U.S.-MEXICO SECURITY COOPERATION: NEXT STEPS FOR THE MÉRIDA INITIATIVE

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

OF THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

Serial No. 111–68

AND THE

SUBCOMMITTEE ON THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
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U.S.-MEXICO SECURITY COOPERATION: NEXT STEPS FOR THE MÉRIDA INITIATIVE

Thursday, May 27, 2010

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL TERRORISM, AND
U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
Washington, DC.

The subcommittees met, pursuant to call, at 10:08 a.m., in Room 311, Cannon House Office Building, Hon. Henry Cuellar [Chairman of the Subcommittee on Border, Maritime, and Global Counterterrorism] presiding.

Present from Border, Maritime, and Global Counterterrorism subcommittee: Representatives Cuellar, Thompson, Sanchez, Lofgren, Jackson Lee, Kirkpatrick, Green, McCaul, Smith, Bilirakis, and Miller.

Present from Western Hemisphere subcommittee: Representatives Engel, Green, Giffords, Lee, Mack, and Bilirakis.

Mr. CUELLAR [presiding]. The subcommittee will come to order. The Committee on Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism and the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, are meeting today to receive testimony on the "U.S.-Mexico Security Cooperation: Next Steps for the Mérida Initiative."

I would like to thank my friend and colleague, Chairman Eliot Engel, who will be here in a few minutes, and the Members of the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, for agreeing to hold this joint hearing today.

The issues before us are of great concern to both subcommittees, and I anticipate a thoughtful and productive discussion.

I would also like to welcome the new Ranking Member of the Subcommittee on Border, Maritime, and Global Counterterrorism, my friend, Candice Miller of Michigan.

We now have the southern and northern border represented.

Both of us represent districts along the Nation's board, and I know we have several issues of mutual interest. I would also look forward to working with her in the next weeks and months ahead on some of the issues facing both the north and the southern border.

Also, the Chairman of the full committee is here. Mr. Thompson, thank you for all the leadership that you have provided to us.

This brings us, today, to today's hearing on the Mérida Initiative and the U.S.-Mexico security cooperation. This hearing could not be more timely.

It comes on the heels of the Mexican president, Felipe Calderón's state visit and address to Congress last week. It also follows this week's announcement by the Obama administration regarding border security, about a half a billion dollars going down to the southern border, requesting the $500 million in supplemental border security funding along with the 1,200 National Guard going down to the border.

Since the introduction of my bill in the 110th Congress, A Prosperous and Secure Neighbor Alliance Act of 2007, which I believe laid the groundwork for the aid to Mexico, I have been a strong supporter of the Mérida Initiative along with some of the other Members that we have here today. Again, I was greatly encouraged by the dialogue that we had with President Calderón last week.

As the witnesses are well aware of, I do have some concerns about the $1.3 million for the Mérida Initiative that has not been allocated nor put to use as soon as possible. I know we have talked to some of the witnesses, and they are moving this as quickly as possible, and we certainly encourage and will be talking about this.

Secretary Jacobson, I know this is being moved quicker, and we appreciate all that work.

I look forward, also, to working in the next few months to facilitate an increase in the pace of this funding and working with the Chairman, also, on this particular issue.

I think, as President Calderón said in his address to Congress last week, restoring public security will not be easy and will not be quick. This is a battle that has to be fought because the future of the families are at stake.

That is why it is essential that we continue the good work that we all have initiated with the Mérida program by supporting continued funding to ensure the security of the southern border going forward.

As an important part of the House war supplemental, that is also, as you know, part of that funding will be part of that House war supplemental. Those who live in the southern border and communities are in the front line of the U.S.-Mexico policy, and I think whether you are in California or Arizona, Texas, New Mexico, and other parts, we understand why this is important.

The continued funding for Mérida benefits not only Mexico but also, ultimately, U.S. security and prosperity, also, as well.

Representing the Texas border, I support the President's supplemental funding request to augment efforts to secure the American southern border. We might have to work some of the details, but we will look forward—Congress, both the House and the Senate, working with the White House on this issue.

It is also—I want to thank some of the border Members that—as you recall, back in April, we requested over $500 million in emergency funding to support this. I know both on the Republican and on the House side, we have been pushing for this because it is important to secure the border.

Again, we are interested, also, in learning more details about the President's proposal for deployment of the National Guard in the

southern border. I think this, working along with our State, Federal, local law enforcement officials so we can accomplish more and cooperate in making sure that we secure the border.

For today's hearing, I look forward to hearing our witnesses' perspective about the implementation of the Mérida Initiative up to now and their thoughts on the next steps for the program, the four pillars that I think we have talked about. I want to hear about their impressions regarding the on-going violence in Mexico and the potential for increased violence along the southern border and ways that we can improve the infrastructure and ensure a safe environment for our families and businesses.

I thank the witnesses for joining us today and the Members for their participation.

The Chair now recognizes the Ranking Member of the Subcommittee on the Border, Maritime, and Global Counterterrorism, the gentlelady from Michigan, Mrs. Miller, for an opening statement.

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

I appreciate your introduction of me as well, and I certainly want to recognize that you, as well, have been—you are renowned in the Congress, certainly, as an advocate for strong border security and increasing assets and resources to the border, particularly the southwest border.

In fact, I was just noting that—and I would congratulate you on the recent announcement about the airspace that is been approved for the UAVs along Texas. I know there is—they are looking at a station in Corpus Christi as well. As you mentioned, one of my principle advocacies is northern border, but believe me, we are all, on the northern border, are well aware of the challenges that are happening on the southern border as well.

I think additionally, this announcement this week by President Obama about the 1,200 National Guard troops to the southern border as well as in looking for the other $500 million is very significant. It is certainly an important first step, although, I think many feel that we still have a long way to go there, and we would like to see some additional, particularly National Guard, deployed along the border there. I think the President would find a huge amount of support in the Congress on both sides for that kind of action.

This is going to be a very interesting hearing. Over the past 3 years, Mexico has seen the murder of more than 14,000 people. That is more than 12 deaths every single day just related to drug violence. Of course we, unfortunately, have seen much of that violence cross into the United States. We have seen the recent murder in Arizona of the rancher, Mr. Krentz, and then the shooting of the sheriff—the county sheriff there in Pinal County, Louie Puroll, both by suspected drug smugglers.

According to the 2009 National drug threat assessment, Mexican gangs, as they say, are the biggest organized crime threat to the United States. They are operating in at least 230 of our cities and towns where they are the dominant wholesale drug traffickers in the United States. Street gangs operate in every State in the United States and distribute illegal drugs and are often responsible, obviously, for crimes and violence in our cities across America.

In an effort to combat the growing threat of drug-related violence, the United States and Mexico announced this Mérida Initiative in October 2007. Since then, Congress has appropriated over $1.3 billion for this program in Mexico and almost $300 million as well for related programs in the Centrals and the Caribbean as well under the theory that improved security and reforms in these countries will improve security in our own country.

This program has drawn bipartisanship support, and this hearing is an opportunity to examine some of the implementation delays which have limited the success of the program. Again, we will be looking forward to the witnesses today for their insight on how that is happening.

DHS, especially CBP and ICE as well play a critical role in stopping this violence and providing important support and training to their counterparts in Mexico. Under President Calderón's leadership, there are 45,000 Mexican military troops deployed to try and break the hold drug cartels have had over parts of Mexico.

With the help of these funds, President Calderón is establishing a new police force and is seeking to root out corruption in the legal system.

I think it is very 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, that we recognize the government of Mexico's efforts in this regard. In many ways, the increase in violence shows that security efforts, both in the United States and Mexico are working in threatening the cartels.

However, I would note that while the cooperation between our two countries is at an all-time high, I would just on a personal note, make a comment about what President Calderón said last week about the Arizona immigration law when he was addressing a joint session of Congress. I thought that his comments were extremely inappropriate, quite frankly.

Our Nation and its States have a sovereign duty to secure our borders and protect our citizens, and many of us took offense to the interference by President Calderón when Mexico's own immigration laws are, in many ways, much stricter than ours, including Article 67 that demands that federal, state, and municipal law enforcement confirm the legal presence of individuals. I think violators there face 2-year felony—incarcerated.

The reality is that there is a crisis at our borders that requires legislative action. If Congress doesn't act to secure our borders and ensure that the Department of Homeland Security is held accountable for enforcing existing laws, additional States will be forced to act unilaterally.

Mr. Chairman, I certainly look forward to working together with you and everybody on the committee to ensure that the Department of Homeland Security and all the affected agencies have the necessary tools, the resources and the authorities to secure our border and enforce the law. I yield back.

Mr. CUELLAR. Thank you very much.

The Chair now recognizes the Chairman of the Subcommittee on the Western Hemisphere, the gentleman from New York, Mr. Engel, for an opening statement.

Mr. ENGEL. Thank you very much, Mr. Chairman. For many, many months now, you and I have been speaking about how we could collaborate together, both of our subcommittees, to put together this very important panel and this very important issue. I am delighted that this morning everything has come to fruition. We have been talking about this for a long time and, obviously, this is a very, very important subject.

As Chair of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, I can tell you that I get inquiries about this all the time.

As a father whose son just graduated last week from the University of Arizona in Tucson, Arizona, I can tell you that that is all people have been talking about in Arizona whether you agree with the new law or don't. I don't. But people are talking about it. It is a serious concern, and it is something that we have to come to grips with securing our border.

On Tuesday, President Obama announced that he will deploy 1,200 National Guard troops to our southern border and will request an additional $500 million from Congress for border security. I have strongly supported President Obama on the Mérida Initiative and firmly agree with the President that we must move ahead with comprehensive immigration reform.

Today, I would like to receive more information from our administration witnesses on precisely what the role of the National Guard will be at the U.S.-Mexico border and how long the troops will remain there.

Now, while I think that putting the guards at the border is something that the President had to respond to, the deployment of National Guard troops must not replace or undermine crucial security and law enforcement efforts being carried by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, which is ATF, Immigration and Customs Enforcement, which is known as ICE, and Customs and Border Protection, CPB, in cooperation with our partners in Mexico.

While I respect the President's decision to send National Guard troops to the southern border and I think it was the only thing he could do, let us first recognize what the National Guard is not. It is not a law enforcement or police force. The military is banned under the law in conducting domestic policing operations. That is not to say that the National Guard cannot fill gaps in intelligence collection and communication in the short term, but this is really a temporary bandage at best.

I hope the Obama administration will work with Congress to quickly develop a plan to further strengthen ATF, ICE, and CBP, the key agencies who work closely on a daily basis with their Mexican counterparts on intelligence sharing and efforts to curb the illegal flow the firearms and bulk cash south and illicit drugs north.

Strengthening these agencies and their continuing working relationships with the Mexican government is ultimately what will make our shared border safer and our critical relationship with Mexico closer and more grounded in trust and mutual cooperation.

A National Guard presence at the U.S.-Mexico border, while needed now, must not be a long-term strategy.

Finally, any National Guard activity at our shared border must be coordinated with the Mexican government and transparent in a way that bolsters our joint goals for the Mérida Initiative.

Moreover, any deployment of the National Guard must not be seen as a campaign against immigrants. The United States is a nation of immigrants and our efforts must only underscore that this country is strengthened and renewed by the contributions of immigrants.

However, our laws do have to be obeyed. I believe that the United States has no more important friend in this hemisphere than Mexico. By welcoming President Calderón for a state visit last week, President Obama made it clear that the U.S.-Mexico relations are a priority and will continue to remain at the top of his foreign policy agenda.

I listened to President Calderón's statement. I liked what he said, and I think that it was good that he gave us his perspective of how we should be working our laws. After all, we share the border and what happened on one side of the border effects everybody on the other side of the border.

Security assistance to Mexico is essential, and as we focus on the next phase of the Mérida Initiative, I would like to offer a few thoughts.

First, we must continue to expedite Mérida Initiative assistance to Mexico. A report that I commissioned from the Government Accountability Office in December found that only 2 percent of Mérida funds had been spent through September 30, 2009. Fortunately, assistance is now moving more quickly with $159 million in training equipment provided to Mexico by May 11.

As President Calderón confronts his country's brutal drug cartels head on, we must continue to cut through our own Government's red tape to get assistance flowing as fast as possible.

Second, I am pleased that the Senate supplemental appropriations bill includes $175 million in funding for the next phase of the Mérida Initiative, including key resources for judicial reform. Mexico's 2008 constitutional reform requires that the country transition to a new judicial system at the state and federal levels by 2016. Our excellent USAID judicial reform work is focused on a few Mexican states, and I hope this additional funding will help expand these programs throughout the country.

As I have done before, I will work with my colleagues in the House to ensure that funds for Mexico are included in our supplemental appropriations bill.

Finally, as I have said many times before, security assistance alone is not enough. It is unacceptable that the United States not only consumes the majority of the drugs flowing from Mexico but also arms the very cartels which contribute to the daily violence devastating Mexico.

While I am pleased that President Obama has developed a strategy to curb illegal firearms trafficking to Mexico, much remains to be done. I urge the Obama administration to enforce the existing ban on imported military-style weapons being trafficked at an alarming rate from the United States across the border into Mexico. This import ban, which is not a ban on assault weapons, this import ban which was authorized by provisions in the 1968 Gun

Control Act was enforced during the administrations of President George H.W. Bush and Bill Clinton but abandoned by President George W. Bush.

President Bush's administration quietly abandoned enforcement of this import ban. Big mistake as far as I am concerned. So President Obama needs to reinstate it and, as a result of the abandonment of the enforcement of the import ban, the U.S. civilian firearms market is flooded with imported, inexpensive military-style weapons. A return to enforcement of the existing import bans requires no legislative action and would be a win-win for the United States and Mexico.

I firmly believe that starving Mexico's brutal drug cartels of military-style weapons will make all of us in the United States and Mexico much safer.

Now it is my pleasure to thank you, Chairman Cuellar. It is a pleasure collaborating with you on today's hearing. I look forward to hearing the testimony of our distinguished witnesses. Iit is now my pleasure to call on my Ranking Member, my good friend, Connie Mack of Florida.

[The statement of Mr. Engel follows:]

PREPARED STATEMENT OF CHAIRMAN ELIOT L. ENGEL

MAY 27, 2010

It is a pleasure to hold today's joint hearing with my good friend, Chairman Cuellar, and the Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism.

On Tuesday, President Obama announced that he will deploy 1,200 National Guard troops to our southern border and will request an additional $500 million from Congress for border security. I have strongly supported President Obama on the Mérida Initiative and firmly agree with the President that we must move ahead with comprehensive immigration reform. Today, I would like to receive more information from our administration witnesses on precisely what the role of the National Guard will be at the U.S.-Mexico border and how long the troops will remain there.

The deployment of National Guard troops must not replace or undermine crucial security and law enforcement efforts being carried out by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Immigrations and Customs Enforcement (ICE) and Customs and Border Protection (CBP) in cooperation with our partners in Mexico. While I respect the President's decision to send National Guard troops to the southern border, let's first recognize what the National Guard is not: It is not a law enforcement or police force. The military is banned under the law from conducting domestic policing operations. That is not to say that it the National Guard cannot fill gaps in intelligence collection and communication in the short-term, but this is really a temporary bandage, at best. I hope the Obama administration will work with Congress to quickly adopt a plan to further strengthen ATF, ICE, and CBP—key agencies who work closely on a daily basis with their Mexican counterparts on intelligence sharing and efforts to curb the illegal flow of firearms and bulk cash south and illicit drugs north. Strengthening these agencies and their continuing working relationships with the Mexican Government is ultimately what will make our shared border safer and our critical relationship with Mexico closer and more grounded in trust and mutual cooperation. A National Guard presence at the U.S.-Mexico border must not be a long-term strategy.

Finally, any National Guard activity at our shared border must be coordinated with the Mexican Government and transparent in a way that bolsters our joint goals for the Mérida Initiative. Moreover, any deployment of the National Guard must not be seen as a campaign against immigrants. The United States is a nation of immigrants and our efforts must only underscore that this country is strengthened and renewed by the contributions of immigrants.

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And, while I am pleased that President Obama has developed a strategy to curb illegal firearms trafficking to Mexico, much remains to be done. I urge the Obama administration to enforce the existing ban on imported military-style weapons being trafficked at an alarming rate from the United States across the border into Mexico. The import ban—which was authorized by provisions in the 1968 Gun Control Act—was enforced during the administrations of Presidents George H.W. Bush and Bill Clinton. President George W. Bush's administration quietly abandoned enforcement of the import ban. As a result, the U.S. civilian firearms market is flooded with imported, inexpensive military-style weapons.

A return to enforcement of the existing import ban requires no legislative action and would be a win-win for the United States and Mexico. I firmly believe that starving Mexico's brutal drug cartels of military-style weapons will make all of us in the United States and Mexico much safer.

Thank you, Chairman Cuellar. It is a pleasure collaborating with you on today's hearing, and I look forward to hearing the testimony of our distinguished witnesses.

Mr. MACK. Thank you.

Thank you, Mr. Chairman—both Chairmen, all Chairmen, whoever are Chairmen here.

[Laughter.]

Mr. MACK. I just want to thank them all. I also want to thank our witnesses for being here today.

First, I feel the need to address President Calderón's recent visit to the United States. The visit increased awareness of the relationship between Mexico and the United States. It also raised a few red flags, and I would like to talk about one of those just for 1 minute.

During his address to Congress, President Calderón said that the United States needs to enact new, stricter gun laws. As a strong supporter of the Second Amendment, I strongly disagree.

I think we should enforce the gun laws that we have on the books right now. We cannot allow others to use this situation in order to advance their gun-ban agenda here in the United States. The fact is this is really a border issue.

We need to strengthen security on our borders and utilize the funds we have appropriated from the Mérida Initiative to address the violence and illegal activities originating from Mexico. Mexico is facing extreme violence that is increasing in scope and brutality.

A war is waging across our southern border that has killed over 14,000 individuals since 2008. U.S. assistance is now more important than ever. If implemented successfully, this assistance will increase security on both sides of the border.

As we evaluate U.S.-Mexico security cooperation and the next steps for the Mérida Initiative, we must look at what we have accomplished and what has happened to date.

It is my understanding that less than 2 percent of what we have appropriated for Mexico over the past 3 years has actually found its way onto the ground. This is completely unacceptable. At this rate, we cannot tell taxpayers that this money is working to make this safer.

Why have we been unable to provide time-sensitive, targeted assistance? I hope that the witnesses can address that.

President Calderón, the people of Mexico, the military, and the Mexican government have bravely fought against the drug trafficking organizations, and I applaud them for their endless courage. Given the proximity and partnership between the United States and Mexico, it is in the U.S. interest to prioritize this fight against illegal drug trafficking and move the money through the pipeline so the program can be implemented without delay.

The longer it takes the United States to provide targeted assistance, the more difficult it is to uproot the sophisticated drug network. For example, Mexico has its own porous southern border through which the strongest Mexican drug trafficking gangs have made deep inroads with Central America gangs.

As a result of this arrangement, the Mexican cartels have a refined trafficking network, and the northern triangle, Honduras, Guatemala, and El Salvador, have murder rates that roughly double that of Mexico.

The Mérida Initiative incorporates Central America and the Caribbean in order to counter this balloon effect of the drug trade. Yet only small amounts of aid have been spent in these regions.

Meanwhile, drug-related threats to freedom, security, and prosperity in South America cannot be ignored. The free flow of illicit drugs through Venezuela continues unchecked. Both Peru, Paraguay have recently declared a state of national emergency in response to increasingly territorial control of armed groups with ties to narco-terrorists. Now Jamaica is following suit. The drug trade is a complex problem that threatens to destabilize countries throughout the entire hemisphere.

I am a co-sponsor of the Western Hemisphere Drug Policy Commission Act led by my counterpart, Chairman Engel, which establishes a commission to provide comprehensive oversight of our domestic- and hemisphere-related drug policies.

I want to thank my colleague once again for spearheading that initiative. It has been a pleasure working with you on that.

In addition to better management of our current drug policies, we also need to establish a comprehensive, regional drug strategy. A comprehensive strategy must include increasing opportunities within the formal workforce by bolstering economies in the hemisphere.

The Northern America Free Trade Agreement has established more jobs on both sides of the border, and Mexico will continue to

reap the benefits as it further liberalizes its domestic economy. Assistance in this effort is an important step in taking power from the drug cartels while creating strong commercial ties between our nations.

Passing the pending trade agreements with Colombia and Panama will further weaken drug trafficking organizations, and I encourage the administration, I encourage my colleagues in the House to—the administration should move forward with it, and my colleagues in the House should speak out in support of both the Colombia and Panama free trade agreements.

Establishing respect for the rule of law and increasing enforcement of legal standards is another long-term effect required of any successful strategy. The Mérida Initiative incorporates this aspect through police and judicial reform. However, to be successful, it must integrate an expanded long-term approach within the individual countries across the region.

Mérida was designed to provide a comprehensive approach. At this point, however, little about the implementation appears comprehensive. These issues must be addressed as we discuss next steps to the Mérida Initiative.

Also, I would like to take a moment to address the current and related issue of concern. In my opinion, the new Arizona immigration law strikes a severe blow to the principles of freedom that define our country. There is no question that our Nation's immigration policies are in dire straits. We all agree that inaction by both the Bush administration and the Obama administration has compounded this problem and forces States like Arizona to take drastic measures. However, the requirement of law enforcement officials to stop anyone based upon reasonable suspicion flies in the face of the freedoms we believe in, in this Nation.

We must improve our border security, both north and south, and make certain that we have sufficient resources in place to enforce our immigration laws.

Thank you, Mr. Chairman. I look forward to hearing from our witnesses and having the opportunity to discuss how we can improve the Mérida Initiative.

Mr. CUELLAR. Thank you very much.

The Chair now recognizes the Chairman of the full Committee on Homeland Security, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I welcome my colleagues from the Subcommittee on Western Hemisphere from the Committee on Foreign Relations.

Over the last several years, the Committee on Homeland Security has examined the issue the border violence and the role of the U.S. Government in confronting one of the principle causes of violence, drug trafficking organizations.

The Department of Homeland Security and its numerous law enforcement partners have battled these organizations for years, but many challenges remain. The Mexican government has scored significant victories against drug trafficking organizations, but the crackdown has fueled an escalation in violence throughout Mexico and along our shared border.

In the last 3 years alone, there have been over 22,000 drug-related murders in Mexico. Unfortunately, our Nation, also, is not immune to this violence. American citizens have been killed in Mexico, and individuals associated with the U.S. consulate in Juárez were murdered earlier this year. At the same time, Americans are increasingly concerned about the potential violence for increased violence on the U.S. side of the border. It is also too clear that drug trafficking and violence is not just Mexico's problem; it is also an American problem. We must do more to combat these problems on this side of the border.

President Obama's announcement this week regarding National Guard personnel and supplemental funding for the border is an acknowledgement of that concern. I applaud his on-going commitment to securing the region.

Regarding Mexico, over the last 3 years, Congress has appropriated $1.3 billion for the Mérida Initiative for vital equipment and training. However to date, as already been said, Mexico has only received a fraction of the funding the United States has pledged for this program. Specifically, records show Mexico has received just $151 million of the $1.3 billion appropriated so far.

It is critical that we review existing processes to ensure that this assistance is being provided as efficiently as possible while still ensuring accountability. That brings us to the question before us today.

What is next for the Mérida Initiative? As we move forward with the next stage of the U.S.-Mexico security cooperation, we must build on the lessons learned over the last 3 years. I understand the assets and experience the Department of Homeland Security brings to the table in these matters. I would like to see DHS play a greater leadership role in the U.S.-Mexico security cooperation going forward.

I also look forward to a dialogue on the challenges facing Mexico and the United States-Mexico border region and how best to confront those challenges to have a more secure future.

Additionally, Mr. Chair, I would like to say part of that has to be—involve those American citizens who live along the border. Sometimes, we think here in Washington we know all the answers, but as you and I know very well, sometimes, a little common sense, going and talking to people who live it every day is better than people in Washington. So I look forward to some of our panelists and the suggestions they might offer in this hearing.

I yield back.

Mr. CUELLAR. Other Members of the subcommittee are reminded that, under the committee rules, opening statements may be submitted for the record. I now welcome the first panel of witnesses. As you know, Members, we do have two panels.

The first panel—our first witness, Ms. Roberta Jacobson is deputy assistant secretary of the Department of State's Bureau of Western Hemisphere Affairs. She has served in a variety of key State Department and management positions including the director of policy, planning coordination in the Bureau of Western Hemisphere Affairs which covers a variety of key issues throughout the hemisphere.

Certainly, I appreciate the work you did for the initial work on Mérida, and we thank you for that as you began a career with the State Department in 1988.

Our second witness, Ms. Mariko Silver, is the deputy assistant secretary of international policy and acting assistant secretary for international affairs at the Department of Homeland Security. In this capacity, Ms. Silver manages a Department-wide approach to DHS international engagement.

Prior to joining DHS, Ms. Silver served as policy adviser for innovation, higher education, economic development in the office of then-Arizona Governor Janet Napolitano. Welcome.

Our third witness is Mr. Alonzo Peña. He is the deputy assistant secretary for operations for U.S. Immigration and Customs Enforcement, ICE. Prior to accepting this position, he served as the DHS attaché at the U.S. embassy in Mexico City where he was the Department's senior diplomat and liaison to the government of Mexico.

Previously, Mr. Peña served as a special agent in charge of ICE office of investigations in Phoenix, Arizona where he was responsible for overseeing all ICE investigative activities in the Nation's business human smuggling corridor.

Also, Mr. Chairman and Members of the committee, I also credit him to be one of the founders for the BEST program that got started in Laredo, Texas. As you know, it is now expanded to other areas. We thank you for that work.

Our fourth witness is Mr. Allen Gina. He is the acting assistant commissioner of office of intelligence and operations coordination of the U.S. Customs Border Protection. Throughout his career, Mr. Gina has held numerous manager positions including program manager of the anti-smuggling division, director of the industry partnership program, director of the outbound programs, and director of the office of border security. Mr. Gina began his career in 1983 as a Customs inspector, the frontline of the U.S. Customs Service.

Without objection, the witnesses' full statements will be inserted in the record. I now ask the witnesses to summarize their statements for 5 minutes beginning with Ms. Jacobson. Again, welcome to this joint committee.

STATEMENT OF ROBERTA JACOBSON, DEPUTY ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. JACOBSON. Thank you, Chairman Cuellar, Chairman Engel, Chairman Thompson. Thank you, Ranking Members Mack and Miller and all the Members of this committee.

I greatly appreciate the opportunity to testify here today along with my colleagues in the interagency on the U.S.-Mexico relationship and the Mérida Initiative.

As you all know, on May 19, President Obama welcomed President Calderón to the White House. They reaffirmed their commitment to improving the lives of all our citizens in both countries, building upon our deep ties and working with mutual respect and responsibility across a broad range of issues.

They recognized that the United States and Mexico share responsibility for defeating and dismantling illicit criminal networks that traffic drugs into the United States and illegal weapons and illicit revenues into Mexico. When it was launched in 2007, the Mérida Initiative was a partnership among governments of the United States, Mexico, and the countries of Central America to confront these transnational gangs and organized crime syndicates that plagued the region.

We have now broadened our focus on include the Caribbean under the Caribbean Basin Security Initiative, renamed our Central America efforts the Central American Regional Security Initiative and are focusing on ways to improve citizen safety. Something consistently ranked high among societal concerns in all countries of the region.

Beginning with the Mérida Initiative and moving beyond Mérida in Mexico, the United States has forged strong partnerships to enhance citizen safety and a variety of U.S. agencies are working with the Mexican government to implement Mérida projects.

At bilateral meetings in the past 18 months culminated with the March 23 high-level group meetings in Mexico co-chaired by Secretary Clinton, the governments of the United States and Mexico agreed on new goals to broaden and deepen our cooperation. Future programs to increase Mexican capacity and institutionalize our partnership will focus on four areas.

First, the United States and Mexico will continue to collaborate to disrupt and dismantle organized criminal groups. Each country will conduct operations on their own territory, but we will coordinate our efforts and increasingly share the information necessary to combat these organizations which do not respect borders.

Second, the United States will accelerate support for Mexico's efforts to institutionalize criminal justice reforms, to sustain the rule of law, and respect for human rights.

Third, our goal is to create a 21st Century border that will advance citizen safety while increasing our global competitiveness through efficient and secure flows of two-way commerce and travel.

Finally, the United States will provide support for programs to build strong and resilient communities in targeted geographic areas as Mexico addresses the social and economic needs of communities under threat by criminal organizations.

We have agreed with the government of Mexico to work together in several of the most affected communities including Ciudad Juárez. Our efforts in Juárez are being taken in conjunction with President Calderón's plan, Todos Somos Juárez, "we are all Juárez," which contains strong community input for new socio-economic opportunities to provide choices to the citizens of that city.

We are also supporting Mexico's implementation of comprehensive criminal justice reforms through the professionalization of police and prosecutors, judicial exchanges, and partnerships between Mexican and U.S. law schools.

As of March 2010, over 5,000 Mexican federal and state officials from law enforcement and judicial agencies have participated in newly designed training programs.

The Office of National Drug Control Policy and the State Department hosted a bi-national drug demand reduction conference in

February which, among other goals, shared best practices between U.S. and Mexican participants. Prompt implementation of the Mérida Initiative and ensuring that U.S. taxpayer dollars are spent effectively and efficiently is a top priority.

With the signing of required agreements with the Mexican government and additional personnel in place to monitor the new programs, the pace of implementation has increased dramatically. Our current estimate shows that over $420 million of fiscal year 2008 and 2009 funds are actively supporting equipment, training, and technical assistance through the Mérida Initiative.

A letter of agreement obligating 287 additional million dollars in INL funding for the State Department was just assigned clearing the way for those funds to move. Nearly all aviation assets will be delivered by the end of 2011, in some cases, almost 2 years ahead of normal procurement timelines.

Nonintrusive inspection equipment has been delivered and is being used to good effect as a recent $3 million cash seizure in Mexico City demonstrated. Justice sector programs and human rights activities including assistance to victims and witnesses, support to civil society groups are well underway and will expand as our pace picks up.

Finally, while Mérida does not envision any law enforcement operations, the enhanced cooperation and coordination that results from this relationship contributes to our fight against well-known drug lords, and I have enumerated some of those in my written testimony.

The United States Government has taken an aggressive approach to combating illicit trafficking and firearms by promoting the capabilities of States in the hemisphere to control, secure, destroy excess National stockpiles and mark and trace firearms. Our operational efforts have been complemented by Mérida-funded equipment and capacity-building.

Finally, I would like to take this opportunity to thank all of the Members of both of these subcommittees for your support of our engagement with Mexico over the past few years. It has been greatly helpful in guiding your efforts.

Thank you very much.

[The statement of Ms. Jacobson follows:]

PREPARED STATEMENT OF ROBERTA JACOBSON

MAY 27, 2010

Mr. Chairmen, Ranking Members, and Members of the committee: Thank you for the opportunity to testify, along with my interagency colleagues on the United States-Mexico relationship and the Mérida Initiative.

The U.S.-Mexican bilateral relationship has never been stronger than it is right now. And it continues to grow stronger still, based not on personal ties or short-term projects but on the kind of strong, multi-layered institutional ties that endure and evolve.

On May 19, President Obama welcomed President Calderón to the White House. The Presidents reaffirmed their commitment to improving the lives of all citizens in both our countries, building upon our deep ties and working with mutual respect and mutual responsibility across a broad range of issues.

These include economic competitiveness and clean energy, building a 21st Century border, and reaffirming our mutual commitment to confront organized criminal organizations that represent a serious threat to the security and well-being of Mexicans and Americans. Presidents Obama and Calderón recognized that the United States and Mexico share responsibility for defeating and dismantling the illicit

criminal networks that traffic drugs into the United States and illegal weapons and illicit revenues into Mexico, which fuel much of the crime and violence in Mexico today.

The Presidents reviewed and endorsed the work of the U.S.-Mexico Mérida Initiative High Level Group, which met on March 23, 2010. The meeting was chaired by Secretary Clinton and her Mexican counterpart, in Mexico City, to lay out a shared vision for on-going and future security cooperation between the United States and Mexico.

These high-level meetings and joint efforts are a testament to the strength of the relationship between our two governments. In addition, it exemplifies the United States' commitment to assist Mexico and our responsibility to address transnational crime, including demand for drugs, and illicit traffic in firearms and bulk cash.

SECURITY SITUATION

The unprecedented levels of violence in Mexico, especially along the shared border with the United States, undermine Mexico's economic recovery and rob young people of opportunities for education, work, and social advancement. The violence and the corruption engendered by the cartels also undermine the democratic institutions needed for governance that is accountable and responsive to the needs of its people. Since December 2006, over 22,000 people have been killed, and countless others wounded, kidnapped, extorted, or threatened in relation to this violence. We are seeing new and well-organized battle tactics with the criminals using stolen vehicles to block roads to prevent government reinforcements from arriving. In Ciudad Juárez, the Juárez drug trafficking organization has hired the violent cross-border Barrio Azteca gang to conduct its contract killings.

MÉRIDA INITIATIVE

When it was launched in 2007, the Mérida Initiative was a partnership among the governments of the United States, Mexico, and the countries of Central America to confront the violent transnational gangs and organized crime syndicates that plague the entire region. We have now broadened our focus to include the Caribbean under the Caribbean Basin Security Initiative, renamed our Central America efforts as "CARSI" (the Central America Regional Security Initiative), and are focusing on ways to improve citizen safety—something consistently ranked high among societal concerns in all countries of the region. The security challenges in the region are profoundly interconnected. Accordingly, our initiatives are grounded in a common strategic vision and coordinated through interagency meetings and working groups that ensure comprehensive and coherent planning and implementation. While these initiatives are mutually reinforcing, and share broad objectives, they reflect differing regional challenges and dynamics and thus vary considerably in size, level of U.S. support, complexity, and level of development. The combination of a common strategic approach and distinct, but interlocking, regional initiatives provides the necessary unity of effort as well as the flexibility necessary to help address unique circumstances that vary by country or sub-region.

Beginning with the Mérida Initiative and moving "Beyond Mérida" in Mexico, the United States has forged strong partnerships to enhance citizen safety in affected areas to fight drug trafficking, organized crime, corruption, illicit arms trafficking, money-laundering, and demand for drugs on both sides of the border. To do this a variety of U.S. Federal agencies—including the Department of State, the U.S. Agency for International Development, the Department of Homeland Security, the Department of Justice, and the Department of Defense—are working with the Mexican government to implement the Mérida projects.

At bilateral working group meetings in the past 18 months, culminating with the March 23 Mérida High Level Group meeting in Mexico, the governments of the United States and Mexico agreed on new goals to broaden and deepen our cooperation to effect lasting change. We are accelerating our efforts to support stronger democratic institutions in Mexico, especially the police and justice sector, expanding our border focus beyond interdiction of contraband to include facilitation of legitimate trade and travel, and cooperating in building stronger communities that are resistant to the corrupting influence of organized crime. Future programs to increase Mexican capacity and to institutionalize our partnership will focus on four goals:

- *Disrupt Organized Criminal Groups*.—The United States and Mexico will continue to collaborate to disrupt and dismantle organized criminal groups. Each country will continue to conduct security operations within its own territory, but we will coordinate our efforts and increasingly share the information necessary to combat drug trafficking organizations that do not respect borders. We plan

to disrupt the Drug Trafficking Organizations (DTOs) by focusing our efforts on intelligence collection and analysis, training and equipping special units, enhancing police and prosecutors' investigative capacity, conducting targeted investigations against money laundering, improving interdiction capability, and by supporting effective command and control centers across Mexico. We will put pressure on all aspects of the cartels' business operations, interdicting the weapons used in the commission of their crimes and the illicit proceeds of their enterprises as well as the drugs and other contraband they traffic. Our two countries have already started work in these areas and we will deepen our cooperation in years to come.

- *Institutionalize Reforms to Sustain Rule of Law and Respect for Human Rights*.—The United States will continue to support Mexico's efforts to institutionalize justice sector reforms to sustain the rule of law and respect for human rights. We will continue institution-building with security and justice sector institutions at the federal level and expand these efforts to include additional federal, state, and local institutions. Federal constitutional reforms passed in 2008 require transformation of all state and federal systems from a written inquisitorial system to a more transparent oral and adversarial system by 2016. The United States has long supported Mexico's criminal justice reforms at the state level and we continue to do so, while also supporting federal criminal justice reform. We are providing assistance on a range of activities, including professionalization of justice sector personnel, systems development, access to justice, and strengthening respect for human rights. Projects to strengthen democratic institutions, centered on engagement with civil society and the promotion of respect for human rights, will help assure citizens that their justice systems are more effective and accountable. In the long term, this will serve to increase citizen trust in justice sector institutions, encouraging closer collaboration between government officials and citizens in the fight against organized crime. The capacity to quickly and efficiently prosecute those arrested, in accordance with due process, and to incarcerate those found guilty in secure and humane facilities must keep pace with the success of law enforcement efforts.
- *Create a 21st Century Border*.—Our goal is to create a 21st Century border that will advance citizen safety while increasing our global competitiveness through efficient and secure flows of two-way commerce and travel. Overall, our cooperation with Mexico is designed to intercept threats before they can cause harm to a country or its citizens. We are working to stop the flow of drugs and human trafficking to the north, and guns and cash to the south. In some cases, the most effective approach to security is to redistribute law enforcement resources to screen people and cargo before they near the actual border, or even arrive in North America. Interior checkpoints combined with secure transit corridors may be reinforced by modern technology that determines whether sealed containers have been opened or whether trains or trucks have stopped along route. These approaches aim to prevent flows of dangerous goods and people from getting to the border, thereby speeding legitimate trade and travel across the border itself. By seeking to institutionalize these improvements, and supporting the government of Mexico's efforts to modernize both their customs and immigration capacities, we anticipate continuing enhancements in our joint management of the U.S.-Mexico border.
- *Build Strong and Resilient Communities*.—As Mexico addresses the social and economic needs of communities under threat by criminal organizations, within a framework based on the rule of law and respect for human rights, the United States will provide support for programs in targeted geographic areas. The recent downturn in economic growth and remittances underscores the importance of ensuring that communities see a net benefit from our joint efforts. With Mexico taking the lead, U.S. programs will leverage support for greater community involvement in developing a culture of lawfulness, as well as addressing socioeconomic challenges in the community, including stemming the flow of potential recruits for the cartels by helping to promote constructive, legal alternatives for young people. Strong communities with confidence in local authorities to protect them are key partners in realizing our shared goals.

Broadly, and within this context, we are moving away from big ticket equipment and into an engagement that reinforces progress by further institutionalizing Mexican capacity to sustain adherence to the rule of law and respect for human rights, build strong institutions, promote full civil society participation, transform the nature of our borders, and by providing intensive technical assistance and training.

We have also agreed with the government of Mexico to work together in several of the most affected Mexican communities, including Ciudad Juárez. In February, our governments held a bilateral planning session in El Paso, Texas to discuss op-

tions for improving the citizen security and violence situation in Juárez. Our discussions spanned various topics including: (1) Improving intelligence collection and analysis and using the resulting information to lead law enforcement operations and investigations; (2) developing standard procedures for securing a crime scene and collecting evidence; (3) elaborating a plan for safe, secure and humane detention facilities; and (4) beginning a process to vet active State and local police officers and weed out corrupt actors.

We are beginning to determine with our Mexican partners where U.S. assistance could best be applied in Juárez, and we have offered a range of assistance, including, but not limited to, reform of state and local police, internal controls, assistance to prosecutors and judges, corrections work, as well as technical assistance. Our efforts in Ciudad Juárez are being taken in conjunction with President Calderón's plan "Todos Somos Juárez" (We Are All Juárez) which calls for new socio-economic opportunities providing choices for the beleaguered youth and citizens of the city. The plan has extensive programs in education, drug demand reduction, health, and security and includes a robust and regular consultation with civil society groups. One of the many complicating factors in Ciudad Juárez is that state and municipal elections are scheduled for July 4 and it is likely that many key interlocutors will change. This is not a deterrent to working in Juárez, but an additional challenge.

IMPLEMENTATION OF MÉRIDA AND LAW ENFORCEMENT SUCCESSES

The United States is supporting Mexico's implementation of comprehensive justice sector reforms through the professionalization of police and prosecutors, systems development, judicial exchanges, and partnerships between Mexican and U.S. law schools. As of March 2010, 5,500 federal and state officials of all levels from law-enforcement and judicial agencies have participated in newly designed training programs. For example, over 4,300 police officers graduated from the Federal Police (SSP) Basic Investigation Techniques course in San Luis Potosí and are deployed throughout Mexico. Through expert-to-expert exchanges, programs, and workshops, Mexico's criminal-justice institutions are working with U.S. law enforcement and prosecutorial offices to build capacity to combat organized criminal activities that impact both Mexico and the United States.

Mexican Customs, with U.S. Customs and Border Protection support, will establish a customs training academy in Mexico to promote professionalization of new customs inspectors. The Department of Homeland Security has provided assistance to Mexican Customs including: Training of canine teams; training on inspection techniques; and curriculum development on customs investigations, with investigative training to begin this year. We have provided scanners, X-ray machines, and other non-intrusive inspection equipment to enhance Mexican authorities' ability to detect illicit goods at key checkpoints and land and air ports of entry. U.S. Immigration and Customs Enforcement (ICE) is developing an investigator training program for Mexican Customs officials. Training classes are scheduled to begin in August 2010.

The Office of National Drug Control Policy and the U.S. State Department co-hosted a Binational Drug Demand Reduction Conference in February 2010, which among other goals, sought a greater understanding of the use of media in successful demand reduction efforts as well as share best practices between the U.S. and Mexican participants. Twenty-three Mexican states are scheduled to offer a minimum of 60 hours of anti-corruption education during the 2009–2010 school year, targeting 1 million secondary school students.

Prompt implementation of the Mérida Initiative and ensuring that U.S. taxpayer dollars are spent in an effective and efficient manner is a top priority for the administration. As a result of the Mérida Initiative, we have created new implementation structures with the Mexican government, a government unaccustomed to U.S. foreign aid requirements, in order to ensure increased inter-agency and binational communication. For example, we have developed a bilateral implementation working group between our two governments which meets monthly in Mexico City and have just opened our Bilateral Implementation Office, also in Mexico City.

With the signing of the Letters of Agreement and with additional personnel in place to monitor the new programs, the pace of implementation has increased dramatically. Our current estimate shows that over $420 million of fiscal year 2008 and part of fiscal year 2009 funds are actively supporting equipment, training, and technical assistance through the Mérida Initiative. A Letter of Agreement that obligated $287 million in fiscal year 2009 International Narcotics and Law Enforcement (INCLE) funds was just signed and will be used to further support equipment, training, and technical assistance. Five Foreign Military Financing-funded Bell helicopters were delivered in December 2009, after an expedited procurement process.

Two additional Bell helicopters and three Blackhawk helicopters are scheduled to be delivered in October 2010, and nearly all aviation assets will be delivered by the end of 2011—in some cases nearly 2 years ahead of "normal" procurement timelines.

Non-intrusive inspection equipment has been delivered. Training equipment, polygraph units, and biometric equipment has also already been delivered. Justice sector programs and certain human rights activities, involving judicial exchanges, police, prosecutor and corrections training, assistance to victims and witnesses, and support to civil society groups working on citizen security, are also under way and will continue, as the pace of implementation continues to increase.

Finally, while the Mérida Initiative does not fund any law enforcement operations, the enhanced cooperation and coordination that results from this enhanced bilateral relationship contributes to our fight against well known drug lords. For example:

- Arrest of Arturo Beltran Leyva, December 2009 (Beltran Leyva Cartel);[1]
- Arrest of Carlos Beltran Leyva, December 2009 (Beltran Leyva Cartel);
- Arrest of Eduardo Teodoro "El Teo" Garcia Simental, January 2010 (Arellano Felix Cartel);
- Arrest of Jose Antonio "Don Pepe" Medina Arreguin ("King of Heroin"), March 2010 (La Familia Michoacana);
- Arrest of Gerardo "El Indio" Alvarez Vasquez, April 2010 (Beltran Leyva Cartel).

In the United States, too, this cooperation has paid off. Operation Xccelerator resulted in the arrest in several countries of more than 750 individuals associated with the Sinaloa cartel in February 2009. Operation Coronado led to the arrest of 303 alleged members of the La Familia Michoacana in the United States in October 2009, with 1,186 arrests made over the 44-month project.

FULFILLING OUR SHARE OF THE RESPONSIBILITY

It is also important to discuss the actions that this administration is taking to fulfill its share of the responsibility to address factors within our borders that are contributing to this shared challenge: Illicit flows of arms and ill-gotten profits to Mexico and our domestic demand for drugs.

ICE and the U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) are working jointly on weapons seizures through Armas Cruzadas and Project Gun Runner. ATF also rolled out the pilot of the bilingual "Spanish" eTrace to Mexico and Central America. This system allows Mexican investigators to trace weapons known to originate from the United States and will assist law enforcement officials in determining trafficking routes and major arms traffickers.

The United States Government (USG) has also taken an aggressive approach to combat illicit trafficking in arms by promoting the capabilities of states in the hemisphere to control, secure, and destroy excess national stockpiles as well as to mark and trace firearms. USG operational efforts have been complemented by Mérida-funded equipment and capacity building efforts. Four Integrated Ballistics Identification Systems (IBIS) have been provided to forensics labs in Mexico to assist with tracing weapons used in crimes. Non-intrusive inspection equipment is also being provided to Mexican agencies to help with the detection of guns, money, and drugs. The USG has sponsored three bilateral conferences on arms trafficking, the first with the U.S. Departments of Justice, State, and Homeland Security at the ministerial level, followed by two DOJ-organized programs at the working level focusing on Mexico's northern and southern borders.

The U.S. Government has also launched several operational initiatives to disrupt the bulk cash smuggling that cartels use to bring the proceeds of drug sales in the United States back to Mexico. Through a Bilateral Money Laundering Working Group, Mexican and U.S. law enforcement agencies are cooperating to create the programs and strategies that will improve coordination in the area of investigations and prosecutions, bulk cash seizures, and the overall reduction of money laundering activities. The USG, through the Departments of Justice, Homeland Security and Treasury, are coordinating operational and capacity building programs with their Mexican counterparts.

Finally, the administration is putting a renewed emphasis on reducing demand for drugs here in the United States, which is the largest driver of the cartel activity that threatens Mexico. These efforts, led by the White House Office of National Drug Control Policy, will, over the long-term, reduce the market that brought these cartels into business in the first place.

[1] N.B., Arturo Beltran Leyva was killed in the course of his attempted capture in December 2009 (Beltran Leyva Cartel).

The United States and Mexico are committed to improve the lives of all citizens in both our countries, building upon our deep ties, and working with mutual respect and mutual responsibility. We will continue to work closely with the Government of Mexico through the Mérida Initiative and other avenues to achieve these goals.

Thank you for your support of the Mérida Initiative. I look forward to continuing to work with the Congress and I will be happy to answer any of your questions.

Mr. CUELLAR. Thank you very much for your testimony.

I now recognize Ms. Silver to summarize her statements for 5 minutes.

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

Ms. SILVER. Chairman Cuellar and Engel, Ranking Members Miller and Mack, Chairman Thompson and all the Members of the subcommittee, I want to thank you for the opportunity to testify today about the Department of Homeland Security's relationship with Mexico and the future of that relationship.

The security situation in parts of Mexico, especially along the border, remains volatile and deeply concerning. Violence between and among drug trafficking organizations has escalated in some places to unprecedented levels. Further, incidents of violence tied to drug trafficking have also affected U.S. persons.

The situation in Mexico very much has our attention. I know that many in border communities are deeply concerned about the developments in Mexico. We are focused on stemming the violence in Mexico and protecting the United States.

Communities like Laredo, Nuevo Laredo, Tijuana, San Diego—Ciudad Juárez, El Paso, and Matamoros-Brownsville have traditionally been at the heart of our bi-national relationship. These communities share strong social, cultural, economic, and familial ties. These relationships even further heighten the need for the United States and Mexico to work jointly to ensure that our shared border is secure and that the communities along the border are thriving, economically vibrant places in which private citizen safety is not in doubt.

I will note that we have not seen the violence levels spike in U.S. border communities in parallel to spikes in Mexico. This is, I believe, a testament to the strength of these communities and to the hard work of State, local, and Federal law enforcement.

For example, Ciudad Juárez is one of the most dangerous cities in the hemisphere. Whereas, El Paso is one of the safest large cities in the United States.

But the violence in parts of Mexico is a homeland security concern, and the administration is actively working with Mexico and with border communities to address this. As you are, no doubt, aware—I know you are aware. On Tuesday, as part of his comprehensive plan to secure the southwest border, President Obama announced he will request $500 million in supplemental funds for enhanced border protection and law enforcement activities.

The President will also order a strategic requirements-based temporary utilization of up to 1,200 National Guard to provide a bridge to longer-term enhancement and border protection and law enforcement personnel. This augmentation is in addition to the

more than 300 National Guard personnel current participating in counternarcotics missions along the southwest border.

These National Guard personnel will be supporting civilian law enforcement and will not themselves be engaged in direct law enforcement action. The National Guard will provide intelligence and intelligence analysis, surveillance and reconnaissance support.

The additional National Guard will augment the President's unprecedented and on-going border protection and security efforts. This augmentation is just one part of our multi-layered effort to target illicit networks that traffic in people, drugs, illegal weapons, and money.

With the support of the National Guard and through the southwest border initiatives, the Mérida Initiative, and other on-going efforts, we will continue to put increased pressure on transnational criminal organizations. An important part of this multi-layered strategic approach is our relationship with Mexico.

As highlighted in the state visit President Obama hosted for President Calderón last week, this relationship has evolved in extraordinary ways over the last few years. The state visit reflected the depth, breadth, and importance of our partnership.

Though security rightly continues to be a central focus of our relationship, Presidents Obama and Calderón emphasized that the relationship is far more comprehensive especially in the realm of border management. Presidents Obama and Calderón described the approach to our shared border that is based on shared responsibility for managing the border, which includes security and expediting trade and travel.

To this end, a critical part of the way forward is changing how we see the border. We must move beyond seeing border management as simply guarding and policing the jurisdictional line between the United States and Mexico. We must avoid the false dichotomy between economic prosperity and border security. We must not see our interest in Mexico as being defined solely in terms of assistance and ad hoc collaboration.

As part of our overall approach to homeland security, we need to work together with international partners, including Mexico, to intercept and neutralize threats at the earliest possible point. We need to focus law enforcement resources on the people or goods we know are dangerous or about which we know the least. We need focus on expediting the goods and people we know are not dangerous. This kind of risk segmentation is an essential element to a layered approach.

There are, of course, areas that still need to be further developed. Though Mexico has taken tremendous steps forward, corruption remains an area of concern as do low prosecution rates. These objectives are not simple, and this endeavor will take time, but we are committed.

We must also, of course, ensure that our border security and law enforcement needs are met here at home.

While DHS recognizes these challenges, I am optimistic about what we can accomplish with Mexico, and I believe that, with a reasoned and careful approach to border management, we can enhance both security and trade.

DHS appreciates the support Congress has shown for our work and your support for the relationship between the United States and Mexico. We look forward to working with Congress as we realize our new vision for border management.

Thank you, again, for the opportunity to testify. I am happy to take any questions.

[The statement of Ms. Silver follows:]

PREPARED STATEMENT OF MARIKO SILVER

MAY 27, 2010

Chairmen Cuellar and Engel, Ranking Members Miller and Mack, and all the Members of the subcommittees, I want to thank you for the opportunity to testify today about the Department of Homeland Security's (DHS) relationship with Mexico, and the future of that relationship.

As you know, President Obama hosted Mexican President Felipe Calderón for an official state visit last week. It was clear from this visit that the United States' relationship with Mexico has evolved in extraordinary ways over the last few years, and the visit reflected the depth, breadth, and importance of our relationship. Although security has rightly been a central focus of our recent engagement, Presidents Obama and Calderón emphasized that the relationship is far more comprehensive, especially in the realm of border management. The approach the Presidents envision is one based on shared responsibility and the need for coordinated approaches to tackling security issues, facilitating trade and travel, and managing other issues affecting the border. The state visit signals the beginning of a new era of cooperation.

The security situation in parts of Mexico, especially along the border, remains volatile and deeply concerning. Violence between and among drug trafficking organizations has escalated in places like Ciudad Juárez to unprecedented levels. Criminals are also targeting their violence at Mexican law enforcement and other Mexican government officials, and they are impacting the daily lives of innocent Mexican citizens. There have also been incidents of violence that have affected U.S. persons in Mexico, notably the murders of the persons associated with the U.S. consulate in Juárez. Additionally, the violence has created fear and uncertainty in U.S. border communities. The murder of Arizona rancher Robert Krentz and the potential connection to cross-border violence is of tremendous concern. Although we have not seen violence levels in U.S. border communities or elsewhere in the United States that approach what is occurring in parts of Mexico, we remain deeply concerned and the situation very much has the Department's attention. We clearly recognize that the violence in Mexico, and the cartels' associates and activities in the United States, remain homeland security threats—threats which Secretary Janet Napolitano and the Department are committed to addressing head-on.

A centerpiece of this administration's response to this threat is the Southwest Border Initiative announced in March 2009. As Secretary Napolitano has explained, "we must strategically deploy our border security personnel in the roles and locations where they are best able to counteract illegal smuggling of goods, people, drugs, weapons, and currency—while simultaneously supplementing their efforts with the right mix of technology and infrastructure so that they can do their jobs effectively." I would like to highlight some of what DHS is doing along the border:

- More than 23,000 U.S. Customs and Border Protection (CBP) agents and officers, and 3,300 U.S. Immigration and Customs Enforcement (ICE) personnel, deployed along the southwest border;
- A surge of CBP Border Patrol agents, equipment, and patrols in key border entry points in Arizona;
- Ten ICE-led Border Enforcement Security Task Forces (BESTs) along the southwest border and one in Mexico City—and ICE has recently doubled the number of agents assigned to these teams;
- Targeted, intelligence-driven southbound inspections to interdict illicit bulk cash, firearms, and ammunition and keep them from crossing the border into Mexico;
- For the first time, DHS is screening 100 percent of southbound rail shipments for illegal weapons, drugs, and cash;
- State-of-the-art technology to support enforcement efforts deployed strategically along the southwest border, including 23 additional Z-Backscatter Vans over the last 2 years to augment nine previously in place, which help CBP identify anomalies in passenger vehicles;

- CBP International Liaison Units, working hand-in-hand with Mexican federal, state, and local law enforcement authorities with the common goal of border safety and security;
- Deployment of the DHS Illegal Drug Project in Nogales, Arizona and El Paso, Texas to refer certain drug trafficking cases to Mexican authorities for prosecution, and the anticipated expansion of this program to other areas;
- The Border Violence Protocols, which formalize a system of bi-national communication during and after cross-border incidents have been successful at improving communication between CBP and the Government of Mexico (GOM);
- OASISS (Operation Against Smugglers Initiative on Safety and Security), a joint initiative between the United States and Mexico, under which GOM agrees to prosecute certain alien smugglers in Mexico in cases where the United States declines prosecution and endangerment of the smuggled aliens can be proven;
- A bilateral agreement between the United States and Mexico to build a new cross-border communications network for public safety and law enforcement organizations that will improve security along the shared border by allowing for effective coordination between participating Federal, State, local, and Tribal incident and emergency responders; and
- The recently announced authority to fly unmanned aerial vehicles over portions of Texas.

We are seeing results. In the first year of the Southwest Border Initiative, DHS seized the following at the southwest border:

- $85.7 million in currency—a 14 percent increase over the same period the previous year;
- $29.7 million in southbound seizures—a 39 percent increase over the same period the previous year;
- 1,425 firearms—a 29 percent increase over the same period the previous year; and
- 1.65 million kilograms of drugs—a 15 percent increase over the same period the previous year.

In addition, the U.S. Coast Guard (USCG) seized 64,918 pounds of marijuana from October 1, 2008, to May 1, 2010.

Our security work cannot stop at the border. As part of DHS' efforts to aggressively counter the threat posed by the cartels, DHS has dramatically improved our relationship and partnership with Mexico. Secretary Napolitano has made our relationship with Mexico a top priority for the Department. In President Calderón and his administration we have extraordinary and courageous partners. As Secretary Napolitano put it, "our strategy also focuses on forging unprecedented partnerships with Mexican law enforcement as we work together to combat the shared threats to our mutual security. Mexico, under the strong leadership of President Calderón and his administration, has been conducting a valiant campaign to disrupt and dismantle the drug cartels that pose the threat of cross-border violence." The Secretary has traveled to Mexico multiple times, and she routinely meets and consults with her counterparts from GOM. Under Secretary Napolitano's leadership, the Department is constantly pushing to find new ways to partner and work with Mexico in order to address common security issues. The Secretary recently summed up the relationship by saying that, "[w]e are working with the Mexican government to build new collaborative efforts that will strengthen border enforcement by improving cross-border communications, coordinating enforcement against drug smuggling, improving the security of shared ports and of the aviation system, increasing law-enforcement-related information sharing, expanding law enforcement training, and strengthening trade."

I would like to offer a few examples of the unprecedented collaboration and partnership between DHS and counterparts within the Mexican government on security and law enforcement issues:

- In February, Secretary Napolitano signed a Declaration of Principles of Cooperation with Mexican Secretary of Public Safety (SSP) Genaro García Luna, which allows for the expansion of coordinated intelligence sharing and joint strategic, intelligence-driven plans in border corridors.
- In March, the Secretary signed a Memorandum of Cooperation with both Secretary García Luna and Mexican Interior Secretary Fernando Francisco Gomez-Mont to allow ICE to share select criminal history information with Mexican law enforcement about some Mexican nationals who are being repatriated and who have been convicted of felonies in the United States.
- DHS and GOM have made great strides in securing legitimate travel, including:
  - Implementing the Joint Security Program at the Mexico City airport, which allows for CBP officers to work side-by-side with Mexican federal law enforce-

ment to interdict high-risk passengers, contraband, and other dangerous or illicit items; and

- CBP and Mexico's National Institute of Migration agreed to develop a bilateral background check process that will allow Mexican citizens potential membership in the Global Entry program, which offers expedited clearance into the United States for low-risk air travelers. This effort will seek to include those already participating in SENTRI, a program that expedites land border crossings. SENTRI members' enrollment will be voluntary and free, and it is anticipated that this effort will immediately benefit more than 80,000 Mexican SENTRI members. Future enhancements may include a reciprocal program for U.S. citizens traveling to Mexico.

- DHS' U.S. Visitor and Immigrant Status Indicator Technology (US–VISIT) office worked with Mexico's Department of the Interior to address expanded use of biometrics and assisted in the development and review of technical business requirements to incorporate biometrics into the data management system used by Mexican Immigration (the Integrated System for Migration Operations). In May 2010, Mexican Secretary of Interior Fernando Gomez-Mont noted that this biometric technology is being implemented along Mexico's southern border and is allowing Mexican immigration officers to capture biometrics for interdicted illegal immigrants coming from Central America into Mexico.
- ICE's Operation In Plain Sight, an investigation that targeted transportation companies in Arizona that facilitate human smuggling, included unprecedented information sharing and collaboration with Mexican law enforcement, which led to parallel enforcement actions by SSP against human smugglers.
- Mexico's Navy is an active participant in the USCG coordinated biannual Multi-Lateral Counter Drug Summit, during which participating law enforcement agencies share, and exchange "best practices," and develop new tactics, techniques, and procedures to counter threats along the southwest border.

Further, with Secretary Napolitano's support, DHS is an active participant in the Department of State (DOS)-led Mérida Initiative. DOS has responsibility for policy oversight and for disbursing the appropriated Mérida funds, with DHS and other U.S. Interagency partners participating in the initiative. A few examples of what DHS has done through Mérida include the following:

- CBP provided training for Mexican Customs on canine handlers, training for Mexico Customs Academy instructors on law enforcement and interdiction methods, training to Mexican Federal Police (SSP) on non-intrusive inspection equipment, polygraph, and internal controls system training for Mexican law enforcement;
- ICE is establishing vetted Mexican law enforcement units, providing training for SSP recruits on basic investigative techniques, and training for senior officers on undercover investigations; and
- The U.S. Coast Guard is assisting in procuring aircraft and associated training for Mexico's Navy.

Should you desire more information on DHS' participation to date in Mérida Initiative programs, we would be happy to provide such information.

Reflected in all of these initiatives and programs, and a myriad of other interactions from the field level to senior departmental leadership, is that the United States and Mexico are closer now than we have ever been. And the successes we have achieved demonstrate the value of our work together. Strong partnerships with international counterparts are particularly essential when we are dealing with shared problems like the transnational drug trade and human smuggling and trafficking—but the same lesson applies for border management more generally: we can only manage our side of the border. We need our Mexican partners to manage their side, and we are both better served if our respective leadership recognizes and seeks to build upon our shared interests. DHS is primed to elevate our relationship to the next level. Before describing what we envision for this new era and for 21st century border management and security, I would like to sketch some of the history that has led us to where we are now.

During the 1980s, it became increasingly obvious that the economic future of the United States was linked to the economic success of its North American partners. Since that time, it has become increasingly apparent that the competitiveness of the United States in the global economy is in part a function of the competitiveness of the North American supply chain. At the same time, close engagement on economic issues has helped pave the way for close engagement in other areas.

The Mérida Initiative heralded a change in the nature and extent of collaboration with Mexico on security and law enforcement issues. Although the Mérida Initiative began as a fairly straightforward foreign assistance program with a focus on equipment purchases, it has evolved into a much broader security partnership, generally

framed around four subject areas: (1) Disrupting Organized Criminal Groups; (2) Institutionalizing Reforms to Sustain Rule of Law and Respect for Human Rights; (3) Creating a 21st Century Border; and (4) Building Strong and Resilient Communities. Although there have been some challenges with Mérida, it has helped lead to increased collaboration, understanding, cooperation, and trust.

There are of course areas that still need to be further developed. Though Mexico has taken tremendous steps forward, corruption remains an area of concern, as do low prosecution rates. While DHS recognizes these challenges, we believe that there is a strong foundation of cooperation to build upon and that with a reasoned and careful approach to border management we can enhance both security and trade through collaboration and the implementation of effective strategies. The United States and Mexico will continue to work together to secure the legitimate flow of goods and people—segmenting those flows so that we can focus law enforcement resources on the people or goods we know are dangerous or about which we know the least—and facilitating and expediting the movement of goods and people we know are not dangerous.

Presidents Obama and Calderón addressed this vision of the border last week. Their joint statement explained that, "the Twenty-First Century Border must ensure the safety and security of residents in communities along both sides of the border and affirmed the mutual interest of Mexico and the United States to prevent entry into our countries of people who pose a threat to the national security of both nations." The Presidents' border vision also recognizes the importance of facilitating lawful trade and travel—that we need to "develop [the border] and manage it in a holistic fashion and in ways that facilitate the secure, efficient, and rapid flows of goods and people and reduce the costs of doing business between our two countries."

As the Presidents indicated, this requires us to move beyond seeing border management as simply guarding and policing the jurisdictional line between the United States and Mexico. Threats can materialize long before they reach the border, and we need to leverage opportunities to intercept and neutralize threats before they reach the U.S. border. Enforcement at the border—between and at ports of entry—is a necessary component of any border security plan, but it should be part of a more comprehensive approach, through which we engage domestically, at the border, and abroad to secure the safety of United States.

We are already taking steps to implement the Presidents' vision of a safe, secure, and prosperous 21st century border. During the state visit, the United States and Mexico released a Declaration of Principles (DOP) setting forth the vision in concrete form. The DOP creates an Executive Steering Committee that will be made up of senior officials from the U.S. and Mexican governments to oversee implementation of a first-ever bi-national 24-month plan of action. Broadly speaking, the border vision and DOP address the three components of border management: Border security; legitimate travel; and trade.

Further, this vision recognizes the importance of border communities. Communities like Laredo-Nuevo Laredo, Tijuana-San Diego, Nogales-Nogales, Ciudad Juárez-El Paso, and Matamoros-Brownsville have traditionally been at the heart of our bi-national relationship. In these communities, crossing the border is often a daily occurrence as these communities share strong social, cultural, economic, and familial ties. Both of our countries need to work jointly to ensure that they are thriving, economically vibrant places in which private citizens' public safety is not in doubt. DHS is committed to working with border communities to address border crime and security, including through field-level partnership of DHS agents and officers, and with programs such as the Operation Stonegarden grant program.

In short, the way forward for the U.S.-Mexico relationship is to move away from a hard dichotomy between economic prosperity and border security. Further, we must move away from seeing our security interests in Mexico as being defined in terms of assistance and ad hoc collaboration. Instead we need to systematically work with Mexico as partners to address common issues and challenges along the border. As part of our partnership with Mexico, providing assistance—be it technology, training, or equipment—will and must remain a central part of our relationship, but assistance is only one part of a larger, comprehensive approach. We believe that, through this new framework and this deepening relationship with Mexico, we will enhance our economic competitiveness, security, and safety. The United States' and Mexico's shared goal is to ultimately fragment the cartels—benefiting both U.S. citizens and the people of Mexico.

I am optimistic about what we will accomplish with Mexico, but our objectives are not simple and this endeavor will take time. We must be prepared for a multi-year effort, and we must be prepared for setbacks that may occur. We also must be prepared to assert, when needed, our own prerogatives in terms of ensuring that our border security and law enforcement needs are met. DHS will be unyielding and

vigilant in fulfilling the responsibility that has been placed with us to keep the American public safe.

DHS appreciates the support Congress has shown for our work, and for its support of the United States' relationship with Mexico through the Mérida Initiative and otherwise. We look forward to working with Congress as we realize the border vision. Thank you again for the opportunity to testify. I am happy to take any questions you may have.

Mr. CUELLAR. Thank you very much for your testimony.

I now recognize Mr. Peña to summarize his statements for 5 minutes.

STATEMENT OF ALONZO PEÑA, DEPUTY ASSISTANT SECRETARY FOR OPERATIONS, U.S. IMMIGRATION AND CUSTOMS

Mr. PEÑA. Chairmans Cuellar, Engel, Thompson, Ranking Members Miller and Mack, and distinguished Members of the subcommittee, thank you for the opportunity to discuss ICE's role in our Nation's effort to confront transnational criminal organizations.

As you know, ICE conducts intelligence-driven investigations through collaboration with our Federal, State, local, and foreign partners. These multi-agency investigations are enabled by robust cross-border coordination and information sharing with Mexico. ICE works to detect, disrupt, dismantle cross-border criminal networks engaged in the smuggling of guns, drugs, money, and people across our borders.

Prior to my current position at ICE, I served as a DHS attaché at the U.S. embassy in Mexico City. I also served as a special agent in charge in Phoenix and in San Antonio where I oversaw the ICE investigative activities of our Nation's two busiest smuggling corridors. So I am very familiar with the topics and the subjects that we will be discussing today.

Over a third of ICE's personnel are currently located in offices along the southwest border. At the direction of Secretary Napolitano, ICE will increase its personnel along the southwest border and, beginning on June 1, to counter transnational smuggling networks and enhance U.S.-Mexico border cooperation.

We are continuing to expand the BEST program which currently operates in ten locations along the southwest border to include the formation of the first-ever Mexico BEST in Mexico City.

The ICE-lead multi-agency investigative teams leverage the combined authorities and resources of its participants to make the border more secure. Part of our efforts include anti-smuggling operations such as Armas Cruzadas which combats firearms smuggling and Operation Firewall, which combats bulk-cash smuggling.

Since the inception of Armas Cruzadas in 2008, the operation has resulted in the seizure of over 3,800 weapons, $10.5 million in U.S. currency, and 749 arrests. In the past 5 years, Operation Firewall has resulted in almost 4,000 seizures totaling more than $302 million and the arrest of 679 individuals.

I would also like to mention an important study that has just recently been completed by the Department of Homeland Security's Office of Counternarcotics Enforcement. This was done in collaboration with ICE. The study was done in conjunction with DEA and also with the government of Mexico, and it was commissioned to examine the movement of illicit proceeds across our border.

I am pleased to report that the study provides a strategic overview of the criminal proceeds supply chain. The study's findings and results will be released in a joint U.S.-Mexico money laundering strategy planning meeting June 2 in Mexico City.

ICE is committed to addressing criminal activity and violence in the border communities that unite our two countries especially Ciudad Juárez and El Paso.

Since March, ICE suspended the removal of all Mexican nationals with criminal records to Ciudad Juárez. Our strategy is to reduce the number of individuals susceptible to recruitment or exploitation by cartels.

ICE's El Paso BEST is working collaboratively with Mexico's intelligence unit called Unitos to address four primary threats in the El Paso-Juárez corridor. Drug smuggling, weapons violations, money laundering, human smuggling, and trafficking.

In addition, we are leading DHS's unity of effort in El Paso to set up the conditions for increased security, stability, rule of law, and the freedom of movement. To this end, we are working intimately with CBP, our Federal, State, and local partners to both secure the El Paso area and support the government of Mexico's efforts to curb violence in Ciudad Juárez.

The Mérida Initiative institutionalizes our partnership with Mexico and provides the framework to disrupt organized criminal groups, to strengthen institutions, create a 21st Century border, and build strong and resilient communities. Our success hinges on this important partnership with Mexico.

In support of Mérida and coordination with the Department of State, ICE is expanding its training and technical assistance programs in Mexico. We designed a 10-week criminal investigator course for a team of Mexican customs special agents that will be graduated in the summer 2010. Upon conclusion, this team will work closely with ICE and CBP on cooperative operations.

In the November 2009, ICE special agents provided an unprecedented, undercover operations training course to 42 Mexican federal police officers from the agency known as SSP. We are providing training on criminal investigative methods to over 4,000 SSP officers and recruits at their new academy in Mexico. Recently, we provided a 2-week intensive child exploitation training course to 50 Mexican officials.

We remain committed to strengthening the professional investigative capacity of Mexican law enforcement entities. Enhancing public safety along the southwest border remains an enormous prior for the Department of Homeland Security and ICE.

As the Mérida Initiative heads into a new era, ICE will remain a strong partner for the U.S. interagency and for the government of Mexico and our counterparts.

Thank you for your continued support to ICE and to the Department of Homeland Security. I would be pleased to answer any questions that you may have. Thank you.

[The statement of Mr. Peña follows:]

PREPARED STATEMENT OF ALONZO PEÑA

MAY 27, 2010

INTRODUCTION

Chairmen Cuellar and Engel, Ranking Members Miller and Mack, and distinguished Members of the subcommittees: I would like to thank you for the opportunity to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in the Nation's coordinated international response to southwest border violence. ICE conducts intelligence-driven investigations through collaboration with our Federal, State, local, and foreign partners. These multi-agency investigations are enabled by robust, cross-border coordination and information sharing with Mexico. ICE has the largest force of investigators in the Department of Homeland Security (DHS), and we protect our borders—north and south—by investigating groups who exploit weaknesses in our legitimate trade, travel, and financial systems. With more than 6,500 special agents worldwide, ICE works to detect, disrupt, and dismantle cross-border criminal networks engaged in the smuggling of people, narcotics, bulk cash, and weapons across our borders.

As Secretary Napolitano has testified before, the criminal activities and violence of the drug trafficking organizations in Mexico is not only an international threat; it is a homeland security issue in which all Americans have a stake. ICE is focused on countering the illicit activities that occur related to our shared border with Mexico. Assistant Secretary Morton and I remain firmly committed to ensuring that our borders are secure and curbing the bilateral flow of contraband including, guns, money and drugs.

Before accepting the position as ICE's Deputy Assistant Secretary for Operations, I served as the DHS Attaché at the U.S. Embassy in Mexico City. In that position, I was the Department's senior representative and liaison to the government of Mexico. It was my responsibility to foster greater law enforcement cooperation with Mexico and other partners in the region. Before that, I was the Special Agent-in-Charge (SAC) of the ICE Office of Investigations in Phoenix, Arizona, where I oversaw all ICE investigative activities in one of the Nation's busiest smuggling corridors. Immediately prior to my position in Phoenix, I served as the SAC of the ICE Office of Investigations in San Antonio. Based on my previous experiences, I am very familiar with today's subject, and I look forward to discussing it with you.

Before addressing our Mérida activities, I will address our efforts to protect our homeland and secure our southwest border.

Summer Surge Operations

Over a third of ICE's personnel are currently located in offices along the southwest border. At the direction of Secretary Napolitano, ICE will dramatically increase its personnel along the southwest border beginning on June 1 as part of a global strategy to counter cartel operations and enhance border security. These added resources will increase the ability of our border offices to not only respond to CBP interdictive activity, but also to conduct proactive investigations targeting transnational criminal organizations. Specifically, ICE personnel will:

- Deploy to the Border Violence Intelligence Cell (BVIC) and Field Intelligence Groups (FIGs) to collect intelligence against cartel leadership in support of Border Enforcement Security Task Force (BEST) and Special Agent in Charge (SAC) operations.
- Conduct immigration enforcement surge operations aimed at identifying, arresting, detaining, and expeditiously removing violators of U.S. immigration laws along the southwest border.
- Enhance BEST investigations and operations focused on targeting cartel leaderships and their smuggling corridors.
- Temporarily assign ICE personnel to the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center to assist the 11 BESTs (10 along the southwest border and Mexico City) with cartel-related investigations.
- Target the movement of illicit proceeds between the United States and Mexico through ports of entry and by electronic methods (i.e. banks, money service businesses, etc.) through Operation Overload in conjunction with the Government of Mexico; and
- Focus on gang activity and arresting gang members who facilitate criminal activity for the cartels through Operation Community Shield.

Let me take this opportunity to note, however, that ICE investigative activity takes place not only along the physical border, but also throughout the United States and in its 43 Attaché offices worldwide. Because the activities of transnational criminal organizations affect the entire United States, every one of

our offices throughout the country and the world plays a critical part in ICE's mission and contributes every day to securing our homeland. That said, I would like to specifically address our activities along the southwest border.

Dismantling Cross-Border Criminal Networks Through BESTs Along the Southwest Border

ICE continues to expand the BEST program, which currently operates in ten locations in the United States along the southwest border. Depending on the unique law enforcement needs within ICE's various areas of responsibility, BESTs often include members from other Federal agencies such as CBP, DEA, ATF, the FBI, as well as State and local law enforcement agencies. A number of BEST locations also include foreign law enforcement, including Mexican officers.

Last August, Secretary Napolitano announced the formation of the first-ever Mexico-based BEST. When fully operational, the Mexico City BEST will be a bilateral, multi-agency taskforce that enhances the sharing of information and expertise between ICE and the government of Mexico's investigations.

From November 19, 2009, through March 12, 2010, ICE BESTs seized 3,514 pounds of cocaine, 17,689 pounds of marijuana, 176 pounds of methamphetamine, 23 pounds of crystal methamphetamine, and 254 pounds of ecstasy. Over the same period, ICE BESTs seized 296 weapons, 125 vehicles, and $965,000 in United States currency and monetary instruments.

Our efforts to dismantle cross-border criminal organizations are producing results. For instance, in the area of weapons smuggling, in April 2009, the El Paso BEST, in collaboration with the El Paso Police Department and ATF, arrested two individuals identified as working for a drug trafficking organization in Mexico. BEST agents conducted an undercover meeting in which two Mexican individuals provided a list of weapons and a good faith deposit of $148,000 for the firearms. The purchase wish-list included 20 revolvers, 75 semi-automatic handguns, 320 rifles, 300 machine guns, 52 grenade launchers, and several thousand rounds of ammunition. The individuals agreed to pay $1.9 million in United States currency for the weapons. A total of four people were indicted in the investigation. Three have been sentenced; the fourth is a fugitive believed to be hiding in Mexico.

Intelligence Support to ICE Investigations Along the Southwest Border

A robust intelligence and information-sharing mechanism is critical to dismantling transnational criminal organizations operating along the southwest border. ICE draws on its intelligence programs, such as the BVIC and its FIGs, to execute its law enforcement operations successfully. Over the past year, ICE deployed additional intelligence analysts and officers to our offices along the southwest border, Mexico, and to the El Paso Intelligence Center (EPIC). These key personnel support ICE investigations with their subject matter expertise on transnational criminal organizations engaging in money laundering, narcotics trafficking, human trafficking, alien smuggling, and counter-proliferation.

ICE's BVIC has served as a centralized mechanism to support operations conducted through the BEST teams and with the government of Mexico. ICE co-located the BVIC at EPIC to enhance information sharing between our law enforcement partners. ICE's partnership with ATF's EPIC Gun Desk, for example, has helped coordinate firearms tracing efforts and identified smuggling routes between the United States into Mexico.

With the recent upsurge in violence in Juárez, the BVIC is actively developing actionable intelligence on drug cartels and their associates, and is working with our interagency partners. For example, on March 31, BVIC research worked in concert with the EPIC Airwatch Command to positively identify a known drug trafficker who was seeking to purchase a plane for ostensibly illicit purposes. The information resulted in the seizure of a small aircraft valued at $1.1 million.

ICE's FIGs also play a critical role in building actionable intelligence against the DTOs. FIG El Paso, for example, supports DRO, BEST El Paso, and BEST Las Cruces. Following the murders of the persons associated with the United States Consulate in Ciudad Juárez, FIG El Paso was instrumental in identifying Barrio Azteca (BA) gang members who crossed into the United States following the murders. Additionally, Intelligence Officers assigned to support Operation Knockdown were responsible for arresting a high-level BA member based on actionable intelligence.

In furtherance of information sharing to support ICE's law enforcement initiatives, ICE created a Weapons Virtual Task Force (WVTF). This cyberspace task force, comprised of ICE and Government of Mexico personnel, will post investigative information through a Homeland Security Information Network (HSIN) portal. This initiative intends to use the HSIN WVTF portal as the primary mechanism for shar-

ing firearms-related investigative information and intelligence that will lead to ready identification and the routine disruption of illicit trans-border activities that support weapons smuggling between the United States and Mexico.

ICE is committed to partnership in this critical area. To facilitate bilateral sharing of law enforcement information, ICE is supporting the Department's efforts to develop a stand-alone web-based tool, Law Enforcement Information Sharing Service International (LSI). This tool will allow task force personnel to better understand patterns and trends in international organized crime and promote early detection of organized crime threats. In addition, LSI will provide better identification of partner countries impacted by U.S.-based criminal organizations, resulting in earlier collaboration and better investigations.

Targeting Transnational Criminal Organizations and Pursuing Money Laundering and Bulk Cash Smuggling Investigations

Transnational criminals attempt to exploit lawful movement and transportation systems to create alternative, illicit pathways through which people and narcotics, illicit proceeds, and weaponry can cross the border. As DHS's largest investigative agency, ICE plays a critical role in the layered approach to border security. Our anti-smuggling operations, including Operation Armas Cruzadas and Operation Firewall, are critical to the identification, disruption, and dismantling of transnational gangs.

On August 11, 2009, ICE officially launched the Bulk Cash Smuggling Center (BCSC), which is co-located at the Law Enforcement Support Center (LESC) in Williston, Vermont. The BCSC is a 24/7 investigative support and operations facility providing real-time tactical assistance to the field. Since its inception, the BCSC has initiated 167 bulk cash smuggling investigations, which have resulted in over 35 additional arrests and over 70 additional seizures.

The final point on ICE's efforts in developing intelligence-driven investigations must include a mention of a key study launched in October 2009 by the DHS Office of Counternarcotics Enforcement in collaboration with ICE. The study was done in conjunction with the government of Mexico and received significant contributions from the DEA. This study was commissioned to examine the movement of illicit proceeds between the United States and Mexico. I am pleased to report that the study was just recently completed and it provides a critical strategic overview of the criminal proceeds "supply chain." It identifies key nodes and vulnerabilities that we can use to disrupt bulk cash smuggling and money laundering. This first-ever bilateral study will assist United States law enforcement in developing strategic approaches to dismantling the financial infrastructure of transnational criminal organizations. The study's factual findings and results will be released at a joint United States/Mexico Money Laundering Strategy Planning meeting on June 2.

Operation Armas Cruzadas

Operation Armas Cruzadas is a comprehensive, collaborative, intelligence-driven, systematic effort in partnership with the government of Mexico to identify, disrupt, and dismantle the criminal networks that illicitly transport arms across the border. From March 25, 2009, through March 12, 2010, Armas Cruzadas yielded the seizure of 125 firearms, 13,386 rounds of ammunition, and several criminal arrests. Since its creation, the Operation has resulted in the seizure of 3,877 weapons, 396,414 rounds of ammunition, and nearly $10.5 million in U.S. currency and monetary instruments, as well as in the criminal arrests of 749 individuals. This bilateral law enforcement and intelligence-sharing operation between United States and Mexican law enforcement agencies has helped to curtail drug cartels and criminal organizations that seek to acquire powerful and dangerous firearms that perpetuate the violence in Mexico along the southwest border.

Operation Firewall

ICE's Operation Firewall disrupts the movement and smuggling of bulk cash en route to the border, at the border, and internationally. Through partnerships and collaboration with Federal, State, and local law enforcement officers, and international law enforcement partners such as Mexico, ICE targets the lifeblood of these criminal organizations. During fiscal year 2009, Operation Firewall efforts in Mexico resulted in nine seizures totaling over $18 million and the arrest of five individuals by Mexican authorities. Thus far in calendar year 2010, Operation Firewall efforts at the Mexico City International Airport have resulted in five seizures totaling $3.1 million. ICE Attaché Mexico City is receiving robust support from the government of Mexico in conducting Operation Firewall. Since its inception in 2005, Operation Firewall has resulted in 3,946 seizures totaling more than $302 million and the arrests of 679 individuals. These efforts include 205 international seizures of more than $112 million and 140 international arrests.

In September 2009, ICE agents and our international partners made the largest bulk cash container seizure in Colombian and U.S. history. More than $41 million in U.S. currency secreted in shipping containers found in ports in Mexico and Colombia was seized as a result of this ICE-led investigation. Bilateral cooperation with our foreign law enforcement partners has significantly furthered ICE's mission to disrupt the criminal organizations that are smuggling narcotics into the United States, and smuggling bulk cash shipments out.

Investigations informed by operational intelligence continue to produce successful criminal prosecutions. For example, in March, a vehicle stop was initiated by St. Louis County, Missouri law enforcement based on surveillance of a vehicle that was suspected of transporting illicit currency. The BCSC was contacted to provide real-time tactical intelligence to support the interdiction officers on scene. Ultimately, the information developed assisted officers in the seizure of $283,080.00 and the indictment of four suspects with ties to Mexico. ICE's BCSC is able to quickly cross-check information received on bulk cash seizures against its various systems that provide access to financial violations, border encounters, immigration status, and other criminal intelligence information. Information regarding bulk cash seizures is now shared between ICE's BCSC and the National Seizure System (NSS) at EPIC.

Transnational Gangs

Transnational gangs perpetrate numerous violations within ICE's purview, including human smuggling and trafficking, narcotics smuggling and distribution, identity theft and benefit fraud, money laundering, weapons smuggling and arms trafficking, cyber crimes, kidnapping, extortion, and export violations. These gangs often conspire with other dangerous criminal organizations, which allow them to mature from small autonomous criminal groups into larger, international criminal enterprises.

The key to ICE's success against gangs is our ability to use a multifaceted approach to attacking violent crime by applying appropriate investigative strategies and law enforcement authority. For example, in November 2009, under ICE's Operation Community Shield Program, ICE agents initiated "Project Big Freeze" to combat street gangs, prison gangs, and outlaw motorcycle gangs in the United States specifically conducting business on behalf of DTOs, including those that operate along the southwest border.

The impetus for Project Big Freeze was the National Drug Threat Assessment report by the Justice Department's National Drug Intelligence Center (NDIC). This 2009 report identified gangs as a significant threat to the United States. The report classified 28 gangs as exceedingly dangerous due to their involvement with cross-border criminal activity linked to Mexican and Asian DTOs.

Project Big Freeze involved more than 115 law enforcement agencies at the Federal, State, and local levels, and resulted in the arrest of 517 gang members and associates from 88 gangs across 83 cities throughout the United States. Forty-one of the arrested individuals were present illegally in the United States and 240 were from 15 gangs affiliated with Mexican DTOs. As part of this initiative, agents seized 725 pounds of marijuana, 7 kilograms of cocaine, 142 grams of heroin, 87 grams of crack cocaine, 29 grams of methamphetamine, 47 firearms, and more than $100,000.

Finally, dismantling criminal organizations also requires robust criminal prosecution. To assist United States Attorneys with increased caseloads resulting from ICE's increased enforcement, we are loaning ICE attorneys to serve 2-year terms as Special Assistant United States Attorneys (SAUSAs). Currently, ICE has six SAUSAs stationed along the southwest border. ICE has developed an agreement with the Department of Justice to increase this number in the coming months.

ICE's Efforts in Ciudad Juárez

ICE recognizes the severity of the violence and illicit activity in Ciudad Juárez. We intend to use, to the greatest extent possible, all of our available resources to address this problem strategically, following the lead of the Mexican Government. Since March 3, 2010, ICE has suspended until further notice the removal of Mexican nationals with criminal records to Ciudad Juárez. Temporary cessation of the removal of criminal aliens to Ciudad Juárez can reduce the number of individuals susceptible to recruitment or exploitation by cartels and criminal gangs upon repatriation to Mexico. The El Paso BEST is working collaboratively with Mexico's Tactical-Operative Intelligence Unit (UNITO) Juárez taskforce, and will address the following four primary threats in the El Paso-Juárez corridor: (1) Narcotics smuggling; (2) weapons violations; (3) money laundering; and (4) human smuggling/trafficking.

ICE is leading the DHS Unity of Effort in El Paso. To this end, ICE is working intimately with CBP and our State and local partners to design a comprehensive enforcement strategy to both secure the El Paso area and support the Government of Mexico's efforts to stop the violence in Ciudad Juárez.

I would like to share an example of the real results ICE and its law enforcement partners are achieving in El Paso. ICE agents in El Paso participated in "Operation Knockdown," a coordinated effort by DEA, FBI, and El Paso law enforcement agencies targeting BA gang members from March 18–21, 2010. BA gang members are allegedly responsible for the murders of three individuals associated with the United States Consulate in Ciudad Juárez on March 13, 2010. BA gang members are also involved in smuggling drugs from Mexico into the United States for distribution throughout the country, and are suspected of committing assassinations for the Juárez Cartel. ICE agents have made a total of 23 criminal arrests of United States citizens and Mexican nationals for violations of Federal and State law.

Initiatives with the Government of Mexico

Now I'd like to turn to ICE's work related to the Mérida Initiative. The Mérida Initiative institutionalizes our partnership with Mexico and provides the framework to: Disrupt organized criminal groups; strengthen institutions; create a 21st Century border; and build strong and resilient communities. Our success in battling the violence on the southwest border hinges on this partnership, both at home and abroad. I want to stress that our working relationship with fellow law enforcement and civilian agencies in Mexico is extremely positive and well-coordinated. We have forged productive working relationships, and President Calderón's commitment to defeat drug cartels provides strong leadership for the government of Mexico and the Mexican public. In coordination with the Department of State, ICE is expanding its law enforcement training and outreach programs in Mexico and strengthening its efforts to curb illicit activity at or related to the border.

In April 2010, ICE expanded the Illegal Drug Program (IDP) to El Paso, Texas. The program began last fall as a pilot program in Nogales, Arizona, with protocols between the Mexican Office of the Attorney General (PGR), ICE, and CBP. The IDP enables PGR to prosecute cross-border drug smugglers when the United States Attorney's Office determines that Mexico is a more suitable jurisdiction for prosecution, often due to evidentiary issues. The program became operational on October 24, 2009, and has already produced results in Nogales, Arizona. Since its inception, 24 defendants were arrested as a result of 17 separate seizures, with a total combined weight of 887.71 pounds of marijuana, 52.31 pounds of cocaine, and 6.11 pounds of heroin. The 24 defendants were referred for prosecution in Mexico. On March 11, 2010, the PGR notified ICE that the first two completed cases had resulted in a 10-year prison sentence for each defendant. This partnership has enabled us to increase enforcement against individuals directly involved with drug trafficking organizations (DTOs) operating in the area.

In August 2007, the Mexican Tax Administration Service (SAT), Mexican Customs, CBP, and ICE signed a Bilateral Strategic Plan to fight cross-border crime. This plan strengthened our collaboration by expanding institutional cooperation mechanisms. Secretary Napolitano recently signed a Declaration of Principles with the Mexican Minister of Finance, and DHS, ICE, CBP, SAT, and Mexican Customs signed an updated version of the corresponding Bilateral Strategic Plan, which identifies several priority initiatives. Under the December 2009 plan, ICE will begin next month an unprecedented investigative training course for Mexican Customs-enforcement personnel, modeled after the ICE Special Agent training, which is scheduled to be completed in June 2010. Funded by the Mérida Initiative, this comprehensive curriculum will prepare Mexican Customs officials to assume expanded investigative responsibilities and graduates will better understand United States and Mexican customs laws and law enforcement best practices. Increased investigative capabilities will support the prosecution of criminal customs violations in Mexico and will improve bilateral information sharing and investigative efforts. These new capacities will help the government of Mexico to stem the abuse of the international shipping systems that enables organized crime to bring contraband into the United States.

ICE participates in a bilateral arms working group, Grupo de Coordinacion-Armas, with United States Embassy law enforcement partners and the Government of Mexico. This working group focuses on efforts to combat arms trafficking/smuggling. Every 2 weeks, the ICE Attaché office in Mexico City obtains seizure summaries, including names of suspects and lists of arms and munitions seized, and provides that information to analysts.

ICE is also sharing critical information with Mexican authorities to assist them in their fight against the DTOs. On March 23, 2010, Secretary Napolitano signed an unprecedented arrangement with Governance Secretary Gomez-Mont and Secretary of Public Safety General Garcia Luna in Mexico that memorializes DHS's effort to share criminal history information electronically with Mexican law enforcement about Mexican nationals who are being repatriated from the United States

and who have been convicted of certain felonies in the United States. Our technical team is working with the Ministry of Public Safety (Secretaría de Seguridad Pública) (SSP) to finalize the technological requirements to enable live electronic exchange of this information.

As previously mentioned, ICE is in the process of building its Mexico City BEST unit, which is being supported by Mérida funding and will be a bilateral task force. This elite unit will support Mexican Government investigations into a wide variety of criminal activity in Mexico and support on-going U.S.-based investigations.

Finally, ICE is enabling Mexican law enforcement officials to perform their duties more effectively by providing training and technical assistance. For instance, among other programs, we have provided training on arms trafficking, cyber crimes, basic criminal investigative methods, special investigative techniques to SSP officers, as well as global trafficking in persons, child sex exploitation, and information-sharing platform training. We have also planned trainings in ethics and gang investigations. We remain committed to our cross-training efforts to build the investigative capacity of Mexican law enforcement entities.

All of these programs and initiatives are examples of our growing collaboration with the government of Mexico. The challenge of fighting transnational crime is enormous, and one that we share. Our Mexican colleagues have brought incredible creativity and dedication to these efforts. We are optimistic that we are heading in the right direction by working together and finding new and inventive ways to combat transnational threats.

CONCLUSION

Enhancing public safety along the southwest border remains an enormous priority for the Department and ICE. We have taken important steps to improve security along the border by instituting several initiatives and pursuing strong partnership with other Federal agencies, State, and local law enforcement, and the government of Mexico. We are beginning to see real results from our efforts, and we will continue to prioritize this important mission. I assure you that ICE takes this issue very seriously. We will continue to utilize our broad jurisdiction and ability to forge strategic partnerships with our fellow law enforcement agencies, both here and abroad. As the Mérida Initiative heads into a new era, ICE will remain a strong partner for the U.S. interagency and our government of Mexico counterparts.

Thank you for your continued support of ICE and our homeland security mission. Your support is vital to the work of ICE. Moreover, your continued interest and oversight of our actions is important to the men and women at ICE, who work each day to ensure the safety and security of the United States.

I would be pleased to answer any questions you may have.

Discovery of Zeta Training Camp near Higueras, Nuevo Leon

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Mr. CUELLAR. Thank you for your testimony, Mr. Peña.

I now recognize Mr. Gina to summarize his statement for 5 minutes.

STATEMENT OF ALLEN GINA, ACTING ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE AND OPERATIONS COORDINATION, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. GINA. Mr. Chairman, Ranking Members, and Members of the subcommittees, it is a privilege and honor to appear before you today to discuss the work of U.S. Customs and Border Protection and particularly the tremendous efforts of our men and women in the field.

My testimony today focuses on CBP's efforts to increase overall border security as well as identify CBP's partnerships and cooperative efforts with the government of Mexico. Of particular note is the support CBP receives from the Department of State and our very close working relationship with Immigration and Customs Enforcement. Our work is transnational, and we look to leverage our combined strengths to combat violence along the southwest border.

CBP has a workforce of over 58,000 employees and, during the first 6 months of fiscal year 2010, we seized nearly 1.8 million pounds of drugs. This is in addition to the 3.7 million pounds seized during fiscal year 2009.

The first half of fiscal year 2010, we also encountered 113,000 inadmissible aliens at our ports of entry and apprehended 245,000 illegal aliens between our ports of entry.

CBP has seen the overall apprehensions of illegal aliens between the ports of entry decrease from over the past decade from a high point of over 1.6 million apprehensions in fiscal year 2000 to

556,000 in fiscal year 2009. This decrease demonstrates the effectiveness of our layered approach to security which is comprised of a balance of tactical infrastructure, technology, and personnel.

While it is becoming substantially harder over the past 10 years to cross the southwest border, we do recognize that a lot of work still needs to be done. In addition to the drugs seized and the inadmissible and illegal aliens encountered and apprehended, CBP also increased its use of pulse-and-surge strategies for outbound operations on the southwest border.

Current statistics show a relative success in the effectiveness of interdicting outbound currency since the start of those focused outbound activities. In comparison, 10.1 million in outbound currency was seized in fiscal year 2008 and 37.1 million in fiscal year 2009.

While we have worked to increase our border security efforts at home, a vital key to our overall success will be for CBP to continue enhancing and building upon our partnerships with Mexico. As part of the Mérida Initiative, CBP currently provides canine training to Mexican customs officials and provides nonintrusive inspection and examination training to personnel of Mexico's public safety office.

Additionally, we perform numerous other capacity-building related activities in support of our counterparts in Mexico to include, in part, support with the newly established Mexican Customs Academy, helping Mexico develop aviation risk management protocols, support of the Mexican federal police and developing capabilities between the Mexican ports of entry, joint outbound-inbound enforcement operations with our Mexican counterparts as well as other related activities.

In order to streamline cooperation and allow for greater interoperability locally, CBP offices are also providing the local Mexican customs offices with border interdiction and inspection training.

As we have enhanced our collaboration with our neighbors to the south, CBP continues to build upon our partnerships in the United States. Working with Federal, Tribal, State, and local law enforcement and ICE, which is our investigative arm, and public safety organizations, we employ a collaborative enforcement approach against criminal organizations, capitalizing on the capabilities and resources of strategic partnerships.

Chairman and Members of the committee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection and, particularly, about our collaborative efforts with the governments of Mexico to increase security along the southwest border.

CBP is committed to securing our Nation's borders and safeguarding our way of life. The border is a dynamic environment, and we strive to meet the demands of today as well as the challenges of tomorrow.

I will be glad to answer any questions you have, and thank you.

[The statement of Mr. Gina follows:]

PREPARED STATEMENT OF ALLEN GINA

MAY 27, 2010

Chairmen Cuellar and Engel, Ranking Members Miller and Mack, and Members of the subcommittees, 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.

My testimony today focuses on CBP's efforts to increase overall border security as well as CBP's partnerships and cooperative efforts with the government of Mexico. These efforts are key components of the National Southwest Border Counternarcotics Strategy in which CBP plays a crucial role. With greater resources than ever before along the southwest border and historic partnerships with Mexico, I am confident that these efforts have yielded concrete results. That said, we will continue to build upon our capabilities to further improve the security of our borders. Key to our success is our ability to leverage partnerships with Federal, State, local, and Tribal governments in the United States, as well as with our Mexican counterparts. Our work is transnational, and we look to leverage our combined strengths to combat violence along the southwest border.

CBP has a workforce of over 58,000 employees and is the largest uniformed Federal law enforcement agency in the country. During the first 6 months of fiscal year 2010, CBP seized nearly half a million pounds of drugs and encountered more than 113,000 inadmissible aliens at our ports of entry. We also seized over 1.3 million pounds of drugs, made 245,000 apprehensions, and seized more than $8 million in currency between our ports of entry. Compared to previous years, CBP has seen the overall apprehensions of illegal aliens decrease from our highest point of over 1 million apprehensions in fiscal year 2000. These numbers demonstrate the effectiveness of our layered approach to security, comprised of a balance of tactical infrastructure, technology, and personnel at our borders.

Some Mexican cities along the border continue to experience high levels of drug-related violence. Despite isolated instances of violence, we have not seen violence on the U.S. side of the border on the same scale as the violence that our Mexican counterparts are battling every day. Today, Ciudad Juárez is considered the most dangerous city in the Western Hemisphere while, El Paso, right across the border, is considered one of the safest cities in the United States. Still, violence on the U.S. side of the border remains a threat. Our personnel—among the most highly trained and best equipped in the United States—are poised to meet it.

BORDER SECURITY BETWEEN THE PORTS OF ENTRY

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

Over the past year, we have significantly strengthened each of the three major elements of our border security approach. Currently we have over 20,000 Border Patrol Agents on-board Nation-wide, more than ever before in the history of the Border Patrol. As of May 14, 2010, we had approximately 646 miles of fencing constructed along the southwest border. We have purchased and deployed 41 mobile surveillance systems (MSSs) to provide added radar and camera coverage along the borders, with plans to purchase additional off-the-shelf technology in fiscal year 2010 and fiscal year 2011. The work performed by CBP's Office of Air and Marine (OAM) augments these systems, providing 284 aircraft and 253 marine vessels located at 79 operating branches, units, and support sites across the Nation. CBP additionally uses six Unmanned Aerial Systems (UASs) and associated ground control stations as a more sustained surveillance platform. CBP has been working extensively with the Federal Aviation Administration on expanding UAS flights into airspace along the Texas/Mexico border, and recently obtained approval for UAS flights in West Texas effective June 1, 2010.

CBP's Border Patrol International Liaison Units continue to play an integral part in the Border Violence Protocols established between the United States and Mexico to improve communication and ensure timely deployment of resources on both sides of the southwest border and maintain positive working relationships with their Mexican counterparts. These alliances increase border security and ensure expedited response times to critical border incidents through coordinated efforts with Mexican authorities, as well as Federal, State, and local law enforcement agencies.

BORDER SECURITY AT THE PORTS OF ENTRY

The fiscal year 2010 President's budget requested additional CBP Officers, Border Patrol agents, and support for the expansion of CBP's License Plate Reader pro-

gram, which assists in combating southbound firearms and currency smuggling. Congress provided those funds, and additionally provided funds for Non-Intrusive Inspection equipment, as well as additional Border Patrol agents and CBP Officers particularly to staff outbound operations. CBP remains committed to continuing southbound border enforcement efforts to combat the smuggling of firearms and currency to Mexico.

In March 2009, CBP created the Outbound Programs Division within its Office of Field Operations. This division creates plans to stem the outbound flow of firearms, currency, stolen vehicles, and fugitives from the United States. CBP also increased its use of "pulse and surge" strategies for outbound operations on the southwest border. Current statistics show an increase in the effectiveness of interdicting outbound currency since the start of increased, focused outbound operations: $11.1 million in currency was seized in fiscal year 2007, $10.1 million in fiscal year 2008, and $37.1 million in fiscal year 2009. In fiscal year 2011, we will continue to strengthen the use of these operations along the southwest border and to build on the current cooperative efforts with Federal, State, local, and Tribal law enforcement agencies.

INCREASED PARTNERSHIPS WITH MEXICO

While we have worked to increase our border security efforts at home, we are continuing to enhance and build upon our robust partnerships with our neighbors in the Western Hemisphere. A key component of these efforts is the Mérida Initiative, a multi-year assistance plan to help Mexico, Central America, the Dominican Republic and Haiti combat the threats of drug trafficking, transnational crime, and money laundering. In fiscal year 2009, CBP established an inter-office Mérida Committee to coordinate with other Federal law enforcement components, the rest of the Department of Homeland Security (DHS), the Department of State, and the Department of Justice on implementation actions.

CBP has also led several training efforts with various Mexican government entities. One effort involves currency, narcotics, and firearms detection training of Mexican Customs Canine Detection Units at the Canine Center in El Paso, Texas. We began this training in January 2010 and will conclude it in August 2010. Through this effort, CBP will train 44 canine detection teams, including six canine trainers. In addition, officers of the Mexico Secretariat of Public Safety (SSP) stationed in Nogales, Mexico, have been trained by CBP in urban close quarters combat, first aid, all-terrain vehicle operation, and hidden compartments detection. This training will enhance the capabilities of Mexican authorities in performing their missions.

In addition, CBP officers are providing advanced non-intrusive inspection training for SSP officers on backscatter X-ray vans in Mexico City. This training began on April 19, 2010 and ended on May 21, 2010, and occurred in a series of five week-long classes with 10 SSP officers attending each class. In order to streamline operations and allow for greater local interoperability, CBP officers are training local Mexican Customs officers on basic inspection and interdiction techniques, known as Basic Border Interdiction Training. The training is conducted by CBP officers stationed at a U.S. Port of Entry, for classes of 8 to 10 Mexican Customs officers from the corresponding Mexican port of entry (e.g., Nuevo Laredo for Laredo training). There are nine training sessions planned between April and August 2010, three of which have been completed to date.

In addition to our engagements here in the United States, CBP has an attaché office located at the U.S. Embassy in Mexico City. This office oversees CBP operations in Mexico, including border operational support at and between the ports of entry, bilateral coordination to secure our shared border, as well as training for Mexican government agencies. Additionally, the attaché's office is the CBP Commissioner's representative in Mexico and provides CBP subject matter expertise to the ambassador and interagency groups within the U.S. embassy in Mexico City in support of the U.S. Government's trade, travel, and security agendas. Interagency cooperation at the embassy level is essential to ensure that the right structures and mechanisms are in place to oversee the implementation of Mérida programs.

In order to increase information-sharing, CBP's Office of Intelligence and Operations Coordination (OIOC) has placed an intelligence analyst in Mexico City at an SSP facility for a mutual 30-day utility assessment. This initial deployment has increased integration between U.S. and Mexican intelligence efforts. CBP and SSP will evaluate their long-term requirements to assess whether the post should be extended or become permanent.

CBP continues to work with the Mexican government in the development of increased ground-based law enforcement surveillance and interdiction capabilities, including the detection of U.S./Mexican border air intrusions. The primary means of

detecting air intrusions is a large radar network, monitored at CBP's Air and Marine Operations Center (AMOC) in Riverside, California. Personnel at the AMOC detect northbound aircraft that land just south of the U.S./Mexico border or continue into U.S. airspace, and coordinate appropriate CBP and or Mexican ground-based interdiction forces to bring these situations to a law enforcement resolution. This coordination has been particularly effective with the emerging threat faced by the use of ultra-light aircraft by drug smuggling organizations. Neither country's ultra-light aircraft detection capability is perfect, but with added cooperation we are more effective in the performance of our collaborative mission to detect and combat these operations.

Another coordinated effort is the Operation Against Smugglers Initiative on Safety and Security (OASISS), a bi-national initiative designed to increase the ability of the U.S. and Mexican governments to prosecute alien smugglers and human traffickers on both sides of the border. Conducted in cooperation with Mexico's Attorney General's Office (PGR), through OASISS, select alien smuggling cases that are declined by United States Attorney's Offices are subsequently turned over to the Government of Mexico for prosecution under Mexico's judicial system. Since its inception on August 17, 2005, the OASISS program has generated 2,031 cases and led to the prosecution of 2,290 principal defendants in Mexico.

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

INCREASED PARTNERSHIPS IN THE UNITED STATES

As we have enhanced our collaboration with our neighbors to the south, CBP also has continued to build upon our partnerships within the United States. Initiated in September 2009, the Operation Alliance to Combat Transnational Threats (ACTT) is a multi-agency operation in the Sonora-Arizona Corridor involving over 50 Federal, Tribal, State, and local law enforcement and public safety organizations. ACTT employs a collaborative enforcement approach against criminal organizations, capitalizing on the capabilities and resources of our strategic partners. The intent is to deny, degrade, disrupt, and ultimately dismantle criminal organizations and their ability to operate; engage communities to reduce their tolerance of illegal activity; and establish a secure and safe border environment, which will ultimately improve the quality of life of affected communities. While ACTT's initial focus is on Arizona, as it continues to evolve, focused operations will transition to other operational corridors.

CBP continues to work with its partners in the Drug Enforcement Administration (DEA) and the High Intensity Drug Trafficking Area centers to expand the ability of the United States Government to exploit information from Federal law enforcement agencies to target and disrupt drug traffickers and drug trafficking organizations. These operations utilize established locations to gather information regarding travel patterns to provide actionable intelligence on drug trafficking and smuggling activity with a nexus to the border. To further these operations, CBP has established positions at the El Paso Intelligence Center (EPIC), the Organized Crime Drug Enforcement Task Force Fusion Center, and the DEA Special Operations Division.

These partnerships enhance interaction with the intelligence community and law enforcement agencies to more effectively facilitate the collection, analysis, and dissemination of actionable drug-related intelligence in support of drug trafficking and money laundering investigations throughout the southwest border, Mexico, and the United States. CBP remains a partner with U.S. Immigration and Customs Enforcement in the Border Enforcement Security Task Forces to prevent the illegal flow of drugs, weapons, and currency across the southwest border, including the interdiction of outbound shipments of firearms and bulk currency.

CONCLUSION

Chairmen and Members of the subcommittees, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection, and particularly about our collaborative efforts with the government of Mexico to increase security along the southwest border. CBP is committed to securing our Nation's borders and safeguarding our way of life. The border is a dynamic environment and we strive to meet the demands of today, as well as the challenges of tomorrow.

I will be glad to answer any questions you may have.

Mr. CUELLAR. Thank you very much for your testimony.

I will remind each Member that he or she will have 5 minutes to question the witnesses. I now recognize myself for questions.

Ms. Jacobson, a Mérida question, and then I will talk about some border issues.

I believe, in 2010, there was about—up to the start of 2010, there was about $130 million of the $800 million that have been appropriated or sent over to Mexico in the Mérida. What is that number now, No. 1? How is the delivery being expedited? What is the plan for moving forward now to expedite the work?

I know you and I have talked a lot about this, but I just want to see what is—you know, have we improved that number? What is the plan to expedite this?

Ms. JACOBSON. Thank you, Mr. Chairman.

I think we have improved our processes. The beginning of the Mérida Initiative, up until, I think, you know, the last year or so really took us a long time to get started. We have to remember that we went from a program where the U.S. Government in Mexico had about $40 million a year on average dedicated to counter-narcotics and counter-criminal organizations to an immediate leap of $400 million in the first year and then beyond, obviously.

We had a lot of processes and systems to set up not only within the U.S. Government but, frankly, with the Mexican government which has never been a large-scale recipient of U.S. aid. So working together, we set up a number of structures that I think are now in place that really do speed the assistance greatly.

We have increased our personnel in Mexico to implement the aid, both to make sure the contracts are let and things are delivered and work with their Mexican counterparts by 275 percent. We have 55 people. We used to have about 19.

We have increased the personnel here in Washington to make sure that we are doing things as rapidly as possible, turning around the requests for specific information. We have also set up a bilateral implementation working group in Mexico that meets once a month. We have all of the U.S. agencies represented at our embassy in Mexico. They meet with their counterparts and make sure that funds are flowing, equipment being organized, training set up and scheduled, et cetera.

Our view is that, at this point, in terms of funds that are actively implementing programs, we are well over $400 million. That is, there are things either purchased and awaiting delivery. There may be courses that are already scheduled but haven't taken place. In some cases, they are equipment that is delivered but haven't had bills certified yet.

But we believe that we are making much greater progress in moving the equipment. As I said, I think one of the very biggest pieces of this in terms of the funding that we are moving ahead more rapidly on is aviation.

We will be able to move ahead on aviation, especially rotary wing helicopter aviation much more quickly than had originally been planned under normal procurement pipelines with DOD and others.

So we feel like this year, that is fiscal year 2010, we are going to see a dramatic acceleration and that we will be well over $600 million by the end of this calendar year.

Mr. CUELLAR. Okay. Again, thank you for moving that process. I would ask you before the end of the day today if you can provide

the committee a timetable as to where each of the items will be delivered and what date. I know that, at the beginning of the year, you all did that, but I want to see what the expedited is. So just—I know you had it like this month, this will be delivered; this month, this will be delivered until the end of the year and next year.

So if you don't mind, I am sure y'all have that available already. If you can turn that in to our committees?

Ms. JACOBSON. Sure. We would be delighted. At this point, I talked about 5,000 police officials, we have also worked with over 8,000 in the criminal justice and judicial agencies and nongovernmental agencies in terms of training and exchanges on criminal justice issues.

So it is getting to be a very long list of deliveries, which is a good thing.

Mr. CUELLAR. Good. Moving on to border security.

This is a question for Ms. Silver and Mr. Peña and Mr. Gina, whoever wants to answer this.

I know that talking to the Chairman, Mr. Thompson, on this issue, what is the overall strategy of the Federal Government to provide security so you can incorporate the State, Federal, and local as an example? I don't see Mr. McCaul here, but I know we have talked about it.

Like, for example, in Texas, the State there has said that they have a quote, and this is their words, "a secret plan" for securing the border. Now, I have asked Federal what they meant by "secret plan." I mean, I don't think this is time to have secret plan for securing the border. I think this is a time where we ought to coordinate, communicate with the State, local, and Federal.

Is there something that you can provide us, and you can just briefly talk about this? If there is an issue, what is Arizona—you know, for example, what is the role of the Federal Government, what is the role of the State government, what is the role of the local government? In Texas, you know, what is the role? Because I know there is different threads and assessments on that.

Now, I understand there is a task force. I understand all of that. There is joint task forces. I know there is, you know, the BEST. I understand that. But there is not got to be an overall strategy so we know what the Federal Government is going to do, what the State government's role is, what the local government is.

If you can briefly talk about then, and then I would like to see that in writing.

Ms. SILVER. I think multiple of us are going to take a shot at this one.

Overall, as I mentioned, of course, we have a multi-layered security approach, and so that means not only that the components of DHS but also the components of Federal law enforcement in other departments and, also, of course, working very closely with State and local, the Secretary—as a former Governor—is very aware of the importance of working with State and local governments.

Mr. CUELLAR. I am sorry. I don't mean to interrupt. That is the standard language statement about we are working closely together. But if you put a lifetime situation, does—let us say the local sheriff know exactly what his role is going to be or she? Does

the deputy of public safety or State trooper of a particular State know what they are supposed to do?

Who is in charge? Who does the coordination? I just want to see if there a coordination plan. I know the statements—we are all working very closely. We know this, but if something happens, how do we know whose role, what is the defining roles as to what we do? I want to see that in writing.

Ms. JACOBSON. Absolutely. So, first of all, my role as international. I am familiar with what we do on the border. We do have an effort underway, for example, in Arizona which we call the ACT which some of my colleagues can talk about which integrates all those pieces and really brings Federal, State, and local together.

Mr. PEÑA. Congressman, we do, again, under the leadership of Secretary Napolitano have a—it started with Arizona as a focal points with a coordination between CBP, ICE, and other Federal, State, and local law enforcement agencies.

Mr. CUELLAR. Okay. Mr. Peña, let me interrupt you. So starting with Arizona. So does that means there is nothing in New Mexico, California, or Texas?

Mr. PEÑA. No, sir. What we are doing is this is a process that will be expanded across the border. Initially, the initial phase of this operation started in Arizona. We have planning and we are coordinating the expansion of that program across the border.

Mr. CUELLAR. Okay, so starting to expand that program. So that means we haven't gotten to New Mexico, California, and Texas yet?

Mr. PEÑA. We are in the process, again, sir—to answer—the discussions are to expand what we started, the coordinated effort in Arizona. We wanted to make sure that we would get it right, see it work, bring all the partnerships, as you very well explained, State and local, Federal, all the agencies in a coordinated manner and then institute it and ensure that we could have a unified command, a unity of effort working together addressing the problem and, as it would work and bring it across the border, sir.

Mr. CUELLAR. Okay. The reason I am saying that, I am not being critical, but an example. We were at the Washington birthday celebration. We had Alan Bersin there. You were there. We had other folks there. There was a situation that there was fighting across the river—gunfights, and you showed me some pictures where they had those weapons out there.

I was watching what was happening next door. It was like, you know, are we going to close the bridges? Are we not going to do this? The city manager was involved. In other words, it looked like there were different pieces together.

My thing is, is there an overall strategy that not only includes ICE but ATF, DEA, FBI, State, local? I just want to know is there an overall strategy that I can see. I have never seen it, and maybe you do have it, and maybe it is secret like we have it in Texas.

But is that available so we can see?

Mr. PEÑA. I believe there is, sir. Again——

Mr. CUELLAR. I believe. Yes or no?

Mr. PEÑA. Yes, there is.

Mr. CUELLAR. Okay. Can we see that at the end of the day?

Mr. PEÑA. I guess we will make it available.

Mr. CUELLAR. Okay.

Ms. JACOBSON. Mr. Chairman, to that point——

Mr. CUELLAR. Again, I am not trying to be critical, but I just—I just want to make sure we have an overall strategy because I have seen certain things at the border, and it looks like, you know—and the standard language is we are working closely with our State, Federal, local. I have heard that.

But I want to see if there is a—it is like a top-off practice. Is there a top-off—if some happening, this is what the role of the sheriff is, this is the role of the local police, this is role of the DPS, this is the role of the different DEA, ATF, ICE, Border Patrol, Customs, et cetera? I just want to see that because I don't know if I have ever seen that, and I am have interested in that.

Mr. PEÑA. I will say, sir, when you asked the question a few minutes ago, we started in Arizona. We have started a plan in El Paso. We are moving across to the east. We should be in your jurisdiction very soon.

Mr. CUELLAR. Okay. But notice your answer: We started off in Arizona. We are expanding—which means that if you are just starting to expand, that means that there is not an overall coordinated plan for the border because if you are starting to expand, that means that there is not an overall border almost 2,000 miles of border.

It is like the FBI. We are doing 28 miles. What about the rest of the almost 2,000 miles? I don't want to get into FBI. I know we talked about that.

But my time is up——

Ms. JACOBSON. Mr. Chairman, can I make a comment?

Mr. CUELLAR. Yes.

Ms. JACOBSON. Particularly, coming from the State of Arizona where the problems are so bad, I would just like this committee or joint committees—I mean, if we are going to use Arizona as the model to expand on, I believe that Members of Congress really have to be more engaged and involved because our problems down in southern Arizona, even to this day, as we all know, are really out of control.

So I just want to make sure if this is going to be the model and we know, you know, more precisely with the recent homicide of Rob Krentz, the rancher down there, where we are still not working as well as we need to be with our local, our State, and our Federal.

We need to get this right before we use this as a National model, and I am really concerned about what is happening down in southern Arizona.

Mr. CUELLAR. As the Chair said, Mr. Thompson, the local input—what is the local input of the sheriffs and police? What is the local of the State police? Of course, making sure we coordinate with our Federal brothers and sisters, you know, DEA, ICE and all that.

I am not faulting any of you, but I want to see, by the end of the day, the full coordinated plan for border security, how we coordinate and communicate on that.

Mr. PEÑA. Well there is, again, sir, there is the southwest border strategy that has been put together and then with coordination through OMDCP recently announced the implementation plan of

that. Again, what I am referring to—what we are doing in Arizona is one part of this overall strategy.

Mr. CUELLAR. Okay. Again, my time is up, but I certainly want to allow the other—but I think it is so important that we coordinate. You know, the language about we work closely and all that, but I have seen it. I saw it when that situation came up and it looked like everybody was running around, and I don't know who was in charge of that.

Quite honestly, you know, the next door—as you know, the next door was the coordinating plan, I don't know who was in charge. I want to know who is in charge for the southern border itself.

At this time, I would like to recognize—again, I want to say you guy are doing a great job. I appreciate it. But I want to see that plan.

I recognize now Mrs. Miller for questions.

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

I think I will just pick up my questioning on what has been said by the Chairman and the gentlelady from Arizona, who is painfully aware, much more than certainly many of us, of what is happening on the border there.

But it is interesting listening as we talk about coordination and how important it is for all of the stakeholders to have a coordinated effort and all work together, which is absolutely critical. That is key. We have to do that from the Federal level to the State level to the county level, every agency.

So I was rather stunned just—I think it was last week—when the assistant secretary of ICE, Mr. Morton, stated that ICE may not process or deport aliens arrested and identified as being in the country illegally by the Arizona law enforcement.

Mr. Peña, I am not sure if you would want to comment on that. But I guess my question is has that been a directive to your department that anyone that is picked up under the Arizona law is not to be deported and processed? Will you be following that directive? How does that—how is that coordinating the Federal agencies with the wishes of the State government?

Mr. PEÑA. Well, there is no directive, ma'am, that we will not enforce the law in Arizona. What I believe Mr. Morton was saying is that we do have prosecutor discretion and, with the resources that we have, we are going to prioritize our resources at the criminal aliens—you know, with the resources we have, we have to prioritize and go after those aliens that are affecting public safety and the security of the State of Arizona. There is no directive that says we will not take referrals from State and locals.

We have a program in Arizona called LEAR, Law Enforcement Area Response, in which we currently do that. We respond. We have 24/7 coverage to all State and local law enforcement agencies that refer calls to us.

Again, I think what he was referring to is that, you know, within our resources, we have to exercise our prosecutorial discretion. We cannot take every single referral that comes to us. We have to prioritize those.

Mrs. MILLER. And appreciate that. I hope he will clarify his statements if that is really what he meant because I think there

was a lot of consternation all throughout the country that somebody from ICE would make such a statement as that.

If I could ask a little bit. I was looking at all of the slides that you put up on the PowerPoint about particularly the guns which is stunning. There is a lot of debate in the Congress here about what the President said last week—President Calderón—about the gun laws of America, et cetera.

Could you talk a little bit about the guns that you were showing there? They didn't—I mean, I don't know what kind of guns they look like, but they look to me—and I have heard often enough—that many of the guns, if not most of the guns being used in Mexico, are coming from other countries, perhaps China, whatever, to Venezuela. They find their way up from the southern border of Mexico and that many of them can't really be tracked because they don't have proper identification on them.

What were those guns that we were looking at there?

Mr. PEÑA. Ma'am, those are guns that have been seized recently south of the U.S. border about, I believe it was about 150 miles south of the U.S. border from Texas. It is what is referred to as the ZETA training camp. ZETAs are the former military deserters that are the enforcement arm of the Gulf cartel. That, hopefully, expresses the commitment of the Mexican government.

They found that cache of weapons in a seize. There were also some hand grenades and other types of munitions there. We believe that many of the weapons—and, again, whether they are coming from the United States or whether they are coming from other countries through the southern border, we are very concerned about the firepower that the cartels are getting a hold of in Mexico, and we want to——

Mrs. MILLER. Absolutely.

Mr. PEÑA. We want to work as closely with our partners at ATF and CBP to do everything we can with our Mexican partners to prevent the flow of those weapons into Mexico because they are not at all averse of using the weapons that they are acquiring.

Mrs. MILLER. Thank you. If I could ask one question of Ms. Jacobson. You were talking in regards to some of the hardware and equipment that you were purchasing, aviation and the rotary wings. Now I have heard that there has been five or six Hueys that have been purchased and, you know, what kind of hardware are you purchasing? I mean, we are never going to have enough personnel. We have to use hardware. We have to use equipment. We have to use technology, et cetera.

Then how would that be stationed? Is that CBP that would be flying those or the National Guard? How is that going to work?

Ms. JACOBSON. Let me be clear. I am sorry. The aviation assets that are being purchased with being purchased under the Mérida Initiative foreign assistance package for Mexican authorities to use in this particular case. In the case of aviation of helicopters, there are basically two types of helicopters that are being provided to the Army and the Navy as well as to the Federal police.

To the Army and the Navy, the Army, we have provided Bell 412 helicopters and some of those have already been delivered. More will be delivered by the end of this calendar year. To the Navy,

they will be purchasing the naval equivalent of the Blackhawk, the UH–60. Those will be delivered, I believe, in 2011.

On the police side, the Mexican police, as they expand their Federal police, in part, to take over the role that the military has played, they have also purchased Blackhawks. Three of those will be delivered this calendar year, some additional ones next year. They will be moving—they have purchased more than twice as many as we are purchasing for them on their own. So they are building a fleet, but we are assisting them with that and assisting with the training.

Their goal is to be able to station those throughout the country to have rapid reaction response because the traffickers are spread out, are in some very inaccessible areas, at times. They want the ability to get a unit to an incident or a situation against traffickers very quickly. So the aviation support is critical for that rapid response.

There are lots of other pieces of equipment and technology, whether that is computer hardware and software or the nonintrusive inspection equipment to search for contraband that are also part of our initiative.

Mrs. MILLER. Thank you.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you very much, Mrs. Miller.

At this time, the Chair recognizes the gentleman from New York, the Chairman, Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman. You had started your questioning by asking a number of things that I was concerned with. I just want to reiterate and ask Ms. Jacobson.

We are all very concerned with the slow level of pace of money that is flown from Mérida. I know that you said that you are addressing it and that we expect to see more money flowing.

As I mentioned before, a GAO commission report that I commissioned found, at the end of September 2009, of the $830 million in Mérida funding, only $26 million, which is 2 percent, had been spent. We are very concerned about that.

You know, if we don't see any real progress, it is very hard. Funds are difficult to come by. There is going to be a move to slash funding or to zero out funding.

So I just want more assurances from you as the State Department is cutting through the red tape and how much assistance do you think will reach Mexico by the end of 2010?

Ms. JACOBSON. Thank you, Mr. Chairman. Thank you for your support on these issues.

We are confident that we are accelerating the pace; that the structures we needed to put in place, which did take some time, I acknowledge. Certainly things like letters of agreement, which are legal requirements in order to deliver assistance, took us quite a while to negotiate with our Mexican partners. They were very new and different than we had ever done before, but we have now completed two of those letters of agreement, both for 2008 and 2009, moving ahead with 2010 now.

I think all of the procurement processes that we are undertaking are moving much more smoothly as well. So I think the structures are in place and things are clearly moving more rapidly. You abso-

lutely have our commitment that this is the highest priority, is to cut through the bureaucracy, cut through some of the knots that we have had and move this equipment and training much more quickly.

And very optimistic that, by the end of this calendar year, we will be in the range of $6- to $700 million actively against programs as compared to where we are now.

Mr. ENGEL. Well, I hope so. Let me ask you one other question that is very important to me because you and your Mexican counterparts have developed specific goals and metrics to evaluate the success of the Mérida Initiative. Why were no metrics included to assess efforts to reduce the illegal flow of firearms from the United States to Mexico? Will you consider this decision? I think that is key.

Ms. JACOBSON. Thank you. We did not include that particular metric, in part, because, while Mérida Initiative funds are being used for training of Mexican entities in capacity building, things like training in the Spanish language ATF program, eTrace, which I think is critical for our Mexican partners to be able to trace weapons that are seized by those in the picture, that has begun now.

The funding, for example, for eTrace was not under the Mérida Initiative because that was a domestic program. So it was a relatively small part of Mérida per se. And so it wasn't used as an overall metric which was negotiated with our Mexican counterparts.

Surely, it is something that we both are going to be working on and focusing a great deal of attention on how we can increase the amount of weapons seized that are traced because that is critical for our law enforcement community to be able to do those investigations back home and know where guns are coming from.

So that is an area that we are going to be continuing to work on and hoping to see great progress on even if there is not a specific metric in our list.

But I will also say that the metrics that were developed at the beginning of Mérida, which we are reviewing now to see how we are stacking up, are also going to be a work-in-progress as we look to adjust those because the situation may change on the ground or we have new programs under our four pillars.

So we will be taking a look at that.

Mr. ENGEL. Well, again, I want to, you know, reassert my assertion that the Obama administration ought not to continue to follow in the steps of the George W. Bush administration which is to put its head in the sand when it comes to the illegal flow of weapons.

Under Bill Clinton's administration and George H.W. Bush's administration, they were going after the illegal arms that were flowing south of the border. As I mentioned in my testimony—in my opening statement—there is no new law that Congress has to pass to implement this. I just am bewildered as to why the Obama administration has not moved for forcefully in this regard.

Let me ask the other three panelists, what will the National Guard be doing at the U.S.-Mexico border that your agencies would be unable to do? CBP, ICE, and ATF?

How specifically is the Obama administration building capacity for CBP, ICE, and ATF so that they can eventually replace National Guard troops at the border?

Ms. SILVER. Thank you for the question.

As was mentioned, I think, before, the focus of the Guard is to support and supplement the work that we already do on the border. Primarily, they will be doing intelligence, surveillance, and reconnaissance in support of our folks who are actually the boots on the ground at the border.

We will be working over the coming months to continue to increase over and above the 80 percent increases that we have seen to continue to increase the boots-on-the-ground Border Patrol in particular on the southwest border. As part of the package, there is $500 million requested that is going to be requested for additional support to build up that Border Patrol function.

Mr. ENGEL. Mr. Peña.

Mr. PEÑA. Yes, Chairman Engel. ICE will be using the National Guard personnel to augment our intelligence capabilities along the border. Currently, we are doing that with TDY personnel from other offices to augment our staff along the southwest border. That is the primary function that we will be using the National Guard resources that come to ICE.

Mr. ENGEL. Mr. Gina. Could you push your button?

Mr. GINA. Can you hear me now, sir?

Mr. ENGEL. Yes.

Mr. GINA. I apologize.

As Ms. Silver had said, you know, for CBP, even though the details and the plans are still yet to be finalized, they will be primarily surveillance and reconnaissance. What they have been used for in the past is for what is referred to as entry identification teams. They support listening posts and observation posts and remote video facilities such as sky-watch operators, the equivalent of very large—some would say it is a cherry picker—to observe that is happening.

Also, what the Guard has been in support of us in the past is for engineering support, air support and, also, the helping of planning support.

Mr. ENGEL. I have one final question for Ms. Silver. But before I have a question for you, Mr. Gina.

Are you from New York? Because you sound like me.

Mr. GINA. Yes, sir.

[Laughter.]

Mr. GINA. I appreciate your dialect, sir. I understand you very well.

Mr. ENGEL. I can always pick a New Yorker out in a crowd.

[Laughter.]

Mr. ENGEL. Ms. Silver, in your testimony, you cite concerns about recently tragic killings of persons associated with the U.S. consulate in Juárez, an Arizona rancher, Robert Krentz. I heard Ms. Giffords, the other night, doing an hour special order and reading letters that she had gotten from her constituents.

I was really very moved by it because it really opened my eyes to the very, you know, real difficulties that people are experiencing

in southern Arizona. So if we talk about—in your testimony, you know, you talk about your concerns about these killings of people.

You know, what implications might these incidents have for border security? Are they signals that U.S. persons are being targeted where before they were not? Are they an indication that spill-over violence is becoming more likely?

Ms. SILVER. I very much appreciate the concern and we, certainly, are concerned about it as well.

In fact, there are on-going investigations in both of those cases, and ICE is involved in those investigations, so I would hold my comments until the investigations have been completed.

Mr. ENGEL. Okay. I would appreciate it, if when it is completed, you would let both of our subcommittees know.

Thank you. It is now my pleasure to call on my Ranking Member, Connie Mack.

Mr. MACK. Thank you, Mr. Chairman.

Thank you all, again, for your testimony and answering our questions. I know it is not always easy, but I think, you know, there is a lot of frustration. There is just a lot of anger, frustration. There is not a lot of faith or belief that the Federal Government is prepared to handle the problems that we face, whether it is the security on the border or whether it is implementing the Mérida Initiative.

I mean, I think there is just a lot of frustration. So, you know, some of our questions, I think, are coming from that that we are frustrated, our constituents are frustrated. I know you are frustrated.

But, you know, I think we want to see—when the Congress acts, as it has on the Mérida Initiative, we want to see things done. I mean, we are watching what is happening in Mexico with the drug cartels and what it's doing not only to Mexicans and Mexico but what it's doing to the United States.

So it is critically important that, when we begin a program such as Mérida, that we—if there are problems, if there are things that are slowing it down, if something needs to happen, you need—we need to know about it. We need to make sure that those barriers are eliminated so we can get the job done. That is what the American people want. They want to see their tax dollars—if we are going to commit their tax dollars, they want to see the job get done.

There is no reason why in the United States of America, we cannot—there is no reason that we are not successful in taking on the drug cartels in Mexico and securing our borders and creating a security and safety here at home for American citizens.

So with that, Ms. Jacobson, what—do you have now a standard and a way to evaluate how Mérida has—how well we are doing?

I mean, there a clear understanding of the goals and what we are trying to accomplish and if we are there?

Ms. JACOBSON. Thank you, Congressman. We do share every frustration in terms of wanting to do things faster, better. We are all working on that, and we greatly appreciate, frankly, the help that both of these subcommittees has given to us on this.

I think we have a good way of evaluating whether or not individual programs are beginning to have an impact on institutions, structures. As I talked about the nonintrusive inspection equip-

ment and the number of seizures that we have seen—a $3 million seizure in Mexico City not long ago. We have seen a significant number of arrests by the Mexican government of cartel leaders and, clearly, some of the violence that we are seeing is the breakdown of those structures because leaders have been removed from the operation.

But we are also seeing—and this is much harder to measure. What we are seeing and what we began to see from the very beginning of the initiative is, because of the commitment of President Calderón and his officials I think and a commitment on our part, is much greater cooperation and sharing of information such that these organizations can no longer assume that information the Mexican government has will not be shared with us for use on our side of the border and vice versa.

That, I think, is one of the most important and longest-lasting results of this initiative and the collaboration is our ability to work together, whether it is coordinated or joint operations for contraband coming——

Mr. MACK. If I may—and I appreciate that. But, you know, we expected that a long time ago. I mean, we are looking for the assets on the ground. You know, we want to see results. I mean, you know, if we are going to—if the taxpayers are going to entrust us for their safety and security, we want to see—we understand—and as the Chairman said earlier, there is a lot of, you know, communication, and that is great. We need that.

But that should have happened a long time ago. You know, the frustration is, is that we have obligated a lot of money to secure our borders, to secure safety for our citizens, and to help Mexico fight the drug cartels. I think the frustration is that all of the good things that you are talking about are great, but it is frankly—it needs to—we need to be much farther ahead of the game than we are right now.

Mr. Chairman, I just want to, if I could, get on another question about border security. It goes along the same, you know, lines of questioning.

It seems like there is a lot of reaction right now primarily because of the Arizona law. That has kind spurred this new attention to the border. I am not saying there hasn't been attention to the border, but with the National Guard and some more money—is there a plan in place right now to secure the border? I mean, is there an overarching plan right now that—what else do you need? You know, this is the time. This hearing is the time and the opportunity to talk about what else you need, and let us not wait to have to react to the next crisis. Let us get ahead of this.

So if you could, tell me what the plan is, or are we just reacting to what is happening with the Arizona law?

Ms. SILVER. I would say certainly it is not just a reaction to the Arizona law. Over the past 16 months and since the President and Secretary Napolitano have taken up their offices, drug seizures are up, illegal weapons seizures are up, immigrant apprehensions are down.

These are all major milestones in our effort to secure the southwest border. The Border Patrol is better staffed today than at any time in its 85-year history. Over the last year, we have signifi-

cantly increased the number of boots on the ground on the border but, also, our intelligence assets working on southwest border-related issues and, as Roberta said, our cooperation with Mexico.

So all of this is part of a comprehensive multi-layered strategy, and the National Guard is just one piece of that.

Mr. MACK. Well, you can understand how maybe the rest of America sees it as: Why weren't we don't this all along? If we have this crisis on the border, if we have the security problems and the safety of Americans—Americans are at risk, why do you have to wait until a law is passed in Arizona that creates some controversy to then put more assets to the border?

Ms. SILVER. If I may, I think that is exactly why we didn't wait. The tripling of intelligence and analysts along the southwest border, the increase of 80 percent of boots on the ground of CBP officers on the southwest border, those things didn't happen yesterday. They happened before this. As I said, the National Guard is part of this multi-layered approach.

Mr. MACK. So is the National Guard just a PR move?

Ms. SILVER. It is part of a multi-layered approach. It is something that we all keep in our toolkit.

Mr. MACK. Thank you.

Mr. CUELLAR. Thank you very much. At this time, I recognize the Chairman from Mississippi, Mr. Thompson.

The gentleman from Mississippi.

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

I thank our witnesses for their testimony, also.

We are spending a lot of money, $1.3 billion, on the first initiative. There is a question as to how much is spent versus obligated. But in the mind of a lot of people who live along the border, you know, perception is reality.

If the feeling is the border is no safer because of the money being spent, then somehow we need to fix the problem. Money is one part. What the Chairman talked about earlier—this strategy or plan.

Mr. Chairman, I will help you expand your request because it appears that every agency has a plan or strategy, but we don't have a DHS border security plan or strategy, and that is what we really need.

We used to press Secretary Chertoff for the same thing, and I will surely press Secretary Napolitano to make sure that we get it because it is absolutely important.

The other part that I would say to our witnesses, because perception is reality, we absolutely need to involve people who live along the border as part of your due diligence for trying to get a handle on this problem.

Sometimes, we give the impression that just because we work for the Government we know everything. I am convinced that people who live in an environment and have survived in an environment can be a plus from an informational standpoint. I would encourage you to do that, also.

Now, early on, we had information that, when State Department, which has the primary mission—DHS had some misgivings about the relationship and the coordination.

Ms. Jacobson, for the record, have we resolved the communication, the issues from your standpoint?

Ms. JACOBSON. I think we have, Mr. Chairman. I think that we are working extremely well together with ICE and CBP and, frankly, all of our law enforcement and other colleagues from DHS, DOJ, Treasury, et cetera.

Mr. THOMPSON. Ms. Silver.

Ms. SILVER. I would certainly agree with that. DHS now has a much stronger representation at the embassy, for example, in Mexico City where a lot of the discussion happens that leads to the decisions about deployment of Mérida funds.

But I would also like to address, if I may, your first comment. It is been just about a year since the southwest border initiative was announced that provided a comprehensive view of how DHS as a whole and DHS components as a sum of the parts were going to deploy on the southwest border. That is the initiative that has borne the fruit that I described earlier.

In terms of collaborating with State and locals, obviously, we have Stonegarden grants and things like that. We also do monthly—in fact, yes, monthly calls with State and local law enforcement. We certainly recognize the value and the importance in fact, the critical importance of engaging with the people who actually live in these communities.

Mr. THOMPSON. Mr. Peña.

Mr. PEÑA. Sir, just this week, ICE had two individuals—we had a representative from the border state of Tamaulipas here with us who formerly was the mayor of the city of Reynosa. We also had another individual that formerly worked for the PGR that is actively involved in what is taking place in Mexico.

We brought them up to give us information on three things: You know, what is currently happening in Mexico, why is it happening, what should we be doing to address it?

So we are trying to work with the people on the border. We do that with our partners. As I said earlier, you know, we think that one of our key assets that ICE brings in part of the Department strategy is the border enforcement security task forces which are made up of State and local officers as well as our Federal partners so that we can have the whole picture, just not the Federal picture, just not what we see.

So we certainly support that.

Mr. THOMPSON. Let me give you some of the conflict that Members of Congress have sometimes. In your testimony, you state that ICE will dramatically increase its personnel along the southwest border beginning next month.

Well, if we look at the President's proposal that was announced this week, he calls for additional personnel for CBP but not for ICE. I think it would be helpful to us if you could explain where you are going to find these people all of a sudden to deploy to the border.

Mr. PEÑA. Well, currently, the people that I refer to in the testimony are people that we are assigning from other offices. They are temporarily assigned there to surge during this period starting on June 1 to the end of the fiscal year. But they are coming from other offices, sir.

Mr. THOMPSON. So this is—well, I guess sort of the purpose of the surge is to do what?

Mr. PEÑA. Well, we are hoping that we can bring more cases and develop information and working against the cartels that are operating along the border and disrupt and dismantle those cartels, sir.

Mr. THOMPSON. I appreciate your openness, but the challenge we have is that unless we add to the numbers, you are moving a problem or an issue from one part of the country to another. The question is we could do better either increasing the number of ICE agents and you would not have to worry about the surge.

So I guess the obvious question is do you have enough personnel to address this problem?

Mr. PEÑA. Well, I certainly will say that we would welcome additional resources, absolutely.

Mr. THOMPSON. You ran a budget request?

Mr. PEÑA. Yes, I am.

Mr. THOMPSON. It did not request any?

Mr. PEÑA. We are trying to address that, sir.

Mr. THOMPSON. So you are aware that no new agents were requested?

Mr. PEÑA. Sir, I think we are working where we can, through the means and methods that we have, to ensure that we can stay pace with the growth of CBP and the others along the border.

Mr. THOMPSON. Well, I will let somebody else ask it a different way, but I don't want to put you on the spot.

I know if OMB don't want you to answer the question—don't worry about it. We have heard these kind of answers before.

I yield back.

Mr. CUELLAR. Thank you, Mr. Chairman.

Let me just add to this, look, if there was an overall plan and they said, if we add another $500 million, we will cover this amount, add this—if they are talking about adding—I believe the administrator's plan is to add 1,200 agents. That is probably Border Patrol, nothing against Border Patrol. I support that.

But it is just like if you have a cop on the beat, and if you have investigators to investigate the crimes, just like you don't have ICE investigators, you are not going to go anywhere. That doesn't even cover the prosecutors and the other—you know, downstream, all the things that we have.

That is why there was a plan—we would say, if you add $100 million, this was where it would go to. If you add $200 million, this is what it would cover—not just say add agents but not add the investigators which, I believe, that is where the Chairman was going for.

At this time, the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Mr. Gina, I have long been concerned about the impact of border violence on CBPOs and Border Patrol agents. In fact, when the Foreign Affairs Committee held its markup of the Mérida Initiative authorizing legislation, I offered an amendment requiring a report on the impact of Mérida funds in reducing violence against U.S. and Mexican border personnel

I understand that in fiscal year 2009, there were nearly 1,100 assaults on Border Patrol agents and, based on CBP statistics, if kept

at their current pace, assaults will reach or surpass that number in fiscal year 2010.

What resources do CBPOs and Border Patrol agents have in terms of personal protective equipment and training to ensure their safety and the protection of lawful travelers?

Mr. GINA. Thank you, sir. All of our Border Patrol agents and our CBPOs are trained in the appropriate use of force. They all have the appropriate equipment. Particularly on our Border Patrol, we have specially-equipped their vehicles and gave them other types of tactical equipment to prevent or to at least defend themselves against the type of assaults, primarily rockings, that you allude to. We take this situation very seriously, and we have also, just most recently, expanded our border security protocols with our counterparts in Mexico in order so that there is a much more enhanced response to any types of incident of violence along the border.

So anything that would happen on the north side is immediately addressed as well as coordinated with our counterparts on the south so that, if the individuals are, in fact, trying to abscond back into Mexico, appropriate response by our Mexican counterparts can be taken.

Mr. BILIRAKIS. Has it been working well?

Mr. GINA. I think that while there is always room for improvement and enhancement, I think there has been tremendous reception on our Mexican counterparts in order to engage. I believe that they recognize the severity of the problem and are doing everything that they can to assist us in stopping this violence.

Mr. BILIRAKIS. Okay. Thank you. Again, for Mr. Gina, with regard to SBInet, earlier this year Secretary Napolitano announced her intention to redeploy $50 million of stimulus funds designated for SBInet Block One to deploy other commercially available technology along the border. What is the status of the technology deployment?

Mr. GINA. As you alluded to, I think SBInet, the Secretary and others realized that there were challenges with that program. So she, in part, suspended any further advancement until a review can be done. That review is being done as we speak, and so I will have to get back to you as part of the official record once that review is done.

Mr. BILIRAKIS. When do you anticipate it being done?

Mr. GINA. I will have to get back to you.

Mr. BILIRAKIS. Completed?

Mr. GINA. I will have to get back to you on the completion date. I know it is currently on-going now and should be completed shortly.

Mr. BILIRAKIS. Please do. Thank you.

Mr. GINA. Thank you.

Mr. CUELLAR. At this time, the Chair recognized former Chair of the committee, the gentlewoman from California, Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman. It is a pleasure to have you as the Chairman of this committee. As you know, I had the pleasure of doing your job for about 3 years. In that time, I think we probably had about a dozen or so hearings on border issues.

By the way, not just the border issues at the southern border but the issues that Mrs. Miller, for example, is very concerned about, what is happening at the northern border as well as, of course, all the coastline that we have—not just in places like California but, for example, Maine has an incredible amount of coastal area and most people don't realize it, or let us say Puerto Rico or Hawaii.

So when we are talking about how people get into our country or how drugs get into our country or how contraband gets into our country, it is not just from the southern border, I will remind people. Also remind them that the terrorists, to date, that we have seen come, for example, the Millennium Bomber came across the northern border. He didn't come from the southern border.

So I am pleased that we are having this discussion about the relationship with Mexico and what is happening on the southern border, but this is just the tip of the iceberg. I also want to remind people—those who think that the Congress or Washington has done nothing in the last few years to address this—that that certainly just isn't true.

For example, with respect to the Border Patrol, we have increased, in the last 5 years, the Border Patrol from 4,000 people to 20,000 people. Think if your business grew that way. All the problems you would have.

In fact, Chief Aguilar said to me, you know, Loretta, I need time to inculcate these people, to make them understand the culture of our Border Patrol because, over 50 percent of my people have served less than 2 years in the Border Patrol.

These are very important issues as we try to address and put the right manpower to what is going on. Yes, we have redirected, unfortunately, Mrs. Miller, you know what. Some have come from the north to come down when we have had surges of this type.

Now, remember also, we sent the National Guard before. I also sit on the Defense Committee. We have got unmanned aerial taking a look. We have other special projects I am, quite frankly, not allowed to speak about in open hearings. We have had our National Guard at the border.

The Mérida project, in fact, is about helping Mexico help itself. It is not even about monies on our side. It is about understanding that we have a partner in this to try to figure out what is going on at the border and to help them to get up to speed where they need to be.

We have, also, by the way, started to check people going from the United States into Mexico because that is where the cash and the firearms are going the other way. Of course, the more we are able to clamp down on the border, like with anything else—water seeks the easiest way to go. When we clamp down, then it seeks other ways to go.

When we clamp down and the drug profit comes down, the drug traffickers search or looking for another way in which to make money. That is, of course, that one of those trails that takes drugs can also take people. You have just to see the escalation of the price of what it costs a person to come, let us say, from Mexico into the United States to understand, in some ways, we are being effective.

The violence, to a large part, has been about the drug cartels. Yes, it is bleeding over and, believe me, my family is originally from Arizona. I have plenty of family on that southern border. Don't believe that I don't. So I hear it all day long about what is going on over there.

But I want to set the record straight here. This committee and much of the Congress has been working very hard to put money, to put assets, to put training, to put intelligence, to work on having the different pieces of government work together—memorandums of understanding between our people who work with firearms and our CBP.

At the land borders, just in the stimulus package—and our Chairman knows this—we put a lot of money to redo the land ports where people come across because it is also about commerce. So there has been a lot done, but you can see the frustration. You can see my frustration because we want this solved.

It is not an easy problem, and the more we block the places, the more people will go through more unaccessible places. If you have been on that southern border, you have seen the types of terrain. It becomes more difficult. Yes, SBInet, as you know, Mr. Chairman, was hell for me to have to put up with the lies and the promises. I am glad, finally, we have an administration that has clamped down on it and said let us take a look and see what we really have to do about that.

Last, let me tell you, the U.S. Coast Guard has had an important thing on this, too, because as I said, it is not just the land border. Drugs are coming in through submerged vehicles, submarines, homemade submarines. You would be amazed at the things that we see happening.

So I just want to set the record straight for the American people. This Congress has been working very hard—and I know many people at the Department have been working very hard. We have just got to work harder and better, faster so we can take care of this situation.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you.

Members, we have—actually, the screen is backward. I can't read it. We have got about 6 minutes and a half. I am going to have Ms. Lofgren ask some questions and after that, Members, as you know, we have four votes.

I am going to ask the panel and the other folks here just to bear with us. We will ask Ms. Lofgren if we can try to keep this to 5 minutes. We will run off, and then we will come right back after this.

As you can see, it has been a very engaged questioning on this, and we appreciate everybody coming back after the questions.

Ms. LOFGREN. Thank you, Mr. Chairman.

Just a couple of observations. When people say we should retake the border, it assumes that, at one time, we had the border sealed. I think it is important historically to note that that never was the case. I mean, you go back 30, 40 years, there was virtually no, you know, border control for most of that land border in the south.

Now the country has decided—and I think it is appropriate—that we are going to change that. We have made tremendous strides forward in changing that, as my colleague from California has noted.

But that is not the only issue that we face. Clearly, we need to take tough steps at the border, but we also need to rationalize and reform our immigration laws. I mean, it is a package that we need to do, it seems to me. I am hopeful that we can work together in a bipartisan way to make that happen.

I want to get a little bit into the drug cartel issue which I think is certainly separate from the immigration issue and of legitimate concern to all of us. The president of Mexico mentioned in his speech to us there are tremendous concerns about weapons coming south from the United States. I remember, you know, 4 years ago meeting with the attorney general of Mexico who expressed the same concern.

I will never forget his comment. He said, we don't have a Second Amendment. You do. We respect that you do and you have a right to your own constitution, but surely, there must be something you can do about machine guns and assault weapons coming to our country consistent with your own institution.

Mr. Mack said, you know, he admires the Second Amendment. We are not going to reinstate the assault-weapons ban. That is not going to happen. I know that. Personally, actually, I disagree with that, but I recognize that is not going to happen.

So here is the question. What do we do consistent with the Second Amendment to stop that flow of assault weapons into Mexico? They have lost—23,000 Mexicans have been murdered in Mexico by the cartels. So I don't know who is best suited to answer that question, but we have got to step up to that, stop the flow consistent with the Second Amendment because we are not changing the assault-weapon ban, much to my chagrin.

Ms. JACOBSON. I will take the first piece, and then I will let my colleagues also speak.

As part of the southwest border initiative that I mentioned earlier that the Secretary initiated—that the President initiated together with the Secretary, we instituted southbound inspections for the first time targeting exactly that issue. We have seen a major jump up in firearms seizures partly because of that and because of the increased focus of our folks on the border on seizures of firearms. So we are very concerned with it.

Ms. LOFGREN. Let me ask. Is there anything—there is a tremendous number of gun shops right near the border. I mean, way more guns sold than there is the population near that border. It is pretty clear that the market is not the people who live there.

Is there anything we can do with ATF to just do more of law enforcement about assault-weapons sales and all of those gun shops right along the border?

Mr. PEÑA. Ma'am, one of the first things that Assistant Secretary Morton did when he came in and took the helm of ICE was to get with his friend and partner, Director Melson from the ATF, and sign an agreement to where we are going to cooperate and work as closely as we can with ATF to stem the flow of firearms.

Mr. Morton and Mr. Melson have traveled to Mexico together to address the issue. It is a huge issue, ma'am. We are working very

closely with our CBP partners on how can we better interdict the outbound movement of the weapons. How can we better collect intel on who in the United States is conducting what they call a "straw purchase" where somebody goes in and purchases the weapon but the purpose of that weapon is to smuggle it into Mexico.

We have, as I said, a project that we named "Armas Cruzadas" which is totally focus on dedicated resources to stopping the flow of weapons into Mexico. ATF has a similar project—they work hand in glove—called "Gunrunner" where we are working together to stop the flow of the weapons.

We are developing informants where we can to find out who—because as you well state, the Second Amendment allows people to go into gun stores every day and purchase weapons. So we have to work as smart as we can and as best we can to find out who is purchasing them for illegal purposes, and then we have to be patient and conduct surveillance and operations to see if we have to wait because a violation doesn't take place until they try to smuggle them out of the country.

We have to work very closely with Mexico so that Mexico, when they have weapons seized in Mexico, that we get the information so ATF can trace those weapons and then we can do investigations on the U.S. side of the border who purchase those weapons, who may have smuggled them.

Ms. LOFGREN. My time is up, but I just want to say that the people who I know in my district and who I have met who believe—are hunters, they have guns, they believe in the Second Amendment, I respect them. But I don't think their passion for the Second Amendment extends to passion for the drug cartels getting machine guns.

Please, do what you can and let us know how we can help you in that quest. I yield back, Mr. Chairman.

Mr. CUELLAR. Thank you. Thank the gentlewoman from California.

Members, we are going to go out. If three of the Members, Ms. Giffords, Ms. Lee, and Mr. Green—that will be the order that we will go in unless somebody else shows up here.

The first vote is 15 minutes, and we have got about 4 minutes left or less than 4 minutes. Then, after that, three 5-minute votes. So I assume we will probably be back in about 30 minutes. So there is about 30-minute, and if y'all want to take a break for 30 minutes, and we will come back right after that.

This meeting will be held for recess for about 30 minutes or so.

[Recess.]

Mr. CUELLAR. The subcommittees will come back to order. I believe we left off at this time. The next line questions will be the gentleman from Texas, Mr. McCaul, for 5 minutes, sir.

Mr. MCCAUL. Thank you, Mr. Chairman.

I thank our panel. Many of you I have worked with closely.

I want to thank the Chairman for his work on the Mérida Initiative. We introduced an amendment on this many years ago and then visit President Calderón in Mexico City.

He is very strongly committed, I think, to securing his country and taking on the drug cartels head-on, which is a very dangerous proposition.

I wanted to touch on a couple of issues. The first one: Since we passed the Mérida Initiative—and if I am being redundant, I apologize—it just seems like it has taken a very long time to get the helicopters, the military assets, and hardware down where they are needed where they could be most effective. I wanted to see if you could comment on that.

I have also had some reports that—in defense of the State Department, it is not the State Department holding this up, rather, it is some components within the DOD that have been part of the problem.

Ms. Jacobson.

Ms. JACOBSON. Thank you, Congressman.

I thank anyone who would like to say something in defense of the State Department——

[Laughter.]

Ms. JACOBSON. We think that we have overcome a great deal of the roadblocks that were in the way on aviation. President Obama announced last week when President Calderón was here that we were accelerating the aviation transfers. We believe most of the aviation will be delivered to Mexico by the end of next year—of calendar year 2011—2011. But there will be significant deliveries this calendar year, 2010.

It is true that some of those procurements ran up against, frankly, a very long queue of waiting purchases, including the U.S. Army and other countries. It is very difficult to sort of jockey those priorities adequately for our own security and, obviously, security of other allies.

So I think with a lot of hard work by the Department of Defense and the Department of State, we have overcome some of those roadblocks. We are very grateful to Secretary Gates for taking a close look at this and accelerating the pace of those deliveries.

So we are confident that we will be moving——

Mr. MCCAUL. We passed this last Congress. Now, you are saying it may take another year. There is a lot of frustration, I think, in the Congress and with respect to this initiative—you know, I know Secretary Gates will tell you that the helicopters is probably the hardware that is most in demand right now.

Is it just a—it is a procurement issue, it sounds like to me. Are they not manufacturing them fast enough? Or is the Mexican-U.S. border not a priority?

Ms. JACOBSON. I think in terms of the aviation—and I want to speak about the aviation separate from other form of equipment and technology like the nonintrusive inspection equipment, the gamma ray X-ray machines and those sorts of things because those are moving ahead, I think, pretty rapidly now. There were some procurement issues there, too, but we have had been able to overcome those.

On the aviation assets, I think a lot of it is demand. There is a huge amount of demand for some of these kinds of helicopters. Anything, of course, that is in the U.S. inventory, obviously, is difficult to get jumped in the queue.

As I said earlier, I think, in the case of the aviation, some of these items weren't scheduled to be delivered until 2013, and they

will be delivered by the end of 2011. So I know there is frustration, but there are deliveries this year and next year.

Mr. MCCAUL. Well, anything we can do to speed that up——

Ms. JACOBSON. Thank you, sir.

Mr. MCCAUL. The President came out with this initiative, $500 million, 1,200 National Guard. The Governor of the State of Texas requested 1,000 National Guard just for Texas alone.

Do you know where that $500 million is going to go, Ms. Silver?

Ms. SILVER. I believe that is still being determined, the details of that. But to a large extent, it is in support of law enforcement, DHS and DOJ.

Mr. MCCAUL. One issue that I know the Chairman and I have worked on and that is very important, particularly in Texas, are the UAVs. I think these can be incredibly helpful in terms of surveillance technology on the border.

We know that the virtual fence will not be completed—now, I am hearing until 2016, which is another delay that is frustrating to hear. But I would urge the administration to use some of that funding for UAVs.

Arizona has three UAVs. Texas has zero. We have zero UAVs on the Texas-Mexico border. I know that one has now just recently been approved to be dispatched to the Big Bend area, and I understand Arizona has a lot of smuggling.

But Texas is right across from one of the most violent cities in the world, that being Juárez. Of course, we have had U.S. officials being targeted there—Nuevo Laredo, Matamoras—getting very, very dangerous with the heightened conflict between the Gulf Cartel, the Zetas, and the—in Juárez cartels.

So I would urge the administration to put some of that funding into UAVs.

I don't know if there was any other comment to that or what else you believe needs to be done.

Mr. PEÑA. Well, the comment relative to the UASs or UAVs is absolutely right, Congressman. That has been worked out between DHS, CBP, and FAA relative to the—for the operating area, and it will be flying in West Texas I have been told on or about June 1 of this year.

Mr. MCCAUL. I do appreciate that. But in closing, you know, I do think that you have three of the Arizona border, and now we have a newly released one in Texas, but we need more.

With that, I will yield back, Mr. Chairman.

Mr. CUELLAR. Thank the gentleman from Texas. At this point, I want to recognize the gentlewoman from Arizona, Ms. Giffords.

Ms. GIFFORDS. Thank you, Mr. Chairman and Ranking Member Miller.

I think this committee could actually last a couple of days. I know our panelists wouldn't be so excited to sit here, but as you can tell from the level of frustration that you hear from Members of Congress, this is a very, very serious issue.

I and my counterpart, Ann Kirkpatrick, are the only ones here that are from southern Arizona, by far the worst part of the U.S.-Mexico border, and the numbers speak for themselves.

I believe that three of our panelists have spent time in Arizona. We appreciate your service there. The issue is representing the

Eighth Congressional District, which is directly on the border. Yes, we have seen an increase in assets along the I–19 corridor in the Nogales area.

But when you get out to the area where Bill McDonald, who is going to be on the next panel—and I hope that you can stick around to hear his testimony. When you are out in Cochise County, the area where Bill Krentz was murdered, you can drive for hours, literally, at a time and not see a Border Patrol agent now.

For those individuals who are on the border directly with the violence that is spilling over, with—and I encourage Members to actually read the documentation put together about the narcotrafickers, what we are up against. We are outmanned. We are outgunned. We are out-resourced.

We honor, and we are so pleased that the President has committed National Guard troops now to the southwest border. The issue is: Where are those troops going to go? Are they going to be sitting at desks, or are they going to be actually deployed directly on the border? Not 20 miles back or 30 miles back or in an office. What we need are the resources directly on the border.

This is incredibly frustrating. I serve on the Armed Services Committee. We are allocating billions—in fact, hundreds of billions of these dollars to go abroad to protect other people's borders, to protect other citizens yet, for the Krentz family the McDonald family, the—family, all of those ranchers that live in those areas, every single day, we receive reports about their homes being invaded, about fences being cut, about cattle being steered into other people's ranches.

This is devastation what is happening to U.S. citizens. So there is an extraordinary amount of frustration. The border is a big place. It is a wide-open place. As we have heard earlier, we have not done a good job historically in the past.

You know, I am very pleased that not only are we going to have National Guard troops deployed, but that the House Appropriations Committee also released a war supplemental bill that also includes over $200 million for agency, $9 million to build three Border Patrol forward-operating bases—again, we need them on the border, not 20 or 30 miles back—$50 million for Operation Stonegarden, and over $8 million for training for new CBP officers and Border Patrol agents.

This is in light of having a budget that recently cut Border Patrol agents. So I want to make sure that we continue to go in the right direction and we don't fall back to thinking that the border is secure.

I am not sure who is the best person to answer this, but I would like to really get some answers on where the National Guard is going to go, what type of personnel is going to be deployed, the responsibilities and the type of authorization that they are going to have.

I am also curious as well to understood whether or not they will be given very clear guidance in terms of rules of engagement and whether they are able to protect and defend themselves, because when we had the Guard on the border last time with Operation Jumpstart, different missions, different set of situations on the

ground, but when they were not allowed to protect and defend themselves, I mean, as said earlier, perception is reality.

When they had to return around and retreat, it is almost like not having United States military on the border. So I am not sure—I don't know Ms. Silver, Mr. Peña, Mr. Gina—who the best person is to answer that, but if you would, please.

Ms. SILVER. As I mentioned before, some of the details are obviously still being worked out. I think, to your first point or your earlier point, the deployment of the National Guard and the presence of the Guard personnel will enable CBP and ICE, for example, to free up personnel to be at the border, to your point about needing the boots on the ground at the line.

So that is part of the thinking of the National Guard at the border.

Ms. GIFFORDS. So Ms. Silver, the Guard is not then going to go directly to the border? They are just going to be in an administration capacity? We are not actually going to have them directly patrolling or on the border. Is that correct?

Ms. SILVER. I wouldn't put it in terms of an administration capacity, but they are going to be, as my colleague mentioned earlier, entry identification teams, intelligence, and reconnaissance support primarily. So that is the focus of the Guard.

In terms of your question about whether or not they will be armed, it will depend on their mission. Those who don't need to be armed, won't need to be armed. But those who are in a position where they might need to defend themselves will be appropriately equipped, absolutely.

Ms. GIFFORDS. Okay. In my opinion, that is not good enough. We need to have the National Guard on the border. I am not talking about where they were before, on the I–19 corridor and near Nogales. Other Members can speak for their areas.

But we need to have them out in Cochise County where, again—and just look at the numbers. It is true, Ms. Silver, and you talked about that that apprehensions are down, but down from what? Six and 700,000 per year?

Yes, it is true, we had 240,000 apprehensions last year in the Tucson sector. Imagine what that is like. You guys know. I mean, what it is like every single day to process between 700 and 1,100 people. What happens with Operation Streamline is that they get through the first 70 or 100 and then you could have the really bad guys. But Streamline is closed at that point.

So then we deport those. We are not actually incarcerating those folks. We are also using direct agents. Instead of them being back on the ground, they are becoming paper pushers. They are responsible then for doing all the processing where we could have a clerk, frankly, do this like other law enforcement agencies do.

Why do we need to have a Border Patrol officer doing that? It needs to be completely reworked.

We need to secure the border. It is absolutely imperative. Having the Guard down there is great, but we need them actually on the border, at the border, not sitting in an office. That is totally unacceptable.

You know, the other area—and I know my time is up, but I want to just touch on something because it really matters.

Again, I hope that you can sit around and you can hear the testimony from the only person that is going to be here today that actually has to live with the problems with border security directly, whose direct life and direct livelihood is being affected by this.

The Border Patrol, as they are currently deployed in the Tucson sector, are deployed far away from the border. Like I said, you can drive for a long time and not see a Border Patrol agent on the border. So we have the strategy that was concocted maybe here in Washington where we try to apprehend people 20, 30, 40, 50 miles back. We do it with checkpoints. We do it with operating bases.

In the rural areas, we are not watching the border. Then it becomes a lot harder to apprehend people once they are in. We have these high-speed chases, and then we become responsible. It is very expensive for our local law enforcement, expensive for our hospitals.

If we stop people at the border before they come in, we could save a whole bunch of agencies a whole bunch of time. Again, Tucson is built up. I know the Tucson sector is built up, but out in the rural areas—and I encourage you to come down. Come down, let us show you around. Then you see for yourself whether or not the border is secure. Because I promise you that it is not.

Mr. Peña.

Mr. PEÑA. Congresswoman, thank you for the opportunity to address that.

We will work as closely as we can to get the best optimum use of the National Guard for ICE. Again, we are the investigative component. We are not the interdictors. We are not on the line.

We are working very closely—I can assure you that I personally, as the No. 2 person of our agency, has been on two phone calls and one actually met with the ranchers from Arizona here to discuss the murder of Mr. Krentz and what we are doing to address that.

Again, I just want to emphasize that we are the investigative component. We believe a big part of what we need to do is engage Mexico more.

Another big piece of what we do is the repatriation of the aliens who are apprehended in the United States. We are trying to work with Mexico to allow us to repatriate their citizens to the Interior instead of to the border. That is a very costly proposition for us because we have to do that by plane.

But we are looking for every——

Ms. GIFFORDS. If you will just excuse me because I know time is running thin.

We understand that. What we would like you to do is have less work. You know, if we can prevent people from coming in, we need less ICE agents.

So, Mr. Gina, please.

Mr. GINA. Congresswoman, you know, I know CBP shares your concerns, and your area as well as the whole rest of the border is a priority. As you know very well, our deputy commissioner, Chief Aguilar, used to oversee that sector, and he lived in that community as well as many of our own officers work as well as their families live in that community.

I know the Border Patrol has a very robust strategy of technology, personnel, and infrastructure. I will take that message back

to our commissioner and will arrange for an overview of that strategy.

But all of your comments and all of your points are very well taken, and I will bring that back to the commissioner.

Ms. GIFFORDS. Mr. Chairman, if I may, just one last question.

Can you please address why the Border Patrol are not directly on the border and why our strategy is to have them 20, 30, or 50 miles back?

Mr. GINA. Well, I will stand corrected maybe by my Border Patrol colleague. I myself, as the Chair had indicated, was a uniformed officer as an inspector at CBPO.

The strategy, you know, is employed at different locations in different manners. If you are in a very high, densely populated area where an individual who is crossing the border needs to be addressed immediately, I believe our Border Patrol are right there on the border.

In certain other areas where, either through infrastructure or because of the wide-open area, allows for a different type of response capability, I think that is the strategy and that is why certain—at least perception is that some are off, some are on.

But I believe, because of the terrain and the type of environment, I believe their response protocols are trying to achieve the exact same intent.

Ms. GIFFORDS. Thank you. I appreciate the honest answer in that.

Mr. Chairman, if I could just conclude. That is the problem. Because what happens with that strategy out in the rural areas is that you are basically allowing for citizens of Arizona, residents, to use their land, their property as then a place then to do the apprehensions. What we have is these high-speed chases. We have a tremendous amount of deaths. We have destruction on both sides.

We really need to relook at the strategy. Yes, some fencing has gone up which helps. But the thing is that people cut the fence. They will go over the fence. They will go under the fence. They will go through the fence.

So without anyone actually watching the fence and being able to respond when someone goes through the fence, it is really like actually having no fence at all. All you need is a good, you know, blow torch or some sort of shears to cut through the fence.

So we really—I implore you to relook at the strategy for the rural area, particularly in Cochise County. This is where we have a major part of the problem. Yes, we appreciate there is more MSs coming. We have more graduating horse patrols. I mean, I am not—and the new sector chief is doing a good job. It is just not enough. It is just, frankly, not enough.

I look forward to following up with you to see how, again, we can change the strategy for this one area that is being so hard hit. These folks are really, really suffering out there.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank the gentlewoman from Arizona.

Let me just make one point before I go to the gentleman from Texas.

The issue that you brought up about the National Guard—my understanding is they are going to come in and do recon, intelligence, the analysis of the intelligence, counterdrug, all that.

But I have heard in the past that they—I have heard some of the CBP folks say, well, they came in, are doing some office work, so that frees one of our agents to go out in the field.

Why do we need to get a National Guard to come in and free a Border Patrol from behind a desk? Hire a clerk. Hire support staff. I mean, there is no need to come in and bring a National Guard. I have heard that from CBP.

So please—following up on the line that Ms. Gifford said—please, as you utilize the folks—and my understanding is that, in the past, the National Guard for the other operation, it was not Border Patrol. But my understanding is that might be expanding over to do State and local so they can be assigned to those law enforcement.

But please, I don't want to hear again that they are bringing National Guard to free up a Border Patrol so he or she can go to the field. Hire somebody else to do that office work instead of bringing the National Guard.

At this time, I would like——

Mr. ENGEL. Chairman. Before you go on, I want to second what you said. But I also want to comment on what Ms. Giffords has been saying throughout.

She is the one, with her district, dealing with the major problem on the Arizona-Mexico border. She knows what the problem is. Her constituents tell her. She knows. She has gone down there. She has been receptive. She hears the same thing time and time and time again that we need to protect our people that live in the area around the border.

I think that, if a government cannot protect its own people, then what is the purpose of our Government? I mean, just the basic thing that a government is supposed to do is to protect its own people.

So Ms. Giffords, I want to just commend you, not only for bringing this up because it, obviously, has very much importance to you and your district. But it really has importance to the United States as a whole because that is a long, long border with Mexico, and we have a long, long border with Canada as well and potential problems could happen there in the international world of international terrorism. I mean, we don't know what is happening.

Ms. GIFFORDS. Mr. Chairman, if I still may, we had an incursion just 2 weeks ago into our airspace of an ultralight, and two F–16s were scrambled. The guy turned around and went back home. I couldn't imagine looking over your shoulder and seeing two F–16s on your tail.

But NORAD has documented about 200 incursions into our airspace, some going up a couple hundred miles north. They build these very low-flying airplanes that are not currently regulated in the 1930 Tariff Act with several hundred bails of drugs. They just pop over the border. They drop them. They go back.

You know, let us say you don't care about the ranchers in Cochise County, let us say Members say, well, it is not my constituency, I don't care about that. You should care about what is being

brought into the United States that we don't understand, whether they are weapons, whether it is bioterrorism.

I mean, who knows. Because the gaining hole in Arizona has been so widely publicized, anyone in the world knows, if they want to come into the United States illegally, bring in something, that is the most porous part. That is the soft underbelly.

So, again, I just can't emphasize enough how important it is to get this right out in the rural parts of southern Arizona.

Mr. ENGEL. Well, I want to thank you for calling all this to our attention and for saying, you know, what you have been saying straight along. I think your constituents are well-served by you, and I think we ought to listen to you.

Ms. GIFFORDS. Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you very much. Again, I do ask one thing. I know we always do this. Our panels of experts here, I would ask you to just respectfully—I know you are busy; we are all busy—respectfully sit and listen to the second panel so we can hear some of the local folks on that.

So I would ask you—I know we are all busy, but I would ask you to just sit with us.

At this time, the Chair recognizes the gentleman from Texas, Mr. Smith.

Mr. SMITH of Texas. Thank you, Mr. Chairman.

Let me say to the witnesses, I have been at another committee hearing all morning, so I may have missed some answers that would respond to some of my questions.

But my first question is to follow up on the Chairman's point about the National Guard.

I think, Ms. Jacobson, you may be the best one to answer that. A couple of days ago, the administration announced that they were sending 1,200 National Guard people to the border. The entire implication, the entire suggestion behind the announcement was to shore up border security and to reduce that flood of illegal immigration across our border.

I am told—and I would like for you to either confirm or deny a State Department statement today that said that those 1,200 folks from the National Guard that were going to be directed to the border have nothing whatsoever to do with illegal immigration.

Have you heard that statement by the State Department today? Or are you familiar with it?

Ms. JACOBSON. I am not familiar with that statement. The State Department, obviously, doesn't have the lead role on the National Guard deployment. So I would like, if I could, to turn to Ms. Silver, who has the lead on this and can really answer the question.

Mr. SMITH of Texas. Great. Okay.

Ms. SILVER. Thanks for the question. As a said earlier, some of the details certainly are still being worked out. But it is true that, as I understand it right now, I did see the statement that it is not intended to be an immigration enforcement mission.

The idea is, as has been said, I think, to be the eyes and ears rather than the hands, if you will.

Mr. SMITH of Texas. That was absolutely incredible to me because it seemed to me to be an absolute contradiction of what the administration was suggesting just a couple of days ago for the

State Department to come out today and say it has nothing to do with illegal immigration, because I thought that was exactly what we were trying to do to secure our border is try to reduce illegal immigration.

But what it said to me is, with this administration, you always have to either look behind the words or wait for the details or you can't believe what you hear because the entire implication was border security, 1,200 National Guard folks going to the border.

Now, the State Department, apparently, that you just confirmed, says the opposite. So I don't know what to believe. Do we believe the administration and the President, or do we believe the State Department today, or was the President, shall we say, happy to have the American people rely upon the common-sense meaning of what he was saying even if that wasn't accurate?

Ms. SILVER. If I may, I don't think the two things are necessarily in conflict. I think, as I read the statement—and I don't have it in front of me. I apologize.

But I think, as I saw it, it is a question of whether the National Guard will actually be, as we just discussed, right there on the border enforcing immigration law. That was the differentiation. But the National Guard will be in support of ICE and CBP who do enforce immigration.

Mr. SMITH of Texas. So you are now saying that the National Guard will, in fact, have a role in reducing illegal immigration?

Ms. SILVER. As you said, border security is a complex set of issues involving the movement of people, also, the movement of drugs and guns and money. We will be looking at all of those things.

Mr. SMITH of Texas. But, again, the State Department did say today it wasn't going to be involved with immigration. Right? Maybe they should have refined that statement and said maybe not directly but indirectly or something like that?

Ms. SILVER. Now I am not sure I was looking at exactly the same statement as you are. I did see some written language, but I think the differentiation was intended to be what I just described.

Mr. SMITH of Texas. Okay. You described it as a backup to try to reduce illegal immigration and secure the border. Is that right?

Ms. SILVER. The National Guard will be in support of our law enforcement on the border, yes.

Mr. SMITH of Texas. Okay. I hope you are right. To me, that is not exactly what the State Department said today, but I am glad you clarified it to that extent.

Let me get to my other questions. By way of background—and it has probably been already brought out today. But in the last 3½ years, as of last week, 22,700 people have been killed along the border between the United States and Mexico.

To put that in perspective, that is five times as many people who have been killed in Iraq. It is just an incredible figure. The border, apparently, is a war zone.

Yet on the Mérida Initiative, we have only spent, I believe, as of last month, $250 million out of the $830 million that were approved. Maybe you can answer this question today, but why is it we have not spent the money by 2½ years after the Mérida Initia-

tive was approved? What is the need for more funds until we have really used the $830 million that have already been approved?

I don't know if Mr. Peña or Mr. Gina—I don't know who the best person to answer that question—okay. Ms. Jacobson?

Ms. JACOBSON. Thank you, Congressman. I think it would be me since the money was allocated to the State Department.

We really are very concerned that the money be spent as quickly as possible, that equipment and training get to Mexico as quickly as possible.

Mr. SMITH of Texas. My first question is: Why hasn't it been spent?

Ms. JACOBSON. Well, what we had to do with Mexico—first of all, I would say that our figures of how much has been spent are about $425 million that is actively working against projects. My hope is——

Mr. SMITH of Texas. Okay. We just got the figure a couple of minutes ago that it was $230 million. So your figure is more current than that, apparently.

Ms. JACOBSON. I think it may count what has been disbursed differently.

Mr. SMITH of Texas. Okay.

Ms. JACOBSON. Active projects where things are en route. But that is our figure of how much we think is——

Mr. SMITH of Texas. Even given that expansive figure, that is still only half the funds roughly.

Ms. JACOBSON. Right. I think that we still have a lot to do to make sure that these things get done quickly. But I will tell you, we had a lot of structures to set up with the Mexican government which was not used to foreign assistance from the United States. We had to agree on exactly how the money was going to be spent.

Certain of those funds were not actually given to the State Department after being appropriated for some months. We had spending plans.

Mr. SMITH of Texas. Right.

Ms. JACOBSON. So it is not that it is a satisfactory time schedule yet. We are moving things much more quickly now because we have those procedures in place.

Mr. SMITH of Texas. Okay. Are those funds going to be sufficient—the $830 million?

Ms. JACOBSON. At this point, Congress has actually appropriated just over $1 billion for Mexico. We think those funds are going to be incredibly important in making a real difference in our relationship and cooperation with Mexico. But the President has requested additional funds in fiscal year 2011 because we think that there is more work that we need to do.

Mr. SMITH of Texas. How do you know you need additional funds if you have actually spent less than half of what has already been approved?

Ms. JACOBSON. Well, I guess I would say that part of the way we know that is that we know what those funds are going to be used for in most cases even if the equipment has not been delivered, the training not carried out.

Mr. SMITH of Texas. How long is it going to take those additional funds to be used?

Ms. JACOBSON. My hope would be that, by the end of this calendar year, we would be up in the neighborhood of $600 million to $700 million that will be spent. I would expect that, as these procedures are improved, we are accelerating the rate of distribution of these funds so that we would not be so far behind.

Mr. SMITH of Texas. Again, my question is: How many years would you expect it to take for us to use up all the money that has already been approved—the $830 million plus the additional getting us to, as you said, close to over $1 billion?

Ms. JACOBSON. Right. My assumption would be the $1.1 billion or $1.2 billion that has been appropriated already at this point, which is up through fiscal year 2010, I would assume that we will be expending those funds through calendar year 2011, but that would be the majority of it spent as these programs accelerate and we get ahead of delivery.

Mr. SMITH of Texas. So you expect to spend over $600 million in the next 2 years, in other words?

Ms. JACOBSON. I do expect to be spending significantly more.

Mr. SMITH of Texas. Any additional funds would be used after that 2 years?

Ms. JACOBSON. Would be used after, let us say, a year and a half. They would be programmed and spent thereafter.

Mr. SMITH of Texas. Okay.

Ms. JACOBSON. We do those sequentially, as you know.

Mr. SMITH of Texas. Okay. Thank you.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank the gentleman from Texas.

At this point, I would like to recognize the gentlewoman from California, Ms. Lee.

Ms. LEE. Thank you very much, Mr. Chairman.

Let me welcome our panelists. Just for the record, border security, I think, will only work if it is part of a comprehensive immigration policy. No one disagrees with border security.

I agree. I was very happy to hear Ms. Giffords talk about some of her ideas and some of the real issues that she is dealing with each and every day as it relates to the border.

I represent a district in California with a large immigrant population. Of course, we all are opposed to Arizona's new law. I was born and raised in El Paso, Texas, and have watched with dismay the violence that is taking place in Ciudad Juárez.

My family lives in Arizona, and so I have a real deep understanding—not as Ms. Giffords has in terms of right now being on the border—but I really understand the necessity for border security but, also, as a part of comprehensive immigration reform.

President Calderón was right in talking about the direct relationship between the repeal of the assault-weapons ban and an increase in the violence in Mexico. I believe, in many ways, that our policies really have helped fuel the violence in Mexico.

I associate myself with the remarks of Congresswoman Lofgren. We cannot really ignore this. I, too, understand that it is not realistic, at least politically right now, to believe that the assault-weapon ban is going to be reinstated, but I will tell you one thing. I think that those who oppose reinstating the assault-weapons ban really do have some responsibility with the carnage taking place in

Mexico and in urban communities in America. I fully support the Second Amendment.

So, you know, your response to what you are doing as it relates to stopping the flow of assault weapons into Mexico was fine. That is within the confines of the law. It is just unfortunate we don't have a law that will make your job a lot easier and that would help save lives in our neighbors to the south.

With regard to human rights, international and local human rights organizations continue to document a lack of measurable progress in human rights in priority areas outlined in the Mérida Initiative. One of the priority areas is ensuring that—I think it is judicial authorities investigate and prosecute members of the federal police and military forces who have been credibly alleged to have committed violations of human rights.

According to these organizations, to date, I think it is only a single, one, human rights violation perpetrated since 2007 by a member of the military has resulted in a trial and upheld to conviction. Even though, it is my understanding that the National Human Rights Commission has received about 3,400 reports of human rights and related complaints committed by members of the military since December 2006.

Even the State Department's latest annual country report on human rights practices states that human rights abuses range from unlawful killings by security forces to kidnappings, physical abuse, arbitrary arrest and detention, confessions coerced through torture, and forced disappearances by the army and police.

So given all of this well-documented troubling human rights pictures, I am trying to understand how the State Department and Congress can justify the release of any more money which are conditioned, mind you, on concrete progress on key human rights areas. Or is that just something that was put into writing and stated as a policy without any real commitment to follow up on that?

Ms. JACOBSON. Congresswoman, thank you very much. I greatly appreciate the question and the opportunity to make very clear that the commitment that the administration has to upholding standards of human rights and to working with the Mexican government, which has made improving the human rights situation a primary part of their policy, is incredibly important to us and something that we are working on very hard.

I think there are some reasons for us to look at structures and processes that give us some reason for optimism, but I think there are still a lot of individual cases and prosecutions to be followed up on and things that we need to be concerned about and to monitor.

So I think both are the case, and we are very much engaged in that. We have created, under Ambassador Pascual in Mexico, a bilateral human rights dialogue with the Mexican government which will meet three times a year and has already met twice sort of in an ad hoc way but is a structure to give some to our relationship on human rights to allow us to bring these issues to the table with all of the Mexican government players, military authorities, judicial—sorry—the attorney general's office, the police and others, to discuss these issues in a way that we hope will lead to improved resolution, better understanding, and transparency about what may be taking place.

Ms. LEE. But how can we release funds for the initiative if, in fact, we conditioned these funds on concrete progress in human rights areas and, in fact, only one out of 3,400, you know, allegations or reports have even been addressed?

Ms. JACOBSON. Well, I think the National Commission on Human Rights and the number of allegations that they receive, their process of returning those over to the agencies is not a process that always results in a court case or a conviction, it is true. I am not arguing that we are necessarily satisfied yet that the institutions have responded to all of those complaints.

But the National Commission on Human Rights does not—those are not a list of cases that all were recommended for prosecution. The agencies have to look into the allegations and get back to the National Human Rights Commission.

I think one of the most important things that has happened in Mexico recently is the discussion in the congress about human rights issues and the power of the National Human Rights Commission and the passage in their senate of stronger laws to allow the CNDH, the National Human Rights Commission, to have more authority to implement their——

Ms. LEE. Okay. But let me ask, would the well-documented facts of unlawful killings by security forces, kidnappings, physical abuse, arbitrary arrest, detention, rapes—we still feel that concrete progress is being made to the extent that we can release the funds?

Ms. JACOBSON. We do believe that enough progress is being made that we should release the funds which also—and I think the funds are important because they are part of how we help improve progress further. There is training in there that is focusing on human rights along with the U.N. There is new courses. There is investigative procedures. There is internal affairs offices that are going to, in fact, focus OIG. All of that is part those funds, and that is part of the reason we think it is important to move ahead with them because we also do think that we are seeing increased responsiveness.

Ms. LEE. So you think there is progress?

Ms. JACOBSON. It does not mean that we do not still see allegations, and we do not still think more needs to be done.

Ms. LEE. Well, I don't see how you call that progress.

But thank you, Mr. Chairman.

Mr. CUELLAR. Yes. Thank the gentlewoman from California, Ms. Lee.

Now, move on to the gentlewoman from Texas, Ms. Lee. We will go ahead and recognize Ms. Lee from Texas before we move to the second panel.

Ms. JACKSON LEE. Thank you. Thank you very much, Mr. Chairman. This is an excellent hearing, and I thank you for your indulgence.

We are holding a hearing in Judiciary on the oil spill, and I apologize that I am in between two hearings, but I would not have wanted to miss what I think has to be the crucial issue of the time, and that is securing America's homeland, securing her border, and working to ensure that we have an effective partnership with our neighbors.

The president of Mexico was quite welcome last week, but I believe that he generated quite a bit of interest and controversy as to the thoughts and ideas of how the relationship with the United States should continue or be structured.

But I think he was speaking from the perspective of wanting help and wanting to ensure our partnership. So I will pose questions along those lines as to how effective the initiative has been, the Mérida Initiative has been, the amount of monies being expended.

But first of all, let me ask a general question.

It is my understanding that a proposal has been offered by the White House for 1,000 National Guard troops at the border. Can I have Secretary Jacobsen comment and Secretary Silver comment on that proposal? Is that anything before you? Is that something that has been recommended by these two agencies? What is your knowledge about the time frame or the actual reality of those thousand troops going to the border?

Ms. SILVER. Thank you, Congresswoman. I believe the number is 1,200 National Guard troops, and we are looking, right now, as an interagency, as deployment time lines and that sort of thing. I think that has not been decided yet.

Ms. JACKSON LEE. Okay. So is that something that Homeland Security requested?

Ms. SILVER. Homeland Security was involved in the interagency process that determined that this was the best next step.

Ms. JACKSON LEE. Then what is the role that these 1,200 National Guard troops will play?

Ms. SILVER. They will play primarily intelligence, intelligence support, reconnaissance roles in support of the law enforcement folks we have on the border and will continue to put on the border. They will provide us an opportunity to bridge as we develop further the already quite robust Customs and Border Protection and ICE authorities that we have—ICE personnel that we have on the border.

Ms. JACKSON LEE. Was the State Department part of the interagency analysis? So what was the analysis that you utilized to come to that conclusion?

Ms. JACOBSON. We were certainly part of the discussion in the interagency group, yes.

Ms. JACKSON LEE. So what was the discussion?

Ms. JACOBSON. Well, the State Department's role in all of this, really, is the implications of whatever decision is made on homeland security which is not State's functions, what the implications of that may be on foreign policy. We were certainly engaged in that debate and how this might be viewed by Mexico.

Ms. JACKSON LEE. What is your perspective on how this might be viewed by Mexico?

Ms. JACOBSON. Well, I think, in fact, we have seen the way it has been viewed by Mexico. Over the last 2 days, the Mexican government has put out a statement from its foreign ministry. I think that the statement is very measured and talks about how this is part of a comprehensive strategy to reduce violence along the border.

So I think the conversations with the Mexican government in terms of what the deployment would be intended to do, which is to reduce contraband in both directions and to support our law enforcement efforts by DHS and DOJ along the border was well understood by Mexico.

Ms. JACKSON LEE. Let me ask a question—I would probably second-guess that.

But Ms. Jacobson, in your testimony, you talk about the shared goal of building a 21st Century border. Could you explain what that means?

Ms. JACOBSON. Sure. I think one of the things that we realized as we got the Mérida Initiative under way was that we had focused on National capacity in Mexico. We had not had a geographic focus when Mérida began.

One of the things we felt pretty strongly as we got into the program and, also, as developments changed along the U.S.-Mexican border, was that we needed to look at the border itself. We needed to look at how we could improve security on both sides of the border. We needed to look at how we could facilitate trade and travel.

So, really, what we are——

Ms. JACKSON LEE. So you are looking at it comprehensively?

Ms. JACOBSON. Correct.

Ms. JACKSON LEE. I only have a short period of time.

Mr. Peña and Mr. Gina, if you would quickly talk about troops on the border and whether you believe this initiative, the Mérida Initiative, is working.

Mr. GINA. Congresswoman, thank you. As I testified earlier, at least the role of CBP relative to Mérida, we are performing canine training for our Mexican counterparts. We are performing non-intrusive inspection and examination training for our Mexican counterparts. We are also supporting them in their Mexico reestablishment of a new customs academy.

We have gotten tremendous support from the State Department. All of those things that I have mentioned have already begun, and we are embarking on them. As alluded to, I think a more comprehensive approach would be the key to success.

Ms. JACKSON LEE. Troops on the border?

Mr. GINA. The troops on the border, as Ms. Silver indicated, I think those details are still being worked out, but as she alluded to, they will be used primarily for surveillance and reconnaissance in support of CBP officers. Thank you.

Mr. PEÑA. Congresswoman Lee, ICE is going to have a number of National Guard assigned to us, and they will be functioning in an intelligence capacity. They will be helping analyze and collect and disseminate intelligence to our agents as we are the investigative arm of the Department. We are not the interdictive arm. So their function would be to support our investigations through robust intelligence.

As far as the Mérida is concerned, ICE is actively involved in building institutional relationships with our Mexican partners through training. That is probably one of the biggest areas that we are working. We have trained federal police officers on undercover. Mexico passed a law to allow their officers to do undercover, some-

thing they previously had not had authorization to do in their country.

We are working to ensure that they get the training that they will need for that. We are also helping train their new recruits as they come in, and we have anticipation of training about 4,000 federal police officers.

We are also involved in training the first special agents for the Mexican customs service. They have not had—Mexico is changing their customs service from pretty much a revenue-collection to more of a risk-based program, and we are involved in that.

Ms. JACKSON LEE. Thank you, Mr. Chairman, for your indulgence. Chairmen, plural, thank you very much.

Mr. CUELLAR. Thank you very much.

Before we move to the second panel, Mrs. Miller for a statement.

Mrs. MILLER. Thank you very much. Just quickly, believe me, I am incredibly sympathetic and very concerned about what is happening on the southern border.

But I will be remiss if I didn't mention something about the northern border because, as has been talked about here today, in addition to the troop—the National Guard troop deployment and other things that are going to happen, we are going to be looking at a surge, possibly, probably a surge from ICE agents and CBP.

I can guess where those are going to come from. That is probably the northern border. I just mention that. I want to be on record because I do have consternation that we could be exposed on the northern border.

Again, I am totally sympathetic of what is happening on the southern border, but the northern border—we have no canine units at all on the two busiest commercial arteries on the northern border at all. We don't have any.

We have been trying to get some, and we can't get any. So we are not even able to apply for Stonegarden grants, which has been a great force multiplier. We were to get a UAV mission and, of course, those are all going to the southern border. So we are not getting any.

So I only mention this. I just want to be on record. We are talking all these resources away from the northern border to supplement what is happening on the southern border. I understand the problems.

But in anything happens on the northern border, I just mention this—I don't think it is a good policy for us to be so completely exposed in putting everything at the expense of the northern border as well.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you, Mrs. Miller.

Before we move on the second panel, again, I want to say thank you to all of you. I know you all worked very hard.

Ms. Jacobson, Ms. Silver, Mr. Peña, Mr. Gina, we thank you very much and, of course, everybody that works along with you.

So we appreciate it. I know we have tough questions, but that is part of the legislative oversight that we have to do.

But we do appreciate the work.

At this time, I will go ahead and hand the gavel over to the gentleman from New York who is going to introduce the second panel.

I do ask for the first panel just stay around a little bit and listen to some of the other folks here.

Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman. As you can tell, we had a lot of interest in this hearing today, and I am glad that our two subcommittees combined to bring this together, not only two subcommittees but two committees as well. This is very, very important.

I am now pleased to introduce our distinguished second panel, our private witnesses. There are three. As I call you, please come up and—well, let us get the name plates changed, and then I can call everybody.

Mr. CUELLAR. I just want to note for the record, I want to thank Mr. Peña, Ms. Jacobson that are staying here from the first panel. I had asked the other folks to stay in so that they can listen to the second panel, the ambassador and to the ambassador and other folks here, but I do want to thank, in particular, Mr. Peña and Ms. Jacobson for being here.

Mr. ENGEL. Okay. So, now, let me introduce our distinguished second panel. Firstly, Ambassador John Negroponte is vice chairman of McLarty Associates. Ambassador Negroponte has led a distinguished career in National security and diplomacy having served as director of National intelligence, deputy secretary of State, and U.S. ambassador to Mexico and Honduras.

Ambassador, that is quite a distinguished litany of positions.

Dr. Shannon O'Neil is Douglas Dillon fellow for Latin American studies at the Council of Foreign Relations.

I was going to turn to Gabrielle Giffords to introduce Mr. McDonald, so we will give her a chance to do that when she comes back because I know that you are from Arizona, the home State, and Gabrielle Giffords, as I mentioned before, is an important Member of the Western Hemisphere Subcommittee and a leader on U.S.-Mexico security cooperation.

So when she comes back, I will let her say some nice things about you, Mr. McDonald.

Ambassador Negroponte.

STATEMENT OF JOHN D. NEGROPONTE, VICE CHAIRMAN, MC LARTY ASSOCIATES

Mr. NEGROPONTE. Thank you, Mr. Chairman, Chairman Cuellar and Ranking Members.

I have a prepared statement which I ask be submitted for the record. In addition, I would just like to make a few brief comments.

As a retired Government executive with a total of 44 years of Federal service, most of them as a diplomatic officer, I have had a number of assignments where issues concerning transnational crime and narcotics enforcement were an important part of my job.

This goes back as far as my assignment to the United States embassy in Quito, Ecuador, from 1973 to 1975 where one of my jobs was to serve as the embassy's narcotics coordinator.

I have also had extensive experience dealing with Mexico, especially as ambassador to that country in 1989 to 1993, a period when we both conceived and negotiated the landmark North American Free Trade Agreement.

Perhaps, most relevant to this hearing, I was deputy secretary of state during the last 2 years of the—administration and played an early role in launching the Mérida Initiative working with assistant secretary of state for Western Hemisphere, state Ambassador Thomas Shannon and Ambassador David T. Johnson, the assistant secretary of state for international narcotics and law enforcement affairs.

Much has already been said this morning about the Mérida Initiative, so I would like to limit myself to the following summary points.

First, with a common 2,000-mile border with Mexico and an ever-increasing interdependent relationship, the United States has a National security interest in assisting the country and government of Mexico in dealing with drug trafficking organizations, in improving its police efforts, and in strengthening the administration of justice and the rule of law.

Second, President Calderón's request to President Bush in 2007 for urging cooperation in dealing with these issues represents an unprecedented level of Mexican government interest in United States' advice and assistance in a realm previously considered too sensitive for foreign engagement for reasons of national sovereignty.

Third, having just returned from a 3-day visit to Mexico yesterday afternoon, I am more convinced than ever that the government of Mexico is committed to succeed in this struggle; that important strides are being made, and that their efforts to restore a climate of law and order will ultimately be successful.

I was especially impressed by progress that has been made improving Mexico's federal police since I visited Mexico as the director of National intelligence a number of years ago.

Fourth, as a practical matter, the Mérida program has been in effect barely 2 years. All things considered, significant progress has already been made. But Rome was not built in a day, and Mérida is not going to succeed in just 2 or 3 years.

This is a project of a decade. That is about the time it took for Plan Colombia to really bear fruit. But this is a critical time nonetheless. President Calderón took office in December 2006. His commitment to this enterprise is incontrovertible reflecting the kind of political will indispensable to success.

We cannot pass up this opportunity to help a good neighbor in need.

There are a couple of other points I would like to make, Mr. Chairman, in light of some of the testimony that I heard this morning. I suppose the two most important points have to do, first of all, with the question of what this war has cost Mexico because we talk—obviously, in our own domestic process, we talk about what the Mérida Initiative costs the United States. It is appropriate that we do that.

But I think we should all bear in mind that, since the Calderón administration came into office about 3½ years ago, there have been 23,000 deaths in Mexico in this struggle. In terms of—in fiscal terms, in the first 3 fiscal years of the Calderón administration, they have spent $13 billion—roughly ten times the initial tranche

of the Mérida Initiative—dollars in their funds to carry out this effort.

So this is not a question of us contributing resources and monies and blood and treasure where there it is a corresponding commitment on the side of our friend which is dealing with this problem. They have more than demonstrated their commitment to dealing with this problem.

Second, I think that, if there is one single issue that we could act upon on our side of the border that could really have a material influence on the struggle inside of Mexico, it would be the question of southbound inspections because one just repeatedly hears the complaint in Mexico that not enough is being done on our part to stop the flow of bulk cash and of sophisticated weaponry that ends up in the hands of traffickers and criminals in Mexico.

I know that there are issues, particularly with respect to weapons. But whatever is done about the assault ban, whether it is reinstated or not, it is a violation of United States law to export a weapon without a license. So I think there are probably steps within the existing framework of law that can be taken, particularly in terms of southbound inspections that could contribute significantly to ameliorating the situation south of the border.

Then last, let me just say by way of conclusion that compared to when I was ambassador to Mexico from 1989 to 1993, I think the atmosphere of cooperation between our two governments on these difficult issues has improved substantially. I think we have to credit the existing Mexican government for having accomplished that.

I would just cite one example to illustrate that point. That is on the issue of extraditions. There are literally dozens, if not, hundreds of extraditions that have taken place from Mexico to the United States of narco-criminals, whereas, that was virtually unheard of 20, 25 years ago for a variety of reasons.

So that is just one example among many of how much cooperation between the two countries has improved in this area. I think it deserves our continued encouragement and support.

Thank you very much.

[The statement of Mr. Negroponte follows:]

PREPARED STATEMENT OF JOHN D. NEGROPONTE

MAY 27, 2010

Chairman Thompson, Chairman Engel: It is a pleasure to appear before you today to address the issue of the next steps for the Mérida Initiative.

By way of background, let me say that the issues of governance and security as affected by criminal behavior has been a theme encountered at numerous different times during my Government career. To cite but three examples, when I served as Political Counselor at the United States Embassy in Quito, Ecuador from 1973 to 1975 I also served concurrently as the Embassy's Narcotics Coordinator. At that time there was already serious concern about the flow of cocaine from Bolivia and Peru through countries such as Ecuador and Colombia. Second, from 1989 to 1993 I served as Ambassador to Mexico where the fight against drug trafficking had become a major issue in the U.S.-Mexico relationship. And third, as Deputy Secretary of State in the last administration from 2007 to 2009, working with Assistant Secretary of State for Western Hemisphere Affairs Ambassador Thomas Shannon, I oversaw the development and presentation of our Mérida plan to the United States Congress.

Given this trajectory of working on narcotics-related issues off and on for more than 35 years, one might ask what is different and what has changed, and does this experience give us any guidance as we look to the future? I suppose my first point,

though obvious is still worth making; problems with narcotrafficking remain with us to this day notwithstanding the enormous blood and treasure that has been expended up and down the length of the hemisphere to deal with these issues. So, we all must agree that this is a long-term issue to which there are no quick fixes. We need strategic patience.

But there have been significant shifts and developments over those decades; advances and retreats; improvements and setbacks. And while this is a long-term problem requiring strategic patience, this is not to say that nothing can be done, that any effort is doomed to failure, that there is no plan or course of action that can propel us towards a better state of affairs in the short- and medium-term. Quite the contrary, we have seen instances where concerted national action integrated with effective international support can bring about very encouraging results. A little more than a decade ago, Colombia was in dire straits with rampant criminal violence, loss of vast territorial extensions to insurgent and criminal control and little hope for the future. Today, through the heroic efforts of the Colombian people, government, and armed forces, there has been a dramatic turnaround in the situation. Government has restored control to previously denied areas. Institutions of democratic governance have been revitalized and Colombia's economy is on the march as an investment and tourist destination, as I was personally able to witness when I represented the United States at the Annual OAS General Assembly in Medellin in June of 2008. In prior years, Medellin had been off-limits to international visits of this kind because it was so engulfed by criminality.

I mentioned my service in Mexico from 1989 to 1993. During those years, Mexico was a transit country and the cartels were principally Colombian. There was no "Juárez Cartel" or "Tijuana Cartel." Nor was there significant domestic drug consumption. Though there was collaboration between U.S. and Mexican authorities, it was fitful, reluctant, and on occasion interrupted because of one controversy or another. Most notably and notoriously the snatching of Humberto Alvarez Machain, a Mexican doctor, from his office in April 1990 by bounty hunters, who thereafter delivered him to DEA agents in the United States where he was held and eventually tried in connection with the murder of DEA Agent Camarena in Guadalajara, Mexico, in 1985. Notwithstanding the fact that Alvarez Machain was eventually acquitted for lack of sufficient evidence, his case cast a shadow of uncertainty over U.S./Mexico counter-narcotics cooperation for at least 3 years.

Moving quickly to the situation which prevails today, the atmosphere of collaboration between our two countries is at an unprecedented level. Gone is the hesitation of earlier years. Very shortly after taking office President Calderón of Mexico proactively sought full-fledged United States assistance in dealing with the problems associated with narcotrafficking. The Mérida Initiative, whose history is well known to the committees, is the result. It will soon come up for renewal. There is no doubt whatsoever in my mind that this initiative deserves continued and even increased U.S. Government support for a number of reasons.

First, there is strong and unequivocal commitment on the part of the Mexican government to deal effectively with these issues. They have spent thousands of lives and billions of pesos to squarely confront the threat. They have adopted a "Whole of Government" approach and seem prepared to make the kinds of police and judicial reforms, among others, that augur well for durable solutions.

Second, the level of interest in collaborating with the United States is unprecedented. That the government of Mexico, under the leadership of President Calderón should reach out to the United States in the way it has invites us, indeed obliges us, to make a positive reciprocal response.

Third and last, our own National security interests are directly affected. We share a common 2,000-mile border. Can we reasonably expect that the cities and towns along our side of the border will remain immune to the effects of criminal violence on the other side of the Rio Grande? What about the longer-term economic impacts if effective security is not encouraged and reinforced now—impacts on trade, investment, and overall prosperity of our border region? Hundreds of thousands of jobs are at stake, not to mention the quality of life and aspirations of millions of residents on both sides of our common border.

By extending the Mérida Initiative beyond its initial 3-year period we would be bringing vital encouragement and support to a friendly government determined to address the serious challenges it faces. With our continued and consistent assistance, I am sure they can succeed.

Mr. ENGEL. Thank you, Ambassador.

Ms. O'Neil.

STATEMENT OF SHANNON K. O'NEIL, DOUGLAS DILLON FELLOW FOR LATIN AMERICA STUDIES, COUNCIL ON FOREIGN RELATIONS

Ms. O'NEIL. Mr. Chairman, Ranking Member, and other distinguished Members of the subcommittee, it is my great honor to appear today to talk to you about U.S.-Mexico security cooperation.

As been mentioned already, in the last 3½ years of the Calderón administration, over 23,000 people have been killed in drug-related violence in Mexico. By many accounts, Mexico today ranks more violent than Iraq or Afghanistan.

The crime-represented violence in Mexico is not new. Mexico has always been a supplier of illegal markets to the United States. Disputes in these types of businesses have often been settled with blood in the streets.

But in recent years, there have been significant changes, and this has transformed the scope and the scale of the bloodshed. The first serious change has been the scale of Mexico's narcotics operations. U.S. demand has grown and diversified as has demand from Europe, from Russia, from Latin America, including from Mexico itself.

This has upped the stakes in Mexico for these drug-trafficking organizations. In response, they developed increasingly sophisticated intelligence, money laundering, and enforcement arms.

Second, Mexico has become the power base of the drug trade in the Western Hemisphere. After four decades and billions of dollars, one unintended consequence of the U.S. war on drugs has been to move the epicenter of these illegal criminal networks from Colombia to our border.

Third, Mexico's democratization in the 1990s upset longstanding, unwritten agreements between the ruling political party and favored drug-trafficking organizations. As the ruling—political monopoly eroded, so too did their ability to control the drug-trafficking organizations bringing uncertainty and then increased violence to these markets.

Now, in response to these longer-term changes, Calderón has made the war on narco-trafficking his signature issue. This government strategy of directly attacking the cartels has also increased violence in the last few years.

Now, the stream of bad news from Mexico overshadows one positive aspect of the last 3 years, and that is unprecedented U.S.-Mexico security cooperation. Now, the United States and Mexico should build on the strong basis of the Mérida Initiative, keep the best of this program while developing a more comprehensive approach to security cooperation, one that really recognizes the complex and intertwined realities of U.S.-Mexico relations today.

So as the Mérida Initiative reaches the end of its initial 3-year period, there are some changes in U.S. security support that are necessary, and these include the following.

First is greater support for Mexico's judicial reform process. Establishing the rule of law is, perhaps, the crucial element and the potential Achilles' heel for Mexico's security going forward.

In 2008, Mexico passed judicial reform that will transform the justice system, including introducing oral trials, giving greater access to public defenders, and creating tougher tools to combat orga-

nized crime. It is the implementation of these changes that are going to matter for future security in Mexico.

This will entail a monumental task over the next 6 years. It will mean creating new courtrooms for hearings, revamping law school curriculums, retraining sitting judges and some 40,000 active lawyers, building the capacity of Mexico's investigative police and its cooperation with the prosecuting attorneys, and transforming the current judicial and law enforcement culture. The United States can help here with both monetary and human resources in this effort.

The second issue is the United States support state and local police reform. While the professionalization of the federal police is underway, as Ambassador Negroponte spoke of, very little has been done on the state and local level.

With all security in the end being local, the safety of Mexico's citizens and of the U.S.-Mexico border will depend on reforming and professionalizing the local police. These hundreds of thousands of officers which represent some 90 percent of Mexico's police forces, need better training, vetting, equipment, and career opportunities similar to those being designed at the federal level.

While Mexico will have to do most of this investment, the United States can and should participate.

Third, the United States should support programs that get at the underlying socio-economic factors that lead to greater criminality and violence. The recruiting pool for organized crime grows where there are no other economic options.

Mexico's slow growth, its weak public education system, and its development challenges have left many families on the margin. The programs to address these underlying socio-economic factors, while mostly will depend on the Mexican government, private sector, and society—there is also a role the United States can play.

It can play in facilitating the fusion of best practices, funding pilot programs, and assisting the evaluation of what works and doesn't work at a local level.

Finally, the United States still needs to get its own house in order, and this means more aggressively dealing with the guns, the money, and the demand for drugs that fuels this violent business.

The good news is much of this is already happening. The U.S. and Mexico governments recently unveiled a revised strategy for continued security operations and cooperation that addresses some of these issues. This new structure is more ambitious, demanding a longer-term commitment from both governments across administrations, but it is also more promising because it recognizes the complicated realities of Mexico's drug war.

As the murders pile up, it remains uncertain whether politicians in both countries will have the patience to see this strategy through because it is going to be a long-term strategy. But if they do, there is a chance, 10 years from now, that things will be better in Mexico. If they don't, both countries will be facing the same challenges a decade from now.

Solidifying the good in today's strategies and building on them far into the future should be the basis for the next phase of U.S.-Mexico security cooperation.

Thank you.

[The statement of Ms. O'Neil follows:]

PREPARED STATEMENT OF SHANNON K. O'NEIL

THURSDAY, MAY 27, 2010

INTRODUCTION

Perhaps no other country is as intertwined with the United States as Mexico. Mexico is the United States' third-most important trading partner—and its second largest export market, with 22 out the 50 U.S. States counting Mexico as their No. 1 or 2 destination. Mexico is the third-largest foreign supplier of oil to the United States, providing stability in this often volatile market. It is the largest source of U.S.-bound migration, the homeland of nearly 12 million U.S. residents, or nearly one-third of the foreign-born population. The United States and Mexico are also closely tied in their security—sharing a 2,000-mile border that is traversed by the same transnational criminal networks. It is this last issue that dominates the headlines, and these proceedings, today.

The most immediate factor bringing Mexico to the fore is the increasing levels of violence. Over the last 3½ years of the Calderón administration over 23,000 people have died in drug-related killings. By many accounts Mexico now ranks as more violent than Iraq or Afghanistan. Ciudad Juárez, just across the Rio Grande from El Paso, Texas, is the homicide capital of the world. The start to 2010 has been particularly bloody—with nearly 4,000 drug-related deaths. While most of these have continued to be concentrated in hotspots such as Ciudad Juárez in Chihuahua and in the states of Sinaloa, Durango, and Guerrero, the quieter border state of Tamaulipas recently exploded as two previously allied drug cartels turned on one another. In addition, several high-profile civilian murders occurred—involving innocent students as well as three people associated with the U.S. consulate in Ciudad Juárez—questioning the governing theory that the deaths are primarily between drug traffickers themselves.

As worrisome as the death count is the changing nature of the drug market and the Mexican trafficking organizations. While the United States remains the world's largest consumer, demand in Europe, Russia, China, and Latin America (including Mexico) is on the rise. These organizations have taken full advantage of expanding markets to increase their profits and global reach. Mexican drug cartels now boast global networks, reaching far into the United States, into South America, and even into West Africa and Europe. The scale and complexity of their operations increases the challenge for local, national, and international law enforcement. These organized criminal operations are also branching out into other businesses within Mexico and on the U.S.-Mexico border—including human smuggling, kidnapping, and extortion. Many of Mexico's drug trafficking organizations are developing into illicit multinational conglomerates.

Yet the constant stream of bad news overshadows one positive aspect of the last 3 years: Unprecedented U.S.-Mexico security cooperation. The United States and Mexico should build on the strong basis of the Mérida Initiative, taking the best of this initial framework for cooperation while putting forward a more comprehensive approach to security cooperation, one that recognizes and supports the intertwined realities of U.S.-Mexico relations today. This program should focus particularly on strengthening Mexico's democratic rule of law, on working with local and state and well as national agencies to improve security, and it should begin to address the deep-seated socioeconomic inequalities and dislocations that leave so many in Mexico susceptible to criminal pursuits. It is only through serious institution building and structural changes that the situation both on and south of the border will change in the long term.

MEXICO'S EVOLVING SECURITY SITUATION

When Calderón declared a war on narco-trafficking just days after his inauguration in 2006, he confronted a decades-long problem. Mexico has traditionally been a supplier of illegal markets to the United States, from alcohol in the prohibition era, heroin during WWII, marijuana throughout the 1960s counterculture, and in recent years a variety of drugs including cocaine, heroin, marijuana, and methamphetamines. These illegal businesses had long been a source of violence, since without access to legal channels, market and contract disputes were settled through blood in the streets.

Nevertheless, significant changes have occurred in recent years to transform this long-standing dynamic—and not for the better. One is the scale of Mexico's drug-based operations. Domestic demand for drugs in the United States has grown and

diversified over the few last decades, and Mexico has increasingly become its primary supplier. For instance, while in 1990 50 percent of cocaine bound for the United States came through Mexico, today it is 90 percent. Mexico is also a major source of heroin, meth, and marijuana for the U.S. market. Rising demand for illegal drugs worldwide has also expanded the size and stakes of the illicit market.

As important, U.S. counternarcotics efforts elsewhere in the region shifted the epicenter of the drug trade to Mexico. Space for new contenders opened up as Caribbean interdiction efforts pushed drug transit overland through Mexico, and military operations in Colombia broke up their notorious cartels. Mexican organizations now control the trade in the Western Hemisphere, reaching down into source countries such as Bolivia, Colombia, and Peru, transiting products up through Central America and Mexico, and delivering them throughout the United States. This reach was recognized in the 2008 Department of Justice National Drug Threat Assessment report that states "Mexican drug trafficking organizations represent the greatest organized crime threat to the United States." In the last 2 years they have only expanded operations, now controlling most of the wholesale cocaine, heroin, and methamphetamine distribution in the United States as well as much of the marijuana distribution. As they gained power and influence, Mexican organized crime groups have become increasingly sophisticated—professionalizing their intelligence, money laundering, and enforcement arms.

Mexico's democratization has also been a factor in the escalation of violence the country faces today. This drawn-out process throughout the 1990s undermined old deals between some members of the ruling PRI political party and particular drug trafficking organizations. As the PRI's political monopoly ended, so did its control over the drug trade. This allowed existing organizations to assert their independence from the government. It also opened up the space for new entrants to the market, increasing competition. Further legacies of the PRI's 70 years in power—in particular the political manipulation of the judicial branch and law enforcement more generally, which limited their professionalization and enabled widespread corruption—further aggravated the situation by leaving the recent democratic governments with only weak tools to counter increasingly aggressive criminal organizations.

These long-term economic and political processes—more lucrative opportunities, heightened competition, and changes to the political game—created dramatic uncertainty in the market. Violence was already increasing when Calderón took office in 2006. He quickly responded by sending troops into Mexico's streets. Over the last 3½ years Calderón has spent billions to arm and mobilize some 45,000 military troops, sending them to hot-spots throughout Mexico to take back the streets from increasingly powerful drug cartels. The surge in operations against the drug trafficking organizations has led to record numbers of interdictions and arrests in Mexico, as well as extraditions to the United States.

The Calderón government has also worked to transform federal law enforcement and judicial institutions engaged in the war against narcotraffickers. This has meant reorganizing, rebuilding and expanding the federal police force under the control of the Secretariat of Public Security (SSP). It has also meant embarking on a far-reaching process of judicial reforms, starting with the 2008 legislative and constitutional changes that, once implemented nation-wide by 2016, will fundamentally transform Mexico's judicial system.

FORMING A U.S.-MEXICO SECURITY AGENDA

With security his signature policy issue, Calderón reached out to his northern neighbor, asking for assistance. After years of security assistance largely bypassing Mexico on its way to Colombia and the Caribbean, in 2008 Presidents Bush and Calderón launched the Mérida Initiative. This 3-year program provides some $1.3 billion dollars in security aid to Mexico to fund the purchase of substantial military equipment and technology, as well as to provide training and other support for domestic law enforcement and judicial reforms, and to strengthen accountability and oversight within government agencies. In addition to the outlay of financial resources, the two governments began a slow process of trust-building through structured interagency interactions, stepped up training programs, and increased information sharing to combat transnational organized criminal networks.

At the same time, the United States has substantially increased resources for this side of border, expanding Customs and Border Protection (CBP) patrol from 12,000 agents in 2006 to today's 20,000. The Obama administration has substantially increased the number of border enforcement security task force personnel, ICE intelligence analysts, and border liaison officers along the U.S-Mexico border.

ASSESSING THE MÉRIDA INITIATIVE

With security cooperation historically lagging behind U.S.-Mexico economic, social, and even political ties, the Mérida Initiative has been a welcome remedy. It represents a strong basis for building long-term cooperation and trust between the United States and Mexico. It has also produced concrete outcomes and benefits. The two governments have worked together on Project Coronado to detain over 300 members of the La Familia Michoacana cartel in the United States in October 2009. Intelligence sharing and cooperation also played crucial roles in the takedowns of drug kingpins Arturo Beltrán Leyva and Carlos Beltrán Leyva in December 2009, Teodoro García Simental in January 2010, and José Antonio "Don Pepe" Medina Arreguin, the "King of Heroin," in March 2010. Since the start of Calderón's term, nearly 100 tons of cocaine, 6,500 tons of marijuana, and 950 kilograms of heroin have been seized; as have 70,000 small and large caliber arms, nearly 5,000 grenades; and over 400 million dollars. Nevertheless, the program as initially conceived and implemented has some limitations.

First, it is just not enough money. Totaling $1.3 billion dollars destined for Mexico over 3 years, Mérida pales in comparison to the assistance provided to the United States' other main hemispheric partner in the fight against narcotrafficking: Colombia. This is true even after a decade of assistance to Colombia, and a general proclamation of its "success" in Washington and Bogotá in defeating the threat to the state posed by the drug cartels and guerrilla insurgency.

Second, the spending so far has been focused too narrowly on military and law enforcement hardware. This emphasis is in part due to the Mexican government's preferences and long lag times for equipment procurement. But it also reflects a misunderstanding of Mexico's fundamental challenge. Mexico's main problem is the weakness of its law enforcement and judicial institutions. This is part of the PRI legacy, as these branches of government were used for political benefit—to control rather than protect the population. While democratization and political competition quickly changed the executive and legislative branches, they did little to transform the third branch of government or law enforcement more generally. Instead, impunity reigns, with the likelihood of being prosecuted, much less convicted, for a crime being extremely low. Most of Mexico's police forces have never received proper training or resources, making them largely incapable of conducting objective and thorough investigations. Levels of corruption remain quite high, as accountability mechanisms are nonexistent or defunct. Without capable and clean courts and cops, this battle cannot be won.

Third, Mérida funds did not provide for state and local level initiatives. U.S.-supported efforts to rebuild and expand the federal police force through vetting and training programs are vital to improving security in Mexico. But this body will remain less than 10 percent of Mexico's total police forces. Indeed, Mexico's lawlessness is most intractable at the state and local level—it is there that police forces are most likely to face the Faustian bargain of "money or death" from organized crime. With all security, in the end, local, the safety of Mexico's citizens (and of the U.S.-Mexico border) will depend on reforming and professionalizing local and state police.

Finally, the Mérida Initiative overlooks three U.S.-based factors that perpetuate the drug trade and drug violence: Guns, money, and demand. All serious studies show that the vast majority of the guns used by the drug trafficking organizations come from the United States. This includes cartel favorites such as AR–15s and AK–47-style semi-automatic rifles.

Some say that if the Mexican cartels did not get their guns from the United States, they would buy them elsewhere. That is likely true, though those markets may not be as accessible (and cheap) as the one right next door. But more important, this trafficking in arms breaks current U.S. laws. It is illegal to sell weapons to foreign nationals or to "straw buyers" who use their clean criminal records to buy arms for others. It is also illegal to export guns to Mexico without a license. For the thousands of guns each year that end up in the hands of drug traffickers, at least one if not more of these U.S. laws has been broken. As the United States asks Mexico to uphold its laws at great monetary and human cost, it should enforce its own laws.

As important as guns is the money. Estimates range widely, but most believe some $15–30 billion heads across the U.S. border each year into the hands of Mexican drug trafficking cartels. This number rivals legal flows from remittances and from oil exports, and far outweighs the $300–400 million in aid provided by the Mérida Initiative for the "good guys." Targeting illicit funds is one of the most effective ways of dealing with drug trafficking. It is this money that buys guns, people, and power. Washington has begun working to staunch these financial flows through

efforts such as the addition of Mexican cartel members to the U.S. drug kingpin list, helping strengthen Mexico's financial intelligence unit, and beginning to check the flow of goods not just north but south across the border in particular locations. But the United States should build up the infrastructure needed to seriously investigate south-bound cargo, bring many of the advances made in tracing terrorist financing since 9/11 to fighting organized crime next door, and continue and deepen bilateral cooperation and intelligence sharing to dismantle money-laundering networks in order to increase the cost of doing business for these trafficking organizations.

Law enforcement is not enough. The United States needs to shift the emphasis—and resources—of its drug policy toward demand reduction. Studies show that a dollar spent on reducing demand is far more effective than a dollar spent on eradication and interdiction abroad, and that money spent domestically on rehabilitation is five times more effective than that spent on conventional law enforcement. This means expanding domestic drug treatment and drug education programs among others. Reduced U.S. demand would also lower the drug profits of the Mexican trafficking organizations, diminishing the threat faced by the Mexican government.

BEYOND MÉRIDA

As the Mérida Initiative nears the end of its initial 3-year period, strong U.S. support for Mexico should continue. But changes to the nature and structure of U.S. security assistance are in order. These include:

Greater support for Mexico's judicial reform process. This is perhaps the crucial element—and potential Achilles heel—for Mexico's democratic rule of law. Today 98 percent of perpetrators remain free. Critics argue that many of those convicted are often innocent, or if not just too poor or unconnected to buy their freedom.

Mexico's 2008 judicial reform touches on virtually all aspects of the judicial sector, including police, prosecutors, public defenders, the courts, and the penitentiary system. It includes significant changes in Mexican criminal procedures through the introduction of new oral adversarial procedures, alternative sentencing, and alternative dispute resolution mechanisms; it grants new measures to promote greater access to justice for both defendants and victims of crime; it revises roles for law enforcement and public security agencies to administer justice; and it introduces tougher tools for combating organized crime.

While there on paper, the implementation of these changes is what will matter for future security. This entails a monumental task over the next 6 years—creating new courtrooms for hearings, revamping law school curriculums, retraining sitting judges and the 40,000 active lawyers, building the capacity of Mexico's investigative police and their coordination with prosecuting attorneys, and transforming the existing culture of judicial and law enforcement more generally. In the end, however, creating a more professional, open, transparent, and effective judicial system is the lynchpin for establishing a democratic rule of law. The United States can help Mexico with both monetary and human resources in this massive effort.

Greater support for state and local level police reform. While the professionalization of the federal police is underway, very little has been done at the state and local level—comprising over 90 percent of Mexico's law enforcement forces. Mexico is now debating whether to absorb the existing municipal forces (which number over 2,000) into 32 state-level forces. The perceived advantages of this approach are streamlined capabilities, enhanced operational effectiveness, easier cross-border and state-to-state security cooperation and, ultimately, reduced corruption.

Critics contend that the disbursement of forces might then be subject to party and gubernatorial politics rather than local needs, and that centralized control may undermine efforts at community policing—a model that has been quite successful with crime and gangs in the United States as well as in Italy.

But whatever the outcome and ultimate federal structure, these hundreds of thousands of officers need better vetting, training, equipment, and career opportunities. While Mexico will have to invest the most, the United States can and should participate.

Support for programs that get at the underlying socioeconomic factors that beget criminality and violence. The recruiting pool for organized crime grows when there are no other economic options. Mexico's slow growth, its weak public education system, and its development challenges have left many families and young people on the margins. It is not a coincidence that the extremes of socioeconomic instability and today's violence coexist in Ciudad Juárez. Some 40 percent of Juárez youth neither work or study—leaving them without hope for a better future, and susceptible to the growing underworld of gangs and crime. The challenge of addressing these underlying socioeconomic factors, and reknitting Mexico's social fabric in places such as Ciudad Juárez, is what Mexico struggles most with today. In addition to a func-

tioning police and court system, Mexico needs a better and more open education system, and programs for early intervention and professional development for at-risk youth. As with judicial and police reforms, these programs too will mostly depend on the Mexican government, private sector, and society. But there is an important role the United States can play, facilitating the diffusion of best practices from similar experiences in other countries (including our own), funding pilot programs, and assisting in the evaluation of what does and does not work at the local level. Fundamental socioeconomic changes will not only improve Mexico's security situation, it will also affect other contentious issues in U.S.-Mexico relations, particularly the north-bound flow of undocumented migrants.

The good news is that much of this is already happening. The U.S. and Mexican governments recently unveiled a revised strategy for continued bilateral security cooperation, framed by the notion of "co-responsibility" and based on four pillars: Disrupting the ability of organized crime to operate, strengthening institutions to sustain the rule of law and human rights, building a 21st-century border, and fostering strong and resilient communities.

The third and fourth pillars of the new joint strategy will expand beyond the previous military focus on dismantling drug trafficking organizations and reforming law enforcement institutions to incorporate initiatives that aim to improve cross-border flows and surveillance, and to address the social and economic factors that underpin the violence.

These new strategic priorities will increase the inspection of vehicles going south (not just north), while also moving much of the vigilance away from the actual border through programs to certify cargo at plants. It also means that U.S.-Mexico cooperation will include local-level operations, beginning to reform the vast municipal and state police forces and developing community-level social programs and initiatives to rebuild neighborhoods crippled by poverty and crime. The starkest shift is in how funding will be spent: While over half of the allocated Mérida funds have gone to military equipment and training, much of the requested $310 million for the program's 2011 budget, $207 million, will be targeted at Mexico's judicial reforms and programs on good governance.

This new structure is more ambitious, demanding a long-term commitment and policy consistency across administrations on both sides of the border. Successful programs focused on building institutions and economic opportunity are much harder to deliver than helicopters or boats. But they also hold more promise for long-term solutions, as they recognize the complicated realities of Mexico's drug war and the limitations of military hardware in changing the tide.

The United States should prioritize efforts that will assist Mexico in pushing through the reforms that will actually matter, changing today's violent dynamic for the long-term. Partnerships between the United States and a wide range of agencies and participants at Mexico's federal, state, and, most importantly, local levels will be vital for the coordination and pooling of resources and expertise.

Even as the death toll in Mexico continues to mount, there are reasons for optimism. With U.S. assistance, Calderón's government has made significant strides in professionalizing the federal police force. In addition, the 2008 judicial reform, when finally implemented, should increase transparency and accountability, and finally end today's impunity.

The lessons from the United States, Italy, and other countries that fought entrenched organized crime on their own turfs show that it is possible to overcome these challenges. But they also show that there is no quick or easy solution.

BEYOND CALDERÓN

The results of the comprehensive approach underway today will only appear in the longer-term. It is the next generation of young people that will benefit from better schools, better jobs, and from prevention programs for at-risk youth. Realistically, it will also take a generation to transform Mexico's police and courts, creating systems where impunity is the exception, not the rule.

President Calderón is now over half way through his 6-year presidential term. While 2 years is a long time in electoral politics, the 2012 presidential election is, as of now, the PRI's to lose. Even if Calderón's PAN hangs onto the presidency, there will be a new dynamic and team in place in the executive branch by the end of 2012. The United States needs to start laying the groundwork for this transition now, to lock in the advances made thus far in bilateral cooperation while also shifting its focus toward the institutional strengthening necessary for sustainable change over time.

While working with the government and Mexican political parties and leaders, the United States should also engage Mexico's broader society. One of the most positive

aspects of Mexico's economic and political transition of the last 2 decades has been the expansion of its middle class and civil society. While often seen as a country of "haves" and "have-nots," NAFTA and Mexico's broader economic opening, stable economic growth, and the sustained flow of remittances back home have enabled the rise of a Mexican middle class—now some 30 million strong. This middle class ensured Mexico's democratization in 2000 by voting for opposition PAN candidate Vicente Fox, and pushed Calderón's candidacy over the top in 2006. They share the aspirations of the middle class in this country—economic security, opportunities for their children, and safety in their streets. As voters, this group is essential for future legislative and presidential candidates. As such, this economic and voting bloc can be a strong ally for the United States and Mexican reformers intent on establishing and strengthening a democratic rule of law. They will also be important for other issues in U.S.-Mexico relations, such as immigration, economic growth and competitiveness, environmental change or creating a more modern border.

In the last 2 decades we have also seen a steady expansion of Mexico's independent civil society (with many leaders coming from the expanding middle class). While encountering resistance at times, these organizations have been important in pushing and deepening Mexico's democracy. The passage of Mexico's Freedom of Information Act in 2002—one of the most critical elements for increasing transparency and accountability in the government—was the direct result of pressure from civil society organizations. So too was the sweeping 2008 judicial reform that will, once implemented, fundamentally change Mexico's court system.

As public opinion polls of the middle class and other sectors of society, as well as the activities of new civil society organizations show, the goals of U.S.-Mexico security cooperation are not just shared by governmental elites. The good news is that democratic rule of law and stronger, more accountable institutions have deep seated support throughout Mexico. This indigenous groundswell can help push reluctant politicians to consider the long-term benefits of such reforms that may at times have short-term costs.

As the murders pile up daily along the border and elsewhere in Mexico, it remains uncertain whether politicians in both countries will have the patience to see this strategy through. If they do, there is a chance 10 years from now that things will be better in Mexico. If they don't, both countries will be facing the same challenges in a decade. Solidifying the good in today's strategies, and building on them far into the future, should be the basis for the next phase of U.S.-Mexico security cooperation.

Mr. ENGEL. Well, thank you very much.

I introduced Mr. McDonald, but I said I would leave the real introduction for my good friend, Congresswoman Gabrielle Giffords.

Congresswoman Giffords.

Ms. GIFFORDS. Thank you, Mr. Chairman.

Thank you, Mr. McDonald, for being here today.

When I came in earlier, I almost didn't recognize Mr. McDonald because, frankly, this is the way that we are used to seeing him, out there on the ranch, you know, so glad to have you. I don't suspect I will be seeing you in a suit much more often down in Cochise County. But we are absolutely delighted that he is here.

Bill is a fifth-generation rancher for southern Arizona, and his family is been ranching their land for over 100 years, a very long period of time. Bill is going to talk to us about the reality of being on the U.S.-Mexico border and, frankly, all our panelists have been terrific, but it is very abstract to talk about what it is like to be on the border compared to actually your livelihood, your life, your friends, your neighbors, your family.

In fact, in reading Mr. McDonald's comments, he talks about what the legacy is really to his family and whether or not he wants to have his family continuing to live on this area because it has changed so much over the years.

Mr. McDonald is a graduate of ASU. He began managing his ranch full time in 1975. He is the past president of the local cattlemen's association and has served on the executive board of the Ari-

zona Cattle Growers Association. He has been very active in this immigration issue and the discussions over border security and put forward a very comprehensive plan.

Mr. McDonald is also the founder of Malpai organization, a borderlands group that is designed to preserve the hundreds of thousands of miles of land in perpetuity. This is land that needs to be protected and preserved and continue to be ranched with all of the growth that we are having in southern Arizona.

But I am pleased that he has come all the way to really talk about, first-hand—I mean, again, it is abstract to talk about Mérida, what is happening, all the Border Patrol, and we are going to hear from him invaluable information, his direct insight of what it is really to live and work along the U.S.-Mexico border.

So thank you, Mr. Chairman and Mr. McDonald.

Mr. ENGEL. Mr. McDonald, we are all ears.

STATEMENT OF BILL MC DONALD, RANCHER, DOUGLAS, ARIZONA

Mr. MCDONALD. Well, thank you, Chairman Engel.

Thank you for the introduction, Congresswoman Giffords.

Chairman Cuellar, Ranking Members Miller and Mack, and distinguished Members of the subcommittee staff and guests, I appreciate this opportunity to talk about the impact of border crossing on rural life in southeastern Arizona and southwestern New Mexico along the border which is where we operate our ranch.

For most of the 20th Century at least, although this has been a difficult place to make a living, it is been a peaceful place, a beautiful place to live. The borderline itself is a casual thing, as I think a Member of the committee mentioned earlier.

Ranch hands and seasonal farm workers would go back and forth, and that included Americans working in Mexico at times. Nobody paid a great deal of attention to it, frankly.

About 25 years ago with the completion of a highway between Janos, Chihuahua, and all of—Sonora in Mexico, it suddenly provided much greater access for people from other places further south in Mexico and other countries to get to our area. We began to see an uptick in drug smuggling and other activity, but it was not really at an impressive stage for those of us who lived there.

Around 9 years ago, after 9/11 when there was much tighter enforcement of ports of entry and ramping up of enforcement in other areas, we started to see a real heavy flow of activity, and it resulted in mountains of trash in the landscape. Water is our lifeline out there, as you can imagine. Arid southwest for our animals as well as for the wildlife, and we would lose thousands of gallons of water storage when people would leave valves on or cut water lines or break off floats and water troughs. That still goes on.

Wildfires get started on a regular basis. Gates left down, fences are cut. There are trails made by human traffic going over the same places to the point that we have gully erosion as a result. Our roads are torn up from the use of the Border Patrol almost practically exclusively now. We use them a small percentage of the time in comparison.

These are significant costs to us in equipment repairs and extra days of work, not to mention the negative impact it has on our resources and landscape.

But we have hung in there and kept hoping it would get better. It has gotten worse. In the last 3 to 5 years, the character of the crossers has begun to change, although we still have poor people coming across just looking to better their lives, and we certainly have empathy for them even though they are illegal. We now have these individuals who are often dressed in dark clothing and they have their water jugs painted black, and we know that, you know, they are doing their work at night.

They are arrogant. They are brazen. They are often armed. They go out—they go north at night with their cargo, whether they happen to be human beings or drugs or a combination. When they leave the cargo off and they head south, they often engage in criminal activities. We have had a big uptick in break-ins increasingly with people still in their homes.

You know, we live in an east-west facing canyon, which we are just lucky. We have two big mountains on either side of us. It is hard to get to us, and yet we have had a couple of break-ins in the last year. That compares to none 100 years previous.

People in north-south facing canyons and the foothills and the valleys, the number of break-ins there—when you consider the population per capita, it is huge.

Things reached a new level with the murder of Rob Krentz 2 months ago today, my very good friend and ranching neighbor whose family and ours have been neighbors for 100 years. The tracks of the killer led into Mexico, the shell casings found there indicate that it was possibly from a gun that had been stolen in the area the night before.

Rob was doing nothing more than checking the waters in his pasture. It could have happened to me. Where he was killed was just a mile from our fence.

Since that tragedy, we have seen some changes in the Border Patrol's efforts I think, but the activity continues unabated. Just last week, a birdwatcher was stopped from going into one of the canyons by an armed drug smuggler who just told him he shouldn't go in there.

Forest service employees in the area are told that they have to go out in pairs. We don't have that luxury on our ranches.

There is an on-going effort of intimidation, in my opinion—the ranch just to our south, which is still in the United States—of vandalizing infrastructure to that ranch and trying to force that individual to leave. In Mexico, we hear from our Mexican counterparts that when that happens, people with ties to drug activity usually come in control of the ranch.

Our own Government's policy of funneling border crossers into the most rural and formidable terrain is responsible for what we are now enduring. Our area has become a de facto demilitarized zone, so to speak.

This is the place that I have poured my heart and soul into my whole life and where we raised our daughter and our family has lived since 1907. But as the Congresswoman mentioned, I am not sure I want my grandchildren to be raised there now.

What can be done? I am running out of time, but there is four things—communications are abysmal down there whether you are talking about landowner to agent or agent to agent or agent to other law enforcement agencies.

We need much more technology, including mobile surveillance system. We don't really want to steal them from the northern border or from other sectors. We need them built, and we need them out there.

More air support, like helicopters, even C–130s, horse-patrol units are very effective out there. We don't have nearly enough of that. We also need, as mentioned, the agents to be on the border.

We need to look at deterrence rather than just how many drugs and people we can capture. I think the Mérida agreement is tremendous, and it is a long-term solution, but it is long term.

Immigration reform, I had high hopes for, I don't know when that is going to happen to actually get a bill through that would do more good than harm. But there is no debate about what the Federal Government's responsibility is.

On behalf of those who live near the border, I respectfully request that the Federal Government do its job now—secure the border, protect our citizens from foreigners who enter and mean to do us harm.

Thank you.

[The statement of Mr. McDonald follows:]

PREPARED STATEMENT OF BILL MCDONALD

I am pleased to have this opportunity to testify at this joint hearing on U.S.-Mexico Security. My name is Bill McDonald and I am the fifth generation on my family's 103-year-old ranch in the far corner of southeastern Arizona. The southern boundary of the ranch lies approximately 5 miles north of the Mexican border while the headquarters lie 7 miles north of the border in Sycamore Canyon which runs east-west in the Peloncillo Mountains near the New Mexico line.

Border crossers, going both ways, are not new to our area. As long as I can remember, and long before, ranch hands and cowboys from northern Chihuahua and Sonora have crossed to work in southern Arizona and New Mexico and some American cowboys periodically went into Mexico to get work as well. The border was casual and the area was peaceful for years. About 25 years ago, a highway was completed between Agua Prieta, Sonora and Janos, Chihuahua. The highway parallels the border for several miles and gives prospective border crossers much easier access to the area. Still, the numbers of crossers did not become problematic for local residents until 10 years ago or so. Large amounts of trash, cut pasture fences, floats broken off in water troughs, water lines cut and precious stored water lost, trails made by humans so deep that they start gully erosion, forest fires that are started by campfires or perhaps even deliberately and the corresponding ramping up of the Border Patrol response which has caused a ten-fold use of ranch two-track roads and the county dirt road; all of this has cost ranchers dearly in repairs, extra cattle work, and destruction of the landscape. Still, most ranchers just continued to try to live with it.

In the last 3 years to 5 years, however, the character of the crossers has taken an ominous turn. They often wear black and paint their water jugs black. They pass by our ranch house so close at night that you can hear them talking between the barks of our dogs. We, who live in a deep east-west canyon and had never had a break-in, had two occur in 2009. Neighbors to the north who live in north-south facing canyons, or in the valley, have experienced many more. A few years ago, Congresswoman Giffords began arranging meetings between the Border Patrol and southern Arizona ranchers. The Border Patrol also began regularly attending meetings of the Malpai Borderlands Group, an organization that was formed by the ranchers and some conservationists 16 years ago to support the beautiful open space landscape of the area against subdivision and has become a model for cooperation in public and private land management. It was at one of these meetings, when the discussion turned to the fact that some crossers were now armed with automatic

rifles, and were becoming increasingly brazen, that Rob Krentz, whose family has also ranched here for 103 years, made the observation that if things continued as they were, it was inevitable that someone would be killed. On March 27, Rob went out on his All-Terrain Vehicle to check the waters in one of his pastures. He never came back. His body was found late that night. The tracks of the killer were followed to the Mexican border.

Since his death, things have hardly slowed down. Recently, a bird watcher trying to enter Horseshoe Canyon in the Chiricahua Mountains, across the valley from the Peloncillos, was turned back by an armed drug smuggler who warned him to stay out. It's public land, but it's dangerous for the public to use. The number of such incidents and the actual crimes per capita are enormous considering the small population that resides here. Forest Service employees and many others who work for Government agencies now can only go out on the land in pairs. I, like most ranchers, can't afford to hire someone just to tag along, and so I mostly still work alone, although I try to be careful about who approaches me. My roots are here and I and my wife aren't going to be run off. As Rob Krentz's brother Phil said, "I'm not going to let them whip me down. I'm here until something gets done about this or I myself am killed. The question is: Do I want my grandchildren to be raised here as my daughter was and all my family going back to 1907? I don't have any grandchildren yet and I'm glad I don't because, yes, I would be afraid for them." A solitary ranch, miles from the nearest neighbor, is very vulnerable.

It is our own Government's policy of forcing the illegal crossers into the most rural, most formidable terrain that is responsible for the traffic we are enduring. The crossings, both drugs and people are, of course, being controlled by the Drug Trafficking Organizations and they are not deterred by high mountains, steep canyons, brush, or scarce water, and certainly not by high fences in the middle of nowhere. So what can be done?

- There is a real need for better communications. For years we have incredulously pointed out that the Douglas and Lordsburg sectors, working side by side, could not talk to each other because Douglas had digital radios and Lordsburg analog. Since the murder of Rob Krentz, a way has been found to sort-of work around that issue but communication remains a challenge. The two forward operating bases that are established in the area cannot be reached by nearby residents except by physically going there. Cell phone service is patchy everywhere and nonexistent in some places. Communication between the Border Patrol and other law enforcement is a struggle and often isn't possible.
- There is a need for more technology that works and the additional necessary personnel to operate it. Especially useful have been the mobile surveillance systems. We need more of them. Months ago I signed an agreement to allow one to be set up on our private land. We still haven't seen it. What is not needed is silver bullet, pie-in-the-sky stuff. There is no easy answer or one size that fits all.
- There is a need here for more air support. There is also a need for increased horse patrol units. Whether it's light helicopters or C–130s, air support working with the horse patrol has been a winning combination in the mountains, but it's all too rare.
- We believe the bulk of the agents should be on the border, not 10, 20, 30 or more miles from it. Deterrence should be the goal, not capture. Until such time as an appropriate number of agents can be recruited and trained, the National Guard should be called in, and this time with bullets in their guns. The agents need the appropriate training, gear, and firepower and authority to use it in order to be able to stay right on the border. In support of this we need many more forward operating bases, approximately one per every 12 miles.
- Agents who work in rural areas that are high-traffic areas should draw hardship duty pay. Veteran agents should be returned often to areas where they have knowledge of the terrain. We still have too many greenhorns burning up gas just trying to figure out where they are. A few Special Forces agents who can stay out for an extended period of time (as opposed to working in shifts) are currently deployed here, but we don't know for how long. An evaluation of the Border Patrol's effectiveness in rural areas using this method, versus the traditional shift method of deployment, would probably a useful exercise.
- Funding for "Operation Stonegarden" needs to be increased. Local and State law enforcement agencies near the border have a hugely disproportionate expense in dealing with criminal aliens compared to their colleagues in other locales.
- Streamline the claims process for recovery of damages caused by illegal aliens to ranches and homes. Our neighbor to the south (still in the United States) has had their ranch subjected to a campaign of vandalism intended to intimi-

date them into quitting. In Mexico, where this has happened, it has resulted in persons with connections to drug trafficking obtaining the ranch.

- Operation Streamline, which ensures that repeat border crossers serve time in jail, needs full funding and support. Where this has been implemented, illegal crossings have been significantly reduced. To ensure timely prosecution, the funding for State and Federal Attorneys' Offices must be funded to the appropriate levels.
- It is the opinion of most ranchers here that money spent for high fences or other physical barriers would be better spent on the aforementioned items.

I certainly support the Mérida Agreement and believe that working with other countries more effectively and cooperatively to address the criminal activities that plague our border is the long-term approach that has the best chance for success. Some type of immigration policy reform that does not even remotely involve amnesty would also be helpful, but unfortunately appears unlikely to happen soon. For the present, the Federal Government's responsibility is to secure our borders and protect our citizens. We need to do it now.

Mr. ENGEL. Well, thank you very much, Mr. McDonald. That was a very heartfelt, personal, on-the-spot account. I thank you for your courage.

I have to leave in a little while, but before I go, I want to ask Mr. Negroponte and thank our first panelists before I do that. I will let you go. Thank you for hanging around.

Mr. Cuellar. That includes Mr. Peña also. If you all need to leave, thank you very much for waiting here. We appreciate it and duly noted.

Mr. ENGEL. Thank you.

Ambassador, President Calderón has used the military and federal police to restore order in the north of Mexico because local police forces are often seen as too corrupt. So I would like you to comment on that.

Do you think the Mexican military has been more effective at insulating themselves from the influence of drug cartels than the local police have? Or do they risk being corrupted and then one of the risks of using the military for domestic law enforcement purposes?

Mr. NEGROPONTE. Well, certainly, when I served in Mexico, there was a concern about involving the military in narcotics enforcement. They always used them for eradication but not necessarily for much else.

But I think that is water over the dam now. The decision was made 8 or 10 years ago to engage the Mexican military more intensely in the counternarcotics struggle, and I think that is just a fact of life.

But I think there is also a desire on the part of the Mexican government to beef up civilian police so that, eventually, it can really step into the breach. You see an example of that in Juárez now where the federal police took over the administration of law enforcement in Juárez about 6 weeks ago. That is work in progress.

I think that the new federal police has really shown substantial results in recent years through better training, better resources. They now recruit college graduates. They recruited 4,500 college graduates last year in the police force, which is unheard of in earlier years.

I did like to echo something that Ms. O'Neil said which is there is also a really urgent need for reform of the state and local police in Mexico. There is even an idea being talked about of just having state police and consolidating the municipal police forces into the

state police so that you are dealing with only 32 state police forces. There is 31 states and then the capital of Mexico City rather than some 2,000 different municipalities.

That is something that is being debated in the Mexican body politic, and I think it would be a very interesting reform to look at.

But in any event, I would agree that state and local police need better training, better standards. That should be—and I expect it to be one of the new areas of focus of the government of Mexico.

Mr. ENGEL. Thank you. I was also interested in hearing you say that cooperation between Mexico and the United States currently is better than it has ever been; that they are working with us on so many different things, including extradition and things like that.

I happen to think that President Calderón is a very courageous man. I think that—as Ms. O'Neil said, there has been an uptick in violence by the cartels because the cartels want to show him who is boss. So if he is going to crack down on the cartels, they are going to increase their violence because they want to show the world that they have the upper hand.

But I think that any upper hand they may have will be paled by a concerted effort by Mexico and the United States to say that we are not going to tolerate it anymore. So I welcome President Calderón and I am really happy that he is working so closely with us and doing what he is doing.

I will now turn the hearing over to my co-chair, Mr. Cuellar.

Mr. CUELLAR. Thank you very much, Mr. Chairman Engel. I know you have to run, but I want to say thank you very much, and I hope we get to continue doing this because, when we talk about foreign affairs, Mérida in particular and, of course, border security, it goes hand in hand.

At this time, I will have my Ranking Member—actually, since we started off, it would be Mr. Mack. I am sorry.

Mr. MACK. I think the right thing to do is to go ahead and let the Ranking Member go. Why don't you go ahead?

Mr. CUELLAR. All right. Why don't we let Mr. McCaul go ahead?

Mrs. MILLER. All right. I better just go. All right. We will flip a coin here.

VOICE. What a gentleman.

Mrs. MILLER. All these gentlemen.

Let me thank the witnesses for coming.

Mr. McDonald, I have been in Congress about 8 years, and hear a lot of experts—and you are all wonderful and great—but I will tell you, just having somebody from the heartland and speaking from their heart is very helpful—very helpful.

I have got to just ask you, sir, what do you think about the Arizona law? You know, the whole country is into a debate about what is happening with this law. What is your thought about—do you think your State government overreacted? Do you think they are not reacting swiftly enough? Do you think Arizona ought to be able to pass a law like that? What do you think about that law?

Mr. MCDONALD. Frankly, it doesn't address our problem where we are, but I am happy to see that it brought attention to the problem. It wasn't always the kind of attention, I guess, that we want.

I guess we will wait and see about the constitutionality of it. I know some of the cities are concerned that it might put their, you know, individual policemen at some, you know, risk of—some liability there. So that is a concern.

But, you know, it is just frustration, as has been expressed all day in this room. The Federal Government is not doing the job. So, you know, I think, again, as expressed, we may see more of this if the job is not done because the problem is very, very real.

Mrs. MILLER. I think that is true. There are many of us that feel it is just a manifestation of the frustration level that you are seeing there, and we will hope for the best certainly. But you are absolutely right. The Federal Government is not doing what we need to do, although, we mentioned that we have all been talking here about the National Guard and the deployment of the troops. And 1,200, it is a good first step. There is a lot of talk we should have 6,000 or whatever we think the number is.

What is your thought on that just from a rancher down there? As the Guard comes, what would you expect them to be doing there? How would you—let us say you were in charge. Here is a Guard unit. What would you do?

Mr. MCDONALD. Well, I think it is a stopgap. I think that you have the Guard there, and I would, like the Congresswoman said, I would favor having them on the border as a presence.

Again, we need to talk about deterrence, not how many people we catch and how many we miss and, especially, the criminal element. But the National Guard is not a long-term solution. It is just what we had to have until we can get trained. I want to emphasize trained because we have Border Patrol agents that spend a good deal of their time trying to figure out where they are when they get out there.

If you all—and you are all welcome to come down to the country and see it. It is not—you know, it is a tough country. You have got to learn it. By the time they it, they are usually off somewhere else. You know, the turnover rate is so high, it is difficult.

So, you know, the Border Patrol—I am sorry. The National Guard is a stopgap, but in the end, we need agents, and we need more trained agents. We might even want to look at this idea of shifts because, right now, we have some special forces, as I understand, Border Patrol down there that can actually go up in the mountains and stay there for a while. They don't have to come off on 8-hour shifts or whatever. We are interested to see how effective that is because they are certainly the lookouts for the drug people who are staying up there in the mountains. They are not leaving on 8-hour shifts.

Mrs. MILLER. That is the old saying. Peace through strength. As you say, a deterrent, just a visual of them knowing that you have that kind of strength down there with National Guard troops deployed and using technology. It is a mix, I think, of all these various dynamics.

Mr. MCDONALD. Yes. I just want to comment that, you know, the worst thing that they did was when they put National Guard troops down there without any bullets in their guns, and they quickly found that out on the other side. We saw an uptick in just their audaciousness, their brazen behavior after that.

I mean, they take their cues. You know, and they say, if they are not going to take this very seriously, we are going to step it up a little bit.

Mrs. MILLER. Actually, when I was down there last time, I was watching the National Guard troops build a fence. Maybe hire a contractor to build the fence. The National Guard ought to be doing something else was my opinion.

But I know a lot of the Guard troops were doing those kinds of things.

Just one other question I would have for Mr. Ambassador and Ms. O'Neil as well I think.

I thought it was very interesting and absolutely true, I am certain of what we need to do to change the culture in Mexico in regards to the judiciary and the system and the rule of law in all of these kinds of things. I do think that is so important that they have a political will. You mentioned about the extraditions which is a fantastic thing and should be of note.

We certainly all applaud what is happening there, but I just wonder if you could expand a little bit on what you witnessed—you said you just got back from a trip in Mexico—in regards to that. How was—my husband is a judge. I mean, I am interested—I think our entire system—we are a rule of law nation. Until you can be doing kinds of things in the law schools with the students and really changing this whole culture, it is such a critical thing. I know it is not short-term, but long-term it's so important.

Mr. NEGROPONTE. Well, my principle purpose in going down there was to attend an economic conference sponsored by the Council of the Americas, of which I am chairman. So I didn't get that much into the judiciary part, but I did visit the secretariat for the federal police.

I got to visit their command center that they have constructed which has built up this very, very impressive kind of war room, if you will, where they have databases from all over the country. They have very good information tools to keep much better track of what is going on in the country, transparency.

We talked quite a bit about the efforts to improve the quality of the national police force, as I mentioned, the college-educated policemen, which I think is a great step forward.

So I think that is certainly going to go hand-in-hand with efforts to improve the judicial system. But on that part, perhaps, I will turn it over to Ms. O'Neil, who I know has focused on this issue quite a bit.

Ms. O'NEIL. This is going to be Mexico's crucial issue if they can establish a rule of law there. Of course, as we know, there are a lot of things against it. There is corruption. There is incredibly high impunity. Only 2 percent of criminals are ever put in jail for the crimes that are committed.

But I do think there are some positive steps there. We have seen a judicial reform that passed in 2008 that, if implemented over the next 6 years—it has an 8-year period to implement. There is 6 to go—will make a fundamental difference in terms of transparency, accountability, openness, and effectiveness.

One thing Mexico has going for it, which is often overlooked in discussions in the United States, I believe, is how much it is trans-

formed not just in terms of democratization or opening up economically, but in terms of its society over the last 15 or 20 years.

One thing we have seen is the expansion of Mexico's middle class. It is now 30 million strong. It is a third of the population. They want the kinds of things that the American middle class wants.

You know, they want education for their kids. They want economic opportunities. They want safety in their streets. They want rule of law.

Many of the civil-society organizations that we have seen blossoming, new organizations that have been pushing for rule of law are coming from this group. So in that group, there is an indigenous base that are allies of the United States and the reformers in Mexico in transforming the justice system and implementing rule of law.

So there are partners there for us to work with not just in the Mexican government, of which they are quite strong partners, but more broadly in Mexico as we go forward with the Mérida Initiative or other things that will be important.

So there is a positive aspect here to think about especially for this issue, which is so crucial, the rule of law.

Mrs. MILLER. Thank you, Madam Chairwoman.

Mrs. KIRKPATRICK. Thank you, Ranking Member Miller.

Now my colleague from Arizona, Representative Giffords, is given 5 minutes for questions.

Ms. GIFFORDS. Thank you, Madam Chairwoman.

This is a fascinating panel. I mean, from Ambassador Negroponte, we have sort of the, you know, the political, and then we have the academic with Ms. O'Neil, and then we have the practical with Mr. McDonald.

We really see sort of the all of what we in Congress have to face. I mean, we have good data, good information. You know, we have, you know, the political reality of how we get stuff done. But then we have here someone that actually has to live with the consequences of our action or our inaction.

I am sorry that some of the agency folks had to leave, but I know this hearing is generally about the Mérida agreement which I supported. But when the Mérida agreement was brought forward, it was done behind closed doors. Congress, at that time, was not asked, was not engaged in the discussion of how this money would be spent, the best way, where would it go, how would it be allocated.

Then, of course, we found out about it. Then we had some questions because there were a lot of issues in the Mérida agreement that just weren't taken into consideration. That is why we have these hearings and open process and the dialogue. That is why we have a representative democracy.

So we were able to make some changes. I also thought it was fascinating when we had one of our first hearings on the Mérida agreement, finally, and Chairman Engel, I believe, was chairing at that point. We had folks testifying saying, well, everyone supports this when, you know, even our local U.S. law enforcement officials—and, of course, when I went back to our sheriffs and I went

back to our local ICE agents and Border Patrol, they never even heard of the Mérida agreement.

So, you know—and their concern wasn't that we shouldn't be sending money, resources to our Mexican counterparts. Absolutely. But what about us? What about Americans? What about the folks that are actually living on the border?

It just goes to show the decisions that are made here in Washington, like the SBInet which was mentioned earlier—and I know we have beaten a dead horse there. But it is an excellent example of deciding how we are going to secure the border, spending millions of dollars but not actually working in consultation with the local border patrol or with the folks that actually live on the ground.

So, Mr. McDonald, you know, if I can turn to you and have some perspective of what it is like working with the Border Patrol. If you could please just enlighten us. What is working? What is not working? You know, I know that we have an increase in resources. We have better communication than we had in the past.

But, if you could, please highlight for all of us your thoughts from this.

Mr. MCDONALD. Well, Congresswoman Giffords, I have to give you a lot of credit for bringing the Border Patrol and the ranchers together. You did that, you know, really before anybody else had made the effort, and it was a great initiative, and we have made some strides.

But it is difficult because of the high turnover rate in the Border Patrol. It is a real challenge to try to establish relationships or continuity in the way things are done. I think that we have made some common-sense suggestions that they have picked up on like, you know, don't bring in a whole group of new people and all the old ones leave at the same time. You can't do that down there. The geography of the place is too difficult. There is too much to learn.

But, again—and I think there is a sincere effort on both sides, but it is challenging because of the constant changing of personnel.

On a practical side, the communications problem is just horrible. I mean, I have got a forward-operating base 4 miles from my house. If I want to contact them, if I have an issue at the ranch, I have to physically go there. They have a phone line that is there from the previous person who lived on that site previously—it is an old ranch headquarters—and they have never activated the phone line even though I have been after them for over a year. I don't know what it takes to get that done.

We had an elderly resident near another forward-operating base who had the same problems. She was literally hostage inside of her house, had the doors locked with some menacing individuals outside, couldn't reach anybody.

Supposedly, Arizona sector can now talk to the Lordsburg sector. Douglas and Lordsburg working in the same area had—Lordsburg had analog radios, Douglas had digital radios. They couldn't talk to each other.

This went on, as you know, for a few years. They have now kind of worked around that, but it still doesn't work as well as it should.

The Border Patrol has a very hard time talking to other law enforcement. I understand that is some kind of an encryption problem that they haven't worked out yet.

So the communication down there is just really, really tough. You know, you wonder why—sometimes, you wonder how they get anything done in the face of it.

Ms. GIFFORDS. Mr. McDonald, some of my colleagues, before I arrived in the Congress, worked hard to extend the pedestrian fencing out in that area. Maybe some of our colleagues believed that, since we built a lot of fencing, that the problem is taken care of.

But, obviously, you know, that is your area, your community. Can you talk about what has been effective and not been effective about the fencing?

Mr. MCDONALD. Well, I appreciated Chairman Thompson's message about common sense and talking to locals. As you know because you went out with us, you know, we took the Border Patrol officials and yourself and others to show them where it made sense to have vehicle barriers and where it didn't make sense. But when the actual time came, they just strung them all of the way across there.

They have been effective in some places. In other places, the fact that they have a road there now has given them access—them being the smugglers—access to places that they didn't have before because the terrain prevented them.

The Border Patrol is not on that road very often, so they are not making very good use of it. So we wonder what was really done.

As far as having a pedestrian fence out there, you know, it is not going to deter people who go down steep canyons, over boulders in the middle of the night. They go in places that I can barely negotiate by horse in the daytime. A fence means absolutely nothing to them.

You know, you need the boots on the ground, basically. If you had that, a fence might be some help, but it is going to be a tremendous cost, and I think that the money could be better spent in other places.

Now, this is not to say there aren't places the fence hasn't been very effective, but it is a site-specific thing. It is not a cure-all. It is not a one-size-fits-all silver bullet.

Ms. GIFFORDS. Thank you, Mr. McDonald.

Mr. Chair, I know my time is up, but I appreciate the time.

Mr. CUELLAR. Mr. Mack.

Mr. MACK. Thank you, Mr. Chairman.

I want to thank all of you for being here and your testimony. I would especially like to thank Mr. McDonald for being here.

You know, I was very impressed with your opening statement, with your testimony. The Congress needs to hear more and more of it, and I thought you laid it out in a way that an expert sitting in an office here in Washington could never do.

So thank you so much for being here.

I would like to start on the Mérida Initiative and ask the ambassador. Since you were involved in the writing—the original Mérida Initiative, what are your thoughts? Do you think that we are on track? Do you think we are behind? Do you think there needs to be adjustments?

You know, what are kind of your thoughts on where we are now as what was envisioned when it first began? What your thoughts on are moving forward?

Mr. NEGROPONTE. Well, as I said in my statement, Congressman Mack, this is, I think, a project of 5 or 10 years. I don't think we can expect to see decisive or conclusive results in a shorter period of time than that.

So we are only in the second or third year, and I think that probably the most important thing is, as we have said already several times this morning, the strong political commitment of the government of Mexico and the positive actions that flow from that. So I think we are on the right track.

Adjustments to the plan, I think, as we go forward and we gain experience, I think we need to look at what it is we—how we might want to shape the program going forward, make adjustments here and there.

To Congresswoman Giffords' point about the initiative having originally been done behind closed doors, I don't think it was so much that as the fact that we were in a kind of a Catch-22 situation because the government of Mexico wanted to give us its ideas about what to do before we went forward with some kind of a proposal. So we were in a bit of a vicious circle.

But with the couple of years that have now gone by, I think that we have had the opportunity to have the very dialogue that you are talking about.

But initially, the government of Mexico didn't want us to put anything forward to the Congress until they had had their—and, rightfully so—I mean, they were the ones who were going to be both the beneficiaries and the implementers of this.

But I think we are on the right track. Police improvements, the judicial reform—and I have got to dwell just a little bit more on this question of the southbound inspections because I think that is an area that is more within our sovereign control to effect, the movement of cash and the movement of arms.

I think that is an area where I think we can do something, and I think it is where the government of Mexico hopes and expects that we will do something.

Mr. MACK. You know, I am happy to hear you talk a little bit about a time line. This is a 5-, 10-year, you know, kind of time line that we are looking at. I know that is not set in stone, but this is kind of where your thought process has to be.

Was there any consideration or what is your thought about, you know, President Calderón, I think, has another 2 years or 2½ years—do we have—do we feel strong enough in the relationships that have been built now throughout the entire government in Mexico that, when he leaves and there is a new president, if they will be as committed to this as President Calderón?

Mr. NEGROPONTE. Well, of course, we don't know how the Mexican political process is going to unfold, but I think the critical point is President Calderón does have another 2½ years to go. There is strong political commitment. This is the time to sort of build the momentum, if you will. So the hope would be that 2½, 3 years from now, that the momentum would have been consolidated and

you can rely upon it moving forward no matter who happens to be in political office.

The other point I would make—and to what Ms. O'Neil said earlier—I think there is a growing political consensus within Mexico itself—I mean, the outrage is palpable when you go down there—that they want to do something about this problem. They want to get their lives back.

I think President Calderón's initiative and the Mérida process and the reform process are seen as ways of achieving that.

Mr. MACK. Thank you. Ms. O'Neil, do you want to—would you like to comment? I saw you kind of nodding.

Ms. O'NEIL. Well, let me just add—and I agree with all of the ambassador's comments—that, yes, we have 2½ years to lock a lot of these things in. In part, that is working with the government. But, in part, it is reaching out to others in Mexican society, the private sector, you know, civil society groups, other type of groups to do these things.

Another aspect in Mexico is that Mexico now, as a full democracy, is also like ours, a federal system. So states are very important in this process and, particularly, as we move from just looking at the federal government to working at the local level and focusing on reforming local police, state-level police, or local police.

There are cooperation and back-and-forth that can be started and implemented that, you know, whatever happens at the national level, there can be a lot of back-and-forth, particularly, across the border, which I think would be quite useful for Mexico but for the United States and many of the issues that we have talked about today.

Mr. MACK. Thank you.

Mr. Chairman, if I may just one more to the ambassador.

You know, what we have seen over the past couple of years, has the government—as they become more active in fighting the drug cartels in the north, we have seen a lot of the flow the drugs and other things moving south. I know that this was contemplated and understood that this was, you know, going to happen.

Are you comfortable or confident that the Mérida Initiative addresses well enough that shift so that we don't have kind of move it from the northern part of Mexico and then kind of have this open border in the south and ultimately leave through Venezuela and then back up through the Caribbean?

Mr. NEGROPONTE. Well, I think it is an issue. I think there is no question about it. One of the things that I was briefed on when I went down to Mexico and visited the police was the fact that a lot of the flight tracks now of the cocaine flights coming up from South America are going into Central America, notably, Guatemala and Honduras.

In fact, it was quite stunning to me the number of flights suspected of going into those Central American countries. So I think that is going to require more time going forward and more time and attention.

As far as Venezuela is concerned, that has been a problem for a number of years now. The number of cocaine and narcotics flights going out of Venezuela over to Africa and over to Europe—and that is a problem of serious concern.

Mr. MACK. Do you feel—sorry, Mr. Chairman.

Do you feel that the structure of the Mérida Initiative is capable to adjust to the change of the shipment of drugs going south in Mexico?

Mr. NEGROPONTE. Well, I certainly think it is capable of doing that. I think the priority at the moment is Mexico, but all of these problems need attention. I think it is a question of juggling these priorities.

Mr. MACK. Thank you.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you, Mr. Mack.

At this time, I will recognize the other gentlelady from Arizona, who serves with us in homeland and has the knowledge and the experience, and we appreciate her input and her work in our homeland security.

So, Mrs. Kirkpatrick, you are recognized for 5 minutes.

Mrs. KIRKPATRICK. Thank you, Mr. Chairman.

Mr. CUELLAR. Five minutes plus.

Mrs. KIRKPATRICK. This is has been a great hearing.

I want to thank my colleague, Representative Giffords, for your good work in securing the border.

Mr. McDonald, thank you for testifying today.

You know, this has been an issue that I have been working on since I was in the State legislature. I was in the legislature when we passed the eVerify law. We did that out of frustration that the Federal Government wasn't doing anything. So I really hope that we will take this opportunity to make some significant steps to secure the border.

But in my days even at the legislature talking with ranchers, you know, my mother's family were ranchers over in the Snowflake area. They have a—Creek ranch.

So I know about what it is like. You know, you are out there constantly mending fences and finding your calves. It is not an easy job, and I thank you for what you do.

But talking about them about the fence, you know, they said, look, a fence doesn't work for us because our cows get caught in it. So I think we have to be very careful to use the right steps to secure the border. I agree with you that manpower is critical.

I do think the National Guard is a short-term solution. We do need the boots on the ground, but I have asked for 3,500 Border Patrol agents to be trained and deployed by the end of next year because that, not only, will bring good-paying jobs to the area but also a stable security force.

But I just want to ask you, in your years on your ranch, have you ever been in the position where you had to call the Border Patrol?

Mr. MCDONALD. Oh, yes. I mean, we certainly have. I haven't ever felt, you know, that my life was necessarily in danger but, again, the crossers—some of them now bring a different attitude. I mean, I have literally had people wait at the ranch when we weren't there to ask for a drink of water, and they were thirsty people. I mean, you get that class of people across border.

But more lately, it is like they come around and they start demanding things. There is a certain, you know, threat behind it if you don't comply.

So you are in there trying to fix them something to eat and, at the same time, trying to figure out how am I going to get a hold of the Border Patrol this time. It is like Russian roulette trying to find, you know, a number that works.

So, yes, it is very frustrating.

Mrs. KIRKPATRICK. So you don't—you know, the telecommunications problem is huge. We have been trying to work on interoperability because we just do not have that communication. Although my district goes from the Utah border down to Duncan, I don't have any of the border area.

But what we are finding is that they are crossing your ranch, they are coming up through the back roads headed north to the interstate. It is really putting a lot of people at danger.

But it troubles me that you don't have a single number that, even if you had telecommunications, that you could call and reach the Border Patrol. So there is nothing like a 9–1–1 Border Patrol number?

Mr. MCDONALD. It is really frustrating. We just had another shift change or, you know, they brought in a group of new people, and they were very good about giving us this new list of numbers. The next day, one of the ranchers there had an issue, called every single number on that list, couldn't get through to any of them.

Mrs. KIRKPATRICK. Well, that is very troubling.

Mr. Chairman, I hope we can look into that because you don't have much time to call for help when you are out there. That really, really concerns me.

So, again, I want to thank all of the panel and thank the Chairman for putting this together. Excellent.

Mr. CUELLAR. Thank the gentlewoman from Arizona.

At this time, I would recognize the gentleman from Texas, my colleague, my friend, Mr. McCaul.

Mr. MCCAUL. Thank you, Mr. Chairman.

Thank the panel.

Mr. McDonald, thank you for your vivid description of life on the border. I am from a border State. In fact, I guess everybody here is. But we try to get Members from other parts of the country to come down to the border. I know Gabrielle has done that. I have tried to do that, Mr. Cuellar, because you really can't understand it until you get down there.

Your testimony, I think, helps. I agree with your point that—I think whether it is Border Patrol or, you know, whatever it is, they need to be working more with the local ranchers and the border sheriffs who know the area.

For instance, on the fence issue, I think, in some areas, in the populated areas, that makes sense. But in the non-populated areas, we need to have better technologies that can secure the border.

I think one of the best points that you have made today is a problem within CBP, and that is these agents—the turnover and rotation. You don't know who to call.

Mr. Chairman, I don't know how we fix that, but I think that is an institutional problem within Border Patrol that we need to fix

and bring people that know the area. Hire agents that are from New Mexico or from Arizona or from Texas who speak the language and can fit in better and they know the terrain.

The National Guard—I agree with you, also. I don't want to see them pushing paper. I don't think that is what the Guard is trained to do. I assume you agree with that as well that these Guard forces coming down should be in a more operational capacity than sitting behind a desk.

Would you agree with that assessment?

Mr. MCDONALD. Yes. I definitely would, yes.

Mr. MCCAUL. Yes. Then, finally, you know, I know the Arizona law is controversial. I think it is a response to the Federal Government not doing its job because we should be enforcing the law, and we are not.

We had the director of ICE come out just recently saying that he may not even enforce—if the Arizona law is enforced, he is not going to help in terms of taking these illegals and deporting them. That is a total breakdown in the system.

I assume you disagree with that, too, the fact that the director of ICE would make some sort of a comment like that.

Mr. MCDONALD. Well, I don't think it is helpful.

Mr. MCCAUL. Then another—I thought another excellent point you made that only locals would know about—and I agree with you. The 10-year span that you talked about, we could cross the border 10, 15 years ago and not be worried about our safety. We had a brucera program that worked pretty well as kind of a guest-worker permit program. But that is all changed.

Now it is not just the migrants crossing; it is the more dangerous drug trafficking, highly-armed individuals that are crossing through these ranches.

You mentioned the idea of them actually taking over some of the ranches on the border, and I think that may be, unfortunately, a more well-kept secret. But I have heard anecdotally of cartels buying ranches on the U.S. side of the border so they can easily—more easily facilitate the crossing of drugs.

Do you have any anecdotal information——

Mr. MCDONALD. I don't have anything on the U.S. side, but within our site, there is a peak called—Peak, that ranch came up for sale, and I am told by the Mexican ranchers down there that the person who bought it has ties to the drug trafficking organizations.

I mentioned my neighbor south of me is being harassed on a constant basis, and he is about ready to give up, and we are worried that—you know, you don't know who buys these ranches. You know, our ranches—nobody wants to live down there right now because of what we are going through. They are taking away every reason that you would want to live out in the country.

So who is going to buy them? You have to be suspicious of anybody who is going to buy one of these ranches right now.

Mr. MCCAUL. I think they are destroying our way of life on this side in the United States. It makes sense for them, when they have billions of dollars, to buy these ranches on the U.S. side to facilitate their trafficking.

Mr. MCDONALD. I think it is something we really have to watch.

Mr. MCCAUL. That is a great local issue that a lot of people sitting up here in Washington are not aware of. Thank you for bringing that to us.

Ambassador, just a couple of quick questions. Thank you for your leadership on the Mérida Initiative. I know you spent a lot of work and hard time putting that together.

You talked a lot about the southbound traffic which I agree in terms of guns and cash that cuts them off if we can get their cash going back into Mexico. The BEST team down there, I think, are working pretty well. I would like to see that enhanced more on this side.

But what do you have to say about on the Mexican side in terms of don't they have a responsibility to provide inspections as well with traffic coming from the United States into Mexico?

Mr. NEGROPONTE. Oh, absolutely. There is no question about it. They have got to build up that capability. As you know, it used to be that you could just drive—you could just get waved right across the border with not even the most cursory of examinations 20, 30 years ago. That is the way it worked.

That whole culture and that whole notion of border crossing from north to south has to change. Definitely—and I think the Mexican government acknowledges that they have a responsibility.

But while they are building up that capability, I think we can also be helpful.

Mr. MCCAUL. I think so, too. Having just visited Laredo and then I was in El Paso not too long ago, we were beefing up our side. But there is really nothing on the Mexican side to inspect vehicles coming in.

In fact, I would indulge the Chair just for two quick points.

As my colleague from Florida mentioned, I am very concerned about what is going to happen in 2 years politically down there. And I know you probably can't answer this question.

But the president of Mexico serves for one term, a 6-year term. I am very concerned about who the successor is going to be and what the climate is going to look like. I am also very concerned about the influence that Hugo Chávez has in Mexico in terms of the political process.

I think the worst thing that could happen would be if a Chavez-backed candidate won the presidency in Mexico. It would take not only the Mérida Initiative down the wrong path that, I think, from an economic standpoint, would be a disaster for Mexico.

Would you care to comment on that?

Mr. NEGROPONTE. As we both have said, it is difficult to foresee what is going to happen. But what I would say is, first of all, Mexico has consistently and constantly, over a 70-year period, changed presidents every 6 years. There has not been any interruption to that process since 1934.

Secondly, the idea that any Mexican government would emerge that was under some kind of foreign influence or backing is just totally alien to my understanding and experience with Mexican politics. I think they are very proud. They are very proud of their own system and their own country. Whoever becomes the next president of Mexico is going to be his own president.

Mr. MCCAUL. They have intense national pride and sovereignty.

Mr. NEGROPONTE. Right.

Mr. MCCAUL. But I guess my question is: Do you believe that there are Chavez forces, though, in play in Mexico?

Mr. NEGROPONTE. If there are, I don't think they are particularly significant. Second, I think that the one issue on which Mexicans across the entire political spectrum agree is the centrality of the United States-Mexico relationship. It is where the overwhelming amount of economic and social activity takes place. It is where 85, 90 percent of their exports go. It is where all the movement of people back and forth are. We are the country where there are some 25 million Americans of Mexican descent.

Mr. MCCAUL. Yes. That is a good point. In closing, you mentioned the strategic patience with Mérida. I understand it is implementing this is an enormous challenge. I get that.

But there are a lot of us running out of patience, and the American people are on this issue. I would encourage you to move this thing as quickly as we can.

I know there is, I think, a conference coming up in Cancún—is that correct—with the Mexicans? Is that correct?

Mr. NEGROPONTE. I am not aware.

Mr. MCCAUL. I hope that, on our side, we can make great progress at that conference.

With that, I yield back.

Mr. CUELLAR. Thank the gentleman from Texas, Mr. McCaul.

Let me just say, as we start to conclude, I want to thank all of witnesses for being here—the panel.

Mr. McDonald, I appreciate the work—it is interesting what you are talking about is what I have heard down there in South Texas. So I guess it doesn't matter what part of the border, it is the same thing. I have heard from my ranchers. People used to come across years ago were different folks that, you know, they could come in and you would offer them water and all that. Now, it is just a little difference, though.

I appreciate your comments, your personal experience on that. I appreciate that.

Ms. O'Neil, I appreciate all your good writings. I appreciate what you do for that part of the area. I think it is so important that we don't forget about South-Central America. So I appreciate your writings.

Mr. Ambassador, you have got a wealth of experience from being an ambassador to the director of—the first director of national intelligence. As you know, homeland—and I have got to take advantage of this, we also do intelligence, so I have to ask you one particular question, if you don't mind.

You were the first director of national intelligence. In the 5 years since its creation, the office of the director of national intelligence has matured, achieved some positive results, but still it encounters significant obstacles.

In your opinion, what authority—what authorities does the next DNI who will be the fourth, I believe—the fourth in 5 years—need to succeed?

Mr. NEGROPONTE. I think the creation of that position was the product of political compromise back in 2004. There was the impulse for the creation of the job was, of course, both the 9/11 Com-

mission's report and then the WMD fiasco with respect to Iraq. That kind of made it inevitable that there was going to be some kind of reform.

You will recall it took place during an election year. But because of the political compromises that were involved, I think the position was not given sufficient authority in either the budgeting area or in the hiring and firing area.

So, effectively, what the DNI became was, first of all, a coordinator. That is an important role, no question about it—the coordinator of these 17 agencies—and the principle intelligence adviser of the President—also, another important role.

But as far as really having clout vis-à-vis the direction of the entire intelligence community, I think the director needs more authority in budgetary preparation and in hiring and firing of the individual intelligence agency chiefs.

Mr. CUELLAR. Okay. I want to thank, again, the first and, of course, the second panel. Thank you for your time. As you know, this has been—we got a lot of participation. So I really appreciate this, having Members from both committees—I know Mr. Engel is not here. I do want to thank him for his work and, of course, the committee.

I certainly want to thank the staff, both the Majority and the Minority staff, for the good work that they do because trying to put two panels together and trying to put two subcommittees together, it takes a lot of time and coordination.

So I want to thank everybody for being here and for the work that they have done. So I thank the witnesses again for the work that they have done and the Members for their questions.

Members of the subcommittee may have additional questions for the witnesses and, again, we ask that you respond to them as soon as possible to those questions.

Hearing no further business, the subcommittees stand adjourned. Thank you.

[Whereupon, at 2:52 p.m., the subcommittees were adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN ELIOT L. ENGEL OF NEW YORK FOR ROBERTA JACOBSON

Question 1. Specifically, what is Mexico doing at or near the border with the United States to stop the illegal trafficking of weapons into Mexico? Have they intensified their efforts in recent years? If so, how?

Answer. The Mexican government, using its own resources as well as those provided through the Mérida Initiative, has been working to improve the control of its borders. Some of these efforts are specifically targeted at illicit arms trafficking, others are broader in scope with the intent to interdict all illicit activities, to include illegal arms.

The Government of Mexico (GOM) is deploying its new Vehicle Screening System (SIAVE) at all land ports of entry and is working to reduce processing times and increase accuracy. The system scans license plates and checks the information against Mexico's "Plataforma Mexico" database. Through Mérida Initiative funding, the USG has supported development of this database. When fully implemented, SIAVE will conduct 100 percent screenings of southbound vehicles and aid in identifying vehicles and persons who merit a more intensive secondary screening.

For the purpose of conducting the secondary inspections, the GOM is deploying appropriate and effective non-intrusive inspection technology along the border. Mexico currently has 52 Vehicle and Cargo Inspection System (VACIS) units in place, and Mérida Initiative funding has been provided for ion scanners and mobile gamma ray systems. Mexican Customs and Federal Police have worked closely with the U.S. Embassy to ensure this scanning equipment has the best capabilities for detection of concealed arms.

In building the total capacity of Mexican agencies to staff and operate a functioning port of entry, the Government of Mexico is engaged in a number of ways to build the capacity of Mexican Customs. Drawing upon the expertise of U.S. Customs and Border Protection (CBP), Mexican Customs is establishing a training academy with the intent to produce their own law enforcement professionals at all ports of entry. For intermediate skills training at this new academy, the Government of Mexico, with assistance from U.S. Immigration and Customs Enforcement (ICE), is developing a 10-week training course to prepare experienced Mexican Customs inspectors to assume expanded duties that will include investigative responsibilities.

Additional CBP activities involve the training of Mexico Secretariat of Public Security officers on Non-Intrusive Inspection Equipment for the detection of contraband and Mexico Customs officials on basic inspection techniques. Additionally, assistance is being provided to procure and train Mexico Customs Canine detection units as well as to provide International Border Interdiction Training and International Seaport Interdiction Training.

On December 30, 2009, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) introduced a Spanish-language version of its eTrace program, which allows Mexican counterparts to enter information about recovered crime guns into the data system at ATF's National Tracing Center. eTrace enables the Mexicans to analyze trace data from weapons seized in Mexico to develop investigative leads and to identify trends and patterns relating to illegal arms trafficking. ATF, using Mérida Initiative funding, is training the Mexican Attorney General's (PGR) personnel in the use of the system.

Question 2. You and your Mexican counterparts have developed goals and metrics to evaluate the success of the Mérida Initiative. Why were not metrics included to assess efforts to reduce the illegal flow of firearms from the United States to Mexico? Will you reconsider this decision?

Answer. We recognize that we must do more in the United States, not only to reduce the demand for illegal drugs, but also to stem the tide of weapons and bulk cash going south across our border. When devising the metrics, we agreed to focus

our efforts on measuring the results of Mérida Initiative foreign assistance. We are currently reviewing our metrics with regard to the new four pillar strategy.

We will also raise your concern with the Department of Homeland Security and the Department of Justice as they have the lead on arms trafficking issues in the USG.

Question 3. You and your Mexican counterparts recently announced a new strategy, often referred to as "Beyond Mérida," which broadens the scope of bilateral security efforts and focuses more on institution-building than on technology and equipment transfers.

This new strategy is partially in response to violence in border cities such as Ciudad Juárez. Clearly, time is of the essence which means that waiting for the fiscal year 2011 Mérida appropriations to be approved will take far too long.

How do you plan to get more institution-building funding to Mexico—and specifically to border cities like Ciudad Juárez—as soon as possible? Can we reprogram funds to make this happen? How soon will this new strategy take hold?

Answer. We are not waiting for our fiscal year 2011 funds to begin implementing the new "Beyond Mérida" strategy of this administration. The emphasis on the four pillars (Disrupt Organized Criminal Groups; Institutionalize Reforms to Sustain Rule of Law and Respect for Human Rights; Create a 21st Century Border; and Build Strong and Resilient Communities) has already begun. In some cases, we have agreed with the Mexican government to adapt on-going programs to reflect these new priorities. In others, re-programming may be necessary.

The Mexican response in Juárez is an excellent example of the way the State Department and Mérida Initiative support the Mexican government. The response—including a transition to Mexican federal police lead in coordination of operations in the city, and the "We are all Juárez" initiatives on the socio-economic side—was conceived and initiated by the Calderón government after President Calderón made numerous visits to Juárez earlier this year and Mexican government officials engaged in significant outreach to community leaders. We are now working with the Mexican Government to see where we might use Mérida Initiative resources to assist.

Mérida funds have already paid for the training of a number of the federal investigators that are now in place in Ciudad Juárez, as well as training and equipping some of the specialized units that are supporting operations in and around the city.

Community outreach efforts have always been an important part of the Mérida Initiative, and are now more explicitly a focus under the fourth pillar: Building resilient communities. USAID officers in Mexico have been meeting with community leaders in Juárez and El Paso, and are working with the Mexican government to see what more could be done in this area.

Question 4a. There have been a series of incidents of violence directed at U.S. Government interests in Mexico, including the March 13 murder of three persons with links to the U.S. Consulate in Ciudad Juárez and incidents at the U.S. consulates in Nuevo Laredo and Monterrey.

What is the U.S. Government doing to heighten security for the consulates and the U.S. Embassy in Mexico City? Do we plan to heighten security to the same level as that found in our diplomatic mission in Colombia?

Answer. We have no higher priority than the well-being of our employees and the security of the people visiting the Embassy and our Consulates in Mexico.

Question 4b. What steps are we taking to increase hardship differential and danger pay for U.S. personnel serving in Mexico?

Answer. Mission Mexico regularly reviews and adjusts its security posture as appropriate. We do not publicly discuss the details of our security posture so as not to compromise any of the specific safeguards that we take but would be glad to provide you with a briefing on measures.

Question 4c. Do you see this pattern of violence directed at U.S. interests escalating in the near future?

Answer. We are monitoring the security situation on the ground very closely and will continue to do so.

Question 5a. More than 4 years have passed since dozens of women were tortured and sexually assaulted by police officers during operations on May 3–4, 2006 in San Salvador Atenco, and still no one has been brought to justice.

In July 2009, after a 3-year investigation, a Federal Special Prosecutor from the Attorney General's Office issued a report identifying 34 members of the state security forces as being responsible for these abuses. The Attorney General's Office then transferred jurisdiction over the prosecution of these individuals to the Mexico State Attorney General's office. Yet, nothing further has taken place.

What has the State Department done to urge the federal and state Attorney General's offices in Mexico to take swift action in the San Salvador Atenco case?

Answer. San Salvador Atenco is one of the cases that the U.S. Government follows closely and on which we provide updates in the annual Human Rights Report. We have raised this case with the Mexican Attorney General's office, the Ministry of Government (charged with implementing human rights and internal affairs standards throughout the federal government), and the National Commission on Human Rights.

Question 5b. More broadly, what is the State Department doing to help ensure that Mexican civilian prosecutors and judicial authorities are investigating and prosecuting members of the federal police and military forces who commit human rights violations?

Answer. In February we initiated a human rights dialogue with the Government of Mexico. The objectives are to increase bilateral human rights cooperation in priority areas, clarify and strengthen the institutional capacities to address information requests on alleged human rights violations, share best practices, and promote relevant training activities. Formal meetings will take place on a tri-annual basis, with ad hoc meetings called as agreed upon by the two parties. The dialogue will address such issues as military justice, prevention of torture, criminal justice and security reform, and strategies for dialogue between the Mexican government and civil society, among other issues. As of May 2010, there were three meetings of the human rights dialogue, with the fourth scheduled for July. Democracy, Human Rights and Labor (DRL) Assistant Secretary Posner led the U.S. side during the most recent session in April.

Additionally, under the Mérida Initiative, federal police training programs have incorporated modules on respect for human rights. Through May 2010, roughly 4,500 federal police officers had received this training. USAID is supporting the participation of human rights and other NGOs in justice sector reforms, so that these NGOs are better equipped to provide oversight and educate citizens on their roles and responsibilities in the new system. USAID also supports the United Nations High Commissioner on Human Rights' (OHCHR) office in Mexico to work with Mexican government agencies to strengthen observance of human rights. The Mexican Supreme Court and Customs have both agreed to let OHCHR observe their in-house human rights training, and provide technical assistance to improve their curricula. We also support, through USAID, the Citizen Participation Councils that provide a bridge between civil society and the Government of Mexico on security issues.

Question 6. Does the USG have a comprehensive strategy for engaging with the Mexican government on employment policy and worker rights? What is it?

Answer. Strengthening respect for worker rights and promoting corporate social responsibility around the world are critical to achieving U.S. foreign policy goals of promoting democracy, human rights, free trade, and international development. The USG promotes worker rights and seeks to enhance employment policy in Mexico through consistent labor diplomacy with the Mexican government.

In addition, the North American Agreement on Labor Cooperation (NAALC) signed on September 14, 1993, provides a mechanism for member countries to ensure the effective enforcement of existing and future domestic labor standards and laws without interfering in the sovereign functioning of the different national labor systems. The NAALC creates several institutions: a Ministerial Council; National Administrative Offices (NAOs) in each labor department; and a Secretariat. Each institution is tasked with promoting labor rights through exchanges, cooperative programs, and a range of consultative and dispute settlement processes.

Question 7. Has USG raised the Mexican mine workers case with the Government of Mexico and what has been the response?

Answer. The USG has raised the mine workers' situation at Cananea, Sonora with the Government of Mexico (GOM) and has encouraged the peaceful resolution to this long-running conflict while adhering to applicable international labor standards. The USG has also met with the mining chamber, the AFL-CIO's Solidarity Center, and the miners' union on this issue.

The GOM, through its Labor Department (STPS), provided a dossier of the legal proceedings on the strike at Cananea and stated that they followed the law to the letter in this situation. On February 11, the labor arm of the Mexican Supreme Court issued a ruling in favor of the employer, Grupo Mexico, and ended the nearly 3-year strike. The federal government enforced the judicial decision on the evening of June 6. Sources differ on the level of force used to remove the miners from Cananea. Local representatives of the miners' union and a USW representative assert that federal and state law enforcement authorities used violence to remove the miners from Cananea. The GOM states that the situation was resolved with no violence and minimal disturbance.

The USG continues to monitor the situation and urges a peaceful resolution to the dispute.

Question 8. Last October, the Mexican government fired 44,000 members of the Mexican Electrical Workers' Union. A complaint was recently filed with the USG under the NAFTA labor side agreement. Can you describe what engagement you have had with the Mexican government on this case?

Answer. The Sindicato Mexicano de Electricistas (SME) was the union that represented 44,000 active workers and 22,000 retired workers from the Luz y Fuerza del Centro (LFC) power distributor in Mexico City and surrounding areas. When LFC was dissolved by presidential decree, the Government of Mexico (GOM) states that the SME was also dissolved, asserting that there can be no collective or individual contracts with a company that no longer exists. Lawyers on both sides claim to have legal cover for their positions. The SME has submitted a complaint to the United States under the NAALC and is expected to submit a complaint to Canada, pending a Mexican Supreme Court decision on the case.

In December, Embassy Mexico City arranged and accompanied a delegation of U.S. and Canadian union workers to a meeting with Mexico's Labor Department (STPS) to discuss the case. Our embassy has remained in regular contact with STPS and the SME since that meeting and has followed the NAALC submission and the SME's court cases closely.

Embassy Mexico City is also in touch with the American Chamber of Commerce, the AFL-CIO's Solidarity Center, and the electricians' union on this issue.

QUESTIONS FROM CHAIRMAN HENRY CUELLAR OF TEXAS FOR ALLEN GINA

Question 1. What efforts has CBP taken to combat the smuggling of firearms and currency to Mexico? What would help CBP increase its ability to conduct southbound inspections?

Answer. The United States Border Patrol has combined efforts with the Office of Field Operations personnel to assist them in combating smuggling weapons and currency into Mexico by augmenting their forces with 116 Border Patrol Agents. CBP personnel are also assigned to the Immigration and Customs Enforcement's Border Enforcement Security Taskforce (BEST) along the southwest border. One of the focuses of BEST is the interdiction of firearms and currency entering Mexico illegally and undeclared.

On March 12, 2009, the Office of Field Operations (OFO) re-established the Outbound Program Office in response to the on-going issues pertaining to violence and firearms smuggling on the southwest border (SWB), to increase outbound operations on a pulse and surge basis.

CBP outbound efforts ensure that there are trained CBP officers and Border Patrol agents able to conduct outbound operations; adequate outbound facilities, equipment, and technology; cooperation with international and other government law enforcement agencies; and adequate automated targeting assistance to identify violators. CBP employs a "pulse and surge" strategy for outbound operations on the southwest border. "Pulse and surge" operations involve allowing for immediate stand-down of outbound inspections to manage traffic flow departing the port of entry.

CBP officers along the SWB seized over $37 million in bulk currency (in 419 incidents) and 109 firearms leaving the United States in fiscal year 2009.

In fiscal year 2010, CBP continues to strengthen the "pulse and surge" operations along the SWB, and to build on the current cooperative efforts with Federal, State, local, and Tribal law enforcement agencies. CBP officers along the SWB have seized over $13.5 million in bulk currency (in 427 incidents) and 196 firearms leaving the United States as of June 22, 2010. Additionally, in fiscal year 2009, CBP effected 7 bulk currency seizures over $1,000,000; the largest southbound bulk currency seizure effected by CBP officers in fiscal year 2010 to date has been $462,230.

CBP has also detailed additional CBP officers (approximately 120—of which 63 are in Texas) to identified SWB ports of entry to support port operations—to include conducting 24/7 southbound operations. The intent of these temporary details is to utilize a collaborative, cooperative enforcement approach that leverages the capabilities and resources of a variety of Federal, Tribal, State, and local law enforcement and public service agencies against individuals and criminal organizations that are involved in cross-border activity. An additional 167 CBP officers will be detailed to the SWB in the coming months—increasing the number of ports that can conduct 24/7 southbound operations.

Additionally, CBP is also conducting the following activities:

Targeting

The National Targeting Center—Cargo (NTC–C) is conducting research on weapons shipments exported from the United States destined to legitimate entities in Mexico. Through the NTC–C, such shipments are being identified and examined at the U.S. port of export to verify contents and quantities. Confirmation is obtained from Mexican authorities regarding the shipments, orders, and expected delivery. These efforts help ensure the legitimacy of the shipments, and reduce the possibility of diversion.

Rail Inspections

All eight railroad crossings on the U.S.-Mexico border are conducting 100 percent scanning of outbound rail cars. Notification protocols have been developed with Mexican Customs for the inspection of suspect rail cars, since the cars themselves are on Mexican soil immediately after the U.S. Non-Intrusive Inspection (NII) scan.

Currency/Firearm Detection Canine Teams

The SWB has 16 permanently assigned currency/firearm detector dog teams deployed to our ports of entry. CBP anticipates deploying at least four more teams in fiscal year 2011.

Low Energy Mobile X-ray Units

CBP has identified low energy mobile NII imaging systems well suited to scan outbound personally owned conveyances for contraband. During pulse and surge operations, these systems can be moved from inbound usage to scan for contraband in conveyances leaving the country.

There is currently a total of 22 low energy mobile imaging systems deployed to our ports of entry along the SWB.

License Plate Readers

In fiscal year 2010, CBP is increasing efforts in outbound operations and installing outbound license plate readers (LPRs) along the southwest border to increase the seizures of firearms and currency and the interdiction of stolen vehicles and fugitives. CBP has 48 outbound LPR lanes at 14 Southern Border crossings. The remaining 70 southern border outbound lanes are not currently outfitted with outbound LPRs. The 48 outbound lanes are undergoing a status review for functionality and accuracy, and CBP is planning for the installation of second generation LPRs at the remaining outbound lanes. Site surveys have been planned for the remaining 70 lanes to ensure that the sites are amenable for LPR installation.

Bi-lateral Operations

As part of CBP's efforts to address the threat posed by multi-national drug trafficking organizations operating along the SWB, we have begun working with Mexican Customs (MXC) to push our borders—to include establishing MXC-vetted units to coordinate enforcement activities (i.e., inbound and outbound) at our ports of entry.

By operating at paired ports of entry, bi-national enforcement efforts maximize the number of locations covered and the number of inspections conducted; reduce duplication of effort; maintain control of legitimate trade and travel; and reduce the possibility that travelers would be subjected to dual inspections. A total of seven operations were conducted in fiscal year 2009 and an average of two operations per month is being conducted during fiscal year 2010.

Outbound Training

In fiscal year 2010, CBP implemented the Outbound Enforcement Operations/Outbound Inspections National Training Program. The 8-day course provides comprehensive basic training in outbound enforcement operations for all port environments. During fiscal year 2010, CBP has conducted eight (8) courses at the CBP Advanced Training Center in Harpers Ferry, WV.

Interagency Cooperation

CBP has worked closely with various Federal agencies in the apprehension of criminal elements and interdiction of illicit proceeds and firearms being smuggled into Mexico. This activity is exemplified through activities such as:

- Involved in multi-agency conferences (i.e., with Immigration and Customs Enforcement [ICE]; and the Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives [ATF]) to jointly develop new enforcement initiatives along the southwest border in the fight against those persons and organizations involved in crime, specifically the inbound and outbound international trafficking of bulk currency, firearms, ammunition, and explosives.

- Assisted the Department of Justice, Drug Enforcement Administration (DEA) in coordinating their investigations with outbound surge operations targeting Mexican Drug Cartels members and currency smuggling operations (including recently via "Operation Deliverance"). This multi-agency effort was closely coordinated with CBP to identify conveyances and subjects of interest entering the United States or subjects attempting to flee to Mexico. Seven wanted persons were arrested at our ports of entry and CBP officers assisted in the arrest of 19 wanted persons and seizure of $145,000 outside the ports of entry.
- Permanently detailed CBP personnel to the El Paso Intelligence Center (EPIC) to actively work with other Federal agencies in targeting multi-national criminal enterprises. In addition to sharing CBP seizure data, CBP personnel assigned to EPIC research law enforcement databases for actionable information to disseminate to the ports on any currency or weapons violations. CBP personnel are also actively involved with ATF agents assigned to the Gun Desk. The overall mission of Gun Desk is to identify, investigate, and stop illegal firearms traffickers, particularly those who supply firearms to drug trafficking organizations, young criminals, and gangs.
- Coordinated with the DEA and the Treasury Department's FINCEN in developing and reviewing lists of conveyances other than personally owned vehicles that may be utilized to transport bulk currency out of the United States.
- Routinely worked with investigators of other Federal agencies at our ports of entry in interdicting exports of bulk currency and firearms destined to criminal enterprises in Mexico. Information provided by agents from other Federal agencies has resulted in significant seizures of bulk currency and firearms destined to Mexico.
- Supported ICE's Border Enforcement Security Task Forces (BEST) at all Southwest Border Sites.

Question 2a. Challenges remain regarding implementation of an effective southbound inspection strategy. The United States only periodically conducts southbound inspections and Mexican authorities check less than 10 percent of vehicles entering Mexico.

Please describe the obstacles that CBP and Mexican authorities have faced in implementing southbound inspections.

Question 2b. How is DHS working with Mexican Customs to strengthen their inspections processes at their ports of entry?

Answer. In accordance with the bi-national plan for Coordinated Southbound Operations, U.S. Customs and Border Protection (CBP) and Mexican Customs (MXC) initiated coordinated operations along the U.S.-Mexico international border in fiscal year 2009 which are currently on-going. The locations for each operation were mutually decided upon by CBP and MXC. CBP is providing training to MXC in basic border interdiction and inspectional techniques and methods to support Coordinated Southbound Operations. CBP and MXC mutually identified nine (9) locations where training was originally to be conducted April 2010 through August 2010. The Basic Border Interdiction (BBI) training is now being expanded from the original nine (9) ports of entry to cover all Ports of Entry along the shared U.S.-Mexico border. The training is currently scheduled to be completed by the end of September. Upcoming steps will also include the scheduling of follow-on International Border Interdiction Training (IBIT) for those MXC officers who have thus far attended the BBI course.

One of the obstacles the CBP and MXC experienced was the lack of trust that arises from poor communication. However, both countries have been working to remedy this by establishing a mechanism to improve communications, discuss port security issues, coordinate enforcement efforts while also planning collaborative ways to facilitate the flow of legitimate trade and travel.

CBP and MXC have established Bi-national Security Committees at all southwest border ports of entry so that U.S. port managers can regularly meet and work with their MXC counterparts to discuss enforcement issues (northbound and southbound) and ways to facilitate the flow of legitimate trade and travel.

Additionally, CBP has been working with MXC to include establishing MXC vetted units, to coordinate enforcement activities (i.e., inbound and outbound) at our ports of entry. To further assist MXC, CBP has also provided BBI training to these vetted units to assist them in the interdiction of north and southbound contraband.

To assist Mexican Customs to strengthen their inspections processes at their ports of entry CBP will seek to expand and establish long-term cooperative bi-national law enforcement efforts along the border with Mexico, such as:

- sharing basic seizure information to identify trends and members of criminal organizations—to further lawful enforcement efforts while protecting privacy and civil rights;

- leveraging and sharing license plate reader information—to include certain law enforcement alerts (i.e., stolen vehicle alerts; AMBER alerts; wanted fugitive alerts; etc.);
- expanding joint operations focused on identifying violators and leveraging assets from both countries—with an emphasis on exploiting intelligence based information to target illicit proceeds and firearms;
- leveraging the CBP's collaborative efforts with Mexico to assist other U.S. law enforcement agencies in the identification, arrest, and prosecution of members of international drug trafficking organizations; and
- continuing and expanding assistance to increase Mexico's law enforcement capacity via the Mérida initiative, wherever possible.

Question 3a. Both ICE agents and CBP officers have been dispatched to provide training to Mexican federal police and Customs inspectors in a variety of areas.

How would you assess Mexico's progress in implementing reform at the federal level?

Answer. Assessments on the Mérida Initiative's impact and assistance to Mexican agencies in implementing reforms is best addressed by the Department of State.

Question 3b. Please describe the assistance and training your agencies have provided.

Answer.

Equipment Issuance:

- Department of State; Narcotics Affairs Section provided equipment to the Ministry of Public Security (SSP) to facilitate their operations.
- 10 ATV, 4 motorcycles.
- 50 GPS, 15 binoculars.
- 30 rechargeable flashlights.
- 1 Stinger Spike System (controlled tire deflation device).
- 10 manual entry tool backpacks.
- 1 manual entry tool kit (includes bolt master tool, mono-shock ram tool, and hallagan tool).
- The Nogales, Sonora, Mexico, Police Department will also receive 20 Gazelle Police Bicycles.
- SSP will be able to utilize the donated ATVs and off road motorcycles to conduct operations in remote areas around Nogales, Sonora in support ACTT operations.
- In March 2010, SSP Officers responded to a request by Border Patrol regarding individuals damaging the International boundary fence. SSP was able to apprehend six subjects and seized the acetylene torch being utilized to cut the fence.
- On March 23, 2010, SSP received anonymous information about a drug smuggling incident on the west side of Nogales, Arizona. Using donated GPS devices, SSP Officers were able to track and seize a considerable amount of marijuana.
- In March of 2010 SSP discovered four AK47 rifles, one UZI sub machine gun, several rounds of ammunition, a tactical vest and a hand grenade.
- On May 26, 2010, SSP Officers discovered two tunnels branching off the Grand Tunnel that were dug by smugglers.

ICE Training

ICE has organized and conducted several training efforts through the Mérida Initiative, including the following:

- ICE conducted a U.S. immigration law and officer defense and safety tactics train-the-trainer course for Mexican immigration officials in March 2010. Several iterations of the course are scheduled in the future.
- ICE conducted arms trafficking and cyber crimes training for 200 senior SSP officers in August 2009.
- ICE provided an unprecedented undercover training course to 42 SSP officers in November 2009.
- ICE taught basic criminal investigative methods at the SSP Academy in San Luis Potosí. As of January 2010, 26 ICE special agents have trained over 4,000 Mexican recruits.

ICE also has several planned trainings supported by the Mérida Initiative:

- ICE conducted Fraud Document Training for the National Institute of Migration from July 12–16, 2010.
- ICE has designed a 10-week criminal investigator course for a team of Mexican Customs and Mexico's Tax Administration Services officials that will begin in August 2010. Upon conclusion, this team will work closely with ICE and CBP on joint operations.
- ICE is planning a gang investigations training for SSP in September 2010.

Canine Training

The CBP Canine Program at El Paso, Texas is currently conducting three consecutive sessions for 44 canine detection teams in the disciplines of narcotic and currency/firearms detection beginning on January 18, 2010 until August 13, 2010. For sustainability, this program also includes three (3) Train-the-Trainer courses for six (6) Mexico Customs (MXC) canine instructors who will form the foundation of their own canine training program.

An additional 44 canine detection units are being trained for MXC. In addition, the train the trainer concept allows MXC to develop their own canine academy program.

Non-Intrusive Inspection Training

CBP has completed Non-Intrusive and Inspection and Examination (NIIE) training for SSP in Mexico City on five (5) ZVB X-Ray Vans provided by the State Department under Mérida funding. The training for 50 SSP officers began on April 19, 2010 and ended on May 21, 2010 and was designed to enhance SSP's ability to use the ZVB X-Ray vans more effectively and increase narcotics seizures over time.

A total of 50 SSP operators were trained on image interpretation. In addition, according to SSP reports a passenger bus was targeted for inspection by the SSP and was referred to the Mobile VACIS X-Ray System for a non-intrusive inspection. An anomaly was detected by the operator of the VACIS and a subsequent inspection of the bus resulted in the discovery of approximately 157 kilograms of cocaine.

Mexico Customs Academy Support

Mexico Customs is in the process of establishing its own academy similar to the CBP Field Operations Academy (FOA) to train their 800 newly hired officers. The FOA conducted a gap analysis of the new MXC Academy basic curriculum and presented their conclusions on December 31, 2009, with an outline of its recommendations to enhance the training curriculum.

On May 10, 2010, CBP began an unprecedented Train-the-Trainer program for 13 Mexico Customs Academy instructors at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. The students successfully completed all the requirements and graduated on May 28, 2010. The program provided law enforcement-focused topics such as Anti-terrorism, Officer Safety, Tactical Response, and Questioning and Interviewing Techniques. Upon graduation the MXC instructors immediately began to instruct 800 new MXC officers beginning in June 2010.

Border Interdiction Training

CBP is providing Basic Border Interdiction Training (BBIT) to MXC personnel at the 27 Ports of Entry along our shared borders. This training significantly increases the interaction between the two agencies at the Ports of Entry and fosters a cooperative approach to border management. In addition, MXC BBIT graduates are scheduled to attend a week-long International Border Interdiction Training at the training facility at McAllen, Texas over the coming year.

Furthermore, 57 SSP Officers received hidden compartment, close quarters urban combat, first responder, and ATV training at the Nogales Border Patrol Station.

Question 3c. What challenges have your personnel encountered? Accomplishments?

Answer.

Accomplishments:

- On May 24, 2010, two (2) agents from Tucson Border Patrol Sector were detailed to SSP in Hermosillo, Sonora, Mexico to support Alliance to Combat Transnational Threats (ACTT). They will coordinate and develop operations, share information, and facilitate joint training.
- Department of State; Narcotics Affairs Section provided equipment to the SSP to facilitate their operations.

Challenges:

The socio-political-economic environment poses a significant challenge to capacity building. This includes:

- Continued violence that plagues border communities;
- Disparate economic differences between our two countries;
- Acute differences in the procurement, deployment, and use of technology to enhance border security;
- 2012 elections and possible resulting shifts in GOM policies and/or priorities; and
- The mid- to long-term impact of the economic downturn in Mexico.

In particular, violence by criminal elements affects many parts of the country, including urban and rural areas. The U.S.-Mexico border region, including cities such

as Tijuana, Ciudad Juárez, Nuevo Laredo, Nogales, and Reynosa are of particular concern to CBP.

Obtaining lists of training participants who meet professional and ethical standards of Mexico and the United States has also been a challenge.

QUESTIONS FROM CHAIRMAN HENRY CUELLAR OF TEXAS FOR ALONZO R. PEÑA

Question 1. Trafficking is not just happening in a northbound flow. It is a circular flow.

What additional measures might be needed in order to improve current U.S. efforts to address drug demand, arms trafficking, and bulk cash smuggling?

Answer. Information exchange and close operational coordination are key factors to successfully interdicting bulk cash as it moves through United States and Mexican cities on its way to/from the border. In order to promote these efforts, on June 2, 2010, U.S. Immigration and Customs Enforcement (ICE) led a 2-day, multi-agency, bi-lateral training conference to present the results of the 2010 United States/Mexico Bi-National Criminal Proceeds Study (CPS). The CPS uses a supply chain approach to examine the movement of illicit proceeds in the United States and Mexico. It identifies the various operational nodes present in the movement of illicit proceeds, which allows law enforcement (both in the United States and Mexico) to focus their efforts and limited resources on those nodes in the illicit supply chain that are most critical to criminal enterprises. Identifying, targeting, and carrying out enforcement actions against these nodes will have the effect of creating maximum disruption within an organization. This study benefited greatly from having full participation of the government of Mexico.

The challenge of eliminating the illegal flow of weapons is larger than one Federal agency and requires close coordination, shared intelligence, and harmonized investigations. ICE, in partnership with CBP, as well as other Federal, foreign, State, and local law enforcement officials, expanded its on-going border crimes initiative by creating a multi-agency initiative called the Border Enforcement Security Task Force (BEST). The task forces are designed to increase information sharing and collaboration among the participating agencies focusing toward the identification, prioritization, and investigation of emerging or existing threats as they relate to narcotics and contraband smuggling as well as criminal organizations seeking to illegally export weapons out of the United States.

ICE continues to use the Border Violence Intelligence Cell (BVIC) to focus on supporting efforts to combat weapons smuggling along the U.S.-Mexico border. The BVIC, housed at the El Paso Intelligence Center, serves as a central point for analyzing all-source intelligence, analyzing trends in firearms smuggling and referring investigative and operation leads to U.S. and foreign partner agencies, to help facilitate the timely sharing of intelligence and threat information.

Traditional metrics of arrests, indictments, convictions, disruptions, dismantlements, and seizures are valuable in gauging the effectiveness of ICE efforts to address drug demand, arms trafficking, and bulk cash smuggling.

Question 2. Last August, Secretary Napolitano announced the creation of the Mexico-based Border Enforcement Security Taskforce (BEST).

What is the status of this BEST unit? Has the unit been successful?

What steps have ICE and the Mexican government taken to safeguard this BEST from corruption?

Answer. Response is For Official Use Only and is retained in committee files.

Question 3. Both ICE agents and CBP officers have been dispatched to provide training to Mexican federal police and Customs inspectors in a variety of areas.

How would you assess Mexico's progress in implementing reform at the federal level?

Please describe the assistance and training your agencies have provided.

What challenges have your personnel encountered? Accomplishments?

Answer. Response was not received at the time of publication.

QUESTION FROM CHAIRMAN ELIOT L. ENGEL FOR ALONZO R. PEÑA

Question. You said in response to a question by Rep. Lofgren that the U.S. Government is undertaking greater efforts to interdict weapons at the border into Mexico. Please describe these efforts in detail, what types and numbers of weapons are being captured over certain periods of time, and how this is leading to the indictment of weapons traffickers, straw purchasers, and gun sellers engaging in illegal behavior in Mexico and the United States.

Answer. Response was not received at the time of publication.

QUESTIONS FROM CHAIRMAN HENRY CUELLAR OF TEXAS FOR MARIKO SILVER

Question 1. As the Mérida Initiative's focus shifts to building capacity and institution building, explain how this change will affect DHS operations in Mexico.

Please discuss the number and types of personnel DHS has dispatched as part of the Mérida Initiative?

How will this focus shift affect on-going DHS efforts?

Answer. DHS has been deeply involved in the discussions and planning concerning the future of the Mérida Initiative. DHS engagement on Mérida Initiative programs has been, primarily through capacity and institution programs, so as Mérida's focus shifts, DHS anticipates continued, and perhaps increased, use of its expertise and experience in the form of training.

For the most part, DHS component personnel dispatched to Mexico as part of Mérida Initiative programs have been officers and agents and other experts who have delivered specific training or other advisory assistance. U.S. Immigration and Customs Enforcement (ICE) Attaché Mexico City representatives and ICE domestic personnel have supported these training activities. In addition, ICE collaborates with interagency partners in joint training efforts, such as the Mexican Ministry of Public Security academy, which occurred in San Luis Potosí in 2009.

As part of the Mérida Initiative, CBP has provided over 5,000 man-hours of capacity-building assistance since January 2010 involving Agents, Officers and subject matter experts. CBP anticipates that they will receive additional training requests from the Government of Mexico for technical assistance and capacity building support beginning in the next fiscal year. Currently, CBP is working with the Department of State (DOS) to ensure that the additional training can be funded through existing and/or previously allocated Mérida Initiative funds; this is essential as CBP's ability to provide additional training is dependent upon funding from the Department of State. Additionally, to increase the effectiveness of the training, CBP has been providing assistance to Mexico Customs, Immigration, and Federal Police officials as they develop their training requirements.

Much of the capacity-building efforts for Mérida have been focused on providing train-the-trainer-type instruction, which utilized CBP facilities in El Paso, Texas and Glynco, Georgia. This includes developing specific curriculum for instructors in Spanish for Canine Handler Instructors and Mexico Customs Academy Instructors. CBP has trained 14 Mexico Customs Academy instructors and six Canine Handler Instructors for Mexico Customs this year. These instructors have already instructed nearly 1,000 Mexican basic customs officers and canine handlers. The continuation of these programs will eventually allow Mexico to develop their own academy programs lessoning the need to depend upon U.S. infrastructure to provide training facilities.

Working with Mexico as it reforms and strengthens its law enforcement and other institutions will provide substantial benefits to DHS and positively affect our operations and efforts there.

Question 2. During the hearing, you responded that previous communication issues between the State Department and DHS have been resolved. Please provide examples of increased representation for DHS.

Answer. DHS has been an active participant in the Mérida Initiative process. DHS is represented at each step of the implementation and oversight architecture. For example, Secretary Napolitano is part of the High Level Consultative Group, which sets the strategic direction for Mérida. Secretary Napolitano traveled to Mexico City to attend the HLCG meeting in March 2010. Deputy Secretary Lute participated in the Policy Coordination Group (PCG) meeting in January 2010. The PCG sets policy and monitors the progress on the strategic direction—set by the High-Level Consultative Group—and the broad country and bilateral efforts. DHS senior leadership also regularly participate in the National Security Staff-led Mexico Interagency Policy Committee and 21st Century Border Interagency Policy Committee, both which regularly consider policy issues concerning or related to the Mérida Initiative.

At the U.S. Embassy, the DHS Attaché, CBP Attaché, and ICE Attaché are part of the country team and are involved in a number of different aspects of the field-level implementation of Mérida. DHS components chair the following Mérida Initiative working groups:

- CBP-Mexico chairs the 21st Century Border working group and the GC Armas work group.
- ICE-Mexico chairs the Money Laundering working group.

Further, the Narcotic Affairs Section (NAS) of the Embassy (which is responsible for handling the International Narcotics and Law Enforcement funds) has one full-time CBP officer on its staff. Finally, the DHS Attaché is a key decision-maker on

Mérida issues within the Embassy Inter-Agency team and has an open dialogue with the NAS Director on how DHS can become more involved in the Mérida process.

Question 3. Last year, the Homeland Security Committee asked DHS whether it had received additional funding or staffing resources to carry out its role in the Mérida Initiative. DHS replied it had not.

Is that still the case? How is DHS fulfilling its responsibilities under the program?

Answer. DHS components involved in Mérida Initiative programs, through Interagency Agreements (IAA), are being reimbursed for the personnel expenses for those participating in Mérida Initiative programs. Since the Mérida Initiative is a temporary program, DHS components have not requested funding for the hiring of permanent additional personnel solely for Mérida Initiative engagements, but have instead utilized, and continue to utilize, its organic personnel assets (trainers, managers, etc.) to meet Mérida Initiative needs.

QUESTION FROM CHAIRMAN ELIOT L. ENGEL FOR MARIKO SILVER

Question. You said in response to a question by Rep. Lofgren that the U.S. Government is undertaking greater efforts to interdict weapons at the border into Mexico. Please describe these efforts in detail, what types and numbers of weapons are being captured over certain periods of time, and how this is leading to the indictment of weapons traffickers, straw purchasers, and gun sellers engaging in illegal behavior in Mexico and the United States.

Answer. U.S. Immigration and Customs Enforcement (ICE) is committed to disrupting the link between firearms trafficking and drug trafficking on the southwest border that has facilitated the acquisition of increasingly powerful and sophisticated weaponry. Criminal organizations require a consistent supply of firearms and ammunition to defend their territory, eliminate rivals, enforce business dealings, challenge government operations, and control organization members. ICE and its law enforcement partners typically see a variety of rifles and pistols. The following weapons are most commonly used by drug traffickers and constitute the types of weapons seized by ICE during its investigations of individuals and groups moving weapons from the United States into Mexico: 9 mm pistols; .38 Super pistols; 7.62 mm rifles, .223 rifles; 5.7 mm pistols; 45-caliber pistols; high-capacity, military-style AR–15 type rifles; and AK–47-type rifles. ICE engages in the following programs to combat illegal weapons smuggling/trafficking from the United States into Mexico, to improve intelligence and information sharing, and to support Mexico's broader efforts to deny transnational criminal organizations access to arms:

Border Enforcement Security Task Force (BEST).—The 17 ICE-led BEST units (10 on the southwest border, 3 on the northern border, 3 in seaports, and 1 in Mexico City) leverage Federal, State, local, Tribal, and foreign law enforcement resources to identify, disrupt, and dismantle organizations exploiting vulnerabilities on the border. The presence of the Mexican *Secretaría de Seguridad Pública* (SSP) is key to the success of the BEST program on the southwest border. Five Southwest Border BESTs (Tucson, San Diego, Phoenix, Yuma, and Laredo) have SSP embedded officers. SSP has committed to staffing its personnel in the remaining Southwest Border BESTs (located in El Paso, Rio Grande Valley, Imperial Valley, Las Cruces, and Deming). The Mexico City BEST is composed of SSP officers.

From 2005 to April 30, 2010, BESTs seized 3,086 weapons and 408,402 rounds of ammunition.

Operation Armas Cruzadas.—As part of the BEST initiative, in June 2008, ICE launched Operation Armas Cruzadas to combat weapons smuggling into Mexico and to partner with Mexico in targeting arms smuggling networks. In January 2009, ICE initiated a surge operation along the southwest border to promote Operation Armas Cruzadas as part of the Southwest Border Initiative. The Border Violence Intelligence Cell serves as ICE's central point for analyzing weapons-related intelligence and for referring operational leads to U.S. and foreign partner agencies. Furthermore, ICE will expedite the gathering, analyzing, and distributing of intelligence related to cross-border arms smuggling and trafficking by using the Homeland Security Information Network Weapons Virtual Task Force (WVTF) portal. It is expected that the WVTF system will eventually incorporate any Mexican law enforcement action results or intelligence. In addition, through the Blue Lantern Program, ICE has been providing to the U.S. Department of State (DOS) an increasing number of end-use verifications of firearms exported from the United States to Mexico.

From June 2008 to April 1, 2010, Operation Armas Cruzadas was responsible for 749 criminal arrests and seizing 3,877 weapons and 396,414 rounds of ammunition.

Border Liaison Officer (BLO) Program.—ICE has designated over 50 Special Agents as BLOs, who work closely with Mexican law enforcement to fight transnational crime, including arms trafficking and smuggling. The BLO program allows an open and cooperative working relationship with Mexican law enforcement authorities while enhancing bilateral capabilities to effectively respond to cross-border criminal activity.

Counter-Proliferation Investigations (CPI) Unit—Exodus Command Center (ECC).—One of the most effective tools available to ICE in combating drug trafficking organizations and the weapons smuggling networks that support them are the various export statutes that ICE enforces, specifically the Arms Export Control Act (22 U.S.C. § 2778) and Outbound Smuggling (18 U.S.C. § 554). The ECC is the conduit between ICE agents and Customs and Border Protection (CBP) officers in the field and the export licensing agencies in Washington, DC, that regulate the export of firearms. The ECC is an integral component in supporting prosecutions of weapons smugglers and the violent criminal organizations they supply. In addition to license determinations (i.e., the process by which licensing agencies determine whether a commodity requires an export license), the ECC also supports requests for registration histories of individuals and companies—an important tool in conducting complex smuggling investigations. The ICE CPI Unit works directly with BEST agents to facilitate their requests for acquisition and use of flash weapons during proactive undercover investigations.

The goal of the ICE weapons smuggling programs is to identify, arrest, and convict the weapons traffickers and illegal gun purchasers involved in procuring weapons for criminal organizations. The ICE programs outlined above have: Improved intelligence and information sharing relating to illegal weapons smuggling/trafficking with our Federal, State, local, and international law enforcement partners; increased the interdiction of illegal weapons shipments to Mexico; enhanced cooperation with international partners in weapons smuggling/trafficking investigations; and increased the likelihood of successful Federal prosecution for illegal weapons trafficking. While these programs have resulted in sizeable seizures of weapons and arrests, they also provided for engagement with our Mexican partners. By working with our Mexican partners via the SSP officers assigned to the BESTs, through the Border Liaison Officers and most importantly, through the ICE special agents assigned to our offices in Mexico, ICE is obtaining information on Mexican weapons seizures that can be used in the prosecution of weapons traffickers and illegal gun purchasers in the United States.

QUESTIONS FROM CHAIRMAN HENRY CUELLAR OF TEXAS FOR SHANNON K. O'NEIL

Question 1. In your testimony you note that the Mérida Initiative has been a welcome remedy for U.S.-Mexico security cooperation. However, you believe the program as initially conceived and implemented has some limitations. Please explain the limitations of the Mérida Initiative.

Answer. The main limitations of the Mérida initiative included its initial prioritization of the acquisition of hardware, leaving much of the work of institution building to later stages. Given the much longer time horizon necessary for improvements in the functioning and professionalization of institutions, this work should have been, and should be now, prioritized by both U.S. and Mexican policymakers, and by the funding we provide to Mexico for security oriented cooperation.

The second limitation of the initial design was its focus almost exclusively on the national level. With all security, in the end, being local, limiting cooperation to national institutions will not provide a long-term solution for Mexican and U.S.-Mexican security.

Question 2. What do you think should be the next steps for the Mérida Initiative? Should future assistance be targeted more towards the local level or should it remain focused at the federal level? Is enough being invested at the state and local levels in police and judicial reform?

Answer. In the next steps of the Mérida Initiative, the United States should work with Mexico at the state and local level as well as at the national level. Mexico's state and local police comprise the vast majority of law enforcement (and will continue to do so even if Mexico consolidates local municipal forces at the state level). The same goes for the vast majority of criminal investigations and trials. As a result, to truly strengthen Mexico's democratic rule of law—the only long-term solution for today's violence—will require professionalization of these state and local institutions. Recognizing this, the United States should work with Mexico at these levels, investing in both law enforcement and judicial institutions, as well as assistance for social and economic programs to provide alternative legal livelihoods.

Question 3. To what extent does the new strategy for the Mérida Initiative strike the correct balance between support for law enforcement programs and drug interdiction efforts versus institution building and rule of law activities? In particular, how do you see the new strategy playing out in Ciudad Juárez?

Answer. In places such as Ciudad Juárez, there is a need to reestablish peace and security in the streets. But as the rising violence over the last few years—even with the influx of Mexican military and federal police forces—suggests, this will not be possible in a sustainable way without strengthening local institutions. This includes local police, courts, city government, and community organizations. Both Ciudad Juárez's economic boom and crime boom in recent years have highlighted the weakness of these institutions, and of the social fabric of this city more generally. Constructing, or reconstructing, a community is a complicated task, and will require a multifaceted approach that moves far beyond drug interdiction.

For the United States, the role played in Ciudad Juárez should help strike this balance, focusing as much on the weak institutions and ties that allow violence—whether drug- or gang-related—to flourish as much as on drug interdiction itself. If a more comprehensive strategy is followed, then the opportunity to reduce levels of crime and violence for the long term exists. If the governments focus their efforts primarily on kingpins and cartels, then the names of the leaders may change (with potential arrests or killings) but the underlying violent dynamics will continue.