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THE IMPACT OF THE DRUG TRADE ON BORDER SECURITY

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

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THE IMPACT OF THE DRUG TRADE ON BORDER SECURITY

TUESDAY, APRIL 15, 2003

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
El Paso, TX.

The subcommittee met, pursuant to notice, at 9:35 a.m., at Chamizal National Memorial, El Paso, TX, Hon. Mark Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder, Deal and Reyes.

Staff present: Nick Coleman, professional staff member and counsel; and Nicole Garrett, clerk.

Mr. SOUDER. Good morning, and thank you all for coming.

Today, our subcommittee returns to continue its exploration of the status of security and law enforcement along the southern Texas and New Mexico border. Since the summer of 2001, this subcommittee has been making a comprehensive study of our Nation's borders, including a field hearing last month in Sells, AZ. The subcommittee has focused particular attention on the effectiveness of the Federal law enforcement agencies entrusted with protecting and administering our Nation's borders and ports of entry. Last summer, the subcommittee released a comprehensive report on these issues, but our study continues.

I was asking whether we had a copy of the report here. It is a most comprehensive study and you can get it on our Web site or you can contact our office. It is about 100 pages, we took everything and put it together in a comprehensive study of the north and south borders. And in fact, the new Homeland Security Committee that I am on, on Subcommittee on Borders, is using that as a premise for all the Members. Congressman Camp, the chairman, has given it to all the Members and asked them to read it before we start our hearing process.

Today's hearing is intended to focus on the problem of illegal drug smuggling along the southern border, and the related crime and damage caused by that smuggling. The southern border still sees far more illegal activity than the northern border and it presents severe challenges for effective law enforcement. The southern border runs through deserts, mountains and rivers, through unpopulated areas as well as cities and suburbs, through National Parks, wildlife refuges, Native American reservations, and even military bases. Questions of overlapping law enforcement agency

jurisdiction can come into play, and we intend to address those issues today.

The El Paso area has been the site of some of the worst drug smuggling activity in the country for decades and the problem is not going away. Drug seizures here rose significantly from fiscal year 2001–2002, even as they fell in other parts of the country. In nearby Hudspeth County, the sheriff's department reports that smugglers are so inventive that they are even using horses to evade local deputies and patrols. Drug smugglers have been operating in the nearby Big Bend National Park for years, and that park was named the second most dangerous park in America in 2002, second only to Arizona's Organ Pipe National Monument, where we were just last month. And in October of last year, the U.S. Border Patrol agent Valerie Jaramillo was shot in the leg by marijuana smugglers about 70 miles east of El Paso. The narcotics themselves also take their toll on the lives of local residents through drug abuse, in the form of lost life and potential.

These facts illustrate the serious challenges facing law enforcement and local citizens along the southern Texas and New Mexico borders. Drug smuggling and related crime have taken a toll on the environment and the quality of life for local residents, besides presenting a threat to the entire Nation.

These issues are all very important and extremely urgent, and we look forward to hearing from our witnesses today about the ways to address them.

I first want to thank Congressman Silvestre Reyes for joining us today and for the assistance that he and his staff provided to our subcommittee in setting up this hearing. We have worked together before on this issue, the only other time I have been in El Paso. He has been a leader in Congress on this issue.

We also welcome the representatives of the Federal agencies primarily responsible for dealing with drug smuggling in this region; namely, the Department of Homeland Security's Bureau of Customs and Border Protection and the Drug Enforcement Administration. The subcommittee is vitally interested in ensuring the effective functioning of these agencies and we will continue to work with them and their staff to ensure the continued security and effective administration of our Nation's borders and its protection from narcotics.

Congressman Deal, the vice chairman of this committee, and I yesterday flew in—he flew in, I drove down from San Antonio—to Laredo. We spent many wee hours of the morning on Sunday night, Monday morning with the Port Authority there, with the different officials and at the border. Then yesterday went from Laredo down through Falcon Lake, Zapata, went up in a helicopter down on the river with the Border Patrol, went to numerous crossings looking at the challenges on the south border.

And as I mentioned earlier, I am also on the Homeland Security Subcommittee and we will be doing a number of joint hearings with that subcommittee and Homeland Security. And part of our mission, in addition to oversight of the Justice Department and all narcotics issues and related issues, is to make sure that in the new department, because Customs, Border Patrol, INS, Coast Guard have been much, along with DEA, of our fight against narcotics.

And we cannot lose that as we are working through the terrorist issues. That is why we have a staff person, Roger Mackin, over at Homeland Security, to try to coordinate these things and hopefully we can be more efficient. I know there is a lot of concern not only within the agencies but within Congress, that the other missions of these agencies are not lost as we also focus on Homeland Security.

Today, we welcome Mr. Paul Beeson, Assistant Chief Patrol Agent of the U.S. Border Patrol's El Paso Sector; Mr. David Longoria, Port Director of the El Paso Port of Entry; Mr. Sandalio Gonzalez, Special Agent in Charge of the Drug Enforcement Administration's El Paso Division Office.

As this subcommittee is also concerned with the problem of drug smuggling at our Nation's parks and wildlife refuges, we are also pleased to be joined by Mr. Frank Deckert, Superintendent of Big Bend National Park, representing the National Park Service. I am also a member of the House Resources Committee, and the Parks Subcommittee and Fish and Wildlife Subcommittee, so I have had many opportunities to visit our national parks and wildlife refuges and to meet with the Interior Department personnel who manage them. We hope at this hearing to focus special attention on the law enforcement issues faced by your agency, so we thank you again for your participation.

When examining border policies, we must also seek the input of representatives of the local community whose lives are directly affected by changes at the border. Representing the local law enforcement agencies entrusted with protecting local citizens from drug smugglers and other criminals, we are also pleased today to be joined by Chief Carlos Leon of the El Paso Police Department; Sheriff Leo Samaniego of the El Paso County Sheriff's Department. We are also joined by several witnesses who can testify to the impact that drug smuggling has on schools, neighborhoods and local businesses: Mr. Bob Cook, president of the Greater El Paso Chamber of Commerce, I am sure will also point out the importance of the commerce and the tradeoffs that we have to make on security and trade to make sure our economy keeps working as well. Mr. Ruben Garcia, truancy prevention specialist at the Ysleta Independent School District; and Mr. Jose Luis Soria, clinical deputy director at Aliviane Drug Treatment Center.

We thank everyone for taking time this morning to join with us for this important hearing.

According to subcommittee rules, I will yield next to the vice chairman of the committee, before going to our guest, who we are going to have participate in our hearing today, Congressman Reyes, our host Congressman.

Mr. Deal.

Mr. DEAL. Thank you, Mr. Chairman, good morning.

Thank you all for being here, and more importantly, thank you for what you do every day working on the border trying to continue our efforts to protect our homeland and to deal with the apparently never-ending problem of the drug war.

Representing a non-border State, some people are surprised to learn that what you do here on the Texas/Mexico border has a lot to do with what impacts my Congressional District in northern

Georgia. The former Immigration & Naturalization Service's most current estimates show that Georgia has about 228,000 illegal immigrants, ranking my State as the seventh largest in illegal immigration population in the United States. As those numbers would imply, illegal immigration poses significant problems in my District, one of those inherent problems being illegal drug trafficking and the general drug trade.

A report released by the U.S. Department of Justice in January of this year, cites Atlanta, GA, which is just south of my District, as a regional drug transportation hub and distribution center of drugs such as marijuana, cocaine and methamphetamines, all of which are said to come primarily from Mexico.

As you all know, one of the problems that drug trade brings with it is that of gang activity. Mexican gangs are said to be the primary transporters and wholesalers of drugs in Georgia. The DEA and the Internal Revenue Service estimate that criminal groups transfer, primarily to Mexico and Colombia, approximately $2 million per week from money coming from business there in Georgia.

What is even more troubling is that in my District, we have recently seen a significant increase in the number of murders committed, most of which have been directly linked to Hispanic gang activity and of course, directly related to drug activity.

I want to reiterate the fact that the problems associated with illegal immigration and drug trafficking stretch far beyond the border right here. They stretch to States, cities and counties all across our country. You all have an important job with huge risks and obstacles that you face every day. I commend you for accepting the challenge of securing our borders. I want to thank you again for what you are doing.

However, we all know that we can do more. I look forward to hearing from each of you as to what we, as Members of Congress, can do to make your jobs more efficient and to make our country safer and a more secure place to live.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you. First, to do one procedural thing. I ask unanimous consent that all Members present be permitted to participate in the hearing. Hearing no objection, it is so ordered.

I would now like to recognize Mr. Reyes, a distinguished Member and Representative in Congress from this area, a long-time leader on these issues.

Mr. REYES. Thank you, Mr. Chairman. Chairman Souder and Vice Chairman Deal, welcome to El Paso, and in particular, welcome to one of the jewels that we are very proud of here, the Chamizal Park, which was created as a way of settling a boundary dispute that existed for many years with Mexico. And it was set up as a venue to have our citizens enjoy the kind of relationship that we have enjoyed with Mexico for over 70 years. So welcome to this very historic place.

And I want to in particular thank Superintendent Isabel Montez, who runs this national park here, for allowing us to be here and hosting us in this very beautiful facility.

I am honored to be part of this hearing today, Mr. Chairman. As you and the vice chairman know, I have dedicated a large portion of my adult career to the issues that you will be covering here this

morning, because for 26½ years, I was a Federal law enforcement agent with the Border Patrol and with the Immigration & Naturalization Service, including 12 of those as a chief, first down in south Texas where I know you have just recently visited. I was Chief of the McAllen Sector. And subsequent to that was reassigned to El Paso and actually retired as the Chief here in El Paso in charge of west Texas and southern New Mexico—or all of New Mexico technically, but primarily focused on the border regions in New Mexico. And retired to run for Congress.

I know we share a lot of common interests and when you were considering doing the border field hearings, I very much appreciated that you decided to come to El Paso. We think we have both a good news story here, as well as a typical area where we face many challenges. And knowing of both your interest in homeland defense, I know that the testimony you are going to hear today is going to, I hope, add to the information and certainly the amount of evidence that is pretty compelling, that when you pay attention to border communities and when we focus on the front lines of the war—and today, we are not just talking about the war on drugs, we are talking about an area that is susceptible to not just narcotics, but gun runners, certainly terrorists.

I can tell you during the first Gulf war, being the Chief in McAllen Sector, we turned over about 16 suspected terrorists to the FBI. So that kind of work is going on now. I know a lot of the agencies cannot get into that because of its classified nature, but I can assure you that protecting America's borders, especially, the 2,000-mile border with Mexico, is a critical and vital part of—or should be a vital part of strategy for homeland defense. As you know, Mr. Chairman, we have been working with Secretary Ridge and members of his agency to make sure that there is a full and comprehensive strategy in place.

Since you drove here from San Antonio, you know how distance is really significant in Texas and along the U.S./Mexico border. And you know the diversity that our various agencies have to cover, you know the immense challenge that they have to address. So doing these kinds of field hearings is a critical and important part, not just of the learning process, but of the understanding of the magnitude of the challenge that is faced by a lot of my former colleagues that I actually worked with before going to Congress.

Today, I know you are going to be briefed, both by JTF–6, Joint Task Force 6. I was with General Yengling yesterday at the funeral of one of our young men that we lost from the 507th and he mentioned to me that he was looking forward to briefing both of you and also the El Paso Intelligence Center, both I think critical and vital components in our strategy in homeland defense.

So, thank you for coming to El Paso, I hope your stay is an enjoyable one. Regrettably we are going to have a little bit of wind today, it is not the kind of—and Bob Cook will verify, I see him back there—that most of the time we really truly have Chamber of Commerce weather here. When we were dealing with what I think was a brutal winter this year, the weather here was fine and the biggest problem was not being able to be here because of our schedule over there.

But I hope you enjoy El Paso, I know you have been here before, and I hope you come back again and, of course, my colleague, I actually lived 2 years in Georgia, in Brunswick, I was part of the group that set up the Border Patrol and INS Academy in 1977 and 1978, when we moved the Academy to the Federal Law Enforcement Training Center. So I enjoyed my time in Georgia, so I hope you enjoy your time in Texas and in particular out here in El Paso.

And with that, Mr. Chairman, let me again thank you for doing this and I offer my assistance, both for this committee and certainly for homeland defense, which I have been—I tried hard to get on that, but you know, there are politics involved in some of this stuff and so—[laughter]—on my side of the aisle, I came up short. But I have a tremendous interest and I have offered to both the chairman and certainly our ranking member, that I am available to assist in whatever capacity, and I make the same offer to you both as part of the Homeland Defense Committee and certainly in your capacity here.

And if there is no objection, I would like to submit a written statement for the record.

Mr. SOUDER. Yes.

Mr. REYES. Thank you, Mr. Chairman.

Mr. SOUDER. As Congressman Reyes noted, I will be meeting with a number of people here, actually we are spending 2 days because we are also meeting with the Southwest Border HIDTA and the local HIDTA. We are redoing the reauthorization as well through our committee and expect the markup to move through in the next couple of weeks. So we have been doing that. Although the focus today in the hearing is on the border, we are doing other things while we are here as well.

Before proceeding, I would also like to take care of another procedural matter. First, I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record, that any answers to written questions provided by the witnesses also be included in the record. Without objection, it is so ordered.

It is a longstanding congressional protocol that government witnesses representing the administration testify first. So our first panel consists of those witnesses. Would each of you on the first panel rise and raise your right hands because as an oversight committee, it is our standard practice, because we do Federal executive branch oversight, to have all witnesses sworn in. So far we have actually gone after two since I have been for perjury. So do not worry too much, but it is best if, when taking the oath, you are completely accurate in your responses.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative.

The witnesses will now be recognized for opening statements. We will ask each of you to summarize your testimony in 5 minutes. Your full statement will be inserted in the record, in addition to any other comments you would like.

We will first recognize Mr. Beeson on behalf of the U.S. Border Patrol.

STATEMENTS OF PAUL A. BEESON, ASSISTANT CHIEF PATROL AGENT, EL PASO SECTOR, U.S. BORDER PATROL, BUREAU OF CUSTOMS AND BORDER PROTECTION; FRANK DECKERT, SUPERINTENDENT, BIG BEND NATIONAL PARK, NATIONAL PARK SERVICE; SANDALIO GONZALEZ, SPECIAL AGENT IN CHARGE, EL PASO DIVISION OFFICE, DRUG ENFORCEMENT ADMINISTRATION; AND DAVID LONGORIA, INTERIM PORT DIRECTOR, EL PASO PORT OF ENTRY, BUREAU OF CUSTOMS AND BORDER PROTECTION

Mr. BEESON. Thank you, Mr. Chairman, distinguished committee members, I am pleased to have the opportunity to appear before you today to discuss the El Paso Border Patrol Sector's operations and law enforcement initiatives to secure the U.S. border in west Texas and New Mexico. My name is Paul Beeson and I am an Assistant Chief for the Border Patrol in El Paso, which, as you now, is part of the newly formed Bureau of Customs and Border Protection within the Department of Homeland Security.

I would like to begin by thanking you and your colleagues for this opportunity to speak with you today, and more importantly for the support and resources you have provided to the Bureau of Customs and Border Protection. Those resources are extremely important to the Bureau and to the Border Patrol as we continue to apply them toward securing our Nation's borders. The challenges to securing our borders and protecting the homeland are many. The importance of the support, funding and resources you have provided to meet this challenge cannot be overstated.

The El Paso Sector is responsible for securing 289 miles of our border with Mexico. To do that, we have four Border Patrol stations in the two westernmost counties of Texas and eight stations in the State of New Mexico. This sector's area of operations is divided into three main corridors: The Fabens Corridor, the El Paso Corridor and the Deming Corridor.

The El Paso area is a major hub for the smuggling of people, narcotics and other contraband. There is a tremendous amount of infrastructure, both within El Paso and to the south of us in Ciudad Juarez, in terms of ease of transportation, availability of hotels and routes of transportation that can be readily used in furtherance of illicit activity. The ability to use legitimate trade routes, transportation and business for illegal activity, contributes to the busy activity of the Border Patrol in El Paso.

The El Paso Sector maintains a large amount of operational diversity as we continue to enforce our Nation's laws, and all of these operations are aimed the increasing deterrence and securing the border. Operation Hold the Line continues to be the mainstay of our operations in the El Paso Corridor, which is comprised of the Ysleta, El Paso and Santa Teresa Stations. The control we have achieved in this corridor has been through a combination of forward deployment and secondary operations.

Both the Fabens and Deming Corridors continue to present enforcement challenges. We have noticed that as we achieve successes in other locations, the Fabens and Deming Corridors are experiencing increases in activity that represent a shift in traffic from more secure portions of the border.

We continue to employ every available means at our disposal to combat the illegal activity that occurs in this area. There are six permanent traffic checkpoints strategically located throughout this sector, the purpose of which is to detect and interdict illegal immigrants and narcotics. As a result of these checkpoint operations, we frequently encounter violations of other laws as well. Traffic checkpoint operations have been responsible for a number of apprehended persons wanted in other jurisdictions for narcotics violations and other crimes, including murder.

In summary, traffic checkpoints provide an additional defense to deter and detect immigration violators, narcotic smugglers and possible terrorists.

This sector is fortunate enough to have deployed several advances in technology that greatly assist the agents in performing their mission. One such technological advance is the Remote Video Surveillance System, which as been strategically employed within the El Paso, Ysleta and Deming areas of operation. While the number of sites is small, when compared with the need, these remotely controlled surveillance cameras provide tremendous enhancement to our agents' ability to patrol and control an area. There are a total of 29 sites located within the aforementioned areas. These cameras provide coverage of 42 miles over the 289 miles of this sector. Expanded deployment of this system is vital to this sector's ability to enhance and maintain control of our piece of the border.

The sector is actively engaged with officials from the Government of Mexico in addressing the problems of safety along the border. The El Paso Sector staffs a Mexican Liaison Unit that is in daily communication with law enforcement, military and other government officials from Mexico that work along our common border.

Through the Mexican Liaison, we have been able to improve and coordinate communication with Mexican law enforcement officials.

Our liaison efforts also include numerous law enforcement agencies here in the United States. The Border Patrol participates in the Federal Bureau of Investigation Joint Terrorism Task Force and other task forces within the Drug Enforcement Administration and the U.S. Marshal's Service, to name a few. Our coordination in these arenas has been invaluable to the overall success of these task forces.

In discussing the challenges of the El Paso Sector, I would be remiss if I did not mention the tremendous individual efforts of the men and women who patrol our border every day and make the largest contribution to the successes experienced in El Paso.

Mr. SOUDER. Thank you very much. And now I would like to recognize Mr. Frank Deckert, the Superintendent of the Big Bend National Park.

[The prepared statement of Mr. Beeson follows:]

Statement of

Paul A. Beeson
Assistant Chief Patrol Agent, El Paso Border Patrol Sector

Bureau of Customs and Border Protection

Before the

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES
U.S. HOUSE OF REPRESENTATIVES

Regarding

Impact of Drug Trade, Status of Law Enforcement Along the Texas/New Mexico - Mexico Border and Ways to Improve Security

April 15, 2003
9:30 a.m. El Paso, Texas

Mr. Chairman, distinguished committee members, I am pleased to have the opportunity to appear before you today to discuss the El Paso Border Patrol Sector's operations and law enforcement initiatives to secure the U.S. border in West Texas and New Mexico. My name is Paul A. Beeson, and I am Assistant Chief Patrol Agent for the El Paso Sector of the U.S. Border Patrol, which, as you know, is now part of the newly formed Bureau of Customs and Border Protection within the Department of Homeland Security.

I would like to begin by thanking you and your colleagues for this opportunity to speak with you today, and more importantly, for the support and resources you have provided to the Bureau of Customs and Border Protection. Those resources are extremely important to the Bureau and to the Border Patrol as we continue to apply them toward securing our nation's borders. The challenges to securing our borders and protecting the homeland are many. The importance of the support, funding and resources you have provided to meet this challenge cannot be overstated.

As you are aware, The United States Border Patrol has developed and implemented a national strategy to deter illegal immigration into the United States. What you may not know is that this strategy was first implemented in September 1993 as "Operation Hold the Line" in El Paso, Texas by then Chief Patrol Agent Silvestre Reyes, now Congressman Reyes. The national strategy is a multi-phased approach the goal of which is to achieve incremental control over our borders through an effective application of personnel, technology and other resources. In recent years, we have improved our capabilities in this sector through the application of additional resources and new technologies.

The El Paso Sector is responsible for securing 289 miles of our border with Mexico. To do that we have four Border Patrol stations in the two westernmost counties of Texas and eight stations in the state of New Mexico. This sector's area of operations is divided into three main corridors: the Fabens Corridor, the El Paso Corridor and the Deming Corridor.

The El Paso area is a major hub for the smuggling of people, narcotics and other contraband. There is a tremendous amount of infrastructure both within El Paso and to the south of us in Ciudad Juarez, in terms of ease of transportation, availability of hotels and routes of transportation that can be readily used in furtherance of illicit activity. The ability to use legitimate trade routes, transportation and businesses for illegal activity, contributes to the busy activity of the Border Patrol in El Paso Sector.

The El Paso Sector maintains a large amount of operational diversity as we enforce our nation's laws, and all of these operations are aimed at increasing deterrence and securing the border. Operation Hold the Line continues to be the mainstay of our operations in the El Paso corridor, which is comprised of the Ysleta, Texas; El Paso, Texas; and Santa Teresa, New Mexico Stations. The control we have achieved in this corridor has been through a combination of forward deployment and secondary operations.

Both the Fabens and Deming Corridors continue to present enforcement challenges. , We have noticed that while we have achieved successes in other locations such as the Tucson Sector, the Fabens and Deming corridors are experiencing increases in activity that represent a shift in traffic from more secure portions of the border.

We continue to employ every available means at our disposal to combat the illegal activity that occurs in this area. There are six permanent traffic checkpoints strategically located throughout this sector the purpose of which is to detect and interdict illegal immigrants, and narcotics. As a result of these checkpoint operations, we frequently encounter violations of other laws as well. Traffic checkpoints have been responsible for a number of apprehensions of persons wanted in other jurisdictions for narcotic violations and other crimes including murder.

Over the past three fiscal years ('00, '01 & '02), activities at these traffic checkpoints have resulted in combined apprehensions of over 18,750 persons who were illegally in the country. Additionally, checkpoint personnel have apprehended over 103,000 lbs. of marijuana and over 1,000 lbs. of cocaine and other narcotics[i]. Personnel from the El Paso Sector as a whole (checkpoints included) apprehended over 554,579 lbs. of narcotics with an estimated street value of over $500,000,000 during those same fiscal years[ii]. In summary, traffic checkpoints provide an additional defense to deter and detect immigration violators, narcotic smugglers and possible terrorists.

This sector is fortunate enough to have deployed several advances in technology that greatly assist the agents in performing their mission. One such technological advance is the Remote Video Surveillance System (RVSS), which has been strategically deployed within the El Paso, Ysleta and Deming stations' areas of operation. While the number of sites is small, when compared with the need, these remotely controlled surveillance cameras provide tremendous enhancement to our agents' ability to patrol and control an area. There are a total of 29 camera sites located within the aforementioned stations. These cameras provide combined coverage of 42 miles of the over the 289 miles of this

sector (El Paso – 12; Ysleta – 10; Deming - 20 miles). During the first six months of this fiscal year alone, they have been instrumental in the apprehension of over 6,000 persons and 52 narcotic seizures, and have also deterred over 6,900 persons from entering near the cameras[iii]. Expanded deployment of this system is vital to this sector's ability to enhance and maintain control of our piece of the border.

The RVSS cameras, sensors, and night vision equipment do more than aid in detection of unlawful entries across our nation's borders; they are also an important officer safety tool. The border itself is sometimes a dangerous place and some of our officers are assaulted every year as they perform the vital mission of securing our homeland. We would be happy to provide further details regarding these types of incidents if the Committee requests. The use of the various types of technology available to us is a tremendous boost to officer safety.

This sector has actively engaged with officials from the Government of Mexico in addressing the problem of safety along the border. The El Paso Sector staffs a Mexican Liaison Unit (MLU) that is in daily communication with law enforcement, military and other government officials from Mexico that work along our common border. Through the Mexican Liaison Unit we have been able to improve and coordinate communication with Mexican law enforcement officials and we have even been able to provide them with training in such areas as swift water rescue, ATV operation, and crime scene containment, to name a few. One example of a success in a recent cooperative effort centers on an alien smuggling investigation, where two undocumented aliens died in transit from El Paso to Dallas, Texas. Through the efforts of the Mexican Liaison Unit

and the sector's Anti-Smuggling Unit, we were able to locate the kingpins of this smuggling enterprise in Mexico.

With our recent heightened level of alert we are particularly sensitive to information concerning the possibility of persons from special interest countries seeking to infiltrate our borders. The Mexican Liaison unit and our sector Intelligence Unit cooperate with Mexico and the law enforcement community to share such information. We have been very successful in working together to ferret out the veracity of this information and to take appropriate action.

As you are aware, when the former INS and Customs Service transferred into the new Department of Homeland Security's Directorate of Border and Transportation Security (BTS), Border Patrol and INS and Customs Inspection functions were brought into the new Bureau of Border and Customs Protection. Customs and INS Investigators were brought together in the new Bureau of Customs and Immigration Enforcement (BICE). Coordination between inspectors and investigators is crucial to achieve success on the myriad of issues and investigations that fall within our areas of responsibility. The El Paso Sector's Anti-Smuggling Unit is now part of BICE and has been invaluable to this Sector in our daily enforcement activities. As with all Border Patrol Sector offices, we will continue to work closely with BICE offices and field agents on our shared mission to enforce this nation's immigration laws.

Our liaison efforts also include the numerous law enforcement agencies here in the United States. The Border Patrol participates in the Federal Bureau of Investigation Joint Terrorism Task Force and other task forces within the Drug Enforcement

Administration and U.S. Marshal's Service to name a few. Our coordination in these arenas has been invaluable to the overall success of these task forces.

As we perform the mission of the Border Patrol, we locate not just persons who have illegally entered the country, but persons who are wanted in other jurisdictions for crimes committed, ranging from murder and sexual assault to narcotics trafficking. In the last fiscal year alone, the El Paso Sector apprehended over 500 persons who had either outstanding warrants of arrest or previous criminal convictions, many of which involved narcotics trafficking offenses[iv]. It is our ENFORCE/IDENT computer identification system that allows officers to locate these violators and it is this tool that continues to bolster the investigative efforts of our agents.

In discussing the challenges and successes of the El Paso Sector I would be remiss if I did not mention the tremendous individual efforts of the men and women who patrol our border every day and make the largest contribution to the successes experienced in El Paso. As I have previously mentioned, this sector is staffed by over 1,100 Border Patrol Agents whose duty it is to provide security along the 289 miles of this sector. The technology we have multiplies their efforts and increases their success

To conclude, I would like to comment on a recent message we received from Customs and Border Protection Commissioner Robert C. Bonner. In his message, he reminded us of the vigilance we must all maintain in securing our nation's borders. Commissioner Bonner also reminded us that; "We must not let down our guard!" I can assure you that the men and women of the El Paso Sector have taken his remarks to heart and are doing everything they can to ensure the safety of our nation's borders. I am extremely proud of the commitment and professionalism of these men and women and the role they play in

national security. It is through their efforts that such a positive difference is made in the communities we serve.

While operational challenges remain, I am confident that the continued support of Congress will help us meet these challenges to border security and to provide for a safer homeland. I thank the Subcommittee for the opportunity to present this testimony today and I would be pleased to respond to any questions that the Subcommittee may have at this time.

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[i] Source: Border Patrol Enforcement Tracking System (BPETS)

[ii] Source: BPETS, Actual dollar value of narcotics computed by El Paso Sector Intelligence Unit as follows: FY '00 = $159,575, 330; FY '01 = 151,104,975; FY '02 = 190,246,778. See attached chart for additional breakdown by narcotic type.

[iii] Source: El Paso Sector Camera Report. See attached chart for additional information.

[iv] Source: BPETS, Actual number of IDENT/ENFORCE hits for Fiscal Year 2002 was 522. See attached chart for additional information.

Mr. DECKERT. Mr. Chairman, thank you for the opportunity to present the efforts being made by the National Park Service to protect visitors and resources in national parks and mitigate the impact of illegal drug trafficking in Big Bend National Park. With me today are my colleagues, Isabel Montez, Superintendent of Chamizal National Memorial; Jacques Whitworth, Superintendent of Padre Island National Seashore; Bruce Malloy, Chief Ranger of Amistad National Recreation Area and Mark Speir, Chief Ranger of Big Bend National Park. If you have any questions about any of the other park areas in Texas, they would be happy to answer them.

Protecting national parks along the Mexican border is no longer about simply protecting landscapes, plants and animals. At stake is the safety of our citizens and the agency's own employees, as well as the preservation of some of our Nation's unique natural and cultural features.

Seven units of the National Park System share approximately 365 miles of border with Mexico and 72 miles of seashore, and are directly impacted by increased illegal border activity. Big Bend National Park alone, shares 245 miles of border with Mexico, nearly 13 percent of the entire U.S./Mexico border. These seven areas hosted more than 3.8 million visitors in 2002.

Great attention has been focused on one national park unit and the death of a ranger there, where threats and illegal activities originating outside the United States grow in numbers. The problems at Organ Pipe Cactus National Monument are emblematic of how increased enforcement at urban crossings on the part of the U.S. Customs and Border Patrol, now part of the Department of Homeland Security, has pushed more crime onto adjacent public land.

Here in Texas, similar problems are just beginning, but are multiplying exponentially. In Big Bend National Park, more than 6,000 pounds of marijuana were seized within the park in January 2003, more than all the total seizures in 2002. Aware of the huge impacts on parklands in Arizona, we are presented with the opportunity to be proactive here in Texas. However, if we fail to act quickly and decisively, the opportunity to prevent similar impacts will be lost.

The NPS in Texas actively participates in three High Intensity Drug Trafficking Area [HIDTA] partnerships. HIDTA facilitates coordination of equipment and information between Federal, State and local law enforcement agencies to address illegal drug activity. As a funded participant in west Texas HIDTA, Big Bend National Park implemented a narcotic detection canine program, placing a trained ranger/handler and a drug interdiction dog directly on the border. Both Amistad National Recreation Area and Padre Island National Seashore are unfunded participants in other HIDTA partnerships providing cooperative support to interdiction efforts in those parks.

The NPS and agencies in the Department of Homeland Security work together on a daily basis at Big Bend National Park to share intelligence, to provide mutual support and to investigate reports of undocumented aliens and smuggling activity. Two Border Protection agents are currently stationed at and reside in the park.

The NPS has responded to the threats along the Mexican border in Texas by significantly increasing the number of law enforcement rangers at border parks. The fiscal year 2004 Intermountain Region border park law enforcement priorities reflect an additional 14 ranger positions. Big Bend National Park has 11 protection rangers and will add 3 more, using the $300,000 in base funding increase in fiscal year 2003. The region committed $35,000 for training for special event and incident management teams in fiscal year 2003. NPS and partner agencies provide advanced law enforcement training and tactical tracking, use of electronic surveillance equipment and other topics.

Due to the escalating threats facing park rangers, NPS intends to make a 2-week course in special operations tactics a standard for all rangers assigned to border parks in Arizona and Texas. NPS is implementing a field training evaluation program that will provide each new ranger recruit with 12 weeks of field training with emphasis on improving officer safety.

In May 2002, the Department's Bureau of Customs & Border Protection closed the unofficial Big Bend National Park border crossings, historically used at the Mexican villages of Boquillas, Santa Elena and San Vicente. Park managers are working with the Department's Bureau of Customs Inspections branch to explore the possibility of establishing some type of official crossing at one or two of these points. The NPS would support the restoration of these primitive crossing so that our neighbors in the Mexican villages will once again enjoy the benefits of tourist income. We believe that one of our best protections against terrorists entering the United States at these points is a friendly local population whose quality of life depends more on tourism than on illegal activities. In the interim, however, rangers are supporting the closure of the border at all crossings.

The NPS has been proactive in identifying and solving problems related to border law enforcement issues. However, park staffs in the field seem to be dealing with new challenges on a daily basis. They would like to be reassured that if further help is needed, they could count on support from the American people through their elected representatives. In the meantime, we will continue to identify problems and seek creative solutions that involve neighbors and partners on both sides of the border. We believe this approach will help to protect our parks, our visitors, our staffs and our country.

Mr. Chairman, this concludes my statement and I would be happy to answer any questions you or other members of the committee may have.

[The prepared statement of Mr. Deckert follows:]

STATEMENT OF FRANK DECKERT, SUPERINTENDENT, BIG BEND NATIONAL PARK, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE GOVERNMENT REFORM SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES, REGARDING THE IMPACT OF THE DRUG TRADE ON BORDER SECURITY AND NATIONAL PARKS

April 15, 2003

Mr. Chairman, thank you for the opportunity to present the efforts being made by the National Park Service (NPS) to protect visitors and resources in national parks and mitigate the impact of illegal drug trafficking on park borders. At the outset, I want to point out that while my testimony today will focus on the NPS, there are several other components of the Department of the Interior and other departments such as the new Department of Homeland Security, that face the same border problems and challenges – including the National Wildlife Refuge System, the Bureau of Land Management, and the Bureau of Indian Affairs. Taken together, approximately 39 percent of the Southwest border consists of land managed by the Department of the Interior (Department). The Department is also responsible for approximately 31 percent of the Southeast Border and approximately 14 percent of the Canadian border.

The NPS practices and policies are dedicated to preserving its natural resources and providing a safe, clean, and secure environment for its visitors and workforce. We have initiated programs and studies and undertaken actions to address many of the concerns and needs in these areas. The NPS is also creating lasting partnerships with the Department of Homeland Security (DHS), the Department of Justice (DOJ), and others to establish plans of action and responsibility for ensuring an appropriate role in border security in national parks. While the NPS has the responsibility to enforce Federal laws within the borders of its parks, the NPS's mission is not

international border security or drug trade eradication. We are currently working with the new Department of Homeland Security, the primary Federal agency responsible for international border security, and others in the Administration, to establish plans of action and clarify responsibilities for ensuring appropriate border security in parks along the border.

Protecting national parks along the Mexico border is no longer about simply protecting landscapes, plants and animals. At stake is the safety of our citizens and the agency's own employees as well as the health of some of our Nation's unique natural treasures.

The NPS manages seven National Parks along the United States-Mexico international border, including Organ Pipe Cactus National Monument and Coronado National Memorial in Arizona; Amistad National Recreation Area (NRA), Big Bend National Park (NP), Chamizal National Memorial, Palo Alto Battlefield National Historic Site and Padre Island National Seashore (NS) in Texas. The Rio Grande Wild and Scenic River is also managed by the National Park Service in Texas. These seven units combined hosted more than 3,800,000 visitors in 2002. They share approximately 365 miles of the border with Mexico and 72 miles of seashore and are directly impacted by increased illegal border activity. Big Bend NP alone shares 245 miles of border with Mexico, nearly 13 percent of the entire U.S.-Mexico border.

The problems in Arizona at Organ Pipe Cactus National Monument are emblematic of how increased enforcement on the part of U.S. Customs and U.S. Border Patrol, now part of the Department of Homeland Security, at traditional, urban border crossings has pushed more crime onto adjacent public land. In light of this situation, efforts on the ground to contend with the

rising tide of undocumented aliens and drug smugglers require ongoing coordination between the NPS and other Federal agencies, especially the Department of Homeland Security's Bureau of Customs and Border Protection and Bureau of Immigration and Customs Enforcement. Without communication and without advance intelligence and information, these Federal partners would be unable to protect the lands and people with which it is entrusted.

Because most of these parks were originally established to preserve some of this country's unique natural and cultural resources, they are filled with irreplaceable treasures contained in fragile environments. Illegal border activity threatens park visitor and employee safety and damages natural and cultural resources. In addition, the job of controlling illegal activities is often compounded by logistical difficulties. For example, Coronado National Memorial is bound on three sides by ridges rising over 2,000 feet above the valley floor. The terrain itself hinders radio communication inside and outside the park and slows law enforcement backup.

In 2001, the U.S. Border Patrol estimated that 250,000 undocumented aliens entered the country through parklands with over 200,000 through Organ Pipe Cactus National Monument alone. The explosion of impacts from these human and vehicular intrusions is already causing serious damage to park resources.

Here in Texas, similar border security problems are just beginning and multiplying exponentially. At Amistad NRA, 1,300 pounds of marijuana were seized in all of 2000. By contrast, in 2002, more than 10,000 pounds of marijuana were seized with an estimated value of over $9 million. In 2003, 3,700 pounds of marijuana have already been seized. In Big Bend NP more than 6,000

pounds of marijuana were seized within the park in January 2003 – more than all the total seizures in 2002. At Padre Island NS smuggling in the park has increased since September 11 due to increased security at border crossings and checkpoints on primary highway routes. Aware of the huge impact on parklands in Arizona, we are taking the opportunity to be proactive here in Texas. We need to act quickly and decisively to prevent similar impacts.

Individual NPS units in this part of Texas have existing reciprocal law enforcement agreements with the agencies that now comprise the new Department of Homeland Security. Land management agencies continue to share intelligence and to work together on special operations. The Department of the Interior is working to develop new agreements with the Department of Homeland Security to implement a cohesive partnership for operations, training and intelligence dissemination for law enforcement and natural and cultural resource management.

The NPS in Texas actively participates in three High Intensity Drug Trafficking Area (HIDTA) partnerships. HIDTA facilitates coordination of equipment and information between Federal, state and local law enforcement agencies to address illegal drug activity. As a funded participant in the Southwest Border HIDTA West Texas Partnership, Big Bend NP implemented a narcotic detection K-9 program, placing a trained ranger/handler and a drug interdiction dog directly on the border. Both Amistad NRA and Padre Island NS are unfunded participants in other HIDTA partnerships providing cooperative support to interdiction efforts in those parks. The NPS has one special agent assigned to the El Paso Intelligence Center and Operation Alliance, as well as the Department of Defense, the Southwest Border HIDTA Office and its West Texas Partnership providing a critical liaison between the NPS and all other state and Federal agencies involved in

narcotics interdiction in the southwestern United States.

The NPS has responded to the threats along the Mexico border in Texas by significantly increasing the number of law enforcement rangers at border parks and reorganizing ranger activities and by alerting other Federal agencies whose primary mission is border security. The FY04 Intermountain Region border park law enforcement priorities reflect an additional 14 ranger positions. Amistad NRA has 10 protection rangers on board, including four new positions added this year by internal reprogramming of FY03 regional funds. A fifth new position, funded in the FY03 increase, will be filled early in FY04. This park unit is also slated to receive $270,000 in equipment replacement funding in FY03 to purchase three new patrol boats. Padre Island NS has six permanent protection rangers, and four additional seasonal protection rangers will be hired using $53,000 in reprogrammed regional FY03 funds. Big Bend NP has 11 protection rangers and will add three more using the $300,000 base funding increase in FY03. Recruitment is ongoing with the new hires expected by June.

The NPS and agencies in the Department of Homeland Security work together on a daily basis at Big Bend NP to share intelligence, to provide mutual support, and to investigate reports of undocumented aliens and smuggling activity. Two Border Protection agents are currently stationed at and residing within the park. In May 2002, Bureau of Customs and Border Protection closed the "unofficial" border crossings historically used at Boquillas, Santa Elena and San Vicente in the park. Park managers are working with the Bureau of Customs Inspections branch to explore the possibility of establishing some type of official crossing at one or two of these points at some time in the future. Restoration of these primitive crossings would allow our

neighbors in the Mexican villages to once again enjoy the benefits of tourist income. A friendly local population whose quality of life depend more on tourism than illegal activities can help protect against terrorists entering the United States at these points. At this time, however, borders will remain closed at all crossings.

At Amistad NRA, park rangers also work closely with the Bureau of Customs and Border Protection, as well as local agencies, to address a rapidly escalating problem with drug and illegal alien smuggling. The park has two rangers assigned part-time to the local HIDTA Task Force. Drug seizures and other related activities are up significantly over the past year, as are the risks to the agencies operating on the border. Over the last few months there has been an increase in the number of weapons involved in the drug seizures. Border Protection had a significant shootout about a month ago with drug smugglers just outside the park. The risks to the safety of all law enforcement officers, including the NPS rangers, are real and the parks are taking them very seriously. The upper 40 miles of the Rio Grande in the far western part of the park are considered dangerous for park employees due to smuggling related threats, poor radio reception, no dispatch, and inadequate backup. The park now requires at least two law enforcement rangers to provide boat patrols in this area. This area also requires specialized watercraft due to the extremely low water levels that the area has experienced over the past few years. The park has purchased a hovercraft to allow patrols in this section of the river.

Park rangers at Padre Island NS work with the U.S. Coast Guard and the Border Protection and Bureau of Customs service personnel to conduct periodic patrols around the island. These patrols are aimed at interdicting the high level of drug smuggling and undocumented aliens by

boat that has been occurring since the September 11 terrorist attacks. The park is also working with the state of Texas on the planning and development of a program called "Ocean Survey". If this becomes operational, a vessel, purchased and operated by the state of Texas would detect, monitor, and coordinate the interdiction of illegal boat traffic entering the United States from Mexico on a 24 hours-a-day basis.

The region committed $35,000 for training for special event and incident management teams in FY03. These teams comprise the region's first response capability for tactical operations/staffing support and incident management. NPS and partner agencies provide advanced law enforcement training in tactical tracking, use of electronic surveillance equipment, and other topics relevant to the work of border park rangers who face high risks from illegal smuggling activities. Due to the escalating threats facing park rangers, the NPS intends to make a two-week course in special operations tactics a standard for all rangers assigned to border parks in Arizona and Texas. The NPS is implementing a Field Training Evaluation Program that will provide each new ranger recruit with 12 weeks of field training, with emphasis on improving officer safety. Local field training is also provided in each park unit.

The NPS has proposed a new Law Enforcement Reform Implementation Strategy as a way to improve law enforcement effectiveness and safety. This strategy, as well as the plans and activities taking place on the border here in Texas is just one part of a broader initiative to improve law enforcement and security throughout the Department of the Interior.

The NPS has both the statutory and the moral responsibility to ensure that its 388 units are well

managed for this and future generations. National park rangers have always been a critical element to that mission. Like many other agencies, the NPS will have to use available resources more efficiently to improve our law enforcement program. Even though the Service is proactive in identifying and solving problems, park staff should be able to expect that if help is needed, it will be available. Reviewing and managing our priorities—both human resources and natural and cultural resources—identifying problems and seeking out creative solutions that involve neighbors and partners on both sides of the border will go a long way toward protecting our parks.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or other members of the committee may have.

Mr. SOUDER. Our next witness is Sandy Gonzalez. I was in the Indian region where I have been far too many times, I think nine times now, because you cannot look at cocaine and heroin and even much of the marijuana that comes across here or anywhere else without trying to get into the Indian region. But I believe it was one of the trips, which was an historic trip for my district, because I believe Gary Wade was with us as well from Washington Headquarters, and as we were going down the Amazon Basin toward a major junction, there is a little town—I am from Indiana—there is a little town there called Indiana. And Gary said to me, do you know the difference between—he said isn't this Indiana a lot different than yours. I said yes, there are DEA agents and there are none in my hometown. I have been battling for 10 years to get some. He said done, you have a DEA office. And because we now have a DEA office, we have been able to, rather than just do local enforcement, to be able to take some of those to the Federal level. And when we were at Laredo the other day, as well as this crossing, what we are increasingly finding is the ability to just not nab guys at the local level, but they wound up with a major ring that was coming up through Mexico, through Laredo, through Texas, up into Fort Wayne and then launching toward Detroit, Chicago from there.

So we see this interconnectedness and it is good to see Sandy again here in Texas. So I look forward to your testimony.

Mr. GONZALEZ. Thank you, Mr. Chairman, good morning. Vice Chairman Deal, Representative Reyes, I am pleased to appear before you today to discuss the role of the DEA regarding the impact of the drug trade along the west Texas and New Mexico area of the southwest border. I want to thank the subcommittee for your support of the DEA.

Today, I will describe the trafficking challenges faced by DEA in the west Texas and New Mexico region.

The El Paso Division's area of responsibility covers approximately 40 percent of the U.S./Mexico border. El Paso and its sister city, Ciudad Juarez, comprise the largest metropolitan area on the border between the United States and Mexico, with nearly or perhaps over 2 million inhabitants. Daily, over 100 people cross the port of entry into El Paso.

Cocaine smuggling remains our most serious threat, with prices ranging from $15,000 to $16,500 per kilogram. Marijuana runs between $400 and $500 per kilogram and is the most frequently and largest volume drug seized and transported through this area. Uninhabited land in New Mexico provides excellent locations for marijuana plantations and mountains and rural areas in northern New Mexico offer opportunities for small methamphetamine laboratories. Heroin use has been very high in Santa Fe and Rio Arriba County in north central New Mexico.

The border is continually under attack by Mexican drug trafficking organizations that operate both in Mexico and the United States. Three major Mexican drug organizations are responsible for smuggling the majority of the illegal drugs across the west Texas and New Mexico portion of the southwest border. These groups utilize the El Paso ports of entry as their primary conduit into the United States.

Before the World Trade Center disaster in September 2001, an estimated 90 percent of the illegal drugs coming to the United States were smuggled through the international ports of entry. Since that time, tighter security measures have caused smugglers to use less conspicuous points of entry.

DEA investigations indicate that illegal drugs being transshipped from Mexico through this area are usually destined for Kansas City, Chicago, Atlanta and/or New York. Traffickers use concealed compartments in tractor trailers, trucks, vans and cars. They also use commercial trains, aircraft, Federal Express and Airborne courier services to smuggle drugs into and through our region.

In more remote areas such as the Big Bend National Park, drugs are moved across the Rio Grande in small boats, vehicles that can drive across the river when it is low, or even by horseback. The Mexican Government is building a four-lane La Entrada al Pacifico highway, which I brought a map of that area and it is right over there to my right. This highway will intersect three major east-west interstates. The completed route will save up to 4 shipping days for goods moving through the Pacific Rim countries and Texas.

Use of the passenger rail system to move contraband is also significant. Many substantial seizures have been made from passenger trains in the last year. In one instance, Federal authorities seized half a million dollars in cash from a passenger on a west bound train in New Mexico. The South Orient Railroad will provide daily passenger and freight service between Mexico and the United States. We expect both the La Entrada al Pacifico highway and this rail transport to increase drug smuggling in the Big Bend, Marfa area and this will present a challenge to DEA in this region.

The El Paso Division currently participates in both the west Texas and New Mexico regions of the southwest border High Intensity Drug Trafficking Area [HIDTA]. DEA is required to respond to Border Patrol checkpoint seizures and arrests. These referrals include both drugs seized in vehicle checkpoint inspections and abandoned drugs. In fiscal year 2002, abandoned drug cases and checkpoint seizures consumed 59 percent of our agents' time.

Bulk currency smuggling into Mexico continues to be favored by drug trafficking organizations. Southbound bulk currency shipments range from a few thousand dollars to millions. Larger shipments are usually concealed in tractor-trailers. Use of legitimate financial institutions also continues, including cross border wire transfers. In order to address this threat, the El Paso Division leads to multi-agency HIDTA enterprise money laundering initiative which was established at DEA's request late last year and is staffed by several agencies.

The southwest border is the most prominent gateway for illegal drugs entering the United States. Increased border crossings combined with the presence of hardened Mexican drug trafficking organizations will require DEA's continued vigilance and ongoing cooperation among all the law enforcement entities in this region. We are focused on this challenge.

Again, thank you for the opportunity to appear before you and I will be happy to answer any questions you may have.

Mr. SOUDER. Our last witness on the first panel is Mr. David Longoria, Interim Port Director of the El Paso Port of Entry. Look forward to hearing your testimony and the challenges that you face.

[The prepared statement of Mr. Gonzalez follows:]

Statement of
Sandalio Gonzalez
Special Agent in Charge
El Paso Division
Drug Enforcement Administration
Before the
U.S. House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
April 15, 2003

Executive Summary

The Southwest Border is the most prominent gateway for drugs into the United States. The Drug Enforcement Administration (DEA) is represented in the West Texas and New Mexico area by the El Paso Division, which covers approximately 40% of the U.S./Mexico Border.

DEA continues to support bi-national and international investigations and drug intelligence activities, implementing a policy of interagency teamwork at all levels of government.

The international bridges and the large transportation industry available in this area provide drug traffickers with innumerable drug and money smuggling opportunities. The desert-like areas in New Mexico and West Texas and easily crossed sections of the Rio Grande offer tremendous smuggling opportunities to drug trafficking organizations.

These drugs generally are destined for Kansas City, Chicago, Atlanta and/or New York.

Cocaine smuggling is our most serious regional threat. Marijuana is the most frequently and largest volume drug seized and transported through this border area. In north central New Mexico, we have seen the highest per capita heroin use in the United States.

The border is continually under attack by drug trafficking organizations that operate in Mexico. Mexican drug trafficking organizations utilize the El Paso ports of entry as their primary conduit into the U.S.

Traffickers use tractor/trailers, trucks, vans and cars, as well as commercial trains, aircraft, Federal Express, and airborne courier services to smuggle drugs into and through the area. Use of the passenger rail system to move contraband is significant.

A large volume of traffic crosses the border in this region, and major transportation projects are underway. The nearly complete La Entrada al Pacifico highway will connect three major east-west Interstates and save up to four shipping days between the Pacific Rim countries and Texas.

The El Paso Division participates in both the West Texas and New Mexico Regions of the Southwest Border High Intensity Drug Trafficking Area and coordinates its investigative technology efforts with the multi-agency, Special Operations Division, led by DEA.

Good morning, Chairman Souder, Vice Chairman Deal and Representative Reyes. I am pleased to have this opportunity to appear before you today to discuss the role of the Drug Enforcement Administration (DEA), regarding the impact of the drug trade along the West Texas/New Mexico area of the Southwest Border. Mr. Chairman, before I begin, I want to thank you and the members of this Subcommittee for your support of the men and women of the Drug Enforcement Administration and our mission.

Today, I will describe the trafficking challenges faced by our agency in the West Texas and New Mexico region. My remarks will reinforce the testimony you heard on March 10, 2003, in Tucson, Arizona, by DEA Assistant Special Agent in Charge James Woolley.

During this time of government reorganization and consolidation, DEA still serves only one mission, as the world's premier drug law enforcement agency. DEA's presence in the West Texas and New Mexico area continues to support bi-national and international investigations and drug intelligence activities. Our employees continue to implement the policy of interagency teamwork at all levels of government, which is the foundation of our longstanding tradition of cooperation.

The Region

The El Paso Division area of responsibility covers 54 counties in West Texas and New Mexico, comprising 778 miles, which is approximately 40% of the U.S./Mexico Border. The Division has 117 agents, who cover an area that includes 18 ports of entry, 6 of which are in New Mexico, in addition to an estimated minimum of 80 illegal crossing points. Some of these locations are over 100 miles from our offices.

This area of the Southwest is unique because of our location on the U.S./Mexico border. El Paso and its sister city, Ciudad Juarez, Mexico, comprise the largest metropolitan area on the border between the U.S. and Mexico. Nearly 2 million people inhabit the El Paso/Juarez borderplex. Over 1.2 million people reside in Juarez. Daily, over 100,000 people cross the ports-of-entry into El Paso.

The introduction of NAFTA had a major impact on the El Paso/Juarez area. The people crossing the international bridges on a daily basis and the large transportation industry available in this area (air, bus, trucking and rail) provide drug traffickers with innumerable drug and money smuggling opportunities. Rural, desert-like areas in New Mexico and West Texas, whether they be large ranches or National Park land backing up to the border, or some easily crossed places along the Rio Grande offer tremendous smuggling opportunities to drug trafficking organizations.

Drugs Trafficked

Cocaine smuggling is our most serious threat, with prices running from $15,000 to $16,500 per kilogram. Marijuana can be purchased for between $400 and $500, per kilogram, and is the most frequently and largest volume drug seized and transported through our area. In New Mexico, the large areas of uninhabited land provide excellent locations for marijuana plantations. Drug task forces conduct "fly-overs" to detect large marijuana fields. Heroin and dangerous drugs,

primarily methamphetamine, are seen in smaller amounts except in northern New Mexico where mountainous and rural areas offer tremendous opportunities for small laboratories. The El Paso Mobile Enforcement Team has conducted two deployments in as many years in Santa Fe and Rio Arriba counties in north central New Mexico. Heroin use, there, was the highest per capita in the United States. Efforts toward prevention, rehabilitation and enforcement have not turned the tide against heroin abuse in these areas.

Drug Trafficking Organizations and Routes

The border is continually under attack by drug trafficking organizations that operate in Mexico. Three major Mexican drug trafficking organizations are responsible for smuggling illegal drugs across the West Texas and New Mexico area of the Southwest Border. Although these organizations are in agreement to work together without trying to control each other, recently one of the leaders has been consolidating his power, to demonstrate that he is still in charge of the El Paso/Juarez corridor. His methods include violence and executions of smaller organizations that do not pay his "fees" to move their drug shipments through "his" corridor. For example, in the last eight years, there have been 325 drug-related executions in this corridor. The majority of the victims were either members of small rival organizations, informants, or those responsible for losing drug loads. This trafficker also controls drug operations in the Mexican States of Chihuahua, Coahuila, Sonora, and Nuevo Leon.

Before the World Trade Center disaster in September of 2001, an estimated 90% of the illegal drugs coming to the U.S. were smuggled through the international ports of entry. Since that time, tight security measures have caused smugglers to use less conspicuous points of entry. Some areas of the Rio Grande offer no physical barriers to prevent the illegal entry of drugs or aliens into the United States.

We have identified three major drug trafficking corridors in West Texas and New Mexico. They are the Deming/Backdoor Corridor, the Ciudad Juarez/Las Cruces Corridor, and the Presidio/Big Bend Corridor, which will be used extensively with the completion of the four-lane "La Entrada al Pacifico" highway in early 2004. Mexican drug trafficking organizations utilize the El Paso ports of entry as their primary conduit into the U.S.

DEA investigations in this area indicate that illegal drugs being transshipped from Mexico through the West Texas/New Mexico area usually are destined for Kansas City, Chicago, Atlanta and/or New York. Our Division continues to conduct multi-jurisdictional investigations with other offices and agencies throughout the United States.

Drug Smuggling Methods

We have seen traffickers use concealed compartments in tractor/trailers, trucks, vans and cars. They also use commercial trains, aircraft, Federal Express, and airborne courier services to smuggle drugs into and through our area. In more remote areas, such as the Big Bend National Park, drugs are moved across the Rio-Grande in small boats, vehicles that can drive across the river when it is very low, or even by horseback.

In New Mexico the 180-mile border with Mexico is mostly unguarded and, for the most part, demarcated only by a barbed wire fence. Backpackers carrying loads of contraband, vehicles circumventing the ports of entry, and clandestine aircraft making low–altitude flights easily penetrate it. Three Interstate highways (I-10, I-25 and I-40), numerous other highways, state routes and country roads provide more than adequate corridors for transportation. Passenger trains make daily stops in Lordsburg, in the "boot heel" area of southwestern New Mexico, as well as in Albuquerque, the state's largest city.

Use of the passenger rail system to move contraband is significant. Many substantial seizures have been made from passenger trains in the last year. In one instance, federal authorities seized $500,000 in cash from a passenger on a westbound train in New Mexico. Freight cars also can be utilized for drug shipments, either by concealing the contraband in cargo or building false compartments in the cars themselves.

Transportation Factors

A large volume of traffic crosses our border every day, and major transportation projects are underway. Since the formation of NAFTA, commercial truck crossings from Mexico into West Texas and New Mexico have risen 11.7%, from 666,225 trucks in 1999 to 744,407 in 2002. Pedestrian traffic has risen 55%, from 6.2 million in 1999 to 9.6 million in 2002. A reduction in the amount of private vehicle traffic was seen in 2002, due to heightened security after September 11, 2001. However, 15.3 million vehicles still crossed our borders in 2002. During a normal day, a vehicle can wait up to one hour to cross the border. During periods of heightened security each private vehicle is inspected.

In the Big Bend/Marfa region, there is only one official port of entry, which is located in the small town of Presidio, Texas. The Mexican Government is building the four-lane La Entrada al Pacifico highway, which is approximately 95% complete. This highway will serve as a northeast/southwest trade route from the port city of Topolobampo, Sinaloa, Mexico, through Presidio, intersecting three major east-west Interstates, I-10, I-20, and I-40. It is estimated that as much as 30% of the truck traffic will be diverted from California and El Paso ports of entry to Presidio. This highway begins at a deep-water Pacific Ocean port that is over 500 miles closer and much less congested than the Port of Los Angeles. This completed route will save up to four shipping days for goods moving between the Pacific Rim countries and Texas.

Additionally, the South Orient Railroad (purchased by the State of Texas in 2001), was leased for 40 years to Nuevo Grupo, Mexico, and in the near future, is expected to provide both daily passenger train and freight service between Mexico and the United States. We expect both the La Entrada al Pacifico highway and this rail transport to bring drug smuggling issues to the Big Bend/Marfa area that will challenge DEA in the region.

DEA's intelligence and operations experience shows that drug traffickers have used various normal transportation methods to ship their drugs into the United States. As we put more and more pressure on drug trafficking operations through our multi-agency efforts, the traffickers will be forced to resort to even greater attempts at smuggling their drugs through vulnerable or susceptible shipment venues.

In our consideration of methods to "fast-track" commerce, we must continue to develop operations and systems which will maximize our ability to interdict dangerous drugs and guard against corruption of the processes. The fact that we will be experiencing a greatly increased volume of activity on the U.S./Mexican border emphasizes the importance of making every effort to reduce the flow of illegal drugs into our country.

Interagency Cooperation
DEA is an investigative agency, not an interdiction agency. The sharing of information with other law enforcement agencies is the only way that we can effectively combat illegal narcotics. However, we are not alone in our efforts.

The El Paso Division currently participates in both the West Texas and New Mexico Regions of the Southwest Border High Intensity Drug Trafficking Area (HIDTA), which include several other federal, state, and local law enforcement agencies. We work closely with these agencies, and through this collaborative effort, we are able to conduct investigations that are regional, national and international in scope.

I also must mention that DEA responds to U. S. Department of Homeland Security, Bureau of Customs and Border Protection (BCBP) checkpoint seizures and arrests. (BCBP is an interdiction agency.) These referrals include not only drugs seized as a result of checkpoint inspections of vehicles, but also abandoned drugs. DEA has agents in three separate offices, in two states, dedicated to responding to seizures made at BCBP checkpoints, some of which are over 100 miles away. DEA agents responding to abandoned drug referrals can spend anywhere from 14 to 48 hours processing the drugs, while checkpoint seizures and arrests are more labor intensive and time consuming.

Handling these types of cases takes an average of 110 hours each. For example, in fiscal year 2002, DEA agents in our area responded to 467 abandoned drug referrals and 469 checkpoint drug seizures, which consumed 59% of our agents' time. Increased security will continue to increase the number of drug seizures and arrests.

Money Laundering
The smuggling of bulk currency into Mexico continues to be one of the favored methods of the drug trafficking organizations. On a daily basis, approximately 45,000 vehicles cross the border into Mexico, virtually unchecked by U.S. law enforcement. Southbound bulk currency shipments range from $20,000 up to $10 million; the larger shipments are usually concealed in tractor-trailers. Smaller amounts are usually crossed in passenger vehicles and hidden in every conceivable way. The use of legitimate financial institutions on both sides of the border continues to be a favored method used by the drug trafficking organizations. Wire transfers and corresponding bank accounts between the U.S. and Mexican banks are an integral part of this system. The El Paso/Juarez area receives thousands of money wire transfers, monthly, originating from other areas of the country that have large Hispanic populations. In order to address this problem, the El Paso Division leads the multi-agency HIDTA "Enterprise" money laundering initiative, which was established at DEA's request in late 2002.

Intelligence Operations
DEA utilizes the services of the El Paso Intelligence Center (EPIC) and the databases from its 15 participating Federal agencies, which serve as a valuable resource of information. The Division liaisons with EPIC on a regular basis, and we use their Special Operations and Southwest Border Units to augment our investigations.

DEA also actively participates in the West Texas and New Mexico Regional HIDTA Investigative Support Centers, one of which is collocated in the El Paso Federal Justice Center that houses both the DEA and FBI Offices. Numerous federal, state and local law enforcement agencies participate and share information in a collective effort, which includes deconfliction of enforcement operations in this area.

In this age of ever changing technology, the DEA El Paso Division coordinates its investigative technology efforts with the multi-agency, Special Operations Division, led by DEA. This office is designed specifically to coordinate multi-agency, multi-jurisdictional, and multi-national investigations against the command and control elements of major drug trafficking organizations, operating domestically and abroad.

Conclusion
The Southwest Border is the most prominent gateway for illegal drugs into the United States. I have attempted to provide you with a picture of the situation that DEA is facing in the West Texas and New Mexico area. Increased private and commercial vehicle and pedestrian border crossings, together with the presence of hardened Mexican drug trafficking organizations, will require DEA's continuing vigilance and on-going cooperation among law enforcement entities in this region. The El Paso Division is focused on this challenge.

Mr. Chairman, thank you for the opportunity to appear before the Subcommittee today. I will be happy to answer any questions that you or other members may have.

Testimony to the
Government Reform Committee's Subcommittee
on Criminal Justice, Drug Policy, and Human Resources

Good morning subcommittee members, visitors to our Sun City, other distinguished members of our community, and those concerned individuals present here today. I also want to express my sincere thanks in being provided the opportunity to present before you today.

My name is Jose Luis Soria. I am employed by Aliviane NO-AD Inc., a community-based chemical dependency prevention, intervention, and treatment organization. I am the Clinical Deputy Director for this agency. My testimony to you today will focus on the humanistic aspect, but will also take into account a wholistic approach to the drug trade and the disruption of social and human institutions that this activity has on our community, and in general to the State of Texas.

The drug trade has created a catastrophic dilemma in the southwest and especially in and around the El Paso Area, inclusive of the outlying rural counties.. This is not to say that other areas of our nation have not felt the scourge of this practice on our citizens, but as we all know, the El Paso Area, due to geographic and topographic uniqueness, has proven to be a preferred area for its illegal trade. We must also take into consideration the economic dependence that has metamorphosized between our city and our sister city of Ciudad Juarez, Mexico and other border cities that create a close economic or social tie to the North side of the border. The closeness, our cultural ties, the heritage, and the lack of sustainable economic resources, on both sides of the border, has played an integral part in nurturing and facilitating this lucrative, yet most detrimental activity. This multi-million dollar "business" has affected our youth, our criminal justice system, our economy, our healthcare systems and most importantly, our quality of life.

The geographic makeup of this area with its many miles of desolate, arid, and unpopulated landscape has facilitated the creation of special corridors that many individuals involved in this illicit trade find very adaptable to their operations. The inability of the United States to provide thorough and total scrutinization to this vast area, approximately 30 thousand square miles, a gargantuan area compared to other locales, has proven to be very difficult to stop the drug trade. In addition, the El Paso Area, comprising of several major international crossings has only exacerbated the inability to control the illegal drug trade. This is not to say that the efforts exerted by the various local, state, national, and international entities have not been put forth. It simply states that the tremendous quantities of illegal drugs coming into the United States, specifically El Paso and Texas, has made it impossible to have the success that one would wish for.

Our regional economic plight is a major contributing factor that helps expand the involvement of many of our citizens, especially our youth, in this unsavory, illegal, yet lucrative act. Even though many of our citizens initiate their involvement on the business end – the means of making money, most often, they find themselves becoming victims of "the trade". Once this occurs, their psychological, physical, and social functioning erodes very quickly. They soon become a statistic that is associated with the criminal justice system, our social welfare system, and of course our healthcare system. Since the involvement is not based on an isolationist basis and the substance abuse is inclusionary of the family, everyone in that household becomes a victim. Thus the drain on scant economic resources that add to the woes of this city.

I will not "preach to the choir" as the saying goes, since the distinguished panel is comprised of many talented and knowledgeable individuals. I will expound the need to establish and continue efforts that provide for various elements in the war against drugs. First, interdiction is necessary in order to curtail the importation of harmful substances into the state. The proposition here is of course the less drugs that come into the country, the less victims we shall have. We must maintain a vigilant effort in this area, combined with a collaborative and coordinating aspect with our neighbor to the South, since it will take a concerted effort to reduce the trade.

Second, we must ensure that resources include the availability of programming, at all levels, to avail those prevention, intervention, and treatment services needed by the citizens being confronted with substance abuse related problems. The Center for Substance Abuse Prevention (CSAP) and the Center for Substance Abuse Treatment (CSAT) have proven that the application of the appropriate services when needed by the individual can have significant impact on the reduction and complete stoppage of substance abusing behaviors. In essence, to use CSAT's premise: Treatment Does Work, must be maintained at a high level of conscientiousness as we carry out efforts through the different levels of impacting the drug trade.

We must ensure that all social, criminal justice, educational, and healthcare institutions become cognizant that chemical abuse and addiction is a disease and should treat it as such. We must ensure that there is no victimization of those individuals that are in need of treatment. The element of stigmatization must be done away with so that individuals undergoing such processes can maintain proactive participation in their recovery processes. Prevention and intervention services should be maintained at a high level of priority in order to properly inform the parents so they in turn can speak openly with their children about substance abuse and proactive decision-making processes.

In ending my testimony, I would like to reiterate that the affliction of substance and chemical addiction is a costly venue for the society to incur. Financially, we are currently continuing to expand correctional facilities, fund the manning of such facilities, and continue to increase our probation and parole entities. Interdiction and judicial aspects associated with interdiction alone is a very costly venue for the state and the nation as a

whole. Healthcare issues related to chemical abuse and addiction continue to come to the forefront as a result of the interaction between high risk behaviors and substance abusing behaviors. To exemplify, the current AIDS/HIV and Hepatitis epidemics are infiltrating the population in general and can no longer be ascertained to be diseases of a certain type of subculture within our societies. In essence, the population, in general, must be dealt with as one unit if we are to curtail the demand side.

Our youth are being affected tremendously by the widely acceptable practices of experimentation and use of certain substances. The dysfunctional elements associated with substance use with this population is creating havoc within our educational system, our youth correctional systems, and associated psychiatric health issues. We must ensure that this segment of our population have the resources necessary now to ensure productive future citizens.

I want to thank you for this opportunity and hope that you consider all presentations made here today to develop the most appropriate policies for this social problem.

Mr. LONGORIA. Good morning, Chairman Souder and committee, welcome to El Paso. I appreciate this opportunity to testify before you today.

My name is David Longoria, I am currently the Interim Port Director for the Bureau of Customs and Border Protection here in El Paso, TX. My responsibility entails providing leadership for the Bureau of Customs and Border Protection inspectors at the port of entry.

As you know, on March 1, 2003, the Customs Service, Immigration Service and APHIS, the USDA component, merged into the Department of Homeland Security. We now have one common mission that will serve to enhance the security of our borders.

Our inspectors are the guardians of our Nation's borders—America's frontline. They serve and protect the American public with integrity, innovation and pride. Together, they ensure that everything that enters the country, as well as everything that leaves the country is in compliance with all U.S. laws and regulations. Our collective priority is to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.

Thwarting terrorism, drug smuggling and any form of criminality at our borders, while facilitating the flow of legitimate trade and travel, is a challenge that is successfully met by utilizing industry partnership programs, cutting edge technology and a motivated work force.

El Paso and its sister city of Ciudad Juarez comprise one of the world's largest border-plex communities. Ciudad Juarez is also home to several major drug organizations. The result is a high level of enforcement activity at our port of entry. To lend some perspective, consider the following as it pertains to the Port of El Paso. El Paso consistently leads the Nation in drug seizures. Since fiscal year 2003, we have seized more than 100,000 pounds of narcotics. We consistently account for about 25 percent of all drugs seized at the ports of entry. In fiscal year 2002, we processed about 36 million people, which is roughly the same as all of our international airports combined. El Paso leads the Nation in processing immigrant visas. On a given day, we process about 3,000 trucks, 37,000 privately owned vehicles and about 25,000 pedestrians.

Our agency readily acknowledges that a balance between enforcement and facilitation is essential. While an overly facilitative approach renders our Nation vulnerable, an excessively enforcement posture can negatively impact our business and the economy. The solution lies in adopting a "smart border" approach which takes advantage of risk-based enforcement efforts, non-intrusive inspection technology and engaging the industry in partnership programs.

NII technology allows inspectors to examine vehicles and passengers in a quick and non-intrusive manner. For example, a truck coming from Mexico can be examined with gamma ray technology in about 7 minutes. Without this technology, the truck would need to be referred to the docks for a partial or full unloading, which can take several hours. A corollary benefit to this technology is that it keeps inspectors unencumbered and thereby more responsive to other threats.

Examples of technology are: VACIS machine—Vehicle and Cargo Inspection System—uses gamma ray technology to scan trucks, vehicles and rail cars for density anomalies. Takes about 7 minutes per vehicle.

X-Ray—same as VACIS but with different energy source and takes about 10 minutes.

Density Busters—hand-held devices provide density readings. These $5,000 instruments allow inspectors to examine vehicles and containers for contraband, drugs or weapons of mass destruction by detecting secret compartments.

Radiation Detectors—as the name suggests, these instruments detect radiation emissions. Inspectors wear these on their gun belts.

Range Finders enable inspectors to detect false walls in commercial container.

And CAOS, the Customs Automated Operations System, a system of computers, sensors, cameras and software, enables remote monitoring of non–24X7 ports, as well as generating lane scrambles for integrity purposes and special operations. For example, the system can be programmed to instruct officers to refer all pick-up trucks, or all vehicles ending in No. 3, etc.

These are only some of the examples of tools and technology that are being used to lessen the intrusiveness of the inspection process and facilitate the flow of traffic. Industry Partnership Programs are also being used for the same purpose, but place the onus of securing the supply chain on the industry. Signatory participants agree to enhance the security of their operations and work with other members to secure the entire supply chain. The supply chain can include manufacturers, importers, carriers and warehouses.

Participants in Industry Partnership Programs are provided with facilitated processing, including use of express lanes. Non-participants are subjected to more frequent examinations, including intrusive examinations. As a result of these initiatives, the Bureau of Customs and Border Protection focuses its attention and resources on non-participants, which has rendered a phenomenal success, including a recent 12,000 pound seizure of marijuana in a commercial conveyance.

One recent success with industry partnership in El Paso is the implementation of the Secure Trade Expedited Processing program [STEP]. This program provides express lanes and expedited processing for participants who meet certain criteria.

As technology evolves, additional standards may be required such as use of transponders, cameras and satellite tracking. Our goal is to have the industry able to track and use its conveyances and containers at all times and thereby enable us to provide maximum facilitation while further focusing our enforcement efforts on non-participants. The strategy will no doubt result in maximizing drug interdiction.

This is just a thumbnail sketch of the many tools and programs that are used by the Bureau of Customs and Border Protection to secure our border.

I notice that my time is out and I just have a couple of other——

Mr. SOUDER. Just go ahead.

Mr. LONGORIA. OK. It is also very important to mention our cooperation and daily interaction with the newly formed Bureau of Immigration and Customs Enforcement [BICE], which is home to Department of Homeland Security investigators. BICE Special Agents in the El Paso District are actively involved in enforcement operations in an area that spans the 600-mile U.S./Mexican border from the Big Bend area of west Texas, across New Mexico to the Arizona border.

There are approximately 200 BICE Special Agents actively involved in a variety of initiatives designed to reinforce and secure our vast, rugged and remote border areas against the threat of terrorism, weapons of mass destruction and importation of narcotics and other contraband.

These Special Agents apprehended, arrested and successfully prosecuted more than 2,100 Federal cases in the El Paso District during the last 12 months and the pace has not slowed. BICE Special Agents average 15 to 20 arrests, seizures and other enforcement actions each day. In excess of 75 percent of these Federal prosecutions are directly related to drug smuggling and associated money laundering activities. Our BICE agents are also aggressively pursuing national security and counter-terrorism initiatives on a daily basis in this district. For example, BICE Special Agents are now finalizing the prosecution of an organization that operated illegal weapons and military tactics training facility along the New Mexico border. This investigation has, to date, resulted in the arrest of nine defendants and the seizure of over $3 million in assets. BICE Special Agents have also significantly contributed to the location and/or apprehension of approximately 40 special interest illegal aliens since the initiation of the war in Iraq. El Paso District agents currently have over 25 active investigations of international/cross-border money laundering operations involving narcotics trafficking proceeds and in certain instances transfers of funds related to suspected international sponsorship of terrorism.

In closing, I would like to again thank you for the opportunity to appear before the subcommittee. We are very proud of the work we do to serve and protect the American public. I can state unequivocally that the border is safer because of the tools, technology and partnership programs that are in place, and that border security will continue to improve as a result of the creation of the Department of Homeland Security.

I would be happy to answer any questions you might have. Thank you.

[The prepared statement of Mr. Longoria follows:]

STATEMENT OF DAVID LONGORIA, INTERIM PORT DIRECTOR FOR THE BUREAU OF CUSTOMS AND BORDER PROTECTION BEFORE THE SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES APRIL 15, 2003

Good morning, Chairman Souder and members of the committee. Welcome to El Paso. Thank you for this opportunity to testify before you today.

My name is David Longoria. I am currently the Interim Port Director for the Bureau of Customs and Border Protection (BCBP) here in El Paso, Texas. My responsibility entails providing leadership for BCBP inspectors at the port of entry.

As you know, on March 1, 2003, the U.S. Customs Service, the U.S. Immigration and Naturalization Service, and Inspection functions of the Agriculture, Plant Health Inspection Service merged into the Department of Homeland Security. We now have one common mission that will serve to enhance the security of our borders.

Our inspectors are the guardians of our nation's borders --- America's frontline. They serve and protect the American public with integrity, innovation, and pride. Together, they ensure that everything that enters the country, as well as everything that leaves the country is in compliance with all U.S. laws and regulations. Our collective priority is to prevent terrorists and terrorist weapons from entering into the United States, while facilitating the flow of legitimate trade and travel.

Thwarting terrorism, drug smuggling and any form of criminality at our borders while facilitating the flow of legitimate trade and travel, is a challenge that is successfully met by utilizing industry partnership programs, cutting edge technology, and a motivated workforce.

El Paso and its sister city of Ciudad Juarez comprise one of the world's largest border-plex communities. Ciudad Juarez is also home to several major drug organizations. The result is a high level of enforcement activity at our port of entry. To lend some perspective, consider the following as it pertains to the Port of El Paso:

- El Paso consistently leads the nation in drug seizures
- Since FY03 we have seized more than 100K lbs. of narcotics
- We consistently account for about 25% of all drugs seized at POEs
- In FY02 we processed about 36 million people, which is roughly the same as all of our int'l airports combined.
- El Paso leads the nation in processing immigrant visas

- On a given day, we process about 3K trucks, 37K Privately Owned Vehicles (POVs) and 25K pedestrians.

Our agency readily acknowledges that a balance between enforcement and facilitation is essential. While an overly facilitative approach renders our nation vulnerable, an excessively assertive enforcement posture can negatively impact business and the economy. The solution lies in adopting a "smart border" approach which takes advantage of risk-based enforcement efforts, non-intrusive inspections (NII) technology, and engaging the industry in partnership programs.

NII technology allows inspectors to examine vehicles and passengers in a quick and non-intrusive manner. For example, a truck coming from Mexico can be examined with gamma ray technology in about 7 minutes. Without this technology, the truck would need to be referred to the docks for a partial or full unloading, which can take several hours. A corollary benefit to this technology is that it keeps inspectors unencumbered and thereby more responsive to other threats.

Examples of technology are:

- VACIS – Vehicle And Cargo Inspection System – uses gamma ray technology to scan trucks, vehicles and rail cars for density anomalies. Takes about 7-minutes p/vehicle.
- X-Ray – Same as VACIS, but with different energy source, and takes about 10-minutes p/vehicle
- Density Busters – Hand-held device provides density readings. These $5K instruments allow inspectors to examine vehicles and containers for contraband, drugs or WMD by detecting secret compartments.
- Radiation Detectors – as the name suggests, these instruments detect radiation emissions. Inspectors wear these on their gun belts.
- Range Finders – enables inspectors to detect false walls in commercial containers.
- CAOS – Customs Automated Operations System – a system of computers, sensors, cameras and software, enables remote monitoring of non-24X7 ports, as well as generating lane scrambles for integrity purposes, and special operations. For example, the system can be programmed to instruct officers to refer all pick-up trucks, or all vehicles ending in #3, etc.

These are only some examples of the tools and technology that are being used to lessen the intrusiveness of the inspection process and facilitate the flow of traffic. Industry Partnership Programs (IPP) are also being used for the same purpose, but place the onus of securing the supply chain on the industry. Signatory participants agree to enhance the security of their operations and work with other members to secure the entire supply chain. The supply chain can include manufacturers, importers, carriers and warehouses.

Participants in IPP are provided with facilitated processing, including use of express lanes. Non-participants are subjected to more frequent examinations, including intrusive examinations. As a result of these initiatives, BCBP focuses its attention and resources on non-participants which has rendered phenomenal success, including a recent 12,000 pound seizure of marijuana in a commercial conveyance.

One recent success with industry partnership in El Paso is the implementation of the Secure Trade Expedited Processing program, or STEP for short. This program provides express lanes and expedited processing for participants who meet certain criteria. Some of the criteria include the following:

- Electronic submission of invoices and manifests 2-hours prior to arrival of conveyance. This allows BCBP time to target the shipment and determine whether intensive exams are required, and drivers must undergo background checks.
- Trucks must be maintained overnight in a fenced, lighted and secure area.
- Enrollment in the Customs-Trade Partnership Against Terrorism and the Business Anti-Smuggling Coalition.
- Use of approved smart seals to secure containers
- Ability to meet data quality standards.

As technology evolves, additional standards may be required such as use of transponders, cameras and satellite tracking. Our goal is to have the industry be able to track or use its conveyances and containers at all times and thereby enable us to provide maximum facilitation while further focusing our enforcement efforts on non-participants. The strategy will no doubt result in maximizing drug interdiction.

This is just a thumbnail sketch of the many tools and programs that are used by the BCBP to secure the border in El Paso.

It is also very important to mention our cooperation and daily interaction with the newly formed Bureau of Immigration and Customs Enforcement (BICE), which is home to DHS investigators. BICE Special Agents in the El Paso District are actively involved in enforcement operations in an area that spans the 600 mile US/Mexican border from the Big Bend Area of West Texas, across New Mexico to the Arizona border.

There are approximately 200 BICE Special Agents actively involved in a variety of initiatives designed to reinforce and secure our vast, rugged and remote border areas against the threat of terrorism, weapons of mass destruction and the importation of narcotics and other contraband.

These Special Agents apprehended, arrested and successfully prosecuted more than 2100 federal cases in the El Paso District during the last twelve months and the pace has not slowed. BICE Special Agents average 15-20 arrests, seizures and other enforcement actions each day. In excess of 75% of these federal prosecutions are directly related to drug smuggling and associated money laundering activities. Our BICE agents are also aggressively pursuing national security and counter-terrorism initiatives on a daily basis in this district. For example, BICE Special Agents are now finalizing the prosecution of an organization that operated illegal weapons and military tactics training facility along the New Mexico border. This investigation has to date resulted in the arrest of 9 defendants and the seizure of over $3,000,000.00 in assets. BICE Special Agents have also significantly contributed to the location and/or apprehension of approximately 40 "special interest" illegal aliens since the initiation of the War in Iraq. El Paso District agents currently have over 25 active investigations of international/cross-border money laundering operations involving narcotics trafficking proceeds and in certain instances transfers of funds related to suspected international sponsorship of terrorism.

In closing, I would like to again thank you for the opportunity to appear before this subcommittee. We are very proud of the work we do to serve and protect the American public. I can state unequivocally that the border is safer because of the tools, technology and partnership programs that are in place, and that border security will continue to improve as a result of the creation of the Department of Homeland Security.

I would be happy to answer any questions you might have.

Mr. SOUDER. Thank you. I'm going to limit each Member to asking questions of no more than 1 hour of each witness. [Laughter.]

There are so many ways we can go. One of the frustrating problems we have in a hearing like this is how to work within the 5-minute rule. I am sure each of you felt the same way trying to do your testimony. What this in effect will become is a book on this region once this hearing is published. So we will probably have more written questions to you than we get verbal questions in in our questioning period, and ask for additional documentation on a number of points that are raised.

I would like to—and we will probably do several rounds here with the first panel. I would like to start to try to get a little bit of a grip on the big picture. A few things were raised to me that I was not familiar with and would like to start with Mr. Gonzalez.

On this new highway that is coming in, is the port in Mexico fully developed yet, or is that more conceptual? In other words, is this—logically if this port grows, it is going to be a major trafficking pattern.

Mr. GONZALEZ. Correct. Before I get into that, I was just informed that I misspoke. I said 100 people come across the border every day, I think it is 100,000.

Mr. SOUDER. But in this port, is that something that is developing rapidly, fairly developed?

Mr. GONZALEZ. Yes, we expect the highway to be completed this calendar year.

Mr. SOUDER. And what about the actual harbor facilities, do you know about that?

Mr. GONZALEZ. I believe—I do not know for sure, but I believe the harbor facilities are established.

Mr. SOUDER. Do you expect, given your experience in the Indian region and given the fact that most are coming now through southern, southwest Colombia and coming up the west side—or the east side of the Pacific, the west side of Mexico, that they will try to move toward that, to get to this highway?

Mr. GONZALEZ. Yes, the information we have is that the Mexican authorities will divert a percentage of the trucking that goes right now through California and El Paso, to this highway and they will enter through Presidio, TX, and this will increase the activity there of course of the Border Patrol and Customs. And we expect to see a lot more seizures.

Mr. SOUDER. Is the marijuana that you are seeing mostly Mexican or do you have Colombia?

Mr. GONZALEZ. I would say it is mostly Mexican.

Mr. SOUDER. Is the cocaine mostly Colombian?

Mr. GONZALEZ. Yes, we believe all the cocaine that comes across originates in Colombia.

Mr. SOUDER. Same with heroin?

Mr. GONZALEZ. No, we see very little Colombian heroin here, it is mostly Mexican heroin.

Mr. SOUDER. Do you think there will be an increase in Asian heroin if that port becomes——

Mr. GONZALEZ. That is certainly a good possibility, yes.

Mr. SOUDER. The only place that is dominant right now is up in Seattle, Vancouver, San Francisco, but that——

Mr. GONZALEZ. That could change, because that port, as I said, cuts out several days of travel and it is just logical what is going to happen here.

Mr. SOUDER. We will probably have some written questions both to Customs in Washington, to Border Patrol on what is planned at the Presidio crossing and what is happening with that port down there and how we are planning to shift, because it also will affect what is coming from farther south.

In the—continuing with Mr. Gonzalez, in Laredo, in Nuevo Laredo, they are clearly having major shootouts as organizations are changing and it has spilled across the border down toward McAllen as they reach across the border to assassinate people, the different trafficking organizations. Could you, on that map, kind of give an idea of what major Mexican cartel are controlling the El Paso Sector? Does that go down further on the border here, do they tend to recognize where the New Mexico border is?

Mr. GONZALEZ. No, we believe that the major organizations that are operating in this area also extend both into New Mexico and east into Texas.

Mr. SOUDER. Has the fight that is happening down in Laredo spilled over to Juarez?

Mr. GONZALEZ. The violence you mean?

Mr. SOUDER. Yes.

Mr. GONZALEZ. Juarez is one of the most violent cities that I have ever heard about or seen, but that violence does not spill over into El Paso, it sort of stays on that side, unlike what you just said, that it is spilling over into our side in Laredo. That is not happening here.

Mr. SOUDER. What is the town where there were six Americans killed? Falcon Lake, in the Zapata area, in the last few weeks. Because Cario, his group is fighting for control and I just wondered if that was—what is hard to figure out is are we matched up on the U.S. side like the cartels are matched up on their side, or when we have our sectors cross over, are we not matched where their cartels are, because we have—are we doing a pass-off? And that is what I was trying to figure out, how they were lined up down here as we were working the border on this side.

I am going to yield to Mr. Deal at this point. Actually, let me yield to Mr. Reyes.

Mr. REYES. When you talk about matching up resources against the cartels, probably Border Patrol would be the one that would be in a position to comment. Do you want to comment for the chairman on the question he was asking Mr. Gonzalez?

Mr. BEESON. Basically we do deploy our resources in a manner that is consistent with what is going on in the area, so if we have information about activity in a particular area, then we will concentrate resources there, either through staffing, cameras, things of that nature, other pieces of technology that we use, sensors, things like that, to combat the threat of narcotics being brought into the country.

Mr. REYES. And they also have an extensive use of informants through anti-smuggling. They do not just limit anti-smuggling to people smuggling, they run the gamut—arms smuggling, certainly narcotics and also on the lookout for terrorists.

One thing that I would like to point out for the record, Mr. Chairman, is that there are pockets along our border on the Mexican side of Middle Eastern, primarily business people. I know Juarez has a substantial community and when you talk about our region here, it is good to know that—good information to have and to know that when you are talking about kind of the metro-plex area, you are talking about an area of about 3 million people, when you take into account El Paso, Las Cruces and Juarez, a city of—the official population released by the Mexican Government is about 1.4, 1.5 million but most people will tell you it is a lot closer to 2 million. And the region itself is about 3 million inhabitants, which puts a lot of pressure, since we are doing this enforcement part of it, on the law enforcement agencies that have that kind of responsibility and that routinely work fairly closely. You know, there are some limitations, and I know when you get your briefing at EPIC, they will be able to give you some of the information that these gentlemen cannot give you in open testimony, but they will give you the classified briefing on the narcotics organizations, they will actually show you a schematic on how they operate and obviously they cannot do it in open forum, for security reasons. So you will find it very interesting.

I have a couple of areas that I want to focus on in my time. For Mr. Beeson, a critical component of being able to manage the border, even with Operation Hold the Line in place, is staffing and also how you supplement the staffing and the capability to monitor the border with technology. Can you, for the committee, elaborate on—I know we have had a shortfall in the amount of staffing that even I requested when I was Chief here, in order to maintain the integrity of Operation Hold the Line, and it would be important to get those kinds of figures to the committee. If you do not have them with you today, certainly get them on the record.

But can you comment on those things—staffing and technology?

Mr. BEESON. There are 1,100 Border Patrol agents here within the El Paso Sector, that is for 289 miles of border and I think 125,000 square miles or 225.

It is important to control the border, for there to be an adequate mix of staffing both for the technology and for the agents. You need the mix with the cameras, with sensors and things like that. Those are all things that enhance what the agents are able to do when they are out patrolling the border. It is an extra set of eyes or an extra set of ears for the agents as they do the work that they are doing out there.

It is important to continue to increase staffing. In a number of locations, we are receiving more cameras this year, which we will be deploying in strategic locations. So they are all important pieces to gaining control of the border, is to get that staffing mix, that technology mix, to help control the area.

Mr. REYES. Will you be able to provide staffing figures to the committee—the number of agents that the El Paso Sector—and it would be valuable for you to ask every one of the nine chiefs that have responsibility along the U.S./Mexico border to give you their staffing plans; not what they have currently on board, but what they feel would be the optimum level of staffing to provide border management. Because one of the misconceptions when we talk

about border control, you cannot seal off the border, but you get into a lot of diminishing returns.

I think my colleagues and I many years ago, over 10 years ago, came up with a model that if we managed the border with an 85 percent control factor, that is about the optimum that we could hope for. That includes not only staffing but also the technology that Assistant Chief Beeson talks about.

And it would also be helpful for you to give the committee the information on the kinds of cameras, particularly the ones that are mounted in remote areas on poles, the kinds of ground sensors that you have, you have infrared, you have magnetic, you have seismic. All of those are important components because in Congress when we fund these programs, especially now under Homeland Security, we need to understand the expertise that the law enforcement agencies have, in particular Border Patrol, to be able to fund the kinds of sensors that they need, and camera systems.

Are we going to have another round?

Mr. SOUDER. Yes.

Mr. REYES. OK, so I will stop right there. I do have some questions for a couple of the other panelists.

Mr. SOUDER. Mr. Deal.

Mr. DEAL. One of the most alarming reports that I think any of us have received have been some media reports of military on the Mexican side and police on the Mexican side being engaged in drug smuggling and in an instance or so even firing on the U.S. officials. Could you comment on the degree of that involvement that you have detected and conversely, the degree of cooperation that you are receiving from the Mexican law enforcement authorities to deal with this drug problem—any of you.

Mr. BEESON. I will go. In the El Paso area itself, which of course are the two west counties of Texas and New Mexico, we have had in the past incursions of Mexican military, no evidence that they were involved in narcotics smuggling. The big one that we had, it appeared to be a case that they got lost. We do not have concrete information regarding narcotics smuggling and other government officials.

What we do have in this sector is—and I mentioned this in my statement—was the Mexican liaison unit. And what that unit does for us is it coordinates and communicates on a daily basis with officials in Mexico—the police, the military, other government officials, consular officials, things like that. The purpose for that is to improve safety on the border, to try and make sure that incidents like the one that happened in Santa Teresa a number of years ago do not occur again, to increase safety for the officers both on the Mexican side and on our side that are patrolling that border, and for the people that are crossing that border, because there are a number of issues with bandits and things of that nature.

We do work very closely with them and then, of course, there are some things that we will not share, in terms of information and things like that. But we have a pretty good relationship with them here in this area and we enjoy a good level of cooperation.

Mr. GONZALEZ. Mr. Vice Chairman, I just want to make a couple of comments on the cooperation issue. Just last week, I met with the head of the Mexican Federal Agency of Investigations, which is

like the FBI. They also handle drug enforcement. And we are, at the present time, exchanging information and working together on major investigations, which I will be glad to address later with you or with your staff.

Mr. DEAL. One of the most recent developments that we understand has occurred is that the Supreme Court of Mexico has now determined that they will not extradite if the individual faces the potential of a life imprisonment, even though it may be subject to pardon or parole. That obviously holds the potential of interfering with breaking up major drug cartels, those involved in large scale drug trafficking. That appears to me to be quite a contrast with what we have in Colombia, where they have very much cooperated with the extradition of the high-level individuals back to our country for prosecution.

Could any of you comment about whether that change in the rules relating to extradition has presented problems up to this point and do you anticipate that it would present problems in the future?

Mr. GONZALEZ. The extradition issue, we had some discussions on that yesterday. The Mexican Government, as you said, they will not extradite someone who is facing a life term or a death sentence. That is their law. But we can work with them if we are willing to, for example, charge a different crime or a lesser crime that does not have the death penalty or life imprisonment as punishment. They indicated that they will—something along the lines of 30 years, 40 years, something like that, they do not have a problem with it, but I believe that we just—for the time being, we are going to have to live with that, with no extradition if there is a death sentence or life imprisonment.

Mr. DEAL. That has already presented problems in my State with regard to gang activity in which drive-by shootings or other similar crimes have been committed and the individual is successful in fleeing back across the border. That, to me, long-term, poses some very, very significant problems and one that our prosecutors are already raising concerns about at the State level, that they are faced with these problems. And in effect, even if they have a case that is extraditable, the procedure that Mexico requires virtually requires a trial in Mexico as a prerequisite to being able to obtain extradition. That is a very non-cooperative attitude, if there is any desire, in my opinion, in the part of Mexico to cooperate in this problem.

Second round, I may explore that attitude a little further. Thank you, Mr. Chairman.

Mr. SOUDER. Thank you.

I want to come back, before moving on to a different angle, to two different things, because I think it is important to distinguish, for the record. We are not asking about ongoing investigations, we are asking in general terms and I think, Mr. Beeson, given the fact that the question went on the record, we have to have a direct answer under oath.

Are you saying that you do not believe that—because the impression was that things are going just fine with the Mexican military and police. I do not think the facts speak to that, there is a tremendous corruption problem and are you saying there is no corruption

on the other side and that they have been cooperating, or are you saying that we have cooperation problems and there is corruption on the other side?

Mr. BEESON. I am not saying that there are no corruption problems on the other side, there are. They cooperate with us on some issues, things that we can work together on, and normally around safety and things like that.

We do not—well, I do not have any information today regarding Mexican military or Mexican law enforcement involvement in narcotic smuggling, that would be something I would have to research.

Mr. SOUDER. What about protection?

Mr. BEESON. Or protection. That is something that I would have to research and provide to the committee later.

Mr. SOUDER. Have you seen them interdict or help you in interdiction when you spot people coming across?

Mr. BEESON. We have. I can speak to a couple of occasions that I have personal knowledge of. In Deming, NM, a vehicle crossed the border on our side laden with narcotics, the agents engaged in an attempt to stop that vehicle, it ran south into Mexico. Our officers contacted the Mexican military and they did go and apprehend that vehicle and I want to say it was around 600 pounds of narcotics out of the house in Palomas. So they did take action there.

We have another case, and I want to say it was in Fabens, another deal where the narcotics made it south and we contacted the Mexican police and they did go and apprehend them.

Mr. SOUDER. So is it your testimony that it has improved on the Mexican side, the same, worse? I am not asking specifics, I am asking in general terms.

Here is the problem we have in the U.S. Congress and with the American people, is there is intelligence that—on ongoing investigations that you do not want to do, there are obviously diplomatic relations between the two countries, but you cannot go to the U.S. Congress, which is dependent on democratic elections, ask us for additional money for agents, ask us for additional money to work the border and then say oh, we are not going to tell the people why you need this money. Because one of the things we are having in the narcotics area and in the border patrol area is increasing unwillingness of people who do not live along the border to pay for additional costs along the border, if the border people say things are going fine because there is political pressure on the trade question that you do not want to deal with.

It is much like when we deal with inner city crime in the United States, you cannot say oh, we do not want to have an image that we have a bad problem, but we want the other taxpayers to help address the problem, but we do not want to acknowledge the problem is there. We either have a problem or we do not have a problem and that is one of the challenges we have in dealing in the public arena.

I just read a book, which I do not believe is particularly accurate, I have dealt with this stuff, Along the Border, or whatever it is called, by Mark Bowden, and he makes some very serious charges about the agencies in the Federal Government and it is important that when we have the opportunities to make those responses, to say yes, we understand, we are trying to deal with those, some of

these things are exaggerated and the general public's impression of corruption is over-exaggerated, but we understand there is a problem. The charges are pretty much around the table around the country and in Washington that there has been a playing down by the different agencies and that you all have been somewhat shackled because of concern that it would affect different trade debates.

I represent an area where I have some concerns about trucking and trade things, but basically we are in an inevitable path in the North American continent to trying to work with Mexico and Canada, but to do that, we have to figure out what we are actually dealing with, so when we—I am going to be at the U.S./Mexico Parliamentary sessions in just a few weeks, I have to know, you know, is it doing better, doing worse, where are our specific problems. And if it is doing better, that is great and we need to get that message out. But that is what I am trying to get a handle on here because in the last few days we have seen many Mexican military units on the other side for explanations we do not fully understand.

And we will get that to some degree in private briefings, but I think it is also important that the general public understand that there are some unusual things going along the Mexican border that are visual to the open eye that do not meet standard tests of logic. And if you are not seeing that in this sector, then we need to figure out how to address that question in the other part of Texas sector. Because what I could see with my eyes made no sense. The question is is that happening up in this area too or is this area different from what I saw in the other part of Texas?

I mean I saw guys with all kinds of arms who were not particularly happy to see Border Patrol agents.

Mr. BEESON. We do see people, military, down on the border on the Mexican side.

Mr. SOUDER. And by the way, the other thing we are hearing constantly, farmers and ranchers and people in villages tell us that they see the Mexican police and/or military or people who have stolen uniforms which is another possibility, coming across providing some protection. Are you all aware of that and is it happening in this sector?

Mr. BEESON. We do receive reports on occasion of instances where folks have come across with narcotics loads using tactics that would appear to be military, wearing uniforms that would appear to be military. We have not apprehended anybody doing that but we have received information of that sort.

Mr. SOUDER. So basically—because in our Arizona hearing, quite frankly, we had a lot of undocumented allegations and at this point, it would be your testimony that while there is enough undocumented allegations to make us concerned, the fact is we have not directly proven those type of allegations and the general public should know that we are committed to trying—is it fair to say you are committed to trying to establish that because it would be important information for our government to know. Let me assure you, if we learn there is any political pressure to disguise that type of incursion occurring, there will not be a pleasant reaction out of the U.S. Congress, there will be an explosion out of the U.S. Congress. At the same time, we have to be very careful and the general public and the news media needs to be very careful about traffick-

ing in unsubstantiated information from people who may in fact just like—and this is easier for the American public to understand right now—is that in Iraq, clearly a number of uniforms were stolen by forces with Saddam to try to make it appear like U.S. soldiers were doing certain things. And that can happen in other places too and that what we need to deal with are facts and that is one of the things we are trying to get to here.

We will followup and we can hear the confidential cases, but I am trying to get a general on-the-record reaction of—would you say it is better or worse in the region as far as how it has been developed?

Mr. BEESON. I would say overall the relationship is better.

Mr. GONZALEZ. Obviously I cannot comment about those issues on the border, but as it pertains to the investigative side, I served in Mexico in the late 1980's and I have a relationship with Mexican authorities now. And I can tell you that at the Federal level, the level of cooperation has increased dramatically, it is basically unprecedented. And like I said, I have met, I think three times already, with the head of the Mexican FBI and we are working, exchanging information. I believe time will tell, but I think things are looking up in that area now.

Mr. SOUDER. Well, that is really important for us to know, because some Members have an unrealistic expectation of how fast Mexico can change. In a low income culture where you could be, like in Colombia, there is also false expectations where you can be murdered one way or the other—if you help them you get in trouble and if you do not help them you get assassinated, your income level—we have huge problems on our side of the border even all the way up to Indiana, people are offered huge amounts of money to leave their farm for a day so a load can be exchanged. We are not above these kinds of problems in our country as well, and what I want to know is are we getting incremental progress and are you seeing it in this sector.

So I thank you for your comments and your patience with that. I did not get to my regular round of questioning but I will now yield to—I wanted to followup on the National Park Service question, so I will do it next time. Mr. Reyes.

Mr. REYES. You know, in every hearing that I have participated in, the chairman is the man, so you can take as much time as you want. This is critical information that you are looking for. So I would be glad to cede you my time if that is what you want.

Mr. SOUDER. Why don't you go ahead. When I do my last round, if I want to go more, then I will.

Mr. REYES. Well, let me just give you some personal testimony because the issue of corruption, as my colleague Congressman Deal was bringing up, is not limited to Mexican corruption. In fact, during the time that I served as Chief in McAllen in south Texas from 1984 to 1993 when they moved me here, of the three sheriffs that we dealt with in Cameron County, Hidalgo County and Starr County, all of them have subsequently been prosecuted and are doing time for corruption, on the U.S. side.

We always prioritized working and making sure that we had a good working relationship, understanding, as Assistant Chief Beeson said, understanding the limitations of that relationship

with our Mexican counterparts. But you absolutely have to have that relationship if you are going to be successful in any way in doing the kinds of things that you are doing, patrolling the border.

But corruption is on both sides. The sheriff of, I believe it was either Presidio County or the adjoining county, was also arrested, and he was smuggling a load of—maybe it was a ton, 2,300 pounds or something like that, of cocaine through a Border Patrol checkpoint. The Border Patrol busted him and he is doing time in Fort Worth today, and that was a sheriff on our side. Just for the sake of information, that sheriff was an Anglo sheriff, the three sheriffs in south Texas were all Hispanic sheriffs.

Mr. SOUDER. Are these deputy sheriffs or——

Mr. GONZALEZ. No, these were full sheriffs, the main guy, like you are going to be hearing testimony from Sheriff Leo Samaniego, who has got the responsibility for El Paso County.

So corruption and the tentacles of corruption reach all across the border. We have had, unfortunately, Border Patrol agents, DEA agents, FBI agents, that have—Customs, Immigration inspectors—that have been investigated and prosecuted for corruption, because there is so much money out there. So we want to make sure that we understand that corruption tentacles cover both sides of the border.

Now let me just address a couple of the other issues, which is the Mexican military and the U.S. military. The Mexican military is deployed on the Mexican side of the border because of the concerns that we have had since September 11. So President Fox made an agreement with President Bush that they would deploy an increased number of military units to the U.S./Mexico border to try to help with that control and that kind of concern that we have.

I am glad that you are going to Inter-Parliamentary because I have been going since I have been in Congress and we have gone the gamut of issues and of good and bad relationships with Mexico, as it pertains to border enforcement.

I know that people think that it is a quick fix and it is an easy fix to militarize the border, but nothing could be further from the truth. We need to support professional, trained, bilingual people that understand and know the culture of the border rather than bringing in the 82nd or the 173rd or the 3rd Infantry, or whoever, for the reasons that it is not going to be cheap, it is not going to be easy and you could be opening our military soldiers to issues of personal liability, as happened in Redford, TX, which is by Marfa, when a military unit that was doing some listening post, outpost, you know, working covertly, unfortunately killed an 18-year-old young man. And I will get you that information.

So those are all real issues that we that live on the border and certainly with the kind of background that I have, as the only Member of Congress that has that experience, we need to really have other colleagues and certainly committees like the one that you chair, have them really understand the dynamics of why it is important that we look at the border region as a place where you can spend a dollar and save spending $100 in some interior location like your district or a Georgia district or some other area in the interior, because it makes sense to invest in the border because this is where these guys that are the experts can tell you that dol-

lar will go much further than spending $10 or $100 in Dallas or Denver or Duluth or some other place.

So I will be happy to continue to work with you and, you know, at least bring my expertise. You know, there is good news and bad news in this. The good news is I am the only Member of Congress with this background and the other part of the good news is that I get consulted. The bad news is that sometimes you guys do not follow my advice or my recommendations. [Laughter.]

Mr. REYES. But that is the nature of the beast. But certainly doing these kinds of hearings—and you know, you are absolutely right, ask the pointed questions. Now Assistant Chief Beeson is not the chief here, so I would recommend that you call in the nine border chiefs of the Border Patrol and the nine or however many Customs and DEA and FBI have, and in the comfort of your office, just be pointed with them and say look, we are trying to make some decisions here that affect your ability to function at America's frontline of defense, which is our Nation's borders, and we need to have the straight information.

A lot of times, from personal experience, let me tell you, Mr. Chairman, when I testified—and I testified many times before Congress as the Chief—they literally—the agency literally locks you into the testimony that has been prepared by the agency that you are—unless you know the questions to ask, the witnesses are locked into what they can say and the amount of area that they can cover. We need to change that because these guys have a lot of information, they have a lot of expertise and we ought to be able to tap into it so that we can make the kinds of funding decisions that will affect our ability to function as a country under homeland defense.

So I offer my—I am at your disposal in terms of working on these issues.

Mr. SOUDER. In my aggressiveness with the question, and I know Mr. Beeson had to come in at the last minute to substitute for the Chief, and, as a Republican who supports the Republican administration, I understand the importance of having an organized presentation and not getting off into kind of what my sociology professor used to call "minanti" as opposed to the bigger picture. At the same time, you know, that you are under oath in front of this committee. This is an oversight committee, it is historically the function of this Government Reform Committee to challenge and to make sure even within our own administration what we are doing is right, and you know what, if you are inaccurate under oath, your supervisor, who helped guide the testimony, is not in trouble, you are. Which is why it is important to remember in this committee, it is a little bit different in our approach.

Mr. Deal.

Mr. DEAL. As I indicated in the beginning, what you do here has impacts everywhere. Let me give you the significance of it. This is my 11th year in Congress, when I was elected in 1992, the problem of illegal immigration in my north Georgia district was the No. 1 social issue that we faced. It has not gotten better, it has gotten far worse.

The two largest independent school districts, public school districts, in my Congressional District which stretches and borders—

used to border four States, now it still borders three States—the largest population in those two school districts is Hispanic, non-English speaking students. They exceed the population of native Anglos, they exceed the population, by far, of African American students.

The impacts on my Congressional District are tremendous and, as the chairman said, we need some honest answers. We need to know what can we do to make sure we don't continue along this same road. If it is going to continue, and we are all saying we are doing everything just fine and everything is working just right, then my district is going to be in terrible shape, because over the last 11 years it has not gotten better, it has gotten far worse.

Let me ask you a question with regard to enforcement. And I am somebody who voted for NAFTA by the way. Are there any sanctions on trucks, vehicles that are in the organized transportation industry, who are caught with illegal drugs in their transport? Now I know the vehicle probably is seized, the driver may be arrested, but are there any consequences to those people who are trying to ship those goods using those methods? Those trucking firms, are they put on any kind of a list, are they sanctioned in any fashion?

Mr. LONGORIA. Yes, we enter information on the respective importer, manufacturer or wherever the investigation leads. We enter that into a system of records, a data base, and we use that information to target accordingly. So somebody who has a history of——

Mr. DEAL. What do you mean by target accordingly?

Mr. LONGORIA. Well, somebody who has a history or has a higher risk of importing narcotics or violating laws or being non-compliant, would incur more inspections or closer inspections, more examinations, that kind of thing. They would also be precluded from participating in Industry Partnership Programs, as I had pointed out earlier. People that are highly compliant are allowed to participate in these Industry Partnership Programs and they get expedited processing. So they would be precluded from participating in that.

Mr. REYES. Can you identify specifically the system that you use? Because I think it is important for the members of the committee to have that information.

Mr. LONGORIA. It is called ACS, Automated Commercial System, it is a system of records. It is being revised and modified under the Department of Homeland Security, it is soon to be called ACE, the Automated Commercial Environment. And it collects data on merchandise that is imported, who imported it, who manufactured it, what is the point of origin, what is the country of origin. As I indicated, in Industry Partnership Programs, we get people to participate in these programs and secure the supply chain to push the border out, so to speak, create a virtual border, and secure the supply chain that way. Our part of the deal is that we will offer expedited treatment to those participants.

People who are caught violating the law would be precluded—and you are right, we do seize the trucks. That is one of the consequences.

Mr. DEAL. Well, you know, under the trade laws, if someone is violating trade rules, then there could be sanctions with regard to losing quota, etc. It would seem to me that we ought to have some-

thing comparable. You know, they are not just shipping an extra pair of blue jeans in here, they are shipping drugs. And if you can be sanctioned for violating your quotas on shipping extra blue jeans, you certainly ought to be sanctioned in some fashion—and it is probably beyond the jurisdiction of what any of you have control over—but it would seem to me it would be one of those extra sanctions that we ought to look at, as we are looking in trade rules and trade negotiations. It certainly I think has some merit to it for those who would take advantage of the system.

Let me ask a question, and I guess Mr. Beeson, this probably is more directed at you. We have heard a variety of opinions as to how people who are detected illegally coming into this country are treated. Assuming they are not carrying contraband, we are told that in Laredo, they may be given 15 chances of being caught—if they are that unlucky, they are not very good at it—but 15 times before any action is taken against them. In other parts along the border, we have heard oh, they get five free shots at it before we do anything with them.

What is the policy here, if there is a policy?

Mr. BEESON. In New Mexico, I want to say it is 10, if we have apprehended you 10 times, then we will prosecute you, unless there are special aggravating circumstances. If you fought with the officers or lied about something, something like that, then they may not wait until there is 10 apprehensions.

In Texas, I believe it is 5, it is 5 to 10. Same deal, if we have caught you that many times, we are going to prosecute you, but if there is aggravating circumstances; you know, you had false documents or you fought with the officers, whatever the case may be, then we may not wait for the 5 to 10 times to prosecute.

Mr. DEAL. Could I ask just one more followup on that?

Mr. SOUDER. Sure.

Mr. DEAL. Let me give you an example of how bad it is though once they get past you. In my hometown, my son is the local district attorney there, and the outcry in my community is—well, first of all, we cannot conduct court without a translator; second is that even though you are detected and arrested for a misdemeanor DUI, you can be arrested for as many as three DUIs in my hometown and be an illegal alien, be known by the judge, know by the court authorities on every one of those instances that you are illegally in the country and this is your third DUI, and they will not be deported. Now, you know, that's better than having 15 shots at the border, you know. You have already got past there and you got into the country and we still cannot get anybody to do anything about it. That is the magnitude of the irritation and I am afraid, as the chairman says, the kind of hostility that is growing in the interior of this country, to the problems that we are facing.

And that is just an everyday experience in our hometown, because you see, we cannot run them back to the border and say go home, you know, we have to depend on somebody else to do that.

Mr. SOUDER. Let me ask this question and if you cannot answer it, Mr. Beeson, maybe either an INS or somebody at the Port Authority or we will get somebody at the Port Authority, do you know how many people actually get caught 10 times? Have you had cases like that?

Mr. BEESON. We have had cases like that, but I did not bring those numbers with me today, I can get that for you. We call them rescividists, so it would be a matter of looking up to see how may rescividists we have had.

Mr. DEAL. They are just commuting to work if they are doing that.

Mr. SOUDER. And I would like the record to show, obviously the smuggling organizations know these because as a functional matter, it means that we are not, generally speaking, detaining or arresting people for just being an illegal immigrant, as a practical matter. But that can be enforced at any given time and nobody coming across should think oh, well, I get 10 shots at this, because you never know on any given day whether or not that rule may change or how it will be enforced at a given place. But it is important for us to understand, because I do not think most of the Members of Congress understand that there are variables along the border as to how it is enforced and that those numbers are there.

Now to obvious question back to Members of Congress if we say how come you are letting them do 10 times, well, what would you do with the people anyway, what would be the net impact, how would the patterns change, what would happen with that? It is not a clearcut oh, let us just stop it at one, but that would have consequences. But it is something that is deserving of public debate, because this has been done without really congressional oversight.

I say that because this committee, up until directly switching to Homeland Security and will now be under that subcommittee, we had immigration oversight and it was only in the last period that I learned that it was that specific. And it is not as though I have not been on the border for 6 years. And so this has not been—I can guarantee you—not been a publicly debated strategy and what alternatives and how we would deal with it. I am not even saying we would not even wind up with the same strategy, it is just that is part of the oversight function, is to figure out how it is working.

I want to move to some questions with Mr. Deckert on the National Park. First, I met with the National Park Service and I believe the Inspector General, because I had a person who took leave from the Park Service, who worked with—it was a ranger at Yosemite, who came up when people were beheaded and he has been involved in that, he is now back at Yosemite. And I learned a little bit about the law enforcement problems inside the National Park Service.

And it was clear from going over to Organ Pipe that contrary to some impressions, it was not a matter of training, it was a matter of they had multiple agents there, he was getting direction from a helicopter, he had his vest on, it was a fluke shot that got underneath and came out underneath the vest, and the guy was clearly, you know, behind bushes where you would not have been able to see him. It was not a lack of training, it was a combination of a fluke and a guy who was dedicated to killing whoever was there, whether it was a Border Patrol person, DEA or a Park Service.

But one of the charges is that there have not been complete and accurate statistics on crime in the parks and the other public lands. Are you keeping drug statistics? Do you have a systematic way to do that inside your park? Because clearly, now particularly,

having been identified as the second highest park at risk, you are under kind of more scrutiny in this area. Could you explain a little bit what you are doing, what that has done to resources inside your park, whether you feel there is additional training needed, how we tackle this at a park like yours.

Mr. DECKERT. Yes, I think we are keeping accurate statistics now and I think there probably has been a problem in the past with the service-wide system that is used. As I explained, we have had an increase in drug trafficking this past year and we are concerned about it. I have been in contact with Bill Wellman, who you know from your dealings out in Arizona, the Superintendent of Organ Pipe Cactus, and what he is telling his fellow superintendents along the border who have not experienced what he has experienced at Organ Pipe, is the time to do something is now. He wished he had this knowledge 3 or 4 years ago, before it really mushroomed at Organ Pipe. And we are attempting to do that through the funding that has been reprioritized by our regional office. It is not additional funding, but it is taken away from other needed projects, but recognizing this is a priority now, we have had funding so that we can hire more rangers. Also recognizing that the National Park Service mission differs from the other organizations represented here today in that we are primarily protecting resources and visitors. But when it comes to a time when drug and illegal alien smuggling affects protecting park resources and visitors, we get more involved, to the detriment of specifically protecting park resources in other parts of the park.

We have right now 11 full time law enforcement rangers in Big Bend National Park, 245 miles of border, including both the park and the Rio Grande Wild and Scenic River, which is about 1 percent of the sector up here that has the Border Patrol protection. And we cannot do the job without our partnerships with these other agencies.

But funding is our main concern, both for the things we are talking about here—communication systems, dispatch operations, even infrastructure for housing for employees. A couple more Border Patrol agents stationed in the park would be of great help to us.

Mr. SOUDER. How many Border Patrol are in the park at this time?

Mr. DECKERT. We have two that live in the park now.

Mr. SOUDER. Two for the 245 miles?

Mr. DECKERT. Right. Well, there are others outside the park that assist as well.

Mr. SOUDER. By assist, do you mean that they come in on a regular basis inside the park, or that they come on an on-call basis?

Mr. DECKERT. On call primarily.

Mr. SOUDER. So as far as general surveillance in the park, there's two Border Patrol plus your park rangers?

Mr. DECKERT. Correct.

Mr. SOUDER. Mr. Beeson, what would be a typical per–50 mile Border Patrol? In other words, if you took a region of 200 miles and you have how many, 60? 400? In Arizona, it is pretty intense.

Mr. BEESON. It is very intense in Arizona because that is our hot spot right now. It is going to vary based on the station. A number

of places—the Marfa Sector staffing-wise, they have—the last time I can recall was around 186 for the entire sector.

Mr. SOUDER. Which is how many miles?

Mr. BEESON. I am sorry, I do not know.

Mr. REYES. In territory, Mr. Chairman, that is one of the largest geographic areas of responsibility. That is what I mean that you need to have that staffing model because——

Mr. SOUDER. We will get it.

Mr. REYES. Well, because it varies now. When you are talking about an area like Big Bend Park, that is an area—certainly two agents, I would never even begin to defend the lack of resources in there, because I would say as a Chief, with the kind of activity that they have, the kind of concerns on narcotics, I would have a couple of stations in there with maybe 35 to 60 agents to be able to control that area and that would be only if we were also able to get technology in there, the kinds of cameras that Assistant Chief Beeson was talking about, the kind of sensors, both seismic, infrared and magnetic, that would give you an alert. Because you get into a situation where there is so much territory that you cannot afford to saturate that area like you would in El Paso or in a metropolitan area like El Paso-Juarez. Here you actually need agents within eyesight of each other as well as the technology to be able to—because you have more people.

You have the advantage of remoteness, rugged terrain and the ability to monitor electronically in a place like Big Bend, but two agents is ridiculous or pathetic to think that they would be able to provide the kind of coverage that you would need for that area. You would need, I would say easily 30 to 60 agents.

Mr. SOUDER. Because we do need and want—as we do our regional field hearings, we will pull back to the Washington level and then do an oversight in Washington looking at the broader, but clearly what we are looking for, where are there holes.

We are dealing with multiple questions—illegal immigration, narcotics, potential terrorism, and then all the other types of illegal trafficking that goes through. Guns and money tend to be moving in the other direction. In that, one of our challenges is to try to stay a step ahead. I want to followup with a couple more things on the park side.

As you said, the mission of the National Park Service is not to provide border security. The mission of the Park Service is to protect the resources. Unfortunately, as we learned in Organ Pipe, it is very difficult to protect the natural resource if it becomes a huge illegal immigrant and/or drug trafficking area. They have some of their trails set down. At this point has there been any—to what degree has the illegal immigration or drugs that are moving through Big Bend affected any camping area, utilization of trails, resource degradation? In Organ Pipe, even cutting of cactuses has been a problem. Anything at this point, or are you still at the front end of the curve?

Mr. DECKERT. We are pretty much at the front end of the curve. We have not seen that much resource degradation from this kind of activity, but then again, we have a huge area, even compared with Organ Pipe, and we do not even have enough people to do the inventorying and monitoring of resources to see what kind of ac-

tions may have been taken out there and what kind of degradation may have occurred.

We would like to have funding for that too, so that we can see and show if this comes that there is a problem. And we also again want to be proactive by doing irregular patrols and doing the sorts of things, law enforcement actions, and protection actions that would hopefully keep that from beginning there, as it did at Organ Pipe. Once the flow is opened, it seemed to continue on, and we would like to stop it in the beginning.

Mr. SOUDER. If your rangers are diverted to this, what will they not be doing that they were doing before?

Mr. DECKERT. Oh, a variety of things in the rest of the park, regular road patrols, back country patrols, you know, protecting the resources from just inadvertent or activities that visitors might harm the resources, and protecting them from each other and from getting hurt out there in the park, search and rescue operations. We provide just about everything there in the park from structural fire control to search and rescue, besides law enforcement. So those are all duties of the law enforcement folks in the park. It is a wide range of multi-specialist type duties.

Mr. SOUDER. I thank the Park Service today for sending the representative of agencies and other parks, it was particularly helpful to get the Amistad quotes on the amount of narcotics in the record, and we will ask for an additional written statement on that. At some point, hopefully, at the very southeast portion of Texas, we will pick up Padre Island when we look at the Brownsville Sector and that Corpus Christi Sector of the border. But it also suggests that as we work to protect some of our Federal land agencies, then it pushes it in other places but I wanted to make sure I picked that up.

In this amount of marijuana seized, do you believe that some of this is that you were not keeping as much data in 2000, prior to 2000, or—in other words, it is a function of how much you have actually seized but are we looking for it more now or has it actually increased? I mean, you are growing exponentially, 1,300 in 2000, 10,000 in 2002, 3,700, is that in 3 months?

Mr. DECKERT. I am not sure, which park are you referring to?

Mr. SOUDER. In Big Bend—oh, that is Amistad, excuse me, sorry about that. Could I have the person from Amistad come up? I want to ask him a question on that. I need to swear you in, if you will come up and raise your right hand.

[Witness sworn.]

Mr. SOUDER. Will you give your name for the record and spell it, because we did not have it.

Mr. MALLOY. Bruce Malloy, M-a-l-l-o-y, Chief Ranger at Amistad National Recreation Area in Del Rio, TX.

Mr. SOUDER. Mr. Deckert, in his—I think this was in your written testimony, I do not think you said this in your verbal—said 1,300 marijuana pounds seized at Amistad in 2000, 10,000 in 2002, 3,700 so far this year. Now is that through March?

Mr. MALLOY. Yes, sir, it is.

Mr. SOUDER. So if you took that times four, we would be looking at close to 16,000 this year, if it kept that pace.

Mr. MALLOY. That is correct.

Mr. SOUDER. Is that because there is a more active presence right now or is this a new trafficking route that has opened?

Mr. MALLOY. Well, you know, I cannot be sure exactly what it is attributable to, but the rangers there feel that there is significant more activity in Amistad over the last couple of years than they have seen in previous years. And Amistad is working very cooperatively with the other agencies, so it is not just our rangers that are dealing with this activity. And a lot of those seizures are done cooperatively, particularly with the Border Patrol and U.S. Customs.

Mr. SOUDER. Well, thank you, that is the type of thing we are looking for. Also where are the changes and what are the patterns because these are new things for us to think of at the Federal level, both on the Parks Committee and here, of man, they are going to move right through, but you can see the trails and you can see, particularly over at Organ Pipe but also up in Olympic or other places where you try to protect nesting areas and so on. You put them off limits to our agents and the next thing you know, all the illegals and all the drug trafficking is going right through the nesting areas and the whole purpose to protect them, they are now trampled to death.

The other question that I wanted to relate to Mr. Deckert, is I thought it was interesting where you raised about these informal border crossings. Could you give us a little more history on that and then I probably will go to Customs and the other agencies in Washington to get some written testimony and response. So anticipate that they are going to respond to what you are saying, so we can have a good back and forth.

Is there anybody from Customs here who would be able to address that broader question of the border crossings at Big Bend here today?

Mr. LONGORIA. I have Special Agent Ken Cates from BICE that is here. I do not think he has been sworn in, but——

Mr. SOUDER. Does he have—he is in charge of El Paso, does he go as far as——

Mr. LONGORIA. Which includes the west, yes.

Mr. SOUDER. Could you come forward, so we can—if you will raise your right hand.

[Witness sworn.]

Mr. SOUDER. Mr. Kenneth Cates, is that right, C-a-t-e-s?

Mr. CATES. That is correct.

Mr. SOUDER. Special Agent in Charge, El Paso, for investigative. I would like to have Mr. Deckert describe a little bit and then if you have any comments on the border crossings.

Mr. DECKERT. OK, without going into stories about my aunt, I would like to give you a little background.

I worked at Big Bend from 1975 to 1980 as the chief naturalist down there, came back about 3 years ago as superintendent.

The fellow who had been living over in Mexico and was the owner of the restaurant in Boquillas, which was a traditional place where people from the park would go over and have a meal, buy a souvenir and come back into the park—it had been traditional for generations, died not long after I got back there. And I was concerned that with his informal leadership status in the community,

that perhaps the wrong element might move in. And sure enough, not long after, we had some drug sales in the park across from that crossing. And at that time, we, the Park Service, closed down the crossing for a few months because we wanted to make a point that was not acceptable and we did not want that kind of element over there. And subsequently we have had meetings and cooperation with the State police of the State of Coahuila, who now patrol more regularly up into that area and know of our concerns and want to keep it safe for visitors to go over there.

Of course, 11 months ago, when the border crossings were closed, all of them, they were saying that the reason for that was because they had enough agents to do that now and patrol those, but also because of September 11 and what had happened and concern about terrorism after that.

Our concern was though that, as opposed to this area, which is a huge population center, we are on the frontier of both countries. There are no paved roads up to the villages or anywhere near them across from Big Bend National Park, and anywhere on the border is almost a crossing just like those traditional border crossings. You close those three little points on the border and you still have 245 miles where people can continue to cross. And so our concern was with the villagers over there in the villages who, for generations, had made their living on tourist trade legally, that they would have perhaps no other alternative than to leave, the villages dry up, that opportunity for visitors to go over and enjoy that culture would disappear or they perhaps would turn to illegal activity.

So we have been working with Customs here in El Paso to develop some sort of official way to open one or more of those crossings and allow that to continue. As I said, with hopefully friendly relations restored with those villages, that they would be more likely to use legal means of making a living as opposed to illegal means, and perhaps work with us in trying to keep out the kind of element that we do not want to get into this country.

Mr. SOUDER. Mr. Cates, would you like to make some comments on this and where we stand in progress?

Mr. CATES. Well, it is a very complex problem, complicated in large part due to the current Federal laws that mandate entry into the United States, both for merchandise as well as for individuals, be through approved and formally established ports of entry. So that, particularly in the Big Bend area, in essence that 245 mile border, to be in strict compliance with the current Federal law, every entrant would have to go through the port of entry at Presidio. And as has been pointed out here, it just traditionally has not been—it is just not feasible, you just cannot conduct your commerce, you cannot conduct many just human necessities to be able to travel down the river and make formal entry through the established POE there, port of entry.

So the Customs Service or in our new configuration, has submitted some proposals to our headquarters to try to address that particular problem. A number of innovative issues are being considered up in our office of rulings and regulations now. They range from some specialized paroling of significant or humanitarian type significant individuals into the United States such as firefighters and law enforcement officials from Mexico, as well as something as

far reaching and innovative as establishing a foreign arrival zone in the Big Bend area which would give greater access to the now closed informal crossings.

But it is very difficult to balance the needs of the local area with the needs of national security, which in large part drove the closings of those historically informal crossings.

Mr. SOUDER. Knowing I am headed a little into a quagmire and I am going to try not to get into this for too many minutes, but I want to kind of get the parameters of it so we know where we are headed from here, because this is an interesting phenomena that while this is a dramatic example, probably exists many places along the border, but with some nuances that I would like to followup.

So first off, you are saying these crossing were illegal in the first place. By informal, you mean illegal crossings.

Mr. CATES. That is correct.

Mr. DECKERT. But also we had a memorandum of understanding with U.S. Customs that allowed U.S. citizens to cross over and come back for awhile, and we were operating under the assumption that was in effect.

Mr. SOUDER. And when those crossings occur, were you—without understanding, because I am not from here, only know a little bit about the park, a little bit about the cities there—are there communities on the U.S. side that are grandfathered into the Big Bend Park where they were going to visit or are they going up through the park to the highway system in the United States?

Mr. DECKERT. Well, when Mexicans came over at those crossings, in most cases, they were going to the developed areas in the park. There is a little grocery store——

Mr. SOUDER. To enjoy the resources of the park.

Mr. DECKERT [continuing]. Gas station and so forth, and then back across the border.

Mr. SOUDER. And is there a way when they came across that they could have gone through the park, beyond the park and would there have been a checkpoint at the roads coming out of the park to make sure that was not a way for illegal immigration or narcotics to move through an authorized route? Is that why Customs, their concern on national security became greater? Let me ask that question, Mr. Cates.

Mr. CATES. Well, actually I believe it was the Border Patrol that, you know, is the entity tasked with closing those borders, but that certainly is a factor in that it is a vast, remote, very rugged area and there are no formally established areas of ingress and egress that you could sort of choke off illegal traffic. So once you get into the Big Bend area, you—if you are successful, you certainly have access to I–10.

Mr. SOUDER. Let me try that question one more time because it was—I mean that was part of the answer.

From the illegal border crossing points, were there informal or legal roads that connected to the ways to get in and out of the park?

Mr. DECKERT. Yes.

Mr. REYES. Mr. Chairman, can I—there are three types of ports of entry. There are Class A, which is a 24-hour, fully staffed one;

there's a Class B that is open during designated times and then there is a Class C, which is what we are talking about here, which are the—it is not an illegal crossing. I just want to make sure that gets on the record. It is an understanding that in these remote areas, communities do not have access to doctors, to shopping and those kinds of things, so what is being characterized as informal crossing is basically sanctioned by the Department of State. That part of it I am not completely clear on, but it is sanctioned government to government so that firefighters, so that doctors, so that shopping and those kinds of things can be accommodated in both ways.

Because interestingly enough in this area, in some of these communities, the U.S. citizens that live on our side depend on the Mexican stores and the Mexican community for medical services and stuff like that, as remote as it is in there.

So I wanted to make sure that the chairman did not go away with the wrong impression here, because there are those three types of crossings.

Mr. SOUDER. But we have some places on the north border like this and they are shut. One is near Seattle, which is a community that is actually on a peninsula going back to Canada, and they have to go through a border crossing, they can no longer do the informal—and in Minnesota. And part of the key question here is does this connect to a regular road. In other words, I understand the need for some flexibility, does it connect to a regular road?

Mr. DECKERT. Yes. Conceivably people could go on the roads up into the United States. But there are two Border Patrol checkpoints on both of those major highways that go into and out of the park.

Mr. SOUDER. So the Border Patrol checkpoint could catch that.

I want to ask one more question on the Port Authority to Mr. Longoria. In the south Texas part of the border, they are clearly making a high percentage of the currency seizures that are reported to the Federal Government right now, yet you have more narcotics going back. Are you looking at more outbound checkpoints or are you going to work with that? Because presumably currency is coming back through here in even greater amounts.

Mr. LONGORIA. Right. I guess we do not have the resources to do as much of it as we want to do. We have been focusing more on outbound under alert level orange, and we have been somewhat successful. We are also looking for any neutrality violations, firearms, that kind of thing, and work very closely with the El Paso Police and the Sheriff's Office using forfeiture fund moneys and so we set up special operations to target southbound, but we do not have resources to do that all the time. So I do not know if that answers your question, but we are doing it, not as much as we would like to.

Mr. SOUDER. Because tracking the money is one of the main ways to catch people.

Mr. Reyes, do you have any other questions?

Mr. REYES. There are several things that I wanted to make recommendations to you, Mr. Chairman. The first one is the Border Patrol and other agencies, in particular the Border Patrol, has a system of reporting that is called the G–23 Report. You still use it?

Mr. BEESON. Yes.

Mr. REYES. It has broken down all the information that you are interested in. The categories are divided in there for the kinds of people that are arrested, male, female, children. The last entry. I would recommend that you ask the Border Patrol for the G–23 reports. It is a monthly report and your staff can evaluate and analyze it and give you a synopsis of the information that you are looking for.

Mr. SOUDER. Thanks.

Mr. REYES. On everything from seizures to people they arrest, people they encounter.

Mr. SOUDER. One of things—we were trying to figure out why this border crossing has less currency seizures even though is has more of the other.

Mr. REYES. Right. So anyway, that's a recommendation.

The other thing I wanted to say—and I know that the Sheriff and I hope the Chief of Police in the next panel, make a comment on this because the High Intensity Drug Trafficking Area designation for border communities, and particularly for this west Texas area, that pot of money is being used to fund many different things, including this year, things that are being funded other places with the money from that account that is desperately needed along the border region for the kinds of reasons that you are hearing in this testimony. So I would recommend—and I will be alert to the next panel to make those issues clear to you, but that is one part of it.

The other one is that the State Criminal Alien Assistance Program—and this is in reference to my colleague making the comments about the impact that illegal immigration has had in his community and his district. This is the program that we provide money to local State governments to be able to compensate for the impact of illegal immigration all across the country.

Mr. DEAL. No, just certain States. We do not get it.

Mr. REYES. Well, you are eligible for it, you have to put in for it, but you are eligible for it.

Mr. DEAL. My understanding is it is only the top five.

Mr. REYES. No, and I will work with you on this, but let me also tell you that incredibly enough, this was a program that, although it is very much—very important and very much needed by our communities all across the country, that was targeted for elimination by OMB and we successfully fought that plan to do that.

We need to increasingly weigh in on these kinds of issues because they affect the very kind of impact that you are making a point here in this hearing. So I will be glad to provide you the information on that.

And I will yield back my time, because I know——

Mr. SOUDER. Mr. Deal, do you have other questions?

Mr. DEAL. I know we are running short on time and have two more panels to do. Thank you all for being here.

Mr. SOUDER. Thank you each for your testimony, we will follow-up with some written questions. Anything you would like to submit additional, any charts and graphs you would like to submit for the record, and then if you will work with us with your workload and

trying to respond to the written questions that can fill out the record.

Thank you very much, each of you, for coming today and for your testimony.

If the second panel could come forward: Mr. Carlos Leon, chief, El Paso Police Department; Mr. Leo Samaniego, sheriff of El Paso County Sheriff's Department. If you will remain standing, we will do the oath, if you would raise your right hands.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of our witnesses responded in the affirmative. I welcome you here today and thank you for having us in your wonderful community and providing us with a safe visit thus far to El Paso.

We will start with Chief Leon.

STATEMENTS OF CARLOS LEON, CHIEF, EL PASO POLICE DEPARTMENT; AND LEO SAMANIEGO, SHERIFF, EL PASO COUNTY SHERIFF'S DEPARTMENT

Mr. LEON. Good morning, Mr. Chairman and members of this very critical subcommittee. I am Carlos Leon, the Chief of Police for the El Paso Police Department.

The El Paso-Juarez borderplex encompasses about 2 million people. Economic conditions and geographic terrain couple to make a fertile ground for drug traffickers. Estimates are that a very significant portion of all drugs entering the United States do so through this region. This is evident by the many large seizures in and around the area that are intercepted on their way to larger metropolitan areas such as Los Angeles, Chicago and New York.

The El Paso Police Department is one of the primary law enforcement agencies in the region serving a population of over 600,000 with approximately 1150 officers. Federal and local initiatives fund numerous innovative law enforcement efforts attempting to stem the flow of drugs into the United States through our ports of entry and other points between them. However, the Rio Grande River does not deter smugglers and the vast desert areas in the region provide easy access points across the border.

Recent national events have diverted Federal, State and local funds to ensure homeland security. Increased security at international borders has caused drug trafficking organizations to change their tactics as well as creating new challenges to law enforcement agencies. Rather than transporting illegal drugs through the ports of entry, drug smugglers are instead choosing other points along the border by land and by air.

Marijuana is the drug most often passed through the El Paso-Juarez area followed by cocaine and heroin. Other drugs such as Rohypnol, Ecstasy and methamphetamines are also seen, but with less frequency. These drugs are often warehoused in stash houses in residential areas of the city. Local hotels and motels are frequently used for clandestine drug transactions. Drug smugglers use a variety of secret compartments and other covert methods of bringing drugs into the United States including a complex series of underground tunnels joining El Paso and Juarez.

To effectively address the drug trafficking problem in the area and ultimately prevent large amounts of drugs from reaching the

rest of the United States, the city of El Paso and the El Paso Police Department need a significant increase in resources. High Intensity Drug Trafficking Area [HIDTA] funding is critical to our success. Increasing personnel alone will not solve the problem. The department needs state-of-the-art equipment and technology to improve law enforcement efforts in remote areas, for conducting surveillance, and gathering intelligence. Training opportunities are limited in the El Paso area and because of our geographic isolation from most major cities, require expensive travel costs and time away from duty.

To effectively stem the flow of narcotics through this area and ultimately prevent large amounts of drugs from reaching the rest of the United States, the city of El Paso and the El Paso Police Department need a significant increase in personnel and resources dedicated specifically to narcotics trafficking reduction. Increasing personnel alone will not solve the problem. The department is in need of state-of-the-art equipment and technology to improve law enforcement efforts in remote areas, for conducting surveillance and gathering intelligence. Additional resources, such as prosecutors, probation officers and judges, are needed to followup and supplement law enforcement efforts.

HIDTA funding is critical to our success in combating drug trafficking in the region. Due to Federal budget constraints, our funding has remained level for 4 consecutive years, placing increased burdens on local resources. Drug trafficking on the international borders is not just a local problem. It is a national crisis with far-reaching social and economic ramifications. Furthermore, smugglers will bring anything across the border if the price is right. As easily as they can cross a large load of marijuana or cocaine, so could they bring weapons of mass destruction—if they have not already.

State and local agencies are in the greatest need of assistance as they shoulder the burden of law enforcement efforts and prosecution of criminals. Investing in State and local resources that are familiar with the situation, the region and the systems currently in place would greatly affect the flow of narcotics through El Paso. The El Paso Police Department is tasked with not only protecting its citizens from the threat of drug activities and related crimes, but with protecting every major city in the United States from the drugs that enter daily through the Juarez-El Paso corridor. If success in curbing the drug trade in cities like Los Angeles, Chicago and New York is to be achieved, we must start in El Paso.

Thank you very much.

Mr. SOUDER. Thank you for your testimony. Sheriff Samaniego, thank you for coming today.

[The prepared statement of Chief Leon follows:]

LEON

Government Reform Committee's
Sub-Committee on Criminal Justice, Drug Policy, and Human Resources

El Paso Police Department
April 15, 2003

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To effectively address the drug trafficking problem in the area and ultimately prevent large amounts of drugs from reaching the rest of the United States, the City of El Paso and the El Paso Police Department need a significant increase in resources. High Intensity Drug Trafficking Area (HIDTA) funding is critical to our success. Increasing personnel alone will not solve the problem. The department needs state of the art equipment and technology to improve law enforcement efforts in remote areas, for conducting surveillance, and gathering intelligence. Training opportunities are limited in the El Paso area and, because of our geographic isolation from most major cities, require expensive travel costs and time away from duty.

To effectively stem the flow of narcotics through this area and ultimately prevent large amounts of drugs from reaching the rest of the United States, the City of El Paso and the El Paso Police Department need a significant increase in personnel and resources dedicated specifically to narcotics trafficking reduction. Increasing personnel alone will not solve the problem. The department is in need of state of the art equipment and technology to improve law enforcement efforts in remote areas, for conducting surveillance, and gathering intelligence. Training opportunities are limited in the El Paso area and, because of our geographic isolation from most major cities, requires expensive travel costs and time away from duty. Additional resources, such as prosecutors, probation officers and judges, are needed to follow-up and supplement law enforcement efforts.

HIDTA funding is critical to our success in combating drug trafficking in the region. Due to federal budget constraints, our funding has remained level for four consecutive years, placing increased burdens on local resources. Drug trafficking on the international borders is not just a local problem. It is a national crisis with far reaching social and economic ramifications. Furthermore, smugglers will bring anything across the border if the price is right. As easily as they can cross a large load of marijuana or cocaine, so could they bring weapons of mass destruction (if they haven't already).

State and local agencies are in the greatest need of assistance as they shoulder the burden of law enforcement efforts and prosecution of criminals. Investing in state and local resources that are familiar with the situation, the region, and the systems currently in place would greatly affect the flow of narcotics through El Paso. The El Paso Police Department is tasked with not only protecting its citizens from the threat of drug activities and related crimes, but with protecting every major city in the United States from the drugs that enter daily through the Juarez-El Paso corridor. If success in curbing the drug trade in cities such as Los Angeles, Chicago, and New York is be achieved, we must start in El Paso.

Carlos Leon
Chief of Police

Mr. SAMANIEGO. Thank you, sir. Mr. Chairman, members of committee and Congressman Reyes, thank you very much for the opportunity to testify before you today.

Realizing that our Nation's security is our No. 1 priority, that does not diminish the problem that we have with drug trafficking. In many ways, these two issues go hand in hand. The very routes, methods of concealment and human resources used by illicit organizations for drug trafficking and alien smuggling are also a threat to our Nation's security.

The national drug abuse problem has a significant impact on the community of El Paso, and the entire southwest border. Drugs flowing across this border are, by and large, not staying here. Drug trafficking is not a local problem, it is a national problem, and it requires the attention of our Federal Government. The failure to stop drug smuggling here today could mean 1,000 kilograms of marijuana will end up on the streets of St. Louis, Detroit, Atlanta or some other city in the United States.

Efforts to secure our border against terrorism have not curbed the use of the southwest border as the most significant gateway of drugs being smuggled into the United States. Federal resources have been expanded in cities to our north to combat drug use and distribution, yet most of the drugs have originated from this border.

If illicit organizations can bring in tons of narcotics through this region and work a distribution network that spans the entire country, then they can bring in the resources for terrorism as well.

There are four issues that plague this area. First, the Federal Government is expecting local agencies to assist with the national drug problem.

Second, local agencies have been asked to add resources to national security efforts.

Third, the Federal Government is expecting more of its Federal agencies on the southwest border.

And fourth, local and Federal agencies have been overwhelmed with manpower shortages that deal with these issues.

My agency's efforts to assist with the national drug problem is most clearly seen in our involvement in two programs: The High Intensity Drug Trafficking Area and the Edward Byrne Memorial Grant.

The HIDTA program in west Texas is an excellent example of the cooperative efforts of local, State and Federal agencies working together to address a problem. The West Texas HIDTA Executive Committee has consistently developed strategies to address the drug trafficking threat in our region. This success is due to the local planning, decisionmaking and execution that the HIDTA program embraces.

The achievement of the West Texas HIDTA, however, has been limited by level funding. With an increase of only $150,000 over the past 4 years, combined with the increased costs in services due to normal inflation, the West Texas HIDTA has been forced to make cuts that impact the effectiveness of its multi-agency initiatives.

The Edward Byrne Memorial Grant program has a long history with my department. The El Paso County Metro Narcotics Task Force has a successful history in battling local and regional drug

distributors in our area. This success is also threatened by funding cuts for this program.

While all the Federal law enforcement agencies in this region could use more resources, I will highlight several that need your specific attention. Since September 11, 2001, several agencies were reorganized to improve national security. The first, as seen in this region, was the Federal Bureau of Investigation. With a shift in priorities, the El Paso Office of the FBI drastically reduced the number of narcotic investigation groups. The impact of this has been enormous.

The Drug Enforcement Administration office in El Paso is undermanned for the level of drug trafficking in this region. It is inconceivable to think that the agency with a responsibility of fighting this Nation's drug problem is so poorly under-staffed in El Paso.

And in closing—I thought I had it down to 5 minutes, but obviously I did not. [Laughter.]

Let me say that time is running out. I do not think it is time to just ignore the problems that we are having here on the border. Everybody is short-handed, they are short of resources and I think the American people, the people in this community for a fact, demand the best that we can give them.

Again, gentlemen, thank you for the opportunity to be here with you.

[The prepared statement of Sheriff Samaniego follows:]

TESTIMONY OF LEO SAMANIEGO, SHERIFF OF EL PASO COUNTY, TEXAS

BEFORE THE COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

"THE IMPACT OF THE DRUG TRADE ON BORDER SECURITY: FIELD HEARING AT EL PASO, TEXAS"

APRIL 15, 2003

Mr. Chairman, members of the committee, I would like to thank you for the opportunity to testify today on the impact of the drug trade, the status of law enforcement along the Texas/New Mexico-Mexico border, and ways to improve security here. I would also like to thank you for holding this hearing here on the border, where the rubber meets the road in drug trafficking and national security.

Realizing that our nation's security is our number one priority, that does not diminish the problem we have with drug trafficking. In many ways, these two issues go hand in hand. The very routes, methods of concealment, and human resources used by illicit organizations for drug trafficking and alien smuggling are also a threat to our nation's security. On this border, counter-narcotics and national security efforts tap into the same law enforcement resources.

The problem

What I want you to walk away from this hearing with is the knowledge that the national drug abuse problem has a significant impact on the community of El Paso, and the entire Southwest Border. I want you to remember that the drugs flowing across this border, are, by and large, not staying here. Drug trafficking is not a local problem, it is a national problem, and requires the attention of our Federal government. While there is a drug abuse problem in El Paso, the demand does not compare to the high demand for drugs in the rest of the nation. The problem for El Paso is the transshipment of drugs through the region, and the illegal activities associated with it. Drug traffickers do not stop for long once they have

entered El Paso. They continue with their shipments on to cities throughout the country. The failure to stop drug smuggling here today could mean 1,000 kilograms of marijuana will end up on the streets of St. Louis, Shreveport, Nashville – you name the city – tomorrow.

Security of the Border.

While this is a safe community, the nation's third safest; approximately 3,000 automobiles a year are stolen in El Paso and taken to Mexico. Literally a stone's throw away, the City of Juarez, Mexico has been plagued with over 500 drug related homicides in the last ten years. Many of those were gang-style executions, and in addition there are approximately 200 unsolved murders of young women.

The enforcement efforts in other major cities are being increased because we are not stopping the drugs here. Efforts to secure our border against terrorism have not curbed the use of the Southwest border as the most significant gateway of drugs being smuggled into the United States. Federal resources have been expanded in cities to our north to combat drug use and distribution, yet most of the drugs have originated from this border. If illicit organizations can bring in tons of narcotics through this region and work a distribution network that spans the entire country, then they can bring in the resources for terrorism as well. If illegal aliens can be smuggled through here in truck loads (and they are) then terrorist organizations can also covertly smuggle the people to carry out their plans. On the Southwest Border, the same organizations involved in smuggling drugs have also been found to smuggle illegal aliens. Their motive is profit, regardless of the negative impact on our country. Smuggling terrorists, weapons, or weapons components would not be a far reach for these established organizations.

There are two issues that plague this area. First, the Federal government is expecting local agencies to assist with addressing the national drug problem, and now with increased national security efforts, but with reduced resources. Secondly, the Federal government is expecting more of its Federal agencies on the Southwest Border without adequate resources.

Local Agency Efforts

My agency's efforts to assist with the national drug problem is most clearly seen in our involvement in two programs; the High Intensity Drug Trafficking Area (HIDTA) program, and the Edward Byrne Memorial Grant program. Both programs have proven to be successful nationwide, and this region is no exception.

The HIDTA program in West Texas is an excellent example of the cooperative efforts of local, state, and Federal agencies working together to address a problem. I have served on the West Texas HIDTA Executive Committee for over nine years; and previously served as the Chair of the Southwest Border HIDTA Executive Board as well. Over those nine years, the Executive Committee, made up of the executive level leaders for Federal, state and local law enforcement agencies in this area, has consistently developed successful strategies to address the drug trafficking threat in our region. This success is due to the local planning, decision making, and execution that the HIDTA program embraces. This is important because the expertise on drug trafficking on this border can be found no where else than right here with the officers, agents, and law enforcement leadership that know this border so well.

The success of the West Texas HIDTA, however, has been limited by level funding. With an increase of only $150,000 over the past four years, combined with increased costs in services due to normal inflation, the West Texas HIDTA has been forced to make cuts that impact the effectiveness of its multi-agency initiatives. Without this funding, I am limited in the number of personnel I can provide to these initiatives. The El Paso County Sheriff's Department has been forced to reduce the number of personnel assigned to HIDTA initiatives.

Other Sheriffs in the West Texas HIDTA area are at an even greater disadvantage. The nine other counties that make up the West Texas HIDTA area are vast rural areas, with small populations. Their law enforcement agencies are very small with staff ranging from two to eight deputies. The only way these agencies can afford to extend resources toward the national drug problem or for national security, is with outside funding.

The Edward Byrne Memorial Grants program administered through the Texas Department of Public Safety has a long history with my Department. For years the El Paso County Sheriff's Department has

operated the Metro Narcotics Task Force (Metro). Metro has a long successful history in battling local and regional drug distributors in our area. This success is threatened by funding cuts for the program. Recent cuts in this Task Force's budget have already hurt the productivity of the unit.

Federal Resources

While all of the Federal law enforcement agencies in this region could use more resources, I will highlight several that need your specific attention. Since September 11, 2001, several agencies were reorganized to improve national security. The first, as seen in this region, was the Federal Bureau of Investigation (FBI). With a shift in priorities, the El Paso office of the FBI reduced the number of narcotics investigation groups from approximately six down to two. The impact of this has been enormous. Without those four investigation groups targeting drug trafficking organizations, other agencies and task forces were expected to accept the burden. However, all agencies involved in narcotics investigations, and all narcotics investigative task forces existing in this area already had their plates full.

The Drug Enforcement Administration (DEA) office in El Paso, has fewer agents than the FBI office. The El Paso DEA office is undermanned for the level of drug trafficking in this region. My agency has many officers in DEA task forces, both HIDTA funded and not, partially because DEA is understaffed for fully employing the number of investigative groups needed to investigate the drug trafficking organizations.

The US Marshal Service (USMS) carries the highest number of Federal warrants in the nation. Even with a HIDTA funded task force, which combines the resources of my department with the USMS and other agencies, the number of state warrants retained by my agency remains at approximately 25,000.

There are Federal agencies in El Paso which have jurisdiction for investigating the types of crimes that are associated with both drug trafficking and national security; weapons trafficking and money laundering. However these agencies are so undermanned that they can barely extend resources towards the cooperative efforts required for national security and drug enforcement. Weapons trafficking is known to

be an activity of the drug trafficking organizations, however, a systemic cooperative effort has not been made because the Bureau of Alcohol, Tobacco, and Fire Arms (ATF) does not have adequate numbers of agents up and down the border. The Internal Revenue Service, Criminal Investigation Division (IRS) has also been seriously undermanned up and down the border. These agencies need to be significantly increasedmail.house.gov to address serious drug trafficking and security threats such as money laundering and weapons trafficking, two threats that have been largely ignored on the Southwest Border.

The model of the ISC.

I would like to close by describing how, in the model of the West Texas HIDTA Investigative Support Center (ISC), cooperative efforts towards combating drug trafficking can also be married to national security efforts. In a combined effort with FBI and DEA, the El Paso County Sheriff's Department plays a lead and significant role in the management of the ISC. This intelligence center, began as a drug intelligence clearinghouse in 1997. In the past few years, the mission and organization of the center evolved to include all narcotics intelligence units in the West Texas region. As a HIDTA ISC, it was successful. FBI collocated their entire Criminal Intelligence Squad into the ISC, and DEA collocated an intelligence group with them. All agencies in this region participate in the ISC in one form or another. As needs of agencies in the area evolved to focus more on national security, as well as drug enforcement, the ISC has evolved as well. It is now a multi-discipline, criminal intelligence center – no longer just providing intelligence on drug trafficking. The ISC incorporates information and intelligence from all agency databases, commercial databases, and seemingly non-law enforcement related databases to provide comprehensive intelligence services to all agencies in the region.

Conclusion

I want to thank you, Mr. Chairman, for this opportunity to testify. The El Paso County Sheriff's Department continues to make every effort possible, working with our fellow law enforcement agencies, Federal, state and local, to address the concerns of the community of El Paso and the American people. I would be happy to answer any questions you might have

Mr. SOUDER. Thank you. And your full statement will be in the record and your comments toward the end were very helpful in your written.

Mr. SAMANIEGO. Yes, sir.

Mr. SOUDER. I was going through it additionally, because one of the dilemmas we have is that the—because we are all under tremendous budget pressures and because it is so easy to get into a political battle over the funding priorities, whose deficits are bigger, I am betting my deficit is bigger than your deficit. I mean I know it is even proportionally. Trying to do that, often it is hard to get specific data. You gave us some very good data here.

We have been trying to monitor what is actually happening inside the FBI, reducing from six to two; is the DEA picking up the slack? The answer is no, they are not picking up the slack here. You say they have fewer agents than the FBI, in your testimony.

We often ignore the importance of the U.S. Marshal's Service. We are not able to say that in your verbal, but in the written, it says this is the largest, highest number of Federal warrants in the Nation for Federal marshals.

Mr. SAMANIEGO. Yes, sir.

Mr. SOUDER. Has that office stayed stable? Is that increasing, decreasing, do you know?

Mr. SAMANIEGO. We have had the same number of deputy U.S. Marshals in our Fugitive Task Force from the inception of that grant. They have not been able to put anyone else there. We have not been able to because of the lack of funding.

Mr. SOUDER. What is the functional result, when you do not have enough U.S. Marshals? What is the functional result of not having enough marshals?

Mr. SAMANIEGO. There are so many outstanding warrants that there is no way, with the number of people that we have assigned to the task force—and it is the U.S. Marshal, my department, I believe the Police Department, Border Patrol and other agencies participate—there is no way that we can keep up with the warrants that are generated almost daily. People not showing for court, etc.

Mr. SOUDER. In other words, it does not do us any good to pass laws, it does not do us any good to say we are going to do this, if in fact we cannot go get them. That is in effect what you are——

Mr. SAMANIEGO. We have not been able to put them all in jail within 1 year, let me put it that way. There are just too many of them.

Mr. SOUDER. You said that with the funding you have been forced to reduce the number of personnel assigned to the HIDTAs. How many did you have?

Mr. SAMANIEGO. Yes, sir, we have been getting level funding every year, which means we get the same amount, and the cost of operations goes up every year and the salaries, fringe benefits, gasoline and so forth. Somewhere along the line, you have to cut something and usually it is an investigator, maybe equipment, something they need to be able to do their jobs, sir.

Mr. SOUDER. So have you had a reduction in personnel? Your testimony said you reduced——

Mr. SAMANIEGO. Yes, we have.

Mr. SOUDER [continuing]. From four to three?

Mr. SAMANIEGO. I do not have the specific numbers. We just went through a reorganization.

Mr. SOUDER. If you could provide that to us.

Mr. SAMANIEGO. Yes, sir.

Mr. SOUDER. We will be meeting with the HIDTA tomorrow I believe.

Chief Leon, have you seen increased pressures on your department, has it stayed about the same, what changes have you seen? How long have you been chief?

Mr. LEON. I have been with the Police Department 29 years, I have been chief for about 4½.

Mr. SOUDER. You have a lot of experience.

Mr. LEON. Yes, I was born here and raised here in El Paso.

There has been a tremendous increase, it is not slowing down. We have to assign an inordinate amount of our personnel to work the narcotics arena, so it is taking its toll in what I think is a national problem rather than a local problem. In many cases, we are not reimbursed for all the calls that we handle at the international bridges because it does not mean just one police car going out and taking care of—whatever the threshold is, we pick it up. So it is a whole area of personnel that we have to use and store the drugs before the court date.

Mr. SOUDER. You mentioned twice in your testimony, showing the importance to you, on this equipment question. I presume you have gone through most of the programs. Is it more you do not have enough equipment, is it that there are certain things that you need that you are not getting? We are obviously redoing the one grant program underneath the Office of ONDCP, we are about to mark that up again. Is there something in there that you are not getting or is it more just not enough dollars?

Mr. LEON. It is a little bit of both. We do not have enough of the equipment that we do have. We cannot afford some of the more sophisticated surveillance equipment. We have an aviation unit that is in dire need of parts, we have 1960 vintage helicopters and that we obtain through a surplus program. The parts that are needed to keep them up in the air are not being produced any more, so we have to rely—now we are looking for another purchase that really the city cannot afford, but it is very critical that we get these aircraft up in the air because they are a tremendous help insofar as stemming the tide.

Mr. SOUDER. Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

Sheriff, just for the record, when you say that you have been flatlined in terms of the budget over the course of the last 4 or 5 years under HIDTA, is it because there is no money, no additional money in HIDTA or is it because there is additional money but it is going other places?

Mr. SAMANIEGO. Well, a little bit of both, sir. Let me just give you an example about the Southwest Border HIDTA, which is one HIDTA encompassing the entire southwest border, it is California, Arizona, New Mexico, west Texas and south Texas. We are west Texas. When the first HIDTAs were funded, or the Southwest Border HIDTA was first funded, I believe it was 1991, each partnership—that is what they call us—received $6 million. And let me

read what they are getting now, this is the 2002 fiscal year HIDTA funding.

Arizona is getting 24 percent of the total amount, which is an increase of $7 million, they are getting $11.2 million. California is getting a little over $11 million. South Texas is getting $8.5 million. New Mexico is getting $7.7 million and El Paso—and I think everybody in the world considers this the primary smuggling area into the United States—we are receiving $7.6 million. So we are hurt in this respect.

Last year, they had almost $1 million in supplemental funding. California got $500,000, south Texas got $250,000, Arizona got $47,000, New Mexico and west Texas did not get one penny.

Mr. REYES. Do you have the statistics in terms of workload for the corresponding areas that you just read the funding figures for?

Mr. SAMANIEGO. No, sir, I have no idea what they produce. I think El Paso is one of the—or this West Texas HIDTA is one of the highest producing HIDTAs in the United States.

Mr. REYES. Would it be possible to get those?

Mr. SAMANIEGO. I think we can; yes, sir.

Mr. REYES. And provide them for the committee for the record.

Mr. SAMANIEGO. Yes, sir.

Mr. REYES. Thanks.

There are a couple of other things that I wanted to make sure we got on the record, Mr. Chairman. One is that not only are U.S. Marshals understaffed, but remember that it does not do us any good to have the agencies that are out there arresting the people that are violating the laws, we have to have the marshals to be able to transport them, we have to have the money to be able to fund the jails. And I want the Sheriff to comment on that. But we also have to have the prosecutors and the judges.

We have been traditionally neglected in all of these areas along the whole border region. And that is—we will furnish you the statistics, my office has them, I will furnish them to you for the record, but I wanted the Sheriff to comment on the detention part of it and the amount of money that you get and the amount of money that really local taxpayers have to eat because of the lack of Federal funding.

Mr. SAMANIEGO. First of all, let me begin by saying that the SCAAP, which is the State Criminal Alien Assistance Program, was finally funded in 1998. In El Paso, we have been getting a little over $1 million every year. This year, we have I believe almost 13,000 men and women that were illegal aliens that were charged with some crime and they wound up in our jail and yet, if we follow the guidelines of the SCAAP program, only 589 are eligible to be thrown into the pool nationwide, hoping that we get a little bit of money back to El Paso County. They also cut the funding from $550 million, which is what we had last year, and even at that amount we got about 10 cents to the dollar. Now they cut it down to $300 million and everybody in the United States will be submitting names. They have added more things that eliminate some of the prisoners. Now we have gone from 3 days in jail to 4 days in jail. And every time they do that, you eliminate a whole bunch of them.

We have a contract with a U.S. Marshal to house pretrial Federal inmates and they, of course, pay El Paso County for that at the rate of $57.98 a day and we have been averaging a little over 800 per day that we keep here. But there is no profit margin there for El Paso County. The Marshals will send in the auditors, they will audit the cost, what it costs to keep one inmate in jail and this is the figure that they come up with, not the one that I say this is what we are going to charge you. It is the actual cost and they cannot give us one penny over that. So right now, we are having at least 800 daily. And it is a burden on El Paso County and at the same time a blessing, I guess, they do bring in several million dollars to El Paso County.

Mr. REYES. Again, reiterating what the Sheriff said about the number of cases, about 13,000 cases where illegal or undocumented people were involved and of those, he got reimbursement for about 500.

Mr. SAMANIEGO. We have not got it, Mr. Congressman, we have not got it yet. They are still going through the process of everyone registering on line and then submitting the information that they require. We probably will not get—maybe July or August we will know what we are getting, and it is going to be minimal.

Mr. REYES. But that is going to be about 500 of those cases, right?

Mr. SAMANIEGO. We will have—we put in for 589.

Mr. REYES. 589 out of 13,000.

Mr. SAMANIEGO [continuing]. Out of 13,000 that met the criteria for partial reimbursement.

Mr. REYES. So that nets out less than 10 cents on the dollar that is spent by the El Paso County, that gets reimbursed through a Federal program, where the responsibility is on the Federal Government.

Mr. SAMANIEGO. Yes.

Mr. REYES. Because they are charging the Border Patrol, the Customs, the INS with maintaining the integrity of our border area. They have not been able to, so that generates 13,000 cases, of which only 500 or so are able to qualify for SCAAP funding.

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

Mr. SAMANIEGO. We are in the process of probably adding additional beds to our two jails in order to meet the demand for space. And this is—right now, there has been some changes made with the U.S. Marshal and I understand there is a different system, another individual that will deal with the counties to find beds for pretrial Federal inmates. We have not been able to talk to this individual. I cannot move forward with the building until we know what is going to happen, because we have to be assured that they will be able to bring more inmates to El Paso County. They keep telling me they have 1,400–1,500, they have them scattered all over west Texas. They would love to have them here in El Paso, but we would have to build more beds, and the county is willing to do that.

Mr. SOUDER. Mr. Deal.

Mr. DEAL. I would like to thank both of you gentlemen for coming today and I want to tell you that your experiences are not unique just to the border. Sheriff, 40 percent of the prisoners in my county jail are illegal aliens. We are so overcrowded with illegal

aliens in my county jail that my sheriff, who met with me about 3 weeks ago, he is having to farm prisoners out to other counties. We are paying other counties more per day to house our prisoners than we are being reimbursed by the Federal Government for holding their own prisoners. So it is a huge problem, it is a problem everywhere.

Let me walk through a few things though that I would like to understand.

Mr. Leon, do you have a municipal jail or do you use the county jail facilities?

Mr. LEON. We use the county.

Mr. DEAL. OK. When you have someone coming across at a border crossing, who has drugs, etc., one or both of you respond to that I assume with your units, is that correct?

Mr. LEON. Yes.

Mr. DEAL. Are you the initial detaining law enforcement agency that detains those individuals initially?

Mr. SAMANIEGO. No, sir, let me explain. If it is under the threshold—and I do not know if you are familiar with that word, but if someone comes in, for example, or tries to cross the border with 48 pounds of marijuana, it falls under the 50 pound threshold that the Federal Government has.

Mr. DEAL. So they will not take the case as a Federal case?

Mr. SAMANIEGO. They will not take the case, they call us or the police department. We respond, we pick up the individual, store the vehicle, bring in the evidence and so forth and charge him with a State crime.

Now there is another program that I think our Congressman Reyes is very familiar with and instrumental in getting for El Paso and the southwest border, is the reimbursement for costs to house those individuals as well as the prosecution, all the expenses of going through the judicial process.

Mr. DEAL. Do you have an estimate as to the number of cases or percentage of cases that actually come under your State prosecution jurisdiction versus the Federal? Do you have any opinions or numbers on that?

Mr. SAMANIEGO. The last figure that I heard, and I may be off, I believe was between 300 and 400 cases a year.

Mr. DEAL. That come to the State level prosecution.

Mr. SAMANIEGO. Through the State, here in El Paso, yes.

Mr. DEAL. And that is because—one of the phenomena we are hearing is that the size of the shipments across the border are decreasing and the quantities—more of them, but smaller in sizes. One of the implications that would have, of course, is that if they are under that threshold limit, they are going to put greater pressure on local jurisdictions versus the Federal jurisdictions. So obviously that is going to affect your operations, I would think.

Mr. LEON. Absolutely.

Mr. SAMANIEGO. Yes, sir. I believe at one time, they were confiscating the load with the vehicle and then sending the individual back across. I do not think that is acceptable, so we came into the picture and—but there are a lot of vehicles that come across with 46, 47, 48, 49 pounds. They seem to know exactly how much they

can put in there and maybe the ordeal or the penalty may be less than what they would get otherwise in Federal court.

Mr. DEAL. How do you all operate on the forfeiture provisions? What agreements do you have with regard to forfeitures? I would assume that if it is a case that is exclusively going to be prosecuted in the State court system, do you get all of the forfeitures in those cases or do you have agreements worked out with sharing of forfeitures, either confiscated vehicles, cash, etc? What is your agreement?

Mr. SAMANIEGO. We do confiscate the vehicle and if it is awarded to El Paso County, we will auction it off. Most of them are junkers, they know there is a possibility they are going to get arrested and the vehicle seized, so most of them are 1980 models.

Mr. DEAL. Is that determination made, there again, based on whether or not you are going to have to handle the case at the State level? Is that the determining factor?

Mr. SAMANIEGO. Well, if we get the case, the only asset is the old automobile really, there is no money involved or anything else.

Mr. DEAL. What about if you have a seizure of money.

Mr. SAMANIEGO. Well, we do get quite a bit of drug forfeitures awarded to El Paso County from DEA or the FBI or Customs, agencies that we work with, and let me tell you, that money is a blessing. We are able to buy equipment, we are able to train people. If it was not for that, we would be in bad shape.

Mr. DEAL. So that is money you get on top of the other reimbursement programs that we have talked about here.

Mr. SAMANIEGO. Yes, sir. If we participate in a case with any of the other Federal agencies, and there is a seizure of funds or automobiles or homes, we are entitled to a portion of it.

Mr. DEAL. Is there a formula that you follow on that or is it case-by-case determination?

Mr. SAMANIEGO. I believe the Federal Government has a formula that they use.

Mr. LEON. Congressman, as far as the Police Department, we have a tremendous working relationship, of course, with the Sheriff's Department and the FBI/DEA. When it is a Federal seizure, most of time it works out to about 80/20 percent, we pick up about 80 percent of whatever was confiscated. When it goes through the State courts, we have an agreement with the district attorney here where for their cost, it is about 25 percent, so it is 25/75 percent.

Mr. DEAL. OK.

Mr. LEON. And I agree with the sheriff, it is a tremendous help insofar as augmenting our budget for training purposes and what-have-you. But I heard earlier in some questioning as far as what are we doing, is there money coming back—there is a tremendous amount of money coming back into Mexico and we are intercepting some of that. We started what we call the GRAB unit, ground, rail and air, and again, it is multi-agency, it is a HIDTA initiative and we have been able to in this fiscal year alone, we have intercepted just in that one unit, over $700,000 in cash.

Mr. DEAL. And you share that forfeitures at the local level, some of it going to the Federal I assume.

Mr. LEON. Well depending on how it is staffed, some of it will be Federal, some of it will go to the State and we share with the DA or if it's Federal, then it goes 80 percent/20 percent.

Mr. DEAL. Thank you.

Mr. LEON. Yes, sir.

Mr. SAMANIEGO. Every time we have a seizure and we are involved, we have to put in a request to share in the forfeiture.

Mr. DEAL. Yes.

Mr. SAMANIEGO. So it is case-by-case.

Mr. DEAL. Thank you. Thank you, Mr. Chairman.

Mr. SOUDER. Thank you. Let me briefly for the record state a couple of things on HIDTA, some of which we may be able to fix a little, some of it is far beyond our ability to fix. Some of it I am exasperated with.

We are having a major discussion right now whether there should or should not be a Southwest Border HIDTA. I, former Speaker Hastert when he chaired this subcommittee, and others, strongly pushed the last administration under General McCaffrey in particular, to organize the southwest border. There was some resistance initially not only in the HIDTA but in the management of the southwest border. Because logic would tell anybody looking at the border to say this needs to be looked at broadly, not narrowly, that each subsection is going to argue that they need more because there is never enough dollars, there is never enough to meet it. But somebody has to be looking at a broader perspective and say OK, if we harden over here, they are going to move over here; if we harden over here, they are going to move over here; and to think ahead. Every baby boomer like myself was raised under Vietnam and always felt like the guerilla guys are always two steps ahead of us, we are one behind, how do we think ahead and anticipate the next move, not just react. That is the concept of trying to do it.

In the process of trying to do that, some Senators and some Congressmen have more clout in the Appropriations Committee, have more clout over here or there, and it does not fully make sense to look at how the dollars are divided along the border. It is more of you look at the different States and try to figure out how to combine States. Partly what happened since we started the HIDTA program is Houston got a HIDTA, Dallas got a HIDTA for north Texas and all of a sudden Texas started to get more HIDTA dollars because the Arizona border HIDTA already had Tucson and Phoenix as subparts of it. So when new Texas HIDTAs came up, the Senators from the other States are saying Texas is getting more dollars. So some of your dollars have been diverted to other parts of Texas in the original funding formula because those HIDTAs were not there. So it is not that the dollars are not coming to Texas, it is that the more populous areas of Texas and their legislators were stealing it from—bottom line, not literally, but you know what I mean—were taking it from it in the distribution of the border States.

Furthermore, New Mexico hardly has any border and now Albuquerque and Santa Fe are in the top of their HIDTA and the question is, is this a border HIDTA and do we have a border strategy. We are trying to decide whether to wall off subsections so the ap-

propriators cannot get at it, to move it around. In addition, quite frankly, the program is supposed to be high intensity drug trafficking Areas, not high intensity usage areas.

I had an offer early on to make my area a HIDTA, but I did not take it because I thought the program was supposed to be drug trafficking areas. Yes, drug trafficking occurs everywhere, but the question is how do we prioritize on a national perspective. But Tip O'Neill's old adage, all politics are local, has got—whenever you see a huge bundle of money, everybody is in it. And I honestly do not know whether we are going to get this unscrambled.

Clearly in narcotics if we do not control the south border, it expands and becomes exponentially more of a problem north. But do not hold your breath that we are going to be able to fix the HIDTA problems. We will probably deal with it a little. I know the drug czar understands—Director Walters—understands the pressures in this concept, but whether we get this redone with all of the fingers in the pie and the political reality of the situation, I do not know; is the answer to your question.

So we will do the best we can given the budget pressures we have and it is very hard to say OK, Houston, by the way, you do not have a problem, that is one of the biggest cities in the country, they have a huge drug problem. They tell us oh, yeah, the big loads are coming into there, they are moving, they are jumping the border. It is very difficult to sort through. But I wanted to share with you because you are at the point of one of the major crossings in the whole system and I wanted to share with you the complexity of why it is so hard as individual Congressmen to look at it and try to fix it. You know, you can put as much pressure as you want on your Congressman and he is only going to be able, quite frankly, to fight say Senator Domenici, Congressman Kolbe, who is the appropriations cardinal, Senator Kyl in Arizona—we each do what we can and in the House, we have to get in little packs in order to—clusters of us to be able to battle a Senator over here. It is not an easy process, he is working hard to do that, we are trying to look at the overview. But do not hold your breath on this one, this is very hard to try to—the HIDTA program has moved in ways none of us intended it to do.

I also know that every community in the country with illegal immigrants and narcotics is struggling with jail space, struggling with reimbursement, struggling with different kinds of challenges. Your numbers are huge and what we have to figure out in a national perspective is if we do not deal with it at the border, it is only exponentially going to increase past that.

I do not get elected by the people in El Paso, I get elected by the people in Indiana. The people in Indiana see their local problems and do not necessarily see the full connection to the border at El Paso no matter how much I want to talk about it. With the local sheriff saying my jail is overcrowded here and there, I am elected by them, that is the dilemma we face in the political system.

Hearings like this help raise it. Statistics like to give a 13,000/589 number probably overwhelms most people's numbers, it is helpful to understand. And then when we say by the way, there are people there 10 times and you are not picking them up—well,

where would you put them. It becomes a fundamental challenge for members who ask us that. That is helpful to understand.

I would like to also ask for the record, from my knowledge of the border, and just trying to figure out how this works, and maybe Chief Leon could address this as well, Sheriff, with the possible exception of San Ysidro, as you move east from there it is less, this has the most population on the U.S. side at the immediate border crossing. There are some cities back up clearly if you are going toward Phoenix or going toward San Antonio. What are some of the unique challenges you face because it is not as though there is a buffer zone before you get to the city? Furthermore, to an outsider trying to figure out how to drive around this area, you are clearly going along and Mexico is to my right; no, Mexico is to my left; no, Mexico is north of me. Could you explain some of the challenges that you face in local law enforcement with just the intermingling and the ability to bring in narcotics, how in the world would you deal with terrorism—one guy trying to bring across something?

Mr. LEON. You know, Congressman, there are smugglers who do very well—there will be situations where they will stick a duffel bag through a culvert and there will be a car waiting and within seconds it is gone and they just run back into Mexico.

Mr. SOUDER. Would you elaborate on what you mean by the tunnels?

Mr. LEON. It is a sewage system that runs even to the heart of downtown El Paso, huge tunnels in some places where you can even drive a truck through.

Now one of the problems that we have here in El Paso is flooding when it does rain because they have grates, some of those tunnels have grates in them and of course, the debris will collect and it will just flood certain portions of the city. So those smugglers will smuggle people, they will smuggle narcotics, they will smuggle anything they want through that tunneling system. And this is something that our mayor is addressing, we are working with the Federal agencies to address this issue.

We are within, as you just mentioned, seconds of Juarez, where we used to have a tremendous auto theft problems here. In 2 minutes they are across the border, many times we would see them drive it across the border and there is nothing we could do in most instances. Now, we do not have the problem that we used to. I think Dallas, San Antonio, Tucson, Albuquerque have a much bigger problem in auto theft side as compared to El Paso. But because of the proximity, there is an area in El Paso, where we have citizens assaulted if their car breaks down on a certain street. Now we are working very closely with the Border Patrol and that seems to be easing away.

As you know, just some months ago we had some Federal agents assaulted. So it does add tremendously to our burden, where other cities would not worry about their tunneling under the city because there is no smuggling going on under there, but we do.

Mr. SOUDER. Sheriff, do you have anything to add?

Mr. SAMANIEGO. We have somewhat of a little different problem than the city police officers do. We patrol a lot of rural areas and right now, the closer you are to the center of El Paso, the more Border Patrol you see along the border with Operation Hold the

Line, and let me say that I think they have done a tremendous job reducing the number of people that were crossing into El Paso, and the crime rate has gone down as a result. I always gave them credit for that. It was our Congressman that started that process or that concept.

But the farther you get from downtown El Paso, you start seeing wider gaps between Border Patrol units or any other law enforcement, so there is a tremendous opportunity for anyone that is waiting on the other side, waiting for the Border Patrol car to go by and then they give the signal and here comes a bunch of people on foot or trying to drive across the river bed.

So I do not think with the manpower that the Border Patrol has or we have, there is no way that we can control the border. And that scares me. Anyone can come across and they can bring whatever they wish to bring with them. I think it is something—we keep talking about this war on narcotics or the war on drugs, but we have not really committed the troops that are needed for everyone here to do the job. Every individual or every pound of narcotics that leaves El Paso, somebody else is going to have to deal with the problems. Everything that we stop here, you do not have to worry about somebody else having to work a case or pick up somebody with an overdose, etc.

The problem is here. They have increased Federal manpower in almost every city north of here. Yet, this is where the drugs originate. They go in all directions. I think it makes sense to take a little more notice of what is going on here and do something about it.

Mr. SOUDER. Mr. Reyes, do you have any other comments?

Mr. REYES. Thank you, Mr. Chairman. I just wanted to make a couple of observations for the record.

First of all, the chief and the sheriff made mention of the uniqueness of the issues and the problems that they have to confront because of the proximity of the border. Literally, if you will go to Anapra, which is about 10 minutes away from here, you will see that the railroad tracks parallel the border area, in some areas as close as you and I are sitting here to the front row of the auditorium. We have had the distinction of being probable the last area in the country that systematically was experiencing railroad hijackings. They would stop those trains in that area, they would dump cargo from the railroad boxcars and drag it across the border. We are talking about everything from tires to clothing, to television sets and there is a lot of goods that are shipped by train right through this very area.

The FBI agents that the chief was talking about actually were working an operation in that area that I am describing to you and got badly mauled and beat up, almost killed, by this gang of train hijackers.

Those are the kinds of issues and problems that collectively law enforcement agencies have to deal with here. The only thing I would ask the sheriff to clear up is when he mentioned the word troops, you were not talking about military.

Mr. SAMANIEGO. No, sir, no.

Mr. REYES. OK, good.

Mr. SAMANIEGO. I do not think the military—and I have all the respect in the world for what they do, they are trained to kill, fight wars. We are dealing with a different situation here, this is not a war where everybody is shooting at each other. It takes a very special, well-trained individual to work the border, to do—and we have had a couple of incidents where young Marines were placed on the border and the results were tragic. I do not think we need them on the border. We need to increase the Border Patrol, the Customs, Immigration, all the other agencies that deal with the problem of now terrorism on top of everything else.

Mr. REYES. Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Deal.

Mr. DEAL. I am not going to another round of questions, but I do want to thank all of you for being here and thank you for what you do.

Mr. SOUDER. I too want to thank you for all you do. Like you said, anything you intercept means it is not in my home area or somewhere else, somebody is not getting killed. We hear anywhere in the Nation where we go, where we hold a hearing, everybody we have talked to, 75 to 85 percent of all crime is drug and alcohol related, whether it is child support payments, bankruptcy, child abuse, spouse abuse as well as direct drug-related crimes. And some of these leftists around the country who act like we should back off of narcotics and everything would be just fine—our families and kids and communities would be a wreck if it was not for the work that you and others in law enforcement are doing. And it is hard enough to do the battle now and we thank you for your efforts.

With that, we will move to panel No. 3. Mr. Bob Cook, president of the Greater El Paso Chamber of Commerce; Mr. Ruben Garcia, Truancy Prevention Specialist, Ysleta Independent School District and Mr. Jose Luis Soria, Clinical Deputy Director, Aliviane Drug Treatment Center. If you would please stand and raise your right hands.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded positively.

How do you say your school district?

Mr. GARCIA. Ysleta [pronouncing].

Mr. SOUDER. Thank you very much for coming. It has been a long hearing. You have the advantage of having heard the others. I very much appreciate you participating in this and making sure we round out—we have some hearings where we focus directly on drug treatment, we have had hearings where we were focusing—because we also have oversight over the Commerce Department—on trade. But when we try to come in, we try to do a holistic view to make sure the hearing record picks up the diversity of the challenge in prevention and treatment and trade, so that we do not have the hearing record just look like our only focus is on law enforcement, which is a critical component and is a direct oversight responsibility of this committee.

So Mr. Cook, you are first up.

STATEMENTS OF BOB COOK, PRESIDENT, GREATER EL PASO CHAMBER OF COMMERCE; RUBEN GARCIA, TRUANCY PREVENTION SPECIALIST, YSLETA INDEPENDENT SCHOOL DISTRICT; AND JOSE LUIS SORIA, CLINICAL DEPUTY DIRECTOR, ALIVIANE DRUG TREATMENT CENTER

Mr. COOK. Chairman Souder, Vice Chairman Deal, Congressman Reyes, thank you for this opportunity. We appreciate that you are taking into consideration the concerns of business and commerce as we deal with these issues.

My name is Bob Cook, I am the president and CEO of the Chamber and our Chamber represents over 1,100 businesses in the El Paso region. Our primary function is to develop a regional economy that creates jobs, that expands the tax base and improves the quality of life for all the citizenry in this region. And on behalf of the Greater El Paso Chamber of Commerce, I would like to welcome you to our community.

Until I realized I was taking the oath, I was prepared to tell you we are the largest international border community anywhere in the world, but I guess I must change that to we believe we are the largest international border community anywhere in the world. Our borderplex here consists of over 2 million population and, as Congressman Reyes suggested earlier, the real number is probably somewhere between 2½ and 3 million people. We are home to approximately 1,000 manufacturing operations on both sides of the border. Many of these manufacturing operations relate to one another. A plant in El Paso will sometimes supply multiple plants with certain component parts in the city of Juarez. Over the centuries, El Paso has been a trade route linking the north to the south, east to the west for native tribes, Spanish explorers, western settlers and today's global commerce.

I am not going to go into all of my written testimony but I do want to hit some highlights and try to paint a picture for you with the map that I have provided you with there, and you might want to take out your map and I will talk about some things on there in just a few moments.

Our community has capitalized on the opportunity to grow a manufacturing and trade-related economy based on geographic strength. In 2001, more than 668,000 commercial vehicles crossed our bridges. About 20 percent of all NAFTA trade crossed into the United States through one of our ports of entry here in El Paso. In that year, the goods imported through El Paso valued approximately $22.7 billion while exports through El Paso going southbound were valued at approximately $16 billion.

Now look at the map. I want to try to paint a picture for you here and I hope this is not too elementary, I certainly do not want to be. But I think it is important to understand the vital relationship between El Paso and Juarez.

As you look at this particular map, it is very difficult when you first look at it, to see where one city stops and the next one begins. But in this particular map—and you may need to help me with the colors here because I am color blind—the upper portion of the map, the light blue areas, I believe that is light blue, is El Paso. And then the beige colored area to the south is our sister city of Juarez, Mexico. You can see the extensive transportation linkages that

exist throughout this region, how they interconnect with one another and I want you to see that the relationship between our two cities is just as vital as the relationships that exist between Minneapolis and St. Paul, between Dallas and Fort Worth, between Chattanooga and those northern communities of Georgia, there along the State line, and Washington, DC, and Arlington, VA.

And imagine, if you will, as you think about those communities and you think about how our communities are inter-related, there are literally four bridges that connect our two communities, and at some point as travelers go across those bridges, they are going to be stopped by a Federal agent and those Federal agents are asking questions and their vehicles are being subjected to inspection. And by the way, we believe that those inspectors are legitimate and necessary, so this is not an argument against what is going on. They are legitimate and necessary inspection and interdiction efforts that are occurring on those bridges. And we understand that national security and the health of our Nation is at risk.

But they have a tremendous impact on us, nonetheless. And that impact is measured often in lost time and productivity, because there are business relationships and business transactions, legitimate business transactions that are occurring back and forth across those bridges on a daily basis. There are family and friendship relationships that are trying to occur back and forth across those bridges. There are children trying to attend school back and forth across those international bridges. And vehicles spend sometimes hours at a time idling on those bridges. And again, the impact is measured in lost time and productivity.

There are environmental issues due to vehicular emissions there, and frankly, there is just a great disincentive for legitimate commerce and passage to take place.

What I will say is I have a lot of things in my written testimony. We see the answer is not in stopping these inspections or these interdictions but making them better through technology, and we talk a lot about technology that we are piloting here on this part of the border and the need for increased staffing at these ports of entry.

We are proud of the relationship by and large that we have had with the Federal agencies here on this part of the border to help expedite the movement of legitimate people and legitimate commerce back and forth.

If I could make just one other statement. One of the technologies that we have implemented here is called a dedicated commuter lane where individuals are going through criminal background checks and other types of rigorous inspection to determine that they are low risk for traveling through a special dedicated lane between the cities of El Paso and Juarez. As of right now, we have over 15,000 users registered and approximately 10,000 vehicles. And it is interesting to note that by using this technology during peak hours, we are able to clear more traffic through that one lane that exists on one international bridge than in El Paso's largest international bridge with all 10 lanes open. So it is a great testimony to the success of pre-clearance technologies. We are advocating for the same kinds of things for cargo and even looking at it for mass transit on our international bridges.

And by the way, the dedicated commuter lane that does exist on our downtown bridge, our Chamber of Commerce owns it. We saw this as a huge need to help expedite the movement of people back and forth across our border and we invested more than $2.2 million to build that lane and its facilities and we lease it back to the Federal Government.

Thank you.

Mr. SOUDER. Thank you. It was a little bit unfortunate example to pick, Chattanooga in Nathan's district in the north part of Georgia, because every time I try to drive from Indiana to Florida I go through and the first thing when you come into his district you see this monument, the sign, for the Chickamauga Battlefield where they tried to kill the last time the Yankees tried to go down through his district coming from Chattanooga. [Laughter.]

Mr. Garcia.

[The prepared statement of Mr. Cook follows:]

Testimony Prepared for the U.S. House of Representatives Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources hearing in El Paso, TX on April 15, 2003. Testimony to be delivered by Bob Cook, president and CEO of the Greater El Paso Chamber of Commerce

Good Morning Chairman Davis, Ranking Member Waxman, and Committee Members,

My name is. Our Chamber represents over 1100 businesses in the region. On behalf of the Greater El Paso Chamber of Commerce, I'd like to welcome you to El Paso.

This is the largest international community in the world. Our borderplex, consisting of over 2 million people, and is home to approximately 1000 manufacturing facilities on both sides of the border. Over the centuries, El Paso has been a trade route linking the North to the South and the East to the West for native tribes, Spanish explorers, Western settlers, and today's global commerce.

Our community has capitalized on the opportunity to grow a manufacturing and trade related economy based on that geographic strength. In 2001, 668,361 commercial vehicles, about 20% of all NAFTA trade crossed into the United States through a port of entry in El Paso. The goods imported through El Paso in 2001 valued approximately $22.7 billion, while exports through El Paso valued approximately $16.1 billion. During that same year, over 15.5 million privately owned vehicles and 7.2 million pedestrians crossed into the US through El Paso ports.

Unfortunately, along with the legitimate trade that crosses our borders everyday, there is also an element attempting to smuggle drugs through our ports. I won't get into data related to drug seizures because I'm sure you have heard those figures from our interim Port Director David Longoria with the Bureau of Customs and Border Protection. What I would like to address is the way we have been able to work with our federal agency partners to develop programs for

low risk commuters and commercial traffic to cross our bridges in a expedited manner. These programs have been a boon to our economy, our environment, and our quality of life. They also allow our inspectors to use their limited resources most effectively in assessing risk.

For the last decade, residents of this community have been working on ways to expedite the flow of traffic at our ports of entry, while being mindful of the responsibility we have interdict illegal drugs. In other words, what can we do to separate the good actors from the bad actors?

One solution was to develop a Dedicated Commuter Lane (DCL) like one that had been piloted in Otay Mesa, California. In 1996, this community came together to develop the first Dedicated Commuter Lane (DCL) in Texas.

The DCL program, as you may know, provides a dedicated lane for prescreened commuters to cross the border in a matter of a few minutes utilizing Sentri technology. The enrollment process for DCL participants requires an FBI background check, proof of residence, proof of employment or financial support, proof of insurance, and an extensive vehicle examination.

This means that inspectors working at the DCL know a significant amount of information about that commuter before they even approach the inspection booth. Given the low risk nature of these commuters, inspectors are able to reduce the amount of time spent on interrogation, thereby reducing the overall wait time for commuters. This process does not completely eliminate the risk of drug smuggling, but given what inspectors know about the DCL users, they are extremely well equipped to make an accurate assessment of the risk.

As of March 2003, the DCL had just over 15,000 users registered to approximately 10,000 vehicles. In addition, there were over 300 pending applicants. On most days, these DCL users can expect to wait less than 10 minutes to cross into the U.S. during peak times.

Amazingly, we found that three lanes at our DCL process more vehicle than ten lanes at the Bridge of the Americas during peak periods. Given the success of that project and the demand for this service, we are pursuing a second DCL at our Ysleta Port of Entry.

Taking the concept of prescreening beyond privately owned vehicles, we are also working with our federal agency partners to create dedicated cargo lanes and a dedicated mass transit lane under the umbrella initiative called Operation Secure Movement, launched in May 2002.

The dedicated cargo lane concept, patterned after the DCL, involves the enrollment of a manufacturer and its entire chain of import/export related entities in specific industry partnership programs designed by Customs such as CTPAT and BASC. It will also eventually employ the use of standardized seals and GPS tracking technology. Companies will also be required to submit their manifests two hours before arrival at the port using an automated invoice interface program.

The idea is to create a secure environment where goods can be manufactured, packed, transported and arrive at the bridge without being compromised. We are currently piloting this concept in El Paso, calling it the STEP (Secure Trade Expedited Processing) lane. There approximately 18 companies crossing about 100 trucks per day at this time. There are several more large manufacturers in the process of enrolling in the program. We anticipate that having 400 trucks crossing within 30-60 days and 1000 trucks within 6 months. This program will allow companies to make significant cuts in transportation and production costs. Given the increased competition from China, any advantage we can give our companies is welcomed.

We are also exploring the same concept for border crossers who use mass transit to enter into the U.S. However, those concepts are still in the exploratory stage.

The DCL and STEP lane programs I just described are not easy to enroll in. Individuals are submitted to rigorous interviews and examinations and pay an annual fee to use the DCL. Companies go

through significant expense to put in place the security measures and technology required by Customs for approval.

We go through the trouble of implementing these programs and enduring the enrollment process because we refuse to be held hostage by the drug trade. Our families, our environment, and our economy demands that we create solutions to this problem that we live with on a daily basis. I am proud to say that in El Paso, the private sector has rolled up its sleeves alongside our federal agency partners to create solutions that will facilitate the flow of legitimate people and goods at our ports of entry while protecting our country from illegal drugs. We have proven that it can be done.

I encourage this Committee and all of our leaders in Washington to support such programs throughout our southern border. Thank you for allowing me to address you today. I'd be happy to answer any questions you might have.

Mr. GARCIA. Thank you very much. My name is Ruben Garcia from Ysleta Independent School District and El Paso Independent School District. It is certainly an honor and a privilege to be here before you.

Congressman, I would like to thank your staff, because I was one of those late-comers that you were gracious in giving me 24 hours to put something together.

I am giving a different skew here. The impact of drug trade on the population of the city, which is the 21st largest in the United States and the fourth largest city in Texas, and what I tried to do is—I have been working in this area for around 30 years—categorize into four basic areas which constitute education, income, health and quality of life. I think you did a pretty good job, Congressman, of giving a synopsis of the impact it has once—although we are not with law enforcement, I think they have done a great job, but the fact of the matter is they do get across and it is having a very negative impact in our communities.

I am not going to go over my testimony, which is there. What I did do last night is I did some additional points of interest that I would like to share.

Traffickers are using minors to carry drugs across the border, known as mules, and because the penalty to minors is small, they are usually released back into Mexico the next day. Also, heroin is inexpensive right now. We are experiencing many new heroin addictions on both sides of the border, Juarez, Mexico and El Paso. One quarter of a gram of heroin dose used to be $25. Now you can get it on the streets anywhere in Juarez for about $5.

Many drive-bys committed by American youth along the border are committed while high on glue or other inhalants, a cheap high. Every Friday and Saturday, you see thousands of American youth cross into Mexico to dance, drink and get drugged, known as the three Ds.

Along the border, we have youth that belong to tagging crews, the party crews, drugs are very much part of this phenomenon through parties called raves.

Drug pushing along the border is a must if youth go into gangland of importance, so the more they get into, jump-ins, drugs and criminal activity is a big factor. In border cities such as ours, youth take pride in drug accessibility. They proudly wear this by brandishing a three dot tattoo on their bodies, which means my life on drugs.

By the way, Ricky Martin used in his movie and song, which they glamorize. It is really sad. Many youth gang jump-ins are done while girls and boys are under the influence of Rophypnol or downers. Many times the girls are gang raped as part of a ritual and many times without their consent.

It is well known that drug trafficking along the border brings into play many unique and tough situations for our youth.

In conclusion, I would just like to say that unfulfilled needs and expectations have an effect not only on the youth, but also on society which has lost the talent and contributions of a substantial portion of our generation. Society pays in economic terms as these youth are treated for substance abuse, incarcerated for criminal activity and enter the welfare system. Society pays in the sociological

and emotional terms when it produces fewer stable marriages, fewer productive workers and few law-abiding citizens.

To stop the cycle of poverty, poor health and illiteracy, society must address the impact of the border substance abuse and drug dealing with El Paso youth. The cost is immeasurably unacceptable.

Thank you for letting me make these comments.

[The prepared statement of Mr. Garcia follows:]

Garcia

The Impact of Drug Trade on the Youth of El Paso, Texas

The impact of drug trade on the population of this city, the 21st largest in the United States and the 4th largest city in Texas, can be categorized into four basic areas, Education, Income, Health, and Quality of Life.

Education

Substance abuse impacts the educational careers of young people in many ways, including dropping out of school, illiteracy and lack of skills, and school violence. According to the Texas Education Agency, Texas and Arizona are the top-ranking states with **high school dropouts**. These two states also have the largest percentages of Hispanic students, students who come from migrant and immigrant families, and students who lack basic English skills. It has been estimated that Hispanic students drop out at a rate of 3.5 times as often as white students. In El Paso, which has a population that is 70% Hispanic, the local school districts have dropout rates that are above the state average. This means that in economic terms, El Paso area schools are losing thousands of dollars each year due to truancy and dropout rates.

The root causes of the dropout phenomena can be traced to various sources, but clearly substance abuse is one of the most identifiable factors in educational deficiencies. Youth who abuse drugs or alcohol have a **higher truancy rate** and drop out of school at a much higher rate than those who abstain. In addition substance abusing students seldom attend **summer school** in order to make up subjects they may have failed, and youths who use drugs are more likely to **repeat a grade**. School records indicate that most dropouts occur before the 11th grade in high school. At least 34.2% of El Paso's population lacks a high school degree, and another one-third have English deficiencies.

As a result of dropping out at an early age, substance abusing youth are quite often **illiterate and lack viable workforce skills**. Studies indicate that few of these youth take advantage of GED or vocational training programs after they leave high school. This serious educational deficiency can also be manifested in severe self-esteem issues, feelings of inferiority and alienation, and a sense of isolation in a high-tech society which values knowledge, drive, and achievement.

Finally, substance abuse on the border is characterized by youth gangs and drug-dealing which has infiltrated the schools. Gang violence affects all students, both substance abusers and non-substance abusers. Students experience the effects of **substance-abuse inspired violence** through gang drive-by shootings, school fights (with or without weapons) between gangs, and the threat of violence.

Clearly the impact of drug trade on the educational issues confronting El Paso youth is only compounding an already serious cycle of low educational attainment.

Income

According to the 2000 Census, El Paso, Texas is one of the poorest cities in the nation. At least **38.7%** of the population lives below the **poverty level**, and 18% of El Paso households are headed by a female and are more likely to fit within the poverty level. For children below the age of 18, 36.86% live in poverty.

Although drug trade impacts all levels of society, substance-abusing youth who already live in an **economically-disadvantaged family** and who may have only one

parent present in their household, face bleak employment prospects at best. The lack of education and the lack of alternative resources such as job training seriously hinder the ability of substance abusers to contribute to the financial stability of their families. In addition long-term substance abusers experience less motivation, have fewer long-term objectives, and fail to participate proactively in the attainment of their economic necessities.

In essence, poverty tends to be transferred from one generation to the next when substance abuse is a primary factor. Studies indicate that long-term substance abusers earn much less than their non-substance abusing counterparts. Hispanic youths on the border who are chronic abusers are contributing to a cycle of poverty that is endemic to border cities.

Health

Studies indicate that youths who abuse drugs are more likely to be subject to a variety of health issues, including **needle-transmitted HIV, drug overdoses, and alcoholism**. Among El Paso's youth the most common drugs are **marijuana, opium, cocaine, inhalants, Rophypnol, and crystal methamphetamine**. The statistical demographics for youth seeking drug treatment include:

Hispanic	92%
Males	53%
Females	47%
Average Age	15

These figures indicate that a typical youth substance abuser is likely to be Hispanic, male, 15 years old, and addicted to marijuana. It follows from the above data that this same youth is most probably an at-risk student or a high school dropout with little education, few workforce skills, and lives in a below-poverty level household. In addition to this bleak analysis, one can include the fact that 1/3 of El Paso's population is **uninsured.** This means that a typical El Paso youth substance abuser has access only to public health services, such as Medicaid and the county hospital.

Because so many economically-disadvantaged, at-risk students **lack on-going, preventative medical care,** these youth are often not diagnosed for tangential problems. These tangential problems can include severely dysfunctional conditions such as **Attention Deficit Disorder, Hyperactivity, Depression, Dyslexia, and Bipolar Disorder**, all of which require prescription medications and sometimes intense psychological or psychiatric counseling.

Lacking access to private doctors and private drug treatment programs, many of these youth eventually are introduced to the punishment aspect of substance abuse, that is, the **Juvenile Court System**. Every year large numbers of youths are incarcerated in the **Juvenile Detention Center** for a period of weeks to months for antisocial behavior which usually can be attributed in some part to substance abuse. When one factors in the issues of mental health, substance abuse and incarceration, the result is often a drastically-high recidivism rate. The cost to taxpayers becomes an increasing burden as the youth ages.

In summary, drug abuse among El Paso youth can lead to severe physical and mental health problems or it can be a symptom of preexisting conditions such as ADD

and ADD-HD. In either case, substance abuse exacerbates the tangential medical condition.

Quality of Life

By far the most devastating impact of drug trade on the youth of El Paso are the quality of life issues which are impacted by this activity. Substance abuse has been linked to a multitude of antisocial behaviors including **domestic violence, child abuse, sexual crimes, vandalism, theft, and assault**. Although El Paso is ranked by *Money Magazine* as the third safest city in the United States (for cities with a population above 500,000), family and personal violence is still a serious issue. Youth who are substance abusers may have been victims of many of the above criminal acts, and in turn, they may themselves become perpetrators of similar acts.

While not criminally-oriented, other quality of life issues which are caused by substance abuse can be equally devastating. These include **divorce, estrangement from family members, dysfunctional peer relationships, premarital sex, and unwanted pregnancies**. When confronted during the teenage years, these are issues which can appear to be insurmountable. Rather than seeking a solution to the root cause of the problem, substance abuse, youth often continue the same destructive behavior. If substance abuse is an intergenerational concern, it is even more likely that the youth will continue this behavior into adulthood and bequeath the pattern into the next generation.

The final quality of life issues which are impacted by substance abuse include **high self-esteem, confidence in one's abilities, empathy for others, positive relationships, a commitment to family and community, pro-social activities, and an ability to set and achieve goals**. Youth substance abusers lack these necessary and vitally important characteristics which every young adult needs in order to become a competent and secure member of society. The lack of these particular attributes which should be instilled during the formative teenage years is often an irreversible event. As a result, many substance abusers enter adulthood with low expectations for a successful lifestyle.

Conclusion

Unfulfilled needs and expectations have an effect not only the youth, but also on the society which has lost the talent and contributions of a substantial portion of a generation. Society pays in economic terms as these youth are treated for substance abuse, incarcerated for criminal activity, and/or enter the welfare system. Society pays in sociological and emotional terms when it produces fewer stable marriages, fewer productive workers, and few law-abiding citizens. To stop the cycle of poverty, poor health, and illiteracy, society must address the impact of the border's substance abuse and drug dealing on El Paso's youth. The cost is immeasurably unacceptable.

Mr. SOUDER. Could you just, for the record at this point, this really is not a question, but you focused on a number of very specific as well as a few general points. Could you tell us a little bit of what you do with the school system?

Mr. GARCIA. Absolutely. I run a truancy and dropout program, sir. And basically we work with the courts and I will tell you that a lot of kids—I have never seen a gang member that did not start as a truant and I can tell you that we have dealt with thousands over the last 3 or 4 years and I would say probably 70 percent of them have a substance abuse problem. I would say that of the gangs that are involved, the majority are involved in some kind of criminal activity.

Mr. SOUDER. And when you say you work with the school district at this point, are you a consultant to them or——

Mr. GARCIA. Yes, sir, we have contracts to work with them.

Mr. SOUDER. And have you done this for a long period or did you do something before that in this area too?

Mr. GARCIA. I have worked for about 30 years in this area, sir.

Mr. SOUDER. With juveniles and truancy.

Mr. GARCIA. Yes, sir.

Mr. SOUDER. Thank you. Mr. Soria.

Mr. SORIA. Good afternoon, Mr. Chairman, subcommittee members. I would like to make a change to my initial presentation. I welcome you to our Sun City. I think Mother Nature has played a trick on me and maybe I should say the dust bowl.

But anyway, I also want to express my sincere thanks at being provided the opportunity to present before you today. My name is Jose Luis Soria. I am employed by Aliviane NO-AD, Inc., a community-based chemical dependency prevention, intervention and treatment organization. I am the clinical deputy director for this organization. My testimony to you today will focus on the humanistic aspect, but it will also take into account a holistic approach to the drug trade and the disruption of social and human institutions that this activity has on our community and, in general, to the State of Texas.

The drug trade has created a catastrophic dilemma in the southwest and especially in and around the El Paso area, inclusive of the outlying rural communities. I will not elaborate regarding the west Texas rural counties—Hudspeth, Presidio, Culberson and Jeff Davis—or as better known and referred to as frontier west Texas. I think that the speakers before us have presented enough information regarding those areas.

This is not to say that other areas of our Nation have not felt the scourge of this practice on our citizens, but as we all know, the El Paso area, due to its geographic and topographic uniqueness, has proven to be a preferred area for its illegal trade. We must also take into consideration the economic dependence that has metamorphosized between our city and our sister city of Ciudad Juarez, Mexico and other border cities that create a close economic or social tie to the north side of the border. This I believe is very important, the closeness relates to our cultural ties, the heritage and the lack of a sustainable economic resource on both sides of the border has played an integral part in nurturing and facilitating this lucrative, yet most detrimental activity. This multi-million dol-

lar "business" has affected our youth, our criminal justice system, our economy, our healthcare system and most importantly, our quality of life.

As I stated previously, I will not be redundant and describe the areas of west Texas or southern New Mexico, but I do want to point out a couple of special areas that I think are very important. Our regional economic plight is a major contributing factor that has helped expand the involvement of many of our citizens, especially our youth, in this unsavory, illegal, yet lucrative act. I believe Mr. Garcia alluded to that point. Even though many of our citizens initiate their involvement on the business end—the means of making money, most often, they find themselves becoming victims of "the trade." Once this occurs, of course, their psychological, physical and social functioning erodes very quickly. They soon become a statistic that is associated with the criminal justice system, our social welfare system, and of course our healthcare system. I believe Sheriff Samaniego and Chief Leon alluded to those two major points of interest. Since involvement is not based on an isolationist basis and the substance abuse is inclusionary of the family, we now have a grimmer picture. Everyone in the household becomes a victim. Thus, that has an additional effect on the economic resources of the city of El Paso.

I will not preach to the choir, as the saying goes, since this distinguished panel is comprised of many talented and knowledgeable individuals. I will expound the need to establish and continue efforts that provide for various elements in the war against drugs. First, interdiction is necessary in order to curtail the importation of harmful substances into the State. The proposition here is of course that less drugs that come into the country, the less victims we shall have. We must maintain a vigilant effort in this area, combined with collaborative and coordinated aspect with our neighbor to the south, since it will take a concerted effort to reduce the trade.

Second, we must ensure that resources include the availability of programming at all levels to avail those prevention, intervention and treatment services needed by the citizens being confronted with substance abuse related problems. The Center for Substance Abuse Prevention [CSAP] and the Center for Substance Abuse Treatment [CSAT] have proven that the application of the appropriate services when needed by the individual can have significant impact on the reduction and complete stoppage of substance abusing behaviors. In essence, I am requesting that we utilize CSAT's premise: Treatment Does Work, and that we must maintain the availability of service at a high level of conscientiousness as we carry out efforts through the different levels of the drug trade.

In closing, I would like to reiterate that the drug trade within the El Paso area and southern New Mexico has a very detrimental impact on the citizens of El Paso. As stated previously, I presented to you based on a humanistic aspect—not on an economic aspect, not on a law enforcement interdiction aspect, but tried to emphasize the human side of it.

In closing, I want to thank you once again for this opportunity and hope that you consider all presentations made here today to develop the most appropriate policies for this social problem. Thank you very much.

[The prepared statement of Mr. Soria follows:]

Testimony to the
Government Reform Committee's Subcommittee
on Criminal Justice, Drug Policy, and Human Resources

Good morning subcommittee members, visitors to our Sun City, other distinguished members of our community, and those concerned individuals present here today. I also want to express my sincere thanks in being provided the opportunity to present before you today.

My name is Jose Luis Soria. I am employed by Aliviane NO-AD Inc., a community-based chemical dependency prevention, intervention, and treatment organization. I am the Clinical Deputy Director for this agency. My testimony to you today will focus on the humanistic aspect, but will also take into account a wholistic approach to the drug trade and the disruption of social and human institutions that this activity has on our community, and in general to the State of Texas.

The drug trade has created a catastrophic dilemma in the southwest and especially in and around the El Paso Area, inclusive of the outlying rural counties.. This is not to say that other areas of our nation have not felt the scourge of this practice on our citizens, but as we all know, the El Paso Area, due to geographic and topographic uniqueness, has proven to be a preferred area for its illegal trade. We must also take into consideration the economic dependence that has metamorphosized between our city and our sister city of Ciudad Juarez, Mexico and other border cities that create a close economic or social tie to the North side of the border. The closeness, our cultural ties, the heritage, and the lack of sustainable economic resources, on both sides of the border, has played an integral part in nurturing and facilitating this lucrative, yet most detrimental activity. This multi-million dollar "business" has affected our youth, our criminal justice system, our economy, our healthcare systems and most importantly, our quality of life.

The geographic makeup of this area with its many miles of desolate, arid, and unpopulated landscape has facilitated the creation of special corridors that many individuals involved in this illicit trade find very adaptable to their operations. The inability of the United States to provide thorough and total scrutinization to this vast area, approximately 30 thousand square miles, a gargantuan area compared to other locales, has proven to be very difficult to stop the drug trade. In addition, the El Paso Area, comprising of several major international crossings has only exacerbated the inability to control the illegal drug trade. This is not to say that the efforts exerted by the various local, state, national, and international entities have not been put forth. It simply states that the tremendous quantities of illegal drugs coming into the United States, specifically El Paso and Texas, has made it impossible to have the success that one would wish for.

Our regional economic plight is a major contributing factor that helps expand the involvement of many of our citizens, especially our youth, in this unsavory, illegal, yet lucrative act. Even though many of our citizens initiate their involvement on the business end – the means of making money, most often, they find themselves becoming victims of "the trade". Once this occurs, their psychological, physical, and social functioning erodes very quickly. They soon become a statistic that is associated with the criminal justice system, our social welfare system, and of course our healthcare system. Since the involvement is not based on an isolationist basis and the substance abuse is inclusionary of the family, everyone in that household becomes a victim. Thus the drain on scant economic resources that add to the woes of this city.

I will not "preach to the choir" as the saying goes, since the distinguished panel is comprised of many talented and knowledgeable individuals. I will expound the need to establish and continue efforts that provide for various elements in the war against drugs. First, interdiction is necessary in order to curtail the importation of harmful substances into the state. The proposition here is of course the less drugs that come into the country, the less victims we shall have. We must maintain a vigilant effort in this area, combined with a collaborative and coordinating aspect with our neighbor to the South, since it will take a concerted effort to reduce the trade.

Second, we must ensure that resources include the availability of programming, at all levels, to avail those prevention, intervention, and treatment services needed by the citizens being confronted with substance abuse related problems. The Center for Substance Abuse Prevention (CSAP) and the Center for Substance Abuse Treatment (CSAT) have proven that the application of the appropriate services when needed by the individual can have significant impact on the reduction and complete stoppage of substance abusing behaviors. In essence, to use CSAT's premise: Treatment Does Work, must be maintained at a high level of conscientiousness as we carry out efforts through the different levels of impacting the drug trade.

We must ensure that all social, criminal justice, educational, and healthcare institutions become cognizant that chemical abuse and addiction is a disease and should treat it as such. We must ensure that there is no victimization of those individuals that are in need of treatment. The element of stigmatization must be done away with so that individuals undergoing such processes can maintain proactive participation in their recovery processes. Prevention and intervention services should be maintained at a high level of priority in order to properly inform the parents so they in turn can speak openly with their children about substance abuse and proactive decision-making processes.

In ending my testimony, I would like to reiterate that the affliction of substance and chemical addiction is a costly venue for the society to incur. Financially, we are currently continuing to expand correctional facilities, fund the manning of such facilities, and continue to increase our probation and parole entities. Interdiction and judicial aspects associated with interdiction alone is a very costly venue for the state and the nation as a

whole. Healthcare issues related to chemical abuse and addiction continue to come to the forefront as a result of the interaction between high risk behaviors and substance abusing behaviors. To exemplify, the current AIDS/HIV and Hepatitis epidemics are infiltrating the population in general and can no longer be ascertained to be diseases of a certain type of subculture within our societies. In essence, the population, in general, must be dealt with as one unit if we are to curtail the demand side.

Our youth are being affected tremendously by the widely acceptable practices of experimentation and use of certain substances. The dysfunctional elements associated with substance use with this population is creating havoc within our educational system, our youth correctional systems, and associated psychiatric health issues. We must ensure that this segment of our population have the resources necessary now to ensure productive future citizens.

I want to thank you for this opportunity and hope that you consider all presentations made here today to develop the most appropriate policies for this social problem.

Mr. SOUDER. Could you explain a little bit what your drug treatment center is, is it a long-term, outpatient, combination, mostly juvenile, seniors, alcohol, cocaine, heroin—just some of the types.

Mr. SORIA. It is a very comprehensive—in fact, it is Texas' second most comprehensive treatment program. It is a program that provides intensive residential services for the general population, women and children's programming. It has intensive and supportive outpatient services for adults. It has an intensive and supportive outpatient youth treatment services. It provides prevention, intervention and family services programming. We have offices in the El Paso area, in Alpine, TX and one in Van Horn, TX. We also have our infectious diseases unit, prevention unit, which comprises programming for HIV risk reduction testing, counseling, tuberculosis and Hep-C services, sir.

We work within the schools, we work within the judicial entities, we work with the juvenile judges. We work with the adult probation office and the State parole office.

Mr. SOUDER. Thank you. We'll go to a round of questioning here.

Mr. Cook, clearly one of the things everybody agrees on that we are trying to figure out how to do on a national basis are these fast type lanes and I commend the Chamber for having taken a direct initiative while we are trying to figure out how to do it in a lot of places. In Detroit-Windsor, that has been a big help. Would you be receptive and do you believe the business community would be receptive in this area to, if somebody abuses that extra privilege of a fast lane, whether it be a truck clearance, auto or other, that the penalties for violations should be double or triple? In other words, we are only going to spot check, but we do not want—the question is how can, if you get a special privilege, we have some kind of——

Mr. COOK. I think there is no question, we would be supportive of that. We have seen these kinds of things as extremely beneficial to the local economy and to our businesses individually here, and we would not want to see any activity continue that would put that at risk. So we would be very supportive.

Mr. SOUDER. We met on the north border hearing and a number of Canadian trucking companies said that they would go along with that. One of the big problems—and if you have any thoughts that you would like to add to this—is who would get the penalty and how we could be just in figuring that out. That is also a standard problem we have—is it the shipper, is it the trucking company, is it the driver. What if the cab is different than the load he is hauling, and we need a good clear way to establish that because it becomes pass the buck when we actually catch somebody.

Mr. COOK. What I would like to do, Mr. Chairman, is just consult our foreign trade community here over the next few days and then we will submit that to you in writing, if that is OK.

Mr. SOUDER. Thank you.

Mr. Garcia, in your opinion, one of our most difficult—let me give a couple of things and you can give a little bit of an answer today and if you want you can add more in depth—prevention is—we say our programs in Colombia are only working medium well, we are having troubles on the border. I have met hundreds of drug addicts who have gone through six or seven treatment programs. It is very hard, it recurs, sometimes it is more of an insurance thing—it is

complicated treatment. Similar on prevention. In other words, in looking at how do we make our prevention programs more effective. We are doing reauthorization of the drug czar's program. One of that is our national media campaign. We would appreciate any thoughts you have on that, particularly how it is—what we could do to better target and influence at risk youth as opposed to those who are already persuaded that drugs are bad.

A second thing is the largest single dollar amount is the prevention programs in the schools, Safe and Drug-Free Schools, which are basically so watered down around the country, it is very difficult to figure out—I was very active in the reauthorization of that and it was very frustrating. We have like 27 uses that people can use for the money in any given school. I finally got a little clause in that says they have to at least mention at the tail end drugs are bad. But at one point, I got so frustrated, I offered an amendment that the funds could be used to improve educational skills, because obviously if you can read and write and get better education skills, you are less likely to get on drugs too. The point, however, of that program was supposed to be a direct program on anti-narcotics. And any thoughts you have that we might look at in school-based prevention programs that would be more effective, particularly in reaching at-risk kids, particularly junior high, particularly males and often we have a separate problem with suburban rich kids than we do—which by broad definition my kids would fall into—than we do in Hispanic and African-American kids. And I am not sure we pick up those nuances.

Any thoughts you have on a national ad campaign, prevention programs in the schools or other targeted things we could do, particularly as we look at kids who are already caught up in the probation system and are now coming back out into the community, either while they are in the prison system and in the probation system and before they are coming out.

You can take a brief stab at that here, but I would welcome any specific suggestions you have in that area.

Mr. GARCIA. I would like to, first of all, say that I will think about those and do the best I can here, but I will certainly submit something in writing along those lines.

I belong to the Dropout Task Force with the Texas Education Commission and we have representatives from all over the State, superintendents, what-have-you. This is exactly what we are looking at. We all know that Just Say No never worked—not in this part of the country. I think prevention efforts are important. You know, if you look at my testimony, here in El Paso, a large portion are single parents, they are just making ends meet with two jobs, and there is a lot that can be done at the schools working with at-risk, working with these kids, doing—getting the community involved. There is not enough resources and never will be, but I think it is important to get the criminal justice, the educational entities, community services such as Aliviane provides. That is what we are doing here, trying to approach it from a holistic standpoint, because it is very difficult.

And so that is what we are focusing on right now in the State of Texas with this task force, is to provide prevention, intervention services, get them at the front end before they wind up, you know,

in the criminal justice system and prisons and, you know, where it affects our tax base, our welfare system and so forth.

Mr. SOUDER. Thank you. Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

My first question is for Mr. Cook. As you know, we have had kind of a departure control system, that means that people would get checked coming into the country and would be checked leaving the country. Can you share with us an opinion of how that would impact our area here, if at all?

Mr. COOK. OK. That is something that we spent a lot of time talking about within the commercial and industrial community here in recent months. We are very concerned about the impacts of an exit control system, particularly if we try to implement it before the proper technology is in place, and particularly if we do not see a dramatic increase in the amount of resources, particularly human resources, staffing, at those international ports of entry, than what we currently see right now.

As I alluded to earlier, we are seeing trucks and vehicles in line on our international bridges sometimes as long as 1, 2 and 3 hours. Part of the problem is because we do not have enough staff to man all northbound lanes on those ports of entry at all times. And if we are going to do something that is just merely going to take resources away from that effort to now check southbound, then we see a much larger negative economic impact on this economy than what we have seen historically.

And let me tell you how that translates. With China really emerging onto the scene in the last couple of years as a manufacturing force, just in the last 18 months, we have lost more than 90,000 jobs in the city of Juarez alone in production and manufacturing, manufacturing-related jobs. We feel like if we are going to do something to try and turn that trend around, we will not be able to compete on labor costs against China—Mexico cannot compete on labor costs with China—but where we can compete is because of our geographic proximity between our two countries and enterprise in those two countries, if we can expedite trade north and southbound through those ports of entry, if we can somehow through the utilization of technology and increased staffing make those products and services flow more efficiently, then we can somehow counteract the negative impact that we are seeing, that is coming against this area from China right now.

So Congressman, we are very concerned about the implementation of those exit control programs.

Mr. REYES. Thank you.

My next question is for Mr. Garcia and Mr. Soria. I would like to know what is the average age of your clients, in particular focusing on school age, and then has the pattern changed in the last 3 to 5 years and if so, is there a difference between urban and rural in terms of the clientele, the services and the impact in that 3 to 5 year period?

Mr. GARCIA. Congressman Reyes, let me respond that we have seen approximately 6,000 families and students in the last 3 years and we get them from age 7 to 18. Insofar as—you know, most of the districts we work with are urban. I think Mr. Soria could speak more to the rural, what kind of trends they are seeing there.

Mr. SORIA. Adding to Mr. Garcia's comments, I think there is a distinctive difference between urban and rural, even the ages and there are certainly some drug patterns involved that the communities do have.

For example, in the rural areas, you see a high incidence of alcohol abuse among young—and I mean young, 9 to 11 year old—males, which we attributed to being part of the cultural processing; you know, the rite of passage kind of thing.

In the El Paso area, we see a higher incidence of inhalant abuse, amphetamines and barbiturates coming across the river, and the age average there is between 10 and 11. Lately, we have seen an increase on the cases that we see here in the El Paso area where the females are taking on a greater number dysfunctionality than the males. Traditionally, it has been males, we have seen this trend I guess in the last 6 months.

Mr. GARCIA. Absolutely. Also, in addition, we have seen more females getting involved in gang-related activities. So those are the differences.

Mr. SOUDER. Mr. Deal.

Mr. DEAL. Thank you, Mr. Chairman.

Mr. Cook, one of the things that I think all of us would like to see is to allow commerce to move without undue impediments. That is why one of my real concerns and I suppose one of my pet peeves is the fact that one of the ways that we could do that would be for Mexico to be more cooperative on dealing with the two issues that are our major problem; that is, the flow of drugs into our country from their country and the flow of illegal immigrants from their country into our country.

If those would cooperatively attempt to address those issues more aggressively on their side of the border, then we would be able to reciprocate without having these undue impediments as they cross the border. Would you agree with that?

Mr. COOK. I do not know that I am fully capable or expert enough to answer fully there, but that may very well be the case, sir.

Mr. DEAL. Well, I think, you know, we have had a better working situation, although it is now somewhat in question, with Canada. And part of that freer flowage has been that there has been mutual cooperation on both sides of the border with mutual goals in mind and I think that is one of the messages that we all need to send to our counterparts across the border here.

Mr. COOK. And let me say, in our Chamber in the last year, we have been undertaking a more proactive effort to work with business groups on the other side of the border to jointly lobby issues, both in Washington and Mexico City, that impact trade. And I think this is a message that we could help deliver from you and other Members of Congress through our business community contacts in Mexico back to Mexico City.

Mr. DEAL. Well, I think we all need to work in that direction on that.

Mr. Garcia, as a former juvenile court judge, I deeply appreciate your comments and the magnitude of the problem and it is a huge problem. And it is certainly one that we all share.

I have a concern, because I see in my area that gang activity has a direct linkage with, in our case, the distribution of drugs within the community. Is there a connection here on the border between the gangs and the drug activity, either in bringing it across the border or in some distribution chain once it crosses?

Mr. GARCIA. In my opinion, I think so, most of them are involved in some kind of either distribution or, you know, selling it. We see a lot of those coming into our playgrounds, unfortunately, and recruiting younger ones to get involved. There are certain gangs here that are pretty much involved in that kind of activity; yes, sir.

Mr. DEAL. Have your schools adopted any policies with regard to dress codes or anything else that would prevent the display of gang colors, paraphernalia, etc?

Mr. GARCIA. We have identified, particularly in the lower valley, some campuses that had some gang-related activities and they have what is called site-based management and some campuses have done that, come out with school codes; you know, the dresses that they wear, blacks and silvers and bandannas and—you know. So some have and some have not.

Mr. DEAL. I think we all of course are searching for what to do with those who are addicted and into the system. Have the programs that—Mr. Garcia, I would simply ask maybe Mr. Soria if you would maybe comment briefly and then perhaps followup along with Mr. Garcia on the two programs that the chairman alluded to, the media program and the safe schools program, as to their effectiveness. Have you had working relationships with those activities?

Mr. SORIA. Yes, sir, primarily the—Aliviane NO-AD has been in the El Paso area for the last 32 years. Throughout its history, it has formed a network and collaborative effort that has worked with the various entities throughout El Paso City and the county. I think that, as I alluded to in my presentation, maybe in the written documentation, not in the verbal one, the problem is a community-wide, state-wide, nation-wide problem and it will take collaborative efforts from every one of those entities involved in order to provide the most appropriate direct services at that appropriate time of the child's development, or in the parental engagement.

We work very closely with the school programs and the drug free school programs sponsored by the Federal Government and by the State of Texas. We also work very closely with programs within the school system to engage and have a transitional process the follows the child from the school campus into the home environment. In other words, it has to be a complete transitional process so everybody involved can get into the picture.

Mr. DEAL. Just one real quick final question. There has been an ongoing debate in drug policy in this country as to whether or not the availability of drugs has any direct relationship to the usage. Some would argue that it does, some would argue that it doesn't. Obviously you are here very close to a huge source of available drugs. Is there any statistical information that would indicate whether or not that proximity to a large amount of illegal drugs translates into a larger percentage of the population using those drugs? Do you know?

Mr. SORIA. I think several studies have been made. The most current one will be the tobacco use surveys that the Federal Gov-

ernment has done. Since the usage of any type of substance, whether legal or illegal, is a result of a combination of factors, I do not think that any study can preclude and say that any one single factor is the causal reason for a person doing drugs. I think it is a combination of physical, psychological, social, environmental, familial and other types of elements that do affect that individual.

To give you an example, the suicide rate among teenagers is the highest of all ages in the United States. There has been no specific reason identified for that phenomenon, but yet it still exists. So I am saying that it would be very hard to say and just get one specific reason why. But we must take into consideration that it has to be a conglomeration of elements, that is why it has to be holistic in its approach.

Mr. DEAL. Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Soria, do you do drug testing and followup or is it self-reported?

Mr. SORIA. No, sir, we utilize the urine toxicology screening in two ways. One, of course as a deterrent. It is a mind game really, if the person does not know when they are going to get tested, that often helps deter the individual from usage. We also use it as a means of checking for true estimates.

Mr. SOUDER. Do you keep followup records for like 6 months, 2 years, 5 years?

Mr. SORIA. Yes, sir, according to Federal law and State law, we are supposed to keep records for 3 years under the Federal requirements, State law says 5. Our CEO wants to keep the records forever. We have records dating back to 1970.

Mr. SOUDER. So you can—when you keep those records, do you have records as to whether those individuals have entered into other treatment programs post taking yours?

Mr. SORIA. Yes, sir. We are—under the State of Texas, we fall under the Texas Commission of Alcohol and Drug Abuse and basically it has a client identification processing where initially it kind of follows up the individual receiving treatment services. Now through higher tech innovations, the Commission is moving toward a high tech client identification computerized system; yes, sir.

Mr. SOUDER. Thank you. And I know we have had a long day here, I wanted to just make a brief comment on the backhaul. There is a huge problem when we are not getting the money going back. There is just no question. I mean we can holler all we want at the Mexicans where the narcotics are coming in, but the turnaround is yeah, the money is coming in the United States and your people are still working and moving the money. This has to be addressed. And the proof of the pudding is that if we do back checks and find stuff, we are going to do back checks. The Canadians are complaining on the north border, they actually have cooperative teams pretty good about trying to catch it, but in the two experiments in Montana and Niagara, we are finding guns and money going the other direction, or we are finding B.C. Bud coming in and we are shipping cocaine and heroin. We actually have as many drugs going into Canada as they have coming in to us almost at some borders.

Now what we need to do is figure out how to do this same fast pass system. Then the next challenge for you as a business exec is

now to not drive small business guys out because they cannot do the large system that the large guys do. And I think your point is well taken, that we have to simultaneously be getting our technology up at the same time we are doing it, but I see this as a coming thing, because when we deal with other countries, part of their reaction is you are quick to try to watch coming in, but you are shipping it to us. And they, quite frankly, in Mexico, are not going to have the resources with which the deal with it, even if there were questions of complete integrity here.

Mr. COOK. Mr. Chairman, I want to make sure I was clear on my comments to you. We are not opposed to the exit control system, we are concerned about the implementation of it.

Mr. SOUDER. Because you are getting it in both directions then.

Mr. COOK. Precisely.

Mr. SOUDER. At the GM plant in Fort Wayne and meeting with one of the Canadian Parliamentarians who was a GM plant manager there who was going to be the Fort Wayne manager—I have the largest pickup plant in the world—that there are 100 border crossings between Canada and the United States and I am 140 miles from the border in the making of each pickup. So you take that from 5 minutes to 20 minutes to an hour, you have dramatically increased the cost of pickups.

Mr. COOK. That is right.

Mr. SOUDER. And so I understand the dilemma but this is not going to be easily solved, particularly in the homeland security where, fortunately since September 11, we have been able to intercept everybody. But what I have been warning everybody along the borders and the stake that the border has is the first time the FBI was a new Director, we were reorganizing, it was a relatively new administration. The second time we have a terrorist attack in the United States, if that comes, for example, parts through a truck, if Atta crosses a border, the American people will not be as tolerant to back off the intensity that we had on September 12, which was kind of the disaster day for business and commerce, the rest of September 11 and September 12, you could not function in the United States with that kind of discipline. So we have to be thinking in those terms, because we know the terrorist risk is not going to go down, the narcotics, as we work to get legitimate, kind of semi, quasi-legitimate things where things shut down. We have met with the Swiss banks and put tremendous pressure for tracking the money, they are going to go to illegal money, illegal means smuggling immigrants, smuggling diamonds, smuggling mostly narcotics, to fund terrorist efforts. So combined with the traditional pressures you have, hits on homeland security are going to make your job, particularly at these border crossings, huge in trying to work with the Federal Government in trying to figure out creative ways like you did on the leasing of those lanes, talking to other Chamber groups around the country, some of the inland places need to be invested in the border point too.

Mr. COOK. Yes.

Mr. SOUDER. And understand that having—trying to work out these differences on bill of lading and how specific they need to be can speed the VACIS machines. Yes, nobody likes to say what is going to be on that truck until 1 hour before it has to go to the

border, but the more specifics we have, the easier it is at the border crossing, not to slow them down. And this is a huge economic dilemma, as you have said.

Mr. COOK. Yes. And let me say too, we are currently working with Sandia Labs in this community too on the types of technology that can be developed that will help these very issues that we are discussing, and we are very hopeful that sometime in the near future, we are going to even be able to leverage additional investment by Sandia to come down here to the border and have people on the ground directly studying these issues and doing original research on these issues.

Mr. SOUDER. Any other comments or questions?

Mr. REYES. Just a comment. In fact, we are going to be a test bed for a new system of technology called pulse fast neutron analysis that, if it works, if it is field tested the way it has worked in the laboratories, it is not inconceivable that we will have, for the first time, a technology that we can build nothing but commercial bridges or ports of entry, that will be able—you heard the testimony from the Customs Port Director that said on the average what they have now takes about 7 minutes to do the scan. This technology can do it in a matter of 2 minutes and it can simultaneously look for over 200 things that you focus on it. It can be chain-linked so that instead of one truck or one container, it can do three simultaneously in a 2-minute period.

So that is the kind of technology that I think is going to make a difference for us. And we are literally on the threshold of it. We are anticipating testing it here in Ysleta certainly by summer or fall of this year.

And again, just thank you for doing this hearing. I know we threw a lot of information at you, but I intend to also, for the record, also give you some additional information.

Mr. SOUDER. Thank you, and one of the tough questions that we are going to have is that machine is $12 million.

Mr. REYES. Well, actually that machine——

Mr. SOUDER. That will go down as——

Mr. REYES. It will go down, it will go down to less than $3 million.

Mr. SOUDER. The bottom line is that it may be that business and industry is going to have some choices here to help share some of the cost of that, because time is more valuable than money, as long as it is a shared type of thing and does not get disproportionate just to the borders. But those are going to be difficult questions because that is the type of machinery we need to go toward.

Mr. Deal.

Mr. DEAL. Well, Mr. Chairman, I just want to thank these witnesses and all the others and the people who have been here at the hearing today, and also to express my appreciation to our fellow Member of Congress and able representative of your area, Mr. Reyes. Thank you very much.

Mr. REYES. My pleasure.

Mr. SOUDER. Thank you again for coming, for being patient, for being our cleanup hitters on today's hearing. And with that, the subcommittee stands adjourned.

[Whereupon, at 1:20 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

U.S. CUSTOMS AND BORDER PROTECTION
Department of Homeland Security

JUN 10 2003

The Honorable Mark E. Souder
Chairman
Committee on Government Reform
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for you letter of April 21, 2003, regarding additional written questions for the record from the Subcommittee's April 15, 2003, hearing. The Bureau of Customs and Border Protection is pleased to provide a point-by-point response to each question as indicated below.

1. How much additional traffic (commercial, passenger and pedestrian) is projected to come to the port of entry at Presidio?

   The projected completion date for the Mexican highway is June 2004. Upon its completion, the El Paso Field Office anticipates 100-200 commercial trucks daily through the Presidio, Texas Port of Entry (POE). Currently, the Presidio POE processes a daily average of 17 commercial trucks. Pedestrian and passenger vehicle traffic is not expected to increase significantly. These projections were derived from discussions held with Mexican authorities and brokers.

2. How much additional illegal traffic near the Presidio port of entry will be created by the new highway?

   Based on past patterns of drug smuggling and illegal immigration in the region, CBP anticipates a significant increase in illicit traffic will occur once La Entrada comes to fruition. Overall, Marfa Sector has seen a yearly increase in all narcotic seizures of approximately 35 percent. Some of this increase may be attributed to the success of western sectors, which has moved illicit traffic operations eastward. An increase in commercial truck traffic from La Entrada will most certainly result in increased illegal activity. Past experience tells us that narcotics and alien smugglers prefer the use of

large trucks to transport their unlawful cargo. Smugglers are prepared to lose some loads in order to get other loads through by inundating the POE; inevitably, some loads will get through and then it is incumbent upon the Border Patrol to interdict those loads. Of course, regardless of the existence of La Entrada, illicit traffic will continue along the southern border in areas between the POEs as smugglers attempt to circumvent the inspection process at the POEs.

3. What steps is the port taking to expand the facilities and staffing at the Presidio port of entry to meet the anticipated expansion in traffic there? What is the timeline for completion of that expansion?

The expansion of the Presidio POE was completed in August of 2002. The port has expanded the cargo facility in anticipation of the additional commercial traffic that will follow the highway's completion in June 2004. The port expansion consisted of:

- Increased cargo dock space from a 1-truck to a 10-truck cargo facility.
- Incorporated a new truck entrance road into the cargo facility. The increased size of the cargo facility has resulted in a more efficient movement of commercial traffic.
- Built a permanent narcotic vault in anticipation of increased seizures.
- Built a new kennel facility that accommodates eight enforcement dogs.
- Built new offices for Bureau of Immigration and Customs Enforcement agents at the facility to reduce their response time to the port.
- Built a new inspectional headhouse that incorporates two holding cells in close proximity to the secondary vehicle inspection location.
- The Texas Department of Transportation (TXDOT) has also completed their inspection facility adjacent to the port.

The Presidio POE construction cost approximately $3 million.

Staffing has increased recently at the Presidio POE. The Presidio POE was granted five additional Inspectors by the Fiscal Year 2003 staffing initiatives.

4. Has BCBP conducted any studies on what impact the new highway will have on patterns of drug smuggling and illegal immigration in the region?

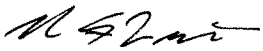
   BCBP has not conducted any studies to date concerning the impact of a new highway on drug smuggling or illegal immigration affecting the Presidio, Texas region.

5. What steps are being taken to assist local law enforcement agencies to meet any increase in crime as a result of the increase in traffic through the port of entry?

   The Presidio Sheriff's Office and Presidio Police Department are represented at all meetings concerning port expansion. These local law enforcement agencies are also included at all Border Coordination Initiative meetings.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 927-2918.

Yours truly,



Richard F. Quinn
Acting Assistant Commissioner
Office of Congressional Affairs

U.S. CUSTOMS AND BORDER PROTECTION
Department of Homeland Security

JUN 19 2003

The Honorable Mark E. Souder
Chairman
Committee on Government Reform
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of April 28, 2003, regarding additional written questions for the record from the Subcommittee's April 15, 2003 hearing. The Bureau of Customs and Border Protection has completed its review of these inquires. Please allow me to outline our findings in a point-by-point response to each question as indicated below.

1. What is the rate of recidivism among illegal immigrants apprehended in your Sector? How many times is the average apprehended illegal immigrant caught crossing the border? How many times will the U.S. Border Patrol in your Sector capture an individual illegally crossing the border before that individual is prosecuted in a U.S. court? How do these statistics compare with those of the other Border Patrol Sectors on the Southern Border?

   A "Recidivist" is any alien who has been apprehended more than one time and removed from the country. The El Paso Sector had a total of 94,156 apprehensions involving persons who had illegally entered the country during Fiscal Year 2002. Of that number approximately 17,498 (19%) were classified as recidivists. During the first six months of Fiscal Year 2003 (October 1, 2002 through March 31, 2003), the sector has recorded 43,994 apprehensions, and 10,016 (23%) of those were recidivist hits. Recidivism rates will vary from sector to sector, and are dependant upon a wide variety of variables such as major population centers located within certain sectors, economic and social infrastructure, job availability, smuggling activity, transport mechanisms, terrain, as well as the determination of the individual.

The El Paso Sector currently prosecutes aliens for violations of immigration law on a case by case basis. There is no set threshold in this sector for prosecution of persons caught illegally entering the country. The determination as to whether a person is to be prosecuted is based upon the circumstances involving each particular case (i.e. prior formal removal from the U.S., the use of false documents and false statements to agents). We also follow the prosecution guidelines provided by the United States Attorney's Office on all criminal prosecutions sought in an U.S. court. Additionally, detention space is limited and priority cases must be coordinated as such.

2. Please provide the Subcommittee with a copy of the most recent monthly report (BP G-23) for your sector.

   The G-23 is a Report of Field Operations and is used to track a variety of items as they pertain to Border Patrol operations. The information in this report is forwarded to our headquarters in Washington, D.C. on a monthly basis and is used to compile statistics for the agency. The summary report contains data of sensitive nature. The Department would be pleased to provide you this information in the appropriate setting.

I appreciate your interest in The Bureau of Customs and Border Protection. I we may offer further assistance, please contact me at (202) 927-2918.

Yours truly,

Richard F. Quinn
Acting Assistant Commissioner
Office of Congressional Affairs

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