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THE FISCAL YEAR 2010 BUDGET FOR IMMIGRATION AND CUSTOMS ENFORCEMENT, CUSTOMS AND BORDER PROTECTION, AND THE U.S. COAST GUARD

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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CONTENTS

Page

STATEMENTS

The Honorable Loretta Sanchez, a Representative in Congress from the State of California, and Chairwoman, Subcommittee on Border, Maritime, and Global Counterterrorism 1
The Honorable Mark E. Souder, a Representative in Congress from the State of Indiana, and Ranking Member, Subcommittee on Border, Martime, and Global Counterterrorism 2
The Honorable Al Green, a Representative in Congress from the State of Texas 42
The Honorable Ann Kirkpatrick, a Representative in Congress from the State of Arizona 34
The Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas:
Oral Statement 38
Prepared Statement 38
The Honorable Michael McCaul, a Representative in Congress from the State of Texas 35
The Honorable Bill Pascrell, Jr., a Representative in Congress from the State of New Jersey 37

WITNESSES

Mr. John T. Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security:
Oral Statement 5
Prepared Statement 7
Mr. Jayson P. Ahern, Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security:
Oral Statement 13
Prepared Statement 15
Admiral Thad W. Allen, Commandant, U.S. Coast Guard, Department of Homeland Security:
Oral Statement 23
Prepared Statement 25

FOR THE RECORD

The Honorable Bennie G. Thompson, Chairman, Committee on Homeland Security:
Prepared Statement 4

APPENDIXES

Appendix I—Fiscal Year 2010 Budget Request 51
Appendix II—Questions and Responses:
Responses from Adm. Thad W. Allen 53

VerDate Nov 24 2008 13:23 May 07, 2010 Jkt 000000 PO 00000 Frm 00003 Fmt 5904 Sfmt 5904 H:\DOCS\111-CONG\111-24\55886.TXT HSEC PsN: DIANE

THE FISCAL YEAR 2010 BUDGET FOR IMMIGRATION AND CUSTOMS ENFORCEMENT, CUSTOMS AND BORDER PROTECTION, AND THE U.S. COAST GUARD

Thursday, June 11, 2009

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

The subcommittee met, pursuant to call, at 10:06 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

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

Ms. SANCHEZ. [Presiding.] I believe that, with respect to time and everything, I know that Mr. Souder has said to go ahead with the hearing so I think that we will begin although he is on his way.

But given some of the constraints, votes on the floor this morning, and I myself also being a senior member of the defense committee, we have markups in two of my subcommittees today, one starting at 11:00 and, of course, I have to be there, not only for my amendments but to provide the votes to move that bill along.

So because of that, and I now see that we are going by one of our colleagues from the other side. So great, thanks for being here this morning, Mr. McCaul. And so I would like to begin and have this subcommittee come to order.

This subcommittee, the Border, Maritime, and Global Counterterrorism Subcommittee is meeting today to receive testimony on fiscal year 2010 budget for immigration and customs enforcement, Customs and Border Patrol section and U.S. Coast Guard.

I think that this hearing is important because it will hopefully give us some more information for us to continue to analyze the budget, not only at the present put forward, but also the one that is moving through the appropriations subcommittee, which, as you know, met yesterday. And I believe either today or next week the full committee will take a look at the funding allocations.

However, this being a policy committee I think we have a lot of the input to appropriators on that so I think it is important, because when we look at the budget, of course, we look at really the true priorities.

We can say anything we want but if the monies aren't in the places that are important, that we have talked about, that we have

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analyzed as a committee, then, you know, what we are really saying is that we don't believe those priorities.

So I am glad that we have a strong showing. I know it is a very busy time right now in the Congress, and so I am very thankful that my colleagues on my side in particular have shown up in a strong force.

I am supportive of the president's $55 billion request for the Department of Homeland Security, and I agree with many of the allocations that have been made across the board. I in particular would like to highlight some of the areas.

I am glad that we have a great panel this morning that cuts across all of our primary areas with the commandant and the assistant secretary and the acting commissioner. Thank you three for being here today.

I think that we need to make sure that we need to have sufficient staffing given the border violence that we are seeing, in particular Mexico, Corsi underfunded or sometimes the lack of assets that we have had at the northern border we have also been looking at. The, what we call "the third border," or the whole Caribbean initiative, then of course that falls strongly with respect to the Coast Guard.

I saw that in the president's budget he had put in funding for 85 new CVP officers. I know that we are trying very hard to get staffing up and well trained so that we can do a good job. So I would like to hear a little bit about what your needs are and whether you think that that is enough in the budget.

Also, as a member of the Human Rights Caucus I was pleased to see the request for $69.3 million for the development of ICE's alternatives to detention programs. The assistant secretary and I had a little meeting yesterday where we talked something about that.

Of course this involves some of our most vulnerable populations, such as the elderly, women and children. I know that the president is inclined to do feasibility about privatizing detention facilities.

Just from the onset, I am probably not really thrilled about that proposal, just from the standpoint that we haven't had enough oversight on what we have and to have it at an arm's length away from even some oversight from this committee, I have some concerns with respect to that.

And of course we have the Transportation Worker Identification Card program. The commandant and I have been meeting on that recently to see how that is rolling out. And I would love to receive an update, commandant, on how that is going.

So I know that there are particular concerns and questions and issues that will be brought up by the members who are here. And so I would like to thank all of you for being here today. And I would like to yield to my ranking member, the gentleman from Indiana, for his opening statement.

Mr. SOUDER. Thank you, Madam Chair. I am looking forward to hearing from this great panel of witnesses. I would like to recognize John Morton and highlight that this is his first congressional hearing other than his confirmation hearing, and I appreciate your willingness to work with this committee and those of us who are active on these issues.

Admiral Allen and Ahern are regulars on the Hill here. I want to thank you both for your longtime service and also appreciate you being here today as well. It isn't often that we have the head of the Coast Guard, the CBP and ICE here together, and therefore I want to keep my statement relatively short so we have time for the testimony and questions.

One issue, though, I want to explore is the coordination in intelligence stove piping. It has been a longtime challenge on all of our agencies and inside DHS. Once you hear interagency coordination between these three critical DHS components has improved over fiscal year 2010 budget will further strengthen operational coordination and intelligence sharing.

Also important to this discussion is whether the DHS agencies have sufficient authority for your broad missions and how they are coordinating with other federal, state and local agencies. Another key issue that needs to be discussed today is the operational control of the border, including how new smuggling trends are being addressed, and sustainable efforts to prevent spillover violence and assist the government of Mexico with their domestic efforts to fight drug trafficking organizations.

On Tuesday the chair and I had the privilege to manage the floor consideration on the House resolution recognizing the 85th anniversary of the border patrol. The 18,000 plus agents work around the clock to identify and apprehend illegal aliens and smugglers, always aware that there is a threat of terrorists seeking to exploit the border.

The administration and Congress must provide additional tools and resources for them to successfully do their mission. This is true for all the agencies here, not just the border patrol. I am concerned that the fiscal year 2010 budget will fall short, especially in gaining operational control of the border.

According to the budget documents, CBP does not expect to gain control of one additional mile of the border in 2010. Related to this, the schedule for SBInet deployment has been delayed again. It is my understanding that the earliest technology is expected to be deployed outside of the Tucson–1 area, which is basically the same area as Project 28 initiated in 2006, in the second quarter of 2010.

I don't see how this Congress can consider taking up immigration reform legislation until we control our land and coastal borders. Even more important is the continued opportunities for unsecured borders that they offer to violent criminal organizations and potentially to terrorists with access to the United States.

In closing, this committee, and in particular this subcommittee, support the work of each of your agencies, everything you do, every day of the year to keep this country safe. Whatever the shortfalls may be in the budget request, whatever additional authorities or resources your agencies need, I am confident that we will continue to work together in a bipartisan fashion to provide the necessary congressional support and oversight.

Thank you, Madam Chair for this hearing and I yield back.

Ms. SANCHEZ. I thank my ranking member. Other members of the subcommittee are reminded that, under the committee rules, opening statements may be submitted for the record.

FOR THE RECORD

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

The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard

June 11, 2009 at 10:00 AM

311 Cannon House Office Building

• I want to thank our witnesses for being here today to testify in support of the President's Fiscal Year 2010 Budget Request for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard.
• I would also like to congratulate Mr. Morton on his recent confirmation as Assistant Secretary for ICE.
• As I stated when Secretary Napolitano testified before the full Homeland Security Committee last month, the Administration has managed to submit a very comprehensive budget that answers a lot of our questions about where the Department wants to go, despite having numerous challenges on its plate.
• As our witnesses well know, ICE, CBP, and the Coast Guard shoulder responsibility for many of the Department's challenges.
• The men and women of these agencies are quite literally on the front lines of America's security.
• That is why I support the Administration's funding request for the three agencies as well as several proposed programmatic changes in the budget.
• For ICE, I am pleased that additional resources were requested for southwest border enforcement and for removal of dangerous criminal aliens.
• Similarly, for CBP, I support funding requested to combat smuggling of firearms and currency, which fuels drug-related violence along the southwest border, and to deploy technology along our Nation's borders.
• For the Coast Guard, I am pleased that the budget provides the funds necessary to ensure it can move forward with long-overdue recapitalization of its fleet.
• These resources will help ICE, CBP and the Coast Guard better secure our borders and the Nation as a whole.
• While I support the budget proposal overall, I do have some concerns, however.
• In certain instances, additional funding, personnel, or infrastructure may be necessary to ensure that ICE, CBP, and the Coast Guard have the tools they need to fulfill their missions.
• These agencies must have adequate resources to carry out critical initiatives such as 100 percent scanning of inbound cargo, safe and humane detention of undocumented aliens, and deployment of effective border security technology.
• It is also imperative that they have appropriate internal resources to oversee important procurements, such as SBInet and Deepwater, to ensure that our limited homeland security dollars are well spent.
• In these tough economic times, I am committed to helping secure a budget for the Department that is both fiscally responsible and strengthens the security of the United States.
• I look forward to hearing from each of our witnesses today about how the proposed budget will help you meet the homeland security goals set forth by the President.
• Going forward, I hope to continue working cooperatively with you to advance the Department of Homeland Security's mission in the interest of the American people.
• Again, thank you and I look forward to your testimony.

Ms. SANCHEZ. So I will welcome our panel of witnesses.

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

He came to ICE with an extensive background in federal law enforcement, immigration law and policy, having held a variety of positions within the Department of Justice. Mr. Morton was confirmed unanimously by the Senate last month, becoming the third assistant secretary to lead the ICE in the agency's secured assistance.

Our second witness, Jayson Ahern, was named acting commissioner of the U.S. Customs and Border Protection in March 2009, following the retirement of our former commissioner. And since August 2007, Mr. Ahern has served as CBP's deputy commissioner.

During this interim appointment as acting commissioner, Mr. Ahern will continue to serve as chief operating officer overseeing the daily operations of CBP's 53,000 employee workforce and managing an operating budget of over $11 billion. He is in his 33rd year of public service. And of course you began your career in San Ysidro, California, so welcome again,

To our third witness, Commandant Admiral Thad W. Allen, who is the 23rd commandant of the U.S. Coast Guard, assuming those duties of May 2006. He leads about 42,000 men and women on active duty, 7,000 civilians, 8,000 reservists and 34,000 volunteer auxiliarists.

In his 38 years of service, the admiral has held operational command both at sea and the shore, conducting missions to support the maritime safety security and environmental stewardship interests of our nation.

And today the admiral is leading the Coast Guard through significant modernization to better organize, train, equip and deploy the men and women to meet the challenges of the 21st century. So we welcome you, Commandant.

First of all I just would like to thank the three of you because this is the first time in any of the hearings that I have held as a chairman that we have received all of our witnesses' testimony on time by the deadline that we asked that testimony for. So I hope it is the beginning of a good year for us with you.

Without objection your full statements therefore are inserted in the record, and I will ask you to summarize your testimony in 5 minutes or less, beginning with Assistant Secretary Morton.

STATEMENT OF JOHN MORTON, ASSISTANT SECRETARY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Mr. MORTON. Chairwoman Sanchez, ranking member Souder, members of the subcommittee, thank you for inviting me here to review the president's fiscal year 2010 budget request for ICE and to discuss ICE's management, investigative and operational priorities for the upcoming fiscal year.

As you mentioned, Chairwoman, ICE is the primary investigative agency within DHS. We have a diverse and important mission including the enforcement of more than 400 immigration and customs laws.

Our principal aims are these: to protect national security and public safety by preventing the illegal entry of terrorists and contraband that would do us harm; to work with our partners at CBP and the Coast Guard to secure our borders both north and south;

and to assure, along with CPB and CIS, that our immigration and custom laws are credibly, but fairly enforced.

While our responsibility to enforce the nation's immigration laws receives much attention, I want to note that there are many other things that ICE does and does well. For example, we investigate human trafficking, sex tourism, human rights offenses and international child exploitation.

We investigate the unlawful export and proliferation of military weaponry and technology, the smuggling of narcotics and the trade in counterfeit and substandard goods. We target international money laundering, bulk cash smuggling and international financial frauds.

These are all vitally important tasks, and I thank you for the authority and support we have received from Congress, to date, to perform them.

As the new assistant secretary of ICE, my priorities include strengthening ICE's criminal law enforcement mission, improving the detention program, raising morale and managing our resources wisely and efficiently to advance the department's priorities.

Although I have been on the job a very short time, I have already been struck by the dedication of our men and women in the field. I have traveled three times, so far, and on each trip I met with, and heard from, our special agents, deportation officers and attorneys. We have some very, very good people, and I hope to support them and assist them in building creative and effective programs.

One such program is our work site enforcement program. My goal is to implement a strategy that will both deter employers from hiring unauthorized labor and punish those who knowingly violate the law.

To that end we will seek to identify, prosecute and fine employers who knowingly hire illegal aliens, with a particular emphasis on those employers who violate the law on a grand scale, or subject workers to abusive conditions or illegal pay.

If we are to restore integrity to our immigration system, we must address the magnet of unlawful employment that draws so many people here. As you recently heard from the secretary, one of the department's priorities is to address crime and violence across the southwest border.

This is another area that I want to address and one in which ICE has a very significant role to play. We have broad powers to investigate border crimes, including the illegal movement of drugs, money, guns and people. You can be assured that ICE will be attentive to the many problems along the border and that we will work well with our federal, state and international partners to get the job done.

Another priority Secretary Napolitano and I share is the strengthening of our immigration detention system. When ICE detains people it is important that they be detained in appropriate facilities with good custodial conditions and high standards of medical care.

The system needs to be transparent, well run and focused on the mission at hand, namely the civil detention of deportable immigrants who pose a serious risk of flight or a danger to the community.

The budget request presented today reflects the department's priorities and outlines the resources need to support ICE in its mission to enforce laws and protect the public. I am confident that this budget request will help to advance the important mission of ICE, and I look forward to next year when I can share the results of implementing these priorities.

The proposed budget builds on the foundation of ICE's recent accomplishments and totals nearly $5.7 billion. This request targets the administration's priorities and will enable ICE to continue to address violence along the southwest border, to focus on core improvements to ICE's infrastructure, to identify and remove criminal aliens from our communities, to strengthen state and local coordination and to provide improved medical care to those who we detain.

I want to thank the subcommittee for its support of ICE and our law enforcement mission. And as a very recent and new member of the ICE family, I want to say that I personally look forward to a very long and productive relationship with the subcommittee.

These are very, sort of, challenging and weighty issues that confront me and our country, and I look forward to working with people of goodwill to try to get to a good result. Thank you.

[The statement of Mr. Morton follows:]

PREPARED STATEMENT OF JOHN T. MORTON

INTRODUCTION

Chairwoman Sanchez, Ranking Member Souder, and distinguished Members of the Subcommittee:

It is my honor and privilege to appear before you today to present the President's Fiscal Year (FY) 2010 budget request for Immigration and Customs Enforcement (ICE), and to discuss our management, investigative, and operational priorities for the upcoming fiscal year.

As you know, ICE has a diverse and important mission, including the enforcement of more than 400 customs and immigration laws. ICE is the primary investigative agency within the Department of Homeland Security (DHS). Our special agents target, investigate, and dismantle criminal organizations who threaten national security. ICE protects our borders—north and south—by investigating groups who exploit weakness in our legitimate trade, travel, and financial systems. ICE enforces the nation's immigration laws and is committed to doing so effectively and efficiently. Although not the exclusive mission of ICE, immigration enforcement is a core mission and priority.

In addition, ICE protects national security through an aggressive proliferation program and by investigating those who seek to import unsafe consumer products into the country. ICE also protects communities by identifying and removing criminal aliens, gang members, perpetrators involved with child pornography, trafficking and smuggling, and human rights violators. It is with your support that we succeed in our mission.

As the new Assistant Secretary of ICE, my focus will include reforming the detention program, strengthening law enforcement mission, raising morale, and managing our resources wisely and efficiently to advance the Department's priorities. As the Secretary has made clear, reforming the detention system is among her main concerns. I share that priority. I am committed to ensure people in our custody receive quality medical care and to enhance the oversight of the detention program. I recently toured several detention facilities and have faith that the good men and women of ICE are ready to meet the challenge we face.

One of my first acts when I was sworn in was to travel and meet with ICE personnel in the places where they operate everyday. I was able to hear from some of the very talented special agents working to advance our mission and ensure safety and security in our country. I hope to support and assist them in building creative and effective investigative programs. My priorities include bolstering the investigation and prosecution of major crimes and increasing agency focus on several specific issues: international money laundering and organized crime, weapons proliferation and export controls, human trafficking and child exploitation, intellectual property

and counterfeiting, and immigration and identity fraud that promote travel by terrorists, criminals, and others who pose a threat to public safety.

I also intend to bring new ideas and creativity to our enforcement program, including working with our federal, state and local partners to ensure that exploitative employers that violate labor and other laws are fully prosecuted. My goal is to implement a strategy that will not only punish employers who knowingly violate the law, but effectively deter employers from hiring unauthorized labor, addressing the demand that drives illegal immigration. This will reduce the effect of one magnet that encourages many people to enter the United States unlawfully.

As you recently heard from the Secretary, another high priority for the Department is to address crime and violence along the southwest border. ICE has a significant role to play in this effort. The agency must effectively confront the illegal movement of drugs, money, guns, and people across the border. ICE continues to work well with our federal, state, and local partners to address border violence and related crimes.

The budget request presented today reflects not only the priorities of the Department, but the resources necessary to support the vital roles that ICE plays in enforcing laws and protecting the public. I am confident this budget request will help to advance the important mission of ICE, and I look forward to next year, when I can share the results of implementing these priorities.

FISCAL YEAR 2010 BUDGET REQUEST

The proposed budget builds on the foundation of recent accomplishments and totals nearly $5.77 billion. This request targets the Administration's priorities and will enable ICE to continue to address violence along the southwest border, focus on core improvements to ICE infrastructure, identify and remove criminal aliens, ensure individuals in ICE custody receive proper care, and strengthen coordination with our federal, state, local, tribal, and foreign law enforcement partners in the fight against transnational criminal organizations.

Combating South west Border Violence

Border enforcement and combating border violence is a key component of the ICE mission. ICE targets organizations that exploit our legitimate trade, travel, and financial systems. ICE uses all enforcement methods to ensure that cross-border crime is attacked from every possible angle. Indeed, the recent escalation of violence by Mexican drug cartels and other criminal organizations just over the border demonstrates the ongoing importance of our mission. As Secretary Napolitano recently testified, the violence in Mexico is a bi-national threat that affects security not only in Mexico, but also here at home.

Mexico is battling the same cartels that use violence to put drugs on our streets. Illegal drugs, money, and weapons flow both ways across our border inextricably linking the U.S. and Mexico in efforts to combat drug cartels. Our countries share nearly 2,000 miles in border, billions of dollars in trade, a commitment to democracy, and the need to prevail against the transnational threats of organized crime.

The DHS family must act in concert. The violence along our southwest border requires a comprehensive, multifaceted, and collaborative effort. Secretary Napolitano, who is very much aware of this matter, issued an Immigration and Border Security Action Directive in January 2009 to use the Department's wide-ranging authorities to boost efforts to combat such violence.

Additionally, on March 24,2009, DHS, DOJ and the Department of State (DOS) announced the Southwest Border Initiative designed to crack down on Mexican drug cartels through enhanced border enforcement. The plan calls for additional personnel, increased intelligence capability, and better coordination with federal, state, local and Mexican law enforcement authorities to target illegal guns, drugs, and cash.

The ICE budget requests an additional $70 million for 349 agent and officer positions to increase enforcement staffing at the border, improve cooperative efforts with the Mexican government, and enhance the capabilities of the Border Violence Intelligence Cell in El Paso Texas. This cross-border initiative will increase national security by expanding activities to secure our southwest border.

Partnering with Federal, State, Local, Tribal, and Foreign Law Enforcement

Improving coordination and partnerships with federal, state, local, territorial, tribal, and foreign law enforcement, particularly in the border region, is essential to securing our nation against the threat of cartel violence. Law enforcement agencies at all levels of government have significant roles to play in addressing the current border violence and in preparing for scenarios where violence in Mexico could impact the United States. Law enforcement agencies at the state, local, territorial, and tribal level have dealt with border violence for many years, and have deep oper-

ational knowledge of the border region. To confront border violence effectively, federal agencies must collaborate and share resources and intelligence with our partners on the ground.

ICE works closely with federal, state, local, territorial, tribal, and foreign partners in various ways. For example, in 2005, DHS created the Border Enforcement Security Task Forces (BEST). BEST is an innovative model for collaborative law enforcement. At present, 15 BESTs are operational. Participants include ICE, CBP, the U.S. Coast Guard, the DHS Office of Intelligence and Analysis, the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Federal Bureau of Investigation (FBI), U.S. Attorney offices, and state and local law enforcement agencies. Currently, Mexican law enforcement agencies also have officers assigned to five Indeed, the government of Mexico has agreed to provide representatives to every BEST team on the southwest border by FY2010. In addition, ICE participates in fusion centers in many states and large cities, particularly along the southwest border, in an effort to share information and intelligence among all partnering law enforcement agencies.

The BEST model has been successful. ICE, with the help of our partners, has cracked down on arms trafficking, human smuggling, bulk cash smuggling, and narcotics smuggling organizations. These efforts have disrupted cartel operations in both the United States and Mexico.

Since July 2005, the efforts of BEST teams, working in conjunction with the Department of Justice (DOJ) and other law enforcement agencies, have been responsible for 2,238 criminal arrests, 2,924 administrative arrests, 1,014 indictments, and 846 convictions. In addition, have seized approximately 9,070 pounds of cocaine, 179,739 pounds of marijuana, 702 pounds of methamphetamine, 99 pounds of crystal methamphetamine, 1,161 pounds of ecstasy, 243 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 2,075 weapons, 820 vehicles, seven properties, and $24.7 million in U.S. currency and monetary instruments.

Weapons and Bulk Cash into Mexico

As President Calerón's government continues its courageous struggle against the drug cartels in Mexico, it has become clear that stopping the flow of weapons southbound out of the U.S. into Mexico is an urgent priority. A large number of weapons recovered in the Mexican drug war are smuggled illegally into the country from the United States. President has identified the illegal flow of weapons from the United States as one of the biggest security threats to Mexico. Stopping weapons smuggling is a particular challenge, due to both the nature of the southwest border and that the majority of smuggling occurs in small shipments of a few weapons at a time. ICE's border authorities are uniquely positioned to address this challenge.

In June 2008, ICE, along with CBP and other federal, state, and local partners, launched Operation Cruzadas, a partnership with the government of Mexico to fight cross-border arms smuggling. Under Armas Cruzadas, ICE has taken an intelligence-driven and systematic approach to disrupting and dismantling arms trafficking organizations operating along the southwest border. As part of this effort, ICE initiated a Weapons Virtual Task Force to create a virtual community where law enforcement rapidly shares intelligence and communicates in a secure environment through the Homeland Security Information Network (HSIN). ICE also worked with the Mexican government to create a U.S.-vetted Arms Trafficking Unit, comprised of Mexican law enforcement officers, to initiate investigations on the Mexican side of the border.

Since its inception, Operation Armas Cruzadas has resulted in the seizure of 1,441 weapons, more than $6 million in currency and monetary instruments, 122,416 rounds of ammunition, and arrested 338 individuals on criminal charges. As a result, 94 people have been indicted and 51 convicted.

In addition to weapons smuggling, ICE has partnered with CBP to combat the illegal movement of cash across the southwest border. Drug cartels pose a dangerous threat in part due to their extensive monetary resources. The U.S. must interrupt that illegal flow of money. Operation Firewall addresses the threat of bulk cash smuggling. ICE targets individuals and organizations that exploit vulnerabilities in financial systems to launder illicit proceeds.

Operation has produced sustained results. In 2005, on the first day of operation at the Benito Juárez International Airport in Mexico City, Mexican authorities seized $7.8 million en route to Colombia, concealed inside deep fryers, rotisseries, and voltage regulators. Other notable seizures include $7.3 million hidden inside rolls of fabric and plastic and $4.7 million concealed inside air conditioning equipment and metal piping. Since its inception, Operation has led to 452 arrests and the seizure of more than $195 million, including $64 million seized overseas.

ICE also recently established a Trade Transparency Unit with Mexico to identify cross-border trade anomalies, which are often indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries exchange import and export data and financial information. ICE's efforts led to more than $50 million in cash seizures in FY2008

Criminal and Fugitive Aliens

ICE is the primary agency responsible for locating and removing criminal aliens within the United States. $39.1 million of new funding is requested to hire, train, and equip 80 new enforcement personnel who will identify suspected criminal aliens, determine their immigration status, prioritize ICE enforcement actions against removable criminal aliens, and assist in the removal of arrested criminal aliens. Funding will also support our continued investment in information technology and allow ICE to more efficiently identify and remove criminal aliens.

Through the Secure Communities Program, ICE works to identify criminal aliens in federal, state, and local custody—prioritizing the removal of convicted dangerous criminal aliens. Secure Communities provides technology to state and local booking locations so that booking officers are then able to simultaneously search a person's criminal history and immigration information using a combined information platform. This process occurs for each person booked, either alien or citizen. The technology saves time, improves accurate identification of aliens, and gives our state and local partners a powerful tool to identify criminal aliens in their custody. This technology has already been deployed to 50 jurisdictions to support information sharing. This week, ICE will deploy to an additional six jurisdictions, all of which are along the southwest border.

The prevention of re-entry into the U.S. by criminal aliens is an important component of the Secure Communities program. ICE's Violent Criminal Alien Section, created as a result of Operation Repeat Offender, is an initiative by the ICE Office of Detention and Removal Operations (DRO) in collaboration with the U.S. Attorney's Offices to prosecute dangerous criminal aliens who have been deported at least once, yet illegally return to the United States. Once convicted, aliens must serve their full federal sentence before they are removed from the United States. To assist United States Attorney Offices in handling increased prosecutions, ICE has assigned several agency attorneys to serve as Special Assistant United States Attorneys.

ICE continues to identify and remove criminal alien gang members as part of Operation Community Shield. Since the program's inception, ICE agents working in conjunction with federal, state, and local law enforcement agencies have arrested more than 13,000 street gang members and associates throughout the country.

ICE's National Fugitive Operations Program (NFOP) also works to reduce the nation's fugitive alien population with an emphasis on criminal aliens and aliens who pose a threat to national security and public safety. In FY2008, fugitive operations teams were responsible for more than 34,000 arrests. To date in FY2009, the teams have arrested nearly 6,000 fugitive aliens who are also criminal. Overall, our nation's fugitive alien population fell by 37,000 individuals last fiscal year.

ICE dedicates significant resources to obtaining final orders of removal. Similarly, the Department of Justice Executive Office for Immigration Review employs hundreds of immigration judges and members of the Board of Immigration Appeals to adjudicate immigration cases. Final orders of removal must be enforced to ensure the integrity of the nation's immigration system.

Human Smuggling and Trafficking/Identity and Benefit Fraud

I recognize that human smuggling and trafficking is an issue of great concern for this Subcommittee. I assure you that this has been—and continues to be—a significant priority for ICE. As you well know, criminal smuggling and trafficking organizations are not constrained by international borders. They operate in countries of origin, transit countries, and destination countries, including the United States.

ICE proactively investigates groups engaged in human smuggling and trafficking by initiating investigations beyond U.S. borders. Organizations can charge thousands of dollars to smuggle aliens, including unlawful men and women who could pose a threat to the United States. ICE works aggressively with non-governmental organizations to identify trafficking victims, bring smugglers and traffickers to justice, and increase public awareness of modern-day slavery. In addition, CBP provides ICE with real time, law enforcement sensitive information derived from analysis of travel patterns and the statements from aliens that is critical to the progress of several ongoing, international alien smuggling investigations.

ICE succeeds in combating alien smuggling, dismantling trafficking organizations and closing avenues for terrorist travel when we work with other agencies and turn collective intelligence into action. ICE participates in the interagency Human Smuggling and Trafficking Center (HSTC), which targets human smugglers, human traf-

fickers, and terrorist travel facilitators. The Director of the HSTC is an ICE Supervisory Special Agent.

ICE has identified various methods and routes used by criminal networks to smuggle people into the United States. Subsequently, ICE and the Department of Justice (DOJ) formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006 to target such smuggling methods and routes. The ECT Strike Force combines investigative, prosecutorial, and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign-based criminal travel networks. Complementary to the ECT program is the pivotal role ICE plays as co-chair of the targeting project of the Interagency Working Group on Alien Smuggling. This program facilitates ICE working with partners in the intelligence community to identify the most dangerous international human smuggling organizations for investigation and prosecution-especially those that pose a threat to our national security.

ICE recognizes that combating transnational alien smuggling networks does not stop with the arrest and conviction of alien smugglers. Indeed, the agency uncovers ties between smugglers who illegally bring aliens into the country, and individuals and organizations who help aliens obtain benefits through fraud. Just as smugglers can earn large fees from aliens who desire assistance in crossing the U.S. border, immigration service providers have been known to charge aliens substantial sums to prepare and file fraudulent applications for visas and other immigration benefits.

ICE created Document and Benefit Fraud Task Forces (DBFTF) in April 2006 to combat vulnerabilities exploited by identity and document fraud organizations. There are currently 17 located in major U.S. cities serving as models for multi-agency cooperation. Within these task forces, ICE works with U.S. Citizenship and Immigration Services the Department of Labor, the Social Security Administration, the U.S. Postal Service, the Department of State, and state and local law enforcement agencies.

State and Local Law Enforcement Support

ICE also continues to expand its partnerships with state and local law enforcement under the 287(g) Program, a force-multiplier, which gives specially trained officers authorization to perform immigration enforcement duties under the supervision of ICE agents and officers. ICE has 66 active Memoranda of Agreements (MOA) with law enforcement agencies in 23 states. As of May 2009, ICE's 287(g) partners encountered more than 109,000 aliens screened for removability.

Although the program has significant value, the program requires more robust oversight. ICE has carefully reviewed the recommendations in the Government Accountability Office's (GAO) report, issued in January 2009, and concurs with all of the recommendations. ICE takes the issue of racial and ethnic profiling seriously. The agency is committed to addressing these concerns. To that end, ICE works with the DHS Office for Civil Rights and Civil Liberties and all interested stakeholders, while also independently and actively monitoring for indicia of profiling.

In the past several years, the 287(g) Program has both grown quickly and caught the attention of both media and Congress. ICE is currently redrafting the MOA template used to delegate immigration authority to state and local partners. One major goal is to align state and local initiatives with the priorities of ICE. In addition to the template MOA, ICE credentials were issued to state and local 287(g) partners and is currently drafting a policy mandating "refresher" training through ICE for all active 287(g) officers.

I am requesting an increase of $1 1.6 million for the Office of State and Local Coordination (OSLC) to oversee outreach activities for ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) initiatives, which includes the 287(g) Program. Increased funding will allow for permanent staff, including those dedicated to field oversight, in OSLC, continuation of ICE ACCESS, and training and information technology assistance for participants in the ICE ACCESS program.

Worksite Enforcement

The opportunity to work is a powerful magnet that draws many people to enter the country illegally. On April 30, 2009, the Department released worksite enforcement guidance to our agents in the field, marking a clear shift in how ICE now conducts worksite enforcement. The goal of the strategy is to (1) penalize employers who knowingly hire illegal workers; (2) deter employers who are attempting to hire illegal workers; and (3) encourage employers to take advantage of compliance tools and best practices. The strategy emphasizes both the criminal investigation of employers and the use of administrative tools such as Form I–9 audits and civil fines. In addition, ICE will focus on employers who undermine the security by employing undocumented workers in sensitive industries or at places of critical infrastructure

and continue to fulfill its responsibility in arresting and processing illegal workers encountered during enforcement operations.

The most effective strategy in curbing illegal employment is criminal prosecution, the seizure of assets, and the imposition of meaningful civil penalties upon employers who use and profit from the labor of unauthorized aliens. ICE has also increased the act of debarring employers who fail to comply with the law, which precludes an employer from securing work on federal contracts of companies that have knowingly hired illegal workers. Since July 2008, 18 companies and 20 individuals have been debarred. With this approach, ICE intends to create an environment of compliance. The agency also proactively works with the private sector to train employers who want to avoid unwitting violations of the law through valuable compliance tools like E-Verify.

There should be no doubt that ICE is committed to enforcement. On May 26 and 27,2009, the ICE Kansas City office executed 10 federal search warrants and eight federal arrest warrants in the investigation of Giant Labor Solutions (GLS). ICE agents criminally arrested Abrorkhodja Askarkhodjaev, a citizen of Uzbekistan and owner and president of GLS, as well as seven other principals and officers of GLS and its associated companies. As part of this enforcement operation, ICE agents administratively arrested 30 undocumented alien workers. It is suspected that some of the workers arrested by ICE may have been forced or coerced into working at GLS. If so, then ICE will work with DOJ and other federal agencies, including the Department of Labor, to pursue all appropriate relief for the workers.

Improved Detention and Detainee Healthcare Oversight

The reform of the immigration detention system and improvement of healthcare and oversight of those individuals in our custody is another significant priority for ICE. ICE established the Detention Facilities Inspection Group (DFIG) to conduct independent assessment of detention facilities used to house ICE detainees. Last year, the DFIG conducted reviews of 38 detention facilities used by ICE, making recommendations for improving management and maintenance of the facilities in accordance with ICE detention standards. The DHS Office for Civil Rights and Civil Liberties also conducts independent investigations regarding conditions of detention, and partners with ICE to improve conditions and develop or revise policy, which has resulted in the identification of deficiencies within ICE detention facilities so that corrective actions are taken.

I am requesting an additional $12.4 million to expand the number and scope of independent inspections on ICE detention facilities. Such an increase in funding will improve the welfare, safety, and living conditions of ICE detainees and employees.

ICE made several key improvements over the past year through the Division of Immigration Health Services (DIHS). For instance, standardized DIHS Staff and Patient Education training materials were developed. DIHS acquired mission-critical medical equipment including dental treatment and pharmacy automation capabilities for several facilities. Finally, with respect to infectious disease, DIHS developed new policies, procedures, and educational and training materials to protective our employees.

ADDITIONAL FISCAL YEAR 2010 PROGRAM ENHANCEMENTS

ICE also requests program enhancements in the following key areas:

Co–Location of ICE Facilities: A total of $92 million is requested to fund the second year of the ICE-wide co-location strategy to consolidate ICE personnel and operations scattered across multiple buildings in select metropolitan areas. The intent is to improve operational efficiency and long-term cost savings because 72 percent of ICE leases will expire over the next five years. If ICE remains in its current existing space and renews existing leases, ICE will incur an estimated increase of $69 million between FY2011–FY2013 over current lease costs.

Information Technology Improvements: Total funding of $91.4 million is requested for the following:

Atlas Infrastructure ($9 million): The request for Atlas Infrastructure, which is the information technology foundation on which ICE applications operate, will be used to plan, schedule, develop and implement the replacement of many legacy ICE area networks; modernize an additional 290 ICE sites with new file and print servers; complete the integration of 22 data collection systems into one database; and oversee the migration of ICE information technology assets from the Department of Justice Data Centers to the DHS Data Centers.

• *Detention and Removal Operations Modernization (DROM) ($22 million): Funding is requested for improvements to the system of detaining and removing illegal immigrants. The funds will be dedicated to developing and*

deploying the Detainee Location Tracking Module as part of the Bed Space and Transportation Management System, expanding the ICE Data warehouse data capacity and reporting capability to support the Office of Detention and Removal Operations (DRO) information technology data, and expanding Web services to all the Electronic Travel Document application to communicate with other internal or external applications.

Law Enforcement Systems Modernization ($40 million): This initiative case management (including the TECS Modernization project), information sharing, and operational support service projects that will improve access to law enforcement information.

($20.4 MILLION): This request will address the Division of Immigration Health Services infrastructure deficiencies and begin the design and development of an electronic health records system, which will allow real-time reporting of detainees' medical information.

T3Data Center Migration: A total of $33.9 million is requested to assist migrating data center operations, active on-line data, and other information technology assets from two Department of Justice (DOJ) data centers and multiple processing centers to two new DHS data centers.

CONCLUSION

The President's FY2010 budget request for ICE reflects the Department's ongoing commitment and the dedication of ICE employees to protect the American people. I am committed to working with this Subcommittee and Congress to address the significant challenges we face in our efforts to enforce of our nation's immigration and customs laws.

I thank the Subcommittee for its support of ICE and our law enforcement mission. Your support is vital to the work of ICE. Your continued interest and oversight of our actions is important to the men and woman at ICE, who work each day to ensure the safety and security of the United States. I look forward to a long and productive relationship with this Subcommittee.

I would be pleased to answer any questions you have at this time.

Ms. SANCHEZ. Thank you, Mr. Secretary.

Now we will have our commissioner, Mr. Ahern, for 5 minutes or less.

STATEMENT OF JAYSON AHERN, ACTING COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. AHERN. Good morning, I certainly thank you very much for the opportunity to be here today. And Chairwoman Sanchez, ranking member Souder and to all those other members, CBP has a great story to tell, and much of the credit for our success is actually due to the Congress.

Fortunately over the last few years, since 2004 our budget has been doubled, and we thank the Congress for that, and our agency has grown to over 53,000. It will actually be 55,000 by the end of this year, significant growth for protecting the country's front line.

Our 2010 budget request actually includes over $10 billion in appropriated resources and over $1.3 billion in user fees because we do have a lot of fees that are funded by international travel. And this will support our operational missions for the organization. It shows an increase of $229 million over our 2009 level.

The 2010 budget, a couple of key initiatives to highlight, it certainly shows some of the evolving concerns we have with our border security. The southbound efforts we have for firearms, weapons going to Mexico, there is $26.1 in initiative for that, as well as continuing to focus on the northern border and deployment of technology there to meet the risk in the area on that northern border, given its remoteness, $20 million for northern border technology to continue to build on the technology suite we have up there.

Certainly the accomplishments, because of the support of Congress we have actually continued to use the effective combination of personnel, technology infrastructure to gain more effective control of our borders.

And ranking member Souder talked about miles of effective control, and we continue to build more miles of effective control. We have over 700 on the southwest border, and we will continue to build as we go forward.

Certainly the apprehensions along our ports of entry are going down substantially. I will be happy to talk in more detail about those on the southwest border.

Also as far as the drug interdiction mission of our organization, oftentimes since the creation of the Department of Homeland Security, it has been stated we perhaps might have overlooked our drug interdiction mission over the last few years. I would respectfully state that is not the case.

And when you take a look at the 15 million pounds of drugs we have actually seized in the last few years, this is a significant accomplishment of critical note to show what we are seeing in the southwest area, specifically, a 49 percent increase in marijuana interceptions coming across versus last fiscal year-to-date.

So that is a significant increase, and actually those numbers, just to put the percentages in perspective, that is 2.2 million pounds thus far this year. That is considerable.

With any organization, particularly given the mission we have border security, our resources. Our most precious resources are people. Certainly continuing to build upon our resources, we now will have by the end of this year over 20,000 CBP officers at our ports of entry and will actually achieve a number later this year for 20,000 border patrol agents at our ports of entry.

These two primary mission of entities that we have, or operational entities of our mission, our front line personnel will be complemented by over 1,000 pilots and vessel commanders to make sure that our air and marine division continues to be as robust as it needs to be in some of these areas between the ports of entry.

And I think it is also important to recognize one of the other missions we have in the organization, and that is protecting the American industry or domestic industry of agriculture products.

And we actually now have over 2,300 agricultural specialists that we have been able to afford to bring on board to protect the American food supply. That is a critical part of our mission with the organization.

Technology, making sure as we continue to deploy not only SBnet-type technology but the suite of sensor and bubble surveillance systems, as well as our UAS' along the border. Those are the key things we continue to deploy.

And at our ports of entry more large scale x-rays, radiation portable monitors, things of that nature to make sure that we maintain not only the security that is necessary, but the flow of legitimate trade and commerce coming across those borders air, land and sea.

Continuing to upgrade and modernize our ports of entry, we certainly thank the Congress for the funding that we were able to receive through the stimulus package. That certainly will be used not only to modernize and increase the security of our facilities, but

also to continue the efficient movement of people and goods coming across those borders, as well on the north and south, so we appreciate the support on that.

I know it is a topic of interest, the number of border patrol agents that we actually have deployed to the northern border, and do we have the right balance? That is a key feature. We will actually have 1,845 border patrol agents on the northern border.

That may not seem enough when you compare it to the 18,000 that we will have at the end of the year on the southern border, but it is a 700 percent increase over our strength that we had in the time around 9/11. You know, we will continue to grow that number as we look to achieve 2,212 by the end of fiscal year 2010.

Our organization also has deployed other resources to the northern border beyond just the border patrol agents, and that is opening five air branches and marine units as well as deploying our UAS' in the environment.

The southern border, just to close on that, will continue to be a focus as we go forward. We will be happy to take questions about the initiative we have in the funding package for the additional technology for license plate readers, as well as the deployment of personnel to combat the threat of movement of currency, which since the initiative started in March, there has been over $13 million in cash seized, joint participation with ICE in those very critical focus outbound operations, as well as weapons, going forward. Thank you very much.

[The statement of Mr. Ahern follows:]

PREPARED STATEMENT OF JAYSON AHERN

Chairwoman Sanchez, Congressman Souder, esteemed members of the Subcommittee, it is a privilege and an honor to appear before you today to discuss the work of U.S. Customs and Border Protection (CBP), particularly the tremendous dedication of our men and women in the field both at and between our ports of entry.

I want to begin by expressing my continuing gratitude to Congress for its enduring support for the mission and people of CBP. It is clear that the Congress is committed to providing us the resources we need in order to increase and maintain the security of our borders. We appreciate your efforts and assistance.

I would also like to thank you for your support for provisions in the American Recovery and Reinvestment Act of 2009, which provided $680 million to CBP for greatly needed improvements to our aging infrastructure, and for the addition of new technology at our nation's borders. These funds will support planning, management, design, alteration, and construction of CBP-owned land ports of entry; procurement and deployment of non-intrusive inspection system; expedited development and deployment of border security technology on the southwest border; and for the procurement and deployment of tactical communications equipment. In addition, the bill included $300 million for the construction and repair of land ports of entry owned by the General Services Administration (GSA). Secretary Napolitano has made clear that we are to move swiftly and with great transparency as we put these investments to use.

CBP is the largest uniformed, Federal law enforcement agency in the country. We station over 20,000 CBP officers at access points around the Nation, including at air, land, and sea ports. As of mid-May, we have deployed over 19,000 Border Patrol agents between the ports of entry. These forces are supplemented with 1,058 Air and Marine agents, 2,318 agricultural specialists, and other professionals. These personnel are key players to the implementation of Secretary Napolitano's Southwest Border Security Initiative.

I am pleased to report that CBP continues to perform all of our missions successfully, which include stemming the flow of illegal drugs and contraband, protecting our agricultural and economic interests from harmful pests and diseases, protecting American businesses from theft of their intellectual property, enforcing textile agreements, tracking import safety violations, regulating and facilitating inter-

national trade, collecting import duties, facilitating legitimate travel, and enforcing United States trade laws. CBP facilitates lawful immigration, welcoming visitors and new immigrants while making certain those entering this country are indeed admissible, and taking appropriate action when an individual fears being persecuted or tortured if returned to their home country At the same time, our employees maintain a vigilant watch for terrorist threats. In fiscal year 2008, CBP processed more than 396 million pedestrians and passengers, 122 million conveyances, 29 million trade entries, examined 5.6 million sea, rail, and truck containers, performed over 25 million agriculture inspections, apprehended over 720 thousand illegal aliens between our ports of entry, encountered over 220 thousand inadmissible aliens at the ports of entry, and seized more than 2.8 million pounds of illegal drugs.

We must perform our important security and trade enforcement work without stifling the flow of legitimate trade and travel that is so important to our Nation's economy. These are our twin goals: border security and facilitation of legitimate trade and travel.

Border Security Between the Ports of Entry

The primary goal of our strategy between the ports of entry is to gain effective control of our Nation's borders. Effective control is achieved when a Chief Patrol Agent determines that agents deployed in a given area consistently: detect illegal entries into the United States, assess and classify any threats associated with the illegal entries, respond to the area, and bring the situation to a successful law enforcement resolution.

During Secretary Napolitano's congressional hearing a few weeks ago, she explained the importance of having a border security strategy that incorporates the elements of effective control. CBP establishes operational control through a balanced combination of technology, personnel, and tactical infrastructure allowing Border Patrol agents to confront the criminal element. Secretary Napolitano often refers to this strategy as the "three-legged stool." One of these legs cannot provide operational control by itself. The mix of these three elements will vary depending on the challenges of the focus area. Technology allows us to detect the entries and to assess and classify the threat. Personnel provide the response to confront the criminal element. Tactical infrastructure cludes—supports the response by either providing access or extending the time needed for the response by deterring or slowing the criminal element's ability to easily cross the border and escape.

As of May 31,2009, we have determined that 894 miles of border are under effective control. This includes 697 miles along the southwest border, 32 along the northern border and 165 in the coastal regions. Across the southwest border, we have made significant strides in increasing our situational awareness and tactical advantage over those seeking to violate our laws. With increased situational awareness, we can better understand where we have the highest threats and vulnerabilities, and assess where we need to apply our resources. Situational awareness also enables our agents to perform their jobs more safely and more effectively. This is especially critical during times such as these where we are experiencing higher levels of violence at our Nation's borders.

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

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

Technology is an important leg of the stool. Although some refer to technology as a "virtual fence,"technology does not have the persistent impedance capability of a real fence. It does, however, provide timely and accurate information that physical infrastructure could not. Between the ports of entry, technology includes sensors, command and control systems, and communications. Technology is a powerful force multiplier because it has tremendous capability to provide the situational awareness that is a precursor to operational control. Sensors can "watch" the border continuously, guided by appropriate command and control systems. These command and control systems can also help sort the data coming from the sensors so that our agents have very quick access to the most critical information. Technology also supports response capability. With accurate information to identify and classify illicit incursions, agents have many more options about how and when they will respond to the incursion. Improved communications capability also supports response by ensuring our agents will be properly directed and coordinated.

Over the past year, we have made significant strides in strengthening all three legs of our stool. As of mid–May, we had 19,065 Border Patrol Agents on-board. Of the 661 miles of southwest border identified by CBP as requiring persistent impedance, fencing has been constructed along 627 miles (as of May 22nd). Most of the remaining mileage is under construction and will be complete this summer. With respect to technology, we have purchased 40 mobile surveillance systems (MSSs) and deployed them to the northern and southwestern borders. These MSSs provide a flexible solution to give our operators radar and camera coverage in high priority areas, and serve as a gap-filler while we develop and deploy more permanent technology solutions. Later in the testimony, I will provide additional detail about our vision for those more permanent solutions.

The northern border of the United States continues to be important to our national security. In fact, one of the first directives that Secretary Napolitano issued shortly after being confirmed was to review our strategies, plans and operational capabilities along the northern border. As we have designed programs to afford greater protection against the entry of dangerous goods and people at all our borders, we have also focused increased attention on specific needs along the Canadian border.

For instance, the Integrated Border Enforcement Team (IBET) program, encompassing 15 regions along the northern border, is a multi-faceted law enforcement initiative comprised of both Canadian and American partners. The IBET core agencies include CBP, the U.S. Coast Guard (USCG), Immigration and Customs Enforcement (ICE), the Canada Border Services Agency (CBSA), and the Royal Canadian Mounted Police (RCMP). This longstanding, bi-national partnership has enabled the participating law enforcement partners to share information and work together daily with other local, State, and provincial enforcement agencies on issues related to smuggling, organized crime, the vulnerabilities associated with unguarded roads, and other criminal activities along the U.S.-Canada border at and between the ports of entry.

In addition, DHS developed the Border Enforcement Security Task force (BEST) concept to coordinate the efforts of ICE, CBP, and DHS intelligence personnel working cooperatively with foreign, Federal, State, and local law enforcement agencies to take a comprehensive approach to disrupt and dismantle criminal organizations. In early 2008, the first northern border initiated operations in Blaine, Washington and Buffalo, New York, The BESTs complement and increase the effectiveness of the IBETs by augmenting their investigative capability.

We have also increased the number of Border Patrol agents deployed to the northern border. Our plans call for 1,845 agents by the end of this year, and 2,212 by the end of next year. Our Air and Marine organization has deployed significant resources to the northern border, including the recent deployment of an Unmanned Aerial System (UAS) based in Grand Forks. The DHS Science and Technology Directorate has a number of research projects designed to evaluate technology opportunities tailored to the northern border environment that will advise our plans in the future. Our Secure Border Initiative (SBI) program began implementing a measured deployment of fixed and mobile sensors in our Buffalo, Detroit, and Swanton sectors starting this spring.

Travel Facilitation at the Ports of Entry

CBP welcomes nearly 400 million travelers into the United States annually. While security will always be primary mission—we also continue to strive to make the process of entering the U.S. more streamlined, user-friendly and understandable.

In past hearings, we have highlighted our initiatives to streamline the processing of travelers through our land ports of entry and to extend security beyond our physical borders. Those efforts continue and will continue for the future. CBP imple-

mented the Western Hemisphere Travel Initiative (WHTI) secure document requirements at land and seaports on June 1, 2009, on time and on budget. All the project pieces were carefully planned and executed in advance-Radio Frequency Identification (RFID) enabled documents, new software technology for the vehicle primary lanes, and the RFID physical infrastructure at our high volume land ports. CBP continues to remain practical and flexible in our implementation approach of the WHTI documentary requirements.

Efficient and effective land border primary operations require a well-integrated strategy and as well as synchronized and coordinated technologies, processes, and infrastructure. Building upon the initial success of the WHTI deployment, CBP has identified other critical process areas to integrate, facilitate, and enhance border security such as our commerical—passenger dual use lanes, pedestrian processing, and traffic management strategies.

We are continuing to enhance and expand our trusted traveler programs, which expedite the processing of known, low-risk travelers so that we can better focus our attention on higher risk, unknown travelers. Global Entry is another program to expedite processing of low-risk travelers-in this case, United States citizens and Lawful Permanent Residents. This program is a pilot that we are testing in select airports. It provides automated kiosks to validate identification by matching travel documents with biometrics.

The Importer Security Filing interim final rule, also known as "10+2" went into effect earlier this year and has already yielded some promising results. This program will provide CBP timely information about cargo shipments that will enhance our ability to detect and interdict high risk shipments. Comments on aspects of this rule were accepted until June 1, 2009, and implementation using informed compliance will continue until January of next year. This initiative will augment CBP's efforts to review 100 percent of all cargo before it arrives in the United States using advanced cargo data, automated targeting and risk assessment systems, intelligence, and cutting edge inspection technologies such as large scale X-ray, gamma ray machines, and radiation detection devices. Shipments determined by CBP to be high risk are examined either overseas as part of our Container Security Initiative or upon arrival at a U.S. port. Additionally, over 98% of all arriving maritime containerized cargo is presently scanned for radiation through radiation portal monitors.

The infrastructure and facilities supporting many of our ports of entry are outdated and aging. As mentioned earlier, the commitment within the American Recovery and Reinvestment Act by President Obama, Secretary Napolitano, and Congress to enhance and improve the ports of entry is an important step to overhauling CBP's infrastructure. We believe these funds will allow us to accelerate our upgrades, which will in turn increase our quality of service, throughput, and overall performance at the ports.

Technology is also a key enabler for our operations at the ports of entry. A key focus is on the area of Non–Intrusive Inspection. The ability to non-intrusively screen and examine cargo and conveyances will allow us to interdict weapons of mass effect and other contraband more effectively while facilitating the flow of legitimate trade and travel.

Southwest Border Security Initiatives

DHS continues to address cartel violence in Mexico through targeted initiatives and adept coordination with U.S. Federal, state, local, tribal, and Mexican authorities. In an effort to further facilitate these partnerships, Secretary Napolitano announced the appointment of Alan Bersin as DHS Assistant Secretary for International Affairs and Special Representative for Border Affairs. The recently announced Southwest Border Security Initiative, U.S./Mexican Counter Drug Initiative, and 2009 National Southwest Border Counternarcotics Strategy all rely on this coordination. Through these initiatives, the Department will increase personnel at the border, position technology at strategic locations, and provide assistance for Mexican security needs through resources and partnerships. The recent Merida Initiative is a prime example of this kind of assistance. In the future, DHS will work closely to help Mexico build capacity for its long term border security needs. Taken as a whole, these initiatives aim to crack down on the illegal activities that fuel the drug war in Mexico.

In March, DHS, the Department of Justice (DOJ) and Department of State announced the President's Southwest Border Security Initiative, which involves the deployment of hundreds of new personnel and enhanced intelligence technology to maximize capabilities and strengthen coordination with other federal law enforcement entities such as DOJ, the Bureau of Alcohol, Tobacco, Firearms and Explo-

sives, the DEA, and the FBI, as well as State, local, tribal, and Mexican law enforcement authorities. With regard to CBP, the President's initiative:

Initiates 100 percent southbound rail scanning—CBP previously did not screen any of the cargo traveling by rail from the United States into Mexico; it is now scanning all rail cargo for weapons, ammunition, and currency. Existing non-intrusive inspection equipment is being used to detect contraband in cargo on each of the eight rail crossings on the southwest border.

Adds Border Patrol Agents at POEs—CBP is placing up to 100 Border Patrol agents at southwestern ports of entry to assist the Office of Field Operations (OFO) and to bolster outbound inspections from the U.S. into Mexico in order to detect arms and bulk-cash smuggling.

Adds Mobile Response Teams—Three Mobile Response Teams of 25 CBP officers each are periodically deploying to the southwest border to participate in focused operations developed to combat arms and bulk cash smuggling.

Augments Search Technologies—An additional two low-energy mobile x-ray units have been moved to the southwest border, in addition to the seven already present, to help CBP identify anomalies in passenger vehicles.

Engages Canine Teams—A total of twelve teams of "cross-trained" canines -trained to identify both firearms and currency -have been deployed to the southwest border.

Adds License Plate Readers—Outbound lanes currently equipped with license plate readers will receive upgraded license plate reader technology to improve CBP's ability to identify the vehicles of known or suspected smugglers of cash, weapons, drugs, or persons. This information is shared with other law enforcement agencies through EPIC and the OCDETF Fusion Center.

Enhances Operation Stonegarden Grant Funding on the Border—Grant guidance for the remaining balances in Operation Stonegarden from fiscal year 2006 to fiscal year 2008 will be modified to enhance current State, local, and tribal law enforcement operations on the southwest border. The new guidelines will expand the scope of what the funds can be used for, freeing up to $59 million for State, local, and tribal law enforcement on the border to pay for additional law enforcement personnel, operational overtime expenses, and travel or lodging for deployment to the southwest border.

Actively Engages State, Local, and Tribal Law Enforcement—DHS is aggressively reaching out to law enforcement in border communities, recently conducting a firsthand tour of State and local law enforcement operations along the southwest border and leading bi-monthly conference calls with chiefs of police and sheriffs in a classified setting.

We have already begun to feel the impact of this initiative. Between March 12 and June 1, CBP seized over $13.2 million in outbound currency. On May 10, CBP seized $200,000 in U.S. currency during outbound inspections in Progreso, Texas, when officers detected anomalies while performing a routine X-ray scan on a pickup truck. Following a canine inspection, the officers discovered 18 heat-sealed packages of U.S. currency hidden in a roaster oven inside the vehicle. In addition, on May 2, CBP officers and ICE agents in Laredo, Texas, seized more than $302,000 in American currency hidden in boxes of detergent during a joint outbound operation.

The funding for these efforts will be from budget realignments and reprogramming from lower priority activities. The President's fiscal year 20 10 budget continues to support these efforts by providing funding to combat southbound firearms and currency smuggling.

Support of U.S./Mexican Counter-Drug Initiatives

A key and growing area of emphasis involves DHS's role in interdicting the illegal flow of weapons and currency into Mexico. The recent surge in violence in the interior and border cities of Mexico poses a significant threat in Mexico and is a serious concern of the United States. Secretary Napolitano has tasked all DHS components, including CBP, to examine how we can reasonably increase our enforcement activities in an effort to identify and interrupt efforts to smuggle weapons and bulk cash shipments into Mexico.

A large portion of illegal drugs consumed in the United States pass through Mexican territory and territorial seas. Illicit trafficking profits flow back to Mexican drug trafficking organizations across our common border. The Mexican Government's ability to confront its drug trafficking industry and its willingness to cooperate with U.S. efforts directly affect the impact of any southwest border activities.

CBP works with its partners in the Drug Enforcement Administration and the High Intensity Drug Trafficking Area centers to expand the National License Plate Reader (LPR) initiative to exploit intelligence on drug traffickers and drug trafficking organizations. The LPR initiative will utilize established locations to gather

information regarding travel patterns and border nexus on drug traffickers to enable intelligence driven operations and interdictions. While the LPRs are currently deployed along the southwest border, the program will be expanded to encompass the northern border and other areas throughout the country in the near future. Its capabilities can be utilized to assist other law enforcement entities in their investigations of their high value targets, by combining existing DEA and other law enforcement database capabilities with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, and other illegal contraband.

In a spirit of cooperation, CBP has established positions at the El Paso Intelligence Center (EPIC), the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center, and the DEA Special Operations Division. These initiatives enhance interaction with the Intelligence Community (IC) and law enforcement agencies to more effectively facilitate the collection, analysis, and dissemination of actionable drug-related intelligence. CBP has also established two full-time positions at the National Gang Intelligence Center (NGIC) and has partnered with the National Gang Targeting, Enforcement and Coordination Center (Gang TECC).

Additionally, CBP's Office Intelligence and Operations Coordination established a National Post Seizure Analysis Team (PSAT) at the National Targeting Center-Cargo, and is in the process of establishing Intelligence Operations Coordination Centers (IOCC) with the first one under construction in Tucson, Arizona. The IOCCs will make CBP a more fully integrated, intelligence driven organization by linking intelligence efforts and products to operations and interdictions.

CBP views the border as a continuum of activities with the physical border being the last line of defense, not the first. As such, effectively securing the border requires attention to processes that begin far outside U.S. borders, occur at the border, and continue to all interior regions of the United States. Consequently, CBP's strategies address the threats and challenges along the entire continuum. For this reason, CBP takes part in various initiatives, including Operation Panama Express, which relies on strategic partnerships.

Operation Panama Express is an OCDETF initiative, executed through OCDETF Co-located Strike Forces, in which CBP participates with the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement, Internal Revenue Service–Criminal Investigations Division, the U.S. Coast Guard, and multiple State and local law enforcement agencies in a multi-agency international drug flow investigation that combines detection and monitoring, investigative, and intelligence resources to provide actionable intelligence to Joint Interagency Task Force–South (JIATF–S) operations to interdict the flow of cocaine from northern South America to the United States. JIATF–S interdiction operations in the transit zone, supported by CBP P–3 Airborne Early Warning, CBP P–3 Tracker aircraft, and Coast Guard HC–130, along with U.S. Coast Guard surface vessels, interdict large, sometimes multi-ton, shipments before they can be split into smaller loads for movement across the southwest border over multiple routes and distributed to U.S. cities, towns, and small communities. Interdicting these large loads in the Transit Zone supports the Southwest Border and Merida Initiatives by preventing illicit drugs from entering the distribution networks through Central America and Mexico. This deprives the violent Drug Trafficking Organizations of the product and subsequent cash flow that supports their operations.

CBP is also responsible for detecting and preventing unauthorized incursions into the United States. Toward this end, CBP continues to work with the Mexican Government in the development of increased law enforcement surveillance and interdiction capabilities. Detection of U.S./Mexican border air intrusions is essential to effective interdiction operations along our borders with Mexico. The primary means of detection is a large radar network, monitored at the Air and Marine Operations Center (AMOC) in Riverside, California. Information is fed to the AMOC through a network of airborne early warning, aerostat, Federal Aviation Administration (FAA), and ground based radar systems. Both CBP and Mexican Law Enforcement Personnel stationed at the AMOC detect aircraft "short landings"and border penetrations and coordinate CBP and Mexican interdiction assets to intercept, track, and apprehend smugglers as they transverse the U.S./Mexico border.

The Government of Mexico maintains a strong commitment to interdiction. CBP will continue to assist the Government of Mexico in its counter-drug effort, including Command, Control, Communications, and Information support.

Intelligence and Operational Coordination

CBP continues to evolve into a more integrated, intelligence driven organization and partner in the DHS Intelligence Enterprise. We are in the process of estab-

lishing a more robust field organization by means of several programs. For example, the CBP Office Intelligence and Operations Coordination is in the process of developing capabilities which will integrate CBP intelligence and operational elements for more effective command and control, mission deployment, and allocation of resources.

Intelligence gathering and predictive analysis require new collection and processing capabilities. CBP is developing the Analytical Framework for Intelligence (AFI), a set of data processing tools that will improve the effectiveness of CBP and other DHS analysts in detecting, locating, and analyzing terrorist networks, drug trafficking networks, and similar threats. CBP has instituted training for Border Patrol Agents and CBP Officers to better recognize indications of human trafficking, hosted a Human Trafficking Symposium in 2008, and has developed a Human Trafficking Public Awareness Campaign which includes the use of informational posters located in public areas of U.S. ports-of-entry and Human Trafficking Information Cards that are designed to raise the awareness of the both the traveling public and potential victims to the crime of human trafficking These intelligence and operational coordination initiatives complement the Secure Border Initiative's (SBI) technology programs and will be shared with other agencies, including—but not limited to—the Drug Enforcement Administration.

Secure Border Initiative (SBI)

The Secure Border Initiative (SBI), as currently configured, contributes to two of the three legs of our border security stool.

As I previously mentioned, the Border Patrol identified 661 miles along the southwest border where persistent impedance was a necessary condition for effective control. In those areas, the only cost-effective options to provide persistent impedance are physical infrastructure or personnel. Within the miles identified by the Border Patrol, our analysis shows that technology is not an adequate substitute. Technology might well allow us to watch illicit border crossers blend into the population or travel to a route of egress—but it does not delay or impede the crossers long enough to enable an effective response.

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

Our recent activity has been focused on development of the SBInet Block 1 system, which we are deploying this year to two locations in Arizona known as Tucson–1 and Ajo 1, totaling about 53 miles of border. After completing System Qualification Test (SQT) last December, while CBP had confidence in the overall system design, there were some open issues that needed to be resolved prior to giving the go ahead to move forward with these initial operational deployments. The SBInet team worked with Boeing to resolve the issues from SQT and complete the appropriate analysis in order to provide adequate confidence in the system design. This analysis suggested that, to a reasonable level of engineering confidence, the system meets its design requirements. Further confirmation will require actual deployment and checkout of the system in the real operational environment -an opportunity that will be provided with the deployment of the system to Tucson- which began on May 4. The deployments of Tucson-1 and Ajo-1 will lead to a more formal operational test and assessment by the Border Patrol to determine how well the system meets the agents' needs. The results of the engineering tests and the Border Patrol's operational testing will then advise future changes and enhancements to the system, as well as a decision to deploy the system to additional locations.

FY2010 Budget

The Department of Homeland Security's Budget will strengthen current efforts that are vital to the nation's security, bolster DHS' ability to respond to emerging and evolving threats, and allow DHS to embrace new responsibilities in order to secure the nation. This budget puts forward critical investments in the protection of the American people. With these priorities in place, the budget expands activities that secure our nation's borders.

A responsible budgeting process not only identifies funding needs, but also ways to save taxpayer dollars. To this end, Secretary Napolitano recently launched an Efficiency Review initiative. This program is committed to improve efficiency and streamline decision making through a series of agency wide initiatives ranging from eliminating non-mission critical travel to acquiring enterprise licenses for commonly used software, which are collectively expected to lead to millions of dollars in cost avoidance across the department.

CBP's fiscal year 2010 budget reflects $10 billion in appropriated resources and $1.4 billion in funding acquired through user fees, for a total of $11.4 billion. The direct appropriated request for fiscal year 2010 represents an increase of $230 million, or 2.3% over fiscal year 2009. Highlights of fiscal year 2010 major initiatives are provided below:

Data Center Migrations.....$38.6M (0 FTE)

Resources are requested to provide a standardized information technology (IT) resource acquisitions across DHS Components, and streamline maintenance and support contracts, allowing for less complex vendor support and expediting response times in the event of an emergency. Benefits derived from consolidation are enhanced DHS IT security posture, improved information sharing with stakeholders, and increased operational efficiencies over time.

Combating Southbound Firearms and Currency Smuggling .....$26.1M (63 FTE)

Resources are requested to provide CBP with an enhanced capability to combat southbound firearms and currency smugglers through additional personnel at and between the ports of entry and along the southern border, as well as to continue to expand and maintain the Licensed Plate Reader (LPR) program. The combating firearms initiative will add 44 Border Patrol agents, 65 CBP officers and (CBPOs) 16 support staff to expand capacity to effectively combat firearms and currency smuggling. The LPR program reads license plates as vehicles pass through the ports of entry and automatically queries the TECS database for law enforcement information. This information is then passed to the officers. Placement of LPR along the southern border will be based upon current and developing intelligence.

Law Enforcement Enhanced Retirement.....$25.0M (0 FTE)

Public Law 1 10–16 1 established special retirement provisions for CBP officers, similar to the retirement coverage for law enforcement officers and firefighters. The enhanced retirement package became effective on July 6,2008, covering 19,865 employees. Funding was included in the fiscal year 2008 and fiscal year 2009 appropriations for this purpose. An additional $25 million is requested in fiscal year 2010 as the final increment to fully fund the new retirement coverage. CBP officers face the same risk and challenges as law enforcement personnel in other organizations as they are accountable for ensuring the security of our nation.

Western Hemisphere Travel Initiative (WHTI).....$20.9M (0 FTE)

Resources are requested to continue maintaining and operating the WHTI program that supports Departmental efforts to facilitate the efficient movement of people at the land border ports. WHTI provides a tool to conduct the necessary document authentication at the time of crossing and it also accelerates the verification process mandated by law to the extent possible with Radio Frequency Identification (RFID) Technology and communications technology.

Northern Border Technology.....$20.00M (0 FTE)

Resources are requested to assist CBP in providing situational awareness along the northern border. Funding will also support the design, deployment, and integration of surveillance, sensing platforms, detection technologies and tactical infrastructure requirements. This technology will serve as a force multiplier and increase the probability of successful detection. The systems capability will provide increased detection and a higher probability of successful detection.

Air and Marine (A&M) Personnel.....$19.1M (72 FTE)

Resources are requested to hire 68 pilots, 20 marine, and 56 support personnel. These positions are necessary for A&M to achieve maximum compliance with strategic goals and objectives and to support Border Patrol agents on the ground. During fiscal year 2010, A&M plans to continue the expansion of its capabilities across the northern and coastal border and place heavy emphasis on the maritime requirements along the southeast/Carribbean borders.

Import Safety and Trade Enforcement.....$9.3M (52 FTE)

Resources are requested to hire 12 scientists, 1 paralegal, 34 international trade specialists, 32 auditors, 10 attorneys, 3 import specialists and 1 1 support personnel to implement the Action Plan on Import Safety developed in response to Executive Order 13439. The increase of personnel will offer an optimal mix of trade activities and resources that allow CBP to meet the growing demand in trade volume, meet CBP's mission of enforcing trade laws and collecting revenue, achieve executive management goals and objectives for the trade mission, align activities with the appropriate skill levels, leverage efficient gains from technology process improvements, and combat risks inherent in priority trade areas.

Cyber Security.....$5.0M (0 FTE)

Resources are requested to provide continuous Top Compartmented Information and collateral classified processing capabilities within a "Focused Operations"branch that will provide tactical cyber intelligence of ongoing threats to CBP and DHS

while also providing skilled forensics experts capable of staffing a DHS/CBP Digital Media Analysis lab to identify and attribute cyber attacks.

Global Advanced Passenger Information (API)/Name Record (PNR).....$3.0M (0 FTE)

Resources are requested to continue the program in two key security partner countries (including continuing the program for a country previously identified in fiscal year 2008), and to implement the program in one additional key country, resulting in the deployment of three countries by the end of fiscal year 2010. Funding will also support start up costs, acquisition of hardware and software, recurring information technology costs, training and travel expenses.

Analyze and Employ Information and Intelligence.....$2.8M (11 FTE)

Resources are requested to hire a total of 20 CBP officers and two support positions. The 20 CBP officers would be evenly split between the passenger and cargo facilities of the National Targeting Center providing additional operational and analytical support, which is needed in both environments. The increased staffing levels will also ensure that NTC continues to provide CBP personnel with immediate responses to targeting and research inquiries.

Conclusion

Madame Chairwoman and members of the Subcommittee, your continued support of CBP has led to many positive outcomes in border security and improvements in travel and trade facilitation. The results of your recent investments to improve CBP's aging infrastructure will soon be evident. The resources we put at our border, whether it is people, technology, or tactical infrastructure, enhance our ability to address hazards and threats at our Nation's borders.

We believe the next logical investment is in the workforce itself. A very important aspect to our staffing is being sure that our officers and agents have the right training, pay, and benefits commensurate with their complex and often dangerous work. Over the next year, we will be looking closely at ways to ensure we have the ability to recruit, retain, and compensate our workforce.

Thank you for the opportunity to describe our plans for border security and to highlight some of our progress to date. With President Fiscal Year 2010 Budget Request for the Department of Homeland Security and your continued support of DHS and CBP, I am confident that we will continue to make tremendous strides in increasing control of our borders.

I look forward to your questions.

Ms. SANCHEZ. Thank you, Commissioner, now we will hear from our commandant for 5 minutes or less.

Commandant Allen?

STATEMENT OF ADMIRAL THAD W. ALLEN, COMMANDANT, U.S. COAST GUARD, DEPARTMENT OF HOMELAND SECURITY

Admiral ALLEN. Madam Chairwoman Sanchez and ranking member Souder, thank you very much for having us here today. And, ma'am, I think you are right. I think this is a historical hearing today with the three of us here. And I want to congratulate you and the ranking member on your leadership for bringing this together.

Some of the oversight issues in Congress are very complicated right now, but I think this is a very important hearing. And again, I thank you very much.

When we talk about Coast Guard operations a lot of folks tend to think of the coast, but we are much broader in scope and mission than that both geographically and what we do with our statutory authorities.

And as we speak here this morning, we have Coast Guard personnel deployed in the Persian Gulf protecting oil platforms off of Iraq. The Coast Guard Cutter Boutwell which is transiting through the Mediterranean right now just finished a historic port call in Turbruq, Libya, the first time a U.S. ship had been in there in 40 years working with U.S. African command and General Kip Ward.

We have challenges in the Arctic with increased open water up there right now and extensive counter drug operations in the Caribbean and in the eastern Pacific, also South America in the transit zone where we work very closely with our CBP partners and DOD.

We talk a lot about the southwest border and the issues related to drug movement down there. I would tell you a very critical southern border is the southern border of Mexico with Guatemala and Central America, where the majority of the cocaine enters the United States first.

It is the Central American–Mexican corridor. We work very closely as a team on that challenge and moving forward, work very close with the combatant commanders. We are very much involved right now in issues related to piracy off the Horn of Africa and U.S. flagships that are operating there. I would be glad to discuss that moving forward as well.

Madam Chairwoman, as you noted in your opening remarks the number one job right now in the Coast Guard is to reposition ourselves in the 21st century to be a more flexible, agile organization.

And we are conducting probably the largest modernization since the modern Coast Guard was formed in 1915, looking at anything from our acquisition organization, and some of the issues that were identified several years ago with our deep water program, to logistic support and basically reinventing the Coast Guard and changing our business practices to make us more effective and also to integrate into Homeland Security.

The demand for our services has never been greater. In addition to what is normally thought of as Coast Guard classic missions there is a vast expansion of maritime transportation, especially the energy realm with oil and off-shore gas explorations, movement of liquefied natural gas, which presents both safety and security issues for the homeland.

I talked about more open water in the arctic, we are about ready to issue regulations that will bring the towing vessel industry under an inspection regime that will place more demands on us as well as the safety of the commercial fishing vessel industry.

Taken collectively that is a very broad set of mandates, and in addition to that we will continue to support our combatant commanders overseas. The current budget that is before the Congress right now for 2010 totals $9.96 billion.

The increment over the prior year enacted level is $284 million. It is slightly more than current services, keeps us at pace for capital replenishment that we vastly need in the Coast Guard to replace our aging assets and some modest program enhancements.

On the recapitalization side we are very much concerned about the aging high endurance cutter fleet that we have right now and their ability to carry out their mission. We want to put our fourth national security cutter under contract with this budget.

We want to continue to build out our new patrol boats and move response boats out to the field as fast as we can. In enhancing safety, security and stewardship we have some modest additions in the budget this year that will help us meet some of the issues with maritime transportation systems growth.

We are looking to put more marine inspectors out there to increase our safety and inspection capability, and we are also work-

ing very hard to increase our biometrics at sea capability. This is something that we have worked over the last 3 or 4 years and has resulted in a significant downward trend in illegal migration from the Dominican Republic and Puerto Rico.

We are now deploying that to both waters off Haiti and Cuba. Also, looking to improve our command and control with $1.1 million that will go into the Charleston Harbor Operations Center, which is one of our integrated operations centers which we are trying to deal with around the country.

In closing we have talked about gaining control of the southwest border, if you look at the maritime borders of the United States including the Great Lakes, Alaska and the rivers and the other navigable waterways we have to defend we are looking at 95,000 miles. I wouldn't sit here this morning and even pretend to tell you that is under control.

What constitutes an adequate maritime security regime in this country moving forward, I think, will be the subject of an ongoing discussion, but it will only be met through a one DHS posture moving forward.

And again, I want to congratulate my fellow leaders who are sitting here at the table with me today and their willingness to work with us on these very difficult problems as we move forward. And I look forward to answering your questions this morning. Thank you.

[The statement of Admiral Allen follows:]

PREPARED STATEMENT OF ADM. THAD W. ALLEN, COMMANDANT

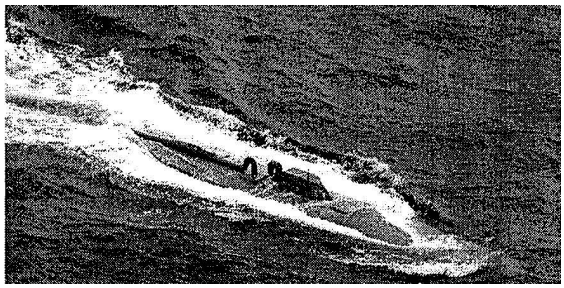
INTRODUCTION

Good afternoon Madame Chairwoman and distinguished members of the Committee. Thank you for the enduring support you have shown to the men and women of the United States Coast Guard.

Over the past year, Coast Guard men and women -active duty, reserve, civilian and auxiliarists alike—continued a consistent trend of delivering premier service to the public. They performed superbly in the heartland, in our ports, and while deployed at sea and around the globe to safeguard America's maritime interests. They saved over four thousand lives; worked closely with Department of Homeland Security (DHS) partners to respond to last summer's damaging floods in Missouri and North Dakota; conducted 680 domestic icebreaking operations to facilitate the movement of more than $2 billion in commerce; operated with other federal partners at sea and in the air to prevent nearly 400 thousand pounds of cocaine from reaching America's borders or streets; and continued to serve on the front lines to support Operations Iraqi and Enduring Freedom.

When I became Commandant in 2006, one of my primary objectives was to evolve the Coast Guard into a change-centric organization through a modernized command, control and logistics support structure, an optimized workforce and improved business practices. Building upon the Coast Guard's culture and bias for action, we have made significant strides toward those goals. As we have carried out our modernization efforts, the dedication, expertise and professionalism of your Coast Guard has been a constant. The impacts of the global economic crisis, climate change, activity in the polar regions, persistent conflict, piracy, drug and human smuggling, and the increasing expansion and complexity of the Marine Transportation System (MTS) call not only for a modernized Coast Guard, but for authorities and capabilities needed to carry out all of our safety, security and stewardship missions in a rapidly changing operating environment.

Coast Guard authorities must keep pace with evolving threats. The recent prosecution of the first self-propelled semi-submersible (SPSS) operator under the Drug Trafficking Vessel Interdiction Act of 2008 is an important example.



Self-propelled smi-submersible

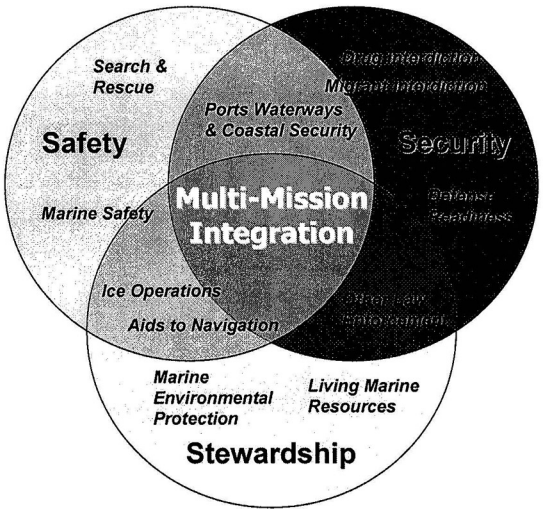
This law provides our men and women with the tool necessary to deliver consequences to drug traffickers who would otherwise scuttle their vessels, destroying any evidence that may have been captured, and allowing them to return to their country of origin as a search and rescue victim. I applaud Congress for their responsiveness to this threat and appreciate the close cooperation that led to the creation of this vital legislation.

I also appreciate Congress' continuing efforts to coordinate closely with the Coast Guard to support our progress in modernizing our acquisitions program. I look forward to working with the Committee on this effort and several other modernization, management and operational issues as we move together to achieve our shared goals of a stronger, more capable and effective Coast Guard across all of our safety, security and stewardship missions.

Roles and Missions

The U.S. Coast Guard is one of the five Armed Services of the United States and the only military organization within the Department of Homeland Security (DHS). Unique among the Armed Services, the Coast Guard is also a law enforcement and regulatory agency with broad domestic authorities. The Coast Guard delivers innovative solutions and services across a spectrum of authorities, capabilities, competencies, capacities, and partnerships (ACCCP). Today, as in the past, the Coast Guard continues to leverage its multi-mission structure, guardian ethos and established partnerships to protect the American public and global marine transportation system.

Protecting America's Maritime Interests



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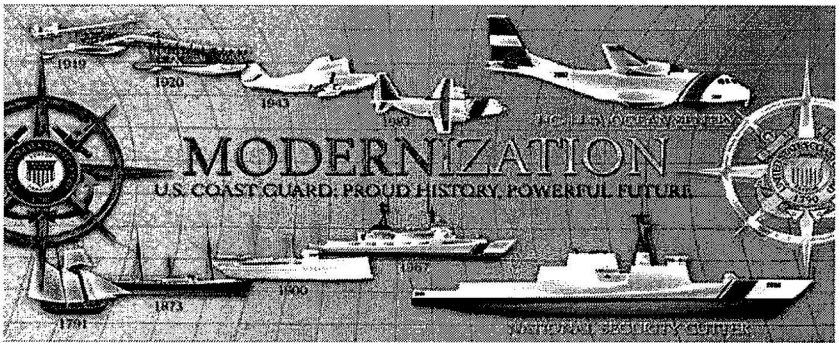
Modernization

The Coast Guard's modernization efforts represent our commitment to improving the effectiveness and efficiency of not only our mission execution, but also our stewardship of the public's trust and resources as well. The establishment of the Surface and Aviation Forces Logistics Centers introduced immediate improvements to our logistics system through the use of a proven, bi-level maintenance model that minimizes both costs and operational down time. Moreover, our Headquarters policy and management functions were streamlined as well with the establishment of the Deputy Commandant for Operations and Deputy Commandant for Mission Support. These organizations ensure our strategies, policies and human, information technology and capital resource management efforts focus on long-term planning, goals and objectives without sacrificing the organizational agility necessary to address emerging and evolving operational threats and national priorities.

Functional alignment and agility at all levels within our organizational structure are critical to our modernization effort. With the appropriate authorities, we will be able to continue to this effort with the stand up of the Operations Command (OPCOM) and the Force Readiness Command (FORCECOM).



Although the current Area Command have served us well, they creat a bifurcated command, control and support structure that no longer meets our operational coordination and readiness requirements. Increasingly complex transnational and regional threats demand a centralized command and control structure with the ability to allocate, coordinate and surge assets regionally and globally both independently and in cooperation with our DHS, Department of Defense and international partners. Similarly, we must be able to sustain our aging cutters, boats and aircraft, and train and equip our workforce to operate at maximum efficiency and effectiveness using standardized Coast Guard-wide procedures and processes. OPCOM and FORCECOM will give us the ability to meet these requirements and deliver unsurpassed service to the American people. The modernized command and control structure will significantly improve our ability to support and execute missions. I ask for your support to provide the Coast Guard with authority to carry out the remainder of our modernization efforts, which is known as the Admiral and Vice Admiral provision.

Marine Safety

In 2007, I introduced the Coast Guard's Marine Safety Improvement Plan, which was followed shortly thereafter by the Marine Safety Performance Plan. Expanding the Coast Guard's capacity and continuing to develop the expertise of our marine safety workforce is an-essential component of my plans to ensure the Coast Guard remains strong and ready to serve the nation and around the world. I appreciate Congress' support in the effort, but there remains a great deal of work to continue to achieve our shared goals in the Marine Safety program.

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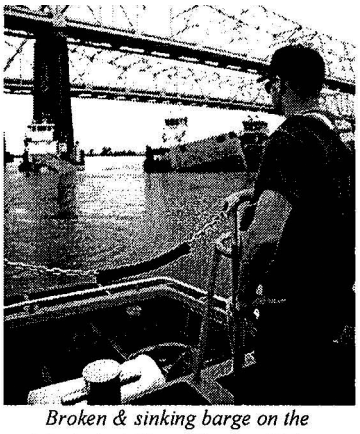

Broken & sinking barge on the Mississippi River after a collision.

As I have stated before, there are still too many lives lost at sea, too many people injured, and too much property and environmental damage because of avoidable accidents in our nation's maritime industries. Commercial fishing continues to be one of the most dangerous occupations in the world, yet the Coast Guard has no mechanism to require uninspected fishing vessels to carry minimum safety equipment or meet minimum vessel safety standards. Maintaining such standards, in addition to expanded licensing requirements for towing vessels, would have a positive impact on our ability to protect lives and property in these vital industries.

The safety of recreational boaters and sport fishers is also an important component of the Coast Guard's efforts, in partnership with State and local authorities, to reduce the number of deaths and injuries in our nation's waterways. Reauthorization of the Sport Fish Restoration and Boating Trust Fund (SFRBTF) supports State boating safety and education and law enforcement.

Maritime Security

As the violence by Mexican drug cartels increases along our Southwest border, it has become abundantly clear more must be done to stop of the flow of drugs into Mexico and across our borders. The Coast Guard plays a vital role in reducing the flow of cocaine trafficked through Mexico and the rest of Latin America from South America with record cocaine removals in 2007 and 2008. By the end of 2009, it is likely the Coast Guard, in cooperation with our partners in support of Joint Interagency Task Force—South, will have stopped over one million pounds of cocaine from reaching the United States over the last three years. Our modernization efforts and sustained recapitalization of our aging cutters and aircraft is essential if we are going to address this persistent threat to our Nation.

Similarly, alien migrant smuggling presents a persistent threat to the security of our Nation. Human smugglers are following the lead of Drug Trafficking Organizations (DTO) and are using more aggressive and dangerous tactics including the use of go-fast vessels to evade Coast Guard interdiction assets. As efforts continue to increase security at the land border, I am concerned smugglers will shift to maritime vectors, where the unique operating environment and current legal constraints make consequence delivery more difficult. I am grateful for Congress' ongoing consideration of the Maritime Alien Smuggling Law Enforcement Act (MASLEA) to address the shortfalls in current statute and provide the U.S. Government with appropriate law enforcement and prosecutorial tools that are uniquely tailored to the maritime environment in which this crime occurs.

As we pursue strategies, tactics and authorities to secure our borders from entry of dangerous materials and people, we must also consider the security of legitimate commerce in the maritime domain. This is particularly important when considering the health and safety risks vessels carrying Certain Dangerous Cargoes (CDCs) such as Liquefied Natural Gas (LNG), chlorine, anhydrous ammonia and various petroleum products present in our ports, waterways and adjacent population centers. The expansion of LNG facilities and corresponding increase in waterborne LNG shipments to meet our nation's energy demands is well known. However, LNG is just one of many CDCs transported through the MTS that must be considered in a national dialogue on cargo and energy infrastructure security.

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LNG Tanker security zone enforced by Coast Guard small boat.

In their maritime security plans, LNG, high capacity passenger vessels and critical maritime infrastructure must pay particular attention to vulnerabilites to small vessel attacks. Since small vessels are not required to participate in a tracking or reporting regime as larger, commercial vessels, they can operate virtually without restriction in our ports and waterways. In 2008, DHS promulgated the Small Vessel Security Strategy. The Coast Guard was an integral part of the development of this strategy in partnership with the Department and other DHS components including Customs and Border Protection. The Coast Guard is currently working with our DHS partners to develop an implementation plan.

Small boats are also the conveyance of choice for pirates to use in assaulting commercial vessels. Piracy presents an international maritime security challenge. Similar to the shared security responsibilities associated with Especially Hazardous Cargo vessels, the security of commercial vessels against piratical acts requires a coordinated strategy across the Federal government, industry and the international community. Although the U.S. Government has been successful negotiating an arrangement with the Government of Kenya to begin prosecuting Somali pirates captured in the Horn of Africa, more international engagement and coordination on this issue is required.

Stewardship

Whether enforcing fisheries in the Arctic or responding to hazardous materials spills in the Gulf of Mexico in the aftermath of a hurricane, I am committed to ensuring the Coast Guard maintains the capability to protect our environment and our natural resources. The Coast Guard's authorities under our stewardship missions are extensive. We are currently developing new Ballast Water Discharge and Non–Tank Vessel Response Plan regulations to decrease the introduction of invasive species in U.S. internal waters and ensure industry has sufficient response capability to minimize the impact of hazardous materials spills.

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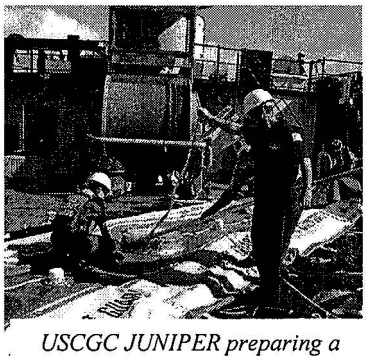

USCGC JUNIPER preparing a spilled oil recovery system.

The Coast Guard routinely investigates allegations of wrongdoing that turn on the availability of a foreign seafarer witness who possesses direct knowledge of how damage to the environment, cargo, and vessel, as well as loss of life, occurred. The ship owner—who is aware of the importance of foreign seafarer witnesses to an investigation, as well as his practical ability to control the continued availability of the witnesses in the United States—will threaten to abandon the crew to protect his interests in a criminal or administrative investigation. Without the ability to protect and temporarily support these crewmembers in the case of abandonment, the Coast Guard's ability to investigate alleged criminal or illegal activity is severely impaired. In addition, seafarers may be abandoned in the United States for purely economic reasons. There is currently no authority nor resources for the Coast Guard to assist these seafarers, and no incentive for other nations to assist American seafarers in a similar situation.

CONCLUSION

As a maritime Nation and leader in the global maritime environment, our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety and freedom of transit on the high seas are essential to our well-being, yet are very fragile. Threats to border security, growth in the global marine transportation system, expanded use of the Arctic, and burgeoning coastal development are challenging conventional paradigms. *The Coast Guard is ideally-suited to help the Nation address these and other challenges through its comprehensive, complementary authorities, flexible and adaptive operational capabilities, and centuries of experience protecting America's maritime security interests.* Full support for the President's fiscal year 2010 budget request is an important step forward. Our ability to optimize our broad spectrum of authorities, capabilities and partnerships remains critical to effectively allocating resources across the Coast Guard's broad mission portfolio.

As our Nation faces the challenges of a global economy, the environmental impacts of climate change, piracy, and the long-term struggle against radical extremism; the Coast Guard must be equipped to conduct preparedness and response operations across a broad spectrum of potential risks, threats and hazards. The men and women of the Coast Guard with courage, sacrifice and dignity and are eager and prepared to answer the Nation's call now and into the future.

Thank you for the opportunity to testify before you today. I am pleased to answer your questions.

Ms. SANCHEZ. Thank you so much, Admiral. With now having heard the testimony I want to thank you for that. I will remind each member that he or she will have 5 minutes to question the witnesses, and I will now recognize myself for 5 minutes.

Assistant Secretary Morton, again, welcome to your new job. We look forward to working with you. Back in March the full committee had a hearing on the 287(g) program and recommendations were made by a Government Accountability Office report. Some of

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those recommendations were improving ICE supervision of participating communities and documenting program objectives.

What is the status of improving the 287(g) program through the recommendations from the GAO report? And are there any specific budget requests that will carry out those recommendations?

Mr. MORTON. Here is the latest on 287(g). We are in the process of revising our memorandum of agreement that will govern all of the 287(g) agreements that we have.

That revision is directly related to the criticisms that were in the GAO report, and although we are not quite finished, I think the final MOA will address each and every one of the concerns, namely the concerns about oversight, the lack of performance standards, the lack of an appropriate level of supervision by ICE and a lack of clear priorities within the agreements. So I expect that shortly.

Secondly, the budget request itself that is now before the Congress includes money within the office that is responsible for the oversight and execution of the program, and there are several pieces to it.

There is a component of oversight. There is additionally monies for independent OPR inspections and then a request for officers and employees to permanently staff the office so that we can have sort of a sustained good management of the program.

So in short, I am fairly confident that we are turning an important page on the program. It is an important statutory authority that Congress has provided for, and my objective is to see that it is implemented in a way that meets the objective of our state and local partners, but at the same time reflects the priorities of the federal government—focuses the agreements on, you know, the appropriate priorities within the immigration enforcement arena.

Ms. SANCHEZ. Do you know about how many local agencies now use this program, and does this infrastructure that you are putting in to oversee this program, does it include increasing the number of jurisdictions where 287 might apply? Or is this infrastructure more to get under control what we already have in agreements?

Mr. MORTON. We have 66 agreements right now. There are a number of pending agreements that we are waiting on the revision of the MOA to move forward on. We have a lot of additional requests for authority and some of those requests I anticipate will be granted.

The principal focus of the budget request is to solidify the management of the program and to provide for an appropriate level of oversight and to address some of the concerns in the GAO report.

But I do anticipate that additional counties and cities will come to us and ask for authority, and I do anticipate that some of those in the future under the new regime will be approved, in addition to the ones that we already have, 66.

Ms. SANCHEZ. Thank you. Assistant Secretary, an Associated Press Article earlier this year stated that "more than half of the detainees held by ICE had no previous criminal record." Given that statistic I believe that ICE should explore alternatives to detention for people who don't pose a threat to our communities, possibly including non-criminal elderly people for example, asylum seekers.

I think the majority of the people that we are holding in detention are those that we have a fear will flee before we finish the paperwork and decisions on them.

Could you tell us what the field guidance is, too, for screening vulnerable populations for possible alternatives to detention? What are you doing about that, and what is your plan to expand and explore the different community-based alternatives for detention?

Mr. MORTON. I mentioned in my opening statement the strengthening and improvement of the detention system is a single priority for me, and it is something that I want to spend a lot of time on.

Alternatives to detention are a critical piece of that. We have important statutory responsibilities to detain and remove people who pose a serious risk of flight or a danger to the community. But just as in the federal criminal system there are various ways to go about that, and sometimes detention is not necessary in some lesser form, that is, an alternative to detention isn't appropriate.

The key is to come up with alternatives to detention that work. I don't want to spend the precious dollars that the taxpayer provides us on alternatives that don't achieve the basic aims that Congress has provided.

That said, I think alternatives to detention are a very promising alternative, and they are something that we are exploring right now. I am going to put a lot of time into it, and I think you will see that we are going to do more of that and still find that we can enforce the law, particularly for the vulnerable populations that you mentioned.

Ms. SANCHEZ. Thank you, Mr. Secretary. I will now recognize the ranking member of the subcommittee, the gentleman from Indiana for questions.

Mr. SOUDER. Thank you. Before getting to the main part of my questions, and it would be easy to use more than 5 minutes on each category, I wanted to make a couple of brief requests and comments.

One is Congressman Pascrell and I had had some discussions in a previous hearing about how we cooperate with our allies on some—whether it be the BEST teams or some air resources. I think it would be good if we could have, most likely, a classified briefing because some of that is not necessarily what we would want in an open hearing, and I am sure——

Ms. SANCHEZ. Expand on that a little bit? Is that with our counterparts from other nations?

Mr. SOUDER. No, no, no.

Ms. SANCHEZ. Or is that within the agency?

Mr. SOUDER. How our area resources are used, how some of the intelligence and cooperation of law enforcement.

Ms. SANCHEZ. I think we have had one briefing already a little bit on that. But we will do it again.

Mr. SOUDER. Yes. Second thing is that I have also asked the Ambassador from Mexico, and have not had this back, if we are going to have a serious arms trafficking discussion. And this is probably Mr. Morton as well as Mr. Ahern, that the 90 percent figure we are hearing from the U.S.—anybody who is tracking this understands that it is only the 3 percent of the guns that have a marking on it, and since we are the only country that asks for a marking, of

course, those would be from the United States. The question is where are the other 97 percent coming from?

And Mexico is also trying to figure this out when we were down in Mexico, but we need to be very cautious about making assumptions about the extent of the problem. It is likely that many are coming from the United States, but we need that statistic or there is going to start to be some balking in Congress about the heightened focus on this because the data is not there right now.

The third thing is I noticed in Mr. Ahern's testimony that you mentioned a number of agencies and this proliferation and stove piping and how do we get cooperation. You didn't mention HIDTAs and HIDTAs are one of the most important parts because that is what local law enforcement supports the most.

Not OCEDEF or others, because they don't have votes at the same level. They would like all the different agencies, but was that an omission or are you back tracking? We have had some problems with some agencies pulling out of the HIDTAs.

Mr. AHERN. No it was not an omission. Certainly we could give you the details of how many agencies involve——

Mr. SOUDER. Okay. Thank you. Now I would like to follow up with you a little bit in my remaining time on the border. That first off we have moved from operational to effective control. In your budget you state just control. First let me get the mileage sorted out. In your testimony it was 697, a total of 895, the budget says 815?

And it also says not additional mileage in 2010? Does that mean what the budget says, the 85 miles isn't the biggest concern, the question is that are we stopping at either 812 or 895? Can you hit your——

Mr. AHERN. How about that?

Mr. SOUDER. Yes.

Mr. AHERN. Certainly as far as we are not stopping, a lot of this certainly is funding dependent as well. We are taking a look at the miles of fence. We currently have 627 miles of fence. We will have the remaining 34 miles to actually get to the point of 661 within the coming months.

We will get those construction projects done. We will then assess, as far as the additional areas that we need to continue to build, those miles should be very few because we did the gap analysis initially, and we have not seen any changes in the patterns that could have been created by putting that tactical infrastructure in place.

So that continues to be a key part of the strategy. Putting the border patrol agents out there, one of the key things that we have talked about which is why you wouldn't see such a significant resource request for this year.

This is needed, stabilization for our workforce. We now have close to 46 percent of our workforce in the border patrol with less than 3 years of experience. We need to stabilize that going forward to make sure that we continue to build their capability into gaining and maintaining control.

And as was noted early on was the SBI deployment. Certainly we have wanted from the beginning to make sure that we deploy an effective technology and be good stewards of the taxpayers' dol-

lars so we have not just certified deployment until we were certain it was going to work more effectively.

We just did begin in the last 2 weeks with the beginning of the construction and deployment in the Tucson–1 area, and we will actually then begin in August of this year to get Aho–1, combining those two locations that will give us 53 miles as we go forward.

After we then make those deployments we need to assess how effective that technology is going forward because this is going to be a performance assessment. What we need to do after it is deployed we then need to determine its cost effectiveness.

Mr. SOUDER. Let me ask you a question then. Are you counting those miles as effective control before you have measured whether they are effective control?

Mr. AHERN. I do not believe we have added those in at this point, but I can give you a more exact answer.

Mr. SOUDER. And when you say effective operational control, does that mean, since you are saying you have 697 miles of a 2,000 mile southern border and approximately 100 miles of a 4,000 northern border, are you saying you don't have effective control then of 1,300 miles of the southern border and of 3,900 miles of the northern border? What is effective control and not effective control, what is the difference?

Mr. AHERN. Right. And we will be able to give you the precise definitions we have used on each one of those categories to be able to identify, detect, classify and be able to bring to a law enforcement resolution——

Mr. SOUDER. It is pretty tough to convince members to pass an immigration bill when you say, in public testimony, that you have control of 700 of 2,000 miles. That is a rather gaping hole.

Mr. AHERN. Well that certainly is one conclusion that could be drawn. That is not necessarily the one that we would draw because we do have resources and technology and other capabilities in other areas along those borders as well.

We have, again, had some——

Mr. SOUDER. Right, in other words you have a sight strategy looking towards the roads and so on.

Mr. AHERN. Right.

Mr. SOUDER. And that is why the definition of effective control becomes very important here because in effect, most people would like 2,000 miles of effective control on a border. Is that less than effective, partially effective?

How does the department distinguish becomes a critical matter if we are ever going to have any real reform because American citizens want to know that the border is controlled and we aren't—if we, for example resolve status domestically that we don't have another millions of people coming up.

That is the immigration side for narcotics and terrorism. We want 100 percent effective control for nuclear, for example. So this is an ongoing discussion, but I wanted to raise those points.

Mr. SOUDER. Absolutely, and if you would like, we would be able to give you the precise breakdown of the different levels of control for each mile of the border we have on the southern tier.

Ms. SANCHEZ. The Chair now recognizes Ms. Kirkpatrick.

Ms. KIRKPATRICK. Thank you Madam——

Ms. SANCHEZ. For 5 minutes.

Ms. KIRKPATRICK. Thank you, Madam Chairwoman. My first question is for the Assistant Secretary Morton. And let me just say that I had the opportunity to visit an ICE detention center near Coolidge, Arizona, which is in my district, and I was very impressed with the professionalism of the people working there.

Quite a facility and, you know, seeing firsthand just the difficulty in detaining that many people. They do an excellent job. I was especially interested in how they handled the various drug cartel, gang members that they have that require, you know, keeping them apart. And so I just want to let you know that, I think you are doing an excellent job there.

Mr. MORTON. Thank you.

Ms. KIRKPATRICK. I am very glad to see the commitment to border security demonstrated by the nearly 10 percent increase in the request for ICE. Currently only about 1,300 ICE agents are certified to enforce drug laws under Title 21.

If ICE were provided full Title 21 authority, would the additional enforcement role require more funding for the agency or would you be able to roll that responsibility into your requested budget without needing to make cuts elsewhere?

Mr. MORTON. Title 21 authority is, at the present, is principally an issue of making sure that with our existing resources we can bring the appropriate level of special agents to bear. And as you have noted, right now the agreement has a cap.

And so regardless of what our overall resources are, we are limited in the number of agents who can be authorized to perform these duties. It is something that I am very concerned about. I am working with the administrator of DEA as we speak to try to come to a revised understanding between our agencies and a much better working relationship.

What I will say is I have found the acting administrator to be very reasonable on this point. We are working very hard together and sort of, say, stay tuned, but I think things are generally moving in a very positive direction.

We take the narcotics, the anti-narcotics mission very seriously along the southwest border. The southwest border was the first place I went to as assistant secretary. And I went to Arizona, and I went to Tucson and Nogales.

And I am very focused on making sure that we have the appropriate authority to carry out our mission to make sure that illegal contraband doesn't come in to the United States.

Ms. KIRKPATRICK. Thank you very much. Thank you. Thank you, Mr. Chair, I mean. Thank you.

Mr. MCCAUL. Thank you, Mr. Chairman and thank the witnesses. I also commend the shift of attention to the southwest border, and as certainly coming from my state of Texas, it has been a concern we have had for many years, and I appreciate that.

I have got several questions, one is following up on Madame Chair, she is no longer here, on the 287(g) program for you, Mr. Morton. It has been in my view, a very successful program and experience I have seen in my state, and it is something that is a force multiplier.

I think more people would like to participate. More law enforcement would like to participate. One of the concerns or issues that would come up when I would meet with ICE officials, for instance in the Houston area, was the detention and removal operations.

That when these criminal aliens, and we are not talking about illegal aliens, we are talking about aliens in the country committing crimes. They were very candid, the ICE officials, and they would literally point the finger at me being a member of Congress that I was to provide the solution in terms of funding.

And that there was a lack of funding and a lack of resources necessary to process these criminal aliens. I see the budget numbers have risen, but not very significantly. I introduced a bill that would double these resources because that was what the guys on the ground are telling me that they need.

So with that being said, you are in charge of this whole operation, Mr. Morton. Can you tell me what you opinion is?

Mr. MORTON. It is my 4th week on the job, so?

Mr. MCCAUL. And I appreciate that.

Mr. MORTON. —bear with me a little bit. But the detention and removal operations are obviously critical if we are going to have some level of true border security. And as part of the secretary's announcement, before I even became assistant secretary, we sent a fairly healthy level of additional deportation and removal officers to the southwest border to focus on exactly that, the identification and removal of criminal aliens.

One of the very first jobs I ever had in government was as an INS trial attorney, and I worked the detained criminal docket. So I can tell you to rest assured that the identification and removal of criminal aliens is a real priority for me.

I need to get in to the weeds a little bit more on the detention and removal program. A very significant amount of the agency's budget is diverted to detention and removal operations. It is a very, very big operation, but I want to make sure that we have got the right level of focus, the right level of resources.

I have myself, every time I go out on these trips I talk to the detention and removal folks, and they tell me similar things to what they tell you. And so I hear that message loud and clear, some of our deportation officers handle a huge docket. And what I would say is I am on it. I want to take a look at it. It is a serious part of what we need to do, and we need to do it well.

Mr. MCCAUL. Let me say also I appreciate your background. I think you bring a great experience to your position. And I would encourage you to talk to them at the field level because I think you will hear a consistent theme and message of we need more to adequately do our jobs. We are strapped. We are completely underfunded.

And again, when they look to me as a member of Congress for the solution, I think we do have that responsibility in the Congress, and that is the whole point of this hearing is to look at your budget and determine whether we should be providing more funding for you.

I happen to think that we do, and I have introduced a bill to do just that. But I would encourage you not to be shy. and that when you talk to your men in the field and women, when they tell you

that you report that to the Congress so that we can provide you the resources that I believe they desperately need.

And I see that my time is running out. With that, I yield back.

Mr. PASCRELL. [Presiding.] Thank you, gentleman from Texas. I am going to recognize myself for 5 minutes. Mr. Morton, I want to pursue, continue to pursue what two members have already brought up, and that is the subject that is before us right now on dangerous criminal aliens.

In September of 2006, a memo came out of the department to the agencies within Homeland Security, and specifically we are talking at the National Fugitive Operations Program. And that memo said that there would be quotas that each of these teams established throughout the United States of America. We wanted to gather numbers apparently.

And the agency that I am referring to today in 2006, there was a tremendous drop in my state of New Jersey of how many criminal undocumented aliens were arrested, a 42 percent decrease, making the country more vulnerable since we were concentrating on how many rather than to whom we went after.

First of all, Congress was not told about this. None of us were, that I know of, that policy to do that. We were slow learners but we finally find out many times later on, I know that.

Now I am going to ask you some questionss and the first question, which is a yes or no answer, is are those quotas still in order?

Mr. MORTON. No.

Mr. PASCRELL. Thank you.

Mr. MORTON. And if I could just follow up on that, I mean I addressed this question in my confirmation. And my view is that hard quotas and law enforcement are not a good mix. That is different from saying that there should be priorities, but as you noted when you have a hard quota it can be skew the end result.

And it leads people to focus on achieving the number rather than focus on the mission at hand. And so you can find yourself in a situation where the agency's priorities for focusing on the worst of the worst then get skewed because at the end of the day people need to?

Mr. PASCRELL. Well, I am concerned about what happens when the, you know, we know very specific anecdotal stories now. In the city of Paterson, New Jersey, I have lived there all my life, I know something about it.

Walter Chavez, his home was raided by ICE agents just last year. And this is what he said, "They zealously came into our home with guns and hostility." He is 44. He is legal, as his wife is legal and his now 10 year old son is legal.

"They asked us to show we were legal. And when we showed them, they demanded to know where the illegals were in the house." These folks were not looking after criminals, Mr. Morton. "They terrified my son, who was nine at the time, came running out of his room, and an agent held a gun to him."

He is a traumatized child because of that. At the same time in 2007, we had a shooting in Newark, New Jersey by a gentleman called, and I used the word loosely, Jose Carranza who shot, execution style, three citizens of Newark. Shot them down and killed them. They were students. Shot them down in a school yard.

He was an illegal alien with impending violent criminal indictments, and yet he was roaming the streets of Newark. He was not detained.

Mr. Morton, I can cite other cases. I cite these because they are pretty close to home. This is not acceptable for the Congress. And this is the result of bravado and trying to create fear rather than attacking the issue and the problem. We don't want any criminals on the street, whether they are legal or not legal.

The department had a recess from its original policy, and I think it has led to all kinds of major problems. Would you just quickly comment, and then we will move on.

Mr. MORTON. I am not familiar with the individual cases that you cite, but I don't doubt that they occurred. Obviously they just occurred before my time. What I will say is that, and I think the point that you touch upon, is that in a world of limited resources, the agency needs to make a rational set of priorities for the execution of its authorities and resources.

In my view I don't think that there is any daylight between us on this, nor do I suspect there is much daylight between us and any other members of the committee when it comes to the identification and removal of people who are here unlawfully.

We start first and foremost with those people who are committing crimes. And it doesn't make a lot of sense to have large numbers of people who are committing crimes not be the focus of the agency. It is going to be my focus. We are going to spend a lot of time on it, and I want to have, you know, fewer of the concerns that you cited be the ones that are raised to me.

And that is why we have the request in here for secure communities. It is part of just a sustained effort that we are going to stay focused on to identify and remove criminal aliens from all of the——

Mr. PASCRELL. Thank you, Mr. Morton, and good luck on your new job.

Mr. MORTON. Thank you.

Mr. PASCRELL. Chair recognizes my friend from Texas, Ms. Jackson.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and I thank the witnesses for their presence here. I believe congratulations are in line for Assistant Secretary Morton. And just for my edification, Mr. Morton, your background includes what? I was not obviously at the confirmation hearings. You seem to suggest that you were at INS for a period of time?

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Foremost, I would like to extend my thanks to Chairwoman Sanchez for hosting this important hearing today. I would also like to thank our distinguished witnesses:

- Mr. Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security
- Mr. Ahern, Acting Commissioner, U.S. Customs and Border Protection, Department of Homeland Security
- Admiral Allen, Commandant, U.S. Coast Guard, Department of Homeland Security

I thank you all for bringing your advice and expertise today as we work together to determine budget priorities for the Department of Homeland Security (DHS) within the context of the President's Fiscal Year 2010 Budget Request. This hearing

will examine the financial needs and requirements for the U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the U.S. Coast Guard (USCG) respectively.

BACKROUND

On February 26, 2009, President Barack Obama submitted a "Budget Blueprint" as a preliminary budget request to Congress, with the intention of submitting a complete budget proposal at a later date. On May 7, 2009, the President submitted the FY 2010 budget request to Congress. In the budget proposal, the President requests $55.11 billion in total budget authority for the Department of Homeland Security, a $2.63 billion (5%) increase over the FY 2009 enacted budget. The request for discretionary spending for the Department is $42.7 billion, an increase of $2.66 billion (6.6%) over the FY 2009 enacted budget.

The President's Budget request states that increases in net discretionary spending will further strengthen the Department's ability to fulfill its mission through five main action areas: (1) Guarding against terrorism; (2) Securing our borders; (3) Smart and tough enforcement of immigration laws and improving immigration services; (4) Preparing for, responding to, and recovering from natural disasters; and (5) Unifying and maturing DHS.

On June 8, 2009, the house Appropriations Committee, Subcommittee on Homeland Security, marked up the FY 2010 Homeland Security Appropriations Act. The subcommittee reported out a $42.6 billion bill for the Department, which would provide a 6.5 percent increase over fiscal 2009 but about 1% less than the President's request.

Immigration and Customs Enforcement (ICE) is responsible for investigating the illegal introduction of goods, terrorists, and criminals across our borders, detaining criminal and undocumented aliens, and protecting critical infrastructure. Therefore, the Committee supports the FY 2010 Budget request as is, is adequate for this mission, though increased resources may be necessary in certain areas.

The President's FY 2010 Budget request for the Coast Guard provides the agency with much-needed funding to replace aging assets. The Committee recognizes it is necessary to provide the Coast Guard with the tools it needs to ensure our Nation's shores are protected from possible harm.

Overall, the President's Budget request provides adequate funding for Customs and Border Patrol (CBP), especially given the significant investment in border security this Congress has already made in recent fiscal years. However, there are a few areas that may need more resources. For example, hiring of CBP officers has long lagged behind hiring of Border Patrol agents, and this budget does not improve their numbers significantly. Furthermore, with the agency's rapid growth in recent years, it remains to be seen how CBP would manage without constriction funds over the long term.

OVERVIEW OF FY2010

On June 8, 2009, the house Appropriations Committee, Subcommittee on Homeland Security, marked up the FY 2010 Homeland Security Appropriations Act. The subcommittee reported out a $42.6 billion bill for the Department, which would provide a 6.5 percent increase over fiscal 2009 but about 1% less than the President's request.

Immigrations and Customs Enforcement

The President's FY 2010 Budget requests $5.76 billion in total budget authority for ICE. Although this appears to be a decrease of $171 million (3%) from the FY2009 enacted budget, the Department proposes to transfer the Federal Protective Service (FPS) and its $640 million in funding from ICE to the National Protection and Programs Directorate (NPPD). Excluding the FPS budget, the FY 2010 budget request in net discretionary spending for ICE is actually an increase of $496 million (9.9%) over the FY 2009 enacted budget, including an additional 1,229 FTEs.[1]

Customs and Border Protection

The President's FY 2010 budget requests $10.1 billion in net discretionary spending for CBP, which is $229.8 million (2.3%) above the FY 2009 enacted budget amount of $9.82 billion.[2] The FY 2010 budget request provides a modest increase

[1] This number excludes the decrease of 1,225 of FPS personnel proposed for transfer from ICE to NPPD.

[2] The FY2009 figure in the President's FY 2010 Budget request does not include an additional $680 million provided in the American Recovery and Reinvestment Act (P.L. 111–5) for construction at ports of entry, non-intrusive inspection equipment at ports of entry, SBInet technology, and tactical communications modernization along the southwest border.

for CBP, including 2,524 FTEs, which should meet most of the agency's needs, though there are a few programs that could benefit from additional resources and personnel.

U.S. Coast Guard

The President's FY 2010 Budget request in net discretionary spending for the Coast Guard is $8.37 billion, an increase of $268 million (3.3%) in comparison with the FY 2009 enacted budget. The request for FY 2010 includes the addition of 715 FTEs. The Committee believes this request will provide adequate funding for the Coast Guard to meet its safety and security missions.

CONCLUSION

In conclusion, I support the President's comprehensive FY 2010 $55.11 billion budget proposal for the Department of Homeland Security, which includes $42.7 billion in net discretionary spending. This budget will enable the Department to efficiently carry forth its obligations as well as address any remaining departmental management and operational challenges. Furthermore, I support ICE, CBP, and USCG requests, as these important divisions are in need of additional funding and personnel in order for them to function at their full potential. I urge my colleagues to support the President's FY 2010 budget proposal for the Department of Homeland Security.

Thank you Chairwoman, I yield the rest of my time.

Mr. MORTON. I am a career federal prosecutor. I have been, until 4 weeks ago, I was a career government employee my entire professional career. I started at the Department of Justice as an INS trial attorney. I then went on to work for the deputy attorney general, who as it turns out ended up being the attorney general, Eric Holder.

And I was also a federal prosecutor at Alexandria, Virginia for nearly 7 years. And then I ran part of the criminal division in main justice for 3 years, ending up as the acting deputy assistant attorney general before I became the assistant secretary.

Ms. JACKSON LEE. Let me thank you, and I know the other gentlemen, let me welcome them again to our hearing. And I think that background, Mr. Morton, is enormously important. First of all your commitment to public service, but I do hope as we help you establish priorities in this committee that we have a breath of fresh air.

Frankly, I think enforcement is very, very important. However, the comments that you heard from my colleagues I want to associate myself with coming from Houston, Texas, and want to particularly focus in on two aspects of your work. That is again the criminal aliens and the history of raids.

Frankly, I think the raiding instructions or directives were politically based. It was a mixture of the frustration of local authorities and local populations who were saying enough is enough. And our inability as a Congress to put in place comprehensive immigration reform, which would have been the kind of roadmap that then allows enforcement to follow a particular track.

So in Houston we had what we call the Rags Company's raids. Let me count that scene since some of them were in my congressional district, and I went to visit those business persons. And the raid was on a workday.

It had workers climbing up bundles of clothing at the large warehouse, pregnant women running for their lives and some even falling off the large stacks of items that were in the warehouse. I have not followed the case to give you a precise detail as to its status, but I will tell you that the owner said they had documentation, as much as what was required at that time.

So my question is what is the status of random and reckless raids? And what priorities are you putting on enhanced training to assure the capture and prosecution of criminal aliens?

One of the issues that provoked our community extensively was the shooting death of Officer Johnson, beloved officer, family man, father, husband, by someone, a child predator, who had come back across the border. This individual certainly should have been captured and not released.

So I want to try to get down to the priority, the training, the collaboration with the FBI, the DEA, U.S. Marshals, ATF, et cetera, in honing in on criminal aliens. I almost would like to hear that we have designated a task force and we have trained individuals to be specifically keenly expert in going after criminal aliens. And then if you would, the question of the raids.

Mr. MORTON. Thank you. Very briefly and in light of my time let me review some of the——

Ms. JACKSON LEE. And let me do this so that I can have it on the record please. Admiral Allen, if you could explore, and thank you again for your service, could you explore the comfortableness that you feel that your team, your operations are handling TWIC and its enforcement and explain for us, I may have the wrong terminology, but I visited our Coast Guard unit in Houston for what we call Rescue 21 or the new services that we are going to have.

And on Mr. Ahern, your work, I understand that you may not have as many opportunities for hiring as the border patrol. I want to know where you stand on the need for more hires on the border protection. Mr. Morton, thank you.

Mr. MORTON. Let me start by saying we have a lot that is ongoing in the area of the identification and removal of criminal aliens. And I would be happy to come and focus a little bit more on the details with you and your staff.

Ms. JACKSON LEE. Thank you.

Mr. MORTON. The major initiative that we have, particularly in your area, obviously we have secure communities which is the sort of, from our perspective, the future of identifying all criminal aliens, regardless of where they are arrested and booked. And with time, I am happy to go into that in more detail.

We also have the border enforcement and security task forces that as you noted bring together not only federal law enforcement FBI, DEA, ATF with ICE, with CBP but also state and local law enforcement and for the first time members of international law enforcement along the southwest border. We have five officers from Mexico now participating in our task forces.

And there are monies in this budget for both of those things. And I just reiterate my personal commitment to improving our efforts on identifying and removing criminal aliens. I just don't think there can be a higher priority for us as an agency. And I am more than happy to learn if there are frustrations or things that you think we can improve on, I would love to know that.

Very briefly on the question of worksite enforcement, we have new guidelines that were just issued. I think you will find that we are going to engage in a sustained focus on employers, first and foremost trying to deter people through criminal investigation and prosecution. That is going to be the primary focus of our program.

Obviously we are going to enforce the law across the board. But we are going to try to do it with a much more targeted focus on employers, first and foremost, rather than the employees as the only focus.

Ms. JACKSON LEE. Mr. Ahern, Mr. Allen. Thank you. Thank you, Mr. Chairman.

Mr. AHERN. Just very briefly to answer your question. As you know border patrol is part of Customs and Border Protection and certainly the growth that they have seen, the doubling of the border, if you look at 2001 they were able to get over 18,000 to approach 20,000 by the end of the year. They were grossly understaffed and were in need of those enhancements. So I think that speaks for itself.

On our CBP officers at the ports of entry, if you look from 2004 to present we have actually had an increase on 20 almost 21 percent, 20.6 percent actually for ports of entry. Those are significant numbers as well.

I think again one of the important things to note, too, is if you look at the 2010 submission you will see very modest increases that are requested as part of the southwest border initiatives. For officers at the ports of entry to sustain the efforts, we are looking at 65 and for border patrol agents to support that initiative, 44. And those are appropriate numbers.

As I stated at the beginning of the hearing today, this year coming up really is the need for us to stabilize the organization with the growth that we have had and the maturity of the organization continuing to grow. Those are critical factors to go forward.

And my final note is one of the things that has not yet taken shape, is Congress was very kind to us for the fiscal year 2009 appropriations, providing additional resources for us. But the downside and factual side is 734 additional positions for our officers at the ports of entry were only funded from August 1st forward.

So we still have 734 that we will be bringing onboard as the funding is available from August 1st going forward that will take us into the beginning of fiscal year 2010.

Mr. PASCRELL. Thank you. We have to vote in a few minutes so I want to make sure we recognize you. I want to thank the gentlelady from Texas.

Mr. GREEN FROM TEXAS. The gentleman has 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman, and I thank the witnesses for appearing as well. Friends, I hold in my hand, hands if you will, a news article from today's Houston Chronicle.

And it addresses a White House report and the opening sentence reads, "Not only is Houston a major center for Mexican cartels smuggling drugs and weapons, but banks and financial institutions in the nation's fourth largest city also are targets for the gangsters trying to hide millions of dollars in profits, according to a White House report released Wednesday."

Then it goes on to talk about 201 international drug and money laundering organizations in a 16 county region that includes Texas and Mexico. It goes on to indicate that there are truckloads of cash heading south. That Houston remains the number one source in the United States for guns traced from organized crime scenes in Mexico.

Another excerpt, "Mexican drug trafficking organizations and their associated enforcement groups rely on firearms trafficking from Houston." Final thing, "Crack cocaine is the primary drug of abuse in Harris County, notwithstanding marijuana."

I am mentioning these excerpts and this article because, obviously, I am from Houston, and my constituents are concerned about this. And I would like to know if we have properly budgeted such that we can confront and eliminate this kind of activity in the nation's fourth largest city. And I welcome comments from whomever would like to respond.

Mr. MORTON. I would be happy to start. I think this is an area where there is a lot of good work to be done. It is a major focus for me and as I mentioned——

Mr. GREEN. Because my time is limited——

Mr. MORTON. Yes.

Mr. GREEN. —please excuse me for interrupting. Could you go straight to the point because I have one more question?

Mr. MORTON. Sure.

Mr. GREEN. Okay.

Mr. MORTON. We have, as I mentioned in my opening statement, we have very broad authorities that touch on pretty much everything that you have just described. And just to give you an indication of what we are doing. We are trying to build up these task forces along the border to address this.

The first international trip that I took was to Mexico to address, again, pretty much every one of the issues that you just described. They are serious issues. They are ones that we are working on. I don't want to underestimate the challenge that we face in tackling them. They are very serious.

But I can tell you there is a lot of focus on it. We work very closely with CBP on the southbound smuggling of both weapons and money. We are focused on it. We are going to you know really up our efforts there. I can let Mr. Ahern add to that.

Mr. GREEN. And before he adds, permit me to ask an additional question, we here in Congress, and I will use a personal pronoun, I would like to be of help to you. Do we need some additional legislation to help you in this endeavor? While we may be winning, it appears that the challenge is continually growing.

So if there is some additional legislation, I think you should address that as well. So before you pass the baton, if you would, would you tell me if there is any additional legislation that you think we need?

Mr. MORTON. Again, I would say I am on my 4th week on the job. It is a little hard for me to know for sure.

Mr. GREEN. I accept that as a pass. Let me go to the next gentleman because I only have 1 minute and 3 seconds.

Mr. AHERN. Yes, sir, very briefly, you know, with money and guns going southbound into Mexico, we need to have a layered strategy, just as we do for drugs and other concerns coming at our borders from the south.

So certainly our role at the borders is to try to go ahead and intercept as much as we can going southbound which is why Secretary Napolitano announced in March the Southbound Initiative,

and why you see $26 million in our budget for combination of some technology but also personnel to sustain this effort.

And then the final point is continuing to work in Mexico——

Mr. GREEN. Let me quickly ask you about—thank you, and I appreciate all of you. Please forgive me for being rude, crude and unrefined, but I have to ask these questions quickly. With reference to laws, you see, you are on the front line. You know what is needed to help you get the job done.

I am in the position to some limited extent of helping you with the laws that you need to get the job done, anything that you can call to my attention that we need to do to help you.

Mr. AHERN. I would state that we annually look at all the legislative initiatives. I know that the department under new leadership will be examining that as well, and I think it would be best for the department to provide a collective package back at the appropriate time in the very near future. We will pass that to the secretary.

Mr. GREEN. Thank you. May the Admiral respond please? Admiral, thank you for being here.

Admiral ALLEN. Yes, sir, just very quickly, if you look at the threat from South America and cocaine flow up north, I said earlier in my testimony we need to be concerned about the southern border with Mexico as well. The majority of cocaine that enters the United States moves from non-commercial maritime means from South America into Central America and Mexico.

So while we focus on the southwest border, we need to make sure we have an even response in what we would call the transit zone, where we work with Customs and Border Protection and the Defense Department under U.S. Southern Command to interdict cocaine before it even gets to Mexico and Latin America. And I can give you a more detailed answer for the record.

Mr. GREEN. Thank you, sir. Any laws?

Admiral ALLEN. Well, let me congratulate the Congress because last year you passed legislation that banned the operation of self-propelled semi submersibles as a violation of federal law. This is an emerging threat from South America.

These are low profile vessels, very difficult to detect, and the Congress made the operation of those on the high seas illegal, and we are up to our third prosecution on those this year. It was a tremendous help, and I thank the Congress.

Mr. GREEN. Thank you, sir.

Mr. PASCRELL. And I thank the gentleman from Texas. I want to thank the Admiral for bringing up a very, very cogent point there, and I didn't want that to go by. I want in all fairness to go back to the gentlelady from Texas and allow the Admiral to respond to her very specific question because you didn't get a chance.

Ms. JACKSON LEE. Thank you, Mr. Chairman, and thank you Admiral again for the service of the Coast Guard and all others that are present before us. Thank you.

Admiral ALLEN. Thank you for your sustained support, especially from our people in Houston. Got a tremendous cap in the port down there in Bob Diehl who will be retiring, and I know he has really enjoyed working with all of you in the area.

First of all regarding Rescue 21, for the committee's information, this is the maritime mobile radio system for the country. It also is

the Coast Guard's command and control system. It allows borders to call us, pass a mayday and allows us to respond.

This is being put in around the country and the Rescue 21 system around the Houston–Galveston area we conditionally accepted in October of 2008. It added 857 miles of coverage along our coastline.

This allows us to hear somebody with a one watt transmission, one meter high, 20 miles off shore, allows us to direction find and hone rescue units in. It basically takes the search out of search and rescue.

This is a very significant system for the country and this year we have $117 million to continue to expand that. We will look for the support of the Congress to continue that ma'am.

Ms. JACKSON LEE. Just one moment, would that be practical in the tragedy in the present Air France situation if that was in place? Some, because I kind of—

Admiral ALLEN. No, this is short term line of sight——

Ms. JACKSON LEE. Because when I saw the exhibition when I went to the station, that was what they suggested, you could pinpoint someone, if they had a walkie-talkie, is that it?

Admiral ALLEN. Yes ma'am, and it allows direction finding on the signal, but this particular radio frequency signal is line of sight and very short duration.

Ms. JACKSON LEE. All right.

Admiral ALLEN. Yes ma'am.

Mr. PASCRELL. Thank you Admiral. Go ahead, Admiral.

Admiral ALLEN. Regarding Transportation Worker Identification Program, just know that we had a conversion of two requirements, one was for the Maritime Transportation Security Act, to have people vetted that were going to have access to secure portions of facilities and vessels.

We have been working with TSA on that for a couple of years. Also, the requirement to issue new Merchant Mariner Documents and go to a similar biometric system to capture those and do background checks for both systems.

They basically came on line on the 15th of April and are moving forward. The next critical step in the Transportation Worker Identification card is the Phase Two rulemaking which will put card readers in and establish the requirements for how they will make sure the facilities are in compliance.

Now, we put out an advance notice of the proposed rulemaking in March for 60 days, got a significant number of comments back. We have also done some prototype beta testing of some mobile card readers. We are analyzing all that now, and hope to go to a notice of proposed rulemaking later this summer.

Ms. JACKSON LEE. This is the final word. You know I chair the subcommittee on transportation and security, Admiral. I would appreciate it if we can have a meeting on this issue of the card readers which has been quite a?maybe we will have a group meeting, but it has been quite a stick in the mud on this enforcement point.

Admiral ALLEN. Yes ma'am, and Chairwoman Sanchez has some concerns, and I would be glad to meet.

Ms. JACKSON LEE. Thank you very much.

Mr. PASCRELL. Thank you gentlelady. Thank the Admiral, and we have a few more moments because we have just taken a recess, and so votes will be delayed. We are going to have a second round, and I will recognize the ranking member.

Mr. SOUDER. I thank my friend from New Jersey, and I want to point out to the Commandant that they kind of ignored in some of the first questions is a unique form of congressional flattery. We appreciate all of you being here and doing that, and particularly with reference to deep water.

This has been a critical part, because obviously if your vessels are in port all the time, getting repaired, or can't get out far enough into the east Pacific, or out fast enough everything else becomes more or less irrelevant in safety, terrorism and narcotics.

I have two basic and we need to support that including up in the Arctic because as there is melting up there, and we see the energy up there, as you have pointed out to me and you referred to it in the testimony, that we could get blindsided from the north whether it is terrorists or contraband, if we don't control some of the waters up there.

And right now the Russians are going after it directly and we are behind. We are only other people there, but that that is part of the reason you have been pushing that request.

I have two basic questions. One relates to the Secure Freight Initiative in trying to reach the 100 percent goal. Secretary Napolitano says we are not likely to meet that. This is a multi-part, how will the nine additional ports be selected? Are there other countries requesting the SFI presence, and would you support a change in the law that says what 100 percent mandate isn't achievable, how are we going to address the question?

The other category, which you have done a little, but to illustrate in the drug trafficking organizations in Mexico, what the role of the Coast Guard has been. You have had some major cooperative efforts there.

They have been much more cooperative through President Calderon than in the past, and how some of that might be, whether it is the east Pacific transiting from Colombia, parts hitting Guatemala, in the time you have here.

Admiral ALLEN. Yes, sir. If I might, we have a role in the Secure Freight Initiative, but it is largely in support of customs, and I would defer to Commissioner Ahern to answer that question, and then I will follow up with the drug question, sir.

Mr. SOUDER. Thanks.

Mr. AHERN. Thank you very much. As you know, we have been working and studying that legislation since it was passed. Actually I believe it was introduced by this committee or the full committee as part of the 9/11 Act in August of 2007.

Secretary Napolitano did state in her confirmation hearing I believe it was, that the implementation of that for the 2012 timeframe is not going to be achievable at this point in time.

I have testified before about this in the full committee, as well as our appropriations committee on numerous occasions in the past, as well, speaking to the challenges and issues on that topic, and believe there needs to be a continued thoughtful discussion

about moving forward with 100 percent initiative which is the foundational issue of concern.

As for the Secure Freight Initiative, which is a subset of our Container Security Initiative, looking at what do we need to add for additional security in very precise locations, SFI is something that makes sense in locations of risk, as an additional layer of risk mitigation.

For instance, before even the Safe Port Act was passed and then the 9/11 Act came along, we were actually looking and deployed and have deployed now for over 2 years in Port Qasim Pakistan a full technology sweep for radiation scanning as well as x-ray of every container coming to the United States. In that location it makes perfect sense.

So we need to continue to study all the different logistics, the financial impact, the sovereignty issues of all the different nations throughout the world, the fact that over 700 ports ship to the United Sates, and just the logistics and doability are extremely challenging. So I know that the secretary has made her statement on that and will continue to study the issue in great detail.

Admiral ALLEN. Sir, I would like to add a comment and then go to the answer to your second question. If you look at the overall issue of port security, and waterway security in this country and around the world, while I agree the containers are important and I know the acting commissioner does as well, there are a variety of threats to our ports.

There are boat cargos that are being moved. We have liquefied natural gas that is being moved. They are dangerous cargos. A sole focus on containers to the exclusion of all other risk factors in a port may in the long run not serve us well, and I believe a more measured discussion that takes a look at all the spectrum of threats into our ports is probably a better context for the discussion.

Mr. SOUDER. And Mexico, can you mention about that?

Admiral ALLEN. I would be happy to. A significant thing happened this year, sir. We celebrated the 20th anniversary of the passage of the National Defense Authorization Act in 1989 that allowed DOD to enter detection and monitoring support for the war on drugs, if you will. That is embodied as you know in Joint Interagency Task Force South and Key West which works for U.S. Southern Command.

There has been an extraordinary maturation of coordination and inter-agency cooperation down there including international coalition partners that is resulting in record drug seizures in the transit zone where we have a fusion of intelligence, inter-agency cooperation at a level that I have not seen in my career in the Coast Guard.

It has contributed to 3 successful years of record seizures for the Coast Guard, but we don't do it alone. It has to deal with P–3 aircraft that are provided by Customs and Border Protection, Navy gray hulls, our coalition partners from Europe and South America.

And I only bring this up in that as I said earlier, we need to be concerned about the southern border of Mexico as well, and one very key incident occurred last year, and I will use this as a vi-

gnette and be happy to follow up with any other information you might have.

We had a customs P–3 aircraft flying off the coast of Mexico that spotted a self-propelled semisubmersible, so we called a cold hit. There were no surface assets in the area that could be employed to stop that vessel.

In a full, open, transparent information sharing with Mexico, we passed that to the Mexican authorities. They launched forces within 1 hour to respond to that event, and Mexican Marines vertically inserted under that self-propelled semisubmersible and took it down, and we participated in the exploitation of the intelligence associated with that earlier on.

This is emblematic of the level of cooperation we have, Coast Guard with the Mexican Navy, but overall the change in attitude and the international cooperation down there, sir.

Mr. SOUDER. Thank you, and I appreciate those comments because it tends to get lost in a lot of our debates how far Mexico has come both in their capability and their willingness to cooperate. That is it.

Mr. PASCRELL. Thank you, Admiral, for your response. Mr. Ahern, I have two quick points. One, is not a question, first point is I am glad that the president has recognized, this president, that we have in the northern border, and that the budget has been increased to add patrol agents, border agents to the northern border.

I think the figure is $20 million, you can correct me. I would hope that you can report to this committee our efforts in bolstering our protection up on the northern border. You know the pitiful amount of agents that were there in 9/11, around 9/11, and we have attempted, the Congress, to increase but we don't hear much about the northern border, and I would hope that you could put something before us to tell us of your efforts.

My question has to do with the electronic system, what the travel authorization. The 9/11 Recommendations Act, the committee worked hard to strengthen the Visa Waiver program in that act. We required travelers to transmit CVP vital passenger information before boarding an aircraft to the United States.

The system known as the Electronic System for Travel Authorization is currently funded through annual appropriations. However, the Department of Homeland Security is also authorized to collect a fee for the administration of the program.

How is the implementation of that program going, in your estimation, and what percentage of Visa Waiver program travelers are complying with the present requirements, and third, what happens to travelers at a port of entry if they do not have an ESTA?

Mr. Ahern?

Mr. AHERN. Thank you very much. And we will be happy to provide as much detail as you would like or individual briefing on the northern border. With all the assets we have deployed beyond border patrol agents, SBInet——

Mr. PASCRELL. Right.

Mr. AHERN. —as well as aviation assets and certainly the Coast Guard with their Shiprider and other programs they have throughout the northern tier. I think it is an impressive story and great

steps for the northern border. I think that would be important to hear.

For the ESTA program, on the first part of the fees, certainly it is not currently funded through a fee structure. It is through the appropriated monies. We actually do have a contract study going on right now to actually make a determination and a recommendation. I will be forthcoming on whether we actually should establish a fee structure or not.

I am not sure exactly where it stands at this point, but I know that there is also a proposal that is circulating here on the Hill for a travel promotion act, I believe is what the label is, to potentially create a fee that would go to commerce department, if I am correct, to generate travel. And I believe it is under the guise of ESTA, but I am not sure how that would work. I have not seen that and have not had an opportunity to comment on it formally, but I think we should take a look at that.

But clearly, we need to find out what is an appropriate fee structure going forward, if there is one, because I am not sure if this is certainly a fee-dependent proposal solely.

You know, this is part of our mission set, something that is critical for us to do to make sure that we vet these individuals before they actually begin their travel to the United States because we look at it as a continuum that begins when somebody actually buys a ticket, applies for an ESTA before they actually board an aircraft in a foreign location.

As for the specific compliance rates, I don't have that today, and I can certainly provide that in detail for the record.

Mr. PASCRELL. I will mention to Chairman Thompson about getting that report about the northern border, see what is convenient for you and the committee itself. I want to personally thank the witnesses on behalf of the members new and old, and that is tenure I am speaking of.

Mr. Morton, wish you the best of luck. It is a tough task you are taking on, and you are joining some very professional people here, Mr. Ahern and Admiral——

Ms. JACKSON LEE. Mr. Chairman, one question?

Mr. PASCRELL. Make it a quick one please?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I am interested—this is, I think, to Mr. Morton on the 287(g) program, which has likewise had its birth and its health in the inability for comprehensive immigration reform.

My question is you are part of this whole idea of comprehensive immigration reform. Do you believe immigration enforcement, immigration reform is a federal issue? Is that the priority of the department?

Mr. MORTON. Well, there is no question that immigration enforcement is a basic responsibility of the federal government. And the Immigration and Nationality Act has been Congress' direction on that score for, you know, well over 50 years. So I do think that that is the principal responsibility.

Ms. JACKSON LEE. What I would encourage and I understand your comment on that, but as we move toward the possibility of comprehensive immigration reform, we have found the 287(g) program from my perspective drains federal funds. It takes away the

prioritization of local crime which may include arresting someone who is, in fact, happens to be undocumented, but that is in the normal course of business.

I would like to get a sense if we have comprehensive immigration reform, the right kind of funding, the right kind of directions for ICE for example and the funding needs that they have. I would like a reconsideration of the value of the 287(g) program that really takes money away from federal enforcement and clouds the responsibilities of local enforcement.

And your assessment of that or the ability to reconsider whether that program is valuable as we move forward?

Mr. MORTON. I would be happy to do that as we go forward. Obviously as you know the 287(g) is now presently part of the law——

Ms. JACKSON LEE. I understand.

Mr. MORTON. —and part of the Immigration and Nationality Act, and I will say that cooperation with state and local law enforcement is a critical thing, and that is much of what 287(g) was designed to do. And in many contexts it works quite well, particularly in the jail setting. It does address many of the concerns that you outlined earlier about identifying and removing criminal aliens.

Just one very quick point just to respond to something earlier, you said. And I just want to let you know that we have, as part of the secretary's initiative on the southwest border, brought additional detention and removal officers to bear.

I believe some of those are actually in the Houston area, and I would be more than happy to find out if they are there and let you know if they are in place and what they are doing.

Ms. JACKSON LEE. I would be delighted, and I would like to sit down with you. And my last point is on the 287(g) for you to consider, is that news reporters and others and the various groups that may be opposed to immigration reform will call cities sanctuary cities.

And when they do that they put in a bad light very hard-working police departments and other law enforcement. That was what happened to Houston. We have not been a 287(g) city. We denounced doing that. We felt it was important to have a good relationship with the immigrant community so that we could solve crimes.

We got labeled a sanctuary city, and before you know it we have a 287(g) application in place. Many of us oppose that, and so to utilize the 287(g) process to clear your name, and I believe you will find that happening across America and you should look at that.

That is why I think that program has a lot of faults to it, and frankly we need to move the enforcement of immigration issues back where it deserves, and that is the federal government.

Mr. PASCRELL. Thank you, gentlelady.

Ms. JACKSON LEE. Thank you.

Mr. PASCRELL. The members of the subcommittee may have additional questions for the witnesses and if they do we will ask you to respond expeditiously in writing. Hearing no further business the subcommittee stands adjourned.

[Whereupon, at 11:37 a.m., the subcommittee was adjourned.]

Appendix I—Fiscal Year 2010 Budget Request

The Coast Guard's fiscal year 2010 budget request maintains DoD Parity for its workforce and continues critical recapitalization efforts while focusing on: *enhancing maritime safety and security and modernizing business practice. Highlights include:*

Recapitalizing Aging Assets
Deepwater—Surface Assets $59
(50 Full–Time Equivalents (FTE))

The President's Budget requests $591.4Mfor the following surface asset recapitalization or enhancement initiatives: completion of National Security Cutter 4; continued analysis and design for the Offshore Patrol Cutter (OPC); production of Fast Response Cutters #5–#8; production of Deepwater Cutter Small Boats; and crucial operational enhancement of five Medium Endurance Cutters and three 110-foot Patrol Boats at the Coast Guard Yard through the Mission Effectiveness Program.

Deepwater–Air Assets FTE)
$305.5M (0 FTE)

The President's Budget requests $305.5M for the following air asset recapitalization or enhancement initiatives: delivery of HC–144A Maritime Patrol Aircraft #13–#14; HH–60 engine sustainment and avionics, wiring, and sensor upgrades for eight aircraft; HH–65 conversion to modernized components, cockpit, and enhanced interoperability for 22 aircraft; and HC–130H avionics and sensor upgrades for eight aircraft, as well as four center wing box replacements.

Deepwater–Other (0 FTE)
$154.6M (0 FTE)

The President's Budget requests $154.6M for the following equipment and services: Government Program Management funds for critical oversight and contract management; Systems Engineering and Integration funds for continued integration of complex and diverse technical configurations for all projects; continued development of logistics capability and facility upgrades at shore sites where new assets will be homeported; upgrades to command, control, communications, computer, intelligence, surveillance and reconnaissance (C4isr) items; and prevention of asset obsolescence by replacing aging technology.

Response Boat Medium (RB–M)
$103mm (0 FTE)

The President's Budget requests $103M to order 30 boats to replace the aging 41-foot utility boat and other non-standard boats with an asset more capable of meeting the Coast Guard's multi-mission requirements.

Rescue
$117M (0 FTE)

The President's Budget requests $117M for California and New England Sectors to receive Rescue 21 capability, and continued development of Great Lakes, Hawaii, Guam, and Puerto Rico Sectors.

Shore Facilities and ATON ecap Projects FTE)

The President's Budget requests $10M to support shore facility and ATON recapitalization. The Coast Guard received $88M from Recovery Act funding for shore projects. The Coast Guard occupies more than 22,000 shore facilities with a replacement value of approximately $7.4B. FY 2010 funding supports $6M for Survey and Design (planning and engineering of outyear shore projects) and $4M for ATON infrastructure (improvements to short-range aids and infrastructure).

Enhancing Maritime Safety and Security
Marine Safety Program (37 FTE)
$7.5M (37 FTE)

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The President's Budget requests $7.5M to support 74 additional personnel including marine inspectors and investigating officers at field units, marine inspector training officers at feeder ports, staffing for the Steam and Vintage Vessels Center of Expertise, engineers for standards development and review, and expanded training curricula at the Marine Safety School in Yorktown, VA.

Armed Helicopters Enhancement
$0.845M (7 FTE)

The President's Budget requests $845K for 14 gunners to support an additional 450 armed deployed days away from home station (DDAS), increasing the total DDAS to 1,450. This additional capability will significantly improve the Coast Guard's ability to deter drug trafficking and maritime threats, and will play a vital role in establishing an integrated, interoperable border security system.

Biometrics at Sea System
$1.183M (1 FTE)

The President's Budget requests $1,183M to purchase equipment and provide maintenance on 18 cutters currently operating the Biometrics at Sea system (BASS), as well as engineering development and program management. BASS enables Coast Guard personnel to identify dangerous individuals documented in the U.S. Visitor and Immigration Status Indicator Technology (US–VISIT) database including known felons, those under deportation orders, and those on a terrorist watchlist. With a nearly 75 percent reduction in undocumented migrant flow from the Dominican Republic, the BASS pilot program demonstrated its effectiveness in deterring attempts by undocumented migrants to enter the United States illegally.

SeaHawk Charleston IOC Sustainment
1.088M (1 FTE)

The President's Budget requests $1,088M to fund SeaHawk Charleston. SeaHawk is a multi-agency collaborative, unified command-based work environment with the cooperative and complementary capabilities of an intelligence cell. Members include the Federal Bureau of Investigation, Joint Terrorism Task Force, Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and other Federal, state, and local agencies.

Modernizing Business Practices
Financial Management Oversight
$20M (44 FTE)

The President's Budget requests $20M to support critical modernization of the Coast Guard's financial management structure, which includes processes, internal controls, IT systems, and human resources. The goals of this transformation are to improve the Service's ability to link mission performance to budget and ensure compliance with the DHS Financial Accountability Act. Financial management modernization will create an environment for a sustainable clean audit opinion on annual financial statements.

Reinvestments
(88.4M) (399 Full-Time Positions (FTP))

FY 2010 savings include:
Termination of FY 2009 one-time costs ($32.7M)
decommissioning of four aging aircraft ($11.2M)
Annualization of FY 2009 management of technology efficiencies ($4.9M)
LORAN-C termination ($36M)
OSC Martinsburg earmark reduction ($3.6M)

LORAN–C Termination

As a result of technological advancements over the last 20 years and the emergence of the

U.S. Global Positioning System (GPS), LORAN–C is no longer required by the Armed Forces, the transportation sector, or the Nation's security interests. The LORAN–C system was not established as or intended to be a viable backup for GPS. Consistent with the Administration's pledge to eliminate unnecessary Federal programs and systems, Federal broadcast of the LORAN–C signal will be terminated in fiscal year 2010 after satisfying domestic and international notification obligations. The Coast Guard will systematically close, harden, and de-staff its 24 LORAN–C stations and associated support units.

Termination of LORAN–C will result in a savings of $36M in FY 2010 and $190M over five years. In total, 293 FTP associated with LORAN–C will be eliminated during the fiscal year and military personnel will be reassigned to other missions.

Appendix II—Questions and Responses

QUESTIONS FROM THE HONORABLE LORETTA SANCHEZ, CHAIRWOMAN, SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

RESPONSES FROM ADMIRAL THAD W. ALLEN, COMMANDANT, U.S. COAST GUARD, DEPARTMENT OF HOMELAND SECURITY

Question 1.: The President's budget includes funding for additional contracting officers for the Coast Guard. How does the Coast Guard plan to build its own acquisition workforce?

Response: Following participation in a DHS-wide pilot, the Coast Guard awarded a contract with Dayton Aerospace, Inc. to provide a Sustainment Acquisition Composite Model (S/ACOM) for project acquisition workforce staffing requirements. The model will project current and future year (5 year) requirements in accordance with the DHS Future Years' Homeland Security Program (FYHSP), as well as provide a functional breakout for all major system acquisition projects. The first model results are expected to be available in the summer of 2009. The model results will help to establish the optimum size of the Coast Guard acquisition workforce. Guided by this model, the approved Coast Guard Human Capital Plan will be used to build the appropriate acquisition workforce.

Under what circumstances will private contractors continue to be used?

Response: Coast Guard acquisition is accomplished by Coast Guard personnel (civilian and military), Other Government Agency (OGA) personnel, and support contractors. The acquisition support contractors (private contractors) will provide assistance only with non-inherently governmental work in the areas of project management, logistics, engineering, administration, and business analysis and only when the nature of the task is best accomplished by support contractors, e.g., best value to the government, short duration needs, etc. The Coast Guard anticipates the number of acquisition support contractors to increase some over the next year or two as ICGS work decreases and then start to decline based on the increased number of Coast Guard and OGA personnel.

How will the Coast Guard decide what roles contractors may fulfill and what jobs only government employees can perform?

Response: The Coast Guard is executing Version 3.0 of its Blueprint for Acquisition Reform, the comprehensive plan for improving acquisition capability within the service. In accordance with ″The Blueprint,″ the Coast Guard Acquisition Directorate published Standard Operating Procedure #18, Guidance on Inherently Governmental Functions and Commercial Activities on 16 June 2009. A copy is attached which provides additional information for the work that support contractors can accomplish related to Coast Guard acquisitions.

Question 2.: The President's budget requests $1.05 billion for the Integrated Deepwater Program. A significant portion of this request is for the construction of National Security Cutters #2 and #3. Can you please provide us with information about the status of these ships? When will they be completed and fully operational?

Response: The President's Budget for FY 2010 does not request funds for National Security Cutter (NSC) #2 or NSC #3, but does request funds to award NSC #4 Production.

NSC #2 is approximately ninety percent complete. Builders and Acceptance Trials are planned for the fourth quarter of FY 2009 and delivery is scheduled for the first quarter FY 2010. NSC #2 will be fully operational within two years of delivery.

NSC #3 is approximately twenty percent complete. The keel laying is planned for July 2009 and the cutter is scheduled for delivery in the fourth quarter of FY 2011. NSC #3 will be fully operational approximately two years later.

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Question 3.: The multinational patrol force Combined Task Force 151 (CTF–151), currently under the command of the U.S. Navy, was established in early 2009 specifically to target piracy. It is my understanding that the Coast Guard has deployed a law enforcement detachment to Navy ships participating in Combined Task Force (CTF)–151.

In general, how effective have this coalition's efforts been to deter or interdict piratical attacks?

What other Coast Guard assets, if any, are currently allocated to counter-piracy efforts in the Horn of Africa region?

Response: CTF 151 is a multinational task force that conducts counter-piracy operations in and around the Gulf of Aden, Arabian Sea, Indian Ocean and the Red Sea and was established to create a lawful maritime order and develop security in the maritime environment. The coalition's efforts provide an effective maritime interdiction and response force, but to deter piratical attacks also requires a shoreside solution.

- The Coast Guard supports the combatant commander's by deploying Coast Guard assets (LEDETs, MSSTs, Patrol Boats and High Endurance Cutters) to support CTF 151 efforts to deter and disrupt acts of piracy. Coast Guard personnel are seen as the subject matter experts in the conduct of boarding's and preparation of case packages in support of follow-on prosecution.
  - CG LEDETs have embarked in US combatants serving within CTF 151. They augment US Navy and coalition VBSS teams, and provide training on:
    - Maritime Laws
    - Boarding policies and procedures
    - Evidence Collection and preparation
    - Tactical procedures

As of June 1, 2009 USCG Maritime Safety and Security Teams (MSST) replaced CG Law Enforcement Detachments (LEDETS) as the deployed force supporting CTF 151.

The Coast Guard has also been working with industry, international, and interagency partners to reduce the risk profile offered by vessels transiting the high risk area. In terms of effectiveness, the following case specifics are offered.

FACTS

February 2009—CG LEDET operating with USN VBSS teams from the USS Vella Gulf apprehend 16 suspected pirates.

- The team conducted a boarding of a suspected pirate skiff and found several weapons. The seven suspected pirates were brought aboard Vella Gulf, where they were processed and then transferred to a temporary holding facility on board the supply ship USNS Lewis and Clark.
- Nine additional suspected pirates were apprehended after VBSS teams from Vella Gulf and Mahan boarded a vessel that contained assorted weapons and one rocket propelled grenade launcher. Those suspected pirates were also transferred to a temporary holding facility on board Lewis and Clark.
- In both events, the VBSS teams were comprised of Coast Guardsmen and Sailors and marks the first time CTF 151 has apprehended suspected pirates.

March 2009—CG LEDET operating with USN VBSS teams from the USS Gettysburg apprehended 6 suspected pirates.

- At approximately 4:30 a.m., the Philippines-flagged Motor Vessel Bison Express sent a distress call to all ships in the area reporting they were being pursued by a small skiff containing six heavily-armed suspected pirates.
- The six suspected pirates were apprehended and transferred onto the amphibious assault ship USS Boxer.

April 17, 2009—CG LEDET operating with a USN VBSS team apprehended 8 suspected pirates.

- Danish-flagged dry cargo carrier M/V PUMA sent a distress call indicating an ongoing attack by a pirate speedboat while transiting the Gulf of Aden.
- PUMA's crew of three Danes and four Filipinos zig-zagged the vessel and used flares to avoid the speedboat carrying five armed pirates. The speedboat returned to the Mother Ship.
- A Maritime Patrol Aircraft located the Mother Ship and speedboat, and directed a USN asset with embarked LEDET to intercept. Upon boarding, the LEDET discovered 80 people: 8 Somali Pirates and 72 people being smuggled into Yemen.
- The LEDET detained the Pirates, and confiscated automatic weapons, Rocket Propelled Grenades, and ammunition.
- Disposition for detained people, evidence, and pirate vessels are pending at this time. PUMA's crew was uninjured.

May 13, 2009: CG LEDET operating with USN VBSS team from the USS Gettysburg apprehended 17 suspected pirates.

- USS Gettysburg received a distress call fm the Egyptian flagged M/V AMIRA claiming they were under attack from a skiff containing 7 pirates. AMIRA claimed that they were struck 3 times with anti-tank rockets and small arms fire. They also indicated that the pirates had attempted to board their vessel.
- A South Korean helicopter arrived on scene and thwarted the attack. The skiff was then taken in tow by the Yemenese flagged M/V ISHAK.
- A joint USN/USCG VBSS team conducted a boarding of M/V SIAHK and discovered assault rifles, small arms, ammunition, and an anti-tank rocket launcher with rocket. In addition, the team discovered boarding ladders and grappling hooks.
- 17 suspected pirates were taken into custody and were awaiting disposition to Kenya.

May 23, 2009: A helicopter from the USS Gettysburg discovers a suspicious skiff loitering in the internationally recommended transit corridor (IRTC).

- While on patrol, a helicopter from the USS Gettysburg sighted a skiff with 8 POB and 2 boarding ladders. As the ship closed to investigate the skiff made an attempt to flee towards Somalia waters.
- USS Gettysburg successfully intercepted and stopped the fleeing skiff.
- A joint USN/USCG VBSS team conducted a boarding of the skiff and discovered assault rifles, small arms, and ammunition.
- 8 suspected pirates were taken into custody. On May 24, 2009 the decision was made to release the suspected pirates in their skiff.