DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2010

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON HOMELAND SECURITY

DAVID E. PRICE, North Carolina *Chairman*

JOSÉ E. SERRANO, New York
CIRO RODRIGUEZ, Texas
C.A. "DUTCH" RUPPERSBERGER, Maryland
ALAN B. MOLLOHAN, West Virginia
NITA M. LOWEY, New York
LUCILLE ROYBAL-ALLARD, California
SAM FARR, California
STEVEN R. ROTHMAN, New Jersey

HAROLD ROGERS, Kentucky
JOHN R. CARTER, Texas
JOHN ABNEY CULBERSON, Texas
MARK STEVEN KIRK, Illinois
KEN CALVERT, California

NOTE: Under Committee Rules, Mr. Obey, as Chairman of the Full Committee, and Mr. Lewis, as Ranking Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

STEPHANIE GUPTA, JEFF ASHFORD, KARYN KENDALL,
JIM HOLM, WILL PAINTER, and MICHAEL BIRSIC,
Staff Assistants

PART 5

DEPARTMENT OF HOMELAND SECURITY

Confronting the Cartel: Addressing U.S.-Mexico Border Security

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE

55–704 WASHINGTON : 2010

COMMITTEE ON APPROPRIATIONS

DAVID R. OBEY, Wisconsin, *Chairman*

NORMAN D. DICKS, Washington
ALAN B. MOLLOHAN, West Virginia
MARCY KAPTUR, Ohio
PETER J. VISCLOSKY, Indiana
NITA M. LOWEY, New York
JOSÉ E. SERRANO, New York
ROSA L. DELAURO, Connecticut
JAMES P. MORAN, Virginia
JOHN W. OLVER, Massachusetts
ED PASTOR, Arizona
DAVID E. PRICE, North Carolina
CHET EDWARDS, Texas
PATRICK J. KENNEDY, Rhode Island
MAURICE D. HINCHEY, New York
LUCILLE ROYBAL-ALLARD, California
SAM FARR, California
JESSE L. JACKSON, JR., Illinois
CAROLYN C. KILPATRICK, Michigan
ALLEN BOYD, Florida
CHAKA FATTAH, Pennsylvania
STEVEN R. ROTHMAN, New Jersey
SANFORD D. BISHOP, JR., Georgia
MARION BERRY, Arkansas
BARBARA LEE, California
ADAM SCHIFF, California
MICHAEL HONDA, California
BETTY MCCOLLUM, Minnesota
STEVE ISRAEL, New York
TIM RYAN, Ohio
C.A. "DUTCH" RUPPERSBERGER, Maryland
BEN CHANDLER, Kentucky
DEBBIE WASSERMAN SCHULTZ, Florida
CIRO RODRIGUEZ, Texas
LINCOLN DAVIS, Tennessee
JOHN T. SALAZAR, Colorado

JERRY LEWIS, California
C. W. BILL YOUNG, Florida
HAROLD ROGERS, Kentucky
FRANK R. WOLF, Virginia
JACK KINGSTON, Georgia
RODNEY P. FRELINGHUYSEN, New Jersey
TODD TIAHRT, Kansas
ZACH WAMP, Tennessee
TOM LATHAM, Iowa
ROBERT B. ADERHOLT, Alabama
JO ANN EMERSON, Missouri
KAY GRANGER, Texas
MICHAEL K. SIMPSON, Idaho
JOHN ABNEY CULBERSON, Texas
MARK STEVEN KIRK, Illinois
ANDER CRENSHAW, Florida
DENNIS R. REHBERG, Montana
JOHN R. CARTER, Texas
RODNEY ALEXANDER, Louisiana
KEN CALVERT, California
JO BONNER, Alabama
STEVEN C. LATOURETTE, Ohio
TOM COLE, Oklahoma

BEVERLY PHETO, *Clerk and Staff Director*

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2010

THURSDAY, NOVEMBER 19, 2009.

CONFRONTING THE CARTEL: ADDRESSING THE U.S.-MEXICO BORDER SECURITY

WITNESSES

MARIKO SILVER, DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL POLICY, DEPARTMENT OF HOMELAND SECURITY

JAYSON AHERN, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION

JOHN MORTON, ASSISTANT SECRETARY FOR U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPENING STATEMENT OF CHAIRMAN DAVID PRICE

Mr. PRICE. Good afternoon. In March, this subcommittee examined the rise of violent Mexican drug cartels and other organized criminal groups and their impact on communities along the U.S.-Mexican border. Addressing this threat is one of the top priorities of the Obama administration and of this subcommittee. So today we will revisit this topic to determine how far that effort has progressed and where it must go from here.

Last week, our subcommittee staff visited Mexico City and the Texas and Arizona border regions to take stock of the administration's progress implementing its Southwest Border Initiative. The initiative's goals include securing the U.S.-Mexican border, working with Mexican law enforcement and military personnel to combat cross-border smuggling of illegal drugs, weapons and money, and reducing the violence associated with this criminal activity. To date, progress can be cited, but the overall results are mixed.

Field and media reports indicate that violence and crime related to the cartels remain intense. Just last Friday, 15 people were murdered in the border city of Juarez, including a university professor and a 7-year-old child. The Mexican police and military personnel in the border regions are subject to constant attack and pressure from the cartels.

The demoralizing impact of cartel violence touches all of Mexico. And while the Mexican Government has worked strenuously to combat it, security in Mexico's problem areas has not improved as rapidly as had been hoped. President Calderon has deployed the military to keep the peace in states and cities along the border. However, the Mexican military is not a police force and has been criticized for a lack of coordination and a lack of capacity to carry out typical law enforcement activities.

Through the State Department-led Merida Initiative, our government is assisting Mexican officials to strengthen border security and build more robust law enforcement institutions. Customs and Border Protection, CBP, has enhanced outbound operations and inspections along the southwest border. Immigration and Customs Enforcement, ICE, is leading several interagency and intergovernmental initiatives, such as the Border Enforcement Security Task Force, or BEST, and it is also updating interagency agreements with the DEA and ATF to strengthen its investigations of narcotics and weapons smuggling. And both CBP and ICE are working with State and local governments along the border to disrupt and dismantle smuggling networks.

Today, our witnesses will update us on these efforts. We welcome Mariko Silver, Deputy Assistant Secretary for Policy at the Department of Homeland Security, in her first appearance before this subcommittee. Ms. Silver, we are interested in the Department's relationships with its Mexican counterparts and your assessment of the progress being made by the Mexican Government. We are also interested in the DHS role implementing the multilateral Merida Initiative.

We welcome back Jayson Ahern, Acting Commissioner of U.S. Customs and Border Protection.

Another new witness before the subcommittee is John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement.

We look forward to learning how CBP and ICE, through their international and investigatory efforts, are helping attack cartel networks and organizations, are providing the expertise and support to help identify potential border threats and interdict them when they arise, and are improving the security of international travel and trade between our two countries.

The cartels' criminal activity is not limited to the border; it permeates much of Mexico. Mexican crime syndicates have also established themselves in cities and communities throughout the United States, including major marijuana cultivation in Indian country, vast methamphetamine and cocaine distribution networks, such as the recently disrupted U.S. operations of the La Familia cartel, and the appearance of operatives from the Mexican Zeta gang along the northern border.

Mexico still suffers the most from cartel violence, with more than 6,000 deaths in 2008 directly resulting from criminal activity and the conflict between criminal organizations and the Mexican Government. At current rates, cartel-related murders in 2009 will likely exceed this record-setting 2008 level. The city of Juarez has one of the highest murder rates in the world, and over 133 deaths per 100,000 inhabitants. And fatalities have increased by 131 percent just in the past year.

On the U.S. side of the border, there recently have been several troubling incidents. In May, Border Patrol Agent Robert Rosas was ambushed and murdered while patroling along the border in the San Diego sector. In September, three vans loaded with 74 undocumented aliens tried to run through the San Ysidro Port of Entry, resulting in gunfire, injuries, and closing the Nation's busiest port of entry for the first time since the Kennedy assassination.

There are also regular reports of violent kidnappings and gang warfare in the U.S. border region, all of which has likely ties to Mexican criminal enterprises. The city of Phoenix, for example, had 366 kidnappings in 2008, 359 in 2007, the highest reported rate in the U.S., many of which can be tied to human smuggling operations. Today, we expect to hear how DHS is responding to these problems.

There has also been positive news that we should not overlook. In August, the Mexican military made their largest seizure ever of a methamphetamine complex in Durango. In October, U.S. law enforcement arrested over 300 affiliates of the La Familia cartel. The Merida Initiative continues to mature. DHS and other Federal law enforcement agencies are enhancing their joint efforts with Mexico, including information sharing, joint targeting and investigations, better communications, and stronger operational coordination.

The subcommittee has increased funding to expand DHS efforts on the southwest border and has supported the Department's reallocation of resources to address these issues. The 2009 defense supplemental provided $100 million for additional CBP officers, inspection technology, and ICE enforcement efforts.

The recently enacted 2010 Appropriations Act included $72 million for 144 new Border Patrol agents and 115 CBP officers, and $100 million for ICE operations along the southwest border. All of these funds show the subcommittee's commitment to combat the cartels' smuggling operations.

So we look forward to hearing about the impact of these funding enhancements, the current status of U.S.-Mexican cooperation, and the prospects for ending cartel violence.

We will insert your complete statements in the hearing record, so we ask you, please, to summarize your statements in a 5-minute oral presentation.

We will begin with Deputy Assistant Secretary Silver, followed by Acting Commissioner Ahern, and then Assistant Secretary Morton.

Let me first turn, though, to our distinguished Ranking Member, Mr. Rogers, for any comments he has.

[The information follows:]

COMMITTEE ON APPROPRIATIONS

David Price (D-NC), Chairman, Subcommittee on Homeland Security

EMBARGOED UNTIL DELIVERY (Approx. 1:15 PM)
Thursday, November 19, 2009

Media Contact: Andrew High
202-225-1784

OPENING STATEMENT OF CHAIRMAN DAVID PRICE

Oversight Hearing – Confronting the Cartels: Addressing U.S.-Mexican Border Security
November 19, 2009 / 1:00 pm

Good afternoon. In March this Subcommittee examined the rise of violent Mexican drug cartels and other organized criminal groups, and their impact on communities along the U.S.-Mexican border. Addressing this threat is one of the top priorities of the Obama Administration and of this Subcommittee, so today we will revisit this topic to determine how far that effort has progressed and where it must go from here.

Last week our Subcommittee staff visited Mexico City and the Texas and Arizona border regions to take stock of the Administration's progress implementing its Southwest Border Initiative. The initiative's goals include securing the US-Mexican border; working with Mexican law enforcement and military personnel to combat cross-border smuggling of illegal drugs, weapons, and money; and reducing the violence associated with this criminal activity. To date, progress can be cited but the overall results are mixed.

Field and media reports indicate that violence and crime related to the cartels remain intense. Just last Friday, 15 people were murdered in the border city of Juarez, including a university professor and a seven year old child. The Mexican police and military personnel in the border regions are subject to constant attack and pressure from the cartels. The demoralizing impact of cartel violence touches all of Mexico, and while the Mexican government has worked strenuously to combat it, security in Mexico's problem areas has not improved as rapidly as had been hoped. President Calderon has deployed the military to keep the peace in states and cities along the border. However, the Mexican military is not a police force, and it has been criticized for lack of coordination and a lack of capacity to carry out typical law enforcement activities.

Through the State Department-led Mérida Initiative, our government is assisting Mexican officials to strengthen border security and build more robust law enforcement institutions. Customs and Border Protection (CBP) has enhanced outbound operations and inspections along the Southwest border. Immigration and Customs Enforcement (ICE) is leading several interagency and intergovernmental initiatives such as Border Enforcement Security Task Forces, or BESTs, and has also updated interagency agreements with the DEA and ATF to strengthen its investigations of narcotics and weapons smuggling. And both CBP and ICE are working with state and local governments along the border to disrupt and dismantle smuggling networks.

Today our witnesses will update us on these efforts. We welcome Mariko Silver, Principal Deputy Assistant Secretary for Policy at the Department of Homeland Security, in her first appearance before this Subcommittee. Ms. Silver, we are interested in the Department's relationships with its Mexican counterparts, and your assessment of the progress being made by the Mexican government. We are also interested in the DHS role implementing the multi-lateral Mérida initiative. We welcome back Jayson Ahern, Acting Commissioner of U.S. Customs and Border Protection. Another new witness before the Subcommittee is John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement. We look forward to learning how CBP and ICE, through their international and investigatory efforts, are helping attack cartel networks and organizations; are providing the expertise and support to help identify potential border threats and interdict them when they arise; and are improving the security of international travel and trade between our two countries.

The cartels' criminal activity is not limited to the border; it permeates much of Mexico. Mexican crime syndicates have also established themselves in cities and communities throughout the United States, including major marijuana cultivation in Indian Country, vast methamphetamine and cocaine distribution networks such as the recently disrupted US operations of the La Familia cartel, and the appearance of operatives from the Mexican Zetas gang along the Northern Border.

Mexico still suffers the most from cartel violence, with more than 6,000 deaths in 2008 directly resulting from criminal activity and the conflict between criminal organizations and the Mexican government. At current rates, cartel-related murders in 2009 will likely exceed the record-setting 2008 levels. The city of Juarez has

one of the highest murder rates in the world, at over 133 deaths per 100,000 inhabitants, and fatalities have increased by 31 percent just in the past year.

On the U.S. side of the border there recently have been several troubling incidents. In May, Border Patrol agent Robert Rosas was ambushed and murdered while patrolling along the border in the San Diego Sector. In September, three vans loaded with 74 undocumented aliens tried to run through the San Ysidro port of entry, resulting in gunfire, injuries, and closing the nation's busiest port of entry for the first time since the Kennedy assassination. There are also regular reports of violent kidnappings and gang warfare in the U.S. border region, all of which has likely ties to Mexican criminal enterprises. The city of Phoenix, for example, had 366 kidnappings in 2008 and 359 in 2007, the highest reported rate in the United States, many of which can be tied to human smuggling operations. Today we expect to hear more about how DHS is responding to these problems.

There has also been positive news that we should not overlook. In August the Mexican military made their largest seizure ever of a methamphetamine production complex in Durango. In October, U.S. law enforcement arrested over 300 affiliates of the La Familia cartel. The Merida Initiative continues to mature. DHS and other Federal law enforcement agencies are enhancing their joint efforts with Mexico, including information sharing, joint targeting and investigations, better communications and stronger operational coordination.

The Subcommittee has increased funding to expand DHS efforts on the Southwest border and has supported the Department's reallocation of resources to address these issues. The 2009 Defense Supplemental provided $100 million for additional CBP Officers, inspection technology and ICE enforcement efforts. The recently enacted 2010 Appropriations Act included $72 million for 144 new Border Patrol agents and 115 CBP Officers and $100 million for ICE operations along the Southwest border. All of these funds show the Subcommittee's commitment to combat the cartels' smuggling operations.

So we look forward to hearing about the impact of these funding enhancements, the current status of U.S. and Mexican cooperation, and the prospects for ending cartel violence. We will insert your complete statements in the hearing record, so please summarize your written statements in a 5 minute presentation. We will begin with Principal Deputy Assistant Secretary Silver, followed by Acting Commissioner Ahern and then Assistant Secretary Morton.

Let me turn now to the distinguished Ranking Member, Mr. Rogers, for his comments.

# # #

OPENING STATEMENT OF RANKING MEMBER HAROLD ROGERS

Mr. ROGERS. Thank you, Mr. Chairman. And welcome to our guests. For Secretaries Silver and Morton, this marks your first appearance here, so we welcome you to this hearing. But for Commissioner Ahern, this hearing marks probably your last appearance before us. I, for one—and I think I speak for all of us here—want to note with appreciation your 33 years of service to your country. You have been here often, you have worked in this Department since its inception and on these issues long before then, and so we want to say thank you for your service. We have often relied upon you to explain the intricacies of CBP's vast mission. We are truly grateful for your noteworthy achievements and your efforts to improve security while also promoting legitimate travel and trade.

While you have been at the Department in that position, the budget of CBP has mushroomed, I think perhaps doubled or more during your tenure, so you have presided over dramatic changes in the way we provide security for the country. Thank you much for your service.

As the Chairman noted, it was 7 months ago that this subcommittee convened a hearing on the Mexican drug war. Since that hearing in March, DHS and its law enforcement partners have endeavored to further disrupt the drug cartels as well as secure our borders. But in spite of notable efforts by our brave law enforcement and security professionals in the field, and the sustained courage of the Mexican Government, the cartels continue to operate with near impunity. The total number of drug-related murders in Mexico through October of this year was about 7,000. That surpasses last year's total of 6,400 and is on pace to reach nearly 9,000 murders by the end of the year.

In Juarez, the Mexican border city just south of El Paso, the number of drug-related murders resulting from cartel infighting has passed 2,000 and is on pace to increase by almost 25 percent over last year. This increase in murder rate is in spite of the sustained presence of the Mexican military and the replacement of municipal police officers and Federal customs officials that failed confidence exams.

As demonstrated by several law enforcement actions by our Justice Department this year, the cartels' distribution networks touch nearly every city in the United States, and their methamphetamine operations now span the entire west coast of North America, infecting our northern border with Canada as well. And despite DHS' outbound inspection efforts at our ports of entry and along our rail lines, the cartels continue to obtain weapons and revenue from multiple sources. They were even so bold as to not hesitate to kill one of our own Border Patrol's finest back in July.

If there is one thing I am certain of from my time as a State prosecutor and my years in Congress, it is that drugs pose a grave and unrelenting threat to the health, safety and security of the United States. Therefore, we must do all that we can to secure our border, thwart these cartels, and put a stop to their savage criminality and murderous ways.

Now, as I said back in March, the escalation in violence and territorial infighting over smuggling routes suggests that efforts to

improve our border security, coupled with the noteworthy actions of Mexico's leadership, have most certainly gotten the cartels' attention. Unfortunately, this also means things might even get worse before they get better. So the challenge being presented to DHS by this drug war is clear.

My question is whether or not we are up to the challenge. And when I pose this question, I am not wondering whether we have the proper resources in place to just disrupt this organized crime, I am wondering whether we have the tools and the will to actually break its back. Now, I realize that is a mighty tough chore, but I am quite certain it is a worthy fight. After all, counter smuggling is perhaps our Nation's oldest Homeland Security mission, spanning back to the days of Alexander Hamilton and his recognition for the need to establish a customs service in what is now our Coast Guard.

So today, I am not only interested in merely assessing our progress in taking this fight to the cartels, I am interested in learning about what more we can do in terms of resources and authority to combat and deter this clear and present threat to the United States and its citizens. I ask these questions in part because I have serious concerns over the administration's direction on so-called "immigration reform," work site enforcement, DHS operational funding and the like, subjects not on the agenda here today, but certainly inescapably tied to our ability to secure our Nation, strengthen our border, and protect our people. We must get securing our border and stopping this drug menace right before we entertain new costly ideas or roll back our immigration laws.

Thank you, Mr. Chairman. I look forward to today's discussion.

Mr. PRICE. Thank you.

[The information follows:]

OPENING STATEMENT

CONGRESSMAN
Hal Rogers

FIFTH DISTRICT • KENTUCKY

Offices in
Washington, D.C.
Somerset, Prestonsburg,
Hazard

Contact: Stefani Zimmerman
202.225.4601

Opening Statement
Subcommittee on Homeland Security Appropriations

Confronting the Cartels:
Addressing U.S.-Mexican Border Security

Witnesses:
Mariko Silver, Principal Deputy Assistant Secretary for Policy at DHS
Jayson P. Ahern, Acting Commissioner of U.S. Customs and Border Protection
John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement

1:00 PM | Thursday | November 19, 2009 | 2359

Thank you, Mr. Chairman, and welcome to our distinguished guests.

For Secretaries Silver and Morton, this marks your first appearance before our Subcommittee, so we welcome you here today.

But for Commissioner Ahern, this hearing marks what is most likely your last appearance before us and I, for one, want to note with appreciation your 33 years of service to our Nation. This Subcommittee has often relied upon you to explain the intricacies of CBP's vast mission and we are truly grateful for your noteworthy efforts to improve security while also promoting legitimate travel and trade.

As the Chairman noted, it was seven months ago that this Subcommittee convened a hearing on the Mexican Drug War. And since that hearing in March,, DHS and its law enforcement partners have endeavored to further disrupt the drug cartels, as well as secure our borders.

But, in spite of notable efforts by our brave law enforcement and security professionals in the field, and the sustained courage of the Mexican government, the cartels continue to operate with near impunity:

⇒ The total number of drug-related murders in Mexico through October 2009 was approximately 7,000 – that surpasses last year's total of 6,400 murders and is on pace to reach nearly 9,000 by the end of the year.

⇒ And, in Juarez – the Mexican border city just south of El Paso, Texas – the number of drug-related murders resulting from cartel infighting has passed

2,000 and is on pace to increase by almost 25% above last year. This increase in murder rate is in spite of the sustained presence of the Mexican military and the replacement of municipal police officers and Federal customs officials that failed confidence exams.

⇒ As demonstrated by several enforcement actions by our Justice Department this year, the cartels' distribution networks touch nearly every city in the United States and their methamphetamine operations now span the entire west coast of North America – infecting our Northern border with Canada as well.

⇒ And, despite DHS's outbound inspection efforts at our ports of entry and along our rail lines, the cartels' continue to obtain weapons and revenue from multiple sources. And, they were even so bold as to not hesitate to kill one of the Border Patrol's finest in July.

If there is one thing I am certain of from my time as a state prosecutor and my years in Congress, it's that drugs pose a grave and unrelenting threat to the health, safety, and security of the United States. Therefore, we must do all we can to secure our border, thwart these cartels, and put a stop to their savage criminality and murderous ways.

Now, as I stated back in March, the escalation in violence and territorial infighting over smuggling routes suggest that efforts to improve our border security, coupled with the noteworthy actions of Mexico's leadership, have most

certainly gotten the cartels' attention. Unfortunately, this also means things might even get worse before they get better.

So, the challenge being presented to DHS by this drug war is clear. My question is whether or not we are up to the challenge?

⇒ And when I pose this question, I am not wondering whether we have the proper resources in place to just disrupt this organized crime; I'm wondering whether we have the tools and the will to actually break its back.

Now, I realize that's a mighty tough chore – but I am quite certain it is a worthy fight. After all, counter smuggling is perhaps our Nation's oldest "homeland security" mission; spanning back to the days of Alexander Hamilton and his recognition for the need to establish a Customs service and what is now our Coast Guard.

And so, today, I am not only interested in merely assessing our progress in taking this fight to the cartels; I am interested in learning about what more we can do in terms of resources and authority to combat and deter this clear and present threat to the United States and its citizens.

I ask these questions in part because I have serious concerns over the Administration's direction on so-called immigration reform, worksite enforcement, DHS operational funding, and the like. Subjects not on the agenda here today, but certainly inescapably tied to our ability to secure our

nation, strengthen our border, and protect our people. We must get securing our border and stopping this drug menace right, before we entertain new, costly ideas or roll back our immigration laws.

Thank you, Mr. Chairman. I look forward to today's discussion.

###

Mr. PRICE. We do have votes that have been called, I think probably multiple votes; is that right? Two votes. We will return right after those. However, I think we do have time for Deputy Assistant Secretary Silver to give us the benefit of her oral remarks, and then we will take a break and be back for our other witnesses.

Please, go ahead, Ms. Silver.

STATEMENT OF MARIKO SILVER

Ms. SILVER. Chairman Price, Ranking Member Rogers, and distinguished members of the subcommittee, thank you for the opportunity to provide testimony concerning the Department of Homeland Security's (DHS) ongoing work to secure the southwest border and our communities. And thank you for the support you have provided to the Department and its initiatives, including the Southwest Border Initiative. The Department values the support we receive from Congress and the strong relationships we have with this committee and your colleagues.

Additionally, I would like to express the Department's appreciation for the time the subcommittee staff recently took to visit the southwest border and Mexico to see our operations and partnerships firsthand.

DHS is implementing a strategy that is designed to meet the threat posed by the drug trafficking organizations and other criminal organizations that threaten Mexico, our border and our communities. In this, we recognize that what happens in Mexico and along our shared border affects the entire United States.

We are working with our partners here and in Mexico to cripple the ability of criminal organizations to operate across the border and in the U.S. interior. First, it is important to put our border challenges in context. The situation in Mexico is undeniably serious. Transnational drug trafficking organizations are fueling extraordinary violence in communities like Tijuana and Ciudad Juarez. Fundamentally, however, most of Mexico is not experiencing the type of violence we see portrayed in the media.

The number of murders in Mexico is alarming, but I do want to note that this violence is, for the most part, criminal-on-criminal violence and is highly concentrated.

We are also not seeing this type of violence on the U.S. side of the border, and we are not seeing violence spill over into U.S. communities. In fact, San Diego and El Paso, which are across the border from Tijuana and Ciudad Juarez, 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, however, we are prepared. DHS' Southwest Border Violence Operations Plan will guide the interagency Federal response.

Secretary Napolitano is deeply familiar with the challenges we face at the border, the connections between what happens at the border and what happens in our communities and the relationships between border issues and larger homeland security and national security concerns. This has resulted in a much more integrated and forward-leaning approach to border-related issues than we have seen in the past. As the Secretary has put it, we cannot segregate

the southwest border from the rest of our Nation. We have to recognize that what happens at the border affects what happens in Kansas City, for example, and what happens in Kansas City affects the border.

Under her leadership, DHS is advancing a comprehensive, strategic approach to secure our border that includes addressing issues with a nexus to the border. To do this, we must, and do, work closely with our partners—interagency, State, local, tribal and foreign. These partners bring a wealth of expertise, knowledge, resources and legal authorities that complement our efforts.

Secretary Napolitano has clearly said that we need to make sure that the southwest border is not set off by itself but is part and parcel of our national strategy. In this vein, I want to emphasize that we do have an unprecedented opportunity to collaborate and work with Mexico. President Felipe Calderon and his administration are engaged in a courageous fight against the drug cartels, and the United States and Mexico have reached an historic understanding of our shared responsibilities for managing the border, addressing transnational challenges, and fighting transnational crime. In fact, I just returned last night from Mexico City, where I met with leadership from across the Government of Mexico as part of the ongoing U.S. Government effort to ensure that our relationship is holistic and robust.

We must continue to work with our partners in Mexico to build a resilient border that allows the secure flow of people and goods, keeping out drugs, weapons and cash that fuel the transnational criminal organizations.

DHS is already working with Mexico in training Mexican Federal police and Customs officials, developing a Mexican border patrol capability, and expanding joint efforts to stem southbound smuggling of firearms and cash and joint efforts on investigations. This work is in our national interest, and we are committed to this fight.

Chairman Price, Ranking Member Rogers, and other members of the committee, thank you again for the opportunity to testify today, and I would be glad to take any questions.

Mr. PRICE. Thank you very much.

Mr. Ahern, rather than have to interrupt your statement, we will adjourn briefly and return immediately after the second vote.

[Recess.]

Mr. PRICE. The subcommittee will reconvene.

Mr. Ahern, we will turn to you for your oral statement.

[The information follows:]

STATEMENT

OF

MARIKO SILVER
DEPUTY ASSISTANT SECRETARY
FOR INTERNATIONAL POLICY
OFFICE OF INTERNATIONAL AFFAIRS
DEPARTMENT OF HOMELAND SECURITY

BEFORE

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

November 19, 2009

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 commited 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 SCHP 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.

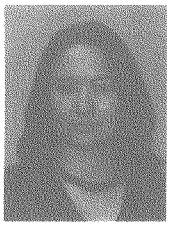
Conclusion

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 to 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^3), 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.

STATEMENT OF JAYSON AHERN

Mr. AHERN. Chairman Price, Ranking Member Rogers and other members of the subcommittee, good afternoon. Thank you very much for the opportunity to update you on CBP's efforts to secure our borders. I am very pleased to be here with my DHS colleagues to summarize some of the efforts we have been seeing since our last hearing in March of this year.

Before I begin today, I would also like to thank this committee, and Congress as a whole, for your continued support of our mission. As was mentioned, certainly our budget has doubled in the last few years, and we are very thankful for that. Let me tell you what we have been able to do as a result of receiving those additional funds.

Certainly, we have increased the size of the Border Patrol to 20,130. Our frontline officer positions are now 21,240, and we have also been able to construct 640 miles of fence along the southwest border. I would submit that every investment in CBP helps to protect the country from a variety of threats.

This fiscal year, we seized or assisted in the seizure of more than 4 million pounds of narcotics. We have apprehended more than 556,000 illegal aliens between our ports of entry. That is a decrease of 23 percent this fiscal year compared to last fiscal year. We have also encountered more than 224,000 individuals who are inadmissible at our ports of entry.

Outbound operations. Since March of this year when Secretary Napolitano announced the Southwest Border Initiative, we have seized $23 million in outbound money going into Mexico. That is an increase of 239 percent for the same time last year. Our outbound operations were supported by $40 million included in the war supplemental, and certainly the reprogramming efforts we put forward, and we thank the Congress for its support on those.

We also were able to invest that money in a deployment for large-scale imaging systems to increase the scanning of conveyances crossing our border. We assigned 13 different currency and firearms canine teams, as well as mobile response team special operations, and the assignment 100 additional Border Patrol agents to support our outbound operations at our ports of entry.

For technology, we remain very committed to deploying surveillance capabilities to our personnel in the field. We are currently in the testing phase of our first deployment of SBInet called Tucson 1, which will be covering 23 miles of the border in the Sasabe area of the border. Simultaneously, we are also planning for the second deployment known as Ajo-1, which will cover about 30 miles of the border near Ajo, Arizona. We will build from the lessons we are learning from Tucson-1 deployment.

Just as a more specific update, Tucson-1 is now built, we have also conducted system qualification testing of some of the improved components that were incorporated, and we are now in the final acceptance testing phase which will be planned for December of this year. If successful, we will accept ownership of the system and turn it over to the Border Patrol for comprehensive operational testing, which will begin early next year.

The Ajo construction is imminent but is awaiting completion of environmental assessment activities. Our current plan shows that the construction will begin in early December, with completion by next spring.

While we are waiting for the SBInet deployment, please know that we are continuing to augment our existing capabilities with other technology investments to provide a more immediate radar and camera coverage along our borders, such as mobile surveillance systems, ground sensors, remote video surveillance systems, and unmanned aerial systems.

At our points of entry, another effort I think is very important is the enhanced security we are receiving from the implementation of the Western Hemisphere Travel Initiative. Since the implementation in June of this year, we have seen the documents' compliance rate continue to remain very strong; it is now at 95 percent.

During the last year, we have also had unprecedented cooperation with the Mexican law enforcement agencies. Much of our work is centered around helping Mexico build up their customer service and their capacity and sharing best practices between our two agencies. Our goal is to promote smart and effective security at the southwest border by increasing coordinated security efforts between our two organizations.

Our increased enforcement efforts to mitigate southbound weapon and currency smuggling fully support the Government of Mexico's counternarcotics efforts because illicit proceeds that are flowing back to Mexican drug trafficking organizations are crossing our common border. And the Mexican Government's ability to confront its drug trafficking industry and its willingness to cooperate with U.S. Government efforts will directly affect our ability to secure our southwest border.

As such, we have made some progress, but I must be very candid. Much more work remains to be done in this area, and we will continue to build upon these efforts and the success we have seen thus far.

Challenges. Certainly we have realized our agents and officers are in an area where they receive a significant amount of violence and encounter criminals daily. In fiscal year 2009, we had more than 1,000 incidents of violence against our frontline officers and agents. As we continue to deploy more of our enforcement strategy and protocols at the border, the probability remains that the tougher enforcement will lead to additional attempts for individuals to try to smuggle drugs and people through our borders, and also the potential for increased violence against our frontline personnel. We need to be very prepared for that, and we are.

In addition to the operational challenges we face, we also face some financial challenges as we go forward because of the current downturn in the economy. Certainly, as we have talked about with this committee before, Customs and Border Protection is fee-funded to a tune of more than $1 billion each year. And as we are evaluating the downturn of the economy for some of the fee-collecting environments, we will also be balancing that effect on the personnel who will be able to continue to invest through that resource.

In conclusion, thank you very much for the opportunity to testify here today, and I look forward to the opportunity to answer any questions.

Mr. PRICE. Thank you, Mr. Ahern.

[The information follows:]

TESTIMONY OF

JAYSON AHERN
ACTING COMMISSIONER

U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY

BEFORE

HOUSE APPROPRIATIONS COMMITTEE

SUBCOMMITTEE ON HOMELAND SECURITY

November 19, 2009
Washington, DC

Chairman Price, Ranking Member Rogers, Members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss the work of U.S. Customs and Border Protection (CBP), particularly the tremendous dedication of our men and women in the field, both within and between our ports of entry.

I want to begin by expressing my gratitude to the Committee for its enduring support to the mission and people of CBP. I would also like to thank you for your support of the passage of the Fiscal Year (FY) 2010 DHS Appropriations Bill, which provides $10.1 billion in direct appropriations for CBP. We are also grateful for the investments provided in the FY 2009 Stimulus and Supplemental Appropriations Act.

CBP is the largest uniformed, federal law enforcement agency in the country, with over 20,000 Border Patrol Agents between the ports of entry and more than 20,000 CBP officers stationed at air, land, and sea ports nationwide. These forces are supplemented with 1,165 Air and Marine agents, and 2,388 agricultural specialists and other professionals. Fiscal Year 2009 was a record year for CBP, with data showing a significant increase in drug seizures, coupled with a decline in border apprehensions. CBP seized more than 4.47 million pounds of narcotics, encountered more than 224,000 inadmissible aliens at our ports of entry, and apprehended more than 556,000 between our ports of entry. Outbound currency seizures nationwide also increased 74 percent, surpassing $57.9 million. CBP's Office of Field Operations (OFO) completed its most successful drug enforcement year in the past five fiscal years, seizing nearly 1.5 million pounds of drugs at ports of entry – an increase of 53 percent for cocaine, 19 percent for marijuana and 11 percent for ephedrine. Additionally, the number of border apprehensions between official ports of entry declined by 23 percent, or more than 167,000 apprehensions.

These FY 2009 statistics demonstrate the effectiveness of a layered approach to security, comprising a balance of tactical infrastructure, technology, and personnel at our borders.

CBP continues to achieve success in performing all of our missions, which include: detecting and preventing the illegal entry of aliens and smuggling of contraband into the United States; protecting our agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of their intellectual property; enforcing violations of textile agreements; tracking import safety violations; protecting the economy from monopolistic practices; regulating and facilitating international trade; collecting import duties; and enforcing United States trade laws. To this end, in FY 2009, CBP processed more than 361 million pedestrians and passengers, and 110 million conveyances.

As you know, as part of our mission, our employees continue to maintain a vigilant watch for terrorist threats. We must perform our important security and trade enforcement work without stifling the flow of legitimate trade and travel that is so important to our nation's economy. Our twin goals remain border security and the facilitation of legitimate trade and travel.

My testimony today focuses on CBP's outbound operational efforts, and the technology and partnerships that we leverage to combat violence on the southwest border.

Southwest Border Initiatives

In March 2009, in support of the President's Southwest Border Initiative, U.S. Department of Homeland Security (DHS) Secretary Napolitano unveiled Southwest Border Initiatives designed to support three goals: guard against the spillover of violent crime into the United States, support Mexico's campaign to crack down on drug cartels in Mexico, and reduce movement of contraband across the border. Since the Secretary's announcement, DHS has continued working with federal, state, local, and tribal authorities and the Government of Mexico to secure the southwest border.

To fund this initiative, the President's Budget provided $26.1 million for 65 additional CBP Officers, 44 additional Border Patrol Agents, and support for the expansion of CBP's License Plate Reader program, which assists in combating southbound firearms and currency smuggling. Additionally, Congress provided $20 million for Non-Intrusive Inspection equipment, $19.5 million for 100 additional Border Patrol agents, and $7 million for 50 additional CBP Officers focused on outbound operations. This financial support has enabled CBP to significantly increase southbound seizures and mitigate any spillover effects of cartel violence in Mexico.

Our increased efforts along the southwest border since Secretary Napolitano's announcement have resulted in a dramatic increase in currency and drug seizures. From late March to November 2009, CBP seized $22.1 million in southbound currency at land border ports of entry —an increase of 299 percent from the $5.5 million seized during the same period last year. In addition, CBP and the U.S. Immigration and Customs Enforcement (ICE) combined seized 911,800 kilos of narcotics along the southwest border—an increase of 36 percent from the 670,800 kilos seized during the same period last year.

Border Security Between the Ports of Entry: Personnel, Infrastructure, and Technology

Two basic conditions must exist to ensure that our agents can safely and effectively secure our borders between the ports of entry. First, we must have precise and timely situational awareness—that is, we must have knowledge about what is happening between the ports of entry. Situational awareness allows us to understand and assess where the greatest threats and vulnerabilities lie, and deploy resources accordingly. Second, we must have the capability to react in a lawful manner best suited for a specific situation.

In deploying resources between the ports of entry, CBP seeks to incorporate the appropriate mix of personnel, infrastructure, and technology that will allow us to confront the criminal element. This three-pronged strategic balance of resources reflects the reality that one of these elements cannot, in and of itself, provide effective control of our nation's borders. Personnel provide the flexibility to engage the criminal element; tactical infrastructure supports response by either providing access or extending the time needed for the response; and technology allows us to detect entries and to identify and classify threats.

CBP personnel involved in border security between the ports of entry include Border Patrol Agents and Air and Marine Interdiction Agents. These personnel are highly effective in

observing and providing the situational awareness necessary for effective control. However, without tactical infrastructure and technology, the volume of personnel required to perform the entire border security mission would be prohibitive.

Tactical infrastructure includes, among other things, pedestrian fence, vehicle fence, roads and lighting, all of which support CBP's ability to respond. For example, fence is a fixed resource that provides a constant and continuous barrier, but again, alone cannot provide effective border control. However, fence successfully provides what we call "persistent impedance," which deters and/or delays illicit cross-border incursions, buying time for our agents to respond. This is critical in areas near cities, for example, where illicit border crossers could easily blend into the population before we would be able to interdict them. It is also critical in areas where, without persistent impedance, vehicles could reach nearby roads faster than we could otherwise respond.

Technology between the ports of entry includes sensors, command and control systems, and communications. Although some refer to technology as a "virtual fence," technology does not have the persistent impedance capability of a real fence. Technology, however, is a powerful force multiplier because it has the capability to provide situational awareness that is critical to effective control – they can "watch" the border continuously. Guided by command and control systems that help sort the incoming data, these sensors provide our agents with timely access to critical information. Technology also supports response capability by providing our agents with accurate information to identify and classify illicit incursions and therefore determine the best options for response. Improved communications capability also ensures our response forces can be properly directed and coordinated.

Over the past year, we have significantly strengthened each of the three major elements of our border security approach. At the end of FY 2009, we had 20,119 Border Patrol Agents on board nationwide. As of Oct. 23, 2009, we had approximately 640 miles of fence constructed along the southwest border. Our target, based on Border Patrol's operational assessments of fencing needs, is approximately 655 miles. Most of the remaining mileage is under construction, and is projected to be completed this spring. With respect to technology, we have purchased and deployed 41 mobile surveillance systems (MSSs) to provide radar and camera coverage along the southwest border. CBP currently operates five Predator B Unmanned Aerial Systems, three of which are assigned to the southwest border (the other two are assigned to the northern border).

Increased Outbound Operations

In FY 2009, CBP realigned $28.8 million to address the growing concerns of violence along the southwest border. Included in that amount was $18.9 million to purchase License Plate Readers and to pay for deployment and overtime of special response and mobile response teams to support outbound enforcement operations. CBP also internally realigned $9.9 million for backscatter X-ray vans and the deployment of an additional 100 agents and CBP officers at outbound ports of entry.

CBP also received $40 million in the FY 2009 Supplemental Appropriations Act to support outbound operations. The Supplemental included $30 million to hire 125 CBP Officers

to be deployed to ports of entry on the southwest border, as well as to fund outbound infrastructure, overtime, and temporary deployment costs associated with the increased level of border inspection. In addition, $10 million was provided for the procurement of additional Non-Intrusive Inspection (NII) equipment for deployment to southwest border facilities and U.S. Border Patrol checkpoints.

These investments facilitated the expansion of outbound enforcement efforts, including:

1. Deployment of 4 NII imaging systems to increase scanning of personally owned vehicles.
2. Assignment of 13 additional currency/firearms canine teams to southwest border land ports.
3. Execution of six Mobile Response Team special operations and deployment of other assets to support increased pulse and surge operations that permit CBP to maintain a level of unpredictability, counter the use of "spotters" by drug trafficking organizations, and manage the flow of outbound traffic.
4. Coordination of bi-national operations with the Government of Mexico's General Administration of Customs (MXC, under which CBP conducts enhanced outbound inspection operations and MXC conducts enhanced in-bound operations at an adjacent, nearby port crossing. Seven coordinated, bi-national intensified border operations were conducted in FY 2009, and more are planned for FY 2010.
5. Execution of checks, via CBP's National Targeting Center – Cargo, on all firearms being exported from the United States to Mexican military and police departments in order to confirm shipments with Mexican authorities, ensure the legitimacy of shipments, and reduce the possibility of diversion.
6. Execution of 100 percent NII scanning of outbound rail cars at all eight railroad crossings on the U.S.-Mexico border to more effectively interdict weapons and other contraband.
7. Assignment of 100 Office of Border Patrol agents to work with CBP officers in conducting outbound operations.

Increased Partnerships in Support of Southwest Border Initiatives

Our partnerships with the Mexican Government and federal, state, and local law enforcement are critical to the success of the Southwest Border Initiative.

DHS Assistant Secretary Alan Bersin has been working closely with Mexico's Secretariat for Gobernacion to oversee a deepening cooperation between DHS and Mexican law enforcement agencies, particularly in the realm of helping Mexico improve their customs service.

This November, U.S. Border Patrol Chief David Aguilar, along with colleagues from ICE and DHS, met with the Mexican Ministry of Finance and Public Credit to outline joint initiatives to combat transnational crime, increase law enforcement collaboration and increase the secure flow of travel and trade along the U.S.-Mexico border. This meeting was an important step in formalizing the process of communications along the southwest border. As a result of the

meeting, the Bi-national Port Security Committees were formed to increase coordinated investigative efforts and promote smart and effective security on both sides of our shared border.

CBP remains committed to the Merida Initiative, a multi-year assistance plan to help Mexico, Central America, the Dominican Republic and Haiti combat the threats of drug trafficking, transnational crime, and money laundering. In FY 2009, CBP established an inter-office Merida Committee to coordinate with the Department of State (the U.S. Government lead for Merida), DHS, DOJ and other law enforcement components on implementation actions.

CBP, along with other DHS and DOJ component offices, has a Mexico Attaché office located at the U.S. Embassy in Mexico City. This office oversees CBP operations in Mexico, including bilateral coordination and training. Interagency cooperation at the Embassy level is essential to ensure that the right structures are in place to oversee the implementation of Merida programs.

CBP also works with its partners in the Drug Enforcement Administration (DEA) and the High Intensity Drug Trafficking Area centers to expand the National License Plate Reader (LPR) initiative to exploit intelligence on drug traffickers and drug trafficking organizations. The LPR initiative utilizes established locations to gather information regarding travel patterns and border nexus on drug traffickers for intelligence-driven operations and interdictions.

CBP has established positions at the El Paso Intelligence Center, the Organized Crime Drug Enforcement Task Force Fusion Center, and the DEA Special Operations Division. These initiatives enhance interaction with the Intelligence Community and law enforcement agencies to more effectively facilitate the collection, analysis, and dissemination of actionable drug-related intelligence in support of drug trafficking and money laundering investigations throughout the SW Border, Mexico and the US.

CBP works closely with ICE through ICE-led Border Enforcement Security Teams to protect the United States against the illegal flow of drugs, weapons, and currency across the Southwest border. CBP and ICE also collaborate to stop illegal firearms trafficking and interdict outbound shipments of bulk currency.

CBP's Office of Intelligence and Operations Coordination established a National Post Seizure Analysis Team at the National Targeting Center-Cargo and is in the process of establishing Intelligence Operations Coordination Centers (IOCC), the first of which is currently under construction in Tucson, Ariz. The IOCCs will link intelligence efforts and products to operations and interdictions, making CBP a more fully integrated, intelligence-driven organization and increasing our capability to expeditiously move feedback from end users back to the originator.

CBP also participates in Operation Panama Express, a multi-agency international drug flow investigation that combines detection and monitoring, investigative work and intelligence resources to provide actionable intelligence to Joint Interagency Task Force-South (JIATF-South) operations to interdict the flow of cocaine from northern South America to the United States. JIATF-South interdiction operations in the transit zone are supported by CBP P-3

Airborne Early Warning, CBP P-3 Tracker aircraft, Coast Guard HC-130 aircraft, and Coast Guard vessels, which interdict large, sometimes multi-ton, shipments before they can be split into smaller loads for movement across the southwest border and distribution in the United States.

Lastly and importantly, CBP continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities, including the detection of U.S./Mexican border air intrusions. The primary means of detecting air intrusions is a large radar network, monitored at the CBP Air and Marine Operations Center (AMOC) in Riverside, California. Information is fed to the AMOC through a network of airborne early warning, aerostat, Federal Aviation Administration and ground based radar systems. Personnel at the AMOC detect northbound aircraft that land just south of the U.S./Mexico border, and coordinate CBP Air and Marine and Mexican interdiction assets to intercept, track, and apprehend smugglers as they attempt to traverse the U.S./Mexico border.

CBP will continue to assist the Government of Mexico in maintaining a counter-drug effort, including command, control, communications and information support.

Intelligence and Operational Coordination

CBP, in cooperation with the DHS Office of Intelligence and Analysis, continues its work to become a more integrated, intelligence-driven organization. Intelligence gathering and predictive analysis require new collection and processing capabilities. CBP is designing an integrated architecture for Law Enforcement Technical Collection as well as for systems to process and analyze imagery collected from aircraft and other platforms. CBP is also developing the Analytical Framework for Intelligence, a set of data processing tools to improve the effectiveness of CBP and other DHS analysts in detecting, locating, and analyzing terrorist networks, drug trafficking networks, and similar threats. These intelligence and operational coordination initiatives complement the Secure Border Initiative's technology programs.

Secure Border Initiative (SBI)

As noted earlier, there are three components necessary for successful control of the border: tactical infrastructure, technology, and personnel. The Border Patrol identified 655 miles of southwest border where persistent impedance is a necessary condition for effective control. In those areas, the cost-effective options to provide persistent impedance are physical infrastructure or personnel. Within the miles identified by the Border Patrol, our analysis shows that technology is not an adequate substitute. Technology may allow us to watch illicit border crossers blend into the population or travel to a route of egress—but it does not delay or impede the crossers long enough to enable an effective response.

The Border Security Fencing, Infrastructure and Technology (BSFIT) appropriation, which is managed by the SBI office, will continue to dedicate funding to additional tactical infrastructure programs. Much of the focus will be on high priority infrastructure projects other than fence—for example, roads and lighting. With the fence projects largely complete, we will be increasing our emphasis on technology within the SBI program - SBI*net*.

Our recent activity has been focused on SBI*net* Block 1, which we plan to deploy along a segment of the border in Arizona. We have developed a very robust program for SBI*net* Block 1, and have completed most of the engineering design and engineering testing. Although the engineering tests increased our overall confidence in the system, they also identified some areas for improvement. We have taken steps to address these areas, including opting to delay some program activities while we await the results of further testing and analysis.

We are in the process of conducting our first deployment into an operational area of responsibility known as Tucson-1 (TUS-1). TUS-1 will replace Project 28 (the prototype system) with the new Block 1 (first generation production system) to cover 23 miles of border near Sasabe, Ariz. TUS-1 includes nine sensor towers and eight communications relay towers, all of which are now constructed. We are now starting basic system and component review of the TUS-1 systems and awaiting results of some remaining corrective actions before authorizing Boeing to begin more comprehensive system testing.

Provided the system meets its engineering requirements, the Border Patrol will likely receive the system early next year to conduct a formal process known as Operational Test and Evaluation (OT&E) through March 2010. In OT&E, the Border Patrol will conduct disciplined assessments in a real world environment to determine whether the SBI*net* Block 1 system is effective and suitable for use.

While testing is underway, we expect to begin the deployment of our second operational area of responsibility, known as "Ajo-1." Ajo-1 will cover about 30 miles of border near Ajo, Ariz. Ajo-1 will build on the experiences learned with TUS-1 and ensure we can move from one deployment activity to another in a smooth and effective manner. Ajo-1 is projected to be completed and tested during summer of next year.

While we are deploying the SBI*net* Block 1 system and continuing to evaluate and strengthen the requirements, we are also taking steps to improve our competence in the management of complex acquisition programs. We have redesigned our SBI organization to develop and retain skilled government personnel in the disciplines that are key to successful program management. We are also strengthening our oversight and management of contractor activities and ensuring that requirements are clearly and concisely communicated.

Conclusion

Mr. Chairman and members of the Subcommittee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection, and particularly about our efforts to increase security along the southwest border. Your continued support of CBP has led to significant improvements in the security of our borders, and our nation. I will be glad to answer any questions you may have.

Office of the Commissioner Organizational Information

Acting Commissioner's Biography

Jayson P. Ahern
Acting Commissioner

On March 1, 2009, Jayson P. Ahern was named Acting Commissioner of U.S. Customs and Border Protection, following the retirement of Commissioner W. Ralph Basham, and is responsible for securing, managing and controlling our Nation's borders. Mr. Ahern will remain Acting Commissioner until a successor is named by President Obama and confirmed by the Senate.

Since August 2007, Mr. Ahern has served as CBP's Deputy Commissioner, the highest career position in the agency. During his interim appointment as Acting Commissioner, Mr. Ahern will continue to serve as Chief Operating Officer, overseeing the daily operations of CBP's 56,000-employee workforce and managing an operating budget of more than $11 billion. Mr. Ahern's primary focus will be keeping terrorists and terrorist weapons out of the country, while also carrying out CBP's other border-related responsibilities, including stemming the tide of illegal drugs and illegal aliens, securing and facilitating legitimate global trade and travel, and protecting our food supply and agriculture industry from pests and disease.

For five years, from June 2002 until August 2007, Mr. Ahern served as the Assistant Commissioner for CBP's Office of Field Operations, a position he had held with the former U.S. Customs Service. As Assistant Commissioner, Mr. Ahern managed all Field Operations in domestic and foreign locations, as well as critical national security and operational programs. In 2003, when the Department of Homeland Security was created, Mr. Ahern presided over the historic merger of personnel from three of CBP's legacy agencies and ensured mission continuity during the largest government reorganization in the last 50 years.

Acting Commissioner Ahern, currently in his 33rd year of public service, began his career with the former U.S. Customs Service in San Ysidro, California. Throughout his career, he progressed through the ranks in the field and held numerous senior leadership positions, including Director of Field Operations in San Diego, where he was in charge of all Customs activities at the Southern California ports of entry. He also served as the Area Port Director in Los Angeles and Miami, two of the nation's largest and busiest operations, and served in senior counterdrug positions during two previous headquarters assignments.

In 2005, President Bush conferred the rank of Distinguished Executive on Mr. Ahern in recognition of his extraordinary leadership and management contributions to the United States government. In 2007, he received the Distinguished Lifetime Achievement Award for outstanding service and contributions toward global maritime security.

Most recently, in November 2008, Mr. Ahern was awarded the Secretary of Homeland Security's Gold Medal in recognition of exceptionally outstanding leadership and service that is distinguished by achievements of national or international significance, reflecting great credit on the Department of Homeland Security and the Federal Government by markedly improving the security of our homeland.

Acting Commissioner Ahern is a career member of the Senior Executive Service, a graduate of Northeastern University and a Senior Executive Fellow at Harvard University's John F. Kennedy School of Government.

He is married and has two sons.

Mr. PRICE. Mr. Morton.

STATEMENT OF JOHN MORTON

Mr. MORTON. Mr. Chairman, Ranking Member Rogers, and distinguished members of the subcommittee, thank you for welcoming me here today in this, my first appearance before the subcommittee.

Many agencies play critical roles in the Nation's response to the situation along the border. DHS, particularly ICE and our sister agency CBP, is at the forefront of this response.

As you know, ICE is the largest investigative agency within DHS and the second largest investigative agency in the entire Federal Government, second only to the Federal Bureau of Investigation. Our investigative mandate is quite broad and has a particular emphasis on cross-border crime—namely, the smuggling of people, drugs, contraband, money and firearms. To this end, we have 1,750 investigative personnel stationed along the southwest border alone and another 28 in Mexico.

We are also the agency charged with arresting, detaining and removing aliens unlawfully in the United States, including criminals and gang members. To that end, we have approximately 2,500 detention and removal personnel along the southern border. Simply put, ICE is in a unique and important position with respect to law enforcement issues presented at our southwest border.

Our work on the southwest border would not have been possible without the continuing support and resources provided through the fiscal year 2010 appropriations bill for southwest border activities. Border enforcement is a complex and expensive proposition, and I thank the subcommittee for the support in recent years.

As the Chairman noted, ICE received $100 million in additional border funding in the fiscal year 2010 appropriations bill and $55 million in supplemental funding. This money will allow us to expand some key initiatives and fund additional criminal investigations against the cartels responsible for violence directly on the Mexican side of the border.

As Mr. Ahern just said, there is still much work to be done, and we will need to work closely with the committee in the coming years to get the work done well. About the time of our last testimony here in March, we announced the launch of the Southwest Border Initiative. Since then, we have seen measurable success as a result of our strengthened commitment to the issue.

Let me just summarize a few of the successes that are outlined in great detail in my written statement.

First, since March, we have seen large increases in seizures of weapons and drugs by ICE's border offices, compared to the same period the year before.

Second, we are seizing more money, the life blood of illegal activity. And, of course, we are making more criminal arrests. For example, San Diego has seen a 24 percent increase; Phoenix, a 15 percent increase.

Many of these successes could not have been achieved without the excellent work of our Federal, State, local, tribal and foreign law enforcement partners. Through these partnerships, we have

succeeded in targeting, investigating and dismantling criminal operations at the border.

Just a handful of these programs to note: the Border Enforcement Security Task Forces that I think we will discuss in greater detail shortly; Operation Armas Cruzadas, in which we collaborate with the Mexican Government to focus on arms trafficking; Operation Firewall, where we work with CBP to stem the flow of cash across the border; and the Illegal Drug Project, which is a brand new pilot that we have entered into with CBP, the Justice Department and the Mexican Office of the Attorney General to prosecute narcotic smuggling offenses that arise in Nogales (but for which there is also jurisdiction in Mexico to actually work with our Mexican counterparts to prosecute them in Mexico).

As the committee knows, I have also taken direct steps to improve ICE's working relationships with both ATF and DEA. Both agencies are critical to good border enforcement, and I am personally committed to seeing our relationships improve.

In addition to our domestic efforts, we maintain a strong presence in Mexico. For instance, we have two specialized vetted units, and we are working on a third, focusing on firearms. A good example of our cross-border work is the recent seizure just 2 months ago of $41 million in currency that had been hidden in shipping containers in ports in Colombia and Mexico. ICE worked directly with our Mexican and Colombian partners, as well as CBP, to track the containers so that law enforcement could seize the cash.

STATEMENT OF JOHN MORTON CONT.

And just last week, we relayed information to Mexican authorities about a residence in Tijuana being used for drug trafficking, and the subsequent raid on that house by the Mexican military turned up $2.1 million and several firearms.

As you can tell, we are beginning to see real benefits from our efforts, and I believe the success will continue. I assure you that ICE will continue to use its broad jurisdiction to crack down on the trafficking and the smuggling and violent activities surrounding the cartels.

I just want to thank the committee again for the support it has provided over the years, its interest in ICE and the men and women who work for it. I want to thank both the Chairman and the Ranking Member for their leadership of this subcommittee, particularly the bipartisan nature of it.

These are hard, challenging issues. And I appreciate the work that the subcommittee has put into it and the work of the staff and the recent trip that we just took. I don't pretend to have all the answers, but it is good to see that kind of collaboration and serious thought in government.

Thank you.

[The information follows:]

U.S. Immigration and Customs Enforcement

STATEMENT

OF

JOHN MORTON

ASSISTANT SECRETARY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

"SOUTHWEST BORDER VIOLENCE"

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY

THURSDAY, NOVEMBER 19 -- 2:00 p.m.

Introduction

Chairman Price, Ranking Member Rogers, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano, thank you for the opportunity to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in combating southwest border violence. I also want to thank the Committee for its consistent support of ICE. Over the last several months, the Committee has provided both supplemental resources and continuing support to ICE through the FY 2010 appropriations bill for southwest border activities.

Because of the Committee's support, ICE received $55 million in supplemental funds to expand Border Enforcement Security Task Forces (BESTs), intelligence activities to support BESTs, Operation Armas Cruzadas, the Human Smuggling and Trafficking Center, and ICE's international work in Mexico, including placement of additional attaché officers. ICE also received $100 million in the FY 2010 bill to continue operations funded in the supplemental and enhance enforcement activities along the southwest border. This included additional resources for BEST expansion, enhanced intelligence efforts, and domestic and international counter-proliferation, anti-gun smuggling, and transnational gang investigations.

As the Members of the Subcommittee well know, there has been an increased level of violence on the Mexican side of our southwest border, particularly around Ciudad Juarez and Tijuana. In March, the Secretary announced plans to combat this violence, and today, I echo the sentiment that managing this issue is vital to U.S. interests.

The Departments of State and Justice, and of course, the Department of Homeland Security (DHS), all play critical roles in the nation's response to the situation along the southwest border. As you know, ICE is the largest investigative agency within DHS and has sole responsibility over the detention and removal of criminal aliens. As such, ICE is uniquely and critically positioned to engage in law enforcement issues at the border.

We are firmly committed to ensuring that our borders are secure and stopping the bilateral flow of illicit contraband including guns, money, and drugs. As I will detail below, ICE's efforts to combat border violence include ICE-led BESTs, investigating cartels trafficking in drugs, weapons, money and people across the border, dismantling transnational criminal gangs that operate in the U.S., and removing criminal aliens that threaten our communities.

There is still work to be done, but since our last testimony here in March, we have seen measurable success as a result of our strengthened commitment to the issue. I will highlight several areas in which ICE, often working in conjunction with its federal, state, local, tribal, and foreign law enforcement partners, has played a role in targeting, investigating, and dismantling criminal operations at the SWB through long-term, intelligence-driven investigations.

It is also critical to note that through our efforts along the SWB, we have received support and assistance from our counterparts within Mexico. I have traveled to Mexico three times since I began in my post and am planning another trip soon. During these trips, I

witnessed firsthand the commitment of the Government of Mexico (GOM) to crack down on the cartels through a coordinated effort involving the Mexican military and civilian authorities. This has resulted in an unprecedented amount of cooperation with the United States and incentivizes U.S. law enforcement to work in partnership with GOM officials.

The Southwest Border Initiative

Launched in March, the Southwest Border Initiative (SWBI) demonstrates our commitment to combating border violence. The program calls for strategic redeployments of personnel totaling more than 360 additional agents to the border, increased intelligence capability, and better coordination with state, local, tribal, and Mexican law enforcement officials.

Since the Secretary's announcement of the SWBI, the results have been significant. From March 24 through Oct. 22, 2009, ICE sizably increased seizures of weapons, money, and narcotics along the southwest border over the same period in 2008. For example, the Phoenix Area of Responsibility (AOR) reported a 32 percent increase in narcotics seizures and the San Antonio AOR reported a 108 percent increase in weapons seizures. Because the movement of narcotics and weapons ultimately fuels border violence, these increases signal important success.

Likewise, ICE is seizing more currency. For instance, the San Diego, California AOR has reported a 137 percent increase from $2,332,332 to $5,517,166. These seizures are critical; they represent the profits from criminal activity and the means by which transnational criminal organizations fund their illegal activities of drug smuggling, weapons smuggling, and human trafficking.

Finally, ICE offices along the SWB have noted increases in criminal arrests. The Phoenix AOR has reported a 15 percent increase in criminal arrests – from 861 to 1,006 – while the San Diego AOR has reported a 24 percent increase in criminal arrests, from 1,429 to 1,779.

The success of ICE's surge throughout the southwest border is exemplified by our results in Arizona, where we detailed 59 Special Agents and 45 Detention and Removal Officers from the field, had 25 ICE intelligence personnel (analysts and officers) supporting these agents on a full-time basis. ICE already had 201 special agents and supervisors in Arizona directly supporting surge activities as part of investigative groups focused on human smuggling, drug smuggling, weapons smuggling, and financial investigations. This furthered ICE's investigations of organized criminal syndicates, expanded our work with U.S. Customs and Border Protection (CBP) to interdict contraband, and ensured the prosecution of syndicate members, working with the U.S. Attorney's Office. In just a 60-day period from Sept. 5 through Nov. 5, ICE's efforts, in Arizona, resulted in:

- the filing of 178 criminal charges against those involved in illicit cross-border activity;
- discovery of a tunnel originating in Nogales, Sonora, Mexico, with an exit in the United States;
- enforcement actions at 20 drop houses resulting in the arrest of 275 aliens;
- the seizure of more than $112,000, 33 vehicles, and nearly 50 firearms, 16 of which were headed to Mexico;

- the removal from the U.S. by ICE Office of Detention and Removal of 3,500 illegal aliens as well as over 10,000 Mexico Interior Repatriations that began in August and continued into September;
- the seizure of over 8,500 pounds of marijuana;
- the production, by ICE's Office of Intelligence, of 68 dossiers on gang members, drop houses, and criminal aliens; and
- completion of 78 requests for information to create intelligence-driven criminal investigations.

Border Enforcement Security Task Forces (BESTs)

In response to border violence, ICE has augmented the Border Enforcement Security Task Force program—a platform in which interagency and international partners can work together to address cross-border crime. BESTs are operational task forces that utilize intelligence from all member agencies to drive investigations and then mobilize member agencies as force multipliers for enforcement on the border. BESTs incorporate personnel from ICE, CBP, the U.S. Coast Guard (USCG), Drug Enforcement Administration (DEA), ATF, the Federal Bureau of Investigation (FBI), and respective U.S. Attorney's Offices, along with other key federal, state, local, tribal, and foreign law enforcement agencies.

Any border-centric law enforcement task force could not be effective without support and participation from our foreign partners. Therefore, ICE has worked dilligently to garner participation in the SWB BESTs by Mexico. The Mexican Secretaria de Seguridad Publica (SSP) currently participates in the BESTs along the SWB. In addition, the Mexican government has agreed to provide representatives to every BEST team on the SWB—a sign of the success of the task forces. Additionally, other Mexican government agencies and foreign partners are working with ICE to expand their participation in the BESTs, enhancing the international scope and participation of the initiative. Since the launch of the SWBI on March 24, 2009, ICE has established new BESTs in locations such as Las Cruces and Deming, New Mexico, and Mexico City, resulting in a total of 17 BESTs covering high-threat smuggling corridors, including some on our northern border.

The creation of the Mexico BEST is an important example of how our coordinated approach at the border has successfully involved our Mexican law enforcement partners. The mission of the Mexico BEST is to use intelligence related to weapons and currency seizures that occur in Mexico and to respond to leads generated by Mexican and U.S. law enforcement agencies to develop joint investigations. When it is fully operational, the Mexico BEST will work with the ICE Attaché in Mexico City, and will include approximately 35 personnel from Mexican law enforcement agencies, vetted by ICE. Expanding the BEST program to Mexico enables ICE to work in a bilateral, multi-agency taskforce that enhances information sharing between ICE and the Mexican government, thereby increasing operational effectiveness.

In addition, ICE's Border Violence Intelligence Cell (BVIC) supports the transnational effort to combat weapons smuggling and stem the surge in cartel violence. This intelligence unit facilitates timely information sharing with state, tribal, local, foreign, and other federal law enforcement agencies, and serves as the focal point for analyzing all-source intelligence in

support of the BESTs and ICE Attaché Mexico offices. Through the BVIC, the BESTs, ICE Attaché offices, and the Mexican government Arms Trafficking Group exchange cross-border weapons-related intelligence through a virtual network. This network creates a seamless investigation of the criminal organizations that span the southwest border. The BVIC works in cooperation with the jointly staffed ATF and ICE "Gun Desk" at the El Paso Intelligence Center (EPIC). The "Gun Desk" serves as the intake for tracing of firearms seized in Mexico. Such tracing can be an important tool in criminal investigations to follow the possible path of weapons from the U.S. into Mexico.

Since March 2009, analysts working with the BESTs, in coordination with the BVIC, have produced 400 intelligence reports, over 80 comprehensive intelligence dossiers on criminal organizations. These dossiers include analysis of each organizations method of operations, organizational structure, and avenues for investigative action. Also produced during this same period, were 362 investigative leads relating to suspected weapons traffickers operating along the southwest border. This augmented level of support will continue with the hiring of 90 permanent intelligence positions to support the BESTs as well as ICE's broader southwest border operations.

Since our testimony and implementation of the Southwest Border Initiative in March, ICE BESTs have seized over 1,809 pounds of cocaine, 45,889 pounds of marijuana, 571 pounds of methamphetamine, 45 pounds of crystal methamphetamine, 251 pounds of ecstasy, and 17 pounds of heroin. In addition, over this same period, ICE BESTs have seized 1,361 weapons, 277 vehicles, and $8.2 million U.S. currency and monetary instruments. All of these seizures categories represent an increase over the same reporting period from 2008, and can be attributed to the SWBI. The BEST model has been very successful, and we look to build on its successes in our coordinated efforts against illicit activity at the border.

Armas Cruzadas

The BEST program has provided the investigative platform for one of ICE's centerpieces of the SWBI, Operation Armas Cruzadas. ICE will continue to deploy resources for Operation Armas Cruzadas, a comprehensive, collaborative, intelligence-driven, and systematic effort with the Mexican government to identify, disrupt, and dismantle the criminal networks that illicitly transport arms across the border. Just since the initiation of the SWBI, Armas Cruzadas operations have accounted for the seizure of 361 firearms, 38,878 rounds of ammunition, and criminal arrests of 107 individuals. Overall since its creation, Armas Cruzadas has resulted in the seizure of 1,890 weapons, 206,412 rounds of ammunition, criminal arrests of 257 individuals, and more than $7.9 million. This bilateral law enforcement and intelligence-sharing operation between U.S. and Mexican law enforcement agencies has helped to curtail drug cartels and criminal organizations that have sought to acquire more powerful and dangerous firearms, which perpetuate the violence along the Southwest border.

Operation Firewall

Because cash proceeds are so critical to the ongoing operations of cartels that are engaging in border violence, ICE partners with CBP to stem the illegal flow of cash across the

SWB. ICE's Operation Firewall counters bulk cash smuggling through partnerships and close collaboration with foreign partners, including Mexico. During fiscal year 2009, Firewall efforts in Mexico resulted in nine seizures totaling over $18 million and the arrest of five individuals by Mexican authorities. These cash seizures are in addition to those by the BESTs on the U.S. side of the border. Since its inception in 2005 through Oct. 31, 2009, Operation Firewall has resulted in 3,505 seizures totaling more than $282 million, and the arrests of 583 individuals. These efforts include 175 international seizures totaling more than $108 million and 116 international arrests.

I would also like to highlight that just two months ago, our coordinated efforts with Colombian and Mexican law enforcement officers led to the largest bulk cash container seizure ever. From Sept. 9-14, Mexican and Colombian law enforcement authorities seized a total of more than $41 million in U.S. currency that had been concealed in shipping containers found in ports in Colombia and Mexico. These seizures were part of an ongoing investigation by ICE's Attaché Office in Bogota. Our work there disrupted a cycle of narcotics smuggling into the United States, as well as bulk cash smuggling out of the United States (which would be used to fund additional criminal activities). The case proves our collaboration with our foreign partners is effective and necessary.

ICE and the DHS Office of Counternarcotics Enforcement (CNE), working with the DEA, have commissioned a bilateral study with Mexico on the movement of illicit proceeds. The study will provide information on U.S. trends and consolidation points; analyze subsequent movement of funds smuggled into Mexico, including the movement of bulk cash to third-party countries and into financial institutions; identify geographic regions in Mexico where the proceeds of criminal activity are consolidated and stored; identify points of egress; identify trends related to transactions in Mexico that occur before the illicitly derived currency is integrated into the formal financial system; and identify the enforcement challenges and offer solutions for how the U.S. Government and the GOM can improve cooperation to combat these problems. ICE will use the results of the bilateral study, to be completed in April 2010, to evaluate its strategy of dismantling the financial infrastructure of transnational criminal organizations.

Transnational Gangs

Street gangs and their criminal activities—including human trafficking, narcotics smuggling and distribution, identity theft, money laundering, arms trafficking, and export violations—now transcend borders and have a stake in the globalization of narcotics trafficking. These gangs act as an enabler for dangerous criminal organizations, themselves morphing from small autonomous criminal groups into larger trans-border criminal enterprises (TCEs).

Operation Community Shield (OCS) is a DHS anti-gang initiative that combines ICE's unique statutory and administrative authorities, expert investigative techniques, and new technologies to identify, investigate, prosecute, and remove gang members from the United States. Since the inception of OCS in 2005, ICE agents and law enforcement partners have arrested more than 15,000 gang members and associates, almost 6,000 of whom have had violent criminal histories. In addition, ICE agents have seized 825 firearms during OCS operations.

I'd like to point to a recent example of how ICE continues to realize the impact of its national gang abatement efforts. In June 2009, ICE, in conjunction with our federal, state, and local law enforcement partners in Omaha, Neb., effectively dismantled a prolific "Sureño-13" criminal street gang, arresting 36 members and associates. The two-year investigation revealed that this TCE was engaged in the trafficking of high-powered weapons from the Midwest, to the southwest border, to the drug cartels in Mexico, as well as supplying weapons to violent street criminals in Omaha. During the investigation, over 60 weapons, including high-powered military grade rifles, were seized, along with $40,000 in U.S. currency.

ICE, along with federal, state, and local law enforcement, will expand OCS to target criminal gangs by conducting Specialized Urban Response Gang Enforcement (SURGE) operations to target gang networks known to facilitate the trans-border operations of transnational criminal organizations.

Removal of Criminal Aliens

ICE is the only law enforcement agency with authority to remove criminal aliens from the country. On April 24, 2009, ICE's Office of Detention and Removal (DRO) detailed 100 deportation officers and immigration enforcement agents to augment our criminal alien enforcement efforts in San Diego, Phoenix, San Antonio, Houston, and El Paso. The initiative resulted in 3,554 screenings, 3,534 arrests, and more than 3,300 charging documents issued to criminal aliens subject to removal from the United States.

Three important DRO programs support ICE's efforts along the southwest border. The Criminal Alien Program identifies and arrests criminal aliens who are incarcerated within federal, state, and local prisons and jails. The National Fugitive Operations Program prioritizes fugitive alien arrests. ICE's DRO programs aim to deter and reduce future recidivism rates of violent criminal aliens by seeking criminal prosecution whenever possible. In coordination with the U.S. Attorney's Office, ICE prioritizes federal criminal prosecution of egregious recidivist criminal aliens for felony violations. Illegal reentry after deportation in violation of 8 U.S.C. § 1326 is currently the most prosecuted federal felony nationwide. In FY 2009, 4,115 prosecutions were accepted along the southwest border.

Mexican Interior Repatriation Program (MIRP)

The Mexican Interior Repatriation Program (MIRP) was designed in 2004 as a bilateral effort between the United States and Mexico to reduce the loss of human life and combat organized crime linked to the smuggling, trafficking, and exploitation of persons by returning non-criminal aliens to the interior of Mexico during the hottest, most dangerous time of year for border crossings. From Aug. 22, 2009 through Sept. 28, 2009, 10,560 Mexican nationals were voluntarily returned through the MIRP initiative. When compared to the same time period last year, the number of recidivist illegal aliens were slightly down and deaths due to exposure decreased.

Under MIRP, Mexican nationals apprehended in U.S. Border Patrol's Yuma and Tucson Sectors are taken to DHS facilities in Nogales and Yuma, Arizona, where candidates are

medically screened, meet with officials from Mexican Consulates, and are offered the opportunity to voluntarily participate in the program.

In FY 2009, ICE detailed 52 officers to the Phoenix AOR to support the MIRP operations and conducted 73 flights from Tucson to Mexico City facilitating the return of the Mexican nationals to the interior of Mexico. More than 93,100 Mexican nationals have been safely returned under MIRP over the program's previous five summers.

Other Interagency Coordination

ICE is involved in a number of key agreements with our federal law enforcement partners that directly contribute to reducing border violence. For instance, this June, ICE re-negotiated formal interagency agreements with both DEA and ATF to facilitate closer coordination, increased partnership, and expanded information sharing. Pursuant to the agreement with DEA, ICE can now select an unlimited number of ICE agents for cross-designation to investigate violations of the Controlled Substances Act, with significant activity at the border. ICE agents specifically target smugglers who bring drugs into the country and transport them into our communities. Similarly, an updated agreement with the ATF clearly establishes how the two agencies will work together on investigations of international firearms trafficking and possession of firearms by illegal aliens.

Earlier this month, ICE organized a meeting along the southwest border of key personnel within ICE, ATF, and CBP to develop coordinated, intelligence-driven attacks on southbound firearms trafficking. At that meeting, I joined Ken Melson of ATF and Chief David Aguilar of CBP to announce that seizures involving illegal drugs, weapons, and illicit cash at the border rose significantly in the latter half of fiscal year 2009—an increase we attribute to increased enforcement efforts and cooperation. BESTs, which house multiple agencies under one roof, contributed to many of the seizures. This conference followed a U.S. law enforcement I led to Mexico in August 2009 that included Ken Melson and CBP Assistant Commissioner where we discussed bilateral, multi-agency efforts to curb southbound arms trafficking.

Under the Illegal Drug Project, ICE, CBP, and the Department of Justice (DOJ) are collaborating with the Mexican Office of the Attorney General (PGR) to prosecute narcotics seizures that occur at the Nogales, Ariz., port of entry that the U.S. Attorney's office declines to prosecute. ICE, CBP, and DOJ are committed to providing PGR with the necessary information to prosecute theses cases, including drug sample testing, the transfer of evidence, official declarations by U.S. personnel, and use of ICE/CBP reports. The goal of the program is to increase pressure on drug trafficking organizations operating in the area. On Oct. 24, 2009, ICE and CBP apprehended a Mexican national attempting to smuggle marijuana into the United States. Though the case could not be prosecuted in the U.S. due to evidentiary issues, this subject was the first individual to be referred to PGR under the Illegal Drug Project. A second case has been recently referred to PGR as well.

ICE's Law Enforcement Agency Response Unit within DRO is specific to the State of Arizona, and was developed to respond to law enforcement agencies requesting assistance from ICE.

ICE has partnered with the Tohono O'odham Nation to enlist the help of the Shadow Wolves. This elite unit of Native American Patrol Officers has worked with ICE, and our partners at CBP, to help identify and track smugglers. This unique relationship has resulted in, on average, seizures of up to 60,000 pounds of illegal drugs each year since 2006.

Increased collaborative efforts with other government agencies since the formation of the SWBI have allowed ICE to better execute its mission and prevent border violence. For example, in March 2009, ICE's Special Agent in Charge office in San Antonio initiated a criminal investigation into an organization responsible for smuggling large amounts of weapons into Mexico from the United States. The investigation began as a result of CBP inspection at the Laredo, Texas, port of entry that led to the discovery of 25 weapons concealed within the gas tank of a vehicle attempting to travel from the United States to Mexico. An extensive investigation by the Laredo BEST led to the identification of a co-conspirator in Oklahoma, who was currently under investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ICE and ATF combined their investigative resources and subsequently executed a search warrant at the residence of a weapons dealer that resulted in the seizure of 988 additional weapons, a large quantity of ammunition, and $30,000 in U.S. currency.

Because the violence fueled by cartels and other criminal organizations at the border involve immigration offenses, weapons smuggling, financial crimes, and cross-border narcotics smuggling—all within ICE's jurisdiction—ICE naturally plays an important role in the Administration's coordinated efforts. We will continue the work we have already done with other federal, state, local, and tribal partners in our combined efforts at the border.

Other ICE Initiatives Based in Mexico

In addition to the initiatives described above, ICE maintains a strong presence in Mexico, which enhances our collaboration with our foreign partners, and strengthens our efforts to curb illicit activity at the border.

For instance, in August 2007, Mexican Customs, CBP, and ICE signed a Bilateral Strategic Plan to fight trans-border crime. This plan has strengthened our cooperation by expanding institutional cooperation mechanisms. An updated version of the Plan and a related Declaration of Principles will be signed next month.

Furthermore, ICE Attaché personnel currently oversee two specialized, vetted investigative units focused on human and money laundering trafficking investigations. Vetted units are critical because they allow the ICE Attaché office to support active investigations and provide information that can be shared in real time. In addition, our Attaché in Mexico City participates in the inter-governmental GC Armas working group held at the National Center for Information, Analysis and Planning in order to Fight Crime offices in Mexico City. Every two weeks, the ICE Attaché office obtains a printed copy of seizure summaries, including names of suspects and lists of arms and munitions seized that is delivered to ICE intelligence analysts. This has proved incredibly valuable for developing leads in some of our cross-border investigations.

ICE continues to support capacity building efforts by providing training to Mexican law enforcement officials. As part of the Merida Initiative, ICE has deployed 24 Special Agents to teach Basic Criminal Investigative Methods to approximately 2,000 Ministry of Public Security (SSP) investigators in San Luis Potosi, Mexico. ICE plans to continue supporting this training initiative through its completion in August 2010. The SSP is undergoing an ambitious program to develop, train, and deploy 10,000 investigators within a year. ICE also deployed four additional instructors to teach one-day courses on arms trafficking and cyber crimes to 200 senior SSP officers in August 2009. ICE deployed 12 Special Agents to provide undercover training funded by the U.S. Department of State to a SSP-vetted unit that will directly support ICE domestic and foreign operations, such as money pickups, money laundering investigations, and arms trafficking. In September 2009, ICE also sent a team to train Mexican law enforcement authorities on the use of the Weapons Virtual Task Force, a secure, unclassified, web-based information-sharing platform. Additionally, ICE is designing investigator training for Mexican customs personnel, scheduled to begin in March 2010. This training is a strong step toward a closer relationship and better information exchange, and will continue as more users on both sides of the border are added. Finally, working with DOJ, ICE sponsored five human trafficking trainings in the past 18 months that included PGR, Mexican state law enforcement, and other GoM participants.

Conclusion

Combating violence and other criminal activity at the southwest border remains an enormous priority for the Department. It is also a momentous challenge because organized crime along our shared border exploits what is otherwise a very productive relationship with Mexico that relies upon cross-border commerce, finance, and travel. As I have discussed, we have taken important steps to improve security along the border. We are beginning to see real benefits from our efforts, and we will continue our collaborative initiatives. I assure you that ICE will continue to utilize its broad jurisdiction to forge strategic partnerships with our fellow law enforcement agencies, here and abroad.

I thank the Subcommittee for its continued support of ICE and our border security mission. Your support is vital to the work of ICE. Moreover, your continued interest and oversight of our actions is important to the men and women at ICE, who work each day to ensure the safety and security of the United States. I would be pleased to answer any questions you may have at this time.

BIOGRAPHY OF JOHN MORTON
ASSISTANT SECRETARY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

John Morton is the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement (ICE). He leads the principal investigative component of the Department of Homeland Security and the second largest investigative agency in the federal government, with more than 19,000 employees and an annual budget of more than $5 billion.

Mr. Morton came to ICE with an extensive background in federal law enforcement and immigration law and policy. Mr. Morton, who began his federal service in 1994, has held a variety of positions within the Department of Justice, including as a trial attorney and special assistant to the general counsel in the former Immigration and Naturalization Service and as counsel to the deputy attorney general.

From 1999 to 2006, Mr. Morton prosecuted criminal cases as an Assistant United States Attorney in the Eastern District of Virginia, first in the Major Crimes Unit and later in the Terrorism and National Security Unit. From 2006 to mid-2009, Mr. Morton served in the Criminal Division of the Department of Justice, first as the Acting Chief of the Domestic Security Section and then as the Acting Deputy Assistant Attorney General.

Mr. Morton is a graduate of the University of Virginia School of Law.

U.S.-MEXICO PARTNERSHIP TO COMBAT CARTELS

Mr. PRICE. I thank you, Mr. Morton, for those supportive words, and also for your statement.

We are ready to begin questions. I will turn first to you, Ms. Silver, given your direct responsibilities for the Mexico relationship.

We know the Government of Mexico is focusing more than ever on fighting the cartels. The current level of cooperation and coordination between the Mexican and U.S. Governments is probably unprecedented. There are several reasons for these changes: the courage and leadership of President Calderon; I think President Obama's emphasis on the U.S. responsibilities in this fight, specifically the U.S. market for drugs, and the U.S. as a source of cartel guns and money; and, of course, the support our country has provided through the Merida Initiative also bears considerable responsibility.

We do seem to face an historic opportunity, but also of course, monumental challenges; and I think also, concerns about how long this commitment will last and how institutionalized it has become or can become. Are we racing against the clock to establish a viable and sustainable international partnership to combat these cartel organizations? What are the remaining challenges to achieving that effective lasting system—a lasting system, not tied to single personalities—to disrupt cartels in Mexico and a sustainable operational partnership with Mexico?

Ms. SILVER. Mr. Chairman, thank you for the question.

You raise a very important point. We are in a moment of unprecedented cooperation. We have a huge opportunity to face this enormous challenge. Now is a key time—you asked for the timeline—now is a key moment in our cooperation. We have a real window here, and I hope that we can embrace it. That is part of the reason why the Secretary, the gentleman to my left and I have all spent a good deal of time working with our Government of Mexico counterparts—us traveling down there and them coming up here.

In addition to that, you mentioned Merida, which, although managed by the Department of State, DHS is a robust participant in. We are working, through Merida, and various other mechanisms, on training. I think coming up with a comprehensive training strategy is a big piece of what we we need to do to institutionalize the work that we have already underway.

SAFE EFFECTIVE DEPLOYMENT OF CBP AGENTS

Mr. PRICE. Thank you. I am sure we will elaborate further on the points you raised in the course of the hearing. But for now I want to turn to you, Commissioner Ahern, and just note that since our last hearing CBP has lost a Border Patrol agent to cartel gunmen. Your agency is encountering more desperate, more politically violent smuggling attempts. Agents are regularly attacked, occasionally injured by rocks and other projectiles, just in the course of a day's work. They patrol the border with Mine Resistant Ambush Protected Vehicles, as well as other vehicles modified with protective shielding against bullets and explosives as well as projectiles.

Of course CBP's increased presence along the border makes it a bigger target for the smugglers, with over 17,000 agents on the

southwest border, over 630 miles of completed pedestrian and vehicle fencing, and additional officers and more robust outbound inspection and enforcement capability resources from our fiscal 2009 supplemental appropriations and reprogramming. So all this is, of course, much more muscular, much more visible.

Can you say with confidence that this more muscular profile is having a deterrent effect on the cartels?

And then, just beyond that, your testimony identifies two elements to ensure that agents can be safe and effective in this hostile environment between the ports of entry, which surely applies to those ports as well. These elements were situational awareness for optimal deployment, and the capability to act in a lawful manner when and where required. So it does lead me to probe a bit on those two points. Does CBP have the situational awareness or the intelligence that it needs to deploy its agents and its officers most effectively? What kind of headway have we made in that regard? And could improvements be made in organization or tactics to reduce the burden of constant vigilance that your agents face?

Mr. AHERN. Let me take the last part first. Certainly, there is more we can do to increase our vigilance. We constantly are striving to improve, and I think we owe that to this committee but also the American people that we serve.

I had the unfortunate opportunity to attend Agent Rosa's funeral and have a conversation with the family to ask these very questions. What more can we do to protect our frontline personnel? And certainly what we have been doing has been with the support of this committee.

If you take a look at providing the tactical infrastructure that we now have in place, this actually diminishes the capability for some of the violent attacks where we have actually lost other agents due to run-overs, being run over by vehicles that could drive through our borders. That infrastructure is an improvement. Having the ability to give situational awareness is not just through intelligence or officer awareness or agent awareness, it is also the ability to take a look and perceive what is coming at us through the deployment of more than 40 mobile surveillance systems and the deployment of the tower capabilities to be able to see what is coming at us and to be able to make a determination to classify whether that is a threat or not. That gives situational awareness to our personnel, which is critical as we go forward.

So we need to continue to move forward, not just wait for the full SBInet package but also to deploy the remote video surveillance systems, the mobile surveillance systems, other capabilities, sensors, and our unmanned aerial vehicles (UAVs) overhead to fly and see what actually is coming at our forces. Then to be able to deploy Blackhawks to the areas with support teams to help the individuals on the ground. Those are some of the things we need to be continuing to grow that capacity as we go forward.

Mr. PRICE. Thank you.

Mr. Rogers.

SPILLOVER VIOLENCE

Mr. ROGERS. Thank you, Mr. Chairman.

Ms. Silver, I was interested in your statement to the effect that we have not seen spillover violence in the U.S. I want to know your feelings about this, because the Department of Justice's Project Coronado in late October arrested 1,200 people associated with the Mexican drug trade across 19 States in the U.S. That followed a similar large operation in February where we saw 755 cartel members across the U.S. arrested, taking hostages in places like Atlanta and Birmingham and most any city in the U.S. What do you say about that?

Ms. SILVER. Thank you for the question.

With regard to spillover violence, it is important that we look at the whole life cycle of the drug trade, that we look at the networks, that we look at the relationship, as I said, between what happens at the border and what happens in Mexico and what happens in the interior. Spillover violence is a specific definition that we use in an operational context. We need to have these fine-grained differences in definition in order to be able to apply the right responses to specific threats.

I would add also, as I mentioned in my testimony, that San Diego and El Paso and some of our border communities are among the safest cities in America. Now, this doesn't mean that there aren't challenges and that there isn't criminal activity, but it does mean that our border communities are incredibly robust, and the work that we are doing on the border is worth noting in terms of stemming the violence and preventing any violence from actually spilling over.

Mr. ROGERS. Well, there were staff down there last week in conversations with law enforcement and State Department officials on the border and in Mexico. It was clear that the cartels are still moving their narcotics, operating with near impunity across that border and moving those drugs along the supply routes to most major U.S. cities, and consequently to the countryside. And whether you're talking about spillover violence immediately on the border or in Birmingham, it is still spillover violence and it is not being controlled.

And according to the conversations last week, the cartels are operating with near impunity in that respect. So how can you say that there is no spillover violence?

Ms. SILVER. As I mentioned, spillover violence is a specific definition that we use in an operational context.

But to your point about the fact that the networks are within the interior and that we do need to look at enforcement actions and investigative actions, not just at the border itself, but also in the interior, absolutely.

LACK OF TRUST WITH MEXICO STILL EXISTS

Mr. ROGERS. Do you know what the expression in Spanish "oplata o ploma" means?

Ms. SILVER. Yes, sir.

Mr. ROGERS. Tell us.

Ms. SILVER. It means silver or lead.

Mr. ROGERS. Silver or lead. What does that mean, in context?

Ms. SILVER. I assume you weren't just looking for a literal translation. Essentially it is a phrase that people use related to how the

cartels function. And it implies that you either pay or you are killed.

Mr. ROGERS. You must choose between a bribe or assassination, silver or lead, right? And that is the code words throughout Mexico, certainly even in Cancun, the supposed haven or sanctuary that the cartels in the past have sort of steered clear of because they didn't want to bother or impede the tourism trade that brings lots of money into Mexico.

And yet there, with the assistance, apparently, of the chief of police, we saw the absolute tortured murder of Brigadier General Enrique Tello, high-ranking counterdrug official, in early February. I am told that his wrists, elbows and knees were all broken before he was murdered.

Is the effort in Mexico by the Calderon administration and our Merida Initiative having an effect or not?

Ms. SILVER. Well, there is no question that the violence in many parts of Mexico—although not throughout Mexico but in many specific parts of Mexico—is extreme. The story you just related is one example of that.

We are working on an ongoing basis, as Assistant Secretary Morton mentioned, on vetted units. Part of the conversation that I was able to have when I was down in Mexico just yesterday and the day before was related to what is called "Control de confianza," which is Internal Affairs-related issues and thinking beyond just vetted units, but across them. How do we institutionalize the trust that we need in order to be successful?

Mr. PRICE. Thank you.

Mr. Rodriguez.

TRANSPORTING ILLEGAL IMMIGRANTS THROUGH TEXAS

Mr. RODRIGUEZ. Thank you very much for being here. And I want to thank you, Mr. Chairman, for holding this hearing on this issue and for conducting it as quickly as possible.

Let me quickly just ask you a question regarding the Border Patrol project that is taking individuals from Arizona through Texas and Presidio. You notified us in September— I want to thank you for that—and I know you notified the first responders. The only complaints we have gotten is that the local officials weren't notified.

But my understanding—and you let me know if I am not correct—that the efforts that are taking place is you are taking the illegals that are being caught or the aliens that are being caught in Arizona, and you are transporting them through Presidio to Ojinaga. And then my understanding is that the Mexican Government, or us, in conjunction with us, are providing bus tickets to Chihuahua and the interior.

My understanding also is that you have taken some 1,047 through there; that of that, only two that we know of have come back not necessarily through the Marfa sector, but two through Texas; the rest, about 8 percent recidivism; is that correct?

Mr. AHERN. Yes. Your numbers are pretty precise. It has been 1,047 illegal immigrants transported through Presidio through November 16 of this year when we actually started to tally the num-

bers for this hearing. Of the 1,047, 84 have actually been reapprehended coming back across the border.

Interestingly enough, of the reapprehensions, 72 were in Tucson so (they made their way back on an average of 6 days before the reapprehensions occurred) in El Centro, 3 in San Diego, 1 in Laredo, 1 in Rio Grande Valley and 1 in Nogales.

Mr. RODRIGUEZ. And none of them through my district?

Mr. AHERN. That's correct, sir.

Mr. RODRIGUEZ. Okay. My understanding is also that they are put on a bus, and they are just basically taken through there. Because I know the Governor is concerned and has made some comments on this, I just want to get some clarification. How long do you foresee having this program in effect?

Mr. AHERN. We are looking to continue this program because it has been very successful. We received a letter from the Governor, and we will be responding appropriately with some of this information we just talked about today.

Mr. RODRIGUEZ. And is it my understanding that one of the reasons you are doing this is because the smugglers, "los coyotes," basically get paid to try to pass them three times. By sending them across, they won't be able to get back to the smugglers?

Mr. AHERN. There is a variety of different arrangements that are with the smuggling organizations. But certainly not putting them back at the starting line, if you will, we do think is an effective strategy and actually reduces the recidivism rate.

Mr. RODRIGUEZ. Has the Marfa sector in my area—are any other areas besides the two that are mentioned in Texas, not in my area, that have gone through there?

Mr. AHERN. No. The only ones I show here in Texas are the one in Laredo and one in Rio Grande Valley. That is the two.

Mr. RODRIGUEZ. Do we know for a fact that the Mexicans on the other side are providing their bus trips into Chihuahua?

Mr. AHERN. We have no reason to believe that has occurred because we actually are there when we make the transfer across the border to Mexican officials.

CORRELATION BETWEEN INFLUX OF LEGAL MEXICAN NATIONALS AND CRIME

Mr. RODRIGUEZ. Okay.

Ms. Silver, you mentioned that there is crime on crime; I guess Mafia killing each other or messing with each other. Can you explain—and maybe Mr. Morton might comment—we have seen a huge influx—and I don't know the numbers, so I apologize, but I don't think I'm exaggerating in terms of Mexican nationals legally coming into the border—Juarez, San Antonio, the Valley, all over, legally.

Do we have something to attribute that to besides the economy if there is crime on crime? Because I would presume that these are people not engaged in crime.

Ms. SILVER. Congressman, I would have to look at the numbers to confirm any kind of possible correlation.

Mr. RODRIGUEZ. Can I ask for you to maybe really do a study? And I hope I am not exaggerating, but there is a huge number of

Mexican nationals, people that have the capabilities of moving across.

And at what point I would ask, also—I would presume they have a significant responsibility to making sure Mexico survives and Mexico goes in the right track. Are they abandoning Mexico? Are we getting the support from those individuals, those billionaires on the other side?

Ms. SILVER. I can't speak specifically to the billionaires, but we certainly would be happy to get you more information about whether there is any correlation to the extent that we have it.

Mr. RODRIGUEZ. Because I know the Minority and the Chairman wants to do whatever we can to make something happen, but they also need to take responsibility in Mexico. Thank you.

DRUG CARTELS

Mr. PRICE. Mr. Calvert.

Mr. CALVERT. Thank you, Mr. Chairman.

This is regarding meth. The success of the Merida Initiative, and the United States-Mexican cooperation in general, would be a hinge in the ability for both nations to address the serious erosion of national security, public order, and the quality of life, not only in the United States but in Mexico, that is caused by the trade and consumption of illicit drugs.

I am the founder and co-chair of the Congressional Caucus to Fight and Control Methamphetamine. About 15 or 20 years ago in California—unfortunately in parts of my district—was Ground Zero for methamphetamine manufacturing, and then turned into a major trafficking corridor up the 5 Freeway, up through north, and then proceeded throughout the rest of the Nation.

With the national restrictions on pseudoephedrine put in law in 2006, we have seen home-grown labs decrease—at least up until now. The emergence of Mexican cartels running super-labs south of the border, and trafficking, has been up to 80 to 90 percent of the meth that is now distributed inside the United States.

When I heard, Ms. Silver, your testimony on cross-violence not being a problem, or less of a problem, I am kind of shocked; because we see every day in Los Angeles and San Diego significant violence associated with the drug traffic. As a matter of fact, I was very pleased that the efforts of DHS and DEA and the other partner agencies are making the strike against the La Familia drug cartel which was announced last month. A significant part of that was in the inland empires of southern California; as you know, one of the most violent drug trafficking cartels responsible for the vast majority of meth crossing into the borders. And I want to commend the men and women on both sides who took an important action during that 44-month investigation, and I hope their efforts are sustained.

The question that I have is: Do we know if the La Familia cartel is rebuilding in the wake of that large bust, or are we seeing another cartel fill the void left by the methamphetamine drug trade?

And the follow-up question is: How are the U.S. and Mexican Governments using any intelligence captured from this operation to make sure our efforts are not in vain?

Ms. SILVER. Congressman, first, I just want to be clear. The distinction that I was making in terms of discussing the violence is not to say that criminal violence doesn't exist. Put that aside for a moment.

In terms of the La Familia actions and the outcomes from that, I think that probably would better fit in a classified situation, but we would be happy to brief you on that.

Mr. MORTON. Let me add just a little bit to that. From the DHS perspective, ICE was the participant in the operation. I think what we can say is many lessons were learned from that. I think you will see similar efforts at collaboration in the future.

I don't think the cartel in question is out of business. It is a pretty resilient operation, but it took a pretty hard blow. And I think you will see that effort is going to be sustained. Take it from me as the DHS participant in that, it will be. That basic model of trying to focus the full weight of the Federal Government on a particular cartel is, I think, a winning one and one that we will continue to pursue.

From our perspective at ICE, and working with CBP, it is moving to a more sophisticated strategy in which we are not only bringing the criminal investigative and punitive powers of the prosecution system to bear, but also the fairly robust civil authorities that the Department of Homeland Security has—namely in the form of CBP and ICE—to detain and remove gang members and other individuals who are associated or related with those families and drug trade. But again, we may not actually have a criminal case in this country.

BORDER STILL NOT SECURE

Mr. CALVERT. One point I want to make is every day there seems to be something that I read in the local newspapers about violence in Los Angeles, especially in Southern California, certainly throughout the southwest United States: murders, kidnappings, arrests, especially Phoenix. Now we have pushed that border problem down, it seems, into Phoenix.

But the point I want to make, I think based upon public reports, I think there has been, what, 25,000 deaths in Mexico related to the drug trade in the last, say, 3 or 4 years, and I don't know how many deaths in the United States because of the drug trade, that is attributable to that. It is a significant problem, not to mention the number of people that are being hooked on methamphetamine, the social problems, the cultural problems that are associated with that, the problems we have with our law enforcement throughout the United States today because of this drug.

I think that this border has not been fixed yet. I don't think anyone here would say that it has been fixed yet. We are still getting a significant amount of methamphetamine across this border, not to mention the human trafficking that goes along with it.

So I have a couple of follow-up questions, if we have any further questions, Mr. Chairman.

Mr. PRICE. Thank you, Mr. Calvert.

Mrs. Lowey.

ORIGIN OF WEAPONS IN MEXICO

Mrs. LOWEY. Thank you very much, Mr. Chairman.

Earlier this week, former CBP Commissioner Bonner argued that the U.S. should aggressively investigate U.S. gun sellers and reinstate the assault weapon ban to better secure the southwest border. While I happen to question why he did not publicly fight to make these changes during his tenure as commissioner, I commend him for speaking out on this commonsense issue.

We certainly cannot allow loopholes to be the means for Mexican drug cartels to operate. I understand that firearm laws are largely under the purview of the Department of Justice, but tens of thousands of DHS personnel risk their lives to protect the border.

Assistant Secretary Morton, Commissioner Ahern, would reinstating the assault weapons ban better enable your agencies to combat drug cartels?

Mr. AHERN. I think we will go in the order since I served under Commissioner Bonner and had the pleasure to do so. I did not have an opportunity to see what was the rationale behind Judge Bonner's position on that. And it would be reckless for me to try to speculate what his thinking was on that. But I think on the flow of any type of illicit asset, there needs to be control, there needs to be more than just the enforcement control. So is there a need for some regulatory oversight? I think that needs to be studied very thoughtfully. I know it is a very visceral issue in this country.

Certainly nobody wants to promote or facilitate the flow of weapons across the border into Mexico. I think one point we need to study is—and I think we talked about this back in the springtime—an often-used statistic that I don't believe is completely accurate because I don't think it has been fully talked about: 95 percent of the weapons that are found in Mexico originate in the United States. I think that if the full statement is articulated, it would say 95 percent of the weapons that are recovered and entered into the weapons tracing database can be traced back into the United States. But that may not account for the whole universe of weapons that make their way to Mexico. So I think we need to study the issue in its total before we make——

Mrs. LOWEY. Where are you suggesting the ones that aren't registered are coming from? Someplace else?

Mr. AHERN. I think there is an opportunity to discuss that in greater detail, after you take a look at what may be coming through the south of Mexico, up through Central America, or even coming in through the maritime ports from other countries potentially and Asia.

Mrs. LOWEY. Well, yes, I would love to hear from Mr. Morton.

Mr. MORTON. I think there are weapons going into Mexico from places other than the United States—there is no question about it—and along the southern border in particular. Mexico's southern border is a strong concern of the Mexicans, and something that we are actually working with them on with ATF and ICE.

But, you know, I do think it is critical that, aside from the domestic issues concerning weapons here in the United States, we at CBP and ICE work with ATF and the Mexicans to stem the flow of illegal weapons to Mexico. There is no question that the flow of

illegal weapons is something negative that fuels the problems we face from the cartels. And it is something that I personally am paying a great deal of attention to.

The Acting Director of the ATF, Ken Melson, and I are longtime colleagues, and we were prosecutors together. And he and I meet regularly on this not only to sort of address some of the institutional differences between our two agencies, but to try to come up with a rational and aggressive plan with the Mexicans.

AMEND FEDERAL GUN LAWS

Mrs. LOWEY. Let me just clarify the record. According to GAO, 87 percent of firearms seized by Mexican authorities and traced in the last 5 years originated in the United States, and 68 percent of those weapons were manufactured in the United States. And officials identified three key challenges with Federal gun laws: First of all, restrictions on collecting and reporting information; a lack of required background checks for private sales; limitations on reporting requirements for multiple sales.

So frankly, it is an outrage, in my judgment, that our gun laws hinder the ability of Federal agencies to protect the public. So I just wonder, I would like your judgment, would amending Federal gun laws to allow Federal agencies to better collect information on sales, which in no way inhibits law-abiding Americans to exercise their Second Amendment rights, reduce the level of violence along the southwest border?

Mr. AHERN. I would say first, again, the issue of studying amending gun laws needs to be fully and thoughtfully considered before a determination is made. And I think that I would be presupposing that discussion by offering my thoughts on it. I think with any enforcement strategy, you have to have a regulatory provision and enforcement provision and other sanctions.

But as far as reducing violence, we have not necessarily seen a lot of the weapons first moving across the border, even though we suppose that there probably is. We have actually had sustained efforts since this year in March. Even though we have seized close to $23 million in currency going out, we have seen probably less than 200 weapons that we have actually seized. Now, certainly every weapon we take out of the hands of people going into Mexico is a bonus, and also I should say it is illegal to transport firearms into Mexico. That is another sanction that the Government of Mexico has. But we need to thoughtfully consider the entire supply chain of the movement of weapons into Mexico.

Mrs. LOWEY. Let me just say, and I know my time is up, while we are thoughtfully considering it, people are dying. And my colleagues got so excited about your responses, they are all giving me additional information: 39 percent of the weapons seized came from Texas, 20 percent from California, 10 percent from Arizona. And my other colleague offers this information—I assume it is a good source—that grenades come from the South, machine guns and assault weapons come from unregulated gun shows in the United States.

So let me just say this. Many of us are very concerned. I was in Mexico several months ago. And I think the President is just working so hard trying to make a difference. I hope we are doing what-

ever we can to stop this violence, stop the loss of life, and that we don't just dance around this gun issue but do what is really essential.

Thank you, Mr. Chairman.

Mr. PRICE. Thank you.

Mr. Farr.

TACKLING SOUTHBOUND FLOW OF DRUGS

Mr. FARR. Thank you very much, Mr. Chairman.

I think that this last dialogue indicates how much the border is really two-sided, and that we seem to focus solely on one side, forgetting, one, that the demand for all that drugs that are coming into the United States is on our side of the border. Two, as was just indicated, an awful lot of the weapons that the cartels are buying are coming from the United States. And three, the money that is made from the sales of drugs are coming from the United States.

And I would hope, Mr. Chairman, perhaps in the next hearing on this border, I think it is a terrific hearing, I hope perhaps we could have some Mexican officials here indicating what they see as the concerns. Remember, they have another border that is just—even more problematic for them where their resources are, which is the Guatemalan border, and we don't give them any credit for what they do to stop all of those things from moving north by being able to stop in Guatemala. And I sense it is probably they can't give as much resources as we would like to the Mexican border.

I have a follow-up question on the guns, Ms. Silver, and perhaps for Mr. Morton, is what role does ICE play in reducing the southbound flow of weapons? Do you see as a central challenge—or what do you see as the central challenge to eliminating that illegal flow? And if you were given the authority and responsibility other than ATF, would you execute a program to eliminate this? How would you execute a program to eliminate the southbound flow?

Mr. MORTON. Well, I think the effort to tackle the southbound flow of weapons needs to occur on several levels. First and foremost, ATF and ICE in particular need to much better coordinate their efforts. And that is something that I have worked on a lot since I have become Assistant Secretary. And as you may know, we signed a new memorandum of understanding with ATF to try to respond to that exact question.

Second, we need to work very closely with CBP on outbound inspections, actually looking for weapons going south. We would provide the investigative support to what CBP is doing in the way of inspections and interdictions. And then, very importantly, we have to work very carefully and closely with our Mexican counterparts because as Commissioner Ahern noted, we are not seizing yet the level of guns that the Mexicans are discovering on their side of the border, and they are discovering some very significant caches.

And one of the things that I have worked on when I have been to Mexico the three times in the 6 months that I have been Assistant Secretary—I am going to go again here shortly—is to work with the Mexican military and with Secretaria de Seguridad Pública and the Procurador General de la República so that we can have a much closer relationship and more immediate access to the weapons caches that are seized and so that we can work hand in

glove with ATF to trace those weapons—a significant portion are going to be traced back—and we can investigate and prosecute those people either in the United States or in Mexico.

GIVING EQUIPMENT UNDER MERIDA PROJECT

Mr. FARR. I understand that our Merida project, we are supposed to be giving them a lot of equipment, technical equipment, and that equipment is not arriving, it is not getting there. Would that be helpful in this totality of——

Mr. MORTON. I will let Commissioner Ahern speak to the sort of technical equipment. I will say, under Merida for the trafficking, one of the key things, there is funding for a vetted unit that we at ICE are doing, and that is actually quite far along. And we have selected a number of the officers, and we have to go through the final polygraph training. And that is fully funded by Merida. And I am happy to see that Merida is doing that.

I am not aware of a lot of technical equipment focused on arms trafficking, but rather——

Mr. FARR. Not just arms trafficking.

Mr. MORTON. The helicopters and the inspection equipment.

DEPLOYMENT OF BESTS

Mr. FARR. The issue of the multiagency cooperation along the border, essentially we have 17 of the BEST locations. What is it going to take to deploy these along the entire southwest border?

Mr. MORTON. Well, we have 10 BESTs now on the southwest border. We are considering, as we speak, using the enhancements that were provided by this committee expansion at number of notable possibilities: Houston, San Antonio, other places along the border. We also obviously have the seaports and along the northern border.

Mr. FARR. So of your routes, the Pacifico route is probably the best staffed and up to gear, but what I understand, the Centro route, the Golfo route and the Chiapas route are not up to the sophistication of the Pacific route?

Mr. MORTON. Yeah. And we need to locate those additional places along our border that make the most sense for disrupting the flow but also to work closely—one of the key things about BEST is it is not only a domestic partnership. The Mexicans are actually assigning people to the BEST. We have five SSP officers. The Colombian National Police just assigned three. Mexican Customs just agreed to assign people. So we are moving to that. And part of that dialogue is going to be working with the Mexicans to get their perspective on just the question that you are raising about the flows, you know, where should we place a BEST to best——

Mr. FARR. Do you need additional resources to do that?

Mr. MORTON. I want to get through the enhancement that we just got, and then I think I would give you an answer once I have a good plan for you and we have spent that properly.

Mr. FARR. Thank you.

Mr. PRICE. Thank you.

Mr. Ruppersberger.

Mr. RUPPERSBERGER. The issue of resources are very important. And we have different programs that we work or we use, and one,

the Border Enforcement Security Task Force, that I think was created in 2006, and there are about 12 of them throughout the country.

I think the strike force concept works a lot. If you look at our JIATF, really run, I guess, by the FBI, but it is every agency, ICE, and I mean every one, and that strike force concept is a team concept.

Now, I understand there was a conference just recently in San Diego about really how is BEST doing, how is it operating, what do we need to do. Can you tell me what came out of that conference? And then I want to get into what BEST is doing, what resources they need, and whether you think it is working on the border. It is to all three of you, because you all can answer.

Mr. MORTON. Yes, sir. First of all, I agree with your basic premise on the task forces, and the concept of BEST is exactly that along the border and focuses specifically on cross-border crime by organized criminal syndicates. And you are absolutely right about the Joint Interagency Task Force South (JIATF). And ICE is the second largest contributor to the JIATF behind only the FBI itself.

Mr. RUPPERSBERGER. You also have State and local, the whole thing.

Mr. MORTON. The whole thing.

Mr. RUPPERSBERGER. And also intelligence gathering and analysts, too.

Mr. MORTON. And the BEST model adopts exactly that approach. And we have State, local and, as I just mentioned, international partners—Canadians, Colombians—on our BEST. We have a total of 17: 10 along the southwest border, 3 along the northern border, 3 in seaports and, for the first time, 1 in Mexico City, funded by Merida. And the idea is to have something akin to the JIATF immediately on the border, focused with agents, Border Patrol agents, sheriffs, analysts, you know, all the people that we need to go and focus on the illicit movement of people, money, arms and drugs.

DEPLOYMENT OF BEST CONT.

Mr. AHERN. Let me add that I had the opportunity to go out and speak at the BEST Task Force conference in San Antonio this summer, and I will basically describe what I talked to the group about. And I think it describes the enforcement wheel, which I think you get the benefit of by having the BEST concept where you have the interagency components. It doesn't necessarily begin with an investigation or a piece of intelligence or interdiction; it could be any number of those things. But it needs to continue to lead into a full cycle of that enforcement wheel.

So we have been the direct beneficiaries of participating in the BEST Task Force to focus our interdiction efforts at the border, particularly southbound, for some of the money seizures but also for inbound drug seizures. That is the benefit of being intel- or investigative information-driven but also, as far as the ability to exploit the seizure or arrest that occurs at the borders, being able to hand it off to the BEST Task Force to take it from a Laredo, Texas, to an Oklahoma, which is one of the examples that occurred several months ago as well. So it gives you the full capability to exploit the

fullness of all the law enforcement assets that are collocated together.

BORDER FENCING

Mr. RUPPERSBERGER. Let me ask you this, too. This was a controversial issue that became political, the issue of the fence or wall on the border. If you look at Israel as an example, Israel had a significant decrease in terrorist attacks in their wall along the border. Now, I know you can't build a wall like the China wall, but from a resource point of view, from a law enforcement point of view, do you feel that the wall and the fence does work or does not work, and should we put more resources into that type of resource?

Mr. AHERN. We have 640 miles of tactical infrastructure fencing built along the southwest border, a combination of pedestrian fence and vehicle fence, depending on where the fencing is located. That has been a huge support for us. Even though we talked at the beginning of the hearing about the apprehensions going down 23 percent between the ports of entry, and some may argue that is because the economy is down in the United States, I would argue that a significant amount of that enforcement success has been a result of building that tactical infrastructure. Now we can control the flow a lot better than we did before.

I would also say that certainly the addition of assets and technology brings about additional capability as well. The tactical infrastructure cannot stand alone, though. And that is why we need to overlap it with technology to be able to see what is coming toward the infrastructure. Also, people, our assets, still need to be there, to be able to respond to it.

We see a significant result of success from the deployment of the fencing. And also, as far as we believe, because we have reduced the number of apprehensions for illegal entries between the ports of entry, that has been one of the reasons we have seen the surge in the effectiveness of our narcotic seizures between the ports of entry.

Mr. RUPPERSBERGER. Okay. Do I have any more time?

Mr. PRICE. Very little. Real quick.

Mr. RUPPERSBERGER. The resources of maybe the NSA and some of the things that we do in the Middle East, it seems to me if we put a small percentage what NSA does to support the warfighter, a lot of the information and intelligence that we get to identify the targets. Do you feel that if we could put more of an emphasis, including UAVs or overhead architecture, that we could do a lot more in the border protection against drugs or—more drugs, I guess, than any issue.

Mr. AHERN. I would say we could always use additional capability. Of the five UAVs we currently have deployed, four of them are on the southwest border, and one is up in the northwest Great Plains. And we have, I think, two more coming on delivery over the next several months. That is going to give us some capability. If you want to talk further about the intelligence capability or very specific details, we would be happy to have a further discussion about some of the issues.

Mr. RUPPERSBERGER. I want to thank you for your service. You did a great job.

Mr. PRICE. Thank you very much.
Mr. Culberson.

OPERATION STREAMLINE

Mr. CULBERSON. Thank you, Mr. Chairman.

I really appreciate all of you all being here. And I wanted to ask, if I could, Commissioner Ahern about specifically what we have seen in Texas work so well, Operation Streamline, that my good friend Ciro Rodriguez, Henry Cuellar, have worked with me with the support of this subcommittee.

I want to thank Mr. Rogers, our Chairman Mr. Price, and the committee members, which is enforcing existing law, straight-up common sense.

Actually, Dutch, you know, you need the wall in some places, but there is nothing better than a uniformed law enforcement officer using their good hearts and their good judgment and existing law to, as they do in Del Rio and the Laredo sector and in the Yuma sector, arrest everybody, with zero tolerance. And I say everybody, they are obviously not, you know, women and children, they are using good judgment.

But the program has been an immense success, hasn't it, sir? And if you could talk to us about it. And we are trying to get it expanded into the Rio Grande Valley next. If you could talk about the success of Streamline to the committee and getting it rolled out as soon as possible into the Rio Grande Valley.

Mr. AHERN. Right. And thank you for allowing me the time to pull some numbers so I can give you some specific answers here.

Certainly when you take a look at basically having a zero-tolerance approach to violations, that becomes a significant consequence to smuggling attempts, particularly by some of the individuals that may not have the largest of criminal intent to try to gain entry into the United States.

Mr. CULBERSON. And you have got the support of the local community.

Mr. AHERN. We have a tremendous amount of support from the local community because that is where a lot of this illegal activity occurs. But we have to be able to have a prosecution and potential incarceration as a consequence and as another deterrent for smuggling. So in the Del Rio sector, where it began, in the last fiscal year, we had more than 8,000 cases that were prosecuted through Operation Streamline. Yuma sector had 1,800. For the Laredo sector, we actually had more than 10,000, almost 11,000, 10,727 to be exact. We implemented Operation Streamline in the Rio Grande Valley toward the latter part of fiscal year 2009, and we got to 1,572. So we look forward to continued improvement going forward. Tucson sector had 14,404, and we are going to look to continue to expand it through El Paso and other locations where we don't have it.

DROP IN CRIME RATE

Mr. CULBERSON. In particular, I wanted you to bring to the committee's attention, if you would, sir, confirm the drop in the crime rate overall. In the Del Rio and Laredo sector, the numbers we have from the Border Patrol is we have seen—and from the sheriff

there locally—a 76 percent drop in the crime rate, Members. In the Del Rio area, Ciro, illegal crossings have dropped by 52 percent. And you have also seen a huge drop in the crime rate in Laredo as well. Isn't that right?

Mr. AHERN. Those would be accurate.

Mr. CULBERSON. So the local community really supports this, Mr. Chairman. And I would certainly recommend it to the committee as an initiative that we need to continue to support. It is a straightforward, commonsense way to deal with this terrible problem. And that is just uniformed—in addition may be a wall in some areas, but the best wall is a wall of uniformed law enforcement officers using their good hearts and their good judgment to enforce existing law. Is that an accurate statement?

Mr. AHERN. That is. And I would just add that there is no initiative without its challenges as well, but certainly having limited capacity with prosecutors has to be examined at all levels, and certainly as far as the capability to house some of these individuals to serve their sentences.

THRESHOLDS FOR DETERMINING PROSECUTION

Mr. CULBERSON. And in the limited time that I have got, I want to mention also, apparently, Mr. Chairman, also in the Tucson sector they are still releasing everybody. As far as I know, they haven't changed the policy. But if you are captured by the Border Patrol with less than 500 pounds of dope in the Tucson sector, you have a good chance of being at home in time for dinner, and you will not be prosecuted. It is bizarre. But they turn everybody loose in Tucson. I have been there, and it is amazing. They turn almost everybody loose in Tucson and arrest almost everybody in Del Rio and Laredo. The crime rate drops in Texas, and in Tucson it is like a superhighway. Reasonably accurate?

Mr. AHERN. That is very accurate. Under the previous U.S. attorney that was in the Tucson area, there was that 500-pound threshold.

Mr. CULBERSON. Have we changed that, I hope?

Mr. AHERN. There has been a new U.S. attorney assigned, and we look forward to perhaps revisiting some of those thresholds. We have had a lot of dialogue about it, and we are very optimistic.

Mr. MORTON. If I could add to that, Mr. Congressman, there has been a change there. There is a new U.S. attorney, Dennis Burke, who has a different view of this matter. I think you will find that the thresholds are going to come way down. In the pilot project at Nogales that I mentioned in my oral testimony, we are trying to avoid the very situation that you described, and the Mexican authorities are willing to prosecute some of them as well.

Mr. CULBERSON. Thank you.

TERRORISTS APPREHENDED BY BORDER PATROL

Last question. Who are the three terrorists the GAO said that Border Patrol apprehended? On page 18 of the GAO's report in August on the Border Patrol, it says that CBP, Border Patrol reported in fiscal year 2008 there were three individuals encountered by Border Patrol at southwest border checkpoints identified as per-

sons linked to terrorism. Who were they, and what terrorist organizations were they linked to?

Mr. AHERN. I would be happy to provide the detail outside of the open hearing.

Mr. CULBERSON. Okay. Thank you.

Mr. PRICE. Thank you.

[The information follows:]

Rep. Culberson—Please provide the names and organization links of the terrorists CBP apprehended in FY 2008 and identified in a 2008 GAO report.

Response: The three individuals encountered in 2008 (not apprehended) were at the time listed in the Terrorist Screening Database (TSDB). Two of those individuals are no longer watch-listed. The third individual has historical links to the Irish Republican Army. Additional information on this individual is classified and may be shared with the Committee separately.

Mr. PRICE. Mr. Mollohan.

BUDGET COORDINATION WITH JUSTICE DEPARTMENT

Mr. MOLLOHAN. Thank you, Mr. Chairman.

Gentlemen, welcome to the hearing. As your respective testimonies reflect, the additional resources directed towards ICE and CBP programs have significantly improved the crime-fighting effectiveness along the southwest border. I want to congratulate you for that. The increased effectiveness is indicated by increased arrests, captures, prosecutions, and imprisonment. Those successes result in an increased workload on Justice Department agencies. Thus, I am wondering is the Department of Homeland Security working with the DOJ to coordinate budget requests?

Mr. MORTON. You are exactly right. There is a direct correlation between the increase in resources and the increase of work at ICE and CBP for the work of the Department of Justice. And it is not just in a criminal context, it is very much in the civil context, too, because all of the administrative removal hearings are conducted by the Department of Justice through the Attorney General's authority. So the short answer to your question, sir, is yes.

We actually had our first conference about 2 months into my tenure as Assistant Secretary where we invited the Executive Office for Immigration Review to look at exactly this issue and how we can go forward in a way that is coordinated and thoughtful, and we don't just increase one place without providing for either immigration judges or, as the commissioner mentioned, you know, additional Bureau of Prisons space, additional marshals resources.

Mr. MOLLOHAN. You are describing the problem. I am interested in the solution and what your agencies are doing to solve that problem, because there have been concerns expressed regarding the lack of coordination between ICE and DOJ.

Mr. MORTON. The solution is just as you suggest; it is coordination where we haven't in the past.

Mr. MOLLOHAN. Are you doing it?

Mr. MORTON. It is ongoing, and I am personally involved in it.

Mr. MOLLOHAN. Give me some specifics on that. Who is interfacing with whom, and at what levels, and what progress are you making?

Mr. MORTON. My staff is directly interfacing with the Executive Office for Immigration Review on the civil side. And I have been

meeting with the Assistant Attorney General for the Criminal Division on the criminal side and have been putting the issue squarely on the table. And there is a recognition that we need to start doing this thoughtfully. And I think you will see as we go forward, at least on my end, you know, where there is such a direct correlation between an increase in ICE resources, that I will be pushing this myself.

I come from the Department of Justice. I was a Federal prosecutor my entire career before becoming the Assistant Secretary.

Mr. MOLLOHAN. So you understand how it backs up.

Mr. MORTON. I do indeed.

Mr. MOLLOHAN. So those discussions are ongoing. And is the information that is exchanged going to be reflected in the 2011 request from the respective agencies?

Mr. MORTON. I can't speak to that right now. You know, why don't I take that back as one of the things that we can——

Mr. MOLLOHAN. Get that for the record. That would be great.

Mr. MORTON [continuing]. And see where we are.

[The information follows:]

Rep. Mollohan—How does/can ICE coordinate future budget requests with DOJ when it comes to SWB enforcement?

Response: ICE management coordinates with DOJ from both civil and criminal perspectives. Regarding civil enforcement, ICE provided DOJ's Executive Office for Immigration Review (EOIR) with projections of increased criminal alien cases resulting from new ICE initiatives, which EOIR was able to use as part of its fiscal year 2010 budget proposals for an increase in the number of immigration judges. In summer 2009, ICE Assistant Secretary John Morton met with EOIR to discuss the impact of SWB enforcement. ICE is already taking steps to coordinate its future forecasts of workflow with EOIR. Specifically, the Secure Communities program is establishing an Internal Working Group (IWG) encompassing the entire life cycle from the 'Notice to Appear' stage to the 'Final Order' stage. The IWG will monitor and provide interagency coordination for the following initiatives:

- Optimization of Alternatives to Detention (ATD)
- Use of Stipulated Removals and Deferred Enforcement
- Alignment of Funding Between DOJ and DHS
- Collaboration between USCIS and EOIR
- Efforts to Enhance EOIR Docket Efficiency

The IWG will review goals and objectives related to each initiative cited above and ensure consensus in terms of roles and responsibilities, resolution and documentation of any issues, and collaborative decision-making and communication. An executive committee, consisting of prinicipals from DOJ, ICE and CIS will be convened as needed to facilitate approvals or achieve consensus.

The IWG is being established as a result of the interagency sessions held in July 2009. The IWG charter is currently being reviewed by the participating agencies with an expected 'stand-up' date of early 2010.

Regarding criminal enforcement, ICE's Assistant Secretary meets regularly with the Deputy Assistant Attorney General in-charge of the criminal division; ICE will continue to work with DOJ to ensure federal law enforcement priorities are aligned. ICE appreciates the benefits of coordinating enhancements between DHS and DOJ partners in a way that maximizes resources such as agents, assistant U.S. attorneys, and deputy U.S. marshals. For example, if ICE requests additional enforcement positions along the southwest border that will significantly increase the number of persons being charged criminally, DOJ should request resources necessary to support the increased workload.

Mr. MORTON. I will tell you it is a work in progress, but it is something that we are focused on.

CORRELATING BUDGET INCREASE TO SUCCESS

Mr. MOLLOHAN. It is really important. It would be very helpful to Congress as we consider these budgets to more accurately fund these various accounts.

Your agency is going to receive a significant increase in funding this year for your various southwest border activities as a consequence of those increases. In other words, if you get an increase can you project your agency's crime fighting statistics? Border Patrol apprehensions—will that result in a corresponding increase in arrests? Do you project statistics like that, which, if shared with other departments and agencies, could be very helpful in planning and implementing their efforts?

Mr. AHERN. We do, probably not to the level of precision that you prefer, and I think we do need to do a better job on some of our metrics as a whole. But we do have figures that we put together as we add more to the three components of our strategy: tactical infrastructure, fence; technology; and more personnel, the additional miles of operational control we gain over the border. So we do have a formula that we can provide in detail.

I think one of the other things, too, is we have to also acknowledge that success is not only measured in additional apprehensions or additional seizures. We should see that spike occur as we deploy and infuse the areas with more personnel. But once we gain that level of operational control, we should start to see those numbers diminishing. And often that looks as though you are not doing as good because the apprehensions are down 23 percent, as they were this past fiscal year. So we need to make sure that we are looking again at the fullness of the argument to make sure we recognize as far as investment of resources, particularly in our world it is not necessarily about catching more bad people——

Mr. MOLLOHAN. No, no, I know that. I am just really interested if there is a correlation between the amount of money. And I guess we are talking about short term here, because we are talking about the next fiscal year.

Mr. AHERN. Absolutely.

Mr. MOLLOHAN. Do you anticipate an increase, and can you quantify it based on the increase in the amount of appropriations that you are currently getting? That is kind of the calculation that I would be looking for.

Mr. AHERN. We will provide that. Again, it probably would not be to the level of detail to your satisfaction, but those are some of the things we have to consider——

[The information follows:]

Rep. Mollohan—What is the formula used by CBP to determine the level of funding needed to gain increased operational control of the border?

Response: While there is no formula to determine the level of funding needed to gain increased operational control of the border, the Operational Requirements Based Budget Process (ORBBP) provides a common mechanism for the sectors to identify sector requirements and formulate budgetary requests. Through the ORBBP process, sector Chief Patrol Agents and their subject matter experts analyze threats, risks, and vulnerabilities (TRV) and evaluate the various resources to best address these TRV. The proper mix of resources and budgetary requirements needed to achieve operational control of an area are documented in sector operational plans. These requirements are then transmitted electronically to Border Patrol headquarters where they and validated and prioritized for available funding.

Mr. MOLLOHAN. You can make judgments about it.

Mr. AHERN. Yes, sir.

Mr. MOLLOHAN. I ask that it will be to the level of detail that you can do it. That is all anybody can ask.

Mr. Chairman, am I out of time?

Mr. PRICE. You are.

Mr. MOLLOHAN. All right.

Mr. PRICE. Thank you very much.

Ms. Roybal-Allard.

COORDINATION WITH LAW ENFORCEMENT AGENCIES

Ms. ROYBAL-ALLARD. I want to go back just a little bit to the issue that was raised by Ms. Lowey, and just for the record cite that the statistics that she was reading in terms of where guns were seized in Mexico, actually where they are purchased—Texas, 39 percent; California, 20 percent; Arizona, 10 percent—actually came from a GAO analysis of ATF data. And in that same GAO report, some of the things that they highlighted was—with regards to the problems with stopping the flow of guns, was that efforts have been undermined by poor working relationships between ICE and the Bureau of Alcohol, Tobacco, and Firearms. And the report also states that the two agencies do not consistently and effectively coordinate their efforts. They lack clear roles and responsibilities. Failure to communicate has resulted in duplicate initiatives and confusion during anti-gun-smuggling operations.

And I think to some degree you have answered some of the concerns that have been raised here, but my question is the issue of what is happening in Mexico and our part in the United States to assist Mexico, this is something that is not new. I mean, this is something that just didn't happen 6 months ago or a year ago. It has been quite a while. Why is it that it either takes a GAO report to make in this case DHS and others do what they are supposed to do in the first place? What takes so long, particularly since it jeopardizes—the lack of doing so jeopardizes the very mission that you all, you know, have to fulfill?

Mr. MORTON. I don't have a great answer to your question other than to say my entire career has been in Federal law enforcement, and unfortunately, turf rivalries are part of the beast. And I take a dim view of them. I said that in my confirmation hearing. I take a very dim view of turf rivalries. That frustrated me as a prosecutor. And all I can say is in the 6 months that I have been the Assistant Secretary, I have taken fairly aggressive efforts to reduce those rivalries as much as I can. The first thing I did was to sign a new Memorandum of Understanding with Michelle Leonhart, who is the acting head of the Drug Enforcement Administration, and a second one with Alcohol, Tobacco and Firearms. And I was very cognizant of the General Accounting Office report that you just referred to.

And I will tell you it is a work in progress. These are big institutions. They have long histories. They have strong institutional interests. But I find that if you have people of goodwill at the top who are willing to try to make a difference, they can. Plus things like this hearing, the focus on the challenge in Mexico, and the

knowledge that this isn't, you know, some passing concern, this is a serious concern, really bring us together.

We have to get this right, and so I am focused on it from ICE's perspective. And I have had a pretty good response, as you can see, from DEA and ATF.

Ms. ROYBAL-ALLARD. So are you basically saying, then, that the culture that exists, which over years I recognize has changed with various departments, and I recognize that there is an effort, but that within agencies the culture is agency first, U.S. second? I mean, given that report after report says that this lack of coordination, lack of cooperation is jeopardizing this, whether we are talking about homeland security issues, terrorists, in this case guns, we have been hearing this for 8 years. And I keep hearing it is a cultural—cultural thing. What will it take to get the agencies to recognize that the interests of the United States and the security of the United States takes priority over the interests of who gets credit for what within the agency?

That is somewhat rhetorical. You know, I don't expect that you are going to answer that, but it is very, very frustrating to have been on this committee since it started and keep hearing the same thing over and over and over again.

Mr. MORTON. Let me just say two quick things. One I understand your frustration. Two, I wouldn't say that anyone at the law enforcement agencies sets the United States second. I will say——

COORDINATION WITH LAW ENFORCEMENT AGENCIES CONT.

Ms. ROYBAL-ALLARD. No, maybe they need to start looking at that in practical terms, that is exactly what they are doing through these turf wars if it is jeopardizing, as we hear over and over again, the missions that you all have.

Mr. MORTON. The final thing I would say is, although I won't pretend to say that we are where you want us to be and we should be, a fair amount has, in fact, happened in the last 6 months. I am actually going to meet with the Deputy Attorney General David Ogden tomorrow, and we are talking about this exact issue, and again furthering the initial steps we have taken with DEA and the ATF. And here you have me at ICE, I am personally committed to doing this.

So I would say stay tuned, stay on top of me, ask me questions, write me letters. I am going to be focused on it, and I hope that next time you ask me this question, you feel better about asking it.

Ms. ROYBAL-ALLARD. Let me just raise one more issue, just, please, Mr. Chairman.

Eight years after now interoperable communications remains a serious concern across DHS and border security. Again, there is no exception. Secretary Napolitano's Southwest Border Task Force reported that local, State, and Federal authorities operating in the region often struggle to communicate effectively. Again, it jeopardizes efforts, et cetera, et cetera.

I am being told I am out of time.

Again, we are dealing with the same thing. We talked about operability 8 years ago, and here we are again. It is still a problem,

this same issue. And I will submit this for the record so that you can then respond.

Mr. PRICE. Why don't we permit a very quick response, and then you can elaborate for the record.

Mr. AHERN. I think clearly there has been substantial gains in a lot of the interagency cooperation. I think certainly as the new Secretary arrived on January 20th of this year, there was a renewed focus, particularly a lot of engagement with the state and local efforts. I know that we are renewing a lot of our pledges to work cooperatively. And one of the things that I would offer, too, that again I am concluding my 33rd year in government, and there is often stress that occurs between highly competitive organizations. Competition is not necessarily a bad thing. From my experience, again, as one who actually is involved with the interdiction side, we do look forward to receiving a lot of the benefits of investigative or intelligence information, but we also want to make sure that it is done thoughtfully. And ICE, as our investigative arm, is our closest partner, and we look forward to building on a relationship we have had for decades.

It was stated at the beginning here that smuggling going back to Alexander Hamilton started in 1789, when the first Customs Service was created, and a year later the Coast Guard was brought about. So there has always been organizational challenges, and I would not submit that those are necessarily all bad. They often get characterized poorly in reports, but I can tell you from my experience that the system of government and agency constructs we have work pretty effectively. There are ways that we need to continue to improve, and I think we all should be very committed to doing so.

OASIS PROGRAM

Mr. PRICE. Thank you.

Let me turn to a matter a couple of you mentioned briefly in your oral statements, and that is the efforts that have gone on in the past 4 years or so to prosecute a certain amount of cases in Mexico of criminals captured in the U.S. Mexico and U.S. jointly initiated the OASIS program, the Operation Against Smugglers Initiative on Safety and Security. I am not sure who came up with that acronym, but that program was launched some time ago. And the idea was to accept Mexicans—for Mexico to accept Mexicans captured in the U.S. for prosecution in Mexico, provided they were charged with crimes against Mexicans.

I would be interested in your assessment, your brief assessment here, and maybe you can elaborate for the record in how that program has worked and what kind of leverage it has really given us, and whether there is some prospect or any consideration of expanding it to address non-Mexicans, to address dual nationals. What kind of leverage does this give us? Are there drawbacks? But we are looking for more prosecutorial resources, obviously, here against the cartels, and we would be interested in your assessment of this particular item in our arsenal.

Mr. AHERN. Great. Just a couple of very quick points, and I know Mr. Morton would want to elaborate as well.

The OASIS program actually was the follow-on program to a program that was initiated by the Border Patrol as we were having our reorganization back in 2003. It was called the Guide Identification Prosecution Program (GIPP), where we would actually take a lot of those individuals that were not going to be prosecuted in the United States.

And again, going back to the discussion about streamlining, there needs to be a consequence for smuggling as opposed to continuing to see the repeat violators and the number of recidivism efforts that we engage in over and over again. So we engaged the Mexican Government to see what we could do to actually establish criteria for prosecution in Mexico. The criteria was it had to be a Mexican national endangering life or potentially moving a Mexican national. Cars, if they are coming through the ports of entry in a place like San Ysidro, had to be enrolled or actually licensed in Mexico. There is a variety of criteria.

It is not operating at each of the locations along the southwest border because, in many of the prosecutorial districts, there isn't the capacity to prosecute the cases in U.S. courts. So it should not be a goal to take every case that we have and actually prosecute through the OASIS program. It should be considered where there is lack of capacity or the potential consequence could be greater by prosecuting in Mexico.

But the bottom line I would like to leave you all is, again, there has to be that additional consequence for smuggling, not just the arrest and the apprehension. There has to be that follow-on, whether it be through Streamline, prosecution through the fullness of the U.S. courts or the OASIS program.

Mr. PRICE. Mr. Morton.

Mr. MORTON. I am strongly supportive of the concept, Mr. Chairman. And that is why CBP and ICE have taken OASIS to the next level, and we do the same things for narcotics. Our first pilot is in Nogales. We have had our first two cases that were sound from an evidentiary purpose but that could not be taken for prosecution reasons by the U.S. Attorney's Office have been turned over, in coordination with ICE and CBP, to Mexican prosecutors, and they are prosecuting both cases.

And it is important to have a consequence. It is important that we have a consequence when the resource issues on our side would lead to somebody just walking the streets or getting removed. And I think it also helps build the other idea that we are trying to push in Mexico, which is institution building, to work with the Mexicans to build robust enforcement capabilities that lead to criminals going to jail and suffering a consequence in Mexico, and not just the United States.

MERIDA INITIATIVE

Mr. PRICE. Thank you.

With limited time I want to move on to the Merida Initiative, which, of course, is not mainly the responsibility of this subcommittee in terms of funding. I do have some questions, though, that I will ask you to respond to for the record about the the future of that program and the kind of funding requests you anticipate.

Mr. PRICE. One aspect of this that has come up today, though, and I want to raise it, and that has to do with the fact that the original concept for the Merida Initiative did incorporate Central American governments, as you know, as well as the United States and Mexico, in the fight against drug-trafficking organizations. But the initiative has pretty much developed into a bilateral matter and into a two-nation program.

We have heard again today that drugs and weapons trafficking from Central America into Mexico remains a major threat to those countries and to us. What are possible improvements in DHS's efforts to work with Mexican and Central American governments to disrupt those trafficking routes? Should that original concept of the Merida Initiative be resurrected to incorporate Central American governments?

Ms. SILVER. Mr. Chairman, as you note, a bulk of the money under Merida has gone to Mexico. And, of course, we are focusing on Mexico here today, but if we are really going to look at the life cycle of the drug trade and the full networks, we do have to look at Central America. We have to look outside of just the United States and Mexico.

There is Merida money, and I will leave it to the State Department to go into great detail, but there is Merida money going to Central America, and we support the continued efforts there. ICE and CBP have been and are involved in some of those efforts, and we also have folks on the ground down there.

Mr. PRICE. Well, I am aware of that, but I am asking you really for your analysis of the challenge we face, and to what extent a more intensive effort is required. Of course, we are interested in the factual information about what is going on right this minute, but we are asking you for an assessment.

Ms. SILVER. I would say that generally we do certainly want to focus on Central America. We want to focus on, as I said, the entire network, the entire pipeline of the drug trade in this case and those transnational criminal organizations which are not only present in Mexico but that have arms in Central America and our neighbors. We certainly want to focus on that.

I think the seizure that Assistant Secretary Morton mentioned is one example of how we are working to make sure we understand and are acting against not just one point in the pipeline but really the whole pipeline. But we can always do more in that regard.

Mr. PRICE. Well, the weapons aspect of this in particular seems to involve that pipeline pretty centrally. Is that right, Mr. Morton?

Mr. MORTON. It does. And listen, Mr. Chairman, I would say that, as to your basic premise, the answer is yes. We absolutely need—the challenge is great. We cannot view it as simply a challenge that comes from Mexico. It very much involves Central and Latin America.

CHALLENGES IN CENTRAL AND LATIN AMERICA

We have had some notable successes in Colombia over the years. That was a major challenge. It remains a challenge. But things like the seizure of the $41 million, which was done in very, very close coordination with Mexican and Colombian law enforcement, and the fact that a single BEST, which is technically on the U.S. and

Mexican border, now has Canadians and Colombians in it, are very positive signs. Again, I don't pretend to say that we are where we need to be. I am just saying I agree with you, and there are some initial steps in your direction that I think we all share and intend to push as leaders within the Department.

Mr. AHERN. If I might add a couple of observations. Certainly I think one of the issues is beyond just providing some of the large-scale X-ray systems that are going to be used effectively; it has to be part of an overall comprehensive plan. It can't just be elements of technology, where different things are bought and provided to different countries. It has to be part of an overall plan.

Part of that begins with, you know, what is the assessment? And one thing is, to give you specifics between ICE and CBP, we did a joint assessment of Mexico's southern border with Guatemala. We looked at and between the ports of entry, to be able to provide that to the Government of Mexico and then help them build the capacity to control, starting fundamentally with their ports. You have to begin that fundamental preference of establishing functional ports coming from the south to make sure they can control the flow of people and things coming across that border and then to stretch it out between the ports of entry to consider if there needs to be a Border Patrol-like component patrolling that border.

And I would think that, as we move forward, we need to learn from some of the mistakes we made in the past during the last 2–3 decades. I spent a lot of time in the 1980s doing training and assistance programs throughout Central and South America and the Caribbean, and it would always be frustrating when we would go down and see some of the boats that we provided not being fueled or fall into a state of disrepair. Or, we would go down and see K-9 teams we trained up here in Front Royal emaciated because the food has been redirected for other uses. We need to make sure there is a plan, and it has to have the appropriate oversight going forward, not just buying elements.

Mr. PRICE. Thank you.

Mr. Rogers.

WEAPONS SEIZURES FROM THE UNITED STATES TO MEXICO

Mr. ROGERS. I want to get back to the weapons a moment. Now, on the border this past several months, 6 or 8 months, you have seized $30 million of cash, 3.3 million pounds of drugs, hundreds of thousands of illegals, and so on. How many weapons have you found going from the U.S. into Mexico across the whole border?

Mr. AHERN. Across the whole border, since we began the intensified sustain operation in March, we have found less than 200. I will give you the very precise number. I just don't know it off the top of my head. But what we are seeing is a lot of the ones and twos. We see occasionally a cache of maybe as many as 20 or 30, but for the most part, it is small numbers. And one thing I would argue is we are seeing a lot of the currency seizures going south when I would have thought we would have seen more weapons if they are moving in such——

Mr. ROGERS. You are saying less than 200 weapons?

Mr. AHERN. Seized at our ports going southbound as part——

Mr. ROGERS. And how many of those are handguns roughly?

Mr. AHERN. Probably a split of maybe 50 percent or so are handguns, and the rest are semiautomatics or fully automatics.

Mr. ROGERS. Fifty percent of the 200. So roughly 100 pistols and 100 other weapons.

Mr. AHERN. Right.

Mr. ROGERS. Now, do the Mexicans control their southern border and check for weapons coming in from their south?

Mr. AHERN. That is one of the things that we need to help them build the capacity of.

Mr. ROGERS. But they are not doing that now.

Mr. AHERN. To a very limited degree. And that is why we need to help them build a greater capacity.

Mr. ROGERS. And so the weapons that are reported seized in Mexico are really the weapons that are going from the U.S. to Mexico, which is a very, very limited number. And if you say where did those weapons come from that you found going from the U.S. to Mexico, where do they come from? Of course you are going to say U.S., right?

Mr. AHERN. Correct.

Mr. ROGERS. Now, for 20 or 30 years Mexico has been importing weapons, military sales, over the last 20, 30 years across that border on their south into Mexico, correct?

Mr. AHERN. I believe that is accurate.

Mr. ROGERS. Do you have any idea how many tons of weapons have been imported in that fashion over the last few years?

Mr. AHERN. I would have no idea.

Mr. ROGERS. It is a bunch, isn't it?

Mr. AHERN. I would have no idea, sir.

Mr. ROGERS. Well, I can tell you it is a bunch.

Mr. AHERN. Okay.

Mr. ROGERS. A lot more than 200.

So, you know, the assertion that there is a steady stream of huge amounts of weapons flowing from the U.S. to Mexico is belied by your checking and finding very few; is that correct or not?

Mr. AHERN. I would submit that if there was the flow that is sometimes spoken about, we would have seen more than the weapons we have seen going southbound through our sustained efforts.

Mr. ROGERS. Now, quickly, your user fees this year are way down, correct?

Mr. AHERN. Yes.

Mr. ROGERS. How far down?

Mr. AHERN. They could be down as much as $150 to 200 million, based on the downturn of international travel where we collect the fee environment.

Mr. ROGERS. What about the projection for 2010?

Mr. AHERN. For the rest of this fiscal year, unless there is going to be a recovery very soon in this fiscal year, we expect it to continue to be about 12 to 15 percent reduction in the international air travel.

Mr. ROGERS. What does that do to your operation?

Mr. AHERN. A substantial impact because, as you know and this committee knows, that a lot of that fee money is appropriated to our paying for our front-line CBP officers. Without that fee money,

we would have a challenge sustaining the current level we have on board, to be very frank.

JIATF ALONG SOUTHWEST BORDER

Mr. ROGERS. I want to thank you all for—the ICE and CBP—for the BEST organizations on the border. I think that is the way to go. However, I would like to see you take that one step further, and we have talked about this privately, and that is the creation of a thing like the JIATF operation that we have for the Caribbean on drug trafficking, where we would have a single location on the southern border that coordinated the work of all the BESTs and all of the agencies that have some jurisdiction or authority on the border, much like we do out of the Caribbean operation for JIATF. What do you think about that?

Mr. MORTON. Well, we did, in fact, have a conversation about this. You are right. And I am a supporter of JIATF, and I have been to JIATF South several times. And I agree with the basic idea that we need something similar along the southwest border, as I told you when we first met. And the real challenge for us as a department is what will that look like and what will its relationship be to things like the operational task forces on the ground, most of which are BESTs. But there are also others. There are the High Intensity Drug Trafficking Areas and Organized Crime Drug Enforcement Task Force.

And, as a department, we are looking at this exact issue about the need for some sort of centralized intelligence fusion center along the southwest border. And obviously, there are some questions about its relationship to El Paso Intelligence Center (EPIC), which is the Department of Justice's DEA-led center in El Paso. And, you know, what I can say is that in the abstract there is a lot of agreement with your thoughts, and the devil is in how we get there. And we are having those conversations now.

Mr. ROGERS. Good. I am glad to know that you are. I think it is the way to go, because these cartels, the three or four or five cartels, whatever, along that border can't be—the fight against them can't be coordinated unless it is truly coordinated. And the only way to coordinate, I think, is if we have a single place where all of the agencies, be it Justice, DHS, military, whatever, are incorporated in one central locale so that there is some synergy there. So I really want to salute you for that. How can we help you along with that?

Mr. MORTON. Well, I think, keep asking questions, keep raising the issue to the forefront. I will say this issue is very much being talked about at a senior level in DHS. So I think that you would be pleased with the level of conversation and thought that is going into the ideas that you raise.

Mr. ROGERS. Any idea of a timetable?

Mr. MORTON. No, I don't. And, you know, I always hate to predict anything in the Federal Government in terms of when it would actually get there. But I have had several conversations with the Commandant of the Coast Guard on this issue. He is very focused on it. I am very focused on it. We have a very close relationship from an intelligence perspective with CBP. We really feel this need of coordination within DHS. And then obviously you have to bring

in DEA, which has a lot of very important information, and ATF, just as we do with JIATF. And so there is a lot of momentum behind this, but I would hate to predict.

Mr. ROGERS. Any thought being given to making the EPIC center—of your agencies joining EPIC?

Mr. MORTON. Actually, we are. CBP is the Deputy Director. ICE has a very large contingent with EPIC. And the question is: Would EPIC become something like JIATF South, or would there need to be something else? And EPIC could either fit into that or continue to have its very DEA-centered focus of right now.

Mr. ROGERS. Commissioner Ahern, would you like to——

Mr. AHERN. I would just offer a couple of thoughts. First off, the JIATF South model is an excellent model, and we are heavily invested there. And just to comment about the investment we have made with getting our P3s back up in the air has led to a lot of the identification of movement of drugs, large loads, semisubs, go-fast boats moving to the coast of Mexico. That has to be a strategy that is left in place so that we don't see the movement of the transportation networks hitting Mexico and some of the violence that then comes as a result of that.

JIATF ALONG SOUTHWEST BORDER CONT.

But one thing I want to articulate before we talk about El Paso or EPIC as being the next JIATF, you are looking at a very narrow set of threats for JIATF South, and that is the movement of aircraft, movement of vessels on the water and deployment of the appropriate air and maritime force response and host country end game.

When you are looking at the southwest border, it is far more complex than JIATF South. There is a lot of activity that goes on by the multiple number of law enforcement agencies that have jurisdiction at the Federal, state and local level. That does not mean that there is a conflict among the agencies, but it is highly complex compared to the very narrow, very important threat that JIATF South is performing in the Southeast.

I think there certainly needs to be a better level of coordination. Mr. Morton is exactly right. We have had these discussions very actively through an established board looking into this issue. And we need to make sure, as we go forward on it, we are looking at it with the right precision and with the right outcome expected.

Mr. ROGERS. Well, I will be asking. The next time we are here, we will be talking about this again, and I would hope we would have a fairly significant definitive answer.

Mr. PRICE. Thank you.

Mr. ROGERS. Mr. Chairman, before I finish, I just want to once again thank Jay Ahern for his 33 years of service to his country and the government, especially in the last several years that we have had the chance to work with him and the Department. He has been a real asset to the government and to the people of this country.

And so, Mr. Commissioner, Jay, we thank you for your service to your fellow citizens.

Mr. AHERN. Thank you very much.

Mr. ROGERS. Wish you Godspeed.

Mr. PRICE. I appreciate the gentleman offering those thoughts, and I want to echo them. We have, over this number of years of service at DHS in particular, really valued the chance to work with you. You have always been straightforward, forthcoming, responsive. And we are indebted to you for your service and your substantial contribution to standing up this Department as it got underway.

Mr. AHERN. Thank you.

Mr. PRICE. Mr. Rodriguez.

Mr. RODRIGUEZ. Mr. Ahern, I also want to, just on behalf of a grateful Nation, we thank you for your service and what you do for all of us.

Mr. AHERN. Thank you.

Mr. RODRIGUEZ. Let my quickly identify three areas that I wanted to talk about real quickly. The first one is a quick recommendation, and I think I have talked to you about it. As we deport the criminals—and I am not talking about the ones that we were talking about, because those were noncriminals that were being dropped off on the other side in Ojinaga from Presidio, but the criminals that are picked up from the jails and then deported—I think that it would go a long way for us to notify the Mexican officials as to where we are letting them go and who they are and the types of criminals that they are, because it is a pretty substantial number. And so it is important for us to get a grip on that. Otherwise, we are going to have problems with them later on unless they are aware of it.

Secondly, this is across the board, GAO has reported constantly time and time again on a description of the situation on the ports of entry and the fact that, you know, that it is inadequate. We really need to beef up on Customs. I know the Border Group Commission recommended some 5,000 additional people needed on the ports of entry. We have really seen since 9/11, you know, it was gradually increasing. It has dropped tremendously now, and those waiting periods do hurt us.

JIATF ALONG SOUTHWEST BORDER CONT.

And I don't have to tell you, I have said this time and time again, the terrorists want to hurt us economically. We don't need to do that to ourselves, and we are. You know, there is no doubt about it. That stimulus money, a lot of it went—well, the majority of it went to Nogales. Texas didn't see a single bit of that. And so I would ask that we really need to prioritize those ports of entry and beefing up on Customs, if we can make that happen.

Thirdly, there was agreement with Condoleezza Rice also before in December of 2008 as it looks with Canada and Mexico as it deals with natural disasters and problematic situations. And I know that is maybe under our other cardinal that is here, but it is an important issue that we begin to move in that direction. It talks about how we can coordinate efforts. Because I had a tornado in Eagle Pass where I lost seven lives. And it talks about manmade disasters. I just had a major flood in the Presidio caused by the dams that let go of the water on the Mexican side.

So somehow, you know, that is a great agreement. We just need to put some teeth into it and put some resources into it. And maybe

it comes from another committee, you know, but FEMA I know is one that could be helpful in that area through Homeland Security.

And that particular one also talks about the importance of communication with the other side, including Canada; the resource deployment; the evacuation; the analysis for risk. And so I would ask that you look at that, and mainly, I guess, from a FEMA perspective. But, you know, next time I know you will probably be coming to us this coming year again, I would be asking you where we are at on that particular agreement with both Mexico and Canada.

The other, I just want to—once again want to just thank the Chairman for allowing us to do this. And maybe later on I would suggest that we get a little briefing on the Canadian situation. I was alarmed that on the Canadian side, when we went down there, they were telling me that the amphetamines are coming, they are just being produced and just coming in on the Canadian side. My God, you talk about fences on the southern side, we didn't have a single fence there. I mean, even in Texas on the roads we had medians with barriers. We didn't even have a barrier between the median on the Canadian and the U.S. side, not to mention the fact that up here we get stopped 20, 60 miles up the road. And I know we are going to be going to the Vancouver situation down there with the Winter Olympics in terms of the plan that you might have there and how we might deal with that, Mr. Chairman.

Thank you.

Mr. PRICE. Sounds like a full agenda for the season to come.

Mr. Calvert.

AUTOMATIC AND HIGH-CALIBER WEAPONS

Mr. CALVERT. Thank you, Mr. Chairman.

I have another question, but I am going to go back to the weapons just for a second.

Would you say that the drug cartels' weapons of choice, if they could get ahold of them, is the fully automatic weapon?

Mr. AHERN. I think the weapon of choice is the one that creates the most harm.

Mr. CALVERT. Okay. So AK–47, some of the high-caliber weapons. The percentage of fully automatic weapons and high-caliber weapons that you have knowledge of, and obviously that is happening in Mexico, what percentage of those do you think are coming out of the United States since the—I will just ask that question. What percentage of those are coming out of the United States?

Mr. AHERN. Perhaps Mr. Morton wants that, but I wouldn't speculate as to a percentage.

Mr. CALVERT. Would the accurate number be close to zero?

Mr. MORTON. I really don't know the answer to that question. I would ask the ATF.

Mr. CALVERT. Okay. How many have you seized as they come across the border?

Mr. AHERN. As I mentioned earlier, the total number of weapons——

Mr. CALVERT. Fully automatic weapons.

Mr. AHERN. I have to get the breakdown, as I mentioned earlier, because I don't want to——

Mr. CALVERT. Is it close to zero, you think?

Mr. AHERN. No. I think there has been some.

Mr. CALVERT. Some. But the overwhelming majority of these weapons that are coming into Mexico that are being used primarily by these drug cartels, would it be accurate to say they are coming from the south of the border, primarily former military sales?

Mr. CALVERT. I am taking this from press accounts, not from intelligence accounts, just from press accounts.

Mr. MORTON. I am not in a position to answer that question. I think the big question, as Mr. Ahern has identified, we don't seize a large number of weapons. The Mexicans seize weapons; and the question is, where did those weapons come from, and how did they get there?

AIR AND MARINE OPERATIONS CENTER (AMOC)

Mr. CALVERT. Maybe in the right venue you might want to address that issue.

Of the fully automatic weapons that are being used in Mexico at the present time by the drug cartels, where are those weapons coming from? I think it might be instructive to the committee.

The issue that I want to bring up is the AMOC in Southern California. Certainly I am proud to have that in my district, but it has been doing, I think, a good job. As you know, it is the 24/7 operation center to guard America's borders. What is the current status and future concept for expanding the role of AMOC in coordinating investigations, interdictions of noncommercial aircraft to transport contraband, and, specifically, financial instruments, or cash, from the United States to Mexico?

Mr. AHERN. Certainly, as far as I will speak, as the agency that owns the Air and Marine Operations Center (AMOC), it is a tremendous asset for this organization, and we are happy to have it in your district. There has been a lot of expansion out there. We now have several different agencies from the Government of Mexico that are actually housed in the AMOC so that we can actually resolve a lot of issues along our southern border where there is air incursion. So we are looking forward to continuing that relationship going forward.

On the investigations, I will refer to our investigative arm within DHS, Mr. Morton, on that. But I think one of the issues of concern that is a substantial challenge is when we are actually tracking the domestic routes of aircraft in the United States. It is very easy to go ahead and amend a flight plan while in flight and then to be able to divert and head south. So that presents challenges for things to move south, whether it be money or weapons or other challenges. We need to find a way to go ahead and deal with that issue in a more effective way than we currently have thus far. That is going to be one of the undertakings——

Mr. CALVERT. On that, is the Mexican Government cooperating with you on information and technology if there is a diversion of the flight plan, those planes moving south? Do the Mexicans intercept that aircraft?

Mr. AHERN. On some occasions, we have had some success. Again, having the assets, we are going to continue——

Mr. CALVERT. You say "some." Is that a minority of occasions?

Mr. AHERN. Infrequent occurrences, but we need to give the exact numbers to you. But I will tell you that we need to go ahead and do a better job on that because I think that is a gap.

Mr. CALVERT. Of the aircraft that you know is changing the flight path, do you typically have the tail number on that aircraft, where that aircraft can't be used again?

Mr. AHERN. We would have the information of an aircraft tail number, yes.

Mr. CALVERT. So what typically happens to that aircraft once it goes into Mexico? It never comes back up here again?

Mr. AHERN. Well, some certainly may return, and some may just continue with their pattern south, never to be seen again here in the United States. But, again, each case will stand on its own set of facts.

Mr. CALVERT. Mr. Morton, do you have anything to add to that?

Mr. MORTON. With regard to the criminal investigation or the question of the aircraft?

Mr. CALVERT. The question of the aircraft. And I guess I would ask, too, how many aircraft, say, in a year, divert flight path? Is it a significant number of aircraft that follow a flight plan and then they divert to the south?

Mr. AHERN. I would need to get the specific number from our Office of Air and Marine and the AMOC folks. I don't think it is a substantial number, but I think even a small universe of that population could potentially create a challenge.

Mr. CALVERT. Thank you.

[The information follows:]

Rep. Calvert—In FY 2009, how many planes did CBP intercept that diverted from their original flight plan?

Response: CBP Office of Air & Marine is unable to quantify the number of aircraft intercepted as a result of diversion from original flight plan. Pilots involved in illicit cross border activity do not file a published flight plan and the final destination of aircraft is unknown. Therefore, it is not possible to quantify the number of detection/intercept and identification that resulted in a diversion to an alternate destination. Changes in direction of flight by suspect aircraft occur with such frequency that this behavior alone is not a valid indicator of criminal activity and impossible to monitor nationwide.

Mr. PRICE. We clearly are going to have to wrap up because of the votes on the floor.

With the number of members waiting, what I am going to suggest is this: that we limit the question period to 2 minutes and that we get just as far as we can. That would mean now turning to Mrs. Lowey.

LICENSE PLATE READERS

Mrs. LOWEY. Thank you, Mr. Chairman.

Just for the record, because you asked before, $170 million has been appropriated for Central America since 2008. That is without fiscal year 2010 money, which is not official, so I can't announce it. And $700 million has been appropriated to Mexico for the Merida account. So it is a total of $870 million.

I don't want to respond to my good friend, Mr. Calvert, I will leave that to Mr. Farr. But I just had one other question I wanted to address, because the testimony mentioned the License Plate

Reader Program, which has been very successful with Ray Kelly in New York.

Commissioner Ahern, I realize that in a public forum you are not going to tell us the exact location of the license plate readers, but does CBP have an adequate number to capture license plate information at every important crossing? And if not, how much does each reader cost and will the President's fiscal year 2011 budget request include funding to have readers at every important place of entry?

Mr. AHERN. That is a lot of detail, and I will give you an exact answer because we do have that all as part of our office within field operations. But I will be happy to tell you that on our northbound lanes coming from Mexico into the United States, every single lane actually does have a license plate reader, coming northbound.

As we talked to this committee in the past, one of the issues we were looking for was additional license plate readers for southbound activity. So we do not have all the lanes covered southbound. But beyond just deploying the license plate readers—again, this is something where we introduce technology—the same challenge falls to us on developing the right concept of operations. If we are collecting a license plate as it is within yards of going into Mexico, it does not provide the tactical value where you can engage at that particular point in time for a stolen vehicle or a lookout vehicle. So we need to make sure that we find ways to move the license plate readers further into the United States to develop a tactical advantage.

We are working in the interagency process on a better plan. We have actually introduced license plate readers at our Border Patrol checkpoints again as another layer going north, as well as some southbound further up the highway so we can have an ability to predict what is coming toward us in a more thoughtful way. So we have a very comprehensive plan.

And then lastly, again, thanks to this committee for funding the Western Hemisphere Travel Initiative because we are able to refresh a lot of dated technology that had been deployed since the license plate readers were first introduced into our portfolio, probably 10 years ago.

Mrs. LOWEY. Mr. Chairman, just turning to Mr. Farr, just for the record—they were delayed, but the five helicopters will be delivered in December. And if anyone wants to go to the celebration, I think it is December 14 in Mexico City. Colombia has really been amazing in providing technical assistance to Mexico as well.

Thank you, Mr. Chairman.

[The information follows:]

Rep. Lowey—Does CBP have an adequate number of License Plate Readers (LPR) at every important crossing? If not, how much does each LPR cost and will CBP be requesting more in FY 2011?

Response: License Plate Readers have become part of CBP's overall border security strategy. Under the Western Hemisphere Travel Initiative (WHTI) CBP completed installation of new software, hardware and radio frequency identification at the top 39 high-volume land ports, which process 95% of land border crossings at over 354 inbound vehicle primary lanes. This WHTI technical solution included new integrated LPRs. CBP has met LPR requirements for inbound vehicle primary lanes.

CBP is developing an outbound technical LPR solution at all 110 southwest border vehicle primary lanes. This solution will support the Department's goal to combat drug cartel-related violence and the illegal export of guns and money to Mexico. CBP is designing multiple solution scenarios at our Government Test Lane Facility (mock land border port) and will begin testing in the spring of 2010. These technical solutions will be piloted at actual land border ports of entry and support pulse and surge outbound enforcement operations.

License Plate Readers are recognized as fundamental components to all technical solutions for outbound enforcement, whether it is a mobile, fixed, handheld, or gantry LPR. These solutions are tailored to the physical characteristics of the outbound environment at land ports (robust, limited, and constricted) and the technical solution which can support it. CBP estimates that these additional requirements for outbound combined with the technical connectivity and facility improvements to provide a safe and secure working environment will average approximately $50,000 for a mobile solution per lane and $200,000 per lane for a robust build out solution. With regard to whether CBP will be requesting additional funding for LPRs in FY 2011, the FY 2011 Budget Request is under development and has not been released.

Mr. PRICE. Thank you, Mrs. Lowey.

Mr. Culberson.

SPENDING MERIDA MONEY

Mr. CULBERSON. Thank you, Mr. Chairman.

If I could ask the responses to be as quick as you can. I will ask the questions as quickly as I can.

I understood you earlier, Commissioner Ahern, to say that it would be helpful if there was a plan, if the Mexicans had a plan as to how they were going to spend or use the Merida money; is that correct?

Mr. AHERN. I think there is a plan on how they are going to spend the money, based on a lot of the technology. For instance, for the large-scale X-ray systems, we are using some of our procurement vehicles to help with the acquisition.

But again my point is the experience that we have seen in the past in different parts of the world in drug-related preventive programs. There needs to be a comprehensive plan on how this will actually reduce the drug threat in a particular country, and I think that is just something we need to continue to improve upon.

Mr. CULBERSON. On our side and on their side?

Mr. AHERN. And certainly within the three departments that have leadership in this—DHS, DOJ and DOS—and then also with the Government of Mexico.

PEOPLE CROSSING THE BORDER

Mr. CULBERSON. Let me ask you about the GAO report on the Border Patrol. They point out that the Department of Homeland Security—I am reading on page 5 of the report, Mr. Chairman—Department of Homeland Security Annual Performance Report for Fiscal Year 2008 through 2010 sets a goal for detecting and apprehending 30 percent of illegal activity at ports of entry in 2009; which, of course, says that 70 percent, at least, is getting through without being caught.

What percentage today, other than of course in the Del Rio and Laredo sectors, and then Yuma where you are catching and arresting and prosecuting 100 percent of those you do catch, what percentage of the people crossing the border illegally do you believe are actually being apprehended?

Mr. AHERN. I don't have a good answer right now to give you specifics on that, but we would be happy to go ahead and give you some of our data by sector.

Mr. CULBERSON. Thank you. Actually, that would be very helpful if you could by sector, and the prosecution rate for those that you are apprehending, because it is still astounding.

[The information follows:]

Rep. Culberson—Please provide the apprehension and prosecution statistics from Border Patrol for FY 2009.

Response: FY09 Prosecutions: 60,603. FY09 Apprehensions: 556,041.

Mr. CULBERSON. We have really got to focus on that Tucson sector and do what we can to get streamlined up and down the border.

Thank you very much.

Mr. PRICE. Thank you.

Mr. Farr.

FEDERALLY LICENSED FIREARMS

Mr. FARR. I would like to just follow up on the confiscated weapons. We don't confiscate that much, because we don't inspect southbound. But how many federally licensed firearm stores are there along the border, how many licenses out there?

Mr. AHERN. That would be a question that should be directed to ATF.

Mr. FARR. And gun shows as well?

Mr. AHERN. I would say that, again——

Mr. FARR. The figures I have are 7,000 licensed firearm dealers along the border. That is a good percentage of all in the country; 5,000 gun shows along the border. In your working this new relationship with the ATF, is there an effort here to prevent proxy purchases from Federal firearm licensed dealers?

Mr. MORTON. The short answer to your question is no from ICE's perspective, because we have no statutory authority at all for Federal Firearms Licenses for licensees. Our authority that we bring to bear in the trafficking is we do have broad authority to prosecute the illegal export, but——

Mr. FARR. Last year, ICE testified that they had a difficult problem because the administrative regs would only allow one unannounced inspection in any of these licensed entities or gun shows, only one a year. And if personnel weren't doing it, then ICE couldn't go and do any inspection even on follow-up. So it just cramped their ability to follow up on some of these leads that they had. Has that been worked out?

Mr. MORTON. I don't think so. But I also don't think that—I think your point is that ATF's authority is limited to one a year, and I think that is right.

Mr. FARR. We have some real problems. We are not doing proxy purchases, we are not doing the inspections frequent enough. We ought to reinstate the assault weapons ban.

I do have the records from the Mexican Government; 93 percent of all the weapons seized—they seized them all over the country—whereas weapons from the United States, the majorities were along the border, the northern border. Most of the things they seized along the southern border were grenades and things coming up out of Central America.

So this really is a U.S. problem, and I think we ought to own up to it and not try to dismiss it; that we are not part of this gun-smuggling cartel that is going on and using our side of the border.

Mr. CULBERSON. Mr. Chairman, one follow-up, very quickly.

Mr. PRICE. Very quickly.

Mr. CULBERSON. Very quickly, do you know what percentage of federally licensed firearm dealers in the United States are in violation of the law? Have you ever talked to ATF, or——

Mr. MORTON. I haven't. I don't know if——

Mr. CULBERSON. I asked that question in our other subcommittee, and they said, Sam, it was about a little less than 1 percent. So it is really not the licensed gun dealers that are the problem, and it is not evident at the gun shows either.

Mr. PRICE. We clearly have some deficiencies in data and some differences in information. I am going to formulate a request for the record.

I don't think there is any question that CBP has recorded about 79 incidents of southbound smuggling of firearms and ammunition since March. And as Mr. Farr says, there are many, many incidents of confiscation on the Mexican side, far exceeding what we detect by southbound inspections.

So we are going to ask of you your best estimates here. We have had a lot of figures and characterizations thrown back and forth, so we are going to ask you to do the best job, in cooperation with ATF, to give us an estimate of the volume of weapons and ammunition moving south to Mexico from the U.S., some estimate, if you can provide it, of what percentage of the whole that is, the types of weaponry that are involved, and then of course any suggestions that you have or any discussions you have underway about how our government can make it more difficult for smugglers to acquire weapons for the cartels. Presumably we all want to see that carried out, even though we may have somewhat different assessments of the scale of the problem. So we will be formulating a request for that information for the record.

FEDERALLY LICENSED FIREARMS CONT.

Mr. CULBERSON. Mr. Chairman, could we also ask them to tell us what percentage of the guns they are seizing were obtained legally through licensed Federal firearm dealers or illegally? Can they be traced?

Mr. PRICE. Of course that would be valuable information, if that is obtainable.

With that, we do need to adjourn for the votes on the floor. I want to thank all three of you for your good work and for your testimony here today. This is a hearing, obviously, that is a follow up from last spring. And believe me, as the budget season approaches, we will be talking more about the subjects raised here today. We thank all of you.

United States
House of Representatives
Committee on Appropriations

Hearing before the
House Appropriations
Subcommittee on Homeland Security

Confronting the Cartels:
Addressing U.S.-Mexican Border Security

Questions for the Record

November 19, 2009

Table of Contents for Questions for the Record

Representative	Page Numbers
David Price	2-15
Harold Rogers	16-18
Ciro Rodriguez	19-21
Alan Mollohan	22-24, 25-26
Sam Farr	27-29

QUESTIONS FOR THE RECORD SUBMITTED BY

CHAIRMAN DAVID PRICE

Ms. Mariko Silver, Deputy Assistant Secretary for International Policy at DHS
Mr. Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection
Mr. John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement
Confronting the Cartels: Addressing U.S.-Mexican Border Security

Strategy to Address Roots of Cartel Authority and Build Mexican Capacity

Question: Mexico seems to be at a "tipping point" in dealing with the violence that has erupted as President Calderón's administration confronts the cartels. The cartels are rich, resilient, ruthless and resourceful – they operate with near impunity, and deployment of the Mexican military seems to be only a stopgap response.

On top of this, Mexico is experiencing negative economic growth, and efforts to reform its law enforcement agencies, including massive firing of corrupt or ineffective federal, state and local police have created a vacuum that cartels have exploited. U.S. Ambassador Pascual last week called for an "integrated effort" to tackle the problems of crime and the underlying social and economic conditions in Mexico that enable the cartels to flourish and recruit, and to prevent a "lost generation" of undereducated and underemployed Mexican adolescents.

Describe the strategic framework for Mexico-U.S. security cooperation, which encompasses involvement by multiple federal agencies, and specifically how DHS fits into the various "pillars" of disrupting cartels, institutionalizing rule of law, modernizing border "structures", and building strong border communities?

ANSWER: The Mérida Initiative has, in large measure, provided the strategic framework for the United States' security cooperation with Mexico over the last few years. The U.S. Government, in consultation with our Mexican partners, has been evaluating how to grow and build upon the progress that has been made under the Mérida Initiative and the significant deepening of our relationship with Mexico that has occurred more generally. Although these discussions are ongoing, the contours of our approach are becoming clear. The United States and Mexico have accepted the notion of "shared responsibility" for transnational problems like drug trafficking, which has opened unprecedented opportunities for collaboration and cooperation. A concomitant to this collaboration is taking actions in the United States that complement or support Mexico in its efforts south of the border, for example, stemming the southbound flow of illicit cash and weapons to the cartels. Moreover, the United States and Mexico are recognizing the importance of "interconnectedness." First, transnational problems affect *both* the United States and Mexico. Second, problems themselves are interconnected (*e.g.*, lack of economic opportunity in Mexico helps create recruits for the cartels). These themes are reflected in the "pillars" identified in the question.

The Department of Homeland Security (DHS) has a role to play in all of the "pillars," although our involvement will be greater in "disrupting cartels" and "modernizing border structures." In terms of "disrupting the cartels," DHS's border enforcement and interior law enforcement responsibilities make DHS pivitol in the fight against

the cartels. DHS has unique responsibilities to interdict and investigate the movement of drugs north *and* illicit cash and weapons south; Immigration and Custom Enforcement (ICE) removal authorities and programs like Secure Communities are important tools for attacking cartel operations in the United States. DHS will also have a central role in "modernizing border structures"; the U.S. Customs and Border Protection (CBP) is, for example, the agency responsible for the management, control, and protection of U.S. borders both at and between the ports of entry, and a key component of modernizing border structures is the security of the border, which are central concerns for CBP, ICE and DHS generally. Cutting across all of the pillars is our ability to provide training and technical assistance to Mexican counterparts, in particular, in law enforcement and border management through the Department of State.

Question: While direct assistance to Mexico is primarily a matter for the State Department, DHS is providing a variety of operational and training assistance. What contributions are DHS and its agencies making to strengthen the institutions, infrastructure and operations of Mexican law enforcement, customs and immigration agencies? Will the Mexican government, in conjunction with USAID, be able to offer meaningful economic development alternatives to the narco lifestyle that attracts so many impoverished Mexicans to illegal enterprises?

ANSWER: Although the Department of State (DOS) is the lead U.S. federal entity for the Mérida Initiative, DHS has been an active partner with DOS in Mérida Initiative programs and projects. ICE is involved in the training and vetting of Mexican law enforcement, including the establishment of a Border Enforcement Security Task Force (BEST) team in Mexico City. As part of the Mérida Initiative, ICE has deployed 26 special agents to teach Basic Criminal Investigative Methods to approximately 2,400 Mexican Ministry of Public Security (SSP) investigators in San Luis Potosi, Mexico. ICE plans to continue supporting this training initiative through its completion in August 2010. ICE also deployed four additional instructors to teach one day courses on arms trafficking and cyber crimes to 200 senior SSP officers. Furthermore, ICE is supporting a DOS Narcotics Affairs Section (NAS) effort to develop procedure manuals for SSP by providing subject matter experts. The training of SSP Agents in San Luis Potosi is a joint initiative involving several different U.S. federal agencies and is not solely being conducted by ICE.

As part of Mérida, CBP has provided canine and handler training for Mexican Customs, as well as training on how to use non-intrusive inspection equipment and other training for Mexican Customs and Mexican law enforcement. The Coast Guard has also assisted with aircraft procurements for the Mexican Navy.

Moreover, DHS is providing assistance to, and partnering with, Mexico outside of the auspices of the Mérida Initiative. Some examples of these direct partnerships include Operation Against Smugglers Initiative on Safety and Security (Merida is providing funding for the OASISS project…), a joint DHS-DOJ program with Mexico to identify Mexican nationals arrested in the U.S. for alien smuggling and refer them for prosecution in Mexico; the Controlled Substance Project Pilot Program (CS-3P), an agreement between ICE, CBP, DOJ and the Mexican Office of the Attorney General (PGR) to refer narcotic smuggling cases to the Government of Mexico (GOM) for prosecution in Mexico; the establishment by ICE of a Mexican Trade Transparency Unit; the Border Violence Protocols, which facilitate operational response to incidents, with coordination between CBP, ICE and their Mexican counterparts; and the Declaration of Principles and the Bilateral Strategic Plan entered into by DHS and the Mexican Secretariat of Finance and Public Credit, which include 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. These are just a few examples of our work with Mexico that will help strengthen and improve Mexican law enforcement, customs, and immigration agencies.

Mexico is facing economic challenges now, and the drug trafficking organizations often offer some Mexicans more lucrative opportunities, albeit illicit ones, than the legitimate economy. The Department believes GOM is

not shying away from these problems, and is instead pursuing reforms that will stabilize the Mexican economy and create a foundation for long-term growth. The GOM, with support from U.S. agencies such as USAID, is, moreover, actively developing initiatives and programs to create economic opportunities for Mexican citizens who are at greatest risk of working for the cartels. DHS believes these economic reforms and targeted programs will help generate legitimate economic options for Mexican citizens. Economic development coupled with effective law enforcement and judicial institutions can significantly diminish the attractiveness of the life of crime and violence offered by the cartels to many Mexicans. These are, however, multi-year efforts, and success will be continual but gradual.

Question: Although there has been much interaction between U.S. and Mexican civilian agencies on training and information sharing to combat drug trafficking organizations, U.S. officials have complained that the Mexican military, which is the primary law enforcement presence in some areas along the border, has been much less open to cooperation with our military. Can DHS and other civilian U.S. agencies fill in the gap? How successful have CBP and ICE been in building relationships with the Mexican military?

ANSWER: The relationship between the United States and Mexico has grown and deepened to historic levels, which has led to many opportunities for collaboration and partnership for U.S. departments and agencies and their Mexican counterparts. DHS is working and collaborating with counterparts from across GOM. As our policy and strategy allows, DHS along with other supporting agencies stand ready to continue those partnerships.

CBP's Border Patrol has International Liaison Units (ILU's) at all nine southwest border sectors. The ILU's have been successful in establishing, developing and maintaining open lines of communication with foreign law enforcement agencies, including the Mexican military. The ILU's strive to openly discuss significant events and identify common objectives during regular meetings with the Mexican military.

ICE has been extremely effective in establishing relationships with the Mexican Secretaría de la Defensa Nacional (SEDENA). The strong relationship is demonstrated by successful meetings between representatives of SEDENA and ICE executive leadership. During meetings between ICE Assistant Secretary John Morton and the Mexican Secretary of Defense, General Galván, mechanisms to improve cooperative efforts were discussed, to include intelligence-sharing, vetted units, access to seized firearms and bulk cash smuggling. Assistant Secretary Morton has met on several occasions with SEDENA General Garcia Ochoa. General Galván appointed General Garcia Ochoa as a liaison to ICE; this relationship has facilitated access to local SEDENA leadership by ICE Attaché Mexico City personnel and has furthered cooperative enforcement efforts.

SEDENA has also provided ICE with access to the warehouses where seized firearms are stored, enabling ICE to attain crucial intelligence related to arms trafficking and smuggling. ICE is working closely with the Department of Justice (DOJ) Bureau of Alcohol, Tobacco and Firearms (ATF) to pursue arms trafficking and smuggling cases developed from this intelligence. In addition, ICE will continue to partner with ATF and other U.S. law enforcement agencies to leverage resources and coordinate efforts to combat transnational organized crime.

SEDENA's support is vital to the success of ICE initiatives in Mexico, particularly in establishing strong working relationships with local SEDENA leadership. At the field level, ICE has also received unprecedented support from SEDENA. SEDENA has worked with the ICE Assistant Attaché offices in Mexico to respond to information in Mexico that has led to seizures of drugs, bulk cash, firearms, and military munitions; the discovery of tunnels and marijuana fields; and the prevention of attacks against Mexican police officers.

Question: Mexico is trying to modernize its management of information and intelligence about criminal activity and organizations. Its new "Plataforma" database is designed to receive queries from U.S. agencies for law enforcement or security information, although we understand that no U.S. queries have been received. What are the realities of sharing law enforcement information with Mexico and in building effective capability to share information about transnational criminal activities or the travel of suspected cartel members?

ANSWER: There are a number of challenges to sharing information with Mexico. These include technological issues – ensuring that our respective information systems are compatible and that the Mexican systems have adequate security. There are also a number of legal issues involved in any information exchange, for example, ensuring compliance with U.S. statutory and regulatory schemes such as the Privacy Act and that the release of third-party information is authorized by the originating agency. And, there are a number of prudential concerns, such as protecting the integrity of law enforcement investigations and/or prosecutions. Although information sharing with Mexico can be challenging, DHS, in collaboration with our federal partners, is exploring and developing improvements to the processes for the exchange of information. We have made progress and will continue to do so.

Merida Initiative

Question: The Merida Initiative was a three year program totaling $1.4 billion (2008-2010). To date, over $1.1 billion has been provided, with the last amount to be included in the upcoming FY10 State-Foreign Ops appropriation. Most of the early funding was devoted to large equipment and aircraft; the remaining funding is largely targeted at building institutions, especially Mexico's federal investigative capacity.

Will efforts begun now have sufficient momentum to be sustained so that a reformed system will be firmly established before the end of the Calderón Administration?

ANSWER: Part of the Mérida Initiative funding is directed at programs and initiatives that will take many years to complete, in particular institution building programs. DHS and its U.S. and Mexican partners are working hard to build a solid foundation for these long-term projects and reforms so that they can continue to grow, develop, and mature after the Calderon Administration. DHS believes that these long-term initiatives will be successful.

Question: Will funding assistance need to continue after 2010 to assure success?

ANSWER: The Department will not speculate as to future appropriations requests, either for DHS or for other federal entities.

Intensifying Cartel Violence in Mexico

Question: The Mexican military has provided a critical, immediate response to the rise of cartel violence. However, it appears that the pace of violence and smuggling activity has returned to the levels seen before the intervention. The military presence has not been sufficient to protect the clergy, which has been effectively muzzled by threats and murders; hospitals and medical personnel have been intimidated against providing assistance to wounded and dying victims; and local authorities have gone so far as to ask for international (UN) intervention. Clearly the military role is important, but is not solving the underlying problems with the cartels – which seem to be intensifying.

How long will it take the law enforcement and judicial institutions to fill in for the temporary military presence?

ANSWER: GOM has given no timeline for transitioning responsibilities to combat drug cartels in the interior of Mexico from the military to law enforcement agencies. GOM has clearly stated that the military's current role is temporary. In certain areas of Mexico, SSP has already begun to take over for the military.

Question: Unlike in prior periods of unrest, families that can afford to emigrate or move their families out of northern Mexico are increasingly doing so. Is this a real trend, and does it represent a challenge to the ability of future stability on the Mexican side of the border?

ANSWER: DHS is not aware of any serious study of the purported phenomenon.

Question: Some U.S. officials expressed surprise to subcommittee staff about the concentration of violence in Ciudad Juarez, since most drug smuggling, by volume, is actually taking place in Arizona. Explain why this cartel turf battle is occurring where it is?

ANSWER: Juarez is a major corridor for international commerce between the United States and Mexico; therefore, drug trafficking organizations (DTOs) continue to compete for control of this lucrative geographic area. The violence in Ciudad Juarez is attributed to the Sinaloa Cartel, also referred to as the Chapo Guzman DTO, and the Arturo Beltran Leyva DTO, battling over control of the Chihuahua border with the United States. The Chihuahua State Corridor, which borders Texas and New Mexico, is an important corridor to both cartels; it consists of approximately 500 miles of border, with six ports of entry from Antelope Wells, New Mexico to Presidio, Texas. The VCF DTO controls the smuggling activities through this area by charging fees to other smuggling organizations. Both the VCF DTO and Chapo Guzman DTO have also resorted to extortion to supplement their incomes. While Nogales, Sonora is the VCF DTOs primary staging point for distribution explaining drug smuggling activity in the area, Ciudad Juarez is the base of operation for the VCF DTO. In some ways, the violence between cartels is exacerbated by U.S. and Mexican enforcement activities that create competition for drug trafficking routes.

Violence Remains Unabated in Mexico, Yet Little Spills into the United States

Question: In our March hearing, DHS testified that violence on the Mexican side of the border is sustained and increasing -- a continuing phenomenon, as Subcommittee staff heard on their visit to Mexico and the border last week. If anything, violence in Mexico has surged above that seen before the Mexican military were deployed to replace local police. This violence is almost unbelievable in its scope and depravity, with nearly 8,000 drug-related murders reported in Mexico this year, incidents of torture, dismemberment, and decapitation. In contrast - thankfully - U.S. cities closest to Mexican violence, such as San Diego and El Paso, are continuing to experience historically low rates of crime, according to FBI Uniform Crime Report data.

How do you explain this apparent contradiction? Assuming that the cartels remain deterred by vigilant U.S. federal, state and local authorities, what are the tangible impacts on the U.S. and its border communities from this continued instability and violence in Mexico?

ANSWER: Border communities like San Diego and El Paso are among the safest cities in the United States; the safety and security of those communities does stand in stark contrast to the violence in communities like Tijuana and Ciudad Juarez. A number of factors contribute to this difference. Among the most important are the dedication, hard work, and vigilance of our law enforcement officers and agents – federal, state, local and

tribal. The U.S. has been able to leverage the talents and work of law enforcement officers and agents with targeted and effective strategies at the border. The work done by law enforcement is complemented by the U.S. judicial system and criminal laws, and an effective prison system. The cartels and their associates know that if they bring violence to our communities, it will be met with an effective and overwhelming law enforcement response, swift and fair prosecution, and incarceration. The strength of our border communities, civic institutions, economies and citizens provide additional strength and support to law enforcement and the criminal justice system.

The violence in Mexico affects the lawful movement of people and goods across the border. Losses in economic productivity in Mexico because of the cartel violence decreases trade opportunities and can negatively affect Mexico's economic development. Mexico is a major trade partner for the United States, and its development is important to our economic interests, especially to U.S. border communities and states. The violence also has the potential to affect tourism, for example, by not only deterring U.S. citizens from traveling to Mexico but also deterring Mexican citizens who travel by land from coming to the U.S. for recreation, shopping and other lawful activities. Moreover, the Federal Government and our state, local, and tribal partners expend significant resources on law enforcement to maintain the peace and security on the U.S. side of the border and in the U.S. interior. And, although there has been no spillover violence from Mexico into the United States (i.e., 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 offensive violence organized and directed by a cartel against U.S. personnel or interests in the United States or Mexico), there has been violence in the U.S. connected to drug trafficking, both at the border and in the U.S. interior.

More generally, Mexico is our neighbor, and many of our communities and citizens have deep ties – cultural, historical and familial – to Mexico. As neighbors, friends and family, the violence is deeply troubling. These are just a few examples of how the violence in Mexico affects the United States and border communities.

Targeting the Cartels

Question: In March we heard about combined efforts against cartel operatives in the U.S., such as the DEA Operation Xcellerator, which targeted the Sinaloa cartel and resulted in the arrest of more than 750 individuals over 21 months. In October, more than 300 individuals associated with the La Familia Michoacana cartel were arrested.

Such efforts to identify and dismantle cartel operations in the U.S. should significantly reduce the viability of these organizations. Have these raids had such impact?

ANSWER: Operation Xcellerator and Operation Coronado were multi-agency investigations, led by the Drug Enforcement Administration (DEA) and involving multiple other agencies of the Organized Crime Drug Enforcement Task Forces (OCDETF), which significantly impacted the viability of the Sinaloa and La Familia cartels. Over 300 arrests were conducted during the DEA-led Operation Coronado takedown, which removed the majority of the La Familia domestic cell heads. These arrests resulted in a significant disruption of the cartel's narcotics supply lines from Mexico into the U.S. The blow to the cartel's domestic operations has forced the cartel members in Mexico to rebuild and restructure their operations. Although these enforcement actions have been successful in destabilizing cartel operations, the cartels have not been eliminated. Long-term investigations targeting the remaining members and new members of the violent La Familia cartel are ongoing.

Border Area Drug and Cash Seizures

Question: Increased ICE focus on intelligence collection and joint operations through the Border Security Enforcement Task Force, or BEST program, seems to be paying dividends with more interdictions and seizures. What are your perspectives on the implications of strengthened enforcement along the Southwest border?

What improvements are being made by the Mexican government to better interdict smuggled contraband?

ANSWER: ICE's efforts along the southwest border remain a high priority, and ICE will continue to focus resources to reduce crime in this area. Specifically, ICE is focusing on identifying members of transnational criminal organizations engaged in narcotics trafficking, human and weapons smuggling, gang activity, and financial crimes; is partnering with federal, state and local law enforcement agencies through its BEST teams; and is increasing the numbers of removals along the southwest border. Based on additional special agents funded by FY 2010 appropriations, ICE anticipates continued positive results throughout this fiscal cycle. The Department appreciates the Committee's on-going support and will continue to use its resources to bolster enforcement efforts.

The current level of cooperation between the United States and Mexico has allowed U.S. agencies to work closely with GOM counterparts. The Mérida Initiative, for instance, has enabled GOM to increase the use of non-intrusive inspection equipment, training, procurement of helicopters for drug interdiction, and changes to the Mexican legal framework to enhance contraband smuggling investigations and prosecutions. In addition, training initiatives have focused on increasing GOM investigative capacity in the areas of intellectual property rights, commercial fraud and financial investigations. To date ICE has deployed 26 Special Agents to teach Basic Criminal Investigative Methods to approximately 3,400 Ministry of Public Security (SSP) investigators in San Luis Potosi, Mexico. This is pursuant to an ambitious SSP program to develop, train and deploy 10,000 investigators to the field within a year. ICE will continue supporting this training initiative, with the Department of State, through its projected completion in August 2010.

In addition, from November 2-13, 2009, ICE Special Agents instructed SSP officers from the ICE/SSP Special Operations Unit on the basic concepts of undercover operations, situational awareness, informant management, surveillance, operational security, intelligence gathering and basic special response team tactics. This is the first ICE-led training program of its kind. Furthermore, at the request of Mexican Customs, ICE is committed to helping build the investigative and enforcement capacity of the agency by developing a training course to prepare a cadre of investigative officers in Mexican Customs who will conduct criminal investigations of customs violations. In September 2009, ICE developed a proposed training syllabus for a 10-week training course that is expected to begin in May 2010. In January, 2010, ICE will host a 3-day curriculum development conference in Washington, D.C. with Mexican prosecutors to finalize the curriculum.

GOM has also initiated efforts within the PGR and the SSP, the largest law enforcement GOM components, to identify and remove corrupt individuals, which is critical to curbing contraband smuggling. The GOM Operation *Limpieza* has been highly successful in removing corrupt officials at all levels and the U.S. Government has provided polygraph examiners to assist with this effort. SSP has also conducted a complete overhaul of their confidence control division (similar to internal affairs) including refinements to their polygraph program and procedures. In addition, the Mexican customs agency recently let the contracts expire for over 1,000 suspicious inspectors and replaced them with newly trained and hired inspectors. Such efforts are a step forward in addressing one of the root causes of contraband smuggling from Mexico.

PGR, ICE and CBP have begun an alternative prosecution program for narcotics smuggling cases at the Nogales, Arizona port of entry. The Controlled Substance Pilot Project (CS-3P) is an agreement between PGR, ICE and CBP that enables PGR to prosecute narcotic smuggling cases that the U.S. Attorney's Office declines to prosecute. ICE and CBP provide PGR the information necessary to prosecute theses cases, including drug

sample testing, the transfer of evidence, official declarations by U.S. Government personnel and use of ICE/CBP reports. The goal of the program is to increase pressure on drug trafficking organizations operating in the area and to ensure consequences for drug smugglers beyond deportation. Nine defendants have been turned over for prosecution in Mexico since October 24, 2009. GOM has expressed its satisfaction with the program and its interest in creating a similar program to target weapons smuggling.

Successful Prosecutions of Fraudulent Gun Purchasers

Question: Effective prosecution of individuals who purchase guns in the US for others to smuggle into Mexico can be effective at disrupting weapons trafficking networks. However, limitations in ICE's legal authorities have apparently reduced the success of some investigations. Please provide for the record descriptions of cases where limited ICE authority to pursue weapons-related crimes have hampered ICE's effectiveness in disrupting the cartels' networks of straw gun purchasers.

ANSWER: ICE has no quantifiable record of incidents where limited authority to pursue weapons-related crimes hampered ICE's effectiveness. However, in instances where ICE has encountered an illegal alien in possession of a firearm in violation of 18 U.S.C. § 922(g)(5) (unlawful trafficking of a firearm by a nonimmigrant or illegal alien), the agency must rely on the statutory authority of the ATF to pursue criminal charges.

Working Relationship Between ICE and ATF

Question: Subcommittee staff have heard encouraging reports about joint ICE-ATF-Local Law Enforcement investigations into weapon straw purchases at gun shows in the border areas. However, we also found out that ICE has not always had as much help from ATF as the agency needs along the border. Assistant Secretary Morton recently negotiated with Acting ATF Director Melson to get more active ATF support in the Southwest. What is the current level of ATF support ICE receives along the Southwest border?

ANSWER: ICE and ATF are working together along the southwest border to unite the strengths of ATF's domestic firearms enforcement resources and ICE's broad authorities to curtail the smuggling of weapons out of the United States. Since an ICE-ATF memorandum of understanding (MOU) that went into effect on June 30, 2009, there has been an unprecedented level of cooperation between the two agencies. This cooperation has led to a large number of joint cases that facilitate the straw purchasing of firearms in the U.S. for ultimate export to illicit trafficking networks of firearms, particularly by drug trafficking organizations in Mexico.

ATF Acting Director Melson has continually expressed interest in a close and productive working relationship with ICE and also expressed strong support for the Administration's southwest border initiative. The BEST teams are a unique and valuable tool to fight arms and narcotics trafficking as well as money laundering and human smuggling and trafficking by bringing together relevant federal law enforcement agencies as well as state and local representatives. While ATF does participate in some of the 17 BESTs around the country, it has not yet committed resources to all BESTs. ICE and ATF have discussed full participation for ATF in the BESTs as well as coordinated enforcement actions along the border. In addition, Assistant Secretary Morton led a delegation of U.S. law enforcement personnel to Mexico in August that included Acting Director Melson. The two agency heads also co-hosted a November 2009 conference with CBP to address joint enforcement actions against firearms trafficking along the southwest border.

Further, ATF and ICE agents work side-by-side in OCDETF Co-located Strike Forces in Atlanta, El Paso, Houston, Phoenix, and Tucson. These Co-located Strike Forces aggressively target the highest-level trafficking

organizations, and they also function as a central point of contact for OCDETF agents and prosecutors nationwide, gathering intelligence and disseminating investigative leads throughout the neighboring areas. The Strike Forces are an extremely successful model of interagency cooperation through which the OCDETF component agencies, including ATF and ICE, have been able to achieve significant progress in attacking all the criminal activities of the drug cartels, including drug trafficking, weapons smuggling, illegal firearms trafficking, money laundering, and bulk cash smuggling.

Question: Why was it necessary to involve the Acting Director of ATF to get field agents to carry out an Administration initiative?

ANSWER: ICE and ATF are working together along the southwest border to unite the strengths of ATF's domestic firearms enforcement resources and ICE's broad authorities to curtail the smuggling of weapons out of the United States. While ATF does participate in some of the 17 BESTs around the country, it has not yet committed resources to all BESTs. ICE and ATF have discussed full participation for ATF in the BESTs as well as coordinated enforcement actions along the border; those discussions have included both agencies' leaderships including the Acting Director of ATF.

Question: Do ICE and ATF have plans to expand straw purchase investigations at and around gun shows in the Southwest border region?

ANSWER: To expand straw purchase investigations and leverage firearms smuggling-related arrests and seizures, ICE initiated the Armas Cruzadas Surge Operation along the Southwest Border on March 25, 2009, and will continue supporting this operation for the foreseeable future. ATF is a key player and has partnered closely with ICE to support the Armas Cruzadas Surge Operation. The first phase of this operation consisted of an intelligence and vulnerability analysis by the ICE Office of Intelligence.

The second phase is presently being executed and consists of the expansion of investigative and enforcement actions organized around gun shows and the related straw purchase activities as well as other identified vulnerabilities within the Southwest Border states as covered by each ICE Special Agent in Charge (SAC) office. A key element of the Armas Cruzadas Surge Operation approach is the use of ICE's BEST teams along the southwest border, which includes federal, foreign, state and local law enforcement officials. The ten BEST teams along the southwest border have played a vital role in improving coordination and communication among partner agencies, and have helped to synchronize cross-border responses to transnational crimes such as weapons trafficking.

The third phase of the Armas Cruzadas Surge Operation encompasses the analysis of information developed under phase two of the operation by ICE Office of Intelligence personnel to provide an enhanced strategic overview of weapons smuggling trends to Mexico. The analysis of the information will be an ongoing effort that should help identify the development of new techniques being utilized by criminal organizations as a response to the added scrutiny by law enforcement personnel. ICE recognizes that information collected during smuggling and trafficking investigations, as collected during surge operations, helps address existing intelligence gaps and provides a better understanding of cross-border smuggling and trafficking trends, methods and vulnerabilities.

In the future, ICE will seek to augment the number of surge operations, primarily organized around identified vulnerabilities in the SAC's respective areas of responsibility along the southwest border, to develop actionable intelligence on cross-border criminal activity that can be shared with foreign law enforcement counterparts,

which may lead to an increase in arrests and seizures, such as those developed from the investigative and enforcement actions of straw purchasers of firearms at gun shows on behalf of drug trafficking organizations.

International Prosecution of Fraudulent Gun Purchasers

Question: Officials in the Mexican government have suggested that individuals charged with conspiracy to smuggle weapons across the Southwest border could be extradited to Mexico and face charges in that country. Has DHS consulted with officials from the Justice Department or the Mexican government to determine whether such an approach would be a feasible and effective deterrent to cross-border weapons smuggling?

ANSWER: ICE has engaged in preliminary discussions with DOJ representatives at the U.S. Embassy in Mexico City on this issue. Furthermore, DOJ raised this issue for discussion between the U.S. Government and GOM at the DOJ Office of Overseas Prosecutorial Development Assistance and Training conference on arms smuggling in Phoenix, Arizona in August 2009.

The CS-3P program, described previously, may provide a framework work for a bi-national program. In considering the feasibility and effectiveness of such an approach, some potential concerns include low conviction rates in Mexico, the difficulty and sensitivity associated with extraditing U.S. citizens for prosecution in Mexico.

Additional CBP Air Support

Question: CBP is providing assistance to Mexico, both operational assistance via its air and marine surveillance and targeting systems, sharing information about travelers and trade with its Mexican counterparts, as well as training and technical assistance to help modernize Mexican systems, to include its own southern border. What impact is this having on Mexico's capacity to control its borders and inhibit smuggling and criminal travel?

An element of the effort to combat the cartels is CBP Air and Marine surveillance, tracking, and interdiction efforts, working with the Coast Guard, JIATF South, and Mexico, to detect and stop smuggling from South and Central America, including along the Mexican coast as well as by ultralights across the U.S. border. Could you describe what impact additional funding for P-3 and other operational support is having on stopping drug shipments from reaching Mexico by sea?

ANSWER: CBP efforts to increase GOM domain awareness have created a higher probability of criminal detection and interdiction by Mexican law enforcement officials. CBP does not have detailed data from the Mexican interdiction operations, but anecdotal evidence suggests that our Mexican partners are increasingly more successful in thwarting criminal transportation enterprises.

CBP Office of Air and Marine (OAM) P-3s created a substantial return on investment in support of the President's National Drug Control Strategy in FY 2009, including through its participation in the multi-agency OCDETF Operations Panama Express and Caribbean Corridor. CBP P-3s flew 6,497 counter drug hours supporting JIATF-S in and along the Source and Transit Zones that accounted for 61 Interdiction Events, participation in 50 percent of JIATF-S 233 MT Cocaine Seizures and Disruptions, and successfully executed 98 percent of projected flight hours for counter drug operations. The result was a record 257,232 pounds of cocaine seizures and or disruptions, equating to 40.5 pounds of cocaine seized and or disrupted for each P-3 flight hour. This counter drug effort equates to an estimated "per P-3 flight hour" loss of $490,000 in revenue for the drug cartels. The street or retail value of the narcotics seized and or disrupted by OAM P-3 counter drug

efforts is estimated at $3.25 billion in FY 2009. In addition, in FY 2009, Operations Panama Express and Caribbean Corridor resulted in the issuance of 46 federal indictments against 232 defendants, as well as the conviction of 203 defendants.

CBP P-3 aircraft provide over 58 percent of all airborne surveillance support to JIATF-S. OAM P-3s were instrumental in seizing eight of 10 SPSS (seized or scuttled) and 28 other type vessels interdicted during FY 2009. Four of the SPSS vessels, carrying over 22,000 kilograms of cocaine, were detected between December 30, 2008 and January 14, 2009. The majority of these detections are attributed to three Raytheon SeaVue™ surface-search radar systems installed in FY 2009. These interdictions prevented the delivery of cocaine to Mexico, where it would have been prepared for further transport into the U.S. by hundreds of individual smugglers who would smuggle the contraband across a wide-expanse of the U.S. Southern border. OAM P-3 crews also gathered substantial intelligence on smuggling techniques, logistical methods and tactics.

OAM operates a fleet of 16 P-3 Orion aircraft. Eleven are operational, five are in depot maintenance and two of those five will receive new wings during calendar year 2010. The current 11 operational P-3s are a significant increase over the FY 2009 average of 5.5. FY 2010 funding supports continuing inspections and repair efforts; planned depot maintenance; and three additional wing kits, for a total of nine against a requirement for fourteen.

Question: How is CBP responding to the increase in ultralight crossings and tunnel building that is happening as a result of increased pressure on the cartels and their traffickers?

ANSWER: Use of tunnels and light aircraft are responses to increased enforcement efforts along the southwest border. CBP has been leading an interagency operational effort to interdict individuals using these creative smuggling methods. DHS components such as ICE bring investigative data for operational planners. Investigative data combined with intelligence community information focuses the operational effort. Routine intelligence meetings have resulted in a sharing of information and enforcement strategy. These conveyance methods are difficult to detect with current technology. Therefore, interagency information sharing has become a critical component to mount an operational response to this threat. New methods of detection and interdiction are being tested and applied. Interdiction efforts are semi-successful, as many of the aircraft entering the US are not landing, but air dropping their cargo, and returning to Mexico in a matter of minutes in some cases. Attention refocused to these events has increased the number of interdictions of these air drops.

How 2010 Funding Will Be Used to Address SW Border Issues

Question: In total, the recently enacted 2010 Appropriations Act included $192 million of funding specifically to address Southwest Border issues, in addition to $100 million in the spring supplemental.

The FY 2010 appropriation includes an additional 116 CBP Officers and 144 Border Patrol agents to increase the manpower for southbound enforcement, as well as $20 million in additional inspection technology. When and where will CBP have these additional resources deployed?

ANSWER: The President's FY 2010 Budget included an additional 62 CBP officers (CBPOs) for the southwest border to help stem the escalating violence in that region. Congress added an additional 50 CBPOs for a total of 112. These additional CBPO positions will allow CBP to continue and strengthen the Pulse and Surge operations along the southwest border, and to build on the current cooperative efforts with federal, state, local and tribal law enforcement agencies. CBP will make every effort to continue all its critical efforts on the southwest border in future fiscal years.

The 112 additional CBP officers will be deployed to the following field offices:

- El Paso (32)
- Laredo (41)
- San Diego (22)
- Tucson (17)

CBP hired 51 on these CBPOs in the first quarter of FY 2010 and plans to hire 21 additional CBPOs in the second quarter, and 20 in each of the third and fourth quarters for a total of 112.

In addition, FY 2010 appropriations allowed the U.S. Border Patrol to maintain sufficient manpower and therefore operational control in several key areas along the southwest border. The 144 Border Patrol agents requested to increase the manpower available for southbound operations and the funding for additional inspection technology have been deployed according to the National Strategy and Congressional mandates.

- As of 12/05/09, there were 17,266 Border Patrol agents along the southwest border
- As of 12/11/09, 642.5 miles of fencing was completed out of nearly 655 miles mandated by Congress
    - 298.5 miles of vehicle barriers
    - 344.0 miles of pedestrian fence
    - In 2009, CBP began deployment of nine sensor towers and eight communication towers to cover a 23-mile stretch of border south of Tucson, AZ.
    - In 2009 CBP also deployed 39 Mobile Surveillance Systems along the southwest border (and one for further test and evaluation)
- Deployed 13 additional cross-trained canine teams, which identify firearms and currency, to the southwest border to augment the 5 teams already in place.
- Deployed 100 additional Border Patrol agents to augment CBP officers during inspections operations.
- Deployed 5 additional Z-Backscatter Units to Border Patrol checkpoints along the southwest border. This was an augmentation of the 6 already in place. The deployment of the Z-Backscatter Units and additional canine teams resulted in record-setting seizures of narcotics along the southwest border.

The Border Patrol has initiated a collaborative enforcement action designed specifically to target illicit cross border activity named Operation Alliance to Combat Transnational Threats (ACTT). ACTT addresses both north- and south-bound threats of all types, from human foot traffic to the use of tunnels or existing manmade subterranean structures to the increased use of ultra-light aircraft along the southwest border. The additional 144 Agents in question were deployed in the El Paso and Tucson Sectors, where the Border Patrol has experienced high rates of violence and smuggling attempts. As the Border Patrol has expanded operational control of the border, smugglers have changed their tactics and have demonstrated growing signs of frustration. There has been a 300 percent increase in assaults on agents in the Tucson Sector (108 versus 27) during the first two months of FY 2010.

Of the $10 million allocated for NII at the Ports of Entry (POEs), $7.6 million will be used for equipment purchases (4 large-scale, low-energy portal NII systems) and $2.4 million will be used for deployment and implementation services and program management. CBP will deploy 2 of the systems to Laredo (one for privately owned vehicles, and the other for buses) one system to Otay Mesa (for privately owned vehicles), and one system to Calexico (for privately owned vehicles.)

Of the $10 million allocated for NII between the POEs, $9.2 million will be used for equipment purchases (13 large-scale, low-energy mobile systems) and $800 thousand will be used for deployment and implementation services and program management.

Question: ICE received $100 million for a variety of operations along the Southwest border, including funds for anti-gun smuggling activities and combating transnational gangs. How will ICE use these resources? What can ICE do now that the agency did not plan to address in 2010 originally?

ANSWER: ICE is utilizing the $100 million in additional resources primarily to augment existing capabilities and take on additional tasks in order to confront a surge in illegal activities on the southwest border. This funding allows ICE to deploy additional staff to provide a greater level of investigative activity.

A few specific examples include:

- ICE can deploy additional resources for Operation Armas Cruzadas, a comprehensive, collaborative, intelligence-driven, and systematic effort with the Mexican government to identify, disrupt and dismantle the criminal networks that illicitly transport arms across the border.
- ICE's Operation Firewall will be able to bolster its operations to counter bulk cash smuggling through partnerships and close collaboration with foreign partners, including Mexico.
- Operation Community Shield (OCS), a ICE anti-gang initiative, can initiate Project Big Freeze to combat the national security and public safety threats posed by Trans-border Criminal Enterprises (TCEs) in the form of criminal street gangs conducting business on behalf of international drug trafficking organizations and drug cartels in the U.S.
- OCS will be better able to systematically and strategically examine border crime intelligence generated by BEST teams to initiate border crime cases, exploit crime patterns and identify criminal organizations.
- OCS can assign specially trained ICE gang enforcement officers to act as force multipliers on ICE-led BEST operations. This resource will benefit BEST teams by adding subject matter experts (SMEs) on criminal street gangs to these specialized units. These SMEs will focus on identifying, locating and developing criminal cases on gang networks operating in the southwest border region.
- ICE will increase the number of agents assigned to BEST teams along the southwest border.

Non-Intrusive Inspection Technology

Question: Non-intrusive inspection (NII) technology is an important element of efforts to combat smuggling on the U.S.-Mexican border, and represents an important part of technical assistance to Mexico under the Merida Initiatives. Since FY 2009 Congress has provided over $400 million in appropriations to CBP for non-intrusive inspection (NII) technology, almost a third for new procurement. Most of these new systems will be deployed to detect and intercept illicit contraband moving through Southwest border ports of entry, and new FY 2010 funding was provided to support southbound operations. To date, however, little procurement funding has been expended, or contract awards are frozen pending resolution of GAO protests.

It is essential that NII equipment be deployed as soon as possible to leverage the efforts of officers and agents in scanning containers and vehicles crossing the border. Thus the criteria CBP uses to evaluate NII equipment need to be clearly tied to mission requirements and performance standards that are transparent and sensible, and permit competitive procurement processes to help the government acquire the right systems at the best price.

Does CBP use standard procurement evaluation criteria based on technological capability, past-performance, and price? Are life-cycle costs also considered?

ANSWER: CBP consistently evaluates technology performance requirements based on emerging and existing threats. Once a vendor's product is determined to meet all performance requirements, the vendor is then scored by a panel towards its ability to perform. Technological capability, past performance and price are the minimum evaluation factors used for awards that require a technical evaluation/assessment.

Yes, as appropriate, life-cycle costs are considered to understand the full cost of a proposed contract. The CBP Office of Information and Technology manages the maintenance and logistics for NII equipment. Past equipment failure rates, time to repair, as well as costs associated with repairs and services, assists with assessing the benefits and overall costs of one product over another.

Question: Competition to help drive NII quality up and prices down is enhanced when suppliers are assured proprietary information will not be unnecessarily shared with competitors. However, when grant awards are protested and subsequently rebid, there is a risk such information can be exposed. How does DHS ensure a level playing field for participants, and avoid releasing information that could put an original award recipient at a disadvantage during a re-bidding process?

ANSWER: Procurement professionals follow the Federal Acquisition Regulations with respect to the handling of procurement-sensitive information both internal to each procurement action and with respect to public inquiries.

Controlled Substance Project

Question: In September 2009 the Attorney General's Office of the Republic of Mexico (PGR) entered into an agreement with ICE and CBP that enables the PGR to prosecute, under Mexican law, drug smuggling cases, where smugglers are apprehended at U.S. ports of entry or crossing between the ports of entry. To date several prosecutions have been made, where no action might have been taken had the only option been to prosecute on the U.S. side of the border. What impact is this partnership having on trafficking levels and patterns?

ANSWER: During its short time in existence, CS-3P has already resulted in nine defendants being turned over for prosecution in Mexico since October 24, 2009. The nine defendants were arrested as a result of eight separate seizures, which involved an aggregate total of 422 pounds of marijuana.

Question: What are the prospects that it will put into effect along the entire U.S.-Mexican border?

ANSWER: The Department is supportive of joint initiatives GOM. DHS has and will continue to work with GOM in evaluating the logistical and resource requirements needed by both parties in expanding the Controlled Substances Project along the entire U.S.-Mexico border.

QUESTIONS FOR THE RECORD SUBMITTED BY

RANKING MEMBER HAROLD ROGERS

Ms. Mariko Silver, Deputy Assistant Secretary for International Policy at DHS
Mr. Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection
Mr. John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement
Confronting the Cartels: Addressing U.S.-Mexican Border Security

CBP & ICE – Weapons Seizure Data / Issues

Question: Please provide detailed data, per port of entry along the Southwest border and in total, of firearms seized since the onset of the Southwest Border Security Initiative in March 2009. Please distinguish the data between inbound, outbound, type of weapon, and pertinent data on the person(s) smuggling the weapon(s).

ANSWER: CBP seized a total of 126 firearms at ports of entry along the southwest border since the onset of the Southwest Border Security Initiative in March of 2009. Thirty-three weapons were seized in the inbound environment and 93 were seized in the outbound environment. Further detailed information is marked For Official Use Only and has been provided to the Committee separately.

Question: How many of the weapons seized at ports of entry and through investigations since the onset of the Southwest Border Security Initiative have been proven to be definitively associated with violent crimes in the U.S. and in Mexico? Please provide associated details.

ANSWER: In 2008, ICE initiated Operation Armas Cruzadas as a comprehensive, collaborative, intelligence-driven and systematic effort with GOM to identify, disrupt and dismantle the criminal networks that illicitly transport arms across the border into Mexico.

As part of this operation, ICE BEST teams jointly with CBP initiated a surge operation along the southwest border in an effort to identify, interdict and investigate weapons trafficking organizations. Since the inception of Armas Cruzadas, ICE has seized a total of 1,996 weapons and 241,850 rounds of ammunition destined in part for Mexico.

ICE is not able to quantify the number of weapons and ammunition seizures linked to violence in the U.S. or Mexico. In many cases weapons are seized prior to reaching individuals who would use them to commit violent crimes. These seizures do represent a collaborative effort to prevent illicit weapons trafficking into Mexico and the subsequent violence that often results from these criminals acts.

Question: When these weapons are seized, is the ballistics information entered into ATF's NIBIN program? Is this information and the resulting NIBIN search results shared with other Federal, State, and international law enforcement agencies?

ANSWER: ICE's Border Violence Intelligence Cell (BVIC) is co-located with ATF in El Paso, Texas, and ICE co-staffs the El Paso Intelligence Center's Gun Desk with ATF to exploit data entered into the National Integrated Ballistics Information Network (NIBIN). ICE does not directly enter ballistics information into NIBIN which is instead administered by ATF.

Data from NIBIN is used by the ICE Office of Intelligence in intelligence products that are disseminated to international, federal, state, tribal and local partners on a regular basis.

Question: The report accompanying the FY 2010 Appropriations Act encourages DHS to establish protocols to share ballistics information with both the U.S. Department of Justice and Mexican law enforcement. What is the status of these protocols?

ANSWER: Information sharing protocols have been established and are currently exercised via the Arizona Operations Plan participants, the BEST teams, and through DHS's State and Local Fusion Centers that focus on the needs of state, tribal and local law enforcement agencies.

ICE has established the Homeland Security Information Network (HSIN) Weapons Virtual Task Force (WVTF), a web-based portal that will serve as the primary mechanism for sharing firearms-related investigative information between ICE and GOM. The HSIN WVTF portal will improve the quality and timeliness of communication by allowing real-time access to firearms seizures and arrests conducted by ICE and GOM. The portal will also contain virtual communities where law enforcement officers can share intelligence in a secure environment. The primary U.S. law enforcement contributors to the system will be officers assigned to the BESTs, Office of Intelligence Field Intelligence Groups and Border Violence Intelligence Cell, ICEATT personnel, and ICE Headquarters components from its Offices of Investigations, Intelligence and International Affairs. The primary Mexican agency users are expected to be the National Center for Planning and Analysis of Information, PGR, Special Investigative Unit for Organized Crime, Ministry of Public Security and Ministry of Defense. The HSIN WVTF membership may also include other GOM public officials involved in or accountable for enforcing Mexico weapons export controls and laws and for investigating and prosecuting those who seek to violate those controls and laws.

ICE – Detention Issues

Question: Please provide the criteria ICE currently uses to determine a detainee's eligibility for the Alternatives to Detention (ATD) program. Please also describe which categories of detainees are currently ineligible for ATD participation.

ANSWER: ICE evaluates potential participants for the Alternatives to Detention (ATD) program on a case-by-case basis. ICE considers a number of factors, including but not limited to community ties, age, local area family support, ability to provide for themselves, potential danger to the community, and previous supervised reporting history. Issues that could affect supervision requirements, such as flight risk and medical issues are also considered, along with the individual's stage in immigration proceedings to the extent it affects the risk of flight assessment.

Individuals under the age of 18 and those who are subject to mandatory detention per Section 236(c) of the Immigration and Nationality Act are excluded from participation in the ATC Program. In general, ICE does not detain juveniles and does so only if the juvenile was adjudicated as an adult in a criminal matter, a fairly rare occurrence.

Question: As ICE is developing a nationwide implementation plan for ATD, what factors are being considered with respect to eligibility for ATD?

ANSWER: ICE is still assessing whether any additional factors should be considered related to ATD eligibility. Progress is underway in developing a new risk assessment instrument which will allow us to match those applicants who are eligible for ATD with the most appropriate type of ATD supervision. The new and improved instrument will provide a standardized way for assessing factors relevant to the release decision, including community ties, age, local area family support, ability to provide for themselves, potential danger to the community, and previous supervised reporting history. ICE will also consider additional criteria that may affect supervision requirements such as medical issues.

Question: Under ICE's Secure Communities program, what analysis has been conducted to determine whether all of the 33,400 funded detention beds are being fully utilized?

ANSWER: The Secure Communities program works closely with the Office of Detention and Removal Operations and funds detention beds to forecast the need for detention space and ensure adequate capacity for the number of criminal aliens identified through Interoperability. The Secure Communities program has developed forecasting tools designed to allow ICE to anticipate resource needs.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE CIRO D. RODRIGUEZ

Mr. Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection
Confronting the Cartels: Addressing U.S.-Mexican Border Security

Coordination with National Parks

Question: As you know I have 785 miles of border with Mexico in my district. Within that I have the Big Bend National Park and Amistad National Recreation Area along the border. The Amistad Lake has over 800 miles of shoreline with Mexico. I know that within the Marfa and Del Rio Sectors there is great cooperation between CBP and the National Park Service. I know the Border Patrol has a substation on Big Bend, and recently increased the number of agents at the park. I know at Amistad Lake it is very common to see both Park officials and Border Patrol working side-by-side on the water. In both places there are joint facilities in the works. NPS and Border Patrol are working on joint housing facilities at the park to hold the increase in both agents and park rangers. At Amistad, a joint multi-purpose center is in the works for park police and Border Patrol to work more efficiently, instead of operating in two different locations. It sounds to me, that CBP has a great working relationship with the Department of Interior and the National Park Service. Chief Smietana and Chief Hill as well as Superintendants Bill Wellman and Alan Cox speak frequently and all are active members of their community.

I recently read an article in the Washington Times (11/16/09), essentially saying that the Department of Interior is getting in the way of your mission. We have seen amendments to Appropriations bills trying to remove so-called barriers to border security. I've had National Parks legislation stalled in committee because of the notion that an expansion of a border park or public land means an impediment to border security. I know the Department already has waiver authority if environmental laws get in the way of its work.

Can you help us on the subcommittee understand whether conservation of federal lands is an impediment to border security? Are there any drawbacks for the agency to be more conscious of their impact on the borderlands?

ANSWER: When done properly, conservation on federal lands can be achieved in a manner that does not adversely impact border security operations. CBP is statutorily responsible for securing our borders while Department of Interior (DOI) and the U.S. Forest Service are statutorily responsible for preserving our natural resources. Given these divergent missions, close coordination between the agencies is essential to ensure mission success for all. CBP and DOI have been heavily engaged in recent years to develop working relationships and issue resolution forums to provide for the appropriate balance of security and conservation. Difficult issues still occasionally arise, but these are resolved utilizing the framework and relationships that have been established.

CBP strives to conduct enforcement activities to maximize the positive impacts to border security and to the environment while minimizing adverse impacts to the environment. The appointment of Public Land Liaison Agents in each U.S. Border Patrol sector, increasing the number of Borderlands Management Task Forces, and application of best management practices demonstrate CBP's commitment to work in partnership with land managers to provide responsible, environmental stewardship.

Legalization in Mexico and its Impacts

Question: The government of Mexico announced that it is no longer an offence to possess 0.5 g of cocaine (the equivalent of about four lines), 5g of marijuana (about four joints), 50 mg of heroin and 40 mg of methamphetamine. How is the legalization of illegal substances on the Mexican side going to impact the US border communities? What is the plan for addressing this issue through prevention, education and treatment?

ANSWER: The United States respects GOM's decision to pursue a different approach to combating drug use; however, the U.S. approach to drug control and de-criminalization differs from the approach the GOM is undertaking with the change in their drug law. The Department does not anticipate that the change in Mexico's law will materially affect U.S. border communities, although, to the extent that there is some negative effect, U.S. law enforcement will respond appropriately.

DHS is not directly involved with drug prevention, education, and treatment activities, although it does support the efforts of the Office of National Drug Control Policy (ONDCP) and other federal entities involved.

Open Source Information

Question: Which Department and Agency is coordinating the collection of open source information related to the drug problem and violence along the US Mexico/Border? How much consideration has been given to developing a comprehensive open source database, and what variables are most critical in developing an intelligence operational plan? What is the information dissemination plan?

ANSWER: Many federal departments and agencies, monitor, analyze and disseminate open source information concerning Mexico.

DHS has not developed a comprehensive open source database in order to avoid an unnecessary duplication of effort among government agencies and ensure the effectiveness of existing databases as sole repository of information. Instead, resources have been focused within ICE on maximizing effective use of existing databases. Currently, ICE analysts are trained to utilize open sources, and to leverage pre-existing open source data marts, such as the Open Source Center's secure web portal, developed by partner agencies to include the Office of the Director of National Intelligence (ODNI), Central Intelligence Agency and the Department of Defense. ICE provides every analyst with a three-day Open Source Analysis Course as well as follow on training as needed.

Additionally, ICE has developed the capability to task the ODNI's Open Source Center and the DHS Open Source Intelligence Program. Recently, this process has proven successful in identifying grey literature, such as hidden web material, related to human smuggling, trafficking in persons and child sex exploitation.

ICE disseminates vital information to the Intelligence and Law Enforcement Communities through the production of Homeland Intelligence Reports (HIRs). HIRs are produced incorporating information from open sources, law enforcement data bases and/or classified information, and are disseminated as appropriate based on content. In FY 2009, ICE disseminated over 600 HIRs containing information relating to national security, southwest border security, transnational criminal activity and threats to public safety.

Border Technology

Question: The Congressional Border Caucus drafted a letter to Assistant Secretary Johnson in the Bureau for International Narcotics and Law Enforcement Affairs at the State Department regarding border security. Specifically, we learned that CBP uses high accuracy, state identification license plate reader technology. The Border Caucus believes that utilizing the same technology on both sides of the border would increase interoperability, accuracy, and facilitate data exchange between the US law enforcement and Mexican authorities, while also reducing wait times at border crossings.

Can you please advise if you agree with our assessment and if so, would you be willing to work with the State Department to encourage your counter parts in Mexico to acquire such technology?

ANSWER: CBP would welcome the opportunity to expand its partnership with the Mexican authorities through the shared use of License Plate Reader technology, but sees significant challenges in the areas of policy and coordination that would arise from implementing a single technology platform across the southern border.

The Aforos system is the first step by Mexico to deploy a national automated system to screen passenger vehicles entering Mexico. For the first time, Mexico Customs will require all passenger vehicles to stop at the border and pass through an automated vehicle identification process. The new system runs collected data through different databases and risk analysis tools to ensure the targeting capabilities of Mexico Customs. The Aforos system relies on license plate readers, cameras and weight scales to record crossing details for every passenger vehicle entering Mexico. The Aforos system is scheduled to be fully deployed in the spring of 2010.

At this time, the Aforos system is a stand-alone database at individual ports and does not use state recognition software – only letters and numbers not associated with a state of origin, which is a critical component of CBP license plate reader technology. State recognition software is critical for information sharing along the southwest border. At this time, the minimum CBP data requirements for the Mexican government would include state, plate, date, time and crossing location. CBP is currently pursuing a potential near term solution with Mexico Customs.

DHS continues to work closely with GOM, as well as DOS, to expand information sharing.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE ALAN MOLLOHAN

Mr. John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement
Confronting the Cartels: Addressing U.S.-Mexican Border Security

ICE's Cooperation with DEA and ATF

Question: In FY10, ICE, as well as DEA and ATF were all appropriated significant budgetary increases. How is ICE utilizing these dollars to ensure truly effective cooperation with the DEA and ATF—to guarantee that the federal government is spending the taxpayer's money wisely and not duplicating efforts or missing vital opportunities for coordination?

ANSWER: ICE is committed to information sharing with both the Drug Enforcement Administration (DEA) and ATF, which will help to dismantle and disrupt trafficking organizations. On August 6, 2009, ICE entered into an agreement to participate in the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center through which ICE will share and coordinate investigative information with a number of agencies, including ATF and DEA. Additionally, ICE signed separate cooperation agreements with each agency.

An interagency cooperation agreement (ICA) between ICE and DEA signed on June 18, 2009, outlines formal mechanisms that will ensure interagency coordination and information sharing. The June 30 MOU between ICE and ATF, referenced in a previous response, formalized a partnership to promote effective, coordinated and collective law enforcement efforts in the U.S. and abroad.

ICE BVIC, located at the El Paso Intelligence Center, supports daily interaction with DEA and ATF. The BVIC has intelligence research specialists assigned to the gun desk and DEA units which facilitates de-confliction of information, a common operating picture of the agencies involved and the dissemination of tactical, operational and strategic intelligence back to ICE and to all affected personnel and agencies. In addition to the formal mechanisms in the agreement and establishment of the BVIC, ICE plans to improve interagency coordination and cooperation. These mechanisms center on joint investigations and investigative task forces. ICE and DEA routinely conduct joint investigations and combine resources through established investigative task forces such as the BEST teams and OCDETF.

In addition, ICE Assistant Secretary Morton led a delegation of U.S. law enforcement to Mexico in August that included Acting Director Melson. The two agency heads also co-hosted a November 2009 conference with CBP to address joint enforcement actions against firearms trafficking along the southwest border, and he meets regularly with the Acting Director of ATF and Administrator of DEA.

Question: It's been about five months since the ICE signed agreements to coordinate more effectively with both the ATF and DEA. At this point, what has been the practical effect of the MOUs? What real progress has been made between ICE and these agencies?

ANSWER: As referenced in the previous response, the June 18 ICA between ICE and DEA relates to investigative functions related to the Controlled Substances Act. Both Secretary Napolitano and Attorney

General Holder have emphasized that the agreement is the most efficient and effective way to address cross-designation concerns while promoting additional coordination, communication and de-confliction. This agreement, which went into effect immediately, strengthens collaboration between ICE and DEA, bolsters information sharing and coordination, and provides ICE agents the authority needed to work important drug trafficking cases. ICE and DEA management are making a concerted effort to finalize local protocols and guidance that will be mutually beneficial to the respective agencies and field components.

Also as previously discussed, the June 30 MOU between ICE and ATF formalizes a partnership and promotes effective, coordinated and collective law enforcement efforts by both agencies related to the domestic and international trafficking of firearms, ammunition, explosives, weapons and munitions within each agency's respective authority. ICE headquarters contacts each Special Agent in Charge (SAC) office every sixty days following the implementation of the MOU to solicit feedback and identify any shortcomings of the MOU. Any suspected coordination problems between ICE and ATF that could not be resolved within the framework of the MOU are referred directly to ICE headquarters. To date, the bulk of responses have been positive with the vast majority of problems resolved within the framework of the MOU. Any problems identified will be discussed with ATF as the implementation period progresses so that any modifications to the MOU or headquarters guidance by ICE or ATF may be given to their respective field components. The practical effect of the MOU has been to increase coordination between ICE and ATF as well as to facilitate joint enforcement actions.

These agreements have lessened the frequency of conflicts and the need for headquarters involvement by the respective agencies. Both agencies continue to work together under existing task forces such as the Organized Crime Drug Enforcement Task Force and the BEST teams. Additionally, the ICE Assistant Secretary and the Acting Administrator of DEA meet on a regular basis.

Question: The jurisdiction between ICE and DEA and ATF is closely intertwined and there exists a significant amount of overlap, especially in regard to issues at the SWB. How did the recent MOUs address and resolve these overlaps? When it is not readily apparent which agency should lead a particular task, how are these issues resolved?

ANSWER: The June 18 ICA and June 30 MOU ICE maintains between DEA and ATF provide guidance regarding which agency has jurisdiction over cases. While recognizing the individual jurisdiction of each agency, the agreements provide a process for resolving any issue that arises regarding which agency would have the lead in a particular investigation.

ICE and DEA are developing a protocol for specific coordination and communication under the ICA. Under the June 18 ICA, ICE will fully staff and share information and intelligence through the OCDETF Fusion Center, in addition to sharing seizure data with the El Paso Intelligence Center. In addition to advancing ICE investigations, such information sharing will support all federal partners in the Fusion Center. Ultimately, this ICA will aide in de-confliction and promote cooperation between ICE and DEA in an effort to avoid jurisdictional overlaps. The ICA also delineates that ICE may designate an unlimited number of agents for Title 21 cross-designation and that ICE Title 21 investigations will have a nexus to the border.

The ICE-DEA ICA stresses mutual cooperation and assistance in situations where authorities and cases overlap. The ICA establishes that the agency initiating the investigation will invite the cooperation and participation of the other agency in the form of a joint investigation. To help avoid any confusion, the ICA also specifies each agency's distinct jurisdiction in the "General Investigative Guidelines" section. The ICA also references the "Specific Investigative Guidelines" section, which provides more detail of each agency's respective jurisdiction with regard to overlap.

Additionally, the ICA describes actions to be taken regarding de-confliction and operational coordination between agencies. By presidential order, DEA is the lead agency in drug trafficking investigations. In the case of Mexico, the protocols established by the U.S. Ambassador to Mexico states that DEA is the principal advisor to the Ambassador, and the United States Government will speak with one voice, with DEA as the lead agency, to foreign counterparts regarding drug trafficking. The ICA guidance gives clear direction to agents in the field on how to proceed with respect to the other agency's authorities and responsibilities. The agreement creates a headquarters review team, which will ultimately resolve any de-confliction and coordination issues that cannot be resolved at the local level, and will be responsible for periodically reviewing the performance of the interagency agreement. This team is composed of three senior managers from each agency and is chaired by DEA Chief of Operations and vice-chaired by ICE Director of Investigations. Both agencies encourage employees to resolve issues at the local level, starting with their first line supervisors and escalating to Title 21 coordinators as needed. If still unresolved, the issue will be addressed by the respective SACs and eventually by the headquarters review team, if required.

The June 30 ICE-ATF MOU stresses mutual cooperation and assistance in situations where authorities and investigations overlap, and requires that the initiating agency invite the participation and cooperation of the other agency in the form of a joint investigation. The MOU also provides general investigative guidelines and delineates each agency's respective jurisdictions, as well as guidance and clear direction to agents in the field on how to proceed with investigations where the other agency may have an equity. The MOU strives for resolution of interagency conflicts at the field level with headquarters elements encouraging the sound judgment of ATF and ICE SACs to ensure de-confliction of activities in the field.

In those instances where competing equities prevent the field elements from reaching a mutually satisfactory conclusion on any matter under the purview of this MOU, each agency will promptly refer the matter to their appropriate headquarters elements for resolution. The ICE Director of Investigations and the ATF Assistant Director of Field Operations will serve as the adjudicators for conflict resolution.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE ALAN MOLLOHAN

Mr. John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement
Mr. Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection
Confronting the Cartels: Addressing U.S.-Mexican Border Security

DHS Cooperation with DOJ for Budget Requests

Question: How is DHS working with the DOJ to coordinate budget requests—understanding that the more effectively DHS agencies do their job, the greater the budgetary impact on DOJ agencies?

ANSWER: ICE coordinates with DOJ on both civil and criminal matters. For instance, ICE provided DOJ's Executive Office for Immigration Review (EOIR) with projections of increased criminal alien cases resulting from new ICE initiatives, which EOIR was able to use as part of its FY 2010 budget proposals for an increase in the number of immigration judges. ICE is already taking steps to coordinate its future forecasts of workflow with EOIR.

In addition, ICE's Assistant Secretary meets regularly with the DOJ Deputy Assistant Attorney General, Assistant Attorneys General, as well as U.S. Attorneys to discuss alignment of priorities and budgets.

Combating Violence at the Southwest Border

Question: Several DHS cartel-related programs are considered quite successful. With the large amount of additional resources given to ICE and CBP in FY 2010 to combat violence at the SWB, can the agencies project its crime fighting statistics for this year? For example, do the agencies expect another successful year with more increases in weapons seized, arrests and convictions as a result of these additional resources? When CBP and ICE have received budgetary increases to combat violence at the SWB in the past how were your statistics impacted? Do the agencies expect similar results in FY10?

ANSWER: Given the dynamic and evolutionary nature of the threats faced by CBP and ICE in the southwest border environment, it is difficult to accurately project or predict meaningful crime fighting statistics for any future time period or geographic region.

It is difficult to project with any certainty the number of FY 2010 enforcement actions related to the additional ICE efforts to combat violence at the southwest border (arrests, indictments, convictions and the value of seizures). Statistics can be impacted by many factors including the complexity of cases that are investigated and prosecuted. Despite this difficulty, ICE can use "per agent" FY 2009 enforcement data for southwest border SACs and BESTs as an indicator of the impact of the additional special agents deployed to the border to combat the smuggling of drugs, weapons and bulk cash (as well as other crimes) related to the cartels.

Additionally the ICE Office of Investigations is deploying an additional 164 permanent special agent positions to the southwest border BESTs and SACs from FY 2010 appropriations. When fully deployed to the field, these additional agents permit ICE to engage in approximately 2,950 additional enforcement actions. As a part of the overall ICE deployment plan in which an additional 164 permanent special agent positions deployed to the SWB BESTs and SACs from FY 2010 appropriations, many special agents will be assigned to counter-proliferation investigations. Based upon "per agent" FY 2009 enforcement data for SWB weapons-related investigations, when fully deployed to the field, this number of additional agents will permit ICE to complete approximately 205 additional weapons-related enforcement actions (the total of arrests, indictments and convictions).

In general, CBP and ICE statistics with regards to combating border violence have improved as a result of past and current budgetary increases. In particular, during FY 2009 ICE increased investigations and intelligence capability in its southwest border offices and improved coordination with state, local, tribal and Mexican law enforcement officials. Beginning in March 2009, ICE detailed additional agents and officers and initiated 6,444 investigations along the southwest border, an increase of 27 percent over the same time period in FY 2008. ICE has also seen increases in enforcement statistics (arrests, indictments, convictions, seizures, fines and penalties) by 15 percent, and in dollars seized by 32 percent over the same time period in FY 2008.

FY 2009 supplemental and FY 2010 appropriations have been helpful for confronting the violence on the southwest border, and CBP and ICE fully anticipate similar enforcement and deterrence results in FY 2010.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE SAM FARR

Ms. Mariko Silver, Deputy Assistant Secretary for International Policy at DHS
Mr. Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection
Mr. John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement
Confronting the Cartels: Addressing U.S.-Mexican Border Security

Multi-Agency Cooperation at the Border

Question: I am encouraged by your reports regarding the success of the many different joint efforts between ICE, CBP, the US Coast Guard, the DEA, ATF, the FBI, the US Attorney's office along with other state, local, tribal and foreign law enforcement agencies.

I am glad to see federal strategies being developed that address the reality that these cartels do not limit their illegal and violent activity to one country or within the jurisdiction of one agency.

I'd particularly like to note the apparent success of two initiatives:

1. The 17 Border Enforcement Security Task Force (BEST) locations that are covering the high threat corridors.
2. The Aforos program on the Mexican side of the SW border, which provides an additional checkpoint for vehicles entering Mexico.

While these and other joint efforts seem to be on the right track, I am concerned that the scope of these programs is too limited.

What is the timeline for deployment of these initiatives along the entire SW border?

ANSWER: As the question references, ICE established the BEST teams to address border violence along the U.S./Mexico border and has brought together the resources of foreign, federal, state and local law enforcement agencies to address cross-border violence. There are currently 11 BESTs covering the Southwest border in the following locations: Laredo, Texas; Tucson, Arizona; El Paso, Texas; San Diego, California; Rio Grande Valley (Harlingen, Brownsville, McAllen), Texas; Phoenix, Arizona; Yuma, Arizona; Imperial Valley, California; Deming, New Mexico; Las Cruces, New Mexico and Mexico City, Mexico. ICE is continually evaluating prevalent threats along with mission priorities in geographic areas in consideration of future BESTs and other initiatives along the southwest border.

BESTs on the southwest border have the participation of the Mexican law enforcement agency, SSP. Vetted SSP officers already operate in five of the ten BESTs along the southwest border and provide law enforcement support with respect to dismantling cross-border criminal networks. SSP has committed additional SSP officers in each of the remaining southwest border BESTs and efforts are underway to vet and place those officers.

In addition to the BEST teams, ICE has many other initiatives currently in place to expand coverage on the southwest border, including participation in the OCDETF Fusion Center, OCDETF Co-located Strike Forces along the Southwest Border, and the High Intensity Drug Trafficking Area (HIDTA), High Intensity Financial Crimes Area, Panama Express, and Caribbean Corridor initiatives. These initiatives allow ICE to share and coordinate investigative information with a number of other agencies, such as DEA and ATF, to effectively enforce the areas along the southwest border. ICE is continually evaluating prevalent threats along with mission priorities in geographic areas in consideration of future BESTs and other initiatives along the Southwest border.

The question also referenced the Aforos program, which is a GOM-led program; ICE is not able to comment on expansion timelines for that program. The Aforos system is a GOM project and serves as their first step to deploy a national automated system to screen passenger vehicles entering Mexico from its northern border. Currently, the system is deployed at 90% of southbound lanes on the US-Mexican border, and according to Mexico, it will be operational at all existing passenger vehicle processing lanes in early 2010.

Question: What additional resources will you be requesting to fully cover the entire SW border, including your activities inside Mexico?

ANSWER: That information will be provided in the President's FY 2011 Budget Request.

Question: How are you measuring the success of these efforts?

ANSWER: The BEST program measures success by utilizing the traditional law enforcement metrics of criminal arrests, administrative arrests, indictments and convictions. Additionally, the program compares the price of narcotics and the fees charged by smuggling organizations to transport narcotics, weapons, people and bulk currency to determine effectiveness.

Currently the Mexican Aforos system is not fully operational. When the system becomes operational, the Mexican Government will determine the metrics for evaluating its success, and we will consult with them regarding the system's volumetric and percentage increase of the number of apprehended fugitives and persons of interest from watch lists, recovered stolen vehicles, seized firearms, currency and drugs, and the amount of actionable intelligence resulting in investigations. Additionally, CBP will seek to explore with Mexico Customs how to better track the increase in the volume of the afore-mentioned enforcement actions occurring between POEs as a measure of the success of the efforts at the POEs.

Question: What challenges, if any, are you encountering in your efforts to improve the success of these programs?

ANSWER: The primary challenge for the BEST program is obtaining participation of state and local law enforcement where the locality lacks the financial resources to support involvement in task forces. Unlike the HIDTA task forces, which have the ability to reimburse state and local partners through the issuance of grants, DHS has no statutory grant-making authority to reimburse state and local overtime or salaries of members of state and local law enforcement agencies that participate in the BEST program.

State and local partners comprise the majority of the full-time, non-DHS participants, and their expertise has been instrumental to the success of the program. All across the United States, states, counties and local communities are experiencing unprecedented budget crises that have not spared law enforcement agencies. As

a consequence, participation in discretionary programs like BEST has and will continue to be a challenge for some local agencies.

A secondary challenge for the BEST teams is facilities. Given that the 17 established BEST teams are comprised of over 300 members representing over 80 foreign, federal, state and local law enforcement agencies, the largest challenge is obtaining adequate facilities to co-locate the BEST members for logistical and communication reasons. The key element to the success of the BEST program is the strategic co-location of all participating members. The benefits from co-locating resources include: real-time streamlined information sharing; immediate de-confliction; eliminating parochialism; creating a force multiplier; fostering a "think tank" environment; increased success rates for enforcement operations; and pooling intelligence and technical resources. Each BEST team concentrates on the prevalent threat in its geographic area, including: cross-border violence; weapons smuggling and trafficking; contraband smuggling; money laundering and bulk cash smuggling; human smuggling and trafficking; transnational criminal gangs; and tunnel detection.

Aforos will not be fully operational until early 2010. We believe the system could benefit from modifications in the form of integration with other databases to perform intelligent screening. However, with its existing capability to target specific vehicles, Aforos offers the opportunity for Mexico Customs to flag for secondary inspection arriving vehicles and persons associated with those vehicles already established as "look outs" in U.S. law enforcement databases.

WITNESSES

	Page
Ahern, Jayson P	26
Morton, John	38
Silver, Mariko	15

INDEX

CONFRONTING THE CARTEL: ADDRESSING U.S.-MEXICO BORDER SECURITY

	Page
Opening Statement of Chairman David Price	1
Opening Statement of Ranking Member Harold Rogers	8
Statement of Mariko Silver, Deputy Assistant Secretary for International Policy, Department of Homeland Security	15
Statement of Jayson Ahern, Acting Commissioner, U.S. Customs and Border Protection	26
Statement of John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement	38
Additional CBP Air Support	97
Air and Marine Operations Center (AMOC)	80
Amend Federal Gun Laws	59
Automatic and High-Caliber Weapons	79
Border Area Drug and Cash Seizures	93
Border Fencing	63
Border Still Not Secure	57
Border Technology	107
Budget Coordination with Justice Department	66
CBP & ICE-Weapons Seizure Data/Issues	102
Challenges in Central and Latin America	73
Combating Violence at the Southwest Border	111
Controlled Substance Project	101
Coordination with Law Enforcement Agencies	69
Coordination with National Parks	105
Correlating Budget Increase to Success	68
Correlation Between Influx of Legal Mexican Nationals and Crime	55
Deployment of BESTs	61
DHS Cooperation with DOJ for Budget Requests	111
Drop in Crime Rate	64
Drug Cartels	56
Federally Licensed Firearms	84
How 2010 Funding Will be Used to Address SW Border Issues	98
ICE's Cooperation with DEA and ATF	108
ICE-Detention Issues	103
Intensifying Cartel Violence in Mexico	91
International Prosecution of Fraudulent Gun Purchasers	97
JIATF Along Southwest Border	76
Lack of Trust with Mexico Still Exists	53
Legalization in Mexico and its Impacts	106
License Plate Readers	81
Merida Initiative	72, 91
Multi-Agency Cooperation at the Border	113

Page
Non-Intrusive Inspection Technology 100
Oasis Program 71
Open Source Information 106
Operation Streamline 64
Origin of Weapons in Mexico 58
People Crossing the Border 83
Questions for the Record Submitted by Chairman David Price 88
Questions for the Record Submitted by Ranking Member Harold Rogers 102
Questions for the Record Submitted by the Honorable Alan Mollohan..... 108, 111
Questions for the Record Submitted by the Honorable Ciro D. Rodriguez 105
Questions for the Record Submitted by the Honorable Sam Farr 113
Safe Effective Deployment of CBP Agents 51
Spending Merida Money 83
Spillover Violence 52
Strategy to Address Roots of Cartel Authority and Build Mexican Capacity 88
Successful Prosecutions of Fraudulent Gun Purchasers 95
Tackling Southbound Flow of Drugs 60
Targeting the Cartels 93
Terrorists Apprehended by Border Patrol 65
Thresholds for Determining Prosecution 65
Transporting Illegal Immigrants Through Texas 54
U.S.-Mexico Partnership to Combat Cartels 51
Violence Remains Unabated in Mexico, Yet Little Spills into the United States 92
Weapons Seizures From the United States to Mexico 74
Working Relationship Between ICE and ATF 95

○