

OVERSIGHT OF HOMELAND SECURITY INVESTIGATIONS

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME AND FEDERAL
GOVERNMENT SURVEILLANCE

OF THE

COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

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QUESTIONS AND RESPONSES FOR THE RECORD

Questions for Katrina W. Berger, Executive Associate Director, Homeland Security Investigations, U.S. Department of Homeland Security, submitted by the Honorable Matt Gaetz, a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Florida, the Honorable Steve Cohen, a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Tennessee; the Honorable Henry C. "Hank" Johnson, Jr., a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Georgia; and the Honorable Lucy McBath, a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Georgia, for the record

No response at the time of publication

OVERSIGHT OF HOMELAND SECURITY INVESTIGATIONS

Wednesday, September 18, 2024

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT
SURVEILLANCE

COMMITTEE ON THE JUDICIARY

Washington, DC

The subcommittee met, pursuant to notice, at 10:08 a.m., in room 2141, Rayburn House Office Building, the Hon. Andy Biggs [Chair of the Subcommittee] presiding.

Members present: Representatives Biggs, Jordan, Gaetz, Nehls, Moore, Lee, Fry, McBath, Nadler, Dean, Cohen, Johnson, and Garcia.

Mr. BIGGS. The Subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time. We welcome everyone to today's hearing on Oversight of Homeland Security Investigations.

The Chair now recognizes the gentlelady from Florida who will lead us in the Pledge of Allegiance.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. BIGGS. Thank you. Without objection, Mr. Garcia will be able to participate in today's hearing for the purposes of questioning the witness and will receive five minutes for that purpose.

I will now recognize myself for an opening statement. I thank all the Members for coming today, this is an important hearing, and I appreciate the Homeland Security Executive Associate Director Berger for joining us today.

Today's hearing is titled "Oversight of Homeland Security Investigations." Homeland Security Investigations, HSI, is a law enforcement agency within the Department of Homeland Security and HSI has a broad mission and works to keep Americans safe. HSI plays a significant role in addressing child exploitation, both domestically and internationally. HSI handles more than 60 percent of CSAM cases in the U.S. that have an international nexus. In Fiscal Year 2023, HSI initiated 6,601 child exploitation investigations and made 4,214 child exploitation-related arrests and identified and assisted over 1,806 victims of child exploitation. The agency-special-

ized units, like the Cyber Crime Center and the National Child Victim Identification System, continue to be important in protecting children and dismantling global child exploitation networks.

In this Congress, this Committee has held two important hearings on these issues. The first was a year ago this month entitled, “Children Are Not For Sale” examining the threat of exploitation of children in the U.S. and abroad. The second was six months ago entitled, “A Voice for the Voiceless-CSAM Identification.” We heard important testimony during those hearings, and I look forward to continuing that discussion with Executive Associate Director Berger today.

The very first hearing this Subcommittee held this Congress was titled, “The Fentanyl Crisis in America: Inaction is No Longer an Option.” Unfortunately, that statement is still true today as it was last year when we heard the tragic stories from the loved ones that were poisoned by those who trafficked in fentanyl. HSI has played a pivotal role in combating fentanyl trafficking into the country seizing over 77,000 pounds of fentanyl in the last three fiscal years. In Fiscal Year 2023 alone, HSI seized over 41,000 pounds of fentanyl. However, in my opinion, HSI’s efforts are slowed and hampered by its lack of Title 21 authority. Title 21 of the United States Code is needed to independently investigate and enforce drug laws. Apparently, only DEA and FBI have Title 21 authority. Without it, HSI must rely on DEA approval to investigate narcotics trafficking. These unnecessary bureaucratic steps caused delays in investigations and hampered the success in both agencies. HSI’s efforts domestically and internationally target the disruption of supply chains of synthetic opioids. HSI also combats numerous other threats toward citizens in our economy, such as preventing intellectual property theft, tackling cyber threats, and stopping financial fraud, illegal trade, and the sale of counterfeit goods.

It is obvious that HSI has a full plate which is why I was concerned to hear that HSI is overburdened by its commitment to support the U.S. Secret Service with protection duties. Make no mistake. I am committed to ensuring that those the Secret Service protect are fully protected so that we can avoid the situations we have witnessed over the past two months, but we need to do it in a way that is not interfering with other very important law enforcement functions. HSI faces operational challenges due to the diversion of personnel and funds to support Secret Service operations. From 2019–2024, HSI provided over 717,000 hours of personnel support to the Secret Service at a cost of over \$22 million in unreimbursed salaries. According to some whistleblowers, some of the agents assigned to protect President Trump in Butler, Pennsylvania, were HSI agents. I am curious to know the type of training that these protective agents that are on loan from HSI received from Secret Service.

As I indicated, I am all for protecting our President, Vice President, and major candidates for those offices, but that is 717,000 hours that could have been used to combat human trafficking, interdiction of fentanyl trafficking, or stopping the proliferation of CSAM. To that end, I have produced a document that I am forwarding to the Speaker of the House on ways to mitigate Secret

Service's needs and look forward to his response to that. I look forward to discussing these issues with our witness this morning.

Also, I would inform the body that this morning's story broke indicating that the attempted assassin, Mr. Routh, who is now in custody, was referred to investigation by CPT to HSI and HSI declined that investigation. I have informed the EAD of that and look forward to this hearing discussion about that as well.

So, with that, I yield back and recognize the Ranking Member, Ms. McBath, for her opening statement.

Ms. MCBATH. Thank you, Chair Biggs, and thank you, Ms. Berger, for being with us today.

We have a very important discussion ahead of us today and I would like to shed light on the critical role and mission of Homeland Security Investigations, or HSI, as we will call from here on out, which is an integral division within the U.S. Department of Homeland Security. HSI's nearly 9,000-person workforce operates in the United States and abroad safeguarding our Nation from a broad spectrum of threats that could compromise its security safety and well-being. The primary mission of HSI is to investigate and combat threats that undermine the safety and the stability of the United States. This mandate encompasses a wide array of responsibility, reflecting the diverse nature of the threats we face in our interconnected world.

HSI's work is crucial in maintaining national security and upholding the rule of law. HSI plays a vital role in preventing terrorist activities. Through robust investigations and intelligence gathering, HSI works to identify and disrupt terrorist plots before they even materialize. Their efforts include analyzing threats, investigating links between extremist groups, and coordinating with other agencies to thwart potential attacks, and the agency also ensures compliance with immigration law. This involves investigating unlawful activities like human trafficking, document fraud, and the illegal employment of undocumented individuals. By enforcing these laws, HSI helps maintain the integrity of our immigration system.

In an increasingly digital world, HSI is at the forefront of tackling cyber-crime. They investigate complex cyber threats including online fraud, identity theft, and the illegal distribution of contraband. Their work is crucial in protecting individuals and businesses from financial losses and data breaches. Special agents also address crimes that cross international borders such as drug trafficking, organized crime, and money laundering. By disrupting these transnational criminal networks, HSI helps mitigate the impact of these illicit activities on communities nationwide and globally.

Just as protecting children is a top priority for me, it is also a top priority for HSI. Their investigations target those involved in child exploitation including online predators, producers, distributors, and consumers of child sexual abuse material and human traffickers. By rescuing victims and prosecuting their offenders, HSI strives to ensure the safety and dignity of the most vulnerable among us. HSI's collaborative approach improves its effectiveness. The agency works closely with other Federal, State, local, and international partners to address complex and evolving threats.

This collaboration extends to leveraging advanced technology and data analysis and analytics to enhance investigative capabilities and operational efficiency. For example, investigators routinely partner with the National Center for Missing and Exploited Children to help identify and rescue sexually exploited children based largely on information that is extracted from images or videos found online. The technology used by purveyors of child sexual abuse material continues to evolve, leaving our children at even greater risk of harm.

Atlanta, which I represent, for example, is one of the 14 States with the highest rates of children used in sex trafficking and ranks just second in the country for the highest rate of human trafficking. Our children are our future and represent one of the most vulnerable populations. We must protect them and do everything in our power to ensure that they are safe and looked after. That is why I was so pleased that my bill, the End Child Exploitation Act, became law just recently. That law extends the period that technology companies must securely store information about child sexual abuse images that they report to NCMEC. To give law enforcement, including HSI agents and their investigative partners, a greater chance of rescuing and bringing home our missing and exploited children. HSI is pivotal to our national security. The agency tackles diverse threats with broad and unique investigative and enforcement authority, which requires Congress to ensure proper guardrails to provide effective oversight.

Given the sensitive nature of their work and the potential for abuse of power, HSI must operate with a high level of accountability and oversight. Only to a commitment to prevent overreach, protect civil liberties and promote accountability, transparency, and effective oversight can HSI maintain the trust and confidence of the public and truly carry out its central mission.

Today's conversation should focus on what more Congress can do to make sure that this agency has what it needs to fulfill the crucial role in keeping us all safe. I am here today to find solutions and ensure that HSI has the tools that it needs to be successful and to keep us all protected.

I look forward to what you have to say, Director, I really do. Thank you so much and I look forward to all of us supporting HSI and I yield back.

Ms. LEE. [Presiding.] The gentlelady yields back. I now recognize the Chair of the Full Committee, Mr. Jordan, for his opening statement.

Chair JORDAN. I thank the Chair. I don't have an opening statement. I just want to thank the Director for being here and for the work that your agency does, and I yield back.

Ms. LEE. I now recognize the Ranking Member of the Full Committee, Mr. Nadler, for his opening statement.

Mr. NADLER. Thank you, Madam Chair. Madam Chair, Homeland Security Investigations, or HSI, is a vital component of the Department of Homeland Security, responsible for conducting a wide range of investigations related to national security, border security, transnational crime, child exploitation, human trafficking, smuggling, and other threats to the homeland. The daily work of HSI agents involves conducting complex investigations, gathering

intelligence, and collaborating with domestic and international partners to disrupt criminal networks and prevent potential threats to national security and public safety.

One of the key features of HSI is its broad authority to use various tools and strategies to protect the country from terrorist attacks, cyber threats, natural disasters, and other risks. HSI agents have the authority to arrest individuals, seize assets, and execute search warrants in pursuit of their mission to safeguard the Nation from a variety of threats. This authority necessarily enables robust intelligence gathering and analysis, supports border security, and provide for the critical protection of our online infrastructure.

With this broad authority, however, comes the need for accountability and oversight to ensure that HSI and its partner agencies are acting in accordance with the law and with respect for our civil liberties. The HSI efforts with its emphasis on urgency and sometimes secrecy can sometimes lead to abuses of power or violations of individual rights. The potential for abuse is multiplied with the introduction of new technology such as artificial intelligence, face recognition, and even cellular stingrays.

Therefore, it is essential to have robust oversight mechanisms in place including congressional hearings like this one, independent audits and judicial review to provide transparency and accountability and to safeguard against abuses of power. I hope that today's conversation includes a discussion of measures HSI has in place to ensure both transparency and accountability which are crucial to maintaining public trust in the agency, protecting against the erosion of civil liberties in the name of national security, and ensuring that HSI's efforts are effective and proportionate to the threats it seeks to address. By promoting a culture of accountability and oversight, we can strike the right balance between protecting national security and our communities while safeguarding individual freedoms in a democratic society.

I am also interested to hear about HSI's recent efforts to gain Title 21 authority which would give agents the power to enforce drug-related laws like those enforced by the Drug Enforcement Administration, or DEA. While some have argued that this is good policy, I remain somewhat skeptical. Granting HSI Title 21 authority could create jurisdictional conflicts, operational challenges, and redundancies in efforts, potentially leading to confusion, inefficiencies, and complications in the execution of drug-related investigations.

The existing framework of collaboration and coordination between HSI and DEA, along with other law enforcement partners, has largely proven effective in destructing drug-trafficking networks, dismantling criminal organizations, and protecting communities from the harmful effects of illicit drugs. I am not convinced that extending HSI's authority in this regard is necessary or wise, but I expect that Associate Executive Berger might have a different opinion which I am interested in hearing.

Considering the broad mandate under which HSI operates, I am also eager to hear what Congress can do to leverage the strengths of the agency and to ensure that it has the tools it needs to fulfill its mission of protecting the homeland and all Americans against the wide range of threats we face both seen and unseen.

Ms. Berger, I thank you for appearing here today and I look forward to your testimony. Thank you and I yield back.

Ms. LEE. Without objection, all other openings statements will be included in the record. We will now introduce today's witness, Ms. Katrina Berger.

Ms. Berger is the Executive Associate Director of Homeland Security Investigations, a role she has held since July 2023. She previously served as a Special Agent in Charge of HSI's Atlanta, Georgia office and has served for more than 25 years in law enforcement. We welcome our witness and thank her appearing today.

We will begin by swearing you in. Would you please rise and raise your right hand?

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief so help you God?

Let the record reflect that the witness has answered in the affirmative. Thank you.

Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony.

Ms. Berger, you may begin.

STATEMENT OF KATRINA BERGER

Ms. BERGER. Thank you, Chair Biggs, Ranking Member McBath, and distinguished Members of this Committee, on behalf of HSI, I wish to express our condolences on the passing of Ranking Member Jackson Lee. As a Special Agent in Charge in our Dallas, Texas office, I had the opportunity to meet with her on several occasions. She served our Nation and the State of Texas as a dedicated Member of this Committee.

Thank you for this opportunity to appear before you today and to discuss the tireless efforts that the men and women of HSI perform to safeguard our Nation's security, public health, and economy by identifying, disrupting, and dismantling transnational poly-criminal organizations. I am truly humbled to represent their exemplary service to this Nation.

I am a career special agent and currently serve as the Executive Associate Director of HSI. In this role, I lead 8,700 employees including over 7,000 special agents assigned to 235 domestic field offices and 93 international offices in 56 countries. I also oversee our nine headquarters divisions, 11 specialized national centers, and the administration of our \$2.4 billion annual budget.

HSI was formed with the creation of the Department of Homeland Security with a merger of the investigative components of the legacy U.S. Customs and Immigration and Naturalization Services and is the largest criminal investigative components of DHS, empowered with broad, legal authority to conduct Federal criminal investigations into the illegal cross border movement of people and merchandise to include goods, money, technology, and other contraband.

HSI uses this broad authority to successfully investigate a wide array of transnational crimes to include national security threats, narcotics and contraband smuggling, transnational criminal gang activity, child exploitation, human smuggling, human trafficking,

illegal export of weapons and controlled technology, money laundering, financial fraud, cyber and cyber financial crimes, intellectual property theft, trade fraud, identity and benefit fraud, and human rights violations including war crimes.

HSI special agents collect evidence in furtherance of criminal prosecutions which result in the conviction of individuals and a dismantlement of organizations which would exploit our Nation's borders and threaten the public safety. HSI's international presence is the largest within DHS and enables HSI investigations to reach far beyond our national borders. HSI's cadre of internationally assigned special agents, criminal agents, and mission support personnel work alongside locally employed staff and foreign law enforcement, customs and immigration partners to advance HSI's investigations and the DHS mission around the world.

HSI also leads eight national whole of government centers combating transnational crime including the Angel Watch Center which partners with the U.S. Marshals and CBP to use flight data to identify and alert foreign law enforcement of the international travel plans of registered sex offenders; the DHS Center for Counter and Human Trafficking which provides investigative support and training as well as services to trafficking victims; the Cross-Border Financial Crime Center which leverages HCT's expertise and money laundering and financial crimes investigations with industry experts and foreign partners to identify the illicit movement of money worldwide; the DHS Cyber Crime Center or C3, which supports among other programmatic areas investigations into the productive and distribution of child sexual abuse material and technical forensic support to cyber-enabled crimes; the Export Enforcement Coordination Center or E2C2, in partnership with DOJ and Commerce which coordinates and supports investigations into the illegal exports of controlled technologies; the Human Rights Violators and War Crimes Center, which ensures individuals who commit atrocities worldwide are unable to flee and seek refuge within the United States; the National Bulk Cash Smuggling Center, which assists our domestic and international law enforcement partners in interdicting and investigating the illicit movement of bulk cash; and finally, the National Intellectual Property Rights Coordination Center, which is world-renowned for its expertise and effectiveness in combatting intellectual property rights violations.

In addition to investigations and results produced by our agents, HSI continues to serve as a lead component in DHS' overarching mission protecting the homeland. This commitment to supporting fellow DHS components can be best illustrated through HSI's continued support to the Secret Service, CBP, and others. For example, between 2019–2024, HSI special agents have worked more than 700,000 hours in support of the Secret Service's essential protection mission. I would once again like to recognize the true strength of HSI, its workforce, who remain vigilant in their efforts to protect our Nation from ever-evolving threats.

Chair Biggs, Ranking Member McBath, esteemed Members of the Committee, I look forward to answering your questions regarding the amazing work being done by HSI to safeguard our Nation.

[The prepared statement of Ms. Berger follows:]



Homeland Security Investigations

STATEMENT OF

KATRINA W. BERGER
EXECUTIVE ASSOCIATE DIRECTOR

HOMELAND SECURITY INVESTIGATIONS
U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING TITLED
"Oversight of Homeland Security Investigations"

BEFORE THE
U.S. HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT SURVEILLANCE

September 18, 2024
2141 Rayburn House Building
10:00 a.m.

Good afternoon, Chairman Biggs, Ranking Member McBath, and distinguished Members of the Subcommittee: On behalf of the women and men of Homeland Security Investigations (HSI), I wish to express our deepest condolences on the passing of former Ranking Member Sheila Jackson Lee. Representative Jackson Lee valiantly and steadfastly served our nation and the State of Texas, leaving an enduring legacy for future generations.

Thank you for the opportunity to discuss the incredible and tireless efforts that HSI performs to safeguard our nation's security, public health, and economy by identifying, disrupting, and dismantling transnational criminal organizations (TCOs).

The diverse and ever-emerging threats we face as a nation underscore the complexity and scope of the HSI mission. HSI's people are guided by the principles of Honor, Service, and Integrity, and I am honored to have this opportunity to discuss the vital work they perform across the country and around the world.

Homeland Security Investigations History and Role

HSI was established by the Homeland Security Act of 2002 and the subsequent merger of the investigative elements of the former U.S. Customs Service and the Immigration and Naturalization Service. The mission of HSI is to investigate, disrupt, and dismantle TCOs and national security threats seeking to exploit the customs and immigration laws of the United States. As the principal investigative component of the U.S. Department of Homeland Security (DHS), HSI is vested with broad legal authority to conduct criminal investigations into the illegal cross-border movement of people, drugs, money, goods, technology, and other contraband throughout the United States.

HSI's workforce consists of more than 8,700 employees, including over 7,000 special agents, supported by criminal analysts, mission support personnel, and contract staff, in 235 domestic and 93 international offices across 56 countries. This global presence, the largest within DHS, allows HSI to extend its investigative reach beyond our nation's borders and foster enhanced collaboration with foreign government partners in advancement of HSI's mission worldwide.

HSI's unique combination of legal authorities encompass more than 400 federal criminal statutes under the United States Code: Customs Duties (Title 19), Crimes and Criminal Procedure (Title 18), Money and Finance (Title 31), Foreign Relations and Intercourse (Title 22), War and National Defense (Title 50), Aliens and Nationality (Title 8) as well as a delegated authority from the Drug Enforcement Administration (DEA) regarding the enforcement provisions of Food and Drugs (Title 21). HSI leverages these authorities to investigate a wide array of transnational crimes, including terrorism, national security threats, narcotics and contraband smuggling, transnational gang activity, child exploitation, human smuggling and trafficking, illegal exports of controlled technology and weapons, money laundering, financial fraud, cyber and cyber-financial crimes, intellectual property theft, trade fraud, organized retail crime, identity and benefit fraud, and human rights violations, including war crimes.

In collaboration with strategic partners located both within the homeland and abroad, HSI special agents build criminal cases against TCOs, terrorist networks and facilitators, and other criminal

elements that threaten the United States. Working closely with prosecutors, HSI seeks to indict and arrest violators, execute judicially authorized enforcement actions, and seize and forfeit criminally derived assets. HSI's efforts to identify, disrupt, and dismantle TCOs operating around the globe are vital to protecting national, border, and economic security and ensuring the safety of American communities.

I proudly serve as the Executive Associate Director for HSI, overseeing nine divisions, 11 specialized centers, and a budget exceeding \$2.4 billion. The centers consist of the HSI-led DHS Center for Countering Human Trafficking, the DHS Cyber Crimes Center (C3), the Cross-Border Financial Crime Center (CBFCC), the Angel Watch Center, the Export Enforcement Coordination Center (E2C2), the Human Rights Violators and War Crimes Center, the Forensic Lab, the Innovation Lab, the National Bulk Cash Smuggling Center, the National Intellectual Property Rights Coordination Center, and the National Lead Development Center.

The concerted efforts of HSI thwart TCOs, preserve the integrity of commercial industries and the financial sector, protect our most vulnerable populations, and prevent the importation of illicit substances. In Fiscal Year (FY) 2023, HSI's global efforts led to approximately 29,500 criminal investigations producing more than 33,000 criminal arrests, 16,500 indictments, and 11,250 convictions. Additionally, HSI's FY 2023 efforts resulted in the seizure of more than 20,000 weapons, \$940 million in currency and physical assets, and \$145 million in virtual assets.

Transnational Poly-Criminal Organizations

TCOs, which had traditionally focused on a single criminal enterprise, have now morphed into poly-criminal organizations engaged in multiple illicit activities, often simultaneously. Disrupting and dismantling these organizations demands a collaborative effort by HSI and its partners. For example, the CBFCC brings together federal law enforcement, international partners, and private sector stakeholders to disrupt illicit cross-border financial activities. The CBFCC strengthens the U.S. anti-money laundering infrastructure by educating private sector stakeholders on trends and techniques used to facilitate illicit cross-border financial activity. The center's work enhances information sharing between the U.S. government and the private sector and supports the disruption and prosecution of kleptocrats, oligarchs, professional money laundering organizations, and other criminal actors who violate U.S. laws.

The CBFCC has identified increasing collaboration between Chinese money laundering organizations (CMLOs) and Mexican drug trafficking organizations. The CMLOs need large quantities of U.S. currency to operate informal money transfer systems which are commonplace within Chinese diaspora communities; the Mexican organizations need to launder criminal proceeds, repatriate drug proceeds across borders, and sustain drug trafficking activity. This symbiotic criminal relationship also benefits corrupt People's Republic of China (PRC) officials and criminal organizations by making U.S. dollars available outside of China, while circumventing the PRC's strict foreign currency exchange restrictions.

HSI continues to build on the success of its El Dorado Financial Crimes Task Force (EDTF) model, originally established by the U.S. Customs Service in 1992. The EDTF is a multi-agency initiative that brings together federal, state, Tribal, and local law enforcement to disrupt and

dismantle transnational money laundering organizations. These task forces focus on complex, high-priority financial investigations, engaging private sector partners and leveraging federal as well as state statutes to achieve successful prosecutions. Over the last decade, EDTF investigations have resulted in over 2,100 arrests and the seizure of more than \$2.68 billion in illicit proceeds. HSI has approved the expansion of the EDTF model to all 30 of its domestic Special Agent in Charge offices to further enhance the U.S. government's ability to investigate and prosecute TCOs and their associates who engage in sophisticated money laundering schemes and illicit financial activity.

HSI's Third-Party Money Laundering (3PML) program further targets professional money launderers. Since its inception in 2013, the 3PML program has initiated over 400 criminal investigations. HSI's 3PML designated investigations resulted in seizure of more than \$100 million in criminal proceeds and over 200 arrests in FY 2023.

Breaking the Fentanyl Supply Chain

HSI remains dedicated to combating TCOs involved in the illicit trafficking of controlled substances, synthetic precursor chemicals, and pharmaceutical manufacturing equipment. HSI works closely with the DEA, which provides approximately 4,600 of HSI's special agents with authorities to enforce the criminal provisions found within Title 21 when there is clearly articulable nexus to the United States border or ports of entry.

The past decade has seen a dramatic increase in the illicit production and trafficking of fentanyl. According to U.S. Center for Disease Control and Prevention provisional data, in the 12-month period ending in April of 2024, approximately 101,168 Americans died from drug overdoses, with fentanyl and other synthetic opioids responsible for over two-thirds of these deaths.¹ 's efforts to combat this public health crisis include enforcement operations such as Operation Hydra and Operation Chain Breaker.

Operations Hydra and Chainbreaker were initiated after HSI identified shifts in fentanyl trafficking trends, showing an increase of synthetic opioid production in Mexico. Both operations focus on disrupting the supply chain of Mexican and Chinese criminal organizations by identifying and targeting shipments of precursor chemicals and pill presses from China. HSI's combined efforts under Operations Hydra and Chainbreaker have resulted in the seizure of over 76,000 pounds of fentanyl, the interdiction of more than 3.4 million pounds of synthetic precursor chemicals and over 2,500 illicit pharmaceutical manufacturing devices, and the dismantlement of over 30 fentanyl labs. These operations have also led to over 225 arrests, 135 indictments, and 20 convictions to date.

The Border Enforcement Security Task Force (BEST) program, established in 2006, is another critical component of HSI's strategy. With 98 BEST units located across the U.S. and its territories, the program leverages the resources of over 200 federal, state, local, Tribal, and international law enforcement agencies to identify, disrupt, and dismantle organizations exploiting vulnerabilities at the border, at airports and seaports.

¹ Provisional Drug Overdose Death Counts, National Center for Health Statistics September 11, 2024), [Products - Vital Statistics Rapid Release - Provisional Drug Overdose Data \(cdc.gov\)](#).

In 2022, HSI established specialized investigative groups – called the Fentanyl Abatement and Suppression Team (FAST) – embedded within BESTs. HSI has established 46 FAST teams whose mission is to target geographic areas where the impact of fentanyl is most significant. In FY 2024 alone, FAST teams have initiated over 200 federal investigations that have resulted in 191 criminal arrests and the seizure of over 1,100 pounds of fentanyl. Many of these investigations are ongoing. The dedicated HSI investigative personnel work diligently to illuminate illicit fentanyl supply chains and the criminal networks that manufacture, distribute, and profit from the opioid epidemic.

Crimes of Victimization and Exploitation

Every year, an increasing number of children fall victim to heinous crimes such as sexual exploitation, abuse, commercial sex trafficking, extortion, and forced labor. HSI is deeply committed to safeguarding children in the United States and worldwide and has established itself as a global leader in the investigation, disruption, and dismantling of criminal actors that exploit vulnerable populations, often via electronic means.

The HSI Child Exploitation Investigations Unit, a component of the HSI-led DHS C3, plays a crucial role in this effort. HSI employs a victim-centered approach to ensure investigations prioritize the identification, rescue, and care of victims in addition to the prosecution of offenders. HSI collaborates with international law enforcement partners to infiltrate networks in Southeast Asia, where traffickers offer child victims to foreign offenders for abuse which is then streamed via social media and video chat platforms, to disrupt these networks and rescue victims.

Another growing concern is the victimization of children and teens who are coerced into sending explicit images online and then extorted for money. In 2022, HSI and the National Center for Missing and Exploited Children (NCMEC) noticed a pattern of sextortion referrals where the offenders originated from Côte d'Ivoire and Nigeria. HSI, in collaboration with NCMEC and the Federal Bureau of Investigation (FBI), agreed to divide the referrals, with HSI investigating those originating from Côte d'Ivoire and the FBI handling those from Nigeria. As of 2024, HSI has identified and rescued over 675 domestic victims of West Africa-based sextortion schemes. We believe financial sextortion is a preventable crime. Earlier this year, the Department launched Know2Protect: Together We Can Stop Online Child Exploitation, a national public awareness campaign to educate and empower children, teens, parents, trusted adults, and policymakers to prevent and combat online child sexual exploitation and abuse (CSEA), provide information on how to report, and offer resources for victims, survivors, and supporters. Led by HSI, Know2Protect has educated over 82,900 adults and children and completed over 1,000 events and presentations to spread awareness and prevention tactics about online CSEA through our in-person and virtual trainings.

HSI's commitment to combating human trafficking is further reinforced by the work of the HSI-led DHS Center for Countering Human Trafficking (CCHT), established in 2020 and expanded under the Countering Human Trafficking Act of 2021. This center integrates investigative operations, victim assistance, intelligence, outreach, and training to address human trafficking on a global scale. The CCHT is a DHS-wide effort, comprised of 16 supporting offices and

components, and is the first unified, inter-component coordination center for countering human trafficking and the importation of goods produced with forced labor. A component of the CCHT, the Sex Trafficking Investigations Unit (STIU), is responsible for supporting worldwide criminal investigations of sex trafficking by providing subject matter expertise, investigative support, and operational resources. STIU also supports DHS enforcement efforts with intelligence by conducting lead development and validation and case support, with an emphasis on analyzing organizational structures to identify traffickers and victims.

HSI remains dedicated to protecting children, adult workers, and the American labor market through its Labor Exploitation Program. This program prioritizes the identification and prosecution of employers who exploit noncitizens based on their lack of lawful immigration status. HSI also focuses on ensuring that victims receive services and support through the Victim Assistance Program and the Parole and Law Enforcement Programs Unit.

By targeting and dismantling the infrastructure exploiting vulnerable populations, such as fraudulent document mills and smuggling organizations, HSI promotes lawful employment and seeks to prevent the exploitation of children and other workers.

Trade Crimes, Export Enforcement, and Sanctioned Entities

Intellectual property (IP) theft, counterfeiting, and trade fraud are critical global challenges that threaten economic stability and public safety. The Organization for Economic Co-operation and Development estimates that approximately 2.5 percent of global trade—equivalent to \$464 billion annually—consists of counterfeit and pirated goods.² Beyond financial loss, these illicit activities pose significant risks to the health and safety of consumers. TCOs exploit counterfeit activities to finance other illegal operations, such as human trafficking, money laundering, and forced labor. TCOs often view counterfeiting as a low risk, high reward income stream.

The World Health Organization reports counterfeit medications cause up to 1 million deaths annually. Amid growing concerns over and evidence of the infiltration of counterfeit and substandard goods into the U.S. Government supply chain, HSI sought and received appropriated funding from Congress to establish a standalone unit charged with combating the compromise of government supply chains. The Government Supply Chain Investigations Unit (GSCIU) was established in June 2023 within the HSI Global Trade Division. The GSCIU operates as a federal task force, to strengthen the efforts of HSI to identify, disrupt, and dismantle TCOs infiltrating the supply chain with counterfeit or substandard goods known to adversely impact defense readiness, national security, the U.S. economy, and the health and safety of our citizens and those who serve them. Ballistic personal protective equipment, to include ballistic helmets, plates, shields, weapons, weapon components, optics, uniforms, pharmaceuticals, and medical devices are a few examples of counterfeit or substandard products introduced into the government supply chain which can gravely impact citizens and agencies of the United States. The GSCIU team is comprised of more than 20 special agents, program managers, and analysts from HSI, components of the Department of Defense, the Department of Justice, numerous Offices of Inspector General, other public and private sector partners, and academia, to combine and

² OECD/EUIPO (2019), *Trends in Trade in Counterfeit and Pirated Goods*, Illicit Trade, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9f533-cn>.

leverage varying expertise and authorities, representing a whole of government approach to overall U.S. Government supply chain security.

The GSCIU has initiated 4 successful programs and has enhanced multi-agency deconfliction and coordination mechanisms. Collectively, members of the GSCIU have provided outreach and training to more than 6,400 people from both the public and private sectors. Since inception, more than 40 multi-agency leads have been distributed to 33 field offices and more than 65 investigations have been supported by the GSCIU resulting in numerous arrests and indictments. The GSCIU is housed at the National Intellectual Property Rights Coordination Center (IPR Center).

The HSI-led IPR Center is instrumental in combating trade crimes through a comprehensive, whole-of-government approach. Established in 2000 and codified via the Trade Facilitation and Trade Enforcement Act of 2015, the IPR Center leads the federal government's efforts in enforcing IP laws. The IPR Center coordinates activities from over 20 federal agencies, international law enforcement bodies, academic institutions, and private industry entities. These relationships have been instrumental in enhancing investigative support, training, and outreach efforts, bolstering the center's mission to thwart IP theft and counterfeiting.

The IPR Center further serves as a centralized repository for lead evaluation and subsequent dissemination. This is a critical function as the IPR Center receives in excess of 30,000 leads annually from industry partners and U.S. Customs and Border Protection (CBP). Throughout the lead evaluation process, HSI works closely with CBP, the FBI, and the National Cyber-Forensics and Training Alliance to research trends and identify linkages. This collaboration allows HSI to leverage proprietary databases, further deconflict law enforcement efforts, and identify network associations between TCOs.

HSI continues its longstanding focus on enforcing export violations, drawing on authority and expertise that dates back to the creation of the U.S. Customs Service in 1789. HSI is dedicated and committed to targeting the illegal movement or export of U.S.-origin sensitive technology, military equipment, and weapons to prevent the acquisition of these items by terror networks, state-sponsored actors, and TCOs.

The HSI Counter-Proliferation Investigations program is designed to safeguard the U.S. export control system, prevent the unlawful export of sensitive U.S. commodities, and counter threats posed by foreign adversaries, terrorists, and criminal networks. In addition to investigations, HSI also leads the E2C2. Established by Executive Order in 2010, E2C2 promotes a whole-of-government approach to export enforcement by coordinating efforts across agencies and strengthening ties between law enforcement, intelligence, and export licensing entities.

Export enforcement is crucial in the face of growing threats from adversaries who seek U.S. technology. An analysis of Russian military equipment seen in its war against Ukraine highlights Russia's dependence on Western, and particularly U.S., technology. Similarly, Iranian-made drones used by Russian forces have been discovered to include U.S.-origin microchips and global positioning components.

Russia's illicit methods to acquire U.S. technology have led to an 85 percent increase in HSI investigations tied to Russian exports and sanctions. Following Russia's invasion of Ukraine in February 2022, HSI coordinated efforts to target Russian state-owned industries, financial institutions, and individuals who disregarded U.S. export controls. Furthermore, in support of the Department of Justice's Task Force KleptoCapture, HSI works to identify, locate, and bring to justice those individuals who enable the Russian regime to continue its unprovoked invasion of Ukraine. HSI continues to use its civil and criminal asset forfeiture authorities to seize and forfeit assets linked to sanctioned individuals and/or proceeds of unlawful conduct that empower the Russian Government to continue the Russia-Ukraine war.

Iran employs an expansive network of shell companies to avoid sanctions, exploit the U.S. financial system, and generate revenue to fund and support Iranian-backed terrorist groups, ballistic missile and nuclear weapons development, and the acquisition of technology for the Iranian regime. To counter these evolving threats, HSI investigates the sale of Iranian-origin petroleum products in violation of U.S. and United Nations sanctions. To date, HSI and its partners have seized 4.8 million barrels of embargoed petroleum products, with an estimated value of \$289 million, from eight tankers. Additionally, approximately \$11 million of other assets related to the illicit sale of petroleum products were frozen by the Treasury Office of Foreign Assets Control and seized by HSI when the assets were discovered transiting the U.S. financial system.

In response to the Israel-Hamas conflict, HSI, through E2C2, established an initiative to address Hamas and Hezbollah procurement networks attempting to obtain U.S.-controlled commodities. This initiative provides analytical support to investigating agencies through a review of trade data to identify anomalies or suspicious patterns and provide insight into shipping networks.

HSI Support to DHS Components

In addition to its core mission of criminal investigations, HSI often performs other roles in support of other DHS components and mission areas, for example, HSI's historical and continued support to CBP, the U.S. Secret Service (USSS), and the Federal Air Marshal Service (FAMS). HSI frequently provides personnel to augment USSS-led National Special Security Events (NSSEs) and protective detail assignments. In the past five years, HSI special agents have worked more than 700,000 hours in support of NSSEs and/or protective detail assignments at a cost of over \$22.8 million.

HSI has provided support to CBP in furtherance of its programs and initiatives related to fentanyl trafficking and the migration of noncitizens along our nation's Southwest Border (SWB). Since April of 2022, HSI has provided 2,876 special agents in support of Operation Expanded Impact. HSI's support of this effort has included assignment at CBP Enhanced Centralized Processing Centers and transporting detained noncitizens.

HSI detailed more than 500 personnel to support Operation Blue Lotus, in coordination with CBP, to increase targeted inspections for illicit fentanyl at ports of entry along the Southwest Border.

Additionally, HSI has historically provided surge support to the FAMS as needed to ensure the safety and security of the American public on domestic carriers.

Development and Use of Critical Technology

HSI allocates significant financial and human capital resources to the development, operation, and maintenance of advanced technological platforms which are deployed as official systems of record, proprietary cutting edge investigative and analytical tools, and an optimized digital case management system to greater enable enhanced transparency and interoperability. HSI's Innovation Lab develops proprietary analytic capabilities, tools, and enhanced business processes to support special agents and criminal analysts in the field. The Innovation Lab's primary technology platform, the Repository for Analytics in a Virtualized Environment (RAVEN), centralizes HSI's numerous data holdings and hosts a suite of data analytics tools. These tools aim to enhance investigative processes by automating manual tasks and enabling personnel to identify links across data sets. The Innovation Lab has also invested in the development of the RAVEnGO (RGO) mobile application which provides access to investigative and analytical tools on mobile devices.

HSI currently uses the Investigative Case Management system as its official system of record. However, the contract for this system and its back-end data services is set to sunset in 2027, and HSI is actively pursuing the development of an advanced digital case management system.

Conclusion

HSI's customs and immigration authorities, combined with its global footprint, make it uniquely capable of disrupting and dismantling the sophisticated groups and networks that we now face. That capability is driven by a workforce committed to taking down those who seek to do Americans harm and who exploit and prey on the most vulnerable, whether in person or online.

Chairman Biggs, Ranking Member McBath, and Members of the Subcommittee, thank you again for the opportunity to testify today, and for your continued support of HSI.

Ms. LEE. Thank you, Ms. Berger. We will now proceed under the five-minute rule with questions. I begin by recognizing myself for five minutes.

I would like to take a moment and commend HSI for Operation Boiling Point, DHS's response to organized retail crime. By partnering with groups such as the National Retail Federation and Coalition of Law Enforcement and Retail CLEAR, HSI has been able to bridge the gap between public and private information sharing and best practices to ultimately stop organized theft groups. HSI has spoken publicly in the past about connections between organized retail crime and domestic and transnational criminal organizations including groups engaged in human trafficking.

Director Berger, have recent investigations found those types of connections?

Ms. BERGER. Thank you for that question. Much of the work that we encounter, transnational criminal organizations, all organized crime has turned into poly-criminal organizations that are involved not in just in one type of violation, but multiple crimes that affect our communities. Organized crime people may see organized crime and not think that it is very serious, but these groups are laundering money, they are involved in human trafficking, human smuggling, and various ways to further the criminal business and criminal enterprises.

Ms. LEE. Does HSI coordinate with State and local law enforcement in pursuit of this type of organized theft group and if so, how?

Ms. BERGER. Thank you for letting me elaborate on that. We definitely do. We collaborate on all levels with Federal, local, State partners, with industry to investigate leads. We accept tips, leads to further investigate these types of crimes. We do outreach with industry as well, so that they recognize some of the factors of things that they need to report if they see suspicious activity.

Ms. LEE. If you would, share with us why you believe it is important, assuming that you do, that HSI and other Federal agencies with multijurisdictional authority have a role in investigating and prosecuting organized retail theft?

Ms. BERGER. Thank you for letting me elaborate a little bit further. Again, it is not just the organized retail theft, it is all the associated crimes that these poly-criminal organizations are involved with that are impacting our communities. They can be involved with—they are involved with illicit financial schemes, money laundering, human trafficking, human smuggling, and Chinese money laundering operations. There is a whole plethora of violations and criminal activity that they are involved with that are putting our communities at risk.

Ms. LEE. On that subject of human trafficking, I would like to turn your attention to the work that HSI does in combating child exploitation and cyber-crimes, specifically, the use of the Cyber Crimes Center, or C3. Would you please elaborate for us on C3, what it is, and how it operates?

Ms. BERGER. The C3, the Department's Cyber Crime Center is an HSI-led Cyber Crime Center focusing on crimes and internet-facilitated crimes. One of our flagship programs is our work in the child exploitation area. We actively investigate and prosecute individuals

and organizations that are involved with the production and distribution of child exploitation material. We take this very seriously. This is a global problem, far reaching. We work with our international partners to help protect not only child victims in this country, but child victims around the world.

Ms. LEE. In that work, do you also partner with the National Center for Missing and Exploited Children?

Ms. BERGER. Yes, ma'am. We do. NCMEC, the National Center for Missing and Exploited Children, is a fabulous partner. We have personnel embedded with them. Tim Tebow of the Tim Tebow Foundation is also a phenomenal partner and provides us with a lot of support, especially in being able to bring experts in the field from some of our foreign partner organizations and partner law enforcement in different countries to come and help identify and rescue victims through Operation Renewed Hope.

Ms. LEE. Actually, Operation Renewed Hope recently demonstrated an incredibly successful effort, a partnership between HSI and NCMEC, the Tebow Foundation, and those partners you referenced. Would you tell us a little bit more about that operation and if you had additional resources and HSI agents working on that, is it something that you believe would be a successful effort in increasing the number of children who are rescued?

Ms. BERGER. Yes, ma'am. It definitely would. Certainly, we can always do more when we have more, either in terms of staffing or funding. There is a lot that we can do with technology, a lot of technology out there that we can really further the identification investigating child victims.

Ms. LEE. Thank you, Ms. Berger. I now recognize the gentlewoman from Georgia, the Ranking Member, Ms. McBeth.

Ms. MCBETH. Thank you so much.

Ms. BERGER, it has become a practice for Federal agencies to work with local law enforcement, as you have mentioned today, to deliver assistance and partner on various efforts to track criminals, close cases, and share information. What specific initiatives or partnerships has HSI established in Atlanta, which I represent, to combat child sex trafficking?

Ms. BERGER. Thank you for that question, ma'am. Atlanta, being former Special Agent in Charge there, and I maintain my residence there, is very near and dear to my heart.

We partner with Secret Service and State and local agencies through the ICAC, the Internet Crimes Against—the Internet—ICAC—I'm sorry, I'm stumbling; forgive me—to identify risks for children out there. We do a lot of outreach, with our Know2Protect campaign and our iGuardian campaign to educate children at all ages, minors, young children, teens, tweens, as to internet safety; parents, teachers, trusted partners, or trusted adults. So that if children are being preyed on, if they communicating with an adult online and they are requested to provide inappropriate pictures, that they know to come forward; they know that there's adults out there that they can talk with. It's a conversation that many people don't want to have, but we really need to be protecting our children in this fight against online predators.

Ms. MCBATH. Thank you. So, what specific challenges and gaps has HSI encountered in its current approach to tackling child and sex trafficking; specifically, in Atlanta?

Ms. BERGER. Sorry, I'm struggling with the mic.

We work very closely with all the partners. We can always do more with more resources, but we work very collaboratively with our partners in this area, with NGO's, with the law enforcement partners, with the communities, and with the schools.

The more outreach we do, the more opportunities we're able to get in front of vulnerable communities, so they can hear our message, the better. I think ICE branding. Certainly, being able to have HSI standalone branding which separates us from—it doesn't separate us but lets us independently brand ourselves as HSI. We're able to reach communities such as immigrant communities that would otherwise not want to really talk to us or hear our message because of our affiliation and our association with ICE.

Ms. MCBATH. Thank you for that.

So, what you just described for us are ways in which HSI is overcoming these challenges, so that you can improve the effectiveness of combating crime specifically in Georgia. I represent a district now that a large proportion of the people in my district are immigrants who have come from outside of the United States. So, I want to keep an eye and focus on making sure that I protect their interests as well. So, thank you for that.

What is the agency doing to evaluate, and also, refine strategies, address resource limitations, and to adapt to the emerging trafficking trends that keep growing day by day?

Ms. BERGER. We are very involved with emerging threats. Atlanta, as you are well aware is a hub. It is a major transit area for various transportation routes. Large cities, large metropolitan areas are often a prime area for human trafficking activities to take place.

We continue to do significant outreach with industries such as hotels, hotel staff, service/hospitality industry, so that they recognize human trafficking efforts when they sense this when they see it.

I think many of us over the last couple of years have noticed an increased signage in airports and restaurants. Under our Blue Campaign public awareness, if you see something, to come forward, recognizing the indicators of human trafficking and knowing what to do.

Ms. MCBATH. I just want to say, I can remember when I was a flight attendant, I can remember now, I recognize what it was; I did not know at the time. There would be many young women that would be put on the aircraft coming from either Texas, or New Mexico, or Arizona. They would get onboard the aircraft and they would sit very quietly, and they wouldn't answer any questions. They wouldn't say anything. The minute they would get off the aircraft, they would scatter into the bathrooms and scatter throughout the airport. So now, I'm recognizing that those were individuals that, some of them, I'm sure were trafficked.

So, thank you very much for the work that you are doing, because I have actually seen that in action.

I yield back.

Ms. LEE. The gentlelady yields back.

The Chair now recognizes the Chair of the Full Committee, the gentleman from Ohio, for five minutes, Mr. Jordan.

Chair JORDAN. Thank you, Madam Chair.

Director, who is Kevin Rojek?

Ms. BERGER. I'm sorry, sir, could you say—

Chair JORDAN. Kevin Rojek, R-o-j-e-k.

Ms. BERGER. I'm sorry, sir, I don't recognize the name.

Chair JORDAN. Well, he is the Special Agent in Charge at the FBI Pittsburgh office looking into the assassination attempt on President Trump that took place in Butler, Pennsylvania. My understanding is HSI had a number of agents at Butler at that particular day. Is that accurate?

Ms. BERGER. Yes, sir, that's correct. We had 16 agents, special agents, assigned to the Butler farm, and farm rally.

Chair JORDAN. You had 16 of your people there?

Ms. BERGER. Sixteen.

Chair JORDAN. Yes.

Ms. BERGER. One to six.

Chair JORDAN. Do you know how many Secret Service agents were there that day?

Ms. BERGER. No, sir, I don't.

Chair JORDAN. You had 16 of your agents supplementing and helping with the security of President Trump on July 13th in Butler, Pennsylvania?

Ms. BERGER. We provided support to Secret Service as collateral law enforcement support. We were not in a position where we were directly protecting the principal. We would never, as HSI agents, be assigned to that position.

Chair JORDAN. I understand. You were helping out that day?

Ms. BERGER. Yes, sir.

Chair JORDAN. The guy who is doing the investigation looking into what took place where President Trump was hit by a bullet from the assassin, and another American was killed, and two other Americans were injured, the guy who is in charge of that investigation has not talked to you, even though 16 of your agents were there that day?

Ms. BERGER. No, sir.

Chair JORDAN. You don't even know Kevin Rojek, never heard of him?

Ms. BERGER. I haven't. I can tell you that Monday, after the assassination attempt in West Palm Beach, I reached out to Acting Deputy Director Vince Tutoni, who was in West Palm or the vicinity at the time, had gone down. I did speak to him on, on Monday to further—

Chair JORDAN. You reached out?

Ms. BERGER. I reached out to him, sir.

Chair JORDAN. Do you know who Jeffrey Beltre is?

Ms. BERGER. No, sir.

Chair JORDAN. OK. He is the guy in Miami who works for the FBI who is overseeing what took place Sunday, the second assassination attempt on President Trump. You have not talked to him?

Ms. BERGER. No, sir.

Chair JORDAN. You have actively reached out. Who is the individual you spoke to in Miami? He works for HSI?

Ms. BERGER. No. Vince Tutoni, he's the Acting Deputy Director for Secret Service.

Chair JORDAN. For Secret Service? OK.

Ms. BERGER. I will say, if I may—

Chair JORDAN. Uh-hum.

Ms. BERGER. —certainly, with an incident like this, they are very, certainly, very busy. I did not take any offense that they did not reach out to me.

Chair JORDAN. Even though it has been two months, since the guy in Butler, that's two months ago? The guy running the investigation has not reached out to the individual in charge of the 16 agents who were there and who were supposed to be helping supplement the protection of the President, former President?

Ms. BERGER. It's something, our support to Secret Service is something ongoing that we do all the time. It's baked into our mission. We've done this historically—

Chair JORDAN. Did you have agents in Miami on Sunday working on President Trump's detail or helping supplement his Secret Service detail?

Ms. BERGER. Yes, sir, we had four.

Chair JORDAN. You had four?

Ms. BERGER. We had four. Two were on shift and two were on shift, not in the immediate vicinity. Two were not on shift at the time of the event.

Chair JORDAN. So, you had agents at both of the assassinations attempts on the former President, and the individuals at the FBI conducting the investigations have not talked to you? In one case, that's been over two months ago.

Ms. BERGER. Correct.

Chair JORDAN. That's your testimony today? Is that accurate?

Ms. BERGER. Correct.

Chair JORDAN. I find that troubling. I find that troubling.

Let's switch here for a second. What type of training do your agents receive before they—well, let me ask this: How long has HSI been supplementing the Secret Service and giving agents to help the Secret Service in their duties?

Ms. BERGER. Sir, thank you for that question.

Certainly, back to our time when we were U.S. Customs Service agents with Secret Service under the Department of Treasury. I don't have the exact date, but this is, historically, something that we have supported Secret Service. I personally—

Chair JORDAN. It's fairly common, you are saying?

Ms. BERGER. Yes.

Chair JORDAN. OK. Is it common to have that many agents at an event with the former President? Was that unusual or is 16 kind of normal? Or do you sometimes have more; sometimes—what is kind of normal?

Ms. BERGER. It varies, based on the need and the situation.

Chair JORDAN. Is it ongoing? Does President Trump always have some HSI people with him now when he is traveling or even, it looks like, when he is at his residence in Florida?

Ms. BERGER. We provide support to Secret Service, and then, they assign our personnel as needed.

Chair JORDAN. OK. OK.

Madam Chair, I just find it kind of astonishing that the people doing the investigation haven't talked to the individual who is in charge of so many of these agents, who have been supplementing President Trump's security detail. Maybe that's why it is good that, in the case of what happened on Sunday, Governor DeSantis is actually doing his own investigation. Maybe that will be done a little bit better.

With that, I yield back to the Chair of the Committee.

Mr. BIGGS. [Presiding.] Will you yield to me a moment, just a moment?

Chair JORDAN. Yes, I'll yield. You've got the last—

Mr. BIGGS. Thank you, Mr. Chair.

Director, my question is, the U.N. General Assembly is going this week and next week. Do you have HSI agents supporting protective duty there as well?

Ms. BERGER. I'm sorry, for UNGA, for U.N. General Assembly?

Mr. BIGGS. For UNGA, yes.

Ms. BERGER. Yes, sir, we do. We have around 1,200 agents supporting the U.N. General Assembly.

Mr. BIGGS. Twelve hundred? What percentage of the entire complement of agents that you have is supporting UNGA right now?

Ms. BERGER. We have around—my math isn't great—around 7,000–7,600 agents. So, we have about 1,200 supporting UNGA.

Mr. BIGGS. So, it is about 18 percent, something like that maybe?

Ms. BERGER. It's a significant number of agents.

Mr. BIGGS. Thank you.

Thank you for yielding to me, Mr. Chair.

Mr. Nadler is recognized for his five minutes of questions.

Mr. NADLER. Thank you, Mr. Chair.

Ms. Berger, as I noted in my opening statement, I'm somewhat skeptical of the proposal to grant Title 21 authority to HSI, but I want to give you the opportunity to make the case for why it is necessary and appropriate. In your opinion, what specific limitations or challenges does HSI face in drug enforcement without Title 21 authority, and how does this lack of authority impact the effectiveness of HSI's operations in this area?

Ms. BERGER. The way drug cartels and TCOs operate has changed dramatically over the last decade. These are no longer single-scope violators. They are poly-criminal organizations that are involved in many different times, types of crime.

HSI, as an agency that investigates poly-criminal activity, is well-poised and well-positioned to attack these criminal, poly-criminal organizations on all aspects of their criminal activity. For instance, if one of the limitations we face right now, if we're working, if HSI is working a human smuggling case, and they discover that the organization is also involved in narcotics smuggling, we have to pause our investigation—really not pause—we have to stop our investigation and take time to complete other administrative tasks with DEA.

We totally lose the momentum on the case. Oftentimes, we may lose evidence. We may lose the opportunity to identify witnesses;

use cooperating defendants; execute controlled deliveries to identify more violators that are involved in these sorts of activities; rescue victims. It really slows us down tremendously and affects these cases in a very negative way.

Mr. NADLER. Thank you.

If granted Title 21 authority, how would HSI avoid conflicts with DEA investigations?

Ms. BERGER. DEA is a great partner. We have collaborated, traditionally, historically, over the years, and many of our very best cases against the cartels and TCOs have been worked jointly and collaboratively with DEA.

We deconflict regularly with DEA. The deconfliction would not stop. I envision we would continue to work collectively and collaboratively against these organizations that are bringing fentanyl into our communities and killing our friends, family members, and other community members.

Mr. NADLER. My next question, you may have just answered. That is, how would you minimize redundancies and inefficiencies created by giving overlapping authority to multiple agencies?

Ms. BERGER. Sir, thank you for the question.

It may look like there are redundancies and there are some redundancies, but we all bring very unique authorities to the table. All the agencies have different authorities and different expertise.

Our history as a U.S. Customs Service agency, and our work with our foreign partners, international presence, expertise with the supply chain, and with our collaboration with CBP, really gives us the unique abilities to attack this problem at all parts of the supply chain.

It wouldn't really be redundant. We would really be leveraging all our joint, very unique, and distinct expertise to bring so much additional effort and fight against these cartels.

Title 21 would bring, it does easily bring 10,000 trained law enforcement professionals between my HSI criminal investigators and our task force officers, immediately, 10,000 more trained law enforcement professionals to the fight against fentanyl, at no cost to the U.S. Government or the American people.

Mr. NADLER. No cost? What additional resources or support would be necessary for HSI to effectively exercise Title 21 authority, and how would HSI plan to manage these resources effectively?

Ms. BERGER. I'm sorry, sir?

Mr. NADLER. What additional resources or support would be necessary for HSI to effectively exercise Title 21 authority, and how would HSI plan to manage these resources effectively?

Ms. BERGER. We wouldn't need any additional resources to execute this. Certainly, there would be some minimal training that may be involved. I don't see it being extensive.

Mr. NADLER. OK. My last question, I also discussed in my opening statement the need for greater transparency and accountability to HSI. We know that the Attorney General's guidelines for domestic FBI operations govern the FBI's investigative authorities. Has HSI developed similar guidelines for its agencies? If not, why not, and are there plans to do so? What specific oversight mechanisms are in place to ensure that HSI's broad authority is exercised with-

in the bounds of the law? How are these monitored, these mechanisms monitored and enforced? So, that's really like two questions.

Mr. BIGGS. The gentleman's time is expired, but you may answer the question, please.

Ms. BERGER. Certainly, any authorities that we have and any technologies that we utilize, we are very concerned with preserving constitutional protections, civil liberties, and civil rights.

I was a public defender prior to being hired on as a special agent. I am very, very well aware of the rights of the community, the accused, and it's certainly something that's in the forefront of everything that we do, and we're certainly very transparent.

Mr. NADLER. My question was; has HSI developed similar guidelines for its agents, similar to the Attorney General's guidelines for domestic FBI operations?

Mr. BIGGS. The gentleman's time has expired.

The Chair recognizes the gentleman from Florida, Mr. Gaetz.

Mr. GAETZ. Thanks for being here.

You had 16 people at Butler. My question is, did they participate in a morning muster meeting that day of the attempted assassination?

Ms. BERGER. Thank you for the question. I would have to defer any questions as to the on-the-ground operational activity in Butler to the Secret Service.

Mr. GAETZ. I'm asking about your people. Because the problem we're having, and Republicans and Democrats have noted, is we are not getting really forthright answers from the Secret Service in a timely way. Your agents, you had 16 people there and those people either participated in a morning muster meeting, which is the protocol to make sure everyone's on the same page, has the same coms, that all the duties are correctly assigned, and prepared to be executed.

So, can you get back to the Committee with just a yes or no on whether or not they participated in that in that morning?

Ms. BERGER. Yes.

Mr. GAETZ. OK. Good. Great.

Mr. GAETZ. I now want to talk about Ryan Routh. Ryan Routh is the person who attempted to assassinate President Trump at his golf club in Florida. Was Ryan Routh ever referred to HSI for further investigation of his activities?

Ms. BERGER. Thank you for the question, sir.

I recently, just this morning, learned there was an article that he was, when he entered back into the country from overseas, CBP had contacted HSI, and I read all of the items, the things that he was stating, and basically, as a U.S. citizen returning to our country from Ukraine as a freedom fighter.

Based on the information that I read, there would not have been any reason to immediately take him into custody. He had not made any threats, for instance, against the President or former President Trump.

We respond, HSI responds, to port-of-entry calls, hundreds and hundreds of responses probably, daily. Just because a person isn't taken into custody immediately doesn't mean that they are not subject to a longer-term investigation.

Mr. GAETZ. You can confirm just the news reporting that the suspected Trump attempted assassin was flagged by CBP and was referred to HSI? Can you confirm that?

Ms. BERGER. Yes.

Mr. GAETZ. Yes. OK. So, it was kind of a crazy story. So, is it legal for someone to go recruit for a foreign military? Does that break any laws?

Ms. BERGER. I don't know, sir. I would have to look into that a little bit further.

Mr. GAETZ. Me, too, frankly. If recruiting for a foreign military was somehow improper, then that would necessitate some need for investigation, I would think.

Here's the story that CBP picked up when they referred it to HSI: They say in their memo,

Suspect is a U.S. citizen who traveled to Kyiv, Ukraine, for three months to help recruit soldiers from Afghanistan, Moldova, and Taiwan to fight in the Ukrainian war against Russia. Subject stated that he does not get paid for his recruiting efforts and all his work for the Ukrainian government is strictly volunteer work. The subject stated that he obtains money from his wife to help fund his trips to Ukraine.

So, when this guy shows up with a business card, and the story about how he's recruiting fighters in Ukraine and his wife's paying for it, CBP says this is a little odd, and then, they send it to HSI. HSI declines to further investigate.

What you're saying is you think, based on the facts that you're aware of now, that was the right decision by HSI?

Ms. BERGER. No, if I may, sir, the statements that day would not rise to the level to take him into immediate custody.

Mr. GAETZ. What about just like to investigate? Because sometimes investigations proceed without a subject being taken into custody.

Ms. BERGER. These are longer-term investigations. We are actively participating with Secret Service and FBI, in fact—

Mr. GAETZ. No, no, I'm talking about at this point in time, though. Here's what you've got to answer for me: When CBP refers this to HSI, what I believe happened is HSI declined, not only to incarcerate this person, but to further investigate the person. Are you saying that they declined to investigate or that that investigation went forward, and the attempted assassination occurred during the pendency of that investigation?

Ms. BERGER. I would have to look into that a little bit further, sir. I'll get back to you on that.

Mr. GAETZ. Yes, I think that's going to be a really important second thing for you to get back to us on, is whether or not HSI made an active decision in real time to decline further investigation of this person.

Frankly, this isn't someone who was jaywalking. He tried to kill the leading, they tried to kill the leading Republican candidate for President and the former President of the United States. So, I really think it's important to get those answers.

Mr. GAETZ. I thank you for being here. Thank you for all the good work of your agency.

I yield back.

Mr. BIGGS. Thank you. Thank you. The gentleman yields back.

I now, for just a moment of housekeeping, yield a minute to the Ranking Member of the whole Committee, Mr. Nadler, for just one moment.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, I just want to note the presence and welcome the newest Member of the Subcommittee, Chuy Garcia of Chicago. Tomorrow, at the Full Committee markup, I will have a more formal and more fulsome introduction.

Mr. BIGGS. Thank you, Mr. Nadler. Welcome, Representative Garcia.

The Chair now recognizes Representative Dean for her five minutes.

Ms. DEAN. Thank you, Chair Biggs, Ranking Member McBath, for holding this important hearing. Welcome, Chuy.

Director Berger, I hope you will convey my thanks to the more than 10,000 employees who you oversee and who are on the front lines of critical issues that you have been discussing, we have been discussing, like drug trafficking, child sexual exploitation, national security—just to name a few.

It is September. It is Recovery Month. I have a son who is more than 11 years in recovery, and yet, I have friends who have lost sons and daughters to fentanyl poisoning, to overdose.

The crisis is extraordinary. I want to know from you, from the front lines, what you are seeing. We know that, for example, last year more than 80,000 people died of opioid overdose; more than 108,000 people died of drug overdose, but 80,000 of opioid overdose. That is almost twice the number of people who die in car crashes in a single year. It's a staggering number.

So, on the issue of fentanyl and drug trafficking, how does HSI engage with communities and stakeholders affected by drug trafficking? How do you measure success around the seizure and the reduction of fentanyl coming into our communities?

Ms. BERGER. Thank you for the question.

I agree, hundreds of thousands of people are dying and it's an epidemic that HSI is, brings a lot of our authorities to that fight against the fentanyl epidemic.

We work with communities. We work with locally, with our BEST, our Border Enforcement Security Task Forces; with State, local, Tribal officials, to further investigations into the criminal organizations that are bringing this poison into our communities.

We work beyond our borders with our attaché offices and our Transnational Criminal Investigative Units in other countries to start targeting shipments of precursor chemicals and fentanyl-producing equipment, such as pill presses that are exported predominantly from China into Mexico. We have TCIUs that work, Transnational Criminal Investigative Units, vetted foreign law enforcement partners that work closely with our personnel and our attachés' office to—

Ms. DEAN. Can I ask you about the precursor chemicals and the pill presses coming largely from China? Isn't it true that many of those touch down in the United States before going to airports in the United States before going to Mexico?

Ms. BERGER. Yes, ma'am, and we are working with CBP to target those shipments and seize both the equipment and the precursor

chemicals. We work as well with our industry partners, companies that import the precursor chemicals, our Know Your Partner campaign, so that they know to recognize any anomalies in shipments or importers, and that things just don't look right. So that they know to report those instances to law enforcement.

Also, it helps us to see trends, like what's really going on? If there are shifts in trends, we are better able to devise/investigate the strategies to attack.

Ms. DEAN. Can you identify a success? So that people, families who are worried about this, like my own—what successes are you having and what challenges are you having?

Ms. BERGER. We continue to seize a great deal of fentanyl and precursor chemicals and equipment, and the fentanyl-making equipment. Our seizures have gone up increasingly over the last several years.

We've increased the number of our Border Enforcement Security Task Forces to better combat this problem in our communities. Embedded within our BEST teams are FAST teams, Fentanyl Abatement and Suppression Teams, as well as FORTs, which are Fentanyl Overdose Recovery Teams, to better focus and leverage our authorities against the fentanyl problem directly.

Ms. DEAN. Let me shift briefly in the time I have left. Could you give us an update on your work in helping identify/find child victims and survivors of sexual exploitation?

Ms. BERGER. Thank you for the question. We take leads from any source. If someone has information about a child victim, a victim of child sexual abuse or human trafficking, we welcome those, those leads and rely on them heavily to advance our investigations.

Ms. DEAN. What role does AI play in identifying victims?

Ms. BERGER. Thank you for the question regarding AI. We hear a lot about it in the news. There are some very valid uses that we have for AI, and we are having tremendous success with the identification of child victims in sexual exploitations material.

Ms. DEAN. Thank you. I apologize and I yield back.

Mr. BIGGS. Thank you.

Ms. DEAN. Thank you, Director.

Mr. BIGGS. The Chair, the Chair recognizes now the gentleman from Texas, Mr. Nehls.

Mr. NEHLS. Thank you, sir. Ma'am, thank you for being here.

I think Ms. Dean said it. We have people dying of fentanyl, drug trafficking, a serious issue in our country. As an old sheriff, we dealt with it in our county when I was a sheriff.

I was listening to what the Chair of the Full Committee said a few minutes ago about Butler, you having 16 agents there. Then, I hear the Chair of this Subcommittee talking about it. So, you have 7,100 agents. What is your staffing? You maybe have 7,100 in funding, but how many do you actually have? What's your—do you know what that number would be? Are you staffed at 90–95 percent?

Ms. BERGER. I have it in here.

Mr. NEHLS. All right. Well, maybe somebody behind you can answer that.

This is the issue I have. So, the U.N. General Assembly, did you say you're sending 1,200 of your agents up there?

Ms. BERGER. That's correct, sir.

Mr. NEHLS. Twelve hundred. So, when you find out the number—let's say you have got 7,000, 6,800, whatever that number—so you are going to send 1,200. So, 25 percent of your workforce is going to go to, is it New York, for a couple of weeks? Is that the assignment to augment or supplement the Secret Service?

Ms. BERGER. That's correct.

Mr. NEHLS. Do you ever just raise your hand or just stop and say I can't send you 1,200 agents? What the hell am I going to do that for? We have got a border—we are losing 100,000 people to drug trafficking, the sex trafficking, and everything taking place. You are up there at the U.N. with 25 percent of your workforce. Do you ever say that is not—I am looking at your mission statement. The mission of HSI is to investigate, disrupt, and dismantle TCOs, which are transnational criminal organizations, and national security threats seeking to exploit the customs and immigration laws of the United States.

Now, so I don't know—how many human smuggling cases do you anticipate investigating at the U.N.?

Ms. BERGER. Support to Secret Service is an—

Mr. NEHLS. That is not the question. How many human smuggling cases? That is one of your missions. You aren't going to investigate any of those at the U.N. Do we consider how many transnational criminal organizations do you anticipate investigating at the U.N. Assembly, unless we consider the U.N. a transnational criminal organization?

The point I am trying to make is as a leader do you ever say you are taking 25 percent of my workforce—and I don't think—quite honestly you must not really be very well-respected by the FBI. I say that because if the FBI—the lead investigator at Butler never even contacted any of your 16 agents. You may just be filling a gap. That would be insulting, in my opinion, if the FBI—you have 16 people there to supplement, augment, whatever, and what were you doing? Were you out in the parking lot with a road guard vest and a wand?

I think you need to focus on what your true mission is, and that the mission at hand is to try to prevent the deaths of fentanyl and these organizations of sex trafficking coming in, but apparently you are everywhere else. You, quote,

1,000 Americans died from drug overdoses with fentanyl and other synthetic opioids responsible for two-thirds of these deaths in a 12-month period in 2024.

Yet, oh, don't worry about. We are going to send 25 percent of your workforce up to New York for a couple of weeks.

We are losing too many people. Forty-one thousand pounds of fentanyl seized in 2023. How much do you think gets through that is not detected? How much fentanyl would you estimate gets smuggled that goes undetected?

Ms. BERGER. I can't answer that, sir.

Mr. NEHLS. Bunches, I am sure. Houston, I represent Texas, 604 people died in 2023 of fentanyl poisoning, but, OK, let's send 25 percent of them up there to New York. Don't worry about it. We will put the health and welfare of the American people last.

We have got a problem on our hands and our government now spends billions of dollars to combat the problem President Biden created in day one of his administration. Hard to fathom my colleagues on the left would want to take resources away from our brave law enforcement.

There is a poster I have where it is Kamala Harris. She is the leader of the Democrat Party. In 2019, an ACLU candidate questionnaire she quoted, “As president, I will fight to pass my Detention Oversight Not Expansion Act into law, which would increase oversight of ICE detention beds, slash detention by 50 percent”—50 percent detention beds—“and halt funding for the construction or expansion of new facilities.”

How do you feel that? Do we need to fund—how do you feel about that when you hear calls for abolishing or significantly cutting ICE funding and what impact would that have on you, on HSI?

Ms. BERGER. I defer any questions regarding detention facilities to ERO.

Mr. NEHLS. Yes. Kamala Harris, you did this to the American people. Joe Biden, you have put the American people last.

Mr. BIGGS. The gentleman's time is expired.

The Chair now recognizes the gentleman from Tennessee, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chair.

Fentanyl is a problem. Do you have any idea what percentage of fentanyl comes into this country through trucks coming from South America, airplanes coming from other countries, or by immigrants bringing it in their purses?

Ms. BERGER. Thank you for the question, sir. I don't have any breakdown, but we can work on that and get you some followup information.

Mr. COHEN. Do you have any idea at all? Does most of it come by one way or another? Does it come by trucks coming in, or by people coming in, or by airplanes, or what?

Ms. BERGER. It's coming in various ways: Trucks and consignment hubs. Really, I'd be a lot more comfortable getting back to you with some definitive information as to—if we can put some figures to that. It would be much more—I want to give you accurate information.

Mr. COHEN. I don't need it to the exact number. I just want a ballpark figure. Can you give me a guess? What is your best estimate? Which is the most likely source?

Ms. BERGER. Again, sir, I don't want to guess.

Mr. COHEN. I don't want you to guess. I want to use your information to give me your opinion based on your history of knowing where fentanyl comes from.

Ms. BERGER. I can't say, sir. I'm sorry.

Mr. COHEN. All right. That is ridiculous, but I will let it go. Women that have been brought into this country for sex slaves, where do they mostly come in from? Walk in from the border, come in on airplanes from Europe, come in by trucks, or where?

Ms. BERGER. Thank you for that question, sir. Human trafficking and sex trafficking is a very important part of our portfolio. Sex trafficking victims are not necessarily—they can be foreign nationals, but they can also be U.S. citizens. It's not a crime against the

border. It's a crime against the person. So, many of the sex trafficking victims that we encounter are U.S. citizens.

There are trafficking victims that come in from foreign countries as well. Labor trafficking is another very serious crime that we investigate.

Mr. COHEN. How do the human trafficked people come into our country, the ones that aren't born here?

Ms. BERGER. They can come in various ways, through—

Mr. COHEN. What is the main way they come in?

Ms. BERGER. They can come in across our land border, ports of entry. They can come in on—

Mr. COHEN. Well, I understand that. They can parachute in from a Chinese balloon, but what is the main way they come in?

Ms. BERGER. I would say the land border, sir.

Mr. COHEN. They come in through the land borders? Do you think they come in on foot, in trucks, or in vans?

Ms. BERGER. Again, sir, I don't have specific statistics for you. I can get back to you with that information, however.

Mr. COHEN. Do you work with companies like FedEx on trying to ferret out importation of drugs?

Ms. BERGER. Correct, sir, and other contraband.

Mr. COHEN. Do you have agents at FedEx in Memphis at their hub?

Ms. BERGER. Yes, sir, we do.

Mr. COHEN. Do you all do a good job of inspecting packages that may be suspect to ferret out drugs?

Ms. BERGER. We work collaboratively with CBP and our other partners to target. There's a large volume of parcels and shipments that come in, but we target extensively to better identify suspect packages and take contraband off the streets.

Mr. COHEN. Do you do the same thing with UPS?

Ms. BERGER. Yes, sir.

Mr. COHEN. With USPS?

Ms. BERGER. Yes, sir.

Mr. COHEN. Senator Scott, I understand, put in a bill or said he was going to put in a bill to require that Secret Service protection be the same for former Presidents as they are for current Presidents. Does it make any sense whatsoever for Jimmy Carter to have the same number of Secret Service agents as Mr. Trump?

Ms. BERGER. I'd have to defer that to Secret Service, sir. That's really a question for them.

Mr. COHEN. No, it is a question for you. I am asking you. A man who is 100 years old, infirm, in a bed, can hardly get up. Does he need Secret Service protection to the extent as Mr. Trump who plays golf, goes around and speaks, and President Biden who goes around and speaks?

Ms. BERGER. I wouldn't like to make judgments—

Mr. COHEN. I yield back the balance of my time.

Mr. BIGGS. The gentleman yields.

The Chair now recognizes the gentleman from Alabama, Mr. Moore.

Mr. MOORE. Ms. Berger, thank you so much for being here today. Obviously, the Southern border has been in the headlines a great deal, and kind to followup on what my colleague was asking, when

we went to the border—I talk about this all the time, that the people coming from South of the border are dealing with a cartel. They are paying money to cross the Southern border.

One of the most eye-opening things—just South of the border, this is months ago prior to all the inflation, but it was \$4,000–\$5,000 they would pay the cartel and they would smuggle them into our country. If they were further South, it was \$8,000–\$9,000. I think Syrians were paying about \$18,000–\$19,000. I don’t remember what the Russians were paying, but the thing is, when I went with Mr. Biggs and he took us down to the border, one of the things that I found was fascinating, some of those people didn’t have the money to pay the cartel, but they put on carpet shoes so they wouldn’t have footprints, and they would backpack heroin, cocaine, and fentanyl across that border as a way to pay their passage to the cartel. Then, I guess the drugs would be delivered once they crossed the border to some distributor or whatever the case might be.

Not exactly sure what happened after they got into the country, but fentanyl is certainly an issue. I think 110,000 people died last year, maybe 109,000 depending on who you ask. I actually attended a funeral Monday and I come from a fairly small town and this young man graduated with my daughter. I am attending a lot of these funerals. We are losing these young people. Think they are buying a Xanax. I think this particular kid actually used one of those vape pods and it was laced with fentanyl.

So, as we move forward why are we losing the battle to save our young people in America with fentanyl, and what can we do to help you do the job and what do you see as the issues that keep you awake at night?

Ms. BERGER. Thank you, sir, for the question. Certainly, the fentanyl epidemic does keep me awake at night. We dedicate a lot of resources governmentwide to combat these organizations bringing fentanyl into our communities.

Again, I spoke previously about Title 21 authority. Many of these poly-criminal—these are poly-criminal organizations that are not just trafficking and smuggling fentanyl into the country, but they’re also using other types of crimes: Human smuggling, human trafficking, and weapons trafficking. They’re using the same routes, the same money laundering mechanisms.

HSIs and agency investigates all these types of crimes. We have extensive expertise with these areas of crime. Continued partnership with DEA and Title 21 authority for us so that we can investigate fully these poly-criminal organizations would help us, give us another tool in our toolbox to help dismantle these poly-criminal organizations that are bringing this poison into our communities.

Mr. MOORE. So, Director Berger, you said that—or somebody had mentioned in the questioning that a lot of the raw materials for fentanyl actually land in the U.S., and then they go to Mexico. When they go to Mexico are they shipping them in trucks or planes, or a little bit of both? How are they going back across to make the actual product that comes across in the backpacks that we see?

Ms. BERGER. Predominantly the chemicals are going directly into Mexico. There is some diversion out of the legitimate supply chain

where chemicals enter and then are transported back into Mexico. Predominantly however the chemicals are coming directly from China into Mexico.

Mr. MOORE. So, to get to the causation, what do you think immediately we can do? I understand you need more resources, and we need more investigation, and this is a trans-global whatever crime syndicate, whatever you want to call it, but what immediately—why are we seeing such a spike? What is going on and what could we do as Congress immediately to put a halt to some of this? What do you see we need to do? I get tired of—to apologizing—or for apologizing to these families for losing these children.

Ms. BERGER. Sir, what we've historically been doing to combat fentanyl it's just not working, and we need to look at this problem differently and really change the way we're doing business. The criminal cartels, criminal organizations have changed the way they do business, and we need to be nimble and be able to effectively hit them back hard with all the authorities that we have. HSI has those authorities. Title 21, as I said, would bring 10,000 more investigators to this fight at no cost to the U.S. Government.

Mr. MOORE. Well, yes, I want to segue really quick. I got about 15 seconds. You said there were 16 agents in Butler County, Pennsylvania, the day that the assassination attempt on President Trump happened. I guess it was the 13th. What specific training is provided to those agents that are assisting Secret Service?

Ms. BERGER. I'm out of time. Would you like me to—

Mr. BIGGS. Yes, the gentleman's time is expired, but you may answer the question, Director.

Ms. BERGER. Our workforce are highly trained Federal law enforcement professionals. We go through six months of training at the Federal Law Enforcement Training Center in Glynco, Georgia. All our agents go through continuing training throughout their service with the agency. In addition to that there is a virtual training that agents complete prior to their deployment on a Secret Service detail, but that deals—

Mr. MOORE. It is a virtual training though, not—

Ms. BERGER. It is a virtual training.

Mr. MOORE. OK. I will yield back, Mr. Chair. I apologize.

Mr. BIGGS. All right. I accept your apology.

The Chair now recognizes the gentleman from Georgia, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chair.

Ms. Berger, thank you so much for your testimony and also for the excellent work that you do along with your 8,700 colleagues that keep America safe every day and I particularly commend you for your previous work as—you were in HSI Atlanta for a second. I appreciate that.

Ma'am, cryptocurrency allows for secrecy and impunity in financial transactions, isn't that correct?

Ms. BERGER. Correct, sir.

Mr. JOHNSON. The use of cryptocurrency by international criminals creates unique challenges to our national security, is that correct?

Ms. BERGER. I would agree with that.

Mr. JOHNSON. The use of crypto in the global financial system continues to grow and criminal actors are increasingly using cryptocurrency to facilitate their criminal activities. Is that correct?

Ms. BERGER. Among other different techniques as well.

Mr. JOHNSON. The criminal activities that are being facilitated by the use of crypto include drug trafficking?

Ms. BERGER. Correct, sir.

Mr. JOHNSON. Illegal gun trafficking?

Ms. BERGER. Correct.

Mr. JOHNSON. International child exploitation?

Ms. BERGER. Correct.

Mr. JOHNSON. Human trafficking?

Ms. BERGER. Correct.

Mr. JOHNSON. Financial scams and financial fraud?

Ms. BERGER. I think all sorts of criminal activity can be facilitated by cryptocurrency transactions.

Mr. JOHNSON. Criminals prefer cryptocurrency because it enables them to generate wealth while avoiding transparency required under traditional banking structures, which are well-regulated by U.S. law, correct?

Ms. BERGER. Yes, sir.

Mr. JOHNSON. International criminals use cryptocurrency to secretly move illicit financial proceeds across international boundaries including to places like Russia and North Korea, correct?

Ms. BERGER. I would assume so, yes.

Mr. JOHNSON. You are aware of the fact that just this past—it was Sunday night or Monday night Donald Trump rolled out his new cryptocurrency company, World Liberty Financial?

Ms. BERGER. No, sir, I wasn't aware of that.

Mr. JOHNSON. Yo were not aware of that?

Ms. BERGER. No, sir.

Mr. JOHNSON. Well, it was a big thing. I think he rolled it out on Elon Musk's platform formerly known as Twitter. His sons, Don Jr. and Eric, were placed in charge of it. I think Barron Trump, young 20-year-old college student, has something to do with it as well. A whiz kid, they are calling him, about cryptocurrency.

What are the implications of a man who has been convicted of 34 counts of financial fraud, facing three—facing four—or three additional indictments alleging criminal activity getting his hands on the levers of power over our international—national security criminal law investigations like the ones that your agency is responsible for conducting? What are the implications of that?

Ms. BERGER. I'm not a cryptocurrency expert. I know that all cryptocurrency is not illegal, the use of it. I think I'm a little long in the tooth for cryptocurrency, quite frankly. I can't really speak to that. I don't have enough information about that, sir.

Mr. JOHNSON. Well, I am concerned about it, and I know that perhaps there might be some colleagues on the other side of the aisle who might be concerned about it as well.

In addition to cryptocurrency there are other emerging threats. What proactive measures does HSI take when it comes to emerging threats like cryptocurrency and the use of cryptocurrency to facilitate crime, international crime?

Ms. BERGER. Thank you for that question. Certainly, like to highlight our Cross-Border Financial Crime Center, which leverages our relationships with our partners as well as banking and financial industries to look at various emerging trends with money laundering, and other schemes that criminal organizations are using to launder their illicit finances.

Mr. JOHNSON. A President of the United States—

Mr. BIGGS. The gentleman's time is expired.

I recognize now the gentleman from Illinois, Mr. Garcia.

I welcome you to the Committee, Mr. Garcia.

Mr. GARCIA. Thank you, Chair Biggs. It is an honor to join the Judiciary Committee.

Thank you, Ms. Berger, for your service and those of all your personnel.

As we have discussed, HSI is interpreting its authority in an overly broad manner, in my opinion, and it continues to expand. This can spill over into jurisdictions of other Federal agencies and where HSI has little or no documented experience and lead to government surveillance without any suspicion or wrongdoing.

These broad surveillance powers are of concerns to many of the communities represented in this room, certainly mine. That fear is acute in a district like mine. Most of my constituent are Latino and one-third are foreign born, groups that studies show have been particularly impacted by HSI's unwarranted surveillance.

So, my first question is what steps if any has HSI taken to address revelations that it abused authority leading to the surveillance of thousands of personal financial transactions?

Ms. BERGER. Thank you for the question, sir. I'm not familiar—I'm not sure I'm tracking specifically what you're asking about. We don't engage in unwarranted surveillance. If we are conducting surveillance on individuals, it's because they are subjects of active investigations. I don't know if it's related to—again I'm speaking to HSI. I'm not speaking to civil immigration-related enforcement operations. I'm speaking as to the criminal activities that we would be conducting surveillance on individuals.

Mr. GARCIA. Well, I would appreciate if you would get back to me because this was reported in various news outlets over the past couple of years and there is a growing concern about it. So, if you could do a little bit of research on that, I would appreciate it.

Really quick, changing gears, there is another area where HSI takes an inappropriately expansive view of its role, and that is immigration enforcement. So, just for some context here, although HSI's mission has more to do with transnational crime, it regularly involves itself in raids targeting undocumented workers. HSI agents themselves have advocated for greater distance between the two saying that involvement in immigration enforcement can impede important investigations.

So, how does HSI continue to justify its immigration enforcement activities given those concerns and how does HSI promote transparency especially in sensitive operations like immigration enforcement?

Ms. BERGER. Thank you for the question, sir. There's a lot of confusion between what HSI does and what we don't do. What we

don't do is civil immigration enforcement. We are working longer-term complex criminal investigations.

Specifically, toward the questions with work site enforcement and raid, we've shifted our agency's posture from work site investigations to labor exploitation investigations. Our focus is on the employers that are engaging in unfair practices and taking advantage of especially workers and people who don't have a lawful immigration status, that they can be paid less wages, they can be subject to unsafe working conditions.

We treat them rightfully so as victims. We provide victim services to them and really focus on the employers and help the victims that are being exploited in these situations to get services that they may need to be in a better position to help with the prosecution of those employers that are subjecting them to these unfair conditions.

Mr. GARCIA. No issue there. I think the emphasis should be focusing on criminal-type of activity, and certainly where there is financial gain to be made as a result of that involvement. I will be engaging with you if reports to the contrary surface. I look forward to further engagement. Thank you so much.

I yield back, Mr. Chair.

Ms. BERGER. Yes, sir.

Mr. BIGGS. The gentleman yields back. Now, I recognize myself for my five minutes of questioning.

Thank you again for being here, director. So, let's talk Title 21 for just a second here. in a *Washington Post* article dated January 4, 2023, Secretary Mayorkas said—he indicated that—very clearly that he felt that Title 21 authority needed to be in the hands of HSI. Would you agree with his assessment that you should have Title 21 authority?

Ms. BERGER. Yes, sir, I agree with the Secretary 100 percent.

Mr. BIGGS. One of the things you said, and I want to just emphasize this, is that if you are engaged in an investigation of human trafficking, for instance, and it turns out that there are drugs being—going with it, you are going to have to stop your investigation. You are not just doing some paperwork with DEA; you are actually negotiating with DEA a scope of authority that they are going to allow you to use. Is that fair?

Ms. BERGER. That's correct.

Mr. BIGGS. So, you could actually scuttle a whole investigation with regard to human trafficking simply because there are drugs involved and DEA doesn't want to let you proceed on. So, you could lose witnesses and opportunities to investigate. Is that fair?

Ms. BERGER. That's correct, sir.

Mr. BIGGS. So, I would just point out to the Committee that Rep. Higgins has introduced 5713. It is a bipartisan piece of legislation that would actually grant them—HSI Title 21 authority. I am on it. Rep. Moore is on it. Rep. Luis Correa is on it. I think that is something we should consider.

I want to go to something else that has been raised as well today and I want to see if we can—make sure we clear this up. When you deploy—like in this got 1,200 going to UNGA. I don't know how many other agents you have in the field that are going to other protective details right now, but when you get 1,200–1,500

agents off, you are having to divert from what is the true mission of HSI. Is that fair to say?

Ms. BERGER. That's fair to say.

Mr. BIGGS. So, my question ultimately becomes this: How do those assignments get—are those coming down from the Secretary? It is implied that maybe you raise your hand and volunteer. I have this sneaking suspicion that you are not raising your hand volunteering and saying take 20 percent of my workforce right off the top.

Ms. BERGER. No, sir, I'm not. Thank you for the opportunity to elaborate a little bit more on that.

Historically we have supported Secret Service, CBP, other components within DHS in their mission. It's not optimal, but they are a fellow agency within the department, and we will support them as a whole-of-government approach.

Mr. BIGGS. So, who gives you the notices like UNGA? This is the United Nations General Assembly. I used to do international and go to multilateral institutions. I have been there many times.

So, my question is who determines that you need to give them 1,200–1,300 people to go up to UNGA?

Ms. BERGER. We try to negotiate down sometimes. With the current—

Mr. BIGGS. So, who tells you to say, hey, by the way, this is going on; we want agents? Is that coming from the Secretary's office?

Ms. BERGER. They send a request for assistance and we—

Mr. BIGGS. If you say no, what happens? Well, we don't want to know what happens. OK. We can imagine what probably happens.

So, that is important to know. I have offered a number of different solutions, and we will see what we can do going forward. I will tell you that there were news reports right after Butler which indicated that—because most of the training—you are talking training for investigative work. You are not talking protective detail work that—I imagine your academy doesn't spend a great deal of time on protective detail duty in your academy.

Ms. BERGER. No, sir, we're not trained in the protective—the close protective duties to protect the principal. We support Secret Service in more collateral law enforcement support. For example, post standing. Post standing is a large part of what we do with Secret Service.

Mr. BIGGS. Yes, so what we need to do is maybe get more people with Title 21 authority and not diverted away from their mission. Let's get Secret Service to do their mission.

Last thing is that one of the Members was asking you about how much drug interdiction, how much human trafficking is coming across the border. What he was really getting at is he wants you to say that most of the drug that is—drugs and human trafficking is interdicted at POEs. Well, that may or may not be the case, but you are not just working at ports of entry. You are working all over, in the interior as well. So, please elaborate on that.

Ms. BERGER. Smuggling can occur at both the ports of entry, between the ports of entry. Can come in via the land borders, our sea border, and our airports. It's really a much more complex situation. Once the fentanyl or the contraband is in the Nation, then it's continued to be distributed through networks that these poly-criminal

organizations are using to distribute this poison throughout our communities.

What we do with HSI is really focus on the networks. Not necessarily the individual cases, but the networks that these organizations are using to move people, narcotics, weapons, and other commodities throughout the country.

Mr. BIGGS. Well, thank you. We appreciate your being here. I know there is some followup. You have got some action items left. So, we will look forward to seeing those responses.

With that, we are adjourned.

[Whereupon, at 11:37 a.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on Crime and Federal Government Surveillance can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117654>.

