

**BORDER VIOLENCE: AN EXAMINATION OF DHS  
STRATEGIES AND RESOURCES**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON BORDER,  
MARITIME, AND GLOBAL  
COUNTERTERRORISM**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

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## **BORDER VIOLENCE: AN EXAMINATION OF DHS STRATEGIES AND RESOURCES**

**Thursday, March 12, 2009**

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL  
COUNTERTERRORISM,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 10:04 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

Present: Representatives Thompson, Sanchez, Harman, Lofgren, Jackson Lee, Cuellar, Kirkpatrick, Pascrell, Green, Massa, Souder, McCaul, and Bilirakis.

Ms. SANCHEZ. [Presiding.] The subcommittee will come to order. The subcommittee is meeting today to receive testimony on border violence, an examination of Department of Homeland Security strategies and resources.

Good morning and welcome to today's hearing on border violence. Our panel today consists of witnesses from various agencies within the Department of Homeland Security who are familiar with the situation on the ground at the border. I am hopeful that this hearing will be a forum for an open and honest dialogue on the resources and the strategies that DHS has in place to address the growing violence in the U.S.-Mexican border.

This hearing is very timely in light of the fact that last week Mexico sent an additional 3,200 soldiers to the border. This increases the total number of Mexican soldiers combating drug cartels to more than 45,000. That is about the equivalent of the troops that we have in Afghanistan.

With the Mexican government engaged in a violent struggle against these well-armed drug cartels, frequently resembling advanced military units, the United States and this Congress cannot ignore our role in assisting our neighbor and ally in this fight and, of course, in preventing that violence from slipping into the United States.

A recent report by our former drug czar, General Barry McCaffrey, said that there is a terrible tragedy that could take place in the coming decade if we don't develop a resourced, strategic, appropriate response for the dangers that we face related to the drug trafficking in Mexico. And I would like to submit his report for the record.

In developing a strategy to assist and deal with the drug cartel war in Mexico, there are several key issues, I believe, that must

be addressed. For example, how will we as a nation address the fact that it is estimated by the ATF, the Alcohol, Tobacco and Firearms Agency, that 90 percent of the guns found in Mexico come from our streets and our stores?

What role do we have in training and preparing and providing assistance to the Mexican government? How will we ensure that our shared trade and commerce routes that supply our country with many essential products are safe from disruption in Mexico and across the border? And how can we ensure that a variety of United States departments and agencies are working together effectively with the limited resources that we have?

Furthermore, we must clearly assess whether or not the violence is actually spilling over into our border cities on a daily basis. Is it affecting innocent bystanders? We must not hype the dangers in our cities, such as El Paso, which actually has declining crime rates.

However, we do know that cartel members are present in over 230 cities in the United States. And some of them masquerade as local gang members who engage in drug-related kidnappings and home invasions. In addition, we should note that there are over 200 United States citizens that have been killed in this drug war, most of them involved in the cartels, and a few—very few, but still—some innocent bystanders.

And with those concerns in mind, it is essential that the Department of Homeland Security, along with other departments, continue to pursue a contingency plan to address any spillover into our country.

So I look forward to a constructive dialogue with the panel today. We need to gain further insight into the situation at the border, so that we can have a clear understanding of the challenges, the resources it is going to take, the strategies that we can develop.

And since this is one of the lead committees with respect to strategy and policy at the border, I think it is important. This is actually the first subcommittee hearing that we hold this year. We have had several briefings, obviously, on this issue. But this is the first public one that we have. And I assume that we will probably have some more in the coming weeks and months.

And now, I would like to yield some time to my ranking member, Mr. Souder, on this, because he has been working on these issues quite a few years, actually probably decades now. I hate to—you have been in Congress at least that long. And so I would yield to my ranking member for his opening statement. Thank you.

[The statement of Ms. Sanchez follows:]

PREPARED OPENING STATEMENT OF THE HONORABLE LORETTA SANCHEZ, CHAIR,  
SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

Our panel today consists of witnesses from various agencies within the Department of Homeland Security who are familiar with the situation on the ground at the border.

I am hopeful that this hearing will be a forum for an open and honest dialogue on the resources and strategies DHS has in place to address the growing violence on the U.S.-Mexico border.

This hearing is very timely in light of the fact that last week Mexico sent an additional 3,200 soldiers to the border, increasing the total number of Mexican soldiers combating drug cartels to more than 45,000.

To put that into perspective, that is roughly the same, if not more than, the number of troops the United States currently has fighting in Afghanistan.

With the Mexican government engaged in a violent struggle against well armed drug cartels that frequently resemble advanced military units, the United States and this Congress cannot ignore our role in assisting our neighbor and ally in this fight, and preventing this violence from spending across our border.

A recent report by the former drug czar General Barry McCaffrey, which I would like to submit for the record, warned that "a terrible tragedy is going to take place in the coming decade if we don't. . .develop a resource strategy appropriate for the dangers we face" related to drug trafficking in Mexico.

I couldn't agree more.

In developing a strategy to assist and deal with the drug cartel war in Mexico there are several key issues that must be addressed:

- How will we as a nation address the fact that 90 percent of guns found in Mexico come from our streets and stores?
- What role do we have in training, preparing and providing assistance to the Mexican government?
- How will we ensure that our shared trade and commerce routes that supply our country with many essentials products are safe from disruption in Mexico?
- And, how can we ensure that a variety of U.S. Departments and agencies work together efficiently and effectively to respond to this threat?

Furthermore, we must clearly assess whether or not the violence is spilling over to our border cities on a daily basis.

We must not over hype the dangers in border cities, such as El Paso, which has seen declining crime rates.

However, we know that cartel members are present in some 230 U.S. cities, often times masquerading as local gang members who engage in drug related kidnappings and home invasions.

In addition, it should be noted that over 200 U.S. citizens have been killed in this drug war, either because they were involved in the cartels or were innocent bystanders.

With those concerns in mind, it is essential that the Department of Homeland Security, along with other relevant Departments, continue to pursue a contingency plan to address "spillover" violence along our border.

I look forward to a constructive dialogue with the panel today and hope to gain further insight into the situation at the border, a clear understanding of the challenges facing the Department of Homeland Security in coordinating a response with other U.S. agencies, and a vision of the path forward so that this Subcommittee can ensure that all necessary resources are available in counteracting this threat of border violence.

Mr. SOUDER. Thank you, Madam Chairman. And thank you for having this be our first hearing and for our excellent briefings we have had already this year. We have all seen the news reports about the massive number of deaths and violence in Mexico with numbers exceeding 7,000 since January 2007. That is more than 10 deaths every single day for the past 2 years linked to drug violence.

These are brutal murders, often accompanied with torture as the drug trafficking organizations battle each other and the government of Mexico. Most of these violent acts have occurred in public places and otherwise brought attention of the public in an attempt to send a message. We have seen some of this violence come into the U.S. with reports that Phoenix is the kidnapping capital of America, as cartels across the border carry out violence against their rivals and associates operating in the U.S.

U.S. Justice Department recently said that Mexican gangs are the biggest organized crime threat to the United States operating in at least 230 cities and towns. In February, I had the opportunity to travel with Congressman Cuellar and some other members to Mexico where we met with President Calderon. His message was clear and direct. His government needs immediate help and assistance to quell the violence.

It is important that we recognize the sacrifices Mexicans—Mexico's law enforcement officers, military personnel and the citizens of Mexico, who continue to be targeted by the ruthless drug trafficking organizations. Under President Calderon's leadership, there are 45,000 Mexican military deployed to try and break the hold of the drug cartels over all the parts of Mexico. He has established a new police force and is seeking to root out corruption.

I think it is important to include this in the record to demonstrate that, while we are very concerned about the violence and the threat posed to the United States, we recognize that the government of Mexico is making tremendous efforts. In many ways, the increase in violence shows that security efforts, both in the U.S. and Mexico are working and are in fact threatening the cartels.

That being said, the reality is that there is a crisis at our borders that could spread to U.S. communities, if Congress doesn't act. It is critical that the United States move forward with haste to gain control over our borders. The consequences of the continued vulnerability along the border are clearly evident in the violent crime and drug-related death rates throughout the United States.

I find it very troubling that, during the 110th Congress, while we worked together on hearings and site visits, the Committee on Homeland Security did not pass a single piece of border security legislation, and this subcommittee didn't hold a markup.

The Department of Homeland Security will play a critical role in stopping this violence and providing important support and training to the counterparts in Mexico. It is important that this committee does what is necessary to help these men and women succeed in their mission by enacting legislation to enhance the resources staffing and authority.

Madam Chair, I hope that we can work in a bipartisan manner, as we have done thus far, to craft such legislation that will address these critical areas soon.

I would like to thank our witnesses for being here today. I look forward to hearing from the Department of Homeland Security on what we hope to do to help quell the violence that plagues both of our countries, especially at a time when violence directed at law enforcement is at an all-time high with over 1,000 assaults on border patrol agents along the border last year.

I am equally interested in finding out how funding under the Merida Initiative will help, and where the southwest border counter-narcotics strategy is in development.

I would especially like to welcome Al Peña, the Department of Homeland Security attaché from Mexico City. We appreciate your willingness to come to Washington to participate in this hearing. I think the subcommittee will gain a much better understanding of what is happening on the ground in Mexico, and how different initiatives are working from your first-hand experience. Thank you again for being here.

I thank all the witnesses and look forward to your testimony.

Thank you, Madam Chair.

Ms. SANCHEZ. I thank my ranking member. I will just remind him we may not have passed some legislation. But we certainly increased the resources in the last 2 or 3 years. I know CVP probably



went from about 8,000 people to almost 20,000 people. So, you know, we have been working very hard at this.

I will now recognize the chair of the full committee, the gentleman from Mississippi, Mr. Thompson, if he has an opening statement.

Mr. THOMPSON. Thank you very much, Madam Chairman. I appreciate you calling this hearing to look at what obviously is a significant issue for a lot of us as well as this country. And I also would like to thank our witnesses for being here today to discuss this issue of violence across our border with Mexico.

Fueled in part by a demand for narcotics in the U.S., drug traffickers have crossed our nation's southwest border for decades with a business-as-usual mentality. Sometimes they are caught. Sometimes they are not. But the reality remains the same. The drug cartels are making billions of dollars.

Mexican President Felipe Calderon has taken unprecedented steps to quash the drug cartels and root out crime in Mexico. His efforts have coincided with increased border security efforts in the U.S. In response, the cartels have resorted to extraordinary violence and gruesome tactics to protect their turf and profits.

Last year alone, violence related to the drug trade claimed the lives of about 6,000 individuals, a number that can only be described as shocking. Unfortunately, the violence has shown little sign of stopping, causing President Calderon to send thousands more troops to Mexican border towns.

Mexico is not alone in this fight, however. In December, the first \$197 million of the Merida Initiative provided by Congress was released. Secretary Napolitano has already made it clear that she will be giving the situation in Mexico her utmost attention.

I can assure you, Madam Chair and other committee members, that the Committee on Homeland Security will give it our undivided attention also.

Madam Chair, because we have five witnesses, I will just submit the rest of my statement for the record. And I look forward to their testimony.

The statement of Mr. Thompson follows:]

PREPARED STATEMENT OF BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON  
HOMELAND SECURITY

Fueled in large part by demand for narcotics in the U.S., drug traffickers have crossed our Nation's southwest border for decades with a "business as usual" mentality.

Sometimes they are caught, sometimes they are not, but the reality remains the same—the drug cartels are making billions of dollars.

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His efforts have coincided with increased border security efforts in the United States.

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Last year alone, violence related to the drug trade claimed the lives of about 6,000 individuals—a number that can only be described as shocking.

Unfortunately, the violence has shown little sign of stopping, causing President Calderon to send thousands more troops to Mexican border towns in turmoil.

Mexico is not alone in this fight, however.

In December, the first \$197 million of the Merida Initiative provided by Congress was released.

Secretary Janet Napolitano has already made it clear that she will be giving the situation in Mexico her “utmost attention.”

I can assure you that this issue has the Committee on Homeland Security’s attention as well.

The violence is in America own backyard and cannot be ignored.

At the same time, we must be careful about predictions that Mexico is at risk of becoming a failed state” or implying that U.S. border communities are in a similar state as their Mexican counterparts.

Instead, we need thoughtful planning and decisive action where appropriate to respond to the potential threat to the U.S. and to help Mexico respond to this very serious problem.

The Department of Homeland Security is uniquely positioned both to help curb the violence and to respond should the violence “spill over” into the U.S.

Thousands of Border Patrol agents, Customs and Border Protection officers, ICE special agents, and other Department personnel work the southwest border every day.

With the right resources, they may assist with interdicting the southbound shipments of weapons and cash that help feed the violence.

They would also be our first line of defense should violence spill over the border. Given its integral role, it is vital that the Department of Homeland Security have a sound strategy in place to deal with the situation in Mexico.

Despite some of the dire predictions, we hope never to need to put such a plan into action.

However, we do need to make sure DHS has all the resources and authorities it needs to carry out such a plan if necessary.

As Chairman of this Committee, I will do everything in my power to ensure that happens.

I look forward to hearing from our witnesses about the Department’s plans to utilize its assets to prevent and, if necessary, respond to border violence or other incidents along our shared border with Mexico.

Ms. SANCHEZ. I think our chairman and our—ranking member of the full committee is not here to submit his statement. But I will remind other members of the subcommittee that, under committee rules, opening statements may be submitted for the record.

So I welcome our panel of witnesses. Thank you, gentlemen, for being with us this morning.

Our first witness, Vice Admiral Roger T. Rufe, Jr. from the United States Coast Guard, retired, was appointed director of the Department of Homeland Security’s Operations Directorate in July 2006. As director, he is responsible for integrating operations across the department’s component agencies as well as coordinating with state, local, tribal and other federal departments. The admiral returned to public service after having served 34 years in the Coast Guard.

Our second witness, Mr. Alonzo Peña, became the Department of Homeland Security’s attaché in Mexico City in July of 2008. In this capacity, he serves as the department’s senior diplomat and primary contact with the Mexican government. Prior to his appointment Mr. Peña served as special agent in charge of ICE’s Office of Investigations in Phoenix, Arizona. Welcome, Mr. Peña.

Our third witness, Mr. John Leech, is the acting director for the Office of Counternarcotics Enforcement at the Department of Homeland Security. He serves as the primary policy advisor to the secretary for department-wide counternarcotics issues. And he came to the Department of Homeland Security from the White House Office of National Drug Control Policy, where he served as the secretary of defense’s counternarcotics license. Welcome.

Our fourth witness, Mr. Salvador Nieto, was appointed to the CBP Office of Intelligence and Operations Coordination as the deputy assistant commissioner in November of 2008. In this capacity,

Mr. Nieto leverages the skills of intelligence, operations and targeting expert to maximize CBP's enforcement efforts. Mr. Nieto started his career with the border patrol in 1988. Welcome.

And then our final witness, Mr. Kumar Kibble, is deputy director of the Office of Investigations for ICE. In this capacity, he serves as the chief operating officer for the largest investigative arm of the Department of Homeland Security. Mr. Kibble began his federal law enforcement career as a special agent with the United States Customs Service, of course, in Los Angeles, California. So welcome.

And without objection, we will take the witness' full statements. They will be inserted into the record. I now ask each of you to summarize your statement in 5 minutes or less. And we will start with Admiral Rufe.

**STATEMENT OF VICE ADMIRAL ROGER T. RUFÉ, JR., USCG, RET., DIRECTOR, OFFICE OF OPERATIONS COORDINATION, DEPARTMENT OF HOMELAND SECURITY**

Admiral RUFÉ. Good morning, Madam Chairman, Ranking Member Souder, Chairman Thompson and members of the subcommittee. I am Roger Rufe, director of operations, coordination and planning at the Department of Homeland Security.

I am pleased to appear today alongside my distinguished colleagues to discuss how the Office of Operations Coordination and Planning has coordinated the development of a departmental southwest border violence contingency plan to prevent or respond to a significant escalation of violence along the United States southwest border and adjacent maritime domain.

I welcome this opportunity to discuss how this ongoing contingency planning effort facilitates the ability of the secretary to respond to an escalation in violence along the U.S. southwest border and to execute her incident management responsibilities in accordance with Homeland Security Presidential Directive 5.

The trend of increasing drug cartel violence in Mexico is alarming. Rival trafficking organizations vying for control and against the government of Mexico's anti-drug efforts have fueled increased levels of violence amongst the competing traffickers and against those who seek to enforce Mexican law.

In June, 2008 DHS observed increases in violence in Mexico and along the southwest border and began a contingency planning effort to address southwest border violence at the direction of former secretary Michael Chertoff. DHS activated an intra-departmental operations planning team, with participation from key interagency partners, to include the Department of Justice, Department of Defense, and Department of State.

Our role, then, as operations role in the planning process, was to coordinate the planned development in support of Customs and Border Protection, who was the lead agency, and other DHS components and our federal interagency partners.

The operations planning team developed a departmental guidance statement and a department southwest border violence operations plan. These two products provided the secretary a scalable, tailored approach to address the myriad of threats posed by a significant escalation of violence along the U.S. southwest border.

Since current DHS resources along the southwest border have not yet required augmentation, the OPLAN has not been activated. This operations plan consists of a four-phase system designed to scale the federal response to the level of violence in the area of operations.

Phase 1 reflects steady-state operations, our current state of operations. Field-level, CBP leaders are responding to events within their area of operations using their organic resources and plans, as in fact was done just a few weeks ago when demonstrations on the Mexican side of the border briefly impacted the flow of commerce at the POEs, at the ports of entry.

Phase 2 addresses DHS response requirements for an escalation of violence along the southwest border that is beyond steady-state, but does not warrant a full federal response. This phase is divided into two sub-phases to provide flexibility based on the violence, based on the threat. Phase 2 reflects an escalation of violence that is within the organic capability of CBP, ICE and the Coast Guard in the area of operations.

Phase 2b addresses an escalation of violence that requires a full departmental response, bringing in forces from elsewhere to augment the existing VH resources in the area of operations. If it becomes necessary to transition to Phase 2b, the CBP commissioner will activate a southwest border interagency task force and appoint a director. This task force will serve as the field-level hub for coordinating with all state and local authorities in response to the escalating violence.

In the event that DHS resources are unable to effectively respond to the situation, or if special operation or if special response capabilities are required that are not organic to DHS, the secretary will initiate and coordinate the strategic operations of a full federal response, that is using other federal agency resources, in phase 3.

Once the response mission has restored security along the southwest border and direction is given by the president or the secretary, phase 4 will begin. In this phase, the task force will begin demobilization.

Since Secretary Napolitano's arrival at DHS in January, she has received numerous briefings from the department officials on Mexican drug cartels, on violence along the southwest border and the department's enforcement and prevention strategies. During these briefings, the secretary provided additional guidance about the scope and objectives of the existing operations plan.

She directed my office, in coordination with CBP and other key DHS components, to conduct a review of the operations plan and to determine whether it will sufficiently address contingencies on the border other than escalating levels of violence. As we revise the OPLAN, we will conduct outreach within the department critical state, local and tribal stakeholders along the southwest border. This outreach will ensure that our state and local partners are fully engaged in southwest border planning.

Thank you for the opportunity to report on our progress today. I look forward to your questions.

[The statement of Admiral Rufe follows:]

## PREPARED STATEMENT OF ROGER RUFÉ

Good morning, Chairwoman Sanchez, Ranking Member Souder and Members of the Subcommittee. I am Roger Rufe, Director of the Office of Operations Coordination and Planning at the U.S. Department of Homeland Security (DHS). I am pleased to appear today alongside Deputy Assistant Commissioner Nieto, Kumar Kibble, Al Peña and John Leech. Thank you for inviting me to discuss how the Office of Operations Coordination and Planning (OPS) has coordinated the development of a Departmental Southwest Border Violence Plan to prevent or respond to a significant escalation of violence along the United States' southwest border and adjacent maritime domain. I welcome this opportunity to discuss how this ongoing contingency planning effort facilitates the ability of the Secretary of DHS (Secretary) to respond to an escalation in violence along the U.S. southwest border (SWB) and to execute her incident management responsibilities in accordance with Homeland Security Presidential Directive-5 (HSPD-5).

As the Committee is well aware, the trend of increasing drug cartel violence in Mexico is alarming. As Secretary Napolitano stated in her appearance before this Committee on February 25, "Mexico right now has issues of violence that are a different degree and level than we've ever seen before." The DHS Office of Intelligence and Analysis (I&A) is assessing and analyzing the threat Mexican Drug Trafficking Organizations pose to the border. I&A is working closely with its sister agencies within the Intelligence Community (IC), and other Federal, State, local, and Tribal partners to share the most current information and analysis.

The primary threats along the U.S. SWB are border violence, southbound gun smuggling, northbound drug trafficking, and illegal immigration. Mexican Drug Trafficking Organizations constitute the greatest organized crime threat to the United States.<sup>1</sup> The Sinaloa and Gulf cartels remain the most powerful in Mexico. Rival trafficking organizations vying for control against the government of Mexico's anti-drug efforts have fueled increasing levels of violence amongst the competing traffickers and against those that seek to enforce Mexican law. There were approximately 6,000 drug-related murders in Mexico in 2008; that number was more than double the previous year's record. Most drug-related murders on both sides of the border are limited to people who are either directly or indirectly (through family members) connected to the drug trade as traffickers or enforcement officers.

In June, 2008 DHS observed increases in violence along the SWB, resulting in several incidents where DHS employees, American citizens, and Government of Mexico (GOM) officials were placed at greater risk. At that time, contingency planning to address Southwest Border Violence (SWB-V) was initiated at the direction of former Secretary Chertoff. DHS activated an intra-departmental Operations Planning Team (OPT), with participation from key interagency partners (e.g., DOJ, DoD, DOS). OPS' role in the planning process was to coordinate the plan in support of Customs and Border Protection (CBP), other DHS components, and our Federal interagency partners. The Operations Planning Team developed two DHS SWB-V planning products: a Department Guidance Statement (DGS)<sup>2</sup> and a Department SWB-V Operations Plan (OPLAN). These two products provided the Secretary a scalable/tailored approach to address the myriad of threats posed by a significant escalation of violence along the US SWB. Secretary Chertoff approved the SWB-V DGS on November 5, 2008 and the SWB-V OPLAN on January 16, 2009. Since current DHS resources along the southwest border have not yet required augmentation, the OPLAN has not been activated.

#### ***The Existing Border Plan***

I'd like to share with you details from the current plan. Under the current iteration of the plan which is based on cross border violence, DHS developed a four phase system to execute this OPLAN designed to scale the Federal response to the level of violence in the area of operations. Phase 1 reflects steady-state operations, our current state of operations. CBP Headquarters and field offices are coordinating with the IC, other Federal, State, local, and tribal partners, and the GOM, to maintain situational awareness along the U.S. SWB. Field-level CBP leaders are responding to events within the area of operations using their organic resources and plans. CBP Headquarters is monitoring events and providing situational awareness to DHS Headquarters through existing channels. DHS Components, Directorates, and Offices are modifying and evaluating the Department OPLAN. Response assets have been identified, and deployment and resource plans are being developed. Phase

<sup>1</sup>(U) National Drug Intelligence Center, *2009 National Drug Threat Assessment*, December 2008.

<sup>2</sup>A DGS is a directive from the Secretary to develop a department level plan with specific guidance on roles, responsibilities, and associated issues.

1 will end with the direction of the President or the DHS Secretary to move to Phase 2a, 2b, or 3.

Phase 2 addresses DHS response requirements for an escalation of violence along the SWB that is beyond steady-state, but does not warrant a full Federal response. This phase is divided into two sub-phases to provide greater flexibility based on the threat. Phase 2a reflects an escalation of violence that is within the organic capability of CBP, ICE, and USCG in the area of operations. Phase 2b addresses an escalation of violence that requires a full Department response to augment the existing CBP, ICE, and USCG resources in the area of operations.

Phase 2a, reflecting an enhanced border response, will begin when directed by the President, the DHS Secretary, or the CBP Commissioner. This decision will be based either on intelligence indicators and warnings or on an escalation in violence resulting in the CBP field leadership's inability to adequately respond using local CBP resources in the SWB area of operations. CBP field leaders will maintain tactical lead and continue to coordinate with local DHS and interagency partners, as well as GOM representatives. CBP Headquarters will assume the lead to coordinate operations, activate the CBP Crisis Action Team, and designate a CBP National Incident Manager. CBP Headquarters will provide situational awareness to DHS leadership, via the DHS National Operations Center (NOC), with greater frequency.

The CBP Commissioner will request permission from the DHS Secretary to transition to Phase 2b in the event that full CBP national resources are unable to effectively respond to the situation, or if specialized non-organic response capability is needed. Upon approval, the CBP Commissioner will activate the SWB Interagency Task Force (SWB-ITF) and appoint a Director. The SWB-ITF will serve as the field-level hub for coordinating with all State and local authorities. The task force, which will provide situational awareness to DHS leadership via the NOC, will be staffed with personnel from selected Departments and Agencies to facilitate rapid coordination of prevent, protect, and response activities in the affected areas. Organization, operating hours and size of the task force will be dependent upon the events occurring on the ground. My office will activate a SWB Crisis Action Team to monitor the situation, maintain situational awareness and coordinate Department and Federal support, on an as needed basis.

In the event that DHS resources are unable to effectively respond to the situation—or if special response capabilities are required that are not organic to DHS—the Secretary, under the authority granted by the Homeland Security Act of 2002 and HSPD-5, will initiate and coordinate the strategic operations of a full Federal response in Phase 3. A tactical response lead will remain with local field leadership within their respective areas of responsibility, while the SWB-ITF will assume overall operations coordination. Other Federal Departments and Agencies providing support may also activate coordination centers, consistent with their existing authorities.

Once the response mission has restored security along the U.S. SWB and direction is given by the President or DHS Secretary, phase 4 will begin. In this phase, the SWB-ITF will develop a demobilization plan. Demobilization may not occur immediately as it would depend upon conditions in the field. High levels of violence along the southwest border may result in a requirement for long-term recovery, such as housing and care for displaced persons, or to restore damaged infrastructure. Federal Agencies with authority and responsibility for recovery may be called upon to activate appropriate coordination mechanisms. The SWB-ITF will remain activated with the addition of a recovery coordination cell until such coordination is appropriately handed off to another coordination entity.

While the Federal response to a significant escalation in violence may proceed in stages, nothing prevents the President, the Attorney General or the DHS Secretary, from immediately initiating a higher level response at any time.

#### ***Key Department Roles and Responsibilities***

The plan will further clarify Department roles and responsibilities, including those for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, Transportation and Security Administration, Federal Emergency Management Administration, Office of Operations Coordination and Planning, the Office of Intelligence & Analysis, and the Office of Infrastructure Protection. Because of their predominant role at the border, CBP will serve as the lead DHS Component responsible for the effort to prevent and respond to a significant escalation of violence along the SWB. CBP would also be responsible for coordinating Federal operations through an organization specifically created by the OPLAN—the SWB-ITF. The task force is organized to ensure seamless integration with other Federal, State, local and Tribal partners.

#### ***Department of Defense Support to DHS SWB Planning***

The Department of Defense (DOD) is involved with our ongoing SWB planning efforts, and they were part of the OPT activated by DHS in June 2008. Any DOD support provided in response to a significant escalation in violence or other significant threat along the U.S. SWB will fall under the category of Defense Support of Civil Authorities, where DOD is in a supporting role. Requests for DOD capabilities to support the interagency response are nested in the well-established existing Federal request for assistance process (utilizing Title 10 and Title 32 forces when approved by the Secretary of Defense) and internal State emergency management procedures (National Guard in State Active Duty or Title 32 status). DOD support would be requested only if DHS Components are overwhelmed or do not have the resident capabilities to fulfill the mission. Areas of potential DOD support include SWB-ITF staffing, where DOD planning expertise can be used, as well as other military-unique capabilities, executed either by the National Guard (in State Active Duty or Title 32 status) or by Title 10 DOD forces. In accordance with section 377 of Title 10, U.S. Code, such support would be provided by DOD on a reimbursable basis.

***The Next Steps in SWB Planning***

It is important to note that since Secretary Napolitano's arrival at DHS in January, she has received numerous briefings from Department officials on Mexican drug cartels, violence near the southwest border and the Department's enforcement and prevention operations. In addition, OPS, CBP, and other DHS components have briefed the Secretary about the Department's contingency plans to address increased levels of violence at the southwest border. During these briefings, the Secretary provided additional guidance about the scope and objectives of the existing OPLAN. She directed my office, in coordination with CBP and other key DHS components, to conduct a review of the OPLAN to determine whether it will sufficiently address contingencies on the border other than escalating levels of violence. For example, we should consider how the Department would change its operational posture in response to political instability, or a land-based mass migration on the border that does not necessarily result in violence. To that end, my office has initiated a revision process for the OPLAN that will result in key changes to its critical considerations, assumptions, mission statement, and essential tasks. Additionally, we will work with the DHS Offices for Intergovernmental Programs and State and Local Law Enforcement to conduct outreach with the Department's critical State, local, and tribal stakeholders along the southwest border. This outreach will ensure that our State and local partners are fully engaged in southwest border plans.

***Conclusion***

I am very pleased to report on the progress DHS and the interagency community are making in expanding the existing contingency plan into a broader plan that addresses current and emerging security issues along the U.S. SWB. This broader plan provides the DHS Secretary a graduated, flexible, and scalable response, using fully integrated Department and interagency resources, to address the myriad of threats and events that could occur along the U.S. SWB. Thank you for the opportunity to report to the Committee on our ongoing efforts. I request that you place this testimony in the permanent record and would be pleased to answer any questions at this time.

Ms. SANCHEZ. Thank you, Admiral.

Our next witness will be Mr. Peña. If you would please summarize your statement in 5 minutes or less.

**STATEMENT OF ALONZO PEÑA, DEPARTMENT OF HOMELAND SECURITY ATTACHÉ, U.S. EMBASSY, MEXICO CITY, DEPARTMENT OF HOMELAND SECURITY**

Mr. PEÑA. Thank you very much. Chairman Sanchez, Congressman Souder, distinguished members of the subcommittee, Chairman Thompson, thank you for the opportunity to appear before you today in order to discuss the department's role in addressing border violence and the strategies and resources that we can bring to this vitally important mission.

The United States and Mexico are bound together by significant cultural, social and economic ties. We share the determination to protect our region from transnational threats such as terrorism and

organized crime. As the DHS attaché at the U.S. embassy in Mexico City, I am directly involved in our efforts to foster cooperation with the government of Mexico. I am deeply honored that you would invite me to share my perspectives.

The relationship with Mexico is a priority for DHS. I am one of only a small handful of DHS headquarters-level attachés deployed worldwide. And the U.S. embassy in Mexico City is the only one with six of the seven DHS operational components represented.

As a DHS attaché, I am Secretary Napolitano's representative in Mexico. I advise the chief of mission on policy matters related to DHS' work. And I ensure that DHS is proactively engaged with U.S. government interagency partners and our Mexican counterparts. I bring with me 25 years of experience in federal law enforcement in California, Texas, Arizona and in Mexico.

Nearly every day, the media reports on the violence that results from transnational criminal organizations operating within Mexico and along the U.S.-Mexican border. Addressing this situation during a 60 Minutes interview, Secretary Napolitano said: Mexico right now has issues of violence that are a different degree and level than we have ever seen before.

From my position on the ground in Mexico, I can attest that the violence has increased. The violence along the southern border is a result of transnational organizations that wage war against each other and those who attempt to stop them. Many innocent people, including brave judges, soldiers and police, have been murdered. The cartels clearly recognize that the routes used to traffic narcotics and people northward offer opportunities to traffic guns and bulk cash southwards.

DHS considers the risk that these cross-border smuggling routes could be used by terrorist organizations to be a very high priority. Mexican president Calderon has taken decisive and historic steps. He has not only directed the federal and local law agencies to focus their resources fighting transnational criminal organizations, but he has even drawn on the Mexican military.

President Calderon has also taken monumental steps to eliminate corruption, modernize Mexican institutions and to professionalize staff. The Calderon administration has spent billions of dollars on these efforts. And thousands of Mexicans have lost their lives as a result of the cartel's violent reaction to the fight.

While there is violence in Mexico, it is not, and I repeat not, an indication of the government of Mexico's inability to maintain control. Rather, it is an indication of President Calderon's success in confronting transnational criminal organizations in Mexico. The violence and lawlessness along the border represents challenges for Mexico. But the swift and unrelenting resolve of the Calderon administration should put to rest any doubts about the Mexican government's ability to respond to the challenges it faces.

In support of the Calderon administration's historic efforts, the U.S. government has taken extraordinary steps. DHS participates in these efforts with significant expertise and authorities that assist Mexico in identifying, interdicting and investigating criminal activity at and with a nexus to our border. DHS has undertaken a number of successful cooperative efforts and initiatives to assist



in confronting drug violence on the U.S. and Mexican border. These efforts are outlined in my written testimony.

In closing, I assure you that the efforts being undertaken by DHS and Mexico are worthwhile and will pay dividends for both the United States and Mexico. I believe this work must continue for the national security of both countries. I want to assure you that Mexico is committed. And we must remain engaged.

Chairwoman Sanchez, Representative Souder, Chairman Thompson, again thank you for giving me—inviting me—the opportunity to testify. It has been a great honor. And I would be happy to take your questions.

[The statement of Mr. Peña follows:]

PREPARED STATEMENT OF R. PEÑA

Chairwoman Sanchez, Congressman Souder and Distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you and provide testimony on the role that DHS is playing in addressing border violence, and the strategies and resources that the Department can bring to this important mission. The United States and our Mexican neighbors are bound together by cultural ties, social and economic links, a shared tradition of democracy, and a mutual respect for the sovereignty and territorial integrity of individual states. We are further joined together by a determination to protect our region from trans-national threats, such as terrorism and organized crime. As the Department of Homeland Security (DHS) Attaché at the U.S. Embassy in Mexico City, I am directly involved in the Department's efforts to cooperate with the Government of Mexico (GOM) on a number of homeland security issues. This issue is especially important to me because I am originally from Texas and have spent much of my career in Texas and Arizona. It is an honor to be invited to come before you and share my perspective on what is happening in Mexico.

*Role of the DHS Attaché*

First, I would like to take a moment to discuss my basic responsibilities in Mexico City. I arrived in-country on July 9, 2008, and am the first ever DHS headquarters-level Attaché deployed in Mexico and one of a small handful of DHS headquarters-level Attaché deployed worldwide. DHS is also represented by component Attaché offices from Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), U.S. Secret Service (USSS), U.S. Citizenship and Immigration Services (USCIS), Transportation Security Administration (TSA) and U.S. Coast Guard (USCG). Mexico City is the only Embassy with six of the seven operational components of DHS represented. In total, DHS has over 50 personnel in Mexico.

As the DHS Attaché, I am Secretary Napolitano's direct representative at the Embassy in Mexico. I advise the State Department Chief of Mission on policy matters related to DHS's mission work with relevant Mexican institutions, and promote DHS goals and objectives related to border, port and transportation security, civil emergency preparedness, critical infrastructure protection, information sharing, immigration and customs enforcement, law enforcement training, and the security applications of science and technology. I am a member of the Senior Leadership of the Embassy and the Counter-Terrorism Information Group and I participate in weekly Law Enforcement and Border Working Group meetings. I also accompany Senior DHS leadership during their visits to Mexico.

In short, I am the point of intersection between DHS headquarters in Washington DC, DHS components in Mexico City, our US interagency partners residing at the Embassy and officials in the Government of Mexico. I serve to ensure that all these pieces are connected, providing policy and strategic guidance so that DHS is integrated into broader US Government engagement in Mexico.

*The Current Situation in Mexico*

Nearly every day media outlets report on the violence that results from transnational criminal organizations operating along the U.S.-Mexican border. Some of you may have watched Secretary Napolitano's recent interview with Anderson Cooper on '60 Minutes' which addressed this very topic. As Secretary Napolitano told the Homeland Security Committee on February 25th "Mexico right now has issues of violence that are a different degree and level than we've ever seen before."

The violence we observe along the southwestern border is the result of transnational criminal organizations that wage war against each other and those

who attempt to stop their illicit activities. These trafficking groups execute with impunity; killing not only members of competing organizations, but also police officers and soldiers who are attempting to protect Mexican citizens crime and ensure a strong and economically viable Mexico. The Administration of Felipe Calderon has taken serious and courageous steps to combat this violence and to stem the drug trade which fuels it, but in many cases the drug cartels are better-financed and better-armed than law enforcement and security agencies.

It is also the case that cross-border criminal organizations recognize that routes used to traffic narcotics and people northward offer opportunities to traffic guns and bulk cash southward. DHS considers the risk that these cross-border smuggling routes could be used by terrorist organizations to be a high priority. In the near term, the drug violence along the U.S. southwestern border challenges our own law enforcement agencies to ensure the integrity of the border and to protect American towns and cities while ensuring the legitimate flow of goods and people across the border.

Neither this criminal phenomenon, nor the violence that follows, recognize borders. In February, 2009, 755 criminals living in the United States who are allegedly tied to a major Mexican drug trafficking organization were arrested. Defeating this transnational challenge requires a commitment by both Mexico and the United States to take historic steps to fight our common threat.

#### *Mexican Efforts*

President Calderon has taken decisive and historic steps against transnational criminal organizations. He has not only directed federal and local enforcement agencies to focus their resources fighting transnational criminal organizations, but has even drawn on the Mexican Military to assist civil enforcement efforts. Calderon has also taken monumental steps to eliminate corruption, modernize Mexican institutions, and professionalize staff. Additionally, the Government of Mexico is running joint military-law enforcement anti-drug operations in ten states, and some 27,000 troops are specifically involved in counter drug activities, including eradication and interdiction. His national security team has seized record amounts of cash, drugs and guns—but the battle intensifies. The Calderon administration has spent billions of dollars on these efforts and yet, according to media reports, thousands of Mexican nationals have lost their lives as a result of the cartel's violent reaction to Calderon's fight against dangerous criminal groups.

The violence in Mexico appears to be directly tied to Calderon's success in confronting the transnational criminal organizations in Mexico, rather than an indication of the Government of Mexico's inability to maintain control over its territory. While the violence and lawlessness along the border represent a challenge to Mexican security, the swift and unrelenting resolve of the Calderon Administration should put to rest any doubts about the Mexican government's ability to respond to the challenges it faces.

Mexico is a multi-party democracy, where political power changes in accordance with internationally-recognized election results. Along with many other countries, Mexico is facing the challenges posed by transnational criminal organizations. President Calderon and senior members of his government recognize that some of Mexico's institutions, including law enforcement and the judiciary, will need to modernize to meet these challenges and the United States is committed to support them.

#### *DHS Effort*

In her hearing before the Homeland Security Committee on February 25th, Secretary Napolitano outlined the four actions we must take to address border violence. First, she stated that, "interaction with Mexican law enforcement, particularly the federal government of Mexico" is vital to address the drug war. Secondly the Secretary said we must look "government-wide at what we can do to stop the south-bound export of weaponry." While this effort must certainly focus on the trafficking of small arms, which accounts for the majority of the illicit weapons trafficked, the Secretary went on to say we must also seek to stop the trafficking of "assault-type weapons and grenades that are being used in that war." Third, Secretary Napolitano emphasized the need for cooperative efforts and constant interaction with local law enforcement. And finally, the Secretary noted the need for a contingency plan for worst-case scenarios.

In support of the Calderon Administration's historic efforts, and in recognition of our own responsibilities for confronting transnational organized crime, the United States Government is also taking extraordinary steps to fight this scourge. DHS' statutory customs and immigration authorities, its operational capabilities and expertise, and its strategic placement along the border make DHS a key part of identifying, interdicting and investigating criminal activity. With this mission set, DHS

has undertaken a number of successful cooperative efforts and initiatives with the GOM to assist in confronting drug violence on the U.S.-Mexican border.

I would like to take this time now to highlight a few of our DHS efforts to strengthen the integrity of the U.S.-border. While most of these programs are not solely aimed at decreasing border violence, they all aim to stop the criminality at the border which is the precursor to much of the violence we are now seeing:

*Border Enforcement Security Task Force (BEST)*

DHS initiated the Border Enforcement Security Task Force (BEST) program in 2006 as a key DHS approach to combat cross-border criminal activity and violence along our southern border with Mexico. DHS adopted the initiative to bring together federal, state, local and foreign law enforcement resources in an effort to identify, disrupt, and dismantle organizations seeking to exploit vulnerabilities along the southern border and threaten the overall safety and security of the American public. A variety of U. S. enforcement agencies participate in these task forces: ICE (as the lead agency); CBP; DHS' Office of Intelligence and Analysis (I&A); the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the Federal Bureau of Investigation (FBI); the U.S. Coast Guard (USCG); the U.S. Attorney's Office; and federal, state, local and foreign law enforcement. The result is a cooperative and comprehensive approach towards combating criminal organizations involved in cross-border crimes. The Government of Mexico has agreed to assign full-time representatives to each of the BESTs along the southern border.

DHS now has 12 BESTs: eight on the southwest border; two on the northern border; and two at seaports. Through the BEST model, DHS has dismantled arms trafficking, human trafficking, bulk-cash, alien and narcotics smuggling organizations and their hostage-taking and murder/kidnapping cells in the United States and Mexico. Since July 2005, the BESTs have been responsible for 2,034 criminal arrests, 2,796 administrative arrests, 885 indictments, and 734 convictions. In addition, BESTs have seized approximately 7,704 pounds of cocaine, 159,832 pounds of marijuana, 558 pounds of methamphetamine, 39 pounds of methamphetamine, 1,023 pounds of ecstasy, 213 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 515 weapons, 745 vehicles, six properties, and \$22.7 million in U.S. currency and monetary instruments.

*Homeland Security Intelligence Support Team (HIST)*

The DHS Homeland Security Intelligence Support Team (HIST) was established in the El Paso Intelligence Center (EPIC) in the Fall of 2007 to ensure the application of national intelligence capabilities to support border operations, to strengthen intelligence and information sharing among federal, state and local partners, and to help ensure that front-line operators have access to the intelligence they need to efficiently perform their duties. In addition to the deployment of DHS intelligence professionals to EPIC, DHS I&A is deploying reports officers and classified computer networks to key locations along the southwest border. The purpose is to enhance DHS' ability to rapidly and efficiently share critical intelligence with those who need it most, and significantly increase our analytic focus on border security issues.

*Operation Against Smugglers Initiative on Safety and Security (OASISS)*

Since August 2005, CBP has worked closely with Mexican officials in a bilateral alien smuggler prosecutions program called Operation Against Smugglers Initiative on Safety and Security (OASISS). OASISS is a joint initiative between the United States and Mexico that enables both governments to share information and prosecute smugglers for crimes committed in the border region. Through OASISS, both governments are able to track and record prosecution efforts on each side of the border and work together to make the strongest case against these criminals. The OASISS program has had a significant and positive impact on operations, and has furthered smuggling investigations both in the United States and Mexico.

During the first full fiscal year (FY06-07) of the OASISS program, the number of alien smuggling cases generated decreased 12% as well as the number of smugglers prosecuted, which also decreased 70% during the same time period. This decrease is a direct reflection of the success of the OASISS program as a tool to prevent and, especially, to deter human smuggling along the southwest border.

*Bulk Cash*

Secretary Napolitano stressed the importance of money in reining in the activity of organized criminal elements along the border, telling the Homeland Security Committee, "You have got to go after the money. You have to interrupt that chain of money that goes in the millions of dollars back and forth with these cartels." ICE

has a number of programs to address the problem of bulk cash smuggling. One of these—"Operation Firewall"—addresses the threat of bulk cash smuggling via commercial and private passenger vehicles, commercial airline shipments, airline passengers, and pedestrians transiting to Mexico along the southern border. ICE and CBP have conducted various Operation Firewall operations with Mexican counterparts. ICE is working to expand existing Operation Firewall operations to designated locations in the near future, including additional border crossing locations along the southern border with Mexico. All significant Operation seizures result in criminal investigations with the goal of identifying the source of the funds and the responsible organizations.

ICE has also recently established a Trade Transparency Unit (TTU) with Mexico, located in Mexico City. The mission of the TTU is to identify cross-border trade anomalies, which are indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries work to facilitate the exchange of import/export data and financial information. The establishment of our TTU with Mexico was completed in May 2008. ICE has provided, and will continue to provide, Mexico TTU representatives with in-depth training on the Data Analysis and Research for Trade Transparency System (DARTTS). ICE has already installed the system, has provided expert technical support, and will continue to do so as needed. Mexican TTU representatives have identified potential criminal targets involved in crimes such as tax evasion, customs fraud, and trade-based money laundering. The establishment of the TTU in Mexico City will benefit both Mexico and the United States in their efforts to combat criminal organizations.

In Fiscal Year (FY) 2008, ICE's efforts through these programs resulted in 16 arrests, and 24 seizures resulting in \$53,097,485.00. On January 29, 2009, ICE Attaché Mexico City agents and the Mexican Customs Vetted Unit trained in Operation seized approximately \$2.4 million in U.S. currency from an Ecuadorian citizen at the Benito Juarez International Airport in Mexico City.

#### *Firearms Trafficking*

ICE and CBP have the authority to enforce export provisions of the Arms Export Control Act (AECA) as specifically designated within 22 CFR 127.4 of the International Traffic in Arms Regulations (ITAR). ICE's investigative priority is to prevent violent transnational criminal organizations—terrorist groups, drug cartels, and other criminal entities—from illegally obtaining U.S. origin munitions and related technology. CBP is charged with ensuring-through inspection, interdiction, and other enforcement actions—that weapons and munitions do not cross the border illegally.

CBP, ICE, ATF, and the DEA have developed a joint strategy referred to as the Southwest Border Trafficking Initiative, which is aimed at identifying and disrupting the illicit cross border trafficking of firearms and ammunition. As part of this strategy, the interagency group has agreed upon broad principles to identify, investigate, and interdict the illicit cross-border trafficking of firearms and ammunition into Mexico. Discussions are ongoing to address more detailed procedures regarding the coordination of multi-agency operations and information sharing. The initiative's strategy is based on three pillars: analysis of firearms-related data, information sharing, and coordinated operations.

In June 2008, ICE formally launched Operation Armas Cruzadas to combat transnational criminal networks smuggling weapons into Mexico from the United States. As part of this initiative, the United States and the Government of Mexico agreed to bi-lateral interdiction, investigation and intelligence-sharing activities to identify, disrupt, and dismantle networks engaged in weapons smuggling. ICE has provided training in appropriate weapons laws and methods used to combat transnational smuggling; used its Project Shield America outreach program and made presentations to groups involved in the manufacture, sale, or shipment of firearms and ammunition along the southwest border; and used a Border Violence Intelligence Cell (BVIC). The initiation of Operation Armas Cruzadas has resulted in 104 criminal arrests, 30 administrative arrests, 58 criminal indictments, 42 convictions and in the seizure of 420 weapons and 110,894 rounds of ammunition.

ICE has also created a Weapons Virtual Task Force (WVTF), a cyberspace task force comprised of the vetted Arms Trafficking Group, BVIC, ICE Field Intelligence Groups (FIG), and BEST teams, which will post daily investigative information through the Homeland Security Information Network (HSIN). The WVTF will leverage the capability to communicate and share critical information regarding criminal conspiracies involving financing, acquisition, and smuggling of weapons across the common U.S.-Mexico border. HSIN will allow online real-time access to information on daily firearms seizures and arrests conducted by ICE, CBP and the GOM, and

will create virtual communities where law enforcement officers can share intelligence and communicate in a secure environment.

In September 2008, CBP partnered with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in a Memorandum of Understanding (MOU) regarding eTrace, ATF's internet-based paperless firearm trace submission system and trace analysis module. This application provides CBP with the ability to electronically submit firearms trace requests to ATF's National Tracing Center (NTC). It also provides CBP with the ability to analyze trace results using NTC data. Information acquired through the firearm tracing process can be utilized to solve individual cases, to maximize the information available for use in identifying potential illegal firearms traffickers, and to supplement the analysis of criminal gun trends and trafficking patterns.

#### *Drug Trafficking*

Both CBP and ICE have significant responsibility in the interdiction of illicit drugs and contraband that cross U.S. borders, whether at or between ports of entry. DHS also has the authorities and expertise to investigate these international smuggling organizations, while working with our foreign counterparts and U.S. partners such as DEA and ATF. DHS equities support multi-agency U. S. efforts via Joint Interagency Task Force-South (JIATF-S) operations to interdict the flow of cocaine from South America to the United States.

DHS continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities. Of particular note is the work being accomplished by 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 (FAA) radar, and ground based radar systems. Personnel at the AMOC detect aircraft "short landings" and border penetrations and coordinate CBP Air and Marine and Mexican interdiction assets to intercept, track, and apprehend smugglers as they transverse the U.S.-border.

#### *Bilateral Strategic Plan*

In August 2007, Mexican Customs, ICE and CBP signed a Bilateral Strategic Plan to fight trans-border crime. The Bilateral Strategic Plan strengthens cooperation in matters related to law enforcement by expanding existing institutional cooperation mechanisms and establishing new programs of collaboration designed to fight trafficking and smuggling of prohibited goods, fraud, and related crimes. The plan establishes four working groups addressing capacity building, border management, customs security, and law enforcement. All four working groups were formally launched in November 2007. The working groups will expand on existing cooperation to coordinate and implement joint security initiatives, efficient border management, integrity and capacity building assistance and joint enforcement and interdiction initiatives. The goal of these efforts is to enhance the security of our southern border with Mexico.

#### *Border Violence Protocols (BVP)*

On March 3, 2006, a bi-national action plan to combat border violence and improve public safety was signed by Secretary Chertoff and his counterpart in Mexico. This action plan set forth goals and objectives to ensure the appropriate law enforcement agencies of the respective governments work together to provide an effective, comprehensive joint response to incidents of cross-border violence and crime. In response to this plan, CBP created a headquarters bi-national working group to oversee the development and implementation of Border Violence Protocols (BVPs) along the southwest border. The BVPs have now been instituted along the entire U.S.-Mexico border and are working effectively. At the local level, the BVPs have instituted monthly meetings between the U.S. Government, the GOM, as well as state and local law enforcement officials to further develop the working relationships between both countries. The Border Violence Protocols are another example of how the United States and Mexico are working closely together to create a safer and more secure border region.

#### *Non-Intrusive Inspection Technology (NII)*

CBP employs Non-Intrusive Inspection Technology (NII) at all land ports of entry and Border Patrol Checkpoints. This technology ensures a large percentage of conveyances are examined for contraband, in a non-intrusive manner, while permitting the smooth flow of legitimate trade and travel. While it would require four officers approximately four hours to unload and thoroughly examine a commercial conveyance full of cargo for contraband, a large-scale NII system can produce x-ray images of the conveyance and cargo permitting two officers to conduct an examination for contraband in a matter of three to five minutes. This technology also prevents un-

necessary damage to conveyances and cargo caused by manual methods of inspection and allows the officers utilizing the technology to see into areas that otherwise cannot be examined. This technology not only helps to ensure that illegal contraband does not cross the border but also assists us in keeping our country safe from weapons of mass destruction. Under the Mérida Initiative, we are hoping to expand the use of this equipment by the GOM in order to expand both countries' interdiction efforts and ensure that our border is not the only line of defense against illicit materials.

*Maritime Security*

The USCG has a number of cooperative programs with Mexico, including maritime law enforcement, port security, search and rescue, environmental response, and other programs that often involve the Mexican Navy. Cooperation in these areas was formalized through a Letter of Intent signed by the Secretary of the Mexican Navy, the Commander of NORTHCOM, and the Commandant of the Coast Guard. In recent months the Coast Guard has seen a significant increase in the level of cooperation with the Government of Mexico in obtaining authority to stop, board, and search Mexican flagged vessels (or vessels claiming Mexican nationality) suspected of drug smuggling. This includes recent cases in which the Mexican Government authorized a boarding in less than two hours after the ships were encountered. The efforts of our Coast Guard Attaché in Mexico City, in working with his Mexican counterparts, have greatly contributed to the enhanced cooperation and the establishment of a stronger working relationship with Mexico on countering drug smuggling. The United States and Mexico's participation in summits with other regional partners, agreement on Standard Operating Procedures, exchanges of information about each nation's respective laws applicable to maritime drug smuggling, and sharing of experiences in maritime counterdrug operations continue to strengthen further the working relationship between our two countries.

*Southwest Border Violence (SWB-V) Operations Plan (OPLAN)*

In her testimony on February 25th, Secretary Napolitano noted the need to prepare for worst-case scenarios of border violence escalation. For such events, DHS has its Southwest Border Violence (SWB-V) Operations Plan (OPLAN). The OPLAN, which will be addressed by my colleague in more detail, is the result of an extensive interagency planning effort. In a crisis situation, the Department may have to augment the capacity of its component agencies. As Secretary Napolitano told the Homeland Security Committee, in the event that spillover violence occurs, "we do have contingency plans to deal with it. But it begins with state and local law enforcement on our side of the border. We support them as the first step in that contingency plan, should we see that kind of major spillover."

The OPLAN provides a layered response capacity to provide the appropriate level of intra-departmental and/or interagency support to DHS components. The plan builds on the existing plans that rely on federal, state, local, and tribal coordination.

The list above is not exhaustive. Even if I could provide an exhaustive list of DHS programs which impact border integrity and mitigate border violence, no list could fully capture the day-to-day efforts of the DHS heroes who put their lives in jeopardy every day to ensure the security of our homeland. Their efforts to stop crime and violence along the borders of the United States are laudable.

*The Mérida Initiative*

The U.S. Government tailored the Department of State-led Mérida Initiative to provide our foreign partners with the specific tools they each need to fight transnational organized crime and work cooperatively with the United States. Through an interagency working group led by the State Department—which facilitated discussions with Mexico and Central American officials and coordination with United States Government officials in those countries—interagency subject matter experts assessed the needs of each country and proposed specific items to aid efforts against cross-border criminals.

DHS views the Mérida Initiative as a crucial vehicle to facilitate cooperation and capacity building between the U.S. Government and our partners in the Western Hemisphere. From the DHS perspective, the Mérida Initiative is an opportunity to more fully engage our regional counterparts and more cooperatively work together to deter and dismantle cross-border criminal organizations and the threats they pose. By working with both regional and U.S. partners on regional initiatives, DHS multiplies the effectiveness of its own border security efforts and helps the United States, over the long-term, develop sustainable security partnerships.

In this sense, DHS sees the Mérida Initiative as a step forward in homeland security and a significant piece of a comprehensive national security plan. DHS recognizes that a regional effort—which involves multi-national cooperation—is ulti-

mately required to ensure the security of our homeland. The United States will be most secure when the entire region is secure. Our support for the State-led Mérida Initiative builds capability, provides equipment, and facilitates interoperability so we can work fast and lean, both separately and together, to detect, apprehend and prosecute members of these transnational criminal organizations.

The DHS Office of International Affairs works hand in hand with DHS components such as CBP, ICE and the Coast Guard, to support implementation of appropriated funds and to determine how they can be most effectively spent. We also work closely with the Department of State to enhance Mexican law enforcement capabilities and DHS's ability to secure the border in cooperation with Mexican agencies.

*Conclusion*

In conclusion, the United States and Mexico must continue to work together to stem the tide of violence and crime that threatens the security of both our countries. Our countries have a common goal and both need accept their respective responsibilities: Mexico will continue to directly confront internal corruption and criminal organizations dedicated to trafficking narcotics and other forms of contraband, which they have done with dramatic results so far; and the U.S. will have to provide even greater attention to demand reduction, interdiction, criminal investigations, capacity building, money laundering flows, and southbound arms trafficking. I believe our current relationship with Mexico—which is already quite close—will be further enhanced by the Mérida Initiative. I look forward to continuing my role in Mexico by furthering this important relationship.

Thank you for your invitation to speak before the committee on this timely and important issue.

Ms. SANCHEZ. Thank you, Mr. Peña.

We will now recognize Mr. Leech to summarize his statement for 5 minutes or less.

**STATEMENT OF JOHN LEECH, ACTING DIRECTOR, OFFICE OF  
COUNTERNARCOTICS ENFORCEMENT, DEPARTMENT OF  
HOMELAND SECURITY**

Mr. LEECH. Madam Chairwoman, Ranking Member Souder, Chairman Thompson and members of the committee, thank you for the opportunity to brief you on our work on the 2009 Southwest Border Counternarcotics Strategy and the Department's efforts to protect the United States against the growing threat of violence.

As you know, DHS' Office of Counternarcotics Enforcement is statutorily charged with coordinating the department's policy and operations with respect to stopping the entry of illegal drugs into the United States. Mexico is the transit point for approximately 90 percent of all cocaine consumed in the United States. And it is the largest foreign supplier of marijuana and methamphetamine to the U.S. My staff works closely with the department's components to strengthen the counternarcotics capabilities along the border in order to improve our ability to stop the entry of illegal drugs.

One of CNE's most important objectives is to support policy and operations coordination and to ensure that DHS components have the resources they need to execute the department's counternarcotics efforts along the border. The vast geography and sparse population make this a difficult task for law enforcement and make the southwest border a prime environment that can be exploited for cross-border criminal activity.

The drug trafficking organizations are extremely powerful. They are multifaceted smuggling organizations involved in other criminal activities, among them human, bulk-cash and arms smuggling. Drug trafficking organizations increasingly rely on severe violence to conduct illegal activities. The confluence of these activities re-

quires a strategic approach to best leverage U.S. law enforcement efforts in order to dismantle drug trafficking organizations and their criminal networks.

Working closely with the Department of Justice's Office of Deputy Attorney General, my office is currently leading interagency efforts to develop the 2009 Southwest Border Counternarcotics Strategy. This effort is being conducted pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006, mandating a biennial strategy update and pursuant to ONDCP's request for DHS and DOJ to serve as the executive agent for this effort.

ONDCP announced the first iteration of the National Southwest Border Counternarcotics Strategy in October 2007. The current update will provide a more comprehensive and coordinated approach for recommended actions.

Currently, there are 10 interagency groups carrying out a detailed evaluation and assessment of recommendations for improved counternarcotics capabilities. The current process integrates increased consultation with state, local and tribal partners, and with the Southwest Border High Intensity Drug Trafficking Area and Fusion Centers.

Our consultations with Congress have resulted in the inclusion of a chapter in the strategy to address southbound weapons smuggling. Another primary consideration is updating the Mexico chapter to ensure that the 2009 strategy is aligned with the Merida Initiative and expands cooperation with Mexico, in line with our ongoing relationship and discussions.

The primary parameters of this strategy, as provided in Public Law R-2-1 set forth the U.S. Government's strategy for preventing the illegal trafficking of drugs across the international border between the U.S. and Mexico. Two, the state-specific roles and responsibilities of the relevant national drug control program agencies for implementing the strategy. And three, to identify the specific resources required to enable the national drug control program agencies to implement the strategy.

In accomplishing these objectives, the 2009 strategy will provide recommendations for improvements in the following areas: intelligence and information sharing; interdiction at the ports and between the ports of entry; air and marine operations; investigations and prosecutions; countering financial crime; combating southbound weapons smuggling; a new chapter on technology; and cooperation with Mexico.

The 2009 strategy will be focused on substantially reducing the flow of illicit drugs, drug proceeds and associated instruments of violence across the U.S.-Mexico border. This broad strategic goal recognizes the interconnectedness of various threats and that the relationship between U.S. government's counterdrug and other law enforcement missions range from complimentary to interdependent.

Drug traffickers exploit the border in two directions, smuggling drugs from Mexico into the United States, and moving weapons and billions of dollars in illicit drug profits from the United States into Mexico. To achieve the goal, the 2009 strategy will include six cross-cutting strategic objectives.

These are: one, to enhance intelligence capability associated with the southwest border; two, to interdict illicit drugs, drug proceeds



and associated instruments of violence in the air, at the ports of entry and between the ports of entry; three, to ensure prosecution of all significant drug trafficking, money laundering, bulk currency and firearms and weapons cases; four, to disrupt and dismantle drug trafficking organizations; five, to enhance counterdrug technologies for drug detection and interdiction; and six, to enhance U.S.-Mexico cooperation regarding joint counterdrug efforts.

To get at the root of the problem causing the violence along the southwest border, it is imperative that we enhance our counter-narcotics capabilities. The 2009 strategy will provide detailed inter-agency recommendations aimed at supporting its strategic objectives and its overarching goal. The forward vision of the 5-year planning period of the 2009 strategy is one of document's key strengths.

In conclusion, as the violence and instability created by the drug press ever harder at our southwest border, it is clear that national attention and a national response are required. We are fortunate to have the backing of our interagency partners, support of Congress and a willing partner in Mexico to fight this battle aggressively.

I would like to close with these last few remarks. I want to extend a great thanks and appreciation to all of you for your attention to this effort at this point in time.

I also want to extend my thanks to the Office of National Drug Control Policy. There is a new team in town, and we look forward to getting a lot of things done with this team. The current team they have in place over there, Ed Jurith, Mark Kumer, Pat Ward and others were simply the best in the business. Congress made a wise decision to require a biannual update of this strategy.

And ONDCP has entrusted my office to serve as the executive agents and lead this process. It is right that we do so, since our office oversees, within DHS, 88 percent of all counterdrug interdiction funding and resources for the nation.

Last week, I returned from a trip to Mexico in order to become better familiar with the drug threat faced by the government of Mexico in my new role as the acting director. The government of Mexico's federal and state agency are hungry for change. They are weary of proliferation of drugs and violence. More importantly, they want to work with us at all echelons of our federal government, from our GS-13s to our most senior government employees.

I would like to close by reading just a very, very short line or two from an e-mail. My team visited the Financial Intelligence Unit while we were in Mexico. And I asked what we could do, what the U.S. government could do to help their efforts. She wrote back, Regina Martha Gonzales.

She says: Mr. Leech, it was a great pleasure meeting you at the offices of the Financial Intelligence Unit of Mexico. Thanks to you and your colleagues for your kind visit. Please know that we are overwhelmed by the openness of your proposals. We really want to thank you in advance for your interest in enhancing the cooperation among the FIU and the our counterparts in the U.S.

And I heard this from every agency that I visited: the SST, the SRE, the FIU, their customs. They are hungry and eager to work with us. We have a Congress that wants to move things forward.

And we have a White House and a secretary that want to do the same. So we are at a point in time to where we can really make a difference in this effort. Thank you.

[The statement of Mr. Leech follows:]

PREPARED STATEMENT OF JOHN LEECH

Madam Chairwoman, Ranking Member Souder and Members of the Committee: Thank you for the opportunity to brief you on our work on the *2009 Southwest Border Counternarcotics Strategy* and the Department's efforts to protect the United States against the growing threat of violence. It is an honor to testify as part of a discussion on the Department of Homeland Security's (DHS) strategies that could help address the violence along the U.S. southwest border. California, Arizona, New Mexico and Texas are in a precarious situation. Tragically, just across our southern border, Mexico suffered over 6,000 narco-related murders last year as the drug trafficking organizations battled for control of drug trafficking routes to the United States. As violence south of the border continues to grow, we have begun to see disturbing increases in kidnappings, gang activity, illicit smuggling, and other drug-related crimes in U.S. communities and States on the northern side of the border. The violence has also prompted a rise in asylum requests from Mexican citizens. I welcome the Committee's attention to this homeland security threat. More importantly, I look forward to your thoughts and ideas as we work to seek a solution. Your input has already been helpful as we work to develop the *2009 Southwest Border Counternarcotics Strategy*.

As you know, DHS' Office of Counternarcotics Enforcement (CNE) is statutorily charged with coordinating the Department's policy and operations with respect to stopping the entry of illegal drugs into the United States. Mexico is the transit point for approximately 90 percent of all cocaine consumed in the United States and it is the largest foreign supplier of marijuana and methamphetamine to the United States. My staff works closely with the Department's components to strengthen the counternarcotics capabilities along the U.S.—Mexico border in order to improve our ability to stop the entry of illegal drugs into the United States.

One of CNE's most important objectives is to support policy and operations coordination and to ensure that DHS Components have the resources they need to support the Department's counternarcotics efforts along the southwest border. The vast geography and sparse population make this a difficult task for law enforcement and make the southwest border a prime environment that can be exploited for cross-border criminal activity. The drug trafficking organizations are extremely powerful. They are multifaceted smuggling organizations involved in other criminal activities, among them human, bulk-cash, and arms smuggling. Drug trafficking organizations increasingly rely on violence and terrorist type tactics to conduct illegal activities. The confluence of these activities requires a strategic approach to best leverage U.S. law enforcement's efforts in order to dismantle drug trafficking organizations and their criminal networks.

Working closely with the Department of Justice's (DOJ) Office of the Deputy Attorney General (ODAG), my office is currently leading interagency efforts to develop the *2009 Southwest Border Counternarcotics Strategy*. This effort is being conducted pursuant to the Office of National Drug Control Policy (ONDCP) Reauthorization Act of 2006 (Public Law 109-469), mandating a biennial strategy update, and pursuant to ONDCP's request for DHS and DOJ to serve as the "Executive Agents" for this effort.

ONDCP announced the first iteration of the *National Southwest Border Counternarcotics Strategy* in October 2007. The current update will provide a more comprehensive and coordinated approach for recommended actions. I'm very proud of the robust interagency effort involved in developing the *2009 Southwest Border Counternarcotics Strategy*. We are relying on the subject matter experts to identify the best and most appropriate actions to support interagency agreed-upon objectives.

Currently, there are ten interagency groups carrying out a detailed evaluation of recommendations for improved counternarcotics capabilities. The current process also integrates increased consultation with State, local and tribal partners, and with the Southwest Border High Intensity Drug Trafficking Area (HIDTA) and Fusion Centers. Our consultations with Congress will result in the inclusion of a chapter in the Strategy to address southbound weapons smuggling. Another primary consideration is updating the Mexico chapter to ensure that the 2009 Southwest Border Counternarcotics Strategy is aligned with the Merida Initiative and expands cooperation with Mexico; in line with our ongoing relationship and discussions.

The primary parameters of the *2009 Southwest Border Counternarcotics Strategy*, as provided in Public Law 109–469, are to:

- Set forth the U.S. Government’s strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;
- State the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing the Strategy; and
- Identify the specific resources required to enable the National Drug Control Program agencies to implement the Strategy.

In accomplishing these objectives, we anticipate that the *2009 Southwest Border Counternarcotics Strategy* will provide recommendations for improvements in: intelligence and information sharing; interdiction at ports of entry; interdiction between ports of entry; air and marine operations; investigations and prosecutions; countering financial crime; combating southbound weapons smuggling, technology; and cooperation with Mexico. While tunnels are addressed throughout the document, we anticipate the document will include an appendix that provides: (1) a strategy to significantly reduce the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and (2) recommendations for criminal penalties for persons who construct or use a tunnel or subterranean passage for such purpose.

The *2009 Southwest Border Counternarcotics Strategy* will be focused on substantially reducing the flow of illicit drugs, drug proceeds, and associated instruments of violence across the U.S.-Mexico border. This broad strategic goal recognizes the interconnectedness of various threats and that the relationship between U.S. Government’s counterdrug and other law enforcement missions range from complimentary to interdependent. Drug traffickers exploit the border in two directions, smuggling drugs from Mexico into the United States, and moving weapons and billions of dollars in illicit drug profits from the United States into Mexico.

To achieve the goal, we anticipate that the *2009 Southwest Border Counternarcotics Strategy* will include six cross-cutting strategic objectives. Those are:

1. Enhance intelligence capabilities associated with the southwest border;
2. Interdict drugs, drug proceeds, and associated instruments of violence in the air, at the ports-of-entry, and between the ports-of-entry along the southwest border;
3. Ensure the prosecution of all significant drug trafficking, money laundering, bulk currency smuggling and firearms and weapons cases;
4. Disrupt and dismantle drug trafficking organizations;
5. Enhance counterdrug technologies for drug detection and interdiction along the southwest border; and
6. Enhance U.S.—Mexico cooperation regarding joint counterdrug efforts.

To get at the root of the problem causing the violence along the southwest border, it is imperative that we enhance our counternarcotics capabilities. The *2009 Southwest Border Counternarcotics Strategy* will provide detailed interagency recommendations aimed at supporting its strategic objectives and overarching goal. The forward vision of the five-year planning period of the *2009 Southwest Border Counternarcotics Strategy* is one of document’s key strengths.

During my recent visit to Mexico, I had the opportunity to meet with our various law enforcement attaché at our Embassy and with Mexican government officials. I was impressed first by Mexico’s commitment to combat the drug cartels and root out corruption. I was greatly impressed by the strides made in Mexico’s use of information technology to strategically attack the problems caused by organized crime and the drug trafficking organizations. DHS components have a long-standing history of cooperation with their Mexican counterparts. Advancing that relationship will be an important component on efforts to further strengthen U.S. border security. We hope to encourage increased cooperation with the Government of Mexico and we will ensure that the U.S. Government’s activities in the *2009 Southwest Border Counternarcotics Strategy* complement the coordination and information sharing facilitated through the Merida Initiative.

The current violence along our southwest border is only symptomatic of a highly sophisticated, multi-billion dollar, well-armed transnational criminal system built on around the production, transportation, and sale of dangerous illicit narcotics. Further, narcotics smuggling and related criminal activities are localized problems along the border. The damage to our Nation is tremendous. Illicit drugs are responsible for the death of more than 20,000 Americans each year. The social costs of the drug trade are well in excess of \$100 billion annually. And more than \$30 billion in illegal drug proceeds are estimated to exit this country to support drug trafficking and other illicit activities. The *2009 Southwest Border Counternarcotics Strategy* will

address immediate vulnerabilities along our border, but it will also address the threat to homeland security posed by the drug trade.

As the violence and instability created by the drug trade press ever harder at our southwest border, it is clear that national attention and a national response are required. We are fortunate to have the backing of our interagency partners, the support of Congress, and a willing partner in Mexico to fight this battle aggressively. Thank you for your time and I will be happy to answer any questions you may have.

Ms. SANCHEZ. Thank you, Mr. Leech. Thank you for your testimony.

Mr. Nieto, I now recognize you for 5 minutes or less to summarize your testimony.

**STATEMENT OF SALVADOR NIETO, DEPUTY ASSISTANT COMMISSIONER, INTELLIGENCE AND OPERATIONS COORDINATION, CUSTOMS AND BORDER PROTECTION, DHS**

Mr. NIETO. Thank you and good morning. Chairwoman Sanchez, Ranking Member Souder, Chairman Thompson, members of the subcommittee, it is a privilege and an honor to appear before you today to discuss the work of the U.S. Customs and Border Protection, otherwise known as CBP.

CBP is the largest uniformed federal law enforcement agency in the country. We station over 20,000 CBP officers at access points around the nation, at air, land and seaports. By the end of fiscal year 2009, we will have deployed over 20,000 border patrol agents between the ports of entry. These forces are supplemented by 980 air and marine agents, 2,260 agricultural specialists and other professionals.

A key and growing area of emphasis for CBP involves interdiction of weapons and currency. Escalating violence in the border regions and interior of Mexico poses a significant threat to both the United States and Mexico. Secretary Napolitano has tasked all DHS components, including CBP, to examine how we can increase our enforcement activities in an effort to mitigate southbound weapon and currency smuggling to the extent that resources and infrastructure currently allow.

We have ongoing initiatives by way of short-term plus-ups, operations plans that call for enhanced resources that include state and local law enforcement agencies, the mobility of CBP resources from outside the immediate area, and national level tactical teams such as the border patrol tactical team and field operations special response teams. We continue enhancing our plans to address all threats and all hazards at the border.

A majority of these illegal drugs consumed in the United States originate from or pass through Mexican territory or territorial seas. Huge illicit trafficking profits flow back to Mexico drug trafficking organizations across our common border. The Mexican government's ability to confront its drug trafficking industry and its willingness to cooperate with U.S. efforts directly affect the impact of any southwest border initiative.

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, to name a few. These initiatives enhance interaction with the intelligence community and law enforcement agencies. Additionally, CBP's Office of Intelligence and Operations Coordination established a national post-seizure

analysis team and is in the process of establishing intelligence operations coordination centers in the field.

The IOCCs will make CBP a more fully integrated, intelligence-driven organization by linking intelligence efforts and products to operations and interdictions. CBP works with other agencies to provide actionable intelligence to the Joint Interagency Task Force South, otherwise known as JIATF South. This intelligence is used to interdict the flow of cocaine from northern South America to the United States at the transit zone.

Detection of border air incursions is essential to effective interdiction operations along our borders with Mexico. The primary means of detection is a large radar network monitored by the Air and Marine Operations Center, otherwise known as AMOC, in Riverside, California. Personnel at the AMOC detect aircraft short landings and border penetrations and coordinate CBP and Mexican interdiction assets to intercept, track and apprehend smugglers as they transverse the U.S.-Mexico border.

CBP continues its evolution to become a more integrated, intelligence-driven organization. And we are in the process of enhancing field-level intelligence and information sharing. Intelligence gathering and predictive analysis require new collection and processing capabilities.

CBP is also developing the analytical framework for intelligence, a set of data processing tools that will improve the effectiveness of CBP and other DHS analysts in detecting, locating and analyzing terrorist networks, drug trafficking networks and other similar threats. These intelligence and operational coordination initiatives complement the secure border initiatives technology programs.

Thank you for the opportunity to describe our plans for border security and to highlight some of our progress to date. With your continued support of DHS, CBP and ICE, I am confident that we will continue to make a tremendous stride in increasing control of our borders. I look forward to your questions.

[The statement of Mr. Nieto follows:]

PREPARED STATEMENT OF SALVADOR NIETO

Chairwoman Sanchez, Ranking Member Souder, 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 at and between our ports of entry.

CBP is the largest uniformed federal law enforcement agency in the country. We station over 20,000 CBP officers at access points around the nation—air, land, and sea ports. By the end of FY 2009, we will have deployed over 20,000 Border Patrol agents between the ports of entry. These forces are supplemented with 980 Air and Marine agents, 2,260 agricultural specialists, and other professionals.

I am pleased to report that CBP continues to achieve success in performing our traditional missions, which include stemming the flow of illegal drugs and contraband, 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. At the same time, our employees maintain a vigilant watch for terrorist threats. In FY 2008, CBP processed more than 396 million pedestrians and passengers, 122 million conveyances, 29 million trade entries, examined 5.6 million sea, rail, and truck containers, performed over 25 million agriculture inspections, apprehended over 720 thousand illegal aliens between our ports of entry, encountered over 220 thousand inadmissible aliens at the ports of entry, and seized more than 2.8 million pounds of narcotics.

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. These are our twin goals: border security and facilitation of legitimate trade and travel.

***Border Security Between the Ports of Entry***

The primary goal of our strategy between the ports of entry is to gain effective control of our nation's borders. Effective control is achieved when a Chief Border Patrol Agent determines that agents deployed in any given area are consistently able to: detect an illegal entry into the United States between the ports of entry; identify and classify the threat level associated with that illegal entry; respond to the area of the illegal entry; and bring the situation to a law enforcement resolution.

During Secretary Napolitano's congressional hearing a few weeks ago, she explained the importance of having a border security strategy that incorporates the elements of effective control. Effective control is established through the proper mix of technology, personnel, and infrastructure that will allow CBP personnel to confront the criminal element before they can get away. Secretary Napolitano often refers to this strategy as the "three-legged stool." One of these legs cannot, in and of itself, provide effective control. However, the mix of these three components will vary depending on the challenges of the focus area. Technology is the baseline requirement for any area of operations. It allows us to detect the entries and to identify and classify the threat. Personnel provide the response to confront the criminal element. Tactical Infrastructure supports the response by either providing access, or extending the time needed for the response by deterring or slowing the criminal element's ability to easily cross the border and escape.

Essentially, 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 situational awareness—that is, we must have knowledge about what is happening between the ports of entry. The knowledge must be precise and timely enough for us to react to the knowledge. Second, we must have the capability to react to the knowledge at a time, place, and manner of our choosing.

As of the end of fiscal year 2008, we determined 757 miles of border were under effective control. Of that total, 625 miles were on the southwest border between the United States and Mexico, which is where a majority of illicit, cross-border activity occurs. Where we do not yet have control on the southwest border, we have made significant strides in increasing our situational awareness and tactical advantage over those seeking to violate our laws. With increased situational awareness, we can better understand where we have the highest threats and vulnerabilities, and assess where we need to apply our resources. The ability to have situational awareness also enables our agents and officers to perform their jobs more safely and more effectively. This is especially critical during times such as these where we are experiencing high levels of violence at our nation's borders.

Between the ports of entry, CBP personnel involved in border security include Border Patrol Agents, Air Interdiction Agents, and Marine Interdiction Agents. Personnel in adequate number are highly effective resources. They can observe and therefore provide for the type of situational awareness that is necessary for effective control. Unique among the elements of the three-legged stool, personnel also have the capacity to respond. Personnel are highly effective and flexible, but the number of personnel required to perform the entire border security mission would be prohibitive if they were not properly augmented by tactical infrastructure and technology.

Tactical infrastructure includes—among other things—pedestrian fence, vehicle fence, roads, and lighting. Tactical infrastructure supports CBP's ability to respond in several ways. Fence, for example, is a fixed resource that provides a constant and continuous effect. I wish to be very clear—fence alone does not and cannot, in and of itself, provide effective control of the border. It does, however, deter and delay illicit cross-border incursions. This continuous and constant ability to deter or delay is what we refer to as "persistent impedance." There are areas of the border where we have concluded that we must have persistent impedance in order to achieve effective control, because we must at least delay attempted illicit incursions. These delays buy time for our agents to respond. This is critical in areas near cities, for example, where illicit border crossers could blend into the population before we could interdict them. It is also critical in areas where vehicles could reach nearby roads faster than we could respond without persistent impedance.

Technology is an important leg of the stool. Although some refer to technology as a "virtual fence," technology does not have the persistent impedance capability of a real fence. It does, however, provide timely and accurate information that physical infrastructure could not. Between the ports of entry, technology includes sensors, command and control systems, and communications. Technology is a powerful force

multiplier because it has tremendous capability to provide the situational awareness that is a precursor to effective control. Sensors can “watch” the border continuously, guided by appropriate command and control systems. These command and control systems can also help sort the data coming from the sensors so that our responders have very quick access to the most critical information. Technology also supports response capability. With accurate information to identify and classify illicit incursions, agents have many more options about how and when they will respond to the incursion. Improved communications capability also supports response by ensuring our response forces can be properly directed and coordinated.

Over the past year, we have made significant strides in strengthening all three legs of our three-legged stool. As of February 14, 2009, we had 18,566 Border Patrol Agents on-board. We have identified 661 miles of southwest border where persistent impedance was a requirement and 610 miles of fence is already constructed along the southwest border. Most of the remaining mileage is under construction and will be complete this Spring. With respect to technology, we have purchased 40 mobile surveillance systems (MSSs) and deployed them to the southwest border. These MSSs provide radar and camera coverage and serve as a gap-filler while we deploy more permanent technology solutions. Later on in the testimony, I will provide more detail about our vision for those more permanent solutions.

#### **Support of U.S./Mexican Counter-Drug and Counter-Terrorism Initiatives**

A key and growing area of emphasis involves interdiction of weapons and currency. Escalating violence in the border regions and interior of Mexico poses a significant threat to both the United States and Mexico. Secretary Napolitano has tasked all DHS components, including CBP to examine how we can increase our enforcement activities in an effort to mitigate southbound weapon and currency smuggling to the extent that resources and infrastructure allow.

A majority of the illegal drugs consumed in the United States originate from or pass through Mexican territory and territorial seas. Huge, illicit trafficking profits flow back to Mexican drug trafficking organizations across our common border. The Mexican government’s ability to confront its drug trafficking industry and its willingness to cooperate with U.S. efforts directly affect the impact of any southwest border initiative.

CBP has established positions at the El Paso Intelligence Center (EPIC), the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center, and the DEA Special Operations Division. These initiatives enhance interaction with the Intelligence Community (IC) and law enforcement agencies to more effectively facilitate the collection, analysis, and dissemination of actionable drug-related intelligence.

Additionally, CBP’s Office of Intelligence and Operations Coordination established a National Post Seizure Analysis Team (PSAT) at the National Targeting Center-Cargo and is in the process of establishing Intelligence Operations Coordination Centers (IOCC) with the first one under construction in Tucson, Arizona. The IOCCs will make CBP a more fully integrated, intelligence driven organization by linking intelligence efforts and products to operations and interdictions. Reciprocal benefits will be a greater capability to expeditiously move feedback from the end users back to the originator.

Operation Panama Express is a multi-agency international drug flow investigation that combines detection and monitoring, investigative, and intelligence resources to provide actionable intelligence to Joint Interagency Task Force-South (JIATF-S) operations to interdict the flow of cocaine from northern South America to the United States. JIATF-S interdiction operations in the transit zone supported by CBP P-3 Airborne Early Warning, Coast Guard HC-130, Coast Guard vessels, and CBP P-3 Tracker aircraft interdict large, sometimes multi-ton, shipments before they can be split into smaller loads for movement across the southwest border over multiple routes and distributed to U.S. cities, towns, and small communities.

CBP continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities. Detection of U.S./Mexican border air intrusions is essential to effective interdiction operations along our borders with Mexico. The primary means of detection is a large radar network, monitored at the 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 (FAA), and ground based radar systems. Personnel at the AMOC detect aircraft “short landings” and border penetrations and coordinate CBP Air and Marine and Mexican interdiction assets to intercept, track, and apprehend smugglers as they transverse the U.S./Mexico border.

The Government of Mexico sustains a strong commitment to interdiction. CBP will continue to assist the government of Mexico in maintaining its counterdrug effort, including Command, Control, Communications, and Information support.

**Intelligence and Operational Coordination**

CBP continues its evolution to become a more integrated, intelligence-driven organization and we are in the process of establishing a robust field organization. The CBP Office Intelligence and Operations Coordination is in the process of developing capabilities which will integrate CBP intelligence and operational elements for more effective command and control, mission deployment, and allocation of resources.

Intelligence gathering and predictive analysis require new collection and processing capabilities. CBP is also developing the Analytical Framework for Intelligence (AFI), a set of data processing tools that will 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 SBI's technology programs.

**Conclusion**

Thank you for the opportunity to describe our plans for border security and to highlight some of our progress to date. With your continued support of DHS, CBP and ICE, I am confident that we will continue to make tremendous strides in increasing control of our borders.

I look forward to your questions.

Ms. SANCHEZ. Perfect, exactly 5 minutes, Mr. Nieto.

Mr. NIETO. Thank you.

Ms. SANCHEZ. Thank you for your testimony.

I will now recognize Mr. Kibble to summarize his statement for 5 minutes or less.

**STATEMENT OF KUMAR KIBBLE, DEPUTY DIRECTOR, OFFICE OF INVESTIGATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY**

Mr. KIBBLE. Chairwoman Sanchez, Ranking Member Souder, Chairman Thompson and distinguished members of the subcommittee, on behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I thank you for the opportunity to discuss ICE's efforts to combat cross-border crime and the related violence.

ICE has the most expansive investigative authority and the largest force of investigators in DHS. But this challenge can't be addressed by one agency. Partnerships are essential. And ICE works closely with foreign, federal, tribal, state and local agencies to secure our borders.

DHS recognizes that southbound weapons smuggling is a grave concern amid the growing violence along the border with Mexico. This violence requires a comprehensive bilateral effort. And on January 30, Secretary Napolitano responded by issuing a border security action directive which focused the wide-ranging authorities of the department on the violence along our southern border. The secretary emphasized the necessity of a broad, multi-agency response to attack the flow of weapons and money that continues to fuel the violence.

ICE contributes to that fight principally through two bilateral initiatives: Operation Firewall to counter bulk-cash smuggling, and Operation Armas Cruzadas to counter weapons smuggling. The ICE-led Border Enforcement Security Task Forces, or the BEST, provide a comprehensive, multi-agency platform to fight these particular threats.

Under Armas Cruzadas, U.S. and Mexican investigators synchronize bilateral law enforcement and intelligence sharing activi-



ties to detect, disrupt and dismantle these weapons-smuggling networks. Key supporting actions include use of ICE's long-standing export authorities under the Arms Export Control Act, as well as newly acquired export authority that is particularly useful in targeting weapons smuggling.

To more seamlessly investigate these networks that span our common border, BEST, ICE attaché offices, a U.S.-vetted Mexican arms trafficking group and the ICE border violence intelligence cell exchange weapons-related intelligence.

For example, in August of 2008, an ICE investigation developed information that was rapidly shared with Mexican investigators regarding a safehouse in Nogales, Sonora operated by hitmen for the Vicente Carrillo Fuentes drug trafficking organization. A subsequent search warrant at the residence resulted in six arrests, the seizure of police uniforms, a large amount of U.S. currency, 12 weapons and four stolen U.S. vehicles.

Intelligence stemming from actions like this are analyzed on a routine basis by the border violence intelligence cell. And in December of last year, this cell, in conjunction with other DHS intelligence components, produced a strategic assessment of southbound gun smuggling that informed our current operations along the southwest border.

Let me share another example of how ICE partners with others, such as ATF and local investigators, in combating weapons smuggling. ICE, ATF and the San Antonio Police Department initiated an investigation of Ernesto Olvera-Garza, a Mexican national that, at the time of his arrest in October of 2007, trafficked in high-powered, high-capacity hand guns and assault rifles. He LED a gun-smuggling conspiracy that included at least nine straw purchasers who purchased firearms on his behalf.

More than 50 weapons were purchased and smuggled to Mexico as part of this ring. One of these weapons was recovered in Mexico after it was used in a gun battle where two Mexican soldiers were killed. Olvera-Garza has pleaded guilty and is pending sentencing.

All together, since the initiation of Armas Cruzadas, DHS has seized 420 weapons, more than 110,000 rounds of ammunition and arrested 104 individuals on criminal charges.

Another and one of the most effective methods to deal with violent transnational organizations is to attack the criminal proceeds that fund their operations. As we have hardened formal financial systems throughout the country, we see bulk-cash smuggling, particularly along the southwest border, on the rise. And ICE investigates bulk-cash smuggling as part of its cross-border portfolio.

We conducted numerous Firewall operations with our Mexican counterparts using millions and millions of dollars, over \$178 million, \$62 million of which was seized overseas.

The BEST, as I mentioned before, these are the principal investigative platform for both Armas Cruzadas and Firewall. They are raided along the border in high-threat smuggling corridors. And they concentrate on the top threats in their areas of responsibility. They have been responsible for more than 2,000 criminal arrests, the seizure of almost 170,000 pounds of narcotics, 515 weapons and almost \$23 million in U.S. currency.

ICE is committed to stemming cross-border crime and associated violence, throughout the deployment of BEST, Armas Cruzadas and Firewall. Partnering with others, we are using a broad range of authorities to disrupt and dismantle these networks.

I thank the subcommittee for its support and look forward to answering any questions that you may have.

[The statement of Mr. Kibble follows:]

PREPARED STATEMENT OF KUMAR C. KIBBLE

**INTRODUCTION**

Chairwoman Sanchez, Ranking Member Souder, and distinguished Members of the Subcommittee: On behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) efforts to combat cross-border smuggling organizations and the violence related to their enterprises. ICE has the most expansive investigative authority and largest force of investigators in the Department of Homeland Security (DHS), and we protect national security and uphold public safety by targeting transnational criminal networks and terrorist organizations that seek to exploit vulnerabilities at our borders. Recognizing that partnerships are essential, ICE works closely across agency and international boundaries with our law enforcement partners at the foreign, federal, tribal, state and local level creating a transparent border and united front to disrupt and dismantle criminal organizations.

ICE's expertise in combating smuggling organizations that exploit vulnerabilities in the sea, air, and land environments has proven essential in countering the bilateral smuggling of narcotics, illicit money, and other dangerous goods, people, and materials that threaten the well-being of the United States. Our law enforcement presence extends beyond our borders. ICE has agents in attaché offices in embassies and consulates worldwide. I am proud of these agents who work with their foreign counterparts to combat crime that originates overseas but may eventually cross the Nation's borders.

Let me share with you an example of the mutual security benefits we continue to derive through our partnerships with Mexican law enforcement agencies such as Secretaria de Seguridad (SSP). In August 2008, ICE agents provided confidential information to SSP through our Assistant Attaché in Hermosillo, Mexico about a residence allegedly used to store weapons and narcotics and which was believed to be a safe house for security personnel ("hit men") for the Vicente Carrillo Fuentes drug trafficking organization (DTO) operating in Nogales, Sonora. SSP executed a search warrant at this residence that resulted in six arrests, the seizure of police uniforms, a large amount of U.S. currency, 12 weapons, and four stolen U.S. vehicles. The six people arrested are suspected of being involved in two separate crimes: first, an armed confrontation on August 5, 2008, in Nogales, Sonora where a civilian was injured after a grenade was detonated during a between two DTOs, and second, the murder of two Mexican nationals whose bodies were found with threatening messages from rival narcotics traffickers.

DHS recognizes that southbound weapons smuggling is a grave concern amid the growing violence along our border with Mexico. This violence requires a comprehensive, bilateral effort and on January 30, 2009, Secretary Napolitano responded by issuing a Border Security Action Directive which focused the wide-ranging authorities of the Department on the rampant violence along our southern border. The Secretary emphasized the necessity of a broad, multi-agency response to attack the flow of weapons and money that continues to fuel the violence. ICE contributes to that fight through two principal bilateral initiatives: Operation Firewall to address bulk cash smuggling; and Operation Armas Cruzadas, to detect, disrupt and dismantle weapons smuggling networks. Particularly in Armas Cruzadas, ICE-led Border Enforcement Security Task Forces (BESTs) function as critical enablers in coordinating a comprehensive, multi-agency approach to fighting weapons smuggling. These DHS task forces include important partners such as Customs and Border Protection (CBP), Alcohol, Tobacco, Firearms and Explosives (ATF) and other foreign, federal, state and local task force officers. When it comes to countering the illicit weapons trade in particular, we closely coordinate our efforts with ATF, as they possess long-standing expertise in gun trafficking investigations and in engagement with Federal Firearms Licensees.

**Armas Cruzadas:**

The rampant border violence along the United States/Mexico border is a direct result of criminal organizations attempting to exert their control over not only the democratically elected officials of the Mexican government but also rival criminal organizations. For instance, many of the instruments of this violence are weapons smuggled from the United States into Mexico.

Criminal organizations commonly use straw purchasers with clean criminal histories to purchase firearms and turn them over to smugglers. The challenge in countering the smuggling activity is compounded by the reliance on the technique called "ant trafficking," where small numbers of weapons are smuggled through multiple ports-of-entry, on a continued basis.

In June 2008, ICE formally launched Operation Armas Cruzadas to combat transnational criminal networks smuggling weapons into Mexico from the United States. As part of this initiative, the United States and the Government of Mexico (GoM) synchronize bilateral interdiction, investigation and intelligence-sharing activities to identify, disrupt, and dismantle these networks engaged in weapons smuggling. Key components of Armas Cruzadas include training for BEST task force officers and our partners in ICE's long-standing authorities under the Arms Export Control Act, as well as acquired export authority under Title 18, United States Code, Section 554 (Smuggling goods from the United States). This statute augments the broad arsenal of cross-border criminal authorities available to ICE investigators, and is particularly useful in targeting weapons smuggling. Another important Armas Cruzadas component is industry outreach, including presentations to groups involved in the manufacture, sale, or shipment of firearms and ammunition along the southwest border. This industry outreach includes a collaborative initiative between ICE and Mexico's Procuraduria General de La Republica (PGR) prosecutors to produce bilingual posters identifying potential penalties for weapons smugglers under U.S. export and Mexican gun trafficking laws. The posters solicit the public for information related to these schemes, and are displayed in shops and agencies in the border region, including ports-of-entry. The Government of Mexico has also distributed these posters within Mexico.

In addition to outreach, more rapid exchange of information is essential to success in confronting the southbound weapons flow. Armas Cruzada strengthens bilateral communication through deployment of ICE Border Liaisons to sustain cooperative working relationships with foreign and domestic government entities; and also through a Weapons Virtual Task Force, comprised of a virtual online community where U.S. and Mexican investigators can share intelligence and communicate in a secure environment. In order to more seamlessly investigate the networks that span our common border, BESTs, ICE attaché offices, a U.S.-vetted GoM Arms Trafficking Group, and the Border Violence Intelligence Cell exchange cross-border weapons-related intelligence. The Border Violence Intelligence Cell, housed at the El Paso Intelligence Center (EPIC), along with the ATF weapons desk, serves as ICE's central point for analyzing all-source intelligence and trends in firearms smuggling. In December of last year, this cell, in conjunction with DHS intelligence components, produced a strategic assessment of southbound weapons smuggling that guided increased weapons investigation and interdiction operations along the Southwest Border.

Let me share an example of how ICE partners with others, such as ATF and local investigators, in combating weapons smuggling. ICE, ATF, and the San Antonio Police Department initiated an investigation of Ernesto Tornel Olvera-Garza of Monterrey, Mexico who first began trafficking in hunting rifles in June 2005. During the course of the investigation, agents learned that between 2006 and the time of his arrest in October 2007, he trafficked in high-powered, high-capacity handguns and assault rifles. Since his temporary visa did not allow him to legally buy guns in the United States, Mr. Olvera-Garza instead paid people in the United States to buy guns for him and lied about who the guns were for. Mr. Olvera-Garza organized and led the gun-smuggling conspiracy, which included at least nine "straw purchasers" who purchased firearms on his behalf. More than 50 weapons were purchased and smuggled to Mexico as part of this ring. One of Mr. Olvera-Garza's smuggled pistols was recovered in Mexico after it was used in a running gun battle where two Mexican soldiers were killed. Mr. Olvera-Garza has pleaded guilty and is pending sentencing.

Since the initiation of Operations Armas Cruzadas, DHS has seized 420 weapons, 110,894 rounds of ammunition and arrested 104 individuals on criminal charges, resulting in 58 criminal indictments and 42 convictions to date.

#### **Operation Firewall:**

Another, and one of the most effective methods to deal with violent, transnational criminal organizations is to attack the criminal proceeds that fund their operations.

ICE targets those individuals and organizations exploiting vulnerabilities in financial systems to launder illicit proceeds and pursue the financial component of every cross-border criminal investigation. The combination of financial investigations, Bank Secrecy Act (BSA) reporting requirements, and Anti-Money Laundering (AML) compliance efforts by traditional and non-traditional financial institutions has forced criminal organizations to seek other means to transport illicit funds across our borders. As we have hardened these formal financial systems, the smuggling of bulk currency out of the United States, especially along the Southwest Border, has continued to rise. ICE, as the investigative agency with jurisdiction over all border crimes, can investigate bulk cash smuggling (BCS) crimes, which are predicated on the failure to file a Currency and Monetary Instrument Report (CMIR).

The ICE Office of Investigations (OI), along with the ICE Office of International Affairs (OIA) and CBP, coordinates with our state, local, and foreign partners on BCS operations. These operations disrupt the flow of bulk cash that can be used by terrorist groups, drug traffickers, and other criminal organizations. ICE, in concert with CBP, also provides money laundering training and BCS interdiction equipment to our law enforcement partners in the United States and abroad.

ICE has a number of initiatives to address BCS. Operation Firewall focuses on the threat of BCS via commercial and private passenger vehicles, commercial airline shipments, airline passengers, and pedestrians. Since 2005, Operation Firewall efforts have been enhanced to include jump team surge operations targeting the movement of bulk cash destined for the southwest border for smuggling into Mexico. ICE and CBP have conducted various Operation Firewall operations with Mexican customs and the ICE-trained Mexican Money Laundering Vetted Unit. Many Operation seizures result in criminal investigations to identify the source of the funds and the responsible organizations.

ICE's experience in conducting international money laundering investigations has identified numerous smuggling routes and methodologies used by criminal organizations to launder illicit proceeds. This experience enables ICE, CBP, and our domestic and international partners to concentrate resources. Initially, Firewall operations in Mexico focused on the targeting of commercial flights from Mexico City to Central and South America. In 2008, based on our experience, we expanded Mexico Firewall operations to target shipments in containers departing from the seaport of Manzanillo and the airports of Toluca, Mexicali, Cancun, and Guadalupe. Throughout operations in Mexico, ICE and CBP personnel have trained our Mexican law enforcement partners on passenger analysis and investigative techniques proven effective in the United States.

Operation Firewall produced immediate results. On the first day of operations in 2005 at the Benito Juarez International Airport in Mexico City, Mexican authorities seized \$7.8 million en route to Cali, Colombia concealed inside deep fryers, rotisseries, and voltage regulators. Other notable seizures include \$7.3 million seized inside rolls of fabric and plastic and \$4.7 million concealed inside air conditioning equipment and metal piping destined for Colombia. Since its inception, Operation Firewall has resulted in the seizure of over \$178 million including over \$62 million seized overseas, and 416 arrests.

On June 26, 2008, Rafael Ravelo, a member of a Mexican based narcotics trafficking organization, was sentenced to 126 months of incarceration and the forfeiture of \$1,147,000. This sentence was the result of the ICE-led Operation Doughboy, an investigation that was initiated prior to Operation Firewall, based on a bulk cash smuggling interdiction. This joint U.S./Mexico investigation involved the monitoring of 18 phone lines of the heads of a Mexican narcotics trafficking organization and began when ICE agents in 2003 successfully linked a \$149,000 bulk cash seizure by the Texas Department of Public Safety to the narcotics trafficking organization.

#### **Border Enforcement Security Task Force (BEST):**

As I mentioned before, the principal investigative platform for both Operations Armas Cruzadas and Firewall are the Border Enforcement Security Task Forces (BESTs). These task forces were specifically created to address border violence.

In July 2005, in response to increased violence in Nuevo Laredo, Mexico and Texas, ICE, CBP and other federal, state, and local law enforcement agencies, including Mexican agencies, expanded the ongoing Border Crimes Initiative by creating an international, multi-agency initiative, Operation Black Jack. This initiative used the respective authorities and resources of its members to dismantle cross-border criminal organizations. In its first six months, its target-driven focus led to the dismantling of a murder/kidnapping cell operating on both sides of the border, including the seizure of high-powered fully automatic weapons and live grenades; the

components to make over 100 improvised explosive devices (IEDs) such as pipe bombs and grenades; and over \$1 million in U.S. currency.

Based on the success of Operation Black Jack, DHS established the first BEST in Laredo, Texas in January 2006. Since that time, we have established 12 BESTs: eight on the Southwest Border; two on the Northern Border; and two at seaports. BEST participants include: ICE (as the lead agency); CBP; ATF; the Drug Enforcement Administration (DEA); the Federal Bureau of Investigation (FBI); the U.S. Coast Guard; the U.S. Attorney's Office; and other federal, state, local and foreign law enforcement.

The BESTs are arrayed along the Southwest Border in high-threat smuggling corridors in: Arizona—Tucson (March 2006), Phoenix (March 2008); and Yuma (March 2008); Texas—El (October 2006) and Rio Grande Valley (March 2007); and California—San Diego (November 2006) and Imperial Valley (June 2008). In early 2008, the first Northern Border BESTs initiated operations in Blaine, Washington (February 2008) and Buffalo, New York (March 2008). Each BEST concentrates on the prevalent threat in its geographic area, including: cross-border violence; weapons smuggling and trafficking; illegal drug and other contraband smuggling; money laundering and bulk cash smuggling; human smuggling and trafficking; transnational criminal gangs; and tunnel detection. Recently, we established BESTs at the seaports of Los Angeles, California (October 2008), and Miami, Florida (November 2008) to focus on maritime threats including the importation of contraband; commercial fraud; cargo theft; unlawful exportation of controlled commodities and munitions; stolen property; alien smuggling; and exportation of illicit proceeds. These BESTs will target internal conspiracies of corrupt transportation employees who participate in the smuggling of contraband and humans. Crucial to our success is the cooperation of our international partners. At BESTs on the Southwest Border, we have the participation of the Mexican law enforcement agency, SSP. On the Northern Border and in the northern BESTs, we have Canadian law enforcement agencies such as the Canada Border Services Agency, the Royal Canadian Mounted Police, the Ontario Provincial Police, the Niagara Regional Police Service, and the Toronto Metropolitan Police Service. In addition, we have the participation of the Argentinean customs agency at our Miami BEST. Through the interaction and coordination of all the member agencies, BESTs provide for immediate and international enhanced information sharing on border violence due to geographic proximity to the U.S. borders.

Through BESTs, we have dismantled arms trafficking, bulk-cash, alien and narcotics smuggling organizations and their hostage-taking and murder/kidnapping cells in the United States and Mexico. Since July 2005, the BESTs have been responsible for 2,034 criminal arrests, 2,796 administrative arrests, 885 indictments, and 734 convictions. In addition, BESTs have seized approximately 7,704 pounds of cocaine, 159,832 pounds of marijuana, 558 pounds of methamphetamine, 39 pounds of crystal methamphetamine, 1,023 pounds of ecstasy, 213 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 5 15 weapons, 745 vehicles, six properties, and \$22.7 million in U.S. currency and monetary instruments.

I would like to share a few of our successes with you: the discovery and repatriation by the El Paso BEST of one of Mexico's top ten most wanted fugitives; the arrest by the Laredo BEST of a weapons trafficker supplying cartels with assault rifles used to murder Mexican police officer Navarro Rincon and others; the arrest by the Laredo BEST of a member of the Mexican Mafia in possession of approximately 897 pounds of smuggled marijuana after he attempted to run over a Texas Department of Public Safety officer; and the arrest by the LA Seaport BEST of an arms trafficker and seizure of 38 military style weapons.

#### **CONCLUSION**

In conclusion, ICE is committed to stemming the cross-border criminal activity and associated violence through the deployment of the BESTs, Operation Armas Cruzadas, and Operation Firewall. Partnering with others, we are using a broad range of authorities, including the most sophisticated investigative tools available, such as certified undercover operations and electronic surveillance operations, to disrupt and dismantle these networks.

I thank the Subcommittee for its support of ICE, CBP, DHS and our law enforcement mission. I would be happy to answer any questions that you may have at this time.

Ms. SANCHEZ. I thank all of the witnesses for your testimony. And under the committee rules, each member will have 5 minutes to ask questions of our witnesses. And I will begin by asking the questions.

Mr. Kibble, there have been several other hearings, especially this week, with respect to the violence at the border. And you just talked about Armas Cruzadas. I would like to know how that differs from the gunrunner program that the Alcohol, Tobacco and Firearms agency has.

More importantly, I would like you to talk a little bit about what you believe are the different roles of the ATF versus the role that DHS and specifically your agency might have at the border, and how you work together or don't work together, or what you need. What message do you need either sent to the secretary or to the president? Or is there a need to do legislation or clarify roles from the Congress so that the two agencies, if they are not working well, can ensure that we do a good job?

Mr. KIBBLE. Chairwoman Sanchez, thank you for the question. We actually are working very well together. I review the daily Armas Cruzadas reporting. And I would say more than 90 percent of those investigations that I follow are joint investigations with ATF in the field. And we complement one another, because ICE, through the Arms Export Control Act and with the implementing regulations under the ITAR, is designated as the sole investigative agency to deal with exports of weapons to Mexico.

However, ATF brings their expertise to the sources of these weapons, the gun shows, the federal firearms licensees over which ATF has sole jurisdiction. And working together, we really are starting to put together some great investigations. They will uncover, for example, a straw purchasing scheme associated with a particular gun dealership. And we will bring our cross-border smuggling expertise to identifying the network that is moving those weapons from the interior of our country into Mexico.

We have been served for decades now with a previous MOU that governed the former agencies that composed ICE when the Department of Homeland Security was created. And that MOU made it very clear that ATF handled the inbound weapons trafficking as well as domestic trafficking violations. And ICE focuses on the outbound smuggling of weapons.

We have been working together and engaging with ATF at the headquarters level. Just last week, I was meeting with my counterpart over there. And what we are looking to do is basically update the memorandum of understanding and not looking to—I assured him that ICE has no interest in trying to insert ourselves into their area of expertise, having to do with the federal firearms licensees. And he assured me that ATF has no interest in trying to get into the illegal export aspect of those weapons.

So I think the roles are very clear, certainly by statute. And we are going to update this memorandum of understanding so it is clear to—

Ms. SANCHEZ. When will that memorandum be updated and signed?

Mr. KIBBLE. It is in process ma'am. We expect feedback from ATF. It resides with them right now. We expect feedback from them very soon. He assured me that we would be able to—

Ms. SANCHEZ. How many personnel from ICE work in this area of guns moving from the U.S. to Mexico?

Mr. KIBBLE. We have several hundred that will address this issue in one way or another. I think the important distinction to make here is that these cross-border criminal networks don't just deal in the weapons. And that is one the advantages that ICE brings, is that we have a comprehensive cross-border criminal authority that can help us to attack the inbound drugs and the outbound flow of guns and money that, in some respects, can be moved by some of the same layers that belong to a particular network.

So directly, we have several hundred that are addressing the outbound flow of weapons. But we have the largest investigative footprint along the southwest border, more than 1,000 agents. And all of those agents are potentially available to surge their efforts to address threats as they emerge.

Ms. SANCHEZ. Thank you.

Mr. Nieto, following up with the questions that I just asked Mr. Kibble, why is it—people ask me all the time. Why is it so easy to cross from the United States into Mexico and so hard to cross from Mexico back into the United States?

And with respect to this issue of gun trafficking and currency trafficking, what do you believe—what happens now and what do you believe needs to happen as people are headed south into Mexico? Should we be checking them? Should Mexico be checking them? Should we both be checking them? Are we checking them? What can we do to spot and particularly these arms?

Mr. NIETO. I think it is a shared responsibility. I mean, they should be checking people going into their country. And we should have some kind of impact on what is leaving our country. And we do that in a surge capacity at this point. We don't have the personnel or the infrastructure to do full outbound inspections. The ports of entry are not set up for that right now. There are officer safety issues, because as vehicles go south, there are seconds to minutes before they are in Mexico. So there is an officer safety issue.

But we are looking at what those needs are going forward and identify them. And then looking for the adequate resources to make sure that we can do that in a more sustained effort.

Ms. SANCHEZ. Have you seen a bigger effort by Mexico with respect to checking vehicles as they come across? I know for example, and I haven't been across for a while. But when I go from California into the TJ/Ensenada area, there really isn't an American officer. You just kind of go through most of the time. Sometimes you are just kind of waved through.

And then to the Mexican officers, the main, you are either like designated to pull over. Or you are just sort of waved through. And there is really no barriers. There is no security for the officers. Have they changed that at any of the crossings? Are they doing more inspection?

Mr. NIETO. They are looking at doing that. They are looking at using license plate readers as well. And part of the Merida Initiative will assist them in that. I think right now what you get is either a red light or a green light that determines whether you are going to be inspected or not.

So part of the training in the Merida Initiative as well is for us to give them some of that training for inspections as they have vehicles going to their country.

Ms. SANCHEZ. Thank you.

And Mr. Peña, I have one question before I turn the time over to Mr. Souder. You have a unique perspective, because you are inside of Mexico. You get to see what is going on. You get updates from the different pieces of the department. You talk to people.

There have been various travel alerts from the Department of State with respect to Americans going to Mexico. And one of the things I worry about being a Californian is that there is so much commerce and tourism and—you know, I mean, sometimes you can go into some places in Baja, California. And you would think that you were in America, because there are so many Americans there now. There are so many people who travel back and forth and second homes and vacation homes and all.

And all of a sudden, we keep reading and hearing that there is so much violence, people are afraid to go now. And that could cause some real economic concerns and some even bigger problems for us with respect to Mexican natives along the border area and working with the narco trafficking people.

Can you tell me, you know, if somebody asks me should they go down to Ensenada to their weekend home, you know, what is the response? Because, you know, I travel a lot. And I always think you need to be alert wherever you go. Is it the same thing? Or are innocent bystanders really, you know, just getting picked up and slaughtered down there? What is going on?

Mr. PEÑA. Thank you, Chairwoman, for the opportunity to address that question. Maybe I can answer it in this way first is that my two sons just came to visit me for their spring break then to Mexico City. They flew into Mexico City for the start. We went to Guadalajara. We interacted with quite a few people I have met in Mexico City. And none of the conversations that took place have anything to do with the violence and the security situation that is going on.

That is very much in isolated pockets of the country. I think there is a lot of attention being brought to it. But it is in very isolated areas. And it is dealing with people that are involved in criminal activity, the majority of this activity that takes place, that we read about are in areas that involve people that are involved—criminal element.

Certainly there has been. I can't minimize the fact that some innocent people have been affected. But it is not the climate that I believe is being portrayed. Again, my son left Guadalajara and went to South Padre Island. I am a little bit more concerned what trouble he might get into on South Padre Island hanging out there.

Mexico is, I believe—again, my family is there. I interact with Mexicans all the time. There is not this alarmist that they see, believe that the country is unsafe to be in.

Ms. SANCHEZ. So if my 70-year-old mother wants to go down to her second home in Ensenada. And she is driving her 1992 GM and just staying on Highway 1 all the way down and not calling attention to herself, she is probably going to make it without any problems?



Mr. NIETO. Yes, ma'am. She certainly would. And if she ever did, please feel free to contact me. See I am just happy to help in any way I could.

But no, honestly ma'am, I think, Chairwoman, it is not to the degree that is being publicized. I think what has happened is that the cartels have saw what happened.

And I will maybe give the example of when Daniel Pearl was executed or some—the decapitation. They saw that the fear that that can place in individuals. And that they are sending messages. These people, these cartels, operate strategically. They have tactics that they are using to intimidate and to put fear.

But it is not affecting U.S. citizens. It is not affecting Mexican citizens to the degree that I would say—everybody needs to be cautious. You have to know your environment where you are going. But to say that people shouldn't be coming into Mexico and traveling and enjoying themselves, I think it is not to that degree at all, ma'am.

Ms. SANCHEZ. Thank you, Mr. Peña.

I will recognize my ranking member, Mr. Souder, for 5 minutes.

Mr. SOUDER. Thank you.

Wouldn't you say that most of the murders are occurring right along the border?

Mr. NIETO. Yes. The high percentage of the murders, sir, are in border cities where they are trying to control the lucrative transit route into the U.S.

Mr. SOUDER. Because there are so many areas, and we have lots of members who want to question. And it is going to be ongoing as it has gotten national attention. But I want to make a couple of points.

First with Mr. Leech and the counternarcotics office. If there was a ever a reason that—or let us say it is more evident now than was ever apparent at the beginning of the creation of the Department of Homeland Security why Speaker Hastert, I and others pushed to get a counternarcotics office in the Department of Homeland Security.

It has been a little like the debate regarding Afghanistan. Oh, we are fighting terrorism. We don't have to worry about heroin. Well, what do you think your opponents are arming themselves with? They aren't making computers there. They aren't making all sorts of other things. In Afghanistan, they are using heroin with which to cash fund the terrorism.

The same thing is true with the narcotics here. Those products may change. But counternarcotics is such a big business. Whether or not you change laws on marijuana or whatever, it is not like oh, well, we will fold now. The cartels are funded by whichever narcotics happen to work. If it happens to be prescription drugs, cocaine, heroin, methamphetamine, marijuana, whatever gets them money. And if we don't track them, we are not going to be able to secure our borders.

And I want to thank you and the counternarcotics office. Hopefully we can keep that strong, because the evidence in the relationship in the cartels, and the drug violence, and how that can spread to the United States, I think, is more clear than ever why narcotics and terrorism can't be separated.

I also want to raise to Mr. Nieto, one of the big challenges—and Mr. Kibble was addressing this too. And that is that we have, in the Justice Department, when we look at narcotics, when we look at financing, we run into the Treasury Department, we run into the narcotics department. This is not new to the Department of Homeland Security. Customs had this challenge when it was over in Treasury. DEA was in Justice; border patrol, immigration, that no—there isn't going to be such a thing as a clean division between authorities.

That is why the IBET teams, the—those type of things are critical. And we need to look at—when we have violence threats to the proportion we do, is where are your specific financial requests? What regulation changes you need to push that collaboration.

But Mr. Nieto, one of my concerns—and this is that the challenges in the Department of Homeland Security are, whether it is the Coast Guard having to do sailboats the tipped over and fisheries as their day-to-day. But they are watching for terrorists and then counternarcotics; whether it is the border patrol, where mostly they are dealing with illegal immigration then narcotics and hunting for the occasional terrorist threat that comes through; whether it is ICE.

You are different missions. You have day-to-day. And then you have the kind of the highest priority type of things. But we put you all in the Department of Homeland Security in a hierarchy. You have your day-to-day. And then the high-risk things to the country.

One of my concerns—and don't mistake this. I don't want anybody to fall over when I make this statement. But that in the legacy customs division, partly there you had the financial tracking. And you had an experience level. And by blending it with immigration, because I believe we need more enforcement. And you are the only agency to do enforcement on illegal immigration, which would include terrorism.

But by not getting additional agents, and by putting and diverting some of the ICE personnel to immigration, all of a sudden I am concerned that we are losing some of the people who can do the financial tracking and the organizational tracking. And that is going to be one line of questioning that I will be pursuing during the next 2 years, because we have to do both strategies. And they are not necessarily the same strategy. But often they are the same people. Is that—

Mr. Peña, I wanted to—and would welcome anybody else to address this. That this is the broader question. There is a lot of misunderstanding that drug cartels are just drug cartels. And this is a brand new phenomenon in Mexico. In fact, since the DO and even before that in the earlier presidents, we saw these cartels strengthening their control, buying governors throughout Mexico and so on. And what we see now is President Calderon taking them on.

I want to see how you feel about this example. To me, it is very much like the movie Godfather, that you have different groups. The violence comes when one dies or one gets taken out. They fight for the turf. That they aren't—while they may start in narcotics, the fact is that once they gain control in a region, they smuggle and handle whatever it is. If there is a high-level terrorist, they can do that. If it is shaking down local businesses.

Yet the reason President Calderon is taking them on is not just because of narcotics. He sees a counter-government form, a sub-government with an enforcement personnel that can out-shoot and overpower his local law enforcement in every zone. And this isn't just about narcotics. These cartels become the alternative form of police state. Would you agree with that?

Mr. PEÑA. Congressman Souder, certainly I will agree with the fact that these criminal elements do not stay unique to one set of crimes. They are multi-faceted criminals. They will move aliens. They will move money. They are involved in prostitution. They are involved in extortion. They are involved in kidnapping. And they are fighting for lucrative roots that they want to control.

That involves corruption. It involves murders, intimidation. And certainly, there has been cases where they will attempt to compromise political officials, mostly at the lower levels. We are not seeing it at the higher level position.

Recently, John Leech and I went down to the southern border with Guatemala. And we met with the governor of the state of Chapa. And he was telling us that his big concern is weapons also coming in from the Guatemalan area into Mexico.

But the illegal alien trafficking that takes place through the southern border of Mexico, it is eventually going to transit through Mexico into the United States. And that the Zetas, one of the Gulf cartel's enforcement arm, is heavily involved in making millions of dollars in the flow of illegal aliens in that region, sir.

So I would agree that they are involved in just—they are organized crime. They are just, as you clearly stated—

Mr. SOUDER. The narcotics is a method of getting the cash.

Mr. PEÑA. Yes. Yes, sir.

Mr. SOUDER. Thank you.

Ms. SANCHEZ. Next person would be Ms. Jackson Lee for 5 minutes.

Ms. JACKSON LEE. I thank the chairwoman very much. And I appreciate very much each and every one of the witnesses. And frankly, I think that we are at a point of major calamity with the recognition that you all are extensively spreading your efforts. And we appreciate it.

But I believe that this is a crisis of major proportion. And I do think it is a crisis. And I do respect the work that President Calderon is doing. And one of the things that I think should be important is the friendship and relationship with Mexico stand, that the government and the people of Mexico no more want this kind of violence than we would like it.

But it is important to note that, since 2007, 7,500 people, almost double the number of U.S. troops killed in Iraq since 2003, have died; that there have been bribes and cruelty and beheading; that in spite of the suggestion of a 2,000-mile border wall, this kind of havoc has continued.

The amount of money that is being made, \$39 billion from the sale of methamphetamine and other drugs in the United States alone. And so any business like that causes anyone engaged to lose all of their morality. No one cares about any form of human life.

And frankly, what the real crux of the issue is is how this drug war at the border can create such havoc that all of a sudden, the

terrorists of the world begin to spotlight and see opportunities for engaging and being involved unseen, the focus being on drugs and narcotics, the big money that is needed to fuel terrorist activities around the world.

Some years ago in this committee, we were thinking or talking about OTM, that they were the crux of what we needed to fear in terms of those who might walk across the border and do havoc. Well now, the OTMs may be subordinate to drug cartels and drug actors, but individuals who would be carrying that kind of armor, if you will, terrorist intent, but involved in the drug cartel.

So let me ask these questions very quickly. One, Mr. Nieto, were you talking—who was talking about the agreement between ATF and—it was Mr. Kibble?

First let me say this. Unless we as Americans recognize the role that we play with the free flow of weapons of guns, we are in trouble. Frankly, ATF and your office, obviously, every day faces up to individuals with illegal weapons. And we cover this up with the Second Amendment.

And I frankly believe that there has to be legislative initiative, which will be a tough thing to pass in this Congress, on dealing with the increasing numbers of weapons that we are providing for the gang wars on the border, which can also be provided for terrorists.

So I wasn't understanding what you were saying very quickly. And I just need a quick answer. You were talking about overlapping jurisdiction. Is there a jurisdictional fight between ICE and ATF?

Mr. KIBBLE. No, ma'am. There isn't. I mean ATF focuses on the——

Ms. JACKSON LEE. I understand what they focus on. But what are you agreeing about or not agreeing about? As far as I am concerned, your jurisdictions should just merge. Get the illegal weapons out of here. So what is the agreement that you are talking about?

Mr. KIBBLE. It is just to clarify roles and responsibilities.

Ms. JACKSON LEE. Okay. I will try to meet with you in my office. I just think that we need to expand roles and responsibilities and have people working together. And wherever you find a gun, if it is ICE, get it off the street. If it is ATF, get it off the street. I am on Judiciary.

Let me ask the gentleman—and thank you for that.

Let me ask the gentleman with Customs and Border Protection and ask whether the border patrol agents are getting any extra training on drug interdiction or drug fighting or drug wars, because I understand that they have a certain bend to them. Are they getting any extra training, or you have any people relating to that expertise?

Mr. NIETO. Thank you, ma'am, for that question.

Ms. JACKSON LEE. And while you are doing that, since my time is running out, would you—because I am getting ready to offer legislation in any event. The power boats, helicopters, more boots on the ground in terms of Custom and Border Patrol. I know you had a big push, if you will, a couple years ago. But I think you need

more. So can you talk to the needs please of your agency as it relates to these drug wars.

Mr. NIETO. Sure thing, ma'am. Thank you. The training that you asked about initially, yes we do train our agents. And we train them in a fashion that they encounter and an all threats, all hazards, not necessarily for just narcotics, terrorists, illegal immigration, aliens from special interest country.

Whatever it is, they are trained to interdict anything that is coming across that border—very tough academy to go through initially. And they go through training as they progress through their initial 2-year intern time period, probationary period. And training never ends. I mean, in-service training continues.

In regards to the amount of agents, we currently have the personnel to adequately address any threat that may present itself to us along the border. We also have plans in case, for some reason, we have to draw from resources from outside of that area, or from DHS and plans to also have the military come in, I that is the case.

I mean, we have been working with the military for over 20 years through the Joint Task Force North that is currently located in El Paso. That is not new to them. It is not new to us. They have helped us in a non-enforcement role. You may remember Operation Jumpstart a couple of years ago.

So that relationship exists. A lot of their people know the areas already. Do we have the personnel to adequately address threats that we are seeing out there right now? Yes, ma'am, we do.

Ms. SANCHEZ. Mr. McCaul for 5 minutes.

Mr. MCCAUL. Madam Chair and thank the witnesses.

The numbers are staggering in terms of the violence occurring in Mexico. I do commend President Calderon for his courageous efforts. I think most in the Congress recognize that.

There are over 6,000 deaths associated with organized crime in Mexico. Last year more than the Iraq and Afghanistan conflicts combined. The Department of Justice said that 230 cities in the United States are now impacted by what it considers the number one organized crime threat. That is the Mexican gang element. It is of serious concern to the American people.

Just in my state, just south of the border, we have a map depicting the violence occurring south of the Texas border. In Juarez, Chihuahua, you can see the escalation of violence. I know all of you are familiar with what is happening there in the escalation of troops that are being sent there by President Calderon. It has gotten so bad that the police chief resigned because of the killings of police officers. And then the mayor of Juarez sent his family to El Paso.

These are real concerns to us. Just the other day, the governor of my state asked for an additional 1,000 troops. Just yesterday, the governor of Arizona asked for National Guard. Just yesterday, President Obama actually mentioned the use of the National Guard down at the border. And he referred to a tipping point. Wasn't sure where the tipping point was going to be.

That is my first question to you, Admiral. When are we going to hit the tipping point where we do need the use of the National Guard and the military down at the border?

Admiral RUFÉ. Well, first let me talk about the violence on the border, because you certainly characterized it accurately as to the level of violence, which is indeed falling in Mexico, right on the border. And we are very concerned about that, and certainly concerned about the spillover.

That said, I think the chairwoman and the ranking member characterized it pretty well in their opening remarks about what the level of violence is on our side of the border. It is a bit of a mixed picture. Certainly kidnappings are up. And that is of great concern in Phoenix and other places. But along the border, actually the border cities are experiencing a lower crime rate, violent crime rate, than they have in the past.

So that, to a certain extent, is a good news story on that score. And the Board of Mayors just emphasized that just in the past week. So we are not so concerned, at least at this point, about that violence spilling over into our cities. El Paso, in fact, has one of the lowest crime rates in the United States. And it is right across from Ciudad Juarez.

That said, our contingency plan is designed to address escalating levels of violence should that happen. And as Sal mentioned a moment ago, the way the plan is set up is that we would phase through, where we would exhaust all of the resources of the federal government, short of DOD and National Guard troops before we would reach that tipping point.

There is no real bright line as to what that tipping point would be, because scenarios are so different. But within the planning process, we have identified the capabilities that we would need if that was required. And we are working very closely in the planning process right now with our brethren in the National Guard and the Department of Defense to make sure we are ready when the time comes.

But as the president said yesterday, we very much do not want to militarize our border. So that is essentially a last resort. But we are planning for it if it becomes necessary.

Mr. MCCAUL. I believe Secretary Napolitano used that wording, last resort. I have tremendous respect for her being a former U.S. attorney, attorney general for a state and governor of a border state. I think she understands this issue very well.

I am a ranking member on the intelligence subcommittee. And I know there has been some discussion about intelligence sharing. I know it is sometimes difficult with Mexico, given the corruption issues. I know CSEN has been very reliable in the past. It is their sort of CIA equivalent.

Can you, anybody on the panel who can answer this, discuss the intelligence sharing and how well it is being shared. Obviously, the better intelligence we have on these drug cartels in conjunction with the Merida Initiative, the more capability we are going to have to eradicate these drug cartels.

Mr. PEÑA. Well, the El Paso Intelligence Center is located right on the border and is our primary location for sharing information with state and locals and across the federal government on the border for this particular mission. What I ask the—Sal maybe to add more to that if he would like to.

Mr. NIETO. Thank you, sir.

I guess as a matter of fact, we have in EPIC, 29 CBP personnel. We saw it as a place to really expand it. At the true fusion center, there is 17 different agencies there already. They already have the mechanisms in place. They have been there for over 35 years. Granted initially it was based on narcotics. We are looking at it as an all threats, all hazards again. So the mechanisms are in place. We are capitalizing on what is there already, to ensure that that information flow is back—

Mr. MCCAUL. My time is running. I know what EPIC is all about. What I am asking is are we giving—sharing intelligence with the Mexican military to take out the drug cartels?

Mr. NIETO. Yes. Yes, sir, we are. And—

Mr. MCCAUL. And is that effective?

Mr. NIETO. Yes. And what I can tell you, the relationship with CSEN, with the Mexican agencies, with the Mexican government, has never been better as it is now. And I would defer to Mr. Peña who I actually in Mexico to further.

Mr. PEÑA. Congressman McCaul, thank you for the opportunity to answer that question. I would start off by saying that currently, based on the relationship that was established in 2004 with CSEN when it was then headed through the current attorney general Medina Mora, CSEN agents were assigned to border enforcement security task forces in the United States.

The first one was in Representative Cuellar's district. When the violence was escalated in Nuevo Laredo. So there are now 12 of these border enforcement task forces. And they are staffed by security, seguridad publica officers. That is the federal police. They are in the U.S., embedded with federal, state and local officers from the U.S. And that is an important exchange of intelligence, very timely and also many times operationally and tactical.

The Office of Intelligence—that the Department of Homeland Security has here and has the border security branch, has a direct relationship with CSEN, whether it is in an interchange of intelligence and information, almost on a daily basis.

The mission in Mexico City, the embassy, our U.S. intelligence agency works directly with—and some of the things I can't speak about, classified exchange of information in Mexico.

CSEN recently visited the ACTIC, which is the Arizona Counterterrorism Center, looking to see, to build a fusion cell in Mexico similar to what exists in Arizona. And they were funded by the Department of Homeland Security. I forgot how many right not there are throughout the United States. So they could better see how we exchange information within our agencies here domestically, and then also internationally.

Mr. MCCAUL. That is encouraging. Thank you, Madam Chair.

Ms. SANCHEZ. Gentleman from Laredo, Mr. Cuellar, for 5 minutes.

Mr. CUELLAR. Thank you, Madam Chair.

To the members of the panel, I thank you. I appreciate the work you do in law enforcement. You know, I have got three brothers that are peace officers. In fact, one of them is a border sheriff. So I do understand and appreciate the work that you do.

We are dealing with an issue that, on the border—as you know, I am from the border. And the border is very important to me. I

have a vested interest. My family is there. I grew up there on the border.

We have a 2,000-mile border with Mexico. And every day we trade legitimate business, about \$1 billion a day of trade. You know, you include trade, tourism, retail. It is a very important partner that we have.

But we have this issue with drugs. And it is not a new phenomenon. In fact, if you looked at history, we have had large infusions of drugs coming in from Mexico from 1917 to 1933. We had it even during the Civil War. We had it during World War I, World War II. There are areas with times in our history that it has come in.

But now, we have a different type of situation, because the border violence or the violence has now popped up. In fact, you know, when people say well, that is a border issue, it is not. If you look at the drug presence that the drug cartels have, there are about 230 cities. Name the state that you are from, and you will see the cities in your particular states where the drug cartels have a presence in.

Everybody has a plan. In fact, the admiral I asked a while ago, you know, our governor has a plan. You know, yes, sir he was with us with the Texas delegation. I had asked you if you had seen it. You have said no. And this is one of the things that I want to emphasize to all the members of the panel is what are we doing to coordinate our efforts?

For example, can somebody—this is open to anybody. How many cities do we have? How many city departments, police departments, do we have on the 2,000-mile border? Anybody know? How many sheriff's departments do we have on the 2,000-mile border? Anybody know? How many states? That should be a lot easier. And the governors have their own plans also.

And then if you go even on the federal level, you have FBI, you have DEA, you have ICE, you have ATF, you have Custom Border Protection, you have border patrol. And there are different levels on that. And one of the things I have been talking about is how do we coordinate the effort?

Mr. Leech, I heard you say, and it is very encouraging, that we are starting to coordinate. But I would ask you not only coordinate across the level with federal agencies, but also go up and down with the states and the local officials. I know there have been some efforts. And I appreciate the work that you are all doing.

But we need to have a way to coordinate and communicate. You know, just even in our other subcommittee that we have, communications. You know, police can communicate with other police. But they can't communicate with the state or the federal or local. And even on that part of it is something that I would ask you and encourage you to emphasize and focus on that.

And I know there is—I know you have got both. Somebody mentioned you have someone in Austin. You have got somebody. But is there a coordinated effort to say if there is an incident, this is how we can bring everybody in?

I know that the best program is probably a good model that we can implement, not only those cities that you have them, but across the border, across the 2,000-mile border, and even into the north-



ern side also. But I think that is a good model, because you do bring in the state, the federal, the local and the Mexican side also into the process.

So I would highly encourage you to follow that process across the board.

Mr. LEECH. That is an excellent point, Congressman. Let me say this about that. Several issues here. We just recently sent out about 150 letters to our state and local partners, Congress. We also sent some letters up to Congress to ask for your input and what we could do to be more effective on the border. And we got a lot of really good input from our state and local partners working with the—working with the fusion centers that you have mentioned.

But here is a very important point. And I want to keep going back to that. And that is the strategy. The counter-drug strategy that we are developing addresses several various areas. We are looking at intel. We are looking at the ports, between the ports. We are looking at our air assets, our relationship with Mexico, money, prosecutions, investigations. And most recently, as a result of your input, southbound flow of arms.

And the strategy is an effective strategy. It will work if executed. An important point to keep in mind is this is a very holistic approach to trying to solve this problem. And we have to understand what we are trying to do, what the U.S. government is trying to do.

Admiral Rufe has the Southwest Border Violence Plan. That is a plan that is built on either escalating contingencies or explosive contingencies. Our office, the Office of Counternarcotics and Enforcement, we build a southwest border strategy plan. It is a methodical 5-year plan, updated every 2 years. And it is a good plan. It is a damn good plan.

Al works the Merida Initiative. These three plans together can secure our border. They have to be implemented. Oversight has to be provided. And we have to stay committed.

But to get back to your issue of the state and local, this strategy, which is right here, this is just the basic strategy. It is roughly 35, 37 pages. When we put the implementation plan to it, here is 2007, it will grow to around 200. And this one is 237, 235 pages.

Now, a question might be well, you have had this since 2007. What has been going on? A lot of things are going on. And it is really not important at this point in time. What is important is we now have a Congress who is very serious about this. We have a secretary who is very serious about this. And we have a president who is very serious about this. If we execute these plans as planned, we will see results.

Mr. CUELLAR. Thank you, Madam Chair.

Thank you.

Ms. SANCHEZ. Thank you to the gentleman who has worked very hard on many of the border issues being from the border area.

The next member will be Mr. Bilirakis from Florida for 5 minutes.

Mr. BILIRAKIS. Thank you, Madam Chairwoman. I appreciate it very much.

Commissioner Nieto, Customs and Border Protection has reported that, since the beginning of fiscal year 2009, there have

been 338 acts of violence against border patrol agents and 123 acts of violence against Custom and Border Protection officers at the ports of entry.

I am concerned with reports that CBPOs do not have sufficient resources and equipment to protect themselves against the increasing violence occurring in Mexico. And there may be similar issues among the border patrol agents.

What resources do the CBPOs currently have, such as body armor, weapons, et cetera? What resource do the border patrol agents have? And has the department provided additional protective equipment to personnel on the border? And lastly, can the CBPOs obtain better body armor and more appropriate weapons to protect themselves and do their jobs more effectively than what is currently the standard issue to them?

Mr. NIETO. Thank you, sir, for that question. The current armor that is provided to the agents has certain levels. It is a level 3—certain levels of protection for an agent. We are looking at up armor, armor that would provide more protection for them throughout the border.

And I would like to go ahead and restate the numbers that you just mentioned on assaults. I think we are looking at, for the first quarter of fiscal year 2009, there was a total of 327, 204 for agents, 123 for CBPOs. I think the number that you have of 338 for the agents—

Mr. BILIRAKIS. Right.

Mr. NIETO. —is up to the 28th of February. So we are looking at two different dates here.

Mr. BILIRAKIS. Thank you.

Mr. NIETO. Just to clarify.

Mr. BILIRAKIS. No, thanks for updating us.

Mr. NIETO. Yes, sir. And we are looking at applying more armor for them, giving them the ability to have that in order for officer safety. Officer safety is paramount for us right now, which is another reason why we don't do sustained outbound operations right now as the infrastructure is not there at the ports of entry. So mainly an officer's the only thing that may be between the perpetrator, the individual trying to go south with whatever they may have, and Mexico. And then they are a minute apart.

So we try to keep our agents out of that peril to make sure that, you know, officer safety is our primary and paramount concern.

Mr. BILIRAKIS. When do you anticipate them getting the upgraded body armor?

Mr. NIETO. The upgraded—the up-armor, as we call it right now, is going through testing phases. It has been in the works. We have five different contractors that came to the table with certain versions of them. I would have to get back to you on a firm date as to when it is going to be actually available for purchase for our officers and agents in the field.

Mr. BILIRAKIS. But this year?

Mr. NIETO. I would imagine so, sir. But—

Mr. BILIRAKIS. Okay. If you can get back to me, I would appreciate it.

Mr. NIETO. I sure will.

Mr. BILIRAKIS. Do you believe, Commissioner Nieto, that there is a disconnect between CBP leadership and CBPOs themselves about whether they have the training and resources to do their job safely and effectively? Is there a process by CBPOs and border patrol agents can share any concerns they may have about inadequate training or resources with their superiors or CBP leadership without fear of retribution, which is important?

Mr. NIETO. Yes. Yes, they do, sir. Of course, there is chain of command. They have got supervisors. They have got people. They have got training officers at their locales, local areas. Plus, for example, border patrol has what they call a field coordination division or a field communication division. They provide a Web site to ask headquarters or ask the commissioner questions. They send those questions. That team of personnel do research, find the answers and send it back out and put it out for everybody in case someone else has that same question.

So the flow of information is there. The concerns that they may have are heard and are addressed as they come in.

Mr. BILIRAKIS. Thank you very much, Madam Chairwoman. I appreciate it very much.

Mr. NIETO. Yes, sir.

Ms. SANCHEZ. Thanks to the gentleman from Florida.

We now have Mr. Green of Texas for 5 minutes.

Mr. GREEN. Thank you, Madam Chair.

I thank the witnesses for their testimony. And I can candidly say that I am encouraged. Much of what you have said has given me reason to believe that we are making progress. However, while I am encouraged, I must also consider the magnitude of the problem and realistically conclude that a bad problem has a potential to become a worse problem. That is what we are dealing with.

And my concern for this emanates from the notion that drug trafficking and drug running, these are not American problems. They are not Mexican problems. They are transnational problems. And transnational problems of this magnitude require a comprehensive transnational solution.

I appreciate what has been said about securing the border. I think that a fence can circumvent. I am not sure that it can prevent. And my concerns are as follows.

One, will constructing the fence to specification—and I am convinced that many of you are aware of what I mean by specification. That is intended to be constructive. Will this prevent the violence that we see in Mexico? And will it prevent the violence from spreading to America? Will the fence do this? And I will allow you to elect which will speak first. But I do ask that you be as terse and laconic as possible.

Mr. LEECH. I would like to make a comment on that. Will the fence—probably to some degree. But again, I would like to make a point and make the point—

Mr. GREEN. If your answer is no, let me make sure that I understand this first, because sometimes when people finish, candidly, I don't know if they have said yes or no. So is your answer no, that it will not prevent?

Mr. LEECH. Well, 100 percent? No, I don't believe so. Personally I do not believe that it will prevent.

Mr. GREEN. Okay. Let us have Mr. Kibble.

Mr. Kibble, will a fence prevent what we are trying to stop here, this violence in Mexico and the violence that may spread to the United States?

Mr. KIBBLE. Sir, I would defer to Deputy Assistant Commissioner He really—

Mr. GREEN. All right, you have been deferred to.

Mr. NIETO. No, great question, sir. And thank you. The fencing is part of a comprehensive strategy. By itself, no.

Mr. GREEN. Okay. If the fence won't prevent, let me ask my follow-up question, because time is of the essence. We have growth industries. We have drug growth and we have a growth in gun running. With these two growth industries, and understanding that a fence won't prevent it, have we had any recommendations made to us as to how we can prevent the growth, the proliferation of drug in this country, not just stopping at gun shows.?

But how do we fashion law that will prevent the proliferation of the growth industry? Because every year we get more and more of our side of the growth industry to increase. The drug problem is one on Mexican side. And we have got the gun problem on our side. And the gun problem grows. It is not something that is in any way dissipating.

So the question becomes do you have the laws that you need to impact the growth of guns in this country, which are really the manufacture and the allowance of them on the street.

Mr. NIETO. Sir, I believe the laws are there. We are looking at beefing ourselves up for outbound inspections, as I mentioned earlier. The fencing, as I mentioned that it is not the silver bullet for this. But along with the technology, the right resources, that three-legged stool that we talk about, it does have an effect on interdiction of those coming into the United States.

Mr. GREEN. Let me quickly ask the follow up, if I may. With reference to guns that are readily available in this country, is it your position that we have enough laws to curtail the readily availability of guns in this country? You don't have to go to a gun show to buy guns. They are everywhere.

Do we have enough to circumvent the sale of guns in this country, such that they can cross the border?

Yes, sir.

Admiral RUFÉ. Mr. Green, yes. I will just give you a personal opinion. First of all, I think the fact that we allow assault weapons to be sold freely on the streets is—there is no recreational use for them. And I think the argument that it is a Second Amendment assault is, in my personal view, just doesn't pass the smell test.

So I think we could tighten up our gun laws. That is a personal opinion from me.

Mr. GREEN. I thank you for your courage. I thank you for your courage.

Yes, sir.

Mr. PEÑA. Congressman Green, I would just like to point out that this coming March 31 through April 3, the attorney general of Mexico will be hosting a binational firearms conference to come up with a comprehensive strategy between the United States—a bi-

national strategy to deal with the highest level. He has invited the attorney general from the United States.

Mr. GREEN. I appreciate that response. But I have to get you to focus now. Let us talk about guns on the streets of the United States of America that are making their way across the border into Mexico. That is what we need to focus on now. What about that?

Mr. LEECH. Sir, I could speak to the cross-border component of that, because we gained new authority—

Mr. GREEN. I am talking about laws that allow this. Do we need to do more to circumvent. If you stop the growth of marijuana, you don't have to worry about it being sold. We have to approach guns the same way. Do we have the law to circumvent the sale of guns, so that we can stop this?

These guns are everywhere. They are destroying communities. The drugs are a problem. But the guns are a problem too. And I have gone beyond my allotted time.

I thank you, Madam Chair. And I yield back.

Ms. SANCHEZ. You are welcome, Mr. Green.

We will now hear from Ms. Lofgren of California for 5 minutes.

Ms. LOFGREN. Thank you, Madam Chairwoman.

I have been concerned about the flow of guns south for some time. I remember I met with the attorney general of Mexico and Mexico City almost 2 years ago. And this was the thing he wanted to talk about most. I remember him saying I understand you have got a second amendment. We, in Mexico, respect your Constitution. But surely you can do something about the machine guns and surface-to-air missiles and things that are coming down, and really just causing them tremendous problems.

And I was pleased when the secretary was here 2 weeks ago. She indicated that she had requested an assessment of ICE and CBP's efforts to stem the flow of guns from the United States into Mexico. And I understand that assessment was due to her on February 20. Can you tell us what the findings—anyone who knows—what the findings of the assessment were, and then what the implementation plan is?

Mr. NIETO. Thank you, ma'am, for that question. I know that we have a comprehensive strategy for outbounds. However, in order to sustain, as I said earlier, it is going to take infrastructure—

Ms. LOFGREN. I know. But the question is, this was a new assessment she asked for.

Mr. NIETO. Correct.

Ms. LOFGREN. Do you know what was in that assessment? If you don't, you could just say you don't know.

Mr. NIETO. From our portion, that was the assessment that we gave.

Ms. LOFGREN. Okay. So no one has the—well, then we can follow up with the secretary on the comprehensive assessment. Let me ask you this. ICE has a very important role in stemming—actually the primary role in stemming the flow of guns south. And you mentioned, Mr. Kibble, that there are several hundred personnel, ICE personnel, assigned to this task.

What is the number of ICE personnel total?

Mr. KIBBLE. Ma'am, as far as special criminal—

Ms. LOFGREN. No, all the ICE personnel. How many are in the agency?

Mr. KIBBLE. Roughly 20,000.

Ms. LOFGREN. So we have got 20,000 employees and a couple hundred assigned to guns going south.

Mr. KIBBLE. I would only clarify, ma'am, that within the Office of Investigations, which is the component of ICE that is charged with this, we have a smaller number. It is roughly 6,500 investigators that are addressing the full spectrum of cross-border crime.

Ms. LOFGREN. Okay. So that is a pretty small percentage of the total, in my judgment. You don't have to agree.

Mr. KIBBLE. May I add one more thing, ma'am?

Ms. LOFGREN. Of course.

Mr. KIBBLE. Just to add some context, again these networks are not necessarily just dedicated weapons smuggling networks. So it is through the border enforcement security task forces and other mechanisms, we are addressing all facets of these organizations that are moving, not only guns, but money south and also drugs north. So there really is a comprehensive push on trying to deal with that full threat spectrum presenting us across the border. And that extends to the thousand-plus agents along the southwest border.

Ms. LOFGREN. So we have an additional maybe 1,000 agents who are also doing task force work on this. Now, do you have dedicated agents working on the flow of—the other thing the Mexican attorney general brought to my attention, and the Mexican legislature—who I have met with. I meet with them, you know, every three or 4 months. And although they politically still have a broad spectrum, they are united that they have got to get on top of this, which is very encouraging.

The other thing they want us to do is a much better job of following the money, which is all being laundered here in the United States. How many agents do you have assigned to following up on that aspect of this?

Mr. KIBBLE. Ma'am, I don't have a specific number available to me. But I can tell you a substantial—we look for the financial component of every cross-border—

Ms. LOFGREN. Could you follow up and tell me the number later? Because it occurs to me that the government of Mexico has taken on a tremendous task. And we are involved with them, because we are consuming, for the most part, the drugs that are the business of these cartels. The violence that is underway in Mexico now has the potential—I am not saying that it is going to succeed. But if the Mexicans do not succeed, has the potential of completely destabilizing that country, right on our southern border.

Can you imagine the refugee crisis that would create for the United States and other countries in the Western Hemisphere, in addition to just the nightmare scenario that that provides for our closest neighbor other than Canada? So I think we have a very substantial obligation to support the efforts of the Mexican government to get control of this.

They are losing people in this war. They have lost more people than even we have in Iraq and Afghanistan. And the two things that they have asked us to do, which is to stop the weapons, we

haven't done; and to follow the money and shut it down, which we also haven't done.

And I am not criticizing your efforts. I know you work hard, you know. But it is a matter of priorities. The government lacks priorities. Where are we going to put our resources for one of the most important challenges that we face as a nation. And I will just give you my point of view, and we will follow up with the secretary, that our priorities are mistaken here.

The biggest threat we face here is the collapse of civil order in the nation to the south. And it is our obligation to do everything we can to support them to get control of this situation.

And I yield back to the gentle lady. I have gone slightly over my time.

Ms. SANCHEZ. They are good questions to my colleague from California.

The next one up will be Ms. Kilpatrick for 5 minutes.

Ms. KILPATRICK. Thank you, Congresswoman. And Chairman Sanchez, I appreciate very much our distinguished panel today, and especially your written testimony. There is so much good information in it, that I am going to re-reading it tomorrow on my long flight back to Arizona.

I am especially concerned about border security, because I represent a vast sprawling district in Arizona; many, many small towns. And I am recently hearing that there is an increase in heroin trafficking in some small places, even overtaking methamphetamines. So securing the border is a huge issue for my district.

Yesterday, President Obama weighed in. And he said we are going to examine whether and if National Guard deployment would make sense, and under what circumstances they would make sense. And as a former prosecutor working with law enforcement, I quickly learned that there is a delicate balance in responding to violence between stabilizing the situation, stopping the violence, but not overreacting in such a way that it actually escalates.

And so my question is for the admiral, what checks and balances are in place in the phases you described to make sure that our response is appropriate. And then my second question deals with the National Guard specifically. We have asked a lot of our National Guard in the past few years. And I want to know if there is an evaluation in place right now to make sure that we have the National Guard units that we need to respond, and that they have the resources.

I would like to see an ongoing evaluation to make sure that they have exactly what they need if we are going to be calling on them for this very important response. Thank you, Admiral.

Admiral RUFÉ. Okay, thank you, Congresswoman. I appreciate the question.

First of all, on the checks and balances within the plan itself, yes we do. It is a measured plan that is meant to ramp up as the threat ramps up. And there are triggers within that to alert leadership as to when the violence or other threat has reached a level where the forces in place can't address it, and then bring any additional forces as needed to address it.

And of course, as I mentioned earlier, the most extreme measure would be calling upon significant DOD support, which we don't foresee at the present time, but nevertheless is there if we need to call on it.

The secretary has met recently with the secretary of defense and will meet again with him. We have actively engaged within our planning process both the National Guard, the Department of Defense and NORCOM, Northern Command out of Colorado Springs, actively involved in all the planning process, so that we know fully what capabilities would be needed, and how we could access those capability if they were needed.

With respect to the National Guard specifically, there here are various ways obviously of activating the National Guard. As you know, the governor can call upon his own National Guard without further reference to anybody, us included. So that certainly is an option the governor can call on at any time.

But in terms of using the National Guard on a sustained basis, we are not contemplating that at the present time. But that is certainly an option if the situation demands it.

Ms. KILPATRICK. Thank you, Admiral. Do you know if there is an evaluation in place to determine whether the National Guard has the resources they need?

Admiral RUFÉ. Yes, that is a—you know, as you point out, the National Guard has been stretched with all the activity overseas and Iraq and Afghanistan. And I know within the National Guard itself, yes, they are constantly evaluating. And I think, through the Department of Defense channels, putting in appropriate resource request to restore the National Guard where it is necessary.

Ms. KILPATRICK. Thank you.

I have another question, and that is for Mr. Peña. I know that from your years in Phoenix, you appreciate the Native American component of Arizona and the tribes along the border. And we actually have tribes that span the border into Mexico—one tribe in two countries.

And I am just wondering what kind of outreach Mexico is using to just tie those two communities together in terms of securing the border and responding to the violence that is unified across tribal land, but actually spans two countries.

Mr. PEÑA. Congresswoman, I really don't have the specific answer for that. But I can just tell you that Mexico certainly, just like the U.S. and in Arizona, has a tremendous amount of respect for the Native American in their country. They describe many times as the indigenous tribes that exist there, especially along their southern frontier. And I don't really have an answer for that.

But I can tell you that DHS, through its program with the Shadow Wolves that you may be familiar with is the Native American from the—that are assigned to ICE investigations and patrol the trafficking routes along the Arizona-Sonora border—very, very involved in that activity with the Native Americans.

But specifically I don't have the answer to your question. I am sorry.

Ms. KILPATRICK. And I certainly didn't mean to put you on the spot. But at some point, maybe we can visit a little bit in more detail. I have been meeting with those tribes about the challenges



that they are experiencing crossing the border for ceremonial purposes. So we can follow up again.

And again, thank you very much. And I yield back my time.

Ms. SANCHEZ. I thank the gentle lady and I will next recognize Mr. Pascrell, of New Jersey, for 5 minutes.

Mr. PASCRELL. Thank you.

You know, just because these people don't have Middle Eastern names, Madam Chair, and the violence isn't happening halfway across the world doesn't mean that this isn't terrorism. What we are witnessing in Mexico is the worst kind of domestic terrorism. And it is happening right on our border. So if anyone thinks that this shouldn't be a homeland security priority, then they just haven't been paying attention.

Now, the chairman and I went to Mexico, not that long ago, went into the belly of the beast. That will do for now. And we found that the top echelon in the Mexican police who handle drug interdiction had to take polygraph tests, because there was so much corruption going on.

This is a very serious, serious, serious problem. At that time, we were told that the only real interdiction that was going on were the UAVs that we had had or some planes, two planes, two drones, that were assisting the Mexican police and officials from our DEA in tracking down those who are involved in the trade of death. Let us not romanticize this.

I want to know—first question to you, Mr. Leech is are those planes still in operation?

Mr. LEECH. Admiral, I think those UAVs are CBP-owned. Are they not?

Admiral RUFÉ. More appropriate for CBP to answer that.

Mr. NIETO. I think what you are referring to, sir, is Operation Helicon.

Mr. PASCRELL. That is correct.

Mr. NIETO. Okay. Both governments, U.S. and government of Mexico are currently in negotiations to get that thing started again, sir.

Mr. PASCRELL. I want you to listen to this, Madam Chairwoman, because the last administration—and this was a very successful operation, very successful—decided that we did not have enough money to fund the most effective way of tracking down these drug dealers and their menace. And we still do not have an operation. And that, I would venture to say, is at least 20 months we have not had that operation now.

So Mr. Leech, I have a long been talking about the escalating violence. A lot of us have talked about drugs and guns. We don't really, really want to stop the guns from going into Mexico. Do we?

We would be naive and certainly in denial to act as if this is a problem that has just emerged from our neighbor Mexico and has nothing to do with us or our own policy and our own enforcement decisions. Plain and simple fact is that most of the drugs coming from Mexico are destined for our country, as many of you pointed out. And the most dangerous weapons fueling the violence come from the United States.

So the first step to fixing something is recognizing the problem. The previous administration seemed intent on ignoring the connec-

tions between drug trafficking organizations and the increasing levels of violence in Mexico, especially right at our southern border.

So Mr. Leech, let me ask you, is this administration ready to recognize the problem for what it is, a threat caused by a failed drug and weapons smuggling policy that allowed cartels to flourish just south of our border? I would like to get an answer to that question. Would you put your microphone on please? Thank you.

Mr. LEECH. DHS is keenly aware of the connection between border violence and drug trafficking organizations. And I think there may be an—Congressman Lofgren posed sort of the same sort of question about arms and money, weapons and money. And this is what the DTOs need to continue doing what they are doing. We have to attack arms and money.

And I think the impression may have been given that the administration and DHS is not addressing that issue. Well, I can sure assure you all that it is being addressed. And you will be privy to it at the end of April. We are working jointly. ICE and ATF currently are working together on developing an arms chapter for this strategy that will address the southbound flow of arms. This strategy right here, which you already have access to, was provided to you earlier this year or late last year, has a chapter on prosecutions, money and investigations, which address the whole money issue.

Our office recently completed a bulk-cash currency study, which I will be more than happy to share with you at some point in time. So we are not neglecting the two key components that keep these DTOs alive. And that is weapons and money. We recognize that as a problem. The interagency is working hard to address the issue. And we will keep moving forward with greater and greater measures until that issue is solved. Thank you.

Mr. PASCRELL. Madam Chair, can I ask one more question. Or I will go for the second round, whatever you choose.

Ms. SANCHEZ. Mr. Pascrell, I don't believe we are going to have a second round. So I will let you ask your last question.

Mr. PASCRELL. Thank you. Thank you very much. Oh, this is my last question?

Ms. SANCHEZ. Your last question, Mr. Pascrell.

Mr. PASCRELL. All right.

Ms. SANCHEZ. And any other questions you might have, you can always submit for the record.

Mr. PASCRELL. Thank you.

Ms. SANCHEZ. In writing.

Mr. PASCRELL. Here is my question.

Mr. Leech—

Ms. SANCHEZ. And no two-pronged questions, okay?

Mr. PASCRELL. Oh, I never ask two-pronged questions, Ms. Chair.

Mr. Leech, this is in my bone marrow, I want you to know, this issue. And I mean business. And I know you do, too. I am not a proponent of legalization of drugs. But let me ask this question.

I have listened to a lot of people in that seat over the last 4 years, 5 years. And they said similar things. And they help up similar reports and strategies. I like the word strategy. Every problem has got a strategy in Washington.

But I want to ask you a real straight question. And I hope you give me a straight answer. Do you think that the legalization of the

drugs we are talking about today, particularly cocaine or marijuana—do you think that helps us in the war or in the fight against—in our attempts to stop drugs? Or do you think that it would make matters worse? Or do you think it wouldn't make a difference?

Mr. LEECH. I don't think it would make a difference.

Mr. PASCRELL. You don't think it would.

Mr. LEECH. No, sir, I don't.

Mr. PASCRELL. Well that is interesting. And we have come a long way in 10 years.

Mr. LEECH. That is a personal opinion.

Mr. PASCRELL. Yes.

Mr. LEECH. It doesn't represent the administration or the department.

Mr. PASCRELL. I understand that. I didn't ask you to—

Mr. LEECH. I don't think it would make a difference.

Mr. PASCRELL. I didn't ask you to catch. I asked you for your honest opinion. Of course, I am beginning to think that what we have done so far isn't working. And good intentions have been in front of us engineering the strategies that we come up with.

This is a dreadful thing that has happened. The Mexican people deserve better. Mexican-Americans deserve better. And Americans deserve—the rest of the Americans deserve better. And I just am not comfortable with what I am hearing from this administration. And I have a tremendous amount of confidence in Secretary Napolitano. I really do. And if I didn't, I wouldn't say that.

But I don't see an appreciable change. I see spurts of arrests. We had that from our own attorney generals in our own states. And yet the drug problem gets worse in our own states. Just a thought.

Mr. LEECH. Sir, let me say this though about that issue. I do believe that the issue becomes irrelevant if—and you mentioned a second ago, you have seen a lot of people hold up documents. And I will hold it up again.

If we can execute and are serious about executing the strategies and implementation of plans that we are developing right now, and that is the Merida, the Southwest Border Strategy and what Admiral Rufe is working on. We now have an alignment of Congress, the president, the secretary that I think it would be a very, very effective execution of these strategies.

I have been in the drug business for a long time. I spent 28 years as an Air Force officer. I worked drug issues very, very early as a young captain. And I have stayed with it most of my careers in between flying assignments. I have been with this particular office, counternarcotics, for the last 5 years. I think this Congress has always been serious about the issue. But other factors have to line up in order to make it happen.

I think everything is lined up right now. Certainly my visit along with Al Peña down in Mexico, I know they are eager to be a part of this, to team up with us to try to stop this terrible thing that is going on in terms of drug and violence. I know all the interagency players right now are working together at a level that I haven't seen since post-9/11, that short period after 9/11 where we all just came together.

I can see that beginning to happen now within the interagency. And I can certainly see, just by this hearing, that Congress is serious about this. Secretary Napolitano is a boarded governor. She understands the issue. And I think now is the time that we can make things happen if we collectively work as a team to move this whole effort forward. Thank you.

Mr. PASCRELL. Thank you.

Madam Chair.

Ms. SANCHEZ. Mr. Pascrell, you have even exceeded the time I had.

Mr. PASCRELL. I am going to ask you a question.

Ms. SANCHEZ. Go ahead.

Mr. PASCRELL. Madam Chair, it has been alluded to by a few folks. I would like to know for the committee, and maybe you could, through your authority and influence, find out how the cartels are exploiting U.S. laws in the purchase of weapons to be used in Mexico. Would you find that out for us?

Ms. SANCHEZ. In fact, that was one of the questions I was going to ask in parting from this group, what do they need from us to be revised in order for this Department of Homeland and other agency to carry out what we need. Before I ask that question, however, I am going to give my ranking member the opportunity to ask one question.

Mr. SOUDER. I wanted to make sure for the record, my good friend Mr. Pascrell asked a question in a different form. And I think your interpretation and some people's interpretation may be slightly different from it.

The way the question on legalization usually works is if we legalize it, then we will be able to reduce law enforcement, because—but what the answer was is it wouldn't make any difference. The cartels would just switch to other things. It would have no impact on law enforcement. It would have a terrible impact on individuals, because we would see an increase in the use of marijuana, an increase in the use of cocaine. And you would see treatment programs and other things.

But you ask a law enforcement question, not a drug. Every country that has backed off on law enforcement has seen an increase in usage and—

Mr. SOUDER. Yes, yes. And I realize that. But this issue is The Economist Magazine just came out, lots of others, saying oh, we wouldn't have to do all this law enforcement if we legalized. And I don't think that is the case.

I just wanted to—do you agree with that, Mr. Leech?

Mr. LEECH. Yes, sir, I do. Thank you, Congressman.

Ms. SANCHEZ. Obviously not from California. Well, of course, our electorate has voted various times with respect to loosening the laws on marijuana. I do have a question on the last question, which would be, legislatively, what changes could you use to make your job, make the people who are working with you, more effective in curtailing money and guns going south, people and trafficking and drugs going north and the violence.

Are there any pieces of legislation, any pieces of laws, any tweaking that needs to happen in order for you to have the authority to do a better job of getting a handle on this violence at the border?

Admiral RUFÉ. Madam Chairman. I will answer for the panel—  
Ms. SANCHEZ. Yes, Admiral.

Admiral RUFÉ. If anybody else wants to chime in, I would say as well. That is a big and very important question. But it is one that we need to answer for the record. So I would ask your indulgence so we can get back to you with specific comments.

Ms. SANCHEZ. Absolutely, we need to know. We need to know. And whatever you think that you need, so that we can talk about what we can get done out of this committee, because this committee has the primary jurisdiction of security at the border.

Anybody else want to add anything? Or you all want to think about it and come back in writing to the record.

Mr. LEECH. Congresswoman, I would like to raise one issue. And that is the issue of Title 21 for ICE. I think you may be familiar with that. It has been an ongoing issue for some time now. There are a lot of reasons that the other agency is reluctant to see to it that ICE has Title 20, some of them very legitimate. Some may not be so legitimate.

But the point is we are facing something we have never faced before at a level we have never seen before—the level of drugs and violence and arms. I, for the life of me, cannot understand—and I am a very simple guy. I spent many, many years in the military. And I am just trying to serve my commander in chief now. But I, for the life of me, cannot understand why my colleagues at ICE do not have Title 21 authority, which is the authority to investigate drugs.

They have very limited authority at this point. I think that issue needs to be looked at at your level. I ask that you look at it at your level. Thank you.

Ms. SANCHEZ. Thank you, Mr. Leech.

I thank all of the gentlemen, all the witnesses before us. Thank you for your testimony. And as you know, those members who still have questions, those who were not here might have some questions in writing to submit for the record. We will get them to you. We hope that you will turn them around as quickly as possible as—

I am sorry, Mr. Nieto are you indicating something to me?

Mr. NIETO. Ma'am, if I can have a couple of minutes just to clarify a couple of things.

Ms. SANCHEZ. Okay.

Mr. NIETO. Whenever I may.

Ms. SANCHEZ. Why don't you do it now, because I am about to close the hearing.

Mr. NIETO. Okay. When I mentioned about outbound operations and the sustainability of it, when I said we have the personnel to adequately address the threat right now with spillover violence, should it come, I just want to clarify that we are not saying that we have all the people we need, okay, for that, because there are other issues. And I did mention that for outbound sustained operations, it is going to take more infrastructure, more equipment and more personnel obviously.

Ms. SANCHEZ. So by that answer, I am assuming you are saying if something happens, you are able to react to it. But in the long

term, we need to assess what resources need to do if it is going to be a sustained battle.

Mr. NIETO. And we have a plan for that. So we have 19,000 officers, gun-carrying officers at the borders. So if spillover occurs, we will be the first ones to know. And we do have organic resources and the Southwest Border Violence Plan to mitigate it at that point. I just wanted to make sure that that is—because we have other issues that I didn't want it to come out as we have all the people we need.

Ms. SANCHEZ. Okay.

Mr. NIETO. I mean, especially not now.

Ms. SANCHEZ. And then you had a second point you wanted to make?

Mr. NIETO. Yes. And the question that Congressman Pascrell asked regarding the—it is manned aircraft that was Helicon. It wasn't UAVs, sir. Just with the Helicon.

Ms. SANCHEZ. Okay.

Mr. PASCRELL. Can I respond to that?

Ms. SANCHEZ. Let me have Mr. Souder. He had a response to the first piece.

Mr. SOUDER. Thank you.

Ms. SANCHEZ. And then we will get back to you, Mr. Pascrell.

Mr. SOUDER. If I can say, Mr. Pascrell, maybe we ought to do, in classified, what you are asking.

Mr. PASCRELL. Okay.

Ms. SANCHEZ. Exactly. I believe that is where it belongs, to my colleague.

Mr. PASCRELL. For a good reason.

Mr. SOUDER. And I am concerned about your comment on personnel. Are you saying—because that is a change in earlier. In other words, if we want more IBET teams, if we change our strategy to do more outbound, if we say there are new tasks for homeland security, you are not maintaining you have enough people to do that.

Mr. NIETO. Correct. For sustained outbound inspections, we do not have the proper amount of personnel right now.

Mr. SOUDER. Or if we add more teams. There were more BEST.

Mr. NIETO. Correct.

Ms. SANCHEZ. And Mr. Pascrell, I think your questions are probably better handled in a classified briefing of some type. And we will try to set that up.

Okay. Again, thank you to the witnesses for your valuable testimony. Members and subcommittee members who were not here will submit to the record some questions for the witnesses. Please respond to them as quickly as you can. And hearing no further business, this subcommittee stands adjourned.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]

## APPENDIX

### ADDITIONAL QUESTIONS AND RESPONSES

QUESTIONS FROM THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON  
HOMELAND SECURITY

RESPONSES FROM JOHN LEECH

**Question 1.:** Studies indicate that nearly 90% of the cocaine available in the U.S. crosses the southwest border. As we cut off routes through Mexico and Central America, I am concerned that we may begin to see new routes emerge or old routes put back into use. As Chairman, I have consistently called for a comprehensive border security strategy that would address threats at all our borders—northern, southern, and maritime. **How will the Southwest Border Counternarcotics Strategy fit into a comprehensive border security strategy to help address all threats at all our borders?**

**Answer:** The National Southwest Border Counternarcotics Strategy is one piece of a broader and comprehensive border security strategy. While successful counternarcotics efforts along the southwest border may drive traffickers to alternate smuggling corridors, other strategies are in place to guide counternarcotics and border security activities in other regions. While we cannot prevent the smuggling organizations from adapting to the tightened border, these contingency plans will allow our law enforcement officers to identify and shut down the ever-changing trafficking routes.

In 2008, the Office of Counternarcotics Enforcement (CNE) submitted to Congress the Department's counternarcotics strategies for the northern and maritime borders of the United States, to include the drug transit zone. These strategies help integrate and synchronize the Department's overall ability to respond to changes in drug trafficking routes.

In 2009, CNE has been co-chairing an interagency effort to update the 2007 National Southwest Border Counternarcotics Strategy. The 2009 edition, which will update the challenges specific to countering illicit drugs and related threats along the southwest border, will include new sections that address weapons smuggling and the use of tunnels to circumvent law enforcement. It will also identify priority actions to address cross-border smuggling threats and describe each agency's role along the southwest border.

Reducing the flow of illegal drugs into the U.S. is best achieved through a layered, defense-in-depth approach of deterrence, denial, and interdiction and investigation. By using the appropriate mix of personnel, technology, infrastructure, and response platforms to achieve maximum tactical and strategic advantage, and through appropriate coordination with other departments, the Department of Homeland Security will be better postured to respond to shifting threats along our borders. Put simply, the Department is committed to bringing all of its available resources to bear when combating threats on our borders.

**Question 2.:** Over the years, we have spent hundreds of millions of dollars on the "war on drugs". With this war now right in our own backyard, it is essential that funding provided to Mexico under the Mérida Initiative be used effectively. **How long do you believe it will be before we can expect to see indicators that the Mérida Initiative is achieving its intended purpose? What can be done to speed up this process? What are your performance measures for the Mérida Initiative? How will we know whether it is a success?**

**Answer:** The Department of Homeland Security (DHS) is closely collaborating with the U.S. lead agency—the Department of State—to ensure that Mérida Initiative programs are effectively implemented in a calculated sequence to maximize support to Mexico's efforts against organized crime and improve Mexico's law enforcement and judicial capabilities. Also, over the past year, the State Department has

led an interagency effort with the Government of Mexico on developing an array of measures and indicators of effectiveness. DHS defers to State Department on the progress of finalizing those measures.

Currently, Mérida Initiative funding will provide our Mexican counterparts approximately \$700 million in equipment and training to support President Calderón's campaign against drug trafficking organizations and organized crime in Mexico. Even as the assistance has started to flow, Mexico has already made advances in cracking down on drug trafficking organizations, including most recently capturing a key leader, Vicente Carrillo Leyva, aka "El Ingeniero" ("The Engineer"), of the Juárez Cartel.

The Mérida Initiative complements U.S. efforts to execute a defense-in-depth approach to safeguarding the southwest border (SWB) and the Department is taking additional steps to improve security along the SWB. On March 24, 2009, Secretary Napolitano announced that DHS will:

- Double Border Enforcement Security Task Force teams that incorporate foreign, federal, state, and local law enforcement and intelligence officers;
- Triple the number of DHS intelligence analysts working along the U.S. SWB;
- Increase U.S. Immigration and Customs Enforcement attaché staff in Mexico in support of Mexican law enforcement efforts;
- Double Violent Criminal Alien teams located in SWB Field Offices;
- Quadruple the number of Border Liaison Officers working with Mexican law enforcement entities;
- Bolster Secure Communities Biometric Identification capabilities;
- Implement 100% southbound rail examinations;
- Enhance the use of technology at ports of entry, including use of mobile x-ray systems;
- Increase the number of CBP Weapons/Currency canine units operating on the SWB;
- Increase engagement with State and local SWB law enforcement;
- Make available up to \$59 million in current Operation Stonegarden funding to enhance state, local, and tribal law enforcement operations and assets along the SWB;
- Increase the use of mobile license plate readers for southbound traffic on the SWB;\* Continue Armas Cruzadas—a DHS-led bilateral law enforcement and intelligence-sharing operation to thwart export of arms from the United States into Mexico; and
- Continue Operation Firewall—a DHS-led comprehensive law enforcement operation targeting criminal organizations involved in the smuggling of large quantities of U.S. currency.

These actions, along with Mérida Initiative programs, will provide critical additional capabilities needed to apprehend dangerous cartel leaders, disrupt their operations, improve border security measures, and reduce the cross-border smuggling of illicit drugs, bulk cash, and weapons. We defer to the Department of State with regard to performance measures directly related to Mérida Initiative programs.

#### RESPONSES FROM ALONZO PEÑA

**Question 3.:** Under the Mérida Initiative, DHS and its components would provide a significant amount of assets and technical expertise to Mexican law enforcement. It is my understanding that much of this training will be done by CBP and ICE personnel located in Mexico. I am concerned, however, that we may not have the necessary resources abroad to combat the growing surge in violence or to implement the Mérida Initiative.

**Question: How would the Mérida Initiative impact DHS personnel and resources in Mexico?**

**Answer:** Mérida is a Department of State led initiative and has no direct impact on DHS personnel and resources in Mexico. Mérida is funded primarily from State Department appropriations for use in Mexico and other partner nations in the Caribbean and Central America. Mérida funding is allocated to partner nations for equipment, training and information technology infrastructure. Mérida funding is not used to augment United States law enforcement agencies. However, increased resources for Mexican law enforcement may benefit other initiatives involving cooperation between DHS and Mexico, such as the Border Violence Intelligence Cell (BVIC), the Border Enforcement Security Taskforces (BESTs), Armadas Cruzadas and Global Trafficking in Persons.

**Question: Has DHS provided any additional resources for your operations in Mexico to implement Mérida and to combat the surge in violence?**



**Answer:** As Mérida has no direct impact on DHS personnel and resources, DHS has not been provided with additional resources to implement Mérida. However, we are working with the Department of State in implementing several Mérida projects, including providing a detailee to assist in the procurement of advanced inspection equipment, providing technical assistance for several other projects.

RESPONSES FROM VICE ADMIRAL ROGER T. RUFÉ JR. (USCG RET)

**Question 4.:** On March 24, 2009, Secretary Napolitano announced a strong initiative to address potential spillover violence along our border and the need to conduct more outbound inspections for arms and bulk cash smuggling.

**How does the recently announced initiative fit within the surge plan that you described at the hearing? Under what specific circumstances would the plan call for National Guard to be sent to the border?**

**Answer:** The initiatives announced by Secretary Napolitano on March 24, 2009 are only one part of our revised SWB Operations Plan (OPLAN) which will be finalized as soon as possible. The OPLAN elaborates on coordination and execution of the initiatives between DHS components. This portion of the OPLAN reflects the newly strengthened DHS steady-state operations. Additionally, the OPLAN addresses DHS coordination of activities if SWB conditions were to exceed the capabilities of DHS assets. Should DHS assets require augmentation, other Federal Departments and Agencies would be called upon to add support to the existing effort. Finally, the SWB OPLAN provides guidance on the transition to long-term recovery following the escalated Federal response.

**Under what specific circumstances would the plan call for National Guard to be sent to the border?**

**Answer:** The President has publicly made it clear that the current situation does not require the militarization of the border. He has also made it clear that he and the federal, state, and local agencies responsible for border security will continue to monitor the situation at the border carefully and will take additional steps if necessary to ensure the border remains secure. This has benefits for communities on both sides of the border. The \$250 million in contingent DOD funding is a prudent measure to ensure that adequate resources are available, on short notice, if circumstances require ramping up efforts to augment civilian law enforcement activities along the southwest border. The funds could be used to augment existing DOD counter narcotics missions and to supplement civilian law enforcement efforts along the border if the President determines that such steps are warranted by the facts on the ground.

RESPONSES FROM KUMAR KIBBLE

**Question:** It is my understanding that under some outdated MOUs, DHS can only investigate narcotics smuggling with the concurrence of the Department of Justice's Drug Enforcement Administration, despite the fact that DHS accounts for the largest amount of narcotics seizures in the war on drugs along our borders. **Do you believe DHS should play a greater role in these narcotics investigations? What authorities does DHS need to conduct investigations related to drugs seized at the border by CBP and ICE?**

**Answer:** Currently, DHS has limited Title 21 authority: CBP through a legacy INS MOU with DEA for Border Patrol interdictions; and ICE through a 1994 legacy Customs MOU with DEA that allows for DEA designation of up to 1,475 ICE Agents.

The 1994 MOU applicable to ICE requires ICE to seek permission from DEA, request participation by DEA, and work under the general supervision of DEA in any drug-related investigation. Through the existing Memorandum of Understanding (MOU), fully a fourth of ICE's criminal investigators are cross-designated which allows the ICE investigators to work closely with DEA on drug investigations. The current MOU permits ICE to investigate transnational drug cases. ICE is required to coordinate and de-conflict their investigations with DEA, allowing DEA to participate in drug smuggling investigations and to coordinate domestic enforcement activities.

DOJ and DHS believe that it is important to revise the 1994 MOU between DEA and the United States Customs Service (now ICE) to meet present day challenges. By removing the limit on the number of cross-designations and by strengthening the communication and coordination provisions, an updated MOU would enhance ICE's ability to perform its primary mission of protecting our Nation's borders and further support DEA's mission of enforcing Title 21 worldwide. The revised MOU would also enhance close coordination of efforts between our agencies, thereby preventing dan-

gerous, confrontational, or duplicative activities. Now, more than ever, a cooperative and unified approach to drug law enforcement is a fundamental and necessary element of a successful national drug control strategy.

**Question 6:** As many reports have indicated, the violence in Mexico is fueled in part by the guns and currency smuggled into the country from the U.S. Some government officials have stated that nearly 90% of all firearms used by Mexican criminals and drug cartels come from the U.S. **What percentage of the weapons recovered in Mexico, including untraceable weapons, do you believe are smuggled through the border between the US and Mexico? What percentage of weapons enter through Mexico's southern border? What percentage are U.S. weapons purchased from third party vendors, perhaps transnational criminal organizations outside the U.S.? By what means are these weapons smuggled into Mexico?**

**Answer:** According to ATF's tracing center, 90 percent of the firearms recovered in Mexico and subsequently traced have a nexus to the United States meaning that they were originally manufactured or imported into the United States. Further, we understand that in fiscal year 2008, the Mexican Government submitted approximately 7,700 trace requests to ATF's National Tracing Center. The Mexican Government has been unclear as the exact number of arms it recovered in fiscal year 2008 but we have consistently seen the Mexican Government use the figure 29,000.

It is unacceptable that any weapons are smuggled unlawfully into Mexico from the United States—no matter how large or small the number. Therefore, DHS is working with our federal, state, local, tribal, and foreign law enforcement partners to aggressively pursue weapons smuggling violations as delineated in the southwest border Counternarcotics Strategy.

