EXAMINING PREPAREDNESS AND COORDINATION EFFORTS OF FIRST RESPONDERS ALONG THE SOUTHWEST BORDER

HEARING

BEFORE THE

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

MARCH 31, 2009

Serial No. 111–13

Printed for the use of the Committee on Homeland Security

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html

U.S. GOVERNMENT PRINTING OFFICE

55–055 PDF WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

VerDate Nov 24 2008 10:21 May 04, 2010 Jkt 000000 PO 00000 Frm 00001 Fmt 5011 Sfmt 5011 H:\DOCS\111-CONG\111-13\55055.TXT HSEC PsN: DIANE

Congress.#13

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

LORETTA SANCHEZ, California
JANE HARMAN, California
PETER A. DEFAZIO, Oregon
ELEANOR HOLMES NORTON, District of Columbia
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
HENRY CUELLAR, Texas
CHRISTOPHER P. CARNEY, Pennsylvania
YVETTE D. CLARKE, New York
LAURA RICHARDSON, California
ANN KIRKPATRICK, Arizona
BEN RAY LUJÁN, New Mexico
BILL PASCRELL, JR., New Jersey
EMMANUEL CLEAVER, Missouri
AL GREEN, Texas
JAMES A. HIMES, Connecticut
MARY JO KILROY, Ohio
ERIE J.J. MASSA, New York
DINA TITUS, Nevada
VACANCY

PETER T. KING, New York
LAMAR S. SMITH, Texas
MARK E. SOUDER, Indiana
DANIEL E. LUNGREN, California
MIKE ROGERS, Alabama
MICHAEL T. MCCAUL, Texas
CHARLES W. DENT, Pennsylvania
GUS M. BILIRAKIS, Florida
PAUL C. BROUN, Georgia
CANDICE S. MILLER, Mississippi
PETE OLSON, Texas
ANH "JOSEPH" CAO, Louisiana
STEVE AUSTRIA, Ohio

LANIER AVANT, *Staff Director*
ROSALINE COHEN, *Chief Counsel*
MICHAEL TWINCHEK, *Chief Clerk*
ROBERT O'CONNER, *Minority Staff Director*

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

HENRY CUELLAR, Texas, *Chairman*

ELEANOR HOLMES NORTON, District of Columbia
LAURA RICHARDSON, California
BILL PASCRELL, JR., New Jersey
EMMANUEL CLEAVER, Missouri
DINA TITUS, Nevada
VACANCY
BENNIE G. THOMPSON, Mississippi, *(ex officio)*

MIKE ROGERS, Alabama
PETE OLSON, Texas
ANH "JOSEPH" CAO, Louisiana
MICHAEL T. MCCAUL, Texas
PETER T. KING, New York *(ex officio)*

VÉRONIQUE PLUVIOSE-FENTON, *Staff Director*
STEPHEN VINÁ, *Staff Director*
DANIEL WILKINS, *Clerk*
AMANDA HALPERN, *Minority Subcommittee Lead*

VerDate Nov 24 2008 10:21 May 04, 2010 Jkt 000000 PO 00000 Frm 00002 Fmt 0486 Sfmt 0486 H:\DOCS\111-CONG\111-13\55055.TXT HSEC PsN: DIANE

CONTENTS

Page

STATEMENTS

The Honorable Henry Cuellar, a Representative in Congress from the State of Texas, and Chairman, Subcommittee on Emergency Communications, Preparedness, and Response:
Oral Statement 1
Prepared Statement 4
The Honorable Mike Rogers, a Representative in Congress from the State of Alabama, and Ranking Member, Subcommittee on Emergency Communications, Preparedness, and Response 5
The Honorable Bennie G. Thompson, a Representative in Congress from the State of Mississippi, Chairman, Committee on Homeland Security 38
The Honorable Anh "Joseph" Cao, a Representative in Congress from the State of Louisiana 43
The Honorable Emmanuel Cleaver, a Representative in Congress from the State of Missouri 43
The Honorable Michael T. McCaul, a Representative in Congress from the State of Texas 45
The Honorable Laura Richardson, a Representative in Congress from the State of California 48
The Honorable Dina Titus, a Representative in Congress from the State of Nevada 53

WITNESSES

Ms. Janice Ayala, Deputy Assistant Director, Office of Investigations, Immigration and Department of Homeland security:
Oral Statement 13
Prepared Statement 15
MG Peter Aylward, Director of the Joint Staff, National Guard Bureau:
Oral Statement 21
Prepared Statement 22
Dr. Richard C. Barth, Acting Assistant Secretary, Office of Policy, U.S. Department of Homeland Security:
Oral Statement 8
Prepared Statement 10
Sheriff Larry A. Dever, Cochise County, Arizona:
Oral Statement 30
Prepared Statement 31
Sheriff Sigifredo Gonzalez, Jr., Zapata County, Texas:
Oral Statement 23
Prepared Statement 26

FOR THE RECORD

The Honorable Janet Napolitano, Secretary, U.S. Department of Homeland Security—Press Release 6
Letter to Hon. Janet Napolitano 52

APPENDIX

Letter:
To Hon. Henry Cuellar 57

VerDate Nov 24 2008 10:21 May 04, 2010 Jkt 000000 PO 00000 Frm 00003 Fmt 5904 Sfmt 5904 H:\DOCS\111-CONG\111-13\55055.TXT HSEC PsN: DIANE

Page

Questions and Responses:
Responses from Dr. Richard C. Barth 58

EXAMINING PREPAREDNESS AND COORDINATION EFFORTS OF FIRST RESPONDERS ALONG THE SOUTHWEST BORDER

Tuesday, March 31, 2009

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
PREPAREDNESS, AND RESPONSE,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 9:59 a.m., in Room 311, Cannon House Office Building, Hon. Henry Cuellar [chairman of the subcommittee] presiding.

Present: Representatives Cuellar, Thompson, Richardson, Cleaver, Titus, Rogers, Cao, and McCaul.

Mr. CUELLAR. [Presiding.] The Subcommittee of Emergency Communications and Preparedness and Response will come to order. The subcommittee meeting today is to receive testimony regarding examining preparedness and coordination efforts of first responders along the Southwest border.

Mr. Rogers? As you know, there is another meeting right now. There is a caucus meeting on Afghanistan and Pakistan. So we will get some of the other members to come and join us after a while, but we will go ahead and get started for the witnesses so they can go ahead and go on with their day.

But on behalf of the members of the ubcommittee and the chairman also, I mean, the ranking member, let me welcome the witnesses from the Office on Policy of Immigration and Customs Enforcement, ICE; the Department of Homeland Security; the National Guard Bureau, and the sheriffs from my home state of Texas and Arizona.

Today's hearing entitled, "Examining Preparedness and Coordination Efforts of First Responders Along the Southwest Border" is designed to assess the unique challenges that the federal, state, local, and tribal first responders face in border communities in light of the escalation of the drug cartel-related violence along the U.S.-Mexico border.

Specifically, this hearing is an opportunity to discuss the emergency preparedness and response needs specific to the Southwest border states including cross-border communications and information sharing capabilities and multi-jurisdiction partnerships.

Additionally, this hearing is an opportunity to examine the coordination and planning among international, federal, state, local,

VerDate Nov 24 2008 10:21 May 04, 2010 Jkt 000000 PO 00000 Frm 00005 Fmt 6633 Sfmt 6633 H:\DOCS\111-CONG\111-13\55055.TXT HSEC PsN: DIANE

and tribal governments to prevent drug cartels-related crimes from spreading into the U.S.

By now, we have all heard the media reports that describe the heinous and brutal violence of the drug cartels in Mexico, who have been competing for the control of trafficking routes into the United States.

In the past few years, we have learned of the assassinations of high-level government and law enforcement officials, horrific murders including beheadings, violent kidnappings, use of a growing and varied arsenal of high-power weapons, and the indiscriminate killing of civilians.

What is more disturbing is that in 2008, more than 5,600 people in Mexico were killed in drug trafficking violence, a 110 percent increase over 2007. Of that number, 550 of the killed were law enforcement officials.

Although we have been baffled by the battles of the Mexican drug cartel, there is a ever-growing concern of a spillover into the United States. As a member whose district includes the border city of Laredo, Texas, I can tell you that just last year, the city of Nuevo Laredo, which lies just across my district was gripped in terror at the hands of the cartels.

Again, you know, working with the local sheriffs, worked with the state law enforcement, the Texas National Guard, the federal agencies, and of course, we have Janice Ayala and some of the folks that worked very hard to establish the BEST organization.

DHS, as you know, got first started on Laredo BEST then from there it spread over to the concept across the nation. The Laredo does focus on the disruption of cross-border criminal activity related to narcotics smuggling, money laundering, human and weapons smuggling, transnational gangs and cross-border violence.

As a result of this collaboration and coordination, the Laredo BEST helped stem the encroaching violence and protect our community. Unfortunately, the Mexican drug cartels moved their aggressiveness to our other border communities that could provide them with access routes to the United States.

First responders from border communities tell me that the demand for drugs from this country, coupled with the illegal weapons going into Mexico, fuels the strength of the drug cartels in Mexico. But I remain convinced that a collective commitment to combat the efforts of those cartels will prevail.

This is why we must support our first responders, who are the nation's first line of defense. Thus coordinating policies and procedures at all levels of government to address border security and emergency preparedness as complementary—may expedite emergency response while improving homeland security on both sides of the border.

That is why I have issued my support for the Merida Initiative and the president's major Southwest Security Initiative that was announced last week. Our first responders need and deserve additional personnel, increased intelligence capacity, better coordination and the strategic redeployment of the 360 additional officers and agents at the border and in Mexico City.

But I must also state that the only way we can address against the greed and the violence of drug cartels is by working together

as a team. I am disturbed by the reports of turf battle among federal agencies that now seek to threaten the success of the first responders at the state, local, and tribal communities.

As the great Henry Ford stated, "Coming together is the beginning. Keeping together is progress. Working together is success." As the chairman of this subcommittee, I will use my authority to conduct aggressive oversight that we can stamp out this unnecessary turf battles. Simply put, we cannot fight the turf battles of Mexican drug cartels if we are distracted by the turf battles of our own agencies.

First responders must put their lives on the line everyday. So to them I say, one team, one fight.

With that, I will look forward to hearing from Dr. Richard Barth, the acting assistant secretary from the Office of Policy of DHS. Dr. Barth will tell us how DHS is coordinating with other federal agencies, state, local, tribal communities, to increase the security of our homeland.

Ms. Janice Ayala, the deputy assistant director of the Immigration and Customs Enforcement, ICE, will discuss the success of the BEST program and the other efforts of ICE toward a collective effort with its multi-jurisdictional partners.

Major General Peter Aylward, who serves as the director of the Joint Staff at the National Guard Bureau will discuss the support of the Guard at the Southwest border to carry out border security initiatives.

First witnesses, or the first responders, should I say, our final witnesses are our first responders, Sheriff Sigi Gonzalez of Zapata County and Sheriff Larry Dever of Cochise County in Arizona who will give the committee their perspectives of the first responders community along the Southwest border.

And I certainly want to thank all the witnesses, the sheriffs, the National Guard, ICE and, of course, DHS for being here with us.

I look forward to a robust discussion and the exchange of specific recommendations on these most-pressing issues, and that is one thing that as you all do your 5-minute presentations and answer some of the questions, one of the things that we will be asking is for suggestions on how we can go ahead and coordinate.

We just finished a classified briefing just, I guess, about an hour ago with all the federal agencies, and, you know, they are doing a great job, but one of the big questions we had is, how do we coordinate first among ourselves the federal agencies?

And then how do we coordinate with the state, and how do the four states that we have in the Southwest area, and then how do we coordinate with all the sheriffs' departments that we have on the border, all the police departments that we have on the border?

And it is a very simple concept, but it is an extremely difficult concept to implement.

But at this time, the chair now recognizes the ranking member of the Subcommittee on Emergency Communications, the gentleman from Alabama, Mr. Rogers, for an opening statement.

Opening Remarks of Chairman Henry Cuellar

Subcommittee on Emergency Communications, Preparedness, and Response

Examining Preparedness and Coordination Efforts of First Responders Along the Southwest Border

March 31, 2009, 10:00 a.m.—311 Cannon House Office Building

•Good morning. On behalf of the Members of the Subcommittee, let me welcome the witnesses from the Office and Policy and Immigration and Customs Enforcement (ICE) at the Department of Homeland Security (DHS), the National Guard Bureau, and the sheriffs of my home state of Texas, and Arizona.

•Today's hearing, entitled "Examining Preparedness and Coordination Efforts of First Responders along the Southwest Border," is designed to assess the unique challenges that Federal, State, local, and Tribal first responders face in border communities in light of the escalation of drug-cartel related violence along the U.S.-Mexico border.

•Specifically, this hearing is an opportunity to discuss the emergency preparedness and response needs specific to southwest border States, including cross-border communications and information sharing capabilities, and multi-jurisdictional partnerships.

•Additionally, this hearing is an opportunity to examine the coordination and planning among international, Federal, State, local, and tribal governments to prevent drug-cartel related crimes from spreading to the United States. By now, we have all heard the media reports that describe the heinous and brutal violence of the drug cartels in Mexico who have been competing for the control of trafficking routes in the United States.

• So in the past couple of years, we have learned of the assassinations of high-level government and law enforcement officials, horrific murders including beheadings, violent kidnappings, use of a growing and varied arsenal of high-powered weapons and the indiscriminate killing of civilians.

• What is most disturbing is that in 2008, more than 5,600 people in Mexico were killed in drug trafficking violence, a 110% increase over 2007. Of that number, 550 of the killed were law enforcement officers.

• Although we have been buffered by the battles of the Mexican drug cartel, there is ever-growing concern of a spillover into the United States.

• As a member whose district includes the border city of Laredo, Texas, I can tell you just last year the city of Nuevo Laredo, Mexico—which lies just across my district – was gripped in terror at the hands of the cartels.

• But my local sheriff worked with the State law enforcement, the Texas National Guard, and Federal agencies as part first Border Enforcement Security Taskforce (BEST) established by DHS in Laredo, TX.

• The Laredo BEST focused on the disruption of cross-border criminal activity related to narcotics smuggling; money laundering; human and weapons smuggling; transnational gangs; and cross-border violence.

• As a result of this collaboration and coordination, the Laredo BEST helped to stem the encroaching violence and protect our community.

• Unfortunately, the Mexican drug-cartel moved their aggression toward other border communities that could provide them with access routes to the United States.

• First responders from border communities tell me that the demand for drugs from this country, coupled with the illegal weapons going into Mexico, fuels the strength of the drug-cartels in Mexico.

• But I remain convinced that our collective commitment to combat the efforts of the cartels can prevail.

• That is why we must support our first responders who are the Nation's first line of defense.

• Thus, coordinating policies and procedures at all levels of government to address border security and emergency preparedness as complementary concepts may expedite emergency response while improving homeland security on both sides of the border.

• That is why I have issued my support for the Merida Initiative and the President's "Major Southwest Border Security Initiative" announced last week.

• Our first reporters need and deserve the additional personnel, increased intelligence capacity, better coordination and the strategic redeployment of 360 additional officers and agents at the border and in Mexico City.

• But I must state emphatically that the only way we can address against the greed and violence of the drug cartels is by working together as a team.

• I am disturbed by reports of turf battles among Federal agencies that now seek to threaten the successes of first responders at the State, local, and tribal communities.

• As the great Henry Ford stated, "Coming together is a beginning. Keeping together is progress. Working together is success."

• As Chairman of this Subcommittee, I will use my authority to conduct aggressive oversight to that we can stamp out these unnecessary turf battles.

• Simply put, we cannot fight the turf battles of the Mexican drug cartels if we are distracted by the turf battles of the Federal agencies.

• Our first responders put their lives on the line everyday. So to them I say, "One team, one fight!"

• With that, I look forward to hearing from Dr. Richard C. Barth, the Acting Assistant Secretary for the Office of Policy at DHS. Dr. Barth will tell us how DHS is coordinating with other Federal agencies, State, local, and Tribal communities to increase the security of the homeland.

• Ms. Janice Ayala, Deputy Assistant Director at the Immigration and Customs Enforcement (ICE), will discuss the success of the BEST program and other efforts at ICE to work collective with its multi-jurisdictional partners.

• Major General Peter Aylward, who serves as the Director of the Joint Staff at the National Guard Bureau will discuss the support of the Guard at the southwestern border to carry out the border security initiatives.

• Our final witnesses are our first responders Sheriff Sigifredo Gonzalez, Jr. of Zapata County, Texas and Sheriff Larry A. Dever, Cochise County, AZ who will give the Committee the perspective of the first responder community along the southwestern border.

• With that, I thank the witnesses for coming today and I look forward to a robust discussion and the exchange of specific recommendations to address this most pressing issue.

Mr. ROGERS. Thank you, Mr. Chairman, and I too want to join the chairman thanking each and every one of you for taking the time out of your busy schedules to be here. It really does help us as policymakers to make better policy to have the information and the expertise that you are able to share with us.

As the chairman said, today's hearing is to look at emergency preparedness from among first responders along the Southwest borders with their unique challenges.

As we all know, drug-related violence along the Southwest border is certainly not a new phenomenon, but the intense drug war now taking place among the cartels in Mexico demands a higher level of awareness and preparedness among federal, state, and local law enforcement agencies along the border and throughout the United States.

If drug violence continues to spill over into the U.S. as we have seen with murders, home invasions and kidnappings in cities like Tucson, Phoenix, Atlanta, and Birmingham, the consequences could be devastating to our communities.

We need to make sure that our first responders have the tools they need to deal with these issues. We also need to make sure they receive adequate support from the federal government, not just in words, but in action.

During the last Congress, the Committee on Homeland Security did not pass a single piece of border security legislation, although over 40 bills dealing with border security were referred out of this committee, or referred to this committee.

It is important to look at what more Congress can do to ensure that agencies charged with this important mission have enough resources and authority to gain control of the border and combat rising threats.

Last week Secretary Napolitano announced the Department of Homeland Security's new strategy to combat drug violence and crack down on Mexican cartels. While it is an important first step, there are many unanswered questions. For example, when the secretary testified before our committee in February, I talked with her about the need to increase the number of ICE agents.

[Information follows:]

Secretary Napolitano Announces Major Southwest Border Security Initiative

For Immediate Release
Office of the Press Secretary Release Date: March 24, 2009

U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano announced today several Southwest border initiatives designed to crack down on Mexican drug cartels through enhanced border security. The plan calls for additional personnel, increased intelligence capability and better coordination with state, local and Mexican law enforcement authorities.

"This issue requires immediate action," said Secretary Napolitano. "We are guided by two very clear objectives. First, we are going to do everything we can to prevent the violence in Mexico from spilling over across the border. And second, we will do all in our power to help President Calderón crack down on these drug cartels in Mexico."

The announcements reflect an emphasis on information sharing and integration with state and local law enforcement agencies, as well as an effort to further engage Mexican authorities. With violence escalating across the border, Secretary Napolitano will increase personnel and improve screening and technology to help Mexico target illegal guns, drugs and cash.

In addition, DHS will initiate strategic redeployments totaling more than 360 additional officers and agents at the border and in Mexico. Costs across the board, totaling up to $184 million, will be revenue neutral, funded by realigning from less urgent activities, fund balances, and, in some cases, reprogramming.

DHS will double assignments to ICE's Border Enforcement Security Task Forces (BEST), from 95 to 190, at a cost of $5.7 million; triple the number of intelligence analysts working at the border, at a cost of $3.3 million; and increase ICE Attaché personnel, agents working in troubled areas in Mexico such as Ciudad Juarez and Hermosillo, by 50 percent, from 24 to 36 agents, at a cost of $650,000. The ICE Attaché in Mexico City seized more than $25 million in U.S. currency since fiscal year 2008 through a partnership with CBP called Operation Firewall.

In addition, Secretary Napolitano announced that ICE will double agents assigned to Criminal Alien Program Violent Criminal Alien Sections, located in the five Southwest border field offices, adding 50 agents and officers, at a cost of $2.3 million; and quadruple the number of agents designated as Border Liaison Officers, who work to

11113-48.eps

create cooperative relationships between U.S. and Mexican law enforcement authorities, from 10 to 40, at no cost.

DHS will also send new technology to the border, bolstering Secure Communities biometric identification deployment at locations at the highest risk for violence committed by criminal aliens, at a cost of $95 million, and implementing 100 percent southbound rail screening using non-intrusive inspection equipment to detect anomalies in rail cars.

Furthermore, CBP will enhance resources at ports of entry, moving more Z-Backscatter mobile X-ray units, used to help identify anomalies in passenger vehicles, to the Southwest border. CBP is deploying 100 Border Patrol agents to augment outbound inspections at ports of entry, where they will implement more high-tech screening devices, 12 new deployments of teams of "cross-trained" canines that can detect both weapons and currency, and eight additional Law Enforcement Tactical Centers—hubs of information sharing between CBP and local enforcers.

Upgraded License Plate Readers, which help identify suspected smugglers' vehicles, will be installed on 52 out of 110 outbound lanes, at a cost of $13 million total. In addition, three Mobile Response Teams of 25 CBP Officers each will be deployed to the Southwest border. And up to $59 million in remaining fiscal years 2006-08 Operation Stonegarden funding will be made available to enhance state, local and tribal law enforcement operations and assets along the border.

In recent weeks, Secretary Napolitano has made outreach to state and local law enforcement authorities on the Southwest border a major priority. Assistant Secretary for State and Local Law Enforcement Ted Sexton is currently visiting border communities to meet with chiefs of police and sheriffs. DHS is also holding bi-monthly classified conference calls with local authorities to share intelligence.

In addition, CBP and ICE officials have seen significant success in confiscating illegal weapons and cash headed Southbound at the Southwest border. On Friday, CBP officers at Lincoln-Juarez International Bridge in Laredo, Texas, seized nearly $3 million in U.S. currency hidden in a bus. Operation Armas Cuzadas seized 997 firearms at or near the border during March 7-13. In total, that operation has captured more than $4.5 million over nine weeks.

###

Unfortunately, under the new Southwest Border Strategy, the Department is not planning to hire new ICE personnel in order to deal with the rising drug violence. Instead, the Department wants to realign funds from "less urgent activities."

It has not been made clear which offices or programs will be affected, and I am concerned that the Administration's approach will pull agents and officers away from other important assignments.

I look forward to hearing today from Rich Barth and Janice Ayala. I hope I pronounced that right on the Department's efforts to partner with State and Local enforcement along the border to achieve common goals and how these relationships can be improved.

I also look forward to testimony by Major General Aylward on the National Guard's counterdrug operations throughout the States, and finally, I want to hear from Sheriff Gonzalez and Sheriff Dever on the threats and challenges you face and how the Federal government can be a stronger partner in combating the escalating drug violence along our border.

And with that, I yield back, Mr. Chairman.

Mr. CUELLAR. Thank you, Mr. Rogers. And again, to all members of the subcommittee is a reminder that under the committee rules, opening statements may be submitted for the record.

11113-49.eps

At this time, I would welcome the panel of witnesses, and our first witness will be Dr. Richard Barth, who is the acting assistant secretary for the Office of Policy at the Department of Homeland Security.

So, Mr. Barth?

STATEMENT OF DR. RICHARD C. BARTH, ACTING ASSISTANT SECRETARY, OFFICE OF POLICY, DEPARTMENT OF HOMELAND SECURITY

Dr. BARTH. Thank you, Chairman Cuellar and Ranking Member Rogers and members of the committee.

On behalf of the Obama administration and Department of Homeland Security, Secretary Napolitano, thank you for the opportunity to testify before you about the preparedness and coordination efforts with first responders along the Southwest border.

As you all know, the Department of Homeland Security and the Obama administration are greatly concerned about the increased level of cartel-related violence in Mexico and its impact on communities on both sides of the border. That is why the U.S.-Mexico relationship is getting sustained, high-level, and comprehensive attention.

Our department has undertaken a proactive response on both sides of the border to fully support the Mexican government's campaign against the violent cartels and reduce the flow of contraband across the border in both directions.

State, local, and tribal first responders along the Southwest border have significant roles to play both in dealing with the current violence and preparing for scenarios where violence in Mexico could directly impact the United States in the future.

First responders have dealt with border crime and related issues for their entire careers. The successful mitigation of a complex and multi-faceted threat like border violence means that DHS and other federal agencies must constantly collaborate and coordinate with our state, local and tribal allies in an effort to share resources and information.

The Department's Office for State and Local Law Enforcement led by Assistant Secretary Ted Sexton coordinates DHS policies with more than 730,000 first responders across the nation.

Assistant Secretary Sexton has been directed by Secretary Napolitano to ensure that the state, local and tribal enforcement officials have a seat at the table when it comes to the development and implementation of programs and policies like those currently impacting the Southwest border.

The capabilities of state, local and tribal first responders to deal with cartel-related violence are substantial, and DHS works collaboratively with both state and local governments in a number of ways. The Department created the Border Enforcement Security Task Forces. We call them "BEST teams," which are led by ICE.

The 12 BESTs that currently exist, of which eight are located on the Southwest border, include the participation of DHS and other federal, state, local and tribal law enforcement agencies. These law enforcement participants play a critical role in the BEST model by providing boots-on-the-ground intelligence and operational knowledge on a daily basis.

In terms of grant funding, last week Secretary Napolitano announced that DHS would change the grant guidance for our remaining balances in the Operation Stonegarden Grant Pool. We modified the program to focus up to 59 million still available in Operation Stonegarden funding to enhance the operational readiness and asset capabilities of law enforcement along the Southwest border.

We will also expand the use of Stonegarden funds to pay for additional law enforcement personnel overtime. Travel and other related expenses for deployment of state, local, and tribal officials to the border.

DHS is participating in numerous initiatives that will increase the capability of first responders to communicate effectively both along the Southwest border and with their counterparts across the border in Mexico.

The DHS Office of Emergency Communications is in the process of developing the congressionally mandated Border Interoperability Demonstration Projects, which seek to improve interoperable communications in no fewer than six border communities.

DHS is working tirelessly to create open lines of communication and information sharing along the Southwest border. DHS assistant secretary for state, local and law enforcement, Ted Sexton, recently traveled from Brownsville, Texas to San Diego, California over 11 days to meet with Southwest border first responders and discuss their concerns about border violence and related DHS programs and policies.

During the course of this trip, Assistant Secretary Sexton met with over two dozen border police chiefs and sheriffs, all of which indicated they are willing to fully cooperate and collaborate to respond to ongoing border violence and crime.

The secretary's office is also coordinating regular conference calls with Southwest border law enforcement officials including members of the Southwest Border Sheriff's Coalition and representatives of DHS components including ICE.

These conference calls create a two-way flow of border-related intelligence by providing state, local and tribal officials with the opportunity to discuss critical Southwest border issues and receive briefings from department components on relevant programs and policies.

Finally, I would close with a few brief words on the highly successful El Paso Intelligence Center referred to as EPIC. EPIC is a fully coordinated tactical intelligence center supported by databases and resources from member agencies, which include Homeland Security, the El Paso Sheriff's Office, the Texas Department of Homeland Security, the ICE and other components of DHS.

The state and local first responders embedded within EPIC make tremendous contributions to the many intelligence-led operational initiatives that EPIC facilitates along the Southwest border. In closing, DHS is fully engaged and focused on ensuring that the local, state, and tribal first responders have the necessary resources to respond to crime and violence.

Clearly, no single entity can defeat this threat alone. As spillover violence from Mexico ultimately occurs, state, local and tribal first responders will be our first line of defense.

I thank you for your continued support of DHS programs and policies, and I would be happy to answer your questions after the opening presentations.

[The statement of Dr. Barth follows:]

PREPARED STATEMENT OF DR. RICHARD C. BARTH

Introduction

Chairman Cuellar, Ranking Member Rogers and distinguished members of the Committee. Thank you for the opportunity to testify before you today about the preparedness and coordination efforts of first responders along the Southwest Border (SWB).

As you all know, the Department of Homeland Security (DHS) and the Obama Administration as a whole are greatly concerned about the increased level of cartel-related violence in Mexico and its impact on communities on both sides of the border. That's why the U.S.-Mexico relationship is receiving sustained, high-level and comprehensive attention. Prior to his inauguration, President Obama met with President Calderon. Admiral Mullen visited Mexico on March 5th and 6th. Secretary of State Clinton visited Mexico last week, and Secretary Napolitano will visit at the end of this week with Attorney General Holder, all ahead of the President's trip to Mexico on April 16th and 17th.

The daily reporting on drug-related violence in Mexico may make us feel familiar with the situation, but we will not let familiarity breed complacency. The magnitude and severity of the violence in places like Ciudad Juárez has overwhelmed local police forces and spurred President Calderon to deploy over 7,000 Mexican troops to this city that sits just a stone's throw away from El Paso, Texas. Our Department has undertaken a proactive and comprehensive response on both sides of the border to fully support the Mexican government's campaign against the violent cartels and reduce the flow of contraband across the border in both directions.

State and Local First Responders: The Need for Partnership

In order for this comprehensive response to be successful in the long run, the United States government must support the efforts of State, local, and tribal first responders along the Southwest Border. They have significant roles to play both in dealing with the current violence and preparing for scenarios where violence in Mexico could directly impact the United States homeland in the future.

While violence in the Southwest United States has not increased markedly since the brutal drug wars began in Mexico, other border-related criminal activity continues to confront State, local, and tribal first responders in the region, who remain concerned about the potential for spillover violence in the future. First responders at the State, local and tribal level have dealt with border crime and related issues for their entire careers. They are the "boots on the ground" that possess deep operational knowledge of the border region and its unique social, cultural and geographical intricacies. The successful mitigation of such a complex and multifaceted threat like border violence means that DHS and other Federal agencies must constantly collaborate and coordinate with our State, local, and tribal allies in an effort to share resources and information whenever necessary.

DHS Office for State and Local Law Enforcement

The Department's Office for State and Local Law Enforcement, led by Assistant Secretary Ted Sexton, coordinates DHS policies with the more than 730,000 State and local first responders across the nation. Assistant Secretary Sexton has been directed by Secretary Napolitano to ensure that State and local law enforcement officials have a seat at the table when it comes to the development and implementation of programs and policies like those currently impacting the Southwest Border.

State and Local First Responders: Capabilities

The capabilities of State, local and tribal first responders to deal with cartel-related violence along the Southwest Border are substantial and DHS will continue to support these vital assets. I will discuss several of these capabilities and associated DHS support in greater detail.

Border Enforcement Security Task Forces (BEST)

Although I understand that my colleague, Deputy Assistant Director Ayala, will be focusing on BESTs in her testimony, I would still like to take a moment to touch on the critical role that State, local, and tribal first responders play in these task forces. As you know, BEST is not just a program, it is also an innovative model for collaborative law enforcement that has delivered substantial results. The BEST program coordinates with the Department of Justice and its initiatives such as Project

Gunrunner and the Organized Crime Drug Enforcement Drug Task Force to ensure a unified approach to the problems along the border. Since July 2005, the BESTs have been responsible for a number of criminal and administrative arrests, indictments and convictions. BESTs utilize a comprehensive approach towards dismantling the cross-border criminal organizations that exploit our border and utilize that information to eliminate the top leadership and the supporting infrastructure that sustains these often violent organizations. The 12 BESTs that currently exist (of which eight are located on the Southwest Border) include the participation of Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), the U.S. Coast Guard, the DHS Office of Intelligence and Analysis, the Bureau of Alcohol, Tobacco and Firearms (ATF), the Drug Enforcement Agency (DEA), the Federal Bureau of Investigation (FBI), and State, local, and tribal law enforcement agencies. These State, local, and tribal law enforcement participants play a critical role in the BEST model by providing essential "boots on the ground" intelligence and operational knowledge on a daily basis. Additionally, my colleague, Deputy Assistant Director Ayala will discuss Operation Armas Cruzadas, which is an important complement to the BEST initiative.

We at DHS firmly believe that reinforcing the highly successful BEST model will greatly enhance our ability to deal with the root causes of cartel-related violence along the Southwest Border. Just last week, Secretary Napolitano announced that DHS would be doubling the number of BEST teams that incorporate Federal, State, local and tribal law enforcement and intelligence officers. This will greatly expand our capacity to collaborate with State, local, and tribal law enforcement to combat cartel-related crime that occurs on the U.S. side of the border.

Operation Stonegarden

In terms of grant funding, last week, Secretary Napolitano also announced that DHS will change the grant guidance for our remaining balances in the Operation Stonegarden grant pool. We modified the program last week to focus $59 million available in Operation Stonegarden funding to enhance the operational readiness and asset capabilities of State, local and tribal law enforcement along the Southwest Border.

And we will expand the scope of Operation Stonegarden funds to pay for additional law enforcement personnel overtime, travel and other related expenses for deployment of State, local, and tribal officials to the border.

Started in 2004, Operation Stonegarden supports U.S. border States and territories in increasing their capability to prevent, protect against, and respond to border security issues. The program has made funds available to more than 200 agencies in areas adjacent to either the Canadian and Mexican borders to enhance their border security operations. In the past, funds have been used to support overtime and per diem costs, and to purchase equipment such as night vision technology and observation equipment to enhance security operations on the border in areas close to Border Patrol operations. Participation in the program allows agencies to enhance their traditional law enforcement missions. The recently-announced funding flexibilities will ensure that State, local, and tribal first responders are equipped with the resources they need to confront the complex and dynamic challenges that exist along the Southwest Border.

In addition, we are engaging State, local, and tribal law enforcement in ways that haven't been done previously. DHS is coordinating regular conference calls with Southwest Border law enforcement officials and representatives from DHS components. These conference calls create a two-way flow of border-related intelligence by providing State, local, and tribal officials with the opportunity to discuss critical Southwest Border issues and receive briefings from Departmental components on relevant programs and policies. This increased engagement will help arm State and local first responders with the best information available.

Emergency Communications with Mexico

DHS is currently participating in numerous initiatives that will increase the capability of State, local, and tribal first responders to communicate effectively both along the Southwest Border and with their counterparts across the border in Mexico. Specifically, the DHS Office of Emergency Communications (OEC) is in the process of developing the Congressionally-mandated Border Interoperability Demonstration Project (BIDP). The BIDP seeks to improve interoperable communications in no fewer than six U.S. border communities, at least three of which will be located on the southern border. Although still in the planning phases, the Demonstration Project will ultimately function as a competitive selection grant program for State, local, and tribal communities in border areas to improve their communications capabilities.

Additionally, OEC co-chairs the Security Communications Task Group (SCTG) for the U.S.-Mexico High-Level Consultative Commission (HLCC) on Telecommunications. The SCTG is a joint U.S.-Mexico effort to address cross border communications among emergency responders. In May 2008, HLCC principals agreed to an Action Plan which directs OEC to lead the U.S. development and implementation of a Cross Border Security Communications network. This network will enable emergency responders to share video surveillance streams, conduct joint operations teleconferencing and securely exchange fingerprints and photographs. OEC is also leading a domestic working group of first responders that is examining different communications equipment that may be effective along the Southwest Border. The successful implementation of these initiatives will help ensure that State and local first responders have the ability to communicate with one another during critical incidents along the Southwest Border.

Increased Engagement with Southwest Border State, Local, Tribal Law Enforcement

DHS is also working tirelessly to create open lines of communication and information sharing with our State, local, and tribal partners along the Southwest Border. In fact, DHS Assistant Secretary for State and Local Law Enforcement Ted Sexton recently traveled from Brownsville, Texas to San Diego, California to meet with Southwest Border first responders and discuss their concerns about border violence and related DHS programs and policies. During the course of his two-week trip, Assistant Secretary Sexton met with over two dozen border police chiefs and sheriffs, all of whom indicated that they are willing to fully cooperate and collaborate to respond to ongoing border-related crime and violence.

El Paso Intelligence Center (EPIC)

Located in El Paso, Texas, EPIC was established in 1974 in an effort to improve drug-and border-enforcement operations along the Southwest Border. Initially comprised of representatives from the U.S. Customs Service, U.S. Immigration and Naturalization Service (now United States Citizenship and Immigration Services, Customs and Border Protection and Immigration and Customs Enforcement) and the Drug Enforcement Agency (DEA), EPIC is now staffed with over 300 personnel and liaison staff from 15 Federal, State and local agencies. The State and local agencies embedded at EPIC include the El Paso Sheriff's Office and Texas Department of Homeland Security. Through the years, EPIC has evolved into a fully coordinated, tactical intelligence center supported by databases and resources from its member agencies. The State and local first responders embedded within EPIC make tremendous contributions to the numerous intelligence-led operational initiatives that EPIC helps to facilitate along the Southwest Border. Additionally, EPIC disseminates tactical bulletins (including officer safety alerts) to first responders along the Southwest Border and across the country. The intelligence center is also home to a State and local liaison group that organizes criminal interdiction training. To further assist State, local, and tribal law enforcement along the Southwest Border, DHS created the Homeland Intelligence Support Team (HIST) at EPIC in 2007. The goal of the HIST is to improve information sharing among Federal agencies and with State, local, and tribal partners.

Conclusion

In closing, DHS is fully engaged and focused on ensuring that our State, local, and tribal first responders have the necessary resources to successfully respond to border-related crime and violence along the Southwest Border. These officials have unequivocally indicated their willingness to partner with each other and DHS. Clearly, no single entity can defeat this threat alone. If spillover violence from Mexico ultimately occurs, State, local, and tribal *first* responders will be, as the name suggests, our *first* line of defense. As indicated in my testimony, our State and local partners have existing capacity to respond effectively along the Southwest Border. The recent increases in funding, personnel and programmatic support to the Southwest Border will reinforce this capacity in vital way. I remain confident that DHS and the Federal family can successfully confront the cartel-related violence through a successful partnership with these brave men and women who risk their lives on a daily basis to secure our homeland.

Thank you for your continued support of DHS programs and policies. I would be happy to answer any questions you might have at this time.

Mr. CUELLAR. Without objection, the witness's full statement will be inserted into the record. And, of course, each of you all are summarizing your statements. I want to thank Dr. Barth.

At this time, our second witness is Ms. Janice Ayala, deputy assistant director of the Office of Investigations at United States Im-

migration and Customs Enforcement at the Department of Homeland Security.

Welcome, Ms. Ayala.

STATEMENT OF JANICE AYALA, DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), DEPARTMENT OF HOMELAND SECURITY

Ms. AYALA. Thank you. Good morning, Chairman Cuellar, Ranking Member Rogers and distinguished members of the subcommittee.

On behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I would like to thank you for the opportunity to discuss ICE's longstanding relationship with their law enforcement partners and our collective response to cross-border crimes.

Recognizing that partnerships are essential, ICE works closely across agency and international boundaries to provide effective cross-border communications, information sharing and emergency preparedness.

ICE augments first responder assets on the Southwest border by deploying the largest force the Department of Homeland Security investigators. To ensure we are prepared to support first responders, ICE established a national incident response unit, which ensures ICE law enforcement programs coordinate their response during civil emergencies.

Last week, Secretary Napolitano announced several Southwest border initiatives aimed at cracking down on Mexican drug cartels. The administration's plan starts with additional personnel, increased intelligence capability and increased coordination with state, local, and Mexican law enforcement authorities.

Specifically, ICE will double assignments to the Border Enforcement Security Task forces known as BEST, and increase its Mexico attache personnel by 50 percent. Moreover, ICE will quadruple the number of designated border liaison officers and continue Operation Armas Cruzadas aimed at thwarting the export of arms from the Mexico into United States.

BEST task forces are the DHS platforms that provide the most direct support to state and local first responders. In July of 2005, in response to increased violence in Nuevo Laredo, Mexico and Laredo, Texas area, ICE, CBP, Mexican, federal and other law enforcement entities created an international multi-agency initiative dubbed Operation Blackjack. This successful concept was later formalized to create the BEST.

I would like to share with you an example of a recent support to law enforcement by BEST. On February 6, 2009, two Department of Public Safety officers stopped a vehicle for a traffic violation near Laredo, Texas. While one of the troopers approached the vehicle, the driver accelerated in reverse and attempted to run him over.

A high-speed chase ensued and ended in the Rio Grande River where the driver waded across the border to Mexico. Texas DPS requested the assistance of Laredo BEST in locating the driver, whose vehicle contained nearly 900 pounds of marijuana. The BEST coordinated with Mexican officials to locate the driver, and

within hours, the driver, a U.S. citizen, was detained by Mexican officials and turned over to Laredo BEST and to Texas DPS officers.

Through BEST, we have dismantled arms trafficking, human trafficking, bulk cash smuggling, arms and narcotics smuggling organizations and their hostage taking and murder and kidnapping cells in the United States and Mexico.

Since July of 2005, BESTs have been responsible for over 2,034 criminal arrests, and in addition, they seized over 169,000 pounds of narcotics, 515 weapons, 341,000 rounds of ammunition and nearly $23 million in U.S. currency and monetary instruments.

The magnitude of violence surrounding these transnational smuggling organizations necessitated the merging of legal authorities and expertise in multiple law enforcement and intelligence entities through task forces such as the BEST and outbound operations such as our weapons Outbound Operations Initiative, Operation Amas Cruzadas, and our bulk cash smuggling initiative Operation Firewall.

In June of 2008, ICE officially launched Operation Amas Cruzadas to combat criminal networks smuggling weapons from the United States into Mexico. To that end, the U.S. and Mexico synchronize interdiction, investigation, and intelligence sharing activities aimed at dismantling weapons smuggling networks on both sides of the border.

Since 2008 Operation Amas Cruzadas has resulted in over 112 arrests and the seizure of over 1,400 weapons and 116,000 rounds of ammunition. One of the most effective methods to deal with violent transnational criminal organizations is attacking the criminal proceeds of—operations.

ICE targets individuals and organizations that exploit vulnerabilities and financial systems to launder a list of proceeds. The combination of successful investigations, banking regulations, and stringent laws has forced criminal organizations to seek other means to transport their list of funds across our borders.

One of the means is a smuggling of bulk cash currency out of the United States, specifically, along Southwest border. ICE's Operation Firewall, in which we partner with CBP, Office of International Affairs, and state and local officers combats this threat, and since inception has resulted in over 423 arrests, seized over $183 million, 62 million of that has been seized overseas and, specifically 38 million in Mexico.

ICE is committed to effective cross-border communications and information sharing to standby national criminal activity and its associated violence through the deployment of BEST, Operation Amas Cruzadas and Operation Firewall.

By partnering with other law enforcement agencies, we are able to use a broad range of authorities including the more sophisticated and investigative tools to respond to and conduct our investigation.

I would like to thank the subcommittee for its confirmed support of ICE, its continued support of ICE and our law enforcement missions and would be happy to answer any questions that you may have at this time.

[The statement of Ms. Ayala follows:]

PREPARED STATEMENT OF JANICE AYALA

Introduction

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

On behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) long-standing partnerships with our state and local law enforcement partners who, along with other federal agencies, respond to cross-border crimes. Recognizing that partnerships are essential, ICE works closely across agency and international boundaries with our law enforcement partners to create a multi-layered law enforcement network, which provides effective cross-border communication, information sharing, and emergency preparedness. While ICE does not traditionally perform the functions of a state or local police officer, who responds to a myriad of crimes on a daily basis, ICE materially augments first responder resources on the Southwest Border by deploying the largest force of investigators in the Department of Homeland Security (DHS). These investigators utilize expansive investigative authority to target criminal organizations engaged in the bi-lateral smuggling of people, narcotics, bulk cash, and weapons that threaten the well-being of the United States.

To ensure ICE is prepared to support first responders, ICE established the National Incident Response Unit (NIRU). This unit, working in conjunction with the National Response Framework, Emergency Support Function (ESF)—13, responds in an efficient and coordinated way that addresses preparedness, prevention, and recovery during civil emergencies. NIRU develops, enhances, and oversees programs, policies and initiatives to focus ICE's emergency preparedness, management and response efforts and continuity of operations planning.This includes ICE's support to ESF–13 and our law enforcement partners who respond to unexpected disasters such as avian and pandemic influenza and hurricanes. In 2008, ICE supported response and recovery efforts during the hurricanes that struck New Orleans and Houston. ICE also provided law enforcement support for National Special Security Events, such as the 2009 Presidential Inauguration. In addition, ICE partners with the Department of Homeland Security's U.S. Customs and Border Protection (CBP) personnel who are often first responders themselves. ICE's investigative mission is directly linked to CBP's border protection and interdiction mission, and ICE augments CBP's effort through investigative, transportation, and public safety support. Another example of ICE's support of first responders is ICE's Law Enforcement Agency Response (LEAR) program. Established in September 2006 to provide a more comprehensive response to Arizona law enforcement agencies seeking assistance from ICE during encounters with suspected illegal aliens, the LEAR unit received 1,283 calls for assistance and arrested 6,235 illegal aliens last year.

As you may know, on March 24, 2009, the Administration announced several Southwest Border initiatives aimed at cracking down on Mexican drug cartels through enhanced border security. The Administration's comprehensive plan calls for additional personnel, increased intelligence capability, and increased coordination with state, local and Mexican law enforcement authorities. Specifically, Secretary Napolitano announced that ICE will double assignments to ICE's Border Enforcement Security Task Forces (BEST) from 95 agents to 190. ICE is also increasing ICE AttachE personnel in support of Mexican law enforcement efforts and ICE's BEST efforts from 24 to 36 agents. Moreover, ICE will quadruple the number of agents designated as Border Liaison Officers, from 10 to 40 personnel who work to create cooperative relationships between U.S. and Mexican law enforcement authorities. In addition, DHS will continue Operation Armas Cruzadas, an ICE-led bi-lateral law enforcement and intelligence-sharing operation to thwart export of arms from the U.S. into Mexico. These DHS task forces include important partners such as Customs and Border Protection (CBP), Alcohol, Tobacco, Firearms and Explosives (ATF) and other foreign, federal, state and local task force offices. When it comes to countering the illicit weapons trade in particular, we closely coordinate our efforts with ATF, as they possess long-standing expertise in gun trafficking investigations and in engagement with Federal Firearms Licensees.

Border Enforcement Security Task Force (BEST)

While ICE is generally not a first responder, the BEST task forces are the DHS operational platform that provides the most direct support to state and local first responders. In July 2005, in response to increased violence in Nuevo Laredo, Mexico and Laredo, Texas, ICE, CBP, the Drug Enforcement Administration (DEA), and other federal, state, and local law enforcement agencies, including Mexican agencies, expanded the ongoing Border Crimes Initiative by creating an international, multi-agency initiative called Operation Black Jack. This initiative used the respective au-

thorities and resources of its members to dismantle cross-border criminal organizations. In its first six months, its target-driven focus led to the dismantling of a murder/kidnapping cell operating on both sides of the border, including the seizure of high-powered fully automatic weapons and live grenades; the components to make over 100 improvised explosive devices (IEDs), such as pipe bombs and grenades; and over $1 million in U.S. currency.

Crucial to our success is the cooperation of our international partners. The BESTs on the Southwest Border have secured the participation of the Mexican law enforcement agency, Secretaria de Seguridad Publica (SSP). Through the interaction and coordination of all the member agencies, BESTs provide for immediate and international enhanced information sharing on border violence due to geographic proximity to the U.S. borders.

Through BESTs, we have dismantled arms trafficking, human trafficking, bulk-cash, alien and narcotics smuggling organizations and their hostage-taking and murder/kidnapping cells in the United States and Mexico. Since July 2005, BESTs' efforts have resulted in 2,034 criminal arrests and 2,796 civil immigration arrests. The U.S. Attorneys Offices have worked with ICE to secure more than 800 indictments, and more than 700 convictions. In addition, BESTs have seized approximately 7,704 pounds of cocaine, 159,832 pounds of marijuana, 558 pounds of methamphetamine, 39 pounds of crystal methamphetamine, 1,023 pounds of ecstasy, 213 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 515 weapons, 341,345 rounds ammunition, 745 vehicles, six properties, and $22.7 million in U.S. currency and monetary instruments.

I would like to share a few of our successes with you: the discovery and repatriation by the El Paso BEST of one of Mexico's top ten most wanted fugitives; the arrest by the Laredo BEST of a weapons trafficker who supplied cartels with assault rifles used to murder Mexican Police Officer Navarro Rincon and others; and the arrest by the Los Angeles Seaport BEST of an arms trafficker and seizure of 38 military style weapons. These cases clearly illustrate the violence that results from narcotics trafficking, weapons smuggling, alien smuggling, human trafficking, and money laundering at our borders. BESTs provide a unified and international response to securing our borders, stemming the violence, and assisting first responders.

I would also like to share with you an example of how our foreign partnerships and information sharing benefits ICE, as well as front line officers from the Texas Department of Public Safety (DPS). On February 6, 2009, a Texas DPS trooper conducted what he thought was a routine vehicle stop of a Ford F-250 truck near Laredo, Texas. When the trooper stepped out of his patrol car and began walking towards the truck, the driver, Lino ZAMORA, placed the truck in reverse and attempted to run the trooper over. Fortunately, the trooper was not injured, and a high speed chase ensued ending by the Rio Grande river banks near the World Trade Bridge where ZAMORA waded into the river and into Nuevo Laredo, Tamaulipas, Mexico. Texas DPS officers requested immediate assistance from the Laredo BEST indicating they had discovered 897 pounds of marijuana hidden inside the truck and that the driver, ZAMORA, absconded to Mexico.

The Laredo BEST, which has a Mexican law enforcement officer embedded in the task force, coordinated with the Mexican Military and Immigration Officials to locate ZAMORA, who was hiding in Nuevo Laredo, Mexico. Mexican military officers located ZAMORA, a United States Citizen, and turned him over to Mexican Immigration officials. These officials then turned ZAMORA over to Laredo BEST agents without incident. Texas DPS officers arrested ZAMORA for possession of marijuana and assault on a peace officer. Just after 10:00 a.m., ZAMORA fled from the Texas DPS officer, and at 3:30 p.m. he returned and was arrested in the United States.

Although we have had significant success in dismantling transnational smuggling organizations, they have proven to be flexible, wealthy, well-organized, and intelligent. While the contraband the organizations smuggle may vary, these organizations use the same smuggling corridors to further their enterprise. Cartels invest significant resources in gaining and maintaining control of these lucrative smuggling corridors, expecting a considerable financial return from smuggling ventures and from user fees paid by other transnational smuggling organizations. To protect these lucrative corridors, cartels hire assassins to kidnap, torture and murder competitors that they perceive to infringe upon their territory.

The magnitude of violence surrounding these transnational smuggling organizations in recent years necessitated expertise of multiple law enforcement and intelligence entities through task forces such as the ICE-led BEST, and law enforcement outbound operations such as our weapons smuggling initiative, Operation Armas Cruzadas, and our bulk cash smuggling initiative, Operation Firewall.

As I have noted, ICE plays several roles varying from assisting federal, state, and local front line officers in emergency situations to coordinate bi-national efforts beyond our borders. ICE has agents in attaché offices in embassies and consulates worldwide, as well as foreign law enforcement officers such as Mexico's Secretaria de Seguridad Publica, co-located within our Border Enforcement Security Task Forces in the United States.

Armas Cruzadas

As I mentioned previously, ICE is focused on the illicit flows of weapons and bulk cash to reduce border violence through our "Armas Cruzadas" initiative.

In June 2008, ICE, in partnership with CBP, formally launched Operation Armas Cruzadas to combat transnational criminal networks smuggling weapons into Mexico from the United States. As part of this initiative, the United States and the Government of Mexico (GoM) agreed to bi-lateral interdiction, investigation, and intelligence-sharing activities to identify, disrupt, and dismantle these networks engaged in weapons smuggling. This initiative has resulted in actionable intelligence leading to arrests, as well as the seizure of firearms and ammunition on both sides of the border. ICE has provided training in appropriate export and other weapons' laws and methods used to combat transnational smuggling; used its Project Shield America outreach program and made presentations to groups involved in the manufacture, sale or shipment of firearms and ammunition along the Southwest Border; reinvigorated the ICE Border Liaison Program to sustain an open and cooperative working relationship with foreign and domestic government entities; initiated a Weapons Virtual Task Force to create virtual communities where law enforcement can rapidly share intelligence and communicate in a secure environment; created a U.S.-vetted GoM Arms Trafficking Group; and used the ICE Border Violence Intelligence Cell. In addition, ICE recognizes the need to coordinate with ATF, the agency with principal firearms enforcement responsibility, in its efforts to slow the flow of firearms into Mexico. On this front, ICE will coordinate its Armas Cruzadas Initiative with ATF's Project Gunrunner.

Since June 2008, Operation Armas Cruzadas has resulted in 112 criminal arrests, 40 administrative arrests, 80 criminal indictments, 43 convictions and in the seizure of 1,417 weapons and 116,478 rounds of ammunition.

Operation Firewall

One of the most effective methods to deal with violent, transnational criminal organizations is attacking the criminal proceeds that fund their operations. Well financed criminal organizations present a threat to all law enforcement as their use of high-powered firearms presents a real danger to first responders. ICE targets those individuals and organizations that exploit vulnerabilities in financial systems to launder illicit proceeds, and ICE pursues the financial component of every cross-border criminal investigation. The combination of successful financial investigations, Bank Secrecy Act reporting requirements, and Anti-Money Laundering compliance efforts by traditional and non-traditional financial institutions has forced criminal organizations to seek other means to transport illicit funds across our borders. Currently, the smuggling of bulk currency out of the United States, especially along the Southwest Border, is the prevailing method. ICE is the primary investigative agency with jurisdiction over bulk cash smuggling crimes. Since its inception, Operation Firewall has resulted in the seizure of over $183 million, including $62 million seized overseas, and 423 arrests.

Conclusion

ICE is committed to effective cross-border communication and information sharing to stem bi-national criminal activity and associated violence through the deployment of the BESTs, Operation Armas Cruzadas and Operation Firewall. By partnering with other law enforcement agencies, we are able to use a broad range of authorities, including the most sophisticated investigative tools available, such as certified undercover operations and electronic surveillance operations to respond to and conduct our investigations.

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

ATTACHMENT

Operation Armas Cruzadas Fact Sheet

The mission of Armas Cruzadas is for U.S. and Mexican government agencies to synchronize bi-lateral law enforcement and intelligence-sharing operations in order

to comprehensively identify, disrupt and dismantle trans-border weapons smuggling networks. The goals include:

- Establishing a bilateral program to stop weapons smuggling
- Coordinating operations
- Developing intelligence about arms trafficking networks
- Strengthening interagency cooperation
- Promoting intelligence information exchange
- Implementing points of contact for information exchange
- Partnership Roles and Responsibilities

In order for Operation Armas Cruzadas to succeed, ICE has incorporated the following key components:

- **Training Stakeholders**

ICE will train stakeholders in appropriate laws, resources and methods used to combat trans-border smuggling as well as how to input and retrieve database information on active cases.

- **Creating a Border Violence Intelligence Cell**

Border Enforcement Security Task Forces (BEST) generates arrests, seizures and significant events raw data. ICE Field Intelligence Groups compile the raw data for reports, and the Border Violence Intelligence Cell (BVIC) analyzes the information.

- **Developing a Vetted Arms Trafficking Group**

Receives and analyzes investigative information for exploitation in Mexico and provides investigative information from Mexican weapons seizures and arrests for exploitation by BEST.

- **Implementing a Weapons Virtual Task Force (WVTF)**

The WVTF facilitates real-time online access to actionable information on daily firearms seizures, arrests and other intelligence generated by ICE, CBP, the Mexican government and other agencies as appropriate.

- **Reinvigorating the ICE Border Liaison Program**

The Border Liaison Program establishes an official ICE point of contact for CBP, ICE representatives in Mexico, state and local law enforcement agencies, as well as Mexican law enforcement agencies along the U.S. and Mexican border.

Border Enforcement Security Team (BEST) FACT SHEET

In January 2006, the Department of Homeland Security (DHS) Secretary adopted the Border Enforcement Security Taskforce (BEST) initiative as a DHS task force in order to leverage federal, state, local, tribal and foreign law enforcement and intelligence resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities in the border and threaten the overall safety and security of the American public. 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.

BESTs incorporate personnel from ICE; Customs and Border Protection (CBP); Drug Enforcement Administration (DEA); Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Federal Bureau of Investigation (FBI); U.S. Coast Guard (USCG); and the U.S. Attorney's Office along with other key federal, state, local and foreign law enforcement agencies.

A key element of the BEST program is the coordination between U.S. and foreign law enforcement agencies. This collaboration better enables our governments' ability to attack organizations in a more unified way. BESTs on the Southwest border have the participation of the Mexican law enforcement agency, Secretaria de Seguridad Publica (SSP). On the Northern border, Canadian law enforcement agencies participating in the BESTs include the Canada Border Services Agency (CBSA), Royal Canadian Mounted Police (RCMP), Ontario Provincial Police, Niagara Regional Police Service, and Toronto Police Service. Argentina Customs participates in the Miami seaport BEST.

There are currently 12 BESTs; 8 on the Southwest border, 2 on the Northern border, and 2 in seaports.

The BEST concept was first implemented in Laredo, Texas in January 2006. BESTs were subsequently established in Tucson, Arizona (March 2006); El Paso, Texas (October 2006); San Diego, California (November 2006); and Rio Grande Valley (Harlingen, Brownsville, McAllen), Texas (March 2007).

In fiscal year 2008, BESTs were established in Phoenix, Arizona (March 2008); Yuma, Arizona (March 2008); and Imperial Valley, California (June 2008).

The first Northern border BEST initiated operations in Blaine, Washington (February 2008) and was followed in Buffalo, New York (March 2008).

In fiscal year 2009, BESTs were also established in the seaports of Los Angeles/Long Beach, California (October 2008), and Miami, Florida (November 2008). The seaport BESTs will address threats that encompass the entire maritime operating environment, including ports of entry and areas between the ports.

LAREDO BEST

- In January 2006, the BEST concept was first implemented in Laredo.
- The Laredo BEST focuses on the disruption of cross-border criminal activity related to the following: narcotics smuggling; money laundering; human smuggling; weapons smuggling; transnational gangs; and cross-border violence.
- The Laredo BEST members are co-located at the ICE DSAC office in Laredo, Texas.
- The Laredo BEST is comprised of members from the following agencies: ICE OI; ICE DRO; ICE Intel; CBP; ATF; DEA; Texas Department of Public Safety; Texas National Guard; the Laredo Police Department, and the Government of Mexico—SSP.

TUCSON BEST

- Tucson BEST initiated operations in March of 2006.
- Tucson BEST targets major criminal organizations involved in the following: narcotics smuggling; human smuggling; weapons smuggling; money laundering/bulk cash smuggling; and transnational criminal gangs.
- Full-time members of the Arizona BEST are co-located at the ICE DSAC office in Tucson, Arizona.
- The Tucson BEST is comprised of members from the following agencies: ICE OI; ICE Intel; CBP; Arizona Department of Public Safety; Pima County Sheriff's Department; Arizona National Guard—Joint Counter Narco-Terrorism Task Force; Government of Mexico—SSP; with assistance from the DHS Office of the Inspector General; DHS Field Intelligence Group; and the U.S. Attorney's Office.

EL PASO BEST

- In October 2006, the El Paso BEST initiated operations.
- El Paso BEST concentrates on the following major threats: human smuggling; narcotics smuggling; money laundering/bulk cash smuggling; and weapons smuggling.
- Full-time members of the El Paso BEST are co-located in the ICE SAC office in El Paso, Texas and the ICE RAC office Alpine, Texas.
- The El Paso BEST is comprised of members from the following agencies: ICE OI; ICE Intel; ICE DRO; CBP; U.S. State Department—Diplomatic Security Service, El Paso Police Department; and the El Paso Sheriff's Office. DEA is a part time participant.

SAN DIEGO BEST

- In November 2006, the San Diego BEST initiated operations.
- The major threats that the San Diego BEST concentrate on are the following: cross-border tunnels; narcotics smuggling-specifically methamphetamine and methamphetamine precursors; human smuggling; and weapons smuggling.
- Full-time members of the San Diego BEST are co-located at the DSAC San Ysidro office in San Diego, California and the DSAC San Diego Operation Alliance office in San Diego, California.
- The San Diego BEST is comprised of members from the following agencies: ICE OI; ICE Intel; CBP; FBI; Naval Criminal Investigative Service; ATF; Chula Vista Police Department; and Government of Mexico - SSP.

RIO GRANDE VALLEY BEST

- In March 2007, the Rio Grande Valley BEST initiated operations.
- The Rio Grande Valley BEST focuses on cross-border criminal activity related to: weapons smuggling; human smuggling; and money laundering
- Full-time members of the Rio Grande Valley BEST are co-located at the RAC Harlingen office, in Harlingen, Texas.
- The Rio Grande Valley BEST is comprised of members from the following agencies: ICE OI; ICE Intel; ICE DRO; CBP; with assistance from ATF; Social Security Administration; and the United States Marshals Service.

BLAINE BEST

- The Blaine BEST initiated operations in February of 2008.
- Blaine BEST focuses on the following: Port of Entry (POE) smuggling events (both inbound and outbound); contraband smuggling via commercial truck; human smuggling and trafficking; money laundering and bulk cash smuggling; tunnels; and other vulnerabilities that threaten public safety or national secu-

rity. Blaine BEST also acts as the investigative arm of the Integrated Border Enforcement Team, when requested.

• Full-time members of the Blaine BEST are co-located at the Assistant Special Agent in Charge (ASAC) Office in Blaine, Washington.

• The Blaine BEST is comprised of members from the following agencies: ICE OI; ICE Intel; CBP; DEA; RCMP; and National Oceanic and Atmospheric Administration (NOAA).

BUFFALO BEST

• In March 2008, the Buffalo BEST initiated operations.

• The Buffalo BEST is focused on the development of investigations of international criminal organizations exploiting the Buffalo Ports of Entry. Initial investigative focus includes: narcotics smuggling; money laundering/bulk cash smuggling; weapons smuggling; and alien smuggling/human trafficking.

• The Buffalo BEST is comprised of members from the following agencies: ICE OI; CBP; ATF; DEA; New York State Police; Niagara Falls Police Department; Buffalo Police Department; CBSA; RCMP; Ontario Provincial Police; Niagara Regional Police Service (NRPS); and Toronto Police Service (TPS).

• The Buffalo BEST also receives additional support from the following: USCG; FBI; United States Postal Investigative Service; and the Internal Revenue Service.

• The Buffalo BEST also receives support from the following: USCG; FBI; United States Postal Investigative Service; and the Internal Revenue Service.

YUMA BEST

• The Yuma BEST officially initiated operations in March of 2008.

• Yuma BEST focuses on the following areas: cross-border violence; human smuggling and trafficking; cross-border subterranean tunnels; money laundering and bulk cash smuggling; contraband smuggling; transnational criminal gangs; weapons smuggling; and travel document-related identity theft and benefit fraud.

• Yuma BEST personnel are co-located in the ASAC Yuma office, in Yuma, Arizona.

• The Yuma BEST is comprised of members from the following agencies: ICE OI; CBP; and the Government of Mexico - SSP. Part time support also comes from FBI, DEA and the Arizona Department of Public Safety, State Gang Task Force.

PHOENIX BEST

• The Phoenix BEST initiated operations in March of 2008.

• Phoenix BEST focuses on three main investigative areas: narcotics smuggling; violent alien smuggling organizations; and weapon smuggling.

• Full time participants in the Phoenix BEST are co-located in office space leased by the DEA Special Agent in Charge, Phoenix Office, in Phoenix, Arizona.

• The Phoenix BEST is comprised of representatives from the following agencies: ICE OI; CBP; Mesa Police Department; and the Government of Mexico—SSP; with additional assistance provided by ICE DRO; ICE Intel; Maricopa County Sheriff's Department; and the Phoenix Police Department.

IMPERIAL VALLEY BEST

• The Imperial Valley BEST initiated operations on June 2, 2008.

• The Imperial Valley BEST focuses operations on cross-border criminal activity related to: weapons smuggling; contraband smuggling; human smuggling; and violent 'Bandit' activity.

• Participants work primarily out of their own offices. ICE is located at the Calexico, CA East Port of Entry. Border Patrol is in El Centro. DEA, BLM and FBI have their separate offices in Imperial.

• The Imperial Valley BEST is comprised of members from the following agencies: ICE OI; CBP; FBI; DEA; Imperial Police Department; and Bureau of Land Management (BLM).

Los Angeles/Long Beach BEST

• The Los Angeles/Long Beach BEST initiated the first seaport operations on October 30, 2008.

• The Los Angeles/Long Beach BEST focuses operations on threats that encompass the entire seaport environment. Specifically, the Los Angeles/Long Beach BEST concentrate on the following investigative areas: the importation of illicit contraband; trade fraud; cargo theft; unlawful exportation of controlled commod-

ities and munitions; stolen property; alien smuggling; and exportation of illicit proceeds.

• Full time participants in the Los Angeles/Long Beach BEST are co-located in office space within the Los Angeles seaport that has been acquired and outfitted to house the BEST.

• The Los Angeles/Long Beach BEST is comprised of members from the following agencies: ICE OI; CBP; U.S. Coast Guard Investigative Service; U.S. Secret Service; Federal Air Marshal Service; ATF; Los Angeles County Sheriff's Department; California Highway Patrol; and Los Angeles Port Police.

Miami BEST

• The Miami BEST initiated seaport BEST operations on November 24, 2008.

• Miami BEST will address a number of criminal activities with a nexus to U.S. seaports, and focus on threats that encompass the entire maritime operating environment. Specifically, the Miami BEST will concentrate on the following primary investigative areas: the importation of illicit contraband; trade fraud; cargo theft; unlawful exportation of controlled commodities and munitions; stolen property; alien smuggling; and exportation of illicit proceeds.

• Full time participants in the Miami BEST are co-located at the SAC Miami office in Miami, Florida.

• The Miami BEST is comprised of members from the following agencies: ICE OI; CBP; Broward County Sheriff's Department; Miami–Dade Police Department; and the Argentine Customs Service.

STATISTICS

Since inception, the BESTs have been responsible for 2,034 criminal arrests, 2,796 administrative arrests, 885 indictments, and 734 convictions, and have seized approximately 7,703 pounds of cocaine, 159,831 pounds of marijuana, 557 pounds of methamphetamine, 39 pounds of crystal methamphetamine, 1,022 pounds of ecstasy, 212 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 515 weapons, 745 vehicles, 6 properties and $22,678,550 million in U.S. currency and monetary instruments.

Mr. CUELLAR. Thank you, Ms. Ayala, for your testimony.

I now recognize Major Peter Aylward to summarize his statement for 5 minutes.

STATEMENT OF MAJOR GENERAL PETER AYLWARD, DIRECTOR OF THE JOINT STAFF, NATIONAL GUARD BUREAU

Gen. AYLWARD. Thank you, Mr. Chairman, Congressman Rogers, and committee members for allowing me to come and testify before you today. I think it is really appropriate the seating you gave me, first of all, here.

Historical constitutional role and Article 1, section 8, clause 15 and 16 is available to the governor and available to the president. So putting us in between the local and state folks and the federal government is the appropriate role of the National Guard has always played.

Historically, the National Guard has provided support along the borders under two programs: Narcotic Drug Program under Title 32, Section 112, which is our congressionally mandated program, which has authorizations up to 4,000 by law and is currently funded at approximately 2,500.

The other program is under our Innovative Readiness Training Program. That program uses existing training funds as a training benefit to the units that are getting ready to do global deployments.

And then finally, what I would ask is that the integration of the efforts between the two is kind of where we are in the whole process of the defining requirements based upon capability gaps at the local and state level and at the corporate federal government level.

In fact, later on today, I will be a member of the integrated planning committee over at the Eisenhower Executive Office building to work with the community as a team to discover what those capability gaps are so we can provide the appropriate technical advice and assistance and military capabilities to complement those.

So, gentlemen, subject to your questions, I am looking forward to the question and answer period later on. Thank you.

[The statement of General Aylward follows:]

PREPARED STATEMENT OF MG PETER M. AYLWARD

Opening Remarks

Chairman Cuellar, Ranking Member Rogers, distinguished members of the subcommittee; I appreciate the opportunity to appear before you today to discuss the activities of the National Guard (NG) in helping to secure our Nation's borders. National Guard support to border security today is provided through the National Guard Counterdrug program and through our use of Innovative Readiness Training.

The National Guard Counterdrug Program

The National Guard Counterdrug Program is governed by Section 112 of Title 32 of the United States Code. This authority is the foundation for the National Guard Counterdrug Program that has operated in the 54 States and Territories for nearly twenty years. The law limits the program to 4,000 personnel on full-time counterdrug program duties. At present it is funded and staffed for just over 2,500 Army and Air National Guard personnel. These federally funded programs are developed by the respective governors and approved by the Secretary of Defense. They are developed within the context of the National Counterdrug Strategy of the White House's Office of National Drug Control Policy with supporting direction from the Deputy Assistant Secretary of Defense for Counternarcotics, Counter-proliferation, and Global Threats.

I am pleased to inform you that these federally funded state centric programs are built in response to Federal, State and local law enforcement agency counterdrug operational requirements. They fully consider State and local threats and vulnerabilities. At all times National Guard counterdrug resources are employed in support of law enforcement counterdrug operational requirements or community based organizations focused on drug demand reduction programs.

Our efforts in market disruption support law enforcement agency operations in marijuana suppression and eradication, enhance information sharing networks, provide linguistic support, and conduct ground and aerial reconnaissance, among others. Community based organizations benefit from our drug demand reduction programs such as "Stay on Track". Our criminal analysts work closely with the Directors of the 28 High Intensity Drug Trafficking Areas (HIDTAs) and other information fusion centers to develop drug case-related information that continues to facilitate law enforcement operations. An example of such continuing support can be found in the HIDTA supported Denver Colorado Metro Gang Task Force where NG Counterdrug Program assets provide full time criminal analysts and regularly conduct aerial reconnaissance missions for this Federal, State and local LEA endeavor

In Fiscal Year 2008, our contributions can be measured through data provided by law enforcement agencies and community based organizations. Law enforcement agencies attribute the seizure of 21,603 weapons and $382.4 million in United States currency to our support efforts. The seizure of over 5.3 million cultivated marijuana plants and 903,000 pounds of processed marijuana are directly attributed to National Guard support of marijuana eradication operations. In Fiscal Year 2008, nearly 530,000 pounds of cocaine were seized in state operations with National Guard support of law enforcement agencies. Community based organizations report that we have provided demand reduction programs for 6.2 million students, and nearly 60,000 participated in the Stay on Track Program in Fiscal Years 2007 and 2008. We project 120,000 students by the end of Fiscal 2009. Our Counterdrug Program also provided nearly 40,000 flying hours supporting various law enforcement counterdrug operations over public lands, border missions, and extensive marijuana eradication operations.

The National Guard Counterdrug Program has made similar impacts over the last twenty years. The credit for these accomplishments goes to the Governors and the Adjutants General for an efficient and focused application of authorized and appropriated funds. But we must remain vigilant in the application of those resources as threats and vulnerabilities change. Our program accomplishments do not go unnoticed by drug trafficking organizations. They shift and adjust their tactics and traf-

ficking networks to counter our strengths and those of law enforcement. The Mexican drug cartels are in conflict over control of production and distribution within their own country as well as the market place in the United States. Their conflicts as we know have developed into intense violence in northern Mexico near the U.S. border. Each of the four Southwest Border states are experiencing increased drug-related violence and are concerned with the potential "spill-over" of that violence from Mexico into our sovereign States and Nation.

For the last twenty years we have supported law enforcement operations along the Southwest Border with National Guard Counterdrug personnel and equipment. We have long-standing operational and interagency models employed every day in ground and aerial observation, information sharing, and linguistics. Today, we have over 300 National Guard Counterdrug personnel on duty in Arizona, California, New Mexico and Texas working in direct support of Federal, State, and local law enforcement agencies conducting counterdrug operations along the border. The majority of our support efforts are focused on ground and aerial observation, case analysis, engineer work and communications support.

Innovative Readiness Training

Recently, we have successfully employed the use of "Innovative Readiness Training" (IRT) with specialty units such as engineers and aviation, among others. IRT is a Department of Defense (DOD) program governed by Section 2012 of USC Title 10 and DOD Directive 1100.20. The program's objective is to train soldiers and simultaneously provide a benefit to the community. Missions supported by IRT are based on requests from thirteen pre-approved organizations, or a Federal, State, and local government agency. We are currently supporting the Department of Homeland Security's United States Customs and Border Protection with engineering work on border roads and vehicle maintenance. The National Guard has conducted IRT events along the Southwest Border in support of CBP's Border Patrol, which includes activities such as engineering, medical/dental, and transportation support. Annual IRT events along the Southwest Border have involved an average of 3,250 Guardsmen. Recent IRT events from July 2006 to July 2008 provided support through Entry Identification Teams, aviation and ground observation, medical, and engineering in support of the "Operation Jump Start" (OJS) initiative. We are capable of assisting through other support to civil authorities based on situational needs.

Recent Activity of National Guard Bureau

In regards to possible National Guard support along the Southwest Border, we, through the Department of Defense, are working with the Southwest Border states and with the Department of Homeland Security to determine if any new requirements exist and whether enhanced National Guard support is appropriate.

The Strategic Context

Mr. Chairman and members of committee, I would close by saying that, in addition to accomplishing its federal mission to be a reliable reserve component to the Army and the Air Force in combating America's enemies overseas, the National Guard has also been the first military responder to nearly every public disaster, manmade or otherwise here inside the homeland, providing vital capabilities in support of and alongside civilian first responders. We have exemplary citizen-soldiers and airmen who are in touch with the communities in which they live and work. The resultant networks only enhance our ability to provide immediate and thoughtful responses to a myriad of challenges. The Southwest Border challenge is no different. We have and will continue to serve those in need; our communities, our States and our Nation.

Thank you for the opportunity to be here today, I look forward to your questions.

Mr. CUELLAR. Thank you, Major General, for your testimony.

At this time, I will recognize Sheriff Gonzalez to summarize his statement for 5 minutes.

Sheriff?

STATEMENT OF SHERIFF SIGIFREDO GONZALEZ, JR., ZAPATA COUNTY, TEXAS; SHERIFF LARRY A. DEVER, COCHISE COUNTY, ARIZONA

Sheriff GONZALEZ. Thank you, Mr. Chairman. Good morning committee members, Ranking Member Rogers, members of the subcommittee, it is an honor and a privilege to be here with you today

to discuss and examine preparedness coordination and response efforts of first responders along the Southwest border and how unique some of those challenges are to us as local law enforcement.

I would like to briefly explain to you how we formed our coalition. In May of 2005, 16 sheriffs in Texas, whose counties border the Republic of Mexico, formed the Texas Border Sheriff's Coalition. In 2007, also because of their frustrations, sheriffs from New Mexico, Arizona and California joined the Texas Coalition, and we formed the Southwestern Borders Sheriff's Coalition.

These coalitions were formed because of our frustration with this. Us 31 sheriffs along the Southwest border dealt with inadequacy and a lot of times the inability of our federal government to be able to protect our borders. We felt then, and still do, that the 2,000 miles of Southwest border of this great country of ours needs protection and some type of immediate attention.

We are ready to work as a team, and we have been ready to work as a team for a long, long time. One of the many matters that concern us along the border is the cross-border violence that at times terrorizes the more than 5 million people that live along the Southwest border of our country.

After all this border shares, we are responsible for over 2,000 miles of border with Mexico and 98,480 square miles, which encompasses the 31 counties along the Southwestern border. This violence that we see spilling over from Mexico, we refer to it as Narco Terrorism.

People are always living in fear. People that live along the border live in fear a lot of times because of this spillover violence.

Now what is Narco Terrorism? As far as we are concerned, it is the threats that our officers have to deal with along the border on a daily basis.

And they include but are not limited to kidnappings, carjackings, home invasions, extortions, shooting of law enforcement officers on the U.S. side from Mexico, armed individuals escorting humans and narcotics into this great country of ours, members of drug trafficking organizations that visit law enforcement officers' homes on the U.S. side and threaten them and their families at times.

We all see many deportable or people that have been deported, previously deported from our country coming back into the United States, individuals that have been deported because of convictions for murders, for child sex assaults, and we are seeing them come back into the country. We are seeing an increase in auto thefts, not only in the area of the border but in Dallas and Houston and San Antonio, Texas.

Those vehicles come back to the border to Mexico used for smuggling of narcotics and humans. Now these criminal violations or spillover violence from Mexico and violence along the Southwest border, as far as we are concerned, has intensified in most areas since at least 2004.

Now working as a team and working into an interoperable communications along the Southwest border, more and more, we are seeing individuals, armed individuals, coming into out country or to our counties. We feel that it is a matter of time before a shootout will occur, and in the event that that were to happen, we are very definitely outgunned and outmanned along the border.

The federal government must provide some type of funding for local law enforcement in order to assist us in securing the borders of this country. In Texas, because of our efforts, our governor has opened the Texas Border Security Operations Center. The Center along with six others along the Texas-Mexico border houses peace officers and enlists intelligence officers, and most of them are officed at Border Pro-sector offices.

We then formed the Joint Operations Intelligence Center, the JOICs, where we have local officers, state officers, and federal officers working together in obtaining intelligence information and then giving it back to the officers in the field. This is done on a daily basis.

Now it is my understanding that this subcommittee wants to evaluate the level of coordination of emergency communications between federal, state and local officers and how we can effectively exchange information in real time in the event of an overwhelming emergency.

Interoperability, I am sad to say, is not always working along the Southwest border. We are trying to meet those challenges and be able to effectively communicate among first responders first in other agencies. Information sharing, however, is still a very long ways off. I really want to talk about is of course the——

What we are doing in Texas with some of the programs we have, Operation Linebacker, Operation Stonegarden, Operation Border Stories Deterrence, if we had as many officers on the border as we are doing in Texas now, we are preventing an incident from happening in this country. We are preventing spillover violence from Mexico.

And, again, we are very, very concerned of what is happening on the Southwest border. We, as sheriffs, are ready to proceed. We, as sheriffs, at this time.

Some of the solutions we talked about, again, is funding to be able to properly address the situations for local law enforcement. Now, Dr. Barth briefly touched a little while ago regarding Sheriff Ted Sexton from Tuscaloosa County, Alabama, who has been to the border. This is the first time that we have seen the cooperation from the federal government with local law enforcement.

We have attended hearings before here in D.C. and elsewhere. With Sheriff Sexton's visit though, we are finally able to see something from the federal government where the federal government is finally listening to local law enforcement.

We hope that Secretary Napolitano continues with his program with the state and local law enforcement, and we hope, of course, that Sheriff Sexton continues to visit us in the future—the border.

With this, Mr. Chairman, I want to thank you for what you do for our district, the 20th district, and I want to thank the committee members for what you do for this great country of ours.

Chairman Cuellar, this concludes my statement, and I would be happy to answer any questions the committee members may have. Thank you.

[The statement of Sheriff Gonzalez follows:]

PREPARED STATEMENT OF SIGIFREDO GONZALEZ, JR.

Chairman Cuellar, Ranking Member Rogers, Members of the Subcommittee, it is an honor and a privilege to be invited to appear before this subcommittee to discuss and examine preparedness and coordination efforts of first responders along the southwest border.

In May of 2005 sixteen Texas sheriffs whose counties border the Republic of Mexico formed the Texas Border Sheriff's Coalition. This coalition was formed out of frustration in what we felt was the inadequacy of our federal government to protect our border in preventing a potential terrorist and their weapons of mass destruction from entering our country. We felt then, and still do, that the 1,276-mile Texas border with the Republic of Mexico is very much unprotected, wide-open, and extremely porous. In late March 2007, also because of their frustration, sheriffs from New Mexico, Arizona, and California joined the Texas coalition in our efforts and we formed the Southwestern Border Sheriff's Coalition. The 2,000 miles of southwestern border of this great country of ours needs protection and immediate attention. Some of the goals of these coalitions are interoperability in the event of an emergency, a border area records management system, and information sharing. We continue to believe that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States.

Although some of the matters of which I offer testimony today may seem as if I criticize federal agencies, I want to make sure that we understand that neither I nor our coalitions blame the agents of the United States Border Patrol, ICE, or any other federal agency, but, rather, we sometimes criticize the policies that they have to adhere to. In most areas of the southwest border we do not know what we would do without CBP/USBP presence.

One other matter that concerns us along the border is the cross-border violence that at times terrorizes the more than 5 million people that live along the southwest border of our country. After all, as border sheriffs we are responsible for 98,480 square miles of land along the border.

The one thing that border sheriffs deal with on an almost daily basis is "narco-terrorism", or better yet: Domestic Terrorism—Defined—Code of Federal Regulations-"...the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."[1] For the exception of the last seven words of this definition, people living along the border, and other areas in the United States, have, at one time or another, and are presently experiencing "domestic terrorism". Whether or not they are involved in drug trafficking, innocent bystanders, including family members, stand to suffer for the actions of individuals that may have crossed, knowingly or not, a member of a drug cartel.

Emergency Preparedness and Readiness

Violence along the southwest border has intensified along some areas since the latter part of 2004. More and more, we learn of abductions, kidnappings, carjackings, home invasions, murders, and large-scale incidents. These violations of law are attributed to spillover violence from Mexico.

Through intelligence information and investigations it has been learned that several murders along the Texas—Mexico border have been orchestrated by members of drug cartels operating on both sides of the border. These drug cartel enforcers cross our international border, some illegally in areas other than a designated port of entry, commit their murders in the United States, then go back to Mexico. They are very well armed and are very accurate in what their assignment is.

The cartels operating in Mexico and the United States have demonstrated that the weapons they posses can and will be used in protecting their caches. One informant familiar with the operations of these cartels mentioned to us that the weapons we use are water guns compared to what we will have to come up against if we ever have to. These cartels, known to frequently cross into the United States, possess and use automatic weapons, grenades, and grenade launchers.

[1] 28C.F.R. Section 0.85 and *http://www.fbi.gov/publications/terror/terror2000*__2001.htm

Weapons seized in Matamoros, Tamaulipas, Mexico by Mexican Military in February 2007.

In confirming the above, the National Drug Intelligence Center has stated that "drug traffickers in the South Texas HIDTA region use sophisticated surveillance, counter-surveillance, and communication techniques to aid their trafficking operations. Mexican Drug Trafficking Organizations maintain cells that monitor law enforcement activities and the smuggling operations of rival traffickers."[2]

In late January 2006, Immigration and Customs Enforcements' Border Enforcement and Security (BEST) Task Force confiscated components of Improvised Explosive Devices (IEDs) in Laredo, Texas. It is believed that these components were to be sent to Mexico for use by the cartels or possibly to be used against us at the appropriate time.[3]

On December 28, 2005, and for the next three days, a sniper in Mexico shot at Border Patrol agents that were working along the banks of the river in the area of the cities of Rio Bravo/El Cenizo, which are located a few miles south of Laredo, Texas. This continued, sporadically, for three days. Agents reported seeing several individuals wearing military style uniforms on a hill on the Mexican side. One of them was using what was believed to be a high-powered rifle with scope.

On July 12th, 2006, deputy sheriffs of the Hidalgo County, Texas, Sheriff's Office and Border Patrol agents were fired upon from Mexico after they tried to rescue two individuals. This incident happened south of Donna, Texas. Hidalgo County Sheriff Guadalupe "Lupe" Trevino was quoted as saying that 300 to 400 continuous rounds were fired from automatic weapons from the Mexican side of the Rio Grande. It was also reported that shots were also fired at the officers from the east, the United States side. The FBI has indicated that this was the third incident of shootings from Mexico at local or federal officers in the first seven months of 2006 between Laredo and Brownsville, Texas.

Cameron, Hidalgo, and Starr Counties in Texas have continuous problems with pseudo-cops coming from Mexico to extort and kidnap citizens in these counties. This area is the fastest growing area in the nation. They have seen their share of terrorist activity as it relates to the migration of many members of ruthless gangs that come into this country for reasons other than legitimate employment.

In my county, Zapata County, as well as in other counties along the border, we get reports from informants of kidnappings in our counties. Individuals are kidnapped and taken to Mexico for ransom. Family members seldom file official reports due to fear of further retaliation.

As previously submitted to this legislative body, on February 10th, 2005, a high-ranking member of the *Mara Salvatrucha,* or MS–13, was apprehended in Brooks County, Texas. He had been previously deported at least four times. This MS–13 gang member is believed to have been responsible for the killing of 28 persons, including six children, and the wounding of 14 others, in a bus explosion in his native country. These people, as many others, find it very easy to come into our country through a very porous, wide-open, and unprotected border.

According to the 2008 report of the National Drug Intelligence Center, drug traffickers and gang members involved in drug smuggling frequently commit assault, automobile theft, burglary, extortion, and murder throughout the South Texas bor-

[2] National Drug Intelligence Center, U. S. Department Of Justice, Drug Market Analysis, South Texas High Intensity Drug Trafficking Area, 2008.

[3] Testimony of Ms. Marcy M. Forman, Director of Office of Investigations, United States Immigration and Customs Enforcement, Department of Homeland Security, March 1st , 2006, before the U. S. Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security and Citizenship and Terrorism, Technology, and Homeland Security.

11113-24a.eps 11113-25a.eps

der area to facilitate smuggling activities and to protect their operations from rival trafficking organizations and gangs.

On July 1st, 2006, twenty-six year old Starr County, Texas, Detention Officer Gilberto Hernandez, Jr. went across the river from his hometown of Roma to visit his girlfriend. The detention officer failed to return and his parents reported him missing the following day. On July 3rd his badly beaten body was found in Mexico several miles from the border. His hands had been tied behind his back and his eyes had been bandaged. It is believed that he was tortured before being shot through the head, from behind, the bullet exiting through his forehead. During his funeral services a kidnapping was taking place across the street from the funeral home. One of the kidnappers was a Mexican National who had an outstanding warrant for a murder that he had committed a year before in the same county.

Other threats that our offices have to deal with along the border on a daily basis include, but are not limited to, the following:

- Kidnappings
- Carjackings
- Home Invasions
- Extortions
- Shooting from Mexico at law enforcement officers.
- Armed individuals escorting drug and human loads into the United States.
- Members of Mexican Drug Trafficking Organizations (DTO's) visiting the homes of U. S. officers to threaten them and their families.
- Drug/Prison/Gang members working for Mexican DTO's.
- Documented/Deported criminals re-entering the United States, including murderers and child sex molesters.
- Auto theft (vehicles are used for smuggling of humans and drugs).

These criminal violations are spill-over violence from Mexico.

Cross-Border Communications and Information-Sharing Capabilities / Emergency Response Resources and Personnel

We have always maintained that if you don't live on the border you don't know how vulnerable this country is for a terrorist attack. Persons living 50 miles or more away from the border have the impression that this border is very well protected. This is a farce. The border is not protected. It is known that many of the operatives of cartels in Mexico live in the United States. Information received by our respective agencies indicates these criminals are living in our communities. They come to our cities and towns when things get too hot in Mexico. They come here to escape the possibility of apprehension in Mexico. Information received is that they are living along the border on the United States side.

Employees of our offices have also seen incursions into this country of persons seeming to be members of the military of Mexico. On March 3rd, 2005, several officers assigned to do surveillance by the Rio Grande River by the Zapata/Webb County line in Texas observed approximately 20-25 persons walking on a gravel road, coming from the area of the riverbanks, marching in a cadence. These individuals were dressed in battle dress uniforms (BDUs), carrying what officers believe to be automatic weapons, very clean cut, and in very good physical condition. They were carrying backpacks and large duffle bags and walking two abreast.

More and more we are seeing armed individuals entering our country through our counties. We feel that it is a matter of time before a shootout will occur. In the unfortunate event of a shootout, federal, state, and local officers along the southwest border are not adequately armed. Compared to the ruthless and brazen and open behavior of the cartels we face, we are most certainly outmanned. In the event of a shootout, many casualties will likely occur. Federal, state, and local officers all along the southwest border of the United States are outgunned and outmanned.

The federal government must provide funding to local law enforcement agencies in order to assist in securing the borders of this country.

In Texas, because of the efforts of the Texas Border Sheriff's Coalition, Texas Governor Rick Perry has opened up the Border Security Operation Center. This center, along with six other ones along the Texas/Mexico border, houses analysts and intelligence officers. Most are officed at Border Patrol sector headquarters. Every day all law enforcement agencies that participate in Operation Border Star, the border security initiative presently being used, send in their intelligence information. At least once a day these centers, called Joint Operations Intelligence Centers (JOIC's) disseminate the collected information back to the field officers.

SUMMARY

The 31 member sheriffs (20 from Texas, 5 from New Mexico, 4 from Arizona, and 2 from California) of the Southwestern Border Sheriff's Coalition are very concerned

with the very unique problems along our border. Border Patrol is doing the best they can with the resources that are available to them. Immediate help is needed for them and for southwestern border sheriffs for the protection of our country.

We are seeing more and more persons coming across our southwestern border than ever before. From what we are seeing, we feel that most of these persons are not coming into the country to look for legitimate employment. We feel that terrorists are already here and continue to enter our country on a daily basis. Our border is wide open; it is very porous and definitely unprotected and vulnerable.

Putting pressure on the Mexican government to enforce drug laws and provide the assistance mandated by the Merida Initiative is like filling up a balloon with air and then starting to squeeze it a little bit at a time. After squeezing it much, the balloon will burst. It is better that this balloon burst towards the southern border of Mexico and not toward the United States.

It has been almost eight years since the worst terrorist attack in this country and we are still as vulnerable, if not worst, that before September 11, 2001. We have seen no funding for any projects along the southwest border. On the contrary, as time goes by we see less funding opportunities.

In five years we have seen broken promises of protecting our great nation. September 11, 2001, was a dark day in American history and the protection of a great nation. What has changed since that day along the border and in my backyard? Nothing. As I speak before you today, funding aimed at border security along the southwest border didn't come from Washington, DC, it came from Austin, Texas.

The governor of Texas is in the same position we in law enforcement have been in for years. We are fed up and tired of failed policies and promises. Texas is the can do state and Governor Perry has decided to fund a border security initiative that has literally shut down criminal enterprises in several Texas counties.

We did this with state funds and working with federal partners on an initiative that puts law enforcement in the driver's seat instead of the carters, smugglers, and border crossing criminal entrepreneurs. This should have been done on September 12, 2001, by our federal government. Washington, DC didn't just fail me and my law enforcement comrades. . . .it has failed Americans. Just shy of eight years from that day and the border remains open to smuggling operatives, criminal organizations and people aimed at destroying this nation.

On the southwest border you left us no choice; we have had to pick up the fight to save our counties. We didn't ask for this battle on the border. . . . . .but we refuse to lose to criminals!

POSSIBLE SOLUTION

In Texas, we have implemented Operation Linebacker, a second line of defense in the protection of our country. The United States Border Patrol being the first line of defense. The problems along the border are federal problems. Our governor, the Honorable Rick Perry, could not wait for a peace officer to get killed along the border. He, just as we, is very much concerned. The Texas Legislature appropriated $110 million as seed money for us to start Operation Border Star. Operation Border Star is an operation that partially funds Operation Linebacker and makes available all state resources for the protection of the border. Operation Linebacker and Operation Border Star have proven to be successful. Deterrence has been very successful. These are proven operations that should be funded by the federal government.

CONCLUSION

Committee Members, there cannot be homeland security without border security. Border Security, the prevention of spillover violence from Mexico, and information sharing is not a blue issue or a red issue. It is a red, white, and blue issue. Our southwest border needs immediate attention. Local officers, sheriffs, not federal officers, answer emergency calls for assistance made by our constituents. We are the first responders! Must we wait for another terrorist act or until an officer gets killed before we act?

I want to express my most sincere appreciation for allowing me the opportunity to appear before you and thank you for the work you do for our country, the United States of America.

Chairman Cuellar, this concludes my statement. I will be pleased to answer any questions that you or Members of the Sub-Committee may have.

Mr. CUELLAR. On the cameras, just make sure there is no flash photography, just on that.

Sheriff Gonzalez, I always appreciate, actually he is from my district. Janice also is in Laredo, also. I want to thank them because they do have a lot of experience on the border.

As the next sheriff, Sheriff Dever, who will now summarize his statement for 5 minutes.

STATEMENT OF SHERIFF LARRY A. DEVER, COCHISE COUNTY, ARIZONA

Sheriff DEVER. Chairman Cuellar, Ranking Member Rogers, members of the committee, thank you for inviting me here today.

I sit here not only representing my constituents in Cochise County and fellow law enforcement officers in Arizona but also the National Sheriff's Association, where I sit on the board of directors and chair the Immigration Subcommittee, and it is with their support that I am here today.

Just to give you a brief history, kind of put in perspective where we have been and where we are: I have in my hand a magazine published by Arizona Sheriffs and County Attorney's Association that quotes then Border Patrol Sector Chief John Gall as saying this, "Within the last year, we have been mandated by Congress to gain control of the border, and we are going to do that on our southern border, whether it is narcotics, illegal aliens, terrorists, criminals or whatever."

Now, what I find remarkable about this publication is that it was published in 1987, and the word "terrorist" is mentioned here. So this is nothing new. Criminal aliens on the border is nothing new, and this was also 1987, 1 year post Reagan Amnesty. And obviously, that program did not work at that time and is likely not to work again in terms of securing our border.

Also, in 1997, I was invited before a body of Congress to testify about border violence on the Southwest border. That was 12 years ago, and here we sit today holding a hearing regarding the same thing. I only say that to help us to not continue the same path that has led us here today and that 12 years hence, we are holding these hearings over the same matter.

Violence comes in many forms on the border, and it starts, frankly, south of the border with the smuggling organizations competing for the corridors that they work in and competing for illegal aliens to smuggle, and it continues as they cross the border.

It is estimated that over 80 percent of the women who cross the border illegally have been subjected to sexual assault somewhere on their journey prior to ever crossing the border. We deal with homicides, sexual assault, physical assault, robbery, and all of those crimes have to be investigated by state and local law enforcement on this side of the border.

When people are arrested and charged with those crimes, they are housed in our jails at tremendous expense. Their stay is long because they can't post bond. Most of them are indigent, so they are assigned an attorney to represent them by the county, by the state, at the state's expense, and many of them have serious medical problems that also require, since they are now wards of the state, require the state and counties to foot that bill. That is some of the bad news.

Also, another portion of the bad news is that people who die crossing the border as a consequence of natural causes, those cases have to be investigated fully as homicides until cause of death is determined. And so those are very expensive as well.

Moving quickly along, the physical impact over the years has suggested that as much as 37 percent of local budgets are being expended on matters illegal-alien related. If you had to spend 37 percent of your business profit, all of a sudden, overnight were diverted to something you hadn't planned or prepared for, you would probably be out of business.

SCAAP was an important program, State Criminal Alien Assistance Program, that in 1995 resulted in a reimbursement to localities for incarcerating illegal aliens of approximately 33 percent. Today, that fund accounts for 9 cents on the dollar in reimbursement to localities. It needs to be restored.

How better to coordinate my friend and colleague, Sheriff Gonzalez, has suggested some things. We have seen an improved outreach by DHS in the last few months. It is greatly appreciated. Important thing to remember that I can't emphasize enough, is that every federal initiative, every federal strategy and tactical planning opportunity needs state and local input because they have local consequences. And if those aren't considered up front, we will continue to suffer tremendously under this great burden.

Thanks for having us here today. I look forward to answering your questions.

[The statement of Sheriff Dever follows:]

PREPARED STATEMENT OF LARRY A. DEVER

INTRODUCTION:

Chairman Cuellar, Ranking Member Rogers, members of the subcommittee, thank you for inviting me to this hearing. The matters being heard here today regarding security of our Country's southern border are of great concern for me and should be at the top of the list of concerns for the welfare and protection of our great nation. I was born and raised in the border environment. That along with over 33 years of law enforcement work in this arena offers, I believe, a perspective unknown or experienced by most officials who sit in decision making positions that so profoundly affect our nation's security.

BACKGROUND:

The region of the U.S./Mexico border identified in the Federal border enforcement scheme of things is the Tucson Sector of the Border Patrol. It encompasses three counties and covers over 200 miles of the border. This portion of the 2200 mile border accounts for almost half of the people captured illegally crossing our border and almost half of the marijuana seized being smuggled into this country.

The Arizona Sheriffs and County Attorney's Association once published a quarterly magazine. The United States Border Patrol was featured in one of its editions. Then Border Patrol Tucson Sector Chief Jondal is quoted as saying this: "Congress has mandated that we get control of our border. And that is exactly what we are going to do. Whether it is illegal aliens, drugs, terrorists, or whatever, we are going to get control of our border." That publication was issued in the fall of 1987. There are four remarkable points to note in this statement: That "Congress mandated" control; that this was post Reagan amnesty (and I emphasize the word "amnesty" which is widely discussed today): that the idea that a terrorist threat existed even then; and that we sit here 20 years later still discussing the same stuff.

Then, June 1997 I was invited to testify before the Senate Foreign Relations Committee. The focus of the hearing--Border Violence. And now, 12 years later, we see this sudden flurry of activity and concern over the need to reign in this wave of terror on the border.

WHAT WE KNOW:

Violence associated with drug and people smuggling is increasing. It comes in many ways. People attempting to enter this country illegally are regularly subjected to robbery, assault, rape, kidnapping and all other kinds of atrocities. Much of this occurs before they ever cross the border. Competing organizations rob, steal and murder, also on both sides of the border. In Arizona, the transportation hub cities, Tucson and Phoenix experience these events daily. Kidnappings and murders south

of the border are occurring at an alarming rate and some of it is migrating north as vulnerable groups move their families out of Mexico.

Smugglers working on the U.S. side of the border are more inclined to fight than to flee, have better telecommunications than many border law enforcement agencies, and have extremely sophisticated networks that challenge the best we have to offer in response.

RESPONSE AND INTEROPERABILITY:

In today's border environment there is a multitude of federal, state and local law enforcement personnel, firefighters and medical providers who play a role in the response scheme of things. And then there are others—Red Cross, F.M.A., Search and Rescue, Medics, Hospitals, etc., etc., etc. While we hold meetings, hold simulation exercises and do lots of other things to bring all these assets together, the greatest obstacle to success is the inability to communicate on a common network. While there are jurisdictional and financial obstacles to achieving complete operability, the biggest challenge is the building of infrastructure and having manpower to staff communication centers. This will require the construction of physical communication facilities and funding to hire support personnel.

The good news is that cooperation, communication and planning activities are more common today than ever before. A recognition and emphasis of these activities should remain a priority.

The bad news is that last year Congress swept $480M from BYRNE/JAG funding for joint narcotics task force funding, severely crippling coordinated drug enforcement efforts across the nation, most particularly along the border. These funds need to be restored.

A meaningful federally funded effort to enhance border enforcement is what is known as "Operation Stonegarden." This pays overtime and operational costs for local law enforcement officers to support and enhance Homeland Security efforts to interdict illegal border crossings. An expansion of this project, to include the permanent hiring of additional officers would help to significantly mitigate the impact of crime committed by illegal aliens.

FISCAL IMPACTS:

Over the past ten years, as much as 37% of local jurisdiction criminal justice system resources have been diverted to matters illegal alien related. We have always had to deal with the dynamics of drug smuggling in this area, but alien smuggling has presented a whole new dimension of challenges. Property damage, theft, burglary and the trail of garbage and human waste left behind by countless numbers of illegal border crossers are the order of the day. People who commit these crimes and who are housed in county jails and state prisons add to the cost. Since they cannot pay bond, declare indigency and often have serious medical problems, all of this expense is shifted to the local jurisdiction.

In 1995, Congress authorized reimbursement to state and local jurisdictions (S.C.A.A.P. State Criminal Alien Assistance Program) to assist with these costs. Then, we recovered approximately 33% of actual expenses, minus medical costs. Today, that fund only reimburses about 9 cents on every dollar.

BOTTOM LINE:

There are some good things that are working. Operation Stonegarden, which provides funding to local jurisdictions to support Federal border enforcement efforts, has proved to be effective. Sheriffs on the border have no interest in becoming border enforcement agents. We do, however, have a significant role to play in preventing and investigating crime related to drug and people smuggling in our respective counties. Until our Federal Government achieves its mandate to secure our borders, we will be plagued with the consequences. We do not have the resources to successfully meet our obligations, and therefore require some relief. Expansion of existing federal programs that adequately reimburse and enable local criminal justice agencies to employ necessary resources are imperative.

Mr. CUELLAR. Sheriff Dever, I thank you very much for your testimony, and I want to thank all the witnesses for their testimony.

I would like to recognize, of course, the chairman of the full committee, Chairman Thompson, who is here present and thank him for the leadership that he has provided on this issue.

I would like to remind each member that he or she will have 5 minutes to question the panel. I will now recognize myself for 5 minutes on the questions.

As a proponent of team work that produces measurable results, I introduced the Southwest Border Security Task Force Act of 2009, that is H.R. 1439. That will coordinate the efforts at the federal and the state and the local folks are doing and to work together, not only on this side, but also with our counterparts across the river.

I know that those specific instances where we have BEST and other programs where they are working together, but I am talking about a coordinated effort across the Southwest border.

Taking that in consideration, I was also disturbed, you know, to read that the March 25th edition of The Wall Street Journal said that those federal agencies are refusing to work together on task forces that the administration has established to fight drug cartels.

The article cites an example, for example, one of the federal agencies that refuses to allow its agents to participate in the special task force groups established by DHS in Arizona, which is a major corridor for gun trafficking.

They are participating in Texas but they are not participating in Arizona, and this is one of the reasons why I am a big proponent of coordinated—it is a very simple concept, but it is hard to implement, but I think we need to have that coordination.

I guess, Dr. Barth, my question to you is, does DHS have the authority to compel participation of DHS components and other federal agencies to work collectively to deter the encroaching drug cartel related violence?

Dr. BARTH. Thank you, Mr. Chairman. I think that I am not aware of the exact incident that you are referring to that The Wall Street Journal reported on.

Mr. CUELLAR. ATF.

Dr. BARTH. ATF? Okay. I am not aware of that precise case, for example. DHS does not have, indeed, the authority to compel other agencies to participate in various operations; however, DHS does have a leadership role in the Southwest border that I think you will see being very effectively managed collaboratively among the agencies.

For example, Secretary Napolitano, has met both with Secretary Clinton and the Attorney General Holder to ensure at the very highest levels of the administration that there is a commitment to work collaboratively on all of the issues across the board that affect the Southwest border.

That goes to north of the border, collaboration on guns moving south and money moving south to interdict drugs that are moving north and to work with the Mexican government on the violence that is south of the border, particularly through the Merida Initiative and other collaborative work that is done by ICE and other components of all the agencies of government.

As we speak here today, there is intensive work going on that involves, indeed, all of the components of DHS as well as representatives of other agencies to ensure that the level of collaboration going forward is unlike that we have ever seen before.

And from what I can tell from where I sit working both with the White House and other agencies, through the White House coordination process, I would add that the White House and the Obama

administration is fully committed to making sure that the collaboration exists going forward.

Mr. CUELLAR. Right. What about working with the local offices? I know you had the gentleman Sexton go out to specific areas, but that is a time-specific, time-certain time that you have an individual, but is there more of a coordinated effort that you are reaching out to the local folks?

Dr. BARTH. Yes, I believe, Mr. Chairman, that Secretary Napolitano as a former border governor, will focus on those relationships like no one ever has before. She realizes the critical nature of that kind of collaboration. I think that you will see frequent visits by her and her senior staff to the northern border and to Mexico until we get ahead of the curve here.

Mr. CUELLAR. Secretary Napolitano will be in Laredo this Friday. I don't know exactly what her schedule is. I have a general idea what it is, but can you make sure that she meets with the local state and local law enforcement?

Because my understanding is that, you know, without going to her agenda, but I just want to make sure that two things are said: one, that we include the state and local folks, and we will be happy to coordinate with you, number one.

And number two, that we bring some of the business community leaders, because one of the things—for example, Laredo's the largest inland port in the U.S., and we want to make sure that we have strong border security, and I think Janice and—you know that in that area.

We want to have strong border security, but at the same time, you know, when we have 13,500 trucks a day coming across the border, doesn't include rail, doesn't include air also. We don't want to impede the trade.

We don't want to impede the truism, the retail, which is so important to our border economy, and I would ask you to just make sure you send that message that it is not just coming in and meeting with federal ICE officials. You know, with all do respect, but also to include our local and state officials also.

Dr. BARTH. I will transmit that message. I know she is trying to meet with both private sector representatives as well as state and local officials on all parts of her trips as she travels around the country, and that message will be transmitted for sure.

Mr. CUELLAR. Thank you, Dr. Barth.

Dr. BARTH. You are welcome.

Mr. CUELLAR. Major General Aylward, last month, Governor Perry for the state of Texas requested the president provide 1,000 more guardsmen to support border security missions along the Texas-Mexico border.

From your perspective, does Texas need more Title 32 resources, or do we have enough adequate resources to meet its mission?

Gen. AYLWARD. Thank you, Mr. Chairman. In my opening remarks, I mentioned we are really at the preliminary stages, the formative stages of developing requirements based upon capability gaps that exist.

The appropriate role, and from a Guard Bureau view, is to provide the technical advice and assistance on the capabilities within the military portfolio that augment either state and local require-

ments or requirements that we would get from the Department of Homeland Security. And so, we are still in the formative stages of that. We really don't have a complete list of what the requirements would be.

But any requirement that we did get, we wouldneed that increased funding in order to be able to accomplish those missions and the range of activity that they are looking for us to perform, without which that increased funding, then there would be an impact on our readiness.

Mr. CUELLAR. So you are answer is?

Gen. AYLWARD. I mean the view of the state and local folks in terms of what the requirements are is, as you kind of highlighted, is a combination of the local officials and the state officials.

Do they have enough capacity and capability within those different organizations and agencies to cover down on what the governor asked for, I think, is still something that they are working through. And so, until they complete that analysis, the identification of any gaps that would exist that the Guard may augment is still a work underway.

Until that work is done, I don't have a definitive answer for you.

Mr. CUELLAR. Okay. Thank you, sir.

One last question, and then I will pass this on to the ranking member.

Ms. Ayala? That same article, the March 25th edition of The Wall Street Journal, the former ICE director, Julie Myers said, that the MOUs regarding who works on drug-related cases are outdated and, "the agents have their hands tied behind their backs."

Any comments on any MOUs that you all have among agencies, federal agencies, and any opinions as to whether they are outdated or whether they should be adjusted so you can go ahead and meet the emerging threats that we have?

Ms. AYALA. Thank you. Yes, we are working on an MOU that predates the establishment of ICE or DHS. It is a MOU from 1994 between Customs and DEA, and it does put a cap on the number of cross-designated Customs agents, or ICE in this case. At that time, we were working with about 3,000 agents, and now we are up to T.O. of over 6,000 agents.

We are a border agency that deals with all cross-border smuggling, and we would appreciate to have Title 21 concurrent authorities that would help us to do our job better and avoid delays.

Mr. CUELLAR. So are you all working on updating that MOU?

Ms. AYALA. We have been working, yes, sir, with DEA on updating that MOU.

Mr. CUELLAR. Do you know when roughly you will have that done?

Ms. AYALA. I am not sure, but I can get back to you on that, or we can set up a briefing to give you more particulars of all the details at this point.

Mr. CUELLAR. Okay. If you would just keep the committee updated on that, and if we can assist you in any way, and try to get you and DEA to get together and work this out, let us know.

Ms. AYALA. Thank you.

Mr. CUELLAR. All right. At this time, I would like to recognize the ranking member of the subcommittee, Mr. Rogers, the gentleman from Alabama for questions.

Mr. ROGERS. Thank you, Mr. Chairman, and I had planned to go in a different direction with questions, but Sheriff Dever really, I think, honed in on what this hearing's all about, and that is referring to the 1987 article that talked about these same things. And here we are dealing with them in a more of a reactive fashion than a proactive fashion.

I would like to know, particularly from you and then Sheriff Gonzalez, what are we at the federal level not doing that we should be doing to make sure that you have what you need at the first responder level to deal with these threats that you described so well?

Sheriff Dever first.

Sheriff DEVER. Mr. Chairman, Ranking Member Rogers, thank you. A couple of things come to mind. The federal government has increased resources on the border significantly over the past 10 years, but sadly still coming up very, very short. I mentioned the SCAP funding program, which is really significant.

I mean, most counties along the border are small and poor and yet have a tremendous burden in terms of bearing the financial hardship of the cost associated with crime committed by people who cross the border illegally. And those——

Mr. ROGERS. How much do you receive in Cochise County?

Sheriff DEVER. Right now, we are getting about 9 percent on every dollar that we spend.

Mr. ROGERS. What do you need?

Sheriff DEVER. One-hundred percent.

Mr. ROGERS. Which is how much?

Sheriff DEVER. Right now, we are incurring somewhere between $400,000 and half million dollars a year in housing, and keep in mind, we do not house people charged for federal immigration violation or federal drug crimes. These are crimes committed against the state where charges have been filed in the county.

Mr. ROGERS. So you need $1 million a year for SCAP funding?

Sheriff DEVER. Yes, sir.

Mr. ROGERS. What else?

Sheriff DEVER. Well, we were just talking about one county.

Mr. ROGERS. I know. I am asking you what else do you need?

Sheriff DEVER. Secondly, Operation Stonegarden has had some success. Enhancement of that would be helpful. One of the things that is lost in most funding mechanisms in programs, Congressman, is costs for infrastructure to support.

We put a lot of boots—we talk about boots on the ground. We talk about officers and patrol cars and costs associated with all of that, but as that component grows and increases, so does the need for supporting infrastructure.

Mr. ROGERS. Such as?

Sheriff DEVER. Communications, communications infrastructure, giving us the ability to talk to each other across——

Mr. ROGERS. What else?

Sheriff DEVER. —jurisdictional boundaries and lines. There has been some improvement there and there is still a long way to go.

Personnel to man communications centers, money for brick and mortar to build enhanced communications centers.

We are operating out of little cubby holes and corners, and a place where we can co-locate and have a commonality for communications, as well as the support staff in terms of recordkeeping, you know, report and data retrieval, intelligence gathering and dissemination.

All of those components are necessary.

Mr. ROGERS. Okay. What about you, Sheriff Gonzalez?

Sheriff GONZALEZ. Basically, about the same thing, Mr. Rogers—we are looking at, for example, Ms. Ayala talks about the BEST task forces, regular task forces. When you have small counties, you cannot always contribute to those task forces with personnel, because you don't have any personnel to contribute with.

There is some counties in Texas that have a sheriff and two deputy sheriffs cover 6,000 square miles. It is very, very difficult to be able to have somebody or to participate. Operation Stonegarden is good—also, how long can you work this officers on overtime?

The COPS Programs, for example, that have been recently reinitiated again, very good programs. Things we would like to see is that perhaps at year 4 that the local agencies don't have to continue to fund those positions as a requirement to keep those officers.

What do we need on the border officer to assist in what is happening on the borders is personnel for local agencies. This Congress of the 107th, 108th Congress, I don't recall exactly which one it is, but there was legislation filed that was also sponsored or supported Congressman Cuellar, Congressman McCaul and some other congressmen along the border.

Legislation was filed together with Congressman Culverson. That was directed at specifically local law enforcement, and that is where we need the funding. You can have all the ICE agents or border patrol agents in the nation go to the border. How long will they be there?

Mr. ROGERS. Yes.

Sheriff GONZALEZ. For one, and how many of those 95 percent, probably, are going to be lost. They don't know where they are going to go. They don't know the local people. They don't know who the local dealers are. They don't know those things.

Mr. ROGERS. Yes.

Sheriff GONZALEZ. So, mostly, you go to the borders for federal agents mostly what I call a hardship station. You get there, you want to get out of there as quick as you can. We are there. We live there. We know the people. We need——

Mr. ROGERS. Thank you.

Sheriff GONZALEZ. —the funding for local agencies.

Mr. ROGERS. Thank you.

Ms. Ayala? Has there been any communication between your office or your department and these local law enforcement agencies about specifically what they need from you or from the Department, and that may be for Dr. Barth, I don't know.

And a way to kind of put this in a form of a request to Congress to make sure that they are receiving what they need to work in collaboration with you in an effective manner.

Ms. AYALA. Well, we work with them every day. Most of them are on our task forces to look at what type of equipment needs and what type of facility needs they have. We participate with them on a daily basis as far as trying to get them cross designated and providing some other means for them to have asset-sharing opportunities.

Because they are on our task forces, any time we seize an asset, they are entitled to put in for asset sharing——

Mr. ROGERS. But my question is, have you put together an inventory of what is needed along the Southwest border, specifically, with regard to local first responders, local assets so that you can come to us as the authorizing entity and say what we need to do our job in collaboration with local law enforcement is A, B, C, D, E. Do you have that assembled?

And that may be for Dr. Barth. It may not be a fair question for you.

Dr. BARTH. Thank you, yes. Let me at least give us two data points for point of departure here. For the Operation Stonegarden funding, in 2008, we have about $58 million to award. We have 143 applications totaling $290 million. So that, for example, gives you a highlight of the gap between what might be required to help all of the 24 counties in the four states along the Southwest border.

We will award that $58 million in the near future. We have $60 million in the 2010 budget plan for Operation Stonegarden. So clearly, more resources could be used along the Southwest border. Our effort is to try to make sure that the resources we do have are prioritized according to risk and, therefore, allocated accordingly.

Mr. ROGERS. I understand, and in fairness, I am not beating up on you, because it is not your fault—$60 million along the entire four states of the Southwest border is a miniscule amount of money to deal with the problem we have got, particularly, given the amount of money we are talking about giving to the Mexican government to deal with this.

We need you all to come to us with some meaningful numbers that you need from us to deal with this problem. You know, the numbers that Secretary Napolitano's talking about redirecting within her current budget, is not really a meaningful number, in my view.

So that is the direction I would ask for from you.

I am sorry I went over my time, Mr. Chairman. I yield back.

Mr. CUELLAR. At this time, I will recognize other members for questions that they may wish to ask the witnesses, and accordance with our committee rules and practice, I will recognize members who were present at the start of the hearing based on their seniority of the subcommittee, alternating between the majority and the minority. Those members coming in later will be recognized in the order of their arrival.

At this time, I will recognize the chairman of the committee, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman, and I appreciate you holding this hearing.

I would like to ask both Sheriff Gonzalez and Sheriff Dever prior to the announcement of this border initiative, did you receive any

communication from the Department. Yes or no? I guess that is——

Sheriff GONZALEZ. Very short answer, Mr. Chairman, you talking about the Department of Homeland Security?

Mr. THOMPSON. Yes.

Sheriff GONZALEZ. No, sir.

Sheriff DEVER. It would be the same answer here, sir.

Mr. THOMPSON. Are there some things in this initiative that you think we could do better in line with what the ranking member asked earlier, or are you satisfied in the present form?

Sheriff GONZALEZ. Again, Mr. Chairman, there is really not enough funding there. And let me just clear something up, and I know I have said this many, many times in the several times that I have testified before Congress. We don't want to be border patrol agents. We are just concerned with what is coming into the country on the criminal type of basis.

We need, again, funding for local law enforcement to be able to do what we are supposed t be doing along the border, sir.

Mr. THOMPSON. So in other words, you are looking for help to help catch the bad guys. Am I correct?

Sheriff GONZALEZ. We are looking for help in catching the bad guys who are coming in, sir, and also protecting the citizens and residents who are already living in our counties so that they not get kidnapped and not get extorted, not have their homes invaded, that they not get tortured and things like this.

Mr. THOMPSON. Absolutely.

Sheriff Dever?

Sheriff DEVER. Give you a ballpark number and actually it is kind of a hard number. We beat this around National Sheriff's Association for sometime about a year ago trying to come up, for the Southwest border, a hard number that we thought would be adequate—*$500 million a year for 5 years was the figure that we looked at as being actually something meaningful that would provide the resources Sheriff Gonzalez and I mentioned here today.

Mr. THOMPSON. Thank you.

Major General Aylward? You referenced in Chairman Cuellar's question that you are not quite ready to address Governor Perry's request for 1,000 people or you are still analyzing it, and could you just kind of expand on your previous answer?

Gen. AYLWARD. Yes, sir. In fact, this afternoon I will be attending a meeting over at the Eisenhower Executive Office Building. We just got to take the requirements across the four-state region marry it up against what the rest of the 22 agencies that make up the Department of Homeland Security and make sure that we appropriately cover down on the gaps that exist.

Military isn't the only solution to the gaps that exist out there. So the appropriate role for us would be a result of that more rigorous analysis in terms of what can be done across the team here from local, state, through the federal government. We have always bridged that gap within the National Guard program on a counterdrug and an innovative and earnest training.

Any requirements that come out of that gap analysis will require the additional funding for us to effectively perform those missions.

Mr. THOMPSON. So I guess the answer I am looking for is whether or not you presently possess the money and/or resources to address this request for 1,000 personnel to go to the border?

Gen. AYLWARD. For additional 1,000 people to go to the border, as I mentioned a number of times, would be the increased funding to pick up the incremental cost associated with that deployment of the additional 1,000 folks.

Within our program at large, we believe that we have at least up to 1,500 folks that could be available under the counter drug program, which is the congressionally mandated program that has a statutory cap of 4,000 and currently is at approximately 2,500 folks at this point.

Mr. THOMPSON. Okay. Maybe I will get you to tell me what the answer. Thank you, General.

Dr. Barth?

Mr. CUELLAR. Okay. Mr. Chairman, can I just follow up? The study that we have been talking about Governor Perry from the state of Texas, but I guess, you all analyzing the four border states, right, not just the state of Texas needs?

Gen. AYLWARD. Yes, sir. That is the way I understand is that meeting this afternoon at the Eisenhower Executive Office Building.

Mr. CUELLAR. Right.

Gen. AYLWARD. I understand Governor Perry has a requirement on the table for 1,000, but that has to be vetted again, you know, with the local, state folks and with our corporate partners and the 22 agencies that make up the Department of Homeland Security to make sure that we appropriately cover down on what that request is all about.

Mr. CUELLAR. And you said there are about 1,500 personnel that could be available right now?

Gen. AYLWARD. Within our program, sir, we believe there is a statutory cap on the counter drug program, Title 32, Section 112, of 4,000. I have approximately 2,500 people right now that are funded.

Mr. THOMPSON. So you have 1,500 that are not funded.

Gen. AYLWARD. Correct.

Mr. THOMPSON. Okay. That is what I was trying to get to.

Gen. AYLWARD. Okay, sir.

Mr. THOMPSON. Thank you.

Dr. Barth? Who at DHS is responsible for the Southwest Border Initiative?

Dr. BARTH. Sir, by her active engagement on the issue, I would have to say it is Secretary Napolitano. She is engaged on this issue with respect to every aspect of it.

The use of the Merida funds south of the border to support the Mexican government, the deployment of the specific agents and inspectors from all of our component agencies, and takes a lot of the responsibility for ensuring interagency coordination with our sister department and agencies.

Mr. THOMPSON. Well I appreciate your putting the ultimate burden on the secretary. Okay? But after secretary, I need you to give me, and maybe you can just forward it to the committee, the components that make up Southwest Border Initiative and the staff

persons who are responsible for either management or oversight of each component. I mean, that is what I am trying to get to.

Dr. BARTH. We can provide you that, sir, very quickly after today's hearing.

Mr. THOMPSON. One of the concerns is you heard two sheriffs talk about some concerns that they have, but I want to make sure that there is enough continuity of information and individuals so that their job can be made easier in this whole initiative process. It really doesn't matter which one, but as long as they are clear as to who the individuals they relate to.

One other question.

Ms. Ayala? Okay, good enough, I hope. What incentives do we, from the department level, offer state, locals, and tribal entities to participate in these programs, especially the BEST program?

Ms. AYALA. Well, I think, first we provide a force multiplier effect, as Sheriff Dever was saying that often times we have a sheriff's office that have one or two people, and they are trying to be involved in a complex investigation. They may need more resources, more equipment.

We, in turn, need their expertise. So by being on a BEST, we have multi-agency international, multi-disciplinary team that provides that.

Number two, they are able to be cross designated in Title 19 and Title 8, which is Customs and Immigration Authorities, at least be able to do their job and further those cases that they are working in furtherance of the BEST.

We also have the asset sharing program so they can be paid for overtime and share assets for other things that they may need for their department, and because they are participating in task forces such as a BEST, they also can apply for DHS grants as specific to that.

Mr. THOMPSON. Thank you.

Both sheriffs, other than overtime, you heard some other opportunities that are available to you. Before the hearing and what you heard, were you familiar with that?

Sheriff DEVER. Mr. Chairman and Mr. Thompson, yes, to some degree. We have a great, at least at the working field level, great cooperative spirit with our federal partners on the border.

Where communication generally breaks down and doesn't occur is what I mentioned earlier, there is a lot of planning, strategic planning, tactical planning and policy making that goes on in this town that then gets pushed down to the SACs and sector chiefs that have a local impact and are already in place before we ever hear about them, and the consequences are already developing.

And so, again, we have seen a recent improvement. We welcome that with open arms. We hope that it continues. And continuity, as you mentioned, earlier, sir, has been the problem.

We have, you know, little spaces and points of time where we sit down and we talk, and then it all goes off everybody's radar screen for some reason. We don't get back together until there is another crisis, and by then it is too late.

I would in response to your question, if you don't mind, mention one other component here that is critical that isn't represented here today. In the federal scheme of things, the U.S. Attorney, and

I don't know if this is at the Washington level or state level, they established thresholds for prosecution.

For instance, drug smuggling cases in our state, the threshold for prosecution of marijuana smuggling cases, it is 500 pounds. Anything under 500 pounds, is dismissed or referred to local and state prosecutors for dealing with, and we simply don't have those resources.

And I know the U.S. Attorney is strapped for resources, but that is another component needs some serious addressing, not only for drug smuggling but people smuggling and the movement to illegal weapons in both directions across the border.

Mr. THOMPSON. So when that happens, what burden does that put on you? Do you have to house those individuals until they are transported or what?

Sheriff DEVER. The local prosecutor has to make a decision on whether or not he has resources to prosecute. If he does, then we house those individuals.

From a law enforcement perspective, what you will always here is we think everybody ought to go to jail who is committed a crime and that none of these people should walk and get off free.

But they know they can come through a port of entry for something less than 500 pounds of marijuana or a couple of hundred kilos of cocaine, and within impunity.

They will lose the contraband. They may lose the mode of transportation, but there is no criminal prosecution, and that just makes an open announcement that, you know, come on in. Nothing is gonna happen——

Mr. THOMPSON. And you think that is predicated because there is no or there is limited resources available at the U.S. Attorney's Office to prosecute?

Sheriff DEVER. Yes, sir.

Mr. THOMPSON. Sheriff Gonzalez?

Sheriff GONZALEZ. Yes, Mr. Chairman, in response to your question, also, yes. We are very much familiar with Ms. Ayala's talking about prior to today.

Thing is, again, we cannot dedicate resources on a full-time basis unless they are paid for. And I have two deputy sheriffs assigned to a HIDA task force. The deputy sheriffs are paid through HIDA funds. I could not afford to pay them through county funds. So we are familiar with the programs that are there.

We are familiar with asset sharing. We are familiar with these things here; however, we cannot commit to some type of very long-term investigation. What I am talking about here today, Mr. Chairman, is something that is needed immediately.

In other words, when you have that 911 call that is made to us, we have to respond now. It is not a long-term thing where we can leave it for next week. We have to respond now.

So we are familiar with these programs. The things is, we just cannot dedicate the personnel for this long amount of time. For another one again is that this is something I love to hear. We just heard it last week again, information for Mexico. When you guys were working, which is us, we don't move our loads.

To me, Mr. Chairman, I would much rather prevent a burglary or prevent a murder than try to solve it later on. To me, sir, deter-

rence is paramount. To me, deterrence is the best there is, and that is what we do.

What Sheriff Dever was talking about also like the SCAP funding. District attorney in our jurisdiction does not accept any federal referrals at all. If you got 200 pounds of marijuana, federal government, you take it. If you got an ounce of marijuana, federal government, you take it. We do not accept federal referrals.

We have to put these people in our jails again. We are not getting funded through SCAP. President Bush cut SCAP funding to zero, JAG funding to zero, Burn grants to zero. We cannot continue to—I guess you cannot continue to subsidize the federal government with local taxpayers when on April 15th, here comes IRS wanting more money.

Our local taxpayers can just not afford these things. So what Sheriff Dever's talking about, we don't accept federal referrals, period.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. CUELLAR. Gentleman from state of Louisiana, Mr. Cao.

Mr. CAO. Thank you, Mr. Chairman. I just want to ask you a very quick question concerning communication between local enforcement officers with federal agencies.

Is there a system for you all to communicate, because based on the testimony of Sheriff Gonzalez, you were saying how the local people understand the situation; they know who the people are. Is there a communication system between the different level that exists out there?

Sheriff GONZALEZ. I am assuming you are talking information sharing, Mr. Cao, I think, not radio communication, right? Information sharing?

What we do for information sharing is that we do submit our reports or intelligence information on a daily basis to our JOICs, to our Joint Operations Intelligence Centers. Ours is located in Laredo, Texas, and we have the main one in Austin, Texas, our state capital.

There is communication, yes, sir. Just about a month-and-a-half ago, as a matter of fact, I did call a meeting in my office with federal agencies and state agencies asking them to please participate a little bit more in information sharing and in providing us improper not improper rather information sharing. Is that what you are referring to, sir?

Mr. CAO. Correct. Thank you very much. That is all I have.

Mr. CUELLAR. At this time, I would like to recognize Mr. Cleaver from the state of Missouri.

Mr. CLEAVER. Thank you, Mr. Chairman.

To the sheriffs, do either or both of you know who T.J. Bonner is?

Sheriff DEVER. Yes. I am acquainted with Mr. Bonner.

Sheriff GONZALEZ. And I am also, sir.

Mr. CLEAVER. Mr. Bonner, in an interview last week, said that he was underwhelmed with the new emphasis that Secretary Napolitano has put in place, that it does not in any real way halt the flow of weapons going into Mexico.

Apparently, the drugs travel northward and the weapons travel southward. Do you agree with Mr. Bonner, I mean, that our efforts are weak and that little change is going to take place?

Sheriff DEVER. If I may, I probably have a little bit different perspective on this, and I don't mean to be flippant. So I will try to be careful in my remarks, but, you know, there is a lot of talk about more southbound inspections, but I don't know if you have ever traveled out of Mexico into the United States.

Mr. CLEAVER. Yes.

Sheriff DEVER. Sometimes 2—, 2-1/2—,3-hour wait to cross the border because of our inspection process, and even then, only one out of, you know, a handful of vehicles is inspected. You start doing that going south, now you can begin to imagine what kind of infrastructure and personnel you are going to have to put in place to make a meaningful effort there to inspect a significant number of vehicles to make a difference in the flow of any kind of contraband entering Mexico.

The other thing I would like to say I am a little puzzled that it is our fault that drugs are coming into this country at the same time it is our fault that weapons are flowing south, and I think that the Mexican government has a greater responsibility to step up to the plate and do their part on their side of the border in order to secure the sovereignty of their nation.

Sheriff GONZALEZ. With that also, sir, and I am more concerned, and I don't—this is not taken the wrong way, but I am more concerned with what is coming into our country, sir, than what is going out. Obviously, yes, I am concerned with weapons going to Mexico, because some of those weapons are going to be used against us in the near future, probably.

But I am more concerned with what is coming in. Now, also, we are assuming here we are talking about ports of entry. The illegal stuff that we are seeing is coming into the country or going into Mexico in areas that are not ports of entry. In other words, between the ports of entry, and that is what concerns us.

Now, regarding, again, more funding to Mexico, I am not saying that I am against the Merida Initiative by any way, shape or form, but what I am saying, sir, is that I think a lot of this money going into Mexico where you saw it pumping this money, you start squeezing this balloon, that balloon's going to burst somewhere.

And I think through the Merida Initiative also, we could get some funding for local law enforcement on the U.S. side, and we can try to hopefully prevent that balloon from exploding into our country but rather maybe explodes at the southern border of Mexico.

And I don't mean to say that in a bad way, but we also need something for the weapons, for the drugs on our side of the border also.

Mr. CLEAVER. Well maybe Ms. Ayala? Is the program that has been put in place, Operation Firewall, I mean, are we seeing any successes?

Ms. AYALA. Yes, thank you. And as I answer that question to also say that as far as the strategy that is going on today as far as deploying agents to the border to help with the situation, is something we saw in 2005 with the Mexican government deployed

federal and military and additional agents to the Nuevo Laredo, and we in turn sent agents down to the Laredo area to deal with increased border violence.

And we saw a drop of from 68 murder rate in 2004 up to 168 and then back down to 40 by 2007. So we did, by formulating this initiative, Operation Blackjack, that was a border enforcement security task force through international commitment, and the multi-agency concept, we were able to really make a difference in the area of border violence.

So this is something similar that we are dealing with now when we think that we will be successful, and as far as Operation Firewall, we have really been seeing lately as far as prevailing smuggling methods along the border is the bulk cash smuggling initiative, and it has been very successful.

It is a multi-prong initiative that looks at the domestic international and international movement of bulk cash, and we have been working with our partners in Domestic Highway Interdiction and we have seized over $183 million since its inception and 38 million of that has been seized in Mexico.

Mr. CLEAVER. Is it common knowledge where the ant trails are so-called ant trails? Is it common knowledge? Anyone, sheriff? General Aylward? I mean——

Ms. AYALA. Are you referring to the weapons smuggling south, the one-by-one?

Mr. CLEAVER. Yes. The does this, I mean, they are called the ant trails that the drugs follow these ant trails from Mexico across the borders. There is apparently a number of them, is that a term that you are familiar with?

Ms. AYALA. I am familiar with the term as far as weapons smuggling——

Mr. CLEAVER. Yes.

Ms. AYALA. —used outbound, and I think it has been referred to in the context as to whether we are looking at complex smuggling organizations or just following out one weapon at a time, and we are doing both where we have seized many weapons.

We are doing complex investigations and seized arsenals of weapons that, sometimes dozens at a time, but we do regard the one gun just as important as a, you know, magazine full of bullets that could kill an innocent bystander.

Mr. CLEAVER. Thank you, Mr. Chairman. I thank you, Mr. Chairman. I yield back all the rest of my time.

Mr. CUELLAR. Mr. McCaul?

Mr. MCCAUL. I thank the chairman.

Clearly, the state of violence has increased exponentially since the time we have come into office, the 6,000 killings, more than Iraq and Afghanistan combined, the beheadings, the torture, the killing. And I want to welcome the witnesses, and particularly the sheriffs for being here and the role that you play in the front lines.

Sheriff Gonzalez? I agree with you. I think one of the criticisms of Merida was the fact that we didn't have a joint strategy on this side and didn't provide adequate funding for this side of the border. So my first question is to our DHS witnesses, Dr. Barth and Ms. Ayala.

And that is, what is the new enhanced role for the sheriffs, and will there be increased assets and resources for them? I know the Secretary talked about a reallocation of the resources that she has.

Dr. BARTH. Thank you, sir. The primary resource change in the new announcement that the secretary made a week ago is with respect to the Stonegarden grants.

There are some $58–59 million in unexpended, unobligated grants from 2006 and 2008 that we have expanded the use of that money for various additional applications by the state and local governments along the border states.

The amount of money is unchanged from what has already been authorized and appropriated by Congress, but with the expanded capability to deploy that money, for example, you could see the state of Washington, which is facing significant bump up in cross-border traffic with the Olympics coming up.

We could fund a 20-person state trooper team to go down and work along the southern border as a training exercise for them for what is coming in their future as well as helping out in the southern California border to deal with the criminal export of weapons and money, bulk cash, going south and drugs coming north.

Beyond the Stonegarden money, at this time, we are not prepared to announce any new funding for the state and local partners, but I think you will see, as I already said, a substantial reach out from this former southern governor, Secretary Napolitano, to the state and locals to make sure that that partnership is as strong as it has ever been.

Mr. MCCAUL. And let me say, I commend her for focusing on the Southwest border, which we have been focused on for quite some time—$60 million that sounds like a lot, but with the threat that we face, I don't believe is nearly adequate enough.

If this is a major funding mechanism for the state and locals, I would suggest, Mr. Chairman, that we take a look in the Congress at increasing this funding for Stonegarden, which is a very successful and a very good program.

And I think, Sheriff Dever, you mentioned $500 million was the amount that was talked about at the National Association level?

Sheriff DEVER. Yes, sir. We spent a lot of time just analyzing, talking to all the Southwest border sheriffs trying to get a grasp on a good hard number of what would be something meaningful, and that was the number that we came up with, $500 million, actually, a year appropriated for 5 consecutive years.

Mr. MCCAUL. I think in addition, the SCAP funding that you mentioned is very important. Another issue out of this committee's jurisdiction though as a former federal prosecutor, we could never take all these cases at the border, and I think more resources at Justice to handle the lower amounts, because what they are really good con artists.

They are scamming us right now by bringing in shipments that are below the federal guidelines. And they are doing that at smaller quantities and getting around the system, and there is not enough resources there to prosecute and lock them up. And I think you all understand that as you live it day-to-day.

I want to focus next to the National Guard, as the chairman mentioned, our governor has requested 1,000 National Guard. The

Counter Drug Program has been successful. We had the JTF Sexton in El Paso out at EPIC, and it seems to me that we need to bear all resources possible on this issue.

And it seems to me the Guard can play a very useful role with respect to patrols and inspections at the border to choke not only drugs and human trafficking coming in but to choke the weapons and the cash going from this country back into Mexico, which arm and fund these drug cartels, and I just wanted to get the general's comments on that.

Gen. AYLWARD. As I have mentioned and as they go through that requirements analysis, we take a look at each range of activity, the troops, the task that they actually want us to perform, we kind of vet it against six criteria: What is the cost? Is it legal? Is lethal force going to be used? Is it appropriate for DOD to actually perform that role? What is the risk associated with it? And is their readiness impact?

So based upon that criteria, we try to really kind of—down in terms of, you know, what is the image that we portray as U.S. military augmenting local and federal agents along for precisely the task that you described, sir.

You know, you have to look through it through the lens of, you know, what is it going to look like in the media as well. And so, we are very thoughtful about that, and we are very deliberate working with our partners in terms of discovering what is the most appropriate role and how can we actually make sure that is sustainable, supportable, and affordable program.

Mr. MCCAUL. And I understand the thoughtful deliberation you have to go through. How long of a time line are we talking about before a decision may be made? You know, if you will answer that, but—

Gen. AYLWARD. Well, sir, I wish I had the answer myself, and frankly, you know, time sensitive planning or crisis action planning, the reality is that there has to be the more comprehensive, thoughtful—is this going to be something that we are just going to do for the next 6 months, or is this part of a corporate strategy that is going to span a number of years, perhaps maybe 5 or 10 years.

And so, with that and then you really get, you know, what is the most appropriate answer or option for the leadership to consider? Is it, should it be a military thing or should it be one of the 22 partners in the——

Mr. MCCAUL. No, I would submit that you look at the urgency of the situation. We talk about a tipping point. I think we have reached the tipping point. The spillover's pretty clear. I just had a drug cartel-related style killing just outside of Houston, in my district, just last week.

This is the United States. I mean, these cartels are operating in the United States, moving their drugs through 230 cities in the United States. So this is not just south of the border. And I think that we need to again bear every resource we have to address this urgent situation.

Yes, sir?

Gen. AYLWARD. Sir, we hope to be part of that process with our partners on the left and right of me.

Mr. MCCAUL. Thank you. Can I indulge the chair in one final?

Mr. CUELLAR. Yes, sir.

Mr. MCCAUL. I appreciate that. Sheriff Gonzalez, I am ranking member on the Intelligence and Information Sharing Subcommittee. You mentioned that information sharing has a long way to go, and I just wanted to follow up with you on that.

And can you tell me and the committee what needs to be done to make sure you do have the information you need?

Sheriff GONZALEZ. Well, sir, the first thing, and I hope I don't get in any trouble for saying this, the first thing we need to do, sir, is learn to trust each other.

And there are many times where, at least that is the impression that a lot of local agencies have that local agencies are looked down at. In other words, you are not state, you are not federal, you are local. The thing to remember, sir, is that we know our areas. We know who we are dealing with in our areas.

It is like the same as having somebody come down TDY for 6 months or so. They don't know the area. Texas is sending a lot of DPS troopers, state police troopers to the border area to do enforcement along the border. Many times they run into situations where they need some help, and they get on the radio and they can't talk to us, because we don't have any communication with them, one.

In other words, sir, is that they don't know where they are at. So I have to send a deputy sheriff from Zapata 32 miles north and see if he is somewhere along the road going towards Laredo, 28 miles south to see if he is along the road somewhere south of us, or 32 miles east to see if he is somewhere out there. He don't know where he is at; we don't know where he is at.

The thing is, information sharing, sir, is very important. We can talk about this all the time, every day. If local agencies are not involved, then it is going to be very hard to have that full cooperation from everybody. We need to work, as Chairman Cuellar, mentioned during his opening statement here, as a team.

And we are part of the team, whether anybody likes it or not, we are part of the team. We are dealing with our turf. We are dealing with our territory. We are dealing with our counties.

Our counties go to the river bank, and we have to work as a team. If we don't have that team effort, it is not going to work, sir. Information sharing should be done immediately. It is done in Texas. I am proud to say we, you know, we have the Joint Operation Intelligence Centers, six of them in Texas.

Information is shared. Needs to go back out the same way. We are working on it. I think we were successful in Texas. I would hope that the nation would take this approach with what we are doing in Texas. It is working.

Mr. MCCAUL. I agree with you, and you do need to be a part of the team to be able to do that. You need to talk to each other, and I commend the chairman for his great work. I know we had the hearing in Laredo last year on interoperability at the border, and I think the ability for you to talk to state and federal law enforcement is very important.

Mr. CUELLAR. Thank you, Mr. McCaul.

At this time, I recognize the gentlewoman from California, Ms. Richardson, for 5 minutes.

Ms. RICHARDSON. Thank you, Mr. Chairman.

I just have two questions. The first one is, currently, it is my understanding there are 12 BEST teams, Border Enforcement Security Teams, eight on the Southwest border, two on the northern border, and two in the seaports.

At the request of the New Mexico's congressional delegation, on March 18th, the president decided to establish two BEST offices in that state. The question is: Should the California delegation be considering the same?

Ms. AYALA. Ma'am, we have two of the eight Southwest border BEST located in California, one in San Diego and one in the Imperial Valley. And one of the maritime BESTs is in Long Beach.

One of the ways that you or anyone can request to have a BEST in their area is to speak to a DHS entity in the field or at headquarters, and then what we do is we do a local threat assessment, and that is then reviewed at the headquarters level by ICE and CBP so that we can then prioritize where BEST should be or in what order we are going to deploy them.

So that doesn't preclude any other citizen or someone in the government or congressional member for requesting that we send over BEST in their area.

Ms. RICHARDSON. So you said San Diego, Long Beach, and what was the second one?

Ms. AYALA. Imperial Valley.

Ms. RICHARDSON. Okay. Is it determined that the one in San Diego is sufficient in your opinion?

Ms. AYALA. Well based on the assessment by the SAC office there in CBP, right now, those are sufficient because of distances between them, because the coverage that we have in the border, the neighboring state of Arizona. So for right now, based on the assessments, San Diego, Imperial Valley, and Los Angeles or Long Beach are covering that area now.

Ms. RICHARDSON. Thank you. My last question, we have heard numbers such as only one in every four guns that is confiscated by Mexican authorities is actually provided to the AFT for tracing of its origin.

I realize that AFT is not on the panel today; however, I would like to know if this is a symptomatic problem that we feel we need better coordination, which has been talked about today, or if, in fact, this is just individual law enforcement agencies who are refusing to give up control over their investigations.

Ms. AYALA. I am not sure of the figures on that. I do know that we work very closely with the Mexican government and ATF through their Project Gunrunner and our Project Amas Cruzada to coordinate information and seizures of guns. So I can't speak to the number that ATF is actually receiving from the Mexican government to trace.

But we are working very closely with them on that particular program.

Ms. RICHARDSON. The key though would be, numbers aside, would you agree that there is a turf battle going on in terms of agencies withholding or keeping information?

Ms. AYALA. No, ma'am. The field agents work everyday collaborating whether it be on individual cases or operations or an ad hoc task forces or informal task forces. That is why when we created

the task force, Border Enforcement Security Task Force, we made sure that anybody that came to the table had an equal say in the targets that we were going to identify and go after.

And that if they bought a case to the table that they would lead it. That way they are equally invested and all of their equities are protected.

Ms. RICHARDSON. Would you followup with the AFT to verify if, in fact, they are only receiving 25 percent and report back to this committee?

Ms. AYALA. Yes, ma'am.

Ms. RICHARDSON. Thank you.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you, Ms. Richardson. Before I move on to Ms. Titus, let me just ask a couple questions.

I guess this would be more for ICE, Ms. Ayala. Can you all have, do you all have the authority to when a foreign national is deported from the United States to give a state that information so they can then turn around and have their driver license deported? These are a couple questions that Governor Perry sent in a letter to Secretary Napolitano yesterday.

First question he is requesting when a foreign national with a Texas driver license has been deported from the U.S., can the state of Texas be notified so then it can revoke his or her Texas driver license? Because apparently, according to this information, they get deported, then they will come back and they will use their driver license again.

And, I guess, that would apply also to Arizona and any of the other states also. Do you have the authority to do that right now?

Ms. AYALA. I am not sure of that. That is not my particular area. That belongs to another division. So I will get back to you on that——

Mr. CUELLAR. Would you get back to the committee on that question? The second question, and I guess to Dr. Barth or Ms. Ayala on this. The secured communities will use that electronic fingerprint booking.

I think, for example, in the state of Texas, there is 19 state agencies that are currently participating, but they are requesting to use those at the state prisons in Texas.

Again this thing, it can apply to Arizona and New Mexico, you know, but have the other 233 agencies in Texas that maintain jails also use—be part of this electronic fingerprinting. Because according to the information that we have to date, 37,733 individuals have been checked through this system at just those 19 locations are participating.

Out of that, 8,844 or 23 percent have fingerprints on file with ICE. So if we are getting such high numbers, it will only make sense that we spread that out not only to the other agencies in Texas or to Arizona and New Mexico, California. You know, I think you would get a lot of hits there to identify people that have those criminal records.

So I guess my question, Dr. Barth or Ms. Ayala, do you all have the resources to extend that, and why has not been done earlier?

Dr. BARTH. Yes, sir. The Secure Communities Program is relatively new and is expanding as we speak. I am not sure what the

president's budget will have for 2010 to continue that expansion, but it has been the Department of Homeland Security's view that, for some years, the fingerprint biometric database expansion is an extremely useful tool for identifying criminals early and dealing with them effectively.

The U.S. Visit Program is the repository of the fingerprints collection, if you will, of DHS, and the administration's very close to being able to collaboratively share fingerprints across other agencies that also have fingerprint databases to improve the effectiveness of that program.

Mr. CUELLAR. Yes, and in other words, we have a databases out there. And we have state, local officials that would like to get that information, and I would like for you to get back to me and see what we can do to expand that, because if it is something that is working or even on the revoking of the licenses, if you could let the states know.

And it all goes back to, I think, what Sheriff Gonzalez and Sheriff Dever were talking about, it is sharing the information, and this is another example that, I think, you know, we can do a better job at sharing that information with our local folks on that.

Dr. BARTH. Yes, we will get back to you, sir.

Mr. CUELLAR. Okay. At this time, I will ask the subcommittee's unanimous consent to insert Governor Perry's letter into the record. And there is another question that he asked, but we will go ahead and submit it into the record also.

[The information follows:]

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

March 30, 2009

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security (DHS)
108 Federal Office Building
Washington, D.C. 20502

Dear Secretary Napolitano:

As a follow-up to our phone conversation on March 26, 2009, I am seeking your assistance in resolving three homeland security-related issues that seriously affect public safety in Texas.

1. I am requesting that you take the necessary actions to ensure all criminal aliens are either deported or retained in federal custody. Further, I request that DHS provide a list of all criminal aliens released in Texas, along with their biographical data, country of origin, date and location of release and their criminal record to the Texas Department of Public Safety (DPS).

Foreign nationals convicted of violent crimes in other states have been transferred to federal immigration detention facilities in Texas and then released into Texas communities after serving 180 days, rather than being deported to their country of origin. DPS troopers deployed to the Texas-Mexico border region in support of border security operations have come in contact with foreign nationals convicted for crimes in other states that had recently been released from federal immigration detention facilities. For example, two Cuban nationals were convicted of armed robbery in Florida, served their state sentence and were transferred to the Willacy Detention Center in Texas, where they served 180 days before being released at a bus depot in Raymondville, Texas. Immigration and Customs Enforcement (ICE) officials confirmed that illegal aliens can be detained only for a maximum of 180 days, even if these individuals had been convicted of a state felony. If criminal aliens cannot be deported, as is the case with Cuba, which refuses to accept their citizens under U.S. deportation orders, I request that those criminals remain in federal custody.

2. I also request that ICE immediately expand the IAFIS/IDENT information sharing project known as "Secure Communities" from 19 Texas agencies currently participating to the 233 other agencies in Texas that maintain jails with electronic fingerprint booking

11113-33.eps

The Honorable Janet Napolitano
March 30, 2009
Page 2

capability. This initiative should also include all subjects imprisoned at Texas Department of Criminal Justice facilities.

Tragically, a City of Houston police officer recently was seriously wounded by an illegal alien who should have been identified and deported during earlier interactions with local law enforcement. To date, 37,733 individuals have been checked through this system at the 19 locations participating in Secure Communities. Of those, 8,844, or 23 percent, had fingerprints on file with ICE. For example, in 2008, after the Dallas Police Department was included in this initiative, a Mexican national who had already been arrested three times since 1998, was identified on his fourth arrest by the Dallas Police Department as an illegal immigrant.

3. Finally, I would also request that when a foreign national with a Texas driver license has been deported from the United States, the State of Texas be notified so that it can revoke his or her Texas driver license.

Foreign nationals that have been deported have reentered the United States illegally, and after doing so, continued to take advantage of their previously issued Texas driver license. ICE does not currently notify states when such deportation action is taken so that states can suspend the driver licenses of foreign nationals upon their deportation. If ICE would notify states with this information, appropriate action could be taken to revoke the licenses of these deportees.

Addressing these vulnerabilities will increase the safety and security of Texas communities. I look forward to working with you on rescheduling your trip to Texas to further discuss coastal recovery and other important issues facing Texas and our nation.

Sincerely,

Rick Perry

Rick Perry
Governor

RP:rbk

Mr. CUELLAR. All right, at this time, I will recognize the gentlewoman from the state of Nevada, Ms. Titus, for 5 minutes of questioning.

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

My district in southern Nevada's not directly on the border, but I imagine that Las Vegas is a key stop along the supply line of anything moving both north and south. And I think it is very important that we address those supply lines that we now learn are miles away from the border.

So what you are doing on the border is very important, but I would ask you, what are you doing to work perhaps with state and local officials further up that line to try to break the line and in

1113-34.eps

that way have some impact on the things that are happening right on the border?

Maybe Dr. Barth or Ms. Ayala?

Ms. AYALA. We have 26 SAC offices throughout the nation that are investigating crimes related to human smuggling, human trafficking, drug smuggling, narcotics smuggling and other cyber crimes, child pornography and money laundering crimes, and they have offices that are located, sub offices, throughout the nation.

And everyday, they work with state and locals just on those specific issues including Las Vegas and other areas to make the connection between the border and the supply lines and the destination cities.

Ms. TITUS. Is one of those 26 located in Las Vegas?

Ms. AYALA. We do have an office in Nevada. Yes, ma'am.

Ms. TITUS. Okay. Well maybe I can get some more information about what they are doing in that office?

Ms. AYALA. Yes.

Ms. TITUS. Thank you.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you, Ms. Titus.

As we get ready to close up, I certainly appreciate your testimony and your answers to the questions, and I know our ranking member, Mr. Rogers, had some questions so if there is any other questions that are submitted in writing, I would ask you to submit the answers to us as soon as possible.

But one of the things that I would ask, and I have done this, I guess, for the last panels and I am going to followup on what Mr. Rogers, Chairman Thompson mentioned, and something that we have been doing with other panels, is that I would ask you all within 30 days to submit some specific recommendations, working together, working through your appropriate command centers.???

But I would ask you, Dr. Barth, if you could include somebody from city police association for some input here since we have a sheriff's association.

But what I would ask is first, you know, the sheriffs, you know, if you can provide a specific recommendations that would assist you on your day-to-day to activities to provide security in your respective border communities.

And all of you all together, I would ask you to come up with some specific recommendations as to how we can have some sort of coordination between the state, federal, local officials.

Because one of the things that we are seeing is that, there are instances in time that an individual will go out there and do the efforts. For example, you all sent out, and I appreciate Secretary Napolitano sending Mr. Sexton out there to specific times. Well, you know, that is a specific time, what is the follow up?

I mean, is there some sort of communication protocol or process that we can continue this communicating with the local folks. So what I would ask all of you all is to get together by phone, by person, work through your appropriate command structure and provide a report to the committee in 30 days.

And I mean 30 days from today, and tell us how we can—go ahead and include the tribal community also in your recommendations also—to give us some very specific recommendations as to

how we can coordinate and work together on a day-to-day basis where we can have a structure that works instead of saying well here is a new administration and they are doing an effort and then another administration comes in and then, you know, Dr. Barth, you are gone and, Ms. Ayala, you are gone, or any of you all are gone, some new people come in, I am gone, other people are gone.

So we need to have some sort of structure on how we can coordinate on that and cover all the aspects of it. If there is specific needs that you all need for—sheriffs, you know, tell us exactly what specific needs that you have. I would ask you just temper the request. No, you know, no huge wish lists but just, you know, very specific things that you all need.

And then, of course, on the federal level, I will ask you to do the same thing and reach out to our states also, the four states that we have. But I would ask you to do that. I will ask our committee to monitor this on a week-to-week basis, we would like to have a report, because I don't want to come back in 30 days and say, you know, we need additional time.

So our committee will be working with both our counterpart, Mr. Rogers, committee members also to make sure that you all come up with very specific requests. And following on what Mr. Rogers—the inventory, what we need, basically, that type of concept on that.

Do you all have any questions as to what we are requesting of?

Okay—30 days from today, without exception, I would ask you to please provide that information.

Again, to all the members, I want to thank you for being here.

To the witnesses, thank you for your valuable testimony. We appreciate it. The members of the subcommittee, as I mentioned, might have an additional questions. Please provide that to us as soon as possible.

Having no further business, the hearing is adjourned. Thank you very much and good day.

[Whereupon, at 11:40 a.m., the subcommittee was adjourned.]

A P P E N D I X

NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202-3231

29 APR 2009

The Honorable Henry Cuellar
Chairman
Subcommittee on Emergency Communications, Preparedness, and Response
176 Ford House Office Building
Washington, DC 20515

Dear Chairman Cuellar:

On Tuesday, 31 March, I testified before the House Homeland Security Subcommittee on Emergency Communications concerning National Guard support for border security. At that time you directed each witness to provide to the committee within 30 days their organization's specific recommendations for improving coordination among federal, state, local and tribal governments on border security. This letter is in response to that request.

By law, the National Guard Bureau is a joint activity of the Department of Defense and is the channel of communications on all matters pertaining to the National Guard between the Services the several States. Consistent with these roles, I offer the following recommendations for your consideration.

First and foremost, the Congress should support full funding of the National Guard counter-drug program as requested in the President's forthcoming budget for Fiscal Year 2010. These funds, provided to the National Guard through the Operations and Maintenance Defense Wide account, are absolutely essential to resource the critical level of National Guard counter drug activities as outlined in Section 112 of Title 32. This program is, without question, the single most effective and important mechanism by which the National Guard is able to channel resources for manpower, equipment and technical advice and assistance to aid State law enforcement activities combating drugs including cross-border flows.

Second, inasmuch as the very purpose of the National Guard Bureau is effective coordination between the Department of Defense and the States on matters pertaining to the National Guard, the Congress should support full funding of the personnel as well as the operations and maintenance accounts of the Army and Air National Guard. The funds are essential to the conduct of all aspects of the National Guard Bureau's mission as well as that of the National Guard generally. We understand that, in a difficult fiscal environment, pressures to find savings through budgetary reductions may be intense as the year goes on. It is critical that the Congress understand that any reduction in the requested amounts for personnel and operations and maintenance of the Army and Air National Guard has a detrimental effect on the capabilities of this critical resource so important to both the State and Federal governments. Your vocal advocacy for National Guard budgets in general can help to ward off reductions to our programs.

VerDate Nov 24 2008 10:21 May 04, 2010 Jkt 000000 PO 00000 Frm 00061 Fmt 6601 Sfmt 6621 H:\DOCS\111-CONG\111-13\55055.TXT HSEC PsN: DIANE

11113-35.eps

Third, the Congress may wish to ask the Government Accountability Office to study the advisability and feasibility of utilizing a Joint Interagency Task Force specifically dedicated to addressing border security challenges. Such a study may also want to give consideration to innovative ways in which the National Guard could lead or contribute to such an effort, particularly as a way to improve coordination and leverage efficiencies and effectiveness between state and federal governmental actors.

Sincerely,

PETER M. AYLWARD
Major General, USA
Director, Joint Staff
National Guard Bureau

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

RESPONSES FROM DR. RICHARD C. BARTH

Question: Secretary Napolitano has promised to increase personnel and improve screening technology at the border to target the flow of illegal guns, narcotics, and cash associated with the increased border violence. We know from experience that one of the best ways to detect such items is with detector dogs, and DHS announced that it would put 12 dogs toward the outbound inspection effort. But these dogs are being pulled off of inbound inspection assignments: about half from the Southwest border, and about half from other regions.

The border is already short-staffed when it comes to having enough canines to screen incoming cargo, no less outgoing vehicles. We can ill afford to move these resources away from their current mission areas.

What jobs will these 12 canines be taken from?

When will they be returned to their original posts?

Why was the number 12 chosen?

Response: In the mid 1990's the then U.S. Customs Service initiated a program to train dogs in the detection of currency and firearms. These teams were assigned with the intent to direct their enforcement efforts primarily toward outbound inspection operations. The use of specialized currency/firearm detector dog teams supplemented the narcotic detector dog teams, which focus on inbound inspection operations.

Currently, U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO) has 623 detector dog teams trained in several detection disciplines. Of that number, 340 detector dog teams are assigned to Ports of Entry (POE's along the Southwest Border (SWB). Five of these teams, assigned to the SWB, are trained to detect currency and firearms.

In order to enhance the outbound enforcement effort, directed at interdicting smuggled firearms and currency, CBP increased the number of currency/firearms detector dog teams to be trained and deployed in fiscal year 2009. Training for the 21 new currency/firearms detector dog teams began in April 2009 with a projected graduation and deployment date of July 2009. Of these 21 teams, 14 are being assigned to the SWB.

While the new teams are being trained, CBP deployed seven (7) additional currency/firearms detector dog teams to the SWB in order to augment the five (5) currency/firearms detector dog teams already assigned to the SWB. These seven teams were deployed from airports and seaports throughout the United States. It is anticipated that the seven teams will be returned to their home ports once the teams undergoing training have graduated and been deployed.

11113-36.eps

CBP currency/firearms detector dog teams are primarily focused on outbound enforcement operations, so there is minimal impact on the screening and inspection of incoming cargo, which is screened and inspected by other detector dog disciplines (narcotics, concealed humans, agriculture, and explosives).

Question: To counter the rising drug cartel violence, the United States and Mexico announced the Mérida Initiative—a multi-year proposal for U.S. assistance to Mexico and Central America. As part of this initiative, DHS components, particularly CBP and ICE, will be required to commit personnel to help train Mexican law enforcement and customs officials.

Are resources going to be pulled from ongoing U.S. border security operations to conduct these training missions?

With significant money going to Mexico under Mérida, does DHS have additional resources going to U.S. law enforcement - Federal, State, and local—along the border?

Response: The Department of Homeland Security (DHS) continues to meet recent increases of cartel violence in Mexico with strong action and solidified coordination with U.S. federal, state, local, tribal and Mexican authorities.

The Mérida Initiative

Mérida is funded through Department of State appropriations for use in Mexico, Central America and the Caribbean. Mérida Funding will support equipment purchases, training and information technology infrastructure. Although DHS does not receive direct funding under Mérida, assisting and training our Mexican counterparts helps to increase the effectiveness of U.S. security operations on both sides of the border. Moreover, we carefully plan our engagement so as to ensure that our Mérida efforts will enhance, not detract from, U.S. border security operations.

Southwest Border Initiative

On April 24, 2009, DHS Secretary Janet Napolitano announced a major set of SWB initiatives designed to support Mexico's campaign against violent drug cartels by limiting the flow of firearms and cash from the United States to Mexico. These initiatives bring more personnel to the SWB and place additional technology at strategic locations.

The initiatives will be budget-neutral to the Department, funded by realigning from less urgent activities, tapping available fund balances, and, in some cases, reprogramming to deploy resources where they are currently needed the most.

The exact placement of these increased resources will be determined by shared intelligence and coordinated with all relevant stakeholders: federal, state, local, tribal and international. Specific deployment location information is law enforcement sensitive and is not detailed below to protect operational planning. Furthermore, resources will be supplemented or moved based on continual changes in intelligence information and operational needs. Finally, these deployments parallel the Government of Mexico's (GOM's) Government's efforts to combat drug trafficking and associated criminal activity.

Doubling Border Enforcement Security Task Force (BEST) Staffing

- DHS will double the number of U.S. Immigration and Customs Enforcement (ICE) agents assigned to BESTs—teams that bring together federal, state, local and Mexican authorities in an effort to increase cross-border crime investigations, arrests and prosecutions at strategic locations along the SWB.
- Doubling assignments of ICE special agents to BESTs from 95 to 190 will help to facilitate seamless cross-border enforcement actions. The 95 additional ICE investigators will augment BEST task forces at the following locations: San Diego and Imperial Valley, California; Phoenix and Tucson, Arizona; Deming and Las Cruces, New Mexico; and El Paso, Laredo, and Rio Grande Valley, Texas. In addition, to further BEST efforts in Mexico, the Department will assign an additional four agents to the Mexico City Attaché to help coordinate BEST investigations.
- BEST details have already begun and the additional personnel are currently in place.

Tripling DHS Intel Analysts on the SWB

- DHS will triple the number of intelligence analysts working at the SWB, providing a greater capability to develop pre-operational intelligence reports, strategic intelligence products and post-operational impact assessments to ensure DHS resources have the maximum impact possible to protect public safety.
- Thirteen ICE analysts are currently assigned to SWB operations. Eight are assigned to BESTs and five are assigned to the Border Violence Intelligence Center (BVIC) in El Paso, Texas.

• ICE will detail 26 additional analysts to the SWB—16 will be assigned to BESTs in Imperial Valley, Calif.; Phoenix, Tucson and Yuma, Ariz.; and El Paso, Laredo and Rio Grande Valley, Texas; five will go to the BVIC and five more to ICE Attaché offices in Hermosillo, Juarez, Mexico City, Monterrey, and Tijuana, Mexico.

• Intelligence analyst details have already begun and the additional personnel are currently in place.

Increasing ICE Attaché Personnel in Mexico by 50 percent

• DHS will increase ICE Attaché personnel in Mexico by 50 percent. This program supports the Mexican Government, as well as domestic ICE offices, by pursuing investigations inside Mexico involving money laundering, narcotics or human trafficking, and weapons smuggling. With regard to narcotics and its related activities, and in accordance with the current Memorandum of Understanding, ICE will coordinate and deconflict all narcotics trafficking related investigations and activities related (as ICE does not have independent jurisdiction to investigate narcotics trafficking inside Mexico) with the Drug Enforcement Administration (DEA) which is designated as the lead agency and single point of contact for foreign drug law enforcement operations.

• Twenty-four ICE Attaché personnel are currently assigned in Mexico. ICE will detail an additional twelve Office of International Affairs personnel to Attaché offices in Hermosillo, Juarez, Mexico City, Monterrey, and Tijuana, Mexico.

Doubling Violent Criminal Alien Sections Assignments

• DHS will double the number of ICE Detention and Removal Operations (DRO) personnel assigned to Violent Criminal Alien Sections along the SWB.µ These sections work to expedite identification, processing for removal, and prosecution of recidivist criminal aliens.

• Due to the large volume of cases of repeat offenders, namely criminal aliens, doubling Violent Criminal Alien Sections manpower will allow DHS to expand its ability to identify perpetrators, develop casework and prosecute these violators.

• Fifty DRO officers are currently assigned along the SWB; ICE will detail an additional 50 officers to support ICE and CBP operations in San Diego, Calif.; Phoenix, Ariz.; and El Paso, San Antonio, and Houston, Texas.

Quadrupling the Number of Border Liaison Officers (BLOs)

• DHS will quadruple the number of ICE Border Liaison Officers (BLOs) assigned along the SWB. These officers work to identify and combat cross-border criminal organizations with a focus on coordination between U.S. and Mexican law enforcement authorities.

• Ten BLOs are currently deployed along the SWB: five are assigned in San Diego, Calif., and five in San Antonio, Texas. ICE will increase the number of BLOs by designating 30 additional special agents already deployed to the SWB to serve in this capacity—resulting in a total of 40 BLOs operating at the border. The additional assignments will be in San Diego, Calif.; Phoenix, Ariz.; and El Paso and Laredo, Texas.

• Existing positions are already in place.

Bolstering Secure Communities Biometric Identification Deployment

• The Secure Communities program uses biometric identification technology to share information between law enforcement agencies in order to focus resources on assisting communities in removal of high-risk criminal aliens.

• Currently, 23 counties in the SWB States of Arizona and Texas use the Secure Communities biometric identification technology. Secure Communities plans to make this capability available to an additional 26 SWB counties in Arizona, California, New Mexico and Texas within 90 days.

• ICE will also activate Secure Communities biometric identification technology in Los Angeles County, Calif., Ventura County, Calif., and San Diego County, Calif.

Implementing 100% Southbound Rail Screening

• Using non-intrusive inspections systems, CBP can screen 100 percent of southbound rail traffic to identify the presence of any contraband, such as weapons or currency. In early March 2009, CBP launched 100 percent southbound rail screening at all SWB rail crossings.

Increased Maritime Interdiction Operations

• In response to numerous U.S. Coast Guard (USCG) and Customs and Border Protection (CBP) reports of go-fast boats loitering or moving north along Cali-

fornia Baja, DHS began focused interdiction operations.µAdditional operations over the past year have successfully stopped drugs and undocumented migrants from entering the U.S.

• Operation Baja Oleada: This maritime operation, which began in December 2005, cracks down on illegal migrant and drug smuggling along California Baja to the arrival zone in northern Baja and San Diego area. The Coast Guard maintains a twenty–four hours a day, seven-days per week patrol boat presence and frequently surges additional patrol boats, with air support as available. In FY 2009, the operation has resulted in seizures of four vessels and more than 50,000 pounds of marijuana.

• Operation Red Zone: This highly successful interagency operation to detect, deter and disrupt transnational smuggling threats in the maritime approaches to southern California and off Baja California ran from February 1 through March 31, 2009. It involved USCG, CBP, U.S. Border Patrol, U.S. Navy, local police and Mexican Navy (SEMAR).

Immediate Port of Entry (POE) Resources Enhancements

• Mobile X-Rays. This technology enhances the ability of law enforcement authorities to identify contraband in passenger vehicles that may contain weapons and/or currency. Previously, seven mobile x-ray units were deployed along the SWB—four in San Diego, two in El Paso, Texas, and one in Laredo, Texas. Two additional units have recently been moved to Tucson, Ariz., and Laredo, Texas.

• **Border Patrol Agents.** One hundred Border Patrol Agents currently stationed in the area will be reassigned from non-critical tasks to augment southbound vehicle and pedestrian inspection operations. More than 16,400 CBP agents currently work between POE's along the SWB. No personnel will be transferred to implement this initiative as the initiative is already in place.

• **Canine Detection Teams.** CBP cross-trained canine teams, which can recognize both currency and weapons, provide enhanced detection capabilities in cargo and vehicles and on passengers. CBP currently uses dual-detection teams along the SWB; 7 additional dual-detection canine teams have been deployed, for a total of 12 teams in California, Arizona, and Texas. Up to 15 additional teams will be deployed to locations yet to be determined.

• **Mobile Response Teams (MRT).** Mobile Response Teams are deployed for short operations along the SWB, providing increased enforcement presence and personnel to conduct additional inspections of southbound individuals and vehicles. Three MRTs, consisting of 25 officers each, are currently available for special deployments along the SWB. Twelve additional MRT officers have already been deployed to Texas and Arizona field offices; 24 more are scheduled to be deployed to the California, Texas and Arizona field offices in early May. Combined with the four existing teams, these 36 officers will comprise eight additional teams for a total of 12. Additional deployments will be determined operationally.

• **Operation Stonegarden Grants.** DHS designed these grants to enhance cooperation and coordination among federal, state, local and tribal law enforcement agencies in a joint mission to secure the border. On March 24, DHS distributed an informational bulletin to all eligible state and local entities outlining modified grant guidance for the remaining FY 2006-2008 balances (totaling up to $59 million). The new guidance does not take funding away from any states. Rather, it expands the scope of how the remaining balances can be spent to enhance current state, local and tribal law enforcement operations and assets on the SWB. Eligible expenses include activating reserve and part-time law enforcement personnel, deploying existing law enforcement personnel, and covering overtime expenses, travel or lodging for deployment to the SWB. Secretary Napolitano waived the 50 percent cap on personnel and operational activity costs for local eligible jurisdictions along the border to provide additional resources where they are needed most.

• **License Plate Readers (LPR).** License plate readers are intended to automatically read vehicle license plates and automate law enforcement queries. Southbound LPR information provides valuable intelligence, enhances domestic and international partnerships and supports (or enhances) current weapon and currency southbound operations. CBP currently operates 52 outbound LPR lanes at 16 SWB crossings. CBP has initiated and expanded outbound operations and is moving quickly to replace the 52 LPRs currently equipped in southbound lanes to improve accuracy rates and enhance capability.

Periodic Evaluation and Review of the SWB Initiative

• DHS will employ an iterative and risk-based decision making process that will guide the nature and makeup of DHS operations on the border. Key consid-

erations will be threats and priorities across all of the Department's missions. Actions and deployments within this initiative will remain flexible in order to respond quickly and effectively to the most current information and intelligence.
• Secretary Napolitano will be regularly briefed regarding DHS operations on the SWB and will conduct quarterly reviews of DHS enhancements.