task Force (OCDETF) investigations. OCDETF targets high-level transnational, national, and regional criminal organizations and networks to fulfill their mission to disrupt and dismantle drug centric criminal networks that present a transnational organized crime (TOC) threat to the United States.

At any given time, OCDETF’s active case inventory includes hundreds of ongoing investigations focused on targeting the highest priority organized drug trafficking, money laundering, and transnational criminal organizations.

Please provide the Caucus with details as to what the Administration is doing to ensure that U.S. banks are being held accountable for their role in money laundering for the cartels.

Cash transactions at each stage in the drug trafficking supply chain make it difficult for the authorities to differentiate between licit and illicit movement of bank notes. As technology and money laundering methods have adapted over the years to circumvent Bank Secrecy Act (BSA) Anti-Money Laundering (AML) regulations, many new money laundering techniques have been used in conjunction with, or independent of, historical methods.

On January 1, 2021, when Congress enacted the FY2021 National Defense Authorization Act (NDAA), it included significant reforms to the U.S. AML regime through the Anti-Money Laundering Act of 2020 (AML Act) and, within the AML Act, the Corporate Transparency Act (CTA).

The AML Act seeks to strengthen, modernize, and streamline the existing AML regime by promoting innovation, regulatory reform, and industry engagement through forums, such as the Bank Secrecy Act Advisory Group (BSAAG) and Financial Crimes Enforcement Network (FinCEN) Exchange. The Act also calls for FinCEN to work closely with regulatory, national security, and law enforcement partners to identify risks and priorities and provide valuable feedback to industry partners.

The CTA establishes uniform beneficial ownership reporting requirements for corporations, limited liability companies, and other similar entities formed or registered to do business in the United States. The CTA authorizes FinCEN to collect that information and share it with authorized government authorities and financial institutions, subject to effective safeguards and controls.

The AML Act is one of the most significant pieces of legislation in many years. ONDCP, while not directly involved in the enacting of the AML, will continue to closely follow Treasury's efforts to implement it, and to support and amplify its work as much as possible, particularly as it engages the private sector via public-private partnerships.

ONDCP also regularly participates in meetings between the Treasury Department and private sector members of the BSAAG. We will continue to support these efforts and cultivation of these important partnerships with the private sector.

In April 2022, the ONDCP released the Southwest Border Counternarcotics Strategy which identified Mexican Transnational Criminal Organizations (TCOs) as the greatest drug trafficking threat to the United States. ONDCP's Southwest Border Strategy seeks to stem the flow of drugs over the southwest border by: strengthening interdiction and law enforcement capabilities, countering criminal networks, leveraging illicit finance efforts, and targeting drug transportation routes and modalities to aggressively reduce illicit drugs crossing the border. Unfortunately, the GAO's preliminary review of the Southwest Border Strategy found that it does *not* identify specific resources for meeting the goals outlined in the document. Please provide specifics as to just how the Administration plans to carry out the goals of the Southwest Border Strategy.

The *Southwest Border Strategy* is a key part of the *National Drug Control Strategy* which is focused on addressing two critical drivers of the overdose epidemic untreated addiction and drug trafficking. That includes efforts along the southwest border to reduce the supply of illicit drugs smuggled across our borders.

I have been to the border several times and seen the extraordinary efforts of the women and men that work every day to stop illicit drugs from coming into our country. Customs and Border Protection (CBP) has significantly increased the amount of fentanyl seizures along the Southwest border, seizing an average of more than 800 pounds of fentanyl each month in 2021 and 2022, over twice as much as 2020 and four times the amount seized in 2019. Those are drugs which are now not in our communities and not harming or killing our family and friends.

We must ensure that the men and women on the front lines have the resources they need to meet the immense challenges they face at our borders. That is why the President has called for historic funding for border security and we need Congress to fund that budget.

Another key resource for stopping Transnational Criminal Organizations (TCOs) along the southwest border is the High Intensity Drug Trafficking Area (HIDTA) Program, funded and administered by ONDCP. The HIDTA Program identifies areas in the United States that have especially high concentrations of drug trafficking activities, and provides federal funding to coordinate a multi-law enforcement agency task force to combat the issue. HIDTAs are representative along the Southwest Border, as well as in major cities where drug trafficking and distribution are a major problem.

In addition to HIDTAs, ONDCP works with Homeland Security Investigations (HSI) Border Enforcement Security Task Forces (BESTs) and the Department of Justice's (DOJ) Organized Crime Drug Enforcement Task Forces (OCDETF). In fact, many of the HIDTAs in the U.S. are

also joint BESTs or OCDETF Strike Forces. By combining multiple task force programs into one, state, local, and federal law enforcement organizations work together and act as a force multiplier against TCOs and other criminal elements in the area.