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August 15, 2025

The investigation focused on two Supervisory CBP Officers (SCBPOs) at the Progreso Port of Entry (POE), but the root issue lies with management as a whole—beginning with the Port Director—whose verbal order conflicts with CBP Officers’ duties and written directives, and continues to allow hundreds of thousands of controlled substance pills to enter American communities without proper regulation.

**CBP Directive 3310-006A** is the written directive that the Port Director’s verbal order contradicts. Under the CBP written directive, there are five required elements—six if including the FDA requirements referenced in Section 6.3—that must be satisfied for a person who resides in the United States to legally import a controlled substance into the United States. Section 6.1.2 of the directive specifies the following five elements:

- 1. The substance must be declared to a CBP officer upon arrival.**
- 2. It must be for the individual’s personal use.**
- 3. It must be in its original container.**
- 4. It must be permitted under other federal laws.**
- 5. It must be permitted under applicable state law.**

Section 6.1.2 further states:

*“If all these conditions are met, a United States resident may import the type and amount of the controlled substance (except a substance in Schedule I or other prohibited substances) as specified on the prescription.”*

This underscores that all five elements must be satisfied and the individual must possess a valid prescription.

The next section, Section 6.2, addresses situations where the person does not have a prescription at the time of importation. It states:

*“If the controlled substances are declared and the importation otherwise meets the requirements set forth in paragraph 6.1.2, but the United States resident does not possess a valid prescription issued by a practitioner (as defined above), the United States resident may bring in only an amount not to exceed 50 dosage units. However, in all circumstances, all other applicable Federal and State laws continue to apply, and may preclude import (e.g., State law may prohibit importation/possession of anabolic steroids, thereby making importation for personal use illegal under 21 C.F.R. 1301.26).”*

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In other words, if all five elements are met but the individual does not have a prescription, they may import up to 50 dosage units. Importantly, the policy explicitly emphasizes that in all circumstances applicable federal and state laws still apply and may preclude import.

CBP Officers at the Progreso Port of Entry are routinely instructed to disregard the element stating that “**it must be permitted under applicable state law,**” based on management’s assertion—made during their interviews—that CBP Officers “do not enforce state law and instead focus on federal laws.” This position completely ignores the fact that all 5 elements are part of federal importation law, and that one of the federal requirements for legally importing a controlled substance is compliance with applicable state law.

**Example:** On January 31, 2020, the DEA classified Lasmiditan as a Schedule V controlled substance. At that time, it was not a controlled substance under Texas law. This meant that if, upon importation, a person declared the Lasmiditan to CBP, confirmed it was for personal use, and had it in its original container, they could legally import up to 50 dosage units without a prescription—satisfying all five elements of the directive. However, on June 26, 2020, Texas reclassified Lasmiditan as a controlled substance under their state law, requiring a valid U.S. prescription for lawful possession in Texas. From that date forward, to satisfy all five elements—particularly the requirement that it be permitted under applicable state law—a valid U.S. prescription became necessary for importation.

Furthermore, Section 6.3.1 addresses how individual states may impose additional requirements on controlled substances and references Section 6.2, which affirms that state laws continue to apply and may preclude importation. It states:

*“State law may form the basis for seizing personal use quantities of controlled substances under 21 C.F.R. 1301.26. The CBP officers should advise travelers to check with State authorities, where they reside or are traveling, to verify that a particular prescription does in fact comply with State regulations. If CBP does not intend to effect a seizure, the CBP officer should report the violation to State law enforcement authorities, who may request that CBP detain the violator until the State authorities arrive.”*

Section 6.3.1 makes it clear that State laws are an integral part of Federal importation requirements and may form the basis for seizing the controlled substances.

Usually, if one of the 5 elements is missing (example: the controlled substance is not in its original container) CBP Officers have the duty and authority seize the medication under **19USC1595a(c)(1)(B) - controlled substance is not imported in accordance with applicable law.**

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The term “**informed compliance**” is used by Progreso management officials, with the Port Director interpreting it as an avenue for allowing the importation of controlled substances that do not meet all five elements outlined in the CBP Directive. The only reference to this term in CBP Directive 3310-006A appears in Section 6.7.1, which states:

*“To assist in both informed compliance and enforcement efforts, a list of controlled substances most often acquired in Canada and Mexico is attached to this directive.”*

The term “**informed compliance**” refers to CBP informing the public how to comply with the directive—not giving them permission to violate it by allowing the importation of the controlled substance without satisfying the 5 elements.

I believe this is an intentional manipulation—or at least a selective and partial disregard—of CBP Directive 3310-006A by Progreso CBP management officials. I first raised this issue verbally, then through a formal grievance, and now through an OSC complaint, yet no changes have been implemented at the Progreso POE.

The formal grievance resulted in “updated guidance” being issued in June 2025 via an email from the Laredo Field Office (LFO) Workforce Liaison Unit (WLU) to all Port Directors under the LFO, including the Progreso Port Director. This guidance explicitly reiterated the five required elements for the lawful importation of a controlled substance.

The grievance also prompted a multi-agency press conference on August 7, 2025, which was covered by local news media outlets. The event featured the CBP Director of Field Operations (DFO) for the Laredo Field Office (LFO), Texas Department of Public Safety (DPS) Troopers, and other agencies. During the press conference, both CBP and Texas law enforcement officials emphasized that compliance with applicable state law is essential for the lawful importation of controlled substance medications, highlighting that Texas law requires a valid U.S. prescription.

After the press conference, from approximately 1630 to 1830 hours, the Progreso POE fully adhered to **CBP Directive 3310-006A**, including the requirement that “**it must be permitted under applicable state law.**” During this brief two-hour period, CBP Officers at the Progreso POE stopped 31 attempts to unlawfully import controlled substances by individuals who were out of compliance with the directive—specifically, the state law requirement.

At approximately 1830 hours, however, the Chief CBPO on duty issued a verbal order instructing CBP Officers to resume allowing controlled substances into the United States without enforcing the

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“**permitted under applicable state law**” element of the CBP Directive—returning operations to the same non-compliant practices in place before the press conference.

Respectfully,

A solid black rectangular redaction box covering the signature of the U.S. Customs and Border Protection Officer.

U.S. Customs and Border Protection Officer