

NATIONAL DRUG CONTROL STRATEGY SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY

THE WHITE HOUSE
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Introduction

Criminal activity along the Southwest Border (SWB) poses a significant national security threat to the United States. The almost 2,000-mile border that separates the United States and Mexico includes major population centers, transportation hubs, Tribal lands and Tribal Trust lands, and large tracts of uninhabited desert.ⁱ Mexican Transnational Criminal Organizations (TCOs) are the greatest drug trafficking threat to the United States; they control most of the U.S. drug market and have established varied transportation routes, have advanced communications capabilities, and hold strong affiliations with criminal groups and gangs in the United States. Mexican TCOs supply the majority of the heroin, fentanyl, methamphetamine, cocaine, and foreign-produced marijuana available in U.S. illicit drug markets.ⁱⁱ These drugs are also smuggled into the United States across other land, sea, and air borders, but not on the same scale as the substances transported across the SWB.ⁱⁱⁱ

Mexican TCOs produce fentanyl and methamphetamine using precursor chemicals imported from China.^{iv} Between 2019 and 2020, the Mexican government estimated that the weight of fentanyl seizures increased 486 percent^v, and the Mexican army reported multiple fentanyl and clandestine laboratory seizures in 15 of the 32 Mexican states.^{vi,vii} During the same period, along the SWB there was a corresponding increase in seizures of synthetic opioids and an increase in the detection of clandestine laboratories by Mexican security forces.^{viii} In 2018, Mexican law enforcement raided a fentanyl synthesis laboratory in Mexico City.^{ix} In 2020, during the COVID-19 Pandemic, the weight of fentanyl seizures along the SWB increased 500 percent, a trend which has continued in 2021.^x

Mexican TCOs remain the primary source of supply for heroin smuggled into the United States, despite success in decreasing poppy cultivation.^{xi} In 2020, poppy cultivation and potential heroin production in Mexico decreased for the third consecutive year, reaching the lowest totals since 2014. The annual United States Government estimate of “Mexican Poppy Cultivation and Heroin Production” found poppy cultivation in Mexico decreased by 24 percent, from 30,400 hectares in 2019 to 23,200 hectares in 2020. Opium poppy cultivation throughout Mexico has fallen 47 percent since a record high in 2017. Similarly, potential pure production decreased by 24 percent, from 78 metric tons in 2019 to 59 metric tons in 2020.^{xii} Approximately 92 percent of the heroin seized and tested in the United States is from Mexico.^{xiii}

Mexico continues to experience elevated rates of crime and violence due to the intense competition among Mexican TCOs to dominate lucrative smuggling corridors.^{xiv} Many of the same TCOs that traffic drugs into the United States are also involved in the southbound flow of illicit drug proceeds and illegal weapons across the SWB.^{xv} The smuggling, trafficking, and illegal export of weapons from the United States into Mexico is a threat to the safety and security of both countries. Weapons smuggled into Mexico often end up in the hands of the TCOs or other smuggling organizations, where they can be used against law enforcement officers and civilians.^{xvi} Additionally, Mexican TCOs use the SWB to transport highly toxic insecticides, chemical repellants, and poisons, some of which are banned in the United States, for use at



domestic marijuana grow sites. TCOs purchasing these chemicals in Mexico and transport them across the border to avoid alerting U.S. law enforcement to their cultivation operations through large, bulk domestic purchases. Illegal outdoor marijuana cultivation on public and private lands causes substantial harm to the environment and threatens public safety.^{xvii}

TCOs and drug trafficking groups have been known to exploit Tribal jurisdictions to smuggle illegal drugs into the United States^{xviii}. Federally recognized Indian tribes are sovereign governments located within the boundaries of the United States. Several tribes have Tribal lands and Tribal Trust lands located on the SWB—in some cases the Tribal land and Tribal Trust land actually crosses the international border—allowing Tribal members and non-members alike to move easily between the United States and Mexico.

To address the unique threats associated with the SWB, the *Southwest Border Counternarcotics Strategy (Strategy)* further refines the *National Interdiction Command and Control Plan (NICCP)* and the *National Drug Control Strategy (NDCS)* by establishing the Administration’s approach to prevent the illegal trafficking of drugs across the SWB, as mandated by the Congress in the SUPPORT for Patients and Communities Act. See 21 U.S.C. § 1705(c)(3)(B).

Strategic Objective

This *Strategy* focuses on achieving one overarching strategic objective:

Reduce the supply of illicit drugs smuggled across the Southwest Border and into the United States that contribute to addiction and overdose as well as fuel crime and violence. This will be done 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 SWB.

This *Strategy* consists of three interrelated elements; strengthening interdiction and law enforcement capabilities, countering criminal networks, and targeting drug transportation routes and modalities, to achieve the *NDCS* goal of reducing the supply of illicit drugs in the United States. The federal government must work not only with its domestic partners but also with the government of Mexico and other international partners to prevent illicit drugs from ever reaching North America or the United States, especially in light of historic rates of overdose death in the United States.

Strategic Assumptions

The *Strategy* requires National Drug Control Program Agencies (NDCPA), along with other relevant federal agencies and departments, to develop and coordinate their counterdrug efforts



and programming to maximize the effectiveness of interdictions in support of the *NDCS*'s and *NICCP*'s supply-reduction efforts. The *Strategy* makes several key assumptions:

- The United States and Mexico will continue to work in partnership at, within, and beyond the borders to enhance security through extensive law enforcement collaboration, including risk assessment and analysis, incident management, and coordinated messaging.
- Reducing the supply of illicit drugs in the United States by disrupting the illicit drug supply chains will allow our historic effort to develop an addiction prevention, harm reduction, treatment, and recovery infrastructure to take hold, thereby increasing the potential for sustainable success over time.
- Aggressive and versatile drug trafficking organizations will respond to sustained pressure placed upon them by disruption, dismantlement, interdiction efforts, and judicial or prosecutorial efforts, and they will adapt their production and trafficking methods to minimize risk and maximize profits.
- TCOs are vulnerable to interdiction efforts by United States and partner nations at all points along their transportation, delivery routes, and financial flows.
- Interdiction of illicit drugs, precursor chemicals, proceeds from illicit activities, and weapons, and implementing financial sanctions against TCOs and their affiliates, disrupts and degrades the ability of TCOs to deliver illicit drugs and profit from them.
- Interdictions directly support coordinated multi-agency, multi-jurisdiction criminal enterprise investigations and prosecutions, which are the most effective means to disrupt and dismantle TCOs and seize illicit assets.
- Information- and intelligence- sharing among and between the NDCPAs, other relevant agencies and departments, and foreign partners will maximize the effectiveness of our collective efforts by expanding and de-conflicting criminal investigations and better informing interdiction efforts.
- The United States and like-minded partners will continue to work in partnership to enhance operations through extensive law enforcement collaboration.

Strategy Implementation

This *Strategy* articulates the President's priorities and policies for the interdiction of illicit drugs along the SWB and sets the strategic direction for the Administration to reduce the supply of drugs transiting across the SWB. It also provides the strategic direction NDCPAs and other federal departments and agencies need to develop their own drug control plans and tactics, and it ensures programming and resource decisions about federal drug control funding supports the goals of the *NDCS*, *NICCP*, and Administration priorities.

NDCPAs should leverage their complete authorities, maximize the performance and effectiveness of existing capabilities, programs, and resources, and develop additional capabilities, focusing on emerging technologies, to drive effective and coordinated outcomes that



are in keeping with the *Strategy*. Each plan shall give priority to disrupting and dismantling those DTOs identified as presenting the most significant drug trafficking threats to the United States. Plans and strategies shall be designed to promote, not hinder, legitimate trade and travel. Agencies and departments shall continuously and rigorously evaluate the effectiveness of their approach and identify gaps and changes needed to accomplish the *Strategy's* supply reduction mission. Resource requirements needed to address identified gaps should be submitted for consideration through the President's budget development process. Gaps and changes in approaches that cannot be solved through the budget development process should be communicated in writing to the Director of National Drug Control Policy (ONDCP).

Strengthening Interdiction and Law Enforcement Capabilities

To secure the SWB, the United States must continue to enhance interdiction and law enforcement capabilities at and between the ports of entry (POEs). The United States must employ technologies, augmented by the fusion of investigative information and criminal intelligence to enable interdictions, facilitate criminal investigations, and achieve successful prosecutions. The United States must improve access to intelligence among federal, state, territorial, local, and Tribal law enforcement agencies to enhance the collective understanding of the impact that SWB activity has on counterdrug cases throughout the United States, and increase opportunities for synchronized enforcement activities. The United States must work with Mexico to better integrate processes and technology at POEs to jointly scan and review northbound and southbound traffic, and the United States must build the capacity of Mexican counterparts to more effectively partner on counter-TCO operations between POEs. Departments and agencies will regularly assess the effectiveness of these programs.

Improve Information- and Intelligence- Sharing to Drive Targeted Interdictions (Treasury, DOS, DOD, DOJ, DHS, USPIS, DOL)

Federal law enforcement will continue to expand partnerships, such as developing relationships with relevant federal, state, territorial, local, Tribal, and international agencies to bring additional authorities and resources to the counter-drug effort and to address the constantly evolving threat and resource requirements. Federal law enforcement will integrate technical and non-technical collection capabilities in accordance with authority limitations and work to better integrate information-sharing capabilities among federal, state, territorial, local, and Tribal partners. Information and data fusion centers are crucial to building information and intelligence sharing capacity capable to disrupting and dismantling TCOs and their networks. The multiple federal, state, territorial, local, and Tribal agencies that participate within these entities will continue to refine and standardize processes, expand capabilities, and leverage resources among law enforcement, defense, and intelligence community organizations to better serve the field and have a greater impact on countering illicit activity.



Develop Improved Illicit Drug Detection Technologies and Capabilities (DOD, DHS)

The federal government will continue to improve the technology employed by federal, state, territorial, local, and Tribal partners to expand the scope, quality, and timeliness of interdiction activities. To interdict drugs at POEs, the federal government will expand the use of detection technology, increase canine capacity, and enhance the capabilities of personnel inspecting potentially hazardous cargo and materials while ensuring the safety of both humans and canines. The United States will work with Mexico to enable joint scanning and reviewing of northbound and southbound traffic at POEs to increase information-sharing, maximize efficiencies, reduce opportunities for corruption, and increase seizures of illicit drugs, cash, and weapons.

Expand the Use of Deterrence Technologies and Capacities (DOD, DHS)

To effectively and reliably deter the trafficking of illegal drugs between Mexico and the United States, the federal government will implement a multi-layered deterrence capability consisting of manned and unmanned systems, land and air-based sensors, and virtual and physical barriers, such as the vehicle and pedestrian checkpoints at all SWB POEs. Analytic capabilities will be utilized to exploit information and intelligence gleaned from these and other systems to identify and stop the flow of illicit drugs before they cross the SWB into the United States.

Countering Criminal Networks

Continued efforts to improve information-sharing processes, procedures, and technology among federal, state, territorial, local, Tribal, and international partners must expand the scope, quality, and timeliness of actionable and strategic information to allow multi-agency taskforces to not only prosecute criminals, but also directly target TCOs and their criminal networks. Where possible, the United States must continue to share law enforcement information with Mexico to allow both countries to gain a more complete understanding of the tactical, operational, and strategic environments and the resources needed to disrupt and dismantle trafficking organizations. Departments and Agencies will regularly assess the effectiveness of these programs.

Expand the Use of Multi-Agency, Multi-Jurisdiction Law Enforcement Task Forces (Treasury, DOD, DOJ, DHS, DOS, USPIS)

The federal government will take steps to optimize resources with state, territorial, local, Tribal, and international partners along the SWB to conduct coordinated investigations and prosecutions of TCOs. These efforts may include optimizing the use of law enforcement agents and judicial prosecutors and enhancing existing federal programs and task forces to identify and coordinate efforts through established federal, state, territorial, regional, and international targeting lists. As resources allow, departments and agencies will provide a variety of training fora and seminars to enhance both United States and Mexican interdiction and prosecution efforts.



Integrate Our International Partners into Multi-Agency Law Enforcement Task Forces (DOD, DOJ, DOS, DHS, USPIS, DOL)

The federal government will continue to build and strengthen intelligence and information-sharing relationships with the government of Mexico. Federal law enforcement agencies will expand cooperation with the Mexican government to address drug production, trafficking, and associated activities through information and criminal intelligence exchange, coordinated investigative efforts, and training; such as the North American Maritime Security Initiative (NAMSI)—an operational relationship between the Secretariat of the Navy (SEMAR), U.S. Northern Command (USNORTHCOM), the Government of Canada, and the U.S. Coast Guard to coordinate standard procedures for communications, training, and operations.^{xix} Consistent with the law and where appropriate, federal law enforcement agencies engaged in drug interdiction and drug investigations will team with Mexican authorities to share information and coordinate transnational criminal investigations. The federal government will continue working with Mexican partners to improve the extradition process, including expediting the extradition of fugitives between the two countries.

The North American Drug Dialogue (NADD) remains the premier forum for continental cooperation on drug issues. The NADD has resulted in trilateral information exchanges and trainings on border and port security, international mail facilities, fentanyl detection, illicit finance, post-mortem toxicology analysis and testing, precursor chemicals, as well as prevention, treatment and recovery best practices. Since 2017, Canada, Mexico, and the United States have conducted quarterly public health exchanges and information sharing fora with public health officials, practitioners, academics, and researchers from all three countries on cutting-edge topics such as the increase in methamphetamine use; the trends, challenges, and response to polysubstance use; the intersection of substance use disorders and the COVID-19 pandemic; and the use of data to determine trends and provide early warning of emerging threats.

Target TCOs with Criminal Enterprise Investigations (DOJ, DHS, Treasury)

Targeting TCOs through investigations, prosecutions, financial sanctions, and seizures will reduce the supply of illicit drugs that transit the SWB, as well as increase the price and reduce the purity of drugs at the retail level. Federal law enforcement and criminal intelligence agencies will continue to enhance their capacity to assist with investigation and prosecution efforts. The federal government will update existing agreements, such as those between law enforcement agencies and information fusion centers and enter into new agreements to institutionalize the sharing of investigative information- and interdiction-derived information to enhance operational coordination among SWB State, territorial, local, Tribal, and international partners.

Targeting Specific Drug Transportation Routes and Modalities

Federal and state agencies acquire considerable information from both what they seize at the border and from seizures that occur in the interior of the United States. The United States must analyze domestic drug seizures to help law enforcement agencies identify gaps in border security



and to develop better targeting criteria for use by frontline officers and agents at the border. The threats posed by TCOs attempting to cross the border, in either direction, are present both at and between POEs. The United States must work closely with its Mexican counterparts to exchange information, identify targets, and coordinate and conduct operations. These binational partnerships are essential to achieving joint security goals. Departments and Agencies will regularly assess the effectiveness of these programs.

Conduct Out-Bound Interdiction of Bulk Currency and Weapons (DHS)

To degrade TCOs' ability to move money and hide currency and cash and to conduct transactions involving illicitly derived proceeds, the United States will enhance multi-agency operations along the SWB through existing initiatives, centers, and task forces to target bulk cash movement; use sanctions and other regulatory tools to disrupt, dismantle, and deter the financial networks of drug trafficking operations that transit the SWB; and enhance the sharing of financial investigative information and criminal intelligence across departments and agencies and with Mexico. Combatting the TCOs engaged in cross-border firearms trafficking requires a layered multi-national and multi-agency approach. The United States will improve criminal intelligence- and information-sharing for illegal weapons trafficking and enhance cooperation with international partners in weapons smuggling and trafficking investigations to increase successful federal prosecutions for illegal weapons trafficking.

Disrupt the Transportation of Illicit Drugs via Private and Commercial Vehicles, Rail, Private and Commercial Aircraft and Maritime Vessels (DHS, DOJ, DOS, DOT, ODNI, Treasury)

Enhanced effort and emphasis will be placed on interdicting the trafficking of illicit drugs, weapons, and bulk currency to and from the United States via the Nation's highways and waterways. The federal government will work with railroads and intercity bus companies in both the United States and Mexico that operate along the SWB to reduce the transport of illicit drugs, weapons, and bulk currency to and from the United States, promote a layered security approach; and develop best practices on rail and bus security operations. The federal government will prevent the trafficking of illicit cargo by air across the SWB by implementing a multi-layered air domain solution to identify and track difficult to detect aircraft, ultra-light aircraft, and unmanned aerial vehicles. Additional emphasis will be placed on inspecting activity at airports with flights arriving from Mexico. Enhanced effort and emphasis will be placed at United States' seaports on inspecting maritime vessels that have transited outside the borders of the United States.

Additionally, most cocaine moving north from South America moves via maritime routes in the Eastern Pacific Ocean, while commercial maritime shipping, and air transport to a lesser extent, is used to ship synthetic drug precursor chemicals from Asia to Mexico. Federal agencies must work with partner countries to stop the flow of illicit drugs and precursor chemicals before they reach Mexico or Central American nations, to ease the burden on their governments and to reduce the flow of drugs across our SWB. The collective, synchronized efforts of United States and foreign law enforcement and intelligence communities are critical to keeping cocaine and precursor chemicals out of Mexico and Central America.



Goal and Budget Projections

Goals

Because this *Strategy* is nested under the *NDCS* and *NICCP* and focuses on outlining a high-level approach rather than cataloging all the key tasks and activities that organizations at the federal, state, territorial, local, and Tribal levels must take to reduce the supply of illicit drugs trafficked across our Southwest Border, it is important to employ some broad goals to guide the *Strategy's* implementation and ensure its alignment with the *NDCS* and *NICCP*. This will ensure that the broader policies, priorities, and objectives of NDCAs and interagency partners support the *Strategy*, are adequately aligned with the *NDCS* and *NICCP*, and help identify where a refinement of the *Strategy* may be necessary.

Projections for National Drug Control Program and Budget Priorities

The 2022 *NDCS* sets policy goals and objectives for the Nation, along with associated performance measures and targets to achieve those goals and objectives. ONDCP considers the *NDCS's* projections for policy priorities to be the budget priorities because they indicate to the NDCPAs what the Administration's long-term priorities are, and those agencies are expected to provide resources for those priorities over the course of the Administration. ONDCP's funding guidance also establishes the budget priorities—for the current and future years—for NDCPAs to meet the performance targets and achieve the policy goals and objectives of both the *NDCS* and *NICCP*.

Budget and Performance Summary

The FY 2022 Budget and Performance Summary was published in July 2021. The Budget Summary contains information on the President's FY 2022 drug control budget and the enacted and actual funding levels for FY 2021 and FY 2020, by NDCPA and subordinate elements, as well as historical funding levels by function. The Budget Summary provides a description of each agency's mission, program descriptions, and significant changes in the FY 2022 request compared to the FY 2021 enacted amount. The FY 2022 Budget Summary also contains details of each agency's program performance metrics.

Conclusion

To protect the SWB, the United States must continue to enhance interdiction activities at, and between, the POEs along the SWB and throughout the United States. By using timely intelligence and coordinating efforts, law enforcement and intelligence agencies are able to target criminals and illicit products. TCOs actively move drugs and other illicit products from Mexico, Central America, and South America through the air, land, and maritime domains. Information-sharing is critical to the successful targeting, interdiction, disruption, dismantlement, and prosecution of organizations that move illicit drugs from the border to destinations throughout the United States. Once drugs enter the United States, they are shipped to communities across the country through commercial conveyances or privately-owned aircraft and vehicles. As a result,



federal, state, territorial, local, and Tribal agencies must constantly maintain awareness, exchange information, identify targets, and coordinate and deconflict investigations and operations.



Appendix A: Tunnels and Subterranean Passages

Along the SWB, TCOs continue to exploit cross-border, subterranean tunnels in order to move drugs, weapons, currency, and other contraband into the United States. Law enforcement agencies have discovered more than 200 tunnels since 1990, largely along the western half of the SWB. Analysis of tunnel discoveries highlight the border areas most vulnerable to tunnel construction are near the POEs at San Ysidro, Otay Mesa, and Calexico, in California; and San Luis Nogales in Arizona.

Law enforcement personnel have identified four basic types of cross-border tunnels. The type of construction typically depends upon the region's geology.

- Rudimentary tunnels are shallow, short, and crudely constructed without machinery, electrical power, reinforcements, or ventilation. Trafficking organizations can build them in a short time and relatively cheaply.
- Interconnecting tunnels link at least one purpose-built section to preexisting underground infrastructure like sewage or drainage systems, such as the one in Nogales on the Arizona-Mexico border. These are also relatively inexpensive and quick to build.
- Sophisticated tunnels may include reinforcements, ventilation, electricity, rail tracks, or water pumps, and criminal organizations can move large quantities of drugs, humans, currency, or other contraband across the border. Private homes or warehouses in the United States and Mexico generally conceal their openings. They require more time, expertise, and money to build.
- A fourth type of tunnel employs horizontal directional-drilling equipment to construct a small diameter tunnel in a short time. The size limits what can move through the tunnel to small packages, which typically hold drugs. These tunnels appear to be less common because of the large equipment required to bore them.

Construction and Use

Basic investigative techniques, supplemented by other intelligence collection methods, have proven the most effective means of tunnel detection and interdiction. To improve detection capabilities, federal departments and agencies must continue to collaborate to develop ground-based sensors and other technology, thus enhancing domain awareness and cueing investigative and interdiction actions. Enhanced detection and monitoring of tunnel construction and use would enable law enforcement to identify unexplained voids; acoustic, gravitational, electronic, or seismic anomalies; subtle changes in ground moisture; or subsidence (sinking) for further investigation and tunnel discovery early in construction or use. Departments and agencies should continue their efforts to improve tunnel detection technology, including researching existing private sector capabilities and promising new methods.

The use of horizontal directional-drilling equipment provides another opportunity for law enforcement. Agencies should explore the feasibility of creating a suspicious-activity alert for



purchases of such equipment, and advisories for equipment vendors to make them aware of warning signs of suspicious activity.

Federal, state, territorial, local, and Tribal agencies must further improve intelligence collection on, and information-sharing related to TCO planning, financing, construction, and use of tunnels. Intelligence collection should focus on identifying and verifying suspicious activities near commercial and private structures adjacent to the border, especially in densely populated areas where legitimate activities can easily mask illicit trafficking activities.

Criminal Penalties

The Border Tunnel Prevention Act of 2012 (Act), signed into law by President Obama as Public Law No 112-127 on June 5, 2012, made several key changes to existing law governing the unauthorized construction, financing, or reckless permitting (on one's land) of the construction or use of a tunnel or subterranean passageway between the United States and another country. The specific provisions:

- Amended 18 U.S.C. § 555 (which criminalizes the construction or financing of unauthorized international border tunnels), adding penalties for attempt or conspiracy to commit the underlying offense.
- Added 18 U.S.C. § 555 to the list of offenses eligible for Title III wiretap interception (18 U.S.C. § 2516).
- Amended the criminal forfeiture statute (18 U.S.C. § 982), to include convictions for 18 U.S.C. § 555.
- Added 18 U.S.C. § 555 as a specified unlawful activity (SUA) for money laundering (18 U.S.C. § 1956).
- Added an annual reporting requirement to provide a description of (a) the cross-border tunnels along the border between Mexico and the United States discovered during the preceding fiscal year; and (b) the need to effectively prevent, investigate and prosecute border tunnel construction along the border between Mexico and the United States.

The Act builds on previously existing law, which provided for, in relevant part:

- A maximum 10-year prison term for any person who knowingly or recklessly disregards the construction or use of an unauthorized tunnel or subterranean passageway that crosses the international border between the United States and another country on land which that person controls.
- A maximum 20-year prison term for any person who knowingly constructs or finances the construction of a tunnel or subterranean passageway that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection.
- Up to twice the maximum term of imprisonment that would have otherwise been imposed for persons who use a tunnel or subterranean passageway to unlawfully smuggle a non-citizen, any controlled substance, weapons of mass destruction to include biological



weapons, or any member of a terrorist organization, had the unlawful activity not made use of such a tunnel or passage,

- Forfeiture of property for violation of certain immigration offenses relating to border tunnels and passages.

No additional sentencing measures are recommended at this time.



Appendix B:

Strengthening Communities in Tribal Lands and Tribal Trust Lands

Federally recognized Indian tribes are sovereign governments located within the boundaries of the United States. The existence of these sovereigns is recognized by the United States Constitution (see Art. I, Sec. 8), and the Supreme Court of the United States described Tribal government status as “domestic dependent nations” that exercise “inherent sovereign authority” in *Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 788 (2014). There are more than 62 million acres of the SWB which are jurisdictionally “Indian Country,” and where, depending on a number of factors, different sovereigns have jurisdiction to arrest and prosecute. In Indian Country, a crime might be prosecutable in federal, state, and/or Tribal court, depending on the particular circumstances of the crime. One attribute of Tribal sovereignty recognized by federal law is the ability for each tribe to establish its own law enforcement entity to enforce Tribal law. Tribal law enforcement officers are often cross-deputized to also enforce federal and/or state laws.

Illegal Trafficking of Drugs to or Through Indian Country

Because of concurrent jurisdiction issues on Tribal lands and Tribal Trust lands, a reservation may be patrolled by some combination of federal, state, territorial, or Tribal law enforcement officers. Despite the number and variety of law enforcement agencies that may have authority to provide services in Indian Country, many Tribal communities find the availability of law enforcement resources inadequate. The United States must work closely with Tribal governments, States, and SWB communities to fulfill the public safety needs of Tribal communities.

Technical and Financial Assistance

Federal agencies shall continue to support Tribal law enforcement agencies by identifying and developing resources; providing training opportunities; and obtaining adequate equipment and personnel to allow for their full participation in interdiction and enforcement efforts. Depending on the identified need, resources may be directed to improve Tribal police capability, bolster marine patrols, and enhance criminal intelligence information-sharing opportunities.

Infrastructure Capacity Building

Law enforcement agencies along the SWB and in Indian Country have discovered that pooling resources serves as a force-multiplier and sets the stage for more effective policing, including enforcement of laws prohibiting the smuggling of illegal drugs to or through Indian Country. To the maximum extent possible, federal agencies shall cross-deputize Tribal and state law enforcement officers serving in Indian Country as federal law enforcement agents and allow federal law enforcement agents to be cross-deputized as Tribal or state law enforcement officers to enforce the laws of overlapping jurisdictions. When able, Tribal law enforcement shall be



included in federal multi-jurisdictional task forces operating in or near Indian Country. Because most areas in Indian Country along the SWB are sparsely populated, agencies shall work to engage Tribal members more fully in the border security mission. Federal agencies shall invest in messaging and outreach efforts to help Tribal members learn the vital role they play in border security and why border security is critical to helping protect their reservations.

Interoperability Deficiencies

Since Indian Country criminal jurisdiction is fragmented, it is imperative that federal, Tribal, state, territorial, and local efforts be coordinated. Federal law enforcement shall pool resources with Tribal, state, territorial, and local efforts through existing task forces and shall share criminal intelligence with Tribal law enforcement to improve public safety on Tribal lands and Tribal Trust lands and in other communities.



Endnotes

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