

**STATEMENT**

**OF**

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**BEFORE**

**THE UNITED STATES HOUSE OF REPRESENTATIVES  
APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON HOMELAND SECURITY APPROPRIATIONS**

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Chairman Price, Ranking Member Rogers, and distinguished Members of the Subcommittee: thank you for the opportunity to testify on the Department of Homeland Security's (DHS) efforts to secure our southwest border and its communities. I would like to thank you for the support you have provided for the Department and its initiatives.

It is important to put our border challenges in context. The situation in Mexico is undeniably serious. The transnational criminal organizations operating there are fueling extraordinary violence in communities like Tijuana and Ciudad Juarez. As Secretary Napolitano has explained, "Mexico right now has issues of violence that are a different degree and level than we've ever seen before." The violence threatens private citizens, tourists, workers, and business, as well as the courageous law enforcement, military, and government officials who are standing up to these criminal groups. The number of murders in Mexico is alarming; however, the violence is—for the most part—criminal-on-criminal. Further, almost 50 percent of the murders have occurred in three states: Guerrero, Chihuahua, and Sinaloa. Fundamentally, most of Mexico is not experiencing the type of violence that we seen portrayed in the media.

Nor have we seen this violence in Mexico spillover into the United States and our border communities. In the context of this testimony, spillover violence means either (1) violence that originates in Mexico as part of the intra- or inter-cartel conflict or between the cartels and the Government of Mexico which then crosses the border into the United States or directly threatens U.S. personnel or interests in Mexico, or (2) offensive violence organized and directed by a cartel against U.S. personnel or interests in the United States or Mexico. Though there is crime and violence in American communities—some of which has connections to cross-border criminal groups—it is of a different kind and degree than the violence in parts of Mexico. Law enforcement is equipped to handle this more traditional violence; in fact, cities like San Diego and El Paso, which are across the border from Tijuana and Ciudad Juarez, respectively, are among the safest cities in America. The lack of spillover violence is a testament to the strength of U.S. border communities and the daily dedication, hard work, and vigilance of our law enforcement officers and prosecutors—federal, state, local, and tribal.

Should there be spillover violence from Mexico, DHS' Southwest Border Violence Operations Plan will guide the interagency federal response. The plan is structured to provide an appropriate level of intra-departmental and interagency support to the DHS assets located along the southwest border. Set criteria guide whether the plan is elevated to a particular phase, and to which level. The President, the Secretary of Homeland Security, and the Commissioner of U.S. Customs and Border Protection all have the authority to activate the plan. DHS has engaged in extensive consultation and planning with its interagency partners and state and local partners to prepare for the possibility of spillover violence, and we stand ready to act should that threat in fact arise.

DHS, alongside our federal, state, local and tribal law enforcement partners, remains committed to combating cross-border criminals. Unfortunately, DHS officers and agents working on the border are regularly faced with physical threats while performing their duties. We mourn the tragic murder in July of U.S. Border Patrol Agent Robert Rosas, who was killed while protecting our border. And in September, there was an attempted port running at the San Ysidro

port of entry. These instances remind us all that those who protect our borders, and our border communities, continue to face violence.

As a former U.S. Attorney, state Attorney General, and border-state Governor, and now as the Secretary of Homeland Security, Secretary Napolitano is deeply familiar with the challenges we face at the border, the connections between what happens at the border and in our communities, and the relationship between border issues and larger homeland and national security concerns. Border-related illegal activity, in particular the transnational trade in drugs, affects communities in the interior of our country. When gang violence occurs in an interior city, it must be addressed as both a local law enforcement issue as well as a potential border-related matter. Further, when gang violence occurs in a border community, it must be addressed in a way that considers that crime's nexus to interior cities. Moreover, we must improve our partnership with foreign law enforcement counterparts to ensure a holistic approach to gang violence, whether in a border or interior community, with cross-border ties. The Secretary articulated this vision of border security at the University of Texas El Paso (UTEP) in August. She explained that we "cannot segregate the southwest border from the rest of our nation . . . . We have to . . . recognize that what happens at the border affects Kansas City [, and] what happens in Kansas City affects the border."

DHS is pursuing a comprehensive, strategic approach to secure our border that includes addressing issues with a nexus to the border. The Secretary has summed up our approach, saying that "[w]e have the job . . . to enforce the law and we need to do that smartly, effectively, strategically, and we need to do that making sure that the southwest border is not set off by itself, but is part and parcel of our national strategy." The border and the interior are inextricably linked, and our efforts at the border and in the interior should be complementary and mutually reinforcing.

Collaboration with our state, local, and tribal partners is critical to address the full breadth of border-related issues. These partnerships take many forms. DHS helps border communities develop the capabilities to respond to border-related crime through the Operation Stonegarden grant program. This year, southwest border communities have received \$75 million in Stonegarden grants. Another model of collaboration is Immigration and Custom Enforcement (ICE)-led Border Enforcement Security Task Forces (BESTs). BESTs are multi-agency taskforces that leverage federal, state, local, tribal and foreign law enforcement and intelligence resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities along the border and threaten the safety and security of the American public. DHS is committed not only to fostering these existing relationships but also developing new and innovative methods of collaboration.

DHS also works closely with our federal partners, including the Department of Justice (DOJ); the Drug Enforcement Administration (DEA); the Federal Bureau of Investigations (FBI); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the United States Marshals Service (USMS); the U.S. Attorney's Offices and the Department of State, to secure the border and address border-related crime. Interagency collaboration is a powerful tool; it allows us to leverage the expertise and strengths of other agencies while providing them access to DHS's unique skill sets and assets. There are many examples of the successes this

interagency cooperation can bring. For example, ICE, in partnership with the FBI and ATF, leads Operation Community Shield. This effort, which targets violent transnational street gangs, has led to the arrest of approximately 7,655 street gang members and associates.

Our strategy reflects both our strong commitment to working with our domestic partners as well as an unprecedented collaboration with Mexico. The Mexican government under President Felipe Calderón is, as the Secretary explained, “not backing down from its efforts to rein in the smuggling cartels, and is instead pushing even more aggressively to strengthen security and the rule of law in Mexico.” Moreover, the United States and Mexico have reached historic understandings about their relationship and their shared responsibility for border management and combating cross-border problems, including transnational crime. The United States and Mexico are currently collaborating to tackle transnational crime and border-related issues in many ways:

- DHS is training Mexican Federal Police and Customs officials as these agencies work to develop increased, trusted law enforcement capabilities.
- The United States and Mexico are engaged in numerous cooperative enforcement efforts aimed at stemming southbound smuggling of firearms and cash.
- The United States and Mexico are conducting joint investigations.
- The United States and Mexico are working to improve processes at ports of entry, as well as create a Border Patrol counterpart within Mexico to establish an enforcement presence between ports of entry. Further, we are developing bilateral border security committees that share information at the local level.

Secretary Napolitano put it well when she stated that “the [United States] is a full partner with Mexico and the Calderón Administration as we satisfy our twin goals of a secure border and a resilient border that allows legitimate trade and commerce to pass but that keeps out drugs, that keeps out weapons, keeps out the cash that fuels these cartels and...makes certain that the border is safe and secure for those who live there.”

I would now like to update you on some developments since my colleague, DHS Office of International Affairs Deputy Assistant Secretary Mark Koumans, addressed the Subcommittee on March 10, 2009.

#### *The Southwest Border Initiative*

On March 24, 2009, the Obama Administration announced the Southwest Border Initiative (SWBI), which is a comprehensive response and commitment by the Administration to address border issues. On April 15, 2009, Secretary Napolitano released an SWBI operational plan.

The plan involved the strategic redeployments of DHS personnel including ICE detailing 110 special agents and 28 intelligence specialists to multiple offices along the southwest border and in Mexico City, and U.S. Customs and Border Protection (CBP) providing 100 Border Patrol agents to support outbound operations at ports of entry along the southwest border. These redeployments allowed us to, among other things, double the ICE staffing of southwest border BESTs; triple the number of DHS intelligence analysts on the southwest border; and quadruple

the number of agents designated as Border Liaison Officers who work cooperatively with Mexican law enforcement authorities.

DHS also deployed technology and other resources to the border. ICE provided biometric identification equipment to additional counties as part of its Secure Communities program. At our ports of entry, CBP deployed additional mobile X-ray units, canine detection teams, mobile response teams, and license plate readers. These resources have allowed DHS to ramp up southbound inspections to target the illegal weapons and illicit proceeds moving south across the border. Using non-intrusive inspection systems, CBP also began inspecting all southbound rail shipments to Mexico for the first time. I will defer to my colleagues from CBP and ICE to further discuss their significant operational successes

It is important to note here that these efforts are not happening in a vacuum. DHS continues to work closely with our partner agencies in both the United States and Mexico, and much of the SWBI complements what is being accomplished through other efforts such as the Merida Initiative, which I will address shortly. This reflects the comprehensive and interconnected approach DHS takes.

#### *2009 National Southwest Border Counternarcotics Strategy*

On June 5, Secretary Napolitano, Attorney General Eric Holder, and Office of National Drug Control Policy (ONDCP) Director Gil Kerlikowske released the *2009 National Southwest Border Counternarcotics Strategy*. The Strategy, which was developed pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (P.L. 109-469), establishes the Administration's comprehensive, interagency approach for combating the drug trafficking organizations that operate along the southwest border. The Strategy identifies key elements needed to effectively combat the drug trafficking groups, and it provides supporting actions for agencies to pursue. The Strategy was developed by an interagency team after consultations with state, local, and tribal partners, as well as collaboration with Mexico. Currently, an implementation plan for the Strategy is being developed through the interagency process.

The Strategy's goal is to substantially reduce the flow of illicit drugs, drug proceeds, and associated instruments of violence across the southwest border. The Strategy addresses six strategic objectives in support of its goal:

- Enhancing intelligence capabilities;
- Interdicting drugs, drug proceeds, and associated instruments of violence at and between the ports of entry, and in the air and maritime domains along the southwest border;
- Investigating and prosecuting significant drug trafficking, money laundering, bulk currency, and weapons smuggling/trafficking cases;
- Disrupting and dismantling drug trafficking organizations;
- Enhancing counterdrug technologies for drug detection and interdiction along the southwest border; and
- Enhancing U.S.-Mexico cooperation regarding joint counterdrug operations.

The Strategy emphasizes the importance of both cooperating with state, local, and tribal partners as well as working with Mexico to achieve success.

The Strategy reflects the Secretary's vision of a comprehensive and coordinated strategic approach to combating drug trafficking, and we look forward to working towards full implementation of the Strategy under the leadership of ONDCP Director Kerlikowske.

*Declaration of Principles (DOP) and the Bilateral Strategic Plan (BSP)*

On June 15, 2009, Secretary Napolitano signed a Letter of Intent (LOI) with the Agustin Carstens, Secretary of the Mexican Secretariat of Finance and Public Credit (SHCP), to commit to revising and improving the nations' Declaration of Principles (DOP) and the Bilateral Strategic Plan (BSP). The DOP is an agreement DHS and SHCP entered in 2007, addressing border management cooperation. The DOP led to the BSP—a set of initiatives for information sharing, the provision of support to Mexico Customs, and training for Mexican personnel to enhance border security and cooperation.

CBP, ICE, and Mexico Customs are now finalizing the revisions to the DOP and BSP envisioned in the LOI. These revisions will increase Mexican Customs capabilities, establish mechanisms for improved cooperative enforcement operations, and lead to better information sharing through such instruments as Aforos. We expect these documents to be completed and ready for signature by early December.

The BSP led to many important initiatives, but I would like to highlight two. First, is the creation and initial deployment by Mexican Customs of Aforos, an advanced system that scans southbound passenger vehicles by profile, weight, and license plate information and then stores that data for future comparison. Aforos will give Mexico Customs targeting capabilities that will increase their ability to prevent the smuggling of firearms and bulk cash. Mexican Customs plans to have Aforos deployed at all southbound lanes on the U.S.-Mexico border in spring of 2010, with expansion along Mexico's southern border to follow. DHS is working with closely Mexican Customs as they roll this program out to ensure that there is operational compatibility and to identify the best way to access and use the information gathered through Aforos.

The second is the negotiations concerning the creation of the Bi-national Port Security Committees. These Committees, led by CBP and Mexico Customs officials, will hold monthly meetings and work jointly to prevent and respond to dangerous incidents that occur at ports of entry.

*Border Enforcement Coordination Cell*

In May 2009, DHS established the multi-jurisdictional Border Enforcement Coordination Cell (BECC) at the El Paso Intelligence Center (EPIC). The BECC leverages the resources of EPIC through the DHS Homeland Intelligence Support Team, which provides EPIC with tactical intelligence and information collection, analysis, and production. The BECC cell facilitates interagency communication and improves the effectiveness of southwest border-focused investigative and interdiction operations by providing law enforcement with actionable information and intelligence.

*The Merida Initiative*

The Merida Initiative is a critical component of the United States' engagement with Mexico. Merida, to be clear, is not a border security plan; rather, it is a foreign assistance

package aimed at 1) partnering with Mexico, Central America, and certain countries in the Caribbean to help them improve their law enforcement capabilities so that they can better fight transnational criminal organizations operating in the region and 2) developing partnerships that will promote a more comprehensive approach to security. The Department of State (DOS) has primary responsibility for disbursing the appropriated Merida funds, and DHS and its components have partnered with DOS to provide training and some procurement support for the recipient countries. DHS fully supports the Merida Initiative and appreciates Congress' continued support for it.

It is important to recognize that the state of play has changed since Merida was first funded. The relationships between the United States and recipient countries have evolved in important ways, and discussions are underway within the U.S. government, and with our partners in Mexico and Central America, on how to build upon the progress that has been made and ensure that our engagement matures in a way consistent with these changed relationships. These discussions reflect that neither our relationships with, nor the needs of recipient countries are static, and we will assist them in addressing current needs, new gaps, opportunities, and priorities. Along with our colleagues in other departments and agencies across the U.S. Government, DHS is very engaged in shaping the future of the Merida Initiative, and we will continue to work closely with our partners within the U.S. interagency and with recipient countries.

#### Other Efforts

The above represent a few examples of significant developments since March. However, I would also like to highlight a few other significant DHS initiatives that, while not necessarily new, demonstrate our continuing border security efforts.

- BESTs: As mentioned above, ICE-led BESTs are multi-agency taskforces that bring together federal, state, local, tribal and foreign law enforcement and intelligence resources to combat border-related crime. Currently, BESTs are represented nationwide, including ten along the southwest border and one in Mexico City. The Mexican Secretaria de Seguridad Publica currently participates in BESTs, and the Government of Mexico has agreed to provide representatives to every BEST team on the southwest border.
- Operation Against Smugglers Initiative on Safety and Security (OASISS): OASISS is a CBP-led bilateral program for prosecuting alien smugglers. A joint initiative between the U.S. and Mexico, OASISS enables Mexican courts to prosecute smugglers for crimes committed in the border region. OASISS has had a significant and positive impact on furthering smuggling investigations both in the United States and Mexico. An OASISS-type program, modeled after the positive and productive interaction that has created, is being tested for drug smuggling prosecutions.
- Operation Firewall: Operation Firewall is a joint CBP-ICE program that focuses on bulk cash smuggling via commercial and private passenger vehicles, commercial airline shipments, airline passengers, and pedestrians transiting to Mexico along the southern

border. DHS has conducted operations with Mexican Customs and the Mexican Money Laundering Vetted Unit.

- Operation Armas Cruzadas: Armas Cruzadas is a comprehensive and collaborative effort with the Government of Mexico to identify, disrupt, and dismantle the criminal networks whose livelihood relies on illicitly transporting arms south across the border. Under Armas Cruzadas, ICE has implemented numerous activities that promote an intelligence-driven, systematic approach to arms trafficking investigations.
- Trade Transparency Unit (TTU): TTUs are an ICE initiative used to identify cross-border trade anomalies that may indicate trade-based money laundering. The TTU facilitates the exchange of import/export data and financial information between ICE and law enforcement agencies in participating countries. The establishment of a TTU with Mexico is currently underway. ICE will install the data system, provide Mexico TTU representatives with in-depth training and provide expert technical support. The Mexican TTU will be able to use trade data to develop criminal targets involved in crimes such as tax evasion, customs fraud, and trade-based money laundering.
- Border Violence Protocols (BVP): These protocols serve as a mechanism to facilitate operational response to incidents, with CBP, ICE and their Mexican counterparts coordinating together. State and local police activities in both countries have been incorporated into the protocols. The BVPs have now been instituted along the entire U.S.-Mexico border and are working efficiently and effectively.
- Maritime Cooperation: The U.S. Coast Guard has a number of cooperative programs with Mexico and Central American countries in a variety of areas, including port security, search and rescue, and environmental response. In the area of enforcement, for example, in recent months the U.S. Coast Guard has seen a significantly increased level of cooperation with the Mexican government in obtaining authority to stop, board, and search Mexican flagged vessels, or vessels claiming Mexican nationality, which are suspected of drug smuggling.

### Conclusion

DHS is committed to pursuing its border security and management missions in a comprehensive and strategic manner that leverages our unique expertise and legal authorities as well as our partnerships here and in Mexico. We recognize that what happens in Mexico and along our border affects the entirety of the United States. Under Secretary Napolitano's leadership, we are implementing a strategy that is scoped to meet the nature of the threat posed by the drug trafficking organizations and other criminal organizations that threaten Mexico, our border, and our communities. We are assisting Mexico in their efforts to fight the criminal organizations there, and we are working with our partners to cripple the ability of criminal organizations to operate across the border and in the U.S. interior.

Thank you Chairman Price, Ranking Member Rogers, and the distinguished Members of the Subcommittee for giving me the opportunity to testify today. I would be happy to take any questions that you may have.

## U.S. Department of Homeland Security

### Mariko Silver

#### Deputy Assistant Secretary for International Policy

#### Biography



Mariko Silver is the Deputy Assistant Secretary for International Policy at the United States Department of Homeland Security.

Ms. Silver served as policy advisor for innovation, higher education and economic development to Janet Napolitano during Secretary Napolitano's second term as Governor of the State of Arizona. Prior to joining the Governor's Office, Mariko Silver served as Special Advisor to the President and Director of Strategic Projects for the Office of the President at Arizona State University where she implemented strategy setting initiatives in areas including: science, technology and innovation policy; economic development; international programs, and higher education policy.

Ms. Silver has built partnerships with multiple government ministries as well as public and private education institutions and non-profit organizations in Europe and Asia on behalf of Arizona State University (the largest public university in the United States), Columbia University and Oxford University (UK). Ms. Silver has provided policy guidance on education, science and technology policy, innovation systems and institutional change to governments and leadership in China, Japan, Vietnam, Singapore, Australia, the United Kingdom and Ireland as well as to U.S. states.

At Columbia University Ms. Silver co-led a multi-institutional higher education research response to 9/11, focusing on university collaborations with the U.S. intelligence community on information analysis and management technologies. Ms. Silver served as a principal for the Columbia University led International Innovation Initiative (I<sup>3</sup>), an intellectual property pooling and packaging effort led by a consortium of universities from the United States, Canada, Taiwan, and Sweden. At ASU Ms. Silver served as the first principal for the International Institute for University Design, a collaboration with People's Republic of China, and universities throughout China, Japan, Singapore, Australia, and Europe.

Ms. Silver has also served in the Office of the Focal Point for Women, Office of Human Resources Management, United Nations Secretariat. Ms. Silver has lived in both Asia and Europe.

Ms. Silver holds a BA in history from Yale, an MSc in science and technology policy from the Science Policy Research Unit (University of Sussex, UK), and is completing a PhD in Economic Geography at UCLA.