

The Honorable Jamieson Greer
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, D.C. 20036

Re: OSC File No. D1-25-000591

Dear Mr. Greer:

Please find attached a redacted and an unredacted Supplemental Investigation Report regarding an allegation that managers at the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO), Progresso, Texas Port of Entry engaged in conduct constituting a violation of law, rule, or regulation; gross mismanagement; an abuse of authority; and a substantial and specific danger to public safety. The Supplemental Report responds to the seven additional questions asked by your office after receiving the Investigation Report.

If you require further information regarding this matter, please contact [REDACTED]
[REDACTED] and Employment, Office of Chief Counsel at ([REDACTED])
[REDACTED]

Sincerely,


Deputy Commissioner
U.S. Customs and Border Protection

Attachment



INVESTIGATIVE ACTIVITY REPORT

SUPPLEMENTAL REPORT TO CCR.

Case Number	202508100E
Field Office	McAllen, TX
Case Agent	[REDACTED]
Case Title	OSC referral for investigation doc (OSC File No. DI-25-000591 Request for Investigation-5 U.S.C. § 1213)
Date of Activity	01/08/2026 - 01/08/2026
Activity Type	Action
Type of Action	Other - Provide a supplemental report to OSC.
Report Status	Approved

APPROVALS

Digitally Signed

Prepared by	[REDACTED]	01/08/2026
Approved by	[REDACTED]	01/08/2026

ATTACHMENTS

1	IAR - Interview of ADFO [REDACTED].pdf
2	IAR - Interview of ADFO [REDACTED].pdf
3	IAR - Interview of DA [REDACTED].pdf
4	FW_ Updated Guidance_ Prescription Medication Guidance.pdf
5	202508100E- Interview of CBPO [REDACTED].mov

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U.S. Customs and Border Protection
Office of Professional Responsibility
Investigative Operations Directorate



6	Interview of CBPO [REDACTED] mp4
7	Interview of CBPO [REDACTED] mp4
8	Interview of CBPO [REDACTED] mp4
9	Interview of SCBPO [REDACTED] mp4

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DETAILS OF ACTIVITY

On September 2, 2025, the U.S. Office of Special Counsel (OSC) requested a supplemental report from U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), McAllen Field Office (FO), McAllen, TX, to answer seven (7) questions regarding allegations of wrongdoing by Customs and Border Protection Officers (CBPOs) at the Progreso Port of Entry (PGR), Progreso, TX. McAllen FO conducted additional interviews and reviewed reports and evidence to provide the additional information requested by OSC. OSC's questions and CBP's answers are provided below.

OSC Question 1

“Part 6.1.2 of CBP DIRECTIVE NO. 3310-006A provides that “the importation of the controlled substances must also be authorized or permitted under other Federal law and applicable State law.” Given this language, compliance with the directive and federal importation law at the Progreso POE, even with a personal use exception, requires that the importation of the substance also comply with Texas law.

1. Is this the agency's interpretation of CBP DIRECTIVE NO. 3310-006A?
2. If not, please explain.”

OPR Response

Investigative Findings: McAllen FO conducted additional interviews of CBP, Laredo Field Operations (LFO), Laredo, TX, managerial staff. LFO interpreted part 6.1.2 of CBP DIRECTIVE NO. 3310-006A as such that, even with a personal use exception, controlled substances required the importation of the substance to comply with both Federal and Texas law.

Investigative Steps: On September 30, 2025, Senior Special Agent (SSA) [REDACTED] McAllen FO, and Special Agent (SA) [REDACTED] McAllen FO, interviewed Assistant

U.S. Customs and Border Protection
Office of Professional Responsibility
Investigative Operations Directorate



Director of Field Operations (ADFO) [REDACTED] LFO (Attachment 1).

ADFO [REDACTED] stated that based on his interpretation, he believed CBP should enforce state law regarding CBP Directive 3310-006A. Any guidance provided in the past to Field Operations was regarding federal laws and not state laws (Attachment 1, Timestamp 11:22:27 CDT).

On October 1, 2025, SSA [REDACTED] and SA [REDACTED] interviewed ADFO [REDACTED] LFO (Attachment 2).

ADFO [REDACTED] stated he was aware of CBP Directive 3310-006A which was a directive that guided [REDACTED] regarding the procedures of importing controlled substances into the United States. ADFO [REDACTED] stated that regarding controlled substances, residents who came into the United States without a prescription were normally returned to Mexico or the medication was seized by CBP (Attachment 2, Timestamp 13:15:08 CDT).

ADFO [REDACTED] stated his interpretation of CBP Directive 3310-006A required the importation of controlled substances to comply with both Federal and Texas law. ADFO [REDACTED] recalled conversations with former Port Director (PD) [REDACTED] PGR, where PD Weaver advised LFO that state and local authorities were rarely able to assist with cases involving the seizure of controlled substance medications. It was not until recently that the PGR established a good working relationship with Texas Department of Public Safety (TXDPS) and they now worked together on those types of cases (Attachment 2, Timestamp 13:21:35 CDT).

ADFO [REDACTED] stated he was not very familiar with state law and could not establish if certain controlled substances required a pres [REDACTED] cause there was a personal exemption clause in CBP Directive 3310-006A. ADFO [REDACTED] stated that as far as he was aware, most controlled substances were not being allowed into the United States (Attachment 2, Timestamp 13:23:52 CDT).

OSC Question 2



“The interview summaries suggest that Progreso POE’s status as a “medical tourism” destination. Is it the agency’s position that this status allows agency officials to apply a less stringent interpretation of CBP DIRECTIVE NO. 3310-006A? If so, please explain.”

OPR Response

Investigative Findings: CBP OPR interviewed CBP LFO managerial staff. LFO staff were not aware of PGR applying a less stringent interpretation of CBP DIRECTIVE NO. 3310-006A. On the contrary, PGR led the LFO in controlled substance seizures as exhibited in the original closing report. It is not the agency’s position to recognize PGR’s status as a “medical tourism” POE. CBP OPR did not find any evidence to support this allegation.

Investigative Steps: On October 1, 2025, SSA [REDACTED] and SA [REDACTED] interviewed ADFO [REDACTED] (Attachment 2).

ADFO [REDACTED] stated he was not aware that the PGR was less stringent than any other POE in the LFO. ADFO [REDACTED] stated informed compliance was used frequently in the trade environment and he was not aware of how it was used in the passenger environment, but he could see instances where CBP officers could use it depending on the circumstances (Attachment 2, Timestamp 13:27:30 CDT).

OSC Question 3

“Several of the interviewees, including management officials, refer to the practice of “informed compliance,” *i.e.*, informing individuals with no record or prior history of importation issues that attempting to import a controlled substances in a quantity of over 50 dosage units without a valid prescription is prohibited, but still allowing the medications to cross over the border without seizing them or directing their return to Mexico. Is it the agency’s position that this practice comports with CBP DIRECTIVE NO. 3310-006A? If so, please explain.”

OPR Response

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Investigative Findings: CBP OPR interviewed CBP LFO managerial staff. LFO staff was aware that CBPOs applied the use of “informed compliance” but agree that regarding controlled substances, residents who come into the United States without a prescription should have been returned to Mexico or have the medication seized by CBP dependent on the circumstances.

Investigative Steps: On September 30, 2025, SSA [REDACTED] and SA [REDACTED] interviewed ADFO [REDACTED] (Attachment 1).

ADFO [REDACTED] stated he was familiar with the term informed compliance. ADFO [REDACTED] stated CBP Officers did have the option of exercising informed compliance (Attachment 1, Timestamp 11:29:55 CDT).

On October 1, 2025, SSA [REDACTED] and SA [REDACTED] interviewed ADFO [REDACTED] LFO (Attachment 2).

ADFO [REDACTED] stated he was not aware that the PGR was less stringent than any other Port Of Entry (POE) in the LFO. ADFO [REDACTED] stated informed compliance was used frequently in the trade environment, but he was not aware of how it was used in the passenger environment (Attachment 2, Timestamp 13:27:30 CDT).

OSC Question 4

“Multiple interviewees indicated that there is a lack of enforcement of federal importation regulations at the Progreso POE. Multiple interviewees also indicated seizing excess medications and/or referring travelers for a secondary inspection were time consuming and that CBP lacks sufficient staffing to complete these tasks.

- a. Did the agency make a finding that there is a current staffing shortage either nationwide or at the Progreso POE?



b. If so, is the agency taking steps to address potential understaffing that may lead to the lack of a fulsome enforcement of federal importation requirements? Please explain further.”

OPR Response

Investigative Findings: CBP OPR interviewed ADFO [REDACTED]. ADFO [REDACTED] stated PGR was not understaffed.

Investigative Steps: On October 1, 2025, SSA [REDACTED] and SA [REDACTED] interviewed ADFO [REDACTED] (Attachment 2).

ADFO [REDACTED] stated that all the Port of Entries (POEs) in the LFO were considered fully staffed but operation tempo can be affected by what CBP encountered daily (Attachment 2, Timestamp 13:31:42 CDT).

OSC Question 5

“Given information elicited from multiple staff members at the Progreso POE that federal importation laws are not fully enforced, can the agency explain why it made a finding that a violation of CBP DIRECTIVE NO. 3310-006A, which was drafted in accordance with Section 1006(a) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)), was “not sustained”?”

OPR Response

Investigative Findings: CBP OPR did not find any supporting facts that led to a “sustained” finding. CBP OPR applied an overall investigative view of the circumstances to make the

n. Furthermore, CBP OPR conducted an interview of District Attorney (DA) [REDACTED] Hidalgo County District Attorney’s Office (HCDAO), Edinburg, TX. DA [REDACTED] stated that in Hidalgo County, a person in possession of a Schedule II through Schedule V controlled substance medication, was required to have a prescription. DA [REDACTED]



stated his particular view of the law did not mean the State of Texas would act on every encounter of a person in possession of a controlled substance without a prescription, instead the State would rely on the totality of the circumstances. Furthermore, CBP DIRECTIVE NO. 3310-006A does not prohibit CBPOs from using informed compliance as a tool for first time personal use importations.

Investigative Steps: On September 29, 2025, SSA [REDACTED] interviewed DA [REDACTED] (Attachment 3)

DA [REDACTED] stated that in Hidalgo County, a person in possession of a Schedule II Schedule V controlled substance medication, was required to have a prescription. DA [REDACTED] stated that did not mean the State of Texas would act on every encounter of a person in possession of a controlled substance without a prescription, instead he had to evaluate all circumstances.

DA [REDACTED] stated that each instance of an encounter of individuals with prescription medication had to be scrutinized by state law enforcement agencies, and they alone decided if an individual faced arrest or were cited. DA [REDACTED] added that even if a law enforcement official did cite or arrest an individual, the State of Texas still had the option to proceed or not proceed with the prosecution the case.

DA [REDACTED] stated that at the POEs in Hidalgo County, there was a difference between travelers declaring medication and smuggling. If the medication was being smuggled, in his experience, both state and federal law enforcement agencies were being proactive, which again, did not guarantee the State of Texas would decide to prosecute.

OSC Question 6

“Multiple CBPOs interviewed indicated they did not specifically examine whether importation of certain controlled substances violated state law because CBP “does not enforce state law.”



1. Assuming the agency agrees that CBP DIRECTIVE NO. 3310-006A specifically requires that the importation comply with both state and federal law as noted above, has the agency attempted to explain this nuance to CBP officers at the Progreso POE?
2. If not, please explain.”

OPR Response

Investigative Findings: On June 16, 2025, LFO sent an email to all of the LFO PDs and Assistant Port Directors regarding updated Prescription Medication Guidance. The email specified that medication must be authorized or permitted under federal and state laws. The email was verified to have been sent to all of PGR Managers.

ative Steps: On September 30, 2025, SSA [REDACTED] received an email from ADFO [REDACTED] regarding updated guidance on the importation of prescription medication which was sent to LFO managers for dissemination (Attachment 4).

The purpose of the email was to provide updated guidance and clarification on the importation of medication as per CBP Directive Number 3310-006A. The email specified the requirements below for the importation of medication and or controlled substances for United States residents.

- “Residents must declare the medication upon arrival (*failure to declare should not include instances where there is no obvious attempt to circumvent declaration requirements*).
- The quantity must be for personal use in its original container.
- The medication must be authorized/permitted under federal and state laws.
- If a valid prescription issued by an authorized practitioner is presented: Allow the importation of a 90-day supply of medication.
- If no prescription is presented, yet the medication would otherwise be permitted: Allow the resident to import an amount not to exceed 50 dosages units.



First line supervisors will be available to provide guidance and assistance to CBP Officers and Agriculture Specialists. See attached referenced documents.

- CBP Directive – 3310-006A.pdf
- 19 USC 1497 Guidance Memo
- Previous Guidance – FPF Officer [REDACTED]
- FDA Chapter 9 – Coverage of Personal Importations”

OSC Question 7

“OSC also referred allegations of gross mismanagement and a substantial and specific danger to public health and safety. Did the agency make any specific findings on these additional allegations? If so, please provide these findings and any supporting information and or analysis.”

OPR Response

Investigative Findings: CBP OPR reviewed all interviews to address the gross mismanagement allegations and danger to public health and safety. The review of the interviews did not reveal any allegations of gross mismanagement or danger to public health. All interviewees agreed that CBPOs could use informed compliance. The review did not reveal that CBP erred in allowing informed compliance as a tool. There was no specific public harm identified throughout the investigation. The public harm allegation was unfounded as statistics showed PGR POE leading the LFO in controlled substance seizures.

Investigative Steps: On October 23, 2025, SSA [REDACTED] reviewed the interview recording of CBPO [REDACTED] (Attachment 5). CBPO [REDACTED] was asked about gross mismanagement. CBPO [REDACTED] stated, in his opinion, that since he was a deputy sheriff in his previous career, he had gotten into altercations with people who were high on opioids and Xanax. CBPO [REDACTED] had seen the way it affected families. CBPO [REDACTED] stated other officers and supervisors had the mentality to not worry about prescription medications and focus on fentanyl, cocaine, and heroin. CBPO [REDACTED] had seen

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the way prescription medications affected people and thought it is gross mismanagement because of that (Attachment 5, Timestamp 15:28:08 CDT).

On October 23, 2025, SSA [REDACTED] reviewed the interview recording of CBPO [REDACTED] PGR, (Attachment 6). CBPO [REDACTED] was asked about gross mismanagement. CBPO [REDACTED] did not identify any instances of gross mismanagement (Attachment 6, Timestamp 15:56:11 CDT).

er 23, 2025, SSA [REDACTED] reviewed the interview recording of CBPO [REDACTED] PGR (Attachment 7). CBPO [REDACTED] was asked about gross mismanagement. CBPO [REDACTED] stated there is some disagreement [REDACTED] CBPOs and management regarding the way operations were run at the POE, but CBPO [REDACTED] did not identify any gross mismanagement issues (Attachment 7, Timestamp 10:23:46 CDT).

On October 23, 2025, SSA [REDACTED] reviewed the interview recording of CBPO [REDACTED] PGR (Attachment 8). CBPO [REDACTED] was asked about gross mismanagement. CBPO [REDACTED] did not believe there was any gross mismanagement regarding the allegations (Attachment 8, Timestamp 8:56:42 CDT).

2025, SSA [REDACTED] reviewed [REDACTED] interview recording of Supervisory CBPO [REDACTED] PGR (Attachment 9). SCBPO [REDACTED] was asked about gross mismanagement. SCBPO [REDACTED] did not identify any gross mismanagement (Attachment 9, Timestamp 15:28:08 CDT).



202508100E

Attachment 1

IAR - Interview of ADFO

██████████.pdf



INVESTIGATIVE ACTIVITY REPORT

INTERVIEW OF ADFO ARMANDO TABOADA

Case Number	202508100E
Field Office	McAllen, TX
Case Agent	[REDACTED]
Case Title	OSC referral for investigation doc (OSC File No. DI-25-000591 Request for Investigation-5 U.S.C. § 1213)
Subject Name & Title	ST DIRECTOR FIELD OPS (TRADE) [REDACTED] [REDACTED] JR
Date of Activity	09/30/2025 - 09/30/2025
Activity Type	Interview
Report Status	Approved

APPROVALS

Digitally Signed

Prepared by	[REDACTED]	12/11/2025
Approved by	[REDACTED]	12/11/2025

ATTACHMENTS

1	Interview of ADFO [REDACTED].mov
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DETAILS OF ACTIVITY

On September 30, 2025, Senior Special Agent (SSA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), McAllen Field Office (FO), McAllen, TX, and Special Agent (SA) [REDACTED] McAllen FO, interviewed Assistant Director of Field Operations (ADFO) [REDACTED] Laredo Field Operations, Laredo, TX, via Microsoft Teams.

The interview was audio and video recorded using StarWitness equipment and uniquely identified by Authentication Code: 01-op4bc-cc1o6-w1na3-oeosg-vs5k1 (Attachment 1).

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account.

ADFO [REDACTED] stated that according to CBP Directive 3310-006A, a traveler who brought medication into the United States without a prescription and was under the 50-dosage units allowed under the personal exemption rule of the directive was in compliance with federal law. ADFO [REDACTED] could not say if a traveler followed state law because he was not familiar with Texas State law (Timestamp 11:18:27 CDT).

ADFO [REDACTED] stated that based on his interpretation, he believed CBP should enforce state law regarding CBP Directive 3310-006A. Any guidance provided in the past to Field Operations was regarding federal laws and not state laws (Timestamp 11:22:27 CDT).

ADFO [REDACTED] stated he was familiar with the term informed compliance. ADFO [REDACTED] stated CBP Officers did have the option of exercising informed compliance (Timestamp 11:29:55 CDT).



202508100E

Attachment 1

Interview of ADFO

[REDACTED].mov



202508100E

Attachment 2

IAR - Interview of ADFO

[REDACTED].pdf



INVESTIGATIVE ACTIVITY REPORT

INTERVIEW OF ADFO [REDACTED]

Case Number	202508100E
Field Office	
Case Agent	[REDACTED]
Case Title	OSC referral for investigation doc (OSC File No. DI-25-000591 Request for Investigation-5 U.S.C. § 1213)
Subject Name & Title	SUPVY CBP OFFICER (ASST DIR, FLD OPS) [REDACTED] [REDACTED]
Date of Activity	10/01/2025 - 10/01/2025
Activity Type	Interview
Report Status	Approved

APPROVALS

Digitally Signed

Prepared by	[REDACTED]	12/11/2025
Approved by	[REDACTED]	12/11/2025

ATTACHMENTS

1	Interview of ADFO [REDACTED].mov
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DETAILS OF ACTIVITY

On October 1, 2025, Senior Special Agent (SSA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), McAllen Field Office (FO), McAllen, TX, and Special Agent (SA) [REDACTED], McAllen FO, interviewed Assistant Director of Field Operations (ADFO) [REDACTED] Laredo Field Operations, Laredo, TX, via Microsoft Teams.

The interview was audio and video recorded using StarWitness equipment and uniquely identified by Authentication Code: 01-flsoh-ptult-564r7-zcuj1-ri1h9 (Attachment 1).

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account.

ADFO [REDACTED] stated he was aware of CBP Directive 3310-006A which was a directive that guided CBP Officers (CBPO) as to the procedures of importing controlled substances into the United States. ADFO [REDACTED] stated that regarding controlled substances, residents who came into the United States without a prescription were normally returned to Mexico or the medication was seized by CBP (Timestamp 13:15:08 CDT).

ADFO [REDACTED] did not agree with the general assumption that CBP did not enforce state law. ADFO [REDACTED] stated CBP did not have authority to arrest drunk drivers, but CBP did call local authorities regarding state laws. ADFO [REDACTED] recalled conversations with former Port Director [REDACTED], Progreso Port of Entry (PGR), Progreso, TX, where PD [REDACTED] advised Laredo Field Operations that state and local authorities were rarely able to assist with those types of cases. It was not until recently that the PGR established a good working relationship with Texas Department of Public Safety (TXDPS) and they now worked together on those types of incidents (Timestamp 13:21:35 CDT).

ADFO [REDACTED] stated he was not very familiar with state law and could not establish if certain controlled substances required a prescription because there was a personal exemption clause in

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Office of Professional Responsibility
Investigative Operations Directorate



CBP Directive 3310-006A. ADFO [REDACTED] stated that as far as he was aware, most controlled substances were not being allowed into the United States (Timestamp 13:23:52 CDT).

ADFO [REDACTED] stated he was not aware that the PGR was less stringent than any other POE in the Laredo Field Office. ADFO [REDACTED] stated informed compliance was used frequently in the trade environment and he was not aware of how it was used in the passenger environment, but he could see instances where CBP Officers could use it depending on the circumstances (Timestamp 13:27:30 CDT).

ADFO [REDACTED] stated that all the POEs in the Laredo Field Office were considered fully staffed but operation tempo can be affected by what CBP was encountering daily (Timestamp 13:31:42 CDT).

ADFO [REDACTED] stated the Laredo Field Office decided to conduct a press release to the public regarding the medications coming across the POEs, specifically the PGR. ADFO [REDACTED] stated the public was encouraged to familiarize themselves with the process of bringing medication into the United States and to ask questions from CBP if there were any questions (Timestamp 13:34:36 CDT).



202508100E

Attachment 1

Interview of ADFO [REDACTED]

[REDACTED].mov



202508100E

Attachment 3

IAR - Interview of DA

[REDACTED].pdf



INVESTIGATIVE ACTIVITY REPORT

INTERVIEW OF DA [REDACTED]

Case Number	202508100E
Field Office	McAllen, TX
Case Agent	[REDACTED]
Case Title	OSC referral for investigation doc (OSC File No. DI-25-000591 Request for Investigation-5 U.S.C. § 1213)
Subject Name & Title	[REDACTED]
Date of Activity	09/29/2025 - 09/29/2025
Activity Type	Interview
Report Status	Approved

APPROVALS

Digitally Signed

Prepared by	[REDACTED]	12/11/2025
Approved by	[REDACTED]	12/11/2025



DETAILS OF ACTIVITY

On September 29, 2025, Senior Special Agent (SSA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility [REDACTED] n Field Office (FO), McAllen, TX, interviewed District Attorney (DA [REDACTED] Hidalgo County District Attorney's Office (HCDAO), Edinburg, TX, via telephone.

The interview was not audio or video recorded.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made.

DA [REDACTED] stated that in Hidalgo County, a person in possession of a Schedule II through Schedule V controlled substance medication, was required to have a prescription. DA [REDACTED] stated that did not mean the State of Texas would act on every encounter of a person in possession of a controlled substance without a prescription, instead he had to evaluate all circumstances.

DA [REDACTED] stated that each instance of an encounter of individuals with prescription medication had to be scrutinized by state law enforcement agencies, and they alone decided if an individual faced arrest or were cited. DA [REDACTED] added that even if a law enforcement official did cite or arrest an individual, the State of Texas would or would not decide to prosecute the case.

DA [REDACTED] stated that at the Ports of Entry in Hidalgo County, there was a difference between travelers declaring medication and smuggling. If the medication was being smuggled, in his experience, both state and federal law enforcement agencies were being proactive, which again, did not guarantee the State of Texas would decide to prosecute.



202508100E

Attachment 4

FW_ Updated Guidance_

Prescription Medication

Guidance.pdf

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Updated Guidance: Prescription Medication Guidance
Date: Thursday, December 11, 2025 2:20:47 PM
Attachments: [3310-006A.pdf](#)
[February 1 2016 19USC1497 Guidance Memo.pdf](#)
[2020_07312020 FPF Guidance 2020-0001- Importation of Medication Category -Other Drugs and Barbiturates \(ODB"s\).pdf](#)
[09 RPM Chapter clean final version 508 \(1\).pdf](#)

Good afternoon Sir,

Below is the guidance we received from the Laredo Field Office.

Thank you,

[REDACTED]
(A) Chief CBP Officer
Progreso, TX Port of Entry
[REDACTED]

From: [REDACTED]
Sent: Friday, June 20, 2025 10:14 AM
To: PROGRESO MANAGERS LIST [REDACTED]
Subject: FW: Updated Guidance: Prescription Medication Guidance

Alcon,

Please see the attached guidance.

Respectfully,

[REDACTED]
Port Director
Progreso / Donna Port of Entry
[REDACTED]

From: [REDACTED]
Sent: Monday, June 16, 2025 4:14 PM
To: [REDACTED]



Subject: Updated Guidance: Prescription Medication Guidance

June 16, 2025

Good afternoon, Port Directors and Assistant Port Directors,

The purpose of this message is to provide **updated** summary guidance and clarification on the Importation of Medication as per CBP Directive Number 3310-006A. Previous guidance (attached) was provided on July 31, 2020. The importation of approved medication is permitted so long as it is not prohibited by federal or state law (i.e., such as **Schedule I drugs or other prohibited substances**) and medication is approved by the US Food and Drug Administration (FDA). Drugs that have not been approved for use in the US by the FDA are prohibited entry regardless of the existence of a prescription.

FDA's main concern is FDA regulated article(s) intended for commercial distribution.

(Update – Personal Use – FDA Ch. 9)

To this point, FDA's Regulatory Procedurals Manual (FDA website) delegates decision guidance to CBP on medications imported for personal use. As a result, the importation of non-commercial medication may make entry as follows:

US Residents:

- Must declare the medication upon arrival (*failure to declare should not include instances where there is no obvious attempt to circumvent declaration requirements*).
- Quantity must be for personal use in its original container.
- Medication must be authorized/permitted under federal and state laws.
- If a valid prescription issued by an authorized practitioner is presented:
 - allow the importation of a 90-day supply of medication.
- If no prescription is presented, yet the medication would otherwise be permitted:
 - allow the resident to import only an amount not to exceed 50 dosages units.

Nonresidents:

Nonresidents should be allowed to import medication (except those in Schedule I or other prohibited substances) in a quantity commensurate with the duration of their stay in the US.

Undeclared Medication:

Undeclared medication is subject to seizure and a personal penalty *may be* warranted pursuant to 19USC1497 for Failure to Declare. Policy on the issuance of Failure to Declare a controlled substance should be followed and Officers are reminded to exercise discretion in instances where there is no evidence of the traveler knowingly attempting to circumvent declaration requirements.

If a penalty is warranted, the penalty will be calculated consistent to the statutory language requiring that the penalty be equal to the greater of \$500 or ten times the value of the controlled substance. FP&F Officer will be available for guidance.

First line supervisors will be available to provide guidance and assistance to CBP Officers and Agriculture Specialists. See attached referenced documents.

- CBP Directive – 3310-006A.pdf
- 19USC1497 Guidance Memo
- Previous Guidance – FPF Officer Lopez
- FDA Chapter 9 – Coverage of Personal Importations

Please contact FPF Officer Lopez or me if you have any questions.

Armando

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202508100E

Attachment 5

202508100E- Interview of

CBPO [REDACTED]

[REDACTED].mov



202508100E

Attachment 6

Interview of CBPO

[REDACTED] mp4



202508100E

Attachment 7

Interview of CBPO

[REDACTED].mp4



202508100E

Attachment 8

Interview of CBPO [REDACTED]

[REDACTED].mp4



202508100E

Attachment 9

Interview of SCBPO [REDACTED]

[REDACTED].mp4